



The Southern Region Review



Region 4 Edition

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

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

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The Southern Region Review is published electronically each month. To receive this publication, please send an email request to rebecca.shanks@sreo.army.mil with "Subscription" as the subject. Please include contact name and email address in the body of the message.

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

Announcements

2007 REGION 4 EPA-DoD-STATES ENVIRONMENTAL CONFERENCE. The SREO would like to announce the 2007 Region 4 EPA-DoD-States Environmental Conference to be held June 18-21 at the Sheraton Gateway Hotel Atlanta Airport, 1900 Sullivan Road, Atlanta, Georgia 30337. The 11th year joint environmental Conference will be themed "Sustain the Mission- Preserve Our Environment- Secure Our Future" and will focus on various aspects of regional transformation and growth to collectively address challenges and opportunities. Plenary sessions, tracks and workshops will focus on sustainable development, innovative technologies to preserve and protect the environment, tools to better manage lands, initiatives to conserve energy and actions to protect natural resource heritage. [The Region 4 Environmental Conference website](#) provides specific information on the program, hotel arrangements and conference registration and will be operational by 05/11/07.

SUPREME COURT RULES ON GLOBAL WARMING CASE. (04/02/07) The Supreme Court released a decision in the suit over USEPA authority and responsibility to regulate carbon dioxide (CO₂) as a pollutant (Massachusetts v. EPA). In a 5-4 decision the court validated the states (petitioner's) standing to sue; determined that CAA gives USEPA authority to regulate CO₂ emissions and other greenhouse gases from cars; and ordered USEPA to re-evaluate the position that it has discretion not to regulate vehicle greenhouse gas emissions. The court said USEPA has so far provided a "laundry list" of reasons for why it has discretion not to regulate emissions that include foreign policy considerations, and added that USEPA must tie its rationale more closely to CAA. Justice John Paul Stevens, writing for the court majority, rejected USEPA's argument that it lacked the power to regulate such emissions and said USEPA's decision was "arbitrary,

capricious or otherwise not in accordance with law." In sending the case back for further proceedings, Stevens said the high court did not decide which policy USEPA must follow. "We hold only that EPA must ground its reasons for action or inaction in the statute," he wrote. This case and other global warming cases in the courts can be grouped into four categories: CAA authority litigation (e.g., Massachusetts v. EPA); NEPA Litigation (claims that government agencies have not analyzed the impact of actions with respect to contributions to global warming, and also, claims that NEPA analysis has been faulty because it only considered current environmental conditions as the baseline rather than also considering how climate change might present altered conditions in the future); Nuisance Litigation (suits against power plants or automobile manufacturers under common law nuisance doctrine for damages attributable to greenhouse gas emissions or those of their products); and Preemption Litigation (suits seeking to bar states from regulating greenhouse gas emissions). A summary of recent litigation is available at: http://www.law.stanford.edu/program/centers/enrlp/pdf/GlobalWarmingLit_CourtsReport.pdf.

Full text document location: <http://abcnews.go.com/Politics/story?id=3000959&page=1>

EXECUTIVE ORDER 13423. (04/02/07) The Council on Environmental Quality (CEQ) issued the final version of initial implementing instructions for Executive Order (EO) 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," to federal agencies. Instructions provide detail and direction to agencies regarding work necessary to fulfill goals and requirements of the EO. In implementing the policy, goals and objectives of EO 13423, agencies shall apply the following overarching directives: environmental management systems; environmental compliance; life-cycle costs; performance evaluations; and award programs. The instruction is available at: http://www.fedcenter.gov/kd/go.cfm?destination=ShowItem&Item_ID=6825. Full text document location: http://www.fedcenter.gov/Announcements/index.cfm?id=6826&pge_id=1854

Conferences and Events

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

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

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

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.sdafs.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>

61ST ANNUAL MEETING OF THE SOUTHERN LEGISLATIVE CONFERENCE. July 14-18, 2007. Williamsburg, VA. Perhaps the most valuable aspect of the SLC Annual Meeting is the opportunity for members to meet and exchange ideas, both during committee sessions and informally throughout the meeting. The m is a unique opportunity to learn about activities from across the region and to share successes and concerns with policymakers from throughout the South. http://www.slcatlanta.org/meetings/Virginia07/VA2007_home.html

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/>

NCSL'S STRONG STATES STRONG NATION 2007. August 5-10. Boston, MA. The State Legislative Summit is the largest, most prestigious and balanced meeting state lawmakers and staff can attend anywhere in the nation, and it is hosted by the National Conference of State Legislatures. <http://www.ncsl.org/annualmeeting/>

2007 ANNUAL MEETING OF THE ASSOCIATION OF FISH AND WILDLIFE AGENCIES. September 16-21. Louisville, KY. Hosted by the Kentucky Department of Fish and Wildlife Resources, the Association of Fish and Wildlife Agencies invites you to join us at the 2007 annual meeting. Share in the accomplishments and examine the challenges of the fish and wildlife management business and develop new relationships within the Association and the industry to create proactive strategies for wildlife management in the 21st Century. Expect new and up-to-date information for committee and

working group meetings in addition to dynamic speakers of interest to all attendees.

<http://www.fishwildlife.org/annualmeet.html>

AIR QUALITY VI CONFERENCE. September 24-26. Arlington, VA. In their sixth year of partnership, the Energy and Environmental Research Center's Center for Air Toxic Metals (CATM), DOE's National Energy Technology Laboratory, USEPA, and the Electric Power Research Institute, Inc., present the nation's premier international conference on the current state of science and policy on mercury, trace elements, SO₃, particulate matter, and greenhouse gases in the environment. The event will focus on: air quality impacts on policy, health and ecosystems, emission prevention and control, measurement methods and atmospheric reactions and modeling, and greenhouse gas issues.

<http://www.environmental-expert.com/events/undeerc-aqvi/undeerc-aqvi.htm>

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.

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.

DEFENSE HAZARDOUS MATERIALS/WASTE HANDLING COURSE. August 27-29. Fort Benning, GA.

DEFENSE HAZARDOUS MATERIALS/WASTE HANDLING COURSE. September 11-13. Fort Campbell, KY.

The FY2008 US Army Corps of Engineers (USACE) Training program is now available and open for registration through June 15. Click on the link associated with the course for course description, location, date and costs. Contact Sandi Zebrowski, (402)697-2562 or sandi.m.zebrowski@usace.army.mil for specific questions regarding the courses.

