



# Southern Review

## of Legislative & Regulatory Actions

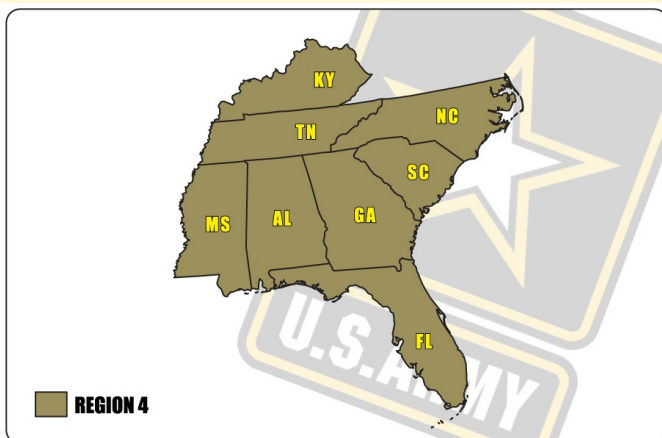


The U.S. Army Regional Environmental & Energy Office

June 2014

**THE SOUTHERN REGION REVIEW** provides current information regarding environmental and energy-related actions and events throughout Federal EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee). The events reported 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 Review* is a monthly electronic publication. To receive this publication, please email a request to [rebecca.d.shanks.ctr@mail.mil](mailto:rebecca.d.shanks.ctr@mail.mil). Please include a contact name and email address in the body of the message.



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## SOLAR PROJECTS AT THREE GEORGIA POSTS PUSH ARMY CLOSER TO ONE GIGAWATT GOAL

The Army announced its largest solar project to date last week when it unveiled plans to develop 30-megawatt, alternating current, solar photovoltaic arrays at three installations in Georgia — Forts Stewart, Gordon and Benning.

The three projects, referred to as “Georgia 3×30,” are a collaborative effort among the Army’s Energy Initiatives Task Force, the three installations, the General Services Administration (GSA) and Georgia Power. The venture is projected to bring the service 9 percent closer to its commitment to deploy one gigawatt of renewable energy by 2025.

Georgia Power, an operating utility of Southern Company, will finance, design, build, own and operate the projects. The Army will purchase the majority of the power through an existing 10-year GSA area-wide contract with Georgia Power, according to an Army fact sheet.

About 250 acres have been identified as potential development sites at each of the installations. The Army and Georgia Power plan to enter into a 35-year easement to allow the project to go ahead.

The announcement comes less than a month after officials held a groundbreaking for an 18-megawatt solar project at Fort Huachuca, Ariz.

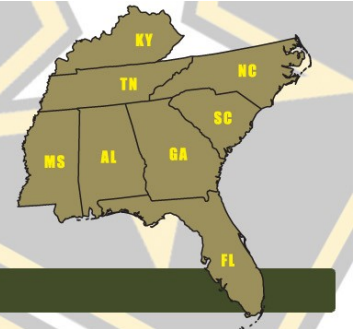
“We continue to grow our relationships with other government agencies and industry and are gaining momentum in building a sustainable renewable energy portfolio,” said Richard Kidd, deputy assistant secretary for energy and sustainability.

Once operational, 18 percent of the energy the Army consumes in Georgia will be generated on-site by renewable sources. Groundbreakings for the three projects are being planned for late 2014 with operations anticipated to begin in 2015.

[Article](#) by Association of Defense Communities, 18 MAY 14.

# Region 4

For more information on any state issue in Region 4, please contact [Marshall Williams](#), Army Regional Environmental Coordinator, (404)460-3136.



**2014 LEGISLATIVE SESSION: 14 JAN 14 THROUGH 5 MAY 14**

*Adjournment dates are estimated and updated based on legislative activity.*

## LEGISLATION

**[HB 49 \(SB 20\)](#), ALABAMA DROUGHT PLANNING TEAM** This measure would establish a planning team to address developing a State Drought Plan and periodically issue drought declarations. It would reaffirm the governor's ability to respond to extreme drought conditions under power provided under the [Alabama Emergency Management Act of 1955](#). Last action: HB 49 was enacted.

**[HB 94 \(SB 80\)](#), LAND USE DEVELOPMENT NEAR MILITARY INSTALLATIONS** This measure would help prevent incompatible urban encroachment upon military installations and facilitate the continued presence of major military installations within the state. It would require the notification of certain military installations of certain land use changes by local governments and allow the military installations an opportunity to comment on the proposed land use changes. This bill would provide for references to military installations in master plans adopted by municipal planning commissions. Last action: SB 80 was enacted.

**[HB 475 \(SB 355\)](#), STORMWATER REGULATION** This measure would allow the governing bodies of all counties and municipalities to carry out requirements of the municipal separate storm sewer system program. It would provide governing bodies with the option to establish inter-cooperative public corporations for efficient compliance with applicable federal and state laws, rules, and regulations relating to stormwater discharges. Last action: HB 475 was enacted.  
**REEO-S Note: This measure attempts to limit impact of EPA stormwater regulation and policy by limiting the substantive scope of such programs to include only those rules and regulations absolutely required to satisfy the Clean Water Act. This bill would further exclude compliance with any guidance or interpretations of said laws, rules, and regulations not promulgated in accordance with the Alabama Administrative Procedure Act. Finally, the bill would limit maximum fees to \$3,000.**

**[SB 402](#), WIND ENERGY PERMITTING** This bill would require a person to obtain a permit from the applicable local governing body in Cherokee County prior to installing or operating a wind energy conversion system. Last action: SB 402 was enacted.

**[SB 403](#), WIND ENERGY PERMITTING** This bill would require a person to obtain a permit from the applicable local governing body in Etowah County prior to installing or operating a wind energy conversion system. Last action: SB 403 was enacted.

## NEWS RELEASE

**SOLID WASTE STUDY ([NEWS RELEASE](#))** ADEM conducted the first in a series of state-wide public meetings focused on solid waste management. ADEM is working with Auburn University to facilitate the meetings and compile public input into a final report. As part of its study efforts, Auburn has established a [project website](#) to provide pertinent information to interested parties. Once complete, the final report and program enhancements will be presented to ADEM and the Alabama Legislature. In its 2011 regular session, the legislature directed ADEM to evaluate current Alabama solid waste management procedures, including those for permitting new solid waste landfills. The legislature imposed a 24-month moratorium on issuance of permits to certain new landfills, and passed a one-year extension of this moratorium (through MAY 2014). POC: Scott Hughes, (334) 271-7955.



## 2014 LEGISLATIVE SESSION: 4 MAR 14 THROUGH 2 MAY 14

### LEGISLATION

**HB 189 (SB 374) LOCAL COMPREHENSIVE PLANNING** This bill would revise restrictions on the initiative or referendum process in regard to local comprehensive plan amendments and map amendments. Last action: SB 374 passed both chambers and was sent to the governor. **REEO-S Note: It is not clear how removing the five parcel condition would affect planning near military installations.**

**HB 601 (SB 536), GRAY WATER AND WATER REUSE** These bills would require the Florida Department of Agriculture and Consumer Services and the Florida Department of Environmental Protection (FLDEP), in cooperation with WMDs, to conduct a study and submit a report on the expansion of beneficial use of reclaimed water. Last action: SB 536 passed both chambers and is awaiting the governor's action. **REEO-S Note: This measure could provide an opportunity for the military to collaborate with state officials on water reuse.**

**HB 5003 (SB 2500), CONSERVATION BUFFERS AND ONSITE SEWAGE NITROGEN STRATEGIES STUDY** These measures implement specific appropriations of the Fiscal Year 2014-2015 General Appropriations Act. HB 5003, section (s) 4 ([SB 2502 s10](#)), provides requirements for the completion of Florida Onsite Sewage Nitrogen Strategies Study. HB 5003, section 21 ([SB 2500 s5](#)), amends Florida Statutes, section 259.105, to provide that the Florida Forever Trust Fund shall be distributed for: acquisition of agricultural lands for conservation purposes; **land surrounding military installations needed for military buffering**; or lands for protection of springs and other water resources. Last action: HB 5003 was enacted. **REEO-S Note: The provisions relating to military buffers may be of particular interest.**

### PROPOSED RULES

**AIR GENERAL PERMIT MODIFICATIONS (62-210.200, 62-210.300, 62-210.310)** FLDEP has proposed amendments to paragraph 62-210.300(3)(a), F.A.C., to update provisions for exemptions from permitting for fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity less than 100 million British thermal units (Btu) per hour. The rule revision will allow sources subject to 40 CFR Part 63, Subpart JJJJJJ to remain exempt from permitting. This rule development proposes to amend Rule 62-210.310, F.A.C. to address the circumstances under which temporary sources, including emissions units operating under an Air General Permit registration, may collocate at an otherwise permitted facility. It eliminates the Air General Permit Registration fee for facilities that register using FLDEP's Air General Permit Electronic Registration System (AGPERS), and clarifies and corrects existing language in Rules 62-210.200, .300 and .310, F.A.C. A [Notice of Development of Rulemaking](#) was published 01 MAY 14. FLDEP POC: [Terri Long](#), (850) 717-9023.

**THREATENED AND ENDANGERED SPECIES (5I-8.001, 5I-8.002, 5I-8.003, 5I-8.004)** The Department of Agriculture and Consumer Services (DACS) has proposed 5I-8.001, 5I-8.002, 5I-8.003, and 5I-8.004, F.A.C. The proposed rule provides a presumption of compliance from incidental take of state imperiled species through implementation of voluntary Florida Forestry Wildlife Best Management Practices (WBMPs). The proposed rule establishes a procedure for applicants submitting a "Notice of Intent to Implement" Florida Forestry WBMPs. When the Notice of Intent to Implement Florida Forestry WBMPs is filed with the Florida DACS, Florida Forest Service (FFS), and the Florida Fish and Wildlife Conservation Commission (FFWCC), and the Florida Forestry WBMPs are implemented, the landowner has a presumption of compliance from incidental take of state imperiled species. This proposed rule provides that when Florida Forestry WBMPs are not physically observable in the field, participants must preserve sufficient documentation to confirm implementation of the Florida Forestry WBMPs identified in the Notice of Intent to Implement. All field activities and documentation related to Florida Forestry WBMP implementation are subject to FFS and FFWCC inspection. The [Notice of Proposed Rules](#) was published 19 MAY 14. Comments were due 9 JUN 14. POC: Jeffery Vowell, (850) 681-5943.

**JOINT COASTAL PERMIT PROGRAM (62B-49.001, .002, .004, .005, .006, .008, .010, .011, .012, .013)** Chapter 62B-49, F.A.C., establishes the Joint Coastal Permit program. Activities that require a coastal construction permit and an Environmental Resource Permit (ERP) are authorized by a single joint coastal permit. FLDEP proposes to amend Chapter 62B-49 and add a new rule to implement Laws of Florida 2012-65. FLDEP also proposes to clarify language to reduce confusion in the permitting process and requests for additional information; add conditions and amend portions to expedite the permitting process; and amend procedures to allow for electronic submittal of applications. A [Notice of Rule-](#)

[making Development](#) was published 17 JAN 13. An [advisory](#) was issued 13 FEB 13. An additional workshop was held 4 OCT 13. A [Notice of Proposed Rules](#) was published 7 FEB 14, and comments were due 28 FEB 14. FLDEP POC: [Kamie Carney](#), (850) 488-7816.

