



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

February 2014

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

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

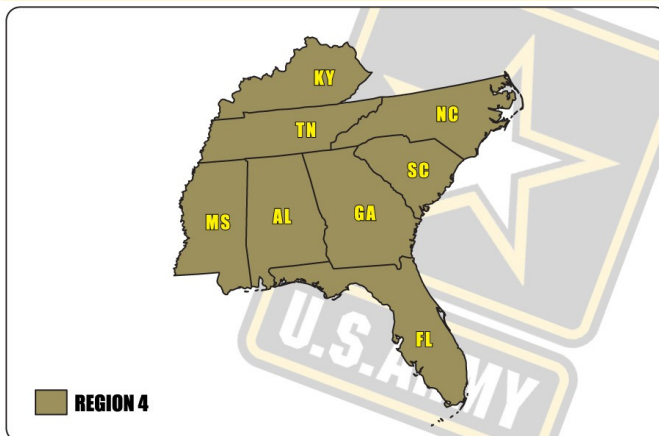


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DEPARTMENT OF ARMY HIGH-LEVEL CLIMATE CHANGE VULNERABILITY ASSESSMENT

In Fiscal Year (FY) 2011, the Office of the Assistant Secretary of the Army for Installations, Energy and Environment (OASA (IE&E)) formed an Army Climate Change Work Group. In FY2012, the OASA (IE&E) funded the US Army Corps of Engineers, Engineer Research and Development Center (USACE ERDC) to complete a high-level climate change vulnerability assessment for US Army installations and develop an adaptation planning framework that is consistent with White House Council on Environmental Quality (CEQ) guidance. This report provides the vulnerability assessment for Army installations consistent with the [Quadrennial Defense Review](#), and following the CEQ guidance.

EPA ANNOUNCES REGIONAL ADMINISTRATOR FOR REGION 4 OFFICE IN ATLANTA

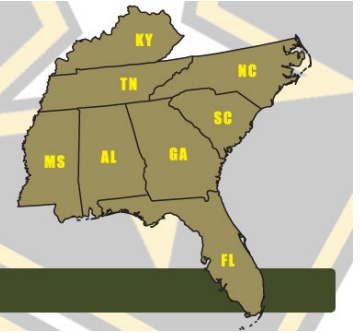
US Environmental Protection Agency Administrator Gina McCarthy announced President Barack Obama's selection of Heather McTeer Toney as regional administrator for EPA's regional office in Atlanta. EPA Region 4 includes Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and six tribal nations.

"Heather McTeer Toney has a proven track record and broad experience as an advocate and dedicated public servant," said Administrator McCarthy. "I have full confidence that she'll continue that sense of service and leadership working to protect people's health and the environment as regional administrator in the region she was born, raised, and still calls home."

The full [news release](#) is available.

Region 4

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



2014 LEGISLATIVE SESSION: 14 JAN 14 THROUGH 5 MAY 14

Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

[HB 94 \(SB 80\)](#), LAND USE DEVELOPMENT NEAR MILITARY INSTALLATIONS This bill would help prevent incompatible urban encroachment upon military installations, and facilitate the continued presence of major military installations within the state by requiring the notification of certain military installations of certain land use changes by local governments, and allowing the military installations an opportunity to comment on the proposed land use changes. This bill would provide for references to military installations in master plans adopted by municipal planning commissions. Last action: referred to committee.

[HB 106 \(SB 12\)](#), THE ALABAMA WIND ENERGY CONVERSION SYSTEMS ACT OF 2014 This bill would require a person to obtain permits from the Alabama Department of Environmental Management (ADEM) prior to installing or operating a wind energy conversion system. This bill would authorize ADEM to adopt rules regulating the location, design, installation, and operation of wind energy conversion systems. It would require that the design of all conversion system towers must be certified by a licensed engineer with prior experience with wind energy conversion systems. This bill would also require approval of any wind energy conversion system by the appropriate local governing body and compliance with applicable zoning. Last action: referred to committee.

[HB 208](#), SALES AND USE TAXES This bill would exempt any thrift shop located on a military installation in Alabama from any state, county, and municipal sales and use taxes. Last action: referred to committee.

[HB 292](#), MUNICIPAL SOLID WASTE This bill would amend Section 22-27-48, Code of Alabama 1975, relating to the process of obtaining a permit for solid waste disposal facilities, to require the local governing body to affirmatively approve an application for a new or modified permit for such a facility. Last action: referred to committee.

[SB 20](#), ALABAMA DROUGHT PLANNING AND RESPONSE ACT This bill would codify the establishment of the Alabama Drought Assessment and Planning Team, with the responsibility of developing a State Drought Plan that addresses graduated drought response procedures, with implementation of specific measures based on drought severity, and periodically issuing drought declarations. It reaffirms the Governor's ability to respond to extreme drought conditions. Last action: passed the Senate on 16 JAN 14.

[SB 27](#), SOLID WASTE AND MUNICIPAL SOLID WASTE FEES This bill would provide that the rates charged by waste management companies for the collection and transportation of garbage, household waste, or any other nonhazardous and nonmedical solid waste shall at all times be subject to the approval of the Alabama Public Service Commission. Last action: referred to committee.

NEWS RELEASE

SOLID WASTE STUDY ([NEWS RELEASE](#)) ADEM conducted 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. As part of its study efforts, Auburn has established a [project website](#) to provide pertinent information to interested parties. Once complete, the final report and program enhancements will be pre-

sented 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.

PROPOSED RULES

COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (335-3-3.05) ADEM has proposed amendments to Administrative Code Rule (ACR) 335-3-3-.05 to incorporate emission guidelines for existing commercial and industrial solid waste incineration units. Revisions will be a part of the state plan required under §111(d) and 129 of the Clean Air Act. The [Notice of Intent to Adopt, Amend, or Repeal Rules](#) was filed 24 NOV 13 and published 27 NOV 13. A hearing is scheduled for and comments are due 9 JAN 14. POC: [Ronald W. Gore](#).

UNDERGROUND STORAGE TANKS (335-6-15-.02, .06, .09, .13, .15, .17, .18, .19, .22, .27, .31, .33, .34, .45, .46, .47) ADEM has proposed revisions to ACR 335-6 to:

Change the manner in which delivery prohibition becomes effective for affected owners;

- Allow owners who are certified installers, who are installing, closing or repairing underground storage tanks (USTs) to use the Alabama Underground and Aboveground Storage Tank Trust Fund for Financial Responsibility; and
- Revise the definition of routine maintenance and make other necessary updates.

The [Notice of Intent to Adopt, Amend, or Repeal Rules](#) was filed 24 NOV 13 and published 27 NOV 13. A hearing is scheduled for and comments are due 9 JAN 14. POC: [ADEM Hearing Officer](#).



