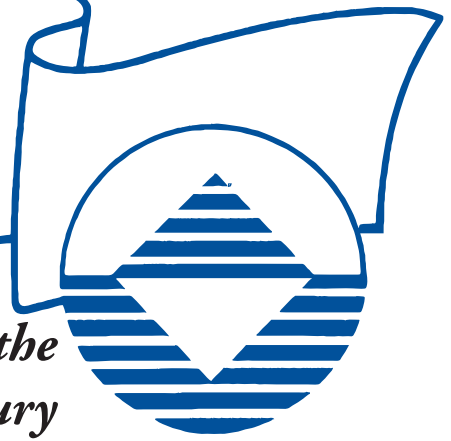




**Air & Waste Management  
ASSOCIATION  
Greater St. Louis Section**



***Gateway to the  
Twenty-First Century***

**JANUARY LUNCHEON MEETING**

*Wednesday, January 24, 2001*

**Please Note: This is not our normal meeting day**

**Anthony Buonicore  
Environmental Data Resources**

*Modifications to the ASTM - Phase 1 Standards*

**Joint Meeting with  
Gateway Society of Hazardous Materials Managers**

Creve Coeur Country Club  
988 Rue de la Banque, East  
Creve Coeur, Missouri 63141  
314-432-0200

\$18.00 Members/\$23.00 Non-Members  
11:30 – 12:00 Registration/Networking  
12:00 – 1:15 Buffet Lunch/Business Meeting

Your reservation must be received by  
Noon, Friday, January 19, 2001

Please send the following information to Jennifer Markwardt:  
Email: [jennifer@turco.com](mailto:jennifer@turco.com) Or Fax: 314-259-7099

Member Name: \_\_\_\_\_

Non-Member Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Number of People: \_\_\_\_\_

**BOARD OF DIRECTORS**

**Dennis Dubitsky, Chair**

Hussmann Corporation  
Email: [ddubitsky@hussmann.com](mailto:ddubitsky@hussmann.com)  
314-298-6541, Fax: 314-298-6484

**Joe Rubino, Vice Chair**

The Premcor Refining Group, Inc.  
Email: [joseph.rubino@premcoring.com](mailto:joseph.rubino@premcoring.com)  
618-254-7301, ext 371, Fax: 618-251-0183

**Susan Myers, Treasurer**

Jacobs Engineering  
Email: [susan\\_myers@wssrap.com](mailto:susan_myers@wssrap.com)  
636-441-8086, ext. 3113, Fax: 636-447-0803

**Jennifer Markwardt, Secretary**

The Earthgrains Company  
Email: [jennifer@turco.com](mailto:jennifer@turco.com)  
314-259-7150, Fax: 314-259-7099

**Tom Maddox, Director, YR-2**

T.L. Maddox Cos.  
Email: [tmaddox@aol.com](mailto:tmaddox@aol.com)  
636-394-8161, Fax: 636-394-6776

**Michael Zlatic, Director, YR-2**

St. Louis County DOH  
Email: [michael\\_zlatic@stlouisco.com](mailto:michael_zlatic@stlouisco.com)  
314-615-8910, Fax: 314-615-8951

**Larry Waite, Director, YR-2**

Mallinckrodt, Inc.  
Email: [Larry.waite@mkg.com](mailto:Larry.waite@mkg.com)  
314-654-5616, Fax: 314-654-1251

**Tom Blackwood, Director**

Healthsites Associates  
Email: [Trblac@att.net](mailto:Trblac@att.net)  
636-227-1534, Fax: 636-256-7027

**Shyam Srinivas, Director**

GEI Consultants, Inc.  
Email: [ssrinivas@geiconsultants.com](mailto:ssrinivas@geiconsultants.com)  
314-569-9994, Fax: 314-569-9979

**Cynthia Pavelka, Past Chair**

Ralston Purina  
Email: [cpavelka@purina.com](mailto:cpavelka@purina.com)  
314-982-4716, Fax: 314-982-4199

---

## MESSAGE FROM THE CHAIR

Now that the hustle and bustle of the holiday season has past, the decorations put away (hopefully) and our New Years' resolution fading in our not to distant past memory, we are faced with year 2001! The challenges, the uncertainty, the unknown of what is to 'be'. What will we decide to do this year? How will we decide to improve our professional knowledge, expand our network of contacts and become more effective in our chosen field of expertise? As professionals, we recognize the advantages and necessity to integrate with others in our field. We know the value of our peers and how they can be a great source of information, assistance and be a valuable resource. With that thought in mind, your Greater St. Louis Section of AWMA is working toward providing a forum where you can build on your professional career development. Through constant and diligent efforts of the board, we have been trying to identify and deliver services that add value to your membership. An example is the Sponsorship Page on our local web site ([www.awma.saint-louis.mo.us](http://www.awma.saint-louis.mo.us)). Take the time to read more about this option on the following pages.

