



# Southern Review

## of Legislative & Regulatory Actions

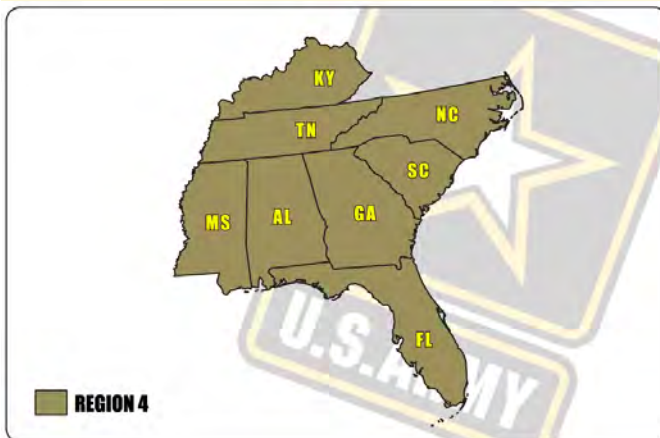


The U.S. Army Regional Environmental & Energy Office

January 2015

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

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



## Table of Contents

<a href="#">Alabama</a>	<a href="#">2</a>
<a href="#">Florida</a>	<a href="#">2</a>
<a href="#">Georgia</a>	<a href="#">7</a>
<a href="#">Kentucky</a>	<a href="#">8</a>
<a href="#">Mississippi</a>	<a href="#">9</a>
<a href="#">North Carolina</a>	<a href="#">10</a>
<a href="#">South Carolina</a>	<a href="#">10</a>
<a href="#">Tennessee</a>	<a href="#">14</a>
<a href="#">DoD Activity</a>	<a href="#">15</a>
<a href="#">Federal Activity</a>	<a href="#">16</a>
<a href="#">Professional Development</a>	<a href="#">19</a>
<a href="#">Staff Directory</a>	<a href="#">25</a>

### WATER RIGHTS FOR ARMY INSTALLATIONS: IMPLEMENTATION GUIDANCE

On 6 FEB 15, the Office of Assistant Chief of Staff for Installation Management (OACSIM) issued a memorandum to Army Commands specifying Army water rights policy and water resources management for Army installations.

The memorandum was accompanied by a document titled Implementing Guidance for Water Rights and Water Resources Management Policies for Army Commands. The guidance specifies tasks and timelines and assigns responsibilities for identifying, asserting, and preserving the Army's water rights to ensure the Army has enough water to carry out its mission without significant disruption.

Commands are required to provide OACSIM with a **status update by May 2015 on their installation's progress** toward complying with water rights requirements.

Installations are required to locate and retain existing water rights records; create an index of each record; **maintain records; summarize their state's water rights legal landscape**; determine the amount of water they use, the amount necessary to maintain essential services, and all available water sources; identify current/past water rights conflicts or ongoing adjudications; and file timely reports. In addition, the guidance requires installations to form a working group to accomplish these tasks.

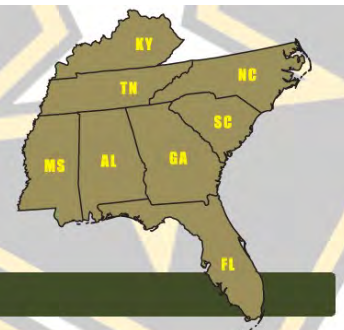
OACSIM referenced two previous memorandums with its water rights policy:

- OUSD(AT&L), 23 May 14, [Water Rights and Water Resources Management on Department of Defense Installations and Ranges in the United States and Territories](#)
- SECARMY, 12 MAY 14, Army Directive 2014-08, [Water Rights Policy for Army Installations in the United States](#)

For more information, contact [Debra Kemp](#) (571) at 256-8153.

# Region 4

For more information on any state issue in Region 4, please contact [Dave Blalock](#), REEO Regional Counsel, (404) 562-5146.



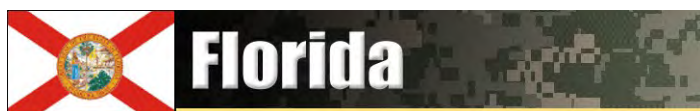
## PROPOSED RULES

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

**OPEN BURNING (390-X-6-.01, .02, .03, .04, .05, .06)** The Forestry Commission (TFC) has proposed amendments to 390-X-6. Proposed changes to:

- 390-X-6-.01, update rule language and specify that those seeking certified prescribed manager status must take a training course sponsored or approved by the Alabama Forestry Commission and apply for certification within two years of completing such training.
- 390-X-6-.02, update rule language, specify that certifications are for a five-year term, define the period of that term, and require that certified prescribed burn managers receive six hours of continuing education within the term to be eligible for recertification. Amendment also removes language related to the recertification process itself, which would be addressed in a separate rule (below).
- 390-X-6-.03, remove a provision related to training received prior to enacting the Alabama Prescribed Burn Act.
- 390-X-6-.04, repeal the existing rule regarding reciprocity. In its place, a new rule would specify the process through which certified prescribed burn managers may be recertified. All continuing education requirements must be satisfied prior to expiration of the current certification and individuals may apply for recertification up to one year after expiration of current certifications. Otherwise, individuals must start the recertification process anew.
- 390-X-6-.05, repeal the existing rule regarding minimum standards for prescribed burning plans. In its place, new rule 390-X-6-.06 specifies the process through which other states' certified prescribed burn managers may become certified in Alabama through reciprocity. Such reciprocity is for prescribed burn managers certified in states that have training standards that meet or exceed those in place in Alabama.

[Notices of Intended Action](#) ([390-X-6-.01](#), [.02](#), [.03](#), [.04](#), [.05](#), [.06](#)) were published 27 FEB 15. Comments are due 6 APR 15. POC: John Goff, (334) 240-9335.



## 2015 LEGISLATIVE SESSION: 3 MAR 15 THROUGH 1 MAY 15

*Adjournment dates are estimated and updated based on legislative activity.*

## LEGISLATION

**HB 605** This measure authorizes local governments to adopt certain residential and nonresidential landscape irrigation conservation measures. It authorizes water management district (WMD) governing boards and the Florida Department of Environmental Protection (FLDEP) to issue water shortage notices in public information releases, and to post

such notices on WMD's/FLDEP's website. The measure also directs WMD governing boards in affected and adjacent counties to issue certain orders and provide certain notices when emergency conditions exist due to water shortage. Last action; filed with House 5 FEB 2015.

**HB 653** This measure authorizes use of land set-asides and land use modifications, including constructed wetlands or other water quality improvement projects, in water quality credit trading. It provides applicability of prohibited variances concerning discharges of waste into waters of the state and hazardous waste management. HB 653 establishes a solid waste landfill closure account within the Solid Waste Management Trust Fund to provide funding for closing and long-term care of solid waste facilities. The bill also authorizes FLDEP to contract with third parties for closing and long-term care under certain conditions. Last action: referred to committee 18 FEB 2015.

**HB 733 (SB 314)** This measure expands definition of abandoned petroleum storage system to include petroleum systems that stored petroleum products during a certain timeframe. It requires FLDEP to establish standards and criteria for specific situations in which the national standard for benzene applies. The measure revises eligibility requirements for receiving rehabilitation funding assistance and the number of sites necessary to meet eligibility requirements for advanced cleanup application. HB 733 increases the total amount for which FLDEP may contract for advanced cleanup work in a fiscal year. Last action: HB 733 referred to committee 18 FEB 15; SB 314 referred to committee 26 FEB 15.

**HB 787 (SB 912)** This measure exempts people who sell, transfer, or arrange for transfer of recycled and recovered materials from liability for solid waste released or threatened to be released from receiving facilities or sites, under certain circumstances. It provides retroactive applicability. Last action: both bills referred to committee 26 FEB 15.

**HB 841 (SB 1302)** This measure requires FLDEP to include protocols for use of long-term natural attenuation where site conditions warrant. It requires specified interactive effects of contaminants to be considered as cleanup criteria, and revises how cleanup target levels are applied where surface waters are exposed to contaminated groundwater. HB 841 authorizes use of relevant data and information when assessing cleanup target levels. The measure provides that institutional controls are not required under certain circumstances if using alternative cleanup target levels. Last action: HB 841 referred to committee 26 FEB 15; SB 1302 filed with the Senate 25 FEB 15.

**HB 849 (SB 1076)** This measure requires FLDEP to submit for legislative ratification, the state implementation plan (SIP) relating to standards of performance for existing sources of air pollutants. It exempts rules implementing the SIP from legislative ratification under certain conditions. The measures provide circumstances under which the SIP is exempt from legislative ratification. HB 849 provides if the SIP is exempt from legislative ratification, rules implementing it are subject to ratification before respective provisions of the plan take effect. Last action: HB 849 referred to committee 26 FEB 15; SB 1076 referred to committee 27 FEB 15.

**HB 873 (SB 484)** This measure requires the state land planning agency to identify parties that may enter into mediation relating to the compatibility of developments with military installations. It requires electric utilities to notify the county, rather than the regional planning council, of its current plans to site electric substations. HB 873 authorizes local governments to enter into agreements to create regional planning entities. It also revises requirements for the statewide emergency shelter plan to include general location and square footage of special needs shelters by county rather than by regional planning council region. Last action: HB 873 filed with House 19 FEB 15; SB 484 referred to committee 3 FEB 15.

**HB 1073** This measure establishes the Water Oversight and Planning Board to address state water issues. It provides membership and duties of the board, and requires the board to submit long-range plans to FLDEP and WMDs. The measure requires WMDs to amend regional water supply plans in certain circumstances. HB 1073 requires the board to provide recommendations for appropriations and legislative changes to the legislature. Last action: House filed 25 FEB 15.

**HB 1077** This measure authorizes specified entities to install and operate renewable energy source devices on certain structures where business operates. It authorizes owners to sell electricity generated from the device to certain businesses. It also authorizes the electric utility to install and operate renewable energy source devices on structures where business operates, and to sell electricity to business or others. HB 1077 authorizes the electric utility to recover certain costs and authorizes customers to challenge certain fees. Last action: House filed 25 FEB 15.

**HB 7003** This measure revises provisions relating to:

- Water resource development;
- Establishment and implementation of minimum flows, levels, and total maximum daily loads;
- Central Florida Water Initiative;
- Projects of South Florida WMD;
- Preferred water supply sources;
- Consumptive use permit applications;
- Improvements on private agricultural lands;
- Northern Everglades and Estuaries Protection Program;
- Power and duties of WMDs with regard to water production and water resource and supply development;
- Regional water supply planning;
- Springs and aquifer protection;
- Surface water classification; and
- Potable water supply.

