



The Southern Region Review

July 2011 , Region 4 Edition



The US Army Regional Environmental & Energy Office 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 Southern Region Review is a monthly electronic publication. To receive this publication, please email the request to rebecca.shanks@us.army.mil. Please include a contact name and email address in the body of the message.

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Hot Topics

EGLIN AFB GIVEN CLEAN AIR EXCELLENCE AWARD (06/08/11) The 11th annual [Clean Air Excellence Award](#) recipients include organizations from the public and private sectors who have demonstrated a commitment to creating new green infrastructure and jobs in the US. Organizations also are recognized for planning and education efforts that help citizens make better informed environmental decisions. The 96 CEG/CEV (Environment Management Division) of Eglin AFB won for their Air Quality Compliance Assistance Program.

DoD ENERGY STRATEGY (06/14/11, [PRESS RELEASE](#)) DoD released an [Operational Energy Strategy document](#). Goals and directives in the strategy include: DoD components document actual and projected energy consumption in current and planned operations; analyze and report lessons learned, and apply to strategic and force planning, requirements, acquisition and budgeting; demonstrate civilian and military leadership commitment to incorporating energy analysis and planning into doctrine, concepts of operations, etc.; invest in RDT&E and fielding of efficiency improvements in equipment, logistic delivery methods, weapons platforms, and energy conversion to address mid-life upgrades and new capabilities; integrate improved efficiency and management of energy into planning and management of contingency bases; where supported by economic and technical feasibility and reductions in lifecycle GHG emissions, invest in RDT&E on alternative fuels, including those that can be generated near deployments; and improve the security of energy supplies, particularly electricity, to operational missions at fixed installations. "At this time, the Department is building new vehicles, vessels, aircraft, weapons, and equipment that generally increase the demand for operational energy." Within 90 days, DoD will release an implementation plan with specific targets and timelines for incorporating energy considerations in the requirements and acquisition processes. These processes will include tools required by statute, such as the Fully Burdened Cost of Energy. The Strategy was prepared by the Assistant Secretary of Defense for Operational Energy, Plans and Programs.

TRI-STATE WATER WAR (06/28/11, [ATLANTA JOURNAL CONSTITUTION](#)) The 11th U.S. Circuit Court of Appeals threw out a 2009 ruling by Senior U.S. District Judge Paul Magnuson, who had found it was illegal for the Corps of Engineers to draw water from Lake Lanier to meet the needs of 3 million metro residents. In its decision, the court found that one of the purposes of the man-made reservoir about 45 miles upstream of Atlanta was to supply water to the metro region.

Conferences and Training

VARIOUS DATES AND LOCATIONS: [USACE 2011 PROSPECT TRAINING](#). The PROSPECT Program provides job-related training through technical, professional, managerial and leadership courses to meet the needs of USACE and other government agencies. The catalog for the PROSPECT Program, the Purple Book, lists over 200 supporting the missions of USACE. Courses are available to federal, state or local government employees.

VARIOUS DATES AND LOCATIONS THROUGHOUT NC: [CONTINUING EDUCATION ENVIRONMENTAL, SAFETY & HEALTH WORKSHOPS](#). NC State University offers various environmental courses, to include HAZWOPPER, Hazardous Waste Management, Hazardous Materials Transportation and more.

VARIOUS DATES AND TIMES ONLINE: [NPDES TRAINING COURSES AND WORKSHOPS](#). Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES Permit program; designed for permit writers, dischargers, USEPA officials and other interested parties.

VARIOUS DATES AND TIMES ONLINE: [INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL \(ITRC\) INTERNET BASED TRAINING](#). ITRC is a state-led coalition working together with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division (TIFSD), ITRC delivers training courses via the Internet to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents.

VARIOUS DATES AND TIMES: [EPA RCRA TRAINING](#). RCRA-related online courses, seminars, webinars, podcasts, and videos are posted throughout USEPA's waste website. Introductory and advanced courses are included for federal and state regulators, the regulated community, organizations, associations, and consumers interested in environmental laws, regulations and implementation.

ANYTIME ONLINE: [EPA WATERSHED ACADEMY](#). The website offers a variety of self-paced training modules that represent

a basic and broad introduction to the watershed management field. Modules vary in time to complete, from 1/2 hour to 2 hours.

ANYTIME ONLINE: [EPA RESOURCE CONSERVATION CHALLENGE ACADEMY](#). The academy series provides information to materials management stakeholders through webinars related to EPA's Resource Conservation Challenge. Learn about key issues, successful projects, and a variety of best management practices for creating stellar waste management programs.

ANYTIME ONLINE: [EPA REDUCES RUNOFF VIDEO](#). Online video highlights green building techniques (rain gardens, green roofs, etc.) to help manage stormwater runoff.

ANYTIME ONLINE: [DEFENSE ACQUISITION UNIVERSITY \(DAU\)](#). DAU developed on-line resources available for the DoD AT&L workforce, industry partners, and other federal, state, and local government organizations. The on-line resources provide the ability to apply for a course, take a continuous learning module for continuous learning credit, research policy and other documents, link to related learning and knowledge content, ask a professor a question, contribute knowledge objects (such as lessons learned, best practices, templates, or samples), or collaborate with peers on work issues.

ANYTIME ONLINE: [DOILEARN](#). DOI Learn houses natural resource courses and training offered by all organizations within the Department of Interior, to include the National Park System, Fish and Wildlife Service, Bureau of Land Management, etc.

ANYTIME ONLINE: [GOLEARN](#). GoLearn provides government employees and military personnel with web-based learning and development courses, and other products and services. Site registration is required, including a nominal fee for federal users.

ANYTIME ONLINE: [ARMY PODCAST SERVICE](#). The Army offers free podcasts on a wide variety of topics, including an environmental series, an Army Corps of Engineers series, and many more. The podcasts are available through a free subscription service. It is not necessary to own an ipod in order to view or listen to a podcast.

ANYTIME ONLINE: [TRAINING FOR FEDERAL GHG INVENTORIES](#). A component of FedCenter's broader "Greenhouse Gas Inventory Reporting" site is available. The FEMP-developed training offers three types of training that can help in understanding the processes needed to develop an agency's GHG inventory under EO 13514 section 9. These trainings include online interactive courses, archived webinar videos and PowerPoint files from training courses.

JULY 17-21, CHICAGO, IL: [COASTAL ZONE 2011](#). Many factors are changing coastal communities and estuarine, marine and Great Lakes environments. Recurring problems like the impacts of coastal development and new threats related to invasive species, global climate change and other human-induced hazards require new approaches to ocean and coastal resource management. The conference will explore these challenges, while participants learn from the experiences of leaders from across the nation and around the world.

JULY 19-21, WASHINGTON, DC: [12TH ANNUAL EPA COMMUNITY INVOLVEMENT TRAINING CONFERENCE](#). The theme for the conference is, "Community Involvement in the 21st Century: Embracing Diversity, Expanding Engagement, Utilizing Technology."

JULY 25-29, NASHVILLE, TN: [SUSTAINING MILITARY READINESS CONFERENCE - MAKE IT YOUR MISSION](#). The Office of the Secretary of Defense (OSD) is sponsoring the 2011 Sustaining Military Readiness Conference. OSD invites military and civilian personnel, partners from other Federal, State and Local governments, representatives from nongovernmental organizations, and policy and legislative specialists to participate in stimulating discussions, training and hands-on applications: explore the interdisciplinary nature of sustaining military readiness; share lessons learned and best practices among colleagues and stakeholders; participate in a broad spectrum of informative training workshops. There is no registration fee. Additional information, including the agenda, registration and lodging details is available online. For further information, please contact Jaime Uss at 703-604-1795.

JULY 26-28, ORLANDO, FL: [FEDFLEET 2011](#). This conference is a one-stop experience for Fleet and Aviation Management professionals. It consolidates a comprehensive collection of fleet management, automotive procurement, aviation and marine educational sessions into a single venue.

JULY 27-28, WASHINGTON, DC: [GREENING THE PROCUREMENT CYCLE - THE BENEFITS AND REQUIREMENTS OF GREEN-ING](#). Offered by DOI University, the training addresses each component of the Federal green-purchasing program, in-

cluding compliance with legal requirements and Federal Acquisition Regulation provisions. Students will learn different strategies on how to incorporate green principles into the procurement cycle, including acquisition, contract language, and existing product resources and standards (i.e., LEED). Green accounting principles, as well as available tools will be discussed. The course will cover implementation of a green procurement program, including success stories and challenges, goals, and metrics.

AUGUST 1-5, BALTIMORE, MD: [NATIONAL CONFERENCE ON ENVIRONMENTAL RESTORATION](#). NCER is an interdisciplinary conference on large scale ecosystem restoration presenting state-of-the art science and engineering, planning and policy in a partnership environment.

AUGUST 4, ONLINE: [ENERGY-EFFICIENT PRODUCT PROCUREMENT](#). The webinar outlines how to meet executive order and Federal Acquisition Regulation (FAR) requirements on purchasing FEMP designated and ENERGY STAR products.

AUGUST 7-10, CINCINNATI, OH: [GOVENERGY](#). Join federal employees and stakeholders in exchanging best practices for meeting federal energy management goals. The workshop and trade show serves to provide effective energy management training to federal employees and their associated stakeholders. In doing so, it fosters opportunities to further educate and encourage the best application of practices, products, and services as they relate to energy efficiency, renewable energy, water efficiency, and greenhouse gas management within the federal sector.

AUGUST 8-19, SHEPHERDSTOWN, WV: [ENVIRONMENTAL POLICY ISSUES](#). This seminar helps attendees understand the political, scientific, social and economic issues that shape environmental policy. Attendees will examine the administration's environmental agenda, institutional policy roles, and to improve environmental quality. Through a mix of classroom, small group and workshop activities, attendees will learn how environmental policy is made from initiation to implementation.

AUGUST 16-18, COLORADO SPRINGS, CO: [AMERICAN INDIAN CULTURAL COMMUNICATION COURSE](#). Indian Specialists in history, culture, intercultural communication and consultation, and DoD legal staff will teach this acclaimed training. This free course provides valuable information for DoD employees whose work could affect Indian tribes and for those already working with tribes and tribal members.

