



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

March 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 Southern Review is a monthly electronic publication. To receive this publication, please email a request to rebecca.d.shanks.ctr@mail.mil. Please include a contact name and email address in the body of the message.



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DoD Funding for Energy Projects

OBAMA BUDGET MORE THAN DOUBLES DoD FUNDING FOR ENERGY PROJECTS (02/14/12, [FEDERAL TIMES](#))

The Obama administration is proposing to spend \$1 billion to make DoD more energy efficient, according to its proposed fiscal 2013 budget. The funds would more than double the \$400 million DoD spent in fiscal year 2010 on energy retrofits and renewable energy projects, and making new buildings more energy efficient. The request includes \$150 million to improve the energy efficiency of facilities and \$32 million to test new energy technologies for wide-scale deployment. Nearly 8.5% of the energy DoD produces and consumes comes from renewable energy, according to the administration. President Obama said in a 01/26/12 speech at Buckley Air Force Base that energy-efficiency efforts allow DoD to spend money on other projects. "What our military understands is that if we're smart on energy, that saves DoD budgets that allow them to do a whole bunch of other things," Obama said. In 2009, Obama issued an Executive Order that requires by 2020 federal agencies reduce greenhouse gas (GHG) emissions government-wide by 28% from a 2008 baseline. The 2005 Energy Policy Act also requires agencies to make sure that 7.5% of facility energy use comes from renewable energy by fiscal year 2013.

INSTALLATION SUSTAINABILITY AGREEMENT SIGNED (02/08/12, [DoD NEWS RELEASE](#))

DoD and EPA have signed an agreement that formalizes the partnership between these two agencies to develop and implement technologies that will help create sustainable American military bases all over the world. Under this [memorandum of understanding](#) (MOU), DoD and EPA's Office of Research and Development will collaborate in the development of innovative technologies to help create sustainable and resilient military bases across the country and overseas. The cutting-edge research of EPA and DoD scientists and engineers will be used to develop and demonstrate tools and technologies that will aid DoD in achieving its vision of sustainability.

Region 4

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



2012 SESSION DATES: 02/02/12 THROUGH 05/25/12

Adjournment dates are estimated and updated based on legislative activity

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 (SB 72) This action establishes funding for energy and fuel projects, the Advisory Commission on Public Interest Energy and Fuel Research and Development Grants, established, Public Interest Energy and Fuel Research and Development Grants Fund, established, Agriculture and Industries Department Center for Alternative Fuels to administer, appropriation.

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, SB 364) 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 (CNG) (HB 462) This act relates to incentives for use of motor vehicles powered by CNG. It provides state income tax credits for the costs of conversion of motor vehicles or incremental costs of purchasing CNG powered motor vehicles.

CLARIFYING 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.

PROPOSED RULES

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) The Alabama Department of Environmental Management (ADEM) has proposed 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). This 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. Contact: Chris Howard, Phone: (334) 271-7878

HAZARDOUS WASTE REGULATIONS (335-14) ADEM proposed amendments to Division 14, the state's hazardous waste program. RCRA §3006(b) requires that authorized State Programs be "equivalent" to the Federal program and continue to maintain equivalency as the Federal program changes. To retain state primacy in the hazardous waste program, ADEM must update its Administrative Code to reflect changes in federal requirements for regulation of hazardous waste. ADEM is proposing that the Environmental Management Commission adopt regulations reflecting changes made to EPA's regulations from 07/01/10 through 06/30/11. Changes include adoption of the Federal rule to remove saccharin and its salts from the list of hazardous constituents and the Federal technical corrections and clarifications rule. Regulatory lan-

guage was added to clarify certain regulations in the existing rules: a statement on use of drip pads by Small Quantity Generators was added; language to clarify existing requirements for management of used oil filters and rinsing of containers that held acute hazardous waste. A rule was added to revise current lamp crushing standards, and clarifying language was added regarding varying implications of a generator's annual notification. ADEM is proposing to correct a number of typographical and citation errors in the existing regulations. Notice of Proposed Rulemaking was issued 09/25/11. A public hearing was held, and comments were due 11/05/11. The rulemaking expired 02/03/12.

[Public Notice](#), [Proposed Rule](#)

Contact: [Hearing Officer](#)

SOLID WASTE AND MUNICIPAL SOLID WASTE (335-13, -14) ADEM proposes to amend its Administrative Code by creating 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.

[Public Notice](#), [Proposed Rule](#)

Contact: Molly Tatum, (334) 394-4360

COASTAL AREA MANAGEMENT PROGRAM REVISIONS (335-8-1-.09; 335-8-1-.10) ADEM has proposed revisions to the Division 8 Code for consistency with Federal regulations. This will be accomplished by making a Routine Program Change (RPC) and Regulation revisions. On 12/19/10, ADEM provided Notice of RPC of the Alabama Coastal Area Management Program (ACAMP) to NOAA's Office of Ocean and Coastal Management (OCRM). ADEM gave notice on that on 04/14/11, OCRM concurred with ADEM that their revision of Division 8 Regulations constituted an RPC. Federal consistency applies to approved changes upon publication of the 11/20/11 Public Notice. NOAA has approved a majority of the changes within the ADEM Division 8 Regulations as enforceable policies of the ACAMP. However, NOAA has not approved the Federal consistency timeframes because they are not entirely consistent with the CZMA regulations. OCRM has determined that its decision not to approve the Federal consistency timeframes does not impact Alabama's authority to conduct Federal consistency reviews; however, because the Federal consistency language discrepancy is confusing, ADEM Division 8 Regulations should be modified to be consistent with the existing Federal statutory and regulatory timeframes. Thus, ADEM proposes to modify ADEM Code R. 335-8-1-.09 and 335-8-1-.10 regulations to be consistent with the existing Federal statutory and regulatory timeframes. Comments were due 01/06/12. The rulemaking expires 04/05/12.

