



U.S. ARMY

Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

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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.

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STREAMLINED REQUIREMENTS FOR INTEGRATED NATURAL RESOURCE MANAGEMENT PLANNING

The Sikes Act requires DOD to develop and implement Integrated Natural Resource Management Plans (INRMPs) for military lands that have significant natural resources. It is DOD policy to review INRMPs annually, and a statutory requirement to have INRMPs reviewed by relevant state agencies and the Fish and Wildlife Service (USFWS) every five years.

In a joint effort, USFWS, state agencies, and DOD are working to streamline processes for making minor updates to existing INRMPs. This effort began with the 2013 *Memorandum of Understanding (MOU) between the DOD and USFWS and the Association of Wildlife Agencies*. The MOU furthers a cooperative relationship between USFWS, states, and DOD in preparing, reviewing, revising, updating, and implementing INRMPs.

In June 2015, USFWS released updated *Guidelines for Coordination on Integrated Natural Resource Management Plans* for USFWS personnel reviewing minor changes to INRMPs.

In July 2015, DOD released new *Guidelines for Streamlined INRMP Review*, which clarify and describe the process for review and concurrence on updates to existing INRMPs. According to DOD, new guidelines will:

- Facilitate faster review and approval of INRMPs requiring updates;
- Reduce the number of non-compliant INRMPs; and
- Improve coordination and collaboration among installation personnel and USFWS regional reviewers.

Under the MOU and new guidance, INRMP updates are classified as minor changes if they do not result in new biophysical effects, do not change the management prescriptions set forth in the INRMP, and do not require analysis under the National Environmental Policy Act nor associated public review.

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.

NPDES (335-6-6-.01, .02, .03, .05, .06, .08, .10, .12, .13, .14, .15, .17, .18, .19, .21, .23) ADEM has adopted amendments to chapter 335-6-6 to reflect changes in federal rules requiring use of sufficiently sensitive test methods for quantitative data provided in National Pollutant Discharge Elimination System (NPDES) permit applications or for monitoring to determine compliance with NPDES permit limitations. The requirements published at [79 FR 49001](#) affect [40 CFR parts 122](#) and 136. 40 CFR part 122 establishes requirements for NPDES permit applications, limitations, standards, and other conditions in NPDES permits. [40 CFR part 136](#) contains requirements and EPA-approved methods

and procedures for testing pollutants and parameters regulated by the NPDES program. Amendments to chapter 335-6-6 also clarify that regulated entities are expected to utilize the most current EPA-approved test methods and abide by the most current procedures in 40 CFR part 136 by removing the version dates that follow each 40 CFR part 136 citation. A [Notice of Intended Action](#) was published 30 APR 15. Comments were due and a hearing was held 15 JUN 15. The [Certified Adopted Rules](#) were published 31 AUG 15. The rules become 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.

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 will be held 9 SEP 15 and comments are due 11 SEP 15. A hearing will be held 9 SEP 15 and comments are 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 will be held 9 SEP 15 and comments are 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 will be held 9 SEP 15 and comments are 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 will be held 9 SEP 15 and comments are 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 will be held 9 SEP 15 and comments are 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 will be held 9 SEP 15 and comments are 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. Hearing will be held 11 SEP 15 and comments are due 5 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. Workshops were held 17 DEC 13 and 25 JUN 14. Meetings were held 15 JUL 14, 6 AUG 14, and 30 APR 15. A hearing will be held 16 SEP 15.

COASTAL CONSTRUCTION AND EVACUATION (62B-33) FLDEP has proposed amendments to Chapter 62B-33, F.A.C., Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line (CCCL) and 50-Foot Setback). Proposed amendments will clarify and update existing rule language to reflect current procedures for exemptions, marine turtle protection and vegetation maintenance criteria, siting criteria, survey requirements, 30-year erosion projections, permit time limits and extensions, general conditions, definitions, forms, and fees. FLDEP is also proposing to update and add new general permits for activities seaward of the CCCL, as well as create a CCCL Applicant's Handbook. A Notice of Development Rulemaking was published 9 JUN 14 and a workshop was held 23 JUN 14. An advisory was issued 13 JAN 15. Another workshop was held 12 FEB 15.

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.

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 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 an advisory was issued 23 JUN 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 to be held 9, 10 and 15 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.

FINAL RULES

OUTDOOR WATER USE, GROUNDWATER USE, WATER QUALITY (391-3-30, -2, -6) The Georgia Environmental Protection Division (GAEPD) has adopted amendments to the Rules for Outdoor Water Use, Chapter 391-3-30; Rules for Groundwater Use, Chapter 391-3-2; and Rules for Water Quality Control, 391-3-6. Amendments to Rules for Outdoor Water Use, Rules 391-3-30-.01 through .06, replace provisions relating to Outdoor Water Use with those relating to Drought Management, and add new rules 391-3-30-.07 and .08 relating to Drought Management. The title of Chapter 391-3-30 is changed to "Drought Management." The new Rules for Drought Management are responsive to the requirement under the Official Code of Georgia (O.C.G.A.). § 12-5-8 for the Georgia Department of Natural Resources (GADNR) Board to adopt new rules relating to drought management, and are consistent with provisions of O.C.G.A. § 12-5-7 and other Georgia Code sections charging GAEPD with the responsibility to ensure that water resources are responsibly conserved. Amendments to Rule 391-3-2-.04, "Permit Application. Amended," of Chapter 391-3-2, Groundwater Use, address consistency between the drought contingency plan requirements of these rules

