



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

December 2015

The *SOUTHERN REVIEW* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the eight 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 US map and then select "Publications." To receive a copy of this electronic publication, [send a subscription request](#).

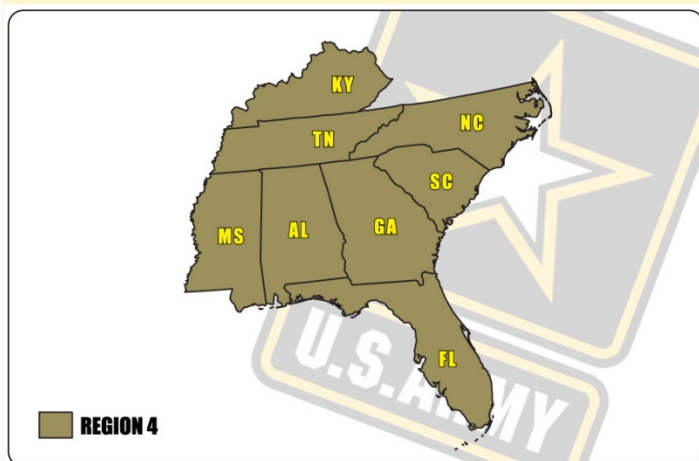


TABLE OF CONTENTS

Alabama	2
Florida	3
Georgia	7
Kentucky	8
Mississippi	10
North Carolina	11
South Carolina	15
Tennessee	18
DOD Activity	20
Federal Activity	21
Professional Development	25
Staff Directory	29

FULL INTEGRATION OF WOMEN INTO THE ARMY

On 4 DEC 15, the Secretary of Defense directed the full integration of women in the Armed Forces following a 30-day review period required by Congress. The purpose of allowing all Soldiers, regardless of gender, to serve in any Military Occupational Specialty (MOS) for which they are qualified is to increase our military effectiveness. The Army will provide its final, detailed implementation plan to the Secretary of Defense no later than 1 JAN 19. Subject to his approval, the Army will begin implementing its integration plan to open all MOSs, career fields, and branches for accession by women as soon as practicable following 2 JAN 16, but not later than 1 APR 16.

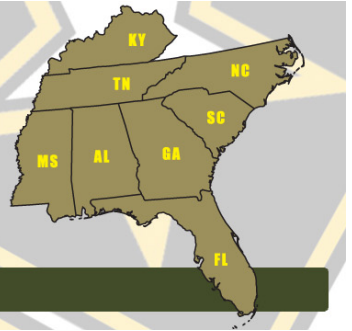
Our nation's best qualified, regardless of gender, will now be afforded the opportunity to serve in any MOS. The Army's detailed and deliberate implementation plan will maintain the readiness of the force and ensure it remains a standards-based Army. This methodical plan will establish and enforce MOS-specific and gender-neutral standards based on the rigors of ground combat. Done properly, the integration of women into all MOSs will improve combat readiness and make our Army better. Readiness is our top priority.

Our Army exists to fight and win the Nation's wars. An incremental and phased approach by leaders and Soldiers who understand and enforce gender-neutral standards will ensure successful integration of women across the breadth and depth of the Army's formations. The Army is honored to serve with and for all who have taken an oath to support and defend our Constitution and demonstrate the values which make our Nation great.

ARMY STRONG!

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 15 THROUGH 5 JUN 15

Alabama has a one-year session. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned 5 JUN 15. REEO-S will resume incorporating legislative measures into the *Southern Review* once the Alabama Assembly reconvenes in 2016.

FINAL RULES

CATEGORY 1 AND 2 QUANTITIES OF RADIOACTIVE MATERIAL (420-3-26-.15) The Department of Public Health has adopted new 420-3-26-.15, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material. The new rule takes the place of current US Nuclear Regulatory Commission (NRC) security orders implemented under license conditions. The rule is a matter of compatibility for Alabama as an Agreement State. It imposes the same security requirements on licensees as the original orders; however, as a result of lessons learned through inspections conducted on licensees under the terms of the orders, there are few changes and additions to the rule when compared to the original orders. A [Notice of Intended Action](#) was published 31 AUG 15. A hearing was held 11 SEP 15 and comments were due 5 OCT 15. [Certified Adopted Rules](#) were filed 21 OCT 15 and published 30 OCT 15. The rules became effective 25 NOV 15.

PROPOSED RULES

WATER QUALITY CRITERIA The Alabama Department of Environmental Management (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 was held and comments were due 16 JUL 15.

STORM- AND WASTEWATER DISCHARGES ADEM is proposing to reissue General National Pollutant Discharge Elimination System (NPDES) Permit ALG360000. The permit regulates discharges of storm- and wastewater associated with hydroelectric generating facilities that discharge to Alabama's waters (not designated outstanding national resource waters or outstanding Alabama waters). Individual facilities and/or operations may propose to operate under the general permit, if reissued, by notifying ADEM and providing the required documentation. After receiving such notice of intent, ADEM may regulate discharge under the general permit. ADEM has tentatively determined that the reissuance of Permit ALG360000 is consistent with water quality program regulations. A [notice](#) was issued 9 SEP 15. Comments were due 9 OCT 15.

HAZARDOUS WASTE PROGRAM (335-14-1, -2, -3, -5) ADEM has proposed revisions to ADEM Admin. Code r. 335-14 to adopt newly codified federal rules that revise and clarify the definition of solid waste under the Resource Conservation and Recovery Act, and to correct general errors in previously adopted rules. Revisions are necessary for ADEM to maintain regulations that are at least as stringent as those promulgated federally. Revisions are also proposed to establish an exclusion for six hazardous wastes generated by Alabama Power Company (APCO). A petition filed by APCO

in accordance with ADEM Admin. Code r. 335-14-1-.03 demonstrates, to ADEM's satisfaction, that the chromium in the waste streams is nearly exclusively trivalent, the non-toxic form of chromium. Notices of Intended Action were filed [25 OCT 15](#) and [30 OCT 15](#). A hearing will be held 16 DEC 15.

NPDES PERMIT ALR04000, MS4s ADEM is proposing to reissue General NPDES Permit ALR04000, which regulates stormwater discharges from regulated small municipal separate storm sewer systems (MS4s) to waters of the state of Alabama. Entities may propose to operate under this general permit, if reissued, by notifying ADEM and providing the required documentation. The proposed permit requires entities to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants to the maximum extent practicable using minimum control measures to protect water quality and satisfy the appropriate water quality requirements of the Clean Water Act (CWA). ADEM has tentatively determined that issuance of the NPDES Permit is consistent with water quality program regulations. A [notice](#) was issued 18 NOV 15. Comments are due 18 DEC 15.

WOOD BOILER ASH WASTE (335-13-1-.03, -.26) ADEM has proposed amendments to 335-13-1-.03 to establish monitoring, certification, recordkeeping, and reporting requirements for the management of wood boiler ash waste. Such waste exhibits less than 50 percent of each toxicity characteristic level for metals as a special waste in areas that are not a permitted landfill unit. Notices of Intended Action ([335-13-1-.03](#), [-.26](#)) were published 30 NOV 15. Comments are due 6 JAN 16.



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

Florida has a one-year session. Adjournment dates are estimated and updated based on legislative activity. The regular session adjourned 11 MAR 15 and the special session on 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

CONSUMPTIVE USE PERMIT (CUP) FEES (40C-1.603) The St. Johns River Water Management District (WMD) has adopted amendments 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. Notices of Development of Rulemaking were published [13 APR 15](#) and [19 MAY 15](#). Notices of Hearings were published [21 AUG 15](#) and [26 AUG 15](#). The rules were filed 12 OCT 15 and a [Notice of Rule Filing](#) was published 20 OCT 15. The rules became effective 1 NOV 15.

