



The Southern Region Review



November 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

EPA LAYS OUT FIVE-YEAR PLAN ON AGENCY PRIORITIES (10/07/10, PRESS RELEASE) EPA has issued its [fiscal year \(FY\) 2011 to 2015 strategic plan](#), which provides a blueprint for advancing EPA's mission and Administrator Lisa P. Jackson's priorities.

This plan presents five strategic goals for advancing the agency's environmental and human-health mission, accompanied by five crosscutting fundamental strategies that seek to adapt the EPA's work inside and outside of the agency to meet the growing environmental protection needs of the day. The plan will guide the agency to foster a renewed commitment to new possibilities for achieving the vision of a cleaner, greener, and more sustainable environment.

The five-year plan includes new benchmarks to track progress against Administrator Jackson's seven priorities such as taking action to reduce emissions of GHGs and adapt to climate change, protecting America's waters, increasing smart growth and sustainable development strategies in communities, building and maintaining strong state and tribal partnerships, working for environmental justice, and ensuring that chemical health and safety information is available to the public.

The five strategic goals for advancing the agency's environmental and human-health mission are:

Taking action on climate change and improving air quality
Protecting America's waters
Cleaning up communities and advancing sustainable development
Ensuring the safety of chemicals and preventing pollution
Enforcing environmental laws

The Administrator has committed the agency to pursuing these priorities in the years ahead to fulfill EPA's mission to protect human health and the environment. In addressing these priorities, EPA will continue to affirm the core values of science, transparency and the rule of law. The agency sent notification letters to more than 800 organizations and individuals requesting comment on the draft plan.

Congress requires all federal agencies to develop a strategic plan covering a five-year period, updated every three years. EPA developed the FY 2011-2015 strategic plan after receiving extensive comments from stakeholders and the public. The plan is prepared in accordance with the Government Performance and Results Act of 1993.

OFFSHORE WIND POWER (10/07/10, PRESS RELEASE) US Energy Secretary Steven Chu announced the release of a report from DOE's National Renewable Energy Laboratory (NREL) that comprehensively analyzes key factors impacting the deployment of offshore wind power in the US. The report, "[Large-Scale Offshore Wind Power in the United States: Assessment of Opportunities and Barriers](#)," includes a detailed assessment of the nation's offshore wind resources and offshore wind industry, including future job growth potential. The report also analyzes the technology challenges, economics, permitting procedures, and the potential risks and benefits of offshore wind power deployment in U.S. waters.

GULF COAST RESTORATION (10/08/10, 75 FR 62313) The President has issued EO 13554 establishing a Gulf Coast Ecosystem Restoration Task Force. The task force will consist of a senior official from each of several executive departments and agencies, including DoD. The task force shall be an advisory body with duties including: coordinate intergovernmental efforts in the implementation of Gulf Coast ecosystem restoration actions; support the Natural Resource Damage Assessment (NRDA) process by referring potential ecosystem restoration actions to the NRDA Trustee Council for consideration; prepare and present to the President, a Gulf of Mexico Regional Ecosystem Restoration Strategy; prepare a biennial update for the President on progress; propose new programs or actions to implement elements of the Strategy where existing authorities are not sufficient; and provide for termination of the task force. Members of the task force shall serve without additional compensation for their work on the task force. The task force shall have a staff and may establish technical working groups as necessary.

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.

NOVEMBER 29-DECEMBER 2, ORLANDO, FL: [27TH ARMY SCIENCE CONFERENCE](#). The goals of the conference include enable Army and DoD leaders, Congress and the public to understand the scope of the Army's science and technology (S&T) activities in support of the Army and the Nation; strategically communicate the S&T community's efforts to develop technologies that will enhance the capabilities of the current Force while enabling the future Force.

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 3 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. If you have questions, please e-mail partners@hgl.com or call the Symposium contact line at 703-736-4548.

DECEMBER 7-9, RESEARCH TRIANGLE PARK, NC: [35TH ANNUAL AIR & WASTE MANAGEMENT/EPA INFORMATION EXCHANGE](#). Topics such as the following will be included: Utility ICR and MACT rule development; Clean Air Transport Rule; sector-based rule development; mercury and other HAP research-control technology, measurement, etc.; coal combustion residues; climate change research; and GHG mitigation.

DECEMBER 8-10, WASHINGTON, DC: [33RD WORLD ENERGY ENGINEERING CONFERENCE](#). Tracks include energy efficiency and energy management; renewable, green and alternative energy; HVAC systems and control; solar and fuel cell technologies; and applications specific to federal energy management programs. The conference includes FEMWorks 2010, a comprehensive series of workshops for federal energy managers.

DECEMBER 13-17, WASHINGTON, DC: [USEPA WATER QUALITY STANDARDS BASICS COURSE](#). This introductory course designed for those with fewer than six months of experience with water quality standards. The course introduces participants to all aspects of the water quality standards program, including interpretation and application of the water quality standards regulation: water body designated uses, development of water quality criteria (including human health, aquatic life, nutrient and biological), antidegradation policies, implementation, State/Tribal standards adoption and EPA review.

JANUARY 9-11, MIAMI, FL: [NUTRIENT RECOVERY AND MANAGEMENT 2011](#). This year's conference will bring together environmental professionals world to discuss and debate the current state of the art for nutrient recovery. It will examine research, design and operational issues and provide a forum for the discussion of policy and management approaches to nutrient control. This conference will provide valuable information for researchers, regulators, designers, technology developers, municipal agencies, industrial dischargers, and others seeking to understand the full picture of the latest developments and practical experiences on this important topic.

JANUARY 19-21, WASHINGTON, DC: [11TH NATIONAL CONFERENCE ON SCIENCE, POLICY AND THE ENVIRONMENT](#). The conference will provide a forum to address the crisis facing the oceans, new knowledge and innovative tools to face the challenge, and the policy and governance needed to restore and protect the oceans.

JANUARY 31-FEBRUARY 2, PHOENIX, AZ: [14TH ANNUAL ENERGY AND ENVIRONMENT CONFERENCE](#). This is one of the USA's largest, and most prestigious `must attend` annual networking and educational events, where over 2500 delegates, including environmental business leaders, energy executives, NGOs and government policymakers, attend a technical program with 650+ presentations, and a networking exhibition with 200 companies.

FEBRUARY 1-2, ATLANTA, GA: [INTEGRATED MODELING TO CHARACTERIZE CLIMATE CHANGE IMPACTS AND SUPPORT DECISION MAKING](#). The workshop will: bring together empirical scientists, modelers, economists, social scientists, and public policy experts to help ensure that model development aligns with climate change policy design, management and decision-making needs; connect the climate change data producers with the climate change data users; make existing resources accessible to stakeholders in the field; and highlight successful case studies of intra-agency, inter-agency, academy, public, and private sector systems analysis and integrated modeling for climate change impacts.

FEBRUARY 1-3, WASHINGTON, DC: [RENEWABLE ENERGY STORAGE 2011](#). The conference will equip utility and renewable generation executives with continuing knowledge and insight into leading edge technologies, policy and regulatory updates, planning and investment opportunities as well as preparation for future storage projects.

FEBRUARY 3-5, CHARLOTTE, NC: [10TH ANNUAL NEW PARTNERS FOR SMART GROWTH; BUILDING SAFE, HEALTHY AND LIVABLE COMMUNITIES](#). Visit website for further information.

FEBRUARY 15-17, PENSACOLA, FL: [INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS & REGULATIONS \(ICRML&R\)](#). The course introduces students to requirements and responsibilities under laws, regulations and directives that govern federal stewardship of cultural resources, DoD service and Coast Guard policies related to federal stewardship of cultural resources, requirements and responsibilities under laws, regulations, and directives for consultation re-

garding cultural resources and roles and responsibilities of installation cultural resource managers.

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

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

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

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

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

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

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

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

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

Announcements

ENVIRONMENTAL AWARDS NOMINATIONS (09/27/10) The Office of the Secretary of Defense is requesting nominations for 2011 Secretary of Defense Environmental Awards. Nominations are due by 03/01/11. [Nomination categories and guidance](#) are available. For further information: [Robert Furlong](#), OSD, 703 571-9073.

CARBON FOOTPRINT AND GREEN PROCUREMENT TOOL GSA has developed the [GSA Carbon Footprint and Green Procurement Tool](#) to assist agencies in managing GHGs as required by EO 13514 and recent energy laws. The tool can address a broad range of tasks including: calculation of an agency's GHG baseline, broken down by different scopes; assistance with setting GHG reduction targets; compilation of a building-by-building GHG emissions inventory; and preparation for reporting emissions to the Department of Energy's GHG Reporting Portal.

FUNDING FOR ENVIRONMENTAL R&D (10/28/10) DoD's Strategic Environmental Research and Development Program

(SERDP) is seeking to fund environmental research and development in the Resource Conservation and Climate Change program area. SERDP invests across the broad spectrum of basic and applied research, as well as advanced development. The development and application of innovative environmental technologies will reduce the costs, environmental risks, and time required to resolve environmental problems while, at the same time, enhancing and sustaining military readiness. The Resource Conservation and Climate Change program area supports the development of the science, technologies, and methods needed to manage DoD's installation infrastructure in a sustainable way. SERDP is requesting proposals that respond to the following two focused Statements of Need (SON) in Resource Conservation and Climate Change: Assessment and Monitoring of Biological Diversity: Method Development, and Climate Change Impacts to Department of Defense Installations. Proposals responding to the Fiscal Year (FY) 2012 SONs will be selected through a competitive process. Pre-proposals from the non-federal sector are due 01/06/11. Proposals from the federal sector are due 03/10/11. The SONs and detailed instructions for federal and private sector proposers are available on the [SERDP web site](#).

