



# Southern Review

## of Legislative & Regulatory Actions

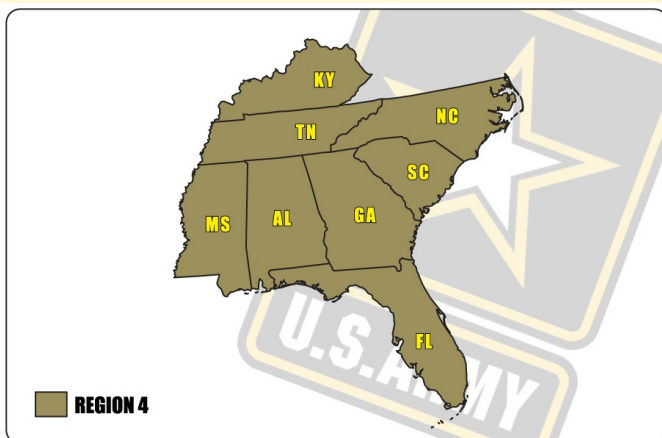


The U.S. Army Regional Environmental & Energy Office

September 2014

**THE SOUTHERN REGION REVIEW** provides current information regarding environmental and energy-related actions and events throughout Federal EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee). The events reported may be relevant to U.S. Army and other Military Services' activities and operations. The Review is designed to alert environmental decision makers, planners, and program managers of developments potentially relevant to overall responsibilities.

*The Review* is a monthly electronic publication. To receive this publication, please email a request to [rebecca.d.shanks.ctr@mail.mil](mailto:rebecca.d.shanks.ctr@mail.mil). Please include a contact name and email address in the body of the message.



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## ARMY RAMPING UP RENEWABLE ENERGY PROGRAM

The Army is pushing to meet its ambitious renewable energy goals, forming a permanent office to help identify, award, and complete renewable energy projects across the country.

Starting Oct. 1 the Energy Initiatives Task Force formed in 2011 will become the Army's Office of Energy Initiatives, tasked with helping the service reach its goal of 1 gigawatt of renewable energy generation by 2025, enough to power the city of Orlando.

Amanda Simpson, the current executive director of the EITF, will head the new office and work to ramp up Army renewable energy activities by identifying more possible projects and finding ways to cut down acquisition times for projects already in the pipeline.

She said the EITF has about 13 projects already in various stages of development and hopes to add another 12 within the next year.

"We're hitting our stride and that's what I was brought here to do," Simpson said. "And because of that the task force is being transitioned to an enduring office."

Some of the projects in development include:

- 18 megawatts (MW) of solar power at Fort Huachuca in Arizona;
- 50 MW of biodiesel at Schofield Barracks in Hawaii;
- 90 MW of solar power in George, with 30MW each at Forts Benning, Gordon, and Stewart.

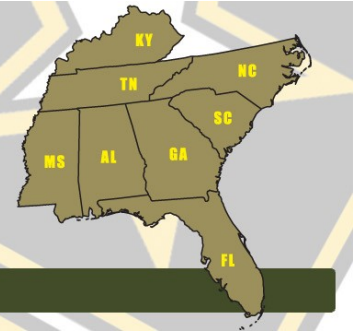
She said the projects are funded using a variety of financing tools that do not require taxpayer dollars but instead rely on purchasing agreements that keep solar power costs at parity with traditional sources.

"What type of premium are these installations paying to bring energy security through renewables? And the answer is nothing," Simpson said. "We are not spending any appropriated dollars."

Full article text is available [here](#).

# Region 4

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



In an effort to streamline the Southern Review, only recent rule developments will be regularly reported. Other relevant, ongoing rulemaking may now be viewed from the [REEO-S website "Publications" page](#).



## NEWS RELEASE

**GREENHOUSE GASES (335-3-14-.04, 335-3-16-.01, APPENDIX I)** The Alabama Department of Environmental Management has proposed amendments to Administrative Code Rule 335-3-14-.04, 335-3-16-.01 and Appendix I. Revisions to current construction permit regulations and Major Source Operating Permit rules in Division 3 are proposed for consistency with the recent Supreme Court decision concerning regulation of greenhouse gases (GHGs). The court ruled that sources of GHGs would not be regulated under the Prevention of Significant Deterioration (PSD) and Title V programs based solely on GHG emissions. Proposed amendments to Appendix I provide consistency with EPA's revision of global warming potential values for certain GHGs. A [Notice of Intended Action](#) was filed 27 JUL 14 and published 31 JUL 14. A hearing will be held 10 SEP 14 and comments are due 12 SEP 14.



## FINAL RULES

**IMPAIRED WATERS GUIDANCE MEMORANDUM (40E-4.091)** The South Florida Water Management District (WMD) has adopted amendments to 40E-4.091 to adopt the "Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards." This procedure will be included in a new Appendix E to "Environmental Resource Permit Applicant's Handbook Volume II: For Use Within the Geographic Limits of the South Florida Water Management District" (Volume II). Rules were effective 10 AUG 14. [Final rule text](#) is available.

