



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

MASSACHUSETTS CHALLENGES FEDERAL ENERGY RULES. (05/07/07) Massachusetts filed suit 05/07/07 against the Department of Energy (DOE) for failing to tighten energy efficiency requirements for heating, ventilating and air-conditioning systems. The suit filed in the 1st US. Circuit Court of Appeals challenged the federal government's 03/07/07 decision to strengthen energy efficiency requirements for commercial heating, air-conditioning, and water-heating equipment (<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-3819.htm>). Massachusetts also brought the case that led the Supreme Court to rule on 04/02/07 that US environmental officials have the power to regulate greenhouse gas emissions. "We intend to continue to press the federal government to live up to its statutory responsibilities to address excess emissions of greenhouse gases and other air pollutants," Massachusetts Attorney General Martha Coakley said. Coakley said she disagreed with DOE's assertion that it lacked statutory authority to move new standards forward. Tightening standards for air conditioning products alone could save about 2.913 quadrillion BTUs over 27 years, eliminating need for several major power plants, she said, quoting federal studies. The Natural Resources Defense Council, based in New York, filed a parallel challenge in the 2nd US Circuit Court of Appeals. Earthjustice, a nonprofit, public interest law firm, is handling the case for NRDC. Full text document location: <http://www.reuters.com/article/governmentFilingsNews/idUSN0736915820070507>

EXECUTIVE ORDER 13432. (05/16/07, [72 FR 27715](http://www.federalregister.gov)) The President issued an executive order addressing actions that regulate or affect greenhouse gas emissions from motor vehicles, non-road vehicles, and nonroad engines: "It is the policy of the United States to ensure the coordinated and effective exercise of the authorities of the President and the

heads of the Department of Transportation (DOT), the Department of Energy (DOE), and the Environmental Protection Agency to protect the environment with respect to greenhouse gas emissions from motor vehicles, nonroad vehicles, and nonroad engines, in a manner consistent with sound science, analysis of benefits and costs, public safety, and economic growth." The order directs DOT, DOE and USEPA to coordinate, share research, personnel, and information for regulatory actions that can reasonably be expected to directly regulate emissions, or to substantially and predictably affect emissions of greenhouse gases from motor vehicles, nonroad vehicles, nonroad engines, or the use of motor vehicle fuels, including alternative fuels.

SAFETY ADVISORY. (05/24/07, [72 FR 29203](#)) Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a warning concerning failure of certain 33-pound fiber-wound propane cylinders typically horizontally mounted to fuel forklift trucks. The cylinders were in liquefied petroleum gas (propane) service and are marked DOT-SP 13957 followed by the service pressure, 294 psig. Ruptured cylinders were manufactured by The Lite Cylinder Company Incorporated (TLCCI) in Franklin, Tennessee, under DOT-SP 13957, in January 2007. Ruptures occurred during storage at the Heritage Propane facility in Miami, Florida. All cylinders involved were in storage on an outside platform and had been filled with propane. The first cylinder ruptured 04/04/07; the second cylinder 04/10/07; third incident involved the rupture of three cylinders 04/13/07. The serial numbers were 14674, 14750, 14757, 14866, and 14881. The dates of manufacture were between 01/16 – 01/08/07. There were no injuries or property damage associated with any of the failures. For further information: Cheryl West Freeman, PHMSA Office of Hazardous Materials Technology, Washington DC, (202) 366-4545.

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&page_id=1854

Conferences and Events

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>

2007 REGION 4 EPA - DoD - STATES ENVIRONMENTAL CONFERENCE. June 18-21. Sheraton Gateway Hotel Atlanta Airport, 1900 Sullivan Road, Atlanta, GA. The 2007 Region 4 EPA – DoD – States Environmental Conference is only a couple of weeks away so please make your plans to attend. The conference will be held in conjunction with the Environmental Council of States, DoD Sustainability Workgroup and other special working sessions. Further information is available at: <http://www.horne.com/region4/>. Please note the requirement to register and the near-term cutoff date is June 8th for reserving a room at the government rate.

