



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

DoD ACTIVITIES RELATED TO EMERGING CONTAMINANTS. (07/12/07) The Government Accountability Office (GAO) released testimony on "Environmental Contamination: Department of Defense Activities Related to Trichloroethylene, Perchlorate, and Other Emerging Contaminants." GAO was asked for testimony to summarize past work on perchlorate, TCE, and defense-activities related to: the state of knowledge about the emerging contaminants TCE and perchlorate, DoD responsibilities for managing TCE and perchlorate contamination at its facilities, and DoD activities to address TCE and perchlorate contamination. DoD has regulatory compliance responsibilities for TCE that lack federal regulatory standards. DoD's designation of perchlorate as an emerging contaminant indicates the concern over significant potential impact the upon people or the mission. In absence of a federal perchlorate standard, DoD adopted its own policies on sampling and cleanup. The 2006 policy applies broadly to DoD's active and closed installations and formerly used defense sites within the US and its territories. DoD established a mechanism for addressing emerging contaminants called MERIT (Materials of Evolving Regulatory Interest Team) to help address health, environmental, and safety concerns. MERIT focused on materials that have been or are used by DoD, or are under development for use, such as perchlorate, TCE, RDX, DNT and new explosives, naphthalene, perfluorooctanoic acid (PFOA), hexavalent chromium (i.e., chromium VI), beryllium, and nanomaterials. MERIT's initiatives include pollution prevention, detection/analytical methods, human health studies, treatment technologies, lifecycle cost analysis, risk assessment and risk management, and public outreach. MERIT's current Emerging Contaminant Action List includes five contaminants: perchlorate, TCE, RDX, naphthalene, and hexavalent chromium. To be placed on the action list, the contaminant has generally been assessed by MERIT for impact on: environment, safety, and health (including occupational and public health), cleanup

efforts, readiness and training, acquisition, and operation and maintenance activities. For further information: John Stephenson at (202)512-3841, stephensonj@gao.gov; https://www.denix.osd.mil/denix/Public/Library/MERIT/emerging_contaminants.html.

Conferences and Events

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 tracts. <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/>

STORMCON 6TH ANNUAL NORTH AMERICAN SURFACE WATER QUALITY CONFERENCE AND EXPOSITION. August 20-23. Phoenix, AZ. Join more than 1,000 stormwater and environmental services professionals at the nation's leading forum for surface water quality. In addition to serving municipal and government professionals, StormCon offers stormwater sessions on sediment and erosion control, stormwater practices for contractors, and stormwater techniques for special sites (such as airports and ports) and private firms that need to meet NPDES requirements. StormCon offers nontechnical stormwater sessions that will benefit those completely new to stormwater, as well as advanced sessions for seasoned professionals. <http://www.stormcon.com/sc.html>

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>

INTERNATIONAL CONFERENCE ON AIR QUALITY VI: MERCURY, TRACE ELEMENTS, SO₂, PARTICULATE MATTER AND GREENHOUSE GASES. September 24-27. Arlington, VA. The Energy & Environmental Research Center's Center for Air Toxic Metals (CATM), the US Department of Energy National Energy Technology Laboratory, USEPA, and the Electric Power Research Institute, Inc., present a premier international conference on the current state of science and policy on mercury, trace elements, SO₃, particulate matter, and greenhouse gases in the environment. This year's 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. <https://www.undeerc.org/AQVI/>

POLLUTION PREVENTION THROUGH NANOTECHNOLOGY. September 25-26. Arlington, VA. EPA is holding a conference that will focus on three major areas of pollution prevention: products that are less toxic, less polluting, and wear-resistant; processes that are more efficient and waste-reducing; and processes and products that use less energy and fewer raw materials because of greater efficiency. Register by 09/17/07. For further information: Clive Davies, Design for the Environment Branch, Economics, Exposure, and Technology Division, Office of Pollution Prevention and Toxics, EPA, (202) 564-3821, davies.clive@epa.gov.
<http://www.epa.gov/oppt/nano/nano-confinfo.htm>

7TH ANNUAL BIOCYCLE CONFERENCE ON RENEWABLE ENERGY FROM ORGANICS RECYCLING. October 1-3. Indianapolis, IN. With 50 technical sessions, field trips and exhibits, the conference addresses sustainable energy, renewable fuels, landfill gas recovery and much more. <http://www.jgpress.com/conferences1/conferences1.html>

INTERNATIONAL ASSOCIATION OF WILDLAND FIRE: HUMAN DIMENSIONS OF WILDLAND FIRE. October 23-25. Fort Collins, CO. Visit the Front Range in Colorado for a conference aimed at advancing the knowledge and practice related to the human side of managing fire prone landscapes. The conference is intended for researchers and professionals involved in the science or practice of the human dimensions of wildland fire including suppression, fuels management and community preparedness, and post-fire recovery and rehabilitation.
http://www.iawfonline.org/pdf/IAWF_Human_Dimensions_Conf_1st_flyer.pdf

E-SCRAP 2007: THE NORTH AMERICAN RECYCLING CONFERENCE. October 24-25. Atlanta, GA. E-Scrap 2007 will feature extensive and detailed industry assessments, including analyses of stewardship systems and trends in the US and Canada, e-scrap collection issues, recycling market factors, and legislative policy considerations. Presentations will be given by leading experts involved in electronics product stewardship.
<http://www.resource-recycling.com/E-Scrap%20conference/2007/>

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.

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

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

EVERYTHING YOU WANTED TO KNOW ABOUT TANKS, BUT WERE AFRAID TO ASK; A WORKSHOP FOR FEDERAL FACILITIES. September 4-5. Atlanta, GA. The Energy Policy Act of 2005 (EPACT2005) contains numerous requirements for the management of storage tanks at federal facilities. Compliance with EPACT2005 will require tremendous effort on the part of Installation and Regional Tank Managers. Recent inspections by USEPA throughout the US have revealed concerns regarding management of both underground storage tanks (USTs) and Aboveground Storage Tanks (ASTs) at federal facilities. In an effort to assist compliance efforts of Federal Facility Tank Managers within Region 4, the Region 4 EPA is hosting a FREE workshop on Federal Tank Requirements for USTs and ASTs to be held at the Region 4 offices of EPA in downtown Atlanta. The Workshop will provide valuable compliance guidance for both Regional and Installation tank managers. An agenda with final times and speakers is forthcoming in early August. Although EPA feels that everyone with federal facility UST and/or AST management responsibilities would benefit from the information provided at the Workshop, anticipated attendance may require EPA to limit attendance. Please register prior to COB on 08/17/07. EPA will confirm registration acceptance or denial prior to 08/24/07. The training is free and offered to federal employees and in most situations, federal contractors working at federal facilities may also attend. Each participant is responsible for travel and per diem expenses. To register, provide the following information to Mr. Mark Robertson, Robertson.Mark@epamail.epa.gov: name, title, organization, mailing address, city, state, zip, phone number and email address. Questions regarding the Conference can be directed to Marshall Williams at the Southern Regional Environmental Office (SREO), 404-524-5061 ext 273, marshall.williams@us.army.mil, or to Mark Robertson at EPA.

