

Atlanta Environmental Management, Inc.

Newsletter



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EPA Proposes Transport Rule to Replace Vacated Clean Air Interstate Rule

On July 6, 2010, the U.S. Environmental Protection Agency (EPA) proposed regulations targeting power plant emissions that drift across the borders of 31 eastern states and the District of Columbia. The proposed regulations, collectively referred to as the Transport Rule, would replace the 2005 Clean Air Interstate Rule (CAIR), which the U.S. Court of Appeals for the D.C. Circuit ordered EPA to revise in 2008. The court allowed CAIR to remain in place temporarily while EPA works to finalize the proposed replacement rule.

Interstate transport is the upwind state emissions that contribute to air quality problems in downwind states. "This rule is designed to cut pollution that spreads hundreds of miles and has enormous negative impacts on millions of Americans," said EPA Administrator Lisa P. Jackson.

The Transport Rule would reduce power plant emissions of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) to meet state-by-state emission reductions. By 2014, the rule and other state and EPA actions would reduce SO₂ emissions by 71 percent over 2005 levels. NO_x emissions would drop by 52 percent. SO₂ and NO_x react in the atmosphere to form fine particle pollution

and ground-level ozone (smog), which are linked to widespread illnesses and premature deaths.

EPA expects that the emission reductions will be accomplished by proven and readily available pollution control technologies already in place at many power plants across the country. However, industry spokespersons have said that, in order to cut emissions, plants will have to install new control equipment or switch to low-sulfur coal. Many generators have contracts with their current coal suppliers that may run until 2014, and if plants decide to go the route of installing new control equipment, such as NO_x burners, Selective Catalytic Reduction, or scrubbers (Flue Gas Desulfurization), it will be a frantic race to do so before the 2012 deadline. According to Melissa McHenry, spokesperson for American Electric Power (AP), "You can't replace a piece of generation (equipment) that quickly or do a retrofit that quickly."

EPA will take public comment on the proposal for 60 days after the rule is published in the Federal Register. The agency also will hold public hearings. Dates and locations for the hearings will be announced shortly. More information is available at <http://www.epa.gov/airtransport>

President Obama Orders Standards for Medium- and Heavy-Duty Trucks

President Obama has called for cleaner, more efficient trucks and next-generation cars, including advanced electric vehicles.

Signing a Presidential Memorandum in the Rose Garden at the White House, the President directed the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Transportation (DOT) to create a first-ever national policy to increase fuel efficiency and decrease greenhouse gas (GHG) pollution from medium- and heavy-duty trucks for model years 2014–2018. According to the administration, trucks currently consume more than 2 million barrels of oil every day, and they average only 6.1 miles per gallon. They also emit 20 percent of GHG pollution related to transportation. Preliminary estimates indicate great potential for significant fuel efficiency gains and GHG emis-

sions reductions for large tractor-trailers, which represent half of all GHG emissions from this sector.

The President also called for an extension of the National Program for cars and light-duty trucks to model year 2017 and beyond.

Additionally, President Obama directed the Department of Energy to provide increased support for deployment of advanced vehicles, including electric vehicles, and directed EPA to reduce non-greenhouse-gas pollutants from motor vehicles.

The White House says that the announcement is meant to lay the groundwork for a more secure energy future by reducing the United States' dependence on oil, enhance American competitive-

ness and job creation with a new generation of advanced electric vehicles, and protect the environment by reducing dangerous GHG and other pollutants.

EPA and DOT are charged with developing rulemaking proposals to achieve these goals and continue building a stronger foundation for a clean energy economy and the next generation of advanced vehicles.

This announcement builds on the new national policy that President Obama set in motion one year ago, increasing fuel economy and reducing GHG pollution for new cars and light-duty trucks manufactured in model years 2012–2016 and sold in the United States.

