



The Southern Region Review



February 2011, 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.

The Southern Region Review is a monthly electronic publication. To receive this publication, please email the request to rebecca.shanks@us.army.mil. Please include a contact name and email address in the body of the message.

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Hot Topic

ARMY VISION FOR NET ZERO: A FORCE MULTIPLIER (10/10/10) The net zero vision is a holistic approach to addressing energy, water and waste at Army installations; an approach that is a force multiplier that will enable the Army to appropriately steward available resources, manage costs and provide Soldiers, Families and Civilians with a sustainable future. In an era of persistent conflict, with a mission of stabilizing war-torn nations, a true stabilizing factor can be that of appropriate resource management. The Net Zero vision ensures that sustainable practices will be instilled and managed throughout the appropriate levels of the Army, while maximizing operational capability, resource availability and well-being. The Honorable Ms. Katherine Hammack, Assistant Secretary of the Army (Installations, Energy & Environment), stated the DoD Bloggers Roudtable, "The primary goal is a focus toward net zero and when we talk about net zero, it's not only net zero energy, but it's net zero energy, water, and waste. When you look at the term "net zero" or a hierarchy of net zero you must start with reduction, then progress through repurposing, recycling, energy recovery, disposal being the last."

Conferences and Training

VARIOUS DATES AND LOCATIONS: [USACE 2011 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.

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: [DOILEARN](#). 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: [GOLEARN](#). 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.

ANYTIME ONLINE: [TRAINING FOR FEDERAL GHG INVENTORIES](#). A component of FedCenter's broader "Greenhouse Gas Inventory Reporting" site is available. The FEMP-developed training offers three types of training that can help in understanding the processes needed to develop an agency's GHG inventory under EO 13514 section 9. These trainings include online interactive courses, archived webinar videos and PowerPoint files from training courses.

FEBRUARY 23-25, WASHINGTON, DC: [6TH ANNUAL MILITARY ENERGY ALTERNATIVES](#). As DoD continues an organization-wide push toward energy independence, the need to increase use of renewable and alternative energy sources has become paramount. This year's program will address key topics in alternative energy including recent battery and fuel cell technology, energy storage, energy and fuel conservation, energy security, power grid capabilities, and application of available alternative energies. The conference will bring together key stakeholders across the alternative and renewable energy community to discuss strategies for bolstering the existing energy infrastructure, augmenting power grid capabilities, advancing energy security, creating portable and lightweight alternative power options, and improving energy efficiency to compliment mission objectives.

FEBRUARY 23-25, SHEPHERDSTOWN, WV: [2011 GREEN INFRASTRUCTURE CONFERENCE](#). Listen to nationally recognized speakers discuss key elements for success and vital lessons-learned. Be part of developing the strategy for the future of green infrastructure. Featured topics include green infrastructure and public health, social equity, transportation, economic development, climate change and more.

FEBRUARY 25, WASHINGTON, DC: [TRIBES, LAND, AND THE ENVIRONMENT](#). The conference is about Indian Native American tribes and the environment, federal and tribal control of reservation resources and the environment, and economic development.

MARCH 1-3, ORLANDO, FL: [13TH ANNUAL INTERNATIONAL ABOVEGROUND STORAGE TANK CONFERENCE & TRADE SHOW](#). Visit website for further information.

MARCH 3, ONLINE: [ENERGY SAVINGS PERFORMANCE CONTRACTS](#). Visit website for further information.

MARCH 6-9, DESTIN, FL: [SOUTHEAST RECYCLING CONFERENCE AND TRADESHOW](#). This event links industry leaders and recycling officials, and offers focused educational sessions, the latest recycling products, equipment and services and exciting networking opportunities.

MARCH 7-11, CHARLESTON, SC: [INSTITUTE OF PUBLIC UTILITY'S \(IPU\) GRIDSCHOOL](#). The program is sponsored by IPU in collaboration with Michigan State University's College of Engineering and Argonne National Laboratory. It is open to the public and private sectors, including economic and environmental regulators. The program will provide an intensive, interdisciplinary and interactive educational and professional networking experience. The underlying goal of the course is to improve regulatory capacity for grid-related policy development and decision-making at all government levels in support of innovation, efficiency and environmental goals. This program is designed to be responsive to policy mandates and infrastructure investments associated with the Energy Independence and Security Act and the American Recovery and Reinvestment Act (ARRA).

MARCH 14-19, KANSAS CITY, MI: [2011 NATIONAL MILITARY FISH AND WILDLIFE AGENCIES TRAINING WORKSHOP](#). This workshop provides an excellent opportunity for DoD personnel specializing in fish and wildlife management to meet and discuss challenges and solutions to managing these resources. It also affords an opportunity for DoD natural resources managers to meet with counterparts from the USFWS and state fish and wildlife agencies who work on Sikes Act issues and other areas of common concern.

MARCH 15-16, ANNAPOLIS, MD: [GHG EMISSIONS INVENTORIES FOR FEDERAL FACILITIES](#). This course was developed to help federal agency staff in meeting EO 13514, near term requirements and achieving reduction targets. The course provides insight and methodologies for performing, evaluating, and monitoring GHG inventory efforts and the use of federal calculation tools where applicable. In addition to GHG inventories, the course will provide the principals and methods regarding the other aspects of EO 13514, including Environmental Management Systems (EMS) overlap, reducing water consumption intensity, advancing integrated planning, sustainable building design, sustainable acquisition, electronics stewardship, energy conservation, water conservation, and pollution prevention.

MARCH 8-11, FORT LAUDERDALE, FL: [SUBTROPICAL CITIES 2011: SUBTROPICAL URBANISM BEYOND CLIMATE CHANGE](#). This conference will address crosscutting and interdisciplinary themes concerning the future of subtropical cities.

MARCH 28-APRIL 2, ARLINGTON, VA: [2011 DoD ENVIRONMENTAL MONITORING & DATA QUALITY WORKSHOP](#). Workshop topics include DoD emerging contaminants, nanomaterials, the military munitions response program, data management and sharing, data quality and usability, field sampling and analysis, and more. It is open to representatives from DoD services, other federal agencies, state, local, and tribal governments, and the private sector, including those involved with DoD sites or projects.

MARCH 30-31, PHILADELPHIA, PA: [GLOBALCON 2011](#). Decision makers from business, industry and government must now seek integrated energy solutions — solutions that assure a secure and affordable power supply, and effective management of both energy and overall operational costs. Globalcon 2011, presented by the Association of Energy Engineers, is designed specifically to facilitate those who need to get up to speed on the latest developments in the energy field, explore promising new technologies, compare energy supply options, and learn about innovative and cost-conscious project implementation strategies.

APRIL 3-5, PHILADELPHIA, PA: [14TH NATIONAL BROWNFIELDS CONFERENCE](#). The conference addresses issues facing brownfields practitioners, policy makers and communities. Conference organizers are particularly interested in ideas related to green jobs, community engagement and environmental justice, the business of brownfields, green technology and emerging solutions, planning for community revitalization, and sustainability.

APRIL 9-12, CHARLOTTE, NC: [NATIONAL ASSOCIATION OF FLEET ADMINISTRATORS \(NAFA\) 2011 INSTITUTE AND EXPO](#). This conference will include information on the latest in green products and services. Attendees will be able to test drive various alternatively fueled vehicles. The conference offers 60+ hours of training, education and workshops.

APRIL 10-12, PITTSBURGH, PA: [ENGINEERING SUSTAINABILITY 2011: INNOVATION AND THE TRIPLE BOTTOM LINE](#). The intent of this conference is to bring together engineers and scientists to share results of innovative research and practice directed at development of environmentally sustainable buildings and infrastructure.

APRIL 19-20, MACON, GA: [2011 GEORGIA ASSOCIATION OF WATER PROFESSIONALS 2011 INDUSTRIAL CONFERENCE AND EXPO](#). Visit website for further information.

APRIL 20, ONLINE: [RADAR AND WIND SYSTEMS WEBINAR](#). This free webinar will provide a discussion about radar-related issues and concerns.

APRIL 26-29, DENVER, CO: [NATIONAL ASSOCIATE OF ENVIRONMENTAL PROFESSIONALS 36TH ANNUAL CONFERENCE](#). Visit website for further information.

MAY 5, ONLINE: [RENEWABLE ENERGY](#). Visit website for further information.

MAY 9-12, NEW ORLEANS, LA: [ENVIRONMENT, ENERGY SECURITY AND SUSTAINABILITY \(E2S2\)](#). E2S2 provides an opportunity to share ideas on how to improve energy, environmental and sustainability management throughout DoD, the Services and other federal agencies. Given DoD's implementation of EO 13514, 2011 will be an exciting year for industry members in the evolution of the Military's energy, environment and sustainability management. E2S2 will be the place to learn what is happening, hear the latest policy and budget changes, begin planning for FY12 and interact with colleagues and professional counterparts in the environment, energy and sustainability communities.

MAY 16-19, CHICAGO, IL: [REMTEC SUMMIT 2011](#). The summit delivers a unique platform focused on advancing the environmental science and remediation industry. It is the place to hear essential sources of information on technology, application and policy affecting contaminated site restoration field from leading experts within the academic, regulatory, industry and environmental-consulting communities.

JUNE 2, ONLINE: [FEDERAL FLEET INFRASTRUCTURE AND ELECTRIC VEHICLES](#). Visit website for further details.

JULY 25-29, NASHVILLE, TV: [2011 SUSTAINING MILITARY READINESS CONFERENCE](#). DoD personnel and stakeholders interested in military training and testing, natural and cultural resources management, and sustainable and compatible land, air, sea, and frequency use topics are invited to: explore the interdisciplinary nature of sustaining military readiness; share lessons learned and best practices among colleagues and stakeholders; and participate in a broad spectrum of informative training workshops.

Federal Notices and Rulemaking

Air

HR 6482, DIESEL EMISSIONS REDUCTION ACT OF 2010 (12/02/10) This Congressional bill, introduced by Representative Laura Richards of California, would amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program. It was referred to Committee 12/02/10, and was proposed in a previous session of Congress.

HR 6511 (12/09/10) HR 6511, introduced by Congressman Poe of Texas, would prohibit funding for EPA to be used to implement or enforce a cap-and-trade program for GHGs, and for other purposes. The bill was referred to the Committee on Energy and Commerce.

ARMY GHG REPORTING (01/07/11) GHG reporting is required under EO 13514 - Federal Leadership in Environmental, Energy, and Economic Performance. DASA (ESOH) completed its first GHG reporting to the Office of the Secretary of Defense (OSD). The Army's GHG report was submitted on time and followed OSD reporting guidance to use existing centralized data (e.g., Annual Energy Report, business travel data) to calculate GHG emissions. Submittals for the Jan 2011 reporting included: calculation of the Army's FY2008 baseline GHG emissions and FY2010 emissions, identification of data gaps and preliminary plans to fill data gaps for FY2011 reporting. The Army's FY2010 total 'target' GHG emissions (which exclude tactical fuel use) were 12.9 metric tons of CO₂e. Approximately 90% of those emissions were fuel/energy-based. DASA (ESOH) will continue to work with DASA (Energy & Sustainability) and the Assistant Chief of State for Installation Management's energy and environmental staff to refine the Army's GHG reporting process and to achieve reductions in GHG emissions.