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/>

NATIONAL COMMUNITY INVOLVEMENT CONFERENCE. June 19-22. Jacksonville, FL. This annual conference offers a unique opportunity to network with, and learn from, public participation and community involvement professionals from EPA and its federal, state, tribal, and community partners. The conference will offer participants original, engaging, and interactive presentations focusing on ways government can effectively interact with communities to achieve environmental results. <http://www.epa.gov/ciconference>

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 meeting 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/>

GOVENERGY. August 5-8. New Orleans, LA. The premier energy training workshop and exposition for federal agencies offers over 80 multi-discipline sessions arranged in nine broad training tracks. <http://www.govenergy.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/>

UXO/COUNTERMINE/RANGE FORUM 2007. August 27-30. Orlando, FL. The forum assembles the best researchers, developers, policy-makers, and program planners from industry, government, and contractors to showcase cutting-edge technologies, ideas, programs, partnerships and the latest technologies, products, and services in the UXO, countermine, and range areas. Over 150 technical papers will be presented by military, government and contractor personnel. More than 100 exhibitors from industry and government agencies world wide will present the latest products and services. Through technical presentations and exhibits, attendees can explore and identify the new technologies, tactics, and methods to eliminate IEDs and protect personnel from explosives hazards. <http://theforum2007.com/>

22ND ANNUAL WATERREUSE SYMPOSIUM. September 9-12. Tampa, FL. The symposium will feature more than 120 technical presentations, technical tours, the extremely popular user forum and regulatory forum, a legislative outlook session, receptions, an awards luncheon, and the ever popular exhibition component. <http://www.awwa.org/conferences/watereuse/>

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.

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

ELECTRONICS WASTE MANAGEMENT. (05/01/07) USEPA released a report examining the status of electronics waste collection and management in the US. The analysis: estimates the number and weight of products that will become obsolete and need end-of-life management annually; estimates what portion of end-of-life electronic products is recycled versus disposed; estimates how much material ready for end-of-life management may be stockpiled; examines collection rates experienced by existing electronics recycling programs as an indicator of the amount of material that is, on a practical basis, available for recycling; and examines the current situation regarding the export of cathode ray tubes collected for recycling. Analysis consists of a fact sheet summarizing major findings, and two detailed reports using two distinct sets of data inputs and life span models. Full text document location: <http://www.epa.gov/epaoswer/hazwaste/recycle/eycling/manage.htm>

4TH USCAR. (05/04/07, 72 FR 25675) The US State Department released a draft of the fourth US Climate Action Report (USCAR) to the United Nations Framework Convention on Climate Change (UNFCCC) for public review. In 1992, the US signed and ratified the UNFCCC. The first USCAR was submitted to the UNFCCC Secretariat in 1994, the second in 1997, and the third in 2002. Individual chapters are available at: <http://www.state.gov/g/oes/climate>. For further information:

Dr. Kirsten R. Jaglo, Office of Global Change, U.S. Department of State at (202) 736-7092.

UNIFIED AGENDA UPDATE. (04/30/07, [72 FR 22237](#)) The semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions was updated 04/30/07. The agenda, published twice each year, reports regulatory and deregulatory activities under development throughout the federal government. The Unified Agenda is available at <http://www.gpoaccess.gov/ua/index.html> or <http://ciir.cs.umass.edu/ua/> as searchable databases or lists.

2007 REPORT ON THE ENVIRONMENT. (05/10/07, [72 FR 26629](#)) USEPA issued the draft document "EPA's 2007 Report on the Environment: Science Report" (EPA/600/R-07/045) for review. The report seeks to compile the most reliable indicators currently available to help answer questions about trends in the environment and human health. The report identifies key limitations of the indicators, and gaps where reliable indicators do not yet exist. Indicators comprising the main content of the report available at: <http://www.epa.gov/roeindicators>. The report consists of five chapters: the Air, Water, and Land chapters (Chapters 2, 3, and 4) focus on trends in air, water, and land media, and their effects on human health and ecological systems; and the Human Health and Ecological Condition chapters (Chapters 5 and 6) follow with information on overall trends in human health and ecological systems. The report is available for download at: <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=140917> and comments are due 06/25/07.

HIGH PRODUCTION VOLUME INFORMATION SYSTEM. (05/17/07) In 2006, USEPA made available the High Production Volume Information System (HPVIS) online to provide access to select health and environmental effect information on chemicals manufactured in exceptionally large amounts. Information in the database is submitted through EPA's High Production Volume (HPV) Challenge Program. HPVIS allows users to search for summary information, test plans, and new data on high production volume chemicals as they are developed. As of April 2007, HPVIS contains 348 submissions, representing 873 chemical substances, either as a single chemical submission or as a member of a chemical category. The goal of the HPV Challenge Program is to provide basic data on the health and environmental effects of approximately 2,200 HPV chemicals to the public. Companies, such as chemical manufacturers and trade associations, voluntarily sponsor a set of HPV chemicals, perform tests on the chemicals, and submit their test data to this database. To ensure consistency, sponsors follow the Screening Information Data Set (SIDS), developed by the Organization for Economic Cooperation and Development. SIDS provides internationally agreed upon tests for screening chemicals for human and environmental hazards. The system contains short summaries that provide information on physical and chemical properties, environmental fate and transport, eco-toxicity, and mammalian health effects. To access the summary information: <http://www.epa.gov/hpvis/>.

