



# Southern Review

## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

December 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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## EXCELLENCE IN ENERGY AND WATER MANAGEMENT

Eight Secretary of the Army awards recognizing outstanding achievements in Energy and Water Management were presented during a 29 OCT 14 ceremony.

"Today we celebrate excellence in Energy and Water Management on our installations. We are very proud to present some of our heroes who have embraced the principles of Net Zero and are leading their installations to increased resiliency with energy and water security," said Hon. Katherine Hammack, assistant secretary of the Army for Installations, Energy and Environment.

The awards were presented for achievements in energy efficiency, energy management and water conservation categories on behalf of the Secretary of the Army by Hon. Hammack, who was assisted by Mr. Richard Kidd, deputy assistant secretary of the Army for Energy and Sustainability, and Lt. Gen. David Halverson, assistant chief of staff for Installation Management.

Before presenting the awards, Hammack noted, "Having a resilient Army is critical to our National defense. We must become more responsive to the physical, social and economic challenges that are a growing part of the 21st century. Building resilience is helping people, communities and our Army prepare for, withstand and emerge stronger from acute shocks and chronic stresses. Resilience is an installation's ability to perform all missions under a variety of adverse conditions."

There were four awardees in the "Small Group" category for achievement in Renewable and Alternative Energy: Fort Hood, TX Picatinny Arsenal, NJ; White Sands Missile Range, NM; and US Army Engineering and Support Center, Huntsville, AL.

Three installations were recognized for achievements: the Presidio of Monterey, CA and Fort Stewart, GA, were recognized for achievements in Energy Efficiency and Energy Management, while Fort Carson, Colo., was recognized for achievements in Water Conservation.

The full article 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.



## ***FINAL RULES***

**GREENHOUSE GASES (335-3-14-.04, 335-3-16-.01, APPENDIX I)** The Alabama Department of Environmental Management (ADEM) adopted 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 provide 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. 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 was held 10 SEP 14 and comments were due 12 SEP 14. The [Certified Adopted Rules](#) were filed 21 OCT 14, published 31 OCT 14. They became effective 25 NOV 14.

## ***PROPOSED RULES***

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



## ***PROPOSED RULES***

**UNIFORM MITIGATION ASSESSMENT METHOD (62-345.100, .200, .300, .400, .500, .600, .900)** The Florida Department of Protection (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, and a revised method to ensure equal evaluation is used when calculating the preservation adjustment factor. Amendments also clarified application of the UMAM for assessment areas artificially created or significantly altered from their 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, .315, .320, .330, .400, .410, .430, .500, .510, .520, .600, .610, .620, .630, .710, .730, .803, .900)** FLDEP has proposed revisions to chapter 62-701 of F.A.C., which contains regulations for a variety of solid waste facilities including landfills, construction and demolition (C&D) debris disposal facilities, and waste processing and recycling facilities. This chapter was last amended with an effective date of 12 AUG 12. Subsection 403.707(9), F.S., requires all C&D debris landfills be constructed with

liners and leachate control systems. Amendments are being made to the chapter to implement these changes in the statutes. Various simplifying changes are also proposed to chapter 62-701 to reduce unnecessary regulations, reduce costs to the regulated community, and clarify existing regulations. These measures will result in a savings to the regulated community, while continuing to provide effective environmental protection. A meeting was held 21 AUG 14 and a [Notice of Proposed Rules](#) was published 1 OCT 14. A hearing was held 23 OCT 14 and a [Notice of Change](#) was published 26 NOV 14. A workshop regarding Subsection 403.707(9), F.S. was held 5 DEC 14. FLDEP POC: [Richard Tedder](#), (850) 245-8735.

