



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

May 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.

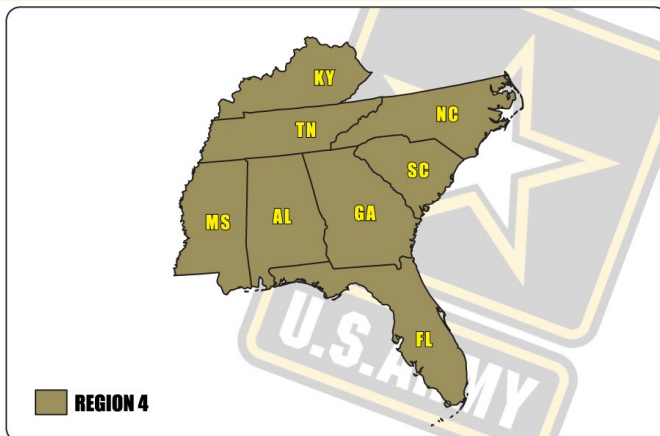


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SECRETARY OF DEFENSE ENVIRONMENTAL AWARDS

Each year, DoD honors individuals, teams and installations for outstanding achievements and innovative environmental practices that promote quality of life and increase efficiencies without compromising mission success. In the Southeast, this year's winners are:

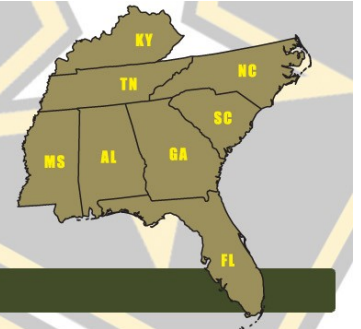
78th Civil Engineer Group, Robins Air Force Base (AFB), Georgia (Environmental Quality, Industrial Installation): Robins is the largest industrial facility in Georgia, with an annual \$4.5 billion economic impact across the state. In fiscal year 2012, the base's qualified recycling program (QRP) recycled over 2,000 tons of recyclables, diverted 53 percent of solid waste from the landfill, and generated over \$960,000 in total revenue. Robins AFB also formed the Robins transportation improvement program to expand and increase participation in commuter options, reducing the number of vehicle miles traveled by two million between fiscal 2010 and fiscal 2012, and saving over \$1.1 million in fuel and maintenance costs.

Marine Corps Air Station Beaufort, South Carolina Marine Corps Air Station (MCAS) (Cultural Resources Management, Installation): The MCAS Beaufort cultural resource management program continues its outstanding activities on the installation and for Townsend Bombing Range (TBR) in McIntosh County, Ga., with support from a variety of partners. Program activities include maintaining its integrated cultural resource management plan, and furthering programs and relationships with regulatory groups with streamlined project planning and execution. MCAS Beaufort was successful in engaging with private land owners to conduct archeological studies of properties around TBR, expanding acreage by 28,630 acres. To ensure proper management of cemeteries and burial plots within the installation, MCAS Beaufort completed a survey and history of eight cemeteries using techniques such as geographical information systems and ground penetrating radar to identify a total of 386 graves that can now be properly protected.

The complete listing of the Secretary of Defense Environmental Awards is available [here](#).

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: 5 FEB 13 THROUGH 20 MAY 13

Adjournment dates are estimated and updated based on legislative activity

LEGISLATION

[HB 181](#) HAZARDOUS WASTE FEE HB 181 decreases the hazardous waste disposal fee for certain hazardous wastes. The measure passed the House and Senate, and was sent to the Governor.

[HB 237](#) EXPIRED MEDICATION DISPOSAL HB 237 allows pharmacies to accept expired medications for disposal purposes. HB 237 passed the House, and is awaiting a Senate floor vote.

[HB 392](#) ENCROACHMENT HB 392 requires the notification of military installations of certain land use changes by local governments, and allows military installations an opportunity to comment on proposed land use changes. HB 392 is pending vote in committee. *REEO-S Note: This positive legislation is similar to encroachment laws enacted in other states.*

[HB 676](#) WIND ENERGY PERMITTING, BALDWIN COUNTY HB 676 authorizes the Baldwin County Commission to establish standards, specifications, criteria and conditions on permitting, construction, placement and operation of wind turbines, wind mills, wind farms and any other wind-generated energy production facilities or equipment operated, in whole or in part, by wind in the unincorporated areas of Baldwin County. The measure passed the House committee. HB 676 is awaiting a floor vote. *REEO-S Note: Baldwin County sits on the Gulf Coast bordering Florida. HB 676 could provide an opportunity for the military to engage county officials during the permitting process to inform stakeholders of potential impacts to military operations in the area (e.g., Eglin Air Force Base, Pensacola Naval Air Station, Fort Rucker).*

[HB 678](#) WIND ENERGY PERMITTING/ALABAMA WIND ENERGY CONVERSION ACT HB 678 requires the Alabama Department of Environmental Management (ADEM) to issue a permit and draft regulations covering the location, design and installation of wind energy systems. The measure passed the House committee. HB 678 is awaiting a floor vote. *REEO-S Note: If HB 678 bill becomes law, subsequent rulemaking process could provide a forum to specifically address notification and process requirements necessary to consider military operations in the state.*

[SB 208](#) STATE DROUGHT PLANNING SB 208 establishes the Alabama Drought Assessment and Planning Team, which is charged with developing a state drought response plan. SB 208 passed the Senate, and is awaiting a House floor vote. *REEO-S Note: This measure is similar to an exercise that Georgia went through a few years back. Membership would include The Adjutant General. Facilities with consumptive use permits, or similar state authorization that regulates water withdraws, could be impacted.*

PROPOSED RULES

SOLID WASTE STUDY ([NEWS RELEASE](#)) ADEM announced the first in a series of public meetings to be held throughout the state, and focused on solid waste management. ADEM is working with Auburn University to facilitate the meetings and compile public input into a final report. Once complete, the final report and 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). POC: Scott Hughes, (334) 271-7955.

PLANT-WIDE APPLICABILITY LIMIT (PAL), GREENHOUSE GAS, 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) For consistency with EPA requirements, ADEM has proposed to delete the term "particulate matter emissions" from Rule 335-3-14-.04 in regard to the definition of "regulated NSR pollutant." Amendments would incorporate EPA changes to Prevention of Significant Deterioration PAL regulations, and define GHG to temporarily exclude biogenic carbon dioxide emissions. Chapter 335-3-14 is part of the federally enforceable State Implementation Plan (SIP). 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 definition of VOC. The [Notice of Intended Action](#) was published 31 DEC 12. A hearing was held 6 FEB 13, and comments were due 8 FEB 13. POC: Chris Howard, (334) 271-7878.

PERMIT FEE INCREASES (335-1-6-.04, 335-1-6-.07) ADEM has proposed to increase permit fees. In Chapter 335-1-6, proposed fee revisions are based upon fringe increases incurred by ADEM in addition to general fund budget shortfalls. Fee adjustments should reflect a uniform 50 percent increase with exceptions. The well driller's license fee is set by law. Other exceptions are reflected in Schedule D - Water Permits, where additive "modeling" fees were deemed adequate and no adjustments were proposed. A [Notice of Public Hearing](#) was filed 01 FEB 13, and a [Notice of Intended Action](#) was published 31 MAR 13. Comments deadline was extended to 6 MAY 13. POC: [ADEM Hearing Officer](#).



