



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

January 2013

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

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

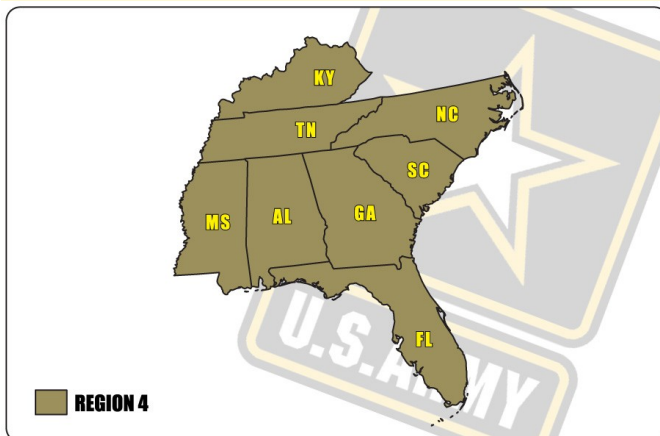


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DEPARTMENT OF ENERGY LAUNCHES NEW PETROLEUM REDUCTION PLANNING TOOL

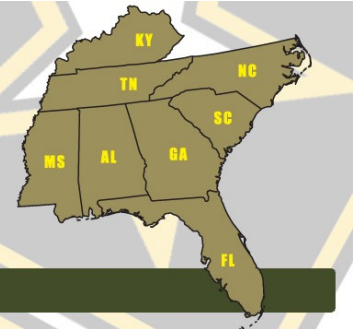
The Department of Energy's National Renewable Energy Laboratory has launched the [Petroleum Reduction Planning Tool](#) to help fleet managers evaluate the benefits associated with alternative fuels and identify strategies for reducing petroleum use, vehicle emissions, and operating costs. Using interactive charts and graphs, fleet managers can establish and monitor different objectives, investigate potential scenarios, and identify the appropriate fuel efficiency strategies.

The tool was launched as part of an update to the [Alternative Fuels Data Center](#), which contains a collection of updated information, data and tools for alternative fuels. Among the features on the site are an updated Alternative Fueling Station Locator, a large library of maps and data for customization, and case studies in alternative transportation deployment.

AIR FORCE ENERGY CONSUMPTION CUT: With new, energy efficient power strips, the Air Force Materiel Command (AFMC) is looking to save more than \$500,000 per year and reduce annual energy usage by an estimated eight million kilowatt-hours. The 77,000 new power strips will be used in traditional workspaces and have the ability to "power down" electronic devices when not in use. More information on AFMC's use of the new power strips is available [here](#).

Region 4

For more information on any state issue in Region 4, please contact [Marshall Williams](#), Army Regional Environmental Coordinator, (404) 545-6599.



2013 LEGISLATIVE SESSION: FEBRUARY 5, 2013 THROUGH MAY 20, 2013

FINAL RULES

FEDERAL CONFORMITY (335-3-10-.01, 335-3-10-.02, 335-3-11-.01, 335-3-11-.06, APPENDIX C): The Alabama Department of Environmental Management (ADEM) has adopted amendments to Administrative Code Rules 335-3-10-.01, 335-3-10-.02, 335-3-11-.01, 335-3-11-.06, and Appendix C. Revisions to Division 3 Code are being adopted to incorporate by reference changes to the EPA's New Source Performance Standards (NSPS), and National Emissions Standards for Hazardous Air Pollutants (NESHAPs). Notice of Intent to Adopt, Amend, or Repeal Rules was filed 09/23/12. A Notice of Intent to Adopt, Amend, or Repeal Rules was published 09/28/12. A hearing was held 11/07/12. Comments were received. Amended rules were filed 12/18/12 and published 12/31/12. The [rules](#) are effective 01/22/13. For further information, contact [Ronald W. Gore](#).

PROPOSED RULES

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

HAZARDOUS WASTE (335-14-1-.01, 335-14-1-.02, 335-14-2-APPENDIX IX, 335-14-3-.09, 334-14-4-.03, 335-14-4-.04, 335-14-5-.08, 335-14-6-.16, 335-14-7-.03, 335-14-9 APPENDIX IV, 335-14-9 APPENDIX VI, 335-14-17-.05): ADEM has proposed amendments to hazardous waste rules. RCRA §3006(b) requires authorized State Programs to be "equivalent" to the Federal program and to maintain equivalency as the Federal program changes. In order to retain state primacy in the hazardous waste program, ADEM must update its Administrative Code to reflect changes in federal requirements for regulation of hazardous waste. ADEM is proposing that the Environmental Management Commission adopt regulations reflecting changes made to EPA's regulations from 07/01/11 through 06/30/12, including adoption of the Federal technical corrections rule. Wastewater treatment sludge (EPA Hazardous Waste No. F019) generated by ISE Innomotive Systems US, Inc. was added to the list of hazardous wastes excluded from nonspecific sources. Chlorination reactor dust (EPA Hazardous Waste No. D007) generated by Mitsubishi Polycrystalline Silicon America Corporation was added to the same list. Language was removed from the letter from the chief financial officer referencing corrective action. ADEM is also proposing to correct a number of typographical and citation errors in existing regulations. A [Notice of Intent to Adopt, Amend, or Repeal Rules](#) was filed 09/28/12. A hearing was scheduled and comments were due 12/13/12. For further information, contact the [ADEM Hearing Officer](#).

UNDERGROUND STORAGE TANKS, ENVIRONMENTAL COVENANTS (335-5-1-.02, .03, .05, .06, .07, 335-5-3-.02): ADEM has proposed rule amendments to address changes required by Alabama Act 2-12-317 concerning USTs, to address applicability to federal facilities, and to clarify programmatic requirements for environmental covenants. The [Summary of Reasons to Adopt, Amend, or Repeal Rules](#) was filed 09/28/12. A [Notice of Intent to Adopt, Amend, or Repeal Rules](#) was published 10/31/12. A hearing is scheduled for, and comments were due 12/13/12. For further information, contact the [ADEM Hearing Officer](#).

PLANT-WIDE APPLICABILITY LIMIT (PAL), GREENHOUSE GASES (GHG), VOLATILE ORGANIC COMPOUND (VOC) DEFINITION CONSISTENCY WITH EPA (335-3-1, 10, 14, 16 AND OTHERS): ADEM has proposed amendments to Rule 335-3-14-.04 to delete the term "particulate matter emissions" when accounting for condensable particles for PM2.5 emission limits for the definition of "regulated NSR pollutant," for consistency with EPA's requirements. Amendments are proposed to incorporate EPA's changes to PSD PAL regulations and the definition of GHGs to temporarily exclude biogenic carbon dioxide emissions. Chapter 335-3-14 is considered part of the federally enforceable State Implementation Plan (SIP). As such, revisions to this Chapter/Rule are proposed for incorporation into Alabama's SIP. Changes to chapter 16 are not federally enforceable, and are not considered part of the SIP. ADEM has proposed a revision to Rule 335-3-1-.02 for consistency with EPA regulations of the definition of VOC. The [notice of intent](#) to adopt, amend, or repeal rules was published 12/31/12. A hearing is scheduled for 02/06/13, and comments are due 02/08/13. For further information, contact: Chris Howard, (334) 271-7878.