FOURTH ASSESSMENT REPORT ON CLIMATE CHANGE. (05/21/07, [72 FR 28545](#)) The Intergovernmental Panel on Climate Change (IPCC) issued the fourth and final volume of its Fourth Assessment Report on Climate Change. The First Assessment Report was completed in 1990, the second in 1995, and the third in 2001. Three working group volumes and a synthesis report comprise the Fourth Assessment Report: Working Group I assesses scientific aspects of the climate system and climate change; Working Group II assesses vulnerability of socio-economic and natural systems to climate change, potential negative and positive consequences, and options for adapting to it; and Working Group III assesses options for limiting greenhouse gas emissions and otherwise mitigating climate change. The Climate Change Science Program Office (CCSPO) is coordinating collection of US expert comments to develop a consolidated US Government submission. The Fourth Assessment Report is and instructions for commenting are available at: <http://www.climatechange.gov/Library/ipcc/syr4ar-review.htm>. Registration and agreement to non-disclosure is required to download the report. Comments are due 06/27/07. For further information: David Dokken, U.S. Climate Change Science Program, Washington, DC, <http://www.climatechange.gov>

CLIMATE MODELS. (05/22/07, [72 FR 28683](#)) NOAA announces the release of a draft report from the US Climate Change Science Program, titled, "Climate Models: An Assessment of Strengths and Limitations for User Applications." The report is available at: <http://www.climatechange.gov/Library/sap/sap3-1/default.php> and comments are due 07/06/07. The report focuses on modeling and contains some discussion of model conclusions. For further information: Dr. Fabien Laurier, Climate Change Science Program Office, Washington, DC, (202) 419-3481.

SOLID WASTE DISPOSAL. (05/24/07) USEPA released a report summarizing solid waste disposed in the US in 2005. The report provides an overview of the amounts and types of waste, numbers of landfills, and recycling. The report and previous reports in the same series are available at www.epa.gov/epaoswer/non-hw/muncpl/msw99.htm. General information on municipal solid waste is available at www.epa.gov/osw. Full text document location: <http://www.epa.gov/epaoswer/osw/conserves/resources/msw-2005.pdf>

Federal Notices and Rulemaking

Clean Air Act (CAA)

HALOGENATED SOLVENT CLEANING. (05/03/07, [72 FR 25137](#)) USEPA issued a final rule that revises 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 material surfaces. 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. The final standards apply a facility-wide total MC, PCE, and TCE emission standard. USEPA states that final facility-wide emissions limits in the rule satisfy USEPA obligations under CAA sections 112(d)(6) (technology review) and 112 (f)(2) (residual risk review). Solvent cleaning in manufacture and maintenance of aerospace products is not covered by the 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). 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 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.

NONROAD SPARK-IGNITION ENGINES. (05/18/07, [72 FR 28097](#)) USEPA issued 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, spark-ignition engines used in marine generators, and marine spark-ignition engines and vessels. The rule addresses SI nonroad engines rated below 25 horsepower (19 kW): engines used in household and commercial applications, including lawn and garden equipment, utility vehicles, generators, and a variety of other construction, farm, and industrial equipment. USEPA is proposing evaporative emission standards for both handheld and nonhandheld land based equipment to include vessels and equipment. For small non-road engines, USEPA is proposing HC+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 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. The rule addresses marine electrical generators, and larger spark-ignition engines used in marine vessels, including outboard engines, personal watercraft, and sterndrive/inboard engines. 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+NO_x and 75 g/kW-hr for CO starting with the 2009 model year. USEPA expects manufacturers to meet 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> and 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.

NESHAP RISK AND TECHNOLOGY REVIEW. (05/25/07, [72 FR 29287](#)) USEPA extended the comment period by 30 days to 06/29/07 on the review of residual risk associated with hazardous air pollutant emissions from 22 different source categories to include aerospace manufacturing and rework facilities, shipbuilding and ship repair operations, marine tank vessel loading operations, and several others. For further information: Paula Hirtz, EPA Office and Air Quality Planning and Standards, Research Triangle Park, NC, (919) 541-2618, hirtz.paula@epa.gov.

