



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

March 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.

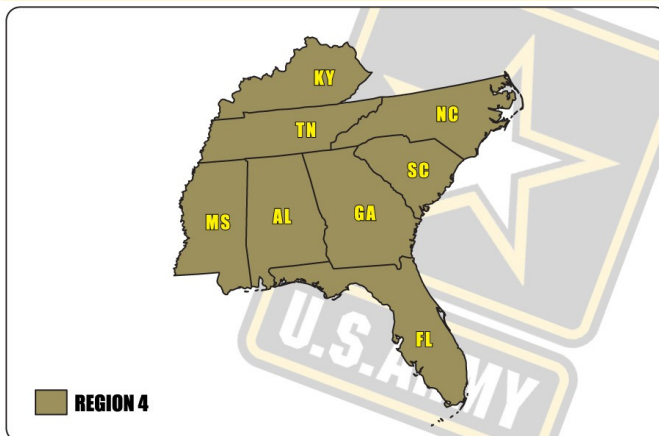


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PARTNERSHIPS WITH POWER

Army Regional Environmental and Energy Offices (REEOs) participate in partnerships with states and federal agencies to solve common problems, save money and ultimately, advance the military mission. Across the regions, partnerships have proven to be valuable to Department of Defense (DoD) installations and states.

The Southeast Natural Resource Leaders Group (SENRLG) is a collaboration of 13 regional federal executives who lead agencies with natural resource conservation responsibilities. SENRLG partners have collaborated on issues related to water quality, climate change, the gulf oil spill and endangered species. The group is committed to fulfilling agency mandates with methods that promote conservation and restoration of important natural resources; wise management and sound stewardship of natural, biological and cultural resources; and ecologically sustainable development. REEO-Southern (REEO-S) is a vested SENRLG Principal, and has been afforded DoD's first opportunity to host the next biannual meeting. The May meeting will showcase the Army's environmental program mission, capabilities and current work.

The Region 5 Sustainability Network achieved its goals then generated new state groups in Illinois, Indiana, Michigan, Ohio, and Wisconsin. REEO-Northern works with these partnerships to maintain dialog between state regulatory agencies and state military organizations.

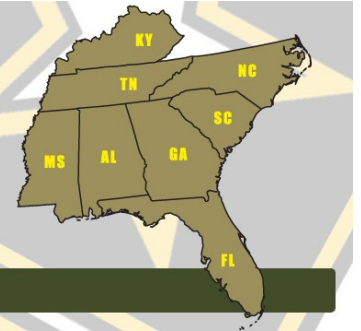
The Texas Environmental Partnership of the state regulatory community, DoD/Army, National Aerospace Administration, Texas National Guard, and Coast Guard has been successful in reducing enforcement actions against DoD facilities and avoiding significant compliance costs. REEO-Central has worked with the Texas Commission on Environmental Quality to ensure each installation is evaluated on its own environmental compliance history.

In August 2012, REEO-Western began hosting roundtable discussions with Colorado installation environmental and media managers at a central location. The roundtables give the group the chance to compare notes without having to travel overnight, and shine a light on installation challenges that might not have come up in a phone call.

For [full article text](#) and more information on partnerships, visit the REEO [website](#).

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. HB 181 is ready for House vote. The measure passed committee on 21 FEB 13.

[HB 237](#) EXPIRED MEDICATION DISPOSAL HB 237 allows pharmacies to accept expired medications for disposal purposes. HB 237 is ready for House vote. The measure passed committee on 21 FEB 13.

[HB 322](#) ALTERNATIVE ENERGY TAX CREDIT HB 322 provides a tax credit for alternate fuel vehicles and fueling stations. The measure was referred to committee.

