



U.S. ARMY

Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

October 2015

The *Southern Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the eight states in Federal Region 4, the *Southern Review* gives early notice of legislative and regulatory activities relevant to DOD interests. The *Review* also helps installations meet ISO 14001 environmental management system requirements.

Find out more about the Army Regional Environmental and Energy Offices [here](#). Click [here](#) to browse back issues of the *Southern Review*. To read back issues of other Regional Office *Reviews*, click on a region of the REEO website's US map and then select "Publications." To receive a copy of this electronic publication, [send a subscription request](#).

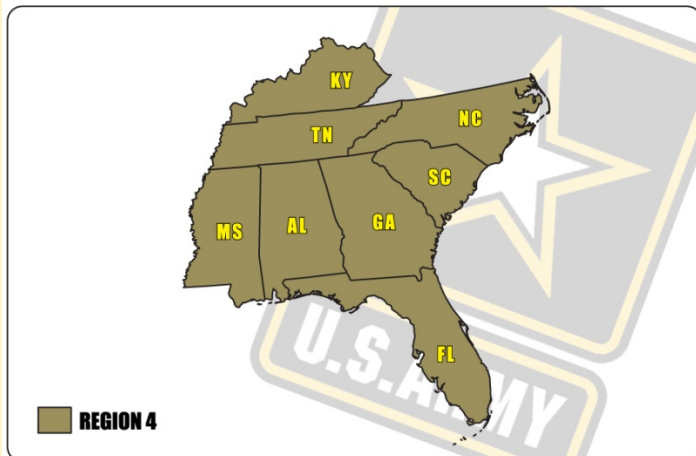


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REEOs CELEBRATE 20 YEARS OF SERVICE

"The Army REEOs have helped the Army and Department of Defense keep up with changing environmental laws and regulations since 1995. This helps us preserve the full use of Army training and testing lands, sustain natural resources, and maximize Army energy and environmental dollars." — Katherine Hammack, Assistant Secretary of the Army (Installations, Energy and Environment)

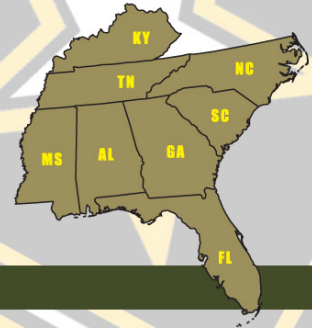
For 20 years, the REEOs have represented Army and DOD interests with state legislatures and regulatory agencies. When a law or regulation important to the Army or DOD is being developed, REEOs work with other military Services to assure that DOD and Services' interests are represented. The REEOs' close cooperation between the military and policymakers helps inform and shape legislation so those making the laws understand the potential impact on military missions.

Each year REEOs review thousands of regulatory and legislative actions. In its unique role, REEOs represent DOD and Army environmental and energy interests at the state and regional level to support and advocate for military missions and facilities.

Through active engagement and strategic communication, REEOs help shape and influence environmental and energy policy decisions in state government. They enable Army and DOD readiness and training by monitoring and engaging on state legislative and regulatory activities; coordinating and communicating Army and unified DOD positions; providing legal and technical expertise for the Army's centralized renewable energy program; and developing cooperative partnerships and educating stakeholders on issues that support long-term sustainability of the military. REEOs share information about administration positions, interact with state legislators and regulators on behalf of installations and, if necessary, provide testimony. *Read more [here](#) (page 3).*

Region 4

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



LEGISLATIVE SESSION: 3 MAR THROUGH 5 JUN 15

Alabama has a one-year session. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned 5 JUN 15. REEO-S will resume incorporating legislative measures into the *Southern Review* once the Alabama Assembly reconvenes in 2016.



FINAL RULES

GROUND WATER AND UNDERGROUND INJECTION CONTROL (335-6-8) The Alabama Department of Environmental Management (ADEM) has adopted amendments to Chapter 335-6-8 to allow and include requirements for aquifer storage and recovery (ASR) wells, to revise requirements for general permits issued under Chapter 335-6-8, and to add or delete references to federal regulations and forms. Changes are as follows:

- Rule 335-6-8-.01 "Purpose" is being amended to delete obsolete references to the Code of Federal Regulations relating to implementation of the Underground Injection Control program.
- Rule 335-6-8-.02 "Definitions" is being amended to add the definitions for "Aquifer Storage and Recovery (ASR) Well" and "Municipal Wastewater," to revise the definition of "Class I Well" to address ASR wells and to revise lettering of definitions made necessary by these additions.
- Rule 335-6-8-.05 "Prohibited Actions" is being amended to add references to 40 CFR Part 142 and to allow for the permitting of ASR wells.
- Rule 335-6-8-.07 "Permit Issuance Procedures" is being amended to add a reference to 40 CFR Part 142.
- Rule 335-6-8-.09 "Class III Well Permit Application Requirements" is being amended to correct a reference to rule 335-6-8-.10 made necessary by changes to rule 335-6-8-.10.
- Rule 335-6-8-.10 "Class V Well Permit Application Requirements" is being amended to revise the permit application requirements for general Class V permits, to establish permit application requirements for ASR wells, and to re-number or re-letter parts of rule 335-6-8-.10 due to the above changes and additions.
- Rule 335-6-8-.12 "Class V Well Permit Requirements" is being amended to provide required permit requirements for ASR wells.

Notices of Intended Action ([335-6-8-.01](#), [.02](#), [.05](#), [.07](#), [.09](#), [.10](#), and [.12](#)) were published 30 APR 15. Comments were due and a hearing was held 11 JUN 15. The [Certified Adopted Rules](#) were published on 31 AUG 15. The rules became effective 29 SEP 15.

RECLAIMED WATER REUSE PROGRAM (335-6-20) ADEM has adopted new chapter 335-6-20, Reclaimed Water Reuse Program. It establishes procedures and requirements for issuance and maintenance of pollution source permits for public, semi-private, and privately owned wastewater treatment plants with waste streams consisting mostly of municipal wastewater, such that treatment plants may voluntarily reuse highly treated effluent wastewater for beneficial irrigation purposes. Highly treated reclaimed water that meets the requirements of this chapter is a valuable water resource and is considered an integral part of the utility system. It is the policy of the ADEM to promote, where appropriate, the

practice of reuse of municipal reclaimed water through creation and implementation of rules that give permittees various opportunities for forms of reuse. A [Notice of Intended Action](#) was published 30 APR 15. Comments were due and a hearing was held 11 JUN 15. The [Certified Adopted Rules](#) were published 31 AUG 15. The rules became effective 29 SEP 15.

PROPOSED RULES

WATER QUALITY CRITERIA ADEM has announced a public hearing to solicit public input and comments on current rules of ADEM Administrative Code chapter 335-6-10, Water Quality Criteria; and chapter 335-6-11, Water Use Classifications for Interstate and Intrastate Waters. The hearing was held and comments were due 16 JUL 15.

VOCs (335-3-1-.02) ADEM has proposed amendments to 335-3-1-.02 so it is consistent with EPA regulations that define volatile organic compounds (VOC). A [Notice of Intended Action](#) was published 31 JUL 15. A hearing was held 9 SEP 15 and comments were due 11 SEP 15.

CONSOLIDATED FEDERAL AIR RULE (335-3-11A-.01, -.02) ADEM has proposed amendments to incorporate by reference EPA changes to the Consolidated Federal Air Rule. Incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM. Notices of Intended Action ([335-3-11A-.01](#), [335-3-11A-.02](#)) were published 31 JUL 15. A hearing was held 9 SEP 15 and comments were due 11 SEP 15.

NESHAPs (335-3-11-.01, -.02, -.03, -.06, -.07) ADEM has proposed amendments to incorporate by reference EPA changes to the National Emission Standards for Hazardous Air Pollutants (NESHAPs). This incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM. Notices of Intended Action ([335-3-11-.01](#), [-.02](#), [-.03](#), [-.06](#), [-.07](#)) were published 31 JUL 15. A hearing was held 9 SEP 15 and comments were due 11 SEP 15.

NSPS (335-3-10-.01, -.02, -.03) ADEM has proposed amendments to incorporate by reference EPA changes to the New Source Performance Standards (NSPS). This incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM. Notices of Intended Action ([335-3-10-.01](#), [-.02](#), [-.03](#)) were published 31 JUL 15. A hearing was held 9 SEP 15 and comments were due 11 SEP 15.

NITROGEN OXIDE EMISSIONS (335-3-8.07, .70) ADEM has proposed to add rules to 335-3-8 to incorporate provisions for control of nitrogen oxide emissions from specified categories as required by EPA's Cross-State Air Pollution Rule (CSAPR) as promulgated ([76 FR 48208](#)) and revised ([79 FR 71663](#)). This adoption allows ADEM to retain state primacy in the implementation of the regulations. Revisions to this chapter are proposed to be incorporated into Alabama's State Implementation Plan (SIP). A [Notice of Intended Action](#) was published 31 JUL 15. A hearing was held 9 SEP 15 and comments were due 11 SEP 15.

SULFUR DIOXIDE EMISSIONS (335-3-5.06, .30) ADEM has proposed to add rules to 335-3-5 to incorporate provisions for the control of sulfur dioxide emissions from specified categories as required by EPA's CSAPR. This adoption allows ADEM to retain state primacy in the implementation of the regulations. Revisions to this chapter are proposed to be incorporated into Alabama's SIP. A [Notice of Intended Action](#) was published 31 JUL 15. A hearing was held 9 SEP 15 and comments were due 11 SEP 15.

