



# 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 published electronically each month. To receive this publication, please send an email request to [rebecca.shanks@sreo.army.mil](mailto:rebecca.shanks@sreo.army.mil) with "Subscription" as the subject. Please include contact name and email address in the body of the message.

*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

**WATERSENSE LABEL.** USEPA issued its first WaterSense label for landscape irrigation to the Irrigation Association's (IA) Certified Irrigation Designer program and Certified Irrigation Contractor program. To earn the WaterSense label, IA's certification programs test for the ability to design, install and maintain water-efficient landscape irrigation systems, including tailoring systems to surrounding landscape, selecting water-efficient equipment, tracking local climate conditions, and developing appropriate schedules for watering. IA's certified irrigation contractors and certified irrigation designers are eligible to become WaterSense partners and may use the WaterSense partner logo. The WaterSense program seeks to generate support for consumer use of water-efficient products such as high-efficiency toilets, water-saving faucets, and, in the future, weather-based controllers and soil moisture sensors for landscaping. For further information: Cindy Simbanin, (202) 564-3837, [simbanin.cynthia@epa.gov](mailto:simbanin.cynthia@epa.gov), [www.epa.gov/watersense](http://www.epa.gov/watersense). Full text document location: <http://yosemite.epa.gov/opa/advpress.nsf/7c02ca8c86062a0f85257018004118a6/b3b7b63c8c90d9738525728a0057febb!OpenDocument>.

## Conferences and Events

**HAZARDOUS WASTE COMBUSTORS CONFERENCE AND EXHIBITION.** March 13-14. Charleston, SC. The Air and 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 and 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; and 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 published the 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](mailto: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/>

**2<sup>ND</sup> 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/>

**36<sup>TH</sup> ANNUAL SOLID/HAZARDOUS WASTE CONFERENCE AND EXHIBITION.** April 18-20. Gatlinburg, TN. As the largest and most comprehensive environmental event and tradeshow in the South, the conference goal is to provide low-cost and high quality environmental training and educational sessions to a broad range of environmental professionals. The format and tradeshow provide the ideal setting for networking and learning. Speakers from leading industries, environmental agencies, law firms and service providers will bring you up-to-date on the latest environmental information and technology. <http://tennessee.gov/environment/swm/conference/>

**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/>

**NATIONAL ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS CONFERENCE.** April 22-25. Orlando, FL. The conference theme is "Environmental Leadership: Science, Education, Alliances" and focuses on how environmental professionals are working to solve important issues through leadership in the areas of science, education, and the development of alliances. <http://naep.org/displayconvspecific.cfm?convnbr=2679>

**SECOND NATIONAL CONFERENCE ON ECOSYSTEM RESTORATION (NCER).** April 22-27. Kansas City, MO. The conference provides an interdisciplinary setting to formulate goals and approaches to ecosystem restoration, while experiencing state-of-the art science and engineering planning and policy in a partnership environment. The conference will provide many opportunities to learn about ecosystem restoration efforts and programs throughout the country including Missouri River Basin, Parks, Canada, Agency efforts, Louisiana Coastal Area, Columbia River, Everglades, San Francisco Bay/Delta, Chesapeake Bay, Great Lakes, Puget Sound, and the Mississippi River Basin. <http://conference.ifas.ufl.edu/NCER2007/index.html>

**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](http://www.wasteexpo.com)

**2007 NATIONAL ENVIRONMENTAL PARTNERSHIP SUMMIT.** May 7-10. New Orleans, LA. The summit is an interdisciplinary gathering that brings together environmental professionals and assistance providers from diverse sectors all over the country and the world. The summit will offer open dialogues, workshops, case studies, tools, research and technology and environmental futures forecasting about: critical ecological issues; culture and sustainability; business, industry and manufacturing; policy, management and innovation; community and economic infrastructure; and measurement, metrics and performance. The gathering will feature 36 breakout sessions, several host organization member meetings, project and workgroup meetings; in depth workshops, keynotes, plenaries, site visits conducted by our hosts and networking opportunities that dive into the spirit and history of New Orleans. [www.environmentalsummit.org](http://www.environmentalsummit.org)

**WORKING WATERWAYS AND WATERFRONTS 2007 SYMPOSIUM.** May 9-11. Norfolk, VA. A three-day symposium will serve as a catalyst to organize and share the most current thinking regarding growing impediments to boating and fishing access. Through presentations and panel discussions attendees will learn about local, state, and national-level initiatives designed to address issues of water access and water-dependent industries. The symposium offers a unique opportunity for coastal zone, city and regional planners, public officials, resource agency staff, water-based enterprises (marinas, boat yards, etc.), academics, aquatic resource educators, fishery management professionals, and the fishing and boating industries to exchange ideas and develop potential collaboration strategies that address public access needs. <http://www.wateraccess2007.com/index.html>

**JOINT SERVICES ENVIRONMENTAL MANAGEMENT CONFERENCE.** May 21-24. Columbus, OH. JSEM 2007 highlights the many new and innovative ways the DoD, other federal agencies, states, and industry are meeting mission needs while protecting the environment. <http://www.jsemconference.com/2007/index.htm>

**NATIONAL SITE ASSESSMENT SYMPOSIUM (NSAS).** June 19-21. Denver, CO. NSAS and Training provides an opportunity for sharing of information among federal, state, and tribal stakeholders about new and changing approaches and policies in Superfund hazardous waste cleanup that affect site assessment activities. <http://www.trainex.org/nsas/>

**2007 SUSTAINING MILITARY READINESS CONFERENCE.** July 29 -August 3. Orlando, FL. The conference will bring together DoD professionals from operational, environmental conservation, and planning communities along with partners from other government and non-governmental agencies and organizations to participate in training opportunities, discuss projects and programs, share lessons learned, and exchange information for the purpose of

sustaining military readiness through conservation, compatible land use planning, and encroachment mitigation. <http://www.sustainingmilitaryreadiness2007.com/>

## Training

Environmental courses available in FY07 from Army Schools are 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.