International headquarters has been just as busy identifying programs, conferences and seminars on topics that are professionally challenging and timely to the regulatory climate for our time. I would encourage you to search on their web site ([www.awma.org](http://www.awma.org)) for the locations and times of these events.

Our organization has been experiencing a decline in membership over the past year, both on the International and local level. A study was conducted and determined that a significant portion of the reduction can be identified by persons leaving the profession or retiring. However, that still leaves us with the challenge to identify new member opportunities. Although we have work in progress to start new chapters within our Section, we STILL need to hear from our membership, YOU, so we can develop and provide the services and information that help make this a premier professional organization.

I hope to see you all at the next meeting,

Dennis

---

## SPECIAL THANKS TO OUR SPONSORS

The Greater St. Louis Section would like to thank the sponsors of our September through December 2000 meetings. The support provided by Sverdrup Civil, T.L. Maddox, Shannon & Wilson, and Haz Waste is a clear example of their continued dedication and commitment to furthering the environmental profession.

For a sponsorship cost of \$250, your company's contribution will be recognized in the following ways:

- Acknowledgement of sponsorship in the meeting notice sent to all section members (350-400);
- A sign provided by A&WMA and displaying your logo at the meeting;
- Verbal acknowledgement from the chair during the meeting;
- Acknowledgement of sponsorship in the newsletter issued after the meeting;
- Acknowledgement of sponsorship on our web site during that month;
- An opportunity for you to display your business cards;
- Tax deduction as a gift to a non-profit organization as defined in the IRS Code, Section 509(a)(2).

If your company is interested in becoming a sponsor, please contact any officer or board member for more information.

## PROSPECTIVE INTERNET-LINKING SPONSORS

To keep up in this age of “time is of the essence” and readily accessible resources, our local Section has created a home page on the internet ([www.awma.saint-louis.mo.us](http://www.awma.saint-louis.mo.us)). This site has been used to provide a flow of information to our membership, which includes meeting notices, newsletters, officer and board contacts. We have identified another opportunity to provide additional value to our membership with readily accessible icons linking you to the homepage of various service, equipment and technical support companies. We anticipate this linkage service will give our visitors an opportunity to “one stop” access to the multitude of resources needed in our job.

The Greater St. Louis Section is offering you the opportunity to sponsor this page and be accessible daily to those visiting our site. For example, during the year 2000, there were over four thousand six hundred visits. We are providing your company this opportunity for a sponsorship fee of \$50.00 per year. For immediate service, contact Tom Maddox at 636-394-8161 or Dennis Dubitsky at 314-298-6541; or visit our web site for directions.

## ST. LOUIS SECTION FORMS STUDENT CHAPTERS

Do you know of a college student in the St. Louis area that is interested in the environment? Would you like to help set one up? Are you a Professor at a local university that could use some help with your environmental programs? Then, please call Tom Blackwood at 636-227-1534. Tom is planning to organize two new student chapters of AWMA in the next year. This will provide on-site programs supported by the Section and will give the student many new career opportunities, access to environmental professionals, scholarship opportunities, and access to new technology. Initially, we will be forming a chapter in Illinois at SIUE, and would like to form one around Washington and St. Louis Universities. Other Universities are welcome. We only need 10 students to get started. For more information, visit the educational councils website (<http://www.awma.org/awma/educate/manl.htm>) to see some of the activities possible in a student chapter or call Tom.

### **Metro East News**

Lewis & Clark Community College in Godfrey, Illinois (just north of Alton) is organizing a one-day environmental conference in mid-June, 2001. The program will be held at the Gateway Convention Center in Collinsville (less than 10 miles from downtown St. Louis). The tentative structure of the conference is a single opening session for all participants, followed by breakout sessions for Public Issues, Local Government Issues, Teacher Training, and Corporate Training. The program should provide attendees with valuable environmental information as well as an opportunity to network with others in the Region working on the same issues to develop a spirit of collaboration and expand the limited resources available.

