



The Southern Region Review



June 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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Hot Topics

FINAL GHG TAILORING RULE: (EPA Press Release, 05/13/10) The U.S. Environmental Protection Agency (EPA) announced a final rule to address greenhouse gas (GHG) emissions from the largest stationary sources, while shielding millions of small sources of GHGs from Clean Air Act permitting requirements. The phased-in, common-sense approach will address facilities like power plants and oil refineries that are responsible for 70 percent of the greenhouse gases from stationary sources that threaten American's health and welfare.

"After extensive study, debate and hundreds of thousands of public comments, EPA has set common-sense thresholds for greenhouse gases that will spark clean technology innovation and protect small businesses and farms," said EPA Administrator Lisa P. Jackson. "There is no denying our responsibility to protect the planet for our children and grandchildren. It's long past time we unleashed our American ingenuity and started building the efficient, prosperous clean energy economy of the future."

EPA's phased-in approach will start in January 2011, when Clean Air Act permitting requirements for GHGs will kick in for large facilities that are already obtaining Clean Air Act permits for other pollutants. Those facilities will be required to include GHGs in their permit if they increase these emissions by at least 75,000 tons per year (tpy).

In July 2011, Clean Air Act permitting requirements will expand to cover all new facilities with GHG emissions of at least 100,000 tpy and modifications at existing facilities that would increase GHG emissions by at least 75,000 tpy. These permits must demonstrate the use of best available control technologies to minimize GHG emission increases when facilities are constructed or significantly modified.

Under the new emissions thresholds for GHGs that begin in July 2011, EPA estimates approximately 900 additional permitting actions covering new sources and modifications to existing sources would be subject to review each year. In addition, 550 sources will need to obtain operating permits for the first time because of their GHG emissions.

In April 2010, EPA set the first national GHG tailpipe standards for passenger cars and light trucks. When GHG emissions limits for these vehicles go into effect in January 2011, EPA is also required to address GHG emissions from stationary sources under the Clean Air Act's permitting programs, which it is doing in the plan outlined today.

The final rule addresses a group of six greenhouse gases: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

EPA issued a proposed rule in October 2009 and held a 60-day public comment period. The agency received about 450,000 comments, which were carefully reviewed and considered during the development of this final rule.

DoD AND CLEAN ENERGY: (04/21/10, [PRESS RELEASE](#)) Pew Charitable Trusts has issued a report entitled, "[Re-energizing America's Defense; How the Armed Forces Are Stepping Forward to Combat Climate Change and Improve the U.S. Energy Posture.](#)" The report provides a brief overview of the rationale and direction of DoD efforts on advanced energy strategies and technologies. In February 2010, DoD issued "[Quadrennial Defense Review](#)" that addresses the national security challenges presented by climate change and current energy posture. Climate change may hasten instability and conflicts by threatening water and food supplies, placing burdens on militaries around the world and energy (especially liquid fuels). DoD accounts for nearly 80% of the US government's total energy consumption, 75% of which are liquid fuels that power aircraft, ships, combat vehicles and forward-deployed generators. Some of DoD's initiatives include: reducing facility energy intensity, the energy used per unit of activity, by three percent annually below 2003 levels by 2015; investing in the "Great Green Fleet," electric vehicles and other ways of cutting dependence on oil and coal; and producing additional shore-based energy requirements from alternative sources (wind, solar, and geothermal). For further information: The PEW Charitable Trusts, Washington, D.C., 202-552-2000, www.pewtrusts.org.

Conferences and Training

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

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

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

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

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

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

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

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

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

ANYTIME ONLINE: [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.

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

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

JUNE 22-24, RICHMOND, VA: [ASSOCIATION OF THE US ARMY INSTITUTE OF LAND WARFARE \(ILW\) 2010 SUSTAINMENT SYMPOSIUM AND EXHIBITION](#). The AUSA ILW Army Sustainment Symposium and Exposition welcomes all AUSA members, employees or consultants of AUSA Member companies, military and civilian government personnel, invited guests, and non-members that are interested or have an identifiable relationship with AUSA or the United States Army.

JULY 16-20, RENO, NV: [NATIONAL ASSOCIATION OF COUNTIES ANNUAL CONFERENCE](#). See website for further information.

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

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

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

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

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

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

AUGUST 15-18, DALLAS, TX: [GOVENERGY 2010](#). Join federal employees and energy industry professionals on the frontier of federal energy management. GovEnergy continues to foster education and encourage the best application of practices, products, and services as they relate to energy efficiency, renewable energy and water efficiency within the federal sector. Participants will attend training sessions, discover financial and technical resources, explore energy-saving technologies and meet energy experts.

AUGUST 22-26, CLEMSON UNIVERSITY, SC: [ENVIRONMENTAL EFFECTS OF NANOPARTICLES AND NANOMATERIALS 2010](#).

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

AUGUST 24-26, BIRMINGHAM, AL: [GREEN BUILDING FOCUS CONFERENCE AND EXPO](#). The expo will bring thought leaders from global markets to join leading US experts on the topic of sustainable development in order to educate regional built environment professionals as well as government officials and interested investors on the latest international trends, techniques, technologies and materials in green building. Thirty-two practical, case-study based presentations and breakout sessions will be complemented by an exhibition of more than 200 green building products and services.

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

SEPTEMBER 22-24, BURNS, TN: [TENNESSEE POLLUTION PREVENTION CONFERENCE](#). TDEC is helping all citizens do their part for our shared environment through the Tennessee Pollution Prevention Partnership (TP3). This network of Tennessee households, schools, government agencies, organizations, businesses, and industries demonstrates that pollution prevention protects the environment, saves money, and improves communities.

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

NOVEMBER 30-DECEMBER 2, WASHINGTON, DC: [SERDP AND ESTCP ANNUAL TECHNICAL SYMPOSIUM AND WORKSHOP](#): The event is sponsored by the Strategic Environmental Research and Development Program (SERDP), DoD's environmental science and technology program, and the Environmental Security Technology Certification Program (ESTCP), DoD's environmental technology demonstration and validation program. Attendees will have numerous opportunities to network with approximately 1,100 environmental professionals from the defense user and regulatory communities. The comprehensive technical program will feature 14 technical sessions and three short courses. Technical sessions will highlight research and innovative technologies that assist DoD in addressing environmental and mission sustainability challenges. Short courses will provide training opportunities on select technologies and methods in environmental restoration and munitions response. All poster abstracts are due 07/30/10. The hotel room block and a preliminary agenda are also available. Symposium registration will be available no later than 07/21/10. If you have questions, please e-mail partners@hgl.com or call the Symposium contact line at 703-736-4548.

Announcements

DOE SEMIANNUAL UNIFIED AGENDA: (04/26/10, [75 FR 21778](#)) The DOE has prepared and made available its portion of the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions. The agenda is a Government-wide compilation of upcoming and ongoing regulatory activity taking place over the next 12 months, including a brief description of each rulemaking and a timetable for action. The agenda also includes a list of regulatory actions completed since publication of the last Agenda. DOE's portion of the Agenda includes regulatory actions called for by the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, and programmatic needs of DOE offices.

DOT SEMIANNUAL UNIFIED AGENDA: (04/26/10, [75 FR 21840](#)) The DOT has prepared and made available its portion of the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions. The agenda provides the public with information about the DOT's regulatory activity. The regulatory agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the DOT. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the DOT's regulatory activity. The public is invited to submit comments on any aspect of this agenda. For further information: Neil R. Eisner, DOT, (202) 366-4723.

EPA SPRING 2010 REGULATORY AGENDA: (04/26/10, [75 FR 21872](#)) EPA announces two agendas: The Semiannual "Regulatory Flexibility Agenda," which refers to a document that contains information about regulations that may have a

significant impact on a substantial number of small entities. The Regulatory Flexibility Agenda is published in the Federal Register because of a requirement of the Regulatory Flexibility Act. The Semiannual Regulatory Agenda, which is published online (the e-Agenda) at www.reginfo.gov. It updates the public about regulations and major policies currently under development; reviews of existing regulations and major policies; and rules and major policy makings completed or canceled since the last agenda. For further information: [Phil Schwartz](#), EPA, (202) 564-6564.

Studies and Reports

CO₂ EMISSIONS DECLINE: (05/06/10) DOE, Energy Information Administration, [reported](#) that energy-related CO₂ emissions in the US declined in 2009 by 405 million metric tons or seven percent from the previous year. The decline is attributed to a combination of decreased economic output, increased efficiency in energy use and increased use of less carbon intensive forms of energy. A [summary](#) by Environmental News Network is available.

Federal Notices and Rulemaking

Clean Air Act (CAA)

LEAD EMISSIONS FROM PISTON-ENGINE AIRCRAFT USING LEADED AVIATION GASOLINE: (04/28/10, [75 FR 22440](#)) EPA is issuing an Advance Notice of Proposed Rulemaking (ANPRM) to describe information currently available and information being collected to be used by the Administrator to issue a subsequent proposal regarding whether, in the Administrator's judgment, aircraft lead emissions from aircraft using leaded aviation gasoline (avgas) cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. This ANPRM describes and requests comment on data available for evaluating lead emissions, ambient concentrations and potential exposure to lead from continued use of leaded avgas in piston-engine powered aircraft. EPA also describes and requests comment on additional information being collected that will inform any future action. This ANPRM is being issued to further respond to a petition submitted by Friends of the Earth (FOE) in 2006. Emissions of lead from piston-engine aircraft using leaded avgas comprise approximately half of the national inventory of lead emitted to air. There are almost 20,000 US airport facilities where leaded avgas may be used. EPA has long-standing concerns regarding exposure to lead, particularly during childhood. The most recent review and revision of the NAAQS for lead, promulgated in 2008, found that serious health effects occur at much lower levels of lead in blood than previously identified. The review did not identify a safe level of lead exposure. The Army operates piston-engine aircraft. Therefore, any restriction on use or availability of leaded aviation gasoline could potentially impact the Army. EPA may not be aware of impacts to the military as the FR states on page 22453 that "Few military aircraft are piston-engine powered and consume leaded avgas." At this early stage in the rulemaking process, it is an opportune time to assess whether impacts are expected to be significant and to coordinate with EPA if indicated. Comments are due 06/28/10. For further information: [Marion Hoyer](#), (734) 214-4513.

