



# Southern Review

## of Legislative & Regulatory Actions

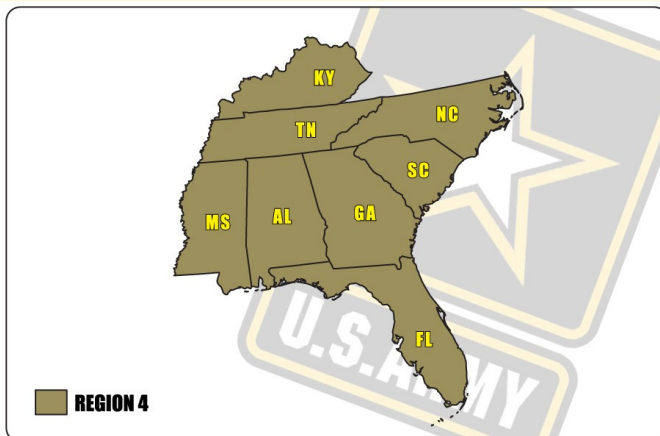


The U.S. Army Regional Environmental & Energy Office

April 2015

**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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## PLANNING FOR SUSTAINABILITY IN THE NEXT DECADE

In March, President Obama issued [Executive Order \(EO\) 13693](#) titled [Planning for Sustainability in the Next Decade](#). The goal of EO 13693 is to maintain federal leadership in sustainability and greenhouse gas (GHG) emission reductions. The EO consolidates and extends requirements and goals from and revokes several previous executive orders and presidential memoranda including EO 13423 and EO 13514.

The EO directs federal agencies to achieve specific goals by 2025:

Ensure 25% of their building electric and thermal energy is from clean energy sources by 2025;

- Reduce energy intensity in federal buildings by 2.5% per year;
- Reduce per-mile GHG emissions from federal fleets by 30% from 2014 levels, and increase the percentage of zero emission and plug-in hybrid vehicles in federal fleets to 50% of new acquisitions by 2025; and
- Reduce potable water consumption intensity by 2% per year.

Other requirements address improvements to data center energy efficiency and green infrastructure on federally owned property to improve stormwater and wastewater management.

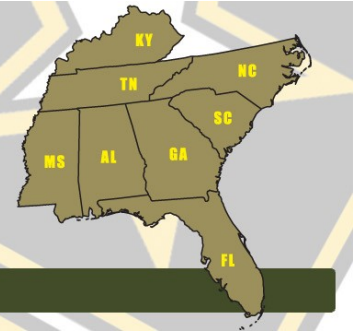
The White House Council on Environmental Quality (CEQ) after consultation with the Office of Management and Budget (OMB) will issue EO implementing instructions or other guidance before the end of May 2015.

The EO was announced in conjunction with new GHG [reduction goals from major federal suppliers](#). The goals align with a November 2014 climate agreement with [China](#). In the agreement, President Obama said the U.S. would reduce its emissions of GHG by 22-28% below 2005 levels by 2025.

For more information, visit [FedCenter.gov](http://FedCenter.gov).

# Region 4

For more information on any state issue in Region 4, please contact [Dave Blalock](#), REEO Regional Counsel, (404) 545-5655.



## *FINAL RULES*

**SOLVENT-CONTAMINATED WIPES (335-14-1-.02, 335-14-2-.01, 335-14-2-.05, 335-14-3-.08, 335-14-3 APPENDIX II)** The Alabama Department of Environmental Management (ADEM) has adopted revisions to Division 14 due to a newly codified federal rule 40 CFR 261.4(a)(26), which conditionally excludes from the definition of solid waste solvent-contaminated wipes that are cleaned and reused ("reusable wipes"). 40 CFR 261.4(b)(18) conditionally excludes from the definition of hazardous waste solvent-contaminated wipes that are disposed ("disposable wipes"). This update removes the numbering system from definitions in chapter 1 and adds definitions to accompany the solvent-contaminated wipes rule. Notices of Intended Action were filed 26 OCT 14 and 31 OCT 14. A hearing was held and comments were due 10 DEC 14. The [certified adopted rules](#) were published and the rules became effective 31 MAR 15.

## *PROPOSED RULES*

**OPEN BURNING (390-X-6-.01, .02, .03, .04, .05)** The Alabama Forestry Commission (AFC) has proposed amendments to 390-X-6 such that changes to:

- 390-X-6-.01, update rule language and specify that those seeking certified prescribed manager status must take a training course sponsored or approved by the Alabama Forestry Commission and apply for certification within two years of completing such training;
- 390-X-6-.02, remove a provision related to training received prior to enactment of the Alabama Prescribed Burn Act;
- 390-X-6-.03, update rule language to specify that certifications are for a five-year term, to define the period of that term, and to require certified prescribed burn managers to obtain six hours of continuing education within that five-year term to be eligible for recertification. Amendment also removes language related to the recertification process, which would be addressed in a separate rule;
- 390-X-6-.04, repeal the existing rule regarding reciprocity. In its place, a new rule would specify the process through which certified prescribed burn managers may be recertified. All continuing education requirements must be satisfied prior to expiration of the current certification and individuals may apply for recertification up to one year after expiration of current certifications. Otherwise, individuals must start the recertification process anew;
- 390-X-6-.05, repeal the existing rule regarding minimum standards for prescribed burning plans. In its place, new rule 390-X-6-.06 specifies the process through which other states' certified prescribed burn managers may become certified in Alabama through reciprocity. Such reciprocity is for prescribed burn managers certified in states that have training standards that meet or exceed those in place in Alabama.

[Notices of Intended Action \(390-X-6-.01, .02, .03, .04, .05\)](#) were published 27 FEB 15. Comments were due 6 APR 15. POC: John Goff, (334) 240-9335.

**OPEN BURNING (390-X-6-.06)** The AFC has proposed a new rule 390-X-6-.06, which specifies minimum content requirements for prescribed burning plans in Alabama. A [Notice of Intended Action](#) was published 27 FEB 15 and comments were due 6 APR 15.



## **2015 LEGISLATIVE SESSION: 3 MAR 15 THROUGH 1 MAY 15**

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

**HB 551** This measure requires local governments to address protection of private property rights in comprehensive plans. It requires a comprehensive plan to include a property rights element that addresses certain objectives. HB 551 also requires counties and municipalities to adopt land development regulations consistent with property rights elements. Last action: House introduced 3 MAR 15.

**HB 605** This measure authorizes local governments to adopt certain residential and nonresidential landscape irrigation conservation measures. It authorizes water management district (WMD) governing boards and the Florida Department of Environmental Protection (FLDEP) to issue water shortage notices in public information releases, and to post such notices on WMD's/FLDEP's website. The measure also directs WMD governing boards in affected and adjacent counties to issue certain orders and provide certain notices when emergency conditions exist due to water shortage. Last action: House introduced 3 MAR 15.

**HB 653** This measure authorizes use of land set-asides and land use modifications, including constructed wetlands or other water quality improvement projects, in water quality credit trading. It provides applicability of prohibited variances concerning discharges of waste into waters of the state and hazardous waste management. HB 653 establishes a solid waste landfill closure account within the Solid Waste Management Trust Fund to provide funding for closing and long-term care of solid waste facilities. The bill also authorizes FLDEP to contract with third parties for closing and long-term care under certain conditions. Last action: 7 APR 15 House committee substituted its own language for that of original measure.

**HB 733 (SB 314)** This measure expands definition of abandoned petroleum storage system to include petroleum systems that stored petroleum products during a certain timeframe. It requires FLDEP to establish standards and criteria for specific situations in which the national standard for benzene applies. The measure revises eligibility requirements for receiving rehabilitation funding assistance and the number of sites necessary to meet eligibility requirements for advanced cleanup application. HB 733 increases the total amount for which FLDEP may contract for advanced cleanup work in a fiscal year. Last action: HB 733 referred to committee 18 FEB 15; SB 314 referred to committee 26 FEB 15.

**HB 787 (SB 912)** This measure exempts people who sell, transfer, or arrange for transfer of recycled and recovered materials from liability for solid waste released or threatened to be released from receiving facilities or sites, under certain circumstances. It provides retroactive applicability. Last action: HB 787 on 8 APR 15 House committee agenda; SB 912 reported favorably from committee 7 APR 15.

**HB 841 (SB 1302)** This measure requires FLDEP to include protocols for use of long-term natural attenuation where site conditions warrant. It requires specified interactive effects of contaminants to be considered as cleanup criteria, and revises how cleanup target levels are applied where surface waters are exposed to contaminated groundwater. HB 841 authorizes use of relevant data and information when assessing cleanup target levels. The measure provides that institutional controls are not required under certain circumstances if using alternative cleanup target levels. Last action: HB 841 placed on House calendar 30 MAR 15; SB 1302 Senate introduced 3 MAR 15.

**HB 849 (SB 1076)** This measure requires FLDEP to submit for legislative ratification the state implementation plan (SIP) relating to standards of performance for existing sources of air pollutants. It exempts rules implementing the SIP from legislative ratification under certain conditions. The measures provide circumstances under which the SIP is exempt from legislative ratification. HB 849 provides if the SIP is exempt from legislative ratification, rules implementing it are subject to ratification before respective provisions of the plan take effect. Last action: HB 849 referred to committee 16 MAR 15; SB 1076 Senate introduced 3 MAR 15.

**HB 873 (SB 484)** This measure requires the state land planning agency to identify parties that may enter into mediation relating to the compatibility of developments with military installations. It requires electric utilities to notify the county, rather than the regional planning council, of its current plans to site electric substations. HB 873 authorizes local

governments to enter into agreements to create regional planning entities. It also revises requirements for the statewide emergency shelter plan to include general location and square footage of special needs shelters by county rather than by regional planning council region. Last action: HB 873 House introduced and referred to committee 3 MAR 15; SB 484 referred to Senate committee 3 MAR 15.

**HB 933** This measure limits the amount of mobility and impact fees under certain conditions. It revises provisions regarding developments of regional impacts and detailed specific area plans. HB 933 authorizes substitution of recorded conservation easements for other lands under specified circumstances. It allows consumptive use permits to be for as long as approved master development orders. The measure revises provisions regarding regional planning councils and governmental funding as a result of ground subsidence. It also creates a pilot project for Pasco County as a connected-city corridor and requires governments to address private property rights in comprehensive plans. HB 933 prohibits local governments from requiring a fee for certain tree removal. Last action: House committee substituted its own language for that of original measure 7 APR 15; pending review of committee substituted language under Rule 7.19(c).

**HB 1073** This measure establishes the Water Oversight and Planning Board to address state water issues. It provides membership and duties of the board, and requires the board to submit long-range plans to FLDEP and WMDs. The measure requires WMDs to amend regional water supply plans in certain circumstances. HB 1073 requires the board to provide recommendations for appropriations and legislative changes to the Legislature. Last action: House referred to committee 8 MAR 15.

**HB 1077** This measure authorizes specified entities to install and operate renewable energy source devices on certain structures where business operates. It authorizes owners to sell electricity generated from the device to certain businesses. It also authorizes the electric utility to install and operate renewable energy source devices on structures where business operates, and to sell electricity to business or others. HB 1077 authorizes the electric utility to recover certain costs and authorizes customers to challenge certain fees. Last action: referred to committee 8 MAR 15.

**HB 1227** This measure revises definitions of terms concerning renewable energy. It requires:

- Public utilities to purchase electricity from renewable energy producers at certain rate;
- Virtual net metering under certain circumstances;
- Electricity produced by certain renewable energy sources to feed into electric grid; and
- Public utilities to allocate credits for renewable energy according to prearranged agreements.

HB 1227 also authorizes renewable energy generators to live off electric grid. Last action: referred to committee 8 MAR 15.

**HB 7003** This measure revises provisions relating to:

- Water resource development;
- Establishment and implementation of minimum flows, levels, and total maximum daily loads;
- Central Florida Water Initiative;
- Projects of South Florida WMD;
- Preferred water supply sources;
- Consumptive use permit applications;
- Improvements on private agricultural lands;
- Northern Everglades and Estuaries Protection Program;
- Power and duties of WMDs with regard to water production and water resource and supply development;
- Regional water supply planning;
- Springs and aquifer protection;
- Surface water classification; and
- Potable water supply.

Last action: on Senate committee agenda 18 MAR 15.

**SB 562 (HB 579)** This measure requires plan amendments proposing a development of regional impact to be subject to the state coordinated review process. It also provides that new proposed developments are subject to the state coordinated review process and not the development of regional impact review process. Last action: referred to committee 5 FEB 15.

**SB 648 (HB 687)** This measure removes future prohibition against land application of septage from onsite treatment and disposal systems and requires land application to be subject to certain requirements. Last action: referred to



committee 6 FEB 15.

**[SB 714](#)** This measure authorizes land set-asides and land-use modifications that reduce nutrient loads into nutrient-impaired surface waters to be used under the water quality credit trading program. It provides applicability of prohibited variances relating to certain discharges of waste and establishes a solid waste landfill closure account within the Solid Waste Management Trust Fund to be used for specified purposes. Last action: on Senate committee agenda 8 APR 15.

**[SB 776 \(HB 649\)](#)** This measure prohibits a person, state agency, or political subdivision from using a drone to capture images of privately owned real property, or of the owner, tenant, or occupant of such property with the intent to conduct surveillance without his or her written consent if a reasonable expectation of privacy exists. It specifies when a reasonable expectation of privacy may be presumed. Last action: referred to committee 13 FEB 15.

**[SB 1118](#)** This measure authorized an owner of a commercial or industrial business or a contracted third party to install, maintain, and operate a renewable energy source device on or about the structure within which the business operates or on a property owned or leased by the business. It authorizes utilities to recover the full actual cost of providing services to an energy-producing business or its customers, under certain circumstances. SB 1118 also authorizes customers to challenge such cost recovery and receive refunds following a successful challenge. Last action: Senate introduced 3 MAR 15.

**[SB 1408](#)** This measure prohibits permitted allocation amounts from being modified if actual water use is less than permitted water use due to documented implementation of water conservation measures. It requires WMDs to promote expanded cost-share criteria for additional conservation practices. Last action: Senate filed 25 FEB 15.

