



The Southern Region Review



April 2010, Region 4 Edition

The Deputy Assistant Secretary of the Army's (Environment, Safety and Occupational Health) Office of Regional Environmental and Government Affairs-Southern (OREGA-S) produces this publication to provide current information in regard to environmental actions and events throughout Federal EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee). Events chosen may be relevant to U.S. Army and other Military Services' activities and operations. The Review is designed to alert environmental decision makers, planners, and program managers of developments potentially relevant to overall responsibilities.

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CLEAN AND GREEN POLICY: (02/10/10) EPA Region 4 issued a Clean and Green Policy for Superfund cleanups performed by PRPs, EPA or US Army Corps of Engineer contractors, and federal facilities.

LIGHT-DUTY VEHICLE GHG EMISSIONS STANDARDS AND CORPORATE AVERAGE FUEL ECONOMY (CAFE) STANDARDS: (04/01/10, EPA Regulations) EPA and DOT's National Highway Safety Administration (NHTSA) announced a joint final rule establishing a historic national program that will dramatically reduce GHG emissions and improve fuel economy for new cars and trucks sold in the US.

The combined EPA and NHTSA standards that make up this National Program apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. They require these vehicles to meet an estimated combined average emissions level of 250 grams of CO₂ per mile, equivalent to 35.5 miles per gallon (MPG) if the automobile industry were to meet this level solely through fuel economy improvements. Together, these standards will cut GHG emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).

Under program, automobile manufacturers will be able to build a single light-duty national fleet that satisfies all requirements under both the National Program and the standards of California and other states, while ensuring that consumers still have a full range of vehicle choices.

This final rule follows EPA and DOT's joint proposal on 09/15/09, and is the result of the President's May 2009 announcement of a national program to reduce GHG and improve fuel economy.



US AIR FORCE DECLARES WAR ON CARBON EMISSIONS: (04/06/10, BusinessGreen.com) The US Air Force's green credentials really took off last week after it completed a successful test flight of a military aircraft using a 50:50 blend of biofuel and conventional jet fuel.

The 90-minute flight in an A-10C Thunderbolt II out of Eglin Air Force Base in Florida marked the first time that any aircraft has been powered using a biofuel blend in all engines. Up to now test flights undertaken by commercial operators have tended to run only one or two engines using biofuel-based

blends.

The US Air Force now plans to test the fuel on other aircraft, including an F-15 Eagle, a C-17 Globemaster III and an F-22 Raptor over the next couple of years. At the same time, the US Navy has also set its sights on using the new camelina-based jet fuel.

In addition to reducing its carbon footprint, the driving force behind the biofuel trials is to reduce imports of foreign fuel, explained Terry Yonkers, assistant secretary of the Air Force for installations, environment and logistics.

"The Air Force is committed to reducing our reliance on foreign oil," he said. "Our goal is to reduce demand, increase supply and change the culture and mindset of our fuel consumption."

The biofuel used in the trial was based on camelina, otherwise known as false flax, which has been cultivated as an oil-seed crop for centuries. Camelina, a distant relative of canola, can grow on marginal land and requires minimal water or fertiliser, potentially minimizing fears that its use could have negative environmental impacts.

The residue from the seed-crushing operation may also be suitable for animal feed and camelina is potentially well suited to growing on reclaimed brownfields or other lands that are unsuitable for food crops.

Camelina has been championed by a number of biofuel companies including Sustainable Oils, which has supplied camelina biofuel for both the Air Force and the Navy test runs.

Analysts at research firm Biomass Advisors predict that one billion gallons of Camelina biofuel will be produced for the aviation and biodiesel sectors by 2025 and will create 25,000 new jobs. It says the market could be worth \$5.5B in new revenue for biofuel producers over that time frame and could generate \$3.5B in income for US and Canadian farmers.

Conferences and Training

VARIOUS DATES AND LOCATIONS: [USACE 2010 PROSPECT TRAINING](#). The PROSPECT Program provides job-related training through technical, professional, managerial and leadership courses to meet the needs of USACE and other government agencies. The catalog for the PROSPECT Program, the Purple Book, lists over 200 supporting the missions of USACE. Courses are available to federal, state or local government employees. Contact: Sandi Zebrowski, USACE, (402) 697-2562.

VARIOUS DATES AND LOCATIONS THROUGHOUT NC: [CONTINUING EDUCATION ENVIRONMENTAL, SAFETY & HEALTH WORKSHOPS](#). NC State University offers various environmental courses, to include HAZWOPPER, Hazardous Waste Management, Hazardous Materials Transportation, and more.

VARIOUS DATES AND TIMES ONLINE: [NPDES TRAINING COURSES AND WORKSHOPS](#). Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES Permit program; designed for permit writers, dischargers, USEPA officials, and other interested parties.

VARIOUS DATES AND TIMES ONLINE: [INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL \(ITRC\) INTERNET BASED TRAINING](#). ITRC is a state-led coalition working together with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division (TIFSD), ITRC delivers training courses via the Internet to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents.

VARIOUS DATES AND TIMES: [EPA RCRA TRAINING](#). RCRA-related online courses, seminars, webinars, podcasts, and videos are posted throughout USEPA's waste website. Introductory and advanced courses are included for federal and state regulators, the regulated community, organizations, associations, and consumers interested in environmental laws, regulations and implementation.

ANYTIME ONLINE: [EPA WATERSHED ACADEMY](#). The website offers a variety of self-paced training modules that represent a basic and broad introduction to the watershed management field. Modules vary in time to complete, from 1/2 hour to 2 hours.

ANYTIME ONLINE: [EPA RESOURCE CONSERVATION CHALLENGE ACADEMY](#). The academy series provides information to materials management stakeholders through webinars related to EPA's Resource Conservation Challenge. Learn about key issues, successful projects, and a variety of best management practices for creating stellar waste management programs.

ANYTIME ONLINE: [EPA REDUCES RUNOFF VIDEO](#). Online video highlights green building techniques (rain gardens, green roofs, etc.) to help manage stormwater runoff.

ANYTIME ONLINE: [DEFENSE ACQUISITION UNIVERSITY \(DAU\)](#). DAU developed on-line resources available for the DoD AT&L workforce, industry partners, and other federal, state, and local government organizations. The on-line resources provide the ability to apply for a course, take a continuous learning module for continuous learning credit, research policy and other documents, link to related learning and knowledge content, ask a professor a question, contribute knowledge objects (such as lessons learned, best practices, templates, or samples), or collaborate with peers on work issues.

ANYTIME ONLINE: [DOI LEARN](#). DOI Learn houses natural resource courses and training offered by all organizations within the Department of Interior, to include the National Park System, Fish and Wildlife Service, Bureau of Land Management, etc.

ANYTIME ONLINE: [GO LEARN](#). GoLearn provides government employees and military personnel with web-based learning and development courses, and other products and services. Site registration is required, including a nominal fee for federal users.

ANYTIME ONLINE: [ARMY PODCAST SERVICE](#). The Army offers free podcasts on a wide variety of topics, including an environmental series, an Army Corps of Engineers series, and many more. The podcasts are available through a free subscription service. It is not necessary to own an ipod in order to view or listen to a podcast.

APRIL 18-20, JACKSONVILLE, FL: [THE THIRD ANNUAL WASTE-TO-FUELS CONFERENCE AND TRADE SHOW](#). The trade show will provide a forum for informing the public and private sectors of the economic and environmental benefits of converting waste materials to alternative fuels such as biodiesel and ethanol as well as energy recovery. Attendees will have excellent networking opportunities and a chance to visit with exhibitors to preview the newest advances in alternative fuel production products and services. The conference is designed to attract individuals and organizations/companies nationally.

APRIL 27-30, ATLANTA, GA: [NATIONAL ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS ANNUAL CONFERENCE](#). See website for further information.

APRIL 28-30, GATLINBURG, TN: [TDEC DIVISION OF SOLID WASTE MANAGEMENT'S 39TH ANNUAL SOLID/HAZARDOUS WASTE CONFERENCE AND EXHIBITION](#). See website for details.

MAY 3-6, AUSTIN, TX: [NATIONAL MITIGATION AND ECOSYSTEM BANKING CONFERENCE](#). This is the conference for you if you are involved in, or have an interest in mitigation, conservation and ecosystem banking and the related emerging markets.

MAY 4-7, ATLANTA, GA: [SOCIETY OF AMERICAN MILITARY ENGINEERS \(SAME\) JOINT ENGINEER TRAINING CONFERENCE](#). JETC 2010 will feature six technical tracks addressing timely issues affecting the A/E/C and environmental fields, including Contingency Operations, Installation Management, Design and Construction, Water Resources, Environment, and Professional Development. The technical program lays the foundation for the event, supported by an informational Expo area, exciting technical tours and ample networking and social events. The Keynote Speaker is Gen. Charles C. Campbell, Commanding General, US Army Forces Command.

MAY 4-6, JACKSONVILLE, FL: [ADVANCED HISTORIC PRESERVATION LAW & SECTION 106 COMPLIANCE](#). The course takes the next step after the "Introduction to Cultural Resource Management Laws and Regulations" emphasizing legal compliance (the National Historic Preservation Act Section 106 process). It addresses legislation and the process to meet the requirements of the law to help the student support DOD, Military Service and their installation's mission. Course covers: communications with related oversight agencies (e.g., State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation); Standards for Rehabilitation; use of historic properties; Defining Historic Fabric; Maintenance and Repair of Historic buildings; Archeological Resources; Native American Issues. There are no tuition costs for this course.

MAY 4-6, ATLANTA, GA: [WASTEEXPO 2010](#). The conference program covers the latest trends and topics in the solid waste industry. Through conference sessions, workshops, boxed lunch discussions and breakfast forum, all led by industry experts, attendees gain the knowledge needed to perform their job more effectively and efficiently. Topics include recycling, Green Management, Finance, Labor & Employment, Technology, Safety, Community Relations, Business & Finance, Employee Relations, Politics & Law, and Transportation & Collection.

MAY 6, ONLINE: [FEDERAL GREENHOUSE GAS ACCOUNTING AND REPORTING](#). This session provides an update on new greenhouse gas (GHG) regulatory requirements and guidance, as well as strategies, models, and technology tools to measure GHG emissions.

MAY 10-12, WASHINGTON, DC: [ENERGY EFFICIENCY GLOBAL FORUM AND EXPOSITION \(EE GLOBAL\) 2010](#). At EE Global 2010, participants will discover the ideas, intersections and solutions for growing energy-efficient economies. They will forge partnerships and international alliances to stabilize transitions to low-carbon markets, and they will contribute to the catalogue of best practices in energy efficiency upon which a new energy world order will be founded.

MAY 11-13, ORLANDO, FL: [NORTH AMERICAN WASTE-TO-ENERGY CONFERENCE](#). This is the leading industry technical conference and trade show focusing on municipal waste-to-energy operational issues and policy, technology and research initiatives.

MAY 11-13, TULSA, OK: [2010 GLOBAL DEMILITARIZATION SYMPOSIUM AND EXHIBITION](#). This event continues to support US DoD in global efforts directed at reducing the stockpile of excess and obsolete strategic, tactical and conventional munitions. The Symposium features Product Manager for Demil Updates; Headquarters/Program Reviews; panel discussions and exhibits. The agenda focuses on ongoing demil/disposal, resource recovery, recycling, and reuse operations and programs, sale of recovered demil materials, demil R&D efforts, transitioning technologies; and environmental, safety and policy issues that affect this business.

MAY 13, MONTGOMERY, AL: [ADEM 2010 ALABAMA REGULATORY UPDATE CONFERENCE](#). Visit website for further information.

MAY 14, TAMPA, FL: [NATIONAL INSTITUTE FOR STORAGE TANK MANAGEMENT 21ST ANNUAL FLORIDA STATE CONFERENCE](#). At this seminar, governmental agency experts will help analyze storage tank situations. You will also learn about FLDEP enforcement and cleanup issues.

MAY 16-18, RALEIGH, NC: [NATIONAL GREEN BUILDING CONFERENCE](#). Get contacts, tools and ideas that are good for the environment and your bottom line. The conference is the only national conference targeted to green building for the mainstream residential building industry. Network with designers and suppliers, attend exceptional education sessions and develop the skills you need for profitable green building.

MAY 17-22, PHOENIX, AZ: [AMERICAN SOCIETY OF MECHANICAL ENGINEERS FOURTH INTERNATIONAL CONFERENCE ON ENERGY SUSTAINABILITY](#). The conference will address the areas of solar energy, energy efficiency, renewable energy and advanced energy technologies.

MAY 18-20, CAMP LEJEUNE, NC: [HEALTH AND ENVIRONMENTAL RISK COMMUNICATION WORKSHOP](#). The ECR2010 Conference will be a conference filled with training workshops, panel sessions, roundtable discussions, technology fair exhibits, plenary discussions and presentations across various topics within the following three conference tracks. These training sessions are intended to provide an opportunity for participants to brush up on their skills and learn new techniques and approaches to collaborative problem solving and environmental conflict resolution.

MAY 24-28, TUCSON, AZ: [NATIONAL ENVIRONMENTAL CONFLICT RESOLUTION CONFERENCE](#). The US Institute for Environmental Conflict Resolution (ECR) of the Udall Foundation and the Udall Center for Studies in Public Policy of The University of Arizona have joined with several federal agency partners to provide a conference filled with cutting-edge training workshops, dynamic panel sessions, interactive roundtable discussions and opportunities for agency-specific side meetings. As the field of ECR evolves, it is time to reflect on the progress that has been made in the profession, its contribution to the nature and quality of environmental decision-making, and the significance of emerging institutional resources and requirements. The ECR conference provides a forum for exchange of ideas and mutual learning about environmental conflict resolution among a broad cross-section of interests.

MAY 25-27, ORLANDO, FL: [2010 NATIONAL ENVIRONMENTAL PARTNERSHIP SUMMIT](#). This summit team selected this location based on good hotel rates and the opportunity to host the event at a Florida state certified green hotel. The theme is *Taking the Next Step for Energy, Sustainability, and a Green Economy*. Draft Tracks/Topics: Sustainability Projects/Production; Addressing Climate Change include: Successes and Case Studies; Sector-Based Environmental Assistance; Environmental Policies and Regulations Update for 2009-2010; Clean Technologies: Specific Technologies and Applications; Greening Your Business; International Projects and Models; Research and New Technology; Resource Efficiency; Greening the Economy: Engaging Business and the Financial Sector; Energy Issues; Environmental Issues in Florida.

JUNE 14-17, DENVER, CO: [ENVIRONMENT, ENERGY SECURITY, AND SUSTAINABILITY SYMPOSIUM AND EXHIBITION \(E2S2\)](#). E2S2 provides an opportunity to share ideas on how to improve energy, environmental and sustainability management throughout DoD, the Services and other federal agencies. This year, administration senior leaders from the White House, DoD, DoE, EPA and the Services are invited present their organizations' goals for the next three years in the plenary session. The Services will emphasize leadership initiatives and program and budget changes in order to provide attendees with policy updates and technical training.

JUNE 20-24, CHICAGO, IL: [AMERICAN WATER WORKS ASSOCIATION ANNUAL CONFERENCE AND EXPOSITION](#). ACE10 provides an unparalleled moment to address the many issues of sustainability that define our daily work. More than 100 professional sessions – each with multiple presentations within them—will explore water resource sustainability, system sustainability, workforce sustainability and economic sustainability.