**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.  
**REGULATORY IIB.** June 11-15. Alexandria, VA.  
**PUBLIC INVOLVEMENT – COMMUNICATION.** June 16-20. Huntsville, AL.  
**RIPARIAN ZONE ECOLOGY/RESTORATION/MANAGEMENT.** June 18-22. Louisville, KY.  
**DEFENSE HAZARDOUS MATERIALS/WASTE HANDLING COURSE.** June 19-21. Fort Rucker, AL.  
**DEFENSE HAZARDOUS MATERIALS/WASTE HANDLING COURSE.** July 31-August 2. McAlester AAP, OK.

**DEER MANAGEMENT WORKSHOP.** March 20. Athens, GA. The Georgia Center and the Daniel B. Warnell School of Forestry and Natural Resources will offer a continuing education workshop in deer management. The workshop is designed to better equip park managers, wildlife biologists, foresters, landowners, community leaders, real estate appraisers and others to make informed decisions about deer management in their parks and communities. [www.georgiacenter.uga.edu](http://www.georgiacenter.uga.edu)

## Studies and Reports

**IMPROVE ENVIRONMENTAL CLEANUP COST.** (1/30/07) The Government Accountability Office (GAO) released a report recommending that DoD improve reporting of BRAC environmental cleanup costs to Congress and share lessons learned regarding use of all available tools to clean up and transfer property. GAO asserts that Congress does not have full visibility over the total cost of DoD's BRAC cleanup efforts because none of the four reports DoD prepares on various aspects of environmental cleanup present all types of costs (past and future) incurred to complete cleanup at each base. Impediments to property transfer continue relate primarily to various interrelated environmental cleanup issues, including limited technology to address unexploded ordnance and prolonged negotiations on compliance. The services have processes in place to monitor progress, but are not required to report periodically to the Office of the Secretary of Defense on successes and challenges in using various transfer authorities. GAO's analysis of available data indicates that, when completed, the cleanup for the four prior BRAC rounds is will cost about \$13.2 billion and, while not yet fully known, the 2005 BRAC round will cost about \$950 million. For further information: Brian Lepore, (202) 512-4523, [leporeb@gao.gov](mailto:leporeb@gao.gov).

**NANOTECHNOLOGY WHITE PAPER.** (02/15/07, [72 FR 7435](#)) USEPA issued the final "Nanotechnology White

Paper" (EPA/100/B-07/001, February 2007) that provides a basic description of nanotechnology, potential environmental benefits, risk assessment issues, discussion of responsible development of nanotechnology and USEPA statutory mandates. The paper provides: basic nanotechnology description; information on why USEPA is interested in nanotechnology; potential environmental benefits; risk assessment issues; discussion of responsible development of nanotechnology and USEPA statutory mandates; extensive review of research needs for both environmental applications and implications of nanotechnology; USEPA recommendations for addressing science issues and research needs; prioritized research needs within most risk assessment topic areas; an appendix describing USEPA framework for nanotechnology research, which outlines how USEPA will strategically focus its research program to provide key information on potential environmental impacts from human or ecological exposure to nanomaterials in a manner that complements other federal, academic, and private-sector research activities; and collaboration with other researchers. The final document is available at: <http://www.epa.gov/osa/nanotech.htm>. For further information: Dr. Kathryn Gallagher, Office of the Science Advisor, EPA, Washington, DC 20460; (202) 564-1398; [gallagher.kathryn@epa.gov](mailto:gallagher.kathryn@epa.gov).

**DRAFT HUMAN DIMENSIONS STRATEGIC PLAN.** (02/15/07, [72 FR 7418](#)) The National Oceanic and Atmospheric Administration's (NOAA) National Centers for Coastal Ocean Science (NCCOS) developed a Draft Human Dimensions Strategic Plan for FY2008-FY2013 to define and implement human dimensions research critical to support an ecosystem approach to management of coastal and ocean resources. Human dimensions of ecosystems can be expressed in terms of three points of interaction between environmental and human systems: human causes of ecosystem stress; human consequences of ecosystem stress; and human responses to ecosystem stress. Human dimensions research aims to understand human-environmental interactions and facilitate use of such understanding to support decisions affecting environmental processes and societal outcomes. The final Human Dimensions Strategic Plan will guide development of the NCCOS ecosystem science agenda, workforce, organization, partnerships, and other capacities, including research conducted through extramural partners, grants, and contracts. The plan is intended as a strategic guide for NCCOS and as an educational tool and programmatic resource for the broader coastal and ocean science and management community. The Draft Human Dimensions Strategic Plan (FY2008-FY2013) (73 pgs.) is available at: <http://coastalscience.noaa.gov/human/>. Comments are due 03/19/07. For further information: Marybeth Bauer, NOAA National Ocean Service, Silver Spring, MD 20910; (301) 713-3020, [nccos.hd@noaa.gov](mailto:nccos.hd@noaa.gov).