**[SB 1436](#)** This measure creates the Florida Statewide Water Oversight and Planning Council within FLDEP to guide and assist water forecasting plans for the state. Last action: Senate filed 26 FEB 15.

**[SJR 400](#)** This resolution proposes amendments to the state constitution to require the Legislature, by general law, to exempt the assessed value of a renewable energy source device or a component thereof from the tangible personal property tax. It allows the Legislature, by general law, to prohibit consideration of installation of such device or component in determining assessed value of residential and nonresidential real property for the purpose of ad valorem taxation. SJR 400 also provides an effective date. Last action: referred to committee 28 JAN 15.

## ***FINAL RULES***

**MITIGATION BANKS (62-342.100, .200, .450, .470, .650, .700, .750, .800, .850, .900)** FLDEP has adopted rules to correct citations and references in Chapter 62-342, F.A.C., Mitigation Banks. The rules are the result of amendments to the new Statewide Environmental Resource Permit (ERP) 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, a [Notice of Proposed Rules](#) was published 17 JUN 14, a [Notice of Correction](#) was published 27 AUG 14, and a [Notice of Change](#) was published 5 SEP 14. Another [Notice of Change](#) was published 19 DEC 14. The rules were filed 30 JAN 15 and a [Notice of Rule Filing](#) was published 3 FEB 15. The rule became effective 19 FEB 15. Final rule text is not yet available. FLDEP POC: [Alice Heathcock](#), (850) 245-8483.

**FLORIDA RENEWABLE ENERGY (RE) TECHNOLOGY SALES TAX REFUND, INVESTMENT TAX CREDIT, PRODUCTION CREDIT (50-2.001, 50-2.002, 50-2.003)** The Department of Agriculture and Consumer Services (DACS) has adopted amendments to 50-2.001, 50-2.002, and 50-2.003, F.A.C. Amendments provide guidance to interested taxpayers for the application process, review, and administration of the Florida RE Technology Sales Tax Refund, the Florida RE Technology Investment Tax Credit, and the Florida RE Production Credit. A [Notice of Development of Rulemaking](#) was published 26 SEP 14, [Notice of Proposed Rules](#) was published 12 DEC 14, and comments were due 2 JAN 15. A [Notice of Change](#) was published 28 JAN 15 and a [Notice of Correction](#) was published 4 FEB 15. The rules were filed 12 MAR 15 and a Notice of Rule Filing was published 17 MAR 15. The final rules ([50-2.001](#), [50-2.002](#), [50-2.003](#)) became effective 1 APR 15. POC: April Groover, (850) 617-7477.

**USE OF ALLYL ISOTHIOCYANATE (5E-2.0105, 5E-2.043)** The Florida Department of Agriculture and Consumer Services has adopted rules regarding 5E-2.0105 and 5E-2.043, F.A.C. The adopted rule classifies any soil fumigant containing allyl isothiocyanate as a restricted-use pesticide in Florida. It also requires a designated agent to be present at the

application site during all phases of allyl isothiocyanate soil application. A [Notice of Development of Rulemaking](#) was published 3 OCT 14, a [Notice of Proposed Rules](#) was published 12 Dec 14, and comments were due 2 JAN 15. A [Notice of Change](#) was published 20 FEB 15. The rules were filed 27 MAR 15 and the [Notice of Rule Filing](#) was published 31 MAR 15. Final rule text is not yet available. POC: [Kelly Friend](#), (850) 617-7850.

## ***PROPOSED RULES***

**KISSIMMEE RIVER RESTORATION PROJECT (40E-10.011, .021, 10.031, .071, .091)** The South Florida WMD has proposed revisions to 40E-10, F.A.C., regarding the Kissimmee River Restoration Project, a joint partnership between the WMD and the US Army Corps of Engineers (USACE). The project will restore over 40 square miles of river/floodplain ecosystem, including 44 miles of meandering river channel and 25,000 acres of wetlands. An integral component of the restoration is the protection from allocation of water needed for fish and wildlife. Water identified for the natural system will be protected through a water reservation as authorized by Florida law. The [Notice of Development of Rulemaking](#) was published 16 JUL 14, an advisory was issued 26 NOV 14, and a [workshop](#) was held 12 DEC 14. South Florida WMD POC: [Don Medellin](#), (561) 682-6340.

**WATER WELLS (40D-3.037, -3.041-3.045, -3.492, -3.507, -3.517, -3.531)** The Southwest Florida WMD has proposed amendments to its rules for regulation of wells. Amendments:

- Incorporate by reference updated versions of related rules adopted by FLDEP;
- Directly incorporate by reference certain materials already incorporated into FLDEP well construction rules; and
- Adopt a new general permit for certain environmental monitoring wells.

Amendments will make the WMD's rules consistent with FLDEP's related rules and recent statutory changes for water well contractor licensing. They will also reduce costs associated with certain environmental monitoring wells that are part of a contaminated site assessment, remedial action plan, or pilot study approved by FLDEP pursuant to Chapter 62-780, F.A.C. A [Notice of Development of Rulemaking](#) was published on 30 OCT 14. Another [Notice of Development of Rulemaking](#) was published 17 DEC 14, and a [Notice of Proposed Rules](#) was published 7 JAN 15. Comments were due 28 JAN 15. POC: Natalia Santiago, (813) 985-7481, x4657.

**ERP RULES (40E-4.091, 40E-41.321, 40E-41.323, 40E-41.363)** The Southwest Florida WMD has proposed revisions to 40E-4.091, F.A.C., to correct its ERP rules and adopt updated rules of the Department of Environmental Protection. A [Notice of Development of Rulemaking](#) was published 25 NOV 14. POC: [Melinda Parrott](#), (561) 682-6324.

**WATER WELL CONSTRUCTION, CONTRACTOR RULES (40E-3.011, .021, .035, .036, .038, .040, .041, .042, .051, .101, .321, .341, .411, .451, .461, .500, .502, .507, .517, .600)** The South Florida WMD has proposed rulemaking regarding rules in 40E-3, F.A.C., to create a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local governments, update materials incorporated by reference, adopt amendments to FLDEP rules, and update rule references. A [Notice of Development of Rulemaking](#) was published 25 NOV 14 and a [Notice of Proposed Rules](#) was published 23 FEB 15. WMD POC: [Kellie Madison](#), (561) 682-6906.

**PETROLEUM CLEANUP CONTRACTORS (62-772.300, 62-772.401)** FLDEP has proposed revisions to 62-772.300 and 62-772.401, F.A.C., to modify contractor performance evaluation forms and specific form names and dates to eliminate the annual evaluation form; modify performance criteria in the remaining evaluation form to be more objective, streamlined, and compatible with the purchase order and subtask completion process; and create a new form to more formally solicit owner/responsible party input for use in contractor performance evaluations. FLDEP also proposes to amend alternate methods for selection of petroleum cleanup contractors to add clarity and flexibility to owners and responsible parties of petroleum contaminated sites. The [Notice of Development of Rulemaking](#) was published 30 DEC 14. A workshop was held 16 JAN 15. FLDEP POC: [Charles Williams](#), (850) 245-8863.

**TOTAL COLIFORM RULE (62-550.200, .310, .340, .500, .518, .540, .550, .817, .821, .824, .828, .830; 62-560.510, .520, .610)** FLDEP has proposed revisions to 62-550, F.A.C., to adopt the EPA's revisions to the Total Coliform Rule as published ([78 FR 10270](#)) and corrected ([79 FR 10665](#)). FLDEP is also updating rule references in Chapter 62-550, F.A.C. A [Notice of Proposed Rules](#) was published 16 JAN 15 and comments were due 6 FEB 15. FLDEP POC: [Jeffrey Lawson](#), (850) 245-8599.

**COASTAL CONSTRUCTION AND EVACUATION (62B-33)** FLDEP has proposed amendments to Chapter 62B-33, F.A.C., Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line (CCCL) and 50-Foot Setback). Proposed amendments will clarify and update existing rule language

to reflect current procedures for exemptions, marine turtle protection and vegetation maintenance criteria, siting criteria, survey requirements, 30-year erosion projections, permit time limits and extensions, general conditions, definitions, forms, and fees. FLDEP is also proposing to update and add new general permits for activities seaward of the CCCL, as well as create a CCCL Applicant's Handbook. A Notice of Development Rulemaking was published 9 JUN 14 and a workshop was held 23 JUN 14. An advisory was issued 13 JAN 15. Another workshop was held 12 FEB 15 FLDEP POC: [Sandra Powell](#), (850) 245-8604.

**ERPs (40C-1.1008, 40C-1.603, 40C-1.612)** The St. Johns River WMD has proposed amendments:

- To 40C-1.1008, 40C-1.603, and 40C-1.612, F.A.C., to Increase consistency with the statewide ERP rules adopted in Chapter 62-330, F.A.C., pursuant to Section 373.4131, F.S. (2012);
- Amend fees for certain ERPs to more closely approximate the fees before Chapter 62-330, F.A.C., became effective on October 1, 13; and
- Create a new fee category for renewal of certain expired formal determinations of the landward extent of wetlands and other surface waters.

A [Notice of Development of Rulemaking](#) was published 12 FEB 15. A workshop was held 12 MAR 15. POC: [Wendy Gaylord](#), (386) 326-3026.

**ERPs (40C-41.021, .023, .043, .063, .065, .066, .071, .091, .341, .900)** The St. Johns River WMD has proposed amendments to 40C-41.023, .043, and .063, F.A.C., last amended 1 OCT 13 for consistency with Section 373.4131, F.S., to require FLDEP in coordination with the five WMDs to develop statewide ERP rules. Current proposed amendments will:

- Delete reference to standard and general stormwater permits in subsection 40C-41.063(4), F.A.C., since statewide ERP rules only provide for issuance of conceptual approval and individual permits;
- Reflect transfer of Rule 40C-42.091, F.A.C., into Rule 40C-4.091, F.A.C.;
- Replace, with better graphics, Figures 41-1 through 41-4 in 40C-4.023, F.A.C., and Figures 13.0-1 through 13.0-4 in the "Environmental Resource Permit Applicant's Handbook, Volume II: For Use within the Geographic Limits of the St. Johns River Water Management District" (Volume II), incorporated by reference in subsection 40C-41.043(5), F.A.C.); and
- Update effective date for Part VI of Volume II, as St. Johns River WMD will clarify wording in Volume II, and replace, with better graphics, Figures 13.5-1 and 13.5-2 in Volume II.

Corrections delete language in 13.4.4.(d) (Off-site Land Preservation) to reflect adoption of the Uniform Mitigation Assessment Method. Corrections also insert language in 13.4.2 (Floodplain Storage Criteria) that St. Johns WMD had intended to carry over from the rule as it existed before 1 OCT 13. A [Notice of Development of Rulemaking](#) for 40C-41.023, .043, and .063 was published 12 FEB 15. To address comments received from the Joint Administrative Procedures Committee, amendments to 40C-44.021, .065, .066, .071, .091, .101, .341, and 40C-44.900, F.A.C., will:

- Update effective date for Part VII of the Volume II, incorporated by reference in Rule 40C-44.091, F.A.C.;
- Replace references to "reuse" with "harvesting" or "stormwater harvesting," as those terms when used in Volume II refer to methods that prevent discharge of stormwater into surface waters of the state by deliberate application of stormwater for irrigation;
- Repeal subsection 40C-44.065(3), F.A.C., and rules 40C-44.341 and 40C-44.900, F.A.C., as the WMD has determined these provisions are no longer needed.
- Delete certain provisions related to performance standards, permit revocation and permit modification that have been determined unnecessary since they are subsumed in other provisions of the rule or addressed by statute.

A [Notice of Development of Rulemaking](#) for 40C-44.021, .065, .066, .071, .091, .101, .341, and .900 was published 12 FEB 15. A workshop regarding all amendments was held 12 MAR 15. POC: [Wendy Gaylord](#), (386) 326-3026.

**FLORIDA ENDANGERED AND THREATENED SPECIES LIST (68A-27.003, 68A-27.0031)** The Florida Fish and Wildlife Conservation Commission (FWCC) has proposed amendments to 68A-27.003 and 68A-27.0031, F.A.C., to revise the Florida Endangered and Threatened Species List to reflect federal listing changes. Rule 68A-27.0012(1) of the Florida Administrative Code requires that when native Florida species are added or reclassified under the Federal Endangered Species Act (ESA), the species shall be so listed or reclassified in the Florida Administrative Code to reflect the federal designation. Because of recent federal designations, FWCC is proposing to:

- Add seven mollusks (Choctaw bean, round ebonyshell, southern kidneyshell, fuzzy pigtoe, narrow pigtoe, tapered pigtoe, and southern sandshell); one mammal (Florida bonneted bat); one bird (rufa red knot); two insects (Bartram's scrub-hairstreak and Florida leafwing butterflies); four corals (lobed star, boulder star, mountainous star and rough cactus) to paragraph one of Rule 68A-27.003 F.A.C.;
- Change indicated federal listing for one bird (wood stork) from endangered to threatened;

- Move one species of coral (pillar coral) from subsection two to subsection one; and
- Move into rule 68A-27.003(1) and delete from Rule 68A-27.0031, F.A.C., one fish species (smalltoothed sawfish) and two coral species (elkhorn and staghorn) mistakenly added to the latter rule when it was created.

The [Notice of Proposed Rules](#) was published 27 MAR 15. Comments are due 17 APR 15.



## **2015 LEGISLATIVE SESSION: 12 JAN 15 THROUGH 26 MAR 15**

*Georgia has a two-year session (2014-2015), with 2014 bills carrying over for consideration in 2015. Adjournment dates are estimated and updated based on legislative activity.*

### **LEGISLATION**

**HB 44** This measure relates to regulation of aeronautics, aircraft, and airports to provide for definitions. It prohibits operation of unmanned aerial vehicles in certain areas, and amends Code Section 51-9-9 of the Official Code of Georgia Annotated. HB 44 relates to interference with property rights to provide for an exception to the right of action. Last action: Senate read and referred 10 FEB 15.

