



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

January 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. Please include a contact name and email address in the body of the message.

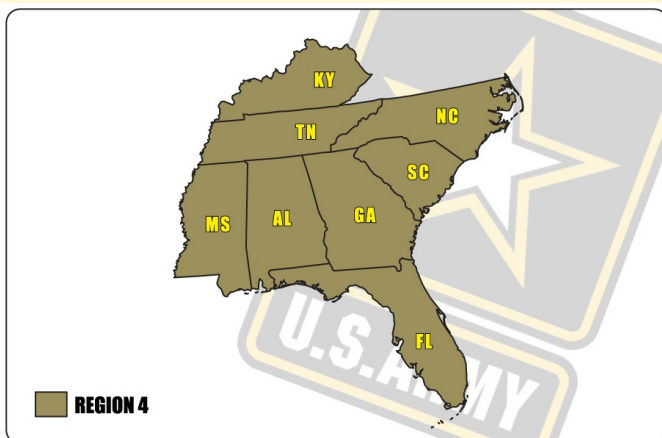


Table of Contents

Alabama	2
Florida	2
Georgia	4
Kentucky	6
Mississippi	6
North Carolina	6
South Carolina	8
Tennessee	11
DoD Activity	11
Federal Activity	12
Professional Development	14
Staff Directory	17

GUIDANCE FOR NATIONAL ENVIRONMENTAL POLICY REVIEWS

The White House Council on Environmental Quality (CEQ) released two guidance documents for conducting reviews in accordance with the National Environmental Policy Act (NEPA).

The first document, an updated Draft Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change, recommends that:

- Agencies quantify greenhouse gas (GHG) emissions related to a project's immediate activities and causally related resulting activities when total emissions (are likely to) exceed 25,000 metric tons of carbon dioxide equivalent (CO₂e) annually.
- GHG emissions of alternatives should be quantified and compared. Agencies can incorporate by reference applicable agency emission targets and consider the impact of decisions on such targets.
- Mitigation measures should be adopted into an appropriate monitoring program.
- Projects with long lifetimes, such as infrastructure, should consider future potential conditions as identified by available climate change assessments.

The second document, Final Guidance on Conducting Programmatic NEPA Reviews, recommends that agencies consider the use of programmatic NEPA reviews, particularly for adopting official policy, formal plans for resource allocation, or a group of related projects or actions.

For more information about the updated GHG guidance, click [here](#). For more information about the final programmatic NEPA review guidance, click [here](#).

Region 4

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



PROPOSED 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 proposed 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.



PROPOSED RULES

CONSTRUCTION AND DEMOLITION LANDFILLS (62-701.100, .200, .210, .220, .300, .315, .320, .330, .400, .410, .430, .500, .510, .520, .600, .610, .620, .630, .710, .730, .803, .900) The Florida Department of Protection (FLDEP) has proposed revisions to chapter 62-701 of F.A.C., which contains regulations for a variety of solid waste facilities including landfills, construction and demolition (C&D) debris disposal facilities, and waste processing and recycling facilities. This chapter was last amended with an effective date of 12 AUG 12. Subsection 403.707(9), F.S., requires all C&D debris landfills be constructed with liners and leachate control systems. Amendments are being made to the chapter to implement these changes in the statutes. Various simplifying changes are also proposed to chapter 62-701 to reduce unnecessary regulations, reduce costs to the regulated community, and clarify existing regulations. These measures will result in a savings to the regulated community, while continuing to provide effective environmental protection. A meeting was held 21 AUG 14 and a [Notice of Proposed Rules](#) was published 1 OCT 14. A hearing was held 23 OCT 14 and a [Notice of Change](#) was published 26 NOV 14. A workshop regarding Subsection 403.707(9), F.S. was held 5 DEC 14. FLDEP POC: [Richard Tedder](#), (850) 245-8735.

UNDERGROUND STORAGE TANK (UST) SYSTEMS (62-761.100, .200, .210, .300, .350, .400, .405, .420, .430, .440, .450, .500, .510, .600, .610, .640, .700, .710, .800, .820, .850, .900) FLDEP has proposed revisions to the UST Systems rules in Chapter 62-761 for clarity and to remove language that no longer applies. The Notice of Rulemaking Development was published 19 NOV 13. Workshops and meetings were held in April, May, June, and July 2014. An advisory was issued 9 JUL 14. FLDEP is also proposing changes to regulations related to federal Energy Policy Act (EPAAct) requirements for training, which could affect future deliveries if the Florida program is not meeting EPAAct requirements. A [final draft](#) was posted on 04 NOV 14 with comments due 10 Nov 14. POC: [William Burns, Jr.](#), (850) 245-8842.