Last action: pending House review 24 FEB 15.

**[SB 562 \(HB 579\)](#)** This measure requires plan amendments proposing a development of regional impact to be subject to the state coordinated review process. It also provides that new proposed developments are subject to the state coordinated review process and not the development of regional impact review process. Last action: referred to committee 5 FEB 15.

**[SB 648 \(HB 687\)](#)** This measure removes future prohibition against land application of septage from onsite treatment and disposal systems and requires land application to be subject to certain requirements. Last action: referred to committee 6 FEB 15.

**[SB 714](#)** This measure authorizes land set-asides and land-use modifications that reduce nutrient loads into nutrient-impaired surface waters to be used under the water quality credit trading program. It provides applicability of prohibited variances relating to certain discharges of waste and establishes a solid waste landfill closure account within the Solid Waste Management Trust Fund to be used for specified purposes. Last action: referred to committee 13 FEB 15.

**[SB 776 \(HB 649\)](#)** This measure prohibits a person, state agency, or political subdivision from using a drone to capture images of privately owned real property, or of the owner, tenant, or occupant of such property with the intent to conduct surveillance without his or her written consent if a reasonable expectation of privacy exists. It specifies when a reasonable expectation of privacy may be presumed. Last action: referred to committee 13 FEB 15.

**[SB 1408](#)** This measure prohibits permitted allocation amounts from being modified if actual water use is less than permitted water use due to documented implementation of water conservation measures. It requires WMDs to promote expanded cost-share criteria for additional conservation practices. Last action: Senate filed 25 FEB 15.

**[SB 1436](#)** This measure creates the Florida Statewide Water Oversight and Planning Council within FLDEP to guide and assist water forecasting plans for the state. Last action: Senate filed 26 FEB 15.

**[SJR 400](#)** This resolution proposes amendments to the state constitution to require the Legislature, by general law, to exempt the assessed value of a renewable energy source device or a component thereof from the tangible personal property tax. It allows the Legislature, by general law, to prohibit consideration of installation of such device or component in determining assessed value of residential and nonresidential real property for the purpose of ad valorem taxation. SJR 400 also provides an effective date. Last action: referred to committee 28 JAN.

## ***FINAL RULES***

**MITIGATION BANKS (62-342.100, .200, .450, .470, .650, .700, .750, .800, .850, .900)** FLDEP has adopted rules to correct citations and references in Chapter 62-342, F.A.C., Mitigation Banks. The rules are the result of amendments to the new Statewide Environmental Resource Permit (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. Another [Notice of Change](#) was published 19 DEC

14. The rules were filed 30 JAN 15 and a [Notice of Rule Filing](#) was published 3 FEB 15. The rule became effective 19 FEB 15. Final rule text is not yet available. FLDEP POC: [Alice Heathcock](#), (850) 245-8483.

## ***PROPOSED RULES***

**KISSIMMEE RIVER RESTORATION PROJECT (40E-10.011,.021, 10.031,.071, .091)** 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, an advisory was issued 26 NOV 14, and a [workshop](#) was held 12 DEC 14. South Florida WMD POC: [Don Medellin](#), (561) 682-6340.

**FLORIDA RENEWABLE ENERGY (RE) TECHNOLOGY SALES TAX REFUND, INVESTMENT TAX CREDIT, PRODUCTION CREDIT (50-2.001, 50-2.002, 50-2.003)** The Department of Agriculture and Consumer Services (DACS) has proposed amendments to 50-2.001, 50-2.002, and 50-2.003, F.A.C. Amendments provide guidance to interested taxpayers for the application process, review, and administration of the Florida RE Technology Sales Tax Refund, the Florida RE Technology Investment Tax Credit, and the Florida RE Production Credit. A [Notice of Development of Rulemaking](#) was published 26 SEP 14, [Notice of Proposed Rules](#) was published 12 DEC 14, and comments were due 2 JAN 15. A [Notice of Change](#) was published 28 JAN 15 and a [Notice of Correction](#) was published 4 FEB 15. POC: April Groover, (850) 617-7477.

**USE OF ALLYL ISOTHIOCYANATE (5E-2.0105, 5E-2.043)** The DACS has proposed rulemaking regarding 5E-2.0105 and 5E-2.043, F.A.C. The proposed rule will classify any soil fumigant containing allyl isothiocyanate as a restricted-use pesticide in Florida. It will require a designated agent to be present at the application site during all phases of allyl isothiocyanate soil application. A [Notice of Development of Rulemaking](#) was published 3 OCT 14, a [Notice of Proposed Rules](#) was published 12 Dec 14, and comments were due 2 JAN 15. A [Notice of Change](#) was published 20 FEB 15. POC: [Kelly Friend](#), (850) 617-7850.

**WATER WELLS (40D-3.037, -3.041-3.045, -3.492, -3.507, -3.517, -3.531)** The Southwest Florida WMD has proposed amendments to its rules for regulation of wells. Amendments:

- Incorporate by reference updated versions of related rules adopted by FLDEP;
- Directly incorporate by reference certain materials already incorporated into FLDEP well construction rules; and

**Adopt a new general permit for certain environmental monitoring wells. Amendments will make the WMD's rules consistent with FLDEP's related rules and recent statutory changes for water well contractor licensing. They will also reduce costs associated with certain environmental monitoring wells that are part of a contaminated site assessment, remedial action plan, or pilot study approved by FLDEP pursuant to Chapter 62-780, F.A.C..** A [Notice of Development of Rulemaking](#) was published on 30 OCT 14. Another [Notice of Development of Rulemaking](#) was published 17 DEC 14, and a [Notice of Proposed Rules](#) was published 7 JAN 15. Comments were due 28 JAN 15. POC: Natalia Santiago, (813) 985-7481, x4657.

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

**WATER WELL CONSTRUCTION, CONTRACTOR RULES (40E-3.011, .021, .035, .036, .038, .040, .041, .042, .051, .101, .321, .341, .411, .451, .461, .500, .502, .507, .517, .600)** The South Florida WMD has proposed rulemaking regarding rules in 40E-3, F.A.C., to create a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local governments, update materials incorporated by reference, adopt amendments to FLDEP rules, and update rule references. A [Notice of Development of Rulemaking](#) was published 25 NOV 14 and a [Notice of Proposed Rules](#) was published 23 FEB 15. WMD POC: [Kellie Madison](#), (561) 682-6906.

**PETROLEUM CLEANUP CONTRACTORS (62-772.300, 62-772.401)** FLDEP has proposed revisions to 62-772.300 and 62-772.401, F.A.C., to modify contractor performance evaluation forms and specific form names and dates to eliminate the annual evaluation form; modify performance criteria in the remaining evaluation form to be more objective, streamlined, and compatible with the purchase order and subtask completion process; and create a new form to more formally solicit owner/responsible party input for use in contractor performance evaluations. FLDEP also proposes to amend al-

ternate methods for selection of petroleum cleanup contractors to add clarity and flexibility to owners and responsible parties of petroleum contaminated sites. The [Notice of Development of Rulemaking](#) was published 30 DEC 14. A workshop was held 16 JAN 15. FLDEP POC: [Charles Williams](#), (850) 245-8863.

**TOTAL COLIFORM RULE (62-550.200, .310, .340, .500, .518, .540, .550, .817, .821, .824, .828, .830; 62-560.510, .520, .610)** FLDEP has proposed revisions to 62-550, F.A.C., to adopt the EPA's revisions to the Total Coliform Rule as published ([78 FR 10270](#)) and corrected ([79 FR 10665](#)). FLDEP is also updating rule references in Chapter 62-550, F.A.C. A [Notice of Proposed Rules](#) was published 16 JAN 2015 and comments were due 6 FEB 2015. FLDEP POC: [Jeffrey Lawson](#), (850) 245-8599.

**COASTAL CONSTRUCTION AND EVACUATION (62B-33)** FLDEP has proposed amendments to Chapter 62B-33, F.A.C., Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line (CCCL) and 50-Foot Setback). Proposed amendments will clarify and update existing rule language to reflect current procedures for exemptions, marine turtle protection and vegetation maintenance criteria, siting criteria, survey requirements, 30-year erosion projections, permit time limits and extensions, general conditions, definitions, forms, and fees. FLDEP is also proposing to update and add new general permits for activities seaward of the CCCL, as well as create a CCCL Applicant's Handbook. A [Notice of Development Rulemaking](#) was published 9 JUN 14 and a workshop was held 23 JUN 14. An advisory was issued 13 JAN 15. Another workshop was held 12 FEB 15 FLDEP POC: [Sandra Powell](#), (850) 245-8604.

**ERPs (40C-1.1008, 40C-1.603, 40C-1.612)** The St. Johns River WMD has proposed amendments to 40C-1.1008, 40C-1.603, and 40C-1.612, F.A.C to:

- Increase consistency with the statewide ERP rules adopted in Chapter 62-330, F.A.C., pursuant to Section 373.4131, F.S. (2012);
- Amend fees for certain ERPs to more closely approximate the fees before Chapter 62-330, F.A.C. became effective on October 1, 2013; and
- Create a new fee category for renewal of certain expired formal determinations of the landward extent of wetlands and other surface waters.

A [Notice of Development of Rulemaking](#) was published 12 FEB 15. A workshop will be held 12 MAR 15. POC: [Wendy Gaylord](#), (386) 326-3026.

**ERPs (40C-41.021, .023, .043, .063, .065, .066, .071, .091, .341, .900)** The St. Johns River WMD has proposed amendments to 40C-41.023, .043, and .063, F.A.C., last amended 1 OCT 13 for consistency with Section 373.4131, F.S., to require FLDEP in coordination with the five WMDs to develop statewide ERP rules. Current proposed amendments will:

- Delete reference to standard and general stormwater permits in subsection 40C-41.063(4), F.A.C. since statewide ERP rules only provide for issuance of conceptual approval and individual permits;
- Reflect transfer of Rule 40C-42.091, F.A.C. into Rule 40C-4.091, F.A.C.;
- Replace, with better graphics, Figures 41-1 through 41-4 in 40C-4.023, F.A.C. and Figures 13.0-1 through 13.0-4 in the "Environmental Resource Permit Applicant's Handbook, Volume II: For Use within the Geographic Limits of the St. Johns River Water Management District" (Volume II), incorporated by reference in subsection 40C-41.043(5), F.A.C.); and
- Update effective date for Part VI of Volume II, as St. Johns River WMD will clarify wording in Volume II, and replace, with better graphics, Figures 13.5-1 and 13.5-2 in Volume II.