[Notice of Public Hearing](#), [Proposed Rules](#)

Contact: Molly Tatum, (334) 394-4360

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 was held 02/08/12. Comments were due 02/10/12. Contact: Molly Tatum, (334) 394-4360



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

LEGISLATION

ENVIRONMENTAL REGULATION (HB 503) This action creates, amends and revises numerous provisions relating to: local government comprehensive plans and plan amendments; programmatic general permits and regional general permits; permits for projects relating to stormwater management systems, coastal construction, dredge and fill activities, inter-modal logistics centers, and commercial and industrial development; ambient air quality and water quality standards; and solid waste disposal, to include waste to energy facilities. **HB 503 passed both the House and Senate, and was sent to the Governor.**

RECLAIMED WATER (HB 639) This measure provides that reclaimed water is eligible for alternative water supply fund-

ing; authorizes specified contract provisions for development of reclaimed water as alternative water supply; 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. **HB 639 passed both the House and Senate, and was sent to the Governor.**

BEACH MANAGEMENT (HB 691) This action specifies that adequacy of design and construction for projects is supported by certain evidence; authorizes 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; provides permit life for certain joint coastal permits; 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. **HB 691 passed both the House and Senate, and was sent to the Governor.**

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. **HB 979 passed both the House and Senate, and was sent to the Governor.**

FLORIDA CLIMATE PROTECTION ACT (HB 4001) This measure repeals provisions for cap and trade regulatory program to reduce greenhouse gas emissions from electric utilities. **HB 4001 passed both the House and Senate, and was sent to the Governor.**

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. **HB 7003 passed both the House and Senate, and was sent to the Governor.**

NULLIFICATION AND REPEAL OF ADMINISTRATIVE RULES (HB 7029) This action nullifies specific rules adopted by Northwest Florida Water Management District WMD, Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, South Florida Water Management District, 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. **HB 7029 passed both the House and Senate, and was sent to the Governor.**

ESTABLISHING NUMERIC NUTRIENT CRITERIA (HB 7051) This action requires FLDEP to publish certain notice; requires ratification of certain subsequent rules or amendments; directs FLDEP to submit specified rules to US EPA for review under the federal CWA. **HB 7051 is enacted under Chapter No. 2012-3.**

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; clarifies and revises procedures related to exchange of information between military installations and local governments under such 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. **HB 7075 passed both House and Senate, and was sent to the Governor.**

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. **HB 7081 passed both House and Senate, and was sent to the Governor.**

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. **HB 7117 passed both House and Senate, and was sent to the Governor.**

FINAL RULES

HEAVY-DUTY VEHICLE IDLING REDUCTION (62-285.420) The Florida Department of Environmental Protection (FLDEP) [adopted repealed rules](#) identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. Market incentives for diesel fuel cost savings renders the anti-idling requirements of Rule 62-285.420, F.A.C., unnecessary. A [Notice of Proposed Rule](#) was published 11/10/11, and a Hearing was held 12/08/11. The repeal became effective 02/16/12. It was published 02/17/12. Contact: [Patricia E. Comer](#), (850) 245-2288

ISSUANCE OF GENERAL PERMITS (FAC 40D-40.302) The Southwest Florida Water Management District (SFWMD) has proposed rules to clarify the threshold for general environmental resource permits when proposed activities occur in, on or over wetlands and other surface waters. Under current rule language, general permit activity in, on or over wetlands and other surface waters must be limited to one acre or less. Excluded from the calculation of this one-acre limit are upland-cut ditches and wholly-owned isolated wetlands or other surface waters less than one-half acre in size, and for which mitigation is not required. Under Section 3.2.2.2 of the District's Environmental Resource Permitting Information Manual Part B, Basis of Review, alterations to wholly-owned ponds constructed entirely in uplands and less than one-acre in size do not require mitigation to offset adverse impacts to fish and wildlife. The proposed amendment would exclude from the general permit threshold of one-acre of activities in wetlands or other surface waters, activities in wholly-owned ponds up to one-acre in size constructed entirely in uplands, and for which mitigation is not required. The effect would reduce unnecessary regulatory burdens and achieve streamlining benefits for the regulated public when proposed activities involve wetlands and other surface waters. The [Notice of Development of Rulemaking](#) was published November 10, 2011 and the Notice of Proposed Rule was published 11/18/11. A Notice of Rule Filing was published 02/10/12, and the rule became effective 02/15/11. Contact: Barbara Martinez, (352) 796-7211, ext 4660

CONSUMPTIVE USE PERMITS (CUPS) (FAC 40C-2.101, .331, .381, .501, .900) The St. Johns River Water Management District has adopted rulemaking to: expand modifications of CUPs by letter; clarify procedures and criteria for CUP modifications (including letter modifications) and renewals; revise and update permit limiting conditions and repeal outdated permit conditions; condense water use type categories; revise and update the CUP application form; adopt Water Use Record (EN-50) and Water Use Reporting (EN-51) forms; define "domestic use"; clarify and update compliance report requirements for 20-year CUPs; clarify requirements for supplemental irrigation models and expand the types of such models allowed; clarify permit transfer criteria; clarify monitoring requirements for water withdrawal quantities; reduce water use reporting requirements for certain small users if they annually submit an "Annual Statement of Continuing Use"; (13) clarify who must submit a water conservation plan as part of a CUP application; and miscellaneous conforming changes. A [Notice of Proposed Rule](#) was published 08/19/11. A [Notice of Meeting/Workshop Hearing](#) was published 10/21/11, and a Public Hearing was held 11/08/11. A [Notice of Change](#) published 12/22/11 and a [Notice of Rule Filing](#) was published 01/27/12. The rules became effective 02/02/12. Contact: [Wendy Gaylord](#), (386)326-3026

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 Public Workshop](#), [Notice of Rule Development](#)

Contact: Gerald Briggs, (850) 245-4250

SURFACE WATER QUALITY STANDARDS (FAC 62-302.200, .300, .400, .500, .520, .530, .540, .700, .800) FLDEP held two workshops to explore options with the public on Florida nutrient standards and other relevant provisions of water quality standards. The workshops were used to discuss concepts and gain public input on ideas for a State rule. Information gained will be used as part of the traditional State process of collaborative rulemaking. Note that FLDEP previously opened up Chapter 62-302, F.A.C., for establishment of nutrient standards, and then suspended that rulemaking. Workshops were held June 06/14/11-06/16/11, and 10/04/11.