**HB 57** This measure relates to the generation and distribution of electricity generally. It provides for financing of solar technology by retail electric customers for generation of electric energy to be used on and by property owned or occupied by such customers or to be fed back to the electric service provider. Last action: sent to governor 6 APR 15.

**HB 129** This measure relates to fluoridation of public water systems, state funds for cost of fluoridation equipment, chemicals and materials, and tax deduction for fluoride-removing devices. It provides that communities may impose or remove fluoridation by referendum under certain circumstances. Last action: second House reading 29 JAN 15.

**HB 693** This measure relates to conservation and natural resources, so as to repeal and reenact Chapter 6A, relating to land conservation. It creates the Georgia Legacy Trust Fund and funding mechanisms for the protection and preservation of conservation land, and provide for their operation. HB 693 provides for legislative intent and definitions. The measure establishes procedural requirements for approval of project proposals. It also provides for related matters, an effective date, and contingent repeal. Last action: 2 APR 15 first House reading.

**HR 106** This resolution encourages Congress to, among other things; convey title and jurisdiction of federal public lands to the states. Last action: reported favorably from House committee 19 FEB 15.

**HR 907** This resolution proposes an amendment to the Constitution to authorize an annual allocation of 75 percent of revenue derived from state sales and use tax with respect to sale of outdoor recreation equipment to a trust fund to be used for the protection and preservation of conservation land. It provides for related matters, for submission of this amendment for ratification or rejection, and for other purposes. Last action: 2 APR 15 first House reading.

**SB 36 (HB 116)** This measure prohibits the injection of ground water into the Floridan aquifer in certain counties. It provides for a short title and legislative findings. Last action: 19 MAR 15 second House reading.

**SB 101** This measure relates to the control of soil erosion and sedimentation. It provides for a buffer against coastal marshlands within which certain land-disturbing activities are prohibited. The measure provides for exceptions, variances, and effective dates. Last action: Senate agreed to House amendment 27 MAR 15.

### **PROPOSED RULES**

**SIP Revisions** The Georgia Environmental Protection Department (GAEPD) has proposed amendments to revise Georgia's State Implementation Plan (SIP). Revision includes addition of the 15-county Atlanta Nonattainment Area Emissions Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) as required by §182(a)(1) of the Clean Air Act. Additionally, GAEPD certifies that the existing permit program and emissions statements satisfy requirements of §182(a)(2)(C) and §182(a)(3)(B), respectively. A [notice](#) was issued 14 NOV 14 and a hearing was held 9 DEC 14. Comments were due 16 DEC 14. POC: Air Protection Branch, (404) 363-7000.



**NAAQS STATE/FEDERAL IMPLEMENTATION PLAN** GAEPD has proposed amendments to Georgia's SIP. Proposed SIP revision contains Georgia's request to remove Georgia Rules 391-3-1-.02(2)(aaa), Consumer and Commercial Products; and 391-3-1-.02(2)(bbb), Gasoline Marketing from the Georgia SIP; and revisions to Georgia Rule 391-3-1-.02(2)(mmm), NO<sub>x</sub> Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity. Revisions to rules for air quality control associated with this SIP revision were adopted by Georgia's Board of Natural Resources on 25 MAR 14. A [notice](#) was issued 23 DEC 14. A hearing was held and comments were due 30 JAN 15.

**HAZARDOUS WASTE MANAGEMENT (391-3-11)** GAEPD has proposed amendments to Georgia rules for "Hazardous Waste Management," Chapter 391-3-11, to include amendments to:

- Rule 391-3-11-.01 "General Provisions," to clarify federal regulations adopted by reference and in effect through 30 JUN 14;
- Rule 391-3-11-.02 "Definitions," to:
  - Incorporate by reference definitions of the terms no free liquids, solvent-contaminated wipe, wipe, cathode ray tube (CRT) exporter, electronic manifest, electronic manifest system, and user of the electronic manifest system to the regulations; and
  - Revise definition of "manifest" to include electronic manifests;
- Rules 391-3-11-.05 "Financial Responsibility," to allow for a qualified professional engineer to certify closure and/or post-closure of hazardous waste management and disposal units;
- Rule 391-3-11-.07 "Identification and Listing of Hazardous Waste," to:
  - Reduce the reporting and paperwork burden for facilities that claim an exclusion for wood preserving wastewaters and spent wood preserving solutions as solid waste, and for samples undergoing treatability studies;
  - Conditionally exclude from the definition of solid waste solvent-contaminated wipes that are cleaned and reused; and
  - Revise reporting and notification requirements for CRT exporters;
- Rule 391-3-11-.08 "Standards Applicable to Generators of Hazardous Waste," to allow generators to use EPA's Electronic Manifest System as an alternative to using paper manifest forms;
- Rule 391-3-11-.09 "Standards Applicable to Transporters of Hazardous Waste," to allow transporters to use EPA's Electronic Manifest System as an alternative to using paper manifest forms;
- Rule 391-3-11-.10 "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities," to:
  - Eliminate or reduce reporting and recordkeeping requirements for hazardous waste generators and permitted hazardous waste facilities;
  - Allow hazardous waste facilities to use in-house registered professional engineers for certifications required by the rules rather than independent professional engineers;
  - Allow permitted hazardous waste facilities to use EPA's Electronic Manifest System as an alternative to using paper manifest forms and to ensure consistency with the federal regulations;
- Rule 391-3-11-.11 "Hazardous Waste Facility Permits," to:
  - Remove text not adopted by reference and pertaining to Resource Conservation and Recovery Act (RCRA) standardized permits, but whose exception is covered in a blanket statement in Section 391-3-11-.01(2);
  - Allow for technical data to be certified by a qualified professional engineer, instead of an independent registered professional engineer; and
  - Ensure consistency with federal regulations;
- Rule 391-3-11-.15 "Availability of Information," to remove an incorrect address reference, as GAEPD has relocated and an address is not needed in the rules;
- Rule 391-3-11-.16 "Land Disposal Restrictions," to clarify regulatory language on generator waste determinations in land disposal restriction requirements, and to reduce land disposal restriction requirements for notifications of recyclable materials used in a manner constituting disposal.

The [proposed rules](#) were filed 5 DEC 14, a hearing was held 5 JAN 15, and comments were due 6 JAN 15. A meeting was held 6 FEB 15.

**2016 305(b)/303(d) LIST OF WATERS** GAEPD has issued a request for data for use in Georgia's 2016 305(b)/303(d) List of Waters in accordance with the federal Clean Water Act, Sections 305(b) and 303(d). Requirements for submission and acceptance of water quality data for use in listing waters are detailed in GAEPD document entitled, "[Guidance on Submitting Water Quality Data for Use by the Georgia Environmental Protection Division in 305\(b\)/303\(d\) Listing Assessments](#)." A [notice](#) was issued 2 FEB 15. Comments are due 1 JUL 15. POC: [Susan Salter](#).

**AIR QUALITY UPDATES (391-3-1-.01; .02(2)(PPP); .02(8)(B); .02(9)(B); .03(8); .03(10))** GAEPD has proposed amendments to Georgia's rules for air quality control, Chapter 391-3-1. GAEPD certifies that:

- Revisions to 391-3-1-.01 are required to comply with Sections 110(a) of the federal Clean Air Act (CAA);
- Revisions to 391-3-1-.02 are required to comply with Sections 110(a), 111(c)(1), 111(d), and 112(l) of the federal CAA and to exercise authority approved and/or delegated by EPA to implement Section 110 of the federal CAA; and
- Revisions to rule 391-3-1-.03 are required to comply with Section 161, Section 172, and Title V of the federal CAA.

Proposed amendments are described below.

- Rule 391-3-1-.01, "Definitions," is being amended to update definitions of "volatile organic compound" and "Procedures for Testing and Monitoring Sources of Air Pollutants."
- Rule 391-3-1-.02(2)(PPP), "Commercial and Industrial Solid Waste Incinerators Constructed On or Before November 30, 1999," is being amended to comply with requirements of 40 CFR Part 60, Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units).
- Rule 391-3-1-.02(8)(b), "New Source Performance Standards," is being amended to adopt the Federal Performance Standards into the Georgia rules by reference, to ensure consistency between state and federal programs.
- Rule 391-3-1-.02(9)(b), "Emission Standards for Hazardous Air Pollutants," is being amended to adopt the Federal Emission Standards into the Georgia rules by reference to ensure consistency between state and federal programs.
- Rule 391-3-1-.03(8), "Permit Requirements," is being amended to remove the fine particulate matter nonattainment new source review requirements for Catoosa and Walker counties.
- Rule 391-3-1-.03(10), "Title V Operating Permits," is being amended to adopt 40 CFR Part 70.6(c) into the Georgia rules by reference to ensure consistency between state and federal programs.

The [proposed amendments](#) were filed 1 APR 15. A hearing will be held 12 MAY 15 and comments are due 13 MAY 15. POC: Air Protection Branch, (404) 363-7000.



## ***2015 LEGISLATIVE SESSION: 6 JAN 15 THROUGH 20 MAR 15***

### ***LEGISLATION***

**[HB 93](#)** This measure establishes an endangered and threatened plant species list to be maintained by the Kentucky State Nature Preserves Commission (KSNPC). It prohibits the take or possession of an endangered and threatened plant species without written permission of the owner, lessee, or other person entitled to possession. The measure authorizes the KSNPC to promulgate regulations to establish a list; regulate sale, protection, and taking of plant species; and exempt taking of species for certain purposes and circumstances. HB 93 requires persons who sell endangered or threatened plant species to register with KSNPC. It requires certification of propagators and requires inspection of nurseries and propagators if the facility sells or propagates endangered or threatened species. The bill requires state agencies to avoid activities that will jeopardize existence of an endangered or threatened species and exempts location of endangered and threatened species from Open Records Act. Last action: 23 MAR 15 referred to committee.

**[HB 229](#)** This measure requires retail electric suppliers to use increasing amounts of renewable energy, to take energy-efficiency measures, and implement energy-efficiency programs that increase energy savings over a period of time. It provides for alternative compliance plans for public utilities that fail to meet renewable energy or efficiency requirements. HB 229 defines renewable energy and specifies Public Service Commission (PSC) reporting requirements regarding progress in diversifying energy sources and energy savings. The measure also requires the PSC to develop tariff guidelines for purchase of renewable power. Last action: referred to committee 9 FEB 15.

**[HJR 77](#)** This measure urges DoD and Army to reconsider proposed cuts to Fort Knox and Fort Campbell. Last action: second reading 26 FEB 15.

**[HJR 139 \(SCR 147\)](#)** This measure urges DoD and Army to reconsider proposed cuts to Fort Knox and Fort Campbell. Last action: HJR 139 posted in committee 23 FEB 15; SCR 147 referred to committee 26 FEB 15.

**SR 128** This measure urges DoD and Army to reconsider proposed cuts to Fort Knox and Fort Campbell. Last action: referred to committee 19 FEB 15.

### ***PROPOSED RULES***

**TITLE V FEES** Pursuant to 401 KAR 50:038, Air Emissions Fee, the Division of Air Quality has authority to collect Title V air emissions fees necessary to fund the state air permit program. A [Notice of Public Hearing](#) was issued 23 OCT 14. The Energy and Environment Cabinet held a public hearing 24 NOV 14. POC: [Melissa Duff](#), (502) 564-3999.



***2015 LEGISLATIVE SESSION: 6 JAN 15 THROUGH 5 APR 15***

### ***LEGISLATION***

**SB 2220** This measure allows the boards of supervisors to provide an exemption to outdoor burning bans for persons who are certified to perform controlled burns. Last action: died in committee 3 FEB 15.

**SB 2456** This measure authorizes the board of the Mississippi levee district to enter into agreements for management of lands held by the US Army Corps of Engineers for management of levee projects, drainage and flood control within the levee district. Last action: approved by governor 18 MAR 15.

### ***PROPOSED RULES***

**TITLE V CAA AND PERMITS** The Mississippi Department of Environmental Quality (MSDEQ) has announced a public hearing to receive comments regarding the proposed Title V Air Permit fee for fiscal year 2016 to be established by order of the Mississippi Commission on Environmental Quality (CEQ). Miss. Code Ann. Sec. 49-17-30 provides that under Title V of the federal CAA, the owner and/or operator of any stationary source of regulated air pollutants shall pay MSDEQ an annual permit fee. The Mississippi CEQ is charged by law to establish the permit fee in an amount sufficient to cover the cost of the Title V Air Permit Program. Miss. Code Ann. Sec. 49-17-16 established an advisory council to conduct an independent study of the cost of the Title V Air Permit Program. The advisory council recommended to the CEQ that the Fiscal Year 2016 Title V fee be set at \$41.00 per ton of regulated air pollutants with a minimum fee of \$250. A notice was issued 12 DEC 14. A hearing was held and comments were due 15 JAN 15. POC: Krystal Rudolph, (601) 961-5171.



***2015 LEGISLATIVE SESSION: 14 JAN 15 THROUGH 1 JUL 15***

*North Carolina has a two-year session (2013-2014), with 2014 bills carrying over for consideration in 2015. Adjournment dates are estimated and updated based on legislative activity.*

### ***LEGISLATION***

**HB 89** This measure restores various tax credits and incentives for economic development. Last action: referred to House committee 4 MAR 15.

**HB 157** This measure amends various environmental laws regarding mining, recycled and recovered materials, and coal ash management. It renames the Ecosystem Enhancement Program to the Division of Mitigation Services. HB 157 also amends the Energy Policy Council and makes various clarifications. Last action: signed by governor 16 MAR 15.

**HB 169** This measure limits counties in which motor vehicle emissions inspections are required to Alamance, Buncombe, Cabarrus, Caldwell, Catawba, Chatham, Cleveland, Cumberland, Davidson, Durham, Edgecombe, Forsyth, Franklin, Gaston, Guilford, Harnett, Henderson, Iredell, Johnston, Lee, Lenoir, Lincoln, Mecklenburg, 23 Moore, Nash, Orange, Pitt, Randolph, Robeson, Rockingham, Rowan, Stanly, 24 Stokes, Union, Wake, Wayne, and Wilson counties. Last action: House referred to committee 18 MAR 15.

**HB 186** This measure requires the environmental resources commission to conduct a study of water resources availability in the Cape Fear river basin. Last action: referred to committee 11 MAR 15.

