



# The Southern Region Review



Region 4 Edition

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

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

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

## Announcements

**CATALOG OF CONSERVATION SOCIAL SCIENCE TOOLS.** The Society for Conservation Biology's Social Science Working Group (SSWG) is pleased to announce the launch of its online Catalog of Conservation Social Science Tools. The catalog is a searchable database containing practical tools and other useful resources to help researchers and practitioners to better understand and address social challenges of biodiversity conservation. Along with the resource database, the catalog presents an overview of the main social science disciplines, challenges, and methodological approaches related to conservation practice written by expert members of the SSWG. Explore the catalog at: <http://www.conbio.org/workinggroups/sswg/catalog/>.

**COMMERCIAL ANTENNAS ON FEDERAL PROPERTY.** (03/14/07, [72 FR 11881](https://www.federalregister.gov/documents/2007/03/14/72-fr-11881)) The General Services Administration cancelled and replaced Federal Property Management Regulations Bulletin D-242, Placement of Commercial Antennas on Federal Property, published 06/16/97 (62 FR 32611), and provides all federal agencies with general guidelines and processes for implementing the Presidential memorandum of 08/10/95, entitled "Facilitating Access to Federal Property for the Siting of Mobile Services." This bulletin contains much of the same guidance as D-242 and includes updated information concerning the antenna siting program. All executive departments and agencies are requested to follow the guidelines and procedures including: determine extent and programmatic impact of placing commercially-owned antennas on its properties; review its rules, policies and procedures for allowing commercial use of its properties and modify, as necessary, to support siting of commercial telecommunications service antennas; and provide preliminary written response to any antenna siting request no later than 60 days after receipt of request. Other issues addressed in the

bulletin include: development of a uniform evaluation process, including timely response and an appeals process to facilitate and explain basic application process; site pricing to enable federal agencies to retain flexibility in establishing antenna rates; site security, access, and rights-of-way to identify roles and responsibilities of the federal government and wireless telecommunications service provider; and environmental and historic resource implications. For further information: Stanley C. Langfeld, Director, Regulations Management Division, Office of Government-wide Policy, 202- 501-1737, [stanley.langfeld@gsa.gov](mailto:stanley.langfeld@gsa.gov).

## Conferences and Events

**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>

**IN SITU AND ON-SITE BIOREMEDIATION SYMPOSIUM.** May 7-10. Baltimore, MD. The Ninth International In Situ and On-Site Bioremediation Symposium will integrate the latest developments in fundamental research with innovative

engineering applications. <http://www.battelle.org/environment/er/conferences/biosymp>

**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. <http://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>

**WORKSHOP: ADVANCING ENVIRONMENTAL HEALTH AND SAFETY USING LEAN AND SIX SIGMA.** May 22-23. Minneapolis, MN. The peer-led workshop will provide information on how to integrate Lean and Six Sigma with EHS to improve overall business performance. The workshop will provide an introduction to the concepts of Lean and Six Sigma, with special focus on how they can be integrated with EHS to drive additional productivity and efficiencies. Attendees will participate in interactive exercises and the workshop will highlight case study examples of how key concepts and tools are being applied at leading companies. [www.naem.org/lean6sigma.htm](http://www.naem.org/lean6sigma.htm)

**THE 2007 BUSINESS AND SUSTAINABILITY CONFERENCE SUSTAINABLE DEVELOPMENT: THE NEXT TWENTY YEARS.** May 30-June 1. Washington, DC. Business leaders look to the future of sustainable development and examine: emerging trends and issues; where new leaders are coming from; business resiliency and sustainability; and the appropriate role for business in a sustainable world. There is a pre-conference forum on water. [http://www.conference-board.org/pdf\\_free/agendas/985007.pdf](http://www.conference-board.org/pdf_free/agendas/985007.pdf)

**4TH NORTH AMERICAN RESERVOIR SYMPOSIUM: BALANCING FISHERIES MANAGEMENT AND WATER USES FOR IMPOUNDED RIVER SYSTEMS.** June 6-9. Atlanta, Georgia. The symposium will include a series of mini-symposia that address issues of critical need for reservoir habitat management, human dimensions aspects, implications of catch-and-release fishing, stock enhancement, and data analysis and interpretation. Collectively, the symposium and book that follows will provide a valuable resource for reservoir fisheries managers, anglers, and professionals in fields related to water allocation. In addition to invited and contributed papers, a free two-hour workshop entitled "Reservoir Habitat Initiative" will be conducted by the Association of Fish and Wildlife Agencies, and a dinner social will be held at the new Georgia Aquarium in downtown Atlanta. <http://www.sdaf.org/reservoir/symposium/index.html>

**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/>

**100th Annual Air and Waste Management Conference.** June 26-29. Pittsburgh, PA. Regardless of your role as an environmental professional, the 2007 program offers presentations on pertinent issues. The theme is "Energizing Environmental Solutions." <http://secure.awma.org/ACE2007/images/07Preliminary.pdf>

**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

FY07 Environmental courses available 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.

**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.

## Studies and Reports

**DISTRIBUTED GENERATION AND RATE-RELATED ISSUES.** (03/01/07, [72 FR 9318](http://www.federalregister.gov)) DOE issued a "Study of the Potential Benefits of Distributed Generation and Rate-Related Issues That May Impede Their Expansion" (DG Study), an analysis called for by Section 1817 of the Energy Policy Act of 2005 (EPA 2005). The DG study encompasses various forms of distributed energy technologies, ranging from those that produce only electricity to those that produce a combination of heat and power (CHP), installed at or near the point of use. DOE analyzed the impact of regulatory mandates, tariffs, rate structures and similar policies on the proliferation of distributed energy technologies. Specific areas of potential benefits covered by the DG study include: increased electric system reliability; reduction of peak power requirements; provision of ancillary services, including reactive power; improvements in power quality; reductions in land-use effects and rights-of-way acquisition costs; and reduction in vulnerability to terrorism and improvements in infrastructure resilience. The DG Study is available at: <http://www.oe.energy.gov/651.htm>. For further information: Mario Sculli, Department of Energy, National Energy Technology Laboratory, Pittsburgh, PA, [mario.sciulli@netl.doe.gov](mailto:mario.sciulli@netl.doe.gov).