**CONSUMPTIVE USE PERMITTING, MINIMUM FLOWS, WATER SUPPLY RELATED PROGRAMS (40C-1.1011, 40C-1.1012, 40C-1.603)** The St. Johns River WMD has adopted revisions to Chapter 40C-1, F.A.C. as part of a statewide effort headed by the Florida Department of Environmental Protection (FLDEP). Joined by all five Florida WMDs, this effort increases consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs. The rule development is to be coordinated with similar rule development by the other WMDs throughout Florida. It amends the St. Johns River WMD Chapters 40C-1, 40C-2, 40C-20, 40C-21, 40C-22, and 40C-8, F.A.C., and the Applicant's Handbook: Consumptive Uses of Water. It also addresses the following FLDEP and WMDs goals:

- Making the CUP rules less confusing for applicants;
- Treating applicants equitably statewide;
- Providing consistent protection of the environment;
- Streamlining the application and permitting process; and
- Incentivizing behavior that protects water resources, including water conservation.

The rules became effective 14 AUG 14. Final rule text ([40C-1.1011](#), [1.1012](#), [1.603](#)) is available. St. Johns WMD POC: [Thomas Mayton](#), (386) 329-4108.

**CUP, MINIMUM FLOWS, WATER SUPPLY RELATED PROGRAMS (40C-20.011, .042, .301, .321, .900; 40C-22.001, .020, .030, .900)** The St. Johns River WMD has repealed Chapter 40C-20, F.A.C. The general permits issued under

this chapter will be converted into general permits by rule or streamlined individual permits, as part of the related CUP consistency (CUPcon) rule to amend Chapter 40C-2, F.A.C. The general permit for fire protection will be converted into an exemption and the general permit for short-term construction dewatering will be converted into a no-fee noticed general permit by rule. Final rule text ([40C-20.011](#), [.042](#), [.301](#), [.321](#), [.900](#); [40C-22.001](#), [.020](#), [.030](#), [.900](#)) is available. St. Johns WMD POC: [Thomas Mayton](#), (386) 329-4108.

**UST TRAINING AND CERTIFICATION (62-761.350, 62-761.400)** FLDEP has adopted revisions to 62-761.350 and 62-761.400 F.A.C. regarding Underground Storage Tanks (USTs). The Energy Policy Act (EPAAct) amended the Solid Waste Disposal Act, adding section 9012 which provides EPA with the authority to prohibit deliveries of regulated substances to federally regulated USTs, and requires UST operator training. Because FLDEP does not have an EPA approved UST program, EPA may choose to enforce federal UST laws that would be regulated under the federal program upon Florida UST owners and operators, including violations of the delivery prohibition and operator training requirements. EPA indicates it would not pursue enforcement against Florida UST facilities if FLDEP meets and enforces EPAAct. On 10 APR 13, EPA alerted FLDEP that the department's existing practices regarding these provisions were not in compliance with EPAAct; thus, EPA would no longer provide FLDEP with certain UST grant funding. To continue receiving this funding, on 10 MAY 13, FLDEP committed to adopt rules to implement provisions. The [Notice of Rulemaking Development](#) was published 25 JUN 13, the [Notice of Proposed Rules](#) was published 14 MAR 14, comments were due 4 APR 14, and a [Notice of Change](#) was issued 24 JUN 14. Rules became effective 7 AUG 14. Final rule text ([62-761.350](#), [.400](#)) is available. FLDEP POC: [William Burns, Jr.](#), (850) 245-8842.

## ***PROPOSED RULES***

**AIR GENERAL PERMIT MODIFICATIONS (62-210.200, 62-210.300, 62-210.310)** FLDEP has proposed amendments to paragraph 62-210.300(3)(a), F.A.C., to update provisions for exemptions from permitting for fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity less than 100 million British thermal units (Btu) per hour. The rule revision will allow sources subject to 40 CFR Part 63, Subpart JJJJJ to remain exempt from permitting. This rule development proposes to amend Rule 62-210.310, F.A.C. to address the circumstances under which temporary sources, including emissions units operating under an Air General Permit registration, may collocate at an otherwise permitted facility. It eliminates the Air General Permit Registration fee for facilities that register using FLDEP's Air General Permit Electronic Registration System (AGPERS), and clarifies and corrects existing language in Rules 62-210.200, .300 and .310, F.A.C. A [Notice of Development of Rulemaking](#) was published 1 MAY 14. FLDEP POC: [Terri Long](#), (850) 717-9023.

**THREATENED AND ENDANGERED SPECIES (5I-8.001, 5I-8.002, 5I-8.003, 5I-8.004)** The Florida Department of Agriculture and Consumer Services (DACCS) has proposed 5I-8.001, 5I-8.002, 5I-8.003, and 5I-8.004, F.A.C. The proposed rule provides a presumption of compliance from incidental take of state imperiled species through implementation of voluntary Florida Forestry Wildlife Best Management Practices (WBMPs). The proposed rule establishes a procedure for applicants submitting a "Notice of Intent to Implement" Florida Forestry WBMPs. When the Notice of Intent to Implement is filed with the Florida DACCS--as well as the Florida Forest Service (FFS), and the Florida Fish and Wildlife Conservation Commission (FFWCC)--and the Florida Forestry WBMPs are implemented, the landowner has a presumption of compliance from incidental take of state imperiled species. This proposed rule provides that when Florida Forestry WBMPs are not physically observable in the field, participants must preserve sufficient documentation to confirm implementation of the Florida Forestry WBMPs identified in the Notice of Intent to Implement. All field activities and documentation related to Florida Forestry WBMP implementation are subject to FFS and FFWCC inspection. The [Notice of Proposed Rules](#) was published 19 MAY 14, comments were due 9 JUN 14, and a meeting was held 20 JUN 14. POC: [Jeffery Vowell](#), (850) 681-5943.

