



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

August 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.

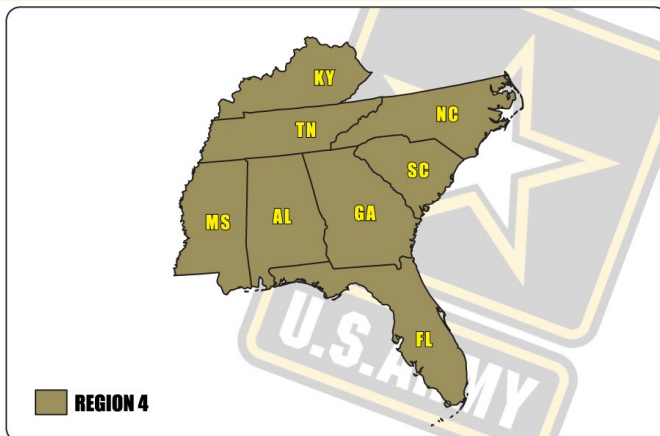


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2013 SPRING UNIFIED AGENDA

The Regulatory Information Service Center (RISC) facilitates development and access to information about federal regulatory and deregulatory activities. RISC undertakes projects that will facilitate development of and access to information about federal regulatory and deregulatory activities. It accomplishes this by gathering and publishing information on federal regulations and their effects on society. RISC provides the information to the President, US Congress, agency officials and the general public to help them better understand how the regulatory process is managed. RISC's principal publication is the Unified Agenda. Since 1978, federal agencies have been required by Executive Orders to publish agendas of regulatory and deregulatory activities. The Regulatory Plan, which is published as part of the fall edition of the Agenda, identifies regulatory priorities and contains additional detail about the most important regulatory actions that agencies expect to take in the coming year.

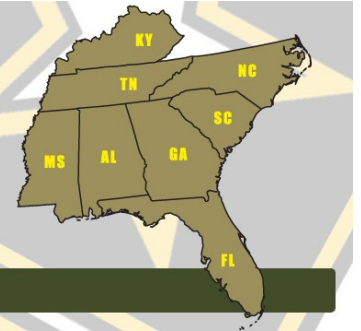
RegInfo.gov displays editions of the Unified Agenda of Federal Regulatory and Deregulatory Actions going back to fall 1995. Federal agencies have published their spring 2013 semiannual regulatory agenda to update the public about

- Regulations and major policies currently under development,
- Reviews of existing regulations and major policies, and
- Rules and major policy-makings completed or canceled since the last agenda.

The current [2013 Spring Unified Agenda](#) is available. EPA also maintains a [website](#) with current information regarding priority rulemaking efforts.

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

FINAL RULES

PERMIT FEE INCREASES (335-1-6-.04, 335-1-6-.07) The Alabama Department of Environmental Management (ADEM) adopted rule revisions to increase permit fees. In Chapter 335-1-6, 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 Intent to Adopt, Amend, or Repeal Rules](#) was published 31 MAR 13. The comment deadline was extended to 6 MAY 13. The final rules became effective 30 JUL 2013, and are available from ADEM. POC: [ADEM Hearing Officer](#).

NOTICE

ANNUAL AMBIENT AIR MONITORING PLAN FOR 2013 ADEM invited comment on the 2013 Annual Ambient Air Monitoring Plan. The plan covers ambient air monitoring activities to be performed by ADEM, the Jefferson County Department of Health, and the City of Huntsville Division of Natural Resources. The [notice](#) was issued 5 JUN 13. Comments were due by 8 JUL 13, POC: [Michael E. Malaier](#).

PROPOSED RULES

SOLID WASTE STUDY (NEWS RELEASE) ADEM announced the first in a series of public meetings focused on solid waste management to be held throughout the state. 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 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.

FRACTURING (400-3-8-.04) The Oil and Gas Board has proposed to adopt Rule 400-3-8-.04, Hydraulic Fracturing. The rule would enhance regulation of hydraulic fracturing of formations to protect fresh water supply well or fresh water resources, to prevent irreparable harm to the oil and gas well or fresh water resources, and to require public disclosure of well stimulation fluids used in hydraulic fracturing. A [Notice of Intent to Adopt, Amend, or Repeal Rules](#) was published on 31 MAY 13. Comments were due by 5 JUL 13. POC: David Bolin, (205) 247-3579.

NESHAPS, NEW SOURCE PERFORMANCE STANDARDS (335-3-11-.01, 335-3-11-.06) ADEM has proposed amendments to Rules 335-3-11-.01, and 335-3-11-.06 in Chapter 335-3-11 to incorporate by reference Environmental Protection Agency (EPA) changes to National Emission Standards for Hazardous Air Pollutants. Such incorporation allows EPA to delegate administrative enforcement of these regulations to ADEM. A [Notice of Intent to Adopt, Amend, or Repeal Rules](#) was published on 31 MAY 13. Comments were due by 12 JUL 13. POC: Chris Howard, Phone: (334) 271-7878.



