

Atlanta Environmental Management, Inc.

Newsletter



Inside this issue:

Georgia EPD Adopts Regional Water Plans	2
GAO Criticizes EPA's Efforts on Environmental Justice	2
First Air Toxics Rules Issued for Power Plants	3
About Us ...	4

AEM Welcomes New Georgia EPD Director

The Georgia Board of Natural Resources has formally appointed Jud Turner the next director of the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources. Mr. Turner replaces F. Allen Barnes, who has resigned to return to work in the private sector while continuing his role as a member of Georgia's tri-state water negotiations team. Mr. Turner's appointment is effective January 1, 2012.

Mr. Turner was former Governor Sonny Perdue's executive counsel and also served as the Governor's legal representative in negotiations with the U.S. Army Corps of Engineers and U.S. Fish & Wildlife Service regarding drought operations at the federal reservoirs of the Apalachicola-Chattahoochee-Flint (ACF) and Alabama-Coosa-Tallapoosa (ACT) river basins. Since serving as executive counsel, Mr. Turner has

served both Governors Perdue and Deal as special executive counsel in negotiations between the states of Alabama, Georgia, and Florida related to the ACF and ACT basins and on matters involving Georgia's other shared river basins.

Mr. Turner is a founding partner of the law firm Turner, Bachman & Garrett LLC and of Georgia 360 LLC, a multidisciplinary public affairs firm. Mr. Turner earned his law degree from the University of Virginia and his undergraduate degree from the University of Georgia, where he was president of the Student Government Association, graduating Phi Beta Kappa with highest honors in political science and economics.

Under Georgia law, the EPD Director is appointed by the Board of Natural Resources with the approval of the Governor.

EPA Region 4 Updates Groundwater Sampling Guidance

The U.S. Environmental Protection Agency (EPA), Region 4, Science and Ecosystem Support Division (SESD) maintains Field Branches Quality System and Technical Procedures. The procedures include routine field sampling and measurement techniques and quality control documents. On October 28, 2011, SESD adopted changes to their Groundwater Sampling Procedures (Procedure Number SESDPROC-301-R2).

Section 3 (Groundwater Sampling Methods-Purging) of the Groundwater Sampling Procedures was reorganized and rewritten to include discussions of purging strategies and detailed procedures for micro-purging, as well as the lack of purging for "no purge" sampling situations. In Section 3.2.1.1.2 (Chemical Parameter Stabilization Criteria), temperature was removed as a required stabilization criterion because of its fluctuating nature in certain conditions, although it should still be recorded in the field. In addition, the revisions corrected typographical, grammatical, and/or editorial errors, updated references, reflected personnel changes at Region 4, and added the following statement to Section 2.0: "Mention of trade names or commercial products in this operating procedure does not constitute endorsement or recommendation for use."

The specific sampling and field measurement procedures are based on the experience of the investigators within the field

branches and accepted professional practices that are referenced in each procedure. These documents are intended to be dynamic and are periodically reviewed and updated. It is the responsibility of each individual user to ensure that the most recent version of the procedures is being used.

The Field Branches Quality System and Technical Procedures guidance documents are used by field investigators of the two SESD Field Branches, the Ecological Assessment Branch and the Enforcement and Investigations Branch. Although specifically intended to guide activities performed by EPA, the procedures and guidance have been adopted by many other agencies, including the Georgia Environmental Protection Division (EPD). The procedures supersede the *Environmental Investigations Standard Operating Procedures and Quality Assurance Manual (EISOPQAM)*, November 2001, and the *Ecological Assessment Standard Operating Procedures and Quality Assurance Manual (EASOPQAM)*, January 2002.

Generally speaking, groundwater sampling activities in Georgia should follow the new procedures. Groundwater monitoring reports should reference the sampling procedure/date where appropriate.

The SESD procedures can be found at <http://www.epa.gov/region4/sesd/fbqstp/index.html>.

Georgia EPD Adopts Regional Water Plans

The Georgia Environmental Protection Division (EPD) has adopted regional Water Development and Conservation Plans prepared in accordance with the 2008 Comprehensive State-Wide Water Management Plan. According to a November 3, 2011, memo by former EPD Director Alan Barnes, available at http://www.gaepd.org/Files_PDF/whats_news/FAQ_Regional_waterplans.pdf, the regional water plans are an essential step toward sustainable management of the state's water resources. Mr. Barnes' memo addresses several questions raised during public review of draft versions of the regional water plans and discusses implications of what adoption of the final regional water plans means.

To prepare for a future in which the increasing and sometimes conflicting demands on the state's water resources can be balanced, the Georgia General Assembly charged EPD with developing a Comprehensive State-Wide Water Management Plan. In preparing the state-wide plan, EPD assembled a statewide advisory committee, basin advisory committees, and technical advisory committees to discuss potential water policies and management practices and to consider regional concerns.

