



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

February 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.

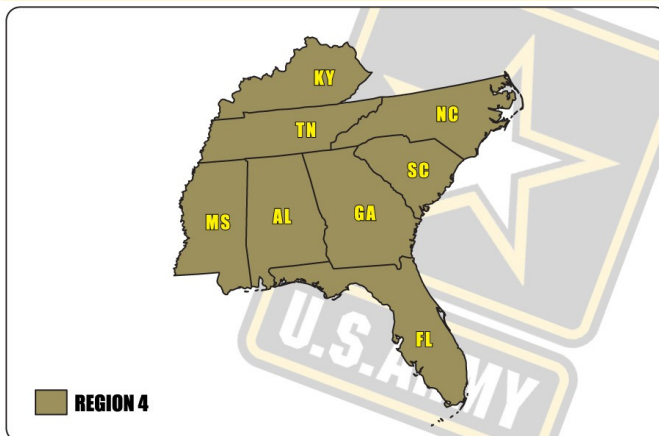


Table of Contents

Alabama	2
Florida	3
Georgia	6
Kentucky	7
Mississippi	8
North Carolina	9
South Carolina	11
Tennessee	12
DoD Activity	13
Federal Activity	13
Professional Development	15
Staff Directory	18

ARMY MOVES TOWARD 2025 RENEWABLE ENERGY GOAL

The Army's goal to deploy 1 gigawatt of renewable energy projects by 2025 will come into closer focus in 2013, with the release of several requests for proposal (RFP) this year. The Army [Energy Initiatives Task Force \(EITF\)](#) has positioned three projects (Fort Bliss, Texas; Fort Irwin, California; and Schofield Barracks, Hawaii) to be released as RFPs or Enhanced Use Leases (EULs) during 2013.

In November 2012, the EITF partnered with the Defense Logistics Agency-Energy in the release of an RFP for a 15 megawatt (MW) solar photovoltaic project at Fort Detrick, Maryland, and in December, for a 28 MW biomass plant at Fort Drum, New York. In total, these five projects represent a 10-fold increase in the Army's renewable energy deployment to date, and will move the Army 10 percent toward achieving its 1 GW goal.

The EITF is also pursuing potential projects in the Southern region at Redstone Arsenal, Fort Benning, Fort Bragg and Fort Campbell. Projects on other installations in the region, to include National Guard and Reserve bases, will also be considered.

That amount of power is considerable—1GW of solar can power up to 750,000 homes, and is equal to about two coal-fired power plants.

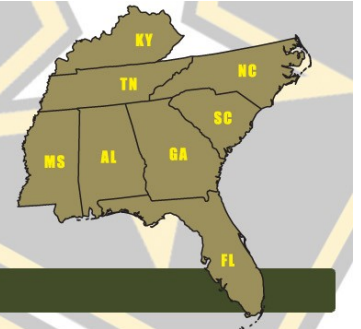
DoD as a whole has the goal to produce or consume 25 percent of its total energy use from renewable sources by year 2025.

The EITF serves as the central management office for partnering with Army installations to implement cost-effective, large-scale, renewable energy projects, with a focus on leveraging private sector financing. The EITF has responsibility for Army renewable energy projects that are 10 MW or greater using solar, wind, biomass, waste-to-energy, and geothermal energy sources.

For additional information on the Army's Renewable Energy projects, visit the [Federal Business Opportunities](#), [EITF](#), or contact the Army REEO for your region.

Region 4

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



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

Adjournment dates are estimated and updated based on legislative activity

PROPOSED RULES

SOLID WASTE STUDY ([NEWS RELEASE](#)): The Alabama Department of Environmental Management (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](#).

CONSISTENCY WITH EPA: PLANT-WIDE APPLICABILITY LIMIT (PAL), GREENHOUSE GASES (GHG), VOLATILE ORGANIC COMPOUND (VOC) DEFINITION, NEW SOURCE PERFORMANCE STANDARDS (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) (335-3-1, 10, 11, 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 PM_{2.5} emission limits for the definition of "regulated New Source Review pollutant," for consistency with EPA's requirements. Amendments are proposed to incorporate EPA's changes to Prevention of Significant Deterioration Plant-wide Applicability Limit 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 enforce-

able, 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 was held 02/06/13, and comments were due 02/08/13. For further information, contact: Chris Howard, (334) 271-7878.