**US GREENHOUSE GAS EMISSIONS INVENTORY.** (02/20/07) Prior to publication in the Federal Register, USEPA released the "Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2005." The inventory tracks annual greenhouse gas emissions at the national level and presents historical emissions from 1990 to 2005. The inventory calculates carbon dioxide (CO<sub>2</sub>) emissions removed from the atmosphere by "sinks," (through uptake of carbon by forests, vegetation, soils). Annual US emissions from 1990-2005 are summarized and presented by source category and sector. The inventory contains estimates of CO<sub>2</sub>, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Each year, emission and sink estimates are recalculated and revised for all years in the inventory as attempts are made to improve analyses through use of better methods or data and overall usefulness of the report. The technical approach used to estimate emissions and sinks adheres to a set of methodologies for estimating sources and sinks of anthropogenic greenhouse gases and a format consistent with the United Nations Framework Convention on Climate Change (UNFCCC) reporting guidelines. The draft report is the latest in a series of annual US submissions to the Secretariat of the UNFCCC. For further information: Leif Hockstad, [hockstad.leif@epa.gov](mailto:hockstad.leif@epa.gov) or Lisa Hanle, [hanle.lisa@epa.gov](mailto:hanle.lisa@epa.gov). The draft report is available at: <http://epa.gov/climatechange/emissions/downloads07/07CR.pdf>.

**NEPA CITIZEN'S GUIDE.** (02/21/07, [72 FR 7876](#)) The Council on Environmental Quality (CEQ) released the draft document "A Citizen's Guide to the National Environmental Policy Act (NEPA)--Having your Voice Heard." The document was developed to help citizens and organizations who are concerned about environmental effects of federal decision-making to effectively participate in federal agencies' environmental review process under NEPA. Comments are due 03/30/07. For further information: Horst Greczmiel, 202-395-5750, [horst\\_greczmiel@ceq.eop.gov](mailto:horst_greczmiel@ceq.eop.gov). The draft document is available at: [http://www.nepa.gov/ntf/CitizenComments/Citizens\\_Guide\\_Feb907.pdf](http://www.nepa.gov/ntf/CitizenComments/Citizens_Guide_Feb907.pdf).

# Federal Notices and Rulemaking

## Clean Air Act (CAA)

**NSPS FOR EXISTING SOURCES.** (1/26/07). In advance of formal publication, USEPA released proposed revisions to emission limits in the new source performance standards (NSPS) and emission guidelines for hospital/medical/infectious waste incinerators (HMIWI) in response to questions raised in the Court's remand from 03/02/99. USEPA is proposing response to required CAA 5-year review that would revise emission limits in NSPS and emission guidelines to reflect levels of performance achieved by emission controls installed to meet emission limits set forth in the 09/15/97 NSPS and emission guidelines. Proposed limits are dramatically reduced from current limits. Any DoD HMIWI units in operation could be impacted. USEPA indicates that after implementation of 1997 guidelines, approximately 94 percent of HMIWI were shut down. A fact sheet on the rule is available at: [http://www.epa.gov/ttn/oarpg/t3/fact\\_sheets/hmiwi\\_prop\\_fs070126.pdf](http://www.epa.gov/ttn/oarpg/t3/fact_sheets/hmiwi_prop_fs070126.pdf). For further information: Mary Johnson, Sector Policies and Programs Division, EPA, Research Triangle Park, NC, (919) 541-5025, [johnson.mary@epa.gov](mailto:johnson.mary@epa.gov).

**CONTROL OF HAZARDOUS AIR POLLUTANTS.** (02/09/07) In advance of formal publication, USEPA released a final rule that adopts controls on gasoline, passenger vehicles, and portable fuel containers (primarily gas cans) that aim to reduce emissions of benzene and other hazardous air pollutants (HAPs) to include "mobile source air toxics" such as 1,3-butadiene, formaldehyde, acetaldehyde, acrolein, and naphthalene. "Portable fuel container" means any reusable container designed and marketed (or otherwise intended) for use by consumers for receiving, transporting, storing, and dispensing gasoline, diesel fuel, or kerosene. For the purpose of this subpart, all utility jugs that are red, yellow or blue in color are deemed to be portable fuel containers, regardless of how they are labeled or marketed. Emissions of particulate matter from passenger vehicles will also be reduced. A fact sheet is available at: <http://www.epa.gov/otaq/regs/toxics/420f07017.htm>. The rule will become effective 60 days after publication in the Federal Register. For further information: Chris Lieske, Assessment and Standards Division, Office of Transportation and Air Quality, Ann Arbor, MI, (734) 214-4584, [lieske.christopher@epa.gov](mailto:lieske.christopher@epa.gov), <http://www.epa.gov/otaq/toxics.htm#regdocs>. Full text document location: <http://www.epa.gov/otaq/regs/toxics/msatfr.pdf>.