2013 LEGISLATIVE SESSION: 5 MAR 13 THROUGH 3 MAY 13

LEGISLATION

[SB 364](#) 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 measure passed both houses and will be sent to the Governor. *REEO-S Note: DoD may go through the CUP process out of comity but not pay associated fees. The bill primarily extends the duration of such fees from 20 to 30 years.*

[SB 934](#) STORMWATER SB 934 authorizes municipalities and counties to adopt stormwater adaptive management plans and obtain conceptual permits for urban redevelopment projects. The measure passed both houses and will be sent to the Governor.

[HB 375](#) SEPTIC SYSTEMS HB 375 revises some requirements for onsite sewage treatment and disposal systems. The measure passed both houses and will be sent to the Governor.

[SB 354](#) DoD AD VALOREM TAX EXEMPTIONS SB 354 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 measure passed both houses.

[SB 682](#) FOSSIL FUEL COMBUSTION PRODUCTS SB 682 provides standards for storage of certain fossil fuel combustion products; exempts "beneficial use" of fossil fuel combustion products from certain rules; and excludes certain types of facilities from hazardous waste landfill regulation. The measure passed both houses and will be sent to the Governor.

[HB 713](#) WATER QUALITY CREDIT TRADING HB 713 authorizes the Florida Department of Environmental Protection (FLDEP) to implement water quality credit trading in adopted basin management action plans; deletes the requirement that voluntary trading of water credits be limited to the Lower St. Johns River Basin; and revises provisions relating to rulemaking for water quality credit trading programs. The measure passed both houses and will be sent to the Governor.

[SB 1684](#) (SEE ALSO [HB 999](#)) WELL, WETLAND, AIR PERMITTING SB 1684 amends certain requirements concerning wells and wetland activities, primarily by adding exemptions. Well and wetland permitting provisions are located on pages 15-17 of the bill. SB 1684 simplifies and otherwise changes Clean Air Act (CAA) Major Source fee calculations (pages 19-22). The measure passed committee and is awaiting a floor vote.

[SB 948](#) WATER SUPPLY This measure revises legislative intent on water supply policy, planning, production and funding, and requires water management districts (WMDs) to assist private landowners and self-suppliers in meeting certain

water supply needs to coordinate regional water supply. The measure passed both houses and will be sent to the Governor. *REEO-S Note: This measure could affect coordination involving DoD facilities that have CUPs.*

SB 1808 NUMERIC NUTRIENT CRITERIA This measure authorizes FLDEP to implement ss. 403.088 and 403.067, F.S., to control nutrient load in state waters; directs FLDEP to remove rule 62-302.531(9), F.A.C., when EPA withdraws all federal numeric nutrient criteria rules in the state; and directs FLDEP to establish estuary specific numeric interpretations of the narrative nutrient criterion for total nitrogen, total phosphorus, and chlorophyll A for any estuary not already subject to FLDEP numeric nutrient criteria. The measure passed both houses and will be sent to the Governor.

SB 1784 INHIBITING ENCROACHMENT OF MILITARY BASES SB 1784 specifies functions of the Military Base Protection Program; authorizes the Florida Department of Economic Activity to annually submit to the Board of Trustees of Internal Improvement Trust Fund's list of non-conservation lands to be acquired for purpose of buffering military bases against encroachment; and requires the Board of Trustees to consider recommendations of Florida Defense Support Task Force. The measure passed both houses and will be sent to the Governor. *REEO-S Note: SB 1784 would enhance Readiness and Environmental Protection Initiative (REPI) efforts in Florida.*

HB 7157 TMDL HB 7157 ratifies FLDEP rules implementing total maximum daily loads for certain impaired water bodies. The measure passed the House and Senate and will be sent to the Governor.

FINAL RULES

SALES TAX REFUND FOR RENEWABLE ENERGY (50-2.001, 50-2.002, 50-2.003) The Florida Department of Agriculture and Consumer Services, Office of Energy has adopted rules to implement the renewable energy tax incentive programs authorized by Chapter 2012-117, Laws of Florida (2012 House Bill 7117). Upon adoption of proposed rules, eligible taxpayers will be able to participate in these programs to take advantage of tax credits available for investments made in renewable energy technology. The [Notice of Proposed Rules](#) was published on 16 JAN 13, and comments were due by 6 FEB 13. The [notice was amended](#) on 20 MAR 13, and the Notice of Rule Filing was published on 16 APR 13. POC: April Groover, (850) 617-7470.

USED OIL REGULATIONS (62-710) FLDEP has amended 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 22 JAN 12, and a [workshop](#) was held 22 AUG 12. An amended [Notice of Proposed Rules](#) was published 10 JAN 13, comments were due 31 JAN 13, and a [Notice of Change](#) was published 1 FEB 13. A [Notice of Rule Filing](#) was filed on 9 APR 13. The rules became effective 23 APR 13. POC: [Julie Rainey](#), (850) 245-8713.

PROPOSED RULES

ENVIRONMENTAL RESOURCE PERMITTING (62-330) FLDEP has proposed rulemaking relating to environmental resource permitting (ERP) rules. Section 373.4131, F.S. requires FLDEP, in coordination with the five WMDs, to develop statewide 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 22 JUN 12, with an advisory issued 6 JUL 12. [Workshops](#) were held/scheduled in July and August of 2012. Each WMD will propose rule amendments for consistency with statutes. A [Notice of Rulemaking Development](#) for those amendments was issued 28 SEP 12. A workshop was held 14 JAN 13, a [Notice of Proposed Rules](#) was published on 12 APR 13, Notices of Change were filed on 15 and 17 APR 13, and comments were due 6 MAY 13. POC: [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 per-

formance 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 21 SEP 12, an advisory was issued 8 JAN 13, and a hearing was held 22 JAN 13. A [Notice of Proposed Rules](#) was published on 28 MAR 13. Comments were due on 18 APR 13. POC: Sonya White, (813) 985-7481, x4660.

SOLID WASTE/RECYCLING (62-716.100 - 62-716.900) FLDEP has proposed a 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 13 AUG 10, a hearing was held 30 SEP 10, and an advisory was issued 6 JUL 12. A [workshop](#) was held 27 JUL 12. POC: [Raoul Clarke](#), (850) 245-8750.

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 28 SEP 12. POC: [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 1 NOV 12. A meeting was held 28 NOV 12 to discuss the rulemaking, part of which may be accessible via web conference with details to be posted on the [Bureau website](#). The [proposed rules](#) were published 25 FEB 13, a hearing was held 20 MAR 13, and comments were due 18 MAR 13. POC: [Elke Ursin](#), (850) 245-4070 x2708.

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 20 NOV 12. Workshops were held 4-5 DEC 12 and 7 DEC 12. An advisory was issued on 25 APR 13. Workshops are scheduled for 15 and 22 MAY 13. POC: [Kelley Smith Burk](#), (650)617-7484.