GHG REPORTING: (04/30/10, [75 FR 22699](#)) Because EPA received comments which could be construed as adverse, they are withdrawing the 03/16/10 Direct Final Rule to amend the general provisions for the Mandatory GHG Reporting Rule. The effective date of withdrawal was 04/30/10. For further information: Carole Cook, EPA, (202) 343-9263 or GHGReportingRule@epa.gov.

PROPOSED CONSENT DECREE: (05/06/10, [75 FR 24946](#)) Under a proposed consent decree, EPA has agreed to take final action no later than 04/29/11 on SIP submittals for 1997 8-hour ozone NAAQS. The agreement includes the states of, Alabama, Kentucky, Mississippi, and South Carolina. For further information: Geoffrey L. Wilcox, EPA Office of General Counsel, Washington, DC, (202) 564-5601, branning.amy@epa.gov.

GHG EMISSION STANDARDS: (05/07/10, [75 FR 25323](#)) EPA and the National Highway Traffic Safety Administration (NHTSA) have finalized standards for light-duty motor vehicles to reduce GHG emissions and improve fuel economy. These standards will apply to passenger cars, light-duty trucks and medium-duty passenger vehicles, covering model years 2012 through 2016. This action affects companies that manufacture or sell new light-duty vehicles, light-duty trucks and medium-duty passenger vehicles, as defined under EPA's CAA regulations, and passenger automobiles (passenger cars) and non-passenger automobiles (light trucks) as defined under NHTSA's Corporate Average Fuel Economy regulations. For further information: [Tad Wysor](#), EPA Office of Transportation and Air Quality, Ann Arbor MI, 734-214-4332.

OZONE-DEPLETING SUBSTANCE SUBSTITUTES: (05/10/10, [75 FR 25799](#)) EPA has proposed to list isobutane, propane, HCR-188C, and HCR-188C1 as "acceptable, subject to use conditions," substitutes for chlorofluorocarbon (CFC)-12 and hydrochlorofluorocarbon (HCFC)-22 in household refrigerators, freezers and combination refrigerator and freezers and commercial refrigeration (retail food refrigerators and freezers--stand-alone units only). The [list of acceptable substitutes](#)

is available. Comments are due 07/09/10. For further information: [Monica Shimamura](#); EPA, Office of Atmospheric Programs; Washington, DC; 202-343-9337.

PSD AND NSR: (05/18/10, [75 FR 27643](#)) EPA is delaying the effective date of the final rule titled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation." This final rule for "aggregation" is subject to a petition for review and has not become effective. On 01/15/09, EPA issued a final rule amending the PSD and nonattainment NSR regulations that implement the definition of "modification" in CAA section 111(a)(4). The amendments addressed when a source must combine ("aggregate") nominally-separate physical changes and changes in the method of operation for the purpose of determining whether they are a single change under NSR and result in a significant emissions increase. The amendments retained the existing rule language for aggregation, but interpreted that rule text to mean that sources and permitting authorities should combine emissions when activities are "substantially related." It also adopted a rebuttable presumption that activities at a plant can be presumed not to be substantially related if they occur three or more years apart. The effective date, already delayed twice, is further delayed (indefinitely) until such time as the proceeding for judicial review of this document is completed. EPA will publish a document in the Federal Register announcing the effective date once the delay is no longer necessary. For further information: David J. Svendsgaard, EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC, (919) 541-2380.

Climate Change and Energy

ENERGY EFFICIENCY: (05/07/10, [75 FR 25121](#)) DOE intends to expand and revise its existing energy efficiency enforcement regulations for certain consumer products and commercial and industrial equipment. The scope includes standards for energy and water use efficiency. DOE intends to issue a proposed rule, and is requesting comment on the general approach to certify manufactured energy-using products meet DOE standards. DOE asks general questions such as whether use of third party certification should be continued, and the required frequency of certification or recertification upon model changes. Comments are due by 06/07/10. For further information: [Richard Karney](#), DOE Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Washington, DC, 202-586-9449.

ALTERNATIVE FUEL CONVERSIONS: (05/26/10, [75 FR 29696](#)) EPA is proposing to simplify the process by which manufacturers of clean alternative fuel conversion systems may demonstrate compliance with vehicle and engine emissions requirements. EPA is proposing to revise the regulatory criteria for gaining an exemption from the CAA prohibition against tampering for the conversion of vehicles and engines to operate on a clean alternative fuel. Under existing EPA regulations, an exemption from the tampering prohibition may only be granted to vehicles and engines covered by a certificate of conformity. Proposed revisions would create additional compliance options beyond certification that would protect manufacturers of clean alternative fuel conversion systems against a tampering violation, depending on the age of the vehicle or engine to be converted. The new options would alleviate some economic and procedural impediments to clean alternative fuel conversions, while maintaining environmental safeguards to ensure acceptable emission levels from converted vehicles are sustained. This proposed rule may be of general interest to the Army because EO 13514 promotes the use of alternative fuels. If finalized, the rule could facilitate conversion of fleet vehicles to alternative fuels as an alternative to vehicle replacement. Comments are due 07/23/10. For further information: [Amy Bunker](#), EPA, (734) 214-4160.

TRANSFORMATION OF OUR NATION'S FLEET OF CARS AND TRUCKS: (05/26/10, [75 FR 29399](#)) The Administrators of EPA and NHTSA are working on rulemaking under the CAA and the EISA to establish fuel efficiency and GHG emissions standards for commercial medium- and heavy-duty vehicles beginning with model year 2014. The goal is to issue a final rule by 07/30/11. The measure requests that Administrators of EPA and NHTSA develop a coordinated national program under the CAA and EISA to improve fuel efficiency and to reduce GHG emissions of passenger cars and light duty trucks of model years 2017-2025. This also requires the EPA Administrator to review for adequacy the current non-GHG emissions regulations for new motor vehicles, new motor vehicle engines and motor vehicle fuels, including tailpipe emissions standards for NO_x and air toxics, and sulfur standards for gasoline.

FEDERAL BUILDINGS: (05/28/10, [75 FR 29933](#)) DOE's Federal Energy Management Program (FEMP) announces the publication of a notice of proposed rulemaking (NOPR) for sustainable design of federal buildings. The NOPR addresses requirements found in Section 109 of the Energy Policy Act of 2005 and Section 433 of the Energy Independence and Security Act (EISA) of 2007 that require: all new federal buildings use sustainable design principles for siting, design, and construction, if life-cycle cost-effective; some new federal buildings and federal buildings undergoing major renovation use sustainable design principles for siting, design, and construction (with the "some" referring to public buildings and buildings that cost more than \$2.5 million in 2007 dollars); all new federal buildings shall use solar hot water for 30% of their hot water load, if life-cycle cost-effective. The NOPR also contains direction to agencies for identification of an appropriate green building rating system for agency use, should an agency wish to have their buildings rated. The NOPR

invites public comment on a wide variety of topics related to sustainable design. The NOPR updates existing federal building energy efficiency standards found in 10 CFR 433 for federal commercial and high-rise multi-family residential buildings and 10 CFR 435 Subpart A for federal low-rise residential buildings.

National Environmental Policy Act (NEPA)

DEEPWATER EXPLORATORY DRILLING: (05/17/10, [Press Release](#)) Defenders of Wildlife and the Southern Environmental Law Center have filed suit challenging the Minerals Management Service practice of issuing permits for deepwater exploratory drilling in the Gulf of Mexico without environmental (MMS) review. MMS has considered issuance of such permits to be eligible for categorical exclusion from NEPA review.

Toxic Substances Control Act (TSCA)

PACKAGES INTENDED FOR TRANSPORTATION BY AIRCRAFT: (05/14/10, [75 FR 27273](#)) PHMSA proposes to amend requirements in the Hazardous Materials Regulations to enhance the integrity of inner packagings or receptacles of combination packagings that contain liquid hazardous material by ensuring they remain intact when subjected to reduced pressure and other forces encountered in air transportation. In order to substantially decrease the likelihood of a hazardous materials release, proposed amendments: prescribe specific test protocols and standards for determining whether an inner packaging or receptacle is capable of meeting the pressure differential requirements specified in the regulations and, consistent with the 2011-2012 edition of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Aircraft (ICAO Technical Instructions), require closures on all inner packagings containing liquids within a combination packaging to be secured by a secondary means or, under certain circumstances, permit the use of a liner. Army ships hazardous materials. Information in the rule, if finalized, may be relevant to Army hazardous material training programs. For further information: Michael Stevens, PHMSA, (202) 366-8553.

LEAD-BASED PAINT: (05/06/10, [75 FR 25037](#)) EPA is proposing revisions to work practices and post-renovation clearance standards of the 2008 Lead Renovation, Repair and Painting Program (RRP) rule. This proposal includes additional requirements to ensure that lead-based paint hazards generated by renovation work are adequately cleaned after renovation work is finished and before the work areas are re-occupied. EPA is proposing to require dust wipe testing to regulatory clearance levels after many renovations involving demolition or removal of plaster through destructive means, or using machines such as power sanders or abrasive blasters. In an agreement with the Sierra Club, EPA has not committed to a specific outcome, but has committed to consider lowering the lead dust clearance levels. The Sierra Club petition requested EPA lower the clearance levels to 10 (from 40) micrograms per square ft for floors, and to 100 (from 250) micrograms per square ft for window sills. The proposed rule also contains other work practices, including a requirement to use vertical containment for exterior renovation near adjacent properties. Comments are due by 07/06/10. For further information: [Cindy Wheeler](#), EPA Office of Pollution Prevention and Toxics, Washington, DC, (202) 566-0484.