[Notice of Hearing/Public Workshop](#)

Contact: [Eric Shaw](#), 850-245-8429

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). [Notice of Development](#) was published 10/28/11. Contact: [Brian Dougherty](#), 850-245-7503

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



2012 SESSION DATES: 01/01/12 THROUGH 04/13/12

Georgia has two-year sessions (2011-2012); 2011 bills carry over for consideration in 2012. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

BONA FIDE CONSERVATION USE PROPERTY (HB 916) This measure changes certain qualifications and restrictions regarding covenants.

GREENHOUSE GAS (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.

PROPOSED RULES

WASTEWATER DISCHARGE INTO POTWS (391-3-6-.08, -.09) The Georgia Environmental Protection Division (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.

[Public Meeting Notice](#)

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.

[Notice of Proposed Rulemaking](#)

Contact: Marzieh Shahbaz, (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 gaso-

line 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

INDUSTRIAL STORMWATER DISCHARGES (GAR050000) The 2006 NPDES General Permit No. GAR000000 for Storm Water Discharges Associated with Industrial Activity expired 07/31/11. GAEPD is revising the existing permit for re-issuance in August 2011. The 2006 NPDES General Permit No. GAR000000 (being replaced by GAR050000) continues in force and effect until the new general permit is 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 authorizes 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 proposed NPDES General Permit will authorize 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 would be valid for a maximum of five years. A [Public Notice](#) was published 01/17/12. Comments are due 03/16/12. Contact: Frances Carpenter, 404-675-1605

ANTIDEGRADATION POLICY (391-3-6-.03) This [rule is being amended](#) to revise the State'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 12/01/11.

[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 is 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 1, 2012 THROUGH APRIL 9, 2012

Adjournment dates are estimated and updated based on legislative activity

LEGISLATION

ALTERNATIVE FUEL AND RENEWABLE ENERGY (HB 103) This measure amends KRS 48.705 to annually remove one percent of the balance in the budget reserve trust fund to be divided equally between the Kentucky alternative fuel and renewable energy fund, the rural development fund, and the water quality account of the infrastructure revolving fund, to be used for research and development; creates a new section of KRS 152.00-710 to 152.00-725 to establish the alternative fuel research trust fund; and establishes the water quality account.

ENERGY (HB 167) This action encourages greater energy efficiency and conservation, and the use of renewable resources in order to promote energy independence and security; stabilizes long-term energy prices and encourage economic growth; creates high-quality jobs, training, business and investment opportunities in the Kentucky energy sector; sets specific obligations to achieve specified increases in applications of various renewable energy forms; provides for PSC denial of issuance of certificates for public convenience and necessity for new or expanded conventional generating capacity for utilities that fail to fulfill obligations to diversify energy sources and increase efficient use of energy.

NET METERING (HB 187) This measure expands eligibility requirements for net metering.

CLEAN AND ALTERNATIVE TRANSPORTATION FUELS (HB 245) This action defines "clean transportation fuel," "conversion," and other terms associated with retrofitting vehicles to operate on compressed or liquefied natural gas; includes natural gas in the definition of "alternative transportation fuels" and includes Kentucky's public and private colleges in the state strategy relating to those fuels; includes local government entities in the definition of "eligible company" for the alternative fuel and renewable energy program; and establishes income tax credits for persons who convert vehicles to burn natural gas or buy new vehicles that do so.

PROMOTION OF ALTERNATIVE ENERGY (HB 246) This measure expands the types of alternative and renewable energy that qualify for incentives; expands the types of alternative fuels, renewable energy, energy storage, and component manufacturing facilities that qualify for incentives; and exempts sales of some geothermal drilling supplies and tools from sales and use tax.

STORMWATER (HB 477) This measure relates to sanitation districts. It amends KRS 220.010 to include a definition for storm drainage/water; amends KRS 220.030 to allow sanitation districts to provide storm drainage/water services on behalf of or in conjunction with municipalities through an interlocal agreement; and creates a new section of KRS Chapter 220 to allow municipalities who have a interlocal agreement with a sanitation district to levy rates, fees or charges for storm drainage/water services and limit use of the rates, fees or charges.

WELLS FOR GEOTHERMAL SYSTEMS (HB 561) This bill amends KRS 223.400 to add definitions for "geothermal borehole" and "geothermal system," and to amend the definition for "water well;" amends KRS 223.435 to require the secretary of the Kentucky Energy and Environment Cabinet (KEEC), upon recommendation of the Kentucky Water Well Certification Board, to promulgate administrative regulations establishing standards of practice for drilling geothermal boreholes and installing geothermal systems; requires administrative regulations to include annually recurring certification requirements for geothermal borehole drillers; requires administrative regulations to be proposed within one year of the effective date of the Act; and amends KRS 223.455 to authorize KEEC to enter onto property, consistent with due process, to obtain information on geothermal system installation.

CONSERVATION EASEMENTS (SB 199) This measure creates a new section of KRS Chapter 141 and amends KRS 141.0205 to establish an income tax credit for donated conservation easements.