**RISK BASED SITE REMEDIATION (62-777.100, .150, .170)** FLDEP has proposed rules in response to a petition filed by the Associated Industries of Florida. This initiates dialogue regarding the proposed amendments to rules governing the Risk-Based Corrective Action (RBCA) process at contaminated sites, and those governing the derivation of Cleanup Target Levels (CTL) in Florida. Subject areas to be addressed include FLDEP's "Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 62-777, F.A.C. (February 2005);" rule applicability provisions and whether FLDEP will be mandated to approve proposed alternative CTLs (ACTLs); derivation of CTLs and ACTLs; and whether site-specific soil properties should be considered in establishing an ACTL. FLDEP is also proposing changes to 62-780 to consolidate and create consistency across contaminated site cleanup programs. The [Notice of Rulemaking Development](#) was published 28 OCT 11, a [Workshop Advisory](#) was issued 18 FEB 13, and a workshop was held 5 MAR 13. Another workshop was held 19 JUN 13. Comments to changes to 62-780 were due 4 OCT 13. FLDEP POC: [Brian Dougherty](#), (850)245-7503.

**UNIFORM MITIGATION ASSESSMENT METHOD (62-345.100, .200, .300, .400, .500, .600, .900)** FLDEP has proposed amendments to clarify and ensure consistent application of the Uniform Mitigation Assessment Method (UMAM) rule. Amendments address application of UMAM to wetland and upland assessment areas where preservation as mitigation is proposed, a revised method to ensure equal evaluation is used when calculating the preservation adjustment factor, and clarified application of the UMAM for assessment areas artificially created or significantly altered from historic or natural condition. Guidance will be provided to clarify time-lag and risk factor determination, and to assist in designation and classification of Florida's native community types. Clarification and guidance will also be provided regarding application of the UMAM to quantitative assessment of location and landscape support values, assessment of wetland functions as provided by surrounding upland communities, and in evaluation of contributions of the assessment area to water bodies and wetlands. Application of the UMAM to benthic communities will be clarified to provide specific guidance and criteria for assessment of sea grass, hard bottom, and other submerged communities. UMAM form improvements will better track steps and processes outlined by rule language, and facilitate long-term tracking of wetland functional losses and gains. A [Notice of Rulemaking Development](#) was published on 3 MAY 13. A workshop was held 26 JUN 13. FLDEP POC: [John Humphreys](#), (850) 245-8487.

**CONSUMPTIVE USE PERMITTING, MINIMUM FLOWS AND LEVELS, WATER SUPPLY** The Florida WMDs have proposed and adopted rules as part of a statewide effort, headed by FLDEP and joined by all five water WMDs, to increase consistency in consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will be addressed. Rule development is to be coordinated with similar rule development by other WMDs throughout Florida. WMDs anticipate filing similar, slightly different amendments to accomplish the same results. Changes will address FLDEP and WMDs' goals for this rulemaking, including:

- Making the CUP program less confusing for applicants, particularly those who work in more than one district;
- Treating applicants equitably statewide;
- Providing consistent protection of the environment;
- Streamlining the permitting process; and
- Incentivizing behavior that protects water resources, including conservation.

Notices of rulemaking for each WMD will be or have been filed. Workshops are being held, and hearings and workshops regarding WMD actions are available at respective websites or the [FLDEP website](#). South Florida WMD POC: [Beth Ross](#), (561) 682-6257.

**KINGS BAY TMDLs (62-304.645)** FLDEP has proposed amendments to 62-304.645, F.A.C., to establish Total Maximum Daily Loads (TMDLs) for impaired waters in the Springs Coast Basin, to include:

- Kings Bay Water Body Identification (WBID) 1341 [Nutrients (Algal Mats)];
- Hunters Spring WBID 1341C [Nutrients (Algal Mats)];
- House Spring WBID 1341D [Nutrients (Algal Mats)];
- Idiots Delight Spring WBID 1341F [Nutrients (Algal Mats)];
- Tarpon Spring WBID 1341G [Nutrients (Algal Mats)]; and
- Black Spring WBID 1341H [Nutrients (Algal Mats)].

A [Notice of Rulemaking Development](#) was published 14 MAY 13, and a workshop was held 27 SEP 13. Comments were due 18 OCT 13. FLDEP POC: [Richard Hicks](#), (850) 245-8229.

**CONSTRUCTION AND DEMOLITION LANDFILLS (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, .802, .803, .900)** FLDEP has



proposed revisions to chapter 62-701 of the Florida Administrative Code (F.A.C.). Subsection 403.707(9), F.S., requires all construction and demolition debris landfills be constructed with liners and leachate control systems, and that all construction and demolition debris be processed prior to disposal when economically feasible. Section 403.087(6), F.S., requires all permit fees be updated every five years to account for inflation. The rule chapter must be amended to address these new requirements. There are also several minor changes that need to be made to update and clarify the chapter. A [Notice of Rulemaking Development](#) was published 17 AUG 12 and a [Workshop Advisory](#) was issued 22 OCT 13. Workshops were held 8 OCT 13 and 14 MAR 14. FLDEP POC: [Richard Tedder](#), (850) 245-8735.

**ABOVEGROUND STORAGE TANK SYSTEMS (62-762.101, .201, .211, .301, .401, .451, .501, .511, .601, .611, .641, .701, .711, .801, .821, .851, .891, .901)** FLDEP has proposed revisions to the AST Systems rules in Chapter 62-762 for clarity and to remove language that is no longer applicable. A [Notice of Rulemaking Development](#) was published 19 NOV 13. Workshops were held 17 DEC 13, 27 MAR 14, and 20 MAY 14. FLDEP POC: [William Burns, Jr.](#), (850) 245-8842.

**UNDERGROUND STORAGE TANK SYSTEMS (62-761.100, .200, .210, .300, .350, .400, .405, .420, .430, .440, .450, .500, .510, .600, .610, .640, .700, .710, .800, .820, .850, .900)** FLDEP has proposed revisions to the UST Systems rules in Chapter 62-761 for clarity and to remove language that is no longer applicable. The [Notice of Rulemaking Development](#) was published on 19 NOV 13. A workshop was held 17 DEC 13. FLDEP POC: [William Burns, Jr.](#), (850) 245-8842.

**WATER REUSE AND RECYCLING (62-40.210, 62-40.416)** FLDEP has proposed an amendment to Rule 62-40.210, F.A.C., to provide a definition for a new term provided in proposed amendments to Rule 62-40.416, F.A.C. Proposed amendments to Rule 62-40.416, F.A.C., seek to promote the use of reclaimed water instead of higher quality sources where appropriate. They also provide clarification to consumptive use permit applicants seeking supplemental water for reuse systems on how applicants might meet conditions for issuance. The [Notice of Rulemaking Development](#) was published 3 SEP 13 and a workshop was held 25 SEP 13. A [Notice of Proposed Rules](#) was published 8 NOV 13 and comments were due 29 NOV 13. A [Notice of Change](#) was published on 17 JAN 14. FLDEP POC: [Janet Llewellyn](#), (850) 245-3139.

**WATER CONSERVATION AND RESERVOIRS (40E-10.011, .021, .031, .041)** The South Florida WMD has proposed revisions to Chapter 40E-10, F.A.C., to establish a water reservation rule for natural system water associated with the [Comprehensive Everglades Restoration Plan](#) (CERP) [Caloosahatchee River \(C-43\) West Basin Storage Reservoir Project](#). The water reservation rule would identify and reserve water from consumptive use for the CERP C-43 West Basin Storage Reservoir Project and ensure that water is available to provide the intended benefits to the natural system. Other WMDs are proposing reservoirs in accordance with legislation. The water reservation rule will require consumptive use permit applicants to provide assurances that the proposed use of water would not withdraw water reserved for the natural system. The [Water Resources Development Act of 2000](#) (WRDA 2000) requires Florida to reserve or allocate water for the natural systems associated with implementation of CERP projects. This rulemaking is prospective in nature, as proposed amendments involve future reservation of water when the C-43 Reservoir becomes operational. Proposed amendments include language relative to the water reservation. The [Notice of Rulemaking Development](#) was published 10 FEB 12, workshops were held, and an advisory was issued 30 DEC 13. Another [workshop](#) was held 23 JAN 14 and comments were due 19 MAR 14. A hearing was held 10 APR 14, and a [Notice of Change](#) was published 27 MAY 14. POC: Don Medellin, (561) 682-6340. **REEO-S Note: The Basis of Review is proposed to be renamed and reorganized as the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District" through the statewide water use permitting rulemaking referred to as "CUPCon." CUPcon amendments will become effective prior to the public hearing scheduled for 10 APR 14. The Applicant's Handbook is referenced herein rather than the Basis of Review.**

**OPEN BURNING (5I-2.003, 5I-2.006)** The Department of Agriculture and Consumer Services has proposed changes to update rules 5I-2.003 and 5I-2.006, F.A.C., to include the 2013 legislative changes to Chapter 590, Florida Statutes. Changes update definitions and open burning requirements and certifications to bring Chapter 5I-2, F.A.C., into compliance with Section 590.125, Florida Statutes. The rule change extends the Certified Prescribed Burn Manager's authorizations by one hour. A [Notice of Rulemaking Development](#) was published 4 FEB 14 and a workshop was held 27 FEB 14. Comments were due 16 MAY 14. POC: [Jim Brenner](#): (850) 681-5916.

**UST TRAINING AND CERTIFICATION (62-761.350, 62-761.400)** FLDEP has proposed revisions to 62-761.350 and 62-761.400 F.A.C. USTs. The Energy Policy Act of 2005 (EPAct) amended the Solid Waste Disposal Act by adding section 9012, provides EPA with the authority to prohibit deliveries of regulated substances to federally regulated USTs, and requires UST operator training. Because FLDEP does not have an EPA approved UST program, EPA may choose to en-

force federal UST laws that would be regulated under the federal program upon Florida UST owners and operators, including violations of the EPCRA delivery prohibition and operator training requirements. EPA indicates it would not pursue enforcement against Florida UST facilities if FLDEP meets and enforces EPCRA. On 10 APR 13, EPA alerted FLDEP that the department's existing practices regarding these provisions were not in compliance with EPCRA; thus, EPA would no longer provide FLDEP with certain UST grant funding. To continue receiving this funding, on 10 MAY 13, FLDEP committed to adopt rules to implement provisions. The [Notice of Rulemaking Development](#) was published 25 JUN 13 and the [Notice of Proposed Rules](#) was published 14 MAR 14. Comments were due 4 APR 14. POC: [William Burns, Jr.](#), (850) 245-8842.