LEAD-BASED PAINT: (05/06/10, [75 FR 24848](#)) EPA has announced intent to develop regulation addressing renovation, repair and painting of public and commercial buildings that may generate lead-based paint hazards. EPA intends to propose lead-safe work practices and other requirements for renovations to the exteriors of public and commercial buildings. EPA will determine whether lead-based paint hazards are created by interior renovation, repair and painting projects in public and commercial buildings. For those renovations in the interiors of public and commercial buildings that create lead-based paint hazards, EPA will propose regulations to address the hazards. In an agreement with the Sierra Club, EPA committed to issue a proposed rule addressing renovations or building exteriors by 12/15/11, and a final rule by 07/15/13. The agreement also commits EPA to evaluate risk posed by renovations of building interiors, to consider lowering lead dust hazard standards and to consider revising the definition of lead-based paint. Lead based paint is currently defined as 0.5 percent lead by weight. EPA has not committed to a timetable or outcome of this review, but was requested by petition to lower the definition to 0.06 percent lead by weight. EPA requests comments and information on a number of specific issues, including the appropriate definition of public and commercial buildings. EPA appears inclined to define public and commercial buildings broadly and to not limit these to buildings constructed before 1978. EPA also asks comment on other areas and for available data on topics including the types, sizes and ages of buildings, and the prevalence of leaded paint, work practices used for maintenance of these buildings and practices for cleanup, handling and disposal of lead-contaminated waste. Comments are due by 07/06/10. For further information: [Hans Scheifele](#), EPA Office of Pollution Prevention and Toxics, Washington, DC, (202) 564-3122.

LEAD-BASED PAINT: (05/06/10, [75 FR 24802](#)) EPA has issued a final rule revising the Lead Renovation, Repair and Painting Program (RRP). EPA is eliminating the "opt-out" provision. EPA is also requiring renovation firms to provide a copy of records demonstrating compliance with training and work practice requirements of the RRP rule to the owner and, if different, occupant of the building being renovated or the operator of the child-occupied facility. In addition, the rule

makes minor changes to the certification accreditation and state authorization requirements. This final rule is effective 07/06/10. For further information: [Marc Edmonds](#), EPA Office of Pollution Prevention and Toxics, Washington, DC, (202) 566-0758.

State Laws and Rulemaking

Alabama

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



Proposed Rules

RADIATION CONTROL: (Ala. Admin. Code. ch. 420-3-26) ADEM has proposed amendments to rules concerning radiation control. The rules would apply to persons who possess, use, transfer, own, or acquire any source of radiation. The amendments would make the rules compatible with the requirements of the US Nuclear Regulatory Commission. ADEM will hold a public hearing 06/14/10, and comments are 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

SOLID WASTE PROGRAM: (Ala. Admin. Code 335-13) ADEM adopted and proposed amendments to the solid waste program rules to implement the Solid Waste and Recyclable Materials Management Act. Major provisions of the act authorize fees to fund the solid waste management program; establish a trust fund for the investigation, clean-up and closure of unauthorized dumps; establish a trust fund for a grant program to encourage local government waste reduction and recycling efforts; and require ADEM to adopt rules to establish a statewide waste reduction goal and reporting requirements to allow ADEM to evaluate statewide efforts to reach the goal. Other provisions authorize ADEM to adopt rules to require operator certification within two years; require post-closure permitting for closed landfills; and regulate composting and recycling facilities. The act requires ADEM to publish a biennial report on the implementation of the Act. ADEM is conducting a rulemaking to clarify existing requirements regarding the closure of unauthorized solid waste dumps and establish the registration, recordkeeping, reporting, and facility design and operation requirements necessary for facilities engaged in the receipt, storage, and processing of recyclable materials at the point where these materials are initially diverted from the solid waste stream. Amendments to Chapter 335-13-1 would reflect changes and additions to the definitions included in the act, and clarify existing requirements regarding closure of unauthorized solid waste dumps. ADEM has proposed new Chapter 335-13-3 to establish registration, recordkeeping, reporting, and facility design and operation requirements necessary for facilities engaged in receipt, storage and processing of recyclable materials at the point where these materials are initially diverted from the solid waste stream. ADEM will revise the rules (335-13-1 and 335-13-3) if necessary, and present them to the EMC for adoption. If they adopt the rules, the rules will be filed with the LRS. The rules will become effective 35 days after filing unless the JCARR disapproves or proposes revisions to the rules. ADEM held a public hearing 04/02/10, and accepted comments through 04/02/10.

[Solid Waste and Recyclable Materials Management Act \(HB 395\)](#)

[Solid Waste Program Rules](#)

[Proposed Rules \(335-13-1, 13-3\)](#)

Contact: Phillip Davis (334) 271-7755

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 will authorize 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 the discharge of pollutants to the maximum extent practicable using six minimum control measures to protect water quality and to satisfy the appropriate water quality requirements of the CWA. ADEM previously released a draft general permit for a 30-day public comment period beginning 01/14/10. ADEM revised that draft general permit in response to comments; will accept comments on the revised draft general permit until 06/17/10.

[Draft General Permit](#)

[Fact Sheet](#)

[Public Notice](#)

Contact: Russell Kelly (334) 271-7714

2010 SECTION 303(D) LIST: ADEM has 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 (TMDLs). A TMDL is a calculation of the maximum amount of a pollutant a water body can receive and still meet applicable water quality standards. 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](#)

[Public Notice](#)

Contact: Joseph Roy (334) 270-5635

LICENSURE: (Rule 628-X-3-.03) The Alabama Onsite Water Board has proposed amendments to Rule 628-X-3-.03 to clarify and update the rule. Amendments would remove provisions concerning licensure of individuals who possess a license in the major classification of municipal and utility from the Alabama Licensing Board for General Contractors. The Board accepted comments until 05/05/10.

[Notice of Proposed Rule](#)

[Proposed Rule](#)

Contact: Melissa Hines (334) 269-6800

NPDES: (Ala. Admin. Code r. 335-6-6-.23) ADEM has proposed amendments to a rule concerning general permits under the NPDES Program. Amendments would revise the notice of intent provisions to make them consistent with 40 CFR 122.28. ADEM will hold a public hearing 06/04/10. They accepted comments until 06/04/10.

[Proposed Rule](#)

[Public Notice](#)

Contact: Lynn Broadway (334) 271-7714

ONSITE SEWAGE SYSTEMS (OSS): (Ala. Admin. Code r. 420-3-1-.08) ADEM adopted amendments to a rule concerning permits required for an OSS. Amendments update and clarify the rule. ADEM filed the final rule with the LRS 03/15/10. The rule will become effective 35 days after filing unless the JCARR disapproves or proposes revisions to the rule. ADEM held a public hearing 02/24/10, and accepted comments through 03/05/10.

[Certified Adopted Rule](#)

[Proposed Rule](#)

Contact: Jimmy Coles (334) 206-5373

Florida

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



Legislation

LAND USE

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

Status: Governor signed, enacted 2010-182

WATER

SB 550: This bill creates specified provisions relating to water supply policy, planning, production and funding. It provides for the general powers and duties of water management district governing boards; directs FLDEP, along with the water management districts, to create a statewide uniform stormwater management rule; and revises legislative intent relating to the designation of the Florida Keys as an area of critical state concern

Status: Governor signed 06/07/10, enacted as 2010-205

OREGA-S Note: This bill deals with a multitude of water-related issues, many of which are seen in other bill moves through the legislature, but also tackles other significant matters such as uniform statewide stormwater management.

WASTE

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

Status: Governor vetoed 06/02/10

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

Final Rules

TRANSMISSION LINE SITING: (FAC 62-17.510, -.520, -.540, -.543, -.545, -.570, -.580, -.590, -.600, -.625, -.660, -.665, -.680, -.695, -.700, -.710, -.750, -.760) FLDEP has adopted a rule amendment to implement revisions to the Florida Electric Transmission Line Siting Act. Revisions include: applications for corridor certification, insufficiency of application and resolution procedures, information on alternate or multiple corridors, fees, disbursement of funds, conditions of certification, delegated modifications, criteria for rejection of an alternate corridor, post-certification monitoring and reporting, dredging and filling, water quality, post-certification review, emergency replacement, modification, revocation, suspension or termination of certification and notice. Comments were received, and revisions were incorporated as necessary. A revised rule was sent to JAPC for review on 02/25/10. FLDEP filed the rules for adoption 05/04/10. The rule became effective 05/24/10.

[Final Rule](#)

[Proposed Rule](#)

[Notice of Change/Withdrawal](#)

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

SOLAR ENERGY CENTER: (FAC 6C7-8.006, .007, .008, .010) On behalf of the Florida Board Governors, the Solar Energy Center (SEC) will be administered by the University of Central Florida. The Center will advance research and development in solar energy, disseminate information on the results of such research, and engage in projects designed to exemplify the capability of solar energy as a resource for meeting state energy needs. SEC operations shall include solar thermal PV equipment testing standards, solar thermal collector and PV module certification and solar thermal and photovoltaic system standards and certification. This rule was adopted on 04/15/10, and became effective 05/05/10.

