



The Southern Region Review



January 2010, Region 4 Edition

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

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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For additional information, please visit:
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Conferences and Training

VARIOUS DATES AND LOCATIONS: [USACE 2009 PROSPECT TRAINING](#). The PROSPECT Program provides job-related training through technical, professional, managerial and leadership courses to meet the needs of USACE and other government agencies. The catalog for the PROSPECT Program, the Purple Book, lists over 200 supporting the missions of USACE. Courses are available to federal, state or local government employees. Contact: Sandi Zebrowski, USACE, (402) 697-2562

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

VARIOUS DATES AND LOCATIONS: [NATIONAL CONSERVATION TRAINING CENTER \(NCTC\)](#). Some courses were developed for USFWS employees; most are a good match for any conservation professional. NCTC offers technical services for natural resource organizations and professionals, and can customize offerings to meet agencies' specialized needs; call (304) 876-7472.

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 fed-

eral 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.

JANUARY 12-15, TAMPA BAY, FL: [2010 NORTH AMERICAN ENVIRONMENTAL FIELD CONFERENCE AND EXPOSITION](#). The conference will feature 58 papers, presented by some of the foremost authorities in the field. Papers will discuss cutting-edge field-based technologies and methods for environmental site characterization, sampling, monitoring and remediation. The conference will offer over 100 hours of indoor workshops on topics to include direct-push technology and much more.

JANUARY 20-21, HERNDON, VA: [GREENING THE PROCUREMENT CYCLE](#). The training addresses each component of the federal green-purchasing program, including compliance with legal requirements and Federal Acquisition Regulation provisions. Students will learn different strategies on how to incorporate green principles into the procurement cycle, including acquisition, contract language and existing product resources and standards (i.e., LEED). Green accounting principles and available tools will be discussed. The course will cover implementation of a green procurement program including success stories and challenges, goals and metrics.

JANUARY 20-22, WASHINGTON, DC: [10TH NATIONAL CONFERENCE ON SCIENCE, POLICY, AND THE ENVIRONMENT: THE NEW GREEN ECONOMY](#). The conference engages people from different disciplines, sectors and perspectives in a. Conversations will focus on green economy, and how investments in green education, research and jobs can help solve the economic and environmental crises.

JANUARY 25-27, NEW ORLEANS, LA: [MARINE CORPS EXPEDITIONARY POWER & ENERGY SYMPOSIUM](#). Gain insights, access, opportunities and partners to power the Marine Corps' energy efficient vision. Power and Energy costs and dependency are posing a greater threat to national security and changing expeditionary warfare. Today the Marine Corps is deploying and seeking a wide range of solutions to lighten the load on war fighters; reduce its overall footprint in Afghanistan; lessen energy consumption and dependence on fossil fuels; and achieve greater energy efficiency in combat zones and expeditionary environments. This Symposium is about finding those solutions.

JANUARY 25-29, SHEPHERDSTOWN, WV: [BALANCING NATURE AND COMMERCE IN COMMUNITIES THAT NEIGHBOR PUBLIC LANDS](#). Teams will focus on the economics, natural resources and community character of their area and learn valuable partnership building skills. At the end of the four days, teams will leave with a specific action plan for implementing a collaborative project in their community.

FEBRUARY 4, ONLINE: [INTRODUCTION TO EO 13514](#). The session provides an overview of definitions, baseline measurements, and other requirements outlined by the new executive order.

FEBRUARY 8-10, JACKSONVILLE, FL: 2010 DoD PEST MANAGEMENT WORKSHOP: OPERATIONAL PEST MANAGEMENT, NEW CONFRONTATIONS WITH OLD FOES. This workshop will include several symposia, vendor displays, social events and an outstanding Plenary Session. Registration for the workshop is electronic. Please and complete the [online form](#). A general information page, including workshop agenda and lodging information for the Tri-Service Workshop is now available on the [Armed Forces Pest Management Board's Website](#).

FEBRUARY 10-11, PHILADELPHIA, PA: [GREEN CLEANUP SYMPOSIUM](#). Join federal decision makers and the nation's leading thinkers on green cleanup and revitalization of waste sites to discuss: The ABC's of Sustainable Reuse; Cleaning up Properties While Using Green Practices; Cutting-edge Analysis and Tools for Long-term Cleanups; Initiatives Promoting Renewable Energy on Cleanup Sites; and Ecological Revitalization at Contaminated Properties.

FEBRUARY 22-24, ALBUQUERQUE, NM: [2010 WINTER FORUM](#). The forum will focus on the leading subjects such as mission sustainment/enduring installations; defense real estate and EUL; base redevelopment and environmental management; and energy.

MARCH 2-4, ORLANDO, FL: [12TH ANNUAL INTERNATIONAL CONFERENCE ON USTs](#). See website for further information.

MARCH 7-10, DESTIN, FL: [THE SOUTHEAST RECYCLING CONFERENCE & TRADE SHOW](#). See website for further details.

MARCH 8-10, SHEPHERDSTOWN, WV: [STRATEGIC CONSERVATION PLANNING USING THE GREEN INFRASTRUCTURE AP-](#)

PROACH. This introductory course provides participants with a strategic approach for prioritizing conservation opportunities and a planning framework for conservation and development – integrating the green and the grey.

MARCH 4, ONLINE: [ENERGY 101](#). This seminar provides an introduction to energy management, including an overview of getting started and meeting sustainability purchasing requirements as outlined by Executive Order 13514.

MARCH 22-26, MILWAUKEE, WI: [NATIONAL MILITARY FISH AND WILDLIFE ASSOCIATION ANNUAL MEETING](#). See website for further information.

MARCH 24-25, PHILADELPHIA, PA: [GLOBALCON](#). Decision makers from business, industry and government must now seek integrated energy solutions that assure a secure and affordable power supply, and effective management of both energy and overall operational costs. Globalcon 2010 is designed 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 1, ONLINE: [WATER EFFICIENCY PLANNING AND IMPLEMENTATION](#). This session provides an overview of Federal water efficiency requirements with a focus on strategic planning and efficiency improvements in facilities and process water uses.

