



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

April 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.



Fort Bragg Goes Platinum

Right now, a new fire station at Fort Bragg, NC is not much more than a design on paper. But by fall 2010, the project will emerge as an environmental milestone for the US Army Corps of Engineers Savannah District. Upon completion, the facility will seek Platinum certification – the highest rating in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.

Once certified, the Fort Bragg Community Emergency Service Station will become the first LEED Platinum facility in the federal government, and possibly the first platinum-level fire station in the United States.

[\(full story text\)](#)

RUCKER REDUCES NATURAL RESOURCE CONSUMPTION (03/15/12, [FORT RUCKER](#)) Fort Rucker is doing its part to reduce energy and water consumption, reduce waste and promote recycling through its ongoing sustainability efforts. The installation is required to reduce its energy consumption by three percent a year, and water consumption by two percent a year, according to the Energy and Environmental Keys to Success in the Installation Management Campaign plan for Fort Rucker.

ARMY TO SURPASS GOALS FOR ENERGY SAVINGS PERFORMANCE CONTRACTS (03/22/12, [ASA IE&E](#)) The Army announced that it is likely to execute \$800 million in alternative financed energy efficiency projects in the next two years, more than double the amount that will be asked of the Army as part of the Federal Government's efforts to meet the requirements set forth in [President Obama's 12/02/11 Presidential Memorandum](#).

Table of Contents

Alabama	2
Florida	3
Georgia	7
Kentucky	9
Mississippi	10
North Carolina	11
South Carolina	12
Tennessee	14
DoD Activity	16
Federal Activity	17
Professional Development	19
Staff Directory	22

Region 4

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



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

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.

ALABAMA PUBLIC INTEREST ENERGY AND FUEL RESEARCH AND DEVELOPMENT GRANTS PROGRAM (SB 72, HB 518) This action establishes funding for energy and fuel projects; the Advisory Commission on Public Interest Energy and Fuel Research and Development Grants; and Agriculture and Industries Department Center for Alternative Fuels.

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

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

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

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

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

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

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) 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

SOLID WASTE AND MUNICIPAL SOLID WASTE (335-13, -14) ADEM has [proposed rules](#) to create Chapter 14 within the Solid Waste Program, pursuant to amendments to the Solid Wastes and Recyclable Materials Management Act enacted in 2008. ADEM proposes to establish technical and operational requirements for facilities engaged in solid waste composting. Among the proposed requirements for subject facilities would be to obtain permits from ADEM and implement certain control measures necessary to prevent migration of solid waste into the environment. The [Notice of Public Hearing](#) was published on 10/23/11. Comments were due 12/07/11. 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 expired 04/05/12. 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 NSPS and NESHAPs. Additional changes to Chapter 14 of Division 3 Code are being proposed to include federal definitions and requirements for replacement units at major sources located in areas designated as attainment or unclassifiable under the Clean Air Act (CAA). Chapter 335-3-14 is considered part of the federally-enforceable SIP, and revisions to it are proposed for incorporation into the Alabama SIP. A [Notice of Public Hearing](#) was issued 12/25/11. A meeting was held 02/08/12, and 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 funding; 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 the Florida Department of Environmental Protection (FLDEP) to issue permits for incidental take authorization; requires FLDEP to adopt and amend rules involving excavation and placement of sediment, guidelines and permit streamlining; provides permit life for certain joint coastal permits; requires FLDEP to maintain cer-

tain 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 WMD, St. Johns River WMD, Southwest Florida Water Management District WMD, South Florida WMD, former Department of Commerce, former Department of Health and Rehabilitative Services, Health Program Office, former Advisory Council on Intergovernmental Relations, or former Department of Labor and Employment Security. **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, concurrency, interlocal agreements, 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

PM2.5 AS A POLLUTANT WITH A SIGNIFICANT EMISSIONS RATE (62-210.200) FLDEP has adopted amendments that incorporate emissions from industrial facilities like electric utilities, pulp mills, and cement kilns into the state's air pollution control rules several elements related to control of fine particulate matter (PM2.5). Revisions to definitions at Rule

62-210.200, F.A.C., establish PM2.5 as a pollutant with a significant emissions rate, thereby making industrial facilities that emit PM2.5 potentially subject to preconstruction review for major stationary sources and major modifications (at Chapter 62-212, F.A.C.). A [Notice of Proposed Rules](#) was published 12/16/11; comments were due 01/06/12. A [Notice of Change](#) was published 01/13/12, and a Hearing was held 02/16/12. [Notice of Rule Filing](#) published on 03/23/12. [Final rules](#) became effective 03/28/12.

