



The Southern Region Review



Region 4 Edition

The United States Army Environmental Command's Southern Regional Environmental Office (SREO) produces this publication to provide current information regarding environmental actions and events in 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.

Feedback and suggestions are encouraged and welcomed, thus allowing expanded or improved coverage. Please contact the SREO at:

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The Southern Region Review is distributed as a pdf file. Adobe Reader is required to read the file; available for free at: <http://www.adobe.com/products/acrobat/readermain.html>. For additional sources of information, please contact the Army Environmental Center at: <http://aec.army.mil>.

Announcements

STRENGTHENING FEDERAL ENVIRONMENTAL, ENERGY AND TRANSPORTATION MANAGEMENT. (01/26/07, [72 FR 3917](#)) On 01/24/07, the President signed Executive Order (EO) 13423 requiring federal agencies to lead by example in advancing the nation's energy security and environmental performance. The order establishes new and updated goals, practices, and reporting requirements for environmental, energy, and transportation performance and accountability. Specific goals include: increase purchase of alternative fuel, hybrid, and plug-in hybrid vehicles when commercially available; reduce petroleum consumption in fleet vehicles by two percent annually through 2015; increase alternative fuel consumption at least 10% annually; reduce energy intensity 30% by 2015; reduce greenhouse gas emissions through reduction of energy intensity by three percent annually or 30% by 2015; at least 50% of current renewable energy purchases must come from new renewable sources (in service after January 1, 1999); construct or renovate buildings in accordance with sustainability strategies (including resource conservation, reduction, use), siting and indoor environmental quality; reduce water consumption intensity by two percent annually through 2015; expand purchases of environmentally-sound goods and services, including biobased products; reduce use of chemicals and toxic materials and purchase lower risk chemicals and toxic materials from top priority list; annually, 95% of electronic products purchased must meet Electronic Product Environmental Assessment Tool standards where applicable; enable Energy Star® features on 100% of computers and monitors; reuse, donate, sell, or recycle 100% of electronic products using environmentally-sound management practices; by 2010, increase to at least 2,500 the number of federal operations that implement environmental management systems, up from about 1,000 today. The following executive orders were revoked: EO 13101; EO 13123; EO 13134; EO 13148; and EO 13149.

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PARTICULATE MATTER LEGAL CHALLENGE. (12/19/06) Thirteen states and the District of Columbia filed suit against USEPA asking for further reductions in the fine particulate matter (PM2.5) national ambient air quality standard (NAAQS). USEPA retained the current standard of 15 micrograms per cubic meter in the five year review cycle finalized in 2006(10/17/2006, 71 FR 61143). The petition for review was filed 12/15/06 in the US Court of Appeals for the District of Columbia Circuit. A copy is available at <http://www.oag.state.ny.us/press/2006/dec/PM%20Petition%20For%20Review%20Signed.pdf>. The states want USEPA to reduce the limit from the current acceptable level of 15 micrograms per cubic meter of air (annual average) to 13 or 14 micrograms, in accordance with recommendations made by USEPA's panel of expert scientists during the five-year review. Prior to filing the lawsuit, New York and other states petitioned USEPA in April 2006 to lower allowable PM limits. In December 2006, a group called Earthjustice, which includes the American Lung Association, the American Medical Association and Environmental Defense, sued USEPA over the same issue. For further information: http://www.oag.state.ny.us/press/2006/dec/dec18b_06.html.

SAFETY ADVISORY. (12/26/06, [71 FR 77437](#)) The Pipeline and Hazardous Materials Safety Administration (PHMSA) discovered the unauthorized marking of high-pressure compressed gas cylinders, mainly cylinders containing welding gases, fire extinguishers, and self-contained breathing apparatus, by Consulting and Safety Specialists, Inc. (CSSI), located in Thibodaux, LA. Based on investigation, PHMSA concluded that over the past three years, CSSI marked, certified and returned to service an undetermined number of high-pressure gas cylinders as having been properly tested in accordance with Hazardous Materials Regulations (HMR); requalification of test equipment was not deemed accurate as required by the HMR. Cylinders in question are stamped with RIN C381 in the following pattern where "M" is the month of requalification and "Y" is the last two digits of the year of the requalification:

C 3
M Y
18

Anyone possessing a high-pressure gas cylinder, hydrostatically tested by CSSI between June 2003 and May 2006, not tested by a US Department of Transportation-authorized facility since, should consider the cylinder unsafe. Do not fill with a hazardous material unless the cylinder is first properly requalified. For further information: Billy C. Hines, Jr., Chief, Southwest Region, Office of Hazardous Materials Enforcement, Pipeline and Hazardous Materials Safety Administration, DOT, Houston, TX, (713) 272-2820.

LORAN. (01/08/07, [72 FR 796](#)) The US Department of Transportation (DOT) in coordination with the Department of Homeland Security is considering the need to continue to operate or invest in the North American Long Range Aids to Navigation (LORAN-C) Radionavigation System beyond fiscal year 2007. Future investment decisions may include decommissioning the LORAN-C system, maintaining the LORAN-C system as currently configured, or developing a fully deployed enhanced LORAN (eLORAN) system. Contributing factors to such decisions include whether the global positioning system (GPS) and other available back-up systems are adequate for the public's navigation and timing needs (making LORAN-C redundant), and whether eLORAN investments made to date provide enhancements that merit consideration as a complementary capability to GPS, and not merely as a GPS back-up. For further information: Greg Wheeler, Department of Transportation, Office of Navigation and Spectrum Policy, 202-366-4894, Greg.Wheeler@dot.gov or LT Michael Herring, Project Officer, Office of Navigation Systems, Coast Guard, 202-372-1561, Michael.L.Herring@uscg.mil.

Conferences and Events

4TH CONFERENCE ON HYDROGEOLOGY, ECOLOGY, MONITORING, AND MANAGEMENT OF GROUND WATER IN KARST TERRAINS. February 27-28. Safety Harbor, FL. The conference will be an international consortium of engineers, scientists, regulators, researchers, and students gathering to understand the science and management of ground water in karst terrains. The conference will feature an industry display area, platform and poster sessions, workshops, a banquet, and a field trip. <http://www.ngwa.org/e/conf/0702275018.cfm>

2007 NACo LEGISLATIVE CONFERENCE. March 3-7. Washington, DC. The 110th Congress, First Session will hit town in January, and a great number of programs that assist counties will be under intense scrutiny. Find out what this means for counties, what you can do about the issues, and how to strengthen the voice of local government on Capitol Hill. <http://www.naco.org/Template.cfm?Section=Legislative&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=78&ContentID=18721>

HAZARDOUS WASTE COMBUSTORS CONFERENCE AND EXHIBITION. March 13-14. Charleston, SC. The Air & Waste

Management Association's Hazardous Waste Combustors Conference and Exhibition provides a timely opportunity for industry representatives, consultants, and regulators to meet and discuss these pertinent issues. The 2007 conference will have a special emphasis on implementation of the final HWC Maximum Achievable Control Technology (MACT) standards, as well as overlapping RCRA regulatory issues. Through paper sessions and panel discussions, topics related to the combustion of waste in combustion units, including boilers, cement kilns, lightweight aggregate kilns and incinerators will be explored, such as: regulatory standards; implementation; monitoring and recordkeeping; permitting; and emissions testing. <http://www.awma.org/events/conf/HWC007/hwc07.asp>

COAST GUARD WATER BALLAST MANAGEMENT PUBLIC MEETING. (01/19/07, [72 FR 2536](#)) March 15. New Orleans, LA. The meeting will allow the Coast Guard to receive comments on its current ballast water management reporting and recordkeeping requirements to include: current ballast water management reporting submission requirements; vessel types currently required to submit ballast water management reporting forms; the ballast water reporting form itself to determine whether or not the form should be updated. To accompany 33 CFR 151 Subpart C and D, and 33 CFR 151.2041, the Coast Guard has published Navigation and Vessel Inspection Circular (NVIC) 07-04, change 1 entitled "Ballast Water Management for the Control of Aquatic Nuisance Species in the Waters of the United States." NVIC 07-04, CH-1 provides additional guidance on the equivalent reporting program for vessels operating exclusively within the US Exclusive Economic Zone, allowing approved vessels to submit reports on a monthly basis, as opposed to the standard schedule. For further information: Heather St. Pierre, Environmental Standards Division, Coast Guard, 202-372-1432, Heather.J.St.Pierre@uscg.mil.

PAYING FOR SUSTAINABLE WATER INFRASTRUCTURE: INNOVATIONS FOR THE 21ST CENTURY. March 21-23. Atlanta, GA. The conference will bring together stakeholders from all levels of government and the private sector to explore creative methods to pay for sustainable water infrastructure today and into the future. It is the first of its kind to address the challenge of integrating many diverse tools and strategies to pay for sustainable water infrastructure. Integration begins with the two fundamental dimensions of "paying for sustainable water infrastructure": increasing investment in cost-effective systems; and reducing capital, operation, and maintenance costs. Participants will have the opportunity to discuss these issues with leaders and peers in four tracks: Sustainable Water Infrastructure; Federal Roles in Water Infrastructure Innovation; State and Local Innovations; and International Innovations in Finance, Technologies, and Management. <http://www.payingforwater.com/>

2ND FIRE BEHAVIOR AND FUELS CONFERENCE. March 26-30. Destin, FL. The conference focuses on the fire environment to provide attendees with the latest innovations in wild land fire science, examples of successful and maybe not so successful management practices, and current and potentially future wild land fire policy. The conference program includes presentations by internationally respected experts in wild land fire as well as workshops and field trips. The site of the conference, the Sandestin Golf and Beach Resort is located in the Florida Panhandle, an area rich in wild land fire history and practice. <http://emmps.wsu.edu/fire.behavior/>

GW18: EARTH SUMMIT FOR GLOBAL WARMING MITIGATION. April 19-20. Miami, FL. A Scientific Tract is targeted towards the scientific community, policy makers in business and government, and those who yearn to understand effects of climate change at a technical level. The Scientific Program is dedicated to the exchange of scientific research, governmental assessments, and public policies concerning global climate change and is composed of two core parts: research papers and posters. Experience high quality, original research that demonstrates an interdisciplinary approach to evaluating climate change impacts across a wide range of areas and includes both scientific and policy studies and engage in one-and-one discussions during scheduled scientific poster sessions with international leading scientist as they as they demonstrate research breakthroughs. Take action and experience the highest quality research from renowned scientists and policy-makers by joining in an attempt to establish new paradigms and insights into the science of global climate change at GW18. <http://gw18.globalwarming.net/>

2007 GROUNDWATER SUMMIT. April 29-May 3. Albuquerque, NM. The Summit is designed to engage local, national, and international science partners in a setting that facilitates exchange and dissemination of technical information and new science developments; allows a means for discussion of policy and regulatory issues pertaining to ground water; and promotes goodwill between scientists and engineers worldwide. Summit sessions cover a wide range of topics to allow recent issues and advances in ground water science, technology, and policy to be brought to the forefront. <http://www.ngwa.org/e/conf/0704295095.cfm>

2007 IEEE INTERNATIONAL SYMPOSIUM ON ELECTRONICS AND THE ENVIRONMENT. May 7-10. Orlando, FL. The Symposium is a premier international forum for presenting environmental topics pertinent to engineers, managers and others engaged in research, development, manufacturing, recycling, and marketing of electronic products. The program will feature the latest in design, manufacturing, research, marketing, recycling practice, and policy making from world leaders in industry, academia, and public policy areas. <http://www.regconnect.com/content/isee/index.php>

WASTEEXPO 2007. Atlanta, GA. May 7-10. WasteExpo is North America's largest tradeshow serving the \$56 billion solid waste and recycling industries including both the private and public sectors. www.wasteexpo.com

Training

Environmental courses available in FY07 from Army Schools are now posted at: <http://aec.army.mil/usaec/support/training01.html>. The posting includes courses that are offered by other DoD Schools and approved by the Interservice Environmental Education Review Board (ISEERB) for use by all Services.