2013 LEGISLATIVE SESSION: MARCH 5, 2013 THROUGH MAY 3, 2013

FINAL RULES

SFWMD CONSUMPTIVE USE PERMITTING EFFORT (40D-2.011): The Southwest Florida WMD has amended Rule 40D-2.321, F.A.C., to be more consistent with Section 373.236, F.S. and other WMDs rules by eliminating additional requirements. Amendment allows an applicant to avoid having to satisfy additional requirements to be granted a 20-year permit. Certain permits that were granted for shorter durations may be extended up to a total of 20 years. The [Notice of Rulemaking Development](#) was published 07/20/12. Workshops were held in August 2012. The [Notice of Proposed Rules](#) was published 10/29/12, and comments are due 11/19/12. A [Notice of Rule Filing](#) was published 12/18/12. [Final rules](#) became effective 01/01/13. For further information, contact [Laura Jacobs Donaldson](#), Esq., (813) 985-7481.

PROPOSED RULES

ENVIRONMENTAL RESOURCE PERMITTING (62-330): The Florida Department of Environmental Protection (FLDEP) has proposed rulemaking relating to environmental resource permitting rules. Section 373.4131, F.S., created by Chapter 2012-94, Laws of Florida, and effective 07/01/12, requires FLDEP, in coordination with the five WMDs, to develop statewide environmental resource permitting (ERP) rules governing construction, alteration, operation, maintenance, repair, abandonment and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works or works, or combinations thereof, to implement Part IV of Chapter 373, F.S. FLDEP proposes to substantially amend existing provisions of Chapter 62-330, F.A.C., and add new rules to be implemented by FLDEP, the WMDs, and local governments delegated under Section 373.441, F.S., without the need for further rulemaking by the WMDs and local governments, pursuant to Section 373.4131, F.S. Rulemaking seeks to establish statewide ERP rules that will rely upon existing rules, revised as necessary to achieve a more consistent, effective and streamlined approach to implement the ERP program. New rules will reduce regulatory costs and burdens for the public, while not lowering environmental standards and continuing to protect the state's water resources. A [Notice of Rulemaking Development](#) was published 06/22/12, with an advisory issued 07/06/12. [Workshops](#) were held/scheduled 07/26/12, 08/07/12 and 08/16/12. Each WMD will propose rule amendments for consistency with statutes. A [Notice of Rulemaking Development](#) for those amendments was issued 09/28/12. For further information, contact [Mary VanTassel](#), (850) 245-8486.

ERP HANDBOOK REVISION (40D-4.091): This rulemaking will incorporate the proposed Environmental Resource Permit Applicant's Handbook Volume II which, together with an Applicant's Handbook Volume I, will be adopted by FLDEP to provide guidance to applicants seeking ERPs, and following FLDEP adoption of proposed new ERP rules mandated by Section 373.4131, F.S. FLDEP has proposed to amend Chapter 62-330, F.A.C., which will become the statewide ERP rules. Each WMD is expected to adopt an Applicant's Handbook Volume II containing district-specific design and performance criteria relating to water quality and quantity, as well as special basin criteria or other statutory requirements. Upon adoption of the Handbook Volume II, it will be incorporated by reference into FLDEP's statewide ERP rules. A [Notice of Rulemaking Development](#) was published 09/21/12. An advisory was issued 01/08/13. For further information, contact Sonya White, (813)985-7481, x4660.

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

USED OIL REGULATIONS (62-710): FLDEP has proposed to amend rules identified in its 2011-2012 Regulatory Plan to delete unnecessary subsections, clarify and ensure internal consistency, and amend rules identified by stakeholders for clarification and simplification. The subject areas to be addressed include technical corrections to the used oil management regulations in Chapter 62-710, F.A.C. The [Notice of Rulemaking Development](#) was published 06/22/12, and a [workshop](#) was held 08/22/12. An amended [Notice of Proposed Rules](#) was published 01/10/13. Comments are due 01/31/2013. For further information, contact [Julie Rainey](#), (850) 245-8713.

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

CONSISTENCY IN CONSUMPTIVE USE PERMITTING PROGRAMS IN WMDs/GREY WATER (62-40.110, .210, .310, .410, .412, .416, .473, .474, .510, .520, .530, .531, .540, 40A (MISCELLANEOUS)): FLDEP has proposed rulemaking as instructed by House Bill (HB) 639 and as part of a statewide effort to improve consistency among Consumptive Use Permitting (CUP) Programs implemented by WMDs. HB 639 requires FLDEP to initiate rule making by 10/01/12 to revise the Water Resource Implementation Rule, Chapter 62-40, F.A.C., to include criteria for reuse offsets and credits. Proposed criteria are the product of the Reclaimed Water Policy Workgroup, which is comprised of representatives of FLDEP, Florida's five WMDs, Florida Water Environment Association Utility Council, Florida League of Cities, Florida Association of Counties, individual local government utilities, and environmental consulting firms. The Workgroup was convened to discuss how state regulatory policy could better optimize reuse of reclaimed water. In addition to offsets and credits, Chapter 62-40 will be revised to include recommendations of the Reclaimed Water Policy Workgroup and recommendations resulting from the CUP Consistency Initiative. The initiative began in the fall of 2011 as a statewide effort headed by FLDEP and joined by all five WMDs, to increase consistency in CUP, minimum flows and levels (MFLs), and water supply related programs of the WMDs. This rule development is to be coordinated with similar rule development by other Florida WMDs. It will make appropriate rule amendments to FLDEP Chapter 62-40, F.A.C., and to individual WMD Chapters 40A-1, 40A-2, and 40A-21, F.A.C., to address the following goals of FLDEP and the WMDs for the rulemaking: make CUP rules less confusing for applicants; treat applicants equitably statewide; provide consistent protection of the environment; streamline application and permitting processes; and incentivize behavior that protects water resources, including water conservation. The Notice of Rulemaking Development was published 07/20/12. Workshops were held 08/07-08/08/12, 08/10/12, 08/15/12, 08/16/12, 08/21/12, 08/22/12, 08/29/12, 08/31/12, and other September dates, per the [notice](#). Workshops were held in August and September, and November. A [Notice of Proposed Rules](#) was published 12/28/12, and comments were due 01/18/13. For further information, contact [Kathleen P. Greenwood](#), (850) 245-3147.

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

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

CONSTRUCTION AND DEMOLITION WASTE LANDFILLS (62-701.100, .200, .210, .220, .300, .310, .315, .320, .330, .340, .400, .410, .430, .500, .510, .520, .530, .600, .610, .620, .630, .710, .730, .802, .803, .900): FLDEP has proposed rulemaking regarding solid waste management. Subsection 403.707(9), F.S., requires all construction and demolition debris landfills be constructed with liners and leachate control systems. This subsection also requires all construction and demolition debris be processed prior to disposal when economically feasible. Section 403.087(6), F.S., requires permit fees be updated every five years to account for inflation. The rule chapter must be amended to address

these new requirements. There are several minor changes to update and clarify the chapter. The [Notice of Rulemaking Development](#) was published 08/17/12. For further information, contact [Richard Tedder](#), (850) 245-8735.

