



The Southern Region Review



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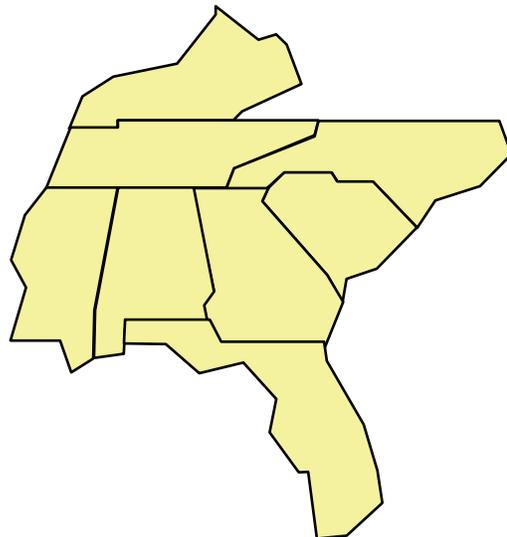
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For additional information, please visit:
<http://www.asaie.army.mil/public/ESOH/REO>.

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Conferences and Training

EVENT	DATE AND LOCATION	DETAILS
2008 PROSPECT Training http://ulc.usace.army.mil/crsschedule.aspx	Various dates and locations	The US Army Corps of Engineers (USACE) Training program is available and open for registration. Payment is not due until 60 days prior to the course. Courses are open to federal, 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: http://ulc.usace.army.mil/HowToRegister.aspx . Contact Sandi Zebrowski, USACE, (402) 697-2562 with specific questions.
USEPA Region 4 to Convene a Clean and Sustainable Energy Conference http://www.trackg.com/R4CleanEnergy/	December 11-12 Atlanta, GA	Explore clean and sustainable energy efforts in the South-eastern US. The meeting will initiate dialog among stakeholders in the environmental and energy arenas to promote clean, affordable, and sustainable energy options across Region 4. Areas of discussion will include strategies to facilitate growth of clean and sustainable energy sources from laboratory to commercial scale and the mitigation of obstacles confronting the growth of existing clean sustainable energy sources.
Advanced Negotiations Skills Training haythe.winston@epa.gov	December 12-13 Atlanta, GA	The 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.
Landscape Ecology http://www.fs.fed.us/biology/education/workshops/le/index.html	January 7-19, 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.
2008 North American Environmental Field Conference and Exposition http://www.envirofieldconference.com/	January 14-16, 2008 Tampa, FL	Thirty-eight papers discuss cutting-edge, field-based technologies for environmental site characterization, monitoring, sampling, and remediation. The conference will include over 50 hours of indoor workshops and 30 hours of outdoor workshops.
Army Environmental Training Symposium https://www.us.army.mil/suite/page/302640?c=Y2hhcmxvdHRILm1pbmFy	January 14-18, 2008 Louisville, KY	The symposium will be an "Environmental Track" as part of the Army's 2008 Installation Management Institute (IMI). Intended to educate installation management 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. For more information: charlotte.minar@us.army.mil or mike.eck@us.army.mil . Conference registration site: http://www.register123.com/event/profile/form/index.cfm?PKformID=0x455165c2f2

Conferences and Training

EVENT	DATE AND LOCATION	DETAILS
Introduction to Energy Savings Performance Contracts (ESPC) http://www1.eere.energy.gov/femp/news/events_detail.html?event_id=3125	January 15-16, 2008 Miami, FL	Learn how to implement energy conservation projects through Super ESPC. Agencies are shown how to issue delivery orders against regional or technology-specific indefinite delivery indefinite quantity (IDIQ) contracts. The course is intended for an audience with little or no knowledge of Super ESPCs who may be considering a delivery order.
Asking & Answering the Right Monitoring Questions http://www.fs.fed.us/biology/education/workshops/aarmq/index.html	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.
Appalachian Regional Commission (ARC) Energy Conference	January 23-25 Rome, GA	The conference will provide the knowledge to determine if a bio-fuel processing industry is feasible for your region; to generate energy revenues from publicly owned facilities; to develop training programs for the next generation of energy workers; and to institute programs that may eliminate air quality non-attainment restrictions. A five-star lineup of speakers will greatly enhance understanding of alternative energy production and new conservation technologies.
Air Monitoring for Emergency Response http://www.trainex.org/classdetails.cfm?courseid=439&classid=3272	January 29-30, 2008 undetermined	The course instructs practices and procedures for monitoring airborne hazardous materials. Designed for personnel who evaluate releases of airborne hazardous materials, worker exposure to releases is emphasized. Topics discussed include air monitoring programs, techniques and equipment; instrument calibration and limitations; exposure guidelines; air dispersion modeling; and health and safety considerations. The course will include operating procedures for specific air monitoring equipment, and strategies for air monitoring at hazardous chemicals releases.
2008 Sustainable Water Sources: Conservation and Resources Planning Conference and Exposition http://www.awwa.org/Conferences/	February 10-13, 2008 Reno, NV	Join water industry professionals from around the world to discuss conservation and water resources issues as water utilities search for sustainable solutions and seek to integrate resources management into long-term planning. This year's technical program will specialize in climate change impacts on sustainable water sources.
Radiation Safety - Overview For Environmental Professionals - Day 1 http://www.trainex.org/offeringlist.cfm?courseid=182	March 4, 2008 undetermined location	The introductory level course provides participants with an overview and basic understanding of the fundamental principles of radiation safety. It is intended for environmental professionals who are not health physicists or other radiation safety specialists, but require basic knowledge and understanding of radiation safety. Participants responsible for reviewing and discussing radiological issues will benefit from this course.
Radiation Safety - Practical Applications - Day 2 http://www.trainex.org/offeringlist.cfm?courseid=182	March 5, 2008 undetermined location	The safety course is designed to provide participants with hands-on use of radiation detection instruments and the basic principles of radiological controls. It course is intended for environmental professionals who require skills necessary to detect the presence of radioactive materials, and perform radiation and contamination surveys to evaluate and control radiological hazards.