MITIGATION BANKS (62-342.100, .200, .450, .470, .650, .700, .750, .800, .850, .900) FLDEP has proposed rules to correct citations and references in Chapter 62-342, F.A.C., Mitigation Banks. The proposed rules are the result of amendments to the new Statewide Environmental Resource Permitting (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 Cor-](#)

[rection](#) was published 27 AUG 14, and a [Notice of Change](#) was published 5 SEP 14. Another [Notice of Change](#) was published 19 DEC 14. FLDEP POC: [Alice Heathcock](#), (850) 245-8483.

KISSIMMEE RIVER RESTORATION PROJECT (40E-10.011,.021, 10.031,.071, .091) The South Florida Water Management District (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.

STORMWATER GENERIC PERMIT (62-621.300) FLDEP has proposed revisions to subsection 62-621.300(4), F.A.C., the existing Stormwater National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP), to be consistent with EPA rule revisions adopted in 2012. Revisions include provisions authorizing construction dewatering for non-contaminated ground water with appropriate control measures for non-stormwater discharge. FLDEP is revising subsection 62-621.300(2), F.A.C., the existing Industrial Wastewater NPDES Generic Permit for the Discharge of Ground Water from Dewatering Operations (dewatering). Revisions provide that sites covered under the CGP that also have dewatering operations do not need separate coverage under the industrial wastewater generic permits. Combined revisions will allow sites covered by the CGP to conduct dewatering operations without obtaining a separate NPDES permit under the Industrial Wastewater Program. The revised dewatering generic permit is expected to reduce monitoring costs by approximately \$950 per facility during the first year of coverage, eliminating initial screening and replacing effluent monitoring with site specific control measures (best management practices). New sediment control measures are more effective at minimizing or eliminating pollutant discharges from dewatering operations to state surface waters. A [Notice of Proposed Rules](#) was published 19 JUN 14, comments were due 10 JUL 14, and a [Notice of Change](#) was published 11 DEC 14. FLDEP POC: [Allen Hubbard](#), (850) 245-7606.

WATER SUPPLY PLANNING (62-40.410, 62-40.473, 62-40.520, 62-40.531) FLDEP has proposed amendments to Rules 62-40.210 and 62-40. 531, F.A.C., to clarify the definition of "alternative water supplies" in Section 373.019(1), F.S., including when surface water sources are considered alternative water supplies, and guidance on designating "non-traditional" water supplies as alternative water supplies in regional water supply plans. Amendments to Rules 62-40.410 and 62-40.520, F.A.C., would provide guidance on designating Water Resource Caution Areas. Amendments to Rule 62-40.410, F.A.C., could clarify when applications are subject to competition pursuant to provisions of Section 373.233, F.S. Amendments to Rule 62-40.473, F.A.C., could provide guidance regarding implementation of minimum flows and levels, and associated recovery and prevention strategies. A [Notice of Development of Rulemaking](#) was published 7 JUL 14.

ENVIRONMENTAL RESOURCE PERMITS (ERPs) (40D-1.002, .1021, .602, .603, .6051, .607, .6105, .659) The Southwest Florida WMD has proposed amendments to provide that ERPs and other authorizations issued pursuant to the Statewide Environmental Resource Permit Rules, Chapter 62-330, F.A.C., are processed in accordance with procedural rules. Amendments also provide that various provisions of Chapter 40D-1, F.A.C., are limited to permits and authorizations issued prior to 1 OCT 14 or grandfathered projects. A [Notice of Development of Rulemaking](#) was published 3 OCT 14 and a Notice of Proposed Rules was published 13 OCT 14. Comments were due 3 NOV 14. A [Notice of Development of Rulemaking](#) was published 25 NOV 14 and [Notice of Change](#) was published 17 DEC 14. POC: [Sonya White](#), (813) 985-7481.

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 proposed 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. POC: April Groover, (850) 617-7477.

USE OF ALLYL ISOTHIOCYANATE (5E-2.0105, 5E-2.043) The DACS has proposed rulemaking regarding 5E-2.0105 and 5E-2.043, F.A.C. The proposed rule will classify any soil fumigant containing allyl isothiocyanate as a restricted-use pesticide in Florida. It will require 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. POC: [Kelly Friend](#), (850) 617-7850.

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 are 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 environmental resource permitting 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. 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 will be held 16 JAN 15. FLDEP POC: [Charles Williams](#), (850) 245-8863.

FEDERAL REGULATIONS ADOPTED BY REFERENCE (62-204.800) FLDEP has proposed rule amendments (OGC 14-0099) to adopt by reference air pollution regulations promulgated by EPA (40 C.F.R. Parts 50, 51, 52, 61, 60, 63, 70, and 81) to incorporate requirements of FLDEP's federally approved and delegated air pollution programs. A [Notice of Proposed Rules](#) was published 17 DEC 14. Comments were due 7 JAN 15. FLDEP POC: [Terri Long](#), (850) 717-9023.

