



The Southern Region Review



November 2011 , Region 4 Edition

The US Army Regional Environmental & Energy Office 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.

REEO-S Personnel Directory

Main Office Number	404-524-5061
Region 4 Director/DoD REC	404-460-3131
Region 4 Deputy Director	404-460-3125
Region 4 Counsel	404-460-3132
Region 4 REC	404-460-3133
Region 4 REC	404-460-3136
Project Manager	404-460-3134
Regulatory Affairs Specialist	404-460-3135
Administrative Assistant	404-460-3130

For additional information, please visit:
<http://www.asaie.army.mil/public/ESOH/REEO>.

Contents

[Hot Topics](#).....2

[Conferences and Training](#).....2

[Federal Notices and Rulemaking](#).....4

State Laws and Rulemaking

[Alabama](#).....6

[Florida](#).....7

[Georgia](#).....8

[Kentucky](#).....10

[Mississippi](#).....11

[North Carolina](#).....12

[South Carolina](#).....12

[Tennessee](#).....14

[Frequently Used Acronyms](#).....16



Hot Topics

ENERGY CLEARINGHOUSE (10/20/11, [76 FR 65112](#)) DoD issued an interim final rule for the Mission Compatibility Evaluation Process. The rule describes and governs how the internal DoD Siting Clearinghouse will evaluate and address proposals to develop renewable energy projects with a potential to adversely impact domestic DoD operations. The rule has been in development for over a year, and it represents both a commitment to a transparent process by DoD, as well as the establishment of policy that should help all parties determine when a project encroaches on training, flight operations and other Defense activities. It does not eliminate conflicts, but it provides a needed mechanism for resolving them. The Clearinghouse already has a track record, having evaluated hundreds of projects and reportedly approving at least 90%.

DoD STRATEGIC SUSTAINABILITY PERFORMANCE PLAN (10/31/11) DoD has released the annual [Strategic Sustainability Performance Plan for FY2011](#) as required by EO 13514. The plan identifies four objectives and 20 sub-goals, along with 21 quantitative metrics. Principal goals include reducing reliance on fossil fuels through energy efficiency and renewable energy, and continuing to make institutional improvements needed to incorporate sustainability into DoD doctrine, policies, budgets and action. The plan references numerous existing DOD component environmental, energy, and sustainability policy documents. Section I.4. addressing investment decisions indicates that documents planned or under development include: a DoD Instruction on Sustainability that will require consideration of investment costs and benefits of factors impacting sustainability; an energy "Key Performance Parameter" that will be mandatory in weapons system (and platform?) acquisition; guidance for estimation and application of the Fully Burdened Cost of Fuel in acquisition decisions; and a Military Standard for life cycle impact assessments at the conceptual, developmental and design stages of acquisitions. [Other Federal agency plans](#) are available.

Conferences and Training

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 storm water runoff.

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

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

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

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

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

NOVEMBER 29-DECEMBER 1, WASHINGTON, DC: [PARTNERS IN ENVIRONMENTAL TECHNOLOGY TECHNICAL SYMPOSIUM & WORKSHOP](#). The workshop is a nationally recognized conference focusing on (DoD priority environmental issues. Attendees span the military Services, academic and research institutions, private sector technology and environmental firms, and Federal, state, and local regulatory and policy making organizations. This year's event will offer an opening Plenary Session where the SERDP and ESTCP Projects of the Year will be announced, 15 technical sessions and four short courses, more than 450 technical poster presentations, and exhibitors from funding and partnering organizations.

NOVEMBER 29-DECEMBER 2, WASHINGTON, DC: [BEHAVIOR, ENERGY, AND CLIMATE CHANGE CONFERENCE](#). This is the fifth annual conference focused on understanding the nature of individual and organizational behavior and decision making, and using that knowledge to accelerate our transition to an energy-efficient and low carbon economy.

NOVEMBER 30-DECEMBER 1, WASHINGTON, DC: [GOVGREEN](#). This is the only independent conference and exposition created specifically for government professionals charged with developing, implementing and managing green and sustainable programs. GOVgreen is an opportunity to learn, network and problem-solve at an event dedicated to making the government green. FREE to federal government and military professionals, the GOVgreen Conference and Exposition will showcase federal leaders presenting case histories, best practices and their plans and programs to green the federal government. More than 20 sessions will focus on the program areas affected President Obama's Executive Order 13514, with tracks on energy, transportation, conservation and facilities.

NOVEMBER 30-DECEMBER 3: 2011 [CITIESALIVE](#). Enjoy an opportunity to learn from a wide variety of experts the latest in research, policy, design and product development for green roofs, walls and other forms of green infrastructure. Expand business opportunities, develop new policy approaches, discover new design techniques and tools, and share and develop new research opportunities.

JANUARY 10-13, ORLANDO, FL: [ENVIRONMENTAL AWARENESS BOOTCAMP](#). This course covers in detail numerous environmental air, water and waste regulations. Days 3 and 4 will teach how these regulations apply to organizations and how to keep in compliance. This seminar is a wonderful chance to meet and converse with other environmental professionals.

JANUARY 18-20, WASHINGTON, DC: [12TH NATIONAL CONFERENCE ON SCIENCE, POLICY, AND THE ENVIRONMENT: ENVIRONMENT AND SECURITY](#). The security of individuals, communities and nations is profoundly affected by environmental change – population movements, conflicts over water and other natural resources, political and economic instability caused by food and energy prices, and sea level rise are just a few examples. In addition, the ways in which nations choose to pursue their security objectives, through military, diplomatic, and humanitarian means, have significant environmental consequences. This national conference will explore strategically selected environment and security issues, the dynamic interrelationships between them, common underlying scientific issues, and regional case studies.

FEBRUARY 15-16, GAINESVILLE, FL: [UNIVERSITY OF FLORIDA WATER INSTITUTE SYMPOSIUM](#). This symposium will bring together scientists, engineers, academics, non-governmental organizations, policy makers, water managers, industry and utility representatives, lawyers, students, and the public to explore emerging issues related to nutrient sources, dynamics, management, and policy from multiple perspectives.

