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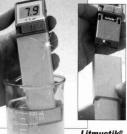
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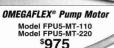
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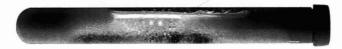
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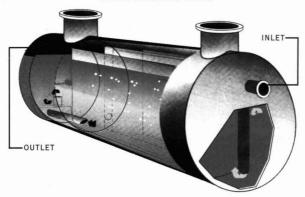
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ABOUT THE COVER

This newly constructed landfill cell contains a rain protection cover placed over its liner. Sandbags are being used to hold down the temporary cover. This standard method is used to protect exposed landfill liners against the damage that could later cause leaks.

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Major innovations in hazardous waste landfill technology are making strides in protecting the environment

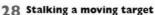
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Landfills dump their old image

Open pits overflowing with discarded refuse, debris, insects and rats—from prehistoric times through the present, humans have picked certain sites to be the repositories of unwanted items and the results have often been eyesores.

Archeologists will attest that dumping grounds reflect the societies that create them. Consequently, as our nation continues to evolve technologically at a rapid rate, it is not surprising that U.S. landfills are going high tech as well. Present-day landfill management now includes the planning, design, operation, monitoring for releases of contaminants, closure and postclosure control of landfills.

The driving force behind these practices is the concern about landfills' possible adverse impact on human health and natural resources like groundwater. The proper management of these sites is crucial given the ever mounting volume of waste created in our country. For example, each year industrial facilities generate and manage 7.6 billion tons of indus-

trial nonhazardous waste (ISW). To handle the wide variety of wastes generated in the United States, engineers have designed three different types of landfills. The sanitary or municipal landfills are engineered facilities used for the disposal of municipal solid waste that is determined to be nonhazardous under the standards set out in the Resource Conservation and Recovery Act (RCRA). Landfills for certain individual nonhazardous waste constituents such as asbestos

and combustion ash are called



monofills. Hazardous waste landfills are used for the disposal of waste classified as hazardous under RCRA.

All these landfills are now required to have certain legally mandated features. One example is the use of landfill liners, which are materials used to line the bottom areas and below grade sides of a landfill. These liners usually consist of alternating layers of compacted clay and geosynthetic materials designed to stop migration of any liquids that form at the bottom of the landfill.

To promote further improvements in landfills, EPA is developing a voluntary Guide for Industrial Solid Waste Management that is expected to be released for review in November. The guidance document is for owners of new land disposal facilities—landfills, surface impoundments, waste piles and land application locations—to follow when designing and operating these facilities. Among other things, the guide will include a computer program and risk-based model developed by EPA to use in selecting appropriate liners. For more information, contact EPA's Paul Cassidy at 703-308-7281.

Advances in hazardous waste landfills are the focus of our cover story "Gaining ground," which was written by Safety-Kleen's Marianna Buoni and David Nelson and starts on page 14. The article profiles innovations such as new liner systems and monitoring systems for groundwater, vadose zones and ambient air.

Burying waste in landfills is a fact of life for our society until we reach the point that all wastes either can be recycled for new uses or disposed of in other ways. In light of this current reality, ever improving landfill technology is making an important contribution in protecting human health and the environment.



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Compiled by Kristie L. Guillotte

Salt marsh aids understanding of global warming

An interdisciplinary team of Georgia scientists has found a surprisingly high rate of carbon and nutrient turnover by microbes in one of Georgia's coastal salt marshes, a highly productive ecosystem.

The team of researchers, associated with the Georgia Institute of Technology, is conducting a long-term study at Sapelo Island, Ga., to examine the marsh's biogeochemical processes—the exchange of biogeochemical elements such as carbon, phosphorus, nutrients and metals between living and non-living components of the environment. They are trying to find out how these processes relate to the productivity, faunal activity and hydrology of the marsh system. An understanding of these relationships is crucial to predicting the effects of global warming on the coastal environment.



"We observed some of the highest rates of organic matter decomposition ever measured in marine systems," said Dr. Joel Kostka, a Georgia Tech adjunct assistant professor and a researcher at the Skidaway Institute of Oceanography, a research unit of the University System of Georgia. One reason for the higher than expected results may have been the length of time the study was conducted. Very few studies have looked at decomposition rates by microorganisms over a 2-year period, as this ongoing study has done, Kostka added.

"If sea levels rise with global warming, we need to understand the stability of these environments and determine if we will lose them," said Dr. Philippe Van Cappellen, an associate professor in Georgia Tech's School of Earth and Atmospheric Sciences. "With an increased knowledge of the biogeochemical cycles at work, humans can better predict the future of these dynamic and important areas."

For more information contact Dr. Joel Kostka, Skidaway Institute of Oceanography, by phone at (912) 598-2395 or e-mail at joel@skio.peachnet.edu or Dr. Philippe Van Cappellen, Georgia Tech, by phone at (404) 894-3883 or e-mail at philippe.van-cappellen@eas.gastech.edu.

Spinach enzymes neutralize explosives

Researchers at the U.S. Department of Energy's Pacific Northwest National Laboratory have discovered that nitroreductase enzymes found in spinach and other natural compounds can eat, digest and transform explosives such as TNT. This emerging biotechnology is called the environmentally benign digestion process (EBDP). It reduces dangerous explosives to low toxicity byproducts that can be used by industry or reduced further to harmless products such as carbon dioxide and water.

This process can help the U.S. military

eliminate, in a costeffective and secure manner, its nearly 500,000 tons of explosives stockpiled around the country.

According to Dr. Manish M. Shah, the project's principal investigator, the digestion process would be safer than other alternatives. It would be conducted in a tank of water at atmospheric pressure,

therefore reducing the risk of explosion or fire. There would be no alkaline solutions to dispose of because the process is done at a neutral pH.

Future research efforts will determine if the byproduct made by the enzymes is of lower toxicity. It may be possible to convert the byproduct for commercial use. Research to date suggests that the byproduct could be used in chemical processes that use free radical chemistry. For example, researchers have determined the enzymes convert nitrobenzene into p-aminophenol, which is used in the pharmaceutical industry to make drugs used to treat headaches.

The digested byproduct also could be reduced completely to a gaseous state, such as ammonia or carbon dioxide, through a second digestive process using microorganisms.

For additional information contact Staci West by phone at (509) 372-6313 or e-mail at staci.west@pnl.gov.

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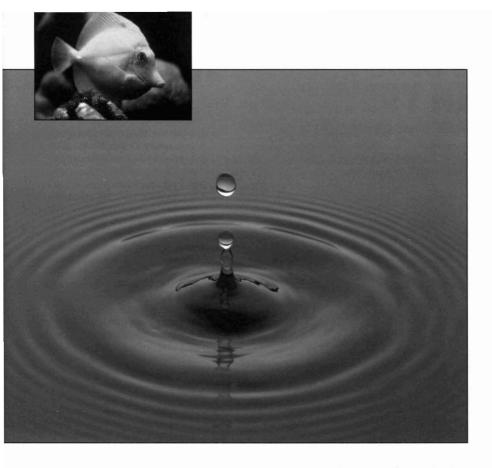
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News at a glance

Compiled by Ingrid Truemper

GOP group plugs free-market environmentalism

WASHINGTON, D.C.—To help "green" their party's image, Republican activists have formed a group to promote free-market solutions to environmental problems.

Coalition of Republican Environmental Advocates (CREA) co-chair Grover Norquist stated that the GOP is not opposed to environmental protection but simply prefers different approaches to achieving conservation.

"What we want to do is have a clean environment. That does not necessarily mean command economic controls," Norquist said, adding that Democrats have blocked Superfund cleanup initiatives at the behest of trial lawyers. "One of us wants to clean up the environment and the other one wants to make their friends rich. Which one do you want to play with?"

The CREA has sparked criticism from both moderate Republicans and traditional environmental advocates. Two-thirds of the senators on the committee have ratings of zero from the League of Conservation Voters, including Wayne Allard (R-Colo.), Dirk Kempthorne (R-Idaho) and Majority Leader Trent Lott (R-Miss.).

The group's supporters, however, say they are deliberately rejecting traditional, federally based approaches to protecting the environment in favor of local and private-sector solutions.

"The Al Gore, left-wing environmental model is a centralized, bureaucratized, litigious, adversarial, anti-technology model," said House Speaker Newt Gingrich (R-Ga.) at the coalition's fund-raiser in June. "Let's create a conservationist, common-sense, practical, high-tech environmental model."

Sierra Club political director Daniel J. Weiss believes the group is a response to the issue advocacy his and other groups have begun running in closely contested races.

"This could be a meeting of 'Polluters Anonymous," Weiss said. "Clearly this is an effort to 'greenscam,' to run ads that try to obscure these and other members' environmental records."

According to the Washington Post, this year the environment could be a key issue in several states where congressional seats could switch hands, including California, Idaho, Iowa, New Mexico and Washington. The new group is symbolic of the GOP's determination to counter the barrage of negative publicity it has encountered on environmental issues—attacks many analysts think contributed to the party's losing seats in the 1996 elections.

Online Chemical Scorecard puts pollution on display

NEW YORK—A new Internet service launched by the Environmental Defense Fund (EDF) allows anyone to enter a ZIP code and see a map highlighting local sources of pollution—and send inquiries straight to those sources.

During the scorecard's first week online, it received more than two million hits.

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said EDF toxicologist Dr. William Pease, designer of the project. "All you need to know is your ZIP code."

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The Web site can be found at http://www.scorecard.org and is free to all users.

Study examines concerns and solutions regarding air pollution

NEW YORK—Sixty-three percent of consumers consider air pollution to be a significant problem, according to a study conducted by CDB Research & Consulting Inc.

The study reveals that women are more likely to consider air pollution a problem than other demographic groups. The affluent are the least concerned about air pollution. When asked to choose among several possible sources of air pollution in the United States, respondents cited automobiles and chemical industry plants most frequently.

According to the study's respondents, responsibility for the reduction of air pollution in the United States is shared among the government (33 percent), businesses (23 percent) and individuals (21 percent). Generation Xers are least likely to rely on corporate America for a solution to the problem, whereas baby boomers are least likely to rely on individuals to solve the problem.

"While the majority of Americans consider air pollution a significant problem, no one seems to be sure exactly how to address it," said Larry Chiagouris, managing director of CDB Research & Consulting Inc.

Nearly 80 percent of the respondents said they regularly recycle paper or aluminum, which is mandated by the government in many communities. Fifty-one percent said they regularly buy or use recycled materials, while only 18 percent participate in group clean-up activities and 16 percent participate in Earth Day activities. The affluent are least likely to participate in activities that reduce pollution, and baby boomers are the least likely to participate in Earth Day or group clean-up activities.

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Compiled by Ingrid Truemper

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Epoleon odor neutralizers offer a non-toxic alternative for controlling odors from landfill, recycling, sludge, wastewater, scrubbers and other similar operations. The neutralizers chemically convert odor-causing gases into odorless, non-toxic compounds upon contact, rather than simply covering up odors. Epoleon Corp. of America.

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tion wet wells, vents, scum hoppers, utility vehicles and more.The unit pulls the positive molecules that hold the odor by negative

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absorbing gaseous odor at the source. Environmental Care Center Inc.

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The TriCeptor series of reservoir breathers removes moisture, solid particulate and odors or vapors before they harm a system or the environment. The breathers use a three-step filtration process. Features include particulate filter, activated carbon, hygroscopic agent, peel strip air intakes and mounting adapters. Parker Filtration. Circle 89 on card.



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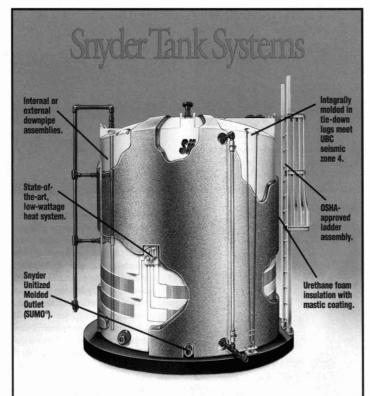
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Gaining ground

Major innovations in hazardous waste landfill technology are making strides in protecting the environment

ver the last 12 years, a lot has changed in the hazardous waste landfill industry. Business, market, technological, environmental and health and safety changes have occurred. In the early 1980s, more than 30 operating hazardous waste landfills existed in the United States, most of which were not fully permitted. Most did not have liner systems or systems that monitored the groundwater, the vandose zone (the unsaturated zone between the ground surface and the watertable) and the ambient air. Most of these landfills did not have waste analysis plans, nor did the waste that came into the facilities have to be profiled or tested. Hazardous waste manifests were not uniform-if they were used at all. For the most part, the local communities in which the facilities were located had no input in the location or permitting of the facility.

In 1976, Congress passed the Resource Conservation and Recovery Act (RCRA) and then significantly amended the statute with the passage of the Hazardous and Solid Waste Amendments of 1984 (HSWA). RCRA authorized the U.S. Environmental Protection Agency to review permit applications and issue hazardous waste facility permits. With the passing and implementation of RCRA and HSWA and the issuance of hazardous waste facility permits, the hazardous waste landfill industry began to change rapidly in the mid and late 1980s.

The 1980s also brought about the existence of hazardous waste liner technology, development of groundwater monitoring and the beginning of statistical analysis of

the analytical data—a science that would grow and develop in the 1990s. Vadose zone monitoring was studied and implemented in states such as California. Ambient air monitoring regulations were developed, and implementation dates set in some of the states in which hazardous waste landfills operated. Waste analysis plans were not just a requirement of a RCRA Part B permit application, but were a requirement of the operating facility. Most importantly, community participa—



Labeling drums for treatment.