[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 committee on 14 FEB 13. **REEO-S Note: This measure is similar to an exercise that Georgia went through a few years back. Membership would include the State Adjutant General. Facilities with consumptive use permits, or similar state authorization that regulates water withdraws, could be impacted.**

FINAL RULES

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). POC: 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 1 JUL 11 through 30 JUN 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 28 SEP 12. A hearing was scheduled and

comments were due 13 DEC 12. POC: [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 28 SEP 12. A [Notice of Intent to Adopt, Amend, or Repeal Rules](#) was published 31 OCT 12. A hearing was held, and comments were due 13 DEC 12. POC: [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 PM2.5 emission limits for the definition of "regulated NSR pollutant," for consistency with EPA's requirements. Amendments are proposed to incorporate EPA's changes to PSD PAL regulations and the definition of GHGs to temporarily exclude biogenic carbon dioxide emissions. Chapter 335-3-14 is considered part of the federally enforceable State Implementation Plan (SIP). As such, revisions to this chapter/rule are proposed for incorporation into Alabama's SIP. Changes to chapter 16 are not federally enforceable, and are not considered part of the SIP. ADEM has proposed a revision to Rule 335-3-1-.02 for consistency with EPA regulations of the definition of VOC. The [notice of intent](#) to adopt, amend, or repeal rules was published 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% 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 Intent to Adopt, Amend, or Repeal Rules](#) was published 31 MAR 13, and a [Notice of Public Hearing](#) was filed 01 FEB 13. Comments are due 19 MAR 13. POC: [ADEM Hearing Officer](#).



2013 LEGISLATIVE SESSION: 5 MAR 13 THROUGH 3 MAY 13

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 23 JAN 13. **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.**

[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 HB 183 to committee 23 JAN 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 a certain rate. The House and Senate referred HB 309 to respective committees. **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 375](#) ([SB 1160](#)) SEPTIC SYSTEMS HB 375 revises the frequency of inspections for onsite sewage treatment and disposal systems. The House referred HB 375 to committee 30 JAN 13, and the Senate filed the measure.

[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 on 24 JAN 13.

HB 659 (SB 682) FOSSIL FUEL COMBUSTION PRODUCTS HB 659 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 House and Senate referred the measure to respective committees.

HB 713 (SB 754) 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 House and Senate referred the measure to respective committees.

HB 789 (SB 978) SPRINGS REVIVAL ACT This measure requires water management districts (WMDs) to identify certain springs where water quality and flow are in decline; requires a five-year plan to restore the springs and develop plans to rehabilitate those springs; and includes a requirement that districts adopt rules and issue orders to ensure compliance. The House and Senate referred the measure to respective committees.

HB 999 WELL, WETLAND AND AIR PERMITTING HB 999 amends certain requirements concerning wells and wetland activities (primarily adding exemptions). Well and wetland permitting provisions are located on pages 11 and 12 of the bill. HB 999 simplifies and otherwise changes Clean Air Act (CAA) Major Source fee calculations (pages 19-22). The measure was filed by the House.

HB 1063 (SB 948) WATER SUPPLY This measure revises legislative intent on water supply policy, planning, production and funding; and requires WMDs to assist private landowners and self-suppliers in meeting certain water supply needs to coordinate regional water supply. The House and Senate referred the measure to respective committees.
REEO-S Note: This measure could affect coordination involving DoD facilities with CUPs.

SB 466 CONSERVATION EASEMENTS SB 466 authorizes individuals and corporations to submit requests to the Board of Trustees of the Internal Improvement Trust Fund to exchange state-owned land for conservation easements over privately held land. The Senate referred the measure to committee.

FINAL RULES

VOLUNTARY IMPLEMENTATION OF MONITORING REQUIREMENTS (40B-2.331) The Suwannee River WMD has adopted a rule to provide incentive for water use permittees to voluntarily implement WMDs’ water use monitoring requirements prior to expiration of current permits. The rule extends 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 20 JUL 12, and the [Notice of Proposed Rules](#) was published 22 OCT 12. Comments were due 12 NOV 12. A [Notice of Change](#) was published 14 JAN 13. A Notice of Rule Filing was published 02 FEB 13, and the [final rules](#) are effective 14 MAR 13. POC: Robin Lamm, (386) 362-1001.