FINAL RULES

FOREST BIOMASS FOR ENERGY The Kentucky Division of Forestry has released [recommendations for harvesting forest biomass](#) as an alternative energy source. Recommendations for the protection of water quality, wildlife habitat, native species and site productivity are addressed in detail, and are aligned with key issues in the Kentucky Forest Action Plan

and the State's energy plan. The News Release was published 11/14/11. Contact: Division of Forestry, (502) 564-4496

NATIONAL CONSERVATION EASEMENT DATABASE RELEASED KEEC announced the release of the National Conservation Easement Database (NCED), a collaborative effort among five leading conservation organizations. The database represents the most complete easement dataset for the US, providing information on more than 80,000 easements that equate to 17.8 million acres. The [News Release](#) was published 12/19/11. Contact: [Kentucky State Nature Preserves Commission](#), (502) 573-2886

PROPOSED RULES

BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING (807 KAR 5:100, 5:110) 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 nonattainment to attainment for the annual PM2.5 NAAQS to address sections 107 and 175A of the CAA. The revision, when approved by EPA, will re-designate the Counties of Bullitt and Jefferson to attainment, and document that ambient monitoring data for annual PM2.5 indicates NAAQS attainment. A [Notice of Public Hearing](#) was published 12/21/11. A hearing was held, and comments were due 02/03/12. Contact: [John Gowins](#), (502) 564-3999



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

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

LEGISLATION

GREEN STANDARDS (HB 93) This measure provides credit to contractors for homes constructed in accordance with certain Green standards; provides an income tax credit to state licensed contractors for construction of single-family homes constructed in accordance with and certified by the national green building certification program, and have received a national green building certificate.

ENERGY AND TAXES (HB 1051, HB 1531) These bills propose an income tax credit for certain costs and expenses incurred by a taxpayer for certain energy efficiency improvements to homes; authorize an income tax credit for certain expenses incurred for installation of a wind or solar energy system in the home of the taxpayer or at a business or commercial property owned by the taxpayer; exempt from ad valorem taxation, the true value added to a property as a result of the installation of a wind energy system or a solar energy system that is eligible for the tax credit; and for related purposes.

MISSISSIPPI ENERGY SUSTAINABILITY AND DEVELOPMENT ACT (HB 1330) The purpose of this act is to coordinate all energy-related needs and activities in Mississippi with the objective of providing an efficient and economical energy system through a statewide plan.

CLEAN AIR ACT TITLE V PERMIT FEES (SB 2812) This is an act to amend section 49-17-30, Mississippi code of 1972, to remove the maximum annual fee limitation for air operating permits required under title v of the federal clean air act; and for related purposes.

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 stan-

dards 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, GROUNDWATER USE AND PROTECTION (LW-2: 51-3-13, 51-3-31, AND 49-17-703) The Mississippi Department of Environmental Quality'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 the same sections and code. The [Notice of Proposed Rulemaking](#) (underlined at page 23) was published October 1, 2011, 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-year sessions (2011-2012); 2011 bills carry over for consideration in 2012. Adjournment dates are estimated and updated based on legislative activity.

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 the 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.

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 CO2, and possibly be required to install equipment to control emissions during the three year deferral period and during the permanent rulemaking process. EPA's future rulemaking is uncertain until EPA completes review of the scientific and technical issues related to accounting for biogenic CO2 emissions. A [public hearing](#) was held 09/28/11, and public comments were due 10/14/11. A second hearing is scheduled for 03/14/12, and comments are 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

OPEN BURNING (15A NCAC 02D .1900) NCDENR has proposed amendments in response to the General Assembly's Session Law 2011-394, House Bill 119, which makes changes to rules that govern open burning without a permit and air curtain burners. [Draft Rule Amendments](#) were published 10/18/11. Contact: [Joelle Burlison](#), 919-733-1474

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 CO2 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 CO2 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](#) is scheduled for 03/14/12, and comments due 04/02/12. There is also a [separate temporary rulemaking action](#). Contact: [Joelle Burlison](#), (919) 707-8720:

WATER TREATMENT PLANT OPERATOR APPLICATIONS AND CERTIFICATES (15A NCAC 18D .0201, .0304) The Department of Environmental Health has [proposed amendments](#) to add apprentice certification for water treatment facility operators. The apprentice certification will allow applicants to take certification examinations prior to obtaining experience. An applicant who passes the examination without experience will be certified as an apprentice until the required experience is obtained. Revisions allow the Board to require operators to go back to school when they request reinstatement of certifications if the certification has been expired, revoked or retired for more than five years. Notice of Proposed Rules was published 10/17/11; hearing held 11/01/11; and comments due 12/16/11. The [Rules Review Commission Minutes](#) were published 02/15/12. Contact: [Lancie Bailey](#), (919) 715-9517



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

South Carolina has two-year sessions (2011-2012); 2011 bills carry over for consideration in 2012. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

INTERNATIONAL ENERGY CONSERVATION CODE OF 2009 ([HB 4639](#), [SB 1110](#)) This bill adopts the 2009 edition of the international energy conservation code as the energy standard.

EXEMPTIONS AND LIMITATIONS ON POLLUTANTS ([HB 4654](#), [SB 1126](#)) This measure prohibits discharge of pollutants into the environment and remedies for violations; provides exemptions and limitations on exemptions; specifies that no private cause of action is created by or exists under the pollution control act; amends section 48-1-130 relating to final orders of the South Carolina Department of Environmental Health and Conservation (SCDHEC) discontinuing discharge of pollutants; 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.

SAVANNAH RIVER ([HJR 4627](#)) This joint resolution suspends SCDHEC's authority 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 and replaces that of SCDHEC with regard to actions concerning the South Carolina portion of the River by enactment of act 56 of 2007, effective 05/01/07. **HJR 4627 passed both houses; Governor vetoed, then the veto was overridden. The measure became effective 03/01/12.**

DISAPPROVAL OF SCDHEC FEE REGULATIONS ([SJR 1098](#)) This joint resolution disapproves regulations that adjust the Safe Drinking Water Act (SDWA) fee structure to ensure adequate funds are available to cover costs associated with new federal drinking water regulations; continues to provide monitoring and compliance services for recently promulgated federal drinking water regulations.