AUGUST 25-26, BOISE, ID: [WESTERN ENERGY POLICY RESEARCH CONFERENCE \(WEPRC\)](#). WEPRC is a conference for academic and professional energy policy researchers. Presenters are required to submit papers and discuss research to advance the state-of-the-art, analyze policies, and foster research collaborations dealing with an increasingly carbon-constrained economy and regulatory environment. This conference is for you if you are seeking to present or discuss energy policy research with participants and panelists from academia, think- tanks and research institutes, NGOs, national laboratories, industry, and government.

SEPTEMBER 18-22, BLACKSBURG, VA: [17TH ANNUAL INTERNATIONAL CONFERENCE OF THE INTERNATIONAL SOCIETY FOR TERRAIN VEHICLE SYSTEMS \(ISTVS\)](#). ISTVS is an educational, non-profit, non-political organization with the mission to advance the knowledge in terrain-vehicle (machine) systems for improvements in engineering practice and for innovation, and to promote the transfer of advanced knowledge to the user for the benefit of society at large in environmental protection, energy conservation, and sustainable development.

SEPTEMBER 20- 22, PROVIDENCE, RI: [LABS21 ANNUAL CONFERENCE 2011](#). Labs21 is sponsored by EPA and the International Institute for Sustainable Laboratories. The event is the largest gathering of sustainable laboratory professionals in the nation. Labs21 is designed to meet needs as laboratory and high performance facility designers, engineers, owners and facility managers. The conference offers professionals an opportunity for information exchange and education through three interactive components: Partnership Program, Training and Education, Tool Kit.

SEPTEMBER 27-29, BOSTON, MA: [ENERGYSMART CONFERENCE 2011](#). Through three days of enlightening sessions and keynotes led by both industry experts and your peers, you'll be able to connect with fellow facility managers, energy decision makers, government energy officers, corporate sustainability leaders, environmental health and safety officers, energy management service providers, and smart grid industry influencers from across the globe to discuss how businesses create a positive bottom line impact through better energy management.

OCTOBER 3-7, CHAPEL HILL, NC: [2011 WATER AND HEALTH CONFERENCE: WHERE SCIENCE MEETS POLICY](#). The conference will bring together experts from academia, industry, non-governmental organizations, government and foundations to provide an interdisciplinary perspective spanning science, policy, practice and economics. The conference will consider drinking water sanitation, hygiene and water resources with a strong public health emphasis, and address critical con-

cerns relevant to both the developing and developed worlds.

OCTOBER 31-NOVEMBER 2, WASHINGTON, DC: [2011 GREENGOV SYMPOSIUM](#). The second annual symposium, aims to bring together leaders from government, the private sector, non-profits and academia to identify opportunities to create jobs, grow clean energy industries, and curb pollution by greening the Federal Government. This year's event will be co-sponsored by CEQ and the Association of Climate Change Officers.

NOVEMBER 3-4, TAMPA, FL: [BEYOND SUSTAINABILITY: ECOSYSTEMS, ECONOMICS, AND EDUCATION CONFERENCE](#). This conference integrates traditional presentations with opportunities to dive deeper into topics and learn from others' broad experiences. Engage in meaningful conversations with colleagues, discover new friends and cultivate potential collaborations with educators, researchers, policy makers, regulatory agency experts, administrators and community members.

NOVEMBER 7-8, GREENSBORO, SC: [SECOND INTERNATIONAL CONFERENCE ON GREEN AND SUSTAINABLE TECHNOLOGY](#). This is a technical conference for engineers, scientists, researchers and practitioners in engineering, renewable energy technologies, architecture, construction, construction materials and related fields.

NOVEMBER 29-DECEMBER 1, WASHINGTON, DC: [PARTNERS IN ENVIRONMENTAL TECHNOLOGY TECHNICAL SYMPOSIUM & WORKSHOP](#). The workshop is a nationally recognized conference focusing on (DoD priority environmental issues. Attendees span the military Services, academic and research institutions, private sector technology and environmental firms, and Federal, state, and local regulatory and policy making organizations. This year's event will offer an opening Plenary Session where the SERDP and ESTCP Projects of the Year will be announced, 15 technical sessions and four short courses, more than 450 technical poster presentations, and exhibitors from funding and partnering organizations.

NOVEMBER 29-DECEMBER 2, WASHINGTON, DC: [BEHAVIOR, ENERGY, AND CLIMATE CHANGE CONFERENCE](#). This is the fifth annual conference focused on understanding the nature of individual and organizational behavior and decision making, and using that knowledge to accelerate our transition to an energy-efficient and low carbon economy.

Federal Notices and Rulemaking

Air

PLATING AND POLISHING AREA SOURCE FACILITIES (06/20/11, [76 FR 35744](#)) EPA has released the [text of a direct final rule](#) to amend the NESHAP for plating and polishing at area sources. EPA views revisions as noncontroversial and anticipates no adverse comments. Amendments clarify that emission control requirements of the plating and polishing area source NESHAP do not apply to bench-scale activities. Amendments also include several technical corrections and clarifications that do not make significant changes in the rule's requirements. This final rule is effective on 09/18/11 without further notice, unless EPA receives significant adverse comment by 07/20/11. For further information: Dr. [Donna Lee Jones](#), EPA Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, (919) 541-5251.

STANDARDS OF PERFORMANCE (06/28/11, [76 FR 37953](#)) There are revisions to the standards of performance for new stationary compression ignition internal combustion engines. They impact stationary compression ignition engines with displacement greater than or equal to 10 L per cylinder and less than 30 L per cylinder, engines with displacement at or above 30 liters per cylinder, and new stationary spark ignition internal combustion engines. The final rule is effective on 08/29/11. For further information: [Melanie King](#); EPA, Energy Strategies Group; Research Triangle Park, NC; (919) 541-2469.

Climate Change

CLIMATE CHANGE ADAPTATION (06/02/11, POLICY STATEMENT) EPA Administrator Lisa P. Jackson signed the [EPA Policy Statement on Climate Change Adaptation](#) calling for development and implementation of an EPA climate change adaptation plan. The directive also supports a key recommendation made by the Interagency Climate Change Adaptation Task Force in October 2010 that calls for climate change adaptation plans to be developed for every Federal agency, and includes specific requirements to ensure effective adaptation planning and implementation.

MANAGING FRESHWATER RESOURCES IN A CHANGING CLIMATE (06/02/11, [PRESS RELEASE](#)) The Interagency Climate Change Adaptation Task Force released a draft "[National Action Plan, Priorities for Managing Freshwater Resources in a Changing Climate](#)." The plan makes six major recommendations: establish a planning process to adapt water resources management to a changing climate; improve water resources and climate change information for decision-making (including use of predictive models rather than just historical information); strengthen assessment of vulnerability (to

impacts such as extreme weather events, sea level rise, shifting precipitation and runoff patterns, and others); expand water use efficiency; support integrated water resources management; and support training and outreach to build response capability. Comments are due by 07/15/11.

Energy

DOE STRATEGIC PLAN (06/09/11, [PRESS RELEASE](#)) On 05/10/11, Secretary of Energy Steven Chu released DOE's [Strategic Plan](#), a comprehensive blueprint to achieve the agency's core mission of providing energy solutions to US energy and environmental challenges. The blueprint lays out how DOE plans to rebuild the foundation of the US economy with clean energy – in large part by investing in research, developing new technologies and deploying innovative systems. DOE last prepared a strategic plan in 2006, which was less detailed but addressed similar issues, including American competitiveness and energy independence.

SECURE ENERGY FUTURE On 03/20/11, the White House released the President's [Blueprint for a Secure Energy Future](#), which outlined a three-part strategy to reduce the country's dependence on foreign oil. The Blueprint's three-part strategy is to: develop and secure America's energy supplies; provide consumers with choices to reduce costs and save energy; and innovate our way to a clean energy future, with the Federal Government leading by example. The Blueprint supports the Department of the Interior's (DOI) current expanded efforts to issue utility-scale permits for a total of 10,000 megawatts of renewable energy generated from new projects located on public lands and offshore waters. To improve the energy efficiency in local public transit and ensure future Federal investments are made wisely, the Blueprint directed the Administration to work with local transit agencies to identify and eliminate barriers to a cleaner transit fleet. Removing these barriers would allow for more widespread purchase and deployment of alternative vehicles in public transit systems.

ENERGY EFFICIENCY OF COMMERCIAL AND INDUSTRIAL PUMPS (06/13/11, [76 FR 34192](#)) DOE is considering whether to develop energy conservation standards, labels, or both for commercial and industrial pumps. Currently, there are no energy conservation standard for pumps. DOE requests information regarding product markets, energy use, test procedures and energy efficient designs for commercial and industrial pumps. DOE seeks comments on energy use and efficiency of commercial and industrial pumps and related issues, such as: definition(s) of pumps, pump product classes and diversity of pump types within pump product classes; energy use by pumps; overview of the industrial and commercial pump market, including shipments and efficiencies ranges; and availability and applicability of US and international test procedures for pumps. Comments are due 07/13/11. For further information: [Charles Llenza](#); DOE, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Washington, DC; (202) 586-2192.

2012 RENEWABLE FUEL STANDARDS (06/28/11, [76 FR 37703](#)) EPA will hold a meeting for the proposed rule "Regulation of Fuels and Fuel Additives: 2012 Renewable Fuel Standards," 07/12/11 in Washington, DC. In a separate notice of proposed rulemaking, EPA will propose amendments to renewable fuel standard program regulations to establish annual standards for cellulosic biofuel, biomass-based diesel, advanced biofuel and renewable fuels as a percentage of the national fuel supply of all gasoline and diesel produced in the US or imported in the year 2012. In addition, the separate proposal includes a proposed cellulosic biofuel applicable volume for 2012 and an applicable volume of biomass - based diesel that would apply in 2013. For [further information](#): [Julia MacAllister](#); EPA, Office of Transportation and Air Quality; Ann Arbor, MI; 734-214-4131.

GEOTHERMAL ENERGY DOE's Geothermal Technologies Program released a [report](#) on the future of geothermal energy in the US, and the role of the DOE Program. The report captures discussions and recommendations of experts gathered at the Geothermal Blue Ribbon Panel meeting in Albuquerque, NM in March 2011. Comments are due 07/29/11. For [further information](#): [Joann Millikan DOE](#), Geothermal Program, 202-586-2480.

