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Environmental Update

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SWFWMD Rulemaking Regarding ERPs

Contact: Amelia Savage

On October 15, 2010, the Southwest Florida Water Management District (SWFWMD) published a Notice of Proposed Rule in which it seeks to amend its rules and Basis of Review for Environmental Resource Permit Applications. The amendments are intended to: (1) clarify the current mitigation exemption for certain ponds; (2) eliminate the preference for on-site mitigation versus off-site mitigation; (3) explain requirements for demonstrating sufficient ownership or control of off-site mitigation areas; (4) clarify when the Uniform Mitigation Assessment Method is to be applied; and (5) provide other non-substantive changes and clarifications. Preliminary text of the proposed rule is available at https://www.flrules.org/gateway/View_Notice.asp?id=9261383.

NFWWMD ERP Rules Final

Contact: Amelia Savage

On October 22, 2010, the Florida Department of Environmental Protection (DEP) published final rules regarding environmental resource permitting (ERP) in the Northwest Florida Water Management District (NFWWMD). The ERP rules were implemented in two phases for NFWWMD. The first phase, which generally dealt with stormwater runoff, was implemented in October 2007. The rules regarding the second phase, which deal with wetlands protection, were published on October 22 and became effective on November 1, 2010. The final rules are intended to bring permitting in NFWWMD in line with environmental permitting in the rest of the state. Perhaps the most significant effect of these rules is the regulation of isolated wetlands, which were previously not regulated within the boundaries of NFWWMD. The final rules are available at <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-346>.

EPA Proposes NSPS and Emission Guidelines for Sewage Sludge Incineration Units

Contact: Paula L. Cobb

On October 14, 2010, the U.S. Environmental Protection Agency (EPA) proposed New Source Performance Standards (NSPS) and emission guidelines (EG) for existing sources for sewage sludge incineration units (to be codified in 40 CFR Part 60, Subparts LLLL and MMMM). *75 Fed. Reg.* 63260 (Oct. 14, 2010) and 68296 (November 5, 2010).

Section 129 of the Clean Air Act requires EPA to develop and adopt NSPS and EG for solid waste incineration units, and EPA includes sewage sludge incineration units (SSI units) in that category of units. The proposed standards and guidelines will apply to owners or operators of an incineration unit burning solid waste at wastewater treatment facilities (as defined in 40 CFR 60.4780 and 60.5065) and will apply to each individual SSI unit. **Comments are due on or before November 15, 2010.**

EPA Finalizes Corrections and Clarifying Amendments to GHG Reporting Rule

Contact: Paula L. Cobb

As previously reported in the HGS Environmental Update, EPA proposed amendments to the Greenhouse Gas Reporting Rule (GHG Reporting Rule) to correct technical and editorial errors and clarify certain provisions questioned by reporting entities. *See 75 Fed. Reg.* 33950 (June 15, 2010) and 48744 (August 11, 2010). EPA finalized these amendments and determined that it is feasible for reporters to implement them for the 2010 reporting period, with limited exceptions related to iron and steel sources and crude oil. *75 Fed. Reg.* 66434 (Oct. 28, 2010).

EPA Finalizes NSR Requirements for PM_{2.5}

Contact: Robert Manning

EPA finalized amendments to the New Source Review (NSR) rules for PM_{2.5}, effective December 20, 2010. *75 Fed. Reg.* 64864 (October 20, 2010). The amendments finalize program provisions under the PM_{2.5} PSD regulations and supplements the final implementation rule for PM_{2.5} promulgated on April 25, 2007 (*72 Fed. Reg.* 20586) and the PM_{2.5} NSR Implementation Rule promulgated May 16, 2008 (*73 Fed. Reg.* 28321).

The final rule establishes increments and two screening tools, Significant Impact Levels (SILs) and a Significant Monitoring Concentration (SMC), for PM_{2.5}. The increments will become applicable October 20, 2011, while the SILs and SMCs will become effective under the Federal PSD program December 20, 2010, the effective date of the final rule.