JUNE 22-23, WASHINGTON, DC: [GLOBAL ADVANCED BIOFUELS SCALE UP SUMMIT 2010](#). The mission of the summit is to help create a global consensus on how to establish the regulatory and financial framework for commercializing advanced biofuels, and how to scale up technologies to meet the market once it has been created. The creation of such a market is a global challenge that will require a global solution: this summit will offer solutions from governments, investors and advanced biofuels producers and end users from both sides of the Atlantic.

JUNE 22-24, RICHMOND, VA: [ASSOCIATION OF THE US ARMY INSTITUTE OF LAND WARFARE \(ILW\) 2010 SUSTAINMENT](#)

SYMPOSIUM AND EXHIBITION. The AUSA ILW Army Sustainment Symposium and Exposition welcomes all AUSA members, employees or consultants of AUSA Member companies, military and civilian government personnel, invited guests, and non-members that are interested or have an identifiable relationship with AUSA or the United States Army.

JULY 16-20, RENO, NV: **NATIONAL ASSOCIATION OF COUNTIES ANNUAL CONFERENCE.** See website for further information.

JULY 23, ONLINE: **DoD SUSTAINABILITY AWARENESS TRAINING.** This course is an awareness level overview of the concepts, principles and practices of sustainability and how they can be applied within the Navy and DoD. Participants will learn from hands-on sustainability experts who have implemented sustainability projects at the Navy/DoD, as well as environmental and business leaders from industry. Participants will understand what sustainability is, how it impacts their job, how it is applied at the Navy, and its future impact on Naval operations.

JULY 25-25, LOUISVILLE, KY: **NATIONAL CONFERENCE OF STATE LEGISLATURES LEGISLATIVE SUMMIT.** Join 5,000 legislators, legislative staffers, business representatives, government officials, union and foundation representatives, media and faculty for four days of Louisville hospitality, informative policy discussions and innovative solutions for the biggest problems facing the states today.

JULY 27-29, NORFOLK, VA: **ADVANCED HISTORIC PRESERVATION LAW & SECTION 106 COMPLIANCE.** This course takes the next step after the "Introduction to Cultural Resource Management Laws and Regulations" emphasizing legal compliance (the National Historic Preservation Act Section 106 process). It addresses legislation and the process to meet the requirements of the law to help the student support DOD, Military Service and their installation's mission.

JULY 29-31, SARASOTA, FL: **FL LOCAL ENVIRONMENTAL RESOURCE AGENCIES 2010 ANNUAL CONFERENCE.** Professionals in state, regional and local government and in the environmental, academic and consulting communities are encouraged to submit presentation proposals. Presentations for conference sessions can be on case studies, current policy questions, new practices, research projects, etc. The conference theme is "Leveraging the Green Revolution," focusing on how local governments can protect Florida's environment during times of shrinking budgets.

AUGUST 2-6, NORFOLK, VA: **ADVANCED ENVIRONMENTAL MANAGEMENT.** This course prepares civilian and military environmental professionals to effectively manage environmental programs in support of Navy/Marine Corps activities/installations by providing specific information on legal, technical, managerial, and policy aspects of environmental management.

AUGUST 2-6, SHEPARDSTOWN, WV: **ENDANGERED SPECIES RECOVERY PLANNING AND IMPLEMENTATION.** Offered through DOI LEARN, instruction covers technical, policy, and practical aspects of recovery planning and implementation for threatened and endangered species. This course will enhance your ability to plan for and effectively implement conservation actions for listed trust species and their habitats. Case studies and exercises are included to reinforce lecture sessions.

AUGUST 22-26, CLEMSON UNIVERSITY, SC: **ENVIRONMENTAL EFFECTS OF NANOPARTICLES AND NANOMATERIALS 2010.** Engineered nanoparticles and nanomaterials offer many potential socioeconomic, health and environmental benefits because of novel properties and behavior that materials can exhibit when manufactured at the nanoscale. While the production of nanomaterials is undergoing exponential growth, their biological effects and environmental fate and behavior are relatively unknown. Nano 2010 will provide a venue for presentation and discussion of current research on these issues. The interdisciplinary mix of environmental scientists, toxicologists, material scientists and engineers should provide for a robust discussion in a creative atmosphere.

SEPTEMBER 12-15, NASHVILLE, TN: **2010 WATER SECURITY CONGRESS.** The 2010 congress presents the most current information on water security and discusses how to address new and emerging challenges faced by the industry.

OCTOBER 2-6, NEW ORLEANS, LA: **WATER ENVIRONMENT FEDERATION'S ANNUAL TECHNICAL EXHIBITION AND CONFERENCE.** WEFTEC offers water quality professionals from around the world with the best water quality education and training available today. Also recognized as the largest annual water quality exhibition in the world, the expansive show floor provides unparalleled access to the most cutting-edge technologies in the field, serves as a forum for domestic and international business opportunities, and promotes invaluable peer-to-peer networking between its more than 20,000 attendees.

Announcements

JOINT OPERATING ENVIRONMENT, 2010 (JOE 2010): (03/16/10) The US Joint Forces Command (USJFCOM) released their annual report known as the [Joint Operating Environment, 2010](#). The report attempts to predict the future operational environment and its implications on the structure and function of the joint force. JOE 2010 continues and improves on work first outlined in the 2008 version of the document. The crucial enabler for America's ability to project its military power for the past six decades has been its almost complete control over the global commons (e.g., ocean, and air space). These global commons have expanded to include outer space and cyberspace. The report briefly surveys challenges in resources including energy, oil (peak oil), food, water, and the threat of climate change. Inquiries about the Joint Operating Environment should be directed to USJFCOM Public Affairs, 1562 Mitscher Avenue, Suite 200, Norfolk, VA 23551-2488, (757) 836-6555.

PUBLIC DATABASE ON RISK ASSESSMENTS: (03/24/10) EPA is releasing the [Health and Environmental Research Online \(HERO\)](#) database, which provides access to scientific studies used in making key regulatory decisions, including EPA's periodic review of NAAQS for six major pollutants. It is part of the open government directive to conduct business with transparency, participation and collaboration. The publically accessible HERO database provides an easy way to review the scientific literature behind the EPA science assessments used to support agency decision-making. The database includes more than 300,000 scientific articles. In addition, through a simple keyword search, anyone can see information from articles used to develop specific risk assessments. HERO includes peer-reviewed literature used by EPA to develop its Integrated Science Assessments (ISA) that feed into the NAAQS review. It also includes references and data from the Integrated Risk Information System (IRIS), a database that supports critical agency policymaking for chemical regulation.

Studies and Reports

ENVIRONMENTAL CLEANUP: (03/17/10, [GAO Report](#)) GAO published a report titled, Environmental Contamination Information on the Funding and Cleanup Status of Defense Sites (GAO-10-547T). The study found that DoD uses the same method to propose funding for cleanup at Formerly Used Defense Sites (FUDS), active sites and Base Realignment and Closure (BRAC) sites. Cleanup funding is based on Defense Environmental Restoration Program (DERP) goals, and is generally proportional to the number of sites in each of these categories. Officials in the Military Departments, Defense Agencies and FUDS program, who are responsible for executing the environmental restoration activities at their respective sites, formulate cleanup budget proposals using the instructions in DoD's financial management regulation and DERP environmental restoration performance goals. GAO's past work has also shown that DoD's preliminary cost estimates for cleanup generally tend to rise significantly as more information becomes known about the level of contamination at a specific site. In addition, three factors can lead to delays in cleanup: technological constraints that limit DoD's ability to detect and cleanup certain kinds of hazards; prolonged negotiations with environmental regulators on the extent to which DoD's actions are in compliance with regulations and laws; and the discovery of previously unknown hazards that can require additional cleanup, increase costs, and delay transfer of the property. For further information: [Anu Mittal](#), GAO, 202-512-3841; [John Stephenson](#), GAO, 202-512-3841.

Federal Notices and Rulemaking

Clean Air Act (CAA)

PB NAAQS. (03/03/10, [75 FR 9648](#)) Office of Research and Development's National Center for Environmental Assessment (NCEA) is preparing an ISA as part of the review of the NAAQS for Lead (Pb). The ISA is intended to update and revise, where appropriate, the scientific assessment presented in the Air Quality Criteria for Lead (EPA/600/R-5/144aF), published 10/01/06. Interested parties are invited to assist EPA in developing and refining the scientific information base for the review of the Pb NAAQS by submitting research studies that have been published, accepted for publication, or presented at a public scientific meeting. This is relevant to Army because modification of PB NAAQS could have potential impacts to activities emitting lead, for example demilitarization of small arms or operation of ranges. All communications and information should be received by EPA 04/20/10. A workshop will be held in May. For further information: [Melanie King](#), EPA, (919) 541-2469.

RECIPROCATING INTERNAL COMBUSTION ENGINES: (03/03/10, [75 FR 9647](#)) EPA formally issued the [final rule](#) promulgating national NESHAPS for existing stationary compression ignition reciprocating internal combustion engines. The rule covers engines located at area sources of HAPs; engines rating less than or equal to 500 brake horsepower located at major sources of HAPs; and existing non-emergency stationary compression ignition engines greater than 500 brake

horsepower that are located at major sources of HAPs. EPA is revising the provisions related to startup, shutdown and malfunction for engines regulated previously by these NESHAPS. EPA is establishing numerical emission standards for various size categories of engines, using carbon monoxide as a surrogate for HAPs. Engines smaller than 100 HP are not subject to numeric standards. The rule requires basic maintenance practices related to frequency of oil and air filter changes, and general inspections. In addition, the rule will require larger non-emergency stationary engines (300 HP and larger) to use low sulfur fuels (15 ppm sulfur or less). Existing non-emergency engines greater than 300 HP located at either major or area sources will likely need to install a catalytic emission control or some other after treatment technology to comply. Most smaller units and large emergency units will not require after treatment. This final rule is effective May 3, 2010. For further information: [Melanie King](#), EPA, Research Triangle Park, North Carolina, (919) 541-2469.

AMBIENT AIR MONITORING: (03/04/10, [75 FR 9894](#)) EPA has designated, in accordance with 40 CFR part 53, one new equivalent method for measuring concentrations of PB in total suspended PM in the ambient air. For further information: [Surrender Kaushik](#), EPA, (919) 541-5691.

SUPREME COURT LETS RULING STAND: (03/08/10, [Press Report](#)) The Supreme Court has [declined to review](#) a December 19, 2008 decision by United States Court of Appeals for the [District of Columbia Circuit vacating](#) the startup/shutdown/malfunction exemption in Title V permitting.

OCEAN EMISSION CONTROL AREA (ECA): (03/26/10, [EPA Recent Additions](#)) The International Maritime Organization (IMO) has accepted the proposal to designate waters off the North American coasts as an ECA. Large ships that operate in ECAs must use dramatically cleaner fuel and technology. Implementation of the ECA means that ships entering the designated area would need to use compliant fuel for the duration of their voyage that is within that area, including time in port as well as voyages whose routes pass through the area without calling on a port. The quality of fuel that complies with the ECA standard will change over time. From the effective date in 2012 until 2015, fuel used by all vessels operating in designated areas cannot exceed 1.0 percent sulfur (10,000 ppm). Beginning in 2015, fuel used by vessels operating in these areas cannot exceed 0.1 percent sulfur (1,000 ppm). Beginning in 2016, NO_x aftertreatment requirements will become applicable. The area of the North American ECA includes waters adjacent to the Pacific coast, the Atlantic/Gulf coast and the eight main Hawaiian Islands. The area extends up to 200 nautical miles from coasts of the US (including Hawaii), Canada and the French territories, but does not extend into marine areas subject to the sovereignty or jurisdiction of other states. EPA is continuing to investigate whether other areas of the US and its territories may benefit from ECA designation, such as, the Puerto Rico and the US Virgin Islands. Some other areas for future consideration include the Pacific US territories, smaller Hawaiian Islands, and Western Alaska. A [diagram of the area](#) is available, as are [ECA standards, the proposal to the IMO and related documents](#). For further information: EPA Assessment and Standards Division; Ann Arbor, MI; 734-214-4636, asinfo@epa.gov.

TRANSPORTATION CONFORMITY: (03/24/10, [75 FR 14260](#)) EPA is amending the transportation conformity rule to finalize provisions proposed on 05/15/09. Amendments primarily affect conformity's implementation in PM2.5 and PM10 nonattainment and maintenance areas. EPA is updating the transportation conformity regulation in light of a 10/17/06 final rule that strengthened the 24-hour PM2.5 NAAQS and revoked annual PM10 NAAQS. The CAA requires federally supported transportation plans, transportation improvement programs, and projects to be consistent with ("conform to") the purpose of the state air quality implementation plan. For further information: [Laura Berry](#), EPA, (734) 214-4858.

Climate Change and Energy

RESIDENTIAL FURNACE ENERGY CONSERVATION: (03/15/10, [75 FR 12144](#)) As a result of a voluntary remand agreement, DOE has until May 1, 2011 to issue a final rule amending energy conservation standards for residential furnaces. Petitioners asserted to the US Court of Appeals for the Second Circuit, that standards for residential furnaces promulgated by the November 2007 final rule did not reflect the "maximum improvement in energy efficiency" that "is technologically feasible and economically justified," as required by the Energy Policy and Conservation Act. On January 26, 2010, a 15-member group comprised of industry, energy associations, state commission and councils provided a [Joint Comment](#) that recommended standards that would divide the nation into three regions for residential central air conditioners, and two regions for residential furnaces. Instead of a single national standard, different regional standards would apply. The regions are based on the population-weighted number of heating degree days (HDD) of each state. For furnaces, states with 5000 HDD or more would be part of the northern region, while states with less than 5000 HDD would be considered part of the southern region. For residential central air conditioners, the Joint Comment recommends a third southwest region, which would be comprised of California, Arizona, New Mexico and Nevada. [DOE's Rules Analysis Plan](#) is available. Comments on these proposals including on the Joint Comment are due April 14, 2010. For further information: [Mohammed Khan](#); DOE, Office of Energy Efficiency and Renewable Energy; Washington, DC; 202-586-7892.

GHG EMISSIONS AND SINKS: (03/15/10, [75 FR 12232](#)) EPA released the [Draft Inventory of US Greenhouse Gas Emissions and Sinks: 1990-2008](#). The inventory contains estimates of CO₂, methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFC), perfluorocarbons (PFC) and sulfur hexafluoride (SF₆) emissions. The inventory is the latest in a series of annual US submissions to the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC). Total US emissions rose from 1990 to 2008 by 14%. Nevertheless, US emissions declined by 2.9% from 2007 to 2008. This decrease is primarily a result of a decrease in demand for transportation fuels associated with the 2008 record high costs of these fuels; electricity demand declined in 2008 in part due to a significant increase in the cost of fuels used to generate electricity; and in 2008, summer and winter temperatures were cooler in the US than in 2007, which lead to an increase in heating related energy demand in the winter, much of which was offset by a decrease in cooling related electricity demand in the summer. For further information: [Leif Hockstad](#), EPA Office of Air and Radiation, (202) 343-9432.