Miscellaneous

FEDERAL ACQUISITION REGULATION (FAR) (05/31/11, [76 FR 31395](#)) DoD, GSA, and NASA are issuing an interim rule amending the FAR to implement EO 13514 and EO 13423. The rule requires Federal agencies to leverage agency acquisitions to foster markets for sustainable technologies, materials, products and services. Federal agencies are additionally required to implement high-performance sustainable building design, construction, renovation, repair, commissioning, operation and maintenance, management and deconstruction practices in applicable acquisitions. Contractors will be required to support the goals of an agency's environmental management system. The effective date is 05/31/11. For further information: Mr. William Clark, Procurement Analyst, (202) 219-1813.

FIRE PROTECTION STANDARDS (06/07/11, [76 FR 32867](#)) PHMSA is approving the use of the National Fire Protection

Association Standard (NFPA) 498--Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives (2010 Edition) for the construction and maintenance of safe havens used for unattended storage of Division 1.1, 1.2, and 1.3 explosives. Typical explosives included are grenades, mines, nitroglycerin, rockets, warheads, projectiles, signal smoke, and tracers for ammunition. This final ruling is effective 07/07/11. For further information: Ben Supko; DOT Pipeline and Hazardous Materials Safety Administration, Washington, DC; (202) 366-8553.

CAMP LEJEUNE HEALTH SURVEY (06/27/11, ATSDR) The Federal Agency for Toxic Substances & Disease Registry (ATSDR) will be sending out a survey to 300,000 previous active-duty marines, sailor and civilian employees at Camp Lejeune to determine what diseases may be linked to historical exposure to contaminated drinking water at the facility prior to regulation of the contaminants. The hazardous substances included: benzene, TCE, DCE, and PCE. The survey will cover active-duty marines and sailors stationed at the installation between June 1975 and December 1985, and for civilian employees who worked there between December 1972 and December 1985. ATSDR will also send out the survey to 53,000 personnel from Camp Pendleton for comparison purposes. Benzene contamination of soil and groundwater at Camp Lejeune has emerged as an important issue. ATSDR is currently reviewing relevant information and data about the sources of benzene contamination on base. Information and data sources include the US Marine Corps (USMC), Department of Navy (DON), NCDENR, consultant and contractors to USMC and DON, and the Camp Lejeune Community Assistance Panel. Information and data will be reviewed as quickly as possible so ATSDR can move forward with health studies on base. The [summary](#) of the water contamination situation at Camp Lejeune is available. For [further information](#): ATSDR, Atlanta, GA; 1-800-232-4636, cdcinfo@cdc.gov.

Natural Resources

2010 NATIONAL REPORT ON SUSTAINABLE FORESTS (06/2012) This report outlines the state of forests in the US and indicators of national progress toward the goal of sustainable forest management. The report is designed to provide information that will improve public dialog and decision making on desired outcomes and needed actions to move the Nation toward this goal. The 64 indicators of forest sustainability used in the report reflect many environmental, social and economic concerns of the American public regarding forests, and help establish a quantitative baseline for measuring progress toward sustainability. While the report presents data primarily at a national or regional level, it also provides a valuable context for related efforts to ensure sustainability at other geographic and political scales. Action at all levels is vital to achieving sustainable forest management in the US. Over 30 Forest Service scientists, senior staff and outside collaborators contributed to this edition of the report. A previous edition of the report was released in 2003, and an update is anticipated for 2015. Questions or comments about the Draft Report or the project as a whole are greatly appreciated and can be directed to: [Dr. Guy Robertson](#), 1601 North Kent Street, RPC4, Arlington, VA 22209-2137, (703) 605-1071.

NATIONAL WETLAND CONDITION ASSESSMENT (NWCA) (06/06/11) The [NWCA](#) is collaboration between EPA and State, Tribal and Federal partners representing a national field survey on the health of the nation's wetlands. More than 1,000 sites across the country are being surveyed to assess indicators of wetland health, including water quality and flow, vegetation, and soils. The survey is designed to provide regional and national estimates of wetland ecological integrity and rank the stressors most commonly associated with poor conditions. For further information: [Michael Scozafava](#), [Chris Faulkner](#), [Gregg Serenbetz](#).

STRIPED NEWT (06/07/11, [76 FR 32911](#)) USFWS has determined that listing the Striped Newt as threatened is warranted, but currently precluded by higher priority actions. The Striped Newt is an amphibian of the Salamandridae family, and habitat includes is both aquatic and terrestrial habitat throughout the life cycle. Locations where the species has been found as reported per the Federal Register include: Fort Stewart Army Base, Georgia and Camp Blanding Military Installation, Florida. The finding was announced on 06/07/11. Comments are requested. For [further information](#): Dave Hankla; FWS, North Florida Field Office; Jacksonville, FL; (904) 731-3336.

EASTERN SMALL-FOOTED BAT, NORTHERN LONG-EARED BAT (06/29/11, [76 FR 38095](#)) USFWS has determined that listing the eastern small-footed bat and the northern long-eared bat, and designating critical habitat may be warranted. USFWS is initiating a review of the status of these species. The northern long-eared bat ranges across much of the eastern and north central United States, and all Canadian provinces west to the southern Northwest Territories and eastern British Columbia; however, in all these places, the species is patchily distributed and rarely found in large numbers. The eastern small-footed bat occurs from eastern Canada and New England south to Alabama and Georgia, and west to Oklahoma. Comments are due 08/29/11. For [further information](#): Clint Riley; Pennsylvania Ecological Services Field Office, State College, PA; 814-234-4090.

ROLLING EASEMENTS (06/11/11) This document, "[Rolling Easements](#)," is a primer on more than a dozen approaches

for ensuring that wetlands and beaches can migrate inland as people remove buildings, roads and other structures from land as it becomes submerged. These approaches are known as "rolling easements."

Toxics

RADON FEDERAL ACTION PLAN (06/20/11, [EPA NEWS](#)) EPA released a [Federal Action Plan](#) that presents a multi-year approach to protecting public health by reducing risk from radon exposure. The plan commits DOD to some actions: DD will review and update, as appropriate, the Unified Facility Criteria to reflect current standards for radon measurement, mitigation, and radon-resistant new construction for low rise buildings (e.g., multifamily, schools, daycare facilities). DoD will develop a communications campaign to educate all personnel – living both on and off base – about health risks associated with radon exposure and solutions to address these risks. DoD will identify the universe of low-rise buildings in high radon potential areas (Zone 1) and, for those buildings not previously addressed, develop a testing and mitigation plan for those at or above the EPA 4 pCi/L action level. The plan also states that: DoD currently has an active program to test housing stock, and to mitigate if levels are found to be at or above the EPA radon action level of 4 pCi/L. The DoD Unified Facilities Guide Specifications address radon testing and mitigation. Radon testing and mitigation are also incorporated into three sets of active DOD building criteria.

Water

LEGAL INTERPRETATION ALLOWING FEDERAL AGENCIES TO PAY STATE FEES (04/20/11) The DoD Office of General Counsel has provided guidance on payment of reasonable service charges/ (fees, taxes) assessed by States or localities for stormwater. Based on recent amendments to CWA Section 313(c)(2)(b), such charges may be paid from ordinary appropriations for Federal agency operations, provided the charges satisfy the following criteria. Charges must: relate to control and abatement of water pollution, be reasonable, be nondiscriminatory, be based on some fair approximation of the proportionate contribution of the facility to stormwater pollution, be measured in terms of quantities of pollutants, or volume or rate of stormwater discharge or runoff from the facility, be used to pay or reimburse the costs associated with any stormwater management program (whether separate or combined with sanitary waste), and may include the full range of programmatic and structural costs attributable to collecting stormwater, reducing pollutants in stormwater, and reducing the volume and rate of stormwater discharge. Relevant [memorandums](#) are available. For further information: [Mr. Edmund Miller](#), (703) 604-1765.

COASTAL WATERS CONDITIONS (05/31/11, [76 FR 31327](#)) EPA invites public comment on the [draft National Coastal Condition Report IV \(NCCR IV\)](#) that describes the condition of the Nation's coastal waters. EPA expects this report waters will increase public awareness about the extent and seriousness of pollution in these waters, and will support more informed decisions concerning protection of this resource. Comments must be received on or before 08/01/11. For further information: [Gregory Colianni](#), Ocean and Coastal Protection Division, Office of Water, 4504T, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, 202-566-1249.

CONTAMINANT CANDIDATE LIST (CCL) (05/31/11, [76 FR 31271](#)) EPA is reviewing the drinking water CCL to determine whether to regulate at least five contaminants from the list. EPA expects to publish the preliminary regulatory determinations for at least five CCL 3 contaminants in mid-2012 and final regulatory determinations by August 2013. [Additional information](#) about the drinking water CCL and the Regulatory Determinations process is available. For further information: [Zeno Bain](#), EPA, (202) 564-5970.

WATERSMART STRATEGIC IMPLEMENTATION PLAN (06/02/11, [76 FR 31973](#)) DOI is undertaking an effort to provide Federal leadership in working towards the goal of sustainable water supplies. DOI has released a [draft Strategic Implementation Plan](#) for their "WaterSMART" program. Through the WaterSMART Program, DOI will work with States, Tribes, local governments, and non-governmental organizations to secure and stretch water supplies for use by existing and future generations to benefit people, the economy, the environment, and will identify adaptive measures needed to address climate change and future demands. A WaterSMART Clearinghouse [website](#) has been launched. The Implementation Plan available for review and comment is the "Final" version dated 03/22/11. Comments to the Implementation Plan are due by 08/01/11. For further information: [David Raff](#), Bureau of Reclamation, (303) 445-2461.

NATIONAL OCEAN POLICY CONTENT OUTLINES (06/09/11, [76 FR 33726](#)) The National Ocean Council has released draft content outlines of its strategic action plans for the National Ocean Policy established by [EO 13547](#). The National Ocean Policy provides an implementation strategy that describes nine [national priority objectives](#). Each outline presents: potential actions to further the particular priority objective; reasons for taking the action, expected outcomes and milestones, gaps and needs in science and technology, and timeframe for completing the action; and an overview of the priority objective, context for the strategic action plan in implementing the National Ocean Policy, and an overview of

the preparation of the plan. Comments were due 07/02/11. For further information: Michael Weiss, Deputy Associate Director for Ocean and Coastal Policy, (202) 456-3892.