CATEGORY 1 AND 2 QUANTITIES OF RADIOACTIVE MATERIAL (420-3-26-.15) The Department of Public Health has proposed new 420-3-26-.15, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material. The new rule will take the place of current US Nuclear Regulatory Commission (NRC) security orders implemented under license conditions. The rule is a matter of compatibility for Alabama as an Agreement State. It imposes the same security requirements on licensees as the original orders; however, as a result of lessons learned through inspections conducted on licensees under the terms of the orders, there are few changes and additions to the rule when compared to the original orders. A [Notice of Intended Action](#) was published 31 AUG 15. A hearing was held 11 SEP 15 and comments were due 5 OCT 15.

STORM- AND WASTEWATER DISCHARGES ADEM is proposing to reissue General National Pollutant Discharge Elimination System (NPDES) Permit ALG360000. The permit regulates discharges of storm- and wastewater associated with hydroelectric generating facilities that discharge to Alabama's waters (not designated outstanding national resource waters or outstanding Alabama waters). Individual facilities and/or operations may propose to operate under this general permit, if reissued, by notifying ADEM and providing the required documentation. After receiving such notice of intent, ADEM may regulate discharge under the general permit. ADEM has tentatively determined that the reissuance of Permit ALG360000 is consistent with water quality program regulations. A [notice](#) was issued 9 SEP 15. Comments are due 9 OCT 15.



2015 LEGISLATIVE SPECIAL SESSION 1: 1 JUN 15 THROUGH 20 JUN 15

Florida has a one-year session. Adjournment dates are estimated and updated based on legislative activity. The regular session adjourned 11 MAR 15 and the special session on 20 JUN 15.

LEGISLATION

HB 787 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 was signed by the governor 11 JUN 15. It became effective 1 JUL 15.

PROPOSED RULES

ABOVEGROUND STORAGE TANK (AST) SYSTEMS (62-762.101, .201, .211, .301, .401, .451, .501, .511, .601, .611, .641, .701, .711, .801, .821, .851, .891, .901) The Florida Department of Environmental Protection (FLDEP) has proposed revisions to the AST Systems rules in Chapter 62-762 for clarity and to remove language that is no longer applicable. A [Notice of Rulemaking Development](#) was published 19 NOV 13. A hearing was held 16 SEP 15.

ENVIRONMENTAL RESOURCE PERMITS (40C-1.1008, 40C-1.603, 1.612) The St. Johns River Water Management District (WMD) has proposed amendments to 40C-1.1008, 40C-1.603, and 40C-1.612, F.A.C., to:

- Increase consistency with the statewide Environmental Resource Permit (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 1 OCT 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.

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 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; and
- 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.

CONSUMPTIVE USE PERMIT (CUP) FEES (40C-1.603) The St. Johns River WMD has proposed amendment to Rule 40C-1.603, F.A.C., to make conforming amendments based on proposed changes to Chapter 40C-2, F.A.C., and make corrections and clarifications. Notices of Development of Rulemaking were published [13 APR 15](#) and [19 MAY 15](#). Notices of Hearings were published [21 AUG 15](#) and [26 AUG 15](#).

CUPcon (40C-2.031, .041, .042, .051, .101, .301, .302, .311, .321, .331, .351, .361, .381, .401, .501, .900) From 2012 through mid-2014, the St. Johns River WMD, FLDEP and other WMDs engaged in statewide rulemaking to increase consistency in CUP programs. That rulemaking was commonly referred to as the “CUPcon” rulemaking. The St. Johns River WMD has proposed rulemaking to address amendment, repeal, or development of rules in Chapter 40C-2, F.A.C., as needed to clarify existing rules, create additional streamlining, and reduce regulatory burdens on the following subjects: CUP criteria; limiting conditions (permit conditions by rule); permit thresholds, types, duration, and modification; water conservation requirements; annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; 10-year compliance reports; compliance monitoring and forms; application forms; permit fees to address related changes to permit thresholds or permit types; and other rules for which conforming amendments may be needed. A Notice of Development of Rulemaking was published 13 APR 15 and a workshop was held 29 APR 15. A [Notice of Correction](#) was published 20 MAY 15. A Notice of Change for 40C-2.041, .042, .051, .101, .331, .381, and .900 was published 10 SEP 15.

REVIEW OF WMD STRATEGIC PLANS (62-40.530) FLDEP has proposed amendments to Rule 62-40.530, F.A.C., to provide for FLDEP review of WMD annual strategic plans. A [Notice of Development of Rulemaking](#) was published 28 APR 15. A workshop was held 15 MAY 15.

WATER SUPPLY PLANNING (62-40.410, .473, .520, .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 and an advisory was issued 17 APR 15. A [workshop](#) was held 15 MAY 15.

WATER WITHDRAWAL (40D-1.1002, 40D-1.659) The Southwest Florida WMD has proposed rulemaking to amend Rules 40D-1.1002 and 40D-1.659, F.A.C., to incorporate revisions to Form LEG-R.42.00-058, Petition for Variance or Waiver, from year-round conservation measures and water shortage orders to promote consistency of terms throughout Chapter 40D, F.A.C. and Florida Statutes; delete obsolete provisions; and conform district rules to Florida statutes. A [Notice of Development of Rulemaking](#) was published 26 MAY 15 and a [Notice of Proposed Rules](#) was published 30 JUL 15.

TRIENNIAL REVIEW OF SURFACE WATER QUALITY STANDARDS (62-302, 303; 62-4.050, .242, .244) As required by the Clean Water Act (CWA), FLDEP is initiating the Triennial Review of state surface water quality standards. FLDEP is considering revisions to specific rule sections; however, all surface water quality standards in Chapter 62-4, Chapter 62-302 and Chapter 62-303, F.A.C., are under review and may be revised as part of the Triennial Review. FLDEP proposes to revise criteria for freshwater ammonia and criteria for alkalinity; establish new water quality criteria for carbaryl, chlorpyrifos, diazinon, and nonylphenol; and update various references used in Chapter 62-302, F.A.C. FLDEP also proposes to revise subparagraph 62-4.242(3)(a)2., F.A.C., to delete text related to mixing zones in Outstanding Natural Resource Waters, delete subsection 62-4.242(4), F.A.C., and reduce the fee in Rule 62-4.050, F.A.C., for Site Specific Alternative Criteria from \$15,000 per water quality parameter to \$5,000 per water quality parameter. A [Notice of Development of Rulemaking](#) was published 19 MAY 15. Workshops were held 10-11 JUN 15.

RISK-BASED CORRECTIVE ACTION (62-777) FLDEP has proposed amendments to Chapter 62-777, F.A.C., rules governing the Risk-Based Corrective Action (RBCA) process at contaminated sites and the derivation of Cleanup Target Levels in Florida. Since Chapter 62-777, F.A.C., was adopted in 2005, there have been many changes with regard to how to calculate appropriate risk-based cleanup target levels in terms of methods of calculation and parameters used in calculations. These developments lead to improved derivation of appropriate cleanup target levels and provide the correct degree of protection to human health and the environment. The new methods reduce the amount of conservatism in some previous estimates to suitable levels, thereby providing sufficient protection while minimizing potential cleanup costs. FLDEP is proposing to review and update the method(s) for establishing cleanup target levels and parameter values used, and develop updated cleanup target levels. A [Notice of Development](#) of Rulemaking was published 15 JUN 15 and a workshop was held 30 JUN 15. An advisory was issued 6 JUL 15 and a [meeting](#) was held 22 JUL 15.

RCBA (62-780) FLDEP has proposed rulemaking concerning Chapter 62-780, F.A.C., to modernize, and incorporate “lessons learned,” and facilitate contaminated site closure. New techniques and approaches have also been developed to support RBCA, but the rule chapter is silent, ambiguous, or implicitly prohibits these advancements. Various inconsistencies or incongruities within the rule chapter will also be corrected. Specific topics to be addressed include evaluation of Incremental Sampling Methodology, revision of determination of leachability, and use and application of apportionment. A [Notice of Development of Rulemaking](#) was published 15 JUN 15.

COASTAL ZONE MANAGEMENT (62B-49) Chapter 62B-49, F.A.C., establishes the Joint Coastal Permit program. Activities that would have required a coastal construction permit and ERP are authorized by a single joint coastal permit. FLDEP proposes to:

- Amend Chapter 62B-49;
- Add new rules to implement the Laws of Florida 2012-65;

- Clarify language to reduce confusion in the permitting process and reduce requests for additional information;
- Add conditions and amend portions to expedite the permitting process; and
- Amend procedures to allow for electronic submittal of applications.

A [Notice of Proposed Rules](#) was published 7 FEB 14, comments were due 28 FEB 15, and a hearing was held 23 JUL 15. A [Notice of Change](#) was published 21 SEP 15.