INITIAL HAZARDOUS WASTE MANIFESTING DOT CERTIFICATION

<http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=223>

HAZARDOUS WASTE MANIFESTING REFRESHER/DOT RECERTIFICATION

<http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=429>

INITIAL RADIOACTIVE WASTE TRANSPORTATION/DOT CERTIFICATION

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=441>

RADIOACTIVE WASTE MANIFESTING/DOT RECERTIFICATION

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=430>

THE COMPLETE RCRA COURSE

<http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=156>

ENVIRONMENTAL REGULATIONS PRACTICAL APPLICATION

<http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=398>

CERCLA/RCRA REMEDIATION PROCESSES

<http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=356>

CLEAN AIR ACT

<http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=443>

If these courses are required, it is imperative to register at survey time to ensure a seat. Payment is not required until 60 days prior to the course. Courses are open to all Federal employees, state, county and city employees and contractors (there are different registration processes for each entity). Huntsville Learning Center: <http://pdsc.usace.army.mil/Default.aspx>.

Registration: <http://pdsc.usace.army.mil/HowToRegister.aspx>

Studies and Reports

US CLIMATE CHANGE STUDY PROGRAM. (04/16/07) The Intergovernmental Panel on Climate Change (IPCC) issued a summary for policymakers of the report entitled, "Climate Change 2007: Climate Change Impacts, Adaptation and Vulnerability," regarding the relationship between observed climate change and recent observed changes in the natural and human environment. Current assessment includes the following conclusions and findings: observational evidence from all continents and most oceans shows that many natural systems are being affected by regional climate changes, particularly temperature increases; global assessment of data since 1970 shows it is likely that anthropogenic warming has had a discernible influence on many physical and biological systems; annual average river runoff and water availability are projected to increase by 10-40% at high latitudes and in some wet tropical areas, and decrease by 10-30% over some dry regions at mid-latitudes and in the dry tropics; drought-affected areas will likely increase in extent; coasts are projected to be exposed to increasing risks, including coastal erosion, due to climate change and sea-level rise; and increases in sea surface temperature of about 1 to 3° Celsius are projected to result in more frequent coral bleaching events and widespread mortality. The summary report is available at: <http://www.ipcc.ch/SPM6avr07.pdf> and the full report will be available soon at: <http://www.ipcc.ch/>. Full text document location: <http://www.ipcc.ch/press/prwg10apr07.htm>

COST ESTIMATING TOOL. (04/13/07) USEPA made available a spreadsheet-based tool and users guide for estimating costs for a centrally managed point of use or point of entry strategy to comply with drinking water regulations. Technologies addressed for point of entry include cation exchange, and for point of use reverse osmosis, adsorptive medi, or granular activated carbon. The spreadsheet and user guide are available at: http://www.epa.gov/safewater/smallsys/pdfs/pou-poe/tool_smallsystems_pou-poe-cost-tool.xls and http://www.epa.gov/safewater/smallsys/pdfs/pou-poe/tool_smallsystems_pou-poe-cost-tool-usersguide.pdf. Full text document location: <http://www.epa.gov/safewater/smallsys/ssinfo.htm>.

CLIMATE CHANGE AND NATIONAL SECURITY. (04/16/07) The Center for Naval Analysis released a study examining national security consequences of climate change: "National Security and the Threat of Climate Change." "The nature and pace of climate changes being observed today and the consequences projected by the consensus scientific opinion are grave and pose equally grave implications for our national security. Moving beyond the arguments of cause and effect, it is important that the U.S. military begin planning to address these potentially devastating effects. The consequences of climate change can affect the organization, training, equipping, and planning of the military services. The U.S. military has a clear obligation to determine the potential impacts of climate change on its ability to execute its missions in support of national security objectives." The study includes several formal findings: projected climate change poses a serious threat to America's national security; climate change acts as a threat multiplier for instability in some of the most volatile regions of the world; projected climate change will add tension, even in stable regions of the world; and climate change, national security and energy dependence are a related set of global challenges. Specific recommendations include: full integration of national security consequences of climate change into national security and national defense strategies; the US should commit to a stronger national and international role to help stabilize climate changes at levels that will avoid significant disruption to global security and stability; the US should commit to global partnerships that help less developed nations build the capacity and resiliency to better manage climate impacts; DoD should enhance operational capability by accelerating adoption of improved business processes and innovative technologies that result in improved US combat power through energy efficiency; and DoD should conduct an assessment of the impact on US military installations worldwide of rising sea levels, extreme weather events, and other possible climate change impacts over the next 30 to 40 years. The Center for Naval Analyses is a federally funded research and development center serving the Department of the Navy and other defense agencies. Report signers include 11 retired military generals and admirals and is available at: <http://SecurityAndClimate.cna.org>. For further information: MEDIA CONTACTS: Noel Gerson, 703-824-2758, gersonn@cna.org; Ryan Cunningham, 617-851-4378; M.C. Andrews, 202-607-4873. Full text document location: <http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=104&STORY=/www/story/04-16-2007/0004565995&EDATE>

WATERSHED PLAN BUILDER ONLINE TOOL. (04/18/07) USEPA released a web-based tool for developing or updating watershed plans. The Watershed Plan Builder walks the practitioner through various watershed planning steps: watershed monitoring and assessment; community outreach; selection and application of available models; best management practices; implementation; and feedback. During the next six months, the Watershed Plan Builder will be

available to watershed organizations, federal and state agencies, tribes, universities and local governments to beta test. For further information: Stuart Lehman at lehman.stuart@epa.gov: subject line "Watershed Plan Builder." Full text document location: <http://iaspub.epa.gov/watershedplan/watershedPlanning.do?pageId=48>

WATER QUALITY MODELING TOOL. (04/23/07) USEPA released a new version of the "BASINS" software for watershed and water quality assessment. The BASINS acronym stands for "Better Assessment Science Integrating Point and Nonpoint Sources." BASINS 4.0 is a multipurpose system that integrates environmental data, analytical tools, and modeling programs. The system runs on non-proprietary, open source, free geographic information system (GIS) software, making the tool universally available to anyone interested. Prior versions required users to purchase costly GIS software in order to run the BASINS system. BASINS 4.0 gives users access to large amounts of point and non-point source data, which can be used to assess or predict flow and water quality for selected streams or entire watersheds, including developing total maximum daily load allocations. For further information: Jim Carleton - 202 566-0445, carleton.jim@epa.gov. Full text document location: <http://www.epa.gov/waterscience/basins/fs-basins4.html>