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

**MITIGATION BANKS (62-342.100, .200, .450, .470, .650, .700, .750, .800, .850, .900)** FLDEP has proposed rules to correct citations and references in Chapter 62-342, F.A.C., Mitigation Banks. The proposed rules are the result of amendments to the new Statewide Environmental Resource Permitting (ERP) rule Chapter 62-330, F.A.C., effective 1 OCT 13; repeal of rules in Chapter 62-312, F.A.C.; and repeal of Chapters 62-343 and 62-346, F.A.C., effective 25 NOV 13. Rule 62-342.200 and paragraph 62-342.750(1)(c) refer to the success criteria in Rule 62-312.350, F.A.C., which is repealed. The effective date of Chapter 62-312, F.A.C., in existence prior to its repeal, needs to be added to the above provisions in Chapter 62-342, F.A.C., so mitigation bankers can continue to rely on those criteria. The [Notice of Rulemaking Development](#) was published 31 MAR 14, a [Notice of Proposed Rules](#) was published 17 JUN 14, a [Notice of Correction](#) was published 27 AUG 14, and a [Notice of Change](#) was published 5 SEP 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 Water Management District (WMD) has proposed revisions to 40E-10, F.A.C., regarding the Kissimmee River Restoration Project, a joint partnership between the WMD and the US Army Corps of Engineers (USACE). The project will restore over 40 square miles of river/floodplain ecosystem, including 44 miles of meandering river channel and 25,000 acres of wetlands. An integral component of the restoration is the protection from allocation of water needed for fish and wildlife. Water identified for the natural system will be protected through a water reservation as authorized by Florida law. The [Notice of Development of Rulemaking](#) was published 16 JUL 14 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 (best management practices). New sediment control measures are more effective at minimizing or eliminating pollutant discharges from dewatering operations to state surface waters. A [Notice of Proposed Rules](#) was published 19 JUN 14 and comments were due 10 JUL 14. FLDEP POC: [Allen Hubbard](#), (850) 245-7606.

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

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

**FLORIDA RENEWABLE ENERGY (RE) TECHNOLOGY SALES TAX REFUND, INVESTMENT TAX CREDIT, PRODUCTION CREDIT (50-2.001, 50-2.002, 50-2.003)** The Department of Agriculture and Consumer Services (DACS) has proposed amendments to 50-2.001, 50-2.002, and 50-2.003, F.A.C. Amendments provide guidance to interested taxpayers for the application process, review, and administration of the Florida RE Technology Sales Tax Refund, the Florida RE Technology Investment Tax Credit, and the Florida RE Production Credit. A [Notice of Development of Rulemaking](#) was published 26 SEP 14. POC: April Groover, (850) 617-7477.

**USE OF ALLYL ISOTHIOCYANATE (5E-2.0105, 5E-2.043)** The DACS has proposed rulemaking regarding 5E-2.0105 and 5E-2.043, F.A.C. The proposed rule will classify any soil fumigant containing allyl isothiocyanate as a restricted-use pesticide in Florida. It will require a designated agent to be present at the application site during all phases of allyl isothiocyanate soil application. A [Notice of Development of Rulemaking](#) was published 3 OCT 14. POC: [Kelly Friend](#), (850) 617-7850.

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

- Incorporate updated versions of related rules adopted by FLDEP;
- Adopt the new Water Well Construction Disciplinary Guidelines and Citations Dictionary;
- Adopt revised forms for well contractor licensing and license renewal;
- Adopt a revised form for use with well grouting or abandonment;
- Incorporate by reference additional materials that are applicable to the regulation of water well construction; and
- Make other minor corrections.

Amendments will make the WMD’s rules consistent with those recently adopted by FLDEP and recent statutory amendments for the licensing of water well contractors. A Notice of Development of Rulemaking was published on 30 OCT 14. POC: [Martha Moore](#), (813) 985-7481.

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

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

[Kellie Madison](#), (561) 682-6906.



## **PROPOSED RULES**

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

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



**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 14 OCT 14; the [agenda](#) is available. KY DOW POC: Carole Catalfo, (502) 564-3410.

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



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

- Open burning provisions in 11 Miss. Admin. Code, Pt. 2, Ch.1, Rule 1.3.G allow MSDEQ to delegate regulation of burning of residential yard waste by individual residential property owners to local governments that have adopted a locally enforceable ordinance sufficiently protective of air quality in its jurisdiction. Amendments also

create an "Air Quality Action Day" that describes days on which air quality data shows a specific area of the state may be experiencing severely diminished air quality conditions. On these days, all burning of vegetative yard wastes and other types of prescribed open burning will be prohibited.

- Amendments adopt, by reference, changes to federal New Source Performance Standards in 40 CFR Part 60, Federal National Emission Standards for Hazardous Air Pollutants in 40 CFR Parts 61 and 63, and Federal Consolidated Air Rules in 40 CFR Part 65.

