

Topic: Strategic Utilization of HRSC Subsurface Imaging Technologies to Optimize the Remediation Phase

Speaker: Janet Castle, President, Eagle Synergistics Optimizing Technologies, LLC

Time: Tuesday, December 10, 11:30am-1pm

CEMS has applied for one (1) General CLE for this presentation

For decades the environmental industry has commonly used many traditional methods and tools to investigate contaminated sites. Like any industry, cutting edge technologies are not widely adopted until shown to be both beneficial and cost effective. High Resolution Site Characterization (HRSC) tools have advanced rapidly in the last few years and have been enhanced with innovative data visualization capabilities. With technological advancements, HRSC tools have been proven to save time and money on certain environmental remediation projects.

For complete topic information, a full biography, and reservations, please follow this link: [CEMS December Luncheon](#)

LOCATION: The EPA Conference Center located on the 2nd floor of the EPA Region 8 Headquarters building at 1595 Wynkoop St. When entering the building, meeting attendees need to proceed to the second-floor visitor screening area, present valid government-issued identification to the building security guards, pass through airport type security machines, sign in at the security desk, and wear a temporary EPA visitor badge. Upon passing through security, please proceed to the conference room area on the second floor to check in with the CEMS representative.

MEETING FORMAT: Members may either bring their own lunch and attend the meeting for no charge, or they may request that CEMS order a box lunch for them. The cost of the box lunch for members is \$16.00; for non-members, \$19.00.

RESERVATIONS: PLEASE give your name, company name and phone number via email to admin@coems.org. **PLEASE INDICATE IF YOU ARE RESERVING A BOX LUNCH OR BRINGING YOUR OWN.** Reservations must be received BEFORE Friday, December 6, 2019 at 5:00PM. No reservations can be taken after this date due to building security restrictions! Payment of \$16.00 for members, \$19.00 for non-members will be accepted at the door with prior reservation. Please cancel your reservation by Friday, December 6, 2019 if you are unable to attend. It is the policy of the Society to bill for meals reserved but unclaimed. You may also pay with credit card via PAYPAL by following this link: [CEMS December Luncheon](#)

NOTICE: CEMS would like to thank EPA for the use of meeting space and would like to emphasize that the use of EPA space does not constitute endorsement of CEMS, sponsors of CEMS functions, or the content of CEMS workshops or meetings.

**CEMS would like to thank all of our Conference Sponsors and Attendees for making this year's 2019 Fall Conference a Tremendous Success!
See a list of our Conference Sponsors on page 9**

*From the Board...Steve Brauner,
Environmental Works, Inc., CEMS President*

I was recently chatting with the host of a child's birthday party, and the host asked me if I (as an environmental professional) was depressed with the current state of progress and outlook on cleaning up the environment. Without hesitation, I told her that I was not at all discouraged because we, as a profession, have been making steady, if at times painfully slow, progress on cleaning up contamination that most often occurred many decades ago. I also offered a bit of historical context regarding environmental regulation, and the challenges going forward. Here is a synopsis of those musings and thoughts, which I hope you find interesting and worth pondering as we look forward to 2020...

Although it may seem like a long time, it was only 50 years ago that sparks from a train passing through Cleveland, Ohio ignited oil and other contamination on the Cuyahoga River. Think about that for a minute. When some of us 'more senior' members of CEMS were kids, the Cuyahoga River had sufficient contamination on its surface to catch fire. What's more, this was not an isolated condition for the industrialized waterways of the US through the middle part of the 20th century. During this same time period, smog and other forms of pollution in many US cities made our urban skylines dismal to look at and the air harmful to our health. As an example, there are numerous photographs from Pittsburgh, Pennsylvania in the 1940s and 1950s that show illuminated street lights in the middle of the day because smoke from coal-fired power made the sky as dark as night.

As many of you are undoubtedly aware, the political leaders in the last third of the 20th Century responded to these and other environmental concerns by creating the US Environmental Protection Agency (in 1970), and passing the Clean Water Act (1972), Safe Drinking Water Act (1974), Resource Conservation and Recovery Act (RCRA) of 1976, and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 into law. Several of these acts were amended in the 1980s and 1990s. To put it another way, the environmental legislation we take for granted today came into law within the lifetime of many of our current members (or, for those newer to the profession, their parents' lifetime). In today's supercharged and divisive political environment, I find it reassuring that that our country has a history where people of vastly differing philosophical perspectives were able to come together to pass legislation to improve public health and environmental stewardship.

