

# Atlanta Environmental Management, Inc.

## Newsletter



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### EPA Releases Final Health Assessment for TCE

On September 28, 2011, the U.S. Environmental Protection Agency (EPA) released the final health assessment for trichloroethylene (TCE) to the Integrated Risk Information System (IRIS) database. IRIS is a human health assessment program that evaluates the latest science on chemicals in our environment. The final assessment characterizes the chemical as carcinogenic to humans and as a human noncancer health hazard.

TCE is one of the most common man-made chemicals found in the environment. It is a volatile chemical and a widely used chlorinated solvent. TCE's movement from contaminated groundwater and soil into the indoor air of overlying buildings is of serious concern. EPA already has drinking water standards for TCE and standards for cleaning up TCE at Superfund sites throughout the country.

TCE toxicity values as reported in the assessment will be considered in the following circumstances:

- Establishing cleanup methods at the 761 Superfund sites where TCE has been identified as a contaminant
- Understanding the risk from vapor intrusion as TCE vapors move from contaminated groundwater and soil into the indoor air of overlying buildings

- Revising EPA's Maximum Contaminant Level for TCE as part of the carcinogenic volatile organic compounds group in drinking water, as described in the agency's drinking water strategy

- Developing appropriate regulatory standards limiting the atmospheric emissions of TCE, which is a hazardous air pollutant under the Clean Air Act

This assessment has undergone several levels of peer review including, agency review, interagency review, public comment, external peer review by EPA's Science Advisory Board in January 2011, and a scientific consultation review in 2006 by the National Academy of Sciences. Comments from all reviewers are addressed in the final assessment.

In May 2009, EPA restructured the IRIS program to reinforce independent review and ensure the timely publication of assessments. In July 2011, EPA announced further changes to strengthen the IRIS program in response to recommendations from the National Academy of Sciences. EPA's peer review process is designed to elicit the strongest possible critique in order to ensure that each final IRIS assessment reflects sound, rigorous science.

For more information on IRIS see <http://www.epa.gov/IRIS>

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### Judge Magnuson Water Ruling Overturned by 11th Circuit Court of Appeals

The Federal Appeals Court unanimously overturned Senior U.S. District Judge Paul Magnuson's 2009 ruling that found it illegal for Lake Lanier to be used as a water source for the Atlanta region. The "Magnuson order" gave Georgia, Alabama, and Florida a 2012 deadline to come to an agreement on water use before sending it to U.S. Congress for a decision. This deadline has now been overturned.

The ruling implicitly states that the Buford Dam was created to serve metro Atlanta with water under the 1946 River and Harbors Act that authorized its construction. The Army

Corps of Engineers has one year to analyze the Georgia request for water supply use of Lake Lanier, with authority to balance between water supply and the other authorized purposes.

Another potential victory came in the Circuit Court deciding that the change in the water from Lake Lanier's conservation pool to Atlanta's water needs could not cause a "major operational change" by the Corps under the Water Supply Act of 1958. This type of change would require approval from Congress.

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## EPA, States, Step Up Criminal Enforcement

On September 19, 2011, the U.S. Environmental Protection Agency (EPA), in conjunction with various other federal and state offices, announced criminal charges against a dozen defendants for their roles in the illegal distribution and sale of unregistered and misbranded pesticides that had been sold from multiple locations in Manhattan. In addition to the 12 arrests, federal and state law enforcement agents searched 14 locations and seized more than 6,000 packages of pesticides containing high levels of toxic chemicals that were not approved for commercial sale in the U.S. Also, as part of a coordinated citywide inspection of 47 businesses in various neighborhoods in New York, 350 additional unregistered pesticide products were seized, many with high levels of toxicity.

The pesticides were particularly dangerous because their packaging and appearance could lead them to be mistaken for cookies or cough medicine. The pesticides were not registered by EPA and were missing required label warnings, so consumers had no way of knowing how dangerous the products were or how to protect themselves from harmful exposure. In fact, one woman accidentally ingested one of the pesticides and was hospitalized as a result. In December 2010, the woman became gravely ill after ingesting what she had mistaken for medicine. Investigation revealed that the pesticide, a small vial of blue-green liquid labeled primarily in Chinese with the words "The Cat Be Unemployed," was sold illegally in the Chinatown section of Manhattan.