[SEC Website](#)

[Final Rule](#)

PRETREATMENT PROGRAM-INDUSTRIAL DISCHARGES: (FAC 62-625.100, .110, .200, .400, .410, .420, .500, .510, .540, .600, .700, .820, .880) In 1995, EPA authorized FLDEP to implement the National Pretreatment program to control pollutants from industrial dischargers that could pass-through or interfere with the operation of domestic wastewater treatment facilities. To implement the program, FLDEP adopted Chapter 62-625 in November 1994; portions were amended 01/08/97. Since the last amendment, EPA has revised 40 CFR parts 122, 146 and 40. FLDEP has adopted amendments to incorporate said revisions associated with pretreatment program requirements, to include October 2005 revisions. Amendments also clarify and update existing rule language. FLDEP addressed comments received on the draft rule and made revisions. FLDEP issued a Notice of Proposed Rulemaking and submitted the draft rule to the JAPC for review and comment. A public hearing was held on 01/14/10. The JPAC provided comments, and the rule was revised and adopted on 04/20/10. The rule became effective 05/10/10.

[Final Rule](#)

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

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

PEST CONTROL OPERATOR'S CERTIFICATE APPLICATION: (FAC 5E-14.117) The FL Department of Agriculture and Consumer Services adopted rule changes to define requirements for individuals seeking the Limited Commercial Fertilizer

Certificate who apply fertilizers commercially in Florida. Changes correct the application fee for category examination to reflect the increase to \$300.00. The rule was adopted on 04/22/10, and became effective 05/12/10.

[Final Rule](#)

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Notice of Change](#)

Contact: Michael Page, 850-921-4177

Proposed Rules

FUTURE LAND USE: (FAC 9J-5.005 and 006) The Department of Community Affairs has proposed to amend this rule to provide detail and explanation in relation to statutory requirements that the future land use element be based upon the amount of land required to accommodate anticipated growth and the projected population of the area. A rule development workshop was held 04/23/10.

[Notice of Development of Rulemaking](#)

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

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

[Notice of Development of Rulemaking](#)

[Notice of Development of Rulemaking](#)

[Notice of Correction](#)

Contact: [Annette Zielinski](#)

ISSUANCE OF 20-YEAR PERMITS: (FAC 40D-2.091, .301, .321, .322) Small General permits will be issued with a 20-year duration. General or individual permit applicants may elect to request a permit with up to a 20-year duration if the applicant elects to demonstrate or commit to: development of alternative water supplies; or a per capita water use rate of 110 gallons or less; or exceptional implementation of reclaimed water; or an approved FARMS system and other conditions. In addition, if pre-existing adverse impacts resulting from the permittee's existing permit are being addressed through a mitigation plan that includes a minimum flow and level recovery strategy, the impacts must be eliminated by the 10th year of the permit. Proposed rules describe when permit compliance reports are required, and what information is to be reported for 20-year permits. Proposed rules eliminate six-year duration permits so that longer 10 or 20-year durations are issued, versus subjected to environmental or other considerations. Finally, the rulemaking would set environmental resource permitting requirements for issuance of a water use permit for multi-phase projects that require a water use permit and an environmental resource permit. The Board has approved the rule. However, a recent request for a Board hearing may delay the effective date. The rule should move forward over the next few months. A public hearing was held 03/30/10, and changes were proposed 05/07/10. All five notices of change are available on the FLDEP website.

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

[Notice of Change](#)

[Second Notice of Change](#)

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

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

[Notice of Development of Rulemaking](#)

Contact: Michael Yaun, (850) 487-1764

COMPREHENSIVE PLANNING: (FAC 9J-5.003, .006, .010, .013, .019) The Florida Department of Community Affairs has proposed to amend Rule 9J-5 to establish minimum criteria to be used in reviewing comprehensive plans to determine whether they comply with new requirements of Chapters 2008-191 & 2009-96, Laws of Florida. These chapters concern

energy efficient land use patterns accounting for existing and future electric power generation and transmission systems; GHG reduction strategies; GHG reduction strategies from the transportation sector; factors that affect energy conservation; depiction of energy conservation on the future land use map series; energy efficiency in design and construction of new housing; use of renewable energy resources; discouragement of urban sprawl; achievement of healthy, vibrant urban centers; and strategies to support and fund mobility within certain transportation concurrency exception areas.

[Notice of Development of Rulemaking](#)

Contact: Robert Pennock, (850) 922-1735

FLORIDA FOREVER LAND ACQUISITION: (FAC 18-24.001-.008) FLDEP has proposed amendments in order to comply with new statutory requirements; rules applying to criteria; goals and measures for the Florida Forever land acquisition management and restoration program; and the Council's evaluation, selection and ranking of Florida Forever projects to be developed for consideration of the Board of Trustees. If the Board of Trustees or the JPAC requires no substantive changes, the [timeline](#) posted on the FLDEP website will remain applicable. If substantive changes are required, FLDEP will publish a notice of substantive change, which will open another 21-day window for further public comment and potential rule challenges. The draft rule was submitted to the Legislature for consideration on 02/01/10. If no action is taken, ARC will implement the rules, beginning with the 06/10/10 - 06/11/10, Florida Forever ranking meeting.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

[Notice of Change](#)

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

BIOSOLIDS ACCOUNTABILITY: (FAC 62-640.100, .200, .210, .300, .400, .500, .600, .650, .700) FLDEP is revising the code to improve biosolids land application site accountability and management, address growing nutrient concerns and support public confidence in the beneficial use of biosolids. Proposed amendments would apply to rules for land application of domestic wastewater residuals. Primary amendments would require site permitting for biosolids land application sites; nutrient management plans; and distributed and marketed Class AA biosolids to be fertilizers. The deadline for FLDEP to file the rules for adoption is 07/05/10. They will become effective 29 days after filing. FLDEP revised the draft rules after the 02/21/07 public meeting, and held a public meeting 03/05/08 to discuss revised draft rules. Another public workshop was held 06/12/08, after which FLDEP revised the draft rules. FLDEP briefed the ERC on the rulemaking 08/20/09. ERC accepted comments after the briefing, and scheduled a public hearing for 12/01/09. The ERC continued the public hearing to 05/20/10.

[Proposed Rule](#)

[Notice of Public Meeting](#)

[Notice of Continuation](#)

Contact: Maurice Barker, (850) 245-8614

WATER QUALITY CREDIT TRADING: (FAC 62-306) FLDEP has proposed rules to establish a water quality credit-trading program for the Lower St. Johns River Basin. The rules will include provisions for the following items: the process to determine how credits are generated, quantified and validated; limitations on the use of credits, including eligible pollutants, minimum water quality requirements and any adjustments for uncertainty or location; the timing, duration, and transfer of credits; the information needed to track credits, trades, and prices paid; and the mechanisms for determining compliance with trade provisions. Comments were due 04/30/10. The deadline for FLDEP to file the rules for adoption is 07/08/10, unless an exception to the deadline applies. The rules will become effective 20 days after being filed for adoption.

[Notice of Proposed Rules](#)

[Notice of Public Workshop](#)

[Notice of Rule Development](#)

[Rulemaking Information](#)

Contact: Eric Shaw (850) 245-8429

SECONDARY CONTAINMENT STANDARDS FOR PESTICIDES: (FAC, Rule 5E-2.042) The Department of Agriculture and Consumer Services (DACS) has proposed a rule to adopt by reference federal containment regulations stipulated in 40 CFR 165, relevant to secondary containment of containers of dry pesticides and to containment pads of liquid and dry pesticides for pesticide dispensing activities. The rule would address areas of non-equivalency identified by EPA during the evaluation of Chapter 62-762, AST Systems. The deadline for DACS to file the rule for adoption is 07/15/10, unless an exception to the deadline applies. The rule will become effective 20 days after being filed it for adoption.

[Notice of Proposed Rule](#)

[Notice of Rule Development](#)

Contact: Bruce Nicely (850) 487-8731

2010 REGIONAL WATER SUPPLY PLAN: The Southwest Florida Water Management District 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. The District held public meetings 05/06/10, 05/11/10, 05/19/10, and 05/24/10 to accept public comments. The District will hold public meetings 06/17/10 and 06/25/10 to discuss the 2010 water supply plan and water planning issues. Comments will be accepted until 07/16/10.

BUILDING ENERGY RATING SYSTEM: (FAC, Chapter 9B-60) FLDEP is discussing amendments to Chapter 9B-60, Florida Building Energy Rating System. The Building Energy-Efficiency Rating System program must be compatible with federal rating systems and state building codes and standards, and amendments would make rules consistent with the standards of the National Association of State Energy Officials. If a person requests a public hearing by 05/28/10, FLDEP will hold one 06/14/10. The deadline for FLDEP to file the rules for adoption is 08/05/10, unless an exception to the deadline applies. Rules will become effective 20 days after FLDEP files for adoption. FLDEP began a rulemaking to adopt the 2006 Mortgage Industry National Home Energy Rating Systems Accreditation Standards, amended 11/07/05, but the proposed rules were withdrawn. For that rulemaking, a notice of rule development was published 07/21/06, a notice of proposed rules 10/13/06, a notice of change 12/15/06, and a notice of withdrawal 01/12/07. FLDEP began a rulemaking to adopt the 2006 Mortgage Industry National Home Energy Rating Systems Accreditation Standards, amended 05/10/07. FLDEP published notices of rule development 11/02/07 and 11/13/09.

[Notice of Proposed Rules](#)

[Notice of Rule Development](#)

[Department of Community Affairs, Building Codes and Standards Webpage](#)

Contact: Ann Stanton, (850) 488-0964

STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS: (FAC, Chapter 64E-6) FLDEP is discussing amendments to rules concerning standards for onsite sewage treatment and disposal systems. Amendments may address onsite sewage treatment and disposal system design, permitting, construction, modification, repair and maintenance; system evaluation; standards for existing systems; grants for repairs to systems of low-income homeowners; septic tank contractor registration, training and standards of practice; septage treatment and disposal; and performance-based treatment standards. FLDEP 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.

