

The Standard

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Bald Eagle And Other Birds Of Prey Were Special Guests



Environmental Standards, Inc. Hosts 20th Anniversary Celebration

November 7, 2007, marked the 20th Anniversary of Environmental Standards, Inc. The company celebrated with an open house on November 8th at its Valley Forge headquarters that included employees, clients, and associates from around the country. The afternoon featured a live birds of prey educational exhibit, colorful decorations, two decades of photo collages, and tasty food. The festive setting made the perfect backdrop for lots of detailed reminiscing and sentimental tributes.



20th Anniversary Open House

Thursday, November 8, 2007
3 p.m. to 6 p.m.

Please join us for cocktails, hors d'oeuvres, and an educational program showcasing birds of prey from the Great Valley Nature Center.

Kindly RSVP by Thursday, October 25, 2007
Abby Wilson | awilson@envstd.com | 610-935-5577

Environmental Standards, Inc.
1140 Valley Forge Road
P.O. Box 810
Valley Forge, PA 19482
Please visit www.envstd.com/contact for directions.

Discussion among the Executive Committee and the in-house event organizers helped to create this celebration. Originally planned as an internal party, the open house was expanded to include friends and clients. The American Bald Eagle/ birds of prey theme naturally emerged from the company's familiarity with the environmental issues that affect the birds' habitats and the bald eagle's removal from

the Endangered Species List. In addition, a pair of nesting bald eagles behind our Valley Forge headquarters, whose nesting was chronicled in many past issues of The Standard, developed quite a following among employees and clients - bringing these types of birds in for a closer look seemed an obvious choice.

Before the official start of the open house, employees, including those from the Charlottesville, Virginia, office, assembled in the lobby. Speaking first, Kevin Renninger, Director of Business Development, gave a "time-capsule" discussion of the social changes, technological advancements, and economic developments in the last 20 years. He used props to set the scene, including a Michael Jackson album, a college tee shirt, and a bottle of aged scotch; he also named an employee who at 27 is the same age as Company Founder Rock Vitale was when he started the company. Kevin also asked everyone to imagine what it was like for Rock to quit his steady job to work for himself.

Next up was Chief Executive Officer Rock Vitale, who presented a brief company

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Environmental Standards Hosts 20th Anniversary Celebration

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history, named some prestigious loyal clients, and shared some personal thoughts about his partners. He then recognized the important efforts of employees and cited some interesting facts about their tenure; six have fifteen years, ten have ten years, thirteen have five years, and six have more than three years.

After that, company President and Principal David Blye called Rock to the front and emotionally talked about their first meeting and the subsequent development of a business relationship that is now a friendship. Many of those present were teary-eyed when David presented Rock with a special gift and proposed a champagne toast to Rock and the company he founded. David urged everyone to enjoy the cocktails and hors d'oeuvres and visit the bird exhibits and photo and video displays.

The star attraction, Colonel Morgan, an American Bald Eagle, (named after Bob Morgan, the pilot of the famous World War II Bomber Memphis Bell), patiently sat in his perching area in a roped off part of the lobby while the guests "oohed and aahed." Tom Nelson and Hope Anwyll of the Pennsylvania Raptor and Wildlife Association gave a brief discussion about the relationship between humans and wildlife, and stressed the importance of preserving natural habitats. They talked about the birth and

development of Colonel Morgan. The Colonel's parents had been rescued by the nonprofit organization, located in Mt. Bethel, Pennsylvania, and it was considered highly unlikely that they could mate. Nonetheless, the Colonel hatched



Employees and guests from Pennsylvania and seven other states gathered at Environmental Standards' headquarters to celebrate the company's 20th anniversary. Below: Geoscientist Jim Arthur stands with his Mercedes-Benz that has been converted to run on biodiesel.



reward comes from assisting clients on a daily basis. We are all looking forward to the next 20 years."

weighing several ounces and he became a nine-pound wonder of nature. In spite of some very anxious times early in his development, the Colonel survived and now helps to educate children and adults about the consequences of environmental damage to the natural habitats of raptors.