Federal Notices and Rulemaking

Air

DEFINITION OF VOC (10/17/11, [76 FR 64059](#)) EPA has proposed to revise the definition of volatile organic compounds (VOCs) for purposes of preparing state implementation plans (SIPs) to attain the national ambient air quality standards (NAAQS) for ozone under CAA Title I. This proposed revision would exclude add 2,3,3,3-tetrafluoropropene (also known as HFO-1234yf) and trans-1,3,3,3-tetrafluoropropene (also known as HFO- 1234ze) from the definition of VOC on the basis that these compounds make a negligible contribution to tropospheric ozone formation. Entities potentially affected by this proposed rule include, but are not necessarily limited to, states (typically state air pollution control agencies) that control VOCs, and industries involved in the manufacture or use of refrigerants, aerosol propellants, and blowing agents for insulating foams. Comments were due 11/16/11. For further information: [David Sanders](#), EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC; (919) 541-3356.

Energy

ENERGY AND SUSTAINABILITY EFFICIENCY (08/16/11) The Council on Environmental Quality (CEQ) issued a [memorandum](#) to Agency Senior Sustainability Officers urging executive agencies to make the Federal government a leader in energy efficiency and sustainability by implementing Federal Use of Energy Savings Performance Contracts, Utility Energy Services Contracts, and Power Purchase Agreements.

ACCELERATION OF ELECTRIC TRANSMISSION LINE PROJECTS (10/06/11, [PRESS RELEASE](#)) The Administration has announced it will accelerate the permitting and construction of seven proposed electric transmission lines in 12 states. DOD is a signatory to a [MOU](#) to accelerate approval of transmission lines on Federal lands. A [map](#) of the transmission line pilot projects is available.

WIND TURBINE CATEGORICAL EXCLUSION (10/13/11, [76 FR 63764](#)) DOE has revised its NEPA implementing procedures to add 20 new categorical exclusions, including a categorical exclusion for small land-based wind turbines. The exclusion covers installation, modification, operation and removal of a small number (generally not more than two) of commercially available wind turbines, with a total height generally less than 200 feet (measured from the ground to the maximum height of blade rotation) that (1) are located within a previously disturbed or developed area; (2) are located more than 10 nautical miles (about 11.5 miles) from an airport or aviation navigation aid; (3) are located more than 1.5 nautical miles (about 1.7 miles) from National Weather Service or Federal Aviation Administration Doppler weather radar; (4) would not have the potential to cause significant impacts on bird or bat populations; and (5) are sited or designed such that the project would not have the potential to cause significant impacts to persons (such as from shadow flicker and other visual effects, and noise). Covered actions include only those related to wind turbines to be installed on land. For further information: Carol Borgstrom, Director, Office of NEPA Policy and Compliance, askNEPA@hq.doe.gov or 202-586-4600.

ENERGY EFFICIENCY IMPROVEMENTS FOR BUILDINGS (10/19/11, [76 FR 64904](#)) DOE has determined that the 2010 edition of the ASHRAE 90.1 Energy Standard for Buildings, Except Low-Rise Residential Buildings, ANSI/ASHRAE/IESNA Standard 90.1-2010, would achieve greater energy efficiency in buildings subject to the code, than the 2007 edition (Standard 90.1-2007). The 2010 standard would indicate an estimated national 18.2% savings in commercial building energy consumption, and estimated site energy savings of 18.5%. States are required to certify that they have reviewed the provisions of their commercial building code regarding energy efficiency, and as necessary, updated their code to meet or exceed Standard 90.1-2010. Additionally, this notice provides guidance to States on Certifications, and Requests for Extensions of Deadlines for Certification Statements. The [quantitative analysis](#) comparing both standards is available. Certification statements by the States must be provided by 10/18/13. For further information: [Michael Erbesfeld](#), DOE, Office of Energy Efficiency and Renewable Energy, Washington, DC, (202) 287-1874.

SMART GRID INTEROPERABILITY STANDARDS (10/25/11, [76 FR 66040](#)) The National Institute of Standards and Technology (NIST) issued the draft [NIST Framework and Roadmap for Smart Grid Interoperability Standards, Release 2.0](#) and seeks comments. The Release 2.0 includes: a description of the Smart Grid conceptual reference model and conceptual architecture; framework under development by the SGIP's Smart Grid Architecture Committee (SGAC); an update to

the progress of the Priority Action Plans (PAPs) in closing the previously identified high-priority gaps; a listing of new standards emerging from the PAPs that have been added to the list of identified standards and the list of those for further review; a description of the recently formed Smart Grid Interoperability Panel (SGIP); an expanded cybersecurity section; and a new testing and certification. The agency requests that comments be categorized as technical, editorial or general. Comments are due 11/25/11. For further information: Dr. George W. Arnold, National Coordinator for Smart Grid Interoperability, NIST, Gaithersburg, MD; 301-975-2232, nistsgfwcmts@nist.gov.

Miscellaneous

USTS (10/25/11, EPA RECENT ADDITIONS) In advance of formal publication in the Federal Register, EPA has released the [text of proposed revisions](#) to UST regulations in 40 CFR Part 280. Changes establish federal requirements similar to key portions of the Energy Policy Act of 2005. They also update certain 1988 UST regulations. Proposed revisions add: secondary containment requirements for new and replaced tanks and piping; operator training requirements for UST system owners and operators; periodic operation and maintenance requirements for UST systems; new release prevention and detection technologies; and requirements for demonstrating compatibility when alternative fuels or blends are stored. Revisions remove certain deferrals (such as field constructed tanks, and airport hydrant fuel distribution systems); update codes of practice; and make editorial and technical corrections. A [Redline/Strikeout version of 40 CFR 280 and other comparison summaries](#) are available. EPA will accept comments for 90 days following publication in the Federal Register. For further information: [Elizabeth McDermott](#), EPA OSWER/OUST, Washington, DC, 703-603-7175.

TECHNOLOGY TRANSFER (10/28/11, WHITE HOUSE MEMO) The President has issued a memorandum: [Accelerating Technology Transfer and Commercialization of Federal Research in Support of High-Growth Businesses](#). The memo introduces new taskings for agencies, and an increased emphasis on promoting successful technology transfer.

Natural Resources

LISTING OF 404 SPECIES IN SOUTHEAST (09/27/11, [76 FR 59836](#)) In response to a petition the USFWS is initiating a status review of 374 species in the southeastern US States for which listing may be warranted. USFWS is soliciting scientific and commercial information regarding these 374 species, with information requested by 11/28/11. A large number of the petitioned species had previously been considered for listing under the Endangered Species Act, and were at one time or another assigned status as a category 1, 2, or 3C candidate species. For details see the Federal Register text. For further information: Janet Mii, Fish and Wildlife Service, Southeast Regional Office, Atlanta, GA, 404-679-7169.