CUPcon (40C-2.031,.301, .302, .311, .321,.351, .361,.401, .501) The St. Johns River WMD has adopted 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. A Notice of Change for 40C-2.041, .042, .051, .101, .331, .381, and .900 was published 10 SEP 15. The rules were filed 14 OCT 15 and a [Notice of Rule Filing](#) was published 20 OCT 15. The rules became effective 3 NOV 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 Environmental Resource Permit (ERP) are authorized by a single joint coastal permit. FLDEP has:

- Amended Chapter 62B-49;
- Added new rules to implement the Laws of Florida 2012-65;
- Clarified language to reduce confusion in the permitting process and reduce requests for additional information;
- Added conditions and amended portions to expedite the permitting process; and
- Amended 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 a hearing was held 23 JUL 15. A [Notice of Change](#) was published 21 SEP 15. The rule was filed 30 OCT 15, a Notice of Rule Filing was published 3 NOV 15, and the rules became effective 19 NOV 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 and a [Notice of Proposed Rules](#) was published 30 JUL 15. Comments were due 20 AUG 15, Notices of [Change](#) and [Correction](#) were published 7 OCT 15. The rule was filed 2 NOV 15, a [Notice of Rule Filing](#) was published 10 NOV 15, and the rules became effective 22 NOV 15.

PROPOSED RULES

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) The Florida Department of Environmental Protection (FLDEP) has proposed revisions to the AST Systems rules in Chapter 62-762 for clarity and to remove language that is no longer applicable. A [Notice of Rulemaking Development](#) was published 19 NOV 13. A hearing was held 16 SEP 15.

ENVIRONMENTAL RESOURCE PERMITS (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, and a [Notice of Proposed Rules](#) was published 24 NOV 15. Comments are due 15 DEC 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, Florida Statutes, 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. A [Notice of Proposed Rules](#) was published 24 NOV 15. Comments are due 15 DEC 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.

TRIENNIAL REVIEW OF SURFACE WATER QUALITY STANDARDS (62-302, 303; 62-4.050, .242, .244) As required by the Clean Water Act (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 were held 10-11 JUN 15. Notices of Proposed Rules ([62-302](#), [303](#); [62-4.050](#), [.242](#), [.244](#)) were published 4 NOV 15 and comments were due 25 NOV 15. A hearing was scheduled to be held 9 DEC 15.

RISK-BASED CORRECTIVE ACTION (62-777.100, .150, .170) 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. An advisory was issued 6 JUL 15 and a [meeting](#) was held 22 JUL 15. A [Notice of Rulemaking Development](#) was published 7 OCT 15 and a meeting was held 3 NOV 15.

RCBA (62-780) FLDEP has proposed rulemaking concerning Chapter 62-780, F.A.C., to modernize 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 7 OCT 15.

MARINE TURTLE PERMITS (68E-1.002, 68E-1.004, 68E-1.0041, 68E-1.005, 68E-1.0061) The Florida Fish and Wildlife Conservation Commission has proposed amendments to Chapter 68E-1, F.A.C., Marine Turtle Permits and the Marine Turtle Conservation Guidelines. Proposed amendments will clarify and update existing rule language to reflect current procedures for review and approval of applications, add definitions for terms in the existing rule, and clarify criteria and timelines for review and approval of applications. Language is also proposed to address stakeholder concerns on review and approval of requests for research involving threatened or endangered marine turtles. A Notice of Rulemaking Development was published on 18 AUG 15. Workshops were held 9, 10, and 15 SEP 15.

DOMESTIC WASTEWATER FACILITIES (62-0-600, -601) FLDEP has proposed rulemaking to amend Chapter 62-600, F.A.C., to update, clarify, and eliminate redundancy in requirements applicable to domestic wastewater facilities. The proposed rules simplify and clarify requirements, and correct rule references. Rules are also proposed for repeal where requirements are obsolete, duplicative, or superseded by other rules or statutory requirements. As part of this rulemaking, some requirements from Chapter 62-601, F.A.C., Domestic Wastewater Treatment Plant Monitoring, are incorporated into Chapter 62-600, F.A.C. Chapter 62-601, F.A.C., is proposed for simultaneous repeal with adoption of proposed amendments to Chapter 62-600, F.A.C. A [Notice of Rulemaking](#) was published 27 MAR 14 and a [Notice of Proposed Rules](#) was published 14 SEP 15.

UNDERGROUND INJECTION WELLS (40C-3.035) The St. Johns River WMD has proposed amendments to 40C-3.035, F.A.C., to incorporate an amended interagency agreement between St. Johns River WMD and FLDEP concerning applications for projects involving construction and operation of underground injection of water facilities into Rule 40C-3.035, F.A.C. The agreement, which is necessary to avoid duplication of effort and permitting requirements, updates an existing interagency agreement between the two agencies, currently incorporated into Rule 40C-5.011, F.A.C. Chapter 40C-5, F.A.C. is proposed for repeal as a result of the July 2015 rule review, as those rules were determined obsolete,

unnecessary, or redundant. A [Notice of Development of Rulemaking](#) was published 24 JUL 15, and a [Notice of Proposed Rules](#) was published 12 NOV 15. Comments were due 3 DEC 15.

ISSUANCE OF PERMITS (40C-44.301) The St. Johns River WMD has proposed amendments to 40C-44.301, F.A.C., for consistency with Section 373.4131, F.S., which requires FLDEP, in coordination with the five WMDs, to develop statewide ERP rules. This rulemaking updates subsection 40C-44.301(3), F.A.C., which currently references Rule 40C-44.900, F.A.C., as Rule 40C-44.900, F.A.C. is repealed because it is redundant with subsection 40C-44.101(2), F.A.C. A [Notice of Proposed Rulemaking](#) was published 12 NOV 15.

CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL AND RECYCLING (62-701.210, .730, .900) FLDEP has proposed rulemaking to amend Chapter 62-701, F.A.C., which contains regulations for a wide variety of solid waste facilities including landfills, construction and demolition (C&D) debris disposal facilities, and waste processing and recycling facilities. Proposed amendments address a requirement in paragraph 403.707(9)(g), F.S., to process C&D debris prior to disposal to the extent economically feasible. Changes are proposed to implement a request by the Joint Administrative Procedures Committee to incorporate certain secondary references. FLDEP is also proposing a new form for facilities to use in certifying efforts to process C&D debris prior to disposal if economically feasible. Notices of Development of Rulemaking were [published 30 OCT 15](#) and [14 NOV 15](#), and a [Notice of Proposed Rules](#) was published 17 NOV 15. A workshop was scheduled for 5 DEC 15. Comments are due 8 DEC 15 and a hearing will be held 9 DEC 15.

WATER SUPPLY PLANNING (40C-42.091) The St. Johns River WMD has proposed to repeal 40C-42.091, which incorporates by reference Part V, "Best Management Practices," of a document titled, "Environmental Resource Permit Applicant's Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District" (Volume II). This handbook volume accompanies Applicant's Handbook – Volume I, General and Environmental, and will continue to be used in conjunction with Volume I to implement Florida's ERP program within the boundaries of the St. John's River WMD. Generally, Part V of Volume II contains design and performance standards for different types of stormwater management practices including retention, underdrain, exfiltration, wet detention, swale, dry detention, and wetlands stormwater management. The rule is proposed for repeal since the St. John's River WMD is proposing to amend rule 40C-4.091, F.A.C. to incorporate this part of the handbook with revisions described in the Notice of Proposed Rule for 40C-4.091, F.A.C. A [Notice of Proposed Rules](#) was published 24 NOV 15. Comments are due 15 DEC 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

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)) The Georgia Environmental Protection Department (GAEPD) has adopted amendments to the Georgia Rules for Solid Waste Management, Chapter 391-3-4, pertaining to scrap and used tire management. 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 held 12 MAY 15, comments were due 13 MAY 15, and a meeting was held 24 JUN 15. The rules became effective 28 OCT 15.