**DOMESTIC WASTEWATER FACILITIES (62-600)** FLDEP has proposed amendments to Chapter 62-600, F.A.C., to simplify design, operation, monitoring, and reporting requirements applicable to domestic wastewater facilities. Revisions clarify reliability design requirements, applicability of specific operation and maintenance requirements, innovative and alternative treatment process requirements, sampling methodology, sinkhole reporting requirements, permit monitoring effective date, flow recording device calibration requirements, procedures for electronic submittal of monitoring results, and minimum ground water monitoring requirements. Requirements are also being updated for consistency with other FLDEP rules, including Chapters 62-520, 62-528, 62-610, and 62-640, Florida Department of Health Chapter 64-E-6, F.A.C., and ocean outfall legislation adopted in Section 403.086(9), F.S. Domestic wastewater facility requirements are being revised to eliminate obsolete and redundant requirements, including those for obtaining construction permits, exemptions from state water quality criteria no longer in use, test methods approved specifically for domestic wastewater facilities, and requirements redundant to or superseded by Chapters 62-4, 62-610, 62-620, and 62-650, F.A.C. FLDEP is soliciting suggestions for clarifying, streamlining, reducing costs, or other items that may be beneficial to domestic wastewater management. The [Notice of Rulemaking Development](#) was published 27 MAR 14 and a workshop was held 16 APR 14. FLDEP POC: [Sharon Sawicki](#).

**MITIGATION BANKS (62-342.100, .200, .450, .470, .650, .700, .750, .800, .850, .900)** FLDEP has proposed rules to correct citations and references in Chapter 62-342, F.A.C., "Mitigation Banks," resulting from amendments to the new Statewide Environmental Resource Permitting rule Chapter 62-330, F.A.C., effective 1 OCT 13, repeal of rules in Chapter 62-312, F.A.C., and repeal of Chapters 62-343 and 62-346, F.A.C., effective 25 NOV 13. Rule 62-342.200 and paragraph 62-342.750(1)(c) refer to the success criteria in Rule 62-312.350, F.A.C., which is repealed. The effective date of Chapter 62-312, F.A.C., in existence prior to its repeal, needs to be added to the above provisions in Chapter 62-342, F.A.C., so mitigation bankers can continue to rely on those criteria. The [Notice of Rulemaking Development](#) was published 31 MAR 14. FLDEP POC: [Alice Heathcock](#), (850) 245-8483.

**COMPLIANCE TESTS (62-297.401)** FLDEP has proposed to repeal the rule that lists which air emissions test methods are to be used where a compliance test is required by a FLDEP air pollution rule or air permit. The list of test methods in Rule 62-297.401, F.A.C., is no longer necessary because the required test method is now prescribed in each rule that requires a compliance test. State air emissions opacity test method, "DEP Method 9," is repealed so businesses are able to rely solely on a comparable federal air emissions opacity test method, "EPA Method 9," thus will not be subject to both state and federal opacity test methods. The [Notice of Proposed Rules](#) was published 11 APR 14, and comments were due 2 MAY 14. FLDEP POC: [Cindy Phillips](#), (850) 717-9098.



## ***FINAL RULES***

**AIR QUALITY CONTROL UPDATES (391-3-1-.01, 391-3-1-.02(2)(www), 391-3-1-.02(4), 391-3-1-.02(7), 391-3-1-.02(8)(b), 391-3-1-.02(9)(b), 391-3-1-.03(10))** The Georgia Department of Natural Resources (GADNR) has adopted amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1:

- Rule 391-3-1-.01, "Definitions," is amended to revise the definitions of "Volatile organic compound" and "Procedures for Testing and Monitoring Sources of Air Pollutants";
- Rule 391-3-1-.02(2)(www), "Sewage Sludge Incineration Units Constructed On or Before October 14, 2010," is amended to correct a discrepancy in applicable requirements for recordkeeping and reporting;
- Rule 391-3-1-.02(4), "Ambient Air Standards," is amended to update the annual PM<sub>2.5</sub> standard to be consistent with the revision of the National Ambient Air Quality Standard for PM<sub>2.5</sub> in 2012. Rule 391-3-1-.02(7);
- "Prevention of Significant Deterioration of Air Quality," is amended to update the incorporation by reference date and to revise the definition of "Regulated NSR pollutant;"
- Rule 391-3-1-.02(8)(b), "New Source Performance Standards," is revised to incorporate the revisions to Perform-

ance Standards by reference to ensure consistency between the state and federal programs;

- Rule 391-3-1-.02(9)(b), "Emission Standards for Hazardous Air Pollutants," is revised to incorporate the revisions to National Emission Standards for Hazardous Air Pollutants by reference to ensure consistency between the state and federal programs; and
- Rule 391-3-1-.03(10), "Title V Operating Permits," is amended to update the incorporation by reference provisions and to add a subparagraph to specify the application deadline for new major sources.

A [Notice of Proposed Rules](#) was filed 2 APR 14 and a hearing was held 8 MAY 14. Comments were due 12 May 14 and a meeting is scheduled for 24 JUN 14. The [Final rules](#) were effective 4 MAY 14. POC: Air Protection Branch, (404) 363-7000.

## ***PROPOSED RULES***

**EPD STAKEHOLDER MEETING - POSSIBLE DEVELOPMENT OF A DROUGHT MANAGEMENT RULE** The Georgia Environmental Protection Division (GAEPD) Watershed Protection Branch held a stakeholder meeting to inform and solicit input from the public and impacted organizations regarding possible development of a Drought Management Rule that would replace the current Rules for Outdoor Water Use (391-3-30) and the 2003 Drought Management Plan. GAEPD's primary goals and objectives are to ensure that stakeholders are given the opportunity to understand the process of rule revisions and the scope of possible future rule changes currently under consideration. GAEPD will also listen to comments and address stakeholder questions. The [meeting](#) was held 13 MAY 14 and comments were due 3 JUN 14. GADNR POC: [James Capp](#).

**WATER QUALITY (2014 305(B)/303(D) LIST OF WATERS)** In accordance with Federal Clean Water Act Sections 305 (b) and 303(d), GAEPD is gathering water quality data for use in the assessment of waters for Georgia's 2014 305 (b)/303(d) List. Requirements for submission and acceptance of water quality data for use are set forth in the rules and regulations for Water Quality Control, Chapter 391-3-6-.03-(13), and are detailed in the GAEPD document, "Guidance on Submitting Water Quality Data for Use by the Georgia Environmental Protection Division in 305(b)/303(d) Listing Assessments." A [notice](#) and request for data were issued 1 FEB 13. Comments were due 1 JUL 13. GADNR POC: [Susan Salter](#).

**GROUNDWATER REMOVAL PROHIBITION (NOTICE)** Effective immediately, GAEPD prohibits new groundwater withdrawals in the coastal Georgia counties of Chatham, Bryan, Liberty, and the portion of Effingham County south of Highway 119. The permitting moratorium applies to community public water systems and municipal and industrial groundwater supplies from the entire Floridan aquifer. The aquifer is a source of fresh water for the coastal region, and increased withdrawals have been linked to saltwater seeping into the groundwater in the area around Hilton Head, South Carolina. GAEPD addressed the issue in 2006 with the Coastal Georgia Water and Wastewater Permitting Plan for Managing Salt Water Intrusion (CPP), which prohibited new withdrawals from the upper Floridan aquifer. The CPP allowed limited withdrawals from the lower Floridan aquifer. GAEPD and the US Geological Survey conducted recent groundwater studies and the results show the upper and lower sections of the aquifer are interconnected. This research prompted the need for a moratorium on future withdrawals from the entire aquifer. Applications already received for withdrawals from the lower section of the Floridan aquifer will be considered, but no new applications will be accepted. GAEPD will consider allowing privately owned community public water systems to increase withdrawals if GAEPD has pre-approved expansion. Farmers in the four impacted counties who already hold farm use water withdrawal permits are not affected by this moratorium; applications for new farm use permits will not be considered. GAEPD restrictions on the Floridan aquifer will require potential users to consider other sources of water, such as surface water, desalination of sea water, and other aquifers. A [press release](#) was issued 20 MAY 13. POC: Kevin Chambers, (404) 651-7970.

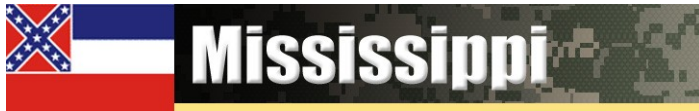
**NPDES STORMWATER AND CONSTRUCTION (NOTICE)** GAEPD has proposed to reissue National Pollutant Discharge Elimination System (NPDES) General Permits Numbers GAR100001, GAR100002, and GAR100003 (draft NPDES General Permits) for stormwater discharges associated with construction activity as defined in the Code of Federal Regulations and the Georgia Rules and Regulations for Water Quality Control. The draft NPDES permits will authorize designated construction activities to discharge stormwater into the waters of Georgia, statewide. The NPDES General Permits will be valid for a maximum of five years. A [Notice](#) was issued on 30 JUL 13, comments were due and a hearing was held 30 AUG 13. An [addendum](#) was issued 23 SEP 13. POC: Amy Potter, (404) 675-6240.

**LAND DISPOSAL OF SEPTAGE (391-3-6-.23)** GADNR has proposed amendments to revise Rule 391-3-6-.23 "Land Disposal of Septage" to establish a two-tiered permitting system that distinguishes between single pumper, single site operations, and larger facilities that receive waste from more than one pumper. Amendments provide clarification through modification of language, amendment of existing definitions, and addition of new definitions. The [Notice of Proposed Rules](#) was filed on 13 DEC 13, a hearing was held 21 JAN 14, comments were due 24 JAN 14. A meeting was held 25 FEB 14. [Proposed Amendments](#) and [synopsis](#) are available. POC: Watershed Protection Branch, (404) 675-6232.



### **PROPOSED RULES**

**TITLE V PERMIT FEES** Pursuant to 401 KAR 50:038, Air Emissions Fee, the Kentucky Department of Environmental Protection has the authority to collect Title V air emissions fees necessary to fund the state air permit program. The Kentucky Energy and Environment Cabinet announced a public hearing to receive comments on establishing the appropriate Title V air emissions fee necessary to cover all reasonable costs of administering the permit program. A [notice](#) was issued 23 OCT 13, and a hearing was held 26 OCT 13. POC: [Derek Picklesimer](#), (502) 564-3999.



### **FINAL RULES**

**HAZARDOUS WASTE MANAGEMENT - WIPES (11 MISS. ADMIN. CODE PART 3, CHAPTER 1)** The Mississippi Department of Environmental Quality (MSDEQ) has adopted amendments to the Mississippi Hazardous Waste Management Regulations, published in final form in the following Federal Register notices: [77 FR 22229](#), Hazardous Waste Technical Corrections and Clarifications Rule; [73 FR 64668](#), Revisions to the Definition of Solid Waste; and [78 FR 46448](#), Exclusions from Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes. The Hazardous Waste Technical Corrections and Clarifications Rule addresses amendments included under Parts 261 and 266 to take final action on two technical amendments, a correction of the typographical error and a conforming change to alert certain recycling facilities of existing certification and notification requirements under Land Disposal Restrictions regulations. Four other technical amendments withdrawn in the June 2010 partial withdrawal notice remain withdrawn unless and until EPA determines future action is warranted. The Revisions to the Definition of Solid Waste Rule revises the definition of solid waste to exclude certain hazardous secondary materials from regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA) to encourage safer recycling and resource conservation. The Conditional Exclusions from Solid and Hazardous Waste for Solvent-Contaminated Wipes Rule conditionally revises the definition of solid waste to conditionally exclude cleaned and reused solvent-contaminated wipes. It revises the definition of hazardous waste to conditionally exclude solvent-contaminated disposed wipes. Amendments were made to correct errors and omissions, to include transposition of page numbers, duplicate entry of a regulatory citation necessitating removal of one, omission of a citation, and incorrect placement of a citation in a part. The [proposed rules](#) were filed 6 FEB 14, a workshop was held and comments were due 6 MAR 14. The [final rules](#) were filed 30 MAY 14 and become effective on 29 JUN 14. MSDEQ POC: [Ted Lampton](#), (601) 961-5573.