GHG EMISSIONS FROM BIOMASS-FIRED SOURCES (01/12/11) EPA is [announcing its plan to defer](#), for three years, greenhouse gas (GHG) permitting requirements for CO₂ emissions from biomass-fired and other biogenic sources. EPA intends to use this time to seek further independent scientific analysis of this issue and then, develop a rulemaking on how these emissions should be treated in determining whether a CAA permit is required. For further information: [Cathy Milbourn](#), 202-564-7849, 202-564-4355.

BOILERS AND COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATORS (01/20/11) Federal District Court (DC) has extended by 30 days, to 02/15/11, the deadline for EPA to finalize rules regulating air emissions from boilers and commercial/industrial solid waste incinerators. EPA indicates that the final rules will be "significantly different than what EPA proposed in April 2010." EPA requested a longer extension in order to re-propose the rules. In June 2010 EPA proposed these four related rules: Industrial, Commercial, and Institutional Boilers and Process Heaters located at Major Sources ([75 FR 32005](#)); Industrial, Commercial, and Institutional Boilers located at Area Sources ([75 FR 31895](#)); Commercial and Industrial Solid Waste Incineration Units ([75 FR 31937](#)); and Identification of Non-Hazardous Secondary Materials That Are Solid Waste ([75 FR 31843](#)). For further information: [Enesta Jones](#), EPA, 202-564-7873, 202-564-4355.

GASOLINE NESHAPS (01/24/11, [76 FR 4156](#)) EPA is finalizing amendments and clarifications to NESHAPs for gasoline distribution and gasoline dispensing facilities. Revisions include: definition of Gasoline Dispensing Facility (GDF) to include stationary facilities that dispense to gasoline fueled engines and equipment, not just motor vehicles; specify when facilities are required to or must begin keeping throughput records; clarify that the 10,000 and 100,000 gallon per month throughput thresholds apply to each GDF, and not all GDFs on the facility (more stringent requirements apply to GDFs that exceed these thresholds); add a "once in always in" provision such that once a GDF exceeds a throughput threshold, it must continue to comply with more stringent requirements even if the throughput later drops below the threshold; clarify that only basic requirements apply to dispensing of gasoline from a fixed tank to a portable tank and subsequent dispensing of gasoline from the portable tank; specify how to handle situations where this rule overlaps with other federal rules; clarify how to measure distances when determining compliance with submerged fill pipe requirements; and add a provision where a GDF need not comply with submerged fill pipe requirements if the GDF can prove the liquid level is always above the opening of the fill pipe. This rule became effective 01/24/11. [Stephen Shedd](#), EPA

SOX AND NOX NAAQS (01/26/11, 76 FR 4694) EPA has released an advance copy of the final [Policy Assessment for the Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Sulfur](#). The document presents conclusions regarding adequacy of the current NO₂ and SO₂ secondary standards, as well as alternative standards for consideration. EPA uses the term use the term "NO_x" to refer to the complete set of Clean Air Act "oxides of nitrogen." Throughout the document, EPA refers more narrowly to SO_x, defined as the sum of SO₂ and particulate sulfate (SO₄). A new form based on time and concentration weighting is likely. Without providing numerical suggestions for lower limits, the review leads to the conclusion that secondary NAAQS should be lower than current standards, based on acidification and nutrient enrichment effects in aquatic and terrestrial ecosystems. For further information: [Dr. Richard Scheffe](#), EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC, 919-541-4650.

Energy

BIOENERGY (01/21/11) DOE has announced a new online collaboration tool and data resource focused on bioenergy. The "[Bioenergy Knowledge Discovery Framework](#)" allows researchers, policymakers and investors to share large data sets, and the latest bioenergy research. The Framework facilitates collaborative production, integration and analysis of information. Registered users will be able to contribute additional data sets that can then be shared, growing the body of knowledge, better informing the growing industry, and eliminating "information silos." The Framework allows simultaneous geographic mapping of complex data sets on a national, state, and even county-level basis. The Framework is part of the Obama Administration's commitment to developing homegrown, sustainable, and plentiful sources of clean energy, like biofuels.

ALTERNATIVE FUELS FOR MILITARY APPLICATIONS (01/25/11) The Rand Corporation issued a research report for the Office of the Secretary of Defense (OSD) on [Alternative Fuels for Military Applications](#). The report concluded that the use of alternative fuels does not, in the foreseeable future, offer the armed services a direct military benefit, and that the services are best served by efforts directed at using energy more efficiently in weapon systems and at military installations.

BIOFUELS (01/28/11, 76 FR 5154) EPA will convene an independent panel of experts to review the draft document, "[Biofuels and the Environment: The First Triennial Report to Congress](#)." The 2007 Energy Independence and Security Act (EISA) mandates increased production of biofuels from 9 billion gallons per year (gpy) in 2008 to 36 billion gpy by 2022. EISA also requires EPA to report to Congress every three years on current and potential future environmental and resource conservation impacts associated with increased biofuel production and use. EPA is accepting public comment until 02/27/11. EPA intends to forward public comments submitted in accordance with this notice to the external peer review panel prior to the meeting for consideration. For further information: [Bob Frederick](#), National Center for Environmental Assessment, 703-347-5308.

Miscellaneous

FUNDING AVAILABLE FOR ENVIRONMENTAL TECHNOLOGY DEMONSTRATIONS DoD, through the Environmental Security Technology Certification Program (ESTCP), supports demonstration of environmental technologies that address priority DoD environmental requirements. The goal of ESTCP is to transition environmental technology projects through the demonstration phase, thereby enabling promising technologies to receive regulatory and DoD end-user acceptance and to be fielded and commercialized more effectively and more rapidly. ESTCP is seeking innovative environmental technology demonstrations as candidates for funding. This solicitation requests pre-proposals via Calls for Proposals to DoD organizations and Federal (Non-DoD) organizations, and via a Broad Agency Announcement (BAA) for Private Sector organizations. Pre-proposals are due by 03/08/11. [Detailed instructions](#) for DoD, Non-DoD Federal, and BAA proposers are available.

NEPA CATEGORICAL EXCLUSIONS (01/03/11, 76 FR 213) DOE has proposed to add 20 new categorical exclusions, including an exclusion for wind turbines, to its NEPA Implementing Procedures. DOE also proposes to remove two categorical exclusion categories, one environmental assessment (EA) category, and two environmental impact statement (EIS) categories. Comments are due 02/17/11. For further information: Carol Borgstrom; DOE, Office of NEPA Policy and Compliance; 202-586-4600.

ELECTRICITY GRID MODERNIZATION (01/14/11, GAO-11-117) The electric industry is increasingly incorporating information technology (IT) systems into its operations as part of nationwide efforts (commonly referred to as smart grid) to improve reliability and efficiency. There is concern that if these efforts are not implemented securely, the electric grid

could become more vulnerable to attacks and loss of services. To address this concern, the Energy Independence and Security Act of 2007 (EISA) provided the National Institute of Standards and Technology (NIST) and Federal Energy Regulatory Commission (FERC) with responsibilities related to coordinating the development and adoption of smart grid guidelines and standards. GAO was asked to (1) assess the extent to which NIST has developed smart grid cybersecurity guidelines; (2) evaluate FERC's approach for adopting and monitoring smart grid cybersecurity and other standards; and (3) identify challenges associated with smart grid cybersecurity. GAO released a report titled, "[Electricity Grid Modernization](#)," which evaluated smart grid cybersecurity guidelines. GAO recommended that NIST finalize its plan and schedule for updating cybersecurity guidelines to incorporate missing elements, and that FERC develop a coordinated approach to monitor voluntary standards and address gaps in compliance. Both agencies agreed. For further information: [David Powner](#), GAO, 202-512-9286; [David Trimble](#), GAO, 202-512-3841.

REGULATION AND REGULATORY REVIEW(01/21/11, 76 FR 3821-3823) The President issued EO 13563, "[Improving Regulation and Regulatory Review](#)." The EO establishes that each agency: propose or adopt a regulation only upon determination that benefits justify costs; tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, the costs of cumulative regulations; select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety and other advantages; specify performance objectives, rather than specifying the behavior or manner of compliance regulated entities must adopt; and identify and assess available alternatives to direct regulation, including providing economic incentives to encourage desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. The EO also establishes, among other things, that agencies afford the public an opportunity to comment through the internet on proposed regulation, with a comment period that should generally be at least 60 days.

Natural Resources

MITIGATION AND MONITORING COMMITMENTS IN NEPA (01/21/11, 76 FR 3843-3853) The Council on Environmental Quality (CEQ) has issued [final guidance](#) for federal departments and agencies on the appropriate use of mitigation in EAs and EISs under NEPA. [Additional information](#) is available. The guidance became effective 01/21/11. For further information: Horst Greczmiel, Council on Environmental Quality; Washington, DC, (202) 395-5750.

[THREATENED, ENDANGERED AND AT-RISK SPECIES \(TER-S\) INTERAGENCY RESEARCH COORDINATION MANUAL \(12/10, LEGACY 09-453\)](#) This manual can help federal agencies and military Services by identifying appropriate POCs and/or offices in other agencies to promote coordination, understand priorities and identify windows of opportunity to provide inputs into TER-S research program planning. The manual highlights the important distinction between those agencies chartered to perform and/or fund TER-S research and those that may have critical research needs, but must rely on research agencies for required resources. The manual also provides insight into internal agency mechanisms for TER-S research priority setting and funding processes. The larger scientific community can use this manual as a resource for TER-S research information across participating federal agencies.

Waste

PCB-CONTAINING FLUORESCENT LIGHTS (12/29/10, [RECENT NEWS](#)) EPA released [guidance](#) recommending that schools take steps to reduce potential exposures to PCBs from older fluorescent lighting fixtures. The guidance is based on evidence that older ballasts contain PCBs that can leak when the ballasts fail, leading to elevated levels of PCBs in the air of schools, which should not represent an immediate threat, but could pose health concerns if they persist over time. EPA has also developed information on [how to properly handle and dispose of PCB-containing fluorescent light ballasts](#) and properly retrofit lighting fixtures to remove potential PCB hazards. For further information: [Tisha Petteway](#), EPA, 202-564-3191, 202-564-4355; [Dale Kemery](#), EPA, 202-564-7839, 202-564-4355.

Water

STORMWATER (01/04/11) [S. 3481](#) was enacted. The law clarifies the federal government's responsibility to pay reasonable service charges or taxes to a state or local government to address stormwater management for stormwater from federal properties. Obligation to pay is limited to funds appropriated.

