



The Southern Region Review



February 2008, 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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For additional information, please visit:
<http://www.asaie.army.mil/public/ESOH/REO>.

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PFAW is February 3-9, 2008. In recognition of land managers who protect and maintain the state's forest resources and by official proclamation, the first week in February is to be observed annually as Prescribed Fire Awareness Week (PFAW) in Georgia. On Wednesday, 02/06/08, Governor Perdue will sign a proclamation at the Georgia Capitol where House and Senate members will host stakeholders from academia, industry, government and private land managers. The signing will be a great opportunity to convey a military training land message: Prescribed Fire is a safe way to apply natural process, ensure ecosystem health, and reduce wildfire risk for secure, sustainable DoD training land. Next Wednesday will also offer the opportunity to provide Georgia legislators with information about the benefits of prescribed fire. A county resolution initiative for prescribed fire has expanded from a few Southwestern counties to 57 counties throughout Georgia.

A [news release](#) to promote PFAW was completed and distributed to local Georgia TV stations and newspapers. The Georgia Prescribed Fire Council (GPFC) reserved the south wing of the Georgia Capitol to

display prescribed fire exhibits. GPFC also reserved tables for participating organizations to include: US Forest Service, National Park Service, US Fish and Wildlife Service (USFWS), The Nature Conservancy, the Georgia Department of Natural Resources (GADNR), the Georgia Forestry Commission and others. GPFC partners are planning prescribed fire demonstrations for public observation. SREO will provide representation at the proclamation signing to show DoD support of prescribed burns.

Conferences and Training

EVENT	DATE & LOCATION	DETAILS
USACE 2008 PROSPECT Training	Various Dates and Locations	The Proponent-Sponsored Engineer Corps Training (PROSPECT) Program provides job-related training through technical, professional, managerial, and leadership courses to meet the unique needs of USEACE and other government agencies. The course catalog for the PROSPECT Program, the Purple Book, lists over 200 courses that cover a wide variety of topics supporting the missions of USACE. The courses are available to federal, state or local government employees. Contact: Sandi Zebrowski, USACE, (402) 697-2562.
Naval Civil Engineer Corps Officers School (CECOS)	Various Dates and Locations	During FY08, CECOS will offer 57 different courses with 260 individual course offerings. CECOS Mobile Training Teams throughout the world will conduct over 80% of these offerings.
Continuing Education Environmental, Safety & Health Workshops	Various Dates Locations throughout NC	NC State University is offering various environmental courses during 2008 to include HAZWOPPER, Hazardous Waste Management, Hazardous Materials Transportation, and more.
2008 Sustainable Water Sources: Conservation and Resources Planning Conference and Exposition	February 10-13 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	March 4 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.

Conferences and Training

EVENT	DATE & LOCATION	DETAILS
<u>Radiation Safety: Practical Applications - Day 2</u>	March 5 undetermined location	The course is designed to provide participants with hands-on use of radiation detection instruments and the basic principles of radiological controls. It is intended for environmental professionals who require skills necessary to detect the presence of radioactive materials, and perform radiation and contamination surveys in order to evaluate and control radiological hazards.
<u>Radiation Safety: Advanced For Environmental Professionals - Day 3</u>	March 6, 2008 undetermined location	The advanced level course is designed for On-Scene Coordinators, Remedial Project Managers, and other supervisory environmental professionals involved in investigation, assessment, and evaluation of radiologically contaminated sites. It is intended to provide training to experienced environmental professionals responsible for regulatory compliance so as to protect site workers and the general public, and those who assess and evaluate site radiological conditions. The EPA's Environmental Response Team (ERT) radiation response capabilities will be discussed.
<u>GeoCongress 2008: The Challenge of Sustainability in the Geoenvironment</u>	March 9-12 New Orleans, LA	Conference themes include, but are not limited to: sustainability, geo-hazard mitigation, waste management, and site assessment and remediation.
<u>Greenprints 2008: Sustainable Communities by Design</u>	March 13-14 Atlanta, GA	The conference attracts practitioners, policy makers, building owners and concerned citizens interested in the exploration of better ways to link planning, architecture, construction and use of natural resources. Greenprints is the place where building science and design professionals come to learn, share and network with other professionals in a stimulating, interdisciplinary environment.
<u>Cleaner Sustainable Industrial Materials & Processes Workshop: DoD's New Challenges...</u>	March 17-20 Coronado, CA	The workshop covers what is being done and what remains to be done to reduce use of potential harmful substances in the workplace, conserve energy, reduce GHG emissions, and minimize cost of maintaining military material by utilizing environmentally compatible approaches to combat corrosion.
<u>Everything You Wanted to Know About Tanks but Were Afraid to Ask: A Workshop for Federal Facilities</u>	March 20-21 Atlanta, GA	The workshop is aimed at federal facilities that operate under- or above-ground tanks. Two instructors will cover the basics of environmental compliance, to include review of additional requirements from the recent updates of SPCC regulations and guidance from EPA. This is not a tanks operator class, which some states will be requiring for UST operators. More time is spent on UST than AST requirements. Registration confirmations will be emailed during the first quarter of calendar 2008, along with a near final agenda, and logistics.
<u>2008 AFCEE Technology Transfer Workshop</u>	March 25-28 San Antonio, TX	The workshop will present ideas, success stories, case histories, current trends, and technologies resulting in solutions for environmental restoration.
<u>2008 National Military Fish and Wildlife Association Annual Meeting</u>	March 25-28 Phoenix, AZ	The workshop and conference may be the only opportunity in 2008 for DoD natural resource managers to meet with counterparts from the USFWS and State fish and wildlife agencies. The conference is an opportunity to promote cooperative conservation partnerships to enhance integration of DoD natural resource plans and state wildlife action plans, and to identify opportunities for future projects that support DoD needs.
<u>2008 Southeast Land Trust Conference</u>	March 27-29 Montreat, NC	Multiple sessions will be offered to include those on: public policies and conservation financing in Southeastern states; managing forests on conserved lands; partnerships for stream and watershed protection; biodiversity resource protection; wetlands mitigation and banking; broadening diversity of membership and community support; workshops on key standards and practices in operating land conservation programs; and preparing for accreditation.