### **PROPOSED RULES**

**2015 ANNUAL AIR MONITORING NETWORK PLAN** The Mississippi Department of Environmental Quality (MSDEQ) invited comment on the [2015 Annual Air Monitoring Network Plan for Mississippi](#). The [notice](#) was issued on 07 MAY 14. Comments were due 24 JUN 14. MSDEQ POC: [Michael Jordan](#).



### **2014 LEGISLATIVE SESSION: 14 MAY 14 THROUGH 1 JUL 14**

*North Carolina has a two-year session (2013-2014), with 2013 bills carrying over for consideration in 2014. Adjournment dates are estimated and updated based on legislative activity.*

### **LEGISLATION**

**HB 89 (SB 113), REGIONAL WATER SUPPLY** This bill would require the North Carolina Department of Environment and Natural Resources (NCDENR) to support the application of a regional water supply system when certain conditions are met. Last action: the House passed HB 89 and it is now in Senate committee; SB 113 was passed by the Senate and is now in House committee.

**HB 94 (SB 112), ENVIRONMENTAL LAW CHANGES** This bill would amend certain environmental and natural resources



laws to:

- Repeal 2008 and subsequent model year heavy-duty diesel vehicle requirements;
- Direct NCDENR resources to study the continued need to conduct vehicle emissions inspections;
- Provide the environmental management commission with the flexibility to determine whether rules are necessary for controlling the effects of complex sources on air quality; and
- Amend the rules that pertain to open burning for land clearing or right-of-way maintenance.

**REEO-S Note: These bills have been significantly altered since the original bill was introduced. The study required under Part II, on page 3, may prove interesting. The measure could result in deleting some counties from the emissions inspection program, potentially resolving some questions as to Inspection and Maintenance (I&M) applicability. See also part 25, page 15. [Economic benefit calculations for assessing penalties](#) have been a point of contention with EPA in the past.**

**[HB 254](#), ZONING CHANGES AND NOTICE TO MILITARY BASES** This bill would amend the requirements related to notice of land use planning and zoning changes to be given to a military base by counties or cities near the military base. Last action: enacted. **REEO-S Note: The bill adds subdivisions, telecommunications towers, and windmills to existing notification requirements.**

**[HB 298 \(SB 365\)](#), RENEWABLE PORTFOLIO STANDARDS** These bills would reduce the burden of high energy costs on the citizens of North Carolina by revising the renewable energy portfolio standards; provide for cost recovery by public utilities for certain costs of compliance with renewable energy portfolio standards (REPS); and provide a study of energy policy in the state. Last action: referred to committee. **REEO-S Note: Significantly curtails REPS. Could affect economic viability of military energy initiatives that rely on third party financing. Significant legislative hurdles adversely affect this bill becoming law.**

**[HB 353](#), RENEWABLE ENERGY LEASES** This bill would authorize Grantville County to approve a lease for the siting and operation of a renewable energy facility for a term of up to 20 years without treating the lease as a sale of property. Last action: referred to committee. **REEO-S Note: Could encourage development on public property, potentially raising mission capability concerns, but passage of this bill is doubtful.**

**[HB 401 \(SB 362\)](#), TIERED ELECTRICITY RATES** These bills would require the North Carolina Utilities Commission to establish tiered electricity rates for residential, commercial, public, and industrial customers to encourage energy conservation and energy efficiency. Last action: referred to committee. **REEO-S Note: This measure could affect tariffs charged to military bases. It does not appear to have the legislative support needed for passage.**

**[HB 480](#), STORMWATER PERMITS** This bill would require development of minimum design criteria for issuance of stormwater permits and erosion control plans. It would also create an expedited permitting process. Last action: enacted. **REEO-S Note: The bill provides fast-track permitting for projects that comply with NCDENR's Minimum Design Criteria.**

**[HB 573 \(SB 275\)](#), EXPAND USE OF STORMWATER FEES** These bills would promote and encourage the funding and implementation of stormwater management programs to protect and enhance surface water quality and quantity, thus reducing chances for loss of life and damages to property from flooding. Last action: HB 573 passed the House and is in Senate committee. **REEO-S Note: The House committee made a change to the original language. The bill would now only apply to counties with a population greater than 910,000. This would then only include two counties (Mecklenburg and Wake); only federal facilities in and around Charlotte and Raleigh/Durham would be affected. If the measure is enacted, DoD activities present in those areas should monitor future stormwater assessments and inform REEO-S.**

**[HB 644](#), DISPOSITION OF DRUGS IN HEALTH CARE FACILITIES** This bill relates to the handling of hazardous drugs to prevent disease and injury caused by exposure. Last action: referred to committee. **NAVY NOTE: Navy Bureau of Medicine and Surgery procedures will be reviewed in light of any new handling procedures.**

**[HB 938](#), WETLANDS MITIGATION FLEXIBILITY** This bill would direct NCDENR to petition the US Army Corps of Engineers (USACE) Wilmington District to allow greater flexibility to perform wetlands mitigation. It directs NCDENR to evaluate effectiveness of the fee/compensatory payment structure and whether the state should assume administration of the 404 permitting program. Last action: passed the House; the Senate amended and passed it back to the House for concurrence. The bill is now in House committee. **REEO-S Note: Recent amendments to the bill removed much of the potentially contentious language (e.g., the state assuming control of the 404 permitting).**

**HB 1105, LAND-DISTURBING PERMITS** This bill would require the Sedimentation Control Commission to transfer its responsibility for administering and enforcing existing soil erosion and sedimentation control plans to local governments. Last action: HB 1105 was referred to committee. **REEO-S Note: This measure would presumably have little impact to DoD. It would create a program where local governments would review and approve land-disturbing permit applications.**

**HB 1137, WASTEWATER** This bill would amend the reporting and public notice requirements applicable to discharges of wastewater to waters of the state. Last action: HB 1137 was referred to committee. **REEO-S Note: Facilities operating wastewater treatment or collection systems with design flow greater than 200,000 gallons per day would be affected. New requirements would include: notifying NCDENR within 24 hours for untreated wastewater discharges greater than or equal to 1000 gallons; and a press release within 24 hours, rather than current 48-hour requirement.**

**HB 1141 (SB 737), ISOLATED WETLANDS** This measure would amend regulatory requirements for isolated wetlands. Last action: HB 11412 was referred to committee. **REEO-S Note: If enacted, this legislation would relax current requirements. Current thresholds affecting compliance requirements are: impacts to 1/3 acre or more of isolated wetlands east of I-95, and less than or equal to 0.1 acre of isolated wetlands west of I-95. New thresholds would be less than or equal to 1 acre of isolated wetlands east of I-95, and less than or equal to 1/3 acre of isolated wetlands west of I-95. Any required mitigation would be reduced to 1:1.**

**HB 1228 (SB 729), WASTEWATER** Last action: HB 1228 was referred to committee. **REEO-S Note: These bills primarily target coal combustion products. Otherwise, the wastewater discharge provisions are similar to those found in HB 1137 above.**

**SB 163, WATER RIGHTS** This bill would enhance the protection of landowners' water rights. Last action: passed Senate and now in House committee. **REEO-S Note: The thrust of this bill is on voluntary programs, incentives, and other mechanisms to encourage reductions in water use.**

**SB 171, GREENHOUSE GASES** This bill would prohibit state agencies and local governments from adopting, implementing, or enforcing a rule or ordinance that regulates GHG emissions or limits human activity for the purpose of reducing GHG emissions if the rule or ordinance is not required by a federal regulation or law or is more stringent than a corresponding federal regulation or law. Last action: referred to committee. **REEO-S Note: The bill would be advantageous to DoD in that it would prevent state or local jurisdictions from implementing GHG regulations that would be stricter than federal GHG requirements. It does not appear to have the legislative momentum for passage.**

**SB 328, SOLID WASTE MANAGEMENT REFORM ACT OF 2013** This bill would amend landfill siting restrictions and other requirements regarding the management of solid waste. Last action: passed the Senate and is now in House committee. **REEO-S Note: While easing some siting restrictions, the bill includes a new requirement to notify DoD, among others, of permitting activities and includes a permit denial provision for when "Construction or operation of the proposed facility would encroach upon or would otherwise have a significant adverse impact on the mission, training, or operations of any military installation or branch of the military."**

**SB 513, WATER SUPPLIES AND PLANNING** This is an act to improve the security of North Carolina's water resources. Last action: referred to committee. **REEO-S Note: This measure could result in dialogue with local officials regarding water use on military installations (installations using municipal/local supplies). Installations are already implementing DoD/Service prescribed water conservation efforts. This legislation appears to lack legislative momentum - sponsor is also member of minority party. SB 513 lacks companion legislation and cosponsors from majority party.**

## **PROPOSED RULES**

**ENVIRONMENTAL CONCERN FEASIBILITY STUDY** The Coastal Resources Commission (CRC) has released a draft of the Cape Fear River Area of Environmental Concern Feasibility Study for public review and comment. In 2012, the NC General Assembly directed the CRC to consider the feasibility of creating a special management area that would include lands adjacent to the mouth of the Cape Fear River. Session Law 2012-202 requires the CRC to consider the unique coastal morphologies and hydrographic conditions of the Cape Fear River region. It also calls on the CRC to determine if action is necessary to preserve, protect, and balance the economic and natural resources of this region through elimination of current overlapping Areas of Environmental Concern (AECs) by incorporating appropriate development standards

into a single AEC unique to this location. For the purposes of this study, the CRC was directed to consider a region that encompasses Caswell Beach, Bald Head Island, and surrounding areas. Since late 2012, the NC Division of Coastal Management (DCM) has worked with municipalities and nearby landowners to identify concerns with the existing regulatory framework and to discuss potential strategies for a new AEC. The draft report was compiled by staff with the DCM primarily from information provided by Bald Head Island, Caswell Beach, and their consultants. The draft report provides background information regarding the study, describes existing conditions at Bald Head Island and Caswell Beach, provides an overview of the existing regulatory framework, and presents the regulatory concerns of the stakeholders and their proposed strategies for a new Cape Fear River AEC. The report also includes appendices containing public meeting summaries and supporting information provided by communities and their consultants. This report is being distributed for public input and comment, and does not convey any official positions or findings of the DCM, NCDENR, or the CRC. AECs are the foundation of the CRC's permitting program for coastal development. An AEC is an area of natural importance that may be susceptible to erosion or flooding; or may have environmental, social, economic, or aesthetic values that make it valuable to the state. The CRC classifies areas as AECs to protect them from incompatible development, which may cause irreversible damage to property, public health, or the environment. AECs cover almost all coastal waters and about three percent of the land in the 20 coastal counties. A [press release](#) was issued 8 NOV 13. Comments were due 7 DEC 13. POC: [Mike Lopazanski](#).