[Notice of Public Workshop](#)

[Notice of Rule Development](#)

Contact: Gerald Briggs, (850) 488-4070

AIRPORT SAFETY AND WILDLIFE: (FAC, Rule 68A-4.002, 68A-9.010, 68A-9.012, 68A-24.005, 68A-27.002) The FL Fish and Wildlife Conservation Commission drafted rules related to the taking of wildlife on airport property. The rulemaking would clarify, improve and update authorizations necessary for the safety of people and aircraft on airports. New Rule 68A-9.012 would allow the taking of wildlife without a permit under certain circumstances. The Commissioners approved draft rules 04/28/10. They are scheduled to review the proposed rules for approval 06/23/10. The Commission will accept comments until the end of the public hearing. The deadline for the Commission to file the rules for adoption is 08/19/10 unless an exception to the deadline applies. The rules will become effective 20 days after the Commission files them for adoption.

[Agenda for Commission Meeting 06/23/10 to 06/24/10](#)

[Press Release Regarding Rulemaking](#)

[Agenda for Commission Meeting 04/28/10 to 04/29/10](#)

[Notice of Rule Development for 68A-4.002](#)

[Notice of Rule Development for Rule 68A-9.010](#)

[Notice of Rule Development for Rule 68A-9.012](#)

[Notice of Proposed Rule for Rule 68A-24.005](#)

[Notice of Proposed Rule for Rule 68A-27.002](#)

Contact: Michael Yaun, (850) 487-1764

NEW SURFACE WATER CLASSIFICATION SYSTEM: (FAC 62-302.200, .300, .400, .500, .520, .530, .540, .700, .800) FLDEP has proposed to amend Chapter 62-302, F.A.C., to revise existing surface water classification system by adding a new sub-classification under Class III waters titled Class III-Limited. The new Class III-Limited sub-classification would address some artificial or altered waters that cannot fully support a Class III use due to physical or habitat conditions. The

rule would establish a new sub-classification of waters (Class III-Limited) and describe requirements for water body re-classifications. This rule would establish the classification structure and process for moving a water body into a Class III-Limited classification, but it would not actually move waters from their existing classification. A public hearing was held on 05/20/10, and comments were due 05/14/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

Contact: [Eric Shaw](#)

Georgia

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



Legislation

WASTE/CLEANUP

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

Status: Governor signed 05/20/10, enacted 2010-407

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

WATER

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

Status: passed both houses and sent to Governor

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

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

Status: Governor signed 05/20/10, enacted 2010-411

LAND USE

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

Status: Governor signed 05/20/10, enacted 2010-467

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

Proposed Rules

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

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 the following items: 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 will 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 water resource 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 water resource assessments. The 10 regional water planning councils will use the draft water resource assessments to development management practices to meet future water demands. GADNR changed the comment deadline to 06/30/10. GADNR posted the draft water resources assessments on its website in late March 2010.

[Draft Water Resource Assessments](#)

Contact: Arnettia Murphy (404) 656-4157

Kentucky

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



Legislation

AIR/GHG

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

Status: adopted by House 03/17/10

HB 124: This bill concerns the Petroleum Storage Tank Environmental Assurance Fund. It requires reserves. It also extends the deadline to register petroleum storage tanks and submit affidavits; extends the performance date for reimbursement; and extends the Small Operator Assistance Account and Small Operator Tank Removal account. HB 124 establishes a financial responsibility account and a petroleum environmental assurance fee to be paid by dealers of gasoline and special fuels.

Status: Governor signed 03/30/10, enacted 2010-47

OREGA-S Note: There are not substantive changes. This bill would merely extend current deadlines by three years.

Proposed Rules

AMBIENT AIR MONITORING NETWORK: In accordance with 40 C.F.R. 58.10(a)(1), the KEEC will make the annual monitoring network plan available for public inspection for at least 30 days prior to submission to EPA. The plan details operation and location of ambient air monitors operated by the Kentucky Division for Air Quality, Louisville Metro Air Pollution Control District, and the National Park Service. The public comment period relating to the annual monitoring network began 05/28/10. It will conclude on 06/27/10. Copies of the annual monitoring plan are available for public inspection. Any individual requiring copies may submit a request to the Division for Air Quality in writing, by telephone, by FAX, or by electronic mail. Requests for copies should be directed to the contact person listed below. In addition, an [electronic](#) version of the proposed annual monitoring network plan and relevant attachments can be downloaded. Contact: [Jennifer F. Miller](#), (502) 564-3999; (502) 564-4666

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 anyone required to apply for a solid waste site or facility permit, permit renewal, or modification, except for those applying for publicly owned facilities. Amendments would change the existing administrative regulation by increasing fees for most permit applications, and by charging fees for permit applications that did not previously have associated fees associated. Amendments are necessary to increase the fees currently charged for solid waste permitting in Kentucky because the program currently costs approximately \$1.6 million to run, and only brings in approximately \$200,000 per year. 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 was filed with the LRC 08/14/09. The ARRS 04/14/10 review the rule was deferred. The ARRS reviewed it 05/11/10.

[Proposed Rule](#)

WATER: (401 KAR 5:045, 5:070, 5:075) The Kentucky Division of Water has proposed amendments to 401 KAR 5:045, 5:070 and 5:075. KAR 5:045 would require a facility that receives biochemically degradable influent and discharges into waters of the Commonwealth to provide a minimum of secondary treatment to that influent prior to its discharge. KAR 5:070 contains the basis for provisions, terms and effect of a KPDES permit, including permit duration, schedule of compliance and basis for permit modification or revocation and reissuance. KAR 5:075 would establish procedures for receiving permit applications, preparing draft permits, issuing public notice, inviting public comment and holding public hearings on draft permits. The Division of Water (DOW) filed these proposed administrative regulations with the LRC on 02/11/2010. A public hearing was held 3/23/2010, with submission of written comments through 03/31/2010. DOW received comments and requested an extension for filing the SOC until 05/15/10. In response to comments received during DOW amended 401 KAR 5:075 and filed an SOC with LRC on 05/10/10. That put the regulations at ARRS on 06/08/10, and Interim Joint Committee on Natural Resources and the Environment on 07/23/10.

[401 KAR 5:045](#)

[401 KAR 5:070](#)

[401 KAR 5:075](#)

[SOC for KPDES Regulation Package](#)

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

WATER: (401 KAR 8:020, 8:070, 8:150, 8:200, 8:250, 8:300, 8:510, 8:550) The Kentucky Division of Water filed eight amended regulations with the LRC on 03/12/2010. KAR 8:020 establishes general provisions for regulating public and semipublic water supplies; 8:070 establishes requirements for notification of the public if a public water system violates a provision of 401 KAR Chapter 8; 8:150 establishes requirements for disinfection, filtration, recycling and testing of drinking water in a public or semipublic water system using surface- or groundwater not under the direct influence of surface water; 8:200 establishes a schedule and method for sampling drinking water to test for bacteriological contaminants, establishes maximum contaminant levels (MCL) for bacteria and specifies requirements if tests show maximum contaminant levels have been exceeded; 8:250 establishes sampling and analytical requirements for certain inorganic and organic chemicals and sets MCL for those chemicals which, if exceeded, may affect public health; 8:300 bans lead in drinking water facilities and provides standards for lead and copper in drinking water; 8:510 establishes the MCL for total trihalomethanes and haloacetic acid five to limit the levels of known and unknown disinfection byproducts; 8:550 establishes the requirements for sampling and testing procedures for radionuclides and establishes MCL for safe drinking water. The public hearing is scheduled for 04/26/2010. Individuals may submit written comments that identify anticipated effects through 04/30/2010. Comment was received for 401 KAR 8:150, so DOW filed a SOC with LRC on 05/03/10. The regulation was not amended in response to said comment. 401 KAR 8:150 will be on the June agenda for the ARRS. The other regulations in this package were heard at the 05/11/10 ARRS meeting.

Proposed Rules:

[401 KAR 8:020](#)

[401 KAR 8:070](#)

[401 KAR 8:150](#)

[ARRS SOC for 401 KAR 8:150](#)

[401 KAR 8:200](#)

[401 KAR 8:250](#)

[401 KAR 8:300](#)

[401 KAR 8:510](#)

[401 KAR 8:550](#)

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

WASTEWATER TREATMENT AND COLLECTION SYSTEM OPERATORS: (401 KAR 11:030). KDEP has proposed to amend rule 401 KAR 11:030, "Wastewater treatment and collection system operators; classification and qualifications," which establishes standards for classification and qualifications of certified operators. Proposed amendment would extend the operator in training designation to all certification levels, which provides an opportunity for operators to voluntarily begin the certification process before qualifying for a normal certification. ARRS reviewed the rule 05/11/10.

[ARRS 05/11/10 agenda](#)

[Proposed amendment](#)

Contact: Julia Kays (502) 564-0323

AIR: The KEEC has adopted a SIP revision to demonstrate attainment for the Kentucky portions of the Louisville KY-IN,

Cincinnati-Middletown OH-KY-IN, and Huntington-Ashland WV-KY-OH PM2.5 Nonattainment Areas. Under the attainment demonstration, each area will meet the PM2.5 standards by 04/05/10. The attainment demonstration was based on modeling performed by the Visibility Improvement State and Tribal Association of the Southeast and the Association of Southeastern Integrated Planning. As of 04/21/10, the SIP was still pending EPA approval. The attainment demonstration for these areas for PM2.5 was submitted to the EPA in June 2008.