Studies and Reports

INSTALLATION MANAGEMENT ENERGY PORTFOLIO (09/15/10) The [Installation Management Energy Portfolio](#) is a companion to the [Army Energy Security Implementation Strategy](#). It represents the vision of the entire Installation Management Community to achieve the objectives set by the Secretary of the Army to improve the Army's energy security posture. An AKO account is required to view the document.

SMART GRID TECHNOLOGIES (10/12/10, 75 FR 62515) DOE released a report titled, "[Communications Requirements of Smart Grid Technologies](#)." The report sets forth recommendations and observations on current and potential communications requirements of the Smart Grid, as well as the types of networks and communications services that may be used. DOE also provides a comprehensive summary of comments received in response to a request for information and during a public meeting conducted during the preparation of the report. This report responds to recommendations for DOE set forth in the National Broadband Plan authored by the Federal Communications Commission at the direction of Congress. DOE has determined that there are six functional categories into which most, if not all, Smart Grid applications fall: advanced metering infrastructure, demand response, wide-area situational awareness, distributed energy resources and storage, electric transportation, and distribution grid management. The report analyzes the communications requirements of each of these application categories, and highlight the relative merits of various technologies in meeting these requirements. [Additional smart grid report information](#) is available. For further information: Maureen McLaughlin; DOE Senior Legal Advisor; Washington, DC; 202-586-5281, broadband@hq.doe.gov.

NATIONAL CLIMATE CHANGE ADAPTATION (10/14/10) The Interagency Climate Change Adaptation Task Force released a progress report with recommendations to the President, titled "[Recommended Actions in Support of a National Climate Change Adaptation Strategy](#)." The report is general, but it does recommend that the President support implementation of agency adaptation planning by following a similar planning process to that used for sustainability planning under EO 13514. The CEQ Chair will issue implementing instructions to agencies within 120 days of this report. The recommended framework for agency adaptation planning would be: agencies should establish leadership-level directives that are tailored to agency missions; agencies should understand which aspects of climate are changing and over what time scale; identify what changes will mean in context of agency mission and operations; develop, prioritize and implement responses; evaluate, and repeat.

GEOENGINEERING (10/26/10, GAO-10-903) GAO has released a [report](#) reviewing the state of geoengineering science, federal involvement in geoengineering, and views of experts about the extent to which federal laws and international agreements apply to geoengineering and any governance challenges. Most geoengineering proposals fall into two categories: carbon dioxide removal (CDR), which would remove CO₂ from the atmosphere, and solar radiation management (SRM), which would offset temperature increases by reflecting sunlight back into space. GAO recommends that presidential offices such as the Office of Science and Technology Policy (OSTP), in consultation with relevant federal agencies, develop a coordinated approach to geoengineering research in the context of a federal strategy to address climate change. The research approach should (1) define geoengineering for federal agencies; (2) leverage existing resources by having federal agencies collect information and coordinate federal research related to geoengineering in a transparent manner; and if the administration decides to establish a formal geoengineering research program, (3) sets clear research priorities to inform decision-making and future governance efforts. The [UN climate panel plans](#) to include a review of geo-engineering as part of its next major report in 2013. For further information: [Frank Rusco](#), GAO, (202) 512-3841, or [John Stephenson](#) at (202) 512-3841.

Federal Notices and Rulemaking

Clean Air Act (CAA)

FUEL ECONOMY AND GHG EMISSIONS (10/13/10, [75 FR 62739](#)) EPA and DOT's National Highway Traffic Safety Administration (NHTSA) have jointly issued an assessment of potential range of stringency for fuel economy and GHG emissions standards for light-duty vehicles for model years 2017-2025. By 11/30/10, the agencies plan to issue a notice that describes plans for the National Program, including an updated analysis of potential GHG and fuel economy standards for model years 2017-2025. The agencies plan to issue a coordinated National Program by the fall of 2011. The plan considers GHG emissions reductions ranging from 3% to 6% per year from 2017 through 2025. Under a 6% annual reduction, model year 2025 fleet level efficiency would be equivalent to 62 mpg. The notice considers four technology approaches based on differing emphasis on reduced vehicle mass, advanced gasoline engine vehicles, and increased use of hybrid, plug-in hybrid and electric vehicles. The agencies also released an "[Interim Joint Technical Assessment Report: Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards for Model Years 2017-2025](#)." For further information: [Tad Wysoz](#); EPA, Office of Transportation and Air Quality; Ann Arbor, MI; 734-214-4332.

PM2.5 REQUIREMENTS (10/20/10, [75 FR 64863](#)) EPA has amended the requirements for PM2.5 under the PSD program by adding maximum allowable increases in ambient pollutant concentrations ("increments") and two screening tools, known as the Significant Impact Levels (SILs) and a Significant Monitoring Concentration (SMC) for PM2.5. The SILs for PM2.5 are also being added to two other NSR rules that regulate construction and modification of any major stationary source located in an attainment or unclassifiable area, where the source's emissions may cause or contribute to a violation of NAAQS. The SIL, expressed as an ambient pollutant concentration (micrograms per cubic meter), is used to determine whether the ambient impact of a particular pollutant (once it is determined to be emitted in significant amounts) is significant enough to warrant a complete source impact analysis that involved modeling collective impacts of the proposed project and emissions from other existing sources. This final rule is effective 12/20/10. For further information: [Dan deRoock](#); EPA, Air Quality Policy Div., Research Triangle Park, NC; 919-541-5593.

CHROMIUM NESHAP (10/21/10, [75 FR 65067](#)) EPA has published in the Federal Register the proposed amendments to the air toxic standards for 6 NESHAPS including chromium plating and anodizing, to address residual risk. EPA is not making changes to the Chromium NESHAP to address residual risk, but has proposed changes as part of the technology review that may impact DoD. Changes include banning the use of perfluorooctyl sulfonate (PFOS) based wetting agents, adding housekeeping measures, and general corrections and clarifications. Military plating and anodizing facilities will need to determine if wetting agents being used contain the banned chemical and, if so, determine if PFOS-free wetting agents will meet mission requirements. Proposed housekeeping procedures would include: storage requirements for any substance that contains hexavalent chromium as a primary ingredient; controls for dripping of bath solution resulting from dragout; splash guards to minimize overspray and return bath solution to the electroplating or anodizing tank; a requirement to promptly clean up or contain all spills of any substance containing hexavalent chromium; requirements for routine cleaning or stabilizing of storage and work surfaces, walkways and other surfaces potentially contaminated with hexavalent chromium; a requirement to install a barrier between buffing, grinding, or polishing operations and electroplating or anodizing operations; and requirements for storage, disposal, recovery or recycling of chromium-containing wastes. Comments are due 12/06/10. [Additional information](#) is available. For further information: [Mary Tom Kissell](#), EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC, (919) 541-4516.

FUEL EFFICIENCY STANDARDS (10/25/10, [EPA NEWSROOM](#)) EPA and NHTSA have proposed the first national fuel efficiency standards for heavy-duty trucks, vans and buses. [Proposed standards](#) would cover tractor-trailers, heavy-duty pickup trucks and vans, and vocational trucks of all types from refuse disposal, cement delivery, to school busses. For combination tractors, the agencies are proposing engine and vehicle standards that would begin with the 2014 model year and achieve up to a 20% reduction in CO₂ emissions and fuel consumption by the 2018 model year. For heavy-duty pickup trucks and vans, the agencies are proposing separate gasoline and diesel truck standards that would phase in starting with the 2014 model year, and achieve up to a 10% reduction for gasoline vehicles and 15% reduction for diesel vehicles by the 2018 model year (12 and 17% respectively if accounting for air conditioning leakage). For vocational vehicles, the agencies are proposing engine and vehicle standards starting with the 2014 model year which would achieve up to a 10% reduction in fuel consumption and CO₂ emissions by the 2018 model year. A [fact sheet](#) is available and additional information are [available](#). Comments will be due 30 days after proposed rulemaking is published in Federal Register. For further information: <http://www.nhtsa.gov/fuel-economy>, [Cathy Milbourn](#); EPA, 202-564-7849.

GHG REPORTING RULE (10/28/10, [75 FR 66433](#)) EPA has amended the Mandatory Greenhouse Gas Reporting rule

to provide corrections and clarifications to reporting requirements. Municipal solid waste landfills and hydrogen production facilities are among the affected sections. Final amendments for landfills address multiple issues including: amending the definition of gas collection system or landfill gas collection system (40 CFR 98.6) to clarify that the passive vents/flares are not considered part of a landfill gas collection system for purposes of subpart HH; source category definition will not include RCRA Subtitle C and TSCA hazardous waste landfills, construction and demolition waste landfills, or industrial waste landfills; defining the terms construction and demolition (C&D) waste landfills and industrial waste landfills, C&D landfill definition will closely follow the definition at 40 CFR 257.2 Additional technical information and implementation materials are available at the [Greenhouse Gas Reporting Program](#). For further information: Carole Cook; EPA Climate Change Division; Washington, DC; (202) 343-9263, GHGReportingRule@epa.gov.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET (10/13/10, [75 FR 62810](#)) EPA issued the [24th update of the Federal Agency Hazardous Waste Compliance Docket](#). The docket is a list of federal facilities that manage hazardous waste, or from which hazardous substances have been or may be released. Each newly listed facility must be evaluated for possible contamination within a reasonable time. Additions in EPA Region 4 include: Commander Navy Region Southeast, Jacksonville, FL; US Army Garrison Camp Mackall, Marston, NC; Fort McPherson, Fort McPherson, GA; and United Launch Alliance CCAFS Delta IV Program, Air Force, CCAFS, FL. Naval Support Activity Mid-South, Millington, TN was deleted. For further information: [Tim Mott](#); EPA, Federal Agency Hazardous Waste Compliance Docket Coordinator; Washington, DC; 703-603-8807.