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

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

ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (64E-6.001, .002, .003, .008, .010, .011, .014, .017, .018, .0181, .028): The Florida Division of Environmental Health (DOH) has proposed rules to incorporate technical changes and modifications proposed through the Technical Review and Advisory Panel, and to implement statutory requirements. Areas to be discussed include, but are not limited to: onsite sewage treatment and disposal system definitions, design, permitting, construction, modification, repair, maintenance and abandonment; septage treatment and disposal; standards for systems in the Florida Keys; and performance-based treatment standards. A [Notice of Rulemaking Development](#) was published 11/01/12. A meeting was held 11/28/12 to discuss the rulemaking, part of which may be accessible via web conference with details to be posted on the [Bureau website](#). For further information, contact [Elke Ursin](#), (850) 245-4070 x2708.

VOLUNTARILY IMPLEMENTATION OF MONITORING REQUIREMENTS (40B-2.331): The Suwannee River WMD has proposed a rule to provide incentive for water use permittees to voluntarily implement WMDs' water use monitoring requirements prior to expiration of current permits. The proposed rule would extend the duration of a water use permit if the permittee voluntarily implements the required water use monitoring program. The [Notice of Rulemaking Development](#) was published 07/20/12, and the [Notice of Proposed Rules](#) was published 10/22/12. Comments were due 11/12/12. A [Notice of Change](#) was published 01/14/13. For further information, contact Robin Lamm, (386) 362-1001.

ALTERNATIVE FUEL CHARGING STATIONS (50-3.001, 50-3.002, 50-3.003, 50-3.004): The Florida Department of Agriculture and Consumer Services has proposed new rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations. New rules will provide consistent standards for consumers and the industry. A [Notice of Rulemaking Development](#) was published 11/20/12. Workshops were held 12/04/12, 12/05/12, and 12/07/12. For further information, contact [Kelley Smith Burk](#), (650)617-7484.

BUFFER PRESERVES (18-23.002, .007, .010, .011): The Board of Trustees of Internal Improvement Trust Fund has proposed amendments to streamline current rule language; develop a fee schedule for State Buffer Preserves; delete language prohibiting firearm use; amend language to allow for unleashed horses and pack animals for equestrian trail use; amend language to define nuisance domestic animals as those that are vicious, dangerous, disturbing or intimidating to other humans or wildlife; amend language to prohibit consumption of alcoholic beverages except during preserve-sanctioned events within designated areas only; amend language to allow hunting in areas designated for such use in management plans; and require an agreement with FLDEP for commercial photography, such as motion picture productions, if they disrupt normal operations, adversely impact resources, or disrupt the public's normal enjoyment of the State Buffer Preserves. A [Notice of Rulemaking Development](#) was published 12/07/12, and workshops were held 01/10/13, 01/15/13, and 01/23/13. For further information, contact [Rebecca Prado](#), (850) 245-2094.

ENVIRONMENTAL RESOURCE PERMITTING WEBINAR: FLDEP, Division of Water Resource Management, announces a workshop to which all persons are invited. This workshop will be broadcast 01/30/13 via webinar. Parties can [register to attend the webinar](#) via personal computers with audio by telephone (regular long distance telephone charges will apply) or by speakers connected to their computer (no telephone charges will apply). Alternatively, persons may view the we-

binar at the following location where staff will be present to accept comments: Department of Environmental Protection, Bob Martinez Bldg., Rm. 609, 2600 Blair Stone Rd., Tallahassee, FL 32399. The webinar will address Consideration of Applicant's Handbook, Volume II, specific to Northwest Florida WMD, which is incorporated by reference in [Chapter 62-330, F.A.C.](#), "Environmental Resource Permitting." There have been five workshops pertaining to the Statewide ERP rule, including preliminary discussion on the handbook and processing fees. Each WMD will conduct separate workshops for its specific Applicant's Handbook, Volume II. This workshop is in conjunction with the workshop to discuss amended fees for the Environmental Resource Permit program in Rule 62-4.050, F.A.C., published in a Notice of Rule Development this same date. The agenda and workshop information will be posted on the [FLDEP Public Notice Calendar](#). For a copy of the agenda and [further information](#), contact [Alice Heathcock](#), (850) 245-8483.



2013 LEGISLATIVE SESSION: JANUARY, 2013 THROUGH APRIL 4, 2013

FINAL RULES

VOLATILE ORGANIC COMPOUND (VOC) EMISSIONS (391-3-1-.02(2)(a)6, 391-3-1-.02(2)(kkk)): The Georgia Department of Natural Resources (GADNR) has adopted amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1. Rule 391-3-1-.02(2)(a)6. "General Provisions, VOC Emission Standards, Exemptions, Area Designations, Compliance Schedules and Compliance Determinations" is amended to lower the applicability threshold for 14 VOC rules from 100 tons per year to 15 pounds per day for sources located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton counties, effective 01/01/15. Rule 391-3-1-.02(2)(kkk), "VOC Emissions from Aerospace Manufacturing and Rework Facilities," is amended to lower the applicability threshold from 100 tons per year to 25 tons per year for sources located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton counties effective 01/01/15. A [Notice of Proposed Amendments](#) was filed 07/16/12. A hearing was held 08/20/12, and comments were due 08/21/12. The rules were adopted and effective 09/20/12. For [further information](#), contact the Air Quality Branch, 404-363-7000.

PROPOSED RULES

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

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

INERT WASTE LANDFILLS (391-3-4-.06(3)(c), 391-3-4-.07(4)(c), 391-3-4-.07(4)(d)): GAEPD has proposed amendments to the Georgia Rules for "Solid Waste Management," Chapter 391-3-4. Rule 391-3-4-.06(3)(c), "Inert Waste Landfill Operations," is being amended to require all new inert waste landfills obtain a full solid waste handling permit to operate. It provides for an 18-month transition period for existing inert waste landfills to come into compliance with new permitting requirements or close under current inert waste landfill permit by rule conditions. Rule 391-3-4-.07(4)(c), "Inert Waste Landfill Facilities," is a new rule outlining design and operational standards to be met before an inert waste landfill can obtain a solid waste handling permit for construction and operation. Rule 391-3-4-.07(4)(d) has been re-numbered from c to d. The [Notice of Proposed Rules](#) was published 08/31/12, and a hearing was held 09/24/12. [Proposed rules](#) are available. Comments were due 10/01/12. GAEPD received and incorporated revisions; DoD comments were received. The [notice](#) was re-issued 12/18/12, and comments were due 01/04/13. There was no reason to resubmit previous DoD comments. A meeting is scheduled for 01/23/2013. Changes to the rule will be made after the meeting as needed. **REEO-S commented on the proposals regarding impact to DoD installations.** For further information, contact the EPD Land Protection Branch, (404) 362-2696.