**NSPS.** (02/09/07, [72 FR 6319](#)) USEPA released text of a proposal to amend specific provisions in NSPS for steam generating units to resolve issues, and correct technical and editorial errors identified since amendments promulgated 02/27/06. The proposed rule republishes 40 CFR 60.17 (Incorporations by reference) and subparts D, Da, Db, and Dc in their entirety to make the style of the sections consistent. The docket for this rulemaking (Docket ID No. EPA-HQ-OAR-2005- 0031) contains complete redline/strike-out versions of each subpart. Substantive Amendments to 40 CFR Part 60, Subpart D include proposed changes addressing monitoring of emissions, for example: electric utility steam generating units could elect to comply with alternative (much lower) sulfur dioxide (SO<sub>2</sub>) and nitrogen oxide (NO<sub>x</sub>) emission standards based on 30-day rolling averages vice Subpart D NO<sub>x</sub> and SO<sub>2</sub> limits measured by continuous emission monitoring (CEMS) over three contiguous 1-hour periods; electric utility steam generating units would be allowed to measure particulate matter (PM) by CEMS as an alternative to continuously monitoring opacity; industrial, commercial and institutional steam generating units subject to subpart DC (i.e., between 10 million and 100 million Btu/hr heat capacity) that burn natural gas or low sulfur oil would be exempt from the PM emissions standard; and clarify fuel recordkeeping requirements of 40 CFR 60.48c(g) to allow steam generating units combusting only low sulfur fuels to record fuel usage amounts monthly instead of daily. USEPA is requesting comments on whether oil-fired steam generating units should be permitted to continuously monitor CO as an alternative to continuously monitoring opacity. Comments are due 03/12/07. For further information: Mr. Christian Fellner, Energy Strategies Group, Sector Policies and Programs Division, EPA, Research Triangle Park, NC, (919) 541-4003, [fellner.christian@epa.gov](mailto:fellner.christian@epa.gov).

## Clean Water Act (CWA)

**AQUATIC LIFE AMBIENT FRESHWATER QUALITY.** (02/22/07, 72 FR 7983) USEPA issued a revised national recommended freshwater aquatic life criterion for copper entitled, "Aquatic Life Ambient Freshwater Quality Criteria--Copper 2007 Revision" (EPA-822-R-07-001). Freshwater aquatic life should be protected if the 24-hour and four-day average concentrations do not respectively exceed acute and chronic criteria concentrations calculated by the Biotic Ligand Model more than once every 3 years on the average. Earlier freshwater aquatic life criteria for copper were based on empirical relationships of toxicity to water hardness. The biotic ligand model approach permits rational explanation of the effect of variation in water chemistry on toxicity of metals to aquatic organisms. Metals are known to be less toxic in organic-rich waters. Effects of pH, dissolved organic carbon and other factors not commonly considered can be

incorporated into water quality criteria. The model can be used for site-specific criteria by adjusting generic values to account for local differences in these factors. For further information: Dr. Luis Cruz, Health and Ecological Criteria Division, EPA, Washington, DC; (202) 566-1095; [cruz.luis@epa.gov](mailto:cruz.luis@epa.gov). The document and a fact sheet are available at: <http://www.epa.gov/waterscience/criteria/copper/index.htm>.

## Climate Change and Energy

**VOLUNTARY GREENHOUSE GAS REPORTING.** (1/31/07, [72 FR 4411](#)) The Department of Energy (DOE) released an interim final rule that makes clarifying changes to Technical Guidelines, published on April 21, 2006, used for reporting under the Voluntary Reporting of Greenhouse Gases Program. Revised January 2007 guidelines and a copy of the March 2006 Technical Guidelines (new text underscored and the deleted text marked as deleted) are available at: <http://www.ei.energy.gov/enhancingGHGregistry>. For further information: Mark Friedrichs, DOE, Office of Policy and International Affairs, Washington, DC, [1605bguidelines.comments@hq.doe.gov](mailto:1605bguidelines.comments@hq.doe.gov).

**DISTRIBUTION TRANSFORMERS.** (02/09/07, [72 FR 6186](#)) In response to DOE's proposed energy conservation standards for liquid-immersed and medium-voltage, dry-type distribution transformers (71 FR 44355), stakeholders commented that the standard may prevent or render impractical the replacement of distribution transformers in certain space-constrained (e.g. vault) installations. In the proposed standard, DOE did not specifically address potential costs related to transformers installed in vaults and requests comments concerning: proportion of distribution transformers sold installed in underground vaults with respect to liquid-immersed, three-phase design lines, DL4 and DL5; assumption that typical space-constrained vault transformers would be restricted to a volume that is approximately the median size of baseline transformers; proposed approaches to account for life-cycle cost impacts on space-constrained vault transformers, including methodology and inputs; and the possibility of having a liquid-immersed standard level based on efficiency levels from trial standard level (TSL) 2 and/or 3 for three-phase and TSL 2, 3, and/or 4 for single-phase. Comments are due 03/12/07. For further information: Antonio Bouza, DOE, Project Manager, Energy Conservation Standards for Distribution Transformers, (202) 586-4563, [Antonio.Bouza@ee.doe.gov](mailto:Antonio.Bouza@ee.doe.gov).

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

**TRI REPORTING.** (02/06/07) In testimony before the Senate Committee on Environment and Public Works, GAO reiterated the position that USEPA should work with DoD and the states to establish a tracking system for perchlorate site contamination information. GAO noted that perchlorate releases are not reported via the Toxic Release Inventory (TRI). GAO also criticized USEPA's development of a proposal to increase the TRI chemical release threshold from 500 pounds to 2000 pounds to allow use of Form A vice Form R for reporting. For further information: John Stephenson, (202) 512-3841, [stephensonj@gao.gov](mailto:stephensonj@gao.gov). Full text document location: <http://www.gao.gov/new.items/d07464t.pdf>.

