



# Southern Review

## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

May 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](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> .....	2
<a href="#">Florida</a> .....	4
<a href="#">Georgia</a> .....	7
<a href="#">Kentucky</a> .....	9
<a href="#">Mississippi</a> .....	9
<a href="#">North Carolina</a> .....	10
<a href="#">South Carolina</a> .....	11
<a href="#">Tennessee</a> .....	13
<a href="#">DoD Activity</a> .....	14
<a href="#">Federal Activity</a> .....	15
<a href="#">Professional Development</a> .....	18
<a href="#">Staff Directory</a> .....	22

## New Federal Environmental Executive Appointed

**(04/09/12, [OFEE WEBSITE](#))** Jonathan Powers has been appointed by President Obama to serve as the Administration's Federal Environmental Executive. In this capacity, Mr. Powers is responsible for promoting environmental and energy sustainability across federal government operations. Housed within the White House Council on Environmental Quality (CEQ), the Office of the Federal Environmental Executive was created by Executive Order in 1993. The Office oversees implementation of President Obama's Executive Order on Federal Sustainability (EO 13514) and the GreenGov initiative, working collaboratively with the Office of Management and Budget and each of the Federal agencies.

Prior to joining CEQ, Jon served as the Special Advisor on Energy in the Office of the Assistant Secretary of the Army, Installations, Energy & Environment. He also served as the Chief Operating Officer at the Truman National Security Project, where he focused on energy security issues. In 2009, Jon testified to the US Senate Committee on Environment and Public Works on the national security implications of climate change with retired Senator John Warner and Vice Admiral Dennis McGinn. Following this testimony, Jon founded the nationally recognized campaign Operation Free for veterans to advocate for a national energy policy.

# Region 4

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



**2012 SESSION DATES: 02/02/12 THROUGH 05/21/12**

## LEGISLATION

**UNDERWATER CULTURAL RESOURCES ACT (HB 54)** This action amends the definition of cultural resources to specify articles associated with shipwrecks, artifacts defined, recovery of abandoned artifacts not cultural resources in certain locations authorized. **HB 54 excludes federal lands.**

**ENERGY, ALABAMA PUBLIC INTEREST ENERGY AND FUEL RESEARCH AND DEVELOPMENT GRANTS PROGRAM (HB 518)** This action establishes funding for energy and fuel projects; the Advisory Commission on Public Interest Energy and Fuel Research and Development Grants; and Agriculture and Industries Department Center for Alternative Fuels.

**MUNICIPAL WASTEWATER (HB 306)** This act prohibits any county from levying or collecting a fee or charge for sewer service on any person, entity, or property not directly connected to any sewer system owned or operated by the county.

**UNIFORM COVENANTS AND STORAGE TANKS (HB 341)** This act amends Section 35-19-2, Code of Alabama 1975, to exempt underground (UST) and aboveground storage tanks (AST) storing motor fuel from the requirements of the Alabama Uniform Environmental Covenants Act (UECA), which are not specifically exempt under existing law.

**TAX CREDIT FOR VEHICLES EQUIPPED WITH COMPRESSED NATURAL GAS (HB 462, SB 502)** This measure would provide incentives for the use of motor vehicles powered by compressed natural gas (CNG), and provide state income tax credits for the costs of conversion of motor vehicles or incremental costs of purchasing CNG powered motor vehicles.

**TOXIC RELEASE INVENTORY; ENVIRONMENTAL JUSTICE (HB 534)** This bill would require the Alabama Department of Environmental Management (ADEM) to identify environmental high impact areas on a county basis and compile data regarding toxic pollutants released into the environment. It would also require the State Health Officer to issue a public report on incidences of diseases, which assesses health risks posed by toxic substances. HB 534 would provide grants to monitor and respond to adverse health risks and hold public hearings. **This measure could bring undue attention to installation operations.**

**SOLID WASTE LANDFILL PERMITS (HB 556)** This bill would extend the prohibition against the permitting of certain new solid waste facilities from 05/31/13, to 05/31/14.

**SCRAP TIRE ENVIRONMENTAL FEE (HB 608)** This measure would change the distribution of the scrap tire environmental fee from the Scrap Tire Fund to the State General Fund. **This bill could raise fee/tax concerns for federal agencies because fees that fund a state's general fund are generally considered prohibited taxes.**

**ALABAMA WATER SUSTAINABILITY AND SECURITY ACT (HB 674)** This bill would require development of a comprehensive water management plan.

**ALTERNATIVE FUELS AND MOTOR VEHICLES (HB 699)** This bill encourages use of vehicles powered by CNG, liquefied natural gas, propane or electricity by a series of incentives, It also encourages in-State production of biodiesel and cellulosic ethanol.

**ALABAMA PSC REGULATION OF WASTEWATER SERVICE PROVIDERS (HB 727)** This bill would expand the definition of a utility to include wastewater service providers. It would allow utilities exempt from regulation under state law the ability to elect regulation by the Alabama Public Service Commission (PSC).

**SOLID WASTE AND MUNICIPAL SOLID WASTE FEES (SB 575)** This bill would provide that the rates charged by waste management companies for the collection and transportation of garbage, household waste, or any other nonhazardous and nonmedical solid waste shall be subject to the approval of the Alabama PSC

**STATE IS OWNER OF STATE WATERS (SJR 16)** This joint resolution to federal agencies clarifies the state's ownership role over water as a state resource.

## ***FINAL RULES***

**COASTAL AREA MANAGEMENT PROGRAM REVISIONS (335-8-1-.09; 335-8-1-.10)** ADEM has [adopted](#) revisions to the Division 8 Code for consistency with Federal regulations that make a Routine Program Change (RPC) and revise the regulation. On 12/19/10, ADEM provided a Notice of RPC of the Alabama Coastal Area Management Program (ACAMP) to NOAA's Office of Ocean and Coastal Management (OCRM). ADEM gave notice that on 04/14/11, OCRM concurred that ADEM revision of Division 8 Regulations constituted an RPC. Federal consistency applies to approved changes upon publication of the 11/20/11 Public Notice. NOAA approved a majority of the changes within the ADEM Division 8 Regulations as enforceable policies of the ACAMP. However, NOAA had not approved the Federal consistency timeframes because they were not entirely consistent with the CZMA regulations. OCRM determined that its decision not to approve the Federal consistency timeframes did not impact Alabama's authority to conduct Federal consistency reviews; however, because the Federal consistency language discrepancy was confusing, ADEM Division 8 Regulations were modified to be consistent with existing Federal statutory and regulatory timeframes. Thus, ADEM modified ADEM Code R. 335-8-1-.09 and 335-8-1-.10 regulations to be consistent with existing Federal statutory and regulatory timeframes. Comments were due 01/06/12, and [Certified Adopted Rules](#) were published 03/20/12. The rulemaking became effective 04/03/12. Contact: Molly Tatum, (334) 394-4360

**AIR CONFORMITY-NSPS, NESHAPS, HAPS (335-3-5-.06, .07, .08, .11, .12, .13, .14, 335-6-6-.02, -.05, 335-3 APPENDIX C, 335-3-11-.01, -.06, 335-3-10-.01, -.02)** ADEM has [adopted amendments](#) to rules to incorporate by reference EPA changes to the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). Incorporation allows EPA to delegate administrative enforcement of these regulations to ADEM. Notices of Intended Actions ([NSPS](#), [NESHAPS](#)) were published 12/30/11. Hearings were scheduled for 02/03/12 and 02/08/12; comments were due 02/02/12 and 02/10/12. [Rules became effective](#) on 03/14/12. Contact: Chris Howard: (334) 271-7878

**SOLID WASTE AND MUNICIPAL SOLID WASTE (335-13, -14)** ADEM has [adopted rules](#) to create Chapter 14 within the Solid Waste Program, pursuant to amendments to the Solid Wastes and Recyclable Materials Management Act enacted in 2008. ADEM proposes to establish technical and operational requirements for facilities engaged in solid waste composting. Among the proposed requirements for subject facilities would be to obtain permits from ADEM and implement certain control measures necessary to prevent migration of solid waste into the environment. The [Notice of Public Hearing](#) was published on 10/23/11. Comments were due 12/07/11. [Final regulation text](#) is currently unavailable. Contact: Molly Tatum, (334) 394-4360

## ***PROPOSED RULES***

**NSPS/NESHAPS (335-3-10-.01, 335-3-10-.02, 335-3-11-.01, 335-3-11-.06, 335-3-14-.04, APPENDIX C)** ADEM has proposed amendments to incorporate by reference changes to EPA's New Source Performance Standards (NSPS), and National Emissions Standards for Hazardous Air Pollutants (NESHAPS). Additional changes to Chapter 14 of Division 3 Code are being proposed to include federal definitions and requirements for replacement units at major sources located in areas designated as attainment or unclassifiable under the Clean Air Act (CAA). Chapter 335-3-14 is considered part of the federally-enforceable SIP, and revisions to it are proposed for incorporation into the Alabama SIP. A [Notice of Public Hearing](#) was issued 12/25/11. A meeting was held 02/08/12. Comments were due 02/10/12. Contact: Molly Tatum, (334) 394-4360

**COASTAL ZONE MANAGEMENT FEE SCHEDULE NOTICE** On 11/29/11, 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 Â§ 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 4/1/12, and comments due by 4/22/12. Contact: Joelle Gore, Chief Coastal Programs Division Chief

**COASTAL ZONE MANAGEMENT DIVISION 8 REGULATIONS** 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 4/1/12, and comments due by 4/22/12. Contact: Joelle Gore, Chief Coastal Programs Division Chief



**2012 SESSION DATES: 01/01/12 THROUGH 03/09/12**

## **LEGISLATION**

**ENVIRONMENTAL REGULATION AND WASTE PROCESSING FOR WASTE TO ENERGY (HB 503)** This action relates to local government comprehensive plans and plan amendments; programmatic and regional general permits; permits for projects relating to stormwater management systems, coastal construction, dredge and fill activities, intermodal logistics centers and commercial and industrial development; ambient air quality and water quality standards, and solid waste disposal to include waste to energy facilities.