The Comprehensive State-Wide Water Management Plan, as adopted in 2008, called for the development of regional water plans. Eleven individual water planning regions were designated based on major surface water or groundwater resources. A water planning council was designated for each planning region to oversee preparation of the regional water plans. The future needs for water resources and wastewater management were then forecast for the eleven water planning regions, and draft regional water plans were developed to identify the management practices to be employed to ensure that the forecast demands can be met.

Following the public review of the draft regional water plans, the water planning councils considered the comments received from interested parties as well as from EPD. The councils revised the draft plans and submitted their final regional water plans to EPD in September 2011. EPD reviewed the final regional water plans and determined that they were consistent with the rules for regional water planning and with guidance adopted pursuant to those rules.

Implementation of the regional water plans will occur through the following steps:

- Municipalities and regulated water users will implement management practices based upon a menu-oriented, sequential approach outlined in the regional water plans. Short-term practices that address immediate resource needs are emphasized, with more complex or expensive practices to be evaluated for subsequent implementation if warranted.
- EPD will coordinate with their State agency partners and will consult with the water planning councils and interested parties to set priorities for recommended actions. EPD will continue working to improve the information base for regional water planning and water management.
- Between adoption of the regional water plans and the five-year review and revision required by the Comprehensive State-Wide Water Management Plan, EPD will support and track implementation of the plans. As an important near-term step, EPD supports the water planning councils' recommendations that the State identify and secure funding and other resources necessary for continuing regional water planning.

Information about the regional water plans and state water plan process can be found at <http://www.georgiawaterplanning.org/>.

GAO Criticizes EPA's Efforts on Environmental Justice

On October 6, 2011, the Government Accountability Office (GAO) issued its report on the U.S. Environmental Protection Agency's (EPA) Plan EJ 2014, its recently unveiled "roadmap for integrating environmental justice into its programs, policies, and activities." In its report, GAO said that EPA has not explained how it will obtain the resources that will be needed to carry out its EJ plans, has not clearly articulated the roles of states in ongoing planning and EJ integration efforts, nor has it developed performance measures for eight of its nine implementation plans to track Agency progress on its EJ goals.

EPA is responsible for promoting environmental justice, that is, the fair treatment and meaningful involvement of all people in developing, implementing, and enforcing environmental laws, regulations, and policies. The concept of environmental justice is based on the belief that communities with large numbers of minority or low-income residents frequently shoulder a disproportionate share of environmental and health risks. Many of these communities are located in areas within close proximity to sources of pollutants that can adversely affect both the environment and human health. In January 2010, the EPA Administrator cited environmental justice as a top priority for the agency.

Under Plan EJ 2014, EPA's program and regional offices will assume principal responsibility by carrying out nine specific implementation plans. An important aspect of Plan EJ 2014 is to

obtain input on major environmental justice initiatives from key stakeholders, including the National Environmental Justice Advisory Council, the Federal Interagency Working Group on Environmental Justice, impacted communities, and states.

GAO was asked to examine how EPA is implementing its environmental justice efforts and to evaluate the extent that EPA has followed federal strategic planning practices in establishing a framework for these efforts. To conduct this work, GAO reviewed EPA strategy documents and interviewed agency officials and key stakeholders.

Based on its review, GAO recommended that EPA develop a clearer strategy to define key environmental justice terms, conduct a resource assessment, clearly articulate the states' roles in ongoing planning and future implementation efforts, and develop performance measures to track the agency's progress in meeting its environmental justice goals. GAO believes that the recommended actions will help EPA ensure clear, consistent, and measurable progress as it moves forward in implementing Plan EJ 2014.

GAO provided a draft of its report to EPA for comment. EPA disagreed with two of GAO's recommendations, partially agreed with one recommendation, and did not directly address the remaining recommendation.

First Air Toxics Rules Issued for Power Plants

The U.S. Environmental Protection Agency (EPA) has issued the Mercury and Air Toxics Standards (MATS), the first national standards on power plant emissions of mercury, arsenic, acid gas, nickel, selenium, and cyanide. According to EPA, the standards will reduce emissions by relying on widely available, proven pollution controls that are already in use at more than half of the nation's coal-fired power plants, and the total amount of mercury emitted by coal- and oil-fired power plants in the U.S. will be reduced by 90 percent once full compliance with MATS occurs in 2016, although some facilities will have a later compliance deadline. The rule covers about 1,400 units at 600 power plants.

Mercury has been shown to harm the nervous system of children exposed in the womb, impairing thinking, learning, and early development. Other pollutants that will be reduced by the new standards can cause cancer, premature death, heart disease, and asthma.