QUALIFIED RECYCLING PROGRAM (QRP) / AMMUNITION, EXPLOSIVES, AND OTHER DANGEROUS WETLAND PLANT IDENTIFICATION. February 12-15. Apalachicola, FL.
WETLANDS DEVELOPMENT AND RESTORATION. February 26–March 1. Apalachicola, FL.
ENVIRONMENTAL LAWS AND REGULATIONS. February 26-March 3. Huntsville, AL.
DoD PEST MANAGEMENT CERTIFICATION COURSE. March 5-23. Fort Sam Houston, TX.
ADVANCED WASTE MANAGEMENT WORKSHOP. March 12-16. New Orleans, LA.
HAZARDOUS WASTE MANIFEST/DOT CERTIFICATION. March 12-16 and 14-15 Omaha, NE.
ECOLOGICAL RISK ASSESSMENT. March 15. Washington, DC.
RADIOACTIVE WASTE TRANSPORT/DOT RECERTIFICATION. March 14-16. Phoenix, AZ.
ENVIRONMENTAL IMPACT ASSESSMENT. March 19-23. Huntsville, AL.
BASIC ENVIRONMENTAL LAW. March 20-22. Pensacola, FL.
REGULATORY IV. April 2-6. Mobile, AL.
DoD PEST MANAGEMENT RE-CERTIFICATION COURSE. April 9-13. Fort Sam Houston, TX.
CONFLICT MANAGEMENT AND DISPUTE RESOLUTION. April 16-20. Jacksonville, FL.
DEFENSE HAZARDOUS MATERIALS/WASTE HANDLING COURSE. April 24-26. MCAS, Cherry Point, NC.
INTRODUCTORY HEALTH RISK COMMUNICATION. May 1-3. Fort Bragg, NC.
TRANSPORT OF BIOMEDICAL MATERIAL. May 7-11. Atlanta, GA.
DEFENSE HAZARDOUS WASTE REFRESHER COURSE. May 8. Fort Benning, GA.
ASBESTOS INSPECTOR REFRESHER. May 16. Norfolk, VA.
ASBESTOS MANAGEMENT PLANNER REFRESHER. May 16. Norfolk, VA.
DEFENSE HAZARDOUS MATERIALS/WASTE HANDLING COURSE. May 16-18. MCLB, Albany, GA.
ASBESTOS MANAGEMENT PLANNER. May 17-18. Norfolk, VA.
REGULATORY III. May 21-24. Virginia Beach, VA.
BUYING GREEN: A MULTIFUNCTIONAL APPROACH TO POLLUTION PREVENTION. May 21-24. Columbus, OH.
HEALTH & ENVIRONMENTAL RISK COMMUNICATION WORKSHOP. May 22-24. Cherry Point, NC.

HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE. The three-day course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) through use of actual case studies. It addresses legislation and process to fulfill requirements of the law. Course content includes but is not limited to the following: the stewardship role, use of historic properties, and communications with related oversight agencies. Sponsor for the course is the Navy Federal Preservation Officer. The course is approved by the Interservice Environmental Education Review Board (ISEERB) and is ACHP recognized. <https://www.cecos.navy.mil/course/detail.cfm?courseid=24>

Studies and Reports

ECOLOGICAL BENEFITS ASSESSMENT STRATEGIC PLAN. (12/18/06, [71 FR 75752](http://www.federalregister.gov)) USEPA issued a document titled "Ecological Benefits Assessment Strategic Plan" (EPA-240-R-06-001) that was developed to help improve decision-making by enhancing USEPA's ability to identify, quantify, and value the ecological benefits of existing and proposed policies. The specific objectives of the plan are to: identify major technical and institutional advancements that

would facilitate completion of comprehensive ecological benefits assessments on a routine basis; describe specific actions USEPA can take to promote those advancements; and describe mechanisms to facilitate adaptive implementation of the plan, including periodic adjustments to reflect progress in knowledge. The goal of an ecological benefits assessment is to estimate benefits of an environmental policy, and when appropriate, estimate monetary value to society to facilitate comparisons of policy alternatives to support decision-making. Several factors contribute to difficulty in evaluating ecological benefits, including limited understanding of linkages: among policies, stressors, and ecosystem services; within and between ecosystems; and between ecological and economic systems. USEPA developed the Ecological Benefits Assessment Strategic Plan to improve the understanding of such linkages. For further information: Dr. Wayne R. Munns, EPA/ORD National Health and Environmental Effects Research Laboratory, 401-782-3017, munns.wayne@epa.gov. The plan is available at: [http://yosemite.epa.gov/ee/epa/ermfile.nsf/vwAN/EE-0485-01.pdf/\\$File/EE-0485-01.pdf](http://yosemite.epa.gov/ee/epa/ermfile.nsf/vwAN/EE-0485-01.pdf/$File/EE-0485-01.pdf).

EFFECTS OF CLIMATE CHANGE. (12/18/06, [71 FR 7517](#)) The National Oceanic and Atmospheric Administration released a draft report from the US Climate Change Science Program, titled "Effects of Climate Change on Energy Production and Use in the United States." For further information: Dr. Fabien Laurier, Climate Change Science Program Office, Washington, DC, (202) 419 3481. The draft report is available at <http://www.climatescience.gov/Library/sap/sap4-5/public-review-draft/sap4-5prdr.pdf>.

OCCUPATIONAL SAMPLING STRATEGIES. (12/27/06, [71 FR 77759](#)) The National Institute for Occupational Safety and Health (NIOSH) is updating the Occupational Exposure Sampling Strategies Manual (OESSM), NIOSH Document Number: DHHS (NIOSH) 77-173; and requests feedback. Areas NIOSH is seeking input include: relevance and appropriateness of the OESSM; identification of the most useful components of OESSM; useful resources related to sampling strategies; types of information needed but not currently included in OESSM; gaps, unmet needs for guidance, or needs for new information; information needs relative to exposure assessment and sampling strategies; the Action Level approach; statistical issues, including need for new sampling strategy statistics, existing sampling strategy applications, and need for specific sampling strategies currently not addressed. Comments are due by February 28, 2007. For further information: Mary Lynn Woebkens, Robert A Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio. 513/533-8450, <http://www.cdc.gov/niosh/review/public/77-173>.

DIOXINS AND DIOXIN-LIKE COMPOUNDS. (12/29/06, [71 FR 78441](#)) The Agency for Toxic Substances and Disease Registry ATSDR is seeking public comment on the draft revision of its 1998 Policy Guideline for Dioxins and Dioxin-Like Compounds in Residential Soil. The policy is intended to assist health assessors who must evaluate the public health implications of dioxin and dioxin-like compounds in residential soils near or on hazardous waste sites. The 1998 policy established a screening level of 0.05 ppb toxic equivalent (50 ppt), an evaluation level (>0.05 ppb TEQ, <1 ppb), and an action level of 1 ppb TEQ (1,000 ppt) for dioxins in residential soil. Changes to the policy would include: deletion of the 1 ppb action level as criteria for taking specific public health actions; retention of the 0.05 ppb screening level; recommendation to conduct exposure pathways analyses for dioxins and dioxin-like compounds; and updated toxicity equivalency factors. Comments are due 02/27/07. For further information: Athena Gemella, ATSDR Office of Science, Atlanta, GA, (404) 498-0621.

TOTAL COLIFORM RULE. (01/04/07) In support of meetings USEPA will host for reviewing the total coliform rule, USEPA assembled a series of "white papers" addressing potential public health risks associated with drinking water distribution systems. The white papers are located at: http://www.epa.gov/safewater/disinfection/tcr/regulation_revisions.html#whitepapers.

HYDROGEN ECONOMY. (01/05/07, [72 FR 609](#)) The National Science and Technology Council's Interagency Working Group on Hydrogen and Fuel Cells published a survey of current US statutes and regulations that may be applicable to a hydrogen economy. Information provided includes: description of existing statutory and regulatory provisions of each major federal agency; identification of the lead agency (or instances in which shared authorities exist) that will govern hydrogen technologies; discussions of possible applications of a hydrogen economy, including construction and certification of transportation and ports infrastructure; use of fuel cells to power automobiles and generate electricity for homes and businesses; and discussion of effects on public safety and health, economic utility, and environmental soundness. Comments are due 03/06/07. For further information: William Chernicoff, Research and Innovative Technology Administration, Department of Transportation, Washington, DC, hydrogenregs@dot.gov or 202-366-4999, 800-853-1351, <http://hydrogen.gov/regulations.html>.

MARSAME. (01/16/07, [72 FR 1708](#)) The draft document “Multi-Agency Radiation Survey and Assessment of Materials and Equipment Manual” (MARSAME) is available for comment. MARSAME provides information on planning, conducting, evaluating, and documenting radiological surveys for demonstrating compliance with measurable action levels applied to materials and equipment. MARSAME is a multi-agency consensus document by DoD, DOE, USEPA, and the Nuclear Regulatory Commission. MARSAME is a supplement to the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM), available at: <http://63.151.45.33/marsame/system/index.cfm> (individual chapters). Comments are due 04/16/07. For further information: DoD: Steven Doremus, U.S. Navy, (757) 887-7745; DOE: W. Alexander Williams, (301) 903-8149; EPA: Kathryn Snead, (202) 343-9228; NRC: Robert A. Meck, (301) 415-6205.

Federal Notices and Rulemaking

Clean Air Act (CAA)

OPERATING PERMITS PROGRAMS. (12/15/06, [71 FR 75422](#)) USEPA provided an interpretation of requirements for monitoring to assure compliance with title V permits. The final interpretation provides that operating permit regulations do not authorize federal, state and local permitting authorities to re-assess the sufficiency monitoring of or impose new monitoring requirements. The interpretation clarifies that Sec. 70.6(c)(1) and 71.6(c)(1) do not provide independent authority relative to assessing and revising existing monitoring beyond that required in Sec. 70.6(a)(3)(i) and 71.6(a)(3)(i). The final rule interpretation became effective 01/16/07. For further information: Peter Westlin, EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC, (919) 541-1058, westlin.peter@epa.gov.

OSWI UNITS. (12/18/06, [71 FR 75815](#)) USEPA proposed a federal plan to implement emission guidelines for “other” solid waste incineration (OSWI) units not covered by an approved state plan as of 12/16/06. An OSWI unit is either a very small municipal waste combustion unit or an institutional waste incineration unit, as defined in proposed 40 CFR part 62, subpart KKK. CAA requires states with existing OSWI units subject to emission guidelines to submit plans to USEPA that implement and enforce emission guidelines. If a state does not submit an approvable plan, USEPA is required to develop, implement, and enforce a federal plan for OSWI units located in that state within 2 years after promulgation of the emission guidelines (12/16/07). State plans were due 12/16/06. On the approved State plan effective date, the Federal plan would no longer apply to covered OSWI units covered. USEPA’s federal plan addresses the same elements required for state plans: identification of legal authority and mechanisms for implementation; inventory of OSWI units; emissions inventory; emission limitations; compliance schedules; waste management plan; testing, monitoring, inspection, reporting, and recordkeeping; operator training and qualification; public hearing; and progress reporting. Comments are due 02/16/07. For further information: Mary Johnson, Energy Strategies Group, Sector Policies Program Division, EPA, Research Triangle Park, NC; (919) 541-5025; johnson.mary@epa.gov.