Clean Water Act (CWA)

CLEAN WATER AND DRINKING WATER INFRASTRUCTURE (10/04/10) [The Clean Water and Drinking Water Infrastructure Sustainability Policy](#) emphasizes the need to build on existing efforts to promote sustainable water infrastructure, working with states and water systems to employ robust, comprehensive planning processes to deliver projects that are cost effective over their life cycle, resource efficient and consistent with community sustainability goals. The policy encourages communities to develop sustainable systems that employ effective utility management practices to build and maintain the level of technical, financial, and managerial capacity necessary to ensure long-term sustainability. This policy represents a collaborative effort between EPA and its federal, state, and local partners. Working with these partners, EPA will develop guidance, provide technical assistance, and target federal state revolving fund capitalization funds and other relevant federal financial assistance to increase the sustainability of our water infrastructure. For further information: [James Horne](#), (202) 564-0571, of the EPA Office of Wastewater Management, Municipal Support Division.

Climate Change and Energy

GHG ACCOUNTING AND REPORTING (10/08/10, [75 FR 63823](#)) The White House Council on Environmental Quality (CEQ) finalized their Guidance on Federal Greenhouse Gas Accounting and Reporting for GHG emissions associated with federal agency operations. Per EO 13514, federal agencies will submit the initial 2010 annual GHG inventory, as well as FY 2008 base year information by 01/31/11. Final reporting must be accomplished through the [GHG Reporting Portal](#) developed by DOE and the Federal Energy Management Program (FEMP), although a downloadable spreadsheet appears to be the data entry means currently available. Where possible, the GHG Reporting Portal will automatically calculate emissions using methodologies contained in the [technical support document](#) from aggregated agency-level activity data otherwise reported by the agency. Reporting for EO 13514 will be at the agency level (individual facilities will not report under the EO, but will report under EPA-mandated reporting if they exceed EPA emissions thresholds). Required reporting will cover scope 1, scope 2, and initially a limited number of scope 3 emissions such as business travel, commuting and contracted waste and wastewater disposal. To reduce GHG emissions, federal agencies may acquire and claim (retire) renewable energy certificates (RECs), either bundled with an energy purchase or unbundled. RECs may be used to reduce a purchaser's scope 2 emissions associated with conventional energy purchase and consumption; however, for on-site renewable energy generation that displaces the direct use of fossil fuels on an agency facility, associated emission reductions will occur in scope 1. Carbon offsets are not eligible at this time to reduce a federal agency's emissions. [Guidance](#) is available. For further information: Leslie Gillespie-Marthaler; Office of the Federal Environmental Executive; 202-456-5117.

E15 (10/13/10) EPA has adjusted the limitations on ethanol in fuel for cars and light trucks to allow sale of fuel that contains up to 15% ethanol, known as E15, for model year 2007 and newer cars and light trucks. EPA's waiver decision allows, but does not require the use of E15 in MY2007 and newer cars, light-duty trucks, and SUVs. A decision on the use of E15 in model year 2001 to 2006 vehicles will be made after EPA receives the results of additional DOE testing,

expected to be completed in November. EPA is proposing E15 pump labeling requirements, including a requirement that the fuel industry specify the ethanol content of gasoline sold to retailers. For [further information](#): [Cathy Milbourn](#), 202-564-7849 or 202-564-4355.

ENERGY CONSUMPTION REDUCTION (10/15/10, [75 FR 63404](#)) DOE has proposed regulations to implement provisions of the Energy Independence and Security Act of 2007 for the reduction of fossil fuel-generated energy consumption in new federal buildings and federal buildings undergoing major renovations. Requirements apply to buildings and major renovation for which the construction project cost is at least \$2,500,000. The term "federal buildings" includes those built for the purpose of being leased by a federal agency, and privatized military housing. The statutorily mandated fiscal year fossil fuel energy consumption reductions are: 55% beginning in FY 2010 (i.e., one year after the final regulation is issued, through FY 2014); 65% beginning in FY 2015 (i.e., FY 2015 through FY 2019); 80% beginning in FY 2020; 90% beginning in FY 2025; and 100% beginning in FY 2030. The statute establishes the baseline to be energy consumption data from [Commercial Buildings Energy Consumption Survey \(CBECS\)](#) and [Residential Buildings Energy Consumption Survey \(RECS\)](#) data. These data are based on actual reported energy use over a large sample of buildings, normalized for size to thousands of British thermal units per square foot of floor space. This proposed rule also addresses how agencies may petition DOE for a downward adjustment of the requirements if meeting the full fossil fuel-generated energy consumption reduction level is technically impracticable in light of specified functional needs for individual buildings. DOE will hold a public meeting on 11/12/10 in Washington DC. DOE will make the meeting available via webinar. Comments are due by 12/14/10. For further information: [Margo Appel](#); DOE, Office of Energy Efficiency and Renewable Energy; Washington, DC; 202-586-9495.

Natural Resources

ATLANTIC STURGEON (10/06/10, [75 FR 61904](#)) NMFS proposes to list two distinct population segments of Atlantic Sturgeon: the Carolina and South Atlantic population segments. Comments are due 01/04/11. For further information: Kelly Shotts, NMFS, Southeast Regional Office (727) 824-5312 or Marta Nammack, NMFS, Office of Protected Resources (301) 713-1401.

WHITE-NOSE SYNDROME (10/28/10, [75 FR 66387](#)) USFWS released for review a [draft national plan](#) to assist states, federal agencies, and tribes in managing [white-nose syndrome \(WNS\)](#) in bats. WNS is an emerging fungal disease responsible for unprecedented mortality in hibernating bats in the northeastern US. The bats behave uncharacteristically, interrupting hibernation during cold winter months and resulting in mortality of large percentages of hibernating bats. Comments are due 11/29/10. For further information: Dr. Jeremy Coleman; FWS, National White-Nose Syndrome Coordinator; Cortland, NY; 607-753-9334.

Resource Conservation Recovery Act (RCRA)

BIOBASED ITEMS FOR FEDERAL PROCUREMENT (10/18/10, [75 FR 63695](#)) USDA has designated eight additional bio-based items for federal procurement preference: disposable tableware (72%); expanded polystyrene foam recycling products (92%); heat transfer fluids (89%); ink removers and cleaners (79%); mulch and compost materials (95%); multipurpose lubricants (88%); topical pain relief products (91%); and turbine drip oils (87%). USDA's [BioPreferred website](#) with vendor, contacts, and performance testing information of qualifying products is available. This final ruling is effective 11/17/10. Compliance in procurement actions is mandatory by 10/18/11. For further information: Ron Buckhalt; USDA, Washington, DC; 202-205-4008.

Spill Prevention and Control Countermeasure (SPCC)

SPCC PLANS (10/14/10, [75 FR 63093](#)) EPA issued [final ruling](#) for a new compliance date of 11/10/11, by which facilities must prepare or amend SPCC Plans, and implement those plans, providing an additional year for certain facilities. This action allows additional time for those affected in the regulated community to understand revisions to the SPCC rule finalized in December 2008 and November 2009. However, EPA is not extending the compliance date for drilling, production or workover facilities that are offshore or that have an offshore component, or for onshore facilities required to have and submit Facility Response Plans (FRPs). [Additional information](#) on the SPCC rule compliance dates is available, as is a [fact sheet](#). This final rule became effective 10/14/10. For further information: [Vanessa Principe](#), EPA, (202) 564-7913.

State Laws and Rulemaking

Alabama

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



Proposed Rules

NEW AND AMENDED FORMS ADEM has proposed to amend rule 335-1-1-.07, which will allow ADEM to update existing forms and add new forms to comply with current state and federal law. Amendment would add new forms: Annual Recycling Report (Form 016), General Permit Application Package NOI-64 (Form 522m1), Information Needed for 316(b) Determination in Regards to General NPDES Permits (Form 014), Processing and Recycling General Information (Form 015), SARA Title III Section 302 Notification (Form 302), and Specifications for Air Curtain Incinerators (Form 017). The following forms would be amended: Air Permit Application for Gasoline Dispensing Facilities (Form 197m4), Clean Water State Revolving Fund (CWSRF) Preapplication (Form 340m2), General Permit Application Package NOI-28 (Form 392m3), State Indirect Discharge Permit Application (Form 186m4).

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 requirements of the US Nuclear Regulatory Commission. ADEM held a public hearing 06/14/10, and comments were due 06/25/10.