**RECLAIMED WATER (HB 639)** This measure provides that reclaimed water is eligible for alternative water supply funding; prohibits exclusion of reclaimed water use in regional water supply planning; prohibits water management districts from requiring permits for use of reclaimed water and from requiring or restricting services provided by reuse utilities.

**BEACH MANAGEMENT (HB 691)** This action specifies that adequacy of design and construction for projects is supported by certain evidence; authorizes the Florida Department of Environmental Protection (FLDEP) to issue permits for incidental take authorization; requires FLDEP to adopt and amend rules involving excavation and placement of sediment, guidelines and permit streamlining; requires FLDEP to maintain certain project information on its website and notify the Governor and Legislature of certain changes; and provides permit exemption for specified exploratory activities.

**DEVELOPMENTS OF REGIONAL IMPACT (HB 979)** This measure requires that comprehensive plan amendments proposing certain development follow state coordinated review process; limits scope of certain recommendations and comments by reviewing agencies regarding proposed development; revises review criteria for regional planning agency reports; provides that specified changes to development orders are not substantial deviations; provides exemption from development-of-regional-impact review for certain proposed development; and revises conditions under which local government is required to rescind development-of-regional-impact development orders.

**FLORIDA CLIMATE PROTECTION ACT (HB 4001)** This measure repeals provisions for cap and trade regulatory program to reduce greenhouse gas emissions (GHGs) from electric utilities.

**ENVIRONMENTAL RESOURCE PERMITTING (HB 7003)** This measure requires FLDEP, in coordination with water management districts, to develop statewide resource permitting rules for activities relating to management and storage of surface waters; provides presumption of compliance for certain stormwater management systems; provides exemptions for specified stormwater management systems and permitted activities.

**NULLIFICATION AND REPEAL OF ADMINISTRATIVE RULES (HB 7029)** This action nullifies rules adopted by Northwest Florida Water Management District (WMD), Suwannee River WMD, St. Johns River WMD, Southwest Florida Water Management District WMD, South Florida WMD, former Department of Commerce, former Department of Health and Rehabilitative Services, Health Program Office, former Advisory Council on Intergovernmental Relations, or former Department of Labor and Employment Security.

**ESTABLISHING NUMERIC NUTRIENT CRITERIA (HB 7051)** This action requires FLDEP to publish notice and directs FLDEP to submit specified rules to US EPA for review under the federal CWA.

**MILITARY INSTALLATIONS (HB 7075)** This measure authorizes the Florida Defense Support Task Force to recommend to Legislature, specified changes in military installations and local governments under the Community Planning Act; revises legislative intent with respect to proposed closure or reuse of military bases; creates the Military Base Protection Program within DEO; establishes the Florida Defense Reinvestment Grant Program; eliminates the Defense-Related Business Adjustment Program, the Florida Defense Planning Grant Program, the Florida Defense Implementation Grant Program, the Florida Military Installation Reuse Planning and Marketing Grant Program, and the Retention of Military Installations Program; transfers functions and responsibilities of Florida Council on Military Base and Mission Support to Florida Defense Support Task Force; and repeals Florida Council on Military Base and Mission Support.

**GROWTH MANAGEMENT (HB 7081)** This action revises and provides provisions relating to growth management, local government comprehensive planning, comprehensive plans, state land planning agencies, local planning agencies, **military base reuse plans**, public facilities reports, etc.

**ENERGY (HB 7117)** This action requires utilities' 10-year site plans to address existing and proposed renewable energy production and purchases; provides for portion of proceeds of local government infrastructure surtax to be used to provide loans, grants and rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, subject to referendum; reestablishes corporate tax credit for certain costs related to renewable energy technologies; and directs DMS in coordination with DOACS to further develop state energy management plan.

## ***PROPOSED RULES***

**STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (FAC, CHAPTER 64E-6)** The FL Department of Health (FLDOH) proposed amendments to standards for onsite sewage treatment and disposal systems. The rulemaking develops rules to implement provisions of Chapter 10-205, Laws of Florida (SB 550), which requires FLDOH to administer an onsite sewage treatment and disposal system evaluation and assessment program. Proposed rules address: application for a System Construction Permit; location and installation of onsite sewage treatment and disposal systems; site evaluation criteria; system size determinations; alternative systems; septage and food establishment sludge; portable restrooms and portable or stationary holding tanks; abandonment of systems standards for construction, operation and maintenance of aerobic treatment units; construction materials and standards for treatment receptacles; construction standards for drain field systems; permitting and construction of repairs; additive use; Department of Agriculture Soil Textural Classification System; system location, design and maintenance criteria; cesspit and undocumented system replacement and interim system use; coordinated permitting; requirements for registration; master septic tank contractors; issuance of registration certificates and renewal; standards of practice and disciplinary guidelines; certification of partnerships and corporation; applications for innovative system permits and reclassification and system construction permits, location, installation, monitoring and Fees. FLDOH held a public workshop 06/04/10 to discuss permitting and approval standards of onsite sewage treatment systems that provide treatment other than a septic tank, such as performance based treatment systems, aerobic treatment units and innovative systems. The Technical Review and Advisory Panel met 07/15/10 and 09/23/10. [Public workshops](#) were held 10/12/10, 10/14/10, 10/18/10, and 10/21/10. A public meeting was held in December 2010, and FLDOH scheduled public meetings through December 2011.

[Notice of Rule Development](#)

Contact: Gerald Briggs, (850) 245-4250

**RISK BASED CORRECTIVE ACTION (FAC 62-777)** FLDEP has responded to a Petition to Initiate Rulemaking filed by Associated Industries of Florida pursuant to Section 120.54(7), F.S. FLDEP is initiating this rulemaking to commence the necessary dialogue among interested stakeholders to discuss proposed amendments to rules governing the Risk-Based Corrective Action (RBCA) process at contaminated sites in Florida. Subject areas to be addressed include FLDEP's RBCA guidance documents, in particular the "Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 62-777, F.A.C. (February 2005)." Additional subjects to be addressed include the site assessment process, fate and transport modeling and statistical methods, the risk assessment process including criteria for allowing use of the probabilistic risk assessment, and criteria for achieving the "No Further Action" status at contaminated sites (with or without controls). A [Notice of Development](#) was published 10/28/11. Contact: [Brian Dougherty](#), 850-245-7503

**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)** 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. A [Notice of Rulemaking Development](#) was published 03/09/12. A workshop was held 03/28/12. Contact: [Brian Dougherty](#), (850) 245-7503

**WATER SHORTAGE PLAN (40D-21.031, .051, .211, .221, .231, .251, .275, .281, .331, .371, .391, .421, .441, .601, .621, .631, .641, .651)** The Southwest Florida WMD has proposed rulemaking to amend its Water Shortage Plan (Chapter 40D-21, F.A.C, developed in 1984) to reduce unnecessary regulatory burdens and achieve other streamlining benefits for the regulated public. Each WMD is required by state law to have and implement a Water Shortage Plan that guides response to drought and other water shortage events. A [Notice of Proposed Rules](#) was published on 03/09/12. Comments were due 03/30/12. Contact: Barbara Martinez, (813) 985-7481

**SOLID WASTE FACILITY PERMITTING (FAC 62-701.200, .210, .220, .300, .315, .320, .330, .400, .500, .510, .530, .600, .620, .630, .710, .730, .803, .900)** FLDEP has proposed amendments to Chapter 62-701, F.A.C., which contains regulations for a wide variety of solid waste facilities including landfills, construction and demolition debris disposal facilities and waste processing facilities. The chapter is being amended to clarify that storm water and surface water management are not regulated under solid waste permits. Prohibitions on disposal of yard trash and waste tires are being updated to reflect statutory language. Permit fees for several types of facilities are being eliminated, and a new permit fee for certain general permits is identified. The kinds of documents that must be submitted with certifications of construction completion are clarified. The innovative use of recycled materials in lieu of soil for cover requirements is being specifically authorized. Requirements for routine leachate sampling are being eliminated. Financial assurance requirements for gas recovery facilities are being eliminated. Landfill closure procedures are being clarified. Additional flexibility in monitoring requirements for closed landfills is being added. The current provisions for deferral of financial assurance for disposal units that have not yet accepted waste are being replaced with the requirement that financial assurance is not necessary until 60 days prior to acceptance of waste. To conform to recent statutory changes, the general permit for land clearing debris disposal facilities will now apply to yard trash disposal facilities. Requirements for waste processing facilities are being reorganized and simplified. Indoor waste processing facilities will be allowed to apply for permit renewals under a general permit instead of an individual permit. Small container-to-container transfer stations will be exempt from permitting requirements under certain conditions, including a notification to FLDEP. These changes will have the effect of reducing permitting requirements for many facilities, and will not impose any additional permitting requirements on any facilities. [Notice of Rulemaking Development](#) was published 08/13/11, and a [Notice of Proposed Rule](#) was published 01/20/12. Comments were due 02/10/12, and a hearing was held 02/16/12. Contact: [Richard Tedder](#), (850) 245-8735

**RECLAIMED WATER AND REUSE REQUIREMENTS (40E-20.091; 40E-20.301)** The SFWMD [has proposed to amend 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; Workshop held 11/01/11; Notice of Rulemaking Development published 02/03/12; and another Workshop was held 02/21/12.

