



The Southern Region Review



September 2011 , Region 4 Edition

The US Army Regional Environmental & Energy Office produces this publication to provide current information in regard to environmental actions and events throughout Federal EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee). Events chosen may be relevant to U.S. Army and other Military Services' activities and operations. The Review is designed to alert environmental decision makers, planners, and program managers of developments potentially relevant to overall responsibilities.

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

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

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Hot Topics

[ARMY ENERGY INITIATIVES OFFICE TASK FORCE \(08/10/11\)](#) Increasing energy security is a top priority for Army leadership. Large-scale renewable energy projects are one way to address energy security and the sustainability issues associated with fossil fuels. As such, the Army established the new Army Energy Initiatives Office (EIO) Task Force to foster support of renewable energy (RE) development on Army lands. The Task Force is dedicated solely to working with the private sector to execute large-scale RE efforts, streamlining the process of project approval and execution.

ARMY ENERGY NEWS (07/29/11) Please visit the new [energy section](#) of Army.mil website!

Conferences and Training

VARIOUS DATES AND LOCATIONS: [USACE 2011 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.

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

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

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

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

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

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

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

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

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

etc.

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

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

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

SEPTEMBER 18-22, BLACKSBURG, VA: [17TH ANNUAL INTERNATIONAL CONFERENCE OF THE INTERNATIONAL SOCIETY FOR TERRAIN VEHICLE SYSTEMS \(ISTVS\)](#). ISTVS is an educational, non-profit, non-political organization with the mission to advance the knowledge in terrain-vehicle (machine) systems for improvements in engineering practice and for innovation, and to promote the transfer of advanced knowledge to the user for the benefit of society at large in environmental protection, energy conservation, and sustainable development.

SEPTEMBER 20-22, WASHINGTON, DC: [RETECH 2011: THE RENEWABLE ENERGY TECHNOLOGY CONFERENCE & EXHIBITION](#). RETECH continues the tradition of assembling renewable energy technologies, industries and applications in one place; providing government officials, utility executives, engineers, financiers, and other industry professionals a one-stop annual update on renewable energy.

SEPTEMBER 20-22, PROVIDENCE, RI: [LABS21 ANNUAL CONFERENCE 2011](#). Labs21 is sponsored by EPA and the International Institute for Sustainable Laboratories. The event is the largest gathering of sustainable laboratory professionals in the nation. Labs21 is designed to meet needs as laboratory and high performance facility designers, engineers, owners and facility managers. The conference offers professionals an opportunity for information exchange and education through three interactive components: Partnership Program, Training and Education, Tool Kit.

SEPTEMBER 27-29, BOSTON, MA: [ENERGYSMART CONFERENCE 2011](#). Through three days of enlightening sessions and keynotes led by both industry experts and your peers, you'll be able to connect with fellow facility managers, energy decision makers, government energy officers, corporate sustainability leaders, environmental health and safety officers, energy management service providers, and smart grid industry influencers from across the globe to discuss how businesses create a positive bottom line impact through better energy management.

OCTOBER 3-7, CHAPEL HILL, NC: [2011 WATER AND HEALTH CONFERENCE: WHERE SCIENCE MEETS POLICY](#). The conference will bring together experts from academia, industry, non-governmental organizations, government and foundations to provide an interdisciplinary perspective spanning science, policy, practice and economics. The conference will consider drinking water sanitation, hygiene and water resources with a strong public health emphasis, and address critical concerns relevant to both the developing and developed worlds.

OCTOBER 4, WASHINGTON, DC: [2011 SUMMIT – DRIVING ENERGY EFFICIENCY AS THE NEXT BIG THING](#). The Alliance to Save Energy will assemble high-level government officials and energy efficiency experts for a discussion on the future of energy efficiency.

OCTOBER 9-12, PHILADELPHIA, PA: [WORLD GREEN ENERGY CONFERENCE](#). The conference will focus on green technology options available and already succeeding. The symposium provides opportunities for networking, learning, exchanging, exhibiting and investing in the future of the new energy and green technology. It provides the opportunity for businesses from around the world, "large and small" to showcase their products to an enthusiastic and forward thinking audience at the tallest greenest building in the United States.

OCTOBER 12-14, CHICAGO, IL: [WORLD ENERGY ENGINEERING CONGRESS](#). In its 34th year, the WEEC is well-recognized as an important energy event of national and international scope for energy professionals in all areas of the energy field. It is a comprehensive forum where you one fully assess the "big picture," and see exactly how the economic and market forces, new technologies, regulatory developments and industry trends all merge to shape critical decisions on organizations' energy and economic futures.

OCTOBER 24-27, ARLINGTON, VA: [INTERNATIONAL AIR QUALITY VIII CONFERENCE](#). This is a conference on carbon management, mercury, trace elements, SOX /NOX, and particulate matter. Topics addressed include air quality impacts on policy, health and ecosystems, emission prevention and control, measurement methods, atmospheric reactions and modeling, and greenhouse gas issues.

OCTOBER 31-NOVEMBER 2, WASHINGTON, DC: [GREENGOV](#). The 2nd annual symposium will bring together leaders from government, the private sector, non-profits and academia to identify opportunities to create jobs, grow clean energy industries, and curb pollution by greening the Federal Government. Topics will include clean energy, energy and water efficiency, fleet management, getting to zero waste, green buildings, and greening the supply chain.