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

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

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

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

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

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

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

Contact: James McNeese, (334) 206-5391

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 satisfy appropriate CWA water quality requirements. 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, and accepted comments on the revised draft general permit until 06/17/10. ADEM held a public hearing, and comments were due on the revised draft general permit 07/23/10. EPA objected to the permit in comments submitted to ADEM on 08/09/10. ADEM comments to EPA are due 11/15/10.

[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. 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

GENERAL PERMIT FOR DISCHARGES FROM CONSTRUCTION ADEM drafted a general permit for discharges from construction activities that result in a total land disturbance of one acre or greater, and sites that are less than one acre, but part of a larger common plan or development. Coverage under this permit is not required for discharges of stormwater associated with minor land disturbing activities (such as home gardens or individual home landscaping, repairs, maintenance work, fences and other related activities which result in minor soil erosion), normal agricultural practices and silvicultural opera-

tions. ADEM held public workshops 08/19/10, 08/26/10 and 09/01/10. Comments will be accepted until further notice. ADEM intends to initiate formal permit procedures in fall 2010.

[Permit Information](#)

Contact: Dale Mapp, (334) 394-4399

GHG TAILORING RULE (335-3-14-.04, APPENDIX I) ADEM is discussing amendments to implement the PSD and Title V GHG Tailoring Rule. The rule tailors the applicability criteria that determine which GHG emission sources become subject to PSD and Title V programs of the CAA. The rule includes two initial steps to phase in requirements. For step one, beginning 01/02/11, PSD or title V requirements for GHG emissions would apply to sources only if they are subject to PSD or Title V requirements for other pollutants. For step two, beginning 07/01/11, PSD or Title V requirements for GHG emissions will apply to additional large sources. A public hearing was held 10/06/10, and comments were due 10/08/10. ADEM is preparing the Response to Comments. The final proposal will go before the EMC at the 12/10/10 meeting. If approved, the rule will become effective on or about 01/18/11.

[Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

Contact: Chris Howard, (334) 271-7878

Florida

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



Final Rules

LEAD AND COPPER CONTROL IN DRINKING WATER (FAC 62-555.900) FLDEP amended forms used in the Public Water System Supervision Program in Rule 62-555.900, F.A.C. These forms incorporate state and federal rule references, which must be updated concurrent with rule revisions. On 10/10/07, EPA revised and clarified Title 40, Code of Federal Regulations, Subpart I, Control of Lead and Copper. Two revised forms 62-555.900(16) and 62-555.900(17) reflect concurrent changes to Rule 62-550.800, F.A.C., Control of Lead and Copper, which in turn reflect the rule clarifications and modifications in Title 40, Code of Federal Regulations, Subpart I, Control of Lead and Copper. This rule became effective on 10/01/10.

[Final Rule](#)

[CFR 141.80](#)

Contact: [Kenyon Carter](#), 850-245-8626

FORMAL DETERMINATION OF EXTENT OF WETLANDS (FAC 62-346.010-.900, NONSEQ) The Northwest Florida Water Management District amended requirements for processing environmental resource permits, under Section 373.4145, F.S., and for obtaining formal determinations of the landward extent of wetlands and surface waters under Chapter 62-340, F.A.C., within the geographical jurisdiction of the Northwest Florida Water Management District. Forms adopted and incorporated by reference for use in Chapter 62-346, F.A.C., were amended to reflect corresponding rule changes. Appendix C of the Applicant's Handbook Volume I was amended to list and contain forms 62-346.900(12) through (17), incorporated by reference in paragraphs 62-346.900(4)(a) through (f), F.A.C., and previously contained in Appendix E of the Handbook; Appendix E and references to it have been stricken. The Joint Application has been revised to reflect the fee structure as amended in Rule 62-346.071, F.A.C., as well as to correct other minor errors. Form 62-346.900(7) was significantly revised to reflect revisions to Rule 62-346.100, F.A.C. This rule became effective on 11/01/10.

[Final Rule](#)

Contact: Mary VanTassel, 850-245-8486

Proposed Rules

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 the Comprehensive Plan, pursuant to related amendments to Chapter 40D-80. A rule development workshop was on 10/13/10.

[Notice of Development of Rulemaking](#)

[Notice of Development of Rulemaking](#)

[Notice of Correction](#)

Contact: [Annette Zielinski](#)

ENDANGERED SPECIES (FAC 68A-27.0001, .001, .0011 .0012, .002, .0021, .003-.007) The Florida Fish and Wildlife Conservation Commission (FL FWCC) 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. Changes to the rule were proposed on 09/24/10 and are under review by the FWCC.

[Notice of Development of Rulemaking](#)

[Notice of Change](#)

[Commission Meeting Presentation](#)

[Commission Meeting Document, Update 1: 08/20/2010](#)

[Commission Meeting Document, Update 2: 08/30/2010](#)

Contact: Michael Yaun, (850) 487-1764

COMPREHENSIVE PLANNING/FUTURE LAND USE ELEMENT (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, to include the transportation sector; factors that affect energy conservation; depiction of energy conservation on the future land use map series; energy efficiency in design and construction of new housing; use of renewable energy resources; discouragement of urban sprawl; achievement of healthy, vibrant urban centers; and strategies to support and fund mobility within certain transportation concurrency exception areas. A rule development workshop was held 09/14/10. A public hearing was held 10/25/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

Contact: Robert Pennock, (850) 922-1735

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

STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (FAC, CHAPTER 64E-6) The FL Department of Health (FLDOH) is proposing to amend rules concerning standards for onsite sewage treatment and disposal systems. The rulemaking develops rules necessary to implement provisions of Chapter 2010-205, Laws of Florida (SB 550), requiring the FLDOH to administer an onsite sewage treatment and disposal system evaluation and assessment program. Proposed rules address Application for System Construction Permit, Location and Installation of onsite sewage treatment and disposal systems, Site Evaluation Criteria, System Size Determinations, Alternative Systems, Septage and Food Establishment Sludge, Portable Restrooms and Portable or Stationary Holding Tanks, Abandonment of Systems, Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units, Construction Materials and Standards for Treatment Receptacles, Construction Standards for Drainfield Systems, Permitting and Construction of Repairs, Additive Use, Department of Agriculture Soil Textural Classification System, System Location, Design and Maintenance Criteria, Cesspit and Undocumented System Replacement and Interim System Use, Coordinated Permitting, Requirements for Registration, Master Septic Tank Contractors, Issuance of Registration Certificates and Renewal, Standards of Practice and Disciplinary Guidelines, Certification of Partnerships and Corporation, Applications for Innovative System Permits and Reclassification and System Construction Permits, Location, Installation, Monitoring and Fees. FLDOH held a public workshop 06/04/10 to discuss permitting and approval standards of onsite sewage treatment systems that provide treatment other than a septic tank, such as performance based treatment systems, aerobic treatment units, and innovative systems. The Technical Review and Advisory Panel met 07/15/10 and 09/23/20. Public workshops were held October 12, 14, 18 and 21. A public meeting will be held in December 2010.

[Notice of Public Workshop](#)

[Notice of Rule Development](#)

Contact: Gerald Briggs, (850) 488-4070

WELL PERMITTING AND CONSTRUCTION REQUIREMENTS (FAC, CHAPTER 62-532) FLDEP has proposed amendments to rules concerning water well permitting and construction requirements. Amendments would revise definitions; set forth

construction standards for wells serving bottled water plants and wells permitted pursuant to Chapter 62-524; set forth geothermal well tubing and fitting material standards and grouting requirements; revise several technical drilling methods related to well construction and grouting requirements; revise alternate grouting requirements; update references; update setback distances and footnotes in Table 1; and adopt new forms. FLDEP held a public workshop 03/24/09, and a public hearing was held 07/07/10. The rules should become effective later in the fall of 2010. The rules are being finalized for the Secretary's signature. FLDEP filed the rule in mid-September. It is expected to become effective before the end of 2010.

[Notice of Proposed Rules](#)

[Notice of Rule Development](#)

[Rulemaking Information](#)

Contact: David James, 850-245-8648

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

[Regional Haze SIP revision](#)

Contact: Tom Rogers, (850) 921-9554

COASTAL CONSTRUCTION PERMITS (FAC 62B-41.002, .003, .005) The FLDEP Division of Beaches and Shores is proposing amendments to existing rules in order to address comments from the Joint Administrative Procedures Committee. Rule amendments would refine criteria for coastal construction permits for coastal armoring below the mean high water line, inlet construction and maintenance, and beach restoration and nourishment. The notice of rulemaking was published 09/03/10. Comments were received and answered. A public hearing was held 10/05/10.

Notice of Development of Rulemaking

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

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

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

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

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

[Notice of Proposed Rulemaking](#)

Contact: Richard Tedder, (850) 245-8735

GENERAL AND ENVIRONMENTAL RESOURCE PERMITS (ERP) (FAC 40C-4.041, .091, .101, .201, .301, .900, FAC 40C-20.042, .900) The SFWMD has proposed rule amendments that would: create a new ERP permitting criteria; require, for a system that would contain irrigated landscape, golf course, or recreational areas, a water conservation plan that includes irrigation plans, use of lower quality water sources, and no prohibitions on Florida-Friendly landscaping; require, for a system that would contain irrigated landscape, golf course, or recreational areas that will require a Consumptive Use Permit (CUP), that the applicant concurrently apply for and obtain a CUP; clarify application processing requirements; clarify pre-application conferencing; and update statutory authority. The proposed rule amendment would require, for a CUP application to irrigate landscape, golf course, or recreational areas for a project that would require a 40C-4 or 40C-40 ERP to construct a system, a concurrent ERP application, and concurrent review and processing of both applications; clarify application-processing requirements; and clarify pre-application conferencing. Rule development workshops were held 09/16/10 and 10/17/10.