TEST PROCEDURES FOR DRINKING WATER CONTAMINANTS (06/24/11, [76 FR 37014](#)) EPA has approved several [additional methods for analyzing drinking](#) water, added in a new Appendix A to 40 CFR Part 141, Subpart C. The methods, adopted from consensus bodies and manuals, include tests for a range of metal, mineral, radiological, disinfectant, bacteriological analytes. For further information: [Glynda Smith](#); EPA Office of Ground Water and Drinking Water; Cincinnati, OH; (513) 569-7652.

WATER-ENERGY EFFICIENCIES IN DoD (05/31/11) A report titled, "[Potential Water-Energy Efficiencies in Department of Defense Installations](#)," (CAC access required) explores the relationship between water conservation and energy savings. Water-related energy savings derives from reducing the use of heated water for faucets, showers, dishwashing and laundry, as well as energy generally required for pumping and treatment of water and wastewater. On average at DoD facilities, the dollar value of energy saved by conserving 1000 gallons of water is \$2.20. The report recommends that DoD develop mechanisms and guidance to ensure energy savings are included in payback calculations for water-conservation investments.

[SUSTAINABLE COMMUNITIES, HEALTHY WATERSHEDS 2010 ANNUAL REPORT \(06/28/11\)](#) The EPA Office of Wetlands, Oceans and Watersheds released the 2010 Annual Report. It contains information about EPA's work with the USACE in development of new draft guidance on Identifying Waters Protected by the Clean Water Act (also known as the Waters of the U.S. Draft Guidance), progress in better protection of water quality in Appalachia from the harmful effects of surface coal mining operations, and advancement in the work of the National Ocean Council.

AIR POLLUTION REQUIREMENTS FOR VESSELS OPERATING IN US WATERS (06/27/11, [EPA NEWS RELEASE](#)) EPA and USCG have signed a [MOU](#) stating they will jointly enforce US and international air pollution requirements for vessels operating in US waters. Requirements establish limits on NO_x emissions and require use of fuel with lower sulfur content; protecting peoples' health and the environment by reducing ozone-producing pollution that can cause smog and aggravate asthma. The most stringent requirements apply to ships operating within 200 nautical miles of the coast of North America. Under the MOU, both the USCG and EPA will perform inspections and investigations, and will take appropriate enforcement actions if a violation is detected.

State Laws and Rulemaking

Alabama

Legislative Session Convened 01/04/11; Adjourned 06/09/11

Effective Dates of Legislation: Upon enactment or as provided in the Act.



Legislation

[AL H 50: COAL COMBUSTION BY-PRODUCTS](#) This bill would remove solid waste exemptions for fly ash waste, bottom ash waste, boiler slag waste, and flue gas emission control wastes. **Status: Enacted 2011-258**

REEO-S NOTE: This may be important to facilities operating electric generating plants, and is likely in reaction to EPA's attempts to address coal combustion byproducts.

[AL H 106: REPEAL MINIMUM CIVIL PENALTIES FOR COMPLIANCE VIOLATIONS](#) This bill relates to civil penalties assessed pursuant to Section 22-22A-5, Code of Alabama 1975, for violations of State environmental protection laws and orders; amends Section 22-22A-5, Code of Alabama 1975, to remove minimum penalty amounts for certain violations and to limit penalties for violations subject to monthly reporting based on average compliance to monthly intervals. **Status: Enacted-2011-612**

REEO-S NOTE: The apparent intent behind the bill is to provide ADEM flexibility in whether to issue a penalty for certain violations. Currently, certain violations must include at least a minimum fine.

Proposed Rules

CLASS VI INJECTION WELLS (335-6-8-.01, -.02, -.05, -.07, -.08, -.10 - .30) ADEM proposes to revise the Division 6 Code to include requirements for Class VI injection wells for geologic sequestration of carbon dioxide. Proposed additions and amendments are consistent with Federal regulations for Class VI wells. A public hearing was held 07/11/11.

[Proposed Rules](#)

Florida

Legislative Session Convened 03/08/11; Adjourned 05/06/11

Effective Dates of Legislation: 60th day after adjournment or as provided in the Act.



Final Rules

SOLAR ENERGY INCENTIVES PROGRAM (FAC 27N-1.500) FLDEP has proposed a new chapter that would implement the Florida Renewable Energy Technologies Act, and provide for rebates for solar energy systems. The previous Solar Energy Systems Incentives Program sunset 06/30/10. Comments were due 01/07/11, and a public hearing was held 02/18/11. This rulemaking was withdrawn on 05/02/11

[Notice of Proposed Rule](#)

[Notice of Withdrawal \(Vol. 37, Issue 20, Florida Administrative Weekly 05/20/2011 p.1334\)](#)

Contact: Brittany Cummins, Florida Energy and Climate Commission, 850-487-3800

Proposed Rules

STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (FAC, CHAPTER 64E-6) The FL Department of Health (FLDOH) proposed amendments to standards for onsite sewage treatment and disposal systems. The rulemaking develops rules to implement provisions of Chapter 10-205, Laws of Florida (SB 550), which requires FLDOH to administer an onsite sewage treatment and disposal system evaluation and assessment program. Proposed rules address: application for a System Construction Permit; location and installation of onsite sewage treatment and disposal systems; site evaluation criteria; system size determinations; alternative systems; septage and food establishment sludge; portable restrooms and portable or stationary holding tanks; abandonment of systems standards for construction, operation and maintenance of aerobic treatment units; construction materials and standards for treatment receptacles; construction standards for drainfield systems; permitting and construction of repairs; additive use; Department of Agriculture Soil Textural Classification System; system location, design and maintenance criteria; cesspit and undocumented system replacement and interim system use; coordinated permitting; requirements for registration; master septic tank contractors; issuance of registration certificates and renewal; standards of practice and disciplinary guidelines; certification of partnerships and corporation; applications for innovative system permits and reclassification and system construction permits, location, installation, monitoring and Fees. FLDOH held a public workshop 06/04/10 to discuss permitting and approval standards of onsite sewage treatment systems that provide treatment other than a septic tank, such as performance based treatment systems, aerobic treatment units and innovative systems. The Technical Review and Advisory Panel met 07/15/10 and 09/23/20. Public workshops were held October 12, 14, 18 and 21, 10. A public meeting was held in December 2010. DOH has public meetings scheduled through December 2011.

[Notice of Public Workshop](#)

[Notice of Rule Development](#)

Contact: Gerald Briggs, (850) 245-4250

COASTAL CONSTRUCTION PERMITS (FAC 62B-41.002, .003, .005) The FLDEP Division of Beaches and Shores has proposed amendments to existing rules to address comments from the Joint Administrative Procedures Committee. Amendments would refine criteria for coastal construction permits for coastal armoring below the mean high water line, inlet construction and maintenance, and beach restoration and nourishment. The Notice of Rulemaking was published 09/03/10. Comments were Received and answered. A public hearing was held 10/05/10, and a notice of change was filed 11/24/10; published 01/07/11. A change was made to FAC 62B-41.005 (17): If the proposed coastal construction is reasonably likely to have adverse impacts to the coastal system, then the applicant shall revise the project design to avoid or minimize those impacts to the greatest extent practicable. After all practicable revisions have been made to avoid and minimize impacts; any remaining adverse impacts shall be offset by a mitigation plan that has been proposed by the applicant.

[Proposed Rule](#)

[09/13/10 JAPC Letter to DEP](#)

[09/24/10 DEP Letter to JAPC](#)

[Notice of Change](#)

[Second Notice of Change](#)

Contact: [Contact West Gregory](#), 850-245-2542

SOLID WASTE MANAGEMENT (FAC 62-701.100, .200, .210, .220, .300, .310, .315, .320, .330, .340, .400, .410, .430, .500, .510, .520, .530, .600, .610, .620, .630, .710, .730, .803, .900) Chapter 10-205 of the F.A.C. in-

cludes a new requirement that all construction and demolition debris landfills be constructed with liners and leachate control systems. Chapter 10-143, Laws of Florida, includes a new requirement that all construction and demolition debris be processed prior to disposal when economically feasible. This FLDEP rulemaking would amend the rule chapter to address the new requirements. A rule development workshop was held 09/29/10. An additional workshop was planned for January 2011.

[Notice of Proposed Rulemaking](#)

Contact: Richard Tedder, (850) 245-8735

GENERAL AND ENVIRONMENTAL RESOURCE PERMITS (FAC 40C-4.041, .091, .101, .201, .301, .900, FAC 40C-20.042, .900) The SFWMD has proposed rule amendments that would create new ERP permitting criteria: require, for a system that would contain irrigated landscape, golf course, or recreational areas, a water conservation plan that includes irrigation plans, use of lower quality water sources, and no prohibitions on Florida-Friendly landscaping; require, for a system that would contain irrigated landscape, golf course, or recreational areas that require a Consumptive Use Permit (CUP), the applicant concurrently apply for and obtain a CUP; clarify application processing requirements; clarify pre-application conferencing; and update statutory authority. The proposed rule amendment would require a CUP application to irrigate landscape, golf course, or recreational areas for a project that would require a 40C-4 or 40C-40 ERP to construct a system, a concurrent ERP application, and concurrent review and processing of both applications; clarify application-processing requirements; and clarify pre-application conferencing. Rule development workshops were held 09/16/10 and 10/17/10. The rule did not go before the Board at the 12/14/10 meeting.