NOVEMBER 1-4, TALLAHASSEE, FL: [2011 NATURAL AREAS CONFERENCE](#). Each year, this conference gives natural resource professionals and natural areas managers the chance to connect with and learn from others working in fields related to natural areas conservation. This year's conference explores a range of topics concerning natural areas management and planning in the face of climate change.

NOVEMBER 3-4, TAMPA, FL: [BEYOND SUSTAINABILITY: ECOSYSTEMS, ECONOMICS, AND EDUCATION CONFERENCE](#). This conference integrates traditional presentations with opportunities to dive deeper into topics and learn from others' broad experiences. Engage in meaningful conversations with colleagues, discover new friends and cultivate potential collaborations with educators, researchers, policy makers, regulatory agency experts, administrators and community members.

NOVEMBER 7-8, GREENSBORO, SC: [SECOND INTERNATIONAL CONFERENCE ON GREEN AND SUSTAINABLE TECHNOLOGY](#). This is a technical conference for engineers, scientists, researchers and practitioners in engineering, renewable energy technologies, architecture, construction, construction materials and related fields.

NOVEMBER 8-10, WASHINGTON, DC: [2ND ANNUAL GRIDWISE FORUM](#). This unrivaled international gathering of policy and corporate leaders, technology innovators, legislators, regulators, consumer and environmental advocates will convene to deliver on the promise of a smart grid.

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

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

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

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

Federal Notices and Rulemaking

Air

SECONDARY STANDARDS FOR OXIDES OF SULFUR & NITROGEN (08/01/11, [76 FR 46084](#)) EPA proposed to retain current NO₂ and SO₂ secondary standards to provide requisite protection for direct effects on vegetation resulting from exposure to gaseous oxides of nitrogen and sulfur in ambient air. EPA is proposing to add secondary standards identical to the NO₂ and SO₂ primary 1-hour standards. The proposed 1-hour secondary NO₂ standard would be set at 100 ppb, and the proposed 1-hour secondary SO₂ standard would be 75 ppb. EPA will undertake a field pilot program to gather and analyze additional relevant data to enhance understanding of the degree of protection provided by a new multi-pollutant approach (defined in terms of an aquatic acidification index) would afford, and to support development of an appropriate monitoring network for such a standard. Comments are due 09/30/11. For further information: [Dr. Richard Scheffe](#), EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC; 919- 541-4650.

MANDATORY REPORTING OF GHGS (08/04/11, [76 FR 47392](#)) EPA has proposed to amend specific provisions in the Mandatory Reporting of Greenhouse Gases Rule. Source categories addressed include landfills, and industrial wastewater treatment works. Changes include: replace "landfill gas" with "biogas" to correct a typographical error [40 CFR 98.352(d)]; add a new paragraph to provide methodologies for closed landfills or active landfills that have stopped accepting certain types of wastes to determine the volatile solids concentration or waste-specific DOC values for historically disposed waste streams; and define "construction and demolition waste landfills" as defined in subpart HH, and use that term rather than "dedicated construction and demolition waste landfills." Comments are due 09/19/11. For [further information](#): Carole Cook, EPA, Climate Change Division, Office of Atmospheric Programs, Washington, DC; 202-343-9263; GHGReportingRule@epa.gov.

INTERSTATE TRANSPORT OF PM_{2.5} AND OZONE (08/08/11, [76 FR 48208](#)) EPA is limiting the interstate transport of emissions NO_x and SO₂, which contribute to harmful levels of PM_{2.5} and ozone in downwind states. EPA is identifying emissions within 27 states in the eastern US that significantly affect the ability of downwind states to attain and maintain compliance with the 1997 and 2006 PM_{2.5} NAAQS and the 1997 ozone NAAQS. For further information: [Ms. Meg Victor](#), Clean Air Markets Division, Office of Atmospheric Programs, Mail Code 6204J, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (202) 343-9193.

GHG REPORTING (08/25/11, [76 FR 53057](#)) EPA has issued a final rule that defers the mandated reporting deadline for data elements used by direct emitter reporters as inputs to emission equations under the Mandatory Greenhouse Gas Reporting Rule. This rule supplements EPA's earlier deferral notices by adding additional data elements and removing other elements. The deadline for reporting other data remains 09/30/11 for the 2010 calendar year. The deferral is due to concerns that data could constitute confidential business information not otherwise publically available. The deadline for mandatory reporting is deferred to 03/31/13 for some data elements (Table A-6), and until 03/31/15 for other data elements (Table A-7 of to Subpart A of 40 CFR Part 98). Affected source categories include general stationary fuel combustion sources. For further information: Carole Cook, EPA Office of Atmospheric Programs, Washington, DC, (202) 343-9263, GHGReportingRule@epa.gov.