**GENERAL PERMIT FOR CONSTRUCTION OF MITIGATION BANKS AND IN-LIEU FEE MITIGATION PROJECTS (15A NCAC 07H .2601, 2602, .2604, 2605)** The NCDENR Coastal Resources Commission has proposed amendments 15A NCAC 07H .2601, 2602, .2604, and 2605. Rule 7H .2600 defines specific development requirements for the construction of wetland, stream, and buffer mitigation sites by the NC Ecosystem Enhancement Program (NCEEP) or the NC Wetlands Restoration Program (NCWRP). The Coastal Resources Commission is proposing to amend administrative rules to expand this General Permit to include all mitigation bank and in-lieu fee projects, and not only those related to the NCEEP and/or the NCWRP. The [Proposed Rules](#) were published 15 APR 14. A hearing is scheduled for 14 MAY 14, and comments are due 16 JUN 14. POC: Braxton Davis, (252) 808-2808.



## ***2014 LEGISLATIVE SESSION: 14 JAN 14 THROUGH 20 JUN 14***

*South Carolina has a two-year session (2013-2014), with 2013 bills carrying over for consideration in 2014. Adjournment dates are estimated and updated based on legislative activity.*

### **LEGISLATION**

**[HB 3263](#), SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT COMMISSION** This bill would establish the South Carolina Military Preparedness and Enhancement Commission and provide that this commission would act to enhance the value of military facilities located in the state. The act would also establish the South Carolina Military Value Revolving Loan Account to provide loans that assist defense communities in enhancing the value of military facilities. Last action: passed the House and now in Senate committee. **REEO-S Note: It will be interesting to see where this goes. Base Realignment and Closure is a sensitive topic, and REEO-S Counsel has had legislators inquire about the military's planning on this front.**

**[HB 3834 \(SB 329\)](#), SOLAR RENEWABLE ENERGY TAX** This measure would allow income and other specified tax credits for 25 percent of the total cost of a solar energy system placed in service in 2013 through 2018. Last action: HB 3834 passed the house and is pending action in the Senate. **REEO-S Note: This measure could enhance economics of DoD renewable energy public-private ventures.**

**[SB 825](#), AD VALOREM EXEMPTION OF DOD REAL PROPERTY** This bill would exempt from ad valorem taxation any real property located within a military base or installation that is used or owned by the United States armed forces and is used as military housing for military affiliated personnel and their families even if the real property is improved, maintained, or leased to a party that would otherwise subject the real property to tax, so long as there is a contractual agreement requiring the lessee to use the property for military housing. Last action: passed the Senate and referred to House committee.

**[SB 1189](#), DISTRIBUTED ENERGY RESOURCE PROGRAM** This measure would create a distributed energy resource program and set goals. It would also provide for a net energy metering program and permit lease of renewable electric

generation facilities. Last action: SB 1189 was enacted. **REEO-S Note: This bill could facilitate small scale renewable energy development. Net metering is limited to 1MW for nonresidential customers. SB 1189 may create larger scale opportunities (1-10MW) for DoD facilities when working with servicing utilities.**

**HCR 4166, OCEAN ENERGY MANAGEMENT** This concurrent resolution would memorialize the US Congress to enact legislation revising the boundaries of the southeastern United States federal outer continental shelf administrative districts' boundaries established by the Department of Interior Bureau of Ocean Energy Management to protect South Carolina's interests with respect to commercial energy leases in these districts. Last action: House and Senate adopted.

**HCR 4505, SAVANNAH RIVER BASIN MANAGEMENT PROGRAM** This concurrent resolution would join the South Carolina and Georgia joint water caucus to encourage state agencies, in conjunction with the USACE, to implement a water management program for the Savannah River Basin (SRB) to ensure continuous optimization of water quality and quantity management of the water resources shared by South Carolina and Georgia throughout the SRB. Last action: House adopted and now in Senate committee. **REEO-S Note: HCR 4505 encourages state agencies of both GA and SC, in conjunction with the US Army Corps of Engineers, to explore, develop, and implement a flexible adaptive water management program for the Savannah River Basin.**

**SCR 757, SOUTH CAROLINA WIND ENERGY** This concurrent resolution would recognize the wind energy capabilities of South Carolina as part of a multi-source energy strategy. It would honor the partnership of local governments, economic development groups, and the private sector in pursuit of a clean energy source component to this overall strategy for the future. Last action: SCR 757 was adopted by both chambers. **REEO-S Note: Activities should be monitored to facilitate early identification on potential mission conflicts.**

## ***PROPOSED RULES***

**PCBs IN SLUDGE (61-9)** SCDHEC has proposed amendments to specific sections of Regulation 61-9, Water Pollution Control Permits, to address restrictions on the land application of sludges contaminated with polychlorinated biphenyls (PCBs) at less than 50 mg/kg (dry weight basis). Regulation 61-9 excludes from land application sludges contaminated with PCBs at or greater than 50 mg/kg (dry weight basis) since sludges with that level of contamination are regulated by the Environmental Protection Agency under the Toxic Substances Control Act (TSCA). However, R.61-9 does not specifically address the land application of sludges with PCBs less than 50 mg/kg (dry weight basis). SCDHEC promulgated Emergency Regulation, Document Number 4413, effective 25 SEP 13, to address restrictions on the land application of sludges contaminated with PCBs due to the discovery that sludges and other materials had been contaminated with PCBs by illicit discharges to sewer systems. SCDHEC is now proposing to amend sections 503 and 504 of R. 61-9 to include restrictions on land application of sludge, including sludges and septage that may be mixed with grease trap waste, where quantifiable levels of PCBs exist. SCDHEC proposes to increase sludge monitoring and reporting including PCB monitoring. The department may make other stylistic changes to amend both regulations for internal consistency; clarification in wording; corrections of references, grammatical errors, and outlining/codification; and such other changes as may be necessary to improve the overall quality of the regulation pursuant to regulation drafting standards required by the Legislative Council. A [Drafting Notice of Emergency Regulations](#) was published 25 OCT 13 and comments were due 25 NOV 13. The emergency rules were proposed and effective 23 DEC 13. A [Notice of Proposed Regulation](#) was published on 27 DEC 13, a workshop was held 16 JAN 14, and comments were due 27 JAN 14. Another hearing is scheduled for 13 FEB 14. A Notice of Emergency Regulations was published 24 JAN 14, and those emergency rules expire 3 MAR 14. POC: [Jeff deBessonet](#).

**AIR QUALITY EXEMPT SOURCES** SCDHEC has determined that no construction permits shall be required for certain sources unless otherwise specified by state or federal requirements. Exemption status may change upon the promulgation of new regulatory requirements applicable to these sources. SDHEC is placing the exempt sources listed in Section II(B)(2) and other sources that will not interfere with attainment or maintenance of any state or federal standard on a list of sources to be exempted without further review. This list will be maintained by SCDHEC and periodically published in the South Carolina State Register. The [notice](#) was issued on 22 NOV 13. POC: Mareesa Singleton, (803) 898-4123.

**POLLUTION CONTROL, AIR QUALITY IMPLEMENTATION PLAN (61-62)** SCDHEC has proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP) which may include amendments to regulation:

- 61-62.1, Definitions and General Requirements, to streamline and update permitting requirements, and make other revisions as necessary, which may include modification to public notice requirements;
- 61-62.5, Standard No. 1, Emissions from Fuel Burning Operations, to provide an averaging time for sulfur dioxide (SO<sub>2</sub>) and particulate matter (PM) and to include a propane exemption;



- 61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove the SO<sub>2</sub> 24-hour primary standard level, and to remove from the list of pollutants Gaseous Fluorides (as hydrogen fluoride (HF));
- Regulation 61-62.5, Standard No. 3, Waste Combustion and Reduction, to specify renewable energy exemptions;
- Regulation 61-62.5, Standard No. 4, Emissions from Process Industries, to provide an averaging time for SO<sub>2</sub> and PM;
- 61-62, Air Pollution Control Regulations and Standards, to repeal Regulation 61-62.5, Standard No. 5.1, Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds;
- 61-62.5, Standard No. 7, Prevention of Significant Deterioration, to modify the criteria for creditability of an increase or decrease in actual emissions;
- 61-62.5, Standard No. 7.1, Nonattainment New Source Review, to add timing flexibility language that was inadvertently omitted from the section of the regulation governing the calculation of emission offsets;
- 61-62.5, Standard No. 8, Toxic Air Pollutants, to add HF as a pollutant
- 61-62.70, Title V Operating Permit Program, to make a change to section 62.70.5(c) to correct a unit of measurement error; and
- 61-62 may include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

The [Drafting Notice](#) was published 25 APR 14 and comments were due 26 MAR 14. POC: [Anthony T Lofton](#).

**WASTE TIRES (R.61-107.3)** SCDHEC has proposed amendments to R.61-107.3, Solid Waste Management: Waste Tires to amend applicability of the regulation, and amend and expand definitions. The amendment will update, clarify, or amend the standards for hauling, sorting, storing, processing, and disposing waste tires. Changes include, but are not limited to revisions to operational standards; siting, reporting, and permitting requirements; and financial assurance requirements. Exemptions will be clarified. Also under consideration are penalties for violations and the statute as allowed or prescribed by S.C. Code Ann. Sections 44-96-10 et seq. (Revised 2002). A [Drafting Notice](#) was published 23 MAY 14 and comments are due 23 JUN 14. POC: Kent Coleman, (803) 896-4135.



## ***PROPOSED RULES***

**2015 AIR MONITORING PLAN** The Tennessee Department of Environment and Conservation (TDEC) held a public hearing to consider revisions to the Tennessee Division of Air Pollution Control's Ambient Air Monitoring Plan. An annual evaluation of the plan is required by federal regulations. The [notice](#) was issued on 2 MAY 14. The hearing was held and comments were due 6 JUN 14. POC: Robert Brawner, (615) 532-0573.

**UST REMEDIATION GROUNDWATER TREATMENT** TDEC announced a public hearing to receive comments on the proposed reissue of the General NPDES for Discharges of Treated Groundwater Associated with UST Remediation. The [notice](#) was issued 26 FEB 13, a hearing was held 5 APR 13, and comments were due 19 APR 13. POC: Beth Rorie or Monya Bradley, (615) 532-0625.

