



U.S. ARMY

Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

July 2015

The **SOUTHERN REVIEW** publishes environmental and energy related developments for DoD/Army leaders and installation staff. Covering the four states in Federal Region 4, the *Southern Review* gives early notice of legislative and regulatory activities relevant to DoD interests. The *Review* also helps installations meet ISO 14001 environmental management system requirements.

Find out more about the Army Regional Environmental and Energy Offices [here](#). Click [here](#) to browse back issues of the *Southern Review*. To read back issues of other Regional Office *Reviews*, click on a region of the REEO website's U.S. map and then select "Publications." To receive a copy of this electronic publication, [send a subscription request](#).

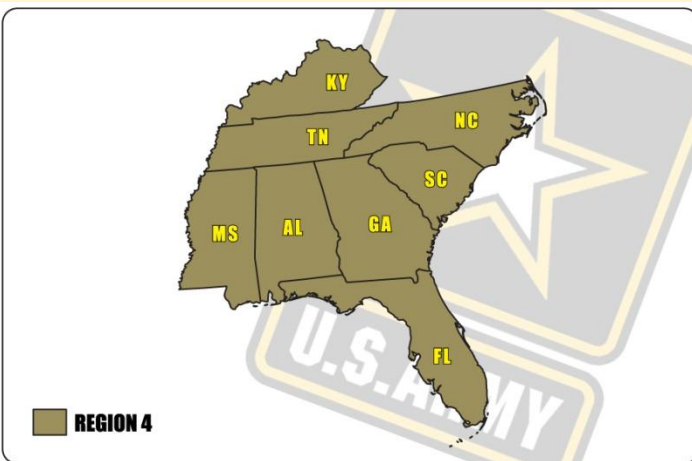


TABLE OF CONTENTS

Alabama.....	2
Florida	3
Georgia	8
Kentucky	11
<u>Mississippi.....</u>	<u>11</u>
North Carolina	12
South Carolina.....	14
Tennessee	18
DoD Activity	20
Federal Activity.....	20
Professional Development.....	24
Staff Directory	29

PLANNING ASSISTANCE FOR ENERGY PROJECTS

Communities interested in intervening when a commercial energy project could interfere with military activities now can [apply for planning assistance](#) from DoD's [Office of Economic Adjustment](#) (OEA) to limit potential conflicts with installations, ranges, training routes or special use airspace.

Under a Federal Funding Opportunity announced by OEA ([80 FR 18219](#)) states, counties, municipalities, tribal nations, and public entities are eligible for assistance to ensure an energy project does not jeopardize DoD's test, training, and military operations. Examples of conflicts with military activity include low-level flight obstructions caused by wind turbines or solar power towers, electromagnetic interference from high-voltage electrical transmission lines, and glint and glare from photovoltaic arrays and solar power towers near military airfields.

Proposals should support effective collaboration, early engagement and dialogue between DoD and energy developers to ensure energy projects proceed without interfering with military operations.

OEA is accepting proposals on a continuing basis. Cost sharing is required, with a minimum of 10% of the proposal's total proposed funding to come from non-federal sources.

Applicants will need to demonstrate how a grant would support local planning and stimulate cooperation between state and local adjustment planning efforts. Grants can be used to accomplish a variety of objectives, including:

- analysis and dissemination of information;
- timely consultation and cooperation among DoD, developers and state and local governments;
- resolution of regulatory issues impeding the siting of compatible energy projects;
- cost-effective strategies and action plans;
- effective cooperation and involvement of the public and private sector; and
- a clearinghouse to exchange information among federal, state and local efforts.

For more information, contact [Cyrena Chiles Eitler](#) or your Regional Environmental Coordinator.

Region 4

For more information or to comment on any state issue in Region 4, please contact [Dave Blalock](#), REEO-S Regional Counsel, (404) 545-5655.



LEGISLATIVE SESSION: 3 MAR THROUGH 5 JUN 15

Adjournment dates are estimated and updated based on legislative activity. The current session adjourned 5 Jun 15. No legislative measures are currently being tracked. REEO-S will resume incorporating legislative measures into the *Southern Review* once the Alabama Legislature reconvenes in 2016.

FINAL RULES

PRESCRIBED MANAGER TRAINING (390-X-6-.01) The Alabama Forestry Commission has adopted amendments to 390-X-6-.01 to update rule language and specify that those seeking certified prescribed manager status must take a training course sponsored or approved by the Alabama Forestry Commission and apply for certification within two years of completing such training. The [Certified Adopted Rules](#) were published 29 MAY 15. The rules became effective 23 JUN 15.

PROPOSED RULES

GROUND WATER AND UNDERGROUND INJECTION CONTROL (335-6-8) The Alabama Department of Environmental Management (ADEM) has proposed amendments to Chapter 335-6-8 to allow and include requirements for aquifer storage and recovery (ASR) wells, to revise requirements for general permits issued under Chapter 335-6-8, and to add or delete references to federal regulations and forms. Proposed changes are as follows:

- Rule 335-6-8-.01 "Purpose" is being amended to delete obsolete references to the Code of Federal Regulations relating to implementation of the Underground Injection Control program.
- Rule 335-6-8-.02 "Definitions" is being amended to add the definitions for "Aquifer Storage and Recovery (ASR) Well" and "Municipal Wastewater," to revise the definition of "Class I Well" to address ASR wells and to revise lettering of definitions made necessary by these additions.
- Rule 335-6-8-.05 "Prohibited Actions" is being amended to add references to 40 CFR Part 142 and to allow for the permitting of ASR wells.
- Rule 335-6-8-.07 "Permit Issuance Procedures" is being amended to add a reference to 40 CFR Part 142.
- Rule 335-6-8-.09 "Class III Well Permit Application Requirements" is being amended to correct a reference to rule 335-6-8-.10 made necessary by changes to rule 335-6-8-.10.
- Rule 335-6-8-.10 "Class V Well Permit Application Requirements" is being amended to revise the permit application requirements for general Class V permits, to establish permit application requirements for ASR wells, and to re-number or re-letter parts of rule 335-6-8-.10 due to the above changes and additions.
- Rule 335-6-8-.12 "Class V Well Permit Requirements" is being amended to provide required permit requirements for ASR wells.

Notices of Intended Action ([335-6-8-.01](#), [.02](#), [.05](#), [.07](#), [.09](#), [.10](#), and [.12](#)) were published 30 APR 15. Comments are due and a hearing was held 11 JUN 15.

NPDES (335-6-6-.01, .02, .03, .05, .06, .08, .10, .12, .13, .14, .15, .17, .18, .19, .21, .23) ADEM has proposed amendments to chapter 335-6-6 to reflect changes in federal rules requiring use of sufficiently sensitive test methods for quantitative data provided in National Pollutant Discharge Elimination System (NPDES) permit applications or for monitoring to determine compliance with NPDES permit limitations. The requirements published at [79 FR 49001](#) affect [40 CFR parts 122](#) and 136. 40 CFR part 122 establishes requirements for NPDES permit applications, limitations, standards, and other conditions in NPDES permits. [40 CFR part 136](#) contains requirements and EPA-approved methods and procedures for testing pollutants and parameters regulated by the NPDES program. Amendments to chapter 335-6-6 also clarify that regulated entities are expected to utilize the most current EPA-approved test methods and abide by the most current procedures in 40 CFR part 136 by removing the version dates that follow each 40 CFR part 136 citation. A [Notice of Intended Action](#) was published 30 APR 15. Comments are due and a hearing will be held 15 JUN 15.

RECLAIMED WATER REUSE PROGRAM (335-6-20) ADEM has proposed new chapter 335-6-20, Reclaimed Water Reuse Program. The chapter establishes procedures and requirements for issuance and maintenance of pollution source permits for public, semi-private, and privately owned wastewater treatment plants with waste streams consisting mostly of municipal wastewater, such that treatment plants may voluntarily reuse highly treated effluent wastewater for beneficial irrigation purposes. Highly treated reclaimed water that meets the requirements of this chapter is a valuable water resource and is considered an integral part of the utility system. It is the policy of the ADEM to promote, where appropriate, the practice of reuse of municipal reclaimed water through creation and implementation of rules that give permittees various opportunities for forms of reuse. A [Notice of Intended Action](#) was published 30 APR 15. Comments are due and a hearing was held 11 JUN 15.

WATER QUALITY CRITERIA ADEM has announced a public hearing to solicit public input and comments on current rules of ADEM Administrative Code chapter 335-6-10, Water Quality Criteria, and chapter 335-6-11, Water Use Classifications for Interstate and Intrastate Waters. The hearing will be held and comments are due 16 JUL 15.



2015 LEGISLATIVE SPECIAL SESSION 1: 1 JUN 15 THROUGH 20 JUN 15

LEGISLATION

HB 787 This measure exempts people who sell, transfer, or arrange for transfer of recycled and recovered materials from liability for solid waste released or threatened to be released from receiving facilities or sites, under certain circumstances. It provides retroactive applicability. Last action: HB 787 was signed by the Governor 11 JUN 15. It became effective 1 JUL 15.

FINAL RULES

FLORIDA ENDANGERED AND THREATENED SPECIES LIST (68A-27.003, .0031) The Florida Fish and Wildlife Conservation Commission (FWCC) has adopted amendments to 68A-27.003 and 68A-27.0031, F.A.C., revising the Florida Endangered and Threatened Species List to reflect federal listing changes. Rule 68A-27.0012(1), F.A.C., requires that when native Florida species are added or reclassified under the Federal Endangered Species Act (ESA), the species shall be so listed or reclassified in the F.A.C. to reflect the federal designation. Because of recent federal designations, FWCC is:

- Adding seven mollusks (Choctaw bean, round ebonyshell, southern kidneyshell, fuzzy pigtoe, narrow pigtoe, tapered pigtoe, and southern sandshell); one mammal (Florida bonneted bat); one bird (rufa red knot); two insects (Bartram's scrub-hairstreak, Florida leafwing butterflies); and four corals (lobed star, boulder star, mountainous star and rough cactus) to paragraph one of Rule 68A-27.003 F.A.C.;
- Changing indicated federal listing for one bird (wood stork) from endangered to threatened;
- Moving one species of coral (pillar coral) from subsection two to subsection one; and
- Moving into rule 68A-27.003(1) and deleting from Rule 68A-27.0031, F.A.C., one fish species (smalltoothed sawfish) and two coral species (elkhorn and staghorn) mistakenly added to the latter rule when it was created.

The [Notice of Proposed Rules](#) was published 27 MAR 15. Comments were due 17 APR 15. The rules became effective 10 JUN 15 and the [Notice of Rule Filing](#) was published 16 JUN 15.

HAZARDOUS WASTE REGULATIONS (62-730.020, .030, .160, .170, .180) The Florida Department of Environmental Protection (FLDEP) has adopted amendments to 62-730.020, 62-730.030, 62-730.160, 62-730.170, and 62-730.180, F.A.C. The amendments incorporate by reference changes made by EPA between 1 JUL 13 and 30 JUN 14 to federal hazardous waste regulations. FLDEP is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result, at least once a year FLDEP incorporates federal rule changes into Chapter 62-730, F.A.C. to maintain consistency. A [Notice of Proposed Rules](#) was published 6 APR 15 and comments were due 27 APR 15. The rules became effective 17 JUN 15 and a [Notice of Rule Filing](#) was published 23 JUN 15.