Announcements

SERDP REQUEST FOR PROPOSALS. The Strategic Environmental Research and Development Program (SERDP), a DoD funding program, is seeking proposals in response to its FY 2009 Core Solicitation and SERDP Exploratory Development (SEED) Solicitation. The Core solicitation provides funding in varying amounts for multi-year projects. Pre-proposals from the non-federal sector must be submitted by Tuesday, 01/08/08. Federal proposals are due Thursday, 03/6/08, by way of the appropriate SERDP Executive Working Group (EWG) member. The SEED program is designed to provide initial funding for high-risk, high payoff projects. Funding is limited to a maximum of \$150,000 for one year. Statements of Need (SON) and detailed instructions for both federal and non-federal submissions are available on the SERDP web site under Funding Opportunities: <http://www.serdp.org/Funding>. Proposals are sought in the area of environmental restoration, munitions management, sustainable infrastructure, and weapon systems and platforms.

CARBON DIOXIDE EMISSIONS REGULATION. (11/08/07) California and 14 other states filed suit against USEPA to compel action on California's request for a waiver allowing the state to regulate CO₂ emissions from automobiles. California's lawsuit against USEPA, filed in U.S. District Court and the U.S. Court of Appeals in Washington, D.C., seeks to force a decision about whether California can enact the country's first emission standards for cars and light trucks. While the federal government sets national air pollution rules, California has unique status under CAA to enact its own regulations if it gets approval from USEPA. Other states can follow the federal rules or California's standards if they are tougher. USEPA has granted about 50 such waivers over the past 40 years for use of catalytic converters, leaded gasoline regulations and other measures. Full text document location: <http://ap.google.com/article/ALeqM5ilDqMFkbYQstYMWdZiR0M64WdMUgD8SPQ7D81>

IMPROVING GOVERNMENT PROGRAM PERFORMANCE. (11/15/07, [72 FR 64517](#)) The president issued Executive Order (EO) 13450, "Improving Government Program Performance," to address federal agency performance. EO 13450 tasks agencies to establish clear annual and long-term goals defined by objectively measurable outcomes; specific plans for achieving goals, including assignment to specified agency personnel of duties necessary to achieve goals and authority and resources necessary to fulfill such duties; means to measure progress toward achievement of goals and efficiency in use of resources in making that progress; and mechanisms for ensuring continuous accountability of the specified agency personnel. The EO calls for designation of an Senior Executive Service-level Agency Performance Improvement Officer and for the Office of Management and Budget (OMB) to issue additional specific instructions.

Studies and Reports

AIRBORNE LEAD RELEASE. (11/01/07) A key document in USEPA's review of national air quality standards for lead recommends that USEPA strengthen current lead standards to better protect children. The "Final Staff Paper" makes recommendations for the administrator to consider in upcoming decisions regarding revising national air quality standards for lead. Based on a review of current science about lead and health, and on analyses of risks at current levels of lead in the air, the paper recommends that USEPA lower lead standards from 1.5 micrograms per cubic meter (ug/m³), to a range between 0.05 ug/m³ and 0.2 ug/m³. The paper recommends that USEPA not consider revoking the lead standard, or removing lead from the list of criteria pollutants. By the end of November 2007, USEPA was to issue an Advance Notice of Proposed Rulemaking outlining policy options USEPA is considering, and seeking public comment. USEPA is required by a consent decree to issue a proposal regarding lead standards by 05/01/08, and to issue a final rule by 09/01/08. USEPA plans to issue the proposal in March 2008, so as to provide ample time for public comment. Staff paper and a fact sheet are available at: http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_cr_sp.html. For further information: Margot Perez-Sullivan, 202-564-4355, perezsullivan.margot@epa.gov. Full text document location: <http://yosemite.epa.gov/opa/admpress.nsf/eebfaebc1afd883d85257355005afd19/4bf7caa2d8b9c10d852573860062efb3!OpenDocument>

SEDIMENT TOXICITY. (11/07/07) USEPA released guidance for evaluation of toxicity in sediments, "Sediment Toxicity Identification Evaluation (TIE) Phases I, II, and III Guidance Document." The document contains Phase I TIE (characterization) methods for interstitial waters and whole sediments, to include when to use whole sediment or interstitial water methods, collection of interstitial waters for testing, and test volume considerations. Existing guidance for Phases II and III methods have been tailored for chemical classes normally found in sediments.

IRIS. (11/16/07, [72 FR 64626](#)) USEPA released the external review draft document titled, "Toxicological Review of 1,2,3-Trichloropropane: In Support of Summary Information on the Integrated Risk Information System (IRIS)" (NCEA-S-1669). 1,2,3-Trichloropropane is used as a solvent for oils, fats, waxes, and resins, and has also been used in paint thinner, varnish remover, and as a degreasing agent. The IRIS database: <http://www.epa.gov/iris>, contains qualitative and quantitative health effects information for more than 500 chemical substances that may be used to support the first two steps (hazard identification and dose-response evaluation) of a risk assessment process. The draft document is available at: <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=186355>, and comments are due 01/05/08. For further information: Martin Gehlhaus, IRIS Staff, National Center for Environmental Assessment, EPA, Washington, DC, 202-564-1596, gehlhaus.martin@epa.gov.