Climate Change

ENERGY CONSERVATION STANDARDS PROGRAM (08/18/11, [76 FR 51281](#)) DOE intends to use full-fuel-cycle (FFC) measures of energy use and emissions, rather than the primary (or site) energy measures it currently uses. Additionally, DOE intends to work collaboratively with the Federal Trade Commission (FTC) to make information readily available to consumers to enable them to make cross-class comparisons of product energy use and emissions. DOE analysis may provide some value to DOD in future implementation of reviewing supply chain GHG impacts of DOD purchasing decisions. For [further information](#): [Anthony Pavelich](#), DOE, Office of Energy Efficiency and Renewable Energy, Washington, DC; (202) 287-1846.

Energy

COMMERCIAL BUILDING ASSET RATING PROGRAM (08/08/11, [76 FR 48152](#)) DOE seeks to develop a voluntary National Asset Rating Program for Commercial Buildings (AR Program). The AR Program would establish an asset rating system for commercial buildings based on a national standard, and would evaluate physical characteristics and as-built energy efficiency of these buildings. It would also identify potential energy efficiency improvements opportunities in areas such as heating, cooling, and ventilation equipment; envelope; glazing; service hot water; lighting; and electric motors. The goal is to facilitate cost-effective investment in energy efficiency and reduce energy use in the commercial building sector. DOE seeks comments and information related to the development of the AR Program. The AR Program is intended to complement and coordinate with the existing Operational Rating system, ENERGY STAR Portfolio Manager. DOE is aware of other rating systems and standards that exist or are under development. These include, but are not limited to ASHRAE Building EQ, LEED, Green Globes, ASTM Building Energy Performance Assessment, COMNET Commer-

cial Buildings Energy Modeling Guidelines and Procedures. DOE will consider developments in these rating systems and standards as it creates a national Asset Rating system. Comments are due 09/22/11. For further information: [Cody Taylor](#), DOE, Office of Energy Efficiency and Renewable Energy, Washington, DC; 202-287-5842.

PARTNERSHIP TO ADVANCE BIOFUELS TO MILITARY AND COMMERCIAL TRANSPORTATION (08/16/11, [ENERGY.GOV](#)) The Administration announced that the U.S. Departments of Agriculture, Energy and Navy signed an [MOU](#) and will invest up to \$510 million during the next three years in a partnership with the private sector to produce advanced drop-in aviation and marine biofuels. The initiative's objective is the construction or retrofit of multiple domestic commercial or pre-commercial scale advanced drop-in biofuel plants and refineries with the following characteristics: capability to produce ready drop-in replacement advanced biofuels meeting military specifications at a price competitive with petroleum; geographically diverse locations for ready market access; and no significant impact on the supply of agricultural commodities for the production of food. The initiative responds to a presidential directive issued in March as part of the [Blueprint for A Secure Energy Future](#), for reducing dependence on foreign oil. The biofuels initiative is steered by the White House Biofuels Interagency Work Group and Rural Council.

Miscellaneous

ENVIRONMENTAL JUSTICE (EJ) MEMORANDUM OF UNDERSTANDING (MOU) (08/04/11, EPA NEWS) The administration signed an [MOU](#) in furtherance of EJ and EO 12898 (1994), which adopts the Charter for Interagency Working Group on EJ. Covered agencies include the DoD. This MOU calls for each Federal agency to post its current "Environmental Justice Strategy" on its webpage and its final version by 02/11/12; allow for public comments to agencies' Environmental Justice Strategy, Annual Implementation Progress Reports, programs, policies and activities; an agency Annual Implementation Progress Report, due in February that includes performance measures as deemed appropriate by the agency; and areas of focus will include implementation of NEPA, Title VI of the Civil Rights Act of 1964, impacts to climate change, and impacts from commercial transportation and supporting infrastructure. For [further information](#): [Stacy Kika](#), 202-564-0906, 202-564-4355.

GREEN PRODUCTS (08/23/11, [FEDCENTER](#)) An updated Version 9 of the Office of the Federal Environmental Executive's [green products compilation spreadsheets](#) is available. The designated green products are separated into 18 spreadsheets including, but not limited to: Building Construction; Landscaping; Building Interior; Building Finishes; Paper Office Products; Printing; Non-Paper Office Products; Office Electronics; Renewable Energy; Vehicle Products; Cleaning Products; Lubricants, Oils, Hydraulic Fluids and Greases; and Miscellaneous. Version 9 adds identification for the GSA Global Supply and Multiple Award Schedules sources of the designated products. For further information:

Natural Resources

WATERFOWL MANAGEMENT (08/25/11, [76 FR 53149](#)) USFWS has posted a draft revision to the [North American Waterfowl Management Plan](#). The purpose statement for the plan is "to sustain North America's waterfowl populations and their habitats at levels that satisfy human desires and perpetuate waterfowl hunting, accomplished through partnerships guided by sound science." Nowhere in the plan is any discussion of avoiding waterfowl interaction with aircraft. Comments are due by 09/26/11. For further information: [Michael J. Johnson](#), FWS, Arlington, VA, 703-358-1784.