2013 LEGISLATIVE SESSION: 5 MAR 13 THROUGH 3 MAY 13

FINAL RULES

ERP HANDBOOK REVISION (40D-4.091) Following the Florida Department of Environmental Protection's (FLDEP) adoption of proposed new Environmental Resource Permitting (ERP) rules mandated by Section 373.4131, F.S., FLDEP amended Chapter 62-330, F.A.C., which have become statewide ERP rules. Each WMD is expected to adopt an Applicant's Handbook Volume II, which contains district-specific design and performance criteria related to water quality and quantity, as well as special basin criteria or other statutory requirements. Handbook Volume II was incorporated by reference into FLDEP's statewide ERP rules upon adoption. The Southwest Florida WMD has [proposed rulemaking](#) to incorporate the proposed Applicant's Handbook Volume II into Rule 40D-4.091, F.A.C. 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 28 MAR 13. Comments were due 18 APR 13, and Notices of Change were published [22 MAY 13](#) and [30 MAY 13](#). The [rule with changes](#) was published and filed 9 JUL 13. POC: Sonya White, (813) 985-7481, x4660.

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) adopted rules to implement statutory requirements and incorporate technical changes and modifications proposed through the Technical Review and Advisory Panel. 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. A [Notice of Change](#) was published on 15 MAY 13. Rules were filed on 26 JUN 2013, and became effective on 16 JUL 2103. POC: [Elke Ursin](#), (850) 245-4070 x2708.

PROPOSED RULES

ENVIRONMENTAL RESOURCE PERMITTING (62-330) FLDEP has proposed rules relating to 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 combinations thereof, to implement Part IV of Chapter 373, F.S. FLDEP proposes to 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. Proposed rules will establish statewide ERP rules that will rely upon existing rules, revised as necessary to achieve a consistent, effective and streamlined approach to implement the ERP program. New rules will reduce regulatory costs and burdens for the public, while maintaining 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. Each WMD proposed 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.

SOLID WASTE/RECYCLING (62-716.100 - 62-716.900) FLDEP has proposed a rule related to solid waste grants and recycling programs. Chapter 2010-143, Laws of Florida, creates new requirements to be implemented by this rule that 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 to calculate recycling rates. FLDEP intends to amend the title of this chapter to broaden its scope and 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. The rule will 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. A [Notice of Proposed Rules](#) was published on 5 JUL 13, and comments were due on 26 JUL 13. POC: [Hugh W. Harling, Jr.](#), (407) 262-7772.

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, an advisory was issued on 25 APR 13, and workshops were held 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) Chapter 62B-49, F.A.C., establishes the Joint Coastal Permit program. Activities that require a coastal construction permit and an ERP 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 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 rules to amend processing fees in Rule 62-4.050, F.A.C. for ERP activities regulated under Part IV of Chapter 373, F.S. Amendments are associated with adoption of the "Statewide Environmental Resource Permit" rule, Chapter 62-330, F.A.C. Statewide processing fees apply when FLDEP is responsible for review and agency action on an ERP activity. Separate rulemaking to amend processing fees will be, or has been, noticed by WMDs when they are responsible for review and agency action on an ERP activity in accordance with 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 15 JAN 13, and a workshop was held 30 JAN 13. A [Notice of Proposed Rules](#) was published on 8 MAY 13. POC: [Alice Heathcock](#), (850) 245-8483.

RISK BASED SITE REMEDIATION (62-777.100, .150, .170) FLDEP has proposed rules in response to a petition to initiate rulemaking filed by the Associated Industries of Florida. Such initiation will begin dialogue regarding proposed amendments to rules that govern the Risk-Based Corrective Action (RBCA) process at contaminated sites, and those that govern the derivation of Cleanup Target Levels (CTL) 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 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. Another workshop was held 19 JUN 13. POC: [Brian Dougherty](#), (850)245-7503.

UNIFORM MITIGATION ASSESSMENT METHOD (62-345.100, .200, .300, .400, .500, .600, .900) FLDEP has proposed amendments to clarify and ensure consistent application of the Uniform Mitigation Assessment Method rule. Subjects to be addressed include application of the method to wetland and upland assessment areas where preservation as mitigation is proposed, a revised method to ensure equal weighting and evaluation is used when calculating the preservation adjustment factor, and clarified application of the method for assessment areas that have been artificially created or significantly altered from the historic or natural condition. Guidance will be provided to clarify time-lag and risk factor determination, and to assist in designation and classification of Florida's native community types. Clarification and guidance will also be provided in application of the method to quantitative assessment of location and landscape support values, assessment of wetland functions as provided by surrounding upland communities, and in evaluation of contributions of the assessment area to receiving water bodies and wetlands. Application of the method to benthic communities will be clarified to provide specific guidance and criteria for assessment of sea grass, hard bottom, and other submerged communities. Furthermore, Uniform Mitigation Assessment Method forms will be improved to better track steps and processes outlined by rule language, and to facilitate long-term tracking of wetland functional losses and gains. A [Notice of Rulemaking Development](#) was published on 3 MAY 13. A workshop was held 26 JUN 13. POC: [John Humphreys](#), (850) 245-8487.

PETROLEUM CONTAMINATED SITES (62-771.100, .201, .300, .401) FLDEP has proposed amendments to the rule that establishes the priority scoring system for petroleum contaminated sites. FLDEP is developing criteria specific to state funded cleanup of petroleum contaminated sites. FLDEP anticipates amending or creating various rule sections and titles, which may be amended or new sections added as rulemaking moves forward. A [Notice of Rulemaking Development](#) was published on 30 MAY 13. A workshop was held 19 JUN 13. POC: [Jeff Koerner](#), (850) 245-8701.

GULF COAST ECOSYSTEM RESTORATION COUNCIL'S DRAFT PROGRAMMATIC ENVIRONMENTAL ASSESSMENT FLDEP and the Florida Fish and Wildlife Conservation Commission held a public meeting to take comment on the [Gulf Coast Ecosystem Restoration Council's Draft Initial Comprehensive Plan](#) and the accompanying [Draft Programmatic Environmental Assessment](#). The [Notice of Meeting](#) was issued on 24 MAY 13, and the meeting was held on 3 JUN 13. POC: Doc Kokol, (850) 488-4676.