Federal Notices and Rulemaking

Clean Air Act (CAA)

CONSENT DECREE MODIFICATION. (10/30/07, [72 FR 61334](#)) USEPA proposes to modify an existing consent decree with Environmental Defense that requires USEPA to evaluate and potentially list diesel engine exhaust as a hazardous air pollutant (HAP) under CAA Section 112(b)(3). Modification would extend USEPA's decision deadline and final rule publication to 08/11/10 and 05/11/10. Modification would allow USEPA to avoid acting on the Environmental Defense petition, given USEPA regulates HAP emissions from existing non-emergency stationary diesel engines of 300 horsepower or greater manufactured prior to 1996. If USEPA chooses to regulate HAP from stationary diesel engines, the deadline to send a final rule to the Federal Register for publication would be 02/10/10. Comments on the proposed consent decree modification were due 11/29/07. For further information: Michael Horowitz, Air and Radiation Law Office, Office of General Counsel, EPA, Washington, DC, (202) 564-5583, horowitz.michael@epa.gov.

FIP FOR CAIR. (11/02/07, [72 FR 62237](#)) USEPA made the withdrawal of a Federal Implementation Plan (FIP) in a state automatic upon approval of the state's full Clean Air Interstate Rule (CAIR) State Implementation Plan (SIP) and to the extent of that approval. USEPA believes this is appropriate since the extent to which USEPA approves a state's full CAIR SIP, any deficiency would be corrected under the basis for USEPA's promulgation of the FIP in that state. All CAIR States are required to revise SIPs to include control measures to reduce the emissions of nitrogen oxides (NO_x) and/or sulfur dioxide (SO₂). USEPA issued CAIR FIPs on 04/08/06 as a backstop to implement CAIR in each CAIR state until that state has an USEPA-approved CAIR SIP in place to achieve required reductions. In the FIP rulemaking, USEPA stated it would withdraw FIPs in a state in coordination with approval of the CAIR SIP for that state. The direct final rule is effective 01/06/08 without further notice, unless USEPA receives adverse comment by 12/17/07. For further information: Carla Oldham, Air Quality Planning Division, Office of Air Quality Planning and Standards, EPA, Research Triangle Park, NC, 919-541-3347, oldham.carla@epa.gov.

REFRIGERANT RECOVERY. (11/09/07, [72 FR 63490](#)) USEPA released a direct final rule on motor vehicle refrigerant recovery and recycling equipment standards. Motor vehicle air-conditioning (MVAC) refrigerant handling equipment must be certified under standards, at a minimum, as stringent as those of the Society of Automotive Engineers (SAE), and effective as of the date of enactment of CAA Amendments of 1990. In 1997, USEPA used the SAE Standard J2210, HFC-134a, 'Recycling Equipment for Mobile Air Conditioning Systems,' for certification of MVAC refrigerant handling equipment. SAE replaced Standard J2210 with J2788, Recovery/Recycle and Recovery/Recycle/Recharging Equipment for HFC-134a Refrigerant. To avoid confusion with an outdated reference, USEPA is updating its reference to the new SAE standards. This action reflects a change in industry standard practice. The rule becomes effective 12/31/07 without further notice, unless USEPA received adverse comment or a request for public hearing by 12/10/07. For further information: Karen Thundiyil, Stratospheric Protection Division, Office of Atmospheric Programs, EPA, Washington, DC, (202) 343-9464, thundiyil.karen@epa.gov.

RAD PROGRAM. (11/16/07, [72 FR 64613](#)) USEPA submitted a request to OMB for authorization to collect information to support the Responsible Appliance Disposal (RAD) Partners program. The program, developed in 2006, is a voluntary, non-regulatory program that promotes proper handling of refrigerated household appliances at disposal. USEPA is partnering with utilities, municipalities, retailers, manufacturers, and universities, and other interested organizations, to promote the proper disposal of older household appliances, namely refrigerators, freezers, window air conditioning units, and dehumidifiers. Using best practices, RAD partners ensure that: refrigerant is recovered and reclaimed, or destroyed; foam is recovered and destroyed, or the blowing agent is recovered and reclaimed; metals, plastic, and glass are recycled; and PCBs, mercury, and used oil are recovered and properly disposed. As part of the program, USEPA serves

as a technical clearinghouse on responsible appliance disposal program development and implementation; calculates annual and cumulative program benefits in terms of ozone depleting substance and greenhouse gas emission savings and equivalents and potential cost savings; and provides partner recognition. Additional information on the RAD program is available at: <http://www.epa.gov/ozone/partnerships/rad/index.html>. For further information: Evelyn Swain, Stratospheric Protection Division, Office of Air and Radiation, EPA, Washington, DC, (202) 343-9956, swain.evelyn@epa.gov.

AVIATION AIRCRAFT LEAD EMISSIONS. (11/16/07, [72 FR 65470](#)) A petition was filed with USEPA requesting that USEPA propose emissions standards for lead from general aviation aircraft, and investigate the health and environmental impacts of lead emissions from general aviation aircraft, if warranted. Tetraethyl lead is added to gasoline used in most piston-engine powered aircraft. The 2002 National Emissions Inventory (NEI) estimates that lead emissions from the use of leaded aviation gasoline (commonly referred to as avgas) are 491 tons, which accounts for 29% of the air pollution emissions inventory for lead, and currently represents the largest source category. The Department of Energy (DOE) estimates that 281 million gallons of avgas were supplied in the US in 2002. In 2006, the volume of avgas supplied in the US was about 280 million gallons. The majority of avgas contains up to 0.56 grams of lead per liter (2.12 grams of lead/gallon), referred to as 100 Low Lead (100LL). Another grade of 100 octane avgas contains 1.12 grams of lead per liter, but is not widely available. The petition is at: <http://www.epa.gov/otaq/aviation.htm> and USEPA requests information and comment on a number of specific issues. Comments are due 03/17/08. For further information: Bryan Manning, Assessment and Standards Division, Office of Transportation and Air Quality, Ann Arbor, MI, 734-214-4832, manning.bryan@epa.gov.