PROPOSED RULES

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 CWA, Sections 305(b) and 303(d). Requirements for submission and acceptance of water quality data for use in listing waters are detailed in a 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 and comments were due 1 JUL 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 were due 15 JUL 15.

SAFE DRINKING WATER (391-3-5) GAEPD has proposed rulemaking to amend provisions of eight rules under Chapter 391-3-5, and add rule 391-3-5-.55, Revised Total Coliform Rule, to incorporate requirements of EPA's 2013 Revised Total Coliform Rule and maintain state primacy over public drinking water systems. The federal Safe Drinking Water Act requires states to adopt new or revised federal regulations to maintain primacy over public drinking water systems. GAEPD proposes amendments to Chapter 391-3-5 to incorporate various provisions included in the Revised Total Coliform Rule that correlate to specific language in eight rules in this chapter. New rule 391-3-5-.55 is proposed to incorporate language of the Revised Total Coliform Rule, 40 CFR Part 141, Subpart Y. Corrections to formatting and typographical errors are also proposed, including updates in paragraph numbering in Rules 391-3-5-.06, -.27 and -.52. The [proposed rules](#) were filed 23 SEP 15, comments were due 23 OCT 15, and a meeting was held 1 DEC 15.



2015 LEGISLATIVE SESSION: 6 JAN 15 THROUGH 24 MAR 15

Kentucky has a one-year session. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned 24 MAR 15. REEO-S will resume incorporating legislative measures into the *Southern Review* once the Kentucky Assembly reconvenes in 2016.

PROPOSED RULES

ANTIDEGREDATION POLICY (401 KAR 10:030) The Division of Water (DOW) has proposed amendments to 401 KAR 10:030, Antidegradation Policy Implementation Methodology. This administrative regulation implements the antidegradation policy of 401 KAR 10:029 by establishing procedures to control water pollution, providing categorization criteria, listing many surface waters assigned to specific categories, and providing for recategorization of water. The amendments:

- Correct statutory references and bring language into compliance with current regulatory grammatical requirements;
- Correct stream segment identifications; and
- Add 12 additional streams or stream segments (approximately 41 miles) to the Exceptional Waters category as a result of routine watershed monitoring and investigations of potential waters affected by permitted activities since the 2012 regulatory revisions.

This amendment aligns the listed waters with federal management plans for waters located in national forests. The [proposed amendment](#) was filed 10 AUG 15. A hearing was held 24 SEP 15 and comments were due 30 SEP 15.

DESIGNATION OF USES OF SURFACE WATERS (401 KAR 10:026) The DOW has proposed amendments to 401 KAR 10:026, Designation of Uses of Surface Waters. This administrative regulation lists the types of designated uses for surface waters of the commonwealth, provides and describes the process for redesignation of surface waters, and lists designated uses for specific surface waters of the commonwealth that have been assigned. The amendments:

- Correct statutory references;
- Bring language into compliance with current regulatory grammatical requirements;
- Adjust names and locations of surface water intakes for domestic water supply to align the listed segments with the National Hydrological Data set and remove segments/systems that have been regionalized; and
- Add 20 streams or stream segments to the list of Outstanding State Resource Waters pursuant to Section 3(2) of this regulation, and the automatic inclusion clause of 401 KAR 10:031 Section 8(1)(a)3, based on Threatened or Endangered Species being present.

The [proposed new amendment](#) was filed 10 AUG 15 and published 1 SEP 15. Comments were due 30 SEP 15.

SURFACE WATER (401 KAR 10:031) The DOW has proposed amendments to 401 KAR 10:031, Surface Water Standards. This administrative regulation establishes water quality standards for surface waters of the commonwealth and the associated water quality criteria necessary to protect designated uses. The amendments:

- Correct statutory references and bring language into compliance with current regulatory grammatical requirements;
- Update water quality criteria for selenium and pentachlorophenol; and
- Sunset a fecal coliform standard for primary contact recreation beginning 1 NOV 19 (when the last permits with this requirement will expire) in favor of E. coli measurements, which are better indicators of water quality.

Specifically, the previous acute selenium criterion was not approved and is being removed, and the associated footnote is corrected to indicate that fish tissue data shall take priority over water column data when fish tissue is available. EPA does not have an acute selenium criterion. Pentachlorophenol criteria correct an earlier, inadvertent error. The [proposed](#)

[amendment](#) was filed 10 AUG 15. A hearing was held 24 SEP 15 and comments were due 30 SEP 15. The [amendment after comment](#) was filed 12 NOV 15.

GENERAL PROVISIONS FOR WATER QUALITY REGULATIONS (401 KAR 10:029) The DOW has proposed amendments to 401 KAR 10:029, General Provisions. This administrative regulation establishes general operating provisions for water quality regulations, and provides for withdrawal of contaminated water, sample collection and methodology, and mixing zones. It is used in conjunction with 401 KAR 10:030 to implement antidegradation requirements, and addresses water quality protection issues not covered in 10:026, 10:030, or 10:031 to form a complete protection program. The amendments correct statutory references, eliminate an outdated executive order reference, and bring language into compliance with current regulatory grammatical requirements. The [proposed amendments](#) were published 1 SEPT 15, a hearing was held 24 SEP 15, and comments were due 30 SEP 15.

GASOLINE DISPENSING FACILITIES (401 KAR 59:174) The Kentucky Department for Environmental Protection (KDEP) has proposed amendments to 401 KAR 59:174, which provides for the control of emissions from gasoline dispensing facilities. It requires use of Stage II vapor recovery technology to capture gasoline vapor emitted during refueling of motor vehicles in nonattainment areas of Boone, Campbell, and Kenton counties. The original effective date of the regulation was 12 JAN 98. This amendment:

- Removes the requirement that Stage II vapor recovery technology be installed in new gasoline dispensing facilities beginning 1 JAN 16;
- Authorizes existing gasoline dispensing facilities to begin decommissioning Stage II controls on 1 JAN 16;
- Requires applicable gasoline dispensing facilities to complete decommissioning of Stage II controls by 31 DEC 18; and
- Sets forth notice and procedural requirements for the decommissioning process.

The [proposed amendments](#) were filed 15 SEP 15 and published 1 OCT 15. A hearing was held 22 OCT 15, [AARS](#) agenda published 1 NOV 15, and comments were due 2 NOV 15. Another hearing was held 22 NOV 15.

UNDERGROUND STORAGE TANK DELIVERY PROHIBITION (401 KAR 42:045) KDEP's Division of Waste Management has proposed amendment to 401 KAR 42:045 to prohibit delivery, deposit, or acceptance of regulated substances to the underground storage tank (UST) system of an owner or operator who has failed to register, amend registration, or pay annual tank fees required by KRS 224.60-150, 224.60-105, and administrative regulations promulgated in 401 KAR 42:020 and 42:200. The [proposed amendment](#) was filed 15 OCT 15, a hearing will be held 24 NOV 15, and comments were due 30 NOV 15.

NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) REDESIGNATION ([Notice](#)) KDEP has announced a public hearing to receive comments on a 2010 SO₂ National Ambient Air Quality Standard redesignation request for Campbell County, Kentucky. The hearing will be held and comments are due 6 JAN 16.



2015 LEGISLATIVE SESSION: 6 JAN 15 THROUGH 2 APR 15

Mississippi has a one-year session. Adjournment dates are estimated and updated based on legislative activity. The current session adjourned 2 APR 15. REEO-S will resume incorporating legislative measures into the *Southern Review* once the Mississippi Assembly reconvenes in 2016.

PROPOSED RULES

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.

WATER QUALITY CRITERIA (TITLE 11, PART 6, CHAPTER 2) The Mississippi Department of Environmental Quality (MSDEQ) has proposed amendments to Title 11, Part 6, Chapter 2, which update water quality criteria based on review of the state's surface water quality standards to ensure consistency with federal requirements. This amended regulation replaces the previous version in its entirety. The [proposed rules](#) were [filed](#) 15 OCT 15 and a hearing was held 5 NOV 15. Comments were due 9 NOV 15.

