

# Atlanta Environmental Management, Inc.

## Newsletter



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In the March 29, 2010, Federal Register, the U.S. EPA published the results of their Six-Year Review of Maximum Contaminant Levels (MCLs) for regulated contaminants. Their findings indicated that the MCLs for trichloroethene (TCE) and tetrachloroethene (PCE) are based on their laboratory Practical Quantitation Limits (PQLs), while their health-based MCL Goals (MCLGs) are zero because of their carcinogenicity. Although a Risk Assessment for these contaminants is underway, EPA still feels that health benefits may be realized now by lowering the PQL, and hence the MCL, for TCE and PCE.

More specifically, EPA is suggesting that, based on the laboratory data that they have reviewed, the PQL can be reduced as low as 0.0005 mg/L (i.e., 500 parts per trillion) and still be meaningful. This, in turn, would reduce the MCLs by a factor of 10 (i.e., from 0.005 to 0.0005 mg/L). This obviously could affect many facilities regulated under RCRA and other programs. If EPA changes the MCL, it would not be surprising if state

programs like Georgia's Hazardous Site Response Act (HSRA) would change their cleanup goals to follow suit. This obviously could influence many ongoing remediation projects.

EPA is soliciting comments on the proposed changes to the PQLs through May 30, 2010. A date for a Final Rule was not stated, and the next step, following the end of the public comment period, is a more detailed analysis of health effects, analytical and treatment feasibility, occurrence, benefits, costs, and other regulatory matters relevant to deciding whether the MCL should be revised. However, there has been much momentum over the past several years to lower the standards for these contaminants, and we might see something as early as this year.

The Federal Register announcement can be found at [http://www.access.gpo.gov/su\\_docs/fedreg/a100329c.html](http://www.access.gpo.gov/su_docs/fedreg/a100329c.html)

## Maximum Contaminant Levels: TCE and PCE

## DOT Proposes Additional Regulation of Transport of Lithium Batteries

**Washington, D.C.**—The U.S. Department of Transportation (DOT), in coordination with the Federal Aviation Administration (FAA), has proposed to strengthen safeguards for air shipments of lithium batteries and cells, including those that are packed with or contained in equipment. The proposed changes are intended to ensure that lithium batteries are designed to withstand normal transportation conditions and that they are packaged to reduce the possibility of damage that could lead to a hazardous incident.

Since 1991, more than 40 air transport-related incidents involving lithium batteries and devices powered by lithium batteries have been identified.

The proposed regulation is intended to achieve the following objectives:

- Eliminate regulatory exceptions for small lithium cells and batteries when included

in an air shipment, and require their transportation as Class 9 materials, meaning that they could pose a hazard when transported.

- Subject packages of small lithium batteries to well recognized marking and labeling requirements for hazardous materials.
- Require transport documentation to accompany a shipment of small lithium batteries, including notification of the pilot in command regarding the presence and location of lithium batteries being shipped on the aircraft.
- Require manufacturers to retain results of satisfactory completion of United Nations design-type tests for each lithium cell and battery type.
- Limit stowage of lithium cell and battery shipments on board aircraft to cargo

locations that are accessible to the crew or locations that are equipped with an FAA-approved fire suppression system, unless transported in a container approved by the FAA Administrator.

- Apply appropriate safety measures for the transport of lithium cells or batteries that have been identified as being defective for safety reasons, or those that have been damaged or are otherwise being returned to the manufacturer, and limit the transport of defective or damaged cells or batteries to highway and rail.

For more detailed information on battery shipment requirements in the Hazardous Materials Regulations go to <http://www.phmsa.dot.gov/hazmat/regs/rulemaking/final>

## EPA Strengthens Air Quality Standard for Nitrogen Dioxide

WASHINGTON—The U.S. Environmental Protection Agency (EPA) today announced a new national air quality standard for nitrogen dioxide (NO<sub>2</sub>). This new one-hour standard will protect millions of Americans from peak short-term exposures, which primarily occur near major roads. Short-term exposures to NO<sub>2</sub> have been linked to impaired lung function and increased respiratory infections, especially in people with asthma.