[Notice of Rule Filing](#), [Final Rule](#)

Contact: [Paulette Glebocki](#), (561) 682-6941,

**ALTERNATIVE FUEL USE** The South Florida Regional Planning Council has announced a public meeting to which all are invited. The purpose of the meeting is to support the reduction of our nation's dependence on imported oil by discussing and promoting the region's use of alternative fuels and alternative fuel vehicles through the Florida Gold Coast Clean Cities Coalition. A [Notice of Public Meeting](#) was issued 03/16/12. The meeting was held 04/20/12. Contact: [Christine Heshmati](#), (954) 985-4416

**EXISTING BROWNFIELD SITE REHABILITATION CRITERIA, PROCESS AND PROCEDURES (62-785.100, .150, .200, .220, .300, .400, .450, .500, .600, .610, .650, .680, .690, .700, .750, .900)** FLDEP has proposed to merge existing Brownfield site rehabilitation criteria, process and procedures contained in Chapter 62-785, F.A.C. into Chapter 62-780, F.A.C.; Chapter 62-785, F.A.C., Brownfields Cleanup Criteria, will be repealed once current Risk-Based Corrective Action (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, and a workshop held 03/28/12. Contact: [Kim Walker](#), (850) 245-8934

**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. Contact: [Jennifer Farrell](#), (850) 245-8937

**SIP COMPLIANCE DEMONSTRATION FOR NAAQS OZONE AND REGIONAL HAZE** FLDEP announces a public hearing and opportunity to offer comments on Florida's State Implementation Plan (SIP) infrastructure submittal for revised NAAQS for ozone, promulgated by EPA on 03/12/08. This is not a SIP revision, rather a demonstration that the state's existing SIP is adequate for implementation, maintenance and enforcement of the revised ozone standard. [Notice](#) was issued 04/13/12. Comments are due 05/14/12. Contact: [Kelly Stevens](#), (850) 717-9017

**MANATEES** The Florida Fish and Wildlife Conservation Commission announced a facilitated stakeholder meeting to discuss and examine manatee issues, exchange information and fact finding, and solicit input from stakeholders to the agency and its federal partners in evaluating current issues concerning the manatee. The public was welcomed to attend the meeting; however, space was limited. Limited public comments were taken. [Notice](#) was issued 04/06/12, and the meeting was held for 04/12/12. Contact: [Carol Knox](#), (850) 922-4330



**2012 SESSION DATES: 01/09/12 THROUGH 03/29/12**

**\*Georgia has two sessions, and 2011 bills carry over\***

### **LEGISLATION**

**BONA FIDE CONSERVATION USE PROPERTY (HB 916)** This measure changes certain qualifications and restrictions regarding covenants. **It primarily includes clarifications for subsequently acquired, contiguous property.**

**GHG RESOLUTION TO CONGRESS (SB 848)** This resolution urges Congress to prohibit EPA from further regulating GHG emissions without a comprehensive economic and environmental study; and for other purposes.

### **FINAL RULES**

**INDUSTRIAL STORMWATER DISCHARGES (GAR050000)** The 2006 NPDES General Permit No. GAR000000 for Storm Water Discharges Associated with Industrial Activity expired 07/31/11. The Georgia Environmental Protection Division (GAEPD) revised the existing permit for re-issuance in August 2011. The 2006 NPDES General Permit Number GAR000000 (being replaced by GAR050000) continued in force and effect until the new general permit was issued. Any permittee who submitted a properly-completed Notice of Intent (NOI), Version 2006 or Version 2010, to obtain coverage under the current permit prior to the expiration date will automatically remain covered until the new permit is issued. Existing permittees will have up to 30 days after the effective date of the new permit to submit an NOI (Version 2011 only) to obtain coverage under the new permit. A public meeting was held and comments were due 08/01/11. The new permit authorized storm water discharges associated with industrial activity as defined in the Code of Federal Regulations and the Georgia Rules and Regulations for Water Quality Control. The adopted NPDES General Permit authorized designated industrial activities to discharge storm water into waters of the State of Georgia, and the coverage area Permit is state-wide. The NPDES Permit is valid for a maximum of five years. A [Public Notice](#) was published 01/17/12. Comments were due 03/16/12. The permit was issued 04/16/12 and will be posted on the [GAEPD web site](#). Contact: Frances Carpenter, 404-675-1605

### **PROPOSED RULES**

**WASTEWATER DISCHARGE INTO POTWs (391-3-6-.08, -.09)** GAEPD has proposed amendments to wastewater pretreatment permits for discharge of any pollutant into a publicly owned treatment works (POTWs) and then into the waters of the state. It would amend procedures and practices followed in development and submission of POTW pretreatment programs for GAEPD review, approval or denial, as well as public notification methods. The primary purpose of the proposed amendments is to comply with federal General Pretreatment Regulations for Existing and New Sources of Pollution, which establish responsibilities of government and industry to implement National Pretreatment Standards. Other

proposed amendments would correct typographical errors, numerical and alphabetical inconsistencies, and clarify language and definitions, as required by EPA. The [Proposed Rule](#) was published 08/05/09. Changes were proposed 06/23/10, and comments were due 07/23/10. Additional changes were proposed 09/22/10. A [public hearing](#) was held 10/27/10, and comments were due 11/05/10. The rules were modified. Public comments were due 10/26/11, and Board review was held 12/07/11. Contact: [Jamila Norman](#), 404-675-1687

**SPILL REPORTING (GAC 391-3-6-.05)** 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. Contact: Marzieh Shahbazaz, (404) 362-2680

**NON-STORMWATER GENERAL PERMITS (GAC 391-3-6-.15)** The Georgia Department of Natural Resources (GADNR) has proposed amendments that would provide the GADNR Director discretion to allow coverage under a non-storm water general permit without submittal of a Notice of Intent (NOI), where requiring such notice would be inappropriate and federal regulations do not require such notice. The proposed rule would also address general and individual permit requirements, coverage area of a general permit, authorization to discharge, the degree of waste treatment required, notice and public participation, prohibited discharges, modification, revocation, reissuance and termination of permits. A public hearing was held 01/18/11, and comments were due 01/31/11. The Board reviewed these requests 08/24/11, although no final actions have been confirmed.

[Notice of Proposed Rulemaking, Synopsis of Proposed Amendments, Proposed Rule Text](#)  
Contact: [Nap Caldwell](#), 404-463-4348

**STANDARDS FOR PETROLEUM PRODUCTS (GAC 40-20-1-.01, -.12)** The Department of Agriculture has proposed to update Rule 40-20-1-.01 to conform to ASTM International standard specifications, EPA regulations and practice. The gasoline sulfur specifications in Rule 40-20-1-0.01(a)(1) are revised to 95 ppm, which is also the downstream gasoline sulfur specification in EPA regulation found at 40 CFR 80.210. Lead specifications in Rule 40-20-1-.01(a)(4) and minimum octane ratings for leaded gasoline in Rule 40-20-2-.01(a)(7)(i) are deleted as they are no longer necessary because there leaded gasoline is no longer available for general consumption. The minimum temperature specification for 50% distillation of non-oxygenated Class D-4 gasoline in Rule 40-20-1-.01(a)(5)(i) is changed to 77°C/170° F to conform to specifications in the ASTM D4814 standard. Gasoline from origin to retail not blended with ethanol may meet a minimum 50% evaporated distillation temperature of 66°F for volatility class D-4 only. Gasoline meeting these limits is not suitable for blending with ethanol. Rule 40-20-2-.01(b)(2) is amended to require denatured ethanol used for gasoline blending meet the most recent version of specifications specified in ASTM D4806 standard. A reference to reformulated gasoline ("RFG") in Rule 40-20-2-.01(b)(5) is removed. EPA regulations no longer require minimum oxygen content for RFG. Kinematic viscosity specifications for Fuel Oils in Rule 40-20-2-.01(d)(1)(iv), (d)(2)(iv), (d)(3)(ii), and (d)(4)(ii) are changed to comply with specifications in ASTM D396, the Standard Specifications for Fuel Oils. A public hearing has not been scheduled. The deadline for public comment was 05/27/11.