GHG REPORTING: (03/16/10, [75 FR 12451](#)) EPA amended the general provisions for the Mandatory GHG Reporting Rule. Minor revisions change the format of several sections of the general provisions to accommodate addition of future new subparts in a simple and clear manner. Changes include updating language for the schedule for submitting reports and calibrating equipment to recognize that future subparts would have later deadlines. Revisions do not change 2010 and 2011 dates for facilities and suppliers covered by the 2009 final rule, but provide that as new subparts are added, they will have later compliance years. Therefore, EPA has modified the text of 40 CFR 98.3(b) to allow reporting to start in different years, as specified in the new source category tables. Any future rules adding subparts would indicate the exact starting year for reporting for that source category. This direct final rule merely removes the presumption that all categories, existing and future, would report starting with 2010 emissions. Amendments do not change the requirements of the regulation for facilities and suppliers covered by the 2009 final rule. Amendments affect owners and operators of fuel and chemicals suppliers and direct emitters of GHGs who are already subject to the rule. This direct final rule is effective May 17, 2010, without further notice, unless EPA receives adverse comments by April 15, 2010, or April 30, 2010 if a public meeting is held. For further information: Carole Coe; EPA, Climate Change Division; Washington, DC; 202-343-2342, GHGReportingRule@epa.gov.

GEOENGINEERING: (03/18/10, [GAO-10-546T](#)) GAO has released testimony to Congress on the topic of geo-engineering to manage climate change. Most geoengineering proposals fall into two approaches: solar radiation management (SRM), which offsets temperature increases by reflecting a small percentage of the sun's light back into space, and CO₂ removal (CDR), which addresses the root cause of climate change by removing CO₂ from the atmosphere. Substantial uncertainties remain on the efficacy and potential environmental impacts of proposed geoengineering approaches because geoengineering research and field experiments have been limited. GAO's review of relevant studies and interviews with experts found that relatively few modeling studies for SRM approaches have been published, and only limited small-scale testing—primarily of carbon storage activities relevant to CDR approaches—have been performed. Consequently, the experts GAO spoke with stated that a sustained effort of coordinated and cooperative research would be needed to determine whether proposed geoengineering approaches would be effective at the scale necessary to reduce temperatures, and to attempt to anticipate and respond to potential unintended consequences—including the political, ethical, and economic issues surrounding the use of certain approaches. Specifically, just as the effects of climate change in general are expected to vary by region, so would the effects of certain large-scale geoengineering efforts; therefore, potentially creating relative winners and losers, and thus sowing the seeds of future conflict. For further information: [Frank Rusco](#), GAO, (202) 512-3841.

NOAA CLIMATE SERVICE: (03/19/10, [75 FR 13259](#)) NOAA intends to establish a new NOAA Climate Service through reorganization of existing agency assets. [Additional information](#) about the announcement to create a new NOAA Climate Service, including questions and answers, is available. For further information, [Brady Phillips](#), NOAA Office of Communications and External Affairs, Washington, DC, 202-482-2365.

GHG REPORTING: (03/24/10, [75 FR 14081](#)) EPA is issuing a correction to the Source Categories Lists for 40 CFR 98.2, which includes electricity generation units that report CO₂ mass emissions year round through 40 CFR 75, and municipal solid waste landfills that generate CH₄ in amounts equivalent to 25,000 metric tons CO₂ equivalent or more per year.

RENEWABLE FUEL STANDARDS: (03/26/10, [75 FR 14669](#)) EPA has issued changes to the Renewable Fuel Standard to address revised statutory requirements that specify the volumes of cellulosic biofuel, biomass-based diesel, advanced biofuel and total renewable fuel that must be used in transportation fuel. This applies to all gasoline and diesel produced in the US imported in 2010. This final rule also implements new GHG emission thresholds for renewable fuels and new limits on renewable biomass feedstocks. As mandated by statute, EPA's GHG emission assessments consider the full lifecycle emission impacts of fuel production from direct and indirect emissions, including significant emissions from land use changes. EPA recognizes that lifecycle GHG assessment of biofuels is an evolving discipline, and it will continue to revisit its lifecycle analyses in the future as new information becomes available. Based on current analyses, EPA has deter-

mined that ethanol from corn starch will be able to comply with the required 20% GHG emission reduction threshold for renewable fuel, in comparison with 2005 baseline gasoline. Similarly, biodiesel can be produced to comply with the 50% threshold for biomass-based diesel; sugarcane with the 50% threshold for advanced biofuel, and multiple cellulosic-based fuels with their 60% threshold. Additional fuel pathways have also been determined to comply with their thresholds. Resulting 2010 standards representing the fraction of a refiner's or importer's gasoline and diesel volume that must be renewable fuel are: cellulosic biofuel (0.004%), biomass-based diesel (1.10%), advanced biofuel (0.61%) and renewable fuel (8.25%). This final rule is effective July 1, 2010. For further information: [Julia MacAlliste](#), EPA, Office of Transportation and Air Quality, Ann Arbor, MI, 734-214-413.

Cultural Resources

HISTORIC VESSELS: (03/15/10, [75 FR 12245](#)) In response to a proposal by the Navy, the Advisory Council on Historic Preservation has issued a Program Comment setting forth the way in which the Navy will comply with Section 106 of the National Historic Preservation Act with regard to the determination of National Register of Historic Places (NRHP) eligibility of its vessels and the treatment of adverse effects that may result from their disposition. Under the Program Comment, Navy historians would annually review NRHP listing eligibility of each vessel in active service. Upon decommissioning, vessels that have not already been determined eligible for listing in the NRHP would again be evaluated. For vessels determined to be eligible while in active service, the Navy will annotate the vessel's entry in the [National Vessel Registry \(NVR\)](#) to reflect listing eligibility and include the basis for eligibility; and make available a documentation package consisting of historically significant records such as command operation reports, war diaries and deck logs, as they are submitted. The Navy will also strongly consider making the vessel available for donation (following) decommissioning and striking from the NVR. Determination that a vessel in active service is eligible for listing in the NRHP shall not affect the vessel's availability for routine operations, combat operations and modernization. By implementing the Program Comment, the Navy will no longer be required to follow the standard Section 106 process for each final disposition decision affecting inactive vessels. In addition to satisfying the Navy's obligations under Section 106 of the NHPA for vessels, the Program Comment enables the Navy to fulfill its responsibility under Section 110 of the NHPA to manage and maintain vessels that may be eligible for listing in the NRHP in a way that considers the preservation of their historic value. For further information: [Dr. Tom McCulloch](#), Advisory Council on Historic Preservation, (202) 606-8554.

Clean Water Act (CWA)

EFFLUENT LIMITATIONS GUIDELINES (ELG) AND STANDARDS: (03/08/10, [75 FR 10438](#)) EPA is correcting a recent final ruling that established CWA technology-based ELG and NSPS for the Construction and Development point source category. The correction clarifies that August 1, 2011, is the date by which discharges from construction sites that disturb 20 or more acres of land at one time must comply. The [final rule](#) was originally published on December 1, 2009. This rule is effective March 8, 2010. For further information: [Jesse W. Pritts](#), EPA, 202-566-1038.

OCEAN ACIDIFICATION AND LISTING OF IMPAIRED WATERS: (03/22/10, [75 FR 13537](#)) EPA is seeking comments on the subject of ocean acidification and listing of impaired waters under the CWA Section 303(d) program. EPA seeks comment on potential guidance to states for listing decisions. EPA also requests comment on methods for monitoring ocean acidification and its impacts on marine life and ecosystems. EPA expects to decide by November 2010, how to proceed in addressing ocean acidification and the 303(d) program. This action is as a response to: The Center for Biological Diversity (CBD) filed a complaint against EPA on May 14, 2009, challenging EPA's approval of Washington State's 2008 303(d) list citing failure to include coastal waters as impaired for marine pH [CBD v. EPA, No. 2:09cv670 (W. D. Wash)] and, CBD has sent letters to 14 states and two territories requesting that they list under CWA Section 303(d) all ocean waters impaired by ocean acidification, and revise their marine pH criteria. Comments are due May 21, 2010. For further information: Christine Ruf; EPA, Assessment and Watershed Protection Division; Washington, DC; 202-566-1220; WatershedProgram-OWOW@epa.gov.

Hazardous Materials Transportation

TRANSPORTATION SECURITY PLANS: (03/09/10, [75 FR 10973](#)) DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA), in consultation with the Transportation Security Administration (TSA), has revised the security plan requirements applicable to commercial transportation of hazardous materials by air, rail, vessel and highway. This final rule narrows the list of materials subject to security plan requirements, and clarifies certain requirements related to security planning, training and documentation. A hazmat employee shall receive the training required by this subpart at least once every three years, or within 90 days of any revision to the security plan. For further information: Susan GorskyBen Supko, DOT, Pipeline and Hazardous Materials Safety Administration, Office of Hazardous Materials Standards, 202-366-8553.

Natural Resources

MIGRATORY BIRDS: (03/01/10, [75 FR 9281](#)) USFWS revised the List of Migratory Birds by adding and removing numerous species. Reasons for changes include correcting previous mistakes, adding species based on new evidence of occurrence in the US or US territories, removing species no longer known to occur within the US, and changing names based on new taxonomy. The net increase of 175 species (186 added and 11 removed) brings the total number of species protected by the Migratory Bird Treaty Act (MBTA) to 1007. USFWS regulates most aspects of take, possession, transportation, sale, purchase, barter, exportation and importation of migratory birds. An accurate and up-to-date list of species protected by the MBTA is essential for regulatory purposes. This final rule is effective March 31, 2010. For further information: Terry Doyle; FWS, Division of Migratory Bird Management; 703-358-1799.

INJURIOUS WILDLIFE SPECIES: (03/12/10, [75 FR 11808](#)) USFWS proposes to amend regulations to add several species of python, anaconda and the boa constrictor to the list of injurious reptiles. Listing would prohibit the importation of any live animal, gamete, viable egg, or hybrid of these nine constrictor snakes into the US, except as specifically authorized. Comments are due by May 11, 2010. Supervisor, Fish and Wildlife Service, Vero Beach, FL, (772) 562-3909, ext. 256.

LOGGERHEAD SEA TURTLE: (03/16/10, [75 FR 12597](#)) NMFS and FWS have determined that the loggerhead sea turtle (*Caretta caretta*) is composed of nine distinct population segments (DPSs) that qualify as "species" for listing as endangered or threatened, and have proposed to list two as threatened and seven as endangered. The loggerhead occurs throughout the temperate and tropical regions of the Atlantic, Pacific and Indian Oceans. However, the majority of loggerhead nesting is at the western rims of the Atlantic and Indian Oceans. Peninsular Florida counts as one of the two world locations with loggerhead nesting aggregations having greater than 10,000 females nesting per year. Additionally, along Georgia through the North Carolina corridor is another nesting aggregation with 1,000 to 9,999 females nesting annually. [Loggerhead sea turtle information](#) is available. The [NMFS status review document](#) is also available. Comments are due June 14, 2010. For further information: [Barbara Schroeder](#), NMFS, (301) 713-1401; [Sandy MacPherson](#), FWS (904) 731-3328.

STRIPED NEWT: (03/23/10, [75 FR 13720](#)) In response to a petition to list the striped newt as threatened, the USFWS is initiating a review of the status of the species to determine if listing is warranted. The striped newt (*Notophthalmus perstriatus*) is a small salamander that reaches a total length of two to four inches. Striped newts occur only in Florida and Georgia. Their range extends along the Atlantic Coastal Plain of southeastern Georgia into peninsular north-central Florida and up through the Florida panhandle into portions of southwest Georgia. Comments are due by May 24, 2010. For further information: Stephen Ricks, Field Supervisor, Mississippi Ecological Services Field Office, Jackson, MS, (601) 965-4900.

Resource Conservation and Recovery Act (RCRA)

HAZARDOUS WASTE: (03/18/10, [75 FR 12989](#)) EPA has issued a direct final rule to make technical changes that correct or clarify several parts of the RCRA hazardous waste regulations. Changes have occurred over time in numerous final rules, such as typographical errors, incorrect or outdated citations and omissions. Included among the 90 corrections are: clarification of the meaning of a "new hazardous waste management facility or new facility" as one that began operation, or for which construction commenced after November 19, 1980; clarification of the meaning of a conditionally exempt small quantity generator and large quantity generators; clarification of the marking requirement to display "hazardous waste" applies to containers and tanks; clarification that satellite accumulation provisions for large quantity generators are also applicable to small quantity generators; and clarification of procedures applicable when TSD facilities forward waste under a new manifest, or return all or part of a rejected load under a new manifest. This final rule is effective June 16, 2010 without further notice unless EPA receives adverse comments by May 3, 2010. For further information: [Jim O'Leary](#), EPA, Office of Resource Conservation and Recovery, Washington, DC; 703-308-8827.

Safe Drinking Water Act (SDWA)

SAFE DRINKING WATER: (03/22/10, [EPA Recent Additions](#)) EPA is developing new strategies to strengthen public health protection from contaminants in drinking water. Strategies include addressing contaminants as a group rather than one at a time so that enhancement of drinking water protection can be achieved cost-effectively, and fostering development of new drinking water treatment technologies to address health risks posed by a broad array of contaminants. EPA also intends to promulgate stricter standards for tetrachloroethylene, trichloroethylene, acrylamide and epichlorohydrin. There are ongoing efforts on 14 other drinking water standards. For example, EPA is considering further revisions to the lead and copper rule in order to better address risks to children. EPA also has ongoing health risk assessments or infor-

mation gathering for chromium, fluoride, arsenic and atrazine. EPA continues to consider whether to regulate perchlorate. For further information: [Enesta Jones](#), EPA, Washington, DC, 202-564-7873, 202-564-4355.

State Laws and Rulemaking

Alabama

Legislative Session Convened 01/12/10; Adjourns 04/22/10



Legislation

WATER

HB 31: HB 31 relates to waterfront property owners. The bill would provide for permitting and construction of certain piers and similar structures; limit construction of piers and similar structures to certain areas within the waterfront boundaries of the person's property; provide for permitting and administration of this act by the State Lands Division; and provide a civil penalty for violations.

Status: 1/12/10, in committee

OREGA-S Note: This bill would not apply to Corps of Engineer permitted facilities.

WASTE

HB 36: HB 36 requires a local governing body to approve a proposal or an application for a new facility within 180 days or the proposal or application is denied.

Status: 1/12/10, in committee

OREGA-S Note: The bill would change statutory treatment of new facilities by clarifying that the failure by the local board to act on a given application would not constitute approval (as is the case under current state law).

AIR

SB 288: This bill promotes reduction in fuel use and emissions from motor vehicles by allowing an additional 400-pound weight limit for vehicles equipped with a functioning auxiliary power or idle reduction technology.

Status: passed Senate 3/3/10; in House committee

Final Rules

HAZARDOUS AIR POLLUTION: (335-3-1-.02; -11-.01, -.06, -.07; Appendix C) ADEM has amended applicable definitions with regard to VOCs and HAPs. ADEM has adopted amendments to EPA regulatory reference documents. The rule was adopted 03/03/10, and became effective 03/30/10.

[Notice of Intended Action: 335-3-1-.02](#)

[Notice of Intended Action: 335-11](#)

[Notice of Intended Action: Appendix C](#)

[Final Rule](#)

Contact: [Chris Howard](#), (334) 271-7878

NSPS: (335-3-10-.01 -.03) ADEM has adopted rules that incorporate by reference EPA changes to the new NSPS through 07/01/09. The rule allows EPA to delegate administrative enforcement of regulations to ADEM. The rules were adopted 03/03/10, and became effective 03/30/10.