Jeremy Leaidicker of the Great Valley Nature Center in DeVault, Pennsylvania, brought local species of owls, hawks, and falcons and talked about their exceptional qualities such as vision, hearing and hunting abilities. Some visitors were allowed to handle one of the small owls.

Another hit of the day was Geoscientist Jim Arthur's biodiesel car, which was parked right outside the front door. The car, a 1983 Mercedes-Benz, runs on waste vegetable oil that Jim purchases locally.

According to Chief Operating Officer and Principal, Gerry Kirkpatrick, "While it is exciting to celebrate the last 20 years, the true

Pennsylvania Short List Of Petroleum Products Expanded

The Pennsylvania Department of Environmental Protection (PA DEP) proposed the addition of several regulated compounds to the Short List of Petroleum Products in August 2007. The Short List is contained on Table IV-9 of the Pennsylvania Land Recycling Technical Guidance Manual, which identifies the chemicals that must be tested for in order to demonstrate attainment under the Act 2 standards when there is a release of petroleum products. Specifically, PA DEP proposed the following additions:

- Add 1,3,4-trimethyl benzene and 1,3,5-trimethyl benzene to the leaded gasoline, aviation gasoline, and jet fuel category; the unleaded gasoline category; the kerosene and fuel oil No. 1 category; the diesel fuel and fuel oil No. 2 category; and the mineral insulating oil category.
- Add MTBE to the kerosene and fuel oil No. 1 category and the diesel fuel and fuel oil No. 2 category.

Public comments were accepted until September 4, 2007.

Not Too Late To Schedule A Laboratory Audit

On-site audits of commercial environmental laboratory facilities that generate project data are a critical component of the corporate environmental laboratory programs of many of our clients. These clients realize the importance of identifying and addressing laboratory issues that may adversely impact the quality of their data. An audit can actually "pay for itself" in terms of reducing costly resampling/reextraction/reanalysis scenarios. Our experienced laboratory auditing staff conducted 60 audits on behalf of 28 clients in 19 states during the first three quarters of 2007; many of these audits were sponsored by multiple entities. For information about facilities scheduled for audits in November and December and cost-sharing opportunities, contact Technical Director of Chemistry Rock J. Vitale, CEAC, CPC, at 610-935-5577.

Report Documents Coal Ash Contamination In Pennsylvania Groundwater

The Clean Air Task Force (CATF) and Earthjustice, non-profit public interest organizations, recently issued the results of a multiple-year study that investigated groundwater contamination in Pennsylvania resulting from the disposal of coal ash in mines. It is estimated that Pennsylvania annually generates over 9 million tons of coal combustion waste. The August 2007 report titled "Impacts on Water Quality from Placement of Coal Combustion Waste in Pennsylvania Coal Mines" concluded that levels of pollutants, such as arsenic, lead, cadmium, and selenium, above safe standards were found in 10 of the 15 mines included in the investigation.

The study questions the effectiveness of the Pennsylvania Department of Environmental Protection's (PA DEP's) Coal Ash Beneficial Use Program, which encourages placing coal combustion waste (CCW) in active and abandoned mines (approximately 120 permitted CCW minefills in the state). In fact, the report indicates that this practice is dangerous and poses serious environmental and human health concerns. According to Robert Gadinski, a professional geologist retired from PA DEP and report contributing author, "I have sampled mine pools under waste sites in eastern Pennsylvania for more than 20 years and am extremely concerned about high levels of lead and cadmium in mine pools underneath mines where coal ash has been placed."

The CATF study presents 13 recommendations to improve the PA DEP Coal Ash Beneficial Use Program – short-term and long-term monitoring, initiating enforceable cleanup standards, establishing measures to prevent coal ash from entering groundwater, and requiring entities that generated the industrial waste to pay for any resultant environmental cleanup are among the recommendations. The complete report is available at www.catf.us/goto/paminefill. For more information about this issue and its potential impacts, contact Principal Geoscientist Gerry Kirkpatrick at 610-935-5577.