Conferences and Training

EVENT	DATE & LOCATION	DETAILS
<u>2008 Groundwater Summit</u>	March 30-April 3 Memphis, TN	The summit engages local, national, and international science partners in a setting that facilitates the exchange and dissemination of technical information and new science developments; allows a means for discussion of policy and regulatory issues pertaining to ground water; and promotes goodwill between scientists and engineers worldwide. Sessions cover a wide range of topics so recent issues and advances in ground water science, technology, and policy can come to the forefront.
<u>The Climate Policy Puzzle: Putting the Pieces Together</u>	April 2-3 Arlington, VA	As policies develop in the US and around the world, many questions are surfacing in regard to GHG policy and programs. The conference will provide a neutral forum for stakeholders to examine these issues and others, and conduct meaningful discussions about solutions.
<u>Waste-to-Fuels</u>	April 6-8 Orlando, FL	The conference will provide a forum for informing the public and private sectors of the economic and environmental benefits of converting waste materials to alternative fuels such as biodiesel and ethanol as well as energy recovery. Attendees will have excellent networking opportunities and a chance to visit with exhibitors to preview the newest advances in alternative fuel production products and services.
<u>Energy & Responsibility: A Conference on Ethics and the Environment</u>	April 10-12 Knoxville, TN	Ethicists, legal theorists, energy policy makers, energy entrepreneurs, and environmental activists are invited to engage in a conversation about ethics and responsibility in the contested terrain of energy and the environment.
<u>Environmental Council of States (ECOS)</u>	April 14-16 New Orleans, LA	ECOS is the national non-profit, non-partisan association of state and territorial environmental agency leaders that strives to improve the capability of state environmental agencies and leaders to protect and improve human health and the environment of the US. ECOS plays a critical role in facilitating a quality relationship between federal and state agencies in the fulfillment of that mission. The spring meeting is now open to all attendees.
<u>Introductory Risk Assessment Guidance for Superfund</u>	April 29 - May 1 undetermined location	The course provides participants with the fundamentals of human health and ecological risk assessment as applied to the Superfund cleanup process. It presents an introduction to the Superfund risk assessment process to project managers, on-scene coordinators, and risk assessment reviewers working at hazardous waste sites or treatment, storage and disposal facilities. The course is intended for personnel who have little prior knowledge of risk assessment guidance and is not designed for risk assessors.
<u>Joint Services Environmental Management Training Conference & Exposition (JSEM)</u>	May 5-8 Denver, CO	JSEM 2008 will highlight the many new and innovative ways DoD, other federal agencies, states, the defense industry, and partners are transforming to meet today's challenges to continually re-shape and re-size installations' frameworks to align with operational requirements. The conference will address a wide range of perspectives, including policy, implementation, best management practices, data management, and technology.
<u>Roadmap to Revitalization: The National Brownfields Conference</u>	May 5-7 Detroit, MI	The conference is the largest, most comprehensive conference focused on cleaning up and redeveloping abandoned, underutilized, and potentially contaminated properties in the nation. Registration is free.
<u>National Environmental Partnership Summit 2008</u>	May 19-22 Baltimore, MD	This year's theme, "Accelerating Environmental Performance: Pathways to Action," reflects the commitment to provide concrete examples of environmental leadership attained by businesses and government programs. The conference will offer Track Topics on: environmental assistance; results in research and technology; measurement, metrics and indicators of environmental performance; energy reduction tools and techniques; sustainable consumption; greening your business; policy and legislation; behavioral change and information outreach; and climate change success stories.

Conferences and Training

EVENT	DATE & LOCATION	DETAILS
7th Annual Federal Environmental Symposium - East	June 2-4 Bethesda, MD	The symposium will focus on meeting the goals of Executive Order 13423, while expanding into additional areas of interest and concern. A call for papers will begin early January 2008. Registration is free.
Summer Institute in Coastal Management	June 9-27	The Coastal Resources Center offers a three week-long intensive training course for a diverse range of individuals who share the common goal of trying to improve the management of the world's coasts. Past participants have included coastal management practitioners, policymakers, government officials, scientists, community organizers, members of nongovernmental organizations, and university faculty or students.
101st Annual Air and Waste Management Conference and Exhibition	June 24-27 Portland, OR	With over 100 years of experience in environmental leadership, the Air & Waste Management Association (AWMA) is in a unique position to provide the environmental community with an open forum to address today's global environmental challenges.
USEPA Online RCRA Training	Online	The site consolidates RCRA-related online courses, seminars, webinars, podcasts, and videos posted throughout USEPA's wates website. Introductory and more advanced courses are included for federal and state regulators, the regulated community, organizations, associations, and consumers interested in environmental laws and regulations and their implementation.
USEPA Online EMS Training Course	Online	The course provides an overview of how environmental management systems (EMS) can support facility programs. It takes about one hour to complete.
NC State's Industrial Extension Service (IES)	Online	The website describes extensive products and services for continuing education; industrial and solar energy; environmental, safety, and health management; lean enterprise; construction; and quality.

Announcements

USEPA SIGNIFICANT DOCUMENTS. (01/02/08) USEPA posted a website listing USEPA's significant guidance documents, as required by the Office of Management and Budget's (OMB) "Final Bulletin for Agency Good Guidance Practices:" <http://www.whitehouse.gov/omb/memoranda/fy2007/m07-07.pdf>. The OMB bulletin requires that guidance documents be developed with appropriate review and public participation, and that guidance not be improperly treated as legally binding requirements. Guidance documents posted on USEPA's site are available for downloading, and are open for comment. Generally, USEPA is accepting comment for a two year period from the posted document date. Most documents were posted during fall, 2007. The guidance documents website is part of a broader USEPA site intended to increase access to regulations and the regulatory process: <http://www.epa.gov/lawsregs/>.

DoD CHEMICAL DEMILITARIZATION PROGRAM. (01/15/08, [GAO-08-134](#)) The Government Accountability Office (GAO) issued a report assessing actions taken by DoD and the Army to address prior recommendations to strengthen the Chemical Demilitarization Program management. DoD designated the Chemical Demilitarization Program as a major acquisition program. From 1998 through 2005, the total program cost estimates increased by 113%, which caused the program to breach approved program baselines in 2001 and 2005. As a result, the program was required to certify to Congress in each instance that new cost estimates were reasonable and that the management structure was adequate to manage and control costs. Actions taken since GAO's last report include establishing an overall strategy and supporting implementation plan, but some key elements, such as annual performance measures for some key goals, are not fully developed. Actions taken to identify and mitigate the risk of future program schedule extensions and cost growth have not been effective because the Chemical Materials Agency's risk management process has not been fully developed or integrated with DoD's risk management process. As a result, managers lack an integrated and systematic approach to evaluate and manage risk. GAO recommendations include: develop interim destruction goals, approaches, and milestones; establish time frames to complete its risk management approach; develop realistic schedule and closure cost estimates; finalize and independently review cost estimates; and determine whether greater emphasis can be

placed on schedule and cost, and develop more objective award fee performance evaluation criteria. DOD concurred or partially concurred with 12 of GAO's 13 recommendations. For further information: Davi D'Agostino at (202) 512-5431 or dagostinod@gao.gov.

Studies and Reports

LID. (01/10/08) USEPA released a guidance document on Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices. The document summarizes 17 case studies including residential and commercial projects, includes limited cost information, and references further details about case studies where available. The document is available at <http://www.epa.gov/owow/nps/lid/costs07/documents/reducingstormwatercosts.pdf>. Additional information on low impact development is available at <http://www.epa.gov/nps/lid/>.