Climate Change and Energy

RENEWABLE FUEL STANDARD PROGRAM. (05/01/07, [72 FR 23899](#)) 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, use enough renewable fuel each year so that the total national volume requirements of the Energy Policy Act are met. Regulations establish a trading program that will allow renewable fuels to be used where they are most economical. Producers of renewable fuels (alcohol, biodiesel) above a 10,000 gallon per year threshold must register, and must assign "Renewable ID" numbers to batches of fuel produced. 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.

Emergency Planning and Community Right to Know Act (EPCRA)

DIOXIN AND DIOXIN-LIKE COMPOUNDS. (05/10/07, [72 FR 26544](#)) USEPA finalized revisions to EPCRA Section 313 reporting requirements for the dioxin and dioxin-like compounds category. The final rule requires that, in addition to reporting total gram quantities for dioxin and dioxin-like compounds, facilities are required to report the mass quantity of each individual member of the category. Mass quantity data for individual members of the category will be used by USEPA to perform toxic equivalency (TEQ) computations that will be made available to the public. TEQs are a weighted quantity measure based on the toxicity of each member of the dioxin and dioxin-like compounds category relative to the most toxic members of the category (2,3,7,8-tetrachlorodibenzo-p-dioxin and 1,2,3,7,8-pentachlorodibenzo-p-dioxin). The final rule eliminates reporting of single generic distribution for members of the dioxin and dioxin-like compounds category. The final rule becomes effective 07/09/07. For further information: Daniel R. Bushman, Toxics Release Inventory Program Division, Office of Information Analysis and Access, EPA, Washington, DC, 202-566-0743, bushman.daniel@epamail.epa.gov.

Hazardous Materials Transportation

HAZARDOUS MATERIALS TRANSPORTATION. (05/03/07, [72 FR 25161](#)) The Department of Transportation (DOT), PHMSA has issued a final rule amending Hazardous Materials Regulations (HMR) to revise, consolidate, and clarify provisions authorizing use of various international transport standards and regulations for transport to, from, or within the US. Sections for the use of international standards and regulations have been consolidated into a new 49 CFR 171, Subpart C to include: 171.22 authorization and conditions for use of international standards and regulations; 171.23 requirements for specific materials and packagings transported under the International Civil Aviation Organization (ICAO) Technical Instructions, International Maritime Dangerous Goods (IMDG) Code, Transport Canada TDG Regulations, or the International Atomic Energy Agency (IAEA) Regulations; 171.24 additional requirements for use of ICAO Technical Instructions; 171.25 additional requirements for use of IMDG Code; and 171.26 additional requirements for use of IAEA Regulations. For further information: Duane Pfund, International Standards Coordinator, (202) 366-0656, or Joan McIntyre, Office of Hazardous Materials Standards, (202) 366-8553, Pipeline and Hazardous Materials Safety Administration.

PROTECTING UNUSUALLY SENSITIVE AREAS. (05/18/07, [72 FR 28008](#)) PHMSA issued a supplemental proposal extending all federal hazardous liquid pipeline safety regulations to rural low-stress pipelines that meet specific criteria with respect to size (8 5/8 inches or more in diameter), operating pressure (at or below 20 percent SMYS) and location relative to unusually sensitive area. Modification addresses new requirements in the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act). PHMSA is proposing to: increase the size of the buffer around unusually sensitive areas from a quarter to a half-mile; allow an option for operators to use comprehensive spread analysis, in place of the specified buffer, to determine which portions of the pipeline can affect an unusually sensitive area; and extend reporting requirements of 49 CFR 195 Subpart B to operators of all currently unregulated rural low-stress pipelines. Unusually sensitive areas are areas requiring extra protection because of the presence of sole-source drinking water resources, endangered species, or other ecological resources that could be adversely affected by accidents or leaks occurring on hazardous liquid pipelines. In a separate subsequent rulemaking, PHMSA will apply 49 CFR 195 safety standards to all remaining unregulated rural low-stress pipelines of smaller diameter. Comments are due by 06/08/07. For further information: Lane Miller, (405) 954-4969, Lane.Miller@dot.gov.

