



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

October 2012

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. Please include a contact name and email address in the body of the message.

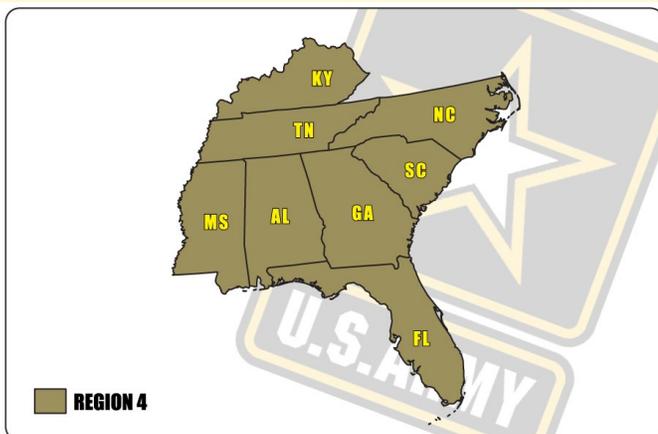


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ARMY ANNOUNCES \$7B MULTIPLE AWARD TASK ORDER CONTRACT REQUEST FOR PROPOSAL

The Army announced a \$7 billion Multiple Award Task Contract (MATOC), Request for Proposal (RFP) which will help the Army procure reliable, locally generated, renewable and alternative energy through Power Purchase Agreements for up to 30 years.

The MATOC RFP was issued by the U.S. Army Corps of Engineers through its Engineering and Support Center, Huntsville, AL.

By awarding the contract, the Army increases its agility by streamlining acquisition processes to develop large-scale renewable energy projects that use private sector financing. This approach will help speed overall project development timelines to ensure the best value to the Army and to the private sector.

In making the announcement, Hon. Katherine Hammack, assistant secretary of the Army for installations, energy and environment, said, "Today is truly a day for the U.S. Army to take pride in the strides it's making toward managing its energy resources and developing new, clean, renewable energy. The release of this MATOC RFP by the U.S. Army Corps of Engineers demonstrates the Army's commitment toward installation energy security, mission readiness and resilience."

Lt. Gen. Tom Bostick, Army chief of engineering and commanding general of the U.S. Army Corps of Engineers, said, "The U.S. Army Corps of Engineers are truly excited to be leading the Army acquisition effort which will help installations meet mandated energy reduction goals far into the future."

[Full story text](#)

Region 4

For more information on any state issue in Region 4, please contact [Marshall Williams](#), Army Regional Environmental Coordinator, (404)460-3136.



COASTAL ZONE MANAGEMENT FEE SCHEDULE: On 11/29/11, the Alabama Department of Environmental Management (ADEM) revised its Division 1 Fee Schedule B, which is used to assess processing fees for coastal consistency reviews in accordance with requirements and limitations of 15 C.F.R. 930.41, and requirements of the Alabama Environmental Management Act, Ala. Code § 22-22A-5(16) (2006 Rplc. Vol.). Revisions constituted a routine program change to ACAMP's federally-approved coastal area management program since the action does not make substantial changes in or to enforceable policies or authorities related to uses subject to management; special management areas; boundaries; authorities and organization; or coordination, public involvement and national interest. ACAMP has requested the federal Ocean and Coastal Resource Management (OCRM) to concur in this determination. [Notice of Routine Program Change](#) was issued on 04/1/12, and comments were due 04/22/12. For further information: Joelle Gore, Chief Coastal Programs Division Chief.

COASTAL ZONE MANAGEMENT DIVISION 8 REGULATIONS (NOTICE): On 11/20/11, public notice announced a 01/04/12 public hearing regarding required administrative modifications to ADEM's Division 8 Coastal Program Regulations. Modifications ensure that language related to federal consistency requirements is consistent with the existing statutory and regulatory provisions of Section 307 of the Coastal Zone Management Act and 15 C.F.R. Part 930. Revisions constituted a routine program change to ACAMP's federally-approved coastal area management program since the action does not make substantial changes in or to enforceable policies or authorities related to uses subject to management; special management areas; boundaries; authorities and organization; or coordination, public involvement and national interest. ACAMP has requested the federal Ocean and Coastal Resource Management (OCRM) to concur in this determination. [Notice of Routine Program Change](#) was issued on 04/01/12, and comments were due by 4/22/12. For further information: Joelle Gore, Chief Coastal Programs Division.

AMBIENT AIR MONITORING PLAN (NOTICE): ADEM has prepared the [Annual Ambient Air Monitoring Plan](#) for 2012, pursuant to 40 CFR 58.10. This plan covers ambient air monitoring activities to be performed by ADEM, the Jefferson County Department of Health, and the City of Huntsville Division of Natural Resources. The [Notice](#) was issued on 06/01/12, and comments were due by 07/01/12. For further information: [Michael Malaier](#).

SOLID WASTE STUDY (NEWS RELEASE): ADEM has announced the scheduling of the first in a series of public meetings to be held throughout the State focusing on solid waste management. ADEM is working with Auburn University to facilitate the meetings and compile public input into a final report. Once completed, the final report and any program enhancements will be presented to ADEM and the Alabama Legislature. In its 2011 Regular Session, the Alabama Legislature directed ADEM to evaluate current Alabama solid waste management procedures, including those for permitting new solid waste landfills. The Legislature imposed a 24-month moratorium on issuance of permits to certain new landfills, and passed a one-year extension of this moratorium (through May 2014). For further information: Scott Hughes, (334) 271-7955.

GENERAL PERMIT ALG120000 METAL FINISHING DISCHARGES (NOTICE): ADEM is proposing to reissue General NPDES Permit ALG120000 that regulates discharges from primary metals, metal finishing, fabricated metal products, industrial commercial machinery, electronic equipment, measuring and analyzing instruments, foundries consisting of storm water, hydrostatic test water from new containers, non-contact cooling water, cooling tower blowdown, boiler blowdown, demineralizer wastewater, vehicle and equipment exterior wash water, storm water from petroleum storage and handling, and equipment storage and maintenance areas that discharge to waters of the State of Alabama (not designated outstanding national resource water, outstanding Alabama water, or treasured Alabama Lake). Individual facilities and/or operations may propose to operate under this general permit, if reissued, by notifying ADEM and providing required documentation. After receiving such notice of intent, ADEM may regulate discharge under the General Permit. A [Notice](#)

was issued 07/26/12. Comments were due 08/25/12. For further information: Russell A. Kelly, (334) 271-7714.

GENERAL PERMIT ALG140000, TRANSPORTATION AND WAREHOUSING (NOTICE): ADEM is proposing to reissue General NPDES Permit ALG140000 that regulates discharges from transportation industries and warehousing consisting of storm water, non-contact cooling water, cooling tower blowdown, boiler blowdown, demineralizer wastewater, vehicle and equipment washwater, storm water from petroleum storage and handling, and equipment storage and maintenance areas to waters of the State of Alabama (not designated outstanding national resource water, outstanding Alabama water, or treasured Alabama Lake). Individual facilities and/or operations may propose to operate under the general permit, if reissued, by notifying ADEM and providing required documentation. After receiving such notice of intent, ADEM may regulate discharge under the General Permit. A [Notice](#) was issued 07/26/12. Comments were due 08/25/12. For further information: Russell A. Kelly, (334) 271-7714.



FINAL RULES

RECLAIMED WATER AND REUSE REQUIREMENTS (40E-20.091; 40E-20.301): The South Florida Water Management District (SFWMD) amended rules 40E-20.091 and 40E-20.301(1)(h), F.A.C., and Section 3.2.3.2.B.2 of the Basis of Review for Water Use Permit Applications within the SFWMD. Amendments require water use permit applicants to obtain written documentation from the local reclaimed water provider addressing availability of reclaimed water. Amendments also require minor general water use permit applicants located within a mandatory reuse zone to perform an end-user feasibility evaluation. A [Notice of Rulemaking Development](#) was published 10/07/11, and a Workshop was held 11/01/11. The [Notice of Proposed Rules](#) was published 06/08/12, and comments were due 06/29/12. A hearing was held 07/12/12, and a [Notice of Correction](#) was published 07/27/12. The [rules](#) became effective 09/26/12. For further information: [Paulette Glebocki](#), (561) 682-6941.