[Final Rule](#)

Contact: Chris Howard, (334) 271-7878

HAZARDOUS WASTE: (335-14-1-.02; -2-.01 Appendix IX; -3-.01, .02, .08, .12; -4-.05; -5-.02 thru Appendix I (non seq); -6-.07, .14, Appendix I; -8-.02; -11-.02; -17-.03, -.05) ADEM has adopted an amendment that incorporates changes to ensure consistency with state and federal statutes, and provides clarification of state requirements for hazardous waste management. The amendment includes provisions for permitting and closure of hazardous waste facilities. A public hearing was held, and comments were due on 12/11/09. After resolution of public comments received, the rules were presented to the EMC in February for adoption. They were adopted 03/03/10, and became effective 03/30/10.

[Notices of Intended Action](#)

[Final Rule](#)

Contact: [James Bryant](#), (334) 271-7771

MEDICAL WASTE GENERATORS: (335-1-6-.04, 13-7-.01) ADEM has withdrawn a rule that amendment concerns the fee

schedule to add notification fees for medical waste generators. The rule would have required generators of medical waste to notify ADEM annually of their medical waste management activities, to pay an annual generator notification fee of \$85, and exempted small quantity generators. The rule amendment was withdrawn 02/19/10.

[Notice of Intended Action: 335-1-6-.04](#)

[Notice of Intended Action: 335-13-7-.01](#)

Contact: [Russell Kelly](#), (334) 271-7715

Proposed Rules

SCRAP TIRE ENVIRONMENTAL QUALITY ACT: (335-4-1-.01, -.04; -2-.02 -.04; -3-.01; -4-.03; -5-.01, .03, .04; -6-.03, -.04; -7-.03, -.04) ADEM has proposed an amendment that would address the Scrap Tire Program, pursuant to the 2009 amendments to the Alabama Scrap Tire Environmental Quality Act. A public hearing was held, and comments were due 01/06/10.

[Proposed Rule](#)

[Public Notice](#)

SOLID WASTE PROGRAM: ADEM has proposed a regulation that would revise Division 13, Solid Waste Program Regulations, pursuant to the 2008 amendments to the Solid Wastes and Recyclable Materials Management Act. Comments were due 04/02/10.

[Proposed Rule](#)

Contact: Phillip Davis, (334) 271-7988

Florida

Legislative Session Convened 03/02/10; Adjourns 05/01/10



Legislation

LAND USE

HB 7129, MILITARY SUPPORT: This bill provides applicability of provisions governing compatibility of land development with military installations under the Local Government Comprehensive Planning and Land Development Regulation Act to specified local governments and associated military installations. It authorizes the Florida Council on Military Base and Mission Support to recommend changes to such military installations and local governments based on a base's potential for impacts from encroachment and incompatible land uses and development. It requires affected local governments to transmit to the commanding officer of a military installation information relating to certain proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations. It also requires local governments to transmit, at the request of a commanding officer, copies of applications for development orders requesting specified variances or waivers within a zone of influence of a military installation and requires a local government, military installation, the state land planning agency, and other parties to enter into mediation if a local government does not adopt criteria and address compatibility issues relating to lands adjacent to or closely proximate to existing military installations in its future land use plan element of a comprehensive plan by a specified date.

Status: reported favorably

SB 126: SB 126 amends Florida Statute 163.340 by expanding the definition of the term "blighted area." The new definition of "blighted area" would include an area previously used as a military facility, is underdeveloped, and consists of land that the US government declared surplus within the last 20 years. The bill is aimed to take effect 07/01/10.

Status: referred to council

OREGA-S Note: Similar to bills introduced during the 2009 session (SB 110/ HB 859). This proposed bill does not appear to have a direct impact on DoD and is merely meant to qualify certain sites for special tax treatment.

SB 1942: This bill requires applications for local government comprehensive plan amendments or development orders to include a public participation plan. The public participation plan ensures that applicants pursue early and effective citizen participation in conjunction with their applications, giving applicants the opportunity to understand and mitigate any real or perceived impacts the application may have on the community.

Status: referred to council

SB 2018: This bill authorizes the issuance of bonds to finance the cost of constructing sewage facilities in the Florida Keys area. It revises legislative intent relating to designation of the Florida Keys as an area of critical state concern, and revises compliance requirements for reviewing comprehensive plan amendments. SB 2018 also provides additional re-

quirements for onsite sewage treatment and disposal systems in Monroe County.

Status: prefiled

OREGA-S Note: This bill addresses land use planning, evacuation and wastewater treatment in the Florida Keys. Land use and economic development considerations would continue to give military activities special consideration. New wastewater provisions could result in added requirements for facilities that conduct onsite treatment.

WATER

HB 7171: This bill requires FLDEP, in coordination with water management districts, to develop a uniform statewide stormwater quality treatment rule. It provides exemptions for specified stormwater management systems and permitted activities.

Status: referred to council

SB 372: SB 372 exempts municipalities in certain counties from the applicability of provisions that limit the rates a municipality may charge consumers located outside their boundaries for water or sewer utility services.

Status: referred to council

OREGA-S Note: This bill primarily seeks to exempt large municipalities (exceeding population of 1.5 million) from section's rate limitations.

HB 727/SB 1738: This measure requires owners of onsite sewage treatment and disposal systems to have such systems periodically inspected. It directs the Department of Health to administer an onsite sewage treatment and disposal system inspection program, and requires that department to adopt rules implementing program standards, procedures and requirements. The bill also requires system owners to pay the costs of required inspections and pump-outs that must be performed by registered septic tank or master septic tank contractors.

Status: referred to council

SB 1226/HB 753: SB 1226/HB 753 relates to sewage requirements in Monroe County. The measure provides exceptions to FLDEP requirements regarding minimum casing for injection wells used by facilities that have a specified design capacity, and provides requirements for an injection well used as a backup to a primary injection well.

Status: in committee

SB 560: SB 560 requires the FLDEP, St. Johns River Water Management District, Fish and Wildlife Conservation Commission, and the City of Sanford to develop a plan concerning the progress of the commission's project to restore aquatic habitats in Lake Jesup. The bill also requires the commission to report to the Legislature concerning the development of the plan.

Status: referred to council

OREGA-S Note: This may involve on-going collaborative efforts with federal agencies.

SB 568: SB 568 creates the Florida Springs Protection Act. It provides a short title, legislative findings and legislative intent with respect to the need to protect and restore springs and ground water.

Status: referred to council

OREGA-S Note: Introduced last session as SB 274, the intent of this bill is to reduce nutrient loading in Florida's springs by implementing certain measures within designated spring protection zones. In its current form, this bill is no more than a statement of legislative intent and findings. SB 274 (2009) focused on new or expanded discharges to surface waters from wastewater treatment plants and onsite sewage treatment (septic tanks) that impact groundwater and land application of residuals. That legislation also proposed to establish a pilot program for the protection of the following springs: Ichetucknee Spring in Columbia County, Rainbow Spring and Silver Spring, in Marion County, and Wakulla Spring in Wakulla County. Perhaps after some work, the current bill will mirror its predecessor.

SB 584: SB 584 relates to lease of submerged lands. The bill deletes the per-acre surcharge imposed on each lease, and prohibits the imposition of rental fees or other charges for the lease of submerged lands used for residential docks, piers and wet slips.

Status: referred to council

OREGA-S Note: This bill addresses primarily administrative changes with purposed fee exemption for noncommercial uses.

SB 614/HB 273: This measure provides for recovery of water and wastewater system improvement projects through surcharge of costs; requires Public Service Commission (PSC) approval of surcharge; limits surcharge amount; provides requirements for surcharge billing, reconciliation and adjustment; provides project eligibility criteria; and provides requirements for notice, maintenance and availability of certain records.

Status: referred to council

OREGA-S Note: This measure could result in up to an eight percent surcharge for DoD activities that purchase water. Receipts in excess of the capital improvement expenditures would be refunded to utility customers.

HB 1175/SB 2238: This bill revises legislative intent relating to certain FLDEP and water management district rules as related to mitigation; revises the criteria for issuing permits for projects affecting surface waters and wetlands; and requires FLDEP to provide training and guidance for the application of the Uniform Mitigation Assessment Method.

Status: referred to council

SB 1748: This bill requires FLDEP, in coordination with the water management districts, to develop a statewide storm-water quality treatment rule by a certain date. The bill provides legislative intent, definitions and rule requirements; exempts agency action taken pursuant to the rule from the dispute-resolution procedures of Ch. 70, F.S.; and specifies the relationship of the rule to those already adopted.

Status: referred to council

HB 1225/SB 2354: This bill requires facilities that contribute domestic wastewater to facilities that discharge through ocean outfalls to meet specified reuse requirements if they divert such flows from facilities that discharge through ocean outfalls. It also provides that such reuse be credited to facilities discharging through ocean outfalls.

Status: referred to council

HB 1365/SM 2474: HB 1365 urges Congress to encourage EPA to work closely and collaboratively with Florida to establish numeric nutrient criteria for the state's waters.

Status: referred to council

OREGA-S Note: Or simply use the tact in HM 1589 below.

HM 1589: This bill urges Congress to reject numeric nutrient water quality standards adopted by the EPA.

Status: referred to House Council

HB 7177/SB 2080: This bill revises the components for a comprehensive statewide water conservation program. It specifies that the program includes creation of a Conserve Florida Clearinghouse and a Conserve Florida Clearinghouse Guide by FLDEP; requires a public water supply utility that develops a goal-based water conservation plan to submit the plan to the appropriate water management district for approval; and provides standards for approval.

Status: referred to council

SB 2202/HB 1109: This bill creates specified provisions relating to water supply policy, planning, production and funding. It provides for the powers and duties of water management district governing boards; requires FLDEP to develop the Florida Water Supply Plan; requires water management district governing boards to develop water supply plans for their respective regions; and provides for alternative water supply development.

Status: referred to council

HB 1605/SB 2662: This bill directs counties and municipalities, in cooperation with water management districts, to evaluate primary water resources; authorizes counties and municipalities to use funds collected for water and sewage utility services for water resource protection and restoration; and authorizes counties and municipalities to transfer funds to water management districts for such purposes.

Status: HB 1605 reported favorably

HB 7175: This bill reduces the frequency of compliance reports during the term of the consumptive use permit; prohibits decreases in maximum permitted allocation for consumptive use of water under specified conditions; and provides an exception to certain revocation of consumptive use permits for implementation of conservation measures.

Status: referred to House Council

OREGA-S Note: This is a positive for installations that obtain permits and subsequently institute conservation measures. Basically, this bill prohibits reduction in permitted allocations based on implementing conservation measures.

WASTE

SB 498: This bill directs the Florida Building Commission, in consultation with the Department of Health, to prohibit by rule in the Florida Building Code, the use of drywall that exceeds certain limits established for emissions or the content of sulfur or strontium compounds.

Status: referred to council

OREGA-S Note: Impact and applicability to DoD activities is suspect. If you have specific concerns please contact OREGA-S.

HB 207: HB 207 revises contamination notifications and requires individuals who are responsible for site rehabilitation to provide notice of rehabilitation activities to specified entities. FLDEP would be authorized to pursue enforcement measures for notice requirement noncompliance, as well as recover notification costs from guilty parties.

Status: reported favorably

OREGA-S Note: This bill does not appear to involve substantive new requirements for DoD activities. The focus is ensuring that the affected community is made aware of the contamination discovered during site rehabilitation. The bill contains new notice requirements applicable to FLDEP and local governments, particularly if schools are potentially affected by the contamination.

SB 500: SB 500 creates the Reactive Drywall Mitigation Act. It prohibits a person from performing an inspection or preparing a plan for the removal of reactive drywall and/or damaged items unless that person is employed by a licensed reactive drywall mitigation business. The bill specifies prerequisites for licensure by the Department of Business and Professional Regulation (DBPR) as a reactive drywall mitigation business and provides for the renewal of a license. SB 500 authorizes DBPR to establish fees by rule for application, examination, reexamination, licensing and license renewal; specifies grounds and sanctions in disciplinary actions; authorizes DBPR to assess costs; requires DBPR to adopt by rule standards for reactive drywall mitigation; and authorizes DBPR to approve by rule criteria for drywall mitigation courses and providers.

Status: referred to council

OREGA-S Note: This bill would not apply to an authorized employee of the US who does not hold him- or herself out for hire to the public as performing or otherwise perform reactive drywall mitigation.

HB 1177: This bill authorizes the waiver of specified concurrency requirements for specified Brownfield sites. It authorizes the designation of specified Brownfield areas as transportation concurrency exception areas; provides for exempting specified Brownfield areas from concurrency requirements for transportation facilities; and exempts specified developments in Brownfield areas from compliance with concurrency requirements.

Status: referred to council

SB 1770: This bill prohibits the sale of certain old tires. SB 1770 provides for enforcement by the Department of Agriculture and Consumer Services, provides penalties and provides for administration and the adoption of rules.

Status: referred to council

HB 1559: This bill directs FLDEP and Enterprise Florida, Inc., to create the Recycling Business Assistance Center. It requires Enterprise Florida, Inc. to consult with state agency personnel; requires counties to meet specified goals in reducing disposal of solid waste in landfills; provides for inspections of waste-to-energy facilities by the FLDEP; and requires Enterprise Florida, Inc., and the FLDEP to submit a specified study to the Governor and the Legislature.

Status: referred to House Council

SB 2592/HB 1385: This bill revises provisions relating to petroleum contamination site selection and cleanup criteria; deletes obsolete provisions relating to funding for limited interim soil-source removals; requires FLDEP to utilize natural attenuation monitoring strategies to transition sites into long-term natural attenuation monitoring under specified conditions; and provides that certain sites are eligible for payment of preapproved costs.

Status: HB 1385 reported favorably

OREGA-S Note: This measure would mandate monitored natural attenuation in certain circumstances, and would repeal certain groundwater remediation requirements.