**METALS RISK ASSESSMENT.** (03/08/07, [72 FR 10529](http://www.federalregister.gov)) USEPA issued the document "Framework for Metals Risk Assessment" (EPA 120/R-07/001, March 2007). The framework sets out a variety of principles that are general, fundamental properties of metals, which should be addressed and incorporated into all inorganic metals risk assessments (human health and ecological). The five overarching principles in the framework are: metals are naturally occurring constituents in the environment and vary in concentrations across geographic regions; all environmental media have naturally occurring mixtures of metals, and metals are often introduced into the environment as mixtures; some metals are essential for maintaining proper health of humans, animals, plants and microorganisms; metals, as chemical

elements, and unlike organic chemicals, are neither created nor destroyed by biological or chemical processes, although, these processes can transform metals from one species to another (valence states) and can convert them between inorganic and organic forms; and the absorption, distribution, transformation and excretion of a metal within an organism depends on the metal, the form of the metal or metal compound, and the organism's ability to regulate and/or store the metal. The document is available at: <http://www.epa.gov/osa/metalsframework>. For further information: Dr. Randall S. Wentzel, Risk Assessment Forum, EPA; (202) 564-3214 or [wentzel.randy@epa.gov](mailto:wentzel.randy@epa.gov).

**NATIONAL COASTAL CONDITION REPORT.** (03/09/07, [72 FR 10752](#)) USEPA released the draft National Coastal Condition Report III describing the condition of the Nation's coastal waters. The report is third in a series of environmental assessments of US coastal waters and the Great Lakes. The report represents a coordinated effort among USEPA, the National Oceanic and Atmospheric Administration (NOAA), the US Geological Survey (USGS), the US Fish and Wildlife Service (USFWS) and coastal States. It rates the overall condition of coastal waters from fair to poor, varying from region to region. Rating is based on five key indicators: water quality, sediment quality, benthic, coastal habitat and fish tissue contaminants indices. Comments are due 05/08/07. The draft report is available at: <http://www.epa.gov/owow/oceans/nccr3/downloads.html>. For further information: Barry Burgan, Ocean and Coastal Protection Division, Office of Water, EPA, Washington, DC, 202-566-1242 or [Burgan.Barry@epa.gov](mailto:Burgan.Barry@epa.gov).

**LEAD.** (03/16/07, [72 FR 12582](#)) USEPA released two new studies on exposures to lead hazards: Characterization of Dust Lead Levels after Renovation, Repair, and Painting Activities, by USEPA; and Lead-Safe Work Practices Survey Project, by the National Association of Home Builders (NAHB). On 01/10/006, USEPA proposed requirements to reduce exposure to lead hazards created by renovation, repair, and painting activities that disturb lead-based paint. The proposal supports attainment of the goal of eliminating childhood lead poisoning by 2010. USEPA is requesting comment and intends to consider the studies and public comment received as a result of this document in the development of the final Renovation, Repair, and Painting Program rule. Comments are due 04/16/07. For further information: Colby Lintner, Regulatory Coordinator, Office of Pollution Prevention and Toxics, EPA, (202) 554-1404, [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**TRI.** (03/22/07) USEPA released the 2005 Toxic Release Inventory (TRI) data. Facility-specific data was released September 2006 and the full national data released 03/22/07. Data shows progress is being made in reducing releases of several chemicals of special concern. For example, between 2004 and 2005 dioxin releases decreased by 23% and mercury releases fell by nine percent. TRI is a publicly available USEPA database that contains information on toxic chemical releases and other waste management activities reported annually by certain industry groups as well as federal facilities. TRI Data for 2005 is available at: [www.epa.gov/tri/tridata/tri05/index.htm](http://www.epa.gov/tri/tridata/tri05/index.htm). For further information: Suzanne Ackerman, (202) 564-4355, [ackerman.suzanne@epa.gov](mailto:ackerman.suzanne@epa.gov).

**PART 2 OF 2007 CADDIS.** (03/23/07, [72 FR 13789](#)) USEPA released for external review the draft of Part 2 of the 2007 release of the USEPA Web site, "Causal Analysis/Diagnosis Decision Information System (CADDIS)." CADDIS is based on USEPA's Stressor Identification process, a USEPA-recommended method for identifying causes of impairments in aquatic environments (e.g., excess fine sediments, nutrients, or toxic substances). The draft CADDIS 2007 Web site is at: <http://caddis.tetrattech-ffx.com>. For access enter the username "public" and the password "public." USEPA previously released the first sets of modules for review, which included information on six candidate causes: metals, sediments, nutrients, dissolved oxygen, thermal alteration, and ionic strength. Comment is invited on: two additional candidate cause models, altered flow rates and toxic substances; an interactive conceptual model for phosphorus; and added analytical methods, tools, and databases. Descriptive information on 10 analytical methods have been added to CADDIS 2007 including scatter plots, linear regression, predicting environmental conditions from biological observations, and species sensitivity distributions. Comments are due 04/23/07. For further information: Vic Serveiss, NCEA, (202) 564-3251, [serveiss.victor@epa.gov](mailto:serveiss.victor@epa.gov).

**PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE STRATEGY.** (03/20/07, [72 FR 13109](#)) The Department of Health and Human Services (HHS) issued a Public Health Emergency Medical Countermeasures Enterprise (PHEMCE) Strategy that establishes goals and objectives HHS will employ to ensure medical countermeasures are available for effective use against the highest priority chemical, biological, radiological, or nuclear (CBRN) threats. The HHS PHEMCE Strategy addresses deliberate use of CBRN and naturally emerging infectious diseases that have the potential to cause illness on a scale that could adversely impact national security. The strategy considers the full spectrum of medical countermeasures-related activities, including research, development, acquisition, storage/maintenance, deployment, and utilization. DoD will separately develop its medical countermeasure concept of operations for military populations and will work to integrate DoD medical countermeasure requirements and product development

plans with HHS strategies for addressing civilian requirements. For further information: Dr. Susan Collier, Policy Analyst, Office of Public Health Emergency Medical Countermeasures, Washington, DC, (202) 260-1200.