and requirements of the Rules for Drought Management. Amendments to Rule 391-3-6-.07, "Surface Water Withdrawals. Amended," of Chapter 391-3-6, Water Quality Control, address consistency between the drought contingency plan requirements of these rules and the requirements of the Rules for Drought Management. The amendments (391-3-30, -2, and -6) were filed 9 APR 15 and a hearing was held 5 MAY 15. Comments were due 13 MAY 15 and a meeting was held 24 JUN 15. The rules became effective 4 AUG 15. Final rule text is available: [391-3-30](#), [391-3-2-.04](#), [391-3-6-.07](#).

LOW EMISSION VEHICLE CERTIFICATION (391-3-25) GAEPD has adopted amendments to Georgia's Rules for Low Emission Vehicle Certification, Chapter 391-3-25 to incorporate § 48-7-29.18 and § 48-7-29.19 of O.C.G.A.. Revisions will include low emission certification standards for alternative fuel heavy-duty vehicles, alternative fuel medium-duty vehicles, and converted vehicles. The [final rule](#) became effective 4 AUG 2015.

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

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

Adopted amendments are described below:

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

The [proposed amendments](#) were filed 1 APR 2015. A hearing was held 12 MAY 15 and comments were due 13 MAY 15. A meeting was held 24 JUN 15 and the [final rules](#) became effective 3 AUG 15.

PERMIT REQUIREMENTS (391-3-1-.03(8)) GAEPD has adopted amendments to rule 391-3-1-.03(8), "Permit Requirements," to remove the fine particulate matter nonattainment new source review requirements for the Macon area and Floyd County. The [final rule](#) became effective 3 AUG 15.

PROPOSED RULES

2016 305(B)/303(D) LIST OF WATERS GAEPD has issued a request for data for use in Georgia's 2016 305(b)/303(d) List of Waters in accordance with the federal Clean Water Act (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.



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 will be held 24 SEP 15 and comments are 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.

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 will be held 24 SEP 15 and comments are due 30 SEP 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.

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) The Mississippi Department of Environmental Quality (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" 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 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.

PROPOSED RULES

REVISED TOTAL COLIFORM RULE (15A NCAC 18C .1539) The North Carolina Department of Natural Resources (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 Rules Review Commission (RRC) published an [agenda](#) 1 JUN 15, a meeting was held 16 JUN 15, and RRC [minutes](#) were published 15 JUL 15.

AIR POLLUTION (15A NCAC 02D .0410, .0544, 02Q .0206, .0304, .0502, .0507) 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 [agenda](#) was published 3 AUG 15 and a meeting was held 20 AUG 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 [Rules Review Commission 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 Rules Review Commission [agenda](#) was published 3 AUG 15 and a meeting was held 20 AUG 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.



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.

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 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.



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.

PROPOSED RULES

MULTI-SECTOR GENERAL PERMIT The Tennessee Department of Environmental Conservation (TDEC) has proposed to reissue the Tennessee Multi-Sector General Permit, which provides general permit coverage for stormwater discharges from industrial activities. A notice was issued 15 DEC 14. A hearing was held 29 JAN 15 and comments were due 15 FEB 15.

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 will be held 8 SEP 15 and comments are 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.

Department of Defense Activity

WAVE ENERGY TEST DELIVERS POWER TO NAVY BASE A test of the potential for wave energy to power onshore facilities has begun generating electricity at the Navy's Wave Energy Test Site in Kaneohe Bay on Oahu, Hawaii. The Navy, Northwest Energy Innovations (NWEI), and the Department of Energy (DOE) are working with a prototype of the Azura wave energy converter device to produce electricity from the motion of the choppy ocean waters. For more information, click [here](#) to read an article from DefenseCommunitis360.

NAVY SET TO SURPASS TARGET FOR RENEWABLE ENERGY USE With the Navy on course to meet its goal of producing 1 gigawatt of renewable energy at its installations by 1 JAN 16, five years ahead of schedule, Secretary Ray Mabus is ready to raise the bar. "I'm not satisfied stopping there. We can do better than that over the next five years," Mabus said at the 2015 GreenGov Symposium in Washington. To increase its shore installations' reliance on renewables, the Navy is exploring a variety of alternative sources, including solar, wind, geothermal, hydrothermal and wave energy. The Air Force and Army also are striving to produce 1 gigawatt of renewable energy at their installations. To read more, click [here](#).