Although we no longer have rivers that are likely to catch on fire, and the skies in our cities are much cleaner and clearer than they were 50 years ago, there remains important work ahead.

(Continued on page 6)

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For information on listing products and services in the CEMS newsletter, please contact CEMS at (303)674-9752 or admin@coems.org.

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Contact Robert (720)545-4325
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Teel transfer pump 1/10 hp
Teflon sheets for soil sample jar sealing

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Sponsors for a CEMS lunch meeting are provided a table where brochures or other materials can be displayed. The cost to sponsor a CEMS meeting is \$30 for members and \$85 for non-members. The non-member rate includes a one-year CEMS individual membership. Please send your request to sponsor a lunch meeting to admin@coems.org.

RECRUIT AND PROFIT!!

Recruit a **NEW** member for CEMS and get a **box lunch** credit voucher! For each person you persuade to join CEMS, you will be issued a **box lunch** voucher that you can apply to the CEMS fee of your choice, whether it be a luncheon, workshop or your own membership renewal. Note that you cannot take credit for a member's renewal. However, there is **NO LIMIT** to the number of vouchers you can accumulate. Just have the new member put your name on the referral portion of the Membership Application Form. And keep those new members coming!

MEMBERSHIP – RENEWALS AND NEW MEMBERS

A big thank you to all those members who renewed, and welcome to our newest members.

New – Individual

Brooke Holmes, Johns Hopkins University

Renew – Individual

Nick Butel, Aquionix, Inc.

Rick Davey, Alpine Remediation, Inc.

Joseph B. Dischinger, Fairfield and Woods, P.C.

Cindy Fischer, Waste Control Specialists

Andy Horn, Westwater Hydrology LLC

Maggie Mandell, Environmental Works, Inc.

Britt Phillips, Arcadis North America

Theresa Sorrells, Alpine Remediation, Inc.

Tim Mower, Tetra Tech EM Inc.

Mark Sponsler, CO Corn Administrative Committee, CO Corn Growers Association

Matt Steere, Alpine Remediation, Inc.

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(continued on Page 8)

CEMS REGULATORY UPDATE
FEDERAL AND STATE ACTIONS IMPACTING COLORADO

By April D. Hendricks
Burns, Figa & Will, P.C.
November 2019

On October 17, 2019, the US Environmental Protection Agency (EPA) [announced](#) that it has awarded \$1,170,000 to the Colorado Department of Public Health and Environmental (CDPHE) to improve water quality in streams, rivers, and lakes. The awarded funds come from a Nonpoint Source Program Clean Water Act (Section 319) grant, which is given to states to support the implementation of programs designed to address surface and ground water pollution and to meet water quality standards. CDPHE will use this funding to address water quality through agricultural efforts and infrastructure improvements in the Lower Arkansas and Lower Gunnison river basins. In particular, CDPHE will support the Lower Arkansas Valley Water Conservancy District's efforts to implement agricultural best management practices to improve water quality in the Arkansas River. Additionally, in partnership with the Crawford Water Conservancy District, CDPHE will also use this grant to fund work on the Lower Aspen Canal pipeline and interconnect to address issues with water quality in the Gunnison River basin. These projects are anticipated to significantly reduce selenium, metals, and nutrients within these watersheds.

On October 22, 2019, following their September announcement of the repeal of the 2015 "Waters of the United States" (WOTUS) Rule, the EPA and US Army Corps of Engineers (Corps) published a final [rule](#) rescinding the 2015 Rule. The now-repealed 2015 Rule defined the "WOTUS" that were subject to regulation under the Clean Water Act (CWA), with a focus on how, and under what circumstances, the CWA should apply to ambiguously regulated waters, including streams that flow only during part of the year, waters isolated from the stream system, and wetland areas. The final rule, effective on December 23, 2019, will restore the regulatory text of the CWA that existed prior to the adoption of the 2015 Rule, while the EPA and the Corps develop a new rule that will revise the definition of "WOTUS" and clarify the categories of water regulated under the CWA.