PROPOSED RULES

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

[Notice of Rule Development](#)

Contact: Gerald Briggs, (850) 245-4250

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

CONSOLIDATION OF RISK-BASED CORRECTIVE ACTION RULE CHAPTERS (62-780.100, .110, .150, .200, .220, .300, .400, .450, .500, .550, .600, .610, .650, .680, .690, .700, .750, .790, .900) FLDEP has proposed changes to all sections of Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria, as a result of merging Chapters 62-770 (Petroleum Contamination Site Cleanup Criteria), 62-782 (Dry cleaning Solvent Cleanup Criteria), and 62-785 (Brownfields Cleanup Criteria) into the existing Chapter 62-780, F.A.C. Amendment will provide rule consolidation and consistency across programs, where possible, based on governing statutes. Concurrently, FLDEP proposes to repeal Chapters 62-770, 62-782 and 62-785, F.A.C. A [Notice of Rulemaking Development](#) was published 03/09/12. A workshop is scheduled for 03/28/12. Contact: [Brian Dougherty](#), (850) 245-7503

WATER SHORTAGE PLAN (40D-21.031, .051, .211, .221, .231, .251, .275, .281, .331, .371, .391, .421, .441, .601, .621, .631, .641, .651) The Southwest Florida WMD has proposed rulemaking to amend its Water Shortage Plan (Chapter 40D-21, F.A.C, developed in 1984) to reduce unnecessary regulatory burdens and achieve other streamlining benefits for the regulated public. Each WMD is required by state law to have and implement a Water Shortage

Plan that guides response to drought and other water shortage events. [A Notice of Proposed Rules](#) was published on 03/09/12. Comments are due by 03/30/12. Contact: Barbara Martinez, (813) 985-7481

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

RECLAIMED WATER AND REUSE REQUIREMENTS (40E-20.091; 40E-20.301) The SFWMD [has proposed to amend Rules](#) 40E-20.091 and 40E-20.301(1)(h), F.A.C., and Section 3.2.3.2.B.2 of the Basis of Review for Water Use Permit Applications within the SFWMD. Amendments require water use permit applicants to obtain written documentation from the local reclaimed water provider addressing availability of reclaimed water. Amendments also require minor general water use permit applicants located within a mandatory reuse zone to perform an end-user feasibility evaluation. A [Notice of Rulemaking Development](#) was published 10/07/11; Workshop held 11/01/11; Notice of Rulemaking Development published 02/03/12; and another Workshop was held 02/21/12. [Notice of Rule Filing](#), [Final Rule](#)
Contact: [Paulette Glebocki](#), (561) 682-6941,

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

BUREAU OF ONSITE SEWAGE PROGRAMS FLDOH, Bureau of Onsite Sewage Programs has announced a public meeting to which all are invited. The purpose of the meeting is to discuss and guide current, proposed, and potential future onsite sewage research projects. This meeting will discuss the Nitrogen Reduction Strategies Study Progress Report to the Legislature. Other ongoing and possible future research projects may be discussed. Part of this meeting may be accessible via web conference with details to be posted on the [Bureau website](#). A [Notice of Public Meeting](#) was issued 03/30/12. It is scheduled for 04/10/12. Contact: [Elke Ursin](#), (850) 245-4070

EXISTING BROWNFIELD SITE REHABILITATION CRITERIA, PROCESS AND PROCEDURES (62-785.100, .150, .200, .220, .300, .400, .450, .500, .600, .610, .650, .680, .690, .700, .750, .900) FLDEP has proposed to merge existing Brownfield site rehabilitation criteria, process and procedures contained in Chapter 62-785, F.A.C. into Chapter 62-780, F.A.C.; Chapter 62-785, F.A.C., Brownfields Cleanup Criteria, will be repealed once current Risk-Based Corrective Action (RBCA) rule chapters are merged into Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria. This rulemaking will consolidate and provide consistency across cleanup programs. Concurrently, FLDEP is proposing the expansion of Chapter 62-780, F.A.C., to include all RBCA cleanup rules. A [Notice of Rulemaking Development](#) was published 03/16/12. A Workshop is scheduled for 03/28/12. Contact: [Kim Walker](#), (850) 245-8934

