

Atlanta Environmental Management, Inc.

Newsletter



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HUD Requires Vapor Intrusion Screens

For a number of years, the U.S. EPA and a number of state environmental agencies have expressed concern about the potential risks of Soil Vapor Intrusion (SVI) to human health and the environment. Recent studies have indicated that soil or groundwater beneath building foundations, or behind foundation walls, containing volatile contaminants such as solvents or semi-volatile organic compounds (SVOCs) may be a health risk to those who live or work in the structures or facilities that the foundations support. These studies have established that vapors from the contaminants in the soil or groundwater have the potential to penetrate or intrude into the concrete of the foundation and collect and accumulate within the facility.

In response to the SVI concern, the U.S. Department of Housing and Urban Development (HUD) Office of Multifamily Housing has adopted Tier 1 vapor intrusion (VI) screens (the first of four tiers) under ASTM E 2600 as a mandatory component of Phase I environmental site assessments conducted under the agency's Multifamily Accelerated Processing (MAP) Guide. MAP is the procedure used by hundreds of MAP-approved lenders and HUD field offices throughout the country to process loan applications for Federal Housing Administration multifamily mortgage insurance.

Under the revised policy, "The Phase I ESA **must include** an initial vapor (a.k.a. gas) intrusion screen to determine if there is a potential for vapors to occur in the subsurface below existing and/or proposed on-site structures from those hazardous substances, petroleum and petroleum products that consist of VOCs, SVOCs and inorganic volatile compounds."

HUD is the first federal agency to endorse E 2600, a collaborative effort within ASTM of hundreds of consultants, attorneys and end users who saw the need to develop a tiered process for addressing VI during real estate transactions.

Beyond the HUD market, multifamily properties are now viewed as the best opportunities for investment, beating out industrial, office, and retail. HUD's revised policy provides consultants with a solid basis for having discussions with clients on why the risk of VI can be greater at tenant-occupied sites such as apartments, condos and office buildings, and how the consensus-based practice outlined by ASTM can (in most cases) rule out VI as a concern up front.

For questions regarding vapor intrusion please call Dr. Loring Pitts at AEM at (404) 329-9006.

Is It "Product" or Is It "Hazardous Waste"?

Discarded commercial chemical products, off-specification species, container residues, and spill residues of such chemicals may be "product" according to the relevant federal regulations and may be "hazardous waste" that is subject to applicable management and reporting requirements.

Any commercial chemical product, or manufacturing chemical intermediate, that has a generic chemical name that is listed in either of paragraphs (e) and (f) of 40 CFR 261.33 is a hazardous waste if and when it is discarded (or intended to be discarded). Moreover, any off-specification chemical product or manufacturing chemical intermediate that, if it met specifications, would have a listed generic name is a hazardous waste if and

when it is discarded (or intended to be discarded).

Any residue of such a chemical product or manufacturing chemical intermediate is a hazardous waste if it is discarded or is intended to be discarded. If the residue is being beneficially used or reused or is legitimately recycled or reclaimed (or is being accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation), this is considered legitimate reuse of product. An example of legitimate reuse of a residue would be where the residue remains in a container that is being used to hold the same chemical product or manufacturing intermediate that it previously held. If the residue is intended

for discard, however, it is considered to be a hazardous waste. An example of the discard of residue would be where a drum is sent to a drum reconditioner who reconditions the drum but discards the residue.

Any residue or any contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial chemical product or manufacturing chemical intermediate that has a listed generic name, or of any off-specification chemical product or manufacturing chemical intermediate that, if it met specifications, would have such a listed generic name, is a hazardous waste if and when it is discarded or intended to be discarded.

EPA Announces Guidance to Communities on PCBs in Caulk of Buildings Constructed or Renovated between 1950 and 1978

WASHINGTON – The U.S. Environmental Protection Agency announced a series of steps that building owners and school administrators should take to reduce exposure to polychlorinated biphenyls (PCBs) that may be found in caulk in many buildings constructed or renovated between 1950 and 1978. The agency is also conducting new research to better understand the risks posed by caulk containing PCBs. This research will guide EPA in making further recommendations on long-term measures to minimize exposure as well as steps to prioritize and carry out actions to remove the caulk in order to better protect public health.

PCBs are man-made chemicals that persist in the environment and were widely used in construction materials and electrical products prior to 1978. PCBs can affect the immune system, reproductive system, nervous system, and endocrine system and are potentially cancer-causing if they build up in the body over long periods of time.