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

LEGISLATION

HB 109, CONSUMPTIVE USE PERMITS: HB 109 specifies conditions for issuance of consumptive use permits (CUPs) for development of alternative water supplies. The bill provides for issuance, extension, and review of permits approved after a specified date. The House referred to HB 109 to committee 01/23/13. **DoD may go through the CUP process out of comity, but may not pay associated fees. The bill primarily extends the duration of such fees from 20 to 30 years.**

HB 183 STORM WATER: HB 193 authorizes municipalities and counties to adopt storm water adaptive management plans and obtain conceptual permits for urban redevelopment projects. The House referred to HB 183 to committee 01/23/13.

HB 309 (SB 498) RENEWABLE ENERGY: HB 309 revises the definition of the term "public utility" to exclude certain producers of renewable energy, and requires public utilities to purchase electricity from renewable energy producers at certain rate. **The House referred HB 309 to committee 01/30/13. REEO-S will closely monitor this bill as it could relax some regulatory restrictions and facilitate renewable energy planning at military installations. The capacity limits are too low for large-scale development, but would accommodate smaller-scale initiatives.**

HB 375 SEPTIC SYSTEMS: HB 375 revises the frequency of inspections for Onsite Sewage Treatment and Disposal Systems. The House referred HB 375 to committee 01/30/13.

HB 531 (SB 354) DOD AD VALOREM TAX EXEMPTIONS: HB 531 provides certain leasehold interests and improvements to land owned by the US, a branch of US Armed Forces, or agency or quasi-governmental agency of US, are exempt from *ad valorem* taxation. The House filed HB 531 01/24/13.

SB 364 WATER SUPPLIES AND PLANNING: SB 364 is related to CUPs for development of alternative water supplies that would extend the duration of such permit from 20 to 30 years if certain conditions are met. The Senate referred SB 364 to committee 01/24/13.

FINAL RULES

ONLINE ASBESTOS REFRESHER COURSES (61E1-2.006): The Department of Business and Professional Regulation have adopted an amendment to provide specific rules for asbestos online refresher courses and to make necessary form and training course amendments. A [Notice of Rulemaking Development](#) was published 02/10/12, the [Notice of Proposed Rules](#) was published 05/44/12, comments were due 05/25/12, a [Notice of Change](#) was published 12/04/12, and a [Notice of Rule Filing](#) was published 01/23/13. The rules became effective 02/05/13. For further information, contact [Sheri Snyder](#), (850) 717-1496.

OIL AND GAS EXPLORATION, DRILLING, PRODUCTION (62C-25.001, 62C-25.002, 62C-25.006, 62C-25.0075, 62C-25.008): The Florida Department of Environmental Protection (FLDEP) has proposed rules relating to oil and gas exploration, drilling and production to correct rule language inconsistencies not impose new regulatory costs, to incorporate required forms by reference, and to update obsolete organizational references. The [Notice of Rulemaking Development](#) was published 10/21/11, and the [Notice of Proposed Rules](#) was published 01/25/13. Comments are due 02/15/13. For further information, contact [Ed Garrett](#), (850) 488-8217.

PROPOSED RULES

ENVIRONMENTAL RESOURCE PERMITTING (62-330): FLDEP has proposed rulemaking relating to environmental resource permitting rules. Section 373.4131, F.S., created by Chapter 2012-94, Laws of Florida, and effective 07/01/12, requires

FLDEP, in coordination with the five Water Management Districts (WMDs), to develop statewide environmental resource permitting (ERP) rules governing construction, alteration, operation, maintenance, repair, abandonment and removal of storm water 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. A workshop was held 01/14/13. 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, and a hearing was held 01/22/13. For further information, contact Sonya White, (813) 985-7481, x4660.

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 were due 01/31/2013. A [Notice of Change](#) was published 02/01/13. 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 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, September and November. A [Notice of Proposed Rules](#) was published 12/28/12, a workshop was held 01/14/13, 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 Florida Fish and Wildlife Conservation Commission 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.

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.

VOLUNTARY 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.

JOINT COASTAL PERMIT PROGRAM (62B-49.001, .002, .004, .005, .006, .008, .010, .011, .012, .013): FLDEP has proposed rulemaking to implement Laws of Florida 2012-65 and make revisions necessary to clarify language and formalize policy. Chapter 62B-49, F.A.C., establishes the Joint Coastal Permit program. Activities that require a coastal construction permit and an environmental resource permit are authorized by a single joint coastal permit. FLDEP proposes to amend Chapter 62B-49 and add a new rule to implement the Laws of Florida 2012-65. FLDEP also proposes to clarify language to reduce confusion in the permitting process and reduce requests for additional information; to add conditions and amend portions to expedite the permitting process; and to amend procedures to allow for electronic submittal of applications. A [Notice of Rulemaking Development](#) was published on 01/17/13. For further information, contact [Kamie Carney](#), (850) 488-7816.