NATIONAL SECURITY IMPLICATIONS OF CLIMATE-RELATED RISKS AND A CHANGING CLIMATE DoD has released a report, requested by the Senate Appropriations Committee, titled, "National Security Implications of Climate-Related Risks and a Changing Climate." The report states that global climate change will have wide-ranging implications for U.S. national security interests over the foreseeable future because it will aggravate existing problems—such as

poverty, social tensions, environmental degradation, ineffectual leadership, and weak political institutions—that threaten domestic stability in a number of countries.

Federal Activity

2015 REPI CHALLENGE WINNERS ANNOUNCED Conservation projects in Georgia, Maine, and Nevada intended to protect buffer lands at four military installations will receive a total of \$6.2 million, DOD's Readiness and Environmental Protection Integration (REPI) Program [announced](#) in August. The three 2015 REPI Challenge award winners are Fort Benning/Fort Stewart, Ga.; Naval Air Station (NAS) Fallon, Nev.; and Naval Shipyard Portsmouth Survival, Evasion, Resistance and Escape (SERE) School, Maine. The three partnerships will leverage their DOD awards with more than \$21 million in other funding to protect 28,050 acres.

- In Georgia, the Georgia Department of Natural Resources is leading a team — with Forts Benning and Stewart, the Knobloch Family Foundation, the Fish and Wildlife Service (FWS) and the Forest Service (FS) — to protect 7,016 acres of habitat for approximately 1,877 gopher tortoises. The project seeks to avoid an Endangered Species Act (ESA) listing that could affect maneuver areas for tactical tracked and wheeled vehicles at regional installations, reported [DOD News](#). The project team was awarded \$2 million from the REPI Program and an additional \$2 million from the Army, and will leverage more than \$12 million in partner contributions.
- In Nevada, the Nevada Department of Wildlife, NAS Fallon, Nevada Land Trust, The Nature Conservancy, Nevada Conservation Districts Program, Bureau of Land Management and Natural Resources Conservation Service were awarded \$2 million to protect 11,306 acres from incompatible development to keep critical range training areas unrestricted along the Fallon Range Training Complex military influence area. This project is part of a larger effort to reduce sagebrush habitat loss and fragmentation, and offers opportunities for conserving the greater sage-grouse. The \$2 million award leverages more than \$4 million in partner funding to protect an irreplaceable training asset for the Navy and Marine Corps.
- In Maine, the Trust for Public Land is leading a team — with the Naval Shipyard Portsmouth SERE School, Trout Unlimited, Mountain Conservancy Collaborative, High Peaks Alliance, Maine Audubon Society, Mahoosuc Initiative, and Natural Resources Conversation Society — to permanently restrict development on 9,728 acres that will provide timber harvesting and wildlife habitat. The partnership, which was awarded \$2 million by REPI, will help ensure necessary training conditions for the Navy in a harsh, isolated winter environment.

DODI: POLICY FOR ENERGY COMMODITIES Department of Defense Instruction (DODI) [4140.25](#), DOD Management Policy for Energy Commodities and Related Services, was reissued 25 JUN 15. The DODI establishes policy, assigns responsibilities, and provides procedures for sizing, acquiring, and managing petroleum operating stocks and pre-positioned war reserve stocks, and provides guidance for the procurement of alternative fuels.

DODI: EXPLOSIVE HAZARD DODI [4140.62](#), Material Potentially Presenting an Explosive Hazard (MPPEH), was reissued 20 AUG 15. The DODI establishes policy and assigns responsibilities for the management and disposition of MPPEH, material documented as an explosive hazard (MDEH), and material documented as safe (MDAS).

DODM: AUDIT MANUAL Department of Defense Manual (DODM) [7600.07](#), DOD Audit Manual, was reissued 3 AUG 15. The DODM implements policy, assigns responsibilities, and provides procedures for DOD audit organizations in compliance with federal standards. It is policy that adequate coverage of all DOD organizations, programs, activities, and functions will be provided as an integral part of the DOD internal control system.

ARCHAEOLOGICAL INVESTIGATIONS AT SUNKEN MILITARY CRAFT The Department of the Navy (DON) revised its rules governing archeological and other investigations of sunken military craft under DON jurisdiction ([80 FR 52587](#)). The final rule, codified at 32 CFR Part 767, updates application procedures for research permits on terrestrial military craft under the jurisdiction of the DON. The rule replaces the existing regulations and establishes a single permitting process for persons wishing to engage in activities that disturb, remove, or injure DON sunken military craft and terrestrial military craft for archaeological, historical, or educational purposes. The final rule is effective 1 MAR 16.