**NEPA COLLABORATION HANDBOOK.** (03/26/07, [72 FR 14103](#)) USEPA's Council on Environmental Quality (CEQ) developed a handbook to help improve the NEPA processes titled, "Collaboration in NEPA--A Handbook for NEPA Practitioners." The handbook outlines general principles, presents useful steps, and provides information on methods of collaboration. It also provides examples of Memoranda of Understanding, case studies, and resources for practitioners. Comments are due 05/04/07. The proposed handbook is available at: [http://ceq.eh.doe.gov/ntf/CitizenComments/Proposed\\_Collaboration\\_Handbook\\_03162007.pdf](http://ceq.eh.doe.gov/ntf/CitizenComments/Proposed_Collaboration_Handbook_03162007.pdf). For further information: Horst Greczmiel, 202-395-5750, [horst\\_greczmiel@ceq.eop.gov](mailto:horst_greczmiel@ceq.eop.gov).

**ARTIFICIAL REEFS.** (03/28/07, [72 FR 14526](#)) National Marine Fisheries Service (NMFS) revised the document entitled, "National Artificial Reef Plan (as Amended): Guidelines for siting, construction, development, and assessment of artificial reefs." The revised national plan provides information on the roles of federal, state, and local governments, interstate marine fisheries commissions, regional fishery management councils, and private citizens in artificial reef development; guidelines for siting, materials, design, construction, and management of artificial reefs; and information on regulatory and permitting requirements, liability issues, and research needs. The revised plan includes updated information on artificial reef activities and programs, and references useful sources of information for artificial reef development. The most significant changes occur in the section dealing with materials for artificial reef development. NOAA has not provided a link to download the revised plan. For further information: Christopher M. Moore, (301) 713-2379 ext. 165.

**PEAK OIL.** (03/29/07, [GAO-07-283](#)) The Government Accountability Office (GAO) issued a report addressing future oil supply: "Uncertainty about Future Oil Supply Makes It Important to Develop a Strategy for Addressing a Peak and Decline in Oil Production." The report notes that there is no coordinated federal strategy for reducing uncertainty about the peak's timing or mitigating its consequences. GAO recommends that the Secretary of Energy take the lead, in coordination with other relevant federal agencies, to establish a peak oil strategy. Such a strategy should include efforts to reduce uncertainty about the timing of a peak in oil production and provide timely advice to Congress about cost-effective measures to mitigate the potential consequences of a peak. In commenting on a draft of the report, the Departments of Energy (DOE) and the Interior generally agreed with the report and recommendations. For further information: Jim Wells, GAO, (202) 512-3841, [wellsj@gao.gov](mailto:wellsj@gao.gov).

## Federal Notices and Rulemaking

### Clean Air Act (CAA)

**HAPs.** (02/26/07, [72 FR 8427](#)) USEPA formally published the rule addressing control of hazardous air pollutants (HAPs) from mobile sources. The rule places controls on gasoline, passenger vehicles, and portable fuel containers (primarily gas cans) in order to reduce emissions of benzene and other HAPs ("mobile source air toxics") such as 1,3-butadiene, formaldehyde, acetaldehyde, acrolein, and naphthalene. The final rule limits benzene content of gasoline to an annual refinery average of 0.62% by volume, beginning 2011, credits will apply; established maximum average standard of 1.3% benzene content, by volume, to act as an upper limit for refineries beginning on 07/01/12; limits exhaust emissions of hydrocarbons from passenger vehicles operated at cold temperatures, phased in from 2010 to 2015; adopts evaporative emissions standards for passenger vehicles equivalent to those currently in effect in California; and adopts a hydrocarbon emissions standard for portable fuel containers to reduce evaporation, permeation, and spillage, beginning 2009. 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> and additional information is available at: <http://www.epa.gov/otaq/toxics.htm#regdocs>. The rule becomes effective 04/27/07. 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).

**CLEAN AIR LOCOMOTIVE AND MARINE DIESEL RULE.** (03/02/07) Prior to publication in the Federal Register, USEPA released text of a proposed rule setting more stringent exhaust emission standards and requiring use of advanced

technology to reduce emissions for locomotives and marine diesel engines less than 30 liters per cylinder. Proposed rule would significantly reduce emissions of diesel particulate matter (PM) and nitrogen oxide (NO<sub>x</sub>) emissions from such engines through a three-part program: 1) tightening emission standards for existing locomotives when remanufactured; 2) setting near-term engine-out emission standards, referred to as Tier 3 standards, for newly-built locomotives and marine diesel engines; and 3) setting longer-term standards, referred to as Tier 4 standards, for newly-built locomotives and marine diesel engines that reflect application of high-efficiency after treatment technology. The locomotive remanufacturing proposal would take effect as soon as certified systems are available, as early as 2008, but no later than 2010. Standards for new locomotive and marine diesel engines would phase-in starting in 2009 and long-term standards would phase-in beginning in 2014 for marine diesel engines and 2015 for locomotives. USEPA is proposing provisions to eliminate emissions from unnecessary locomotive idling and is asking for comment on a concept to reduce emissions from existing marine diesel engines when remanufactured. When fully implemented, PM and NO<sub>x</sub> emissions from such engines would be cut by 90% and 80% respectively. Comments are due 90 days from publication in the Federal Register. Proposed regulation is available at: <http://www.epa.gov/otaq/locomotv.htm#regs>. For further information: John Mueller, EPA, Office of Transportation and Air Quality, Assessment and Standards Division, EPA, Ann Arbor, MI, (734) 214-4275 or [Mueller.John@epa.gov](mailto:Mueller.John@epa.gov).

**SIGNIFICANT DETERIORATION AND NONATTAINMENT NSR.** (03/08/07, [72 FR 10445](#)) USEPA proposed revisions to the major new source review (NSR) program regulations to clarify "reasonable possibility" recordkeeping and reporting standard of the 2002 NSR reform rules. "Reasonable possibility" standard identifies for sources and reviewing authorities: circumstances under which a major stationary source, undergoing modification that does not trigger major NSR, must keep records; and recordkeeping and reporting requirements on such sources. To satisfy court remand, USEPA is proposing two alternative options to clarify what constitutes "reasonable possibility" and when "reasonable possibility" recordkeeping requirements apply. Options include a "percentage increase trigger" test under interim interpretation of "reasonable possibility" standard applies when USEPA concludes that change would result in projected actual emissions increases equal to or greater than 50% of applicable NSR significance level for any pollutant; and a "potential emissions trigger" test where USEPA would conclude there is reasonable possibility that changes would result in significant emissions increase if post-change potential to emit equals or exceeds NSR significance levels (even though the source opts to base determination as to whether NSR applies on projected actual emissions). The Percentage Increase Trigger is USEPA's preferred option. Comments are due 05/07/07. For further information: Lisa Sutton, Air Quality Policy Division, Office of Air Quality Planning and Standards, EPA, Research Triangle Park, NC, (919) 541-3450, [sutton.lisa@epa.gov](mailto:sutton.lisa@epa.gov).