[Notice of Proposed Rulemaking](#)

Contact: Wendy Gaylord, (386) 326-3026

TITLE V AIR PERMITS (FAC 62-204, 210, 212, 213) FLDEP is proposing to amend FAC 62-204 to remove or revise obsolete provisions related to AAQS and area designations. Amendment is necessary for implementation of new NAAQS, and in preparation for expected new federally designated nonattainment areas. Proposed changes would remove excess or redundant language, delete or revise several definitions, simplify area designation rule sections to align with federal rule language, and clarify various provisions. Amendments to Chapter 62-210 213, F.A.C. would transfer general permits for six source categories from FLDEP's Title V air general permit program into the non-Title V air general permit program: 62-213.300 (1)(a): Perchloroethylene Dry Cleaning Facilities; 62-213.300(1)(b): Ethylene Oxide Sterilization Facilities; 62-213.300(1)(c): Halogenated Solvent Degreasing Facilities; and 62-213.300(1)(d): Chromium Electroplating and Anodizing Facilities. Proposed amendments would also revise several definitions, expand permitting exemption criteria, clarify when air construction and operation permits are required, clarify general permit rule language, and streamline general permit registration forms. Amendments to Chapter 62-210 212 F.A.C. incorporate the effective elements of EPA's 12/31/02 NSR reform rule into Florida's nonattainment area preconstruction review program. EPA requires FLDEP to incorporate these concepts into state rules. It is to the benefit of regulated industries in pending nonattainment areas of the state for FLDEP to have done so in advance of those areas being designated. Proposed amendments clarify related topics and definitions, and for consistency with federal requirements. They also update references to PM in the preconstruction review program from PM10 to PM2.5. A rule development workshop was held 10/20/10. The proposed rule was published 04/08/2011 (Vol. 37, Issue 14, Florida Administrative Weekly 04/08/11 pp.872-887). The deadline for public comments was 04/29/11, and a public hearing was held on 05/04/11.

[Notice of Proposed Rulemaking](#)

[FLDEP Summary of Proposed Amendments](#)

Contact: Terri Long, (850) 921-9556

GENERIC PERMIT FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES (FAC 62-621.300) FLDEP is revising subsection 62-621.300(1), F.A.C., Generic Permit for Discharges From Petroleum Contaminated Sites and subsection 62-621.300(2), F.A.C., Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. The two generic permits authorize discharge of ground water to surface water from specific types of contaminated and non-contaminated sites. They are used for construction related projects including removal and replacement of USTs, long- and short-term petroleum site cleanup activities, installation of underground utilities (water, sewer electrical, communications lines), and construction of large buildings with significant below-grade foundations and basements. A workshop was held on 11/08/10.

[Notice of Development of Rulemaking](#)

Contact: Shirley Shields, (850) 245-8589

CONSUMPTIVE USE PERMITS (CUP) (FAC 40C-2.101, .331, .381, .501, .900) The SJRWMD is proposing amendments that would: (1) expand modifications of CUPs by letter; (2) clarify procedures and criteria for CUP modifications (including letter modifications); (3) revise and update permit limiting conditions and repeal outdated permit conditions; (4) condense water use type categories; (5) revise and update the CUP application form; (6) adopt Water Use Record

(EN-50) and Water Use Reporting (EN-51) forms; (7) define domestic use; (8) change the drought frequency used in determining the supplemental irrigation needed for agriculture from a two in 10 year drought to a one in 10 year drought; (9) define one in 10 year drought and repeal the definition of two in 10 year drought; (10) clarify requirements for supplemental irrigation models and expand the types of such models allowed; (11) clarify permit transfer criteria; (12) clarify monitoring requirements for water withdrawal quantities; (13) reduce water use reporting requirements for certain small users if they annually submit an Annual Statement of Continuing Use; and (14) clarify who must submit a water conservation plan as part of a CUP application. The rule was proposed 08/27/10. A rule development workshop was held 09/15/10, and comments were due 10/01/10. A public hearing was held 11/09/10. SJRWMD is taking public comments. The rule did not go before the Board at the 12/14/10 meeting for authorization to publish the Notice of Proposed Rule.

[Notice of Development of Rulemaking](#)

Contact: Wendy Gaylord, Phone: (386) 326-3026

FEES FOR CUP AND GENERAL PERMITS (FAC 40C-1.603) The SJRWMD is proposing to charge a fee when a request for CUP modification is submitted by letter. Currently, if a letter modification request qualifies under Rule 40C-2.331, F.A.C., SJRWMD does not charge a fee for modification. As part of related proposed amendments to Chapter 40C-2, F.A.C., the scope of allowed letter modifications would be expanded. The proposed rule amendment would: (1) create a \$100 fee for letter modifications of Chapter 40C-2, F.A.C., individual CUPs; and (2) create a \$50 fee for letter modifications of Chapter 40C-20, F.A.C., standard general CUPs. The rule did not go before the Board at the 12/14/10 meeting. Rule Development Workshops were held 09/16/10 and 09/17/10.

[Notice of Development of Rulemaking](#)

Contact: Wendy Gaylord, (386) 326-3026

MANATEE PROTECTION RULE (FAC 68C-22.010) The FL FWCC is considering amendments to the existing manatee protection rule for Broward County. In April 10, at the request of the FWCC, and as provided by Section 379.2431(2)(f), F.S., Broward County established a Local Rule Review Committee (LRRRC) to review and comment on a preliminary rule proposal. The LRRRC met 13 times, and the FWCC received the [LRRRC final report](#) in August 10. FL FWCC was to consider the report and [recommendations](#) for proposed zones at the 02/23/11 and 02/24/11 FWC meetings. Negotiated rulemakings were conducted 11/19/10 and 02/04/11. The proposed rule was published 03/25/11 with a comment deadline of 04/25/11. A public hearing was held 04/20/11.

[Notice of Development of Proposed Rulemaking](#)

[Notice of Proposed Rule](#)

[Proposed Rule](#)

[Presentation of Recommended Changes at Commission Meeting](#)

[FWC Response to Broward County LRRRC](#)

Contact: Scott Calleson, 850-922-4330

SURFACE WATER QUALITY STANDARDS (FAC 62-302.200, .300, .400, .500, .520, .530, .540, .700, .800) FLDEP is held two workshops to explore options with the public on Florida nutrient standards and other relevant provisions of water quality standards. The workshops were used to discuss concepts and gain public input on ideas for a State rule. Information gained will be used as part of the traditional State process of collaborative rulemaking. Note that FLDEP previously opened up Chapter 62-302, F.A.C., for establishment of nutrient standards, and then suspended that rulemaking. The workshops were held 06/14/11 and 06/16/11. Contact: [Eric Shaw](#), 850-245-8429
Rulemaking: Vol. 37, Issue 20, Florida Administrative Weekly 05/20/2011 pp.1314-1315

Georgia

Legislative Session Convened 01/10/11; Adjourned 04/14/11

Effective Dates of Legislation: Generally, July 1st or as provided in the Act.



Proposed Rules

WATER RESOURCE ASSESSMENTS GADNR released three [Draft Water Resource Assessments](#): Groundwater Availability, Surface Water Availability and Surface Water Quality (assimilative capacity). As described in the State Water Plan, these draft assessments are evaluations of the capacity of water resources to meet demands for water supply and wastewater discharge without unreasonable impacts. GADNR expects to refine and adjust the draft assessments. The 2010 regional water planning councils will use the Draft Water Resource Assessments to development management practices to meet future water demands.

Contact: Arnettia Murphy, (404) 656-4157

WASTEWATER DISCHARGE INTO POTWS (391-3-6-.08, -.09) GAEPD has proposed amendments to wastewater pretreatment permits for discharge of any pollutant into a publicly owned treatment works (POTWs) and then into the waters of the state. It would amend procedures and practices followed in development and submission of POTW pretreatment programs for GAEPD review, approval or denial, as well as public notification methods. The primary purpose of the proposed amendments is to comply with federal General Pretreatment Regulations for Existing and New Sources of Pollution, which establish responsibilities of government and industry to implement National Pretreatment Standards. Other proposed amendments would correct typographical errors, numerical and alphabetical inconsistencies, and clarify language and definitions, as required by EPA. The rule was proposed 08/05/09. Changes were proposed 06/23/10, and comments were due 07/23/10. Additional changes were proposed 09/22/10. A public hearing was held on 10/27/10, and comments were due 11/05/10.

[Proposed Rule and Synopsis of Proposed Amendments](#)

[Public Meeting Notice](#)

Contact: [Jamila Norman](#), 404-675-1687

SPILL REPORTING (GAC 391-3-6-.05) GAEPD proposed amendments that would modify the definition of "Major Spills," revise reporting requirements for non-major spills and amend the monitoring program protocol. The rule was proposed 09/08/10, and a public hearing was held 10/15/10. Comments were due 10/29/10. Substantial comments were received; GAEPD is reconciling them. GAEPD will then take the rule before the Board.

[Notice of Proposed Rulemaking](#)

[Proposed Rule](#)

Contact: Marzieh Shahbazaz, (404) 675-6236

SURFACE WATER WITHDRAWAL PERMITS (GAC 391-3-6-.07) GADNR has proposed to amend procedures followed when obtaining a permit to withdraw, divert or impound surface waters of the state. Amendments would set forth information required on a permit application and outline procedures for granting, denying, revoking and modifying such permits. A public hearing was held 01/05/11, and comments were due 01/10/11.

[Notice of Proposed Rulemaking, Synopsis of Proposed Amendments, Proposed Amendments](#)

Contact: [Nap Caldwell](#), 404-463-4348

NON-STORMWATER GENERAL PERMITS (GAC 391-3-6-.15) GADNR has proposed amendments that would provide the GADNR Director discretion to allow coverage under a non-storm water general permit without submittal of a Notice of Intent (NOI), where requiring such notice would be inappropriate and federal regulations do not require such notice. The proposed rule would also address general and individual permit requirements, coverage area of a general permit, authorization to discharge, the degree of waste treatment required, notice and public participation, prohibited discharges, modification, revocation, reissuance and termination of permits. A public hearing was held 01/18/11, and comments were due 01/31/11.