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 26 JUL 12, 7 AUG 12 and 16 AUG 12. 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. 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 21 SEP 12, an advisory was issued 8 JAN 13, and a hearing was held 22 JAN 13. An ERP rule workshop was [noticed](#) to be held on 27 FEB 13. POC: 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 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. POC: [Julie Rainey](#), (850) 245-8713.

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.

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 01 OCT 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 20 JUL 12. Workshops were held 7-8 AUG 12, 10 AUG 12, 15-16 AUG 12, 21-22 AUG 12, 29 AUG 12, 31 AUG 12, and other September dates, per the [notice](#). A [Notice of Proposed Rules](#) was published 28 DEC 12, a workshop was held 14 JAN 13, and comments were due 18 JAN 13. A [Notice of Change](#) was issued 08 FEB 13. POC: [Kathleen P. Greenwood](#), (850) 245-3147.

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](#). 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. 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.



2013 LEGISLATIVE SESSION: 14 JAN 13 THROUGH 9 APR 13

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

[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. HB 226 passed the House on 27 Feb 13, and is currently being reviewed by Senate committee. **REEO-S Note: Scrap tire regulation in Georgia has created controversy for some DoD activities. HB 226 would add requirements for tire handling and transportation and would extend the regulatory reach to used tires (i.e., still suitable for intended use). The United States would expressly be exempted from most proposed changes; however, contractors at a facility may be targeted by the Georgia Environmental Protection Division (GAEPD) should the bill become law (as is likely).**

[HB 320](#) INERT WASTE LANDFILLS HB 320 exempts certain compliant inert waste landfill operations from additional regulatory permitting. The measure passed the House on 26 Feb 13 and is currently being reviewed by Senate commit-

tee.

HB 503 VOLUNTARY RENEWABLE ENERGY PORTFOLIO The House introduced HB 503. This measure requires the state Public Service Commission (PSC) to create a voluntary renewable energy portfolio program for electric service providers. It also creates a renewable energy credit market. **REEO-S Note: If enacted, HB 503 could encourage renewable energy development opportunities on DoD installations, in partnership with servicing utilities.**

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

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 16 JAN 13. **REEO-S Note: REEO-S will closely monitor this bill, as it could significantly relax regulatory restrictions and facilitate large-scale renewable energy planning at military installations.**

SB 210 LAND CONSERVATION SB 201 creates the Georgia Legacy Program, which would provide stewardship for state lands, as well as provide funding to acquire critical areas for clean water, game, wildlife or natural-resource-based outdoor recreation. The measure was referred to committee by the Senate. **REEO-S Note: SB 201 could assist DoD efforts to prevent encroachment.**

SB 213 FLINT RIVER DROUGHT PROTECTION ACT SB 213 mandates cooperation among state and federal agencies, universities, and other appropriate entities to undertake certain studies, the results of which may be used to establish new and revised rules and regulations pertaining to management of the water resources in the Flint River basin. The Senate referred SB 213 to committee. **REEO-S Note: The measure has the potential to affect water withdrawal activities at Fort Benning.**

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 is scheduled for 5 MAR 13, comments are due 8 MAR 13, and a meeting is scheduled for 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](#).



2013 LEGISLATIVE SESSION: 8 JAN 13 THROUGH 26 MAR 13

Adjournment dates are estimated and updated based on legislative activity

LEGISLATION

HB 170 RENEWABLE ENERGY PORTFOLIO STANDARD HB 170 requires retail electric suppliers to use increasing amounts of renewable energy and to implement energy-efficiency programs that increase energy savings over a period of time; and requires the PSC to develop tariff guidelines for purchase of renewable power. This measure was referred to committee.

HB 211 (SB 71) LARGE INDUSTRIAL CONSUMERS OF ELECTRICITY This measure creates exemptions from electric service territory restrictions for large industrial consumers (200MW or more). The sale of electricity to a large industrial consumer, by a person other than the existing retail electric supplier, would be a nonregulated activity. HB 211 passed committee, and was last amended on 26 Feb 13. The measure is awaiting a House vote. SB 71 is in committee.