**OZONE DAMAGING CHEMICALS.** (03/14/07) The US submitted a proposal to the United Nations Environment Program to adjust the Montreal Protocol, accelerating the phase-out of ozone damaging chemicals. The proposal includes four elements to be considered individually or as a package: accelerate the phase-out date of hydrochlorofluorocarbons (HCFCs) by 10 years; add interim reduction steps; set an earlier baseline; and phase out the most ozone layer damaging HCFCs as first priority. The proposals would accelerate existing efforts to address ozone layer protection, cleaner air, and climate change by calling on the global community to act more quickly in phasing out HCFCs. For further information: Jessica Emond, (202) 564-4355, [emond.jessica@epa.gov](mailto:emond.jessica@epa.gov). Full text document location: <http://www.epa.gov/ozone/intpol/montprotocolamend.html>. Proposal text: [http://ozone.unep.org/Meeting\\_Documents/oewg/27oewg/OEWG-27-8-Rv2E.pdf](http://ozone.unep.org/Meeting_Documents/oewg/27oewg/OEWG-27-8-Rv2E.pdf).

**DATA INFLUENCED BY EXCEPTIONAL EVENTS.** (03/22/07, [72 FR 13559](#)) USEPA issued a final rule governing review and handling of air quality monitoring data influenced by exceptional events for the purpose of determining air basin attainment status for National Ambient Air Quality Standards (NAAQS). Exceptional events are events for which normal planning and regulatory process established by CAA is not appropriate. USEPA is finalizing the proposal to: implement authority to exclude air quality monitoring data from regulatory determinations related to exceedences or violations of NAAQS; avoid designating an area as nonattainment, redesignating an area as nonattainment, or reclassifying an existing nonattainment area to higher classification if a state adequately demonstrates an exceptional event caused an exceedance or violation of a NAAQS; and require states to take reasonable measures to mitigate impacts of an exceptional event. An exceptional event that affects air quality is defined as: not reasonably controllable or preventable; a natural event or event caused by human activity that is unlikely to recur at a particular location; and an event determined by USEPA to be an exceptional event. The rule becomes effective 05/21/07. For further information: Larry D. Wallace, PhD, Office of Air Quality Planning and Standards, Air Quality Policy Division, (919) 541-0906, [wallace.larry@epa.gov](mailto:wallace.larry@epa.gov).

**OZONE DEPLETING SUBSTITUTES.** (03/28/07, [72 FR 14432](#)) USEPA determined that HCFC-22 and HCFC-142b are unacceptable for as in the foam sector under the Significant New Alternatives Policy (SNAP) program. HCFC-22 and HCFC-142b are unacceptable as substitutes for: HCFC-141b in commercial refrigeration, sandwich panels, and slabstock and "other" rigid polyurethane foams; and CFCs in all foam end-uses. USEPA established a grandfathering period for users of HCFC-22 and HCFC-142b to implement alternatives for: pour foam applications, including commercial refrigeration, sandwich panels, and slabstock and "other" rigid polyurethane foams other than foam for marine applications, until 03/01/08; foam blowing agents in manufacture of foam for marine applications (e.g., flotation foam) will be allowed to continue use of these blowing agents until 09/01/09; and extruded polystyrene (XPS) foam and all other foam end uses will be allowed until 01/01/10. Regarding pour foam end uses and applications, information received by USEPA since 2002 demonstrates that several SNAP-approved, non-ozone depleting substances alternatives including hydrocarbons, HFC-245fa, HFC-134a, methyl formate and water, are widely available, technically viable, and sold in the market today. The final rule becomes effective 05/29/07. For further information: Jeff Cohen, Stratospheric Protection Division, Office of Atmospheric Programs, EPA, Washington, DC, (202) 343-9005, [cohen.jeff@epa.gov](mailto:cohen.jeff@epa.gov).

**RISK AND TECHNOLOGY REVIEW.** (03/29/07, [72 FR 14734](#)) USEPA requested comments, technical corrections, and updates on HAP emissions and other model input data for use in assessing residual risk for 22 industrial major source categories subject to 12 NESHAPs. The emissions and source data USEPA will use is located at the Risk and Technology Review Web site: <http://www.epa.gov/ttn/atw/risk/rtrpg.html>, which includes source category descriptions and detailed emissions and other data provided by selected individual major source facilities that will be used as model inputs. USEPA will use the results of risk estimates along with review of control technology as the basis for decisions on whether to propose additional standards to address residual risk for each source category. USEPA conducted technology reviews and promulgated residual risk standards for eight individual NESHAP and associated source categories. In an effort to streamline the process, USEPA plans to address residual risk and perform a technology review for several source categories in one combined effort. While the standard review and development process will be streamlined, each source category will be assessed independently and decisions on the level of any standards will be made individually for each source category. Entities potentially affected include aerospace manufacturing and rework facilities, marine tank vessel loading operations, natural gas transmission and storage, oil and natural gas production, and shipbuilding and ship repair operations. Comments are due 05/29/07. For further information: Paula Hirtz, Office and Air Quality Planning and Standards, EPA, Research Triangle Park, NC, (919) 541-2618, [hirtz.paula@epa.gov](mailto:hirtz.paula@epa.gov).

