

Counties Commit to Clean Water

Since the introduction of USEPA's Phase II Stormwater Rules, in December 1999, and the adoption of NJ's Municipal Stormwater Regulation Program in 2004, municipalities, public complexes, and highway agencies have been required to address a myriad of stormwater quality issues. In addition to developing a Stormwater Pollution Prevention Plan and adopting a Stormwater Management Plan by April 1, 2005, regulated facilities were required to institute engineering and mechanical controls, adopt ordinances, provide annual employee training and public outreach programs, and complete an annual certification report in an effort to control major sources of pollutants that enter surface water and ground water in an effort to significantly increase the quality of our waters throughout the state.

One of the last stormwater requirements involves the control of wash waters due to the cleaning of public vehicles. If a public entity chooses to wash its vehicles, as of February 28, 2009, stormwater runoff must be controlled by either installing a vehicle wash water recycling system, connecting to a sanitary sewer with permission from the receiving authority, ceasing the activity, or by applying for a separate NJPDES permit. One exception to this rule is firefighting vehicles.

Birdsall Services Group (BSG) designed, permitted and provided construction inspection for the new Ocean County Vehicle Wash Facilities located in Toms River and Plumsted, New Jersey. These facilities received the 2008 Governor's Environmental Excellence Award under the Clean Water category. BSG is currently providing similar services to both Monmouth County and Somerset County for their vehicle wash facilities. The Somerset County facility will also use a solar PV system to generate onsite power.

For more information regarding our stormwater management services, please contact Chris Gulics at cgulics@birdsall.com or (732) 751-0799 ext. 6125.



DREDGING PROJECT GETS ROLLING

With the condition of Point Pleasant Beach's lakes deteriorating over time, the community finally secured a settlement with the NJDEP for dredging one of the borough's ailing lakes, Lake Louise. The settlement comes after two years of negotiation with NJDEP. Following the December 2006 denial of a dredging permit by the NJDEP, the Borough turned to Birdsall Services Group (BSG) to file an appeal. NJDEP's issues related to the

lake's origins as a natural water body or a man-made creation. The NJDEP also noted concern regarding potential affect dredging may have on the impending shellfish population of the lake.

BSG's services will include a pre-dredging bathymetric, or depth survey and a Submerged Aquatic Vegetation (SAV) survey of the entire lake. The settlement permits the dredging of the entire lake to a depth of four feet subject to the limitations of the SAV survey. Information obtained through the survey processes will be submitted to the U.S. Army Corps of Engineers (USACE) for an Individual Permit, as the dredging is a regulated activity by the USACE.

It is anticipated that approximately 17,000 cubic yards of dredge material will be pumped just under one mile to Gull Island, which sits in the Manasquan River. The dredge process is limited to a period of Sept. 1 of any given year through Jan. 1 of the following year.

The NJDEP will provide the borough a low-interest loan of \$500,000 and Ocean County may also assist in the funding of this project. BSG's grant professionals will work with the Borough to identify any other available state and federal funding sources.



WHAT'S HAPPENING AT BSG

NEWSWORTHY

BSG is one of the first firms in the State to be awarded the following two new disciplines by the DPMC: Energy Auditing & Renewable Energy Consultant. These new disciplines were just added to the DPMC's website in late January.

Dave Eareckson, Chief Operating Officer at BSG-LGA, was recently presented with the NAIOP Presidential Award for his volunteer work on the Regulatory Affairs Committee.

Jim Johnston, President of BSG-PMK, was recently appointed to the Newark Regional Business Partnership (NRBP) 2009 Board of Directors.

Bergen County Utilities Authority was selected as an AEA Wave Award recipient for the construction of a Combine Heat & Power Cogeneration Plant at the Little Ferry wastewater treatment facility. BSG provided the air permitting and compliance, energy use and cost savings analysis and greenhouse gas reduction analysis for the Cogeneration Plant. The plant burns methane gas generated from their anaerobic digesters and provides heat and electricity to the wastewater treatment facility thus saving costs and use of purchased natural gas and electricity as well as reducing overall greenhouse gas generation at the facility.

LOOK FOR US AT...

New Jersey Conference of Mayors
April 30 - May 1 - Booth #614
Borgata, Atlantic City, NJ

Federation of NY Solid Waste & Recycling Conference
May 3-5 - Booth #225
Sagamore Resort, Lake George, NY

NJ Water & Environment Assn.
May 12-14 - Booth #812
Bally's Hotel, Atlantic City, NJ

NJAC Conference
June 17-19
Bally, Atlantic City, NJ

Police Security Expo
June 23-24 - Booth #820
Atlantic City Convention Ctr.