LEAD IN DRINKING WATER (01/04/11) [S. 3874](#), the "Reduction of Lead in Drinking Water Act," was enacted. The law modifies the SDWA definition of "lead free" with regard to pipes, pipe fittings, plumbing fittings and fixtures. The new definition specifies to be "lead free," these fittings and fixtures contain not more than 0.25% lead, according to a formula that specifies the percentage for each product. For lead content of materials that are provided as a range, the maximum content of the range shall be used. Exemptions include plumbing used exclusively for non-potable services

such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption is exempted. Toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger are also excluded.

NATIONAL WETLAND PLANT LIST (NWPL) (01/06/11, [76 FR 777](#)) The USACOE has released a [draft NWPL](#) for comment. The list is used to delineate wetlands for purposes of the CWA and the Wetland Conservation Provisions of the Food Security Act. The public may comment and vote on the wetland indicator status ratings of plants, species nomenclature changes and revisions to the definition of indicator status ratings contained in the draft NWPL. When possible, commenters should [submit comments on-line](#). Comments are due 03/07/11. For further information: Robert Lichvar, Director of the National Wetland Plant List, Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory, (603) 646-4657.

HEXAVALENT CHROMIUM (01/11/11, [EPA RECENT ADDITIONS](#)) EPA is providing guidance to all public water systems and encouraging them to consider how they may enhance monitoring for chromium-6. EPA recommends sampling at intake or well locations, at entry points to distribution, and within distribution systems. EPA suggests using enhanced analytical procedures capable of attaining a Chrome-6 detection limit as low as 0.02 ppb and a reporting limit of 0.06 ppb. The current MCL for (total) chromium is 100 ppb. For further information: [Safe Drinking Water Hotline](#), 1-800-426-4791.

STEWARDSHIP OF THE OCEAN, COASTS AND GREAT LAKES (01/24/11, [76 FR 4139](#)) The National Ocean Council (NOC) will prepare strategic action plans for the nine priority objectives identified in [EO 13547](#) "Final Recommendations." NOC is requesting input on development of these action plans for effective coastal and marine spatial planning to address conservation, economic activity, user conflict and sustainable use of the ocean, coasts and Great Lakes. EO 13547 incorporated the Final Recommendations of the Interagency Ocean Policy Task Force, and directs federal agencies to take the appropriate steps to implement them. The nine objectives are respectively: Ecosystem-Based Management; Coastal and Marine Spatial Planning; Inform Decisions and Improve Understanding; Coordinate and Support Federal, State, Tribal, local and regional management of the ocean, coasts, and Great Lakes; Resiliency and Adaptation to Climate Change and Ocean Acidification; Regional Ecosystem Protection and Restoration; Water Quality and Sustainable Practices on Land; Changing Conditions in the Arctic; and Ocean, Coastal, and Great Lakes Observations, Mapping, and Infrastructure. [Additional information](#) about the NOC, Executive Order 13547 and Final Recommendations is available.

HEXAVALENT CHROMIUM Senators Boxer and Feinstein intend to propose legislation directing EPA to issue a draft maximum contaminant level (MCL) for hexavalent chromium. The Committee on Environment and Public Works scheduled a Hearing, "Oversight Hearing on Public Health and Drinking Water Issues" for 02/02/11 on the SDWA and proposed legislation.

State Laws and Rulemaking

Alabama

Legislative Session Convenes 03/12/11; Adjourns 06/04/11



Proposed Rules

RADIATION CONTROL (ALA. ADMIN. CODE. CH. 420-3-26) ADEM has proposed amendments to rules concerning radiation control that apply to persons who possess, use, transfer, own, or acquire any source of radiation. Amendments would make the rules compatible with requirements of the US Nuclear Regulatory Commission. ADEM held a public hearing 06/14/10, and comments were due 06/25/10.

[Proposed Rule 420-3-26-.01](#)

[Proposed Rule 420-3-26-.02 \(Part 1\)](#)

[Proposed Rule 420-3-26-.02 \(Part 2\)](#)

[Proposed Rule 420-3-26-.03 \(Part 1\)](#)

[Proposed Rule 420-3-26-.03 \(Part 2\)](#)

[Proposed Rule 420-3-26-.07](#)

[Proposed Rule 420-3-26-.10](#)

Contact: James McNees, (334) 206-5391

AIR POLLUTANTS NSR ADEM has proposed to incorporate by reference changes to EPA's NSPS and NESHAPs. Other changes would revise PSD, NSR, Title V and transportation conformity rules. NESHAPs for existing stationary compression ignition reciprocating internal combustion engines would be incorporated by reference. Amendments to 335-3-14-.03 and .04 would incorporate EPA NSR requirements for PM2.5 emissions. Amendment to 335-3-14-.05 would incorporate EPA NSR regulations, to include requirements concerning determination of applicability under EPA's "NSR Reform" regulations and EPA NSR requirements for PM2.5 emissions. ADEM has proposed to modify current Title V regulations for consistency with EPA's GHG tailoring rule, to include additional thresholds of 100,000 tons per year (tpy) of GHGs for major source applicability and 75,000 tpy of GHGs as a significance threshold, based on CO₂E emissions.

STORMWATER DISCHARGES ADEM has proposed to reissue a general permit for stormwater discharges from regulated small municipal separate storm sewer systems (MS4s). The general permit authorizes stormwater discharges and certain non-stormwater discharges as defined in the general permit. The general permit requires implementation of the MS4 Phase II program under state and federal regulations. Each MS4 must develop, implement and enforce a stormwater management plan designed to reduce pollutant discharges to the maximum extent practicable using six minimum control measures to protect water quality and satisfy appropriate CWA water quality requirements. ADEM previously released a draft general permit for a 30-day public comment period that began 01/14/10. ADEM revised that draft general permit in response to comments, and accepted comments on the revised draft general permit until 06/17/10. ADEM held a public hearing, and comments were due on the revised draft general permit 07/23/10. EPA objected to the permit in comments submitted to ADEM on 08/09/10. On 11/08/10, ADEM transmitted to EPA, a proposed permit designed to satisfy EPA's objections to Alabama's 05/18/10 draft general permit. The proposed permit was modified to address three items required to satisfy EPA's objections: (1) require the MS4 to have an inspection plan as part of the Stormwater Management Plan (SWMP), and include, at least monthly, a measurable performance standard inspection of priority construction sites; (2) require the MS4 to document and maintain records of construction site inspections; and, (3) modify proposed permit implementation language of Part I. E. to replace "should" with "shall." Should there be additional concerns not expressed by EPA on which to base further objection, ADEM will request a public hearing be held on the objection.

[Draft General Permit](#)

[Fact Sheet](#)

[Public Notice](#)

Contact: Chip Crockett, (334) 271-7974

GENERAL PERMIT FOR DISCHARGES FROM CONSTRUCTION ADEM is proposing to issue General NPDES Permit AL1000000 for discharges from construction activities that result in a total land disturbance of one acre or greater, and sites that are less than one acre, but part of a larger common plan or development. Coverage under the permit is not required for discharges of stormwater associated with minor land disturbing activities (such as home gardens or individual home landscaping, repairs, maintenance work, fences and other related activities which result in minor soil erosion), normal agricultural practices and silvicultural operations. Entities may propose to operate under the general permit, if issued, by notifying ADEM and providing required documentation. After receiving such Notice of Intent, ADEM may regulate discharges under the General Permit. ADEM has tentatively determined that issuance of the General Permit is consistent with Water Quality Program regulations. For those in coastal areas, the permit is consistent with the Alabama Coastal Management Program. The General Permit was proposed 11/16/10, and comments were due 12/16/10. A public hearing was held 01/06/11.

[Permit Information](#)

[Notice of Proposed Permit](#)

[Draft General Permit](#)

[Fact Sheet](#)

[Notice of Public Hearing](#)

Contact: Russell A. Kelly, (334) 271-7714

2010 SECTION 303(D) LIST ADEM prepared the draft 2010 Section 303(d) List. Section 303(d) of the CWA requires states to identify water bodies that do not meet applicable water quality standards. These water bodies are scheduled for the development of total maximum daily loads. ADEM will revise the list if necessary, and then submit it the EPA for review. ADEM accepted public comments until 03/01/10.

[Draft List](#)

Contact: Joseph Roy, (334) 270-5635

SHIPMENTS OF HAZARDOUS AND GENERATOR WASTE ADEM is proposing that EMC adopt regulations reflecting changes made to EPA's regulations from 07/01/09 through 06/30/10. ADEM amendment would adopt the updated rule relating to transboundary shipments of hazardous waste and the Federal technical corrections and clarifications rule. EPA rules

were revised to update and clarify existing requirements: definitions and other regulatory language were added to clarify certain regulations in the existing rules. In addition, a rule has been added requiring that a generator adequately document the amount of waste being stored in tanks. Regulatory language has been added to allow a generator to petition the Department to have trivalent chromium waste excluded from regulation as a hazardous waste. The Department is also proposing to correct a number of typographical and citation errors in the existing regulations.

[Notice of Public Hearing](#)

[Proposed Rule](#)

Contact: Larry Bryant, (334) 271-7771

Florida

Legislative Session Convenes 03/08/11; Adjourns 05/06/11



Proposed Rules

COMPREHENSIVE PLANNING/FUTURE LAND USE ELEMENT (FAC 9J-5.003, .006, .010, .013, .019) The Florida Department of Community Affairs (FL DCA) has proposed amendments to Rule 9J-5 to establish the minimum criteria used when reviewing comprehensive plans to determine compliance 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, to include 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. A rule development workshop was held 09/14/10. A public hearing was held 10/25/10. Sections 003, 006, 013, and 019 were withdrawn 11/24/10. Rule development efforts are suspended until the new administration is in place in early 2011.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Notice of Withdrawal](#)

Contact: Robert Pennock, (850) 922-1735

2010 REGIONAL WATER SUPPLY PLAN SFWMD prepared a draft [2010 Regional Water Supply Plan](#). The plan includes an assessment of water supply demand and potential sources of water to meet demand over a 20-year planning period. The plan includes four volumes that correspond to four water supply regions. SFWMD held public meetings 05/06/10, 05/11/10, 05/19/10, and 05/24/10 to accept public comments. SFWMD held public meetings 06/17/10 and 06/25/10 to discuss the 2010 water supply plan and water planning issues. Comments were accepted until 07/16/10. Contact: Brian Armstrong, 352-796-4238

STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (FAC, CHAPTER 64E-6) The FL Department of Health (FLDOH) has proposed amendments to standards for onsite sewage treatment and disposal systems. The rule-making develops rules to implement provisions of Chapter 2010-205, Laws of Florida (SB 550), which requires FLDOH to administer an onsite sewage treatment and disposal system evaluation and assessment program. Proposed rules address: application for a System Construction Permit; location and installation of onsite sewage treatment and disposal systems; site evaluation criteria; system size determinations; alternative systems; septage and food establishment sludge; portable restrooms and portable or stationary holding tanks; abandonment of systems standards for construction, operation and maintenance of aerobic treatment units; construction materials and standards for treatment receptacles; construction standards for drainfield systems; permitting and construction of repairs; additive use; Department of Agriculture Soil Textural Classification System; system location, design and maintenance criteria; cesspit and undocumented system replacement and interim system use; coordinated permitting; requirements for registration; master septic tank contractors; issuance of registration certificates and renewal; standards of practice and disciplinary guidelines; certification of partnerships and corporation; applications for innovative system permits and reclassification and system construction permits, location, installation, monitoring and Fees. FLDOH held a public workshop 06/04/10 to discuss permitting and approval standards of onsite sewage treatment systems that provide treatment other than a septic tank, such as performance based treatment systems, aerobic treatment units and innovative systems. The Technical Review and Advisory Panel met 07/15/10 and 09/23/10. Public workshops were held October 12, 14, 18 and 21, 2010. A public meeting was held in December 2010. DOH is waiting for the Legislature to clarify promulgation procedures before moving forward with publication of the proposed rule.