2014 LEGISLATIVE SESSION: 4 MAR 14 THROUGH 2 MAY 14

LEGISLATION

[HB 49 \(SB 76\)](#), SPRINGS REVIVAL ACT These bills would require water management districts (WMDs) to identify certain springs where water quality and flow are in decline. It requires a five-year plan to restore the springs and develop plans to rehabilitate those springs, and includes a requirement that WMDs adopt rules and issue orders to ensure compliance. Last action: House and Senate referred to respective committees. **REEO-S Note: This measure may target springs located on military installations.**

[HB 189](#), LOCAL COMPREHENSIVE PLANNING This bill would revise restrictions on the initiative or referendum process in regard to local comprehensive plan amendments and map amendments. Last action: Referred to committee. **REEO-S Note: It is not clear how removing the five parcel condition would affect planning near military installations.**

[HB 395](#), LOCAL COMPREHENSIVE PLANNING This bill would require local governments to address protection of private property rights in their comprehensive plans; require comprehensive plans to include property rights elements that address certain objectives; and require counties and municipalities to adopt land development regulations consistent with property rights elements. Last action: referred to committee. **REEO-S Note: It is unclear how private property considerations would affect land use planning; especially when encroachment on military facilities is at issue.**

[HB 601 \(SB 536\)](#), GRAY WATER AND WATER REUSE These bills would require the Florida Department of Agriculture and Consumer Services and the Florida Department of Environmental Protection (FLDEP), in cooperation with WMDs, to conduct a study and submit a report on the expansion of beneficial use of reclaimed water. Last action: referred to committee. **REEO-S Note: This measure could provide an opportunity for the military to collaborate with state officials on water reuse.**

[HB 703](#), LOCAL COMPREHENSIVE PLANNING AND GREENHOUSE GAS (GHG) REGULATION This bill specifies authority of counties to enforce certain wetlands, springs protection, and stormwater ordinances, regulations, and rules; provides vote requirements for adoption of certain elements of local government comprehensive plans and plan amendments; prohibits local governments from rescinding certain comprehensive plan amendments; authorizes durations and multiple commencement dates for certain consumptive use permits; requires certain criteria to be incorporated into regional wa-

ter supply plans; provides conditions under which FLDEP is required to establish certain GHG performance standards, and repeal and revise certain rules; and establishes a solid waste landfill closure account within Solid Waste Management Trust Fund. Last action: referred to committee. **REEO-S Note: Most proposed provisions would not seem to impact DoD activities. The discussion under section 403.0874, Implementation of Federal GHG Regulations, is interesting to note.**

FLORIDA HJR 695, RENEWABLE ENERGY This resolution proposes creation of a new section 28, Article X, of the State Constitution to provide that a person, corporation, partnership, association, or other legal entity that exclusively produces renewable energy is not a public utility and to provide that definitions of terms public utility and renewable energy shall be prescribed by general law. Last action: referred to committee. **REEO-S Note: This measure could provide added opportunities or options for renewable energy development at military bases, but the sponsor is a member of the minority party and the measure has the added hurdle of being a constitutional amendment.**

NOTICE

REGION III REGIONAL WATER SUPPLY PLAN The Northwest Florida WMD held two workshops and solicited comments and input to support development of an update to the [Region III Regional Water Supply Plan](#) (RWSP). The Northwest Florida WMD's recent [Water Supply Assessment](#) concluded that regional water supply planning should continue for Bay County; thus, the district is updating the RWSP per Section 373.709, F.S. The workshop provided an opportunity for water supply utilities, local government planners, and the public to ask questions and provide comments and recommendations. The workshop included water supply development project and funding options. A [Notice of Workshops](#) was issued 21 JAN 14 and a workshop was held 29 JAN 14. Northwest Florida WMD POC: [Angela Chelette](#), (850) 539-5999.

FINAL RULES

CLEANUP STANDARDS AND PROCEDURES FLDEP has adopted changes to Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria, to provide clarification on applicability of Referenced Guidelines, provide a list of references for toxicity and exposure information, clarify requirements for probabilistic risk assessments and to provide criteria for risk-based closure without institutional controls. A [Notice of Rulemaking Development](#) was published 28 OCT 11. A [Notice of Proposed Rules](#) was published on 13 SEP 13, comments were due 4 OCT 13, a [Notice of Change](#) was published 3 DEC 13, and a [Notice of Rule Filing](#) was published 21 JAN 14. The rules were effective 4 FEB 14. The final rule text is not yet available.

PROPOSED RULES

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 Environmental Resource Permit (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 requests for additional information; add conditions and amend portions to expedite the permitting process; and 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. An additional workshop was held 4 OCT 2013. POC: [Kamie Carney](#), (850) 488-7816.

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. Comments to changes to 62-780 were due 4 OCT 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 (62-771.201, .401 AND 62-772.100, .200, .300, .400, .401, .402, .500, .600) 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. FLDEP has also proposed rulemaking that would create a new Chapter 62-772, F.A.C., which provides procedures FLDEP will utilize for procurement of contractual services for cleanup of state-funded petroleum contaminated sites. FLDEP anticipates creating a list of rule sections and titles; however, these may be amended or new sections added as public input is received and FLDEP creates the new chapter. Procedures will allow FLDEP to implement its petroleum cleanup program in a more efficient and cost effective manner. A [Notice of Rulemaking Development](#) was published 30 MAY 13, a workshop was held 19 JUN 13, and the [Notice of Proposed Rules](#) was published 4 OCT 13. Comments were due 25 OCT 13 and a hearing was held 28 OCT 13. POC: [Jeff Koerner](#), (850) 245-8701.

PERMITTING, MINIMUM FLOWS AND LEVELS, WATER SUPPLY ACROSS WATER MANAGEMENT DISTRICTS The Florida WMDs have proposed and adopted 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. WMDs anticipate filing similar but slightly different amendments to accomplish the same results. 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.

Notices of rulemaking for each WMD will be or have been filed. Workshops are being held, and hearings and workshops regarding WMD actions are available at respective websites or the [FLDEP website](#). South Florida WMD POC: [Beth Ross](#), Esq. (561) 682-6257.

KINGS BAY TMDLs (62-304.645) FLDEP has proposed amendments to 62-304.645, F.A.C., to establish Total Maximum Daily Loads (TMDLs) for impaired waters in the Springs Coast Basin, to include:

- Kings Bay Water Body Identification (WBID) 1341 [Nutrients (Algal Mats)];
- Hunters Spring WBID 1341C [Nutrients (Algal Mats)];
- House Spring WBID 1341D [Nutrients (Algal Mats)];
- Idiots Delight Spring WBID 1341F [Nutrients (Algal Mats)];
- Tarpon Spring WBID 1341G [Nutrients (Algal Mats)]; and
- Black Spring WBID 1341H [Nutrients (Algal Mats)].

A [Notice of Rulemaking Development](#) was published 14 MAY 13, and a workshop was held 27 SEP 13. Comments were due 18 OCT 13. POC: [Richard Hicks](#), (850) 245-8229.

CONSTRUCTION AND DEMOLITION LANDFILLS (62-701.100, .200, .210, .220, .300, .310, .315, .320, .330, .340, .400, .410, .430, .500, .510, .520, .530, .600, .610, .620, .630, .710, .730, .802, .803, .900) FLDEP has proposed revisions to chapter 62-701 of the Florida Administrative Code. Subsection 403.707(9), F.S. requires all construction and demolition debris landfills be constructed with liners and leachate control systems, and that all construction and demolition debris be processed prior to disposal when economically feasible. Section 403.087(6), F.S., requires all permit fees be updated every five years to account for inflation. The rule chapter must be amended to address these new requirements. There are also several minor changes that need to be made to update and clarify the chapter. A [Notice of Rulemaking Development](#) was published 17 AUG 12 and a [Workshop Advisory](#) was issued 22 OCT 13. A workshop

was held 8 OCT 13. POC: [Richard Tedder](#), (850) 245-8735.