Final Rules

COMPOSTING SOLID WASTE AND YARD WASTE: (FAC 62-709.300, .320, .500, .510, .530, .550, .600) FLDEP has amended rules addressing composting certain types of solid wastes, and related permitting requirements that must be fulfilled. This rule became effective 01/15/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Notice of Change](#)

[Final Rule](#)

FORMS AND INSTRUCTIONS: (FAC 62-210.200, .900) FLDEP adopted amendments that update stationary source general

requirements for electric power plants, as a result of the vacatur of the federal mercury trading program. Rules correct and clarify forms FLDEP uses to implement the Federal Acid Rain Program, and reinstate the Acid Rain Phase II NO_x Compliance Plan form that was inadvertently deleted in a previous rulemaking. The rule was adopted 02/19/2010. It became effective 03/11/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Final Rule](#)

Contact: Terri Long, (850) 921-9556

ACID RAIN PART APPLICATION: (FAC 62-214.320) FLDEP has adopted a rule that requires the designated representative of any Title V source that has an Acid Rain Unit to submit to FLDEP a complete Acid Rain Part application at the time of permit renewal. The designated representative of an Acid Rain Source can file the Acid Rain Part application as a separate document from the Title V Air Operation Permit application, and request separate processing. A public hearing was held 01/28/10, and changes were incorporated. The rule was adopted 02/19/10, and became effective 03/11/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

Contact: Terri Long, (850) 921-9556

STATIONARY SOURCE EMISSIONS: (FAC 62-296.412, .418, .500) FLDEP has adopted rules to address stationary source emission standards. Amendments to Chapter 62-296 eliminate obsolete language from three rule sections: 62-296.412, Dry Cleaning Facilities; 62-296.418, Bulk Gasoline Plants; and 62-296.500, Reasonably Available Control Technology, Volatile Organic Compounds and Nitrogen Oxides Emitting Facilities. Such language changes make rules applicable in ozone nonattainment areas. Florida no longer has any ozone nonattainment areas. A public hearing was held 01/28/10, and changes were incorporated. The rule was adopted 02/19/10. It became effective 03/11/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Final Rule](#)

Contact: Terri Long, (850) 921-9556

PERMITTING PROCESS: (FAC 62B-34.010, .060, .070, .150, .160, .170, .180, .190, .200, .210, .220, .230, .240, .250, .260, .270) FLDEP has passed rules that create a streamlined permit process in additional coastal counties for activities seaward of the Coastal Construction Control Line. The rules include revisions to general definitions, prohibitions and limitations, turtle protections requirements and native vegetations protection requirements. They establish General Permit Lines in Lee, Collier, Sarasota, Manatee, Charlotte, Bay, Escambia, Franklin, Gulf, Brevard, Indian River, Martin and Palm Beach Counties. The rule streamlines the permitting process in order to avoid measureable interference with the beach and dune system or with marine turtles and their nesting habitats, in accordance with current statutes. Rules with changes were proposed 02/05/10. They become effective 04/17/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Changes Proposed](#)

[Final Rule](#)

EVERGLADES RESTORATION WATER USE PERMITS: (FAC 40E-20.010, .011, .061, .091, .101, .141, .301, .302, .321, .331, .341, .351, .381, .391) The SFWMD rule establishes the water necessary for the protection of fish and wildlife in the St. Lucie Estuary as part of the Comprehensive Everglades Restoration Plan for the Indian River Lagoon South Project. The rule also addresses water reservation for the St. Lucie Estuary in volumes, locations and seasons of the year as necessary for the protection of fish and wildlife. A portion of the rule was adopted (FAC 40E-20.091). This portion became effective 03/18/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Final Rule](#)

ENVIRONMENTAL RESOURCE PERMITS: (FAC 40C-1.603) The FL Water Management Districts have increased the fee for all noticed general environmental resource permits to \$250. The rule also creates and increases fees for wetlands boundary determination. The amendment went before the Governing Board on 01/12/10 for a final rule adoption hearing. The rule became effective 02/16/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Final Rule](#)

Contact: [Wendy Gaylord](#), (386) 329-3026

INFORMAL WETLAND DETERMINATIONS: (FAC 40C-4.091) The FL Water Management Districts adopted this rule amendment to clarify that informal wetland determinations are discretionary, non-binding, available only to persons or entities with a legal or equitable interest in the land or power of eminent domain, and are limited to a parcel of property that does not exceed one acre in size. The rule became effective 02/16/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Final Rule](#)

WILDLIFE AREA ESTABLISHMENT: (FAC 68A-14.001, .0011) The FL Fish and Wildlife Conservation Commission adopted this rule to establish or revise rule provisions, during calendar year 2010, associated with the establishment of areas as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries or critical wildlife areas. The effective date of the rule was 03/01/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Final Rule](#)

CRITICAL WILDLIFE AREAS: (FAC 68A-14.001, .0011, 68A-19.005) The FL Fish and Wildlife Conservation Commission has adopted rule changes to FAC 68A-14.001, .0011 that consolidate rules on establishment of Critical Wildlife Areas (CWAs), and provide the Executive Director, with the oversight of the Commission, limited authority to establish a CWA for a restricted period of time. The proposed rule change consolidates and clarifies rule language, while improving management flexibility for more effective wildlife conservation. The word "wildlife" has been added in reference to refuges for clarity and consistency with Rule 68A-18.004. Rule changes to FAC 68A-19.005 allow for area-specific regulations to be stated in the establishment order for the CWA; require that portions of the CWA to be managed be posted as a "Critical Wildlife Area"; prohibit public access in areas posted as "Closed to Public Access"; prohibit dogs only in areas posted as "Dogs Prohibited"; and allow the Executive Director to issue permits for scientific or conservation purposes on CWAs where public access is prohibited. The rule became effective 03/01/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Final Rule](#)

Contact: Michael Yaun, 850-487-1764

Proposed Rules

FUTURE LAND USE: (FAC 9J-5.006) The Department of Community Affairs has proposed to amend this rule to provide detail and explanation in relation to statutory requirements that the future land use element be based upon the amount of land required to accommodate anticipated growth and the projected population of the area.

[Notice of Development of Rulemaking](#)

Contact: [Robert Pennock](#), 850-922-1735

ONSITE SEWAGE PROGRAM FORMS: (FAC 64E-6.001, .003, .004, .010, .0101, .012, .013, .015, .019, .023, .026, .027, .028) The Florida Department of Health has proposed rules that would incorporate forms used in the administration of the onsite sewage program to include application for permitting, inspection, operation, maintenance and repair of onsite sewage treatment and disposal systems, and in the registration and authorization of septic tank contractors and contracting companies. The anticipated effective date is June 2010.

[Notice of Development of Rulemaking](#)

Contact: [Gerald Briggs](#)

NORTHERN TAMPA BAY WATER USE AREA: (FAC 40D-80.073, FAC 40D-2.091, .301, .801) The SFWMD has proposed amendments to 40D-80.873 to establish the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan (the "Comprehensive Plan") for the Northern Tampa Bay Water Use Caution Area. The proposed plan would govern, through 2020, recovery and mitigation actions to be undertaken by water use permit applicants and permittees when withdrawals adversely affect lakes, wetlands, streams, springs and aquifers within the Northern Tampa Bay Water Use Caution Area. Amendments to Chapter 40D-2, and Part B of the Basis of Review of the Water Use Permit Information Manual concern water use permitting criteria for water use permit applicants and permittees who would be governed by Comprehensive Plan, pursuant to related amendments to Chapter 40D-80.

[Notice of Development of Rulemaking](#)

[Notice of Development of Rulemaking](#)

[Notice of Correction](#)

Contact: [Annette Zielinski](#)

ISSUANCE OF 20-YEAR PERMITS: (FAC 40D-2.091, .301, .321, .322) Small General permits will be issued with a 20-year duration. General or individual permit applicants may elect to request a permit with up to a 20-year duration if the applicant elects to demonstrate or commit to: development of alternative water supplies; or a per capita water use rate of 110 gallons or less; or exceptional implementation of reclaimed water; or an approved FARMS system and other conditions. In addition, if pre-existing adverse impacts resulting from the permittee's existing permit are being addressed through a mitigation plan that includes a minimum flow and level recovery strategy, the impacts must be eliminated by the 10th year of the permit. Proposed rules describe when permit compliance reports are required, and what information is to be reported for 20-year permits. Proposed rules eliminate six-year duration permits so that longer 10 or 20-year durations are issued, versus subjected to environmental or other considerations. Finally, the rulemaking would set environmental resource permitting requirements for issuance of a water use permit for multi-phase projects that require a water use permit and an environmental resource permit. The Board has approved the rule. However, a recent request for a Board hearing may delay the effective date. The rule should move forward over the next few months. A public hearing was held 03/30/10.

[Notice of Development of Rulemaking and Proposed Rule](#)

[Notice of Change](#)

[Second Notice of Change](#)

Contact: Ken Weber, (352) 796-7211, ext. 4303

ENDANGERED SPECIES: (FAC 68A-27.0001, .001, .0011 .0012, .002, .0021, .003-.007) The Florida Fish and Wildlife Commission (FL FWC) has proposed rules that would establish or revise rule provisions associated with species classified as Candidate, Endangered, Threatened and Species of Special Concern. Additional rules consider endangered and threatened species as part of an ongoing effort to develop a new Imperiled Species listing process.

[Notice of Development of Rulemaking](#)

Contact: Michael Yaun, (850) 487-1764

PRETREATMENT PROGRAM-INDUSTRIAL DISCHARGES: (FAC 62-625.100, .110, .200, .400, .410, .420, .500, .510, .540, .600, .700, .820, .880) In 1995, EPA authorized FLDEP to implement the National Pretreatment program to control pollutants from industrial dischargers that could pass-through or interfere with the operation of domestic wastewater treatment facilities. To implement the program, FLDEP adopted Chapter 62-625 in November 1994; portions were amended 01/08/97. Since the last amendment, EPA has revised 40 CFR parts 122, 146 and 40. FLDEP has proposed amendments to incorporate said revisions associated with pretreatment program requirements, to include October 2005 revisions. Amendments would also clarify and update existing rule language. FLDEP is addressing comments received on the draft rule and making revisions. FLDEP will then issue a Notice of Proposed Rulemaking and submit the draft rule to the Joint Administrative Procedures Committee (JAPC) for review and comment. A public hearing was held on 01/14/10. The JAPC provided comments, and the rule may need revision. After revision, a certification package will be filed with the Department of State.

[Notice of Development of Rulemaking and Proposed Rule](#)

Contact: [Dawn Templin](#), (850) 245-8601

TRANSMISSION LINE SITING: (FAC 62-17.510, -.520, -.540, -.543, -.545, -.570, -.580, -.590, -.600, -.625, -.660, -.665, -.680, -.695, -.700, -.710, -.750, -.760) FLDEP has proposed a rule amendment to implement revisions to the Florida Electric Transmission Line Siting Act. Revisions would include: applications for corridor certification, insufficiency of application and resolution procedures, information on alternate or multiple corridors, fees, disbursement of funds, conditions of certification, delegated modifications, criteria for rejection of an alternate corridor, post-certification monitoring and reporting, dredging and filling, water quality, post-certification review, emergency replacement, modification, revocation, suspension or termination of certification and notice. FLDEP is working on corrections recommended by the JAPC. Comments were received, and revisions were incorporated as necessary. A revised rule was sent to JAPC for review on 02/25/10. FLDEP believes that JAPC will approve the revisions and a Notice of Correction was published in the FAW by March 12, 2010. The final rule should be adopted by the end of March 2010.

[Proposed Rule](#)

[Notice of Change/Withdrawal](#)

Contact: [Jill Stoyshich](#), (850) 245-2001

COMPREHENSIVE PLANNING: (FAC 9J-5.003, .006, .010, .013, .019) The Florida Department of Community Affairs has proposed to amend Rule 9J-5 to establish minimum criteria to be used in reviewing comprehensive plans to determine

whether they comply with new requirements of Chapters 2008-191 & 2009-96, Laws of Florida. These chapters concern energy efficient land use patterns accounting for existing and future electric power generation and transmission systems; GHG reduction strategies; GHG reduction strategies from the transportation sector; factors that affect energy conservation; depiction of energy conservation on the future land use map series; energy efficiency in design and construction of new housing; use of renewable energy resources; discouragement of urban sprawl; achievement of healthy, vibrant urban centers; and strategies to support and fund mobility within certain transportation concurrency exception areas.

[Notice of Development of Rulemaking](#)

Contact: Robert Pennock, (850) 922-1735

FLORIDA FOREVER LAND ACQUISITION: (FAC 18-24.001-.008) FLDEP has proposed amendments in order to comply with new statutory requirements; rules applying to criteria; goals and measures for the Florida Forever land acquisition management and restoration program; and the Council's evaluation, selection and ranking of Florida Forever projects to be developed for consideration of the Board of Trustees. If the Board of Trustees or the JPAC requires no substantive changes, the [timeline](#) posted on the FLDEP website will remain applicable. If substantive changes are required, FLDEP will publish a notice of substantive change, which will open another 21-day window for further public comment and potential rule challenges. The draft rule was submitted to the Legislature for consideration on 02/01/10. If no action is taken, ARC will implement the rules, beginning with the June 10-11, 2010, Florida Forever ranking meeting.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Notice of Change](#)

Contact: [Greg Brock](#), (850) 245-2784

BIOSOLIDS ACCOUNTABILITY: (FAC 62-640.100, .200, .210, .300, .400, .500, .600, .650, .700) FLDEP is revising the code to improve biosolids land application site accountability and management, address growing nutrient concerns and support public confidence in the beneficial use of biosolids.

[Proposed Rule](#)

[Notice of Public Meeting](#)

PEST CONTROL OPERATOR'S CERTIFICATE APPLICATION: (FAC 5E-14.117) The FL Department of Agriculture and Consumer Services is proposing rule changes to define requirements for individuals seeking the Limited Commercial Fertilizer Certificate who apply fertilizers commercially in Florida. Changes would correct the application fee for category examination to reflect the increase to \$300.00.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Notice of Change](#)

Georgia

Legislative Session Convened 01/12/10; Adjourned 04/03/10



Legislation

WASTE/CLEANUP

HB 1059: HB 1059 permits disposal of yard waste at landfills that have landfill gas collection equipment. It provides that permit modification for existing municipal solid waste disposal facilities for the addition of a processing operation for materials consisting of concrete, asphalt, yard trimmings or similar wood wastes diverted from the waste stream for the recycling or other beneficial reuse of such materials, shall be classified as minor permit modifications.

Status: passed House 3/24/10; referred to Senate committee 3/26/10

OREGA-S Note: This bill merely authorizes, and does not mandate, disposal of yard waste in a municipal landfill to enhance methane production in appropriated circumstances.

AIR

HR 1649: This resolution urges the Congressional Delegation of the State of Georgia to support federal legislation to prevent the United States Environmental Protection Agency from adopting regulations to regulate carbon emissions.

Status: introduced

OREGA-S Note: HR 1649 follows a suite of similar resolutions from other states in the region. See also HR 1650 below.

HR 1650: This resolution urges the Governor and Attorney General of Georgia to initiate action to sue the federal Environmental Protection Agency to prevent the agency from regulating carbon emissions.

Status: introduced

SB 401: This bill permits the Governor to delay federal program requirements to implement a cap-and-trade system or any other program to address GHG emissions or motor vehicle fuel economy until a comprehensive assessment of such program can be made, and the Governor finds implementation will benefit the citizens of Georgia. The bill also provides for legislative intent, a short title and for related matters.

Status: passed Senate 3/21/10; in House

WATER

SB 370: This bill requires Georgia agencies to examine practices, programs, policies, rules and regulations in order to develop programs and incentives for voluntary water conservation. SB 370 identifies opportunities to enhance the state's water supply. It prioritizes funding, when available, for interconnections of systems, ground water, expanded reservoirs, and new reservoirs. It also conducts feasibility studies on reservoir dredging and water management measures that could enhance water supply, and requires phased-in annual water loss audits, water loss detection, and substantive new building code requirements.

Status: passed Senate 3/10/10; passed House 3/18/10

OREGA-S Note: This bill comes with many new requirements, some of which may apply to federal facilities. A close examination of these bills and understanding of the various requirements may be warranted. Please contact OREGA-S with questions or concerns. It is likely that this bill will garner a lot of attention, and OREGA-S will continue to monitor its development. SB 370 sponsor chairs the committee of referral.

SB 442: This bill relates to wells and drinking water. It provides a short title, makes legislative findings and defines certain terms. SB 442 also provides that the Georgia Environmental Facilities Authority shall issue a request for proposal for an engineering study to identify interconnections and redundancies so as to achieve district-wide interconnection within the Metropolitan North Georgia Water Planning District; provides for a written emergency water supply plan; and provides for the contents of such plan.