MARINE TURTLE PERMITS (68E-1.002, 68E-1.004, 68E-1.0041, 68E-1.005, 68E-1.0061) The Florida Fish and Wildlife Conservation Commission has proposed amendments to Chapter 68E-1, F.A.C., Marine Turtle Permits and the Marine Turtle Conservation Guidelines. Proposed amendments will clarify and update existing rule language to reflect current procedures for review and approval of applications, add definitions for terms in the existing rule, and clarify criteria and timelines for review and approval of applications. Language is also proposed to address stakeholder concerns on review and approval of requests for research involving threatened or endangered marine turtles. A Notice of Rulemaking Development was published on 18 AUG 15. Workshops were held 9, 10 and 15 SEP 15.

DOMESTIC WASTEWATER FACILITIES (62-0-600, -601), FLDEP has proposed rulemaking to amend Chapter 62-600, F.A.C., to update, clarify, and eliminate redundancy in requirements applicable to domestic wastewater facilities. The proposed rules simplify and clarify requirements, and correct rule references. Rules are also proposed for repeal where requirements are obsolete, duplicative, or superseded by other rules or statutory requirements. As part of this rulemaking, some requirements from Chapter 62-601, F.A.C., Domestic Wastewater Treatment Plant Monitoring, are incorporated into Chapter 62-600, F.A.C. Chapter 62-601, F.A.C., is proposed for simultaneous repeal with adoption of proposed amendments to Chapter 62-600, F.A.C. A [Notice of Rulemaking](#) was published 27 MAR 14 and a [Notice of Proposed Rules](#) was published 14 SEP 15.



2015 LEGISLATIVE SESSION: 12 JAN 15 THROUGH 2 APR 15

Georgia has a two-year session (2015-2016) with 2015 bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned on 2 Apr 15. REEO-S will resume incorporating legislative measures into the *Southern Review* once the Georgia Assembly reconvenes in 2016.

PROPOSED RULES

2016 305(B)/303(D) LIST OF WATERS Georgia Environmental Protection Division (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 CWA, Sections 305(b) and 303(d). Requirements for submission and acceptance of water quality data for use in listing waters are detailed in a GAEPD document titled, "[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 were due 1 JUL 15.

SCRAP AND USED TIRES (391-3-4-.19, .19(1)(A), .19(2);.19(3), .19(4), .19(5), .19(6), .19(7), .19(8), .19(9)) GAEPD has proposed amendments to the Georgia Rules for Solid Waste Management, Chapter 391-3-4, pertaining to scrap and used tire management. The proposed amendments are described below:

- Rule 391-3-4-.19, "Scrap Tire Management Amended," is amended and the title changed to read "Scrap and Used Tire Management."
- Rule 391-3-4-.19, (1)(a), "Applicability," is amended to establish guidelines for handling scrap and used tires.
- Rule 391-3-4-.19(2), "Definitions," is amended to add 11 new definitions associated with tire management, amend 11 definitions, and delete two definitions.

- Rule 391-3-4-.19(3), "Retail Tire Dealers," amends the title from "Retail Tire Dealers" to "Retail Dealers" and clarifies reporting and fee requirements.
- Rule 391-3-4-.19(4), "Scrap Tire Generators," is amended to clarify reporting and manifest requirements for scrap tire generators.
- Rule 391-3-4-.19(5), "Scrap Tire Carriers," is being amended to clarify exemptions for persons collecting and transporting scrap or used tires. It includes decal requirements for tire carriers, reporting requirements, and revised financial assurance requirements.
- Rule 391-3-4-.19(6), "Scrap Tire Storage," is amended to clarify storage requirements for scrap tires.
- Rule 391-3-4-.19(7), "Criteria for Approved Processing, Sorting, and Disposal Facilities," is amended to revise the title to read, "Criteria for Scrap Tire Processors, Sorters, and Disposal Facilities," and to clarify operational and reporting requirements for regulated facilities.
- Rule 391-1-4-.19(8), "Reuse and Recycling of Scrap Tires," is amended to clarify and add amendments for recycling and beneficial reuse of scrap tires.
- Rule 391-3-4-.19(9), "Used Tires," is added to expand the tire management rule to include used tires.

The [proposed rules](#) were filed 20 APR 15. A hearing was held 12 MAY 15 and comments were due 13 MAY 15. A meeting was held 24 JUN 15.

STATE WILDLIFE ACTION PLAN The Georgia Department of Natural Resources (GADNR) has invited public comments on a draft version of the revised [State Wildlife Action Plan \(SWAP\)](#). The plan outlines steps GADNR and partner organizations follow to conserve native wildlife and habitats. The SWAP is required by Congress for GADNR and other state wildlife agencies to receive state wildlife grants, the main federal funding source for states to conserve nongame – animals not legally fished for or hunted, from gopher tortoises to golden-winged warblers. A comprehensive review of wildlife plans is required at least every 10 years to include new information and changing conditions. Comments were due 15 JUL 15.

SAFE DRINKING WATER (391-3-5) GAEPD has proposed rulemaking to amend provisions of eight rules under Chapter 391-3-5, and add rule 391-3-5-.55, Revised Total Coliform Rule, to incorporate requirements of EPA's 2013 Revised Total Coliform Rule and maintain state primacy over public drinking water systems. The federal Safe Drinking Water Act requires states to adopt new or revised federal regulations to maintain primacy over public drinking water systems. GAEPD proposes amendments to Chapter 391-3-5 to incorporate various provisions included in the Revised Total Coliform Rule that correlate to specific language in eight rules in this chapter. New rule 391-3-5-.55 is proposed to incorporate language of the Revised Total Coliform Rule, 40 CFR Part 141, Subpart Y. Corrections to formatting and typographical errors are also proposed, including updates in paragraph numbering in Rules 391-3-5-.06, -.27 and -.52. The [proposed rules](#) were filed 23 SEP 15. Comments are due 23 OCT 15. A meeting will be held 1 DEC 15.



2015 LEGISLATIVE SESSION: 6 JAN 15 THROUGH 24 MAR 15

Kentucky has a one-year session. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned 24 MAR 15. REEO-S will resume incorporating legislative measures into the *Southern Review* once the Kentucky Assembly reconvenes in 2016.

PROPOSED RULES

ANTIDEGREDATION POLICY (401 KAR 10:030) The Division of Water (DOW) has proposed amendments to 401 KAR 10:030, Antidegradation Policy Implementation Methodology. This administrative regulation implements the antidegradation policy of 401 KAR 10:029 by establishing procedures to control water pollution, providing categorization

criteria, listing many surface waters assigned to specific categories, and providing for recategorization of water. The amendments:

- Correct statutory references and bring language into compliance with current regulatory grammatical requirements;
- Correct stream segment identifications; and
- Add 12 additional streams or stream segments (approximately 41 miles) to the Exceptional Waters category as a result of routine watershed monitoring and investigations of potential waters affected by permitted activities since the 2012 regulatory revisions.

This amendment aligns the listed waters with federal management plans for waters located in national forests. The [proposed amendment](#) was filed 10 AUG 15. A hearing was held 24 SEP 15 and comments were due 30 SEP 15.

DESIGNATION OF USES OF SURFACE WATERS (401 KAR 10:026) The DOW has proposed amendments to 401 KAR 10:026, Designation of Uses of Surface Waters. This administrative regulation lists the types of designated uses for surface waters of the commonwealth, provides and describes the process for redesignation of surface waters, and lists designated uses for specific surface waters of the commonwealth that have been assigned. The amendments:

- Correct statutory references;
- Bring language into compliance with current regulatory grammatical requirements;
- Adjust names and locations of surface water intakes for domestic water supply to align the listed segments with the National Hydrological Data set and removes segments/systems that have been regionalized; and
- Add 20 streams or stream segments to the list of Outstanding State Resource Waters pursuant to Section 3(2) of this regulation, and the automatic inclusion clause of 401 KAR 10:031 Section 8(1)(a)3, based on Threatened or Endangered Species being present.

The [proposed new amendment](#) was filed 10 AUG 15 and published 1 SEP 15. Comments were due 30 SEP 15.

SURFACE WATER (401 KAR 10:031) The DOW has proposed amendments to 401 KAR 10:031, Surface Water Standards. This administrative regulation establishes water quality standards for surface waters of the commonwealth and the associated water quality criteria necessary to protect designated uses. The amendments:

- Correct statutory references and bring language into compliance with current regulatory grammatical requirements;
- Update water quality criteria for selenium and pentachlorophenol; and
- Sunset a fecal coliform standard for primary contact recreation beginning 1 NOV 19 (when the last permits with this requirement will expire) in favor of E. coli measurements, which are better indicators of water quality.

Specifically, the previous acute selenium criterion was not approved and is being removed, and the associated footnote is corrected to indicate that fish tissue data shall take priority over water column data when fish tissue is available. EPA does not have an acute selenium criterion. Pentachlorophenol criteria correct an earlier, inadvertent error. The [proposed amendment](#) was filed 10 AUG 15. A hearing was held 24 SEP 15 and comments were due 30 SEP 15.

GENERAL PROVISIONS FOR WATER QUALITY REGULATIONS (401 KAR 10:029) The DOW has proposed amendments to 401 KAR 10:029, General Provisions. This administrative regulation establishes general operating provisions for water quality regulations, and provides for withdrawal of contaminated water, sample collection and methodology, and mixing zones. It is used in conjunction with 401 KAR 10:030 to implement antidegradation requirements, and addresses water quality protection issues not covered in 10:026, 10:030, or 10:031 to form a complete protection program. The amendments correct statutory references, eliminate an outdated Executive Order reference, and bring language into

compliance with current regulatory grammatical requirements. The [proposed amendments](#) were published 1 SEPT 15, a hearing was held 24 SEP 15, and comments were due 30 SEP 15.

