



The Southern Region Review



November 2007, 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 in regard to environmental actions and events throughout 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.

The SREO welcomes feedback and suggestions for expanded or improved Review coverage:

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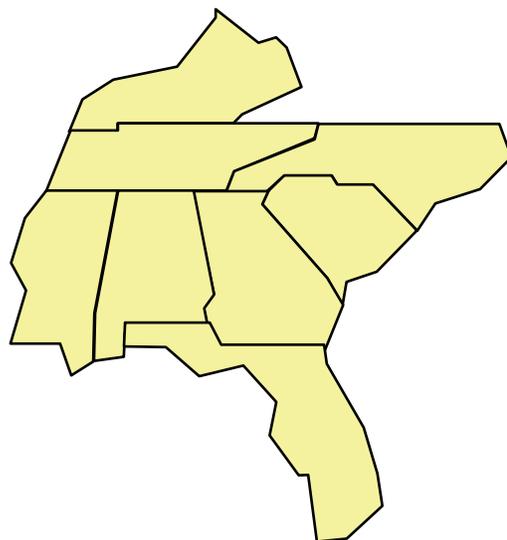
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For additional information, please visit:
<http://www.asaie.army.mil/public/ESOH/REO>.

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Announcements

FORT BENNING SUSTAINABLE PRODUCT SHOWCASE. Fort Benning is establishing, for testing and evaluation purposes, a Leadership in Energy and Environmental Design (LEED) product showcase. As a sustainable partner in the community, Fort Benning is committed to leading the way in innovative environmental and conservation technology. The showcase is located on the first floor of the new Maneuver Center of Excellence Bldg. The Ribbon Cutting on 12/07/07 at 11:00, involving over 20 Partners/Manufacturers, will display environmentally sustainable products. Fort Benning is excited about meeting the LEED Silver Standard on all construction beginning in FY08 and this showcase will help them achieve that very high sustainable bar. Ray Anderson, founder of Interface and recognized as the "Greenest CEO in America," will be speaking.

UPDATED MARINE MAMMAL STOCK ASSESSMENTS. (10/04/07) A lawsuit brought by two conservation organizations against the Department of Interior (DOI) seeks to force DOI to issue updated stock assessment reports for protected marine mammals. Stock assessments are population estimates that include information on the range of the species and threats to its survival. The Marine Mammal Protection Act requires the Secretary of the Interior and the Secretary of Commerce to prepare stock assessments for marine mammals. Assessments are meant to be used as the basis for management decisions such as incidental take permits. The most recent stock assessments available for polar bear and walrus assessments are more than five years old. Those available for California sea otters and Florida manatees are over 12 years old. Marine mammal stocks covered in the lawsuit include the California sea otter, the Washington stock of the sea otter, three sea otter stocks in Alaska, the Pacific walrus, two polar bear stocks in Alaska, the Florida manatee, and the Antillean manatee in Puerto Rico. Text of the lawsuit is available at: http://www.biologicaldiversity.org/swcbd/PROGRAMS/marine/Complaint_SARs-10-04-07.pdf.

SCHOOLS CHEMICAL CLEANOUT CAMPAIGN. From elementary school maintenance closets to high school chemistry labs, schools use a variety of chemicals. When mismanaged, chemicals can put students and school personnel at risk from spills, fires, and other accidental exposures. Chemical accidents disrupt school schedules and can cost thousands of dollars to repair. The Schools Chemical Cleanout Campaign (SC3) aims to ensure that all schools are free from hazards associated with mismanaged chemicals. SC3 gives K-12 schools information and tools to responsibly manage chemicals. By using the tools provided at: <http://www.epa.gov/epaoswer/osw/conserv/clusters/schools/index.htm>, and pulling together a team with a variety of perspectives, expertise, and resources you can develop a successful chemical management program. Schools, parents, and local organizations can partner to create a chemical management program that meets the unique needs of their schools.

Conferences and Events

USEPA REGION 4 CONFERENCE ON CHEMICAL EMERGENCIES. November 14-16. Tampa, FL. The USEPA Region 4 EPCRA Enforcement Section and USEPA Region 4 Emergency Response and Removal Branch announce the conference on chemical emergencies. USEPA is establishing the conference as an annual forum for discussion of topics and issues concerning chemical emergencies and to provide opportunities for networking. <http://www.epa.gov/region4/air/epcra/index.htm#tampa>

WATER MANAGEMENT 2007: IMPROVED INFLOW FORECASTS FOR HYDROPOWER. November 15-16. Knoxville, TN. The goal of the workshop is to improve short term inflow forecasting knowledge through collaborative information sharing. We invite water managers and forecasters to share experiences in the challenging field of predicting future water supplies. <http://www.ceatech.ca/Meetings/WM2007/>

2008 ARMY INSTALLATION RESTORATION PROGRAM/MILITARY MUNITIONS RESPONSE PROGRAM (IRP/MMRP) WORKSHOP. December 3-7. Baltimore, MD. The workshop will be broad in scope, and the agenda will include topics from all Army environmental cleanup programs. Overall focus will be on achieving results in accordance with current defense goals and objectives of the Army Environmental Cleanup Strategy, while also offering a forum for program information sharing, team building, and personal interaction. The workshop is strictly for Department of the Army civilians who are Restoration Managers for active installations and Restoration Program Managers for the Military Munitions Response Program. If there are contractors in either of the above-mentioned positions, they may also attend. <http://aec.army.mil/usaec/cleanup/workshop/index.html>

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>

GREENPRINTS 2008: SUSTAINABLE COMMUNITIES BY DESIGN. March 13-14, 2008. Atlanta, GA. Join green building science and design professionals, policy makers and concerned citizens as at the 10th annual green building conference and green tradeshow hosted by Southface and The Georgia Environmental Facilities Authority (GEFA) Division of Energy Resources. The conference will present panel sessions of green building experts, an opening keynote by a leader in sustainability, and a green tradeshow; highlighting the latest environmental technologies and products on the market.
<http://www.greenprints.org/>

2008 GROUND WATER SUMMIT. March 30-April 3, 2008. Memphis, TN. The conference engages local, national, and international science partners in a setting that facilitates exchange and dissemination of technical information and new science developments, allows a means for discussion of policy and regulatory issues pertaining to ground water, and promotes goodwill between scientists and engineers worldwide. Summit sessions cover a wide range of topics so recent issues and advances in ground water science, technology, and policy can come to the forefront.
<http://www.ngwa.org/2008summit/index.aspx>

2008 WASTE-TO-FUELS CONFERENCE & TRADE SHOW. April 6-8, 2008. Orlando, FL. The conference and trade show will provide a forum for informing public and private sectors of the economic and environmental benefits of converting waste materials to alternative fuels such as biodiesel and ethanol, as well as energy recovery. Attendees will have excellent networking opportunities and a chance to visit with exhibitors to preview the newest advances in alternative fuel production products and services. Tentative conference presentation topic areas include: Municipal Solid Waste (MSW)-to-Fuels & Energy Recovery; BioMass-to-Fuels & Energy Recovery; Plastics-to-Fuels; Waste Oils and Grease-to-Fuels; Landfill Gasses-to-Energy; and Agricultural Waste-to-Fuels & Energy Recovery. <http://www.waste-to-fuels.org/>

Training

PROSPECT TRAINING. The FY2008 US Army Corps of Engineers (USACE) Training program is available and open for registration. Registration is imperative at survey time in order to ensure a seat. Payment is not due until 60 days prior to the course. Courses are open to all federal employees, state, county and city employees and contractors, with different registration processes for each entity. Huntsville Learning Center: <http://ulc.usace.army.mil/Default.aspx>; Register at: <http://ulc.usace.army.mil/HowToRegister.aspx>. Contact Sandi Zebrowski, USACE, (402) 697-2562 with specific questions.