Climate Change and Energy

ALTERNATIVE ENERGY EIS. (11/06/07, [72 FR 62672](#)) The Minerals Management Service (MMS) released a final programmatic Environmental Impact Statement (EIS) supporting establishment of a program authorizing alternative energy and alternate use activities on the Outer Continental Shelf (OCS). Project activities may include, but are not limited to hydrogen production, and wind, wave, ocean current, and solar energies. MMS was delegated discretionary authority to issue leases, easements, or rights-of-way for other OCS project activities that make alternate use of existing OCS facilities for "energy-related purposes or for other authorized marine-related purposes." Such activities may include, but are not limited to offshore aquaculture, research, education, recreation, and support for offshore operations and facilities. The programmatic EIS analyzes environmental impacts that may arise from establishment of an alternative energy and alternate use program on the OCS in the reasonably foreseeable future (5-7 years). Section 388 of the Energy Policy Act (EPAct) grants the Secretary of the Interior discretionary authority to issue leases, easements, or rights-of-way for activities on the OCS that produce or support production, transportation, or transmission of energy from sources other than oil and gas, and are not otherwise authorized by other applicable law. The Secretary delegated said authority to MMS. The EIS is available at: <http://ocsenergy.anl.gov/eis/guide/index.cfm>. For further information: James Bennett, Environmental Division, Minerals Management Service, Herndon, VA, (703) 787-1660.

ALTERNATIVE ENERGY RESOURCE ASSESSMENT. (11/06/07, [72 FR 62673](#)) MMS invites comments concerning authorization of activities on the OCS involving installation of meteorological or marine data collection facilities to assess alternative energy resources or approaches (wind, wave, and ocean current). MMS intends to adopt interim policy to authorize such facilities. Parties wishing to obtain such authorizations should submit detailed and specific nomination and application information as described. MMS is developing an Alternative Energy and Alternate Use (AEAU) program and associated regulations, and issued an Advance Notice of Proposed Rulemaking 12/30/05. The notice is not part of the rulemaking process. MMS intends to issue a proposed rulemaking late 2007. The interim policy will be in effect until MMS promulgates final rules for the AEAU program, at which time AEAU program activities will be regulated under those rules. Under interim policy, MMS will issue limited-term leases authorizing data collection activities and technology testing in support of alternative energy production, subject to obtaining necessary approvals for construction and placement of associated structures on the OCS lease area. Such leases will have a limited term and will confer no priority rights to subsequently develop an alternative energy facility on the OCS. MMS proposes a lease term of 5 years. Installation of resource data collection and technology testing facilities will require submission of a plan describing proposed construction, operation, and removal of the facility. A NEPA review of potential environmental impacts will be conducted for each lease. Comments on the interim policy are due 01/07/08. For further information: Maureen Bornholdt, Minerals Management Service, Herndon, Virginia, (703) 787-1300.

ENERGY EFFICIENCY REPORT. (11/13/07) USEPA, DOE and more than 60 energy, environmental and other organizations

released a collaborative report titled, "National Action Plan for Energy Efficiency Vision for 2025." The report establishes the goal of achieving all cost-effective energy efficiency by 2025; presents 10 implementation goals for states, utilities, and other stakeholders to consider to achieve the goal; describes what 2025 might look like if the goal is achieved; and provides an initial "straw man" approach for measuring progress. The report focuses on regulated energy forms (electricity and natural gas systems) and is generally written from a utility and regulator perspective. The plan details key barriers to energy efficiency in resource planning, utility incentive mechanisms, rate design, and the design and implementation of energy efficiency programs. It reviews and presents policy and program solutions that have been used to overcome these barriers, and the pros and cons for many of these approaches. Recommendations in the report could save Americans more than \$500 billion in energy costs over 25 years, and reduce annual greenhouse gas emissions equivalent to those from 90 million vehicles. A number of "how-to" resources were released to help parties meet energy efficiency commitments. The plan, additional new resources, and a full list of new commitments and successes are available at: <http://www.epa.gov/cleanenergy/actionplan/resources.htm>. For further information: Margot Perez-Sullivan, (202) 564-4355, perezsullivan.margot@epa.gov. Full text document location: <http://www.epa.gov/cleanenergy/actionplan/leadership.htm>

FUEL ECONOMY STANDARDS. (11/15/07) The Ninth Circuit Court of Appeals issued judgment that voided fuel efficiency regulations for 2008-2011 model year vehicles because rules did not account for the economic impact of vehicle greenhouse gas emissions. The court said the National Highway Traffic Safety Administration's (NHTSA) rule was arbitrary, capricious, and contrary to the Energy Policy and Conservation Act on the basis of failure to monetize the value of carbon emissions in determination of the Model Year 2008-2011 light truck Corporate Average Fuel Economy standards; set a backstop; revise passenger automobile and light truck classifications; and failure to set fuel economy standards for all vehicles in the 8,500 to 10,000 lb. class. The court remanded, "NHTSA to promulgate new standards consistent with this opinion as expeditiously as possible and for the earliest model year practicable." The court held that the accompanying Environment Assessment was inadequate and remanded to NHTSA, full preparation of an EIS. Full text documentation: <http://www.nytimes.com/2007/11/15/business/16fuel-web.html?ref=business>

ENERGY CONSERVATION. (11/19/07, [72 FR 65135](#)) DOE issued a final rule amending minimum energy conservation standards for residential furnaces and boilers with a compliance date of 11/19/15. DOE is making modest increases ranging from 2.5% to 6.5% in the standards, expressed in annual fuel utilization efficiency. New standards, by product classes, expressed in annual fuel utilization efficiency, will be non-weatherized gas furnaces, weatherized gas furnaces, mobile home gas furnaces, oil-fired furnaces, gas boilers and oil-fired boilers. For further information: Mohammed Khan, DOE, Energy Efficiency and Renewable Energy, Building Technologies Program, Washington, DC, (202) 586-7892, Mo-hammed.Khan@ee.doe.gov.