Environmental Standards Listed In Inaugural Inc. 5000 List

Environmental Standards was ranked No. 4,316 in the inaugural Inc. 5000 List of the Fastest-Growing Private Companies in the United States. The list, based on percentage of revenue growth from 2003 through 2006, was published on August 23, 2007, by Inc.com and signifies the expanding power of the entrepreneurial economy. To qualify, companies must have been founded and generating revenue by the first week of 2003 (*i.e.*, able to show four full calendar years of sales). Eligible companies had to be US-based, privately held, and independent – not subsidiaries or divisions of other companies – as of December 31, 2006. (Since then, a number of companies on the list have gone public or been acquired.) Revenue in 2003 must have been at least \$200,000, and revenue in 2006 must have been at least \$2 million. Additionally, Environmental Standards was ranked No. 71 in the Top Companies in Environmental Services on the Inc. 5000 list.

Inc.com compiled some interesting statistics about the 5,000 List CEOs, their companies, and their strategies.

The CEOs

- 85% were born in the United States.
- 80.8% have an associate's degree or higher.
- 62% have an exit plan.
- 52.2% identified their political affiliation as Republican, 22.2% as Independent, 17.1% as Democrat, and 2.2% as Libertarian.
- 43.5% indicated that the challenge of building a business was their most important motivation for starting a business.
- 38% have parents who owned and operated a business.
- 7.6% were compensated \$1 million or more for 2006. Those who earned \$100,000 to \$249,000 represented the majority at 43%.

The Companies

- 81.6% indicated that their start-up capital was self-financed.
- 44% were founded by a single individual.
- 31% are family owned.

- 30% have large companies as their primary customer.
- 28.6% are classified as part of the Business Services industry; only 3.5% are in Energy/Environment.
- 12.1% are based in the Mid-Atlantic Region (Pennsylvania, Delaware, Maryland, Virginia, and West Virginia).

The Strategies

- 95.2% offer their employees health insurance benefits.
- 72.6% of the 62% of CEOs who have an exit plan indicated that their number one option is to sell the company to a private buyer; 28.2% intend to go public; 22.3% intend to transfer ownership to employees via an ESOP; and 15.3% will leave the company in part or in total to partners.
- 71.2% plan to expand in the next 12 months via new markets for existing products.
- 67% contend that good employees are the most important factor in the company's success.
- 48.7% define the competition in their industry as "stiff."
- 37% sell their products or services using the Internet.

Environmental Standards recognizes that the hard work of our professionals and the loyalty of our clients made this achievement possible.

Laboratory News

On September 7, 2007, e-Lab Analytical, Inc. announced that its two-laboratory company had reached an agreement to join ALS Laboratory Group, North America. ALS is based in Vancouver, British Columbia, Canada. The e-Lab laboratory facilities in Houston, Texas, and Holland, Michigan, and the service centers in Chicago, Illinois; Valparaiso, Indiana; and Detroit, Michigan, are now part of the ALS international network of 32 environmental laboratories.

State Regulatory Update

California – New regulations that establish a 6 part per billion standard for perchlorate in drinking water became effective on October 19, 2007. Perchlorate, which is both naturally occurring and manmade, is a primary component of rocket propellant. California is the second state to set a drinking water standard for perchlorate. (Massachusetts established a stricter 2 part per billion standard in July 2006.)

Governor Arnold Schwarzenegger signed legislation in October 2007 to regulate vapor intrusion of volatile organic compounds at Superfund sites. The legislation requires health and environmental risk assessments for reuse of contaminated property to determine “reasonable maximum estimates” of exposure to volatile organic compounds that may enter on-site structures.

Florida – The Florida Department of Environmental Protection proposed enhanced data validation requirements and issued guidance on implementation of the Method Update Rule (MUR) on August 17, 2007. A synopsis of the proposed requirements is provided below.

