



The Southern Region Review



Region 4 Edition

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

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

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The Southern Region Review is distributed as a pdf file. Adobe Reader is required to read the file; available for free at: <http://www.adobe.com/products/acrobat/readmain.html>. For additional sources of information, please visit: <http://www.asaie.army.mil/Public/ESOH/reo>.

Announcements

2007 REGION 4 EPA-DoD-STATES ENVIRONMENTAL CONFERENCE. An agenda and all available presentations offered at the 2007 Region 4 Environmental Conference have been posted at: <http://www.p2pays.org/ref/41/40565.pdf>.

PRESERVING THE HERITAGE, EDUCATING THE FUTURE: THE NATIONAL MUSEUM OF THE UNITED STATES ARMY. A historic event is taking shape along the Potomac River outside of Washington, DC. A state-of-the-art facility will be built to honor America's soldier, preserve the history of America's oldest military branch, and educate Americans about the Army's role in our nation's development. The US Army is one of the largest institutions within the US, and has had an equally outsized impact on the history and nature of the country. Since its earliest beginnings as a militia in the early 1600's, and inception as the Continental Army in 1775, millions of the country's finest men and women have accepted the challenge to serve their country and fellow citizens during times of war and peace as members of the US Army. The National Museum of the United States Army will be built adjacent to Fort Belvoir, VA, outside and independent of base security, just

south of Washington, DC. It will be five minutes from I-95, America's most traveled highway, 10 minutes from the home of the Army's first commander-in-chief, General George Washington's Mount Vernon, and about half an hour from the Nation's Capital, a powerful symbol of the nation's democratic ideals and freedoms. The new Army Museum will be the



result of a public/private partnership between the Army and the private sector. The Army Historical Foundation is the official fundraiser for the National Museum of the United States Army. The museum is set to open its doors in 2013. For further information, please visit: www.armyhistory.org.

CLEAN AIR EXCELLENCE AWARDS. (07/31/07, [72 FR 41751](http://www.federalregister.gov)) USEPA is soliciting nominations for the Clean Air Excellence Awards Program for 2007. The program recognizes and honors outstanding, innovative efforts that help to make progress in achieving cleaner air and is open to public and private entities within the US. There are five general award categories: Clean Air Technology; Community Action; Education/Outreach; Regulatory/Policy Innovations; and Transportation Efficiency Innovations. Awards are given on an annual basis and are for recognition only. Submissions are due 09/21/07. For further information and an entry form: <http://www.epa.gov/air/caaac/about.html>, Pat Childers, EPA Office of Air and Radiation, Washington, DC, 202-564-1082.

SURVEILLANCE TOWED ARRAY SENSOR SYSTEM LOW FREQUENCY ACTIVE (SURTASS LFA) SONAR. (08/23/07, [72 FR 48269](http://www.federalregister.gov)) The Navy will employ up to four SURTASS LFA sonar systems with certain geographical restrictions and monitoring mitigation to reduce potential adverse effects on the marine environment. The decision implements the preferred alternative, Alternative 2, identified in the Final Supplemental Environmental Impact Statement for SURTASS LFA sonar. Full text of the Record of Decision is available at: <http://www.surtass-lfa-eis.com>. For further information: SURTASS LFA Sonar SEIS Team, Arlington, VA, e-mail: eisteam@mindspring.com.

Conferences and Events

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 24-27. 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>

POLLUTION PREVENTION THROUGH NANOTECHNOLOGY. September 25-26. Arlington, VA. USEPA 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/>

2007 NORTH AMERICAN LAKE MANAGEMENT SOCIETY (NALMS) INTERNATIONAL SYMPOSIUM. October 29-November 3. Orlando, FL. Florida is a leader in lake-related research and restoration efforts. The Florida Everglades is the site of the largest environmental restoration project ever attempted. It is in recognition of these on-going efforts that the 2007 NALMS Conference theme of "Understanding the Science of Lake Management" was selected. The symposium will emphasize scientific aspects of lakes and use of scientific concepts to make sound management decisions.

<http://www.nalms.org/Conferences/Orlando/Default.aspx>

PARTNERS IN TECHNOLOGY TECHNICAL SYMPOSIUM AND WORKSHOP. December 4-6. Washington, DC. The annual workshop will feature sessions highlighting research and innovative technologies that are assisting the DoD to address complex environmental challenges. Other features include exhibit booths, a session on Strategic Environmental Research and Development Program and the Environmental Security Technology Certification program development.

<https://www.denix.osd.mil/denix/Public/News/OSD/SERDP/DENIX-Symposium-article.doc>

2007 GROUNDWATER EXPO AND ANNUAL MEETING. December 4-7. Orlando, FL. The National Groundwater Association invites contractors, scientists and engineers, manufacturers, and suppliers to be a part of an event where, learning and working side-by-side allows better understanding of the issues and challenges affecting today and tomorrow's ground water industry. The educational program includes workshops, panel discussions, and topical sessions. General sessions include the Keynote Address, President's Dinner, Membership Breakfast Meeting and Roundtables, and Delegates Meeting. There will be an overflowing exhibit hall, as well as the first Water Well Journal® New Products Showcase.

