

## August CEMS Webinar

**Topic: An Introduction to Sustainable Remediation**

**Speaker: Lindsay Burton, Project Manager, Antea Group**

**Time: Tuesday, August 11, 11:45am-1:00pm**

**Location: Webinar (registration link is below)**

*CEMS has received one (1) general CLE for this presentation*

Sustainable remediation integrates the “triple bottom line” of sustainability, the environmental, social and economic aspects, into environmental remediation projects. This presentation will define sustainable remediation and its application to reduce the environmental footprint of projects while also benefiting the surrounding community and its economy. The presentation will illustrate where sustainable remediation fits within the investigation, remediation, operations, and monitoring of hazardous waste site cleanups, explain the drivers behind sustainable remediation, and discuss what prompts responsible parties to integrate these concepts into their cleanup programs. Many times, we see the regulatory community enforcing clean up to the most stringent criteria which often may cause more environmental degradation than good. Tools and thought processes for working with regulatory agencies will be discussed so that the most sustainable remediation option and criteria for projects can be identified. This introductory presentation is designed to benefit remediation practitioners including consultants, contractors and regulators who are interesting in this developing area of the remediation industry.

Lindsay Burton works with clients in Manufacturing, Pharmaceutical, Chemical, Consumer Goods, Oil & Gas, Financial Services, and Food & Beverage industries to reduce their environmental and social impacts through corporate initiatives, engagement, and strategy development. She is fluent in corporate social responsibility reporting and disclosures, design and implementation of sustainability programs, peer benchmarking, stakeholder mapping, program story development, metrics calculations, sustainable remediation, and facilitating client workshops. I also facilitate and perform data collection, evaluation, and narrative for standard disclosure report types such as CDP, GRI, and SASB, in addition to UN Sustainable Development Goals mapping and the Science Based Target initiative (SBTi).

### **Registration:**

Please register here using this [Registration Link](#). After registering, you will receive a confirmation email containing detailed information about joining the webinar. If you lose your registration or confirmation, or have questions, please do not hesitate to contact CEMS via email [admin@coems.org](mailto:admin@coems.org).

## *From the Board...by Mike Jahn, Tasman Geosciences, Inc.*

### Golf Tournament Update

I hope this message finds you well and that everyone is staying safe while also finding time to enjoy the summer. It was truly unfortunate to miss connecting with many of you last month at the (cancelled) CEMS Scholarship & Charity Golf Tournament. The golf event is one of CEMS' largest networking and fundraising opportunities each year. However, we felt that our commitment to the safety and wellbeing of our members and their families during these unprecedented times far outweighed the prospects of hosting this year's event. I would like to extend a special thank you to the members and businesses who signed-up for the 2020 golf event and made the generous decision to donate their sponsor dollars to the CEMS scholarship fund. If you or your company would like to donate to the CEMS scholarship fund, please reach out to me directly. Otherwise, stay well and keep an eye out for the 2021 CEMS golf event details.

### Great American Outdoors Act

With the emergence of social distancing protocols and the cancellation of large gatherings, sporting events, and concerts this summer, many Coloradoans have sought refuge from their homes and home offices in the great outdoors. Colorado is a haven for people seeking outdoor adventure, but shutdowns associated with the COVID-19 pandemic seem to have kicked the appetite for outdoor recreation into high gear. Trails, waterways, and campgrounds have experienced increased foot and motor traffic, placing additional strain on the ageing infrastructure of our parks and open spaces.

Prior to the pandemic, national parks have been experiencing a steady overall increase in visitation as compared to recent years. According to the U.S. Department of the Interior, 'visitation to units of the National Park System reached 318 million in 2018, an increase of about 16% from a decade ago, with especially notable increases over the last five years<sup>1</sup>. Rocky Mountain National Park reported a record 4.6 million visitors in 2019 and ranked the #3 most visited National Park last year<sup>2</sup>!

Environmental conservationists have long advocated for additional protection and funding to preserve our natural spaces. Unfortunately, the necessary funding required to maintain our parks and open spaces is often hard fought and tough to come by. Overcrowding and ageing infrastructure have led some National Parks to adopt measures to manage the number of people visiting the parks, especially during peak seasons. I witnessed this firsthand when visiting Muir Woods National Monument, which required park goers to purchase a parking pass in advance.