“PCBs have been banned for the last 30 years for most uses,” said EPA Administrator Lisa P. Jackson. “But unfortunately, high levels of PCBs are present in many buildings and facilities constructed prior to the PCB ban, including most recently some schools. We’re concerned about the potential risks associated with exposure to these PCBs and we’re recommending practical, common sense steps to reduce this exposure as we improve our understanding of the science. For building owners and administrators who want to take

added and more aggressive immediate steps, EPA is providing additional guidance to help them identify the extent of potential risks and determine whether mitigation steps are necessary. Local communities and governments have constrained resources that make this a particularly challenging and sensitive situation.”

Where buildings were constructed or renovated between 1950 and 1978, EPA recommends that PCB-containing caulk be removed during planned renovations and repairs (when replacing windows, doors, roofs, ventilation, etc.). It is critically important to ensure that PCBs are not released to the air during replacement or repair of caulk in affected buildings. EPA is recommending simple, common-sense work practices to prevent the release of PCBs during these operations. More information can be found at <http://www.epa.gov/pcb Sinclair>

EPA will work directly with owners and managers facing serious problems to help them develop a practical approach to reduce exposures and prioritize the removal of caulk.

Anyone seeking technical guidance should contact EPA at 1-888-835-5372.

For more information on PCBs in caulk:
<http://www.epa.gov/pcb Sinclair>

For more information on PCBs in the U.S.:
<http://www.cdc.gov/nceh> or <http://www.cdc.gov/atsdr>

Pesticide Limits to Protect Fish

The Environmental Manager’s Compliance Advisor October 19, 2009, Issue 745

Twenty-eight species of threatened salmon and steelhead in the Northwest will likely benefit from the first formal consultation completed between EPA and the National Marine Fisheries Service (NMFS) in 20 years.

Based on the consultation, EPA will place additional limitations on the use of three organophosphate pesticides—chlorpyrifos, diazinon, and malathion—that have threatened the iconic fish.

Consultation with NMFS is required by the Endangered Species Act (ESA) when EPA determines that a pesticide may affect listed species or critical habitat. The three pesticides are typically applied to vegetation near water bodies. Effects on salmon and steelhead include impaired reproduction, impaired feeding, damage to the salmon’s sense of smell, and weakened swimming ability for juvenile trout.

Anticipated changes to pesticide labels include addition of pesticide buffer zones; application limits based on wind speed, soil moisture, and weather conditions; and fish mortality incident reporting requirements. New enforceable labels

could be available as early as the 2010 spring growing season.

EPA is requesting that manufacturers voluntarily adopt the new limits on labeling. If the manufacturers decline this request, the

Agency says it will pursue regulatory actions to impose the limits.

The new use limits result from consultations EPA initiated with NMFS in 2002, 2003, and 2004 and will replace interim limits put in place by the U.S. District Court for the Western District of Washington in 2004. EPA and NMFS are currently discussing ways to make the ESA consultation process more efficient.

Information is available at <http://www.epa.gov/espp>.



EPA Releases List of Priority Drinking Water Contaminants for Regulatory Consideration

WASHINGTON – EPA is releasing its third list of drinking water contaminants that are known or anticipated to occur in public water systems and may require regulation. EPA will continue to evaluate and collect data on the contaminants, and by 2013 will determine whether or not to propose drinking water regulations for some of them.

The contaminant candidate list (CCL 3) includes 104 chemical contaminants or groups and 12 microbes. Among them are pesticides,

disinfection by-products, pharmaceuticals, chemicals used in commerce, waterborne pathogens, and algal toxins. The Agency's selection of the contaminants builds upon evaluations used for previous lists and is based on substantial expert input and recommendations from different groups including stakeholders, the National Research Council, and the National Drinking Water Advisory Council.

EPA will make regulatory determinations for at least five contaminants in accordance

with the Safe Drinking Water Act. For those CCL 3 contaminants that lack sufficient information for a regulatory determination by 2013, EPA will encourage research to provide the information needed.

The agency evaluated approximately 7,500 chemicals and microbes and selected 116 candidates for the final list based on their potential to pose health risks through drinking water exposure.

The agency considered the best available health effects

and occurrence data and information to evaluate unregulated contaminants.

A draft CCL 3 was published for review and comment on February 21, 2008. EPA reviewed and analyzed the information provided in the comments in developing the final CCL 3.

For more information on the contaminant candidate list: <http://www.epa.gov/safewater/ccl>

EPA Plans to Develop Interim Preliminary Remediation Goals for Dioxin in Soil

**EPA-Washington
October 15, 2009**

The U.S. Environmental Protection Agency is seeking public comment on a plan to develop interim preliminary remediation goals (PRGs) for dioxin in soil at contaminated sites. The plan includes a review of current dioxin cleanup guidance that has been established by the EPA, states, and other countries, including the latest fully peer-reviewed dioxin toxicity assessments. EPA will release the draft interim PRGs for public comment in December 2009 and anticipates issuing the final interim PRGs in June 2010. EPA is currently undertaking a reassessment of dioxin, the results of which are expected to be released by the end of 2010.