[Notice of Public Workshop](#)

[Notice of Rule Development](#)

Contact: Gerald Briggs, (850) 245-4250

REGIONAL HAZE SIP FLDEP prepared the Regional Haze SIP revision. The proposed revision provides commitments and actions taken by the state that will affect reasonable progress from 2008 to 2018 toward attaining natural visibility conditions in designated federal "Class I areas" by 2064. It also provides for the implementation of Best Available Retrofit Technology. FLDEP held a public hearing and accepted comments until 01/28/10. FLDEP submitted the SIP revision to the EPA for review 03/19/10, and revised parts of the SIP revision in response to EPA comments. FLDEP accepted public comments until 08/18/10.

[Regional Haze SIP revision](#)

Contact: Tom Rogers, (850) 921-9554

COASTAL CONSTRUCTION PERMITS (FAC 62B-41.002, .003, .005) The FLDEP Division of Beaches and Shores has proposed amendments to existing rules to address comments from the Joint Administrative Procedures Committee. Amendments would refine criteria for coastal construction permits for coastal armoring below the mean high water line, inlet construction and maintenance, and beach restoration and nourishment. The Notice of Rulemaking was published 09/03/10. Comments were Received and answered. A public hearing was held 10/05/10, and a notice of change was filed 11/24/10; published 01/07/11. A change was made to FAC 62B-41.005 (17): If the proposed coastal construction is reasonably likely to have adverse impacts to the coastal system, then the applicant shall revise the project design to avoid or minimize those impacts to the greatest extent practicable. After all practicable revisions have been made to avoid and minimize impacts; any remaining adverse impacts shall be offset by a mitigation plan that has been proposed by the applicant. The other sections remain unchanged. FL Gov Scott suspended rulemaking through Executive Order.

[Proposed Rule](#)

[09/13/2010 JAPC Letter to DEP](#)

[09/24/2010 DEP Letter to JAPC](#)

[Notice of Change](#)

[Second Notice of Change](#)

Contact: [Rosaline Beckham](#), 850-488-7708

SOLID WASTE MANAGEMENT (FAC 62-701.100, .200, .210, .220, .300, .310, .315, .320, .330, .340, .400, .410, .430, .500, .510, .520, .530, .600, .610, .620, .630, .710, .730, .803, .900) Chapter 2010-205 of the F.A.C. includes a new requirement that all construction and demolition debris landfills be constructed with liners and leachate control systems. Chapter 2010-143, Laws of Florida, includes a new requirement that all construction and demolition debris be processed prior to disposal when economically feasible. This FLDEP rulemaking would amend the rule chapter to address the new requirements. A rule development workshop was held 09/29/10. An additional workshop is planned for January 2011.

[Notice of Proposed Rulemaking](#)

Contact: Richard Tedder, (850) 245-8735

GENERAL AND ERP PERMITS (FAC 40C-4.041, .091, .101, .201, .301, .900, FAC 40C-20.042, .900) The SFWMD has proposed rule amendments that would create new ERP permitting criteria: require, for a system that would contain irrigated landscape, golf course, or recreational areas, a water conservation plan that includes irrigation plans, use of lower quality water sources, and no prohibitions on Florida-Friendly landscaping; require, for a system that would contain irrigated landscape, golf course, or recreational areas that require a Consumptive Use Permit (CUP), the applicant concurrently apply for and obtain a CUP; clarify application processing requirements; clarify pre-application conferencing; and update statutory authority. The proposed rule amendment would require a CUP application to irrigate landscape, golf course, or recreational areas for a project that would require a 40C-4 or 40C-40 ERP to construct a system, a concurrent ERP application, and concurrent review and processing of both applications; clarify application-processing requirements; and clarify pre-application conferencing. Rule development workshops were held 09/16/10 and 10/17/10. The rule did not go before the Board at the 12/14/10 meeting. Rule development efforts have been suspended until after the new administration is in place in early 2011.

[Notice of Proposed Rulemaking](#)

Contact: Wendy Gaylord, (386) 326-3026

TITLE V AIR PERMITS (FAC 62-204, 210, 212, 213) FLDEP is proposing to amend FAC 62-204 to remove or revise obsolete provisions related to AAQS and area designations. Amendment is necessary for implementation of new NAAQS, and in preparation for expected new federally designated nonattainment areas. Proposed changes would remove excess or redundant language, delete or revise several definitions, simplify area designation rule sections to align with federal rule language, and clarify various provisions. Amendments to Chapter 62-210 213, F.A.C. would transfer general permits

for six source categories from FLDEP's Title V air general permit program into the non-Title V air general permit program: 62-213.300(1)(a): Perchloroethylene Dry Cleaning Facilities; 62-213.300(1)(b): Ethylene Oxide Sterilization Facilities; 62-213.300(1)(c): Halogenated Solvent Degreasing Facilities; and 62-213.300(1)(d): Chromium Electroplating and Anodizing Facilities. Proposed amendments would also revise several definitions, expand permitting exemption criteria, clarify when air construction and operation permits are required, clarify general permit rule language, and streamline general permit registration forms. Amendments to Chapter 62-210 212 F.A.C. incorporate the effective elements of EPA's 12/31/02 NSR reform rule into Florida's nonattainment area preconstruction review program. EPA requires FLDEP to incorporate these concepts into state rules. It is to the benefit of regulated industries in pending nonattainment areas of the state for FLDEP to have done so in advance of those areas being designated. Proposed amendments clarify related topics and definitions, and for consistency with federal requirements. They also update references to PM in the preconstruction review program from PM10 to PM2.5. A rule development workshop was held 10/20/10. FLDEP plans to wait until the new administration is in place to publish the proposed rule. FLDEP anticipates publication in early 2011.

[Notice of Proposed Rulemaking](#)

[FLDEP Summary of Proposed Amendments](#)

Contact: Terri Long, (850) 921-9556

UTILITY INSTALLATION OR ADJUSTMENT (FAC 14-46.001) FLDEP is proposing an amendment to incorporate the updated Utilities Accommodation Manual. It would establish location and manner for installation and adjustment of utility facilities on DOT rights of way, in the interest of safety and the protection, utilization and future development of such rights of way, with due consideration given to public service afforded by adequate and economical utility installations. The rule would also provide procedures for issuance of permits. A public hearing was held 04/13/10. The rule was proposed 09/10/10, and comments were due 10/01/10. A public hearing was held 11/09/10. DOT published a Notice of Change for the rule in the 11/24/10 Register. Subsections 3 and 4 will be eliminated. The rule is planned for adoption in early 2011.

[Public Meeting Notice](#)

[Proposed Rule](#)

Contact: Deanna Hurt, 850-926-0912

ORGANICS PROCESSING AND RECYCLING FACILITIES (FAC 62-709.201, .300, .305, .320, .330, .350, .460, .500, .510, .530, .550, .600, .901) FLDEP is proposing to amend registration requirements for smaller facilities that process yard trash and organic material. Amendments would update requirements for permitting facilities that compost municipal solid waste. They would also update requirements and criteria for testing and use of processed materials. The Chapter would be amended to address facilities that anaerobically digest solid waste. FLDEP will likely need at least one, if not more, technical advisory group (TAGs) to assist with review of the chapter, and how to best include other organics recycling technologies, such as anaerobic digestion. FLDEP anticipates this rule will move toward publication as a proposed rule in early 2011.

[Notice of Development of Rulemaking](#)

Contact: Francine Joyal, (850) 245-8747

ADMINISTRATIVE FINES (FAC 18-14.001-.005) FLDEP is proposing amendments that would provide for issuance of a Warning Letter instead of a Notice of Violation for unauthorized actions on state-owned submerged lands. Currently, Chapter 18-14, F.A.C., requires FLDEP to use a formal Notice of Violation to provide initial notice of unresolved violations and potential fines. Proposed amendments would streamline this process to one document that notifies the responsible party of violations and allow FLDEP to collect fines if the responsible party refuses to comply with required corrections. Proposed amendments would remove language that imposes limits on fines for first and second offenses. Amendments would also make failure to comply with an order of the Board of Trustees of the Internal Improvement Trust Fund or a condition of authorization to locate a structure or vessel on state land a rule violation. The rule was taken to FLDEP Secretary for approval 10/21/10. Since the rulemaking addresses sovereign submerged lands, the Board of Trustees must approve it before it rule can be published. FLDEP placed the rule before the Board at the 11/09/10 meeting.

[Notice of Development of Rulemaking](#)

GENERIC PERMIT FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES (FAC 62-621.300) FLDEP is revising subsection 62-621.300(1), F.A.C., Generic Permit for Discharges From Petroleum Contaminated Sites and subsection 62-621.300(2), F.A.C., Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. The two generic permits authorize discharge of ground water to surface water from specific types of contaminated and non-contaminated sites. They are used for construction related projects including removal and replacement of USTs, long- and short-term petroleum site cleanup activities, installation of underground utilities (water, sewer electrical, communications lines), and construction of large buildings with significant below-grade foundations and basements. A workshop was held on 11/08/10.