Corrections delete language in 13.4.4.(d) (Off-site Land Preservation) to reflect adoption of the Uniform Mitigation Assessment Method. Corrections also insert language in 13.4.2 (Floodplain Storage Criteria) that St. Johns WMD had intended to carry over from the rule as it existed before 1 OCT 13. A [Notice of Development of Rulemaking](#) for 40C-41.023, .043, and .063 was published 12 FEB 15. To address comments received from the Joint Administrative Procedures Committee, amendments to 40C-44.021, .065, .066, .071, .091, .101, .341, and 40C-44.900, F.A.C. will:

- Update effective date for Part VII of the Volume II, incorporated by reference in Rule 40C-44.091, F.A.C.;
- Replace references to "reuse" with "harvesting" or "stormwater harvesting," as those terms when used in Volume II refer to methods that prevent discharge of stormwater into surface waters of the state by deliberate application of stormwater for irrigation;
- Repeal subsection 40C-44.065(3), F.A.C. and rules 40C-44.341 and 40C-44.900, F.A.C., as the WMD has determined these provisions are no longer needed.
- Delete certain provisions related to performance standards, permit revocation and permit modification that have been determined unnecessary since they are subsumed in other provisions of the rule or addressed by statute.

A [Notice of Development of Rulemaking](#) for 40C-44.021, .065, .066, .071, .091, .101, .341, and .900 was published 12 FEB 15. A workshop regarding all amendments will be held 12 MAR 15. POC: [Wendy Gaylord](#), (386) 326-3026.



## **2015 LEGISLATIVE SESSION: 12 JAN 15 THROUGH 26 MAR 15**

*Georgia has a two-year session (2014-2015), with 2014 bills carrying over for consideration in 2015. Adjournment dates are estimated and updated based on legislative activity.*

### **LEGISLATION**

**HB 44** This measure relates to regulation of aeronautics, aircraft, and airports to provide for definitions. It prohibits operation of unmanned aerial vehicles in certain areas, and amends Code Section 51-9-9 of the Official Code of Georgia Annotated. HB 44 relates to interference with property rights to provide for an exception to the right of action. Last action: Senate read and referred 10 FEB 15.

**HB 57** This measure relates to the generation and distribution of electricity generally. It provides for financing of solar technology by retail electric customers for generation of electric energy to be used on and by property owned or occupied by such customers or to be fed back to the electric service provider. Last action: passed and adopted by House 9 FEB 15.

**HB 129** This measure relates to fluoridation of public water systems, state funds for cost of fluoridation equipment, chemicals and materials, and tax deduction for fluoride-removing devices. It provides that communities may impose or remove fluoridation by referendum under certain circumstances. Last action: second House reading 29 JAN 15.

**HR 106** This resolution encourages Congress to, among other things; convey title and jurisdiction of federal public lands to the states. Last action: reported favorably from House committee 19 FEB 15.

**SB 101** This measure relates to the control of soil erosion and sedimentation. It provides for a buffer against coastal marshlands within which certain land-disturbing activities are prohibited. The measure provides for exceptions, variances, and effective dates. Last action: second Senate reading 26 FEB 15.

### **PROPOSED RULES**

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

**NAAQS STATE/FEDERAL IMPLEMENTATION PLAN** GAEPD has proposed amendments to Georgia's SIP. Proposed SIP revision contains Georgia's request to remove Georgia Rules 391-3-1-.02(2)(aaa), Consumer and Commercial Products; and 391-3-1-.02(2)(bbb), Gasoline Marketing from the Georgia SIP; and revisions to Georgia Rule 391-3-1-.02(2)(mmm), NO<sub>x</sub> Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity. Revisions to rules for air quality control associated with this SIP revision were adopted by Georgia's Board of Natural Resources on 25 MAR 14. A [notice](#) was issued 23 DEC 14. A hearing was held and comments were due 30 JAN 15.

**HAZARDOUS WASTE MANAGEMENT (391-3-11)** GAEPD has proposed amendments to Georgia rules for "Hazardous Waste Management," Chapter 391-3-11, to include amendments to:

- Rule 391-3-11-.01 "General Provisions," to clarify federal regulations adopted by reference and in effect through 30 JUN 14;
- Rule 391-3-11-.02 "Definitions," to:
  - Incorporate by reference definitions of the terms no free liquids, solvent-contaminated wipe, wipe, cathode ray tube (CRT) exporter, electronic manifest, electronic manifest system, and user of the electronic

- manifest system to the regulations; and
- **Revise definition of "manifest" to include electronic manifests.**
- Rules 391-3-11-.05 "Financial Responsibility," to allow for a qualified professional engineer to certify closure and/or post-closure of hazardous waste management and disposal units.
- Rule 391-3-11-.07 "Identification and Listing of Hazardous Waste," to:
  - Reduce the reporting and paperwork burden for facilities that claim an exclusion for wood preserving wastewaters and spent wood preserving solutions as solid waste, and for samples undergoing treatability studies;
  - Conditionally exclude from the definition of solid waste solvent-contaminated wipes that are cleaned and reused; and
  - Revise reporting and notification requirements for CRT exporters.
- Rule 391-3-11-.08 "Standards Applicable to Generators of Hazardous Waste," to allow generators to use EPA's Electronic Manifest System as an alternative to using paper manifest forms.
- Rule 391-3-11-.09 "Standards Applicable to Transporters of Hazardous Waste," to allow transporters to use EPA's Electronic Manifest System as an alternative to using paper manifest forms.
- Rule 391-3-11-.10 "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities," to:
  - Eliminate or reduce reporting and recordkeeping requirements for hazardous waste generators and permitted hazardous waste facilities;
  - Allow hazardous waste facilities to use in-house registered professional engineers for certifications required by the rules rather than independent professional engineers;
  - **Allow permitted hazardous waste facilities to use EPA's Electronic Manifest System as an alternative to using paper manifest forms and to ensure consistency with the federal regulations.**
- Rule 391-3-11-.11 "Hazardous Waste Facility Permits," to:
  - Remove text not adopted by reference and pertaining to Resource Conservation and Recovery Act (RCRA) standardized permits, but whose exception is covered in a blanket statement in Section 391-3-11-.01(2);
  - Allow for technical data to be certified by a qualified professional engineer, instead of an independent registered professional engineer; and
  - Ensure consistency with federal regulations.
- Rule 391-3-11-.15 "Availability of Information," to remove an incorrect address reference, as GAEPD offices have moved and an address is not needed in the rules.
- Rule 391-3-11-.16 "Land Disposal Restrictions," to clarify regulatory language on generator waste determinations in land disposal restriction requirements, and to reduce land disposal restriction requirements for notifications of recyclable materials used in a manner constituting disposal.

The [proposed rules](#) were filed 5 DEC 14, a hearing was held 5 JAN 15, and comments were due 6 JAN 15. A meeting was held 6 FEB 15.

**2016 305(b)/303(d) LIST OF WATERS** GAEPD has issued a request for data for use in Georgia's 2016 305(b)/303(d) List of Waters in accordance with the federal CWA, Sections 305(b) and 303(d). Requirements for submission and acceptance of water quality data for use in listing waters are detailed in GAEPD document entitled, "[Guidance on Submitting Water Quality Data for Use by the Georgia Environmental Protection Division in 305\(b\)/303\(d\) Listing Assessments.](#)" A [notice](#) was issued 2 FEB 15. Comments are due 1 JUL 15. POC: [Susan Salter](#).



## **2015 LEGISLATIVE SESSION: 6 JAN 15 THROUGH 20 MAR 15**

### **LEGISLATION**

**HB 93** This measure establishes an endangered and threatened plant species list to be maintained by the Kentucky State Nature Preserves Commission (KSNPC). It prohibits the take or possession of an endangered and threatened plant species without written permission of the owner, lessee, or other person entitled to possession. The measure authorizes the KSNPC to promulgate regulations to establish a list; regulate sale, protection, and taking of plant species; and exempt taking of species for certain purposes and circumstances. HB 93 requires persons who sell endangered or threatened plant species to register with KSNPC. It requires certification of propagators and requires inspection of nurseries



and propagators if the facility sells or propagates endangered or threatened species. The bill requires state agencies to avoid activities that will jeopardize existence of an endangered or threatened species and exempts location of endangered and threatened species from Open Records Act. Last action: floor amendment 23 FEB 15.

**[HB 229](#)** This measure requires retail electric suppliers to use increasing amounts of renewable energy, to take energy-efficiency measures, and implement energy-efficiency programs that increase energy savings over a period of time. It provides for alternative compliance plans for public utilities that fail to meet renewable energy or efficiency requirements. HB 229 defines renewable energy and specifies Public Service Commission (PSC) reporting requirements regarding progress in diversifying energy sources and energy savings. The measure also requires the PSC to develop tariff guidelines for purchase of renewable power. Last action: referred to committee 9 FEB 15.

**[HJR 77](#)** This measure urges DoD and Army to reconsider proposed cuts to Fort Knox and Fort Campbell. Last action: second reading 26 FEB 15.

**[HJR 139 \(SCR 147\)](#)** This measure urges DoD and Army to reconsider proposed cuts to Fort Knox and Fort Campbell. Last action: HJR 139 posted in committee 23 FEB 15; SCR 147 referred to committee 26 FEB 15.

**[SR 128](#)** This measure urges DoD and Army to reconsider proposed cuts to Fort Knox and Fort Campbell. Last action: referred to committee 19 FEB 15.

### ***PROPOSED RULES***

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



### ***2015 LEGISLATIVE SESSION: 6 JAN 15 THROUGH 5 APR 15***

### ***LEGISLATION***

**[SB 2220](#)** This measure allows the boards of supervisors to provide an exemption to outdoor burning bans for persons who are certified to perform controlled burns. Last action: died in committee 3 FEB 15.

**[SB 2456](#)** This measure authorizes the board of the Mississippi levee district to enter into agreements for management of lands held by the US Army Corps of Engineers for management of levee projects, drainage and flood control within the levee district. Last action: transmitted to House 5 FEB 15.