REGULATORY IIB. December 10-14. Tampa, FL
<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=323>

EARTHWORK CONSTRUCTION. January 28-February 1, 2008. Vicksburg, MS.
<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=40>

INTERPRETIVE SERVICES. January 28-February 1, 2008. Huntsville, AL.
<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=72>

WETLAND PLANT IDENTIFICATION (SE). February 11-14, 2008. Apalachicola, FL.
<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=423>

WETLAND DEVELOPMENT AND RESTORATION. February 25-28, 2008. Apalachicola, FL.
<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=276>

ENVIRONMENTAL LAWS & REGULATIONS. February 25-29. Huntsville, AL.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=170>

HAZARDOUS WASTE MANIFESTING DOT CERTIFICATION. March 10-14, 2008. Atlanta, GA.

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

HAZARDOUS WASTE MANIFESTING REFRESHER/DOT RECERTIFICATION. March 12-13. Atlanta, GA.

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

RAD WASTE TRANSPORT/DOT RECERTIFICATION. March 12-14. Atlanta, GA.

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

REGULATORY I. March 24-28, 2008. Ft. Lauderdale, FL.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=100>

ENVIRONMENTAL IMPACT ASSESSMENT. March 24-28. Huntsville, AL.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=169>

REGULATORY V. April 7-11, 2008. Mobile, AL.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=137>

GPS FOR GIS APPLICATIONS. April 7-11, 2008. Vicksburg, MS.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=187>

COASTAL PROJECT PLANNING. April 21-25, 2008. Duck, NC.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=11>

ECOLOGICAL RESOURCES: INVENTORY & EVAL. April 21-25. Vicksburg, MS.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=168>

PLANNING FOR ECOSYSTEM RESTORATION. Phoenix, AZ. May 5-9, 2008.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=348>

REGULATORY IIA. May 19-23, 2008. Atlanta, GA.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=322>

ENVIRONMENTAL WRITING. June 2-6, 2008. Huntsville, AL.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=198>

INTERPRETIVE SERVICES. June 3-5, 2008. Huntsville, AL.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=72>

DREDGING FUNDAMENTALS. June 16-20, 2008. New Orleans, LA.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=333>

ECOSYSTEM MANAGEMENT AND PLANNING ISSUES. July 14-18, 2008. Denton, TX.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=264>

ENVIRONMENTAL LAWS & REGULATIONS. July 21-25, 2008. Nashville, TN.

<http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=170>

RCRA HW. <http://ulc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=156>

PLANNING AND PROMOTING OF ECOLOGICAL REUSE OF REMEDIATED SITES. November 15. Live Online Class; Internet-based. Training is based on the ITRC Technical and Regulatory Guideline: Planning and Promoting Ecological Land Reuse of Remediated Sites (ECO-2, 2006). The document presents a process to promote ecological land reuse activities considering natural or green technologies instead of more traditional remedies. The guidance demonstrates that natural or ecological end-uses are valuable alternatives to conventional property development or redevelopment. It contains the principal decision points in a flow diagram format and discusses the practicality of applying natural or green technologies to traditional remediation processes.

<http://clu-in.org/conf/itrc/register/default.cfm?title=Planning%20and%20Promoting%20of%20Ecological%20Land%20Reuse%20of%20Remediated%20Sites>

ITRC PROTOCOL FOR USE OF FIVE PASSIVE SAMPLERS. November 29. Live Online Class; Internet-based. Training supports the understanding and use of the ITRC Protocol for Use of Five Passive Samplers to Sample for a Variety of Contaminants in Groundwater (DSP-5, 2007). The five technologies included in this document include diffusion samplers (Regenerated Cellulose Dialysis Membrane Sampler and Rigid Porous Polyethylene Sampler), equilibrated grab samplers (Snap Sampler™ and HydraSleeve™ Sampler); and an accumulation sampler (GORE™ Module). The training starts with information common to all five samples then focuses on each sampler as instructors describe the sampler and explain how it works; discuss deployment and retrieval of the sampler; highlight advantages and limitations; and present results of data comparison studies.

[http://clu-in.org/studio/seminar.cfm#Protocol for Use of Five Passive Samplers 20071129](http://clu-in.org/studio/seminar.cfm#Protocol%20for%20Use%20of%20Five%20Passive%20Samplers%2020071129)

ADVANCED NEGOTIATIONS SKILLS TRAINING. December 12-13. Atlanta, GA. The 2-day advanced course provides participants with an understanding of the more sophisticated processes of negotiations. The course includes a number of exercises, culminating in a complicated, multi-party, multi-issue environmental negotiation. Discussions and workshops will include a review of the framework of negotiations, planning and preparing for negotiations, and individual attitudes and their impact on the negotiation process. Contact Winston Haythe, 202-564-6057, haythe.winston@epa.gov.

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>

ARMY ENVIRONMENTAL TRAINING SYMPOSIUM. January 14-18, 2008. Louisville, KY. The symposium will be an "Environmental Track" as part of the Army's 2008 Installation Management Institute (IMI). The event intended to educate the installation management workforce with the tools, techniques and tips needed to successfully accomplish new installation management training initiatives. The environmental track will focus on program updates, current issues and hot topics in a variety of media areas and across the Army's environmental realm of responsibility. Keep checking the IMI web page for updates (AKO access required). Registration is expected to begin no later than 11/15/07. For more information, contact: Charlotte Minar, charlotte.minar@us.army.mil or Mike Eck, mike.eck@us.army.mil; <https://www.us.army.mil/suite/page/302640?c=Y2hhcmxvdHRILm1pbmFy>.

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

INTEGRATED SCIENCE ASSESSMENT FOR SO_x HEALTH CRITERIA. (09/28/07, [72 FR 55207](#)) USEPA issued the draft document, "Integrated Science Assessment for Sulfur Oxides Health Criteria; First External Review Draft," (EPA/600/R-07/108) for public review. The ISA evaluates and integrates scientific information on health effects associated with exposure to sulfur oxides (SO_x) in ambient air. The draft focuses on scientific information that has become available since the 1982 review, and reflects the current state of knowledge on primary sulfur dioxide (SO₂) National Ambient Air Quality Standards (NAAQS). Key findings include: SO₂ emissions from electric generating utilities and smelters have declined substantially since 1990; measured annual mean SO₂ values have not been observed to exceed annual primary NAAQS (0.03 ppm) since 2000; and monitors deployed in the current regulatory network are adequate to detect SO₂ concentrations above 0.03 ppm, but are inadequate for measurements at or near this concentration. The first draft ISA will be reviewed by the Clean Air Scientific Advisory Committee (CASAC) at a public meeting on December 5-6, 2007 in Research Triangle Park, NC. Additional information is available at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=182057>; http://oaspub.epa.gov/eims/eimscomm.getfile?p_download_id=469182; with a 564 page annex at: http://oaspub.epa.gov/eims/eimscomm.getfile?p_download_id=469183. Comments are due 11/30/07. For further information: Jee Young Kim, NCEA; 919-541-4157, kim.jee-young@epa.gov.

2007 RELEASE OF CADDIS. (10/04/07, [72 FR 56755](#)) USEPA posted the release of "Causal Analysis/Diagnosis Decision Information System" (CADDIS) software for 2007. CADDIS is an online system that guides users through evaluation of causes of biological impairment to aquatic systems such as streams, lakes, and estuaries using USEPA's Stressor Identification process. Additional information in CADDIS 2007 from the first release includes: eight modules describing a common stressor or candidate cause of biological impairment; how nine analytical methods can be used to analyze causal relationships; CADStat, a downloadable software package for analyzing data using a variety of exploratory and statistical approaches; SSD Generator, a tool for deriving species sensitivity distributions (SSD); stressor-response information including chronic exposure-response relationships and SSD for metals from laboratory tests; stressor-response associations from field observational data for metals and sediments; generic conceptual models for common causes of biological impairment; and an interactive Flash-based conceptual model diagram for one common stressor (phosphorus) that provides source citations for cause-and-effect linkages shown in the diagram. In the future, this part of the website will expand to include other common stressors. CADDIS 2007 is available at: <http://www.epa.gov/caddis/>. For further information: Rick Ziegler, NCEA, 202-564-2257, or Ziegler.rick@epa.gov.