PROCESSING FEES FOR ERP ACTIVITIES (62-4.050): FLDEP has proposed rulemaking to amend processing fees in Rule 62-4.050, F.A.C., for ERP activities regulated under Part IV of Chapter 373, F.S. These amendments are associated with adoption of the "Statewide Environmental Resource Permit" (ERP) rule, Chapter 62-330, F.A.C., authorized by Section 373.4131, F.S. Processing fees apply statewide when FLDEP is responsible for the review and agency action on an ERP activity; separate rulemaking to amend processing fees will be, or has been, noticed by the WMDs when they are responsible for the review and agency action on an ERP activity in accordance with the operating agreements incorporated by reference between the agencies in Chapters 62-113 and 62-346, F.A.C. A [Notice of Rulemaking Development](#) was published on 01/15/13, and a workshop was held 01/30/13. For further information, contact [Alice Heathcock](#), (850) 245-8483.



2013 LEGISLATIVE SESSION: JANUARY 14, 2013 THROUGH APRIL 9, 2013

Georgia has two-year sessions (2013-2014); 2013 bills may be carried over for consideration in 2014. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

[SB 51](#) ELECTRIC GENERATION AND TRANSMISSION FACILITIES: SB 51 changes certain provisions relating to "The Georgia Cogeneration and Distributed Generation Act of 2001" to allow for financing of distributed generation through leases, power purchase agreements, and other financing mechanisms, and the purchase of energy from the customer. The Senate referred SB 51 to committee 01/16/13. **REEO-S will closely monitor this bill as it could significantly relax regulatory restrictions and facilitate large-scale renewable energy planning at military installations.**

FINAL RULES

INERT WASTE LANDFILLS (391-3-4-.06(3)(c), 391-3-4-.07(4)(c), 391-3-4-.07(4)(d)): The Georgia Environmental Protection Division (GAEPD) has adopted 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 adopted 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 was held 01/23/13. **REEO-S commented on the proposals regarding impact to DoD installations.** For further information, contact the EPD Land Protection Branch, (404) 362-2696.

PROPOSED RULES

OPEN BURNING (391-3-1-.02(5)): GAEPD has proposed amendments to rule 391-3-1-.02(5), "Open Burning" to harmonize year-round open burning restrictions that currently apply to all counties with a population exceeding 65,000 with summertime burning restrictions. This revision will allow three additional open burning activities to be conducted in affected counties: disposal of vegetative debris from storm damage; weed abatement, disease and pest prevention; and open burning for the purpose of land clearing (without using an air curtain destructor). Affected counties include Bulloch, Chatham, Dougherty, Glynn, Lowndes, Muscogee and Whitfield. A [Notice of Proposed Rules](#) was filed on 01/29/13. A hearing is scheduled for 03/05/13, comments are due 03/08/13, and a meeting is scheduled for 03/26/13. [Proposed amendments](#) and a [synopsis](#) of the amendments are available. For further information, contact the Air Protection Branch, (404) 363-7000.



2013 LEGISLATIVE SESSION: JANUARY 8, 2013 THROUGH MARCH 26, 2013

Adjournment dates are estimated and updated based on legislative activity

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 Clean Water Act 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 Kentucky Environmental and Energy Commission 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 Sub-

committee 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 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 STORM WATER SAMPLING (NOTICE): KDEP Division of Water (DOW) released the draft KYR00, "Industrial Storm water 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

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

LEGISLATION

[HB 4](#) ALTERNATIVE FUELS: HB 4 provides for a privilege tax on natural gas sold or delivered by a utility to the owner of a private refueling system or to a public refueling station for compression into compressed natural gas (CNG) for use as fuel in motor vehicles. The House referred HB 4 to committee 01/08/13.

[HB 286](#) ([SB 2688](#)) LEAD-BASED PAINT ACTIVITY ACCREDITATION AND CERTIFICATION ACT: HB 286 is an act to delete the opt-out provision in the lead-based paint activity accreditation and certification act that exempts a renovation firm from the training and work practice requirements of the act. HB 286 passed committee 01/29/13.