IMPROVING ENVIRONMENTAL COMPLIANCE AND ENVIRONMENTAL MANAGEMENT SYSTEMS AT FEDERAL LABS. September 6-7. Atlanta, GA. USEPA is hosting a free workshop for the federal laboratory community that will focus on federal facility lab requirements under various environmental statutes, regulations and Executive Orders, as well as environmental management systems and pollution prevention strategies. The workshop will be held at the Region 4 Offices of EPA and will: educate lab staff on regulatory compliance and Executive Order requirements applicable to general laboratory operations; identify specific tools, guidance and best practices to help lab personnel manage environmental compliance, EMS implementation and pollution prevention programs; help participants incorporate and integrate environmental practices and strategies into their facility EMS; and host a panel of experts and other practitioners who will share EMS, compliance, and pollution prevention success stories. The training is free and offered to federal employees. In most situations, federal contractors working at federal laboratories may also attend. Please check with specific workshop contacts (FFPM's) to see if this is possible. Each participant is responsible for travel and per diem expenses. Class size is limited to approximately 40 participants and pre-registration is required. For questions and additional information, please contact the [federal facility lab workshops POC](#) in the EPA region where your workshop will take place. For further information and registration, please visit: http://www.fedcenter.gov/kd/go.cfm?destination=page&pge_id=3256. Please note that the date for the Atlanta Workshop may not be noted on the web-site. Registration is open now.

Studies and Reports

TMDLs. On 06/22/07, USEPA made available the technical document "Options for the Expression of Daily Loads in TMDLs" that provides technically-sound options for developing daily load expressions as a routine process in total maximum daily loads (TMDLs) calculated using allocation time frames greater than daily (i.e., annual, monthly, seasonal). In November 2006, USEPA issued the Memorandum "Establishing TMDL "Daily" Loads in Light of the Decision by the U.S. Court of Appeals for the D.C. Circuit in Friends of the Earth, Inc. v. EPA et. al., No. 05-5015 (April 25, 2006) and Implications for NPDES permits," which recommended that all TMDLs and associated load allocations and wasteload allocations include a daily time increment in conjunction with other appropriate temporal expressions that may be necessary to implement the relevant water quality standard. The document is available for download on USEPA's TMDL website at http://www.epa.gov/owow/tmdl/draft_daily_loads_tech.pdf. USEPA intends that TMDL practitioners will make use of the document in developing TMDLs and provide feedback as a result of their experience. USEPA requests comments by 02/01/08. Please send any comments or concerns regarding the technical document to: dimaio_giannina@bah.com.

US CLIMATE CHANGE SCIENCE PROGRAM. (07/20/07, [72 FR 39798](#)) National Oceanic and Atmospheric Administration (NOAA) released the US Climate Change Science Program (CCSP) Synthesis and Assessment Product Draft Report 4.6, entitled, "Analyses of the Effects of Global Change on Human Health, Welfare, and Human Systems" for public comment. The report analyzes the effects of global change, especially those of climate variability and change, along with the associated impacts of land use and population dynamics on three broad dimensions of the human condition: human health, human settlements, and human welfare. The report is available at: <http://www.climatechange.gov/Library/sap/sap4-6/public-review-draft/sap4-6prd-all.pdf>. Comments are due 09/04/07. For further information: Dr. Fabien Laurier, Climate Change Science Program Office, Washington, DC, (202) 419 3481.

ELECTRONICS ENVIRONMENTAL BENEFITS CALCULATOR. (07/17/07) USEPA released a software application that helps organizations calculate positive effects of making "green" decisions when purchasing, reusing or recycling electronic devices. The Electronics Environmental Benefits Calculator (EEBC) assists institutional purchasers, including Federal Electronic Challenge (FEC) program participants, in quantifying the benefits of environmentally sound management of electronic equipment. The calculator estimates the environmental and economic benefits of purchasing Electronic Product Environmental Assessment Tool (EPEAT)-registered products, in addition to improvements in equipment operation and end-of-life management practices. Currently the tool is designed to evaluate EPEAT-registered desktop (with a CRT or LCD) and notebook computers. The project developed environmental performance metrics and quantitative tools that translate attributes and activities into environmental benefits, including savings in: energy use; virgin material use (increase in recycled materials); CO₂/Greenhouse gas emissions; air emissions; water emissions; toxic materials; municipal solid waste generation; hazardous waste generation; and cost. The calculator tool is currently available in an Excel Spreadsheet format. Later in 2007, USEPA plans to make the calculator available as a web-based tool. The calculator can be downloaded for free at <http://eerc.ra.utk.edu/ccpct/eebc/eebc.html>. For further information: Jack Geibig (jgeibig@utk.edu) or Vicky Salazar Salazar.Vicky@epamail.epa.gov.

ENERGY STAR WEB PAGE. (07/23/07) ENERGY STAR launched a new web page for federal agencies and facilities:

<http://www.energystar.gov/fedofficeenergy>. The site provides information for the federal audience on federal requirements for energy efficient products, purchasing ENERGY STAR qualified products, and implementing power management. All EPEAT-registered products are, by definition, ENERGY STAR qualified. Visit www.epeat.net for registered product lists and additional product requirements. The FEC, ENERGY STAR, and EPEAT programs are preparing a fact sheet and list of frequently asked questions to address connections between the three programs and how each will incorporate the new ENERGY STAR specifications for computer equipment that became effective 07/02/07. For further information: <http://www.energystar.gov/fedofficeenergy>.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE. (07/24/07, [72 FR 40270](http://www.federalregister.gov)) The Animal and Plant Health Inspection Service announced a website where they will place significant guidance documents: <http://www.aphis.usda.gov/guidance>. The website is in response to Executive Order (EO) 13422, "Amendment to Executive Order 12866 for Regulatory Planning and Review" and a related Office of Budget and Management (OBM) document: the OMB Bulletin on Agency Good Guidance Practices. The primary focus of the EO and the bulletin is to improve the way the federal government does business with respect to significant guidance documents issued to the public. OMB issued a memorandum to assist agencies in implementation of the EO and bulletin. For further information: Cindy Howard, APHIS Regulatory Analysis and Development, Policy and Program Development, Riverdale, MD, (301) 734-5957.