APRIL 6, GAINESVILLE, FL: [HAZARDOUS MATERIALS CHEMISTRY FOR THE NON-CHEMIST](#). The purpose of this course is to increase student knowledge regarding the terminology and behavior of hazardous materials. The chemical terms used are, for the most part, those defined and used by OSHA, DOT and EPA. This course introduces basic chemical classifications, terminology and concepts.

APRIL 11-13, PENSACOLA, FL: [2010 WILD PIG CONFERENCE](#). The International Wild Pig Conference is the only forum in the world that provides federal, state, and private stakeholders a venue to discuss biological, financial, and social implications specific to wild pig subsistence in our ecosystems. The conference will assemble experienced managers as well as those new to the wild pig industry in a professional, educational atmosphere.

APRIL 12-16, LOUISVILLE, KY: [2010 ENVIRONMENTAL MONITORING AND DATA QUALITY WORKSHOP](#). This workshop includes technical training sessions, technical presentations, Q&A, component meetings, and a poster session. Possible training categories for this workshop include Streamlining of UFP-QAPP; Systematic Project Planning; Best Practices for DoD QSM; and ARE (Incremental Sampling).

APRIL 18-20, JACKSONVILLE, FL: [THE 3RD ANNUAL WASTE-TO-FUELS CONFERENCE & TRADE SHOW](#). The trade show will provide a forum for informing the public and private sectors of the economic and environmental benefits of converting waste materials to alternative fuels such as biodiesel and ethanol as well as energy recovery. Attendees will have excellent networking opportunities and a chance to visit with exhibitors to preview the newest advances in alternative fuel production products and services. The conference is designed to attract individuals and organizations/companies nationally.

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

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

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

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

search initiatives.

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

MAY 24-26, ORLANDO, FL: 2010 NATIONAL ENVIRONMENTAL PARTNERSHIP SUMMIT. This summit team selected this location based on good hotel rates and the opportunity to host the event at a Florida state certified green hotel. The theme is Taking the Next Step for Energy, Sustainability, and a Green Economy. Draft Tracks/Topics: Sustainability Projects/Production; Addressing Climate Change include: Successes and Case Studies; Sector-Based Environmental Assistance; Environmental Policies and Regulations Update for 2009-2010; Clean Technologies: Specific Technologies and Applications; Greening Your Business; International Projects and Models; Research and New Technology; Resource Efficiency; Greening the Economy: Engaging Business and the Financial Sector; Energy Issues; Environmental Issues in Florida.

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

Studies and Reports

BIOFUEL PRODUCTION. (11/30/09, [GAO-10-116](#)) GAO has released a report that discusses the potential water requirements of increased biofuels production. Water requirements range from irrigation needed if increased amounts of corn are grown in the northern plains region for conversion to ethanol, to water used in processing and conversion of feedstock to ethanol. For further information: [Anu Mittal](#) or [Mark Gaffigan](#) at (202) 512-3841.

CLIMATE CHANGE. (12/02/09) Two recent compendiums of published climate change studies show that the impacts of climate change are happening sooner and at a greater magnitude than previously thought. The first report, "[Climate Change Science Compendium 2009](#)," was released in late September by the United Nations Environment Programme (UNEP). The second, released in late November by 26 climate researchers, is called "[The Copenhagen Diagnosis, 2009: Updating the World on the Latest Climate Science](#)." The summary from the Copenhagen Diagnosis discussed the following: surging GHG emissions; recent global temperatures demonstrate human-induced warming; rapid Arctic sea-ice decline; acceleration of melting of ice-sheets, glaciers and ice-caps; current sea-level rise underestimation; and sea-level predictions revisions.

OCEAN ACIDIFICATION. (12/10/09, [Press Report](#)) A review of existing scientific studies on ocean acidification was released at the climate change conference in Copenhagen. Intended for policy makers, the study, "[Ocean Acidification: The Facts](#)," highlights implications for marine wildlife and the health of the marine environment, and provides links to key reports on ocean acidification.

Federal Notices and Rulemaking

Clean Air Act (CAA)

GHG ENDANGERMENT FINDINGS. (12/07/09, [EPA Recent Additions](#)) The EPA administrator signed two findings regarding GHGs under section 202(a) of the CAA. The findings are a pre-requisite for finalizing the proposed GHG emission standards for light duty vehicles. The Administrator finds that the current and projected concentrations of the six key well-mixed GHGs - CO₂, methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆) - in the atmosphere threaten the public health and welfare of current and future generations. A [pre-publication version of the findings](#) is available. The [technical support document](#) discussing the basis for the findings is also available. Although it is not named in the current endangerment determination, EPA has indicated intent to evaluate black carbon (soot) as a climate forcing agent. EPA has not indicated plans to list the GHGs as criteria pollutants under the CAA and establish ambient air quality standards. EPA has remained silent on this potential regulatory approach, but has published a proposed rule addressing regulation of CO₂ under the PSD and Title V permit programs: [74 FR 55291](#), 10/27/09. For further information: Jeremy Martinich, EPA Office of Atmospheric Programs, Washington, DC, (202) 343-

2010 HCFC REGULATIONS. (12/08/09, [EPA Recent Additions](#)) EPA has published two rules that, in concert, will restrict the availability and use of HCFC (including R-22) in 2010. The [2010 HCFC Allocation Rule](#) allocates allowances for production and import of HCFCs from 2010-2014 in order to meet 2010 phasedown caps under the Montreal Protocol. This rule issues fewer HCFC-22 allocations each year between 2010-2014. The decrease reflects the declining demand projected for HCFC-22. Existing regulations allow production and import of HCFC-22 and HCFC-142b after 01/01/10, only to service equipment manufactured before 01/01/10, i.e. existing equipment. EPA is also issuing consumption and production allowances for HCFC-123, HCFC-124, HCFC-225ca, and HCFC-225cb. In addition, the allocation rule amends regulatory provisions concerning allowances for HCFC production for developing countries' basic domestic needs. The [Pre-Charged Applicants Rule](#) bans the sale or distribution (including import and export) of pre-charged air-conditioning and refrigeration products and components containing HCFC-22 or HCFC-142b, or blends containing one or both of these substances, beginning 01/01/10. The ban applies to appliances and components manufactured on or after 01/01/10, but not to appliances or components manufactured before that date. For further information: EPA, Stratospheric Ozone Hotline; Washington, DC; 1-800-296-1996; spdcomment@epa.gov.