[Notice of Proposed Rulemaking](#)

[Notice of Proposed Rulemaking](#)

Contact: Wendy Gaylord, (386) 326-3026

ENVIRONMENTAL RESOURCE PERMITTING (ERP) INFORMATION MANUAL (FAC 40D-4.091) SFWMD is proposing to amend Chapter 3 of the District's Environmental Resource Permitting Manual Part B. The Basis of Review (BOR) contains

environmental criteria used in evaluating an ERP application to determine whether conditions for permit issuance are met, to include mitigation criteria for impacts to wetlands and other surface waters. Proposed revisions to Chapter 3 would: 1) clarify the current exemption from mitigation in subsection 3.2.2.2 for alterations to wholly owned ponds less than one acre and constructed in uplands and upland cut ditches; 2) eliminate the apparent preference for on-site mitigation versus off-site in subsection 3.3.1.2; 3) create a new subsection 3.3.1.2.1 to explain requirements for demonstrating sufficient ownership or control of off-site mitigation areas, to provide reasonable assurance of mitigation success; 4) revise sections 3.3.2.2 to clarify when the Uniform Mitigation Assessment Method (UMAM) supersedes ratio guidelines, when UMAM is applied and when it is not; 5) make several non-substantive technical corrections. The rule was proposed 10/15/10. Comments were due 11/05/2010.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

Contact: Pam Gifford, 352-796-7211, ext 4156

TITLE V AIR PERMITS (FAC 62-204, 210, 212, 213) FLDEP is proposing to amend FAC 62-204 to remove or revise obsolete provisions related to ambient air quality standards and area designations. This rulemaking is necessary for implementation of new NAAQS, and in preparation for expected new federally designated nonattainment areas. Proposed changes would remove excess or redundant language, delete or revise several definitions, simplify area designation rule sections to align with federal rule language, and clarify various provisions. Amendments to Chapter 62-210 213, F.A.C. would transfer general permits for six source categories from FLDEP's Title V air general permit program into the non-Title V air general permit program. Proposed amendments would also revise several definitions, expand permitting exemption criteria, clarify when air construction and operation permits are required, clarify general permit rule language, and streamline general permit registration forms. Amendments to Chapter 62-210 212 F.A.C. incorporate the effective elements of EPA's 12/31/02 NSR reform rule into Florida's nonattainment area preconstruction review program. EPA requires FLDEP to incorporate these concepts into state rules. It is to the benefit of regulated industries in pending nonattainment areas of the state for FLDEP to have done so in advance of those areas being so designated. Proposed amendments clarify related topics and definitions, and for consistency with federal requirements. They also update references to PM in the preconstruction review program from PM10 to PM2.5. A rule development workshop was held 10/20/10.

[Notice of Proposed Rulemaking](#)

Contact: Terri Long, (850) 921-9556

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

[Public Meeting Notice](#)

[Proposed Rule](#)

Contact: Deanna Hurt, 850-926-0912

TITLE V AIR PERMIT REVISION AND REGISTRATION (FAC 62-213.440) FLDEP is proposing amendments to Chapter 62-213, F.A.C., related to the Title-V air permitting program. Objectives of this rulemaking are: 1) to transfer six source categories (62-213.300 (1)(a): Perchloroethylene Dry Cleaning Facilities, 62-213.300(1)(b): Ethylene Oxide Sterilization Facilities, 62-213.300(1)(c): Halogenated Solvent Degreasing Facilities, 62-213.300(1)(d): Chromium Electroplating and Anodizing Facilities, 62-213.300(1)(e): Asbestos Manufacturing and Fabrication Facilities, 62-213.300(1)(f): Secondary Aluminum Sweat Furnaces) from FLDEP's Title-V air general permit program into its non-Title V air general permit program; 2) to clarify when Title V permit revisions are required, given various definitions of "modification;" and 3) to delete the Title V air general permit registration forms, renumber remaining forms, and correct citations to renumbered forms where needed. A rule development workshop was held 10/20/10.

[Notice of Development of Rulemaking](#)

[DEP Summary of Proposed Amendments](#)

Contact: [Terri Long](#), 850-921-9556

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

recycling technologies, such as anaerobic digestion. FLDEP anticipates this rule will move toward publication as a proposed rule in early 2011.

[Notice of Development of Rulemaking](#)

Contact: Francine Joyal, (850) 245-8747

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

[Notice of Development of Rulemaking](#)

TERMINAL FACILITY DISCHARGE CONTINGENCY PLAN (FAC 62N-16.033) FLDEP is proposing to amend rules to revise vessel contingency plan requirements in subsection 62N-16.033(4), F.A.C. Current plan requirements referenced to under Rule 62N-16.036, F.A.C., Vessel Spill Contingency Plan, would be removed because Rule 62N-16.036, F.A.C., has been repealed. In its place, there will be a requirement for a vessel that is also a terminal facility to comply with federal ship-specific discharge contingency plan requirements. A rule development workshop will be noticed in the next available Florida administrative weekly.

[Notice of Proposed Rulemaking](#)

Contact: Phil Wiczynski, 850-245- 2010

SFWMY YEAR-ROUND WATER CONSERVATION MEASURES AND VARIANCES (FAC 40D-1.002, 1.1002, 1.659, 22.101, .201, .303) Minor changes have been proposed to enhance the effectiveness of Chapter 40D-22, F.A.C., Year-round Conservation Measures and for consistency with Chapter 40D-21, F.A.C., Water Shortage Plan. Proposed amendments include adding or clarifying definitions for consistency between Chapters, clarifying allowable times for Spot Treatment, adding a schedule for plant establishment irrigation for large properties and allowing extra irrigation for salt flushing after tropical storms or hurricanes. This rulemaking would provide examples of circumstances for which a variance or waiver may be appropriate; set forth additional examples of circumstances warranting a variance; and incorporate a new form, Petition for Variance Form No. LEG-R.42.00-058 (9/28/10) to be submitted in order to request a variance. The form would streamline processing of requests for variances from Chapter 40D-22, F.A.C. This rulemaking would also amend Rule 40D-1.002, F.A.C. to change staff positions authorized to act on requests for relief via a Petition for Variance in order to reflect a recent realignment of the Demand Management Program that processes Petitions for Variance. Comments are due 11/05/10.

[Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

Contact: Pam Gifford, 352-796-7211, ext 4156

Georgia

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



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 CAA. The rule was proposed 03/09/10, and comments were due 04/20/10. A public hearing was held 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 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

AIR QUALITY CONTROL (RULE 391-3-1-.01, 391-3-1-.02, 391-3-1-.14) GAEPD has proposed amendments to rules for air quality control. Amendments would revise the definition of procedures for testing and monitoring sources of air pollutants; correct a numbering error; add a missing word; update incorporated standards to be consistent with federal standards; add new standards and update incorporated standards to be consistent with federal standards; and update incorporated requirements to be consistent with federal requirements. GAEPD held a public hearing 07/06/10. Comments were due 07/20/10. The rule is under review.

[Proposed Rules](#)

Contact: James Capp, (404) 363-7000

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

[Proposed Rule](#)

[Public Meeting Notice](#)

[Synopsis of Proposed Amendments](#)

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

LEAD-BASED PAINT (GAC 391-3-24-.01-.06, -.08-.12) GADNR is proposing to amend the Lead-Based Paint Abatement, Certification and Accreditation rules to adopt portions of EPA's renovation rules. Amendments would provide young children further protections from exposure to lead, ensure continued federal funding for GADNR's Lead-Based Paint Program and allow GAEPD to obtain authorization to regulate lead-based paint renovation activities, instead of the federal government. The rulemaking would add renovation activities to the rule, incorporate federal requirements for renovation activities in Paragraphs (3), (4), and (5) verbatim, and add 11 new definitions consistent with the federal renovation rule. Most of the proposed amendments are no more restrictive than federal regulations, thus do not incur additional costs to regulated entities and the public in Georgia beyond that required by EPA. However, GAEPD is proposing a fee schedule that differs in the length of time a certification is valid, and is assessing higher fees to make the program self-sustaining. A public hearing was held on 09/14/10, and comments were due 09/27/10.

[Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

Contact: Mark Smith, (404) 656-7802

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

[Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

GHG TAILORING RULE (GAC 391-3-1-.02, -.03) GADNR has proposed amendments that would incorporate PSD pro-

visions for PM2.5; incorporate provisions of the federal Greenhouse Gas Tailoring Rule, to include other minor revisions to make the state rule consistent with the federal rule; and to include effective dates of federal provisions incorporated by reference. Rule 391-3-1-.03(10), "Title V Operating Permits" would also be amended to incorporate provisions of the federal Greenhouse Gas Tailoring Rule, and to include effective dates of federal provisions incorporated by reference. The rule was proposed on 09/22/10. A public hearing was held 10/19/10, and comments were due 10/26/10. [Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

Contact: James Capp, (404) 363-7000

Kentucky

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



Final Rules

NEW INDIRECT HEAT EXCHANGERS (401 KAR 59:015) KEEC has adopted amendments to establish standards of performance for new indirect heat exchangers with heat input capacity between one (1) million and 250 million BTU heat input per hour. This administrative regulation regulates indirect heat exchangers as part of the Kentucky SIP. It provides owners and operators of indirect heat exchangers the option of using a PM continuous emissions monitoring system to demonstrate compliance. Because of this amendment, sources have greater flexibility in choosing reference methods for monitoring emissions and demonstrating compliance for the opacity standard. This administrative regulation does not establish fees, nor does it directly or indirectly increase any fees. KEEC held a public hearing 06/29/10, and accepted written comments until 06/30/10. Comments were received during the public comment period so a SOC was drafted and filed in response. KEEC chose to further amend the regulation in response to comments received. An Amended After Comments version was filed, which went before the September ARRS meeting. The rule became effective 10/07/10.