“This new one-hour standard is designed to protect the air we breathe and reduce health threats for millions of Americans. For the first time ever, we are working to prevent short-term exposures in high risk NO<sub>2</sub> zones like urban communities and areas near roadways,” said EPA Administrator Lisa P. Jackson. “Improving air quality is a top priority for this EPA. We’re moving into the clean, sustainable economy of the 21st century, defined by expanded innovation, stronger pollution standards and healthier communities.”

The agency set the new one-hour standard for NO<sub>2</sub> at a level of 100 parts per billion (ppb). EPA also is retaining the existing annual average standard of 53 ppb. NO<sub>2</sub> is formed from vehicle, power plant, and other industrial emissions and contributes to the formation of fine particle pollution and smog. Earlier this month, EPA proposed to tighten the nation’s smog standards to protect the health of all Americans, especially children.

EPA is establishing new monitoring requirements in urban areas that will measure NO<sub>2</sub> levels around major roads and across the community. Monitors must be located near roadways in cities with at least 500,000 residents. Larger cities and areas with major roadways will have additional monitors. Community-wide monitoring will continue in cities with at least 1 million residents.

Working with the states, EPA will site at least 40 monitors in locations to help protect communities that are susceptible and vulnerable to elevated levels of NO<sub>2</sub>.

The new standard will help protect Americans from NO<sub>2</sub> exposures that are linked to respiratory illnesses that lead to emergency room visits and hospital admissions, particularly in at-risk populations such as children, the elderly, and asthmatics.

EPA expects to identify or designate areas not meeting the new standard, based on the existing community-wide monitoring network, by January 2012. New monitors must begin operating no later than January 1, 2013. When three years of air quality data are available from the new monitoring network, EPA intends to redesignate areas as appropriate.

More information is available at <http://www.epa.gov/air/nitrogenoxides>

## Bisphenol-A: Chemical of Concern?

The U.S. Environmental Protection Agency (EPA) plans to add bisphenol-A (BPA), a plastic widely used in food packaging and plastic bottles, to its list of chemicals of concern because of potential adverse impacts on the environment and on human and animal health. Because BPA is a reproductive, developmental, and systemic toxicant in animal studies and is weakly estrogenic, there are questions about its potential impact particularly on children’s health and the environment. EPA will require new studies of concentrations of the plastic in surface water, groundwater, and drinking water to determine where it exists in levels requiring action. EPA will also require manufacturers that use BPA to provide test data to help evaluate effects on growth, reproduction, and development in aquatic organisms and wildlife.

Based on EPA’s screening-level review of hazard and exposure information, including the uncertainties surrounding the low-dose studies, EPA intends to take the following steps:

1. Consider initiating rulemaking under section 5(b)(4) of the Toxic Substances Control Act (TSCA) to identify BPA on the Concern List as a substance that may present an unreasonable risk of injury to the environment on the basis of its potential for long-term adverse effects on growth, reproduction, and development in aquatic species at concentrations similar to those found in the environment.

2. Consider initiating rulemaking under section 4(a) of TSCA to develop data with respect to environmental effects relevant to a

further determination that BPA either does or does not present an unreasonable risk of injury to the environment. This may include testing or monitoring data in the vicinity of landfills, manufacturing facilities, or similar locations to determine the potential for BPA to enter the environment, including surface water, groundwater, and drinking water, at levels of potential concern particularly for environmental organisms, pregnant women, and children.

3. Initiate collaborative alternatives assessment activities under its Design for the Environment (DfE) program to encourage reductions in BPA releases and exposures. One of these activities, to be initiated in April 2010, will address thermal and carbonless paper coatings used in such applications as cash register receipts, a use where preferable alternatives to BPA may be readily available. Additionally, EPA intends to initiate alternatives analyses for BPA used in foundry castings, because foundries are accountable for large releases of BPA as reported under the Toxic Release Inventory (TRI), and for BPA-based materials lining water and waste water pipes, because this application may have a potential for human and environmental exposure.

The complete EPA bisphenol-A Action Plan can be found at [http://www.epa.gov/oppt/existingchemicals/pubs/actionplans/bpa\\_action\\_plan.pdf](http://www.epa.gov/oppt/existingchemicals/pubs/actionplans/bpa_action_plan.pdf)

## U.S. EPA Outlines New Vision for Clean, Safe Drinking Water

U.S. EPA Administrator Lisa P. Jackson has announced that the agency is developing a broad new set of strategies to strengthen public health protection from contaminants in drinking water. The aim is to find solutions that meet the health and economic needs of communities across the country more effectively than the current approach. EPA is also announcing a decision to revise the existing drinking water standards for four contaminants that can cause cancer.

