

Atlanta Environmental Management, Inc.

Newsletter



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Georgia to Issue New Storm Water General Permit

This summer, industrial facilities in Georgia that discharge storm water to surface streams or rivers will have to submit a new Notice of Intent (NOI) under a new National Pollutant Discharge Elimination System (NPDES) General Permit. In addition, more facilities may be required to perform annual monitoring of their storm water as Georgia updates its list of Impaired Stream Segments pursuant to Section 303(d) of the Clean Water Act.

Georgia's current NPDES General Permit No. GAR000000 for Storm Water Discharges Associated with Industrial Activity was issued in 2006 and authorizes point source discharges of storm water from industrial facilities to waters of the State of Georgia. Permittees are required to implement appropriate storm water management practices to control pollutants in storm water discharges from their facilities.

The current General Permit is set to expire on July 31, 2011. On January 26, 2011, the Georgia Environmental Protection Division (EPD) announced that it was revising the current General Permit and that a new General Permit is slated to be reissued in August 2011. The current General Permit will remain in effect until the new General Permit is issued.

NPDES General Permit No. GAR000000 covers the discharge from any conveyance being used for collecting and conveying storm water from manufacturing, processing, or raw materials storage areas at industrial plants. To obtain permit coverage, a facility is currently required to submit the Version 2010 NOI Form at least one week prior to beginning any industrial activity at the site.

According to Georgia EPD, any permittee who submits a properly completed Version 2010 NOI Form to obtain coverage under the existing permit prior to its July 31,

2011, expiration date will automatically remain covered until the new permit is issued. Existing permittees will then have up to thirty days after the effective date of the new permit to submit a new Version 2011 NOI Form to obtain coverage under the new permit.

The current General Permit also requires a facility to develop and implement a Storm Water Pollution Prevention Plan (SWP3) for the facility on or before the date of commencement of industrial activity at the site. The SWP3 should identify all industrial materials and activities that may be exposed to storm water at a facility and establish a system of storm water Best Management Practices (BMPs) designed to control pollution in storm water discharges from the site. Additional requirements include quarterly inspections and an Annual Comprehensive Site Evaluation, as well as employee training on the SWP3. Facilities that discharge storm water to, or within one mile upstream of, an Impaired Stream Segment identified on Georgia's most recent 303(d) list as "partially supporting" or "not supporting" Georgia's water-quality standards must satisfy the requirements of Part III.C of the General Permit.

Part III.C of the General Permit requires testing of storm water discharges for the pollutant(s) of concern for which that stream segment has been listed. On July 28, 2011, Georgia EPD announced that it was gathering water quality data to be used in the assessment of waters for Georgia's 2012 303(d) List. Interested parties are being invited to submit relevant water quality data for use in including water bodies on the 303(d) List to Georgia EPD by June 20, 2011. If this process results in new stream segments included in the Section 303(d) list, more facilities may be required to additionally perform the required annual monitoring of their storm water.

EPD Issues NPDES General Permit for Pesticides

On January 26, 2011, the Georgia Environmental Protection Division (EPD) proposed to issue a new general National Pollution Discharge Elimination System (NPDES) permit (Number GAG820000) for discharges to waters of the State of Georgia from the application of any biological pesticides and chemical pesticides that leave a residue. All discharges to be authorized by this new general permit involve applications made directly into or over waters of the State in order to control pests (including aquatic species) or applications to control pests near water in which pesticides will make unavoidable contact with the water.

The general permit is structured according to the following pesticide uses:

- Mosquito and Other Nuisance Insect Pest Control
- Aquatic Weed and Algae Control
- Aquatic Nuisance Animal Control
- Forest Canopy and Area-Wide Pest Control

Copies of the draft permit, fact sheet, Notice of Intent, and Notice of Termination are available online at <http://www.gaepd.org/Documents/NPDES-Pesticide.html>.

The general permit is being issued in response to a January 9, 2009, U.S. Sixth Circuit Court of Appeals ruling in National Cotton Council, et al., v. U.S. Environmental Protection Agency (EPA), which overturned EPA's prior Aquatic Pesticides final rule. The Aquatic Pesticides final rule stated that a Clean Water Act (CWA) permit was not required for the application of pesticides directly to water to control or for the application of pesticides to control pests that are present over or near the water, where a portion of the pesticide will unavoidably be deposited in the water. EPA's rationale was that the CWA was ambiguous as it applies to pesticides and that pesticides applied in accordance with Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requirements are not pollutants and therefore are not subject to NPDES permitting.

The Aquatic pesticides final rule was challenged by both environmental and industry groups, and the Sixth Circuit rules that NPDES permits are required for all biological and chemical pesticide applications that leave a residue in water when such applications are made in, over, or near waters of the U.S. The court granted EPA a two-year stay of the ruling, which expires on April 9, 2011. Therefore, as of April 10, 2011, an NPDES permit will be required for applications of pesticides to waters of the U.S.