TITLE V CLEAN AIR ACT PERMITS FLDEP has announced the opportunity to offer comments or request a public hearing on a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act (CAA). Pursuant to requirements of sections 169A and 169B of the CAA and EPA implementing regulations at 40 CFR 51.308, FLDEP has developed a proposed revision to the Florida regional haze plan for approval by EPA as a revision to Florida's SIP. A [notice](#) was issued 24 DEC 14. Comments are due 23 JAN 15. FLDEP POC: [Preston McLane](#).

Drinking Water (62-550.200, .320, .512, .520, .720, .730, .817, .821, .828) FLDEP has proposed amendments to Chapter 62-560, F.A.C., to make state drinking water public notification (PN) rules consistent with EPA's PN regulations by deleting or repealing all current state PN rules and incorporating by reference federal PN regulations. To coordinate Chapter 62-550, F.A.C. with the proposed amendments to Chapter 62-560, F.A.C., FLDEP is correcting rule references and making other changes to Chapter 62-550, F.A.C. A [Notice of Development of Rulemaking](#) was published on 19 DEC 14. POC: [Virginia Harmon](#), (850) 245-8630.



PROPOSED RULES

HAZARDOUS SITE RESPONSE (391-3-19) The Georgia Environmental Protection Division (GAEPD) has proposed amendments to Hazardous Sites Response, Chapter 391-3-19. Proposed amendments to Rule 391-3-19-.03, Hazardous Waste Management and Hazardous Substance Reporting Fees, remove references to the Pollution Prevention Assistance

Division. Amendment to Rule 391-3-19-.04, Release Notification, deletes duplicative notification requirements for soil releases addressed under the Hazardous Site Reuse and Redevelopment (brownfield) Act, provides alternative notification concentrations for certain groundwater releases, allows for a 90-day deferment of listing determinations, corrects errors, and removes obsolete language. Amendment to Rule 391-3-19-.05, Reporting of Releases Exceeding Reportable Quantities and Listing of Sites on the Hazardous Site Inventory Amended, corrects a wording error and provides additional mechanisms for the de-listing of sites on the hazardous site inventory. Amendment to Rule 391-3-19-.06, Corrective Action, revises standards for delineation of releases, changes requirements for public participation, and incorporates use of uniform environmental covenants into procedures for corrective action. Amendment to Rule 391-3-19-.08, Property Notices, incorporates use of environmental covenants at sites where Type 3 or Type 4 risk reduction standards are used, and amends provisions concerning permanent markers for Type 5 sites. [Proposed rules](#) were filed 30 JUN 14, a hearing was held 22 JUL 14, and comments were due 31 JUL 14. GAEPD POC: Branch Chief, Land Protection Branch, EPDComments@dnr.state.ga.us.

SIP REVISIONS 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 State 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_x 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 will be held and comments are due 30 JAN 15.

HAZARDOUS WASTE MANAGEMENT GAEPD has proposed amendments to the Georgia Rules for "Hazardous Waste Management," Chapter 391-3-11, to include amendments to:

- Rule 391-3-11-.01 "General Provisions," to clarify those federal regulations that have been adopted by reference 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, 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 offices have moved 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 will be held 6 FEB 15.



FINAL RULES

LEAD AND COPPER (401 KAR 8:300) The Kentucky Division of Water (DOW) has adopted [amendments](#) to the Lead and Copper regulation (401 KAR 8:300) that adopts the federal Reduction of Lead in Drinking Water Act of 2011 (42 U.S.C. §300g-6). The 2011 act became effective 4 JAN 14, and limits lead content in plumbing materials used for drinking water distribution. A hearing was held 14 OCT 14; the [agenda](#) is available. The rules, as [amended](#), were published 1 NOV 14. The final rules became effective 5 DEC 14. KY DOW POC: Carole Catalfo, (502) 564-3410.

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. The Energy and Environment Cabinet has announced a 24 NOV 14 public hearing regarding Title V emission fees. The [Notice of Public Hearing](#) was issued 23 OCT 14. POC: [Melissa Duff](#), (502) 564-3999.



FINAL RULES

PREVENTION, ABATEMENT, CONTROL OF AIR CONTAMINANTS The Mississippi Department of Environmental Quality (MSDEQ) has adopted the following amendments to Mississippi Administrative Code, Title 11, Part 2, Chapter 1, "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants":

- Open burning provisions in 11 Miss. Admin. Code, Pt. 2, Ch.1, Rule 1.3.G allow MSDEQ to delegate regulation of burning of residential yard waste by individual residential property owners to local governments that have adopted a locally enforceable ordinance sufficiently protective of air quality in its jurisdiction. Amendments also create an "Air Quality Action Day" that describes days on which air quality data shows a specific area of the state may be experiencing severely diminished air quality conditions. On these days, all burning of vegetative yard wastes and other types of prescribed open burning will be prohibited.
- Amendments adopt, by reference, changes to federal New Source Performance Standards in 40 CFR Part 60, Federal National Emission Standards for Hazardous Air Pollutants in 40 CFR Parts 61 and 63; and Federal Consolidated Air Rules in 40 CFR Part 65.