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 17 JAN 13. An [advisory](#) was issued 13 FEB 13, and a workshop was held 15 FEB 13. POC: [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 15 JAN 13, and a workshop was held 30 JAN 13. POC: [Alice Heathcock](#), (850) 245-8483.

RISK BASED SITE REMEDIATION (62-777.100; 62-777.150; 62-777.170) FLDEP has proposed rulemaking in response to a petition to initiate rulemaking filed by Associated Industries of Florida, pursuant Section 120.54(7), F.S. Initiating this rulemaking will begin necessary dialogue regarding proposed amendments to rules governing the Risk-Based Corrective Action (RBCA) process at contaminated sites, and rules governing the derivation of Cleanup Target Levels in Florida. Subject areas to be addressed include FLDEP's "Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 62-777, F.A.C. (February 2005)"; rule applicability provisions and whether FLDEP will be mandated to approve proposed alternative CTLs (ACTLs); derivation of CTLs and ACTLs, and whether site-specific soil properties should be considered in establishing an ACTL. FLDEP is also proposing changes to all sections of 62-780 to consolidate and create consistency across contaminated site cleanup programs. The [Notice of Rulemaking Development](#) was published 28 OCT 11, a [Workshop Advisory](#) was issued 18 FEB 13, and a workshop was held 5 MAR 13. POC: [Brian Dougherty](#), (850) 245-7503.

CROSS-CONNECTION CONTROL (62-555.330, 62-555.360, 62-555.900) FLDEP has proposed amendments to clarify; thus, achieve more consistent compliance with cross-connection control requirements for public water systems (PWSs). Rules are being amended to significantly reduce the overall regulatory burden of cross-connection control requirements on community water systems (CWSs) and residential customers. The amendments allow a dual check device to be used as backflow protection at service connections from CWSs to residential premises where there is any auxiliary or reclaimed water system. They also allow biennial instead of annual testing of backflow preventer assemblies required at service connections from CWSs to residential premises. These rules are also being amended to require large CWSs (those serving more than 10,000 persons) to submit annual cross-connection control program reports using a new two-page form. This requirement will be a slight additional burden on large CWSs, but will enable FLDEP to better ascertain operational adequacy of large CWSs, and more efficiently conduct sanitary surveys of large CWSs. A [Notice of Rulemaking Development](#) was published on 27 MAR 13. A workshop was held 17 APR 13. POC: [Jeffrey G. Lawson](#), (850) 245-8599.



2013 LEGISLATIVE SESSION: 14 JAN 13 THROUGH 28 MAR 13

***Georgia has two-year sessions (2013-2014); 2013 bills MAY be carried over for consideration in 2014.**

LEGISLATION

HB 226 TIRES HB 226 revises certain requirements related to tire transportation, storage and disposal; provides enforcement authority to certain law officers; and requires permits and vehicle decals for used tire and scrap tire carriers. The bill was enacted. *REEO-S Note: Scrap tire regulation in Georgia has created controversy for some DoD activities. HB 226 adds requirements for tire handling and transportation, and extends the regulatory reach to used tires (i.e., tires still suitable for intended use). The United States is expressly exempted from most of the changes; however, contractors at a facility may be targeted by the Georgia Environmental Protection Division (GAEPD) should the bill become law.*

HB 320 INERT WASTE LANDFILLS HB 320 exempts certain compliant inert waste landfill operations from additional regulatory permitting. The bill was enacted. *REEO-S Note: Exemption requires certification by a professional engineer who is registered under state law. REEO-S may seek clarification from GA DNR as to whether certified engineers working for DoD, at military facilities, must also be registered in Georgia.*

HR 274 (SR 201) ARMY 2020 FORCE RESTRUCTURING This resolution requests that the Department of the Army carefully consider the socioeconomic impact the Programmatic Environmental Assessment for Army 2020 Force Restructuring will have on Fort Benning and the surrounding region. HR 274 passed the House on 28 Feb 13, and SR 201 passed the Senate on 21 Feb 13.

SR 502 RENEWABLE ENERGY SR 502 is a resolution recognizing the potential of wind energy and encouraging local governments to take steps necessary to create open dialogue with local stakeholders and potential wind energy developers to inform the public and maximize potential for implementation of available wind resources. The Senate adopted SR 502. *REEO-S Note: SR 502 could spark activity at the local level leading to potential mission incompatibility issues, as seen in North [Carolina](#).*

PUBLIC NOTICE

STATE IMPLEMENTATION PLAN The Georgia Environmental Protection Division (GAEPD) has invited comment on a proposed certification regarding Georgia's State Implementation Plan (SIP). GAEPD proposes to certify that Georgia's cur-

rent SIP contains the Section 110(a) elements of the Clean Air Act that meet the requirements of the SO₂ NAAQS as finalized in 2010. The [notice](#) was amended on 16 APR 13. A hearing is scheduled for 20 MAY 13, and comments are due by 24 MAY 13. POC: Air Protection Branch, (404) 363-7000.

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 29 JAN 13. A hearing was held 5 MAR 13, comments were due 8 MAR 13, and a meeting was held 26 MAR 13. [Proposed amendments](#) and a [synopsis](#) of the amendments are available. POC: Air Protection Branch, (404) 363-7000.

WATER QUALITY (2014 305(b)/303(d) LIST OF WATERS) In accordance with the Federal Clean Water Act, Sections 305(b) and 303(d), GAEPD is gathering water quality data for use in the assessment of waters for Georgia's 2014 305(b)/303(d) List. Requirements for submission and acceptance of water quality data for use are set forth in the rules and regulations for Water Quality Control, Chapter 391-3-6-.03-(13), and are detailed in the GAEPD document, "Guidance on Submitting Water Quality Data for Use by the Georgia Environmental Protection Division in 305(b)/303(d) Listing Assessments." A [Notice](#) and request for data were issued 01 FEB 13. Comments are due 1 JUL 13. POC: [Susan Salter](#).

UST ENVIRONMENTAL ASSURANCE FEE INCREASE (391-3-15-.13(1)(A)1) The Georgia Department of Natural Resources (GADNR) has proposed amendments to Georgia rules for "Underground Storage Tank Management." Rule 391-3-15-.13(1)(a)1., "Environmental Assurance Fee (EAF)" is being amended to increase the EAF paid by Georgia Underground Storage Tank Trust Fund participants from one-quarter cent (0.25¢) to three-quarters of a cent (0.75¢) on each gallon of petroleum product imported into Georgia and placed in USTs covered by the fund. A [Notice of Proposed Amendments](#) and a [Synopsis of the Proposed Amendments](#) were filed on 05 MAR 13. A hearing was held 21 MAR 13, and a meeting was held 30 APR 13 with comments due by 03 Apr 13. POC: Land Protection Branch, (404) 362-2687.