8-HOUR OZONE NAAQS. (12/19/06, [71 FR 75902](#)) USEPA is reconsidering three provisions of the Phase 2, eight-hour ozone national ambient air quality standard (NAAQS) to include: (1) Electric generating units (EGUs) meet 8-hour ozone State implementation Plan (SIP) requirements for application of reasonably available control technology (RACT) for nitrogen oxide (NO_x) emissions if in compliance with the Clean Air Interstate Rule (CAIR) and located in states where all CAIR emissions reductions are achieved from EGUs. States need not perform (or submit) NO_x RACT analyses for sources subject to a NO_x trading program meeting the CAIR NO_x requirements; (2) A new source review (NSR) requirement that allows sources to use certain emission reductions as offsets for shutdowns and curtailments; and (3) An NSR provision that addresses when requirements for lowest achievable emission rate (LAER) and emission offsets may be waived. For further information: John Silvasi, Office of Air Quality Planning and Standards, EPA, Research Triangle Park, NC, phone number (919) 541-5666, fax number (919) 541-0824 by e- mailsilvasi.john@epa.gov.

SHIPBUILDING AND REPAIR NESHAP. (12/29/06, [71 FR 78369](#)) USEPA amended the national emission standards for hazardous air pollutants (NESHAP) for shipbuilding and ship repair (surface coating) operations (subpart II), to close an unintended gap in the scope of activities subject to NESHAP. The definition of “ship” is amended to include all marine or fresh-water vessels that are either: 20 meters or more in length regardless of the purpose for which the vessel is constructed or used; or less than 20 meters in length and designed and built specifically for military or commercial purposes. All shipbuilding and ship repair coating operations performed on “ships,” as so defined, are subject to Subpart II if they take place at an “affected source,” as defined in 40 CFR 63.782. Exceptions provide that NESHAP shall not be construed to apply to coating activities subject to emission limitations or work practices under NESHAP for boat manufacturing at 40 CFR part 63 subpart VVVV. USEPA added a definition of “commercial” to further clarify types of nonmilitary vessels less than 20 meters considered ships. The amended definition of “ship” renders the term “pleasure

craft" unnecessary and eliminates the use of the term in subpart II. The direct final rule is effective on 02/27/07. For further information: Dr. Mohamed Serageldin, Office of Air Quality Planning and Standards, Sector Policies and Programs, Division, Research Triangle Park, NC, (919) 541-2379, serageldin.mohamed@epa.gov.

"ONCE IN ALWAYS IN" POLICY. (01/03/07, [72 FR 69](#)) USEPA is proposing amendments to the General Provisions to NESHAP that would replace the policy colloquially known as the "Once in always in policy," described in a 05/16/95 USEPA memorandum entitled, "Potential to Emit for MACT Standards– Guidance on Timing Issues." As proposed, a major source may become an area source by obtaining a permit that limits potential HAP emissions below major source thresholds of 10 tons per year (tpy) for any single HAP or 25 tpy for any 2 combinations of HAP. After the permit containing the HAP potential to emit (PTE) limit becomes effective, the source would no longer be subject to major source NESHAP, it would be subject to applicable area source NESHAP. Restrictions would apply. USEPA is proposing to revise tables in numerous MACT standards that specify applicability of General Provisions requirements to account for regulatory provisions proposed to add through this notice. Comments are due 03/05/07. For further information: Rick Colyer, Sector Policies and Programs Division, Office of Air Quality Planning and Standards, EPA, Research Triangle Park, NC, (919) 541-5262, colyer.rick@epa.gov.

VOC EXCLUSION. (01/18/07, [72 FR 2193](#)) USEPA added 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethylpentane [also known as HFE-7300 or L-14787 or C2F5CF(OCH3)CF(CF3)2] to the list of compounds excluded from the definition of volatile organic compounds (VOC) on the basis that the compound makes a negligible contribution to tropospheric ozone formation. Users or producers of HFE-7300 subject to USEPA regulations that limit the use of VOC in products, limit VOC emissions from facilities, or otherwise control use of VOC for purposes related to attaining ozone NAAQS, will now exclude HFE-7300 as a VOC in determining regulatory obligations. State regulatory requirements may also be affected, depending on whether the state relies on USEPA's definition of VOC. Uses of HFE-7300 include: heat-transfer fluid; substitute for ozone depleting substances; substitute for substances with high global warming potentials, such as hydrofluorocarbons, perfluorocarbons, and perfluoropolyethers; and azeotropic mixtures for use in coating deposition, cleaning and lubricating applications. For further information: David Sanders, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, Research Triangle Park, NC, 27711, (919) 541-3356, (919) 541-0824, sanders.dave@epa.gov.

ONBOARD DIAGNOSTIC SYSTEMS. (01/24/07, [72 FR 3199](#)) USEPA released a proposed rule to require emissions control systems of large diesel and gasoline highway trucks and buses (weighing over 14,000 pounds) be monitored for malfunctions via an onboard diagnostic system (OBD). Manufacturers would be required to install OBD systems to monitor function of emission control components and alert vehicle operators to any detected need for emission related repair. USEPA invites comments on possible future regulations that would require OBD systems on heavy-duty diesel engines used in nonroad equipment (construction, industrial, agricultural). USEPA is proposing changes to certain existing OBD requirements for smaller highway heavy-duty diesel trucks (under 14,000 pounds). Proposed changes are meant to maintain consistency with diesel OBD requirements proposed for over 14,000 pound applications. Comments are due by 03/26/07. For further information: National Vehicle and Fuel Emissions Laboratory, Assessment and Standards Division, telephone (734) 214-4405, sherwood.todd@epa.gov.

Clean Water Act (CWA)

EFFLUENT GUIDELINES. (12/21/06, [71 FR 76644](#)) USEPA finalized the 2006 Effluent Guidelines Program Plan. USEPA is not identifying any existing categories for effluent guidelines rulemaking at this time, based on a "prioritized category review" and current effluent guidelines rulemakings and detailed studies in progress. USEPA will conduct more focused detailed reviews in the 2007 and 2008 annual reviews of effluent guidelines for hospitals, steam electric power generating, coal mining, and oil and gas extraction (only to assess whether to revise the limits to include coal-bed methane extraction as a new subcategory) categories. For further information: Carey A. Johnston at (202) 566- 1014 or johnston.carey@epa.gov, or Jan Matuszko at (202) 566-1035 or matuszko.jan@epa.gov.

CADDIS. (01/17/07, [72 FR 1995](#)) USEPA released the external review draft of Part 1 of the 2007 release of the USEPA Web site titled, "Causal Analysis/Diagnosis Decision Information System (CADDIS)" at: <http://caddis.tetrattech-ffx.com>. CADDIS is used to determine causes of waterbody impairment. For access, enter username "public" and the password "public." Additional information is being added to the CADDIS Web site in preparation of a major revision release in September 2007. The review announced here is the first of two sets of modules added to the CADDIS Web site. Comment is invited on information on six candidate causes: metals, sediments, nutrients, dissolved oxygen, thermal

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alteration, and ionic strength. Comments are due 02/16/07. For further information: Vic Serveiss, 202-564-3251, serveiss.victor@epa.gov.

Climate Change and Energy

ON-BOARD HYDROGEN STORAGE. (12/20/06, [71 FR 76307](#)) The US Department of Energy's (DOE) Hydrogen, Fuel Cells and Infrastructure Technologies Program, is requesting position papers or other technical documentation regarding hydrolysis of sodium borohydride for on-board vehicular hydrogen storage applications. Information regarding regeneration of spent fuel resulting from hydrolysis of sodium borohydride may also be submitted. The information will be used as part of DOE's go/no-go process in determining the future of DOE's program for applied research and development of hydrolysis of sodium borohydride, including spent fuel regeneration. DOE will base its go/no-go decision on whether the three 2007 technical targets have been met. DOE will also consider the likelihood that sodium borohydride will meet seven 2010 technical targets. Submit position papers, articles or other technical documentation to h2storage@go.doe.gov by 04/30/07. The mission of the DOE's Hydrogen Program is to research, develop and validate fuel cell and hydrogen production, delivery, and storage technologies so that hydrogen from diverse domestic resources can be used in a clean, safe, reliable and affordable manner in fuel cell vehicles, electric power generation and combined heat and power applications. A critical requirement for enabling hydrogen fuel cell vehicles to achieve mass market penetration is development of on-board hydrogen storage systems with enough capacity to meet driving range expectations (more than 300 miles), while meeting a number of requirements such as weight, volume and cost. For further information: Grace Ordaz, Department of Energy, Office of Energy Efficiency and Renewable Energy, Washington, DC, Phone (202) 586-8350, grace.ordaz@ee.doe.gov. Detailed technical targets developed by DOE, with input through the FreedomCAR and Fuel Partnership, are available at: <http://www1.eere.energy.gov/hydrogenandfuelcells/mypp/pdfs/storage.pdf>.

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

MUNITIONS AND EXPLOSIVES. (01/22/07, [72 FR 2685](#)) USEPA, DOD, Department of the Interior, and Association of State and Territorial Solid Waste Management Officials released Draft Guidance for Munitions and Explosives of Concern Hazard Assessment. The guide supports a recommended method for evaluating explosive safety hazards at military munitions response sites and presents approaches to support evaluation of effects of removal and remedial actions under CERCLA regarding explosive hazards at munitions response sites. Comments are due 03/23/07. For further information: Kevin Oates, EPA, oates.kevin@epa.gov, or 334-270-3427, http://www.epa.gov/fedfac/documents/mec_guidance_document.htm, http://www.epa.gov/fedfac/documents/hazard_assess_wrkgrp.htm.

Emergency Planning and Community Right-to-Know Act (EPCRA)

TRI BURDEN REDUCTION. (12/22/06, [71 FR 76932](#)) USEPA issued a Toxics Release Inventory (TRI) rule that allows limited use of Form A for persistent, bioaccumulative and toxic (PBT) chemicals when total annual releases of such chemicals are zero and the total annual amount of the PBT chemical recycled, combusted for energy, and treated for destruction does not exceed 500 pounds; expands non-PBT chemical eligibility for Form A by raising the threshold to 5,000 pounds of total annual waste management (releases, recycling, energy, recovery, and treatment for destruction) provided total annual releases of the non-PBT chemical comprise no more than 2,000 of the 5,000 pound total waste management limit; and retains current exclusion of dioxin and dioxin-like compounds from Form A eligibility. Changes in no way affect specific chemicals or amounts of chemicals facilities are authorized to release to the environment. The final rule does not exempt any facility from reporting releases, nor does it remove any chemicals from the TRI. The rule became effective 01/22/07. First reports with revised reporting requirements, for the 2006 reporting year, will be due on or before 07/01/07. For further information: Marc Edmonds, Toxic Release Inventory Program Division, EPA, Washington DC, 202-566-0758, edmonds.marc@epa.gov.

Farm Security and Rural Investment Act (FSRIA)

FEDERAL ACQUISITION REGULATION. (12/26/06, [71 FR 77360](#)) The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are amending the Federal Acquisition Regulation to implement section 9002 of FSRIA, as amended by Sections 205 and 943 of the Energy Policy Act of 2005. Entitled Federal Procurement of Biobased Products, section 9002, requires that procurement preference be afforded biobased products within items designated by the US

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

WOOD PRESERVATIVE. (01/08/07) USEPA intends to deny all applications for proposed registration of acid copper chromate treated wood (ACC) for residential use. USEPA determined that risks associated with residential uses of ACC outweigh minimal benefits, pose a cancer risk to treatment and manufacturing workers, and non-cancer risks to homeowners, children and contractors. Disposal of ACC-treated wood could require it to be handled and disposed of as a hazardous waste since the wood may contain high levels of chromium. ACC contains hexavalent chromium, a known human carcinogen when inhaled and a dermal irritant and sensitizer. USEPA is following the administrative process to finalize this decision under federal pesticide law. For further information: Jennifer Wood, (202) 564-4355/ wood.jennifer@epa.gov, http://www.epa.gov/pesticides/factsheets/chemicals/acid_copper_chromate.htm, <http://www.ecy.wa.gov/hsieo/treatedwood.html>.