EXISTING DRY CLEANING SOLVENT CONTAMINATION SITE REHABILITATION CRITERIA, PROCESS AND PROCEDURES (62-782.100, .150, .200, .220, .300, .400, .450, .500, .600, .610, .650, .680, .690, .700, .750, .790, .900) FLDEP

has proposed to merge existing dry cleaning solvent contamination site rehabilitation criteria, process and procedures contained in Chapter 62-782, F.A.C. into Chapter 62-780 F.A.C.; Chapter 62-782, F.A.C., Dry cleaning Solvent Cleanup Criteria, will be repealed once current RBCA rule chapters are merged into Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria. This rulemaking will consolidate and provide consistency across cleanup programs. Concurrently, FLDEP is proposing the expansion of Chapter 62-780, F.A.C., to include all RBCA cleanup rules. A [Notice of Rulemaking Development](#) was published 03/16/12. A Workshop is scheduled for 03/28/12. Contact: [Jennifer Farrell](#), (850) 245-8937



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

Georgia has two sessions, and 2011 bills carry over

LEGISLATION

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

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

[Notice of Proposed Rulemaking, Synopsis of Proposed Amendments, Proposed Rule Text](#)

Contact: [Nap Caldwell](#), 404-463-4348

STANDARDS FOR PETROLEUM PRODUCTS (GAC 40-20-1-.01, -.12) The Department of Agriculture has proposed to update Rule 40-20-1-.01 to conform to ASTM International standard specifications, EPA regulations and practice. The gasoline sulfur specifications in Rule 40-20-1-0.01(a)(1) are revised to 95 ppm, which is also the downstream gasoline sulfur specification in EPA regulation found at 40 CFR 80.210. Lead specifications in Rule 40-20-1-.01(a)(4) and minimum octane ratings for leaded gasoline in Rule 40-20-2-.01(a)(7)(i) are deleted as they are no longer necessary because there leaded gasoline is no longer available for general consumption. The minimum temperature specification for

50% distillation of non-oxygenated Class D-4 gasoline in Rule 40-20-1-.01(a)(5)(i) is changed to 77°C/170° F to conform to specifications in the ASTM D4814 standard. Gasoline from origin to retail not blended with ethanol may meet a minimum 50% evaporated distillation temperature of 66°F for volatility class D-4 only. Gasoline meeting these limits is not suitable for blending with ethanol. Rule 40-20-2-.01(b)(2) is amended to require denatured ethanol used for gasoline blending meet the most recent version of specifications specified in ASTM D4806 standard. A reference to reformulated gasoline ("RFG") in Rule 40-20-2-.01(b)(5) is removed. EPA regulations no longer require minimum oxygen content for RFG. Kinematic viscosity specifications for Fuel Oils in Rule 40-20-2-.01(d)(1)(iv), (d)(2)(iv), (d)(3)(ii), and (d)(4)(ii) are changed to comply with specifications in ASTM D396, the Standard Specifications for Fuel Oils. A public hearing has not been scheduled. The deadline for public comment was 05/27/11.

[Notice of proposed rulemaking](#), [Proposed rules: 40-20-1-01](#), [40-20-1-12](#)

Contact: Rich Lewis, 404-656-3605

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 Number 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 was held 01/25/11. Contact: Director, Air Protection Branch, 404-363-7000

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



2012 SESSION DATES: JANUARY 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 would authorize budget reserve trust funds to be divided equally between the alternative fuel and renewable energy fund, the rural development fund, and the water quality account for research and development; and create the alternative fuel research trust fund.

ENERGY (HB 167) This action encourages greater energy efficiency and use of renewable resources in order to promote energy independence and security; encourage economic growths; denies issuing utilities Certificates for Public Convenience and Necessity for conventional generating capacity when they fail 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 measure includes natural gas in the definition of "alternative transportation fuels." It also includes colleges and local governments in the state alternative fuel and renewable energy strategy, and establishes income tax credits for vehicles converted to natural gas or buy natural gas vehicles (NGVs).

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 allows sanitation districts to provide storm drainage and water services on behalf of or in conjunction with municipalities.

WELLS FOR GEOTHERMAL SYSTEMS (HB 561) This bill promulgates administrative regulations that establish standards of practice for drilling geothermal boreholes and installing geothermal systems, and authorizes the Kentucky Energy and Environment Cabinet (KEEC) to enter onto property to obtain information on geothermal system installation.

CONSERVATION EASEMENTS (SB 199) This measure establishes 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) The Kentucky Energy and Environment Cabinet (KEEC) has proposed amendments to rules concerning [Board on Electric Generation and Transmission Siting](#) proceedings and permit application requirements. Amendment establishes procedures related to applications, filings, notice requirements, hearings and confidential material under the jurisdiction of the Kentucky State Board on Electric Generation and Transmission Siting; adds language regarding carbon dioxide pipelines; establishes the initial filing fee for an application with the Siting Board for a construction certificate for a carbon dioxide transmission pipeline.