2013 LEGISLATIVE SESSION: JANUARY 8, 2013 THROUGH MARCH 21, 2013

FINAL RULES

JURISDICTION OF THE KENTUCKY AIRPORT ZONING COMMISSION (602 KAR 50:030, 50): The Department of Aviation has adopted updates to 602 KAR 50:30 and 50:50 to include a statutory revision that expanded the types of airports under Kentucky Airport Zoning Commission jurisdiction. The [Proposed rules](#) were published 11/01/12, a hearing was held 11/27/12, and comments were due 11/30/12. The amendments were adopted at the 01/07/13 meeting of the Administrative Administration Review Subcommittee (AARS) meeting. For further information, contact D. Ann D'Angelo, (502) 564-7650.

ANTIDEGRADATION POLICY IMPLEMENTATION METHODOLOGY (401 KAR 10:030): The Kentucky Department of Environmental Protection (KDEP) has adopted rulemaking to add 16 streams or stream segments as exceptional water bodies in Table 2. Updates to 19 streams or stream segments in Table 1 and Table 2 for segment mile point reconciliation correspond to current National Hydrography Database version updates, or for other administrative purposes. KDEP is proposing to amend Section 1 to clarify that an Outstanding State Resource Water shall not be categorized as impaired for the purpose of antidegradation review. Rulemaking is part of the triennial review of water quality standards required by CWA Section 303(c) and 40 CFR Section 131.20. [Proposed rules](#) were filed on 08/15/12 and published 09/12/12. A hearing was held 09/27/12, and comments were due 10/01/12. The rule was adopted, and an advisory was issued on 11/01/12. Final adoption occurred at the 01/07/13 AARS meeting. For further information, contact [Peter Goodman](#), (502) 564-3410.

KENTUCKY HERITAGE LAND CONSERVATION FUND – ACQUISITION, MANAGEMENT, GRANTS, AND REMEDIES, AND REPEAL (418 KAR 1: 010, 020, 031, 040, 050, 060, 70): The Kentucky Department for Natural Resources has adopted amendments to [Kentucky Heritage Land Conservation Fund](#) regulations to: remove outdated and unnecessary information; remove unused definitions; provide updated information to current definitions; streamline the process of removing requirements that were duplicative and moved information from 418 KAR 1:030 into this administrative regulation; remove the list of items required to be submitted as part of the Preliminary and Final Resource Management Plan (RMP); insert references in appropriate forms that contain information regarding those forms; add information on appropriate deed restriction language and information on conservation easements; and ensure the administrative regulation conforms to current KRS 13A standards. Adoption is pending. [Proposed rules](#) were filed 09/13/12. A hearing was held 10/01/12, and comments were due 10/13/12. The [ARRS Agenda](#) was published 11/01/12. An action meeting was held 11/13/12. Amendments were adopted at the 12/17/12 ARRS meeting, and published on 01/01/13. For further information, contact [Michael Mullins](#), (502) 564-6940.

KENTUCKY POLLUTANT ELIMINATION DISCHARGE SYSTEM (KPDES) SCOPE (401 KAR 5:055): KDEP has adopted an amendment to the administrative regulation that establishes scope and applicability of the KPDES program, including specific inclusions, exclusions, prohibitions, requirements for general permits, requirements for disposal into wells and publicly-owned treatment works (POTW), and disposal by land application. Amendment updates citations to corresponding federal regulations, and clarifies that state requirements are the same as federal requirements. Amendment clarifies that the KEEC will consult with EPA's Regional Administrator as required by 40 C.F.R. 124.62(a)(2), before approving innovative technology. [Proposed rules](#) were filed 07/09/12, a hearing was held 08/28/12, and comments are due 08/31/12. The amendment was considered at the Administrative Rule Review Subcommittee meeting on 09/11/12, and scheduled for consideration again at a later date. An advisory was issued 10/01/12, and the [notice](#) was amended 11/01/12. An adoption meeting was held 11/13/12. Amendment was adopted at the 01/01/13 ARRS meeting. For further information, contact [Karen Cronen](#), (502) 564-3410.

PROPOSED RULES

PM2.5 NAAQS (401 KAR 51:017): KDEP has proposed an amendment to reflect revisions to the federal Prevention of Significant Deterioration (PSD) program to address PM2.5 NAAQS. The amendment includes maximum allowable increases for Class I and II PM2.5 at annual and 24-hour levels. It includes de minimis levels to preclude further evaluation for sources emitting or increasing emissions by an amount less than the air quality impact levels for PM2.5. Amendments are necessary to ensure consistency between state and federal programs. The [Proposed rules](#) were filed 06/19/12, and published 07/01/12. A [hearing](#) was held 07/24/12, and comments were due 07/31/12. A [meeting](#) was held 08/14/12. The [proposed rules were amended](#) and another meeting was held 10/09/12. For further information, contact [Laura Lund](#), (502) 564-3999, ext. 4428.

INDUSTRIAL STORMWATER SAMPLING (NOTICE): KDEP Division of Water (DOW) released the draft KYR00, "Industrial Stormwater Permit from Other Facilities," for public comment. In this draft permit, DOW has proposed twice-a-year sampling, use of the electronic Discharge Monitoring Report system and filing of an electronic Notice of Intent in order to gain coverage under the permit. A [notice](#) was issued 11/13/12, and comments were due 11/21/12. For further information, contact [DOW](#), Surface Water Permits Branch.



2013 LEGISLATIVE SESSION: JANUARY 8, 2013 THROUGH APRIL 7, 2013

PROPOSED RULES

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

ENERGY EFFICIENCY (CHAPTER 29): The Public Service Commission has proposed rules to create conservation and energy efficiency programs in Mississippi. [Proposed rules](#) were filed 11/15/12. Comments were due 12/10/12. For further information, contact [Brian U. Ray](#), (601) 961-5432.



2013 LEGISLATIVE SESSION JANUARY 30, 2013 THROUGH AUGUST 7, 2013

FINAL RULES

WASTEWATER OPERATOR CERTIFICATION (NEW 21 NCAC 39 .0202; AMEND 21 NCAC 39 .0101, .0601, .1005): The On-Site Wastewater Contractors and Inspectors Certification Board has adopted rule changes to 21 NCAC 39 .0101 to clarify the meaning of "ancillary" as used in the Board's practice act, and 21 NCAC 39 .0202 to facilitate transition of a certified contractor to another employee. Changes to 21 NCAC 39 .0601 reduce continuing education requirements to reflect requirements that other industry-related certifications impose that have a long term history and are sufficient to protect the environment and public welfare; remove carryover of continuing education if such requirements are reduced as proposed; require each certificate holder to be present for a minimum amount of time at each class, verified by the provider. Changes to 21 NCAC 39 .1005(c)(1) correct a word error overlooked in the current version of the rule. The [Proposed rules](#) were published 06/15/12. A hearing was held 08/01/12. Comments were due 08/14/12. Rules were adopted 11/15/12. For further information, contact [Connie Stephens](#), (336) 202-3126.

PROPOSED RULES

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

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

NPDES GENERAL STORMWATER PERMITS FOR AUTO SCRAP AND LANDFILL OPERATIONS (NOTICE): The NCDENR Division of Water Quality (DWQ) invited public comment on, or objections to, the stormwater permitting action. DWQ intends to

renew the following NPDES General Permits for the discharge of stormwater from the listed industry categories: NCG100000, used auto parts and automobile scrap operations (Stormwater Permitting Unit contact is Bethany Georgoulas); NCG120000, landfill operations (contact is Ken Pickle). The [notice](#) was issued 09/04/12, and comments were due 10/01/12. For further information, contact [Bethany Georgoulas](#).