ABOVEGROUND STORAGE TANK SYSTEMS (62-762.101, .201, .211, .301, .401, .451, .501, .511, .601, .611, .641, .701, .711, .801, .821, .851, .891, .901) FLDEP has proposed revisions to the AST Systems rules in Chapter 62-762 for clarity and to remove language that is no longer applicable. A [Notice of Rulemaking Development](#) was published 19 NOV 13. A workshop was held 17 DEC 13. POC: [William E. Burns, Jr.](#), (850) 245-8842.

UNDERGROUND STORAGE TANK SYSTEMS (62-761.100, .200, .210, .300, .350, .400, .405, .420, .430, .440, .450, .500, .510, .600, .610, .640, .700, .710, .800, .820, .850, .900) FLDEP has proposed revisions to the UST Systems rules in Chapter 62-761 for clarity and to remove language that is no longer applicable. The [Notice of Rulemaking Development](#) was published on 19 NOV 13. A workshop was held 17 DEC 13. POC: [William E. Burns, Jr.](#), (850) 245-8842.

WATER REUSE AND RECYCLING (62-40.210, 62-40.416) FLDEP has proposed an amendment to Rule 62-40.210, F.A.C., to provide a definition for a new term provided in proposed amendments to Rule 62-40.416, F.A.C. Proposed amendments to Rule 62-40.416, F.A.C., seek to promote the use of reclaimed water instead of higher quality sources where appropriate. They also provide clarification to consumptive use permit applicants seeking supplemental water for reuse systems on how applicants might meet conditions for issuance. The [Notice of Rulemaking Development](#) was published 3 SEP 13 and a workshop was held 25 SEP 13. A [Notice of Proposed Rules](#) was published 8 NOV 13 and comments were due 29 NOV 13. A [Notice of Change](#) was published on 17 JAN 14. POC: [Janet Llewellyn](#), (850) 245-3139.

WATER CONSERVATION AND RESERVOIRS (40E-10.011, .021, .031, .041) The South Florida WMD has proposed revisions to Chapter 40E-10, F.A.C., to establish a water reservation for natural system water associated with the Comprehensive Everglades Restoration Plan (CERP) Caloosahatchee River (C-43) West Basin Storage Reservoir Project. Such water reservation would identify and reserve water from consumptive use for the CERP Caloosahatchee River (C-43) West Basin Storage Reservoir Project and ensure that water is available to provide the intended benefits to the natural system. Other WMDs are also proposing reservoirs in accordance with recent legislation. The water reservation rule will require consumptive use permit applicants to provide reasonable assurances that proposed use of water will not withdraw water reserved for the natural system. The Water Resources Development Act of 2000 (WRDA 2000) requires Florida to reserve or allocate water for the natural systems associated with implementation of CERP projects. The [Notice of Rulemaking Development](#) was published 10 FEB 12, workshops were held, and an advisory was issued 30 DEC 13. Another [workshop](#) was held 23 JAN 14. POC: [Don Medellin](#), (561) 682-6340.



2014 LEGISLATIVE SESSION: 13 JAN 14 THROUGH 18 APR 14

Georgia has a two-year session (2013-2014), with 2013 bills carrying over for consideration in 2014. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

[SB 213](#), FLINT RIVER DROUGHT PROTECTION ACT This bill would mandate 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 the management of the water resources in the Flint River basin. Last action: passed the Senate and House committees, now awaiting a House floor vote. **REEO-S Note: This measure may have the potential to affect water withdrawal activities at Fort Benning.**

[HB 757](#), AD VALOREM TAXATION OF PROPERTY AND RENEWABLE ENERGY This bill would provide that use of certain property for collection and conversion of solar energy shall not constitute a breach of conservation use covenants. Last action: referred to committee. **REEO-S Note: Possible relevance for property owners who conveyed conservation easement under DoD's Readiness and Environmental Protection Integration (REPI) and there is a proposal to develop renewable energy.**

PROPOSED RULES

WATER QUALITY (2014 305(B)/303(D) LIST OF WATERS) In accordance with Federal Clean Water Act Sections 305

(b) and 303(d), the Georgia Environmental Protection Division (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 1 FEB 13. Comments were due 1 JUL 13. POC: [Susan Salter](#).

GROUNDWATER REMOVAL PROHIBITION (NOTICE) Effective immediately, GAEPD prohibits 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 the 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 20 MAY 13. POC: Kevin Chambers, (404) 651-7970.

NPDES STORMWATER AND CONSTRUCTION (NOTICE) GAEPD has proposed to reissue National Pollutant Discharge Elimination System (NPDES) General Permits Numbers GAR100001, GAR100002, and GAR100003 (draft NPDES General Permits) for stormwater discharges associated with construction activity as defined in the Code of Federal Regulations and the Georgia Rules and Regulations for Water Quality Control. The draft NPDES permits will authorize designated construction activities to discharge stormwater into the waters of Georgia, statewide. The NPDES General Permits will be valid for a maximum of five years. A [Notice](#) was issued on 30 JUL 13, comments were due and a hearing was held 30 AUG 13. An [addendum](#) was issued 23 SEP 13. POC: Amy Potter, (404) 675-6240.

LAND DISPOSAL OF SEPTAGE (391-3-6-.23) GADNR has proposed amendments to revise Rule 391-3-6-.23 "Land Disposal of Septage" to establish a two-tiered permitting system that distinguishes between single pumper, single site operations, and larger facilities that receive waste from more than one pumper. Amendments provide clarification through modification of language, amendment of existing definitions, and addition of new definitions. The [Notice of Proposed Rules](#) was filed on 13 DEC 13, a hearing was held 21 JAN 14, comments were due 24 JAN 14. A meeting is scheduled for 25 FEB 14. The [Proposed Amendments](#) and a [synopsis](#) are available. POC: Watershed Protection Branch, (404) 675-6232.



2014 LEGISLATIVE SESSION: 7 JAN 14 THROUGH 15 APR 14

LEGISLATION

HB 195, RENEWABLE ENERGY TECHNOLOGIES This bill would require retail electric suppliers to use increasing amounts of renewable energy; require retail electric suppliers to take energy-efficiency measures and implement energy-efficiency programs that increase energy savings; specify reporting requirements to the Public Service Commission (PSC) regarding progress in diversifying energy sources and energy savings; and require the PSC to develop tariff guidelines for purchase of renewable power. Last action: referred to committee. **REEO-S Note: This measure could complement DoD renewable energy initiatives in the State.**

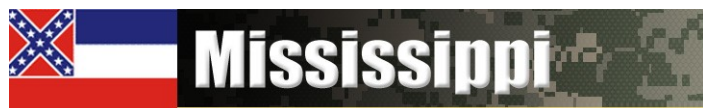
FINAL RULES

BROWNFIELD REDEVELOPMENT (401 KAR 102:010) The Kentucky Department of Environmental Protection (KDEP) has proposed 401 KAR 102:010 to establish application procedures to implement the Brownfield Redevelopment Program. The rules outline the process and procedures necessary for an applicant to obtain the Kentucky Energy and Envi-

ronment Cabinet (KEEC) determination of applicability of KRS 224.1-415. The proposed rules were filed 13 SEP 13 and a meeting was held 10 DEC 13. Rules, [as amended](#), were published on 1 JAN 14. POC: Louanna Aldridge, (502) 564-6716.