Status: passed Senate 3/24/10; referred to House committee

HB 1206: This bill changes certain provisions relating to the requirement for a water well contractor's license and drilling under the direction of a professional geologist or engineer. It also changes certain provisions relating to standards for wells and geothermal boreholes, and repeals conflicting laws.

Status: passed Senate 3/24/10; referred to House committee

LAND USE

SB 228: SB 228 establishes a 25-foot buffer along the upland boundary of all tidally influenced state waters, as measured horizontally from the landward boundary of coastal marshlands. It also prohibits land disturbing activities from being conducted within any such buffer.

Status: 3/12/09, passed Senate; in House committee

OREGA-S Note: This measure is designed to address soil erosion and sedimentation of state waters influenced by tidal forces. It would require additional consideration when planning land use near such waters.

HB 867: This bill creates the Commission on Regional Planning; provides for the membership and duties for such Commission; provides for related matters; and repeals conflicting laws.

Status: 02/18/10 passed House; Senate committee reported favorably 3/11/10

OREGA-S Note: This measure would create primarily an executive level commission with members including the Governor and several state commissioners. It could provide a forum of engagement to emphasize DoD positions or mission concerns. This group would be very politically oriented.

Proposed Rules

PERMIT FEES: (GAC 391-3-1-.03(9), -.15) This rule specifies the fee rate, references a new fee manual for Calendar Year 2009 fees and adds provisions for administrative fees and transfer of ownership. It also incorporates the transportation conformity requirements of the CAA. The rule was proposed 03/09/10. The current comment deadline is 04/20/10. A public hearing is scheduled for 06/04/10.

Kentucky

Legislative Session Convened 01/05/10; Adjourns 04/01/10



Legislation

AIR/GHG

HB 213: This bill allows transmission pipeline companies to condemn lands and materials needed to construct, operate and maintain a CO₂ transmission pipeline. HB 213 requires proceedings to be the same as under the Eminent Domain Act of Kentucky; declares that the pipeline is a public use; includes transmission pipeline under the definition of "eligible project" and defines "transmission pipeline."

Status: 02/19/2010, passed House; passed Senate 03/26/10

OREGA-S Note: This measure may involve some encroachment concerns if enacted.

HR 211: This resolution urges EPA to consider increased emissions in relation to increased electricity generation when determining whether to apply NSR to a modification of an electricity generation plant.

Status: passed House 03/17/2010

HJR 20: This bill prohibits enforcement and enactment of restrictions on CO₂ emissions by all agencies and political subdivisions of state and local government.

Status: in committee

OREGA-S Note: Compare HB 491 below.

HB 491: This bill makes an appropriation; therefore, creates new sections of KRS Chapter 353 declaring CO₂ management and storage to be important goals. HB 491 declares certain geologic strata to be the property of the Commonwealth, and directs the Division of Oil and Gas Conservation to develop a regulatory plan for development of geologic CO₂ storage including condemnation powers. The bill also provides minimum requirements for permitting, and creates an assessment against CO₂ generators.

Status: referred to committee

OREGA-S Note: This measure was introduced by a member of the majority, but so far has only one sponsor, while HJR 20 enjoys several sponsors from both parties. Senate is also controlled by the other party.

SR 160: This resolution encourages Congress to adopt legislation postponing EPA's regulation of GHG emissions from stationary sources until an approach that does not cripple the economy is adopted.

Status: introduced

WATER

HB 433: This bill authorizes counties to designate an agent responsible for maintenance and clean up of debris from streams. HB 433 includes within county jurisdiction lands owned by the Department of Fish and Wildlife Resources (DFWR); prohibits DFWR from interfering with county stream maintenance or clean up needed to repair impeded water flow; and allows DFWR to perform clean up and maintenance.

Status: passed House 3/13/10; in Senate committee

SB 56: SB 56 requires use of numerical values contained in the document titled, "Regional Screening Level (RSL) Table," published by EPA Region 3. Said values would be established as screening levels, and would be used by KEEC in conformance with guidance set out in the *Risk-Based Concentration Table User's Guide*.

Status: passed Senate 2/23/10, House committee reported favorable 03/11/10

OREGA-S Note: This bill requires risk-based screening levels for Superfund sites. The RSLs tables are designed to reflect the current state of the science of toxicology and risk assessment. Replaces Region 3 RBCs, Region 9 PRGs, Region 6 HHMSSLs. Impact to clean-up programs is being evaluated.

HB 124: HB 124 concerns the Petroleum Storage Tank Environmental Assurance Fund. The bill requires the owner of a petroleum storage tank containing motor fuels, by 07/15/15, to register the tank with the KEEC prior to applying for participation in the financial responsibility account. It amends KRS 224.60-130 to extend the performance date for reimbursement to 07/15/18; extends small the operator assistance account and small operator tank removal account established under KRS 224.60-130 to 07/15/15; establishes a financial responsibility account; and establishes a petroleum environmental assurance fee to be paid by dealers of gasoline and special fuels.

Status: passed House 2/17/10; passed Senate 03/18/10; sent to Governor 03/22/10

OREGA-S Note: These are not substantive changes; would merely extend current deadlines by three years.

OTHER

HB 348: This bill redefines a Comprehensive Environmental Status Review (CESR). HB 348 requires a planning unit to complete a CESR for comprehensive planning, regulation or zoning change purposes, despite any failure by environmental agencies to complete required studies or regulations. The bill also specifies that a comprehensive plan may not violate any relevant pollution or pollution control requirements.

Status: in committee

OREGA-S Note: This measure emphasizes the need to look at environmental concerns when state and local bodies conduct land use planning.

HB 308: This bill establishes a Forest Health Board, and includes forest fire prevention as part of the Division of Forestry's education program curriculum.

Status: 2/10/10, passed House; in Senate Committee

OREGA-S Note: Potential collaboration opportunity to discuss forest health/management issues; prescribed fire and its role in DoD training, range safety, and the environment.

Proposed Rules

SOLID WASTE PERMITS: (401 KAR 47:090) KEEC has proposed amendments that would establish a schedule of fees for solid waste permit applications. The rule would apply to a person required to apply for a solid waste site or facility permit, permit renewal, or modification, except for those applying for publicly owned facilities. Proposed amendments were filed 05/11/09. A public hearing was held 06/29/09, and written comments were accepted through 06/30/09. The Division of Waste Management filed for an extension for the SOC in response to all comments received. The SOC and an amended version of the regulation were filed with the LRC 08/14/09. The rule was deferred from consideration until the April 2010 ARRS meeting.

[Proposed Rule](#)

Contact: George Gilbert, (502) 564-6716

WATER: (401 KAR 5:045, 5:070, 5:075) The Kentucky Division of Water has proposed amendments to 401 KAR 5:045, 5:070 and 5:075. KAR 5:045 would require a facility that receives biochemically degradable influent and discharges into waters of the Commonwealth to provide a minimum of secondary treatment to that influent prior to its discharge. KAR 5:070 contains the basis for provisions, terms and effect of a KPDES permit, including permit duration, schedule of compliance and basis for permit modification or revocation and reissuance. KAR 5:075 would establish procedures for receiving permit applications, preparing draft permits, issuing public notice, inviting public comment and holding public hearings on draft permits. The Division of Water filed these proposed administrative regulations with the LRC on 02/11/10. A public hearing was held 3/23/10, with submission of written comments through 03/31/10.

[Proposed Rules 401 KAR 5:045](#)

[401 KAR 5:070](#)

[401 KAR 5:075](#)

Contact: Abby Powell, (502) 564-3410, ext 4808

WATER: (401 KAR 8:020, 8:070, 8:150, 8:200, 8:250, 8:300, 8:510, 8:550) The Kentucky Division of Water filed eight amended regulations with the LRC on 03/12/2010. KAR 8:020 establishes general provisions for regulating public and semipublic water supplies; 8:070 establishes requirements for notification of the public if a public water system violates a provision of 401 KAR Chapter 8; 8:150 establishes requirements for disinfection, filtration, recycling and testing of drinking water in a public or semipublic water system using surface- or groundwater not under the direct influence of surface water; 8:200 establishes a schedule and method for sampling drinking water to test for bacteriological contaminants, establishes maximum contaminant levels (MCL) for bacteria and specifies requirements if tests show maximum contaminant levels have been exceeded; 8:250 establishes sampling and analytical requirements for certain inorganic and organic chemicals and sets MCL for those chemicals which, if exceeded, may affect public health; 8:300 bans lead in drinking water facilities and provides standards for lead and copper in drinking water; 8:510 establishes the MCL for total trihalomethanes and haloacetic acid five to limit the levels of known and unknown disinfection byproducts; 8:550 establishes the requirements for sampling and testing procedures for radionuclides and establishes MCL for safe drinking water. The public hearing is scheduled for 04/26/2010. Individuals may submit written comments that identify anticipated effects through 04/30/2010.

Proposed Rules:

[401 KAR 8:020](#)

[401 KAR 8:070](#)

[401 KAR 8:150](#)
[401 KAR 8:200](#)
[401 KAR 8:250](#)
[401 KAR 8:300](#)
[401 KAR 8:510](#)
[401 KAR 8:550](#)

Contact: Abby Powell, (502) 564-3410, ext 4808

Mississippi

Legislative Session Convened 01/05/10; Adjourned 04/04/10



Legislation

WATER

SB 2743: SB 2743 relates to public water systems; deletes repealer on the requirement to maintain optimum corrosion inhibitor levels.

Status: 03/03/10, Governor signed into law

OREGA-S Note: This bill makes the corrosion inhibitor requirement permanent.

HB 231: HB 231 sets forth that public notice shall be provided to the state department of health for publication. It also states that the public water system shall provide notice that drinking water quality reports are available on state department health web sites.

Status: 03/15/10, Governor signed into law

OREGA-S Note: Notices would be maintained on the state Department of Health [Website](#).

HCR 93: This resolution supports Congressional action on GHGs..

Status: referred to committee

SCR 677: This resolution urges Congress and Departments of the Executive Branch of Mississippi government to adopt a Clean and Sustainable Energy Standard (CSES) to meet the goals of reliable, affordable, abundant and clean energy.

Status: adopted 3/29/10, sent to governor

OREGA-S Note: Focus appears to be is on facilitating development of nuclear energy.

Final Rules

WASTEWATER: MSDEQ has adopted a rule that addresses wastewater for NPDES permits, underground injection control (UIC) permits, state permits; water quality based effluent limitations and water quality certification for consistency with recent modifications to federal rules and regulations. The rule was adopted 02/05/10, and became effective 03/07/10.

[Notice of Public Hearing](#)

[Proposed Rule](#)

[Notice of Rule Adoption](#)

[Final Rule](#)

Contact: [Ted Lampton](#), (601) 961-5573

Proposed Rules

DRINKING WATER: (Title 15 Part III Subpart 72 Chapter 01) The MS Department of health has proposed a rule that would update regulations concerning the Long Term 2 Enhanced Surface Water Treatment Rule, the State 2 Disinfection Byproducts Rule and the Short Term Revisions to the Lead and Copper Rule, as required by the EPA. This rule will be considered by the Board at its April meeting. Comments are due 04/14/10.

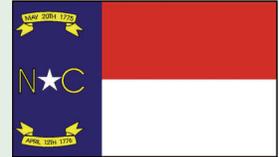
[Proposed Rule](#)

Contact: [Tim Darnell](#), (601) 576-7690

IMPAIRED WATERS: Mississippi's [2010 Section 303\(d\) List of Impaired Water Bodies](#) fulfills the state's obligation to develop a listing of the state's impaired waters, with respect to CWA. MSDEQ provides two reports, the 303(d) list and a 305(b) report. The reports are they are meant to have a one-to-one relationship, so that all water body segments found in the 305(b) report listed in category 5 are also listed in the 303(d) list.

North Carolina

Legislative Short Session Convenes 05/10/10; Adjourns 07/26/10



The North Carolina General Assembly meets in regular session (or the "long session") beginning in January of each odd-numbered year, and adjourns to reconvene the following even-numbered year for what is called the "Short Session." Though there is no limit on the length of any session, the "long session" typically lasts for 6 months and the "short session" typically lasts for 6 weeks. The main purpose of the Short Session is to make any necessary adjustments to the two-year State budget passed in the previous "Long Session." In addition to budgetary matters, bills that passed either the House or the Senate remain eligible for consideration in the Short Session. Also eligible for consideration are legislative proposals from study committees and commissions that have been meeting during the interim.

Legislation

CLIMATE CHANGE/GHG

SB 835: SB 835 extends the [Legislative Commission on Global Climate Change](#) from 10/01/09 to 10/01/10.

Status: 04/07/09, passed Senate; 04/09/09, referred to House committee

OREGA-S Note: Activities of the Commission are being followed, and the website has a lot of good information for understanding potential approaches in North Carolina. Documents for the 01/13/10 meeting are available. The last meeting was scheduled for 02/10/10; visit hyperlink above for more information.

LAND USE

SB 600: SB 600 requires a demonstration of lack of prudent and feasible alternatives in order for public condemnors to condemn property encumbered by a conservation easement and to require additional compensation to holders of condemned conservation easements. Any public entity authorized to exercise the power of eminent domain under the General Statutes shall not exercise the power of eminent domain on property encumbered by a conservation easement unless the entity first demonstrates that there is no prudent and feasible alternative to the action.

Status: reported favorably 5/5/09

OREGA-S note: This measure would support DoD buffering efforts.

SB 998: SB 998 imposes a moratorium on certain actions of the Coastal Resources Commission related to temporary erosion control structures. The bill also establishes the Legislative Study Commission on Beach Management Issues.

Status: passed Senate 5/5/09; referred to House committee 5/7/09

OREGA-S Note: This bill is not expected to impact DoD operations in the near-term. The Study commission's efforts should be monitored.

Proposed Rules

UST LEAK DETECTION MONITORING: (23:21 NCR 2056) The NCDENR has proposed rules that would incorporate standards for operation, maintenance and testing of USTs if electronic liquid detecting sensors are used for leak detection monitoring. On 12/03/07, a petition to amend secondary containment rules for UST systems was submitted to the EMC. The petition proposed adding electronic liquid detecting sensor monitoring as an allowable method of monitoring the interstitial space of a double-walled tank for releases. NCDENR recommended that the EMC deny the petition because the proposed method does not continuously check the inner and outer walls of a double-walled tank for breaches of integrity as methods already allowed by the rules do. NCDENR contended that the proposed method is not as effective as those already allowed in detecting tank wall failures are. However, on 03/13/08, the EMC approved the petition, but requested that NCDENR prepare additional rule language to incorporate standards for operation, maintenance and testing of USTs if electronic liquid detecting sensors are used for leak detection monitoring. On 05/08/08, the EMC approved the language prepared by NCDENR, and directed NCDENR to hold public hearings on the amendments. The adopted rule was filed 01/21/10.

Proposed Rule: [State Register \(begins on page 5026\)](#)

Contact: [Ruth Strauss](#), (919) 733-8486

EROSION AND SEDIMENTATION SELF-INSPECTIONS: (15A NCAC 04B .0131) NCDENR has proposed an amendment to address the form of the records required by G.S. 113A-54.1 as being an annotated copy of the approved plan. Records would have to be initialed and dated by the inspector as erosion and sedimentation control measures are installed. Otherwise, a self-monitoring form could be completed, signed and dated. It also specifies the documentation required in the records concerning the installation and maintenance of erosion and sedimentation control measures, including tempo-

rary or permanent ground cover. A public hearing was held on 03/24/10.