<http://www.ngwa.org/2007expo/index.aspx>

Training

LANDSCAPE ECOLOGY. January 8-19, 2008. Missoula, MT. The course focuses on interplay between spatial pattern and process; specifically, how to characterize spatial pattern, where it comes from, why it matters, how it changes through time, and how we manage it; project-based and place-based learning techniques focusing on applying to management situations. <http://www.fs.fed.us/biology/education/workshops/le/index.html>

ASKING & ANSWERING THE RIGHT MONITORING QUESTIONS. January 16-18. Salt Lake City, UT. Day 1 of the workshop demonstrates how conceptual modeling can help craft effective monitoring questions from management goals and ecological context. Days 2 and 3 focus on five effective design and analysis tools for implementation of basic sampling designs. The workshop is meant to help craft effective monitoring programs and is not a workshop in detailed techniques. <http://www.fs.fed.us/biology/education/workshops/aarmq/index.html>

Studies and Reports

OVERSIGHT OF NANOMATERIALS. (07/31/07) A coalition of advocacy groups from six continents is calling for greater oversight of nanotechnologies and nanomaterials. The International Center for Technology Assessment has issued a statement of principles calling for a precautionary approach to nanotechnology; regulations specific to nanomaterials; protection of the public's and workers' health and safety; and protection of the environment. Voluntary initiatives are "wholly inadequate," the coalition said. On 07/11/07, USEPA released a draft concept paper describing a voluntary Nanoscale Materials Stewardship Program for chemicals regulated under TSCA. The International Center for Technology Assessment statement of principles is available at: http://www.icta.org/doc/Principles%20for%20the%20Oversight%20of%20Nanotechnologies%20and%20Nanomaterials_final.pdf. Full text document location: <http://ehscenter.bna.com/pic2/ehs.nsf/id/BNAP-75NFSU?OpenDocument>

ENERGY STAR PROGRAM INTEGRITY. (08/01/07) USEPA's Office of Inspector General issued a report reviewing the Energy Star program and recommending better controls to protect the integrity of the Energy Star label. The report indicated that product efficiency and energy savings reported by manufacturers under the self-certification process are unverified by USEPA review. The review also found that manufacturers may label and sell products as Energy Star

qualified prior to submitting test results to USEPA. The report concludes that USEPA should: strengthen management controls to protect the integrity of the Energy Star label; clarify and document criteria for product specification revisions; establish a quality assurance program for its verification program; and improve oversight in using the Energy Star label by establishing a systematic methodology and procedures for monitoring, resolving, and following up on label misuse. For further information: EPA Office of Congressional and Public Liaison, (202) 566-2391. Full text document location: <http://www.epa.gov/oigearth/reports/2007/20070801-2007-P-00028.pdf>

USEPA REPORT ON THE ENVIRONMENT. (08/03/07, [72 FR 43272](#)) USEPA released a draft document, "EPA's 2007 Report on the Environment: Highlights of National Trends" solely for the purpose of pre-dissemination public comment and peer review. Written for a general audience, the report summarizes some important findings from the more comprehensive companion report, "EPA's 2007 Report on the Environment: Science Report" (ROE SR), released in draft for public comment 05/10/07. Items of interest include: lead emissions decreased by 99% between 1970 and 2002; about 6% of women of childbearing age exceed a blood mercury level of 5.8 parts per billion (a level USEPA has determined to be harmful to offspring); 6.3 million homes exceed USEPA's radon action level, an increase from 5 million due to construction of new housing stock; 22% of coastal sites showed "high" fish tissue contamination levels (PCB's Mercury, DDT, and PAHs were most often responsible); between 1982 and 2002, the amount of developed land increased by 47%, which is nearly twice the rate of population growth (24%); use of fertilizers tripled on a per-acre basis from 1960 to 2003; asthma rates increased about 4% annually from 1980 to 1996, and have held constant since - about one child in eight suffers from asthma; watersheds in areas covering 24% of the US have suffered losses of one tenth of freshwater fish species. The document is available at <http://www.epa.gov/roe>. Comments are due 09/17/07. For further information: EPA Office of Environmental Information Docket; 202-566-1752, OEI.Docket@epa.gov.

ENERGY EFFICIENCY OPPORTUNITIES FOR SERVERS AND DATA CENTERS. (08/03/07) A USEPA report to Congress estimates that data centers in the US could save up to \$4 billion in annual electricity costs through more energy efficient equipment and operations. Data centers are facilities that contain IT equipment (computing, networking and data storage equipment), and power and cooling infrastructure. Findings from the report include: in 2006, data centers consumed about 60 billion kilowatt-hours (kWh), roughly 1.5% of total US electricity; federal servers and data centers account for approximately 6 billion kWh (10%) of the electricity use, at a total electricity cost of about \$450 million per year; energy consumption of servers and data centers doubled in the past five years and is expected to almost double again in the next five years; and existing technologies and strategies could reduce typical server energy use by an estimated 25%, with even greater energy savings possible with advanced technologies. USEPA's Report on Server and Data Center Energy Efficiency is available at: http://www.energystar.gov/index.cfm?c=prod_development.server_efficiency_study. For further information: Enesta Jones, EPA, (202) 564-4355, jones.enesta@epa.gov. Full text document location: <http://yosemite.epa.gov/opa/advpress.nsf/d9d1f718ae373653852572a000655936/4be8c9799fbceb028525732c0053e1d5!OpenDocument>

CLIMATE CHANGE EFFECTS. (08/10/07, [72 FR 45048](#)) USEPA's National Center for Environmental Assessment (NCEA) issued the draft document, "Preliminary Assessment of Climate Change Effects on Stream and River Biological Indicators" (EPA/600/R-07/085) for public review. The Office of Water developed guidance documents for establishing biocriteria in rivers, streams, lakes, estuaries, and wetlands, and is developing biocriteria for coral reefs. There is no mandate or guidance for biocriteria programs to include climate change effects in the design of monitoring programs or assessment of impairment. Climate change as a stressor will impact reference and non-reference sites, unlike more conventional anthropogenic stressors currently considered in bioassessment. Potential indicators of climate change effects include ratios of drought tolerant to intolerant mussel species, ratios of invertebrate response guilds that indicate hydrological status, and changes in community composition. Indicators of changes in composition include shifts from cold or cool water fishes to warm water fishes, shifts from species associated with hydrologically stable to variable conditions, and declines in particularly sensitive species, such as salmon, brook trout, or darter species. The draft document is available at: http://oaspub.epa.gov/eims/eimscomm.getfile?p_download_id=468290; additional information: <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=180063>. Comments were due 09/10/07. Separately USEPA issued "Climate and Land Use Change Effects on Ecological Resources in Three Watersheds: A Synthesis Report" (EPA/600/R-07/086), which provides a summary of climate change impacts from three watershed case studies. Additional information and the draft document are available at: http://oaspub.epa.gov/eims/eimscomm.getfile?p_download_id=468287. For further information: Britta Bierwagen, 202-564-3388, bierwagen.britta@epa.gov.