SIP REVISION MSDEQ is considering adopting a SIP revision for the purposes of a redesignation request and maintenance plan for the portion of DeSoto County, Miss., designated as nonattainment for the 2008 NAAQS for ground-level ozone. MSDEQ plans to request that EPA re-designate the portion of DeSoto County as attainment for the 2008 ozone NAAQS pursuant to Section 107(d)(3) of the 1990 CAA Amendments. A [notice](#) was issued 6 OCT 15 and comments were due 5 NOV 15.

DRINKING WATER (TITLE 15, PART 20, SUBPART 72, CHAPTER 1) The Department of Health has proposed modifications to the Mississippi primary drinking water regulation in response to recent changes of the Safe Drinking Water Act (SDWA), which must be incorporated into the Mississippi SDWA.



2015 LEGISLATIVE SESSION: 14 JAN 15 THROUGH 14 AUG 15

North Carolina 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 4 AUG 15.

LEGISLATION

[HB 97](#) The 2015 Appropriations Act makes base budget appropriations for current operations of state departments, institutions, and agencies, and for other purposes. Last action: HB 97 was signed by the governor 18 SEP 15.

REEO-S Note: The enacted measure includes some provisions respecting wetlands regulation, to include requiring the North Carolina Department of Natural Resources (NCDENR) to petition USACE to allow for greater flexibility in performing wetlands mitigation. This measure would also waive cost share requirements for dredging projects. Makes various other updates to environmental requirements to include renaming NCDENR to the Department of Environmental Quality and consolidates the Departments of Cultural Resources and Natural Resources into one agency. The measure also establishes a new cabinet level agency named "Department of Military and Veterans Affairs." The overall purpose of this agency would be to work with the Armed Forces on issues of mutual concern. The measure lists 23 distinct powers and

duties of the department. REC outreach in North Carolina may entail significant involvement with the entity in the future.

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: HB 186 was signed by the governor 5 AUG 15.

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

HB 245 This measure provides that a person who constructs or operates an electric generating facility on a customer's property for the primary purpose of producing electricity, heat, or steam for sale to or for the use by the customer is not a public utility, and is not subject to regulation by the utilities commission so long as the facility is sized to supply no more than 125% of the average annual energy consumption of the customer at that site. Last action: HB 245 was re-referred to House committee 12 AUG 15.

REEO-S Note: Would authorize military, and others, to pursue renewable energy development with third-party developers. Currently, state law appears to prohibit such arrangements through established territorial electric service areas that limit retail sales to an incumbent utility.

HB 765 This act 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: signed by governor 22 OCT 15. HB 765 is approved and effective.

FINAL RULES

PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS (15A NCAC 02B .0295) The North Carolina Department of Natural Resources (NCDENR) has adopted rulemaking to adopt 15A NCAC 02B .0295. Rule adoption is authorized by Section 2 of S.L. 2014-95, which states that the Environmental Management Commission shall adopt a "Mitigation Program Requirements for the Protection and Maintenance of Riparian Buffers" rule, 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. The RRC [agenda](#) was published 3 AUG 15 and a meeting was held 20 AUG 15. The RRC [minutes](#) were published 15 SEP 15. The rules became effective 1 NOV 15 and the [approved rules](#) were published 1 DEC 15.

PROPOSED RULES

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 RRC published an [agenda](#) 1 JUN 15, a meeting was held 16 JUN 15, and RRC [minutes](#) were published 15 JUL 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 [RRC 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 was held 21 JUL 15 and comments were due 14 AUG 15.

DRAFT NPDES GENERAL PERMIT The Division of Water Resources intends to renew NPDES General Permit NCG500000 - Non contact cooling water, cooling tower and boiler blowdown, condensate, exempt stormwater, cooling waters associated with hydroelectric operations, and similar wastewaters. A [notice](#) was issued 15 JUL 15. Comments were due 14 AUG 15.

RISK-BASED REMEDIATION (15A NCAC 02L .0501 - .0515) NCDENR has proposed rulemaking to adopt rules cited as 15A NCAC 02L .0501 through .0515. The Environmental Management Commission received a petition for rulemaking and the Division of Waste Management, which accepted comments from stakeholders who maintain it is inconsistent to require risk-based remediation for only petroleum contamination from petroleum USTs. This change can be protective of human health and the environment and will reduce costs to some stakeholders. The [proposed rules](#) were published 3 AUG 15 and a hearing was held 26 AUG 15. Comments were due 2 OCT 15 and the RRC [agenda](#) was published 1 DEC 15.

COASTAL ZONE MANAGEMENT (15A NCAC 07B .0801, .0804, .0601, .0701, .0702, .0802, .0803; 15A NCAC 07L .0102, .0502-.0504, .0505-.0514, .0601-.0603, .0701-.0705) NCDENR has proposed rulemaking to adopt rules cited as 15A NCAC 07B .0801, .0804, amend the rules cited as 15A NCAC 07L .0102, .0502-.0504; repeal rules cited as 15A NCAC 07L .0505-.0514, .0601-.0603, .0701-.0705; and readopt with substantive changes the rules cited as 15A NCAC 07B .0601, .0701, .0702, .0802, .0803. The Coastal Resources Commission (CRC) is proposing amendments to the Coast Area Management Act (CAMA) Land Use Planning Program, and the Planning and Management Grant Program. Amendments:

- Increase flexibility for plan content and format;
- Clarify that updates and amendments are voluntary;
- Add a new process option for CAMA Major Permit Review;
- Streamline plan approval, amendment, and update processes; and
- Integrate planning efforts.

The CRC is proposing new language for 7B .0801. Existing language and amendments to 15A NCAC 07B .0801 and 15A NCAC 07B .0802 have been renumbered to 7B .0802 and 7B .0803 respectively. Pursuant to G.S. 150B-21.3A, 15A NCAC 07B .0602 and 15A NCAC 07B .0901 expired effective 1 SEP 15. The proposed rules were published 15 SEP 15. A hearing will be held 14 OCT 15 and comments were due 16 NOV 15.

STREAMLINING OF PERMIT EXEMPTION RULES (15A NCAC 02Q .0318, .0102, .0903, .0302) NCDENR has proposed rulemaking to:

- Amend Rule 15A NCAC 02Q .0102, Activities Exempted from Permit Requirements, to simplify, clarify, and add exemptions. Facilities with actual emissions less than five tons per year (TPY) of each specified pollutant and total aggregate actual emissions of 10 TPY would be exempt from permitting. Facilities that are not exempt and have total aggregate actual emissions less than 25 TPY would be eligible for registration instead of obtaining a permit.
- Repeal Rule 15A NCAC 02Q .0302, Facilities Not Likely to Contravene Demonstration, because is it duplicative of the requirements contained in revised Rule 15A NCAC 02Q .0102.

- Adopt Rule 15A NCAC 02Q .0318, Changes Not Requiring Permit Revisions, to allow facilities to make minor changes without first modifying the permits.
- Amend Rule 15A NCAC 02Q .0903, Emergency Generators And Stationary Reciprocating Internal Combustion Engines, to add an exemption from permitting for stationary reciprocating internal combustion engines if the engine is the only source of emissions at the facility.

The [proposed rules](#) were published 1 OCT 15 and a hearing was held 4 NOV 15. Comments were due 30 NOV 15.

ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD RULES (21 NCAC 39 .0101, .0301, .0401, .0601, .0602, .0701, .0801, .1002, .1004, .1006) The On-Site Wastewater Contractors and Inspectors Certification Board has proposed amendments to the following rules:

- 21 NCAC 39 .0101, to define the meaning of "building being constructed" as referenced in NCGS 90-72(b)(3);
- 21 NCAC 39 .0301, to clarify certification fees for a Combination Contractor Grade Level and Inspector certification;
- 21 NCAC 39 .0401, to clarify exam content and passing requirements for certification levels;
- 21 NCAC 39 .0601, to clarify the name of the Combination Inspector and Contractor Grade Level regarding professional development hours required for this level;
- 21 NCAC 39 .0602, to require inclusion information related to Combination Contractor Grade Level and Inspector requests for continuing education approval;
- 21 NCAC 39 .0701, to provide for suspension or revocation of a combination Contractor Grade Level and Inspector certification;
- 21 NCAC 39 .0801, to set additional ethical requirements for contractors and inspectors;
- 21 NCAC 39 .1002, to set practice requirements related to inspector forms and other requirements for inspectors;
- 21 NCAC 39 .1004, to clarify general inspection exclusions for contractors and inspectors; and
- 21 NCAC 39 .1006, to clarify components of a minimum wastewater system inspection.

The [proposed rules](#) were published 15 JUL 15, a hearing was held 30 JUL 15, comments were due 14 SEP 15, and the Rules Review Commission published an [agenda](#) 2 NOV 15. A meeting was held 19 NOV 15.

GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS AND STATIC VEGETATION LINE EXCEPTION PROCEDURES (15A NCAC 07H .0305, .0306; 15A NCAC 07J .1201, .1301, .1302, .1303) The CRC has proposed rulemaking regarding 15A NCAC 07H .0305, .0306; and 15A NCAC 07J .1201, and .1301 through .1303. The CRC requires that oceanfront development be set back from a defined reference line, generally the ocean-ward edge of natural vegetation, or a surveyed line for communities that have completed large beach nourishment projects. The CRC is proposing amendments to create another reference line called a Development Line that would allow a local government to delineate the most ocean-ward location for new development. Development Line procedures will be contained in Title 15A NCAC 07J .1300. This action also requires an amendment to 15A NCAC 07H .0305, General Description of Landforms, which defines various coastal features and reference lines, and 15A NCAC 07H .0306 to establish use standards for the Development Line. In addition to establishing the Development Line procedures and use standards, the CRC is also amending their existing rules governing Static Line Exception procedures contained in 15A NCAC 07J .1201 and 15A NCAC 07H .0306. The intent of these amendments is to provide local governments with additional flexibility in managing oceanfront development. Should a local government choose to adopt a Development Line for CRC approval, the costs to do so are anticipated to be minor. The economic benefits of adopting a Development Line for private property owners can range from moderate to significant depending on where a local government chooses to site the Development Line, but are not accurately quantifiable. The [proposed rules](#) were published 2 NOV 15, a hearing was 18 NOV 15, and comments are due 2 JAN 16.

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

INCORPORATION OF FEDERAL AIR AMENDMENTS (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 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 has amended:

- 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 made 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. The [proposed regulations](#) were published 28 AUG 15. The [final rules](#) were published and became effective 27 NOV 15.

PROPOSED RULES

POLLUTION CONTROL REGULATIONS AND STANDARDS, SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN (61-62) SCDHEC has proposed the following 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. A [Drafting Notice](#) was published 27 MAR 15, comments were due 27 APR 15, the [proposed rules](#) were published 25 SEP 15, comments were due 26 OCT 15. A hearing will be held 10 DEC 15.

UNDERGROUND STORAGE TANKS (R.61-92) SCDHEC has proposed amendments to R.61-92, Underground Storage Tank (UST) Control Regulations. Amendments 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.

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 and the [proposed regulations](#) were published 27 NOV 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 and comments were due 22 JUN 15. The [proposed regulations](#) were published 28 AUG 15, an advisory was issued 25 SEP 15, and comments were due 28 SEP 15. A hearing was held 4 NOV 15.

ONSITE WASTEWATER SYSTEMS (R.61-56) SCDHEC has proposed rulemaking to amend R.61-56, Onsite Wastewater Systems. The rule governs methods of disposition of sewage and prescribes uniform use of design, construction, and installation standards of onsite wastewater systems (septic tank systems). Proposed amendments update and align R.61-56 with current statutes and changes in technologies of design, construction, and installation of onsite wastewater systems since the last 1998 revision. Amendments include updates in nomenclature and technology, and add and clarify definitions, site requirements, and system requirements. To improve the overall quality and usefulness of the regulation, stylistic changes were made. A [Drafting Notice](#) was published 26 JUN 15, comments were due 27 JUL, and the [proposed regulations](#) were published 25 SEP 15. Comments are due 26 OCT 15 and a hearing will be held 10 DEC 15.

ONSITE WASTEWATER SYSTEMS (R.61-57) SCDHEC has proposed the repeal of regulation R.61-57. 1976 S.C. Code Section 44-55-822, which governs the approval process for onsite wastewater systems in subdivisions. SCDHEC also proposed to repeal Regulation 61-56, Onsite Wastewater Systems, which addresses major requirements for subdivision onsite wastewater sewage treatment/disposal systems. A [Drafting Notice](#) was published 26 JUN 15, comments were due 27 JUL, and the [proposed regulations](#) were published 25 SEP 15, comments were due 26 OCT 15. A hearing will be held 10 DEC 15.

AIR PERMIT MODELING EXEMPTION AND DEFERRAL GUIDELINES SCDHEC has revised criteria used to determine when a facility may exempt or defer emissions from the air compliance demonstration, as required under Regulation 61-62.1, Definitions and General Requirements, Section II(A)(2), when a permit is requested for a source of air emissions. These criteria will be used to identify which emissions covered under Regulation 61-62.5, Standards No. 2 and No. 7 may be exempt or deferred from the compliance demonstration that is submitted with the permit request. This guidance will be maintained by SCDHEC, and will be [posted on the SCDHEC website](#). A [notice](#) was issued 23 OCT 15.

AIR QUALITY, SIP SCDHEC has issued a [Notice of General Public Interest](#) to provide the opportunity to comment on SCDHEC's response to meet EPA obligations for the NAAQS for particulate matter. SCDHEC proposes to address requirements under sections 110(a)(1) and (2) of the Clean Air Act (CAA) for a SIP in an update known as infrastructure SIP certification. These requirements were developed to assure attainment and maintenance of the NAAQS. Comments were due 23 NOV 15.

UPDATED EXEMPTION LIST SCDHEC has determined that no construction permits shall be required for the sources listed in [the notice](#) unless otherwise specified by state or federal requirements. The exemption status may change upon the promulgation of new regulatory requirements applicable to these sources.

AIR GUIDANCE (NOTICE) SCDHEC issued a [notice](#) of general public interest. South Carolina Regulation 61-62.1, Permit Requirements, Section (II)(C)(3)(n) and Section (II)(H)(4)(i), requires facilities requesting a construction permit or operating permit renewal to submit an "air dispersion modeling analysis or other information demonstrating that emissions from the facility, including those in the application, will not interfere with the attainment or maintenance of any ambient air quality standard." SCDHEC has revised the guidance document, outlining the types of information that may be used as other information by facilities to satisfy requirements for obtaining a permit.

HAZARDOUS WASTE (61-79) SCDHEC has proposed amendments to R.61-79 to adopt final rules published by EPA. SCDHEC's adoption of these rules is not required by federal law. The final rules are summarized below:

- "Conditional Exclusion for Carbon Dioxide (CO₂) Streams in Geologic Sequestration Activities," published 3 JAN 14 (79 FR 350) - The rule revises the definition of solid waste to conditionally exclude hazardous CO₂ streams from the definition of hazardous waste, provided these CO₂ streams are captured from emission sources, injected into underground injection control Class VI wells for geologic sequestration, and meet certain other conditions. This rule is considered less stringent than current federal requirements.