**AIR CONSTRUCTION AND OPERATING PERMITS (1200-03-09-.01, 1200-03-09-.02, 1200-03-09-.06)** TDEC has proposed rulemaking to amend Chapter 1200-03-09 to:

- Create a new rule to allow a system of general permits. This approach would allow the Tennessee Air Pollution Control Board to make rules applicable to broad categories of similar sources subject to federal or state regulatory provisions, or both. The sources would be considered minor (area), and not covered in the universe of the Title V permitting program. Once a general permit covering a specific category of industrial operation individual sources in the applicable category is adopted, a permittee would only have to notify of the election to be covered under the provisions of the general permits. Individualized permits would not be required in those cases. This would streamline the permitting process for many smaller sources, and allow more time to be focused on larger, more complex sources that have higher emissions and need a more individualized approach;
- Delete PM 2.5 significant impact levels (SILs) from the state rule. The board recently adopted language based on a corresponding federal regulation that was vacated by a federal court in reviewing EPA's authority to adopt the SILs. The state level rule needs to be made consistent with federal regulations by striking out language vacated in the court decisions; and
- Amend language for compliance certification relating to continuous or intermittent compliance.

The proposed amendment would allow the state regulation to be consistent with the federal regulation. Amendment

would eliminate confusion that could arise from inconsistency between current state regulation and the current federal regulation. A [Notice of Rulemaking Hearing](#) was filed 9 OCT 13. A hearing was held and comments were due 3 DEC 13. POC: [Lacey J. Hardin](#), (615) 532-0545.

**WASTE PROCESSING AND REDUCTION (0400-11-01-.09)** TDEC has proposed rules to revise Solid Waste Processing and Disposal regulations concerning waste reduction. Proposed amendments eliminate conflicts and confusion between statutory language and the existing rule, and will help the regulated community understand waste reduction. Amendments also bring improvements and consistency in solid waste planning, data collection, and reporting; qualitatively assessing solid waste systems and infrastructure development across the state. Such planning is essential for local governments to have needed infrastructure to attract industry, meet waste reduction goals, and protect the health and welfare of citizens. A [Notice of Rulemaking Hearing](#) was filed 8 OCT 13 and comments were due 31 JAN 14. POC: [Greg Luke](#), (615) 532-0874.

**HAZARDOUS WASTE MANAGEMENT (0400-12-01)** TDEC has proposed rulemaking regarding 0400-12-01 to:

- Address conflicts that have resulted from prior rulemakings;
- Update regulatory language to reflect recent changes in state statutes or in EPA language referenced by the state regulations;
- Clarify ambiguous language to bring clarity to the regulated community; and
- Correct typographical errors and update additional rule renumbering changes.

The [Notice of Rulemaking Hearing](#) was filed 16 DEC 13. A hearing was held 11 FEB 14 and comments were due 11 FEB 14. POC: [David Moran](#), (615) 532-0875.

**OPEN AIR BURNING PERMITS (0800-07-05)** The Department of Agriculture has proposed new rule 0080-07-05 to provide definitions and establish guidelines for the Division of Forestry to issue permits for outdoor burning. The [Notice of Proposed Rules](#) was filed on 20 FEB 14. The rules become effective 29 JUL 14. POC: Theresa Denton, (615) 837-5280, [Theresa.Denton@tn.gov](mailto:Theresa.Denton@tn.gov).

## Department of Defense Activity

**BIRD CONSERVATION AND MANAGEMENT** The Strategic Plan for Bird Conservation and Management on DoD Lands, 2014 is a compilation of current BMPs and suggested focus areas to help commanders comply with the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, [Executive Order 13186](#) and its associated [Memorandum of Understanding](#) (MOU), and the [final rule](#) on the take of migratory birds by the Armed Forces. The plan is posted on the DoD Natural Resources website – contact [Paul Block](#) for access.

**MINERAL LEASING** On 23 MAY 14, the Secretary of the Army signed [Army Directive 2014-13](#) (Minerals Leasing Policy). The directive establishes the Assistant Secretary of the Army, Installations, Energy, and Environment (ASA (IE&E)) as the approval authority for mineral leasing on Army military land and provides guidance for preparing installation-level mineral leasing plans. The directive tasks the Army Corps of Engineers (USACE) to update the applicable Army Regulation to incorporate the new policy elements.

**HAZMAT TRANSPORTATION** The Government Accountability Office (GAO) has released a report reviewing DoD's performance, guidance, policies, and procedures regarding hazardous materials (HAZMAT) shipments including transport of arms, ammunitions, and explosives as well as other hazardous-material classes ([GAO-14-375](#)). Findings of the year-long audit included:

- Improper documentation and packaging of HAZMAT led to delays at DoD transportation aerial ports for 27 percent of HAZMAT received at all five major domestic military aerial ports over the past five fiscal years, primarily due to noncompliant documentation and packaging.
- Occasionally, DoD installations did not provide commercial carriers access to secure hold areas for arms, ammunition, and explosives shipments, or assist them in finding alternatives, as required by DoD regulations.
- Problems with scoring of carriers by the Department of Transportation's (DOT) Safety Measurement System used by DoD to determine which carriers are eligible to participate in its Transportation Protective Services program.
- GAO recommended that DoD:
- Identify the root causes of improper documentation and packaging of HAZMAT throughout the DoD transportation system, identify any needed corrective actions, and develop an action plan;

- Establish a process to identify and implement the necessary corrective actions to ensure that DoD installations identified by Surface Deployment and Distribution Command's Emergency Response Reports provide secure hold for sensitive shipments or assist them in locating the nearest alternate means to secure those shipments; and
- Determine whether changes should be made to the process used by DoD to decide HAZMAT carrier eligibility and evaluate performance for the Transportation Protective Services program.

GAO POC: [Cary Russell](#), (202) 512-5431.

**MDA AND NEPA IMPLEMENTATION** The DoD Missile Defense Agency (MDA) intends to establish National Environmental Policy Act (NEPA) implementing procedures and categorical exclusions (CATEX) specific to MDA projects and actions ([79 FR 26213](#)). As a DoD agency, MDA does not own real property. Because most MDA actions typically occur on host military service installations or other federal agency properties, MDA has historically relied upon the host installation or federal agency's NEPA implementation, including implementing procedures and CATEXs. Under the proposed policies, MDA as a tenant will work with the host agency/service to fulfill MDA and the host's implementing regulations or procedures and guidance in complying with NEPA and related Executive Orders. The specific requirements of the agency/service making a decision supported by the NEPA analysis and documentation will apply. If multiple agencies use the NEPA analysis and documentation, then the process followed in developing it will comply with the most stringent requirement in respective NEPA implementing procedures and regulations. Comments were due 6 JUN 2014. MDA POC: [Eric Sorrells](#), (256) 450-2677.

## Federal Activity

### AIR

**TIER 3 MOTOR VEHICLE EMISSION AND FUEL STANDARDS** EPA has finalized the Tier 3 Motor Vehicle Emission and Fuel Standards to establish more stringent vehicle emissions standards and to reduce the sulfur content of gasoline beginning in 2017 ([79 FR 23413](#)). These vehicle standards are intended to harmonize with California's Low Emission Vehicle program and create a federal vehicle emissions program that will allow automakers to sell the same vehicles in all 50 states. The standards will reduce tailpipe and evaporative emissions from passenger cars, light-duty trucks, medium-duty passenger vehicles, and some heavy-duty vehicles. This will result in significant reductions in pollutants such as ozone, particulate matter, and air toxics, as well as help state and local agencies to attain and maintain health-based National Ambient Air Quality Standards. Entities potentially affected by this rule include gasoline refiners and importers, ethanol producers, ethanol denaturant producers, butane and pentane producers, gasoline additive manufacturers, transmix processors, terminals and fuel distributors, light-duty vehicle manufacturers, independent commercial importers, alternative fuel converters, and manufacturers and converters of vehicles between 8,500 and 14,000 lbs gross vehicle weight rating. This final rule is effective 27 JUN 2014. EPA POC: [JoNell Iffland](#), (734) 214-4454.

**CROSS-STATE AIR POLLUTION** The Supreme Court [upheld EPA's Cross-State Air Pollution Rule](#), the replacement for the earlier Clean Air Interstate Rulemaking effort. The program encompasses 28 eastern states and requires upwind states to reduce emissions of pollutants to help downwind states come into attainment.

**OPACITY MONITORING SYSTEMS** EPA has issued a final rule addressing quality assurance/control (QA/QC) procedures for continuous opacity monitoring systems (COMS) used to demonstrate continuous compliance with opacity standards specified in new source performance standards. "Procedure 3" is intended to establish the minimum QA/QC requirements to verify and maintain an acceptable level of quality of the data produced by COMS. It is presented in general terms to allow permittees to develop an effective program. The compliance date is 12 NOV 2014. EPA POC: [Lula Melton](#), (919) 541-2910.

**VENTING FOR REFRIGERANT SUBSTITUTES** EPA is exempting certain refrigerant substitutes from the prohibition under Clean Air Act (CAA) Section 608 on venting, release or disposal ([79 FR 29682](#)). Specifically:

- Isobutane (R-600a) and R-441A, as refrigerant substitutes in household refrigerators, freezers, and combination refrigerators and freezers, and
- Propane (R-290), as a refrigerant substitute in retail food refrigerators and freezers (stand-alone units only).

Household refrigerators, freezers and combination refrigerators and freezers are those intended primarily for residential use, although they may be used outside the home. EPA POC: [Sally Hamlin](#), (202) 343-9711.

## ***CLIMATE CHANGE***

**STATE POLICY UPDATE 2012-2014** The topic of climate change remains contentious in many states, and legislative trends demonstrate that states are taking a range of approaches with climate policy. National Conference of State Legislature's [state policy update](#) lists legislative activity from 2012 through 2014, including trends such as climate action plans, responses to EPA regulations, cap and trade, climate change strategy and adaptation.

**CLIMATE-SMART CONSERVATION** The US Army Corps of Engineers (USACE) has collaborated with other federal and state agencies and nonprofit organizations on a [guide](#) examining how climate change is affecting the nation's wildlife and habitats. The guide addresses how natural resource managers will need to prepare for and adapt to unprecedented changes. It also offers practical steps for crafting conservation actions to enhance the resilience of the natural ecosystems on which wildlife and people depend. The publication was developed by a workgroup convened by the National Wildlife Federation and included experts from USACE as well as Desert Research Institute, EcoAdapt, EPA, Florida Fish and Wildlife Conservation Commission, Geos Institute, Maryland Department of Natural Resources, National Oceanic and Atmospheric Administration, National Park Service, Wildlife Conservation Society and others.

## ***ENERGY***

**CONSERVATION STANDARDS** The Department of Energy (DOE) has proposed amendments to energy conservation standards for general service fluorescent lamps (GSFLs) and incandescent reflector lamps (IRLs) ([79 FR 24067](#)). The proposed energy standards impact the following GSLs: 4-Foot Medium Bipin, 2-Foot U-Shaped, 8-Foot Slimline, 8-Foot Recessed Double Contact High Output, 4-Foot Miniature Bipin Standard Output, and 4-Foot Miniature Bipin High Output. The proposed standards also impact Standard and Modified Spectrum 40 W--205 W IRLs. Comments are due 30 JUN 2014. DOE POC: Lucy deButts, (202) 287-1604, [General\\_Service\\_Fluorescent\\_Lamps@ee.doe.gov](mailto:General_Service_Fluorescent_Lamps@ee.doe.gov).