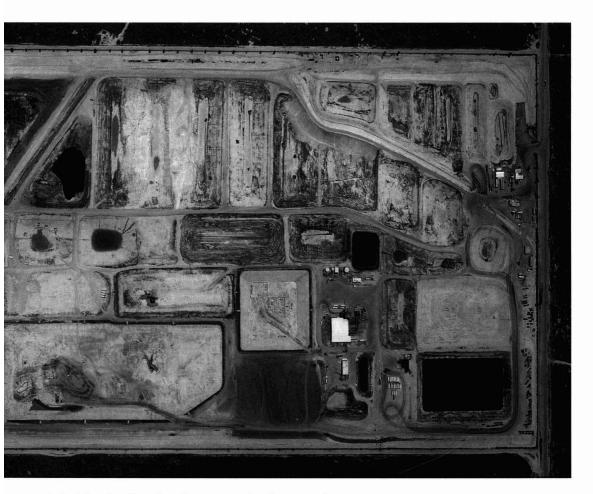
tion in all aspects of hazardous waste permitting became the norm.

Breakthroughs in leak-proof liners

Prior to 1982, most hazardous waste landfills in operation were unlined units. Many



were built in areas around the country that were thought to have appropriate geology such as thick clay deposits underlying the landfill units. Composite liner systems were not a requirement until the early '80s when EPA published its minimum technology liner standard for hazardous waste disposal units (landfills and surface impoundments). EPA's minimum technology liner standards required that hazardous waste landfills and surface impoundments be lined with a double composite liner system with leachate collection and removal systems. The composite liner system consists of one clay liner, generally 2 to 3 feet thick with a permeability of 1 by 10-7 centimeters per second (cm/sec), and a 40 mil synthetic liner. At that time, the synthetic liner materials available were high density polyethylene (HDPE) and polyvinyl chloride liner. Liner material used in the liner system depended on the landfill operations and the types of waste to be landfilled. In the mid 1980s, most landfills began to use HDPE liners. Sophisticated composite liner systems were developed to meet the minimum technology standards.



In the Safety-Kleen (formerly Laidlaw Environmental Services) hazardous waste management system, landfill liner designs vary depending on the geology of the landfill location and the depth and quality of groundwater. In general, a hazardous waste landfill liner system consists of the following from bottom to top: clay liner, HDPE liner, leachate collection and removal system drainage layer, a second clay liner, HDPE liner, leachate collection and removal system, and soil cover for an operations layer. Safety-Kleen has eight hazardous waste landfills in its network. All the landfills are fully permitted RCRA treatment, storage and disposal facilities (TSDFs).

Advances in groundwater monitoring

Since the early 1980s, EPA has promulgated land disposal restriction (LDR) regulations. The LDRs were promulgated in phases, and preclude certain types of waste from being disposed in a landfill. This includes the disposal of wastes containing free liquids. In addition, EPA has

promulgated strict groundwater monitoring regulations while several states have promulgated vadose zone monitoring and ambient air monitoring.

Prior to 1984, very little groundwater monitoring was performed at TSDFs. As such, groundwater monitoring regulations were adopted. The regulations were complex, but general in nature to accommodate all types of geologic and hydrologic groundwater regimes. Subsequent to the development of the groundwater monitoring regulations, EPA clarified the regulations through the publication of groundwater monitoring guidance manuals.

In general, groundwater monitoring systems consist of a series of groundwater wells that monitor waste management units (WMUs) on a unit-by-unit basis or on a site-wide basis. This depends on the nature of the geology and location of the WMU relative to groundwater. Most land disposal facilities have more than 50 groundwater monitoring wells.

Groundwater monitoring samples are generally collected quarterly and analyzed for general chemistry parameters

An aerial view of a hazardous waste management system.

such as pH; chloride; sulfate; cyanide; alkalinity; bicarbonate; heavy metals such as arsenic, lead and chromium; and volatile organic compounds (VOCs) such as acetone, benzene and trichloroethylene. Periodically, additional analysis may be specified in the facility's permit. Additional testing may include semi-volatile organic compounds, pesticides, PCBs and dioxins.

The analytical results are compared to statistical results that are calculated based on previous data. If the current analytical result is within specified limits, the facility continues with routine groundwater monitoring. If the result is above the specified statistical limits or background, then the well(s) must be re-sampled to determine if something other than a release may have caused the elevated result. If the re-sampling confirms the previous results, then the facility must sample all the wells and analyze the samples for Appendix IX chemicals—a

list of about 400 chemicals—to verify that there are no other chemicals in the groundwater.

After this has been completed, the facility must evaluate the results and make a determination as to whether there is groundwater contamination from a regulated unit. If the facility does not believe that the contamination is from a regulated unit, then the facility can perform a demonstration to show that a source other than a regulated unit caused the elevated chemical concentrations. If the regulatory agencies accept the facility's demonstration, then the facility would continue with routine detection monitoring; otherwise a groundwater clean-up program must be designed, permitted and implemented.

Vandose zone vigilance

A technical report is prepared quarterly and submitted to the regulatory agencies for review. The groundwater report must include water level data from each monitoring well, groundwater contour maps, copies of field notes, laboratory analytical data and interpretation and discussion of the results of the monitoring. The

tion. The regulations were written to require the hazardous and non-hazardous landfill facilities to periodically obtain soil pore liquid samples. Thus, the only device available for soil pore liquid monitoring was a suction lysimeter, which consists of a porous ceramic cup mounted on the end of a PVC tube with a rubber stopper and vacuum/sampling tube protruding through the stopper. When a vacuum is applied to the vacuum/sampling tube, water flows through the porous cup, enters into the vacuum/sampling tube and travels to the surface for collection in bottles. If a soil pore liquid sample could not be obtained, then the landfill facility had to suggest an alternate way of monitoring the vadose zone. Due to California's geologic conditions and arid conditions, the depth to groundwater and the zone of saturation are well below the operational limits of suction lysimeters.

The hazardous waste landfill industry was the first industry to be regulated by these rules. As such, the hazardous waste landfills in California had to suggest another method for monitoring the vadose zone. California has the most stringent environ-

ity that leachate from the landfill may be migrating downward and outward.

Neutron probe moisture detection systems consist of a neutron probe moisture detection gauge and a steel pipe beneath the landfill. The steel pipe is generally installed during the excavation of the cell or, in the case of existing landfill, installed

Sophisticated liner systems and monitoring systems for groundwater, vadose zone and ambient air systems are now required and in place.

by slant drilling from the ground surface to beneath the bottom of the landfill in areas likely to detect leachate. Moisture content readings of the native soil beneath the landfill are taken to calibrate the probe to

the soil's existing moisture content and determine the background soil's moisture content. Once a background and a baseline soil moisture content level has been determined, monitoring is usually performed on a monthly or quarterly basis with a neutron probe. If an increase in moisture content of greater than 4 to 6 percent is detected above background, the facility must notify the regulatory agencies within 7 days and investigate the source of the fluid. The vadose zone monitoring system acts as an early warning system against a possible release and groundwater contamination.



Waste sampling is necessary to stay in compliance.

reports must be signed by a registered geologist or engineer.

In 1984, the state of California modified its regulation to include vadose zone monitoring. Vadose zone monitoring was intended to act as an early warning system for possible future groundwater contaminamental regulations regarding permitting and ground water/vadose zone monitoring in the nation. Several studies were performed by different companies, and it was concluded that neutron probe moisture detection devices were a viable option to meet the intent of the regulations. Neutron probes are used to detect the moisture content of soil. If an increase in soil moisture content is detected, then there is a possibil-

On the lookout for air toxics

California requires industries that emit specific air pollutants to obtain air permits from the local air pollution control districts. Depending on the type of industry and the nature of the emissions, you may need to perform a health risk assessment. If a health risk assessment is performed and it is concluded that the risk is within

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acceptable limits, the air districts will want you to perform ambient air monitoring to validate the results of the emission calculations and the risk assessment.

Ambient air monitoring programs consist of upwind and downwind air monitoring stations and continuous meteorological monitoring for wind speed, wind direction, temperature and barometric pressure. Ambient air samples are collected on a specified frequency, typically every 12 days in conjunction with the California Air Resources Board statewide air toxics monitoring program. The air samples are analyzed by a laboratory for the pollutants of interest-typically determined from the risk assessment. After a quarter's worth of data has been collected. an upwind and downwind comparison of the chemical concentrations is performed. If it is determined that there is a statistically significant increase above the background concentration, then intensive resampling is performed. Intensive re-sampling consists of collecting ambient air samples for a 24-hour period of time, every other day for 12 days. After this data has been analyzed, a comparison is again performed to determine if there is a continuing significant release of the air toxic compound in question. If the intensive sampling data confirms the increase, then a mini-risk assessment is performed to determine if the concentration of the air contaminant is above the pre-deter-



Checking leachate in vandose zone monitoring.

ty's waste analysis plan, are the backbone of facility operations. The type of waste accepted drives the waste placement in the landfill or the type of treatment required. Almost all hazardous waste landfills in existence in the United States have at least one type of treatment technology associated with the landfill. In many cases the treatment technology is stabilization treatment, which typically consists of the addition of pozzolonic reagents via a mixing system, that chemically changes the

In general, a hazardous waste landfill liner system consists of the following from bottom to top: clay liner, HDPE liner, leachate collection and removal system drainage layer, a second clay liner, HDPE liner, leachate collection and removal system, and soil cover for an operations layer.

mined risk threshold value typically determined when the risk assessment was performed. If the risk is above this level, then an investigation must be performed to determine the emissions unit or operation creating the elevated air contaminant levels. Once the source has been determined, the company must notify the local air district, cease the operations causing the elevated air contaminant levels and request a permit modification.

Planning and seeking public input

Waste acceptance programs, which are typically the implementation of the facili-

valance states of the metals requiring treatment such that they do not or are unable to leach back into the environment. In addition to driving landfill and treatment operations, the facility's waste analysis plan also drives what occurs in the laboratory. Most waste analysis plans specify the analysis to perform prior to a facility making the determination of waste acceptance.

Public participation in the permitting of hazardous waste treatment, storage and disposal facilities has become very active. The federal regulations require public participation during the permitting process. Public participation consists of community groups, neighbors or any person who

has questions, comments or concerns about what the facility will do and how it will operate. The public has the right to come to meetings and bring up any questions or concerns.

In California, any facility permitting activity that deals with the management of hazardous waste requires that the lead agency form a Local Assessment Committee (LAC). California's public participation regulations pertaining to hazardous waste operations provide and require public participation over and above other states. The LAC consists of seven community members. The purpose of the LAC is to negotiate terms and conditions of approval with the applicant. The process is cumbersome; however, it provides the arena for anyone to discuss their concerns with the applicant, the lead agency and others involved in the waste handling operations. Public involvement can provide for changes in any and all facility operations. Many states have public participation requirements that exceed the federal requirements.

The evolution of modern landfills

Hazardous waste landfill changes and innovations have occurred in all areas. The business has consolidated such that there are not as many landfill operators as there were in the 1980s. Sophisticated liner systems and monitoring systems for groundwater, vadose zone and ambient air systems are now required and in place. The results of most monitoring systems are statistically analyzed so that accurate determinations can be made. All facilities today have waste analysis plans that provide a base knowledge of the waste prior to actual waste receipt for treatment or disposal. Almost all hazardous waste landfills have treatment processes. Public participation is an integral part of all hazardous waste permitting processes. Public participation allows for everyone to know what operations will be ongoing as well as allowing the public to express their concerns.

Hazardous waste landfill operations were once thought to be simplistic operations. However, today—from permitting to monitoring to operating the facility—the business of operating a hazardous waste landfill is far from simple and in some areas extremely complex.

Marianna Buoni is general manager and David Nielsen is operations manager of Safety-Kleen's Buttonwillow, Calif., facility.

For more information, circle 98 on card.

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CAAA

EPA's gameplan for fighting air toxics

This overview of the 1990 Clean Air Act Amendments spells out EPA's agenda for regulating air emissions

irst passed in 1970, the Clean Air Act (CAA)-intended to regulate air emissions from both mobile and stationary sources-delegated to the U.S. Environmental Protection Agency the authority to establish National Air Quality Standards. In order to provide the individual states with more time for compliance, the CAA was amended in 1977. Until 1990, EPA worked on a chemical-by-chemical basis, listing and regulating only seven chemicals known to be risks to health-asbestos, benzene, beryllium, arsenic, mercury, radionuclides and vinyl chloride. This approach was ineffective in emissions reductions. The 1990 Clean Air Act Amendments (CAAA) involved a new approach: regulation by industry rather than by chemical, thereby re-focusing the program to one that is technology and performance based. The U.S. Congress generated a list of 189 hazardous air pollutants (HAPs) as a focused guideline to reducing emissions of HAPs from major sources of air pollution.

U.S. world environmental leadership slips but returns with CAAA

During the 1970s through the mid 1980s, the United States was clearly the world leader in pollutant reduction from mobile sources through the use of catalytic converters, reduction of carbon monoxide and hydrocarbons, on automobiles and the removal of lead from gasoline. The health effects of lead removal were obvious in the United States by the late 1980s and early 1990s.

However, in Europe in 1990, it was still difficult to find unleaded gasoline for sale. During the late 1980s, northern European countries moved ahead of the United States in passing legislation controlling stationary sources.

In 1990, the CAAA was amended to include new needs such as ozone depletion, acid rain, HAPs or air tox-

The 25 MACT standards when fully implemented will reduce the emission of more than 100 air toxics by more than I million tons per year, which is nearly ten times greater than that achieved with the pre 1990 legislation.

ics—the 189 listed chemicals that cause serious health and environmental hazards. The implementation of this legislation will put the U.S. back in the forefront of air pollution reduction. The CAAA has a 10-year window to complete the standards for various industrial and commercial sources.