- “Revisions to the Definition of Solid Waste,” published 13 JAN 15 (80 FR 1694) - The rule revises recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act. Revisions ensure that hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does not increase risk to human health and the environment. Sections of the rule that cover definition of solid waste exclusions and non-waste determinations, including provisions from the 2008 Definition of Solid Waste Rule and revisions from the 2015 Definition of Solid Waste final rule and a remanufacturing exclusion, are considered less stringent than current federal requirements.
- “Hazardous Waste Electronic Manifest System; Final Rule,” published 7 FEB 14 (79 FR 7518) - The rule establishes new requirements that authorize use of electronic manifests to track off-site shipments of hazardous waste from a generator’s site to the site of receipt and disposition. The final rule implements certain provisions of the Hazardous Waste Electronic Manifest Establishment Act, Pub. L. 112-195. This rule announces, consistent with the mandate of the Hazardous Waste Electronic Manifest Establishment Act (section 2(g)(2)), that the final electronic manifest requirements promulgated will be implemented in all states on the same effective date for the national e-Manifest system. Rule adoption is required to comply with federal law and will bring R. 61-79 into conformity with federal regulation.
- “Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule,” published 26 JUN 14 (79 FR 36220) - The rule revises certain export provisions of the CRT final rule published 28 JUL 06 (71 FR 42928). Revisions will allow SCDHEC to better track CRT export for reuse and recycling to ensure safe management. Rule adoption is required to comply with federal law, and will bring R. 61-79 into conformity with federal regulation.
- “Revisions to the Definition of Solid Waste,” published 13 JAN 15 (80 FR 1694) - The rule revises recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). Revisions ensure that hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does increase risk to human health and the environment from discarded hazardous secondary material. Adopting rule sections that cover changes affecting all non-waste determinations and variances; legitimacy-related provisions, including prohibition of sham recycling, definition of legitimacy, definition of contained and speculative accumulation, are required to comply with federal law and will bring R. 61-79 into conformity with federal regulation.
- “Vacatur of the Comparable Fuels Rule and the Gasification Rule,” published on 8 APR 2105 (80 FR 18777) - EPA is revising regulations associated with the comparable fuels exclusion and the gasification exclusion, originally issued under RCRA. Revisions implement vacatur orders by the D.C. Circuit Court 27 JUN 14. For states previously authorized for the comparable fuels and gasification rules, the previously authorized comparable fuels and gasification exclusion will no longer be in effect. Adoption of this rule is required to comply with federal law and will bring R. 61-79 into conformity with federal regulation.

SCDHEC may make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining/codification, and such other changes to improve the overall quality of the regulation. A [Drafting Notice](#) was filed 27 NOV 15 and comments are due 29 DEC 15.

USED OIL (R.61-107.279) SCDHEC has proposed rulemaking to amend 61-107.279. Solid Waste Management: Used Oil to better protect the health of the public and environment. This proposed amendment removes the requirement for used oil fuel marketers to obtain a permit; revises existing language for clarity; and clarifies when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the RCRA used oil standards to conform to federal regulations. The revision clarifies violations and penalties. A [Drafting Notice](#) was published 24 APR 15 and the [proposed regulations](#) were published 27 NOV 15.

2015 LEGISLATIVE SESSION: 13 JAN 15 THROUGH 4 JUN 15

Tennessee 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 Tennessee Legislature reconvenes in 2016.

PROPOSED RULES

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.

HAZARDOUS WASTE REGULATIONS (0400-12-01) TDEC has proposed rulemaking to amend 0400-12-01 to revise the definition of solid waste and related variances by incorporating EPA's 30 OCT 08 revisions as amended by 13 JAN 15 revisions. TDEC proposes to modify the procedure for verifying reclaimers and intermediate facilities managing

hazardous secondary materials to simplify the process. TDEC included other modifications and added several notes to clarify the hazardous waste regulations. On 8 APR 15, in compliance with an order issued by the US Court of Appeals, EPA deleted the regulations associated with the comparable fuels exclusion and the gasification exclusion. This rulemaking makes complying revisions to prevent the rules from being less stringent than federal rules. On 17 APR 15, EPA amended 40 CFR 261.4(b)(b) to include wastes generated primarily from processes that support combustion of coal or other fossil fuels that are co-disposed with excluded fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from combustion of coal or other fossil fuels. A [Notice of Rulemaking Hearing](#) was filed 14 JUL 15. A hearing was held 8 SEP 15 and comments were due 22 SEP 15.

VOLATILE ORGANIC COMPOUNDS (1200-03-18-24) TDEC has proposed to amend Rule 1200-03-18-24, related to Gasoline Dispensing Facilities - Stage I and Stage II Vapor Recovery. Amendment would adopt federal requirements for gasoline dispensing facilities (40 CFR 63 Subpart CCCCCC) by reference, and remove most state-specific language for Stage I vapor recovery. A Notice of Rulemaking was filed 2 JUL 15. A hearing was held and comments were due 31 AUG 15.

CONSTRUCTION AND ANNUAL EMISSION FEES (1200-03-26-.02) TDEC has proposed amendments to 1200-03-26-.02, Construction and Annual Emission Fees. Section 502(b)(3)(A) of the Clean Air Act requires Tennessee, as a state approved by EPA, to administer a Title V major source operating permit program to collect "an annual fee, or the equivalent over some other period, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this title." The proposed rulemaking amends Tenn. Comp. R. & Regs. 1200-03-26-.02, to impose on major sources a minimum annual fee, instead of a base fee, of \$7,500. The rule is amended to increase the per ton fee for non-EGU major sources by \$4.00 and decrease the per ton fee for electricity generating unit (EGU) major sources by \$6.50, based upon either actual emissions, permitted allowable emissions, or a combination of actual and allowable emissions. The rule is also amended to authorize major sources to choose either a calendar or state fiscal year annual accounting period, and to choose the annual accounting period and emissions basis of the fee annually. Constituents of pollutant GHGs that would be regulated pollutants solely based on that status are exempted from annual emission fees. The language addressing the process to request an allowable emissions limit is updated to require a letter to be submitted by minor and conditional major sources to request an allowable emissions limit. A [Notice of Rulemaking Hearing](#) was filed 10 SEP 15. A hearing will be held and comments were due 2 NOV 15.

DRAFT AMBIENT AIR MONITORING PLAN FOR 2015 TDEC has announced a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider revisions to the Tennessee Division of Air Pollution Control's Ambient Air Monitoring Plan. An annual evaluation of this plan is required by federal regulations. The notice was issued 27 NOV 15. A hearing will be held and comments are due 29 DEC 15.

Department of Defense Activity

DEFENSE MATERIEL DISPOSITION DOD issued a final rule that prescribes uniform procedures for the disposition of DOD personal property ([80 FR 68157](#)). The rule defines responsibilities for personnel and agencies involved with the Defense Materiel Disposition Program and provides procedures for disposal of excess property and scrap, property donations, loans, and exchanges. The final rule was effective 3 DEC 15.

DFARS: CONTRACT TERM LIMIT FOR SHARED ENERGY SAVINGS CONTRACT SERVICES DOD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the contract term for shared energy savings contract services ([80 FR 72675](#)). The proposed rule would revise [DFARS 241.103](#) by adding paragraph (2) to state that contracting officers may enter into a shared energy savings contract under 10 U.S.C. 2913 for a period not to exceed

25 years. Twenty-five years allows a greater volume and variety of energy conservation measures, and is consistent with non-DOD agency practice for similar contracts. Comments are due 19 JAN 16.

DFARS SUPPLEMENT: PHOTOVOLTAIC DEVICES FROM THE U.S. DOD issued a final rule amending the DFARS to implement a section of the National Defense Authorization Act for Fiscal Year 2015 revising restrictions related to domestic photovoltaic devices ([80 FR 72599](#)). The act requires that only photovoltaic devices manufactured domestically or in "designated countries" be procured for installation on DOD lands or buildings, or that will be reserved for exclusive use of the DOD for the full economic life of the device. The final rule, issued 20 NOV 15 adopts the [26 MAY 15 proposed rule](#) with no significant changes. For more information, click [here](#).