Clean Water Act (CWA)

2008 EFFLUENT GUIDELINES. (10/30/07, [72 FR 61335](#)) USEPA announced the 2007 review of existing effluent guidelines and pretreatment standards, and the Preliminary 2008 Effluent Guidelines Program Plan that identifies industrial categories selected for effluent guidelines rulemaking. USEPA is not identifying existing categories for effluent guidelines rulemaking at this time. Categories under further review remain the same as those identified in 2006: Steam Electric Power Generating (Part 423); Coal Mining (Part 434); Oil and Gas Extraction (Part 435) (only to assess including coal bed methane extraction as a new subcategory); and Hospitals (Part 460). USEPA is conducting rulemakings to potentially revise existing effluent guidelines and pretreatment standards for organic chemicals, plastics, synthetic fibers, and inorganic chemicals (to address discharges from Vinyl Chloride and Chlor-Alkali facilities) and concentrated animal feeding operations (rulemaking on best control technology (BCT) options for controlling fecal coliform and new source performance standards (NSPS)); and to determine whether to establish effluent guidelines for airport deicing operations, drinking water treatment, and construction and development. USEPA was directed by district court order to examine the construction and development category and is appealing while continuing with the rulemaking. USEPA asks for specific information on existing categories under review, including hospitals. Regarding hospitals, USEPA specifically asks for information on best management practices (BMPs) for dental mercury and management of unused pharmaceuticals. Comments are due 12/31/07. For further information: Carey A. Johnston, (202) 566-1014, johnston.carey@epa.gov.

WATERSHED ACTION PLAN. (11/05/07) The Mississippi River/Gulf of Mexico Watershed Nutrient Task Force released a reassessment of the 2001 Action Plan for addressing the annually reoccurring hypoxia conditions in the Gulf of Mexico. The Draft 2008 Action Plan calls for actions to reduce loadings of nitrogen and phosphorous in the Mississippi and Missouri Rivers, and their tributaries. Actions advocated or suggested include USEPA development of numeric water

quality standards for nitrogen and phosphorous for tributaries of the Mississippi and Missouri Rivers; Total Maximum Daily Loads (TMDLs) and trading; improvement of farmland conservation practices and nutrient management; provision of conservation technical assistance; quantification of the conservation practice effectiveness within local watersheds; watershed level water quality plans; increased freshwater wetland acreage; and increased diversion of river waters into river delta systems. The draft plan is available at: http://www.epa.gov/msbasin/taskforce/pdf/2008draft_actionplan.pdf . Comments are due 01/04/07. For further information: Jacques L. Oliver, EPA Office of Water, Washington, DC, (202) 566-1100, OW-Hypoxia@EPA.gov. Full text document location: <http://www.epa.gov/msbasin/taskforce/reassess.htm>

Farm Security and Rural Investment Act (FSRIA)

BIOBASED PRODUCTS. (11/07/07, [72 FR 63040](http://www.federalregister.gov)) The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council published a final rule amending the Federal Acquisition Regulation (FAR) to incorporate a procurement preference for biobased products within items designated by the Secretary of Agriculture. The rule weaves biobased product affirmative procurement requirements into the same FAR Section 23.404 where RCRA affirmative procurement requirements are found. An agency must establish an affirmative procurement program for USEPA and US Department of Agriculture (USDA)-designated items if the agency's purchases of designated items exceed \$10,000 annually. Agencies have a period of 1 year to revise procurement program(s) after designation of any new item by USEPA or USDA. Biobased product procurement requirements apply to service and construction contracts. Two new FAR clauses are provided: clause 52.223-1, Biobased Product Certification, and clause 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts. USDA initiated a web-based catalog of biobased products at: <http://www.biobased.oce.usda.gov/fb4p/Catalog.aspx>. For further information: William Clark, Procurement Analyst, (202) 219-1813.

Natural and Cultural Resources

RECOVERY CREDITING. (11/02/07, [72 FR 62258](http://www.federalregister.gov)) The US Fish and Wildlife Service (USFWS) released draft guidance to promote implementation of the Endangered Species Act. Under the guidance, federal agencies could bank credits for conservation actions undertaken on non-federal lands and use the credits to offset adverse effects of agency activities to a listed species. The combined effects of adverse and beneficial actions would have to provide a net conservation benefit to the species. Unlike conservation banks, the recovery crediting system could be used for permanent or temporary effects. Positive effects of the credits may be temporary (secured by a term contract) only if the offset negative effects are also temporary. The guidance is available at: <http://www.fws.gov/endangered/policy/oct.2007.html>. Comments were due 12/03/07. For further information: Dr. Richard L. Sayers; Division of Consultation, Habitat Conservation Planning, Recovery, and State Grants; FWS, Washington, DC, 703-358-2171.

National Environmental Policy Act (NEPA)

NEPA HANDBOOK. (11/07/07, [72 FR 62854](http://www.federalregister.gov)) The Council on Environmental Quality (CEQ) published, "Collaboration in NEPA--A Handbook for NEPA Practitioners." The handbook is the product of an interagency work group, and is designed to assist federal agencies in more effective use of collaboration throughout the NEPA process. The handbook suggests ways federal agencies can use collaboration and environmental conflict resolution strategies when preparing NEPA analyses and documentation. It is available at: http://ceq.eh.doe.gov/ntf/Collaboration_in_NEPA_Oct_2007.pdf. Other CEQ provided information is available at <http://www.nepa.gov/nepa/nepanet.htm>. For further information: Horst Greczmiel, (202) 395-5750, hgreczmiel@ceq.eop.gov.