[Proposed Rule](#)

Contact: [T. Gray Hauser, Jr.](#)

RECLAIMED WATER: (15A NCAC 02T .0113, .0506, .0901-.0915; 02U .0101- .0117, .0120, .0201-.0202, .0301, .0401-.0403, .0501, .0601, .0701, .0801-.0802, .0901, .1101, .1401) This regulation would adopt a new subchapter to clarify existing reclaimed water rule language in order to remove unintended restrictions and facilitate the use of reclaimed water. It would provide two separate categories for reclaimed water based upon the level of treatment and intended use, and replace Fecal Coliform with E. Coli as the pathogen indicator for effluent sampling. The rule would allow for additional uses of reclaimed water through wetlands augmentation and crop irrigation, and define new application requirements, design criteria and effluent standards for the new uses. Lastly, the rule would repeal existing reclaimed water rules. The rule was proposed 02/15/10, and public hearings were held on March 23, 25 and 30, 2010. The comment deadline is 04/27/10.

[Proposed Rule](#)

EMISSION CONTROL STANDARDS: (15A NCAC 02D .0530-.0531, .0902, .0909, .0917, .0920- .0923, .0934-0936, .0951-.0952, .0961-0968; 02Q .0306) NCDENR has proposed a rule that would clarify that installation of Best Available Control Technology (BACT) applies to all new natural gas-fired electrical utility generating units for which cost recovery is sought under the Clean Smokestacks Act. It would remove pollutant specific references that require sources to continue measures after an area's redesignation to attainment, and would also replace the description of nonattainment areas. Further, this rule would incorporate EPA Control Techniques Guidelines concerning what types of controls may constitute Reasonably Available Control Technology (RACT) for 11 source categories. The rule was proposed 03/10/10. Public hearings are scheduled for 04/27/10 and 04/29/10. The current comment deadline is 04/30/10.

ENVIRONMENTAL STANDARDS/EMISSIONS: (19A NCAC 03D .0517-.0519) NC DOT is proposing a rule that clarifies rules regarding motor vehicle inspection and inspection stations to comply with the EMC specifications, including use of an emissions analyzer and requirements for a Safety Equipment Emissions Inspection Station. A public hearing was scheduled for 01/04/10. The current comment deadline is 05/14/10.

[Proposed Rule](#)

South Carolina

Legislative Session Convened 01/12/10; Adjourns 06/03/10



Legislation

WATER

[HB 4285/SB 452](#): This measure relates to the State Surface Water Withdrawal and Reporting Act. It provides that subject to certain exceptions, surface water withdrawals must be made pursuant to a permit; provides for complete exemptions from the permitting requirement; provides that registered surface water withdrawers may withdraw surface water without a permit, but are subject to certain restrictions; and provides for nonconsumptive surface water withdrawal permits.

Status: (SB452) passed Senate 03/16/10; in House

[HB 3577/SB 275](#): This measure requires that prior to constructing or installing a water intake, a proposed registered surface water withdrawer must report its anticipated withdrawal quantity to SCDHEC to determine whether that quantity is within the safe yield for that water source. It also provides permitting procedures for surface water withdrawers.

Status: in committee, 2/19/09

OREGA-S Note: The bills above constitute what is becoming an annual attempt to establish a statewide surface water withdrawal permit program. This is a politically charged matter with strong debate on both sides of the issue. Impacts on DoD Facilities are being evaluated, and this follows developments seen in other states, in recent years. Potential impacts could result from disputes over the regulation of consumptive uses at DoD bases. Service headquarters are in varying stages of formulating policy to address compliance with state withdrawal schemes.

[HB 4536](#): HB 4536 establishes effluent limitations on phosphorus and nitrogen: 0.5 mg/L total phosphorous, and 3.0 mg/L total nitrogen as a monthly average on reissuance of the permit.

Status: in committee

OREGA-S Note: Compliance would be mandated within three years of the permit issue/reissue and could be extended by

the state for an additional two years (five years total).

SB 1170: This bill relates to the Pollution Control Act. It provides that all sewage systems and treatment works that treat domestic sewage, and have had three or more spills in any 12-month period must complete a comprehensive review of their operations. SB 1170 provides for the comprehensive review, and provides for the development and implementation of an action plan to address issues raised in the comprehensive review.

Status: referred to committee

WASTE

HB 4093: This bill enacts the State Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act. It provides certain findings by the General Assembly related to the act; provides certain definitions related to the act; and requires a manufacturer of certain computing, display or printing equipment to offer a recovery program for collection of equipment from a consumer in a manner that is convenient to the consumer.

Status: 3/3/10, passed House

OREGA-S Note: This bill targets consumer electronics (personal or home business use). It has potential to target AAFES operations by requiring covered electronics to bear required labeling that retailers be inspected for compliance.

AIR/GHG

HB 4606/HB 4610: These bills urge Congress to adopt legislation that would postpone EPA's effort to regulate GHG emissions from stationary sources using existing CAA authority until Congress adopts a balanced approach to address climate and energy supply issues without crippling the economy.

Status: 3/4/10, both bills reported favorably

SR 1278: This resolution expresses support for US [Senate Joint Resolution 26](#) that takes issue with EPA's endangerment finding.

Status: referred to committee

Proposed Rules

AIR POLLUTION CONTROL: (R. 61-62.96) SCDHEC is proposing to amend South Carolina Air Pollution Control Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP. Specifically, SCDHEC proposes to amend R.61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program General Provisions. Proposed amendments will be necessary to meet EPA standards. The SCDHEC Board will vote on final approval of the revisions at their 05/13/10, meeting. If the Board approves the revisions, they will be effective upon publication in the 05/28/10 issue of the South Carolina State Register.

[Notice of Drafting](#)

[Proposed Rule](#)

Contact: [Alan Hancock](#)

Tennessee

Legislative Session Convened 01/12/10; Adjourns 05/25/10



Legislation

LAND USE

HB 3448/SB 3191: This measure permits owners of agricultural and forest land to preserve the existing condition of such land, and revises the method of appraisal and assessment for such land.

Status: referred to Committee; SB 3191 passed Senate 3/24/10, in House

OREGA-S Note: This measure would support buffering programs around installations by providing various tax treatments to encourage preservation of specific land uses.

WASTE

HB 3842/SB 3854: HB 3842/SB 3854 revises various present law provisions regarding petroleum USTs and noncompliance with state UST program requirements, and potential actions and outcomes as a result. The measure provides for the utilization and reimbursement of tank fund.

Status: SB 3854 passed Senate 3/18/10; in House

OREGA-S Note: Changes should not have a direct impact on DoD activities.

HB 3853/SB 3623: HB 3853/SB 3623 prescribes what measures to take in order to reduce soil erosion upon closure of a solid waste disposal site.

Status: HB 3853 reported favorably

OREGA-S Note: This would seem consistent with existing practices or requirements in other states. Please contact OREGA-S if you have questions or concerns with regard to proposed requirements.

HB 2828/SB 2799: HB 2828/SB 2799 adds various requirements for issuance of permits to dispose of coal combustion waste in landfills.

Status: in committee

HB 2911/SB 2801: This measure relates to Atomic Energy and Nuclear Material. It requires any permit issued by TDEC to specify the types of waste a facility is prohibited from receiving for disposal or processing, and prohibits any person from knowingly accepting for disposal or processing certain nuclear or radioactive materials in any landfill.

Status: introduced/referred to committee

OREGA-S Note: Bills would amend T.C.A. 68-211-106(k)(2)(A) by prohibiting acceptance, processing, storage or disposal of any by-product material, source material, or special nuclear material by certain entities in the state. Curiously, the bill specifically identifies such prohibitions as extending to material from the "Former United States Army Environmental Command" (AEC). OREGA-S has sought clarification. Does not apply to situations of acceptance, processing, storage or disposal on wholly owned and controlled federal sites.

HB 3402/SB 3221/SB 2735/HB 2826: These bills prohibit the acceptance, processing or disposal of radioactive waste material in any landfill located in the state.

Status: SB 2735 reported favorably 3/23/10

OREGA-S Note: These bills provide that prohibitions would not apply to federal entities on US property. Also, see HB 2911 above.

HB 2055/SB 687: This measure requires TDEC to provide planning models for relocating, hauling, composting, or other processing of yard waste and food waste, and to submit a report to the House Conservation and Environment Committee and the Senate Environment, Conservation, and Tourism Committee by 12/01/10.

Status: referred to committee

OREGA-S Note: If enacted, this may create new requirements for targeted waste streams; report would not be due until December 2010; subsequent legislation would need to be taken.

HB 3429/SB 3469: This measure enacts the "Tennessee Beverage Container Recycling Act," whereby certain procedures, processes, and fees are described for the recycling of such waste.

Status: referred to committee

OREGA-S Note: Very similar legislation was introduced during the past three legislative sessions and failed to pass. It would require any deposit beverage distributor manufacturing, in the state, to register with TDEC. The definition of "person" specifically includes federal agencies; "Deposit beverage distributor" specifically includes military distributors. OREGA-S is evaluating fee /tax and other implications for military services.

HB 3218/SB 2403: This bill prohibits consumer products containing mercury from being added to the solid waste stream for disposal.

Status: SB2403 passed Senate 3/22/10; in House

HB 3553/SB 3176: This measure requires the GPS coordinates of a solid waste facility where waste was baled and the destination of baled waste to be included on a manifest required to be kept for at least 30 years.

Status: referred to committee

HB 3235/SB 3127: This bill requires the Tennessee Advisory Commission on Intergovernmental Relations to perform a study and provide recommendations to encourage the minimization of solid waste in landfills, and report to the Legislature by 02/15/11.

Status: referred to committee

AIR/GHG

HB 3287/SB 3159: As introduced, this measure requires legislative approval prior to adoption of regulatory programs concerning GHG or motor vehicle fuel economy.

Status: introduced/referred to committee

OREGA-S Note: In other words, state agencies would not be allowed to take the initiative on GHG regulation without the

Assembly's OK.

WATER

HB 3374/SB 2987: This measure would require any public water system or waterworks system that discontinues the fluoridation of its water supply to give notice of such discontinuance to applicable state agencies and affected customers.

Status: SB 2987 passed Senate 3/4/10

HB 3603/SB 3690: This measure states that failure of a water system, or utility district, to conduct the required annual water loss audits would be referred to the appropriate board. Failure would also be viewed as "excessive water loss" under current law.

Status: HB 3603 reported favorably

HB 3822/SB 3832: This bill authorizes the Commissioner of TDEC to study alternatives for, and to develop regional water supply plans that consider cost and conservation of water resources.

Status: introduced/referred to committee

Final Rules

ANTIFREEZE: (TAC 0080-4-8-.1, -.7, -.8) TDEC adopted amendments to provide that antifreeze or engine coolant containing at least 10% ethylene glycol manufactured on or after 01/01/10, and not containing denatonium benzoate in the required concentration is a hazardous substance and a banned hazardous substance under the Tennessee Hazardous Substances Act. The amendments effectively limit the bittering agent that may be used to denatonium benzoate. The rule was proposed 07/04/09, adopted 12/29/09, and became effective 12/29/09.

HAZARDOUS WASTE MANAGEMENT: (TAC 1200-1-11-.8) This rule amendment addresses the fee system for transporters, storers, treaters, disposers and certain generators of hazardous waste and for certain used oil facilities or transporters. This rule was adopted 02/16/10. It becomes effective 05/17/10.

[Final Rule](#)

Proposed Rules

LIGHT-DUTY MOTOR VEHICLE INSPECTION AND MAINTENANCE. (TAC 1200-3-29-.2, -.4) TDEC has proposed to amend Rule .02 Definitions in Chapter 1200-03-29 Light-Duty Motor Vehicle Inspection and Maintenance by adding definitions for low and medium speed vehicles. Rule .04 Exemption from Motor Vehicle Inspection Requirements would be amended to exempt low and medium speed vehicles from vehicle testing requirements. These type vehicles are manufactured as non-road vehicles and therefore are not subject to an emissions test. The Air Board did not meet in November, so the rule was presented at the 12/09/09 meeting instead. The Air Board approved the rule, but it will not be state effective until the Secretary of State approves it. The rule has to sit for 75 days after their approval before it actually becomes a state effective rule.

[Rulemaking Notice](#)

Contact: [Vicki Lowe](#), (615) 532-6811

UST PROGRAM: (TAC 1200-1-15-.1, -.3, -.16) TDEC has proposed a rule amendment that addressed the scope, definitions, proprietary information, notification, reporting and record keeping of the UST Program. Amendment would add a new section addressing a certified operator program. Comments are due 04/30/10.

Contact: [Rhonda Key](#), (615) 532-0972

LEAD BASED PAINT ABATEMENT: (1200-1-18-.1-.6, 0400-13-1.1-.6) This rule promulgates new amendments pertaining to lead-based paint abatement. It would provide procedures and requirements for the accreditation of lead-based paint activities and renovation training programs; outline the procedures and requirements for the certification of individuals and firms engaged in lead-based paint activities; and work practice standards for performing such activities. It would repeal provisions that are no longer necessary, and stipulate that all lead-based paint activities shall be performed by certified individuals and firms. Staff completed the OGC review the week of March 29. If all agree, they will send the rule to the Attorney General for review and to ensure that the legislative authorities exist and are cited properly. Hopefully, that should not take more than one week. After that, it will be logged in with the Secretary of State and it will be given an effective date that is 90 days from the day of log-in.

Region 4 Energy Legislation

Because energy and environment are so closely linked, OREGA-S has been tracking and reporting on energy legislation. Please note that the following state-specific legislative information may present the opportunity to share information and collaborate on clean energy projects.

Alabama

HB 128: This bill relates to the development of an integrated and comprehensive state policy on energy for Alabama; creates the Permanent Joint Legislative Committee on Energy Policy for developing an ongoing state energy study and energy plan; and provides for the membership of the committee and initial committee membership.

Status: delivered to Governor 03/11/10

HB 80/SB 194: The House bill establishes the Alabama Public Interest Energy Research and Development Grants Program to provide funding for energy related public interest energy research and development. It also creates a new executive agency to be known as the Commission on Public Interest Energy Research and Development Grants that will have sole discretion to distribute appropriations by the Legislature and other funds allocated for public interest energy research and development grants.

Status: HB 80 passed House 01/19/2010, referred to Senate; SB 194 passed Senate 02/17/10

SB 87: This bill provides for the Energy Independence and Sustainable Construction Act of Alabama to promote effective energy and environmental standards for the construction and rehabilitation of state-owned buildings in Alabama.

Status: in committee

SB 252: This bill creates the Permanent Joint Legislative Committee on Energy Policy as currently constituted pursuant to Act 2007-150, HJR 152, 2007 Regular Session. The bill provides for the hiring of a staff and the creation of the Legislative Energy Policy Office to supervise and administer the duties of the committee pursuant to this bill.

Status: passed House 03/09/10

Florida

HB 563/SB 1726: These bills address energy security; urge Congress to support expiration and removal of moratoria prohibiting exploration and production of oil and natural gas in federal waters surrounding Florida; and include Florida in revenue sharing resulting from production of oil and natural gas in federal waters surrounding Florida.