DOD PRIVATIZED HOUSING SOLAR CHALLENGE Four military housing developers established new goals for generating solar energy at their housing projects as a result of a White House effort to accelerate the nation's transition to renewable energy and promote clean energy jobs. The four military housing companies — Balfour Beatty Communities, Corvias Solutions, Lincoln Military Housing, and United Communities — committed to installing 233 MW of solar capacity at more than 40 installations by the end of 2016, according to a White House [press release](#). Among the projects:

- Balfour Beatty Communities will install 63 MW of solar at installations located at Fort Bliss, Texas; Fort Detrick, Md.; Wheaton, Md.; Fort Hamilton, NY; Fort Leonard Wood, MO; West Point, NY; Fort Carson, CO; Lakehurst, NJ; New London, Conn.; Long Island, NY; Newport, RI; and Saratoga Springs, NY.
- Corvias Solutions, along with Onyx Renewable Partners, plans to install about 100 MW of solar at housing projects on 12 installations. They have obtained initial approval from the Army to begin solar installations at Aberdeen Proving Ground and Fort Meade, Md.; Fort Bragg, NC; Fort Polk, La.; Fort Rucker, Ala.; Fort Sill, Okla.; and Fort Riley, Kan.
- Lincoln Military Housing is leveraging the current 20-MW system being installed on military housing in San Diego, Calif., to launch a project that would add 60 MW of capacity to its national portfolio of privatized military housing.
- United Communities will deploy an additional 10 MW of solar capacity serving 1,147 homes at Joint Base McGuire-Dix-Lakehurst, NJ, in 2016. The project will increase solar generation to at least 16 MW, representing 90% of the total electricity consumed by the residents of 2,000 military homes.

The privatized housing solar challenge was one of [a suite of initiatives](#) announced by President Obama. Among the other initiatives are new grant and loan programs for new renewable energy and distributed energy research and projects, new programs to accelerate deployment of clean energy in the housing market, monies to develop low cost solar energy, approval to construct a new transmission line to deploy solar energy, and the formation of an interagency task force to promote a clean energy future. For more information, click [here](#).

AIR

METHANE EMISSIONS FROM MUNICIPAL SOLID WASTE LANDFILLS EPA issued two proposals to require new, modified, and existing landfills to collect and control landfill gas at emission levels nearly a third lower than current requirements ([80 FR 52099](#) and [80 FR 52162](#)). Municipal solid waste landfills (MSWs) are the third-largest source of human-related methane emissions in the U.S., accounting for 18% of methane emissions in 2013. Combined, the proposed rules are expected to reduce methane emissions by an estimated 487,000 tons a year beginning in 2025. For more information, click [here](#) to view proposed rules and associated fact sheets, or [here](#) for a news article. Comments on both proposals are due 26 OCT 15.

INTERSTATE OZONE TRANSPORT MODELING DATA EPA released interstate ozone transport modeling and associated data and methods for public review and comment ([80 FR 46271](#)). The data and methods will be used to inform a rulemaking that EPA is developing and expects to release later this year to address interstate ozone transport for the 2008 ozone national ambient air quality standards (NAAQS). Comments are due 23 SEP 15.

ATTAINMENT DESIGNATIONS: 2008 OZONE NAAQS EPA is proposing three separate and independent determinations related to the 36 areas that are currently classified as marginal for the 2008 ozone NAAQS ([80 FR 51992](#)). First, EPA is proposing to determine that 17 areas attained the 2008 ozone NAAQS by the applicable attainment date of 20 JUL 15, based on ozone monitoring data for 2012-2014. Second, EPA is proposing to grant one-year attainment date extensions for eight areas on the basis that the requirements for such extensions have been met. Third, the EPA is proposing to reclassify 11 areas as moderate for the 2008 ozone NAAQS. In this action, EPA is proposing and taking comment on two options for the deadline by which states would need to submit to EPA the SIP revisions required for moderate areas once their areas are reclassified. Comments are due 28 SEP 15.

PREVENTION OF SIGNIFICANT DETERIORATION AND TITLE V PERMITTING FOR GREENHOUSE GASES EPA is amending its Prevention of Significant Deterioration (PSD) and title V regulations to remove from the Code of Federal Regulations portions of those regulations initially promulgated in 2010, which the Court of Appeals for the DC Circuit specifically identified as vacated in the 10 APR 15 amended judgment, *Coalition for Responsible Regulation v. EPA* ([80 FR 50199](#)). This action is exempt from notice-and-comment rulemaking because it is ministerial in nature. This rule became effective 19 AUG 15.

CLIMATE CHANGE

EPA NATIONAL WATER PROGRAM CLIMATE ADAPTATION TOOLS EPA published a handout titled, [National Water Program Climate Adaptation Tools](#), which lists and summarizes the tools developed by the EPA National Water Program for state, tribal, and local governments and others to adapt their clean water and drinking water programs to a changing climate. Additional information can be found [here](#).

CLIMATE TRACKER WEBSITE The Sabin Center of Climate Change Law updated its [Regulatory Tracker](#) guide. The website is a comprehensive resource, compiling in one place and providing links to the federal government's climate change-related rules and regulations.