PROPOSED RULES

KISSIMMEE RIVER RESTORATION PROJECT (40E-10.011, .021, 10.031, .071, .091) The South Florida WMD has proposed revisions to 40E-10, F.A.C., regarding the Kissimmee River Restoration Project, a joint partnership between the WMD and the US Army Corps of Engineers (USACE). The project will restore over 40 square miles of river/floodplain ecosystem, including 44 miles of meandering river channel and 25,000 acres of wetlands. An integral component of the restoration is the protection from allocation of water needed for fish and wildlife. Water identified for the natural system will be protected through a water reservation as authorized by Florida law. The [Notice of Development of Rulemaking](#) was published 16 JUL 14, an advisory was issued 26 NOV 14, and a workshop was held 12 DEC 14.

WATER WELLS (40D-3.037, -3.041-3.045, -3.492, -3.507, -3.517, -3.531) The Southwest Florida WMD has proposed amendments to its rules for regulation of wells. Amendments:

- Incorporate by reference updated versions of related rules adopted by FLDEP;
- Directly incorporate by reference certain materials already incorporated into FLDEP well construction rules; and
- Adopt a new general permit for certain environmental monitoring wells.

Amendments will make the WMD's rules consistent with FLDEP's related rules and recent statutory changes for water well contractor licensing. They will also reduce costs associated with certain environmental monitoring wells that are part of a contaminated site assessment, remedial action plan, or pilot study approved by FLDEP pursuant to Chapter 62-780, F.A.C. A [Notice of Development of Rulemaking](#) was published on 30 OCT 14. Another [Notice of Development of Rulemaking](#) was published 17 DEC 14, and a [Notice of Proposed Rules](#) was published 7 JAN 15. Comments were due 28 JAN 15 and a [Notice of Change](#) was published 8 MAY 15.

ERP RULES (40E-4.091, 40E-41.321, .323, .363) The Southwest Florida WMD has proposed revisions to 40E-4.091, F.A.C., to correct its Environmental Resource Permitting (ERP) rules and adopt updated FLDEP rules. A [Notice of Development of Rulemaking](#) was published 25 NOV 14.

PETROLEUM CLEANUP CONTRACTORS (62-772.300, .401) FLDEP has proposed revisions to 62-772.300 and 62-772.401, F.A.C., to modify contractor performance evaluation forms and specific form names and dates to eliminate the annual evaluation form; modify performance criteria in the remaining evaluation form to be more objective, streamlined, and compatible with the purchase order and subtask completion process; and create a new form to more formally solicit owner/responsible party input for use in contractor performance evaluations. FLDEP also proposes to amend alternate methods for selection of petroleum cleanup contractors to add clarity and flexibility to owners and responsible parties of petroleum contaminated sites. The [Notice of Development of Rulemaking](#) was published 30 DEC 14. A workshop was held 16 JAN 15.

ABOVEGROUND STORAGE TANK (AST) 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. Workshops were held 17 DEC 13 and 25 JUN 14. Meetings were held 15 JUL 14, 6 AUG 14, and 30 APR 15.

TOTAL COLIFORM RULE (62-550.200, .310, .340, .500, .518, .540, .550, .817, .821, .824, .828, .830; 62-560.510, .520, .610) FLDEP has proposed revisions to 62-550, F.A.C., to adopt the EPA's revisions to the Total Coliform Rule as published ([78 FR 10270](#)) and corrected ([79 FR 10665](#)). FLDEP is also updating rule references in Chapter 62-550, F.A.C. A [Notice of Proposed Rules](#) was published 16 JAN 15 and comments were due 6 FEB 15. The proposed rules were [withdrawn](#).

COASTAL CONSTRUCTION AND EVACUATION (62B-33) FLDEP has proposed amendments to Chapter 62B-33, F.A.C., Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line (CCCL) and 50-Foot Setback). Proposed amendments will clarify and update existing rule language to reflect current procedures for exemptions, marine turtle protection and vegetation maintenance criteria, siting criteria, survey requirements, 30-year erosion projections, permit time limits and extensions, general conditions, definitions, forms, and fees. FLDEP is also proposing to update and add new general permits for activities seaward of the CCCL, as well as create a CCCL Applicant's Handbook. A Notice of Development Rulemaking was published 9 JUN 14 and a workshop was held 23 JUN 14. An advisory was issued 13 JAN 15. Another workshop was held 12 FEB 15.

ERPs (40C-1.1008, 40C-1.603, 1.612) The St. Johns River WMD has proposed amendments to 40C-1.1008, 40C-1.603, and 40C-1.612, F.A.C to:

- Increase consistency with the statewide ERP rules adopted in Chapter 62-330, F.A.C., pursuant to Section 373.4131, F.S. (2012);
- Amend fees for certain ERPs to more closely approximate the fees before Chapter 62-330, F.A.C. became effective on 1 OCT 13; and
- Create a new fee category for renewal of certain expired formal determinations of the landward extent of wetlands and other surface waters.

A [Notice of Development of Rulemaking](#) was published 12 FEB 15. A workshop was held 12 MAR 15.

ERPs (40C-41.021, .023, .043, .063, .065, .066, .071, .091, .341, .900) The St. Johns River WMD has proposed amendments to 40C-41.023, .043, and .063, F.A.C., last amended 1 OCT 13 for consistency with Section 373.4131, F.S., to require FLDEP in coordination with the five WMDs to develop statewide ERP rules. Current proposed amendments will:

- Delete reference to standard and general stormwater permits in subsection 40C-41.063(4), F.A.C. since statewide ERP rules only provide for issuance of conceptual approval and individual permits;
- Reflect transfer of Rule 40C-42.091, F.A.C. into Rule 40C-4.091, F.A.C.;
- Replace, with better graphics, Figures 41-1 through 41-4 in 40C-4.023, F.A.C. and Figures 13.0-1 through 13.0-4 in the "Environmental Resource Permit Applicant's Handbook, Volume II: For Use within the

Geographic Limits of the St. Johns River Water Management District” (Volume II), incorporated by reference in subsection 40C-41.043(5) , F.A.C.); and

- Update effective date for Part VI of Volume II, as St. Johns River WMD will clarify wording in Volume II, and replace, with better graphics, Figures 13.5-1 and 13.5-2 in Volume II.

Corrections delete language in 13.4.4.(d) (Off-site Land Preservation) to reflect adoption of the Uniform Mitigation Assessment Method. Corrections also insert language in 13.4.2 (Floodplain Storage Criteria) that St. Johns WMD had intended to carry over from the rule as it existed before 1 OCT 13. A [Notice of Development of Rulemaking](#) for 40C-41.023, .043, and .063 was published 12 FEB 15. To address comments received from the Joint Administrative Procedures Committee, amendments to 40C-44.021, .065, .066, .071, .091, .101, .341, and 40C-44.900, F.A.C. will:

- Update effective date for Part VII of Volume II, incorporated by reference in Rule 40C-44.091, F.A.C.;
- Replace references to “reuse” with “harvesting” or “stormwater harvesting,” as those terms when used in Volume II refer to methods that prevent discharge of stormwater into surface waters of the state by deliberate application of stormwater for irrigation;
- Repeal subsection 40C-44.065(3), F.A.C. and rules 40C-44.341 and 40C-44.900, F.A.C., as the WMD has determined these provisions are no longer needed; and
- Delete certain provisions related to performance standards, permit revocation and permit modification that have been determined unnecessary since they are subsumed in other provisions of the rule or addressed by statute.

A [Notice of Development of Rulemaking](#) for 40C-44.021, .065, .066, .071, .091, .101, .341, and .900 was published 12 FEB 15. A workshop regarding all amendments was held 12 MAR 15.

CONSUMPTIVE USE PERMIT (CUP) FEES (40C-1.603) The St. Johns River WMD has proposed amendment to Rule 40C-1.603, F.A.C. to make conforming amendments based on proposed changes to Chapter 40C-2, F.A.C., and make corrections and clarifications. A [Notice of Development of Rulemaking](#) was published 13 APR 15 and a [Notice of Proposed Rules](#) was published 19 MAY 15.

CUPcon (40C-2.031, .041, .042, .051, .101, .301, .302, .311, .321, .331, .351, .361, .381, .401, .501, .900) From 2012 through mid-2014, the St. Johns River WMD, FLDEP and other WMDs engaged in statewide rulemaking to increase consistency in CUP programs. That rulemaking was commonly referred to as the “CUPcon” rulemaking. The St. Johns River WMD has proposed rulemaking to address amendment, repeal, or development of rules in Chapter 40C-2, F.A.C., as needed to clarify existing rules, create additional streamlining, and reduce regulatory burdens on the following subjects: CUP criteria; limiting conditions (permit conditions by rule); permit thresholds, types, duration, and modification; water conservation requirements; annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; 10-year compliance reports; compliance monitoring and forms; application forms; permit fees to address related changes to permit thresholds or permit types; and other rules for which conforming amendments may be needed. A Notice of Development of Rulemaking was published 13 APR 15 and a workshop was held 29 APR 15. A [Notice of Correction](#) was published 20 MAY 15.

REVIEW OF WMD STRATEGIC PLANS (62-40.530) FLDEP has proposed amendments to Rule 62-40.530, F.A.C., to provide for FLDEP review of WMD annual strategic plans. A [Notice of Development of Rulemaking](#) was published 28 APR 15. A workshop was held 15 MAY 15.

WATER SUPPLY PLANNING (62-40.410, .473, .520, .531) FLDEP has proposed amendments to Rules 62-40.210 and 62-40.531, F.A.C., to clarify the definition of “alternative water supplies” in Section 373.019(1), F.S., including when surface water sources are considered alternative water supplies, and guidance on designating “non-traditional” water supplies as alternative water supplies in regional water supply plans. Amendments to Rules 62-40.410 and 62-40.520, F.A.C., would provide guidance on designating Water Resource Caution Areas. Amendments to Rule 62-40.410, F.A.C., could clarify when applications are subject to competition pursuant to provisions of Section 373.233,

F.S. Amendments to Rule 62-40.473, F.A.C., could provide guidance regarding implementation of minimum flows and levels, and associated recovery and prevention strategies. A [Notice of Development of Rulemaking](#) was published 7 JUL 14 and an advisory was issued 17 APR 15. A [workshop](#) was held 15 MAY 15.

WATER WITHDRAWAL (40D-1.1002, 40D-1.659) The Southwest Florida WMD has proposed rulemaking to amend Rules 40D-1.1002 and 40D-1.659, F.A.C., to:

- Incorporate revisions to Form LEG-R.42.00-058, Petition for Variance or Waiver from year-round conservation measures and water shortage orders to promote consistency of terms throughout Chapter 40D, F.A.C. and Florida Statutes;
- Delete obsolete provisions; and
- Conform district rules to Florida statutes.

A [Notice of Development of Rulemaking](#) was published 26 MAY 15.

COOLING WATER (62-620.100) FLDEP has proposed amendments to 62-620.100, F.A.C., which adopts by reference requirements that apply to cooling water intake structures for existing wastewater facilities under section 316(b) of the Clean Water Act. A [Notice of Proposed Rules](#) was published 29 MAY 15 and comments are due 19 JUN 15.