A&WMA St. Louis Section Directors Larry Waite and Tom Maddox are members of the Steering Committee for the conference. Please contact Larry (314-654-5616) or Tom (636-394-8161) if you're interested in learning more or want to become involved in organizing the program.

### **Wanted: Technical Articles**

Have you been working on an interesting environmental project or have some important research you would like to share with our local community? Would you like to demonstrate your area of expertise to other environmental professionals in the private sector or government? If so, consider writing an article for The Greater St. Louis Section's next newsletter. There is one more scheduled for this year (April) and we encourage all members to publish their latest findings. If you are interested, please contact Joe Rubino at 618/254-7301, ext. 371 or [joseph.rubino@premcoring.com](mailto:joseph.rubino@premcoring.com). We look forward to hearing from you.

# ST. LOUIS ENVIRONMENTORS PROJECT

The St. Louis EnvironMentors Project is beginning its second year of positively influencing the lives of St. Louis high school students and working toward a better environment by matching students from under-resourced urban schools with caring adult professionals. Through the EnvironMentors Project, teens from backgrounds traditionally underrepresented in the sciences (through race, gender, and socioeconomic status) are exposed to careers in environmental protection and to adult mentors who help teens understand, among other things, how higher education plays a central role in career choices.

Beyond college and career awareness, the EnvironMentors Project seeks to raise environmental awareness among students and to help build a commitment to improving the communities in which they live. Student/Mentor teams undertake either an environmental research project or community service project that they develop and document over the course of the school year. From student to teacher, teens develop their own educational units based on their environmental projects. These educational units are then taken to local elementary schools where teens teach younger students about their research.

While student participants come from Beaumont, Vashon, and Roosevelt High Schools, mentors are recruited from throughout the St. Louis area. Many mentors work in environmental fields while others seek simply to share their concern for the environment. During the 1999 - 2000 program, mentors were recruited from Sverdrup Civil Engineering, Missouri Botanical Garden, St. Louis County Health Department, and many others.

"I would like to see this program accessible to every high school in America"  
-Al Gore, Jr., Vice President of the United States and EnvironMentors Honorary Chairman

"We are all aware of the challenges facing our fragile planet, and of the urgent need for worldwide programs to protect the earth. But we must not forget the tremendous importance of local actions and youth education. That's why I am so enthusiastic about the crucial work done by the EnvironMentors Project with teenagers in local communities." --  
Denis Hayes, Chair of Earth Day Network, sponsors of Earth Day 2000.

"You don't just meet and work on the project, you learn what's happening in the student's life. It was a very positive experience." -Greg Pedano, Herbarium Assistant at the Missouri Botanical Garden. -St. Louis Post Dispatch, May 8, 2000

Please feel free to contact Peter A. Franzen, Program Manager, for more information at 314-771-9593 or [pfranzen@environmentors.org](mailto:pfranzen@environmentors.org).

## NEGOTIATING PERMITS: DO'S & DON'TS

*by Andrew J. Polcyn  
Advance Environmental Associates, L.L.C*

### Forward

The discussion presented in this document focuses on negotiating permit conditions for air pollution construction permits. It should be noted, however, that many of the same principles presented for air permits can also be applied to the negotiation of conditions and requirements that are an integral part of permits issued by regulatory agencies for a facility's waste water discharges and hazardous waste management and disposal activities.

### Air Pollution Construction Permits - Background

Nearly every construction permit issued for an air pollution emission

source has one or more requirements, or conditions associated with it. Remember, a permit is like a contract between you and the issuing agency. That is in order to obtain permission to construct the new source, the owner/operator must agree, under penalty of law, to certain terms and conditions.

As a minimum, permit conditions typically specify and/or set *emission* limits for the source to be constructed. However, permit conditions can also,

- (1) require initial emissions testing to prove that the new source as constructed and operated is actually capable of meeting specified emission limits;

- (2) restrict how a facility is allowed to operate by limiting (a) production throughput, (b) the hours of operation, (c) the amount of raw materials it can use and/or (d) the type of raw materials it can use (e.g., low VOC-containing formulations); and
- (3) establish routine monitoring, record keeping and reporting requirements.