- **Qualified Data** - A detailed explanation must be provided when data are qualified as estimated (flagged “J”); emphasis on validation by qualified chemists.
- **Data Rejection** - Data that cannot be verified or validated will be rejected; emphasizes the absolute need for data users to obtain and store hardcopy or electronic versions (images) of data packages. (Refer to “Maintaining An Accurate Project Database” in the Fall 2006 Edition of *The Standard* for a project disaster caused by the lack of validated data.)
- **Electronic Signatures** - Documented procedures required for electronic signatures for field samplers and laboratory personnel to ensure security, integrity, confidentiality, uniqueness, and “auditability” of the organization using the electronic signatures.
- **Relative to the MUR**, Florida-accredited laboratories must obtain certification for the replacement methods within six months of the effective date of the rule. (Refer to the 2007 Spring and Summer Editions of *The Standard* for information about the MUR.)

New Jersey – On September 24, 2007, the New Jersey Department of Environmental Protection (NJ DEP) announced its intent to take enforcement actions against approximately 950 responsible parties that have failed to meet contaminated site monitoring requirements. These parties have failed to monitor and report on the condition of caps, areas of groundwater contamination, and status of deed notices. The NJ DEP posted an enforcement alert notifying responsible parties on the Department’s website (<http://www.nj.gov/dep/enforcement/advisories-sr.htm>). Notices of Violation with fines of up to \$8,000 per day of non-compliance may be issued.

NJ DEP also announced in September that the Site Remediation Program (SRP) will not accept Method 418.1 data generated from the analysis of all matrices sampled after September 30, 2007, even if Method 418.1 is cited in an approved sampling plan. Acceptable alternative methods for the analysis of samples for petroleum products are the Diesel Range Organics (DRO) option under US EPA SW-846 Method 8015B and the NJ DEP Method OQA-QAM-025, Rev.6.

Texas – New requirements that affect commercial laboratories doing business in Texas will take effect on July 1, 2008. These laboratories must be accredited for the matrices, methods, and analysis parameters by the Texas Commission on Environmental Quality (TCEQ) in order to submit compliance data to TCEQ. The Commission advises that a complete application, including performance testing results, should be submitted by January 1, 2008, to ensure certification by the July deadline.

Washington – The Washington State Department of Ecology has revised the Model Toxics Control Act (MTCA) Cleanup Regulation (Chapter 173-340 WAC). The revisions update the policies and procedures for establishing and evaluating compliance with cleanup levels and remediation levels for several types of chemicals – mixtures of dioxins and furans, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). Cleanup levels for these compound mixtures must be based on a cancer risk of one-in-a-million; the most current Toxic Equivalency Factors (TEFs) the World Health Organization developed in 2005 must be used for site cleanups.

European Union Chemical Regulation Takes Effect

Registration, Evaluation, and Authorisation of Chemical substances (REACH) is a comprehensive European Union chemical regulation that became effective on June 1, 2007. The provisions of this ambitious legislation are to be phased in by the 27-member nations over the next 11 years.

REACH, which replaces more than 40 individual pieces of legislation, requires industrial parties to generate health and safety data for their chemicals with a manufactured or imported volume at or above one ton and to identify measures needed to manage the risks associated



with those chemicals. Applicable entities are required to “register” (*i.e.*, provide chemical-specific health and safety data) their products in a central database. The new European Chemicals Agency (ECHA) in Helsinki, Finland, is responsible for the management of the technical, scientific, and administrative aspects of REACH and will maintain the database. ECHA has estimated that approximately 30,000 of the more than 100,000 chemical substances that are in use today will be registered in the initial phase and that 80,000 chemicals will be in the database by 2018. Exempted from the registration process are radioactive substances, non-isolated intermediates, wastes, substances under customs supervision, and substances necessary for defense interests.