[Notice of Proposed Rulemaking, Synopsis of Proposed Amendments, Proposed Rule Text](#)

Contact: [Nap Caldwell](#), 404-463-4348

PSD (GAC 391-3-1-.02(7), -.03(8)) GAEPD is proposing to amend Rule 391-3-1-.02(7), "Prevention of Significant Deterioration of Air Quality," to specify precursors for ozone and PM2.5. The definition of "regulated NSR pollutant" is added at subparagraph 391-3-1-.02(7)(a)2.(ix). Subparagraph (ix)(I)I specifies that VOCs and NOX are precursors to ozone. Subparagraph (ix)(I)II specifies that sulfur dioxide is a precursor to PM2.5. Both subparagraphs are consistent with the Federal rule at 40 CFR 52.21. Subparagraph (ix)(I)III specifies that NOX is not a precursor to PM2.5; however, NOX is presumed to be a precursor to PM2.5 in the Federal rule unless a State demonstrates to EPA NOX emissions are not a significant contributor to ambient PM2.5 concentrations. Thus, Subparagraph (ix)(I)III specifies that exclusion of NOX as a precursor to PM2.5 becomes effective after EPA approves the revision to Georgia's SIP which incorporates the change. Subparagraphs (ix)(II), (III), (IV), (V) and (VI) regarding pollutants subject to section 111 standards, Class I and Class II Substances, any pollutant otherwise subject to regulation under the CAA, hazardous air pollutants listed in section 112, and condensable particulate matter, respectfully, are consistent with the Federal definition of Regulated NSR pollutant. Rule 391-3-1-.03(8), Permit Requirements, is being amended; nonattainment NSR requirements for PM2.5 are added to the rule. The permitting requirement for sources located in 25 counties designated as contributing to ozone levels in the Atlanta ozone nonattainment area is clarified. Other revisions are made to make the rule consistent with Federal requirements. Subparagraph 391-3-1-.03(8)(c)16 is added to specify the nonattainment NSR requirements for Georgia's existing PM2.5 nonattainment areas (Atlanta PM2.5 nonattainment area, Macon PM2.5 nonattainment area, Floyd County PM2.5 nonattainment area and Chapter 391-3-1 Rules for Air Quality Control Georgia's portion of the Chattanooga PM2.5 nonattainment area). Subparagraph 16.(i) specifies the major source threshold at 100 tons

per year. Subparagraph 16.(ii) establishes modification thresholds. Subparagraph 16.(iii) sets the offset ratio at 1 to 1. Subparagraph 16.(iv) specifies that sulfur dioxide is a precursor to PM_{2.5}. Subparagraph 16.(v) states that NO_x is not a precursor to PM_{2.5}. However, the NO_x provision does not apply until EPA approves it into Georgia's SIP. Subparagraph 16.(vi) specifies requirements for condensable PM. Subparagraph 16.(vii) defines the partial-county areas that are part of the designated nonattainment areas. Language is added to Subparagraph 391-3-1-.03(8)(e)1 to clarify that the permitting requirements of 391-3-1-.03(8)(c) only apply to electric generating units in the 25 counties specified. Modifications to Subparagraphs 391-3-1-.03(8)(g)1.(iii), (g)2.(i), (g)5.(i), and (g)6.(i) are made to reflect the addition of Subparagraph (8)(c)16. Subparagraph (8)(g)1 (iii)(III) is removed to make the rule consistent with Federal requirements. The rule was proposed 03/15/11. A public hearing was held 04/11/11, and comments were due 05/09/11.

[Notice of Proposed Amendments Synopsis of Proposed Amendments Proposed Rule](#)

Contact: [Chief](#), Air Protection Branch

SYNTHETIC MINOR AIR QUALITY PERMITS (GAC 391-3-1-.01, 02, 03. RULE 391-3-1-.01(cccc)) The definition of "Synthetic minor permit," is amended to specify that synthetic minor permits may be federally enforceable or enforceable as a practical matter. For a limit to be "enforceable as a practical matter," the permitting agency must be able to determine that the source is complying with the permit limit. This often requires recordkeeping, monitoring and reporting requirements that verify self-imposed limitations on emissions. For a limit to be "federally enforceable," the limit must also go through public notice and comment. Rule 391-3-1-.01(nnnn), the definition of "Procedures for Testing and Monitoring Sources of Air Pollutants," is amended to reference the most recent revision of the manual. Rule 391-3-1-.02 (4), "Ambient Air Standards," is revised to update the AAQS for SO₂ and NO₂ to be consistent with Federal standards. Rule 391-3-1-.02, Subparagraph (9)b, "Emission Standards for Hazardous Air Pollutants," is updated to include the latest amendment dates of rules incorporated into the Georgia Rules by reference, and to make minor changes to ensure consistency between State and Federal programs. Rule 391-3-1-.03(11), "Permit by Rule," is amended to revise applicability provisions of each of 11 permit by rule standards from sources without Federally enforceable permit conditions to sources without conditions "that are federally enforceable or enforceable as a practical matter." The rule was proposed 03/15/11 with a comment deadline of 05/09/11. A public hearing was held 04/11/11.

[Notice of Proposed Amendments](#)

[Synopsis of Proposed Amendments](#)

[Proposed Rule](#)

[Summary of Procedures for Testing and Monitoring Sources of Air Pollutants](#)

Contact: [Chief](#), Air Protection Branch

STANDARDS FOR PETROLEUM PRODUCTS (GAC 40-20-1-.01, -.12) The Department of Agriculture has proposed to update Rule 40-20-1-.01 to conform to ASTM International standard specifications, EPA regulations and practice. The gasoline sulfur specifications in Rule 40-20-1-.01(a)(1) are revised to 95 ppm, which is also the downstream gasoline sulfur specification in EPA regulation found at 40 CFR 80.210. Lead specifications in Rule 40-20-1-.01(a)(4) and minimum octane ratings for leaded gasoline in Rule 40-20-2-.01(a)(7)(i) are deleted as they are no longer necessary because there leaded gasoline is no longer available for general consumption. The minimum temperature specification for 50% distillation of non-oxygenated Class D-4 gasoline in Rule 40-20-1-.01(a)(5)(i) is changed to 77°C/170° F to conform to specifications in the ASTM D4814 standard. Gasoline from origin to retail not blended with ethanol may meet a minimum 50% evaporated distillation temperature of 66°F for volatility class D-4 only. Gasoline meeting these limits is not suitable for blending with ethanol. Rule 40-20-2-.01(b)(2) is amended to require denatured ethanol used for gasoline blending meet the most recent version of specifications specified in ASTM D4806 standard. A reference to reformulated gasoline ("RFG") in Rule 40-20-2-.01(b)(5) is removed. EPA regulations no longer require minimum oxygen content for RFG. Kinematic viscosity specifications for Fuel Oils in Rule 40-20-2-.01(d)(1)(iv), (d)(2)(iv), (d)(3)(ii), and (d)(4)(ii) are changed to comply with specifications in ASTM D396, the Standard Specifications for Fuel Oils. A public hearing has not been scheduled. The deadline for public comment was 05/27/11.

[Notice of proposed rulemaking](#)

[Proposed rules: 40-20-1-01, 40-20-1-12](#)

Contact: Rich Lewis, 404-656-3605

Kentucky

Legislative Session Convened 01/04/11; Adjourned 03/09/11

Effective Dates of Legislation: 90 days after adjournment or as otherwise provided in the Act.



Proposed Rules

UST SYSTEMS (401 KAR CHAPTER 42) This rulemaking clarifies requirements for UST systems, to include: release response, site characterization and corrective action; temporary closure and reporting and recordkeeping requirements; classification and screening levels; financial responsibility for corrective action and compensation of third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases. It establishes criteria for ranking facilities and revises procedures to administer accounts of the Petroleum Storage Tank Environmental Assurance Fund; amends rules concerning laboratory certification; promulgates a new rule that establishes procedures by which the cabinet may invoke a delivery prohibition; and repeals rules concerning contractor certification for individuals who perform corrective action. Rules were proposed 05/01/11. A public hearing was held 05/24/11, and comments were due 05/31/11.

[Proposed Rules](#)

Contact: [Cassandra Jobe](#) (502) 564-6716

PETROLEUM CONTAMINATED SOIL TREATMENT FACILITIES (401 KAR 47:205; 47:207; 48:205-208) This rulemaking implements new rules for petroleum contaminated soil treatment facilities. The rulemaking includes provisions to establish application requirements; permit issuance and public information procedures; procedures for excluding receipt of wastes other than petroleum contaminated soil, petroleum contaminated soil characterization, treatment standards and disposition of treated soil, and recordkeeping and reporting requirements; biopile liner geosynthetic quality assurance and quality control testing requirements. The rules were proposed 05/01/11. A public hearing was held 05/23/11, and comments were due 05/31/11.

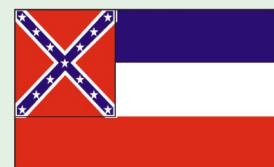
[Proposed Rules](#)

Contact: [Kelli Reynolds](#) (502) 564-6716

Mississippi

Legislative Session Convened 01/04/11; Adjourned 04/07/11

Effective Dates of Legislation: 60 days after passage, unless otherwise provided in the Act.



Proposed Rules

USTs This proposed rule amendment adds training requirements for UST compliance managers and operations clerks. It requires owners and operators to maintain records regarding such training and report those trained as Compliance Managers. The rule was proposed on 05/03/11, and comments were due 05/28/11. A Public Hearing was held 06/02/11.

[Proposed Rule](#)

Contact: [Kevin Henderson](#) (601) 961-5283

WATER QUALITY CRITERIA (WPC-2) This proposed amendment adds an antidegradation implementation policy to the regulations. The rule was proposed 05/10/11, and comments were due 06/04/11. A Public Hearing was held 06/14/11.

[Proposed Rule](#)

Contact: [Ted Lampton](#), (601) 961-3573

HAZARDOUS WASTE MANAGEMENT (HW-1) This proposed rule will revise the definition of solid waste to exclude certain hazardous secondary materials; add a new exclusion for comparable fuels and synthesis gas; withdraw the conditional exclusion for emission comparable fuels; remove saccharin and its salts from the lists of hazardous constituents and commercial chemical products; and take direct action for six technical corrections to an alternative set of hazardous waste generator requirements. The rule was proposed 06/09/11, and comments were due 07/04/11. A public hearing is scheduled for 7/27/11.

[Proposed Rule](#)

North Carolina

2011 Legislative Long Session began 01/19/11 and ends ~07/01/11

Effective Dates of Legislation: 60 days after adjournment unless directed otherwise in the bill.