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

## **PROPOSED RULES**

**2015 ANNUAL AIR MONITORING NETWORK PLAN** MSDEQ 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](#).



## **GENERAL PERMIT FOR CONSTRUCTION OF MITIGATION BANKS AND IN-LIEU FEE MITIGATION PROJECTS (15A NCAC 07H .2601, 2602, .2604, 2605)**

The North Carolina Department of Natural Resources (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, and a meeting was held 18 SEP 14. The rules became effective 1 OCT 14, [Rules Review Commission Minutes](#) (page 56) were published 15 OCT 14, and [approved rules](#) (page 84) were published 3 NOV 14. POC: Braxton Davis, (252) 808-2808.

**PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS** NCDENR has adopted a temporary rule regarding 15A NCAC 02B .0295 authorized by Section 2 of S.L. 2014-95 (effective 1 OCT 14), 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 emergency rules became effective 24 OCT 14 and [temporary rules](#) (page 24) were published 17 NOV 14. Emergency rules expire 21 JUL 15.

**UNDERGROUND STORAGE TANKS (15A NCAC 02N .0304 AND .0903-.0904)** NCDENR has proposed rulemaking to amend the rules cited as 15A NCAC 02N .0304 and .0903-.0904. Proposed 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. Proposed rules must be substantively identical to the provisions of Session Law 2011-394 and Session Law 2013-413. [Proposed rules](#) (page 56) were published 3 NOV 14 and a hearing was held 4 DEC 14. POC:

## **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. North Carolina Department of Natural Resources (NCDENR) POC: [Andy Painter](#).

## **PROPOSED RULES**

**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). 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 held 15-16 JUL 14 and comments were due 22 AUG 14. NCDENR POC: [Connie Brower](mailto:Connie.Brower), (919) 807-6416.

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

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

After reviewing current regulations, the mandate in 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 were 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 com-

ments were 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 Session Law 2013-413, which allows transporting of land clearing materials over public roads for open burning to locations other than certain permitted facilities if specific requirements defined in Section 28(b) are met. Amendments to Rules 15A NCAC 02D .1901 and .1902 are also proposed to update reference to the General Statute and the name of the former Division of Forest Resources to reflect its current name, the North Carolina Forest Service. The [proposed rules](#) were filed 18 JUL 14. A hearing was held 3 SEP 14 and comments were due 30 SEP 14.

**STORMWATER PERMITTING (15A NCAC 02H .1002)** The 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 rule-making will also replace a temporary rule adopted pursuant to G.S. 150B-21.1 and published in the North Carolina Register on 15 APR 14. The temporary rule will expire unless a permanent rule is adopted by the EMC and submitted to the Rules Review Commission by 10 JAN 15. The text, purpose, and justification of the proposed rule are identical to those of the temporary rule. The [proposed rules](#) (see page 33) were published 1 AUG 14 and a hearing was held 20 AUG 14. Comments were due 30 SEP 14. NCDENR POC: [Julie Ventaloro](#), (919) 807-6370.

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

- 2.0 lb/hr for ethylene glycol monoethyl ether is reflected in the acute systemic column instead of the acute irritant column;
- 31.59 lb/hr for methyl isobutyl ketone is to be reflected in the column for acute irritants; and
- 197.96 lb/day for toluene in the column for chronic toxicants.

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



## **PROPOSED RULES**

**WASTE TIRES (R.61-107.3)** The South Carolina Department of Health and Environmental Control (SCDHEC) has proposed amendments to R.61-107.3, Solid Waste Management (SWM): Waste Tires, to amend applicability of the regulation, and amend and expand definitions. The amendment will update, clarify, or amend standards for hauling, sorting, storing, processing, and disposing waste tires. Changes include but are not limited to revisions to operational standards; siting, reporting, and permitting requirements; and financial assurance requirements. Exemptions will be clarified. Also under consideration are penalties for violations 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. [Proposed regulations](#) (page 68) were published 28 NOV 14. POC: Kent Coleman, (803) 896-4135.

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

**GENERAL PERMIT FOR CLASS 1 LANDFILLS (SWGP-001)** SCDHEC has proposed to revise and reissue the General Permit for Class 1 Landfills Operations, as allowed in Regulation 61-107.19, Part III. For eligible landfills located in the eight

coastal counties (Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper), the Coastal Zone Consistency section will review SWGP-001 General Permit for Class 1 Landfills (Land Clearing Debris and Yard Trash) for consistency with enforceable policies contained within the Coastal Zone Management Program Document. Solid Waste Disposal and Stormwater Management Guidelines for Landfills will be referenced in the review. A [notice](#) was issued on 27 JUN 14. Comments were due 28 JUL 14. SCDHEC POC: [Joan Litton](#).