GASOLINE DISPENSING FACILITIES (401 KAR 59:174) The Kentucky Department for Environmental Protection (KDEP) has proposed amendments to 401 KAR 59:174, which provides for the control of emissions from gasoline dispensing facilities. It requires use of Stage II vapor recovery technology to capture gasoline vapor emitted during refueling of motor vehicles in nonattainment areas of Boone, Campbell, and Kenton counties. The original effective date of the regulation was 12 JAN 98. This amendment:

- Removes the requirement that Stage II vapor recovery technology be installed in new gasoline dispensing facilities beginning 1 JAN 16;
- Authorizes existing gasoline dispensing facilities to be decommissioning Stage II controls on 1 JAN 16;
- Requires applicable gasoline dispensing facilities to complete decommissioning of Stage II controls by 31 DEC 18; and
- Sets forth notice and procedural requirements for the decommissioning process.

The [proposed amendments](#) were filed 15 SEP 15 and published 1 OCT 15.



2015 LEGISLATIVE SESSION: 6 JAN 15 THROUGH 2 APR 15

Mississippi has a one-year session. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned 2 APR 15. REEO-S will resume incorporating legislative measures into the *Southern Review* once the Mississippi Assembly reconvenes in 2016.

FINAL RULES

AMBIENT AIR QUALITY FOR NONATTAINMENT AREAS (TITLE 11, PART 2, CHAPTER 11) The Mississippi Department of Environmental Quality (MSDEQ) has adopted amendments to air pollution control regulations entitled 11 Mississippi Administrative Code, Part 2, Chapter 11, "Regulations for Ambient Air Quality Nonattainment Areas." Amendments correct an applicability error and add clarifying language concerning the required "Emissions Statement" for certain sources of air emissions. Amendments are applicable to sources in DeSoto County, and any other areas in Mississippi that may be designated nonattainment for air quality in the future. The [proposed rules](#) were [filed](#) 27 AUG 15 and the [final rules](#) became effective 26 SEP 15.

PROPOSED RULES

INTERCONNECTION AND NET METERING JOINT RULES The Mississippi Public Service Commission (PSC) has proposed a new rule, the Mississippi Distributed Generator Interconnection Rule, which sets forth standards to establish technical and procedural requirements for distributed generator facilities to be interconnected and operated in parallel with the electric distribution system owned or operated by electric distribution companies in Mississippi under the jurisdiction of the Mississippi PSC. A second proposed rule, the Mississippi Renewable Energy Net Metering Rule, sets forth technical and procedural requirements for net metering on qualified distributed generator facilities. The two proposed rules are inherently interdependent. Without interconnection, net metering is not possible; without net metering, interconnection is unnecessary. Net metering and interconnection rules ("joint rules") allow a ratepayer with behind-the-meter solar electricity generation, for example, to "sell" excess electricity to its electric utility company. Under the joint rules, the

utility company would stand ready to make such "purchases" up to some ceiling amount at a rate approved by the PSC that reflects the avoided cost of the utility. The [proposed rules](#) were [filed](#) 13 APR 15. Comments were due 8 MAY 15.

HAZARDOUS WASTE MANAGEMENT (11 MISS. ADMIN. CODE PART 3, CHAPTER 1) MSDEQ has proposed amendments to "Mississippi Hazardous Waste Management Regulations," to adopt the Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule promulgated by EPA 26 JUN 14; the "Hazardous Waste Management System: Conditional Exclusion for Carbon Dioxide Streams in Geologic Sequestration Activities" rule promulgated by EPA 3 JAN 14; and the "Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Electronic Manifests Rule" promulgated by EPA 7 FEB 14. The [proposed rules](#) were [filed](#) 7 AUG 15 and comments were due 1 SEP 15.



2015 LEGISLATIVE SESSION: 14 JAN 15 THROUGH 14 AUG 15

North Carolina has a two-year session (2015-2016) with 2015 bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned 4 AUG 15.

LEGISLATION

[HB 97](#) The 2015 Appropriations Act makes base budget appropriations for current operations of state departments, institutions, and agencies, and for other purposes. Last action: HB 97 was signed by the governor 18 SEP 15.

REEO-S Note: The enacted measure includes some provisions respecting wetlands regulation, to include requiring NCDENR to petition USACE to allow for greater flexibility in performing wetlands mitigation. This measure would also waive cost share requirements for dredging projects. Makes various other updates to environmental requirements to include renaming NCDENR to the Department of Environmental Quality and consolidates the Departments of Cultural Resources and Natural Resources into one agency. Finally, the measure also establishes a new cabinet level agency named "The Department of Military and Veterans Affairs." The overall purpose of this agency would be to work with the Armed Forces on issues of mutual concern. The measure lists 23 distinct powers and duties of the Department. REC outreach in North Carolina may entail significant involvement this entity in the future.

[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: HB 186 was signed by the governor 5 AUG 15.

REEO-S Note: Study results could be of interest to the Army, as Fort Bragg is located within the area of concern.

[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 the 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% of the average annual energy consumption of the customer at that site. Last action: HB 245 was re-referred to House committee 12 AUG 15.

REEO-S Note: Would authorize military, and others, to pursue renewable energy development with third-party developers. Currently, state law appears to prohibit such arrangements through established territorial electric service areas that limit retail sales to an incumbent utility.

[HB 765](#) This act provides further regulatory relief to the citizens of North Carolina by providing for various administrative reforms, eliminating certain unnecessary or outdated statutes and regulations, modernizing or simplifying cumbersome or outdated regulations, and making various other statutory changes. Last action: sent to governor 1 OCT 15.

FINAL RULES

AIR POLLUTION (15A NCAC 02D .0410, .0544, 02Q .0206, .0304, .0502, .0507) The North Carolina Department of Natural Resources (NCDENR) has proposed rulemaking to amend rules cited at 15A NCAC. On 23 JUN 14, the US Supreme Court decided in Utility Air Regulatory Group (UARG) v. EPA that EPA may not treat greenhouse gases (GHGs) as air pollutants for purposes of determining whether a source is a major source required to obtain a PSD or Title V permit. Amendment to Rule 15A NCAC 02D .0544, Prevention of Significant Deterioration (PSD) Requirements for Greenhouse Gases (GHG), is proposed to remove the requirement that major stationary sources obtain a PSD permit on the sole basis of its GHG emissions. It also updates GHG global warming potentials. Amendments to Rule 15A NCAC 02Q .0502, Applicability, remove the requirement that facilities obtain a Title V permit on the sole basis of GHG emissions. EPA strengthened NAAQS for particulate matter (PM_{2.5}) on 14 DEC 12; amendments to 15A NCAC 02D .0410 reflect the revised standard. In response to statutory revisions in North Carolina Session Law 2014-120, the Division of Air Quality (DAQ) is proposing changes to its source reduction and recycling reporting requirement Rules 15A NCAC 02Q .0206, Payment of Fees; .0304, Applications; and .0507, Application. In the existing rules, facilities holding permits are required to submit a written description of current and projected plans to reduce air contaminant emissions by source reduction and recycling. The revised statute reflects repeal of the three source reduction and recycling reporting requirement. The [proposed rules](#) were published 15 APR 15. A hearing was held 9 JUN 15 and comments were due 15 JUN 15. The Rules Review Commission (RRC) [agenda](#) was published 3 AUG 15 and a meeting was held 20 AUG 15. The rules became effective 1 SEP 15, RRC [minutes](#) were published 15 SEP 15, and the [approved rules](#) were published 1 OCT 15.

PROPOSED RULES

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 were due 17 APR 15. The RRC published an [agenda](#) 1 JUN 15, a meeting was held 16 JUN 15, and RRC [minutes](#) were published 15 JUL 15.

UNDERGROUND STORAGE TANKS (15A NCAC 02N .0304, .0903-.0904) NCDENR has proposed amendments to rules cited as 15A NCAC 02N .0304 and .0903-.0904. Proposed rule changes are necessary to comply with a directive from the North Carolina General Assembly to amend certain secondary containment requirements contained in 15A NCAC 02N. The proposed rules must be substantively identical to the provisions of Session Law 2011-394 and Session Law 2013-413. The [proposed rules](#) were published 3 NOV 14, a hearing was held 4 DEC 14, comments were due 2 JAN 15, and the [RRC agenda](#) was published 1 MAY 15. A meeting was held 21 MAY 15.

OPEN BURNING (15A NCAC 02D .1902, .1903) NCDENR has proposed amendments to 15A NCAC 02D .1903, Open Burning without an Air Quality Permit, and 02D .1902, Definitions, to incorporate requirements of Session Law 2014-120, Section 24. This section allows residential open burning of logs and stumps in addition to residential open burning of leaves, tree branches, or yard trimmings under conditions specified as long as the burning does not create a nuisance. Amendments to Rule 02D .1902, Definitions, remove the definition of "Nuisance" from the list of definitions that apply

to the rules in Section .1900, Open Burning, for consistency with amendments to implement S.L 2014-120. The [proposed rules](#) were published 15 JUN 15. A hearing was held 21 JUL 15 and comments were due 14 AUG 15.