WATER WITHDRAWAL FEES ([SB 1220](#)) This bill amends section 48-2-50 relating to fees imposed by SCDHEC for certain environmental programs, including the surface water withdrawal program, which are deposited into the environmental protection fund for administration of these programs. It also enumerates the fees for surface water withdrawal applications and permits that would otherwise have been repealed on 01/01/13.

PROPOSED RULES

SURFACE WATER WITHDRAWAL, PERMITTING, USE AND REPORTING (R. 61-119, 121-10, 121-12) This rulemaking 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 in-

clude 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 is scheduled for 04/12/12.

[Notice of Proposed Regulation](#)

Contact: [Mallori McAllister](#)



2012 SESSION DATES: 01/10/12 THROUGH 05/24/12

Tennessee has two-year sessions (2011-2012); 2011 bills carry over for consideration in 2012. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

RENEWABLE ENERGY: TENNESSEE HIGH GROWTH SUSTAINABLE JOBS ACT (HB 1533, SB 1777) This bill establishes a 100% sales tax credit for the amount of sales tax paid on any solar energy system, and, as described, requires the department of economic and community development to develop a state plan for the development of sustainable jobs programs. The measure also creates the sustainable jobs fund.

WATER POLLUTION (HB 2349, SB 2211) This measure requires the commissioner of the Tennessee Department of Environment and Conservation (TDEC) to impose certain conditions to provide mitigation of impact when issuing a permit for an activity that will cause alteration of aquatic resources in waters.

TAX EXEMPTION AND CREDITS (HB 2735, SB 2354) This action exempts from sales tax, the purchase of solar panels for legitimate business or commercial purposes.

TAX EXEMPTION AND CREDITS (HB 2918, SB 3335) This measure provides a sales and use tax refund for persons or entities installing a geothermal heat system in a residence or business.

PETROLEUM UNDERGROUND STORAGE TANKS (USTs) (HB 3014, SB 3184) This measure requires TDEC to regulate petroleum USTs only to the extent required by federal law.

RECYCLING (HB 3029, SB 2753) This action enacts the "Solid Waste Planning Act of 2012," which requires consideration of economic activities concerning recycling when promulgating rules and regulations concerning solid waste and landfills; makes certain other changes and additions to present law concerning recycling.

WATER POLLUTION (HB 3076, SB 3187) This measure authorizes municipal separate storm sewer systems that become qualified local programs pursuant to TDEC approval to administer their own NPDES storm water construction permitting programs and the review thereof.

WATER POLLUTION (HB 3077, SB 3186) This action authorizes phase I and phase II designated municipal separate storm sewer systems to administer their own NPDES storm water construction permitting programs and the review thereof.

GAS, PETROLEUM PRODUCTS, VOLATILE OILS (HB 3203, SB 3126) This measure directs the state oil and gas board to adopt regulations and governing standards for groundwater protection.

TDEC REPORTING REQUIREMENTS (HB 3248, SB 3078) This action expands TDEC reporting requirements on the hazardous waste regulatory program.

SOLID WASTE DISPOSAL (HB 3292, SB 3351) This measure requires that aluminum dross be disposed of in Class I landfills; prohibits increasing classification of existing landfills located within municipal boundaries to Class I; and requires local approval of increases in classification in counties and municipalities.

SOLAR TAX EXEMPTION AND CREDITS (HB 3395, SB 2917) This action authorizes a 20% tax credit for a qualified purchaser of solar panels and related solar energy technology to be installed in a residence or business; allows the credit to be applied against sales and use taxes and franchise and excise taxes

GREEN ENERGY PRODUCTION PROPERTY (HB 3520, SB 3296) This measure revises provisions governing the valuation and ad valorem assessment of green energy production property.

VARIANCES FOR CERTAIN OPEN BURNINGS (HB 3765, SB 3549) This action authorizes the air pollution control board to issue the TDEC Commissioner authority to grant variances for certain open burnings and emissions testing requirements.

WATER USAGE FEES (HJR 617) This joint resolution expresses opposition to US Army Corps of Engineers (USACE) water usage fees.

FINAL RULES

ADMINISTRATIVE PROCEDURES (1200-01--22; 0400-10-01--) TDEC has proposed changes to Chapter 1200-01-10 to reflect the reorganization of TDEC rules in order to be more logical and user friendly. Various additions and modifications will incorporate changes to the numbering designation of rules from 1200-01-10 to 0400-10-01, and correct typographical errors throughout all Chapters. The Notice of Rulemaking Hearing was filed 06/07/11. A hearing was held on 08/05/11, and [Rulemaking Hearing Rule](#) was filed 11/15/11. The rule became effective 02/13/12. Contact: [David Moran](#), (615) 532-0875.

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.

[Notice of Rulemaking Hearing](#)

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 is scheduled for, and comments are due 03/13/12. Contact: [Rhonda Key](#), (615) 532-0989

Department of Defense Activity

2011 SECRETARY OF THE ARMY ENVIRONMENTAL AWARDS (01/31/12) Each year, the Army recognizes and rewards excellence for the development, management and transferability of environmental programs that increase environmental quality, enhance the mission and help make the Army sustainable. Fiscal year 2011 runners up in the southeast include Fort Rucker, AL, Environmental Quality, Team/Individual and Fort Bragg, Installation Restoration Program Team, Sustainability, Industrial Installation.