TRIENNIAL REVIEW OF SURFACE WATER QUALITY STANDARDS (62-302, 303; 62-4.050, .242, .244) As required by the CWA, FLDEP is initiating the Triennial Review of state surface water quality standards. FLDEP is considering revisions to specific rule sections; however, all surface water quality standards in Chapter 62-4, Chapter 62-302 and Chapter 62-303, F.A.C. are under review and may be revised as part of the Triennial Review. FLDEP proposes to revise criteria for freshwater ammonia and criteria for alkalinity; establish new water quality criteria for carbaryl, chlorpyrifos, diazinon, and nonylphenol; and update various references used in Chapter 62-302, F.A.C. FLDEP also proposes to revise subparagraph 62-4.242(3)(a)2., F.A.C., to delete text related to mixing zones in Outstanding Natural Resource Waters, delete subsection 62-4.242(4), F.A.C., and reduce the fee in Rule 62-4.050, F.A.C., for Site Specific Alternative Criteria from \$15,000 per water quality parameter to \$5,000 per water quality parameter. A [Notice of Development of Rulemaking](#) was published 19 MAY 15. Workshops are scheduled 10-11 JUN 15.

RISK-BASED CORRECTIVE ACTION (62-777) FLDEP has proposed amendments to Chapter 62-777, F.A.C., rules governing the Risk-Based Corrective Action (RBCA) process at contaminated sites and the derivation of Cleanup Target Levels in Florida. Since Chapter 62-777, F.A.C. was adopted in 2005 there have been many changes with regard to how to calculate appropriate risk-based cleanup target levels in terms of methods of calculation and parameters used in calculations. These developments lead to improved derivation of appropriate cleanup target levels and provide the correct degree of protection to human health and the environment. The new methods reduce the amount of conservatism in some previous estimates to suitable levels, thereby providing sufficient protection while minimizing potential cleanup costs. FLDEP is proposing to review and update the method(s) for establishing cleanup target levels and parameter values used, and develop updated cleanup target levels. A [Notice of Development of Rulemaking](#) was published 15 Jun 15 and a workshop was held 30 JUN 15.

RCBA (62-780) FLDEP has proposed rulemaking concerning Chapter 62-780, F.A.C., to modernize, and incorporate "lessons learned," and facilitate contaminated site closure. New techniques and approaches have also been developed to support RBCA, but the rule chapter is silent, ambiguous, or implicitly prohibits these advancements. Various inconsistencies or incongruities within the rule chapter will also be corrected. Specific topics to be addressed include evaluation of Incremental Sampling Methodology, revision of determination of leachability, and use and application of apportionment. A [Notice of Development of Rulemaking](#) was published 15 JUN 15.

COASTAL ZONE MANAGEMENT (62B-49) Chapter 62B-49, F.A.C., establishes the Joint Coastal Permit program. Activities that would have required a coastal construction permit and ERP are authorized by a single joint coastal permit. FLDEP proposes to:

- Amend Chapter 62B-49;
- Add new rules to implement the Laws of Florida 2012-65;
- Clarify language to reduce confusion in the permitting process and reduce 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 Proposed Rules](#) was published 7 FEB 14, comments were due 28 Feb 15, and an advisory was issued 23 JUN 15.



2015 LEGISLATIVE SESSION: 12 JAN 15 THROUGH 2 APR 15

Georgia has a two-year session (2015-2016) with 2015 bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned on 2 Apr 15. REEO-S will resume incorporating legislative measures into the Southern *Review* once the Georgia Assembly reconvenes in 2016.

FINAL RULES

HAZARDOUS WASTE MANAGEMENT (391-3-11) The Georgia Environmental Protection Division (GAEPD) has adopted amendments to Georgia rules for "Hazardous Waste Management," Chapter 391-3-11, to include amendments to:

- Rule 391-3-11-.01 "General Provisions," to clarify federal regulations adopted by reference and in effect through 30 JUN 14;
- Rule 391-3-11-.02 "Definitions," to:
 - Incorporate by reference definitions of the terms no free liquids, solvent-contaminated wipe, wipe, cathode ray tube (CRT) exporter, electronic manifest, electronic manifest system, and user of the electronic manifest system to the regulations; and
 - Revise definition of "manifest" to include electronic manifests.
- Rules 391-3-11-.05 "Financial Responsibility," to allow for a qualified professional engineer to certify closure and/or post-closure of hazardous waste management and disposal units;
- Rule 391-3-11-.07 "Identification and Listing of Hazardous Waste," to:
 - Reduce the reporting and paperwork burden for facilities that claim an exclusion for wood preserving wastewaters and spent wood preserving solutions as solid waste, and for samples undergoing treatability studies;
 - Conditionally exclude from the definition of solid waste solvent-contaminated wipes that are cleaned and reused; and
 - Revise reporting and notification requirements for CRT exporters.
- Rule 391-3-11-.08 "Standards Applicable to Generators of Hazardous Waste," to allow generators to use EPA's Electronic Manifest System as an alternative to using paper manifest forms;
- Rule 391-3-11-.09 "Standards Applicable to Transporters of Hazardous Waste," to allow transporters to use EPA's Electronic Manifest System as an alternative to using paper manifest forms;
- Rule 391-3-11-.10 "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities," to:
 - Eliminate or reduce reporting and recordkeeping requirements for hazardous waste generators and

- permitted hazardous waste facilities;
- Allow hazardous waste facilities to use in-house registered professional engineers for certifications required by the rules rather than independent professional engineers; and
- Allow permitted hazardous waste facilities to use EPA's Electronic Manifest System as an alternative to using paper manifest forms and to ensure consistency with the federal regulations.
- Rule 391-3-11-.11 "Hazardous Waste Facility Permits," to:
 - Remove text not adopted by reference and pertaining to Resource Conservation and Recovery Act (RCRA) standardized permits, but whose exception is covered in a blanket statement in Section 391-3-11-.01(2);
 - Allow for technical data to be certified by a qualified professional engineer, instead of an independent registered professional engineer; and
 - Ensure consistency with federal regulations.
- Rule 391-3-11-.15 "Availability of Information," to remove an incorrect address reference, as GAEPD has relocated and an address is not needed in the rules; and
- Rule 391-3-11-.16 "Land Disposal Restrictions," to clarify regulatory language on generator waste determinations in land disposal restriction requirements, and to reduce land disposal restriction requirements for notifications of recyclable materials used in a manner constituting disposal.

The [proposed rules](#) were filed 5 DEC 14, a hearing was held 5 JAN 15, and comments were due 6 JAN 15. A meeting was held 6 FEB 15. The rules became effective 7 JUN 15.

PROPOSED RULES

SIP REVISIONS GAEPD has proposed amendments to revise Georgia's State Implementation Plan (SIP). Revision includes addition of the 15-county Atlanta Nonattainment Area Emissions Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) as required by §182(a)(1) of the Clean Air Act. Additionally, GAEPD certifies that the existing permit program and emissions statements satisfy requirements of §182(a)(2)(C) and §182(a)(3)(B), respectively. A [notice](#) was issued 14 NOV 14 and a hearing was held 9 DEC 14. Comments were due 16 DEC 14.

NAAQS STATE/FEDERAL IMPLEMENTATION PLAN GAEPD has proposed amendments to Georgia's SIP. Proposed SIP revision contains Georgia's request to remove Georgia Rules 391-3-1-.02(2)(aaa), Consumer and Commercial Products; and 391-3-1-.02(2)(bbb), Gasoline Marketing from the Georgia SIP; and revisions to Georgia Rule 391-3-1-.02(2)(mmm), NO_x Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity. Revisions to rules for air quality control associated with this SIP revision were adopted by Georgia's Board of Natural Resources on 25 MAR 14. A [notice](#) was issued 23 DEC 14. A hearing was held and comments were due 30 JAN 15.

2016 305(b)/303(d) LIST OF WATERS GAEPD has issued a request for data for use in Georgia's 2016 305(b)/303(d) List of Waters in accordance with the federal Clean Water Act (CWA), Sections 305(b) and 303(d). Requirements for submission and acceptance of water quality data for use in listing waters are detailed in GAEPD document titled, "[Guidance on Submitting Water Quality Data for Use by the Georgia Environmental Protection Division in 305\(b\)/303\(d\) Listing Assessments.](#)" A [notice](#) was issued 2 FEB 15. Comments are due 1 JUL 15.

AIR QUALITY UPDATES (391-3-1-.01; .02(2)(PPP); .02(8)(B); .02(9)(B); .03(8); .03(10)) GAEPD has proposed amendments to Georgia's rules for air quality control, Chapter 391-3-1. GAEPD certifies that:

- Revisions to 391-3-1-.01 are required to comply with Sections 110(a) of the federal Clean Air Act (CAA);
- Revisions to 391-3-1-.02 are required to comply with Sections 110(a), 111(c)(1), 111(d), and 112(l) of the CAA and to exercise authority approved and/or delegated by EPA to implement Section 110 of the federal CAA; and
- Revisions to rule 391-3-1-.03 are required to comply with Section 161, Section 172, and Title V of the federal

CAA.

Proposed amendments are described below:

- Rule 391-3-1-.01, "Definitions," is being amended to update definitions of "Volatile organic compound" and "Procedures for Testing and Monitoring Sources of Air Pollutants."
- Rule 391-3-1-.02(2)(ppp), "Commercial and Industrial Solid Waste Incinerators Constructed On or Before November 30, 1999," is being amended to comply with requirements of 40 CFR Part 60, Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units).
- Rule 391-3-1-.02(8)(b), "New Source Performance Standards," is being amended to adopt the Federal Performance Standards into the Georgia rules by reference, to ensure consistency between state and federal programs.
- Rule 391-3-1-.02(9)(b), "Emission Standards for Hazardous Air Pollutants," is being amended to adopt the Federal Emission Standards into the Georgia rules by reference to ensure consistency between state and federal programs.
- Rule 391-3-1-.03(8), "Permit Requirements," is being amended to remove the fine particulate matter nonattainment new source review requirements for Catoosa and Walker counties.
- Rule 391-3-1-.03(10), "Title V Operating Permits," is being amended to adopt 40 CFR Part 70.6(c) into the Georgia rules by reference to ensure consistency between state and federal programs.

The [proposed amendments](#) were filed 1 APR 2015. A hearing was to be held 12 MAY 15 and comments are due 13 MAY 15. A meeting will be held 24 JUN 15.

OUTDOOR WATER USE, GROUNDWATER USE, WATER QUALITY (391-3-30, -2, -6) GAEPD has proposed amendments to Chapters 391-3-30, 391-3-2, and 391-3-6. The proposed amendments to the Rules for Outdoor Water Use, Chapter 391-3-30, include:

- Amending rules 391-3-30-.01 through .06 to replace provisions relating to outdoor water use with provisions relating to drought management;
- Adding new Rules 391-3-30-.07 and .08 relating to drought management; and
- Changing the title of Chapter 391-3-30 to "Drought Management."