Once the categories of sources are listed, EPA will issue regulations, including technology, to reduce pollutants, but wherever possible companies will have flexibility to choose how they meet requirements. Sources are to use Maximum Available Control Technology (MACT) to reduce pollutant releases. EPA must issue regulations for large or major sources first, and must then issue regulations to reduce pollution from small or area sources, setting priorities for small sources, based on health and environmental hazards, as well as production volume and batch variability.

If a company wishes to increase the amount of air toxics released from an operating plant, the company may choose to offset the increases so that total number of hazardous air pollutant emissions from the plant do not go up. Otherwise, they may choose to install pollution controls to keep pollutants at the required level. If a company reduces its releases of a hazardous air pollutant by about 90 percent before EPA regulates the chemical, the company will get extra time to finish cleaning up the remaining 10 percent. This early reduction program is expected to result in a rapid reduction of the levels of several critical hazardous air pollutants.

The Bhopal tragedy that involved the release of a toxic chemical that killed 4,000 people and injured an additional 200,000 in India in 1984, motivated the CAAA initiative that businesses develop plans to prevent accidental releases of highly toxic chemicals. The CAA established The Chemical Safety Board (CSB) to investigate accidental releases of hazardous air pollutants. CSB will operate in a similar manner to the National Transportation Safety Board (NTSB).

By John N. Driscoll, DCS

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Title I progresses rapidly

From 1990 to 1994, the Title I portion of the CAAA progressed quickly; continuous emission monitoring systems (CEMS) for sulfur dioxide (SO2), nitrogen oxides (NO_v), carbon monoxide (CO) and particulate emissions monitors were installed in most large power plants. Title II involved monitoring programs for ozone, CO and other similar pollutants. Ambient air programs have been implemented and many states report the historical monitoring data, such as Louisiana, or daily monitoring data, such as Texas, on their Web sites. Within the European Community, most countries have started to monitor air toxics such as benzene, toluene, xylene and, recently, 1,3 butadiene, on a continuous basis in their upgraded air monitoring networks.

Title III moves at a slower pace

The Title III portion of the CAAA, HAPs or air toxics appears to have been moving at a much slower pace since we are already more than 8 years into the program and regulations have been promulgated for less than one third of the industries. As of January 1998, MACT air toxics final standards have been issued for only 23 industries under Section 112 of the CAAA. These standards affect 48 categories of major industrial sources and eight categories of the smaller sources. Note that many industries have multiple sources such as elastomer production, chrome plating and anodizing, plastics and polymers. The time frame for finishing this process is November 15, 2000. As of January 1998, EPA has also proposed rules covering 22 additional source categories. The implementation schedule of the standards for the remaining industries can be found on the Web at www.epa.gov./tnn/uatw/7_10yrst.html. Note that dates are assigned along with a contact name and an e-mail address for each industry or chemical to be regulated. There is a considerable amount of ground to cover in the next one and a half years. The rate will have to increase considerably, however, to keep up with the proposed schedule.

Strategy starts with source identification

To reduce air toxics pollution, EPA must first identify the toxic pollutants whose release should be reduced. On the basis of potential health and environmental hazard; EPA must regulate these listed air toxics. The 1990 Act allows EPA to add or remove chemicals to the list as necessary. In fact, the 189 chemicals has recently been reduced to 188. Caprolactam apparently should not have been included in the

Final Air Toxics MACT Rules under Section II2 of the CAAA list of industries regulated as of January, 1998

INDUSTRY	Final rule publish date	Federal Register reference subpart ()	Number of source categories
Aerospace manufacturing and rework industry*	9/1/95	60FR45948 (GG)	1
Basic liquid epoxy resins and non nylon polyamide resins manufacture	3/8/95	60FR1267 (W)	2
Chromium electroplating and anodizing operations*	1/25/95	60FR49848 (N)	6
Coke oven batteries at steel plants*	10/27/93	58FR57898 (L)	1
Commercial sterilization and fumigation*	12/6/94	59FR62585 (O)	2
Dry cleaners*	9/22/93	58FR64382 (M)	5
Elastomer production	9/5/96	61FR46906 (U)	9
Gasoline distribution facilities	12/14/94	59FR64303 (R)	1
Halogenated solvent cleaning machines	12/2/94	59FR61801 (T)	2
Industrial process cooling towers	9/8/94	59FR46339 (Q)	1
Magnetic tape manufacturing	12/15/94	59FR64580 (EE)	1
Marine tank vessel loading operations	9/19/95	60FR48388 (Y)	- 1
Off-site waste operations	7/1/96	61FR34139 (DD)	1
Organic chemical production plants	4/22/94	59FR19402 (F,G,H,I)	1
Petroleum refining industry	8/18/95	60FR4344 (CC)	1
Polyethylene terephthalate polymer and styrene-based thermoplastic polymers production	9/12/96	61FR48208 (JJJ)	6
Primary aluminum reduction industry	10/7/97	62FR52407	I
Printing and publishing operations	5/30/96	61FR27132 (KK)	1
Secondary lead smelting industry*	3/8/95	60FR32587 (X)	1
Shipbuilding and ship repair industry	12/15/95	60FR64330 (II)	1
Wood furniture manufacturing	12/7/95	60FR62930 (JJ)	1

first place and was removed in 1996.

The CAAA of 1990 deals primarily with major large sources, which is greater than 10 tons annually for a single compound or 25 tons annually for mixed HAPs, but small sources will also be controlled as additional regulations are passed. The air toxics producers are to be identified as major or area sources. The CAAA directed EPA to set standards based on all major sources of HAPs, plus sources of particular concern, to reduce significantly the emissions of air toxics. An emissions inventory in 1993 showed that mobile sources

accounted for 41 percent of emissions of air toxics, area or small sources accounted for 35 percent and major sources accounted for 24 percent of emissions.

Cars, trucks, buses and other mobile sources release large amounts of hazardous air pollutants such as formaldehyde and benzene. Cleaner fuels such as reformulated gasoline, more efficient engines and proper maintenance of pollution control devices should reduce hazardous air pollutants from mobile sources. In the Netherlands, many of the fuel stations sell both gasoline and liquid

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propane gas (LPG). The Dutch government has tax incentive programs for dual fuel vehicles which pays for the additional cost of LPG over a 5-year period.

Monitoring considerations

Large stationary sources, such as chemical plants, plastics manufacturing, sterilization and incinerators, release hazardous air pollutants. The 1990 CAAA deals more strictly with large sources than small ones, but EPA must regulate small area sources of hazardous air pollutants as well. As of January 1998, 48 industries were covered by regulation. EPA indicated that there is a considerable public health concern with the effect of large sources on the health of the population downwind. In Alberta and Edmonton, the local Canadian environmental authorities require large chemical producers to monitor fencelines with continuous analyzers. Most of the fenceline monitoring programs for CAAA Title III involve the use of grab samples including SUMMA canisters for collection in the field, followed by laboratory analysis. With the final implementation of the CAAA, this will change. The use of continuous monitors for fenceline monitoring occurs in the United States when a significant release or leak occurs from a major source or when there is considerable public pressure or concern on the part of local environmental authorities. This is also the situation in many Third World countries where there is little environmental legislation and political pressure on the mayor or other public authorities required to establish monitoring programs. Recent EPA legislation, the Compliance Assurance Monitoring (CAM) Rule provides industry with a program to ensure the local regulators or neighbors that it is operating within its permit.

Small sources are also regulated

Air toxics are released from small area stationary sources, such as dry cleaners and electroplating. Under the 1990 CAAA, EPA is required to study means to reduce hazardous air pollutants from small neighborhood polluters such as auto paint shops, print shops and more. The agency will also have to evaluate air toxics pollution after the first round of regulations to determine whether the remaining health hazards require additional regulatory action. However, legislation for eight small sources such as chrome plating, printing and chlorinated solvents are included within the 48 source categories already regulated as of January 1998.

A list of the 23 industries regulated under Section 112 of the CAAA is given in

Table 1 along with the date of the final rules and a reference to the Federal Register (FR) that is available in many large libraries, on-line, from EPA or state department of environmental protection offices. The information can also be downloaded from the Web under national emission standard for hazardous air pollutants (NESHAP) summaries. The Federal Register pertaining to aerospace manufacturing is found in the September 1, 1995 60 FR 45948, subpart GG. In addition to the standards issued under Section 112, EPA issued two standards under Section 129 of the CAAA covering municipal waste combustors and medical waste incinerators.

Time frame

The average time between the proposed or initial and the final publication of the rules in the Federal Register for the air toxics MACT standards in Table I was 13 months. The shortest time was 9 months

Useful Web sites

- · EPA homepage: epa.gov
- EPA Office of Air & Radiation (OAR) home page: epa.gov/oar/
- EPA Office of Mobile Sources (OMS) home page: epa.gov/omswww
- Unified Air Toxics Web site: epa.gov/tnn/uatw/
- State Environmental Goals and Indicator Project (SEGIP) home page: fsu.edu/ -cpm/segip.html
- State of Louisiana Web site: deq.state.la.us/oarp/air.htm
- State of Texas Web site: tnrcc.state.tx.us/air/monops/ ambmon.html

and the longest time was 21 months.

What will be accomplished when these standards go into effect? The 25 MACT standards discussed above when fully implemented will reduce the emission of more than 100 air toxics by more than 1 million tons per year, which is nearly ten times greater than that achieved with the pre 1990 legislation. Between 1988 and 1993, the reporting to the Toxic Release Inventory (TRI) indicates that the ten air toxics with the largest releases have shown a decline of 30 percent or 443.7 tons. The TRI is the main source of comprehensive information on HAPs and the new (1996) TRI has just been published on EPA's Web site at www.epa.gove/tris_sta.htm.

John N. Driscoll, DSC, is president of HNU Systems Inc., Newton Highlands, Mass.

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A common sense approach to cleanups

An overview of how to use risk-based decision making to respond to chemical releases into the environment

By John A. Connor, PE, and Charles J. Newell, PhD, PE

here has been an increasing discussion of risk assessments, riskbased corrective action (RBCA. sometimes referred to as "Rebecca"), riskbased decision making and other riskbased terms in the environmental cleanup industry in recent years. For example, over 40 states are considering the adoption of RBCA procedures for management of corrective action at underground storage tanks (USTs) based on an American Society of Testing and Materials (ASTM) standard issued in 1995. Currently, there is an ASTM effort to develop a RBCA program for other types of chemical release sites, such as Superfund sites, Resource Conservation and Recovery Act (RCRA) sites and other waste site cleanup programs. Generally, these risk-based programs are designed to manage the longterm risks from releases of chemicals to the environment, as opposed to responding to the effects of catastrophic releases, such as oil spills regulated under the Oil Pollution Act.

Overall, the new focus on risk-based approaches is a positive development. A risk-based approach allows environmental cleanups to be conducted in a rational manner based on the actual risk that the site poses to society; it also allows for a flexible approach to managing those risks. Movement towards risk-based approaches does raise a concern that they will impose greater complexity on site evaluation processes, with significant variability among states. However, these

programs all share the common principles of risk management, which, in essence, are both simple and rational. Keep in mind these simple principles, which are the basic tools needed to pursue a risk-based strategy on any cleanup project.

Risk management objectives

In the environmental field, risk management is essentially a two-step processaction processes while incorporating key risk management processes.

Environmental release: concerns and response actions

An environmental release of a hazardous chemical can pose a variety of concerns, depending on the location, magnitude and nature of the release. The following are key areas of concern:

· Human health and ecological hazards, or

A risk-based approach allows environmental cleanups to be conducted in a rational manner based on the actual risk that the site poses to society; it also allows for a flexible approach to managing those risks.

prevent releases and manage soil and groundwater impacts when releases occur (see Figure 1).

Because preventing releases is more cost-effective than managing releases after they occur, many of our state and federal regulations are directed toward ensuring that accidental spills and leaks do not occur. However, when hazardous chemicals are released to the environment, we need to respond as necessary to prevent impacts to public health and the environment. Recent initiatives such as RBCA represent efforts to streamline the corrective

hazards posed by the toxicity of chemicals to human or ecological receptors;

- · Non-biological resource impacts, or destruction of a natural resource, such as water resources belonging to the state;
- · Aesthetic impacts, which are impacts causing a non-hazardous but unsightly or nuisance problem; and
- · Subsurface utility impacts, or impacts from dangerous conditions caused by having contaminants in subsurface utilities, such as explosive gases.

The goal of the risk-based site evaluation is to assess these concerns and define

appropriate response actions on a site-specific basis. This evaluation may involve an initial qualitative assessment of site conditions, followed, if necessary, by a quantitative analysis of contaminant transport and exposure. Either way, the exercise of reviewing an inventory of relevant hazards and targeting appropriate response actions toward key risk factors constitutes risk management. Under many regulatory programs, response actions may be required if chemical concentrations in environmental media are likely to result in a human or ecological exposure in excess of safe levels; usable water resources could be damaged by continued exposure of the contaminant zone; the contaminants pose explosive conditions; or the contaminants may cause physical damage to subgrade structures.

Human health concerns

Human health concerns are the central focus of many of our state and federal corrective action rules. Under a riskbased approach, an exposure assessment is conducted to determine whether the chemical release could result in human exposure in excess of safe levels. For this proposal, the environmental engineer or scientist must address various exposure scenarios, hypothetical mechanisms whereby chemicals on affected soil or groundwater could move to a point of human intake. Typical soil and groundwater exposure scenarios identified on many state or federal risk-based regulatory programs are listed on Table 1.

Again, the exposure assessment may be relatively simple or relatively complex, depending on the specific needs of the state. For example, if historical data show an affected groundwater plume to be stable or shrinking, then it is impossible for this plume to impact a water well located outside the existing plume area, and the potential risk to that well user is zero. No models or calculations are needed.

Alternatively, in the case of an expanding groundwater plume, a model could be employed to predict long-term plume management patterns. In some cases, such modeling may support a more timely risk management decision than could be developed based on monitoring data.