A companion revision of New Source Performance Standards (NSPS) for steam-generating units used by utilities imposes additional limits on particulate matter (PM), SO₂, and NO_x. In addition, some electric utilities will also have to meet requirements under EPA's Cross-State Air Pollution Rule (CSAPR), which was issued earlier this year and begins to take effect after January 1, 2012.

Some power industry advocates are not pleased with the package of new regulations, and there are differing opinions on the cost of the rules and their effect on employment. According to industry estimates, the total nationwide cost of meeting MATS and CSAPR will exceed \$18 billion annually and will raise electricity rates by up to 20 percent in some parts of the country. However, EPA's estimate of the annual cost of compliance with MATS is \$9.6 billion, and the Agency further asserts that the public health and economic benefits far outweigh the costs of implementation. EPA estimates that for every dollar spent to reduce pollution from power plants, the American public will see up to \$9 in health benefits. EPA estimates the total health and economic benefits of the standard to be between \$37 billion and \$90 billion. According to the Agency, the new safeguards will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year, in addition to preventing 130,000 cases of childhood asthma symptoms and about 6,300 cases of acute bronchitis among children each year.

Industry advocates have projected that the regulations could result in up to 1.4 million jobs lost by 2020, whereas EPA estimates that manufacturing, engineering, installing, and maintaining the pollution controls to meet these standards will provide employment for thousands, potentially including 46,000 short-term construction jobs and 8,000 long-term utility jobs.

Congress passed the 1990 Clean Air Act Amendments more than 20 years ago and mandated that EPA require control of toxic air pollutants, including mercury. To meet this requirement, EPA worked extensively with stakeholders, including industry, to minimize costs and maximize flexibilities in the standards. There were more than 900,000 public comments that helped inform the final standards. Part of this feedback encouraged EPA to ensure that the standards focused on readily available and widely deployed pollution

control technologies that are not only manufactured by companies in the United States but that also support short-term and long-term jobs.

According to EPA, power plants are the largest remaining source of several air toxics, including mercury, arsenic, cyanide, and a range of other pollutants, and are responsible for half of the mercury and more than 75 percent of the acid gas emissions in the United States. Today, more than half of all coal-fired power plants already deploy pollution control technologies that will help them meet the standards. MATS will require the remaining plants—about 40 percent of all coal-fired power plants—to take similar steps to decrease emissions.

The main concern about MATS that has been voiced by industry is in regard to the compliance schedule. Under Section 112 of the CAA, affected facilities must be in compliance three years after a rule's effective date. Industry has protested that this is an insufficient amount of time to install the required pollution control equipment, such as wet and dry scrubbers, dry sorbent injection, activated carbon injection, and fabric filters. According to industry, installation of these multi-million-dollar items can require more than five years, particularly because there will be competition to obtain the services of qualified labor to complete the work.

A Presidential Memorandum that accompanied the standards directs EPA to use tools provided in the Clean Air Act to implement MATS in a manner that ensures electric reliability. Specifically, EPA is encouraging regulators to make a fourth year available for equipment installation. If still more time is needed, other provisions in the rule include an enforcement policy to address any localized reliability problems should they arise.

Publicly at least, the Agency believes that there will be "few, if any cases in which it is not possible to mitigate a reliability issue within four years." EPA is skeptical that industry's expressed need for more time can be backed up by experience. For example, the Agency says that it is aware of pollution control retrofits that would more than meet MATS requirements occurring between 2008 and 2011. EPA adds that there is "clear evidence" that plants have already been planning for both MATS and CSAPR. For example, says EPA, a single engineering firm reported many new pollution control projects in 2011, which have already been planned, permitted, and contracted, and for which construction has already begun.

There is no argument that the rules will force some utilities to retire older units rather than pay the price of installing air pollution control equipment or switching to less polluting fuel. EPA projects that, as a result of MATS, 4.7 gigawatts (GW) will retire out of the more than 1,000 GW that constitute the nation's electric generating capacity. Industry has generally conceded that MATS/CASPR will have little impact on the reliability of the national grid, but some areas of the country where there is a high concentration of older power plants may experience power shortages.

For more information on MATS, see <http://www.epa.gov/mats/>.

**WE HELP SOLVE ENVIRONMENTAL
AND ENGINEERING PROBLEMS!
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
michael-brock@aem-net.com**

Please visit us on the web:

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 24 years and has project locations nationwide. AEM's mission remains providing individualized, strategic, technically competent, responsive, yet highly cost-effective environmental consulting and engineering services. AEM has many long-term clients, including industrial, governmental, and commercial, many of whom have been clients for decades. Although company growth is an objective, it is our philosophy that growth is secondary to client service and quality. 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 business sustainability.

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 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 (AWHAR). AEM's president, Janet Hart, is also president of AWHAR, which is a 501(c)(3) nonprofit foundation.

Atlanta Environmental Management, Inc.

2580 Northeast Expressway

Atlanta, Georgia 30345