*(continued on Page 7)*

### **2020 CEMS Officers:**

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**OPS Liaison:** Rob Herbert, CDLE; Division of Oil and Public Safety, (303)318-8543, [robert.herbert@state.co.us](mailto:robert.herbert@state.co.us)

### **Board Members:**

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### **Committee Chairpersons:**

#### **Monthly Programs:**

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#### **Spring Movie Event:**

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#### **Fall Conference Co-Chairs:**

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#### **Golf:**

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#### **Scholarship – Co-Chairs:**

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Rachel Blomberg, CDPHE, (303)691-4024, [rachel.blomberg@state.co.us](mailto:rachel.blomberg@state.co.us)

**Website:** Juliana Reid, CEMS, [admin@coems.org](mailto:admin@coems.org)

## **MEMBERSHIP – RENEWALS AND NEW MEMBERS**

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

### **New – Individual**

Ken Forster, GHD Services, Inc.  
Katie Keefe, Adams County Colorado  
Will Peck, Denver Water  
Rick van Oppen, Van Oppen & Co. 2, Inc.

### **Renew – Individual**

Timothy Gablehouse, Gablehouse Granberg LLC  
Chad Howell, City of Thornton  
Brian LaFlamme, Ensero Solutions

### **Renew – Corporate**

#### **Vista GeoScience**

Matthew Berkes	David Fontana	John Fontana	Jonathan Meier	Cheryl Shelite
Theodore Stockwell	Luke Tetreau	Rejill Vardon	Peter Wethington	Ludvig Zwiilmeyer

## **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](mailto: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](mailto:admin@coems.org).

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

**Are you a lawyer, looking for CLE's? Is someone at your office in need of CLE's? CEMS offers a very inexpensive way to earn those needed CLE's.**

**Just RSVP to [admin@coems.org](mailto:admin@coems.org), bring your box lunch, and attend for free.**

## Products and Services



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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](mailto:admin@coems.org).

## Members on the Move

To be included in this section, submit your previous information along with your new information via email to Juliana Reid at [admin@coems.org](mailto:admin@coems.org). Changes must have occurred within the last three months, and your membership must be current.

## **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!

**CEMS REGULATORY UPDATE**  
**FEDERAL AND STATE ACTIONS IMPACTING COLORADO**

**By April D. Hendricks**  
**Burns, Figa & Will, P.C.**  
**July 2020**

On June 19, 2020, the United States District Court for the District of Colorado issued an [order](#) enjoining the implementation of the Environmental Protection Agency's and U.S. Army Corps of Engineers (Corps) new Navigable Waters Protection Rule (NWPR) in Colorado. The NWPR is the result of the agencies' new proposed definition of "waters of the United States," that was adopted in April 2020 and took effect June 22, 2020. The NWPR redefines and limits federal jurisdiction under the Clean Water Act (CWA) to certain bodies of water. Colorado filed a motion for a preliminary injunction on June 1, 2020, claiming irreparable harm to the state's economy and environment due to the NWPR's withdrawal of federal permitting requirements for certain waters. The District Court granted the motion, concluding Colorado stood to suffer injury from having to divert resources to create a state regulatory regime to cover the waters left unregulated by the NWPR. An appeal of the preliminary injunction is currently pending in the U.S. Court of Appeals for the Tenth Circuit.

On June 22, 2020, the EPA published its [final rule](#) adding 172 per- and polyfluoroalkyl substances (PFAS) to the Toxic Release Inventory (TRI), a list of toxic chemicals subject to reporting under Section 313 of the Emergency Planning and Community Right to Know Act (EPCRA) and Section 6607 of the Pollution Prevention Act (PPA). In January 2020, Congress included the PFAS Act of 2019 in the National Defense Authorization Act for Fiscal Year 2020, and the PFAS Act required the EPA to include PFAS in the list of chemicals that require reporting under the TRI program. The EPA has established a manufacture, processing, and use reporting threshold of 100 pounds for each of the 172 substances added to the list; however, within five years, the EPA will reevaluate this threshold and determine whether modifications are necessary. This rule, and the associated reporting requirements, became effective as of the date of publication.

On June 29, 2020 the EPA [announced](#) the termination of its COVID-19 Enforcement Policy, effective August 31, 2020, at 11:59 pm EDT. On March 26, 2020, the EPA issued a policy to ease enforcement action against regulated entities for noncompliance that resulted from the COVID-19 pandemic. The EPA designed the March policy to accommodate compliance issues created by COVID-19 shutdowns such as lack of personnel, supply chain delays, and difficulty in operations due to work stoppages and social distancing. The EPA excused activities including missed testing, training, monitoring, and recordkeeping requirements. The policy allowed regulated entities to determine whether or not they could comply with their monitoring and reporting obligations. The EPA's June 2020 memorandum adds that the EPA may terminate the policy at an earlier time in some areas with seven days' notice, but may continue to exercise its enforcement discretion on a case-by-case basis before or after the policy is terminated.