UNDERGROUND STORAGE TANKS - TRAINING AND CERTIFICATION (62-761.350, 62-761.400) FLDEP has proposed rulemaking regarding Underground Storage Tanks (UST). The Federal Energy Policy Act requires Florida to adopt regulations for Operator Training for USTs and Delivery Prohibition. Training requirements for operators of USTs are broken into three categories: persons having primary responsibility for on-site operation and maintenance of UST systems, persons having daily on-site operation and maintenance of UST systems, and daily on-site employees having primary responsibility for addressing emergencies presented by a spill or release from an UST system. Additionally, federal law requires the state to issue guidelines to implement delivery prohibition for facilities that:

- Do not have secondary containment;
- Do not have a method of release detection;
- Do not have adequate corrosion protection in an internally lined tank;
- Have a single-walled tank that was taken out-of-service and not closed within a certain period of time depending upon the level of corrosion protection;
- Have an unmaintained storage tank system that has been out-of-service for more than two years, or 10 years if the system is secondarily contained; or
- Have caused a discharge and the system cannot be repaired

The [Notice of Rulemaking Development](#) was published on 25 JUN 13. A workshop was held 12 JUL 13.

AVAILABILITY, FEASIBILITY OF UTILIZING RECLAIMED WATER (40A-2.101, 40A-2.901) The Northwest Florida WMD has proposed rules to meet requirements of 373.250, Florida Statutes. The rule will amend application forms for non-potable uses to require information regarding the availability and feasibility of utilizing reclaimed water. The [Notice of Rulemaking Development](#) was published on 15 JUL 13. POC: [Angela Chelette](#), (850) 539-5999.

CONSISTENCY IN PERMITTING, MINIMUM FLOWS AND LEVELS, WATER SUPPLY ACROSS WMDS (40E-20.010, .011, .061, .091, .101, .301, .302, .321, .331, .351, .381) The South Florida (SFWMD) has proposed rules as part of a statewide effort headed by FLDEP and joined by all five water WMDs, to increase consistency in consumptive use permitting (CUP), minimum flows and levels, and water supply related programs of the WMDs. Procedural issues will be addressed. Rule development is proposed to be coordinated with similar rule development by other WMDs throughout Florida. SFWMD anticipates potential amendments to Chapters 40E-0, 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, 40E-21, 40E-22, 40E-24, and the Basis of Review for Water Use Permit Applications within the SFWMD. Changes will address FLDEP and WMDs goals for this rulemaking, including:

- Making the CUP program less confusing for applicants, particularly those who work in more than one district;
- Treating applicants equitably statewide;
- Providing consistent protection of the environment;
- Streamlining the permitting process; and
- Incentivizing behavior that protects water resources, including conservation.

The Notice of Rulemaking was filed on 20 JUL 12. Workshops are scheduled for 19, 22 and 23 AUG 13. POC: [Beth Ross](#), Esq. (561) 682-6257.



GEORGIA

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.**

FINAL RULES

OPEN BURNING (391-3-1-.02(5)) The Georgia Environmental Protection Division (GAEPD) has adopted amendments to rule 391-3-1-.02(5) "Open Burning" to harmonize year-round open burning restrictions that apply to all counties with a population exceeding 65,000 with summertime burning restrictions. The 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. [Rules](#) were adopted on 26 MAR 13, and became effective on 13 JUN 13. POC: Air Protection Branch, (404) 363-7000.

PROPOSED RULES

WATER QUALITY (2014 305(b)/303(d) LIST OF WATERS) In accordance with Federal CWA 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 were due 1 JUL 13. POC: [Susan Salter](#).

EROSION AND SEDIMENTATION CONTROL (391-3-7-.01, 391-3-7-.01) GAEPD has proposed amendments to 391-3-7-.01, "Definitions" and 391-3-7-.05, "Buffer Variance Procedures and Criteria." Changes to 391-3-7-.01 would make minor changes to seven definitions, add two definitions and delete two definitions. Amendments to 391-3-7-.05 would provide clarification for criterion used to review buffer variance applications and for mitigation requirements for temporary and permanent buffer impacts; address a permitting issue that caused certain linear projects to not be constructed due to buffer variance ineligibility; change 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 16 APR 13. A hearing was held 16 MAY 13, and comments were due 22 MAY 13. A meeting was held, and rules were adopted on 25 JUN 13. POC: Larry Hedges, (404) 675-6240.

GROUNDWATER REMOVAL PROHIBITION (NOTICE) Effective immediately, GAEPD will prohibit new groundwater withdrawals in the coastal Georgia counties of Chatham, Bryan, Liberty and the portion of Effingham County south of Highway 119. The permitting moratorium applies to community public water systems and municipal and industrial groundwater supplies from the entire Floridan aquifer. The aquifer is a source of fresh water for the coastal region, and increased withdrawals have been linked to saltwater seeping into the groundwater in the area around Hilton Head, South Carolina. GAEPD addressed the issue in 2006 with the Coastal Georgia Water and Wastewater Permitting Plan for Managing Salt Water Intrusion (CPP), which prohibited new withdrawals from the upper Floridan aquifer. The CPP allowed limited withdrawals from the lower Floridan aquifer. GAEPD and the US Geological Survey conducted recent groundwater studies and the results show the upper and lower sections of the aquifer are interconnected. This research prompted need for a moratorium on future withdrawals from the entire aquifer. Applications already received for withdrawals from the lower section of the Floridan aquifer will be considered, but no new applications will be accepted. GAEPD will consider allowing privately owned community public water systems to increase withdrawals if GAEPD has pre-approved expansion. Farmers in the four impacted counties who already hold farm use water withdrawal permits are not affected by this moratorium; applications for new farm use permits will not be considered. GAEPD restrictions on the Floridan aquifer will require potential users to consider other sources of water, such as surface water, desalination of sea water and other aquifers. A [press release](#) was issued on 20 MAY 13. POC: Kevin Chambers, (404) 651-7970.