EROSION AND SEDIMENTATION CONTROL (391-3-7-.01, 391-3-7-.01) GAEPD has proposed rule amendments to Rule 391-3-7-.01 "Definitions" and Rule 391-3-7-.05 "Buffer Variance Procedures and Criteria." Changes to Rule 391-3-7-.01 Definitions, would make minor changes to seven definitions, add two definitions and delete two definitions. Amendments to Rule 391-3-7-.05 Buffer Variance Procedures and Criteria, would provide clarification for one criteria used to review buffer variance applications and for mitigation requirements for temporary and permanent buffer impacts; address a permitting issue that has caused certain linear projects to not be constructed because of buffer variance ineligibility; make a minor change to public notice requirements to clarify correct legal organ for project jurisdictions; and add an expiration date and mechanism for extending the life of buffer variance approvals. A [Notice of Proposed Rules](#) was filed on 16 APR 13. A hearing is scheduled for 16 MAY 13, and comments are due by 22 MAY 13. POC: Larry Hedges, (404) 675-6240.



2013 LEGISLATIVE SESSION: 8 JAN 13 THROUGH 26 MAR 13

LEGISLATION

HB 378 IMPAIRED WATERS This measure Requires the Kentucky Energy and Environment Cabinet (KEEC) to maintain a listing of 303(d) impaired waters and Total Daily Maximum Daily Loads (TDMLs) on the KEEC website. It also requires KEEC to provide notice to certain interested parties of a water body's listing and prepare an annual TDML report for the Interim Joint Committee on Natural Resources and Environment. HB 378 was enacted.

PROPOSED RULES

INDUSTRIAL STORMWATER SAMPLING (NOTICE) The Kentucky Division of Environmental Protection (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 13 NOV 12, and comments were due 21 NOV 12. POC: [DOW](#), Surface Water Permits Branch.



2013 LEGISLATIVE SESSION: 8 JAN 13

THROUGH 4 APR 13

LEGISLATION

[SB 2688](#) LEAD-BASED PAINT ACTIVITY ACCREDITATION AND CERTIFICATION ACT SB 2688 deletes the opt-out provision in lead-based paint activity accreditation and certification act, which exempts a renovation firm from training and work practice requirements of the act. SB 2688 was enacted.

[HB 719](#) INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM LAW HB 719 extends the law and revises various provisions. The measure was enacted.

[HB 1296](#) MISSISSIPPI ENERGY SUSTAINABILITY AND DEVELOPMENT ACT HB 1296 revises the contents of the Mississippi energy plan, and requires the Mississippi Development Authority to promulgate rules for loan eligibility administration of the energy development fund. The measure was enacted. *REEO-S Note: Could become a forum for DoD participation/input.*

PROPOSED RULES

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



2013 LEGISLATIVE SESSION: 9 JAN 13 THROUGH 1 JUL 13

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.

LEGISLATION

[HB 89](#) ([SB 113](#)) REGIONAL WATER SUPPLY This measure requires the North Carolina Department of Environment and Natural Resources (NCDENR) to support the application of a regional water supply system when certain conditions are met. HB89 passed the House and is now in Senate committee. SB 113 passed Senate committee, and is now in House committee.

[HB 254](#) ZONING CHANGES, NOTICE TO MILITARY BASES HB 254 amends requirements related to notice of land use planning and zoning changes to be given to a military base by counties or cities near the military base. The bill passed the House and is in Senate committee. *REEO-S Note: HB 254 adds subdivisions, telecommunications towers and wind-mills to existing notification requirements.*

[HB 298](#) ([SB 365](#)) RENEWABLE PORTFOLIO STANDARD REPEAL This measure eliminates renewable energy portfolio standards; and provides for cost recovery by public utilities for certain costs of compliance with renewable energy portfolio standards. Both bills are in committee. *REEO-S Note: This measure could have significant adverse impact on third-party renewable energy investments at DoD installations.*

[HB 401](#) ([SIMILAR SB 362](#)) TIERED ELECTRICITY RATES HB 401 requires the North Carolina utilities commission to establish tiered electricity rates for residential, commercial, public and industrial customers to encourage energy conservation and energy efficiency. The measure is in committee. *REEO-S Note: The actual impact to DoD installations' utility bills is unclear, as one stated purpose of both bills is to charge higher rates to entities consuming the most energy.*

[HB 433](#) ([SB 389](#)) MILITARY LANDS PROTECTION ACT OF 2013 This act supports activities of the armed forces, and maintains and enhances military presence in North Carolina by regulating the height of buildings and structures located in areas that surround military installations in North Carolina. The measure is in committee. *REEO-S Note: Restrictions*

are for structures taller than 200 feet and within five miles of a major military installation. Exceptions to the restrictions include various towers and slender structures.

SB 163 WATER RIGHTS SB 163 enhances the protection of landowners' water rights. The measure passed the Senate and is in House committee. *REEO-S Note: The thrust of this bill is on voluntary programs, incentives and other mechanisms to encourage reductions in water use.*

SB 171 GREENHOUSE GAS SB 171 prohibits state agencies and local governments from adopting, implementing or enforcing a rule or ordinance that regulates GHG emissions or limits human activity for the purpose of reducing GHG emissions if the rule or ordinance is not required by a federal regulation or law, or is more stringent than a corresponding federal regulation or law. The measure is in committee. *REEO-S Note: SB 171 would basically preclude state rules that are more stringent than any federal requirements.*

SB 413 INTERCONNECTION OF PUBLIC WATER SYSTEMS SB 413 requires interconnection of public water systems or wastewater systems to regional systems when necessary to promote public health, protect the environment, and ensure compliance with drinking water rules. It requires an analysis of reasonable alternatives be done before constructing or altering a public water system. SB 413 is in committee.

SB 491 (HB 484) DoD AND PERMITTING OF WIND ENERGY FACILITIES This measure requires a specific permit system for development of wind energy facilities. It requires notification and coordination with major DoD installations during the pre-application process. HB 484 passed the House. *REEO-S Note: This bill is a high priority for DoD, as it would require early notification and coordination with DoD activities in North Carolina, where wind energy development has been an issue over the past few years. It may serve as a model for other states in protecting military operations and training.*

HB 480 STORMWATER PERMITS HB 480 requires development of minimum design criteria for issuance of stormwater permits and erosion control plans, and creates an expedited permitting process. The measure is in committee.