HB 378 (SB 190) 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; and 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 passed the House on 26 Feb 13, and was sent to the Senate. SB 190 passed committee on 27 Feb 13.

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 7 APR 13

Adjournment dates are estimated and updated based on legislative activity

LEGISLATION

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. SB 2688 passed both chambers and was approved by the House on 01 Mar 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 the House on 8 Feb 13. The measure is currently in Senate committee.

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 on 01 Feb 13, and passed Senate committee on 27 Feb 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. HB 765 passed the House on 27 Feb 13, and was sent to the Senate.

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. SB 2792 has passed both chambers. The House amended and passed on 01 Mar 2013, while the Senate needs to concur on House amendment.

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 29 JUN 12, and comments were due 24 JUL 12. A hearing was held 15 AUG 12. POC: [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 15 NOV 12. Comments were due 10 DEC 12. POC: [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. Both bills are in committee.

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](#).

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 NOAA's 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 23 OCT 12. Comments were due 23 NOV 12. POC: [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 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 DQA has proposed amendments to the Volatile Organic Compound Reasonably Available Control Technology (RACT) rules in 15A NCAC 02D Section .0900 to revise applicability requirements to comply with Section 182(b)(2) of the Clean Air Act; revise associated compliance schedules; provide flexibility to comply via category specific rules or site specific alternatives; and amend printing related and industrial solvent cleaning RACT rules in response to requests for language clarifications and flexibilities consistent with underlying USEPA Control Technique Guidelines. [Proposed rules](#) were filed 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 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 20 OCT 12 (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 are due 4 MAR 13. POC: [Ellen Lorscheider](#), (919) 707-8245.



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 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 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 is an act to define "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 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 9 JAN 13. **REEO-S Note: REEO-S will closely monitor this bill's developments. Base Realignment and Closure is a sensitive topic.**

[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 24 JAN 13. **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](#) CLEAN ENERGY INDUSTRY MARKET DEVELOPMENT ADVISORY COUNCIL HB 3644 charges the council with development of markets for clean energy technology, materials and products developed by a clean energy industry from the state. The House referred HB 3644 to committee.

[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 23 JAN 13.

[SB 329](#) Solar Energy Tax Credit SB 329 provides a 25% tax credit for the total cost of a solar energy system placed in service in 2013 through 2018. The Senate referred the measure to committee.

PROPOSED RULES

GENERAL PERMIT FOR FUEL COMBUSTION The South Carolina Department of Health and Environmental Control (SCDHEC) has proposed revisions to the general conditional major air pollution operating permit for fuel combustion operations to update emission limitations to include federally enforceable GHG limitations. The revision to the general

permit adds the following: RICE-Spark Ignition to Part 4.A.7, NSPS 40 CFR 60 Subparts A, IIII, and JJJJ cover language, NESHAP 40 CFR 63 Subpart ZZZZ and JJJJJJ, and also make modifications to add language for General Synthetic Minor Construction Permit Fuel Combustion Operations for Non-PSD Facilities. The permit limits a facility's potential to emit below major source thresholds for the Title V permit program and New Source Review and contains conditions to assure that these facilities are operated as non-major sources. The permit limits a facility's potential to emit below major source thresholds for the Title V permit program and New Source Review, and contains conditions to assure that these facilities are operated as non-major sources. SCDHEC examined fuel combustion operations and has concluded that the general permit, as proposed, is consistent with state and federal air pollution regulations. "Fuel combustion operations," for purpose of this permit, are defined as facilities comprised of one or more fuel combustion sources (including boilers, emergency generators, and non-emergency generators) fired on natural gas, propane, virgin fuel oil, and/or used spec oil as defined in S.C. Regulation 61-62.1, Section 1, fuel storage tanks, ethylene oxide sterilizers located at hospitals, or other sources approved by SCDHEC. A [notice](#) was issued 30 MAY 12, and comments were due 24 JUN 12. A second [notice](#) was issued 23 NOV 12, and comments were due 27 DEC 12. POC: 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 24 AUG 12, a [Statement of Basis](#) was developed, [draft permit](#) issued and comments were due 24 SEP 12. POC: Alyson Hayes, (803) 898-4123.