Natural and Cultural Resources

DoD HISTORIC PROPERTIES. (05/21/07, [72 FR 28463](#)) The US Air Force, Army and Navy have adopted the Advisory Council on Historic Preservation's Program Comments for: Cold War Era Unaccompanied Personnel Housing (1946-1974); World War II and Cold War Era (1939-1974) Ammunition Storage Facilities; and World War II and Cold War Era (1939-1974) Army Ammunition Production Facilities and Plants. The documents are programmatic compliance mechanisms allowing installations to meet compliance requirements of Section 106 of the National Historic Preservation Act (NHPA). Program comments allow installations to proceed without further NHPA Section 106 consultation, for ongoing operations, maintenance and repair; rehabilitation; renovation; mothballing; cessation of maintenance, new construction, demolition; deconstruction and salvage; remediation activities; and transfer, sale, lease, and closure. Also available is the final Environmental Assessment (EA) and signed Finding of No Significant Impact (FONSI) for the Program Comment process. Copies of the Program Comments, the final EA and signed FONSI are available at the Defense Environmental Network Information eXchange (DENIX) Web site: <https://www.denix.osd.mil/ProgramAlternatives>. For further information: David Berwick, Army Program Manager, Advisory Council on Historic Preservation, Washington, DC, (202) 606-8505, dberwick@achp.gov.

Air Force, Army, and Navy each have a separate Federal Register announcement:

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/07-2504.htm>

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/07-2506.htm>

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/07-2505.htm>

Resource Conservation and Recovery Act (RCRA)

USE OF PRODUCTS CONTAINING RECOVERED MATERIALS. (05/03/07, [72 FR 24554](#)) DoD, the General Services Administration (GSA), and NASA propose to amend the Federal Acquisition Regulation (FAR) to clarify language on the use of products containing recovered materials pursuant to RCRA and Executive Order 13101. Revisions to Subpart 23.4, Use of Products Containing Recovered Materials, and associated provisions and clauses in FAR Part 52, with conforming changes in FAR Parts 12, 23, and 42, are proposed to: provide for consistency when referring to products containing recovered materials; clarify that the requirement for products containing recovered materials applies when agencies require delivery or specify use of USEPA-designated items, and when agencies award contracts for services or construction unless the service or construction contract will not involve the use of such items; prescribe a new clause for use in service and construction contracts when appropriate; and revise the Recovered Material Certification provision to reflect proposed changes. Although Executive Order 13101 was recently revoked, it has not yet been eliminated from Subpart 23.4 under RCRA, as other conforming changes will be required. A future FAR case will make conforming changes as a result of the EO 13423. Comments are due by 07/02/07. For further information: William Clark, Procurement Analyst, (202) 219-1813, cite FAR case 2005-039.

Safe Drinking Water Act (SDWA)

CCL 2 PRELIMINARY DETERMINATIONS. (05/01/07, [72 FR 24015](#)) USEPA issued preliminary regulatory determinations for 11 of the 51 contaminants listed on the second Contaminant Candidate List (CCL 2) and supporting rationale for each. Preliminary determination finds that a national primary drinking water regulation (NPDWR) is not appropriate for any of the 11 contaminants. A support document entitled, "Regulatory Determinations Support Document for Selected Contaminants from the Second Drinking Water Contaminant Candidate List" (USEPA, 2006a) is available at: <http://www.regulations.gov>. USEPA has not made preliminary determination for perchlorate and this action provides an update of the evaluation of perchlorate. EPA requests comment on the information and options under consideration for evaluating perchlorate, due 07/02/07. For further information: Wynne Miller, Office of Ground Water and Drinking Water, Standards and Risk Management Division, (202) 564-4887, miller.wynne@epa.gov.

Spill Prevention and Control Countermeasure (SPCC)

COMPLIANCE DATES EXTENDED. (05/06/07, [72 FR 27443](#)) USEPA issued a final rule extending by 20 months, until 07/07/09, the dates by which facilities must prepare or amend and implement SPCC Plans. USEPA expects to propose further revisions to SPCC later this year. Areas where regulatory reform may be appropriate include, but are not limited to, oil and natural gas exploration and production facilities, farms, and qualified facilities. Extension will allow the regulated community an opportunity to make changes to facilities and SPCC Plans so as to comply with revised requirements promulgated based on amendments to be proposed later this year, and finalized thereafter (rather than

requirements). USEPA believes extension of compliance dates will provide the owner or operator of a facility time to fully understand regulatory amendments offered by revisions to the 2002 SPCC rule and amendments expected to be promulgated by the summer of 2008. For further information: Vanessa Rodriguez, EPA, Washington, DC, (202) 564-7913, rodriguez.vanessa@epa.gov.