Federal Notices and Rulemaking

Clean Air Act (CAA)

GENERAL CONFORMITY. (01/08/08, [73 FR 1401](#)) USEPA proposed revisions to CAA "general conformity" requirement that requires federal actions conform to appropriate state, tribal or federal implementation plans for attaining clean air. Several proposed revisions encourage federal agencies and states or tribes to take actions in advance of the project environmental review, as such action would speed the review process for individual projects. Proposed revisions include: clarifications, streamlining, and administrative changes; provide transition tools for implementing new standards. Revisions include innovative and flexible approaches that would: allow for a voluntary facility-wide emission budget approach, where federal agencies, in anticipation of future major actions, could negotiate a facility-wide emission budget; incorporate early emission reduction credits into regulations (provides similar framework to provisions of the Airport Early Emission Reduction (AERC) guidance); allow, with certain limitations, emission of one precursor of a criteria pollutant to be mitigated or offset by reduction in emissions of another precursor of that pollutant; and allow alternate schedules for mitigating emissions increases that would accommodate short-term increases in emissions if there is a substantial long-term reduction in emissions. Comments are due 03/10/08. For further information: Thomas Coda, Office of Air Quality Planning and Standards, EPA, (919) 541-3037, coda.tom@epa.gov.

SURFACE COATING AND PAINT STRIPPING. (01/09/08, [73 FR 1737](#)) USEPA finalized NESHAPs for area sources engaged in paint stripping, surface coating of motor vehicles and mobile equipment, and miscellaneous surface coating operations. USEPA listed "Paint Stripping," "Plastic Parts and Products (Surface Coating)," and "Autobody Refinishing Paint Shops" as area sources HAPs under the Integrated Urban Air Toxics Strategy. The rule includes emissions standards that reflect generally available control technology or management practices in each area source category. "Plastic Parts and Products (Surface Coating)" was renamed "Miscellaneous Surface Coating," and "Autobody Refinishing Paint Shops" was renamed "Motor Vehicle and Mobile Equipment Surface Coating" to more accurately reflect the scope of the source categories. The rule does not apply to the following: surface coating or paint stripping performed on site at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State), the National Aeronautics and Space Administration, or the National Nuclear Security Administration; surface coating or paint stripping of military munitions, manufactured by or for the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State) or equipment directly and exclusively used for the purposes of transporting military munitions; surface coating or paint stripping performed by individuals on personal vehicles, possessions, or property, either as a hobby or for maintenance; surface coating or paint stripping that meets the definition of "research and laboratory activities" or "quality control activities;" and surface coating or paint stripping activities covered under another area source NESHAP. For further information: Warren Johnson, Office of Air Quality Planning and Standards, EPA, Research Triangle Park, NC, (919) 541-5124, Johnson.warren@epa.gov.

INTERNAL COMBUSTION ENGINES. (01/18/08, [73 FR 3567](#)) USEPA finalized new source performance standards (NSPS) for all stationary spark ignition internal combustion engines (SI ICE) and amended the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for stationary reciprocating internal combustion engine (RICE) units (both SI ICE and compression ignition (CI) ICE) to include those that have a site rating of less than or equal to 500 brake horsepower and to expand the rule to cover units of all ratings located at facilities that are "area sources" of HAP. NSPS and NESHAP exempt area sources from Title V permitting unless the facility requires a permit for another reason. Both rules emphasize that they are not applicable to engines being tested at an engine test cell/stand. NSPS would apply to owners and operators of all stationary SI ICE that commence modification or reconstruction after 06/12/06, and to owners and

operators of the following stationary SI ICE that commence construction after 06/12/06: engines with a maximum engine power <500 HP and non-emergency lean burn engines with a maximum engine power between 500 horsepower (HP) and 1350 HP manufactured on or after 01/01/08; other non-emergency engines with a maximum engine power of 500 or greater manufactured on or after 07/01/07; and emergency engines with a maximum engine power >25 HP manufactured on or after 01/01/09. For further information: Jaime Pagan, Energy Strategies Group, Sector Policies and Programs Division, EPA, Research Triangle Park, NC, (919) 541-5340, pagan.jaime@epa.gov.

Climate Change and Energy

ALTERNATE USE ON THE OUTER CONTINENTAL SHELF. (01/10/08, [73 FR 1894](#)) The Minerals Management Service (MMS) released a ROD for establishment of an alternative energy and alternate use (AEAU) program on the Outer Continental Shelf (OCS). The decision establishes an AEAU program for issuance of leases, easements and rights-of-way for alternative energy activities and alternate use of structures on the OCS, and promulgation of regulations to govern the program. MMS may authorize individual projects on a case-by-case basis before promulgation of the final rule. Examples of the general types of alternative energy project activities that MMS has discretion to authorize may include, but are not limited to: wind, wave, ocean current and solar energies, and hydrogen production. The ROD was signed 12/21/07, and is available at: <http://ocsenergy.anl.gov/news/index.cfm#rod>. For further information: Maureen Bornholdt, Alternative Energy and Alternate Use Program, Herndon, VA, (703) 787-1300.

FLUORESCENT LAMPS. (01/22/08, [73 FR 3653](#)) The Department of Energy (DOE) is considering amending energy conservation standards for certain fluorescent lamp ballasts, and applying energy conservation standards to additional fluorescent lamp ballasts. DOE will hold a meeting 02/06/08 in Washington, DC to discuss its planned analytical approach and issues it will address. DOE prepared a Framework Document that details the analytical approach and identifies several issues in which DOE is particularly interested in receiving comment: http://www.eere.energy.gov/buildings/appliance_standards/residential/fluorescent_lamp_ballasts.html. In a separate rulemaking proceeding, DOE plans to review amendments to test procedures for determining fluorescent lamp ballast performance. DOE is requesting preliminary comments on the fluorescent lamp ballast test procedure in the Framework Document. Comments are due by 03/07/08. For further information: Linda Graves, DOE, Office of Energy Efficiency and Renewable Energy, (202) 586-8654, Linda.Graves@ee.doe.gov.

Natural Resources

5-YEAR REVIEWS. (01/23/08, [73 FR 3991](#)) The US Fish and Wildlife Service (USFWS) initiated 5-year reviews of 10 listed species located on the east coast. Endangered species include: Peter's Mountain mallow (*Iliamna corei*), Jesup's milk-vetch (*Astragalus robbinsii* var. *jesupi*), James spinymussel (*Pleurobema collina*), sandplain gerardia (*Agalinis acuta*), harperella (*Ptilimnium nodosum*), Shenandoah salamander (*Plethodon shenandoah*), American chaffseed (*Schwalbea americana*), and rough rabbitsfoot (*Quadrula cylindrica strigillata*). Threatened species include: Northeastern beach tiger beetle (*Cicindela dorsalis dorsalis*), and Virginia spiraea (*Spiraea virginiana*). USFWS requests new information regarding these species that may have bearing on classification as endangered or threatened. Comments are due by 03/24/08. For further information: Mary Parkin, U.S. Fish and Wildlife Service, Northeast Region, (413) 253-8617 or (617) 876-6173, mary_parkin@fws.gov.