SO₂ NAAQS. (12/08/09, [74 FR 64809](#)) EPA has proposed to establish a new 1-hour SO₂ standard within the range of 50 -100 ppb, based on the 3-year average of the annual 99th percentile (or 4th highest) of 1-hour daily maximum concentrations. EPA also proposed to revoke existing 24-hour and annual primary SO₂ standards. EPA has proposed to revise the primary SO₂ NAAQS to provide requisite protection of public health with an adequate margin of safety, based on its review of air quality criteria for SO_x and primary NAAQS for SO_x as measured by SO₂. All [documents](#) that are relevant to this rulemaking are available. Comments were due 01/05/10. A change in NAAQS would most likely result in a change of attainment status for some air quality control regions. If an installation is located in an air quality control region that is redesignated from attainment to non-attainment, there could be additional NSR, permitting and other administrative requirements. In addition, the installation could become subject to Federal Conformity requirements should the installation plan to make a change to mission or increase current activities that emit SO_x.

Climate Change and Energy

ENERGY CONSERVATION. (12/11/09, [74 FR 65851](#)) DOE is proposing amended energy conservation standards for residential water heaters (other than tabletop and electric instantaneous models), gas-fired direct heating equipment and gas-fired pool heaters. For further information: [Mohammed Khan](#), DOE Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Washington, DC, (202) 586-7892.

Clean Water Act (CWA)

STORMWATER RUNOFF. (12/08/09, [EPA Recent Additions](#)) EPA released "[Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act.](#)" The Energy EISA, Section 438 requires that federal agency facility development or redevelopment projects with a footprint that exceeds 5,000 square feet (of land area disturbance) be designed and operated in a manner that maintains or restores pre-development site hydrology, to the maximum extent technically feasible. EPA's technical guidance provides two compliance options: design such that no offsite runoff occurs up to the 95th percentile rainfall event; or conduct a site-specific hydrologic analysis to determine pre-development runoff conditions and quantify the post-development runoff rate, volume, duration and temperature to mimic pre-development conditions. The guidance discusses practices for managing runoff, provides some simplified hydrologic modeling guidance and includes some case study scenarios. The guidance also discusses what documentation should accompany a determination of technical infeasibility, and provides examples of factors that may make full attainment of the runoff objectives infeasible. For further information: [Enesta Jones](#), (202) 564-7873, (202) 564-4355.

STORMWATER. (12/28/09, [74 FR 68617](#)) EPA plans to initiate a rulemaking to establish a comprehensive nationwide program to reduce stormwater discharges from new development and redevelopment and make other regulatory improvements to its stormwater program. To address the degradation of water quality caused by stormwater discharges from impervious cover, EPA is exploring regulatory options that would strengthen the stormwater program, including establishing specific post-construction requirements for stormwater discharges from, at a minimum, new development and redevelopment. EPA is considering adopting an approach currently mandated for federal agencies that required the post-development stormwater hydrograph to be similar to the pre-development hydrograph. EPA intends to increase consistency in (locally administered) MS4 permit regulations by establishing specific requirements and standards that would apply to stormwater discharges from new development and redevelopment. In addition, implementing a nationwide regulatory program would expand the coverage area to include development occurring outside of urban areas regulated

as MS4s. EPA solicits comments on approaches for this rulemaking. EPA will hold several informal public listening sessions in January 2010. Interested individuals must register by 01/15/10 to attend. Comments are due 02/26/10. For further information: [Jonathan Angier](#), EPA Headquarters, Office of Water, Office of Wastewater Management, (202) 564-0729.

National Environmental Policy Act (NEPA)

CAMP LEJEUNE, MCAS NEW RIVER AND MCAS CHERRY POINT. (12/11/09, [74 FR 65773](#)) NEPA documentation submitted to EPA included: Final EIS, USMC, NC, U.S. Marine Corps Grow the Force at MCB Camp Lejeune, MCAS New River; and MCAS Cherry Point, To Provide the Infrastructure to Support the Permanent Increases at these three Installations, US Army Corps Section 404 and 10 Permits, City of Jacksonville, NC. Wait Period Ends: 01/11/2010, contact: Michael H. Jones 757-322-4942, EIS No. 20090416. For further information: Robert W. Hargrove; EPA, NEPA Compliance Division; (202) 564-1399, <http://www.epa.gov/compliance/nepa/>.

F-35 JOINT STRIKE FIGHTER. (12/30/09, [74 FR 69080](#)) The Air Force will prepare an EIS to assess the potential environmental impacts of establishing operational F-35 Joint Strike Fighter (JSF) aircraft at one or more existing Air Force installations within the continental US. The Air Force version of the F-35 JSF, designated F-35A, is a conventional take-off, multiple-role fighter with an emphasis on air-to-ground missions. The aircraft was designed to supplement and eventually replace legacy aircraft, as well as complement the air-to-air mission of the F-22A Raptor. At any of the alternative locations, the beddown action would involve personnel changes, facility construction and modifications, and aircraft operations. The proposed basing alternatives include: Mt. Home AFB, Idaho; Hill AFB, Utah; Burlington Air Guard Station, Vermont; Shaw AFB/ McEntire Joint National Guard Base, South Carolina; and Jacksonville AGS, Florida. For further information: Sheryl Parker, HQ ACC/A7PS, Langley AFB, VA, 757/ 764-9334.

EGLIN AFB AND HURLBURT FIELD. (12/30/09, [74 FR 69078](#)) The Air Force will prepare a Supplemental EIS for the Military Housing Privatization Initiative (MHPI) at Eglin AFB, Florida and Hurlburt Field, Florida. The fourth revision to the SEIS will describe changes in the alternative development process used to identify potential parcels of land for the MHPI, consider F-35 aircraft noise profiles, identify new alternatives resulting from this process, and identify the potential impacts to the affected environment from MHPI. For further information: [Mike Spaits](#), Public Affairs Office, Eglin AFB, FL, (850) 882-2836.