Rules were proposed 06/04/11, and a public hearing was held 07/25/11. Comments were due 07/31/11. Following revisions based on comments received, a public hearing was held 10/24/11. Revisions await legislative approval.

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

Contact: Quang Nguyen, (502) 564-3940

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



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

Adjournment dates are estimated and updated based on legislative activity

LEGISLATION

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

ENERGY AND TAXES (HB 1051, HB 1531) This act authorizes an income tax credit for energy efficiency improvements and installation of a wind or solar energy system; exempts from ad valorem taxation the true value added to a property.

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.

SOLAR INCOME/FRANCHISE TAX CREDIT (HB 1638, SB 3014) This measure authorizes an income and/or franchise tax credit equal to a certain amount of the cost of purchasing and installing solar electric energy systems.

NGVs FOR MISSISSIPPI ACT OF 2012 (HB 1640) This bill supports delivery of natural gas to private refueling systems and public refueling stations. It authorizes an income tax credit for constructing or installing a natural gas conversion kit on a motor vehicle, and refueling systems installed at a private home or residence or at a business.

ELECTRIC VEHICLE TAX CREDIT (HB 1641) This measure authorizes an income tax credit on the purchase of a qualified plug-in electric drive vehicle or qualified hybrid electric vehicle.

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

PROPOSED RULES

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

SURFACE WATER AND GROUNDWATER USE AND PROTECTION (LW-2: 51-3-13, 51-3-31, AND 49-17-703) MSDEQ's Commission on Environmental Quality has proposed amendments to "Surface Water and Groundwater Use and Protection Regulations." Amendments to LW-2 would reduce public water infrastructure costs in the public. The Permit Board would have the authority to reject an application for proposed water withdrawal from a publicly owned utility (or require its modification) under circumstances where consolidation between publicly owned utilities would be less costly to the public than the proposed water withdrawal within the areas of the counties of George, Hancock, Harrison, Jackson,

Pearl River, and Stone; and will require permitting of groundwater replacement wells within the areas of the counties of George, Hancock, Harrison, Jackson, Pearl River, and Stone, pursuant to Miss. Code Amt. Sections 51-3-13, 51-3-31, and 49-17-703. The Commission would have the authority to require consolidation of water supply in circumstances where consolidation by and between publicly owned utilities would reduce costs to the public pursuant the same sections and code. The [Notice of Proposed Rulemaking](#) (underlined at page 23) was published 10/01/11, and comments were due 10/24/11. A Public Hearing was held 10/25/11. Contact: [Jamie Crawford](#), (601) 961-5201



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

North Carolina has two sessions, and 2011 bills carry over

LEGISLATION

SEDIMENTATION POLLUTION CONTROL ACT EXEMPTION ([SB 491](#)) This act specifies that the agricultural use exemption from sedimentation pollution control act permitting requirements continues to apply when 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.

[DRAFT AIR TOXICS REFORM](#) Proposed revisions were presented to the General Assembly 02/23/11. The proposed bill includes changes that will exempt sources that have already be evaluated for risk under 40 CFR Parts 61 or 63. For your facility, that would exempt activities evaluated under the Aerospace NESHAP, and Combustion Sources evaluated under the Boiler MACT. Not all sources evaluated for risk ended up with requirements or standards under these rules. The proposed decision date for the bill is no later than 11/30/12.

FINAL RULES

WATER TREATMENT PLANT OPERATOR APPLICATIONS AND CERTIFICATES ([15A NCAC 18D .0201, .0304](#)) The Department of Environmental Health has adopted rules to add apprentice certification for water treatment facility operators. The apprentice certification allows 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; Comments due 12/16/11. The [Rules Review Commission Minutes](#), [Approved Rules](#), and Minutes were published 02/15/12. Approved rules were published on 03/01/12. Contact: [Lancie Bailey](#), (919) 715-9517

OPEN BURNING ([15A NCAC 02D .1900, 1903, 1904](#)) The North Carolina Department of Environment and Natural Resources (NCDENR) has adopted 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. The [Rules Review Commission Minutes](#) and Final Rules ([15A NCAC 02D .1903, 15A NCAC 02D .1904](#)) are available. Contact: [Joelle Burleson](#), 919-733-1474