The new rules for drought management are responsive to the requirement for the Georgia Department of Natural Resources (GADNR) Board to adopt new rules relating to drought management. They are consistent with provisions and other Georgia Code sections charging GAEPD with the responsibility to ensure water resources are responsibly conserved. Proposed amendments to Rule 391-3-2-.04, "Permit Application Amended" are proposed to address consistency between the drought contingency plan requirements of these rules and requirements of the proposed Rules for Drought Management. Amendments to Rule 391-3-6-.07, "Surface Water Withdrawals Amended" of Chapter 391-3-6, Water Quality Control, are proposed to address consistency between the drought contingency plan requirements of these rules and requirements of the proposed Rules for Drought Management. The proposed amendments ([391-3-30, -2, and -6](#)) were filed 9 APR 15 and a hearing was held 5 MAY 15. Comments are due 13 MAY 15 and a meeting will be held 24 JUN 15.

SCRAP AND USED TIRES (391-3-4-.19, .19(1)(A), .19(2);.19(3), .19(4), .19(5), .19(6), .19(7), .19(8), .19(9)) GAEPD has proposed amendments to the Georgia Rules for Solid Waste Management, Chapter 391-3-4 pertaining to scrap and used tire management. The proposed amendments are described below:

- Rule 391-3-4-.19, "Scrap Tire Management Amended," is amended and the title changed to read "Scrap and Used Tire Management."
- Rule 391-3-4-.19, (1)(a), "Applicability," is amended to establish guidelines for handling scrap and used tires.
- Rule 391-3-4-.19(2), "Definitions," is amended to add 11 new definitions associated with tire management,

amend 11 definitions, and delete two definitions.

- Rule 391-3-4-.19(3), "Retail Tire Dealers," amends the title from "Retail Tire Dealers" to "Retail Dealers" and clarifies reporting and fee requirements.
- Rule 391-3-4-.19(4), "Scrap Tire Generators," is amended to clarify reporting and manifest requirements for scrap tire generators.
- Rule 391-3-4-.19(5), "Scrap Tire Carriers," is being amended to clarify exemptions for persons collecting and transporting scrap or used tires. It includes decal requirements for tire carriers, reporting requirements, and revised financial assurance requirements.
- Rule 391-3-4-.19(6), "Scrap Tire Storage," is amended to clarify storage requirements for scrap tires.
- Rule 391-3-4-.19(7), "Criteria for Approved Processing, Sorting, and Disposal Facilities," is amended to revise the title to read, "Criteria for Scrap Tire Processors, Sorters, and Disposal Facilities," and to clarify operational and reporting requirements for regulated facilities.
- Rule 391-1-4-.19(8), "Reuse and Recycling of Scrap Tires," is amended to clarify and add amendments for recycling and beneficial reuse of scrap tires.
- Rule 391-3-4-.19(9), "Used Tires," is added to expand the tire management rule to include used tires.

The [proposed rules](#) were filed 20 APR 15. A hearing was to be held 12 MAY 15 and comments are due 13 MAY 15. A meeting was held 24 JUN 15.

STATE WILDLIFE ACTION PLAN The Georgia Department of Natural Resources (GADNR) has invited public comments on a draft version of the revised [State Wildlife Action Plan \(SWAP\)](#). The plan outlines steps GADNR and partner organizations follow to conserve native wildlife and habitats. The SWAP is required by Congress for GADNR and other state wildlife agencies to receive state wildlife grants, the main federal funding source for states to conserve nongame – animals not legally fished for or hunted, from gopher tortoises to golden-winged warblers. A comprehensive review of wildlife plans is required at least every 10 years to include new information and changing conditions. Comments are due 15 JUL 15.



No legislative or regulatory items are being monitored at this time.



PROPOSED RULES

TITLE V CAA AND PERMITS The Mississippi Department of Environmental Quality (MSDEQ) has announced a public hearing to receive comments regarding the proposed Title V Air Permit fee for fiscal year 2016 to be established by order of the Mississippi Commission on Environmental Quality (CEQ). Miss. Code Ann. Sec. 49-17-30 provides that under Title V of the federal CAA, the owner and/or operator of any stationary source of regulated air pollutants shall pay MSDEQ an annual permit fee. The Mississippi CEQ is charged by law to establish the permit fee in an amount sufficient to cover the cost of the Title V Air Permit Program. Miss. Code Ann. Sec. 49-17-16 established an advisory council to conduct an independent study of the cost of the Title V Air Permit Program. The advisory council recommended to the CEQ that the Fiscal Year 2016 Title V fee be set at \$41.00 per ton of regulated air pollutants with a minimum fee of \$250. A notice was issued 12 DEC 14. A hearing was held and comments were due 15 JAN 15.

INTERCONNECTION AND NET METERING JOINT RULES The Mississippi Public Service Commission (PSC) has proposed a new rule, the Mississippi Distributed Generator Interconnection Rule, which sets forth standards to establish

technical and procedural requirements for distributed generator facilities to be interconnected and operated in parallel with the electric distribution system owned or operated by electric distribution companies in Mississippi under the jurisdiction of the Mississippi PSC. A second proposed rule, the Mississippi Renewable Energy Net Metering Rule, sets forth technical and procedural requirements for net metering on qualified distributed generator facilities. The two proposed rules are inherently interdependent. Without interconnection, net metering is not possible; without net metering, interconnection is unnecessary. Net metering and interconnection rules ("joint rules") allow a ratepayer with behind-the-meter solar electricity generation, for example, to "sell" excess electricity to its electric utility company. Under the joint rules, the utility company would stand ready to make such "purchases" up to some ceiling amount at a rate approved by the PSC that reflects the avoided cost of the utility. The [proposed rules](#) were [filed](#) 13 APR 15. Comments were due 8 MAY 15.



2015 LEGISLATIVE SESSION: 14 JAN 15 THROUGH 1 JUL 15

North Carolina has a two-year session (2015-2016) with bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

HB 97, 2015 APPROPRIATIONS ACT This measure makes base budget appropriations for current operations of state departments, institutions, and agencies, and for other purposes. Last action: the House failed to concur with Senate committee on 23 JUN 15. A conference committee may be appointed to resolve the differences between Senate and House versions.

REEO-S Note: The renewable energy tax credit provisions were stripped out in the latest version of this bill due to passage of the Renewable Energy Safe Harbor Act (see SB372 below). This version includes provisions respecting wetlands regulation, to include requiring the North Carolina Department of Environment and Natural Resources (NCDENR) to petition the US Army Corps of Engineers (USACE) to allow for greater flexibility in performing wetlands mitigation. NCDENR would also be funded to prepare an application for Clean Water Act (CWA) 404 program delegation. This measure would also waive cost share requirements for dredging projects and make various other updates to environmental requirements. Next, this bill would rename NCDENR to the Department of Environmental Quality and consolidate the Departments of Cultural Resources and Natural Resources into one agency. Finally, this measure would establish the "Department of Military and Veterans Affairs." The overall purpose of this Cabinet level agency would be to work with the Armed Forces on issues of mutual concern

HB 186 This measure requires the environmental resources commission to conduct a study of water resources availability in the Cape Fear River Basin. Last action: Senate re-referred to committee 22 MAY 15.

REEO-S Note: Study results could be of interest to the Army, as Fort Bragg is located within the area of concern.

HB 548 This measure reorganizes, clarifies, and modernizes statutes regarding local planning and development regulation. Last action: Senate re-referred to committee 22 MAY 15.

REEO-S Note: Article 6 would add: "Notice to Military Bases. If the adoption or modification of the ordinance would result in changes to the zoning map, or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the local government shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date scheduled for the hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the governing board

of the local government shall take the comments and analysis into consideration before making a final determination on the ordinance."

HB 760 This measure provides further regulatory relief to the citizens of North Carolina by providing for various administrative reforms, eliminating certain unnecessary or outdated statutes and regulations, modernizing or simplifying cumbersome or outdated regulations, and making various other statutory changes. Last action: Senate referred to committee 7 MAY 15.

REEO-S Note: HB 760 contains several changes to environmental requirements, and would provide regulatory relief by providing for various administrative reforms, eliminating certain unnecessary or outdated statutes and regulations, modernizing or simplifying cumbersome or outdated regulations, and making various other statutory changes.

SB 372 This measure extends the tax credit for renewable energy property one year for those projects that are substantially completed by January 1, 2016. Last Action: enacted.

REEO-S Note: This measure could be relevant for planned projects on military bases, if the private developer or utility will own the generation asset. Tax credits are often a key contributor to the economic viability of such projects; however, this bill is somewhat limited in its usefulness, unless a project is already moving forward.

PROPOSED RULES

PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS (15A NCAC 02B .0295) NCDENR has proposed rulemaking to adopt the rule cited as 15A NCAC 02B .0295, as authorized by Section 2 of S.L. 2014-95. This section states that the Environmental Management Commission shall adopt a rule on "Mitigation Program Requirements for the Protection and Maintenance of Riparian Buffers," pursuant to G.S. 150B-21.1, no later than 1 OCT 14. The [proposed rules](#) were published 16 FEB 15. A hearing was held 12 MAR 15 and comments were due 17 APR 15.

REVISED TOTAL COLIFORM RULE (15A NCAC 18C .1539) NCDENR has proposed rulemaking to adopt 15A NCAC 18C .1539. The federal government recently revised the 1989 Total Coliform Rule to strengthen public protection from bacteriological contamination in drinking water. The changes conform to the Safe Drinking Water Act provision that requires any revision to "maintain, or provide for greater protection of the health of persons." North Carolina must adopt the new federal rule, 40 CFR 141, Subpart Y – Revised Total Coliform Rule, to maintain primary enforcement responsibility over the Total Coliform Rule in the state. If North Carolina does not adopt the federal rule, public water systems would be subject to the rule under federal enforcement by EPA. [Proposed rules](#) were published 16 FEB 15 and a hearing was held 3 MAR 15. Comments were due 17 APR 15. The Rules Review Commission published an [agenda](#) 1 JUN 15 and a meeting was held 16 JUN 15.

AIR POLLUTION (15A NCAC 02D .0410, .0544, 02Q .0206, .0304, .0502, .0507) NCDENR has proposed rulemaking to amend rules cited at 15A NCAC. On 23 JUN 14, the US Supreme Court decided in Utility Air Regulatory Group (UARG) v. EPA that EPA may not treat greenhouse gases (GHGs) as air pollutants for purposes of determining whether a source is a major source required to obtain a PSD or Title V permit. Amendment to Rule 15A NCAC 02D .0544, Prevention of Significant Deterioration (PSD) Requirements for Greenhouse Gases (GHG), is proposed to remove the requirement that major stationary sources obtain a PSD permit on the sole basis of its GHG emissions. It also updates GHG global warming potentials. Amendments to Rule 15A NCAC 02Q .0502, Applicability, remove the requirement that facilities obtain a Title V permit on the sole basis of GHG emissions. EPA strengthened NAAQS for particulate matter (PM_{2.5}) on 14 DEC 12; amendments to 15A NCAC 02D .0410 reflect the revised standard. In response to statutory revisions in North Carolina Session Law 2014-120, the Division of Air Quality (DAQ) is proposing changes to its source reduction and recycling reporting requirement Rules 15A NCAC 02Q .0206, Payment of Fees; .0304, Applications; and .0507, Application. In the existing rules, facilities holding permits are required to submit a written description of current and projected plans to reduce air contaminant emissions by source reduction and

recycling. The revised statute reflects repeal of the three source reduction and recycling reporting requirement. The [proposed rules](#) were published 15 APR 15. A hearing was held 9 JUN 15 and comments were due 15 JUN 15.