EPA Proposes to Add 16 Chemicals to EPCRA Reporting List

Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) requires certain facilities that manufacture, process, or otherwise use listed toxic chemicals in amounts above reporting threshold levels to report their environmental releases and other waste management quantities of such chemicals annually. These facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act of 1990 (PPA). Congress established an initial list of toxic chemicals that comprised more than 300 chemicals and 20 chemical categories. EPCRA section 313(d) authorizes the U.S. Environmental Protection Agency (EPA) to add or delete chemicals from the initial list.

On April 6, 2010, EPA proposed to add sixteen chemicals to the list of toxic chemicals subject to reporting under EPCRA of 1986 and the PPA. These sixteen chemicals have been classified by the National Toxicology Program (NTP) in their *Report on Carcinogens* as “reasonably anticipated to be a human carcinogen.” EPA believes that the sixteen chemicals meet the criteria for listing under EPCRA because they can reasonably be anticipated to cause cancer in humans. Based on EPA’s review of available production and use information, the sixteen chemicals are expected to be manufactured, processed, or otherwise used in quantities that would exceed EPCRA reporting thresholds.

The sixteen chemicals are:

1-Amino-2,4-dibromoanthraquinone (CAS no. 81-49-2)
2,2-bis(Bromomethyl)-1,3-propanediol (CAS no. 3296-90-0)
Furan (CAS no. 110-00-9)
Glycidol (CAS no. 556-52-5)
Isoprene (CAS no. 78-79-5)
Methyleugenol (CAS no. 93-15-2)
1,6-Dinitropyrene (CAS no. 42397-64-8)
1,8-Dinitropyrene (CAS no. 42397-65-9)
6-Nitrochrysene (CAS no. 7496-02-8)
4-Nitropyrene (CAS no. 57835-92-4)
o-Nitroanisole (CAS no. 91-23-6)
Nitromethane (CAS no. 75-52-5)
Phenolphthalein (CAS no. 77-09-8)
Tetrafluoroethylene (CAS no. 116-14-3)
Tetranitromethane (CAS no. 509-14-8)
Vinyl fluoride (CAS no. 75-02-5)

The proposed rule can be found in the *Federal Register* (Vol. 75, No. 65, pp. 17333–17349) at <http://edocket.access.gpo.gov/2010/pdf/2010-7756.pdf>

Enforcement of Lead Certifications

The Consumer Products Safety Commission (CPSC) has issued an interim enforcement policy applicable to testing and certification requirements, effective August 14, 2009, for the lead limits in paint and in children’s products. The rule reduces the lead limit in paint and similar surface coatings from 600 parts per million (ppm) to 90 ppm. Also, the general limit for lead in any accessible part of a children’s product is reduced from 600 ppm to 300 ppm.

The enforcement policy primarily addresses the third-party certification requirements applicable to products that are manufactured domestically or imported. The certification requirements include the following:

- In general, certification of children’s products must be based on testing of samples of the final product, in the same condition as it would be in when sold to a consumer, or samples that are identical in all material respects.
- Any person who certifies a children’s product as complying with the 90 ppm lead paint limit should be able to trace each batch of paint that is used on the product to the paint manufacturer.
- As part of its basis for certification of a children’s product to the 300 ppm lead content limit, a domestic

manufacturer or importer may rely on a test report showing passing test results for one or more components used on the product, based on testing commissioned from a recognized third-party test lab.

According to the interim enforcement policy, a domestic manufacturer or importer who certifies that a children’s product as in compliance with lead limits based on component testing in accordance with the policy statement will not be subject to civil or criminal penalties for failure to certify or for false certification on the grounds of having certified to such limits without submitting samples of the final children’s product (i.e., the product in its entirety) for testing. A retailer or other seller of a product who holds a certificate based on component testing in accordance with the policy statement may rely on it to the same extent as if it had been based on testing of the final product. Any person who issues a false or misleading certificate for any paint or component is subject to penalties.

CPSC’s interim enforcement policy on component testing and certification of children’s products and other consumer products was published in the *Federal Register* of December 28, 2009.