## Clean Water Act (CWA)

**NATIONWIDE PERMITS.** (03/12/07, [72 FR 11091](#)) The US Army Corps of Engineers (USACE) is reissuing all existing nationwide permits (NWP), general conditions, and definitions, with some modifications. USACE is issuing six new NWPs, two new general conditions, and 13 new definitions: NWP 45. Repair of Uplands Damaged by Discrete Events; NWP 46. Discharges in Ditches; NWP 47. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs; NWP 48. Existing Commercial Shellfish Aquaculture Activities; NWP 49. Coal Remining Activities; NWP 50. Underground Coal Mining Activities; GC 25. Transfer of Nationwide Permit Verifications; and GC 28. Single and Complete Project. The effective date for new and reissued NWPs was 03/19/07; NWPs will expire 03/18/12. NWPs will protect the aquatic environment and public interest, while effectively authorizing activities that have minimal individual and cumulative adverse effects on the aquatic environment. For further information: Mr. David Olson at (202) 761-4922, [david.b.olson@usace.army.mil](mailto:david.b.olson@usace.army.mil).

**TEST PROCEDURES.** (03/12/07, [72 FR 11199](#)) USEPA modified approved analysis and sampling procedures in CWA and Safe Drinking Water Act (SDWA). CAA changes include: new vendor-developed methods; new USEPA and voluntary consensus standard bodies (VCSB) methods; updated versions of currently approved methods; revisions to method modification and analytical requirements; withdrawal of certain outdated methods; and changes to sample collection, preservation, and holding time requirements. SDWA changes include: approval of vendor-developed methods; new USEPA and VCSB methods; updated VCSB methods; and approval of a modification to the test kit used with Syngenta Method AG-625 that restricts its use in certain circumstances. Changes are being made to increase flexibility in selection of analytical methods for the regulated community and laboratories. The rule becomes effective 04/11/07. For further wastewater information: Meghan Hessenauer, EPA Office of Science and Technology, (202) 566-1040, [hessenauer.meghan@epa.gov](mailto:hessenauer.meghan@epa.gov). Drinking water information: Patricia Snyder Fair, EPA Office of Ground Water and Drinking Water, 513-569-7937, [fair.pat@epa.gov](mailto:fair.pat@epa.gov).

**ANALYTICAL METHODS FOR BIOLOGICAL POLLUTANTS.** (03/26/07, [72 FR 14219](#)) USEPA approved five E. coli and two enterococci methods for monitoring microbial pollutants in wastewaters, and two fecal coliform and one Salmonella method for monitoring microbial pollutants in sewage sludge (biosolids). The new methods include USEPA methods, vendor-developed methods and methods developed by voluntary consensus bodies and as updated versions of currently approved methods. USEPA approved both membrane filter and multiple-tube fermentation methods for E. coli and enterococci bacteria in wastewater, and multiple-tube fermentation methods for fecal coliforms and Salmonella in sewage sludge. The regulation becomes effective 04/25/07. For further information: Robin K. Oshiro, Engineering and Analysis Division, USEPA Office of Science and Technology, Washington, DC, 202-566-1075, [oshiro.rob@epa.gov](mailto:oshiro.rob@epa.gov).

## Climate Change and Energy

**HYDROPOWER PLANTS.** (03/01/07, [72 FR 9281](#)) The Federal Energy Regulatory Commission (FERC) is inviting comments on its procedures, regarding treatment of preliminary permits under Part I of the Federal Power Act for wave, current, and instream new technology hydropower projects. FERC seeks comment on standard of review to be applied to applications for preliminary permits for ocean wave, tidal, and other non-traditional hydropower projects, and how to regulate those permits during FERC terms. FERC has seen increased interest in new hydroelectric technologies that would utilize ocean waves, tides, and currents from free-flowing rivers, evidenced by a surge in applications for preliminary permits to study such projects. FERC issued 11 preliminary permits for projects of this type: three for proposed tidal energy projects (in New York, Washington, and California), and eight for proposed ocean current energy projects (off the coast of Florida). Over 40 preliminary permit applications for ocean projects are currently pending before FERC, all of which were filed since March 2006. Comments are due 04/30/07. For further information: William Guey-Lee, Federal Energy Regulatory Commission Office of Energy Projects, Washington, DC, (202) 502- 6064.

**EFFICIENCY STANDARDS.** (03/07/07, [72 FR 10038](#)) DOE considered amendments to efficiency standards in the Energy Policy and Conservation Act (EPCA) for various commercial heating, air-conditioning, and water-heating equipment. DOE decided not to amend standards for: large commercial packaged boilers (greater than 2.5 million Btu/h) and gas-fired instantaneous water heaters because ASHRAE/IESNA Standard 90.1-1999 did not amend levels for such products; small commercial packaged boilers (greater than 300,000 Btu/h and less than or equal to 2.5 million Btu/h) because the ASHRAE/IESNA Standard 90.1-1999 levels are less stringent than existing EPCA standards; three-phase air conditioners and heat pumps (less than 65,000 Btu/h) due to lack of authority; single-package vertical air conditioners and single-package vertical heat pumps (less than 65,000 Btu/h) due to lack of authority; and single-package vertical air conditioners and single-package vertical heat pumps (greater than or equal to 65,000 Btu/h and less than 240,000 Btu/h) because DOE has determined such products are covered by standards established by the Energy Policy Act of 2005. DOE will conduct a separate rulemaking to consider whether standards at higher levels than those in the ASHRAE/IESNA Standard 90.1-1999 are warranted for packaged terminal air conditioners and packaged terminal heat pumps. For further information: Maureen Murphy, Office of Energy Efficiency and Renewable Energy, Washington, DC; (202) 586-0598, or [Maureen.Murphy@ee.doe.gov](mailto:Maureen.Murphy@ee.doe.gov).

**REPLACEMENT FUEL GOAL.** (03/15/07, 72 FR 12041) DOE determined that the goal of replacing 30% of US motor fuel production by replacement fuels by 2010 was not achievable. DOE is relaxing the schedule to target that goal by 2030. "Replacement fuel" is defined by EPA Act 1992 to mean "the portion of any motor fuel that is methanol, ethanol, or other alcohols, natural gas, liquefied petroleum gas, hydrogen, coal derived liquids, fuels (other than alcohols) derived from biological materials, electricity (including electricity from solar energy), ethers," or any other fuel the Secretary determines meets certain statutory requirements (42 U.S.C. 13211(14)). "Alternative fuel" is defined to include many of the same types of fuels, but also includes certain "mixtures" of petroleum-based fuels and other fuels as long as the "mixture" is "substantially not petroleum" (42 U.S.C. 13211(2) and 10 CFR 490.2). Thus, a certain mixture might constitute an "alternative fuel," but only the portion of the fuel that falls within the definition of "replacement fuel" would actually constitute a "replacement fuel." For example, M85, a mixture of 85 percent methanol and 15 percent gasoline, would, in its entirety, constitute an "alternative fuel," but only the 85 percent that was methanol would constitute "replacement fuel." The rule becomes effective 06/01/07. For further information: Dana V. O'Hara, Office of Energy Efficiency and Renewable Energy, Department of Energy, Washington, DC, (202) 586-9171, [regulatory\\_info@afdc.nrel.gov](mailto:regulatory_info@afdc.nrel.gov).