EIGHT SPECIES OF MUSSELS (10/04/11, [76 FR 61482](#)) USFWS has proposed to list five species of mussels as endangered and three species under threatened status. The eight species are endemic to portions of the Escambia River, Yellow River, and Choctawhatchee River basins of Alabama and Florida; and to localized portions of the Mobile River Basin in Alabama. USFWS has exempted from the critical habitat designation lands within the Fort Rucker military reservation. Endangered species included Alabama pearlshell, round ebonyshell, southern sandshell, southern kidneyshell, and Choctaw bean. Threatened species included the tapered pigtoe, narrow pigtoe, and fuy pigtoe. These mussel species have disappeared from other portions of their natural ranges primarily due to habitat deterioration and poor water quality as a result of excessive sedimentation and environmental contaminants. Comments are due 12/05/11 For [further information](#): Don Imm; FWS, Panama City, FL; (850) 769-0552.

LISTING OF 404 SPECIES IN SOUTHEAST (10/06/11, [76 FR 62260](#)) USFWS determined that listing 11 of 404 petitioned species as may not be warranted at this time. USFWS will not initiate a status review for these 11 species. The petition covered species from aquatic, riparian, or wetland species from the southeastern US. For further information: Janet Mii; FWS Southeast Regional Office, Atlanta GA; 404-679-7169.

BIRDS OF PREY FOR ABATEMENT ACTIVITIES (11/02/11, [76 FR 67650](#)) USFWS announced the reopening of the comment period on its 07/06/11, advance notice of proposed rulemaking in which it solicited comments and suggestions on migratory bird permit regulations for a permit to use raptors in abatement activities. USFWS has considered permitting the use of trained raptors in abatement activities to flush, scare (haze), or take birds or other wildlife to mitigate damage or other problems, including risks to human health and safety, in locations such as airports. Currently, raptors used under a Federal abatement permit must be captive-bred and banded. Any Migratory Bird Treaty Act (MBTA) protected raptor species may be used for abatement, except for golden and bald eagles. USFWS has permitted this activity under special purpose permits since 2007 pursuant to a migratory bird permit policy [memorandum](#). USFWS now intends to prepare a specific permit regulation to authorize this activity. Comments are due 12/02/11. For further information: George Allen; FWS, Arlington, VA; (703) 358-1825.

2010 EFFLUENT GUIDELINES PROGRAM PLAN (10/26/11, [76 FR 66286](#)) EPA has released the [2010 Effluent Guidelines Program Plan](#) that identifies new or existing industrial dischargers that discharge directly to surface waters or into publicly owned treatment works (POTWs), selected for effluent guidelines rulemaking and provides a schedule for such rulemakings. Among the development of other effluent guidelines and standards, EPA has decided to develop pretreatments requirements for discharges of mercury from the Dental industry. Information on the [Dental Amalgam Effluent Guideline](#) is available. Comments are due 11/25/11. For further information: [William F. Swietlik](#); EPA, 202-566-1129.

State Laws and Rulemaking

Alabama

Legislative Session Convened 01/04/11; Adjourned 06/09/11

Effective Dates of Legislation: Upon enactment or as provided in the Act.



Final Rules

DEPARTMENTAL FORMS, INSTRUCTIONS AND PROCEDURES (335-1-1-.07) ADEM amended this rule to add eight new forms, delete one form and modify 20 existing forms. Forms affected include Air-NAAQS, Clean Water Act and SDWA-Drinking Water. A Public Hearing was held 09/21/11, and the Notice of Intended Action was published 09/30/11. Comments were due by 10/5/11, the Final Rule was filed 10/25/11, and the Certified Adopted Rule was published 10/31/11. The rule becomes effective 11/29/11.

[Notice of Intended Action](#)

[Certified Adopted Rule](#)

Contact: Russell A. Kelly, (334) 271-7715

WATER QUALITY PERMITS & FEES (335-1-6-.04; 335-1-6-.05; 335-1-6-.07) ADEM amended rules to increase its permit fees. The Notice of Intended Action was published 09/30/11, and comments were due 10/05/11. The Final Rule was filed 10/25/11, and the Certified Adopted Rule published 10/31/11. The Final Rule becomes effective 11/29/11.

[Proposed Rule](#)

[Final Rule](#)

Proposed Rules

LICENSURE FAILURE TO RENEW FEES (628-X-4-.02) The Alabama Onsite Wastewater Board has proposed amendment to Section 6 of 628-X-4-.02, which establishes license fees. Amendment would change the failure to renew license end date provision to April 15 through December 31 of each calendar year. Section 7 that provides for the failure to renew a license provision from April 16 thru December 31 of each calendar year would be removed, and the subsequent sections renumbered accordingly. This rule was proposed 06/30/11. Comments were due 08/04/11.

[Proposed Rule](#)

Contact: Mike Talley, 334-269-6800; Melissa.hines@aowb.alabama.gov

CLASS V & VI INJECTION WELLS ([CLASS V] 335-6-8-.01, -.02, -.05, -.07, -.08, -.10, -.12, -.28, -.29 - .30; [CLASS VI] -.13 - .27) ADEM revised the Division 6 Code to include requirements for Class VI injection wells for geologic sequestration of carbon dioxide. Additions and amendments are consistent with Federal regulations for Class VI wells. A public hearing was held 07/11/11. Amendments to Class V wells include new definitions relating to the regulation of CO2 injection for the purpose of geologic sequestration and to distinguish existing terminology from the new definitions, and to revise existing definitions to be consistent with federal language. The Class V rules support newly promulgated Class VI rules. Rule changes were proposed on 05/31/11, and a public hearing was held 07/11/11. The rule was adopted 09/06/11. It became effective 09/26/11. Final Rule has not yet been published in the Alabama Administrative Monthly.