Resource Conservation Recovery Act (RCRA)

EMISSION COMPARABLE FUELS (ECF). (12//08/09, [74 FR 64643](#)) EPA has proposed to withdraw the conditional exclusion from regulations promulgated on 12/19/08 under subtitle C RCRA for ECF. These are fuels produced from hazardous secondary materials that when burned in industrial boilers under specified conditions, generate emissions comparable to those from burning fuel oil in those boilers. The conditional exclusion states that hazardous secondary materials that meet all hazardous constituent specifications applicable to comparable fuel, except concentration limits for oxygenates and hydrocarbons, and are stored and burned under prescribed conditions, are not discarded and thus, are not solid wastes. EPA has proposed to withdraw this conditional exclusion because ECF appear to be better regarded as being a discarded material and regulated as a hazardous waste. The exclusions for comparable fuel and synthesis gas fuel are not addressed or otherwise affected by this proposed rule. Comments are due 01/22/10. EPA expects that very few facilities, if any, are managing hazardous secondary materials pursuant to the ECF exclusion. The Army may want to evaluate whether facilities are using the ECF exclusion. Loss of the exclusion would cause ECF to revert to hazardous waste classification. For further information: [Mary Jackson](#); EPA, Materials Recovery and Waste Management Division; Washington, DC; (703) 308-8453.

MARINE DEBRIS. (12/21/09, [74 FR 67851](#)) NOAA's Office of Response and Restoration, National Ocean Service, is issuing guidelines to implement the Marine Debris Program (MDP) grant program. The NOAA MDP mission is to investigate and solve problems that stem from marine debris through research, prevention and reduction activities, in order to protect and conserve national living marine resources and ensure navigation safety. Federal agencies are not eligible to apply for funding through any opportunity covered by these guidelines; however, they are encouraged to work in partnership with state agencies, municipalities and community groups who may apply. The NOAA Marine Debris Program was established in 2006 by the [Marine Debris Research Prevention and Reduction Act](#). For the purposes of Act 33 U.S.C. 1951-1958 (2006) only, marine debris is defined as any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or Great Lakes. (74 FR 45555, 09/03/09). Additional information on the [Marine Debris Program](#) is available. For further information: [Sarah E. Morison](#); NOAA Marine Debris Program; Silver Spring, MD; (301) 713-2989 x120.

Safe Drinking Water Act (SDWA)

FEDERAL WATER RESOURCES PROJECTS. (12/09/09, [74 FR 65102](#)) The Council on Environmental Quality (CEQ) has issued a revised [draft](#) of the interagency Principles and Standards as the first phase in the development of uniform planning standards for federal water resources projects. The Principles and Standards document is Chapter 1 of the [Principles and Guidelines 1983](#) document. The second phase will effect the revision of the Procedures section (Chapters II through IV of the P&G 1983). The Administration has initiated the development of uniform planning standards for the development of water resources that would apply to water resources development programs and activities government-wide. Standards would apply to the traditional water resources development agencies: the Army Corps of Engineers, Bureau of Reclamation (Interior), Natural Resources Conservation Service (USDA), and Tennessee Valley Authority, and to other federal agencies for relevant projects. Comments are due 03/05/10. For further information: Terry Breyman; Council on Environmental Quality; Washington, DC; (202) 456-972, P&G@ceq.eop.gov.

Toxic Substances Control Act (TSCA)

FLAME-RETARDANT PHASE OUT. (12/17/09, [Press Release](#)) The largest US producers and importer of the flame retardant decabromodiphenyl ether (decaBDE), have announced commitments to phase out decaBDE in the US by 12/31/12, and to end all uses by the end of 2013. DecaBDE has been used in electronics, wire and cable insulation, textiles, automobiles and airplanes, and other applications. Studies have shown that decaBDE persists in the environment, potentially causes cancer and may impact brain function. DecaBDE also can degrade to more toxic chemicals frequently found in the environment and hazardous to wildlife. EPA intends to encourage the other minor importers of decaBDE to join this initiative.

State Laws and Rulemaking

Alabama

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



Final Rules

SCRAP TIRE ENVIRONMENTAL FEE. (810-8-1-.12) The Department of Revenue adopted a rule that increases the discount a tire dealer can retain for filing and paying the scrap tire environmental fee. The rule was adopted 12/02/09, and became effective 12/22/09.

[Notice of Intended Action](#)

[Final Rule](#)

Contact: [Patricia Toles](#) (334) 242-1380

NEW LICENSE FEES. (628-X-3-.03; 4-.02) The Onsite Wastewater Board adopted an amendment to clarify rules regarding obtaining a new license and applicable fees. The rule was adopted 12/02/09, and became effective 12/23/09.

[Notice of Intended Action: 628-x-3-.03](#)

[Notice of Intended Action: 628-x-4-.02](#)

[Final Rule](#)

Contact: [Mike Talley](#) (334) 269-6800

Proposed Rules

CASH FOR CLUNKERS. (810-5-1-.235; -50-.12; -75-.02) The Department of Revenue has proposed an amendment order to comply with the Consumer Assistance to Recycle and Save Program (Cash for Clunkers), and ensure that vehicles sold under this program as junk are not re-titled or registered. The rule would repeal a rule regarding notice of missing documents and title procedure for homemade trailers. The Revenue Commissioner will make the final decision as to the adoption of the rule. The Department of Revenue has taken the necessary steps to adopt the rule permanently, and anticipate the effective date will be early January 2010.

[Notice of Intended Action](#)

Contact: [Patricia Toles](#) (334) 242-1380

NSPS. (335-3-10-.01 -.03) ADEM has proposed a rule that would incorporate by reference EPA's changes to NSPS through 07/01/09, and allow EPA to delegate administrative enforcement of regulations to ADEM. A public hearing was

held on 12/09/09, and comments were due 12/11/09.

[Notice of Public Hearing](#)

[Proposed Rule](#)

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

[Proposed Rule](#)

[Public Notice](#)

HAZARDOUS WASTE. (335-14-1-.02; -2-.01 Appendix IX; -3-.01, .02, .08, .12; -4-.05; -5-.02 thru Appendix I (non seq); -6-.07, .14, Appendix I; -8-.02; -11-.02; -17-.03, -.05) ADEM has proposed an amendment that would incorporate changes to ensure consistency with State and Federal statutes, and provide clarification of state requirements for management of hazardous waste. Amendment would include provisions for permitting and closure of hazardous waste facilities. A public hearing was held, and comments were due on 12/11/09. The rules will be presented to the EMC in February for adoption with an effective date 35 days after adoption.