### ***PROPOSED RULES***

**TITLE V CAA AND PERMITS** The Mississippi Department of Environmental Quality (MSDEQ) has announced a public hearing to receive comments regarding the proposed Title V Air Permit fee for fiscal year 2016 to be established by order of the Mississippi Commission on Environmental Quality (CEQ). Miss. Code Ann. Sec. 49-17-30 provides that under Title V of the federal CAA, the owner and/or operator of any stationary source of regulated air pollutants shall pay MSDEQ an annual permit fee. The Mississippi CEQ is charged by law to establish the permit fee in an amount sufficient to cover the cost of the Title V Air Permit Program. Miss. Code Ann. Sec. 49-17-16 established an advisory council to conduct an independent study of the cost of the Title V Air Permit Program. The advisory council recommended to the CEQ that the Fiscal Year 2016 Title V fee be set at \$41.00 per ton of regulated air pollutants with a minimum fee of \$250. A notice was issued 12 DEC 14. A hearing was held and comments were due 15 JAN 15. POC: Krystal Rudolph, (601) 961-5171.



## **2015 LEGISLATIVE SESSION: 14 JAN 15 THROUGH 1 JUL 15**

*North Carolina has a two-year session (2013-2014), with 2014 bills carrying over for consideration in 2015. Adjournment dates are estimated and updated based on legislative activity.*

### **LEGISLATION**

**SB 130** This measure regards delineation of protective riparian buffers for coastal wetlands in the Neuse River and Tar-Pamlico river basins. Last action: Senate filed 27 FEB 15.

### **PROPOSED RULES**

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

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

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

**PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS (15A NCAC 02B .0295)** The North Carolina Department of Natural Resources (NCDENR) has proposed rulemaking to adopt the rule cited as 15A NCAC 02B .0295, as authorized by Section 2 of S.L. 2014-95. This section states that the Environmental Management Commission shall adopt a rule on "Mitigation Program Requirements for the Protection and Maintenance of Riparian Buffers," pursuant to G.S. 150B-21.1, no later than 1 OCT 14. The [proposed rules](#) were published 16 FEB 15. A hearing will be held 12 MAR 15 and comments are due 17 APR 15. POC: [Sue Homewood](#), (336) 776-9693.

**REVISED TOTAL COLIFORM RULE (15A NCAC 18C .1539)** NCDENR has proposed rulemaking to adopt 15A NCAC 18C .1539. The federal government recently revised the 1989 Total Coliform Rule to strengthen public protection from bacteriological contamination in drinking water. The changes conform to the Safe Drinking Water Act provision that requires any revision to "maintain, or provide for greater protection of the health of persons." North Carolina must adopt the new federal rule, 40 CFR 141, Subpart Y – Revised Total Coliform Rule, to maintain primary enforcement responsibility over the Total Coliform Rule in the state. If North Carolina does not adopt the federal rule, public water systems would be subject to the rule under federal enforcement by EPA. [Proposed rules](#) were published 16 FEB 15 and a hearing was held 3 MAR 15. Comments are due 17 APR 15. POC: [Linda Raynor](#), (919) 707-9095.



## **2015 LEGISLATIVE SESSION: 13 JAN 15 THROUGH 4 JUN 15**

*South Carolina has a two-year session (2013-2014), with 2013 bills carrying over for consideration in 2014. Adjournment dates are estimated and updated based on legislative activity.*

### **LEGISLATION**

**HB 3351** This measure requires the South Carolina Department of Health and Environmental Control (SCDHEC) to

develop and implement an inspection plan to ensure that every pond, stream, or similar body of water is maintained in compliance with federal, state, and local laws. It also provides a civil penalty. Last action: referred to committee 20 JAN 15.

**[HB 3538](#)** This measure allows for nongravity-based, soil-based, on-site disposal systems. It amends section 44-55-1320 relating to wastewater collection, treatment, and discharge to authorize single or multiple dwelling units to use a community or commercial, passive, soil-based, on-site disposal system. HB 3538 amends section 44-55-1330 relating to system installation requirements to remove certain requirements for a passive, soil-based, on-site disposal system and to set designations for the trench bottom of a disposal system. The measure amends section 44-55-1350 relating to tile field product regulations to add requirements of section 44-55-1310 to regulations promulgated over passive, soil-based, on-site disposal systems. It also repeals section 44-55-1340 relating to financial assurance. Last action: referred to committee 5 FEB 15.

**[HB 3564](#)** This measure requires permitting for new withdrawals or expansion of existing registrations. Beginning 1 JUL 15, all surface water withdrawers, including those withdrawing surface water for agricultural uses, would be required to apply for a permit to withdraw surface water. An existing registered surface water withdrawer is not required to apply for a permit for the registered use unless the withdrawer seeks to expand the withdrawal amount. Last action: referred to committee 11 FEB 15.

**[HB 3693](#)** This measure defines necessary terminology by adding section 58-3-595 to impose certain requirements in the event SCDHEC develops a state plan for regulating carbon dioxide emissions from covered electric generating units; and by adding section 58-3-600 such that:

- SCDHEC shall provide a report of its adopted state plan to the state Regulation of Public Utilities Review committee within 15 days of adoption;
- Committee vote is required to approve or reject the plan,
- If the committee does not vote to approve the plan, SCDHEC shall submit a revised plan; and
- SCDEHC shall not submit any state plan to EPA until the review committee has approved it in accordance with this section.

Last action: errors corrected 19 FEB 15.

**[HB 3707](#)** This measure adopts policies that preserve environmental quality under the Clean Air Act (CAA), but prohibits a state agency from preparing, drafting, submitting, or implementing a state plan pursuant to CAA section 111(d) for existing power plants until the CAA section 111(d) regulation has undergone judicial review. The Public Service Commission (PSC) shall cap rate increases associated with greenhouse gas regulations at one and one-half percent. Last action: errors corrected 25 FEB 15.

**[HCR 3570](#)** This concurrent resolution memorializes SCDHEC and the South Carolina PSC to adopt policies that preserve environmental quality under CAA, while refusing to implement a clean power SIP. Last action: referred to committee 11 FEB 15.

**[SB 309, WETLANDS RESTORATION ACT](#)** This measure amends chapter 11, title 49 of the 1976 code relating to dams by adding article 5 to enact the "wetlands restoration act," which provides that certain impoundments that originally impounded a parcel of tide- or marshland; but no longer completely impound that parcel, may be repaired or restored. Last action: referred to committee 13 JAN 15.

## ***PROPOSED RULES***

**[WASTE TIRES \(R.61-107.3\)](#)** 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 of the statute as allowed or prescribed by S.C. Code Ann. Sections 44-96-10 et seq. (Revised 2002). A [Drafting Notice](#) was published 23 MAY 14 and comments were due 23 JUN 14. [Proposed regulations](#) (page 68) were published 28 NOV 14. A hearing was held 8 JAN 15 and a [Notice of Submission to the General Assembly](#) was published 27 FEB 15. POC: Kent Coleman, (803) 896-4135.

**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 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. A [Notice of Submission to the General Assembly](#) (see page 9) was published 23 JAN 15. 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 (HAPs), toxic air pollutants (TAPs), and VOCs; and
- How state and federal air regulations apply, such as SC Regulation 61-62.5, Standards 7 (Prevention of Significant Deterioration) and 8 (Toxic Air Pollutants), Clean Air Act Section 112(g), and 40 CFR 70 (Title V Operating Permit Program).

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

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

- **"Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents,"** published 18 JAN 11 ([75 FR 78918](#)). The rule removes saccharin and its salts from the lists of hazardous constituents and commercial chemical products, which are hazardous wastes when discarded or intended to be discarded. This rule is promulgated pursuant to Non-Hazardous and Solid Waste Amendments (HSWA) authority and is neither more nor less stringent than current federal requirements.
- **"Academic Laboratories Generator Standards Technical Corrections,"** published 20 DEC 10 ([75 FR 79304](#)). The rule makes technical corrections to Subpart K, 40 CFR part 262, which established an alternative set of generator requirements applicable to laboratories owned by eligible academic entities, and address the specific nature of hazardous waste generation and accumulation in such laboratories. This rule is promulgated pursuant to non-HSWA authority and is neither more nor less stringent than current federal requirements.
- **"Revision of the Land Disposal Treatment Standards for Carbamate Wastes,"** published 11 AUG 11 ([76 FR 34147](#)). The rule provides as an alternative standard, use of best demonstrated available technologies (BDAT), for treating hazardous wastes resulting from production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates, and container residues that become hazardous wastes when they are or intended to be discarded. In addition, this action removes carbamate regulated

constituents from the table of Universal Treatment Standards. This rule is promulgated pursuant to HSWA authority and is neither more nor less stringent than current federal requirements.

- **“Hazardous Waste Technical Corrections and Clarifications,” published on 14 MAY 12 ([77 FR 22229](#))**. The rule corrects a typographical error in entry “K107” of the table listing hazardous wastes from specific sources at 40 CFR 261.32; and makes a conforming change at 40 CFR 266.20(b) to clarify that a recycling facility must keep a one-time certification and notification related to recyclable materials being used in a manner constituting disposal. This rule is promulgated pursuant to non-HSWA authority and is neither more nor less stringent than current federal requirements.
- **“Conditional Exclusions for Solvent-Contaminated Wipes,” published 31 JAN 14 ([78 FR 46448](#))**. The rule revises the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused, and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. This rule is less stringent than the existing federal rules. Authorized states whose programs include less stringent requirements than this final rule are required to modify programs to maintain consistency with the federal program per provisions of 40 CFR 271.21(e). In addition, any states that delineate their program for reusable wipes in guidance documents or interpretive letters will need to promulgate enforceable regulations, as required by 40 CFR 271.21(a). Authorized states may specify a different standard or test method for determining that solvent-contaminated wipes contain no free liquids (in lieu of the Paint Filter Liquids test).

SCDHEC also proposes to amend R.61-79 to incorporate recommended changes identified in its internal 2013 review for the South Carolina Governor’s Regulatory Review Task Force. SCDHEC also proposes to amend R.61-104.II.A to reinsert a portion of a sentence inadvertently omitted and delete compliance requirements for units permitted prior to the effective date of regulation. SCDHEC may make stylistic changes for internal consistency; clarification in wording; corrections of references, grammatical errors, and outlining/codification; and such other changes as may be necessary to improve overall regulation quality. A [Drafting Notice](#) (page 28) was published 25 JUL 14 and comments were due 25 AUG 14. [Proposed regulations](#) (page 62) were published 28 NOV 14 and comments are due 29 DEC 14. A hearing was held 8 JAN 15. A [Notice of Submission to the General Assembly](#) was published 27 FEB 15. POC: [David Scaturro](#), (803) 898-0590.

