



The Southern Region Review



October 2010, Region 4 Edition

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

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

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For additional information, please visit:
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Hot Topics

REDESIGNATION OF THE ASSISTANT SECRETARY OF THE ARMY (INSTALLATIONS AND ENVIRONMENT) Effective 10/01/10, the Assistant Secretary of the Army (Installations and Environment) was redesignated as the Assistant Secretary of the Army (Installations, Energy and Environment) (ASA (IE&E)).

DoD STRATEGIC SUSTAINABILITY PERFORMANCE PLAN (09/09/10) Continuing a commitment to lead by example, the White House released [Federal Agency Strategic Sustainability Performance Plans](#) that work to achieve the environmental, economic and energy goals called for in EO 13514. This is the first time agencies have developed and submitted Sustainability Plans. Under the EO, federal agencies were asked to develop, implement and annually update a plan that prioritizes actions based on a positive return on investment for the American taxpayer, and to meet energy, water and waste reduction targets.

DoD CONTINUES TO IMPROVE ITS REPORT ON THE SUSTAINABILITY OF TRAINING RANGES (09/14/10, GAO-10-977R) GAO provided testimony to Congress assessing DoD's ongoing reporting on sustainability of training ranges. The seventh such GAO evaluation generally praises DoD for progress and improvements to the reporting. For further information: [Brian J. Lepore](#), GAO, (202) 512-4523.

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.

OCTOBER 25-27, WASHINGTON, DC: [AUSA ANNUAL MEETING AND EXPOSITION](#). Visit website for further information.

OCTOBER 26-29, OSAGE BEACH, MO: [37TH ANNUAL NATURAL AREAS CONFERENCE: CONNECTING FOR THE FUTURE ACROSS GENERATIONS AND DISCIPLINES](#). This national conference will bring together natural resources professionals, students and volunteers in a forum that provides practical, land management focused information. The conference program will connect new tools, places, and faces amongst a diverse audience of land managers, university faculty and students, researchers, planners, and administrators from throughout the nation who are involved with the conservation and management of natural communities.

NOVEMBER 1-4, WASHINGTON, DC: [2010 NATIONAL TRAINING CONFERENCE ON THE TOXICS RELEASE INVENTORY \(TRI\) AND ENVIRONMENTAL CONDITIONS IN COMMUNITIES](#). Visit website for further information.

NOVEMBER 2-4, ST. AUGUSTINE, FL: [2010 SAME SOUTH ATLANTIC/SOUTH CENTRAL REGIONAL CONFERENCE](#). The conference will provide attendees with the opportunity to discuss trends, gather information and network. By participating, you will: network with hundreds of engineering, architectural and environmental professionals; introduce new ideas, services or products; network with potential new clients and renew relationships with current clients.

NOVEMBER 3, COLUMBIA, SC: [2010 SCDHEC ENVIRONMENTAL ASSISTANCE CONFERENCE](#). The agenda is being finalized, and topics may be added. Confirmed topics include common problems seen during routine inspections; GHG rules; hazardous waste and industrial waste; industrial stormwater, to include discussions of compliance and the new general permit; and permitting topics. Visit the website for further information.

NOVEMBER 3-4, WASHINGTON, DC: [AMERICAN WATER SUMMIT](#). This conference brings together water and money to discuss and evaluate new directions, map out a more productive future for the American water industry as well as meeting and exchanging views with many of the country's leading water authorities.

NOVEMBER 8-9, WASHINGTON, DC: [ACCO CLIMATE CHANGE LEADERSHIP SUMMIT & GALA](#). Sponsored by the Association of Climate Change Officers (ACCO), this presentation is part of the Climate Change Leadership Series. The focus of the program is to learn how federal agencies, sub-national leaders, industry and academia are addressing climate change, from GHG emissions related to operations, to the impacts of climate change and related business/market/political forces on operations and jurisdictions.

NOVEMBER 8-10, WASHINGTON, DC: [INTERNATIONAL DEFENSE ENERGY & FUEL SECURITY \(IDEFS\)](#). IDEFS 2010 brings together the international military community to discuss the challenges they face in reducing operational energy and fuel consumption. It is a forum for military, integrators and emerging tech companies to explore the innovations coming through the pipeline and how they can be directly applied for military use.