The [proposed rules](#) were [filed](#) 5 SEP 14 and [final rules](#) were [filed](#) 20 NOV 14. The rules become effective 20 DEC 14. [Final rule text](#) is available.

PROPOSED RULES

TITLE V CAA AND PERMITS 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 Commission Order. 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 Commission on Environmental Quality (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 of Public Hearing](#) was issued 12 DEC 14. A hearing will be held and comments are due 15 JAN 15. POC: Krystal Rudolph, (601) 961-5171.



PROPOSED RULES

DRAFT NPDES STORMWATER - AIR TRANSPORTATION AND AIRPORTS (GENERAL PERMIT - NCG150000) The North Carolina Department of Natural Resources (NCDENR) has invited comment on draft NPDES Stormwater General Permit - NCG150000 - Air Transportation and Airports. The requirements in this permit apply to stormwater discharges associated with industrial activity from air transportation facilities identified by the Standard Industrial Classification Codes in Major Group 45, specifically airports that do not routinely perform deicing or anti-icing operations. A [notice](#) was issued 15 JUN 14 and comments were due 13 AUG 14. The [draft permit](#) and a [fact sheet](#) are available for review. NCDENR POC: [Ken Pickle](#), (919) 807-6376.

TRIENNIAL REVIEW OF SURFACE WATER QUALITY STANDARDS (15A NCAC 02B .0206, .0211, .0212, .0214.0216, .0218, .0220) NCDENR has proposed amendments to rules 15A NCAC 02B .0206, .0211, .0212, .0214-.0216, .0218, and .0220, which establish surface water quality standards for North Carolina. Proposed amendments comprise the state's Triennial Review of Surface Water Quality Standards, mandated by the federal Water Pollution Control Act (Clean Water Act). If adopted, the proposals would implement the following changes to the surface water quality standards for North Carolina:

- Based on revised EPA research, new health information is available for 2, 4 D (a chlorophenoxy herbicide). When implemented, the standard will lower the applicable acceptable human health protective concentration.
- Updated aquatic life protective concentrations for arsenic, beryllium, cadmium, chromium III and IV, copper, lead, nickel, silver, and zinc are proposed. With the exception of mercury and selenium, both bioaccumulative metals, the state proposes changing to dissolved metal water quality standards, which more closely estimate the portion of the metal that is toxic to aquatic life. Revised criteria are average concentrations that can be present in a water body, but should not result in unacceptable effects to aquatic organisms and the designated use of the water body on acute and chronic bases. Where metals toxicity is hardness-dependent, applicable hardness values are defined. With the exception of mercury and selenium, proposals allow consideration of aquatic life biological integrity to preside over ambient standard violations for water quality assessment purposes.
- Standards for iron and manganese are proposed for removal. Both chemicals are federally designated "non-priority" pollutants. The standard for total chromium is also proposed for removal, but is replaced by human health and aquatic life protective standards for chromium III and chromium VI.
- Codify the use of 1Q10 stream flows for implementation of acute water quality standards in NPDES permitting. Allow the use of the median instream hardness values in calculating permit limits based on proposed hardness-dependent metals standards.
- The public will have the opportunity to comment on three variances from surface water quality standards and federal 316(a) thermal variances. The three surface water standards exemptions consist of two variances from the chloride standard for Mt. Olive Pickle Company and Bay Valley Foods LLC (formerly Dean Pickle and Specialty Products Company) (NC0001074, NC0001970) and a variance from the color standard for Evergreen Packaging (d.b.a. Blue Ridge Paper Products) (NC0000272). Information concerning these variances can be obtained by contacting the individual named in the comment procedures.

Variances from applicable standards, revisions to water quality standards, or site-specific water quality standards may be granted by the Environmental Management Commission (EMC) on a case-by-case basis pursuant GS 143-215.3(e), 143-214.3 or 143-214.1. For metals standards, proposed language details that alternative site-specific standards can be developed when studies are designed in accordance with the "Water Quality Standards Handbook: Second Edition" published by EPA (EPA 823-B-94-005a). The mechanisms outlined in the publication are for the Water Effect Ratio, the Recalculation Procedure, and the Resident Species Procedure. The EMC is seeking comment on the application of these provisions with respect to modifying the metals criteria.

The [proposed rules](#) were published 15 JUN 14. Hearings were held 15-16 JUL 14 and comments were due 22 AUG 14. The [Rules Review Commission Agenda](#) (page 149) was published 1 DEC 14 and a meeting was held 17 DEC 14. NCDENR POC: [Connie Brower](#), (919) 807-6416.

MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES NCDENR has proposed rulemaking to adopt rules cited as 15A NCAC 05H .0101-.0102, .0201-.0203, .0301, .0401-.0402, .0501-.0504, .0601-.0605, .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, .2201, and repeal 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 the management of oil and gas exploration and development activities, including use of horizontal drilling and hydraulic fracturing. MEC was charged with adopting rules that:

- 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 productive and efficient development of oil and gas resources.