HB 488 METROPOLITAN WATER AND SEWERAGE DISTRICTS HB 488 promotes the provision of regional water and sewer services by transferring ownership and operation of certain public water and sewer systems to a metropolitan water and sewerage district. The measure passed both chambers and was sent to the Governor. *REEO-S Note: Impact to DoD facilities is not clear at this time.*

HB 573 (SB 275) EXPAND USE OF STORMWATER FEES The measure promotes and encourages funding and implementation of stormwater management programs to protect and enhance surface water quality and quantity to reduce the chances for loss of life and damages to property due to flooding. Both bills are in committee. *Navy Counsel Note: Proposal states: "...within its stormwater management program, a county may fund and/or establish a program that not only purchases property and demolishes flood prone buildings but may also implement flood damage reduction techniques that result in improvements of private property, including, but not limited to (i) elevating structures and/or their associated components, (ii) demolishing flood prone structures, and (iii) retrofitting and/or floodproofing flood prone structures..." If a county enacted a fee that was used for one of these three purposes, it is arguable that it is payable; it sounds more like the county would be doing so to mitigate county costs in the long run, not to mitigate stormwater pollution. As counties implement, the Regional Environmental Coordination community (REC) [should] pay attention and comment [if] DoD interests are affected. REEO-S Note: Concur with Navy Counsel. Since most sponsors are from the minority party and in light of current political environment, prospects for passage seem low. Also, most sponsors are from the Charlotte area indicating that these measures may not be priorities for other members of the Assembly.*

HB 679 (SB 590) UTILITIES/THE MILITARY GOOD NEIGHBOR ACT This measure provides that a person who constructs or operates an electric generating facility for the primary purpose of producing electricity, heat, or steam for sale to, or for the use of, the Armed Forces of the United States, is not a public utility and is not subject to regulation by the utilities commission. Both bills are in committee. *REEO-S Note: REEO-S is closely monitoring these bills as they would expressly authorize the military to enter into third party power purchase agreements (PPAs). REEO-S commented on the proposed legislation and has expressed support to sponsors of the legislation.*

HB 938 WETLANDS MITIGATION FLEXIBILITY HN 938 directs NCDENR to petition the US Army Corps of Engineers Wilmington District to allow greater flexibility to perform wetlands mitigation. The measure directs NCDENR to evaluate effectiveness of the fee/compensatory payment structure and whether the state should assume administration of the 404 permitting program. HB 938 is in committee.

SB 513 LOCAL WATER EFFICIENCY PLANS SB 513 adds efficiency planning to existing local water use planning requirements and requires specific per capita reductions in consumption. The measure is in committee. *REEO-S Note: SB 513 could affect DoD facilities that rely on local government waterworks. Prospects for bill consideration seem low, as the two sponsors are from the minority party.*

PROPOSED RULES

DAQ REVIEW OF NC AIR TOXICS RULES (NOTICE) 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 25 SEP 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 7 SEP 12, and a public meeting was held 25 SEP 12. Comments were due 9 OCT 12. POC: [Division of Air Quality](#).

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 19 NOV 12. A hearing was held 15 JAN 13, and comments were due 1 FEB 13. POC: [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 VOC 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 19 NOV 12. A hearing was held 15 JAN 13, and comments were due 1 FEB 13. POC: [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 amendment would also update the federal cross-reference in the PSD rule to reflect current federal increments for fine particulate matter (75 FR 64864). [Proposed rules](#) were filed 19 NOV 12, a hearing was held 15 JAN 13, and comments were due 1 FEB 13. POC: [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 2 JAN 13, and a hearing was held 17 JAN 13. Comments were due 4 MAR 13. POC: [Ellen Lorscheider](#), (919) 707-8245.

STORMWATER GENERAL NPDES PERMIT (PUBLIC NOTICE) NCDENR has issued a notice of intent to reissue expiring State National Pollutant Discharge Elimination System (NPDES) General Permits for point source discharges of stormwater for the following types of discharges: NPDES General Permit No. NCG050000, NCG070000 and NCG130000, which have little or no DoD bearing; NPDES General Permit No. NCG110000 for stormwater point source discharges associated with activities classified as treatment works and treating domestic or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling and reclamation of municipal or domestic sewage, with a design low of 1.0 million gallons per day or more, or facilities that are required to have an approved pretreatment program under Title 40 CFR Part 403, including lands dedicated to the disposal of sewage sludge that is located within the confines of the facility. The [notice](#) was issued 1 APR 13. Comments were due by 2 MAY 13. POC: Bethany Georgoulas, (919) 807-6372.



2013 LEGISLATIVE SESSION: 8 JAN 13 THROUGH 6 JUN 13

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 requires 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 requires that they charge dealers or consumers a deposit equal to the refund value of the beverage container. On 8 JAN 13, HB 3235 was referred to committee by the House. *REEO-S Note: 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 defines "solar energy real property" as agricultural property for tax purposes. The House referred HB 3252 to committee 9 JAN 13.

[HB 3263](#) SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT COMMISSION This act establishes the South Carolina Military Preparedness and Enhancement Commission and provides that this commission shall act to enhance the value of military facilities located in South Carolina. The act also establishes the South Carolina Military Value Revolving Loan Account to provide loans that assist defense communities in enhancing the value of military facilities. HB 3263 passed the House and is now in Senate committee. *REEO-S Note: It will be interesting to see where this goes. BRAC is a sensitive topic, and legislators have queried REEO-S Counsel regarding the military's planning on this front.*

[HB 3425](#) ([SB 536](#)) THE ENERGY SYSTEM FREEDOM OF OWNERSHIP ACT HB 3425 provides 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. Both bills are in committee. *REEO-S Note: 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 3644](#) ([SB 525](#)) CLEAN ENERGY INDUSTRY MARKET DEVELOPMENT ADVISORY COUNCIL This measure charges the council with development of markets for clean energy technology, materials and products developed by a clean energy industry from the state. HB 3644 was passed by committee and is pending debate on the House floor. SB 525 remains in committee. *REEO-S Note: This measure could encourage further discussions that may eventually lead to an environment more conducive for renewable energy development/investment at DoD facilities.*

[HB 3834](#) ([SB 329](#)) SOLAR RENEWABLE ENERGY TAX CREDITS This measure allows an income and other specified tax credits for 25 percent of the total cost of a solar energy system placed in service in 2013 through 2018. Both bills are in committee. *REEO-S Note: This act could enhance the economics of DoD renewable energy public-private ventures.*

[SB 274](#) ENVIRONMENTAL REGULATOR PENALTY POLICY SB 274 restructures penalties and provides graduated penalties for violations of statutes. The Senate referred SB 274 to committee 23 JAN 13.

EXECUTIVE ORDER

The Office of the Governor has issued an EO to reconstitute the South Carolina Military Base Task Force for the purpose of enhancing the value of military installations and facilities, and the quality of life for military personnel located in South Carolina. The task force shall assist military communities with such value enhancement, address various incentives to military personnel assigned in the state, coordinate efforts of military communities, and provide for other methods and incentives to accomplish these purposes. The task force shall coordinate efforts among the public and private sectors to maintain a significant DoD presence in South Carolina. The task force shall advise the Governor and the General Assembly on issues and strategies related to military base closures, realignments and mission changes. The [EO](#) was issued on 21 MAR 13. POC: Governor Nikki Haley, (803) 734-2100.

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 include federally enforceable GHG limitations. The permit revision adds 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 adds 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. SCDHEC examined fuel combustion operations and has concluded that the general permit, as proposed, is consistent with state and federal air pol-

lution 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 second [notice](#) was issued 23 NOV 12, and comments were due 27 DEC 12. POC: Alyson Hayes, (803) 898-3836.



2013 LEGISLATIVE SESSION: 8 JAN 13 THROUGH 19 APR 13

***Tennessee has two-year sessions (2013-2014); 2013 bills MAY be carried over for consideration in 2014.**

LEGISLATION

[SB 943](#) OPEN BURNING SB 943 deletes a provision authorizing local governments to enforce more stringent open burning requirements than provided by state law. HB 550 passed committee; awaits a floor vote. SB 943 was enacted.