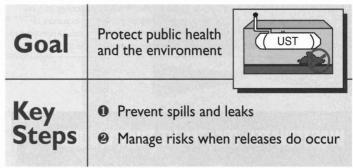
The basic steps of risk assessment and response

The risk-based site evaluation process can be distilled to four basic steps shared by almost all risk-based regulatory programs. The first step is site assessment. Collect site information to characterize soil and groundwater impacts and identify potential receptors. Key data needs include site soil and groundwater conditions, location of actual and potential receptors, and concentrations of chemicals of concern in var-

ious media, such as soil and groundwater.

Step two is exposure assessment. Conduct exposure pathway screening analysis to identify those exposure conditions that could apply to the site—commonly based on the presence or absence of source media or receptors and the presence or

FIGURE I



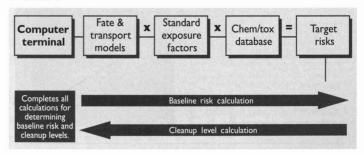
Two Key Steps for Risk Management

TABLE I

CONCERN	RESPONSE
Human health and eco hazard	Prevent exposure to unsafe levels of contaminants
Non-biological resource impacts	Prevent loss of useable groundwater
Aesthetic impacts	Prevent odor or nuisance
Subsurface utility impacts	Prevent explosive conditions
KEY POINT: Define the concerns and necessary response actions for each site.	Affected groundwater

Environmental releases: Concerns and response actions

FIGURE 2



Calculation flowchart for risk-based corrective action (RBCA) software (from GSI RBCA Tool Kit)

absence of chemicals above the threshold screening level. For each applicable pathway, evaluate potential exposure levels.

The third step is protective standards. Compare potential exposure conditions to protective criteria. Identify those affected media zones and chemicals that pose potentially harmful conditions or exceed the protective criteria established for each area of concern. The calculations can either be performed in a forward mode, where you compare the actual risk at the site to protective criteria defined by regulatory agencies, or a backward mode, where cleanup standards at the receptor are used to generate cleanup standards at the source. Software is available to make these

calculations easier by combining fate and transport models, standard risk assessment exposure factors, chemical/toxicological databases, and regulatory agency-mandated target risks in one integrated package (see Figure 2).

These tools allow users to calculate easily the risks associated with a particular site (the forward calculation) and calculate cleanup standards for the source zone at a site that will be protective of human health and the environment. The fourth step is the response action. Develop a corrective action strategy to minimize risk by preventing exposure to harmful levels of chemicals. Appropriate measures may involve removal or treat-

ment of affected media; containment measures to prevent exposure to soil or groundwater left in place; or institutional controls to limit future uses of the property as needed to prevent unsafe exposure conditions, such as deed recordation or limiting the use of a property to commercial or industrial uses with no groundwater extraction. Each of these measures may successfully achieve the risk protection criteria. Consequently, the choice among these options is not a risk-based decision but a function of technical and economic considerations as well as land use plans. The final response action should achieve the applicable protective standards while preserving the active and productive use of the property.

Summary

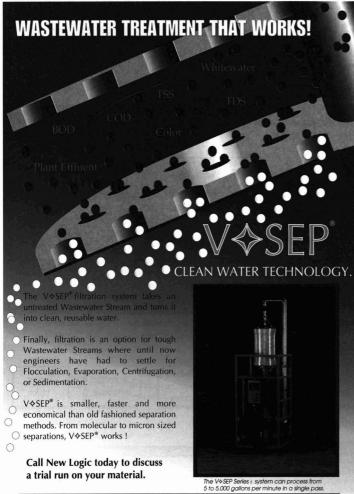
Risk-based management is becoming a more acceptable method under many regulatory programs for responding to chemi-

The exercise of reviewing an inventory of relevant hazards and targeting appropriate response actions toward key risk factors constitutes risk management.

cal releases to the environment. Although on the surface these risk-based approaches appear to be highly complex and difficult to perform, all of the various risk-based regulatory programs are based on relatively simple principles. Computer software packages help make the calculation of risk and appropriate cleanup standards easier and more straightforward. At sites where excess risk is predicted to occur, risk-based management approaches allow more flexibility in response actions by allowing containment and institutional controls in addition to standard removal and treatment alternatives.

John Connor, PE, and Charles Newell, PhD, PE, are president and vice president of Groundwater Services, Inc., Houston. Both are ASTM certified nationwide risk-based corrective action trainers.

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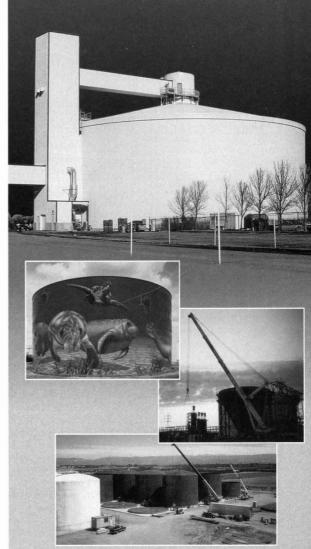
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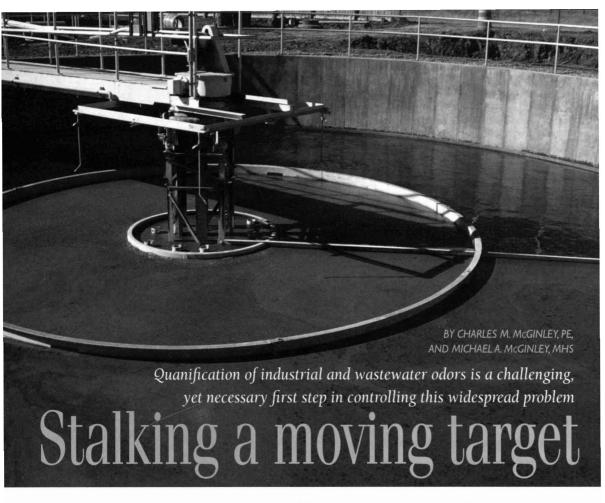
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ith today's increasing levels of development, odor nuisance has become a major environmental issue in communities. Citizen complaints about odors have created a chain reaction through all levels of government as officials search for a sufficient odor regulation or ordinance that will effectively but fairly satisfy the community and industry. The question is whether odors can be quantified for regulatory and operational purposes.

Elusive emission sources

Communities and regulators readily know that tracking down the cause of objectional odors may be difficult because industrial operations yield odorous emissions in varying degrees from many potential sources that may include trucks, process equipment, fugitive sources, wastewater collection and treatment systems, associated activities and adjacent activities and businesses. Odors vary considerably in the following ways:

- Emission type, such as surface or point source;
- · Emission rate as odor units per second;

- Odor strength, which is the concentration and intensity;
- Odor persistence, or the dose-response relationship;
- Odor character, such as descriptors and Hedonic Tone, which is one's personal like or dislike of an odor;
- Frequency of occurrence—random or repeating;
- Duration of emission, as in an episode or activity related; and
- Circumstances, such as a temporary condition, emergency release or construction.

Why quantify odors?

The effort to quantify odors may be required for the following:

- Compliance monitoring and compliance assurance;
- Determination of compliance for permit renewal:
- Determination of status using base line data for expansion planning;
- Determination of specific odor sources based upon investigation of complaints;
- Verification of complaints after notice of violation;
- · Monitoring daily operations and man-

agement performance evaluation;

- Comparison of operating practices while evaluating alternatives;
- Monitoring specific events or episodes—defensible credible evidence;
- Determination of an odor control efficacy based upon scientific testing;
- Determination of an odor control system cost effectiveness and cost minimization:
- Comparison of odor control methods and cost accountability; and
- Verification of odor dispersion modeling or model calibration.

Each of these purposes dictates a need for dependable and reproducible methods and practices for odor quantification. The trend in the United States and internationally is toward an acknowledgment that odor is a legitimate air pollutant and that it can be controlled. Therefore, regulators and operators of industrial facilities are faced with the practical needs for odor quantification, whether the purpose is solely for complaint investigation, public relations, permit renewal or facility survival.

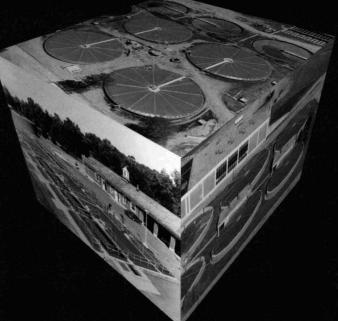
Site-specific conditions often place significant limitations on the ability of regu-

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lators and/or operators to implement a program of odor quantification. Local terrain and local meteorology are common constraints that challenge method development and sometimes limit the choices of odor quantification practices.

Odor protocols

Ten methods or protocols are commonly used by facility operators and regulators. The following protocols are presented in brief exemplary form as a guide.

Point source sampling: A facility may include buildings or processes that have a specific point emission source—stack, roof exhaust or building side vent. The sampling of the potentially odorous point sources involves the collection of the air from the point source in a Tedlar gas sample bag using a vacuum chamber, sometimes called a sampling lung. The odorous air sample is express shipped to an odor laboratory for evaluation of the odor parameters, such as odor concentration and descriptors, using

odors throughout the day. Monitoring on site can also involve odor observations from selected predetermined locations. Sample locations might be at and around the building and the property line.

Complaint response: The use of odor complaint hot lines is a common method used by industry and communities. A hot line system provides citizens with direct access to register a complaint and other relevant information. A complaint response plan, with designated on-call inspectors, produces opportunities for observing odor episodes and for tracking odors to the contributing sources.

Random monitoring: A frequently used method for odor monitoring is the random or unannounced inspection approach. The random monitoring method leads to a compilation of data that can be correlated with meteorological information and on-site activities. Regulators often find that random monitoring is the only cost-effective method available for compliance determination.

Odor persistence illustrated

Odor with greater persistence

Odor with less persistence

LOG OF DILUTION RATIO

standard American Society for Testing and Materials (ASTM) practices.

Surface sampling: A facility may contain a number of surfaces that have the potential to emit odorous gases, such as wastewater treatment lagoons. The collection of odors from surfaces requires the use of a device called a flux hood. A simple flux hood is a bowl inverted on to the surface that is to be sampled. Odor-free air is supplied to the flux hood during sampling from the flux hood. Several methods of surface sampling have been used by investigators and the choice will be dictated by the site specific conditions and the data requirement needs.

On-site monitoring: Operators have the unique ability in the facility to monitor

Scheduled monitoring: Well-planned scheduled monitoring can be limited to a daily drive around the facility site or a daily visit to several predetermined monitoring locations. The data from scheduled monitoring can be used to correlate the many parameters that potentially influence odor episodes. Meteorological conditions and on-site operating activities need to be recorded during the monitoring. The use of a versatile database will facilitate the analysis of the data.

Citizen monitoring: The implementation of citizen monitoring can be part of an interactive community outreach program for an industry. The primary function of citizen monitoring is to obtain information, through accurate record keeping, that represents real conditions in the residential community. The citizens recruited would be trained to measure odors using an intensity scale and to assign standard odor descriptors. The citizen monitors can assist in determining prevalent times that odors occur and prevalent weather conditions of odor episodes. Citizen monitors also help in understanding the odor intensity level at which an odor first becomes a nuisance.

Citizen advisory panel: Occasionally a citizen "jury" is impaneled to evaluate odors associated with a facility. A typical citizen advisory panel would be gathered to observe odors at specific locations and asked to respond to the following question with a "yes" or "no": In your opinion, do the odors witnessed at this location on this day and at this time have the intensity and character which would interfere with the normal conduct of business or cause material, physical discomfort to a person?

Intensive odor survey: An in-depth evaluation of on-site odor generation and off-site odor impact might be needed for a facility in preparation for a permit review or facility expansion. Extensive data collection of odors, related meteorological conditions and process operations will identify sources and operations that cause odors and ones that do not cause odors. All potential odor sources can be ranked and their relative odor contributions determined. Trials of odor control methods also may require an intensive period of data collection using odor monitoring practices.

Plume profiling: Odor dispersion monitoring can be supplemented with odor plume profiling. Several inspectors placed cross wind and down wind from the odor source can be assigned to measure odor intensity. Multiple plume profiles, during differing wind conditions, can be used to calibrate a dispersion model or verify model predictions.

Measuring odor parameters

The five standard practices directly applicable for quantification of odors are: characterization by descriptors, word scale odor intensity, suprathreshold odor intensity, odor threshold concentration and odor persistence.

The character of an odor is reported by an observer using standard odor descriptors. Numerous standard odor descriptor lists are available to use as referencing nomenclature. One standard published by the International Association on Water Pollution Research and Control (IAWPRC) is a flavor wheel for natural waters. A standard list of odor descriptors provides odor inspectors, monitors, operators and citi-

zens with a common vocabulary for evaluation, reporting, comparing, contrasting and communicating.

Odor intensity is a measure of the relative strength of an odor above the threshold. Odor intensity can be assigned a word descriptor or a number on a 5 or 10 scale. A common word scale is:

- 0 No odor
- 1 Very faint
- 2 Faint
- 3 Noticeable
- 4 Strong
- 5 Very strong

Intensity word scales are also used with only end point word descriptors. The citizen odor monitor typically finds the word intensity scale easy to understand and use.

Odor intensity quantification can be accomplished using an odor intensity referencing scale (OIRS). Odor intensity referencing compares the odor in the ambient air to the odor intensity of a series of concentrations of a reference odorant, such as n-butanol. The inspector, investigator. monitor or operator observes the odor in the ambient air and compares it to the OIRS. The person making the observation must use a carbon filtered mask to refresh their olfactory sense between sniffing observations. Without the use of a carbonfiltered mask the observer's olfactory sense would become fatigued or would adapt to the odors in the surrounding ambient air. Using the OIRS, the intensity is expressed in parts per million of n-butanol.