After reviewing current regulations, the mandate in Session Law 2012-143, and information from studies about operation and potential impacts of modern oil and gas exploration and production activities, the MEC is proposing to adopt 126 new rules and to repeal 10 other rules to appropriately regulate the oil and gas industry with regard to oil and gas exploration and development. [Proposed rules](#) were published 15 JUL 14. A hearing was held 25 AUG 14 and comments were due 15 SEP 14. NCDENR POC: Walt Haven, Oil&Gas@ncdenr.gov.

NON-TITLE V PERMIT TERM (15A NCAC 02Q .0308) NCDENR has proposed an amendment to Rule 15A NCAC 02Q .0308, Final Action on Permit Applications, to revise the term for non-Title V air quality permits from five to eight years to reflect Session Law 2013-413. The [proposed rules](#) were filed 18 JUL 14. A hearing was held 3 SEP 14 and comments were due 30 SEP 14. The [Rules Review Commission Agenda](#) (page 150) was published 1 DEC 14 and a meeting was held 17 DEC 14.

OPEN BURNING (15A NCAC 02D .1901, .1902, .1903) NCDENR has proposed amending Rule 15A NCAC 02D .1903, Open Burning without an Air Quality Permit, to incorporate requirements in Section 28(b) of Session Law 2013-413, which allows transporting of land clearing materials over public roads for open burning to locations other than certain permitted facilities if specific requirements defined in Section 28(b) are met. Amendments to Rules 15A NCAC 02D .1901 and .1902 are also proposed to update reference to the General Statute and the name of the former Division of Forest Resources to reflect its current name, the North Carolina Forest Service. The [proposed rules](#) were filed 18 JUL 14. A hearing was held 3 SEP 14 and comments were due 30 SEP 14. The [Rules Review Commission Agenda](#) (page 149) was published 1 DEC 14 and a meeting was held 17 DEC 14.

STORMWATER PERMITTING (15A NCAC 02H .1002) The EMC has proposed amendments to Rule 15A NCAC 02H .1002 to align the rule with recent changes to G.S. 143-214.7. Section 51.(d) of North Carolina Session Law 2013-413 amended G.S. 143-214.7, whereupon "gravel" was excluded from the definition of "built-upon area." This proposed rule defines the term "gravel" and includes other technical changes to provide clarity to the regulated community on the implementation of stormwater rules required by G.S. 143-214.7. The proposed rulemaking will also replace a temporary rule adopted pursuant to G.S. 150B-21.1 and published in the North Carolina Register on 15 APR 14. The temporary rule will expire unless a permanent rule is adopted by the EMC and submitted to the Rules Review Commission by 10 JAN 15. The text, purpose, and justification of the proposed rule are identical to those of the temporary rule. The [proposed rules](#) (see page 33) were published 1 AUG 14 and a hearing was held 20 AUG 14. Comments were due 30 SEP 14. NCDENR POC: [Julie Ventaloro](#), (919) 807-6370.

Toxics (15A NCAC 02Q .0711) The 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 are due 15 DEC 14. POC: [Joelle Burlison](#), (919) 707-8720.



PROPOSED RULES

WASTE TIRES (R.61-107.3) The South Carolina Department of Health and Environmental Control (SCDHEC) has pro-

posed 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. POC: Kent Coleman, (803) 896-4135.

SOLID WASTE LANDFILLS AND STRUCTURAL FILL (R.61-107.19) SCDHEC has proposed amendments to R.61-107.19, SWM: Solid Waste Landfills and Structural Fill. R. 61-107.19 replaced and simultaneously repealed Regulations 61-107.11, SWM: Construction, Demolition, and Land-clearing Debris Landfills; 61-107.13, SWM: Municipal Solid Waste Incinerator Ash Landfills; 61-107.16, SWM: Industrial Solid Waste Landfills; and 61-107.258, SWM: Municipal Solid Waste Landfills. Proposed amendment addresses the process for permitting Class 1, 2, and 3 landfills, and updates requirements for structural fill sites. Additional changes include, but are not limited to, clarifying, amending, or reducing certain operating, monitoring, response, and reporting requirements for permitted facilities. Also under consideration are stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation. A [Drafting Notice](#) was published 27 JUN 14. POC: Kent Coleman, (803) 898-1358.

GENERAL PERMIT FOR CLASS 1 LANDFILLS (SWGP-001) SCDHEC has proposed to revise and reissue the General Permit for Class 1 Landfills Operations, as allowed in Regulation 61-107.19, Part III. For eligible landfills located in the eight coastal counties (Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper), the Coastal Zone Consistency section will review SWGP-001 General Permit for Class 1 Landfills (Land Clearing Debris and Yard Trash) for consistency with enforceable policies contained within the Coastal Zone Management Program Document. Solid Waste Disposal and Stormwater Management Guidelines for Landfills will be referenced in the review. A [notice](#) was issued on 27 JUN 14. Comments were due 28 JUL 14. SCDHEC POC: [Joan Litton](#).