2008 FUEL ECONOMY LISTS. (10/12/07) USEPA and the Department of Energy released the 2008 Fuel Economy Guide. Label values are based on new test methods finalized by USEPA in December 2006. New methods were designed to better account for actual driving conditions that can lower fuel economy, such as higher speed driving, use of air conditioning and cold weather operation. Fuel economy estimates for all vehicles will generally be lower than those of last year due to the new methods. The guide is at: <http://www.fueleconomy.gov/>. For further information: Margot Perez-Sullivan, (202) 564-4355, perezsullivan.margot@epa.gov. Full text document location: <http://yosemite.epa.gov/opa/admpress.nsf/eebfaebc1afd883d85257355005afd19/4008dd8a8032bd8685257372004ed1a7!OpenDocument>

CLIMATE CHANGE. (10/25/07, [72 FR 60652](#)) The National Oceanic and Atmospheric Administration (NOAA) released the draft report titled, "U.S. Climate Change Science Program Synthesis and Assessment Product 4.7: Impacts of Climate Change and Variability on Transportation Systems and Infrastructure: Gulf Coast Study," and invited review and comment. Climate affects the design, construction, safety, operations, and maintenance of transportation infrastructure and systems. The draft report asserts that the prospect of a changing climate raises questions regarding how alterations in temperature, precipitation, storm events, and other aspects of the climate could affect the nation's roads, airports, rail, transit systems, pipelines, ports, and waterways. In Phase I of the regional assessment of climate change and its potential impacts on transportation systems, the report addresses these questions for the region of the U.S. Central Gulf Coast between Galveston, TX, and Mobile, AL. This region contains multimodal transportation infrastructure critical to regional and national transportation services. The primary objectives of the Gulf Coast Study were to assemble data needed for an analysis of potential impacts on transportation; determine whether climate and ecological data could be usefully employed in such an assessment; identify and implement an assessment approach; and provide an overview of potential impacts. The report claims that results show that the data can provide useful information to transportation decision-makers and indicates that potential impacts on transportation in the Gulf Coast are highly significant. More than half of the area's major highways (64% of Interstates and 57% of arterials), almost half of the rail miles, 29 airports, and virtually all of the ports are below 7 meters (23 feet) in elevation and subject flooding and possible damage due to hurricane storm surge. The climate impacts identified in the report, particularly in relation to storm damage include: relative sea level rise, storm activity, average temperature increase, temperature extremes, precipitation change, and extreme rainfall events. The draft report is available at: <http://www.climatescience.gov/Library/sap/sap4-7/public-review-draft/default.htm>. Comments must be received by 12/10/07. For further information: Dr. Fabien Laurier, Climate Change Science Program Office, Washington, DC, (202) 419 3481.

TOXICOLOGICAL PROFILES. (10/25/07, [72 FR 60673](#)) The Agency for Toxic Substances and Disease Registry (ATSDR) released a list of 73 proposed substances to be evaluated for CERCLA Set 22 toxicological profile development. Each year, ATSDR develops a list of priority substances that will be evaluated for toxicological profile development. The list was compiled, on the basis of ATSDR's Priority List of Hazardous Substances, with consideration of the amount of relevance of newly published scientific literature. The list includes an entry for "nanomaterials" with no specifics. ATSDR invites voluntary public nominations for substances not on the list, and will consider evaluation of additional substances that may have public health implications. Nominations must be submitted by 11/26/07. For further information: Jessilyn B. Taylor, Division of Toxicology and Environmental Medicine, Agency for Toxic Substances and Disease Registry, Atlanta, GA, (770) 488-3313.

Federal Notices and Rulemaking

Clean Air Act (CAA)

HAZARDOUS WASTE COMBUSTERS. (09/27/07, [72 FR 54875](#)) USEPA provided notice that they will be revising National Emissions Standards for Hazardous Air Pollutants (NESHAP) for hazardous waste combustors, based on a court opinion that challenged USEPA's basis for the Hazardous Waste Combustor Maximum Achievable Control Technology (MACT) rule finalized in October 2005. USEPA wants existing affected sources to comply with the rule by 10/14/08, as currently required, even if some standards may be inconsistent with case law. USEPA concludes that many standards and alternative standards need to be reexamined for consistency with recent court opinions, as they did not address all HAP emitted. USEPA will ask the court to remand certain standards for reexamination, but will not ask the court to vacate any of the standards. USEPA sought public comment on the legal analysis, standards proposed to reexamine, and proposed changes to support documents placed in the docket to be used as the basis for revising the Hazardous Waste Combustors NESHAP. Comments were due 10/18/07. For further information: Frank Behan, EPA Office of Solid Waste, Washington, DC, (703) 308-8476, or behan.frank@epa.gov.

DEFINITION OF VOLATILE ORGANIC COMPOUNDS. (10/01/07, [72 FR 55717](#)) USEPA is proposing to revise the definition of volatile organic compounds (VOC), for purposes of preparing state implementation plans (SIPs), to exclude 2 compounds that make a negligible contribution to tropospheric ozone formation: dimethyl carbonate, used as a solvent in paints, coatings and is a fuel additive; and propylene carbonate, used as a solvent for plasticizers, synthetic fibers and polymers, and as a solvent for aerial pesticide application. USEPA invited comment on alternative evaluation criteria for exempting propylene carbonate, methods for tracking changes in use and emissions of both compounds and their potential substitutes, and the potential for health risks that may result from this action. Comments were due 10/31/07. For further information: William L. Johnson, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, (919) 541-5245, Johnson.WilliamL@epa.gov.

SIGNIFICANT NEW ALTERNATIVES POLICY. (10/04/07, [72 FR 56628](#)) USEPA issued a notice of acceptability that expanded the list of acceptable substitutes for ozone-depleting substances (ODS) under the Significant New Alternatives Policy program. Substitutes used in the refrigeration and air conditioning sector include: RS-45, for use in new and retrofit equipment as a substitute for hydrochlorofluorocarbon (HCFC)-22; KDD5, for use in new and retrofit equipment as a substitute for HCFC-22; and R-428A, for use in new and retrofit equipment as a substitute for R-502, HCFC-22, and refrigerant blends containing HCFC-22, R-402A, R-408A, R-403B, and R-411B. For copies of the full list of ODS substitutes in all industrial sectors, visit: <http://www.epa.gov/ozone/snap/lists/index.html>. For further information: Margaret Sheppard, (202) 343-9163, sheppard.margaret@epa.gov.

Climate Change and Energy

DISTRIBUTION TRANSFORMERS. (10/12/07, [72 FR 58189](#)) DOE issued revised energy conservation standards for liquid-immersed and medium-voltage, dry-type distribution transformers. Currently, liquid-immersed and medium-voltage, dry-type transformers that meet new standard levels are commercially available. There are no national energy conservation standards for liquid-immersed and medium-voltage, dry-type distribution transformers covered by this rulemaking. New efficiency standards vary by transformer size and number of phases. The minimum efficiency range from 98.36% to 99.49%, with larger capacity transformers being more efficient. New standards will apply to liquid-immersed and medium-voltage, dry-type distribution transformers manufactured for sale in the US, or imported to the US, on or after 01/01/10. For further information: Antonio Bouza, Energy Efficiency and Renewable Energy, Building Technologies Program, DOE, Washington, DC, (202) 586-4563, Antonio.Bouza@ee.doe.gov.

Hazardous Materials Transportation

MAILING LITHIUM BATTERIES. (10/05/07, [72 FR 56901](#)) The US Postal Service is revising standards for mailing lithium and lithium-ion batteries. New standards identify all small consumer-type lithium batteries as mailable when properly packaged and labeled. Labeling requirements, quantity and weight limits per mail piece apply. Lithium batteries other than small consumer-type batteries remain nonmailable. Damaged or recalled batteries are prohibited from mailing unless approved by the manager, Mailing Standards. Standards adopted in this final rule, are consistent with, yet slightly more restrictive than, Department of Transportation (DOT) and International Air Transportation Association (IATA) regulations for transportation of lithium batteries. For further information: Bert Olsen, USPS, 202-268-7276.