[Proposed Rules](#)

Contact: Sonja Massey (334) 271-7832

HAZARDOUS WASTE REGULATIONS (335-14) ADEM proposed amendments to Division 14, the state's hazardous waste program. RCRA §3006(b) requires that authorized State Programs be "equivalent" to the Federal program and continue to maintain equivalency as the Federal program changes. To retain state primacy in the hazardous waste program, ADEM must update its Administrative Code to reflect changes in federal requirements for regulation of hazardous waste. ADEM is proposing that the Environmental Management Commission adopt regulations reflecting changes made to EPA's

regulations from 07/01/10 through 06/30/11. Changes include adoption of the Federal rule to remove saccharin and its salts from the list of hazardous constituents and the Federal technical corrections and clarifications rule. Regulatory language was added to clarify certain regulations in the existing rules: a statement on use of drip pads by Small Quantity Generators was added; language to clarify existing requirements for management of used oil filters and rinsing of containers that held acute hazardous waste. A rule was added to revise current lamp crushing standards, and clarifying language was added regarding varying implications of a generator's annual notification. ADEM is proposing to correct a number of typographical and citation errors in the existing regulations. Notice of Proposed Rulemaking was issued 09/25/11. A public hearing was held, and comments were due 11/05/11.

[Public Notice](#)

[Proposed Rule](#)

Contact: [Hearing Officer](#)

SOLID WASTE AND MUNICIPAL SOLID WASTE (335-13, -14) ADEM proposes to amend its Administrative Code by creating Chapter 14 within the Solid Waste Program, pursuant to amendments to the Solid Wastes and Recyclable Materials Management Act enacted in 2008. ADEM proposes to establish technical and operational requirements for facilities engaged in solid waste composting. Among the proposed requirements for subject facilities would be to obtain permits from ADEM and implement certain control measures necessary to prevent migration of solid waste into the environment. The Notice of Public Hearing was published on 10/23/11. A Public Hearing is scheduled and comments are due by, 12/07/11.

[Public Notice](#)

[Proposed Rule](#)

Contact: Molly Tatum, (334) 394-4360

SPECIAL GASOLINE QUALITY REQUIREMENTS IN JEFFERSON AND SHELBY COUNTIES (335-3-20-.01, 335-3-20-.02, and 335-3-20-.03) ADEM proposes to delete Rules 335-3-20-.01, -.02 and -.03. Revisions to the Division 3 Code are would delete the special gasoline quality requirements in Jefferson and Shelby Counties. Federal standards for gasoline quality have largely superseded Alabama's standards. The Notice of Public Hearing was published on 10/23/11. A hearing on that notice is scheduled for 12/07/11, and comments are due by 12/09/11.

[Notice of Public Hearing](#)

[Proposed Rules \(Repeal\)](#)

Florida

Legislative Session Convened 03/08/11; Adjourned 05/06/11

Effective Dates of Legislation: 60th day after adjournment or as provided in the Act.



Proposed Rules

STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (FAC, CHAPTER 64E-6) The FL Department of Health (FLDOH) proposed amendments to standards for onsite sewage treatment and disposal systems. The rulemaking develops rules to implement provisions of Chapter 10-205, Laws of Florida (SB 550), which requires FLDOH to administer an onsite sewage treatment and disposal system evaluation and assessment program. Proposed rules address: application for a System Construction Permit; location and installation of onsite sewage treatment and disposal systems; site evaluation criteria; system size determinations; alternative systems; septage and food establishment sludge; portable restrooms and portable or stationary holding tanks; abandonment of systems standards for construction, operation and maintenance of aerobic treatment units; construction materials and standards for treatment receptacles; construction standards for drain field 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, 10. A public meeting was held in December 2010. DOH has public meetings scheduled through December 2011.

[Notice of Public Workshop](#)

[Notice of Rule Development](#)

Contact: Gerald Briggs, (850) 245-4250

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

[Proposed Rule](#)

[09/13/10 JAPC Letter to DEP](#)

[09/24/10 DEP Letter to JAPC](#)

[Notice of Change](#)

[Second Notice of Change](#)

Contact: [Contact West Gregory](#), 850-245-2542

[SURFACE WATER QUALITY STANDARDS \(FAC 62-302.200, .300, .400, .500, .520, .530, .540, .700, .800\)](#) FLDEP held two workshops to explore options with the public on Florida nutrient standards and other relevant provisions of water quality standards. The workshops were used to discuss concepts and gain public input on ideas for a State rule. Information gained will be used as part of the traditional State process of collaborative rulemaking. Note that FLDEP previously opened up Chapter 62-302, F.A.C., for establishment of nutrient standards, and then suspended that rulemaking. The workshops were held 06/14/11 and 06/16/11. A workshop was held 10/04/11. Contact: [Eric Shaw](#), 850-245-8429
[Rulemaking](#)

[AIR PERMITTING DEFINITIONS \(FAC 62-210.200, FAC 62-212.400\)](#) FLDEP is proposing to amend two definitions in its air permitting rules to exclude ethanol fuel production facilities from the definition of "chemical process plant," thereby raising the emission threshold for applicability of the State's major source permitting rules for such facilities from 100 tons per year (TPY) of any regulated air pollutant to 250 TPY. Some ethanol fuel production facilities would move from being considered a "chemical process plant" for purposes of qualifying for an exemption from the State's PSD air permitting rules. A rule development workshop was held 07/27/11. A portion of this rule became effective in June 2011. Comments for the Notice which was published were due on 10/07/2011.

Contact: [Ms Lynn Searce](#), 850-717-9025

[Notice of Proposed Rulemaking](#)

[Propose Rule](#)

[RISK BASED CORRECTIVE ACTION \(FAC 62-777\)](#) FLDEP has responded to a Petition to Initiate Rulemaking filed by Associated Industries of Florida pursuant to Section 120.54(7), F.S. FLDEP is initiating this rulemaking to commence the necessary dialogue among interested stakeholders to discuss proposed amendments to rules governing the Risk-Based Corrective Action (RBCA) process at contaminated sites in Florida. Subject areas to be addressed include FLDEP's RBCA guidance documents, in particular the "Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 62-777, F.A.C. (February 2005)." Additional subjects to be addressed include the site assessment process, fate and transport modeling and statistical methods, the risk assessment process including criteria for allowing use of the probabilistic risk assessment, and criteria for achieving the "No Further Action" status at contaminated sites (with or without controls).

Contact: [Brian Dougherty](#), 850-245-7503

[Notice of Development](#)

Georgia

Legislative Session Convened 01/10/11; Adjourned 04/14/11

Effective Dates of Legislation: Generally, July 1st or as provided in the Act.