EFFECTS OF CLIMATE CHANGE. (08/10/07, [72 FR 45046](#)) USEPA's National Center for Environmental Assessment issued the draft document, "Effects of Climate Change on Aquatic Invasive Species and Implications for Management and Research" (EPA/600/R-07/084) for public comment. The report reviews available literature on climate change effects on aquatic invasive species (AIS) and examines state level AIS management activities. The literature review in the report shows important progress has been made in identifying climate change effects on invasive species, but understanding the effects on specific species and interactions of other stressors needs to be improved. The draft report identifies the need for more information and research regarding effects of climate change on: most of the AIS management activities done by states; each step in the invasion pathway (transportation, colonization, establishment, and spread); invasive species impacts (both economic and ecologic); specific invasive species and the ecosystems they invade; and interacting stressors. The draft document is available at: http://oaspub.epa.gov/eims/eimscomm.getfile?p_download_id=468291; additional information: <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=180043>. Comments were due 09/10/07. For further information: Britta Bierwagen, NCEA, 202-564-3388, bierwagen.britta@epa.gov.

CLIMATE CHANGE AND INTERACTING STRESSORS. (08/14/07) USEPA released the document, "Climate Change and Interacting Stressors: Implications for Coral Reef Management in American Samoa," that discusses stressors associated with climate change including: fluctuations in sea surface temperatures; weather patterns like increased cyclone intensity and frequency, El Niño Southern Oscillation; ocean chemistry to include increased concentrations of carbonate and bicarbonate ions, decreased pH; and sea level rise. Local stressors addressed include poor water quality; sediment; diseases and opportunistic species; and damage from anchoring, or destructive fishing practices. The document is available at: http://oaspub.epa.gov/eims/eimscomm.getfile?p_download_id=468325. For further information: Jordan M. West, EPA, 202-564-3384, west.jordan@epa.gov. Full text document location: <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=173312>.

EH&S RESEARCH NEEDS. (08/16/07, [72 FR 46101](#)) The National Nanotechnology Coordination Office released an interim draft document, "The Prioritization of Environmental, Health, and Safety Research Needs for Engineered Nanoscale Materials." The document assigns priority to research needs identified in a previous document, "Environmental, Health, and Safety Research Needs for Engineered Nanoscale Materials," published 09/21/06. The document is available at: http://www.nano.gov/html/society/ehs_priorities/. Comments are due 09/17/07. For further information: Cate Alexander Brennan, National Nanotechnology Coordination Office, (703) 292-4399, calexand@nnco.nano.gov.

REPORT ON CLIMATE CHANGE. (08/21/07, [72 FR 46611](#)) The National Oceanic and Atmospheric Administration (NOAA) released a draft report, "U.S. Climate Change Science Program Synthesis and Assessment Product 3.3: Weather and Climate Extremes in a Changing Climate. Regions of Focus: North America, Hawaii, Caribbean, and U.S. Pacific Islands." "Weather extremes" signify individual weather events that are unusual in occurrence (upper or lower ten percentile of the distribution) or have destructive potential, such as hurricanes and tornadoes. "Climate extremes" represent the same type of events viewed over seasons (e.g., droughts), or longer periods. The report concludes that trends in weather and climate extremes are expected to continue or accelerate. The trends include: more unusually hot days and nights and fewer unusually cold days and nights; decrease in frost days, particularly in the western part of North America; and more frequent and intense precipitation episodes (heavy downpours). The draft report is available at: <http://www.climatechange.gov/Library/sap/sap3-3/public-review-draft/default.htm>. Comments are due 10/05/07. For further information: Dr. Fabien Laurier, Climate Change Science Program Office, Washington, DC, (202) 419 3481.

Federal Notices and Rulemaking

Clean Water Act (CWA)

WATERSHED DEPOSITION TOOL. (08/08/07) USEPA released a Watershed Deposition Tool (WDT) that estimates deposition of atmospheric pollutants into watersheds and provides the linkage between air and water needed for Total Maximum Daily Loads (TMDLs) and related nonpoint-source watershed analyses. The tool takes gridded atmospheric deposition estimates from NOAA and USEPA's regional, multi-pollutant air quality model, Community Multiscale Air Quality modeling and allocates them to eight-digit hydrologic cataloging units (HCU) of rivers and streams within a watershed, state or region. The tool and other information is available at <http://www.epa.gov/asmdnerl/Multimedia/depositionMapping.html>. For further information: <http://www.epa.gov/asmdnerl/staff.html>. Full text document location: <http://www.epa.gov/asmdnerl/Multimedia/depositionMapping.html>

Climate Change and Energy

LIST OCEANS AS IMPAIRED. (08/16/07) The Center for Biological Diversity, based in San Francisco, requested that Alaska, Washington, Oregon and Hawaii list the Pacific Ocean as impaired under the federal CWA, due to acidification caused by absorption of carbon dioxide. The group wants New York, New Jersey and Florida to list the Atlantic. A center attorney, Miyoko Sakashita, said listing oceans as impaired under CWA would allow states to set limits on discharge of pollutants. Full text document location: <http://www.physorg.com/news106505264.html>.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET. (08/17/07, [72 FR 46218](#)) USEPA issued the 22nd update of the Federal Facilities Hazardous Waste Compliance Docket, a list of federal facilities that manage hazardous waste or from which hazardous substances have been or may be released. The docket is updated every six months. Each newly listed facility must be evaluated for possible contamination within a reasonable time. The "Corrections" section lists several Navy and Army sites. Electronic versions of the docket and more information on its implementation can be obtained at: <http://www.epa.gov/fedfac/documents/docket.htm>.