[Draft SIP](#)

Contact: John Gowins (502) 573-3382

NEW INDIRECT HEAT EXCHANGERS: (401 KAR 59:015) KDEP has proposed amendments to its rules regarding new indirect heat exchangers. Amendments would provide owners and operators of indirect heat exchangers the option of using a particulate matter continuous emissions monitoring system (PM CEMS) to demonstrate compliance. KDEP will hold a public hearing 06/29/10, and will accept written comments until 06/30/10.

[Notice of public hearing](#)

Contact: Millie Ellis (502) 564-3999

Mississippi

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



Legislation

WATER

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

Status: Governor signed 03/03/10, enacted 2010-308

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

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

Status: Governor signed into law 03/15/10, enacted 2010-334

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

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

Status: adopted 03/29/10

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

Final Rules

PESTICIDE CONTAINMENT: (Sections 113.01, 113.02) The Mississippi Department of Agriculture and Commerce adopted a rule to set forth the standards for pesticide containment structures. The rule incorporates by reference federal regulations. EPA mandated that states adopt these federal regulations to conform with the EPA pursuant to the federal-state program. The rule becomes effective 06/13/10.

[Final Rule](#)

[Notice of Final Rule](#)

[Proposed Rule](#)

[Notice of Proposed Rule](#)

Contact: Zack Cheeser, (662) 325-3390

Proposed Rules

WATER QUALITY ANALYSIS FEE: (MSDEQ has proposed to establish the water quality analysis fee assessed to public water supplies at \$2.80 per connection. This fee will cover the costs for personnel and equipment needed to meet the new and existing monitoring requirements established under the federal SDWA. MSDEQ accepted comments until 06/05/10.

[Proposed Rule](#)

[Notice of Proposed Rule](#)

Contact: Melissa Parker, (601) 576-7518

SPRAY EQUIPMENT ON AIRCRAFT: (Subpart 3, Chapter 10, Subchapter 2) MSDEQ has proposed amendments to the specifications for spray equipment on aircraft and methods of application. The amendments will 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. A TMDL is a calculation of the maximum amount of a pollutant a water body can receive and still meet water quality standards. MSDEQ held a public hearing, and comments were due 05/11/10.

INVASIVE SPECIES: (The Mississippi Aquatic Invasive Species Task Force prepared the [draft Mississippi State Management Plan for Aquatic Invasive Species \(AIS\)](#)). The goal of this management plan is to provide a framework to help prevent and control the introduction of new nonindigenous species into Mississippi; control the spread and impact of existing invasive species; and eradicate locally established invasive species wherever possible. Five objectives were adopted to help achieve this goal: coordinate all AIS management activities or programs within Mississippi and collaborate with regional, national and international AIS programs; prevent and control the introduction/reintroduction of nonindigenous invasive species through education about species and pathways, targeting the general public (including schools), industries, user groups, government agencies and nongovernmental organizations; eliminate locally established invasive species through monitoring, early detection, rapid response and early eradication; control the spread of established invasive species through cooperative management activities designed to minimize impacts when eradication is impossible; and prevent the introduction of non-native species, or the spread of existing ones, through legislation, regulation and enforcement. The federal Aquatic Nuisance Species Task Force will review the management plan for final approval. MSDEQ accepted comments until 01/31/10. Contact: Mike Beiser (601) 961-5701.

North Carolina

Legislative Short Session Convened 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

[HB 1803/SB 1224](#): This measure directs state agencies to review their environmental programs and recommend whether those programs should include consideration of global climate change, as recommended by the Legislative Commission on Global Climate Change (LCGCC).

Status: in committee

OREGA-S note: OREGA-S is still evaluating the 2010 entries for potential impacts.

[HB 1804/SB 1225](#): This measure directs the Energy Policy Council to identify, study and recommend policies to increase energy efficiency and conservation, promote renewable energy resources and reduce carbon emissions, as recommended by the LCGCC.

Status: in committee

[HB 1805/ SB 1222](#): This bill appropriates funds to establish the coastal adaptation resources mapping and monitoring program. Funds would also expand the North Carolina environment and climate observing network to provide for monitoring of the environmental impacts of global climate change in North Carolina, and improve weather and climate data collection in North Carolina, as recommended by the LCGCC.

Status: in committee

[HB 1806/ SB 1221](#): This measure establishes both the North Carolina Commission on Climate Change and the advisory council to the North Carolina Commission on Climate Change, as recommended by the LCGCC.

Status: in committee

[HB 1484 / SB 567](#): This measure promotes the use of electricity demand reduction to satisfy renewable energy portfolio standards.

Status: SB 567 passed both houses 6/1/10; being reconciled

[HR 1807](#): This bill requests the President and Congress to adopt legislation that promotes jobs and innovative energy development, strengthens national energy and economic security, positions the US to be an international leader in the field of clean energy, and addresses the consequences of climate change without preempting states' rights to control emissions and to promote renewable energy, as recommended by the LCGCC.

Status: in committee

[HB 1808/ SB 1223](#): This measure directs NCDENR to develop the North Carolina climate change adaptation strategy, as recommended by the LCGCC.

Status: in committee

[HB 1809/ SB 1220](#): This measure directs the Department of Agriculture and Consumer Services, the Department of Commerce, and NCDENR to evaluate the carbon sequestration potential of natural and working landscapes in the state; to study other opportunities to develop carbon offsets within the state; and to study the feasibility and advisability of establishing a carbon offset program in the state, as recommended by the LCGCC.

Status: in committee

[HB 1981](#): This bill broadens the definitions of Renewable Energy Resource and New Renewable Energy Facility as they pertain to the renewable energy and energy efficiency portfolio standard and to appropriate funds to the North Carolina Utilities Commission.

Status: in committee

[HB 1232/ SB 879](#): This measure authorizes the Revenue Laws Study Committee and the ERC to study what sources of revenue, if any, could accrue for the benefit of North Carolina in the event offshore drilling exploration for oil or natural gas in coastal waters off North Carolina were to take place in the future.

Status: in committee

[HB 2014/ SB 1384](#): This measure removes the cap on the total recovery by the state for damage to public resources and for the cost of any oil or other hazardous substances cleanup arising from a discharge. It directs the Coastal Resources Commission to conduct a review and examination concerning the oil spill associated with the British petroleum deepwater horizon offshore drilling rig and the environmental and economic effects of that spill on the Gulf Coast region.

Status: in committee

[SJR 520](#): This bill authorizes the ERC to study the desirability of encouraging offshore drilling exploration for oil or natural gas in coastal waters off North Carolina and other related matters.

Status: filed during 2009 Session

WATER

[HB 1708](#): This bill delays the effective date of the Clean Coastal Water and Vessel Act from 07/01/10 to 12/01/10. It also limits the Act's application to areas designated as no discharge zones by the EPA, as recommended by the ERC.

Status: in committee

[HB 1743/ SB 1283](#): This measure directs NCDENR and the local government commission of the Department of the State Treasurer to evaluate potential benefits of monitoring the financial condition of public water supply and wastewater systems, as recommended by the Legislative Study Commission on Water and Wastewater Infrastructure.

Status: in committee

[HB 1747/ SB 1292](#): This measure requires a local government that provides public water service or a community water system to revise its local water supply plan to address when 80% of the water system's available water supply has been allocated or when seasonal demand exceeds 90%, as recommended by the Legislative Study Commission on Water and Wastewater Infrastructure.

Status: SB 1292 passed Senate 06/02/10; in House committee

HB 1749/ SB 1291: This measure directs NCDENR, in conjunction with others, to develop a statewide survey to supplement current information used to assess the state's water and wastewater infrastructure needs. It also directs NCDENR to develop a plan for incorporating information compiled from EPA surveys into the state water supply plan, as recommended by the Legislative Study Commission on Water and Wastewater Infrastructure.
Status: SB 1291 passed Senate 06/02/10; in House committee

HB 1763/ SB 1170: This measure improves the development of basin wide hydrologic models, to improve public access to water and water resources funding information, and to provide for reporting on water use efficiency in the state, as recommended by the ERC.
Status: in committee

HB 1765/ SB 1169: This measure authorizes NCDENR to use injunctive relief to ensure compliance with interbasin transfer laws, and to provide that an applicant for an interbasin transfer certificate shall pay costs associated with required public hearings, as recommended by the ERC.
Status: in committee

WASTE

HB 1760/ SB 1337: This measure requires UST operator training in order to comply with a requirement of the federal Energy Policy Act of 2005, as recommended by the ERC.
Status: SB 1337 passed Senate 06/03/10; in House

HB 1761/ SB 1317: This measure modifies the computer equipment recycling plan requirements and associated fee imposed on manufacturers. It also provides further substantive, clarifying, technical and conforming amendments to laws governing management of discarded computer equipment and televisions, as recommended by the ERC.
Status: in committee

HB 1766/ SB 1167: This measure amends certain environmental and natural resources laws to provide that the president pro tempore of the Senate and the Speaker of the House may designate multiple members to serve as co-chairs of the ERC. It repeals the requirement that remedial action plans must be recorded in the register of deeds office, and modifies the requirement that remedial action plans must be placed in each public library in the county.
Status: in committee

HB 2012/ SB 1419: This measure requires permits for certain solid waste disposal sites for the reuse of combustion products, for certain solid waste disposal sites for structural fill and to establish permit fees for these disposal sites, in order to adequately protect the public health and the environment.
Status: in committee

HB 2015/ SB 1416: This measure directs the ERC to study the impact of environmental toxins on human health.
Status: in committee

LAND USE

SB 998: SB 998 imposes a moratorium on certain actions of the Coastal Resources Commission related to temporary erosion control structures. The bill also establishes the Legislative Study Commission on Beach Management Issues.
Status: passed Senate 05/05/09; referred to House committee 05/07/09

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

AIR

HB 2002: This bill disapproves a rule to provide for regulation of the idling of heavy-duty vehicles.
Status: in committee

HB 2003: This bill disapproves changes to the toxic air pollutants procedures rules.
Status: in committee

OTHER

HB 1801/ SB 1162: This measure makes clarifying, conforming and technical amendments to various laws related to the environment, energy and natural resources, as recommended by the ERC.
Status: in committee

HB 1802/SB 1163: This measure amends or repeals various environmental and natural resources reporting requirements, as recommended by the ERC.