Full text document location: <http://yosemite.epa.gov/opa/>

<admpress.nsf/68b5f2d54f3eefd28525701500517fbf/5f60798f87163f118525725d007302fc!OpenDocument>

Natural and Cultural Resources

5-YEAR REVIEWS. (01/22/07, [72 FR 2649](#)) The National Marine Fisheries Service (NMFS) initiated 5-year reviews of the fin whale, sperm whale and southern right whale to ensure that the listing classification of each species is accurate. NMFS invites any information that has become available since the last 1999 review and will consider application of the Distinct Population Segment policy for vertebrate species. Information is due 03/23/07. For further information: Susan Pultz, National Marine Fisheries Service, whale.review@noaa.gov, or 301-713-1401 x116.

Resource Conservation and Recovery Act (RCRA)

UST REPORTING GUIDELINES. (01/24/06) USEPA released draft grant guidelines for states to report on the compliance of government (federal, state and local) underground storage tanks (UST) under the Energy Policy Act of 2005. Compliance reports will: list location and owner of each UST regulated under Subtitle I that is owned or operated by the federal, state or local government in the state that (as of the report submission date) is not in compliance with Section 9003; specify last inspection date; and describe actions that have and will be taken to ensure compliance of the government UST listed. Comments on the draft guidelines are due 02/22/07. For further information: Roxanne Smith, (202) 564-4355, smith.roxanne@epa.gov. Draft guidelines are available at: <http://www.epa.gov/oust/fedlaws/Government%20Tank%20Report%20-%20Final%20Draft%20Guidelines%201-18-07.pdf>. Full text document location: <http://yosemite.epa.gov/opa/>

<admpress.nsf/4b729a23b12fa90c8525701c005e6d70/30c01a4b4a8b41968525726d0069e552!OpenDocument>

Safe Drinking Water Act (SDWA)

UNREGULATED CONTAMINANT MONITORING. (01/04/07, [72 FR 367](#)) USEPA issued a final rule addressing the unregulated contaminant monitoring regulation (UCMR) for public water systems. In response to comments, USEPA removed perchlorate from the list of contaminants to be monitored under UCMR 2. The rule requires that assessment monitoring be conducted by all large community and non-transient, non-community water systems serving more than 10,000 people, and a nationally representative sample of 800 small water systems serving 10,000 or fewer people. The final rule became effective 02/05/07. For further information: David J. Munch, Technical Support Center, Office of Ground Water and Drinking Water, EPA Office of Water, Cincinnati, OH, (513) 569-7843; munch.dave@epa.gov, <http://www.epa.gov/safewater/ucmr/ucmr2/index.html>. Contaminants to be monitored: <http://www.epa.gov/safewater/ucmr/ucmr2/basicinformation.html#list>.

Spill Prevention and Control Countermeasure (SPCC)

NATIONAL PREP SCHEDULE. (12/29/06, [71 FR 78449](#)) The Coast Guard, PHMSA, and USEPA released the next triennial schedule of oil spill response area exercises under the National Preparedness for Response Exercise Program (PREP). PREP Area exercise schedule and design manuals are available at <http://www.uscg.mil/hq/nsfweb/nsfcc/prep/federalregister.html>. Comments are due 02/27/07. For further information: Lieutenant Damon Sanders, Office of

Contingency Exercises and Training, Coast Guard, (202) 372-2151, Damon.C.Sanders@uscg.mil.

SPCC PLANS. (12/26/06, [71 FR77357](#)) USEPA is proposing to extend the dates by which facilities must prepare or amend and implement SPCC Plans. A facility in operation on or before 08/16/02 would have to make amendments and implement its SPCC Plan on or before 07/01/09. A facility that came into operation after 08/16/02 would have to prepare and implement an SPCC Plan on or before 07/01/09. The proposed rule extends compliance dates for mobile facilities to prepare or amend and implement an SPCC Plan by 07/01/09. Proposed extensions allow USEPA time to promulgate further revisions to the SPCC rule before owners and operators are required to prepare or amend and implement SPCC Plans. USEPA expects to propose further revisions to the SPCC rule in 2007. For further information: Vanessa Rodriguez at (202) 564-7913 or rodriguez.vanessa@epa.gov.

SPCC PLAN REQUIREMENTS. (12/26/06) USEPA issued the final rule amending the SPCC regulations. The rule becomes effective 02/26/07. For further information: Vanessa E. Rodriguez, EPA, Washington, DC, 202-564-7913, rodriguez.vanessa@epa.gov. Various fact sheets are available at: http://www.epa.gov/oilspill/spcc_dec06.htm. Full text document location: <http://www.epa.gov/oilspill/pdfs/SPCCfinal.pdf>.

State Laws and Rulemaking

Alabama

Proposed Rules



STAGE 1 DISINFECTANTS AND DISINFECTION BYPRODUCTS RULE, LT1ESWTR. The Alabama Department of Environmental Management (ADEM) proposed to implement the USEPA Stage 1 Disinfectants and Disinfection Byproducts Rule and the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) that applies to all community and non-transient non-community water systems that treat water with a chemical disinfectant for primary or residual treatment. The disinfectants themselves can react with naturally-occurring materials in the water to form unintended byproducts that could pose health risks. LT1ESWTR seeks to improve control of microbial pathogens in drinking water, specifically the protozoan *Cryptosporidium*, and addresses risk trade-offs with disinfection byproducts. ADEM submitted the request for primacy for the rule to USEPA, and is awaiting approval. USEPA accepted written comments until 07/03/06. No update status has been received.

Federal Register Notice, 06/02/06:

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-8618.htm>

Contact: Laura Taylor (334) 271-7790.

HAZARDOUS WASTE MANAGEMENT REVISIONS. (Division 14) ADEM is proposing to revise Hazardous Waste Regulations (HWR) found in Division 14 to adopt changes in federal requirements. Revisions would allow ADEM to maintain primacy of the state hazardous waste program; adopt federal changes from 06/14/05 to 07/14/06; update and clarify existing requirements; re-format definitions; add a new category of universal waste; and exclude cathode ray tubes from definition of solid waste for recycling and reclamation. ADEM held a public hearing 12/06/06 and written comments were due 12/08/06.

Summary of Revisions:

<http://www.adem.state.al.us/PubHearings/Div14/SOR141006%20.pdf>

Proposed Revisions:

http://www.adem.state.al.us/PubHearings/Div14/ProposedRevisionstoDiv14Oct_2006.pdf

Public Hearing Notice for 12/06/06:

<http://www.adem.state.al.us/PublicNotice/Oct/Div14.htm>

Contact: Molly Tatum (334) 394-4360.

NSPS, NESHAPs, CAIR AND OTHER USEPA REVISIONS. (Division 3) ADEM is proposing to amend Division 3 air regulations to incorporate by reference changes USEPA made to New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants (NESHAPs), and the Clean Air Interstate Rule (CAIR). Additional revisions affect the transportation conformity rule, emissions reporting requirements. ADEM will hold a public hearing 01/04/07 and written comments were due 01/08/07.

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Summary of Proposed Changes:

<http://www.adem.state.al.us/PubHearings/Div3SumofReasons.pdf>

Public Notice of Hearing 01/04/07:

<http://www.adem.state.al.us/PubHearings/Div3.htm>

Full Text of Proposed Changes:

<http://www.adem.state.al.us/PubHearings/11Div3.pdf>

Contact: Molly Tatum (334) 271-7997.

CWA/2006 SECTION 303(D) LIST. (2006 Section 303(d) List) ADEM is proposing a draft 2006 Section 303(d) List. Section 303(d) of CWA requires that each state identify waters that do not currently support designated uses, and establish a priority ranking of such waters; taking into account the severity of pollution and uses to be made of the waters. For each water on the list, the state is required to establish the total maximum daily load (TMDL) at a level necessary to implement applicable water quality standards. ADEM accepted comments until 10/01/05, reviewed comments received, and drafted a document. The draft list was submitted to USEPA for review and approval 04/01/06. ADEM is awaiting USEPA approval.

ADEM's 303(d) Information Website:

<http://www.adem.state.al.us/WaterDivision/WQuality/303d/WQ303d.htm>

Public Notice:

<http://www.adem.state.al.us/PublicNotice/Aug/303D.htm>

Draft 2006 Section 303(d) List:

[http://www.adem.state.al.us/WaterDivision/WQuality/303d/Draf06303\(d\)List.pdf](http://www.adem.state.al.us/WaterDivision/WQuality/303d/Draf06303(d)List.pdf)

Contact: Joseph Roy 334-270-5635.

WATER/WASTEWATER TREATMENT PLANTS, WATER DISTRIBUTION SYSTEMS, PUBLIC WASTEWATER COLLECTION SYSTEM.

(Division 10) ADEM is proposing to amend Division 10 regulations that cover classification of water and wastewater treatment systems, water distribution systems, and public wastewater collection systems. Proposed amendments would add "slow sand filtration" to the definition of "basic groundwater treatment plant;" add a requirement that Grade IV high-rate filtration plant operators hold an unrestricted certificate; and other changes to the operator requirements. ADEM held a public hearing 01/11/07 and written comments were due 01/11/07.

Summary of Reason for Changes:

<http://www.adem.state.al.us/PubHearings/SumofReasonsDiv10.pdf>

Public Hearing Notice 01/11/07:

<http://www.adem.state.al.us/PubHearings/11Div10.htm>

Language of Proposed Changes:

<http://www.adem.state.al.us/PubHearings/11Div10.pdf>

Contact: Molly Tatum (334) 394-4360.

GENERAL NPDES PERMIT. (G110000) ADEM is proposing to re-issue National Pollutant Discharge Elimination System (NPDES) General Permit AL G110000. This permit regulates discharges associated with the concrete industry and affects storm water, process water, non-contact cooling water, cooling tower blow down, boiler blow down, demineralizer wastewater, exterior vehicle and equipment wash water, and storm water from petroleum storage and handling and equipment storage and maintenance areas. Comments are due 02/09/07. A public hearing will be scheduled if requested by 02/09/07. Contact: Onis "Trey" Glenn (334) 270-5669.

WATER QUALITY CRITERIA. (Division 6; 335-6-10-.07; 335-6-11-.02) ADEM is proposing to amend water quality criteria and establish standards of quality for surface waters. Amendment would specify that aquatic-life and human health criteria for mercury and freshwater aquatic-life criteria for selenium be expressed as the total recoverable form of the substance in the water column. ADEM is proposing to add the Public Water Supply use classification to the segment of the Choccolocco Creek from Boiling Spring Road to Egoniaga Creek in Calhoun County; to add the Outstanding Alabama Water use classification to a portion of Wolf Bay from the Intracoastal Waterway to Moccasin Bayou in Baldwin County; and to upgrade a portion of Black Creek in Etowah County from Lake Gadsden to US Highway 431 from the Agricultural and Industrial Water Supply classification to the Fish and Wildlife Classification. ADEM will hold a public hearing and written comments are due 03/19/07.