[Notices of Intended Action](#)

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

Florida

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



Legislation

CLEANUP, [SB 358](#). SB 358 would revise contamination notifications and require individuals who are responsible for site rehabilitation to provide notice of rehabilitation activities to specified entities. FLDEP would be authorized to pursue enforcement measures for notice requirement noncompliance, as well as recover notification costs from guilty parties.

Status: Prefiled on 10/08/09

COMPANION BILL, [HB 207](#). HB 207 would revise contamination notification provisions; require individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revise provisions relating to content of such notice; require FLDEP to provide notice to specified entities and certain property owners; authorize FLDEP to pursue enforcement measures for noncompliance; revise FLDEP notification requirements for certain public and private K-12 schools and child care facilities; require local governments to provide specified notice; and require FLDEP to recover notification costs from responsible parties.

Status: Intro: 10/9/2009; Referred to committee

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

BUILDING CODE, [SB 498](#). SB 498 would direct the Florida Building Commission, in consultation with the Department of Health, to prohibit by rule in the Florida Building Code the use of drywall that exceeds certain limits established for emissions or the content of sulfur or strontium compounds.

Status: Referred to committee

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

DRYWALL, [SB 500](#). SB 500 would create the Reactive Drywall Mitigation Act. It would prohibit a person from performing an inspection or preparing a plan for the removal of reactive drywall and/or damaged items unless that person is employed by a licensed reactive drywall mitigation business; specify prerequisites for licensure by the Department of Business and Professional Regulation as a reactive drywall mitigation business; provide for the renewal of a license; authorizes the Department to establish fees by rule for application, examination, reexamination, licensing and license renewal; specify grounds and sanctions in disciplinary actions; authorize the Department to assess costs; require the Department to adopt by rule standards for reactive drywall mitigation; and authorize the Department to approve by rule criteria for drywall mitigation courses and providers.

Status: Referred to committee

OREGA-S NOTE: Would not apply to an authorized employee of the United States who does not hold himself or herself

out for hire to the public as performing or otherwise perform reactive drywall mitigation.

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

Status: Referred to committee

OREGA-S NOTE: May involve on-going collaborative efforts with federal agencies.

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

Status: Referred to committee

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

Final Rules

WETLANDS AND SURFACE WATER. (FAC 40D-4.042) The Southwest Florida Water Management District has adopted rule revisions to provide entities with existing formal determinations that expire between 09/01/08 and 01/01/12 the option to renew the formal determination for duration of two years without a fee. The rule previously allowed the renewal of existing formal determinations for a period of five years at a reduced fee of \$250.00, provided physical conditions on the property had not changed to alter the boundaries of wetlands and other surface waters. The entity requesting a renewal is required to file its petition within 60 days prior to the existing determination's expiration. The rule was proposed 10/16/09. Comments were due 11/06/09, and the rule became effective 12/21/09.

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

Contact: [Annette Zielinski](#) (352) 796-7211, Ext. 4651

Proposed Rules

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

[Notice of Development of Rulemaking](#)

Contact: [Gerald Briggs](#)

ENDANGERED SPECIES. (FAC 68A-27.0011, .0012, .002, .0021, .003-.006) The FL FWC has proposed rules that would establish or revise rule provisions, during calendar year 2010, associated with species classified as Candidate, Endangered, Threatened and Species of Special Concern, reward programs, as well as additional rules related to endangered and threatened species as part of an ongoing effort to develop a new imperiled species listing process. Subject areas covered in the proposed rules include listing, delisting and reclassifying procedures; designation of species in categories; and prohibitions, permits and rewards associated with such species.

[Notice of Development of Rulemaking](#)

Contact: Michael Yaun (850) 487-1764

Georgia

Legislative Session Convenes 01/12/10; Adjourns 04/03/10



Legislation

CLIMATE CHANGE/GHG, HR 10. HR 10 would create a resolution establishing a Joint Study Committee for Clean Energy Technology to address climate change and reduce GHG emissions through the development of clean energy sources.

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

OREGA-S NOTE: This resolution required that a report and proposed legislation, if any, be provided by 12/31/09. Such committee activities would be monitored to understand developments and potential impacts. Potential opportunity to share information and collaborate on clean energy projects.

RENEWABLE ENERGY, SB 147. SB 147 would require each electric service provider to establish a renewable and recoverable energy sources energy portfolio standard goal of: five percent of its annual net electricity sales by 12/31/15; 10% of its annual net electricity sales by 12/31/20; 15% of its annual net electricity sales by 12/31/25; and 20% of its annual net electricity sales by 12/31/30.

Status: Introduced and referred to committee 2/12/09

OREGA-S NOTE: Potential opportunity to share information and collaborate on clean energy projects.

WASTE/CLEANUP, HB 238. HB 238 would provide for regulation of sludge and wastewater land application systems and require land application system operators to provide proof of financial ability to cover accidental clean-up costs.

Status: 1st reading 2/2/09; second reading 2/3/09

OREGA-S NOTE: Would institute a additional requirements. Organization should evaluate whether they operate such facilities.

WASTE/CLEANUP, HB 491. HB 491 would require owners or operators of any solid waste disposal facility, other than an inert waste landfill as defined in regulations or a private industry solid waste disposal facility, to assess and collect from each disposer of waste a surcharge of 75¢ per ton of solid waste disposed between 07/01/08 and 07/01/09. After 07/01/09, said surcharge would increase to \$2.25 per ton.

Status: Introduced and referred to committee 2/19/09; 2nd reading 2/24/09

OREGA-S NOTE: Increases existing fee.

AIR, HB 230. HB 230 would provide that pentachlorophenol emitted by certain facilities located near designated schools create a nuisance.

Status: Introduced and referred to the committee 1/30/09; 2nd reading 2/2/09

OREGA-S NOTE: Please contact this office if your organization has facilities that would be subject to this prohibition. This bill targets the same emissions as the following bill, but this HB 230 would merely qualify it as a nuisance under state law. The following bill, HB 531, provides environmental regulation of such and is therefore more relevant to DoD activities.

AIR, HB 531. HB 531 would prohibit facility emissions of pentachlorophenol in any amount if such facility is located within a two-mile radius of a public or private primary or secondary school building.