Legislation

NC H 45: INDUSTRIAL SITE CLEANUP AND RISK REMEDIATION This bill authorizes NCDENR to approve the remediation of contaminated industrial sites based on site-specific remediation standards in certain circumstances in order to expedite the cleanup of former industrial sites. The bill excludes contaminated industrial sites subject the Leaking Petroleum Underground Storage Tank Cleanup program. It also limits application to sites where a discharge, spill, or release of contamination has been reported to NCDENR prior to 03/01/11. The bill requires a fee to the Remediation Fund in an amount equal to \$4,500 for each acre or portion of an acre of contamination up to a maximum of \$125,000. **Status: Enacted 2011-186**

REEO-S NOTE: Voluntary program that does not directly affect DoD.

NC H 119: PROHIBITION ON DISPOSAL OF CERTAIN BEVERAGE CONTAINERS AND ELECTRONIC WASTE The bill removes the prohibition on landfill disposal or incineration of beverage containers required to be recycled; adds a prohibition on landfill disposal or incineration of computer equipment or televisions; and prohibits the disposal of fluorescent lights and thermostats that contain mercury in an unlined landfill. The bill also directs the Commission and the Department to incorporate storm water capture and reuse standards and best management practices into the implementation of the storm water run-off rules. **Status: Enacted 2011-394**

REEO-S NOTE: No new significant requirements anticipated; addresses beverage container disposal and seeks to encourage gray water use.

NC S 181: PETROLEUM USTs AND PUBLIC WATER The bill provides that no cleanup will be required for any discharge or release from a petroleum underground storage tank when a public water system is available to those affected by the discharge or release and no surface waters are located within one thousand feet of the discharge or release. **Status: Passed Senate; In House committee**

REEO-S NOTE: DoD may not be able to take advantage of its provisions because it would likely be considered less stringent than Federal requirements.

NC S 231: INTERCONNECTION OF PUBLIC WATER SYSTEMS The bill requires the interconnection of public water systems or wastewater systems to regional systems when necessary to promote public health, protect the environment, and ensure compliance with drinking water rules and to require that an analysis of reasonable alternatives be done before constructing or altering a public water system. **Status: Passed Senate; In House committee**

NC S 279: CLARIFY THAT WOOD IS A RENEWABLE ENERGY RESOURCE The bill amends the definition of Renewable Energy Resource that pertains to the renewable energy and energy efficiency portfolio standard (reps) to clarify that wood is a renewable energy resource and that wood need not be a waste product to qualify as a renewable energy resource. **Status: Passed Senate; In House committee**

NC S 308: PROHIBIT STATE REGULATION OF GHG This bill prohibits State agencies from adopting, implementing, or enforcing a rule that regulates greenhouse gas emissions or limits human activity for the purpose of reducing greenhouse gas emissions if the rule is not required by a federal law or regulation or is more stringent than a corresponding Federal regulation or law. **Status: Passed Senate; In House committee**

REEO-S NOTE: Has momentum and follows the lead of other states in expressing distain of EPA's efforts in this matter. EPA's reaction should prove interesting if passed.

NC H 585: NC ENERGY INDEPENDENCE SEARCH COMMITTEE This bill establishes the North Carolina energy independence search committee to contact and invite major energy companies to explore in North Carolina for natural gas, oil, wind, or other energy sources capable of large scale energy production for the purpose of North Carolina becoming more energy independent. **Status: Passed House; Senate committee reported favorably**

REEO-S NOTE: Should this bill become law, activities of the committee should be closely tracked.

NC H 609: PROMOTE WATER SUPPLY DEVELOPMENT The bill would require the NCDENR to cooperate with units of local government in the identification of water supply needs and appropriate water supply sources and water storage projects to meet those needs. It also requires the State to cooperate with local governments to identify potential water supply sources and plan for construction of water supply storage to satisfy the long term water supply needs identified in local water supply plans. The bill also provides for establishment of a regional water supply planning organization. **Status: Enacted 2011-374**

REEO-S NOTE: This measure could result in land use changes around installations.

NC S 514: NUTRIENT SENSITIVE WATERS This measure provides that a nutrient management plan shall not be developed, adopted, or implemented for surface waters of the state unless those waters have first been classified as nutrient sensitive waters. **Status: Passed Senate; In House committee**

REEO-S NOTE: These bills may be in related to disputes between state agencies and EPA over nutrient regulation. Worst case hypothetical: DoD having to comply with two conflicting water quality programs (State and EPA). The bill should be tracked to see if there are any second or third order effects.

NC H 661: CDL/HAZMAT ENDORSEMENT EXPIRATION This bill requires the Division of Motor Vehicles to make a commercial drivers license and a hazardous materials endorsement expire at the same time. **Status: Enacted 2011-228**

NC S 428: STUDY CONSOLIDATED ENVIRONMENTAL COMMISSION This bill directs the Environmental Review Commission to study the desirability and the feasibility of consolidating the state's environmental policy-making, rule-making, and quasi-judicial functions into one comprehensive full-time Environmental Commission. **Status: Passed Senate; In House committee**

REEO-S NOTE: FYI for those who have dealings with the commission.

NC S 491: SEDIMENTATION POLLUTION CONTROL ACT EXEMPTION This bill specifies that the agricultural use exemption from Sedimentation Pollution Control Act permitting requirements continues to apply when the land is transferred into a wetlands restoration program or other water quality, water resources, or wildlife habitat enhancement program. **Status: Passed Senate; In House committee**

REEO-S NOTE: Could facilitate opportunities to utilize installation or surrounding agricultural land for mitigation.

NC S 628: WATER QUALITY PERMITTING This bill provides that the Environmental Management Commission shall deny a water quality permit or certification when the applicant knowingly falsifies information or fails to disclose relevant information in the application or supporting information; provides that the Department of Environment and Natural Resources shall conduct an environmental compliance review of an applicant for a water quality permit or certification prior to issuance of a permit or certification. **Status: Passed Senate; In House committee**

REEO-S NOTE: An apparent attempt to crack down on egregious violators. This measure should not impact DoD.

NC S 709: ENERGY JOBS ACTS Legislative intent to spur energy production in North Carolina so as to develop a secure, stable, and predictable energy supply to facilitate economic growth, job creation, and expansion of business and industry opportunities and to assign future revenue from energy exploration, development, and production of energy resources in order to protect and preserve the state's natural resources, cultural heritage, and quality of life. **Status: Vetoes (Governor's veto); General Assembly will meet 07/13/11 to consider vetoed bills.**

REEO-S NOTE: If passed, the legislation could encourage significant growth in the state's energy sector. Downside: DoD could face increasing encroachment pressures from oil and gas exploration and renewable energy generation development. Upside: could also facilitate enhanced collaboration on mutually beneficial energy endeavors.

Proposed Rules

PRETREATMENT REGULATIONS (15A NCAC 02H .0901-.0910, .0912-.0917, .0919-.0921, 15A NCAC 02H .0922) NCDENR adopted a new rule and amendments to pretreatment rules. Amendments address several aspects of EPA's streamlining of the Federal Pretreatment Regulations in 40 CFR 403, to include granting North Carolina municipalities access to provisions allowing pretreatment control authorities the option to reduce sampling of extremely small industrial users. Other amendments ensure consistency with Federal regulations. Remaining amendments ensure consistency with current Division of Water Quality (DWQ) practices, and allow flexibility of DWQ oversight of Pretreatment Programs. This includes amendments to ensure adequate communication and coordination regarding industrial user discharges in situations where one publicly owned treatment work (POTW) sends wastewater to another POTW for treatment. New rule 15A NCAC 02H .0922 consolidates and updates adjudicatory hearing conditions to cover pretreatment civil penalties and administrative orders in addition to adjudication of pretreatment permits already covered in an existing rule. NCDENR held a public hearing 06/17/10, and written comments were accepted until 08/02/10. The rules went before the EMC at

the 11/18/10 meeting, were approved on 05/01/11, and became effective on 04/01/11.

[Final Rule](#)

[Notice of proposed amendments \(pages 9-27\)](#)

Contact: Deborah Gore, (919) 807-6383

BOILERS AND PRESSURE VESSELS (13 NCAC 13 .0101, .0103, .0202, .0203, .0204, .0208, .0209, .0211, .0212, .0214, .0301, .0401, .0404, .0406, .0408, .0409, .0410, .0411, .0412) NCDENR is proposing to amend rules regarding boilers and pressure vessels, including revised incorporated standards, inspector qualifications, inspection standards and safety standards. A public hearing was held 03/31/11. Comments were due 05/16/11.

[Proposed Rule \(page 2159\)](#)

Contact: Erin T Gould, 919-733-7885

AIR QUALITY: SO₂, NO₂ (15A NCAC 02D .0402, .0407) NCDENR is proposing amendments to 15A NCAC 02D .0402, Sulfur Oxides and 15A NCAC 02D .0407, Nitrogen Dioxide, to incorporate the revised primary NAAQS for sulfur dioxide (SO₂) and nitrogen dioxide (NO₂), promulgated by EPA into the state air quality rules. On 06/02/10, EPA strengthened the primary NAAQS for SO₂ by replacing the 24-hour and annual standard with a new 1-hour SO₂ standard at a level of 75 ppb, based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. EPA is revoking the two existing primary standards of 140 ppb evaluated over 24-hours, and 30 ppb annual standard evaluated over an entire year because there is little health evidence to suggest an association between long-term exposure to SO₂ and health effects. The new 1-hour standard applies only to the primary standard set to protect public health, especially for children, the elderly, and people with asthma. EPA also strengthened the health-based NAAQS for NO₂. EPA is supplementing the existing annual standard for NO₂ of 53 ppb by establishing a new short-term standard based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. EPA is setting the level of this new standard at 100 ppb. EPA is making changes in data handling conventions for NO₂ by adding provisions for this new 1-hour primary standard that will protect public health, including the health of sensitive populations (people with asthma, children, and elderly). EPA is retaining, with no change, the current annual average NO₂ standard of 53 ppb. A public hearing was held 05/04/11. Comments were due 05/31/11.