[HB 289](#) COMPRESSED NATURAL GAS FUELING: HB 289 is an act to establish goals to promote public access to CNG fueling stations around the state. HB 289 was referred to committee 01/14/13.

[HB 388](#) OPEN BURNING: HB 388 is an act to prohibit the Mississippi Department of Environmental Quality (MSDEQ) from regulating the burning of leaves, or other similar organic matter, by a property owner, if the burning occurs on the property where the leaves or other similar organic matter originated. The House referred HB 388 to committee 01/21/13.

[HB 713](#) MISSISSIPPI ABOVE GROUND STORAGE TANK ACT OF 2013: HB 713 is an act to direct the Mississippi Commission on Environmental Quality to promulgate rules and regulations governing above ground storage tanks; to authorize the commission to assess and collect a tank regulatory fee to use for the administration of this act and to provide a civil penalty for violations. HB 713 passed committee 01/29/13.

[HB 719](#) ([SB 2672](#)) INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM LAW: HB 719 is an act to extend the law and revise various provisions. HB 719 passed the House 02/01/13.

[HB 734](#) PESTICIDES REGISTRATION FEE: HB 734 is an act to fund the Law Enforcement Officers and Fire Fighters Death Benefit Fund. If enacted, the act would increase annual fee for registering pesticides and require that half of the amount of the increase shall be deposited into a special fund in the state treasury known as the "law enforcement officers and fire fighters death benefits fund." HB 734 was referred to committee 01/21/13.

[HB 765](#) NATURAL GAS VEHICLES FOR MISSISSIPPI ACT OF 2013: HB 765 is an act to authorize an income tax credit for

CNG vehicles and refueling systems. On 01/21/13, HB 765 was referred to committee.

HB 769 (SIMILAR TO HB 1296 BELOW) MISSISSIPPI ENERGY SUSTAINABILITY AND DEVELOPMENT ACT: HB 769 is an act to create the Mississippi Development Authority Energy and Natural Resources Division. The division would be charged with developing policies and strategic planning that foster an energy economy and encourage sustainable practices statewide. The House referred HB 769 to committee 01/21/13.

HB 793 (SEE ALSO HB 1591) SOLAR TAX CREDITS: HB 793 is an act to authorize an income or franchise tax credit equal to the cost of purchasing and installing solar electric energy systems. The measure was referred to committee 01/21/13.

HB 1084 CHARGING ELECTRIC VEHICLES: HB 1084 is an act to allow providing an electrical charge to vehicles by persons other than the certificated electric public utility. HB 1084 was referred to committee 01/21/13.

HB 1296 (SB 2792) MISSISSIPPI ENERGY SUSTAINABILITY AND DEVELOPMENT ACT: HB 1296 is an act to revise the contents of the Mississippi energy plan and require the Mississippi Development Authority to promulgate rules for loan eligibility administration of the energy development fund. On 01/30/13, HB 1296 was referred to committee.

SB 2423 MUNICIPAL WASTEWATER: SB 2423 is an act to remove revisions to the Mississippi on-site wastewater disposal system law that went into effect 07/01/09. The measure was referred to committee 01/21/13.

SB 2484 ENVIRONMENTAL JUSTICE: SB 2484 is an act to require fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with regard to the development and enforcement of environmental laws and the siting of certain facilities. SB 2484 was referred to committee 01/21/13.

SB 2568 WATER WELL PERMITS: SB 2568 is an act to provide that no permit or approval from any county utility authority shall be required from any use of water obtained from a well with a surface casing diameter of less than six inches. The measure was referred to committee 01/21/13.

SB 2579 ELECTRONIC WASTE: SB 2579 is an act to authorize MSDEQ to study solutions for long-term disposal to include rules and regulations banning the disposal of all computer and electronic equipment in Mississippi landfills. SB 2579 was referred to committee 01/21/13.

SB 2582 RADON: SB 2582 is an act requiring MSDEQ to adopt rules for radon control. On 01/21/13, SB 2582 was referred to committee.

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 9 THROUGH JULY 1, 2013

North Carolina has two-year sessions (2013-2014); 2013 bills may be carried over for consideration in 2014. Adjournment dates are estimated and updated based on legislative activity.

PROPOSED RULES

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](#).