Coverage under the proposed general permit will be initiated by submitting a Notice Of Intent (NOI) for most users, although some operators may not be required to submit an NOI. NOI forms will be made available on Georgia EPD's website.

For more information, please see the NPDES Pesticide General Permit Fact Sheet posted on EPD's website at <http://www.gaepd.org/Documents/NPDES-Pesticide.html>.

EPA Issues New Guidance on Hexavalent Chromium in Drinking Water

On January 11, 2011, the U.S. Environmental Protection Agency (EPA) issued guidance recommending how public water systems could enhance monitoring and sampling programs for hexavalent chromium (also known as chromium-6). The recommendations were issued in response to emerging scientific evidence that hexavalent chromium could pose health concerns if consumed over long periods of time.

The enhanced monitoring guidance provides recommendations on where the systems should collect samples and how often they should be collected, along with analytical methods for laboratory testing. Systems that perform the enhanced monitoring will be able to better inform their consumers about any presence of hexavalent chromium in their drinking water, evaluate the degree to which other forms of chromium are transformed into hexavalent chromium, and assess the degree to which existing treatment affects the levels of hexavalent chromium in drinking water.

EPA currently has a drinking water standard of 0.1 milligram per liter (mg/L) for total chromium, which includes hexavalent chromium, and requires water systems to test for it. However, testing is not required to distinguish what percentage of the total chromium is hexavalent chromium versus other forms, such as trivalent chromium (chromium-3), so EPA's regulation conservatively assumes that the total chromium is 100 percent hexavalent chromium.

The agency has already begun a review of the health effects of hexavalent chromium. In September 2010, the agency released a draft of the scientific review for public comment. When the human health assessment is finalized in 2011, EPA will determine whether a new standard needs to be set. While EPA conducts this evaluation, the agency believes that more information is needed on the presence of hexavalent chromium in drinking water. For that reason, EPA is providing the new guidance for all public water systems and encouraging them to consider how they may enhance their monitoring for hexavalent chromium.

Chromium is complex in its behavior in drinking water systems, as it may occur in water systems in both the trivalent and hexavalent forms. Under distribution system conditions, e.g., in the presence of an oxidant such as chlorine, trivalent chromium can be transformed into the more toxic hexavalent form. Existing treatment processes may be effective in removing trivalent chromium but not hexavalent chromium. To understand the fate of incoming hexavalent chromium in raw water supplies or of transformed hexavalent chromium from trivalent chromium following conventional treatment and disinfection, EPA recommends that systems collect samples of untreated water at the intake/well, at the point that treated water enters the distribution system, and from locations within the distribution system.

New Standards under Development for Perchlorate, Chlorinated VOCs

On February 2, 2011, the U.S. Environmental Protection Agency announced its decision to move forward with the development of a regulation for perchlorate in drinking water. This decision initiates a process to develop and establish a National Primary Drinking Water Regulation (NPDWR) for perchlorate. Once the NPDWR is finalized, certain public water supply systems will be required to take action to comply with the regulation in accordance with the schedule specified in the final regulation. The rule-making process will include receiving input from key stakeholders as well as submitting any formal rule to a public comment process.

Perchlorate is both a naturally occurring and a man-made chemical that is used in the manufacture of rocket fuel, fireworks, flares, and explosives, and it may be present in bleach and in some fertilizers. Scientific research indicates that perchlorate may disrupt the thyroid's ability to produce hormones that are critical to developing fetuses and infants. Monitoring data show more than 4 percent of public water systems have detected perchlorate, and between 5 million and 17 million people may be served drinking water containing perchlorate.

Development of a regulation for perchlorate reverses a 2008 preliminary determination by the previous administration. EPA will continue to evaluate the science on perchlorate health effects and occurrence in public water systems and will examine the costs and benefits of potential standards.

EPA will also begin an evaluation of the feasibility and affordability of treatment technologies to remove perchlorate.

In a separate action, EPA will be developing a single regulation covering up to 16 chemicals that may cause cancer. This group of volatile organic compounds (VOCs), which are chemicals such as industrial solvents, includes trichloroethylene (TCE) and tetrachloroethylene (PCE) as well as other regulated and some unregulated contaminants that are discharged from industrial operations. The VOC standard will be developed as part of EPA's new strategy for drinking water, announced by the Administrator in March 2010. A key principle of the strategy is to address contaminants as groups rather than individually in order to provide public health protections more quickly and also allow utilities to more effectively and efficiently plan for improvements.