2012 ENERGY STAR® CHP AWARD (02/07/12) EPA recognized two DoD facilities with the Energy Star Combined Heat and Power (CHP) award for taking an efficient, clean and reliable approach to generating power and thermal energy from a single source. By using CHP technology, award winners demonstrated leadership and a commitment to protecting peoples' health and the environment, while reporting annual energy savings of \$6.8 million. The recipients are the US Army Garrison Fort Bragg, NC and US Marine Corps Air Ground Combat Center Twentynine Palms, CA.

MEETING ENERGY EFFICIENCY, SUSTAINABILITY, AND ASHRAE STANDARDS AT DoD FACILITIES (02/29/12, [FEDCEN-TER](#)) The updated information highlights studies conducted by the Army and the Air Force on the costs and requirements of meeting energy efficiency, sustainability, and ASHRAE standards.

Federal Activity

AIR

NESHAP AND NSPS FOR STEAM GENERATING UNITS (02/16/12, [77 FR 9304](#)) EPA has finalized the national emission standards for hazardous air pollutants (NESHAP) from coal- and oil-fired electric utility steam generating units (EGUs) and standards of performance for fossil-fuel-fired electric utility, industrial-commercial-institutional, and small industrial-commercial-institutional steam generating units (76 FR 24976). EPA is: amending new source performance standards (NSPS) after analysis of public comments received; finalizing several minor amendments, technical clarifications and corrections to existing NSPS provisions for fossil fuel-fired EGUs and large and small industrial-commercial-institutional steam generating units; and establishing NESHAP that will require coal- and oil-fired EGUs to meet HAP standards that reflect application of the maximum achievable control technology (MACT). This final rule is effective 04/16/12. For further information: NESHAP, [William Maxwell](#), EPA, Research Triangle Park, NC; (919) 541-5430; NSPS, [Christian Fellner](#), EPA, Research Triangle Park, NC; (919) 541-4003.

2010 PRIMARY NAAQS (02/17/12, [77 FR 9532](#)) EPA is designating all areas of the country as "unclassifiable/attainment" for the 2010 NO₂ NAAQS, meaning that available information does not indicate that the air quality in these areas exceeds the 2010 NO₂ NAAQS. EPA and state agencies are currently working to establish an expanded network of NO₂ monitors, expected to be deployed in 2013. Once three years of air quality data have been collected from the expanded network, EPA will be able to evaluate NO₂ air quality in additional locations. EPA designates areas as "attainment" (meeting the standard), "nonattainment" (not meeting), or "unclassifiable" (insufficient data) after monitoring data is collected by state, local and tribal governments. Once nonattainment designations take effect, the state and local governments have three years to develop implementation plans outlining how areas will attain and maintain the standards by reducing air pollutant emissions contributing to their concentrations. For further [information](#): [Doug Solomon](#), EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC, (919) 541-4132.

PSD & TITLE V GHG TAILORING RULE STEP 3 (02/24/12, EPA RECENT ADDITIONS) EPA has released the text of an advanced notice of proposed rulemaking that maintains the applicability thresholds for GHG-emitting sources at the cur-

rent levels and [proposes two streamlining approaches](#) to improve administration of GHG PSD and title V permitting programs. Currently, new facilities with GHG emissions of at least 100,000 tons per year (tpy) carbon dioxide equivalent (CO₂e), and existing facilities with at least 100,000 tpy CO₂e making changes that would increase GHG emissions by at least 75,000 tpy CO₂e are required to obtain PSD permits. EPA is not proposing changes to these limits at this time. The first proposal addresses implementation of GHG plant-wide applicability limitations (PALs). It proposes to allow permitting authorities to issue GHG PALs on either a mass-basis (tpy) or a CO₂e-basis, and to allow PALs to be used as an alternative approach for determining whether a project is a major modification and whether GHG emissions are subject to regulation. The second proposal would create the regulatory authority for EPA to issue synthetic minor limitations for GHGs in areas subject to a GHG PSD Federal Implementation Plan (FIP). Comments are due 04/20/12. For further information: [Michael S. Brooks](#), EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC; (919) 541-3539.

CLIMATE CHANGE

GHG SINKS 1990-2010 (02/27/12, [77 FR 11533](#)) EPA issued its [Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2010](#), which contains annual emissions summarized by source category and sector. The inventory contains estimates of carbon CO₂, methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), and sulfur hexafluoride (SF₆) emissions. The report included: In 2010, total US GHG emissions were 6,865.5 Tg or million metric tons CO₂e. Total US emissions have increased by 11.0% from 1990 to 2010, and total emissions increased from 2009 to 2010 by 3.3% (222.5 7 Tg CO₂ Eq.). The increase from 2009 to 2010 was primarily due to an increase in economic output resulting in an increase in energy consumption across all sectors, and much warmer summer conditions resulting in an increase in electricity demand that was generated primarily by combusting coal and natural gas. Since 1990, US emissions have increased at an average annual rate of 0.5%. Comments are due 03/28/12. For further information: [Leif Hockstad](#), EPA, Climate Change Division, (202) 343-9432.

ENERGY

RAPID RESPONSE TEAM FOR ELECTRIC TRANSMISSION LINE PERMITTING (02/27/12, [77 FR 11517](#)) The Department of Energy (DOE) Office of Electricity Delivery and Energy Reliability is requesting information on permitting of transmission lines. On 08/31/11, the President issued a memorandum titled "Speeding Infrastructure Development Through More Efficient and Effective Permitting and Environmental Review." The memo directed agencies to take steps to coordinate and expedite permitting and review. On 10/05/11, the Administration announced creation of a Rapid Response Team for Transmission (RRTT). DOE poses several questions related to timelines for obtaining regulatory permits for transmission projects, whether delays in transmission project permitting are hampering development of energy generation projects, and what the target timelines for transmission project permitting should be. Comments are due by 03/28/12. For further information: [Lamont Jackson](#), DOE Office of Electricity Delivery and Energy Reliability, 202-586-0808.