AIRPORT STORM WATER BMP MANUAL CHAPTER 13 REVIEW (BMP MANUAL CHAPTER 13): NCDENR has invited public comment on draft Chapter 13: Airports of the NCDENR Storm water Best Management Practices 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. The [proposed rules](#) were filed 11/19/12. A hearing was held 01/15/13, and comments were 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 DAQ 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 was held 01/15/13, and comments were 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, a hearing was held 01/15/13, and comments were 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, and a hearing was held 01/17/13. Comments are due 03/04/13. For further information, contact [Ellen Lorscheider](#), (919) 707-8245.



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

South Carolina has two-year sessions (2013-2014); 2013 bills may be carried over for consideration in 2014. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

HB 3235 SOUTH CAROLINA BEVERAGE CONTAINER RECYCLING ACT: HB 3235 is an act to require deposit beverage distributors that operate within the state to register with the Department of Revenue and maintain certain records. The bill requires deposit beverage distributors to pay a container recovery fee and a deposit for each deposit beverage container sold in the state, and that they charge dealers or consumers a deposit equal to the refund value of the beverage container. On 01/08/13, HB 3235 was referred to committee by the House. **HB 3235 is a potentially problematic bill that attempts to regulate federal agencies, to include "military distributors."**

HB 3252 SOLAR ENERGY REAL PROPERTY: HB 3252 is an act to define "solar energy real property" as agricultural property for tax purposes. The House referred HB 3252 to committee 01/09/13.

HB 3263 SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT COMMISSION: HB 3263 is an act to establish the South Carolina Military Preparedness and Enhancement Commission, and to provide that this commission shall act to enhance the value of military facilities located in this state. The act would also establish the South Carolina Military Value Revolving Loan Account to provide loans that assist defense communities in enhancing the value of military facilities. HB 3263 was referred to committee by the House 01/09/13.

HB 3425 THE ENERGY SYSTEM FREEDOM OF OWNERSHIP ACT: HB 3425 is an act to provide that a third party may sell electricity produced by a renewable energy facility, that the sale of electricity from a renewable energy facility by third parties does not subject the seller to regulation as a public utility, and that the state energy office will impose certain requirements on fees charged by a utility to a renewable energy facility. The House referred HB 3425 to committee 01/24/13. **REEO-S will closely monitor this bill as it could relax some regulatory restrictions and facilitate renewable energy planning at military installations. The capacity limits are too low for large-scale development, but would accommodate smaller-scale initiatives.**

SB 274 ENVIRONMENTAL REGULATOR PENALTY POLICY: SB 274 is an act to restructure penalties and provide graduated penalties for violations of statutes. The Senate referred SB 274 to committee 01/23/13.

NOTICE

SURFACE WATER AVAILABILITY ASSESSMENT IN SOUTH CAROLINA, PUBLIC WORKSHOP: The South Carolina Department of Health and Environmental Control (SCDHEC) and the South Carolina Department of Natural Resources (SCDNR) have announced a public workshop to discuss development of surface water models to determine availability of water supplies, and future demands on those water supplies. Staff from these resources agencies will provide information on possible approaches, and will seek input from stakeholders to help guide model development. Water suppliers, environmental organizations, industry, and the general public are invited to participate. No reservations are necessary. Georgia has already completed such an evaluation, and North Carolina is conducting a similar assessment. To complement South Carolina's new surface water permitting program (and its existing groundwater permitting program) administered by SCDHEC, and to gather the information necessary to update the State Water Plan developed by SCDNR, surface water availability assessments are needed. The [notice](#) was issued 01/23/13, and a workshop was held 02/04/13. For further information, contact the SCDHEC Bureau of Water, (803) 898-4300.

PROPOSED RULES

GENERAL PERMIT FOR FUEL COMBUSTION: 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 con-

tains 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.



2013 LEGISLATIVE SESSION: JANUARY 8, 2013 THROUGH MAY 20, 2013

Tennessee has two-year sessions (2013-2014); 2013 bills may be carried over for consideration in 2014. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

[HB 62 \(SB 1000\) ELECTRIC GENERATION AND TRANSMISSION FACILITIES:](#) HB 62 increases the maximum property value from one-half percent of acquisition value to one-third of installation costs, to be consistent with valuation of wind production facilities for certified green energy production facilities that use solar, geothermal and hydrogen energy. HB 62 was referred to committee 01/30/13.