NOVEMBER 13-17, GALVESTON, TX: [5TH NATIONAL CONFERENCE ON COASTAL AND ESTUARINE HABITAT RESTORATION](#). The theme of the conference is "Preparing for Climate Change: Science, Practice, and Policy."

NOVEMBER 29-DECEMBER 2, ORLANDO, FL: [27TH ARMY SCIENCE CONFERENCE](#). The goals of the conference include en-

able 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, and strategically communicate the S&T community's efforts to rapidly 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 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. Includes FEMWorks 2010, a comprehensive series of workshops for federal energy managers.

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 effectively face the challenge, and the policy and governance needed to restore and protect the oceans.

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.

Announcements

SUSTAINABLE PRODUCTS (09/16/10, [75 FR 56528](#)) EPA is evaluating its role in the "green" or sustainable products movement, and working to develop a strategy that identifies how EPA can make a meaningful contribution to the development, manufacture, designation and use of sustainable products. For further information: [Thomas Tillman](#), EPA Office Pollution Prevention and Toxics, Washington, DC, (202) 564-8263.

FEDERAL FACILITIES INSPECTIONS The Federal Facilities Enforcement Office in EPA's Office of Enforcement and Compliance Assurance developed a [guide](#) that summarizes EPA's access and inspection authorities.

Studies and Reports

ENERGY SAVINGS (09/24/10) The DOE Department of Energy and its National Renewable Energy Laboratory (NREL) have released [two technical reports](#) that provide recommendations on how to achieve 50% energy savings in large office buildings and large hospitals. Conducted by NREL's Commercial Buildings Group, under the direction of DOE's Building Technologies Program, the studies support DOE's goal of significantly improving the energy efficiency of new and existing commercial buildings across the US.

HEXAVALENT CHROMIUM (09/30/10, [75 FR 60454](#)) EPA has released an external review draft human health assessment titled, "[Toxicological Review of Hexavalent Chromium: In Support of Summary Information on the Integrated Risk Information System \(IRIS\)](#)" EPA/635/R-10/004C. EPA will hold a listening session on 11/18/10, to allow interested parties to present scientific and technical comments on draft IRIS health assessments. Comments are due by 11/29/10. For further information: Ted Berner, National Center for Environmental Assessment, EPA, Washington, DC, (703) 347-8583, FRN_Questions@epa.gov.

Federal Notices and Rulemaking

Clean Air Act (CAA)

TRANSPORT RULE (09/14/10, [75 FR 55711](#)) The preamble to the proposed Transport Rule contains minor technical errors that EPA is correcting. In the portion of the preamble discussing the proposed trading programs, EPA states clearly that it is proposing provisions that allow units to opt into these trading programs. Moreover, the proposed rule text for the Transport Rule includes detailed opt-in provisions for each proposed trading program. However, two sentences in other portions of the Transport Rule preamble erroneously state that the proposed trading programs do not allow units to opt in. In this proposed rule, EPA is correcting these technical errors. For further information: [Tim Smith](#), EPA, (919) 541-4718.

GHG REPORTING (09/22/10, [75 FR 57669](#)) EPA has amended the Mandatory Reporting of Greenhouse Gases final rule to require reporters to provide: the name, address and percentage ownership of their US parent company(s); their primary North American Industry Classification System code(s), and all additional applicable North American Industry Classification System code(s); and an indication of whether or not any of their reported emissions are from a cogeneration unit. The rule is effective 11/22/10.

Climate Change and Energy

BUILDING ENERGY STANDARDS (09/03/10, [75 FR 54117](#)) DOE has preliminarily determined that the 2007 edition of the *Energy Standard for Buildings, Except Low-Rise Residential Buildings*, ANSI/ASHRAE Illuminating Engineering Society of North America (IESNA) Standard 90.1-2007, (Standard 90.1-2007) would achieve greater energy efficiency in buildings subject to the code, than the 2004 edition (Standard 90.1-2004 or the 2004 edition). Also, DOE has preliminarily determined that the quantitative analysis of the energy consumption of buildings built to Standard 90.1-2007, as compared with those built to Standard 90.1-2004, indicates national source energy savings of approximately 3.7% of commercial building energy consumption. Additionally, DOE has preliminarily estimated site energy savings to be approximately 4.4%. If these determinations are finalized, states would be 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 90.1-2007. Additionally, this Notice provides guidance to States on Certifications, and Requests for Extensions of Deadlines for Certification Statements, should the preliminary determination be adopted as final. For further information: Ronald B. Majette, DOE, (202) 586-7935.