NATURAL RESOURCES

LANDSCAPE CONSERVATION COOPERATIVES (LCCs) These public-private partnerships are composed of states, tribes, federal agencies, non-governmental organizations, universities and other entities. LCCs recognize that natural and cultural resources challenges transcend political and jurisdictional boundaries, and require a more networked approach to conservation—holistic, collaborative, adaptive and grounded in science—to ensure the sustainability of North America's land, water, wildlife and cultural resources. The LCC network is composed of 22 individual LCCs, several of which have relationships with conservation entities in Canada or Mexico. The REEO-S area of responsibility overlaps with the Appalachian, [South Atlantic](#) and Peninsular Florida LCCs.

ATLANTIC STURGEON (02/06/12, [77 FR 5914](#)) The National Marine and Fisheries Service (NMFS) issued a final ruling listing the Carolina and South Atlantic distinct population segments (DPSs) of Atlantic sturgeon as endangered species. It estimated there are less than 300 Carolina DPS adults spawning annually (total of both sexes) in major river systems occupied by the DPS in which spawning still occurs, whose freshwater range occurs in watersheds from the Roanoke River southward along the southern Virginia, North Carolina, and South Carolina coastal areas to the Cooper River. Within the Carolina DPS, dredging operations (including the blasting of rock) on the lower Cape Fear River, Brunswick River, and port facilities at the Army's Sunny Point Military Ocean Terminal and Port of Wilmington are extensive. NMFS has a large body of knowledge on potential effects to habitat from ESA section 7 consultations with the Army Corps of Engineers (USACE) on dredging in Gulf sturgeon habitat, as well as in habitat on the East Coast for shortnose sturgeon. It is unlikely that listing Atlantic sturgeon would inappropriately curtail or eliminate all maintenance dredging, as maintenance dredging is a common occurrence in areas inhabited by ESA-listed Gulf and shortnose sturgeon. However, through ESA consultations with USACE and other action agencies, NMFS may recommend or require conservation meas-

ures that reduce or eliminate potential impacts to Atlantic sturgeon and their habitat. NMFS believes additional research on the effects of dredging on Atlantic sturgeon habitat and on the locations of spawning, nursery, foraging and overwintering habitat in relation to potential dredging activities would be useful. There are an estimated 343 adults spawning annually in the Altamaha, and fewer than 300 adults spawning annually in other major river systems occupied by the South Atlantic DPS in which spawning still occurs, whose freshwater range occurs in the watersheds of the Ashepoo, Combahee and South Edisto (ACE) Basin in South Carolina to the St. Johns River, Florida. This final rule is effective 04/06/12. For further information: Kelly Shotts, NMFS, Southeast Regional Office (727) 824-5312 or Lisa Manning, NMFS, Office of Protected Resources (301) 427-8466.

RCRA

USTs (02/15/12, [77 FR 8757](#)) EPA has extended the comment period for proposed changes to the 1988 UST technical, financial responsibility, and state program approval regulations published in the Federal Register on 11/18/11 (76 FR 71708). EPA has proposed revisions to the UST regulations at 40 CFR Part 280 and 281, last revised in 1988. Changes include: adding secondary containment requirements for new and replaced tanks and piping; adding operator training requirements for UST system owners and operators; adding periodic operation and maintenance requirements for UST systems; removing certain deferrals (such as for leak detection for field constructed tanks and airport hydrant fuel distribution systems); adding new release prevention and detection technologies; updating codes of practice; adding requirements for demonstrating compatibility when alternative fuels or blends are stored; updating state program approval requirements to incorporate these new changes; and making editorial and technical corrections. There are potential cost impacts from compliance expenses for systems no longer deferred from leak detection requirements. A [Redline/Strikeout version of 40 CFR 280 and other comparison summaries](#) are available. Comments are now due by 04/16/12. For further information: [Elizabeth McDermott](#), EPA, OSWER/OUST, Washington, DC; (703) 603-7175.

SUSTAINABILITY

BIODEBASED AND SUSTAINABLE PRODUCT PROCUREMENT (02/21/12, [PRESIDENTIAL DOCUMENT](#)) The President has issued a [memorandum](#) to federal agencies and executive departments calling for increased procurement of biobased products and other sustainable products, expanding data collection requirements and metrics for this procurement, and tasking USDA to add additional biobased products and product categories.

WATER

USACE REISSUANCE OF NATIONWIDE PERMITS (02/21/12, [77 FR 10184](#)) USACE has reissued existing, and issued new nationwide permits (NWP) for work in streams, wetlands and other waters per CWA Section 404 and Section 10 of the Rivers and Harbors Act of 1899. USACE has reissued 48 of 49 existing nationwide permits necessary to replace existing permits set to expire 03/18/12. The NWPs authorize a variety of activities, such as aids to navigation, utility lines, bank stabilization activities, road crossings, stream and wetland restoration activities, residential developments, mining activities, commercial shellfish aquaculture activities, and agricultural activities. New NWPs include: NWP 51, which covers Land Based Renewable Energy General Facilities including facility construction, expansion or modification, including attendant features; and NWP 52, which covers Water Based Renewable Energy Generation Pilot Projects including water based wind or hydrokinetic proposals. Renewable energy facilities on both land and water may also continue to make full use of existing general permits to the extent at which they have previously operated. The effective date for the new and reissued NWPs is 03/19/12. Additional information about the [USACE Regulatory Program](#) is available. For further information: [David Olson](#), USACE, Washington, DC; 202-761-4922.