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)

TRIBUTYLIN ANTIFOULANTS. (08/08/07, [72 FR 44516](#)) USEPA intends to terminate the Special Review of Tributyltin (TBT) issued 01/08/86 and used in antifouling paints since registrations of all TBT antifouling paints have been canceled. Comments were due 09/07/07. Studies indicated toxicity to non-target marine and fresh water organisms at low levels, in some cases, at the parts per trillion level. On 10/04/88, USEPA partially concluded the Special Review for Tributyltin Antifoulants except for the issue of release rates of TBT from antifoulant paints into the environment. Since then, all antifouling paint products containing TBT have been voluntarily canceled. The last cancellation was effective 12/01/05. For further information: Richard P. Dumas, Special Review and Reregistration Division, EPA Office of Pesticide Programs, Washington, DC, (703) 308-8015, dumas.richard@epa.gov.

Hazardous Materials Transportation

HAZARDOUS LIQUID PIPELINES. (08/10/07, [72 FR 45002](#)) The Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a policy statement indicating that transportation of unblended ethanol and other biofuels by pipeline would be subject to PHMSA jurisdiction. PHMSA is considering whether it is necessary to amend the definition of "hazardous liquid" in 49 CFR 195.2 to expressly include ethanol and biofuels. The notice describes and invited comments on PHMSA's ongoing efforts to identify and address challenges associated with transporting biofuels; comments on technical issues, adequacy of standards, and research and development needs associated with the transportation of biofuels by pipeline. Comments were due 09/10/07. For further information: Joy Kadnar, Office of Pipeline Safety, 202-366-4595, joy.kadnar@dot.gov.

TRANSPORTATION OF LITHIUM BATTERIES. (08/09/07, [72 FR 44929](#)) PHMSA amended Hazardous Materials Regulations (HMR) to tighten safety standards for transportation of lithium batteries, including both primary (non-rechargeable) and secondary (rechargeable) lithium batteries. Primary lithium batteries generally contain lithium metal, while most secondary lithium batteries contain an ionic form of lithium. PHMSA is imposing limited prohibition on the transportation of primary lithium batteries and cells as cargo aboard passenger-carrying aircraft. PHMSA is revising an exception for consumer electronic devices and spare lithium batteries of all types carried by airline passengers and crew. Rules specify that battery size limitation for spare batteries applies to batteries installed in a device; spare lithium batteries may only be carried in carry-on luggage; and spare batteries must be individually protected against short circuits. PHMSA recommends that passengers protect spare batteries by placing them in protective cases or individual zip-top bags, or placing non-conductive tape across exposed terminals. Amendments harmonize US and international standards. For further information: John Gale or Arthur Pollack, DOT Office of Hazardous Materials Standards, Washington, DC, (202) 366- 8553.

Natural and Cultural Resources

NDGPS. (08/01/07, [72 FR 42219](#)) DOT is examining whether to continue operations of the inland component of the Nationwide Differential Global Positioning System (NDGPS) system or invest in completing and enhancing NDGPS by completing the planned NDGPS Initial Operational Capability (IOC) or completing the planned NDGPS Full Operational Capability (FOC). If further investment is not in the public interest and there are no other funding sources, DOT is evaluating whether to decommission the inland component of NDGPS. For further information: Timothy A. Klein, Department of Transportation, Research and Innovative Technology Administration, 202-366-0075, or NDGPS@dot.gov.

WETLAND MAPPING. (08/07/07, [72 FR 44133](#)) The Federal Geographic Data Committee (FGDC) released a working draft of the Wetland Mapping Standard. The document indicates what data collected when mapping wetlands will be uploaded to the National Wetland Inventory (NWI) and incorporated as part of the wetlands layer of the National Spatial Data Infrastructure in the US Geologic Service National Map. If federal funding is used to support wetlands inventory mapping activities, use of the standard is mandatory. The standard supports current and future digital wetland mapping activities, but will not change NWI data produced prior to implementation. The standard specifies a core set of data quality components necessary to add to NWI. The draft document is available at: http://www.fws.gov/nwi/Final%20Draft%20Wetlands%20Mapping%20Standard%2003_26_07.pdf. FGDC Wetlands Subcommittee is soliciting information, data, and views on issues of science pertaining to information contained in the draft FGDC data standard. Comments are due 11/09/07. For further information: Margarete Ann Heber, Wetland Division, EPA Office of Wetlands, Oceans and Watersheds, Washington, DC, (202) 566-1189, Heber.Maragaret@epa.gov.

CANADA GOOSE POPULATION MANAGEMENT. (08/20/07, [72 FR 46403](#)) The US Fish and Wildlife Service (USFWS) finalized clarifications to rules governing resident Canada goose management. The term "boundary" was inserted into interpretation of the three mile radius restriction on resident Canada goose activities at airports and military airfields; thus, resident Canada goose management activities at airports and military airfields is restricted to a radius of three miles from airport or military base boundaries. For further information: Robert Blohm, FWS, Division of Migratory Bird Management, Arlington, VA, (703) 358-1714.