**HB 245** This measure provides that a person who constructs or operates an electric generating facility on a customer's property for the primary purpose of producing electricity, heat, or steam for sale to or for use by the customer is not a public utility, and is not subject to regulation by the utilities commission so long as the facility is sized to supply no more than 125 percent of the average annual energy consumption of the customer at that site. Last action: House referred to committee 17 MAR 15.

**HB 454 (SB 447) (SB 562)** This measure enacts the Energy Investment Act. Last action: HB 454 referred to committee 2 APR 15; SB 447 and SB 562 referred to committee 30 MAR 15.

**HB 548** This measure reorganizes, clarifies, and modernizes statutes regarding local planning and development regulation. Last action: House referred to committee 2 APR 15.

**SB 130** This measure regards delineation of protective riparian buffers for coastal wetlands in the Neuse River and Tar-Pamlico river basins. Last action: Senate referred to committee 2 MAR 15.

**SB 200** This measure repeals the requirement that motor vehicles registered in the state have an annual safety inspection and to make conforming statutory changes made necessary by repeal of that requirement. It provides for development and implementation of a management improvement plan to increase efficiency, reduce costs, and improve customer service for the motor vehicle emissions inspection program administered by the division of motor vehicles. SB 200 also requires the fiscal research division of the general assembly to conduct a fiscal review of the division of motor vehicles emissions inspection program, based on recommendations from the program evaluation division. Last action: Senate referred to committee 10 MAR 15.

**SB 329** This measure extends the tax credit for renewable energy property. Last action: Senate referred to committee 19 MAR 15.

## ***FINAL RULES***

**MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES** The North Carolina Department of Environment and Natural Resources (NCDENR) has adopted rulemaking to adopt the rules cited as 15A NCAC 05H .0101-.0102, .0201-.0203, .0301, .0401-.0402, .0501-.0504, .0601-.0603, .0701-.0709, .0801-.0808, .0901, .1001-.1005, .1101, .1201-.1206, .1301-.1314, .1401-.1407, .1501-.1504, .1601-.1624, .1701-.1704, .1801-.1807, .1901-.1906, .2001-.2007, .2101-.2103, and .2201; and repeal the rules cited as 15A NCAC 05D .0101 and .0103-.0111. Session Law 2012-143 reconstituted the Mining Commission as the Mining and Energy Commission (MEC) and directed the MEC to develop and adopt a modern regulatory program for management of oil and gas exploration and development activities in the state, including the use of horizontal drilling and hydraulic fracturing. As part of that directive, MEC was charged with adopting rules to protect public health and safety; protect public and private property; protect and conserve the state's air, water, and other natural resources; promote economic development and expand employment opportunities; and provide for the productive and efficient development of the state's oil and gas resources. After reviewing current state regulations, the mandate in SL 2012-143, and information from studies about operation and potential impact of modern oil and gas exploration and production activities, MEC is proposing to adopt 126 new rules and repeal 10 other rules to appropriately regulate the oil and gas industry for the purpose of oil and gas exploration and development. The [proposed rules](#) were published 1 AUG 14. The [approved rules](#) were published 2 FEB 15; they became effective 17 MAR 15.

## ***PROPOSED RULES***

**Toxics (15A NCAC 02Q .0711)** The North Carolina Environmental Management Commission (EMC) has proposed rules to amend Rule 15A NCAC 02Q .0711., Emission Rates Requiring a Permit. Recent amendments to the rule added additional toxic air pollutant permitting emission rates (TPER), which apply when air pollutant emission release points at a facility are non-obstructed and vertically oriented. Clerical issues in the spreadsheet used to calculate those TPER values were transferred to the table in Paragraph (b) of the rule. Rule 15A NCAC 02Q .0711 is proposed to be revised to update the TPERs in Paragraph (b) such that:

- 2.0 lb/hr for ethylene glycol monoethyl ether is reflected in the acute systemic column instead of the acute irritant column;
- 31.59 lb/hr for methyl isobutyl ketone [is to be reflected](#) in the column for acute irritants; and



- 197.96 lb/day for toluene is to be reflected in the column for chronic toxicants.

The [proposed rules](#) (see page 34) were published 15 OCT 14. A hearing was held 3 DEC 14 and comments were due 15 DEC 14. The [Rules Review Commission Agenda](#) was published 1 APR 15. POC: [Joelle Burlison](#), (919) 707-8720.

**PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS (15A NCAC 02B .0295)** NCDENR has proposed rulemaking to adopt the rule cited as 15A NCAC 02B .0295, as authorized by Section 2 of S.L. 2014-95. This section states that the Environmental Management Commission shall adopt a rule on "Mitigation Program Requirements for the Protection and Maintenance of Riparian Buffers," pursuant to G.S. 150B-21.1, no later than 1 OCT 14. The [proposed rules](#) were published 16 FEB 15. A hearing was held 12 MAR 15 and comments are due 17 APR 15. POC: [Sue Homewood](#), (336) 776-9693.

**REVISED TOTAL COLIFORM RULE (15A NCAC 18C .1539)** NCDENR has proposed rulemaking to adopt 15A NCAC 18C .1539. The federal government recently revised the 1989 Total Coliform Rule to strengthen public protection from bacteriological contamination in drinking water. The changes conform to the Safe Drinking Water Act provision that requires any revision to "maintain, or provide for greater protection of the health of persons." North Carolina must adopt the new federal rule, 40 CFR 141, Subpart Y – Revised Total Coliform Rule, to maintain primary enforcement responsibility over the Total Coliform Rule in the state. If North Carolina does not adopt the federal rule, public water systems would be subject to the rule under federal enforcement by EPA. [Proposed rules](#) were published 16 FEB 15 and a hearing was held 3 MAR 15. Comments are due 17 APR 15. POC: [Linda Raynor](#), (919) 707-9095.

**RED WOLF DESIGNATION (15A NCAC 10I .0104, 15A NCAC 10I .0102)** NCDENR has proposed amendments to 15A NCAC 10I .0104 to designate the red wolf (*Canis rufus*) as state-listed threatened. As amended, 15A NCAC 10I .0102 would allow red wolves to be taken or harassed pursuant to conditions provided in 50 C.F.R. 17.84(c). The [proposed rules](#) were published 15 JAN 15, hearings were held 3 FEB 15 and 17 FEB 15, and comments were due 16 MAR 15. The [Rules Review Commission Agenda](#) was published 1 APR 15. POC: Kate Pipkin, 1701 Mail Service Center, Raleigh, NC 27699.



## ***2015 LEGISLATIVE SESSION: 13 JAN 15 THROUGH 4 JUN 15***

*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 3351](#)** This measure requires the South Carolina Department of Health and Environmental Control (SCDHEC) to develop and implement an inspection plan to ensure that every pond, stream, or similar body of water is maintained in compliance with federal, state, and local laws. It also provides a civil penalty. Last action: referred to committee 20 JAN 15.

**[HB 3538](#)** This measure allows for nongravity-based, soil-based, on-site disposal systems. It amends section 44-55-1320 relating to wastewater collection, treatment, and discharge to authorize single or multiple dwelling units to use a community or commercial, passive, soil-based, on-site disposal system. HB 3538 amends section 44-55-1330 relating to system installation requirements to remove certain requirements for a passive, soil-based, on-site disposal system and to set designations for the trench bottom of a disposal system. The measure amends section 44-55-1350 relating to tile field product regulations to add requirements of section 44-55-1310 to regulations promulgated over passive, soil-based, on-site disposal systems. It also repeals section 44-55-1340 relating to financial assurance. Last action: referred to committee 5 FEB 15.

**[HB 3564](#)** This measure requires permitting for new withdrawals or expansion of existing registrations. Beginning 1 JUL 15, all surface water withdrawers, including those withdrawing surface water for agricultural uses, would be required to apply for a permit to withdraw surface water. An existing registered surface water withdrawer is not required to apply for a permit for the registered use unless the withdrawer seeks to expand the withdrawal amount. Last action: referred to committee 11 FEB 15.

**HB 3693** This measure defines necessary terminology by adding section 58-3-595 to impose certain requirements in the event SCDHEC develops a state plan for regulating carbon dioxide emissions from covered electric generating units; and by adding section 58-3-600 such that:

- SCDHEC shall provide a report of its adopted state plan to the state Regulation of Public Utilities Review committee within 15 days of adoption;
- Committee vote is required to approve or reject the plan,
- If the committee does not vote to approve the plan, SCDHEC shall submit a revised plan; and
- SCDEHC shall not submit any state plan to EPA until the review committee has approved it in accordance with this section.

Last action: errors corrected 19 FEB 15.

**HB 3707** This measure adopts policies that preserve environmental quality under the Clean Air Act (CAA), but prohibits a state agency from preparing, drafting, submitting, or implementing a state plan pursuant to CAA section 111(d) for existing power plants until the CAA section 111(d) regulation has undergone judicial review. The Public Service Commission (PSC) shall cap rate increases associated with greenhouse gas regulations at one and one-half percent. Last action: errors corrected 25 FEB 15.

**HCR 3570** This concurrent resolution memorializes SCDHEC and the South Carolina PSC to adopt policies that preserve environmental quality under CAA, while refusing to implement a clean power SIP. Last action: referred to committee 11 FEB 15.

**HB 3874** This measure provides for an income tax credit to an individual or business that constructs, purchases, or leases renewable energy property and places it in service in the state. It also provides a definition of "renewable energy property." Last action: House referred to committee 19 MAR 15.

**SB 309, WETLANDS RESTORATION ACT** This measure amends chapter 11, title 49 of the 1976 code relating to dams by adding article 5 to enact the "wetlands restoration act," which provides that certain impoundments that originally impounded a parcel of tide- or marshland; but no longer completely impound that parcel, may be repaired or restored. Last action: referred to committee 13 JAN 15.

**SB 519, CONSERVATION BANK REAUTHORIZATION AND WETLANDS CONSERVATION ACT** This measure enacts the "Conservation Bank Reauthorization and Wetlands Conservation Act" by amending section 12-24-95 of the 1976 code, relating to the state deed recording fee credited to the South Carolina Conservation Bank Trust Fund. It provides that 30 cents of the recording fee is credited to the trust fund. SB 519 amends:

- Section 48-59-70(d)(4) to include isolated wetlands and Carolina bays in the conservation criteria to be considered by the trust fund when awarding grants and loans;
- Section 48-59-70 to add to the conservation criteria of the conservation bank, acquisition, reclamation, or improvements of wetlands owned or operated by NCDENR as wildlife management areas; and
- Section 48-59-75, to provide for a proportional reduction in the transfer of recording fees and other appropriated funds in the Annual Appropriations Act under certain circumstances.

The measure repeals:

- Section 3 of act 200 of 2002, related to the portion of the deed recording fee credited to the trust fund;
- Section 5 of act 200 of 2002, related to freezing the transfer of deed recording fees to the trust fund when the state is under certain fiscal constraints; and
- Section 7 of act 200 of 2002, related to the requirement to periodically reauthorize the South Carolina Conservation Bank Trust Fund.

Last action: Senate referred to committee 4 MAR 15.

**SB 550** This measure would split up the South Carolina Department of Health and Environmental Control (SCDHEC). A new cabinet agency would be created for the SCDHEC health functions that would also include South Carolina's mental health and drug abuse departments. SCDHEC's environmental division would become part of the South Carolina Department of Agriculture.

**SCR 40, SOUTH CAROLINA AND GEORGIA JOINT WATER CAUCUS** This concurrent resolution joins the South Carolina and Georgia joint water caucuses to encourage state agencies, in conjunction with the Army Corps of Engineers, to implement a water management program for the Savannah River basin to ensure continuous optimization of water quality

and quantity management of water resources shared by both states throughout the basin. Last action: reported favorably from Senate committee 1 APR 15.

## ***PROPOSED RULES***

**WASTE TIRES (R.61-107.3)** SCDHEC has proposed amendments to R.61-107.3, Solid Waste Management (SWM): Waste Tires, to amend applicability of the regulation, and amend and expand definitions. The amendment will update, clarify, or amend 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 of 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 were due 23 JUN 14. [Proposed regulations](#) (page 68) were published 28 NOV 14. A hearing was held 8 JAN 15 and a [Notice of Submission to the General Assembly](#) was published 27 FEB 15. POC: Kent Coleman, (803) 896-4135.

**AIR POLLUTION CONTROL, SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN (61-62)** SCDHEC has [proposed amendments](#) to Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP as follows.

- Amend Regulation 61-62.5, Standard No. 1, Emissions from Fuel Burning Operations, to exempt owners or operators of propane fired units from maintaining a startup/shutdown log in order to be consistent with the exemption allowed for owners or operators of natural gas fired units.
- Amend Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove gaseous fluorides, such as hydrogen fluoride (HF), from the list of pollutants. HF is a federal hazardous air pollutant (HAP). It has no primary or secondary NAAQS; therefore, it is more appropriately regulated under Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants.
- Repeal Regulation 61-62.5, Standard No. 5.1, Best Available Control Technology /Lowest Achievable Emission Rate Applicable to Volatile Organic Compounds (VOC). Because other regulations limit VOC emissions, SCDHEC finds Regulation 61-62.5, Standard No. 5.1 is no longer necessary.
- Amend Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, to modify criteria for creditability of an increase or decrease in actual emissions and modify text to create consistency with 40 Code of Federal Regulations (CFR) 52.21, Prevention of Significant Deterioration of Air Quality.
- Amend Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to add timing flexibility language to the section governing calculation of emission offsets. Because of public notice requirements, SCDHEC was unable to submit these revisions for approval as part of the 2013 General Assembly Package. SCDHEC will submit changes for approval as part of the 2014 General Assembly Package.
- Amend Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants, to add maximum allowable concentration time frame of 24-hour average to a table and add HF as a pollutant.
- Amend Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, to correct an error in punctuation.
- Amend Regulation 61-62.70, Title V Operating Permit Program, to correct a unit of measurement error in Section 62.70.5(c).
- Amend Regulation 61-62 to correct and improve the overall text as necessary.