UNDERGROUND STORAGE TANKS (15A NCAC 02N .0304, .0903-.0904) NCDENR has proposed amendments to rules cited as 15A NCAC 02N .0304 and .0903-.0904. Proposed rule changes are necessary to comply with a directive from the North Carolina General Assembly to amend certain secondary containment requirements contained in 15A NCAC 02N. The proposed rules must be substantively identical to the provisions of Session Law 2011-394 and Session Law 2013-413. The [proposed rules](#) were published 3 NOV 14, a hearing was held 4 DEC 14, comments were due 2 JAN 15, and the [Rules Review Commission Agenda](#) was published 1 MAY 15. A meeting was held 21 MAY 15.

OPEN BURNING (15A NCAC 02D .1902, .1903) NCDENR has proposed amendments to 15A NCAC 02D .1903, Open Burning without an Air Quality Permit, and 02D .1902, Definitions, to incorporate requirements of Session Law 2014-120, Section 24. This section allows residential open burning of logs and stumps in addition to residential open burning of leaves, tree branches, or yard trimmings under conditions specified as long as the burning does not create a nuisance. Amendments to Rule 02D .1902, Definitions, remove the definition of "Nuisance" from the list of definitions that apply to the rules in Section .1900, Open Burning, for consistency with amendments to implement S.L 2014-120. The [proposed rules](#) were published 15 JUN 15. A hearing will be held 21 JUL 15 and comments are due 14 AUG 15.



2015 LEGISLATIVE SESSION: 13 JAN 15 THROUGH 4 JUN 15

South Carolina has a two-year session (2015-2016) with bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned on 4 Jun 15. REEO-S will resume incorporating legislative measures into the Southern *Review* once the South Carolina Legislature reconvenes in 2016.

FINAL RULES

AIR POLLUTION CONTROL, SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN (61-62) The South Carolina Department of Health and Environmental Control (SCDHEC) has [adopted amendments](#) to Regulation 61-62, Air Pollution Control Regulations and Standards, and the State Implementation Plan (SIP) as follows:

- Amend Regulation 61-62.5, Standard No. 1, Emissions from Fuel Burning Operations, to exempt owners or operators of propane fired units from maintaining a startup/shutdown log in order to be consistent with the exemption allowed for owners or operators of natural gas fired units.
- Amend Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove gaseous fluorides, such as hydrogen fluoride (HF), from the list of pollutants. HF is a federal hazardous air pollutant (HAP). It has no primary or secondary NAAQS; therefore, it is more appropriately regulated under Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants.
- Repeal Regulation 61-62.5, Standard No. 5.1, Best Available Control Technology /Lowest Achievable Emission Rate Applicable to Volatile Organic Compounds (VOC). Because other regulations limit VOC emissions, SCDHEC finds Regulation 61-62.5, Standard No. 5.1 is no longer necessary.
- Amend Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, to modify criteria for creditability of an increase or decrease in actual emissions and modify text to create consistency with 40 Code of Federal Regulations (CFR) 52.21, Prevention of Significant Deterioration of Air Quality.
- Amend Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to add timing flexibility language to the section governing calculation of emission offsets. Because of public notice

requirements, SCDHEC was unable to submit these revisions for approval as part of the 2013 General Assembly Package. SCDHEC will submit changes for approval as part of the 2014 General Assembly Package.

- Amend Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants, to add maximum allowable concentration time frame of 24-hour average to a table and add HF as a pollutant.
- Amend Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, to correct an error in punctuation.
- Amend Regulation 61-62.70, Title V Operating Permit Program, to correct a unit of measurement error in Section 62.70.5(c).
- Amend Regulation 61-62 to correct and improve the overall text as necessary.

Pursuant to S.C. Code Section 1-23-120(H)(1), the proposed amendments will require legislative review. The proposed regulations were published 26 SEP 14. Comments were due 27 OCT 14 and a hearing was held 11 DEC 14. A [Notice of Submission to the General Assembly](#) was published 23 JAN 15. The [final rules](#) became effective 23 JUN 15.

HAZARDOUS WASTE MANAGEMENT (R.61-79) SCDHEC has amended R.61-79 to adopt five final rules published in the Federal Register by the US EPA:

- "Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents," published 18 JAN 11 ([75 FR 78918](#)). The rule removes saccharin and its salts from the lists of hazardous constituents and commercial chemical products, which are hazardous wastes when discarded or intended to be discarded. This rule is promulgated pursuant to Non-Hazardous and Solid Waste Amendments (HSWA) authority and is neither more nor less stringent than current federal requirements.
- "Academic Laboratories Generator Standards Technical Corrections," published 20 DEC 10 ([75 FR 79304](#)). The rule makes technical corrections to Subpart K, 40 CFR part 262, which established an alternative set of generator requirements applicable to laboratories owned by eligible academic entities, and address the specific nature of hazardous waste generation and accumulation in such laboratories. This rule is promulgated pursuant to non-HSWA authority and is neither more nor less stringent than current federal requirements.
- "Revision of the Land Disposal Treatment Standards for Carbamate Wastes," published 11 AUG 11 ([76 FR 34147](#)). The rule provides, as an alternative standard, use of best demonstrated available technologies (BDAT), for treating hazardous wastes resulting from production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates, and container residues that become hazardous wastes when they are or intended to be discarded. In addition, this action removes carbamate regulated constituents from the table of Universal Treatment Standards. This rule is promulgated pursuant to HSWA authority and is neither more nor less stringent than current federal requirements.
- "Hazardous Waste Technical Corrections and Clarifications," published on 14 MAY 12 ([77 FR 22229](#)). The rule corrects a typographical error in entry "K107" of the table listing hazardous wastes from specific sources at 40 CFR 261.32; and makes a conforming change at 40 CFR 266.20(b) to clarify that a recycling facility must keep a one-time certification and notification related to recyclable materials being used in a manner constituting disposal. This rule is promulgated pursuant to non-HSWA authority and is neither more nor less stringent than current federal requirements.
- "Conditional Exclusions for Solvent-Contaminated Wipes," published 31 JAN 14 ([78 FR 46448](#)). The rule revises the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused, and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. This rule is less stringent than the existing federal rules. Authorized states whose programs include less stringent requirements than this final rule are required to modify programs to maintain consistency with the federal program per provisions of 40 CFR 271.21(e). In addition, any states that delineate their program for reusable wipes in guidance documents or interpretive letters will need to promulgate enforceable regulations, as required by 40 CFR 271.21(a). Authorized states may specify a different standard or test method for determining that solvent-contaminated wipes contain no free liquids (in lieu of the Paint Filter Liquids test).

SCDHEC also proposes to amend R.61-79 to incorporate recommended changes identified in its internal 2013 review for the South Carolina Governor's Regulatory Review Task Force. SCDHEC also proposes to amend R.61-104.II.A to reinsert a portion of a sentence inadvertently omitted and delete compliance requirements for units permitted prior to the effective date of regulation. SCDHEC may make stylistic changes for internal consistency; clarification in wording; corrections of references, grammatical errors, and outlining/codification; and such other changes as may be necessary to improve overall regulation quality. A [Drafting Notice](#) was published 25 JUL 14 and comments were due 25 AUG 14. [Proposed regulations](#) were published 28 NOV 14 and comments were due 29 DEC 14. A hearing was held 8 JAN 15. A [Notice of Submission to the General Assembly](#) was published 27 FEB 15. The [final rules](#) were published and became effective 26 JUN 15.

WASTE TIRES (R.61-107.3) SCDHEC adopted amendments to R.61-107.3, Solid Waste Management (SWM): Waste Tires. Amendments update, clarify, or amend standards for hauling, sorting, storing, processing, and disposing waste tires. Changes include but are not limited to revisions to operational standards; siting, reporting, and permitting requirements; and financial assurance requirements. Exemptions will be clarified. Also under consideration are penalties for violations of the statute as allowed or prescribed by S.C. Code Ann. Sections 44-96-10 et seq. (Revised 2002). A [Drafting Notice](#) was published 23 MAY 14 and comments were due 23 JUN 14. [Proposed regulations](#) were published 28 NOV 14. A hearing was held 8 JAN 15 and a [Notice of Submission to the General Assembly](#) was published 27 FEB 15. The [final rules](#) were published and became effective 26 JUN 15.

STANDARDS FOR WASTEWATER FACILITY CONSTRUCTION (61-67) SCDHEC has adopted amendments to Regulation 61-67, Standards for Wastewater Facility Construction, which establishes standards, for general and technical design requirements for use by SCDHEC in reviewing engineering reports, establishing reliability classifications, and issuing state construction permits or other approval action as outlined 61-67. The regulation applies to engineering design and construction of wastewater treatment and wastewater collection and transmission facilities that require a construction permit SCDHEC approval. Amendments will reduce unit loading flows in Appendix A by 25 percent based on knowledge of water savings fixtures and improved designs of sewer collection systems. For ease of implementation, loading was rounded to the nearest whole number. Revisions also include having a service connection definition that is similar to a drinking water service connection, and reducing the number of plans and documents that need to be submitted. Furthermore, revisions include streamlining industrial pump and haul operations and allowing issuance of a treatment plant permit coincident with a discharge permit. Minor changes were made at R.61-67.100 to remove unnecessary language for clarity, and a stylistic change was made in the Table at Appendix A and Section 67.100.E.4.b. (5) and (6). Language related to permit appeals was removed to streamline with current law. The [final rules](#) were published and became effective 26 JUN 15.

PROPOSED RULES

POLLUTION CONTROL REGULATIONS AND STANDARDS AND THE SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN (61-62) SCDHEC has proposed further amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP):

- R.61-62.1, Permit Requirements: Definitions and General Requirements, Section II, Permit Requirements, (c) to include clarification for allowable on-site activities prior to obtaining a construction permit. SCDHEC proposes amendments to R.61-62.1, Section II to add language to clarify source exemptions for a permit. SCDHEC may propose other changes to R.61-62.1, Air Pollution Control Regulations and Standards, which may include removal of the requirement of a revised air dispersion modeling analysis for permit renewals. Amendments will include additional definitions for clarification and/or corrections for internal consistency, clarification, reference, punctuation, codification, and spelling to improve the overall text of Regulation 61-62.1 as necessary.
- R.61-62.5, Air Pollution Control Standards, Standard No. 4, Emissions from Process Industries, to clarify this regulation is not triggered for sources for which SCDHEC has removed particulate matter (PM) limits (from

other sections of this regulation).

- R.61-62.5, Air Pollution Control Standards, Standard No. 5.2, Control of Oxides of Nitrogen (NOX), to clarify applicability and exemptions, and provide corrections for internal consistency, punctuation, codification, and spelling.
- R.61-62.70, Air Pollution Control Regulations and Standards, Title V Operating Permit Program, to remove appeals language, which is generally defined by statutory law (Code Ann. Section 44-1-60 (Supp. 2012) and is redundant, and to clarify qualification language for administrative amendments.

SCDHEC may propose other changes to R.61-62, Air Pollution Control Regulations and Standards, that may include corrections for internal consistency, clarification, reference, punctuation, codification, and spelling to improve the overall text of Regulation 61-62 as necessary.