PROPOSED RULES

TITLE V PERMIT FEES Pursuant to 401 KAR 50:038, Air Emissions Fee, KDEP has the authority to collect Title V air emissions fees necessary to fund the state air permit program. The KEEC announced a public hearing to receive comments on establishing the appropriate Title V air emissions fee necessary to cover all reasonable costs of administering the permit program. A [notice](#) was issued 23 OCT 13, and a hearing was held 26 OCT 13. POC: [Derek Picklesimer](#), (502) 564-3999.



2014 LEGISLATIVE SESSION: 7 JAN 14 THROUGH 6 APR 14

LEGISLATION

HB 354, RENEWABLE ENERGY INCOME TAX CREDIT This bill would authorize an income tax credit for certain costs and expenses incurred by a taxpayer for certain energy efficiency improvements; for certain expenses incurred for the installation of a wind or solar energy system; and to exempt from ad valorem taxation the true value added to a property as a result of the installation of a wind energy system or a solar energy system that is eligible for the tax credit. Last action: referred to committee. **REEO-S Note: May help to make renewable energy projects at military installations more economically viable, when considering public private ventures.**

PROPOSED RULES

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



2014 LEGISLATIVE SESSION: 14MAY 14 THROUGH 1 JUL 14

North Carolina has a two-year session (2013-2014), with 2013 bills carrying over for consideration in 2014. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

HB 89 (SB 113), REGIONAL WATER SUPPLY This bill would require 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. Last action: the House passed HB 89 and it is now in Senate committee; SB 113 was passed by the Senate and is now in House committee.

HB 94 (SB 112), ENVIRONMENTAL LAW CHANGES This bill would amend certain environmental and natural resources laws to:

- Repeal 2008 and subsequent model year heavy-duty diesel vehicle requirements;
- Direct NCDENR resources to study the continued need to conduct vehicle emissions inspections;
- Provide the environmental management commission with the flexibility to determine whether rules are necessary for controlling the effects of complex sources on air quality; and
- Amend the rules that pertain to open burning for land clearing or right-of-way maintenance.

REEO-S Note: These bills have been significantly altered since the original bill was introduced. The study required under Part II, on page 3, may prove interesting. The measure could result in deleting some counties from the emissions inspection program, potentially resolving some questions as to Inspection and Maintenance (I&M) applicability. See also part 25, page 15. [Economic benefit calculations for assessing penalties](#) have been a point of contention with EPA in the past.

HB 254, ZONING CHANGES AND NOTICE TO MILITARY BASES This bill would amend the 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. Last action: enacted. **REEO-S Note: The bill adds subdivisions, telecommunications towers, and windmills to existing notification requirements.**

HB 298 (SB 365), RENEWABLE PORTFOLIO STANDARDS These bills would reduce the burden of high energy costs on the citizens of North Carolina by revising the renewable energy portfolio standards; to provide for cost recovery by public utilities for certain costs of compliance with renewable energy portfolio standards (REPS); and to provide a study of energy policy in the state. Last action: referred to committee. **REEO-S Note: Significantly curtails REPS. Could affect economic viability of military energy initiatives that rely on third party financing. Significant legislative hurdles adversely affect this bill becoming law.**

HB 353, RENEWABLE ENERGY LEASES This bill would authorize Grantville County to approve a lease for the siting and operation of a renewable energy facility for a term of up to 20 years without treating the lease as a sale of property. Last action: referred to committee. **REEO-S Note: Could encourage development on public property, potentially raising mission capability concerns, but passage of this bill is doubtful.**

HB 401 (SB 362), TIERED ELECTRICITY RATES These bills would require the North Carolina Utilities Commission to establish tiered electricity rates for residential, commercial, public, and industrial customers to encourage energy conservation and energy efficiency. Last action: referred to committee. **REEO-S Note: This measure could affect tariffs charged to military bases. It does not appear to have the legislative support needed for passage.**

HB 480, STORMWATER PERMITS This bill would require development of minimum design criteria for issuance of stormwater permits and erosion control plans. It would also create an expedited permitting process. Last action: enacted. **REEO-S Note: The bill provides fast-track permitting for projects that comply with NCDENR's Minimum Design Criteria.**

HB 573 (SB 275), EXPAND USE OF STORMWATER FEES These bills would promote and encourage the funding and implementation of stormwater management programs to protect and enhance surface water quality and quantity, thus reducing chances for loss of life and damages to property from flooding. Last action: HB 573 passed the House and 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 then only include two counties (Mecklenburg and Wake); only federal facilities in and around Charlotte and Raleigh/Durham would be affected. If the measure is enacted, DoD activities present in those areas should monitor future stormwater assessments and inform REEO-S.**

HB 644, DISPOSITION OF DRUGS IN HEALTH CARE FACILITIES This bill relates to the handling of hazardous drugs to prevent disease and injury caused by exposure. Last action: referred to committee. **NAVY NOTE: Navy BUMED procedures will be reviewed in light of any new handling procedures.**

HB 938, WETLANDS MITIGATION FLEXIBILITY This bill would direct NCDENR to petition the US Army Corps of Engineers (USACE) Wilmington District to allow greater flexibility to perform wetlands mitigation. It directs NCDENR to evaluate effectiveness of the fee/compensatory payment structure and whether the state should assume administration of the 404 permitting program. Last action: passed the House; the Senate amended and passed it back to the House for concurrence. The bill 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 the 404 permitting).**

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

SB 171, GHGs This bill would prohibit state agencies and local governments from adopting, implementing, or enforcing a rule or ordinance that regulates GHG emissions or limits human activity for the purpose of reducing GHG emissions if the rule or ordinance is not required by a federal regulation or law or is more stringent than a corresponding federal regulation or law. Last action: referred to committee. **REEO-S Note: The bill would be advantageous to DoD in that it would prevent state or local jurisdictions from implementing GHG regulations that would be stricter than federal GHG requirements. It does not appear to have the legislative momentum for passage.**

SB 328, SOLID WASTE MANAGEMENT REFORM ACT OF 2013 This bill would amend landfill siting restrictions and other requirements regarding the management of solid waste. Last action: passed the Senate and is now in House committee. **REEO-S Note: While easing some siting restrictions, the bill 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 513, WATER SUPPLIES AND PLANNING This is an act to improve the security of North Carolina's water resources. Last action: referred to committee. **REEO-S Note: This measure could result in dialogue with local officials regarding water use on military installations (installations using municipal/local supplies). Installations are already implementing DoD/Service prescribed water conservation efforts. This legislation appears to lack legislative momentum - sponsor is also member of minority party. SB 513 lacks companion legislation and cosponsors from majority party.**

EXECUTIVE ORDER

PROTECTING NORTH CAROLINA MILITARY INSTALLATIONS On 1 JAN 14, the Office of the Governor issued [Executive Order \(EO\) Number 34](#): Commitment to Protecting North Carolina Military Installation (see page 1493).