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

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

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

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

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

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

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

- **"Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents,"** published 18 JAN 11 ([75 FR 78918](#)). The rule removes saccharin and its salts from the lists of hazardous constituents and commercial chemical products, which are hazardous wastes when discarded or intended to be discarded. This rule is promulgated pursuant to Non-Hazardous and Solid Waste Amendments (HSWA) authority and is neither more nor less stringent than current federal requirements.
- **"Academic Laboratories Generator Standards Technical Corrections,"** published 20 DEC 10 ([75 FR 79304](#)). The rule makes technical corrections to Subpart K, 40 CFR part 262, which established an alternative set of generator requirements applicable to laboratories owned by eligible academic entities, and address the specific nature of hazardous waste generation and accumulation in such laboratories. This rule is promulgated pursuant to non-HSWA authority and is neither more nor less stringent than current federal requirements.

- “Revision of the Land Disposal Treatment Standards for Carbamate Wastes,” published 11 AUG 11 ([76 FR 34147](#)). The rule provides as an alternative standard, use of best demonstrated available technologies (BDAT) for treating hazardous wastes resulting from production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates, and container residues that become hazardous wastes when they are or intended to be discarded. In addition, this action removes carbamate Regulated Constituents from the table of Universal Treatment Standards. This rule is promulgated pursuant to HSWA authority and is neither more nor less stringent than current federal requirements.
- “Hazardous Waste Technical Corrections and Clarifications,” published on 14 MAY 12 ([77 FR 22229](#)). The rule corrects a typographical error in entry “K107” of the table listing hazardous wastes from specific sources at 40 CFR 261.32; and makes a conforming change at 40 CFR 266.20(b) to clarify that a recycling facility must keep a one-time certification and notification related to recyclable materials being used in a manner constituting disposal. This rule is promulgated pursuant to Non-HSWA authority and is neither more nor less stringent than current federal requirements.
- “Conditional Exclusions for Solvent Contaminated Wipes,” published 31 JAN 14 ([78 FR 46448](#)). The rule revises the definition of solid waste to conditionally exclude solvent contaminated wipes that are cleaned and reused, and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. This rule is less stringent than the existing federal rules. Authorized states whose programs include less stringent requirements than this final rule are required to modify programs to maintain consistency with the federal program per provisions of 40 CFR 271.21(e). In addition, any states that delineate their program for reusable wipes in guidance documents or interpretive letters will need to promulgate enforceable regulations, as required by 40 CFR 271.21(a). Authorized states may specify a different standard or test method for determining that solvent contaminated wipes contain no free liquids (in lieu of the Paint Filter Liquids test).

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



## ***FINAL RULES***

**HAZARDOUS WASTE MANAGEMENT (0400-12-01)** The Tennessee Department of Environment and Conservation (TDEC) has adopted rulemaking regarding 0400-12-01 to:

- Address conflicts that have resulted from prior rulemakings;
- Update regulatory language to reflect recent changes in state statutes or in EPA language referenced by the state regulations;
- Clarify ambiguous language to bring clarity to the regulated community; and
- Correct typographical errors and update additional rule renumbering changes.

The [Notice of Rulemaking Hearing](#) was filed 16 DEC 13. A hearing was held 11 FEB 14 and comments were due 11 FEB 14. [Rulemaking hearing rules](#) were filed 12 NOV 14. The rules become effective 10 FEB 14. POC: [David Moran](#), (615) 532-0875.

## ***PROPOSED RULES***

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

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

# Department of Defense Activity

**ARMY RENEWABLE ENERGY DEVELOPMENT GUIDE** The Army's Office of Energy Initiatives released the document titled [Army Guide: Developing Renewable Energy Projects by Leveraging the Private Sector](#). The guide is intended to assist installations with the development of renewable energy projects. It outlines practices, processes, and relevant Army regulations, approvals, and notifications necessary to advance a privately-financed energy generation project from concept to execution. The guide is not a manual and does not provide a step-by-step process. Instead, it represents an evolving body of knowledge on an approach to developing privately-financed energy projects, which differ from projects using appropriated funding sources (Military Construction) or other third-party finance models such as energy savings performance contracts and utility energy savings contracts. The guide will be updated and expanded as processes, policies, and tools evolve.