Status: Introduced 2/23/09, 2nd reading 2/25/09

OREGA-S NOTE: See note above.

WATER USE, HB 239. HB 239 would regulate the return of surface waters to the sources from which they were withdrawn by local government entities.

Status: Introduced and referred committee 2/2/09; 2nd reading 2/3/09

OREGA-S NOTE: This bill primarily concerns local governments; however, it could impact on-site treatment for facilities less than three acres in size.

WATER USE, HB 578. HB 578 would allow any holder of a ground water use permit who can certify a reduction in water consumed after 01/01/09, as a result of initial installation and use of meters on a ground-water system to be eligible to transfer 50% of the saved ground-water capacity to another such permit held by the same permittee, provided that 50% of the saved ground-water capacity is returned to the state.

Status: Introduced 2/26/09; 2nd read 3/3/09

OREGA-S NOTE: Could affect those installations that obtain Water Use permits; in such instances, this would be seen as

a positive measure.

LAND USE, [HB 640](#). HB 640 would provide for regional development centers to develop, promote and assist in establishing coordinated and comprehensive planning in the state; to assist local governments to participate in an orderly process for coordinated and comprehensive planning; to assist local governments to prepare and implement comprehensive plans that will develop and promote the essential public interests of the state and its citizens; and to prepare and implement comprehensive regional plans that will develop and promote the essential public interests of the state and its citizens.

Status: introduced and referred to committee 3/4/09

OREGA-S NOTE: Includes provisions for collaborating with federal agencies, but is not specific to military installations and doesn't specifically require coordination during regional planning. OREGA-S is exploring whether to offer comment on adding more affirmative requirements to coordinate planning with potentially impacted installations.

LAND USE, [SB 228](#). SB 228 would establish a 25-foot buffer along the upland boundary of all tidally influenced state waters, as measured horizontally from the landward boundary of coastal marshlands. It would also prohibit any land disturbing activities from being conducted within any such buffer.

Status: introduced and referred to committee 3/4/09; passed committee 3/5; 2nd read 3/9; 3rd read 3/12/09; passed Senate 3/12/09; House 1st read 3/12/09; referred to committee 3/17/09

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

Final Rules

MARINAS, COMMUNITY AND COMMERCIAL DOCKS. (391-2-3-.03) GADNR has added Rule 391-2-3-.03 to the Coastal Marshlands Protection Rules that establish standards and procedures to be applied by the Coastal Marshlands Protection Committee when reviewing applications for a permit to construct or modify a marina, commercial dock, or community dock on or over coastal marshlands within the estuarine area of the state. The rules were presented to the GADNR Board on 10/28/09. The Board approved and adopted the rules as presented, and the effective date was 12/07/09.

[Proposed Rule](#)

AIR QUALITY CONTROL. (GAC 391-3-1-.02) GADNR has adopted revisions to Rule 391-3-1-.02(4), "Ambient Air Standards," to correct the PM2.5 annual standards so that the number of significant digits is consistent with the federal standard; Rule 391-3-1-.02(7), "Prevention of Significant Deterioration of Air Quality," to insert an inadvertently omitted subparagraph; and Rule 391-3-1-.02(9)(b), "Emission Standards for Hazardous Air Pollutants," to update standards to be consistent with federal standards. Public hearings were held 09/29/09 and 10/28/09. Rule changes in question were adopted by the BNR on 10/28/09. Amendments were filed with the Secretary of State on 11/30/09, and they became effective 12/20/09. The next step is to file the rule changes with EPA for incorporation into Georgia's SIP.

[Public Hearing Notice](#)

[Proposed Rule](#)

Kentucky

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



Proposed Rules

WATER TREATMENT PLANTS AND DISTRIBUTION SYSTEMS. (401 KAR 8:030, 8:040, 8:100) KEEC has proposed amendments to 401 KAR 8:030, 8:040 and 8:100. 401 KAR 8:030 would establish standards for staffing and classifying water treatment plants and water distribution systems; qualifications of applicants; examination procedures; duties of the Kentucky Board of Certification of Water Treatment Plant and Water Distribution System Operators; provisions relating to the issuance and renewal of certificates; and disciplinary actions and other provisions necessary for the certification of operators. 401 KAR 8:030 was heard by the AARS Subcommittee on 12/14/09. It will go before the second committee on 01/22/10. KAR 8:040 would establish procedures for certification of commercial or water system laboratories to test for drinking water contaminants. The rule would also adopt the latest analytical techniques approved by the EPA, delete the Kentucky manual and clarify the application and certification process. 401 KAR 8:040 is on the 01/12/10 ARRS agenda, and will go before the second committee on 02/26/10. The regulation will become effective after this second committee meeting, barring a finding of deficiency. KAR 8:100 would establish design plan requirements for construction of new and expanded facilities that deliver potable water for public or semipublic use and requirements for modifications to existing facilities line replacements. The rule would also adopt the most current design guidelines for construction or

expansion of water treatment plants and distribution systems, update requirements for a professional engineer's seal on public water supply projects, incorporate application forms for submittal with projects, and reduce the number plan copies required for submittal. 401 KAR 8:100 will be filed with the LRC 1/15/10. The AARS Subcommittee is scheduled to hear the rule on 02/09/10. It will go before the second committee on 03/26/10.

[Proposed Rule](#)

Contact: Abigail Powell (502) 564-3410

WASTEWATER. (401 KAR 11:001, 11:010, 11:020, 11:030, 11:040, 11:050) KEEC has proposed amendments to 401 KAR 11:001 to establish definitions applicable to the certification of wastewater and water operators. Amendments to 11:010 would establish standards for the duties of the Kentucky Board of Certification of Wastewater System Operators and the Kentucky Board of Certification of Water Treatment and Distribution System Operators. Amendments to 11:010 would also establish criteria for approving continuing education courses for purposes of certification renewal. Amendments to 11:020 would establish standards for the performance of certified water and wastewater operator duties. Amendments to 11:030 would establish minimum qualifications for an individual to take a certification examination and define substitutions that may be used to meet minimum qualifications for certification. Amendments to 11:040 would establish standards for the classification and qualifications of certified operators and amendments to 11:050 would establish application and examination procedures. Provisions would also relate to certificate issuance, renewal, termination, reciprocity, training and disciplinary actions of water treatment and distribution operators. The ARRS reviewed changes on 12/14/09. The regulation should be reviewed this month by the House and Senate committees, and will be effective upon adoption.