NOTICE

STORMWATER GENERAL NPDES PERMIT NCDENR has issued a notice of intent to reissue expiring state NPDES General Permits for point source discharges of stormwater for the following types of discharges: NPDES General Permit Numbers NCG050000, NCG070000, and NCG130000, which have little or no DoD bearing; and NPDES General Permit Number NCG110000 for stormwater point source discharges. NCG110000 covers 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.

DRAFT 303 LIST The NCDNR Division of Water Resources has released the draft 2014 303(d) list and is requesting public comment. Every two years, states are required by Section 303(d) of the federal Clean Water Act to list streams, rivers and other bodies of water that do not meet water quality standards and require development of a Total Maximum Daily Load (TMDL). States must report this list to EPA every even numbered year. The [notice](#) was issued 17 JAN 14 and comments are due 14 MAR 14. POC: [Kathy Stecker](#), (919) 807-6422.

FINAL RULES

MOTOR VEHICLE EMISSIONS (15A NCAC 02D .1002, .1003, .1005, .1006, .1009) Pursuant Session Law 2012-199, NCDENR has adopted the Motor Vehicle Emission Control Standard rules to incorporate the statutory exemption of vehicle emissions inspection for vehicles from the three most recent model years with less than 70,000 miles on the odometer. Additional minor amendments clarify definitions. Rule 15A NCAC 02D .1009, Model Year 2008 and Subsequent Model Year Heavy-Duty Diesel Vehicle Requirements, was repealed because it is duplicative of EPA rule requirements. The proposed rules were filed 15 AUG 13 and a hearing was held 18 SEP 13. Comments were due 14 OCT 13. Rules were adopted 19 DEC 13. POC: [Joelle Bureson](#), (919) 707-8720.

PROPOSED RULES

ENVIRONMENTAL CONCERN FEASIBILITY STUDY The Coastal Resources Commission (CRC) has released a draft of the Cape Fear River Area of Environmental Concern Feasibility Study for public review and comment. In 2012, the NC General Assembly directed the CRC to consider the feasibility of creating a special management area that would include lands adjacent to the mouth of the Cape Fear River. Session Law 2012-202 requires the CRC to consider the unique coastal morphologies and hydrographic conditions of the Cape Fear River region. It also calls on the CRC to determine if action is necessary to preserve, protect, and balance the economic and natural resources of this region through elimination of current overlapping Areas of Environmental Concern (AECs) by incorporating appropriate development standards into a single AEC unique to this location. For the purposes of this study, the CRC was directed to consider a region that encompasses Caswell Beach, Bald Head Island, and surrounding areas. Since late 2012, the NC Division of Coastal Management (DCM) has worked with municipalities and nearby landowners to identify concerns with the existing regulatory framework and to discuss potential strategies for a new AEC. The draft report was compiled by staff with the DCM primarily from information provided by Bald Head Island, Caswell Beach, and their consultants. The draft report provides

background information regarding the study, describes existing conditions at Bald Head Island and Caswell Beach, provides an overview of the existing regulatory framework, and presents the regulatory concerns of the stakeholders and their proposed strategies for a new Cape Fear River AEC. The report also includes appendices containing public meeting summaries and supporting information provided by communities and their consultants. This report is being distributed for public input and comment, and does not convey any official positions or findings of the DCM, NCDENR, or the CRC. AECs are the foundation of the CRC's permitting program for coastal development. An AEC is an area of natural importance that may be susceptible to erosion or flooding; or may have environmental, social, economic, or aesthetic values that make it valuable to the state. The CRC classifies areas as AECs to protect them from incompatible development, which may cause irreversible damage to property, public health, or the environment. AECs cover almost all coastal waters and about three percent of the land in the 20 coastal counties. A [press release](#) was issued 8 NOV 13. Comments were due 7 DEC 13. POC: [Mike Lopazanski](#).



2014 LEGISLATIVE SESSION: 14 JAN 14 THROUGH 20 JUN 14

South Carolina has a two-year session (2013-2014), with 2013 bills carrying over for consideration in 2014. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

[HB 3235](#), SOUTH CAROLINA BEVERAGE CONTAINER RECYCLING ACT This bill would require deposit beverage distributors that operate within the state to register with the department of revenue and maintain certain records. It would require such distributors to pay a container recovery fee and a deposit for each deposit beverage container sold in the state. The measure would also require them to charge dealers or consumers a deposit equal to refund value of the beverage container. Last action: House referred to committee. **REEO-S note: A potentially problematic bill that attempts to regulate federal agencies, to include "military distributors."**

[HB 3252](#), SOLAR ENERGY REAL PROPERTY This is an act to define "solar energy real property" as agricultural property for tax purposes. Last action: House referred to committee.

[HB 3263](#), SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT COMMISSION This bill would 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. Last action: passed by the House and now in Senate committee. **REEO-S Note: It will be interesting to see where this goes. Base Realignment and Closure is a sensitive topic, and REEO-S Counsel has had legislators inquire about the military's planning on this front.**

[HB 3425](#) ([SB 536](#)), THE ENERGY SYSTEM FREEDOM OF OWNERSHIP ACT This bill would 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. Last action: both bills are in committee. **REEO-S Note: REEO-S will closely monitor these bills as they could relax some regulatory restrictions and facilitate renewable energy planning at military installations. The capacity limits are too low for large-scale development but would accommodate smaller-scale initiatives.**

[HB 3644](#) ([SB 525](#)), CLEAN ENERGY INDUSTRY MARKET DEVELOPMENT ADVISORY COUNCIL This bill would charge the council with development of markets for clean energy technology, materials, and products developed by a clean energy industry from the state. Last action: HB 3644 was passed by committee; pending debate on House floor. SB 525 remains in committee. **REEO-S Note: This measure could encourage further discussions that eventually lead to a more conducive environment for renewable energy development/investment at DoD facilities.**

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

[SB 274](#), ENVIRONMENTAL REGULATOR PENALTY POLICY This bill would restructure the penalties and provide graduated penalties for violations of the statutes. Last action: Senate referred to committee.

[SB 403](#), BIOMASS RESOURCE ENERGY CREDIT This bill would amend section 12-6-3620 of the 1976 code, relating to purchase and installation of equipment to produce energy from biomass resources, to restore the administration of the biomass resource energy credit to the department of revenue. Last action: referred to committee. **REEO-S Note: Could have positive impact on third party-financed biomass energy projects.**

[SB 825](#), AD VALOREM EXEMPTION OF DOD REAL PROPERTY This bill would exempt from ad valorem taxation any real property located within a military base or installation that is used or owned by the United States armed forces and is used as military housing for military affiliated personnel and their families even if the real property is improved, maintained, or leased to a party that would otherwise subject the real property to tax, so long as there is a contractual agreement requiring the lessee to use the property for military housing. Last action: referred to committee.