“To confront emerging health threats, strained budgets and increased needs—today’s and tomorrow’s drinking water challenges—we must use the law more effectively and promote new technologies,” said Administrator Jackson. “That means fostering innovation that can increase cost-effective protection. It means finding win-win-win solutions for our health our environment and our economy. And it means broad collaboration. To make our drinking water systems work harder, we have to work smarter.”

The new vision is meant to streamline decision-making and expand protection under existing law and promote cost-effective new technologies to meet the needs of rural, urban, and other water-stressed communities. Specifically, this shift in drinking water strategy is organized around four key principles:

- Address contaminants as a group rather than one at a time so that enhancement of drinking water protection can be achieved cost-effectively.
- Foster development of new drinking water treatment technologies to address health risks posed by a broad array of contaminants.
- Use the authority of multiple statutes to help protect drinking water.
- Partner with states to share more complete data from monitoring at public water systems.

EPA’s current approach to drinking water protection is focused on a detailed assessment of each individual contaminant of concern and can take many years. This approach not only results in slow progress in addressing unregulated contaminants but also fails to take advantage of strategies for enhancing health protection cost-effectively, including advanced treatment technologies that address several contaminants at once. The outlined vision seeks to use existing authorities to achieve greater protection more quickly and cost-effectively.

### Stricter Standards Appropriate for Four Contaminants

While exploring this shift in strategy, EPA continues to look for opportunities to increase protection using

traditional approaches. In the newly finalized review of existing drinking water standards, EPA determined that scientific advances allow for stricter regulations for the carcinogenic compounds tetrachloroethylene, trichloroethylene, acrylamide, and epichlorohydrin. Tetrachloroethylene and trichloroethylene are used in industrial and/or textile processing and can be introduced into drinking water from contaminated ground or surface water sources. Acrylamide and epichlorohydrin are impurities that can be introduced into drinking water during the water treatment process. Within the next year, EPA will initiate rulemaking efforts to revise the tetrachloroethylene and trichloroethylene standards using the strategy’s framework. Revision of epichlorohydrin and acrylamide standards will follow later. As EPA looks at its new approach to addressing groups, the agency will consider whether revisions to these standards fit into that approach.

### Ongoing Regulatory Actions

There are ongoing efforts on 14 other drinking water standards. For example, EPA is considering further revisions to the lead and copper rule in order to better address risks to children. EPA also has ongoing health

risk assessments or information gathering for chromium, fluoride, arsenic, and atrazine. EPA continues to consider whether to regulate perchlorate. When these efforts are complete, should additional action be required, EPA will move ahead to address any risks in an expedited manner.

EPA believes that it is critical to enhance drinking water protection to address the growing number of contaminants. By pursuing these sets of goals outlined above, EPA seeks to provide more robust public health protection in an open and transparent manner, to identify cost- and energy-efficient treatment technologies, and to collaborate more broadly with states, the drinking water industry, public health professionals, technology developers and manufacturers, and the public to address this challenge.

More information on the strategy is available at

<http://www.epa.gov/safewater/sdwa/dwstrategy.html>

More information on the six-year review can be found at

<http://www.epa.gov/safewater/review.html>

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PLEASE GIVE US THE  
OPPORTUNITY TO WORK WITH YOU.**

**Contact Us:**



**2580 Northeast Expressway  
Atlanta, Georgia 30345  
Phone: (404) 329-9006  
Fax: (404) 329-2057**

**E-mail: [janet-hart@aem-net.com](mailto:janet-hart@aem-net.com)  
[loring-pitts@aem-net.com](mailto:loring-pitts@aem-net.com)**

*Please visit us on the web:*

**[www.aem-net.com](http://www.aem-net.com)**

**ABOUT US ...**

AEM is a full-service environmental firm based in the southeastern United States, which has been in business for 22 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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**Atlanta Environmental Management, Inc.**

**2580 Northeast Expressway**

**Atlanta, Georgia 30345**