AIRPORT STORMWATER BMP MANUAL CHAPTER 13 REVIEW (BMP MANUAL CHAPTER 13): NCDENR has invited public comment on draft Chapter 13: Airports of the NCDENR Stormwater BMP Manual. This chapter was developed based on S.L. 2011-394. The [draft](#) was issued 10/02/12. Comments were due 12/02/12. For further information, contact [Mike Randall](#).

NORTH CAROLINA COASTAL MANAGEMENT PROGRAM (NEWS RELEASE): The North Carolina Coastal Resources Commission (CRC) is notifying the public that a change to the Coastal Area Management Act (CAMA) is being submitted to the National Oceanic and Atmospheric Administration Office (NOAA) of Ocean and Coastal Resource Management (OCRM) for incorporation into the state's federally-approved Coastal Management Program. The commission is required by law to alert the public to such changes. The federal Coastal Zone Management Act authorizes state coastal zone management programs to formally incorporate changes made to state laws, rules and policies for use in the review of federal permits and projects. This routine program change concurrence request does not involve direct changes to the program's regulations, but to a section of its enabling legislation, General Statute 113A-115.1 (CAMA). The primary change to the legislation under Session Law 2011-387 gives the CRC authority to permit up to four terminal groins on the oceanfront without having to meet one of the previously existing exemptions for permanent erosion control structures. The CRC considers this to be a routine program change that does not significantly affect the uses subject to management, special management areas, boundaries, authorities and organization, or coordination, public involvement and national interest components of the North Carolina Coastal Management Program. The CRC is requesting concurrence with this finding from the NOAA's Office of Ocean and Coastal Resource Management, or OCRM. OCRM will review changes to ensure they do not constitute a program amendment as described in 15 CFR §923.80. A [press release](#) was issued on 10/23/12. Comments were due 11/23/12. For further information, contact [Tancred Miller](#), (252) 808-2808.

NAAQS ACTIVITIES EXEMPTED FROM PERMITS (15A NCAC 02Q .0102): NCDENR DAQ has proposed amendments to Rule 15A NCAC 02Q .0102, Exemptions, to clarify the interaction of the air toxics rule specific exemptions in Rule 15A NCAC 02Q .0702 with the more broadly applicable rules regarding sources exempt from the general requirement to obtain a permit in Rule 15A NCAC 02Q .0102. [Proposed rules](#) were filed 11/19/12. A hearing is scheduled for 01/15/13, and comments are due 02/01/13. For further information, contact [Ms. Joelle Burleson](#), (919) 707-8720.

VOC AVAILABLE CONTROL TECHNOLOGY (15A NCAC 02D .0902, .0903, .0909, .0951, .0961, .0962): NCDENR DQA has proposed amendments to the Volatile Organic Compound Reasonably Available Control Technology (RACT) rules in 15A NCAC 02D Section .0900 to revise applicability requirements to comply with Section 182(b)(2) of the Clean Air Act; revise associated compliance schedules; provide flexibility to comply via category specific rules or site specific alternatives; and amend printing related and industrial solvent cleaning RACT rules in response to requests for language clarifications and flexibilities consistent with underlying USEPA Control Technique Guidelines. [Proposed rules](#) were filed 11/19/12. A hearing is scheduled for 01/15/13, and comments are due 02/01/13. For further information, contact [Ms. Joelle Burleson](#), (919) 707-8720.

NEW SOURCE PSD IN NONATTAINMENT AREAS (15A NCAC 02D .0530, .0531): NCDENR DAQ has proposed amendments to Rules 15A NCAC 02D .0530, Prevention of Significant Deterioration and 15A NCAC 02D .0531, Sources in Non-attainment Areas, to revise North Carolina's nitrogen oxides significance level from 140 tons per year to 40 tons per year. Rule 15A NCAC 02D .0530 is also proposed for amendment to update the federal cross-reference in the PSD rule to reflect current federal increments for fine particulate matter promulgated on 10/20/12 (75 FR 64864). [Proposed rules](#) were filed 11/19/12, and a hearing was held 01/15/13. Comments are due 02/01/13. For further information, contact [Ms. Joelle Burleson](#), (919) 707-8720.

SANITARY LANDFILL PERMITS (15A NCAC 13B .0206, 15A NCAC 13B .0504): To comply with recent changes in state law, the NCDENR Division of Waste Management has proposed rule changes related to the duration of sanitary landfill or transfer station permits. The current rule and statutory requirements are based on five-year permit durations. The proposed rule change provides the regulated community with opportunities for cost savings and greater permit length flexibility. [Proposed Rules](#) were published 01/02/13. A hearing is scheduled for 01/17/13, and comments are due 03/04/13. For further information, contact [Ellen Lorscheider](#), (919) 707-8245.



South Carolina

2013 LEGISLATIVE SESSION: JANUARY 8, 2013 THROUGH JUNE 6, 2013

PROPOSED RULES

GENERAL PERMIT FOR FUEL COMBUSTION: The South Carolina Department of Health and Environmental Control (SCDHEC) has proposed revisions to the general conditional major air pollution operating permit for fuel combustion operations to update emission limitations to include federally enforceable GHG limitations. The revision to the general permit adds the following: RICE-Spark Ignition to Part 4.A.7, NSPS 40 CFR 60 Subparts A, IIII, and JJJJ cover language, NESHAP 40 CFR 63 Subpart ZZZZ and JJJJJJ, and also make modifications to add language for General Synthetic Minor Construction Permit Fuel Combustion Operations for Non-PSD Facilities. The permit limits a facility's potential to emit below major source thresholds for the Title V permit program and New Source Review and contains conditions to assure that these facilities are operated as non-major sources. The permit limits a facility's potential to emit below major source thresholds for the Title V permit program and New Source Review, and contains conditions to assure that these facilities are operated as non-major sources. SCDHEC examined fuel combustion operations and has concluded that the general permit, as proposed, is consistent with state and federal air pollution regulations. "Fuel combustion operations," for purpose of this permit, are defined as facilities comprised of one or more fuel combustion sources (including boilers, emergency generators, and non-emergency generators) fired on natural gas, propane, virgin fuel oil, and/or used spec oil as defined in S.C. Regulation 61-62.1, Section 1, fuel storage tanks, ethylene oxide sterilizers located at hospitals, or other sources approved by SCDHEC. A [notice](#) was issued 05/30/12, and comments were due 06/24/12. A second [notice](#) was issued 11/23/12, and comments were due 12/27/12. For further information, contact Alyson Hayes, (803) 898-3836.