**UNDERGROUND STORAGE TANKS (R.61-92)** SCDHEC has proposed amendments to R.61-92, Underground Storage Tank (UST) Control Regulations. Amendment will focus on provisions of Section 280.25 relating to secondary containment for UST systems located within 100 feet of an existing water supply well, a coastal zone critical area, or state navigable waters. SCDHEC may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of regulation text. Revisions to other provisions of R.61-92 may also be included in accordance with governing legal authority and SCDHEC’s overall mission. A [Drafting Notice](#) was published 26 DEC 14. Comments were due 29 JAN 15. SCDHEC POC: [Eric Cathcart](#).

**BEACHFRONT MANAGEMENT PLAN (R.30-21)** SCDHEC has proposed amendments to R.30-21 Beachfront Management Plan, SCDHEC’s Coastal Division regulations related to permitting in coastal zone critical areas. In 1988, the South Carolina Beachfront Management Act established a statewide beachfront management program and set forth policies that called for the state to “create a comprehensive, long-range beach management plan...for the protection, preservation, restoration, and enhancement of the beach/dune system” (SC Code of Laws Section 48-39-260(2)). The State Beachfront Management Plan was created and adopted pursuant the Administrative Procedures Act in 1992, and resides within SCDHEC’s Coastal Division regulations (R.30-21). The plan contains goals, objectives, and policies that guide the state’s beachfront management. Goal statements derived from Section 48-39-260 represent broad courses of action relating to improved management of the beach/dune system, protection of endangered species; implementation of retreat policies, response to disasters, and improved public access and awareness. It also contains objectives and specific policy statements that identify strategies to implement goals. SCDHEC can use the plan to exercise regulatory authority. SCDHEC is proposing to modify R.30-21 Beachfront Management Plan to ensure policies reflect the most current and accurate data available, and are congruent with regulations under other sections of SCDHEC’s Coastal Division regulations. A [Drafting Notice](#) was published 27 FEB 15. Comments are due 30 MAR 15. POC: [Elizabeth von Kolnitz](#).

**WELL STANDARDS (61-71)** SCDHEC has proposed amendments to 61-71, Well Standards. The separation distance between individual residential and irrigation wells and septic tank/tile fields will be changed from 50 to 75 feet for consistency with On-site Wastewater Systems Regulation 61-56. Underground injection wells will be added to the list of wells regulated under R.61-71, because Underground Injection Control Regulation R.61-87 cites R.61-71 as construction standards for underground injection wells. Definitions for injection well and injection, as defined in R. 61-87, will be added to R.61-71. SCDHEC may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of regulation text. A [Drafting Notice](#) was published 27 FEB 15. Comments are due 30 MAR 15. POC: [Charles Gorman](#).



## **2015 LEGISLATIVE SESSION: 13 JAN 2015 THROUGH 15 APR 2016**

### **LEGISLATION**

**[HB 80 \(SB 91\)](#)** This measure changes requirements for use of lead-free hardware with respect to drinking water. Last action: HB 80 placed on committee calendar for 4 MAR 15; SB 91 referred to committee 17 JAN 15.

**[HB 81 \(SB 92\)](#)** This measure makes various changes to the regulation of petroleum USTs and waste. Last action: HB 81 was placed on committee calendar for 3 MAR 15; sponsor added to SB 92 on 27 JAN 15.

**[HB 229 \(SB 409\)](#)** This measure authorizes pharmacies to participate in pharmacy drug disposal programs. Last action: HB 229 added a sponsor on 26 FEB 15; SB 409 placed on Senate Consent calendar for 2 MAR 15.

**[HB 237](#)** This measure enacts the "Property Assessed Clean Energy Act." Last action: assigned to committee 11 FEB 15.

**[HB 640](#)** This measure requires the Tennessee Department of Environmental Conservation (TDEC) to submit its plan to regulate carbon dioxide emissions for existing stationary sources to the general assembly for approval prior to submitting the plan to EPA. Last action: withdrawn 12 FEB 15.

**[HB 719](#)** This measure extends the effective date from 30 to 45 days after publication for newly published regulations involving cooperative agreements between the Tennessee Wildlife Resources Agency (TWRA) and federal agencies. It revises the due date for the submission of financial reports by the TWRA executive director to the governor and commission members from 15 SEP to 30 SEP of each year. Last action: assigned to committee 19 FEB 15.

**[HB 721 \(SB 777\)](#)** This measure exempts vehicles that are three years old and newer with an odometer reading less than 36,000 miles from emissions testing requirements. It requires the vehicle owner or operator to submit an affidavit certifying that the vehicle meets criteria. Last action: HB 721 placed on committee calendar for 3 MAR 15; SB 777 passed on second consideration and referred to committee 18 FEB 15.

**[HB 833](#)** This measure enacts the "Primacy and Reclamation Act of Tennessee." Last action: assigned to committee 19 FEB 15.

**[HB 846](#)** This measure applies certain rules governing zoning restrictions to other land use restrictions, including redevelopment plans. It prohibits redevelopment plans from being more restrictive than local zoning restrictions. Last action: assigned to committee 19 FEB 15.

**[HB 857 \(SB 1049\)](#)** This measure requires a proposed landfill owner to provide notice to persons owning property within a five-kilometer radius, instead of a three-mile radius, 15 days in advance of any scheduled hearing. Last action: HB 857 assigned to committee 19 FEB 15; SB 1049 passed on second consideration and referred to committee 19 FEB 15.

**[HB 868 \(SB 1325\)](#)** This measure requires legislative approval of a state plan to implement Section 111(d) of EPA guidelines before the plan can be submitted to the EPA. Last action: HB 868 assigned to committee 19 FEB 15; SB 1325 passed on second consideration and referred to committee 19 FEB 15.

**[SB 734](#)** This measure requires operators of truck stops, travel centers, and diesel refueling centers to conduct soil and water testing of the property where such establishments are located and on contiguous property for contamination from petroleum products. Last action: passed on second consideration and referred to committee 18 FEB 15.

**[SB 1127](#)** This measure prohibits owners and operators of sanitary landfills located within a 15-mile radius of a site where asphalt roofing shingles are recycled pursuant to the issuance of a permit-by-rule from accepting, for disposal, loads of whole or processed asphalt roofing shingles. It requires the Underground Storage Tanks and Solid Waste Disposal Control Board to post on its website the name and address of each site at which recycling of asphalt roof shingles

is approved pursuant issuance of a permit-by-rule. The measure also requires permittees to annually report to the board information concerning recycling asphalt shingles. Last action: passed on second consideration and referred to committee 19 FEB 15.

## **PROPOSED RULES**

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

**MULTI-SECTOR GENERAL PERMIT** TDEC has proposed to reissue the Tennessee Multi-Sector General Permit, which provides general permit coverage for stormwater discharges from industrial activities. A notice was issued 15 DEC 14. A hearing was held 29 JAN 15 and comments are due 15 FEB 15. TDEC POC: [Vojin Janjic](#), (615) 532-0670.

**WELL STANDARDS** TDEC has proposed rulemaking to update the existing water well licensing and well construction standards by incorporating clarification language. The duties of the Ground Water Management Board were collected from Rule Chapter 0400-45-09 and placed in Rule 0400-45-10-.05. Pump and treatment installer licenses were modified for clarification. Continuing education requirements were clarified. Setback distances from potential contaminant sources were updated to include new sources of potential contamination. Well location submittal data were modified due to the **Tennessee Department of Transportation's changes in how the local county maps were published. Well abandonment standards were modified to allow more flexibility on existing wells where construction information is unavailable.** Clarification was provided regarding the source of water to be used as drilling fluids. Clarification was made on well site safety and borehole protection and construction of boreholes for geothermal wells. A Notice of Rulemaking Hearing was filed 11 DEC 14. A hearing was held 9 FEB 15 and comments were due 16 FEB 15. TDEC POC: [Anna Rollins](#), (615) 532-0159.

# Department of Defense Activity

**ARMY STRATEGY 2025** The Office of the Assistant Secretary of the Army for Installations, Energy and Environment ([OASA \(IE&E\)](#)) released the Army's vision and strategy to help meet future challenges and to succeed in future operating environments. The strategy serves to guide and shape the Army's future and current actions related to installations, energy and environment, as well as provide a strategic roadmap to achieve its vision. It covers fiscal years (FY) 2016-2025. To view the strategy, [click here](#).

**DoD ENERGY CONSUMPTION HITS RECORD LOW** According to [a new report](#) from the [Energy Information Administration](#) (EIA), in FY 2013 energy use by the DoD fell to its lowest level since at least 1975, the earliest for which year information is available. DoD accounts for most of the energy consumed by the federal government. The share of federal government energy use attributed to DoD fell from 87% in FY 1975 to 78% in FY 2013 - the lowest share on record. Energy usage within DoD is divided into two areas: installation energy and operational energy. Installation energy is the energy required to run and operate military installations, which is mainly energy used in buildings but also energy used by vehicles not on combat missions. Operational energy, which accounts for 70% of total DoD energy use, is the energy required for transporting, training, and sustaining personnel and weapons specifically for military operations. According to the DoD's [Annual Energy Report](#), the U.S. Army uses the largest portion of installation energy (34%), while the U.S. Air Force uses the largest portion of operational energy (53%), consisting mostly of jet fuel. For more information, view [this news report](#) by Defense Communities 360 or view the [EIA report](#).

**PROTECT POLLINATORS** The Office of the Under Secretary of Defense issued a [memorandum](#) expanding DoD policy to use best management practices (BMPs) to protect pollinators (e.g., bees, birds, bats, butterflies, and moths). In accordance with [DoD Instruction 4150.07](#) (DoD Pest Management Program) and [DoD Instruction 4715.03](#) (Natural Resources Conservation Program) it is DoD policy to use native landscaping and minimize the use of pesticides and herbicides in sensitive habitats. Further, it is DoD policy for Military Departments to coordinate, when appropriate and to the extent feasible, with other agencies and nongovernmental organizations on habitat and pollinator issues. POC: [Peter Boice](#), (571) 372-6905.

**FY 2016 LEGACY PROGRAM FUNDING** The Office of the Assistant Secretary of Defense for Energy, Installations, and

Environment released a [request for pre-proposals](#) (RFP) for FY 2016 Legacy Program funding. A Legacy project may involve regional ecosystem management initiatives, habitat preservation efforts, archaeological investigations, invasive species control, Native American consultations, and/or monitoring and predicting migratory patterns of birds and animals. Three principles guide the Legacy program: stewardship, leadership, and partnership. Only proposals submitted via the [DoD Legacy Tracker website](#) and coordinated with appropriate installation and headquarters personnel will be eligible for funding. Pre-proposals are due 3 APR 16.