[Notice of proposed rulemaking, Proposed rules: 40-20-1-01, 40-20-1-12](#)  
Contact: Rich Lewis, 404-656-3605

**ANTIDegradation POLICY (391-3-6-.03)** This [rule is being amended](#) to revise Georgia's antidegradation policy to better describe what requirements must be met before the State allows the discharge of pollutants into Tier 2 (high quality) waters. In addition, a Tier 2.5 designation is being added to protect Significant Natural Resource Waters. Finally, the requirements for Tier 3 waters (Outstanding National Resource Waters or ONRW) are being modified to allow for temporary or short-term changes in water quality, to update the attributes of waters considered for ONRW designation, to clarify that waters designated as ONRW will be included in the Rules, and to reword and renumber the requirements regarding new and expanding point source discharges upstream of and tributary to an ONRW. Public hearings were held 10/18/11-10/20/11. Comments were due 10/27/11, and a meeting was held 12/07/11.

[Draft Guidelines for Wastewater Discharge Antidegradation Analysis](#)  
Contact: Jane Hendricks, (404) 362-2680

**AIR NAAQS (391-3-1-Misc)** GAEPD [proposed amendments](#) to Georgia's Rules for Air Quality Control, Chapter 391-3-1. The GAEPD Director certifies that revision of these rules is required to exercise authority approved and/or delegated by EPA to implement Sections 182(b)(2)(A) of the CAA. A Hearing was held 12/06/11, and comments were due 12/13/11. A meeting was held 01/25/11. Contact: Director, Air Protection Branch, 404-363-7000

**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. Contact: Mark Smith, Chief, Land Protection Branch, 404-463-8509



***2012 SESSION DATES: JANUARY 3, 2012 THROUGH APRIL 12, 2012***

***NO SIGNIFICANT ENVIRONMENTAL OR ENERGY-RELATED LEGISLATION TO REPORT***

### ***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.

[Proposed Rules: KAR 5:100; KAR 5:110](#)

Contact: 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 non-attainment 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. Contact: [John Gowins](#), (502) 564-3999



***2012 SESSION DATES: 01/03/12 THROUGH 05/03/12***

### ***LEGISLATION***

**CLEAN AIR ACT TITLE V PERMIT FEES (SB 2812)** This bill provides for annual fee limitation for CAA Title V air permits.

### ***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. Contact: [Brian Ray](#), (601) 961-5434

**SURFACE WATER AND GROUNDWATER USE AND PROTECTION (LW-2: 51-3-13, 51-3-31, AND 49-17-703)** MSDEQ's Commission on Environmental Quality has proposed amendments to "Surface Water and Groundwater Use and Protection Regulations." Amendments to LW-2 would reduce public water infrastructure costs in the public. The Permit Board would have the authority to reject an application for proposed water withdrawal from a publicly owned utility (or require its modification) under circumstances where consolidation between publicly owned utilities would be less costly to the public than the proposed water withdrawal within the areas of the counties of George, Hancock, Harrison, Jackson, Pearl River, and Stone; and will require permitting of groundwater replacement wells within the areas of the counties of George, Hancock, Harrison, Jackson, Pearl River, and Stone, pursuant to Miss. Code Amt. Sections 51-3-13, 51-3-31, and 49-17-703. The Commission would have the authority to require consolidation of water supply in circumstances where consolidation by and between publicly owned utilities would reduce costs to the public pursuant to the same sections and code. The [Notice of Proposed Rulemaking](#) (underlined at page 23) was published 10/01/11, and comments were due 10/24/11. A Public Hearing was held 10/25/11. Contact: [Jamie Crawford](#), (601) 961-5201



**2012 SESSION DATES: 05/01/12 THROUGH 06/29/12**

**\*North Carolina has two sessions, and 2011 bills carry over\***

### **LEGISLATION**

**SEDIMENTATION POLLUTION CONTROL ACT EXEMPTION ([SB 491](#))** This act specifies that the agricultural use exemption from sedimentation pollution control act permitting requirements continues to apply when land is transferred into a wetlands restoration program or other water quality, water resources, or wildlife habitat enhancement program.

**ENERGY JOBS ACT ([SB 709](#))** This action increases energy production in North Carolina to develop a secure, stable and predictable energy supply to facilitate economic growth, job creation and expansion of business and industry opportunities; assigns future revenue from energy exploration, development and production of energy resources in order to protect and preserve the state's natural resources, cultural heritage and quality of life.

**OFFSHORE WIND JOBS AND ECONOMIC DEVELOPMENT ([SB 747](#))** This measure encourages development of the state's offshore wind energy resources and attracts jobs and economic development.

### **FINAL RULES**

**OPEN BURNING (15A NCAC 02D .1900, 1903, 1904)** The Environmental Management Commission adopted rules required by Session Law 2011-394 related to air curtain burners and open burning. During the 2011 legislative session, the General Assembly enacted S.L. 2011-394, An Act to Amend Certain Environmental Laws, which adjusted setback requirements for permissible open burning. Amendments to 15A NCAC 02D .1900 reflect changes resulting from S.L. 2011-394 for consistency with General Statutes in order to avoid confusion; however, amendments are not subject to publication of notice of text and public hearing requirements of the Administrative Procedures Act (APA) or review by the Rules Review Commission (RRC). 15A NCAC 02D .1903, Open Burning Without An Air Quality Permit, is amended to change the setback requirement to 500 feet. 15A NCAC 02D .1904, Air Curtain Burners, is amended to change the setback requirement for air curtain burners to 300 feet. Amendments adopted to implement provisions in 2D .1903 and .1904 are to be substantively identical to S. L. 2011-394 Section 2.(c) and Section 2.(f), respectively. [Draft Rule Amendments](#) were published 10/18/11. The [Rules Review Commission Minutes](#) were published 03/01/12. Final Rules ([15A NCAC 02D .1903](#), [15A NCAC 02D .1904](#)) are available. Approved Rules were filed 03/02/12, and [Approved Rules](#) were published 04/02/12. Contact: Joelle Burleson, 919-733-1474

### **PROPOSED RULES**

**PSD REQUIREMENTS FOR GHGs (15A NCAC 02D .0544)** The North Carolina Department of Natural Resources (NCDENR) has [proposed an amendment](#) to update the PSD for GHGs Rule in order 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). The Environmental Management Commission (EMC) is requested to approve one or more public hearings to consider these temporary rules. So the existing rule is no more restrictive than the Federal rule in accordance with G.S. 150B-19.3, NC Division of Air Quality (DAQ) needs to amend 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 CO<sub>2</sub>, 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 rulemaking is uncertain until EPA completes review of the scientific and technical issues related to accounting for biogenic CO<sub>2</sub> emissions. A [public hearing](#) was held 09/28/11, and public comments were due 10/14/11. A second hearing was held for 03/14/12, and comments were due 04/02/12. Contact: [Joelle Burlison](#), 919-733-1474

**UNDERGROUND INJECTION CONTROL WELLS (15A NCAC 02C – VARIOUS)** NCDENR has [proposed amendments](#) to comply with changes to applicable federal regulations, make organizational improvements, and to make editorial changes or corrections. Organizational changes would provide that all administrative requirements are located in a single rule, and so that unique requirements for different types of injection wells are located in a specific rule dedicated to each type of injection well. Amendment would primarily enable each allowable injection well type to have permitting, construction, monitoring and reporting requirements located in a unique rule dedicated to each type of allowable injection well. Other amendments are to be reserved for future codification in order to simplify the rulemaking process for emerging issues. Amendments contain language of existing rules that will be relocated to new rules to provide a smooth organizational structure. Rules proposed for repeal consist of regulatory language that is being relocated to the content of the rules proposed for amendment, which will enable an organizational structure where each allowable injection well-type has permitting, construction, monitoring and reporting requirements located in a unique rule dedicated to that well type. The Notice of Proposed Rules was published 10/17/11. Hearings were scheduled for 11/20/11, 12/01/11, and 12/13/11-12/14/11. Comments were due 01/13/12. Contact: Thomas Slusser, 919-715-6164

**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. Contact: Albemarle-Pamlico National Estuary Program, c/o [Jim Hawhee](#), (919) 707-8632

**FEDERAL DEFERRAL OF CO<sub>2</sub> EMISSIONS FROM COMBUSTION OF BIOMASS (15A NCAC 02D .0544)** NCDENR has proposed an amendment to Rule 15A NCAC 02D .0544, Prevention Of Significant Deterioration (PSD) Requirements For Greenhouse Gases, to defer EPA's application of PSD permitting requirements to biogenic CO<sub>2</sub> emissions from bioenergy and other biogenic stationary sources for three years. The deferral was promulgated 07/20/11 (76 FR 43490); [Proposed Rule Amendment](#) was published 01/24/11; [Proposed Rule published in the Register](#) 02/01/12. A [Hearing](#) was held 03/14/12, and comments were due 04/02/12. There is also a [separate temporary rulemaking action](#). Contact: [Joelle Burlison](#), (919) 707-8720



**2012 SESSION DATES: 01/10/12 THROUGH 06/07/12**

**\*South Carolina has two sessions, and 2011 bills carry over\***

### **LEGISLATION**

**INTERNATIONAL ENERGY CONSERVATION CODE OF 2009 (HB 4639)** This bill adopts the 2009 edition of the international energy conservation code as the energy standard.

**EXEMPTIONS AND LIMITATIONS ON POLLUTANTS ([HB 4654](#))** This measure prohibits discharge of pollutants into the environment and remedies for violations; deletes provisions relating to required procedures preceding issuance of a final order; and provides that an order is subject to review pursuant to the administrative procedures act.