National Environmental Policy Act (NEPA)

ARMY GROWTH AND REALIGNMENT. (01/07/08, [73 FR 1206](#)) The Army issued a Record of Decision (ROD) for Army Growth and Force Structure Realignment within the continental US. The decision will result in a total growth in Army forces by approximately 74,200 Soldiers. The Army will proceed with the preferred alternative, Alternative Three, identified in the Final Programmatic Environmental Impact Statement (EIS) that best supports Army Modular Transformation; implements Global Defense Posture Realignment decisions; adds necessary Combat Support and Combat Service Support Soldiers to the Active and Reserve components of the Army; and grows the Army by six Active component Brigade Combat Teams and 15 Active and Reserve component support brigades. The PEIS analysis was used to relocate a Maneuver Enhancement Brigade headquarters and two Heavy Brigade Combat Teams (HBCTs). The HBCTs will be activated in Germany and retained until FY12 and FY13 before returning to the US. A copy of the ROD and Final PEIS are available at <http://www.aec.army.mil>. For further information: Public Affairs Office, (410) 436-2556.

Toxic Substances Control Act (TSCA)

NATIONAL LEAD LABORATORY ACCREDITATION PROGRAM (NLLAP). (01/23/08, [73 FR 3967](#)) USEPA revised NLLAP in the document titled "Laboratory Quality System Requirements (LQSR) Revision 3.0" dated 07/05/07. Revisions include the expansion of NLLAP to cover: lead laboratory analysis programs that conduct lead analysis for the field (Field Sampling and Measurement Organizations), and revised training requirements for laboratory personnel. Changes to NLLAP encourage recognition of all lead testing service providers and bring NLLAP into compliance with current consensus standards. LQSR 3.0 will be phased in over the next 18 months to become effective 07/23/09. To be recognized by NLLAP, laboratories and accreditation organizations that currently administer NLLAP may comply with LQSR 2.0 requirements dated 08/01/96, or LQSR 3.0 dated 07/05/07. After 07/23/09, all NLLAP recognized organizations must implement and comply with LQSR 3.0 requirements. LQSR 3.0 is available at <http://www.epa.gov/lead/pubs/lqsr3.pdf>. For further information: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division, Office of Pollution Prevention and Toxics, EPA, Washington, DC, (202) 554-1404, TSCA-Hotline@epa.gov.

State Laws and Rulemaking

Alabama

Proposed Rules



TOXIC POLLUTANT CRITERIA. (Ala. Admin. Code r. 335-6-10-.07, 335-6-11-.01) The Alabama Department of Environmental Management (ADEM) proposed amendments to rules concerning toxic pollutant criteria applicable to state waters and the use classification system. Amendments would add a relative source contribution factor to equations used to calculate human health criteria for non-carcinogenic pollutants; change the cancer risk factor from 1×10^{-5} to 1×10^{-6} , except for arsenic; and clarify ADEM's process for reviewing and changing assigned use classifications for any usage with an associated degree of quality considered less than that of the "fish and wildlife" classification. The Environmental Management Commission (EMC) approved a motion to proceed with rulemaking for the cancer risk factor 12/14/07. Public notice will be published in the Alabama Administrative Monthly in January or February 2008. Public hearing will be held and comments will be accepted until 03/19/08. Amendments will be presented to EMC for adoption in April or June 2008.

Notice of Public Hearing for Proposed Amendments: <http://www.adem.state.al.us/PubHearings/Div6/Div610-11.doc>

Proposed Amendments: <http://www.adem.state.al.us/PubHearings/Div6/335-6-10-11108.pdf>

Contact: Lynn Sisk (334) 271-7826.

TOXIC POLLUTANT CRITERIA. (Ala. Admin. Code Chapter 335-6-10, Appendix A) ADEM is discussing amendments to reference dose values for acrolein and phenol to change the values from the National Recommended Water Quality Criteria (NRWQC) values to the Integrated Risk Information System (IRIS) values. ADEM IRIS values except where ADEM, in conjunction with the Department of Public Health, decides to use another value. Current values for acrolein and phenol are NRWQC values. ADEM was petitioned to amend the values from the NRWQC values to the IRIS values. At a 12/14/07 meeting, EMC tabled possible rulemaking until April 2008. ADEM may present information regarding reference dose values to EMC in February 2008. If the rulemaking is authorized in April 2008, a public notice will be published in spring or summer 2008, and the amendments will be adopted in fall 2008.

Ala. Admin. Code Chapter 335-6-10: <http://www.alabamaadministrativecode.state.al.us/docs/adem/MWrd6ADEM10.pdf>

Contact: Lynn Sisk (334) 271-7826.

USTs. ADEM will propose amendments to Underground Storage Tank (UST) regulations to comply with the UST Compliance Act (USTCA) of EPACT. ADEM is drafting amendments to adopt delivery prohibition requirements. ADEM plans to hold a public hearing in early 2008, and to adopt regulations 03/25/08.

USEPA's UST Provisions of EPACT Website (includes guidelines): http://www.epa.gov/OUST/fedlaws/epact_05.htm

Contact: Craig Hodes (334) 271-7823.

NPDES. (AL Admin. Code Ch. 335-6-12) ADEM requested comments on the National Pollutant Discharge Elimination System (NPDES) rules for construction sites, small noncoal/nonmetallurgical mining and dry processing sites, and other land disturbing activities. ADEM requested comments concerning the content of, implementation of, and compliance with the

rules. After the comment period closes, ADEM will review comments and determine whether it will propose rule amendments. 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 regarding response to comments and decision on whether they will propose rule amendments. 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.

NPDES. (Ala. Admin. Code r. 335-6-6-.02, 335-6-6-.14, 335-6-6-.16) ADEM proposed amendments to NPDES regulations that would add definitions; update references to federal regulations and recognize established Total Maximum Daily Loads (TMDLs); and provide permit schedules of compliance in the event that a new water quality standard is adopted or a new TMDL is established. ADEM will hold public hearings 03/06/08 and 03/19/08. The second public hearing date was scheduled because a newspaper notice was omitted from a regional newspaper. Written comments will be accepted until 03/07/08.

Notice of Proposed Amendments: <http://www.adem.state.al.us/PubHearings/Div6/Div66.doc>

Proposed Amendments: <http://www.adem.state.al.us/PubHearings/Div6/335-6-6SumRea108.pdf>

Contact: Molly Tatum (334) 394-4360.

HAZARDOUS WASTE. (Division 14) ADEM proposed amendments to hazardous waste program regulations to reflect changes to federal regulations. Amendments would add requirements for maintaining waste minimization plans, reporting exceptions, and documenting the amount of hazardous waste generated each month. Amendments would clarify language and correct errors. ADEM published a notice of public hearing for the proposed amendments. A public hearing will be held 02/06/08 and written comments will be accepted until 02/07/08.

Notice of Public Hearing: <http://www.adem.state.al.us/PublicNotice/Dec/Div14.htm>

Summary of Reasons/Changes Proposed for Division 14:

<http://www.adem.state.al.us/PublicNotice/Dec/SummaryRevisions.pdf>

Proposed Amendments: <http://www.adem.state.al.us/PublicNotice/Dec/ADEMAAdminCodediv335-14proposedrev.pdf>

Contact: Molly Tatum (334) 394-4360.

UST DELIVERY PROHIBITION. (Chapter 335-6-15) ADEM proposed amendments to UST regulations to comply with USTCA of EPACT and make other necessary updates to regulations. ADEM drafted amendments and published a notice of the proposed amendments 11/30/07. Public hearing was held, and written comments were due 01/04/08. ADEM plans to adopt the amendments 03/25/08.

