



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

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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 *Southern Review* also helps installations meet ISO 14001 environmental management system requirements.

To read back issues of the *Southern Review* or other Army Regional Environmental and Energy Office *Reviews*, or to receive a monthly copy of this electronic publication, please [send an email request](#).

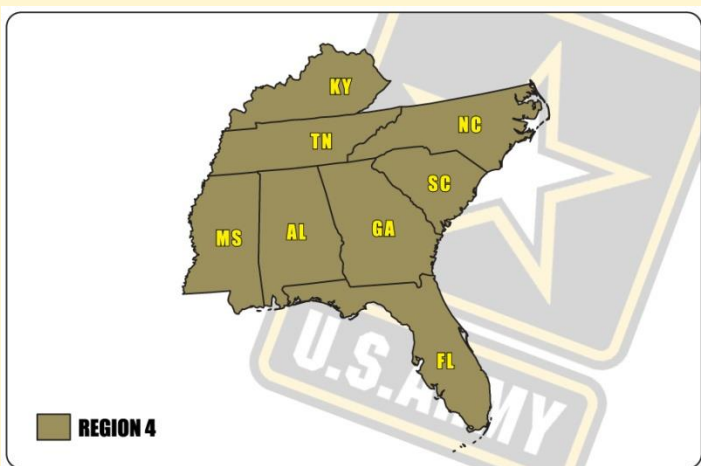


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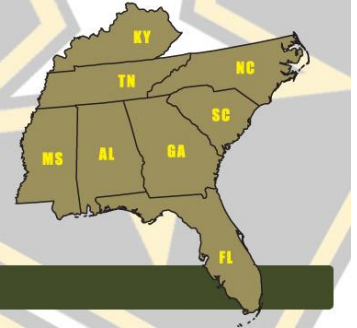
2016 SECRETARY OF DEFENSE ENVIRONMENTAL AWARDS

The Department of Defense (DOD) [announced](#) the winners of the 2016 Secretary of Defense Environmental Awards. Each year since 1962, the Secretary of Defense has recognized individuals, teams, and installations for their outstanding achievements and innovative work protecting the environment while sustaining mission readiness. Military services and defense agencies may submit one nomination for each of the nine award categories. The nine winners chosen from the 30 nominations are:

- [Natural Resources Conservation, Small Installation](#): Camp Dawson Army Training Site, West Virginia Army National Guard
- [Natural Resources Conservation, Individual/Team](#): Fort McCoy Natural Resources Branch, Wisconsin
- [Environmental Quality, Non-Industrial Installation](#): Marine Corps Air Ground Combat Center Twentynine Palms, California
- [Environmental Quality, Individual/Team](#): Eglin Air Force Base Environmental Quality Team, Florida
- [Sustainability, Industrial Installation](#): Marine Corps Support Facility Blount Island, Florida
- [Environmental Restoration, Installation](#): Beale Air Force Base, California
- [Environmental Restoration, Individual/Team](#): Vieques Environmental Restoration Program Team, Puerto Rico
- [Cultural Resources Management, Large Installation](#): White Sands Missile Range, New Mexico
- [Environmental Excellence in Weapon System Acquisition, Large Program](#): KC-46 Program Environment, Safety and Occupational Health Team, Wright-Patterson Air Force Base, Ohio.

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.



2016 LEGISLATIVE SESSION: 2 FEB 16 THROUGH 16 MAY 16

Alabama has a one-year session. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

ALABAMA SB 312, EMPLOYMENT INCENTIVES. Provides an incentive to create employment within areas impacted by military installation closures. It expands the jobs credit allowed under section [40-18-375](#) of the Code of Alabama to include [approved companies](#) that employ eligible employees by or through a [qualifying project](#) located within a former active duty military installation closed by the Base Realignment and Closure process. In addition to the jobs credit allowed under section 40-18-375, it provides incentivized companies a 0.5 percent jobs credit on the wages paid to employees during the prior year. Last action: Passed the House on 28 APR 16; sent back to the Senate on 28 APR 16.