Pursuant to S.C. Code Section 1-23-120(H)(1), the proposed amendments will require legislative review. The proposed regulations were published 26 SEP 14. Comments were due 27 OCT 14 and a hearing was held 11 DEC 14. A [Notice of Submission to the General Assembly](#) (see page 9) was published 23 JAN 15. SCDHEC POC: [Anthony Lofton](#), (803) 898-7217.

**POLLUTION CONTROL REGULATIONS AND STANDARDS AND THE SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN (61-62)** SCDHEC has proposed further amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP).

- R.61-62.1, Permit Requirements:
  - Definitions and General Requirements, Section II, Permit Requirements, (c) to include clarification for allowable on-site activities prior to obtaining a construction permit. SCDHEC proposes amendments to R.61-62.1, Section II, to add language to clarify source exemptions for a permit. SCDHEC may propose other changes to R.61-62.1, Air Pollution Control Regulations and Standards, which may include removal of the requirement of a revised air dispersion modeling analysis for permit renewals. Amendments will include additional definitions for clarification and/or corrections for internal consistency, clarification, reference, punctuation, codification, and spelling to improve the overall text of Regulation 61-62.1 as necessary.
- R.61-62.5, Air Pollution Control Standards, Standard No. 4, Emissions from Process Industries, to clarify this

regulation is not triggered for sources for which SCDHEC has removed particulate matter (PM) limits (from other sections of this regulation).

- R.61-62.5, Air Pollution Control Standards, Standard No. 5.2, Control of Oxides of Nitrogen (NOX), to clarify applicability and exemptions, and provide corrections for internal consistency, punctuation, codification, and spelling.
- R.61-62.70, Air Pollution Control Regulations and Standards, Title V Operating Permit Program, to remove appeals language, which is generally defined by statutory law (Code Ann. Section 44-1-60 (Supp. 2012) and is redundant; and to clarify qualification language for administrative amendments.

SCDHEC may propose other changes to R.61-62, Air Pollution Control Regulations and Standards, that may include corrections for internal consistency, clarification, reference, punctuation, codification, and spelling to improve the overall text of Regulation 61-62 as necessary. POC: [Michael Monroe](#).

**INCORPORATION OF FEDERAL AIR AMENDMENTS (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). EPA promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments to 40 CFR Parts 51, 52, 60, 61, 63, and 70 include clarification, guidance, and technical amendments regarding SIP requirements, New Source Performance Standards (NSPS), NESHAP for Source Categories, Prevention of Significant Deterioration (PSD), and revisions to testing methods. To incorporate by reference recent federal amendments promulgated from 1 JAN 14 through 31 DEC 14, SCDHEC proposes to amend:

- Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration;
- Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants, and
- Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

SCDHEC may propose other changes to Regulation 61-62, which 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 27 MAR 15. Comments are due 27 APR 15. POC: [Marie Brown](#).

**FUMIGATION GUIDANCE** SCDHEC has established permit guidance for fumigation activities to be used to determine the following:

- What type of permit action is required;
- How to process permits/exemptions for fumigation activities that emit (HAPs), toxic air pollutants (TAPs), and VOCs; and
- How state and federal air regulations apply, such as SC Regulation 61-62.5, Standards 7 (Prevention of Significant Deterioration) and 8 (Toxic Air Pollutants), Clean Air Act Section 112(g), and 40 CFR 70 (Title V Operating Permit Program).

A [Notice of General Public Interest](#) (page 15) was published 28 NOV 14. POC: Liz Basil, (803) 898-4123.

**HAZARDOUS WASTE MANAGEMENT (R.61-79)** SCDHEC has proposed amendments to R.61-79 to adopt five final rules published in the Federal Register by the US EPA. SCDHEC proposes to adopt:

- "Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents," published 18 JAN 11 ([75 FR 78918](#)). The rule removes saccharin and its salts from the lists of hazardous constituents and commercial chemical products, which are hazardous wastes when discarded or intended to be discarded. This rule is promulgated pursuant to Non-Hazardous and Solid Waste Amendments (HSWA) authority and is neither more nor less stringent than current federal requirements;
- "Academic Laboratories Generator Standards Technical Corrections," published 20 DEC 10 ([75 FR 79304](#)). The rule makes technical corrections to Subpart K, 40 CFR part 262, which established an alternative set of generator requirements applicable to laboratories owned by eligible academic entities, and address the specific nature of hazardous waste generation and accumulation in such laboratories. This rule is promulgated pursuant to non-HSWA authority and is neither more nor less stringent than current federal requirements;
- "Revision of the Land Disposal Treatment Standards for Carbamate Wastes," published 11 AUG 11 ([76 FR 34147](#)). The rule provides, as an alternative standard, use of best demonstrated available technologies (BDAT) for treating hazardous wastes resulting from production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates, and container residues that become hazardous wastes when they are or intended to be discarded. In addition, this action removes carbamate regulated constituents from the table of Universal Treatment Standards. This rule is promulgated pursuant to HSWA authority and is neither more nor less stringent than current federal requirements;
- "Hazardous Waste Technical Corrections and Clarifications," published on 14 MAY 12 ([77 FR 22229](#)). The rule



corrects a typographical error in entry "K107" of the table listing hazardous wastes from specific sources at 40 CFR 261.32; and makes a conforming change at 40 CFR 266.20(b) to clarify that a recycling facility must keep a one-time certification and notification related to recyclable materials being used in a manner constituting disposal. This rule is promulgated pursuant to non-HSWA authority and is neither more nor less stringent than current federal requirements; and

- "Conditional Exclusions for Solvent-Contaminated Wipes," published 31 JAN 14 ([78 FR 46448](#)). The rule revises the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused, and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. This rule is less stringent than the existing federal rules. Authorized states whose programs include less stringent requirements than this final rule are required to modify programs to maintain consistency with the federal program per provisions of 40 CFR 271.21(e). In addition, any states that delineate their program for reusable wipes in guidance documents or interpretive letters will need to promulgate enforceable regulations, as required by 40 CFR 271.21(a). Authorized states may specify a different standard or test method for determining that solvent-contaminated wipes contain no free liquids (in lieu of the Paint Filter Liquids test).

SCDHEC also proposes to amend R.61-79 to incorporate recommended changes identified in its internal 2013 review for the South Carolina Governor's Regulatory Review Task Force. SCDHEC also proposes to amend R.61-104.II.A to reinsert a portion of a sentence inadvertently omitted and delete compliance requirements for units permitted prior to the effective date of regulation. SCDHEC may make stylistic changes for internal consistency; clarification in wording; corrections of references, grammatical errors, and outlining/codification; and such other changes as may be necessary to improve overall regulation quality. A [Drafting Notice](#) (page 28) was published 25 JUL 14 and comments were due 25 AUG 14. [Proposed regulations](#) (page 62) were published 28 NOV 14 and comments are due 29 DEC 14. A hearing was held 8 JAN 15. A [Notice of Submission to the General Assembly](#) was published 27 FEB 15. POC: [David Scaturo](#), (803) 898-0590.

**UNDERGROUND STORAGE TANKS (R.61-92)** SCDHEC has proposed amendments to R.61-92, Underground Storage Tank (UST) Control Regulations. Amendment will focus on provisions of Section 280.25 relating to secondary containment for UST systems located within 100 feet of an existing water supply well, a coastal zone critical area, or state navigable waters. SCDHEC may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of regulation text. Revisions to other provisions of R.61-92 may also be included in accordance with governing legal authority and SCDHEC's overall mission. A [Drafting Notice](#) was published 26 DEC 14. Comments were due 29 JAN 15 and the [proposed regulations](#) were published 27 MAR 15. SCDHEC POC: [Eric Cathcart](#).

**BEACHFRONT MANAGEMENT PLAN (R.30-21)** SCDHEC has proposed amendments to R.30-21, Beachfront Management Plan, SCDHEC's Coastal Division regulations related to permitting in coastal zone critical areas. In 1988, the South Carolina Beachfront Management Act established a statewide beachfront management program and set forth policies that called for the state to "create a comprehensive, long-range beach management plan...for the protection, preservation, restoration, and enhancement of the beach/dune system" (SC Code of Laws Section 48-39-260(2)). The State Beachfront Management Plan was created and adopted pursuant the Administrative Procedures Act in 1992, and resides within SCDHEC's Coastal Division regulations (R.30-21). The plan contains goals, objectives, and policies that guide the state's beachfront management. Goal statements derived from Section 48-39-260 represent broad courses of action relating to improved management of the beach/dune system, protection of endangered species, implementation of retreat policies, response to disasters, and improved public access and awareness. It also contains objectives and specific policy statements that identify strategies to implement goals. SCDHEC can use the plan to exercise regulatory authority. SCDHEC is proposing to modify R.30-21 Beachfront Management Plan to ensure policies reflect the most current and accurate data available, and are congruent with regulations under other sections of SCDHEC's Coastal Division regulations. A [Drafting Notice](#) was published 27 FEB 15. Comments were due 30 MAR 15. POC: [Elizabeth von Kolnitz](#).

**WELL STANDARDS (61-71)** SCDHEC has proposed amendments to 61-71, Well Standards. The separation distance between individual residential and irrigation wells and septic tank/tile fields will be changed from 50 to 75 feet for consistency with On-site Wastewater Systems Regulation 61-56. Underground injection wells will be added to the list of wells regulated under R.61-71, because Underground Injection Control Regulation R.61-87 cites R.61-71 as construction standards for underground injection wells. Definitions for injection well and injection, as defined in R. 61-87, will be added to R.61-71. SCDHEC may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of regulation text. A [Drafting Notice](#) was published 27 FEB 15. Comments were due 30 MAR 15. POC: [Charles Gorman](#).



## **2015 LEGISLATIVE SESSION: 13 JAN 15 THROUGH 15 APR 16**

### **LEGISLATION**

**[HB 80](#) ([SB 91](#))** This measure changes requirements for use of lead-free hardware with respect to drinking water. Last action: HB 80 referred to committee 31 MAR 15; SB 91 signed by governor 6 APR 2015.

**[HB 81](#) ([SB 92](#))** This measure makes various changes to the regulation of petroleum USTs and waste. Last action: HB 81 was placed on committee calendar for 3 MAR 15; SB 92 recommended for passage, referred to Senate committee 7 APR 15.

**[HB 229](#), [SB 409](#)** This measure authorizes pharmacies to participate in pharmacy drug disposal programs. Last action: HB 229 added a sponsor on 26 FEB 15; SB 409 placed on Senate Consent calendar for 2 MAR 15.

**[HB 237](#)** This measure enacts the "Property Assessed Clean Energy Act." Last action: assigned to committee 11 FEB 15.

**[HB 640](#)** This measure requires the Tennessee Department of Environmental Conservation (TDEC) to submit its plan to regulate carbon dioxide emissions for existing stationary sources to the general assembly for approval prior to submitting the plan to EPA. Last action: withdrawn 12 FEB 15.

**[HB 719](#)** This measure extends the effective date from 30 to 45 days after publication for newly published regulations involving cooperative agreements between the Tennessee Wildlife Resources Agency (TWRA) and federal agencies. It revises the due date for the submission of financial reports by the TWRA executive director to the governor and commission members from 15 SEP to 30 SEP of each year. Last action: assigned to committee 19 FEB 15.

**[HB 721](#) ([SB 777](#))** This measure exempts vehicles that are three years old and newer with an odometer reading less than 36,000 miles from emissions testing requirements. It requires the vehicle owner or operator to submit an affidavit certifying that the vehicle meets criteria. Last action: HB 721 placed behind the budget 1 APR 15; SB 777 recommended for passage with amendments, referred to Senate committee 25 MAR 15.

**[HB 833](#)** This measure enacts the "Primacy and Reclamation Act of Tennessee." Last action: assigned to committee 19 FEB 15.

**[HB 846](#)** This measure applies certain rules governing zoning restrictions to other land use restrictions, including redevelopment plans. It prohibits redevelopment plans from being more restrictive than local zoning restrictions. Last action: assigned to committee 19 FEB 15.

**[HB 857](#) ([SB 1049](#))** This measure requires a proposed landfill owner to provide notice to persons owning property within a five-kilometer radius, instead of a three-mile radius, 15 days in advance of any scheduled hearing. Last action: HB 857 assigned to committee 19 FEB 15; SB 1049 passed on second consideration and referred to committee 19 FEB 15

**[HB 868](#) ([SB 1325](#))** This measure requires legislative approval of a state plan to implement Section 111(d) of EPA guidelines before the plan can be submitted to the EPA. Last action: HB 868 assigned to committee 19 FEB 15; SB 1325 passed on second consideration and referred to committee 19 FEB 15.

**[HB 1095](#)** This measure requires the executive director of the wildlife resources agency to submit a report to the commission and the governor by 30 SEP each year. It extends the effective date of regulations for cooperative agreements with federal agencies from 30 to 45 days after publication. Last action: taken off notice for committee calendar 25 MAR 15.

**[SB 734](#)** This measure requires operators of truck stops, travel centers, and diesel refueling centers to conduct soil

and water testing of the property where such establishments are located and on contiguous property for contamination from petroleum products. Last action: passed on second consideration and referred to committee 18 FEB 15.

**SB 1127** This measure prohibits owners and operators of sanitary landfills located within a 15-mile radius of a site where asphalt roofing shingles are recycled pursuant to the issuance of a permit-by-rule from accepting, for disposal, loads of whole or processed asphalt roofing shingles. It requires the Underground Storage Tanks and Solid Waste Disposal Control Board to post on its website the name and address of each site at which recycling of asphalt roof shingles is approved pursuant issuance of a permit-by-rule. The measure also requires permittees to annually report to the board information concerning recycling asphalt shingles. Last action: passed on second consideration and referred to committee 19 FEB 15.

## ***FINAL RULES***

**WASTE PROCESSING AND REDUCTION (0400-11-01-.09)** TDEC has adopted rules to revise Solid Waste Processing and Disposal regulations concerning waste reduction. The rules eliminate conflicts and confusion between statutory language and the existing rule, and will help the regulated community understand waste reduction. The rules 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. [The Rulemaking Hearing Rules](#) were filed 26 FEB 15. The rules become effective 27 MAY 15. POC: [Greg Luke](#), (615) 532-0874. POC: [Greg Luke](#), (615) 532-0874.