HMR. (10/01/07, [72 FR 55678](#)) DOT, Pipeline and Hazardous Materials Safety Administration (PHMSA) released a final rule based on the annual review of Hazardous Materials Regulations (HMR). The rule updates HMR to correct editorial errors and omissions, inconsistent use of terminology, and misstatements of certain regulatory requirements. For further information: Dirk Der Kinderen, DOT Office of Hazardous Materials Standards, Washington, DC, (202) 366-8553.

National Environmental Policy Act (NEPA)

PEIS FOR ARMY GROWTH AND REALIGNMENT. (10/25/07, [72 FR 60661](#)) The Army released the Final Programmatic Environmental Impact Statement (PEIS) for the growth and realignment (beginning FY08 through FY13) to a size and composition better able to meet national security and defense requirements. The Army's preferred Alternative 3 will allow actions to accommodate modular forces initiatives and critical shortfalls, while adding six Brigade Combat Teams to the Army's end strength. The waiting period for the final PEIS will end 11/23/07. The Final PEIS will be posted at: <http://www.aec.army.mil>. USEPA had no comments of objections. For further information: Public Affairs Office, Army Environmental Command, Aberdeen Proving Ground, MD, (410) 436-2556.

FORT BENNING EIS. (10/26/07, [72 FR 60846](#)) The Final EIS for USA, GA, Fort Benning U.S. Army Infantry Center, Base Realignment and Closure (BRAC) 2005 and Transformation Actions, Implementation, Chattahoochee and Muscogee Counties, GA was submitted to USEPA. The waiting period ends 11/26/2007. For further information: John Brent, 706-545-2180, EIS No. 20070444.

Safe Drinking Water Act (SDWA)

DRINKING WATER. (10/10/07, [72 FR 57781](#)) USEPA is finalizing regulatory changes to the National Primary Drinking Water Regulations (NPDWR) for lead and copper. The final rule strengthens the implementation of the Lead and Copper Rule (LCR) in the following areas: monitoring, treatment processes, public education, customer awareness, and lead service line replacement. The revision will disallow water systems that exceeded the lead action level from initiating or remaining on a reduced lead and copper monitoring schedule based solely on the results of water quality parameter (WQP) monitoring, and would modify the reduced monitoring provisions at Sec. 141.86(d)(4). USEPA amended several sections to require water systems to obtain prior state approval to add a new source of water or change a treatment process prior to implementation, where treatment changes would have long-term impacts on water quality; USEPA provided examples of long-term treatment changes in 40 CFR section 141.90(a)(3). USEPA augmented public education requirements including requirements for consumer confidence reporting. Rule revisions require water systems to notify consumers in homes or buildings tested for lead of test results. The rule becomes effective 12/10/07. For further information: Eric Burneson, EPA Office of Ground Water and Drinking Water, Washington, DC, (202) 564-5250, burneson.eric@epa.gov.

Spill Prevention and Control Countermeasure (SPCC)

SPCC AMENDMENTS. USEPA proposed amendments to the SPCC rule that would: amend the facility diagram requirement to provide additional flexibility for all facilities; amend the definition of "facility" to clarify flexibility associated with describing a facility's boundaries; define "loading/unloading rack" to clarify equipment subject to provisions for facility tank car and tank truck loading/unloading racks; provide streamlined requirements for a subset of qualified facilities; amend the general secondary containment requirement to provide more clarity; amend the security requirements for all facilities; amend integrity testing requirements to allow a greater amount of flexibility in use of industry standards at all facilities; and exempt completely, buried oil storage tanks at nuclear power generation facilities. USEPA is also clarifying the consideration of man-made structures in determining how to comply with SPCC rule requirements; and the applicability of the rule to wind turbines used to produce electricity. Comments are due 12/14/07. For further information: Vanessa E. Rodriguez, 202-564-7913, rodriguez.vanessa@epa.gov, or Mark W. Howard, 202-564-1964 howard.markw@epa.gov, EPA, Washington DC.

Toxic Substances Control Act (TSCA)

SIGNIFICANT NEW USE RULE. (10/09/07, [72 FR 57222](#)) USEPA is amending a TSCA significant new use rule (SNUR) to include additional perfluoroalkyl sulfonate (PFAS) chemicals. USEPA is amending 40 CFR 721.9582 by adding a new Table 3 that includes PFAS chemicals currently on the public TSCA Inventory not already covered by the SNUR. The table adds almost 200 additional chemicals. The rule requires manufacturers, including importers, to notify USEPA at least 90 days before commencing manufacture or import of PFAS chemicals listed in Table 3 of the regulatory text for the significant new uses on or after 11/08/07. For further information: Colby Lintner, EPA Office of Pollution Prevention and Toxics, Washington, DC, (202) 554-1404, e-mail: TSCA-Hotline@epa.gov.

State Laws and Rulemaking

Alabama



Final Rules

NSPS, NESHAPS, CAIR, AND OTHER USEPA REVISIONS. (Division 3 Air Regulations) The Alabama Department of Environmental Management (ADEM) amended Division 3 air regulations to incorporate by reference changes USEPA made to the New Source Performance Standards (NSPS), NESHAPS, and minor changes to the Clean Air Interstate Rule (CAIR). Additional revisions affect the transportation conformity rule, emissions reporting requirements. ADEM originally submitted a SIP for CAIR to USEPA 06/16/06. The SIP was updated to comply with USEPA's revisions to CAIR and the final SIP was submitted to USEPA 03/07/07. USEPA published a final rule to approve the SIP 10/01/07, and it became effective 10/31/07.

Public Notice of Hearing 01/04/07: <http://www.adem.state.al.us/PubHearings/Div3.htm>

Summary of Proposed Amendments:

<http://www.adem.state.al.us/PubHearings/Div3SumofReasons.pdf>

Full Text of Proposed Amendments: <http://www.adem.state.al.us/PubHearings/11Div3.pdf>

Certified Amended Rules, Alabama Administrative Monthly (AAM) 03/30/07:

<http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-MAR-07/MARCH-MONTHLY.htm>

USEPA Final Rule to Approve the CAIR SIP 10/01/07:

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-19352.htm>

Contact: Molly Tatum (334) 271-7997.

Proposed Rules

VOCs. (335-3-1-.02) ADEM is proposing to amend the definition of VOC for consistency with USEPA regulations. ADEM held a hearing 10/10/07 and comments were due 10/12/07. The Environmental Management Commission (EMC) anticipates reviewing the rule for approval 12/14/07.

Notice of Proposed Rule, Alabama Administrative Monthly 08/31/07:

<http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-AUG-07/335-3-1-.02.pdf>

Proposed Rule (pages 1-11 of pdf):

<http://www.adem.state.al.us/Regulations/Div3/807/ProposedRevisionsAirCode07.pdf>

Contact: Chris Howard (334) 271-7878.

OPEN BURNING. (335-3-3-.01) ADEM is proposing to delete a provision that permitted open burning in designated jurisdictions May through October 2006 if an air curtain incinerator was used to conduct the burning. ADEM held a hearing 10/10/07 and comments were due 10/12/07. EMC anticipates reviewing the rule for approval 12/14/07.

Notice of Proposed Rule:

<http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-AUG-07/335-3-3-.01.pdf>

Proposed Rule (pages 12-14 of pdf):

<http://www.adem.state.al.us/Regulations/Div3/807/ProposedRevisionsAirCode07.pdf>

Contact: Chris Howard (334) 271-7878.

NSPS. (335-3-10-.01, 335-3-10-.02, and 335-3-10-.03) ADEM is proposing to amend rules concerning NSPS that incorporate by reference amendments to federal regulations made 07/06/06 to 07/02/07. Chapter 335-3-10 is not part of the SIP, so ADEM will not incorporate amended rules into the SIP. ADEM held a hearing 10/10/07 and comments were due 10/12/07. EMC anticipates reviewing the rule for approval 12/14/07.