Status: in committee

HB 1870: This bill requires local governments to adopt ordinances to regulate site planning, design, and construction of artificial slopes in mountainous areas to promote safe and stable slopes for development, reduce the likelihood of slope failures on developed or disturbed land, and to protect human safety and property. It also directs the Sedimentation Control Commission to assist local governments in development and implementation of safe slope construction programs and to develop a model ordinance.

Status: in committee

HB 1950: This bill directs the North Carolina Department of Transportation to identify and determine impacted and eligible locations for type II noise abatement.

Status: in committee

Final Rules

EROSION AND SEDIMENTATION SELF-INSPECTIONS: (15A NCAC 04B .0131) NCDENR has adopted rule 15A NCAC 04B .0131, "Self Inspections." For erosion and sediment control inspection purposes, the rule specifies the form of the records required by G.S. 113A-54.1 as being an annotated copy of the approved plan that is 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. The rule specifies documentation required in records concerning installation and maintenance of erosion and sedimentation control measures, including temporary or permanent ground cover. The SPCA requires self-inspections at the completion of each phase of the plan. The "phases of the plan" referenced in G.S. 113A-54.1 are listed to clarify when the inspections shall take place.

CORRECTION: The RRC approved the rule 04/15/10, and it became effective 05/01/10. The Commission published the final rule in the North Carolina Register 06/01/10. The rule is effective on 10/01/10.

[Final rule](#) (see pages 42-43 of pdf)

[Notice of Intended Action](#) (see pages 23-25 of pdf)

Contact: Gray Hauser (919) 733-3833

REPORT ON GLOBAL CLIMATE CHANGE: The Legislative Commission on Global Climate Change (Commission) has released its [final report](#) regarding emissions contributing to climate change. The General Assembly formed the 34-member Commission in 2005, and extended the Commission's authorization in 2006. The Commission included members of the North Carolina Senate, North Carolina House of Representatives and representatives from a wide range of businesses and academic organizations, such as Duke Power, Progress Energy, North Carolina Citizens for Business and Industry, Manufacturers and Chemical Industry Council, Duke University, North Carolina Agricultural and Technical State University and University of North Carolina. The legislature extended the Commission until 10/01/10. The Commission met 03/15/10, and reviewed a summary of the Coastal Resource Commission's Science Panel Report on projected levels of sea level rise along the North Carolina coast; a summary of the March 2010 Climate Change Adaptation Workshop sponsored by the North Carolina Interagency Leadership Team; and held a presentation and discussion of the draft Commission final report, including a discussion of the proposed recommendations submitted by Commission members.

[Commission Webpage](#)

[HB 2529, Session Law 2008-0081](#)

ESTUARINE AND OCEANS SYSTEMS AND OCEAN HAZARD AREAS: (15A NCAC 07H .0208, .0309, .1704, .1705) This rule corrects vague or ambiguous language, provides standards for temporary erosion control structures, adds exception language for wind facility transmission lines and clarifies guidelines for water dependent development. Based upon recommendations made by the NC EMC, the North Carolina General Assembly is considering legislation that would set up a permitting process for wind energy facilities in NC. In addition to giving the CRC permitting authority for wind energy facilities in CAMA counties, this legislation would define wind energy facilities as water dependent structures, potentially allowing them to be constructed in North Carolina's Sounds and ocean waters following an environmental review. Comments were accepted until 11/02/09; objections were addressed, and a partial rule became effective 04/15/10. Remaining sections are still in development.

[Proposed Rule](#)

[Final Rule](#)

Contact: [Jim Gregson](#), 252-808-2808

UST LEAK DETECTION MONITORING: (23:21 NCR 2056) The NCDENR has adopted rules that incorporate standards for operation, maintenance and testing of USTs if electronic liquid detecting sensors are used for leak detection monitoring.

On 12/03/07, a petition to amend secondary containment rules for UST systems was submitted to the EMC. The petition proposed adding electronic liquid detecting sensor monitoring as an allowable method of monitoring the interstitial space of a double-walled tank for releases. NCDENR recommended that the EMC deny the petition because the proposed method does not continuously check the inner and outer walls of a double-walled tank for breaches of integrity as methods already allowed by the rules do. NCDENR contended that the proposed method is not as effective as those already allowed in detecting tank wall failures are. However, on 03/13/08, the EMC approved the petition, but requested that NCDENR prepare additional rule language to incorporate standards for operation, maintenance and testing of USTs if electronic liquid detecting sensors are used for leak detection monitoring. On 05/08/08, the EMC approved the language prepared by NCDENR, and directed NCDENR to hold public hearings on the amendments. The adopted rule was filed 01/21/10, and became effective 02/01/10.

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

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

Proposed Rules

RECLAIMED WATER: (15A NCAC 02T .0113, .0506, .0901-.0915; 02U .0101- .0117, .0120, .0201-.0202, .0301, .0401-.0403, .0501, .0601, .0701, .0801-.0802, .0901, .1101, .1401) This regulation would adopt a new subchapter to clarify existing reclaimed water rule language in order to remove unintended restrictions and facilitate the use of reclaimed water. It would provide two separate categories for reclaimed water based upon the level of treatment and intended use, and replace Fecal Coliform with E. Coli as the pathogen indicator for effluent sampling. The rule would allow for additional uses of reclaimed water through wetlands augmentation and crop irrigation, and define new application requirements, design criteria and effluent standards for the new uses. Lastly, the rule would repeal existing reclaimed water rules. The rule was proposed 02/15/10, and public hearings were held on March 23, 25 and 30, 2010. The comment deadline was 04/27/10. The proposed effective date is 09/01/10.

[Proposed Rule](#) (page 24)

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

[15A NCAC 02D .0530](#)

[15A NCAC 02D .0531](#)

MOTOR VEHICLE SAFETY INSPECTIONS: (19A NCAC 03D .0517-.0519) NC DOT is proposing a rule that would clarify rules regarding motor vehicle inspection and inspection stations for compliance with EMC specifications, including use of an emissions analyzer and requirements for a Safety Equipment Emissions Inspection Station. The amendments would update the definitions section rules by adding definitions for emissions analyzer, motorcycle and safety inspection analyzer, and removing definitions for carbon monoxide, exhaust gas analyzer, hydrocarbons, inspection sticker and nitrogen oxides. Amendments would also update licensing requirements for safety equipment or safety equipment emissions inspection stations. A public hearing was held 01/04/10. The current comment deadline was 05/14/10. NCDENR is reviewing comments received and working internally on the amendments.

[Proposed amendments \(see pages 17-20 of pdf\)](#)

Contact: David Bradley, (919) 861-3132

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. The purpose of the amendments is to 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 ensure consistency with federal regulations. Remaining amendments 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. The purpose of new rule 15A NCAC 02H .0922 is to consolidate and update the 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 will hold a public hearing 06/17/10, and accept written comments until

08/02/10.

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

Contact: Deborah Gore (919) 807-6383

South Carolina

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



Legislation

WATER

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

Status: awaiting Governor's action

OREGA-S Note: This bill is close to becoming law and would establish a statewide surface water withdrawal permit program. Impacts on DoD Facilities are being evaluated, and this follows developments seen in other states, in recent years. Potential impacts could result from disputes over the regulation of consumptive uses at DoD bases. Service headquarters are in varying stages of formulating policy to address compliance with state withdrawal schemes.

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

Status: referred to committee

WASTE

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

Status: Governor signed 05/19/10

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

HB 3270: This bill relates to the registration of underground storage tanks; establishes new annual renewal fees; requires that the additional revenue generated from the tank fee increases be deposited into the superb account.

Status: Governor signed 05/19/10

OREGA-S Note: This bill increases annual renewal fees from \$100 to \$200 beginning 2012; increasing to \$500 by 2015. This will represent a five-fold increase in UST fees and could have significant funding implications.

HB 4918: This bill would adopt infectious waste management regulations.

Status: passed House 5/13/10

AIR/GHG

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

Status: HR 4610 adopted 03/10/10; HCR 4606 adopted by both Houses 06/02/10

HJR 4888: This bill adopts the EPA "Proposed Tailoring Rule" that raises the threshold level of emissions that trigger increased regulation of emitters of GHGs, such rule or provision is hereby immediately adopted in South Carolina, notwithstanding any other provision of law, and shall be immediately effective in the state and implemented by the SCDHEC.

Status: ratified 06/07/10

Final Rules

HAZARDOUS WASTE MANAGEMENT: (R.61-79, Document No. 4080) SCDHEC has adopted amendments to hazardous waste management regulations to reflect amendments to federal requirements and adopt a state-specific requirement. The federal requirements were published by the EPA in the Federal Register (FR) 01/02/08 at 73 FR 57, 04/08/08 at 73 FR 18970, and 06/04/08 at 73 FR 31756. The amendments affect three rules. The first rule provides for an exclusion to the definition of solid waste for oil-bearing hazardous secondary materials generated at a petroleum refinery when these materials are recycled by inserting them back into the petroleum refining process. The second rule amends NESHAPS to clarify compliance monitoring provisions and correct typographical errors and omissions. The third rule is the F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating Processes. These wastewater treatment sludges will be exempted from the F019 listing at their point of generation, and will not be subject to any RCRA Subtitle C management requirements for generation, storage, transport, treatment or disposal. Generators will be required to maintain records on-site to show that the waste meets the conditions of the listing. SCDHEC has adopted amendments to R.61-79 to reinsert a state requirement under 61-79.270 Subpart B Permit Application, at 270.10, General Application Requirements. This state requirement calls for a site-specific inspection checklist for use in compliance inspections. This requirement was overwritten in the process of adopting a federal initiative on Final Standards for Hazardous Waste Combustors, replacing 270.10(l) with a different federal requirement. The checklist requirement will be reinserted at 270.10(m). SCDHEC has adopted amendments to R.61-79 to replace the reference to the federal Manifest Rule with the language of the Manifest Rule. SCDHEC adopted the Manifest Rule effective 02/23/07. The rule requires a national manifest for shipping of hazardous waste. At the time of adoption, SCDHEC chose to adopt the requirements by incorporating them by reference in R.61-79 instead of including the actual language of the rule. The Legislature approved the amendments. They became effective 05/28/10.