CALL FOR 2016 SECRETARY OF DEFENSE ENVIRONMENTAL AWARDS Nominations for the Secretary of Defense Environmental Awards to be recognized in 2016 are due 1 MAR 16, using [guidance](#) issued by the Office of the Deputy Under Secretary of Defense (Energy, Installations & Environment). Each military service and defense agency may submit one nomination for each of the six installation and three individual/team award categories listed in page three of the guidance for accomplishments during the period 1 OCT 13 through 30 SEP 15. For more information, click [here](#).

MILITARY AIRPORT PROGRAM Former military airfields and joint-use airports can apply to the Federal Aviation Administration's (FAA's) [Military Airport Program](#), a source of funding for capital improvements. The program allows participating airports to receive grants from the [Airport Improvement Program](#) (AIP). Participants may be able to receive grant funds from a set-aside for airport development, including certain projects not otherwise eligible for AIP assistance, such as fuel farms, utilities, automobile parking, hangars, and air cargo terminals. Recently realigned, closed military, and active military airports with new joint-use agreements will receive priority consideration. Applications are due 19 JAN 16.

Federal Activity

AIR

DRAFT INTEGRATED REVIEW PLAN FOR SECONDARY SOX AND NOX NAAQS EPA released a draft document titled [Draft Integrated Review Plan for the Secondary National Ambient Air Quality Standard for Oxides of Nitrogen and Oxides of Sulfur](#) for public comment ([80 FR 69220](#)). Comments are due 30 DEC 15. For more information, click [here](#).

DRAFT INTEGRATED SCIENCE ASSESSMENT FOR SULFUR OXIDES HEALTH CRITERIA EPA released the draft document titled [Review Draft Integrated Science Assessment for Sulfur Oxides-Health Criteria](#) for public comment. The draft document was prepared as part of the review of the primary (health-based) NAAQS for SO₂. Comments are due 25 JAN 16.

STATIONARY COMPRESSION IGNITION ENGINES EPA is proposing amendments to the standards of performance for stationary compression ignition (CI) internal combustion engines ([80 FR 68808](#)). The amendments would allow manufacturers to design the engines so that operators can temporarily override performance inducements related to the emission control system for engines operating during emergency situations, where the operation of the engine or equipment is needed to protect human life. Compliance with Tier 1 emission standards during such emergencies would be required. EPA is also proposing to amend the standards of performance for certain stationary CI internal combustion engines located in remote areas of Alaska. Comments are due 21 DEC 15.

REFRIGERANT MANAGEMENT STANDARDS EPA is proposing to extend management standards and prohibitions associated with air conditioning equipment containing ozone depleting substances to equipment containing non-ozone depleting substitute refrigerants, such as hydrofluorocarbons ([80 FR 69457](#)). The agency is proposing to strengthen leak repair requirements, establish recordkeeping requirements for the disposal of appliances containing five to 50 pounds of

refrigerant, make changes to the technician certification program, and make changes for improved readability, compliance, and restructuring of the requirements. Comments were due 9 DEC 15.

AMBIENT AIR MONITORING: NEW METHODS EPA designated one new reference method for measuring concentrations of carbon monoxide and one new equivalent method for measuring concentrations of ozone in ambient air ([80 FR 72432](#)). In accordance with 40 CFR 53, monitoring methods that are determined to meet specific requirements for adequacy are designated by EPA as either reference or equivalent methods (as applicable), thereby permitting their use under 40 CFR 58 by states and other agencies for determining compliance with NAAQSs. For more information on air monitoring methods, click [here](#).

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR MAJOR SOURCES: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS EPA issued its final decision on a reconsideration of the [31 JAN 13](#) amendments to the NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, commonly referred to as the Boiler MACT ([80 FR 72789](#)). EPA is retaining a minimum carbon monoxide limit of 130 parts per million (ppm) and the PM continuous parameter monitoring system requirements, consistent with the January 2013 final rule. EPA also made minor changes to the proposed definitions of startup, shutdown, and work practices during these periods. The final action addresses technical corrections and clarifications of the rule. The corrections will clarify and improve implementation of the January 2013 final Boiler MACT, but do not affect environmental, energy, or economic impacts associated with the rule. The final decision was effective 20 NOV 15.

SIGNIFICANT NEW USE RULES WITHDRAWN EPA withdrew significant new use rules (SNURs) promulgated under the Toxic Substances Control Act (TSCA) for three chemical substances that were the subject of premanufacture notices (PMN) ([80 FR 72592](#)). The chemicals are isocyanate prepolymer, methylene diisocyanate polymer with diols and triols, and polymer of isophorone diisocyanate and amine-terminated propoxylatedpolyol. The rule withdrawal was effective 1 DEC 15.

CLIMATE CHANGE

REACTIVE POWER REQUIREMENTS FOR WIND POWER GENERATION The Federal Energy Regulatory Commission (FERC) is proposing to eliminate existing exemptions for wind generators from the requirement to provide reactive power ([80 FR 73683](#)). All newly interconnecting generators, synchronous and non-synchronous (and all existing non-synchronous generators making upgrades to their generation facilities that require new interconnection requests), would be required to provide reactive power as a condition of interconnection as of the effective date of the final revision. An interconnecting generator must design its generating facility to maintain a composite power delivery at continuous rated power output at the Point of Interconnection at a power factor of 0.95 leading to 0.95 lagging. FERC states that due to technological advancements, wind generators can now provide reactive power relatively cheaply and the cost of providing reactive power no longer presents an obstacle to the development of wind generation. Comments are due JAN 16.

HFC PHASE-OUT NEGOTIATIONS EPA [posted an announcement](#) indicating that countries that are parties to the Montreal Protocol have committed to work together on a 2016 amendment to the Montreal Protocol that would reduce the production and consumption of hydrofluorocarbons (HFCs) due to their global warming potential. The decision charts a course to ultimately set a timeframe to freeze and ultimately phase down the production and consumption of HFCs.

CLIMATE-RELATED RISKS TO FEDERAL SUPPLY CHAINS The Government Accountability Office (GAO) released a report discussing climate-related risks to critical supply chains of federal agencies ([GAO-16-32](#)). Agencies have developed adaptation plans in response to executive orders and implementing guidance issued by the Council for Environmental Quality (CEQ,) which coordinates federal environmental efforts. GAO found that few federal agencies have identified and implemented actions to manage climate-related risks to their supply chains, in part because they are in the early stages of planning and have not yet fully identified these risks. GAO recommended that CEQ clarify its guidance on

including supply chain risks in adaptation plans and develop a plan for convening an interagency working group on supply chain climate vulnerability. CEQ agreed with GAO's recommendations.

CULTURAL RESOURCES

DISPOSITION OF UNCLAIMED HUMAN REMAINS OR CULTURAL OBJECTS The Department of Interior (DOI) issued a final rule that provides procedures for the disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony excavated or discovered on, and removed from, federal lands after 16 NOV 90 ([80 FR 68465](#)). The rule implements section 3(b) of the [Native American Graves Protection and Repatriation Act](#) (NAGPRA). This rule is limited to federal lands, as NAGPRA provides that ownership or control of any cultural item excavated or discovered on, and removed from, tribal land after 16 NOV 90, is in either a known lineal descendant (for human remains and associated funerary objects) or in the Indian tribe from whose tribal land the cultural items were removed, and does not require the lineal descendant or the Indian tribe to make a claim for the cultural items. The final rule was effective 7 DEC 15.