[Notice of public hearing](#)

[Proposed Rule](#)

[Amended Rule](#)

Contact: Millie Ellis, (502) 564-3999

Proposed Rules

WATER (401 KAR 8:100) The KEEC Division of Water has proposed amendments to rule 401 KAR 8:100 "Design, construction and approval of facilities," which establishes procedures for public and semipublic water systems to submit preliminary and final construction plans to KEEC for approval. Amendments would allow the professional engineering community to use the most current design guidelines for construction or expansion of water treatment plants and distribution systems. KEEC held a public hearing on the rule 07/27/10, and accepted written comments until 08/02/10. In response to comments, the Division of Water amended the administrative regulation and prepared a SOC. Both were filed with the LRC on 09/13/10. The amendment was deferred to the 11/09/10 AARS agenda. The rule will be presented to the second sub-committee on 12/02/10.

[Proposed amendments](#)

[401 KAR 8:100 \(AAC\)](#) Design, construction, and approval of facilities

[401 KAR 8:100 \(SOC\)](#) Statement of Consideration relating to 401 KAR 8:100

Contact: Abigail Powell, (502) 564-3410

IMPLEMENTATION OF GHG TAILORING RULE (401 KAR 51:001, 401 KAR 52:001) The KEEC Division of Air Quality has proposed amendments to regulations that govern state PSD/NSR and Title V permitting programs by including the federal definition amendments. These amendments are the first step toward implementing the Tailoring Rule threshold limits for regulating GHGs. EPA adopted the PSD and Title V GHG Tailoring Rule, which tailors the applicability criteria that determine which GHG emission sources become subject to PSD and Title V programs of the CAA. The rule includes two initial steps to phase in requirements. For step one, beginning 01/02/11, PSD or Title V requirements for GHG emissions will apply to sources only if they are subject to PSD or Title V requirements for other pollutants. For step two, beginning 07/01/11, PSD or Title V requirements for GHG emissions will apply to additional large sources. The Division of Air Quality held a public hearing 08/24/10, and accepted written comments until 08/31/10. KEEC received comments. They will file a SOC (details of the public hearing, comments received, KEEC responses and further amendments) and the regulations with the LRC. KEEC received extensive adverse comment during the comment period. They also received a SOC extension until 10/15/10. KEEC intended to meet that deadline, and for the regulations to go before the 11/09/10 ARRS meeting. The Division of Air Quality anticipates full phase one program implementation by January 2011.

[Rule Information](#)

[Proposed amendments to 401 KAR 51:001](#)

[Proposed amendments to 401 KAR 52:001](#)
[Notice of proposed rulemaking, 401 KAR 51:001](#)
Contact: Laura Lund (502) 564-3999, ext. 4428

LIVE EXOTIC WILDLIFE (301 KAR 2:082) The proposed rule would authorize the KY Department of Fish and Wildlife Resources (KDFWR) to regulate the importation of wildlife into KY. The rule would remove the requirement for a person transporting live wildlife into Kentucky to obtain a permit from KDFWR. It would also authorize KDFWR to promulgate administrative regulations that establish procedures for holding of protected wildlife. This administrative regulation would further establish the procedure for obtaining a transportation permit for exotic wildlife, prohibit the importation and possession of exotic species with the potential to damage native ecosystems, and place restrictions on importing, transporting, and holding species that are potentially dangerous to human health and safety. The rule was proposed on 09/15/10, and a public hearing was held on 10/27/10. The comment deadline was 11/01/10.

[Proposed rule](#)

Contact: Rose Mack, 502-564-7109, Ext. 4507

Mississippi

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



Final Rules

WASTEWATER DISINFECTION (TITLE 15 PART III SUBPART 77 APPENDIX 11) The MS Department of Health's Division of Onsite Wastewater has adopted a rule that allows for additional methods of disinfection, to include liquid chlorine, ultra-violet light, and ozone for applicable on-site wastewater systems. The rule was proposed 06/16/10, and comments were due 07/11/10. The rule became effective 08/09/10.

[Proposed Rule](#)

[Final Rule](#)

Contact: [Tim Darnell](#)

INDIVIDUAL ONSITE WASTEWATER DISPOSAL (CHAPTER 2, 9, 10, 11, 13; APPENDIX 3) MSDEQ has proposed amendments to rules concerning individual onsite wastewater disposal. The rulemaking includes amendments to the following: Chapter 5 to allow aggregate disposal systems to be as close as 50 feet from sensitive waters; Chapters 9, 10 and 11 to reflect that wastewater disposed of by overland discharge must meet the requirement established by ANSI/NSF Standard 40; Chapter 13 to allow for additional methods of disinfection for applicable onsite wastewater systems; and Appendix 3 to allow aggregate disposal systems to be as close as 50 feet from sensitive waters. MSDEQ held a public hearing 06/30/10. The Board of Health revised the rules 07/07/10. Amendments became effective 08/09/10.

[Proposed Rule](#)

[Final Rule](#)

Contact: Charles Shultis, (601) 364-2300

Proposed Rules

TOXICS MSDEQ has proposed miscellaneous amendments to rules governing entomological, plant pathological and weed control consultants. The rulemaking includes, but is not limited to amendments to delete rule language concerning the waiver of examination requirements and licenses automatically becoming invalid. The rules will become effective 20 days after filing with the Secretary of State. MSDEQ accepted comments until 05/31/10.

[Proposed Rules](#)

[Notice of Proposed Rules](#)

Contact: Tommy McDaniel, (662) 325-7763

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

[Proposed Amendments](#)

[Notice of Proposed Amendments](#)

Contact: John Cambell, (662) 325-8739

IMPAIRED WATERS Mississippi's [2010 Section 303\(d\) List of Impaired Water Bodies](#) fulfills the state's obligation to de-

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

[Second Draft](#)

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

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

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

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

[Proposed Rule](#) (Title V)

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

[Proposed Rule](#) (PSD)

Contact: Ted Lampton, 601- 961-5573

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

[Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

Contact: Ted Lampton, 601-961-5573

HAZARDOUS WASTE MANAGEMENT MSDEQ has proposed a rule that would postpone the effective date of the rule for Organic Emission Standards for Tanks, Surface Impoundments and Containers. Amendment would incorporate by reference federal regulations that implement changes regarding transboundary movement of spent lead-acid batteries, and make technical changes to correct or clarify several parts of the hazardous waste regulations. The rule was proposed 07/29/10; comments were due 08/28/10. A public hearing was held 09/13/10. The rule went before the Board at the 10/28/10 meeting.

[Rulemaking Notice](#)

[Proposed Rule](#)

Contact: Jerry Banks, 601-961-5221

North Carolina

Legislative Short Session Convened 05/10/10; Adjourned Sine Die 07/10/10



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 adopts 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 rule should go before the EMC on 11/18/10.

[Proposed Rule](#) (page 24)

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

PRETREATMENT REGULATIONS (15A NCAC 02H .0901-.0910, .0912-.0917, .0919-.0921, 15A NCAC 02H .0922) NCDENR has proposed a new rule and amendments to pretreatment rules. 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 held a public hearing 06/17/10. Written comments were accepted until 08/02/10. The rule will go before the EMC at the 11/18/10 meeting. With EMC approval, the rules will then go to the RRC December. They would become effective 01/01/11.

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

Contact: Deborah Gore, (919) 807-6383

PSD REQUIREMENTS FOR GHGs (15A NCAC 02D .0530, .0531, .0544) NCDENR has proposed a draft of rule 15A NCAC 02D .0544 "Prevention of Significant Deterioration Requirements for Greenhouse Gases." Under federal regulations published 06/02/10, EPA defines the terms "subject to regulation," "greenhouse gases," "CO2 equivalent emissions," "emissions increase" and "significant;" establishes related thresholds; and amends the definition of "major source" relative to GHGs. The final federal tailoring rule regulates permitting of sources of GHG emissions in two steps. Under the final federal regulation, EPA considers GHGs subject to regulation beginning 01/02/11. North Carolina has its own approved PSD program and does not automatically pick up the federal tailoring provisions. This rulemaking is necessary to incorporate GHGs as a regulated pollutant, and to implement tailoring provisions to allow the Division of Air Quality to efficiently and effectively implement its PSD and Title V permitting programs. The rule amendments are proposed to add tailoring provisions to the state rules. EMC approved a request from NCDENR for permission to proceed to public hearing on these amendments 07/15/10. NCDENR is requesting waiver of the EMC's 30-day rule in order to implement these rules by EPA's deadline. The rule will go before the EMC at the 11/18/10 meeting. With EMC approval, the rules will then go to the RRC December. They would become effective 01/01/11.