Notice of Proposed Rules, Alabama Administrative Monthly (AAM) 08/31/07:

<http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-AUG-07/335-3-10.pdf>

Proposed Rules (pages 15-21 and 37-68 of pdf):

<http://www.adem.state.al.us/Regulations/Div3/807/ProposedRevisionsAirCode07.pdf>

Contact: Chris Howard (334) 271-7878.

NESHAPs. (335-3-11-.01, 335-3-11-.02, and 335-3-11-.06) ADEM is proposing to amend rules concerning NESHAPs that would incorporate by reference amendments to federal regulations made 07/02/06 to 07/02/07. Chapter 335-3-11 is not part of the SIP, so ADEM does not intend to incorporate amended rules into the SIP. ADEM held a hearing 10/10/07 and comments were due 10/12/07. EMC anticipates reviewing the rule for approval 12/14/07.

Notice of Proposed Rules, Alabama Administrative Monthly 08/31/07:

<http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-AUG-07/335-3-11.pdf>

Proposed Rules (pages 23-25, 28-35, and 37-68 of pdf):

<http://www.adem.state.al.us/Regulations/Div3/807/ProposedRevisionsAirCode07.pdf>

Contact: Chris Howard (334) 271-7878.

WATER SUPPLY PROGRAM REGULATIONS. (Division 7; Chapters 335-7-1, 335-7-2, 335-7-6, 335-7-4, 335-7-6, 335-7-7, 335-7-9, 335-7-10, 335-7-11, 335-7-14, and 335-7-15; and Appendices A, B, C, and D) ADEM proposed to amend Water Supply Program Regulations to adopt the federal Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR) and the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). Adoption of the Stage 2 DBPR and LT2ESWTR would allow ADEM to retain primacy for implementing federal requirements for public water systems. USEPA adopted the Stage 2 DBPR to address potential health risks from DBPs in drinking water. Stage 2 DBPR strengthens monitoring, reporting, and public notification requirements for two groups of DBPs: trihalomethanes and haloacetic acids. Stage 2 DBPR applies to certain community water systems and non-transient non-community water systems that produce or deliver water treated with a disinfectant other than ultraviolet light. USEPA adopted LT2ESWTR to address illnesses from Cryptosporidium and other microbial contaminants. LT2ESWTR includes treatment, monitoring, reporting, and public notification requirements for Cryptosporidium. LT2ESWTR applies to all public water systems that use surface water or ground water under the direct influence of surface water. ADEM held a public hearing and comments were due 11/02/07.

Summary of Reasons for Proposed Rules: <http://www.adem.state.al.us/PubHearings/Div7/Div7SOR91707.pdf>

Proposed Rules:

<http://www.adem.state.al.us/PubHearings/Div7/Div791707.pdf>

Notice of Proposed Rules, Alabama Administrative Monthly 09/28/07:

<http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-SEPT-07/SEPTEMBER-MONTHLY.htm>

Contact: Dennis Harrison (334) 271-7774.

UNDERGROUND STORAGE TANKS, DELIVERY PROHIBITION. ADEM will propose amendments to underground storage tank (UST) regulations to comply with the Underground Storage Tank Compliance Act (USTCA) of the Energy Policy Act of 2005. ADEM is drafting amendments to adopt delivery prohibition requirements and originally planned to adopt the regulations by end of 2007. ADEM now plans to hold a public hearing in early 2008 and adopt regulations 03/25/08.

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.

NPDES. (AL Admin. Code Ch. 335-6-12) ADEM requested comments on the National Pollutant Discharge Elimination System (NPDES) rules for construction sites, small noncoal/nonmetalling mining and dry processing sites, and other land disturbing activities. ADEM requested comments concerning the content of, implementation of, and compliance with the rules. After the comment period closes, ADEM will review comments and determine whether it will propose amendments to the rules. ADEM published notice of a comment period 10/10/07 and comments are due 11/20/07. Within 120 days of the close of the comment period, ADEM will publish another notice concerning its response to comments and decision on whether it will propose amendments to the rules. Comments will be accepted for 30 days after the notice is published.

Notice of Comment Period: <http://www.adem.alabama.gov/PublicNotice/Oct/10Div6.htm>

Contact: Molly Tatum (334) 394-4360.

<http://www.adem.state.al.us/Regulations/Div3/807/ProposedRevisionsAirCode07.pdf>

Contact: Chris Howard (334) 271-7878.

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 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. On 08/31/07, FLDEP published another notice of proposed rule development for Chapter 62-210 because the original notice of proposed rule development published 04/20/07, omitted Rule 62-210.300, which requires conforming amendments. FLDEP plans to adopt the rules October 2007.

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

Florida Administrative Weekly 04/20/07:

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

Proposed Rule Text (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 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 receiving multiple approvals from upper-management to schedule rule adoption hearing before the Environmental Regulation Commission (ERC). FLDEP is still reviewing the comments received; will brief upper-management on changes. FLDEP held a public workshop 10/18/07 to discuss changes made to the draft rules after the 01/24/06 public workshop.

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/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 that will contain recommendations for reducing greenhouse gas emissions and diversifying energy resources. The team held its first meeting 08/29/07 and scheduled meetings for 10/05/07 and 10/24/07. Phase I of the Action Plan was due 11/01/07 and Phase II is due 10/01/08.

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.

GHG. (Chapter 62-285, F.A.C.; Rule 62-285.300, F.A.C.) FLDEP proposed to create Chapter 62-285, F.A.C., Greenhouse Gas Emissions Reduction and Rule 62-285.300, F.A.C., Electric Utility Greenhouse Gas Reduction Program to cap greenhouse gas emissions from the electric utility sector. FLDEP held a workshop 08/22/07, where FLDEP accepted comments, but did not provide any rule proposals. The workshop presentation is available on the rulemaking information webpage. Comments were due 09/21/07. FLDEP anticipates scheduling additional workshops, however no timeline is available.

Rulemaking Information Webpage:

http://www.dep.state.fl.us/air/rules/specialprojects/global_chng/electric.htm

Contact: Larry George (850) 921-9555.

IDLING EMISSIONS. (FAC, Chapter 62-285; FAC, Rule 62-285.420) FLDEP plans to create Chapter 62-285, Greenhouse Gas Emissions, and Rule 62-285.420, Heavy-Duty Vehicle Idling Reduction to establish measures to reduce long-duration diesel engine idling. Options for reducing idling include changing operational practices or technology and infrastructure. FLDEP held a workshop 08/23/07, and accepted comments, but did not provide any rule proposals. The workshop presentation is available on the rulemaking information webpage. Comments were due 09/21/07. FLDEP is reviewing the comments, and will accept additional comments. FLDEP plans to hold the next workshop November 2007, but has not scheduled a date. At the next workshop, FLDEP will identify the options it is considering.

CA STANDARDS. (FAC, Chapter 62-285 and Rule 62-285.400) FLDEP plans to create Chapter 62-285, Greenhouse Gas Emissions Reduction and Rule 62-285.400, Adoption of California Motor Vehicle Emissions Standards to require California emissions standards for new motor vehicles pursuant to Section 177 of the federal CAA. FLDEP held a workshop 08/23/07, and accepted comments, but did not provide any rule proposals. The workshop presentation is available on the rulemaking information webpage. Comments were due 09/21/07. FLDEP is reviewing comments, and will accept additional comments. FLDEP plans to hold a workshop in November 2007, but has not scheduled a date. Rulemaking Information:

http://www.dep.state.fl.us/air/rules/specialprojects/global_chng/electric.htm

Notice of Rule Development, Florida Administrative Weekly 07/27/07 (pages 16-17 of pdf):

<https://www.flrules.org/Faw/FAWDocuments/FAWVOLUMEFOLDERS2007/3330/3330doc.pdf>

Contact: Sandy Bowman (850) 921-9583.