**NATIONAL OCEAN COUNCIL ([HCR 4703](#))** This concurrent resolution opposes and refuses to recognize or enforce the coastal and marine spatial plans created in South Carolina pursuant to the authority of the National Ocean Council. **HCR 4703 may be an indication of anticipated disputes between state and federal officials as planning develops.**

**SAVANNAH RIVER ([HJR 4627](#))** This joint resolution suspends the authority of the South Carolina Department of Health and Control (SCDHEC) for all decisions, subsequent to 2007, pertaining to navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues of the South Carolina portion of the Savannah River. The authority of the Savannah River Maritime Commission supersedes the authority of SCDHEC for actions concerning the Savannah River.

**SOUTH CAROLINA ISOLATED WETLANDS ACT OF 2012 ([HB 5032](#))** This measure would establish procedures and criteria for SCDHEC to issue permits for conducting discharging, draining and ditching activities in isolated wetlands, and to monitor permit compliance.

**DISAPPROVAL OF SCDHEC FEE REGULATIONS ([SJR 1098](#))** This joint resolution disapproves regulations that adjust the Safe Drinking Water Act (SDWA) fee structure, and continues to provide monitoring and compliance services for recently promulgated federal drinking water regulations.

**SAVANNAH RIVER MARITIME COMMISSION ([HJR 5173](#), [SJR 1410](#))** These joint resolutions clarify and affirm that the Savannah River Maritime Commission is the sole authority that may take any action pertaining to navigability and related issues of the South Carolina portion of the Savannah River, to include the Savannah harbor expansion project.

**WATER WITHDRAWAL FEES ([SB 1220](#))** This bill amends fees imposed by SCDHEC for the surface water withdrawal program. It also reauthorizes fees for surface water withdrawal applications and permits that would otherwise have been repealed 01/01/13.

## ***PROPOSED RULES***

**SURFACE WATER WITHDRAWAL, PERMITTING, USE AND REPORTING (R. 61-119, 121-10, 121-12)** This [proposed rule-making](#) implements new rules to rename sections of the Surface Water Withdrawal, Permitting, Use and Reporting Act, amends rules to incorporate fees authorized by this Act, and repeals regulations which would become obsolete upon promulgation of the new regulation. The first Notice of Drafting was published 08/27/10; second 05/27/11; deadline for comments was 06/27/11. Revisions were made based on comments received, and the rule was reissued for public comment 08/26/11. Comments were due 09/26/11. The public hearing scheduled for 10/13/11 was postponed until 12/08/11. Contact: Charles Gorman (803) 898-3112

**AIR POLLUTION CONTROL (61-62.60; 61-62.61; 61-62.63; 61-62.5)** The South Carolina Department of Health and Environmental Conservation (SCDHEC) has proposed amendments to air pollution control regulations and standards and the SC Air Quality SIP: amend Regulations 61-62.60, .61 and .63, to incorporate by reference federal amendments published from 01/01/10 through 12/31/10; amend Regulation 61-62.63, to incorporate a 2008 amendment to 40 CFR Part 63 based on a final rule entitled National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (73 FR 35939, 06/25/08); reformat the AAQS Table and revise Regulation 61-62.5, Standard 2, to incorporate deletion of an annual standard for PM10 that EPA revoked in 2006; and amend Regulation, 61-62.5, Standard 7, to incorporate maximum allowable increases in ambient pollutant concentrations ("increments") required by PSD for PM 2.5 (75 FR 64864, 10/20/10). The final rule adds two EPA screening tools PM2.5. The tools are not federally mandated and may be incorporated in a future action. SCDHEC may propose other changes to Regulation 61-62, to include corrections for internal consistency, clarification, reference, punctuation, codification, formatting and spelling. Proposed amendments in this Notice will not be more stringent than current federal requirements, thus do not require legislative review. [Notice of Drafting](#) was published 10/28/11, and comments were due 11/28/11. Contact: [Mallori McAllister](#)

**NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES (SCR100000)** SCDHEC is seeking input on this [proposed permit](#) and invites interested people to a public hearing and/or to provide written comments. A Public Hearing was held 11/14/11, and comments were due 11/28/11. [Notice of Proposed Permit](#), [Fact Sheets and Rationale](#), [Notice of Intent/Certification Forms](#)  
Contact: Freedom of Information Office, 2600 Bull Street, Columbia, SC 29201, (803)-898-3882

**CLASSIFIED WATERS (R.61-68; R.61-69)** SCDHEC has proposed amendments to R.61-68 to strengthen and improve the existing regulation and make appropriate revisions of the State's water quality standards in accordance with the Federal Clean Water Act (CWA), as required by Section 303(c)(2)(B) stating that South Carolina's water quality standards be reviewed and revised, where necessary, to comply with Federal regulatory revisions and recommendations. SCDHEC proposes revisions to replace fecal coliform as a bacterial indicator for recreational uses in freshwaters of the State. Revisions would replace specific language regarding how the bacterial indicator species will be used for implementation activities of SCDHEC in all waters of the State and revisions associated with corrections or clarifications for language in the current regulation. SCDHEC proposes to amend R.61-69 for consistency with proposed language changes in R.61-68, to correct errors, and make other changes necessary to improve overall quality of the regulation. The first Notice of Drafting was published 04/22/11, and the second was published 07/22/11. A Notice of Proposed Regulations was published 10/28/11. Comments were due 11/20/11, and a Public Hearing was held 01/08/12.

[Proposed Rule Information](#)

Contact: [Gina Kirkland](#), (803) 898-4330

**AIR QUALITY IMPLEMENTATION PLAN (61-62.60; 61-62.61; 61-62.63; 61-62.5)** SCDHEC has proposed amendments to air pollution control regulations and standards, and the SC Air Quality SIP. SCDHEC proposes to amend Regulations 61-62.60, 61-62.61 and 61-62.63, to incorporate by reference federal amendments published from 01/01/10 through 12/31/10. SCDHEC also proposes to amend Regulation 61-62.63, to incorporate a 2008 amendment to 40 CFR Part 63 based on a final rule entitled National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (73 FR 35939, 06/25/08). SCDHEC proposes to reformat the AAQS Table and revise Regulation 61-62.5, Standard 2, to incorporate deletion of an annual standard for PM10 that EPA revoked in 2006. SCDHEC also proposes to amend Regulation, 61-62.5, Standard 7, to incorporate maximum allowable increases in ambient pollutant concentrations (increments) required by the rule entitled PSD for PM2.5 Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) (75 FR 64864, 10/20/10). The final rule adds two EPA screening tools, SILs and the SMC for PM2.5. These tools are not federally mandated and may be incorporated in a future action. SCDHEC may propose other changes to Regulation 61-62, Air Pollution Control Regulations and Standards, that may include corrections for internal consistency, clarification, reference, punctuation, codification, formatting and spelling to improve the overall text of Regulation 61-62, as necessary. Pursuant SC Code Section 1-23-120(H)(1), proposed amendments in this Notice will not be more stringent than current federal requirements, thus do not require legislative review. [Notice of Drafting](#) was published on 10/28/11, and comments were due by 11/28/11. The [Notice of Proposed Regulation](#) was published 01/27/12, and comments were due 02/27/12. A Public Hearing was held 04/12/12. Contact: [Mallori McAllister](#)



**2012 SESSION DATES: 01/10/12 THROUGH 05/01/12**

\*Tennessee has two sessions, and 2011 bills carry over\*

## **LEGISLATION**

**MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) (SB 3187)** This measure authorizes MS4s to administer their own NPDES storm water construction permitting programs.

**VARIANCES FOR CERTAIN OPEN BURNINGS (SB 3549)** This action authorizes the TDEC Commissioner to grant variances for certain open burnings and emissions testing requirements.

## **PROPOSED RULES**

**LEAD-BASED PAINT ABATEMENT (1200-1-18-.1-6, 0400-13-1.1-.6)** TDEC has proposed amendments that would provide procedures and requirements for accreditation of lead-based paint activities and renovation training programs; outline procedures and requirements for certification of individuals and firms engaged in lead-based paint activities; and provide work practice standards for performing such activities. Amendments would repeal unnecessary provisions, and stipulate that all lead-based paint activities be performed by certified individuals and firms. OGC completed its review the week of 03/09/10. The rule was sent to the Attorney General for review and to ensure that legislative authorities are in existence and cited properly. The rule remains at the Attorney General's Office. It is anticipated that the rule will be filed with the Secretary of State. Once filed, the rule becomes effective 90 days later.