ALABAMA SB 378, UNMANNED AIRCRAFT SYSTEMS. Prohibits flying unmanned aircraft systems (UASs) over designated facilities, or conducting surveillance of the facilities (to include photographic and electronic recordings), without prior written permission of the owner or operator of the facility. The bill also prohibits using a UAS to harass people who are lawfully hunting and fishing, to aid in hunting or fishing, or to interfere with law enforcement officers or emergency medical personnel. It makes it a felony to use a UAS to damage, disrupt, or otherwise interfere with the operation of a manned aircraft, and it prohibits the sale, transport, manufacture, possession, or operation of a UAS equipped with a weapon. The measure makes it unlawful to operate a UAS in a manner that knowingly and willfully interferes with, or causes a hazard to, a motorist, and it prohibits governmental agencies from using UASs to gather evidence or other information except under certain conditions, such as authorization under a search warrant. Last action: Referred to Senate committee on 5 APR 16. **REEO-S Note:** The bill does not include military installations as designated facilities, and there are no other prohibitions against operating a UAS in proximity to DOD facilities, unless otherwise listed, such as petroleum storage, electric generation, substations, and drinking water treatment facilities.

FEDERAL ACTIVITY

CROSS-MEDIA ELECTRONIC REPORTING. The U.S. Environmental Protection Agency (EPA) approved Alabama's request to revise or modify its General Pretreatment Regulations for Existing and New Sources of Pollution program to allow electronic reporting ([81 FR 24604](#)). The 2005 final Cross Media Electronic Reporting Rule (CROMERR) establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. States that wish to receive electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. The approval for Alabama to receive electronic reports for its 403-General Pretreatment Regulations for Existing and New Sources of Pollution program is effective 26 MAY 16.



2016 LEGISLATIVE SESSION: 12 JAN 16 THROUGH 11 MAR 16

Florida has a one-year session. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

FLORIDA SB 90, ALTERNATIVE FUELS. Authorizes the Florida Department of Agriculture and Consumer Services to receive additional applications for the natural gas fuel fleet vehicle rebate program, with priority first on government applicants, and to use certain funds to award additional rebates. The natural gas fuel fleet vehicle rebate program applies to fleets of three or more vehicles registered in Florida and used for governmental or commercial purposes, and the rebates pertain to the costs to convert a vehicle to natural gas or the cost to purchase a natural gas vehicle. Last action: Approved by the governor on 6 APR 16. **REEO-S Note:** The rebate program perhaps benefits National Guard facilities that utilize state-registered vehicles.

FINAL RULES

HAZARDOUS WASTE. The Florida Department of Environmental Protection (DEP) has adopted amendments to [chapter 62-730, F.A.C.](#), which incorporate by reference changes made by the EPA between 1 JUL 14 and 30 JUN 15, to the federal hazardous waste regulations. The DEP is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. At least once a year, DEP incorporates federal rule changes into Chapter 62-730, F.A.C., the state hazardous waste rule, to maintain consistency with federal regulations.

PROPOSED RULES

ENVIRONMENTAL RESOURCE PERMITTING RULES. The South Florida Water Management District proposed amendments to 40E-4.091, F.A.C., and the Environmental Resource Permit Applicant's Handbook, Volume II, For Use Within the South Florida Water Management District, that will incorporate the amended water quality standards of the DEP, Chapters 62-4, 62-302, and 62-550, F.A.C. The [notice of proposed rule](#) was published on 1 APR 16.

NON-LISTED INACTIVE MIGRATORY BIRD NESTS. The Florida Fish and Wildlife Conservation Commission (FWC) proposes to amend [Rule 68A-16.003, F.A.C.](#), to eliminate the need for a permit to take inactive (meaning with no birds or eggs) nests or parts of such nests of birds not listed as endangered or threatened. Migratory birds and their active nests are protected from certain activities, including take, by the federal Migratory Bird Treaty Act (MBTA). Federal policy clarifying application of the MBTA to nest destruction indicates that no federal permit or other authorization is needed to destroy an inactive nest. FWC rules do not currently include language making the distinction between active and inactive nest. This proposed rule provides that language. FWC will hold a public hearing in Saint Petersburg on 16-17 NOV 16 at 8:00 a.m. each day.