2013 LEGISLATIVE SESSION: 8 JAN 13 THROUGH 26 MAR 13

NOTICE

AMBIENT AIR MONITORING NETWORK The Kentucky Energy and Environment Cabinet (KEEC) has made the annual monitoring network plan available for public inspection. The plan details operation and location of ambient air monitors operated by the Kentucky Division for Air Quality, Louisville Metro Air Pollution Control District, and the National Park Service. The [Notice](#) was issued on 23 MAY 13. Comments were due by 22 JUN 13. POC: [Jennifer F. Miller](#), (502) 564-3999.



2013 LEGISLATIVE SESSION: 8 JAN 13 THROUGH 4 APR 13

FINAL RULES

CONSERVATION AND ENERGY EFFICIENCY PROGRAM (CHAPTER 29) The Public Service Commission (PSC) has adopted rules to implement energy efficiency programs and standards in Mississippi. The rules apply to electric and natural gas service providers subject to the jurisdiction of the Mississippi PSC. They define "Quick Start" to encourage early implementation of energy efficiency programs, and provide experience upon which Mississippi's service providers and the PSC can build Comprehensive Portfolios - long-term energy efficiency programs. The rules also define the elements of Comprehensive Portfolios. Proposed Rules were filed on 15 NOV 12, comments were due by 10 DEC 12, and [final rules](#) were filed on 11 JUL 13. The rules become effective on 10 AUG 13. POC: [Brian U. Ray](#), (601) 961-5432.

PROPOSED RULES

2014 ANNUAL AIR MONITORING NETWORK PLAN The Mississippi Department of Environmental Quality (MSDEQ) has invited comment on the [2014 Annual Air Monitoring Network Plan for Mississippi](#). The [notice](#) was issued on 29 MAY 13. Comments were due by 24 JUN 13. POC: [Michael Jordan](#).

REPEAL OF EXISTING POLICIES The Department of Archives and History has proposed to repeal the following policies:

- Eligibility, which outlines projects eligible to receive a matching historic preservation grant under the policies and procedures of the National Register of Historic Places grants program;
- Policy to Provide Listings of Professional Archaeologists, which provides a list of archaeologists and companies listed on the Register of Professional Archaeologists (ROPA);
- Priority for Selection of Projects to Receive Financial Assistance, which outlines a priority system when selecting specific preservation projects;
- Review and Compliance Procedures and Policies Manual, responsible for implementation of Section 106 (of the National Historic Preservation Act, as amended) review and of the Mississippi Landmark program under provisions of the State Antiquities Act, as amended;
- State of Mississippi Guidelines for Cultural Resource Survey Reports that outlines guidelines to which cultural resource survey reports for surveys in the state of Mississippi should adhere; and
- Application of National Register Criteria to Religious Properties, which outlines National Register eligibility criteria for religious properties.

Additional proposed rule changes are in the [proposed rule text](#). The Proposed Rules were [filed](#) on 31 MAY 13, and comments were due 25 JUN 13. POC: [Jessica Kelly](#), (601) 576-6865.



2013 LEGISLATIVE SESSION: 9 JAN 13 THROUGH 26 JUL 13

North Carolina has two-year sessions (2013-2014). The bills below that have not been enacted may be considered again during the 2014 "Short Session."

LEGISLATION

HB 74 REGULATORY STREAMLINING HB 74 improves and streamlines the regulatory process to stimulate job creation, eliminate unnecessary regulation, make other statutory changes, and to amend certain environmental and natural resources laws. The measure passed both chambers and is awaiting action by Governor McRory. *REEO-S Note: Perhaps the most sweeping aspect of the bill is the requirement to determine the necessity of most regulations, on a 10-year cycle. Otherwise, few changes are likely to impact DoD activities.*

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. HB 89 passed the House and is now in Senate committee. SB 113 passed Senate committee, and is now 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 was enacted. *REEO-S Note: HB 254 adds subdivisions, telecommunications towers and windmills to existing notification requirements.*

HB 433 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 was enacted. *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. Exemptions include wind energy facilities subject to independent permitting requirements, temporary cellular or TV towers, and modifications to existing structures that do not add vertical height.*

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 was enacted. *REEO-S Note: HB 480 provides fast-track permitting for projects that comply with NCDENR's Minimum Design Criteria.*

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 was enacted. *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 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 was enacted. *REEO-S Note: Impact to DoD facilities not clear at this time, but REEO-S recommends monitoring implementation and rulemaking developments.*

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. HB 573 passed the House. It is in Senate committee. *REEO-S Note: The House committee made a change to the original language. The bill would now only apply to counties with a population greater than 910,000. This would only include two counties (Mecklenburg and Wake). Only federal facilities in and around Charlotte and Raleigh/Durham would be affected. If enacted, DoD activities that are present in those areas should monitor future stormwater assessments and inform REEO-S of any changes in fee assessments.*