## Natural and Cultural Resources

**MIGRATORY BIRDS.** (02/28/07, [72 FR 8931](#)) The US Fish and Wildlife Service (USFWS) released a rule to authorize incidental taking of migratory birds (with limitations) that result from military readiness activities of the Armed Forces. Military readiness activity includes training and operations of the Armed Forces (to include Coast Guard and National Guard of any state) that relate to combat and the adequate and realistic testing of military equipment, vehicles, weapons, and sensors. If any of the Armed Forces determines that a proposed or ongoing military readiness activity may result in significant adverse effect on the sustainability of a migratory bird species population, they must confer and cooperate with USFWS to develop appropriate and reasonable conservation measures to minimize or mitigate identified adverse effects. If an individual military readiness action by the Armed Forces or the cumulative impacts of multiple activities may result in such impact, then NEPA analysis is required. The rule does not authorize take of a federally listed or proposed species. The Secretary of the Interior may withdraw or suspend authorization for particular activities in appropriate circumstances. The rule became effective 03/30/07. For further information: Robert Blohm, Division of Migratory Bird Management, Fish and Wildlife Service, (703)358-1714.

**EGGERT'S SUNFLOWER.** (03/12/07, [72 FR 11046](#)) USFWS released the Post-delisting Monitoring Plan for Eggert's sunflower (*Helianthus eggertii*). The status of Eggert's sunflower will be monitored over a 5-year period from 2006 through 2010 to include: annual evaluation of information routinely collected by 7 agencies that entered into long-term management agreements with USFWS covering 27 populations of Eggert's sunflowers; and a total census of the populations during the 2nd and 5th year of the monitoring period. Eggert's sunflower is found in Alabama, Kentucky, and Tennessee. The species is commonly associated with the barrens/woodland ecosystem on rolling-to-flat uplands and in full sun or partial shade. It is often found in open fields or in thickets along woodland borders and with other tall herbs and small trees. It persists in, and may even invade, roadsides, power line rights-of-way, or fields that have suitable open habitat. The Monitoring Plan is available at: <http://www.fws.gov/cookeville>. For further information: Geoff Call, Recovery Coordinator, [geoff\\_call@fws.gov](mailto:geoff_call@fws.gov), (931) 528- 6481, ext 213.

**MIGRATORY BIRDS.** (03/22/07, [72 FR 13459](#)) USFWS proposed clarifications to rules governing resident Canada goose management finalized 08/10/06 (71 FR 45963). Among other changes, USFWS proposes to clarify interpretation of the 3-mile radius restriction on resident Canada goose activities at airports and military airfields by inserting the term "boundary" Thus, resident Canada goose management activities at airports and military airfields would be restricted to a radius of 3 miles from the airports' boundaries. For further information: Robert Blohm, Chief, Division of Migratory Bird Management, or Ron Kokel, FWS, Arlington, Virginia, (703) 358-1714.

**AMERICAN CROCODILE DPS.** (03/20/07, [72 FR 13027](#)) USFWS reclassified the American crocodile (*Crocodylus acutus*) distinct vertebrate population segment (DPS) in Florida from endangered to threatened. Endangered designation no longer correctly reflects current status of this DPS due to substantial improvement in the species' status. Action is based on review of all available data, which indicate, for example, that since listing in 1975, the American crocodile population in Florida has more than doubled and its distribution has expanded. Land acquisition has provided protection for many important nesting areas. The status of the American crocodile throughout the remainder of its range will remain endangered. The final rule becomes effective 04/19/07. For further information: Cindy Schulz, South Florida Ecological Services Office, (772) 562-3909, ext. 305.

**MIGRATORY BIRDS.** (03/26/07, [72 FR 14066](#)) USFWS proposed to amend 50 CFR part 21 to allow removal of migratory birds from within buildings in which birds may pose a threat to themselves, public health and safety, or commercial interests. USFWS proposes to allow the removal of any migratory bird, except a threatened or endangered species, bald eagle, or golden eagle, from any building in which a bird might be trapped, without requiring a migratory bird permit to do so. The bird must be captured using a humane method and promptly released to the wild. Regulation does not allow removal of birds or nests from the outside of buildings without a permit. A list of migratory bird species protected by the Migratory Bird Treaty Act can be found at 50 CFR 10.13. Comments are due 05/25/07. For further information: George T. Allen, Wildlife Biologist, FWS, Division of Migratory Bird Management, Arlington, VA, 703-358-1825.

**SOUTH FLORIDA MULTI-SPECIES RECOVERY PLAN.** (03/26/07, [72 FR 14132](#)) USFWS issued the implementation schedule for the South Florida Multi-Species Recovery Plan (MSRP). The MSRP, as approved in 1999, included a discussion of need for coordinated effort to develop an implementation schedule. The schedule prioritizes recovery tasks as described in the MSRP on a community level, and identifies associated participating parties, time frames, and costs necessary to

accomplish those tasks. Species in the schedule include various mammals, birds, reptiles, invertebrates and plants. The final implementation schedule is available at: [http://www.fws.gov/verobeach/WhatsNew/Press\\_release/20061227%20final%20implementation%20schedule.pdf](http://www.fws.gov/verobeach/WhatsNew/Press_release/20061227%20final%20implementation%20schedule.pdf). For further information: Cindy Schulz at the South Florida Ecological Services Office, (772) 562-3909, ext. 305.