[SB 941](#) WASTE DISPOSAL/RECYCLING This measure 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. SB 941 was enacted.

[SB 1000](#) ELECTRIC GENERATION AND TRANSMISSION FACILITIES SB 1000 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. SB 1000 was enacted. *REEO-S Note: This bill attempts to put renewables on more equal footing with conventional energy by artificially enhancing the property value. It could be an incentive for third party developers desiring to partner with military facilities (for off-post generation).*

FINAL RULES

BIOSOLIDS MANAGEMENT (0400-40-15-.01 THROUGH -.06) The Tennessee Department of Environment and Conservation (TDEC) has adopted 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 of state waters. A [Notice of Rule Making Hearing](#) was filed 23 MAY 12, hearings were held 23-24 JUL 12, and 30-31 JUL 12, and comments were due 7 SEP 12. The [rules](#) were filed on 1 APR 13. They become effective 30 JUN 13. POC: [Robert Dette](#), (615) 253-5319.

PROPOSED RULES

UST REMEDIATION GROUNDWATER TREATMENT (NOTICE) TDEC announced a public hearing to receive comments on the proposed reissue of the General NPDES for Discharges of Treated Ground water Associated with UST Remediation. The [notice](#) was issued on 26 FEB 13, and a hearing was held 5 APR 13. Comments are due by 19 APR 13. POC: Beth Rorie or Monya Bradley, (615) 532-0625.

MANAGEMENT OF NATURAL RESOURCE AREAS (0400-02-08) TDEC has proposed amendments to regulations governing management of Tennessee natural resource areas. Amendments revise and update rules to better define responsibilities of agencies and organizations that manage natural resource areas. Amendments improve the rules to be more consistent in language with present day conservation trends, and remove references to outdated policies and unnecessary requirements. A [Notice of Rulemaking Hearing](#) was filed 4 APR 13. A hearing is scheduled for, and comments are due by 30 MAY 13.

Department of Defense Activity

REPI PROGRAM IN THE SPOTLIGHT The *Los Angeles Times* published a [front page article](#) about REPI in its Sunday, April 28 edition, calling the program “a conservation boon” and DoD the “a major protector of wilderness and ranch lands.” The article describes how the military’s work with environmental groups and local governments creates buffer zones that protect military training and wildlife.

AIR FORCE RELEASES UPDATED AIR FORCE ENERGY STRATEGIC PLAN The updated [Air Force Energy Strategic Plan](#) incorporates energy security and operational energy into the Air Force’s strategic energy priorities and goals. By developing a robust, resilient and ready energy posture, the Air Force will expand operational effectiveness in air, space and cyberspace, and enhance national security.

Federal Activity

AIR

TIER 3 MOTOR VEHICLE EMISSION AND FUEL STANDARDS Environmental Protection Agency (EPA) has released [draft proposed rules](#) addressing auto emissions and reducing the allowable sulfur content of gasoline by over 60%, which is down to 10 parts per million in 2017. EPA POC: [Enesta Jones](#), (202) 564-7873.

REMOVAL OF VENTING PROHIBITION FOR CERTAIN REFRIGERANT SUBSTITUTES EPA is proposing to exempt certain refrigerant substitutes from the [Clean Air Act Section 608](#) prohibition on venting, release and disposal ([78 FR 21871](#)). Specifically, EPA is proposing to exempt isobutane (R-600a) and R-441A, listed as acceptable as refrigerant substitutes in household refrigerators, freezers and combination refrigerators and freezers; and propane (R-290), listed as acceptable as a refrigerant substitute in retail food refrigerators and freezers (standalone units only). Comments are due by 11 JUN 13. EPA POC: [Sally Hamlin](#), (202) 343-9711.

MERCURY AND AIR TOXICS STANDARDS EPA is revising the new source numerical standards in the [Mercury and Air Toxics Standards National Emission Standards for Hazardous Air Pollutants](#) and the definitional and monitoring provisions addressed in the proposed reconsideration rule ([78 FR 24073](#)). EPA POC: [William Maxwell](#), (919) 541-5430.

CLIMATE CHANGE

FISH, WILDLIFE, PLANTS CLIMATE ADAPTATION STRATEGY The US Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) announce availability of the final [National Fish, Wildlife, and Plants Climate Adaptation Strategy](#). The strategy supports natural resource professionals and other decision makers in conserving fish, wildlife, plants and ecosystems. Adaptation principles included are: improve consideration of impacts of climate change to fish, wildlife and plants; enhance coordination between sectors and natural resource managers, land use planners, and decision makers regarding climate change adaptation; use integrated planning to engage all levels of government and multiple stakeholders in multi-sector planning; and assess need for, and utility of, expanding compensatory mitigation requirements for projects that reduce ecosystem resilience. USFWS POC: [Mark Shaffer](#), (703) 358-2603.

GHG REPORTING RULE EPA has proposed amendments the [GHG Reporting Rule](#) to reflect revised global warming potentials (GWPs) of some GHGs as published by the Intergovernmental Panel on Climate Change, and to add GWPs for certain fluorinated GHGs ([78 FR 19801](#)). Revisions would amend [Subpart A--Global Warming Potentials \(GWPs\)](#) to revise Table A-1 of subpart A of Part 98 (hereafter referred to as “Table A-1”) by updating GWP values of certain compounds and adding certain fluorinated GHGs; consider options for revising and republishing emissions estimates for reporting years 2010-2012 using revised GWPs; and adopt only GWP values based on a 100-year time horizon. Comments are due 17 May 13. EPA POC: [Carole Cook](#), (202) 343-9263.

ENERGY

INTERNATIONAL CODE COUNCIL TO UPDATE ENERGY CONSERVATION CODE On behalf of the International Code Council (ICC), the National Institute of Standards and Technology (NIST) is seeking to increase public participation in develop-

ing and maintaining ICC codes and standards ([78 FR 18321](#)). ICC updates international codes every three years based on receipt of proposals from interested individuals and organizations. NIST POC: [David Alderman](#), (301) 975-4019.

NATURAL RESOURCES

GOPHER TORTOISE The [4th Annual Report on the Candidate Conservation Agreement](#) for the Gopher Tortoise is available.

LOGGERHEAD SEA TURTLE USFWS has proposed to designate specific areas in the terrestrial environment as critical habitat for the Northwest Atlantic Ocean distinct population segment of the loggerhead sea turtle ([78 FR 17999](#)). The proposed critical habitat is located in coastal counties in North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi. USFWS has exempted Marine Corps Base Camp LeJeune, Cape Canaveral Air Force Station, Patrick Air Force Base and Eglin Air Force Base. USFWS POC: Dawn Jennings, (904) 731-3336.

SPERM WHALES In response to a petition, the National Marine Fisheries Service (NMFS) will initiate a status review of sperm whales in the Gulf of Mexico to determine whether listing the Gulf of Mexico distinct population segment of sperm whales is warranted ([78 FR 19176](#)). Comments are due by 28 MAY 13. NMFS POC: Heather Coll, (301) 427-8455.