HB 710 WATER AND SEWER UTILITY COST RECOVERY This measure permits water utilities to adjust rates for changes in costs based on third-party rates. HB 710 authorizes the utilities commission to approve a rate adjustment mechanism for water and sewer utilities to recover costs for water and sewer system improvements. The measure was enacted. *REEO-S Note: HB 710 could result in increased fees for installations receiving service from public water and sewer utilities.*

HB 938 WETLANDS MITIGATION FLEXIBILITY HB 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 passed the House. The Senate amended and passed it back to the House for concurrence. HB 938 is now in House committee. *REEO-S Note: Recent amendments to the bill removed much of the potentially contentious language (e.g., the state assuming control of 404 permitting).*

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 328 SOLID WASTE MANAGEMENT REFORM ACT OF 2013 SB 328 amends landfill siting restrictions and other requirements with respect to the management of solid waste. The measure passed the Senate and is now in House committee. *REEO-S Note: While easing some siting restrictions, SB 328 includes a new requirement to notify DoD, among others, of permitting activities and includes a permit denial provision for when "Construction or operation of the proposed facility would encroach upon or would otherwise have a significant adverse impact on the mission, training, or operations of any military installation or branch of the military."*

SB 613 NORTH CAROLINA MILITARY AFFAIRS COMMISSION SB 613 creates the North Carolina military affairs commission. The measure was enacted. *REEO-S Note: The bill would, perhaps only modestly, change some features of the existing commission and update and clarify its focus. Of note is specific mention under 127C 1(b) Army's Compatible Use Buffer Program. Ideally, the Regional Environmental Coordinators would want to have more meaningful involvement in some aspects of the commission's affairs.*

FINAL RULES

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 adopted 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 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, and a meeting was held 10 JUN 13. [Approved rules](#) were adopted and became effective 1 JUL 13. POC: [Ellen Lorscheider](#), (919) 707-8245.

PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS (15A NCAC 02B .0295; REPEAL 15A NCAC 02B .0242, .0244, .0252, .0260, .0268, .0609) NCDENR has adopted new rule 15A NCAC 02B .0295, required per General Statute 143-214.20, by which the Environmental Management Commission is to adopt rules concerning construction of alternative measures of buffer mitigation that reduce nutrient loading as well as or better than the lost riparian. The rule provides mitigation options not available to the Department of Transportation, developers, industry and private individuals. In addition to providing greater regulatory flexibility, changes incorporate contemporary technical and operational techniques into the rules. The adopted rule was developed through a public stakeholder process, and adheres to the Principles of Executive Order 70. Rules 15A NCAC 02B .0242, .0244, .0252, .0260, .0268, .0609 are being repealed, and will be replaced by new rule 15A NCAC .02B .0295. The [proposed rules](#) were published 15 JAN 13, hearings were held 6 and 12 FEB 13, and comments were due 18 MAR 13. A meeting was held 19 JUN 13. Approved rules were published on 1 AUG 13. POC: [Eric Kulz](#).

PROPOSED RULES

NAAQS ACTIVITIES EXEMPTED FROM PERMITS (15A NCAC 02Q .0102) NCDENR Department of Air Quality (DAQ) has proposed amendments to rule 15A NCAC 02Q .0102, Exemptions. Amendments would clarify the interaction of the air toxics rule specific exemptions in rule 15A NCAC 02Q .0702 and rules regarding sources that are 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.

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.

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; and NPDES General Permit Number 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 flow 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 31 MAY 13. POC: Bethany Georgoulas, (919) 807-6372.



2013 LEGISLATIVE SESSION: 8 JAN 13 THROUGH 20 JUN 13

South Carolina has two-year sessions (2013-2014). None of the tracked bills were passed prior to adjournment and may be reconsidered during the 2014 session.

PROPOSED RULES

INCORPORATION OF FEDERAL RULE CHANGES (61 – 62) SCDHEC has proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP). EPA promul-

gates amendments to 40 CFR Parts 51, 52, 60 and 63 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding SIP requirements, NSPS, and NESHAP for Source Categories. SCDHEC proposes to amend Regulation 61-62.1, Definitions and General Requirements, to incorporate an amendment to the definition of VOCs promulgated by the federal rule, "Revision to Definition of Volatile Organic Compounds-Exclusion of trans-1,3,3,3-tetrafluoropropene" (77 FR 37610). SCDHEC also proposes to amend Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, to incorporate a provision in the definition of "Regulated NSR Pollutant," as required by the federal rule "Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5})" (77 FR 65107). Additionally, SCDHEC proposes to amend Regulations 61-62.60, South Carolina Designated Facility Plan and NSPS, and 61-62.63, NESHAP for Source Categories, to incorporate by reference recent federal amendments promulgated from 1 JAN 12, through 31 DEC 12. SCDHEC may propose other changes to Regulation 61-62 to include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary. The [Drafting Notice](#) was published 24 MAY 13. Comments were due 24 JUN 13. POC: [Anthony T Lofton](#).



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.**

PROPOSED RULES

UST REMEDIATION GROUNDWATER TREATMENT The Tennessee Department of Environment and Conservation (TDEC) announced a public hearing to receive comments on the proposed reissue of the General NPDES for Discharges of Treated Groundwater Associated with UST Remediation. The [notice](#) was issued 26 FEB 13, a hearing was held 5 APR 13, and comments were due 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 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 was held, and comments were due 30 MAY 13.