TAKING OF MARINE MAMMALS. (08/21/07, [72 FR 46845](#)) National Marine Fisheries Service (NMFS) issued regulations to govern the unintentional taking of marine mammals incidental to Navy operation of SURTASS LFA Sonar. The rule requires visual passive acoustic, and active acoustic monitoring of the area surrounding the SURTASS LFA sonar array to prevent incidental injury of marine mammals that might enter the 180-dB isopleth from the SURTASS LFA sonar. NMFS is requiring a "buffer zone" that extends an additional kilometer beyond the 180-dB isopleth. If a marine mammal is detected within or about to enter the mitigation zone (180-dB zone plus 1 km), SURTASS LFA sonar transmissions will be immediately delayed or suspended. NMFS designated 10 areas as Offshore Biologically Important Areas (OBIA) for marine mammals (by season if appropriate). The rule requires Navy to refrain from operating the SURTASS LFA sonar within any OBIA and further requires Navy to ensure sound pressure levels do not exceed 180 dB at a distance of 1 km of the outer perimeter of the OBIA. The rule is effective from 08/16/07 through 08/15/12. For further information: Kenneth Hollingshead, NMFS, Silver Spring, MD, 301-713-2289, ext 128.

Resource Conservation and Recovery Act (RCRA)

UST OPERATOR TRAINING GRANT GUIDELINES. (08/08/07, [72 FR 445423](#)) USEPA finalized operator training grant guidelines for states that receive underground storage tank (UST) funds from USEPA. Such states must develop state-specific operator training requirements consistent with USEPA's guidelines by 08/08/09. Guidelines establish three classes of operators: a Class A operator manages resources and personnel, and training should ensure broad knowledge of regulatory requirements; a Class B operator implements day-to-day aspects of operating, maintaining, and recordkeeping for USTs, and training should ensure in-depth knowledge of implementing regulatory requirements; a Class C operator controls or monitors the dispensing or sale of regulated substances, or is responsible for initial response to alarms or releases and notifies the Class B or Class A operator and appropriate emergency responders when necessary, and training should ensure knowledge of actions to take in the event of a leak or other emergency. Each UST system or group of UST systems at a facility must have a Class A, Class B, and Class C operators designated. There may be occasions when a Class A, Class B, or Class C operator is not present at the facility. For example, operators are frequently not present at unmanned facilities, such as emergency generators at telecommunication towers and card

lock/card access facilities. For further information: Tim R. Smith, EPA's Office of Underground Storage Tanks, (703) 603-7158, smith.timr@epa.gov.

Toxic Substances Control Act (TSCA)

ToxCast Phase I Listing. (08/02/07) USEPA's National Center for Computational Toxicology released a list of 340 chemicals that will be evaluated under Phase I of the ToxCast (TM) research program. In May 2007, the National Academy of Sciences released a report calling on USEPA and other federal scientific agencies to use advances in computers, genomics and cellular biology to speed up toxicity testing. The ToxCast Program, which began in 2006, implements many of the report's recommendations. Under Phase I of ToxCast, chemicals will be examined in hundreds of different rapid computer tests known as "high throughput screening (HTS) bioassays." Phase I will create chemical signatures of compounds that will be compared to known toxicity data in this proof-of-concept phase. It is expected that predictive patterns will emerge from compounds that could cause harm to people and the environment. Results of Phase I are expected in 2008. Phase II will involve a larger, more diverse set of chemicals to test predictability of patterns identified in Phase I. In Phase III, ToxCast will expand the list to thousands of environmental chemicals. More information on ToxCast is available at <http://www.epa.gov/ncct/toxcast/news.html>. For further information: Suzanne Ackerman, EPA, Washington, DC, (202) 564-4355, ackerman.suzanne@epa.gov. Full text document location: <http://yosemite.epa.gov/opa/admpress.nsf/bb1285e857b49ac4852572a00065683f/2accf3c6ea7cde818525732b00524e82!OpenDocument>

State Laws and Rulemaking

Alabama

Final Rules



UNDERGROUND STORAGE TANK COMPLIANCE ACT SECONDARY CONTAINMENT REGULATIONS. (USTCA, Division 6, 335-6-15) The Alabama Department of Environmental Management (ADEM) amended UST regulations to adopt the Underground Storage Tank Compliance Act (USTCA) of the Federal Energy Policy Act of 2005 (EPACT2005). Amendments adopt secondary containment requirements of USTCA and update other parts of the regulations. ADEM held a public hearing and written comments were due 05/07/07 for proposed secondary containment regulations. ADEM filed secondary containment regulations with the Legislative Reference Service (LRS) 07/02/07, and the regulations became effective 08/06/07. ADEM is not required to adopt operator training regulations until August 2009. Regulations will be monitored under new Regulation IDs.

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

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

Contact: Craig Hodes (334) 271-7823.

Proposed Rules

UST DELIVERY PROHIBITION. ADEM will propose amendments to UST regulations to comply with USTCA of EPACT. ADEM is drafting amendments to adopt the delivery prohibition requirements. ADEM is drafting regulations and expects to adopt the final regulations by the end of 2007.

USEPA's Underground Storage Tank Provisions of the Energy Policy Act of 2005 Website (includes guidelines):

http://www.epa.gov/OUST/fedlaws/epact_05.htm

Contact: Craig Hodes (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 and 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 the Clean Air Interstate Rule (CAIR), Clean Air Mercury Rule (CAMR), and the Federal Acid Rain Program. FLDEP held rule development workshops 04/13/06 and 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://fawvolumefolders2007/3316/3316DOC.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 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 McLaugherty (850)245-8645.

TANKS/ASTs. (62-762) FLDEP is proposing to amend Chapter 62-762 regarding aboveground storage tank (AST) systems. FLDEP is proposing to simplify language, update reference standards, and combine sections to eliminate confusion over past deadlines. FLDEP is proposing new concepts 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 tank 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 was 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 upper-management on changes, and seek approval to schedule the rule adoption hearing before the end of 2007.