## Natural and Cultural Resources

**CRITICAL HABITAT FOR FLATWOODS SALAMANDER.** (02/07/07, [72 FR 5855](#)) The US Fish and Wildlife Service (USFWS) is proposing to designate approximately 31,428 acres (ac) located in Florida, Georgia and South Carolina as critical habitat for the flatwoods salamander (*Ambystoma cingulatum*). FWS believes that conservation efforts identified in Integrated Natural Resource Management Plans (INRMPs) developed by military installations located within range of the proposed critical habitat will provide benefits to the flatwoods salamander. Approximately 9,867 ac of habitat within or adjacent to Whiting Field's Out-Lying Landing Field Holley (290 ac), Eglin Air Force Base (3,191 ac), and Hurlburt Field in Florida (1,103 ac) would be included. Townsend Bombing Range (162 ac) and Fort Stewart Military Installation in Georgia (5,121 ac) are not included in the proposed critical habitat designation. Comments are due 04/09/07. For further information: Ray Aycock, Field Supervisor, Mississippi Fish and Wildlife Office, (601) 965-4900.

# State Laws and Rulemaking

## Alabama



### *Proposed Rules*

**HAZARDOUS WASTE MANAGEMENT REVISIONS.** (Division 14) The Alabama Department of Environmental Management (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. No update status has been received.

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](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, 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 held a public hearing 01/04/07 and written comments were due 01/08/07. No update status has been received.

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 not currently supporting designated uses, and establish 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 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. The 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, dematerialized wastewater, exterior vehicle and equipment wash water, and storm water from petroleum storage and

### Southern Region Review

handling and equipment storage and maintenance areas. Comments were due 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 to 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 are 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 a segment of the Choccolocco Creek from Boiling Spring Road to Egoniaga Creek in Calhoun County; 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: <http://www.adem.state.al.us/PublicNotice/Jan/Div6.htm>

Contact: Molly Tatum (334) 394-4360.

**UNDERGROUND STORAGE TANK COMPLIANCE ACT (USTCA).** ADEM announced rulemaking for secondary containment regulations to the Environmental Management Commission (EMC) 02/23/07. ADEM anticipates the rule will become final by August 2007. Once secondary containment requirements are in place, ADEM will begin delivery prohibition regulations, and hopes to have them finalized by the end of 2007. Operator training requirements are not required to be in place until August 2009. Contact: Craig Hodes (334) 271-7912.

## Florida

### *Final Rules*



**WATER/FEES.** (40D-1.607) The Florida Department of Environmental Protection (FLDEP) amended permit processing fee regulations. Amendments require that impacts to other surface waters be considered with impacts to wetlands when evaluating the effect of proposed activity. Amendments waive the application fee for formal wetland determinations when an application that was denied or withdrawn is resubmitted within 12 months and is substantially similar to the denied or withdrawn petition. The rule became effective 02/06/07.

Florida Administrative Weekly 10/13/06:

<http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2006/3241/3241DOC.pdf> (page 2 of 95)

Florida Administrative Weekly 11/03/06 (includes text of proposed rule):

<http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2006/3244/3244DOC.pdf> (page 30 of 139)

Florida Administrative Weekly 02/02/07:

<http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2007/3305/3305DOC.pdf> (page 199 of 217).

Contact: Karen West (352) 796-7211.

### *Proposed Rules*

**GROUNDWATER/WELL CONSTRUCTION.** (40D-1.659, 40D-4.331) FLDEP amended regulation 40D-1.659 to incorporate by reference revisions to the Proposed Well Construction Location and Design form. Revisions request more information about well design including pipe diameter, estimated depth of the well pump and depth of any well screen. FLDEP amended regulation 40D-4.331 to update the reference to the General Environmental Resource Permit Application for Modification Related to Outparcel Construction Within Permitted Commercial Projects, Form No. LEG-R.001.00(02/05). It now references the form adopted by reference in 40D-1.659.

Florida Administrative Weekly 10/27/06:

<http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2006/3243/3243DOC.pdf> (page 4-5 of 123)

Florida Administrative Weekly 11/22/06:

<http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2006/3247/3247DOC.pdf> (page 65-66 of 154)

Contact: Karen West (352) 796-7211.

**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](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](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](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> (page 89 of 104)

Contact: Richard Tedder (850) 425-8735.

**WATER/EFFLUENT STANDARDS.** (62-4.241, 62-302.200, 62-620.620) FLDEP is proposing to add a new chapter adding acute and chronic whole effluent toxicity permit compliance limits for facilities subject to whole effluent toxicity testing. FLDEP is proposing to amend definitions of acute and chronic toxicity; add definition for inhibition concentration; identify facilities subject to whole effluent toxicity testing; and add acute and chronic whole effluent toxicity permit requirements. If requested in writing, FLDEP will schedule a rule development workshop.

Florida Administrative Weekly 01/26/07:

<http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2007/3304/3304DOC.pdf> (page 14 of 111).

Contact: Nancy Ross (850) 245-8419.

**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> (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. Status change for any species occurs only after a species management plan is developed, publicly reviewed, and accepted by FLFWCC. 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 listing status of a species. FLFWCC reviews the final biological status report and determines whether listing action is warranted. If FLFWCC determines 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 where 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 made available for public comment.

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*

**INTEGRATED 305(B)/303(D) LIST.** The Georgia Department of Natural Resources (GADNR) completed its 2004 Integrated 305(b)/303(d) list. USEPA granted final approval of the list 05/18/06. [http://www.dnr.state.ga.us/dnr/environ/gaenviron\\_files/gaenviro.htm](http://www.dnr.state.ga.us/dnr/environ/gaenviron_files/gaenviro.htm)

Georgia 305(b)/303(d) List Documents: <http://www.gaepd.org/Documents/305b.html>

Contact: Kathy Methier (404) 675-1657.