**ENERGY AND WATER MANAGEMENT AWARDS CALL FOR NOMINATIONS** Each year the Federal Energy Management Program (FEMP), in conjunction with the Federal Interagency Energy Management Task Force, sponsors the Federal Energy and Water Management Awards to highlight and honor outstanding federal agency achievements in energy, water, and fleet management. [Nomination criteria](#) are available. FEMP is also offering a one-hour informational [webinar](#) on 19 MAR 15 that will provide an overview of the 2015 awards criteria and eligibility requirements and tips on how to prepare nomination narratives. All final nominations must be submitted through the [nomination site](#) by 30 APR 15. FEMP POC: [Jennifer Landsman](#).

**FLOOD RISK MANAGEMENT STANDARD** On 30 JAN 15, President Obama issued Executive Order (EO) 13690, "[Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input](#)" (80 FR 6425). The most significant change is redefinition of floodplain from that defined by the 100-year flood, "that area subject to a one percent or greater chance of flooding in any given year," to a new definition:

- The elevation and flood hazard area that result from using a climate- informed science approach that uses the best-available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding based on climate science; or
- The elevation and flood hazard area that result from using the freeboard value, reached by adding an additional two feet to the base flood elevation for non-critical actions and by adding an additional three feet to the base flood elevation for critical actions; or
- Area subject to flooding by the 0.2 percent annual chance flood; (i.e., 500-year flood), or
- The elevation and flood hazard area that result from using any other method identified in an update to the standard.

The head of an agency may exempt an agency action where the standard is demonstrably inappropriate. Prior to any action to implement the standard, additional input from stakeholders shall be solicited and considered. The Federal Emergency Management Agency (FEMA), on behalf of the Mitigation Framework Leadership Group, shall publish for public comment draft amended Floodplain Management Guidelines. The Water Resources Council shall issue amended Guidelines for Implementing EO 11988. The Mitigation Framework Leadership Group in consultation with the Federal Interagency Floodplain Management Task Force shall reassess the standard annually, after seeking stakeholder input, and provide recommendations to the Water Resources Council to update the standard if warranted based on accurate and actionable science that takes into account changes to climate and other changes in flood risk. The Water Resources Council shall issue an update to the standard at least every five years.

## Federal Activity

### *AIR*

**N-PROPYL BROMIDE** EPA has received petitions requesting that the solvent n-Propyl Bromide be added to the list of hazardous air pollutants; EPA is initiating a technical review and requesting public comment ([80 FR 6676](#)). Industrial uses of n-Propyl Bromide include:

- Cleaning of metal surfaces,
- Removal of soldering residues from electronic circuit boards,
- Solvent use in the aviation industry for maintenance,
- Solvent for adhesives,
- Replacement for perchloroethylene as a dry cleaning solvent,
- Synthetic fiber production, and
- Asphalt production.

Comments were due 9 MAR 2015. EPA POC: [John Schaefer](#), (919) 541-0296.



**GREENHOUSE GAS EMISSIONS AND SINKS** The [draft 1990-2013 Greenhouse Gas Emissions Inventory](#) is available for public comment until 26 MAR 2015 ([80 FR 9718](#)). Send comments to [Leif Hockstad](#) or [Melissa Weitz](#).

**LEAD REPORTING THRESHOLD** EPA has issued a final rule, lowering the threshold for reporting lead emissions sources as point sources to 0.5 tons per year of actual emissions ([80 FR 8787](#)). The rule eliminates the requirement for reporting emissions from wildfires and prescribed fires. It also replaces a requirement for reporting mobile source emissions with a requirement for reporting input parameters that can be used to run EPA models that generate emissions estimates. EPA POC: [Ron Ryan](#), (919) 541- 4330.

**AEROSPACE MANUFACTURING AND REWORK FACILITIES** EPA proposed amendments to the national emissions standards for hazardous air pollutants (NESHAP) for aerospace manufacturing and rework facilities to address results of residual risk and technology review (RTR) ([80 FR 8391](#)). Proposed amendments would:

- Add limitations to reduce organic and inorganic emissions of HAPs from specialty coating application operations;
- Remove exemptions from emission limitations for periods of startup, shutdown, and malfunction (SSM) so affected units would be subject to emission standards at all times;
- Revise provisions to address recordkeeping and reporting requirements applicable to periods of SSM; and
- Include other technical corrections.

EPA estimates that implementation of this proposed rule will result in reductions of 58 tons of HAP. Comments are due 3 APR 2015. EPA POC: [Kim Teal](#), (919) 541-5580.

**MATS AND UTILITY NSPS** EPA is proposing to make clarifications and corrections to its 16 FEB 12 final Mercury and Air Toxics Standards (MATS) and Utility New Source Performance Standards ([80 FR 8441](#)). Revisions would align regulatory text with the preamble and make corrections and clarifications. EPA is also proposing to remove rule provisions establishing an affirmative defense for malfunction events in light of a recent court decision on the issue. Comments are due 3 APR 15. EPA POC: [Christian Fellner](#), (919) 541-4003.

**MOBILE SOURCE REGULATIONS** EPA is approving technical amendments to various mobile source regulations ([80 FR 9077](#)). The rulemaking:

- Corrects and clarifies Tier 3 motor vehicle and fuel standards;
- Revises test procedures and compliance provisions for certain nonroad spark-ignition engines (and corresponding nonroad equipment);
- Clarifies design-permissible approaches for portable fuel containers meeting evaporative emission standards;
- Aligns state requirements for marine vessels with diesel engines with MARPOL Annex VI; and
- Corrects errors in the Voluntary Quality Assurance Program rulemaking.

The final rulemaking is effective 5 MAY 15 unless the agency receives adverse comment by 6 APR 15. EPA POC: [Alan Stout](#), (734) 214-4805.

**EMISSIONS INVENTORY REPORTING** EPA adopted final amendments to emissions inventory requirements for various sources ([80 FR 8787](#)). The rule lowers the threshold for reporting lead emissions sources to five tons per year of actual emissions, eliminates the requirement for reporting emissions from wildfires and prescribed fires, and replaces a requirement for reporting mobile source emissions with a requirement for reporting input parameters (used to run the EPA models that generate emissions estimates). The final rule was effective 19 FEB 15. EPA POC: [Ron Ryan](#), (919) 541-4330.

## ***ENDANGERED SPECIES***

**NORTH ATLANTIC RIGHT WHALES** The National Marine Fisheries Service (NMFS) has proposed to replace the critical habitat for right whales in the North Atlantic with two new areas ([80 FR 9313](#)). Areas under consideration as critical habitat include approximately 29,945 square nautical miles of marine habitat in the Gulf of Maine and Georges Bank region (Unit 1) and off the southeast coast (Unit 2). The [proposed rule, maps, fact sheets, references, and other](#) materials relating to this proposal are available. Activities listed in NMFS's "[Section 4\(b\)\(2\) Report](#)" that may trigger a Section 7 consultation include military operations, such as training and testing. Comments are due by 21 APR 2015.

## ***CLIMATE CHANGE***

**CLIMATE ACTION PLAN TOOLKIT** As part of President Obama's Climate Action Plan [Virtual Climate Resilience Toolkit](#), EPA released the Climate Adjustment Tool for EPA's Stormwater Management Model – a widely-used, downloadable online stormwater simulation model. The Climate Adjustment Tool allows engineers and planners to evaluate perform-

ance of water infrastructure while considering future climate change projections, such as more frequent high-intensity storms and changes in evaporation rates of seasonal precipitation, to determine benefits of resiliency decisions to reduce local economic burden and protect communities.

## ***HAZARDOUS MATERIALS***

**TRANSPORT OF RADIOACTIVE MATERIAL** The Pipeline and Hazardous Materials Safety Administration (PHMSA) is requesting public comment on issues related to its efforts to harmonize its rules for the transport of radioactive materials with international standards ([80 FR 6567](#)). The 2012 international standards ([SSR-6](#)) are being considered for revision, with possible publication in 2017. PHMSA has not yet aligned its standards with the 2012 international standards. A public meeting was held 24 FEB 15. POC: Steven Webb at (202) 366-8553.

**LITHIUM BATTERY TRANSPORT** For transportation of lithium batteries by modes other than air, the Pipeline Hazardous Materials Safety Administration (PHMSA) has extended the compliance date on the final rule published 6 AUG 2014 ([79 FR 46012](#)) ([80 FR 6567](#)). This extension is made in response to formal comments received from multiple stakeholders outlining challenges faced by the regulated community in fully implementing provisions of the final rule by the 6 FEB 15 mandatory compliance date. The compliance date is now 7 AUG 15.

## ***NEPA***

**CEQ GUIDANCE FOR NEPA REVIEWS** The White House Council on Environmental Quality (CEQ) extended the public comment period on its 24 DEC 14 proposed guidance for conducting National Environmental Policy Act (NEPA) reviews ([80 FR 9443](#)). The revised draft guidance discusses how NEPA analysis and documentation should address GHG emissions and the impacts of climate change. [CEQ's overview](#) of the proposal is available. Comments are due 23 APR 15. POC: Horst Greczmiel, (202) 395-5750.

## ***TOXICS***

**TOXICOLOGICAL PROFILES** The Agency for Toxic Substances and Disease Registry (ATSDR) will develop one updated toxicological profile and three new profiles for antimony (update); glyphosate; silica; and 2-4, Dichlorophenoxyacetic acid ([80 FR 7870](#)). Drafts should be released for comment by 17 OCT 15. Separately, ATSDR has released final toxicological profiles for toxaphene and trichlorobenzenes ([80 FR 6971](#)). [Profiles](#) are available. ATSDR POC: Jessilyn B. Taylor, (770) 488-3313.

## ***WATER***

**WATER RESOURCE NEEDS** The US Army Corps of Engineers (USACE) Civil Works Program Strategic Plan for 2014-2018, "[Sustainable Solutions to America's Water Resource Needs](#)," is now available. The strategic plan builds on the watershed-based systems approach introduced in the Civil Works 2004-2009 Strategic Plan by furthering integrated water resources management as the overarching strategy.

**CONSERVATION PRACTICES** EPA and USACE issued a [memorandum of understanding](#) withdrawing their 2014 [interpretive rule](#) on exemptions to permitting for certain agricultural conservation practices under the Clean Water Act (CWA). The interpretive rule outlined which conservation activities provided farmers with an exemption from permitting under the CWA [Section 404\(f\)\(1\)\(A\)](#). Congress requested that EPA and USACE withdraw the interpretive rule in its continuing resolution "[Cromnibus](#)" [funding legislation](#) (page 445), passed in December 2014. The withdrawal was effective 29 JAN 15.