## Resource Conservation and Recovery Act (RCRA)

**DEFINITION OF SOLID WASTE.** (03/12/07, [72 FR 14171](#)) USEPA issued a proposed rule to modify the definition of solid waste rule to exclude certain hazardous secondary materials and provide for recycling of such materials as solvents, metals, and certain other chemicals. The proposed rule provides exclusions for materials generated and reclaimed under control of the generator; materials generated and transferred to another person or company for reclamation under specific conditions; and materials that USEPA deems nonwaste through a case-by-case petition process. The proposal defines legitimate recycling activities, which would ensure that only authentic recycling, and not treatment or disposal under the guise of recycling, receives the benefits of streamlined regulations. In order to be legitimately recycled, the material must provide a useful contribution to the recycling process and recycling must make a valuable new product. Recycled material must be managed as a valuable product and must not contain toxic constituents at significantly greater levels than non-recycled product. Materials inherently wastelike, used in a manner constituting disposal, or burned for energy recovery would not be eligible. Comments are due 05/25/07. For further information: Marilyn Goode, Office of Solid Waste, Hazardous Waste Identification Division, EPA, (703) 308-8800, [goode.marilyn@epa.gov](mailto:goode.marilyn@epa.gov). Full text document location: <http://www.epa.gov/epaoswer/hazwaste/dsw/abr.htm>.

## Safe Drinking Water Act (SDWA)

**LT2 ENHANCED SURFACE WATER TREATMENT RULE AND STAGE 2 DBP RULE.** (03/16/07) USEPA issued two new microbial pathogens and disinfection byproducts guidance documents for small surface water systems. "Complying with the Long Term 2 (LT2) Enhanced Surface Water Treatment Rule: Small Entity Compliance Guide" contains general introduction and background for the LT2 rule, describes specific requirements of the LT2 rule, and provides information on how to comply with those requirements. "Complying with the Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR): Small Entity Compliance Guide" describes requirements of the rule that apply to small systems (those serving fewer than 10,000 people), and provides step-by-step guidance on how small systems can comply with Stage 2 DBPR requirements. The guides are available at: [http://www.epa.gov/safewater/disinfection/lt2/pdfs/contacts\\_lt2\\_compliancehelp.pdf](http://www.epa.gov/safewater/disinfection/lt2/pdfs/contacts_lt2_compliancehelp.pdf) and [http://www.epa.gov/safewater/disinfection/lt2/pdfs/guide\\_lt2\\_stepguide\\_smallentitycomplianceguide.pdf](http://www.epa.gov/safewater/disinfection/lt2/pdfs/guide_lt2_stepguide_smallentitycomplianceguide.pdf). Full text document location: <http://www.epa.gov/epahome/recentadditions.htm>.

# State Laws and Rulemaking

## Alabama



### *Final Rules*

**VOLUNTARY PROPERTY ASSESSMENT PLANS.** (335-15-4-.03 and 335-15-4-.04) The Alabama Department of Environmental Management (ADEM) added language in Chapter 335-15-4 to require delineation of contamination at sites and to require a certain level of remediation at these sites. The amendments became effective 09/19/06.

Final Regulations:

<http://www.alabamaadministrativecode.state.al.us/docs/adem/Microsoft%20Word%20-%2015adem4.pdf>

Rule Development:

Contact: Larry Norris (334) 271-7994.

### *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

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>  
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.

**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 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.** (Division 6, 335-6-15) ADEM is discussing amendments to underground storage tank (UST) regulations that would adopt UST Compliance Act (USTCA) to meet the secondary containment requirements. ADEM will hold a public hearing, and written comments are due 05/07/07 on proposed secondary containment regulations. ADEM anticipates that the rule will be final August 2007. Once secondary containment requirements are in place, ADEM will begin delivery prohibition regulations, and hopes to have those rules final by the end of 2007. Operator training requirements are not required to be in place until August 2009.

Public Hearing Information (as of 03/19/07 not yet posted):  
<http://www.adem.state.al.us/PubHearings/PubHearings.htm>  
Contact: Craig Holts (334) 271-7823.

# 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.

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. Draft Management Plans for the Florida Manatee and Gopher Tortoise have 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)

Florida Administrative Weekly 11/22/06:

<http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2006/3247/3247DOC.pdf> (page 151 of 154)

Florida Administrative Weekly 02/16/07: <http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2007/3307/SECTXII.pdf> (page 13 of 15)

Contact: James Antista (850)487-1764.

# Georgia



## 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>

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 July 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. The rules will not be sent to the legislature for review.

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 NO<sub>x</sub> 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 SO<sub>2</sub> 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)

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)

Natural Resources Board Meeting Summary: [http://www.gadnr.org/minutes/board20070228\\_summary.pdf](http://www.gadnr.org/minutes/board20070228_summary.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.

**DIESEL IDLING RULES.** GAEPD is developing a rule to address diesel idling. No decisions have been made regarding the content of the rule. GAEPD is preparing an informational background document for use during the stakeholder process and held stakeholder meetings late March 2007. Contact: Richard McDonald (404) 362-2602.

# Kentucky

## Final Rules



**STREAM CONSTRUCTION CRITERIA.** (401 KAR 4:060) The Kentucky Department of Environmental Protection (KDEP) amended the stream construction criteria regulations designed to ensure wise use of flood plains and flood prone areas and protect public safety and welfare by preventing flood damage and increased flood levels. Amendments require development in flood plains and flood prone areas be done in a manner that precludes flood damages and will not unduly increase flood levels. Regulations will be administered through the permitting program. KDEP held a public hearing 10/23/06. Written comments were due 10/31/06. The amendment was deferred until the Administrative Regulation Review Subcommittee (ARRS) held a public meeting 12/12/06. Regulations were approved by ARRS at a public meeting 01/09/07 and became effective 03/09/07.  
Contact: David W. Morgan (502) 564-3410.

## Proposed Rules

**HAZARDOUS WASTE RULES.** (401 KAR 31:005 et seq.) 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 briefed the Cabinet Secretary on proposed regulations. 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. KDEP is creating a response to the comments received and the information will be filed no later than 04/15/07, in order for the rules to appear on the May ARRS hearing docket and the June Agriculture and Natural Resources Interim Joint Committee agenda. Depending on whether regulations are placed on the June Natural Resources agenda, rules will become effective between the adjournment of the June meeting and 30 days after 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.