PROPOSED RULES

CONSOLIDATION OF RISK-BASED CORRECTIVE ACTION RULE CHAPTERS (62-780.100, .110, .150, .200, .220, .300, .400, .450, .500, .550, .600, .610, .650, .680, .690, .700, .750, .790, .900): The Florida Department of Environmental Protection (FLDEP) has proposed changes to all sections of Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria, as a result of merging Chapters 62-770 (Petroleum Contamination Site Cleanup Criteria), 62-782 (Dry cleaning Solvent Cleanup Criteria), and 62-785 (Brownfields Cleanup Criteria) into the existing Chapter 62-780, F.A.C. Amendment will provide rule consolidation and consistency across programs, where possible, based on governing statutes. Concurrently, FLDEP proposes to repeal Chapters 62-770, 62-782 and 62-785, F.A.C. Rule repeals support Governor's Executive Order (EO) #11-01 (and subsequent EOs 11-72 and 11-211). A [Notice of Rulemaking Development](#) was published 03/09/12. A workshop was held 03/28/12. Comments were received and are being evaluated. There is no set deadline for completion of this action, but high interest exists in both the regulated and regulatory communities. A [Notice of Proposed Rules](#) was published, and comments were due 09/28/12. For further information: [Brian Dougherty](#), (850) 245-7503.

EXISTING DRY CLEANING SOLVENT CONTAMINATION SITE REHABILITATION CRITERIA, PROCESS AND PROCEDURES (62-782.100, .150, .200, .220, .300, .400, .450, .500, .600, .610, .650, .680, .690, .700, .750, .790, .900): FLDEP has proposed to merge existing dry cleaning solvent contamination site rehabilitation criteria, process and procedures contained in Chapter 62-782, F.A.C. into Chapter 62-780 F.A.C.; Chapter 62-782, F.A.C., Dry cleaning Solvent Cleanup Criteria, will be repealed once current RBCA rule chapters are merged into Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria. This rulemaking will consolidate and provide consistency across cleanup programs. Concurrently, FLDEP is proposing the expansion of Chapter 62-780, F.A.C., to include all RBCA cleanup rules. A [Notice of Rulemaking Development](#) was published 03/16/12. A workshop was held 03/28/12. There is no set deadline for completion of this action, but high interest exists in both the regulated and regulatory communities. For further information: [Jennifer Farrell](#), (850) 245-8937.

ENVIRONMENTAL RESOURCE PERMITTING (62-330): FLDEP has proposed rulemaking relating to environmental resource permitting rules. Section 373.4131, F.S., created by Chapter 2012-94, Laws of Florida, and effective 07/01/12, requires FLDEP, in coordination with the five Water Management Districts (WMDs), to develop statewide environmental resource permitting (ERP) rules governing construction, alteration, operation, maintenance, repair, abandonment and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works or works, or combinations thereof, to implement Part IV of Chapter 373, F.S. FLDEP proposes to substantially amend existing provisions of Chapter 62-330, F.A.C., and add new rules to be implemented by FLDEP, the WMDs, and local governments delegated under

Section 373.441, F.S., without the need for further rulemaking by the WMDs and local governments, pursuant to Section 373.4131, F.S. Rulemaking seeks to establish statewide ERP rules that will rely upon existing rules, revised as necessary to achieve a more consistent, effective and streamlined approach to implement the ERP program. New rules will reduce regulatory costs and burdens for the public, while not lowering environmental standards and continuing to protect the state's water resources. A [Notice of Rulemaking Development](#) published 06/22/12, with an Advisory issued 07/06/12. [Workshops](#) were held/scheduled 07/26/12, 08/07/12 and 08/16/12. Each WMD will propose rule amendments for consistency with statutes. A [Notice of Rulemaking Development](#) for those amendments was issued 09/28/12. For further information: [Mary VanTassel](#), (850) 245-8486.

ERP HANDBOOK REVISION (40D-4.091): This rulemaking will incorporate the proposed Environmental Resource Permit Applicant's Handbook Volume II which, together with an Applicant's Handbook Volume I, will be adopted by FLDEP to provide guidance to applicants seeking ERPs, and following FLDEP adoption of proposed new ERP rules mandated by Section 373.4131, F.S. FLDEP has proposed to amend Chapter 62-330, F.A.C., which will become the statewide ERP rules. Each WMD is expected to adopt an Applicant's Handbook Volume II containing District-specific design and performance criteria relating to water quality and quantity, as well as special basin criteria or other statutory requirements. Upon adoption of the Handbook Volume II, it will be incorporated by reference into FLDEP's statewide ERP rules. A [Notice of Rulemaking Development](#) was published 09/21/12. For further information: Sonya White, (813)985-7481, x4660.

MANATEE MEETING: The Fish and Wildlife Conservation Commission (FWCC) has announced a facilitated stakeholder meeting to discuss and examine manatee issues. The purpose of the meeting is exchange of information and fact finding, to solicit input from stakeholders to the agency and its federal partners in evaluating current issues concerning the manatee. The public can attend the meeting; however, space is limited. This meeting will be structured and facilitated. Limited public comments will be taken. A [Meeting Notice](#) was issued 09/28/12. The Meeting is scheduled for 10/11/12.

USED OIL REGULATIONS (62-710): FLDEP has proposed to amend rules identified in its 2011-2012 Regulatory Plan to delete unnecessary subsections, clarify and ensure internal consistency, and amend rules identified by stakeholders for clarification and simplification. The subject areas to be addressed in include technical corrections to the used oil management regulations in Chapter 62-710, F.A.C. The [Notice of Rulemaking Development](#) was published 06/22/12, and a [Workshop](#) was held 08/22/12. For further information: [Julie Rainey](#), (850) 245-8713.

SOLID WASTE/RECYCLING (62-716.100 - 62-716.900): FLDEP has proposed rulemaking related to solid waste grants and recycling programs: Chapter 2010-143, Laws of Florida, creates new requirements to be implemented by rule. It requires FLDEP to develop a reporting format for recycling rates; create a voluntary certification program for materials recovery facilities; and establish a method and criteria to be used by counties in calculating recycling rates. FLDEP intends to amend the title of this Chapter to broaden its scope to include new provisions. Amendments to the solid waste management grant program made it necessary to amend Chapter for consistency. A [Notice of Rulemaking Development](#) was published 08/13/10, a hearing was held 09/30/10, and an advisory was issued 07/06/12. A [Workshop](#) was held 07/27/12. For further information: [Raoul Clarke](#), (850) 245-8750.

CONSISTENCY IN CONSUMPTIVE USE PERMITTING PROGRAMS IN WMDS/GREY WATER (62-40.110, .210, .310, .410, .412, .416, .473, .474, .510, .520, .530, .531, .540, 40A (MISCELLANEOUS)): FLDEP has proposed rulemaking as instructed by House Bill (HB) 639 and as part of a statewide effort to improve consistency among Consumptive Use Permitting (CUP) Programs implemented by WMDs. HB 639 requires FLDEP to initiate rule making by 10/01/12 to revise the Water Resource Implementation Rule, Chapter 62-40, F.A.C., to include criteria for reuse offsets and credits. Proposed criteria are the product of the Reclaimed Water Policy Workgroup, which is comprised of representatives of FLDEP, Florida's five WMDs, Florida Water Environment Association Utility Council, Florida League of Cities, Florida Association of Counties, individual local government utilities, and environmental consulting firms. The Workgroup was convened to discuss how state regulatory policy could better optimize reuse of reclaimed water. In addition to offsets and credits, Chapter 62-40 will be revised to include recommendations of the Reclaimed Water Policy Workgroup and recommendations resulting from the CUP Consistency Initiative. The initiative began in the fall of 2011 as a statewide effort headed by FLDEP and joined by all five WMDs, to increase consistency in CUP, minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is to be coordinated with similar rule development by other Florida WMDs. It will make appropriate rule amendments to FLDEP Chapter 62-40, F.A.C., and to individual WMD Chapters 40A-1, 40A-2, and 40A-21, F.A.C., to address the following goals of FLDEP and the WMDs for the rulemaking: make CUP rules less confusing for applicants; treat applicants equitably statewide; provide consistent protection of the environment; streamline application and permitting processes; and incentivize behavior that protects water resources, including water conservation. The Notice of Rulemaking Development was published 07/20/12. Workshops were held 08/07-08/08/12, 08/10/12, 08/15/12, 08/16/12, 08/21/12, 08/22/12, 08/29/12, 08/31/12, and other September dates, per the [Notice](#). A Workshop was held 09/24/12. For further information: [Kathleen P. Greenwood](#), (850) 245-3147.