PROPOSED RULES

PSD REQUIREMENTS FOR GHGs ([15A NCAC 02D .0544](#)) The North Carolina Department of Natural Resources (NCDENR) has [proposed an amendment](#) to update the PSD for GHGs Rule in order to reflect the three year Federal deferral from consideration of CO2 emissions from combustion of biomass. The deferral was promulgated 07/20/11 (76 FR 43490). The Environmental Management Commission (EMC) is requested to approve one or more public hearings to consider these temporary rules. So the existing rule is no more restrictive than the Federal rule in accordance with G.S. 150B-19.3, NC Division of Air Quality (DAQ) needs to amend the State rule to incorporate the EPA deferral period for

biogenic CO2 emissions. Also under G.S. 150B 19.1(a)(2), an agency shall seek to reduce the burden upon those persons or entities who must comply with the rule being adopted. Deferring biogenic CO2 emissions will reduce the regulatory burden on affected facilities by eliminating biogenic CO2 emissions when determining whether a stationary source meets the PSD and Title V applicability thresholds, including those for the application of Best Available Control Technology (BACT). A Temporary Rule is being presented to the Board to ensure that stationary sources would not have to complete a BACT analysis for biogenic 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 Burluson](#), 919-733-1474

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

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

FEDERAL DEFERRAL OF 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](#) was held 03/14/12, and comments were due 04/02/12. There is also a [separate temporary rulemaking action](#). Contact: [Joelle Burluson](#), (919) 707-8720



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

South Carolina has two sessions, and 2011 bills carry over

LEGISLATION

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

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

NATIONAL OCEAN COUNCIL (HCR 4703) This concurrent resolution opposes and refuses to recognize or enforce the coastal and marine spatial plans created in South Carolina pursuant to the authority of the National Ocean Council.

SAVANNAH RIVER (HJR 4627) This joint resolution suspends the South Carolina Department of Health and Control's (SCDHEC) 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 the authority of SCDHEC for actions concerning the Savannah River. **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, and continues to provide monitoring and compliance services for recently promulgated federal drinking water regulations.

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

PROPOSED RULES

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

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

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

CLASSIFIED WATERS (R.61-68; R.61-69) SCDHEC has proposed amendments to R.61-68 to strengthen and improve the existing regulation and make appropriate revisions of the State's water quality standards in accordance with the Federal Clean Water Act (CWA), as required by Section 303(c)(2)(B) stating that South Carolina's water quality standards be reviewed and revised, where necessary, to comply with Federal regulatory revisions and recommendations. SCDHEC proposes revisions to replace fecal coliform as a bacterial indicator for recreational uses in freshwaters of the

State. Revisions would replace specific language regarding how the bacterial indicator species will be used for implementation activities of SCDHEC in all waters of the State and revisions associated with corrections or clarifications for language in the current regulation. SCDHEC proposes to amend R.61-69 for consistency with proposed language changes in R.61-68, to correct errors, and make other changes necessary to improve overall quality of the regulation. The first Notice of Drafting was published 04/22/11, and the second was published 07/22/11. A Notice of Proposed Regulations was published 10/28/11. Comments were due 11/20/11, and a Public Hearing was held 01/08/12.

[Proposed Rule Information](#)

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

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



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

Tennessee has two sessions, and 2011 bills carry over

LEGISLATION

RENEWABLE ENERGY: TENNESSEE HIGH GROWTH SUSTAINABLE JOBS ACT (HB 1533, SB 1777) This bill establishes a 100% sales tax credit for any solar energy system and requires development of 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 mitigation in permits 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 USTs (HB 3014, SB 3184) This measure requires TDEC to regulate petroleum USTs only to the extent required by federal law.

SOLID WASTE PLANNING ACT OF 2012 (HB 3029, SB 2753) This action requires economic consideration of recycling when promulgating solid waste rules and regulations; makes certain other changes to present recycling law.

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) (HB 3076, SB 3187 AND HB 3077, SB 3186) This measure authorizes MS4s to administer their own NPDES storm water construction permitting programs.

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 purchase of solar panels and related solar energy technology; 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 TDEC Commissioner to grant variances for certain open burnings and emissions testing requirements.

WATER USAGE FEES ([HJR 617](#)) This joint resolution expresses opposition to USCOE water usage fees.

SPECIAL JOINT COMMITTEE TO STUDY ZONING AND PLANNING ([SJR 701](#))

PROPOSED RULES

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

[Notice of Proposed Rulemaking](#)

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

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

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

CORRECTIVE ACTION ORDER The TDEC Division of Solid Waste Management (DSWM) proposes to issue an order to DoD, Army, owner of the former Volunteer Army Ammunition Plant (VOAAP) EPA ID Number: TN6 21 002 0933, located in Chattanooga, Hamilton County, Tennessee. The order will include conditions for continuing corrective action of solid waste management units (SWMUs) and areas of concern (AOCs). These conditions apply to the entire site. Currently, all

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

[Notice of Intent](#)