Federal Notices and Rulemaking

Clean Air Act (CAA)

NESHAP: HALOGENATED SOLVENTS. (04/17/07) In advance of formal publication in the Federal Register, USEPA released text of a final rule revising standards to limit emissions of methylene chloride (MC), trichloroethylene (TCE) and perchloroethylene (PCE) from facilities engaged in halogenated solvent cleaning. Halogenated solvent cleaning uses MC, PCE, or TCE liquid or vapor to clean or degrease parts in a halogenated solvent cleaning machine. "Solvent cleaning machine," defined by 40 CFR 63.461, means any device or piece of equipment that uses halogenated hazardous air pollutant (HAP) solvent liquid or vapor to remove soils from the surfaces of materials. Types of solvent cleaning machines include, but are not limited to, batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machines. Buckets, pails, and beakers with capacities of 7.6 liters (2 gallons) or less are not considered solvent cleaning machines. Final standards will apply facility-wide total MC, PCE, and TCE emission standards to satisfy USEPA's obligations under both CAA sections 112(d)(6) (technology review) and 112 (f)(2) (residual risk review). Solvent cleaning in the manufacture and maintenance of aerospace products is not covered by this rule. "Affected facility" means all solvent cleaning machines located at a major source subject to facility-wide limits in Table 1 of §63.471(b)(2), and for area sources, "affected facility" means all solvent cleaning machines, except cold batch cleaning machines, located at an area source subject to facility-wide limits in Table 1 of §63.471(b)(2). Emissions from machines are calculated on a 12-month rolling basis and are determined by the amount of solvent replenishment required. Existing affected facilities have three years to come into compliance. For further information: Mr. H. Lynn Dail, EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC, (919) 541-2363, dail.lynn@epa.gov. Full text document location: http://www.epa.gov/ttn/oarpg/t3/fr_notices/degreasfinalfr2007.pdf

FOSSIL FUEL FIRED STEAM GENERATING UNITS. (04/17/07) In advance of formal publication, USEPA released the text of a final reconsideration addressing four categories of fossil fuel fired steam generating units, including small industrial commercial units, and electric utility units. The final rule will become effective on the date of formal publication in the Federal Register. Amendments add compliance alternatives for certain affected sources, revise certain recordkeeping and reporting requirements, correct technical and editorial errors, and update grammatical style of the four subparts for consistency. For further information: Christian Fellner, EPA Energy Strategies Group, Sector Policies and Programs Division, Research Triangle Park, NC, (919) 541-4003, fellner.christian@epa.gov. Full text document location: http://www.epa.gov/ttn/oarpg/t3/fr_notices/boiler_recon_041307.pdf

NON-ROAD SI ENGINES AND EQUIPMENT. (04/20/07) In advance of formal publication, USEPA released the text of a proposed rule addressing emissions of hydrocarbons (HC), nitrogen oxides (NO_x), and carbon monoxide (CO) from small nonroad spark-ignition (SI) engines and equipment, SI engines used in marine generators, and marine SI engines and vessels. The rule addresses SI nonroad engines rated below 25 horsepower (19 kW). Such engines are used in household and commercial applications, including lawn and garden equipment, utility vehicles, generators, and a variety of other construction, farm, and industrial equipment. The rule addresses marine electrical generators, and larger SI engines used in marine vessels, including outboard engines, personal watercraft, and sterndrive/inboard engines. USEPA is proposing evaporative emission standards for both handheld and nonhandheld land based equipment to include evaporative emission standards for vessels and equipment. For small non-road engines, USEPA is proposing HC and NO_x exhaust emission standards of 10 g/kW-hr for Class I engines starting in the 2012 model year, and 8 g/kW-hr for Class

II engines starting in the 2011 model year. USEPA expects manufacturers to meet the standards by improving engine combustion and adding catalysts. Standards are consistent with requirements recently adopted by the California Air Resources Board. USEPA is not proposing new exhaust emission standards for handheld equipment. For SI engines used in marine generators, USEPA is proposing a more stringent Phase 3 CO emission standard of 5 g/kW-hr that would apply equally to all sizes of engines subject to the Small SI standards. For sterndrive and inboard marine engines, proposed standards are 5 g/kW-hr for HC and NO_x and 75 g/kW-hr for CO starting with the 2009 model year. USEPA expects manufacturers to meet the standards with three-way catalysts and closed-loop fuel injection. USEPA is proposing that such engines have a diagnostic system for detecting emission control system failure. For sterndrive and inboard marine engines above 373 kW with high-performance characteristics (generally referred to as "SD/I high-performance engines"), USEPA is proposing a CO standard of 350 g/kW-hr and a variety of other special provisions to reflect unique operating characteristics for these engines. A fact sheet is available at <http://www.epa.gov/otaq/regs/nonroad/marinesi-equipld/420f07032.htm>. The rule preamble is available at: <http://www.epa.gov/otaq/regs/nonroad/marinesi-equipld/nprmpreamble.pdf> and regulatory text is at: <http://www.epa.gov/otaq/regs/nonroad/marinesi-equipld/nprpregs.pdf>. Comments are due 08/03/07. For further information: Carol Connell, EPA Office of Transportation and Air Quality, Ann Arbor, Michigan, (734) 214-4349, connell.carol@epa.gov. Full text document location: <http://www.epa.gov/otaq/marinesi.htm#phase3>