USEPA's UST Provisions of EPACT Website (includes guidelines): http://www.epa.gov/OUST/fedlaws/epact_05.htm

Notice of Intended Action, Alabama Administrative Monthly (AAM) 11/30/07:

<http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-NOV-07/335-6-15-.02-.46.pdf>

Notice of Public Hearing and Proposed Amendments: <http://adem.alabama.gov/PublicNotice/Nov/11Div6.htm>

Summary of Reasons: <http://www.adem.state.al.us/PubHearings/Div6/SumReasonsDelProh2007.pdf>

Proposed Amendments:

<http://adem.alabama.gov/PubHearings/Div6/ADEM%20Regs-UST%20Div%2015%20Del%20Proh%20FINAL%20DRAFT.pdf>

Contact: Craig Hodes (334) 271-7823.

NEW SOURCE REVIEW REFORM. (335-3-14-.02, 335-3-14-.03, and 335-3-14-.04) ADEM amended rules regarding the air pollution control program to align regulations with USEPA's New Source Review (NSR) regulations published in December 2002; take into account recent court rulings regarding NSR regulations; and allow USEPA to delegate administrative enforcement of these regulations to ADEM. Note that Chapter 335-3-14 is part of the federally enforceable State Implementation Plan (SIP); thus, revisions to the Chapter will be incorporated into Alabama's SIP. A decision: *State of New York et al. vs. USEPA* (D.C. Cir. 2005), by the US Court of Appeals for the District of Columbia, held that two aspects of USEPA's 2002 rule (67 FR 80189) rest on an impermissible interpretation of CAA and that a third aspect was arbitrary and capricious. The court notes that USEPA erred in adopting the Clean Unit Applicability Test that measures emissions increases by investigating whether "emissions limitations" have changed. According to Congress, USEPA should measure emission increases in terms of changes in actual emissions. USEPA cannot exempt from NSR, certain Pollution Control Projects (PCPs) that decrease some pollutant emissions, but cause collateral increases of others. The court states that USEPA's action that allow sources making changes to not keep emissions records if they see no reasonable possibility constitute modifications for NSR purposes. Revised draft regulations were

submitted to USEPA for review before formal rulemaking process began. ADEM sought USEPA's input to determine if draft regulations address issues raised in the recent court decision. ADEM anticipated beginning the formal rulemaking process in early 2006, and a public hearing was held 04/05/06. ADEM accepted written comments until 04/07/06, and EMC reviewed and adopted amendments at the 06/02/06 public meeting. Adopted amendments became effective in the state 07/10/06. ADEM submitted the SIP revision to USEPA 06/16/06, and USEPA published a notice of the proposed rule to approve the SIP revision. As requested by the state 12/03/07, USEPA is not acting on a proposed revision found in Rule 335-3-14-.04(2)(w)1 that would establish a significance threshold for NSR regulated pollutants for which there are no listed significance thresholds. Written comments are due 02/25/08.

Department's Notice of Intended Action:

<http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-FEB-06/adem%203-14.pdf>

EMC Public Meeting Minutes June 2006:

<http://www.adem.state.al.us/EMCInformation/Minutes/6-2-06DRAFTMINUTES.pdf>

USEPA's Notice of Proposed Rule:

<http://a257.g.akamaitech.net/7/257/2422/01jan20081800/edocket.access.gpo.gov/2008/E8-1181.htm>

Contact: Chris Howard (334) 271-7878.

REGIONAL HAZE SIP. ADEM worked with Visibility Improvement State and Tribal Association of the Southeast (VISTAS) to complete the modeling required for Best Available Retrofit Technology (BART) revisions to the SIP, and drafted a Regional Haze SIP. Modeling required for BART revisions was completed through VISTAS. ADEM anticipated that the SIP would be published for public comment in September or October 2007. ADEM's interpretation of the rules gave them authority to administer the BART program under the Regional Haze Rule. ADEM completed review of BART-eligible and BART-subject sources in the state. ADEM drafted a Regional Haze SIP and submitted it to USEPA in November 2007 for preliminary review. ADEM received comments from the USEPA, and is revising the SIP. ADEM plans to publish the SIP for public comment in late January or early February 2008, and to submit the plan to USEPA by April 2008.

VISTAS Program Information: <http://www.vistas-sesarm.org/>

Alabama Draft List of BART-Eligible Sources: http://www.vistas-sesarm.org/documents/BART/AL_Apr2006.pdf

Jefferson County, Alabama Draft List of BART-Eligible Sources:

http://www.vistas-sesarm.org/documents/BART/JeffCo_Apr2006.pdf

Draft SIP Narrative: <ftp://adem.state.al.us/Regional%20Haze%20SIP/Final/Draft%20SIPNarrative.pdf>

Contact: Ms. Leigh Barb Bacon (334) 270-5689.

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 published a notice of the proposed rules in September 2007, and held a comment meeting 01/10/2008. Revised rules should be posted in Feb 2008, and the final rule is expected in March 2008.

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.

STORMWATER. (FAC, Chapters 40E-4 and 62-347) FLDEP is developing a new chapter to update stormwater quality treatment design and performance standards for surface water management systems, with emphasis on standards that

will reduce nutrients. The stormwater quality treatment design and performance standards will reflect new research on design and performance standards. The unified stormwater rule will provide a consistent process to ensure appropriate water quality criteria are used for stormwater runoff from new developments, and will apply to new systems. The following policy issues are being considered during the rulemaking: statewide consistency; pre-development conditions; urban redevelopment treatment requirements; standardized permitting thresholds; revisions to FAC Chapter 62-40 performance standards; and reclaimed water in stormwater ponds. FLDEP developed a conceptual rule for June through September 2007. FLDEP released the following timeline (subject to change): form a Technical Advisory Committee (TAC) January 2008; hold TAC workshops March through September 2008; hold rule development workshops October through September 2008; and submit rule for Secretary approval May 2009. Under this timeline, the rule will become effective July 2009. Contact: Alice Heathcock (850) 245-8483.

WATER CONSERVATION PLAN. (No Citation) The South Florida Water Management District's Governing Board authorized a water conservation summit, hosted by the Water Resources Advisory Commission, for developing a water conservation program for South Florida. The program may include regulatory, voluntary, incentive-based, and educational components for addressing water supply issues. A broad range of water use stakeholders will provide input toward formulating and implementing the program. The Water Conservation Stakeholder Group held a public meeting 12/17/07, and will hold additional public meetings 01/28/08, 02/28/08, and 03/28/08. The recommendations of the group will be presented to the Water Resources Advisory Commission (WRAC) for review. The final report will be presented to the Governing Board in April 2008.

Water Conservation Summit:

https://my.sfwmd.gov/portal/page?_pageid=3034,20240111,3034_20194619&_dad=portal&_schema=PORTAL

Notice of Meeting 12/17/07, Florida Administrative Weekly 12/07/07:

<https://www.flrules.org/gateway/readFile.asp?sid=6&tid=4956620&type=1&File=40E.doc>

Contact: (561) 682-6262 Reagan Walker.