Toxic Substances Control Act (TSCA)

NANOSCALE MATERIALS. (11/08/07, [72 FR 63175](http://www.federalregister.gov)) USEPA requested authority to collect information on a voluntary basis from manufacturers, importers, and processors of nanoscale materials who are participating in the voluntary Stewardship Program for Nanoscale Materials. USEPA will collaborate with the aforementioned and other stakeholders in an effort to generate more detailed information on certain specific nanoscale materials. Under this second effort, Office of Pollution Prevention and Toxics and program participants will work to generate data and analyses that will more fully characterize certain nanoscale materials and increase understanding of environmental health and safety implications of manufactured nanoscale materials. USEPA anticipates these data will help provide a firmer scientific foundation for regulatory decisions by encouraging the development of key scientific information and appropriate risk management

practices for nanoscale chemical substances. For further information: Barbara Cunningham, EPA Office of Pollution Prevention and Toxics, Washington, DC, 202-554-1404, TSCA-Hotline@epa.gov.

State Laws and Rulemaking

Alabama



Proposed Rules

VOCS. (335-3-1-.02) The Alabama Department of Environmental Management (ADEM) is proposing to amend the definition of Volatile Organic Chemical (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) will review the rule for adoption 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 is used to conduct the burning. ADEM held a hearing 10/10/07 and comments were due 10/12/07. EMC will review the rule for adoption 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 will review the rules for adoption 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 National Emission Standards for Hazardous Air Pollutants (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 will review the rules for adoption 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. (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 LT2ESWTER to address illnesses from Cryptosporidium and other microbial contaminants. LT2ESWTER includes treatment, monitoring, reporting, and public notification requirements for Cryptosporidium. LT2ESWTER 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. No update status has been received.

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 UST Compliance Act (USTCA) of the EPact. 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 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. ADEM published notice of a comment period 10/10/07 and comments were 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.

Florida

Proposed Rules



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 planned to publish a notice of the proposed rules September 2007 and to adopt the rules October 2007, but now plans to publish the notice December 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.

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.

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 (GHG) Emissions Reduction and Rule 62-285.300, F.A.C., Electric Utility GHG Reduction Program to cap GHG 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, GHG 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 planned to hold the next workshop 12/05/07, where FLDEP will identify the options it is considering.

CALIFORNIA STANDARDS. (FAC, Chapter 62-285 and Rule 62-285.400) FLDEP plans to create Chapter 62-285, GHG 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 12/05/07. A draft rule is not available.
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 PERMITTING. The Georgia Department of Natural Resources (GADNR) amended rules for air quality control 391-3-1-.02 and 391-3-1-.03. Amendments add an ozone-season NO_x limit for existing coal-fired units in Monroe County; add counties subject to the rule on emissions statements; typographical corrections in the prevention of significant deterioration (PSD) rule; permit requirements for Atlanta 8-hour ozone non-attainment area; update the list of counties subject to the Atlanta 8-hour ozone non-attainment area; clarify permit requirements in non-attainment areas consistent with federal requirements; and revise the methodology used to determine actual emissions prior to an emission reduction project. GADNR held a public hearing 10/09/06 and written comments were due 10/24/06. GADNR re-noticed proposed amendments and held a public hearing 01/16/07. Written comments were due 01/19/07 and the Board of Natural Resources (BNR) adopted the proposed rules 01/24/07.

Synopsis of Proposed Amendments: http://www.gaepd.org/environet/1/synopsis_20060819.pdf
Text of Proposed Amendments: http://www.gaepd.org/environet/1/amendments_20060829.pdf
Re-Notice of Proposed Amendments 12/15/06: http://www.gaepd.org/environet/1/air_notice_20061215.pdf
Synopsis of Proposed Amendments 12/15/06: http://www.gaepd.org/environet/1/air_synopsis_20061215.pdf
Text of Proposed Amendments 12/15/06: http://www.gaepd.org/environet/1/air_amendment_20061215.pdf
Responses to Comments Received in First Comment Period: http://www.gaepd.org/environet/1/air_response.pdf
Contact: Heather Abrams (404) 363-7000.

AIR QUALITY CONTROL. GADNR adopted amendments to air quality control regulations that affect the VOC definition, PSD record keeping provisions, NSPS, permit exemptions, and permit fees. GADNR held a public hearing 05/15/07 and written comments were due 05/29/07. At 06/27/07 meeting, BNR adopted the amendments. Amendments were filed with the Secretary of State 07/05/07, and became effective 07/25/07.

Public Notice: <http://www.gaepd.org/environet/1/20070406notice.pdf>
Synopsis of Proposed Amendments: <http://www.gaepd.org/environet/1/20070406synopsis.pdf>

Proposed Amendments: <http://www.gaepd.org/environet/1/20070406amendments.pdf>
Permit Fee Summary of Changes: [http://www.gaepd.org/environet/1/20070406 Permit Fees Summary of Changes.pdf](http://www.gaepd.org/environet/1/20070406%20Permit%20Fees%20Summary%20of%20Changes.pdf)
Air Permit Fee Manual: [http://www.gaepd.org/environet/1/20070406 Post of 2006 Air Permit Fee Manual.pdf](http://www.gaepd.org/environet/1/20070406%20Post%20of%202006%20Air%20Permit%20Fee%20Manual.pdf)
Final Rule 391-3-1-.01: <http://rules.sos.state.ga.us/docs/391/3/1/01.pdf>
Final Rule 391-3-1-.02: <http://rules.sos.state.ga.us/docs/391/3/1/02.pdf>
Final Rule 391-3-1-.03: <http://rules.sos.state.ga.us/docs/391/3/1/03.pdf>
Contact: Heather Abrams (404) 363-7000.

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 require the Macon area to be redesignated to an attainment area with respect to National Ambient Air Quality Standards (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](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

HEAVY-DUTY DIESEL ENGINE REQUIREMENTS. GADNR proposed amendments to its rule concerning heavy-duty diesel engine requirements to incorporate the most recent amendments to the "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" of the California Air Resources Board. GADNR proposed amendments to provide an alternate method for truck labeling and correct a grammatical error. GADNR held a public hearing on proposed amendments 11/27/07 and written comments are due 12/28/07. Amendments will be considered for adoption at 1/23/08 BNR meeting.