Toxic Substances Control Act (TSCA)

PCBs. (04/30/07, [72 FR 21190](#)) USEPA proposes to grant the Defense Logistics Agency's 2005 petition to import foreign-manufactured PCBs that DoD currently owns in Japan for disposal. With certain exceptions, TSCA bans the manufacture (including import) of PCBs. One exception gives USEPA authority to grant petitions to perform banned activities for a period of up to 12 months if certain conditions are met. For further information: Tom Simons, National Program Chemicals Division, Office of Pollution Prevention and Toxics, EPA, Washington, DC, (202) 566-0517, simons.tom@epa.gov.

ASBESTOS-CONTAINING BUILDINGS. (05/11/07, [72 FR 26816](#)) USEPA conducted a controlled demonstration to evaluate the Alternative Asbestos Control Method alongside the current NESHAP method in a remote, secure location at Fort Chaffee, Arkansas. To facilitate side-by-side comparison, the demonstration used two similar structures with asbestos-containing materials (ACM). The control method removes the most friable ACM before demolition, but leaves some ACM (primarily wall systems) in place. The most friable ACM are removed under the requirements of the Asbestos NESHAP and are disposed of properly as asbestos-containing wastes. Once the most friable asbestos-containing materials are safely removed, the demolition proceeds using amended water suppression before, during and after demolition, in order to trap asbestos fibers and minimize potential release to the air. Wastewater generated during the demolition is collected, and all contaminated materials are properly disposed as asbestos-containing waste. A two-inch layer of soil is removed to ensure that no residual soil contamination remains at the site. The draft Final Report will be available at: <http://epa.gov/region6/6xa/asbestos.htm>. Comments are due 06/11/07. For further information: Stephen Watkins, Office of Research and Development, EPA, Washington, DC; (202) 564-3744, watkins.stephen@epa.gov.

State Laws and Rulemaking

Alabama

Final Rules



WATER QUALITY CRITERIA. (Division 6; 335-6-10-.07; 335-6-11-.02) The Alabama Department of Environmental Management (ADEM) amended water quality criteria to establish standards of quality for surface waters. Amendment specifies 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 added the Public Water Supply use classification to a segment of the Choccolocco Creek from Boiling Spring Road to Egoniaga Creek in Calhoun County to add the Outstanding Alabama Water use classification to a portion of Wolf Bay from the Intracoastal Waterway to Moccasin Bayou in Baldwin County, and to upgrade a portion of Black Creek in Etowah County from Lake Gadsden to US Highway 431 from the Agricultural and Industrial Water Supply classification to the Fish and Wildlife Classification. ADEM held a public hearing 03/19/07 and written comments were due 03/19/07. Amendments were filed with the Legislative Reference Service 04/24/07 and became 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>

Contact: Molly Tatum (334) 394- 4360.

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. A public hearing was held and comments were due 02/09/07. The rule has been issued, but will not become effective until January 2008. The current permit will remain effective until September of 2007. 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 were 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

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 held another 05/16/07. Comments were due 06/06/07.

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 held a rule development workshop 03/06/07.

Florida Administrative Weekly 01/26/07:

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

Proposed Rule Text: http://www.dep.state.fl.us/water/rules_dr.htm#erp

Contact: Nancy Ross (850) 245-8419.

Georgia



Final Rules

CAIR. The Georgia Environmental Protection Division (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 adopted by BNR at the 02/28/07 public meeting.

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

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

Draft CAIR NO_x Annual Trading Program:

http://www.georgiaair.org/airpermit/cair/downloads/GA_NOx_CAIR_DRAFT.pdf

Draft CAIR SO₂ Annual Trading Program:

http://www.georgiaair.org/airpermit/cair/downloads/GA_SO2_CAIR_DRAFT.pdf

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.

Proposed Rules

WATER SUPPLY WATERSHEDS CRITERIA. 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. Another hearing was held 05/22/07 and comments were due 06/04/07.

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

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

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

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

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

Contact: Linda MacGregor (404) 675-6232.

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

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

Comprehensive Statewide Water Management Planning Act:

http://www.legis.state.ga.us/legis/2003_04/fulltext/hb237.htm

Contact: Alice Keyes (404) 463-1678.

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. GAEPD released proposed regulations 04/13/07 and a public hearing was held 05/15/07; comments were due 05/29/07. Comments on GAEPD's 111(d) plan were due 05/22/07. Proposed CAMR amendments will be considered for adoption by BNR 06/27/07.