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. The rule will require a reduction of emissions to 2000 levels by 2017, to 1990 levels by 2025, and to 20% of 1990 levels by 2050. FLDEP held a workshop 08/22/07, where FLDEP accepted comments, but did not provide rule proposals. The workshop presentation is available on the rulemaking information webpage. Comments were due 09/21/07. The Department held a workshop 12/05/07, and the workshop presentation is available on the rulemaking information webpage. Comments were due 01/31/08.

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 held a workshop 12/05/07, where FLDEP identified the options it is considering. Comments were due 01/31/08. A draft rule is not available.

Workshop presentation: http://www.dep.state.fl.us/air/rules/specialprojects/global_chng/heavy_duty.htm

Contact: Sandy Bowman (850) 921-9583.

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 held a workshop 12/05/07, and the workshop presentation is available on the rulemaking information webpage. Comments were due 01/31/08.

Rulemaking Information: http://www.dep.state.fl.us/Air/rules/specialprojects/global_chng/california.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.

WATER SHORTAGE PLAN. (FAC, Rules 40D-21.231, 40D-21.331, and 40D-21.441). The South Florida Water Management District (SFWMD) amended rules concerning water shortages to address submittal documentation for, and effect of, an approved Water Shortage Mitigation Plan (WSMP). Amendments clarify submittal documentation for a WSMP, and the effect on SFWMD's authority under its WSMP and water use permits when they approve a variance or waiver to their Water Shortage Plan based on a WSMP. Amendments require SFWMD to consider approved WSMPs when determining whether to declare a water shortage or water shortage emergency. SFWMD published a notice of the rule development in the FAW 11/02/07, and a notice of the proposed rules in the 11/09/07 Florida Administrative Weekly. SFWMD amended the rules, and they became effective 01/08/08.

Final Rule 40D-21.231: <https://www.flrules.org/gateway/readFile.asp?sid=0&type=1&tid=5074766&file=40D-21.231.doc>

Final Rule 40D-21.331: <https://www.flrules.org/gateway/readFile.asp?sid=0&type=1&tid=5074863&file=40D-21.331.doc>

Final Rule 40D-21.441: <https://www.flrules.org/gateway/readFile.asp?sid=0&type=1&tid=5074960&file=40D-21.441.doc>

Contact: Karen Lloyd (352)796-7211, ext. 4651.

GOPHER TORTOISE UPDATE. (Not Yet Available) The Florida Fish and Wildlife Conservation Commission (FLWCC) is discussing guidelines for the permitting process associated with the Gopher Tortoise Management Plan. FLWCC approved the plan and rules to reclassify the gopher tortoise from the species of special concern list to the threatened species list in September 2007. FLWCC is developing guidelines for the permitting process. Draft guidelines were published on the FLWCC website 01/16/07. A public meeting was held 01/25/08 to receive public input. Written comments will be accepted until 02/08/08. FLDEP plans to present draft guidelines to the FLWCC for final approval at a meeting in April 2008.

Notice of Public Meeting 01/25/08, Florida Administrative Weekly 12/14/07:

<https://www.flrules.org/gateway/readFile.asp?sid=6&tid=4984071&type=1&File=68A.doc>

Gopher Tortoise Management Plan: <http://myfwc.com/imperiledspecies/pdf/GT-Mgmt-Plan.pdf>

Contact: Deborah Burr (850) 488-6411.

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 workshop. The comments are being reviewed.

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>

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

Contact: Adrienne Walker (850) 245-2002.

Georgia

Proposed Rules



USTCA. GADNR will amend UST program regulations to adopt USTCA. USEPA released inspection guidelines 04/24/07; delivery prohibition guidelines 08/07/06; secondary containment guidelines 11/15/06; and operator training guidelines 08/08/07. GADNR will amend regulations to comply with secondary containment and operator training guidelines, but will not amend regulations to comply with delivery prohibition and inspection guidelines since regulations already comply

with those guidelines. GADNR drafted amendments and presented for approval to BNR. BNR approved draft amendments. GADNR published amendments 09/28/07; held a hearing 10/30/07, and comments were due 11/13/07. GADNR received a comment regarding the applicability of amendments to secondary containment and interstitial monitoring of USTs and associated piping used for emergency power generation, currently deferred from leak detection requirements. The amendment language at 391-3-15-.07(3) was revised to specifically include USTs and associated piping used for emergency power generation in new requirements. Another public hearing was held 01/11/08, and written comments were accepted until 01/25/08. GADNR will review proposed amendments for adoption 02/27/08.

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

Notice of Public Hearing and Proposed Amendments: <http://www.gaepd.org/envirnet/15/notice.pdf>

Synopsis of Proposed Amendments: <http://www.gaepd.org/envirnet/15/synopsis.pdf>

Proposed Amendments: <http://www.gaepd.org/envirnet/15/amendments.pdf>

Response to Comments: http://www.gaepd.org/envirnet/15/20071116_response.pdf

Contact: Richard Swanson (404) 362-2687.

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 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 02/28/07 public meeting, 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 CAIR Federal Implementation Plan requirements. CAIR permit applications for annual NO_x and SO₂ programs are due December 2008. 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/envirnet/1/cair_notice.pdf

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

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

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

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

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

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

Contact: James Kelly (404) 363-7000.

STATEWIDE WATER MANAGEMENT PLAN. GAEPD is developing its 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, is 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 as such and clarified 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 Senate and the House adopted resolutions to ratify the plan 01/18/08. After the House

adopted its resolution, a notice to reconsider the resolution was made. It is expected that a motion to reconsider the resolution will be made 01/28/08. Either the House or the Senate must approve the other chamber's version before the resolution can be submitted to Governor Perdue (R).

Comprehensive Statewide Water Management Planning Act:

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

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

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

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

Legislation



GHG EMISSIONS, HB 271. The bill would adopt the Low Emission Vehicle (LEV II) emissions program; would provide for administrative regulations to implement LEV II standards for passenger cars, light-duty trucks, and medium-duty passenger duty vehicles; and would allow the Transportation Cabinet to amend rules from time to time to maintain consistency with LEV II motor vehicle emission standards. HB 71 provides that the vehicle emissions standards would only apply to new motor vehicles from model year 2011 and forward. No dealer or other person could deliver for sale, offer for sale, sell, import, deliver, purchase, rent, acquire, receive, or register a new motor vehicle in the Commonwealth of Kentucky that does not comply with proposed regulations, exempt military tactical vehicles. The measure proposed to adopt emission reduction standards for automobiles in place of federal USEPA regulations. The LEV II Program was adopted and implemented by California in 1999, and is Phase II of the California LEV Program. HB 271 introduced on 01/10/08 has not yet been referred to a committee, which is likely to be the Natural Resources and Environment Committee. Representative Reginald Meeks (D) sponsored HB 271. He sits on the likely committee of referral. Prospects for consideration are uncertain.