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.

AIR/VAPOR INTRUSION GUIDANCE. FLDEP is discussing development of a vapor intrusion guidance document. FLDEP relies on USEPA's draft Subsurface Vapor Intrusion Guidance document. FLDEP is organizing a pilot project to collect field data on the occurrence of vapors beneath building foundations at adjacent or off-site buildings of petroleum or dry cleaner solvent contaminated sites. FLDEP expects to collect data at several dozen petroleum dry cleaner solvent contaminated sites. Relative frequency of occurrence and severity of currently existing vapor intrusion problems would directly relate to how prominently FLDEP would incorporate procedures for evaluation of indoor vapor intrusion into existing contaminated site assessment and cleanup procedures. Once the project is complete, FLDEP will decide whether to proceed with the guidance document, whether procedures will be generic or specific, and whether procedures should be incorporated into standard site rehabilitation procedures. An Interstate Technology and Regulatory Council (ITRC) project on indoor vapor intrusion guidance is underway, and FLDEP may wait for ITRC's guidance documents to

complete its own guidance documents. FLDEP is still waiting for ITRC guidance documents.

USEPA's Office of Solid Waste and Emergency Response Draft Guidance for Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils (Subsurface Vapor Intrusion Guidance): <http://www.epa.gov/epaoswer/hazwaste/ca/eis/vapor.htm>

Contact: Bheem Kothur (850) 245-8781.

AIR/GLOBAL CLIMATE CHANGE. Governor Crist established the Florida Governor's Action Team on Energy and Climate by Executive Order 07/13/07. The action team will develop Florida's Energy and Climate Change Action Plan, which will contain recommendations for reducing greenhouse gas emissions and diversifying energy resources. The team held its first meeting 08/29/07.

Executive Order Number 07-128 Establishing the Florida Governor's Action Team on Energy and Climate Change:

<http://www.flgov.com/pdfs/orders/07-128-actionteam.pdf>

Notice of Meeting, Florida Administrative Weekly 08/17/07:

<https://www.flrules.org/gateway/readFile.asp?sid=6&tid=4472590&type=1&file=62.doc>

Contact: Adrienne Walker (850) 245-2002.

Georgia

Proposed Rules



USTCA. The Georgia Department of Natural Resources (GADNR) will amend UST program regulations to adopt USTCA. USEPA released inspection guidelines 04/24/07; delivery prohibition guidelines 08/07/06; secondary containment guidelines 11/15/06; and operator training guidelines 08/08/07. GADNR will amend regulations to comply with secondary containment and operator training guidelines, but will not amend regulations to comply with delivery prohibition and inspection guidelines since regulations already comply with those guidelines. GADNR drafted regulations and planned on presenting them for approval to the Board of Natural Resources (BNR) at the end of August 2007. If BNR approves draft regulations, GADNR will publish the rule for public comment in September 2007. GADNR plans to present a final draft to BNR for approval in late 2007. Regulations will become effective 30 days after approval. GADNR will initiate rulemaking for operator training late 2007.

USEPA, UST Provisions of the Energy Policy Act of 2005 (EPACT) (includes guidelines): http://www.epa.gov/oust/fedlaws/epact_05.htm

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. TWC met 08/23/07.

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.

WATER USE CLASSIFICATIONS AND WATER QUALITY STANDARDS. GAEPD proposes to amend Chapter 391-3-6-.03, Water Use Classifications and Water Standards, to allow the state to grant variances to a water quality standard and remove a designated use through a use attainability analysis. GAEPD will hold hearings 09/19/07 and 09/20/07 and comments are

due 09/24/07. BNR will consider rule amendments for adoption 10/24/07.

Notice of Public Hearings and Proposed Amendments: <http://www.gaepd.org/envirnet/6/notice.pdf>

Synopsis of Proposed Amendments and Statement of Rationale: <http://www.gaepd.org/envirnet/6/synopsis.pdf>

Proposed Amendments: <http://www.gaepd.org/envirnet/6/amendments.pdf>

Contact: Elizabeth Booth (404) 675-6236.

CAIR. GADNR adopted the federal CAIR that establishes annual and ozone season limits on nitrogen oxide (NO_x) emissions and annual limits on sulfur dioxide (SO₂) emissions for fossil-fuel fired electronic generating facilities. GADNR accepted written comments until 03/24/06 and briefed GADNR's 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. GADNR re-noticed the proposed regulations and a public hearing was held 01/16/07; written comments were due 01/26/07. The rules were adopted by BNR at a public meeting 02/28/07 and annual NO_x allocations were submitted to USEPA 04/30/07. GADNR 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 Plan. CAIR permit applications are due in December 2008 for annual NO_x and SO₂ programs. USEPA proposed a rule to approve the State Implementation Plan (SIP) revisions 08/02/07. Comments were due 09/04/07.

Department's CAMR and 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/envirnet/1/cair_notice.pdf

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

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

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

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

USEPA Proposed Rule to Approve the SIP Revisions 08/02/07: [http://](http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-15055.htm)

a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-15055.htm

Contact: James Kelly (404) 363-7000.

CAMR. GAEPD is discussing development of regulations to adopt the federal 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 the 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. 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.

REDESIGNATION REQUEST TO GEORGIA'S STATE IMPLEMENTATION PLAN. GADNR proposed the "Macon Maintenance Plan" 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 would be redesignated to an attainment area with respect to the National Ambient Air Quality Standards (NAAQS) for ground-level or tropospheric ozone. The plan would ensure that Volatile Organic Compounds (VOC) and NO_x emissions would not exceed levels above that which occurred when the area demonstrated ozone standard attainment; would commit to continue to monitor the area to ensure attainment; and a contingency plan would bring the area back into attainment in case there are exceedences of the ozone standard. The plan would request that USEPA redesignate the Macon area from non-attainment to attainment with the ozone standard. GADNR held a public hearing 06/12/07, and accepted written comments until 06/12/07. The plan was submitted to USEPA 06/15/07 who proposed a rule to approve SIP revisions 08/02/07. Comments on the proposed rule were due 09/04/07.