DRAFT NPDES GENERAL PERMIT The Division of Water Resources intends to renew National Pollutant Discharge Elimination System (NPDES) General Permit NCG500000 - Non contact cooling water, cooling tower and boiler blowdown, condensate, exempt stormwater, cooling waters associated with hydroelectric operations, and similar wastewaters. A [notice](#) was issued 15 JUL 15. Comments were due 14 AUG 15.

PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS (15A NCAC 02B .0295) NCDENR has proposed rulemaking to adopt 15A NCAC 02B .0295. Rule adoption is authorized by Section 2 of S.L. 2014-95, which states that the Environmental Management Commission shall adopt a "Mitigation Program Requirements for the Protection and Maintenance of Riparian Buffers" rule, 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 were due 17 APR 15. The RRC [agenda](#) was published 3 AUG 15 and a meeting was held 20 AUG 15. The RRC [minutes](#) were published 15 SEP 15.

RISK-BASED REMEDIATION (15A NCAC 02L .0501 - .0515) NCDENR has proposed rulemaking to adopt rules cited as 15A NCAC 02L .0501 through .0515. The Environmental Management Commission received a petition for rulemaking and the Division of Waste Management, which accepted comments from stakeholders who maintain it is inconsistent to require risk-based remediation for only petroleum contamination from petroleum USTs. This change can be protective of human health and the environment and will reduce costs to some stakeholders. The [proposed rules](#) were published 3 AUG 15 and a hearing was held 26 AUG 15.

COASTAL ZONE MANAGEMENT (15A NCAC 07B .0801, .0804, .0601, .0701, .0702, .0802, .0803; 15A NCAC 07L .0102, .0502-.0504, .0505-.0514, .0601-.0603, .0701-.0705) NCDENR has proposed rulemaking to adopt rules cited as 15A NCAC 07B .0801, .0804, amend the rules cited as 15A NCAC 07L .0102, .0502-.0504; repeal rules cited as 15A NCAC 07L .0505-.0514, .0601-.0603, .0701-.0705; and readopt with substantive changes the rules cited as 15A NCAC 07B .0601, .0701, .0702, .0802, .0803. The Coastal Resources Commission (CRC) is proposing amendments to the Coast Area Management Act (CAMA) Land Use Planning Program, and the Planning and Management Grant Program. Amendments:

- Increase flexibility for plan content and format;
- Clarify that updates and amendments are voluntary;
- Add a new process option for CAMA Major Permit Review;
- Streamline plan approval, amendment, and update processes; and
- Integrate planning efforts.

The CRC is proposing new language for 7B .0801. Existing language and amendments to 15A NCAC 07B .0801 and 15A NCAC 07B .0802 have been renumbered to 7B .0802 and 7B .0803 respectively. Pursuant to G.S. 150B-21.3A, 15A NCAC 07B .0602 and 15A NCAC 07B .0901 expired effective 1 SEP 15. The proposed rules were published 15 SEP 15. A hearing will be held 14 OCT 15 and comments are due 16 NOV 15.

STREAMLINING OF PERMIT EXEMPTION RULES (15A NCAC 02Q .0318, .0102, .0903, .0302) NCDENR has proposed rulemaking to:

- Amend Rule 15A NCAC 02Q .0102, Activities Exempted from Permit Requirements, to simplify, clarify, and add exemptions. Facilities with actual emissions less than five tons per year (TPY) of each specified pollutant and total aggregate actual emissions of 10 TPY would be exempt from permitting. Facilities that are not exempt and have total aggregate actual emissions less than 25 TPY would be eligible for registration instead of obtaining a permit.

- Repeal Rule 15A NCAC 02Q .0302, Facilities Not Likely to Contravene Demonstration, because is it duplicative of the requirements contained in revised Rule 15A NCAC 02Q .0102.
- Adopt Rule 15A NCAC 02Q .0318, Changes Not Requiring Permit Revisions, to allow facilities to make minor changes without first modifying the permits.
- Amend Rule 15A NCAC 02Q .0903, Emergency Generators And Stationary Reciprocating Internal Combustion Engines, to add an exemption from permitting for stationary reciprocating internal combustion engines if the engine is the only source of emissions at the facility.

The [proposed rules](#) were published 1 OCT 15. A hearing will be held 4 NOV 15 and comments are due 30 NOV 15.



2015 LEGISLATIVE SESSION: 13 JAN 15 THROUGH 4 JUN 15

South Carolina has a two-year session (2015-2016) with bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned on 4 JUN 15. REEO-S will resume incorporating legislative measures into the *Southern Review* once the South Carolina Legislature reconvenes in 2016.

PROPOSED RULES

POLLUTION CONTROL REGULATIONS AND STANDARDS, SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN (61-62)

The South Carolina Department of Health and Environmental Control (SCDHEC) has proposed the following 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. A [Drafting Notice](#) was published 27 MAR 15, comments were due 27 APR 15, and the [proposed rules](#) were published 25 SEP 15. Comments are due 26 OCT 15 and a hearing will be held 10 DEC 15.

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 SIP. EPA promulgates amendments to the Code of Federal Regulations 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. Comments were due 27 APR 15 and a [Drafting Notice](#) was published 22 MAY 15. The [proposed regulations](#) were published 28 AUG 15.

UNDERGROUND STORAGE TANKS (R.61-92) SCDHEC has proposed amendments to R.61-92, Underground Storage Tank (UST) Control Regulations. Amendments 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. A [Notice of Submission to the General Assembly](#) was published 26 JUN 15.

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 to 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 the 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.

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 and the [proposed regulations](#) were published 26 JUN 15.

SOLID WASTE MANAGEMENT (R.61-107.12) SCDHEC has proposed an amendment of R.61-107.12, Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities, to update for consistency with current statutes regarding violations, penalties, and appeals of SCDEHC decisions. Amendment will include improved references to federal and state air quality regulations applicable to incineration. Amendment will also address consistency determinations with state and local solid waste plans and clarify when such determinations will be made for permitting facilities regulated under R.61-107.12. Air-curtain incinerators will be addressed separately from municipal and industrial solid waste incineration facilities; SCDHEC may propose new sub-sections and language to clarify requirements for use of air-curtain incinerators. New or revised definitions may be included to reference technological advances occurring since the regulation was originally promulgated. Other changes for consideration include updating, clarifying, or amending the standards for sorting, storing, and processing waste and required maintenance at incineration facilities; ash management from incineration facilities for consistency with current federal and state requirements; public notice requirements for proposed incineration facilities, and general facility requirements. A [Drafting Notice](#) was published 24 APR 15. Comments were due 26 MAY 15.

AIR QUALITY COLLOCATION GUIDANCE SCDHEC has issued a notice relating to collocation. South Carolina Regulations 61-62.5, Standard No. 7, Prevention of Significant Deterioration; 61-62.5, Standard No. 7.1, Nonattainment New Source Review; 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and 61-60.70, Title V Operating Permit Program, define a source. From these definitions, two or more facilities may be collocated, or considered a single source for the purposes of the regulations. SCDHEC has developed a guidance document, in the form of a memo, to be used by the Bureau of Air Quality in making determinations of when two or more facilities should be collocated, or considered a single source for these regulations. This guidance will be maintained by SCDHEC and periodically published in the South Carolina State Register. A Notice of General Public Interest was published 22 MAY 15 and comments were due 22 JUN 15. The [proposed regulations](#) were published 28 AUG 15, and advisory was issues 25 SEP 15, and comments were due 28 SEP 15. A hearing will be held 4 NOV 15.

ONSITE WASTEWATER SYSTEMS (R.61-56) SCDHEC has proposed rulemaking to amend R.61-56, Onsite Wastewater Systems. The rule governs methods of disposition of sewage and prescribes uniform use of design, construction, and installation standards of onsite wastewater systems (septic tank systems). Proposed amendments update and align R.61-56 with current statutes and changes in technologies of design, construction, and installation of onsite wastewater systems since the last 1998 revision. Amendments include updates in nomenclature and technology, and add and clarify definitions, site requirements, and system requirements. To improve the overall quality and usefulness of the regulation, stylistic changes are made. A [Drafting Notice](#) was published 26 JUN 15, comments were due 27 JUL, and the [proposed regulations](#) were published 25 SEP 15. Comments are due 26 OCT 15 and a hearing will be held 10 DEC 15.

ONSITE WASTEWATER SYSTEMS (R.61-57) SCDHEC has proposed the repeal of regulation R.61-57. 1976 S.C. Code Section 44-55-822, which governs the approval process for onsite wastewater systems in subdivisions. SCDHEC also proposed to repeal Regulation 61-56, Onsite Wastewater Systems, which addresses major requirements for subdivision onsite wastewater sewage treatment/disposal systems. A [Drafting Notice](#) was published 26 JUN 15, comments were due 27 JUL, and the [proposed regulations](#) were published 25 SEP 15. Comments are due 26 OCT 15 and a hearing will be held 10 DEC 15.



2015 LEGISLATIVE SESSION: 13 JAN 15 THROUGH 4 JUN 15

Tennessee has a two-year session (2015-2016) with bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned on 4 JUN 15. REEO-S will resume incorporating legislative measures into the *Southern Review* once the Tennessee Legislature reconvenes in 2016.