LEAD. (07/27/07, [72 FR 41325](http://www.federalregister.gov)) USEPA's Office of Air Quality Planning and Standards (OAQPS) will issue a draft document entitled "Lead Human Exposure and Health Risk Assessments for Selected Case Studies." Lead is one of six criteria pollutants for which USEPA has established air quality criteria and national NAAQS. The purpose of the Draft Risk Assessment Report is to describe the design, methodology and results of the human exposure and health risk assessments for lead. The draft document will be available at: http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_cr_td.html and comments are due 08/29/07. For further information: Dr. Zachary Pekar, Office of Air Quality Planning and Standards, EPA, Research Triangle Park, NC, pekar.zachary@epa.gov, (919) 541-3704.

Federal Notices and Rulemaking

Clean Air Act (CAA)

NAAQS. (07/11/07, [72 FR 37817](http://www.federalregister.gov)) USEPA formally issued proposed revisions to primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone and made corresponding revisions in data handling conventions for ozone. Proposed revisions to the primary standard designed to protect human health include setting the 8-hour standard level within the range of 0.070-0.075 parts per million (ppm), and specifying the level of the primary standard to the nearest thousandth ppm because of improvement in detection and accuracy of ozone monitors. USEPA is requesting comment on alternative levels down to 0.060 ppm and up to the current 8-hour standard of 0.08 ppm (effectively 0.084 ppm using current data rounding conventions). Proposed revisions to the secondary standard designed to protect welfare (such as vegetation and crops) include two options: (1) establish a new form of standard designed specifically to protect sensitive plants from damage caused by repeated ozone exposure throughout the growing season. The cumulative standard would add daily ozone concentrations across a three-month period. USEPA is proposing to set the level of the cumulative standard within the range of 7 to 21 ppm-hours; and (2) Follow current practice, making the secondary standard identical to the proposed primary 8-hour standard. USEPA announced five public hearings on the proposal in Los Angeles and Philadelphia on Aug. 30, and Atlanta, Chicago and Houston on Sept ([72 FR 37682](http://www.federalregister.gov)). 5. Comments are due 10/09/07. For further information: Dr. David J. McKee, Office of Air Quality Planning and Standards, EPA; 919-541-5288.

Hazardous Materials Transportation

HAZARDOUS MATERIALS SHIPMENT. (07/02/07, [72 FR 35961](http://www.federalregister.gov)) The Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to amend Hazardous Materials Regulations (HMR) to clarify requirements that govern emergency response information services provided by arrangement with hazardous materials offerors. DOT is aware of problems associated with listing of emergency response telephone numbers on shipping papers with regard to increased use (by shippers) of emergency response service providers to comply with requirements of Sec. 172.604. PHMSA proposes to require the person who offers a hazardous material for transportation to be identified on the originating shipping paper (along with the emergency response service provider) and any subsequent shipping papers that use a service provider's emergency response number. Comments are due 08/31/07. For further information: Joan McIntyre, DOT, Pipeline and Hazardous Materials Safety Administration, Office of

SPECIAL PERMITS. (07/16/07, [72 FR 38810](#)) PHMSA is reviewing widely-used special permits to identify those that should be converted into HMR as regulations of general applicability. A special permit is an authorization issued by PHMSA that allows a company or individual to package or ship a hazardous material in a manner that varies from regulations. Special permits allow industry to quickly implement new technologies and to evaluate new operational techniques that often enhance safety and increase productivity. Converting provisions of special permits with an established safety record into regulations reduces paperwork burdens and facilitates commerce. PHMSA is inviting the public to recommend special permits for inclusion into the HMR. Comments are due 09/14/07. For further information: Eileen Edmonson, PHMSA Office of Hazardous Materials Standards, (202) 366-8553, Washington, DC, Eileen.Edmonson@dot.gov, or Diane LaValle, PHMSA Office of Hazardous Materials Special Permits and Approvals, (202) 366-4535, Diane.LaValle@dot.gov.

PIPELINE SAFETY. (07/17/07, [72 FR 39012](#)) PHMSA modified the integrity management regulations for hazardous liquid and natural gas transmission pipelines to include: adding an eight-month window to perform the five year reassessment for hazardous liquid pipelines; modifying notification requirements for operators of hazardous liquid and natural gas pipelines; repealing a requirement for gas operators to notify local authorities; and allowing alternatives in calculating pressure reduction when making an immediate repair on a hazardous liquid pipeline. The action is intended to improve pipeline safety by clarifying the integrity management regulations and providing operators with increased flexibility in implementing integrity management (IM) programs. The rule becomes effective 08/16/07. For further information: Mike Israni, (202) 366-4571, mike.israni@dot.gov.

Safe Drinking Water Act (SDWA)

ASSAY PEER REVIEW PROCESS. (07/13/07, [72 FR 38577](#)) USEPA is announcing its approach for conducting peer reviews of Tier 1 screening assays, Tier 2 testing assays validated by USEPA's Endocrine Disruptor Screening Program (EDSP), and its approach for conducting peer review of the Tier 1 battery. Users may sign up to receive email notifications of EDSP peer review updates; see the Federal Register announcement for details and the names of 11 Tier 1 assays. USEPA expects to seek public comment on the draft implementation policy for Tier 1 screening and related documents in late summer 2007, and after considering those comments, finalize the policy by the end of 2007. For further information: Linda Phillips, EPA Office of Science Coordination and Policy, Washington, DC, (202) 564-1264, phillips.linda@epa.gov.

Toxic Substances Control Act (TSCA)

INTERACTOIN PROFILES. (07/03/07, [72 FR 36456](#)) The Agency for Toxic Substances and Disease Registry (ATSDR) intends to develop two interaction profiles: chlorinated dibenzo-p-dioxins, polybrominated diphenyl ethers, phthalates; and pyrethroid pesticides, organophosphate pesticides, and polychlorinated biphenyl. An ATSDR guidance document for the Assessment of Joint Toxic Action of Chemical Mixtures May 2004 is available at <http://www.atsdr.cdc.gov/interactionprofiles/ipga.html> and interaction profiles are available at <http://www.atsdr.cdc.gov/interactionprofiles/>. For further information: Dr. Hana Pohl, ATSDR Division of Toxicology and Environmental Medicine, Atlanta, Georgia, (888) 422-8737.

State Laws and Rulemaking

Alabama

Final Rules



VISIBLE EMISSIONS RULE. (335-3-4-.01) The Alabama Department of Environmental Management (ADEM) approved a regulation revising the Visible Emissions portion of the State Implementation Plan (SIP) pertaining to sources of particulate matter (PM) emissions. Revisions amend requirements for units that operate continuous opacity monitoring systems (COMS) and are not subject to any opacity limits other than those in ADEM rule 335-3- 4-.01(1) ("Visible Emissions Restrictions for Stationary Sources"). The rulemaking was approved by ADEM in 2003 and was subsequently

submitted to USEPA as a SIP revision on 09/11/03. On 04/12/07, USEPA published a notice of proposed approval, seeking comments by 06/11/07. On 06/13/07, USEPA extended the comment period through 07/11/07. The open burning portion of the SIP revision was approved in a separate action on 03/09/06.