### *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. 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. The Natural Resources Board (NRB) held a discussion on the 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.** GAEPD is discussing development of the first statewide water plan. GADNR will draft a comprehensive plan and submit to The Water Council (TWC) for review in 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>

Comprehensive Statewide Water Management Planning Act:

[http://www.legis.state.ga.us/legis/2003\\_04/fulltext/hb237.htm](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 CAIR that establishes annual and ozone-season limits on NO<sub>x</sub> and SO<sub>2</sub> emissions for fossil-fuel fired electric 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 proposed regulations and public hearing was held 01/16/07. Written comments were due 01/26/07 and rules were 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](http://www.georgiaair.org/airpermit/cair/cairkickoff_files/Issue_Paper_CAIR.pdf)

Draft CAIR NOx Annual Trading Program:

[http://www.georgiaair.org/airpermit/cair/downloads/GA\\_NOx\\_CAIR\\_DRAFT.pdf](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](http://www.georgiaair.org/airpermit/cair/downloads/GA_SO2_CAIR_DRAFT.pdf)

Public Hearing Announcement: [http://www.gaepd.org/environet/1/cair\\_notice.pdf](http://www.gaepd.org/environet/1/cair_notice.pdf)

Synopsis of Proposed Amendments: [http://www.gaepd.org/environet/1/cair\\_synopsis.pdf](http://www.gaepd.org/environet/1/cair_synopsis.pdf)

Text of Proposed Amendments: [http://www.gaepd.org/environet/1/cair\\_amendment.pdf](http://www.gaepd.org/environet/1/cair_amendment.pdf)

Response to Comments Received in First Comment Period: [http://www.gaepd.org/environet/1/cair\\_response.pdf](http://www.gaepd.org/environet/1/cair_response.pdf)

Contact: James Kelly (404) 363-7000.

**CLEAN AIR MERCURY RULE.** GAEPD is discussing development of regulations to adopt the federal Clean Air Mercury Rule (CAMR) that addresses statewide limitations for mercury emissions from coal-fired electric power facilities. GAEPD held a public meeting 04/06/06 but does not yet have a draft CAMR. GAEPD does not anticipate submitting a State Implementation Plan (SIP) on or before CAMR SIP deadline. GAEPD held a stakeholder meeting 09/05/06 and a public hearing 01/30/07. Written comments were due 02/16/07. Proposed amendments were scheduled to go before BNR for adoption at a public meeting 03/28/07, but GADNR is still working on rule text. No date for presentation to BNR has been set.

Department's CAMR Website: <http://www.georgiaair.org/airpermit/cair/CAMR.html>

Department's Summary of CAMR Rulemaking: [http://www.georgiaair.org/airpermit/cair/cairkickoff\\_files/Issue\\_Paper\\_CAMR.pdf](http://www.georgiaair.org/airpermit/cair/cairkickoff_files/Issue_Paper_CAMR.pdf)

Department's CAMR Options for Regulation: [http://www.georgiaair.org/airpermit/cair/downloads/mercury\\_rule\\_options.pdf](http://www.georgiaair.org/airpermit/cair/downloads/mercury_rule_options.pdf)

Department's Announcement of Special Meeting on CAMR:

[http://www.georgiaair.org/airpermit/downloads/meetings/pressreleaseCAMR\\_Mtg\\_060406.pdf](http://www.georgiaair.org/airpermit/downloads/meetings/pressreleaseCAMR_Mtg_060406.pdf)

Stakeholder Meeting Notice 09/05/06:

<http://www.georgiaair.org/airpermit/cair/downloads/CAMRmeetinginvite090506notmerged.pdf>

Stakeholder Meeting Agenda 09/05/06:

<http://www.georgiaair.org/airpermit/cair/downloads/AgendaCAMRmeeting90506.pdf>

Public Hearing Announcement January 2007: [http://www.gaepd.org/environet/1/camr\\_notice\\_20061221.pdf](http://www.gaepd.org/environet/1/camr_notice_20061221.pdf)

Synopsis of Proposed Amendments: [http://www.gaepd.org/environet/1/camr\\_synopsis\\_20061221.pdf](http://www.gaepd.org/environet/1/camr_synopsis_20061221.pdf)

Text of Proposed Amendments: [http://www.gaepd.org/environet/1/camr\\_amendment\\_20061221.pdf](http://www.gaepd.org/environet/1/camr_amendment_20061221.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<sub>x</sub> limit for existing coal-fired units in Monroe County; adding counties subject to the rule on emissions statements; correcting typographical corrections in prevention of the significant deterioration rule; permitting requirements for Atlanta 8-hour ozone non-attainment area; updating the list of counties subject to the Atlanta 8-hour ozone non-attainment area; clarifying permit requirements in non-attainment areas consistent with federal requirements; and revising 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 re-noticed 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](http://www.gaepd.org/environet/1/notice_08292006.pdf)

Synopsis of Proposed Amendments: [http://www.gaepd.org/environet/1/synopsis\\_20060819.pdf](http://www.gaepd.org/environet/1/synopsis_20060819.pdf)

Text of Proposed Amendments: [http://www.gaepd.org/environet/1/amendments\\_20060829.pdf](http://www.gaepd.org/environet/1/amendments_20060829.pdf)

Contact: Heather Abrams (404) 363-7000.

**UNDERGROUND STORAGE TANK COMPLIANCE ACT.** GAEPD is discussing revisions to the UST program regulations to adopt USTCA. GAEPD believes it is compliant with the first two phases of USTCA. USEPA has until August 2007 to release operator training requirements guidance, after which states have two years to implement. GADNR will initiate a

rulemaking in late 2007 after USEPA releases operator training requirements guidance. Contact: Rick Strickfaden (404) 362-2590.