On July 2, 2020, the EPA announced the [registration](#) of a new active ingredient for use as an antimicrobial pesticide. NPSW Nanosilver is used to suppress odor causing bacteria and algae, fungus, mold, and mildew that can cause deterioration or staining in textiles. NPSW Nanosilver may be used to treat textiles such as sportswear, footwear, linens, and awnings. The NPSW Nanosilver will be embedded within beads of pellets and will be incorporated into treated textiles through a closed-loop manufacturing process. The EPA determined the modified use pattern for NPSW Nanosilver will not cause unreasonable adverse effects on humans or the environment and, thus, meets the standard for unconditional registration under Section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).



**THE ENERGY SUMMIT**

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## Colorado Oil and Gas Association (GOGA) presents the 32<sup>nd</sup> Annual Energy Summit, August 17-19, 2020

Innovation and technological advancements of recent years have made oil and natural gas companies more efficient and more productive while propelling our industry to the forefront of technology and science.

Will the innovations and advancements of tomorrow solve the issues that industry is grappling with today in board rooms, on investor calls, in political circles, and on the global stage?

Now more than ever, industry partnerships will define the future of oil and gas operations in Colorado and beyond. How will our foundation of community engagement and investment support development? What new role will technology play as the oil and gas sector strengthens its position as a partner – ready and able to collaborate and sustain a thriving energy economy? From cultivating community champions, to developing our future leaders, The Energy Summit features diverse perspectives and fosters inspired conversation.

### Energy Summit Highlights

- Analyses of oil and natural gas markets from industry's top analysts, including considerations of pricing, basin economics, transportation and export;
- An examination of the rise in private equity in oil and natural gas
- An assessment of the changing world of data analytics and how industry is using that information to optimize operations;
- An examination of how industry's constant drive to innovate has resulted in pioneering technology that reduces industry's footprint, benefits the environment and strengthens the value chain from upstream field operations to the average consumer;
- A discussion on America's national political and energy climate from our country's top leaders; and
- Keynote speeches from business and policy thought leaders.

*Sponsorships are still available.*

Please follow this [link](https://www.coga.org/theenergysummit.html) for detailed information, schedule of speakers, and registration for the Energy Summit

## **From the Board** *(continued from page 2)*

In June of this year, Rocky Mountain National Park began requiring Timed Entry Permits<sup>3</sup> to be purchased prior to entering the park. The permits must be purchased (\$2) in advance of your visit (in addition to the park entry permit) and allows visitors to gain entry to the park during a designated 2-hour window. This process was adopted to reduce overcrowding and to promote social distancing guidelines in the park during the COVID-19 pandemic. It is unclear whether the permit requirement will be adopted permanently.

With the recent downturn in the economy and the effects of pandemic-related shutdowns, many businesses and government agencies may be required to make budget cuts to account for decreased revenue streams. However, open spaces and their respective management agencies across the country scored a huge victory in June 2020 with the passage of the Great American Outdoors Act. This bipartisan legislation will allocate the full amount of the approved \$900M in federal dollars generated by natural resource extraction and renewable energy revenues. The introduction summary for Bill S.3422 reads as follows:

This bill establishes the National Parks and Public Land Legacy Restoration Fund to support deferred maintenance projects on federal lands.

For FY2021-FY2025, there shall be deposited into the fund an amount equal to 50% of all federal revenues from the development of oil, gas, coal, or alternative or renewable energy on federal lands and waters. Deposited amounts must not exceed \$1.9 billion for any fiscal year.

The fund must be used for priority deferred maintenance projects in specified systems that are administered by

- the National Park Service,
- the Forest Service,
- the U.S. Fish and Wildlife Service,
- the Bureau of Land Management, and
- the Bureau of Indian Education.

The Government Accountability Office must report on the effect of the fund in reducing the backlog of priority deferred maintenance projects for the specified agencies.