Contact: Roger Donovan, 423-757-5310

UST PROGRAM OPERATOR TRAINING (0400-18-01-.01, 0400-18-01-.16) TDEC has proposed amendments to petroleum UST regulations to clarify requirements for operator training. To correct an oversight, operator training regulations need to cover operation of USTs that are currently deferred in subparagraph (2)(b) of Rule 0400-18-01-.01. The International Code Council has notified TDEC that it will no longer offer the Tennessee UST System Operator Examination, and that it has made changes to the National version of that exam; therefore, subparagraph (2)(a) of Rule 0400-18-01-.16 was amended. The regulated community requested that TDEC define the term "unmanned facilities" to clarify which requirements apply to manned and unmanned facilities. Regulations were also amended to make it easier for the regulated community to confirm training for designated class C operators. Requested clarifications are contained in these proposed amendments. The [Notice of Rulemaking Hearing](#) was published 01/23/12. A Hearing is scheduled for, and comments are due 03/13/12. Contact: [Rhonda Key](#), (615) 532-0989

Department of Defense Activity

OPERATIONAL ENERGY STRATEGY IMPLEMENTATION PLAN (03/09/12, [PRESS RELEASE](#)) DoD has released an [Operational Energy Strategy Implementation Plan](#). The plan, release in June 2011, establishes seven specific targets and associated near-term activities keyed to the goals of the Operational Energy Strategy. Plan targets and sub-elements include: measure operational energy consumption and establish baselines; report on rapid fielding of operational energy efficiency and alternative generation technologies; metrics to promote energy efficiency of military operations; identify investment gaps in DoD's science and technology portfolio, relative to energy efficiency and supply; improve operational energy security at fixed installations; establish a DoD alternative fuels policy, and alternative fuels investment portfolio; incorporate operational energy into analysis, modeling and simulation for force planning and acquisition requirements development; report progress in implementing an energy performance attribute in acquisitions; apply Fully Burdened Cost of Energy (FBCE) analyses throughout the acquisition process per forthcoming USD(AT&L) policy; and adapt policy, doctrine, Professional Military Education, Combatant Command Activities, and report progress. For further information: Defense Pentagon, (571) 256-4365.

DERP MANUAL (03/09/12) The acting Under Secretary of Defense for Acquisition, Technology and Logistics signed the [DoD Manual \(DoDM\) 4715.20, Defense Environmental Restoration Program \(DERP\) Management](#). DoDM 4715.20 (DERP Manual) is a significant update of guidance established in 2001. The DERP Manual cancels the Management Guidance for the DERP dated September 2001. In addition to implementing DoD Directive 4715.1E and DoD Instruction 4715.7, the DERP Manual aligns DoD's environmental restoration activities with statutory requirements, increases transparency of cleanup efforts, and provides Installation Commanders greater flexibility and authority to consider mission requirements when sequencing cleanup work.

WHITE HOUSE COUNCIL ON STRONG CITIES, STRONG COMMUNITIES (03/20/12, [77 FR 16131](#)) The President has issued an Executive Order 13602, establishing a White House Council on Strong Cities, Strong Communities (SC2). Many agencies, including DoD, are represented on the SC2 council. EO 13602 calls for council members to incorporate SC2 implementation efforts into annual performance plans and results. This includes conducting community outreach for de-

velopment of technical assistance, planning, and financial tools to assist communities build local capacity to address economic challenges/ issues, and supporting comprehensive planning and regional collaboration.

Federal Activity

AIR

PSD AND TITLE V GHG TAILORING RULE STEP 3, GHG PLANT WIDE APPLICABILITY LIMITATIONS, GHG SYNTHETIC MINOR LIMITATIONS (03/08/12, [77 FR 14226](#)) EPA is proposing to maintain applicability thresholds for GHG-emitting sources at current levels. also proposes two streamlining approaches. EPA proposes to allow permitting authorities to issue GHG plant wide applicability limitations (PALs) on 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 creates the regulatory authority for EPA to issue synthetic minor limitations for GHGs in areas subject to a GHG PSD Federal Implementation Plan (FIP). EPA also discusses progress in evaluating the suitability of other streamlining approaches and solicits further comment. Comments must be received on or before 04/20/12. For further information: [Michael S. Brooks](#), Air Quality Policy Division, Office of Air Quality Planning and Standards (C504-05), EPA, Research Triangle Park, NC 27711; (919) 541-3539; fax (919) 541-5509.