AQUATIC PLANT MANAGEMENT (68F-54.001, .003, .0035, .005): The FWCC has proposed amendments to clarify that the program operates as a cost reimbursement program and utilizes government agencies and private sector contractors to manage aquatic plants in public water bodies. Additional waters are being added to the list of waters eligible for funding of aquatic plant management. A [Notice of Rulemaking Development](#) was published 03/23/12, and Workshops were held 04/17/12 and 04/18/12. [Notice of Proposed Rules](#) was published 07/27/12, and comments were due 08/17/12. For further information: William Caton.

RENEWABLE ENERGY TAXES AND PRODUCTION CREDITS (50-2.001, 50-2.002, 50-2.003): The Department of Agriculture and Consumer Services, Office of Energy has proposed a new rule that will provide guidance to interested taxpayers for the application process, review and administration of the Florida Renewable Energy Technology Sales Tax Refund, the Florida Renewable Energy Technology Investment Tax Credit and the Florida Renewable Energy Production Credit. A [Notice of Rulemaking Development](#) was published 07/27/12. A Workshop was held 08/15/12. For further information: April Groover, (850) 617-7470.

COMMISSION ON OIL SPILL RESPONSE COORDINATION INAUGURAL MEETING: The Commission on Oil Spill Response Coordination held a public meeting 08/22/12. In the wake of the Deepwater Horizon oil spill, the Florida Legislature (under Section 496 of Chapter 2011-142, Laws of Florida) charged the Board of Trustees of the Internal Improvement Trust Fund (Board) with establishing the Commission on Oil Spill Response Coordination (Commission) to identify ways to ensure the health and welfare of Florida's citizens and natural resources are best protected from future potential disasters. The Commission is required to prepare a report for review and approval by the Board that identifies potential changes to state and federal laws and regulations to improve oversight and monitoring of offshore drilling activities, increase response capabilities to offshore oil spills, improve protections for public health and safety, occupational health and safety, and band the environment and natural resources; and evaluates the merits of the establishment of a federal Gulf-wide disaster relief fund and need for a unified and uniform advocacy process for damage claims; evaluates need for changes to interstate coordination agreements to reduce potential for damage claims and lawsuits; and addresses other related issues as determined by the Commission. This inaugural meeting of the Commission began the process of creating the report due to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Department of Environmental Protection, and the Executive Director of the Department of Economic Opportunity by 01/01/13. The meeting set the operating structure and process of the Commission and set a timeline for actions. Six sub-reports were discussed by the Commission, one addressing each task of the final report. Draft outlines will be provided. Discussions included goals and expectations for full reports, expected content and data gaps, and the schedule and process for each sub-report. The [Notice](#) was issued on 08/17/12. Meetings were held 08/22/12 and 09/12/12. For further information: [Amber Siegel](#).

ELECTRIC VEHICLE CHARGING STUDY: The Public Service Commission (PSC) held a workshop 09/06/12, to which all were invited. The workshop assisted the PSC in fulfilling requirements of Section 366.94(4), Florida Statutes (2012), which directs the PSC to conduct a study of potential effects of public charging stations and privately owned electric vehicle charging on energy consumption, the impact on the electric grid, and to investigate the feasibility of using off-grid solar photovoltaic power as a source of electricity for the electric vehicle charging stations. The results of this study will be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor. The [Notice](#) was issued on 08/17/12. A Workshop was held 09/06/12. For further information: Charles Murphy, (850) 413-6191.

ENERGY EFFICIENT BUILDINGS AND STANDARDS (61G20-1.001): The Department of Business and Professional Regulation, Florida Building Commission, has proposed rules to address inconsistencies in the 2010 Florida Building Code, including the applications of the 30% of assessed value language pertaining to renovations and the affirmative obligation for energy efficiency requirements for change outs, be it windows, AC units, swimming pool pumps or other particular items. The rule also adopts updated standards for visually graded Southern Pine and Mixed Southern Pine. A [Notice of Rulemaking Development](#) was published 05/18/12, and Workshops were held 06/12/12 and 08/07/12. For further information: Mo Madani, (850) 487-1824.

CONSTRUCTION AND DEMOLITION WASTE LANDFILLS (62-701.100, .200, .210, .220, .300, .310, .315, .320, .330, .340, .400, .410, .430, .500, .510, .520, .530, .600, .610, .620, .630, .710, .730, .802, .803, .900): FLDEP has proposed rulemaking regarding solid waste management; subsection 403.707(9), F.S., requires all construction and demolition debris landfills be constructed with liners and leachate control systems. This subsection also requires all construction and demolition debris be processed prior to disposal when economically feasible. Section 403.087(6), F.S., requires permit fees be updated every five years to account for inflation. The rule chapter must be amended to address these new requirements. There are several minor changes to update and clarify the chapter. The [Notice of Rulemaking Development](#) was published 08/17/12. For further information: [Richard Tedder](#), (850) 245-8735.

WATER SHORTAGE PLAN (40D-21.275): The SFWMD has proposed rulemaking to establish that the District will provide notice of a Declaration of Water Shortage to permittees whose permits will be affected or whose permitted water use will otherwise be restricted by a Water Shortage Declaration. The [Notice of Rulemaking Development](#) was published 08/17/12. A Notice of Proposed Rules was published 08/24/12, and comments were due 09/14/12. For further information: Sonya White, (813) 985-7481, ext. 4660.

BROWNFIELDS (62-785.100, .150, .200, .220, .300, .400, .450, .500, .600, .610, .650, .680, .690, .700, .750, .900): FLDEP has proposed rule that would merge existing Brownfield site rehabilitation criteria, processes and procedures contained in Chapter 62-785, F.A.C., into Chapter 62-780, F.A.C. Chapter 62-785, F.A.C., is being repealed, and all Risk-Based Corrective Action (RBCA) rule chapters being merged into Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria. This action will provide rule consistency across cleanup programs, where possible, based on governing statutes. Concurrently, FLDEP is proposing to expand Chapter 62-780, F.A.C., to include program-specific provisions from the Petroleum, Dry cleaning Solvent, and Brownfields RBCA cleanup rules. The [Notice of Rulemaking Development](#) was published on 03/16/12, a Workshop was held 03/28/12, the [Notice of Proposed Rules](#) was published 09/07/12, and comments were due 09/28/12. For further information: [Kim Walker](#), (850) 245-8934.

REGIONAL LAND USE PLANNING (29F-21.001): The East Central Florida Regional Planning Council has proposed rules to review and refine regional goals and policies within its Strategic Regional Policy Plan (2060 Plan). New rules will assist local decision making in planning, development and growth issues in Brevard, Lake, Orange, Osceola, Seminole and Volusia Counties, and encourage implementation of the Central Florida Regional Vision, adopted by representatives of 93 communities that participated in an 18-month regional visioning process involving about 20,000 citizens. The [Notice of Rulemaking Development](#) was published 09/28/12. For further information: [Hugh W. Harling, Jr.](#), (407) 262-7772.



FINAL RULES

GREEN BUILDING STANDARDS ([EO 137 GAGR 10](#)): On 09/01/12, the Office of the Governor issued an EO directing new or expanded state buildings to incorporate "Green Building" standards.

PROPOSED RULES

SPILL REPORTING ([GAC 391-3-6-.05](#)): The Georgia Environmental Protection Division (GAEPD) proposed amendments that would modify the definition of "Major Spills," revise reporting requirements for non-major spills and amend the monitoring program protocol. The [Proposed Rule](#) was published 09/08/10, and a public hearing was held 10/15/10. Comments were due 10/29/10. Substantial comments were received; GAEPD is reconciling them. GAEPD will then take the rule before the Board. An additional hearing was held 04/10/12, comments were due 04/19/12, and adoption was considered at the 05/23/12 Natural Resources Board meeting. For further information: Marzieh Shahbazaz, (404) 362-2680.