Several key site-specific decisions involving dioxin may need to be made before the dioxin reassessment is finalized. EPA's Office of Solid Waste and Emergency Response (OSWER) will be reviewing current dioxin cleanup guidance set by the Agency and other entities, with the goal of recommending interim PRGs informed by the latest science. These interim recommended PRGs would be used until EPA issues its dioxin reassessment and OSWER is-

sues final recommended PRGs based on the reassessment. After publication of the dioxin reassessment and final PRG guidance, EPA will re-evaluate cleanup decisions at Superfund, Federal Facilities, Brownfields, and Resource Conservation and Recovery Act (RCRA) sites that were based on the interim PRGs in order to ensure that cleanups are protective.

In developing these interim recommended PRGs, OSWER and EPA's Office of Research and Development (ORD) are reviewing current soil cleanup levels and dioxin toxicity values used by the states, the Agency for Toxic Substances and Disease Registry, and other countries. Based on this evaluation, OSWER may reconsider EPA's currently recommended PRGs for Superfund, Federal Facilities, Brownfields, and RCRA sites, which are 1 part per billion (ppb) or 1,000 parts per trillion (ppt) for dioxin toxicity equivalents (TEQs) in residential soil, and a level within the range of 5 ppb (or 5,000 ppt) and 20 ppb (or 20,000 ppt) in commercial/industrial soil, where exposure is due to direct contact.

Three key components of EPA's current recommended PRGs will be re-evaluated: the

EPA dioxin toxicity value adopted in 1985, generic exposure assumptions, and the cancer risk level. OSWER intends to recommend interim PRGs informed by the latest science and the work of state and other agencies.

The interim PRGs will be used to evaluate pending cleanup decisions. These decisions will be re-evaluated when the final PRGs for dioxin in soil are developed. As noted above, the interim PRGs being developed for dioxin are not site-specific cleanup levels. They are intended to serve as recommended PRG levels that can generally be used as a starting point in the process used for determining cleanup levels at Superfund, Federal Facilities, Brownfields, and RCRA sites. Final cleanup levels for a site would typically be developed by modifying the PRGs based on consideration of site-specific information (such as exposure frequency or acceptable cancer risk level) obtained as part of the site-specific baseline risk assessment.

The proposed plan for the development of the OSWER interim recommended PRGs for dioxin in soil is as follows:

- Open public comment period on this OSWER plan for developing interim recommended PRGs—October 2009
 - Interim recommended PRGs available for public comment in the Federal Register—December 31, 2009
 - End of public comment period—February 2010
 - Issuance of guidance that addresses interim recommended PRGs—June 2010*
- *Schedule subject to change based on the extent of public comments received.

EPA will make this information available to the public through the following: (1) the EPA Superfund program web site, (2) Clu-in, a web site maintained by EPA that has technical information related to cleanups, (3) postings on regional web sites and used at public meetings, and (4) distribution generally to the regions.

To comment on the proposed plan for developing interim recommended PRGs for dioxin in soil, please go to: OSWER_Dioxin_PRGs@epa.gov

More information on the plan: www.epa.gov/superfund/policy/remedy/sfremedy/remedies/dioxininterimplan.html

**WE HELP SOLVE ENVIRONMENTAL
AND ENGINEERING PROBLEMS!
PLEASE GIVE US THE
OPPORTUNITY TO WORK WITH YOU.**

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ABOUT US ...

AEM is a full-service environmental firm based in the southeastern United States, which has been in business for 21 years and has project locations nationwide. AEM's mission remains providing individualized, technically competent, responsive, yet highly cost-effective environmental consulting and engineering services to our clients. AEM has many long-term clients, including industrial, governmental, and commercial, who have been clients for decades. Although company growth is an objective, it is our philosophy that growth is secondary to client service and quality. Put simply, the company's primary loyalty is to its clients, not to the growth of the company, unless growth provides for better client service. Building strong and lasting relationships with our clients is the most important thing that we can do to achieve our goals and ensure long-term stability and future success.

One quality that sets AEM apart from the competition is the personalized service, quick response, and attention given to clients—direct response to our clients' needs in a timely manner. We continuously work to improve the quality of our services to our clients.

AEM actively supports a number of charities including Doctors Without Borders, the U.S.O., Antares Orphan Foundation, the Humane Society of the United States, and the Society for the Prevention of Cruelty to Animals.

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