[Notice of Development of Rulemaking](#)

Contact: Shirley Shields, (850) 245-8589

CONSUMPTIVE USE PERMITS (CUP) (FAC 40C-2.101, .331, .381, .501, .900) The SJRWMD is proposing amendments that would: (1) expand modifications of CUPs by letter; (2) clarify procedures and criteria for CUP modifications (including letter modifications); (3) revise and update permit limiting conditions and repeal outdated permit conditions; (4) condense water use type categories; (5) revise and update the CUP application form; (6) adopt Water Use Record (EN-50) and Water Use Reporting (EN-51) forms; (7) define domestic use; (8) change the drought frequency used in determining the supplemental irrigation needed for agriculture from a two in 10 year drought to a one in 10 year drought; (9) define one in 10 year drought and repeal the definition of two in 10 year drought; (10) clarify requirements for supplemental irrigation models and expand the types of such models allowed; (11) clarify permit transfer criteria; (12) clarify monitoring requirements for water withdrawal quantities; (13) reduce water use reporting requirements for certain small users if they annually submit an Annual Statement of Continuing Use; and (14) clarify who must submit a water conservation plan as part of a CUP application. The rule was proposed 08/27/10. A rule development workshop was held 09/15/10, and comments were due 10/01/10. A public hearing was held 11/09/10. SJRWMD is taking public comments. The rule did not go before the Board at the 12/14/10 meeting for authorization to publish the Notice of Proposed Rule. Rule development efforts have been suspended until after the new administration is in place in early 2011.

[Notice of Development of Rulemaking](#)

Contact: Wendy Gaylord, Phone: (386) 326-3026

FEES FOR CUP AND GENERAL PERMITS (FAC 40C-1.603) The SJRWMD is proposing to charge a fee when a request for CUP modification is submitted by letter. Currently, if a letter modification request qualifies under Rule 40C-2.331, F.A.C., SJRWMD does not charge a fee for modification. As part of related proposed amendments to Chapter 40C-2, F.A.C., the scope of allowed letter modifications would be expanded. The proposed rule amendment would: (1) create a \$100 fee for letter modifications of Chapter 40C-2, F.A.C., individual CUPs; and (2) create a \$50 fee for letter modifications of Chapter 40C-20, F.A.C., standard general CUPs. The rule did not go before the Board at the 12/14/10 meeting. Rule Development Workshops are held 09/16/10 and 09/17/10. Rule development efforts have been suspended until after the new administration is in place in early 2011.

[Notice of Development of Rulemaking](#)

Contact: Wendy Gaylord, (386) 326-3026

MANATEE PROTECTION RULE (FAC 68C-22.010) The FL FWCC is considering amendments to the existing manatee protection rule for Broward County. In April 2010, at the request of the FWCC, and as provided by Section 379.2431(2)(f), F.S., Broward County established a Local Rule Review Committee (LRRC) to review and comment on a preliminary rule proposal. The LRRC met 13 times, and the FWCC received the LRRC final report in August 2010. FWCC anticipates publishing a notice of proposed rulemaking in January 2011. A negotiated rule making was conducted 11/19/10. It was considered at the 12/02/10 FWCC meeting.

[Notice of Development of Proposed Rulemaking](#)

[12/02/2010 Presentation of Recommended Changes at Commission Meeting](#)

[FWC Response to Broward County LRRC](#)

[Final Broward County LRRC Report](#)

Contact: Scott Calleson, 850-922-4330

MONROE COUNTY COMPREHENSIVE PLAN (FAC 28-20.130, .140) The FL Department of Community Affairs (DAC) is proposing to adopt a new rule for the Monroe County Comprehensive Plan. The rule would incorporate Section 380.0552 (4) requirements for annual reporting to the Administration Commission, and describe Monroe County's progress in accomplishing remaining tasks under the Work Program, as set forth in Rule 28-20.110, F.A.C. The rule would also determine whether substantial progress has been achieved for removal of the Florida Keys Area of Critical State Concern designation. The draft rule was presented to Governor and Cabinet on 12/07/10. It is approved for publication.

[Notice of Development of Rulemaking](#)

Contact: Barbara Powell, (850) 488-8466

SOLAR ENERGY INCENTIVES PROGRAM (FAC 27N-1.500) FLDEP has proposed a new chapter that would implement the Florida Renewable Energy Technologies Act, and provide for rebates for solar energy systems. The previous Solar Energy Systems Incentives Program sunset on 06/30/10. A public hearing is not yet scheduled. Comments were due 01/07/11.

[Notice of Proposed Rule](#)

Contact: Jacqueline Warr, 850-487-3800

WASTE TIRES (FAC 62-711.110, .300, .400, .500, .520, .530, .540, .550, .700, 801) FLDEP intends to offer waste tire registrations online. As a result, several minor changes will have to be made to registration requirements and forms. Clerical changes will also be required. FLDEP plans to publish the Proposed Rulemaking in January 2011.

[Notice of Proposed Rulemaking](#)

Contact: Richard Tedder, 850-245-8735

Georgia

Legislative Session Convened 01/10/11; Adjourns 04/01/11



Proposed Rules

SIP REVISION FOR THE ATLANTA PM2.5 NONATTAINMENT AREA GAEPD prepared a SIP revision for the Atlanta PM2.5 nonattainment area. The revision demonstrates attainment with the 1997 annual PM2.5 NAAQS by 04/05/13, and includes identification and description of the nonattainment area, including major PM2.5 emissions sources; identification of PM2.5 control measures needed to reach attainment; and the description of modeling that demonstrates attainment of the annual standard. GAEPD held a public hearing, and accepted comments until 05/11/10.

[Proposed SIP Revision](#)

[Public Notice](#)

Contact: James (Jac) Capp, (404) 363-7000

WATER RESOURCE ASSESSMENTS GADNR released three [Draft Water Resource Assessments](#): Groundwater Availability, Surface Water Availability and Surface Water Quality (assimilative capacity). As described in the State Water Plan, these draft assessments are evaluations of the capacity of water resources to meet demands for water supply and wastewater discharge without unreasonable impacts. GADNR expects to refine and adjust the draft assessments. The 10 regional water planning councils will use the Draft Water Resource Assessments to development management practices to meet future water demands. Contact: Arnetia Murphy, (404) 656-4157

AIR QUALITY CONTROL (RULE 391-3-1-.01, 391-3-1-.02, 391-3-1-.14) GAEPD has proposed amendments to rules for air quality control. Amendments would revise the definition of procedures for testing and monitoring sources of air pollutants; correct a numbering error; add a missing word; update incorporated standards to be consistent with federal standards; add new standards and update incorporated standards to be consistent with federal standards; and update incorporated requirements to be consistent with federal requirements. GAEPD held a public hearing 07/06/10. Comments were due 11/16/10. The Board approved this rule for final adoption at the 10/27/10 meeting. It will be sent to the Secretary of State, and become effective 20 days after that.

[Proposed Rules](#)

Contact: James Capp, (404) 363-7000

WASTEWATER DISCHARGE INTO POTWs (391-3-6-.08, -.09) GAEPD has proposed amendments to wastewater pretreatment permits for discharge of any pollutant into a publicly owned treatment works (POTWs) and then into the waters of the state. It would amend procedures and practices followed in development and submission of POTW pretreatment programs for GAEPD review, approval or denial, as well as public notification methods. The primary purpose of the proposed amendments is to comply with federal General Pretreatment Regulations for Existing and New Sources of Pollution, which establish responsibilities of government and industry to implement National Pretreatment Standards. Other proposed amendments would correct typographical errors, numerical and alphabetical inconsistencies, and clarify language and definitions, as required by EPA. The rule was proposed 08/05/09. Changes were proposed 06/23/10, and comments were due 07/23/10. Additional changes were proposed 09/22/10. A public hearing was held on 10/27/10, and comments were due 11/05/10.

[Proposed Rule and Synopsis of Proposed Amendments](#)

[Public Meeting Notice](#)

Contact: [Jamila Norman](#), 404-675-1687

SPILL REPORTING (GAC 391-3-6-.05) GAEPD proposed amendments that would modify the definition of "Major Spills," revise reporting requirements for non-major spills and amend the monitoring program protocol. The rule was proposed 09/08/10, and a public hearing was held 10/15/10. Comments were due 10/29/10. Substantial comments were received; GAEPD is reconciling them. GAEPD will then take the rule before the Board.

[Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

Contact: Marzieh Shahbazaz, (404) 675-6236

SURFACE WATER WITHDRAWAL PERMITS (GAC 391-3-6-.07) GADNR has proposed to amend procedures followed when obtaining a permit to withdraw, divert or impound surface waters of the state. Amendments would set forth information required on a permit application and outline procedures for granting, denying, revoking and modifying such permits. A public hearing was held 01/05/11, and comments were due 01/10/11.

[Notice of Proposed Rulemaking, Synopsis of Proposed Amendments, Proposed Amendments](#)

Contact: [Nap Caldwell](#), 404-463-4348

NON-STORMWATER GENERAL PERMITS (GAC 391-3-6-.15) GADNR has proposed amendments that would provide the GADNR Director discretion to allow coverage under a non-storm water general permit without submittal of a Notice of Intent (NOI), where requiring such notice would be inappropriate and federal regulations do not require such notice. The proposed rule would also address general and individual permit requirements, coverage area of a general permit, authorization to discharge, the degree of waste treatment required, notice and public participation, prohibited discharges, modification, revocation, reissuance and termination of permits. A public hearing will be held 01/18/11, and comments are due 01/31/11.

[Notice of Proposed Rulemaking, Synopsis of Proposed Amendments, Proposed Rule Text](#)

Contact: [Nap Caldwell](#), 404-463-4348

Kentucky

Legislative Session Convened 01/04/11; Adjourns 03/25/11



Proposed Rules

SOURCES OF IONIZING OR ELECTRONIC PRODUCT RADIATION The KY Department of Public Health has proposed definitions for use in 902 KAR 100, concerning radiation safety requirements for industrial radiographic operations. 902 KAR 100:10 would add 51 definitions and revise others; thus, provide clear and objective information upon which to base regulatory decisions and provide conformity with federal regulations. A public hearing on was held 01/25/11, and comments were due 01/31/11. The rule has not yet been scheduled for presentation to the Cabinet for Health and Family Services.

[Proposed Rule](#)

Contact: Jill Brown, (502) 564-7905

DISPOSAL OF RADIOACTIVE MATERIAL This regulation is being amended to clarify administrative requirements for radioactive waste manifests. It will make radioactive waste shipment criteria compatible with the federal regulations. It adds minor administrative requirements to Section 9, including requiring any licensee shipping radioactive material intended for ultimate disposal at a licensed land disposal facility to document the information required on U.S. Nuclear Regulatory Commission's Uniform Low-Level Radioactive Waste Manifest, or its equivalent, and transfer this recorded manifest information to the intended consignee. The amendment also removes the omission of naturally occurring radioactive material (NORM) and waste from the regulatory requirements. A Public Hearing on this administrative action was held on January 25, 2011, and comments were accepted until January 31, 2011. This proposed rule has not yet been scheduled for presentation to the Cabinet.

[Proposed Rule](#)

Contact: Jill Brown, (502) 564-7905

Proposed Rules

Mississippi

Legislative Session Convened 01/04/11; Adjourns 04/03/11



TOXICS MSDEQ has proposed amendments to rules governing entomological, plant pathological and weed control consultants. Amendments would delete rule language concerning the waiver of examination requirements and licenses automatically becoming invalid. The rules will become effective 20 days after filing with the Secretary of State. MSDEQ accepted comments until 05/31/10.

