

FLORIDA PROPOSED RULES

RISK BASED SITE REMEDIATION (62-777.100, .150, .170) FLDEP has proposed rules in response to a petition filed by the Associated Industries of Florida. This initiates dialogue regarding the proposed amendments to rules governing the Risk-Based Corrective Action (RBCA) process at contaminated sites, and those governing the derivation of Cleanup Target Levels (CTL) in Florida. Subject areas to be addressed include FLDEP's "Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 62-777, F.A.C. (February 2005)"; rule applicability provisions and whether FLDEP will be mandated to approve proposed alternative CTLs (ACTLs); derivation of CTLs and ACTLs; and whether site-specific soil properties should be considered in establishing an ACTL. FLDEP is also proposing changes to 62-780 to consolidate and create consistency across contaminated site cleanup programs. The [Notice of Rulemaking Development](#) was published 28 OCT 11, a [Workshop Advisory](#) was issued 18 FEB 13, and a workshop was held 5 MAR 13. Another workshop was held 19 JUN 13. Comments to changes to 62-780 were due 4 OCT 13. FLDEP POC: [Brian Dougherty](#), (850)245-7503.

KINGS BAY TMDLS (62-304.645) FLDEP has proposed amendments to 62-304.645, F.A.C., to establish Total Maximum Daily Loads (TMDLs) for impaired waters in the Springs Coast Basin, to include:

- Kings Bay Water Body Identification (WBID) 1341 [Nutrients (Algal Mats)];
- Hunters Spring WBID 1341C [Nutrients (Algal Mats)];
- House Spring WBID 1341D [Nutrients (Algal Mats)];
- Idiots Delight Spring WBID 1341F [Nutrients (Algal Mats)];
- Tarpon Spring WBID 1341G [Nutrients (Algal Mats)]; and
- Black Spring WBID 1341H [Nutrients (Algal Mats)].

A [Notice of Rulemaking Development](#) was published 14 MAY 13, and a workshop was held 27 SEP 13. Comments were due 18 OCT 13. FLDEP POC: [Richard Hicks](#), (850) 245-8229.

WATER REUSE AND RECYCLING (62-40.210, 62-40.416) FLDEP has proposed an amendment to Rule 62-40.210, F.A.C., to provide a definition for a new term provided in proposed amendments to Rule 62-40.416, F.A.C. Proposed amendments to Rule 62-40.416, F.A.C., seek to promote the use of reclaimed water instead of higher quality sources where appropriate. They also provide clarification to consumptive use permit applicants seeking supplemental water for reuse systems on how applicants might meet conditions for issuance. The [Notice of Rulemaking Development](#) was published 3 SEP 13 and a workshop was held 25 SEP 13. A [Notice of Proposed Rules](#) was published 8 NOV 13 and comments were due 29 NOV 13. A [Notice of Change](#) was published on 17 JAN 14. FLDEP POC: [Janet Llewellyn](#), (850) 245-3139.

GEORGIA PROPOSED RULES

GROUNDWATER REMOVAL PROHIBITION (NOTICE) Effective immediately, GAEPD prohibits new groundwater withdrawals in the coastal Georgia counties of Chatham, Bryan, Liberty, and the portion of Effingham County south of Highway 119. The permitting moratorium applies to community public water systems and municipal and industrial groundwater supplies from the entire Floridan aquifer. The aquifer is a source of fresh water for the coastal region, and increased withdrawals have been linked to saltwater seeping into the groundwater in the area around Hilton Head, South Carolina. GAEPD addressed the issue in 2006 with the Coastal Georgia Water and Wastewater Permitting Plan for Managing Salt Water Intrusion (CPP), which prohibited new withdrawals from the upper Floridan aquifer. The CPP allowed limited withdrawals from the lower Floridan aquifer. GAEPD and the US Geological Survey conducted recent groundwater studies and the results show the upper and lower sections of the aquifer are interconnected. This research prompted the need for a moratorium on future withdrawals from the entire aquifer. Applications already received for withdrawals from the lower section of the Floridan aquifer will be considered, but no new applications will be accepted. GAEPD will consider allowing privately owned community public water systems to increase withdrawals if GAEPD has pre-approved expansion. Farmers in the four impacted counties who already hold farm use water withdrawal permits are not affected by this moratorium; applications for new farm use permits will not be considered. GAEPD restrictions on the Floridan aquifer will require potential users to consider other sources of water, such as surface water,

desalination of sea water, and other aquifers. A [press release](#) was issued 20 MAY 13. **POC:** Kevin Chambers, (404) 651-7970.

NPDES STORMWATER AND CONSTRUCTION (NOTICE) GAEPD has proposed to reissue National Pollutant Discharge Elimination System (NPDES) General Permits Numbers GAR100001, GAR100002, and GAR100003 (draft NPDES General Permits) for stormwater discharges associated with construction activity as defined in the Code of Federal Regulations and the Georgia Rules and Regulations for Water Quality Control. The draft NPDES permits will authorize designated construction activities to discharge stormwater into the waters of Georgia, statewide. The NPDES General Permits will be valid for a maximum of five years. A [Notice](#) was issued on 30 JUL 13, comments were due and a hearing was held 30 AUG 13. An [addendum](#) was issued 23 SEP 13. POC: Amy Potter, (404) 675-6240.