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 State Implementation Plan (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. SCDHEC POC: [Anthony Lofton](#), (803) 898-7217.

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 hazardous air pollutants (HAPs), toxic air pollutants (TAPs), and volatile organic compounds (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.
- "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 will be held 8 JAN 15. POC: [David Scaturo](#), (803) 898-0590.

UNDERGROUND STORAGE TANKS (R.61-92) SCDHEC has proposed amendments to R.61-92, Underground Storage Tank 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. Com-

ments are due 29 JAN 15. SCDEHC POC: [Eric Cathcart](#).



PROPOSED RULES

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

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.

HAZARDOUS WASTE MANAGEMENT (0400-12-01) TDEC has proposed rulemaking to update the hazardous waste regulations, 0400-12-01, by incorporating the following federal changes that EPA published as final from 1 JUL 13 to 30 JUN 14:

- Amend the definition of solid waste to conditionally exempt solvent-contaminated wipes that are cleaned and reused. Revise the definition of hazardous waste to conditionally exempt solvent-contaminated wipes that are disposed. This proposed rulemaking provides a consistent regulatory framework appropriate to the level of risk posed by solvent-contaminated wipes in a way that is protective of human health and the environment and reduces cost.
- Conditionally exclude hazardous carbon dioxide (CO₂) streams from the definition of hazardous waste, provided the CO₂ streams are captured and injected into Class VI injection wells for geologic sequestration.
- Allow the use of an electronic hazardous waste manifesting system.
- Amend the export provisions of cathode ray tube recycling.

This rulemaking is also intended to correct language EPA identified while reviewing requests for additional program authorization. Corrections are necessary to obtain additional program authorization and include rule amendments to incorporate state citations where several federal citations are used if appropriate, and to add language regarding transboundary movement of hazardous waste for recovery with the Organization for Economic Cooperation and Development. The rulemaking restores language regarding mixtures of used oil and hazardous waste from conditionally exempt small quantity generators, which was inadvertently deleted from the regulations. A [Notice of Rulemaking Hearing](#) was filed 11 DEC 14. A hearing will be held and comments are due 2 FEB 15. TDEC POC: [David Moran](#), (615) 532-0875.

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 will be held 29 JAN 15 and comments are 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 will be held 9 FEB 15 and comments are due 16 FEB 15. TDEC POC: [Anna Rollinns](#), (615) 532-0159.

Department of Defense Activity

AIR FORCE REGIONAL ENVIRONMENTAL OFFICE CHANGES The Air Force Regional Environmental Office (AF REO) is now formally part of the Air Force Civil Engineering Center (AFCEC) located in San Antonio, TX and led by Ms. Suzanne

Bilbrey. The Director at AFCEC/CZP is Mr. Richard Trevino. Effective immediately, the Eastern AF REO handles environmental matters for EPA Regions 1, 2, 3, 4, 5, and 7. The Western AF REO (AFCEC/CZPW) in California, with Mr. Steven Arenson as the interim Branch Chief, handles regional environmental matters for EPA Regions 6, 8, 9, and 10. Mr. Arenson is also the interim DoD Regional Environmental Coordinator (REC) for EPA Region 6. [Mr. Everett Taylor](#), Western AF REO, is the interim AF REC for EPA Regions 6 and 8; he will continue to work out of the Dallas location. [Mr. Rob Joyner](#) is the interim Branch Chief of Eastern REO Civil Engineering at Dobbins AF and remains the AF REC for EPA Regions 1 and 3. Mr. Dave Glass remains the DoD/AF REC for EPA Regions 2 and 4. [Mr. Harold "Ike" Heise](#) is the interim AF REC for EPA Regions 5 and 7, will continue to work out of the Dallas location, and is part of AF REO Eastern staff.

DEFENSE MATERIAL DISPOSITION DoD issued an interim final rule that prescribes uniform procedures for the disposition of DoD personal property and establishes the sequence of processes for disposition of personal property of DoD components ([79 FR 78143](#)). In this context, "personal property" is defined as all property except real property. The rule implements policy for reutilization, transfer, excess property screening, and issue of surplus property and foreign excess personal property, scrap generated from qualified recycling programs (QRPs), and non-QRP scrap. It also provides guidance for removing excess material through security assistance programs and foreign military sales. Comments are due 27 FEB 14. POC: Randal Kendrick, (571) 372-5202.