CAIR. (04/25/07, [72 FR 20585](http://www.federalregister.gov)) USEPA released a final rule defining requirements for state implementation plans (SIP) for fine particle (PM_{2.5}) nonattainment areas. The rule provides guidelines for making reasonably available control measures (RACM) and reasonably available control technology (RACT) determinations and includes the presumption for power plants subject to the Clean Air Interstate Rule (CAIR) that compliance would satisfy the requirements for SO₂ and nitrogen oxides (NO_x) (with certain conditions). The rule provides guidance on required elements for attainment demonstrations; recommended analytical processes for identifying the most expeditious date of attainment; guidance on air quality modeling; and policies for evaluating and controlling sources of PM_{2.5} emissions, including PM_{2.5} direct emissions (including organic carbon, elemental carbon and crustal material), SO₂, and NO_x, which must be evaluated unless demonstrated that NO_x is not a significant contributor to PM_{2.5} concentrations. VOCs and ammonia are not required to be evaluated for emission reduction measures unless demonstrated that VOCs significantly contribute to PM_{2.5} concentrations. Air quality designations became effective on 04/05/05 for 39 areas (with a total population of 90 million) that were not attaining the 1997 PM_{2.5} standards. By 04/05/08, each state with a nonattainment area must submit to USEPA an attainment demonstration and adopted regulations ensuring that the area will attain standards as expeditiously as practicable, but no later than 2015. The final rule is effective on 05/29/07. USEPA will identify attainment status for the 2006 PM standards by 2010. For further information: Richard Damberg, EPA, Office of Air Quality Planning and Standards, (919) 541-5592, damberg.rich@epa.gov.

Climate Change and Energy

VOLUNTARY GREENHOUSE GAS REPORTING. (04/02/07, 72 FR 15598) The Department of Energy (DOE) finalized without changes the interim final rule for voluntary reporting of greenhouse gases published 01/31/07 ([72 FR 4411](http://www.federalregister.gov)). For further information: Stephen Eule, DOE Office of Policy and International Affairs, Washington DC, 1605bguidelines.comments@hq.doe.gov.

RENEWABLE FUEL STANDARD PROGRAM. (04/10/07) Prior to publication in the Federal Register, USEPA released final regulations to address fuels and fuel additives under the renewable fuel standard program. The action finalizes regulations designed to ensure that producers of gasoline, including refiners, blenders, and importers of gasoline, will use enough renewable fuel each year so that the total national volume requirements of the Energy Policy Act 2005 are met. Regulations establish a trading program that will allow renewable fuels to be used where most economical. Producers of renewable fuels (alcohol, biodiesel) above a 10,000 gallon per year threshold must register and assign "Renewable ID" numbers to batches of fuel produced. The notice of Final Rulemaking is available at: Preamble: <http://www.epa.gov/otaq/renewablefuels/rfs-preamble.pdf> (225 pp, 1.0MB) and Regulations: <http://www.epa.gov/otaq/renewablefuels/rfs-regulations.pdf> (59 pp, 289K). The final rule becomes effective 09/01/07. For further information: Julia MacAllister, EPA, National Vehicle and Fuel Emissions Laboratory, Ann Arbor MI, (734) 214-4131, macallister.julia@epa.gov. Full text document location: <http://www.epa.gov/otaq/renewablefuels/>

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

PERCHLORATE. (04/25/07) In a testimony before the House Subcommittee on Environmental and Hazardous Materials, the Government Accountability Office (GAO) reiterated its position that USEPA should develop a tracking system for perchlorate releases and cleanup efforts across federal government and state agencies. GAO recommends that USEPA work with DoD and the states to establish a formal structure for tracking perchlorate information. Since there is not a standardized approach to reporting perchlorate data nationwide, GAO believes there may be more contaminated sites than currently identified. In December 2006, USEPA reiterated its disagreement with the recommendation stating that perchlorate information already exists from a variety of other sources. The testimony updates GAO's May 2005 report, "Perchlorate: A System to Track Sampling and Cleanup Results is Needed," GAO-05-462 that summarizes GAO's compilation of the extent of perchlorate contamination in the US and review of peer-reviewed studies about perchlorate's health risks. For further information: John Stephenson, (202) 512-3841 or stephensonj@gao.gov. Full text document location: <http://www.gao.gov/new.items/d07797t.pdf#http://www.gao.gov/new.items/d07797t.pdf>

Natural and Cultural Resources

ENDANGERED AND THREATENED WILDLIFE. (04/04/07, [72 FR 16284](#)) The US Fish and Wildlife Service (USFWS) added four marine taxa to the List of Endangered and Threatened Wildlife: the southern distinct population segment (DPS) of green sturgeon (*Acipenser medirostris*); staghorn coral (*Acropora cervicornis*); elkhorn coral (*Acropora palmata*); and Southern resident killer whale DPS (*Orcinus orca*). Amendments are based on previously published determinations by the National Marine Fisheries Service (NMFS), and the National Oceanic and Atmospheric Administration (NOAA), which has jurisdiction for these species. For further information: Branch of Listing, Endangered Species Program, Fish and Wildlife Service, 703-358-2105.

5-YEAR REVIEW. (04/26/07, [72 FR 20866](#)) USFWS initiated 5-year reviews of 22 threatened and endangered Southeastern species. USFWS is requesting submission of any information that has become available since the original listing of the species as endangered or threatened. Comments are due 06/25/07.

National Environmental Policy Act (NEPA)

FORT BENNING EIS. (04/18/07, [72 FR 19474](#)) The Army released a draft Environmental Impact Statement (EIS) that evaluates potential environmental and socioeconomic impacts of transformation activities at Fort Benning, Georgia (EIS No. 20070155). Relocations recommended by the 2005 Base Realignment and Closure (BRAC) Commission would increase the Fort Benning population by approximately 4,486 military and 1,226 civilian personnel, and an annual student/trainee population of approximately 8,357. Fort Benning also proposes to implement other transformation actions. The Army Modular Force initiative involves the Army's transition from a division-centric design to a standard brigade organization. The reshaping of the domestic military force structure includes provision for the return of units currently based overseas to US installations as part of the Global Defense Posture Realignment. Proposed construction, renovation, and expansion of administrative, supply/storage, maintenance, barracks, commercial services, community facilities, medical and dental, and recreation facilities, as well as associated infrastructure support, is focused on already-established cantonment areas at Fort Benning. Training range and maneuver area construction and operation/maintenance activities will occur on approximately 157,000 acres set aside for such activities. Comments are due 06/01/07. For further information: Monica Manganaro, Fort Benning Public Affairs Office at (706) 545-3438 or John Brent 706-545-218.