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



and gains. A Notice [of Rulemaking Development](#) was published on 3 MAY 13. A workshop was held 26 JUN 13. FLDEP POC: [John Humphreys](#), (850) 245-8487.

**CONSTRUCTION AND DEMOLITION LANDFILLS (62-701.100, .200, .210, .220, .300, .310, .315, .320, .330, .340, .400, .410, .430, .500, .510, .520, .530, .600, .610, .620, .630, .710, .730, .802, .803, .900)** FLDEP has proposed revisions to chapter 62-701 of the Florida Administrative Code (F.A.C.). Subsection 403.707(9), F.S., requires all construction and demolition debris landfills be constructed with liners and leachate control systems, and that all construction and demolition debris be processed prior to disposal when economically feasible. Section 403.087(6), F.S., requires all permit fees be updated every five years to account for inflation. The rule chapter must be amended to address these new requirements. There are also several minor changes that need to be made to update and clarify the chapter. A [Notice of Rulemaking Development](#) was published 17 AUG 12 and a [Workshop Advisory](#) was issued 22 OCT 13. Workshops were held 8 OCT 13 and 14 MAR 14. A meeting was held 21 AUG 14. FLDEP POC: [Richard Tedder](#), (850) 245-8735.

**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)** 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. A meeting was held 15 JUL 14 FLDEP POC: [William Burns, Jr.](#), (850) 245-8842.

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

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

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

wastewater management. The [Notice of Rulemaking Development](#) was published 27 MAR 14 and a workshop was held 16 APR 14. FLDEP POC: [Sharon Sawicki](#).

**MITIGATION BANKS (62-342.100, .200, .450, .470, .650, .700, .750, .800, .850, .900)** FLDEP has proposed rules to correct citations and references in Chapter 62-342, F.A.C., "Mitigation Banks," resulting from amendments to the new Statewide Environmental Resource Permitting rule Chapter 62-330, F.A.C., effective 1 OCT 13, repeal of rules in Chapter 62-312, F.A.C., and repeal of Chapters 62-343 and 62-346, F.A.C., effective 25 NOV 13. Rule 62-342.200 and paragraph 62-342.750(1)(c) refer to the success criteria in Rule 62-312.350, F.A.C., which is repealed. The effective date of Chapter 62-312, F.A.C., in existence prior to its repeal, needs to be added to the above provisions in Chapter 62-342, F.A.C., so mitigation bankers can continue to rely on those criteria. The [Notice of Rulemaking Development](#) was published 31 MAR 14, a [Notice of Proposed Rules](#) was published 17 JUN 14, and a [Notice of Correction](#) was published 27 AUG 14. FLDEP POC: [Alice Heathcock](#), (850) 245-8483.

**COASTAL CONSTRUCTION AND EXCAVATION (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 rule language to reflect 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. In addition to proposed amendments, FLDEP proposes creation of a CCCL Applicant's Handbook. A [Notice of Development of Rulemaking](#) was published 9 JUN 14 and a workshop was held 23 JUN 14. FLDEP POC: [Sandra Powell](#), (850) 245-8604.

**KISSIMMEE RIVER RESTORATION PROJECT (40E-10.011, 40E-10.021, 40E-10.031, 40E-10.071)** The South Florida WMD has proposed revisions to 40E-10, F.A.C., regarding the Kissimmee River Restoration Project, a joint partnership between the WMD and the US Army Corps of Engineers (USACE). The project will restore over 40 square miles of river/floodplain ecosystem, including 44 miles of meandering river channel and 25,000 acres of wetlands. An integral component of the restoration is the protection from allocation of water needed for fish and wildlife. Water identified for the natural system will be protected through a water reservation as authorized by Florida law. The [Notice of Development of Rulemaking](#) was published 16 JUL 14 and a workshop was held 30 JUL 14. South Florida WMD POC: [Don Medellin](#), (561) 682-6340.

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

**OPEN BURNING (5I-2.003, 5I-2.006)** The Department of Agriculture and Consumer Services has proposed amendments to Rules 5I-2.003 and 5I-2.006, F.A.C. to implement 2013 legislative changes to Chapter 590, Florida Statutes. Changes update definitions, open burning requirements and certifications, extend Certified Prescribed Burn Manager's authorizations by one hour, and explain the process a burner must follow to receive Florida Forest Service Certification. Comments were received 25 APR 14 and a [Notice of Change](#) was published 22 AUG 14. POC: [Jim Brenner](#), (850) 681-5916.