The pesticide was not registered by EPA, nor was it properly labeled, as required by both state and federal law. The investigation further revealed that the product contained a rodenticide, brodifacoum, in an amount almost 61 times the maximum quantity allowed by EPA. Brodifacoum is not approved for direct consumer use; it may be used only by licensed professionals. In response to the poisoning, various law enforcement agencies began a joint undercover investigation of the illegal sale of toxic pesticides in and around New York City. The multi-agency criminal investigation revealed at least a dozen unregistered and misbranded pesticide products, some with extremely high levels of toxicity, being sold by more than a dozen vendors in and around Manhattan's Chinatown.

Meanwhile, on September 22, 2011, after a two-day hearing in federal court, an asbestos abatement contractor was

sentenced to six years in prison for knowingly violating the Clean Air Act and for making false statements to a federal inspector. The contractor had hired a number of workers who had no training in asbestos removal and who did not know that they were being exposed to asbestos while removing copper pipes. Evidence presented at sentencing showed that when workers questioned the contractor he told them that the areas did not contain asbestos, and that he ultimately lied to an OSHA inspector who came to the site in September and October of 2007 to investigate allegations of illegal asbestos removal. The contractor was also sentenced to serve a three-year term of supervised release following his prison term and was ordered to pay a \$1,100 special assessment. His now defunct company was sentenced to pay a special assessment of \$44,000. No level of exposure to asbestos is safe, so removal by untrained workers, without necessary safeguards, threatens the health of workers and the public.

Perhaps the most important thing that one should know about hazardous waste violations is that they can land a person in prison. Federal RCRA identifies seven criminal acts that carry a penalty of up to \$37,500 per day and up to five years in jail. Knowingly doing any of the following could result in prison time:

- Transporting waste to a nonpermitted facility.
- Treating, storing, or disposing of waste without a permit or in violation of the permit or interim-status standard.
- Omitting information from, or making a false statement in, a label, manifest, report, permit, or interim-status standard.
- Generating, storing, treating, or disposing of waste without following RCRA's recordkeeping and reporting requirements.
- Transporting waste without a manifest.
- Exporting waste without the consent of the receiving country.
- Transporting, treating, storing, disposing of, or exporting hazardous waste in such a way that another person is placed in imminent danger of death or serious bodily injury. This act could lead to a possible penalty of \$250,000 or 15 years in prison for an individual or a \$1 million fine for a corporation.

According to EPA, strict enforcement deters those who might otherwise profit from violating the law.

## EPA Adds Macon, Georgia, Plant and Other Sites in the Southeast to the Superfund National Priorities List

On September 15, 2011, the U.S. Environmental Protection Agency (EPA) added six new hazardous waste sites in the Southeast that pose risks to human health and the environment to the National Priorities List (NPL) of Superfund sites. Superfund is the federal program that investigates and cleans up the most complex uncontrolled or abandoned hazardous waste sites in the country. The following six sites have been added to the NPL:

- Armstrong World Industries (ceiling tile manufacturer) in Macon, GA
- Kerr-McGee Chemical Corp–Columbus (former pressure-treated railroad products manufacturer) in Columbus, MS
- Red Panther Chemical Company (former pesticides formulation plant) in Clarksdale, MS
- Horton Iron and Metal (former fertilizer manufacturer and metal salvage) in Wilmington, NC
- U.S. Finishing/Cone Mills (former textile operation) in Greenville, SC
- Alamo Contaminated Ground Water (contaminated ground-water plume) in Alamo, TN

Several investigations have been conducted by EPA, the State of Georgia, and the U.S. Army Corps of Engineers at the Armstrong World Industries (AWI) site in the southern part of Macon, Georgia. In 1969 and 1970, AWI manufactured three types of acoustic ceiling tiles at other locations that were coated with a commercial formulation of polychlorinated biphenyls (PCBs) and were subsequently recalled. Although these tiles were not manufactured in Macon, the plant is believed to have been used at some point to recycle the recalled tiles. In the mid-1960s, AWI began disposing of general and industrial trash, old equipment, and excess bark and scrap wood at a remote landfill on the southern portion of the AWI property near Rocky Creek. The remote landfill is partially owned by the City of Macon Water Authority. The former Macon Naval Ordnance Plant (FMNOP), which manufactured flares, small primers, detonators, and other triggering mechanisms during World War II on property adjacent to the Armstrong facility, also disposed of solid wastes, ordnance, used parts, and construction debris in the remote landfill. This landfill area lies in the flood plain of Rocky Creek, and the landfills are eroded and are often partially submerged by