Goals of the regulation are to readily identify the intrinsic properties of a chemical substance, to promote research and development and innovation, and to identify and substitute suitable alternatives for dangerous chemicals. Provisions to ensure that animal testing is kept to a minimum are also included.

REACH and its implementation will undoubtedly have significant global economic and environmental impacts. Companies in the United States will likely be affected both in terms of trade and investments. A multilingual website that provides information about the new regulation and a help desk is available at <http://echa.europa.eu>.

Detection And Quantitation Limit Draft Method Published

Articles in previous editions of *The Standard* have reported on the activities of the Federal Advisory Committee on Detection and Quantitation Approaches and Uses in Clean Water Act Programs (FACDQ), which was established in 2005 to address criticism of 40 CFR Part 136 protocols for establishing method detection limits (MDLs). More than two years after its initial meeting (June 2005), the FACDQ has published a draft of a proposed method that is believed to be a more technically defensible method for determining detection limits (DLs) and quantitation limits (QLs) for the analysis of various environmental pollutants. The draft procedure (Version 2.4, dated August 30, 2007) has not been formally adopted by the US EPA; however, this method (or a variation) may very well replace the Part 136 procedure.

The FACDQ procedure allows individual laboratories to derive an accurate estimate of routine method sensitivity for most analytical methods through the analysis of method blanks and laboratory control (spike) samples (LCSs). The procedure defines the DL as the lowest result that can be distinguished from a blank with a targeted false-positive rate of $\leq 1\%$. For the QL (with a targeted $\leq 5\%$ false-negative rate), the user is required to set the precision and accuracy limits based on the analyses of multiple samples spiked near or at the QL. These limits may be embedded in an analytical method, mandated by regulatory requirement, or internally derived. This procedure is, however, not applicable for methods in which the performance of spiked samples at increasing levels of concentration is not feasible (e.g., temperature or pH).

A basic summary of the proposed method is provided below; addressing the significant details and caveats of the method is beyond the scope of this article.

Initial Determination

The initial determination of method/analyte DLs and QLs uses historical (or current) results from at least seven method blanks. Representation of each instrument used for the method/analyte is incorporated in the procedure. If more than 50% of the method blanks give numerical results and meet applicable qualitative identification criteria for the analyte in question, a series of equations is provided to calculate the DL. If less than 50% of the method blanks give numerical results for the analyte in question, the DL is calculated using at

least seven, low-level (*viz.*, at least two-times the estimated DL and at or below the intended QL) LCS recoveries. These low-level LCS recoveries are also used to calculate the Lowest Expected Result (LER), which is then compared to the DL. Based on that comparison, if an analyte LER is less than the analyte DL, then the QL for that analyte is calculated using a series of equations provided.

On-Going Verification

At least every 12 months, method/analyte DLs and QLs must be reevaluated using all methods blanks and low-level LCSs performed during the previous 12-month timeframe. As with the initial determination, representation of each instrument used for the method/analyte is incorporated in the procedure. The following separate checks must be performed for the on-going verification

- Blank Check - If $\geq 5\%$ of the method blanks have results greater than or equal to the previously calculated DL, the DL is raised using a decision tree in the procedure.
- Qualitative Identification Check - If $\geq 5\%$ of any given analyte does not meet the qualitative identification criteria in the low-level LCSs (one-half to twice the QL), the QL (and the spiking level) is raised to the point at which analyte qualitative identification criteria can be met.

- Lowest Expected Result Check - The low-level LCS recoveries generated over the 12-month period are used to calculate the Lowest Expected Result (LER) for each analyte; the LER is then compared to the DL for the analyte. Based on that comparison, if the analyte LER is less than the analyte DL, then the QL for that analyte is calculated using the equations provided in the initial demonstration section.
- Precision and Accuracy Check - The mean and standard deviations of an analyte are calculated from the low-level LCSs analyzed over the 12-month period. If the results are not within the previously established precision and accuracy limits, the QL is raised for the analyte. This check also allows the QL to be lowered, but lowering the QL may affect other factors (e.g., spiking levels, lowest standard concentration levels).