Department of Defense Activity

ARMY POLICY FOR OPERATIONAL ENERGY The [policy memorandum](#), signed by the Secretary of the Army, Hon. John McHugh, describes operational energy as the energy and associated systems, information and processes required to train, move and sustain forces and systems for military operations. The memo directs the Assistant Secretaries, Army Staff, Army Commands, Army Service Component Commands, and Direct Reporting Units to:

- Find ways to improve energy performance through techniques, behaviors and organizational culture;
- Integrate operational energy considerations into planning, requirements development, acquisition, construction, operations, research, development, technology and evaluation, reporting, and management programs;
- Coordinate energy-related plans, budgets and activities; and
- Track, manage and report operational energy performance and usage.

DEFENSE AND STATE MEMORANDUM OF AGREEMENT (DSMOA) PROGRAM GUIDANCE FOR DISPUTE RESOLUTION The DSMOA dispute resolution process is essential to resolving issues in the DSMOA program. [Guidance](#) provides the military and the US Army Corps of Engineers Grants Officer better understanding of DoD's position on the nature of the dispute resolution process and ensures continued value in the process of resolving restoration issues. Guidance will be incorporated into the next revision of [DoD Manual 4715.20](#), Defense Environmental Restoration Program Management.

ENERGY MANAGEMENT DoD has released the [Annual Energy Management Report for FY 2012](#), which addresses shore based energy consumption, conservation and renewable energy efforts. DoD conducted a comprehensive assessment of energy initiatives across DoD. It identified the significant need for an energy policy that encompasses all DoD components and guides DoD's full range of energy activities, to include operational energy, facilities energy, and energy-

related elements of mission assurance that are largely reliant on energy security.

SUSTAINABLE RANGES The [Annual Report to Congress on Sustainable Ranges](#) described no significant changes in range capability or encroachment since 2012. It identified emerging challenges to training range sustainability, and reported on actions being taken to mitigate them. It used goals and milestones in its progress updates, and reported its projected funding requirements for implementing planned actions. Together these elements describe DoD's progress in implementing its comprehensive plan and addressing training constraints at its ranges.

SENTINEL LANDSCAPES PARTNERSHIP Through the Sentinel Landscapes partnership, the US Department of Agriculture (USDA), US Department of Interior (DOI), and DoD will work together near military installations to help farmers and ranchers make improvements to the land that benefit their operation, enhance wildlife habitat, and enable DoD's training missions to continue.

Federal Activity

CULTURAL RESOURCES

NATIVE AMERICAN AFFAIRS The President has issued [Executive Order \(EO\) 13647](#) establishing a White House Council on Native American Affairs ([78 FR 39539](#)). The Secretary of the Interior will chair the council, which includes heads of executive agencies, including DoD. The council shall work across executive departments, agencies and offices to coordinate development of policy recommendations to support tribal self-governance and improve the quality of life for Native Americans, and shall coordinate the US government's engagement with tribal governments and their communities. Among other duties, the council shall coordinate a more effective and efficient process for executive departments, agencies and offices to honor the US commitment to tribal consultation as set forth in [EO 13175](#) of 6 NOV 00. EO 13175 focuses on promulgation of any regulations that have tribal implications and that preempt tribal law.

ENERGY

NEW FEDERAL COMMERCIAL AND MULTI-FAMILY HIGH-RISE RESIDENTIAL BUILDINGS The Department of Energy (DOE) has issued a final rule ([78 FR 40945](#)) that updates baseline energy efficiency performance standards for construction of new federal commercial and multi-family high-rise residential buildings. The performance standards are found in the American Society of Heating, Refrigerating, and Air-Conditioning Engineers [Standard 90.1-2010](#). The rule applies to buildings for which design for construction begins on or after 9 JUL 14. DOE POC: [Mohammed Khan](#), (202) 586-7892.

GRANT FUNDING FOR ENERGY CONSERVATION TECHNOLOGIES AT FEDERAL FACILITIES The Federal Energy Management Program (FEMP), on behalf of DOE, intends to issue a Funding Opportunity Announcement (FOA) initially titled "Assisting Federal Facilities with Energy Conservation Technologies (AFFECT)." The AFFECT FOA will provide direct funding to US federal agencies for development of capital projects and other initiatives to increase energy efficiency and renewable energy investments at agency facilities. It is anticipated that the FOA will include combined heat and power (CHP) and renewable energy, including solar, wind, biomass, landfill gas, ocean, geothermal, waste to energy and new hydroelectric energy technologies. [More information](#) on the types of assistance FEMP can provide is available. The amount of funding anticipated is not stated in the notice of intent. The [announcement](#) is available at under heading "DE-FOA-0000898: Notice of Intent to Issue FOA: Assisting Federal Facilities with Energy Conservation Technologies (AFFECT)." The [Notice of Intent](#) is also available. POCs: [David Boomsma](#) for CHP, [Boyan Kovacic](#) for renewable energy.