INCORPORATION OF FEDERAL AIR AMENDMENTS (61-62) SCDHEC has proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality SIP. EPA promulgates amendments to the Code of Federal Regulations throughout each calendar year. Recent federal amendments to 40 CFR Parts 51, 52, 60, 61, 63, and 70 include clarification, guidance, and technical amendments regarding SIP requirements, New Source Performance Standards (NSPS), NESHAP for Source Categories, Prevention of Significant Deterioration (PSD), and revisions to testing methods. To incorporate by reference recent federal amendments promulgated from 1 JAN 14 through 31 DEC 14, SCDHEC proposes to amend:

- Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration;
- Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants; and
- Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

SCDHEC may propose other changes to Regulation 61-62, which may include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary. Comments were due 27 APR 15 and a [Drafting Notice](#) was published 22 MAY 15.

UNDERGROUND STORAGE TANKS (R.61-92) SCDHEC has proposed amendments to R.61-92, Underground Storage Tank (UST) Control Regulations. Amendment will focus on provisions of Section 280.25 relating to secondary containment for UST systems located within 100 feet of an existing water supply well, a coastal zone critical area, or state navigable waters. SCDHEC may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of regulation text. Revisions to other provisions of R.61-92 may also be included in accordance with governing legal authority and SCDHEC's overall mission. A [Drafting Notice](#) was published 26 DEC 14. Comments were due 29 JAN 15 and the [proposed regulations](#) were published 27 MAR 15. A [Notice of Submission to the General Assembly](#) was published 26 JUN 15.

BEACHFRONT MANAGEMENT PLAN (R.30-21) SCDHEC has proposed amendments to R.30-21 Beachfront Management Plan, SCDHEC's Coastal Division regulations related to permitting in coastal zone critical areas. In 1988, the South Carolina Beachfront Management Act established a statewide beachfront management program and set forth policies that called for the state to "create a comprehensive, long-range beach management plan...for the protection, preservation, restoration, and enhancement of the beach/dune system" (SC Code of Laws Section 48-39-260(2)). The State Beachfront Management Plan was created and adopted pursuant the Administrative Procedures Act in 1992, and resides within SCDHEC's Coastal Division regulations (R.30-21). The plan contains goals, objectives, and policies that guide the state's beachfront management. Goal statements derived from Section 48-39-260 represent broad courses of action relating to improved management of the beach/dune system, protection of endangered species; implementation of retreat policies, response to disasters, and improved public access and awareness. It also contains objectives and specific policy statements that identify strategies to implement goals. SCDHEC can use the plan to exercise regulatory authority. SCDHEC is proposing to modify the plan to ensure policies reflect the most

current and accurate data available, and are congruent with regulations under other sections of SCDHEC's Coastal Division regulations. A [Drafting Notice](#) was published 27 FEB 15. Comments were due 30 MAR 15.

WELL STANDARDS (61-71) SCDHEC has proposed amendments to 61-71, Well Standards. The separation distance between individual residential and irrigation wells and septic tank/tile fields will be changed from 50 to 75 feet for consistency with On-site Wastewater Systems Regulation 61-56. Underground injection wells will be added to the list of wells regulated under R.61-71, because Underground Injection Control Regulation R.61-87 cites R.61-71 as construction standards for underground injection wells. Definitions for injection well and injection, as defined in R. 61-87, will be added to R.61-71. SCDHEC may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of regulation text. A [Drafting Notice](#) was published 27 FEB 15. Comments were due 30 MAR 15 and the [proposed regulations](#) were published 26 JUN 15.

SOLID WASTE MANAGEMENT (R.61-107.12) SCDHEC has proposed an amendment of R.61-107.12, Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities, to update for consistency with current statutes regarding violations, penalties, and appeals of SCDEHC decisions. Amendment will include improved references to federal and state air quality regulations applicable to incineration. Amendment will also address consistency determinations with state and local solid waste plans and clarify when such determinations will be made for permitting facilities regulated under R.61-107.12. Air-curtain incinerators will be addressed separately from municipal and industrial solid waste incineration facilities; SCDHEC may propose new sub-sections and language to clarify requirements for use of air-curtain incinerators. New or revised definitions may be included to reference technological advances occurring since the regulation was originally promulgated. Other changes for consideration include updating, clarifying, or amending the standards for sorting, storing, and processing waste and required maintenance at incineration facilities; ash management from incineration facilities for consistency with current federal and state requirements; public notice requirements for proposed incineration facilities, and general facility requirements. A [Drafting Notice](#) was published 24 APR 15. Comments were due 26 MAY 15.

AIR QUALITY COLLOCATION GUIDANCE SCDHEC has issued a notice relating to collocation. South Carolina Regulations 61-62.5, Standard No. 7, Prevention of Significant Deterioration; 61-62.5, Standard No. 7.1, Nonattainment New Source Review; 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and 61-60.70, Title V Operating Permit Program, define a source. From these definitions, two or more facilities may be collocated, or considered a single source for the purposes of the regulations. SCDHEC has developed a guidance document, in the form of a memo, to be used by the Bureau of Air Quality in making determinations of when two or more facilities should be collocated, or considered a single source for these regulations. This guidance will be maintained by SCDHEC and periodically published in the South Carolina State Register. A Notice of General Public Interest was published 22 MAY 15.



FINAL RULES

WELL STANDARDS The Tennessee Department of Environmental Conservation (TDEC) has adopted rulemaking to update the existing water well licensing and well construction standards by incorporating clarification language. The duties of the Ground Water Management Board were collected from Rule Chapter 0400-45-09 and placed in Rule 0400-45-10-.05. Pump and treatment installer licenses were modified for clarification. Continuing education requirements were clarified. Setback distances from potential contaminant sources were updated to include new sources of potential contamination. Well location submittal data were modified due to the Tennessee Department of Transportation's changes in how the local county maps were published. Well abandonment standards were modified to allow more flexibility on existing wells where construction information is unavailable. Clarification was provided regarding the source of water to be used as drilling fluids. Clarification was made on well site safety and borehole

protection and construction of boreholes for geothermal wells. A Notice of Rulemaking Hearing was filed 11 DEC 14. A hearing was held 9 FEB 15 and comments were due 16 FEB 15.

PROPOSED RULES

NEW SOURCE PERFORMANCE STANDARDS (1200-03-16) TDEC has proposed amendments to 1200-03-16, New Source Performance Standards. Various sections of the rule are made obsolete by revisions to equivalent federal regulations.

MULTI-SECTOR GENERAL PERMIT TDEC has proposed to reissue the Tennessee Multi-Sector General Permit, which provides general permit coverage for stormwater discharges from industrial activities. A notice was issued 15 DEC 14. A hearing was held 29 JAN 15 and comments were due 15 FEB 15.

HAZARDOUS WASTE MANAGEMENT (0400-12-01-.02, .05, .10) TDEC has proposed revisions to 0400-12-01 to:

- Correct a typographical error to the process description to K107;
- Add a common chemical name 1,1,1-trichloroethane to the U226 list of commercial chemical products (this is not a new listing);
- Update regulatory language regarding exclusion of comparable fuel and syngas fuel to be equivalent with EPA's language;
- Correct the introductory statements rule, 0400-12-01-.10(1)(g)2(iv), for consistency with federal language and to add a sentence to certification statements to reference T.C.A. § 39-16-702(a)(4); and
- Make other revisions for consistency with federal language.

A [Notice of Rulemaking Hearing](#) was filed 16 MAR 2015. A hearing was held and comments were due 19 MAY 2015.

USE CLASSIFICATIONS FOR SURFACE WATERS (0400-40-04) TDEC has proposed 0400-40-04, Use Classifications For Surface Waters. The Clean Water Act gives states the responsibility of developing clean water goals. According to both state and federal law, these clean water goals, or water quality standards, must be formally reviewed on a regular basis. Federal law mandates that this review take place no less often than every three years, hence its commonly used name, the Triennial Review. Water quality standards consist of stream-use classifications for surface waters (Chapter 0400-40-04), and the general water quality criteria and antidegradation policy (Chapter 0400-40-03). These regulations were last reviewed beginning in 2009. The review for Chapter 0400-40-03 took extra time and TDEC held these rules for additional public consideration in 2012. Because Chapter 0400-40-04 (stream-use classifications) did not have the additional round of public hearings, it is time to consider revisions to that chapter. Stream-use classifications identify the public's most likely uses of a specific waterbody. Those formal classifications in turn identify specific criteria contained in Chapter 0400-40-03 that will then apply. Failure to meet criteria for the assigned designated uses is the condition of pollution, according to the Tennessee Water Quality Control Act. The review of stream-use classifications typically consists of the addition of newly discovered or created trout waters, review of waters being used for domestic water supply, and consideration of any other requested changes in classifications. A Notice of Rulemaking Hearing was filed 12 MAR 15. A hearing was held 28 MAY 15 and comments were due 4 JUN 15.

AQUATIC RESOURCE ALTERATION GENERAL PERMITS TDEC has proposed to issue four new General Permits including the General Aquatic Resource Alteration Permit for Bank Stabilization, Minor Stream Grade Stabilization, Recreational Prospecting, and Stream and Wetland Habitat Enhancement. General permits issued by the Division of Water Resources establish limits of work and notification procedures required for authorization. A public notice was issued 15 MAY 15, a hearing was held 16 JUN 15 and comments were due 26 JUN 15.

Department of Defense Activity

WAVE ENERGY TEST DELIVERS POWER TO NAVY BASE A test of the potential for wave energy to power onshore facilities has begun generating electricity at the Navy's Wave Energy Test Site in Kaneohe Bay on Oahu, Hawaii. The Navy, Northwest Energy Innovations (NWEI), and the Department of Energy (DOE) are working with a prototype of the Azura wave energy converter device to produce electricity from the motion of the choppy ocean waters. For more information, click [here](#) to read an article from DefenseCommunit360.

NAVY SET TO SURPASS TARGET FOR RENEWABLE ENERGY USE With the Navy on course to meet its goal of producing 1 gigawatt of renewable energy at its installations by 1 JAN 16, five years ahead of schedule, Secretary Ray Mabus is ready to raise the bar. "I'm not satisfied stopping there. We can do better than that over the next five years," Mabus said at the 2015 GreenGov Symposium in Washington. To increase its shore installations' reliance on renewables, the Navy is exploring a variety of alternative sources, including solar, wind, geothermal, hydrothermal and wave energy. The Air Force and Army also are striving to produce 1 gigawatt of renewable energy at their installations. To read more, click [here](#).

Federal Activity

EPA REGULATORY AGENDA EPA published the spring edition of its semiannual [regulatory agenda](#) for 2015 ([80 FR 35081](#)). According to the agenda, in 2015 EPA intends to publish five proposed rules, five final rules, and one notice. The proposed rules would address certification of pesticide applicators, management of pharmaceutical waste, hazardous waste generator rules, hazardous waste export-import, and the hazard ranking system (HRS). For more information, visit [reginfo.gov](#) and click on EPA, then proposed rule, final rule, and notice.

NRC REGULATORY AGENDA The Nuclear Regulatory Commission (NRC) published its semiannual regulatory agenda for 2015 ([80 FR 35169](#)). According to the agenda, NRC intends to publish a notice of proposed rulemaking in 2015 addressing fee structures for small modular power reactors, (Regulation Identifier Number (RIN) 3150-AI54); a final rule amending fee schedules (licensing, inspection, and annual fees) for Fiscal Year (FY) 2015 (RIN 3150-AJ44); and a final rule on low-level radioactive waste disposal (RIN 3150-AI92). In addition, under long-term actions with no date identified, NRC intends to issue an advance notice of proposed rulemaking [controlling the disposition of solid materials](#). Comments are due 20 JUL 15. For a complete list of all regulatory activities on NRC's regulatory agenda, [click here](#) and select NRC from the picklist.