Notice of Proposed Amendments and Public Hearing 11/27/07: <http://www.gaepd.org/environet/1/notice.pdf>

Synopsis of Proposed Amendments: <http://www.gaepd.org/environet/1/synopsis.pdf>

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

Contact: Heather Abrams (404) 363-7000.

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 because regulations already comply with those guidelines. GADNR drafted regulations and planned on presenting them for approval to 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.

CAIR. GADNR adopted the federal Clean Air Interstate Rule (CAIR) that establishes annual and ozone season limits on NO_x emissions and annual limits on SO₂ emissions for fossil-fuel fired electronic generating facilities. 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 FIP. 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 were 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.

STATEWIDE WATER MANAGEMENT PLAN. GAEPD is developing the first Statewide Water Management Plan. GAEPD presented draft plans to the Water Council (TWC) for review, and TWC will submit the final plan to the General Assembly for adoption during the 2008 legislative session. The first draft plan contained a draft rule for statewide water management planning, Chapter 760-1-1, but was removed from the draft plan. The draft rule included 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 with additional public meetings 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 a 08/23/07 meeting, TWC directed GAEPD to remove the draft rule from the draft plan. GAEPD revised the draft plan to remove the draft rule and clarify implementation actions. GAEPD presented the second draft plan, dated 09/13/07, to TWC who then held public hearings 10/15/07, 10/16/07, 10/17/07, 10/18/07, and 10/19/07 regarding the second draft plan. Comments were due 10/30/07. TWC reviewed the third draft plan 11/09/07, and it approved several revisions. The presentation given at the October hearings indicated that public comments were due 11/30/07, and additional public hearings were held 11/26/07 to 11/30/07. The presentation also indicated that TWC would review the final draft plan for adoption 12/21/07. The final plan will be submitted to the General Assembly at the beginning of the 2008 legislative session.

Comprehensive Statewide Water Management Planning Act:

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

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

Draft Plan 06/28/07: <http://georgiawatercouncil.org/Documents/plan.html>

Draft Plan 09/13/07: <http://www.georgiawatercouncil.org/Documents/plan2.html>

Presentation 10/15/07, 10/16/07, 10/17/07, 10/18/07, and 10/19/07:

http://www.gadnr.org/gswp/Files_PDF/Public_Hearings_Presentation1.pdf

Draft Plan Revisions Approved 11/09/07: http://www.georgiawatercouncil.org/Files_PDF/Changes4.pdf

Contact: Alice Miller Keyes (404) 463-1678.

Kentucky

Proposed Rules



AIR QUALITY REGULATIONS. (401 KAR 57:002, 58:025, 60:005, 60:670, 63:002, and 63:023) The Kentucky Department of Environmental Protection (KDEP) proposed to amend regulations to adopt federal regulations, including those 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. The Administrative Regulation Review Subcommittee (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. No update status has been received.

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>

Contact: Millie Ellis (502) 573-3382.

GROUND WATER. (401 KAR 8:0475) KDEP plans to adopt the Ground Water Rule published in the Federal Register 11/08/06 that provides for increased protection against microbial pathogens in public water systems. The rule would apply to public water systems that use ground water sources, except for certain systems that combine ground water with surface water or ground water under the direct influence of surface water. KDEP plans to file the rule and publish for public comment in early 2008.

Ground Water Rule Information: <http://www.epa.gov/safewater/disinfection/gwr/index.html>

Contact: Larry Dusak (502) 564-3410.

NEW SOURCE REVIEW. (SIP/FIP) KDEP proposed amendments to PSD and Nonattainment New Source Review (NSR) regulations. NSR regulations require stationary sources of air pollution to obtain a permit for construction. A PSD permit is required for a new major source or a major source making a major modification in an attainment area: an area that meets NAAQS for a criteria pollutant. A Nonattainment NSR permit is required for a new major source or a major source making a major modification in a nonattainment area: one that does not meet NAAQS for a criteria pollutant. KDEP proposed amendments to revise definitions to mirror recent federal amendments published in the Federal Register 05/01/07; revise the list of exempted major stationary sources codified in 40 CFR Part 51, and the list of major sources codified in 40 CFR Part 40; and remove standards and requirements for clean units and pollution control projects vacated by the US Court of Appeals for the DC Circuit 06/24/05. Amendments would specifically exclude existing or proposed facilities that produce ethanol through a natural fermentation, under the term "chemical process plants," from having to comply with PSD or Nonattainment NSR requirements. Ethanol facilities would no longer be included under the 100 tons per year Potential to Emit limit for major sources. Emergency regulations and a notice of proposed amendments were published in the Administrative Register of Kentucky 11/01/07. A public hearing was held 11/27/07 and written comments were due 11/30/07. After the comment period closed, a Statement of Consideration will be filed with the Legislative Research Commission (LRC) by 12/15/07 unless KDEP receives a significant number of comments, upon which KDEP may extend the deadline to file the Statement of Consideration by 30 days. If necessary, the amendments will be revised and published in the Register. The ARRS will review the amendments for approval. After the ARRS approves the amendments, they will be delegated to the appropriate legislative committee for a second review.

Amendments will probably become effective in early 2008.

401 KAR 51:001: <http://www.lrc.state.ky.us/kar/401/051/001reg.htm>

401 KAR 51:017: <http://www.lrc.state.ky.us/kar/401/051/017reg.htm>

401 KAR 51:052: <http://www.lrc.state.ky.us/kar/401/051/052reg.htm>

401 KAR 52:001: <http://www.lrc.state.ky.us/kar/401/052/001reg.htm>

Contact: Gerry Ennis (502) 573-3787.

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 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 became 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. 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, and 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 launched the program in 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. 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 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.