HAZARDOUS WASTE MANAGEMENT ([391-3-11](#)): GAEPD has proposed amendments relating to hazardous waste management. Proposed regulations are being amended to: clarify notification requirements, specifically for hazardous waste transfer facilities and used oil facilities, and documentation and record keeping requirements for hazardous waste accumulation areas, and clarify that used oil containers and tanks must be kept closed except when adding or removing waste; clarify compliance monitoring provisions and correct typographical errors and omissions; amend the F019 listing to exempt wastewater treatment sludge from phosphating processes; establish an alternative set of generator requirements applicable to eligible academic entities; reflect the new name for USEPA Office of Resource Conservation and Recovery; terminate regulations known as the National Environmental Performance Track Program; establish an alternative set of generator requirements applicable to eligible academic entities that are flexible and protective; remove saccharin and its salts from the lists of hazardous constituents and commercial chemical products; allow authorized manifest form printers greater flexibility in complying with Federal printing specifications; implement recent changes to agreements concerning transboundary movement of hazardous waste among OECD countries; and finalize amendments to NESHAPs and Final Standards for HAPs for hazardous waste combustors; provide an alternative standard to use the best demonstrated available technologies for treating carbamate wastes prior to land disposal. The [Notice of Public Hearing](#) and [Proposed Amendments](#) were published 11/15/11. A Hearing was held 12/15/11, and comments were due 12/19/11. For further information: Mark Smith, 404-463-8509.

VOLATILE ORGANIC COMPOUND (VOC) EMISSIONS ([391-3-1-.02\(2\)\(A\)6](#), [391-3-1-.02\(2\)\(KKK\)](#)): The Georgia Department of Natural Resources (GADNR) has proposed amendments to Georgia's Rules for Air Quality Control, Chapter

391-3-1. Rule 391-3-1-.02(2)(a)6., "General Provisions, VOC Emission Standards, Exemptions, Area Designations, Compliance Schedules and Compliance Determinations" is amended to lower the applicability threshold for 14 VOC rules from 100 tons per year to 15 pounds per day for sources located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties, effective 01/01/15. Rule 391-3-1-.02(2)(kkk), "VOC Emissions from Aerospace Manufacturing and Rework Facilities," is amended to lower the applicability threshold from 100 tons per year to 25 tons per year for sources located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties effective 01/01/15. A [Notice of Proposed Amendments](#) was filed 07/16/12. A Hearing was held 08/20/12, and comments were due 08/21/12. For [further information](#): Air Quality Branch, 404-363-7000.

CHATTAHOOCHEE AND FLINT RIVER BASIN TMDLS (NOTICE): GAEPD has given notice of [proposed total maximum daily loads \(TMDLs\)](#) for individual pollutants for a number of segments of rivers and streams in the Chattahoochee and Flint River Basins. The [Notice](#) was issued 08/29/12. Comments were due 09/28/12. For further information: Ms. Debbie Siemon, (404) 675-1673.

SLUDGE INCINERATION UNITS (NOTICE): GAEPD has proposed a [State plan](#) to implement EPA's "Emissions Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units." The plan is required by the Federal rule and includes the following: facility and unit-level emissions inventories; emissions limits and standards; compliance dates and increments of progress for affected units; performance testing, recordkeeping and reporting requirements; operator training and qualification requirements; documentation of public notification and participation; provision for State progress reports to EPA; identification of enforceable state mechanisms for implementing emission guidelines; demonstration of the State's legal authority to carry out the plan; and requirement for Title V permits. The [Notice of Public Hearing](#) was issued 09/17/12. A hearing is scheduled and comments are due 10/23/12. For further information: EPD Air Protection Branch, (404) 363-7000.

INERT WASTE LANDFILLS (391-3-4-.06(3)(c), 391-3-4-.07(4)(c), 391-3-4-.07(4)(d)): GAEPD has proposed amendments to the Georgia Rules for "Solid Waste Management", Chapter 391-3-4. Rule 391-3-4-.06(3)(c), "Inert Waste Landfill Operations," is being amended to require all new inert waste landfills obtain a full solid waste handling permit to operate. It provides for an 18-month transition period for existing inert waste landfills to come into compliance with new permitting requirements or close under current inert waste landfill permit by rule conditions. Rule 391-3-4-.07(4)(c), "Inert Waste Landfill Facilities," is a new rule outlining design and operational standards to be met before an inert waste landfill can obtain a solid waste handling permit for construction and operation. Rule 391-3-4-.07(4)(d) has been re-numbered from c to d. The [Notice of Proposed Rules](#) was published 08/31/12, and a hearing was held 09/24/12. [Proposed Rules](#) are available. Comments were due 10/01/12. **REEO-S commented on the proposals regarding impact to DoD installations.** For further information: EPD Land Protection Branch, (404) 362-2696.



PROPOSED RULES

BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING (807 KAR 5:100, 5:110): The Kentucky Energy and Environment Cabinet (KEEC) has proposed amendments to rules concerning [Board on Electric Generation and Transmission Siting](#) proceedings and permit application requirements. Amendment establishes procedures related to applications, filings, notice requirements, hearings and confidential /material under the jurisdiction of the Kentucky State Board on Electric Generation and Transmission Siting; adds language regarding carbon dioxide pipelines; establishes the initial filing fee for an application with the Siting Board for a construction certificate for a carbon dioxide transmission pipeline. Rules were proposed 06/04/11, and a public hearing was held 07/25/11. Comments were due 07/31/11. Following revisions based on comments received, a public hearing was held 10/24/11. Revisions await legislative approval. For further information: Quang Nguyen, (502) 564-3940.

AIR/PM2.5 NAAQS RE-DESIGNATION: KEEC will conduct a public hearing to receive comments on a proposed [State Implementation Plan \(SIP\)](#) revision to re-designate the Kentucky portion of the Louisville, Kentucky-Indiana area from nonattainment to attainment for the annual PM2.5 NAAQS to address sections 107 and 175A of the CAA. The revision, when approved by EPA, will re-designate the Counties of Bullitt and Jefferson to attainment, and document that ambient monitoring data for annual PM2.5 indicates NAAQS attainment. A [Notice of Public Hearing](#) was published 12/21/11. A hearing was held, and comments were due 02/03/12. For further information: [John Gowins](#), (502) 564-3999.

PM2.5 NAAQS (401 KAR 51:017): The Kentucky Department of Environmental Protection (KDEP) has proposed an amendment to reflect revisions to the federal Prevention of Significant Deterioration (PSD) program to address PM2.5

NAAQS. Amendment includes maximum allowable increases for Class I and II PM2.5 at annual and 24-hour levels. It includes de minimis levels to preclude further evaluation for sources emitting or increasing emissions by an amount less than the air quality impact levels for PM2.5. Amendments are necessary to ensure consistency between state and federal programs. The [Proposed Rules](#) were filed 06/19/12, and published 07/01/12. A [Hearing](#) was held 07/24/12, and comments were due 07/31/12. A [meeting](#) was held 08/14/12. The [proposed rules were amended](#) and another meeting is scheduled for 10/09/12. For further information: [Laura Lund](#), (502) 564-3999, ext. 4428.

KPDES PROGRAM SCOPE (401 KAR 5:055): KDEP has proposed an amendment to the administrative regulation that establishes scope and applicability of the KPDES program, including specific inclusions, exclusions, prohibitions, requirements for general permits, requirements for disposal into wells and publicly-owned treat works (POTW), and disposal by land application. Amendment updates citations to corresponding federal regulations, and clarifies that state requirements are the same as federal requirements. Amendment clarifies that the KEEC will consult with EPA's Regional Administrator as required by 40 C.F.R. 124.62(a)(2), before approving innovative technology. [Proposed Rules](#) were filed 07/09/12, a hearing was held 08/28/12, and comments are due 08/31/12. The amendment was considered at the Administrative Rule Review Subcommittee meeting on 09/11/12, and scheduled for consideration again at a later date. For further information: [Karen Cronen](#), (502) 564-3410.

LICENSING REQUIREMENTS FOR THE STRUCTURAL PEST CONTROL INDUSTRY (302 KAR 29:020): The Department of Agriculture proposed an administrative regulation for compliance with KRS 217B.050. The regulation establishes requirements for recordkeeping, storage and handling of restricted-use pesticides, trainee supervisions, and certification denial, suspension, modification, or revocation. [Proposed Rules](#) were filed 08/15/12. A hearing was held 09/25/12, and comments were due 10/01/12. For further information: [Clint Quarles](#), (502) 564-1155.