EMS AND NEPA. (04/26/07, [72 FR 20848](#)) CEQ released the guide, "Aligning National Environmental Policy Act Processes with Environmental Management Systems--A Guide for NEPA and EMS Practitioners," to assist federal agencies in aligning NEPA processes with Environmental Management Systems (EMS). The guide aims to help federal agencies recognize the complementary relationship of EMS and NEPA, for example in documenting aspects of facility operations that have an environmental component or impact; align EMS elements with the NEPA statement of policy in Section 101 and decision processes of Section 102; incorporate the EMS approach into the NEPA process when establishing, implementing, and maintaining EMS; and achieve environmental sustainability goals laid out in NEPA and Executive Order 13423. The guide is available at: http://ceq.eh.doe.gov/ntf/NEPA_EMS_Guide_final_Apr_2007.pdf and additional information is at: <http://www.nepa.gov>. For further information: Horst Greczmiel, (202) 395-5750. NEPA task force Web site: <http://ceq.eh.doe.gov/ntf>

Resource Conservation and Recovery Act (RCRA)

USTs. (04/10/07, [72 FR 17896](#)) USEPA issued draft operator training grant guidelines for state underground storage tank (UST) programs. Guidelines describe minimum requirements a state's UST program must contain for compliance with section 9010 requirements for Subtitle I funding. USEPA developed the guidelines according to Title XV, Subtitle B of the Energy Policy Act of 2005, which focuses on preventing UST releases to include: a description of operator classes; required training for each operator class; deadlines by which operator training is required; and examples of acceptable state approaches to operator training. The three classes of operators (i.e., individuals) that must be trained are: Class A, individuals with primary responsibility for on-site operation and maintenance of UST systems; Class B, individuals with daily on-site responsibility for operation and maintenance of UST systems; and Class C, daily on-site employees with primary responsibility for addressing emergencies presented by a spill or release from a UST system. States are required to develop state-specific training requirements by 08/08/09, with Class A, B, and C operators trained according to state-specific training requirements by 08/08/12. Comments are due 05/10/07. For further information: Tim R. Smith, EPA's Office of Underground Storage Tanks, at smith.timr@epa.gov, (703) 603-7158.

DEFINITION OF SOLID WASTE. (04/24/07, [72 FR 20304](#)) USEPA extended the comment period to "Revisions to the Definition of Solid Waste" by 31 days until 06/25/07. The rule was proposed 03/07/07 (72 FR 14172). For further information: Marilyn Goode, EPA Office of Solid Waste, Washington, DC, goode.marilyn@epa.gov.

USTs. (04/27/07) USEPA issued two additional final grant guidelines to states to specify conditions for eligibility for USEPA funding for UST programs as required by the Energy Policy Act of 2005. Guidelines cover on-site inspections and state compliance reports on government USTs. Guidance on on-site inspection programs is available at: <http://www.epa.gov/oust/fedlaws/Inspection%20Final%20GL%204-24-07.pdf>. Guidance on state compliance reports on government USTs is available at: <http://www.epa.gov/oust/fedlaws/Final%20State%20Compl%20Rpt%20GL%204-24-07.pdf>. Information about other UST program grant guidelines is available at: http://www.epa.gov/oust/fedlaws/epact_05.htm#Final. Inspection guidelines will require states to ensure that USTs not inspected since 12/22/98 undergo an on-site "inspection" visit before 08/08/07 and subsequently undergo an on-site inspection at least once every three years thereafter. For further information: Inspection programs: Tim R. Smith, EPA, (703) 603-7158, smith.timr@epa.gov, State Compliance Reports: Steven McNeely, EPA, (703) 603-7164, mcneely.steven@epa.gov. Full text document location: http://www.epa.gov/oust/fedlaws/epact_05.htm

Safe Drinking Water Act (SDWA)

ANALYSIS OF CONTAMINANTS. (04/10/07, [72 FR 17902](#)) USEPA intends to implement an expedited process for approving alternative testing methods for existing drinking water contaminant regulations. To use the expedited process, USEPA must already have promulgated at least one analytical testing method for the contaminant in question through the normal rulemaking process. USEPA would then approve additional (alternative) testing methods for the same contaminant through the expedited process by publishing the alternative method in the Federal Register. Prior to approval, USEPA must first find the alternative testing method to be as "equally effective" as the method approved through rulemaking. USEPA will examine performance characteristics of each new method in the same manner currently used when promulgating a method by regulation. The method will be evaluated on the basis of selectivity, bias, precision, quantitation range and detection characteristics. USEPA plans to use this streamlined authority to make additional methods available for analyzing drinking water compliance and unregulated contaminant monitoring samples. The expedited approach would provide more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection. Comments are due 06/11/07. For further information: Patricia Snyder Fair, Technical Support Center, Office of Ground Water and Drinking Water, EPA, Cincinnati, OH, 513-569-7937, fair.pat@epa.gov.

WATER CONTAINMENT CANDIDATE LIST. (04/12/07) USEPA made a preliminary determination not to regulate 11 contaminants on the second drinking water contaminant candidate list (CCL). Perchlorate and MTBE require additional investigation to ascertain total human exposure and health risks and USEPA is providing a summary of current health, occurrence, and exposure information. USEPA is seeking comment and additional information to help evaluations. USEPA will take comments for 60 days following publication of notice in the Federal Register. Full text document location: <http://yosemite.epa.gov/opa/admpress.nsf/bb1285e857b49ac4852572a00065683f/d595d12e9bddd708852572bb0063cd61!OpenDocument>

State Laws and Rulemaking

Alabama

Final Rules



HAZARDOUS WASTE MANAGEMENT REVISIONS. (Division 14) The Alabama Department of Environmental Management (ADEM) revised hazardous waste regulations found in Division 14 to adopt changes in federal requirements for regulation of hazardous waste. Revisions allow ADEM to maintain the primacy of its state hazardous waste program; adopts federal changes from 06/14/05 to 07/14/06; updates and clarifies existing requirements; clarifies certain requirements; re-formats definitions; adds a new category of universal waste; and excludes cathode ray tubes from the definition of solid waste for recycling and reclamation. ADEM held a public hearing 12/06/06 and written comments were due 12/08/06. Revisions became effective 04/03/07.

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

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

Public Hearing Notice for 12/06/06: <http://www.adem.state.al.us/PublicNotice/Oct/Div14.htm>

Alabama Administrative Monthly 03/30/07: <http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-MAR-07/MARCH-MONTHLY.htm>

Contact: Molly Tatum (334) 394-4360.