ENERGY

STANDARD ENERGY EFFICIENCY DATA (SEED) PLATFORM The Department of Energy (DOE) [released](#) software for a Standard Energy Efficiency Data platform (SEED). The software is intended to help public agencies that are implementing building performance reporting regulations and/or tracking the performance of their own buildings. SEED functions like an Excel or Access database program. Each user has their own copy of the software of "SEED instance," in which the user can enter and manage their own information. Users can also create sub-accounts for other users within their organization. SEED users can choose which data they wish to share with whom.

BUILDING REMOTE RENEWABLE MICROGRIDS The Mountain Institute released [a report](#) profiling experiences of ten remote communities transitioning from oil (i.e., diesel powered electric generators) to renewable electrical energy. The report touches on different technology solutions used by the case study locations. For example, one location chose low-load generators able to operate down to 10% of their rated load with minimal penalties to efficiency, which allowed more of the available wind energy to be utilized.

DOE TO ASSIST TRIBES TO DEVELOP ENERGY RESOURCES DOE announced it will sign a Memorandum of Understanding (MOU) with the DOI to assist Indian Tribes throughout the U.S. in developing their energy resources. The MOU will assist Indian Tribes to manage energy resources on approximately 56 million acres of land and natural resources. DOE and DOI will develop and share policies, technical information, strategic plans, and best practices in Indian Country in the lower 48 states and Alaska to enhance the reliability and security of the North American energy infrastructure to better serve and create market opportunities. The MOU is expected to be formalized in early December. For more information, click [here](#).

HAZMAT

BATTERY POWERED ELECTRONIC SMOKING DEVICES The Pipeline and Hazardous Material Safety Administration (PHMSA) issued an interim final rule prohibiting aircraft passengers and crewmembers from carrying battery-powered portable electronic smoking devices (e.g., e-cigarettes, e-cigars, e-pipes, e-hookahs, personal vaporizers, electronic nicotine delivery systems, etc.) in checked baggage, and prohibiting passengers and crewmembers from charging the devices and/or batteries on board the aircraft ([80 FR 66817](#)). Such devices may continue to be carried in carry-on baggage.

PESTICIDE CONTAINER LABELING GUIDANCE EPA [issued guidance](#) for pesticide applicators who choose to label pesticide secondary and service containers. Although pesticide applicators are required to follow the requirements on a pesticide product's labeling and comply with other relevant requirements in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and other statutes, they are not required to label secondary or service containers. In its guidance, EPA recommends the applicator identify the material in the secondary or service container in the event of a spill to ensure

that adequate information regarding the pesticide can be obtained in case of medical or environmental emergency. EPA recommends that such labels include the following information:

- The name, address and telephone number of the applicator/pest control firm, if applicable;
- Product name;
- EPA registration number;
- Name and percentage of active ingredient;
- If the product in the container is diluted, it should be followed by the phrase, "The product in this container is diluted as directed on the pesticide product label;"
- Signal word and precautionary statements from the registered label unless the registrant has acute toxicity data supporting lesser precautionary statements for the diluted product and alternate directions for the diluted product are indicated on the product label; and
- The statement, "Follow the directions for use on the pesticide label when applying this product."

EPA also notes that while it does not require labels on secondary and service containers, Department of Transportation (DOT) and Occupational Safety and Health Administration (OSHA) requirements may apply.

NATURAL RESOURCES

NATIONAL WETLAND CONDITION ASSESSMENT 2011 DRAFT REPORT EPA released a draft report, the [National Wetland Condition Assessment 2011](#), for public comment ([80 FR 68536](#)). The report is the first national assessment of the ecological condition of the nation's wetlands. The report describes the results of a nationwide probabilistic survey of wetlands conducted in the spring and summer of 2011 by EPA and its partners. It includes estimates of wetland area in good, fair, and poor condition, nationally and by eco-region, for a biological indicator based on plants and key wetland stressors. The report also provides information on the design and implementation of the assessment, possible implications, and future actions. This report completes the first series of probability-based surveys conducted under EPA's National Aquatic Resource Surveys program. Comments were due 7 DEC 15. For more information, click [here](#).

TOXICS

EPCRA REPORTING: 1-BROMOPROPANE EPA added 1-bromopropane to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) ([80 FR 72906](#)). EPA determined that 1-bromopropane meets the EPCRA section 313(d)(2)(B) criteria because it can reasonably be anticipated to cause cancer in humans. The final rule was effective 30 NOV 15. It applies for the reporting year beginning 1 JAN 2016 (reports due 1 JUL 17).

WASTE

HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE EPA extended the public comment period for its [25 SEP 15](#) proposed rule to improve hazardous waste generator regulations ([80 FR 68490](#)). The public comment period is extended to 24 DEC 15. In the rulemaking, EPA is seeking to revise certain components of the hazardous waste generator regulatory program; address gaps in the regulations; provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner; reorganize the hazardous waste regulations to make them more user-friendly and thus improve their usability by the regulated community; and make technical corrections and conforming changes to address inadvertent errors, remove obsolete references to programs that no longer exist, and improve the readability of the regulations.

MANAGEMENT STANDARDS FOR HAZARDOUS WASTE PHARMACEUTICALS EPA extended the public comment period for its [25 SEP 15](#) proposed rule on the management and disposal of hazardous waste pharmaceuticals ([80 FR 68491](#)). The public comment period was extended to 24 DEC 15. In the rulemaking, EPA is seeking to revise the regulations to improve the management and disposal of hazardous waste pharmaceuticals and tailor them to address the specific

issues that hospitals, pharmacies, and other healthcare-related facilities face. The revisions are also intended to clarify regulations for reverse distribution used by healthcare facilities to manage unused and/or expired pharmaceuticals.

WATER

STORMWATER DISCHARGES FROM FOREST ROADS EPA is soliciting public input and information on existing public and private sector programs that address stormwater discharges from forest roads ([80 FR 69653](#)). The requested information will assist the agency in responding to the remand in *Environmental Defense Center, Inc. v. U.S. EPA*, 344 F.2d 832 (9th Cir. 2003) that requires EPA to consider whether the Clean Water Act requires the agency to regulate forest roads. The agency plans to assess a variety of existing programs, including federal, state, local, tribal, third party certifications, and combinations of these approaches, as well as voluntary best management practice (BMP) based approaches. In preparing its response to the remand, EPA is coordinating with other federal agencies, and will assess whether any additional stormwater controls are called for, consistent with federal law, including the recent 2014 amendments to the Clean Water Act. Comments are due 11 JAN 16.

STEAM ELECTRIC POWER GENERATING POINT SOURCE DISCHARGES EPA issued a final rule strengthening technology-based effluent limitation guidelines (ELGs) and standards for the steam electric power generating industry ([80 FR 67837](#)). The final rule establishes the first nationally applicable limits on the amount of toxic metals and other harmful pollutants that steam electric power plants are allowed to discharge in several of their largest sources of wastewater. The rule reduces the amount of toxic metals, nutrients, and other pollutants that steam electric power plants are allowed to discharge and reduces water withdrawals. The final rule is effective 4 JAN 16.

BALLAST WATER MANAGEMENT AND REPORTING The Coast Guard issued a final rule amending ballast water management reporting and recordkeeping requirements, 33 CFR 151 Subparts C and D ([80 FR 73105](#)). The final rule requires certain vessels with ballast tanks to submit an annual report of their ballast water management practices. This rule also simplifies and streamlines the ballast water report form. DOD and Coast Guard vessels subject to the [Uniform National Discharge Standards for Vessels of the Armed Services](#) are exempt from these requirements.

Professional Development

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 US 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:
- [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
- [Environmental Management Systems](#) (FedCenter membership required);
- [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.

Staff Directory

Director/DOD Region 4 REC	(404) 562-5146
Regional Counsel	(404) 562-5016
Regions 4 Army REC	(404) 562-5231
Regulatory Affairs Specialist	(404) 562-5023

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 an item in the *Southern Review*, please contact the Regional Environmental Coordinator listed at the top of page two.

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