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

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

Georgia Environmental Protection Division Section 111(d) Plan:

http://www.gaepd.org/environet/1/20070406_Notice_CAMR_111d_Plan.pdf

Georgia Environmental Protection Division CAMR: http://www.gaepd.org/environet/1/20070406_Notice_CAMR.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 prepared 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 held a public hearing 05/15/07 and written comments were 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.

SIP. GAEPD is proposing to revise the SIP by incorporating the redesignation request and maintenance plan for the Macon 8 hour ozone non-attainment area. Proposed amendments would maintain compliance with CAA amendments of 1990 so that the Macon area be redesignated to an attainment area with respect to the National Ambient Air Quality Standard (NAAQS) for ground-level ozone or tropospheric. GAEPD will hold a public hearing and comments are due 06/12/07.

Georgia Department of Natural Resources-Environmental Protection Division 05/02/07:

http://www.georgiaepd.org/Files_PDF/plans/sip/proposed_macon_8-hour_maintenance_plan_5-2-07.pdf

Contact: Heather Abrams (404) 363 7000.

Kentucky

Proposed Rules



HAZARDOUS WASTE RULES. (401 KAR 31:005 et seq.) Kentucky Department of Environmental Protection (KDEP) is planning to adopt verbatim federal HWR published between 1996 through 06/30/05. Possible adoptions include: military munitions; land disposal restrictions, phase IV, including the scrap metal exclusion; carbamate production; organic air emission standards for tanks; recycled oil; treatment standards for metal wastes and mineral processing wastes; hazardous soil treatment standards; Bevill exclusion revisions; hazardous waste combustors revised standards; petroleum refining process; treatment standards for spent potliners; closure and postclosure requirements; Hazardous Waste Identification Rule-Media; universal waste rule amendments; and organic air emission standards. Proposed revisions would affect identification and listing of hazardous waste, standards applicable to generators of hazardous waste, and standards for owners and operators of hazardous waste storage, treatment, and disposal facilities. KDEP 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 worked with the Legislative Research Commission before filing rule appeared on the May Administrative Regulation Review Subcommittee (ARRS) hearing docket and the June Agriculture and Natural Resources Interim Joint Committee agenda; rules were amended 05/08/07.

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, were published in the Kentucky Administrative Register. Amendments were made to the proposals at the Administrative Regulation Review Subcommittee (ARRS) on 05/8/07.

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

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

Contact: Justin Dearing (502) 564-3410.

CLEAN AIR INTERSTATE RULE (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, 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. No additional information is currently available.

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

Final Rules



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. The Mississippi Environmental Quality Permit Board held a meeting 01/09/07, and approved the re-issuance of Class I SWGP-R1, and Class II SWGP-R2 General Permits.

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

Minutes of the Department's re-issuance of Class I SWGP-R1, and Class II SWGP-R2 General Permits meeting:

[http://www.deq.state.ms.us/MDEQ.nsf/pdf/About_PermitBoardMinutesJanuary92007/\\$File/PBMINUTES%20January%209,%202007.pdf?OpenElement](http://www.deq.state.ms.us/MDEQ.nsf/pdf/About_PermitBoardMinutesJanuary92007/$File/PBMINUTES%20January%209,%202007.pdf?OpenElement)

Contact: Debbie Pridgen (601) 961-5171.

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.

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.

CLEANUP STANDARDS. MSDEQ is discussing a new rulemaking to harmonize cleanup standards for brownfields, voluntary remediation, uncontrolled sites and underground tanks. The rule would repeal current standards and set forth one standard to be used in the Groundwater and Remediation Division (GARD). MSDEQ's priorities have shifted due to the hurricanes and numerous retirements. The project will not be addressed until at least 2008. Contact: Jerry Banks (601) 961-5221.

USTCA. MSDEQ is discussing adoption of the federal 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



AIR/VEHICLE INSPECTION EXEMPTION, SB 510. Introduced and referred to Senate Committee on Finance 03/06/07, SB 510 would exempt vehicles registered to active duty military personnel from emissions and safety inspections while deployed. Prospects for consideration of such measure are favorable given the large number of co-sponsors to this measure. The lead sponsor is a member of the majority party in the Senate and does sit on the committee of referral. Fifteen other Senators have signed on as co-sponsors to this measure; Senators Clodfelter, Kerr III, and Hoyle are the Co-Chairmen of the Senate Finance Committee. <http://www.ncga.state.nc.us/Sessions/2007/Bills/Senate/HTML/S510v1.html>