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

USEPA Proposed Rule to Approve the SIP Revisions 08/02/07:

<http://a257.g.akamaitech.net/7/257/2422/01jan2007/1800/edocket.access.gpo.gov/2007/E7-14983.htm>

Contact: Heather Abrams (404) 363 7000.

Kentucky

Proposed Rules



CAIR. (401 KAR 51:210, 51:220, 51:230) The Kentucky Department of Environmental Protection (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 the Administrative Regulation Review Subcommittee (ARRS) at a public meeting 10/10/06; were approved by ARRS and filed with the Legislative Research Commission (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 in July 2007 and have been submitted to USEPA for incorporation into the SIP. 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/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) and 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. No additional information is currently available.

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 EPACT2005. KDEP expects the state is already compliant with portions of USTCA, including inspection and reporting requirements; however, 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 owner-operator certification requirements. Draft regulations are under development, and implementation is projected for winter 2007 at the earliest. USEPA published final guidance on Operator Training 08/08/07.

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

Contact: Stephen Kent (502) 564-0282 x262.

Mississippi

Proposed Rules



STATE ENVIRONMENTAL INCENTIVES PROGRAM. The Mississippi Department of Environmental Quality (MSDEQ) is developing a state environmental incentive program that will recognize facilities that strive to go 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. A Memorandum of Agreement between MSDEQ and USEPA was signed in August 2006. MSDEQ 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 will launch the program in October or November 2007. 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.

WATER QUALITY CRITERIA FOR INTRASTATE, INTERSTATE AND COASTAL WATERS. MSDEQ revised Water Quality Criteria 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 quality of) drinking water or drinking water standards.

MSDEQ held a public hearing and comments were due 11/09/06. In response to comments, MSDEQ revised the proposal. MSDEQ filed a Notice of Proposed Rule Adoption 07/02/07, with a proposed effective date of 08/25/07. The Commission on Environmental Quality (CEQ) was scheduled to review the Water Quality Criteria for Intrastate, Interstate, and Coastal Waters 07/26/07, but the meeting was cancelled. The meeting was rescheduled for 08/23/07.

Notice of Proposed Rule Adoption:

<http://www.sos.state.ms.us/busserv/AdminProcs/PDF/00014522a.pdf>

State of Mississippi Water Quality Criteria for Intrastate, Interstate, and Coastal Waters:

<http://www.sos.state.ms.us/busserv/AdminProcs/PDF/00014522b.pdf>

Contact: Greg Jackson (601) 961-5098.

North Carolina

Legislation



STORMWATER AND WATER QUALITY, SB 1468. Senator Charles Albertson (D) sponsored SB 1468 to provide finances for innovative "pilot projects" to improve stormwater management and water quality throughout NC. Funds will help finance projects that specifically address water pollution problems to focus on upgrading surface waters, eliminating pollution, and protecting and conserving unpolluted surface waters, including urban drinking water supplies. Funds will be used to build a network of riparian buffers and greenways for environmental, educational, and recreational benefits. Results of efforts will be beneficial to wildlife and marine fisheries habitats. SB 1468 was signed by Governor Mike Easley 08/31/07.

Current version: <http://www.ncga.state.nc.us/Sessions/2007/Bills/Senate/HTML/S1468v2.html>

BRAC AUTHORIZING LEGISLATION, HB 1515. Representative Mary Highsmith Dickson (D) sponsored HB 1515 to appropriate funds used to support NC Military Business Center. One purpose of the funds is to leverage BRAC-related business development and recruitment activities. HB 1515 was amended into the final legislative budget for the 2007 session and will not be considered further by itself. The final budget allocated \$1.3 million for the North Carolina Military Business Center. The bill and Appropriations Act were signed by Governor Easley 07/31/07.

<http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H1515v0.html>

LAND USE, HB 1518. Representative Rick Glazier (D) sponsored HB 1518 to appropriate funds to the National Heritage Trust Fund for purchasing land near military bases in order to prevent encroachment. Introduced and referred to House Appropriations Committee 04/17/07, the bill Failed upon adjournment 08/02/07. The measure was not incorporated into the final 2007 budget and has therefore failed.

<http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H1518v0.html>

LAND USE, HB 1906. Representative Cary Allred (R) sponsored HB 1906. The current May 23 version urges the North Carolina Congressional Delegation (NCCD) to withhold funding for construction of the Navy outlying landing field in Washington, Perquimans and Beaufort counties until a more suitable location can be found. The measure does not enact policy, but urges NCCD to take a certain stance. The sponsor believes construction of the outlying landing field will have adverse effects on the foraging habitat of migratory waterfowl; loss of prime farmland in Washing and Beaufort counties; and safety of pilots due to collision with birds. Introduced and referred to House Rules, Calendar, and Operations Committee 05/02/07, HB 1906 passed committee 05/22/07. The bill was re-referred and passed House Rules, Calendar, and Operations Committee 05/23/07 and it passed the House 05/24/07 Referred to Senate Rules and Operations Committee 05/29/07, HB 1906 carried over to 2008 session.

<http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H1906v2.html>

Final Rules

UST/STORAGE TANK PERMIT EXEMPTION. (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 does apply to tanks used to store ethanol-based fuels. NCDENR presented the rule to EMC 05/10/07, and EMC adopted the rule. One technical correction

was made to the rule, but it does not involve storage tanks for ethanol-based fuels. The Rules Review Commission (RRC) approved the rule 06/28/07.