[SB 881](#), SOLAR ENERGY PROPERTY TAX EXEMPTIONS This bill would amend section 12-37-220 of the 1976 code, relating to general exemptions from property taxes, by adding:

- A new subsection to allow counties to exempt from ad valorem taxation solar energy electric systems, and
- The difference between the value of a solar energy heating or cooling system and a traditional heating or cooling system.

Last action: referred to committee. **REEO-S Note: This bill could positively influence third party financed renewable energy projects.**

[HCR 4166](#), OCEAN ENERGY MANAGEMENT This concurrent resolution would memorialize the US Congress to enact legislation revising the boundaries of the southeastern United States federal outer continental shelf administrative districts' boundaries established by the Department of Interior Bureau of Ocean Energy Management to protect South Carolina's interests with respect to commercial energy leases in these districts. Last action: House adopted and now in Senate committee.

[HCR 4505](#), SAVANNAH RIVER BASIN MANAGEMENT PROGRAM This concurrent resolution would join the South Carolina and Georgia joint water caucus to encourage state agencies, in conjunction with the USACE, to implement a water management program for the Savannah River Basin (SRB) to ensure continuous optimization of water quality and quantity management of the water resources shared by South Carolina and Georgia throughout the SRB. Last action: referred to committee.

[SJR 717](#), CLASS 3 MUNICIPAL SOLID WASTE LANDFILLS This joint resolution would impose a moratorium, until 31 DEC 17, on issuing permits to construct, replace, or expand class 3 landfills, and require the South Carolina Department of Health, Environmental and Control (SCDHEC) to report on permit applications affected by the moratorium. It would prohibit SCDHEC from approving annual disposal rate increases at such class 3 landfills. Last action: in committee. **REEO-S note: This seems to be a concern raised each year in SC. The primary thrust is to address the importation of MSW from outside the State, as well as potential wetland impacts from landfill expansion.**

[SCR 757](#), SOUTH CAROLINA WIND ENERGY This concurrent resolution would recognize the wind energy capabilities of South Carolina as part of a multi-source energy strategy. It would honor the partnership of local governments, economic development groups, and the private sector in pursuit of a clean energy source component to this overall strategy for the future. Last action: referred to committee. **REEO-S Note: Activities should be monitored to facilitate early identification on potential mission conflicts.**

PROPOSED RULES

PCBs IN SLUDGE (61-9) SCDHEC has proposed amendments to specific sections of Regulation 61-9, Water Pollution Control Permits, to address restrictions on the land application of sludges contaminated with polychlorinated biphenyls (PCBs) at less than 50 mg/kg (dry weight basis). Regulation 61-9 excludes from land application sludges contaminated with PCBs at or greater than 50 mg/kg (dry weight basis) since sludges with that level of contamination are regulated by the Environmental Protection Agency under the Toxic Substances Control Act (TSCA). However, R.61-9 does not specifically address the land application of sludges with PCBs less than 50 mg/kg (dry weight basis). SCDHEC promulgated Emergency Regulation, Document Number 4413, effective 25 SEP 13, to address restrictions on the land application of sludges contaminated with PCBs due to the discovery that sludges and other materials had been contaminated with PCBs by illicit discharges to sewer systems. SCDHEC is now proposing to amend sections 503 and 504 of R. 61-9 to include restrictions on land application of sludge, including sludges and septage that may be mixed with grease trap

waste, where quantifiable levels of PCBs exist. SCDHEC proposes to increase sludge monitoring and reporting including PCB monitoring. The department may make other stylistic changes to amend both regulations for internal consistency; clarification in wording; corrections of references, grammatical errors, and outlining/codification; and such other changes as may be necessary to improve the overall quality of the regulation pursuant to regulation drafting standards required by the Legislative Council. A [Drafting Notice of Emergency Regulations](#) was published 25 OCT 13 and comments were due 25 NOV 13. The emergency rules were proposed and effective 23 DEC 13. A [Notice of Proposed Regulation](#) was published on 27 DEC 13, a workshop was held 16 JAN 14, and comments were due 27 JAN 14. Another hearing is scheduled for 13 FEB 14. A Notice of Emergency Regulations was published 24 JAN 14, and those emergency rules expire 3 MAR 14. POC: [Jeff deBessonnet](#).

AIR QUALITY EXEMPT SOURCES SCDHEC has determined that no construction permits shall be required for certain sources unless otherwise specified by state or federal requirements. Exemption status may change upon the promulgation of new regulatory requirements applicable to these sources. SCDHEC is placing the exempt sources listed in Section II(B)(2) and other sources that will not interfere with attainment or maintenance of any state or federal standard on a list of sources to be exempted without further review. This list will be maintained by SCDHEC and periodically published in the South Carolina State Register. The [notice](#) was issued on 22 NOV 13. POC: Mareesa Singleton, (803) 898-4123.



2014 LEGISLATIVE SESSION: 14 JAN 14 THROUGH 20 MAY 14

Tennessee has a two-year session (2013-2014), with 2013 bills carrying over for consideration in 2014. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

HB 359 (SB 298), UNDERGROUND PETROLEUM TANKS These bills would require the Tennessee Department of Environment and Conservation (TDEC) to permit single walled underground petroleum storage. Last action: both chambers have referred their respective bills to committee.

HB 411 (SB 480), STORMWATER These bills would authorize a regional water and wastewater treatment authority to exercise authority for stormwater management. Last action: both chambers have referred their respective bills to committee.

HB 538 (SB 1168), TENNESSEE BEVERAGE CONTAINER RECYCLING REFUNDS ACT Last action: both chambers have referred their respective bills to committee. **REEO-S note: Similar to South Carolina HB 3235 above, a potentially problematic bill that attempts to regulate federal agencies, to include "military distributors."**

PROPOSED RULES

UST REMEDIATION GROUNDWATER TREATMENT 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.

AIR CONSTRUCTION AND OPERATING PERMITS (1200-03-09-.01, 1200-03-09-.02, 1200-03-09-.06) TDEC has proposed rulemaking to amend Chapter 1200-03-09 to:

- Create a new rule to allow a system of general permits. This approach would allow the Tennessee Air Pollution Control Board to make rules applicable to broad categories of similar sources subject to federal or state regulatory provisions, or both. The sources would be considered minor (area), and not covered in the universe of the Title V permitting program. Once a general permit covering a specific category of industrial operation individual sources in the applicable category is adopted, a permittee would only have to notify of the election to be covered under the provisions of the general permits. Individualized permits would not be required in those cases. This would streamline the permitting process for many smaller sources, and allow more time to be focused on larger, more complex sources that have higher emissions and need a more individualized approach;
- Delete PM 2.5 significant impact levels (SILs) from the state rule. The board recently adopted language based on a corresponding federal regulation that was vacated by a federal court in reviewing EPA's authority to adopt

the SILs. The state level rule needs to be made consistent with federal regulations by striking out language vacated in the court decisions; and

- Amend language for compliance certification relating to continuous or intermittent compliance.