2013 LEGISLATIVE SESSION: 8 JAN 13 THROUGH 20 MAY 13

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. Both chambers have referred their respective bills to committee. **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).**

[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](#). Both chambers have referred their respective bills to committee.

[HB 411](#) ([SB 480](#)) STORMWATER HB 411 authorizes a regional water and wastewater treatment authority to exercise authority for stormwater management. Both chambers have referred their respective bills to committee.

[HB 538](#) TENNESSEE BEVERAGE CONTAINER RECYCLING REFUNDS ACT Both chambers have referred their respective bills to committee. **REEO-S Note: 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. Both chambers have referred their respective bills to committee.

HB 945 (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. Both chambers have referred their respective bills to committee.

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 23-24 JUL 12, and 30-31 JUL 12. Comments were due 7 SEP 12. POC: [Robert Dette](#), (615) 253-5319.

Department of Defense Activity

DoD's STRATEGIC SUSTAINABILITY PERFORMANCE PLAN 2012 The annual update of the [DoD Strategic Sustainability Performance Plan](#) lays out DoD's goals and sustainability performance expectations through FY2020. DoD not only commits to complying with environmental and energy statutes, regulations, and Executive Orders, but to going beyond compliance where it serves national security needs.

ARMY ANNOUNCES FISCAL YEAR 2012 ENVIRONMENTAL AWARD WINNERS The six installations selected as 2012 winners represent the best of the Army's ongoing commitment to sustain its training lands through sound environmental stewardship. [The winners](#) are from Army installations in Arizona, Georgia, Kentucky, Maryland, Michigan, North Carolina, Pennsylvania, Texas, and Italy.

FEMP CASE STUDIES HIGHLIGHT AGENCY ENERGY-MANAGEMENT BEST PRACTICES The Department of Energy (DOE) Federal Emergency Management Program recently published [three case studies](#) featuring energy and water conservation best practices used by the Air Force, US Fish and Wildlife Service (USFWS), and Marine Corps, recipients of Federal Energy and Water Management Awards. The intent of these case studies is to showcase how other agencies can augment efforts through adopting similar efficiency standards.

Federal Activity

AIR

NESHAPS FOR RECIPROCATING INTERNAL COMBUSTION ENGINES EPA has finalized amendments to the national emission standards for hazardous air pollutants (NESHAPS) for stationary reciprocating internal combustion engines ([78 FR 6673](#)). The final amendments include alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines, management practices for a subset of existing spark-ignition stationary reciprocating internal combustion engines in sparsely populated areas, 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 (drilling) vessels. This final rule is effective on 1 APR 13. EPA POC: [Melanie King](#), (919) 541-2469.

INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL BOILERS AND PROCESS HEATERS EPA is taking final action on its reconsideration of certain issues in the emission standards for the control of hazardous air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters at major sources of hazardous air pollutants ([78 FR 7137](#)). EPA POC: [Jim Eddinger](#), (919) 541-5426.

INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL BOILERS EPA is taking final action on reconsideration of its 21 MAR 11 final rule addressing emission standards to control hazardous air pollutants from new and existing industrial, commercial and institutional boilers at area sources ([78 FR 7487](#)). The compliance date for existing sources is 21 MAR 14. The compliance date for new sources that began operations on or before 20 MAY 11 is 20 MAY 11. For new sources that start up after 20 MAY 11, the compliance date is the date of startup. New sources are defined as sources that began operation after 4 JUN 10. EPA POC: [Mary Johnson](#), (919) 541-5025.

NON-HAZARDOUS SECONDARY MATERIALS THAT ARE SOLID WASTE EPA has issued revisions to the final rules on the "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units." EPA also issued final amendments to the regulations codified by the Non-Hazardous Secondary Materials rule ([78 FR 9111](#)). EPA POC: [Toni Jones](#), (919) 541-0316.