**DRAFT FOURTH CONTAMINANT CANDIDATE LIST** EPA is seeking comment on a draft fourth Contaminant Candidate List (CCL 4) of contaminants not currently subject to national primary drinking water regulations ([80 FR 6076](#)). The contaminants are known or anticipated to occur in public water systems and may require regulation under the Safe Drinking Water Act (SDWA). This Draft CCL 4 includes 100 chemicals or chemical groups and 12 microbial contaminants. Chemicals or chemical groups include: PFOS, PFOA, RDX, n-propylbenzene, nonylphenol, nitroglycerin, nitrobenzene, methanol, methyl tert-butyl ether (MTBE), hydrazine, halon 1011 (bromochloromethane), HCFC-22, ethylene glycol, chlorate (may occur in drinking water because of use of disinfectants such as chlorine dioxide and hypochlorites), and cyanotoxins (toxins naturally produced and released by cyanobacteria). [Additional information](#) and a [fact sheet](#) are available. EPA seeks comment on the Draft CCL 4 and on improvements to the selection process for future CCLs. Comments are due 6 APR 15. EPA POCs: chemical contaminants, [Meredith Russell](#), (202) 564-0814, [russell.meredith@epa.gov](mailto:russell.meredith@epa.gov); microbial contaminants, [Hannah Holsinger](#), (202) 564- 0403.

**WASTEWATER EFFLUENT ANALYSIS** EPA is proposing to update methods to analyze the chemical, physical, and biological components of wastewater and other environmental samples required under the CWA. The updates are intended to increase flexibility for the regulated community, improve data quality, and update CWA methods to keep current with technology advances and analytical methods science. The last update was in 2012. Comments are due 20 APR 15. For more information, contact [Adrian Hanley](#) at (202) 564-1564.

**SPILL RESPONSE EXERCISE PROGRAM** The US Coast Guard and cooperating agencies released updated draft Preparedness for Response Exercise Program Guidelines addressing oil spill response exercises ([80 FR 10704](#)). The updated guidance aligns definitions and terminology with other national-level exercise programs, includes guidance for exercises for non-tank vessels, and specifically identifies oil spill surveillance and tracking systems as a type of response equipment to be exercised during internal equipment deployment exercises. Comments are due 28 APR 15.

# Professional Development

## *CONFERENCES, WORKSHOPS AND MEETINGS*

**19 MAR, ONLINE: [SOUTHERN FORESTERS' CLIMATE OBSERVATIONS: STATE COMPARISONS AND SPATIAL TRENDS](#)** NC State surveyed professional foresters in the southern US to identify how frequently they observe 16 climate-related variables that affect pine plantations and forests to evaluate how climate change responses vary across the south. Southern foresters observed an overall change in climate, longer dry periods or drought conditions, greater frequency and/or severity of invasive plant infestations, warmer winters, and hotter summers with the highest frequency. A spatial analysis of foresters' responses provided evidence that observations of climatic change are generally observed with higher frequency by foresters from Oklahoma, Florida, and Kentucky. These findings can inform Extension programming and facilitate development of materials tailored to address climatic changes that foresters report observing for each state.

**24 MAR, ONLINE: [INVASIVE PLANT BEST MANAGEMENT PRACTICES](#)** BMPs help identify effective and realistic practices that may be integrated into any behavior. Learn how to create BMPs that help identify and minimize the spread of invasive species.

**24 MAR, ONLINE: [COASTAL AREA RESTORATION](#)** Participate in this training session to learn more about the selection of coastal adapted plant species, innovative uses of these plants, and opportunities for growing alternative specialty crops on marginal lands in coastal areas.

**26 MAR, ONLINE: [STREAM CHANNEL REPAIR AND RESTORATION FOLLOWING EXTREME FLOODING DAMAGE, PART 2 - DESIGN AND IMPLEMENTATION](#)** Join this webinar to learn about treatment options and considerations when repairing and restoring stream channels damaged by extreme flooding.

**26 MAR, ONLINE: [PLANNING IN THE FACE OF CHANGE, AN URBAN FORESTRY WEBINAR SERIES: URBAN INTERFACE PLANNING](#)** Third in a series of 5 webinars, from January through May 2015, sponsored by NC Forest Service, Community and Urban Forestry Program. This webinar focuses on the urban interface in the context of wildfire risk and proper planning.

**30 MAR-APR 2, NORTH CHARLESTON, SC: COASTAL [GEOTOOLS 2015](#)** Attend the conference to see new technologies and applications and learn how peers are addressing current coastal issues using geospatial data and tools.

**10-15 APR, ARLINGTON, VA: [MILITARY AND GOVERNMENT MICROGRIDS SUMMIT](#)** The summit will provide a platform for military, government, and utility policy makers and procurement managers to share business and technical wants, needs and requirements for new microgrid projects with renewable energy developers, energy services companies, system integrators, energy performance contractors (EPCs), energy storage companies, microgrid enabling technology companies, and financiers. Hear from and network with senior-level DoD, Air Force, Army, Marines, Navy, DoE, state, and utility microgrid decision makers and customers.

**21 APR, ONLINE: [CONSERVATION ACTIVITY PLAN \(CAP\) POLICIES AND PROCEDURES](#)** The webinar will describe the history, purpose, regulation and policy that frame and govern the use of CAPs. It will describe the goals set forth by the Natural Resource Conservation Service (NRCS), and define roles of various levels to ensure understanding and appropri-

ate use of the available practices. The presentation will include a discussion of the responsibilities of Technical Service Providers (TSPs), producers, and NRCS staff. Presenters will describe how CAPs are incorporated into the planning process and define the programmatic requirements that must be met to offer financial assistance for the development of a CAP.

**22-23, APR, NASHVILLE: [SPRING FEDERAL UTILITY PARTNERSHIP WORKING GROUP \(FUPWG\) SEMINAR](#)** FUPWG fosters communication between federal agencies, specific sites, and utilities to implement cost-effective energy efficiency and water conservation projects. Fulfill federally mandated training requirements and grow your network at this seminar.

**27-29 APR, ORLANDO, FL: 17<sup>TH</sup> [ANNUAL ABOVEGROUND STORAGE TANK CONFERENCE AND TRADE SHOW](#)** The international conference and trade show provides educational opportunities, resources, and training seminars about operation, regulation, and management of aboveground storage tanks. Sessions will help independents, major terminal operators, manufacturers, and suppliers.

**12-13 MAY, COLLEGE PARK, MD: [SUSTAINABLE MATERIALS MANAGEMENT SUMMIT](#)** The one-and-a-half day summit will launch a national dialogue intended to accelerate sustainable materials management (SMM), bringing together 200 innovative thinkers and practitioners working on how natural resources are extracted, used, and then managed after initial end-of-life. The summit includes leaders in source reduction, reuse, composting, and recycling. The National Recycling Coalition (NRC) will begin to develop a SMM National Plan based on a facilitated dialogue among a broad spectrum of stakeholders.

**15-17 JUN, NEW ORLEANS, LA: [AMERICAN WATER RESOURCES ASSOCIATION SPECIALTY CONFERENCE](#)** The conference theme is "Action": how we respond, build resilient systems, and influence decision makers. This conference will inform climate adaptation decisions on the ground. Abstracts are due 13 FEB 15.

**19-21 JUN, CUSTER, WI: [THE ENERGY FAIR](#)** The fair brings over 15,000 attendees together to learn the latest and greatest in clean energy and sustainability, connect with others, and take action toward a more sustainable future. It is the nation's longest running energy education event of its kind.

**22-25 JUN, GALVESTON, TX: [2015 DREDGING SUMMIT AND EXPO](#)** The conference theme, "Dredgers, The Environment and Commerce," will focus on people and organizations involved in dredging and the environmental and commercial impacts of dredging. Topics presented will be critical economic need for dredging, importance of enhancing the marine environment, trends in dredging technology and safety, as well as historical dredging development.

**4-6 AUG: [2015 COMMUNITY INVOLVEMENT TRAINING CONFERENCE](#)** The conference brings together more than 450 people from EPA and its stakeholders who plan and implement environmental community involvement, partnership, stewardship, outreach, and education programs.

**11-13 AUG, PHOENIX, AZ: [ENERGY EFFICIENCY EXCHANGE](#)** Join project implementation specialists and subject matter experts at a training event that speaks to the challenges and opportunities of energy consumption, sustainability, energy efficiency, and energy security in and across federal agencies. Continuing education units will be offered for all training sessions currently being planned.

**26-28 AUG, JEKYL ISLAND, GA: [2015 ANNUAL GEORGIA ENVIRONMENTAL CONFERENCE](#)** Over the four-day event, this conference will host environmental professionals seeking to exchange knowledge and share ideas about environmental concerns in Georgia and around the world. The curriculum offers 56 unique courses, allowing attendees to design personalized curriculums by selecting ten educational breakout sessions and receive approved continuing education credits.

## ***DoD TRAINING SOURCES***

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

- Environmental Regulations Practical Application Course (Course Control Number (CCN) 398)
- CERCLA/RCRA Process (CCN 356)
- Hazardous Waste Manifesting & DOT Certification (CCN 223)

- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429)
- Radioactive Waste Transport (CCN 441)
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Environmental Remediation Technologies (CCN 395)
- Environmental Laws and Regulations (CCN 170)

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

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

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS** The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the [US Army Environmental Command website](#), which has links to training provided by DoD organizations.

## ***FEDERAL TRAINING SOURCES***

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER** [FedCenter.gov](#) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information in the following areas:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Regulatory Watch for information on new or changed laws or regulations;
- P2 opportunities and best management practices;
- EPA enforcement notices;
- Links to state environmental programs;
- Access to [environmental assistance](#);
- Access to free, FedCenter-sponsored courses;
- [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
- [Environmental Management Systems](#) (FedCenter membership required);
- [Underground Storage Tanks](#) (FedCenter membership required);
- Environmental [conferences](#), meetings, [training](#), and workshop information;
- Applicable laws and Executive Orders; and
- Industry sector-specific newsletters.
- FedCenter also provides member assistance services such as:
- Collaboration tools for workgroups,
- Environmental reporting tools, and
- Daily newsletter and subscription services.