Toxics

LEAD CLEARANCE AND TESTING (08/05/11, [76 FR 47918](#)) EPA proposed revisions to the 2008 Lead Renovation, Repair, and Painting Program (RRP) rule that established accreditation, training, certification, recordkeeping requirements, and work practice standards for persons performing renovations for compensation in most pre-1978 housing and child-occupied facilities. Revisions included: allowing a certified renovator to collect a paint chip sample and send it to a recognized laboratory for analysis in lieu of using a lead test kit; minor changes to the training program accreditation application process, standards for e-learning in accredited training programs, and minor revisions to the training and certification requirements for renovators; clarifications to requirements for vertical containment on exterior renovation projects, the prohibited or restricted work practice provisions, and the requirements for high- efficiency particulate air vacuums; and EPA will not promulgate dust wipe testing and clearance requirements as previously proposed. This final rule is effective 10/04/11. For further information: [Cindy Wheeler](#), EPA, National Program Chemicals Division, Washington, DC; (202) 566-0484.

Waste

MUNICIPAL SOLID WASTE (MSW) CHARACTERIZATION (08/02/11, [76 FR 46290](#)) EPA is soliciting comments regarding the scope of the [MSW Characterization Report](#) called "Municipal Solid Waste in the United States" for sustainable

materials management. EPA seeks to create a national measurement approach and report to provide appropriate data to support various uses, including recycling, source reduction and waste prevention, and disposal. EPA requested stakeholder input regarding methods of measuring materials in the following waste streams: MSW (including packaging, food scraps, grass clippings, sofas, computers, and refrigerators), construction and demolition (C&D) materials, and non-hazardous industrial materials (such as iron and steel slags, spent foundry sands, and pulp and paper residues). EPA also requested input on the sustainable management of these materials through safe recycling and source reduction. Comments were due 08/31/11. For further information: [Hope Pillsbury](#), EPA Office of Resource Conservation and Recovery, Washington, DC; (703) 308-7258.

CO2 STREAMS IN GEOLOGIC SEQUESTRATION (GS) ACTIVITIES (08/08/11, [76 FR 48703](#)) EPA is proposing to revise regulations for hazardous waste management under RCRA to conditionally exclude hazardous CO2 streams from the definition of hazardous waste, provided these hazardous CO2 streams are captured from emission sources; are injected into Class VI Underground Injection Control (UIC) wells for purposes of GS; and meet certain other conditions. For further information: [Ross Elliott](#), Office of Resource Conservation and Recovery (5304P), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; 703-308-8748.

LOW-LEVEL WASTE REDUCTION (08/15/11, [76 FR 50500](#)) The Nuclear Regulatory Commission (NRC) is revising its 1981 Policy Statement on [Low-Level Waste \(LLW\)](#) Volume Reduction, which encourages licensees to take steps to reduce the amount of waste generated and to reduce volume once generated. The purpose of the revised statement is to recognize that progress in reducing waste volume has been achieved since the 1981 Policy Statement was published, and to acknowledge that factors other than volume reduction may be used by licensees to determine how best to manage LLW. As part of their radioactive waste management strategies, licensees should consider all means available to manage waste in a manner that is secure and protects public health and safety, such as waste minimization, short-term storage and decay, long-term storage, use of the alternate disposal provision contained in 10 CFR 20.2002, use of waste processing technologies, and use of licensed disposal facilities. Comments are due 09/14/11. For further information: [Donald Lowman](#); NRC, Office of Federal and State Materials and Environmental Management Programs, Washington, DC; 301-415- 5452.

SOLID WASTE DEFINITION (08/26/11, [76 FR 53376](#)) EPA is extending the comment period for the proposed rule on the definition of solid waste published in the Federal Register on 07/22/11. The comment period is being extended to 10/20/11. For further information: [Marilyn Goode](#), EPA Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, Washington, DC, (703) 308-8800.

Water

CHARACTERISTICS OF SMALL DRINKING WATER SYSTEMS (JULY 2011) [This report](#), dated July 2011, summarizes the characteristics of small drinking water systems serving 10,000 or fewer people and how these characteristics may impact their short- and long- term sustainability. The report also provides information on ownership, operation, financial stability, infrastructure needs, and compliance with National Primary Drinking Water Regulations (NPDWRs).

NPDES AND TRIBAL LANDS (08/03/11, [76 FR 46801](#)) EPA Region 4 is modifying the expiration date of the NPDES general permit authorizing discharge of storm water from construction activities on Tribal Lands within the states of Alabama, Florida, Mississippi and North Carolina. The modification will extend the NPDES construction general permit (CGP) so that it expires 09/01/12 instead of 08/31/11. For further information: [Alanna Conley](#) or Michael Mitchell; (404) 562-9443 or (404) 562-9303.

State Laws and Rulemaking

Alabama

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

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



Proposed Rules

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

renumbered accordingly. This rule was proposed 06/30/11. Comments were due 08/04/11.

[Proposed Rule](#)

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

CLASS VI INJECTION WELLS (335-6-8-.01, -.02, -.05, -.07, -.08, -.10 - .30) ADEM proposes to revise the Division 6 Code to include requirements for Class VI injection wells for geologic sequestration of carbon dioxide. Proposed additions and amendments are consistent with Federal regulations for Class VI wells. A public hearing was held 07/11/11.