**WATER SUPPLY PLANNING (62-40.410, 62-40.473, 62-40.520, 62-40.531)** FLDEP has proposed amendments to Rules 62-40.210 and 62-40.531, F.A.C. to clarify the definition of "alternative water supplies" in Section 373.019(1), F.S. including when surface water sources are considered alternative water supplies, and guidance on designating "non-traditional" water supplies as alternative water supplies in regional water supply plans. Amendments to Rules 62-40.410 and 62-40.520, F.A.C., would provide guidance on designating Water Resource Caution Areas. Amendments to Rule 62-40.410, F.A.C., could clarify when applications are subject to competition pursuant 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.



## **NOTICE**

**LISTING OF WATER BODIES PURSUANT TO SECTION 303(D) OF THE CLEAN WATER ACT** Georgia has compiled a list of waters in accordance with Section 303(d) of the Clean Water Act in accordance with EPA rules and guidelines. The draft list package includes:

- A copy of the letter submitting the draft list to EPA;
- A copy of the 2014 listing assessment methodology;
- A summary of various listing decisions;
- A summary of 2014 list highlights;
- A table detailing changes between the 2012 list and the 2014 draft list of waters;
- A document explaining codes and abbreviations used in the 305(b)/303(d) list of waters; and
- A copy of the draft 305(b)/303(d) list of waters.

A [notice](#) was issued on 30 MAY 14, a meeting was held on 24 JUN 14, and comments were due on 30 JUN 14. POC: Susan Salter, (404) 463-4917.

## **PROPOSED RULES**

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

**HAZARDOUS SITE RESPONSE (391-3-19)** GAEPD has proposed amendments to Hazardous Sites Response, Chapter 391-3-19. Proposed amendments to Rule 391-3-19-.03, Hazardous Waste Management and Hazardous Substance Reporting Fees, remove references to the Pollution Prevention Assistance Division. Rule 391-3-19-.04, Release Notification, amendment deletes duplicative notification requirements for soil releases addressed under the Hazardous Site Reuse and Redevelopment (brownfield) Act, provides alternative notification concentrations for certain groundwater releases, allows for a 90-day deferment of listing determinations, corrects errors, and removes obsolete language. Rule 391-3-19-.05, Reporting of Releases Exceeding Reportable Quantities and Listing of Sites on the Hazardous Site Inventory Amended, amendment corrects a wording error and provides additional mechanisms for the de-listing of sites on the hazardous site inventory. Rule 391-3-19-.06, Corrective Action, amendment revises standards for delineation of releases, changes requirements for public participation, and incorporates use of uniform environmental covenants into procedures for corrective action. Rule 391-3-19-.08, Property Notices, amendment incorporates use of environmental covenants at sites where Type 3 or Type 4 risk reduction standards are used, and amends provisions concerning permanent markers for Type 5 sites. [Proposed rules](#) were filed 30 JUN 14, comments were due 31 JUL 14, and a hearing was held 22 JUL 14. GAEPD POC: Branch Chief, Land Protection Branch, [EPDComments@dnr.state.ga.us](mailto:EPDComments@dnr.state.ga.us).



## **PROPOSED RULES**

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

**LEAD AND COPPER (401 KAR 8:300)** The Kentucky Division of Water (DOW) has [proposed amendments](#) to the Lead and Copper regulation (401 KAR 8:300) that adopts the federal Reduction of Lead in Drinking Water Act of 2011 (42 U.S.C. §300g-6). The 2011 act became effective 4 JAN 14, and limits lead content in plumbing materials used for drinking water distribution. A hearing will be held 12 SEP 14; the [agenda](#) is available. KY DOW POC: Carole Catalfo, (502)



### ***PROPOSED RULES***

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



### ***2014 LEGISLATIVE SESSION: 14 MAY 14 THROUGH 20 AUG 14***

*North Carolina has a two-year session (2013-2014), with 2013 bills carrying over for consideration in 2014.*

### ***LEGISLATION***

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

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

**[HB 573](#), EXPAND USE OF STORMWATER FEES** These bills would promote and encourage the funding and implementation of stormwater management programs to protect and enhance surface water quality and quantity, thus reducing chances for loss of life and damages to property from flooding. Last action: HB 573 was enacted. **REEO-S Note: House committee made a change to the original language. The bill provisions would now only apply to counties with a population greater than 910,000. This only includes two counties (Mecklenburg and Wake).**

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

**[SB 163](#), WATER RIGHTS** This bill would enhance the protection of landowners' water rights. Last action: SB 163 was enacted. **REEO-S Note: The thrust of this bill is on voluntary programs, incentives, and other mechanisms to encourage reductions in water use.**

### ***NOTICE***

**303 LISTING METHODOLOGY** The North Carolina Division of Water Resources (DWR) has invited comment on its [303 \(d\) listing methodology](#). The listing methodology, in conjunction with water quality standards and water quality data, is used to determine whether waters are impaired and require a Total Maximum Daily Load (TMDL), or TMDL alternative. Public comments will be considered by DWR and the North Carolina Environmental Management Commission (EMC). The EMC will approve the 2016 303(d) listing methodology later this year. Listing methodology must be consistent with federal and state requirements, including North Carolina water quality standards. Those who comment are encouraged to review North Carolina's 2014 303(d) listing methodology and 2014 303(d) list supplemental information before submitting comments. A [notice](#) was issued 5 JUN 14. Comments were due 31 JUL 14. NCDENR POC: [Andy Painter](#).