AUTO SALVAGE YARD. MSDEQ is discussing development of a guidance document for auto salvage yards that will likely contain recommendations on mercury switches found in automobiles, and incorporate many components of the National Switch Recovery Program. MSDEQ is developing a web page that will house additional information regarding the state's mercury switch program. MSDEQ does not have a timeline for developing this guidance document due to delays caused by Hurricane Katrina recovery efforts. As of June 2007, MSDEQ had not resumed work on the guidance document and

interest had diminished. Development of a mercury switch website was expected to be complete by October 2007, but changes and legislative priorities have required MSDEQ to delay development of the guidance document. MSDEQ intends to develop additional guidance for businesses, governmental agencies, and citizens regarding the issue at some time in the near future. MSDEQ plans to focus on the issue in 2008 as work load allows. Contact: Mark Williams (601) 961-5304.

GROUND WATER. MSDEQ plans to adopt the Ground Water Rule published in the Federal Register 11/08/06. The rule provides for increased protection against microbial pathogens in public water systems that use ground water sources. The rule will apply to public water systems that use ground water sources, except for certain systems that combine the ground water with surface water or ground water under the direct influence of surface water. MSDEQ plans to adopt the rule in the second or third quarter of 2008.

Ground Water Rule Information: <http://www.epa.gov/safewater/disinfection/gwr/index.html>

Contact: Melissa Parker (601) 576-7518.

North Carolina

Proposed Rules



NON-POINT SOURCES. (15A NCAC 06I) The North Carolina Department of Environment and Natural Resources (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 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 state waters. Proposed rules were published in the Register 07/02/07. A hearing was held 07/17/07, and comments were due 08/31/07. SWCC adopted the rules and submitted them to the Rules Research Committee (RRC) for 11/15/07 review. If RRC approved the rules, they became effective 12/01/07. If RRC received 10 or more written objections by 11/16/07, the rules will be subject to legislative review.

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 GHG 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 GHGs 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 that 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 to adopt two federal rules. The May 2006 notice originally monitored at Regulation ID# SC5361, replaces and supersedes the notice published in the January 2006 State Register. One portion of the amendment 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/reggs/3095.doc>

Contact: David Scaturro (803) 898-3432.

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/reggs/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. SCDHEC proposes to amend Regulation 61-79, HWMR and plans to adopt the following: Wastewater Treatment Exemptions for Hazardous Waste Mixtures (Headworks Rule); NESHP 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/reggs/docs/3150.doc>

Contact: Carolyn McLaughlin (803) 896-4254.

SOLID WASTE MANAGEMENT. SCDHEC plans to amend R. 61-107.17, Solid Waste Management: Demonstration-of-Need, considering amendments to revise the size of the planning areas around solid waste facilities; revise maximum annual disposal limits; revise definitions; and expand the scope of the regulation by defining needs determination criteria for other types of solid waste facilities. SCDHEC plans to amend R. 61-107.17 for consistency with amendments to R. 61-107, Solid Waste Management Regulations that are pending completion of legislative review. SCDHEC published a Notice of Drafting in the Register 10/26/07 and comments were due 11/26/07. SCDHEC plans to publish a Notice of Proposed Regulation in the Register January 2008 and hold a comment period. SCDHEC plans to present the regulation to the Board of Health and Environmental Control for adoption in April 2008. Contact: Joan Litton (803) 896-4264.

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 CO₂ 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 proposed to amend water classifications and standards regulation as part of the federally-mandated triennial review. Amendments would adopt federal water quality criteria according to 304(a) and 307(a) of CWA; revise the bacteriological indicator for protection of recreational uses; add a definition; revise arsenic criteria; and make grammar and style changes to regulation language. Copies of notices from the South Carolina State Register 05/25/07 are available from Stateside Associates. A Notice of Drafting was published in the Register 01/26/07, and comments were due 02/26/07. SCDHEC held a 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 and planned to present the proposed regulation to BHEC in September 2007. At a 10/11/07 meeting, BHEC approved a request to publish a notice of the regulation and it was published in the Register 10/26/07. SCDHEC held an informational forum 11/27/07, and the comment deadline was extended from 11/26/07 to 11/30/07. BHEC will review the regulation for adoption at a public hearing 01/10/08. After BHEC adopts the regulation, it will be submitted to the legislature for review.

Proposed Regulation (3161): <http://www.scstatehouse.net/reg/3161.doc>

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 held 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 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. 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, it 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. 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. It 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 and 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 System to 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 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.

Tennessee

Proposed Rules



WATER RULES. (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. Contact: Dan Eagar (615) 532-0708.

GROUNDWATER. (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, could use tank tightness testing as a monitoring method for release detection. On or after 01/01/09, several monitoring methods would 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 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 were 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.

TREATMENT DISCHARGE. (TNG830000) TDEC proposed a general permit for discharges of treated groundwater associated with UST remediation. A permit is required for new or existing discharges of treated groundwater to surface waters. Discharges generally require the same effluent limitations and monitoring requirements, so a general permit is appropriate. TDEC's Division of Water Pollution Control held a hearing 12/10/07 and written comments are due 12/24/07.

Draft Permit: http://www.state.tn.us/environment/wpc/draft/npdes/TNG830000_2008draft.pdf

Rationale for Permit: http://www.state.tn.us/environment/wpc/draft/npdes/TNG830000_2008Rationale.pdf

Notice of Intent: http://www.state.tn.us/environment/wpc/draft/npdes/TNG830000_2008noi_cn1217.pdf

Notice of Public Hearing: http://www.state.tn.us/environment/wpc/ppo/mdi/PH07_035.pdf

Contact: Erin O'Brien (615) 253-2245.

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 water quality protection. TDEC initially discussed developing a standard operating procedure (SOP) guidance document for determining degradation, and considered applying for USEPA grants to develop the guidance. While discussing the 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. 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.

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>

Contact: Gregg Denton (615) 532-0699.