**AIR FORCE VG2 FLEET** The Air Force [unveiled](#) its new vehicle to grid (V2G) demonstration project at Los Angeles Air Force Base. The V2G fleet is the DoD's first non-tactical fleet composed entirely of plug-in electric vehicles. The fleet has the capability to direct power to and from the electrical grid when the vehicles are not being driven. The Air Force plans to expand the V2G demonstration to Joint Base Andrews, Md., and Joint Base McGuire-Dix-Lakehurst, N.J. It also will continue to look for additional capabilities, such as utilizing used batteries as a form of on-base energy storage, as well as pursuing additional opportunities to expand its existing partnerships.

**TEAM PROTECTING GEORGIA BOMBING RANGE WINS CONSERVATION AWARD** The team of military, state and nonprofit organizations responsible for protecting a bombing range in southeastern Georgia from encroachment has been awarded the [inaugural Nancy Natoli Élan Award for Innovation in Land Conservation](#) by the U.S. Endowment for Forestry and Communities. The Townsend Bombing Range Encroachment Partnering Team — Marine Corps Air Station Beaufort, Georgia Department of Natural Resources, The Nature Conservancy and Naval Facilities Engineering Command Southeast — has helped conserve more than 30,000 acres used for training by Marine Air Corps Station Beaufort, S.C., as well as Navy, Air Force and Army units from more than a dozen installations. Bob Barnes, who served in the Army for 32 years, was also selected as a winner of the Nancy Natoli Élan Award for his efforts on behalf of the Readiness and Environmental Protection Integration ([REPI](#)) program.

**ARMY 2020 FORCE STRUCTURE REALIGNMENT** The Department of the Army announced a Finding of No Significant Impact (FNSI) for implementation of force structure realignment to reduce the Army active duty end-strength from 562,000 at the end of Fiscal Year (FY) 2012 to 420,000 by FY 2020 ([79 FR 68225](#)). The Army concluded there will be no significant environmental impacts, other than socioeconomic impacts, likely to result from the implementation of the proposed action. The Supplemental Programmatic Environmental Assessment (SPEA) for Army 2020 Force Structure Realignment supplements the 2013 Programmatic Environmental Assessment (PEA). For more information, [click here](#).

## Federal Activity

### AIR

**OZONE NAAQS** EPA [is proposing](#) to tighten its primary national ambient air quality standard (NAAQS) for ozone to a range between 65 and 70 parts per billion (ppb) to protect human health. The existing standard is 75 ppb. EPA is also proposing to tighten its secondary (seasonal environment-based) standard by defining ozone protection in a range of 13 to 17 parts per million-hours (ppm-hours), expressed in terms of the [W126 index](#). Comments will be due 90 days after publication in the Federal Register. EPA POC: [Susan Lyon Stone](#) at (919) 541-1146, [EPA ozone standards website](#).

**RECONSIDERATION OF CERTAIN STARTUP/SHUTDOWN ISSUES** EPA adopted final amendments to the startup and shutdown provisions of its 16 FEB 12 final Mercury and Air Toxics Standards (MATS) and new source performance standards for certain utility steam generating units (Utility NSPS) ([79 FR 68777](#)). The rulemaking amends the [National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units](#) and [Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units](#), effective 19 NOV 14. EPA POCs: [William Maxwell](#) (MATS), at (919) 541-5430; [Christian Fellner](#) (Utility NSPS), (919) 541-4003.

**MATS REPORTING** EPA adopted final amendments to the MATS rule ([79 FR 68795](#)). The revisions amend reporting requirements in the MATS rule by temporarily requiring affected sources to submit required emissions and compliance reports to EPA through the Emissions Collection and Monitoring Plan System ([ECMPS](#)) Client Tool and temporarily suspending the requirement for affected sources to submit certain reports using the electronic reporting tool and the Compliance and Emissions Data Reporting Interface ([CEDRI](#)). The final rule is effective 5 JAN 15. EPA POC: [Barrett Parker](#), (919) 541-5635.

**CIVIL PENALTIES: AIR POLLUTION FROM SHIPS** EPA issued a direct final rule governing the assessment of civil penalties due to air pollution from ships ([79 FR 65897](#)). EPA had not previously established procedures to assess civil penalties under the [Act to Prevent Pollution from Ships](#). The final rule is effective 5 JAN 15 unless EPA received adverse comment by 8 DEC 14. EPA POC: [Meetu Kaul](#), (202) 564-5472.