[Notice of Proposed Rulemaking](#)

Contact: [Adrienne White](#), 615-532-0885

**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. Contact: [Greg Luke](#), 615-532-0874

**WASTE MANAGEMENT PROGRAM (TAC 0400 VARIOUS AND 1200-1-VARIOUS)** TDEC is proposing to repeal rules regarding solid waste management in various sections of Chapter 1200-0, and move them throughout various sections of new Chapter 0400-12. The effort would establish a voluntary alternate set of flexible and protective generator requirements applicable to laboratories owned by eligible academic entities, and address the specific nature of hazardous waste generation and accumulation in these laboratories. The rule would adopt Federal changes to agreements concerning transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD). The rule was proposed 06/10/11, a public hearing was held 08/05/11, and the comment deadline was 08/11/11. A [Public Hearing](#) was held, and public comments were due 09/14/11. Contact: [Mr. David Moran](#), 615-532-0875

**CORRECTIVE ACTION ORDER** The TDEC Division of Solid Waste Management (DSWM) proposes to issue an order to DoD, Army, owner of the former Volunteer Army Ammunition Plant (VOAAP) EPA ID Number: TN6 21 002 0933, located in Chattanooga, Hamilton County, Tennessee. The order will include conditions for continuing corrective action of solid waste management units (SWMUs) and areas of concern (AOCs). These conditions apply to the entire site. Currently, all corrective action oversight at VOAAP is being conducted by the EPA and the DSWM in accordance with an EPA-issued Administrative Order under Section 3008(h) of RCRA. On 04/11/07, DSWM notified the Army that VOAAP was included on the 2020 GPRC Cleanup Baseline. As a result, DSWM and EPA have the responsibility of ensuring that corrective action be completed at VOAAP or, alternatively, a protective final remedy will be in place (i.e., remedy construction complete) by the end of 2020. Since Tennessee is authorized to implement corrective action, all parties have agreed to consolidate all ongoing corrective action under an enforceable document with DSWM as the lead agency. The order identifies known SWMUs and AOCs for the entire VOAAP site. DOD is required to investigate any releases of hazardous waste or hazardous constituents pursuant to this agreed order and to take appropriate corrective action for any such releases. In addition to corrective action, under the conditions of this agreed order, DoD is also required to notify of imminent hazards; and as applicable, comply with the requirements developed under land disposal restrictions and organic air emission standards. DSWM proposes to issue the order under the authority of the Tennessee Hazardous Waste Management Act of 1977, Tennessee Code Annotated, Section 68-212-101 et seq., and Tennessee Rule Chapter 1200-01-11, Hazardous Waste Management. A draft order has been prepared and is available for public review and comment. A Fact Sheet summarizing corrective action activities to date has also been prepared and is available for public review. The order is pending action by TDEC.

[Notice of Intent](#)

Contact: Roger Donovan, 423-757-5310

**UST PROGRAM OPERATOR TRAINING (0400-18-01-.01, 0400-18-01-.16)** TDEC has proposed amendments to petroleum UST regulations to clarify requirements for operator training. 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 TDEC 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 was amended. The regulated community requested that TDEC define the term "unmanned facilities" to clarify which requirements apply to manned and unmanned facilities. Regulations were also amended to make it easier for the regulated community to confirm training for designated class C operators. Requested clarifications are contained in these proposed amendments. The [Notice of Rulemaking Hearing](#) was published 01/23/12. A Hearing was held, and comments were due 03/13/12. Contact: [Rhonda Key](#), (615) 532-0989

## Department of Defense Activity

**OPERATIONAL ENERGY STRATEGY (03/06/12)** DoD released its [Operational Energy Strategy Implementation Plan](#), which establishes specific targets and associated near-term activities keyed to the goals of the Operational Energy Strategy released in June 2011. For each target and associated activity, the plan describes challenges, ongoing efforts, re-

sponsibilities, and implementation date categories of near-term fiscal year (FY) 2012-2013; FY2014-2018, and/or long-term FY 2019+.

**DoD RENEWABLE ENERGY PROJECT FINANCING (04/04/12, GAO-12-401)** The Government Accountability Office (GAO) has issued a [report](#) that reviews funding and financing approaches available for renewable energy projects on military installations. The report summarizes approaches and qualitatively reviews benefits and drawbacks. GAO recommended that DoD issue comprehensive guidance to ensure key analyses (e.g., business case and cost benefit) are completed and that available financing approaches are fully considered. GAO also recommends that DoD develop a formalized communications process to share best practices on financing renewable energy projects among installations. For further information: [Brian J. Lepore](#) at (202) 512-4523.

**BIOBASED PROCUREMENTS (04/18/12, 77 FR 23365)** DoD, the Government Services Administration and the National Aeronautics and Space Administration are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement changes due to the Farm Security and Rural Investment Act that require contractors to report the biobased products purchased under service and construction contracts. This reporting will enable agencies to monitor compliance with the Federal preference for purchasing biobased products. This rule is effective 05/18/12. For clarification of content: William Clark, Procurement Analyst, 202-219-1813. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202-501-4755.

## Federal Activity

### AIR

**SECONDARY NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) FOR OXIDES OF NITROGEN AND SULFUR (04/03/12, 77 FR 20218)** EPA has issued a final rule that retains current nitrogen dioxide (NO<sub>2</sub>) and [sulfur dioxide](#) (SO<sub>2</sub>) secondary standards. Secondary standards address effects other than human health, such as damage to buildings and property, effects on vegetation, and effects on aquatic and terrestrial ecosystems associated with deposition of oxides of nitrogen and sulfur. Existing secondary standards for NO<sub>2</sub> are 53 ppb (parts per billion) averaged over a year; for SO<sub>2</sub>, 500 ppb averaged over three hours, not to be exceeded more than once per year. EPA will continue to study the impacts [NO<sub>x</sub>](#) and SO<sub>x</sub> on sensitive ecosystems to aid in considering an appropriate multi-pollutant standard. For further information: [Ginger Tennant](#), EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC; 919-541-4072.

**NEW SOURCE PERFORMANCE STANDARDS FOR EGUs (04/13/12, 77 FR 22392)** EPA is proposing new source performance standards (NSPS) for emissions of carbon dioxide (CO<sub>2</sub>) for new affected fossil fuel-fired electric utility generating units (EGUs). New fossil fuel-fired EGUs greater than 25 megawatt electric (MWe) will be required to meet an output-based standard of 1,000 pounds of CO<sub>2</sub> per megawatt-hour, based on the performance of widely used natural gas combined cycle technology. New coal- or pet coke-fired units could meet the standard by employing carbon capture and storage (CCS) of approximately 50% of the CO<sub>2</sub> in startup exhaust gas, or through later application of more effective CCS to meet the standard on average over a 30-year period. Comments are due by 06/12/12. For further information: [Christian Fellner](#), Energy Strategies Group, EPA, Research Triangle Park, NC, (919) 541-4003.

**GHG INVENTORY (04/16/12)** EPA has released the [17th annual US GHG inventory](#). The final report shows overall emissions in 2010 increased by 3.2 percent from the previous year. The trend is attributed to an increase in energy consumption across all economic sectors, due to increasing energy demand associated with an expanding economy, and increased demand for electricity for air conditioning due to warmer summer weather during 2010.

### ENERGY

**DOMESTIC NATURAL GAS RESOURCES (04/13/12)** The President has issued an Executive Order (EO) titled, "[Supporting Safe and Responsible Development of Unconventional Domestic Natural Gas Resources](#)." It states, "While natural gas production is carried out by private firms, and States are the primary regulators of onshore oil and gas activities, the Federal Government has an important role to play by regulating oil and gas activities on public and Indian trust lands, encouraging greater use of natural gas in transportation, supporting research and development aimed at improving the safety of natural gas development and transportation activities, and setting sensible, cost-effective public health and environmental standards to implement Federal law and augment State safeguards." The EO establishes the Interagency Working Group to Support Safe and Responsible Development of Unconventional Domestic Natural Gas Resources,

chaired by the Director of the Domestic Policy Council, and including deputy level members from the Departments of Defense, Interior, Agriculture, Commerce, Health and Human Services, Energy, Homeland Security, and EPA, the Council on Environmental Quality (CEQ), the Office of Science and Technology Policy, the Office of Management and Budget, the National Economic Council, as well as potential others.

## ***ENVIRONMENTAL JUSTICE***

**ENVIRONMENTAL JUSTICE IMPLEMENTATION PLAN (04/17/12)** The Office of Civil Rights, in consultation with the Office of Environmental Justice and the Office of General Counsel, have developed a draft implementation plan, "[Advancing Environmental Justice through Title VI](#)." The draft focuses on Title VI and its integration with Plan EJ 2014. Comments are due 06/19/12.

## ***HAZARDOUS MATERIALS***

**PIPELINE DAMAGE PREVENTION PROGRAMS (04/02/12, [77 FR 19800](#))** The Pipeline Hazardous Materials Safety Administration (PHMSA) issued a Notice of Proposed Rulemaking (NPRM) to establish the criteria by which PHMSA will evaluate state excavation damage prevention law enforcement programs for minimum adequacy to protect public safety; establish an administrative process for making adequacy determinations; and establish Federal requirements PHMSA will enforce in states with inadequate excavation damage prevention law enforcement programs. PHMSA is seeking comments on several specific issues, including: Are states assessing civil penalties for violations at levels sufficient to ensure compliance, and are states making publicly available, information that demonstrates the effectiveness of states' enforcement program? Does the enforcement authority (if one exists) have a reliable mechanism (e.g., mandatory reporting, complaint-driven reporting, etc.) for learning about excavation damage to underground facilities? Do states' excavation damage prevention laws require the following? A) Excavators may not engage in excavation activity without first using an available one-call notification system to establish the location of underground facilities in the excavation area. B) An excavator who causes damage to a pipeline facility: 1. Must report the damage to the owner or operator of the facility at the earliest practical moment following discovery of the damage; and, 2. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid that may endanger life or cause serious bodily harm or damage to property, must promptly report to other appropriate authorities by calling the 911 emergency telephone number or another emergency telephone number. Comments are due 06/01/12. For further information: [Sam Hall](#); PHMSA, (804) 556-4678.