Federal Register 04/12/07:

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-6948.htm>

Federal Register 06/13/07:

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-11412.htm>

Contact: Stacy Harder (404) 562-9042.

UST COMPLIANCE ACT. ADEM adopted amendments to UST regulations to adopt UST Compliance Act (USTCA) and meet secondary containment requirements. ADEM held a public hearing, and written comments were due 05/07/07 on proposed secondary containment regulations. ADEM enacted the amendments by 08/06/07. Once the secondary containment requirements are in place, ADEM will begin the delivery prohibition regulations, and hopes to finalize by the end of 2007. Operator training requirements are not required to be in place until August 2009.

Summary of the Reasons for the proposed amendments: <http://www.adem.state.al.us/Regulations/Div6b/SOR307.pdf>

Text of the proposed amendments: <http://www.adem.state.al.us/Regulations/Div6b/D6b307.pdf>

Public Hearing Information (05/07/07): <http://www.adem.state.al.us/PubHearings/PubHearings.htm>

Contact: Craig Hodes (334) 271-7823.

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 2007. Contact: Onis "Trey" Glenn (334) 270-5669.

REISSUE OF GENERAL NPDES PERMITS. (ALG180000, ALG020000, ALG120000, ALG170000) ADEM is reissuing the following NPDES General Permits that regulate various discharges: ALG180000 is associated with the salvage and recycling industry; ALG020000 is associated with the asphalt industry, including storm water from petroleum storage and handling equipment; ALG170000 is associated with paints, varnishes, lacquers, enamels, and allied products storage; and ALG120000 is associated with the metal industry, including primary metals, fabricated metal products, industrial and commercial machinery, electronic equipment, transportation equipment, and measuring and analyzing instruments. The current permits expire 09/30/07. Reissued permits were approved 05/02/07, become effective 10/01/07 and will expire 09/30/12.

ALG180000 Notice: <http://www.adem.state.al.us/PublicNotice/Mar/3ALG18.htm>

ALG020000 Notice: <http://www.adem.state.al.us/PublicNotice/Mar/3ALG02.htm>

ALG170000 Notice: <http://www.adem.state.al.us/PublicNotice/Mar/3ALG17.htm>

ALG120000 Notice: <http://www.adem.state.al.us/PublicNotice/Mar/3ALG12.htm>

Contact: Lee Warren (334) 271-7845.

MERCURY SWITCH RECOVERY PROGRAM. ADEM implemented a new, voluntary program for the removal of mercury switches from vehicles. End of Life Vehicle Solutions (ELVS) will pay recyclers for removing and turning in the switches.

ELVS is a non-profit organization that collects switches and properly disposes of the mercury contained within. There is no rulemaking activity at this time.

Mercury Switch Recovery Program Announcement:

<http://www.adem.state.al.us/PressReleases/2007/3MercurySwitch.pdf>

Contact: Onis "Trey" Glenn (334) 271-7700.

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; FLDEP is considering comments.

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](http://www.dep.state.fl.us/air/rules/recent/62-4_090_draft_5-2-07.pdf) (page 27 of 105)

Proposed Rule Text (posted 05/02/07): http://www.dep.state.fl.us/air/rules/recent/62-4_090_draft_5-2-07.pdf

Contact: Cindy Phillips (850) 921-9534.

GROUNDWATER/MONITORING PLANS. (62-520) FLDEP is developing amendments to update content and reporting requirements for ground water monitoring plans, and is making some procedural changes. A workshop was held 07/11/07.

Florida Administrative Weekly 06/22/07:

<http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDERS2007/3325/SECTI.pdf> (page 13 of 18)

Rule Development: http://www.dep.state.fl.us/water/groundwater/rule_development.htm

Contact: Donnie McClaugherty (850)245-8645.

TANKS/ASTs. (62-762) FLDEP is proposing to amend Chapter 62-762 regarding aboveground storage tank systems. FLDEP is proposing to simplify language, update reference standards, and combine sections to eliminate confusion over past deadlines. FLDEP is proposing new concepts including requiring proof of financial responsibility for registration placard issuance, periodic integrity testing of secondary containment, secondary containment for new spill containment devices, release detection standards for bulk product piping, annual testing of high viscosity single walled piping, a maximum inspection interval of 10 years for field erected tank integrity tests, registration and updating of equipment information by manufacturers, a new section of ammonia derivative tanks requirements along with new forms for cathodic protection tests, equipment registration, and API 653 integrity tests. FLDEP held a public workshop 01/24/06 and accepted written comments until 03/01/06. FLDEP reviewed comments received, and were in the process of receiving multiple approvals from upper-management to schedule rule adoption hearing before the Environmental Regulation Commission (ERC). Approvals should be obtained by summer and the adoption hearing will likely be scheduled for fall 2007. FLDEP is still reviewing the comments received, will brief the upper-management on changes and seek approval to schedule the rule adoption hearing before the end of this year.

FLDEP's Storage Tank Regulation Website:

http://www.floridadep.org/waste/categories/tanks/pages/761and762_2007.htm

Notice of Proposed Rule Development 12/16/05: <http://tlhora6.dep.state.fl.us/onw/publications/2-wkshp762-12-16-05-INT.pdf>

Contact: John Svec (850) 245-8845.

Georgia

Proposed Rules



UNDERGROUND STORAGE TANK COMPLIANCE ACT. The Georgia Department of Natural Resources (GADNR) 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.

COMPREHENSIVE STATEWIDE WATER PLAN. The Georgia Environmental Protection Department (GAEPD) is developing its first Statewide Water Plan. GAEPD drafted a comprehensive plan and will submit it to the Water Council (TWC) for review mid to late 2007. TWC will review the plan and send it to the General Assembly for adoption during the 2008 legislative session. The plan proposes a new draft rule for statewide water management planning, chapter 760-1-1 to include: Findings, Purpose and Definitions; Integrated Water Policy, including Water Quantity Policy and Water Quality Policy; Assessing the Status and Conditions of Georgia's Water Resources; Water Quantity Management Practices, including Conservation, Return and Supply Policies; Water Quality Management Practices, including Enhanced Standards and Monitoring and Enhanced Pollution Management Practices; and Regional Water Planning. TWC held public meetings 03/02/05, 09/01/05, 03/01/06, and 06/07/06; townhall meetings 07/10/06, 07/11/06, 07/12/06, and 07/13/06; and the 09/13/06 meeting was rescheduled for 10/16/06. TWC posted the draft for the Statewide Water Plan 06/28/07 and comments on the plan are currently being accepted.