FINAL RULES

CONSTRUCTION AND OPERATING PERMITS (1200-03-09-.01, -.02, -.06) The Tennessee Department of Environment and Conservation (TDEC) has adopted rulemaking to amend Chapter 1200-03-09 to accomplish three objectives: create a new rule to allow a system of general permits; delete PM 2.5 significant impact levels (SILs) from the state rule; and amend language for compliance certification relating to continuous or intermittent compliance. The proposed amendment would allow state regulations to be consistent with federal regulations. Due to federal litigation, a court decision required EPA to change previously adopted language. A [Notice of Rulemaking Hearing](#) was filed 9 OCT 13. A hearing was held and comments were due 3 DEC 13, and the [Rulemaking Hearing Rules](#) were filed 11 SEP 15. The rules become effective 10 DEC 15.

WATER WELL CONSTRUCTION AND LICENSING (0400-45-09) TDEC has adopted rulemaking to update existing water well licensing and construction standards by incorporating clarifying language. The duties of the Ground Water Management Board were moved from Rule Chapter 0400-45-09 and to Rule 0400-45-10-.05. Pump and treatment installer licenses were modified for clarification, and continuing education requirements were also clarified. Updated setback distances from potential contaminant sources include new sources of potential contamination. Well location submittal data was modified due to Tennessee Department of Transportation changes in how local county maps were published. Well abandonment standards were modified to allow more flexibility for existing wells where construction information is unavailable. Rules also clarifies the source of water that will be used as drilling fluids, well site safety and borehole protection, and construction of boreholes for geothermal wells. A [Notice of Rulemaking Hearing](#) was filed 11 DEC 15. The [Rulemaking Hearing Rules](#) were filed 19 JUN 15, and they become effective 17 SEP 15.

PROPOSED RULES

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
- Make other revisions for consistency with federal language.

A [Notice of Rulemaking Hearing](#) was filed 16 MAR 2015. A hearing was held and comments were due 19 MAY 2015.

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 the 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 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 was held 28 MAY 15 and comments were due 4 JUN 15.

AQUATIC RESOURCE ALTERATION GENERAL PERMITS TDEC has proposed to issue four new General Permits including the General Aquatic Resource Alteration Permit for Bank Stabilization, Minor Stream Grade Stabilization, Recreational Prospecting, and Stream and Wetland Habitat Enhancement. General permits issued by the Division of Water Resources establish limits of work and notification procedures required for authorization. A public notice was issued 15 MAY 15, a hearing was held 16 JUN 15 and comments were due 26 JUN 15.

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

- The definition of solid waste was amended to conditionally exempt cleaned and reused solvent-contaminated wipes, and revised the definition of hazardous waste to conditionally exempt disposed solvent-contaminated. This rulemaking provides an appropriate and consistent regulatory framework that protects human health and the environment and reduces cost.
- To conditionally exclude hazardous carbon dioxide (CO₂) streams from the definition of hazardous waste provided the CO₂ streams are captured from emission sources and injected into Class VI injection wells for geologic sequestration.
- To allow use of an electronic hazardous waste manifesting system.
- To amend export provisions of cathode ray tube recycling.

This rulemaking also provides language corrections necessary for obtaining additional program authorization. Corrections amend rules to include state citations where several federal citations are used, if appropriate, and add language regarding transboundary movement of hazardous waste for recovery with the Organization for Economic Cooperation and Development; EPA is responsible for its implementation. This rulemaking restores language regarding mixtures of used oil and hazardous waste from conditionally exempt small quantity generators inadvertently deleted from the regulations. A [Notice of Rulemaking](#) was filed 11 DEC 14. A hearing was held and comments were due 2 FEB 15, and the [rulemaking hearing rules](#) were filed 10 JUL 15. The rules become effective 8 OCT 15.

HAZARDOUS WASTE REGULATIONS (0400-12-01) TDEC has proposed rulemaking to amend 0400-12-01 to revise the definition of solid waste and related variances by incorporating EPA's 30 OCT 08 revisions as amended by 13 JAN 15 revisions. TDEC proposes to modify the procedure for verifying reclaimers and intermediate facilities managing hazardous secondary materials to simplify the process. TDEC included other modifications and added several notes to clarify the hazardous waste regulations. On 8 APR 15, in compliance with an order issued by the US Court of Appeals, EPA deleted the regulations associated with the comparable fuels exclusion and the gasification exclusion. This rulemaking makes complying revisions to prevent the rules from being less stringent than federal rules. On 17 APR 15, EPA amended 40 CFR 261.4(b)(b) to include wastes generated primarily from processes that support combustion of coal or other fossil fuels that are co-disposed with excluded fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from combustion of coal or other fossil fuels. A [Notice of Rulemaking Hearing](#) was filed 14 JUL 15. A hearing was held 8 SEP 15 and comments were due 22 SEP 15.

VOLATILE ORGANIC COMPOUNDS (1200-03-18-24) TDEC has proposed to amend Rule 1200-03-18-24, related to Gasoline Dispensing Facilities - Stage I and Stage II Vapor Recovery. Amendment would adopt federal requirements for gasoline dispensing facilities (40 CFR 63 Subpart CCCCC) by reference, and remove most state-specific language for Stage I vapor recovery. A Notice of Rulemaking was filed 2 JUL 15. A hearing was held and comments were due 31 AUG 15.

CONSTRUCTION AND ANNUAL EMISSION FEES (1200-03-26-.02) TDEC has proposed amendments to 1200-03-26-.02, Construction and Annual Emission Fees. Section 502(b)(3)(A) of the Clean Air Act requires Tennessee, as a state approved by EPA, to administer a Title V major source operating permit program to collect “an annual fee, or the equivalent over some other period, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this title.” The proposed rulemaking amends Tenn. Comp. R. & Regs. 1200-03-26-.02, to impose on major sources a minimum annual fee, instead of a base fee, of \$7,500. The rule is amended to increase the per ton fee for non-EGU major sources by \$4.00 and decrease the per ton fee for electricity generating unit (EGU) major sources by \$6.50, based upon either actual emissions, permitted allowable emissions, or a combination of actual and allowable emissions. The rule is also amended to authorize major sources to choose either a calendar or state fiscal year annual accounting period, and to choose the annual accounting period and emissions basis of the fee annually. Constituents of pollutant GHGs that would be regulated pollutants solely based on that status are exempted from annual emission fees. The language addressing the process to request an allowable emissions limit is updated to require a letter to be submitted by minor and conditional major sources to request an allowable emissions limit. A [Notice of Rulemaking Hearing](#) was filed 10 SEP 15. A hearing will be held and comments are due 2 NOV 15.

Department of Defense Activity

REEO TRANSITION TO USACE The Army REEOs recently completed their first year transitioning from the Assistant Secretary of the Army for Installations, Energy, and Environment to the US Army Corps of Engineers (USACE). Over the past year, the REEOs have learned more about how USACE operates, as the workforce discovers how the REEOs may support USACE projects and initiatives. The REEOs help the Army make wise use of available funds, eliminate inequitable or unnecessary environmental requirements, ensure compliance with state regulations, and share information about administration positions with state legislators and regulators on behalf of installations. To learn more, click [here](#) or [here](#).

[UNIFIED FACILITIES CRITERIA - LOW IMPACT DEVELOPMENT](#) This Unified Facilities Criteria (UFC) supersedes UFC 3-210-10, dated 15 NOV 10. This revision clarifies applicability of Low Impact Development (LID) requirements to projects with various mixtures of facility types, clarifies project documentation requirements and designer responsibilities, and clarifies the relationship of Energy Independence and Security Act (EISA) requirements to Clean Water Act (CWA) requirements.

2016 MILITARY CONSERVATION PARTNER AWARD The U.S. Fish and Wildlife Service (USFWS) is [seeking nominations](#) for the 2016 Military Conservation Partner Award. The annual award recognizes a military installation that has conducted notable conservation work in cooperation with USFWS and other partners. The region submitting the winning nomination will work with headquarters to arrange an award presentation at the selected installation. Nominations are critical for successfully recognizing the most deserving military installation. Regional selections are due to [Cheri Morgan](#), (703) 358-2465, by 11 DEC 15.

MICROGRIDS DOD, the Department of Energy, and the Department of Homeland Security have developed microgrids to ensure the nation's critical military facilities maintain operations in the event of natural disasters, accidents, and physical or cyber threats. The microgrid project, known as SPIDERS ([Smart Power Infrastructure Demonstration for Energy Reliability and Security](#)), has resulted in several military bases developing a series of backup power sources, including solar, diesel generators, and batteries, that could be used in the event of a major outage. The program can eventually be applied to non-military critical infrastructure.

SUSTAINING ACCESS TO LIVE TRAINING DOMAIN DOD updated [Department of Defense Instruction \(DODI\) 3200.21, Sustaining Access to Live Training Domain](#), effective 15 SEP 15. The DODI implements policy, assigns responsibilities, and provides procedures for sustaining access to the live training domain to meet training mission requirements. According to the DODI, it is DOD policy to sustain access to and operational use of the live training domain through:

- Comprehensive planning to address current and future encroachment challenges.
- Stakeholder engagement and partnering actions to identify compatible resource uses near training activities. Stakeholders are defined in Reference (a) and may also include Native Hawaiian Organizations as specified in DODI 4710.03 (Reference (f)).
- Sound resource and environmental management practices that sustain the capability of live training areas provided to DOD.
- Record keeping procedures to account for the training range inventory and operational range activities.