ALTERNATIVE FUELS, HB 299. The bill would direct the Governor's Office of Energy Policy to produce a report and recommendations for presentation to the Legislative Research Commission on or before 11/30/08. The report would address adoption of a renewable-energy and energy-efficiency portfolio standards retail electric power suppliers. HB 299 would require a percentage of said sales be provided by renewable resources and energy efficiency technologies. A percentage of the target would be attainable through investment in energy-efficiency technologies including environmentally beneficial cogeneration systems using renewable or nonrenewable fuels. HB 299 was introduced by Representative Harry Moberly (D) 01/17/08, and was referred to House Tourism, Development and Energy Committee. The sponsor does not sit on the committee of referral, though he does wield influence as the Chair of the House Appropriations and Revenue Committee. Co-sponsor, Representative Milward Dedman (D) sits on the committee of referral. Prospects for consideration are uncertain.

Proposed Rules

AIR QUALITY. (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 regulations for NESHAPs; national emission standards for asbestos; standards of performance for new stationary sources; and standards of performance for nonmetallic mineral processing plants. KDEP would no longer be required to amend regulations every time USEPA amends federal regulations. KDEP approved regulations 08/13/07. The Administrative Regulation Review Subcommittee (ARRS) was scheduled to review regulations 09/11/07, but the regulations were deferred. ARRS reviewed the regulations 10/09/07, and regulations were passed without comment. The Legislative Research Commission (LRC) delegated regulations to the Agricultural and Natural Resources Subcommittee for another review in November 2007. No update status has been received.

401 KAR 57:002, 40 CFR Part 61 NESHAPs: <http://www.lrc.ky.gov/kar/401/057/002reg.htm>

401 KAR 58:025, 40 CFR Part 61 National Emission Standard for Asbestos: <http://www.lrc.ky.gov/kar/401/058/025reg.htm>

401 KAR 60:005, 40 CFR Part 60 Standards of Performance for New Stationary Sources: <http://www.lrc.ky.gov/kar/401/060/005reg.htm>

401 KAR 60:670, 40 CFR Part 60 Standards of Performance for Nonmetallic Mineral Processing Plants: <http://www.lrc.ky.gov/kar/401/060/670reg.htm>

401 KAR 63:002, 40 CFR Part 63 NESHAPS: <http://www.lrc.ky.gov/kar/401/063/002reg.htm>

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

Contact: Millie Ellis (502) 573-3382.

GROUND WATER. (401 KAR 8:0475) KDEP 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 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.

NSR. (SIP/FIP) KDEP proposed amendments to Prevention of Significant Deterioration (PSD) and Nonattainment NSR regulations. NSR regulations require stationary air pollutant sources to obtain a construction permit. A PSD permit and Nonattainment NSR permit are required for a new major source or a major source making a major modification in an attainment area. KDEP proposed amendments to revise definitions to mirror 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 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. A Statement of Consideration was to be filed with the Legislative Research Commission (LRC) 12/15/07, unless KDEP received a significant number of comments. If necessary, amendments will be revised with revised amendments published in the register. AARS was scheduled to review amendments 12/10/07, but amendments were deferred to the ARRS meeting 01/07/08. Amendments will probably become effective in early 2008. No update status has been received.

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 for Intrastate, Interstate, and Coastal Waters 07/26/07, but the meeting was canceled. CEQ adopted the criteria 08/23/07 and filed a Notice of Rule Adoption 08/28/07. The standards 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

USTCA. MSDEQ is discussing revisions to 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 initiated rulemaking in late 2007. MSDEQ does not expect to promulgate the rules until July 2008, as they are still in the preliminary stages of regulatory development. MSDEQ held the first public meeting 06/22/07 to discuss changes required by USTCA. No timeline for implementation is available. Contact: Kevin Henderson (601) 961-5283.

AUTO SALVAGE YARDS. MSDEQ is discussing development of a guidance document for auto salvage yards that would 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 salvage yard 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 that provides for increased protection against microbial pathogens in public water systems that use ground water sources. 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 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.

LONG TERM 1 ENHANCED SURFACE WATER TREATMENT RULE (LT1ESWTR). MSDEQ proposed to amend the Mississippi Primary Drinking Water Regulation to incorporate LT1ESWTR. The purposes of the LT1ESWTR are to improve control of microbial pathogens (specifically, Cryptosporidium) in drinking water and to address risk trade-offs with disinfection byproducts. LT1ESWTR applies to all public drinking water systems that use surface or groundwater under direct influence of surface water and serve fewer than 10,000 people. The Notice of Proposed Rule adoption was filed with the Secretary of State 12/21/07. A public hearing was held and written comments were accepted until 01/16/08. The proposed effective date is 02/23/08.

Notice of Proposed Rule Adoption: <http://www.sos.state.ms.us/busserv/AdminProcs/PDF/00014849a.pdf>

Proposed Rule: <http://www.sos.state.ms.us/busserv/AdminProcs/PDF/00014849b.pdf>

Contact: James Craig (601) 576-7680.

North Carolina

Proposed Rules



CLIMATE ACTION PLAN ADVISORY GROUP (CAPAG). (NC5479) NCDENR created the North Carolina CAPAG to discuss global climate change and 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. On 01/10/08, EMC adopted rule amendments. The rule will be submitted to the Rules Review Commission (RRC) for review. If RRC approves the rule, it will become effective the first day of the month following approval unless the RRC receives 10 or more written objections to the rule. If the RRC receives 10 or more written objections, the rule will be subject to legislative review.

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

Final Rules



AIR POLLUTION CONTROL. The South Carolina Department of Health and Environmental Control (SCDHEC) amended Regulation 61-62, Air Pollution Control Regulations and Standards. Amendments incorporate by reference federal amendments promulgated in 2006 concerning NSPS and NESHAP for Source Categories, and 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, the Board of Health and Environmental Control (BHEC) granted approval to publish a Notice of Proposed Regulation. The notice was published 09/28/07. SCDHEC held an informational forum 10/29/07, and comments were due 10/29/07. BHEC approved the amendments 12/13/07 and they became effective 12/28/07. Contact: Anthony Lofton (803) 898-7217.

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

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

Proposed Rules

UNIVERSAL WASTE RULE. (R. 61-79) SCDHEC is proposing to amend Regulation 61-79, HWMR. The May 2006 notice originally monitored at Regulation ID# SC5361, replaces and supersedes the notice published in the January 2006 State Register. SCDHEC is proposing to amend Regulation 61-79 to adopt two federal rules. One portion facilitates mercury recycling by including mercury-containing products as part of the Universal Waste Rule at Regulation 61-79.273. The second portion involves adopting a new Federal Methods Rule that would provide for use of a broader selection of professionally peer-reviewed methods for testing. Proposed amendments will require legislative review. SCDHEC received BHEC approval 11/09/06 to place 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.

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

Contact: David Scaturo (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. BHEC will review the regulation for final approval at a public hearing 01/10/08. If approved, the regulation will be published in the register and submitted to the legislature 01/25/07. The legislature will have 120 days to review the regulation. If no legislation is introduced to disapprove, or enacted to approve the regulation by the end of the 120-day review period, the regulation will be approved on the 120th day and will become effective when it is published in the register.