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

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



Tennessee

2013 LEGISLATIVE SESSION: JANUARY 8, 2013 THROUGH MAY 17, 2013

PROPOSED RULES

BIOSOLIDS MANAGEMENT (0400-40-15-.01 THROUGH -.06): TDEC has proposed rulemaking to promulgate rules for land application of biosolids. Biosolids are currently regulated under 40 CFR Part 503, although Tennessee has no authority to enforce 40 CFR Part 503. EPA Region 4 is the permitting authority per Part 503, but has had a very small presence in Tennessee since promulgation of 40 CFR Part 503 in 1993. With EPA's national divestment in biosolids enforcement, it is unlikely that there will be a future EPA presence in Tennessee relative to the matter. For all practical purposes, requirements of the proposed Tennessee rules are virtually the same as those stipulated in 40 CFR Part 503 for land application of Class B biosolids. To land apply Class B biosolids under 40 CFR Part 503, pathogen reduction and vec-

tor attraction reduction options must be met, and the concentrations of certain metals (pollutants or contaminants) must not exceed safe levels; requirements of these proposed rules for pathogen reduction and vector attraction reduction are the same as those in 40 CFR Part 503. Monitoring frequency, record keeping and reporting requirements are also the same. Proposed rules provide specifics for the agronomic rate calculation and add setbacks to ensure protection State waters. A [Notice of Rule Making Hearing](#) was filed 05/23/12. Hearings were held 07/23/12, 07/24/12, 07/30/12, and 07/31/12. Comments were due 09/07/12. For further information, contact [Robert Dette](#), (615) 253-5319.

Department of Defense Activity

SACRED SITES MOU (12/05/12) A [Memorandum of Understanding \(MOU\)](#) was signed by the Departments of Defense, Interior, Agriculture and Energy, as well as the Advisory Council on Historic Preservation ACHP "to improve the protection of and tribal access to Indian sacred sites through enhanced and improved interdepartmental coordination and collaboration."

Federal Activity

AIR

NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) FOR PARTICLE POLLUTION (PM_{2.5}) (12/14/12, [EPA](#)): EPA has lowered the PM_{2.5} standard to 12.0 micrograms per cubic meter (µg/m³) to provide increased protection against health effects associated with long- and short-term exposures (including premature mortality, increased hospital admissions and emergency department visits, and development of chronic respiratory disease), and to retain the 24-hour PM_{2.5} standard at a level of 35 µg/m³. EPA has revised the Air Quality Index (AQI) for PM_{2.5} to be consistent with revised primary PM_{2.5} standards. EPA has retained the current 24-hour primary standard for particles generally less than or equal to 10 µm in diameter (PM₁₀) to continue to provide protection against effects associated with short-term exposure to thoracic coarse particles (i.e., PM_{10-2.5}). EPA has generally retained the current suite of secondary standards (i.e., 24-hour and annual PM_{2.5} standards and a 24-hour PM₁₀ standard). Non-visibility welfare effects are addressed by this suite of secondary standards, and PM-related visibility impairment is addressed by the secondary 24-hour PM_{2.5} standard. For further information, contact [Beth M. Hassett-Sipple](#), (919) 541-4605.

FIRE SUPPRESSION AND EXPLOSION PROTECTION (12/14/12, [77 FR 74381](#)): EPA has withdrawn C7 Fluoroketone from the listing of three fire suppressants under its Significant New Alternatives Policy Program (SNAP, 77 FR 58035) issued 09/19/12. The listing would have found C7 Fluoroketone acceptable subject to narrowed use limits, as a substitute for halon 1211 for use as a streaming agent in portable fire extinguishers in nonresidential applications. EPA had stated in that direct final rule that if it received adverse comment, it would publish a timely withdrawal in the Federal Register. EPA subsequently received one adverse comment on that part of the direct final rule, and no comments on the other listings in the direct final rule. The other listings in that direct final rule, finding Powdered Aerosol F and Powdered Aerosol G acceptable subject to use conditions as substitutes for halon 1301 for use as a total flooding agent in normally unoccupied areas, took effect 12/18/12. EPA intends to address the adverse comment concerning C7 Fluoroketone in a subsequent final action. [Additional SNAP program information](#) is available. For further information, contact [Bella Maranion](#), (202) 343-9749.

EPA EXTENDS COMMENT PERIOD FOR MERCURY PROPOSAL (12/12/12, [77 FR 73968](#)): EPA extended the comment period to 01/07/13 on a proposed rule to revise mercury and air toxics emissions limits for newly built coal- and oil-fired power plants. The proposed rule is titled, "Reconsideration of Certain New Source and Startup/Shutdown Issues: National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial- Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units." For further information, contact [William Maxwell](#), (919) 541-5430; [Christian Fellner](#), (919) 541-4003.

CERCLA

TECHNICAL ASSISTANCE NEEDS ASSESSMENTS AT SUPERFUND REMEDIAL OR REMOVAL SITES (12/12/12, [77 FR 74002](#)): EPA is planning to submit an information collection request (ICR), which covers the usage of Technical Assis-

tance Needs Assessments (TANAs) with members of the impacted community and is requesting comments. The ICR will help determine how the community is receiving technical information about a Superfund remedial or removal site; determine whether the community needs additional assistance in order to understand and respond to site-related technical information; and answer whether there are organizations in the community that are interested or involved in site-related issues and capable of acting as an appropriate conduit for technical assistance services to the affected community. The TANA will help ensure the community's needs for technical assistance are defined as early in the remedial/removal process as possible, and enable meaningful community involvement in the Superfund decision-making process. The TANA process produces a blueprint for designing a coordinated effort to meet the community's needs for additional technical assistance, while minimizing overlap of services provided. Respondents to this ICR include local/state government officials, potentially responsible party representatives, and individual community members who may be impacted by a Superfund site or a removal action lasting 120 days or longer. Comments are due 02/11/13. For further information, contact [Laura Knudsen](#), 703-603- 8861.

TOXICOLOGICAL PROFILES (12/13/12, [77 FR 74192](#)): CERCLA section 104 (i), as amended by the Superfund Amendments and Reauthorization Act, requires the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA to prepare a list, in order of priority, of substances most commonly found at facilities on the National Priorities List (NPL) that are determined to pose the most significant potential threat to human health due to known or suspected toxicity and potential for human exposure at these NPL sites. CERCLA also requires this list to be revised periodically to reflect additional information on hazardous substances. ATSDR released 10 final toxicological profiles of priority hazardous substances: Acrylamide, 1,3-Butadiene, Cadmium, Carbon Monoxide, Chromium; 1,4-Dioxane, Manganese, Phosphate Ester Flame Retardants, Radon and Vanadium. [Additional information](#) on toxicological profiles and the [Priority List of Hazardous Substances](#) is available. For further information, contact Delores Grant, (800) 232-4636.

CLIMATE CHANGE

NATIONAL WATER PROGRAM 2012 STRATEGY (12/26/12, [77 FR 76034](#)): EPA released the final, "[National Water Program 2012 Strategy: Response to Climate Change](#)," which describes a set of long-term visions, goals and key national and regional strategic actions for management of water resources in light of climate change. For [further information](#), contact [Elana Goldstein](#), 202-564-1800.