### ***PROPOSED RULES***

**GENERAL PERMIT FOR CONSTRUCTION OF MITIGATION BANKS AND IN-LIEU FEE MITIGATION PROJECTS (15A NCAC 07H .2601, 2602, .2604, 2605)** The NCDENR Coastal Resources Commission has proposed amendments 15A



NCAC 07H .2601, 2602, .2604, and 2605. Rule 7H .2600 defines specific development requirements for the construction of wetland, stream, and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program (NCEEP) or the North Carolina Wetlands Restoration Program (NCWRP). The Coastal Resources Commission is proposing to amend administrative rules to expand this General Permit to include all mitigation bank and in-lieu fee projects, and not only those related to the NCEEP and/or the NCWRP. The [proposed rules](#) were published 15 APR 14. A hearing was held 14 MAY 14, and comments were due 16 JUN 14. The Rules Review Commission [agenda](#) was published 2 SEP 14. POC: Braxton Davis, (252) 808-2808.

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

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

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

Variances from applicable standards, revisions to water quality standards, or site-specific water quality standards may be granted by the EMC on a case-by-case basis pursuant GS 143-215.3(e), 143-214.3 or 143-214.1. For metals standards, proposed language details that alternative site-specific standards can be developed when studies are designed in accordance with the "Water Quality Standards Handbook: Second Edition" published by EPA (EPA 823-B-94-005a). The mechanisms outlined in the publication are for the Water Effect Ratio, the Recalculation Procedure, and the Resident Species Procedure. The EMC is seeking comment on the application of these provisions with respect to modifying the metals criteria. The [proposed rules](#) were published 15 JUN 14. Hearings were proposed for 15-16 JUL 14 and comments are due 22 AUG 14. NCDENR POC: [Connie Brower](#), (919) 807-6416.

**MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES** NCDER has proposed rulemaking to adopt rules cited as 15A NCAC 05H .0101-.0102, .0201-.0203, .0301, .0401-.0402, .0501-.0504, .0601-.0605, .0701-.0709, .0801-.0808, .0901, .1001-.1005, .1101, .1201-.1206, .1301-.1314, .1401-.1407, .1501-.1504, .1601-.1624, .1701-.1704, .1801-.1807, .1901-.1906, .2001-.2007, .2101-.2103, .2201, and repeal rules cited as 15A NCAC 05D .0101 and .0103-.0111. Session Law 2012-143 reconstituted the Mining Commission as the Mining and Energy Commission (MEC) and directed the MEC to develop and adopt a modern regulatory program for the management of oil and gas exploration and development activities, including use of horizontal drilling and hydraulic fracturing. MEC was charged with



adopting rules that:

- Protect public health and safety;
- Protect public and private property;
- Protect and conserve the state's air, water, and other natural resources;
- Promote economic development and expand employment opportunities; and
- Provide for productive and efficient development of oil and gas resources.

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

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

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

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



## ***PROPOSED RULES***

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

**SOLID WASTE LANDFILLS AND STRUCTURAL FILL (R.61-107.19)** SCDHEC has proposed amendments to R.61-107.19, Solid Waste Management (SWM): Solid Waste Landfills and Structural Fill. R. 61-107.19 replaced and simultaneously repealed Regulations 61-107.11, SWM: Construction, Demolition, and Land-clearing Debris Landfills; 61-107.13, SWM: Municipal Solid Waste Incinerator Ash Landfills; 61-107.16, SWM: Industrial Solid Waste Landfills; and 61-107.258, SWM: Municipal Solid Waste Landfills. Proposed amendment addressed the process for permitting Class One, Class Two and Class Three landfills, and updates requirements for structural fill sites. Additional changes include, but are not limited to, clarifying, amending, or reducing certain operating, monitoring, response, and reporting requirements for permitted facilities. Also under consideration will be stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation. A

[Drafting Notice](#) was published 27 JUN 14. POC: Kent Coleman, (803) 898-1358.

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



### ***PROPOSED RULES***

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

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

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

## **Department of Defense Activity**

**2014 SECRETARY OF DEFENSE ENVIRONMENTAL AWARDS** The Department of Defense (DoD) announced the [winners of the 2014 Secretary of Defense Environmental Awards](#). Each year since 1962 DoD has honored individuals, teams, and installations for outstanding achievements and innovative environmental practices and partnerships that promote quality of life and increase efficiencies without compromising mission success. Each year, the Office of the Deputy Under Secretary of Defense (Installations & Environment) submits a call for nominations and each Military Service and Defense Agency may submit one nomination for each of the nine categories that cover six subject areas: natural resources conservation, environmental quality, sustainability, environmental restoration, cultural resources management, and environmental excellence in weapon system acquisition.

**ARMY BASES AND CLIMATE CHANGE** The Honorable Katherine Hammack, Assistant Secretary of the Army for Installations, discusses how Army bases are dealing with climate change in an interview on the Federal News Radio program *In Depth* with Francis Rose. Ms. Hammack says readiness is dependent upon how installations prepare for a future of limited energy resources. She describes how state officials are working with local utilities to build renewable energy projects at Army installations with the intent of selling it to the Army at the same price as conventional power sources. Developing new sources of energy on Army installations also benefits host communities by easing demands on the commercial grid. Listen to the interview [here](#).