ENERGY EFFICIENCY (09/16/10, [75 FR 56795](#)) DOE is proposing to revise and expand its existing energy efficiency certification, compliance and enforcement regulations for consumer products and commercial and industrial equipment. With the exception of electric motors, DOE is proposing to move all existing certification, compliance and enforcement regulations from 10 CFR parts 430 and 431 to a new part 429. In a second rulemaking, DOE will propose to move and harmonize certification, compliance and enforcement provisions for electric motors. DOE is proposing new certification reporting requirements for certain products including fluorescent lamp ballasts, incandescent lamps, certain types of commercial refrigeration equipment, beverage vending machines and walk-in coolers and freezers. DOE is requesting comment on certain details of the testing and certification process. For further information: [Ashley Armstrong](#), DOE Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Washington, DC, 202-586-6590.

SMART GRID IMPLEMENTATION (09/17/10, [75 FR 57006](#)) DOE is seeking comments on policy and logistical challenges that confront smart grid implementation. The [Energy Independence and Security Act of 2007 \(EISA\), section 1301](#) provides a broad definition of smart grid, including the use of communications, control and information technology to optimize grid operations, integrate distributed resources including renewable resources, increase energy efficiency, deploy demand response, support electric vehicles, and integrate automated, interactive interoperable consumer devices. DOE requests comment on the definition. DOE asks for comment on a number of specific questions. Comments are due by 11/01/10. For further information: Michael Li, DOE, Electricity Policy Specialist (202) 287-5718.

ENERGY CONSERVATION STANDARDS (09/28/10, [75 FR 59657](#)) DOE is initiating a rulemaking to amend energy conservation standards for certain commercial and industrial electric motors. DOE will hold an informal public meeting to discuss and receive comments on its planned analytical approach. DOE has prepared a [framework document](#) that details the analytical approach they will use, and identifies several issues on which DOE is particularly interested in receiving comment. Comments are due by 10/28/10. For further information: [James Raba](#), DOE Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Washington, DC, (202) 586-8654.

Clean Water Act (CWA)

TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS (09/23/10, [75 FR 58024](#)) EPA is proposing changes to analysis and sampling test procedures in wastewater regulations. Changes would provide increased flexibility to the regulated community and laboratories in selection of analytical methods (test procedures) for use in CWA programs. Changes include proposal of EPA methods, methods published by voluntary consensus standard bodies, such as ASTM International and the Standard Methods Committee, and updated versions of currently approved methods. EPA is also proposing to add certain methods reviewed under the alternate test procedures program. Further, EPA is proposing changes to current regulations to clarify the process for EPA approval for use of alternate procedures for nationwide and regional use. EPA is also proposing minimum quality control requirements to improve consistency across method versions; corrections to previously approved methods; and changes to sample collection, preservation, and holding time requirements. Finally, EPA is proposing changes to how EPA cites methods in three effluent guideline regulations. This will be important to Army facilities with NPDES permits that could potentially be regulated by actions in this rulemaking. For further information: [Lemuel Walker](#), EPA, (202) 566-1077.

CADDIS (09/24/10, [75 FR 58374](#)) EPA released the 2010 version of the [Causal Analysis/Diagnosis Decision Information System \(CADDIS\)](#). The website was developed to help scientists find, develop, organize, and use environmental information to improve causal assessments of biological impairment of water bodies. Features include a step-by-step guide to conducting causal analysis; examples and applications; a library of conceptual models; and an online application for collaborating on conceptual diagrams and using them to update and access a database of supporting literature, information on basic and advanced data analyses, downloadable software tools, and links to outside information sources. For further information: Information Management Team, EPA, 703-347-8561, caddis@epa.gov.