[Proposed Rules](#)

[Notice of Proposed Rules](#)

Contact: Tommy McDaniel, (662) 325-7763

SPRAY EQUIPMENT ON AIRCRAFT (SUBPART 3, CHAPTER 10, SUBCHAPTER 2) MSDEQ has proposed amendments to specifications for spray equipment on aircraft and methods of application. Amendments would revise provisions concerning specifications and inspection of spray equipment on aircraft for hormone-type herbicides and methods of application for hormone-type herbicides. MSDEQ accepted comments until 06/12/10.

[Proposed Amendments](#)

[Notice of Proposed Amendments](#)

Contact: John Cambell, (662) 325-8739

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. Section 303(d) of the CWA requires states to identify water bodies that are impaired by one or more pollutants. These water bodies are scheduled for total maximum daily load (TMDL) development. MSDEQ held a public hearing, and comments were due 05/11/10. MSDEQ will revise the list if necessary, and then submit to EPA. EPA commented, and the rule was scheduled to go before the Commission at the October meeting.

[Second Draft](#)

[305\(b\) Report](#)

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

GHG TAILORING RULE (APC-S-5, APC-S-6) EPA adopted the PSD and Title V GHG Tailoring Rule. The rule tailors applicability criteria that determine which GHG emission sources become subject to the PSD and Title V programs of the CAA. The rule includes two initial steps to phase in requirements. For step one, beginning 01/02/11, PSD or Title V requirements for GHG emissions will apply to sources only if the sources are subject to PSD or Title V requirements for other pollutants. For step two, beginning 07/01/11, PSD or Title V requirements for GHG emissions will apply to additional large sources. Comments were due 10/13/10. This proposed rule went before the Commission at the 10/28/10 meeting.

[Notice of Proposed Rulemaking](#) (Title V)

[Proposed Rule](#) (Title V)

[Notice of Proposed Rulemaking](#) (PSD)

[Proposed Rule](#) (PSD)

Contact: Ted Lampton, 601- 961-5573

NSPS AND NESHAPS (APC-S-1) MSDEQ proposes to adopt by reference newly promulgated federal NSPS and NESHAPS. The rule would set forth specific criteria for sources of PM, sulfur compounds and chemical emissions; new sources and provisions for hazardous air pollutants; existing hospital/medical/infectious waste incinerators; and existing commercial and industrial solid waste incineration units. The rule was proposed 09/13/10, and comments were due 10/13/10. A public hearing was held 10/13/10, and the proposed rule went before the EMC at the 10/28/10 meeting.

[Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

Contact: Ted Lampton, 601-961-5573

HAZARDOUS WASTE MANAGEMENT MSDEQ has proposed to postpone the effective date of the rule for Organic Emission Standards for Tanks, Surface Impoundments and Containers. Amendment would incorporate by reference federal regulations that implement changes regarding transboundary movement of spent lead-acid batteries, and make technical changes to correct or clarify hazardous waste regulations. The rule was proposed 07/29/10; comments were due 08/28/10. A public hearing was held 09/13/10. The rule went before the Board at the 10/28/10 meeting. It was published for comments on 11/18/10. Comments were due 12/13/10. Based on comments received, a public hearing was held 01/04/11. Revisions to proposed rule as the result of public input will be discussed at the 01/27/11 EMC meeting.

[Rulemaking Notice](#)

[Proposed Rule](#)

Contact: Jerry Banks, 601-961-5221

North Carolina

Legislative Session Convenes 01/19/11; Adjourns 08/05/11



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) NCDENR has proposed a new subchapter

to clarify existing reclaimed water rule language in order to remove unintended restrictions and facilitate use of reclaimed water. The rule would provide two separate categories for reclaimed water based upon level of treatment and intended use, and replace Fecal Coliform with E. Coli as the pathogen indicator for effluent sampling. The rule would allow additional uses of reclaimed water through wetlands augmentation and crop irrigation, and define new application requirements, design criteria and effluent standards for those new uses. The rule would also repeal existing reclaimed water rules. The rule was proposed 02/15/10, and public hearings were held March 23, 25 and 30, 2010. The comment deadline was 04/27/10. The rule was reviewed by the EMC on 11/18/10. The rule will go before the Legislature due to several objections received. NCDENR anticipates this will occur late January or early February 2011.

[Proposed Rule \(page 24\)](#)

Contact: [Jon Risgaard](#), 919-715-6167

PRETREATMENT REGULATIONS (15A NCAC 02H .0901-.0910, .0912-.0917, .0919-.0921, 15A NCAC 02H .0922)

NCDENR has proposed a new rule and amendments to pretreatment rules. Amendments would address several aspects of EPA's streamlining of the Federal Pretreatment Regulations in 40 CFR 403, to include granting North Carolina municipalities access to provisions allowing pretreatment control authorities the option to reduce sampling of extremely small industrial users. Other amendments would ensure consistency with federal regulations. Remaining amendments would ensure consistency with current Division of Water Quality (DWQ) practices, and allow flexibility of DWQ oversight of Pretreatment Programs. This includes amendments to ensure adequate communication and coordination regarding Industrial user discharges in situations where one publicly owned treatment work (POTW) sends wastewater to another POTW for treatment. New rule 15A NCAC 02H .0922 would consolidate and update adjudicatory hearing conditions to cover pretreatment civil penalties and administrative orders in addition to the adjudication of pretreatment permits already covered in an existing rule. NCDENR held a public hearing 06/17/10, and written comments were accepted until 08/02/10. The rule went before the EMC at the 11/18/10 meeting. With EMC approval, the rules will go to the RRC.

[Notice of proposed amendments \(pages 9-27\)](#)

Contact: Deborah Gore, (919) 807-6383

PSD REQUIREMENTS FOR GHGs (15A NCAC 02D .0530, .0531, .0544) NCDENR has proposed rule 15A NCAC 02D .0544 "Prevention of Significant Deterioration Requirements for Greenhouse Gases." Under federal regulations published 06/02/10, EPA defines the terms "subject to regulation," "greenhouse gases," "CO2 equivalent emissions," "emissions increase" and "significant;" establishes related thresholds; and amends the definition of "major source" relative to GHGs. The final federal Tailoring Rule regulates permitting of sources of GHG emissions in two steps. Under the final federal regulation, EPA considers GHGs subject to regulation beginning 01/02/11. North Carolina has its own approved PSD program and does not automatically assume federal tailoring provisions. Rulemaking is necessary to incorporate GHGs as a regulated pollutant, and to implement tailoring provisions to allow the Division of Air Quality to implement PSD and Title V permitting programs. On 07/15/10, EMC approved a request from NCDENR for permission to proceed to public hearing on these amendments. NCDENR is requesting waiver of the EMC's 30-day rule in order to implement these rules by the EPA deadline. The rule did not go before the EMC at the 11/18/10 meeting due to objections. Changes will be made, and EMC review is anticipated for January or February.

Proposed Rules: [15A NCAC 02D .0530](#), [15A NCAC 02D .0531](#), [15A NCAC 02D .0544](#), [15A NCAC 02D .0530 as amended](#), [15A NCAC 02D .0531 as amended](#)

Contact: Joelle Burleson, (919) 733-1474

ON-SITE WASTEWATER OPERATORS CERTIFICATION (21 NCAC 39 .0101-.0102, .0201, .0301, .0401-.0404, .0501, .0601-.0605, AND .0701-.0703) The NC Onsite Wastewater Contractor and Inspector Board adopted rules relating to certification of on-site wastewater system contractors and inspectors. Rules include definitions, levels of certification, requirements for applications, fees, examinations, initial and continuing education, issuance of certificates, renewals, disciplinary action and other matters related to the certification of contractors and inspectors. Public hearings were held 08/20/10, and 08/23/10. Written comments were accepted until 09/13/10. The rules should become effective in early 2011.

[Proposed rules \(see pages 37-41 of pdf\)](#)

Contact: Gene Young, (919) 733-2895

HAZARDOUS WASTE TRANSFER FACILITIES (15A NCAC 13A .0108, .0116-.0117) The NCDENR Division of Waste Management proposed amendments regarding hazardous waste transfer facilities. Amendments to Rule .0108(a)(1) would incorporate existing requirements from G.S. 130-295.05 for registration, notification and records retention. Amendments to Rules .0108(a)(1) and (2) would incorporate requirements for emergency preparedness and prevention, container management, records, inspections, security, emergency procedures, and additional emergency notification requirements as recommended, based on results of the study required by HB 36, adopted as Session Law 2007-107. Amendments to 15A NCAC 13A .0116 are in response to the North Carolina Legislature's Session Law 2007-107 that requires the addition

of a factor for determining inspection frequency at "Special Purpose Commercial Hazardous Waste Facilities." The additional factor concerns increase or decrease in "Sensitive Land Use" in the area surrounding such facilities. Amendments would afford greater scrutiny and oversight of North Carolina's special purpose commercial hazardous waste treatment, storage or disposal facilities. Stated changes to Rule .0116 would require Rule .0117 to be amended to include categories 4 and 5 and corresponding fees. The increase in fees is required by G.S. 130A-295.02(h), which partly states, "The Department shall establish and revise as necessary a schedule of fees to be assessed on the users of each such facility to recover the actual cost of the resident inspector program at that facility." Therefore, Rule .0117 would be amended to provide for a 50% increase in fees to recover "actual cost of the resident inspector program." The EMC held a public hearing 08/17/10, and accepted written comments until 10/01/10. NCDENR has received comments. The rule is under internal review, and NCDENR hopes to take the rule before the Public Health Commission on 02/16/11.

[Notice of proposed amendments \(see pages 99-105 of pdf\)](#)

[Proposed rule \(p. 266\)](#)

Contact: Elizabeth Cannon, (919) 508-8534

AREAS OF ENVIRONMENTAL CONCERN, WIND FACILITIES (15 NCAC .0106, .208; 07M NCAC .0401-.0403) NCDENR has proposed a rule that would detail application requirements for wind energy facilities, and include development of standards for these facilities. A "Wind Energy Facility" includes turbines, accessory buildings, transmission facilities and any other equipment necessary for operation of the 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 of energy. The rule was proposed 08/02/10, and comments were due 10/01/10. A public hearing was held 09/16/10, and comments were due 10/01/10. The Coastal Resources Commission reviewed and approved the proposal 11/18/10. The rules were reviewed by the RRC at the 01/20/11 meeting.

[Proposed Rule \(pg 212\)](#)

James Gregson, 252-808-2808

WELL CONTRACTOR CERTIFICATION (15A NCAC 27 .0101, .0110, .0301, .0401, .0410, .0420, .0430, 0440, .0510, .0601, .0702-.0704, .0801, .0810, .0820, .0830, .0840, 0901, .0910) NCDENR has proposed amendments to address duties of well contractors; certification with and without examination; certification renewal; types of certification; continuing education requirements; and procedures for disciplinary actions. Level A certification is required for geothermal well and related loop installations. Public hearings were held 01/06/11, 01/13/11 and 01/20/11. Comments are due 02/14/11. The proposed effective date is 05/01/11.