[Proposed Rule 401 KAR 11:001](#)

[Proposed Rule 401 KAR 11:010](#)

[Proposed Rule 401 KAR 11:020](#)

[Proposed Rule 401 KAR 11:030](#)

[Proposed Rule 401 KAR 11:040](#)

[Proposed Rule 401 KAR 11:050](#)

Contact: Julia Kays (502) 564-0323

8-HOUR OZONE ATTAINMENT/1-HOUR OZONE MAINTENANCE AREAS. KEEC proposed a SIP revision for the following 8-hour ozone attainment/1-hour ozone maintenance areas Kentucky Portion of the Huntington-Ashland Area, Lexington Area, Owensboro Area, Edmonson County Area, and Paducah Area. The SIP revision provides the second 10-year maintenance plan. KEEC held a public hearing 01/15/08, and written comments were due 01/15/08; EPA provided comments. KEEC developed responses to the comments, and submitted the SIP revision to EPA on 05/27/08. EPA approved the SIP revision for the Huntington-Ashland Area, Lexington Area, and Edmonson County Area, and requested more information about the Paducah Area and Owensboro Area. KEEC responded to EPA's request. EPA approved the SIP revision for the Huntington-Ashland Area, Lexington Area, and Edmonson County Area on 03/25/09; however, due to an adverse comment received, EPA has withdrawn this direct final rule. Information regarding EPA approval of these revisions is pending confirmation by KDEP. Updated data was incorporated into the SIP and resubmitted to EPA for review and approval.

[Proposed SIP Revision and Attachments](#)

[Notice of USEPA approved SIP revisions 03/25/09](#)

[Notice of USEPA withdrawal of direct final rule 05/05/09](#)

Contact: John Gowins (502) 564-3999

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

[Proposed Rule](#)

Contact: George Gilbert (502) 564-6716

AIR QUALITY. (401 KAR 51:001, 51:017, 51:052) KEEC has proposed changes to amend terms relating to the attainment and maintenance of ambient air quality standards, and to amend definitions to mirror amendments made at the federal level. Changes to 401 KAR 51:017 would address the PSD of ambient air quality for major stationary sources, revise the list of major stationary sources, and remove existing standards and requirements for clean units and pollution control projects vacated at the federal level. The rule would also require major sources that emit more than 100 tons of NO_x per year to conduct an ambient air quality analysis. Amendments to 410 KAR 51:052 would establish requirements for con-

struction or modification of stationary sources within, or affecting, areas where NAAQS have not been attained. Changes would revise the list of exempted major stationary sources and the list of major sources. The rule would also remove existing standards and requirements for clean units and pollution control projects vacated at the federal level. Rules would include NO_x as a precursor for ozone. The Division of Air Quality proposed the rules on 09/14/2009; a public hearing was held 10/28/09, and written comments were accepted until 11/02/09. The rules were amended at the 11/10/09 AARS meeting.

Amended Rules:

[401 KAR 51:001](#)

[401 KAR 51:017](#)

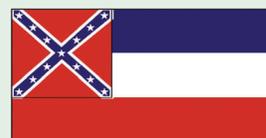
[401 KAR 51:052](#)

Contact: Laura Lund (502) 564-3999

OREGA-S NOTE: These identical ordinary administrative regulations will replace the Emergency administrative regulations (401 KAR 51:001E, 51:017E, 51:052E) that were adopted and became effective 09/14/09. These rules expire 03/03/10.

Mississippi

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



Proposed Rules

MSDEQ has proposed a rule that would amend Mississippi Groundwater Protection Trust Fund Regulations by allowing UST owners to designate response action contractors for direct payment by MSDEQ for costs incurred that were necessary, fair, and reasonable for investigation, assessment, and/or remediation of confirmed releases covered by the Trust Fund. Amendment would also increase the maximum eligible costs incurred up to \$1,500,000 for investigation, assessment, and/or remediation for each confirmed release covered by the Trust Fund. A public hearing was held on 12/01/09. The Mississippi CEQ adopted the amendments on 12/10/09. An order must be executed, the Secretary of State filing must be completed and Notice of Rulemaking must be published. Additionally, the Secretary of State filing form must be filed, and a 30-day waiting period must run before amendments are effective. Therefore, the regulations should become effective in mid- to late January, 2010.

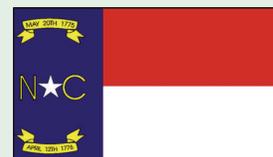
[Notice of Public Hearing](#)

[Proposed Rule](#)

Contact: [Roy Furrh](#) (601) 961-5260

North Carolina

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



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

Legislation

CLIMATE CHANGE/GHG, [SB 835](#). SB 835 would extend the [Legislative Commission on Global Climate Change](#) from 10/01/09 to 10/01/10.

Status: Introduced 3/24/09; referred to committee 3/25; referred favorable 4/ 1; passed Senate 4/7; introduced and referred to House committee 4/9/09;

OREGA-S NOTE: Activities of the Commission are being followed. Next meeting is scheduled for 01/13/10; visit hyper-link above for more information.

RENEWABLES, [NORTH CAROLINA ADVISORY SUBCOMMITTEE ON OFFSHORE ENERGY EXPLORATION – SITING CRITERIA](#). The Subcommittee met for the first time on 04/15/09 to discuss offshore oil drilling. The Subcommittee met for a second

time on 04/27/09 to discuss wind energy options; implications of coastal energy production for inshore/near shore ecosystems; managing inshore impacts of coastal energy production; and natural gas needs for North Carolina. The Advisory Subcommittee will study issues dealing with oil and natural gas exploration, as well as potential impacts of alternative offshore energy projects on the nation's energy supply, including wind, wave, ocean current and solar energies, and hydrogen production. The Subcommittee may submit an interim report on the results of this study, including any proposed legislation, to the Legislative Research Commission before the convening of the 2010 Regular Session of the General Assembly. The Advisory Subcommittee terminates upon the filing of its final report. The Subcommittee co-chairs are Dr. James Leutze of New Hanover County and Dr. Douglas N. Rader of Wake County.