Proposed Rules

WASTEWATER DISCHARGE INTO POTWs (391-3-6-.08, -.09) GAEPD has proposed amendments to wastewater pretreatment permits for discharge of any pollutant into a publicly owned treatment works (POTWs) and then into the waters of the state. It would amend procedures and practices followed in development and submission of POTW pretreatment programs for GAEPD review, approval or denial, as well as public notification methods. The primary purpose of the proposed amendments is to comply with federal General Pretreatment Regulations for Existing and New Sources of Pollution, which establish responsibilities of government and industry to implement National Pretreatment Standards. Other proposed amendments would correct typographical errors, numerical and alphabetical inconsistencies, and clarify language and definitions, as required by EPA. The rule was proposed 08/05/09. Changes were proposed 06/23/10, and comments were due 07/23/10. Additional changes were proposed 09/22/10. A public hearing was held on 10/27/10, and comments were due 11/05/10. The rules were modified. Public comments are due 10/26/11, and Board review is scheduled for 12/07/11.

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

[Public Meeting Notice](#)

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

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

[Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

Contact: Marzieh Shahbazaz, (404) 362-2680

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

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

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

NON-STORMWATER GENERAL PERMITS (GAC 391-3-6-.15) GADNR has proposed amendments that would provide the GADNR Director discretion to allow coverage under a non-storm water general permit without submittal of a Notice of Intent (NOI), where requiring such notice would be inappropriate and federal regulations do not require such notice. The proposed rule would also address general and individual permit requirements, coverage area of a general permit, authorization to discharge, the degree of waste treatment required, notice and public participation, prohibited discharges, modification, revocation, reissuance and termination of permits. A public hearing was held 01/18/11, and comments were due 01/31/11. The Board reviewed these requests 08/24/11. No final actions have been confirmed.

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

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

STANDARDS FOR PETROLEUM PRODUCTS (GAC 40-20-1-.01, -.12) The Department of Agriculture has proposed to update Rule 40-20-1-.01 to conform to ASTM International standard specifications, EPA regulations and practice. The gasoline sulfur specifications in Rule 40-20-1-0.01(a)(1) are revised to 95 ppm, which is also the downstream gasoline sulfur specification in EPA regulation found at 40 CFR 80.210. Lead specifications in Rule 40-20-1-.01(a)(4) and minimum octane ratings for leaded gasoline in Rule 40-20-2-.01(a)(7)(i) are deleted as they are no longer necessary because there leaded gasoline is no longer available for general consumption. The minimum temperature specification for 50% distillation of non-oxygenated Class D-4 gasoline in Rule 40-20-1-.01(a)(5)(i) is changed to 77°C/170° F to conform to specifications in the ASTM D4814 standard. Gasoline from origin to retail not blended with ethanol may meet a minimum 50% evaporated distillation temperature of 66°F for volatility class D-4 only. Gasoline meeting these limits is not suitable for blending with ethanol. Rule 40-20-2-.01(b)(2) is amended to require denatured ethanol used for gasoline blending meet the most recent version of specifications specified in ASTM D4806 standard. A reference to reformulated gasoline ("RFG") in Rule 40-20-2-.01(b)(5) is removed. EPA regulations no longer require minimum oxygen content for RFG. Kinematic viscosity specifications for Fuel Oils in Rule 40-20-2-.01(d)(1)(iv), (d)(2)(iv), (d)(3)(ii), and (d)(4)(ii) are changed to comply with specifications in ASTM D396, the Standard Specifications for Fuel Oils. A public hearing has not been scheduled. The deadline for public comment was 05/27/11.

[Notice of proposed rulemaking](#)

[Proposed rules: 40-20-1-01, 40-20-1-12](#)

Contact: Rich Lewis, 404-656-3605

INDUSTRIAL STORMWATER DISCHARGES (GAR050000) The 2006 NPDES General Permit No. GAR000000 for Storm Water Discharges Associated with Industrial Activity expired 07/31/11. GAEPD is revising the existing permit for re-issuance in August 2011. The 2006 NPDES General Permit No. GAR000000 (being replaced by GAR050000) continues in force and effect until the new general permit is issued. Any permittee who submitted a properly-completed Notice of Intent (NOI), Version 2006 or Version 2010, to obtain coverage under the current permit prior to the expiration date will automatically remain covered until the new permit is issued. Existing permittees will have up to 30 days after the effective date of the new permit to submit an NOI (Version 2011 only) to obtain coverage under the new permit. A public meeting was held and comments were due 08/01/11.

[Public Notice](#)

Contact: Frances Carpenter, 404-675-1605

ANTIDegradation Policy (391-3-6-.03) The rule is being amended to revise the State's antidegradation policy to better describe what requirements must be met before the State allows the discharge of pollutants into Tier 2 (high quality) waters. In addition, a Tier 2.5 designation is being added to protect Significant Natural Resource Waters. Finally, the requirements for Tier 3 waters (Outstanding National Resource Waters or ONRW) are being modified to allow for temporary or short-term changes in water quality, to update the attributes of waters considered for ONRW designation, to clarify that waters designated as ONRW will be included in the Rules, and to reword and renumber the requirements regarding new and expanding point source discharges upstream of and tributary to an ONRW. Public hearings are scheduled for 10/18/11, 10/19/11, and 10/20/11. Comments may be [emailed](#).

[Synopsis of Proposed Amendments](#)

Contact: Jane Hendricks, (404) 362-2680

AIR NAAQS (391-3-1-Misc) The GAEPD proposed amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1. The Director of GAEPD certifies that the revision of these rules are required to exercise authority approved and/or delegated by EPA to implement Sections 182(b)(2)(A) of the Clean Air Act. A hearing is scheduled for 12/06/11, and comments are due 12/13/11.

[Notice of Public Hearing and Proposed Amendments](#)

Contact: Director, Air Protection Branch, 404-363-7000

Kentucky

Legislative Session Convened 01/04/11; Adjourned 03/09/11

Effective Dates of Legislation: 90 days after adjournment or as otherwise provided in the Act.



Proposed Rules

UST SYSTEMS (401 KAR CHAPTER 42:005, :020, :030, :040, :060, :070, :250) The KEEC Division of Waste Management has proposed rules to clarify UST systems requirements, to include: release response, site characterization and corrective action; temporary closure and reporting and recordkeeping requirements; classification and screening levels; financial responsibility for corrective action and compensation of third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases. Rules establish criteria for ranking facilities and revise procedures to administer accounts of the Petroleum Storage Tank Environmental Assurance Fund; amends rules concerning laboratory certification; promulgates a new rule that establishes procedures by which the cabinet may invoke a delivery prohibition; and repeals rules concerning contractor certification for individuals who perform corrective action. Rules were proposed 05/01/11. A public hearing was held 05/24/11, and comments were due 05/31/11. The rules were amended after comment on 07/15/11, and published in Vol. 38, No. 2 of the Kentucky Administrative Register 08/01/11. ARRS heard and approved the amended rules 08/15/11. They became effective on 10/06/11.