**STATE AND LOCAL POLICY DATABASE** Sponsored by the American Council for an Energy-Efficient Economy (ACEEE), the database includes comprehensive information on energy efficiency policies currently implemented at the state and local level. The database tracks policy activity across multiple sectors, including state and local governments, utilities, transportation, buildings, combined heat and power, and appliance standards. Users can click on a state or city on the database map to learn more about the specific policies that encourage energy efficiency. Users can also look at a particular policy type and compare the approaches of all states or cities to that topic.

**NREL WEBSITE** DOE's, National Renewable Energy Lab (NREL) has launched the [Technology Performance Exchange](#) to serve as an information clearinghouse for energy saving and renewable energy products. The intent of the website is to gather performance data at the model number level, from third party or DOE testing. The site currently covers a limited number of categories including electric lighting, HVAC (boilers, heat pumps, and packaged unit equipment), photovoltaic systems, and heat pump based tank water heaters.

## ***NATURAL RESOURCES***

**DESTRUCTION OR ADVERSE MODIFICATION** The Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) are proposing to change the definition of "destruction or adverse modification" of critical habitat ([79 FR 27060](#)). Currently, destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical. Under the proposed definition, destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the conservation value of critical habitat for listed species. Such alterations may include, but are not limited to, effects that preclude or significantly delay the development of physical or biological features that support the life-history needs of the species for recovery. To determine the conservation value of critical habit, USFWS and NMFS consider several variables including:

- Life-history needs of the species being provided for by critical habitat; and
- Current condition of the critical habitat, which requires consideration of:
  - \* The quantity, and quality, of features and habitat necessary to support the life-history needs of the species for recovery; and
  - \* The ability (or likelihood) for the critical habitat to fulfill its role in the recovery of the species.

USFWS POC: Patrice Ashfield, (703) 358-2171. NMFS POC: Cathryn Tortorici, (301) 427-8405.

**CRITICAL HABITAT** USFWS and NMFS have proposed changes to regulations at [50 CFR 424](#) that specify procedures for designating and revising critical habitat ([79 FR 27066](#)). Among other changes, the proposal would specifically address the basis for exclusion of lands controlled by or used by the military:



- Sec. 424.12 criteria for designating critical habitat.
  - \* (h) The Secretary of Interior will not designate as critical habitat land or other geographic areas owned or controlled by DoD, or designated for its use, that are subject to an approved integrated natural resources management plan (INRMP) prepared under section 101 of the Sikes Act (16 U.S.C. 670a) if the secretary determines in writing that such plan provides a conservation benefit to the species for which critical habitat is being designated. In determining whether such a benefit is provided, the secretary will consider:
    1. The extent of the area and features present;
    2. The type and frequency of use of the area by the species;
    3. The relevant elements of the INRMP in terms of management objectives, activities covered, and best management practices, and the certainty that the relevant elements will be implemented; and
    4. The degree to which the relevant elements of the INRMP will protect the habitat from the types of effects that would be addressed through a destruction-or-adverse-modification analysis.

USFWS POC: Douglas Krofta, (703) 358-2527. NMFS POC: Marta Nammack, (301) 427-8469.

**EXCLUSIONS FROM CRITICAL HABITAT DESIGNATION** USFWS and NMFS are requesting comment on a draft policy on exclusions from critical habitat under the Endangered Species Act ([79 FR 27501](#)). The policy considers partnerships and conservation plans, tribal lands, national security and homeland security impacts and military lands, federal lands, and economic impacts in the exclusion process. In determining whether to exclude an area, the agencies will consider several factors including:

- The extent of public participation in the development of the conservation plan;
- The degree to which there has been agency review and required determinations;
- Whether NEPA compliance was required (indicating an in-depth review);
- Demonstrated implementation and success of the chosen mechanism;
- The degree to which the plan or agreement provides for the conservation of the essential physical or biological features for the species;
- A reasonable expectation that strategies and actions contained in the management plan or agreement will be implemented; and
- Whether the plan or agreement contains a monitoring program and adaptive management.

No specific changes are contemplated with respect to exclusion of military lands from critical habitat designation. However the agencies reiterated that such exclusion is not automatic, and that DoD or the Department of Homeland Security must provide a specific justification for exclusion. Such justification could include demonstration of probable impacts. USFWS POC: Douglas Krofta, (703) 358-2527. NMFS POC: Marta Nammack, (301) 427-8469.

## ***SUSTAINABILITY***

**ENVIROATLAS** This web-based interactive tool integrates over 300 separate data layers to help decision makers understand the implications of planning and policy decisions on ecosystems and communities. EnviroAtlas is designed for people from all levels of government, professionals, researchers, educators, non-governmental organizations, and anyone interested in considering the benefits or impacts of a decision. It uses seven broad benefit categories to organize its information and data on ecosystem services: Clean Air, Clean and Plentiful Water, Natural Hazard Mitigation, Climate Stabilization, Recreation, Culture and Aesthetics, Food, Fuel and Materials, and Biodiversity Conservation.

## ***WATER***

**NPDES INVENTORY SEARCH TOOL** EPA has upgraded its National Pollutant Discharge Elimination System (NPDES) General Permit Inventory [search tool](#) by adding storm water general permits. The tool allows users to search for NPDES general permits by permit number, permit name, state, EPA Region, date issued, date expired, or permit category. Search results display basic permit information and a link to electronic permit documents when available. The dataset currently contains over 700 general permits. EPA POC: [Jackie Clark](#).

**NATIONAL RECOMMENDED WATER QUALITY CRITERIA** EPA is requesting comment on draft updated national recommended water quality criteria for 94 chemical pollutants for the protection of human health ([79 FR 27303](#)). The revision of these criteria represents a systematic update of EPA's national recommended 304(a) criteria. A [table](#) of the current values and recommended updates is available. A fact sheet and a summary of updated input parameters (e.g., cancer slope factor, reference dose, and bioaccumulation factors) used to derive the updated criteria was prepared to assist reviewers. EPA has also developed chemical-specific support documents for each of the 94 chemical pollutants. The documents are available in the docket EPA-HQ-OW-2014- 0135 and on EPA's [website](#). Comments are due 14 JUL 2014. EPA POC: [Heidi Bethel](#), (202) 566- 2054.

**FRESHWATER SUPPLIES** GAO has released a [report](#) reviewing availability of freshwater nationally (GAO-14-430).

According to state water managers, experts, GAO-reviewed literature GAO, freshwater shortages are expected to continue. Forty of 50 state water managers expect shortages in some portion of their states under average conditions in the next 10 years. GAO made no specific recommendations. GAO POC: [Anne-Marie Fennell](#), (202) 512-3841.

# Professional Development

**12 JUN, ONLINE: FEDERAL [GUIDING PRINCIPLES CHECKLIST IN ENERGY STAR® PORTFOLIO MANAGER](#)** The webcast will teach federal energy and sustainability professionals how to use the ENERGY STAR measurement and tracking tool "Portfolio Manager" to help ensure compliance with the Guiding Principles for High Performance Sustainable Buildings required by Executive Orders 13423 and 13514. The focus is on the Guiding Principles for Sustainable Existing Buildings.

**19 JUN, ONLINE: [MANAGING TROUBLESOME INVASIVE SPECIES IN EASTERN FORESTS](#)** Participate to learn about management of several key invasive grasses in eastern US forests including bamboo, miscanthus, arundo, stiltgrass, cogon-grass, phragmites, and others. Learn about invasive biology, tools for management, what works, and what doesn't. Discuss how invasive grass reproductive strategies drive management options and how to maximize control efforts.

**17 JUN, ONLINE: [GREEN & SUSTAINABLE REMEDIATION \(GSR\)](#)** Beyond basic GSR principles and definitions, participants will learn potential benefits of incorporating GSR into projects, when and how to incorporate GSR within a project's life cycle, and how to perform a GSR evaluation using appropriate tools. A variety of case studies will demonstrate the application and results of GSR.

**17 JUN, ALEXANDRIA, VA: [2014 NATIONAL UNDERGROUND STORAGE TANK \(UST\) PROGRAM](#)** The conference will focus on environmental protection issues, equipment, and technology for storage tank owners; equipment manufacturers; petroleum cleanup consultants; industry professionals; and federal, state, and local government UST regulators.

**19 JUN, ONLINE: [GREEN BUILDING & INTEGRATED PEST MANAGEMENT](#)** The webinar is designed for local governments, highlighting case studies from communities working toward resource efficiency, energy conservation, and economic savings. As funding for the Greening Local Government project came from an EPA Region 8 grant, the case studies come from states in that geographic region. However, the 2014 Greening Local Government webinar series is and open to local governments across the nation.

**23-27 JUN, SHEPHERDSTOWN, WV: [MITIGATION BANKING AND IN-LIEU FEE PROGRAM INTERAGENCY REVIEW TEAMS](#)** This comprehensive week-long training for federal and state regulators who serve on mitigation bank and in-lieu fee program Interagency Review Teams (IRTs) will provide them with a thorough grounding in the relevant federal policy guiding review, establishment, and management of mitigation banks and in-lieu fee programs. The class will build IRT expertise at the individual and team levels. Skills will be developed through a combination of presentations and exercises that rely upon existing federal policies, case studies of existing interagency review efforts, and hearing from experienced members of interagency review teams. Participants will leave with expertise on how to effectively and efficiently review and oversee establishment and operation of mitigation banks and in-lieu fee programs.

**30 JUN, ONLINE: [OVERVIEW OF THE SITE ASSESSMENT PROCESS UNDER CERCLA](#)** The first in the Preliminary Assessment and Site Inspection Webinar Series (PA/SI), this introductory module will provide an overview of key provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and response process established by the National Oil and Hazardous Substances Pollution Contingency Plan. It will provide an overview of the purpose, scope, and requirements for performing a remedial PA and remedial SI at sites regulated by CERCLA. The course is open to EPA, federal, state, tribal, and contractor personnel who support site investigation programs.

**2 JUL, ONLINE: [BASICS OF PERFORMING SITE ASSESSMENTS AND CONDUCTING THE PA](#)** The second module of the PA/SI Webinar Series, this module will provide an overview of the basics of performing site assessments including the purpose and scope of the different steps in the site assessment process, and roles and responsibilities of the different parties involved. It will identify and explain procedures for performing a remedial PA.

**7 JUL, ONLINE: [SITE EVALUATION AND SCORING SITE SOURCES](#)** The third module of the PA/SI Webinar Series, this module focuses on specific elements of the scoring process that participants must understand to successfully apply the scoring model to a PA.

**9 JUL, ONLINE: PA [SCORING EXERCISE: GROUNDWATER MIGRATION PATHWAY](#)** The fourth module of the PA/SI Webinar Series, this module will review the groundwater migration pathway. Participants will review appropriate site information and the instructors will lead them through inputting the information into the Quickscore software.

**11 JUL, ONLINE: PA [SCORING EXERCISE: SURFACE WATER MIGRATION PATHWAY](#)** The fifth module of the PA/SI Webinar Series, this module will review the surface water migration pathway. Participants will review appropriate site information and the instructors will lead them through inputting the information into the Quickscore software. PA/SI is an intermediate training course designed for personnel who are required to compile, draft and review PA, SI and Hazard Ranking System (HRS) documentation records and packages submitted for sites proposed for the National Priorities List (NPL).