COMMERCIAL AND INDUSTRIAL COMPRESSORS AS COVERED EQUIPMENT (12/31/12, [77 FR 76972](#)): DOE is proposing to determine that commercial and industrial compressors meet criteria for covered equipment under the Energy Policy and Conservation Act (EPAc). Compressors are not included as covered products requiring energy conservation standards under 10 CFR part 430. DOE believes coverage is necessary to carry out the purposes of part A-1 of EPAc to improve energy efficiency of electric motors, pumps and certain other industrial equipment. DOE seeks comment on the definition of compressors; whether classifying compressors as covered equipment is necessary to carry out purposes of Part A-1 of EPAc; availability or lack thereof of technologies for improving energy efficiency of compressors; and other issues relevant to establishing a test procedure and energy conservation standard for compressors. Comments are due 01/30/13. For further information, contact: [James Raba](#), (202) 586-8654, Jim.Raba@ee.doe.gov.

ENERGY

[SITING RENEWABLE ENERGY ON POTENTIALLY CONTAMINATED LAND AND MINE SITES](#): To encourage renewable energy development on current and formerly contaminated land and mine sites, EPA has released updated enforcement discretion guidance regarding the treatment of tenants concerned with CERCLA liability. Under current CERCLA case law, the mere execution of a lease does not necessarily make a tenant liable as an owner or operator under CERCLA Section 107 (a). The changes address in detail the CERCLA Bona Fide Prospective Purchaser Provision. Additionally, the guidance addresses and provides templates for "comfort" or (site) "status" letters that EPA may issue. For further information, contact [Susan Boushell](#), (202) 564-5161.

FIFRA

MINIMUM RISK PESTICIDES (12/31/12, [77 FR 76979](#)): EPA is proposing to more clearly describe active and inert ingredients permitted in minimum risk pesticide products that are eligible for exemption from federal registration requirements. EPA regulations at 40 CFR 152.25 specify allowable active and inert ingredients in exempt minimum risk pesticides. The active ingredients list features a large number of aromatic oils such as citronella oil, clove oil, garlic oil, white pepper and zinc. Though minimum risk pesticide products are exempt from Federal regulation, most states regulate these products in some manner. EPA is not proposing to remove or add any active ingredients to the list, only to reorganize these lists by adding specific chemical identifiers such as the Chemical Abstracts Service (CAS) number. EPA is also proposing to modify the label requirements in the exemption to require the use of specific common chemical

names in lists of ingredients on minimum risk pesticide product labels, and to require producer contact information on the label. For further information, contact [Ryne Yarger](#), (703) 605-1193,.

NATURAL RESOURCES

CANDIDATE NOTICE OF REVIEW (11/21/12, [77 FR 69994](#)): USFWS announced its Candidate Notice of Review, a yearly appraisal of the current status of plants and animals considered candidates for protection under the Endangered Species Act. Director Ashe said, "Our ultimate goal is to have the smallest candidate list possible, by addressing the needs of species before they require ESA protection and extending the ESA's protections to species that truly need it."

82 [REEF-BUILDING CORAL SPECIES](#) (12/07/12, [77 FR 73219](#)): The National Marine Fisheries Service (NMFS) has completed status reviews of 82 reef-building coral species, and determined that 12 of the petitioned species warrant listing as endangered (five Caribbean and seven Indo-Pacific), 54 coral species warrant listing as threatened (two Caribbean and 52 Indo-Pacific), and 16 coral species (all Indo-Pacific) do not warrant listing as threatened or endangered. The US Fish and Wildlife Service (USFWS) determined that two Caribbean coral species currently listed warrant reclassification from threatened to endangered (*Acropora palmata* and *Acropora cervicornis*). NMFS's Coral Biological Review Team (BRT) considered nine threats to be the most relevant to current or expected future extinction risk of reef-building corals: ocean warming, coral disease, ocean acidification, trophic effects of reef fishing, sedimentation, nutrients, sea-level rise, predation, and collection and trade. Comments are due 03/07/13. For further information, contact Jennifer Moore (Southeast), 727-824-5312, or Marta Nammack, 301-427-8469.

TOXICS

RENOVATION, REPAIR, PAINTING PROGRAM FOR PUBLIC AND COMMERCIAL BUILDINGS (12/31/12, [77 FR 76996](#)): EPA is determining which renovation, repair and painting activities on and in public and commercial buildings activities may create lead-based paint hazards. For those that do, EPA is developing certification, training and work practice requirements. EPA is seeking information concerning manufacture, sale, and uses of lead-based paint after 1978; use of lead-based paint in and on public and commercial buildings; frequency and extent of renovations on public and commercial buildings; work practices used in renovation of public and commercial buildings; and dust generation and transportation from exterior and interior renovations of public and commercial buildings. EPA's [Advanced Notice of Proposed Rulemaking](#), published 05/06/10, contains a comprehensive history of this rulemaking and the lead program in general, a review of some of the relevant information EPA has already gathered and reviewed, and more detail on information sought. EPA will accept comments until 04/01/13. EPA plans to hold a public meeting 06/26/13. For further information, contact [Hans Scheifele](#), (202) 564-3122.

WATER

STORMWATER DISCHARGES FROM LOGGING ROADS (12/07/12, [77 FR 72970](#)): EPA is revising Phase I stormwater regulations to clarify that stormwater discharges from logging roads do not constitute stormwater discharges associated with industrial activity, and that a National Pollutant Discharge Elimination System (NPDES) permit is not required. EPA is promulgating this final rule to address discharges identified under *Northwest Environmental Defense Center v. Brown*, 640 F.3d 1063 (9th Cir. 2011). The final rule became effective 01/07/13. Further Information: [Jeremy Bauer](#), 202-564-2775.

Professional Development

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

VARIOUS DATES AND TIMES ONLINE: [2013 USACE 2012 TRAINING PROGRAM \(PURPLE BOOK\)](#). US Army Corps of Engineers FY 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 audi-

ence of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents.

VARIOUS DATES AND TIMES: [EPA RCRA TRAINING](#). RCRA-related online courses, seminars, webinars, podcasts, and videos are posted throughout USEPA's waste website. Introductory and advanced courses are included for federal and state regulators, the regulated community, organizations, associations, and consumers interested in environmental laws, regulations and implementation.

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

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

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

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

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

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

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

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

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

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

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

ANYTIME ONLINE: [ADVANCED METERING SOLUTIONS FOR FEDERAL AGENCIES](#). This one-day FEMP-sponsored symposium

(targeting Federal energy managers, contractors, and software and system providers) consists of two sections. The morning session consists of presentations by Federal agencies highlighting their successful applications of advanced metering, data analysis, and diagnostic software. The afternoon session will feature panel discussions by invited metering hardware and software providers highlighting the capabilities of such systems.

ANYTIME ONLINE: [WHOLE BUILDING DESIGN GUIDE TRAINING](#). The DOE Federal Energy Management Program (FEMP) has partnered with the National Institute of Building Sciences to offer FEMP E-Learning Courses on the Whole Building Design Guide. Eight interactive, on-demand, self-paced, and self-tracking courses are supportive of the Federal Building Personnel Training Act competencies and will provide up-to-date information targeted to mid-level Federal energy, water, and sustainability managers.