AIR

AIRCRAFT GHG EMISSIONS In response to a [petition](#), EPA [announced](#) a proposed finding that greenhouse gas (GHG) emissions from aircraft pose a risk to human health. The [endangerment finding and advance notice of proposed rulemaking](#) are the first step in regulating emissions from the U.S. aviation industry. EPA intends to implement the carbon dioxide (CO₂) emissions standard being developed by the International Civil Aviation Organization (ICAO). ICAO is scheduled to release its CO₂ standard in February 2016. EPA's proposed action does not apply to small piston-engine planes (the type of plane often used for recreational purposes) or to military aircraft. EPA is seeking public input to inform future steps. Public comments will be accepted for 60 days following publication in the Federal Register. Click [here](#) to view a press release or [here](#) to visit EPA's website for aircraft emissions, including a copy of the endangerment finding, fact sheet, and more.

GHG EMISSIONS, FUEL EFFICIENCY FOR MEDIUM & HEAVY-DUTY ENGINES, VEHICLES In advance of publication in the Federal Register, EPA and the U.S. Department of Transportation (DOT) [released](#) the text of Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles that will establish a second phase of GHG emissions and fuel efficiency standards for medium- and heavy-duty vehicles. The standards will phase in incrementally between model years 2021 and 2027. Proposed standards cover combination tractor-trailers; specific types of trailers, trucks, busses, delivery and other vocational vehicles; heavy duty pickup trucks; and vans. Expected decreases in fuel consumption and CO₂ emissions range from 8% (specific trailers) to 24% (tractor trailer combinations) once fully phased in. The agencies are also proposing separate standards and test cycles for tractor engines, vocational diesel engines, and vocational gasoline engines. The proposed diesel engine standards would reduce CO₂ emissions and fuel consumption by up to 4% compared to Phase 1 standards. Because certain refrigerants are also extremely potent GHGs, the program includes EPA-proposed standards to control leakage of hydrofluorocarbons (HFCs) from air conditioning systems in vocational vehicles.

SIP REVISIONS: SSM EPA is taking final action on a petition that concerns how provisions in EPA-approved State Implementation Plans (SIPs) treat excess emissions during periods of startup, shutdown or malfunction (SSM) ([80 FR 33839](#)). In addition, EPA is clarifying, restating, and revising its guidance concerning its interpretation of the Clean Air Act (CAA) requirements with respect to treatment in SIPs of excess emissions that occur during periods of SSM. The agency is issuing a finding that certain SIP provisions in 36 states (applicable in 45 statewide and local jurisdictions) are substantially inadequate, and is issuing a SIP call for those 36 states. The deadline for each state to submit its corrective SIP revision is 22 NOV 16.

ECHO EPA's Enforcement and Compliance History Online (ECHO) website added a beta Air Pollutant Report, as well as the option to search for facilities that have reported risk management plans under the Clean Air Act (CAA). The Air Pollutant Report, which displays emissions data by facility from EPA's various reporting programs, is available from "all data" and "air facility" search results.

CLEANUP

VAPOR INTRUSION GUIDELINES EPA released two technical guides for assessing and mitigating vapor intrusion at contaminated sites around the country, outlining a process the agency says is a flexible framework that takes into account site-specific circumstances while also promoting consistency. The [primary guide](#) applies to all sites being investigated under various cleanup programs, including Superfund sites, Resource Conservation and Recovery Act (RCRA) corrective action sites, brownfields, and state-led sites pursuant to the Superfund law. The [second guide](#) generally addresses releases of petroleum hydrocarbons from underground storage tanks. According to EPA, the guide recommends a framework for planning and conducting vapor intrusion investigations, rather than a prescriptive step-by-step approach to be applied at every site. Broadly speaking, the guide says there are two levels of vapor intrusion assessments: a preliminary analysis that relies on available and easily ascertainable information to understand initially the potential for human health risks, and a subsequent detailed investigation recommended after the earlier analysis shows vapor-forming chemicals may be present due to subsurface contamination. The guide lists five conditions that must be present for a vapor intrusion pathway to be complete: a subsurface source of vapor-forming chemicals near the building; a route to migrate toward the building; a building susceptible to soil gas entry; vapor-forming chemicals found in the indoor air; and that the building is occupied. For more information, click [here](#).

CLIMATE CHANGE

UNDER 2 MOU On 10 MAY 15, the Governor of California, Oregon, Washington, and Vermont and leaders of eight other states and international provinces collectively signed the [Global Climate Leadership Memorandum of Understanding](#) (MOU), also known as "Under 2 MOU." The MOU promotes actions intended to limit the global increase in average temperature to below two degrees Celsius. Under the MOU, each state or province commits to either

reduce GHG emissions by 80 to 95% below 1990 levels by 2050 or achieve a per capita annual GHG emissions target of less than two metric tons of carbon dioxide equivalent (CO₂e) by 2050. Specific agreed-upon activities include:

- Sharing technology, scientific research, and best practices to promote energy efficiency and renewable energy;
- Collaborating to expand the use of zero-emission vehicles;
- Ensuring consistent monitoring and reporting of GHG emissions;
- Improving air quality by reducing pollutants such as black carbon and methane; and
- Assessing the projected impacts of climate change on communities.

ENERGY

GAO REPORT: ENERGY SAVINGS PERFORMANCE CONTRACTS The Government Accountability Office (GAO) issued a report on energy savings performance contracts (ESPCs) at seven federal agencies, covering fiscal years 1995 through 2014 ([GAO-15-432](#)). Agencies reviewed included the Air Force, Army, Navy, DOE, the Departments of Justice and Veterans Affairs, and the General Services Administration (GSA). GAO found that the seven agencies it reviewed conducted limited oversight and evaluation of their ESPC projects. In GAO's sample of 20 projects, agency representatives did not perform some oversight activities included in guidance because they were unaware of the duties or how to perform them, among other reasons. GAO recommended improvements to oversight of ESPC projects through clearer reporting of savings, improved training, and systematic evaluations of portfolios.

ENERGY EFFICIENCY IMPROVEMENTS IN THE 2015 IECC DOE has determined that the 2015 edition of the International Energy Conservation Code (IECC) would improve energy efficiency in buildings relative to the 2012 edition for residential structures ([80 FR 33250](#)). Upon publication of this affirmative determination by DOE, each state is required by statute to certify that it has reviewed the provisions of its residential building code regarding energy efficiency, and made a determination as to whether to update its code to meet or exceed the 2015 IECC. Additionally, the notice provides guidance to states on processes and associated certifications.

SUSTAINABILITY

PLANNING FOR FEDERAL SUSTAINABILITY IN THE NEXT DECADE: IMPLEMENTING INSTRUCTIONS The White House Council on Environmental Quality issued a [77-page guidance document](#) providing the "Implementing Instructions for [Executive Order 13693](#) Planning for Federal Sustainability in the Next Decade." This guidance revokes and supersedes the Instructions for Implementing Executive Order (EO) 13423 issued 29 MAR 07. The instruction summarizes current requirements, occasionally contrasting previous requirements, and provides links to additional reference material covering all EO subject sections.

GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL PROCUREMENT To reflect changes imposed by the 2014 Farm Bill, the U.S. Department of Agriculture (USDA) issued a final rule amending its regulations on designating biobased products for federal procurement ([80 FR 34023](#)). The amended rule provides that "no later than 15 JUN 16 each Federal agency shall establish a targeted biobased-only procurement requirement under which the procuring agency shall issue a certain number of biobased-only contracts."

TOXICS

UTAH: LEAD-BASED PAINT RRP IN TARGET HOUSE AND CHILD-OCCUPIED FACILITIES EPA announced that on 20 APR 10 the state of Utah was deemed authorized under section 404(a) of the Toxic Substances Control Act (TSCA) to administer and enforce requirements for a renovation, repair, and painting (RRP) program ([80 FR 31871](#)). EPA is seeking public comment on whether Utah's program is at least as protective as the federal program and provides for adequate enforcement. Comments are due 20 JUL 15.

WATER

FINAL MSGP FOR INDUSTRIAL DISCHARGES EPA Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 issued their final 2015 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from industrial activity, also referred to as the Multi-Sector General Permit (MSGP) ([80 FR 34403](#)). The permit replaces an existing permit covering stormwater discharges from industrial facilities in EPA Regions 1, 2, 3, 5, 6, 9, and 10 that expired 29 SEP 13; and provides coverage for industrial facilities in areas [where EPA is the NPDES permitting authority](#) in EPA Regions 7 and 8. The MSGP consists of 44 separate regional EPA general permits that may vary from each other based on state or tribal certifications and water quality-based requirements. As with earlier permits, this permit authorizes the discharge of stormwater associated with industrial activities. Industrial dischargers have the option to instead seek coverage under an individual permit. An individual permit may be necessary if the discharger cannot meet the terms and conditions or eligibility requirements in this permit. The permit, effective 4 JUN 15, has been issued for a period of five years. For more information, visit EPA's [MSGP website](#), or view this [fact sheet](#).

MSGP ELECTRONIC REPORTING Facilities covered under the 2015 Federal EPA MSGP are required to [electronically submit](#) notices of intent (NOIs), annual reports, notices of termination (NOTs), discharge monitoring reports (DMRs), and no-exposure certifications unless the EPA Regional Office has granted the operator an electronic reporting waiver, in which case the operator may mail the paper forms provided in the [2015 MSGP](#). Operators without an EPA-granted electronic reporting waiver must use:

- [NeT-MSGP](#) (the NPDES eReporting Tool for the MSGP) to electronically prepare and submit NOIs, annual reports, NOTs and no exposure certifications; and
- [NetDMR](#) to electronically prepare and submit DMR monitoring reports.

For more information, click [here](#).

DEFINITION OF WATERS OF THE US EPA and the U.S. published a final rule defining the scope of waters protected under the Clean Water Act (CWA) ([80 FR 37053](#)). The final rule is considered to be a definitional rule that clarifies the scope of "waters of the United States" consistent with the CWA, Supreme Court precedent, and science. It does not establish any regulatory requirements. Programs established by the CWA, such as the section 402 NPDES permit program, the section 404 permit program for discharge of dredged or fill material, and the section 311 oil spill prevention and response programs, all rely on the definition of "waters of the United States." The final rule is effective 28 AUG 15.

UPDATED AMBIENT WATER QUALITY CRITERIA EPA released final updated recommended ambient water quality criteria for 94 chemical pollutants ([80 FR 36986](#)). The updated criteria reflect the latest scientific information and implementation of existing EPA policies found in Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000). The criteria provide technical information for states and authorized tribes to establish water quality standards to protect human health under the CWA. The [final 2015 recommendations](#) supersede EPA's previous recommendations.