Final Rule will be available at: <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: Thom Allen (919) 733-1489.

AIR/OPEN BURNING. (15A NCAC 02D .1900, .1901, .1902, .1903, .1904, .1907) NCDENR amended open burning rules, 15A NCAC 02D .1900 to identify factors for determining whether NCDENR will approve a waiver from the setback requirement; identify factors for determining the number of violations per episode of open burning; require prescribed burns to follow smoke management plans; and refer to the other solid waste incineration rule. The Air Quality Committee (AQC) held a public meeting 05/10/06 and the rule was presented to EMC at public meetings 01/10/07 and 01/11/07. NCDENR held a public hearing 03/14/07, and written comments were due 04/16/07. EMC reviewed the March hearing record at a public meeting 05/10/07 and adopted the rule. RRC approved the rule 06/28/07.

Final Rule 15A NCAC 02D .1901 will be available at:

<http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environment%20and%20natural%20resources/chapter%2002%20-%20environmental%20management/subchapter%20d/15a%20ncac%2002d%20.1901.pdf>

Final Rule 15A NCAC 02D .1902 will be available at:

<http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environment%20and%20natural%20resources/chapter%2002%20-%20environmental%20management/subchapter%20d/15a%20ncac%2002d%20.1902.pdf>

Final Rule 15A NCAC 02D .1903 will be available at:

<http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environment%20and%20natural%20resources/chapter%2002%20-%20environmental%20management/subchapter%20d/15a%20ncac%2002d%20.1903.pdf>

Final Rule 15A NCAC 02D .1904 will be available at:

<http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environment%20and%20natural%20resources/chapter%2002%20-%20environmental%20management/subchapter%20d/15a%20ncac%2002d%20.1904.pdf>

Contact: Thom Allen (919) 733-1489.

Proposed Rules

UST/SECONDARY CONTAINMENT. (Subchapter 2N) NCDENR is proposing to amend 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 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, but 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 landscapes 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.

AIR/CLIMATE ACTION PLAN ADVISORY GROUP (CAPAG). (NC5479) NCDENR created the North Carolina CAPAG to discuss global climate change and to develop recommendations for specific actions to help reduce or prevent climate change. Recommendations would likely include measures for reducing greenhouse gas emissions and sequestering or removing such gases from the atmosphere. The group will not discuss or debate the science of climate change. Global climate change refers to changes in temperatures, climate, sea levels and other environmental factors due to emissions of CO₂ and other greenhouse gases and particles. CAPAG has a broad range of stakeholders including industry, environmental groups, governmental agencies, academic institutions, agriculture, forestry, coastal interests, real estate, tourism, banking, insurance, and other businesses. CAPAG held public meetings 02/16/06, 05/23/06, 07/25/06, and 10/12/06. CAPAG met by conference call 11/13/06 to continue discussions on cross-cutting and agriculture issues that were continued at the 10/12/06 meeting. CAPAG held a public meeting 01/24/07 and presented an Interim Report to the North Carolina Legislative Commission on Global Climate Change 02/22/07. CAPAG held a public meetings 05/08/07 and 07/16/07, and will present its final report at meeting in mid-October 2007.

North Carolina Climate Action Plan Advisory Group: <http://www.ncclimatechange.us/>

Contact: Jim Southerland (919) 715-7566.

South Carolina

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 originally monitored at Regulation ID# SC5361, replaces and supersedes the notice published in the January 2006 State Register. SCDHEC is proposing to amend Regulation 61-79 to adopt two federal rules: one portion facilitates mercury recycling by including mercury-containing products as part of the Universal Waste Rule at Regulation 61-79.273; and the second portion involves adopting a new Federal Methods Rule that would provide for 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 comments on changes before the draft is presented to BNR for initial approval. Following approval, a draft will be published, which may necessitate another round of public hearings. Amendments will require approval from the legislature; thus, there will not be a final result until sometime late 2007. As of October 2006, SCDHEC is internally drafting amendments. 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 rules with a new section that would encompass 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. SCDHEC held an informational forum and 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 BHEC. BHEC approved the rules and submitted for legislative review. The House Agriculture, Natural Resources and Environmental Affairs Committee requested SCDHEC to withdraw

and resubmit the regulations with a change 05/29/07. The committee requested that SCDHEC delete one sentence. SCDHEC withdrew the regulations and intends to resubmit in January 2008. 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 stakeholder meetings 03/15/07 and 05/04/07. Another Notice of Drafting was published in the Register 05/25/07 and comments were due 06/25/07. SCDHEC held a stakeholder meeting 08/02/07. SCDHEC revised the draft proposed regulation; intends to present the proposed regulation to the BHEC for adoption in December 2007, and to submit the adopted regulation to the legislature in January 2008. 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 CAA. In areas not meeting health-based NAAQS, the program is implemented under 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 the 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 BHEC meeting. A SCDHEC 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 met 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 two years from the date of USEPA guidance. SCDHEC published a Notice of Drafting in April and held a series of public meetings in April and May 2007. SCDHEC hopes to have proposed amendments completed by the end of 2007 for submission to the General Assembly during the 2008 legislative session. Notice of drafting was published in the June edition of South Carolina Register and comments were accepted until 07/23/07. SCDHEC anticipated drafting of the UST regulation would 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 HWMR to include: Wastewater Treatment Exemptions for Hazardous Waste Mixtures (Headworks Rule); the National Emission Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; and the Burden Reduction Rule. Rules would relax current standards and adoption would be optional to the state. Legislative review is required for the amendments. SCDHEC accepted comments until 06/29/07 and is 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



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. The rules strive to prevent future pollution of state waters, and 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.