DOD TEST AND TRAINING RANGES The Governmental Accountability Office (GAO), directed to review encroachment on DoD training ranges, issued a report examining the extent to which DoD has conducted risk assessment to identify existence and extent of threats of foreign encroachment on domestic training ranges ([GAO-15-149](#)). GAO also evaluated the extent to which DoD has obtained information necessary to determine if specific transactions pose a threat. GAO found that DoD has not conducted a risk assessment that includes prioritizing test and training ranges based on mission criticality, determining vulnerabilities to foreign encroachment, and assessing the degree to which foreign encroachment could pose a threat ranges' missions. Foreign encroachment could include foreign entities acquiring assets, such as mines or energy projects, or otherwise conducting business transactions near test and training ranges. GAO recommends that DoD develop and implement guidance for conducting a risk assessment on foreign encroachment and collaborate with other federal agencies to obtain additional information on transactions near ranges. In written comments on a draft of the report, DoD concurred with both recommendations. GAO POC: [Brian Lepore](#), (202) 512-4523.

FALL 2014 UNIFIED REGULATORY AGENDA The Environmental Protection Agency (EPA) released the [Fall 2014 Regulatory Plan](#) and the [Unified Agenda of Federal Regulatory and Deregulatory Actions](#) ([79 FR 76771](#)). The regulatory plan, published once a year as part of the fall edition of the agenda, identifies the most significant regulatory actions that federal agencies expect to take in the coming year. The regulatory agenda is updated yearly in the spring and fall. The regulatory agenda is published online at [regulations.gov](#). EPA also maintains [a website](#) providing updates on planned EPA regulations.

Federal Activity

AIR

OZONE NAAQS EPA [is proposing](#) to lower primary national ambient air quality standard (NAAQS) for ozone to a range between 65 and 70 parts per billion (ppb) to protect human health ([79 FR 75233](#)). The existing standard is 75 ppb. EPA is also proposing to tighten its secondary (seasonal environment-based) standard by defining ozone protection in a range of 13 to 17 parts per million-hours (ppm-hours), expressed in terms of the [W126 index](#). In addition, EPA is proposing to make corresponding revisions in data handling conventions for ozone and conforming changes to the air quality index (AQI); to revise the prevention of significant deterioration (PSD) program regulations by adding a transitional provision for certain applications; and to propose schedules and convey information related to implementing any revised standards. Comments are due 17 MAR 15. EPA POC: [Susan Lyon Stone](#), (919) 541-1146, EPA [ozone standards website](#).

HAP EMISSION STANDARDS EPA has completed requirements to promulgate emission standards for each of the hazardous air pollutants identified in Clean Air Act Section 112(c)(6) ([79 FR 74656](#)). Promulgated standards account for 90% or more of the aggregated emissions of each HAP. Comments are due 7 FEB 15. POC: Nathan Topham, (919) 541-0483.

COMPLIANCE

EPA FY 2014 ENFORCEMENT AND COMPLIANCE RESULTS EPA released [enforcement annual results](#) for fiscal year 2014, including the [Fiscal Year 2014 EPA Enforcement and Compliance Annual Results](#) document. For more information, visit EPA's [enforcement website](#) to view an [interactive case map](#) that shows information on concluded enforcement actions and cases from FY 2014, view numbers at a glance, regional results, and more.

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET EPA released an update to the Federal Agency Hazardous Waste Compliance Docket ([79 FR 78850](#)). The docket is a list of federal facilities that manage hazardous waste or from which hazardous substances have been or may be released. It is updated every six months. Each federal facility added to the docket is required to complete a site evaluation to determine whether the facility should undergo further remedial studies. The update added 29 facilities to the docket and deleted 19 facilities.

ENERGY

FEDERAL BUILDING ENERGY METERING GUIDANCE The Department of Energy (DOE) [updated federal building metering guidance](#). The updated document expands metering requirements to include natural gas, steam, and water; revises definitions of appropriate and cost-effective for determining where to install meters; provides a recommended approach for prioritizing the installation of meters; and reiterates the requirement to incorporate metered data into agency data tracking systems. DOE POC: [Saralyn Bunch](#), (202) 586-3267.

THREATENED AND ENDANGERED SPECIES

CANDIDATE NOTICE OF REVIEW The Fish and Wildlife Service released its annual [candidate notice of review](#) (CNOR), a yearly status appraisal of native plant and animal species that are candidates for Endangered Species Act (ESA) protections ([79 FR 72499](#)). The CNOR recognizes 23 new candidates, changes listing priority number for one candidate, and removes one species from candidate status. Combined with other decisions for individual species that were published separately from this CNOR in the past year, 146 species are candidates for listing. The notice also includes findings on resubmitted petitions and describes progress in revising the Lists of Endangered and Threatened Wildlife and Plants during the period 1 OCT 13 through 30 SEP 14. To view the full list of candidate species, [click here](#).

TOXICS

TOXICOLOGICAL PROFILES The Agency for Toxic Substances and Disease Registry (ATSDR) released updated draft toxicological profiles for trichloroethylene, tetrachloroethylene, hydrogen sulfide/carbonyl sulfide, and a new draft toxicological profile for the pesticide parathion ([79 FR 74093](#)). ATSDR is tasked to prepare toxicological profiles of priority hazardous substances commonly found at Superfund sites. Comments on the draft toxicological profiles are due 16 MAR 15. POC: Delores Grant, (770) 488-3351 or ATSDR [Toxic Substances Portal](#).