The odor concentration is a number derived from a laboratory dilution of a sample odor from a Tedlar sample bag. Dilution of the odor is the physical process that occurs in the atmosphere down wind of the odor generating source. The dilution ratio is an estimate of the number of dilutions needed to make the odor non-detectable. Odor panelists in the laboratory observe the sample using an instrument called an olfactometer. The testing procedure produces threshold values that are called detection threshold and recognition threshold.

In addition to the determination of odor thresholds, an odor laboratory can conduct evaluations for the following odor parameters: intensity, character descriptors, Hedonic Tone and persistency.

Persistency is a term used in conjunction with intensity. The perceived intensity of an odor will change in relation to its concentration. However, the rate of change in intensity verses concentration is not the same for all odors. This rate of change is termed the persistency of the odor.

The persistency of an odor can be measured in an odor laboratory as a dose-

response function. The dose-response function is determined from the intensity of an odor at full strength and at several dilution levels above the threshold level. The plotted values as logarithms of the intensity and dilution ratios make up the dose-response function. As illustrated in Figure 1, the odor with the flatter slope would have a greater persistency, or hang time, in the ambient air.

What, when, where ...

Odor data collection and analysis address four basic questions:

- What are the odors?
- When are the odors?
- Where are the odors?
- What does or does not cause the odors?

Industries have the opportunity to embrace standard protocols and practices of odor quantification for purposes of self improvement, survival and growth. Proactive odor management strategies with ongoing monitoring and aggressive odor control will provide assurances of favorable public acceptance, regulatory compliance and informed management decision making.

Charles M. McGinley, PE, is technical director of St.Croix Sensory Inc., Stillwater, Minn., and Michael A. McGinley, MHS, is an engineer/industrial hygienist, at McGinley Associates, PA, Stillwater, Minn.

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October 1998 Circle 22 on card. 3 I

By Ingrid Truemper

The politics of protection

Senatorial candidates in three

high-profile races speak out on environmental issues

nvironmental issues will play a factor in at least 10 of the 34 U.S. Senate races occurring in 1998, according to an analysis by the National Journal's Greenwire, a nonpartisan environmental news daily. Three of the races, in California, Wisconsin and New York, involve important environmental topics.

In California, incumbent U.S. Sen. Barbara Boxer (D) and State Treasurer Matt Fong (R) will battle it out in what is likely to be a close, high-profile race. Barbara Boxer is one of 18 senators in the 105th Congress to receive a score of 100 percent from the League of Conservation Voters (LCV), a bipartisan watchdog organization dedicated to educating citizens about the environmental voting records of members of Congress (see Online resources).

U.S. Sen. Russell Feingold (D) is running against U.S. Rep. Mark Neumann (R) in Wisconsin. Feingold has also garnered a 100 percent rating from the LCV, and he is known for his

support of legislation on pollution prevention and Great Lakes protection as a state senator. Neumann was targeted by environmentalists during his 1996 House re-election campaign, and his environmental record is expected to be raised again. His pledge to "wage war" against environmental protection programs, along with a voting record that shows him voting for clean water and clean air initiatives only 29 percent of the time, has landed him on the "Dirty Dozen" roster put together each year by the LCV.



In New York, U.S. Sen. Alfonse D'Amato (R) faces leading Democratic candidate Geraldine Ferraro, a former U.S. representative and vice presidential nominee. In 1997, D'Amato received a 29 percent rating from the LCV, the lowest number of any senator in the Northeast, Republican or Democrat. This rating nevertheless represented an enormous improvement over previous years-in 1995 and 1996 he received scores of seven and zero. However, D'Amato's attempt to brush up his environmental image in the last year has been criticized by Ferraro as a re-election maneuver.

Environmental Protection asked each candidate to provide his or her comments on two environmental issues vital to his or her home state. Where a candidate has declined to respond, previously published statements of his position on the relevant issues are included.

California

Sen. Barbara Boxer (D)

Water scarcity: Our challenge is to make sure that we have an

adequate water supply for future economic growth and agricultural requirements while ensuring that future generations can enjoy clean rivers and streams and fish and wildlife.

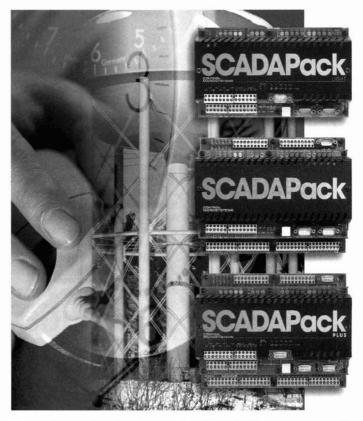
The Calfed Bay-Delta Restoration Program brings together farmers, environmental advocates and urban water consumers to ensure a clean and reliable water supply based on sound science. As a member of the Environment and Public Works Committee and Appropriations Committee, I have won mil-

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Sen. Barbara Boxer

Dam, based on safety, cost and environmental concerns. Air quality: Clean air is necessary for economic growth and a healthy quality of life. In 1997, I supported the president's decision to back

EPAs tougher clean air standards. The new standards toughen emission limits on ozone and particulate matter and will help reduce respiratory problems that greatly affect children and other vulnerable populations.

I have strongly supported research and development of clean fuel vehicles. I successfully fought to repeal the luxury tax on electric cars and to increase tax incentives to use liquefied natural gas. I won federal funding for electric vehicles at military installations and for local government alternative fuel fleets.

State Treasurer Matt Fong (R)

(Fong declined to comment on the above issues. The following are excerpts from a May 1998 speech.)

Water scarcity: There is one simple truth

to be faced: California will be chronically short of water by the year 2010 if steps are not taken to improve both our storage and delivery systems. The two major components, the Bay-Delta and Colorado River delivery systems, are broken and must be fixed to meet our state's future needs.

It is high time that someone other than Barbara Boxer ... speak for California on water and environmental issues in Washington. Common sense solutions can be found to balance the needs of the environment, cities and agriculture. Stewardship is too important to delegate to Washington bureaucrats. We must protect our environment and at the same time refrain from excessive regulation of people and jobs.

We need more water storage capacity, both on-stream and off-stream, and there is no time to lose, considering how much time it takes to plan and build a new facility. For on-stream storage, we should build the multipurpose Auburn Dam—for flood control, irrigation and recreation—and we should modify or replace the Shasta Dam, which is now nearly 50 years old. Offstream, the Los Angeles Metropolitan Water District and the Contra Costa Water District are building large off-stream reservoirs, but more are needed.

Water is clearly our most important commodity—but it is also much more. Water is an essential property right that helps to define us as a free people.

Wisconsin

Sen. Russell Feingold (D) Nuclear waste disposal: I recently opposed a bill that did not go far enough to ensure safe and secure shipments of nuclear materials from sites in Wisconsin to storage outside of the state. I would like to see nuclear waste moved to a permanent site outside our state, but I also want to ensure that waste is not needlessly transported around in search of a final disposal site. When waste leaves Wisconsin, it should do so permanently.

I will not accept legislation that is a quick fix and does not ensure that nuclear waste



Sen. Russell Feingold

disposal is safe, secure and fiscally responsible. Wetlands protection: I support responsible, common sense protection of wetlands. Wetlands prevent flooding by absorbing runoff from rainwater

before it reaches rivers and streams, sustain the sport fishing industry, filter pollutants out of the water before they reach our drinking water and support several endangered species in Wisconsin, as well as the bald eagle. That is why I fought provisions supported by my opponent in the 1996 Clean Water Act that threatened the classification and protection of over 60 percent of Wisconsin wetlands. (Feingold's opponent, Rep. Mark Neumann (R), declined to comment on the above issues.)

New York

Sen. Alfonse D'Amato (R)

(D'Amato declined to respond to specific issues. The following is the senator's official position on the environment.)

When the Cuyahoga River in Cleveland, Ohio, literally caught fire nearly 30 years ago, many of us finally woke up to the



Sen. Alfonse D'Amato

realities of what pollution was doing to our planet. Since then, great strides have been made in the fight to combat pollution. Landmark pieces of legislation have been passed, including the Clean Air Act

Amendments, the Safe Drinking Water Act, the Clean Water Act and Superfund.

Through the implementation of these laws, Americans now enjoy a cleaner environment and have become more conscious of how their actions affect the earth. Recycling, which was almost unheard-of 20

Online resources

League of Conservation Voters (LCV) http://www.lcv.org

The LCV has published a National Environmental Scorecard every Congress since 1970, the year it was founded by leaders of the environmental movement following the first Earth Day. Its mission is "to protect the environment through political action by holding members of Congress accountable for their environmental votes and helping to elect pro-conservation candidates to Congress."

According to the LCV, the annual Scorecard represents the consensus of experts from 27 respected environmental groups who selected the key votes on which members of Congress should be graded. The LCV scores votes on what these experts consider to be the most important issues of environmental health and safety protections, resource conservation and spending for environmental programs.

U.S. Sen. Barbara Boxer (D-Calif.)
State Treasurer Matthew Fong (R-Calif.)
U.S. Sen. Russell Feingold (D-Wis.)
U.S. Rep. Mark Neumann (R-Wis.)
U.S. Sen. Alfonse D'Amato (R-N.Y.)
Geraldine Ferraro (D-N.Y.)
Democratic National Committee
Republican National Committee

http://www.boxer98.org http://www.fong98.org http://www.feingold98.org http://www.neumann98.org http://www.damato.org http://www.ferraro98.org http://www.democrats.org http://www.rnc.org years ago, has become more widely accepted. Restrictions on disposing of hazardous waste are tighter. Factories have dramatically decreased the amount of pollutants released into the atmosphere. All in all, great strides have been taken toward a cleaner planet.

However, there have been recent concerns about Congress living up to its expectations and commitments with respect to protecting our nation's environment.

The American people have overwhelmingly indicated that they do not wish to see the environmental achievements of nearly three decades wiped out. I believe Congress has received that message loud and clear. We have done a lot to protect our environment, but we can still do more. Support for the necessary funding that will allow federal environmental protection programs to continue.

Geraldine Ferraro (D)

Her opponent: The greatest obstacle to solving New York's top environmental problems has been having Al D'Amato as a senator for 18 years—a senator who runs ads calling himself the environmental senator. while receiving a zero percent rating on the

Geraldine Ferraro

League of Conservation Voters Scorecard in 1996.

D'Amato has spent his career representing corporate polluters, who have poured hundreds of thousands of dollars in his campaign coffers, at the

expense of clean air, clean water and the public's right-to-know.

The Hudson River cleanup: I will play a leadership role in cleaning up polychlorinated biphenyls (PCBs) from the Hudson River. The Hudson River is one of the worst PCB pollution sites in the world, having more than a million pounds of the chemicals released from two General Electric factories during a 30-year period, which ended in 1977. Interior Secretary Bruce Babbitt said, "The sickness of the river today is directly traceable to the General Electric Co." I will urge EPA to make a decision on whether G.E. should be required to clean up the Hudson River as part of the Superfund program. I believe that each of us should be a "riverkeeper."

Ingrid Truemper is an assistant editor of Environmental Protection magazine.

For more information, contact the author at itruemper@cmpu.net

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industries with wiping towel applications have one basic decision to make: reusable cotton shop towels or disposable wipes? The most important environmental factor to consider is the management of the used absorbents.

Single-use wipes and rags are a waste that is usually sent for costly disposal. Unfortunately, the disposables may also be thrown in the trash, exposing the user to potential liability. Generators of disposables should perform a hazardous waste determination before selecting a proper waste disposal method. However, some generators of disposables have minimized their hazardous waste generation and liability by changing from disposables to reusable shop towels.

The printing, aircraft, automotive, circuit board, coatings and adhesives, furniture and food processing industries use millions of shop towels each day. These shop towels to be a waste, they are subject to full Resource Conservation and Recovery Act (RCRA) regulation. Most laundries are not permitted to transport, treat, store or dispose of hazardous waste, but many still legally process towels contaminated with listed solvents. The U.S. Environmental Protections Agency's regional offices and each state's environmental regulatory agency provides guidance for handling these towels. These agencies do not require all reusable shop towels to be managed as hazardous waste.

The federal EPA decided to defer any policy making decisions on reusable textiles to the EPA regions and states. EPA has also given the EPA regional offices and states considerable latitude in determining what the local regulatory status of the absorbents should be.

Michael Shapiro, director of EPA's Office of Solid Waste, outlined this policy in a

shop towels containing listed solvents from regulation. The reusable towel exemption applies when the towels do not contain any free liquids as determined by a paint filter liquids test. New Jersey also requires that the towels are managed on-site as hazardous waste until sent off-site for laundering.

In a May 16, 1996, letter to the Uniform and Textile Services Association (UTSA). the state of Colorado informed UTSA that the information contained in a fact sheet is their guidance on the regulatory status of reusable shop towels. The fact sheet states, "Reusable absorbent materials cleaned by such contractual/closed loop cleaning services would not have to be managed as hazardous waste" Colorado added that the exemption does not apply to absorbents "saturated with free liquid."

Companies that change from a disposable to a reusable shop towel service have realized other benefits from the reusable

Once is NOT enough

Business owners can reduce potential liability by switching from disposable wipes to reusable shop towels

come in contact with all kinds of chemicals including inks, cleaning solvents, furniture lacquers, paint thinners, mineral oils and aqueous cutting fluids. Many of these chemicals, due to their chemical characteristics, present difficult challenges, especially where waste disposal is considered.

The reusable regulatory framework

Quality and cost issues aside, different environmental regulatory frameworks guide the management of the two absorbent programs, especially where solvents that are listed as hazardous wastes are involved. The regulatory differences also exist when the reusable shop towels or disposable wipes exhibit one or more characteristics of a hazardous waste after use. It is important to note the differences between the absorbent programs where the reusables or disposables are contaminated with listed or characteristic solvents.