In regard to item (2), the purpose for permit conditions that restrict how a facility is allowed to operate is to (A) ensure that the facility will not exceed specified short term emission limits and/or (B) ensure that the facility will not exceed a specified annual (rolling 12 month total) threshold amount above which the facility would become subject to additional permit application requirements (modeling; ambient monitoring; impact analysis; etc.), emission control requirements (RACT, BACT, MACT) and/or additional emission limitations.

### Final Permits Don't Always Look Like the Draft - Do's and Don'ts For Ensuring You Receive a Fair and Appropriate Permit

Although most permitting agencies provide the applicant with an opportunity to see a final draft of the permit to be issued, in some instances they don't. Also, of those that do, it is not uncommon for a permit writer to make significant changes when he/she writes the final permit (after the applicant has already reviewed the final draft).

Whether the permit is in the draft stages, or is issued in its final form, the applicant needs to *always* read the permit and be sure that each of the terms and conditions of the permit are correct and appropriate. That is, one should carefully examine the permit special conditions to determine whether or not they (1) are applied to the correct source; (2) are applicable to the type of source to be constructed; (3) accurately reflect the emission limit(s) established for the pollutant(s) the new source will emit; (4) include emission testing requirements that are appropriate for the source as it is to be constructed and operated; (5) include monitoring and record keeping requirements that are capricious or excessive; and (6) impose restrictions on the facility's operations that owner and operator will not be able to live with given their need to satisfy short term spikes in customer demands. After submittal of the permit application, this step is the most important **do** of all the do's and don'ts in the process of ensuring that you obtain a fair and appropriate permit.

In other words, the first step to effectively negotiating permit conditions is to first, **know and understand exactly what the conditions are and what they mean to you**. The meaning of the words understand what the conditions mean to you is *to recognize exactly what each condition obligates the facility owner/operator to do in order to comply with the permit*.

All too often, the permit applicant or owner/operator does not read either the draft or final permit. By not reading the permit, the applicant commits two cardinal sins. First, that applicant unknowingly accepts a permit that may be incorrect or inappropriate for the source to be constructed. Second, the applicant doesn't realize what the facility and its owner/operator *must* do in order to comply with the permit.

Obviously, one cannot negotiate changes to the conditions of a permit if he/she does not know what they are or what they mean (what they obligate the owner/operator to do).

Therefore, the first **do** in the do's and don'ts arena is to **read the draft permit and be sure you understand it and agree with its terms and conditions**. Similarly, the first **don't** comes into play when a permit is issued as final. That is, **don't** set the permit aside by filing it away without first reading it carefully and confirming that the final is exactly the same as the draft (assuming you agreed and accepted the draft version). Confirm that it properly reflects any changes you negotiated with the permit engineer while the permit was in the final draft stage.

Should you find the final permit to differ significantly from the final draft and you, therefore, find that you do not agree with one or more of the permit conditions, **you must act expeditiously to file an appeal**. This is a very important **do** in the do's and don'ts arena.

In Missouri, the owner/operator has 30 days from the date the permit was issued to file an appeal. The appeal is a *legal* notice sent to the permitting agency in the form of a letter that announces your appeal and addresses the specific areas of your concern. The appeal is duly noted by the permit agency and is turned over to the legal governing body for the given state in which the proposed new source is to be constructed. Typically this requires a hearing by an environmental board or similar governing entity. In Missouri, an appeal is carried to the Missouri Air Conservation Commission (MACC) where it is placed into a public forum for a hearing by the MACC. Note that if you do not file an appeal within the time frame allotted by the law, you will have no further recourse and will have to comply with all of the permit conditions as written.

Once the appeal has been filed with the permitting agency and logged with the governing state legal entity (e.g., the MACC), the next **do** in the process is to immediately pursue a separate but time-parallel path for negotiating with the permit review engineer to change the permit conditions to which you object. The **do** in this step is to set-up a meeting to review the changes you want made.

The first step in this process is to contact the permit review engineer to arrange for a face-to-face meeting/work session at the agency's office. Explain your concerns and intent and then follow-up your verbal communication in writing via a registered letter. Don't forget to ask for the permit section chief to attend the meeting. Remember, if there are gray areas that require interpretation of a rule or a special decision to be made, the permit writer may not have the authority to make that interpretation or decision. However, be sure not to antagonize the permit writer by making him/her think you don't trust them or their judgement. Carefully explain why it is best to have their boss present during the meeting - emphasize that this will help both of you in getting through rough spots that require interpretation and/or policy decisions that only the permit chief can make.