UST UPDATE. (FAC, Chapter 62-761) FLDEP plans to revise Chapter 62-761 regarding UST systems. FLDEP plans to simplify language, update reference standards, and combine sections to eliminate confusion over past deadlines. FLDEP also plans to include requirements for 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; a new registration and updating process for equipment; and new forms for cathodic protection tests and equipment registration. FLDEP does not plan to adopt USTCA because FLDEP does not receive federal money for the program. FLDEP held a public workshop 01/23/06, and accepted written comments until 03/01/06. FLDEP reviewed the comments and sought multiple approvals from upper-management to schedule the rule adoption hearing before the Environmental Regulation Commission (ERC). The adoption hearing likely will be scheduled by the end of 2007. FLDEP held a public workshop 10/18/07 to discuss changes made to draft rules after the 01/23/06 public workshop.

Storage Tank Regulation: <http://www.floridadep.org/waste/categories/tanks/default.htm>

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

Notice of Rule Development 12/16/05:

<http://tlhora6.dep.state.fl.us/onw/publications/1-wkshp761-12-16-05-INT.pdf>

Notice of Public Workshop 10/18/07:

<https://www.flrules.org/gateway/readFile.asp?sid=6&tid=4652428&type=1&File=62.doc>

Contact: John Svec (850) 245-8845.

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

Contact: Adrienne Walker (850) 245-2002.

Georgia

Final Rules



AIR ATTAINMENT DESIGNATION. The Georgia Environmental Protection Division (GAEPD) adopted the "Macon Maintenance Plan" to revise the SIP and incorporate the redesignation request and maintenance plan for the Macon 8-hour ozone non-attainment area. The plan maintains compliance with Federal CAA amendments of 1990 that required the Macon area to be redesignated to an attainment area with respect to NAAQS for ground-level or tropospheric ozone. The plan ensures that VOC and NO_x emissions do not exceed levels above those that occurred when the area demonstrated ozone standard attainment; commits to continue to monitor the area to ensure attainment with the standard; and contains a contingency plan to bring the area back into attainment in case there are exceedences of the ozone standard. The plan also requests that USEPA redesignate the Macon area from ozone non-attainment to attainment. GAEPD held a public hearing and comments were due 06/12/07. The plan was submitted to USEPA 06/15/07. USEPA proposed a rule to approve SIP revisions 08/02/07, and comments were due 09/04/07. USEPA published the final rule 09/19/07, and the rule became effective 10/19/07.

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/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-14983.htm>

USEPA Final Rule to Approve the SIP Revisions 09/19/07:

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-17976.htm>

Contact: Heather Abrams (404) 363 7000.

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, but now 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. 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, 06/07/06, 07/10/06, 07/11/06, 07/12/06, and 07/13/06. The 09/13/06 meeting was rescheduled for 10/16/06. The first draft plan, dated 06/28/07, was posted on TWC's website. At an 08/23/07 meeting, TWC directed GAEPD to remove the draft rule from the draft plan, so GAEPD revised the draft plan to remove the draft rule and clarify implementation actions. GAEPD presented the revised draft plan, dated 09/13/07, to TWC. TWC held public hearings 10/15/07, 10/16/07, 10/17/07, 10/18/07, and 10/19/07 in regard to the revised draft plan. Comments were due 10/30/07. If necessary, TWC, scheduled to meet 11/09/07, will consider additional revisions to the draft plan.

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. GADNR proposed to amend Rule 391-3-6-.03, Water Use Classifications and Water Standards, to allow the state to grant variances to a water quality standard and to remove a designated use through a use attainability analysis. GADNR held hearings 09/19/07 and 09/20/07, and comments were due 09/24/07. BNR considered rule amendments for adoption 10/24/07.

Notice of Public Hearings and Proposed Amendments:

<http://www.gaepd.org/environet/6/notice.pdf>

Synopsis of Proposed Amendments and Statement of Rationale:

<http://www.gaepd.org/environet/6/synopsis.pdf>

Proposed Amendments:

<http://www.gaepd.org/environet/6/amendments.pdf>

Contact: Elizabeth Booth (404) 675-6236.

CAIR. GADNR adopted the federal CAIR that establishes annual and ozone season limits on NO_x emissions and annual limits on SO₂ emissions for fossil-fuel fired electric 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 approval is granted, applicable sources in Georgia are subject to the requirements of the CAIR Federal Implementation Plan. CAIR permit applications are due December 2008 for annual NO_x and SO₂ programs. USEPA proposed a rule to approve SIP revisions 08/02/07. Comments were due 09/04/07 and revisions are being reviewed by USEPA.

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/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

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

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

Contact: James Kelly (404) 363-7000.

ATLANTA 8-HOUR NONATTAINMENT OZONE AREA. USEPA proposed to find that the Atlanta marginal 8-hour nonattainment ozone area failed to attain the 8-hour ozone NAAQS by the attainment deadline for marginal nonattainment areas (06/15/07). The area will be reclassified as a moderate 8-hour ozone nonattainment area. After area reclassification, the state must submit a SIP revision that meets the 8-hour ozone nonattainment requirements for moderate areas. USEPA proposed that the state submit said revision by 12/31/08. USEPA published the proposed rule in the Federal Register 10/16/07 and comments are due 11/15/07.

Proposed Rule, Federal Register 10/16/07:

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-20342.htm>

Contact: Stacy Harder (404) 562-9042.

Kentucky

Proposed Rules



AIR TOXICS PROGRAM. (401 KAR 64:001, 64:005, 64:010, 64:020, 64:023, 64:030, 64:050) The Kentucky Department of Environmental Protection (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 Best Available Control Technology (BACT) for 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. The Administrative Regulation Review Subcommittee (ARRS) was scheduled to review regulations at a 08/14/07 meeting. KDEP withdrew regulations, and does not know if it will resume work on the Program.

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 that the state is 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 currently under development and implementation was initially projected for winter 2007 at the earliest. KDEP is waiting for USEPA to publish guidance on operator training published 08/08/07. KDEP continues to work on draft rules and currently, expects draft rules to be ready for public comment in March or April 2008 at the earliest.

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

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

AIR QUALITY REGULATIONS. (401 KAR 57:002, 58:025, 60:005, 60:670, 63:002, and 63:023) KDEP proposed to amend regulations to adopt federal regulations, including regulations for NESHAPs; national emission standards for asbestos; standards of performance for new stationary sources; and standards of performance for nonmetallic mineral processing plants. KDEP will no longer be required to amend regulations every time USEPA amends federal regulations. KDEP approved regulations 08/13/07. AARS was scheduled to review regulations at a meeting 09/11/07, but the regulations were deferred. ARRS reviewed the regulations at a meeting 10/09/07, and they were passed without comment. The Legislative Research Commission (LRC) delegated regulations to the Agricultural and Natural Resources Subcommittee for another review tentatively scheduled for November 2007.

401 KAR 57:002, 40 CFR Part 61 National Emission Standards for Hazardous Air Pollutants:

<http://www.lrc.ky.gov/kar/401/057/002reg.htm>

401 KAR 58:025, 40 CFR Part 61 National Emission Standard for Asbestos:

<http://www.lrc.ky.gov/kar/401/058/025reg.htm>

401 KAR 60:005, 40 CFR Part 60 Standards of Performance for New Stationary Sources:

<http://www.lrc.ky.gov/kar/401/060/005reg.htm>

401 KAR 60:670, 40 CFR Part 60 Standards of Performance for Nonmetallic Mineral Processing Plants:

<http://www.lrc.ky.gov/kar/401/060/670reg.htm>

401 KAR 63:002, 40 CFR Part 63 National Emission Standards for Hazardous Air Pollutants:

<http://www.lrc.ky.gov/kar/401/063/002reg.htm>

401 KAR 63:023, Repeal of 401 KAR 63:020 and 63:021: <http://www.lrc.ky.gov/kar/401/063/023reg.htm>

Contact: Millie Ellis (502) 573-3382. 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.

Mississippi



Final Rules

WATER QUALITY CRITERIA. The Mississippi Department of Environmental Quality (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 canceled. CEQ adopted the criteria 08/23/07 and filed a Notice of Rule Adoption 08/28/07. The standards become effective 12/09/07.