Summary of Reason for Amendments:

<http://www.adem.state.al.us/Regulations/Div6a/Div6SOR1-07.pdf>

Division 6 Amendments Public Notice:

Florida

Proposed Rules



SOLID WASTE/TREATED LUMBER. (62-701 Proposed Revision) FLDEP is drafting a new rulemaking for management and disposal of lumber treated with chromated copper arsenate (CCA). CCA is a chemical mixture consisting of three pesticidal compounds (arsenic, chromium, and copper) registered for wood preservative uses. On 02/12/02, USEPA announced a voluntary decision by industry to move away from consumer use of CCA treated lumber in favor of new alternative wood preservatives. A ban on use of CCA products including play-structures, decks, picnic tables, landscaping timbers, residential fencing, patios and walkways/boardwalks, became mandatory after 12/30/03. FLDEP proposed revisions to Chapter 62-701, solid waste management facilities, rules discussing disposal of CCA treated wood. FLDEP published the Notice of Rulemaking 07/11/03, and a public workshop was held 07/29/03. Technical advisory committee (TAC) meetings were held 11/18/03, 01/14/04, and 05/13/04. FLDEP anticipated holding rule workshops during 2005 summer months, but actually held the workshop 11/17/05. Additional workshops were held May and December 2006. Draft Guidance for the Management and Disposal of CCA-Treated Wood:

http://www.dep.state.fl.us/waste/quick_topics/publications/shw/solid_waste/CCABM_PDraft08-10-05.pdf

FLDEP's CCA Treated Wood and Other Technical Changes to Chapter 62-701, FAC Website:

http://www.dep.state.fl.us/waste/categories/solid_waste/pages/IWDR.htm

Draft Rule - Chapter 62-701:

http://www.dep.state.fl.us/waste/quick_topics/publications/shw/solid_waste/62-701amendments05-31-06.pdf

Notice of May 2006 Public Workshop:

<http://tlhora6.dep.state.fl.us/onw/publications/14-meeting62701-5-12-06-INT.pdf>

Florida Administrative Weekly 12/01/06: <http://faw.dos.state.fl.us/newfaw/>

[FAWVOLUMEFOLDERS2006/3248/3248DOC.pdf](http://www.fawvolumefolders2006/3248/3248DOC.pdf) (page 89 of 104)

Contact: Richard Tedder (850) 425-8735.

WILDLIFE/MANATEE CONSERVATION. (Rule 68C-22) The Florida Fish and Wildlife Conservation Commission (FLFWCC) is proposing to amend existing manatee protection zones in the downtown Jacksonville area of Duval County to make zones identical to existing federal manatee protection zones. Public hearings were held 09/20/06, 12/06/06 and 12/07/06. Notice will be published later to confirm the time and date of a final public hearing.

Florida Administrative Weekly, 05/26/06 (section I): <http://faw.dos.state.fl.us/fawframes.html> (pages 18-19 of 20)

Florida Administrative Weekly, 08/04/06: <http://faw.dos.state.fl.us/newfaw/>

[FAWVOLUMEFOLDERS2006/3231/3231DOC.pdf](http://www.fawvolumefolders2006/3231/3231DOC.pdf) (page 54 of 130)

Contact: Scott Calleson (850) 922-4330.

ENDANGERED SPECIES/FLORIDA SPECIES OF CONCERN. (68A-27) FLFWCC is proposing revisions to Rules 68A-27 relating to designation of species of special concern. The imperiled species list classifications identify species facing the greatest risk of extinction, but do not dictate the level of protection a species receives. The status change for any species occurs only after a species management plan is developed, publicly reviewed, and accepted by FLFWCC. The listing process is described in Florida Administrative Code Rule 68A-27.0012, Procedures for Listing, Delisting, and Reclassifying Endangered, Threatened, and Species of Special Concern. The process consists of Phases 1 and 2. Phase 1 establishes the process for receiving and reviewing petitions to list a species or change the listing status of a species. FLFWCC reviews the final biological status report and determines whether the listing action is warranted. If FLFWCC determines the listing action is warranted, they determine appropriate listing category for the species and establish a timeframe for completion of the species' management plan. Phase 2 involves a formal solicitation for management-related information and development of a draft management plan for the species. Final FLFWCC action includes formal action on listing status and approval of the management plan and any associated rules required to implement the management plan. Proposed revisions include consideration of phase 1 for the bald eagle, Panama City crayfish, gopher tortoise, and the manatee. FLFWCC held public hearings 02/01/06 and 02/02/06, and 04/05/06 and 04/06/06. FLFWCC published a Notice of Change regarding the gopher tortoise in the 05/05/06 Florida Administrative Weekly. FLFWCC then held public hearings 06/07/06 and 06/08/06. At the June 2006 hearings, FLFWCC agreed to proceed with phase 2 and have

scientists draft management plans for each species. As of October 2006, FLDEP is developing management plans and will present them to FLFWCC for approval sometime over the next year. A Draft Management Plan for the Florida Manatee has been prepared and is available for public comment, due 01/11/07.

Commissions News Release - New Management Plans in the Works for Four Species: <http://myfwc.com/whatsnew/06/statewide/species-reclass.html>

Florida Administrative Weekly 11/09/06: <http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2006/3245/3245DOC.pdf> (page 179 of 187)

Draft Management Plan for Florida Manatee: <http://myfwc.com/imperiledspecies/plans/Draft-Manatee-Mgmt-Plan.pdf>

Florida Administrative Weekly 11/22/06: <http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2006/3247/3247DOC.pdf> (page 151 of 154)

Contact: James Antista (850)487-1764.

Georgia



Final Rules

AIR ENHANCED INSPECTION AND MAINTENANCE RULES. GAEPD is proposing to amend the Rules for Enhanced Inspection and Maintenance, Chapter 321-3-20 to incorporate by reference the most recent version of the Georgia Department of Natural Resources (GADNR) motor vehicle emission inspection and maintenance enforcement policy. Amendments update the dollar amount for repair costs that qualify for a compliance waiver with inspection requirements. A public hearing was held and written comments were due 10/31/06. The Natural Resources Board (NRB) considered amendments for adoption at a public meeting 12/06/06 and they became effective 01/10/07.

Public Meeting Notice: <http://www.gaepd.org/environet/20/notice.pdf>

Synopsis of Proposed Rules: <http://www.gaepd.org/environet/20/synopsis.pdf>

Text of Proposed Rules: <http://www.gaepd.org/environet/20/amendments.pdf>

Contact: Kent Pierce (404) 363-7000.

Proposed Rules

WATER SUPPLY WATERSHEDS CRITERIA. The Georgia Environmental Protection Division (GAEPD) is proposing to amend rule 391-3-16-.01, Water Supply Watersheds, to clarify that local ordinances providing for protection of required stream buffers may also contain provisions for a local buffer variance application and review process. Chapter 16 contains environmental planning criteria and includes basis for use by local governments to allow development of a water supply watershed without contaminating the water source to a point where it cannot be treated to meet drinking water standards. The criteria establish buffer zones around streams and specify allowable impervious densities within watersheds. Proposed amendments would allow only "Local Issuing Authorities" with approved stormwater management plans to grant variances. GAEPD held public hearings 09/21/06, 09/26/06, and 09/27/06 and written comments were accepted until 10/06/06. GAEPD held public hearings 11/28/06 and 11/29/06 and comments were due 12/14/06. NRB held a discussion on this matter at a public meeting 01/24/07.

Rule 391-3-16-.01 Rulemaking Information: <http://www.gaepd.org/environet/16/>

Public Notice: <http://www.gaepd.org/environet/16/notice.pdf>

Synopsis of Proposed Amendments: <http://www.gaepd.org/environet/16/synopsis.pdf>

Text of Proposed Amendments: <http://www.gaepd.org/environet/16/amendments.pdf>

Response to Comments from First Comment Period (September-October 2006): <http://www.gaepd.org/environet/16/response.pdf>

Hearing Notice, November 2006: <http://www.gaepd.org/environet/16/notice.pdf>

Contact: Linda MacGregor (404) 675-6232.

STATEWIDE WATER PLAN. GADNR is discussing development of the first statewide water plan. GADNR will draft a comprehensive plan and submit to The Water Council (TWC) for review mid to late 2007. TWC will review the plan and send it to General Assembly for adoption during the 2008 legislative session. TWC held public meetings 03/02/05, 09/01/05, 03/01/06, and 06/07/06, and held town hall meetings 07/10/06, 07/11/06, 07/12/06, 07/13/06, and 10/16/06.

TWC Website: <http://www.georgiawatercouncil.org>

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Comprehensive Statewide Water Management Planning Act: http://www.legis.state.ga.us/legis/2003_04/fulltext/hb237.htm

Contact: Alice Keyes (404) 463-1678.

CAIR. GAEPD is proposing regulations to adopt the federal Clean Air Interstate Rule (CAIR) that establishes annual and ozone season limits on NO_x and SO₂ emissions for fossil-fuel fired electronic generating facilities. GAEPD accepted written comments until 03/24/06 and briefed the Environmental Protection Committee (EPC) at the 03/28/06 public meeting. A public hearing was held 10/24/06 and written comments were due 10/30/06. The rules were considered for adoption by BNR at the public meeting on 12/06/06. GAEPD re-noticed the proposed regulations and public hearing was held 01/16/07. Written comments were due 01/26/07 and rules will be considered for adoption by BNR at the 02/28/07 public meeting.

GAEPD CAMR & CAIR Website: <http://www.georgiaair.org/airpermit/cair/index.html>

GAEPD Summary of CAIR Draft Rule: http://www.georgiaair.org/airpermit/cair/cairkickoff_files/Issue_Paper_CAIR.pdf

Draft CAIR NO_x Annual Trading Program: http://www.georgiaair.org/airpermit/cair/downloads/GA_NOx_CAIR_DRAFT.pdf

Draft CAIR SO₂ Annual Trading Program: http://www.georgiaair.org/airpermit/cair/downloads/GA_SO2_CAIR_DRAFT.pdf

Public Hearing Announcement: http://www.gaepd.org/environet/1/cair_notice.pdf

Synopsis of Proposed Amendments: http://www.gaepd.org/environet/1/cair_synopsis.pdf

Text of Proposed Amendments: http://www.gaepd.org/environet/1/cair_amendment.pdf

Contact: James Kelly (404) 363-7000.

AIR RECORD-KEEPING AND REPORTING. GAEPD is proposing to amend rules for air quality control 391-3-1-.02 and 391-3-1-.03 to include: adding an ozone season NO_x limit for existing coal-fired units in Monroe County; adding counties subject to the rule on emissions statements; typographical corrections in prevention of the significant deterioration rule; permit requirements for Atlanta 8-hour ozone non-attainment area; updating the list of counties subject to the Atlanta 8-hour ozone non-attainment area; clarifications to permit requirements in non-attainment areas consistent with federal requirements; and revisions to the methodology used to determine actual emissions prior to an emission reduction project. GADNR held a public hearing 10/09/06, and written comments were due 10/24/06. GADNR has re-noticed the proposed amendments and held a public hearing 01/16/07; written comments were due 01/19/07. GADNR presented amendments to BNR for adoption 01/24/07.

Notice of Proposed Amendments: http://www.gaepd.org/environet/1/notice_08292006.pdf

Synopsis of Proposed Amendments: http://www.gaepd.org/environet/1/synopsis_20060819.pdf

Text of Proposed Amendments: http://www.gaepd.org/environet/1/amendments_20060829.pdf

Contact: Heather Abrams (404) 363-7000.

Kentucky

Proposed Rules



HAZARDOUS WASTE RULES. (401 KAR 31:005 et seq.) The Kentucky Department of Environmental Protection (KDEP) is planning to adopt verbatim federal HWR published between 1996 through 06/30/05. Possible adoptions include: military munitions; land disposal restrictions, phase IV, including the scrap metal exclusion; carbamate production; organic air emission standards for tanks; recycled oil; treatment standards for metal wastes and mineral processing wastes; hazardous soil treatment standards; Bevill exclusion revisions; hazardous waste combustors revised standards; petroleum refining process; treatment standards for spent potliners; closure and postclosure requirements; Hazardous Waste Identification Rule-Media; universal waste rule amendments; and organic air emission standards. Proposed revisions would affect identification and listing of hazardous waste standards applicable to generators of hazardous waste and standards for owners and operators of hazardous waste storage, treatment, and disposal facilities. KDEP has briefed the Cabinet Secretary on proposed regulations and rules will be filed with the Legislative Research Commission (LRC) in three packages due to volume. The first was filed 11/28/06, the second 12/28/06 and the third 01/02/07. A public hearing was held 01/23/07 on the first rule package. Public hearings will be held 02/21/07 for the second and third rule packages. Written comments are due 01/31/07 and 02/28/07, respectively. Proposed revisions were published in the Kentucky Administrative Register 01/01/07. Texts of proposed revisions are available on the Kentucky

Legislature website.