The Water Council Website: <http://www.georgiawatercouncil.org>

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

The Water Council Meetings Website: http://www.georgiawatercouncil.org/documents/meet_notice.html

Draft Comprehensive Statewide Water Management Plan: <http://georgiawatercouncil.org/Documents/plan.html>

Contact: Alice Keyes (404) 463-1678.

CLEAN AIR INTERSTATE RULE. GAEPD is proposing regulations to adopt the federal Clean Air Interstate Rule (CAIR) that establishes annual and ozone season limits on NO_x emissions and annual limits on SO₂ emissions for fossil-fuel fired electronic generating facilities. GAEPD accepted written comments until 03/24/06 and briefed the Environmental Protection Committee at the 03/28/06 public meeting. A public hearing was held 10/24/06 and written comments were due 10/30/06. GAEPD re-noticed proposed regulations and a public hearing was held 01/16/07. Written comments were due 01/26/07. The rules were adopted by the Board of Natural Resources at a public meeting 02/28/07. Annual NO_x allocations were submitted to USEPA 04/30/07. GAEPD is awaiting USEPA approval of the CAIR program. Until USEPA approval is given, applicable sources in Georgia are subject to the requirements of the CAIR Federal Implementation Plans. CAIR permit applications are due in December 2008 for the annual NO_x and SO₂ programs.

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

Department's Summary of CAIR Draft Rule:

http://www.georgiaair.org/airpermit/cair/cairkickoff_files/Issue_Paper_CAIR.pdf

Draft CAIR NO_x Annual Trading Program:

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

Draft CAIR SO₂ Annual Trading Program:

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

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

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

Re-Notice of Public Hearing 12/15/06: http://www.gaepd.org/environet/1/cair_notice_20061215.pdf

Synopsis of Proposed Amendments 12/15/06: http://www.gaepd.org/environet/1/cair_synopsis_20061215.pdf

Natural Resources Board Meeting Summary 02/28/07: http://www.gadnr.org/minutes/board20070228_summary.pdf

Contact: James Kelly (404) 363-7000.

CLEAN AIR MERCURY RULE. GAEPD is discussing development of regulations to adopt the federal Clean Air Mercury Rule (CAMR) that addresses statewide limitations for mercury emissions from coal-fired electric power facilities. GAEPD held a public meeting 04/06/06 but does not yet have a draft CAMR. GAEPD does not anticipate submitting a 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 GAEPD 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 were considered for adoption by BNR 06/27/07. GAEPD is now submitting CAMR to USEPA for approval and has adopted two additional rules that will not be submitted to USEPA: A multi-pollutant rule 391-3-1-.02(2)(sss) and a new source rule 391-3-1-.02(2)(ttt).

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/envirnet/1/camr_notice_20061221.pdf

Synopsis of Proposed Amendments: http://www.gaepd.org/envirnet/1/camr_synopsis_20061221.pdf

Text of Proposed Amendments: http://www.gaepd.org/envirnet/1/camr_amendment_20061221.pdf

Georgia Environmental Protection Division Section 111(d) Plan:

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

Georgia Environmental Protection Division CAMR: http://www.gaepd.org/envirnet/1/20070406_Notice_CAMR.pdf

Contact: James Kelly (404) 363-7000.

ENVIRONMENTAL PLANNING CRITERIA, WATER SUPPLY WATERSHEDS. GAEPD is proposing to amend rule 391-3-16-.01, Water Supply Watersheds, to clarify that local ordinances providing for the 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 a basis for use by local governments to allow development of a water supply watershed without contaminating the water source to a point where it cannot be treated to meet drinking water standards. The criteria establish buffer zones around streams and specify allowable impervious densities within watersheds. Proposed amendments would allow only "Local Issuing Authorities" with approved stormwater management plans to grant variances. GAEPD held public hearings 09/21/06, 09/26/06, and 09/27/06; 11/28/06 and 11/29/06; and 05/22/07 and 05/24/07. Written comments were accepted until 10/06/06; 12/14/06; and 06/04/07 respectively. The Department held public hearings. Comments were due 12/14/06. The rule was adopted by the Board of Natural Resources 06/27/07 and is awaiting further review by local governments in the Secretary of State's office.

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

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

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

Responses to Comments Received 05/07/07-06/06/07: http://www.gaepd.org/envirnet/16/20070711_response.pdf

Contact: Linda MacGregor (404) 675-6232.

Kentucky

Final Rules



PUBLIC WATER SUPPLY AMENDMENTS. (401 KAR 8) KDEP approved amendments to Chapter 8 regulations affecting public water supply, necessary for KDEP to maintain primacy of the drinking water program. Regulations 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. The regulations were referred to and passed the Agriculture and Natural Resources Subcommittee (ANRS) and became effective 06/13/07. There were many wording changes in the Chapter 8 regulations approved "After Hearing".

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

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

Proposed Regulations Website: <http://www.water.ky.gov/statutes/dwregs.htm>

Kentucky Administrative Register, 06/01/07: <http://www.lrc.ky.gov/kar/contents/2007/06register.htm#proc>

Kentucky Administrative Register, 07/01/07: <http://www.lrc.ky.gov/kar/contents/2007/07register.htm>

Contact: Justin Dearing (502) 564-3410.

DOCUMENTS INCORPORATED BY REFERENCE. (401 KAR 5:200, 410 KAR 5:201) KDEP repealed the section of the wastewater and water quality regulations that incorporates by reference various documents. A public hearing was held 04/23/07 and comments were due 04/30/07. The proposal passed the review stages of ARRS and ANRS. It became effective at the ARRS June meeting 06/13/07.

Proposed Repeal - 401 KAR 5:201: <http://www.lrc.state.ky.us/kar/401/005/201reg.htm>

Section to be repealed - 401 KAR 5:200: <http://www.lrc.state.ky.us/kar/401/005/200.htm>

Final Notice in Kentucky Register 07/01/07: <http://www.lrc.ky.gov/kar/contents/2007/07register.htm>

Contact: Justin Dearing (502) 564-3410.