Notice of Proposed Rule Adoption, Filed 07/02/07: <http://www.sos.state.ms.us/busserv/AdminProcs/PDF/00014522a.pdf>

State of Mississippi Water Quality Criteria for Intrastate, Interstate, and Coastal Waters 07/26/07:

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

State of Mississippi Water Quality Criteria for Intrastate, Interstate, and Coastal Waters 08/23/07:

<http://www.sos.state.ms.us/busserv/AdminProcs/PDF/00014651b.pdf>

Notice of Rule Adoption, Filed 08/28/07: <http://www.sos.state.ms.us/busserv/AdminProcs/PDF/00014651a.pdf>

Contact: Greg Jackson (601) 961-5098.

Proposed Rules

STATE ENVIRONMENTAL INCENTIVES PROGRAM. 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 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 for use in the Groundwater and Remediation Division (GARD). MSDEQ's priorities have shifted due to 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 released operator training requirements guidance in August, and states have two years to implement. MSDEQ will initiate rulemaking in late 2007. 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.

North Carolina

Proposed Rules



EMERGENCY GENERATORS. (15A NCAC 02Q .0903) The North Carolina Department of Environment and Natural Resources (NCDENR) plans to adopt a new rule: 15A NCAC 02Q .0903, Emergency Generators, that would create a permit exemption for emergency generators to reduce the burden on permitting and inspection processes. The owner or operator of an emergency generator must maintain records on the amount of fuel burned in the generator each year so NCDENR can determine if the generator qualifies as an emergency generator under the rule. At a meeting 09/13/07, EMC reviewed a request to hold a hearing.

Draft Rule 01/22/07: <http://daq.state.nc.us/rules/draft/453.pdf>

Draft Rule for Meeting 09/13/07 (page 176 of pdf): <http://h2o.enr.state.nc.us/admin/emc/2007/documents/AttachmentAtoAG07-43VariousAQRules.pdf>

Contact: Paul Grable (919) 733-1468.

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 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 were 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.

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 public meetings 05/08/07 and 07/16/07, and presented its final report at a mid-October 2007 meeting.

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

Contact: Jim Southerland (919) 715-7566.

MS4. (Session Law 2006-246 and 15A NCAC 02H .1005) Session Law 2006-246 adopted NPDES Phase II stormwater rules for several counties. Rules require entities to obtain NPDES permits for stormwater discharges from certain small municipal separate storm sewer systems (MS4s) and construction activities. Phase II stormwater rules also require entities to implement stormwater management controls or BMPs to reduce pollutant discharges. EMC proposed

to amend 15A NCAC 02H .1005, Stormwater Requirements: Coastal Counties to extend to all coastal counties. EMC published a notice of a proposed rule to expand requirements of Session Law 2006-246 08/15/07. EMC held hearings 09/25/07 and 10/02/07 and comments were due 10/15/07.

Session Law 2006-246:

<http://www.ncga.state.nc.us/EnactedLegislation/SessionLaws/PDF/2005-2006/SL2006-246.pdf>,

Contact: Tom Reeder 919 733-5083x528.

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. 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 Scaturro (803) 898-3432.

STANDARDS OF PERFORMANCE FOR ASBESTOS PROJECTS. SCDHEC proposes to amend R.61-86.1, Standards of Performance for Asbestos Projects, to update fees as necessary to provide adequate funding for the asbestos program; update and clarify portions of the regulation; and reorganize portions of the regulation. Amendments will require legislative review. A Notice of Drafting was published in the South Carolina State Register 06/23/06 and comments were due 07/24/06. In October 2006, SCDHEC was drafting the regulation, but later put it on hold. A second Notice of Drafting was published in the register 05/25/07 and comments were due 06/25/07. SCDHEC drafted the amendments and at a 10/11/07 meeting, BHEC reviewed a request to publish a notice of the regulation in the register. If BHEC approves the request, a notice will be published 10/26/07, and comments due 11/26/07. BHEC will review the regulation for final approval at a public hearing 01/10/08. If approved, the regulation will be published in the register and submitted to the legislature 01/25/07. The legislature will have 120 days to review the regulation. If no legislation is introduced to disapprove or enacted to approve the regulation by the end of the 120-day review period, the regulation will be approved on the 120th day and will become effective when it is published in the register.

Summary of Draft Amendments:

http://www.scdhec.gov/environment/baq/docs/asbestos/Asbestos_Regulation_Revision_Summary.pdf

Draft Amendments:

http://www.scdhec.gov/environment/baq/docs/regs/other/proposed_changes_61-86.1.pdf

Schedule for Amendments: <http://www.scdhec.gov/environment/baq/docs/asbestos/AsbestosRegAmendmentsPromulgationSchedule.pdf>

Contact: Anthony Lofton (803) 898-7217.

HAZARDOUS WASTE MANAGEMENT REGULATIONS. SCDHEC proposes to amend Regulation 61-79, HWMR and plans to adopt the following: Wastewater Treatment Exemptions for Hazardous Waste Mixtures (Headworks Rule); NESHAP for Hazardous Waste Combustors (Phase I and II); and the Burden Reduction Rule. Amendments would relax current standards and adoption would be optional for states. SCDHEC published A Notice of Drafting in the South Carolina State Register 05/25/07 and comments were due 06/29/07. At a 09/13/07 meeting, BHEC approved a request to publish the Notice of Proposed Regulation. The notice was published 09/28/07. SCDHEC held an informational forum and comments were due 10/30/07. BHEC will hold a hearing 12/13/07. If the regulation is adopted at the hearing, it will be submitted

to the legislature for review. SCDHEC intends to submit the regulation to the legislature by 01/08/08. If submitted, the review period will end 05/07/08. Unless a resolution is introduced to disapprove or enacted to approve the regulation by 05/07/08, it will be approved 05/07/08. The regulation will be effective upon publication in the register.

Proposed Regulation, Document 3150: <http://www.scstatehouse.net/regnsrch.htm>

Proposed Regulation (strikeout/highlight format): <http://www.scdhec.gov/administration/regs/docs/3150.doc>

Contact: Carolyn McLaughlin (803) 896-4254.

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: provide a comprehensive review of ecological and economic impacts of global climate change in South Carolina; propose ways to expand and improve use of renewable energy sources; present recommendations encouraging energy conservation that reduce energy costs, energy independence and harmful environmental impact; review technological advances relating to buildings, infrastructure, and energy sources that may create economic opportunities and enhance energy efficiency and independence; compile a comprehensive inventory, forecast and source-list of statewide carbon dioxide and other emissions, present recommendations on reducing emissions; and 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.

USTCA. SCDHEC proposed to amend Regulation 61-92 to implement the federal USTCA. States must adopt USTCA or equivalent regulations in order to receive federal grant money. SCDHEC proposed to establish requirements for delivery prohibition, secondary containment, and operator training. SCDHEC would implement secondary containment requirements by including the requirements in permits issued after regulation effective date. SCDHEC, in conjunction with tank owners and operators, would develop an Operator Training Plan by 08/08/09 that would require operator training within two years of the publication date of the Operator Training Plan. SCDHEC planned to publish a Notice of Drafting in April and to hold a series of public meetings in April and May 2007. A Notice of Drafting for delivery prohibition, secondary containment, and operator training regulations was published in the South Carolina State Register 06/22/07, and comments were due 07/23/07. SCDHEC held hearings 07/24/07, 07/25/07, 07/31/07, 08/01/07, 08/08/07, 08/09/07, and 08/10/07. At a 09/13/07 meeting, BHEC approved a request to publish a Notice of Proposed Regulation. The Notice of Proposed Regulation was published in the Register 09/28/07. SCDHEC held an informational

forum and comments were due 10/30/07. BHEC will hold a hearing 12/13/07. If BHEC adopts the regulation at the hearing, it will be submitted to the legislature for review. SCDHEC intends to submit the regulation to the legislature in December 2007 for the legislative session that begins 01/08/08. If submitted by 01/08/08, the review period will end 05/07/08. Unless a resolution is introduced to disapprove or enacted to approve the regulation by 05/07/08, the regulation will be approved 05/07/08. The regulation will become effective upon publication in the Register.