On October 30, 2019, Freedom To Drive, an association of small business, transportation, agriculture, and consumer stakeholders, filed a [lawsuit](#) against the Colorado Air Quality Control Commission, seeking the reversal of the Commission's adoption of zero-emission vehicle regulations ("ZEV Regulations") in September of this year. The challenged ZEV Regulations were a modified version of a similar regulation promulgated by the State of California and required that, beginning with the 2023 model year, a percentage of each vehicle manufacturer's passenger cars and light duty trucks offered for sale within the State of Colorado must be zero-emission vehicles. Following the Commission's adoption of this rule, the EPA and the National Highway Traffic Safety Administration (NHTSA) published a final rule revoking the State of California's authority to adopt more stringent emissions regulations under the Clean Air Act, and thus revoking California's ZEV Regulations. As a result, Freedom To Drive's complaint contends that the Commission's regulations have been preempted and invalidated by the EPA's and NHTSA's final rule. The complaint further alleges that the Commission's ZEV Regulations are otherwise invalid under state law due to the Commission's failure to comply with the statutory requirements for motor vehicle emission control rulemakings under the Colorado Air Pollution Prevention and Control Act ("Colorado Air Act") and the Colorado Administrative Procedure Act ("APA"), complete motor vehicle emission control studies, and make recommendations based on those studies before adopting new motor vehicle emission controls.

On November 8, 2019, the federal district court in Colorado issued an [order](#) vacating the U.S. Department of Interior's (DOI) approval of a mining plan for the expansion of the West Elk Coal Mine near Paonia, Colorado. The issue in this case is DOI's decision to recommended the approval of a coal mining plan in the Sunset Roadless Area in the Gunnison National Forest, which involved the construction of 8.4 miles of roads and 43 methane drainage wells. In reviewing DOI'S approval, the district court held that agency's actions violated the National Environmental Policy Act (NEPA) by failing to consider alternatives to methane use and the potential impacts that the mining plan would have on fish and streams. The court's order remanded the decision to approve the mining plan back to DOI for additional analysis regarding methane use and the impacts that the proposed mining may have on fish and water resources in the area. Pending the completion of the agency's further analysis, the mining company in question, Arch Coal, Inc., is enjoined from proceeding with the mining plan, including road construction and well drilling in the West Elk Coal Mine expansion area.

From the Board (continued from page 2)

From my perspective and in my experience, there are still too many sites where the investigation and remediation phases of the projects are far slower than they need to be, at least from a technical standpoint. Yes, there are a myriad of technical, legal, and/or regulatory reasons why some sites take longer than others to move through the regulatory cleanup process, but I still believe we can improve in advancing contaminated sites to closure or other reasonable remediation endpoints in a more timely manner.

Another example of the work ahead for contaminated soil and groundwater are emerging contaminants, such as polyfluoroalkyl substances (PFAS). During 2019, I'm pleased to report that CEMS explored the many aspects and challenges related to PFAS toxicity, investigation, and remediation at both our spring movie event and during a luncheon presentation by Dr. Chris Higgins, who is a nationally recognized expert in this area. This topic will be revisited in early 2020 when representatives of the Colorado Department of Public Health and Environment present an update on the draft Policy for Interpreting the Narrative Water Quality Standards for PFAS.

A final example of the environmental issues that CEMS' members are grappling with pertains to the difficulty in attaining applicable standards for several key air quality indicators in multiple Front Range communities. As we learned at the 2019 Fall Conference, this issue is not only an on-going health concern for sensitive populations, but also has the potential to adversely and significantly impact on the economic development of our communities if restrictions on vehicle use and/or industrial emissions are imposed to bring quality parameters into compliance with applicable standards.

So, what can we do? During my time in graduate school, I was fortunate to meet and work with Dr. Laurie Marker (Founder of the Cheetah Conservation Foundation). Dr. Marker regularly shares the following observation: "We always think there is someone else who will do something, that 'they' will take care of it. I realized early in my work that there is no 'they,' and so I decided I would take action to save the cheetah from extinction." In this spirit, I encourage you to look for ways to take actions that align with a key objective the CEMS Mission Statement – namely providing "leadership in developing and maintaining a balance between the interests of business and industry and environmental protection in the State of Colorado". I have little doubt that our members can contribute significantly to the regulations, framework, and progress of cleaning up contaminated air, soil, and water in Colorado and beyond. How will you contribute and make a difference in 2020 (and beyond)?

In closing, I want to express my sincere gratitude for the opportunity to serve as CEMS' president for 2019. I'm proud of the efforts our members, Board, committee chairs, committee members, and faithful administrative assistant (Juliana Reid) have expended in support of delivering another year of high-quality professional development and networking opportunities for CEMS. For those of you looking for a New Year's resolution in your professional life, I encourage you to get more involved with CEMS by attending our events, volunteering for a committee, and recruiting others to join. Thank you for being a member of CEMS, and may you have a happy, healthy, safe, and peaceful Holiday Season.