[Notice of Public Hearing](#)

[Proposed Rules](#)

GROUNDWATER CONCENTRATION LIMITS (PUBLIC NOTICE) The Division of Water Quality received a petition to establish interim maximum allowable concentrations in groundwater for Acetophenone, Benzaldehyde, Carbazole, Diphenyl Ether, 2,4-Dinitrotoluene, Endosulfan Sulfate, Ethanol, Ethyl tert-Butyl Ether, alpha-Hexachlorocyclohexane, beta-Hexachlorocyclohexane, 2-Hexanone, 4-Isopropyl- toluene, 1-Methylnaphthalene, 2-Methyl Phenol and tert-Amyl Methyl Ether. The interim concentrations will aid NCDENR programs in assessing conditions and setting health protective groundwater levels at regulated sites. In accordance with 15A NCAC 02L .0202(c), data supporting the request and recommendations from the Division of Water Quality and the Division of Public Health were reviewed. Interim maximum allowable concentrations for contaminants listed in the notice are established for Class GA and GSA ground waters and are effective 04/01/11. In addition, an interim maximum allowable concentration for tert-Butyl Alcohol has been established IAW 15A NCAC 02L .0202(c), effective 01/06/11. Action to adopt permanent standards for these substances will be initiated during the 2010-2012 Groundwater Standards Triennial Review.

Citation: Vol. 25, Issue 19, North Carolina Register 04/01/2011 p. 2200

Contact: [Sandra Moore](#), 919-807-6417

South Carolina

Legislative Session Convened 01/11/11; Adjourned 06/02/11

Effective Dates of Legislation: 20th day after Governor signs or as provided in the Act.



Proposed Rules

WATER CLASSIFICATIONS AND STANDARDS (R. 61-68, -69) This proposed rule clarifies implementation details regarding the freshwater bacteriological indicator for NPDES permits, ambient water quality assessment and Total Maximum Daily Load (TMDL) development. The proposed rule clarifies the E. Coli bacteriological indicator for protection of recreational uses in Class SA, Class SB, and Shellfish Harvesting waters and, where appropriate, clarifies implementation details for NPDES permits, ambient water quality assessment and TMDL development. The rule was proposed 04/22/11, and comments were due 05/23/11. A Public Hearing has not been scheduled.

[Proposed Rule](#)

Contact: [Gina Kirkland](#) (803) 898-4355

HAZARDOUS WASTE (R.61-79) SCDHEC proposes to amend R.61-79, Hazardous Waste Management Regulations. South Carolina intends to adopt two final Federal amendments published between 07/01/09 and 06/30/10, and to correct errors and omissions in previously adopted regulations. The first rule, the Organization for Economic Cooperation and Development (OECD), Requirements; Export Shipments of Spent Lead-Acid Batteries, implements recent changes to agreements concerning transboundary movement of hazardous waste among countries belonging to the OECD. It establishes notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country, and specifies requirements for exception reports concerning hazardous waste exports and requirements for US receiving facilities for import consent documentation of incoming hazardous waste import shipments. This rule was published by EPA on 01/08/10 at [75 FR 1236](#). Adoption of this rule is optional to States. The second rule covers Hazardous Waste Technical Corrections and Clarifications published 03/18/10 at 75 FR 12989. The rule makes corrections to errors made by EPA. A number of technical errors in the hazardous waste regulations have occurred over time in numerous final rules published in the Federal Register. Some corrections are necessary to make conforming changes to all appropriate parts of RCRA hazardous for rules that have since been promulgated. In addition, changes clarify existing parts of the hazardous waste regulatory program and update references to DOT regulations that have changed since the publication of various RCRA final rules. SCDHEC also intends to correct omissions in language and errors made by the South Carolina Hazardous Waste Management (HWM) program in this regulation amendment package. South Carolina HWM Regulations will be adopted verbatim to match the Code of Federal Regulations. Some errors and omissions being corrected were a result of an incomplete transfer of information from the EPA to the State. These corrections will bring South Carolina HWMR into conformity with the US Code of Federal Regulations. Proposed corrections will be made to regulations previously approved and adopted by the SCDHEC Board and approved by the Legislature. No new rules will be included in the corrections. The Notice of Drafting comment period expires 07/26/11. Contact: Richard Haynes, (803) 896-4070

Tennessee

Legislative Session Convened 01/11/11; Adjourn 05/21/11

Effective Dates of Legislation: 40 days after signing or as provided in the Act.



Final Rule

ENTERPRISE SOUTH PARK WILDLIFE MANAGEMENT AREA (UNCODIFIED) The TN Wildlife Resources Commission issued wildlife proclamation number 11-03, which proclaims the area of Hamilton County consisting of lands formerly owned and delineated by the Department of the Army and transferred to Hamilton County and the City of Chattanooga known as the Volunteer Army Ammunition Plant, to be known as the Enterprise South Park Wildlife Management Area. The rule was adopted on 05/25/11 and became effective 06/24/11. Contact: List Crawford, 615-781-6500

Proposed Rules

LEAD-BASED PAINT ABATEMENT (1200-1-18-.1-.6, 0400-13-1.1-.6) TDEC has proposed amendments that would provide procedures and requirements for accreditation of lead-based paint activities and renovation training programs; outline procedures and requirements for certification of individuals and firms engaged in lead-based paint activities; and provide work practice standards for performing such activities. Amendments would repeal unnecessary provisions, and stipulate that all lead-based paint activities be performed by certified individuals and firms. OGC completed its review the week of 03/29/10. The rule was sent to the Attorney General for review and to ensure that legislative authorities are in existence and cited properly. The rule remains at the Attorney General's Office. It is anticipated that the rule will be filed with the Secretary of State in early 11. After that, it will be given an effective date that is 90 days from that log in.

[Notice of Proposed Rulemaking](#)

Contact: [Adrienne White](#), 615-532-0885

STATE SOLID WASTE REDUCTION GOALS (TAC 1200-1-7-.1, -.9, -.10) TDEC has proposed amendments to address state waste reduction goals: reduce annually, the amount of solid waste going to Class I, Class III, and Class IV landfills. The rule addresses a private sector survey that would establish a baseline index for waste reduction and recycling activities, as well as monitor change. The current waste disposal reduction goal would be deleted in its entirety. Amendments would add definitions for calculated generation, municipal solid waste, E-scrap, local government, material derived fuels and waste to energy facility/combustor. The rule did not go before the Solid Waste Disposal Control Board at the

12/07/10 meeting. There will be meetings with stakeholders in 11 to help to shape draft language. It will likely be several months before the new rule language is drafted.

[Proposed Rule](#)

Contact: [Greg Luke](#), 615-532-0874

UST PROGRAM (TAC 1200-1-15.1-.3, .7) TDEC has proposed a rule to update UST pre-installation notification requirements. It would add a provision requiring owners installing UST systems that contain a petroleum substance blended with more than 10% alcohol products by volume, to submit documentation at least 15 days prior to commencement of installation that demonstrates the UST system is compatible with the product being stored. The rulemaking would replace the current rule regarding UST closure requirements. It would also provide forms required for submission of information. A public hearing was held 01/20/11, and comments were due 01/26/11.

[Notice of Proposed Rulemaking](#)

Contact: Rhonda Key, 615-532-0972

Frequently Used Acronyms

ADEM – Alabama Department of Environmental Management	JCARR – Joint Committee on Administrative Regulation Review
AEPI – Army Environmental Policy Institute	LRC – Legislative Research Commission
AKO – Army Knowledge Online	MSDEQ – Mississippi Department of Environmental Quality
AQC – Air Quality Committee	NAAQS – National Ambient Air Quality Standards
ARRS – Administrative Regulation Review Subcommittee	NCDENR – North Carolina Department of Natural Resources
ASHRAE - American Society of Heating, Refrigerating, and Air-Conditioning Engineers	NEPA – National Environmental Policy Act
AST – Aboveground Storage Tank	NESHAPs – National Emission Standards for Hazardous Air Pollutants
ATDSR - Agency for Toxic Substances and Disease Registry	NMFS – National Marine Fisheries Service
BHEC – Board of Health and Environmental Control	NOAA – National Oceanic and Atmospheric Administration
BMP - Best Management Practices	NO ₂ – Nitrous Dioxide
BNR – Board of Natural Resources	NO _x – Nitrogen Oxide
CAA – Clean Air Act	NASA – National Aeronautic and Space Administration
CAIR – Clean Air Interstate Rule	NPDES – National Pollutant Discharge Elimination System
CEQ – Council on Environmental Quality	OSD – Office of the Secretary of Defense
CO - Carbon Monoxide	OREGA-S– Office of Regional Environmental and Governmental Affairs—Southern
CO ₂ – Carbon Dioxide	PM2.5 – Fine Particulate Matter
CWA – Clean Water Act	PM10 — Coarse Particulate Matter
CZMA – Coastal Zone Management Act	PROSPECT - Proponent-Sponsored Engineer Corps Training
DLA – Defense Logistics Agency	PSD – Prevention of Significant Deterioration
DOE – Department of Energy	RRC – Rules Review Commission
DoD – Department of Defense	SCDHEC – South Carolina Department of Health and Control
DOI – Department of Interior	SDWA – Safe Drinking Water Act
EIS – Environmental Impact Statement	SIP – State Implementation Plan
EO – Executive Order	SOC – Statement of Consideration
EMC – Environmental Management Commission	SO ₂ - Sulfur Dioxide
EPA – Environmental Protection Agency	SFWMD—Southwest FL Water Management District
EPCRA – Emergency Planning and Community Right-to-Know Act	TAC – Technical Advisory Committee
ERC – Environmental Regulation Commission	TDEC – Tennessee Department of Environment and Conservation
ESA – Endangered Species Act	UECA – Uniform Environmental Covenants Act
FAW – Florida Administrative Weekly	USACE – United States Army Corps of Engineers
FDA – Food and Drug Administration	USDA – United States Department of Agriculture
FLDEP – Florida Department of Environmental Protection	USFWS – United States Fish and Wildlife Service
GADNR – Georgia Department of Natural Resources	UST – Underground Storage Tank
GAEPD – Georgia Environmental Protection Division	VOC – Volatile Organic Compound
GAO – Government Accountability Office	µg/m ³ —Micrograms per Meter Cubed
GC – Groundwater Committee	
GHG – Greenhouse Gas	
HAP - Hazardous Air Pollutant	
INRMP - Integrated Natural Resources Management Plan	
KDEP – Kentucky Department of Environmental Protection	
KEEC - Kentucky Energy and Environment Cabinet	