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NJ moves forward with remediation remedy

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 **Dredging Project Gets Rolling**

Governor Corzine is expected to sign into law a controversial bill that will have long-term impacts on the way in which New Jersey's 20,000 known contaminated sites are remediated. The bill entitled "The Site Remediation Reform Act" has several major provisions, with the main focus of the bill the

establishment of a Licensed Site Professional (LSP) program. Tenets of this new legislation and LSP program are based on the successful Massachusetts Hazardous Waste Site Cleanup Program that licenses professionals to oversee most aspects of remediation involving contaminated property.

Due to an excessive backlog of contaminated sites and concurrent with the goal of redevelopment of contaminated properties in a manner protective of human health and the environment, the State legislature passed this bill to effect change in how contaminated sites are managed. It has long been acknowledged that the current process used to review remediation documents has inhibited the timely remediation of contaminated sites. With support from the NJDEP and the business and regulated community, the impact of this bill will spur redevelopment and reduce the number of contaminated sites scattered throughout NJ. Additionally, this legislation will include amendments to multiple statutes that will impact the following:

1. NJDEP remediation oversight
2. Support of existing statutory incentives for

unrestricted use cleanups

3. Disincentives for cleanups to restricted standards or using caps
4. Disincentives for warehousing of contaminated sites
5. Licensing of environmental consultants who perform site remediation work

6. Responsible party's obligation under the Spill Act
7. Remediation Funding Source requirements
8. Various site remediation statutes in order to implement the above.



The implementation of the LSP program, which will involve the licensing of private environmental engineers and consul-

tants, will dramatically increase the number of contaminated sites that get cleaned up every year and reduce the time and cost of cleaning up these sites. An added benefit will be the reduction of project case-work, which will allow NJDEP to concentrate on the larger, more severely polluted sites that require more extensive government oversight and involvement.

Several organizations oppose allowing private-sector environmental engineers to oversee clean-ups and have argued that it is the "fox watching the hen-house" and that there are no checks and balances.

The supporters of this bill countered this criticism by ensuring that LSPs will be held to a higher standard of performance, making them accountable for their work, requiring proper licensure and providing significant penalties, including criminal prosecution, against any LSP who violates cleanup rules and law.

BSG's multiple Environmental Engineers and Consultants will satisfy the interim LSP standards for educational requirements, experience, and professional certifications allowing existing remediation projects to continue on an uninterrupted basis.

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MORRIS COUNTY TACKLES WORKER'S COMPENSATION

Three years ago Morris County decided to attack rising workers compensation costs by hiring safety engineers to re-establish a comprehensive safety compliance program with a focus on workplace accidents and injuries.

County Risk Management Director Cathy Burd, recently reported to the County Freeholders that the number of on-the-job injuries to county government workers dropped from 558 in 2003 to 398 in 2008. This reduction has substantially lowered the amount the County pays in workers compensation claims, spending \$850,000 less in taxpayer dollars last year than in 2000.

There also has been a decrease in the amount paid out in compensation claims from \$2.2 million in 2000 to \$1.35 million in 2008, which allowed a lowering of the amount budgeted for claims by \$200,000.

"We have worked to educate employees and focus on safety issues in our facilities," said Cathy Burd. "We have tried to determine root causes of accidents and injuries and to try to prevent future accidents."



In 2005, the County engaged BSG-PMK to not only ensure regulatory compliance with Occupational Safety & Health Administration (OSHA) regulations but to also institute an aggressive health and safety compliance program, which includes participation on the Safety Committee, safety planning, safety auditing, accident investigation, and safety training. BSG-PMK also provides similar safety engineering services to Monmouth County and Union County in addition to over fifty municipalities and school districts throughout NJ.

For more information on BSG's health and safety services, please contact Pat Lorimer at plorimer@birdsall.com or 732-751-0799 ext. 6529.

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COAH Challenges Continue

The deadline for the Council on Affordable Housing's ("COAH") submission of "Round 3" Housing Plan Element and Fair Share Plans for a vast majority of municipalities was December 31, 2008. Many municipalities scrambled to either submit a petition for substantive certification with the court or file a Housing Plan Element and Fair Share Plan with COAH or face the risk of litigation known as "Builder's Remedy" lawsuits and the loss of



affordable housing trust fund monies. "Builder's Remedy" lawsuits typically involve an effort on the part of a one or more developers to demonstrate that they can provide all or a substantial portion of the municipality's fair share obligation where the municipality has failed to provide its constitutionally obligated fair share of affordable housing. If the developer prevails, the municipality loses control over its local zoning powers to the court. The court may also find that the developer is entitled to increased density in a given zone district. The courts commonly permit the developer to construct mid-rise to high-rise affordable housing projects in order to accommodate the newly permitted density. To add insult to injury this type of litigation is typically very costly to the taxpayers.