Steve Brauner, Ph.D., PE thrives on using his 19 years of experience to design and implement approaches that achieve cost-effective, optimized remediation of contaminated soil and groundwater. Dr. Brauner has managed multidisciplinary technical teams and led regulatory negotiations under CERCLA, RCRA, and state jurisdiction to achieve complete or partial shutdown of active remediation systems that were no longer effective at achieving remediation endpoints. He has designed and implemented innovative approaches that quantifiably improved the performance of existing remedies. Dr. Brauner earned his Bachelor of Science degree in Civil Engineering from Lehigh University and both his Masters of Science and Doctor of Philosophy degrees from Virginia Tech. He is a devoted husband and father, spending free time trail running, skiing, and otherwise exploring Colorado's natural wonder

Presentation Opportunities for Upcoming CEMS Meetings

The CEMS Program Committee is currently searching for "interesting, topical and informative" presentations for our meetings in 2020 and beyond. This is a great opportunity to network with your peers, share information and technology, and become more involved with the environmental community. CEMS is interested in an assortment and variety of topics relevant to environmental and natural resources professionals. Each monthly presentation is roughly 50 minutes, followed by a question and answer period.

If you or someone you know is interested in presenting at our monthly meetings, or our annual conference, please feel free to contact our Programs Committee Chairperson, Andy Horn at Andy@WestwaterHydro.com.

Comments or suggestions from previous meetings, including the Annual Fall Conference, are also welcome. Let us know if we can publish them in the newsletter or website.

Looking for a New Position

CEMS posts many job opportunities on our website.

<http://www.coems.org/jobs>

If you or your company would like to post to our website, please just send over the job description,

with contact information to admin@coems.org.

We also will post resumes for our members to help you find new opportunities.

Members on the Move

Maggie Mandell, PE recently joined Environmental Works, Inc. (EWI) as an Environmental Engineer/Project Manager. Maggie has worked as an environmental consultant and engineer for more than 16 years and brings environmental compliance and remediation experience with governmental clients. She is excited to join EWI in Colorado as the company expands its geographic footprint from the mid-West to the Rocky Mountain region.

Driven by bold vision and strong entrepreneurial spirit, EWI has built a well-deserved reputation for exceeding clients' expectations in environmental contracting and consulting services for more than 25 years. EWI's diversified line of services includes site investigation/remediation; hazardous waste management and transportation; industrial facility maintenance, including tank and pipeline inspections/cleaning/repair; emergency response; environmental compliance; due diligence; and firing range cleaning services. EWI is further pleased to announce the recent acquisition of a full-sized sonic drill rig, which adds this additional capability to our existing direct-push, auger, and air rotary drilling capabilities.



Maggie Mandell, PE
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MEMBERSHIP – RENEWALS AND NEW MEMBERS *(continued from Page 4)*

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Candidates for CEMS Board – 2020

The Nominations Committee has collected nominations for the election of CEMS Officers and Board Members for 2020. Based on those nominations, the Committee has recommended and the CEMS Board of Directors has approved the following slate of candidates. The annual meeting and election will be held at the [December 10, 2019 CEMS luncheon](#). The election shall be decided by a majority of the members present at the meeting.

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Vice-President: Erik Gessert, Terracon Consultants, Inc.

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BOARD OF DIRECTORS

Subject to election (for two-year term, 2020 and 2021):

Suzanne Gabriele, Geosyntec Consultants, Inc.

Andy Horn, Westwater Hydrology LLC

Maggie Mandell, Environmental Works, Inc.

Not subject to election (currently serving two-year term, 2019 and 2020):

Fonda Apostolopoulos, Colorado Department of Public Health and Environment

Evan Singleton, Gablehouse Granberg, LLC

Mike Jahn, Tasman Geosciences, Inc.

Non-Voting Positions

EPA Liaison: Stephen Dymont, US Environmental Protection Agency, Region 8

CDPHE Liaison: Fonda Apostolopoulos, Colorado Department of Public Health and Environment

OPS Liaison: Rob Herbert, Colorado Division of Oil and Public Safety

Other Non-Voting Positions (Appointed)

Administrative Assistant: Juliana Reid, CEMS

IT Coordinator: Brian LaFlamme, Alexco Water and Environment Inc.