Summary of Draft Amendments:

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

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

Schedule for Amendments:

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

Contact: Anthony Lofton (803) 898-7217.

HAZARDOUS WASTE MANAGEMENT. SCDHEC proposes to amend Regulation 61-79, HWMR and plans to adopt the following: Wastewater Treatment Exemptions for Hazardous Waste Mixtures (Headworks Rule); NESHA 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 held a hearing 12/13/07. SCDHEC submitted the regulation to the legislature 01/08/08, and the review period will end 05/07/08. Unless a resolution is introduced to disapprove, or enacted to approve the regulation by 05/07/08, it will be approved 05/07/08. The regulation will be effective upon publication in the register.

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

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

Contact: Carolyn McLaughlin (803) 896-4254.

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 SC; 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 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

UST CONTRAL REGULATIONS. SCDHEC's BHEC approved amendments to Regulation 61-92 to implement USTCA. States must adopt USTCA or equivalent regulations to receive federal grant money. SCDHEC proposed to establish requirements for delivery prohibition, secondary containment, and operator training. SCDHEC will implement secondary containment requirements by including requirements in permits issued after the regulation effective date. SCDHEC (in conjunction with tank owners and operators) will develop an Operator Training Plan by 08/08/09, and will require operator training within two years of the publication date of the Operator Training Plan. 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, and the Notice of Proposed Regulation was published in the Register 09/28/07. SCDHEC held an informational forum and comments were due 10/30/07. BHEC held a hearing 12/13/07 where they approved the regulation, and submitted it to the legislature for review. 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 automatically approved. The regulation will be effective upon publication

in the Register.

USEPA UST provisions of EPACT (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 to address pretreatment requirements for industrial users who introduce pollutants into Publicly Owned Treatment Works. Amendments would make program requirements generally consistent with NPDES requirements for discharges to surface waters; would incorporate changes to federal regulations published at 70 FR 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 was published for public comments 09/28/07. SCDHEC held an informational forum 10/31/07, and comments are due 11/06/07. BHEC held a public hearing 12/13/07. After BHEC approves the regulation, it will be submitted to the legislature for review. If the regulation was submitted to the legislature by 01/08/08, the review period will end 05/07/08. Unless a resolution is introduced to disapprove, or enacted to approve the regulation by 05/07/08, the regulation will be approved 05/07/08. The regulation will become effective upon publication in the register.

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

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

Contact: Andrew Yasinsac (803) 898-4237.

INDIVIDUAL SEWAGE TREATMENT AND DISPOSAL SYSTEMS. SCDHEC proposed to amend Regulation 61-56, Individual Sewage Treatment and Disposal Systems 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 held a public hearing 12/13/07. If BHEC approved the regulation, it was to be submitted to the legislature for review. The legislature convened 01/08/08, and has 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 will become effective upon publication in the register.

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

Contact: Leonard Gordon (803) 896-0641.

ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE. The Environmental Justice Advisory Committee was created in response to South Carolina Act 171, passed by the General Assembly in 1997. The committee consists of a commissioner, executive director, or executive head of each department or designee from the Office of the Attorney General, Department of Agriculture, Department of Commerce, Department of Education, Department of Health and Human Services, Department of Labor, Licensing and Regulation, Department of Natural Resources, Department of Parks, Recreation and Tourism, Department of Public Safety, DOT, University of SC Arnold School of Public Health, Clemson University's Public Service Authority, SC State University's Public Service Authority, and the State Ports Authority. The committee will study and consider existing state agencies' practices in relation to environmental justice issues in SC economic development and revitalization projects; study availability and promotion of public awareness of public health and environmental information in a language other than English, and make such recommendations as necessary to ensure that information handed out to the public by SCDHEC is available in another language; encourage collaborative problem-solving and efficient utilization of existing resources; consult with any SC requesting agency to provide input for an environmental justice issue in connection with an economic development or revitalization project in SC during the term of the advisory committee; consult the National Brownfields Association, SC Chapter, to utilize its expertise in revitalization projects; and report existing practices of state agencies related to environmental justice considerations in economic development and revitalization projects in SC and make any recommendations in the report, which should be submitted no later than 01/01/10. The committee will meet 01/17/08 and will issue a report no later than 01/01/10. Contact: Nancy Whittle (803) 816-8967.

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. A Notice of Drafting was published in the Register 01/26/06, and comments were due 02/26/07. SCDHEC held stakeholder meetings 03/15/07 and 05/04/07, and another Notice of Drafting was published in the Register 05/25/07; comments were due 06/25/07. SCDHEC held a stakeholder meeting 08/02/07, where they revised the draft proposed regulation. At a 10/11/07 meeting, BHEC approved a request to publish a notice of the regulation. Proposed regulation was published in the Register 10/26/07. SCDHEC held an informational forum 11/27/07, and comments were due 11/30/07. BHEC approved the regulation at a 01/10/08 public hearing, and it was submitted to the legislature for review. The legislative review period ends 05/16/08. If no legislation is introduced to disapprove or enacted to approve the regulation by the end of the review period, the regulation will be automatically approved. The regulation will become effective upon publication in the Register. Contact: Amy M. Bennett (803) 898-4249.

SOLID WASTE MANAGEMENT. SCDHEC plans to amend R. 61-107.17, Solid Waste Management: Demonstration-of-Need to revise the size of planning areas around solid waste facilities; revise maximum annual disposal limits; revise definitions; and expand the regulation scope by defining needs determination criteria for other types of solid waste facilities. SCDHEC plans to amend R. 61-107.17 to make it consistent with amendments to R. 61-107, Solid Waste Management Regulations that are pending completion of legislative review. A copy of the Notice of Drafting from the 10/26/07 South Carolina State Register is available. 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 to hold a comment period. SCDHEC plans to present the regulation to BHEC for adoption in April 2008. Copies of notices from the 05/25/07 South Carolina State Register are available.

Proposed Regulation (3161):<http://www.scstatehouse.net/regs/3161.doc>
Contact: Joan Litton (803) 896-4264.

Tennessee

Legislation



BRAC, SB 3206. The bill will create the Tennessee Military Affairs Commission and provide that the commission: be attached to the military department for administrative purposes; address matters of military significance to Tennessee; take action to promote and optimize state and US DoD initiatives that will improve the military value of Tennessee's national guard, active and reserve military force structure and installations, and improve the quality of life for military personnel residing in the state; recommend state, federal and local economic development projects that promote, foster and support economic progress through a military presence in the state; advise the Governor, the General Assembly, the Tennessee congressional delegation, and other appropriate governmental officials on all matters in which the military services and the state have mutual interests, needs and concerns; coordinate, as necessary, the state's interest in future US DoD base closure and restructuring activities; and report to the Governor and General Assembly regarding annual economic impact of military institutions in the state. Sponsor: Senator Jim Tracy (R), Companion Bill: 2008 HB 2536, Representative Joe Pitts (D).

Proposed Rules

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.

ANTI-DEGRADATION. (1200-4-3-.06) TDEC adopted amendments to the Anti-degradation Rule, 1200-3-4-.06 to 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 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.