HAZARDOUS MATERIALS

PAPERLESS SHIPPING PAPERS PILOT PROGRAM The Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) invites volunteers for a pilot program to evaluate the effectiveness of paperless hazard communications (i.e., shipping papers) systems ([78 FR 43263](#)). PHMSA is seeking volunteers (shippers and carriers who transport hazardous materials by air, highway, rail and water; law enforcement, fire services and emergency response providers) to test feasibility and then evaluate both feasibility and effectiveness of using paperless hazardous materials (e-HM) communications systems (e-systems). Implementation of e-systems has begun among shippers; however, the Hazardous Materials Regulation requires use of a paper copy of the shipping document. PHMSA is seeking shippers that already possess e-systems. PHMSA may not waive current shipping paper requirements. PHMSA must evaluate the feasibility of paperless systems and provide recommendations to Congress by 1 OCT 14. PHMSA is also requesting comment on the planned information collection for evaluation of e-HM communications systems. Comments

are due by 17 Sep 13. PHMSA POC: James O. Simmons, (202) 366-4545.

INDUSTRIAL FACILITIES USING SOLVENT WIPES The Environmental Protection Agency (EPA) modified the hazardous waste management regulations (HWR) under the Resource Conservation and Recovery Act (RCRA) to conditionally exclude solvent-contaminated wipes from HWR, provided businesses clean or dispose of them properly. The rule is based on EPA's final risk analysis that concluded that wipes contaminated with certain hazardous solvents do not pose significant risk to human health and the environment when managed properly. EPA estimates that the final rule will result in a net savings of between \$21.7 million and \$27.8 million per year. More [information](#) is available.

NATURAL RESOURCES

VISION FOR A HEALTHY GULF OF MEXICO The Gulf of Mexico watershed is critically important to the health and vitality of the nation's natural and economic resources. Forty percent of all North American migrating waterfowl and shorebirds use the Mississippi Flyway. The Gulf Coast, from Texas to Florida, is also home to more than 130 federally protected species, most of which are endangered. Restoring this vital area will ensure America continues to thrive well into and beyond the 21st century. The US Fish and Wildlife Service's (USFWS) [Vision for a Healthy Gulf of Mexico Watershed](#) identifies eight conservation strategies (how USFWS wants to work with partners) and 16 conservation focal areas (where USFWS wants to work with partners).

THREATENED AND ENDANGERED SPECIES

LOGGERHEAD SEA TURTLE USFWS has reopened the comment period on the 25 MAR 13 proposed rule to designate specific areas in the terrestrial environment as critical habitat for the Northwest Atlantic Ocean Distinct Population Segment (DPS) of the Loggerhead Sea Turtle ([78 FR 42921](#)). USFWS requests comments on whether any of the exemptions being considered on land on DoD property at Marine Corps Base Camp Lejeune (Onslow Beach), Cape Canaveral Air Force Station, Patrick Air Force Base and Eglin Air Force Base (Cape San Blas) are or are not appropriate, and why. Near shore reproductive habitat includes waters off four high density or expansion nesting beaches that were not proposed for designation as terrestrial critical habitat because they occur on military lands that are exempt from designation due to the existence of an adequate Integrated Natural Resources Management Plan (INRMP). The beaches are identified here as essential near shore reproductive habitat because either the INRMPs do not address waters off the beach, or it is not clear to what extent the INRMPs address waters off the beach. The National Marine Fisheries Service (NMFS) is proposing as critical habitat the waters off Onslow Beach on MCB Camp Lejeune, North Carolina. NMFS is holding discussions with the Marine Corps regarding its INRMP, and may revisit the determination prior to finalizing the proposed rule. NMFS has determined that the INRMP for NAS Key West confers benefits to the loggerhead sea turtle and enhances its habitat; therefore, NMFS is not proposing waters subject to that INRMP for critical habitat designation. Management actions described in the NAS Key West INRMP that benefit loggerhead sea turtles include water quality measures, invasive species control, re-establishment of historic tidal connections for mangrove/saltmarsh and shallow open water, and completion of a marine benthic survey, installation of turtle-friendly lights, and community outreach and information. Comments are due by 16 SEP 13. FWS POC: Dawn P. Jennings, (904) 731-3336.

WATER

EO 13514 WATER EFFICIENCY IMPLEMENTING INSTRUCTIONS The Council on Environmental Quality (CEQ) has issued "[Implementing Instructions: Federal Agency Implementation of Water Efficiency and Management Provisions of Executive Order 13514](#)." Instructions establish guidelines for accounting for federal water uses, measurement and verification methods, and offer strategies for water conservation and reuse. Guidelines also provide instructions for prioritizing projects and direct agencies to pursue the most beneficial and cost-effective opportunities first. The water use efficiency and management goals for federal agencies are:

- Reduce potable water consumption intensity by 2 percent annually through fiscal year (FY) 2020, or 26 percent by the end of FY 2020, relative to agency's FY 2007 baseline;
- Reduce agency industrial, landscaping and agricultural water (ILA) consumption by 2 percent annually, or 20 percent by the end of FY 2020, relative to a 2010 baseline;
- Consistent with state law, identify, promote and implement water reuse strategies that reduce potable water consumption; and
- Implement and achieve objectives identified in [stormwater management guidance](#) issued by EPA under the Energy Independence and Security Act of 2007.1.

NATIONAL STORMWATER CALCULATOR EPA has released the [National Stormwater Calculator](#) to help property owners, developers, landscapers and urban planners make informed land use decisions to protect local waterways from pollution caused by stormwater runoff. The calculator represents phase I of the Stormwater Calculator and Climate Assessment

Tool package announced in the [President's Climate Action Plan](#). It is a desktop application that estimates the annual amount of stormwater runoff from a specific site, based on local soil conditions, slope, land cover and historical rainfall records. An update to the Stormwater Calculator, which will include the ability to link to several future climate scenarios, will be released by the end of 2013. The calculator accesses several national databases that provide soil, topography, rainfall and evaporation information for the chosen site. The user supplies information about the site's land cover and selects the types of low impact development (LID) controls they would like to use. EPA POC: [Cathy Milbourn](#), 202-564-7849, 202-564-4355.