NSPS, NESHAPs, CAIR, OTHER USEPA REVISIONS. (Division 3) ADEM amended Division 3 air regulations to incorporate by reference changes USEPA made to the New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and minor changes to CAIR. 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. Revisions became effective 04/03/07.

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>

Alabama Administrative Monthly 03/30/07: <http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-MAR-07/MARCH-MONTHLY.htm>

Contact: Molly Tatum (334) 271-7997.

WATER AND WASTEWATER TREATMENT PLANTS, WATER DISTRIBUTION SYSTEMS, PUBLIC WASTEWATER COLLECTION SYSTEM. (Division 10) ADEM amended Division 10 regulations that cover classification of water and wastewater treatment systems, water distribution systems, and public wastewater collection systems. Amendments add "slow sand filtration" to the definition of "basic groundwater treatment plant," add a requirement that Grade IV high-rate filtration plant operators hold an unrestricted certificate, and other changes to the operator requirements. ADEM held a public hearing 01/11/07 and written comments were due 01/11/07. Revisions became effective 04/03/07.

Summary of Reason for Changes: <http://www.adem.state.al.us/PubHearings/SumofReasonsDiv10.pdf>

Public Hearing Notice 01/11/07: <http://www.adem.state.al.us/PubHearings/11Div10.htm>

Language of Proposed Changes: <http://www.adem.state.al.us/PubHearings/11Div10.pdf>

Alabama Administrative Monthly 03/30/07: <http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-MAR-07/MARCH-MONTHLY.htm>

Contact: Molly Tatum (334) 394-4360.

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 held a public hearing 03/19/07 and

written comments were received. Amendments were filed with the Legislative Reference Service 04/24/07 and will become effective 05/30/07.

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>

Alabama State Register 04/30/07, Notice of Filing and Effective Date:

<http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-APR-07/CERTIFIEDRULES.pdf>

Proposed Rules

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.

UST COMPLIANCE ACT. (Division 6, 335-6-15) ADEM is discussing amendments to 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: <http://www.adem.state.al.us/PubHearings/PubHearings.htm>

Contact: Craig Holts (334) 271-7823.

Florida



Final Rules

WILDLIFE/CONSERVATION (Rule 68C-22). The Florida Fish and Wildlife Commission amended existing manatee protection zones in the downtown Jacksonville area of Duval County to make the zones identical to existing federal manatee protection zones. Public hearings were held 09/20/06, 12/06/06, and 12/07/06. Amendments became effective 01/30/07.

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/FAWVOLUMEFOLDERS2006/3231/32_31DOC.pdf (page 54 of 130)

Florida Administrative Weekly 11/22/06:

<http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2006/3247/3247DOC.pdf%20> (page 131 of 154)

Contact: Scott Calleson (850) 922-4330.

Proposed Rules

AIR/TITLE V PERMITS (62-4.090, 62-210, 62-213, 62-214). The Florida Department of Environmental Protection

(FLDEP) is proposing to amend rule Chapter 62-4, F.A.C. related to the Title V air permitting program. Proposed amendments would extend lead time for applying for renewal of a Title V permit. Proposed amendments would address air operation permitting requirements for "major sources of air pollution" also referred to as "Title V sources". Additional amendments to Chapter 62-210, 62-213, and 62-214 would adopt USEPA permitting requirements for Title V sources subject to CAIR, Clean Air Mercury Rule (CAMR), and the Federal Acid Rain Program. FLDEP held a rule development workshop 04/13/06 and will hold another 05/16/07.

Notice of Proposed Rule Development: <http://tlhora6.dep.state.fl.us/onw/publications/1-NRD624-3-17-06-INT.pdf>

Florida Administrative Weekly 04/20/07:

<http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2007/3316/3316DOC.pdf> (page 27 of 105)

Proposed Rule Text (to be posted 05/02/07): <http://www.dep.state.fl.us/air/rules/regulatory.htm>

Contact: Cindy Phillips (850) 921-9534.

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.

Georgia

Final Rules



AIR RECORD-KEEPING AND REPORTING. The Georgia Environmental Protection Division (GAEPD) amended rules for air quality control, 391-3-1-.02 and 391-3-1-.03 adding an ozone-season NO_x 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. Rules became effective 01/24/07.

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

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

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

Responses to Comments Received in First Comment Period: http://www.gaepd.org/envirnet/1/air_response.pdf

Contact: Heather Abrams (404) 363-7000.

Proposed Rules

WATER SUPPLY WATERSHEDS CRITERIA. The Georgia Environmental Protection Division (GAEPD) is proposing to amend rule 391-3-16-.01, Water Supply Watersheds, to clarify that local ordinances providing for protection of required stream buffers may also contain provisions for a local buffer variance application and review process. Chapter 16 contains environmental planning criteria and includes basis (for use by local governments) to allow development of a water supply watershed without contaminating the water source to a point where it cannot be treated to meet drinking water standards. Criteria establish buffer zones around streams and specify allowable impervious densities within watersheds. Proposed amendments would allow only "Local Issuing Authorities" with approved storm water 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/envirnet/16/>

Public Notice: <http://www.gaepd.org/envirnet/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
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_x and SO₂ 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
Draft CAIR NO_x Annual Trading Program:
http://www.georgiaair.org/airpermit/cair/downloads/GA_NOx_CAIR_DRAFT.pdf
Draft CAIR SO₂ Annual Trading Program:
http://www.georgiaair.org/airpermit/cair/downloads/GA_SO2_CAIR_DRAFT.pdf
Synopsis of Proposed Amendments: http://www.gaepd.org/environet/1/cair_synopsis.pdf
Text of Proposed Amendments: http://www.gaepd.org/environet/1/cair_amendment.pdf
Response to Comments Received in First Comment Period: http://www.gaepd.org/environet/1/cair_response.pdf
Natural Resources Board Meeting Summary: 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
Department's CAMR Options for Regulation:
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
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
Synopsis of Proposed Amendments: http://www.gaepd.org/environet/1/camr_synopsis_20061221.pdf
Text of Proposed Amendments: http://www.gaepd.org/environet/1/camr_amendment_20061221.pdf
Contact: James Kelly (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.

AIR QUALITY PERMIT & FEES. GAEPD is proposing amendments to air quality control regulations. Revisions would affect the definition of volatile organic compounds (VOCs), prevention of significant deterioration regulations, new source performance standards (NSPS), permit fees, and various definitions. GAEPD will hold a public hearing 05/15/07 and written comments are due 05/29/07. Amendments will be presented to BNR for adoption 06/27/07.