Since disposable towels are considered

February 14, 1994, memorandum to EPA's regional waste management directors. In this memorandum Shapiro writes, "Any determinations or interpretations regarding this diverse and variable waste stream should be made by the regulatory agency [i.e., EPA region or state] implementing the RCRA program for a particular state. This has been our long-standing policy."

Forty-six of 50 states have either exempted or limited the scope of RCRA regulation where reusable shop towels are contaminated with listed or characteristically hazardous solvent(s). However, all states and EPA Regions granting exemptions require that specific reusable shop towels management criteria be followed. These criteria vary from state to state. Two rules usually apply. First, the laundry must be in compliance with its wastewater discharge permit. Second, the reusable shop towels must not contain any free liquids.

For example, New Jersey, in an August 3, 1994, position paper, exempts the soiled

shop towel guidance. A furniture manufacturing company in New York state won the Governor's Award for Pollution Prevention. The company changed its wipers from hazardous waste disposables to reusable shop towels. The guidance provided in New York state's January 2, 1992, Technical and Administrative Guidance Memorandum (TAGM) paved the way for the change. Besides the waste management benefits of the service, the reusable towel also exceeded the tough performance requirements for the company's finishing applications.

RCRA and CERCLA

Customer liability problems can arise from many federal environmental laws. Of particular concern are RCRA and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund.

We have already established that the EPA regions and state environmental agencies have exempted the laundering of shop towels from full RCRA regulation. Also, disposable wipes and rags are solid waste and some of that solid waste is a hazardous waste. The disposable wipe and rag user sends the waste to a disposal facility. If the disposables are a hazardous waste, then a hazardous waste manifest will accompany the shipment to the disposal facility. The hazardous waste manifest clearly establishes the customer as a hazardous waste generator.

Now, consider a laundry that manages a reusable shop towel program. Laundries separate the contaminants from the reusable shop towels. Waste generated by the separation process is a solid waste and, sometimes, a hazardous waste. If the waste is a hazardous waste, then a hazardous waste manifest will accompany the shipment to the disposal facility. However, in this case, the laundry is clearly identified as the hazardous waste generator.

Therefore, a customer using the shop towel program has reduced its potential RCRA liability. A layer of protection—the laundry—has been added in the waste ownership chain. In addition, the customer has not been identified as a generator of hazardous waste.

CERCLA has some extremely broad liability provisions. A customer faces potential liability under CERCLA by using either reusable shop towels or disposable wipes. This is because of the chemicals that get on the absorbent products. One way a customer can limit its potential CERCLA liability is to reduce the volume of waste sent to off-site disposal facilities.

Laundries separate the chemical contaminants from the reusable shop towels. Therefore, only the separated waste is sent for disposal. The shop towels are cleaned and returned to the customer. A disposable wiper program will generate a substantially larger volume of waste when compared with a reusable shop towel program used in equivalent wiping applications. Typically more than one disposable wiper is used when compared with the same application using a shop towel.

CAA

No differences in air emissions exist between reusables and disposables at the customer's facility. Both products are used in the same way. There have not been any documented instances of a customer changing to a less volatile cleaning solvent because a switch was made from one absorbent program to the other. Liability

Continued on page 46





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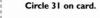
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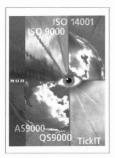
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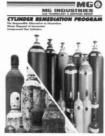


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EAM rule checkup

Examine your facility's air emissions and determine if compliance assurance monitoring and periodic monitoring requirements apply

By Bernard Evans, PE

Environmental Protection's February issue, Living with the CE and CAM Rules discusses the Credible Evidence (CE) rule, Federal Register, February 24, 1997; Vol. 62 No. 36; pages 8313 to 8328, and the Compliance Assurance Monitoring (CAM) rule (Federal Register, Oct. 22, 1997; Vol. 62 No. 204; pages 54899 to 54947). The article states that these rules require owners and operators of facilities to rethink how their systems should be operated and how their permits need to be written. You should also consider a methodology to conduct a CAM and periodic monitoring assessment of your facility to determine CAM and periodic monitoring applicability. Knowing if and when these requirements will apply provides insight into planning for equipment and resources in your budgeting efforts.

Background on the CAM rule

The CAM rule is a response by the U.S. Environmental Protection Agency to the mandates of the 1990 Clean Air Act Amendments. It is intended to assure air pollution control agencies that properly designed control measures are installed, that these measures can achieve applicable requirements, and that the controls are operated and maintained in a fashion so that the affected emission units remain in compliance. Emission units covered by the CAM rule will need to develop a plan that will identify performance indicators that provide some reasonable assurance of compliance with emission limits. The CAM plan will specify to regulatory agencies what the operating ranges for these performance parameters will be, the basis of the choice and how compliance will be tracked.

Periodic monitoring is designed to fill in gaps such as monitoring that is required as part of the Title V permit process for state implementation plan (SIP)-approved federally enforceable rules that do not contain sufficient monitoring requirements to assure compliance with emission limits.

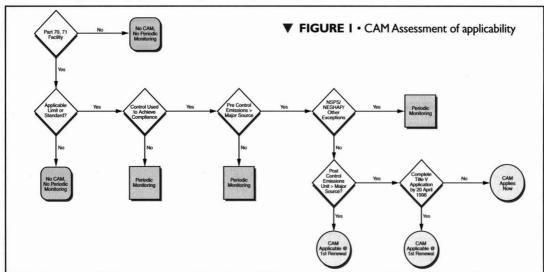
The CAM rule subjects a large number of industrial sources to additional monitoring in a phased in approach. In addition, periodic monitoring may also subject industrial facilities to increased monitoring. To obtain a preliminary indication of

the impact of these two monitoring programs on an industrial facility, a CAM and periodic monitoring assessment is recommended. The purpose of the assessment is to identify those emission units and associated emission species that may be subject to CAM or periodic monitoring and the timing of applicability.

The information may then be used to project additional fiscal expenditures and personnel requirements to address CAM and periodic monitoring regulatory requirements. This way, an environmental manager or professional might use the assessment to proactively determine the need for additional monitoring devices, personnel, maintenance and source testing to comply with the new monitoring programs. To conduct the assessment, you must determine the applicability of these two monitoring requirements to your facility, each emission unit and the associated emission species. The overall process is described in Figure 1.

Permitting applicability

The first step in the applicability assessment procedure is to determine if your



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facility itself is subject to the CAM rule. To be governed by the CAM rule, the facility must be subject to Part 70 or 71 permitting requirements—any facility required to obtain a Title V operating permit under the Clean Air Act as amended.

Now determine if your facility is a major source of emissions. Generally, this means that a facility as a whole has the potential to emit more than 100 tons per year (tpy) of any criteria pollutant, more than 10 tpy of a hazardous air pollutant (HAP) or 25 tpy of any combination of HAPs. These major source thresholds are lower in geographic areas that are classified as not meeting the National Ambient Air Quality Standards for criteria pollutant. For instance, the threshold for volatile organic compounds (VOCs) would be 50 tons per year in the Northeast Ozone Transport Region, 25 tpy in Houston and 10 tpy in Los Angeles.

This step is important to make a distinction between Part 70 or 71 applicability and major source (emissions above thresholds) as some states have Title V programs that include facilities that are not major sources. These facilities are not subject to CAM; however, they may be subject to periodic monitoring requirements.

The remaining steps in the applicability assessment deal with individual emission units and associated emission species.

Applicable federal emission limits and standards

Identify if there are one or more federal applicable emission limits or standards associated with each emission unit and associated emission species at your facility. An emission limit or standard means any applicable requirement that constitutes an emissions limitation, emission standard, standard of performance or means of emission limitation as defined under the act. Emission limits and standards include but are not limited to new source performance standards (NSPS), national emission standards for hazardous air pollutants (NESHAP), lowest achievable emission rates (LAER), best available control technology (BACT), reasonably available control technology (RACT) requirements by emission unit and pollutant, federally enforceable limits associated with prevention of significant deterioration (PSD) permit, or those taken to avoid PSD.

Control device usage

For each emissions unit and its associated emission species, identify those that use control devices to achieve reduced emissions. Control devices are types of equipment, other than inherent process equipment, that are used to destroy or remove

air pollutants prior to discharge to the atmosphere. Typical control devices include gas absorbers, electrostatic precipitators, baghouses, incinerators and flares. Passive control devices such as low-solvent inks, lids, seals and covers on tanks that are used to limit VOC emissions are not considered control devices. There are complexities over the classification of low NO_x burners as passive controls. If burners have over-fire air, or adjustable burners, then they are not classified as passive controls, and CAM may be applicable to them.

Potential pre-control emissions

Identify those emission units and their associated emission species that, prior to the control device, have emissions greater than the applicable major source threshold. Federally enforceable operating hour and throughput restrictions limit the emissions rates and should be taken into account in this calculation. It is important to remember that an emission unit is the activity that generates the emissions. These emissions may then be routed to a control device. For example, a flare header may have more than 100 tpy of VOCs that are controlled by the flare, but the individual contribution from each emission unit linked to that header may be less than 100 tpy. The potential to emit is based on a per unit calculation basis, and in this example, CAM would not apply.

It is also important that the appropriate major source threshold be used in determining applicability. You may find that your potential emissions of VOCs from an emissions unit are below a nonattainment area threshold for ozone (i.e. 50 tpy), but an individual HAP emission may be greater than an applicable NESHAP (i.e. 10 tpy).

Rule exemptions

For those emission units and their associated emission species still remaining in the assessment, determine if there are any units that are exempted by the CAM rule.

Exempted units and their associated emissions include those subject to the following:

- NSPS and NESHAPs promulgated after November 15, 1990;
- Stratospheric ozone protection requirements;
- Acid rain requirements;
- Requirements due to an approved emissions trading program;
- Emissions cap requirements created under Title V; and
- Certain municipality-owned back-up utility power units.

EPAs logic for exempting units subject to the above requirements is that there are adequate monitoring procedures built into these requirements. Note that sources subject to an exemption for one emission species still have to examine applicability of CAM to other species. Do not quickly dismiss CAM applicability due to these exemptions—such as NESHAPS—and overlook the fact that the source may require CAM for other pollutants emitted by the unit.

Timing applicability

Once those unit emission species subject to CAM have been identified, the next step is to determine their applicability timing. Applicability timing is based on the post-control potential to emit (PTE) rate. Units with post-control PTE rates greater than the applicable major source threshold are classified as large units. Units with post-control PTE rates less than the applicable major source threshold are classified as small units.

For the majority of large units, CAM submittals must be included with the Title V renewal application. For large units in those states with late Title V programs, the CAM requirements must be addressed within the application if the Title V application has not been submitted or not determined to be complete by April 20, 1998. In addition, beginning April 20, 1998, significant permit revision applications must also include a CAM plan for each affected emission unit species or Pollutant Specific Emission Unit (PSEU).

For small units, CAM applicability initiates at the time of the first Title V renewal application. In either case, permits reopened for cause by the permitting authority may require CAM information submittal as part of the reopening process.

Conclusions

Understanding all of the emissions units that are affected by the CAM and periodic montiroing rules will be of benefit to Title V facilities and will avoid over-committing to periodic monitoring programs during your Title V permitting efforts. Early determinations of CAM and periodic monitoring applicability will allow you to negotiate "smart" permit conditions and to better plan for the implications of CAM and periodic monitoring, including the need for additional equipment, personnel and contractor support. Through planning, environmental compliance is preserved consistent with corporate environmental policies, operating permit conditions and state and federal regulations.

Bernard Evans, PE, is an air practice leader with Environmental Resources Management, (ERM), Exton, Pa.

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Continued from page 37

for air emissions generated by the disposal or laundering of absorbents is the responsibility of the disposal facility or laundry. A customer's liability under the Clean Air Act is the same for shop towels as it is for disposable wipes.

CWA

Neither reusable shop towels nor disposable wipes contribute to wastewater contamination at the customer's location. Potential discharges with contamination from absorbents may occur at the landfill, disposal facility or laundry. However, these receiving facilities are responsible for the wastewater discharges, not the customer.

The customer's liability is negligible under the Clean Water Act.

All laundries are connected to the local sewer system. The local regulatory agency responsible for controlling industrial discharges to the sewer system monitors the wastewater effluent from the laundries. Wastewater pollutant restrictions are outlined in the local sewer ordinance or the laundry's wastewater discharge permit. These documents contain conditions that provide for the discharge of laundry wastewater to the sewer system. Laundries specializing in shop towel processing have invested millions of dollars in wastewater treatment equipment and chemicals to ensure compliance with discharge limitations.

Laundry logistics

The laundry is responsible for cleaning the soiled wipers and managing the disposal of the material captured from the reusable shop towel. Shop towel customers should audit the laundry supplying the reusable shop towel service. The audit should consist of a review of towel management prac-

Since disposable towels
are considered to
be a waste, they are
subject to full Resource
Conservation and
Recovery Act
(RCRA) regulation.



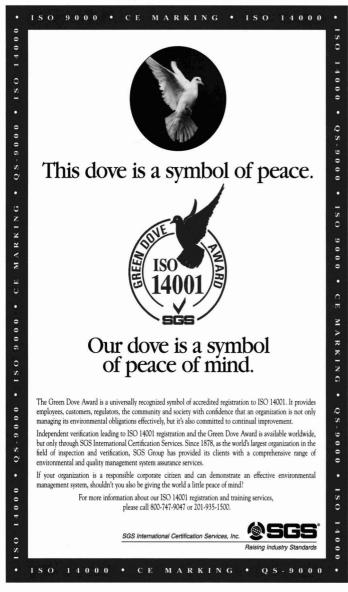
tices, compliance with applicable permits and a review of all off-site disposal facilities used by the laundry.