Proposed Revisions to Chapter 31, 31, and 34:

<http://www.lrc.state.ky.us/kar/title401.htm> (scroll to chapter, proposed revisions linked to in green)

Contact: Mike Guffey (502) 564-6716.

CAIR. (401 KAR 51:210, 51:220, 51:230) KDEP is proposing three new regulations to address CAIR and associated revisions to the Kentucky SIP: 401 KAR 51:210, CAIR NO_x annual trading program; 401 KAR 51:220 CAIR NO_x ozone season trading program; and 401 KAR 51:230, CAIR SO₂ trading program. 401 KAR 51:210 and 401 KAR 51:220 would control NO_x emissions from affected electric generating units (EGUs) with over 25 megawatt electrical (MWe) nameplate capacity producing electricity for sale; 401 KAR 51:220 would include non-EGU sources with previous requirements under the NO_x State Implementation Plan (SIP) Call. Owners and operators of sources subject to the regulations would be required to possess allowances for the tons of NO_x emissions for each required control period. 401 KAR 51:230 would control emissions of sulfur dioxide (SO₂) from affected EGUs having a nameplate capacity of more than 25 MWe producing electricity for sale. Owners and operators of sources subject to the regulation would be required to possess allocations for tons of SO₂ for the subject control period. A public hearing was held 09/25/06, and written comments were due 10/02/06. Rules went before the Administrative Regulatory Review Subcommittee (ARRS) at a public meeting 10/10/06. Rules were approved by ARRS and filed with LRC 11/15/06.

Proposed Text of 401 KAR 51:210 CAIR NO_x annual trading program:

http://www.air.ky.gov/NR/rdonlyres/3A5D5085-FEE1-4A3C-9477-01A73F29B737/0/KAR51210_CAIRNoxAnnualTradingProgram.pdf

Proposed Text of 401 KAR 51:220 CAIR NO_x ozone season trading program:

http://www.air.ky.gov/NR/rdonlyres/808DE911-74C8-4BF9-9CE2-C4A313EC2CC3/0/KAR51220_CAIRNoxOzoneSeasonTradingProgram.pdf

Proposed Text of 401 KAR 51:230 CAIR SO₂ trading program:

http://www.air.ky.gov/NR/rdonlyres/5D25B8EC-491E-4931-B30E-78D9FD8B0D75/0/KAR51230_CAIRSo2TradingProgram.pdf

09/25/06 Public Hearing Announcement:

http://www.air.ky.gov/NR/rdonlyres/13328DE3-D7FB-4932-A98B-3417BBF2300A/0/CAIR_HearingNotice_92506.pdf

Text of Proposed Regulations:

<http://www.lrc.ky.gov/kar/title401.htm##chp051> (scroll to chapter 51, proposed rules in green)

10/01/06 Kentucky Register:

<http://www.lrc.ky.gov/kar/contents/2006/10register.doc>

Contact: Candy Montgomery (502) 573-3382.

AMENDMENT TO AIR QUALITY REGULATIONS. (401 KAR 50:010; 51:001; 52:001; 50:001; 61:001; 63:001; 65:001) KDEP proposed amendments to definition sections of existing air quality regulations. Affected chapters would include General Administrative Procedures; Attainment and Maintenance of NAAQS; Permits, Regulations and Prohibitory Rules; New Source Standards; Existing Source Standards; General Standards of Performance; and Mobile Source-Related Emissions. Amendments would include language in the Kentucky regulation to correspond with federal regulation language. Proposed amendments were published in the Register 07/01/06. A hearing was scheduled for 07/26/06 and comments were due 07/31/06. Amendments went before ARRS at a public meeting 10/10/06. No update status has been received.

Kentucky Administrative Regulations:

<http://www.lrc.ky.gov/kar/title401.htm##chp051>

Kentucky Register, 07/01/06:

<http://www.lrc.ky.gov/kar/contents/2006/07register.htm#proc>

Kentucky Register 10/01/06:

<http://www.lrc.ky.gov/kar/contents/2006/10register.doc>

Contact: Chris Hall (502) 573-3382.

STREAM CONSTRUCTION CRITERIA. (401 KAR 4:060) KDEP is proposing an amendment to stream construction criteria regulations so as to ensure wise use of flood plains and flood prone areas. Amendments would protect public safety and welfare by preventing flood damage and increased flood levels; would require development in flood plains and flood prone areas are done in a manner that precludes flood damages and would not unduly increase flood levels; and would be administered through the permitting program. KDEP held a public hearing 10/23/06 and written comments were due 10/31/06. Amendment was addressed by AARS at public meetings on 11/14/06, 12/12/06 and 01/09/07. One more

committee must approve the regulations and KDEP anticipates a February or March effective date.

Kentucky Register 10/01/06:

<http://www.lrc.ky.gov/kar/contents/2006/10register.doc> (document page 1122-1128)

Contact: David W. Morgan (502) 564-3410.

PUBLIC WATER SUPPLY AMENDMENTS. (501 KAR 8) KDEP is proposing amendments to Chapter 8 regulations affecting public water supply. The regulations are necessary for KDEP to maintain primacy of the drinking water program. Proposed regulations would adopt changes to federal regulations to include changes that affect laboratory certification; public notification; consumer confidence reports; disinfection, filtration and recycling; enhanced disinfection, filtration and recycling; enhanced disinfection, filtration and recycling for small systems serving less than 10,000 people. KDEP was to have held a public hearing 12/21/06 based on interest. Written comments were due 01/02/07. The regulations will be addressed at a public meeting of AARS on 02/12/07.

Kentucky Administrative Regulations (scroll down to Chapter 8, proposed changes in green):

<http://www.lrc.state.ky.us/kar/title401.htm##chp008>

Contact: Justin Dearing (502) 564-3410.

Mississippi

Final Rules



NEW SOURCE REVIEW. The Mississippi Department of Environmental Quality (MSDEQ) amended Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants, A.P.C.-S-1. Amendments address the following: additional requirements for open burning on ozone action days in DeSoto, Harrison, Hancock, and Jackson counties; and adoption of the New Source Performance Standards (NSPS) and NESHAP already promulgated by USEPA since 11/20/03. Public hearings and written comments were held in 2005. The Commission on Environmental Quality (CEQ) reviewed and adopted amendments at the 01/26/06 meeting. Comments on CEQ's adoption were accepted until 02/26/06 and amendments were filed with the Secretary of State 02/02/06. Amendments become effective 03/04/06. Contact: Dwight Wylie (601) 961-5587.

Proposed Rules

SIP EMISSION MONITORING REVISION. MSDEQ is discussing revisions to the SIP for Air Pollution Control; Air Emission Regulations for Prevention, Abatement, and Control of Air Contaminants, APC-S-1; Acid Rain Program Permit Regulations for the Purpose of Title IV of the Federal Clean Air Act, APC-S-7; and Air Toxics Regulations, APC-S-8. Revisions would adopt: provisions for air emissions trading and related requirements under CAIR; mercury emission guidelines under the Clean Air Mercury Rule (CAMR); by reference of NSPS and NESHAP adopted by USEPA; Acid Rain Program Permit Regulations; and Chemical Accident Prevention Provisions. A public hearing was held and written comments were due 10/17/06. CEQ voted to amend regulations on 11/16/06 by issuing Commission Order No. 5208-06. A hearing was to be held if requested in writing by 12/16/06. MSDEQ is reviewing requests. Contact: Danny Jackson (601) 961-5225.

WATER QUALITY STANDARDS FOR INTRASTATE, INTERSTATE, AND COASTAL WATERS. MSDEQ is considering revisions to Water Quality Standards for Intrastate, Interstate, and Coastal Waters (Commission Regulation WPC-2). The standards apply to rivers, lakes, streams, and estuaries, but do not directly apply to or affect drinking water quality or drinking water standards. MSDEQ held a public hearing and public comments were due 11/09/06. MSDEQ is reviewing comments. Contact: Greg Jackson (601) 961-5098.

SOLID WASTE DISPOSAL SITES. MSDEQ is proposing to re-issue the Class I Rubbish Disposal Site State Wide General Permit, SWGP-R1 and Class II Rubbish Disposal Site State Wide General Permit, SWGP-R2. A rubbish disposal site accepts rubbish waste such as tree limbs, concrete, brick, and similar waste materials for disposal. Draft General Permits include conditions and requirements for application for, applicability to, and operation and closure of Class I and Class II Rubbish Disposal Sites. Draft permits reflect current regulatory requirements established by the Mississippi Nonhazardous Solid Waste Management Regulations. MSDEQ held a public hearing 11/30/06 and accepted comments until 11/30/06. MSDEQ is reviewing comments.

Department's Hearing Notice Information Page: http://opc.deq.state.ms.us/report_public_notice.aspx

Southern Region Review

Contact: Debbie Pridgen (601) 961-5171.

GULF REGION WATER AND WASTEWATER PLAN. MSDEQ is overseeing the development of the Gulf Region Water and Wastewater Plan. The purpose of the plan is to evaluate water, wastewater, and stormwater infrastructure needs and to provide for long term growth and recovery in the six Gulf Region counties: Hancock, Harrison, George, Jackson, Pearl River, and Stone. MSDEQ is utilizing a regional approach to better protect infrastructure from storm events; provide a higher level of public safety; and support economic development that will benefit the entire area. MSDEQ engaged the services of the Mississippi Engineering Group to assist in development of the plan. Once drafted, the plan must be approved by US Housing and Urban Development (HUD) before federal funds that will finance construction can be released. MSEG held stakeholder meetings in the Gulf Region counties in May. MSDEQ drafted the Plan and is seeking public comment before submitting it to the Department of Housing and Urban Development for approval. Public meetings were held 11/27/06, 11/28/06, and 11/30/06. Public comments were due 12/04/06. The Plan is complete and has been submitted to HUD for approval. MSDEQ expects HUD to approve the plan in the future.

Gulf Region Water and Wastewater Plan Website: <http://www.msgulfregionplan.org/index.htm>

Contact: Steve Spengler (601) 961-5102.

North Carolina

Final Rules



WATER/STORMWATER. (15A NCAC 2H .1020) The North Carolina Department of Natural Resources (NCDENR) implemented rules to simplify stormwater requirements by adopting a Universal Stormwater Management Program (USMP), 15A NCAC 2H .1020. The new USMP has a single set of stormwater control measures and is more protective of the natural environment. The rules allow local governments (cities and counties) that currently administer stormwater control programs to retain their existing programs or implement the USMP. NCDENR drafted proposed rules because many conflicting, overlapping stormwater programs have been implemented throughout the state. With numerous programs in place, it is difficult to determine what post-construction requirements apply in a specific area. The new USMP attempts to simplify the stormwater requirements. At the 10/12/05 public meeting, The Water Quality Committee (TWC) reviewed proposed USMP and approved further rulemaking activity. The Environmental Management Committee (EMC) approved further rulemaking activity at the November 2005 meeting. Public hearings were held 04/04/06, 04/06/06, and 04/11/06. NCDENR accepted written comments until 05/15/06 and reported that under current rule development schedule, proposed rules would become effective April 2007. Proposed rules were re-noticed in the North Carolina Register 09/01/06 and comments were due 10/31/06. Proposed rules were presented to EMC at a public meeting 11/09/06 and were approved by the Rules Review Commission at a public meeting 12/14/06.