The proposed amendment would allow the state regulation to be consistent with the federal regulation. Amendment would eliminate confusion that could arise from inconsistency between current state regulation and the current federal regulation. A [Notice of Rulemaking Hearing](#) was filed 9 OCT 13. A hearing was held and comments were due 3 DEC 13. POC: [Lacey J. Hardin](#), (615) 532-0545.

WASTE PROCESSING AND REDUCTION (0400-11-01-.09) TDEC has proposed rules to revise Solid Waste Processing and Disposal regulations concerning waste reduction. Proposed amendments eliminate conflicts and confusion between statutory language and the existing rule, and will help the regulated community understand waste reduction. Amendments also bring improvements and consistency in solid waste planning, data collection, and reporting; qualitatively assessing solid waste systems and infrastructure development across the state. Such planning is essential for local governments to have needed infrastructure to attract industry, meet waste reduction goals, and protect the health and welfare of citizens. A [Notice of Rulemaking Hearing](#) was filed 8 OCT 13 and comments were due 31 JAN 14. POC: [Greg Luke](#), (615) 532-0874.

HAZARDOUS WASTE MANAGEMENT (0400-12-01) TDEC has proposed rulemaking regarding 0400-12-01 to:

- Address conflicts that have resulted from prior rulemakings;
- Update regulatory language to reflect recent changes in state statutes or in EPA language referenced by the state regulations;
- Clarify ambiguous language to bring clarity to the regulated community; and
- Correct typographical errors and update additional rule renumbering changes.

The [Notice of Rulemaking Hearing](#) was filed 16 DEC 13. A hearing is scheduled for 11 FEB 14 and comments are due 11 FEB 14. POC: [David Moran](#), (615) 532-0875.

DoD ON COURSE TO MEET RENEWABLE ENERGY TARGETS The military's reliance on clean energy technologies is accelerating across installations, keeping it on track to meet its goal of deploying three gigawatts of renewable energy by 2025, according to a new report by the Pew Charitable Trusts. The number of renewable energy projects across DoD rose 54 percent from 454 in fiscal 2010 to 700 in FY 2012, according to the study, [Power Surge](#).

Department of Defense Activity

CLIMATE CHANGE AND WATER INFRASTRUCTURE The Government Accountability Office (GAO) has issued a report, "[Federal Efforts Under Way to Assess Water Infrastructure Vulnerabilities and Address Adaptation Challenges](#)," that reviews Federal Bureau of Reclamation and Army Corps of Engineers efforts to assess and respond to potential effects of climate change on water infrastructure (GAO-14-23). GAO analyzed agencies' climate change adaptation guidance and planning documents, and interviewed agency officials and other key stakeholders, including water users, environmental groups, and researchers. GAO is not making any recommendations in the report. GAO POC: [Steve Morris](#), GAO, (202) 512-3841.

SUNKEN AND TERRESTRIAL MILITARY CRAFT The Navy is revising its rules pursuant to the Sunken Military Craft Act (SMCA) and issuing revised application guidelines for research permits on terrestrial military craft under Navy jurisdiction. The proposed rule replaces current regulations and establishes a single permitting process for members of the public wishing to engage in activities that disturb, remove, or injure Department of Navy (DoN) sunken and terrestrial military craft for archaeological, historical, or educational purposes. SMCA prohibitions do not apply to actions taken by, or at the direction of, the United States. The term "sunken military craft" includes all sunken warships, all naval auxiliaries, and other vessels owned or operated by a government or military noncommercial service when the vessel sank. The term also includes all sunken military aircraft or spacecraft owned or operated by a government when the craft sank. The current rule is based on the National Historic Preservation Act, and existing regulations only apply to ships and aircraft classified as historic structures or archaeological sites. SMCA includes all sunken military craft and is not limited to those designated as historic. All foreign sunken military craft in US waters, consisting of US internal waters, the US territorial sea, and the US contiguous zone, are also afforded protection from disturbance by SMCA. The Naval History and Heritage Command will serve as the permitting authority for the disturbance of non-historic and historic DoN sunken and terrestrial military craft. Comments are due 7 MAR 14. DoN POC: [Dr. Robert Neyland](#).

QUADRENNIAL ENERGY REVIEW The President has issued a [memorandum](#) to federal agencies initiating a Quadrennial

Energy Review, to be focused initially on the nation's infrastructure for transporting, transmitting, and delivering energy ([79 FR 2575](#)). The Energy Review task force is co-chaired by the Director of the Office of Science and Technology Policy and the Director of the Domestic Policy Council; membership includes DoD, Army Corps of Engineers, and other federal agencies. The task force shall:

- Gather ideas and advice;
- Conduct outreach to engage with others including state and local governments, universities, business, national laboratories, non-governmental organizations, and others;
- Coordinate agency and other federal efforts; and
- Submit a Quadrennial Energy Review Report to the President every four years, beginning with the first report on 31 JAN 2015.

The Quadrennial Energy Review Report shall:

- Provide an integrated view of, and recommendations for, federal energy policy;
- Review adequacy, with respect to energy policy, of existing executive and legislative actions, and recommend additional executive and legislative actions as appropriate;
- Assess and recommend priorities for research, development, and demonstration programs to support key energy-innovation goals; and
- Identify analytical tools and data needed to support further policy development and implementation.

Federal Activity

AIR

NEW STATIONARY SOURCES EMISSIONS EPA is withdrawing the proposed [13 APR 12 standards](#), after receiving significant comments ([79 FR 1352](#)). EPA is simultaneously proposing new standards of performance for fossil fuel-fired electric utility steam generating units and stationary combustion turbines ([79 FR 1430](#)). The action establishes separate standards for fossil fuel-fired electric steam generating units (utility boilers and Integrated Gasification Combined Cycle [IGCC] units) and natural gas-fired stationary combustion turbines. The proposed standards reflect separate determinations of the best system of emission reduction (BSER) adequately demonstrated for utility boilers and IGCC units and for natural gas-fired stationary combustion turbines; whereas, the April 2012 proposal relied on a single standard and BSER determination for all new fossil fuel-fired units. For utility boilers and IGCC units, the proposed standard is 1,100 pounds of carbon dioxide per megawatt hour (lbs. CO₂/MWh) based on partial implementation of carbon capture and storage. For natural gas-fired stationary combustion turbines, the proposed emission limits are 1,000 lbs. CO₂/MWh for larger units and 1,100 lbs. CO₂/MWh for smaller units, based on the currently available natural gas combined cycle technology. EPA is not currently proposing standards of performance for modified or reconstructed sources. Comments are due 10 MAR 14. EPA POC: [Nick Hutson](#), (919) 541-2968.

AREA SOURCE BOILER RULE VIDEO SERIES A new [EPA video series](#) explaining the Area Source Boiler Rule, a Clean Air Act rule, recently became available. The series consists of modules regarding:

- An overview of rule applicability, including specific rule requirements and compliance dates;
- How to conduct an energy assessment;
- How to conduct a boiler tune-up; and
- Recordkeeping and reporting requirements of the rule.