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 Ref To Committee On Rules and Operations of the Senate on 05/29/2007 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. NCDENR 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 nonattainment areas (now maintenance areas) to report NO_x and VOC emissions annually. NCDENR proposes to extend the reporting requirement to new nonattainment counties in the Charlotte nonattainment area not already covered. Counties to be included are Cabarrus, Lincoln, Rowan, and Union. Davidson and Coddle Creek Townships in Iredell County would also be included. 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 went to 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/March2006AQC/Agenda3.pdf> (page 1 of 6)

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South Carolina



Final Rules

DEFINITION AND REQUIREMENTS OF SIP. (R. 61-62.1) The South Carolina Department of Health and Environmental Control (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. Rules were submitted to the legislature for review during the 2007 session and are being reviewed by the appropriate committees. The legislative review period closed 05/09/07 and rules became effective 05/05/07. Contact: Dennis Cam (803) 898-4284.

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.

Proposed Rules

TES LISTING. The South Carolina Department of Natural Resources (SCDNR) 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. The amendments were submitted and legislature is reviewing the amendments, but has not provided a timeframe for review. 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. Rules are currently being reviewed by the appropriate committees. The legislative review period closes 05/27/07. If no further action is taken by the legislature, the rules are expected to be published as final in the June Register. Contact: L. Nelson Roberts, Jr. (803) 898-4122 Contact: L. Nelson Roberts, Jr. (803) 898-4122.

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. Unless action is taken to pass the regulations early, the legislative review period will continue through 01/14/08.

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

Contact: David Scaturo (803) 898-3432.

ENVIRONMENTAL PROTECTION FEES. SCDHEC is proposing to amend Environmental Protection Fees for radioactive materials licenses and radioactive waste transportation permits. The fee increase would recover the cost of the program as required by the Atomic Energy and Radiation Control Act. Legislative review of the amendments will be required. Comments on the drafting of the amendments were due 10/23/06. SCDHEC received Board of Natural Resources (BNR) approval for public notice and comment at a public meeting 12/14/06 and held an informational forum 02/26/07. Written comments were due 02/26/07; none were received. A public hearing originally scheduled for BHEC's regular meeting 04/12/07 was rescheduled for 06/14/07. 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 NAAQS FOR 8-HOUR OZONE AND PM2.5. SCDHEC is proposing a SIP to meet USEPA requirements for 8-hour ozone and PM 2.5. The deadline to submit the SIP to USEPA was 05/25/07 and SCDHEC did not meet the deadline due to the lengthy development process, but is working with USEPA to assist in approval of the SIP. Implementation of the South Carolina CAIR is expected in summer 2007 and will satisfy several requirements of the SIP. The SIP would address requirements to protect visibility and state that SCDHEC would have in place a preconstruction review program for 8-hour ozone and PM2.5 that contains prevention of significant deterioration and non-attainment new source review provisions. A public hearing was held and written comments were due 05/30/07. Contact: Stacey Gardner (803) 898-4287.

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 (BHEC). BHEC approved the rules, which have been submitted for legislative review. The legislative review period will continue through 03/16/08. 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

SIP 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 published 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. Notice of drafting will be published in the June edition of South Carolina Register and it is anticipated that drafting of UST regulation will have commenced late May, or early June 2007. 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 DHEC no later than September 2007. Contact: Amy M. Bennett (803) 898-4249.

WATER PRETREATMENT REQUIREMENTS. SCDHEC is proposing to amend pretreatment requirements for industrial users who discharge directly to surface waters under NPDES. Proposed rule would adopt changes published at 70 FR 60134, published 10/14/05. Revisions would require legislative review. SCDHEC accepted comments on the drafting of revisions through 04/25/07. There is no schedule for publishing the draft rules available at this time. Contact: Andrew Yasinsac (803) 898-4237.

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.

MILITARY BASE TASK FORCE. Governor Mark Sanford, through an executive order, reconstituted the South Carolina Military Base Task Force. The purpose of the task force is to enhance the value of military installations, facilities, and personnel located in South Carolina. The task force shall coordinate efforts among public and private sectors to maintain the significant US DoD presence in South Carolina. The Governor's office will assist in identifying members of the task force.

Executive Order No. 2006-05:

http://www.scgovernor.com/uploads/executiveorders/2006-05_ReconstitutingSouthCarolinaMilitaryBaseTaskForce.pdf

Contact: Lorrie King (803) 734-2100.

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

Kingsville 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.