[Proposed Rules](#)

Florida

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

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



Proposed Rules

STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (FAC, CHAPTER 64E-6) The FL Department of Health (FLDOH) proposed amendments to standards for onsite sewage treatment and disposal systems. The rulemaking develops rules to implement provisions of Chapter 10-205, Laws of Florida (SB 550), which requires FLDOH to administer an onsite sewage treatment and disposal system evaluation and assessment program. Proposed rules address: application for a System Construction Permit; location and installation of onsite sewage treatment and disposal systems; site evaluation criteria; system size determinations; alternative systems; septage and food establishment sludge; portable restrooms and portable or stationary holding tanks; abandonment of systems standards for construction, operation and maintenance of aerobic treatment units; construction materials and standards for treatment receptacles; construction standards for drainfield systems; permitting and construction of repairs; additive use; Department of Agriculture Soil Textural Classification System; system location, design and maintenance criteria; cesspit and undocumented system replacement and interim system use; coordinated permitting; requirements for registration; master septic tank contractors; issuance of registration certificates and renewal; standards of practice and disciplinary guidelines; certification of partnerships and corporation; applications for innovative system permits and reclassification and system construction permits, location, installation, monitoring and Fees. FLDOH held a public workshop 06/04/10 to discuss permitting and approval standards of onsite sewage treatment systems that provide treatment other than a septic tank, such as performance based treatment systems, aerobic treatment units and innovative systems. The Technical Review and Advisory Panel met 07/15/10 and 09/23/10. Public workshops were held October 12, 14, 18 and 21, 10. A public meeting was held in December 2010. DOH has public meetings scheduled through December 2011.

[Notice of Public Workshop](#)

[Notice of Rule Development](#)

Contact: Gerald Briggs, (850) 245-4250

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

[Proposed Rule](#)

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

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

[Notice of Change](#)

[Second Notice of Change](#)

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

GENERIC PERMIT FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES (FAC 62-621.300) FLDEP is revising subsection 62-621.300(1), F.A.C., Generic Permit for Discharges From Petroleum Contaminated Sites and subsection 62-

621.300(2), F.A.C., Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. The two generic permits authorize discharge of ground water to surface water from specific types of contaminated and non-contaminated sites. They are used for construction related projects including removal and replacement of USTs, long - and short-term petroleum site cleanup activities, installation of underground utilities (water, sewer electrical, communications lines), and construction of large buildings with significant below-grade foundations and basements. A workshop was held on 11/08/10.

[Notice of Development of Rulemaking](#)

Contact: Shirley Shields, (850) 245-8589

SURFACE WATER QUALITY STANDARDS (FAC 62-302.200, .300, .400, .500, .520, .530, .540, .700, .800) FLDEP is held two workshops to explore options with the public on Florida nutrient standards and other relevant provisions of water quality standards. The workshops were used to discuss concepts and gain public input on ideas for a State rule. Information gained will be used as part of the traditional State process of collaborative rulemaking. Note that FLDEP previously opened up Chapter 62-302, F.A.C., for establishment of nutrient standards, and then suspended that rulemaking. The workshops were held 06/14/11 and 06/16/11. Contact: [Eric Shaw](#), 850-245-8429
Rulemaking: Vol. 37, Issue 20, Florida Administrative Weekly 05/20/2011 pp.1314-1315

AIR PERMITTING DEFINITIONS (FAC 62-210.200, FAC 62-212.400) FLDEP is proposing to amend two definitions in its air permitting rules to exclude ethanol fuel production facilities from the definition of "chemical process plant," thereby raising the emission threshold for applicability of the State's major source permitting rules for such facilities from 100 tons per year (TPY) of any regulated air pollutant to 250 TPY. Some ethanol fuel production facilities would move from being considered a "chemical process plant" for purposes of qualifying for an exemption from the State's PSD air permitting rules. A rule development workshop was held 07/27/11. FLDEP is currently considering comments.

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

[Propose Rule](#)

Georgia

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

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



Proposed Rules

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

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

[Public Meeting Notice](#)

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

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

[Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

Contact: Marzieh Shahbaz, (404) 362-2680

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

public hearing was held 01/05/11, and comments were due 01/10/11.

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

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

NON-STORMWATER GENERAL PERMITS (GAC 391-3-6-.15) GADNR has proposed amendments that would provide the GADNR Director discretion to allow coverage under a non-storm water general permit without submittal of a Notice of Intent (NOI), where requiring such notice would be inappropriate and federal regulations do not require such notice. The proposed rule would also address general and individual permit requirements, coverage area of a general permit, authorization to discharge, the degree of waste treatment required, notice and public participation, prohibited discharges, modification, revocation, reissuance and termination of permits. A public hearing was held 01/18/11, and comments were due 01/31/11.