CLIMATE CHANGE

FEDERAL AGENCY STRATEGIC SUSTAINABILITY PERFORMANCE PLANS The White House released 2012 [Strategic Sustainability Performance Plans](#) for federal agencies. The plans outline initiatives to reduce the vulnerability of federal programs, assets and investments to the impacts of climate change, such as sea level rise or more frequent or severe extreme weather.

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.

ENERGY CONSERVATION STANDARDS FOR SMALL, LARGE, AND VERY LARGE COMMERCIAL PACKAGE AIR CONDITIONING AND HEATING EQUIPMENT DOE is initiating an effort to determine whether to amend current energy conservation standards for certain commercial air-conditioning and heating equipment ([78 FR 7296](#)). Consistent with the American Energy Manufacturing Technical corrections Act of 2012 (Pub. L. 112-210), DOE is required to determine that standards for these equipment types do not need to be amended or propose amended energy conservation standards. DOE must adopt standards developed by American Society of Heating, Refrigerating and Air-Conditioning Engineers, or adopt levels more stringent. Comments are due by 4 MAR 13. DOE POC: [Joshua Cocciardi](#), (202) 287-1656.

ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL AND INDUSTRIAL FANS AND BLOWERS DOE is considering energy conservation standards for commercial and industrial fans and blowers ([78 FR 7306](#)). DOE has proposed to determine that the commercial and industrial fans and blowers (that DOE considers to be a type of fan with a specific ratio between 1.11 and 1.20) are covered equipment for which energy conservation standards should be developed. DOE has prepared the [Framework Document](#) to explain the relevant issues, analyses, and processes it anticipates using for development of standards. Comments are due by 18 MAR 13.

ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL AND INDUSTRIAL PUMPS DOE is considering energy conservation standards for commercial and industrial pumps ([78 FR 7304](#)). DOE has released a [Framework Document](#) to explain the relevant issues, analyses, and processes it anticipates using when considering new energy conservation standards for commercial and industrial pumps. DOE will accept comments until 18 MAR 13. DOE POC: [Charles Llenza](#), (202) 586-2192.

GREEN BUILDING CERTIFICATION SYSTEMS FOR FEDERAL GOVERNMENT The General Services Administration (GSA) is requesting comment on possible approaches to the certification of green federal buildings including new construction, major renovations and existing buildings ([78 FR 8145](#)). In a study released in May 2012, GSA and others reviewed three

certification systems: Green Building Initiative's Green Globes (2010), US Green Building Council's Leadership in Energy and Environmental Design (2009), and the International Living Building Institute's Living Building Challenge (2011). The study concluded that none of the existing green building certification systems as designed meet all of the federal government's needs for high performance building metrics and conformity assessment. Comments are due by 5 APR 13. GSA POC: [Bryan Steverson](#), (202) 501-6115.

ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL BOILERS DOE is initiating the rulemaking and data collection process to consider amending the energy conservation standards for residential boilers ([78 FR 9631](#)). DOE will hold a meeting to discuss and receive comments on its planned analytical approach and issues it will address in this rulemaking proceeding. The meeting will be held on 13 MAR 13 in Washington, DC. DOE is planning to conduct in-depth technical analyses in the following areas: (1) engineering; (2) energy-use characterization; (3) product price; (4) life-cycle cost and payback period; (5) national impacts; (6) manufacturer impacts; (7) utility impacts; (8) employment impacts; (9) emission impacts; and (10) regulatory impacts. A copy of the DOE [Framework Document](#) is now available. Additionally, DOE plans to conduct the meeting via [webinar](#). Comments are due 28 MAR 13. DOE POC: [John Cymbalsky](#), (202) 286-1692.

HAZARDOUS MATERIALS

PIPELINE SAFETY - ACCIDENT AND INCIDENT NOTIFICATION TIME LIMIT The Pipeline and Hazardous Materials Safety Administration is giving notice that it intends to issue a proposed rule to establish specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the National Response Center ([78 FR 6402](#)). The Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 requires that PHMSA require such notification at the earliest practicable moment following confirmed discovery of an accident or incident and not later than one hour following the time of such confirmed discovery. PHMSA is required to make these revisions by 1 JUL 2013. DOT POC: [Cameron Satterthwaite](#), (202) 366-1319.