STATE OF THE CLIMATE IN 2014 The American Meteorological Society published the *State of the Climate in 2014*, its 25th report. The report states that most essential indicators of Earth's changing climate continued to reflect trends of a warming planet, with several markers such as rising land and ocean temperature, sea levels, and GHG emissions setting new records. The report provides detailed summaries of climatic changes by region. Key highlights from the report include:

- **Greenhouse gases continued to climb** - Major GHG concentrations, including carbon dioxide, methane, and nitrous oxide, continued to rise during 2014, reaching historic high values.
- **Record temperatures observed near Earth's surface** - Four independent global datasets show that 2014 was the warmest year on record. The warmth was widespread across land areas, with Eastern North America being the only major region to experience below-average annual temperatures.
- **Tropical Pacific Ocean moves toward El Niño–Southern Oscillation conditions** - The El Niño–Southern Oscillation was in a neutral state during 2014, although it was on the cool side of neutral at the beginning of the year and approached warm El Niño conditions by the end of the year.
- **Sea surface temperatures at record high** - The globally averaged sea surface temperature was the highest on record. The warmth was particularly notable in the North Pacific Ocean.
- **Global upper ocean heat content at record high** - Globally, upper ocean heat content reached a record high for the year, reflecting the continuing accumulation of thermal energy in the upper layer of the oceans.
- **Global sea level at record high** - Global average sea level rose to a record high in 2014.
- **Arctic continued to warm and sea ice extent remained low** - The Arctic experienced its fourth warmest year since records began in the early 20th century. The Arctic minimum sea ice extent reached 1.94 million square miles on 17 SEP 14, the sixth lowest since satellite observations began in 1979. The eight lowest minimum sea ice extents during this period have occurred in the last eight years.

- **Antarctic showed highly variable temperature patterns; sea ice extent reached record high** - Temperature patterns across the Antarctic showed strong seasonal and regional patterns of warmer-than-normal and cooler-than-normal conditions, resulting in near-average conditions for the year for the continent as a whole. The Antarctic maximum sea ice extent reached a record high of 7.78 million square miles on 20 SEP 14. This was the third consecutive year of record maximum sea ice extent.
- **Tropical cyclones above average overall** - There were 91 tropical cyclones in 2014, well above the 1981–2010 average of 82 storms. There were more storms than average in the Eastern/Central Pacific and fewer than average in the North Atlantic.

CULTURAL RESOURCES

TRIBAL GREEN BUILDING TOOLKIT The toolkit provides information on how tribes and other communities can prioritize and implement green building codes, policies and practices. It summarizes priorities identified by the Tribal Green Building Codes Workgroup, tribal and federal leaders working to advance tribal green building.

ENERGY

CLEAN POWER PLAN In advance of formal publication in the Federal Register, EPA released the text of the final [Green Power Plan](#), which addresses GHG emissions from existing electric utility generating plants, a [final rule](#) addressing GHG emissions from new, modified, and reconstructed electric utility generating units, and a [proposed federal plan](#) and model rule to assist states in implementing the Clean Power Plan. For more information about the Clean Power Plan, click [here](#).

BETTER BUILDINGS ACT OF 2015: COMMERCIAL LEASING MODEL The General Services Administration (GSA) developed draft model commercial leasing provisions, as required under section 102 of the [Better Buildings Act of 2015](#), and is requesting public comment ([80 FR 48861](#)). The provisions are intended to encourage building owners in the private sector, as well as state, county, and municipal governments, to invest in all cost-effective energy and water efficiency improvements, and to encourage tenants in these sectors to require spaces in which such measures have been implemented. Comments are due 14 SEP 15.

GRID-ENABLED WATER HEATERS The Department of Energy (DOE) issued a final rule providing the definition of and energy conservation standards for grid-enabled water heaters ([80 FR 48004](#)). Grid-enabled water heaters are electric resistance water heaters with communication and control capability that allow utilities to use them as low-cost thermal batteries, heating the water when power is cheaper and cleaner, and deferring heating when power is expensive. Advanced controls offer the prospect of providing the grid with ancillary services such as frequency regulation and load following, reducing the need for power plants to ramp up and down as total energy consumption changes during the day. This can make the electricity system more flexible and amenable to renewable generation that has variable output, such as wind and solar. The final rule was effective 11 AUG 15.

WIND MARKET REPORT DOE's National Renewable Energy Lab (NREL) [released a report](#) suggesting that wind could replace coal as a primary U.S. electricity source. NREL data shows that the capacity factor for wind power can reach 65% with turbine technology that may be available in the near-future (i.e., 140-meter hub height towers already commercialized in Europe). Capacity factor (CF) is the ratio of a generator's average power output over a year to its nameplate rating. Higher CF wind power improves the overall economics of not just the wind-electrical power generation but also of dedicated transmission lines, by using a higher percentage of their available capacity. The economics of low-CF wind power have required that it be built relatively close to existing transmission lines rather than building new lines. As such, only a small fraction of the country's best wind sites have been developed to date. Maps of potential wind capacity developed by NREL are available [here](#).

PRESIDENT OBAMA ANNOUNCES NEW ENERGY EFFICIENCY AND RENEWABLE ENERGY ACTIONS As a part of the 25 AUG 15 National Clean Energy Summit, President Obama announced an [extensive set of executive actions](#), including the DOD Privatized Housing Solar Challenge, and private sector commitments to accelerate America's transition to cleaner sources of energy and ways to cut energy waste. The White House also posted an [announcement](#) about modernizing electric transmission infrastructure. The administration announced new investments in the next generation of power transmission and smart grid technology in 13 states and executive actions to streamline the permitting process. For more information, click [here](#).