ANTIDegradation Policy Implementation Methodology (401 KAR 10:030): KDEP has proposed rulemaking to add 16 streams or stream segments as exceptional water bodies in Table 2. Updates to 19 streams or stream segments in Table 1 and Table 2 for segment mile point reconciliation correspond to current National Hydrography Database version updates, or for other administrative purposes. KDEP is proposing to amend Section 1 to clarify that an Outstanding State Resource Water shall not be categorized as impaired for the purpose of antidegradation review. Rulemaking is part of the triennial review of water quality standards required by CWA Section 303(c) and 40 CFR Section 131.20. [Proposed Rules](#) were filed on 08/15/12 and published 09/12/12. A Hearing was held 09/27/12, and comments were due 10/01/12. For further information: [Peter Goodman](#), (502) 564-3410.



PROPOSED RULES

CONSERVATION AND ENERGY EFFICIENCY PROGRAMS (RULE 29): The Mississippi Public Service Commission (MSPSC) proposed new Public Utilities Rules of Practice and Procedure Rule 29 to implement energy efficiency programs and standards in Mississippi. The rule applies to electric and natural gas service providers subject to the jurisdiction of MSPSC. It is intended to encourage early implementation of energy efficiency programs, and to provide experience on which Mississippi's service providers and the MSPSC can build long-term energy efficiency programs. The [proposed rule](#) was submitted 08/04/11. Public comments were due 09/16/11. A public hearing will be set by subsequent order of the MSPSC. For further information: [Brian Ray](#), (601) 961-5434.

HYDRAULIC FRACTURE STIMULATION PROCEDURES (STATEWIDE RULE 1.26): The State Oil and Gas Board has [proposed amendments and revisions](#) to existing Statewide Rule 1.26 to prescribe new regulatory, permitting and notification requirements applicable to hydraulic fracture stimulation procedures on oil and gas wells. The Proposed Rules were filed 06/29/12, and comments were due 07/24/12. A Hearing was held 08/15/12. For further information: [Howard O. Leach](#), (601) 576-4921.



FINAL RULES

NC EO 124: On 09/17/12, the Office of the Governor issued [EO 124](#) designed to protect military installations by ensuring compatibility of state actions with military needs.

PSD REQUIREMENTS FOR GHGs (15A NCAC 02D .0544): The North Carolina Department of Natural Resources

(NCDENR) has adopted an amendment to update the Prevention of Significant Deterioration (PSD) for Greenhouse Gases (GHG) Rule to reflect the three year Federal deferral from consideration of CO2 emissions from combustion of biomass. The deferral was promulgated 07/20/11 (76 FR 43490). TO enure the prior rule was no more restrictive than the Federal rule in accordance with G.S. 150B-19.3, the NC Division of Air Quality (DAQ) amended the State rule to incorporate the EPA deferral period for biogenic CO2 emissions. Also under G.S. 150B 19.1(a)(2), an agency shall seek to reduce the burden upon those persons or entities who must comply with the rule being adopted. Deferring biogenic CO2 emissions will reduce the regulatory burden on affected facilities by eliminating biogenic CO2 emissions when determining whether a stationary source meets the PSD and Title V applicability thresholds, including those for the application of Best Available Control Technology (BACT). A Temporary Rule is being presented to the Board to ensure that stationary sources would not have to complete a BACT analysis for biogenic CO2, and possibly be required to install equipment to control emissions during the three year deferral period and during the permanent rulemaking process. EPA's future rule-making is uncertain until EPA completes review of the scientific and technical issues related to accounting for biogenic CO2 emissions. A [public hearing](#) was held 09/28/11, and public comments were due 10/14/11. A second hearing was held 03/14/12, and comments were due 04/02/12. The [Final Rule](#) became effective 07/01/12. For further information: [Joelle Burlison](#), 919-733-1474.

PROPOSED RULES

ALBEMARLE-PAMLICO NATIONAL ESTUARY PROGRAM DRAFT MANAGEMENT PLAN - INPUT REQUESTED: The Albemarle-Pamlico National Estuary Program (APNEP) is seeking feedback from partners and the public on its draft Comprehensive Conservation and Management Plan to protect and restore the Albemarle-Pamlico estuarine system. The plan provides an overarching vision and direction to advance ecosystem management and protection for the Albemarle-Pamlico estuary during the next 10 years. APNEP is a federally funded program that supports ecosystem-based management of the Albemarle-Pamlico estuary and its watershed, an area that spans parts of North Carolina and Virginia. APNEP's mission is to identify, protect and restore the significant resources of the Albemarle-Pamlico estuarine system. The program pursues its mission by working closely with residents, scientists, universities, businesses, non-profit organizations and all levels of government. It is supported by NCDENR, EPA and the Virginia Department of Conservation and Recreation. To facilitate public input and dialogue, APNEP will conduct public meetings in eastern North Carolina and southeastern Virginia in November and December (see below). The objectives of the meetings are to present an overview of the draft plan and the process to develop it, and provide members of the public with an opportunity to ask clarifying questions about the draft strategic action plan and offer comments and suggestions. The meetings will include a presentation and a public comment session, hosted in an open house format where participants will have informal opportunities to engage with APNEP staff on specific topics. Please note, these are not regulatory hearings, and advertisement of these meetings in the North Carolina Register is for notification purposes only. The [Notice](#) was published on 11/15/11. Meetings were held 11/21/11-11/22/11, 11/29/11-11/30/11, and 12/06/11-12/07/11. Comments were due 01/17/12. For further information: Albemarle-Pamlico National Estuary Program, c/o [Jim Hawhee](#), (919) 707-8632.

WASTEWATER OPERATOR CERTIFICATION (NEW 21 NCAC 39 .0202; AMEND 21 NCAC 39 .0101, .0601, .1005): The On-Site Wastewater Contractors and Inspectors Certification Board has proposed rule changes to 21 NCAC 39 .0101 to clarify the meaning of "ancillary" as used in the Board's practice act, and 21 NCAC 39 .0202 to facilitate transition of a certified contractor to another employee. Changes to 21 NCAC 39 .0601 reduce continuing education requirements to reflect requirements that other industry-related certifications impose that have a long term history and are sufficient to protect the environment and public welfare; remove carryover of continuing education if such requirements are reduced as proposed; require each certificate holder to be present for a minimum amount of time at each class, verified by the provider. Changes to 21 NCAC 39 .1005(c)(1) correct a word error overlooked in the current version of the rule. The [Proposed Rules](#) were published 06/15/12. A Hearing was held 08/01/12. Comments were due 08/14/12. For further information: [Connie Stephens](#), (336) 202-3126.

GENERAL NPDES WASTEWATER PERMIT (NOTICE): The Environmental Management Commission has proposed to reissue an expiring wastewater discharge permit for NPDES General Permit No. NCG550000, associated with discharges of domestic wastewater from single family residences and other 100% domestic discharges with similar characteristics. The NC Division of Water Quality (DWQ) is noticing intent to reissue a revised version of the permit with changes in conditions. This draft will be available for public comment and written comments regarding the proposed permit will be accepted until 30 days after the publish date of this notice. DWQ is noticing the existing permit with the expectation that it might be reissued with an expiration date of 07/31/13, or until the revised permit draft is finalized, whichever comes first. The [Notice](#) was issued 06/15/12, and comments were due 07/15/12.

PERMEABLE PAVEMENT IN BMP MANUAL (NOTICE): NCDENR has invited comment on draft revised Chapter 18: Permeable Pavement of the North Carolina BMP Manual. Updates will allow statewide use of permeable pavement, with appro-

appropriate design modifications for lower permeability soils. DWQ has updated design and regulatory credit to reflect the advancements in the field of permeable pavement. The [Notice](#) and [Fact Sheet](#) were issued 06/01/12. Comments were due 09/01/12. For further information: [Boyd Devane](#).