**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 held 07/26/06 with comments received 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>

Contact: Chris Hall (502) 573-3382.

**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 held a public hearing

12/21/06. Written comments were due 01/02/07. The regulations were addressed at a public meeting of the AARS 03/13/07. The rules, as amended after comments, have been published in the Kentucky Administrative Register. 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.

**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. Sections 210 and 230 became effective 02/02/07. A public hearing was held 03/28/07 on Section 220, which is more stringent than the federal rule. Comments were due 04/02/07.

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)

Contact: Candy Montgomery (502) 573-3382.

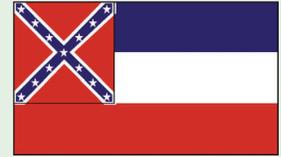
**ASSUMPTION OF 404 WETLAND PERMITTING AUTHORITY.** KDEP is discussing development of implementing rules for the 404 wetlands permitting program. The state is currently in the process of assuming permitting responsibility from the Corps of Engineers and is examining what rules may be necessary to implement the program at the state level. KDEP reported that Secretary Wilcher formed a Task Force to discuss the issue and eventually draft regulations. The Task Force published a Status Report on KDEP's website 01/03/06. If decision is made to promulgate regulations to support the Task Force's recommendations, KDEP would initiate the formal rulemaking process. It was anticipated that the whole process, including USEPA approval, would take a minimum of two years. KDEP has suspended activity in the area until the scope of federal jurisdiction has been made clear. Environmental and Public Protection Cabinet's Status Report to the General Assembly on the Kentucky Clean Water Act Section 404 Task Force, December 2005 (includes draft recommendations) (Status Report):

[http://www.water.ky.gov/NR/rdonlyres/0738B4E3-39B6-47A6-956E-797B0ECE408E/0/404EPPC\\_Final\\_Report.pdf](http://www.water.ky.gov/NR/rdonlyres/0738B4E3-39B6-47A6-956E-797B0ECE408E/0/404EPPC_Final_Report.pdf)

Department's 404 Task Force Website: <http://www.water.ky.gov/taskforce/>

Contact: Amanda Waters (502) 564-3350.

# 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.

**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.

**UNDERGROUND STORAGE TANK COMPLIANCE ACT.** MSDEQ is discussing adoption of the federal Underground Storage Tank Compliance Act (USTCA). States must implement the USTCA in order to receive federal grant money. MSDEQ is currently working on the review process for drafting the regulatory changes and does not expect to promulgate the rules until July 2008. Contact: Kevin Henderson (601) 961-5283.

# North Carolina



## *Final Rules*

**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 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. Rules became effective 01/01/07.  
Contact: Thom Allen (919) 733-1489.

## *Proposed Rules*

**WASTEWATER/GROUNDWATER TREATMENT.** (NPDES General Permit No. NCG510000) The Environmental Review Commission (ERC) is proposing to reissue 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.  
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, 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/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.  
May 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 was held 03/14/07 and written comments will be 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

### *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. 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.

Public Notice and Draft Text: <http://www.scstatehouse.net/reggs/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. MSDEQ analyzed data from a project conducted in Greenville and contacted USEPA regarding the results. USEPA suggested that MSDEQ collect one more year of data. MSDEQ has collected the data and should have the review complete by the June 2007 deadline. Contact: Robert Brown (803) 898-4105.

**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. Staff held an informational forum 02/26/07. Written comments were due 02/26/07. SCDHEC is reviewing comments received and may make changes to the proposed rule. A public hearing will be held 04/12/07 at the regularly scheduled meeting of the Board of Health and Environmental Control. 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/Climate, Energy and Commerce Advisory Committee.pdf>

**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 were 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.

**WATER ADMINISTRATIVE PROCEDURES.** The SC Public Service Commission (SCPSC) is proposing to amend 26 S.C. Code Ann. Regs. 103-500 et seq. and 26 S.C. Code Ann. Regs. 103-700 et seq. governing wastewater and water utilities to conform to 2004 S.C. Acts No. 175. The 2004 Act restructured SCPSC and created the Office of Regulatory Staff (ORS). Several duties of SCPSC were transferred to ORS 01/01/05. SCPSC accepted written comments until 02/28/06 and a public workshop was held 04/27/06. SCPSC held a formal public hearing 05/04/06. The amendments are at the legislature for review. It is anticipated amendments will become effective upon publishing June 2007. Contact: Willie Morgan (803) 737-0827.

**USTCA.** SCDHEC is discussing regulations to adopt the federal USTCA. States must adopt the USTCA or equivalent regulations in order to receive federal grant money. SCDHEC regulations are compliant with most USTCA requirements, except for secondary containment or financial responsibility. SCDHEC plans to adopt requirements for secondary containment, but not financial responsibility. SCDHEC will address operator training requirements once final guidance on the topic is released by USEPA. Training requirements must be met by states 2 years from the date of USEPA guidance. SCDHEC plans to publish a Notice of Drafting in April and to hold a series of public meetings in April and May 2007. SCDHEC hopes to have proposed amendments completed by the end of 2007 to submit them to the General Assembly during the next legislative session beginning in 2008. Contact: Bob Hutchinson (803) 896-6390.

**TRIENNIAL REVIEW OF WATER CLASSIFICATIONS AND STANDARDS.** SCDHEC is proposing to amend water classifications and standards and classified waters regulations as part of the federally mandated triennial review. Revisions would include revisions to reflect the most current criteria according to 304(a) and 307(a) of CWA; review and revise bacteriological indicator for protection of recreational uses; add or revise definitions; review site-specific dissolved oxygen standard for portions of the Savannah River; review and revise arsenic criteria; and make grammar and style

changes to rule language. Revisions would require legislative review. Comments were due 02/26/07. SCDHEC held a stakeholder meeting 03/15/07 and plans to hold several more stakeholder meetings this spring and summer. SCDHEC plans to present amendments to the Department of Health and Environmental Control Board no later than September 2007. Contact: Amy M. Bennett (803) 898-4249.

## Tennessee

### *Proposed Rules*



**WATER/RULES REVISION.** (1200-4-7) The Tennessee Department of Environmental Control (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. 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. 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. 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 and were scheduled for release fall 2006. 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. 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.

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. Contact: Jeff Cales (931) 432-7621.