HAZARDOUS WASTE RULES. (401 KAR 31:005 et seq.) The Kentucky Department of Environmental Protection (KDEP) is planning to adopt verbatim federal HWR published between 1996 through 06/30/05. Possible adoptions include: military munitions; land disposal restrictions, phase IV, including the scrap metal exclusion; carbamate production; organic air emission standards for tanks; recycled oil; treatment standards for metal wastes and mineral processing wastes; hazardous soil treatment standards; Bevill exclusion revisions; hazardous waste combustors revised standards; petroleum refining process; treatment standards for spent potliners; closure and postclosure requirements; Hazardous Waste Identification Rule-Media; universal waste rule amendments; and organic air emission standards. Proposed revisions would affect identification and listing of hazardous waste, standards applicable to generators of hazardous waste, and standards for owners and operators of hazardous waste storage, treatment, and disposal facilities. KDEP 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. Following approval by ARRS, rules were referred by the Legislative Research Committee (LRC) to an appropriate jurisdictional committee for a second review; rules are considered as adopted and effective, 30 days after referral from LRC, or as of adjournment on the day of the appropriate jurisdictional committee meeting. The rules became effective 06/13/07. Copies of final regulations will be posted on ADEM's website in August, until then, copies of the draft regulations will remain on the LRC website.

Draft Revisions to Chapters 30-38, 43, and 44:

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

Kentucky Register 06/01/07: <http://www.lrc.ky.gov/kar/contents/2007/06register.htm#proc>

Division of Hazardous Waste website: <http://www.waste.ky.gov/branches/hw>

Contact: Mike Guffey (502) 564-6716.

Proposed Rules

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 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.

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. Regulations were fully adopted July 2007 and have been submitted to USEPA for incorporation in the SIP.

Proposed Text of 401 KAR 51:210 CAIR NO_x annual trading program: http://www.air.ky.gov/NR/rdonlyres/3A5D5085FEE1-4A3C-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.

AIR TOXICS PROGRAM. (401 KAR 64:001, 64:005, 64:010, 64:020, 64:023, 64:030, 64:050) KDEP is proposing to create a new air toxics regulatory program through seven new proposed regulations. Proposed regulations would create an Air Toxics Safety Net Program (ATSNP) to address public health risks and hazards from exposure to air toxics emissions from stationary sources (when those risks or hazards are not addressed by other regulatory programs). Regulations would establish requirements for sources that emit toxic air pollutants (TAPs), and air toxics of concern (ATCs), identified on a Regulations would also establish levels of concern and reference concentrations for listed TAPs and ATCs identified on a case-by-case basis under the ATSNP. KDEP would establish provisions for public review of the BACT for the subject TAP for sources not covered under public hearing requirements of 401 KAR 52:100. KDEP filed proposed regulations with LRC 05/14/07 and proposed regulations were published in the Administrative Register of Kentucky 06/01/07. A public hearing was held 06/29/07 and written comments were accepted until 07/02/07.

Public Hearing Notice available at: http://www.air.ky.gov/NR/rdonlyres/D4B1BAB5-D3EB-435E-8B57-31507DAB5D2D/0/AirToxicsRegulationsProposed_PublicHearingNotice.pdf

Regulations website, scroll to 06/29/07: http://www.air.ky.gov/homepage_repository/Public+Hearings.htm

Individual Proposed Regulations:

64:030: <http://www.lrc.ky.gov/kar/401/064/030reg.htm>

64:020: <http://www.lrc.ky.gov/kar/401/064/020reg.htm>

64:010: <http://www.lrc.ky.gov/kar/401/064/010reg.htm>

64:005: <http://www.lrc.ky.gov/kar/401/064/005reg.htm>

64:001: <http://www.lrc.ky.gov/kar/401/064/001reg.htm>

64:050: <http://www.lrc.ky.gov/kar/401/064/050reg.htm>

Contact: John Gowins (502) 573-3382.

USTCA. (USTCA; 401 KAR 42) KDEP is discussing adoption of the federal USTCA, part of the EPCRA2005. KDEP expects it is already compliant with portions of USTCA, including inspection and reporting requirements, but new regulations would be required to implement other portions. KDEP anticipates requiring secondary containment, rather than adopting financial responsibility requirements. New regulations would be required to implement red tag authority and the owner-operator certification requirements. Draft regulations are under development, and implementation is projected for winter 2007 at the earliest. KDEP is waiting for USEPA to publish the final guidance on Operator Training, scheduled for August 2007.

Department's UST Program: <http://www.waste.ky.gov/branches/ust/>

Mississippi

Final Rules



LIST OF IMPAIRED WATER BODIES. The Mississippi Department of Environmental Quality (MSDEQ) finalized the 2006 list of impaired water bodies pursuant to section 303(d) of CWA. Impaired waters on the list are required to have TMDLs computed for each pollutant added to the water that causes impairment. A TMDL reports the maximum amount of a pollutant that can be put into a stream without violating water quality standards. MSDEQ accepted written comments until 05/01/06 and the 303(d) list was approved in April. USEPA approval was received 04/16/07.

Final 2006 303(d) list:

[http://deq.state.ms.us/MDEQ.nsf/pdf/TWB_2006_303d_List_Adopted_May_24_07/\\$File/MS%202006%20Section%20303d%20List%20Adopted%20Version%20May%2024%202007.pdf?OpenElement](http://deq.state.ms.us/MDEQ.nsf/pdf/TWB_2006_303d_List_Adopted_May_24_07/$File/MS%202006%20Section%20303d%20List%20Adopted%20Version%20May%2024%202007.pdf?OpenElement)

Contact: Debbie Pridgen (601) 961-5171.

HYDROSTATIC TEST GENERAL PERMIT. MSDEQ reissued the statewide Hydrostatic Test General Permit. The permit was originally issued 01/08/06 and allows discharge of hydrostatic test water from pipelines, storage tanks, flowlines, etc., and storm water from regulated construction activities in accordance with the NPDES regulations. The reissued general permit allows continued discharge of hydrostatic test water and storm water runoff from regulated construction activities for a five-year period. Written comments are due 09/14/06. The Hydrostatic Test General Permit was reissued 09/28/06 for a five-year period, ending 08/31/11.

Reissued Permit:

[http://www.deq.state.ms.us/MDEQ.nsf/pdf/epd_HydrostaticTestingGeneralPermit/\\$File/08General.pdf?OpenElement](http://www.deq.state.ms.us/MDEQ.nsf/pdf/epd_HydrostaticTestingGeneralPermit/$File/08General.pdf?OpenElement)

Contact: Jim Morris (601) 961-5171.

Proposed Rules

STATE ENVIRONMENTAL INCENTIVES PROGRAM. MSDEQ is discussing proposals for a state environmental incentive program to recognize facilities that strive beyond normal compliance to be good environmental stewards. MSDEQ sought input on the scope and composition of a possible program and written comments were accepted. MSDEQ signed a Memorandum of Agreement with USEPA in August 2006 and has since applied for a USEPA grant. MSDEQ is working out the details of how the program would be structured and what incentives would be offered. MSDEQ anticipates launching some form of the program in the near future. Contact: Robbie Wilbur (601) 961-5277.