## ***PROPOSED RULES***

**NEW SOURCE PERFORMANCE STANDARDS (1200-03-16)** TDEC has proposed amendments to 1200-03-16, New Source Performance Standards. Various sections of the rule are made obsolete by revisions to equivalent federal regulations. TDEC POC: [Jeryl Stewart](#), (615) 532-0605.

**MULTI-SECTOR GENERAL PERMIT** TDEC has proposed to reissue the Tennessee Multi-Sector General Permit, which provides general permit coverage for stormwater discharges from industrial activities. A notice was issued 15 DEC 14. A hearing was held 29 JAN 15 and comments were due 15 FEB 15. TDEC POC: [Vojin Janjic](#), (615) 532-0670.

**WELL STANDARDS** TDEC has proposed rulemaking to update the existing water well licensing and well construction standards by incorporating clarification language. The duties of the Ground Water Management Board were collected from Rule Chapter 0400-45-09 and placed in Rule 0400-45-10-.05. Pump and treatment installer licenses were modified for clarification. Continuing education requirements were clarified. Setback distances from potential contaminant sources were updated to include new sources of potential contamination. Well location submittal data were modified due to the Tennessee Department of Transportation's changes in how the local county maps were published. Well abandonment standards were modified to allow more flexibility on existing wells where construction information is unavailable. Clarification was provided regarding the source of water to be used as drilling fluids. Clarification was made on well site safety and borehole protection and construction of boreholes for geothermal wells. A Notice of Rulemaking Hearing was filed 11 DEC 14. A hearing was held 9 FEB 15 and comments were due 16 FEB 15. TDEC POC: [Anna Rollins](#), (615) 532-0159.

**HAZARDOUS WASTE MANAGEMENT (0400-12-01-.02, .05, .10)** TDEC has proposed revisions to 0400-12-01 to:

- Correct a typographical error to the process description to K107;
- Add a common chemical name 1,1,1-Trichloroethane to the U226 list of commercial chemical products (this is not a new listing);
- Update regulatory language regarding exclusion of comparable fuel and syngas fuel to be equivalent with EPA's language;
- Correct the introductory statements rule, 0400-12-01-.10(1)(g)2(iv), for consistency with federal language and to add a sentence to certification statements to reference T.C.A. § 39-16-702(a)(4); and
- For Waste Code K161 in the table, "Treatment Standards for Hazardous Wastes," Rule 0400-12-01-.10, delete CAS number "137-30-4" in the third column to the right of "Dithiocarbamates (total) 10" and replace with "NA" for consistency with federal language.

A [Notice of Rulemaking Hearing](#) was filed 16 MAR 15. A hearing will be held and comments are due 19 MAY 15. POC: [David Moran](#), (615) 532-0875.

**USE CLASSIFICATIONS FOR SURFACE WATERS (0400-40-04)** TDEC has proposed 0400-40-04, Use Classifications For Surface Waters. The Clean Water Act gives states the responsibility of developing clean water goals. According to both state and federal law, these clean water goals, or water quality standards, must be formally reviewed on a regular basis. Federal law mandates that this review take place no less often than every three years, hence its commonly-used name: the Triennial Review. Water quality standards consist of stream-use classifications for surface waters (Chapter 0400-40-04), and the general water quality criteria and antidegradation policy (Chapter 0400-40-03). These regulations were last reviewed beginning in 2009. The review for Chapter 0400-40-03 took extra time and TDEC held these rules for additional public consideration in 2012. Because Chapter 0400-40-04 (stream-use classifications) did not have this additional round of public hearings, it is time to consider revisions to that chapter. Stream-use classifications identify the public's most likely uses of a specific waterbody. Those formal classifications in turn identify specific criteria contained in Chapter 0400-40-03 that will then apply. Failure to meet these criteria for the assigned designated uses is the condition of pollution, according to the Tennessee Water Quality Control Act. The review of stream-use classifications typically consists of the addition of newly discovered or created trout waters, review of waters being used for domestic water supply, and consideration of any other requested changes in classifications. A Notice of Rulemaking Hearing was filed 12 MAR 15. A hearing will be held 28 MAY 15 and comments are due 4 JUN 15. POC: [Greg Denton](#), (615) 532-0699.

## Department of Defense Activity

**2015 DoD READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION (REPI) PROGRAM CHALLENGE** The REPI Program is a tool for promoting innovative land conservation solutions that benefit the environment and military readiness by preventing, removing, and mitigating restrictions on training, testing, and operations. The program provides a framework for allocating funding to Service projects that meet requirements and objectives of section 2684a of title 10, United States Code (U.S.C.). This framework provides an appropriate level of management, oversight, and coordination of funding decisions and implementation, while allowing the Services flexibility to tailor programs to specific needs. DoD annually evaluates and prioritizes projects for funding, based on the threat to training, testing, or operations that those projects can potentially mitigate. Other funding criteria consider participation in regional planning efforts such as Joint Land Use Studies; benefits to the partner organization, the community, and the environment; the ability of the partnership to complete transactions in a timely manner; and innovations that increase benefits, leverage additional funds, or create new tools to accelerate results and readiness outcomes. The [REPI Challenge request for proposals](#) has been released. The challenge seeks to facilitate land transactions at DoD installations to limit incompatible development, as well as relieve current or anticipated environmental restrictions on military testing, training, or operations. The deadline for submissions is 29 MAY 15 at 8 p.m. EDT. Up to \$8 million will be available for the 2015 REPI Challenge.

**DEFENSE HIGH LEVEL NUCLEAR WASTE REPOSITORY** The President has issued a brief memorandum to the Secretary of Energy agreeing that, "the development of a repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities only is required." The memorandum responds to this [DOE report](#).

**AIR INSTALLATIONS COMPATIBLE USE ZONES** Department of Defense Instruction (DoDI) [4165.57](#) *Air Installations Compatible Use Zones* (AICUZ) has been updated, effective 12 MAR 15. The updates add and amend references and procedures. Refer to DoDI, Enclosures 1 and 3 for details. The updated DoDI specifies that components are required to analyze "glint and glare" effects of solar renewable projects in near air installations. It also specifies new/amended requirements for AICUZ studies and documentation.

**COMMISSION ON FUTURE OF THE ARMY** DoD is establishing the National Commission on the Future of the Army pursuant to Section 1702 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (FY 2015 NDAA) ([80 FR 15994](#)). The commission will study the structure of the Army and policy assumptions to:

- Make an assessment of the size and force structure of the active component and the reserve components of the Army; and
- Make recommendations on modifications, if any, of the structure of the Army related to current and anticipated mission requirements at acceptable levels of national risk and in a manner consistent with available resources and anticipated future resources.

The commission will also conduct a study of a transfer of Army National Guard AH-64 Apache aircraft from the Army National Guard to the regular Army.



**REAL PROPERTY FOOTPRINT REDUCTION PLANS** The Office of Management and Budget (OMB) issued a memorandum directing federal agencies to develop plans to reduce their real property footprint over the next five years. The memo, titled [National Strategy for the Efficient Use of Real Property: Reducing the Federal Portfolio through Improved Space Utilization, Consolidation and Disposal](#), is a follow-on to the agency's [Freeze the Footprint](#) policy issued in 2013. Overall, the new policy calls for agencies to establish an annual target for reducing space and to adopt design standards for office space acquired in the future. For the Pentagon, the policy means reducing excess space without relying on a base closure and realignment (BRAC) round to shed a portion of its real estate portfolio. For more information, [click here](#) to view a press release about OMB's National Strategy, or [click here](#) to view a news article about the policy from [DefenseCommunities360](#).

## Federal Activity

**RETROSPECTIVE REVIEW: IMPROVING EPA REGULATIONS** The Environmental Protection Agency (EPA) is requesting public input on its periodic retrospective review of agency regulations ([80 FR 12372](#)). EPA is seeking to identify how it can promote regulatory modernization through business-process streamlining, facilitated by improved technology. The agency is specifically seeking input on:

- Which regulations could be transitioned from paper to electronic reporting;
- How EPA can streamline or consolidate reporting requirements or reduce duplicative reporting requirements in existing regulations that may overlap other federal requirements;
- Which regulations can be amended to reduce the frequency of reporting;
- Which regulations could benefit from the use of existing shared services (such as the Substance Registry System) or new shared services;
- Whether EPA should create a joint registry of regulated facilities with states and tribes to streamline electronic reporting; and
- Which regulations could be improved using advance monitoring techniques or the development of mobile applications to facilitate environmental protection.

Comments were due 8 APR 15. For more information, contact [Nathaniel Jutras](#) at (202) 564-0301.

### AIR

**STATE IMPLEMENTATION OF 2008 NAAQS FOR OZONE** EPA has issued a final rule addressing state implementation plan (SIP) requirements for the 2008 ozone national ambient air quality standards (NAAQS) promulgated on 12 MAR 08. This final rule ([80 FR 12263](#)) addresses a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress, reasonably available control technology (RACT), reasonably available control measures (RACM), major new source review, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP:

- States with areas designated nonattainment have two years from the effective date of nonattainment designation to submit emission inventories (required by Clean Air Act (CAA) section 182(a)(1));
- RACT SIPs (CAA section 182(b)(2)) and emission statement SIPs (CAA section 182(a)(3)(B));
- Three years to submit 15 percent rate-of-progress (ROP) plans (CAA section 182(b)(1)) and moderate area attainment demonstrations (CAA section 182(b)(1)); and
- Four years to submit three percent per year reasonable-further-progress (RFP) plans (CAA section 182(c)(2)) and attainment demonstrations (CAA section 182(c)(2)) for serious and higher areas.
- Ozone Transport Region states that owe SIPs due to CAA section 184 must meet the same SIP due dates listed previously.

The classifications and attainment dates for 2008 8-Hour Ozone NAAQS (0.075 PPM) for Areas Subject to CFR Section 51.1102 are:

- Marginal (0.076 ppm to 0.086 ppm): three years after effective date of designation for 2008 primary NAAQS;
- Moderate (0.086 ppm to 0.100 ppm): six years;
- Serious (0.100 ppm to 0.113 ppm): nine years;
- Severe-15 (0.113 ppm to 0.119 ppm): 15 years;
- Severe-17 (0.119 ppm to 0.175 ppm): 17 years; and
- Extreme (equal and above 0.175 ppm): 20 years.

EPA POC: [Karl Pepple](#), (206) 553-1778.

**ELECTRONIC REPORTING** EPA is proposing to revise 40 CFR Part 60, General Provisions, and various new source performance standards (NSPS) regulatory subparts to require affected facilities to electronically submit specified air emissions data reports to EPA, and to allow affected facilities to maintain electronic records of these reports ([80 FR 15099](#)). Comments are due 19 MAY 15. EPA POC: [Ms. Gerri Garwood](#), (919) 541-2406.

**SIP REQUIREMENTS** EPA has proposed requirements that state, local, and tribal air agencies would have to meet as they implement the current and future NAAQS for fine particulate matter (PM2.5) ([80 FR 15339](#)). Specifically, this notice provides details on how the EPA proposes air agencies meet the statutory SIP requirements that apply to areas designated nonattainment for any PM2.5 NAAQS, such as: general requirements for attainment plan due dates and attainment dates; emissions inventories; attainment demonstrations; provisions for demonstrating reasonable further progress; quantitative milestones; contingency measures; and nonattainment New Source Review (NNSR) permitting programs, among other things. This proposed rule clarifies specific attainment planning requirements that would apply to PM2.5 NAAQS nonattainment areas based on moderate or serious classification, and the process for reclassifying moderate areas to serious. Also in this notice, EPA is proposing to revoke the 1997 primary annual standard because EPA revised it in 2012. Comments are due by 22 MAY 15. EPA POC: [Rich Damberg](#), (919) 541-5592.

**PERFORMANCE STANDARDS FOR NEW RESIDENTIAL WOOD HEATERS** EPA revised the standards of performance for new residential wood heaters by adding a new chapter regulating residential [hydronic heaters](#) and forced-air furnaces ([80 FR 13671](#)). This final rule achieves several objectives for new residential wood heaters, including applying updated emission limits that reflect the current best systems of emission reduction, eliminating exemptions over a broad suite of residential wood combustion devices, strengthening test methods as appropriate, and streamlining the certification process. The final rule does not affect heaters solely fired by gas, oil, or coal, or include new requirements associated with appliances that are already in use. The final rule is effective 15 MAY 15. For more information, contact [Amanda Aldridge](#) at (919) 541-5268 or [click here](#) to visit EPA's Burn Wise website.

**OFF-SITE WASTE AND RECOVERY OPERATIONS** EPA finalized its residual risk and technology review (RTR) conducted for the Off-Site Waste and Recovery Operations (OSWRO) for source categories regulated under national emission standards for hazardous air pollutants (NESHAP) ([80 FR 14247](#)). In addition, EPA adopted final amendments that make corrections and clarifications to regulatory provisions related to emissions during periods of startup, shutdown and malfunction (SSM), add requirements for reporting of performance testing through the electronic reporting tool, and revise routine maintenance provisions. Other amendments clarify provisions pertaining to open-ended valves and lines, add monitoring requirements for pressure relief devices, clarify provisions for some performance test methods and procedures, and make housekeeping corrections. The revisions to the final rule increase the level of emissions control and environmental protection provided by the OSWRO NESHAP. The final rule was effective 18 MAR 15. For more information, contact [Paula Hirtz](#) at (919) 541-2618 or [click here](#) to visit the EPA OSWRO NESHAP website.

**ELECTRONIC REPORTING FOR NSPS** EPA is proposing to allow facilities subject to new source performance standards (NSPS) under the Clean Air Act (CAA) Part 60 to submit specified data reports electronically and maintain electronic records of these reports ([80 FR 15099](#)). The proposed rulemaking does not change how facilities interact with their air agencies. Air agencies will continue to receive reports in the format that they currently require unless they specify otherwise to facilities. However, the proposal allows air agencies to elect to receive reports electronically using the EPA's system. EPA is proposing that the final rule would become effective 90 days after publication. Comments are due 19 MAY 15. For more information, contact [Gerri Garwood](#) at (919) 541-2406, [click here](#) to view a fact sheet, or [click here](#) to learn about EPA's air toxics rules.