**POLYBROMINATED DIPHENYLETERS (04/02/12, [77 FR 19862](#))** EPA has proposed amending the Toxics Substance Control Act (TSCA) Significant New Use Rule (SNUR) for certain polybrominated diphenylethers (PBDEs), which are mainly flame retardants used in plastics, foams, fabrics and other materials. There is growing evidence that PBDEs persist in the environment and accumulate in living organisms, as well as toxicological testing that indicates these chemicals may cause liver toxicity, thyroid toxicity, and neurodevelopmental toxicity. Affected by this action are manufacturers, importers or processors of tetraBDE through decaBDE. The phase out of c-decaBDE will be accomplished in two steps; no later than 12/31/12, manufacturers and importers of c-decaBDE would cease manufacture and import for all uses, including in articles, with the exception of military and transportation uses; and no later than 12/31/13, they would cease manufacture and import for all uses including military and transportation uses, including use in articles. Comments are due 06/01/12 For [further information](#): [John Bowser](#); EPA Chemical Control Division, Washington, DC; (202) 564-8082.

**HAZARDOUS WASTE (04/13/12, [77 FR 22229](#))** EPA is taking final action on two of six technical amendments that were withdrawn in a 06/04/10 Federal Register partial withdrawal notice. EPA has adopted a correction of the typographical error in the entry "K107" in a table listing hazardous wastes from specific sources, and a conforming change to alert certain recycling facilities that they have existing certification and notification requirements under the Land Disposal Restrictions regulations. The other four amendments withdrawn in the June 2010 partial withdrawal notice will remain withdrawn unless and until EPA determines action is warranted in the future. This final rule is effective on 05/14/12. For further information: [Jim O'Leary](#), USEPA, Office of Resource Conservation and Recovery, MC 5304P, 1200 Pennsylvania Avenue NW, Washington, DC 20460; (703) 308-8827.

**TOXIC SUBSTANCES CONTROL ACT ELECTRONIC REPORTING (04/17/12, [77 FR 22707](#))** EPA is proposing to require electronic reporting for information that must be submitted under TSCA section 4 pursuant to test rules and enforceable consent agreements (ECAs); section 8(a), Preliminary Assessment Information Rule (PAIR); and section 8(d) Health and Safety Data Reporting rules. EPA is also proposing amendments to certain TSCA section 5 reporting regulations to extend electronic reporting requirements to Notices of Commencement of Manufacture or Import, as well as support documents relating to TSCA section 5 notices submitted to EPA before 04/06/10. The proposed rule would require use of EPA's Central Data Exchange, and the Chemical Information Submission System (CISS) for submission of forms, reports

and other documents excluding TSCA section 5 submissions, which would use existing e-PMN software. This action is intended to streamline the reporting process and reduce administrative costs associated with information submission and recordkeeping. Comments are due 06/18/12. For further information: [Katherine Sleasman](#), Chemical Control Division, Office of Pollution Prevention & Toxics, EPA, 1200 Pennsylvania Ave, NW, Washington, DC 20460; tel:202-564-7716.

## **NATURAL RESOURCES**

**MIAMI BLUE BUTTERFLY (04/06/12, [77 FR 20948](#))** The US Fish and Wildlife Service (USFWS) listed the Miami blue butterfly as endangered, and determined that designation of critical habitat for the Miami blue butterfly is not prudent at this time. USFWS also listed the Cassius blue, Ceraunus blue, and Nickerbean blue butterflies as threatened due to similarity in appearance to the Miami blue in coastal south and central Florida. USFWS is establishing a special rule for these three species. Naval Air Station (NAS) Key West expressed commitment to work proactively with USFWS to address potential issues should the Miami blue be listed as endangered. The Navy commented its concern that if critical habitat was designated, it would have significant impacts on the Navy's ability to conduct mission-essential activities. USFWS has worked cooperatively with the Navy on its Integrated Natural Resource Management Plan (INRMP) for NAS Key West, and realizes the plan affords many provisions for successful ecosystem management and protections for listed species. USFWS will coordinate with NAS Key West to incorporate conservation actions for the Miami blue into the NAS Key West INRMP. This final rule became effective on 04/06/12. For further information: Larry Williams; FWS, South Florida Ecological Services Office, Vero Beach, Florida, 772-562-3909.

**BALD AND GOLDEN EAGLES (04/13/12, [77 FR 22267](#))** USFWS proposes to revise regulations for permits for nonpurposeful take of golden and bald eagles, where the take is associated with, but not the purpose of, an activity. USFWS proposes to extend the maximum term for programmatic permits to 30 years. The permits must incorporate conditions specifying additional measures that may be necessary to ensure the preservation of eagles, should monitoring data indicate the need for the measures. This change will facilitate responsible development of renewable energy and other projects designed to operate for many decades, while continuing to protect eagles consistent with statutory mandates. Comments are due by 05/14/12. For further information: USFWS, Chief, Division of Migratory Bird Management, 703-358-1714.

**BALD AND GOLDEN EAGLES (04/13/12, [77 FR 22278](#))** In an advance notice of proposed rulemaking, USFWS seeks comment on possible revisions to regulations under the Bald and Golden Eagle Protection Act for permits to take eagles where the take is associated with, but not the purpose of, otherwise lawful activities. USFWS specifically requests comment on regulation revisions that would require the project proponent to reduce take to the maximum degree practicable; circumstances under which permittees should be required to provide compensatory mitigation; and whether the goal of stabilizing or increasing breeding populations is an appropriate standard for USFWS evaluation of this permitting program. Comments are due by 07/12/12. For further information: USFWS, Chief, Division of Migratory Bird Management, 703-358-1714.

**83 CORAL SPECIES (04/17/12, [77 FR 22749](#))** The National Marine Fisheries Service (NMFS) is requesting comments on petition responses from the Center for Biological Diversity to list 83 coral species as threatened or endangered. NMFS is requesting comments on a [Status Review Report and a draft Management Report](#). The Status Review Report examines the biology of, threats to, and extinction risk of 82 coral species, while the draft Management Report describes existing regulatory mechanisms and ongoing conservation efforts to manage and conserve these species throughout the Caribbean and Indo-Pacific. The comment period has been extended to 07/31/12. For further information: Chelsey Young, NMFS, Pacific Islands Regional Office, 808-944-2137; Jennifer Moore, NMFS, Southeast Regional Office, 727-824-5312; or Marta Nammack, NMFS, Office of Protected Resources, 301-427-8469.

**ADAPTIVE MANAGEMENT GUIDE (04/20/12, [DOI PRESS RELEASE](#))** The Department of Interior recently published [Adaptive Management: The U.S. Department of the Interior Applications Guide](#), a new guide that provides federal, state, tribal and other natural resource managers with tools to more effectively address the complexities and uncertainties involved in natural resource management, especially under challenging conditions such as climate change.

## **WATER**

**TEMPLATE FOR CONSTRUCTION OF STORMWATER POLLUTION PREVENTION PLANS (03/21/12)** EPA has posted a new [template](#) for construction operators to use in developing stormwater pollution prevention plans, which are site-specific documents required as part of EPA's new 2012 Construction General Permit. The template is designed to help construction operators develop a stormwater pollution prevention plan that is compliant with the minimum requirements of the new permit. It allows operators to customize the document to the needs of the site, and includes tables and other fields

that are easy to fill out.

**DRAFT NATIONAL WATER PROGRAM STRATEGY (04/02/12, [77 FR 19661](#))** EPA has released the Draft National Water Program 2012 Strategy: Response to Climate Change (Draft 2012 Strategy) to address climate change challenges and to provide a long term vision for sustainable water resource management. Climate change alters the hydrological challenges to various aspects of water resource management, including how to: address risks to drinking water, wastewater and storm water infrastructure; protect quality of surface water, ground water and drinking water; build resilience of watersheds, wetlands, and coastal and ocean waters. EPA requests comments on: which Clean Water Act (CWA) and Safe Drinking Water Act (SDWA) program areas are most vulnerable to climate change; which strategic actions should be prioritized, and strategies that are missing or need revision; important partnerships that have not been identified; examples of methods for measuring and tracking progress and outcomes of adaptation activities; research priorities; additional references addressing the economics of climate change adaptation (e.g., assessing the costs and benefits of climate change adaptation projects); and examples of incorporating traditional ecological knowledge involving water resources into climate adaptation science and strategies. Comments are due 05/17/12. For [further information](#): Elana Goldstein, EPA, Office of Water, Washington, DC; 202-564-1800; [water\\_climate\\_change@epa.gov](mailto:water_climate_change@epa.gov).

# 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: [2012 USACE 2012 TRAINING PROGRAM \(PURPLE BOOK\)](#).** US Army Corps of Engineers FY 2012 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.