[Proposed Rules](#)

Contact: [Cassandra Jobe](#) (502) 564-6716

PETROLEUM CONTAMINATED SOIL TREATMENT FACILITIES (401 KAR 47:205, 47:207, 48:205-208) The KEEC Division of Waste Management has proposed rulemaking to implement new rules for petroleum contaminated soil treatment facilities. The rulemaking includes provisions to establish application requirements; permit issuance and public information procedures; procedures for excluding receipt of wastes other than petroleum contaminated soil, petroleum contaminated soil characterization, treatment standards and disposition of treated soil, and recordkeeping and reporting require-

ments; biopile liner geosynthetic quality assurance and quality control testing requirements. The rules were proposed 05/01/11. A public hearing was held 05/23/11, and comments were due 05/31/11. Proposed rule 47:205 was amended following receipt of public comments. ARRS heard and approved the amended rules 08/15/11. They became effective on 10/06/11.

[Proposed Rules](#)

Contact: [Kelli Reynolds](#) (502) 564-6716

BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING (807 KAR 5:100, 5:110) KEEC has proposed amendments to rules concerning Board proceedings and permit application requirements. Amendment establishes procedures related to applications, filings, notice requirements, hearings and confidential material under the jurisdiction of the Kentucky State Board on Electric Generation and Transmission Siting; adds language regarding carbon dioxide pipelines; establishes the initial filing fee for an application with the Siting Board for a construction certificate for a carbon dioxide transmission pipeline. Rules were proposed 06/14/11, and a public hearing was held 07/25/11. Comments were due 07/31/11. Following revisions based on comments received, a public hearing is scheduled for 10/24/11.

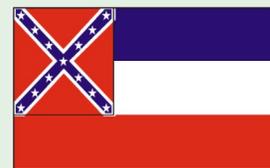
[Proposed Rules](#)

Contact: Quang Nguyen, (502) 564-3940

Mississippi

Legislative Session Convened 01/04/11; Adjourned 04/07/11

Effective Dates of Legislation: 60 days after passage, unless otherwise provided in the Act.



Final Rules

HAZARDOUS WASTE MANAGEMENT (HW-1) MSDEQ has proposed to revise the definition of solid waste to exclude certain hazardous secondary materials; add a new exclusion for comparable fuels and synthesis gas; withdraw the conditional exclusion for emission comparable fuels; remove saccharin and its salts from the lists of hazardous constituents and commercial chemical products; and take direct action for six technical corrections to an alternative set of hazardous waste generator requirements. The rule was proposed 06/09/11, and comments were due 07/04/11. A public hearing was held 07/27/11. The rule was approved with amendments 08/29/11. It became effective 09/29/11.

[Final Rule](#)

Contact: [Ted Lampton](#), (601) 961-3573

Proposed Rules

CONSERVATION AND ENERGY EFFICIENCY PROGRAMS (RULE 29) The Mississippi Public Service Commission (MSPSC) proposed new Public Utilities Rules of Practice and Procedure Rule 29 to implement energy efficiency programs and standards in Mississippi. The rule applies to electric and natural gas service providers subject to the jurisdiction of the MSPSC. It is intended to encourage early implementation of energy efficiency programs, and to provide experience on which Mississippi's service providers and the MSPSC can build long-term energy efficiency programs. The proposed rule was submitted 08/04/11. Public comments are due 09/16/11. A public hearing will be set by subsequent order of the MSPSC.

[Proposed Rule](#)

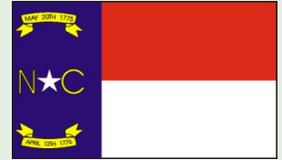
Contact: [Brian Ray](#), (601) 961-5434

SURFACE WATER AND GROUNDWATER USE AND PROTECTION (LW-2: 51-3-13, 51-3-31, AND 49-17-703) The MSDEQ Commission on Environmental Quality has proposed amendments to "Surface Water and Groundwater Use and Protection Regulations." Amendments to LW-2 would reduce public water infrastructure costs in the public. The Permit Board would have the authority to reject an application for proposed water withdrawal from a publicly owned utility (or require its modification) under circumstances where consolidation between publicly owned utilities would be less costly to the public than the proposed water withdrawal within the areas of the counties of George, Hancock, Harrison, Jackson, Pearl River, and Stone; and will require permitting of groundwater replacement wells within the areas of the counties of George, Hancock, Harrison, Jackson, Pearl River, and Stone, pursuant to Miss. Code Amt. Sections 51-3-13, 51-3-31, and 49-17-703. The Commission would have the authority to require consolidation of water supply in circumstances where consolidation by and between publicly owned utilities would reduce costs to the public pursuant the same sections and code. The Notice of Proposed Rulemaking was published 10/01/11, and comments were due 10/24/11. A Public Hearing was held 10/25/11.

[Notice of Proposed Rulemaking](#)

North Carolina

2011 Legislative Long Session began 01/19/11; ends TBD~08/01/11
Effective Dates of Legislation: 60 days after adjournment unless directed otherwise in the bill.



Proposed Rules

PSD REQUIREMENTS FOR GHGs (15A NCAC 02D .0544) NCDENR has proposed a rule for a temporary amendment to update the PSD for GHGs rule in order to reflect the three year Federal deferral from consideration of CO2 emissions from combustion of biomass. The Environmental Management Commission (EMC) is requested to approve one or more public hearings to consider temporary rule amendments to the PSD rule for GHGs. In order for the existing rule to be no more restrictive than the Federal rule in accordance with G.S. 150B-19.3, NC Division of Air Quality (DAQ) needs to amend the State rule to incorporate the EPA deferral period for biogenic CO2 emissions. Also under G.S. 150B 19.1(a) (2), an agency shall seek to reduce the burden upon those persons or entities who must comply with the rule that is being adopted. Deferring biogenic CO2 emissions will reduce the regulatory burden on affected facilities by eliminating biogenic CO2 emissions when determining whether a stationary source meets the PSD and Title V applicability thresholds, including those for the application of BACT. A Temporary Rule is being presented to the Board to ensure that stationary sources would not have to complete a BACT analysis for biogenic CO2 and possibly be required to install equipment to control emissions during the three year deferral period and during the permanent rulemaking process. EPA's future rulemaking is uncertain until EPA completes review of the scientific and technical issues related to accounting for biogenic CO2 emissions. A public hearing was held 09/28/11. Public comments were due 10/14/11.