**ARMY ENERGY CONSUMPTION** Katherine Hammack discusses several Army initiatives to reduce energy consumption on *Platt's Energy Week*, a weekly independent energy news, talk and analysis program. To view the program click [here](#).

# Federal Activity

## *AIR*

**GREENHOUSE GAS REPORTING PROGRAM: ADDITION OF GLOBAL WARMING POTENTIALS** EPA is proposing to add chemical-specific and default global warming potentials (GWPs) for a number of fluorinated GHGs and fluorinated heat transfer fluids (HTFs) to the general provisions of the Greenhouse Gas Reporting Rule ([79 FR 44332](#)). Currently, these fluorinated GHGs and HTFs are not assigned GWPs under the rule. Proposed changes would increase completeness and accuracy of carbon dioxide equivalent emissions calculated and reported by suppliers and emitters of fluorinated GHGs and HTFs. Comments were due 2 SEP 14. EPA POC: [Carole Cook](#), (202) 343-9263.

**RISK MANAGEMENT PROGRAMS** In response to [Executive Order 13650](#) "Improving Chemical Facility Safety and Security," EPA is requesting information relevant to potential revisions to its Risk Management Program (RMP) under the Clean Air Act ([79 FR 44603](#)). Among other items of interest are:

- Updating the list of regulated substances;
- Extending mechanical integrity requirements to cover safety-critical equipment;
- Requiring owners and operators to manage organizational changes;
- Require third-party compliance audits;
- Effects of OSHA Process Safety Management coverage on RMP applicability;
- Safer technology and alternatives analysis;
- Emergency drills to test a source's emergency response program or plan;
- Automated detection and monitoring for releases of regulated substances;
- Additional stationary source location requirements;
- Compliance with emergency response program requirements in coordination with local responders;
- Incident investigation and accident history requirements;
- Worst case release scenario quantity requirements for processes involving numerous small vessels stored together;
- Public disclosure of information to promote regulatory compliance and improve community understanding of chemical risks; and
- Threshold quantities and off-site consequence analysis endpoints for regulated substances based on acute exposure guideline level toxicity values.

[Additional information](#) is available. Comments and additional material are due 29 OCT 14. EPA POC: [James Belke](#), (202) 564-8023.

**SIGNIFICANT NEW ALTERNATIVES POLICY PROGRAM** Pursuant to its Significant New Alternatives Policy program, EPA has proposed changes to the status of various substitutes previously listed as acceptable because other substitutes pose lower risk overall to human health and/or the environment ([79 FR 46126](#)). Proposed changes include:

- Modifying listings for certain hydrofluorocarbons (HFCs) in various end-uses in the aerosols, refrigeration and air conditioning, and foam blowing sectors;
- Restricting use of HFCs to uses where no substitutes that reduce overall risk to human health and/or the environment are available or potentially available; and
- Changing status from acceptable to unacceptable for certain HFCs being phased out of production under the Montreal Protocol on Substances that Deplete the Ozone Layer, and Section 605(a) of the Clean Air Act.

Comments are due 6 OCT 14. EPA POC: [Rebecca von dem Hagen](#), (202) 343-9445.

**NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)** On 30 JAN 2013, EPA [finalized amendments](#) to NESHAPs for Stationary Reciprocating Internal Combustion Engines and the New Source Performance Standards for Stationary Internal Combustion Engines. EPA received three petitions for reconsideration of the final rule. On 5 SEP 2013, EPA announced reconsideration of and requested public comment on three issues raised in the petitions for reconsideration. EPA will not propose changes to the regulations related to the petition issues, and is providing notice of this decision effective 15 AUG 14. EPA POC: [Melanie King](#), (919) 541-2469.

**REDUCTION IN URBAN AIR TOXICS** EPA released the [Second Integrated Urban Air Toxics Report to Congress](#). The report shows that substantial progress has been made to reduce air toxics across the country since the development of the Integrated Urban Air Toxics Strategy in 1999. EPA completed an analysis of HAP emissions trends in urban areas

based on recent monitoring data. All but two pollutants show a decrease in average concentrations across selected metropolitan areas between 2003 and 2010. The greatest reductions occurred for arsenic, benzene, 1,3-butadiene, lead, nickel and tetrachloroethylene. Chloroform and dichloromethane show a slight increase in national trends primarily because a few sites located near industry use these solvents on roadways. EPA's forthcoming version of the National-Scale Air Toxics Assessment (NATA), due out in 2015, will provide communities with current information on risks from air toxics. EPA POC: [Enesta Jones](#), (202) 564-7873 or (202) 564-4355.

## ***CLIMATE CHANGE***

**FISCAL IMPACT OF CLIMATE CHANGE TO FEDERAL FACILITIES** This Government Accountability Office (GAO) report, [Opportunities to Reduce Federal Fiscal Exposures Through Greater Resilience to Climate Change and Extreme Weather](#), releases the results of a GAO study concerning the impact of climate change and extreme weather on federal facilities (GAO-14-504T). The primary finding was that climate change and related extreme weather impacts on infrastructure and federal lands increase fiscal exposures that the federal budget does not fully reflect. Investing in resilience--actions to reduce potential future losses rather than waiting for an event to occur and paying for recovery afterward--can reduce the potential impacts of climate-related events. Implementing resilience measures creates additional up-front costs but could also confer benefits, such as a reduction in future damages from climate-related events.