WASTE

RECYCLING In advance of formal publication in the Federal Register, EPA published [text](#) of a final rule revising several recycling-related provisions associated with definition of a solid waste. Revisions would allow certain materials that would otherwise need to be managed as a hazardous waste to be recycled, as long as certain conditions are met. Under the exclusion, a facility that recycles the newly excluded materials (rather than dispose of them as hazardous waste) must send the material to a "verified recycler" that has obtained a variance from EPA or the authorized state. Revisions also add requirements for storage of recyclable materials (meet a new definition of "contained"), recordkeeping, and emergency preparedness and response. The final rule will be effective 180 days after publication in the Federal Register. EPA POC: [Tracy Atagi](#), (703) 208-8672.

WATER

WATER AND RELATED LAND RESOURCES IMPLEMENTATION STUDIES The White House Council for Environmental Quality released final Interagency Guidelines on Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies ([79 FR 77460](#)). The guidelines are applicable to water resource projects conducted by the Departments of Interior, Agriculture, Commerce, EPA, the Army Corps of Engineers, Federal Emergency Management Agency, and the Tennessee Valley Authority. Guidelines modernize and lay the framework for how to determine economic, environmental, and social impacts from federal investments on water resources. POC: Alexis Segal at (202) 395-5750.

STORMWATER PERMIT "FLOW" GUIDANCE REVISED On 26 NOV 14, EPA released a [revised memorandum](#) for EPA Regional Water Division Directors to use when developing stormwater permits. The memorandum replaces the agency's

[2002 guidance](#). The November 2014 memorandum abandons guidance ([in a 2010 memorandum](#)) for agencies to use "flow" as a surrogate for pollutants in stormwater permits. Among the provisions in the 2010 memorandum was the use of surrogates for pollutant parameters (such as flow or amount of impervious cover) when establishing total maximum daily load (TMDL) targets. A [2013 court ruling](#) held that the agency could not regulate stormwater "flow" through a TMDL. The 2014 revisions remove the "surrogate" language and recommend regulators establish numeric measures for quantifying the success of best management practices and technological upgrades.

NPDES ELECTRONIC REPORTING RULE EPA extended the public comment period on its proposed reporting rule that requires electronic reporting instead of paper-based reports under the National Pollutant Discharge Elimination System (NPDES) program ([79 FR 71066](#)). The proposed rule is intended to streamline reporting and recordkeeping, allowing NPDES-authorized programs in states, tribes, and territories to shift resources from data management activities to solving issues. Comments are due 30 JAN 15. EPA POC: [Andrew Hudock](#), (202) 564-6032.

Professional Development

[EPA TMDL AND NPDES PERMIT TRAINING](#) EPA developed three web-based training modules on topics related to TMDLs and 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 Wasteload Allocation Implementation in Permits: A Primer for TMDL Developers
- Module 3: Understanding TMDLs with Stormwater Sources and the NPDES Stormwater Permitting Process

VARIOUS DATES AND TIMES ONLINE

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

AIR FORCE INSTITUTE OF TECHNOLOGY (AFIT) TRAINING COURSE, [QUALIFIED RECYCLING PROGRAM MANAGEMENT](#) The purpose of the course is to understand DoD requirements for operating a Qualified Recycling Program. This course emphasizes principles and techniques to assist students in implementing a sound QRP. The course focuses on learning what products can be recycled, products prohibited from recycling, QRP regulations, necessary processing equipment, collection and sorting methods to maximize returns, working with the Defense Reutilization and Marketing Office, establishing contracts, recording transactions, DoD recordkeeping, and estimating future budgets.

ANYTIME ONLINE

VARIOUS DATES, ONLINE: [STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM \(SERDP\) AND ENVIRONMENTAL SECURITY TECHNOLOGY CERTIFICATION PROGRAM \(ESTCP\) WEBINAR SERIES](#) Designed to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding, live 90-minute webinars will be offered every two weeks on Thursdays from 12:00 PM EST. Most webinars will feature two 30-minute presentations and interactive Q&A sessions on topics for DoD and DOE audiences.

[AN INTRODUCTION TO THE REGIONAL ENVIRONMENTAL AND ENERGY OFFICES](#) REEO-S presents a 45-minute webinar to provide an overview of what the REEOs do, how we operate, and how we can help you.

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

[DISTRIBUTED-SCALE RENEWABLE ENERGY PROJECTS: FROM PLANNING TO PROJECT CLOSEOUT](#) This course focuses on the planning and implementation of distributed-scale renewable energy projects smaller than 10 megawatts. The course

outlines a detailed 10-step process from technology screening to project closeout. Explored are online tools and resources available for the selection of cost-effective renewable energy projects on federal sites. This e-learning course is hosted on the Whole Building Design Guide learning management system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Staff Directory

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

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/>.