WATER

ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT PROGRAM The US Army Corps of Engineers is amending its nationwide permit regulations so that district engineers can issue nationwide permit verification letters that expire on the same date a nationwide permit expires. Nationwide Permits (NWP) authorize activities that have minimal individual and cumulative adverse environmental effects ([78 FR 5726](#)). If, after reviewing the preconstruction notification, the district engineer determines that the proposed activity qualifies for NWP authorization, the district engineer issues an NWP verification letter to the project proponent. The NWP verification may contain special conditions to ensure that the NWP activity results in minimal individual and cumulative effects on the aquatic environment. COE POC: [David Olson](#), (202) 761-4922.

REVISIONS TO THE TOTAL COLIFORM RULE EPA finalized revisions to the 1989 Total Coliform Rule (TCR) ([78 FR 10269](#)). Under the revised TCR there is no longer a monthly maximum contaminant level (MCL) violation for multiple total coliform detections. Instead, the revisions require systems that have an indication of coliform contamination in the distribution system to assess the problem and take corrective action that may reduce cases of illnesses and deaths due to potential fecal contamination and waterborne pathogen exposure. The final revised TCR establishes a health goal (Maximum Contaminant Level Goal, or MCLG) and an MCL for E. coli and eliminates the MCLG and MCL for total coliforms, replacing it with a treatment technique for coliforms that requires assessment and corrective action. Regulated categories and entities include both private industrial and federal publicly owned community water systems, transient non-community water systems, and non-transient non-community water systems. Public water systems and primacy agencies must continue to comply with the 1989 version of the rule until the new rule goes into effect in 2016. EPA POC: [Sean Conley](#), (202) 564-1781.

Professional Development

25-28 MAR 13, 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.

11-13 APR 13, WASHINGTON, DC: [RECLAIM + REMAKE SYMPOSIUM](#) This conference brings together the most innovative practices in education and research for current and future reuse and recycling of material resources in the built envi-

ronment.

16-18 APR 13, WASHINGTON, DC: [ESPC COMPREHENSIVE WORKSHOP](#) Open only to federal employees and DOE management and operating contractors, the workshop outlines the latest DOE Energy Savings Performance Contracts (ESPC) process. The session is taught by DOE national laboratory experts and other consultants with extensive background in ESPCs.

8-10 MAY 13, 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.

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

10-13 JUN 13, NEW ORLEANS, LA: [ENVIRONMENT, ENERGY SECURITY & SUSTAINABILITY SYMPOSIUM AND EXHIBITION](#) E2S2 is focused on providing participants with critical information and interaction on the challenges of the national security departments and agencies regarding environmental, energy security, and sustainability issues such as acquisition, environmental management, environmental restoration, emerging technologies, partnerships, finance and budgeting, technology, climate change and adaption, sustainable design and construction, stormwater, BRAC, unexploded ordnance recovery, grids and infrastructure security, and contingency base energy. E2S2 provides an opportunity to share ideas and create partnerships to meet and achieve environmental, energy security, and sustainability objectives across government and industry.

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.

FEDCENTER-SPONSORED COURSES In conjunction with the EPA, FedCenter is now offering free, web-based, on-demand training courses for federal employees. Initially, the FedCenter will be offering training for federal laboratories, environmental management systems, and underground storage tanks, but their library will expand over time to include other topic areas deemed important to the federal community. (FedCenter membership is required to view these courses).

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.

Staff Directory

Main Office Number	770-629-2180
Region 4 Director/DoD REC	404-790-3778
Region 4 Deputy Director	404-291-4354
Region 4 Counsel	404-545-5655
Region 4 REC	404-545-6599
Project Manager	410-459-3293
Regulatory Affairs Specialist	404-520-2114

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/>.