OCEAN POLICY IMPLEMENTATION PLAN The National Ocean Council has released the final [Ocean Policy Implementation Plan](#). Developed in response to [Executive Order 13547](#), the plan describes more than 50 federal actions to improve the health of the ocean, coasts and Great Lakes.

WATER

CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY Pursuant to a settlement agreement, EPA has proposed clarifying changes to effluent limitations guidelines and standards for the Construction and Development (C&D) point source category ([78 FR 19434](#)). The proposed rule would withdraw numeric discharge standards, which are currently stayed, and make clarifying changes to the language of several non-numeric provisions of the existing rule. Proposed changes to various sections of [40 CFR 450](#) include:

- Revision to 40 CFR 450.21(a)(1): Control stormwater volume and velocity to minimize soil erosion to minimize pollutant discharges.
- Revision to 40 CFR 450.11: Several provisions of the C&D rule require permittees to implement controls unless infeasible. EPA will add the definition of infeasibility to 40 CFR 450.11.
- Revision of 40 CFR 450.21(a)(2): Control stormwater discharges, including peak flow rates and total stormwater volume, to minimize channel and stream bank erosion in the immediate vicinity of discharge points.
- Revision of 40 CFR 450.21(d)(2): Minimization of exposure is not required in cases where exposure to precipitation and stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination.
- Revision of 40 CFR 450.22(a) and 450.22(b): Removal of numeric standard and monitoring provisions.

Comments are due by 31 MAY 13. EPA POC: [Jesse Pritts](#), (202) 566-1038.

NPDES GENERAL PERMIT FOR DISCHARGES INCIDENTAL TO VESSEL NORMAL OPERATION EPA has finalized the [NPDES Vessel General Permit](#) (VGP) to authorize discharges incidental to normal operation of non-military and non-recreational vessels greater than or equal to 79 feet in length ([78 FR 21938](#)). The permit is applicable to discharges incidental to normal operation of a vessel into "waters of the U.S." as defined in [40 CFR 122.2](#), except as otherwise excluded by Part 6 of the permit. This includes the territorial seas, defined in [section 502\(8\) of the CWA](#), extending to three miles from the baseline. The VGP has an effective date of 19 DEC 13. EPA POC: [Ryan Albert](#), (202) 564-0763.

STEAM ELECTRIC POWER GENERATING EFFLUENT GUIDELINES EPA issued a pre-publication proposed rule to amend the [Steam Electric effluent guidelines and standards](#), and its intention to align this Clean Water Act rule with a related rule for coal combustion residuals (CCRs, also known as "coal ash") proposed in 2010 under the Resource Conservation and Recovery Act ([78 FR 24701](#)). The two rules would apply to many of the same facilities and would work together to reduce pollution associated with coal ash and related wastes. EPA POC: [Jezebele Alicea-Virella](#), (202) 566-1755.

Professional Development

15 MAY 13, ONLINE: [REPI HELP SESSION FOR FY 2014](#) This webinar is a special session to learn about changes to the REPI Guide for FY 2014, highlight successful project write-ups and get answers to your questions about the updated proposal criteria and REPI policy guidelines.

15-17 MAY 13, ATLANTA, GA: [BROWNFIELDS 2013](#) The focus of this conference is environmental revitalization and economic redevelopment.

19-22 MAY 13, TUNICA, MS: [NATIONAL WATERSHED CONFERENCE](#) The conference will provide a forum to address five key areas: watersheds; changing models for natural resource program delivery; water management strategies for the future; funding and finance alternatives for aging conservation infrastructure; and improving project operation and maintenance capacity and performance for watershed project partners.

19-23 MAY 13, JACKSONVILLE, FL: ENERGY [PRODUCTION AND AQUATIC BIODIVERSITY](#) A total of 21 special sessions on a wide variety of interesting topics are included in the 2013 program.

5 JUN 13, ONLINE: [THE NATIONAL CONFERENCE OF STATE LEGISLATURES \(NCSL\) AND ENGAGING WITH LOCAL OFFICIALS](#) Hear an update on NCSL's Task Force on Military and Veteran's Affairs and its efforts to support mission sustainability through state legislation, policies, and resolutions. Also learn about engagement strategies and how to work with local government officials on mission sustainability efforts.

16-20 JUN 13, BLOOMINGTON, IN: 9TH [NORTH AMERICAN FOREST ECOLOGY WORKSHOP](#) The conference will allow forest ecologists, silviculturists, wildlife biologists, and other forest researchers and managers from Canada, Mexico, Central America, and the US to gather and exchange current research and management approaches within the backdrop of the US central hardwood forests.

23-27 JUN 13, ALEXANDRIA, VA: [INTERNATIONAL CONFERENCE ON CARBON DIOXIDE UTILIZATION](#) The biennial conference provides a multi-disciplinary forum on recent innovations in fundamental and applied aspects of CO₂ utilization. The conference will focus on CO₂ conversion and utilization for chemicals, fuels and materials for sustainable development. The goal of the conference is to facilitate the advances in CO₂ research and bring together the academic and industrial communities for the exchange of ideas, concepts and innovations.

25-28 JUN, CHICAGO, IL: [2013 AIR & WASTE MANAGEMENT ASSOCIATION 106TH ANNUAL CONFERENCE AND EXHIBITION](#) The conference is the environmental industries' premier education, networking and solutions event to enhance knowledge and network with fellow environmental professionals. The conference will feature a technical program boasting over 500 speakers, hundreds of exhibitors displaying the newest products and services, social tours and networking events, and professional development courses taught by leading instructors.

10 JUL 13, ONLINE: [THE REPI END GAME II](#) Following on the first "REPI End Game" webinar presented in April 2012, hear from new installations that have significantly completed REPI projects and how they have targeted their efforts over the years.

5-6 AUG 13, WASHINGTON, DC: [THE AMERICAN ENERGY SECURITY SUMMIT](#) Hosted by the [United States Leadership Forum](#), the conference features government and industry leaders; provides the latest details on federal energy priorities, programs and contracts; and features DoD, DOE, Department of Agriculture, Veterans Affairs, and other federal agencies. Topics include state and local government energy priorities, programs and contracts; energy efficiency priorities, including net zero installations and advanced lighting solutions; and clean energy priorities, including biofuels for jets and electric and natural gas-powered ground transportation.

21 AUG 13, ONLINE: [NATIONAL FISH AND WILDLIFE FOUNDATION \(NFWF\) LONGLEAF STEWARDSHIP FUND WEBINAR](#) Learn about the NFWF Longleaf Stewardship Fund and how it is supporting longleaf pine conservation in the Southeast. Hear case studies from installations involved in placed-based projects that support their REPI buffer efforts.

21-23 AUG 13, JEKYLL ISLAND, GA: 8TH [ANNUAL GEORGIA ENVIRONMENTAL CONFERENCE](#) The conference is the state's largest and most comprehensive educational opportunity. It will be attended by an estimated 500 state, local,

and federal government officials, business and industry leaders, and many others with a strong interest in Georgia's Environmental Programs. The curriculum offers over 35 unique courses, allowing attendees to design a personalized curriculum.