Matrix Effects

The method also provides an optional procedure that can be used to demonstrate whether the estimated DL and QL can be achieved in a specific matrix, provided that an analyte-free matrix can be obtained.

Environmental Standards will continue to monitor this very important issue. Contact Technical Director of Chemistry Rock J. Vitale, CEAC, CPC, at 610-935-5577 for additional information.

Pennsylvania Introduces Brownfield Reimbursement Bill

Senate Bill 1062 was recently introduced in the Pennsylvania General Assembly to establish reimbursements for developers of contaminated sites through the Brownfield Site Reimbursement Fund. The bill, which establishes the Brownfield Redevelopment Act in Pennsylvania, allows the PA DEP to offer developers of brownfield sites reimbursements for remediation costs. Under the bill, reimbursements can only be realized if they are less than the projected state tax revenues to be realized from the redevelopment project. The terms of the redevelopment agreement executed between the PA DEP and the developer will be dependent on the economic



feasibility of the redevelopment project and the extent of economic and social distress in the area affected by the redevelopment. Other determining factors include the advancement of and coordination with state, regional, and local planning strategies; the amount of tax revenue to be generated; job creation; compliance of the proposed cleanup plan with Act 2; and need. Additionally, the bill states that reimbursements cannot exceed 75% of the total cost of remediation. To qualify for reimbursement, the developer must enter into a Memorandum of Agreement with the PA DEP for the remediation of the site.

Will Pennsylvania Have A Cleanup Program in 2008?

In some respects, it appears that brownfield redevelopment in Pennsylvania is facing dire straits. Pennsylvania's Land Recycling Program is supported by the Hazardous Sites Cleanup Act (HSCA) fund, whose revenue has historically been generated by the Capital Stock and Franchise Tax. The Capital Stock and Franchise Tax was eliminated in 2002, leaving HSCA without a dedicated source of funding since that time. Implementation of "stop gap" measures and careful management of the Land Recycling Program, has enabled the Pennsylvania Department of Environmental Protection (PA DEP) to sustain the Land Recycling Program to date despite its fiscal challenges. Remaining funds, however, are dwindling – the PA DEP anticipates that the Land Recycling Program will effectively "run out" of money by December 31, 2007.

In 2003, the PA DEP initiated measures to preserve the remaining balance in the HSCA fund. These measures included conducting work only on projects that pose an imminent threat to public health and safety; placing a moratorium on work at new cleanup sites; reducing staff by 24% through attrition; implementing a hiring freeze; eliminating discretionary funding; and canceling or suspending contracts not directly related to contamination remediation. A one-time \$50 million influx from the Growing Greener II fund helped support the Land Recycling Program until now.

In February 2004, Governor Rendell proposed a \$2.25 per ton increase in municipal waste that is landfilled in Pennsylvania. The Governor believed that this tax increase would generate the \$50 million a year needed to support the HSCA program; however, the proposal was rejected. Unless another funding source is identified, Pennsylvania will lose its hazardous site and brownfield cleanup programs and will no longer be able to meet its federal obligations to clean up Superfund sites or to respond to environmental emergencies.

PA DEP reports that more than 2,200 contaminated sites have been cleaned up and returned to productive use and more than 75,000 jobs have been created or retained in the state as a result of site redevelopment efforts state wide since 1995. Environmental Standards' Brownfield experts are closely monitoring this issue. For more information, contact Principal Geoscientist Gerry Kirkpatrick, P.G., at 610-935-5577.

Department Of Homeland Security Implements New Transportation Security Measures

The Transportation Worker Identification Credential (TWIC) Program was established by Congress through the Maritime Transportation Security Act (MTSA) and is administered by the Transportation Security Administration (TSA) and US Coast Guard. An estimated 750,000 workers, including longshoremen, truckers, and port employees, will be required to obtain a TWIC. TWICs are tamper-resistant biometric credentials for workers who require unescorted access to secure areas of ports, vessels, and outer continental shelf facilities and for all credentialed merchant mariners. On October 16, 2007, affected personnel at the port of Wilmington, Delaware, became the first workers in the nation to enroll in the Department of Homeland Security's TWIC Program.