Pipeline Hazardous Materials Safety Administration (PHMSA)

HAZARDOUS MATERIALS REGULATIONS (09/29/10, [75 FR 60017](#)) PHMSA is proposing to make miscellaneous amendments to the Hazardous Materials Regulations to: update and clarify certain regulatory requirements; add a labeling exception for "consolidation bins;" clarify the definition of "person," as that term is used in the regulations; and provide an exception for permeation devices containing small amounts of hazardous materials. See the rule for the complete listing of proposed changes. Comments are due by 11/29/10. For further information: Deborah L. Boothe, Office of Hazardous Materials Standards, (202) 366-8553.

PACKAGING (09/30/10, [75 FR 60333](#)) PHMSA is issuing this final rule to respond to one petition for reconsideration and four appeals submitted in response to the 02/02/10 final rule ([75 FR 5375](#)). Specifically, the requests are: eliminate minimum thickness requirements for remanufactured steel and plastic drums; reinstate the previous definition for "bulk packaging" to retain the phrase "no intermediate form of containment;" revise the compliance date for maintaining closure instructions to align with a packaging's retest date; and eliminate the vibration testing requirement for UN standard Large Packaging. Additionally, PHMSA corrects several errors in the 02/02/10 rulemaking. See the rule for specific changes. For further information: Eileen Edmonson, Office of Hazardous Materials Standards, (202) 366-8553, or Ben Moore, Office of Hazardous Materials Technology, (202) 366-4545.

Resource Conservation Recovery Act (RCRA)

UNUSED PHARMACEUTICALS (09/08/10, [75 FR 54627](#)) EPA is requesting comments on a draft guidance document entitled, [Best Management Practices for Unused Pharmaceuticals at Health Care Facilities](#). The guidance is targeted to hospitals, medical clinics, doctors' offices, long-term care facilities and veterinary facilities. Health care facilities can use these BMPs to minimize sewer disposal of pharmaceuticals and properly manage unused pharmaceuticals. EPA expects that this document will help reduce the amount of pharmaceuticals that are discharged to water bodies. The guidance discusses methods for reducing or avoiding the generation of unused pharmaceuticals, and proper management and disposal of pharmaceutical waste, both RCRA hazardous and non-hazardous. In December 2008, EPA proposed adding hazardous pharmaceutical wastes to the Universal Waste Rule. EPA expects that this rule will be finalized in 2011, after which this draft guidance document will be updated to reflect the final rule. Comments on the draft guidance are due by 11/08/10. EPA expects to publish a final version of the document in late 2010. Navy [guidance on pharmaceutical waste management](#) is also available. For further information: [Meghan Hessenauer](#), EPA, Engineering and Analysis Division, Washington, DC, 202-566-1040.

State Laws and Rulemaking

Alabama

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



Final Rules

FLUORIDATION OF PUBLIC WATER SUPPLIES (420-8-1) The AL Department of Public Health has proposed to repeal outdated Chapter 420-8-1 that concerns local entities fluoridating public water supplies. The rule was proposed 07/30/10. A public hearing was held 04/04/10, and comments were due 09/03/10. The rule went to the State Committee of Public Health for final adoption 09/15/10, and then to the LRS 09/17/10. The rule becomes effective 10/22/10.

[Proposed Rule](#)

Contact: Brian Hale, 334-206-5209

Proposed Rules

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

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

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

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

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

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

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

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

Contact: James McNees, (334) 206-5391

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. ADEM will prepare the final general permit.

[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 operations. 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.

[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

BIOSOLIDS ACCOUNTABILITY (FAC 62-640.100, .200, .210, .300, .400, .500, .600, .650, .700) FLDEP is revising the code to improve biosolids land application site accountability and management, address growing nutrient concerns and support public confidence in the beneficial use of biosolids. Amendments apply to rules for land application of domestic wastewater residuals. Primary amendments require site permitting for biosolids land application sites; nutrient management plans; and distributed and marketed Class AA biosolids to be fertilizers. FLDEP revised the draft rules after the 02/21/07 public meeting, and held a public meeting 03/05/08 to discuss revised draft rules. Another public workshop was held 06/12/08, after which FLDEP revised the draft rules. FLDEP briefed the ERC on the rulemaking 08/20/09. ERC accepted comments after the briefing, and scheduled a public hearing for 12/01/09. The ERC continued the public hearing to 05/20/10, and changes were proposed 06/11/10. The rule was adopted and became effective 08/09/10.