**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).

**MAY 3, 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.

**MAY 17, ONLINE: [INNOVATIVE ENERGY CONSERVATION MEASURES AT WASTEWATER TREATMENT FACILITIES](#).** EPA is hosting a free webinar on innovative energy conservation measures at wastewater treatment facilities. The first part of this webcast will focus on energy conservation and self-sufficiency based on EPA's 2010 document titled, "Evaluation of Energy Conservation Measures for Wastewater Treatment Facilities." The second part of the webcast will focus on the successful implementation of the various measures and energy recovery at the Sheboygan Regional Wastewater Treatment Plant in Wisconsin. Implementation of these cutting edge projects has enabled the facility to be well on its way to becoming energy self-sufficient.

**MAY 21-24, NEW ORLEANS, LA: [ENVIRONMENT, ENERGY SECURITY AND SUSTAINABILITY \(E2S2\)](#).** E2S2 provides participants with critical information and interaction on the challenges of the National Security Departments and Agencies, as reflected in this year's conference theme, "Government & Industry Partnerships: Addressing the Challenges of Our Resource-Constrained Times." E2S2 provides an opportunity to share ideas and create partnerships to meet and achieve environmental, energy security, and sustainability objectives across government and industry.

**MAY 21-23, BOSTON, MA: [GLOBAL CONFERENCE ON OCEANS, CLIMATE, AND SECURITY](#).** The purposes of the conference include: 1. raising the awareness level of the threat of climate change to our oceans and the consequent threat to our human and national security; 2. identifying and prioritizing the knowledge gaps in science and technology which inhibit understanding, response and adaptation to future threats; 3. and generating comprehensive human security policy and governance recommendations reflecting the climate, ocean, and security continuum.

**MAY 22-24, TUCSON, AZ: [ENVIRONMENTAL CONFLICT RESOLUTION \(ECR\) 2012, WORKING ACROSS BOUNDARIES](#).** The US Institute for Environmental Conflict Resolution invites you to the seventh national conference, an event filled with training workshops, plenary discussions, technology exhibits, panel sessions and presentations across four proposed conference tracks: Tribal Consultation, Collaboration and ECR; Collaborating at New and Larger Scales; Building Institutional and Practitioner Capacity for ECR and Collaboration; and ECR in Administrative and Litigation Contexts.

**MAY 22-25, ST. LOUIS, MO: [JOINT ENGINEER TRAINING CONFERENCE AND EXPO \(JETC\)](#).** The Society of Military Engineers provides a strong technical program that lays the foundation for the conference, supported by a robust, informational expo area, exciting technical tours and ample networking and social events.

**JUNE 3-6, ATLANTA, GA: [WINDPOWER 2012 CONFERENCE AND EXHIBITION](#).** The conference is recognized as one of the world's premier wind energy trade shows, bringing together attendees and exhibitors from every aspect of the industry.

Windpower 2012 combines education, exhibition and networking creating a venue for business development.

**JUNE 11-15, SHEPHERDSTOWN, WV:** [HABITAT CONSERVATION PLANNING FOR ENDANGERED SPECIES](#). This course addresses the basic steps and processes regarding Habitat Conservation Planning under Section 10(a)(1)(B) of the Endangered Species Act. Case studies and interactive exercises are used to reinforce lecture sessions.

**JUNE 19-21, SHEPHERDSTOWN, WV:** [CLIMATE CHANGE VULNERABILITY ASSESSMENT](#). This course is designed to guide conservation and resource management practitioners in two essential elements in the design of climate adaptation plans. Specifically, it will provide guidance in identifying which species or habitats are likely to be most strongly affected by projected changes; and understanding why these resources are likely to be vulnerable. Vulnerability Assessments are a critical tool in undertaking any climate change planning or implementation.

**JUNE 21-22, BOCA RATON, FL:** [RISK AND RESPONSE: SEA LEVEL RISE SUMMIT, FUTURE OF FLORIDA AND THE COAST](#). The purpose of this summit is to highlight interrelationships between sea level rise, limestone geology, and water management in Florida; share ongoing responses and adaptation planning of agencies, institutions, and civic society to sea level rise; and, compare the Florida situation and response with other vulnerable localities in the US and worldwide.

**JUNE 25-29, HOUSTON, TX:** [INTERNATIONAL CONFERENCE ON ENVIRONMENTAL SCIENCE AND TECHNOLOGY 2012](#). The conference will provide a multidisciplinary platform for environmental scientists, engineers, management professionals and government regulators to discuss the latest developments in environmental research and applications.

**JUNE 25-26, WASHINGTON, DC:** [DEFENSE, NATIONAL SECURITY AND CLIMATE CHANGE: BUILDING RESILIENCE AND IDENTIFYING OPPORTUNITIES RELATED TO WATER, ENERGY AND EXTREME EVENTS](#). US defense and intelligence communities are increasingly focusing resources on the operational and national security implications of climate change, water and energy. With the most recent quadrennial report identifying climate change as a global destabilizing force for the first time, an intelligence community assessment related global water security, Executive Order 13514 on sustainability across the Federal agencies, and an uncertain and unstable energy market, the challenges before American defense and national security communities to address water, energy and extreme events related risks and opportunities, as well as establish a leaner, more effective operational force in a down economy.

**JUNE 26-28, LOUISVILLE, KY:** [FEDFLEET AND MORE 2012](#). The conference agenda is structured to give attendees many opportunities to receive essential fleet and aviation training and to network with one another.

**JULY 9-13, SHEPHERDSTOWN, WV:** [WETLAND PLANT IDENTIFICATION](#). This course is designed to improve the ability of field staff to identify wetland plants using botanical manuals and floras. The class consists of several one-day sessions on the following groups: woody plants, including winter condition; herbaceous dicots; and grasses, sedges and rushes, and other monocots. Lectures discuss morphology, terminology and identification. Plants representative of that day's topic(s) are collected daily in the field and keyed-out in the classroom, in both directed and individual keying exercises.

**JULY 10-11, WASHINGTON, DC:** [BIOMASS 2012](#). The conference will bring together diverse stakeholders with key decision makers in the public and private sectors, as well as a range of interdisciplinary experts, to discuss the latest advances in bioenergy technology, policy news and financing strategies. Biomass 2012 will provide a superb forum for open dialogue about overcoming common challenges and sustaining our national commitment to building the advanced bioenergy economy.

**JULY 17-19, SAN ANTONIO, TX:** [ADVANCED HISTORIC LAW AND SECTION 106 COMPLIANCE](#). Tuition is free. For more information, contact [David-Bryden Pease](#).

**JULY 17, 20, WASHINGTON, DC:** [FIRST STEWARDS: COASTAL PEOPLES ADDRESS CLIMATE CHANGE](#). Join coastal indigenous elders, leaders, cultural practitioners, scientists and witnesses, as well as non-tribal participants, for the first national US symposium addressing climate change impacts on coastal indigenous peoples. Symposium dialogue will identify ways indigenous cultures may be able to increase resilience and adaptability to predicted climate change impacts. Participants will identify ways to incorporate indigenous ecological knowledge in US climate change science, education, and governance.

**AUGUST 19-22, ST. LOUIS, MO:** [GOVENERGY 2012](#). GovEnergy is recognized for delivering quality training to the federal energy management community. For 15 years the conference has attracted individuals eager to address the challenges of federal energy management, helping to foster ideas into action. By bringing together the nation's leading experts in policy, technology, and facility operations, Govenergy provides responsible, professional-grade education through a variety of learning experiences.

**AUGUST 22-24, SAVANNAH, GA: [2012 GEORGIA ENVIRONMENTAL CONFERENCE](#).** The annual conference is the state's largest and most comprehensive educational opportunity and will be attended by an estimated 500 state, local, and federal government officials, business and industry leaders, attorneys, consultants, engineers, energy experts, water planning districts and many others with a strong interest in Georgia's Environmental Programs.

**SEPTEMBER 24-26, WASHINGTON, DC: [2012 GREENGOV SYMPOSIUM](#).** The Symposium will bring together leaders from government, the private sector, non-profits and academia to identify opportunities to create jobs, grow clean energy industries, and curb pollution by incorporating sustainable practices into the Federal Government's operations. This year's event will be co-sponsored by CEQ and the Association of Climate Change Officers (ACCO).

**SEPTEMBER 30-OCTOBER 5, COLUMBUS, OH: [ECO SUMMIT 2012](#).** The summit will bring together respected minds in ecological science to discuss restoring the planet's ecosystems. Come hear Nobel Prize laureate Elinor Ostrom, Pulitzer Prize winners E.O. Wilson and Jared Diamond, Kyoto Prize winner Simon Levin, Stockholm Water Prize laureates Sven Jørgensen and William Mitsch, and many others in the first conference ever linking the Ecological Society of America (ESA), The International Association for Ecology (INTECOL) and the Society for Ecological Restoration International (SER). The symposia, general sessions, posters, and workshops cover a wide variety of ecological topics, over the entire week of the conference in parallel sessions.

**OCTOBER 13-14, WASHINGTON, DC: [2012 NAVAL ENERGY FORUM](#).** Creating Spartan Energy Warriors: Our Competitive Advantage is this year's theme, emphasizing the importance of energy as a tactical advantage in the crucial pursuit of energy security and independence. Come share in a forum that brings together top leaders from the Department of the Navy, industry and academia. Learn cutting-edge news from the experts themselves.

**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.

# 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
Regulatory Affairs Specialist	404-460-3135
Administrative Assistant	404-460-3130

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## 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 a 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, we 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 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/ESOH/REEO/>.