ENERGY AWARENESS MONTH October is [National Energy Awareness Month](#), a national effort to underscore how central energy is to our national prosperity, security, and environmental well-being. In support, DOD [announced its agenda](#) for National Energy Awareness Month [activities](#). The Department of Energy is also conducting energy activities in October. For more information, click [here](#).

Federal Activity

AIR

EMISSIONS TESTING EPA has proposed technical and editorial corrections and revisions to regulations related to source testing of emissions ([80 FR 54145](#)). The proposed rule will correct and update testing provisions that contain inaccuracies and outdated procedures, and provide alternatives to existing testing regulations. Revisions will also improve the quality of data and provide testers flexibility to use recently approved alternative procedures. Many of these changes were suggested by testers and other end-users. Changes do not impose new substantive requirements on source owners or operators. Comments are due 9 NOV 15.

GHG EMISSIONS AND FUEL EFFICIENCY STANDARDS FOR MEDIUM- AND HEAVY-DUTY ENGINES AND VEHICLES EPA and DOT extended the public comment period on their [proposed](#) national program to reduce GHG emissions and fuel consumption for new on-road heavy-duty vehicles ([80 FR 53756](#)). The standards would be phased in, beginning with the 2018 model year over a 10-year period. DOT's proposed fuel consumption standards and EPA's proposed CO₂ emission standards are tailored to each of four regulatory categories of heavy-duty vehicles: combination tractors, trailers used in combination with those tractors, heavy-duty pickup trucks and vans, and vocational vehicles. The proposal also includes separate standards for the engines that power combination tractors and vocational vehicles. In addition, EPA is proposing hydrofluorocarbon standards to control leakage from air conditioning systems in vocational vehicles and nitrous oxide and methane standards for heavy-duty engines. The public comment period was extended to 1 OCT 15.

CROSS-STATE AIR POLLUTION RULE EPA is providing notice of the availability of preliminary lists of units eligible for allocations of emission allowances under the Cross-State Air Pollution Rule (CSAPR) ([80 FR 55061](#)). The agency is making available preliminary lists of units eligible for allocations in the second round of the new unit set-aside (NUSA) allocation process for the CSAPR NO_x ozone season trading program. This notice of availability may concern CSAPR-affected units in the following states: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Objections must be received by 14 OCT 15.

CLEANUP

GAO REPORT ON FEDERAL CLEANUPS GAO released a report titled Hazardous Waste Cleanup, Numbers of Contaminated Federal Sites, Estimated Costs, and EPA's Oversight Role ([GAO-15-830T](#)). The [report](#) focuses on USDA, Forest Service,

and the issue of abandoned mines. It also touches on the length of time to complete preliminary assessments, noting that "DOD may take 2 to 3 years to complete an assessment and that EPA does not have independent authority under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to enforce a timeline." GAO makes no new recommendations in the report. To view the report highlights, click [here](#).

CLIMATE CHANGE

CLIMATE RESILIENCE TOOLKIT As part of the [Obama Administration's Climate Data Initiative](#), a new set of online climate data resources is available to help with climate change planning, adaptation, and management. The [US Climate Resilience Toolkit](#) was developed by the National Oceanic and Atmospheric Administration and other federal agencies. The toolkit will boost climate resiliency by using data-driven tools, information, and subject-matter expertise. Future updates will include climate impact information specific to tribal nations.

EMERGING CONTAMINANTS

CONTAMINANTS OF CONCERN AT FEDERAL FACILITIES EPA publishes [technical fact sheets](#) on contaminants of concern that present unique issues and challenges to the environmental community and EPA at contaminated federal facility sites. Each fact sheet provides a brief summary of the contaminant, including physical and chemical properties, environmental and health impacts, existing federal and state guidelines, and detection and treatment methods. The fact sheets are intended for project managers and field personnel to use when addressing specific contaminants at cleanup sites. They are updated annually.

ENERGY

QUADRENNIAL TECHNOLOGY REVIEW 2015 The Department of Energy (DOE) released the [QTR 2015](#), which describes the current energy landscape, the potential for improvement in systems and technologies, and a wide-ranging set of related research, development, demonstration, and deployment opportunities.

ZERO ENERGY BUILDINGS In 2014, DOE's Building Technologies Office contracted with the National Institute of Building Sciences (NIBS) to establish definitions, associated nomenclature, and measurement guidelines for zero energy buildings, with the goal of achieving widespread adoption and use by the building industry. NIBS prepared, [A Common Definition for Zero Energy Buildings](#), to present the results of that work. The publication states that a Zero Energy Building is "an energy-efficient building where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy." This definition also applies to campuses, portfolios, and communities. In addition to providing clarity across the industry, the new DOE publication provides important guidelines for measurement and implementation, specifically explaining how to use the zero energy definition for building projects.

RENEWABLE PORTFOLIO STANDARDS During the 2015 legislative session, several states significantly modified their [renewable portfolio standards](#), which require utilities to have a specific percentage of renewable energy in their energy mix. California's recent [legislation](#), sent to the governor, would increase the state's requirement to 50 percent of sales by 2030, along with a doubling of the state's energy efficiency standard. Hawaii enacted [legislation](#) establishing a goal of 100 percent renewable energy sales by 2045, an increase from the previous requirement of 40 percent of sales by 2030. Kansas' requirement that 20 percent of a utility's peak demand capacity to be from renewable energy by 2020, was converted to a non-binding target by [legislation](#) that also placed a 10-year cap on a formerly permanent renewable energy property tax exemption. Vermont [altered](#) the state's non-binding goal into a requirement of 75 percent renewable energy sales by 2032.

MILITARY RENEWABLE ENERGY PROJECTS AID CLEAN POWER PLAN GOALS According to a 17 SEP 15 report in the *Washington Post*, military emphasis on renewable energy could make it easier for some states to comply with new mandates to reduce CO₂ and other GHG emissions. Clean Power Plan regulations adopted by EPA in August require states to cut back on pollutants from power plants beginning in 2022, with incentives to replace coal with renewable

energy, such as solar or wind. Each state has different emission reduction goals. "If the Army, Navy and Air Force met their combined announced goals of renewable energy capacity, the Defense Department could meet South Dakota's challenging emissions reduction requirements nearly one and a half times over," said a representative of a nonprofit association made up of companies involved in clean-energy technologies. To read the full article, click [here](#).

ENFORCEMENT

NATIONAL ENFORCEMENT INITIATIVES FOR FY 2017-19 EPA is developing national enforcement initiatives (NEIs) for fiscal years (FY) 2017-2019 and is seeking public comment and recommendations on which of the [current NEIs](#) should continue, be expanded, or returned to the standard enforcement program ([80 FR 55352](#)). Current initiatives may be carried forward, refined, or concluded for the FY 2017-2019 cycle. EPA is also seeking comment on the list of potential NEIs that are currently being considered for the FY 2017-2019 national enforcement cycle:

- *Protecting Communities from Exposure to Toxic Air Emissions* – EPA is considering expanding the [current initiative](#) to include emissions from organic liquid storage tanks and hazardous waste activities.
- *Keeping Industrial Pollutants Out of the Nation's Waters* - This potential NEI would focus on the mining, chemical manufacturing, food processing, and primary metals manufacturing sectors that contribute to surface water pollution.
- *Reducing the Risks and Impacts of Industrial Accidents and Releases* - This potential NEI would focus on the facilities and the chemicals that pose the greatest risks, with a goal of increasing industry attention to preventing accidents, instead of addressing problems after accidents happen. Facilities subject to this NEI could include any of the thousands of facilities across the country that produce, process, store, and use extremely hazardous or acutely toxic substances, from municipal water treatment plants to large refineries.

The final NEIs will be included in the national enforcement initiatives in the National Program Manager (NPM) Guidance to enable EPA, states, and federally recognized Indian tribes to effectively align their joint implementation of environmental laws to achieve mutual goals. Comments are due 14 OCT 15.

ENVIRONMENTAL MANAGEMENT

UPDATED ISO 14001 The International Organization for Standardization ([ISO](#)) released an updated version of its environmental management standard. The new standard, referred to as [ISO 14000:2015](#), accommodates factoring of both external and internal elements that influence impact, including climate volatility. Other key improvements in the new version:

- Greater commitment from leadership;
- Increased alignment with strategic direction;
- Greater protection for the environment, with a focus on proactive initiatives;
- More effective communication, driven through a communications strategy; and
- Life-cycle thinking, considering each stage of a product or service, from development to end-of-life.

For more information, click [here](#).

NATURAL RESOURCES

NATIONAL WETLAND PLANT LIST The US Army Corps of Engineers (USACE), as part of an interagency effort with EPA, the US Fish and Wildlife Service (USFWS), and the US Department of Agriculture, Natural Resources Conservation Service, is announcing the availability of the [draft NWPL 2015](#) ([80 FR 55103](#)). Comments are due 13 NOV 15.

FWS NATIVE AMERICAN POLICY The US Fish and Wildlife Service (FWS) reopened the public comment period on its [3 AUG 15](#) proposed draft Native American Policy ([80 FR 57014](#)). The policy would establish a framework on which to base FWS's continued interactions with federally recognized tribes and Alaska Native Corporations. The policy recognizes the sovereignty of federally recognized tribes; states that the service will work on a government-to-government basis with tribal governments; and includes guidance on co-management, access to and use of cultural resources, capacity development, law enforcement, and education. The public comment period is extended to 21 OCT 15. The draft policy is available [here](#).