DAQ REVIEW OF NC AIR TOXICS RULES (NOTICE): The NCDENR Division of Air Quality (DAQ) encouraged the public to review and comment on North Carolina's rules for controlling toxic air pollutants at a public meeting scheduled held 09/25/12. The General Assembly adopted legislation during the 2012 session (Session Law 2012-91) that requires DAQ to review state air toxics rules and determine whether changes could be made to reduce unnecessary regulatory burden and increase efficient use of DAQ resources, while maintaining protection of public health. A [Press Release](#) was issued 09/07/12, and a Public Meeting was held 09/25/12. Comments are due 10/09/12. For further information, contact the [Division of Air Quality](#).

NPDES GENERAL STORMWATER PERMITS FOR AUTO SCRAP AND LANDFILL OPERATIONS (NOTICE): The NCDENR Division of Water Quality (DWQ) invited public comment on, or objections to, the stormwater permitting action. DWQ intends to renew the following NPDES General Permits for the discharge of stormwater from the listed industry categories: NCG100000, used auto parts and automobile scrap operations (Stormwater Permitting Unit (SPU) contact is Bethany Georgoulas); NCG120000, landfill operations (SPU contact is Ken Pickle). The [Notice](#) was issued 09/04/12, and comments were due 10/01/12. For further information, contact [Bethany Georgoulas](#).



PROPOSED RULES

GENERAL PERMIT FOR FUEL COMBUSTION: The South Carolina Department of Health and Environmental Control (SCDHEC) has proposed revisions to the general conditional major air pollution operating permit for fuel combustion operations to update emission limitations to include federally enforceable GHG limitations. The permit limits a facility's potential to emit below major source thresholds for the Title V permit program and New Source Review, and contains conditions to assure that these facilities are operated as non-major sources. SCDHEC examined fuel combustion operations and has concluded that the general permit, as proposed, is consistent with state and federal air pollution regulations. "Fuel combustion operations," for purpose of this permit, are defined as facilities comprised of one or more fuel combustion sources (including boilers, emergency generators, and non-emergency generators) fired on natural gas, propane, virgin fuel oil, and/or used spec oil as defined in S.C. Regulation 61-62.1, Section 1, fuel storage tanks, ethylene oxide sterilizers located at hospitals, or other sources approved by SCDHEC. The [Notice](#) was issued 05/30/12, and comments were due 06/24/12. For further information: Alyson Hayes, (803) 898-3836.

PERMITS FOR PETROLEUM DISTRIBUTION OPERATIONS (NOTICE): SCDHEC is proposing to issue general air pollution operating permits for Petroleum Distribution Operations (PDOs). The general permit will cover a large number of facilities that have similar operations. Such permits limit a facility's potential to emit below major source thresholds for the Title V permit program, and contain conditions to assure that these facilities are operated as non-major sources. SCDHEC has examined PDOs and has concluded that the general permit, as proposed, is consistent with state and federal air pollution regulations. Once a general permit is issued, any eligible facility may request coverage under that permit. SCDHEC will maintain a list of facilities that receive authorization to operate under a general permit. PDOs, for purposes of this permit, will cover a variety of sources that provide bulk storage and distribution of gasoline, petroleum distillates, fuel additives and ethanol. Criteria for a General Conditional Major Operating Permit for Petroleum Distribution Operations are as follows: A facility may only have the following at the facility: storage tanks, loading racks with associated control devices where applicable, emergency generators and other sources that are exempt per S.C. Regulation 61-62.1, Section II(B), and other approved equipment. Operational restrictions will limit a facility's potential to emit to below major source thresholds for Title V, Nonattainment New Source Review and Prevention of Significant Deterioration. Specifically, criteria pollutants are limited to less than 100 tons per year (TPY) each, any single hazardous air pollutant (HAP) to less than 10 TPY, and any combination of HAPs to less than 25 TPY. A facility is not subject to 40 CFR 63 Subpart R (National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)). The [Notice](#) was issued 08/24/12, a [Statement of Basis](#) was developed, [Draft Permit](#) issued and comments due 09/24/12. For further information: Alyson Hayes, (803) 898-4123.

BEAUFORT COUNTY TMDLS (NOTICE): SCDHEC invited public comment on fecal coliform TMDLs for Chechessee Creek in Beaufort County. The [Notice](#) was issued 09/13/12. Comments are due 10/15/12. For further information: [Matt Carswell](#), (803) 898-3609.



FINAL RULES

UST OPERATOR REQUIREMENTS (0400-18-01-.01, 0400-18-01-.16): The Tennessee Department of Environment and Conservation (TDEC) adopted amendments to the petroleum underground storage tank (UST) regulations that clarify operator training requirements. To correct an oversight, operator training regulations need to cover operation of USTs that are currently deferred in subparagraph (2)(b) of Rule 0400-18-01-.01. The International Code Council has notified SCDHEC that it will no longer offer the Tennessee UST System Operator Examination, and that it has made changes to the National version of that exam, therefore, subparagraph (2)(a) of Rule 0400-18-01-.16 has been amended. The regulated community requested that SCDHEC define "unmanned facilities," clarify which requirements apply to manned and unmanned facilities, and to amended regulations so it is easier for the regulated community to confirm training for designated class C operators. Requested clarifications are contained in these proposed amendments. The [Notice of Rule Making Hearing](#) was filed 01/23/12, hearings were held in March 2012, and [Rulemaking Hearing Rules](#) were published 06/28/12. The Rules became effective 09/26/12. For further information: [Rhonda Key](#), (615) 532-0989.

PROPOSED RULES

STATE SOLID WASTE REDUCTION GOALS (TAC 1200-1-7-.1, -.9, -.10): TDEC has [proposed amendments](#) to address state waste reduction goals: reduce annually, the amount of solid waste going to Class I, Class III, and Class IV landfills. The rule addresses a private sector survey that would establish a baseline index for waste reduction and recycling activities, as well as monitor change. The current waste disposal reduction goal would be deleted in its entirety. Amendments would add definitions for calculated generation, municipal solid waste, E-scrap, local government, material derived fuels and waste to energy facility/combustor. The rule did not go before the Solid Waste Disposal Control Board at the 12/07/10 meeting. There were meetings with stakeholders in 2011 to help to shape draft language. There is no schedule for drafting new rule language. For further information: [Greg Luke](#), 615-532-0874.

BIOSOLIDS MANAGEMENT (0400-40-15-.01 THROUGH -.06): TDEC has proposed rulemaking to promulgate rules for land application of biosolids. Biosolids are currently regulated under 40 CFR Part 503, although Tennessee has no authority to enforce 40 CFR Part 503. EPA Region 4 is the permitting authority per Part 503, but has had a very small presence in Tennessee since promulgation of 40 CFR Part 503 in 1993. With EPA's national divestment in biosolids enforcement, it is unlikely that there will be a future EPA presence in Tennessee relative to the matter. For all practical purposes, requirements of the proposed Tennessee rules are virtually the same as those stipulated in 40 CFR Part 503 for land application of Class B biosolids. To land apply Class B biosolids under 40 CFR Part 503, pathogen reduction and vector attraction reduction options must be met, and the concentrations of certain metals (pollutants or contaminants) must not exceed safe levels; requirements of these proposed rules for pathogen reduction and vector attraction reduction are the same as those in 40 CFR Part 503. Monitoring frequency, record keeping and reporting requirements are also the same. Proposed rules provide specifics for the agronomic rate calculation and add setbacks to ensure protection State waters. A [Notice of Rule Making Hearing](#) was filed 05/23/12. Hearings were held 07/23/12, 07/24/12, 07/30/12, and 07/31/12. Comments were due 09/07/12. For further information: [Robert Dette](#), (615) 253-5319.

Department of Defense Activity

DEFENSE, INTERIOR DEPARTMENTS JOIN FORCES ON RENEWABLE ENERGY (08/06/12, [NEWS ARTICLE](#)): As part of a joint departmental effort to strength the nation's energy independence and reduce military utility costs, Defense Secretary Leon E. Panetta and Interior Secretary Ken Salazar have signed a [memorandum of understanding](#) detailing the use of withdrawn military lands as well as onshore and offshore lands near military installations, for development of renewable energy.

1-BROMOPROPANE: As of September 2012, 1-bromopropane (CAS # 106-94-5) was placed on the DoD Emerging Contaminants Watch List. 1-Bromopropane is a common organic solvent used in the degreasing of metals, cleaning of electronic circuit boards, the formulation of adhesives and aerosols, and as a dry cleaning solvent. Use of 1-bromopropane increased significantly when similar halogenated solvents, such as TCE and PCE, underwent strict regulation as Hazardous Air Pollutants under the Clean Air Act. This compound was seen as a less hazardous, non-carcinogenic alternative. Additional [technical information](#) is available. For further information: [Andrew Rak](#).