The laundry is responsible for supplying the customer with an inventory of wiping cloths at predetermined intervals—usually every week. Ownership of the reusable shop towels remains with the laundry. The customer rents the towels, thereby eliminating the customer's need to purchase and manage its own inventory of wiping products.

For more information on the specific reusable shop towel requirements in your region, contact your state environmental agency's solid waste management division.

D. J. Smith, MS, is the corporate environmental engineer for Coyne Textile Services, Syracuse, N.Y.

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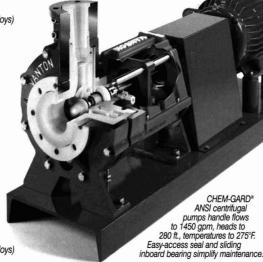
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COMPANY		PRODUCT NAME	DESCRIPTION
Chemical Lime Co. P.O. Box 985004, Fort Worth, TX 76185 (817) 732-8164 Circle 105 on card.		Quicklime calcium oxide	Lime and lime-based products for water, wastewater, remediation, neutralization and flue gas desulfurization.
Martin Marietta Magnesia Spe P.O. Box 15470, Baltimore, MD 21220-0470 (800) 648-7400 Circle 106 on card.		Magnesium Oxide Slurry FloMag® H FloMag HUS MagneClear® 58	Suspensions of magnesium hydroxide solids in water at approximately a 60 percent solids concentration. A non-hazardous, non-corrosive chemical.
Nalco Chemical Co. One Nalco Center, Naperville, IL 60563		NALMET®	Metals removal program designed to improve environmental performance by keeping your facility in compliance while conserving and recovering previous resources.
Circle 107 on card.		ULTIMER®	Patented water continuous, oil-free dispersion polymers for raw water clarification and oil water separation and sludge dewatering in all industries.
Osprey Biotechnics Inc. 2530 Trailmate Dr., Sarasota, FL 34243	ا المستعمل المستعمل	MUNOX® PW-N	Patented, environmentally friendly wastewater inoculants for improved biological removal of ammonia, nitrite and nitrate from poultry wastewater treatment plants.
(800) 553-7785 Circle 108 on card.		MUNOX® PW-S	Patented, environmentally friendly wastewater inoculants for improved biological removal of oil and grease, excessive BOD/COD from poultry wastewater treatment plants.
		MUNOX® XL Plus-DN	Patented, environmentally friendly wastewater inoculants for improved biological removal of ammonia, nitrite and nitrate of industrial and municipal wastewater treatment plants and contaminated groundwater.
		MUNOX® XL Plus-I	Patented, environmentally friendly wastewater inoculants for improved biological removal of fats, oil or grease, petroleum hydrocarbons and chemical solvents from industrial and municipal wastewater treatment plants.
		MUNOX® XL Plus-6	Patented, environmentally friendly inoculants for improved biological removal of dry-cleaning solvents from industrial wastewater treatment plants.
Probiotic Solutions 201 S. Roosevelt Ave., Chandler, AZ 85226 (602) 961-1220 Circle 109 on card.		Bio Energizer	Converts solids to carbon dioxide, increases dissolved oxygen levels, lowers BOD and COD levels and reduces offensive odors. Designed for sludge reduction in industrial and municipal wastewater treatment plants and lagoons.
Sybron Chemicals Biochemical Division P.O. Box 66, Birmingham, NJ 08011 (800) 678-0020 Circle 110 on card.		BI-CHEM® 1000 Series BI-CHEM 2000 Series	Bacterial products for wastewater applications.
U.S. Filter/Davis Process 2650 Tallevast Rd., Sarasota, FL 34243		Bioxide®, Bioxide-AQ™	Solution for natural, biochemical control of hydrogen sulfide and other sulfur compounds in wastewater.
(800) 345-3982 Circle 111 on card.		Hydrogen Peroxide	Oxidizer for control of sulfides and other odorous compounds in wastewater.
encie i i i on caru.		Odophos®	Iron salt solution for control of hydrogen sulfide in wastewater.

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		Also available in drums and	and alkalinity levels when magnesium hydroxide slurry is utilized as the alkaline reagent.
		totes through repackaging.	
	77 - 9-		
•		Drums, porta-feeds or bulk	Achieves ppb levels and total metals management with product, automated feed and sludge management. Removes
	To Freed		soluble mixed metals and chelated metals.
•		Drums, porta-feeds or bulk	No VOCs and lower BOD than oil containing polymers.
•		2.5-gallon container or	Specially formulated for ammonia+organic nitrogen (TKN) removal from poultry waste. Effective in reducing
		55-gallon drums	nitrite/nitrate toxicity problems.
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•		2.5-gallon container or	Consistent ammonia removal even under cold weather. Reduced nitrite/nitrate toxicity problems. Fast cleanup of
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•		Bulk or totes	a a sur
•		Bulk	Manufactured product; quality control.

Reaching a ceasefire

Alternative dispute resolution is increasingly being used to settle environmental disputes

By Jamie McLeroy, JD, and Howard S. Seitzman, JD

"The worst quarrels only arise when both sides are equally in the right and in the wrong."—Winston Churchill

Churchill was no stranger to controversy and though he didn't know it at the time, he was giving an apt description of a modern-day environmental dispute. Often, everyone in these cases is right about what the problem is: a mess threatens the environment. But there is so much to disagree about, "Who caused it, how do we fix it, and at what cost?" Such details can take years and millions of dollars to resolve. This is why litigants are increasingly using mediation to resolve these cases.

This article is the first in a series that discusses the use of alternative dispute resolution (ADR) in environmental disputes. Part I of the series focuses on mediation and explains some of the ways that technical experts, such as chemists, engineers and geologists, may be useful in the process. Later articles will address more specific aspects of dispute resolution in the environmental field.

Why mediate?

Mediation is a form of ADR that is being used increasingly by parties as a way out of traditional litigation. In litigation, the parties submit their disputes to a judge or jury. Most cases eventually settle, but the negotiations are controlled by the lawyers, who are aggressive advocates for their clients. Traditional litigation is a lengthy and costly process that angers and frustrates many clients who often do not achieve the results they want in or out of court.

Mediation is a method of bringing the participants in a lawsuit together for intensive sessions where settlement discussions can take place in a setting that is less formal and adversarial. Generally, the parties have more input and are able to solve problems in a way that a judge or jury cannot. Although it is hard to gauge the true rate of settlement in mediated cases, most studies report very high rates of satisfaction by participants in the process. Most lawyers now recognize the effectiveness of

mediation and are incorporating it into their practices. Judges love the effect on their case loads, and in many large cities, such as Dallas, mediation is mandatory in most complex cases.

Role of mediator

Mediation is an informal settlement conference that is presided over by a neutral third party who facilitates communication between the parties. The role of the mediator differs from that of a judge or arbitrator in one crucial way: the mediator has no power to make a ruling that affects the

Environmental
professionals will no
doubt have a greater
future role as
consulting expert
witnesses and as
technical neutrals in
the preliminary
stage of preparing for
a mediation, and in
the long-term
administration of
complex settlements.

case. Mediators are usually experienced trial lawyers who are skilled in the art of negotiation and trained in the special techniques of mediation.

Sometimes, two mediators work together on the same case. This is called comediation, and it works especially well when there are multiple parties demanding the mediators' time. It is ideal when the co-mediators have backgrounds that are complementary; for example, one may have a lot of courtroom experience and another may have a science background.

Role of technical expert

Clients retain technical experts, whether in-house or outside consultants, to objectively analyze the status of a site or to evaluate a situation and to assist the client in devising a set of possible solutions. Technical experts are knowlegeable about such issues as the nature and extent of the contamination, migration pathways, cleanup levels, risk reduction standards and remedy options. While experts retained by clients are not generally perceived as neutral, their knowledge can provide invaluable assistance resolving disputes if they are actively included in the mediation process. For example, parties frequently disagree on the cost of remediation because they do not agree on the type and extent of the remedy. A mediator-controlled discussion between technical experts allows the parties to devise a realistic range of expected costs. Narrow the expected cost range and the parties can re-evaluate settlement options.

This "north to south and east to west" technical evaluation approach has proven successful at mediation involving a wide variety of constituents including petroleum products, metals, solvents, herbicides and pesticides. In one mediation, this process allowed the parties to reach a satisfactory resolution in part because one party's very able expert was able to evaluate the other party's future business plan and existing physical plant design and assist that party in restructuring both during the mediation process. In another successful mediation, after meeting, the experts jointly approached the regulatory agency, obtained feedback on several matters and further refined the remedy cost estimate.

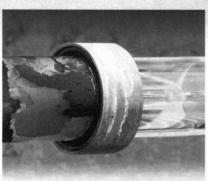
Role of technical neutral

In environmental cases, the parties also may rely on the services of a "technical neutral." This is a person employed by both sides, loyal to none, who provides assistance in identifying the nature of the problem and the possible remedies and their costs.

Another role for a technical neutral is to act as a decision maker on technical matters entrusted to the technical neutral by the parties. In one case involving allegations of toxic torts and property value diminution, the parties agreed as a critical component of

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the settlement to jointly select a technical neutral to evaluate the known data concerning the site and to determine what, if any, additional data was required to determine whether the site's closure plan components were operating and effective. While the technical neutral's authority was broad, it was limited by the parameters agreed upon by the parties, and disputes involving the technical neutral's decisions were subject to an expedited, binding arbitration process.

Confidentiality of proceeding

One of the hallmarks of mediation is the strict confidentiality of the proceedings. In litigation, information disclosed in pre-trial hearings and in the discovery process in depositions and written interrogatories is normally part of the public record. Information exchanged between the parties in mediation, however, is private. The participants cannot be subpoenaed to give testimony about anything that happened in the mediation. Settlement offers cannot be used as admissions against any side in court.

The mediator holds separate meetings with the parties in which they share information they do not want to reveal to the other side. This allows each party to feel comfortable engaging in a frank talk with the mediators about the weaknesses of its own position. The mediator uses this sensitive information to help each side evaluate the actual risk of not reaching a settlement.

Alternative remedies

The confidential setting and the informal nature of the mediation proceeding allow the parties to let their hair down in a way that lawyer-driven negotiations do not. A skillful mediator leads the parties in brainstorming sessions about settlement possibilities. She may act as a sounding board for settlement proposals and may offer suggestions of her own.

One of the beauties of a mediated settlement is that the parties have the power to agree on a host of remedies that a court cannot impose. This gives the mediator great latitude in helping the parties solve the underlying problem that led to the dispute. A good mediator spends a lot of time getting the parties to focus on their mutual interests. She also encourages disputing parties to recognize what they really need to get the deal done, as opposed to unrealistic demands, in order to get them moving past entrenched positions.

An example of allowing both parties to achieve a positive result is one penalty enforcement case brought by a regulatory agency. A number of first impression legal issues separated the parties and the two were facing a 3-week trial. By listening carefully to the parties and floating various

How would you solve this problem?

The owner of a parcel of land, Company A, leased the property over a long period of time to a reclaimer of batteries and metals. The site is located in a major metropolitan area and is adjacent to a river that serves as a source of drinking water. Metals, including lead, acids and solvents, are present in the soil and the shallow groundwater. There is no evidence that the constituents have migrated to the river or its alluvium.

Company A, a highly regulated utility, has sued the reclamation company and some 25 companies that shipped materials to the site for reclaiming. The 25 companies can be categorized as automotive parts manufacturers, technology companies and other manufacturers engaged in highly competitive and relatively unregulated business lines.

Assume the 25 companies have set aside their internal disputes regarding allocation and are working collectively to minimize the sum they will pay as a group to partially the ultimate remedy. It becomes apparent to the mediator that despite the good faith efforts of Company A and the 25 companies, the settlement negotiations are stalling because the risk analysis and risk tolerance of the two sides varies greatly. Company A is risk adverse and demands a significant monetary premium for accepting the risk that the remedy might come in over cost. Company A does not trust the remedy cost estimate provided by the group of 25 and likes to exercise a high degree of control in projects. Conversely, the group of 25 believes that Company A's remedy estimate is inflated because of the large contingency amounts Company A has allotted for unknowns and cost overruns. They also doubt that Company A can effectively manage a remediation project and that Company A will overengineer the project, resulting in inflated costs. They will not pay a large premium to shift the risk of cost overruns. All parties generally agree on the need to remediate the site and of the general nature of the remedy components.

You have been retained to assist the mediator on technical issues. As the technical neutral, your task now is to bring the risk evaluation and risk valuation differences to the attention of the parties and to offer possible solutions to the parties for their consideration. How will you accomplish your task and what solutions will you offer? Forward your responses to aneville@cmpu.net.

Information resource

EPA lists its Alternate Dispute Resolution Fact Sheet on its web site at http://es.epa.gov/oeca/osre/950500-2.html.

settlement options, the mediator assisted the parties in structuring a settlement that allowed the regulatory agency to send a message to other similarly situated manufacturers. The parties finally resolved all matters associated with this particular operation at a cost and over a time period that facilitated the company's ongoing manufacturing operations. Although the dispute between the parties had largely focused on their differing interpretations of the law and the facts surrounding the specific operation, the settlement focused on pragmatic goals.

The hearing was scheduled to take 3 weeks, and there was the threat of a lengthy appeal. But the case was fully settled in mediation in 2 days. Why? Because the mediator got the parties to shift the focus from who was liable for what in the past to what it would take to solve the problem both parties helped create. The administrative law judge had the power to impose some of the fines—possibly more than the state settled for—but the judge could not have ordered the defendants to cooperate in such a way.

Dealing with difficult people

Mediators are experts in dealing with difficult people under pressure—and we're not just talking about lawyers. Personality conflicts often get in the way of effective negotiating. By talking with the parties and their lawyers and observing their negotiating styles, the mediator can usually identify the obstacles to communication and help people work around them. Sometimes he must address tense relations between attorneys and their own clients.