USMP Overview Document: http://h2o.enr.state.nc.us/su/documents/USMP_booklet090805.pdf

Draft Rules: http://h2o.enr.state.nc.us/su/documents/USMP_draft_rules.pdf

Revised Draft Rules: http://h2o.enr.state.nc.us/su/documents/USMP_Rule_011706.pdf

Department's Universal Stormwater Management Program Website: <http://h2o.enr.state.nc.us/su/usmp.htm>

North Carolina Register, 03/15/06:

<http://www.ncoah.com/rules/register/Volume20Issue18.pdf> (pages 50-52 of 77)

North Carolina Register, 09/01/06: <http://www.oah.state.nc.us/rules/register/Volume21Issue05.pdf> (page 12-15 of 45)

EMC Meeting Agenda:

<http://h2o.enr.state.nc.us/admin/emc/2006/2006NOVAGENDA.htm>

North Carolina Register 12/01/06:

<http://www.oah.state.nc.us/rules/register/Volume21Issue07.pdf> (page 135 of 136)

Contact: Tom Reeder (919) 733-5083.

AIR/AIR TOXICS. (15A NCAC 2Q .0503) NCDENR revised the definition of insignificant activities because of category. The revision identifies heating units used for human comfort that have a heat input of less than 10,000,000 Btu per hour and do not provide heat for any manufacturing or other industrial process as an insignificant activity because of category. The definition relates to the air quality permitting program as required under Title V and 40 CFR Part 70. NCDENR accepted written comments; EMC reviewed and approved the request to proceed with formal rulemaking at the 03/09/06 public meeting. A public hearing was held 07/12/06 and NCDENR accepted written comments until 08/14/06. The rules were approved by RRC at a public meeting 12/14/06 and became effective 01/01/07.

Draft Rule: <http://daq.state.nc.us/rules/draft/Q0503.pdf>

Explanation of Agenda Items for Environmental Management Commission's March 2006 Public Meeting:

<http://h2o.enr.state.nc.us/admin/emc/2006/documents/JCURRENCYAG06-09.pdf>

Draft Amendments: <http://daq.state.nc.us/rules/hearing/Chapt4.pdf> (pages 15-18 of 24)

North Carolina Register 12/01/06:

<http://www.oah.state.nc.us/rules/register/Volume21Issue07.pdf> (page 135 of 146)

Contact: Thom Allen (919) 733-1489.

AIR/PERMITS. (15A NCAC 2Q .0508) NCDENR revised permit content for air quality monitoring and recordkeeping associated with excess emissions. The revision requires a permit holder to report deviations quarterly from permit requirements not covered under 15A NCAC 02D .0524, .0535, .1110 or .1111 in writing to either the Director or Regional Supervisor within two business days after becoming aware of the deviation. NCDENR accepted written comments and anticipated presenting request to proceed with formal rulemaking to the Air Quality Committee (AQC) January or March 2006; EMC reviewed and approved the request to proceed with formal rulemaking at the 03/09/06 public meeting. Public hearing was held 07/12/06 and NCDENR accepted written comments until 08/14/06. Rules were approved by RRC at a public meeting 12/14/06 and became effective 01/01/07.

Draft Rule: <http://www.daq.state.nc.us/rules/draft/Q0508.pdf>

Explanation of Agenda Items for Environmental Management Commission's March 2006 Public Meeting:

<http://h2o.enr.state.nc.us/admin/emc/2006/documents/JCURRENCYAG06-09.pdf>

Draft Amendments: <http://daq.state.nc.us/rules/hearing/Chapt4.pdf> (pages 18-22 of 24)

Public Notice: <http://daq.state.nc.us/rules/hearing/Public.pdf>

North Carolina Register 12/01/06: <http://www.oah.state.nc.us/rules/register/Volume21Issue07.pdf> (page 135 of 146)

Contact: Thom Allen (919) 733-1489.

Proposed Rules

WASTEWATER/GROUNDWATER TREATMENT. (NPDES General Permit No. NCG510000) The Environmental Review Commission (ERC) is proposing to reissue National Pollutant Discharge Elimination System General Permit No. NCG510000 for the discharge of treated wastewater resulting from remediation of petroleum-contaminated groundwater and similar wastewaters. Written comments were due 08/31/06.

North Carolina Register, 08/01/06:

<http://www.oah.state.nc.us/rules/register/Volume21Issue03.pdf> (page 7 of 90)

Contact: Tom Belnick (919) 733-5085.

CWA/PHASE II STORMWATER REGULATIONS. (15A NCAC 02H.0126) NCDENR is proposing permanent amendments to further implement USEPA Phase II Stormwater Regulations. Amendments would include criteria to designate certain municipalities not automatically designated and subject to phase II; requirements for petition submittals to designate municipalities subject to phase II; post-construction run-off control criteria; and stormwater regulations for communities where part is automatically designated as subject and part is not. NCDNER believes local governments can rely on the erosion and sedimentation control program (whether implemented by the local government or by state staff) to satisfy the Phase II requirement for construction site stormwater runoff control. SB 1210, signed 08/02/04, provided a framework that allows state and local government agencies to begin implementing the program. The bill establishes minimum stormwater management requirements for municipal storm sewer systems, and applies stormwater controls to developing areas around such municipalities. The proposed rules were re-noticed in the North Carolina Register 09/01/06. Comments were due 10/31/06.

North Carolina Register page 1641 (Page 29 of 83 in Adobe Acrobat version): <http://oahnt.oah.state.nc.us/register/Volume17Issue18.pdf>

North Carolina Register, 09/01/06: <http://www.oah.state.nc.us/rules/register/Volume21Issue05.pdf> (page 12-15 of 45)

Contact: Bradley Bennett (919) 733-5083.

AIR/REDUCTIONS BANKING. (15A NCAC 2D .2303) NCDENR is proposing to revise the banking applicability rule, 15A NCAC 2D .2303 to remove language restricting use of the banking system to sources in nonattainment areas. Banking rules allow emission reductions created by shutting down a source or reducing emissions beyond those necessary to comply with an applicable rule. A public meeting was held 03/08/06, and NCDENR is accepting comments until further notice.

Explanation of the Proposed Amendment: <http://daq.state.nc.us/Calendar/Planning/March2006AQC/Agenda3.pdf>, page 1 of 6

Southern Region Review

Contact: Thom Allen (919) 733-1489.

AIR/EMISSIONS MONITORING. (15A NCAC 02D .2401-.2511) NCDENR is proposing regulations to implement USEPA guidelines, 40 CFR Part 60 Subpart HHHH, entitled "Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units for Mercury Emissions." The regulations would control mercury emissions from coal-fired electric generating units and comply with mercury emission caps of 1.133 tons each year between 2010 and 2017 inclusive and 0.447 tons each year for 2018 and thereafter. Public hearings were held 05/25/06, 06/01/06 and 06/08/06. NCDENR accepted written comments until 6/30/06.

North Carolina Register, 05/01/06:

<http://www.ncoah.com/rules/register/Volume20Issue21.pdf>, pages 37-44 of 123

Contact: Thom Allen (919) 733-1489.

AIR/OZONE. (15A NCAC 2Q .0207) NCDENR is proposing amendments to extend reporting requirements for emission of NO_x and VOC to new ozone nonattainment counties. Rule 15A NCAC 2Q .0207, Annual Emissions Reporting, requires facilities whose actual emissions of NO_x or VOC are 25 tons per year or more and are located in former ozone nonattainment areas (now maintenance areas) to report NO_x and VOC emissions annually. NCDENR proposes to extend the reporting requirement to new nonattainment counties in the Charlotte nonattainment area not already covered. Counties to be included are Cabarrus, Lincoln, Rowan, and Union. Davidson and Coddle Creek Townships in Iredell County would also be included. AOC held a public meeting 05/10/06 and NCDENR requested approval to schedule public hearings at a public meeting 01/11/07.

May 2006 Agenda for Public Meeting: <http://daq.state.nc.us/Calendar/Planning/AOCMay2006/>

Draft Amendments: <http://daq.state.nc.us/rules/draft/442.pdf>

Contact: Thom Allen (919) 733-1489.

South Carolina

Proposed Rules



TES LISTING. The South Carolina Department of Health and Environmental Control (SCDHEC) is proposing to amend regulations governing composition of the list of species in need of management and the endangered species list for South Carolina. SCDHEC proposes to remove the Eastern Indigo Snake from the list of endangered species, and add the Southern Hognose Snake to the list of species in need of management. Regulations on take, possession, and disposition of the Southern Hognose Snake are proposed. SCDHEC proposed to change the name of the Zigzag Salamander to Webster's Salamander. SCDHEC would amend the Spotted Turtle Program regulation to change the reporting time for permits reporting every five years instead of every year. SCDHEC published a Notice of Drafting in the South Carolina Register 08/25/06 and accepted written comments on the proposed revisions. SCDHEC held another public hearing 12/15/06 and written comments were also accepted. Contact: D. Breck Carmichael, Jr. (803) 734-3930.

SIP REVISION. (R. 61-62) SCDHEC is proposing to amend Regulations 61-62 and revise the SIP to address CAIR and CAMR requirements. In March 2005, USEPA finalized two rules known as the "Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (CAIR) and the "Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units (CAMR). In CAIR, USEPA found South Carolina to be one of 28 states that contributes significantly to non-attainment of NAAQS for fine particulate and/or 8-hour ozone in downwind states. USEPA is requiring those states and DC to review state SIPs to reduce SO₂ and/or NO_x emissions. Sulfur dioxide is a precursor to fine particulate formation and NO_x is a precursor to both fine particulate formation and ozone formation. USEPA CAMR establishes standards of performance for mercury (Hg) for new and existing coal-fired electric utility steam generating units, as defined in the CAA section 111(d). Amendment would establish a mechanism by which Hg emissions from new and existing coal-fired utility units are capped at specified, nation-wide levels. Pursuant to CAMR, states must adopt standards of performance for Hg emissions reductions by submitting an implementation plan, referred to as an "111(d) Plan." SCDHEC accepted comments on the proposal until 08/22/05. USEPA established a schedule for states to submit SIP and 111(d) Plans; South Carolina will submit to USEPA for review and approval under CAIR and 111(d) Plan under CAMR by 11/17/06. Stakeholder meetings were held 10/10/05 and 01/30/06. SCDHEC accepted written comments until 03/27/06, and has reviewed comments received. A third stakeholder meeting was held 06/22/06. SCDHEC Board granted approval 09/14/06 to publish these draft regulations for public comment in the October 2006

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register. SCDHEC held an informational meeting for the public, and written comments were due 11/27/06. SCDHEC BNR will hold a public hearing at the regularly scheduled public meeting 01/11/07. Notice of the meeting was published in the October register. Regulations have been submitted to legislature for review during the 2007 session.

SCDHEC's CAIR and CAMR Website: <http://www.scdhec.net/eqc/baq/html/CAIR.asp>

Contact: L. Nelson Roberts, Jr. (803) 898-4122.

DEFINITION AND REQUIREMENTS OF SIP. (R. 61-62.1) SCDHEC is proposing to amend Section I–Definitions, and Section II–Permit Requirements of Regulation 61-62.1. Regulation states that in order for stationary sources to construct, alter or add to a source of air pollutants, a construction permit must first be obtained from SCDHEC. Such a permitting program is referred to as the Minor Source Permitting Program, so as to distinguish it from additional permitting requirements for major sources of air pollutants. Proposed amendment would require legislative review. Three Notices of Drafting were published and staff reviewed comments received during the drafting comment periods. A Notice of Proposed Regulation was published 07/28/06. SCDHEC conducted an informational workshop for the public 08/28/06, and public hearing was held 10/12/06. The rule change will be submitted to the legislature for review during the 2007 session.