UNDERGROUND STORAGE TANK REGULATIONS FOR 2015 Prior to publication in the Federal Register, EPA released a [new underground storage tank \(UST\) regulation](#) and state program approval regulation for 2015. According to EPA, the revisions to the UST program increase emphasis on properly operating and maintaining UST equipment. The revisions:

- Add secondary containment requirements for new and replaced tanks and piping;
- Add operator training requirements;
- Add periodic operation and maintenance requirements for UST systems;
- Add requirements to ensure UST system compatibility before storing certain biofuel blends;
- Remove prior deferrals for emergency generator tanks, airport hydrant systems, and field-constructed tanks;
- Update codes of practice; and

- Make editorial and technical corrections.

States approved to run their own programs are required to adopt requirements similar to the final 2015 UST regulation within three years. Currently, 38 states plus the District of Columbia and Puerto Rico currently have approved UST programs. Sixteen states follow federal UST program rules—Owners and operators of UST systems in these states must meet the federal requirements according to the schedule in the 2015 UST regulation. Indian country UST owners and operators must also meet federal requirements according to the schedule in the 2015 UST regulation. The final rule is effective 90 days after publication in the Federal Register. For more information, including a comparison of 1988 UST regulations and 2015 regulations; updated and new forms; regulatory impact analysis; and [map](#) of states with authorized programs, click [here](#).

CYANOBACTERIAL TOXINS IN DRINKING WATER EPA released [10-day health advisories](#) for two cyanobacterial toxins and health effect support documents for three cyanobacterial toxins ([80 FR 34637](#)). The health advisories provide states, drinking water utilities, and the public with information on health effects of microcystins and cylindrospermopsin, analytical methods to test for cyanotoxins in water samples, and treatment technologies to remove cyanobacterial toxins in drinking water. Additionally, EPA released a support document for states and utilities to assist them as they consider whether and how to manage cyanobacterial toxins in drinking water. The [recommendations in the support document](#) are intended to assist public drinking water systems (PWSs) manage the risks from cyanobacterial toxins in drinking water, including information and a framework that PWSs can consider in their cyanotoxin risk management efforts. For more information, visit EPA's website for [drinking water science and regulatory support](#).

POTENTIAL IMPACTS TO DRINKING WATER RESOURCES FROM HYDRAULIC FRACTURING ACTIVITIES EPA released a [draft assessment](#) of the potential impacts of hydraulic fracturing activities on drinking water resources. The assessment, done at the request of Congress, shows that while hydraulic fracturing activities in the U.S. are carried out in a way that have not led to widespread, systemic impacts on drinking water resources, there are potential vulnerabilities in the water lifecycle that could impact drinking water. Vulnerabilities to drinking water resources include:

- Water withdrawals in areas with low water availability;
- Hydraulic fracturing conducted directly into formations containing drinking water resources;
- Inadequately cased or cemented wells resulting in below ground migration of gases and liquids;
- Inadequately treated wastewater discharged into drinking water resources; and
- Spills of hydraulic fluids and hydraulic fracturing wastewater, including flowback and produced water.

STUDY: GROUNDWATER BASINS WORLDWIDE ARE IN DISTRESS According to a new study led by the University of California, Irvine, nearly one third of Earth's largest groundwater basins are being rapidly depleted by human consumption. In a companion paper, the scientists conclude that the total remaining volume of the world's usable groundwater is poorly known, with estimates that often vary widely. After comparing satellite-derived groundwater loss rates to what little data exist on groundwater availability, the researchers found major discrepancies in projected "time to depletion," leading them to the conclusion that total groundwater volume is likely far less than rudimentary estimates made decades ago. Abstracts of the papers are available [here](#) and [here](#).

Professional Development

CONFERENCES, WORKSHOPS AND MEETINGS

15 JULY, ONLINE: SAVING THE POLLINATORS: PURCHASING STRATEGIES TO PROTECT BEES AND OTHER POLLINATORS This webinar describes purchasing strategies that government agencies, educational institutions, and businesses might take to protect bees and other pollinators.

21 JULY, ONLINE: [Remedy Selection for Contaminated Sediments](#) The Interstate Technology and Regulatory Council (ITRC) developed technical and regulatory guidance, [Remedy Selection for Contaminated Sediments \(CS-2, 2014\)](#), to assist decision-makers in identifying which contaminated sediment management technology is most favorable based on an evaluation of site specific physical, sediment, contaminant, and land and waterway use characteristics. The document provides a remedial selection framework to help identify favorable technologies, and identifies additional factors (feasibility, cost, stakeholder concerns, and others) that need to be considered as part of the remedy selection process. This ITRC training course supports participants with applying the technical and regulatory guidance as a tool to overcome the remedial challenges posed by contaminated sediment sites.

JULY 22-23, NEW BERN, NC: ADVANCED UTILITY ENERGY SERVICE CONTRACT (UESC) WORKSHOP Current Presidential mandates require agencies to evaluate facilities, identify potential savings and appropriately leverage both private and public sector funding to invest in comprehensive projects. This workshop will be conducted by representatives from the Department of Energy's Federal Energy Management Program. Attendees will examine methods and strategies used by experienced contracting officers and agency teams to develop and implement successful UESC projects. A workbook including samples and templates will be provided. Representatives from Duke Energy will also provide details on current programs and services available to its federal customers. All Advanced UESC Workshop attendees must have attended or participated in one of the following:

- [Placing UESC Task Orders with the GSA Areawide](#) – 90 minute on-demand training
- [Executing Utility Energy Service Contracts: An Advanced Guide](#)
- [Launching a Utility Energy Service Contract \(UESC\): Getting to Yes!](#)

Space is limited and [registration](#) is limited to federal employees. All confirmed registrants will receive a confirmation letter with location information and meeting agenda. For more information, contact [Susan Courtney](#), (703) 250-2862.

DOD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS (USACE) PROSPECT TRAINING USACE announces course availability for the FY15 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and schedule for details. Environmental courses include, but are not limited to:

- Environmental Regulations Practical Application Course (Course Control Number (CCN) 398)
- CERCLA/RCRA Process (CCN 356)
- Hazardous Waste Manifesting & DOT Certification (CCN 223)
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429)
- Radioactive Waste Transport (CCN 441)
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Environmental Remediation Technologies (CCN 395)
- Environmental Laws and Regulations (CCN 170)

NAVY AND ISEERB ENVIRONMENTAL TRAINING The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule 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 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 U.S. government, free of charges. Travel costs are borne by the student.

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the US Army Environmental Command [website](#), which has links to training provided by DoD organizations.

FEDERAL TRAINING SOURCES

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER [FedCenter.gov](#) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information in the following areas:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Regulatory Watch for information on new or changed laws or regulations;
- P2 opportunities and best management practices;
- EPA enforcement notices;
- Links to state environmental programs;
- Access to [environmental assistance](#);
- Access to free, FedCenter-sponsored courses:
 1. [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
 2. [Environmental Management Systems](#) (FedCenter membership required);
 3. [Underground Storage Tanks](#) (FedCenter membership required);
- Environmental [conferences](#), meetings, [training](#), and workshop information;
- Applicable laws and Executive Orders; and
- Industry sector-specific newsletters.
- FedCenter also provides member assistance services such as:
 - Collaboration tools for workgroups,
 - Environmental reporting tools, and
 - Daily newsletter and subscription services.

ONLINE TRAINING: SCHEDULED EVENTS

SERDP AND ESTCP WEBINAR SERIES The DoD environmental research and development funding programs ([SERDP and ESTCP](#)) are launching a [webinar series](#) to promote the transfer of innovative, cost-effective and sustainable solutions developed using SERDP and ESTCP funding. Live webinars will be offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars will feature two 30-minute presentations and interactive question and answer sessions, on topics targeted for DoD and DOE audiences. Prior presentations are archived for viewing any time.

- Management of Contaminated Sediments Sites
- Waste to Energy Technologies
- Energy Audits
- Dense Non-Aqueous Phase Liquid Source Zone Management
- Sustainable Materials
- Acoustic Methods for Underwater Munitions
- Managing Munition Constituents on Training Ranges (28 MAY 15)

FEMP eTRAINING COURSES The Federal Energy Management Program (FEMP) offers interactive, online eTraining courses to help federal agencies develop core competencies and comply with energy-efficiency and renewable-energy water-management and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide (WBDG) to host these comprehensive, FEMP-developed eTraining courses.

Promotional materials are available to help federal agencies encourage the completion of FEMP's eTraining courses. For more information about FEMP eTraining courses, contact [Beverly Dyer](#), (202) 586-7753. The following courses are available:

- [Advanced Electric Metering in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Building Automation Systems for Existing Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Commissioning for Existing Federal Buildings](#) (4.5 hours, .50 CEUs)
- [Energy-Efficient Federal Purchasing](#) (4.5 hours, .50 CEUs)
- [Energy Savings Performance Contracting](#) (8.5 hours, .90 CEUs)
- [Federal On-Site Renewable Power Purchase Agreements](#) (2.5 hours, .30 CEUs)
- [Launching a Utility Energy Services Contract \(UESC\): Getting to Yes!](#) (3 hours, .40 CEUs)
- [Managing Water Assessment in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Measurement and Verification in ESPCs](#) (3 hours, .40 CEUs)
- [Planning an Energy Assessment for Federal Facilities](#) (4 hours, .50 CEUs)
- [Selecting, Implementing, and Funding Photovoltaic Systems in Federal Facilities](#) (3.5 hours, .40 CEUs)
- [Sustainable Institutional Change for Federal Facility Managers](#) (3 hours, .40 CEUs)
- [Utility Service Contracts and Energy Project Incentive Funds](#) (90 minutes)

ENERGY STAR WEBCASTS

FEDERAL GUIDING PRINCIPLES CHECKLIST This webcast shows federal energy and sustainability professionals how to use the ENERGY STAR® measurement and tracking tool, Portfolio Manager, to help ensure compliance with the Guiding Principles for High Performance Sustainable Buildings required by Executive Orders 13423 and 13514. The focus is on the Guiding Principles for Sustainable Existing Buildings.

- [Portfolio Manager 101](#) This webcast demonstrates the core functionality of EPA's Energy Star Portfolio Manager tool. Attendees will learn to navigate the new Portfolio Manager, add a property and enter details, enter energy and water consumption data, share properties, generate performance reports to assess progress, and respond to data requests.
- [Portfolio Manager 201](#) This webcast will explore advanced functionalities of EPA's Energy Star Portfolio Manager tool, including managing and tracking changes to property uses over time; using spreadsheet templates to update property data; setting goals and targets to plan energy improvements for properties; generating and using custom reports; and using the Sustainable Buildings Checklist.

CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES This [webinar series](#) was developed to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation.

READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM The REPI [webinar series](#) is presented by DoD in partnership with the [Land Trust Alliance](#). This online series covers best practices, tutorials and knowledge sharing on REPI partnerships that support military mission and accelerate the pace and rate of conservation. All webinars begin at 1:00 p.m. Eastern unless otherwise noted. Previously scheduled webinars are available anytime.

EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of live and archived webinars. Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management (SMM) is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

ITRC INTERNET BASED TRAINING The Interstate Technology and Regulatory Council (ITRC) is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers training courses to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents. Visit the site often to view upcoming Internet-based training events.

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How the Regional Offices Work for You

The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations. The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are protected.

To comment on item in the Southern *Review*, please contact the Regional Environmental Coordinator listed at the top of each region's section.

To be added to the Southern *Review* distribution list, call or email [Becky Shanks](#).