A mediator uses various techniques to defuse personal conflict. He tries from the get-go to establish a rapport with the key players in the negotiations so they trust the mediators even if they do not trust each other. He counsels each side about the best strategy to use in negotiating with the blockhead on the other side. He separates parties when necessary, and carries messages back and forth, acting like a human shield when the parties vent their anger about their adversaries. An experienced mediator can stand toe-to-toe with someone with a bulldozer personality whose tactics may jeopardize the success of the negotiations.

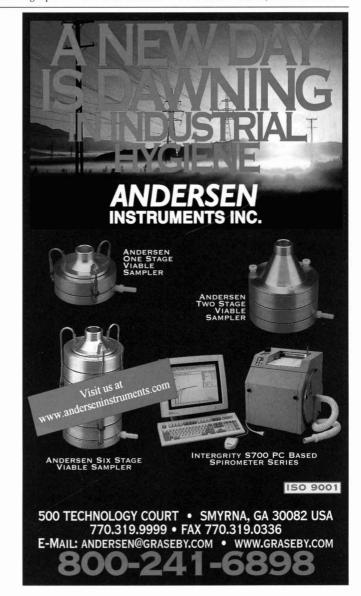
Corporations also have personalities that influence the negotiations. A big company with layers of bureaucracy makes decisions differently than a mom-and-pop business. In the environmental field, some businesses operate in highly regulated areas and are more risk-adverse. They make decisions in a way that may confound a company with an unfettered entrepreneurial spirit. Mediators that appreciate these differences can help one company understand the world view of the other and come to terms with what the other side needs in order to compromise.

Conclusion

Mediation is more popular than ever as a tool to resolve environmental conflicts in every arena. Environmental professionals will no doubt have a greater role in the future as consulting expert witnesses and as technical neutrals in the preliminary stage of preparing for a mediation, and in the long-term administration of complex settlements.

Jamie McLeroy, an attorney-mediator practicing for 17 years in Austin, Texas, is the author of several publications advising businesses on various legal topics including Business Insurance Guide: How to Purchase the Best and Most Affordable Coverage, published by Summers Press, Ft. Worth, Texas. Howard S. Seitzman is an attorney-mediator and arbitrator in Austin, Texas, who specializes in the practice of environmental and administrative law.

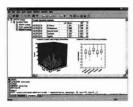
For more information, circle 112 on card.



October 1998 Circle 60 on card. 53

Compiled by Kristie L. Guillotte and Ingrid Truemper

Software



SYSTAT 8.0 is the latest version of statistics and graphics software. New features include additional spatial statistics, a revamped user interface, an output organizer, a data editor, more graph editing, 32-bit architecture and more. SPSS Inc. Circle 120 on card.

Disposable filters

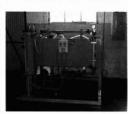


In-line disposable filters are designed for the preparation of groundwater samples for dissolved metals analysis. The highcapacity filters give 700 cm2 of effective filtration area using a 0.45µm membrane. They fit %inch-by-1/2-inch tubing and barbs adapt to 1/2-inch-by-1/8-inch tubing. Solinst Canada Ltd. Circle 121 on card.

Chlorophyll a standards

Turner Designs Inc. now offers solid secondary standards for use in the fluorometric analysis of extracted chlorophyll a. These standards provide the user with quick and affordable means to assess instrument drift or to recalibrate the instrument. They are not temperature sensitive or photosensitive. Turner Designs. Circle 122 on card.

Wastewater treatment



The RFS OBTEK machine is designed to treat many different types of wastewater generated by various industries. It is easy to operate and requires very little maintenance. Simply fill the process tank with wastewater and turn the machine on. Immediately. clean water than can be reused or discharged is produced. Redondo Filtration Systems. Circle 123 on card.

Drive unit

The Model DHL-60-20-2 drive unit includes a high-capacity, precision-bearing integral with a

End connectors

Metal union end connectors that work with Eslon PVC and Corzan™ CPVC unions can be used with all Eslon unions as well as Esloclean™ unions and ball valves, to make transitions between metallic and thermoplastic or dissimilar plastic piping systems. Eslon Thermoblastics. Circle 124 on card.



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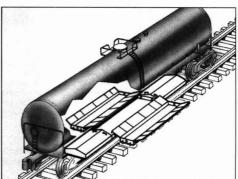
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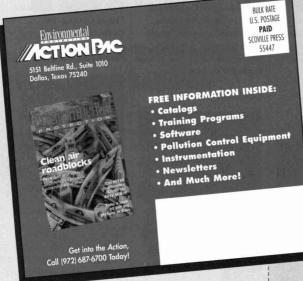
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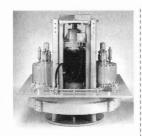
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Oil skimmers



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Oil remediation products brochure



Mother™ Oil Remediation Products is a four-page color brochure listing patented chemistry that will instantly render oils hydrophobic and viscoelastic. Oil bonds to the products instantly, preventing sinking, emulsification, weathering and sheen and tarball formation. Mother Oil. Circle 127 on card.

Coatings



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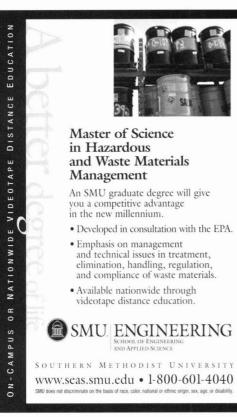
according to the manufacturer. This improved, spray-applied product line allows contractors to quickly protect steel or iron process equipment with a highbuild, elastomeric membrane.

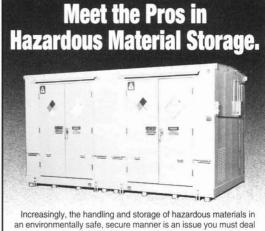
Futura Coatings Inc. Circle 128 on card.

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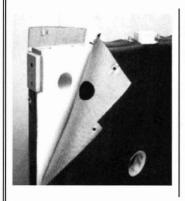
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Filter element



JET Pleat™ is a multi-pleated filter element designed for the Wheelabrator family of pulse jet collectors. It can enhance the performance of existing pulse jet dust collectors, allowing greater gas flow and more than four times the surface filtration area of standard bags. Wheelabrator Air Pollution Control Inc.

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CO tester



The ECOM-EM CO tester is a small, handheld unit designed to meet the MSHA regulation requiring testing of CO emissions from diesel engines used in underground coal mines. Features include CO measurement to 4,000 ppm, exhaust and vacuum pressure testing, internal pump, backlit LCD display and more. ECOM America Ltd. Circle 132 on card.

Water conservation project

New Logic International Inc. installed their VSEP® system at Hospital Central Services Association in Seattle. The system will be used for wastewater treatment and water recycling at this laundry facility. The system is able to recycle up to 80 percent of the water used. New Logic International Circle 133 on card.

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The Super Probe is designed with standard components plus a 2-inch outer sheath. The sheath is designed for efficient replacement of pitot, stack thermocouple and probe liners. Geometric calibration of pitot is included. Wind tunnel calibration is available upon request. Andersen Instruments Inc. Circle 136 on card.

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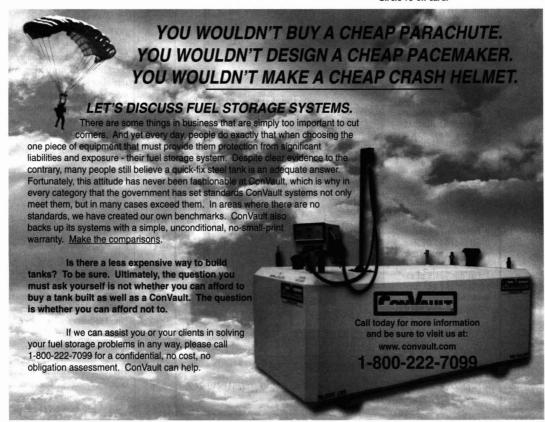
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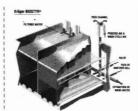
Refractometer



The Model REFRAC DS refractometer includes continuous measurement that is temperature-compensated and a supersensitive light detector that boosts resolution. It is free of signal drift, and not affected by color, turbidity, clouding, suspended solids or flow rate. Rosemount Analytical. Circle 138 on card.

Filtration process

The BIOSTYR® process provides tertiary treatment in less than 15 percent of the space required by conventional processes, according to the manufacturer. It pro-



vides solids removal to less than 15 milligrams per liter without clarifiers. It combines a biological reactor to degrade pollution and a phase separator to remove the matter transformed by the purification. **Krüger**. **Circle 139 on card.**

Alarm accessory



Gas Tech's new vibrating alarm accessory is designed for use with the 95 Series personal portable instrument. It has an integral clip that fits on a belt or shirt pocket. The vibrating alarm is lightweight and the size of a pager. It is powered by two AA alkaline batteries. Gas Tech Inc. Circle 140 on card.

Water quality checker



The Model U-10 water quality checker measures pH, temperature, dissolved oxygen, conductivity and more. Twenty samples of data on six parameters can be stored in memory for recall, display and printout. User can select either a 2- or 10-meter interconnection cable between the electronics and the sensors. Horiba.

Sewer pipe

H₂SewerSafe™, a new line of sewer pipe and fittings, is designed for use in corrosive areas of the wastewater infrastructure. It features a fused calcium aluminate mortar lining called SewperCoat® that has exceptional resistance to hydrogen sulfide gas. Griffin Pipe Products Co.

Circle 137 on card. Turbidimeter

The Micro 100 laboratory turbidimeter meets performance criteria specified by U.S. EPA method 180.1 for NTU mea-

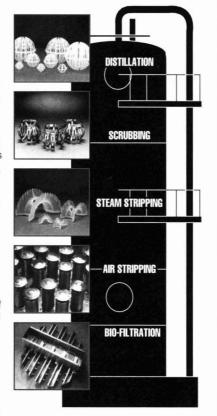
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surement, and will accurately measure turbidity from 0 to 1,000 NTU and display the results to a resolution of 0.01. It features a simple menu structure, an RS-232 serial port and more. HF Scientific Inc. Circle 142 on card.

Phase monitor



The Model 2581 three-phase monitor protects any three-phase motor from loss of phase, low voltage and phase reversal. The voltage and phase-angle sensing circuit allows lost phases to be detected on a loaded motor, even when regenerated voltage is present. Time Mark Corp. Circle 143 on card.

Gas detector



The PhD Plus confined space gas detector measures oxygen, combustible gas and up to two additional toxic gases. It is housed in a rugged, compact case designed for demanding environments. Snap-in NiCad or alkaline battery packs provide up to 12 hours continuous operation. Biosystems Inc.

Circle 144 on card.

Draft cooling tower



Delta's newest draft cooling tower expands seamless corrosion proof plastic towers to larger capacities. The tower is available in seven different models, which range from the capability to handle 250 cooling tons to 500 cooling tons. The towers are designed to handle everything from routine applications to extremely corrosive. Delta Cooling Towers Inc. Circle 145 on card.

Oil skimmer

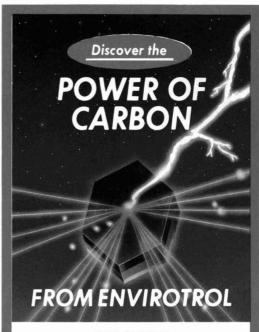


The Multi-Belt Oil Grabber can reduce oil content to less than 5 ppm in water. It saves coolants by removing tramp oil and conserves parts wash water by removing oily contamination. It can be used in tanks with depths as shallow as 1 foot or as deep as 100 feet. Abanaki Corp. Circle 146 on card.

Hydrocarbon analyzer



The Model 55C hydrocarbon analyzer is designed to measure directly both methane and non-



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methane hydrocarbons. Its back-flushed gas chromatography system allows reliable measurements of non-methane hydrocarbons at sub-ppm concentrations. The Model 55Cs menu-driven software allows users to establish operating parameters and to control calibration and measurements. Thermo Environmental Instruments Inc.

Circle 147 on card.

Mixing system



The JetMix™ Vortex Mixing System is engineered to take advantage of a tank's natural hydraulic characteristics to achieve optimum mixing of solids. It is capable of operation on an as-needed basis due to its ability to quickly

and completely resuspend solids.

Liquid Dynamics Corp.

Circle 148 on card.

VOC monitor



The new 301-A VOC monitor is ideal for monitoring hazardous air pollutants at the fenceline or in the process. When it is coupled with the new Model 650 sparging system, ppb levels of a variety of VOCs in water can be measured. This instrument is capable of performing spot-checking for waste treatment, municipal treatment and industrial effluents. HNU

Systems Inc.

Circle 149 on card.

Grinder maintenance



The new top stack tightening feature on the Muffin Monster grinder allows maintenance to be taken care of in three steps—remove the back plate, tighten the cutter stack and reattach the plate. This feature allows users to perform stack tightening within minutes and the unit does not have to be removed from its channel.

JWC Environmental.

Circle 150 on card.

Mini gas conditioner



The new mini gas conditioner is designed to be used with Testo's entire product line of combustion flue gas analyzers. It is an active moisture removal system that increases accuracy and protects the analyzer. The mini-gas conditioner is ideal for low range measurements, cooling the sample gas, long-term measurements and high moisture gas streams. Testo Inc.

Circle 151 on card.

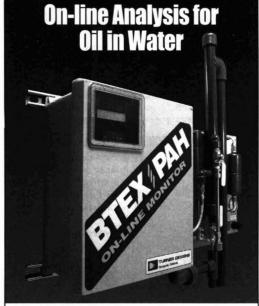
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Circle 152 on card.



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Land Combustion. Circle 153 on card.

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Circle 79 on card. 65 October 1998 Circle 78 on card.



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Thermal oxidizer



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Circle 155 on card.

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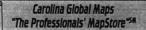
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