PESTICIDE DISCHARGE NPDES PERMITTING EXEMPTION EPA finalized a rule to remove language exempting the application of pesticides from National Pollutant Discharge Elimination System (NPDES) permit requirements in two circumstances:

- When pesticide application pesticide is made directly to waters of the US to control pests present in the water; and
- When pesticide application is made to control pests that are over, including near, waters of the US ([78 FR 38591](#)).

EPA POC: [Prasad Chumble](#), (202) 564-0021.

Professional Development

21 AUG, 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 AUG, ONLINE: [CONSERVATION PLANNING TOOLS AND RESOURCES](#) This session will continue the dialog between conservation planners and land use planners by exploring conservation planning tools and networks available for sharing knowledge, tools and data. [Register](#) in advance.

21-23 AUG, 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.

29 AUG, ONLINE: [GSA CARBON FOOTPRINT TOOL - LIVE DEMONSTRATION OF NEW FEATURES](#) The webinar will provide an overview of new features in the GSA Carbon Footprint Tool.

4 SEP, ONLINE: [PLANNING FOR CLIMATE CHANGE ADAPTATION - PLANNING FOR CHANGE IN FORESTS, WILDLIFE AND LAND USE](#) This panel of speakers will present science and management considerations for climate change adaptation planning from three perspectives: forests, wildlife, and land use planning and hazard mitigation. Speakers will share new resources and publications on climate change adaptation from the Forest Service and National Wildlife Federation, and discuss how planners and land managers can consider changing environmental conditions in their work. Please [register](#) in advance.

17-18 SEP, ONLINE: [HAZARDOUS MATERIALS AND SPECIAL PROPERTY WEBINAR](#) The course will discuss the best ways to properly dispose of hazardous material without it harming the environment. Property containing hazardous materials exhibits dangerous characteristics such that inadequate use, storage, transportation, or disposal may lead to potential safety, health, environmental, economic, or national security risks. In many situations, the use, storage, transportation, or disposal of these items are covered by federal, state and local laws.

22-24, SEP, NASHVILLE, TN: [2013 NATIONAL CONFERENCE ON ENERGY EFFICIENCY AS A RESOURCE](#) This conference, sponsored by the American Council for an Energy Efficient Economy (ACEEE), examines energy efficiency as a strategic and critical utility system resource.

14-17 OCT, WASHINGTON, DC: [CLIMATE STRATEGIES FORUM](#) Sponsored by the Association of Climate Change Officers, the forum will feature prominent leaders from across sectors in a plenary format, and a series of half-day boot camps aligned with the core competencies. Plenary sessions will focus on climate and energy. Boot camps will focus on topics including adaptation planning, implementing change management schemes, implementing a GHG management

structure, and building a public-private partnership project.

22 OCT, ONLINE: [INTRODUCTION TO UTILITY ENERGY SERVICE CONTRACTS \(UESC\)](#) This Federal Energy Management Program (FEMP) UESC Webinar provides attendees with an overview of contracting options and services available from local utility companies to engineer, finance and install cost-effective energy and water savings projects. Participants are walked through the typical project process from the audit phase to commissioning the equipment. The webinar introduces participants to UESCs and helps them determine if this alternative financing opportunity is right for them.

6 NOV, ONLINE: [SPECIAL REGIONAL COORDINATION SERIES III: REPI IN THE SOUTHEAST—MIDLANDS AREA JOINT INSTALLATION CONSORTIUM AND GULF REGIONAL AIRSPACE STRATEGIC INITIATIVE](#) The webinar is the third in a series of webinars on DoD coordination on regional land-water-airspace issues. Learn about and discuss issues and projects encountered in the Southeast, including coordinated efforts of the Midlands Area Joint Installation Consortium (MAJIC) in South Carolina and the Gulf Regional Airspace Strategic Initiative (GRASI) in Florida.

11-13 NOV, AUSTIN, TX: [DEFENSE ENERGY SUMMIT](#) The Defense Energy Summit delivers the entire defense energy ecosystem, focusing on the needs and solutions of energy providers, project financiers, early/growth stage companies, defense contractors, military installations and purchasing agents. This event brings together the business of the energy industry with needs of the defense community, convening national stakeholders in the building of a Defense Energy Center of Excellence.

20-22 NOV, PHILADELPHIA, PA: [GREENBUILD 2013](#) Greenbuild is the world's largest conference and expo dedicated to green building. The conference brings together industry leaders, experts and professionals dedicated to sustainable building. It features speakers, networking opportunities, industry showcases, Leadership in Energy and Environmental Design workshops, and tours of the host city's green buildings.

11 DEC, ONLINE: [REPI AND ENERGY](#) Learn about the concept of using REPI for ensuring compatible siting of renewable energy development, and hear from installations that have successfully buffered wind energy projects.

VARIOUS DATES AND TIMES ONLINE

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 programs 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 help 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 to increase energy security, such as diversity, redundancy, reducing demand, planning, and emergency management. 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 USEPA'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; 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

Main Office Number	770-629-2180
Region 4 Director/DoD REC	404-460-3131
Region 4 Deputy Director	404-460-3125
Region 4 Counsel	404-545-5655
Region 4 REC	404-545-6599
Project Manager	410-459-3293
Regulatory Affairs Specialist	404-460-3135

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/>.