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

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

[15A NCAC 02D .0544](#)

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

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

Contact: Joelle Burlison, (919) 733-1474

ON-SITE WASTEWATER TREATMENT OPERATORS (21 NCAC 39 .0101-.0102, .0201, .0301, .0401-.0404, .0501, .0601-.0605, AND .0701-.0703) BHEC has proposed adoption of rules relating to certification of on-site wastewater system contractors and inspectors. The proposed rules include definitions, levels of certification, requirements for applications, fees, examinations, initial and continuing education, issuance of certificates, renewals, disciplinary action and other matters related to the certification of contractors and inspectors and the operation of BHEC. BHEC will hold public hearings on the rules 08/20/10, and 08/23/10. Written comments were accepted until 09/13/10.

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

Contact: Gene Young, (919) 733-2895

HAZARDOUS WASTE TRANSFER FACILITIES (15A NCAC 13A .0108, .0116-.0117) The NCDENR Division of Waste Management proposed amendments regarding hazardous waste transfer facilities. Amendments to Rule .0108(a)(1) would incorporate existing requirements from G.S. 130-295.05 for registration, notification and records retention. Proposed amendments to Rule .0108(a)(1) and (2) would incorporate requirements for emergency preparedness and prevention, container management, records, inspections, security, emergency procedures, and additional emergency notification requirements as recommended based on results of the study required by HB 36, adopted as Session Law 2007-107. Amendments to 15A NCAC 13A .0116 are in response to the North Carolina Legislature's Session Law 2007-107, [HB 36], which requires the addition of a factor for determining inspection frequency at "Special Purpose Commercial Hazardous Waste Facilities." The additional factor concerns the increase or decrease in "Sensitive Land Use" in the area surrounding these facilities. Amendments would afford greater scrutiny and oversight of North Carolina's special purpose commercial hazardous waste treatment, storage or disposal facilities. Stated changes to Rule .0116 would require Rule .0117 to be amended to include categories 4 and 5 and the corresponding fees. The increase in fees as required by

G.S. 130A-295.02(h), which partly states, "The Department shall establish and revise as necessary a schedule of fees to be assessed on the users of each such facility to recover the actual cost of the resident inspector program at that facility," and therefore requires Rule .0117 to be amended by a 50% increase in fees to recover "the actual cost of the resident inspector program." The EMC held a public hearing 08/17/10, and accepted written comments until 10/01/10. NCDENR has they received comments. The rule is under internal review, and NCDENR hopes to take the rule before the Public Health Commission on 02/16/11.

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

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

Contact: Elizabeth Cannon, (919) 508-8534

AREAS OF ENVIRONMENTAL CONCERN, WIND FACILITIES (15 NCAC .0106, .208; 07M NCAC .0401-.0403) NCDENR has proposed a rule that would detail application requirements for wind energy facilities, and include development of standards for these facilities. A "Wind Energy Facility" means turbines, accessory buildings, transmission facilities and any other equipment necessary for the operation of the facility that cumulatively, with any other wind energy facility whose turbines are located within one-half mile of one another, have a rated capacity of three megawatts or more of energy. The rule was proposed 08/02/10 with a comment deadline of 10/01/10. A public hearing was held 09/16/10, and comments were due 10/01/10. The Coastal Resources Commission reviewed the proposal 11/01/10. If approved, the rules will then be reviewed by the RRC.

[Proposed Rule \(beginning on p. 212\)](#)

James Gregson, 252-808-2808

HOSPITAL, MEDICAL AND INFECTIOUS WASTE INCINERATORS (15A NCAC 02D .1206) NCDENR is proposing amendments to 15A NCAC 02D 1206 to reflect new emission guidance from EPA as published in the Federal Register Notice of 10/06/09, 74 FR 51368, Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators. The rule was proposed 08/16/10. A public hearing was held on 09/07/10 and comments were due 10/15/10. This rule will go before the EMC at the 11/18/10 meeting.

[Notice of Proposed Rulemaking \(beginning on p. 416\)](#)

[Proposed Rule](#)

Contact: Joelle Burlison, (919) 733-1474

ENDANGERED PLANT SPECIES LIST (02 NCAC 48F .0301, .0302, .0304- .0306, .0401-.0404, .0406-.0413, .0501-.0515) The NC Department of Agriculture and Consumer Services is proposing to update the list of endangered or threatened plant species and clarify permit requirements for collection, propagation and sale of protected plants. The rule addresses collection and sale of Ginseng and Venus Flytrap, protected plant propagation, movement and sale of special concern plants, movement for conservation purposes, certificate of origin, emergency procedures for rescue operations, criteria for issuance of protected plant species, duplication of special concern permits, protected plant permits, criteria for approval of plant conservation permits, conditions of permit issuance and acceptance and amendment of forms. The rule was approved by the Plant Conservation Board at the 10/06/10 meeting. The rule will go before the RRC, although it will be deferred to the 12/16/10 agenda.

[Proposed Rule \(beginning on p. 181\)](#)

Contact: [Stephen Schmidt](#), 919-733-6930, Ext. 231

South Carolina

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



Proposed Rules

HAZARDOUS WASTE (R.61-79) SCDHEC has proposed amendments regarding hazardous waste management generator and transportation requirements. SCDHEC proposes to establish requirements for transfer facilities where manifested shipments of hazardous waste in containers are stored for more than 10 days. The rule would establish permitting and storage requirements for hazardous waste storage at a transfer facility, as well as establish financial assurance to protect the environment and the State in the event of a spill or accident act. Amendments would also remove references throughout the regulations to EPA's National Environmental Performance Track Program and the analogous state program, and the South Carolina Environmental Excellence Program. These Programs provide regulatory incentives to facilities with good compliance records that are less stringent than Federal standards. References to the SCEEP would be removed because the State cannot be less stringent than federal regulations. SCDHEC published notice of the proposed

amendments 05/28/10. SCDHEC accepted written comments until 06/29/10. SCDHEC will shortly publish another Notice of Drafting, and then begin the entire rulemaking process over again. Contact: Richard Haynes, (803) 896-4070

HAZARDOUS WASTE MANAGEMENT PLANNING (R.61-99) SCDHEC has proposed the repeal of R.61-99, "Hazardous Waste Management Planning." The regulation requires a "demonstration of need" before any applicant can receive a permit to establish or expand a hazardous waste management facility. This need can be demonstrated only by reference to the volume of in-state wastes. On 04/13/95, the US District Court ruled that the regulation was invalid and permanently enjoined the regulation. The Court held that R.61-99 (III) (C) discriminated against interstate commerce in violation of the Commerce Clause. The District Court ruling was upheld on appeal. Therefore, the SCDHEC intends to repeal the regulation. SCDHEC published the Notice of Drafting 06/25/10, and accepted written comments on the proposed repeal until 07/26/10. SCDHEC is reviewing comments received and working internally on the rule, which will likely be published in the November or December state register.

[Proposed Rule](#)

Contact: Richard Haynes (803) 896-4070

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 would be clarified, and requirements for temporary short-term grinding sites would be defined. Possible amendments may expand the scope of the regulation and address the composting and grinding of other waste streams and mixed waste streams. Application, design, permitting, operation, monitoring, analytical testing, reporting and closure requirements would be added for these waste streams as appropriate. Storm water and leachate control requirements and procedures for prevention of fires would also be addressed for facilities. The name of the regulation would be changed to reflect the change in scope of the regulation. Pilot/demonstration projects would 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. The Department intends to reissue the Notice of Drafting in January 2011.

[Notice of Drafting](#)

[Kent Coleman](#)

Contact: Jana White, (803) 896-4221

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

[Full text of regulation](#)

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

Contact: Richard Haynes, (803) 896-4070

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

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

[Proposed Rule](#)

Contact: Aaron Gantt, (803) 896-4070

AIR POLLUTION CONTROL (61-62.1; 61-62.60; 61-62.61; 61-62.63; 61.62.72) SCDHEC has proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan. Amendments to Regulation 61-62.1, "Definitions and General Requirements" would incorporate amendments to the definition of VOCs promulgated by the EPA on 01/12/09. SCDHEC also proposed amendments to Regulations 61-62.60, "South Carolina Designated Facility Plan and New Source Performance Standards;" 61-62.61 "National Emission Standards for Hazardous Air Pollutants;" 61-62.63 "National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories;" and 61.62.72 "Acid Rain" to incorporate by reference recent federal amendments promulgated from 01/01/09 through 12/31/09. SCDHEC published the Notice of Drafting 02/26/10, and accepted comments through 03/29/10. The BHEC met 06/10/10 to request initial approval to publish a Notice of Proposed Regulation in the South Carolina State Register, which would provide opportunity for public comment. If BHEC approves, SCDHEC will publish the Notice of Proposed Regulation in the 06/25/10 Register, will hold a staff informational forum 07/26/10, and will schedule a public hearing before BHEC to be held 11/10/10. SCDHEC published the Notice of Drafting 02/26/10, accepted comments through 03/29/10, and held a staff informational forum 07/26/10. SCDHEC will hold a public hearing on the amendments, and accept comments until 11/10/10.