## 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. The rules were filed with the Legislative Research Commission (LRC) in three packages due to volume. The first package 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 and comments were due 01/31/07. A public hearing was held 02/21/07 for the second and third rule packages. Written comments were due 02/28/07. Proposed revisions were published in the Kentucky Administrative Register 01/01/07 and made available on the Kentucky Legislature website. Following the comment period, KDEP will create response to comments received and information will be filed no later than 04/15/07 so as to allow rules appear on the May Administrative Regulation Review Subcommittee (ARRS) hearing docket and the June Agriculture and Natural Resources Interim Joint Committee agenda. If regulations are placed on the June Natural Resources agenda, they will become effective anywhere from the adjournment of the June meeting to 30 days after the referral from ARRS.

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 regulations to address CAIR and associated revisions to the Kentucky SIP: 401 KAR 51:210, CAIR NO<sub>x</sub> annual trading program; 401 KAR 51:220 CAIR NO<sub>x</sub> ozone season trading program; and 401 KAR 51:230, CAIR SO<sub>2</sub> trading program. 401 KAR 51:210 and 401 KAR 51:220 would control NO<sub>x</sub> 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<sub>x</sub> SIP Call. Owners and operators of sources subject to regulations would be required to possess allowances for the tons of NO<sub>x</sub> emissions for each required control period. 401 KAR 51:230 would control emissions of SO<sub>2</sub> from affected EGUs having a nameplate capacity of more than 25 MWe producing electricity for sale. Owners and operators of sources subject to regulation would be required to possess allocations for tons of SO<sub>2</sub> for the subject control period. A public hearing was held 09/25/06, and written comments were due 10/02/06. Rules went before 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<sub>x</sub> annual trading program: [http://www.air.ky.gov/NR/rdonlyres/3A5D5085-FEE1-4A3C-9477-01A73F29B737/0/KAR51210\\_CAIRNoxAnnualTradingProgram.pdf](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<sub>x</sub> ozone season trading program: [http://www.air.ky.gov/NR/rdonlyres/808DE911-74C8-4BF9-9CE2-C4A313EC2CC3/0/KAR51220\\_CAIRNoxOzoneSeasonTradingProgram.pdf](http://www.air.ky.gov/NR/rdonlyres/808DE911-74C8-4BF9-9CE2-C4A313EC2CC3/0/KAR51220_CAIRNoxOzoneSeasonTradingProgram.pdf)

Proposed Text of 401 KAR 51:230 CAIR SO<sub>2</sub> trading program: [http://www.air.ky.gov/NR/rdonlyres/5D25B8EC-491E-4931-B30E-78D9FD8B0D75/0/KAR51230\\_CAIRSo2TradingProgram.pdf](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](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.

### Southern Region Review

**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 the definition sections of existing air quality regulations. Affected chapters would include General Administrative Procedures; Attainment and Maintenance of National Ambient Air Quality Standards (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 that corresponds 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 be 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 interested persons were to have notified KDEP by 10/14/06 of intent to attend. Written comments were due 10/31/06. Amendment was deferred until the next meeting by ARRS at a public meeting 11/14/06, then deferred again at a public meeting 12/12/06. Regulations were approved by ARRS at a public meeting 01/09/07. One more committee must approve the regulations. KDEP anticipates a March effective date.

Kentucky Register 10/01/06: <http://www.lrc.ky.gov/kar/contents/2006/10register.doc> (document page 1122-1128)

Regulations, As Amended: <http://www.lrc.state.ky.us/kar/401/004/060reg.htm>

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, necessary for KDEP to maintain primacy of the drinking water program. 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; and enhanced disinfection, filtration and recycling for small systems serving less than 10,000 people. KDEP was to hold public hearing 12/21/06 based on interest. Written comments were due 01/02/07 and regulations were addressed at a public meeting of the ARRS 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

### *Proposed Rules*



**SIP EMISSION MONITORING.** The Mississippi Department of Environmental Quality (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 CAA, 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 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.** MSDEQ is considering revisions to Water Quality Standards for Intrastate, Interstate, and Coastal Waters (Commission Regulation WPC-2). 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.

### Southern Region Review

**SOLID WASTE DISPOSAL.** 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, 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](http://opc.deq.state.ms.us/report_public_notice.aspx)

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 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 the US Department of 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 2006. MSDEQ drafted the plan and is seeking public comment before submitting it to HUD 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.

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

Contact: Steve Spengler (601) 961-5102.

## North Carolina

### *Final Rules*



**WASTEWATER/GROUNDWATER TREATMENT.** (NPDES General Permit No. NCG510000) The Environmental Review Commission (ERC) is proposing to reissue NPDES 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) The North Carolina Department of Environment and Natural Resources (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. 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/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." Regulations would control mercury emissions from coal-fired electric

### Southern Region Review

generating units and comply with the 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<sub>x</sub> and volatile organic chemicals (VOC) to new ozone nonattainment counties. Rule 15A NCAC 2Q .0207, Annual Emissions Reporting, requires facilities whose actual emissions of NO<sub>x</sub> or VOC are 25 tons per year or more and are located in former ozone nonattainment areas (now maintenance areas) to report NO<sub>x</sub> 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. The Air Quality Committee (AQC) held a public meeting 05/10/06 and NCDENR requested approval to schedule public hearings at a public meeting 01/11/07.

Air 2006 Agenda for Public Meeting: <http://daq.state.nc.us/Calendar/Planning/AQCMay2006/>

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

Contact: Thom Allen (919) 733-1489.