DOD MEETING GOALS FOR SUSTAINABLE RANGES REPORTS (09/12/12, GAO-12-879R): DoD has implemented the newest recommendations from the Government Accountability Office (GAO) to improve its reporting on how well it is meeting long-term plans for protecting military lands, marine areas and airspace from encroachment. GAO is required to evaluate DOD's Sustainable Ranges report, an annual look at progress implementing the sustainable ranges plan and additional actions needed to address constraints caused by limitations on training lands. Both reports are required by Congress. Last year, GAO included three recommendations for DoD: describe progress made since the previous year's report; explain why DoD does not include amount of funds required to execute buffer projects under the Compatible Use Buffer program in the Army's encroachment funding projections; and explain significant fluctuations in funding projections. Overall, DOD has carried out 11 of GAO's 13 recommendations since 2004 for improving its reporting on sustainable ranges. DoD is in the process of implementing the remaining two recommendations. GAO did not include any new recommendations in the [report](#). For further information: [Brian J. Lepore](#), (202) 512-4523.

Federal Activity

AIR

CHROMIUM ELECTROPLATING/ANODIZING TANKS AND STEEL PICKLING (09/19/12, [77 FR 58219](#)): EPA finalized two national emission standards for hazardous air pollutants (NESHAP) for hard and decorative chromium electroplating and chromium anodizing tanks, as well as steel pickling--HCl process facilities and hydrochloric acid regeneration plants. EPA has established emissions limits and surface tension limits that are moderately lower than those in the current regulation for new and existing hard chromium electroplating, decorative chromium electroplating, and chromium anodizing sources. The action includes housekeeping requirements to minimize fugitive emissions from affected sources and eliminates the use of fume suppressants that contain perfluorooctane sulfonic acid (PFOS). The action amends requirements for testing, monitoring, reporting and recordkeeping for consistency with the other requirements of the NESHAP. With regard to the NESHAP for Steel Pickling--HCl Process Facilities and Hydrochloric Acid Regeneration Plants, EPA determined that no amendments are needed based on the risk and technology reviews under Sections 112(d)(6) and 112(f) of the CAA. However, EPA identified two areas where amendments were needed to ensure rules were meeting requirements of Sections 112(d)(2) and 112(d)(3). First, this action eliminates an alternative compliance option that was inconsistent with the requirements of CAA section 112(d)(2) and (3). Secondly, EPA has added provisions to require the rule emission limits to apply at all times, including during periods of startup, shutdown and malfunction. The final action became effective on September 09/19/12. For further information: [Phil Mulrine](#), (919) 541-5289.

OZONE-DEPLETING SUBSTANCES (09/19/12, [77 FR 58305](#)): EPA is taking direct final action to list three substitutes for ozone-depleting substances (ODS) in the [fire suppression and explosion protection](#) sector as acceptable, subject to use restrictions under EPA's Significant New Alternatives Policy (SNAP) program. The rule finds Powdered Aerosol F (KSA) and Powdered Aerosol G (Dry Sprinkler Powdered Aerosol (DSPA) Fixed Generators) acceptable, subject to use conditions, as substitutes for halon 1301 use in total flooding fire suppression systems in normally unoccupied spaces. The rule finds C7 Fluoroketone acceptable, subject narrowed use limits, as a substitute for halon 1211 for use as a streaming agent in portable fire extinguishers in nonresidential applications. Comments are due 10/19/12. This rule is effective 12/18/12 without further notice, unless EPA receives adverse comment or receives a request for a public hearing on or before 10/19/12. For further information: [Bella Maranion](#), (202) 343-9749.

2013 BIOMASS-BASED DIESEL RENEWABLE FUEL VOLUME (09/27/12, [77 FR 59457](#)): Under CAA Section 211(o), EPA is required to determine the applicable volume of biomass-based diesel to be used in setting annual percentage standards under the renewable fuel standard program for years after 2012. EPA proposed a 2013 applicable volume requirement of 1.28 billion gallons on 07/01/11. To sufficiently evaluate stakeholder comments and gather additional information, EPA did not finalize the 2013 volume requirement in the 01/09/12 rulemaking that set 2012 percentage standards. In this action EPA is finalizing that applicable volume of 1.28 billion gallons of biomass-based diesel for calendar year 2013. The final rule is effective 11/26/12. For further information: [Julia MacAllister](#), 734-214-4131.

ENERGY

RENEWABLE ENERGY IN FEDERAL CONSTRUCTION (08/15/12): Developed by the Department of Energy (DOE) Federal Energy Management Program (FEMP), the "[Guide to Integrating Renewable Energy into Federal Construction](#)," helps Federal agencies understand renewable energy options, select appropriate types of renewable energy technologies, and integrate these technologies into all phases of new construction or major renovation projects.

2012 RENEWABLE ENERGY TECHNOLOGY COST DATA (09/04/12): The DOE Federal Energy Management Program (FEMP) [updated Renewable Energy Technology Cost Data for 2012](#). This update, conducted annually, provides capital and operations and maintenance costs for some of the most common distributed-scale (under 10 MWs) renewable energy technologies in the Federal sector: solar photovoltaics, solar water heating, solar ventilation preheating, wind, biomass combustion combined heat and power, and biomass wood heat.

VERIFIED LOW ROLLING RESISTANCE TIRES AND RETREADS (09/12/12): EPA estimates that using verified low rolling resistance tires can improve fuel consumption by three percent when used in all axle positions on line-haul class-8 tractor trailers. Verified retreads, when used in the drive and trailer axle positions in combination with EPA-verified steer tires, can reduce fuel consumption by three percent relative to the most common retreads. EPA is pleased to announce the first verifications of low rolling resistance retread tire products under the performance requirements announced in June 2012. Verified drive and trailer retreads are available. [More information](#) about the SmartWay program, low rolling resistance tires and EPA-verified retreads is available.

NATURAL RESOURCES

DOI GUIDE TO ADAPTIVE MANAGEMENT IN NATURAL RESOURCE DECISION MAKING: [Adaptive Management: The US Department of the Interior Applications Guide](#) provides federal, state, tribal and other natural resource managers with tools to address the complexities and uncertainties involved in natural resource management. The new guide covers threats ranging from urban sprawl, to wildfire risk, to climate change-related impacts. Case studies on river flow management, migratory bird protection, and renewable energy project siting show the breadth of adaptive management applications at different scales and levels of complexity.

TOXICS

POLYCHLORINATED BIPHENYLS (PCBs) (09/06/12, [77 FR 54818](#)): EPA is updating and clarifying several sections of the PCB regulations associated with manifesting requirements, which uses the Resource Conservation and Recovery Act (RCRA) Uniform Hazardous Waste Manifest, under the Toxic Substances Control Act (TSCA). This direct final rule will be effective 12/05/12 without further notice, unless EPA receives adverse written comment by 11/05/12. If adverse comments are received, EPA will publish a timely withdrawal in the Federal Register informing the public that the amendments in this direct final rule will not take effect. For further information: [William Noggle](#), 703-347-8769.

WATER

NPDES PERMIT (09/04/12, [77 FR 53834](#)): EPA is proposing revisions to Phase I stormwater regulations to clarify that stormwater discharges from logging roads do not constitute stormwater discharges associated with industrial activity, and that a National Pollutant Discharge Elimination System (NPDES) permit is not required for these stormwater discharges. Comments must be received on or before 10/04/12. For further information: [Jeremy Bauer](#), 202-564-2775.

Professional Development

VARIOUS DATES AND TIMES ONLINE: [NPDES TRAINING COURSES AND WORKSHOPS](#). Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES Permit program; designed for permit writers, dischargers, USEPA officials and other interested parties.

VARIOUS DATES AND TIMES ONLINE: [2013 USACE 2012 TRAINING PROGRAM \(PURPLE BOOK\)](#). US Army Corps of Engineers FY 2013 training program is open for registration. For further information, contact USACE at (402) 697-2559.