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

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

PSD (GAC 391-3-1-.02(7), -.03(8)) GAEPD is proposing to amend Rule 391-3-1-.02(7), "Prevention of Significant Deterioration of Air Quality," to specify precursors for ozone and PM2.5. The definition of "regulated NSR pollutant" is added at subparagraph 391-3-1-.02(7)(a)2.(ix). Subparagraph (ix)(I)I specifies that VOCs and NOX are precursors to ozone. Subparagraph (ix)(I)II specifies that sulfur dioxide is a precursor to PM2.5. Both subparagraphs are consistent with the Federal rule at 40 CFR 52.21. Subparagraph (ix)(I)III specifies that NOX is not a precursor to PM2.5; however, NOX is presumed to be a precursor to PM2.5 in the Federal rule unless a State demonstrates to EPA NOX emissions are not a significant contributor to ambient PM2.5 concentrations. Thus, Subparagraph (ix)(I)III specifies that exclusion of NOX as a precursor to PM2.5 becomes effective after EPA approves the revision to Georgia's SIP which incorporates the change. Subparagraphs (ix)(II), (III), (IV), (V) and (VI) regarding pollutants subject to section 111 standards, Class I and Class II Substances, any pollutant otherwise subject to regulation under the CAA, hazardous air pollutants listed in section 112, and condensable particulate matter, respectfully, are consistent with the Federal definition of Regulated NSR pollutant. Rule 391-3-1-.03(8), Permit Requirements, is being amended; nonattainment NSR requirements for PM2.5 are added to the rule. The permitting requirement for sources located in 25 counties designated as contributing to ozone levels in the Atlanta ozone nonattainment area is clarified. Other revisions are made to make the rule consistent with Federal requirements. Subparagraph 391-3-1-.03(8)(c)16 is added to specify the nonattainment NSR requirements for Georgia's existing PM2.5 nonattainment areas (Atlanta PM2.5 nonattainment area, Macon PM2.5 nonattainment area, Floyd County PM2.5 nonattainment area and Chapter 391-3-1 Rules for Air Quality Control Georgia's portion of the Chattanooga PM2.5 nonattainment area). Subparagraph 16.(i) specifies the major source threshold at 100 tons per year. Subparagraph 16.(ii) establishes modification thresholds. Subparagraph 16.(iii) sets the offset ratio at 1 to 1. Subparagraph 16.(iv) specifies that sulfur dioxide is a precursor to PM2.5. Subparagraph 16.(v) states that NOX is not a precursor to PM2.5. However, the NO_x provision does not apply until EPA approves it into Georgia's SIP. Subparagraph 16.(vi) specifies requirements for condensable PM. Subparagraph 16.(vii) defines the partial-county areas that are part of the designated nonattainment areas. Language is added to Subparagraph 391-3-1-.03(8)(e)1 to clarify that the permitting requirements of 391-3-1-.03(8)(c) only apply to electric generating units in the 25 counties specified. Modifications to Subparagraphs 391-3-1-.03(8)(g)1.(iii), (g)2.(i), (g)5.(i), and (g)6.(i) are made to reflect the addition of Subparagraph (8)(c)16. Subparagraph (8)(g)1 (iii)(III) is removed to make the rule consistent with Federal requirements. The rule was proposed 03/15/11. A public hearing was held 04/11/11, and comments were due 05/09/11.

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

Contact: [Chief](#), Air Protection Branch

SYNTHETIC MINOR AIR QUALITY PERMITS (GAC 391-3-1-.01, 02, 03. RULE 391-3-1-.01(cccc)) The definition of "Synthetic minor permit," is amended to specify that synthetic minor permits may be federally enforceable or enforceable as a practical matter. For a limit to be "enforceable as a practical matter," the permitting agency must be able to determine that the source is complying with the permit limit. This often requires recordkeeping, monitoring and reporting requirements that verify self-imposed limitations on emissions. For a limit to be "federally enforceable," the limit must also go through public notice and comment. Rule 391-3-1-.01(nnnn), the definition of "Procedures for Testing and Monitoring Sources of Air Pollutants," is amended to reference the most recent revision of the manual. Rule 391-3-1-.02(4), "Ambient Air Standards," is revised to update the AAQS for SO₂ and NO₂ to be consistent with Federal standards. Rule 391-3-1-.02, Subparagraph (9)b, "Emission Standards for Hazardous Air Pollutants," is updated to include the latest amendment dates of rules incorporated into the Georgia Rules by reference, and to make minor changes to ensure consistency between State and Federal programs. Rule 391-3-1-.03(11), "Permit by Rule," is amended to revise applicability provisions of each of 11 permit by rule standards from sources without Federally enforceable permit conditions to sources without conditions "that are federally enforceable or enforceable as a practical matter." The rule was proposed 03/15/11 with a comment deadline of 05/09/11. A public hearing was held 04/11/11.

[Notice of Proposed Amendments](#)

[Synopsis of Proposed Amendments](#)

[Proposed Rule](#)

[Summary of Procedures for Testing and Monitoring Sources of Air Pollutants](#)

Contact: [Chief](#), Air Protection Branch

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

[Notice of proposed rulemaking](#)

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

Contact: Rich Lewis, 404-656-3605

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

[Public Notice](#)

Contact: Frances Carpenter, 404-675-1605.

Kentucky

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

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



Proposed Rules

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

[Proposed Rules](#)

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

PETROLEUM CONTAMINATED SOIL TREATMENT FACILITIES (401 KAR 47:205, 47:207, 48:205-208) The KEEC Division

of Waste Management has proposed rulemaking to implement new rules for petroleum contaminated soil treatment facilities. The rulemaking includes provisions to establish application requirements; permit issuance and public information procedures; procedures for excluding receipt of wastes other than petroleum contaminated soil, petroleum contaminated soil characterization, treatment standards and disposition of treated soil, and recordkeeping and reporting requirements; biopile liner geosynthetic quality assurance and quality control testing requirements. The rules were proposed 05/01/11. A public hearing was held 05/23/11, and comments were due 05/31/11. Proposed rule 47:205 was amended following receipt of public comments, and scheduled to be heard by the AARS 08/15/11.