IMPLEMENTATION OF THE NEW SOURCE REVIEW (NSR) PROGRAM FOR PM_{2.5} (03/16/12, [77 FR 15656](#)) EPA is proposing to revise the definition "regulated NSR pollutant" contained in two sets of PSD regulations and in the EPA's Emission Offset Interpretative Ruling. Revision would correct an inadvertent error made in 2008 when EPA issued its final rule to implement the NSR program for fine particles with an aerodynamic diameter of less than or equal to 2.5 micrometers (PM_{2.5}). Effectively, revision would reestablish the interpretation that for measurement of "particulate matter emissions" in the context of PSD and NSR regulations, there is no explicit requirement to include measurement of condensable PM. However, the condensable portion would continue to be required for PM₁₀ and PM_{2.5}. Comments are due 05/15/12. For further information: [Dan deRoeck](#), EPA, Air Quality Policy Division, Research Triangle Park, NC; (919) 541-5593.

VOLATILE ORGANIC COMPOUNDS (03/23/12, [77 FR 16981](#)) EPA is proposing to revise its definition of volatile organic compounds (VOCs) for purposes of preparing State Implementation Plans (SIPs) to attain the NAAQS for ozone under Title I of the Clean Air Act (CAA). This proposed revision would add four chemical compounds to the list of compounds excluded from the definition of VOC on the basis that each of these compounds makes a negligible contribution to tropospheric ozone formation. Comments are due 04/23/12. For further information: [David Sanders](#), Office of Air Quality Planning and Standards, Air Quality Policy Division, State and Local Programs Group, Mail Code (C539-01), EPA, Research Triangle Park, NC 27711; (919) 541-3356.

CONTINUOUS OPACITY MONITORING SYSTEMS AT STATIONARY SOURCES (03/28/12, [77 FR 18709](#)) EPA has withdrawn the direct final rule issued on 02/14/12 (77 FR 8160), titled "Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources." At the time, EPA stated in the rule that if it received adverse comments to the parallel proposed rule (77 FR 8209), EPA would publish a timely notice of withdrawal of the direct final rule in the Federal Register. EPA withdraws the direct final rule published on 02/14/12 (77 FR 8160). For further information: [Ms. Lula H. Melton](#), EPA, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Measurement Technology Group (Mail Code: E143-02), Research Triangle Park, NC 27711; (919) 541-2910.

CLIMATE CHANGE

FEDERAL GHG ACCOUNTING AND REPORTING GUIDANCE REVISION (03/12/12, [77 FR 14507](#)) The Council on Environmental Quality (CEQ) has released a [draft revision](#) to their guidance on "[Federal Greenhouse Gas Accounting and Reporting](#)." This guidance establishes requirements for the reporting agency level emissions of GHGs as required by Executive Order (EO) 13514. In addition to clarifications, the draft adds new sections addressing: reporting on-site versus off-site renewable energy use; retention of renewable energy certificates; renewable energy purchases and use of renewable energy certificates to meet GHG reduction targets; and hosting third-party operated renewable energy on Agency Land. Changes to the associated Technical Support Document will be made later. Comments on the revised guidance are due 04/11/12. For further information: Keith Dennis; CEQ, Washington, DC; (202) 456-5226.

MANAGING US FORESTS IN FACE OF CLIMATE CHANGE From the Forest Service, comes a recently published [guidebook](#) for climate change adaptation in national forests. It provides a state-of-science summary of principles of adaptation, meth-

ods for vulnerability assessment, and tools and processes to facilitate the development of adaptation strategies and tactics. Distributed to all 176 national forest units, the guidebook is being used throughout the Forest Service and by other agencies to integrate climate change in sustainable resource management.

ENERGY

PETROLEUM REDUCTION AND ALTERNATIVE FUEL CONSUMPTION REQUIREMENTS (03/12/12, [77 FR 14482](#)) The Department of Energy (DOE) has released a proposed rule to provide implementing regulations for reduction in petroleum consumption and increase in alternative fuel consumption for Federal fleets as mandated by Section 142 of the Energy Independence and Security Act of 2007. Consistent with Section 142 of the Energy Independence Security Act (EISA), beginning in fiscal year (FY) 2010, each Federal fleet is required to ramp down annually in order to meet the 10/01/15 requirement of at least a 20% lower annual petroleum consumption, relative to its FY 2005 baseline level. For FYs 2010 through 2014, proposed 10 CFR 438.103(a) sets forth non-mandatory interim milestones to assess Federal fleet progress in meeting the FY 2015 annual petroleum reduction and alternative fuel use requirements. Although these interim milestones are non-mandatory, the milestones are consistent with the petroleum reduction requirements set forth in EO 13514. Similarly, agencies would be required to ramp up alternative fuel use to meet FY 2015 mandates; use levels of at least a 10% increase in annual alternative fuel consumption, relative to FY 2005 baseline levels. DOE would require submission of annual reports containing information on petroleum and alternative fuel use in Federal fleet motor vehicles. The report would include alternative fuel used in exempt vehicles and low speed electric vehicles. All reports under this section would be submitted through the [Federal Automotive Statistical Tool Web-based reporting system \(FAST\)](#) no later than December 15 of each calendar year. Comments are due 04/11/12. For further information: [Cyrus Nasser](#), DOE, Federal Energy Management Program, Washington, DC.