Rocky Creek floodwaters. PCBs and metals have been detected in Rocky Creek, and a PCB fish consumption advisory has been placed on Rocky Creek in the area of the site. In addition, soil samples from the remote landfill area contained elevated concentrations of semi-volatile organic compounds, pesticides, PCBs, and metals.

Two additional sites in the Southeast have also been proposed to the NPL:

- Continental Cleaners (former dry-cleaners) in Miami, FL
- Southeastern Wood Preserving (former wood treating operation) in Canton, MS

To date, 1,652 sites have been listed on the NPL. Of these sites, 350 have been cleaned up, resulting in 1,302 sites currently on the NPL (including the 6 new sites added). There are 62 proposed sites (including the 2 identified candidates) awaiting final agency action: 57 in the general Superfund section and 5 in the federal facilities section.

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## New Standards Proposed for Nitrogen Oxides and Sulfur Oxides

On July 12, 2011, the U.S. Environmental Protection Agency (EPA) proposed secondary National Ambient Air Quality Standards (NAAQS) for nitrogen oxides (NO<sub>x</sub>) and sulfur oxides (SO<sub>x</sub>). NAAQS are standards set to protect against environmental damage caused by certain air pollutants. Consistent with the scientific evidence pointing to the interrelated impacts of NO<sub>x</sub> and SO<sub>x</sub> on plants, soils, lakes, and streams, EPA assessed the environmental effects of these pollutants together. This is the first time that EPA has examined the effects of multiple pollutants in one NAAQS review, and it also marks the first time that EPA has reviewed the environmental impacts separately from the health impacts of these pollutants.

Nitrogen oxides are emitted from an array of sources, including vehicles, power plants, off-road equipment, and agricultural sources. Sulfur oxides are emitted from fossil fuel combustion by power plants, large industries, and mobile sources, and from some industrial processes. NO<sub>x</sub> and SO<sub>x</sub> can damage the leaves of plants, decrease their ability to produce food—photosynthesis—and decrease growth. EPA has already taken steps to reduce NO<sub>x</sub> and SO<sub>x</sub> emissions, including the recently announced Cross-State Air Pollution Rule to reduce emissions from power plants.

EPA is proposing to retain the existing secondary standards for NO<sub>x</sub> and SO<sub>x</sub>. The Agency has concluded that the existing secondary standards protect plants from the direct effects of exposure to these pollutants in the air (e.g., decreased growth and foliar injury). The existing secondary standards are as follows:

- 0.053 part per million (ppm) averaged over a year for NO<sub>x</sub>
- 0.5 ppm averaged over three hours, not to be exceeded more than once per year, for SO<sub>x</sub>

In addition to directly affecting plants, NO<sub>x</sub> and SO<sub>x</sub>, when deposited on land and in estuaries, lakes, and streams, can acidify and over-fertilize sensitive ecosystems, resulting in a range of harmful indirect effects on plants, soils, water quality, and fish and wildlife (e.g., changes in biodiversity and loss of habitat, reduced tree growth, loss of fish species, and harmful algal blooms). EPA feels that the current secondary standards for NO<sub>x</sub> and SO<sub>x</sub> do not provide adequate protection from these indirect effects. Therefore, they are proposing to establish an additional set of secondary standards for specific oxides:

- 100 parts per billion (ppb) averaged over one hour for NO<sub>2</sub>
- 75 ppb averaged over one hour for SO<sub>2</sub>

These proposed additional secondary standards are identical to new, health-based primary standards that the Agency set in 2010.

To aid in considering an appropriate standard, EPA is planning a 5-year field pilot program to collect and analyze data designed to inform the next review of the NAAQS for NO<sub>x</sub> and SO<sub>x</sub>. Data generated by this field program would also support development of an appropriate monitoring network for a multi-pollutant standard. EPA will work with states to address additional implementation-related issues in parallel with the pilot program.

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**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 23 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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