NORTH CAROLINA PROPOSED RULES

ENVIRONMENTAL CONCERN FEASIBILITY STUDY The Coastal Resources Commission (CRC) has released a draft of the Cape Fear River Area of Environmental Concern Feasibility Study for public review and comment. In 2012, the North Carolina General Assembly directed the CRC to consider the feasibility of creating a special management area that would include lands adjacent to the mouth of the Cape Fear River. Session Law 2012-202 requires the CRC to consider the unique coastal morphologies and hydrographic conditions of the Cape Fear River region. It also calls on the CRC to determine if action is necessary to preserve, protect, and balance the economic and natural resources of this region through elimination of current overlapping Areas of Environmental Concern (AECs) by incorporating appropriate development standards into a single AEC unique to this location. For the purposes of this study, the CRC was directed to consider a region that encompasses Caswell Beach, Bald Head Island, and surrounding areas. Since late 2012, the North Carolina Division of Coastal Management (DCM) has worked with municipalities and nearby landowners to identify concerns with the existing regulatory framework and to discuss potential strategies for a new AEC. The draft report was compiled by staff with the DCM primarily from information provided by Bald Head Island, Caswell Beach, and their consultants. The draft report provides background information regarding the study, describes existing conditions at Bald Head Island and Caswell Beach, provides an overview of the existing regulatory framework, and presents the regulatory concerns of the stakeholders and their proposed strategies for a new Cape Fear River AEC. The report also includes appendices containing public meeting summaries and supporting information provided by communities and their consultants. This report is being distributed for public input and comment, and does not convey any official positions or findings of the DCM, NCDENR, or the CRC. AECs are the foundation of the CRC's permitting program for coastal development. An AEC is an area of natural importance that may be susceptible to erosion or flooding; or may have environmental, social, economic, or aesthetic values that make it valuable to the state. The CRC classifies areas as AECs to protect them from incompatible development, which may cause irreversible damage to property, public health, or the environment. AECs cover almost all coastal waters and about three percent of the land in the 20 coastal counties. A [press release](#) was issued 8 NOV 13. Comments were due 7 DEC 13. POC: [Mike Lopazanski](#).

SOUTH CAROLINA PROPOSED RULES

AIR QUALITY EXEMPT SOURCES South Carolina Department of Health and Environmental Control (SCDHEC) has determined that no construction permits shall be required for certain sources unless otherwise specified by state or federal requirements. Exemption status may change upon the promulgation of new regulatory requirements applicable to these sources. SCDHEC is placing the exempt sources listed in Section II(B)(2) and other sources that will not interfere with attainment or maintenance of any state or federal standard on a list of sources to be exempted without further review. This list will be maintained by SCDHEC and periodically published in the South Carolina State Register. The [notice](#) was issued on 22 NOV 13. POC: Mareesa Singleton, (803) 898-4123.

TENNESSEE PROPOSED RULES

AIR CONSTRUCTION AND OPERATING PERMITS (1200-03-09-.01, 1200-03-09-.02, 1200-03-09-.06)

TDEC has proposed rulemaking to amend Chapter 1200-03-09 to:

- Create a new rule to allow a system of general permits. This approach would allow the Tennessee Air Pollution Control Board to make rules applicable to broad categories of similar sources subject to federal or state regulatory provisions, or both. The sources would be considered minor (area), and not covered in the universe of the Title V permitting program. Once a general permit covering a specific category of industrial operation individual sources in the applicable category is adopted, a permittee would only have to notify of the election to be covered under the provisions of the general permits. Individualized permits would not be required in those cases. This would streamline the permitting process for many smaller sources, and allow more time to be focused on larger, more complex sources that have higher emissions and need a more individualized approach;
- Delete PM 2.5 significant impact levels (SILs) from the state rule. The board recently adopted language based on a corresponding federal regulation that was vacated by a federal court in reviewing EPA's authority to adopt the SILs. The state level rule needs to be made consistent with federal regulations by striking out language vacated in the court decisions; and
- Amend language for compliance certification relating to continuous or intermittent compliance.

The proposed amendment would allow the state regulation to be consistent with the federal regulation. Amendment would eliminate confusion that could arise from inconsistency between current state regulation and the current federal regulation. A [Notice of Rulemaking Hearing](#) was filed 9 OCT 13. A hearing was held and comments were due 3 DEC 13. POC: [Lacey J. Hardin](#), (615) 532-0545.

WASTE PROCESSING AND REDUCTION (0400-11-01-.09) TDEC has proposed rules to revise Solid Waste Processing and Disposal regulations concerning waste reduction. Proposed amendments eliminate conflicts and confusion between statutory language and the existing rule, and will help the regulated community understand waste reduction. Amendments also bring improvements and consistency in solid waste planning, data collection, and reporting; qualitatively assessing solid waste systems and infrastructure development across the state. Such planning is essential for local governments to have needed infrastructure to attract industry, meet waste reduction goals, and protect the health and welfare of citizens. A [Notice of Rulemaking Hearing](#) was filed 8 OCT 13 and comments were due 31 JAN 14. POC: [Greg Luke](#), (615) 532-0874.

HAZARDOUS WASTE MANAGEMENT (0400-12-01) TDEC has proposed rulemaking regarding 0400-12-01 to:

- Address conflicts that have resulted from prior rulemakings;
- Update regulatory language to reflect recent changes in state statutes or in EPA language referenced by the state regulations;
- Clarify ambiguous language to bring clarity to the regulated community; and
- Correct typographical errors and update additional rule renumbering changes.

The [Notice of Rulemaking Hearing](#) was filed 16 DEC 13. A hearing was held 11 FEB 14 and comments were due 11 FEB 14. POC: [David Moran](#), (615) 532-0875.