[Notice of Proposed Rulemaking \(pg 1395\)](#)

Contact: [Joanne Rutkofske](#), 919-715-9135

South Carolina

Legislative Session Convened 01/11/11; Adjourns 06/02/11



Proposed Rules

HAZARDOUS WASTE (R.61-79) SCDHEC has proposed amendments regarding hazardous waste management generator and transportation requirements. SCDHEC proposes to establish requirements for transfer facilities where manifested shipments of hazardous waste in containers are stored for more than 10 days. The rule would establish permitting and storage requirements for hazardous waste storage at a transfer facility, as well as establish financial assurance to protect the environment and the state in the event of a spill or accident act. Amendments would also remove references throughout regulations to EPA's National Environmental Performance Track Program and the analogous state program, and the South Carolina Environmental Excellence Program (SCEEP). These programs provide regulatory incentives to facilities with good compliance records that are less stringent than Federal standards. References to the SCEEP would be removed because the state cannot be less stringent than federal regulations. SCDHEC published notice of the proposed amendments 05/28/10. SCDHEC accepted written comments until 06/29/10. SCDHEC will shortly publish another Notice of Drafting, and then begin the entire rulemaking process over again. Contact: Richard Haynes, (803) 896-4070

HAZARDOUS WASTE MANAGEMENT (R.61-99) SCDHEC has proposed the repeal of R.61-99, "Hazardous Waste Management Planning." The regulation requires a "demonstration of need" before an applicant can receive a permit to establish or expand a hazardous waste management facility. This need can be demonstrated only by reference to the volume of in-state wastes. On 04/13/95, the US District Court ruled that the regulation was invalid and permanently enjoined the regulation. The Court held that R.61-99 (III) (C) discriminated against interstate commerce in violation of the Commerce Clause. The District Court ruling was upheld on appeal. SCDHEC published the Notice of Drafting 06/25/10, and ac-

cepted written comments until 07/26/10. BHEC discussed the proposed repeal at its 12/09/10 meeting, and it was to be published in the State Register on 12/24/10. SCDHEC anticipates the repeal will be adopted at the 03/10/11 BNR meeting.

[Proposed Rule](#)

Contact: Carolyn McLaughlin (803) 896-4254

SOLID WASTE MANAGEMENT (R.61-107.4) SCDHEC is drafting amendments to solid waste management rules to update, clarify and amend application, design, operation, monitoring, analytical testing, reporting and closure requirements for composting and grinding of yard trash and land-clearing debris. Distinctions between composting and grinding operations would be clarified, and requirements for temporary short-term grinding sites would be defined. Possible amendments may expand the scope of the regulation and address composting and grinding of other waste streams and mixed waste streams. Application, design, permitting, operation, monitoring, analytical testing, reporting and closure requirements would be added for these waste streams as appropriate. Storm water and leachate control requirements and procedures for prevention of fires would also be addressed for facilities. The name of the regulation would be changed to reflect the change in scope. Pilot/demonstration projects would be addressed, as well as, requirements for quality of finished compost product. SCDHEC published a Notice of Drafting 03/26/10, and accepted comments until 04/27/10. SCDHEC intends to reissue the Notice of Drafting in January 2011.

[Notice of Drafting](#)

Contact: Jana White, (803) 896-4221

PERMIT APPLICATION REVIEW (R.61-117) S.C. Code Ann. Section 44-1-165 established an Expedited Review Program within SCDHEC to provide an expedited process for permit application review. Participation is voluntary and supported by Expedited Review Fees. SCDHEC determines which project applications to review. When appropriate, the expedited review may be applied to any or all permit programs administered by SCDHEC. SCDHEC has proposed a regulation to implement provisions required by this statute. The regulation would include definitions of completeness for submitted permit applications; consideration of joint federal/state permitting activities; standards for submitted applications to advance environmental protection; and expedited process application review fees. This regulation will require legislative review. A Notice of Drafting was issued 08/28/09, and comments were due 09/28/09. Another Notice of Drafting was issued 11/26/10, and comments were due 12/27/10.

[11/26/10 Notice of Drafting](#)

Contact: Carl Richardson, (803) 896-8983

RADIOACTIVE MATERIAL (R. 61-63) SCDHEC has proposed amendments to adopt Nuclear Regulatory Commission (NRC) updated regulations. SCDHEC intends to make changes to R. 61-63, Section 274 of the Atomic Energy Act of 1954, which requires states to adopt federal regulations for compatibility. The intended action includes corrections and clarifications in Parts II and IV, requirements for medical use of radioactive material. It also provides changes to Parts I and II for exemptions from licensing, General Licenses and licensing and reporting requirements. Medical Use, Part IV, would provide clarification for Authorized User requirements. SCDHEC published the Notice of Drafting 03/26/10, and accepted written comments until 04/26/10. BHEC met 06/10/10 to request initial approval to publish a Notice of Proposed Regulation in the State Register, which would provide opportunity for public comment. BHEC met 06/10/10 and approved a Notice of Proposed Regulation. SCDHEC held a staff informational forum 07/26/10. SCDHEC held a public hearing, and accepted written comments until 09/09/10.

[Board of Health and Environmental Control 06/10/10 agenda](#)

Contact: Richard Haynes, (803) 896-4070

RADIOACTIVE MATERIAL LICENSE FEES (R. 61-30) SCDHEC has proposed amendments to revise R. 61-30, Section G(5), in order to increase fees associated with Radioactive Material Licenses. SCDHEC is required by statute (Section 13-7-45, S.C. Code) to set fees in an amount needed to fund the Agreement State Program. SCDHEC published the Notice of Drafting 03/26/10, and accepted comments until 04/26/10. BHEC met 06/10/10 and approved a Notice of Proposed Regulation. SCDHEC held a staff informational forum 07/26/10. SCDHEC held a public hearing, and accepted written comments until 09/09/10. The rule went before BHEC 11/10/10.

[Board of Health and Environmental Control 06/10/10 agenda](#)

[Proposed Rule](#)

Contact: Aaron Gantt, (803) 896-4070

SALE, RECOVERY AND DISPOSAL OF ELECTRONIC EQUIPMENT SCDHEC has proposed a new regulation to address and implement provisions of the South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act. The regulation would address responsibilities of manufacturers and retailers of covered electronic devices as defined by the Act; standards for collection and use of fees as provided for in the Act;

standards for safe, environmentally responsible recovery, recycling or disposal of discarded devices; reporting requirements; and liability issues with regard to information stored on discarded devices. The regulation would also establish violation fines. The proposed regulation will become effective no earlier than 07/01/11, and legislative review will be required. A Notice of Drafting was issued 10/22/10, and comments were due 11/22/10. Comments are due 02/28/11.

[Notice of Drafting](#)

Contact: Kent Coleman, (803) 896-4202

AIR POLLUTION AND ASBESTOS (R.61-62.1; R. 61-62.5, STANDARD 1; R. 61-62.5, STANDARD 2; R.61-62.5, STANDARD No. 4; R. 61-62.5, STANDARD 6; REGULATION 61-86.1) SCDHEC has proposed amendments to R.61-62.1 "Definitions and General Requirements" to update and correct definitions and permit requirements; R. 61-62.5, Standard 1 "Emissions From Fuel Burning Operations" to exclude the requirement for natural gas fired units to maintain a log of periods of startup and shutdown; R. 61-62.5, Standard 2 "Ambient Air Quality Standards" to remove the standard for Total Suspended Particles (TSP) and update exceedance limitation for the CO standard; R.61-62.5, Standard No. 4 "Emissions from Process Industries" to modify the regulatory strategy for cotton gins; and clarify the definition for major source threshold throughout 61-62. SCDHEC also proposes to delete R. 61-62.5, Standard 6 "Alternative Emission Limitation Options ("Bubble"). SCDHEC has also proposed amendments to Regulation 61-86.1 "Standards of Performance for Asbestos Projects" to revise Section XX.A.4 and add Section XX.J.3 to change the required frequency of building inspections for industrial manufacturing and electrical generating facilities from three to five years. SCDHEC published a Notice of Proposed Amendments 02/26/10, and accepted comments through 03/29/10. BHEC met 06/10/10 and approved a Notice of Proposed Regulation. SCDHEC held a staff informational forum, and accepted comments until 07/26/10. SCDHEC held a public hearing, and accepted comments until 10/14/10. SCDHEC intends to hold a public hearing before BHEC 02/10/11.

[Full text of regulation \(Doc #4130\)](#)

[Board of Health and Environmental Control 06/10/10 agenda](#)

Contact: Andrew Hollis, (803) 898-3432

GHG TAILORING RULE SCDHEC is discussing amendments that would adopt the federal GHG Tailoring Rule by reference. SCDHEC intended to submit required information to EPA by the 08/02/10 deadline. After EPA issues the SIP Call, SCDHEC intends to begin the rulemaking process. The first phase of requirements should be in place by the January 2011 deadline. Contact: Maeve Mason, (803) 898-2230

PHASE 2 OZONE RULE (REGULATION 61-62.5, STANDARD No. 7; REGULATION 61-62.5, STANDARD No. 7.1; SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN) Based on requirements of the federal Phase 2 Ozone Rule (70 FR 71612) and the NSR PM 2.5 Implementation Rule (73 FR 28321), SCDHEC has proposed to amend Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; R. 61-62.5, Standard No. 7.1, Nonattainment New Source Review; and the SIP. SCDHEC action on this proposal may be delayed until EPA provides final guidance. SCDHEC may also propose typographical corrections and clarifications to Regulation 61-62.5, Standard No. 7 and Standard No. 7.1, as necessary. Proposed changes are federally mandated; therefore, General Assembly review is not required. SCDHEC published the Notice of Drafting 07/23/10; written comments were accepted until 08/23/10. The proposed rule was published in the SC State Register 11/26/10, and comments were due 12/29/10. A public hearing will be held 02/10/11.

[Proposed Rule Notice](#)

Contact: Alan Hancock, (803) 898-4196

INDUSTRIAL STORM WATER PERMIT (PERMIT NUMBER SCR000000) SCDHEC is developing a revised industrial storm water general permit. The current permit was scheduled to expire 08/31/08, but will remain in effect until SCDHEC reissues it. The basis for the general permit is the EPA draft industrial storm water general permit, known as the multi-sector general permit, published in the Federal Register 12/01/05. The EPA general permit has not been reissued since 2000. In mid-2009, SCDHEC was in the middle of the stakeholder review, and had received several comments and concerns. SCDHEC accepted comments until 05/02/10, and held a public hearing on the proposed permit 05/11/10. SCDHEC is reviewing received comments during the public hearing. SCDHEC planned for the permit to become effective 10/01/10.