[Proposed Rules](#)

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

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

[Proposed Rules](#)

Contact: Quang Nguyen, (502) 564-3940

Mississippi

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

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



Final Rules

2010 LIST OF IMPAIRED WATER BODIES (SECTION 303(D)) This list provides the 2010 list of impaired water bodies in Mississippi, and identifies waters whose effluent limitations are not sufficient to implement one or more applicable water quality standards. The list fulfills the State's obligation, with respect to Section 303(d) of the Federal CWA, to develop a listing of impaired waters. MSDEQ provides two reports, the Section 303(d) list and a [Section 305\(b\) Report](#). The reports are not integrated, but are meant to have a one-to-one relationship in that all water body segments listed in Category 5 of Section 305(b) report are also listed in Section 303(d) document. The list also indicates waters for which total maximum daily load (TMDL) analysis is not yet complete. This rule was proposed 04/09/10. Comments were due 05/11/10, and a Commission meeting was held 01/27/11. The revised version was submitted, and the rule was adopted 07/27/11. It became effective 08/26/11.

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

WATER QUALITY ANALYSIS FEE MS Department of Health (MSDOH) adopted a rule that sets the water quality analysis fee assessed to Mississippi Public Water Supplies at \$2.80 per connection. The fee covers costs for personnel and equipment needed to meet monitoring requirements established under the Federal SDWA. The rule was proposed 07/05/11, and comments were due 07/30/11. The rule was adopted 08/08/11, and the final version was published in the Mississippi Administrative Bulletin 08/09/11. The rule becomes effective 09/07/11.

[Final Rule](#)

Contact: [Romelle F Britton](#), (601) 576-7518

CONTROL OF RADIATION (SECTION 400) MSDOH has proposed amendments to radiation control regulations regarding posting areas of airborne radioactivity, and areas in which licensed material is used or stored. amends the regulations concerning the disposal of by-product material by permitting certain such material to be disposed of in accordance with 10 CFR Part 61, even though it is not defined as low-level radioactive waste. Deadline for public comments was 07/09/11. The rule was adopted on 7/22/11 and became effective on 8/22/11.

[Final Rule](#)

Contact: [BJ Smith](#), (601) 987-6893

Proposed Rules

USTs MSDEQ has proposed rule amendment that would add training requirements for UST compliance managers and operations clerks, and require owners and operators to maintain records regarding such training and report those

trained as Compliance Managers. The rule was proposed 05/03/11, and comments were due 05/28/11. A public hearing was held 06/02/11.

[Proposed Rule](#)

Contact: [Kevin Henderson](#) (601) 961-5283

WATER QUALITY CRITERIA (WPC-2) MSDEQ proposed amendment that would add antidegradation implementation policy to regulations. The rule was proposed 05/10/11, and comments were due 06/04/11. A public hearing was held 06/14/11.

[Proposed Rule](#)

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

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

[Proposed Rule](#)

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

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

[Proposed Rule](#)

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

North Carolina

2011 Legislative Long Session began 01/19/11; ends TBD~08/01/11

Effective Dates of Legislation: 60 days after adjournment unless directed otherwise in the bill.



Final Rules

BOILERS AND PRESSURE VESSELS (13 NCAC 13 .0101, .0103, .0202, .0203, .0204, .0208, .0209, .0211, .0212, .0214, .0301, .0401, .0404, .0406, .0408, .0409, .0410, .0411, .0412) NCDENR adopted amendments to rules regarding boilers and pressure vessels, to include revised incorporated standards, inspector qualifications, inspection standards and safety standards. A public hearing was held 03/31/11, and comments were due 05/16/11. Part of the rule became effective on 08/01/11, and the remainder was adopted 09/01/11.

[Proposed Rule \(page 2159\)](#)

Contact: Erin T Gould, 919-733-7885

AIR QUALITY: SO₂, NO₂ (15A NCAC 02D .0402, .0407) NCDENR adopted amendments to 15A NCAC 02D .0402, Sulfur Oxides and 15A NCAC 02D .0407, Nitrogen Dioxide, to incorporate the revised primary NAAQS for sulfur dioxide (SO₂) and nitrogen dioxide (NO₂), promulgated by EPA into the state air quality rules. On 06/02/10, EPA strengthened the primary NAAQS for SO₂ by replacing the 24-hour and annual standard with a new 1-hour SO₂ standard at a level of 75 ppb, based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. EPA is revoking the two existing primary standards of 140 ppb evaluated over 24-hours, and 30 ppb annual standard evaluated over an entire year because there is little health evidence to suggest an association between long-term exposure to SO₂ and health effects. The new 1-hour standard applies only to the primary standard set to protect public health, especially for children, the elderly, and people with asthma. EPA also strengthened the health-based NAAQS for NO₂. EPA is supplementing the existing annual standard for NO₂ of 53 ppb by establishing a new short-term standard based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. EPA is setting the level of this new standard at 100 ppb. EPA is making changes in data handling conventions for NO₂ by adding provisions

for this new 1-hour primary standard that will protect public health, including the health of sensitive populations (people with asthma, children, and elderly). EPA is retaining, with no change, the current annual average NO₂ standard of 53 ppb. A public hearing was held 05/04/11. Comments were due 05/31/11. The rule was adopted on 08/18/2011.