VARIOUS DATES AND TIMES ONLINE: [INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL \(ITRC\) INTERNET BASED TRAINING](#). ITRC is a state-led coalition working together 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 (TIFSD), ITRC delivers training courses via the Internet 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.

VARIOUS DATES AND TIMES: [EPA RCRA TRAINING](#). RCRA-related online courses, seminars, webinars, podcasts, and

videos are posted throughout USEPA'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.

VARIOUS DATES AND TIMES: [NATIONAL ENFORCEMENT TRAINING INSTITUTE](#). EPA environmental enforcement training opportunities offered (E-Learning, Classroom, Webinar) for federal, state, tribal and local government environmental enforcement professionals.

ANYTIME ONLINE: [EPA WATERSHED ACADEMY](#). The website offers a variety of self-paced training modules that represent a basic and broad introduction to the watershed management field. Modules vary in time to complete, from 1/2 hour to 2 hours.

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

ANYTIME ONLINE: [EPA REDUCES RUNOFF VIDEO](#). Online video highlights green building techniques (rain gardens, green roofs, etc.) to help manage storm water runoff.

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

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

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

ANYTIME ONLINE: [ARMY PODCAST SERVICE](#). The Army offers free podcasts on a wide variety of topics, including an environmental series, an Army Corps of Engineers series, and many more. The podcasts are available through a free subscription service. It is not necessary to own an ipod in order to view or listen to a podcast.

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

ANYTIME ONLINE: [BUILDING RETUNING](#). The purpose of this course is to enable you to reduce operating cost and provide energy savings to buildings. The focus is on large (100,000 sq. ft.) commercial buildings, but the concepts and techniques presented can be applied to any type and size of facility that has a building automation system (BAS).

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

ANYTIME ONLINE: [ADVANCED METERING SOLUTIONS FOR FEDERAL AGENCIES](#). This one-day FEMP-sponsored symposium (targeting Federal energy managers, contractors, and software and system providers) consisted of two sections. The morning session consisted of presentations by Federal agencies highlighting their successful applications of advanced metering, data analysis, and diagnostic software. The afternoon session will featured panel discussions by invited metering hardware and software providers highlighting the capabilities of such systems.

OCTOBER 15-17, CINCINNATI, OH: [URBAN WATER SUSTAINABILITY LEADERSHIP CONFERENCE](#). This conference will feature cross-agency, cross-department, community and business leaders to share models of creative integration and innovative approaches. Multi-disciplinary and geographically diverse presentations will demonstrate the flexibility of green infrastructure to serve a multitude of needs. Join water leaders, sustainability directors, transportation directors, parks and recreation, as well as business leaders, non-profit organizations, and US EPA regulators as they meet to drive the paradigm shift for water sustainability.

OCTOBER 16-17, BATON ROUGE, LA: [NGWA FOCUS CONFERENCE ON GULF COAST GROUNDWATER ISSUES](#). Extreme weather events and manmade disasters have challenged the Gulf coast area regarding prudent water and groundwater management too much, not enough where needed, or water quality challenges. Coastal and inland communities, as well as thriving urban centers, face continuing and variable challenges on how best to cope with large-scale catastrophes that threaten water resources from both the quality and quantity perspectives. This conference addresses the technologies, new tools, and technological advancements can be applied to meet these challenges.

OCTOBER 17-18, WASHINGTON, DC: [2012 NAVAL ENERGY FORUM](#). Come share in a forum that brings together top leaders from the Department of the Navy, Industry, and Academia.

OCTOBER 17-19, WASHINGTON, DC: [RENEWABLE ENERGY TECHNOLOGY CONFERENCE \(RETECH\) AND EXHIBITION](#). RETECH is the renewable energy industry's meeting place for over 3,000 government, utility, finance and technology professionals from 60 countries. Conference sessions deliver unparalleled educational content including business development opportunities, topical professional development, current trends, new technologies and important up-to-date information on the changing legislative and regulatory landscapes.

OCTOBER 17-20, CHICAGO, IL: [CITIESALIVE](#). CitiesAlive is North America's only conference dedicated to the green roof and wall industry. CitiesAlive 2012 will look back to celebrate the spectacular growth experienced by the green roof and wall industry over the last 10 years, and look forward to showcase the most leading-edge design, policy and research work in the industry.

OCTOBER 18, ONLINE: [EPA'S PLUG-IN TO eCYCLING SUSTAINABLE MATERIALS MANAGEMENT \(SMM\) CHALLENGE](#). Learn about EPA's Plug-In to eCycling SMM Challenge, hear success stories from partners, and get more information on opportunities for businesses, and state and local governments to get involved.

OCTOBER 22-24, WASHINGTON DC: [ASSOCIATION OF US ARMY ANNUAL MEETING \(AUSA\)](#). AUSA's professional development includes seminars and special presentations on the Global War on Terrorism, the Army's Transformation to the Future Force, LandWarNet, Expeditionary Logistics, Actionable Intelligence and other issues affecting today's Army.

OCTOBER 24, CRYSTAL LAKE, IL: [NEW APPROACHES AND IMPLEMENTATION METHODS FOR MUNICIPAL STORMWATER MANAGEMENT](#). This course is designed to give personnel up-to-date knowledge to assist in developing a sustainable municipal stormwater management program. Attendees will review and discuss new federal policies and initiatives that are causing a re-evaluation of the current National Pollutant Discharge Elimination System (NPDES) permit structure and existing stormwater management programs. The instructor will present best management practices and examples of program implementation in municipalities. Discussion will focus on management of source inputs from construction, industrial, and commercial properties that have direct impact on municipal stormwater management programs.

OCTOBER 24-26, NEW ORLEANS, LA: [CLEAN AIR COMPLIANCE WORKSHOP](#). The 2.5 day course will take you through the Clean Air Act regulatory program from A-Z; providing a comprehensive overview of each regulation, permit, plan, etc. to provide better understanding of how to keep facilities in compliance. This course is designed for new and veteran air professionals and practitioners.

NOVEMBER 14-15 WASHINGTON, DC: [CONFERENCE ON MILITARY SMART GRIDS AND MICROGRIDS](#). Over 30 leading experts examine: DoD and Service Energy Strategy and Plans, Incorporating Smart and Microgrids; Intersections with National Grid, Commercial Developments, DOE Strategies/Plans, etc.; Electric Vehicles and Smart/Microgrids Integration; Smart/Microgrid Design, Development and Implementation – Success Stories and Lessons Learned; Emerging Technologies and Capabilities – Net-Zero, Islanding, Smart Metering and more.

NOVEMBER 27-30, DENVER, CO: [THE NATIONAL WIND COORDINATING COLLABORATIVE \(NWCC\) BIENNIAL WIND WILDLIFE RESEARCH MEETING](#). The meeting provides an internationally recognized forum for researchers and wind-wildlife stakeholders to hear contributed papers, view research posters, and listen to panels that synthesize the most recent wind power-related wildlife research. Academics, researchers, conservation scientists, consultants, federal and state offi-

cials, NGO representatives, and industry professionals come together for this unique opportunity.

DECEMBER 10-14, FORT LAUDERDALE, FL: [A COMMUNITY ON ECOSYSTEM SERVICES \(ACES\), THE ECOSYSTEM MARKETS CONFERENCE](#). This conference will provide an open forum to share experiences and state-of-the-art methods, tools, and processes for assessing and incorporating ecosystem services into public and private decisions. The focus of the conference will be to link science, practice, institutions, and resource sustainable decision making by bringing together ecosystem services communities from around the US and the globe.

DECEMBER 11-13, ORLANDO, FL: [RENEWABLE ENERGY WORLD CONFERENCE AND EXPO NORTH](#). As one of the only all-renewable shows in the country, the conference uniquely offers unprecedented access to the latest information, solutions and technologies driving the success of business and the future of the industry. Join thousands of colleagues as one clean energy industry.

Staff Directory

| | |
|-------------------------------|--------------|
| Main Office Number | 404-524-5061 |
| Region 4 Director/DoD REC | 404-460-3131 |
| Region 4 Deputy Director | 404-460-3125 |
| Region 4 Counsel | 404-460-3132 |
| Region 4 REC | 404-460-3136 |
| Project Manager | 404-460-3134 |
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| Administrative Assistant | 404-460-3130 |

How the Regional Offices Work for You

When used within the framework of ISO 14001, the *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/>.