**COAL- AND OIL-FIRED ELECTRIC STEAM GENERATING UNITS** EPA issued a final rule amending reporting requirements in the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Steam Generating Units (also referred to as the Mercury and Air Toxics Standards (MATS)) rule ([80 FR 15510](#)). The final rule temporarily requires affected owners to submit certain required emissions and compliance reports to EPA through the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool in lieu of the Compliance and Emissions Data Reporting Interface (CEDRI). The final rule is effective 24 MAR 15. For more information, contact [Barrett Parker](#) at (919) 541-5635.

## ***CLIMATE CHANGE***

**CLIMATE FRIENDLY REFRIGERANTS** EPA [approved](#) new refrigerants used in various kinds of refrigeration and air conditioning equipment that offer better climate protection without harming the ozone layer. The agency's Significant New Alternatives Policy (SNAP) program evaluates substitute chemicals and technologies that are safe for the ozone layer. The new final rule expands the list of SNAP-approved substitutes to include more low-global warming potential (GWP)

alternatives that can replace both the ozone-depleting substances and high-GWP hydrofluorocarbons (HFCs). In addition to adding the climate-friendly alternatives, the agency is also exempting the newly approved substances, except HFC-32, from the CAA venting prohibition, as current evidence suggests that their venting, release, or disposal does not pose a threat to the environment. For more information, contact [Margaret Sheppard](#) at (202) 343-9163 or visit the [SNAP website](#).

## ***ENDANGERED SPECIES***

**ELKHORN AND STAGHORN CORALS** The National Marine Fisheries Service (NMFS) adopted a [Final Endangered Species Act Recovery Plan](#) designed to rebuild and assure the long-term viability of elkhorn and staghorn coral populations, allowing for species' removal from the federal list of endangered and threatened species ([80 FR 12146](#)). The recovery approach includes research and monitoring to identify, reduce, or eliminate threats. NMFS determined that the Naval Air Station Key West (NASKW) Integrated Natural Resources Management Plan (INRMP) provides a benefit to the two corals. Therefore, NMFS did not designate critical habitat within the boundaries covered by the NASKW INRMP. Additionally, NMFS excluded one military site, the Dania Restricted Anchorage Area, comprising approximately 5.5 square miles, because of national security impacts. Although disease was the primary cause of initial decline, other threats such as elevated seawater temperatures and ocean acidification are credible and potentially significant impediments to recovery of these species. NMFS attempts to quantify these climate change factors in the recovery plan:

- Sea surface temperatures across the geographic range have been reduced to "Degree Heating Weeks" less than four;
- Mean monthly sea surface temperatures remain below 30°C during spawning periods; and
- Open ocean aragonite saturation has been restored to a state of greater than 4.0, a level considered optimal for reef growth.

Additional [information](#) is available. NMFS POC: [Alison Moulding](#), NOAA, (727)-824-5312.

**BLACK PINESNAKE** The US Fish and Wildlife Service (USFWS) is proposing to designate 338,100 acres as critical habitat for the black pinesnake in Clarke County, Alabama; and in Forrest, George, Greene, Harrison, Jones, Marion, Perry, Stone, and Wayne counties, Mississippi. Camp Shelby Joint Forces Training Center's INRMP will provide a benefit to the black pinesnake; DoD and state lands within the installation's boundaries are covered under the INRMP and are exempt from critical habitat designation. [Additional information](#) is available. Comments are due 11 MAY 15. USFWS POC: Stephen Ricks, (601) 321-1122.

## ***ENERGY***

**FEMP 2015 FUNDING OPPORTUNITY ANNOUNCEMENT** On 6 MAR 15, the Department of Energy's (DOE) Federal Energy Management Program (FEMP) issued a Funding Opportunity Announcement (FOA) titled, "[Assisting Federal Facilities with Energy Conservation Technologies \(AFFECT\), FY 2015](#)." The FOA will provide grants to federal agencies to help fund renewable energy projects that are incorporated into a privately financed performance contract, such as an energy savings performance contract or utility energy service contract, or as part of a renewable energy power purchase agreement. Applications for renewable energy projects financed through appropriations will also be considered. The anticipated total funding level for AFFECT is \$2.85 million, with anticipated funding to be between approximately \$50,000 and \$1 million per award.

**WIND REPORT** In support of the President's energy strategy to diversify the nation's power supplies, the Department of Energy (DOE) has released a new report that looks at the future of wind power through 2050, as well as economic benefits that come with a robust wind industry. The report, "[Wind Vision: A New Era for Wind Power in the United States](#)," highlights the importance of wind in the nation's energy portfolio, offers a roadmap for further development, and considers barriers and steps to advance wind energy to 35% of national electricity demand by 2050. (Wind supplied 4.5% of electricity demand in 2013.)

**DSIRE UPGRADE** DOE and the North Carolina Clean Energy Technology Center launched a new version of their renewable energy incentives database (i.e., [DSIRE](#)) that makes it easier for citizens to find information. The improvements include:

- Expanded data accessibility with information on over 2,800 active policies and incentives for all renewable energy and energy efficiency technologies;
- An application program interface (API) freely available for download that contains all of the data on DSIRE in an easy-to-read format;

- Interactive maps so that users can customize policy maps in real-time based on their preferences and needs; and
- Enhanced search that allows users to find incentives by zip code.

The new site includes a more streamlined, user-friendly design that highlights DSIRE's tools and services. For more information, [click here](#) to view a press release.

**WAVE ENERGY COMPETITION** DOE is developing draft rules for a wave energy prize competition ([80 FR 13365](#)). The competition is intended to promote the development of game-changing performance enhancements to wave energy conversion (WEC) devices, establishing a pathway to sweeping cost reductions on a commercial scale. DOE intends to launch the Wave Energy Prize competition in April 2015. For more information, contact [Jose Zayas](#) or visit [waveenergyprize.org](#).

**GREEN THE BUILDING TOOL** The General Services Administration (GSA) released an innovative [green building learning simulation](#) as a part of its Sustainable Facilities Tool ([SFTool](#)). The Green the Building simulation places users in the role of a resource-constrained decision-maker, charged with greening buildings through strategic energy, waste, water, and occupant satisfaction improvements. Users choose technologies, implement best practices, support behavior changes, and plan carefully to create buildings that conserve resources, reduce waste, save money, and keep occupants happy and healthy. Embedded links provide background and explanations.

## **OTHER**

**SAFER PRODUCT LABELING** EPA is making several changes to its Safer Product Labeling Program and conforming changes to the program's Standard for Safer Products ([80 FR 12171](#)). The changes include new label designs, changing the labeling program name, a new fragrance-free label, and related changes to the standard that qualifies products for the label. The labeling program applies to anyone who participates in the Design for Environment (DfE) Safer Product Labeling Program. Among potentially affected are consumers, institutional purchasers, retailers, and distributors of DfE-labeled products who use the logo to identify products that have met EPA's safer-product criteria. Comments are due 1 MAY 15. For more information, contact [David DiFiore](#) at (202) 564-8796 or [click here](#) to view a [summary of changes](#).

## **NATURAL RESOURCES**

**AQUATIC INVASIVE SPECIES: SNAKEHEAD CONTROL AND MANAGEMENT PLAN** The Fish and Wildlife Service (FWS) released the draft [National Control and Management Plan for Members of the Snakehead Family \(Channidae\)](#) for public comment ([80 FR 13886](#)). The goal of the plan is to use the best available science and management practices to prevent the introduction of snakehead into new areas, contain (and where possible eradicate) newly established and localized populations, and minimize impacts in areas where they are established and eradication is not feasible. Comments are due 16 APR 15. For more information, contact [Laura Norcutt](#) at (703) 358-2398 or [click here](#) to visit the Aquatic Nuisance Species (ANS) website.

## **WASTE**

**LOW-LEVEL RADIOACTIVE WASTE REGULATORY PROGRAM** The Nuclear Regulatory Commission (NRC) is requesting comment on a draft list of prioritized low-level radioactive waste (LLW) tasks the agency will conduct to improve the low-level radioactive waste regulatory program ([80 FR 13451](#)). The commission developed the list of tasks based upon updates to an assessment it performed in 2007. Comments are due 13 APR 15. For more information, contact [Stephen Dembek](#) at (301) 415-2342.

## **WATER**

**WATERSHED APPROACH HANDBOOK** The September 2014 handbook is intended to advance the use of a watershed approach in selection, design, and siting of wetland and stream restoration/protection projects. Using a watershed approach can help ensure that projects contribute to goals of improved water quality, increased flood mitigation, and improved quality and quantity of habitat that result from ecologically successful and sustainable restoration projects.

**HYDRAULIC FRACTURING ON FEDERAL AND INDIAN LANDS** The Bureau of Land Management (BLM) has issued a final rule establishing application procedures and standards for hydraulic fracturing for oil and gas development on federal and Indian lands ([80 FR 16127](#)). A request for approval of hydraulic fracturing must include:

- The proposed hydraulic fracturing design;
- A map showing location, orientation, and extent of any known or suspected faults or fractures within one-half mile (horizontal distance) of the wellbore trajectory;



- Information concerning source and location of water supply, such as reused or recycled water, rivers, creeks, springs, lakes, ponds, and water supply wells;
- Information concerning handling and disposal of recovered fluids; and
- Documentation on monitoring and verification of cementing operations, if the proposal is to hydraulically fracture a well that was completed without hydraulic fracturing.

Within 30 days following completion of the last stage of hydraulic fracturing operations, an operator must provide the true vertical well depth, total water volume used, and a description of the base fluid and each additive in the hydraulic fracturing fluid, including trade name, supplier, purpose, ingredients, Chemical Abstract Service Number, maximum ingredient concentration in additive (percent by mass), and maximum ingredient concentration in hydraulic fracturing fluid (percent by mass). This information must be submitted to the authorized officer through FracFocus, another BLM-designated database, or in a subsequent report. BLM POC: Steven Wells, (202) 912-7143.

**SPCC CHECKLIST** [FedCenter.gov](http://FedCenter.gov) published the [checklist](#) used by EPA inspectors when conducting inspections of facility compliance with the Spill Prevention, Control, and Countermeasure (SPCC) rule at Title 40 Code of Federal Regulation (CFR) Part 112. The checklist is a required tool to help federal inspectors record observations for the site inspection and review of the SPCC Plan. The checklist must be completed in order for an inspection to count toward an agency measure. The completed checklist and supporting documentation serve as the inspection report. It addresses requirements for onshore facilities including Tier II Qualified Facilities that meet the eligibility criteria set forth in [§112.3\(g\)\(2\)](#). For more information, refer to [40 CFR Part 112](#).

**PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX** EPA scheduled a public meeting and webinar to obtain input on potential revisions to regulations for the Prohibition on Use of Lead Pipes, Solder, and Flux ([80 FR 17020](#)). The Safe Drinking Water Act (SDWA) prohibits the use or introduction into commerce of pipes, pipe or plumbing fittings or fixtures, solder, and flux that are not lead free. The revisions are necessary due to SDWA amendments enacted by Congress in the Reduction of Lead in Drinking Water Act of 2011 and the Community Fire Safety Act of 2013. For more information, contact [Brian D'Amico](#) at (202) 566-1069 or [click here](#).

# Professional Development

## *CONFERENCES, WORKSHOPS AND MEETINGS*

**22-23 APR, NASHVILLE, TN: [SPRING 2015 FEDERAL UTILITY PARTNERSHIP WORKING GROUP \(FUPWG\) SEMINAR](#)**  
FUPWG fosters communication between federal agencies, specific sites, and utilities to implement cost-effective energy efficiency and water conservation projects.

**27-29 APR, ORLANDO, FL: [17TH ANNUAL ABOVEGROUND STORAGE TANK CONFERENCE AND TRADE SHOW](#)** The international conference and trade show provides educational opportunities, resources, and training seminars about operation, regulation, and management of aboveground storage tanks. Sessions will help independents, major terminal operators, manufacturers, and suppliers.

**11-14 MAY, WASHINGTON DC: [BLUE VISION SUMMIT](#)** Summit themes include responding to impacts from climate change, overfishing, offshore oil and plastic pollution. The intent is to make healthy seas and the healthy economies and communities they support become a national public policy priority.

**12-13 MAY, COLLEGE PARK, MD: [SUSTAINABLE MATERIALS MANAGEMENT SUMMIT](#)** The one-and-a-half day summit will launch a national dialogue intended to accelerate sustainable materials management (SMM), bringing together 200 innovative thinkers and practitioners working on how natural resources are extracted, used, and then managed after initial end-of-life. The summit includes leaders in source reduction, reuse, composting, and recycling. The National Recycling Coalition (NRC) will begin to develop a SMM National Plan based on a facilitated dialogue among a broad spectrum of stakeholders.

**19-21 MAY, BATTLE CREEK, MI: [NATIONAL TRIBAL FORUM \(NTF\) FOR AIR QUALITY](#)** The NTF provides environmental professionals from tribes, EPA, and other organizations an opportunity to meet and discuss current policies, regulatory initiatives, funding, and technical topics in air quality.

**15-17 JUN, NEW ORLEANS, LA: [AMERICAN WATER RESOURCES ASSOCIATION SPECIALTY CONFERENCE](#)** The conference theme is "Action": how we respond, build resilient systems, and influence decision makers. This conference will inform climate adaptation decisions on the ground. Abstracts are due 13 FEB 15.

**19-21 JUN, CUSTER, WI: [THE ENERGY FAIR](#)** The fair brings over 15,000 attendees together to learn the latest and greatest in clean energy and sustainability, connect with others, and take action toward a more sustainable future. It is the nation's longest running energy education event of its kind.

**22-25 JUN, GALVESTON, TX: [2015 DREDGING SUMMIT AND EXPO](#)** The conference theme, "Dredgers, The Environment and Commerce," will focus on people and organizations involved in dredging and the environmental and commercial impacts of dredging. Topics presented will be critical economic need for dredging, importance of enhancing the marine environment, trends in dredging technology and safety, as well as historical dredging development.