## ***ONLINE TRAINING: SCHEDULED EVENTS***

**SERDP AND ESTCP WEBINAR SERIES** The DoD environmental research and development funding programs ([SERDP and ESTCP](#)) are launching a [webinar series](#) to promote the transfer of innovative, cost-effective and sustainable solutions developed using SERDP and ESTCP funding. Live webinars will be offered every two weeks on Thursdays from 12:00 PM ET (9:00 AM PT) for 90 minutes. Most webinars will feature two 30-minute presentations and interactive question and answer sessions, on topics targeted for DoD and DOE audiences. Prior presentations are archived for viewing any time.

- Management of Contaminated Sediments Sites
- Waste to Energy Technologies
- Energy Audits
- Dense Non-Aqueous Phase Liquid Source Zone Management
- Sustainable Materials
- Acoustic Methods for Underwater Munitions

- Solar Technologies (19 FEB 15)
- Lead Free Electronics (5 MAR 15)
- Bioremediation Approaches at Chlorinated Solvent Sites (19 MAR 15)
- Resource Conservation and Climate Change (26 MAR 15)
- Blast Noise Measurements and Community Response (16 APR 15)
- Munitions Mobility (7 MAY 15)
- Managing Munition Constituents on Training Ranges (28 MAY 15)

**FEMP eTRAINING COURSES** The Federal Energy Management Program (FEMP) offers interactive, online eTraining courses to help federal agencies develop core competencies and comply with energy-efficiency and renewable-energy water-management and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide (WBDG) to host these comprehensive, FEMP-developed eTraining courses. [Promotional materials](#) are available to help federal agencies encourage the completion of FEMP's eTraining courses. For more information about FEMP eTraining courses, contact [Beverly Dyer](#), (202) 586-7753. The following courses are available:

- [Advanced Electric Metering in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Building Automation Systems for Existing Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Commissioning for Existing Federal Buildings](#) (4.5 hours, .50 CEUs)
- [Energy-Efficient Federal Purchasing](#) (4.5 hours, .50 CEUs)
- [Energy Savings Performance Contracting](#) (8.5 hours, .90 CEUs)
- [Federal On-Site Renewable Power Purchase Agreements](#) (2.5 hours, .30 CEUs)
- [Launching a Utility Energy Services Contract \(UESC\): Getting to Yes!](#) (3 hours, .40 CEUs)
- [Managing Water Assessment in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Measurement and Verification in ESPCs](#) (3 hours, .40 CEUs)
- [Planning an Energy Assessment for Federal Facilities](#) (4 hours, .50 CEUs)
- [Selecting, Implementing, and Funding Photovoltaic Systems in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Sustainable Institutional Change for Federal Facility Managers](#) (3 hours, .40 CEUs)
- [Utility Service Contracts and Energy Project Incentive Funds](#) (90 minutes)

### **ENERGY STAR WEBCASTS**

- [Federal Guiding Principles Checklist](#) This webcast shows federal energy and sustainability professionals how to use the ENERGY STAR® measurement and tracking tool, Portfolio Manager, to help ensure compliance with the Guiding Principles for High Performance Sustainable Buildings required by Executive Orders 13423 and 13514. The focus is on the Guiding Principles for Sustainable Existing Buildings.
- [Portfolio Manager 101](#) This webcast demonstrates the core functionality of EPA's Energy Star Portfolio Manager tool. Attendees will learn to navigate the new Portfolio Manager, add a property and enter details, enter energy and water consumption data, share properties, generate performance reports to assess progress, and respond to data requests.
- [Portfolio Manager 201](#) This webcast will explore advanced functionalities of EPA's Energy Star Portfolio Manager tool, including managing and tracking changes to property uses over time; using spreadsheet templates to update property data; setting goals and targets to plan energy improvements for properties; generating and using custom reports; and using the Sustainable Buildings Checklist.

**CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES** This [webinar series](#) was developed to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation.

**READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM WEBINAR SERIES** The REPI [Webinar Series](#) is presented by DoD in partnership with the [Land Trust Alliance](#). This online series covers best practices, tutorials and knowledge sharing on REPI partnerships that support military mission and accelerate the pace and rate of conservation. All webinars begin at 1:00 p.m. Eastern unless otherwise noted. Previously scheduled webinars are available anytime.

**EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY** Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of live and archived webinars. Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management (SMM) is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The

format is a formal presentation followed by a question and answer session.

**[ITRC INTERNET BASED TRAINING](#)** The Interstate Technology and Regulatory Council (ITRC) is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers training courses to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents. Visit the site often to view upcoming internet-based training events.

### ***ONLINE TRAINING: AVAILABLE ANYTIME***

**[CLIMATE READY WATER UTILITIES](#)** EPA's Climate Ready Water Utilities initiative assists the water sector (drinking water, wastewater, and stormwater utilities) in addressing impacts from climate change. This information helps utility owners and operators better prepare their systems for the impacts of climate change. The website has links to [tools and resources](#), new and recorded [training webinars](#), and more.

**[WATER'S IMPACT ON THE ENERGY SECTOR](#)** This on-demand webinar features Stacy Tellinghuisen, senior energy/water policy analyst at Western Resource Advocates, who shares new research on the national impacts of water scarcity on the energy sector, including how the expanded use of renewable energy and energy efficiency can help reduce the potential impacts that prolonged droughts will have on the energy sector.

**[EPA RCRA TRAINING](#)** RCRA-related online courses, seminars, webinars, podcasts, and videos are posted throughout EPA's waste website. Introductory and advanced courses are included for federal and state regulators, the regulated community, organizations, associations, and consumers interested in environmental laws, regulations, and implementation. Topics include general RCRA, RCRA corrective action, Environmental Management Systems (EMS), e-waste, groundwater characterization and cleanup, land revitalization, land disposal restrictions, sustainable materials management web academy, and environmental justice and RCRA permitting.

**[AREA SOURCE BOILER RULE VIDEO SERIES](#)** This [EPA video series](#) explaining the Area Source Boiler Rule consists of modules regarding:

- An overview of rule applicability, including specific rule requirements and compliance dates;
- How to conduct an energy assessment;
- How to conduct a boiler tune-up; and

Recordkeeping and reporting requirements of the rule.

Area sources are commercial (e.g., laundries, apartments, hotels), institutional (e.g., schools, churches, medical centers, municipal buildings) or industrial (e.g., manufacturing, refining, processing, mining) facilities that emit or have the potential to emit less than 10 tons per year (tpy) of a single hazardous air pollutant, or less than 25 tpy combined hazardous air pollutants. The Area Source Boiler Rule affects boilers at these facilities that burn coal (including coal refuse, petroleum coke, or synthetic fuels derived from coal), oil or other liquid fuel, biomass, and non-waste materials.

**[BEST PRACTICES FOR COMPREHENSIVE WATER MANAGEMENT FOR FEDERAL FACILITIES](#)** This comprehensive water management training provides federal facility and energy managers with knowledge and skills to assist in meeting water-related legislative and executive order requirements. Learners will develop skills in increasing water efficiency and reducing water use through sound operations and maintenance practices and water-efficient technologies. Several methods for meeting needs for non-potable water through alternate water sources, such as rainwater harvesting, reclaimed wastewater, and gray water are discussed. Water metering is covered, as well as life cycle costing and establishing the overall economics for strategic water management.

**[PRELIMINARY ASSESSMENT AND SITE INSPECTION \(PA/SI\) WEBINAR SERIES](#)** The CERCLA Education Center (CEC) is offering archived versions of its nine-part Preliminary Assessment and Site Inspection (PA/SI) [webinar series](#). PA/SI is an intermediate training course designed for personnel who are required to compile, draft, and review PA, SI, and hazard ranking system (HRS) documentation records and packages submitted for sites proposed for the National Priorities List (NPL). More information is available at [www.clu-in.org](http://www.clu-in.org).

**[DISTRIBUTED-SCALE RENEWABLE ENERGY PROJECTS: FROM PLANNING TO PROJECT CLOSEOUT](#)** This 2.5 hour webinar focuses on the planning and implementation of distributed-scale renewable energy projects (i.e., those smaller than 10

megawatts). The on-demand course outlines a detailed 10-step process from technology screening to project closeout. It explores online tools and resources for renewable energy projects on federal sites.

**EPA AIR POLLUTION TRAINING INSTITUTE (APTI)** EPA's [Air Pollution Training Institute](#) (APTI) offers a variety of online self instructional courses and videos for air pollution professionals. Although APTI courses are designed for state and local government officials, the courses, webinars, and videos are available to anyone.

**AVERT TUTORIAL** EPA launched its new on-demand training on how to use its Avoided Emissions and generation tool (AVERT). AVERT estimates the potential of energy efficiency/renewable energy (EE/RE) programs to displace electricity system-related SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions in the continental United States. The tool can be used to evaluate county, state and regional level emissions displaced by energy efficiency and renewable energy programs without the need to specialized resources or electricity system expertise.

**FEMP TRAINING SEARCH TOOL** FEMP recently launched the FEMP Training Search, a web tool that lists free training opportunities to help agencies meet federal energy, water, and sustainability laws and requirements. The new search tool provides options to easily find and select training offerings by topic area, topic series, course format and type, and by level of difficulty—introductory (101), intermediate (201), and advanced (301).

**EPA TMDL AND NPDES PERMIT TRAINING** EPA developed three web-based training modules on topics related to TMDLs and NPDES permitting. The presentations are intended for TMDL developers and NPDES permitting staff to gain a better understanding of TMDL implementation through NPDES permits. Each module is offered as a recorded presentation that enables participants to review the material on demand in a self-paced environment. The modules are also available as unrecorded PowerPoint presentations with slides and scripts. Each recorded session is approximately 2 hours long.

- Module 1: Understanding TMDLs: A Primer for NPDES Permit Writers
- Module 2: Understanding Waste Load Allocation Implementation in Permits: A Primer for TMDL Developers
- Module 3: Understanding TMDLs with Stormwater Sources and the NPDES Stormwater Permitting Process

## ***CLASSROOM/INTERNET TRAINING SOURCES***

**EPA NPDES TRAINING COURSES AND WORKSHOPS** Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES Permit program. They are designed for permit writers, dischargers, EPA officials, and other interested parties. Topics include vessel general permits, combined sewer overflows, energy management, green infrastructure, pesticides, pretreatment, sanitary sewer overflows, and stormwater.



# Staff Directory

Region 4 Director/DoD REC	404-562-5146
Region 4 Deputy Director	404-562-5231
Region 4 Counsel	404-562-5016
Region 4 REC	VACANT
Regulatory Affairs Specialist	404-562-5023

---

## 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/>.