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 revisions to the UST program regulations to adopt USTCA. MSDEQ 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. MSDEQ will initiate a rulemaking in late 2007 after USEPA releases operator training requirements guidance. MSDEQ does not expect to promulgate the rules until July 2008 as they are still in the preliminary stages of regulatory development. MSDEQ held the first public meeting 06/22/07 to discuss the changes required by the USTCA. No timeline for implementation is available. Contact: Kevin Henderson (601) 961-5283.

AIR. MSDEQ is considering a revision to the SIP for Air Pollution Control as well as statewide amendments to the "Regulations for the Prevention of Significant Deterioration of Air Quality" located in APC-S-5. Proposed revision would involve addition of clarifying language confirming that MSDEQ is complying with provisions of section 110(a)(2)(D)(i) of CAA with respect to the PSD air permitting program and plans for implementing federal regional haze regulations as promulgated by USEPA. SIP revision includes: proposed amendments to APC-S-5 to adopt, by reference, federal

regulations as promulgated in 40 CFR Part 52.21 in order to make state regulations consistent with the federal requirements; and proposed language to clarify that concerning the federal regional haze regulations, MSDEQ can not assess whether there is interference with measures designed to protect visibility in an applicable SIP for any other state until regional haze SIPs are finalized. MSDEQ is actively working towards regional haze SIP development and proposed a SIP revision 06/15/07. A public hearing is scheduled and written comments were due 07/17/07. MSDEQ is reviewing the comments.

Proposed SIP revision 06/15/07 available at:

[http://www.deq.state.ms.us/newweb/MDEQRegulations.nsf/f75488ee863070bd86256df300511acf/22\107eb0a2a9f1ac862572fa005822ce\\$FILE/110a2di%20SIP%20Proposed%20with%20regs%20inserted%20June%202015%202007.pdf](http://www.deq.state.ms.us/newweb/MDEQRegulations.nsf/f75488ee863070bd86256df300511acf/22\107eb0a2a9f1ac862572fa005822ce$FILE/110a2di%20SIP%20Proposed%20with%20regs%20inserted%20June%202015%202007.pdf)

Contact: Connie Simmons (601) 961-5165.

North Carolina

Final Rules



TANKS/STORAGE. (15A NCAC 02Q .0102) The North Carolina Department of Environment and Natural Resources (NCDENR) amended the rule to clarify the permit exemption for storage tanks used to store gasoline. Before revision, the rule exempted storage tanks used to store gasoline for which there are no applicable requirements except Stage I controls. NCDENR amended the rule to explicitly state that the rule applies to storage tanks used to store ethanol-based fuels. The rule was introduced at the 10/14/04 Air Quality Control Board meeting. NCDENR went to the EMC 02/09/05 to request approval to proceed with public hearings. EMC approved the rule for public hearing, but no hearings were scheduled. The rule was delayed until after the completion of the General Assembly's review of 15A NCAC 02Q .0102, in 2006. NCDENR presented the rule to EMC 05/10/07, and EMC adopted the rule. One technical correction was made to the rule, but the correction does not involve storage tanks for ethanol-based fuels. The RRC approved the rule 06/28/07. Office of Administrative Hearing Notice: <http://www.oah.state.nc.us/rules/rrc/meetings/>

Proposed Rule (pages 62-68 of 77):

<http://www.oah.state.nc.us/rules/register/Volume21Issue16February152007-web.pdf>

Rules Review Commission, List of Approved Permanent Rules, 15A NCAC 02Q .0102 (page 37 of 45):

<http://www.oah.state.nc.us/rules/register/Volume22Issue02July162007.pdf>

Final Rule will be available: <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environment%20and%20natural%20resources/chapter%2002%20-%20environmental%20management/subchapter%20q/15a%20ncac%2002q%20.0102.pdf>

Contact: Sandy Bowman (850) 921-9583.

Proposed Rules

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.

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.

UST/SECONDARY CONTAINMENT. (Subchapter 2N) NCDENR is proposing to amend underground storage tank (UST) regulations to add new rules regarding secondary containment standards for all new and replacement UST systems. Rules would require that after 08/01/07, all new and replacement UST systems have secondary containment. Secondary containment requires a double-walled construction or a liquid-tight containment sump. NCDENR received approval of

Notice of Text and Hearing from EMC at a public meeting 11/09/06. NCDENR held a public hearing 03/19/07 and 03/27/07; comments were due 04/30/07. Currently, NCDENR is modifying proposed rules based on public comment, and expects to bring proposed rules to EMC for final approval in July or September 2007.

Environmental Management Commission Agenda 11/09/06: <http://h2o.enr.state.nc.us/admin/emc/2006/2006NOVAGENDA.htm>

North Carolina Register 03/01/07 (includes rule text):

<http://www.oah.state.nc.us/rules/register/Volume21Issue17March12007-web.pdf> (page 13 of 85)

Contact: Ruth Strauss (919) 733-1330.

STORMWATER/NON-POINT SOURCES. (15A NCAC 06I) NCDENR is proposing a rule to set forth procedures for the Soil and Water Conservation Commission to implement and supervise the Community Conservation Assistance Program (CCAP) in accordance with Session Law 2006-78. CCAP is designed to support installation of water quality best management practices (BMPs) on non-agricultural lands. CCAP will focus efforts on retrofitting stormwater BMPs on existing land uses. It will not be used to assist new development sites in meeting state and federal stormwater mandates. CCAP will work in cooperation with local soil and water conservation districts to encourage local governments, individual landowners, and businesses to incorporate stormwater BMPs within their landscape to reduce input of nonpoint source pollution into the waters of the state. The rule was proposed in the state register 07/02/07 and a hearing was scheduled for 07/17/07; comments will be accepted until 08/31/07. NCDENR set a proposed effective date of 12/01/07.

Proposed Rule, State Register 07/02/07:

<http://www.oah.state.nc.us/rules/register/Volume22Issue01July22007.pdf> (pages 28-33 of 108).

Contact: Vernon Cox (919) 715-3559.

South Carolina



Final Rules

PARTICULATE MATTER MONITORING PLAN. SCDHEC finalized a PM monitoring plan designed to describe the state's PM2.5 air quality surveillance network for fine particulate. SCDHEC submitted a PM Monitoring 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 (CMZs). The use of CMZs is intended to better relate to epidemiological studies used as basis for PM2.5 NAAQS. Spatial averaging allows for multiple monitors influenced by the same terrain, emissions sources, weather, etc., to be averaged together for compliance determination compared to the annual standard. SCDHEC did not identify use of spatial averaging for any of monitoring planning areas in the initial plan because USEPA guidance indicated need for three years of data to make such determination, and the data had not been collected. A public hearing was held 04/27/05 and written comments were due 04/27/05. SCDHEC received no comments. SCDHEC analyzed data from a project conducted in Greenville and after completing the analysis, contacted USEPA about the results. USEPA suggested SCDHEC collect one more year of data. SCDHEC finished its final 2008 Ambient Air Monitoring Plan and, under federal regulations, will release a new plan every year.