[HB 359 \(SB 298\) UNDERGROUND PETROLEUM STORAGE TANKS:](#) HB 359 requires the Tennessee Department of Environment and Conservation (TDEC) to permit single walled underground [petroleum storage](#). The measure was introduced 01/31/13.

[HB 411 \(SB 480\) STORM WATER:](#) HB 411 authorizes a regional water and wastewater treatment authority to exercise authority for storm water management. HB 411 was introduced 01/31/13.

[HB 538 TENNESSEE BEVERAGE CONTAINER RECYCLING REFUNDS ACT:](#) The House filed HB 538 01/31/13. **Similar to South Carolina House Bill 3235 above, HB 538 is a potentially problematic bill that attempts to regulate federal agencies, to include "military distributors."**

[HB 550 \(SB 943\) OPEN BURNING:](#) HB 550 deletes provision authorizing local governments to enforce more stringent open burning requirements than provided by state law. The House filed HB 550 01/31/13.

[SB 852](#) ENERGY INDEPENDENCE ACT OF 2013: The House filed SB 852 01/31/13.

[SB 941](#) WASTE DISPOSAL/RECYCLING: SB 941 prohibits disposal of aluminum cans and recyclable plastic beverage bottles in landfills, subject to certain restrictions, and allows local governments to request waiver from requirement. The House filed SB 941 01/31/13.

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

CASE STUDIES HIGHLIGHT AGENCY ENERGY-MANAGEMENT BEST PRACTICES (12/31/12): The Department of Energy (DOE) Federal Energy Management Program (FEMP) recently published three case studies featuring [best practices used by the Air Force](#), [Fish and Wildlife Service](#), and the [Marine Corps](#) to conserve energy and water. The intent of these case studies is to showcase how the Air Force, Fish and Wildlife Service, and the Marine Corps, recipients of 2011 Federal Energy and Water Management Awards, lead by example, and to inspire other Federal agencies to adopt or develop similar efficiency practices.

Federal Activity

AIR

NATIONAL AMBIENT AIR QUALITY STANDARDS TIGHTENED FOR FINE PARTICULATE MATTER ([78 FR 3085](#), 01/15/13): EPA revised NAAQS for fine particulate matter (PM_{2.5}). The rule lowers the annual PM_{2.5} primary (health-based) standards for fine particles (particles less than or equal to 2.5 micrometers in diameter) from 15.0 to 12.0 micrograms per cubic meter (µg/m³). EPA retained the 24-hour PM_{2.5} standard at a level of 35 µg/m³, and the 24 hour PM₁₀ standard at 150 µg/m³. Most [areas are already in compliance](#). It is likely that fewer than 10 counties will be required to consider local actions to reduce PM_{2.5} to meet the new standard by 2020. EPA has announced a voluntary program called [PM Advance](#) to encourage states, localities, and tribes to work to reduce particulate emissions. Additional information can be found on the [EPA NAAQS website](#).

NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR RECIPROCATING INTERNAL COMBUSTION ENGINES; NEW SOURCE PERFORMANCE STANDARDS FOR STATIONARY INTERNAL COMBUSTION ENGINES ([78 FR 6673](#), 01/30/13): EPA is finalizing amendments to NESHAPS for stationary reciprocating internal combustion engines (RICE). The final amendments include alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary RICE, management practices for a subset of existing spark ignition stationary RICE in sparsely populated ar-

eas and alternative monitoring and compliance options for the same engines in populated areas. EPA is establishing management practices for existing compression ignition engines on offshore vessels. EPA is also finalizing limits on the hours that stationary emergency engines may be used for emergency demand response and establishing fuel and reporting requirements for certain emergency engines used for emergency demand response. The final amendments also correct minor technical or editing errors in current regulations for stationary RICE. This final rule is effective 04/01/13. EPA POC: [Melanie King](#), 919-541-2469.

CLEANUP

VAPOR INTRUSION: EPA finalized the first of several pending guidance documents and regulations governing evaluation and mitigation of vapor intrusion at contaminated sites. The [new guidance](#) requires regional EPA offices to address vapor intrusion risks during the five-year reviews for most completed superfund cleanups.

ENERGY

ENERGY EFFICIENCY (12/2012): The [Energy Efficiency Program Impact Evaluation Guide](#) describes the common terminology, structures, and approaches used for determining energy and demand savings, as well as avoided emissions and other non-energy benefits resulting from facility (non-transportation) energy efficiency programs that are implemented by local governments, states, utilities, private companies and nonprofits. The guide does not recommend specific approaches, but it does provide context, planning guidance and discussion of issues that determine the most appropriate evaluation objectives and best practices approaches for different efficiency portfolios. By using standard evaluation terminology, structures and best practices approaches, evaluations can support adoption, continuation and expansion of effective efficiency actions.