[Temporary Rule](#)

Contact: [Joelle Burlison](#)

UNDERGROUND INJECTION CONTROL WELLS (15A NCAC 02C – VARIOUS) NCDENR has proposed amendments to comply with changes to applicable federal regulations, make organizational improvements, and to make editorial changes or corrections. Organizational changes would provide that all administrative requirements are located in a single rule, and so that unique requirements for different types of injection wells are located in a specific rule dedicated to each type of injection well. Amendment would primarily enable each allowable injection well type to have permitting, construction, monitoring and reporting requirements located in a unique rule dedicated to each type of allowable injection well. Other amendments are to be reserved for future codification in order to simplify the rulemaking process for emerging issues. Amendments contain language of existing rules that will be relocated to new rules to provide a smooth organizational structure. Rules proposed for repeal consist of regulatory language that is being relocated to the content of the rules proposed for amendment, which will enable an organizational structure where each allowable injection well-type has permitting, construction, monitoring and reporting requirements located in a unique rule dedicated to that well type. The Notice of Proposed Rules was published 10/17/11. Hearings are scheduled for 11/30/11, 12/01/11, 12/13/11 and 12/14/11. Comments are due 01/13/12.

[Proposed Rules](#)

Contact: Thomas Slusser, 919-715-6164

South Carolina

Legislative Session Convened 01/11/11; Adjourned 06/02/11
Effective Dates of Legislation: 20th day after Governor signs or as provided in the Act.



Proposed Rules

SURFACE WATER WITHDRAWAL PERMITTING, USE, REPORTING (R. 61-119, 121-10, 121-12) This rulemaking implements new rules to rename sections of the Surface Water Withdrawal, Permitting, Use and Reporting Act, amends rules to incorporate fees authorized by this Act, and repeals regulations which would become obsolete upon promulgation of the new regulation. The first Notice of Drafting was published 08/27/10; second 05/27/11; deadline for comments was 06/27/11. Revisions were made based on comments received, and the rule was reissued for public comment 08/26/11. Comments are due 09/26/11. The public hearing scheduled for 10/13/11 is postponed until 12/8/11.

[Proposed Rule](#)

Contact: Charles Gorman (803) 898-3112

HAZARDOUS WASTE (R.61-79) SCDHEC has proposed to amend R.61-79, Hazardous Waste Management Regulations. South Carolina intends to adopt two final Federal amendments published between 07/01/09 and 06/30/10, and to correct errors and omissions in previously adopted regulations. The first rule, the Organization for Economic Cooperation and Development (OECD), Requirements; Export Shipments of Spent Lead-Acid Batteries, implements recent changes to agreements concerning transboundary movement of hazardous waste among countries belonging to the OECD. It establishes notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country, and specifies requirements for exception reports concerning hazardous waste exports and requirements for US receiving facilities for import consent documentation of incoming hazardous waste import shipments. This rule was published by EPA on 01/08/10 at [75 FR 1236](#). Adoption of this rule is optional to States. The second rule covers Hazardous Waste Technical Corrections and Clarifications published 03/18/10 at 75 FR 12989. The rule makes corrections to errors made by EPA. Some corrections are necessary to make conforming changes to all appropriate parts of RCRA hazardous waste rules that have since been promulgated. Changes clarify existing parts of the hazardous waste regulatory program and update references to DOT regulations that have changed since publication of various RCRA final rules. SCDHEC intends to correct omissions in language and errors made by the South Carolina Hazardous Waste Management (HWM) program. South Carolina HWM Regulations will be adopted verbatim to match the Code of Federal Regulations. Some errors and omissions being corrected were a result of an incomplete transfer of information from the EPA to the State. Corrections will bring South Carolina HWMR into conformity with the US Code of Federal Regulations. Proposed corrections will be made to regulations previously approved and adopted by the SCDHEC Board and approved by the Legislature. No new rules will be included in the corrections. Comments were due 07/26/11. Revisions based on comments received are not complete.

[Proposed Rule](#)

Contact: Richard Haynes, (803) 896-4070

AIR POLLUTION CONTROL (61-62.60; 61-62.61; 61-62.63; 61-62.5) SCDHEC has proposed amendments to air pollution control regulations and standards and the S.C. Air Quality SIP: amend Regulations 61-62.60, .61 and .63, to incorporate by reference federal amendments published from 01/01/10 through 12/31/10; amend Regulation 61-62.63, to incorporate a 2008 amendment to 40 CFR Part 63 based on a final rule entitled National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (73 FR 35939; June 25, 2008); reformat the AAQS Table and revise Regulation 61-62.5, Standard 2, to incorporate deletion of an annual standard for PM10 that EPA revoked in 2006; and amend Regulation, 61-62.5, Standard 7, to incorporate maximum allowable increases in ambient pollutant concentrations ("increments") required by PSD for PM 2.5 (75 FR 64864, 10/20/10). The final rule adds two EPA screening tools PM2.5. The tools are not federally mandated and may be incorporated in a future action. SCDHEC may propose other changes to Regulation 61-62, to include corrections for internal consistency, clarification, reference, punctuation, codification, formatting and spelling. Proposed amendments in this Notice will not be more stringent than current federal requirements, thus do not require legislative review. Notice of Drafting was published 10/28/11. Comments are due 11/28/11.

[Notice of Drafting](#)

Contact: [Mallori McAllister](#)

NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES (SCR10000) SCDHEC is seeking input on this proposed permit and invites interested people to a public hearing and/or to provide written comments. A Public Hearing was held 11/14/11. Comments are due 11/28/11.