HAZMAT

TRANSPORTATION OF RADIOACTIVE MATERIAL The Nuclear Regulatory Commission (NRC) issued a correction to its 12 JUN 15 final rule amending regulations for the packaging and transportation of radioactive material ([80 FR 48683](#)). The June 2015 amendments made conforming changes to NRC's regulations based on the International Atomic Energy Agency's 2009 standards for the international transportation of radioactive material and to maintain consistency with DOT regulations. This document corrects the final rule by revising the definition that contains these errors, and updates the contact and examination information. The final rule was effective 4 AUG 15.

NATURAL AND CULTURAL RESOURCES

NATIVE AMERICAN POLICY The US Fish and Wildlife Service (USFWS) issued a [draft Native American Policy](#) for public comment ([80 FR 46043](#)). The policy establishes a framework on which to base USFWS's continued interactions with federally recognized tribes as well as interactions with Alaska Native Corporations. The policy recognizes the sovereignty of federally recognized tribes; states that FWS 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. Comments were due 2 SEP 15.

FERAL SWINE DAMAGE MANAGEMENT: FINAL EIS AND ROD The US Department of Agriculture's Animal and Plant Health Inspection Service has released the final environmental impact statement (EIS), [Feral Swine Damage Management: A National Approach](#), and [record of decision](#) (ROD) indicating their planned approach to feral swine management. The ROD will implement a nationally coordinated response to reduce and, in some areas, eliminate the risks and damage inflicted by feral swine to agriculture, property, natural and cultural resources, and human health. APHIS will serve as the lead federal agency in a cooperative effort with other agency partners, tribes, organizations, and local entities that share a common interest.

CONTROL AND MANAGEMENT OF RESIDENT CANADA GEESE USFWS is requesting public comment on a proposed extension of information collection activities associated with control and management of resident Canada geese ([80 FR 50021](#)). In 2006, FWS issued depredation and control orders that allow certain activities associated with population management of resident Canada geese. Entities taking actions under the orders are required to report their activities. The orders allow managers at commercial, public, and private airports and military airfields to implement management of resident Canada geese to resolve or prevent threats to public safety. Each facility exercising the privileges of the order must submit an annual report with the date, numbers, and locations of birds, nests, and eggs taken. Comments on whether the service may continue to collect information are due 19 OCT 15.

SUSTAINABILITY

SUSTAINABLE FACILITIES SUB-METERING WIZARD TOOL GSA released its sustainable facilities sub-metering wizard tool ([SFtool](#)), which addresses sub-metering and agency green building practices. The tool can be used to learn about sub-metering techniques and benefits related to gas, water, and electrical systems and to comply with [EO 13693](#) (Planning for Federal Sustainability in the Next Decade) and its [implementing instructions](#). The implementing instructions advise that agencies should:

- Appropriately install water meters and sub-meters to improve data available for development of a "water balance" analysis in water use assessments (page 31); and
- Employ metering and sub-metering to gain detailed understanding of energy use patterns and opportunities for improvement.

SOLID WASTE

TEST METHODS FOR SOLID WASTE EPA has released Final Update V to the [Third Edition of the SW-846 manual, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods](#).

THREATENED AND ENDANGERED SPECIES

DESIGNATING EXPERIMENTAL POPULATIONS The National Marine Fisheries Service (NMFS) is proposing to establish requirements for designating experimental populations of threatened or endangered species under its jurisdiction ([80 FR 45924](#)). In 1982, congress amended the Endangered Species Act to allow NMFS and USFWS to establish an experimental population of a listed species. In 1984, USFWS promulgated regulations to guide its actions related to designating experimental populations. NMFS relied on USFWS regulations when it designated experimental populations for [Middle Columbia River steelhead trout](#) in the Deschutes River Basin; [Central Valley spring-run Chinook Salmon](#) in the San Joaquin River; and [upper Columbia River spring-run Chinook Salmon](#) in the Okanogan River Subbasin. In this proposed rulemaking, NMFS would establish definitions and procedures for establishing and/or designating certain populations of listed species as experimental populations; determining whether experimental populations are essential or nonessential; and promulgating appropriate protective measures for experimental populations. According to NMFS, its proposed regulations align with USFWS regulations, with minor variation. Comments are due 2 OCT 15.

TOXICS

PESTICIDE APPLICATOR CERTIFICATION EPA is proposing to change regulations to the certification of applicators of restricted use pesticides ([80 FR 51355](#)). The proposed changes are intended to improve the competency of certified applicators, increase protection for noncertified applicators operating under the direct supervision of a certified applicator through enhanced pesticide safety training and standards for supervision of noncertified applicators, and establish a minimum age requirement for certified and noncertified applicators. Comments are due 23 NOV 15.