Text of Proposed Amendment and Hearing Notice (State Register 07/28/06): <http://www.scstatehouse.net/regnsrch.htm> (Search Document Number 3069)

Contact: Dennis Cam (803) 898-4284.

UNIVERSAL WASTE RULE. (R. 61-79) SCDHEC is proposing to amend Regulation 61-79, Hazardous Waste Management Rules (HWMR). The May 2006 notice replaced and supersedes the notice published in the January 2006 State Register. The May 2006 notice was originally monitored at Regulation ID# SC5361. SCDHEC is now proposing to amend Regulation 61-79 to adopt two federal rules. One portion of the proposal facilitates recycling of mercury by including mercury-containing products as part of the Universal Waste Rule at Regulation 61-79.273. The second portion of the proposal involves adopting a new Federal Methods Rule, which would provide for the use of a broader selection of professionally peer-reviewed methods for testing. Proposed amendments will require legislative review. SCDHEC received Board of Health and Environmental Control (BHEC) approval 11/09/06 to place the amendments on public notice in the November State Register. SCDHEC conducted an informational forum and written comments were due 01/04/07. A public hearing will be held at the BHEC meeting 02/08/07.

May 2006 Notice of Drafting: <http://www.scdhec.gov/lwm/pubs/notices/compliance.pdf>

Public Notice and Draft Text: <http://www.scstatehouse.net/regs/3095.doc>

Contact: David Scaturo (803) 898-3432.

ENVIRONMENTAL PROTECTION FEES. SCDHEC is proposing to amend Environmental Protection Fees for radioactive materials licenses and radioactive waste transportation permits. The fee increase would recover the cost of the program as required by the Atomic Energy and Radiation Control Act. Legislative review of the amendments will be required. Comments on the drafting of the amendments were due 10/23/06. SCDHEC anticipates seeking BNR approval for public notice and comment at a public meeting 12/14/06. Notice was published in the January State Register. Contact: Henry Porter (803) 898-3432.

ASBESTOS PROJECTS. (R. 61-86.1) SCDHEC is proposing to amend Regulation 61-86.1, Standards of Performance for Asbestos Projects, to update fees as necessary to provide adequate funding for the asbestos program; to update and clarify portions of the regulation; and to reorganize portions of the regulation. SCDHEC will gather comments and suggestions from staff to create a draft for internal review. SCDHEC will then meet with stakeholders and interested parties to hear comment on changes before the draft is presented to the Board for initial approval. Following approval, a draft will be published that may necessitate another round of public hearings. Amendments will require approval from the legislature; thus, there will not be a final result until sometime in 2007. As of October 2006, SCDHEC is internally drafting amendments and amendments are on hold pending further evaluation. Contact: Anthony Lofton (803) 898-7217.

AIR/PM MONITORING PLAN. SCDHEC drafted a particulate matter monitoring plan to describe South Carolina's PM2.5 air quality surveillance network for fine particulates. SCDHEC submitted the plan 07/01/98. In order to provide flexibility to states, USEPA offered the option for areas to spatially average two or more monitors in defined Community Monitoring Zones (CMZ). Use of CMZ is intended to better relate epidemiological studies used as basis for PM2.5 NAAQS. Spatial averaging allows for multiple monitors (influenced by the same terrain, emissions sources, weather, etcetera) to be averaged for compliance determination compared to the annual standard. SCDHEC did not identify use of spatial averaging for any of its monitoring planning areas in the initial plan because USEPA guidance indicated need of three years of data to make such determination, and data had not been collected. A public hearing was held, and written

comments were due 04/27/05. SCDHEC received no comments and will consult with USEPA to take appropriate course of action on this rule. SCDHEC is reviewing the draft plan and is developing a schedule for finalization. Contact: Thomas Flynn (803) 896-4123.

SOLID WASTE DISPOSAL RESTRICTIONS. SCDHEC is proposing to amend Regulation 61-107, Solid Waste Management Regulations and to repeal sections: R. 61-107.11, Solid Waste Management (SWM) regarding construction, demolition, and land-clearing debris landfills; R. 61-107.13 SWM regarding municipal solid waste incinerator ash landfills; R. 61-107.16 SWM regarding industrial solid waste landfills; and R. 61-107.258 SWM regarding municipal solid waste landfills. SCDHEC is proposing to replace the rules with a new section that encompasses all solid waste landfills and structural fill activities, to include a change that would broaden disposal options. Proposed amendments will require legislative review. SCDHEC accepted written comments until 07/24/06 and public notice and a request for comments were published in the January State Register. Contact: Ellen Jennings (803) 896-4203.

Tennessee

Proposed Rules



WATER/RULES REVISION. (1200-4-7) The Tennessee Department of Environment and Conservation (TDEC) is proposing to amend Chapter 1200-4-7 regarding the Water Quality Control Board (WQCB) Rule 1200-4-7-.01, General, to describe the purpose of water quality rules as prevention of future pollution of state waters, and to plan for future use of such waters. Rule 1200-4-7-.02, exemptions, would describe necessary requirements for activities, such as forestry and agriculture, to be exempt from water quality standards. Rule 1200-4-7-.03, Definitions, would define terms associated with water quality. Rule 1200-4-7-.04, Permits, would describe types of permits necessary to discharge pollutants into state waters. TDEC held public hearings 01/03/06, 01/05/06, 01/09/06, 01/10/06, 01/11/06, 01/12/06, and 01/18/06 and is now preparing comments.

<http://state.tn.us/sos/pub/tar/2005-11.pdf>, pages 106-120 of 212

Contact: Dan Eagar (615) 532-0708.

AIR/NSR PROGRAM. (1200-3-9) TDEC proposed to adopt changes to the federal New Source Review (NSR) rules as follows: include modifications to method by which an owner and/or operator of an existing major source determines facility baseline actual emissions; allow owner and/or operator to compare past actual baseline emissions to projected future actual emissions following modification; allow a facility to assume a plant wide applicability limitation (PAL); provide for a "Clean Unit" designation; and provide a "Pollution Control Project" exclusion. The amendment would also modify the definition of "baseline actual emissions" to allow use of different consecutive 24 month periods for different pollutants when determining such emissions under particular circumstances. Public hearings were held 01/22/04 (Kingsport and Knoxville), 01/27/04 (Chattanooga and Murfreesboro), and 01/29/04 (Memphis and Jackson). TDEC is revising the rule based on comments. The last public hearing was held and comments were accepted until 03/20/06.

<http://state.tn.us/sos/pub/tar/2005-01.pdf>, page 30 of 92

Contact: Lacey Hardin (615) 532-0545.

HAZ WASTE/LIABILITY. (1200-1-13) TDEC is proposing to amend Rule 1200-1-13, Inactive Hazardous Substance Site Remedial Action Program, to amend the Remedial Action Fund to indicate that liable parties would be responsible for apportioned share of costs incurred by Tennessee as a result of a response. A public hearing was held 04/18/06, and TDEC accepted written comments until 04/25/06.

Tennessee Administrative Register, 03/15/06: <http://state.tn.us/sos/pub/tar/2006-03.pdf>, page 40 of 152

Contact: Steve Goins (866) 253-5827.

UST/FEDERAL ENERGY ACT. (1200-1-15) TDEC is proposing amendments to the UST Program to meet requirements of the UST Compliance Act of 2005, part of the Federal Energy Act. Proposed amendments would enable Tennessee to comply with minimum federal requirements for secondary containment, and would require new installations or replacements within 1,000 feet of a spring, serving as a drinking water supply to meet similar requirements by February 2012. TDEC held a public hearing 05/25/06, and written comments were accepted until 05/31/06. TDEC reviewed comments, but is now waiting on federal guidelines to be issued before proceeding with the rulemaking. Rules may have

to be revised based on federal guidance that was scheduled for release fall 2006.

Notice of Rulemaking Hearing (includes draft amendments): <http://www.state.tn.us/environment/ust/ustppo/RulemakingHearingMay06.pdf>

Contact: Donna Washburn (615) 532-0987.

WATER/RECORDKEEPING AND CERTIFICATION. (1200-5-3) TDEC is proposing to amend rules, Chapter 1200-5-3, governing water and wastewater operator certification. Proposed amendments to Rule: 1200-5-3-.01 would note that documents supporting an application must be included with an application for certification; 1200-5-3-.04 would govern circumstances by which a certified operator may be granted permission to operate more than one water and/or wastewater system; 1200-5-3-.06 would denote classification of water treatment plants and water distribution systems; 1200-5-3-.07 would identify classifications and qualifications of water treatment plant operators and water distribution system operators. TDEC held public hearings 07/31/06, 08/01/06, and 08/03/06 and accepted written comments until 08/15/06. Amendments were presented to the Operator Certification Board (OCB) 10/05/06. Following adoption, amendments will go to the Attorney General and then the Secretary of State.

Tennessee Administrative Register, 06/15/06: <http://state.tn.us/sos/pub/tar/2006-06.pdf> (pages 79-91 of 133)

Contact: Brent Ogles (615) 898-8090.

HAZARDOUS WASTE/NESHAP. (1200-1-11) TDEC is proposing to amend HWMR by deleting a chapter in entirety and replacing it with a new chapter. The revision, Revision "aa," would incorporate most USEPA revisions from 09/08/05 to 07/28/06 to make TDEC regulations equivalent to federal regulations. Changes would require hazardous waste combustors to meet NESHAPs, reduce paperwork, and exclude cathode ray tubes (CRT) from hazardous and solid waste requirements if certain requirements are met. CRT changes are meant to encourage recycling. TDEC has chosen not to change procedures for obtaining and modifying permits because the current requirements are adequate. A hearing was held 10/19/06 and written comments were due 11/02/06.

Tennessee Administrative Register 09/15/06: <http://state.tn.us/sos/pub/tar/2006-09.pdf> (page 59 to 62 of 146)

Hearing Notice, Including Text of New Rule: http://www.tn.gov/sos/rules_hearingnotices/2006/1200/1200-01-11.20060829.notice428.pdf

Department Solid & Hazardous Waste Page: <http://www.state.tn.us/environment/swm/ppo/>

Contact: Gerald Ingram (615) 532-0850.

AIR/SIP UPDATE. (1200-3-4, 1200-3-9) TDEC is proposing amendments to the Air Pollution Control Regulations and SIP. Amendments would revise definitions and clarify existing exceptions necessary to effectively regulate statewide open burning; delete references and definitions that are no longer applicable; include a waiver to express prohibition on open burning of plastics and rubber to accommodate incidental plastic or rubber containers of controlled substances and drugs seized as contraband; and would include a waiver for explosives-contaminated plastic or rubber, for which other methods of disposal are not safe. TDEC is proposing amendments to construction permit rules to correct typographical errors and remove the Clean Unit and Pollution Control Project provisions from permitting requirements for major NSR. A public hearing was held 11/20/06, and written comments were due 11/20/06.

Tennessee Administrative Register 10/13/06: <http://state.tn.us/sos/pub/tar/2006-10.pdf> (page 27-37 of 70).

Contact: Jeff Cales (931) 432-7621.

AIR/SIP. (SIP Revisions) TDEC implemented SIP revisions to incorporate regulatory revisions to section 16.0 – open burning rules and addition of new section 41.22 – state I vapor recovery regulations for Knox and Hamilton counties. The Air Pollution Control Board approved the SIP at the 12/08/04-12/09/04 meetings. Revisions are final and USEPA has approved SIP revisions; effective 03/05/07.

USEPA SIP Approvals:

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E6-22475.htm>

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E6-22482.htm>

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E6-22478.htm>

Contact: Malcolm Butler (615) 532-0600.