[Notice of Proposed Permit](#)

[Draft NPDES Permit](#)

[Fact Sheets and Rationale](#)

[Notice of Intent/Certification Forms](#)

Contact: Freedom of Information Office, 2600 Bull Street, Columbia, SC 29201 (803)-898-3882

CLASSIFIED WATERS (R.61-68; R.61-69) SCDHEC has proposed amendments to R.61-68 to strengthen and improve the existing regulation and make appropriate revisions of the State's water quality standards in accordance with the Federal Clean Water Act (CWA), as required by Section 303(c)(2)(B) stating that South Carolina's water quality standards be reviewed and revised, where necessary, to comply with Federal regulatory revisions and recommendations. SCDHEC proposes revisions to replace fecal coliform as a bacterial indicator for recreational uses in freshwaters of the State. Revisions would replace specific language regarding how the bacterial indicator species will be used for implementation activities of SCDHEC in all waters of the State and revisions associated with corrections or clarifications for language in the current regulation. SCDHEC proposes to amend R.61-69 for consistency with proposed language changes in R.61-68, to correct errors, and make other changes necessary to improve overall quality of the regulation. The first Notice of

Drafting was published 04/22/11, and the second was published 07/22/11. A Notice of Proposed Regulations was published 10/28/11. Comments are due 11/30/11, and a Public Hearing is scheduled for 01/08/12.

[Notice of Proposed Regulations](#)

[Proposed Regulation](#)

Contact: [Gina Kirkland](#), (803) 898-4330

Tennessee

Legislative Session Convened 01/11/11; Adjourn 05/21/11

Effective Dates of Legislation: 40 days after signing or as provided in the Act.



Proposed Rules

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

[Notice of Proposed Rulemaking](#)

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

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

[Proposed Rule](#)

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

UST PROGRAM (TAC 1200-1-15.1-.16) TDEC has proposed to renumber rules regarding the UST Program to include program scope, definitions and proprietary information; system installation and operation; notification, reporting and record keeping; release detection, reporting, investigation and confirmation; petroleum release response, remediation and risk management; out-of-service UST systems and closure; financial responsibility; petroleum UST fund; fee collection; appeals; indicia of ownership; voluntary registry; record retention by the UST Division; petroleum product delivery. Also, the certified operator program in Chapters 1200-1-15-.1 through .16 would be moved to new Chapters 0400-18-1-.1 through .16. The rules were proposed 06/30/11. A public hearing was scheduled, and comments were due 08/25/11.

[Notice of Proposed Rulemaking](#)

[Notice of Rulemaking Hearing and Text](#)

Contact: Rhonda Key, 615-532-0972

WASTE MANAGEMENT PROGRAM (TAC 0400 VARIOUS AND 1200-1-VARIOUS) TDEC is proposing to repeal rules regarding solid waste management in various sections of Chapter 1200-0, and move them throughout various sections of new Chapter 0400-12. The effort would establish a voluntary alternate set of flexible and protective generator requirements applicable to laboratories owned by eligible academic entities, and address the specific nature of hazardous waste generation and accumulation in these laboratories. The rule would adopt Federal changes to agreements concerning transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD). The rule was proposed 06/10/11, a public hearing was held 08/05/11, and the comment deadline was 08/10/11. A public hearing was held, and public comments were due 09/14/11.

[Notice of Rulemaking Hearing](#)

Contact: [Mr. David Moran](#), 615-532-0875

CORRECTIVE ACTION ORDER The TDEC Division of Solid Waste Management (DSWM) proposes to issue an order to DoD, Army, owner of the former Volunteer Army Ammunition Plant (VOAAP) EPA ID Number: TN6 21 002 0933, located in Chattanooga, Hamilton County, Tennessee. The order will include conditions for continuing corrective action of solid waste management units (SWMUs) and areas of concern (AOCs). These conditions apply to the entire site. Currently, all corrective action oversight at VOAAP is being conducted by the EPA and the DSWM in accordance with an EPA-issued Administrative Order under Section 3008(h) of RCRA. On 04/11/07, DSWM notified the Army that VOAAP was included on the 2020 GPRA Cleanup Baseline. As a result, DSWM and EPA have the responsibility of ensuring that corrective action be completed at VOAAP or, alternatively, a protective final remedy will be in place (i.e., remedy construction complete) by the end of 2020. Since Tennessee is authorized to implement corrective action, all parties have agreed to consolidate all ongoing corrective action under an enforceable document with DSWM as the lead agency. The order identifies known SWMUs and AOCs for the entire VOAAP site. DOD is required to investigate any releases of hazardous waste or hazardous constituents pursuant to this agreed order and to take appropriate corrective action for any such releases. In addition to corrective action, under the conditions of this agreed order, DoD is also required to notify of imminent hazards; and as applicable, comply with the requirements developed under land disposal restrictions and organic air emission standards. DSWM proposes to issue the order under the authority of the Tennessee Hazardous Waste Management Act of 1977, Tennessee Code Annotated, Section 68-212-101 et seq., and Tennessee Rule Chapter 1200-01-11, Hazardous Waste Management. A draft order has been prepared and is available for public review and comment. A Fact Sheet summarizing corrective action activities to date has also been prepared and is available for public review. The order is pending action by TDEC.

[Notice](#)

Contact: Roger Donovan, 423-757-5310

WATER There will be a public rulemaking hearing before TDEC, Division of Water Supply, acting on behalf of the Tennessee Water Quality Control Board to receive comments concerning amendments to Rule Chapter 1200-04-06 Underground Injection Control pursuant to Tennessee Code Annotated (TCA) 69-3-105 et seq. Tennessee Water Quality Control Act for changes necessary to obtain primary enforcement authority from EPA and Rule Chapter 1200-05-01 Public Water Systems pursuant to Tennessee Code Annotated (TCA) 68-221-701 et seq. Tennessee SDWA. At these same locations, there will be public rulemaking hearings on behalf of the Commissioner of the Department of Environment and Conservation for amendments to Rule Chapters 1200-05-08 Water Withdrawal, T.C.A. 69-7-301 et seq.; 1200-05-04 Waterworks Construction Loan, T.C.A. 68-221-501 et seq., 1200-05-07 Safe Dams, T.C.A. 69-11-101 et seq.; and 1200-04-09 Water Wells, T.C.A. 69-10-101 et seq. All six rule chapters are going through a re-numbering from the 1200 Chapter Series of the Department of Health to the 0400 series of the Department of Environment and Conservation (e.g., Rule 1200-05-01 becomes Rule 0400-45-01) and citation corrections. Substantive changes will be limited to the Public Water Systems Rule Chapter and the Water Well Rule Chapter. The Water Well Rule change is merely putting in regulation the driller licensing fee structure that has historically been charged. A public hearing is scheduled for 12/06/11, with written comments are due 12/08/11.

[Notice](#)

Contact: [Tom Moss](#), (615) 532-0191

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	