## ***ENERGY***

**GRID PLANNING RULE** A three-judge panel of the US Court of Appeals for the District of Columbia Circuit has [affirmed](#) the Federal Energy Regulatory Commission's "[Order 1000](#)," a series of measures from 2011 that requires large-scale regional planning of the national electric grid designed in part to create greater access to renewable energy. The case addressed whether states could be forced to coordinate on transmission planning, carbon standards, and paying for actions to create new transmission capacity. Opponents may request a rehearing before all 11 DC Circuit Court judges, or file a petition asking the Supreme Court to take up the case.

## ***GENERAL***

**ENFORCEMENT AND COMPLIANCE AT FEDERAL FACILITIES** An [EPA website updates](#) "The Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities" published in 1999. The site provides EPA field-level personnel a primer for complying with environmental requirements and understanding the enforcement and compliance processes used by EPA at federal facilities. The site includes a definition of "federal facilities," summaries of the enforcement process for federal facilities, and information on available compliance assistance. The site also provides links to sections regarding major environmental statutes and Executive Orders, as well as a [section on military munitions](#).

## ***HAZARDOUS MATERIALS***

**HAZARDOUS MATERIALS** The Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) is proposing to revise Hazardous Materials Regulations (HMR) applicable to return shipments of certain hazardous materials by motor vehicle ([79 FR 46748](#)). PHMSA proposes this definition for "reverse logistics" for hazardous materials: "Reverse logistics is the process of moving goods from their final destination for the purpose of capturing value, recall, replacement, proper disposal, or similar reason." The definition is intended to include hazardous materials that are returned to or between a vendor, distributor, manufacturer, or other person for the purpose of returning for credit, recalling product, replacement, or similar reason. PHMSA proposes to establish a new section 173.157 in the HMR to provide an exception for materials that are transported in a manner that meets the definition of reverse logistics. When transported by motor vehicle in conformance with this section, a hazardous material is not subject to any other requirements of this subchapter besides those set forth or referenced in this section. Quantity limitations are specified for specific classes, divisions, or packing groups of materials. Each material must be packaged in the manufacturer's original packaging if available, or a packaging of equal or greater strength and integrity. This rulemaking also proposes to expand an existing exception for reverse logistics shipments of used automobile batteries that are being shipped from a retail facility to a recycling center. Comments are due 10 OCT 14. PHMSA POC: Steven Andrews, (202) 366-8553.

## ***NATURAL RESOURCES***

**FLORIDA LEAFWING AND BATRAM'S SCRUB-HAIRSTREAK BUTTERFLIES** The US Fish and Wildlife Service (USFWS) has designated approximately 11,500 acres as critical habitat for the Florida leafwing and Bartram's scrub-hairstreak butterflies in Miami-Dade and Monroe counties, Florida ([79 FR 47179](#)). Designated areas include 20 acres belonging to the Army Corps of Engineers and 72 acres of Coast Guard lands. Both butterflies' entire lifecycles occur within pine rockland habitat and occasionally within associated rockland hammock and hydric pine flatwoods. USFWS POC: Craig Aubrey (772) 562-3909.



## **NEPA**

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) GUIDANCE** The Council on Environmental Quality (CEQ) is releasing for comment draft [Programmatic NEPA Guidance](#) to improve the efficiency and timeliness of federal agencies' environmental reviews. Agencies are encouraged to revise or amend NEPA implementing procedures, if necessary to allow for analyses at a programmatic level. Programmatic reviews assess environmental impacts of actions associated with broad federal programs or policies, thus avoiding repetitive analyses had each been analyzed individually. Programmatic reviews may be followed by site-specific reviews, a process known as tiering, or as stand-alone NEPA reviews. Comments are due 6 OCT 14. CEQ POC: Horst Greczmiel, (202) 395-5750.

## **SUSTAINABILITY**

**FEDERAL FISCAL YEAR 2013 SUSTAINABILITY SCORECARDS** As part of a progress update on the status of federal agency impacts on greenhouse gases (GHGs), the [FY13 Office of Management and Budget Sustainability/Energy Scorecards](#) have been released. To link to the scorecard for an individual agency, scroll to the last page of the progress update and click on the link.

## **WATER**

**GROUNDWATER DEPLETION IN COLORADO RIVER BASIN** A [new study](#) by the National Aeronautics and Space Administration (NASA) and University of California, Irvine, scientists found more than 75 percent of water loss in the drought-stricken Colorado River Basin since late 2004 came from underground resources. This study is the first to quantify the amount that groundwater contributes to water needs of western states. According to the US Bureau of Reclamation, the federal water management agency, the basin has been suffering from prolonged, severe drought since 2000 and has experienced the driest 14-year period in the last 100 years. The NASA study found that monthly measurements in the change in water mass from December 2004 to November 2013 revealed the basin lost nearly 53 million acre feet (65 cubic kilometers) of fresh water, which is almost double the volume of Lake Mead. More than three-quarters of the total, about 41 million acre feet (50 cubic kilometers), was from groundwater. NASA POC: [Steve Cole](#), (202) 358-0918. University of California, Irvine POC: [Janet Wilson](#), (949) 824-3969.

**COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES** EPA published a final rule addressing cooling water intake structures at existing facilities ([79 FR 48299](#)). The rule affects facilities designed to withdraw more than two million gallons per day (gpd) from combined intakes and use at least 25 percent of that water exclusively for cooling purposes. Design intake flow does not include values associated with emergency and fire suppression capacity or redundant pumps (i.e., back-up pumps). These requirements will be implemented through National Pollutant Discharge Elimination System permits. Existing facilities must submit information describing:

- System design and operation;
- Existing impingement or entrainment prevention technologies or measures; and
- Which of the following options will be used for impingement mortality compliance standards:
  - 0.5 feet per second (ft/s) design velocity through intake screens;
  - Verified 0.5 ft/s actual velocity through intake screens at all times;
  - Closed loop recirculating system;
  - Offshore velocity cap;
  - Modified travelling screens; or
  - Meeting an impingement mortality standard and biological monitoring.

EPA must establish, in each permit, site specific Best Technology Available standards for entrainment. The rule is effective 60 days after publication and compliance is "as soon as practicable." EPA may establish interim compliance milestones in the permit. [Additional information](#) is available. EPA POC: [Paul Shriner](#), (202) 566-1076.

# **Professional Development**

**15 SEP, ONLINE: PUBLIC MEETING ON CLIMATE ADAPTATION STRATEGY** USFWS will host a public teleconference of the Joint Implementation Working Group for the National Fish, Wildlife, and Plants Climate Adaptation Strategy. The purpose of the adaptation strategy is to inspire and enable natural resource professionals and other decision makers to take action to conserve the nation's fish, wildlife, plants, and ecosystem functions, as well as the human uses and values these natural systems provide, in a changing climate. Future meetings of the working group will be announced only on the website.

**16-17 SEP, BIRMINGHAM, AL: [EPA CAA RULEMAKING AND PERMITTING TRAINING FOR ENVIRONMENTAL JUSTICE COMMUNITIES](#)** This EPA-sponsored course details key features of the major air permit programs for facilities that impact air quality. Included in the class are the basics of how and when to get involved; benefits of early and meaningful public involvement; and roles of the public, industry, and government in the permitting process.

**23 SEP, WASHINGTON, DC: [ENERGY 2030](#)** The summit will foster a discussion on what the federal government can do to help spur energy productivity at the state and local level. Featuring keynote addresses from congressional members and timely discussions from leaders in energy efficiency, the summit will showcase work being done at the state, local, and federal levels, and highlight the support that has been generated across the nation for the Energy 2030 goal of doubling energy productivity in the US by 2030 (getting twice as much economic output).

**1-2 OCT, CHARLOTTE, NC: [MAKING ENERGY WORK](#)** This conference will help provide context for the future of the energy landscape. This event will convene participants from the energy industry and create dialogue around important issues.

**7-9 OCT, PHILADELPHIA, PA: [NATIONAL CONFERENCE ON SUSTAINABILITY, BROWNFIELDS AND PROPERTY TRANSACTIONS](#)** This conference will provide an opportunity to stay up-to-date on brownfields redevelopment, sustainability and property transactions that minimize environmental risk. The conference will attract professionals in brownfields redevelopment and sustainability, including local government professionals, private sector developers, finance experts, and environmental consultants. Attendees will be able to hear from and talk with brownfields team leaders and federal agency officials.

**21-24 OCT, MOBILE, AL: [10TH BIENNIAL LONGLEAF CONFERENCE, 9TH EASTERN NATIVE GRASS SYMPOSIUM](#)** The conference will be of interest to anyone managing or restoring longleaf pine ecosystems and the grasslands that occur across the eastern US. The Longleaf Alliance is cohosting the 2014 conference with the Eastern Native Grass Alliance, as the Eastern Native Grass Symposium will take place concurrently with the Longleaf Conference. Additionally, a gathering of Prescribed Fire Council members will take place on Friday 24 Oct 2014.

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

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

**18-20 NOV, DALLAS, TX: [CLEAN AIR THROUGH ENERGY EFFICIENCY](#)** This educational conference and business exhibition connects public and private decision makers and thought leaders. The purpose is to help communities improve decisions that determine the energy and water intensity of the built environment and reduce related emissions.

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

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

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

### ***ANYTIME ONLINE***

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

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

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

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

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

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

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

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

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

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

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

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

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

**[USEPA WATERSHED ACADEMY WEBCAST SERIES](#)** EPA's Watershed Academy is sponsoring free webcast seminars for local watershed organizations, municipal leaders, and others. To access a webcast, simultaneously log on to the web

and/or participate by phone conference lines in live training conducted by expert instructors. Archived training sessions are also available by streaming audio.

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

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

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

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

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

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

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



# Staff Directory

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Region 4 Counsel	404-545-5655
Region 4 REC	VACANT
Project Manager	410-459-3293
Regulatory Affairs Specialist	770-629-2180

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## How the Regional Offices Work for You

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

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

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

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

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