[Proposed Rule](#)

[Notice of Public Meeting](#)

[Notice of Continuation](#)

[Final Rule](#)

Contact: Maurice Barker, (850) 245-8614

Proposed Rules

FUTURE LAND USE (FAC 9J-5.003, 005 and 006) The FL Department of Community Affairs has proposed to amend this rule to provide details and explain statutory requirements that require future land use elements to be based upon the amount of land required to accommodate anticipated growth and the projected population of the area. A rule development workshop was held 04/23/10. Rulemaking was initiated on 08/23/10. A rule development workshop was held 09/14/10.

[Notice of Development of Rulemaking](#)

[Proposed Rule](#)

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

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

[Notice of Development of Rulemaking](#)

Contact: Michael Yaun, (850) 487-1764

COMPREHENSIVE PLANNING (FAC 9J-5.003, .006, .010, .013, .019) The Florida Department of Community Affairs has proposed to amend Rule 9J-5 to establish minimum criteria to be used in reviewing comprehensive plans to determine whether they comply with new requirements of Chapters 2008-191 & 2009-96, Laws of Florida. These chapters concern energy efficient land use patterns accounting for existing and future electric power generation and transmission systems; GHG reduction strategies, 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.

[Notice of Development of Rulemaking](#)

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) FLDEP is discussing amendments to rules concerning standards for onsite sewage treatment and disposal systems. Amendments may address onsite sewage treatment and disposal system design, permitting, construction, modification, repair and maintenance; system evaluation; standards for existing systems; grants for repairs to systems of low-income homeowners; septic tank contractor registration, training and standards of practice; septage treatment and disposal; and performance-based treatment standards. FLDEP held a public workshop 06/04/10 to discuss permitting and approval standards of onsite sewage treatment systems that provide treatment other than a septic tank, such as performance based treatment systems, aerobic treatment units, and innovative systems. The Technical Review and Advisory Panel met 07/15/10 and 09/23/10. A rule development workshop will be held 10/27/10. The proposed rule is expected to be published in late October 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 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.

[Notice of Development of Rulemaking](#)

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.

[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. A rule development workshop was held 09/16/10. Another will be held 10/17/10.

[Notice of Proposed Rulemaking](#)

[Notice of Proposed Rulemaking](#)

Contact: Wendy Gaylord, (386) 326-3026

TITLE V AIR PERMITS (FAC 62-204, 210, 212, 213) FLDEP is proposing to amend FAC 62-204 to remove or revise obsolete provisions related to 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 is scheduled for 10/20/10.

[Notice of Proposed Rulemaking](#)

Contact: Terri Long, (850) 921-9556

UTILITY INSTALLATION OR ADJUSTMENT (FAC 14-46.001) This regulation would 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

Georgia

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



Final Rules

AIR QUALITY/TRANSPORTATION CONFORMITY (GAC 391-3-1-.15) GAEPD amended this rule to add criteria and procedures specified in the [Transportation Conformity Manual](#), dated 04/15/10. Amendments implement requirements of the CAA for SIPs, to include criteria and procedures for consultation, enforcement and enforceability with respect to conformity of transportation plans, programs and projects developed, funded or approved under 23 U.S.C. or the Federal Transit. Transportation Conformity requires an evaluation of emissions that result from transportation plans, programs, and projects in areas that fail to attain NAAQS. The rule was proposed 06/08/10; approved 08/25/10, and became effective 08/25/10.

[Proposed Rule](#)

[Synopsis of Proposed Amendments](#)

[Final Rule](#)

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 Board will review the rule for adoption.

[Proposed Rules](#)

Contact: James Capp, (404) 363-7000

WASTEWATER DISCHARGE INTO POTWs (391-3-6-.08, -.09) This rule proposes amendments to wastewater pretreatment permits for the discharge of any pollutant into a publicly owned treatment works (POTWs) and then into the wa-

ters 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 clarify of 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 will be held on 10/27/10, and comments are 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](#)

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 are 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 provisions for PM_{2.5}; 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; comments are 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



Proposed Rules

WATER (401 KAR 8:100) The KDEP 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. KDEP 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.