If a municipality is not currently protected from "Builder's Remedy" lawsuits, now is the time to consider filing a plan with COAH or the court, which will provide two years of protection from these lawsuits. BSG's public engineering and consulting business unit, BSG-BEI, has extensive experience in preparing housing elements, fair share plans, affordable housing ordinances, and legal certifications for use in defending municipalities involved in "Builder's Remedy" litigation.

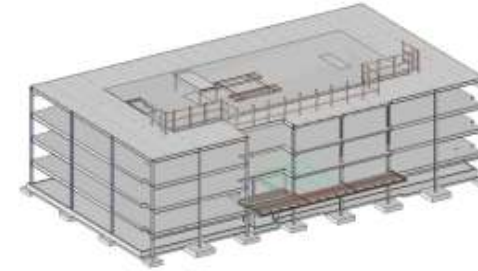
Subsequent to filing a plan with COAH a municipality must petition for substantive certification within two years of the date of filing. Regardless of the future outcomes of the many lawsuits that are currently pending, which challenge various aspects of COAH's regulations, it is very likely that your municipality will ultimately have a third round fair share obligation. Filing a plan will protect your municipality and enable you to take the first steps toward providing affordable housing units.

If you have any questions or would like to discuss how your municipality is impacted by COAH's regulations, please contact Jennifer C. Beahm, P.P., AICP at jbeahm@birdsall.com / 732-380-1700 ext. 1294, Jeffrey L. Janota, P.P., AICP at jjanota@birdsall.com / 732-380-1700 ext. 1242 or Peter Van den Kooy at pvandenkooy@birdsall.com / 732-380-1700 ext. 1214.

Building Information Modeling (BIM) Adds Value

Chances are that as a facility owner, operator, developer or design professional that you've heard of "BIM" recently. As a reminder, "BIM" stands for Building Information Modeling – a new design and documentation methodology that relies on a consistent, coordinated, digital representation of the building. BIM is for today's professionals what Computer Aided Design (CAD) was for the A/E industry in the 1980's. But how can this new approach benefit you? Here are some highlights of what the BIM process can offer for your building project:

- It gives building industry professionals and owners a clear, 3D model to help visualize and better communicate the final product.
- It enables real-time decision making to be made due to improved visualization and team collaboration earlier in the design process.
- It allows clashes and interferences to be detected earlier due to more integrated coordination that is facilitated by the improved technology.
- BIM promises to reduce RFI's and field retrofits by identifying problems well before fabrication begins.
- It offers the ability to integrate construction staging and phasing into the BIM model for complex projects – creating a 4D planning tool.
- The 3D models can be retained by facility owners and operators as accurate, as-built digital replicas of their facility that may be used as databases for space planning, maintenance, and future alteration designs.



When all of the structural parametric information is incorporated into the BIM model and shared with the entire team, the contractor can fast-track accurate steel mill orders, and the shop drawing and detailing process can be expedited, thereby resulting in significant time savings.

BSG's structural engineering business unit, BSG-DVB, is on board with the new BIM process. BSG-DVB is focused on this new technology due to its huge potential to bring significant benefits to the entire project delivery process for buildings.

Currently, our flagship BIM project is a new four-story, 100,000 SF medical facility to be built in Florham Park, NJ. The new facility will be a state-of-the-art sports medicine institute for Atlantic Health Systems, scheduled to be completed in 2010. BSG-DVB is targeting BIM on many of its healthcare, educational, and laboratory design projects that feature complex structural and MEP systems. For additional information, please contact Ralph D'Apuzzo at rdapuzzo@birdsall.com / 908-688-7887 ext. 109.

WESTCHESTER FOLLOWS MONMOUTH'S LEAD ON WASTE MANAGEMENT

For several years Westchester County has been conducting Household Chemical Clean-up Days (HCCD) on behalf of its 950,000 residents to properly dispose of unused household chemicals. The HCCDs have been very successful in removing undesirable materials from the municipal waste stream. However, as the frequency of these events has increased, their cost-effectiveness has decreased and County leadership has determined that there is a more efficient means to manage the collection and disposal of these materials. Following a review of existing programs in other Counties throughout the tri-state area and the completion of a waste feasibility study, Westchester decided to establish permanent household hazardous waste (HHW) recycling facilities.

Birdsall Services Group (BSG) has been retained by the County to provide all engineering and project management aspects in order to build two HHW facilities strategically located throughout the County. BSG's scope of work includes survey, environmental permitting, site design, building design, roadway configurations, access and egress routes, and management of the project. Interestingly enough, the concept for the HHW facility and operations was based on Monmouth County, NJ's HHW facility, which was also designed and engineered by BSG.

For more information on BSG's Solid Waste Management Services, please contact Jay Pisco at jpisco@birdsall.com or Rich Erickson at rerickson@birdsall.com.