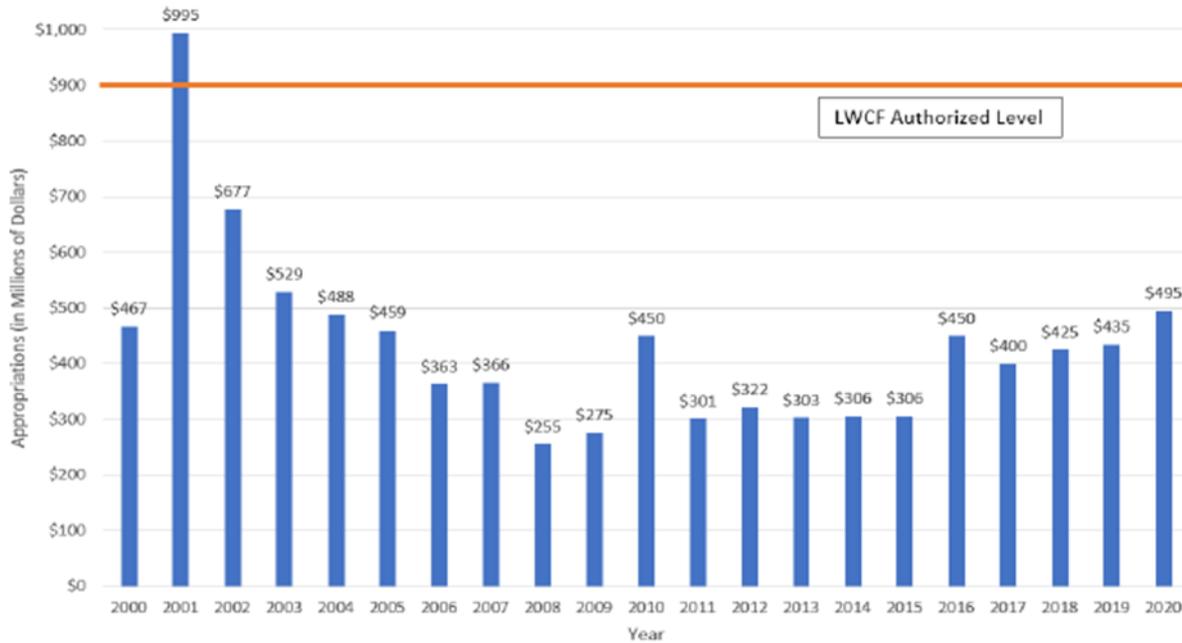
Additionally, the bill makes funding for the Land and Water Conservation Fund (LWCF) permanent. The President shall annually report to Congress specified details regarding the allocation of funds to the LWCF. Congress may provide for alternate allocations using specified procedures<sup>4</sup>.

As stated above, permanent funding will be allocated to the Land and Water Conservation Fund (LWCF), which was created in 1964 to purchase and protect recreation areas across the country. However, this organization has been historically underfunded, as displayed in the graph below<sup>5</sup>, with large portions of the authorized annual budget often being redirected to other federal programs<sup>6</sup>.

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**From the Board** (continued from page 7)

**LWCF Appropriations FY2000-FY2020**



Note - All approximate totals derived from appropriations bills  
 - Forest Legacy Program & Sec. 6 funded from LWCF starting in 2004

Source: LWCF Colorado Fact Sheet<sup>5</sup>

With the passage of the Great American Outdoors Act, LWCF will receive the full amount of the approved funding, and will redistribute those funds for use on federal, state, and local lands. Of note, at least 40% of LWCF funds are to be directed to state and local governments for use on parks and conservation projects.

Colorado will benefit from the passage of the Great American Outdoors Act, which was sponsored by Sen. Cory Gardner and co-sponsored by 59 bipartisan Senators. Prior to this bill, Colorado open spaces have received funding from the LWCF to the tune of \$281.2M over the past 5 decades. According to LWCF:

*The Outdoor Industry Association has found that active outdoor recreation generates 28 billion in consumer spending in Colorado, 229 000 jobs which generate 9.7 billion in wages and salaries, and produces 2 billion annually in state and local tax revenue Further, the US Census reports that each year over 2.2 million people hunt, fish, or enjoy wildlife watching in Colorado, contributing 3 billion in wildlife recreation spending to the state economy<sup>5</sup>.*

The Great American Outdoors Act is a big win for the protection and preservation of natural landscapes across the nation. Additionally, increased funding will stimulate the economy through job creation while supporting outdoor recreation. See you on the trail!

(Continued on Page 9)

## **From the Board** *(continued from page 8)*

### Reference Links:

- 1) <https://www.doi.gov/ocl/national-parks-visitation#:~:text=Visitation%20to%20units%20of%20the,great%20variation%20among%20individual%20parks.>
- 2) <https://www.nps.gov/aboutus/visitation-numbers.htm>
- 3) <https://www.nps.gov/romo/planyourvisit/fees.htm>
- 4) <https://www.congress.gov/bill/116th-congress/senate-bill/3422?q=%7B%22search%22%3A%5B%22s%203422%22%5D%7D&r=1&s=1>
- 5) <https://static1.squarespace.com/static/58a60299ff7c508c3c05f2e1/t/5e382f8f99950062092f0335/1580740496193/Colorado+fact+sheet+1.23.20.pdf>
- 6) <https://www.lwcfcoalition.com/>

*Mike Jahn is a geologist and project manager with Tasman Geosciences, and is a card-carrying professional geologist in the State of Wyoming. Since joining Tasman in 2016, Mike has focused on environmental regulatory compliance for O&G producers in Colorado. Mike has spent 14 years in the environmental consulting industry, and has a diverse background in environmental assessment, compliance, and remedial technologies. Originally from western Pennsylvania, Mike earned an Environmental Geosciences degree from Slippery Rock University before moving to Colorado in 2005.*