[Proposed amendments](#)

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

[401 KAR 8:100 \(SOC\)](#)

Contact: Abigail Powell, (502) 564-3410

NEW INDIRECT HEAT EXCHANGERS (401 KAR 59:015) KDEP has proposed amendments that would 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 would provide 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 would have greater flexibility in choosing reference methods for monitoring emissions and demonstrating compliance for the opacity standard. This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees. KDEP 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. KDEP 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.

[Notice of public hearing](#)

[Proposed Rule](#)

[Amended Rule](#)

Contact: Millie Ellis, (502) 564-3999

IMPLEMENTATION OF GHG TAILORING RULE (401 KAR 51:001, 401 KAR 52:001) The KDEP Division of Air Quality has proposed amendments to the definitions regulations that govern the 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 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 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 on the rules 8/24/10, and accepted written comments until 08/31/10. KEEC received comments and will file a SOC (details of the public hearing, comments received, KEEC responses and further amendments), as well as the regulations with the LRC. The Amended After Comments versions were filed on or before 10/15/10. The month after filing, the regulations will go before the first regulation review subcommittee. If they pass this, they will go before a second subcommittee the following month. If they pass the second subcommittee, they become effective. The Division 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

Final Rules

Mississippi

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



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.

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

[Second Draft](#)

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

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.

[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.

[Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

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.

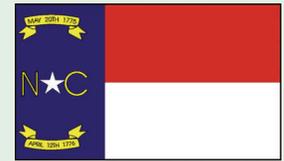
[Rulemaking Notice](#)

[Proposed Rule](#)

Contact: Ted Lampton, 601-961-5369

North Carolina

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



Final Rules

EMISSION CONTROL STANDARDS (15A NCAC 02D .0530-.0531, .0902, .0909, .0917, .0920-.0923, .0934-0936, .0951-.0952, .0961-0968; 02Q .0306) NCDENR has proposed a rule that would clarify that installation of Best Available Control Technology (BACT) applies to all new natural gas-fired electrical utility generating units for which cost recovery is sought under the Clean Smokestacks Act. It would remove pollutant specific references that require sources to continue measures after an area's redesignation to attainment, and would replace the description of nonattainment areas. Further, this rule would incorporate EPA Control Techniques Guidelines concerning what types of controls may constitute Reasonably Available Control Technology (RACT) for 11 source categories. The rule was proposed 03/10/10. Public hearings were held 04/27/10 and 04/29/10, and the comment deadline was 04/30/10. The rule became effective 10/09/10.

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

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

Contact: Michael Abraczinskas, 919-715-3473

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.

[Proposed Rule](#) (page 24)

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.

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

Contact: Deborah Gore, (919) 807-6383

PSD REQUIREMENTS FOR GHGs (15A NCAC 02D .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.

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

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 held public hearings 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 EMC has 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.

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

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 scheduled for 09/16/10.

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

James Gregson, 252-808-2808

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 received and working internally on the rules. Contact: Jana White, (803) 896-4221

[Notice of Drafting](#)

Contact: [Kent Coleman](#)

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. Legislative review will be required once the Legislature is back in session.

[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.

[Full text of regulation](#)

[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. Contact: Alan Hancock, (803) 898-4196

[Proposed Rule Notice](#)

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 planned 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, and held public hearing before the Board 09/09/10.

[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 performing any other analyses related to environmental quality evaluations required by or will 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.

[Proposed Rule](#)

Tennessee

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



Final Rules

VOC USE IN ASPHALT (TAC 1200-3-18-.32) This rule prohibits the manufacture or use of asphalt containing VOCs from April 1 through October 31. Amendment also prohibits asphalt containing more than 3% VOC. The rule became effective 09/08/10.

[Propose Rule](#)

[Final Rule](#)

Contact: Jabari D. Martin, (615) 532-0582

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 be become effective until the Secretary of State approves it. The rule is not yet final.

[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. 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. TDEC presented the proposed rule to the Air Pollution Control Board at the 10/13/10 meeting. TDEC's Office of General Counsel and the Attorney General's office have reviewed the proposed rule. EPA Region 4 staff have also reviewed the proposed rule.

[Proposed amendments](#)

Contact: Lacey Hardin, (615) 532-0109

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	