VARIOUS DATES AND TIMES ONLINE

READINESS AND ENVIRONMENTAL PROTECTION INITIATIVE – [WEBINAR SERIES](#) The REPI Webinar Series is presented by DoD in partnership with the [Land Trust Alliance](#). This online series covers best practices, tutorials and knowledge sharing on REPI partnerships that support military mission and accelerate the pace and rate of conservation. All webinars begin at 1:00 p.m. Eastern unless otherwise noted. For detailed webinar descriptions please visit the [REPI website](#).

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS The Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules are available on the [US Army Environmental Command \(AEC\) website](#).

[NAVY AND ISEERB ENVIRONMENTAL TRAINING FY13](#) The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY13 is available. Course topics include environmental overview and management; law planning and sustainability; pollution prevention; restoration; conservation; supplemental and Internet/computer-based training, and more.

[AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING FY13](#) The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the government. Fees vary according to personnel status (i.e., active duty Air Force/civilian, other government employee, contractor).

AIR FORCE INSTITUTE OF TECHNOLOGY (AFIT) TRAINING COURSE, [QUALIFIED RECYCLING PROGRAM MANAGEMENT](#) The purpose of the course is to understand DoD requirements for operating a Qualified Recycling Program (QRP). This course emphasizes principles and techniques to assist students in implementing a sound QRP. The course focuses on learning what products can be recycled, products prohibited from recycling, QRP regulations, necessary processing equipment, collection and sorting methods to maximize returns, working with your DRMO, establishing contracts, recording transactions, DoD recordkeeping, and estimating future budgets.

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 is a formal presentation followed by a question and answer session and discussion time.

[DEFENSE ACQUISITION UNIVERSITY \(DAU\)](#) DAU developed online resources available for the DoD workforce, industry partners, and other federal, state, and local government organizations. The online 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.

[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, and Bureau of Land Management.

[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.

[TRAINING FOR FEDERAL GHG INVENTORIES](#) A component of FedCenter's broader Greenhouse Gas Inventory Reporting site is available. The DOE Federal Energy Management Program (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.

[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.

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.

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 includes presentations by federal agencies highlighting their successful applications of advanced metering, data analysis, and diagnostic software. The afternoon session features panel discussions by invited metering hardware and software providers highlighting the capabilities of such systems.

WHOLE BUILDING DESIGN GUIDE TRAINING 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 provide up-to-date information targeted to mid-level federal energy, water and sustainability managers.

USING SOCIAL MEDIA CHANNELS TO INSPIRE OFFLINE ACTION Zoey Kroll, an Internet communications specialist at the San Francisco Department of Environment and a social media strategist at Hayes Valley Farm 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).

ENERGY STAR TRAINING Energy Star offers free online training to help improve energy performance. Training is available in the form of live web conferences, pre-recorded training available 24/7, and self-guided presentations in pdf format. Depending on the conference, session, or presentation, the training is designed for facility managers, property managers, environmental managers, energy managers, financial officers, building engineers, and others interested in Energy Star.

AIR FORCE CIVIL ENGINEERING SCHOOL SEMINARS The Air Force Civil Engineering School offers a variety of free online seminars on hazardous waste management, hazardous materials management, stormwater management, and more.

USEPA STORMWATER WEBCAST SERIES SEPA's NPDES Permit program offers training courses, workshops, and webcasts to explain the regulatory framework and technical considerations of the NPDES Permit program. These courses are designed for permit writers, dischargers, USEPA officials, and other interested parties.

USEPA REDUCE RUNOFF VIDEO EPA and the US Botanic Garden produced a nine-minute online video, "Reduce Runoff: Slow It Down, Spread It Out, Soak It In," that highlights green techniques such as rain gardens, green roofs and rain barrels to help manage stormwater runoff.

USEPA WATERSHED ACADEMY WEBCAST SERIES EPA's Watershed Academy is sponsoring free webcast seminars for local watershed organizations, municipal leaders, and others. To access a webcast, simultaneously log on to the web and/or participate by phone conference lines in live training conducted by expert instructors. Archived training sessions are also available by streaming audio.

NPDES TRAINING The web-based NPDES permit writers training is a series of web-based recordings of presentations. This training is appropriate for those who have attended the live course and wish to review the material in a self-paced environment, and for those who wish to become familiar with the NPDES process. A certificate of completion is available for each module in the series.

CLU-IN ENVIRONMENTAL REMEDIATION WEBCAST SERIES EPA's Clean-up Information (CLU-IN) website provides information about innovative treatment and site characterization technologies while acting as a forum for waste remediation stakeholders. The CLU-IN website offers free podcasts, live web events, course and seminar information and more, with most lasting approximately two hours.

USEPA CLIMATE & ENERGY WEBCAST SERIES EPA hosts the Local Climate and Energy Webcast Series to assist local governments as they explore and plan climate change and clean energy efforts. These regular webcasts highlight EPA

resources available to local governments and present examples of successful climate and energy programs and policies implemented locally.

[GLOBAL CHALLENGES/CHEMISTRY SOLUTIONS PODCAST SERIES](#) Global Challenges/Chemistry Solutions is a series of podcasts describing some of the 21st century's most daunting problems, and how cutting-edge research in chemistry matters in the quest for solutions. These global challenges includes dilemmas such as providing a hungry, thirsty world with ample supplies of safe food and clean water; developing alternatives to petroleum to fuel society; preserving the environment and assuring a sustainable future for our children; and improving human health.

[FEMP ENERGY MANAGEMENT PROGRAM ONLINE TRAINING](#) FEMP trains federal energy managers on the latest energy requirements, best practices, and technologies. Training categories include design, operations, and maintenance; energy efficient products; energy management; financing; fleet; renewable energy; and water efficiency. Search the FEMP website for all topics, specific topics, or type of training (live or on-demand) to find training opportunities. All courses are free unless otherwise noted.

[FEMP 2013 FIRST THURSDAY SERIES SEMINARS](#) First Thursday Seminars are FEMP training opportunities targeting federal energy, environmental, and fleet professionals offered at no cost by leading experts. Seminars will be held through August on the first Thursday of each month. Archived seminars from 2010-2013 are also available at this site.

[SOLAR ENERGY INTERNATIONAL](#) Solar Energy International offers several online courses addressing design and installation of a variety of solar energy systems. These fee-based courses generally require 10 hours per week of online instruction, accessible at any time. Courses must be completed within a six-week window. Follow the link to view class schedules.

[NATIONAL CONFERENCE OF STATE LEGISLATURES \(NCSL\) E-LEARNING](#) NCSL e-Learning features experts on public policy issues and provides professional development opportunities for its members, state legislators, state legislative staff, and the public. Visit the [Multimedia Library](#) for a collection of video and audio files from previous NCSL meetings and webinars.

Staff Directory

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Region 4 Deputy Director	404-460-3125
Region 4 Counsel	404-545-5655
Region 4 REC	404-545-6599
Project Manager	410-459-3293
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How the Regional Offices Work for You

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/>.