Toolkit to Help Local Governments with Green Building Practices

U.S. Environmental Protection Agency (EPA) Region 4 has announced the release of the Sustainable Design and Green Building Toolkit for Local Governments. The Toolkit was developed collaboratively by the Agency's Regional Resource Conservation and Recovery Act Division and Water Protection Division and Pollution Prevention Office, with support from the EPA Green Building and Smart Growth Programs, the Office of Solid Waste and Emergency Response's Innovations Workgroup, and many external partners. The Toolkit is designed to assist local governments in identifying and removing permitting barriers to sus-

tainable design and green building practices. It provides a resource for communities interested in conducting their own internal evaluation of how local codes/ordinances either facilitate or impede a sustainable built environment, including the design, construction, renovation, and operation and maintenance of a building and its immediate site.

The Toolkit contains an Assessment Tool, a Resource Guide, and an Action Plan for implementing changes to the permitting process. The Assessment Tool is designed for local governments to review their permitting process and identify barriers or resis-

tance to sustainable design practices. The Assessment offers a green/yellow/red progress indicator for the user. Green indicates that the community is doing well in encouraging sustainable design through its codes and ordinances. Yellow indicates that there is room for improvement within the existing permitting process. Red indicates that the community may want to identify the cause of the barrier(s) and remove it from the process.

The Resource Guide contains links to existing organizations and documents that will help communities learn more about each category in the As-

essment Tool. Additionally, the Resource Guide provides users with information that can aid in making codes and ordinances more compatible or supportive of sustainable design and green building. If green tools or techniques are not permitted or encouraged, this information can help local governments implement changes to allow these techniques.

The Action Plan section will help communities develop their own tailored approach for implementing the necessary regulatory and permitting changes to allow for more sustainable design and green building practices.

EPA Releases Rulemaking Guidance on Environmental Justice

The U.S. Environmental Protection Agency (EPA) is releasing an interim guidance document to help agency staff incorporate environmental justice into the agency's rulemaking process. The rulemaking guidance is an important and positive step toward meeting EPA Administrator Lisa P. Jackson's priority to work for environmental justice and protect the health and safety of communities who have been dis-

proportionately impacted by pollution.

The document, "Interim Guidance on Considering Environmental Justice During the Development of an Action," seeks to advance environmental justice for low-income, minority and indigenous communities, and tribal governments who have been historically underrepresented in the regulatory decision-making process. The guidance also outlines the multi-

ple steps that every EPA program office can take to incorporate the needs of overburdened neighborhoods into the agency's decision-making, scientific analysis, and rule development. EPA staff are encouraged to become familiar with environmental justice concepts and the many ways in which they should inform agency decision-making.

EPA is seeking public feedback on how to best

implement and improve the guide for agency staff to further advance efforts toward environmental justice. To view the interim guidance and submit feedback:

<http://www.epa.gov/environmentaljustice/resources/policy/ej-rulemaking.html>

For more information on environmental justice:

<http://www.epa.gov/environmentaljustice/>

How to Report PBT Chemicals on TRI Reports [40 CFR 372.28 and 372.65]

The 2009 Omnibus Appropriations Act returned the SARA Title III Section 313, Toxic Release Inventory (TRI) reporting requirements, back to the rules that were in effect prior to December 22, 2006. The return to the previous terms

of reporting took effect with the TRI reports due July 1, 2009.

The law requires that TRI reports for persistent, bioaccumulative, and toxic (PBT) chemicals (see 40 CFR 372.28) be submitted using

a Form R, rather than an abbreviated Form A.

For toxic chemicals other than PBT chemicals (see 40 CFR 372.65), a Form A may be used only if the Annual Reporting Amount (i.e., the sum of production-

related releases and other waste management) does not exceed 500 lbs and the amount manufactured, processed, or otherwise used does not exceed 1,000,000 lbs during the reporting year.

**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 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, the Society for the Prevention of Cruelty to Animals, and A Welcome Home Animal Rescue.

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