**22-26 JUN, RALEIGH, NC: [AIR AND WASTE MANAGEMENT ASSOCIATION'S \(AWMA\) 108TH ANNUAL MEETING AND EXHIBITION](#)** The conference will feature a technical program with over 400 speakers, 70 technical and student posters, and more than 100 exhibitors. This year's theme is "Connecting the Dots: Environmental Quality to Climate."

**4-6 AUG, ATLANTA, GA: [2015 COMMUNITY INVOLVEMENT TRAINING CONFERENCE](#)** The conference brings together more than 450 people from EPA and its stakeholders who plan and implement environmental community involvement, partnership, stewardship, outreach, and education programs.

**11-13 AUG, PHOENIX, AZ: [ENERGY EFFICIENCY EXCHANGE](#)** Join project implementation specialists and subject matter experts at a training event that speaks to the challenges and opportunities of energy consumption, sustainability, energy efficiency, and energy security in and across federal agencies. Continuing education units will be offered for all training sessions currently being planned.

**26-28 AUG, JEKYLL ISLAND, GA: [2015 ANNUAL GEORGIA ENVIRONMENTAL CONFERENCE](#)** This conference will host environmental professionals seeking to exchange knowledge and share ideas about environmental concerns in Georgia and around the world. The curriculum offers 56 unique courses, allowing attendees to design personalized curriculums by selecting ten educational breakout sessions and receive approved continuing education credits.

**10-11 SEP, DENVER, CO: [2015 ENERGY POLICY RESEARCH CONFERENCE](#)** Conference topics include the future of coal, smart grids, public lands, energy and water nexus, climate change, bioenergy, transportation, energy R&D, microgrids, natural gas, wind, solar, and more.

## ***DoD TRAINING SOURCES***

**US ARMY CORPS OF ENGINEERS (USACE) PROSPECT TRAINING** USACE announces course availability for the FY15 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and schedule for details. Environmental courses include, but are not limited to:

- Environmental Regulations Practical Application Course (Course Control Number (CCN) 398)
- CERCLA/RCRA Process (CCN 356)
- Hazardous Waste Manifesting & DOT Certification (CCN 223)
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429)
- Radioactive Waste Transport (CCN 441)
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Environmental Remediation Technologies (CCN 395)
- Environmental Laws and Regulations (CCN 170)

**[NAVY AND ISEERB ENVIRONMENTAL TRAINING](#)** The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule is available. Course topics include environmental overview and management, law planning and sustainability, pollution prevention, restoration, conservation, supplemental and Internet/computer-based training, and more.

**[AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING](#)** The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the stu-

dent.

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS** The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the [US Army Environmental Command website](#), which has links to training provided by DoD organizations.

## ***FEDERAL TRAINING SOURCES***

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER** [FedCenter.gov](#) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information in the following areas:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Regulatory Watch for information on new or changed laws or regulations;
- P2 opportunities and best management practices;
- EPA enforcement notices;
- Links to state environmental programs;
- Access to [environmental assistance](#);
- Access to free, FedCenter-sponsored courses:
- [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
- [Environmental Management Systems](#) (FedCenter membership required);
- [Underground Storage Tanks](#) (FedCenter membership required);
- Environmental [conferences](#), meetings, [training](#), and workshop information;
- Applicable laws and Executive Orders; and
- Industry sector-specific newsletters.
- FedCenter also provides member assistance services such as:
- Collaboration tools for workgroups,
- Environmental reporting tools, and
- Daily newsletter and subscription services.

## ***ONLINE TRAINING: SCHEDULED EVENTS***

**5 MAY-2 JUN, ONLINE: [INTRODUCTION TO REMOTE SENSING FOR CONSERVATION MANAGEMENT](#)** The five-part webinar series will provide land management professionals an overview of remote sensing, details on how to access and visualize relevant NASA Earth science data, and how to use these data for conservation and biodiversity issues. Satellite sensors, aircraft platforms, and access tools will be discussed and demonstrated as applied to habitat monitoring, animal movement, and near-real time monitoring. This training is free and will consist of five one-hour sessions: May 5, 12, 19, 26, and June 2.

**SERDP AND ESTCP WEBINAR SERIES** The DoD environmental research and development funding programs ([SERDP and ESTCP](#)) are launching a [webinar series](#) to promote the transfer of innovative, cost-effective and sustainable solutions developed using SERDP and ESTCP funding. Live webinars will be offered every two weeks on Thursdays from 12:00 PM Eastern for 90 minutes. Most webinars will feature two 30-minute presentations and interactive question and answer sessions, on topics targeted for DoD and DOE audiences. Prior presentations are archived for viewing any time.

- Management of Contaminated Sediments Sites
- Waste to Energy Technologies
- Energy Audits
- Dense Non-Aqueous Phase Liquid Source Zone Management
- Sustainable Materials
- Acoustic Methods for Underwater Munitions
- Munitions Mobility (7 MAY 15)
- Managing Munition Constituents on Training Ranges (28 MAY 15)

**[FEMP eTRAINING COURSES](#)** The Federal Energy Management Program (FEMP) offers interactive, online eTraining courses to help federal agencies develop core competencies and comply with energy-efficiency and renewable-energy water-management and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide (WBDG) to host these comprehensive, FEMP-developed eTraining courses. [Promotional materials](#) are available to help federal agencies encourage the completion of FEMP's eTraining courses. For more infor-

mation about FEMP eTraining courses, contact [Beverly Dyer](#), (202) 586-7753. The following courses are available:

- [Advanced Electric Metering in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Building Automation Systems for Existing Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Commissioning for Existing Federal Buildings](#) (4.5 hours, .50 CEUs)
- [Energy-Efficient Federal Purchasing](#) (4.5 hours, .50 CEUs)
- [Energy Savings Performance Contracting](#) (8.5 hours, .90 CEUs)
- [Federal On-Site Renewable Power Purchase Agreements](#) (2.5 hours, .30 CEUs)
- [Launching a Utility Energy Services Contract \(UESC\): Getting to Yes!](#) (3 hours, .40 CEUs)
- [Managing Water Assessment in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Measurement and Verification in ESPCs](#) (3 hours, .40 CEUs)
- [Planning an Energy Assessment for Federal Facilities](#) (4 hours, .50 CEUs)
- [Selecting, Implementing, and Funding Photovoltaic Systems in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Sustainable Institutional Change for Federal Facility Managers](#) (3 hours, .40 CEUs)
- [Utility Service Contracts and Energy Project Incentive Funds](#) (90 minutes)

## ***ENERGY STAR WEBCASTS***

**[Federal Guiding Principles Checklist](#)** This webcast shows 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. The focus is on the Guiding Principles for Sustainable Existing Buildings.

- **[Portfolio Manager 101](#)** This webcast demonstrates the core functionality of EPA's Energy Star Portfolio Manager Tool. Attendees will learn to navigate the Portfolio Manager, add a property and enter details, enter energy and water consumption data, share properties, generate performance reports to assess progress, and respond to data requests.
- **[Portfolio Manager 201](#)** This webcast will explore advanced functionalities of EPA's Energy Star Portfolio Manager tool, including managing and tracking changes to property uses over time; using spreadsheet templates to update property data; setting goals and targets to plan energy improvements for properties; generating and using custom reports; and using the Sustainable Buildings Checklist.

**CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES** This [webinar series](#) was developed to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation.

**READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM WEBINAR SERIES** The REPI [Webinar Series](#) is presented by DoD in partnership with the [Land Trust Alliance](#). This online series covers best practices, tutorials and knowledge sharing on REPI partnerships that support military mission and accelerate the pace and rate of conservation. All webinars begin at 1:00 p.m. Eastern unless otherwise noted. Previously scheduled webinars are available anytime.

**EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY** Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of live and archived webinars. Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management (SMM) is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

**ITRC INTERNET BASED TRAINING** The Interstate Technology and Regulatory Council (ITRC) is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers training courses to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents. Visit the site often to view upcoming Internet-based training events.

## ***ONLINE TRAINING: AVAILABLE ANYTIME***

**[CLIMATE READY WATER UTILITIES](#)** EPA's Climate Ready Water Utilities initiative assists the water sector (drinking



water, wastewater, and stormwater utilities) in addressing impacts from climate change. This information helps utility owners and operators better prepare their systems for the impacts of climate change. The website has links to [tools and resources](#), new and recorded [training webinars](#), and more.

**[WATER'S IMPACT ON THE ENERGY SECTOR](#)** This on-demand webinar features Stacy Tellinghuisen, senior energy/water policy analyst at Western Resource Advocates, who shares new research on the national impacts of water scarcity on the energy sector, including how the expanded use of renewable energy and energy efficiency can help reduce the potential impacts that prolonged droughts will have on the energy sector.

**[EPA RCRA TRAINING](#)** Resource Conservation and Recovery Act (RCRA) related online courses, seminars, webinars, podcasts, and videos are posted throughout EPA's waste website. Introductory and advanced courses are included for federal and state regulators, the regulated community, organizations, associations, and consumers interested in environmental laws, regulations, and implementation. Topics include general RCRA, RCRA corrective action, Environmental Management Systems (EMS), e-waste, groundwater characterization and cleanup, land revitalization, land disposal restrictions, sustainable materials management web academy, and environmental justice and RCRA permitting.

**AREA SOURCE BOILER RULE VIDEO SERIES** This [EPA video series](#) explaining the Area Source Boiler Rule consists of modules regarding:

- An overview of rule applicability, including specific rule requirements and compliance dates;
- How to conduct an energy assessment;
- How to conduct a boiler tune-up; and
- Recordkeeping and reporting requirements of the rule.

Area sources are commercial (e.g., laundries, apartments, hotels), institutional (e.g., schools, churches, medical centers, municipal buildings) or industrial (e.g., manufacturing, refining, processing, mining) facilities that emit or have the potential to emit less than 10 tons per year (tpy) of a single hazardous air pollutant, or less than 25 tpy combined hazardous air pollutants. The Area Source Boiler Rule affects boilers at these facilities that burn coal (including coal refuse, petroleum coke, or synthetic fuels derived from coal), oil or other liquid fuel, biomass, and non-waste materials.

**[BEST PRACTICES FOR COMPREHENSIVE WATER MANAGEMENT FOR FEDERAL FACILITIES](#)** This comprehensive water management training provides federal facility and energy managers with knowledge and skills to assist in meeting water-related legislative and executive order requirements. Learners will develop skills in increasing water efficiency and reducing water use through sound operations and maintenance practices and water-efficient technologies. Several methods for meeting needs for non-potable water through alternate water sources, such as rainwater harvesting, reclaimed wastewater, and gray water are discussed. Water metering is covered, as well as life cycle costing and establishing the overall economics for strategic water management.

**PRELIMINARY ASSESSMENT AND SITE INSPECTION (PA/SI) WEBINAR SERIES** The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Education Center is offering archived versions of its nine-part Preliminary Assessment and Site Inspection (PA/SI) [webinar series](#). PA/SI is an intermediate training course designed for personnel who are required to compile, draft, and review PA, SI, and hazard ranking system documentation records and packages submitted for sites proposed for the National Priorities List. More information is available at [www.clu-in.org](http://www.clu-in.org).

**[DISTRIBUTED-SCALE RENEWABLE ENERGY PROJECTS: FROM PLANNING TO PROJECT CLOSEOUT](#)** This 2.5 hour webinar focuses on the planning and implementation of distributed-scale renewable energy projects (i.e., those smaller than 10 megawatts). The on-demand course outlines a detailed 10-step process from technology screening to project closeout. It explores online tools and resources for renewable energy projects on federal sites.

**EPA AIR POLLUTION TRAINING INSTITUTE (APTI)** EPA's [Air Pollution Training Institute](#) (APTI) offers a variety of online self instructional courses and videos for air pollution professionals. Although APTI courses are designed for state and local government officials, the courses, webinars, and videos are available to anyone.

**[AVERT TUTORIAL](#)** This training provides an overview of EPA's Avoided Emissions and generation tool (AVERT). AVERT estimates the potential of energy efficiency/renewable energy programs to displace electricity system-related SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions in the continental United States. The tool can be used to evaluate county, state, and regional level emissions displaced by energy efficiency and renewable energy programs without the need of specialized resources or electricity system expertise.

**FEMP TRAINING SEARCH TOOL** FEMP Training Search is a web tool that lists free training opportunities to help agencies meet federal energy, water, and sustainability laws and requirements. The new search tool provides options to easily find and select training offerings by topic area, topic series, course format and type, and by level of difficulty—introductory (101), intermediate (201), and advanced (301).

**EPA TMDL AND NPDES PERMIT TRAINING** EPA developed three web-based training modules on topics related to Total Maximum Daily Loads (TMDLs) and National Pollutant Discharge Elimination System (NPDES) permitting. The presentations are intended for TMDL developers and NPDES permitting staff to gain a better understanding of TMDL implementation through NPDES permits. Each module is offered as a recorded presentation that enables participants to review the material on demand in a self-paced environment. The modules are also available as unrecorded PowerPoint presentations with slides and scripts. Each recorded session is approximately two hours long.

- Module 1: Understanding TMDLs: A Primer for NPDES Permit Writers
- Module 2: Understanding Waste Load Allocation Implementation in Permits: A Primer for TMDL Developers
- Module 3: Understanding TMDLs with Stormwater Sources and the NPDES Stormwater Permitting Process

### ***CLASSROOM/INTERNET TRAINING SOURCES***

**EPA NPDES TRAINING COURSES AND WORKSHOPS** Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES permit program. They are designed for permit writers, dischargers, EPA officials, and other interested parties. Topics include vessel general permits, combined sewer overflows, energy management, green infrastructure, pesticides, pretreatment, sanitary sewer overflows, and stormwater.

# Staff Directory

<b>Region 4 Director/DoD REC</b>	<b>404-562-5146</b>
<b>Region 4 Deputy Director</b>	<b>404-562-5231</b>
<b>Region 4 Counsel</b>	<b>404-562-5016</b>
<b>Region 4 REC</b>	<b>VACANT</b>
<b>Regulatory Affairs Specialist</b>	<b>404-562-5023</b>

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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/>.