**AMBIENT AIR MONITORING: NEW REFERENCE AND EQUIVALENT METHODS** EPA designated, in accordance with Title 40 Code of Federal Regulation (CFR) Part 53, two new reference methods and two new equivalent methods ([79 FR 65392](#)). The new reference methods measure fine and coarse particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>) in ambient air. The new equivalent methods measure carbon monoxide and ozone in ambient air. The final rule was published 4 NOV 14. EPA POC: [Robert Vanderpool](#).

**ODS LABORATORY AND ANALYTICAL USE EXEMPTION EXTENDED** EPA is proposing to extend the laboratory and analytical use exemption for the production and import of class I ozone-depleting substances (ODS) through 31 DEC 21 ([79 FR 66679](#)). The exemption allows the production and import of controlled substances in the United States for laboratory and analytical uses that have not been already identified by EPA as nonessential. Comments were due 10 DEC 14. EPA POC: [Jeremy Arling](#), (202) 343-9055.

**INTEGRATED REVIEW PLAN: NAAQS FOR SO<sub>2</sub>** EPA released the final draft Integrated Review Plan for the Primary National Ambient Air Quality Standard for Sulfur Dioxide ([79 FR 66721](#)). The document contains plans for the review of air quality criteria for health for sulfur oxides and the primary national ambient air quality standard (NAAQS) for sulfur dioxide (SO<sub>2</sub>). The review will focus on effects associated with the gaseous species only. Effects associated with the particulate species (e.g., sulfate) are addressed in the review of the NAAQS for particulate matter. EPA expects the science assessment and risk/exposure assessment to be completed during 2015, and policy assessments during 2016. Resulting rulemaking, if any, would not be proposed until 2018. EPA POC: [Michael Stewart](#), (919) 541-7524, [SO<sub>2</sub> website](#).

## **CLIMATE CHANGE**

**FIFTH INTERNATIONAL CLIMATE ASSESSMENT REPORT** IPCC released the *Climate Change 2014 Synthesis Report*, its fifth assessment report. The report, preceded by three working group reports completed in 2013 and 2014, warns that continued emission of greenhouse gases (GHGs) will cause further warming and long-lasting changes in all components of the climate system. The report calls reducing fossil fuels in energy use to 20% by 2050 and completely phasing them out by the end of this century to avoid "severe, widespread and irreversible impacts." For more information, view a [report summary](#) or visit [IPCC's website](#) to download the complete report or the associated working group reports.

**REGIONAL MONITORING NETWORK TO DETECT CLIMATE CHANGE IN STREAM ECOSYSTEMS** EPA is requesting public comment on the draft document titled [Regional Monitoring Networks to Detect Climate Change Effects in Stream Ecosystems](#) ([79 FR 70866](#)). The document describes EPA's work to establish regional monitoring networks (RMNs) at which biological, thermal, and hydrologic data will be collected from freshwater wadeable streams to quantify and monitor changes in baseline condition, including climate change effects. RMNs have been established in the Northeast, Mid-Atlantic, and Southeast, and efforts are expanding into other regions. Comments are due 29 DEC 14. EPA POC: [Britta Bierwagen](#), (703) 347-8613, EPA's [Climate Change website](#).

## **CLEANUP**

**NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN: NOMENCLATURE** EPA announced a direct final rule updating terminology used throughout its regulations to align with that used in the Superfund Enterprise Management System (SEMS) ([79 FR 65589](#)). Effective 31 JAN 14, EPA decommissioned the Comprehensive Environmental Response Compensation and Liability Act Information System (CERCLIS) and adopted SEMS, a more comprehensive data management system. The rulemaking also adds a minor clarification to the description of the remedial preliminary assessment. The final rule is effective 5 JAN 15, unless the agency received adverse comment by 5 DEC 14. EPA POC: [Jennifer Hovis](#), (703) 603-8888.

## ***NATURAL AND CULTURAL RESOURCES***

**CURATION OF FEDERALLY-OWNED AND ADMINISTERED ARCHEOLOGICAL COLLECTIONS** The National Park Service is proposing to amend regulations for the curation of federally-owned and administered archeological collections ([79 FR 68640](#)). The amendments establish definitions, standards, and procedures to dispose of particular material remains that are determined to be of insufficient archeological interest. The rule is intended to promote more efficient and effective curation of these archeological collections. Comments are due 17 FEB 14. NPS POC: [David Gadsby](#), (202) 354-2101.