IMMUNOTOXICITY ASSOCIATED WITH EXPOSURE TO PFOA OR PFOS The National Toxicology Program (NTP) is evaluating the association between exposures to perfluorooctanoic acid (PFOA) or perfluorooctane sulfonate (PFOS) and immunotoxicity ([80 FR 48886](#)). PFOA and PFOS are persistent chemicals that are widely distributed in the environment in part because of high stability and little to no expected degradation in the environment. In terms of toxicity and exposure, PFOA and PFOS are the best studied perfluoroalkyl acids, a group of compounds used extensively over the last 50 years in commercial and industrial applications including food packaging, lubricants, water-resistant coatings, and fire-retarding foams. Publications from 2012-2014 have linked PFOA and PFOS exposure to functional immune changes in humans. NTP is conducting a systematic review of the evidence for an association between exposure to PFOA or PFOS and immunotoxicity or immune-related health effects. NTP is soliciting information about ongoing studies or upcoming publications on the immune-related health effects of PFOA or PFOS that may be considered for inclusion in the evaluation.

OCCUPATIONAL EXPOSURE TO BERYLLIUM AND BERYLLIUM COMPOUNDS The Occupational Safety and Health Administration (OSHA) proposed amending its existing exposure limits for occupational exposure in general industry to beryllium and beryllium compounds and to promulgate a substance-specific standard for general industry regulating occupational exposure to beryllium and beryllium compounds ([80 FR 47565](#)). The agency is proposing a new permissible exposure limit (PEL) and ancillary provisions for employee protection such as methods for controlling exposure, respiratory protection, medical surveillance, hazard communication, and recordkeeping. In addition, OSHA is

seeking comment on a number of alternatives, including a lower PEL, which could affect construction and maritime, as well as general industry. Beryllium oxide is used in components such as ceramics, electrical insulators, microwave oven components, military vehicle armor, laser structural components, and automotive ignition systems. High content and low content beryllium alloys are precision machined for military and aerospace applications. Some welding consumables are also manufactured using beryllium. Comments are due 5 NOV 15.

TCE IN CONSUMER PRODUCTS EPA is proposing a significant new use rule for trichloroethylene (TCE) to restrict or phase out the chemical in consumer products ([80 FR 47441](#)). The proposed significant new use is manufacture or processing for use in a consumer product, with a proposed exception for use of TCE in cleaners and solvent degreasers, film cleaners, hoof polishes, lubricants, mirror edge sealants, and pepper spray. Comments are due 6 OCT 15.

WASTE

SW-846 UPDATE EPA published Final Update V to the third edition of the manual, [Test Methods for Evaluating Solid Waste, Physical and Chemical Methods](#), commonly referred to as SW-846 ([80 FR 48522](#)). The final update contains analytical methods, of which eight are new and 15 are revised. The methods in Update V may be used in monitoring or complying with the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. In addition, the agency is finalizing revisions to chapters one through five of SW-846 and an Office of Resource Conservation and Recovery (ORCR) policy statement in the SW-846 methods compendium. The update is being issued as guidance because changes to analytical methods are not required by RCRA hazardous waste regulations. The update was published 4 AUG 15.

LOW-LEVEL RADIOACTIVE WASTE (LLRW) DISPOSAL The Nuclear Regulatory Commission reopened the public comment periods on a [proposed rule](#) governing low-level radioactive waste disposal sites and its associated [implementing guidance](#) ([80 FR 51964](#)). The proposed rule would require new and revised site-specific technical analyses, permit the development of site-specific criteria for LLRW acceptance based on the results of those analyses, facilitate implementation, and better align the requirements with current health and safety standards. The guidance addresses implementation of the proposed regulations. Comments are due 21 SEP 15.

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET EPA updated its Federal Agency Hazardous Waste Compliance Docket, which is used to identify federal facilities that should be evaluated to determine if they pose a threat to public health or welfare and the environment ([80 FR 49223](#)). The update includes 21 additions, 90 deletions. The total number of facilities listed on the docket is 2,323. The docket identifies certain federally operated facilities that generate and/or manage hazardous waste above specific amounts and those facilities that had a reportable quantity spill. The list is current as of 13 JUL 15.

WATER

DRINKING WATER PROTECTION ACT The Drinking Water Protection Act, Public Law 114-45, amending the Safe Drinking Water Act, has been enacted. The new law tasks EPA to develop a strategic plan for assessing and managing risks associated with algal and cyanobacterial toxins in public drinking water systems. In the context of public drinking water systems, EPA is tasked to:

- Evaluate the risk to human health from algal toxins;
- Publish and update a comprehensive list of algal toxins that may have an adverse effect on human health;
- Summarize the known adverse human health effects of the listed algal toxins;
- Identify factors that cause toxin-producing cyanobacteria and algae to proliferate and to express toxins;
- Determine whether to publish health advisories for such algal toxins in drinking water;
- Establish guidance regarding feasible analytical methods and frequency of monitoring; and

- Recommend feasible treatment options and source water protection practices.

The strategic plan is due to congress in November 2015. Ultimately, implementation of the Drinking Water Protection Act may lead to additional sample analysis for public drinking water systems using surface water or open storage.