Public Notice: <http://www.gaepd.org/environet/1/20070406notice.pdf%20>

Synopsis of Proposed Amendments:

<http://www.gaepd.org/environet/1/20070406synopsis.pdf>

Proposed Amendments: <http://www.gaepd.org/environet/1/20070406amendments.pdf>

Permit Fee Summary of Changes: http://www.gaepd.org/environet/1/20070406_Permit_Fees_Summary_of_Changes.pdf

Air Permit Fee Manual:

http://www.gaepd.org/environet/1/20070406_Post_of_2006_Air_Permit_Fee_Manual.pdf

Contact: Heather Abrams (404) 363-7000.

Kentucky

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 working with the Legislative Research Commission before filing and is hopeful that the rules will appear on the May Administrative Regulation Review Subcommittee (ARRS) hearing docket and the June Agriculture and Natural Resources Interim Joint Committee agenda. If placed on the June Natural Resources agenda, regulations will become effective between 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 and written comments were due 01/02/07. Regulations were addressed at a public meeting of AARS 04/10/07. 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_x annual trading program; 401 KAR 51:220 CAIR NO_x ozone season trading program; and 401 KAR 51:230, CAIR SO₂ trading program. 401 KAR 51:210 and 401 KAR 51:220 would control NO_x emissions from affected electric generating units (EGUs) with over 25 megawatt electrical (MWe) nameplate capacity producing electricity for sale; 401 KAR 51:220 would include non-EGU sources with previous requirements under the NO_x SIP Call. Owners and operators of sources subject to regulations would be required to possess allowances for the tons of NO_x emissions for each required control period. 401 KAR 51:230 would control emissions of SO₂ 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 SO₂ for the subject control period. A public hearing was held 09/25/06, and written comments were due 10/02/06. Rules went before 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_x annual trading program: http://www.air.ky.gov/NR/rdonlyres/3A5D5085-FEE1-4A3C-9477-01A73F29B737/0/KAR51210_CAIRNoxAnnualTradingProgram.pdf

Proposed Text of 401 KAR 51:220 CAIR NO_x ozone season trading program: http://www.air.ky.gov/NR/rdonlyres/808DE911-74C8-4BF9-9CE2-C4A313EC2CC3/0/KAR51220_CAIRNoxOzoneSeasonTradingProgram.pdf

Proposed Text of 401 KAR 51:230 CAIR SO₂ trading program: http://www.air.ky.gov/NR/rdonlyres/5D25B8EC-491E-4931-B30E-78D9FD8B0D75/0/KAR51230_CAIRSo2TradingProgram.pdf

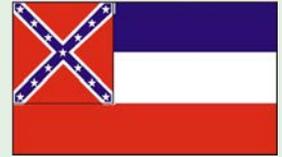
09/25/06 Public Hearing Announcement:

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

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

Contact: Candy Montgomery (502) 573-3382.

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

Contact: Debbie Pridgen (601) 961-5171.

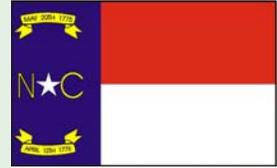
GULF REGION WATER AND WASTEWATER PLAN. MSDEQ is overseeing the development of the Gulf Region Water and Wastewater Plan. The purpose of the plan is to evaluate water, wastewater, and stormwater infrastructure needs and to provide for long term growth and recovery in six Gulf Region counties: Hancock, 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



Legislation

LAND USE, HB 1721. Introduced and referred to House Homeland Security, Military, and Veterans Affairs Committee 04/19/07 and sponsored by Representative Grier Martin (D), HB 1721 would establish a Joint Study Committee on Military and Veterans Affairs and would direct the committee to study several issues, including compatible development issues of military bases. Prospects for consideration of the bill are favorable. The sponsor is a member of the majority party in the House and is also the Chairman of the committee of referral. He is an active member of the US Army Reserves. Fourteen other Representatives have signed onto this measure as co-sponsors. If passed by the Homeland Security Committee, the bill will be referred to the House Rules, Calendar, and Operations Committee.
<http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H1721v0.html>

LAND USE, HB 1518. Introduced and referred to House Appropriations Committee 04/17/07 and sponsored by Representative Rick Glazier (D), HB 1518 would appropriate funds to the National Heritage Trust Fund for the purchasing of land near military bases in order to prevent encroachment. Prospects for consideration are uncertain. The sponsor is a member of the majority party in the House of Representatives and sits on the committee of referral. Representatives Michaux, Adams, Alexander, Crawford, Haire, Jeffus, Tolson, and Yongue are the Co-Chairmen of the committee of referral, while Representatives Dickson, Lucas, and Brisson are the House co-sponsors of this bill.
<http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H1518v0.html>

LAND USE, HB 1906. Introduced and referred to House Rules, Calendar, and Operations Committee 05/02/07 and sponsored by Representative Cary Allred (R), HB 1906 would urges the North Carolina Congressional Delegation to withhold funding for the construction of the Navy outlying landing field in Washington and Beaufort counties until a more suitable location can be found. The sponsor is a member of the minority party in the House of Representatives. The co-sponsors are Representatives Spear and Williams. The bill has been sent to the House Rules Committee to determine if and when to reassign the measure to the appropriate committee for action or discussion. The bill measure does not enact policy, simply urges the NC congressional delegation to take a certain stance. The sponsor believes the construction of the outlying landing field will have adverse effects on the foraging habitat of migratory waterfowl, the loss of prime farmland in Washington and Beaufort counties, and the safety of pilots due to collision with birds.
<http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H1906v1.html>

Proposed Rules

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_x 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_x or VOC are 25 tons per year or more and are located in former ozone nontainment areas (now maintenance areas) to report NO_x and VOC emissions annually. NCDENR proposes to extend the reporting requirement to new nonattainment counties in the Charlotte nonattainment area not already covered. Counties to be included are Cabarrus, Lincoln, Rowan, and Union. Davidson and Coddle Creek

Townships in Iredell County would also be included. 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/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.