[Industrial Storm Water Permitting and Compliance Webpage](#)

Contact: Mel Leaphart, (803) 898-4143

WATER QUALITY (R. 61-68, 61-69) SCDHEC is drafting amendments to specific sections of Regulation 61-68 "Water Classifications and Standards," and Regulation 61-69 "Classified Waters." Section 303(c)(2)(B) of the federal CWA requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years for purposes of considering EPA's most recent numeric and narrative criteria, and to comply with recent federal regulatory revisions and recommendations. SCDHEC published a Notice of Drafting 03/26/10. SCDHEC published a

second Notice of Drafting 04/23/10, which extended the comment deadline to 05/28/10. BHEC approved this rule at the 10/14/10 meeting. Comments were due 12/29/10, and public hearing was held 01/13/11.

[Informational Website](#)

[Board of Health and Environmental Control 06/10/10 agenda](#)

Contact: Gina Kirkland, (803) 898-4355

WASTEWATER OPERATOR CERTIFICATION (R.51-1, -4, -5) SCDHEC has proposed amendments to provisions relating to wastewater operator certification, renewal of license and permit, continuing education, and operator-in-training licenses. Amendments would add biennial license renewal on or before June 30 rather than September 30, and add a 365-day period for non-renewed licenses to be considered lapsed. The rule was proposed 11/26/10, and comments were due 12/27/10. A public hearing was to be held on 01/05/11, if requested. Contact: Lenora Addison-Miles (803) 896-4675

SURFACE WATER WITHDRAWAL, PERMITTING, REPORTING (R. 61-30, 121-10, 121-12) Act 247 of 2010 substantially amended Section 49-4-10 et seq. of the 1976 Code of Laws, renaming these sections as the South Carolina Surface Water Withdrawal, Permitting, Use and Reporting Act. As authorized by the Act, SCDHEC has proposed a new regulation to implement provisions of this Act, amend Regulation 61-30 to incorporate the Safe Drinking Act fee authorized by this Act, and simultaneously repeal Regulations 121-10 and 121-12, which would become obsolete upon promulgation of the new regulation. The rule was proposed 08/27/10, and comments were due 09/27/10. The draft rule did not go before BHEC at the 12/09/10 meeting. The rule will be amended.

[Proposed Rule](#)

Contact: [Charles Gorman](#)

LABORATORY CERTIFICATION (R. 61-81) Regulation 61-81 applies to any laboratory performing analyses to determine the quality of air, drinking water, hazardous waste, solid waste, or wastewater; performing bioassays, or performing other analyses related to environmental quality evaluations to be officially submitted to SCDHEC. Regulation 61-81 has not been amended since its 01/01/81 effective date. SCDHEC is proposing to rewrite the regulation to update laboratory certification practices and standards, and incorporate changes and/or additions to assure validity and quality of data generated for compliance with state and federal regulations. Amendments would also reflect current language and references related to laboratory certification, laboratory practices and standards. Amendments were proposed 08/27/10, and comments were due 09/27/10. The first stakeholder meeting was held 10/28/10.

[Proposed Rule](#)

Contact: Carol Smith, 803-896-0992

Tennessee

Legislative Session Convened 01/11/11; Adjourns 05/31/11



Final Rules

UST OPERATOR REQUIREMENTS (TAC 1200-1-15-.1, -.3, -.16) TDEC had adopted amendments that address scope, definitions, proprietary information, notification, reporting and record keeping of the UST Program. Amendment adds a new section addressing certified operator program requirements, operator training requirements, tank owner responsibilities and retraining. Rule 1200-01-15-.01, Program Scope, Definitions and Proprietary Information, added new definitions for "Class A Operator," "Class 8 Operator," "Class C Operator," "Facility is operating," "Operator Training," "Retraining," and "UST facility." Rule 1200-01-15-.03, Notification, Reporting and Recordkeeping, added a new paragraph that states changes in Class A or B Operators shall be reported to TDEC in their web-based training database within 30 days of said change. Chapter 1200-01-15, Underground Storage Tank Program, added 1200-01-15-.16, which addresses the Certified Operator Program, Operator Designation Requirements, Operator Training Requirements, Tank Owner Responsibilities and Retraining. Amendments became effective 02/02/11.

[Final Rules](#)

Contact: Rhonda Key, 615-532-0972

GHGs AND CONSTRUCTION PERMITS (CHAPTER 1200-03-09) TDEC has adopted amendments to Chapter 1200-03-09, "Construction and Operating Permits" to include federal requirements for GHG Regulations, including the Tailoring Rule, into state regulations. EPA adopted the [PSD and Title V GHG Tailoring Rule](#), which tailors applicability criteria that determine which GHG emission sources become subject to CAA PSD and Title V programs. The rule includes two initial steps to phase in requirements. For step one, beginning 01/02/11, PSD or Title V requirements for GHG emissions will apply to

sources only if they are subject to PSD or Title V requirements for other pollutants. For step two, beginning 07/01/11, PSD or Title V requirements for GHG emissions will apply to additional large sources. The rule also adds criteria, which go into effect on 07/01/14, for additional pollutant GHGs subject to regulation. TDEC held a rulemaking hearing and accepted written comments until 09/09/10. The proposed rule was adopted at the Air Pollution Control Board 10/13/10 meeting. TDEC's Office of General Counsel, the Attorney General's office, as well as EPA Region 4 have reviewed the proposed rule. The rule was filed 11/10/10. It became effective 02/08/11.

[Proposed amendments](#)

[EPA Greenhouse Gas Tailoring Rule Fact Sheet](#)

[Blog article on EPA Tailoring Rule: 09/26/2010](#)

Contact: Lacey Hardin, (615) 532-0109

Proposed Rules

LEAD-BASED PAINT ABATEMENT (1200-1-18-1-6, 0400-13-1.1-6) TDEC has proposed amendments that would provide procedures and requirements for accreditation of lead-based paint activities and renovation training programs; outline procedures and requirements for certification of individuals and firms engaged in lead-based paint activities; and provide work practice standards for performing such activities. Amendments would repeal unnecessary provisions, and stipulate that all lead-based paint activities be performed by certified individuals and firms. OGC completed its review the week of 03/29/10. The rule was sent to the Attorney General for review and to ensure that legislative authorities are in existence and cited properly. The rule remains at the Attorney General's Office. It is anticipated that the rule will be filed with the Secretary of State by the end of January 2011. After that, it will be given an effective date that is 90 days from that log in.

[Notice of Proposed Rulemaking](#)

Contact: [Adrienne White](#), 615-532-0885

STATE ENERGY PLAN Governor Bredesen (D) issued an [EO to establish the Governor's Task Force on Energy Policy in 2008](#). The EO directed the Task Force to deliver the state energy plan to the Governor by 12/01/08. The Force is considering strategies for expanding the use of alternative fuels and renewable energy sources. The final report on recommendations has not been released. As of 05/14/10, information regarding the final report is pending confirmation of the Governor's Office. An EO for implementing some of the recommendations may accompany the report. Other recommendations may require legislation.

[Press Release](#)

[TN Dept of Economic and Community Development Office of Energy Policy](#)

Contact: Ryan Gooch, 615-741-2994

STATE SOLID WASTE REDUCTION GOALS (TAC 1200-1-7-.1, -.9, -.10) TDEC has proposed amendments to address state waste reduction goals: reduce annually, the amount of solid waste going to Class I, Class III, and Class IV landfills. The rule addresses a private sector survey that would establish a baseline index for waste reduction and recycling activities, as well as monitor change. The current waste disposal reduction goal would be deleted in its entirety. Amendments would add definitions for calculated generation, municipal solid waste, E-scrap, local government, material derived fuels and waste to energy facility/combustor. The rule did not go before the Solid Waste Disposal Control Board at the 12/07/10 meeting. There will be meetings with stakeholders in 2011 to help to shape draft language. It will likely be several months before the new rule language is drafted.

[Proposed Rule](#)

Contact: [Greg Luke](#), 615-532-0874

UST PROGRAM (TAC 1200-1-15.1-.3, .7) TDEC has proposed a rule to update UST pre-installation notification requirements. It would add a provision requiring owners installing UST systems that contain a petroleum substance blended with more than 10% alcohol products by volume, to submit documentation at least 15 days prior to commencement of installation that demonstrates the UST system is compatible with the product being stored. The rulemaking would replace the current rule regarding UST closure requirements. It would also provide forms required for submission of information. A public hearing will be held 01/20/11, and comments are due 01/26/11.

[Notice of Proposed Rulemaking](#)

Contact: Rhonda Key, 615-532-0972

Frequently Used Acronyms

ADEM – Alabama Department of Environmental Management	JCARR – Joint Committee on Administrative Regulation Review
AEPI – Army Environmental Policy Institute	LRC – Legislative Research Commission
AKO – Army Knowledge Online	MSDEQ – Mississippi Department of Environmental Quality
AQC – Air Quality Committee	NAAQS – National Ambient Air Quality Standards
ARRS – Administrative Regulation Review Subcommittee	NCDENR – North Carolina Department of Natural Resources
ASHRAE - American Society of Heating, Refrigerating, and Air-Conditioning Engineers	NEPA – National Environmental Policy Act
AST – Aboveground Storage Tank	NESHAPs – National Emission Standards for Hazardous Air Pollutants
ATDSR - Agency for Toxic Substances and Disease Registry	NMFS – National Marine Fisheries Service
BHEC – Board of Health and Environmental Control	NOAA – National Oceanic and Atmospheric Administration
BMP - Best Management Practices	NO ₂ – Nitrous Dioxide
BNR – Board of Natural Resources	NO _x – Nitrogen Oxide
CAA – Clean Air Act	NASA – National Aeronautic and Space Administration
CAIR – Clean Air Interstate Rule	NPDES – National Pollutant Discharge Elimination System
CEQ – Council on Environmental Quality	OSD – Office of the Secretary of Defense
CO - Carbon Monoxide	OREGA-S– Office of Regional Environmental and Governmental Affairs—Southern
CO ₂ – Carbon Dioxide	PM2.5 – Fine Particulate Matter
CWA – Clean Water Act	PM10 — Coarse Particulate Matter
CZMA – Coastal Zone Management Act	PROSPECT - Proponent-Sponsored Engineer Corps Training
DLA – Defense Logistics Agency	PSD – Prevention of Significant Deterioration
DOE – Department of Energy	RRC – Rules Review Commission
DoD – Department of Defense	SCDHEC – South Carolina Department of Health and Control
DOI – Department of Interior	SDWA – Safe Drinking Water Act
EIS – Environmental Impact Statement	SIP – State Implementation Plan
EO – Executive Order	SOC – Statement of Consideration
EMC – Environmental Management Commission	SO ₂ - Sulfur Dioxide
EPA – Environmental Protection Agency	SFWMD—Southwest FL Water Management District
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	
KDEP – Kentucky Department of Environmental Protection	
KEEC - Kentucky Energy and Environment Cabinet	