In March 2010, U.S. EPA Administrator Lisa P. Jackson announced the Agency's new Drinking Water Strategy, which was aimed at streamlining decision-making, expanding protection under existing laws, and promoting cost-effective new technologies to meet the needs of rural, urban, and other communities. One of the goals identified under the Drinking Water Strategy was to address contaminants as groups rather than one at a time so that enhancement of drinking water protection could be achieved cost-effectively. Identification of carcinogenic VOCs as the first group of contaminants that the Agency plans to address under this new strategy represents the first milestone for the new Drinking Water Strategy.

EPA Holding Listening Sessions on Greenhouse Gas Standards for Power Plants and Refineries

The U.S. Environmental Protection Agency (EPA) is holding listening sessions to help the Agency update the Clean Air Act (CAA) New Source Performance Standards for greenhouse gas (GHG) emissions from fossil fuel power plants and petroleum refineries. The listening sessions are free and open to the public, with the intent of helping EPA to develop smart, cost-effective, and protective standards that reflect the latest and best information available. EPA hopes that the feedback from these sessions will play an important role in developing a common-sense approach to reduce GHGs from two of the largest industrial sources of GHG emissions. According to EPA, fossil fuel power plants and petroleum refineries are responsible for nearly 40 percent of the GHG emissions in the United States.

In addition to the GHG standards, the agency is also addressing other pollutants, including mercury and particulates, in separate, coordinated actions. Reducing GHG emissions can also result in reductions to other air pollutants emitted by these facilities.

Each listening session will feature a facilitated round table discussion among stakeholder representatives. Each session will be webcast and recorded for later viewing via the EPA website at <http://www.epa.gov/live>.

Registration is not required in order to attend the sessions. There will be a short period of time at the end of each session for the public to provide comments. The March 4 session will allow additional time for the public to provide feedback. To speak during these times, please notify EPA when signing in to the session. In case you do not have the opportunity to speak during these times or you cannot make it to the sessions, written comments on these planned rulemakings may also be submitted. The agency requests that written comments be submitted by March 18, 2011. More information and instructions for submitting written comments are available at <http://www.epa.gov/airquality/listen.html>.

The first listening sessions occurred in Washington, D.C., on Feb. 4, 2011, for electric power industry representatives; in Atlanta, Georgia, on Feb. 15, 2011, for representatives of environmental and environmental justice organizations; in Chicago, Illinois, on Feb. 17, 2011, for state and tribal representatives; and in Washington, D.C., on Feb. 23, 2011, for coalition group representatives. Session 5 (for petroleum refinery industry representatives) will take place in Washington, D.C., on March 4, 2011 (10:00 a.m. to 12:00 p.m., with public comments from 1:00 p.m. to 2:30 p.m.).

EPA to Provide Free Webinar on RMP*eSubmit Software

Under the authority of Section 112(r) of the Clean Air Act, the Chemical Accident Prevention Provisions require facilities that produce, handle, process, distribute, or store certain chemicals to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the RMP to the U.S. Environmental Protection Agency (EPA). The Risk Management Program is intended to reduce chemical risk at the local level, and the RMP information helps local fire, police, and emergency response personnel who must prepare for and respond to chemical accidents. The information is also useful to help citizens in understanding the chemical hazards in communities. Covered facilities were initially required to comply with the rule in 1999, and the rule has been amended on several occasions since then, most recently in 2004.

In March 2009, EPA provided new Web-based software called RMP*eSubmit for facilities to use for on-line Risk Management Plan (RMP) reporting. RMP*eSubmit allows facilities to submit, correct, and access their RMPs on line, 24 hours a day, 7 days a week. EPA asks that all facilities use this new method to submit RMPs because it is easy to use and will improve data quality. RMP*eSubmit replaces RMP*Submit 2004, which was

phased out in 2009 and is no longer available for download. EPA encourages facilities to now use RMP*eSubmit because it is easier to use, will improve data quality, and provides greater access. Facilities submitting Confidential Business Information (CBI) and Trade Secrets cannot use RMP*eSubmit at this time and should contact EPA's RMP Reporting Center for submission options.

EPA periodically holds web-based seminars ("webinars") on the RMP*eSubmit system. For those not yet familiar with RMP*eSubmit, EPA will hold a webinar on Wednesday, April 13 (1:00 p.m. to 2:30 p.m. Eastern Time), during which they will explain how to submit an RMP using the new software. There will be time for questions and answers at the end of the training.

Although the webinar is free, registration is required as only a limited number of lines are available. On-line registration on a first-come first-served basis is available at <http://www.eventbrite.com/event/1307917015>. Once you have registered, a confirmation e-mail will be sent with instructions on how to sign in to the webinar. Questions concerning the training can be sent via e-mail to Kristine Mikulka (kristine_mikulka@sra.com).

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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, Make A Wish Foundation, and A Welcome Home Animal Rescue.

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