HAZARDOUS MATERIALS

HARMONIZATION WITH INTERNATIONAL STANDARDS (78 FR 987, 01/07/13): The Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) has amended the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Revisions are necessary to harmonize HMR with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods--Model Regulations (UN Model Regulations) and to address a petition for rulemaking. The rule became effective 01/07/13. DOT POCs: Vincent Babich or Shane Kelley, (202) 366-8553.

OTHER REGULATED MATERIALS FOR DOMESTIC TRANSPORT (78 FR 1101, 01/07/13): DOT has extended authorization for use of the ORM-D classification and the use of packagings marked "Consumer commodity, ORM-D" for domestic highway, rail and vessel transportation until 12/31/20. DOT POCs: Michael Stevens or Vincent Babich, (202) 366-8553.

METHYLENE CHLORIDE AND TCE (78 FR 1856, 01/09/13): EPA has released draft chemical risk assessments for five chemicals, including [methylene chloride](#) (dichloromethane—DCM), [N-Methylpyrrolidone](#) (NMP), and [trichloroethylene](#) (TCE). The assessments focus on the use of methylene chloride and NMP in paint stripping, and uses of TCE as a degreaser. Comments on the draft assessments are due 03/11/13. EPA POC: [Stanley Barone](#), (202) 564-1169.

TRANSPORTATION OF LITHIUM BATTERIES (78 FR 1119, 01/07/13): Changes adopted in the 2013-2014 International Civil Aviation Organization [Technical Instructions](#) on the Transport of Dangerous Goods by Air (ICAO Technical Instructions) were incorporated by reference in a final rule that amended HMR. PHMSA is seeking comment on whether to require mandatory compliance with the 2013-2014 ICAO Technical Instructions for all shipments of lithium batteries by air, both foreign and domestic, or to allow domestic shippers and carriers to choose between compliance with existing HMR and ICAO instruction. Comments are due 03/08/13. DOT POCs: Charles E. Betts or Kevin A. Leary, (202) 366-8553.

NATURAL RESOURCES

FUTURE OF AMERICA'S FOREST AND RANGELANDS: FOREST SERVICE 2010 RESOURCES PLANNING ACT ASSESSMENT: Released in December 2012, this [report](#) examines the ways expanding populations, increased urbanization, and changing land-use patterns could profoundly impact natural resources, including water supplies, nationwide during the next 50 years. Significantly, the study shows the potential for significant loss of privately-owned forests to development and fragmentation, which could substantially reduce benefits from forests that the public now enjoys including clean water, wildlife habitat, forest products and others.

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

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

VARIOUS DATES AND TIMES: [NATIONAL ENFORCEMENT TRAINING INSTITUTE](#). EPA environmental enforcement training opportunities 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.

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; deployment 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 8: 2013 [GULF GUARDIAN AWARDS NOMINATIONS](#) DUE. For the year 2013, the Gulf of Mexico Program will be awarding 1st, 2nd and 3rd place awards for seven categories: Business and Industry, Environmental Justice/Cultural Diversity, Civic/Non-Profit Organizations, Partnerships, Youth Environmental Education, Individual, and Bi-National partnership efforts.

MARCH 13-15, ORLANDO, FL: [15TH ANNUAL INTERNATIONAL ABOVEGROUND STORAGE TANK CONFERENCE & TRADE SHOW](#). This conference is designed for engineers, managers or other individuals involved with operations, construction, environmental compliance, spill prevention and response or management activities associated with aboveground storage tanks.

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 (AEP) 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.

MAY 15-17, ATLANTA, GA: [BROWNFIELDS 2013](#). Brownfields are a key to the rebuilding of America's downtowns, creating jobs and meeting the need for livable communities. The 2013 training conference is an excellent forum for community, government, private sector stakeholders and academia to convene and discuss opportunities.

Staff Directory

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Region 4 Deputy Director	404-460-3125
Region 4 Counsel	404-460-3132
Region 4 REC	404-460-3136
Project Manager	404-460-3134
Regulatory Affairs Specialist	404-460-3135
Administrative Assistant	404-460-3130

How the Regional Offices Work for You

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/>.