Department's Final 2008 Ambient Air Monitoring Plan: <http://www.scdhec.net/environment/baq/docs/ambientair/SCAmbientAirMonitoringPlan.pdf>

Contact: Robert Brown (803) 898-4105.

Proposed Rules

UNIVERSAL WASTE RULE. (R. 61-79) The South Carolina Department of Health and Environmental Control (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.

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 late 2007. As of October 2006, SCDHEC is internally drafting amendments and amendments are on hold pending further evaluation. Contact: Anthony Lofton (803) 898-7217.

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

TRIENNIAL REVIEW OF WATER CLASSIFICATIONS AND STANDARDS. SCDHEC is proposing to amend water classifications and standards and classified waters regulations as part of the federally mandated triennial review. Revisions would include revisions to reflect the most current criteria according to 304(a) and 307(a) of CWA; review and revise bacteriological indicator for protection of recreational uses; add or revise definitions; review site-specific dissolved oxygen standard for portions of the Savannah River; review and revise arsenic criteria; and make grammar and style changes to rule language. Revisions would require legislative review. Comments were due 02/26/07. SCDHEC held a stakeholder meeting 03/15/07 and plans to hold several more stakeholder meetings this spring and summer. SCDHEC plans to present amendments to the Department of Health and Environmental Control Board no later than September 2007. Contact: Amy M. Bennett (803) 898-4249.

NSR REFORM REGULATIONS. SCDHEC adopted amendments regarding the New Source Review (NSR) Reform regulations issued by USEPA on 12/31/02 (67 FR 80185). The major NSR program, contained in parts C and D of title I of the CAA, is a preconstruction review and permitting program applicable to new or modified major stationary sources

of air pollutants regulated under the CAA. In areas not meeting health-based NAAQS, the program is implemented under the requirements of part D of title I of the CAA; referred to as the "nonattainment NSR program." In NAAQS attainment areas, NSR requirements under part C of title I apply; referred to as the "Prevention of Significant Deterioration (PSD) program". Collectively, the programs are commonly referred to as the major NSR program. In accordance with USEPA's final rule revisions, South Carolina must adopt and submit revisions to SIPs to include the minimum program elements outlined in the final rules. South Carolina was required to adopt and submit revisions to their SIPs no later than 01/02/06 and comments were due 02/24/04. A second comment period was opened with comments due 07/26/04. The rule was discussed at the 10/14/04 Board of Health and Environmental Control (BHEC) meeting. A MSDEQ informational forum was held and written comments were due 12/28/04. Another public hearing was held 01/13/05 and written comments were due at the hearing. The rule was approved at the 01/13/05 hearing and was submitted to the legislature for approval. The legislative review period ended 05/20/05 and the regulation became final. Regulations were state effective 06/24/05. MSDEQ submitted the SIP revision to USEPA 07/01/05 for review and approval and is still awaiting USEPA approval. USEPA will meet with state representatives 08/21/07 to discuss the status of the regulations.

Final Amendments: <http://www.scstatehouse.net/regs/2943.doc>

Contact: Stacey Gardner (803) 898-4287.

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 was published in the June edition of South Carolina Register and comments were accepted until 07/23/07. SCDHEC anticipates drafting of the UST regulation will be completed in August 2007 and submitted to the General Assembly late 2007 or early 2008. Contact: Bob Hutchinson (803) 896-6390.

HAZARDOUS WASTE MANAGEMENT REGULATIONS. SCDHEC is proposing to amend rule 61-79 on Hazardous Waste Management Regulations (HWMR) to include: Wastewater Treatment Exemptions for Hazardous Waste Mixtures (Headworks Rule); the National Emission Standards for hazardous Air Pollutants for Hazardous Waste Combustors (NESHAP); and the Burden Reduction Rule. Rules would relax current standards and adoption would be optional to states. Legislative review is required for the amendments. SCDHEC accepted comments until 06/29/07 and is now in the process of adopting the regulations. SCDHEC anticipates sending the regulations to BNR in December 2007 for final approval and submittal to the State Legislature by January 2008. SCDHEC expects regulations to become final with publication in the State Register spring 2008. Contact: Carolyn McLaughlin (803)896-4254.

Tennessee

Final Rules



TANKS/USTs. (1200-1-15) The Tennessee Department of Environment and Conservation (TDEC) adopted amendments to Chapter 1200-1-15, the UST Program. Amendments are being promulgated to meet the requirements of USTCA of 2005 that was part of EPACT2005. Amendments will enable Tennessee to comply with minimum requirements for secondary containment that are part of the federal law. Amendments will require new installations or replacements that are within 1,000 feet of a spring that serves as drinking water supply to meet similar requirements by February 2012. Rules were approved by the UST Board in December 2006. TDEC attorneys completed review of the rules and submitted to the Attorney General for approval in early April. TDEC promulgated proposed rules without a public hearing after no petition for a hearing was submitted by the deadline of 06/14/07. No hearing was requested, and the rules become effective 08/28/07.

Tennessee Administrative Register 05/15/07:

http://www.tn.gov/sos/rules_filings/2007/1200/1200.20070426.04-25-07.rulefiling.pdf

Contact: Donna Washburn (615) 532-0987.

Proposed Rules

WATER/RULES REVISION. (1200-4-7) TDEC is proposing to amend Chapter 1200-4-7 regarding the Water Quality Control Board (WQCB) Rule 1200-4-7-.01, General, to describe the purpose of water quality rules as prevention of future pollution of state waters, and to plan for future use of such waters. Rule 1200-4-7-.02, Exemptions, would describe necessary requirements for activities, such as forestry and agriculture, to be exempt from water quality standards. Rule 1200-4-7-.03, Definitions, would define terms associated with water quality. Rule 1200-4-7-.04, Permits, would describe types of permits necessary to discharge pollutants into state waters. TDEC held public hearings 01/03/06, 01/05/06, 01/09/06, 01/10/06, 01/11/06, 01/12/06, and 01/18/06. No further action on this amendment is planned until revisions to other rules addressing water quality standards and antidegradation have been completed; thus any revision to these rules will be consistent with the other revisions.

Tennessee Administrative Register 11/15/05: <http://state.tn.us/sos/pub/tar/2005-11.pdf> (pages 106-120 of 212)

Contact: Dan Eagar (615) 532-0708.