**14 JUL, ONLINE: PA [SCORING EXERCISE: SOIL EXPOSURE AND AIR MIGRATION PATHWAYS](#)** The sixth module of the PA/SI Webinar Series, this module will review the soil exposure and the air migration pathways. Participants will review appropriate site information and the instructors will lead them through inputting the information into the Quickscore software.

**21 JUL, ONLINE: [CONDUCTING THE SI, OVERVIEW OF SI STRATEGIES, AND SITE SOURCES](#)** The seventh module of the PA/SI Webinar Series will identify step-by-step activities for conducting a remedial SI, including discussion of health and safety considerations for field activities, establishing data quality objectives, and developing sampling strategies to obtain data for HRS scoring, validating data, and preparing the final report to document the decision-making process. It will provide an overview on how to develop SI sampling strategies that consider and address needs of the HRS. In particular it will review SI sampling strategies for sources as well as general considerations.

**28 JUL, ONLINE: [SI SAMPLING STRATEGIES FOR GROUNDWATER AND SURFACE WATER](#)** The eighth module of the PA/SI Webinar Series, this module will provide an overview of SI sampling strategies for groundwater and surface water migration pathways.

**30 JUL, ONLINE: [SI SAMPLING STRATEGIES FOR SOIL AND AIR](#)** The ninth and final module of the PA/SI Webinar Series, this module will provide an overview of SI sampling strategies for soil exposure and air migration pathways.

**28 JUL-1 AUG, NEW ORLEANS, LA: [CONFERENCE ON ECOLOGICAL AND ECOSYSTEM RESTORATION \(CEER\)](#)** CEER is a collaborative effort of the leaders of the National Conference on Ecosystem Restoration and the Society for Ecological Restoration. It will bring together ecological and ecosystem restoration scientists and practitioners to address challenges and share information about restoration projects, programs, and research from across North America.

**5 AUG, ONLINE: [ECOLOGICALLY SOUND MOSQUITO MANAGEMENT IN WETLANDS](#)** Learn techniques and strategies to address mosquito control while retaining important wetland functions.

**19-22 AUG, MINNEAPOLIS, MN: [NATIONAL CONFERENCE OF STATE LEGISLATURES NATIONAL SUMMIT](#)** Each summer, NCSL hosts the largest gathering of legislators and staff in the country. The summit gives attendees the opportunity to talk with Republicans, Democrats and staff, explore issues, get new ideas, hear about innovations and solutions, and learn about emerging issues.

**22-24 OCT, RALEIGH, NC: [SOUTHEAST ALTERNATIVE FUELS CONFERENCE AND EXPO](#)** Presentations and breakout sessions will focus on alternative fuels and fleet efficiency options covering technical details, policies, and programs, as well as successful fleet implementation stories.

**11-14 NOV, AUSTIN, TX: [DEFENSE ENERGY SUMMIT](#)** Join the stakeholders and working groups building the foundation for a new Defense Energy Center of Excellence. The summit's focus will center on this proposed initiative and how to accelerate clean energy and infrastructure solutions for DoD. Topics on the agenda include: Energy Generation, Microgrid Solutions; Grid Security, Information Management, Energy Storage, Efficiency and Buildings, Fleet and Transportation, Public/Private Project Models, and Utility/Military Partnerships.

## ***VARIOUS DATES AND TIMES ONLINE***

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS** The Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules are available on the [US Army Environmental Command \(AEC\) website](#).

## **AIR FORCE INSTITUTE OF TECHNOLOGY (AFIT) TRAINING COURSE, [QUALIFIED RECYCLING PROGRAM MANAGEMENT](#)**

The purpose of the course is to understand DoD requirements for operating a Qualified Recycling Program (QRP). This course emphasizes principles and techniques to assist students in implementing a sound QRP. The course focuses on learning what products can be recycled, products prohibited from recycling, QRP regulations, necessary processing equipment, collection and sorting methods to maximize returns, working with your DRMO, establishing contracts, recording transactions, DoD recordkeeping, and estimating future budgets.

## ***ANYTIME ONLINE***

**[WHOLE BUILDING DESIGN GUIDE TRAINING](#)** The Federal Emergency Management Program (FEMP) has partnered with the National Institute of Building Sciences to offer FEMP e-learning courses on the Whole Building Design Guide. Eight interactive, on-demand, self-paced, and self-tracking courses are supportive of the Federal Building Personnel Training Act competencies and provide up-to-date information targeted to mid-level federal energy, water, and sustainability managers.

**[DISTRIBUTED-SCALE RENEWABLE ENERGY PROJECTS: FROM PLANNING TO PROJECT CLOSEOUT](#)** This course focuses on the planning and implementation of distributed-scale renewable energy projects smaller than 10 megawatts. The course outlines a detailed 10-step process from technology screening to project closeout. Explored are online tools and resources available for the selection of cost-effective renewable energy projects on federal sites. This e-learning course is hosted on the Whole Building Design Guide (WBDG) learning management system.

**[EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY](#)** Learn about key issues, successful projects, and a variety of best management practices for creating stellar waste management programs. Hear from experts around the country on what works and what doesn't, and how to make programs more successful. The format is a formal presentation followed by a question and answer session and discussion.

**[DEFENSE ACQUISITION UNIVERSITY \(DAU\)](#)** DAU developed online resources available for the DoD workforce, industry partners, and other federal, state, and local government organizations. The online 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 lessons learned and best practices, or collaborate with peers on work issues.

**[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, and Bureau of Land Management.

**[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.

**[TRAINING FOR FEDERAL GHG INVENTORIES](#)** A component of FedCenter's broader Greenhouse Gas Inventory Reporting site is available. The DOE Federal Energy Management Program (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 files from training courses.

**[BUILDING RETUNING](#)** The purpose of this course is to help reduce operating cost and provide energy savings to buildings. The focus is on large (100,000-square-foot) commercial buildings, but the concepts and techniques presented can be applied to any type and size of facility that has a building automation system.

**[ACHIEVING ENERGY SECURITY IN FEDERAL FACILITIES](#)** Achieving Energy Security in Federal Facilities builds competency in protecting critical missions by integrating energy security measures into all aspects of operations. Employ critical principles to increase energy security, such as diversity, redundancy, reducing demand, planning, and emergency management. Consider technologies that support energy security and develop an understanding of key issues related to short- and long-term energy disruptions, including storage and maintenance issues.

**[ENERGY STAR TRAINING](#)** Energy Star offers free online training to help improve energy performance. Training is available in the form of live web conferences, pre-recorded training available 24/7, and self-guided presentations in pdf format. Depending on the conference, session, or presentation, the training is designed for facility managers, property managers, environmental managers, energy managers, financial officers, building engineers, and others interested in



Energy Star.

**[AIR FORCE CIVIL ENGINEERING SCHOOL SEMINARS](#)** The Air Force Civil Engineering School offers a variety of free online seminars on hazardous waste management, hazardous materials management, storm water management, and more.

**[USEPA REDUCE RUNOFF VIDEO](#)** EPA and the US Botanic Garden produced a nine-minute online video, "Reduce Runoff: Slow It Down, Spread It Out, Soak It In," that highlights green techniques such as rain gardens, green roofs, and rain barrels to help manage storm water runoff.

**[USEPA WATERSHED ACADEMY WEBCAST SERIES](#)** EPA's Watershed Academy is sponsoring free webcast seminars for local watershed organizations, municipal leaders, and others. To access a webcast, simultaneously log on to the web and/or participate by phone conference lines in live training conducted by expert instructors. Archived training sessions are also available by streaming audio.

**[NPDES TRAINING](#)** The web-based NPDES permit writers training is a series of web-based recordings of presentations. This training is appropriate for those who have attended the live course and wish to review the material in a self-paced environment, and for those who wish to become familiar with the NPDES process. A certificate of completion is available for each module in the series.

**[CLU-IN ENVIRONMENTAL REMEDIATION WEBCAST SERIES](#)** EPA's Clean-up Information (CLU-IN) website provides information about innovative treatment and site characterization technologies while acting as a forum for waste remediation stakeholders. The CLU-IN website offers free podcasts, live web events, course and seminar information and more, with most lasting approximately two hours.

**[USEPA CLIMATE AND ENERGY WEBCAST SERIES](#)** EPA hosts the Local Climate and Energy Webcast Series to assist local governments as they explore and plan climate change and clean energy efforts. These regular webcasts highlight EPA resources available to local governments and present examples of successful climate and energy programs and policies implemented locally.

**[FEMP ENERGY MANAGEMENT PROGRAM ONLINE TRAINING](#)** FEMP trains federal energy managers on the latest energy requirements, best practices, and technologies. Training categories include design, operations, and maintenance; energy efficient products; energy management; financing; fleet; renewable energy; and water efficiency. Search the FEMP website for all topics, specific topics, or type of training (live or on-demand) to find training opportunities. All courses are free unless otherwise noted.

**[FEMP 2013 FIRST THURSDAY SERIES SEMINARS](#)** First Thursday Seminars are FEMP training opportunities targeting federal energy, environmental, and fleet professionals offered at no cost by leading experts. Seminars will be held through August on the first Thursday of each month. Archived seminars from 2010-2013 are also available at this site.

**[SOLAR ENERGY INTERNATIONAL](#)** Solar Energy International offers several online courses addressing design and installation of a variety of solar energy systems. These fee-based courses generally require 10 hours per week of online instruction, accessible at any time. Courses must be completed within a six-week window. Follow the link to view class schedules.

**[NATIONAL CONFERENCE OF STATE LEGISLATURES \(NCSL\) E-LEARNING](#)** NCSL e-Learning features experts on public policy issues and provides professional development opportunities for its members, state legislators, state legislative staff, and the public. Visit the [Multimedia Library](#) for a collection of video and audio files from previous NCSL meetings and webinars.

# Staff Directory

Main Office Number	770-629-2180
Region 4 Director/DoD REC	404-460-3131
Region 4 Deputy Director	404-460-3125
Region 4 Counsel	404-545-5655
Region 4 REC	404-545-6599
Project Manager	410-459-3293
Regulatory Affairs Specialist	404-460-3135

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## How the Regional Offices Work for You

*Southern Region Review of Legislative and Regulatory Actions* can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO 14001. Information in the *Review* is intended for general guidance, and the reader should refer to cited source documents for more detailed information to determine the applicability and scope of referenced legislation and regulations.

The US Army Regional Environmental and Energy Offices (REEOs) monitor state legislative and regulatory actions on your behalf. If a proposed state action has (1) critical mission impact; (2) conflicts with a federal requirement; and/or (3) causes a disproportionate effect on the Army or DoD, REEOs coordinate with potentially affected installations, commands, and/or other military Services to further assess the impact. If action on a proposed measure is necessary, REEOs work with Army or Service regulatory experts to communicate the DA/DoD position. Comments are combined from all parties in a single DoD/Army package, then formally submitted to the state.

Want to comment on a rule or bill in the *Review*?

Please contact your Regional Environmental Coordinator listed in the Staff Directory.

For further information on the Army's REEOs, visit: <http://www.asaie.army.mil/Public/InfraAnalysis/REEO/>.