2014 EFFLUENT GUIDELINES PROGRAM PLAN AND REPORT EPA released the Final 2014 Effluent Guidelines Program Plan and 2014 Annual Effluent Guidelines Review Report ([80 FR 46280](#)). The plan identifies new or existing industrial categories selected for effluent guidelines and provides a schedule. The report provides detailed information about its 2014 annual review of industrial wastewater discharges. Section 304(m) of the Clean Water Act (CWA) requires EPA to biennially publish a plan for new and revised effluent guidelines. The plan and report are available [here](#).

WATER QUALITY STANDARDS: REGULATORY PROGRAM REVISIONS EPA is updating the federal water quality standards (WQS) regulation to provide a better pathway for states and tribes to improve water quality and protect high quality waters ([80 FR 51019](#)). The WQS regulation establishes a foundation for water quality management programs, including water quality assessments, impaired waters lists, total maximum daily loads, and water quality-based effluent limits in National Pollutant Discharge Elimination System (NPDES) discharge permits. In this rule, EPA is revising six program areas to improve the WQS regulation's effectiveness, increase transparency, and enhance opportunities for meaningful public engagement at the state, tribal, and local levels. The final rule is effective 20 OCT 15.

TRIBAL AUTHORITY TO IMPLEMENT CWA PROGRAMS EPA is proposing to reinterpret how it views tribal authority to implement the water quality standards program and other CWA regulatory programs ([80 FR 47430](#)). This reinterpretation would allow tribes to implement the congressional delegation of authority unhindered by requirements not specified in the CWA. The reinterpretation would also bring EPA's treatment of tribes under the CWA in line with EPA's treatment of tribes under the CAA. The proposed rulemaking is intended to streamline how tribes apply for authority to implement CWA water quality standards and other regulatory programs.

NATIONAL WATER PROGRAM CLIMATE ADAPTATION TOOLS EPA published a handout, [National Water Program Climate Adaptation Tools](#), which lists and summarizes the tools developed by the EPA National Water Program for state, tribal, and local governments and others to adapt their clean water and drinking water programs to a changing climate. The handout presents the tools by subject headings: Climate Ready Estuaries, Climate Ready Water Utilities, Emergency/Incident Planning, Response, and Recovery, and Water Quality Tools. For more information, click [here](#).

WATERS OF THE UNITED STATES RULE ON HOLD A US court has blocked a federal clean water rule from going into effect in certain states until a legal challenge has been resolved, handing a victory to states and business groups that opposed the regulation. The U.S. District court in North Dakota [granted a preliminary injunction](#) against the so-called Waters of the United States rule finalized by EPA and USACE. EPA says it is interpreting the injunction as applying only to the states that sued in the North Dakota district court, according to a spokeswoman. The 13 states are Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, and Wyoming. For more information, click [here](#).

USACE FLOOD CONTROL GUIDANCE The US Army Corps of Engineers (USACE) released [updated guidance](#) for providing in-kind credit for certain water resource development projects ([80 FR 52258](#)). The updated regulation provides guidance on the implementation of the in-kind contribution credit provisions of [section 221\(a\)\(4\) of the Flood Control Act of 1970](#), as further amended by section 1018 of the [Water Resources Reform and Development Act of 2014](#). It applies to all headquarters USACE elements, major subordinate commands, and district commands having civil works responsibility. Section 221 is a comprehensive authority that addresses the affording of credit for the value of in-kind contributions provided by a non-federal sponsor toward its required cost share (with exclusions) if those in-kind contributions are determined to be integral to a study or project. Comments are due 28 SEP 15.

WATER QUALITY STANDARDS EPA updates the federal water quality standards regulation to provide a better-defined pathway for states and authorized tribes to improve water quality and protect high quality waters. In this rule, EPA is revising six program areas to improve the WQS regulation's effectiveness, increase transparency, and enhance opportunities for meaningful public engagement at the state, tribal, and local levels ([80 FR 51019](#)). This final rule is effective 20 OCT 15.

Professional Development

CONFERENCES, WORKSHOPS AND MEETINGS

16-18 SEP, ONLINE: [WATERS OF THE UNITED STATES](#) This six-hour webinar will review and explain changes, clarifications and potential challenges to the regulations. Discussions will cover how the regulations affect various regulatory programs. The webinar will be presented online as a live webinar in three two-hour sessions. Sessions will be recorded and made available to all enrolled attendees. Paid registrants will receive a certificate of completion of 0.6 CEUs. Group discounts are available.

29 SEP-1 OCT, ARLINGTON, VA: [DOE NATIONAL CLEANUP WORKSHOP](#) Join senior DOE executives, officials from DOE sites, industry executives, and other stakeholders to discuss the progress DOE Office of Environmental Management is making to address the environmental legacy of the Manhattan Project and Cold War-era U.S. nuclear weapons program. Topics include major cleanup successes planned over the next two years, improving contract and project management, efforts to develop new cleanup technologies, and more.

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.

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.

DOD TRAINING SOURCES

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

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

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

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of 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.

Staff Directory

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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.

To be added to the *Southern Review* distribution list, email [Becky Shanks](#).