JANUARY 21-24, NEW ORLEANS, LA: [THE GULF OF MEXICO OIL SPILL & ECOSYSTEM SCIENCE CONFERENCE](#). The conference goal is to improve society's ability to understand the Gulf of Mexico ecosystem to ensure long-term environmental health. Understanding the impacts of petroleum pollution and related stressors on the marine and coastal ecosystems, as it will support future response, mitigation, and restoration following spills is important. The Gulf is a dynamic and complex system that is facing several issues, such as non-petroleum pollution, hypoxia, coastal development, erosion and inundation, and climate change. This conference will engage and build a community of researchers working on all aspects of Gulf of Mexico ecosystem science and initiate dialogue with the users of that information.

JANUARY 26, 2013: The [Kinship Conservation Foundation's](#) annual selection of eighteen conservationists (worldwide) for a month-long fellowship in Puget Sound is now open. Work with faculty to apply and evaluate tools and strategies to strengthen your ability to engage in environmental markets. Enhance your leadership and management skills through expert and peer-directed sessions. Expand your network of conservation alliances and forge important and enduring relationships through the Kinship Conservation Fellows community. Applications are due 01/26/13.

FEBRUARY 4-3, CHARLOTTE, NC: [COMPREHENSIVE FIVE-DAY TRAINING PROGRAM FOR ENERGY MANAGERS](#). The program is designed to meet the training requirements of those who need to know the technical details of the commissioning process, which is the process of ensuring that building systems are designed, installed, functionally tested, and capable of being operated and maintained according to the owner's operational needs. Commissioning can restore existing buildings to high productivity through renovation, upgrade and tune-up of existing systems. This program will examine all aspects of building commissioning, including project scheduling, roles and responsibilities of the project team, new building commissioning, retro and recommissioning of existing buildings, system by system commissioning requirements, the Leadership in Energy and Environmental Design rating system, project economic analysis, building code issues, and commissioning tools and technologies. The Certified Building Commissioning Professional (CBCP) exam will be administered at the close of instruction on day five of each seminar to those who have qualified in advance to sit for the exam by submitting a completed CBCP application and fee.

FEBRUARY 13, ONLINE: [CLIMATE CHANGE AND THE WATER SECTOR](#). An overview of how climate change will impact drinking water and wastewater utilities and how utilities can prepare for these impacts. This webinar also includes an explanation of the science and data sources used in Climate Ready Water Utilities tools and resources.

FEBRUARY 20, ONLINE: [USING SOCIAL MEDIA CHANNELS TO INSPIRE OFFLINE ACTION](#). Zoey Kroll is an Internet Communications Specialist at the San Francisco Department of Environment and a Social Media Strategist at Hayes Valley Farm. She will talk about using social media channels to inspire offline action. The webinar will discuss how apps (RecycleWhere), activity clubs (Photo Adventure Club), and social media tools can inspire people to move from clicks to compost. This training is offered by the Pollution Prevention Resource Exchange (P2Rx).

FEBRUARY 26, NEW ORLEANS, LA: [ESPC COMPREHENSIVE WORKSHOP](#). Open only to Federal employees and DOE management and operating (M&O) contractors, the workshop outlines the latest (DOE) energy savings performance contract (ESPC) indefinite delivery, indefinite quantity contract and process. The session is taught by DOE national laboratory experts and other consultants with extensive background in ESPCs.

FEBRUARY 27-28, WASHINGTON, DC: [2013 CLIMATE LEADERSHIP CONFERENCE](#). This conference is dedicated to professionals addressing global climate change through policy, innovation, and business solutions. It gathers forward-thinking leaders from business, government, academia, and the non-profit community, to explore energy and climate related solutions, introduce new opportunities, and provide support to leaders taking action on climate change.

MARCH 5-7, WASHINGTON, DC: [8TH ANNUAL MILITARY ENERGY ALTERNATIVES CONFERENCE](#). This conference covers topics such as: unified understanding of military-wide requirements to set a fail proof operational energy strategy; de-

ployment of stable microgrids to ensure optimal security of critical military assets; increasing efficiency at CONUS and international installations; research efforts in renewable and hybrid solutions; and renewables advances at the tactical level to improve soldier outcomes. The conference brings together leading military energy experts, DoD and DOE personnel.

MARCH 6-7, PHILADELPHIA, PA: [24TH ANNUAL GLOBALCON 2013](#). Presented by the Association of Energy Engineers (AEE), examples of topics addressed at this conference include: energy efficiency, high performance buildings, energy conservation, and other energy related issues.

MARCH 7, ONLINE: [EMBEDDING SUSTAINABILITY IN AN ORGANIZATIONAL STRUCTURE](#). Stephanie Bertels, PhD and Assistant Professor in Technology and Operations Management at SFU Surrey, researches innovations related to sustainability, institutional change, inter-organizational collaboration, and resilience and reliability. Her current research bridges organization theory and the issues surrounding sustainable development to explore how organizations can develop and implement innovative strategies for a more sustainable future.

MARCH 25-28, MYRTLE BEACH, SC: [COASTAL GEOTOOLS](#). This conference series focuses on the technical information needs of the nation's coastal programs. It will focus on building the Digital Coast, a Web platform that provides access to geospatial data, tools, and technical training.

APRIL 1-4, LOS ANGELES, CA: [2013 NATIONAL ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS \(NAEP\)](#). NAEP and the California Association of Environmental Professionals (CAEP) will jointly host their annual meetings. The theme of the conference is "Walk-the-Talk," highlighting the best efforts by private- and public-sector environmental professionals in the areas of regulations, analyses, project construction, and project operations. The focus of the conference will be on highlighting the work of environmental professionals that achieves the spirit of NEPA and the California Environmental Quality Act (CEQA), while balancing the needs of economic development, quality of life, and conservation and protection of the environment.

APRIL 16-18, WASHINGTON, DC: [ESPC COMPREHENSIVE WORKSHOP](#). Open only to Federal employees and DOE M&O contractors, the workshop outlines the latest DOE ESPC indefinite delivery, indefinite quantity contract and process. The session is taught by DOE national laboratory experts and other consultants with extensive background in ESPCs.

MAY 8-10, CHICAGO, IL: [INTERNATIONAL SOCIETY OF SUSTAINABILITY PROFESSIONALS CONFERENCE](#). The conference is structured around stories from the field featuring presentations of on-the-ground implementation from organizations worldwide; emerging strategies for building the business case, engaging employees and developing cultures of sustainability; and sustainability tools that will demonstrate the latest sustainability assessments, reporting standards and more.

Staff Directory

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How the Regional Offices Work for You

When used within the framework of ISO 14001, the *Southern Region Review of Legislative and Regulatory Actions* can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO 14001. Information in the *Review* is intended for general guidance, and the reader should refer to cited source documents for more detailed information to determine the applicability and scope of referenced legislation and regulations.

The US Army Regional Environmental and Energy Offices (REEOs) monitor state legislative and regulatory actions on your behalf. If a proposed state action has (1) critical mission impact; (2) conflicts with a federal requirement; and/or (3) causes a disproportionate effect on the Army or DoD, REEOs coordinate with potentially affected installations, commands, and/or other military Services to further assess the impact. If action on a proposed measure is necessary, REEOs work with Army or Service regulatory experts to communicate the DA/DoD position. Comments are combined from all parties in a single DoD/Army package, then formally submitted to the state.

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

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

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