AIR/GENERATORS. (15A NCAC 02Q.0102) NCDENR is discussing revisions to portable generator permit exemptions to divide the permit into two parts: generators with engines that do or do not meet requirements of Title II of the federal CAA. Regulation exempts portable generators below 1100 horsepower (or 750 kilowatts) and that operate no more than 350 hours per year at a particular facility. It exempts portable equipment not subject to rules adopted under Title II of the same sizes and operating restraints. Non-self-propelled non-road engines, except generators regulated by rules adopted under Title II are exempted from permitting. Rule change would exempt portable generators regulated by rules adopted under Title II. Emissions from engines covered under Title II are much less than from engines not covered. The rule was introduced at the Environmental Management Commission (EMC) meeting 10/14/04. NCDENR would not move forward until rule changes became effective (See Regulation ID# NC0009378 for more information on the current rule changes). Rule amendments were presented to AQC at a public meeting 11/08/06 and a public hearing was held 03/14/07. Written comments were due 04/16/07. The March hearing record will go before EMC at a public meeting 05/10/07. Upon EMC approval, rules will go before the Rules Review Commission (RRC) in June. NCDENR anticipates an effective date of 07/01/07.

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/BANKING CREDITS. (15A NCAC 2D .2303) NCDENR is proposing to revise the banking applicability rule, 15A NCAC 2D .2303 to remove language that restricts 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 that necessary to comply with an applicable rule. A public meeting was held 03/08/06 and proposed revisions were presented to AQC at a public meeting 11/08/06. A public hearing was held 03/14/07 and written comments were due 04/16/07. The March hearing record will go EMC at a public meeting 05/10/07. Upon EMC approval, rules will go before RRC in June.

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.

TANKS/STORAGE REQUIREMENTS. (15A NCAC 02Q.0102) NCDENR is proposing revisions to clarify the permit exemption for storage tanks that store ethanol-based fuels. The rule exempts storage tanks used to store gasoline, for which there are no applicable requirements except Stage I controls. Exemption would be revised to make clear that it also applies to storage of ethanol-based fuels. Dispensing of ethanol-based fuels is already exempt under the gasoline distribution exemption, which exempts gasoline service stations and gasoline dispensing facilities although such exemption is not clearly stated (gasoline dispensing rule covers dispensing ethanol-based fuels). Exemption is expected to be revised to

record will go EMC at a public meeting 05/10/07. Upon EMC approval, rules will go before RRC in June.
Department's Explanation of the Proposed Amendment: <http://daq.state.nc.us/Calendar/Planning/March2006AOC/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/NovemberAOC/>
Public Hearing Notice: <http://daq.state.nc.us/rules/hearing/Notice.pdf>
Contact: Thom Allen (919) 733-1489.

TANKS/STORAGE REQUIREMENTS. (15A NCAC 02Q.0102) NCDENR is proposing revisions to clarify the permit exemption for storage tanks that store ethanol-based fuels. The rule exempts storage tanks used to store gasoline, for which there are no applicable requirements except Stage I controls. Exemption would be revised to make clear that it also applies to storage of ethanol-based fuels. Dispensing of ethanol-based fuels is already exempt under the gasoline distribution exemption, which exempts gasoline service stations and gasoline dispensing facilities although such exemption is not clearly stated (gasoline dispensing rule covers dispensing ethanol-based fuels). Exemption is expected to be revised to make clear that it covers ethanol-based fuels. The rule was introduced at the 10/14/04 AQCB meeting and NCDENR went to EMC 02/09/05 to request approval to proceed with public hearings. EMC approved the rule for public hearing, but no hearings were scheduled. The rule was delayed until after completion of the General Assembly's review of 15A NCAC 02Q.0102, completed in 2006. NCDENR anticipated drafting the ethanol storage tank exemption for internal review in late July or early August 2006 and reports that the exemption for storage tank permit will be presented to EMC 05/10/07 for adoption. NCDENR anticipates an effective date of 07/01/07. Contact: Thom Allen (919) 733-1489.

South Carolina

Proposed Rules



TES LISTING. The South Carolina Department of Natural Resources is proposing to amend regulations governing composition of the list of species in need of management and the endangered species list for South Carolina. SCDNR 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. SCDNR proposed to change the name of the Zigzag Salamander to Webster's Salamander. SCDNR would amend the Spotted Turtle Program regulation to change the reporting time for permits to reporting every five years instead of every year. SCDNR published a Notice of Drafting in the South Carolina Register 08/25/06 and accepted written comments on the proposed revisions. SCDNR held another public hearing 12/15/06 and written comments were also accepted. Contact: D. Breck Carmichael, Jr. (803) 734-3930.

SIP REVISION. (R. 61-62) SCDHEC is proposing to amend Regulations 61-62 and revise the SIP to address CAIR and CAMR requirements. In March 2005, USEPA finalized two rules known as the "Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (CAIR) and the "Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units (CAMR). In CAIR, USEPA found South Carolina to be one of 28 states that contributes significantly to non-attainment of NAAQS for fine particulate and/or 8-hour ozone in downwind states. USEPA is requiring those states and DC to review state SIPs to reduce SO₂ and/or NO_x emissions. Sulfur dioxide is a precursor to fine particulate formation and NO_x is a precursor to both fine particulate formation and ozone formation. USEPA CAMR establishes standards of performance for mercury (Hg) for new and existing coal-fired electric utility steam generating units, as defined in 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/regnsrch/3095.doc>

Contact: David Scaturro (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 was 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](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.

COASTAL ZONE MANAGEMENT PERMITTING. SCDHEC is proposing to amend the Coastal Division Regulations 30-1 through 30-18 related to permitting in critical areas of the coastal zone. Proposed amendments would clarify SCDHEC's policies regarding construction of docks and piers and would amend definitions and specific standards used in evaluation of permit applications for docks and piers. Legislative review will be required. Written comments on the drafting of proposed regulation were due 11/28/06. SCDHEC received Board approval to publish a public notice and request for comments at the public meeting 01/11/07. SCDHEC held a public informational forum 02/27/07, and there were no attendees. Written comments were due 02/27/07; however, no comments were received. A public hearing scheduled for 04/12/07 at the Board's regularly scheduled meeting has been rescheduled for 06/14/07. If approved by the Board, regulations will be submitted to the General Assembly.

Proposed Rule Changes and Hearing Announcement: <http://www.scstatehouse.net/regs/3111.doc>

Contact: Elizabeth B. von Kolnitz (843) 953-0252.

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

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.