FEDERAL AGENCY RENEWABLE ENERGY INITIATIVES (02/27/12, [GAO-12-260](#)) The Government Accountability Office (GAO) has provided a report on the FY 2010 renewable energy initiatives of 23 Federal agencies: The list of FY 2010 projects is available as an [Excel spreadsheet](#). Current renewable energy contracting initiatives include: Dept of Army issued a request for information soliciting comments on its draft Request for Proposals (RFP) seeking procurement of \$7 billion in energy produced from renewable and alternative sources (solar, wind, biomass and geothermal) through power purchase agreements (PPAs) for Army installations for up to 30 years. [Information](#) is available. For further information: [Frank Rusco](#) at (202) 512-3841.

NATURAL RESOURCES

NEPA GUIDANCE (03/16/12) CEQ released [final guidance](#) for Federal agencies on improving the efficiency of environmental reviews under the National Environmental Policy Act (NEPA). The guidance, part of CEQ's broader effort to modernize and reinvigorate Federal agency NEPA implementation, also supports the goals of President Obama's 08/31/11 Memorandum on "Speeding Infrastructure Development through More Efficient and Effective Permitting and Environmental Review."

ENDANGERED STATUS FOR THE SHEEPNOSE AND SPECTACLECASE MUSSELS (03/13/12, [77 FR 14914](#)) The US Fish and Wildlife Service (USFWS) has determined endangered status for the spectaclecase and sheepnose freshwater mussels throughout their ranges. USFWS has determined that critical habitat for the spectaclecase and sheepnose mussels is prudent, but not determinable at this time. The range for the sheepnose mussel in EPA Region 4 includes Alabama, Kentucky, Mississippi, and Tennessee. It is a larger-stream species occurring primarily in shallow shoal habitats with moderate to swift currents over coarse sand and gravel. The range for spectaclecase mussel in EPA Region 4 includes Alabama, Kentucky, and Tennessee. The spectaclecase generally inhabits large rivers, and is found in microhabitats sheltered from the main force of current and in substrates from mud and sand to gravel, cobble and boulders. This rule becomes effective on 04/12/12. For further information: Richard Nelson; FWS Illinois Ecological Services Field Office, Moline, IL; 309-757-5800.

EXPANDING INCENTIVES FOR VOLUNTARY CONSERVATION ACTIONS (03/15/12, [77 FR 15352](#)) USFWS is considering how to revise existing regulations to create incentives for landowners and others to take voluntary conservation actions to benefit species likely to be listed as threatened or endangered in the future. In particular, USFWS seeks comment on whether and how the Service can assure those who take such voluntary actions that those benefits will be recognized as offsetting adverse effects of activities carried out after listing by that landowner or others. This practice sometimes referred to as "advance mitigation" or "pre-listing mitigation," is intended to encourage early conservation efforts that could reduce or eliminate the need to list species as endangered or threatened. Comments are due 05/14/12. For further information: Jim Serfis; FWS, Office of Communications and Candidate Conservation, Arlington, VA; 703-358-2171.

WATER

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

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

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

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

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

APRIL 16-19, 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.

APRIL 30-MAY 4, WASHINGTON, DC: [WATER QUALITY STANDARDS BASIC COURSE](#). Offered by EPA, this is an introductory course designed for those with limited experience with water quality standards (one year or less). Those with more experience may also benefit from the course as a refresher. The comprehensive and highly structured course introduces participants to all aspects of the water quality standards program, including interpretation and application of water quality standards regulation: water body designated uses, development of water quality criteria, antidegradation policies, implementation, State/Tribal standards adoption and EPA review. The course is offered free of charge. You must apply to attend.

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

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

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

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

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

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

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

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

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

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

Staff Directory

Main Office Number	404-524-5061
Region 4 Director/DoD REC	404-460-3131
Region 4 Deputy Director	404-460-3125
Region 4 Counsel	404-460-3132
Region 4 REC	404-460-3136
Project Manager	404-460-3134
Regulatory Affairs Specialist	404-460-3135
Administrative Assistant	404-460-3130

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 the Staff Directory.

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