**AIR/ATTAINMENT 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. Proposed revisions were presented to AQC at a public meeting 11/08/06. A public hearing will be held 03/14/07 and written comments are due 04/16/07.

Department's Explanation of the Proposed Amendment:

<http://daq.state.nc.us/Calendar/Planning/March2006AQC/Agenda3.pdf> (page 1 of 6)

Draft Revisions: <http://daq.state.nc.us/rules/draft/433.pdf>

Air Quality Committee Agenda 11/08/06: <http://daq.state.nc.us/Calendar/Planning/NovemberAQC/>

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

Contact: Thom Allen (919) 733-1489.

**AIR/FUGITIVE DUST.** (15A NCAC 2D .0540) NCDENR is proposing amendments regarding particulates from fugitive non-process dust emission sources. Proposed amendments to 15A NCAC 2D .0540 would extend the current non-process fugitive dust rule to all sources required to have a permit or for which there is an emission standard. A public meeting was held 04/11/06 and a revised version of the draft rule dated 09/25/06 was published to the NCDENR website 09/27/06. Proposed amendments were presented to AQC at a public meeting 11/08/06. A public hearing will be held 03/14/07 and written comments accepted until 04/16/07.

Original Draft Rule, 02/18/04: <http://daq.state.nc.us/rules/draft/D0544.pdf>

Revised Draft Rule, 03/28/06: <http://daq.state.nc.us/rules/draft/D0540.pdf>

Revised Draft Rule, 09/25/06: <http://daq.state.nc.us/rules/draft/dust.pdf>

Air Quality Committee Agenda 11/08/06: <http://daq.state.nc.us/Calendar/Planning/NovemberAQC/>

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

Contact: Thom Allen (919) 733-1489.

## South Carolina

### *Final Rules*



**HAZARDOUS WASTE RULES ADOPTED.** The South Carolina Department of Health and Environmental Control (SCDHEC) amended Rules 61-79, Hazardous Waste Management Regulations (HWMR) to maintain conformity with federal requirements that affect certain wastewater dyes and the new Hazardous Waste Management Manifest Rule. Amendments adopt USEPA amendments to 40 CFR 124, 260 through 266, 268, 270, and 273 throughout each calendar year. Rules became effective 02/23/07.

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

Contact: David Scaturo (803) 898-3432.

### Southern Region Review

## ***Proposed Rules***

**TES LISTING.** 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 to 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 SO<sub>2</sub> and/or NO<sub>x</sub> emissions. Sulfur dioxide is a precursor to fine particulate formation and NO<sub>x</sub> 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 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 BNR granted approval 09/14/06 to publish the draft regulations for public comment in the October 2006 register. SCDHEC held an informational meeting for the public, and written comments were due 11/27/06. SCDHEC BNR held 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 SCDHEC 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, 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 was held at the BHEC meeting 02/08/07 and the amendment was approved. Amendment is now pending legislative review.

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 BNR 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 monitoring planning areas in the initial plan because USEPA guidance indicates a need of three years of data to make such determination. Such 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.

**CLIMATE, ENERGY AND COMMERCE ADVISORY COMMITTEE.** South Carolina Governor Mark Sanford created the Governor's Climate, Energy and Commerce Advisory Committee to review climate change impacts on the state and to evaluate strategies for addressing the issue. The committee has six objectives: 1) provide a comprehensive review of ecological and economic impacts of global climate change in South Carolina; 2) propose ways to expand and improve use of renewable energy sources; 3) present recommendations encouraging energy conservation that reduce energy costs, energy independence and harmful environmental impact; 4) review technological advances relating to buildings, infrastructure, and energy sources that may create economic opportunities and enhance energy efficiency and independence; 5) compile a comprehensive inventory, forecast and source list of statewide carbon dioxide and other emissions, presenting recommendations on reducing emissions; and 6) determine economic benefits and feasibility associated with any recommended actions. The committee will report findings and recommendations to the Governor in March of 2008.

Executive Order 2007-4: <http://www.scgovernor.com/uploads/executiveorders/>

**STATE IMPLEMENTATION PLAN REVISIONS FOR CHEROKEE COUNTY AND ROCK HILL.** SCDHEC is proposing to amend the SIP to include an 8-hour NAAQS maintenance plan for Cherokee County and an 8-hour ozone attainment plan for the Rock Hill nonattainment area. Both updates are required by federal regulations. Comments are due 03/26/07.

Public Notice Cherokee County:

<http://www.scdhec.gov/administration/regs/docs/20070223%20SR%20Notice%20-%20Cherokee%20County%20Maintenance%20Plan.doc>

Public Notice Rock Hill: <http://www.scdhec.gov/administration/regs/docs/20070223%20SR%20Notice%20-%20Rock%20Hill%20Attainment%20Plan.doc>

Contact: Dennis Camit (803) 898-4284.

## Tennessee



### *Final Rules*

**AIR/SIP.** (SIP Revisions) The Tennessee Department of Environment and Conservation (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 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.

### *Proposed Rules*

**WATER/RULES REVISION.** (1200-4-7) 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 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 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 waiting on federal guidelines to be issued before proceeding with rulemaking. Rules may have to be revised based on federal guidance 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 entirely and replacing it with a new chapter. The revision, Revision "aa," would incorporate most USEPA revisions from 09/08/05 to 07/28/06 in order to make TDEC regulations equivalent to federal regulations. Changes would require hazardous waste combustors to meet NESHAP, 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](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.