**DEPREDAATION ORDER REVISIONS AND YELLOW-BILLED MAGPIE** The US Fish and Wildlife Service (USFWS) removed the yellow-billed magpie from the [depredation order](#) and made other changes ([79 FR 65595](#)). The changes narrow the application of the regulation from protection of any wildlife to protection of species listed by federal, state, or tribal governments; add conditions for live trapping; and refine reporting requirements. The final rule was effective 5 DEC 14. USFWS POC: George Allen, (703) 358-1825.

## ***SUSTAINABILITY***

**GREEN PROCUREMENT** The General Services Administration (GSA) updated its Green Procurement Compilation website by adding a [DoD sustainable acquisition page](#). Initially launched as a downloadable spreadsheet listing basic requirements, the Green Procurement Compilation has evolved into an online version that includes links by item category to facilitate purchasing. The agency-specific procurement page includes links to other DoD sources of sustainable product information such as the DENIX [Sustainable Products Center](#) and [Sustainable Products Demonstrations](#) and links to DoD sustainable product purchasing plans, guidance, policies, instructions and memoranda.

## ***THREATENED AND ENDANGERED SPECIES***

**NORTHERN LONG-EARED BAT** USFWS extended the public comment period on its [2 OCT 13](#) proposed rule to list the [northern long-eared bat](#) as an endangered species ([79 FR 68657](#)). The species' range includes 39 states. White-nose syndrome, a fungal disease known to affect bats, is currently the predominant threat to this bat, especially throughout the Northeast where the species has declined by up to 99% from pre-white-nose syndrome levels at many hibernation sites. An association of state agencies [submitted comments](#) to FWS regarding the proposed listing. The association suggested that if the service determines threatened status for the bat, then it should also issue a 4(d) rule to exempt normal forest management activities and other land management activities for which best management practices have been developed. Comments are due 18 DEC 14. The service intends to publish a listing determination for the northern long-eared bat on or before 2 APR 15. USFWS POC: Peter Fasbender, (612) 725-3548.

**QUEEN CONCH** The National Marine Fisheries Service (NMFS) has determined it will not list the [queen conch](#) (*Strombus gigas*) as threatened or endangered ([79 FR 65628](#)). The final determination was made 5 NOV 14. NMFS POC: Calusa Horn, (727) 824-5312.

**GEORGIA PIGTOE MUSSEL, INTERRUPTED ROCKSNAIL, AND ROUGH HORNSNAIL: FINAL RECOVERY PLAN** USFWS published a [final recovery plan](#) for the endangered Georgia pigtoe mussel, interrupted rocksnail, and rough hornsnail ([79 FR 65982](#)). The final recovery plan includes specific recovery objectives and criteria the interrupted rocksnail and rough hornsnail would have to meet in order to be down listed to threatened status. USFWS POC: Jeff Powell at (251) 441-5858.

**20 CORAL SPECIES** USFWS added 20 species of corals (as threatened) to the list of Endangered and Threatened Wildlife ([79 FR 67356](#)). The historic range for a number of these species occurs within Guam, Florida, Puerto Rico, US Virgin Islands, Gulf of Mexico, American Samoa, and the wider Caribbean. The amendments are based on previously published determinations NMFS, which has jurisdiction for these species. The final rule was effective 13 NOV 14. POC: Douglas Krofta, (703) 358-2171.

# **Professional Development**

## ***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***

### **VARIOUS DATES, ONLINE: [STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM \(SERDP\) AND ENVIRONMENTAL SECURITY TECHNOLOGY CERTIFICATION PROGRAM \(ESTCP\) WEBINAR SERIES](#)**

Designed to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding, live 90-minute webinars will be offered every two weeks on Thursdays from 12:00 PM EST. Most webinars will feature two 30-minute presentations and interactive Q&A sessions on topics for DoD and DOE audiences.

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

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

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

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

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

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

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

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

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

**[ACHIEVING ENERGY SECURITY IN FEDERAL FACILITIES](#)** Achieving Energy Security in Federal Facilities builds competency in protecting critical missions by integrating energy security measures into all aspects of operations. Employ critical principles to increase energy security, such as diversity, redundancy, reducing demand, planning, and emergency

management. Consider technologies that support energy security and develop an understanding of key issues related to short- and long-term energy disruptions, including storage and maintenance issues.

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

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

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

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

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

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

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

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

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

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

# Staff Directory

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Region 4 Counsel	404-545-5655
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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/>.