Status: 01/04/10, prefiled

SB 2622: This bill relates to regulation of state lands and oil and gas resources; provides for the Board of Trustees of the Internal Improvement Trust Fund to accept and award bids for oil and gas leases on submerged lands underlying the territorial waters of the state; provides for easements over sovereign submerged lands for the construction, installation, and maintenance of structures relating to the production of oil, gas or other petroleum products.

OREGA-S Note: This legislation is being closely monitored as it could adversely impact Naval operations and training.

SB 2598: This bill relates to an alternative energy resources study; requires the Century Commission for a Sustainable Florida to contract with a professional organization to study an alternative energy policy for the state and develop a renewable energy and economic development investment plan; sets forth the subjects to be studied by the contracting organization; requires that such organization submit a final report to the Governor, the President of the Senate and the Speaker of the House of Representatives.

Status: referred to committee

SB 596: This bill requires that electric utilities meet or exceed specified standards for the production or purchase of clean energy. It authorizes the PSC to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain conditions. The bill provides legislative findings with respect to the need to reduce GHG emissions through direct end-use of natural gas.

Status: referred to committee

HB 1535: This bill relates to the American Clean Energy and Security Act. It urges Congress to reject the Act and any other similar energy proposals.

Status: referred to House Council

OREGA-S Note: Some disagreement among members, see HB 1591 below.

HB 1591: This bill relates to clean energy. It urges Congress to pass comprehensive clean energy legislation.

Status: referred to House Council

SB 1086: This bill relates to renewable energy; requires that a purchase contract offered to producers of renewable energy contain payment provisions for energy and capacity based upon a public utility's equivalent cost-recovery rate for certain clean energy projects rather than the utility's full avoided costs.

Status: referred to committee

SB 1126/HB 773: This measure removes the authority of the Office of Tourism, Trade, and Economic Development to approve expedited permitting and comprehensive plan amendments and provides such authority to the Secretary of Environmental Protection. It revises the criteria for businesses submitting permit applications or local comprehensive plan amendments. It also provides that permit applications and local comprehensive plan amendments for specified biofuel and renewable energy projects are eligible for the expedited permitting process.

Status: referred to committee

HB 1217: This bill relates to the sale of electricity. It revises the definition of 'public utility' to include specified separate legal entities created pursuant to the Florida Interlocal Cooperation Act of 1969; and provides that provisions regulating public utilities apply to the sale of electricity by such separate legal entities.

Status: referred to committee

SB 1186: This bill revises legislative intent regarding the state's renewable energy policy. It deletes provisions requiring that the PSC adopt rules for a renewable portfolio standard; requires that the PSC provide for full cost recovery for certain renewable energy projects; and redefines the term "electrical power plant" for purposes of the Florida Electrical Power Plant Siting Act to exclude solar electrical generating facilities.

Status: referred to committee

HB 1269/HB 1267/SB 2404/SB 2406: These measures require electric utilities to collect a monthly systems charge from residential, commercial and industrial customers; provide for the deposit of collected funds into the Sustainable and Renewable Energy Policy Trust Fund; create direct-support organization for the Florida Energy Office; require a contract between the Office and direct-support organization; provide for use of funds; and required an annual audit.

Status: referred to committee

SB 2346: This bill cites the Act as the Florida Farm to Energy Act. It requires investor-owned electric utilities, participating municipal electric utilities and rural electric cooperatives to collect renewable energy fees from retail electric customers; provides for the deposit and use of such fees; and provides procedures for municipal electric utilities and rural electric cooperatives to participate or terminate their participation.

Status: referred to committee

Georgia

HR 10: HR 10 creates a resolution establishing a Joint Study Committee for Clean Energy Technology to address climate change and reduce GHG emissions through the development of clean energy sources.

Status: first reading 1/16/09; second reading 1/26/09

OREGA-S Note: This resolution would require that a report and proposed legislation, if any, be provided by 12/31/10. Such committee activities would be monitored to understand developments and potential impacts. NR 10 provides a potential opportunity to share information and collaborate on clean energy projects.

SR 1094: This resolution urges government and industry efforts and cooperation to increase the availability and use of alternative fuels.

Status: read and adopted 02/16/10

HR 1823: This resolution urges DOE, Congress and the current administration to continue the development of Yucca Mountain as the site for permanent storage of defense nuclear waste and commercial spent nuclear fuel. It requests that the funding of \$150 million dollars for review of the Yucca Mountain license application and future activities of the nuclear waste disposal program remain intact.

Status: introduced

HR 1785: This resolution requests that Congress adopt legislation that promotes jobs and innovative energy development, heightens national energy and economic security, positions the US to be an international leader in the field of

clean energy, and addresses the consequences of climate change without preempting states' rights to control emissions and to promote renewable energy.

Status: referred to committee

HR 1767: This bill creates the House Study Committee on Renewable Energy.

Status: in committee

SR 1231: This resolution proposes an amendment to the Constitution so as to authorize obligations of the state for governmental energy efficiency or conservation improvement projects in which vendors guarantee realization of specified savings or revenue gains attributable solely to the improvements; provides for related matters; and provides for submission of this amendment for ratification or rejection.

Status: passed Senate 3/24/10; in House

Kentucky

HB 3: This bill creates new sections of KRS Chapter 278 to define renewable energy resources and energy efficiency measures; sets benchmarks for usage of efficiency measures, renewables and low-carbon resources; establishes a market for clean energy certificates; permits deviation from the benchmarks under some circumstances; amends sections of KRS Chapter 42 to include renewable energy projects in the Bluegrass Turns Green program.

Status: in Committee

HB 552: This bill defines energy-efficient alternative fuels and energy-efficient alternative fuel facility, and expands incentives provided for production of alternative energy to include the production of energy-efficient alternative fuels.

Status: 03/15/10, passed House; Senate Committee reported favorably

HB 567: This bill promotes utility-assisted improvements in energy efficiency. It relates to programs for home energy assistance and combined heat and power facilities; creates new sections of KRS Chapter 278; and requires the PSC to adopt regulatory standards regarding energy efficiency, conservation and demand-side management measures, diversity of fuel sources, improvements in energy efficiency, programs for home energy assistance and integrated resource planning.

Status: referred to committee

SB 26: This bill requires that nuclear power facilities have a plan for the storage of nuclear waste rather than a means for permanent disposal; deletes the requirement that the PSC certify the facility as having a means for disposal of high-level nuclear waste; and changes all references to the disposal of nuclear waste to the storage of nuclear waste.

Status: 01/20/10, passed Senate; in House committee

HB 408: This bill creates new sections of KRS Chapter 278 to define renewable forms of energy that may be used to satisfy requirements of a renewable energy portfolio standard and alternatives in the form of comprehensive low-income residential energy efficiency programs. The bill sets specific achievement goals for Kentucky retail electric service providers and city-owned or city-controlled municipal electric providers, beginning in 2012.

Status: in committee

Mississippi

SB 2821: This bill requires that state agencies submit annual energy management plans and meet energy consumption reduction standards.

Status: in conference, both houses adopted conference reports

SR 588: This resolution urges Congress to adopt legislation addressing clean energy development and climate change.

Status: pending action in Rules Committee

North Carolina

NORTH CAROLINA ADVISORY SUBCOMMITTEE ON OFFSHORE ENERGY EXPLORATION - SITING CRITERIA: The Subcommittee met for the first time on April 15 to discuss offshore oil drilling. The Subcommittee met for a second time on April 27 to discuss wind energy options; implications of coastal energy production for inshore/near shore ecosystems; managing inshore impacts of coastal energy production; and natural gas needs for North Carolina.

The Advisory Subcommittee will study issues dealing with oil and natural gas exploration, as well as the potential impacts of alternative offshore energy projects on the nation's energy supply, including wind energy, wave energy, ocean

current energy, solar energy, and hydrogen production.

Advisory Subcommittee may submit an interim report on the results of this study, including any proposed legislation, to the LRC before the convening of the 2010 Regular Session of the General Assembly. The Advisory Subcommittee terminates upon the filing of its final report. The Subcommittee co-chairs are Dr. James Leutze of New Hanover County and Dr. Douglas N. Rader of Wake County.

OREGA-S Note: Activities of the Commission are being closely monitored. Of particular note, is how offshore exploration activities may affect military training and operations.

SB 1068/H809: This measure creates a permitting process for wind energy facilities to be managed by the Coastal Resources Commission (CRC). The bill modifies the definition of wind energy facility in GS 113A-103 to mean that turbines, accessory buildings, transmission facilities, and any other equipment necessary for operation of a facility that cumulatively, with any other wind energy facility whose turbines are located within one-half mile of one another, have a rated capacity of three megawatts or more (was, in excess of two megawatts) of energy.

Status: passed Senate; referred to House Committee

OREGA-S Note: This office has been involved with CRC on [related rulemaking](#).

South Carolina

HB 4241: This bill creates the "South Carolina Renewable Energy Plan" to authorize the PSC to approve renewable energy projects to demonstrate the feasibility and viability of clean energy systems; provides full cost recovery for certain costs incurred by a provider for a renewable energy project; and requires each municipal electric utility, each rural electric cooperative, and the public service authority to develop standards for promotion, encouragement, and expansion of renewable energy resources and to require reporting requirements for this information.

Status: in committee

SB 944: This bill is a concurrent resolution to request the South Carolina congressional delegation to oppose cap-and-trade legislation and support legislation that encourages states to establish and develop their own renewable energy portfolio standards.

Status: in committee

HB 4373: This bill relates to the state energy office.

Status: in committee

HB 4472: This bill requires a municipality develop an Energy Independence Act to help the municipality's residents make certain energy efficient improvements to real property.

Status: in committee

SB 1096: This bill relates to the authorization for electric cooperatives and municipal electric systems to implement financing systems for energy efficiency improvements. It provides that they will have the authority to finance the purchase price and installation cost of energy conservation measures, and provides for the recovery of such financing through charges paid for by the customers benefitting from the installation of the energy conservation measures.

Status: passed Senate 2/25/10; reported favorably from House committee 3/4/10

SB 1116/HB 4416: This measure expands the authority of the renewable water resources of Greenville County, originally created as the Greater Greenville Sewer District, pursuant to the provisions of Act 362 of 1925, to use the by-products of waste treatment facilities for alternate energy production.

Status: SB 1116 assed Senate 3/3/10, currently in House; HB 4416 passed House 1/27/10, placed on Senate uncontested calendar 2/2/10

HB 4523: Sales tax exemption for the gross sales proceeds or sales price of solar panels used for the generation of electricity.

Status: in committee

SB 4683: The bill creates the State Renewable Energy and Energy Efficiency Financing District Act. It authorizes a municipality or a county to establish a district to promote, encourage and facilitate renewable energy and energy development within a municipality or county. It also authorizes the imposition of an assessment for the purpose of financing renewable energy technology and energy efficiency improvements.

Status: in committee

SB 1192: This bill memorializes Congress to enact legislation expanding the Outer Continental Shelf (OCS) Oil and Gas Leasing Program to allow exploration and production of domestic supplies of natural gas off the coast of South Carolina, and to allow SC to receive 37.5% of funds due to the US from OCS natural gas leases to be expended by SC for such purposes as SC may determine.
Status: referred to committee

Tennessee

HB 738/SB 819: This measure establishes the "Tennessee Energy Conservation Endorsement Act of 2009." It directs the Tennessee Regulatory Authority to propose, implement and monitor programs that encourage the use of renewable energy technologies or sources, including solar, wind power, geothermal, biomass conversion, or the energy available from municipal, industrial, or agricultural wastes.
Status: HB 738 passed the House 06/17/09, sent to Senate; SB 819 reported favorably 04/21/09

HB 3215/SB 3192: These bills set ASHRAE Standard 90.1-2007 as the minimum requirement for energy use in new buildings, other than one- and two-family dwellings and townhouses.
Status: in committee

HB 3331/SB 3601: These bills set the incentive amount for biodiesel manufacturers paid from the Biodiesel Manufacturers' Incentive Fund for the fiscal year 2010-2011 at 40 cents per gallon.
Status: in committee

Frequently Used Acronyms

ADEM – Alabama Department of Environmental Management	KDEP – Kentucky Department of Environmental Protection
AEPI – Army Environmental Policy Institute	KEEC - Kentucky Energy and Environment Cabinet
AKO – Army Knowledge Online	LRC – Legislative Research Commission
AQC – Air Quality Committee	MSDEQ – Mississippi Department of Environmental Quality
ARRS – Administrative Regulation Review Subcommittee	NAAQS – National Ambient Air Quality Standards
ASHRAE - American Society of Heating, Refrigerating, and Air-Conditioning Engineers	NCDENR – North Carolina Department of Natural Resources
AST – Aboveground Storage Tank	NEPA – National Environmental Policy Act
ATDSR - Agency for Toxic Substances and Disease Registry	NESHAPs – National Emission Standards for Hazardous Air Pollutants
BHEC – Board of Health and Environmental Control	NMFS – National Marine Fisheries Service
BMP - Best Management Practices	NOAA – National Oceanic and Atmospheric Administration
BNR – Board of Natural Resources	NO ₂ – Nitrous Dioxide
CAA – Clean Air Act	NO _x – Nitrogen Oxide
CAIR – Clean Air Interstate Rule	NASA – National Aeronautic and Space Administration
CEQ – Council on Environmental Quality	NPDES – National Pollutant Discharge Elimination System
CO - Carbon Monoxide	OSD – Office of the Secretary of Defense
CO ₂ – Carbon Dioxide	OREGA-S– Office of Regional Environmental and Governmental Affairs—Southern
CWA – Clean Water Act	PM2.5 – Fine Particulate Matter
CZMA – Coastal Zone Management Act	PM10 — Coarse Particulate Matter
DLA – Defense Logistics Agency	PROSPECT - Proponent-Sponsored Engineer Corps Training
DOE – Department of Energy	PSD – Prevention of Significant Deterioration
DoD – Department of Defense	RRC – Rules Review Commission
DOI – Department of Interior	SCDHEC – South Carolina Department of Health and Control
EIS – Environmental Impact Statement	SDWA – Safe Drinking Water Act
EO – Executive Order	SIP – State Implementation Plan
EMC – Environmental Management Commission	SOC – Statement of Consideration
EPA – Environmental Protection Agency	SO ₂ - Sulfur Dioxide
EPCRA – Emergency Planning and Community Right-to-Know Act	TAC – Technical Advisory Committee
ERC – Environmental Regulation Commission	TDEC – Tennessee Department of Environment and Conservation
ESA – Endangered Species Act	UECA – Uniform Environmental Covenants Act
FAW – Florida Administrative Weekly	USACE – United States Army Corps of Engineers
FDA – Food and Drug Administration	USDA – United States Department of Agriculture
FLDEP – Florida Department of Environmental Protection	USFWS – United States Fish and Wildlife Service
GADNR – Georgia Department of Natural Resources	UST – Underground Storage Tank
GAEPD – Georgia Environmental Protection Division	VOC – Volatile Organic Compound
GAO – Government Accountability Office	µg/m ³ —Micrograms per Meter Cubed
GC – Groundwater Committee	
GHG – Greenhouse Gas	
HAP - Hazardous Air Pollutant	
INRMP - Integrated Natural Resources Management Plan	
JCARR – Joint Committee on Administrative Regulation Review	