SUSTAINABILITY

EPEAT DOD, GSA, and NASA adopted an interim rule amending the Federal Acquisition Regulation (FAR) to implement changes in the Electronic Product Environmental Assessment Tool (EPEAT) registry ([80 FR 53436](#)). The final rule expands the requirement to procure EPEAT-registered products to include imaging equipment (i.e., copiers, digital duplicators, facsimile machines, mailing machines, multifunction devices, printers, and scanners) and televisions. It modifies the existing FAR requirements to recognize the revised standard applicable to computer products. The final rule was effective 5 OCT 15.

FEDERAL PROCUREMENT OF ENVIRONMENTALLY PREFERABLE PRODUCTS AND SERVICES EPA is providing interim recommendations to assist federal agencies in purchasing environmentally preferable products and services ([80 FR 57809](#)). This action is intended to help federal agencies purchase environmentally preferable products and services in accordance with [Executive Order 13693](#) and reduce public health and environmental impacts associated with the federal government's extensive supply chain. For more information, click [here](#) and [here](#).

THREATENED AND ENDANGERED SPECIES

STATUS REVIEWS INITIATED FOR 23 OF 25 SPECIES FWS has initiated status reviews for 23 of the 25 species petitioned for listing and determined that listing is not warranted for the remaining two species ([80 FR 56423](#)). Based on the results of the 23 status reviews, the service will issue 12-month findings indicating whether listing of each species is warranted. Comments are due 17 NOV 15. For more information, click [here](#) then scroll down to Table 1 to view the complete list of species or scroll to the Supplementary Information section to view species' specific ranges.

TOXICS

TOXICOLOGICAL PROFILES: PERFLUOROALKYLS The Agency for Toxic Substances and Disease Registry (ATSDR) released a toxicological profile for [perfluoroalkyls](#) for public review and comment ([80 FR 53157](#)). Perfluoroalkyls have been used in surface protection products in carpets, clothing, paper, and cardboard and in firefighting foams. The two perfluoroalkyls made in the largest amounts in the US are PFOA and PFOS. ATSDR produces profiles for each substance on the priority list of hazardous substances. The list identifies 275 hazardous substances that ATSDR, in cooperation with EPA, has determined pose the most significant potential threat to human health. Comments on the toxicological profile are due 1 DEC 15.

WASTE

EPA PROPOSES REVISIONS TO HAZARDOUS WASTE MANAGEMENT RULES EPA has proposed updates to hazardous waste generator regulations to make them easier to understand, facilitate better compliance, provide greater flexibility in how hazardous waste is managed, and close gaps in the regulations. EPA is proposing flexibility by:

- Allowing a hazardous waste generator to avoid increased burden of a higher generator status when generating episodic waste provided such waste is properly managed; and
- Allowing a conditionally exempt small quantity generator to send hazardous waste to a large quantity generator under control of the same person.

PHARMACEUTICAL HAZARDOUS WASTE EPA is proposing to add management standards for [hazardous waste pharmaceuticals](#) to hazardous waste rules under a new subpart P to 40 CFR Part 266 (80 FR 58013). The proposed rules ban healthcare facilities from flushing hazardous waste pharmaceuticals down the sink and toilet. They create specific regulations for healthcare workers and pharmacists working in hospitals, clinics, and retail stores with pharmacies and for reverse distributors that generate hazardous waste. The rules are intended to improve labeling of hazardous waste and emergency planning and preparedness, while providing greater flexibility in how facilities and employees manage their hazardous waste and making the regulations easier to understand. Comments are due 24 NOV 15. For more information, click [here](#). To view a press release, click [here](#).

MANAGING AND TRANSFORMING WASTE STREAMS TOOL EPA launched a [new tool](#) for communities to recover the lost value of material discards by setting up systems for reuse, recycling, and composting. The tool is ideal for cities and counties that are updating their solid waste management plans and wish to consider additional measures, as well as those adopting a zero waste plan or working on sustainability or climate action plans. By using the sorting and filtering features of the tool, planners can generate a list of measures for consideration tailored to their communities' priorities. The website also features more than 240 examples of policies and programs implemented in communities across the country, along with relevant online resources. For more information, click [here](#).

NATIONAL FOOD WASTE REDUCTION GOAL EPA and USDA established the first [national food waste reduction goal](#), calling for a 50% reduction in food waste by 2030. As part of the effort, the federal government will lead a new partnership with charitable organizations, faith-based organizations, the private sector, and local, state, and tribal governments to reduce food loss and waste in order to improve overall food security and conserve the nation's natural resources. Food loss and waste in the US accounts for approximately 31% (133 billion pounds) of the overall food supply available to retailers and consumers and has far-reaching impacts on food security, resource conservation, and climate change. Food loss and waste is single largest component of disposed US municipal solid waste, accounting for a significant portion of US methane emissions. For more information, click [here](#).

WATER

FINAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) ELECTRONIC REPORTING RULE This rulemaking is part of EPA's Next Generation Compliance strategy, as well as the E-Enterprise for the Environment strategy with states and tribes, to take advantage of new tools and innovative approaches to increase compliance and reduce pollution. The shift toward electronic reporting in the NPDES program and others will help make environmental reporting more accurate, complete, and efficient. It will also help EPA and co-regulators better manage information, and improve effectiveness and transparency. EPA expects to publish the final rule in the Federal Register in October, 2015. The final rule will be effective 60 days following this publication.

EPA is also proposing clarifications, to include reorganization of hazardous waste generator regulations so they are in one place. A pre-publication version of the rule is available [here](#).

SURFACE WATER PROTECTION FROM COAL MINING The US Department of Interior, Office of Surface Mining and Reclamation extended the public comment period on its proposed [Stream Protection Rule](#), [draft EIS](#), and [draft regulatory impact analysis](#) developed in association with the rule (80 FR 54590). The proposed rule, intended to prevent or minimize impacts to surface water from coal mining operations, would revise [regulations for coal mining](#) that have been in place since 1983. The proposed rule requires coal companies to test and monitor the condition of streams that their mining might impact before, during, and after their operations, providing baseline data to ensure that operators could detect and correct problems if or when they arise. It also requires companies to restore streams and return mined-over areas to the uses they were capable of supporting prior to mining activities and to replant them with native trees and vegetation unless a conflicting land use is implemented. The public comment period was extended to 26 OCT 15.

2015 UST RULE: SUPPLEMENTARY INFORMATION EPA released a [questions and answers](#) document regarding its 2015 underground storage tank (UST) rule. In addition, the agency released a brochure to answer questions about [implementation time frames](#). For more information about the 2015 UST rule, click [here](#).

Professional Development

CONFERENCES, WORKSHOPS AND MEETINGS

11-14 OCT, NEW YORK, NY: AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) CONVENTION Join civil engineering professionals to network with peers, earn professional development hours, and expand knowledge. Topics addressed include the state of the industry and profession; professional, leadership, technical training; cross-discipline technical projects; causes, effects, and mitigation of natural and man-made catastrophes; ASCE strategic issues and public policy; and significant projects.

13 OCT – 10 NOV, ONLINE: WATER RESOURCES MANAGEMENT USING NASA EARTH SCIENCE DATA: NASA SATELLITE MISSIONS AND LAND-ATMOSPHERE MODELS RELEVANT TO WATER RESOURCES MANAGEMENT This weekly, five-session series will provide information about availability and access to global freshwater data for applications in drought and agricultural management, flooding and reservoir management from NASA remote sensing observations and land-atmosphere models. The series will also provide geographic information system-based analysis of regional water budget for applications in water resources management. Each one-hour session will convene at 10:00 and again at 2:00 Eastern. The course agenda is as follows:

- 13 Oct: NASA Satellite Missions and Land-Atmosphere Models Relevant to Water Resources Management
- 20 Oct: Overview of Precipitation and Soil Moisture Data
- 27 Oct: Overview of Run off/Streamflow and Reservoir Height Data
- 3 Nov: Overview of Evapotranspiration and Ground Water Data
- 10 Nov: Regional Water Budget Estimation and Water Resources Data Applications

27-28 OCT, FORT BELVOIR, VA: DLA BUYING GREEN WORKSHOP Defense Logistical Agency Environmental Management is hosting and covering the cost of this workshop at the McNamara Complex at Fort Belvoir. To register or ask questions about the workshop, please email [Gail Carter](#), contractor support for DLA Sustainability Program, or call (703) 767-1510. Register by 6 OCT 15.

7-11 DEC, WASHINGTON, DC: WATER QUALITY STANDARDS ACADEMY This introductory course was designed for those with six months to one-year experience with water quality standards and criteria programs. The course is aimed at states, territories, tribes, environmental groups, industrial groups, municipalities, the academic community, federal agencies, watershed groups, and other interested parties.

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 US government, free of charges. Travel costs are borne by the student.

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:
 1. [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
 2. [Environmental Management Systems](#) (FedCenter membership required);
 3. [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

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 p.m. 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
- 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 information 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 required by Executive Orders 13423 and 13514. 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 new 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 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.

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How the Regional Offices Work for You

The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations. The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are protected.

To comment on an item in the *Southern Review*, please contact the Regional Environmental Coordinator listed at the top of page two.

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