[Full text of regulation](#)

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

Contact: Alan Hancock, (803) 898-3432

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

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

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

Contact: Andrew Hollis, (803) 898-3432

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

PHASE 2 OZONE RULE (REGULATION 61-62.5, STANDARD No. 7; REGULATION 61-62.5, STANDARD No. 7.1; SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN) Based on the requirements of the federal Phase 2 Ozone Rule (70 FR 71612) and the NSR Particulate Matter (PM) 2.5 Implementation Rule (73 FR 28321), SCDHEC proposes to amend Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, R. 61-62.5, Standard No. 7.1, Nonattainment New Source Review and the SIP to incorporate the provisions of the Phase 2 Ozone Rule and the NSR PM2.5 Implementation Rule. SCDHEC action on this proposal may be delayed until final guidance is provided by EPA. SCDHEC may also propose typographical corrections and clarifications to Regulation 61-62.5, Standard No. 7 and Standard No. 7.1, as necessary. Proposed changes are federally mandated; therefore, General Assembly review is not required. SCDHEC published the Notice of Drafting 07/23/10; written comments were accepted until 08/23/10. SCDHEC will seek initial Board approval in September. If the Board approves, SCDHEC will hold a public hearing in November, and seek final Board approval following the hearing. If the Board approves the regulation, it will become effective upon publication in the SC State Register on 11/26/10.

[Proposed Rule Notice](#)

Contact: Alan Hancock, (803) 898-4196

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

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 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. SCDHEC is reviewing comments received and working internally on the rule. The BHEC met 06/10/10 to request initial approval to publish a Notice of Proposed Regulation in the South Carolina State Register, which would provide opportunity for public comment. If BHEC approves, SCDHEC published the Notice of Proposed Regulation in the 06/25/10 Register. A public hearing before the BHEC was scheduled for 09/09/10, but it was cancelled. BHEC approved this rule at the 10/14/10 meeting. The proposed rule will be published in the Register on 11/26/10, and a Public Hearing before the SCDHEC Board will be scheduled for 01/13/11.

[Informational Website](#)

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

Contact: Gina Kirkland, (803) 898-4355

WATER POLLUTION CONTROL (CHAPTER 61; REGULATION 61-9) SCDHEC has proposed amendments to Regulation 61-9 "Water Pollution Control Permits." Proposed amendments adopt Federal CWA rules issued by EPA. EPA adopted regulations related to 316(b) of the CWA (40 CFR 125.80-89) 12/18/01. These phase one regulations address cooling water intakes at new facilities (power companies and manufacturing companies) with cooling water intakes greater than 2 MGD. SCDHEC published the Notice of Drafting 02/26/10, and accepted comments through 03/29/10. BHEC met 06/10/10, and approved a Notice of Proposed Regulation to be published in the South Carolina State Register. SCDHEC accepted written comments on the amendments until 07/30/10. SCDHEC has put this rule on permanent hold since EPA pulled back and reissued effluent limits for construction. It is the SCDHEC understands that the rule will be reissued in 01/2012.

[Full text of regulation](#)

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

Contact: Jeff deBessonnet, (803) 898-4257

SAFE DRINKING ACT FEE (R. 61-30) SCDHEC has proposed a regulation that would increase the Safe Drinking Act Fee schedule so that the Drinking Water Trust Fund will remain solvent in the face of new program requirements and monitoring mandated by the EPA. Comments were due 09/30/10. A public hearing will be held 11/10/10.

[Notice of Drafting](#)

[Proposed Rule](#)

Contact: [Douglas Kinard](#)

SURFACE WATER WITHDRAWAL, PERMITTING, REPORTING (R. 61-30, 121-10, 121-12) Act 247 of 2010 substantially amended Section 49-4-10 et seq. of the 1976 Code of Laws, renaming these sections as the South Carolina Surface Water Withdrawal, Permitting, Use and Reporting Act. As authorized by the Act, SCDHEC intends to promulgate a new regulation to implement provisions of this Act, amend Regulation 61-30 to incorporate fees authorized by this Act, and simultaneously repeal Regulations 121-10 and 121-12, which would become obsolete upon promulgation of the new regulation. The rule was proposed 08/27/10, and comments were due 09/27/10.

[Proposed Rule](#)

Contact: [Charles Gorman](#)

LABORATORY CERTIFICATION (R. 61-81) Regulation 61-81 provides the mechanism to assure validity and quality of data generated for compliance with State regulations. The regulation applies to any laboratory performing analyses to determine the quality of air, drinking water, hazardous waste, solid waste, or wastewater; performing bioassays, or perform-

ing other analyses related to environmental quality evaluations required by, to be officially submitted to SCDHEC. Regulation 61-81 has not been amended since its 01/01/81 effective date. SCDHEC is proposing to rewrite the regulation to bring it up to date with current laboratory certification practices and standards, as well as incorporate changes and/or additions necessary to assure the validity and quality of data generated for compliance with state and federal regulations. Amendments would also reflect current language and references related to laboratory certification, laboratory practices and standards. Other changes may be made to improve the overall quality of the regulation. Amendments were proposed 08/27/10, and comments were due 09/27/10. The first stakeholder meeting was held 10/28/10.

[Proposed Rule](#)

Contact: Carol Smith, 803-896-0992

Tennessee

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



Proposed Rules

LIGHT-DUTY MOTOR VEHICLE INSPECTION AND MAINTENANCE (TAC 1200-3-29-.2, -.4) TDEC has proposed to amend Rule .02, Definitions, in Chapter 1200-03-29 Light-Duty Motor Vehicle Inspection and Maintenance by adding definitions for low and medium speed vehicles. Rule .04, Exemption from Motor Vehicle Inspection Requirements, would be amended to exempt low and medium speed vehicles from vehicle testing requirements. These type vehicles are manufactured as non-road vehicles and therefore are not subject to an emissions test. The Air Board did not meet in November 2009, so the rule was presented at the 12/09/09 meeting instead. The Air Board approved the rule, but it will not become effective until the Secretary of State approves it. The rule is not yet final, but it may become final before the end of November.

[Rulemaking Notice](#)

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

UST PROGRAM (TAC 1200-1-15-.1, -.3, -.16) TDEC 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 B 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 is under review by the Office of General Counsel and the Attorney General. It will be sent to 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 that would provide procedures and requirements for the accreditation of lead-based paint activities and renovation training programs; outline procedures and requirements for certification of individuals and firms engaged in lead-based paint activities; and work practice standards for performing such activities. It would repeal provisions that are no longer necessary, and stipulate that all lead-based paint activities 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 are in existence and cited properly. After that, it will be logged in with the Secretary of State and will be given an effective date that is 90 days from that of login.

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

[Press Release](#)

[Executive Order](#)

GHGs AND CONSTRUCTION PERMITS (CHAPTER 1200-03-09) TDEC has proposed amendments to Chapter 1200-03-09, "Construction and Operating Permits" in order to include the federal requirements for GHG Regulations, including the Tailoring Rule, into state regulations. EPA adopted the PSD and Title V GHG Tailoring Rule, which tailors the applicability criteria that determine which GHG emission sources become subject to the PSD and title V programs of the CAA. The rule includes two initial steps to phase in requirements. For step one, beginning 01/02/11, PSD or Title V requirements for GHG emissions will apply to sources only if those sources are subject to PSD or Title V requirements for other pollutants. For step two, beginning 07/01/11, PSD or Title V requirements for GHG emissions will apply to additional large sources. The rule also adds criteria, which go into effect on 07/01/14, for additional pollutant GHGs subject to regulation. TDEC held a rulemaking hearing and accepted written comments until 09/09/10. TDEC intends to comply with the January 2011 phase one Tailoring Rule implementation deadline. The proposed rule was presented the Air Pollution Control Board at the 10/13/10 meeting. TDEC's Office of General Counsel, the Attorney General's office, as well as EPA Region 4 have reviewed the proposed rule. Next, it will go to the Office of General Counsel, the Attorney General and then the Secretary of State.

[Proposed amendments](#)

[EPA Greenhouse Gas Tailoring Rule](#)

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

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

Contact: Lacey Hardin, (615) 532-0109

STATEWIDE SOLID WASTE REDUCTION GOALS (TAC 1200-1-7-.1, -.9, -.10) TDEC is addressing the state's solid waste reduction goals to annually reduce the amount of solid waste going to Class I, III and IV landfills. Amendment would also address a private sector survey to establish a baseline index for waste reduction and recycling activities in the private sector, and then monitor change. The current waste disposal reduction goal would be deleted in its entirety. Amendments would add definitions for calculated generation, municipal solid waste, E-scrap, local government, material derived fuels and waste to energy facility/combustor. The rule presented at the 12/07/10 board meeting will be greatly reduced in scope since the Board is unlikely to adopt broader changes TDEC would like to make. TDEC is not sure which provisions would be retained and which would wait for another rulemaking.

[Proposed Rule](#)

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

WATER QUALITY CRITERIA (TAC 1200-4-3-.1 -.12, -4-.1 -.14) This amendment would address general water quality criteria; revise Tennessee's general water quality criteria and stream-use classifications for surface waters; classify surface waters for one or more of seven designated uses; establish narrative or numerical criteria to protect water quality for each use; and implement specific provisions for the protection of high-quality waters. This rule was approved by the Board at the 10/19/10 meeting. The rule will then go to the Office of General Counsel, the Attorney General and then to the Secretary of State.

[Proposed Rule](#)

Contact: Gregory Denton, 615-532-0699

Frequently Used Acronyms

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