NPDES GENERAL PERMIT (02/29/12, [77 FR 12286](#)) EPA's Regional Offices have issued final the 2012 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from large and small construction activities. This construction general permit includes: new requirements that implement the technology-based Effluent Limitation Guidelines and New Source Performance Standards, issued by EPA for the construction and development industry on 12/01/09; and new water quality-based requirements for construction sites discharging stormwater to waters requiring additional pollutant control. EPA is issuing this construction general permit for five years, during which time the permit will provide coverage to eligible existing and new construction projects in all areas of the country where EPA is the NPDES permitting authority. The permit became effective 02/16/12. For further information: Greg Schaner, EPA Headquarters, Office of Water, Office of Wastewater Management, 202-564-0721.

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.

MARCH 20-23, NEW ORLEANS, LA: [ENVIRONMENTAL AWARENESS BOOTCAMP](#). The course covers in detail, numerous environmental air, water and waste regulations that may impact facilities.

MARCH 26-29. SAN DIEGO, CA: [2012 DoD ENVIRONMENTAL MONITORING AND DATA QUALITY WORKSHOP](#). The workshop includes technical training sessions, technical presentations, a plenary session featuring distinguished speakers, a Q and A forum, component meetings, poster session/meet and greets, an update on the DoD ELAP, and networking opportunities with members of the environmental community. It is open to interested environmental professionals involved with DoD sites or projects including representatives from the DoD services, other federal agencies, state, local, and tribal governments, academia, and the private sector.

MARCH 27-29, ORLANDO, FL: [2012 ENERGY EFFICIENCY \(EE\) GLOBAL FORUM](#). Delegates from all sectors of the energy industry, working in government, business and NGOs, hailing from 39 countries, and representing the leaders and decision-makers of today attend this high-level event. It the most concentrated gathering of influential energy efficiency professionals worldwide.

MARCH 28-30, ORLANDO, FL: [14TH ANNUAL INTERNATIONAL ABOVEGROUND STORAGE TANK CONFERENCE AND TRADE SHOW](#). Governmental agency experts help analyze storage tank situations. Learn about FLDEP enforcement and clean-up issues.

APRIL 3-5, WASHINGTON, DC: [6TH ANNUAL STATE OF ENVIRONMENTAL JUSTICE IN AMERICA CONFERENCE](#). The 2012 Conference and will endeavor to feature activities, including: Meet the Agencies, Small Town/Rural Community Business Forum, Minority Alternative and Renewable Energy Forum and new activities aimed at Historically Black Colleges and Universities and Other Minority Serving Institutions.

APRIL 10-12, PHOENIX, AZ: [CLIMATE CHANGE VULNERABILITY ASSESSMENTS](#). The United States Fish and Wildlife Service (USFWS) is offering this course designed to guide conservation and resource management practitioners through two essential elements in the design of climate adaptation plans and provide guidance in identifying which species or habitats are likely to be most strongly affected by projected changes. Vulnerability assessments are a critical tool in undertaking any climate change planning or implementation.

APRIL 11-12, WASHINGTON, DC: [2012 NATIONAL TRAINING CONFERENCE ON THE TOXICS RELEASE INVENTORY \(TRI\) AND ENVIRONMENTAL CONDITIONS IN COMMUNITIES](#). The theme of the conference is "Understanding the Past and Promoting a Sustainable Future." This year's conference will focus on pollution prevention (P2) and using Toxics Release Inventory data to promote sustainability. It will also include sessions on environmental data and conditions and trends in ecological and human health.

APRIL 16-18, NEW ORLEANS, LA: [GULF OF MEXICO CLIMATE COMMUNITY OF PRACTICE WORKSHOP](#). The Climate Community of Practice brings together extension, outreach, and education professionals, as well as community officials in the Gulf of Mexico region to learn how coastal communities can adapt to sea level rise, precipitation changes, and other climate-related issues. The group was formed by the National Oceanic and Atmospheric Administration's Gulf of Mexico Regional Collaboration Team and the four Gulf of Mexico Sea Grant Programs.

APRIL 18-20, NASHVILLE, TN: [CLEAN AIR \(CAA\) COMPLIANCE WORKSHOP](#). Understanding the CAA, permit process, planning process, etc., can be a cumbersome and confusing task. Understanding the basic concepts of the CAA Regulatory program and how they fit into every-day operations is the first step to compliance. This 2.5 day course will cover the CAA regulatory program from A-Z; providing a comprehensive overview of each regulation, permit, plan, etc., to provide better understanding of how to keep facilities in compliance.

APRIL 18-20, NASHVILLE, TN: [SPILL PREVENTION, CONTROL, AND COUNTERMEASURE \(SPCC\) AND STORMWATER COMPLIANCE WORKSHOP](#). This 2.5 day comprehensive SPCC and Storm Water Management course is designed for those indirectly or directly responsible for SPCC and storm water permitting and planning at their facility. The course is great for those new to the field and veterans who need a refresher.

MAY 3, ONLINE: [ACHIEVING ENERGY SECURITY IN FEDERAL FACILITIES](#). Offered by the Federal Energy Management Program (FEMP), the webinar builds competency in protecting agency core operations and critical mission functions by integrating energy security measures into upgrades, retrofits, and new construction projects. Focus areas include islanding smart grids, micro-grids, and advanced controls, reliability-centered maintenance, emergency planning and fail-safe scenarios, best practices and project examples.

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.

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 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 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.

AUGUST 19-22, ST. LOUIS, MO: [GOENERGY 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.

Staff Directory

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Region 4 Deputy Director	404-460-3125
Region 4 Counsel	404-460-3132
Region 4 REC	404-460-3136
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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 general guidance, and the reader should refer to cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations.

The US Army Regional Environmental and Energy Offices 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) a disproportionate effect on the Army or DoD, we coordinate with the potentially affected installations, commands, and/or other military Services to further assess the potential impact. If action is needed on a proposed measure, we work with Army or Service regulatory experts to communicate DA/DoD position, coordinating with the affected installations and commands. Comments are combined from all parties in a single DoD/Army package and formally submitted to the state.

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

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

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