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

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

Proposed Regulation, Document 3152: <http://www.scstatehouse.net/regnsrch.htm>

Proposed Regulation (strikeout/underline format): <http://www.scdhec.gov/administration/regs/docs/3152.doc>

Contact: Bob Hutchinson (803) 896-6390.

WATER PRETREATMENT REQUIREMENTS. SCDHEC proposed to amend Regulation 61-9, Water Pollution Control Permits. Amendments would address pretreatment requirements for industrial users who introduce pollutants into Publicly Owned Treatment Works and would make program requirements generally consistent with NPDES requirements for discharges to surface waters. Proposed amendments would incorporate changes to federal regulations published at 70 Federal Register 60134 10/14/05; adopt state requirements of 2006 S.C. Act No. 387 concerning appeals of permits and orders; and make miscellaneous corrections. A Notice of Drafting was published in the Register 03/23/07 and comments were due 04/25/07. Another Notice of Drafting was published 05/25/07, with comments due 07/26/07. BHEC approved a request to publish the regulation for public comments 09/13/07 and the Notice of Proposed Regulation was published for public comments 09/28/07. SCDHEC held an informational forum 10/31/07 and comments are due 11/06/07. BHEC will hold a public hearing 12/13/07. After BHEC approves the regulation, it will be submitted to the legislature for review. If the regulation is submitted to the legislature by 01/08/08, the review period will end 05/07/08. Unless a resolution is introduced to disapprove or enacted to approve the regulation by 05/07/08, the regulation will be approved 05/07/08. The regulation will become effective upon publication in the Register.

Proposed Regulation, Document 3155: <http://www.scstatehouse.net/regnsrch.htm>

Proposed Regulation (strikeout/highlight format): <http://www.scdhec.net/administration/regs/docs/3155.doc>

Contact: Andrew Yasinsac (803) 898-4237.

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS-AIR TOXICS. SCDHEC proposed to amend Regulation 61-62, Air Pollution Control Regulations and Standards to incorporate by reference federal amendments promulgated in 2006 concerning NSPS and NESHAP for Source Categories. Amendments would include clarification, guidance, and technical changes. SCDHEC published a Notice of Drafting in the South Carolina State Register 06/22/07. On 09/13/07, BHEC granted SCDHEC approval to publish a Notice of Proposed Regulation. The notice was published in the Register 09/28/07. SCDHEC held an informational forum and comments were due 10/29/07. BHEC will hold a public hearing 12/13/07. The regulation will not require legislative review.

Proposed Regulation (Document 3153): <http://www.scstatehouse.net/regnsrch.htm>

Proposed Regulation (strikeout/highlighted format): <http://www.scdhec.gov/administration/regs/docs/3153.doc>

Contact: Anthony Lofton (803) 898-7217.

INDIVIDUAL SEWAGE TREATMENT AND DISPOSAL SYSTEMS. SCDHEC proposed to amend Regulation 61-56, Individual Sewage Treatment and Disposal Systems. Proposed amendments would update nomenclature and technology; clarify site requirements and system requirements; and change the title of the regulation. Proposed amendments would incorporate construction standards into the regulation defined in SCDHEC's standards. A Notice of Drafting was published in the Register 01/26/07 and comments were due 02/28/07. BHEC granted approval to publish a Notice of Proposed Regulation at its meeting 09/13/07 and the notice was published in the register 09/28/07. SCDHEC held an informational forum 10/29/07 and comments were due 10/30/07. BHEC will hold a public hearing 12/13/07. If BHEC approves the regulation, it will be submitted to the legislature for review. The legislature will convene 01/08/08 and will have 120 days to review the regulation. If no legislation is introduced to disapprove or enacted to approve the regulation before the end of the review period, the regulation will be approved on the 120th day and becomes effective upon publication in the Register.

Proposed Regulation (Document 3154): <http://www.scstatehouse.net/regnsrch.htm>

Contact: Leonard Gordon (803) 896-0641.

were due 04/30/07. The EMC adopted the rules 07/12/07 and the Rules Review Commission (RRC) approved the rules 08/23/07. Rules became effective 09/01/07.

Proposed Rules, North Carolina Register 03/01/07 (page 13-21 of pdf):

<http://www.oah.state.nc.us/rules/register/Volume21Issue17March12007-web.pdf>

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. Rules strive to prevent 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 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.

GROUNDWATER STANDARDS. (1200-4-3-.08, .09, .10, .11, and .12 Upcoming) TDEC proposed to amend Rule Chapter 1200-4-3, General Water Quality Criteria, Rule 1200-4-3-.08, Ground Water Criteria, Rule 1200-4-3-.09, Site Specific Impaired Classification Petition Process, Rule 1200-4-3-.10, Point of Classification Change, Rule 1200-4-3-.11, Classified Site Specific Ground Water and Respective Criteria, and Rule 12-4-3-.12, Reporting Requirement. Revisions are extensive and should be reviewed for applicability. The rules affect degree, extent, and scope of cleanup activities within installation boundaries. Contact: Jim Haynes (615) 532-0900.

USTs. (1200-1-15-.04 and 1200-15-.07) TDEC proposed to amend Rule 1200-1-15-.04, Release Detection. Under proposed amendments, until 12/31/08, USTs installed before 07/24/07 that meet performance standards in Rule 1200-1-15-.02 and monthly inventory control requirements in Rule 1200-1-15-.04, may use tank tightness testing as a monitoring method for release detection. On or after 01/01/09, several monitoring methods will no longer meet release detection requirements: automatic gauging with devices installed before 12/22/90 that do not meet certain requirements; interstitial monitoring of UST systems with a secondary barrier; vapor monitoring; and groundwater monitoring. TDEC proposed to amend Rule 1200-1-15-.07, Out of Service UST Systems and Closure to remove the provision that allows an owner to use vapor monitoring and groundwater monitoring to satisfy the requirement to measure for the presence of a release before the permanent closure of a tank or tank compartment or a change-in service is completed. TDEC held a hearing 10/19/07 and comments are due 11/19/07.
Notice of Hearing and Proposed Regulations, Tennessee Administrative Register 09/14/07: http://www.tn.gov/sos/rules_hearingnotices/2007/1200/1200.20070831.08-34-07.notice.pdf
Contact: Donna Washburn (615) 532-0987.

GW/ANTI-DEGRADATION. (1200-4-3-.06) TDEC adopted amendments to the Anti-degradation Rule, 1200-3-4-.06 that change the evaluation process into criteria that trigger classifications. TDEC intends to simplify the evaluation process and improve the protection of water quality. TDEC initially discussed developing a standard operating procedures (SOP) guidance document for determining degradation, and considered applying for USEPA grants to develop the SOP guidance. While discussing the guidance document, TDEC began discussing the possibility of amending anti-degradation rules. Development of the SOP guidance document was put on hold, while TDEC discussed amending anti-degradation rules. TDEC did not anticipate a public rulemaking; rather considered publishing guidance documents. TDEC did not apply to USEPA for grants or draft a guidance document. Instead, TDEC amended the anti-degradation rule. The Water Quality Control Board (WQCB) approved all amendments. The Attorney General's Office reviewed the proposed rule, and filed with the Secretary of State 07/23/07. The rule became effective 10/06/07. TDEC submitted the rule to the USEPA, but it has not yet been approved.
Information about amendments to Rule 1200-4-3, General Water Quality Criteria, and Rule 1200-4-4, Use Classifications for Surface Waters.

Notice of Rulemaking Hearing, Tennessee Administrative Register (Register) 11/15/05 (pages 103-105 of pdf):
<http://state.tn.us/sos/pub/tar/archived/2005-11.pdf>

Draft Rules, Chapter 1200-4-3: http://www.state.tn.us/environment/wpc/publications/1200_04_03_2nd_draft.pdf

Notice of Rulemaking Hearing Rules, Including Final Rules, Register 08/15/07:

<http://state.tn.us/sos/pub/tar/2007/200708TARList.xml#Rulemaking%20Hearing%20Rules>

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