[Notice of Public Hearing](#)

[Proposed Rules](#)

Proposed Rules

STORMWATER PROVISIONS IN CONSTRUCTION GENERAL PERMIT (NCG01000) The existing NCG01 expired 08/02/11. The pre-publication version of the Draft Permit was sent to EPA and the public 04/12/11. It was revised 05/13/11. The Draft Permit became effective 08/02/11.

[Draft General Permit](#)

Contact: Boyd DeVane, 919-807-6373

South Carolina

Legislative Session Convened 01/11/11; Adjourned 06/02/11

Effective Dates of Legislation: 20th day after Governor signs or as provided in the Act.



Proposed Rules

WATER CLASSIFICATIONS AND STANDARDS (R. 61-68, -69) SCDHEC has proposed rule to clarify implementation details regarding the freshwater bacteriological indicator for NPDES permits, ambient water quality assessment and Total Maximum Daily Load (TMDL) development. The proposed rule clarifies the E. Coli bacteriological indicator for protection of recreational uses in Class SA, Class SB, and Shellfish Harvesting waters and, where appropriate, clarifies implementation details for NPDES permits, ambient water quality assessment and TMDL development. The rule was proposed 04/22/11, and comments were due 05/23/11. A public hearing has not been scheduled.

[Proposed Rule](#)

Contact: [Gina Kirkland](#) (803) 898-4355

SURFACE WATER WITHDRAWAL, PERMITTING, USE & REPORTING (R. 61-119, 121-10, 121-12) This rulemaking implements new rules to rename sections of the Surface Water Withdrawal, Permitting, Use and Reporting Act, amends rules to incorporate fees authorized by this Act, and repeals regulations which would become obsolete upon promulgation of the new regulation. The first Notice of Drafting was published 08/27/10; second 05/27/11; deadline for comments was 06/27/11. Revisions were made based on comments received, and the rule was reissued for public comment 08/26/11. Comments are due 09/26/11. A public hearing is scheduled for 10/13/11. Contact: Charles Gorman (803) 898-3112

HAZARDOUS WASTE (R.61-79) SCDHEC has proposed to amend R.61-79, Hazardous Waste Management Regulations. South Carolina intends to adopt two final Federal amendments published between 07/01/09 and 06/30/10, and to correct errors and omissions in previously adopted regulations. The first rule, the Organization for Economic Cooperation and Development (OECD), Requirements; Export Shipments of Spent Lead-Acid Batteries, implements recent changes to agreements concerning transboundary movement of hazardous waste among countries belonging to the OECD. It establishes notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country, and specifies requirements for exception reports concerning hazardous waste exports and requirements for US receiving facilities for import consent documentation of incoming hazardous waste import shipments. This rule was published by EPA on 01/08/10 at [75 FR 1236](#). Adoption of this rule is optional to States. The second rule covers Hazardous Waste Technical Corrections and Clarifications published 03/18/10 at 75 FR 12989. The rule makes corrections to errors made by EPA. Some corrections are necessary to make conforming changes to all appropriate parts of RCRA hazardous for rules that have since been promulgated. Changes clarify existing parts of the hazardous waste regulatory program and update references to DOT regulations that have changed since publication of various RCRA final rules. SCDHEC intends to correct omissions in language and errors made by the South Carolina Hazardous Waste Management (HWM) program. South Carolina HWM Regulations will be adopted verbatim to match the Code of Federal Regulations. Some errors and omissions being corrected were a result of an incomplete transfer of information from the EPA to the State. Corrections will bring South Carolina HWMR into conformity with the US Code of Federal Regulations. Proposed corrections will be made to regulations previously approved and adopted by the SCDHEC Board and approved by the Legislature. No new rules will be included in the corrections. Comments were due 07/26/11. Contact: Richard Haynes, (803) 896-4070

Tennessee

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

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



Proposed Rules

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

[Notice of Proposed Rulemaking](#)

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

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

[Proposed Rule](#)

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

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

[Notice of Proposed Rulemaking](#)

[Notice of Rulemaking Hearing and Text](#)

Contact: Rhonda Key, 615-532-0972

WASTE MANAGEMENT PROGRAM (TAC 0400 VARIOUS AND 1200-1-VARIOUS) TDEC is proposing to repeal rules regarding solid waste management in various sections of Chapter 1200-0, and move them throughout various sections of new Chapter 0400-12. The effort would establish a voluntary alternate set of flexible and protective generator requirements applicable to laboratories owned by eligible academic entities, and address the specific nature of hazardous waste generation and accumulation in these laboratories. The rule would adopt Federal changes to agreements concerning transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD). The rule was proposed 06/10/11, a public hearing was held 08/05/11, and the comment deadline was 08/10/11. A public hearing is scheduled for 09/14/11, at 1:00 p.m. The deadline for public comment is also 09/14/11.

[Notice of Rulemaking Hearing](#)

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

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	