The initial rollout of TWIC is focused on the maritime mode, which includes rail workers and truck drivers who require unescorted access to secure areas of MTSA-regulated facilities and vessel personnel. The TWIC fee is \$132.50 and the credential is valid for five years. Workers with current, comparable background checks (hazardous materials endorsement, certificate of registry, merchant mariner license, or Free and Secure Trade [FAST]) will pay a lower price of \$105.25.

The TSA and Coast Guard have announced the following enrollment schedule:

Mid-November

- Baton Rouge, Louisiana
- Beaumont, Texas
- Corpus Christi, Texas
- Honolulu, Hawaii
- Oakland, California
- Tacoma, Washington

Late November

- Baltimore/Dundalk, Maryland
- Chicago/Calumet, Illinois
- Houston, Texas
- Kahului, Maui, Hawaii
- Lake Charles, Louisiana
- Minneapolis, Minnesota
- Port Arthur, Texas
- Providence, Rhode Island
- Savannah, Georgia
- St. Paul, Minnesota

Late November/Early December

- Boston, Massachusetts
- Charleston, South Carolina
- Cleveland, Ohio
- Detroit, Michigan
- Port Fourchon, Louisiana

Early December

- Brownsville, Texas
- Hilo, Hawaii
- Indiana Harbor, Indiana
- Mobile, Alabama

Mid-December

- Albany, New York
- Brunswick, Georgia
- Long Beach, California
- Los Angeles, California
- Milwaukee, Wisconsin
- Philadelphia, Pennsylvania
- Seattle, Washington
- Tulsa, Oklahoma

Late December

- Joliet, Illinois
- Kansas City, Missouri
- Kauai, Hawaii
- New York/New Jersey #1
- Peoria, Illinois

For more information on how these requirements may impact your operations, please contact Senior Logistics Auditor Lisa D. Quiveors at 610-935-5577.



Pictured at left at the NBA Pennsylvania Chapter August meeting in Lancaster, Pennsylvania, are event host Mary Gattis Schell of the Lancaster County Planning Commission and Environmental Standards Geoscientist Jim Arthur with Barnstormers mascot, Cylo the Cow. Fans entering the game received a baseball hat courtesy of Environmental Standards, the "Home Run Sponsor."

Landmark Superfund Decision Affects Lenders

In May 2007, New York State issued a consent decree requiring HSBC Bank (HSBC) to reimburse the state almost \$1 million in response costs, enforcement costs, and penalties associated with the cleanup of a former industrial facility. The decree is one of the first Superfund decisions *against a bank*.

Westwood Chemical (Westwood), the borrower, was a manufacturer and marketer of chemicals for the cosmetics and water treatment industries; hazardous laboratory waste, chemical products, and wastewater were generated in substantial volumes by Westwood operations. When Westwood defaulted on its loan payments to HSBC in 2003 and 2004, HSBC assumed exclusive control of operating funds, seized operating cash, and refused to provide funds for continued operations. Westwood halted manufacturing, laid off employees, and submitted a plan for the orderly shutdown of its facility, including the proper off-site disposal of 215,785 gallons of wastewater, 30 drums of hazardous waste, and miscellaneous test samples. HSBC refused to fund the shutdown plan or provide funds to ship finished goods to customers, to complete “work-in-progress” goods, and to maintain heat and electricity in facility buildings over the winter months to prevent freezing of chemical containers and piping. When emergency removals and response actions were required by regulatory agencies, HSBC denied any responsibility for the site.

The courts ruled that HSBC’s actions directly and/or indirectly caused the abandonment, disposal, and release or threat of release of hazardous waste and substances to the environment. New York contended that HSBC had ignored its legal obligation to exercise due care when exerting authority over the site and its legal obligation to report releases of hazardous substances to an appropriate environmental regulatory authority.