Area sources are commercial (e.g., laundries, apartments, hotels), institutional (e.g., schools, churches, medical centers, municipal buildings) or industrial (e.g., manufacturing, refining, processing, mining) facilities that emit or have the potential to emit less than 10 tons per year [tpy] of a single hazardous air pollutant, or less than 25 tpy combined hazardous air pollutants. The Area Source Boiler Rule affects boilers at these facilities that burn coal (including coal refuse, petroleum coke, or synthetic fuels derived from coal), oil or other liquid fuel, biomass, and non-waste materials. Upcoming compliance dates for the Area Source Boiler Rule include:

- 21 MAR 14—deadline for completing the initial tune-up for existing boilers, and
- 19 JUL 14—deadline for submitting the notification of compliance status (NOCS) for tune-ups.

HAZARDOUS WASTE

CARBON DIOXIDE STREAMS IN GEOLOGIC SEQUESTRATION EPA is revising regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA) to conditionally exclude hazardous CO₂ streams from the definition of hazardous waste, provided the streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet other conditions ([79](#)

[FR 350](#)). This final rule is effective 4 MAR 14. EPA POC: [Melissa Kaps](#), (703) 308-6787.

NATURAL RESOURCES

The National Marine Fisheries Service (NMFS) has released [draft guidance](#) for assessing the effects of anthropogenic sound on marine mammal species. Guidance provides updated thresholds above which individual marine mammals are predicted to experience changes in hearing sensitivity (temporary or permanent) for all underwater anthropogenic sound sources. NMFS POC: [Amy Scholik-Schlomer](#), (301) 427-8449.

SMOKE MANAGEMENT APP The new [web-based app](#) can be used on a computer or mobile device. It provides quick access to the Prescribed Fire Smoke Management Guide created by the Southeast Regional Partnership for Planning and Sustainability ([SERPPAS](#)). The guide provides guidelines, a fuel calculator, fact sheets and more.

WATER

COMMUNITY FIRE SAFETY ACT The [Community Fire Safety Act of 2013](#) has been enacted as Public Law No: 113-64. The law amends the Safe Drinking Water Act to exempt fire hydrants from the prohibition on use of lead pipes, fittings, fixtures, solder, and flux.

TOTAL MAXIMUM DAILY LOADS The Government Accountability Office (GAO) has released a report reviewing EPA's use of total maximum daily loads (TMDLs) to strive to meet Clean Water Act (CWA) water quality standards ([GAO-14-80](#)). GAO recommends that EPA issue new regulations for TMDL development, adding key features related to nonpoint source pollution. Further, GAO recommends Congress should consider revising the CWA approach to addressing nonpoint source pollution. GAO POC: [J. Alfredo Gómez](#), (202) 512-3841.

Professional Development

6-10 APR, NEW ORLEANS, LA: [BIODIVERSITY WITHOUT BOUNDARIES 2014: THE NATURESERVE CONSERVATION AND NATURAL HERITAGE CONFERENCE](#) The conference will emphasize education, working sessions, and networking. Join industry leaders in discussing how to continue to provide the scientific basis for effective conservation.

4-5 MAR, RALEIGH, NC: [4TH BIENNIAL SOUTHEASTERN IN-SITU SOIL AND GROUNDWATER REMEDIATION CONFERENCE](#) The Conference provides a valuable opportunity for groundwater professionals to keep abreast of recent developments in remediation technologies, while potentially earning continuing education credits.

25-26, ATHENS, GA: [GEORGIA ASSOCIATION OF WATER PROFESSIONALS, INDUSTRIAL CONFERENCE AND EXPO](#) Join other industrial water professionals for interactive sessions on residuals, pretreatment, sustainable energy, legal updates, upcoming trends, nutrient issues, practical operations and more. This conference is approved for 12 Water/Wastewater Operator Recertification Points.

23-25 APR, ORLANDO, FL: [NATIONAL INSTITUTE FOR STORAGE TANK MANAGEMENT \(NISTM\) INTERNATIONAL ABOVE-GROUND STORAGE TANK CONFERENCE](#) This international conference provides educational opportunities, resources, and training seminars about the operation, regulation, and management of aboveground storage tanks. Conference sessions help independent, major terminal operators, manufacturers, and suppliers. Other industries with storage tanks that will benefit attending the conference include pipeline, aviation, chemical, electric power general, manufacturing and the military.

30 APR-1 MAY, FORT WALTON BEACH, FL: [GLOBAL EXPLOSIVE ORDNANCE DISPOSAL \(EOD\) CONFERENCE AND EXHIBITION](#) The conference will facilitate contact and cooperation between industry and the EOD community with the goal of ensuring EOD forces have access to ideas and technologies that originate in industrial and academic bases. The event will facilitate sharing of industry and academic viewpoints, recommendations, and advice on EOD support concepts, policies, plans, programs, requirements, and technologies, and assess potential impacts of pending legislation, regulations, and procedures.

7-10 APR, ST. PETERSBURG, FL: [NATIONAL ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS \(NAEP\) 2014 ANNUAL CONFERENCE](#) The theme is "Changing Tides and Shifting Sands." Subject matter ranges from cultural resources to land management to overall sustainability.

14-16 APR, MONTGOMERY, AL: [2014 WILD PIG CONFERENCE](#) Auburn University and the Alabama Cooperative Extension System will be hosting the conference. The largest gathering of wild pig researchers and managers in North America, the conference will provide opportunities for information sharing, discussion, professional development, and networking.

30 APR-1 MAY, FORT WALTON BEACH, FL: [NATIONAL DEFENSE INDUSTRIAL ASSOCIATION GLOBAL EXPLOSIVE ORDNANCE DISPOSAL \(EOD\) CONFERENCE AND EXHIBITION](#) The conference will facilitate contact and cooperation between industry and the EOD community with the goal of ensuring EOD forces have access to ideas and technologies that originate in our nation's industrial and academic base. The conference will also facilitate the sharing of industry and academic viewpoints, recommendations, and advice on EOD support concepts, policies, plans, programs, requirements, and technologies, and assess the potential impacts of pending legislation, regulations, and procedures.

12-14 MAY, WASHINGTON, DC: [CLIMATE STRATEGIES FORUM](#) Plenary sessions and boot camps will address topics such as: Establishing Greenhouse Gas (GHG) Reduction Goals and GHG Management Structures; Identifying Energy Efficiency Opportunities and Fugitive Emissions; Cross Sector Collaboration; and Understanding and Leveraging Renewable Energy Credits. This forum was formerly scheduled to take place in October 2013.

20-23 MAY, ORLANDO, FL: [SOCIETY OF AMERICAN MILITARY ENGINEERS JOINT ENGINEER TRAINING CONFERENCE](#) Please visit the 2014 JETC site often. Information will be posted as it comes available.

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](#).

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

[DRIVING BIOPREFERRED® WITH THE PRESIDENTIAL MEMORANDUM](#) The 21 FEB 12 Presidential Memorandum, [Driving Innovation and Creating Jobs in Rural America through Biobased and Sustainable Product Procurement](#), raises the bar for biobased purchasing in the federal sector. Find out what the memo means for your agency. Gain insight from top experts who will share the latest information on: goals and priorities that underpin the urgency of federal efforts, new requirements that accelerate biobased procurement preferences, and tips for reporting biobased purchasing on the Office of Management and Budget Agency Scorecard.

[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-square-foot) 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 EPA'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 AND 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

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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/>.