Before meeting with the review engineer, you must **do** your homework. You must have a definite game plan and must come well prepared to the meeting if you are to be successful in your contesting of each permit condition with which you find issue. This is important especially if you are taking a precedent setting path.

You must research the regulations to be sure your arguments will be on firm ground and you must take the time to re-write the permit conditions to correct any errors and/or inaccuracies. Be sure

to insert the language you believe you need to ensure that the permit conditions properly reflect your concerns and otherwise give you a permit whose conditions you can live with (i.e., are willing to agree to comply with as finally written in every respect). Bring your re-written version of the permit to the meeting and bring all supporting documentation (i.e., the results of your research that will support your argument for the changes).

In negotiating the language of the permit conditions, keep in mind that the permit writer is an engineer who is only trying to do his or her job. Unfortunately, all too often, the staff of engineers who have this responsibility have limited experience and their knowledge is also limited by lack of sufficient training and/or proper guidance. Keep in mind that agencies have frequent turnover and often find themselves understaffed. This puts extra pressure on the staff they do have to crank-out the permits under a specified deadline. In other words, hold your ground on what you believe is right and appropriate, but don't insult the permit writer because he or she may not have as strong an understanding of the rules or the guidance and interpretation that often is required to do a proper job in writing a good permit. Also keep in mind that the permit writer does not know your process as well as you do. It is in your best interest to help them to understand your process and then show them how this affects the permit and the conditions needed to demonstrate compliance.

Once you have negotiated the changes you need, make sure to document the verbal agreements in writing. **Do** insist that the permit writer supply you with the final re-written draft which you and he have negotiated. Have the permit writer e-mail the entire re-written permit to you so you have a chance to confirm that the verbally agreed upon changes have indeed been incorporated. **Don't** hesitate to mark-up the final re-written draft if you find the language to be not what you believe was negotiated and return the corrected version requesting that the permit writer acknowledge and accept your modifications. Again insist that an e-mail transmission of the final version (as it will look when finally re-issued) be sent to you for one last look. Be tactful, but aggressive. Remember, you will have to live with the permit once issued in its final revised form, so make sure its right!

After you have received the final re-written draft of the permit (with all changes incorporated as you have negotiated), then proceed with the last **do** in this process. That is, submit a letter to the agency notifying them of your withdrawal of the appeal of the original permit. Be sure, however, to qualify your withdrawal, stating that it is predicated on the final re-written permit being issued as you and the permit writer had agreed. Reference the final e-mailed copy that you approved by including the date and time of the e-mail message and the exact name of the permit file that was attached to the e-mail when you last reviewed it and notified the permit writer of your acceptance.

### Summary of Do's and Don'ts For Effectively Negotiating Permit Conditions

**Don't** file away a permit until you have carefully reviewed it, particularly any special permit conditions, and you are certain that you understand what it says and what you and your facility will be obligated to do in order to comply.

**Do** read the permit as soon as you receive it. If you don't understand

any part of the permit, immediately contact the permit writer and get a clarification. If, after receiving the clarification, you believe the permit as written does not accurately state what the permit writer had intended (as he/she explained in clarifying your point in question) then

**Do** file an appeal as soon as possible, thereafter.

**Do** contact the permit writer and arrange for a face-to-face meeting.

**Don't** hesitate to ask for the permit section chief to attend the meeting. Remember, if there are gray areas that require interpretation of a rule or a special decision to be made, the permit writer may not have the authority to make that interpretation or decision. However, be sure not to antagonize the permit writer by making him/her think you don't trust them or their judgement. Carefully explain why it is best to have their boss present during the meeting - emphasize that this will help both of you in getting through rough spots that require interpretation and/or policy decisions that only the permit chief can make.

**Do** your homework. Study the permit conditions you object to and research the regulations, any guidance documents and any other sources of information that will clearly support objections and help you to negotiate the changes you seek. This is probably the most important step in ensuring your success in *negotiating* for the changes you want to see incorporated in your permit. The more information you can bring to the table to support your arguments for the changes you believe are necessary, the better your chances of success.

**Do** recognize the limitations of the permit writer (lack of experience, training, guidance, etc.) and take this into account when you negotiate. **Don't** insult their intelligence. Rather, help them to understand your process and how this plays into writing an effective, yet fair permit. It is in your best interests to do so.