If a court determines that a lender has *actively participated in the management of a property*, liability protection under CERCLA may be refused. In this case, the state asserted that HSBC was not entitled to the secured creditor exemption because the bank participated in facility management and prevented the borrower from complying with its closure obligations. The decision is one of the first under CERCLA that holds a lender responsible for the condition of a borrower’s business and emphasizes the magnitude of liability that may be associated with a borrower’s environmental legacy, particularly in the case of foreclosures.

“The Happening” Films In Valley Forge



Many Environmental Standards employees skipped their normal lunch-time walk in Valley Forge Park or daily workout at the YMCA to view the filming of M. Night Shyamalan’s latest movie, *The Happening*, in early August. The movie set at the “G” Lodge Restaurant, a popular nearby eatery, provided an opportunity to catch a glimpse of the famous director or Mark Wahlberg, Zoey Deschanel, and John Leguizamo (pictured at left), stars of this supernatural thriller. “*The Happening*” is about a man who takes his family on the run when an “apocalyptic crisis” threatens to

end civilization. The “Filbert Restaurant” sign remains at the entrance of the Lodge as a reminder of the film shoot. The film has a planned release date of Friday, June 13, 2008, purposely planned to fall on Friday, the 13th.

The Principal Game – A 20th Anniversary Quiz

A 20th anniversary represents a significant accomplishment for any company and is especially notable in today’s uncertain economy. As the events of the Open House came to an end, it seemed appropriate to ask the six Environmental Standards Principals if they could cite a special memory, event, or accomplishment of the last 20 years. Environmental Standards’ six principals had the following responses – some very succinct but all with an apparent common theme.

Principal #1: “When I joined the company over 14 years ago, I was one of only four members of the Geosciences Department. Today, there are 11 geoscientists in the Valley Forge Office and six geoscientists in the Charlottesville Office. I’ve been able to guide and to witness the significant growth of this service area and am extremely proud of our staff of geoscientists and the quality services that we are able to provide our clients.”

Principal #2: “As one of the first-hired employees, I have been privileged to be an integral part of such an exciting, growing organization from the company’s infancy. The collective problem-solving abilities and relationship-building efforts of the team of people within the organization have propelled the company to its success. We all thrive on the technical challenges that our clients pose to us and have enjoyed the personal relationships that have developed as a result of working together. Never has there been a dull moment!”

Principal # 3: “My biggest challenge and greatest rewarding experience is

creating a service offering from scratch and working with my partners to grow it and make it successful. Attacking the technical challenges presented by the environmental industry help get me charged up and out of bed every morning.”

Principal #4: “This amazing ride is still lots of fun after 20 years.”

Principal #5: “I enjoy working with people and greatly appreciate the talent I get to work with at Environmental Standards. When we work together to meet the needs of a client and solve a problem, it’s very rewarding. And, the best days at work are when a client takes a few moments to personally thank you for your hard work. It’s great to know a client appreciates your hard work and a simple act of thanks is often enough to keep me plowing forward to do it again the next day.”

Principal #6: “I have had the privilege of having many employee, client and vendor relationships evolve into personal friendships. Over the years, working, doing business and solving their problems is what I like most, and probably always will.”

The common theme and the apparent reason for the success of Environmental Standards is enjoying what you do and doing it well.

Just for fun, try to match the quote with the Principal – some are obvious and some might surprise you. (Answers provided on back page.)



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***Setting the Standards for
Innovative
Environmental Solutions***



The
Standard

The Principal Game Answers

- Principal #1 – Dan Claycomb
- Principal #2 – Ruth Forman
- Principal #3 – Dennis Callaghan
- Principal #4 – Rock Vitale
- Principal #5 – David Blye
- Principal #6 – Gerry Kirkpatrick

Don't forget to visit us on the web!

www.envstd.com