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

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

Status: Introduced 3/12/09; referred to committee 3/16; reported favorably 5/5/09

OREGA-S NOTE: Would support DoD buffering efforts.

LAND USE, SB 998. SB 998 would impose a moratorium on certain actions of the Coastal Resources Commission related to temporary erosion control structures. It would also establish the Legislative Study Commission on Beach Management Issues.

Status: Introduced 3/25/09; referred to committee 3/26/09; reported favorably 05/04/09; passed Senate 5/5/09; introduced and referred to House committee 5/7/09

OREGA-S NOTE: Not expected to impact DoD operations in the near-term. Study commission's efforts should be monitored.

Final Rules

AIR EMISSIONS. (15A NCAC 02D .0408, .0540, .1104, .1402, .0711) NCDENR has proposed to amend 15A NCAC 02D .0408 to update the AAQS for lead to reflect the federal revisions to lead NAAQS. Amendments to 15A NCAC 02D .0540 would remove the phrase "from process operations" from the definition of fugitive dust emissions. Changes to 15A NCAC 02D .1104 would remove the annual Acceptable Ambient Level (AAL) and add daily and hourly AALs for Acrylonitrile. Amendments to 15 NCAC 02Q .0711 would also remove the annual AAL and add daily and hourly AALs for Acrylonitrile. Amendments became effective 01/01/10.

[Rules in the Hearing Process 10/29/09](#)

[Proposed Rule \(begins on page 161\)](#)

Contact: Michael Abraczinskas (919) 715-3473

Proposed Rules

UST LEAK DETECTION MONITORING. (23:21 NCR 2056) The NCDENR has proposed rules that would incorporate standards for operation, maintenance and testing of USTs if electronic liquid detecting sensors are used for leak detection monitoring. On 12/03/07, a petition to amend secondary containment rules for UST systems was submitted to the EMC. The petition proposed adding electronic liquid detecting sensor monitoring as an allowable method of monitoring the interstitial space of a double-walled tank for releases. NCDENR recommended that the EMC deny the petition because the proposed method does not continuously check the inner and outer walls of a double-walled tank for breaches of integrity as methods already allowed by the rules do. NCDENR contended that the proposed method is not as effective as those already allowed in detecting tank wall failures are. However, on 03/13/08, the EMC approved the petition, but requested that NCDENR prepare additional rule language to incorporate standards for operation, maintenance and testing of USTs if electronic liquid detecting sensors are used for leak detection monitoring. On 05/08/08, the EMC approved the language prepared by NCDENR and directed NCDENR to hold public hearings on the amendments. Results of the Public Hearing, along with the Hearing Officer's recommendation, were presented to the full EMC at the 11/19/09 meeting. This rule is likely to go before the Rules Review Commission in January 2010, and the earliest anticipated effective date is February 2010.

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

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

EROSION AND SEDIMENTATION SELF-INSPECTIONS. (15A NCAC 04B .0131) NCDENR has proposed an amendment that addresses the form of the records required by G.S. 113A-54.1 as being an annotated copy of the approved plan. Re-

cords would have to be initialed and dated by the inspector as erosion and sedimentation control measures are installed, or a self-monitoring form that is completed, signed and dated. It also specifies the documentation required in the records concerning the installation and maintenance of erosion and sedimentation control measures, including temporary or permanent ground cover. A public hearing will be held on 01/11/10. Comments are due 02/15/10.

[Proposed Rule](#)

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

South Carolina

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



Legislation

PERMITTING WATER USE, [HB 3577](#). HB 3577 would require that prior to constructing or installing a water intake, a proposed registered surface water withdrawer must report its anticipated withdrawal quantity to SCDHEC for determination as to whether that quantity is within the safe yield for that water source. It would also provide permitting procedures for surface water withdrawers.

Status: Introduced and referred to committee 2/19/09

PERMITTING WATER USE, [HB 4285](#). HB 4285 would provide that subject to certain exceptions, surface water withdrawals must be made pursuant to a permit, and that registered surface water withdrawers may withdraw surface water without a permit, but subject to certain restrictions. It would also authorize nonriparian use of surface water and repeals chapter 21, title 49, relating to the interbasin transfer of water.

Status: Prefiled and referred to committee 12/15/09

OREGA-S NOTE: May provide impetus to approach state officials, and other stakeholders, to evaluate opportunities for leveraging resources toward joint renewable energy proposals.

RENEWABLES, [HB 4241](#). HB 4241 would create the "South Carolina Renewable Energy Plan" to authorize the Public Service Commission to approve renewable energy projects to demonstrate the feasibility and viability of clean energy systems; provide full cost recovery for certain costs incurred by a provider for a renewable energy project; and require each municipal electric utility, each rural electric cooperative and the public service authority to develop standards for promotion, encouragement and expansion of renewable energy resources and to require reporting requirements for this information.

Status: Prefiled and referred to committee 12/15/09

CAP-AND-TRADE, [SB 944](#). SB 944 is a concurrent resolution to request the South Carolina congressional delegation to oppose cap-and-trade legislation and support legislation that encourages states to establish and develop their own renewable energy portfolio standards.

Status: Prefiled and referred to committee 12/09/09

FOOD WASTE, [HB 2055/SB 1687](#). This measure would require SCDHEC to provide planning models for relocating, hauling, composting, or other processing of yard waste and food waste, and to submit a report to the House Conservation and Environment Committee and the Senate Environment, Conservation, and Tourism Committee by 12/01/10.

Status: HB 2055 introduced 02/05/09 and referred to committee 03/02/09; SB 1687 introduced 02/12/09 and referred to committee 08/18/09

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

Proposed Rules

AIR POLLUTION CONTROL. (R. 61-62.96) SCDHEC is proposing to amend South Carolina Air Pollution Control Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP. Specifically, SCDHEC proposes to amend R.61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program General Provisions. Proposed amendments will be necessary to meet EPA standards. Comments were due 10/26/09. A public hearing was held on 11/18/09.

[DHEC Website](#)

[Notice of Drafting](#)

Contact: [Alan Hancock](#)

Tennessee

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



Proposed Rules

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

[Rulemaking Notice](#)

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Frequently Used Acronyms

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