**Do** insist on having an active back-and-forth review of the re-write of the permit and use e-mail, fax or overnight courier service to keep the process moving smoothly and to push for a rapid conclusion. The longer it takes to reach a final agreement, the worse are your chances of succeeding in achieving your desired result. You want the permit re-written correctly and in a manner that not only satisfies the regulatory agency's requirements, but also meets your business objectives.

**Do** document all of the negotiated changes in writing. Use of attachments to e-mail messages is the most effective manner to rapidly complete the process of re-writing the final draft of the permit.

**Don't** forget to withdraw your appeal, but only after you are certain that the final, re-written permit will incorporate the changes you have negotiated with the permit writer. Qualify your withdrawal of the appeal contingent on the final re-written permit being identical to the last draft you approved via e-mail transmission and even enclose a printed copy of the final draft with the letter for reference. Remember, be tactful, but aggressive. Once finally issued, the re-written permit is your's to live with. Make sure its right this time.

*If you have specific questions on permit negotiations, Andy Polcyn can be reached at 636/916-4800.*

*By Jennifer Markwardt, Secretary*

Hope everyone had a great holiday season. The A&WMA Greater St. Louis Section has been working hard to present informative/educational programs at the monthly meetings. Since the October Newsletter, I have several important items to report.

### Summary of Meeting Minutes

The Section held its first monthly meeting of the 2000/2001 year on September 19, 2000 at the Cheshire Inn. Dr. Jay Turner from Washington University presented information on several important research programs he and his students are conducting related to air pollution, including studies of VOC Emissions from Oak Trees, Particulate Emissions from Automobile Tire Wear, and Air Pollutant Emissions from Charcoal Kilns. A separate extended session was offered for the first time at this meeting that featured an hour of more detailed discussion from Dr. Turner and an extra presentation from one of his students, Garima Bhatia.

On October 17, we met at Favazza's to hear from EPA Region VII's David Doyle regarding the St. Louis Community Air Project (CAP), involving two zip codes in South St. Louis City. November's meeting, held November 14 at Patrick's at Westport, was a lively panel discussion on negotiating permits. Bob Wilkinson of Thompson Coburn moderated the festivities with panelists Bruce Backus of Washington University, Chuck Gunn of Burns & McDonnell, Brian Kury of Boeing and Andy Polcyn of Advance Environmental. On December 12, Creve Coeur Country Club hosted a regulatory perspective on EMS with John Young of MDNR and Ruben McCullers of EPA Region VII.

The Board of Directors met in September, October and December. The treasurer's report identified that the Section, as of December 5, 2000, had a balance of approximately \$16,700 with a couple of outstanding debts. The current balance includes \$5,000 loaned to International with the check sent the beginning of December. International had requested loans from Sections and Chapters to assist in their efforts to renegotiate their lease at a better rate for the next few years.

The Section is moving forward with plans to initiate student chapters at some of the local universities. Tom Blackwood has been working with Southern Illinois University – Edwardsville (SIUE) and has an organizational meeting planned for early January. Once 10 students join a chapter, they can be incorporated into International under the Greater St. Louis Section. If you want to help in this effort at SIUE or any other institution, please contact Tom.

### **Other Notes**

The Section would like to encourage all members receiving our mailings via "snail mail" to consider switching to receive all correspondence via electronic means. We have a web site and mailing list for information to be distributed to the membership electronically. Please sign up for electronic notification only via the web site ([www.awma.saint-louis.mo.us](http://www.awma.saint-louis.mo.us)) or by contacting me via e-mail ([jennifer@turco.com](mailto:jennifer@turco.com)). Reducing the amount of mail we have to send out every month cuts Section costs considerably and is environmentally friendly! Please consider e-only. Thanks.

This writing is only a summary of the Board Meeting Minutes. Please contact Jennifer Markwardt, Secretary, for a copy of the meeting minutes.

# ARE YOU MOVING, OR HAVE A CHANGE OF ADDRESS?

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

Contact: Jennifer Markwardt

Email: [jennifer@turco.com](mailto:jennifer@turco.com)

Phone Number: 314-259-7150

Fax Number: 314-259-7099



A&WMA Greater St. Louis Section  
c/o Engineers Club of St. Louis  
4359 Lindell Boulevard  
St. Louis, MO 63108