[Final Amendments \(search for Document No. 4080\)](#)

Contact: Richard Haynes (803) 896-4070

AIR POLLUTION CONTROL: (61-62.60; 61-62.61; 61-62.72; 61-62.63; 61-62.96) SCDHEC has adopted amendments to revise Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.72, Acid Rain; and Regulation 61-62.63, NESHAP for Source Categories. Amendments repeal provisions related to federal rules that were vacated by the US Court of Appeals for the DC Circuit. They repeal all provisions related to the Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units (Clean Air Mercury Rule (CAMR)), the NESHAP for new and existing sources at brick and structural clay products manufacturing facilities and at clay ceramics manufacturing facilities, and the NESHAP for industrial, commercial and institutional boilers and process heaters. The amendments also revise Regulation 61-62.60 and Regulation 61-62.72 to remove all provisions of the State's CAMR Regulation 61-62.63 to remove Subparts DDDDD, JJJJJ, and KKKKK. SCDHEC has adopted amendments to R.61-62.1, "Definitions and General Requirements" and the SIP. SCDHEC has also adopted amendments to state level reporting requirements to facilitate collection of more detailed process-level emissions inventory data (to include HAP data) to insure that the National Emissions Inventory (NEI) maintained by EPA contains the best available data. Amendments to R.61.62.1 incorporate requirements promulgated by EPA under a rule referred to as the Air Emissions Reporting Requirements (AERR) (73 FR 76540). The AERR harmonizes reporting requirements under the NO_x SIP Call, Clean Air Interstate Rule (CAIR), and Consolidated Emissions Reporting Rule (CERR). SCDHEC has adopted amendments to R.61-62.96, Nitrogen Oxides and Sulfur Dioxide Budget Trading Program General Provisions. The amendments are necessary to meet EPA CAIR requirements. EPA has determined that electric generating units (EGUs) in South Carolina contribute to nonattainment of PM_{2.5} and 8-hour ozone in downwind states. The amendments address requests made by EPA in order to obtain full SIP approval. The proposed revisions address requirements of recordation of the CAIR NO_x Annual Allowance Allocations, definition of "fossil-fuel-fired," definition of "Non-EGU Applicability," timing requirements of CAIR NO_x Ozone Season Allocations, general requirements of the CAIR NO_x Ozone Seasons Allowance Allocations, and requirements of recordation of the CAIR NO_x Ozone Season Allowances. The rules became effective 05/28/10.

[Final Amendments 61-62.60; 61-62.72; 61-62.63, Document No. 4070](#)

[Final Amendments 61-62.1, Document No. 4085](#)

[Final Amendments 61-62.96](#)

Contact: Anthony Lofton, (803) 898-7217; Alan Hancock, (803) 898-3432

Proposed Rules

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 it 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 con-

cerns. SCDHEC accepted comments until 05/02/10, and held a public hearing on the proposed permit 05/11/10. SCDHEC received comments during the public hearing are under review. SCDHEC plans for the permit to be effective 10/01/10.

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

Contact: Mel Leaphart, (803) 898-4143

SOLID WASTE MANAGEMENT: (R.61-107.4) SCDHEC is drafting amendments to its 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 will be clarified, and requirements for temporary short-term grinding sites will be defined. Possible amendments may expand the scope of the regulation and address the composting and grinding of other waste streams and mixed waste streams. Application, design, permitting, operation, monitoring, analytical testing, reporting and closure requirements will be added for these waste streams as appropriate. Storm water and leachate control requirements and procedures for prevention of fires will also be addressed for facilities. The name of the regulation will be changed to reflect the change in scope of the regulation. Pilot/demonstration projects will be addressed, as well as, requirements for the quality of the finished compost product. SCDHEC published a Notice of Drafting 03/26/10, and accepted comments until 04/27/10. SCDHEC is reviewing comments received and working internally on the rules. Contact: Jana White (803) 896-4221

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 the purposes of considering the 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.

[Informational Website](#)

SHORELINE CHANGE INITIATIVE: In 2007, SCDHEC began the Shoreline Change Initiative to organize data collection and research, identify new research requirements, and develop policy options for managing non-beachfront and beachfront shorelines. To assist in these efforts, SCDHEC created the Shoreline Change Advisory Committee, which considered the following topics: research and information priorities; beachfront retreat policy; beach renourishment; beachfront erosion control; shoreline planning; sheltered coastlines: erosion and erosion control; and sheltered coastlines: shoreline development. The Advisory Committee issued a [final report](#) in April 2010 that includes general policy options for managing shorelines.

[Shoreline Change Initiative Webpage](#)

Contact: Braxton Davis (843) 953-0246

Tennessee

Legislative Session Convened 01/12/10; Adjourned 06/09/10



Legislation

LAND USE

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

Status: signed by Governor 05/26/10, enacted 2010-928

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

WASTE

SB 2403: This bill would prohibit consumer products containing mercury from being added to the solid waste stream for disposal.

Status: signed by the Governor, enacted as 2010-840

OREGA-S Note: Definition of person specifically includes federal agencies. This legislation would influence disposal practices for mercury containing wastes.

SB 3854: This measure revises various present law provisions regarding petroleum USTs and noncompliance with state UST program requirements, and potential actions and outcomes as a result; Utilization and reimbursement of Tank fund. Status: Governor signed 5/11/10, enacted 2010-903

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

Proposed Rules

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

[Rulemaking Notice](#)

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

UST PROGRAM: (TAC 1200-1-15-.1, -.3, -.16) TDEC has adopted amendments to Chapter 1200-01-15, "Underground Storage Tank Program." Amendments add definitions to rule 1200-01-15-.01, "Program Scope, Definitions and Proprietary Information," including new definitions for the terms "Class A Operator," "Class 8 Operator," "Class C Operator," "Facility is operating," "Operator Training," "Retraining" and "UST facility." Amendments add new rule 1200-01-15-.16, "Certified Operator Program," which outlines operator designation requirements, operator training requirements and tank owner responsibilities. TDEC held public hearings 03/31/10, 04/14/10, and 04/21/10. The Petroleum UST Board adopted the amendments 05/26/10. The rulemaking package will be reviewed by the Office of General Counsel, the Attorney General and the Secretary of State before becoming effective. There is no timeline for when the review process will be completed.

[Petroleum Underground Storage Tank Board 05/26/10 meeting agenda](#)

[Notice of Rulemaking Hearing and proposed rules](#)

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

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

SOLID WASTE PROCESSING AND DISPOSAL: (1200-01-07-.01; 1200-01-07-.09; 1200-01-07-.10) TDEC has proposed amendments to its solid waste processing and disposal rules. Among the amendments, are the addition of definitions of "Solid Waste Disposal Control System: General" and definitions for "Calculated Generation," "Municipal Solid Waste," "E-scrap," and "Local government," "Material derived fuels," and "Waste to Energy Facility/Combustor," and amendments to waste reduction goals and methods. Amended draft rules were published 07/15/09. TDEC held a public hearing regarding the amendments 09/01/09. Written comments were accepted through 09/30/09. The Solid Waste Disposal Control Board reviewed the rules for adoption 06/01/10 and 06/02/10, and then gave approval to proceed to the public hearing stage of the process.

[Solid Waste Disposal Control Board 06/01/10 - 06/02/10 agenda](#)

[Notice of Rulemaking hearing published 07/15/09](#)

[Solid Waste Planning, Reporting, and Waste Reduction](#)

[Notice of Rulemaking Hearing](#)

Contact: Larry Christley, (615) 532-0744

STATE ENERGY PLAN: Governor Bredesen (D) issued an EO to establish the Governor's Task Force on Energy Policy in 2008. The EO directs 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](#)

[Executive Order](#)

Region 4 Energy Legislation

OREGA-S Note: The following measures provide a potential opportunity to share information and collaborate on energy initiatives. OREGA-S is currently coordinating the development of model energy legislation that would address project collaboration and anti-encroachment.

Alabama

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

Status: enacted 2010-232

Georgia

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

Status: adopted by Senate

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

Status: passed both Houses and sent to Governor

Kentucky

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

Status: signed by Governor 04/06/10

Mississippi

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

Status: signed by Governor 04/14/10

North Carolina

See North Carolina "Legislation" section

South Carolina

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

Status: signed by Governor 03/31/10

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

Status: signed by Governor 03/31/10

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

Status: adopted by both Houses 04/21/10

OREGA-S Note: Ironically, this was adopted the same day as the Deepwater Horizon incident. Also, see resolution below.

SCR 1478: This bill calls upon SCDHEC and the Department of Natural Resources, in coordination with the Governor, to immediately begin developing a contingency plan in the event the oil leaking from the Deepwater Horizon in the Gulf of Mexico is swept by currents up the southeastern seaboard.
Status: adopted by both houses 06/02/10

Tennessee

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

SB 2912: This bill would add CO₂ as a pipeline product that is regulated by the Tennessee Regulatory Authority.
Status: signed by Governor

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	