PERMITS AND AUTHORIZATIONS FOR THE TAKE OF FLORIDA ENDANGERED AND THREATENED SPECIES. The FWC proposes to amend [Rule 68A-27.007, F.A.C.](#), to add a human safety factor to intentional take considerations, modify permitting standard language, and clarify where intentional take of marine organisms is addressed. The Imperiled Species Management Plan covering these species is being approved concurrently with this rule revision. The FWC will hold a public hearing in Saint Petersburg on 16-17 NOV 16 at 8:00 a.m. each day.

PERMITS TO TAKE WILDLIFE OR FRESHWATER FISH FOR JUSTIFIABLE PURPOSES. The FWC proposes to revise [Rule 68A-9.002, F.A.C.](#), to clarify that federal authorizations other than permits (e.g., a depredation order, policy statement, etc.)

also are acceptable as indication of federal authorization to take and/or possess migratory birds or their nests. This proposed rule revision is intended to expand the types of federal authorizations that may be used to satisfy the rule requirements for such authorizations. A [notice of proposed rule](#) was published in the Florida Administrative Register on 14 JAN 16. The FWC will hold a public hearing in Saint Petersburg on 16-17 NOV 16 at 8:00 a.m. each day.

REGULATIONS RELATING TO THE TAKING OF AMPHIBIANS. The FWC proposes to revise [Rule 68A-26.002, F.A.C.](#), to provide certain protections for some amphibian species that are being reclassified to an unlisted status. The effect of this proposed rule revision is to prohibit the take and possession of gopher frogs and Pine Barrens treefrogs. The FWC found gopher frogs and Pine Barrens treefrogs did not meet the criteria for listing as state-designated threatened species and, therefore, will remove these species from the state's Species of Special Concern List. However, these species need protection from intentional take and possession to prevent possible exploitation that would cause them to meet listing criteria in the future. The FWC will hold a public hearing in Saint Petersburg on 16-17 NOV 16 at 8:00 a.m. each day.



2016 LEGISLATIVE SESSION: 11 JAN 16 THROUGH 31 MAR 16

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.

LEGISLATION

GEORGIA HB 779, UNMANNED AIRCRAFT SYSTEMS. Regulates the use of UASs, and creates the Georgia Unmanned Vehicle Systems Commission. It prohibits the sale, transport, manufacture, possession, or operation of a UAS that is equipped with a weapon, except for military operations or federal governmental contracts involving research with such UASs. It also prohibits law enforcement agencies from using a UAS to gather evidence or other information in a private place or of an individual in a private place, except under a search warrant signed by a judge authorizing the use of a UAS or other lawful purposes such as to provide aerial coverage in an active search or hostage situation. Last action: Passed House and Senate; sent to governor on 4 APR 16. **REEO-S Note:** The bill specifically exempts military operations with weaponized UASs; however, it does not prohibit private and/or commercial use of UASs in proximity to or above military installations or outdoor venues (e.g., sporting and entertainment events). The newly established commission is charged to identify policies to "ensure that any concerns, including privacy, property rights, commercial interests, and public safety issues, are addressed."

GEORGIA HB 1028, MUNICIPAL SOLID WASTE. Requires the owner or operator of a municipal solid waste landfill to notify the local governing authorities of any city and county in which the landfill is located of any release from the site of a contaminant that is likely to pose a danger to human health. It also requires the owner or operator to publish notice of the release in the legal organ of the county in which such landfill is located. Last action: Signed by governor on 26 APR 16. **REEO-S Note:** This bill was revised and simplified to require the owner/operator of a municipal solid waste landfill to notify the local government and the public when there is a release that poses a risk to public health.

FINAL RULES

AIR PERMIT FEES. The Environmental Protection Division (EPD) of the Georgia Department of Natural Resources proposes to amend [Rule 391-3-1-.03\(9\)](#) to specify the dollar-per-ton rate and reference the Procedures for Calculating Air Permit Fees (permit fee manual) for calendar year 2015 fees. EPD published a [Notice of Proposed Amendments](#) on 29 APR 16. The dollar-per-ton rates remain the same as the previous year at \$37.34 /ton for coal-fired power plants

and \$35.50/ton for all other facilities. EPD will hold a public hearing on 26 MAY 16, and comments on the proposed amendments are due by 3 JUN 16.

RULES FOR AIR QUALITY CONTROL AND STATE IMPLEMENTATION PLAN. EPD [proposes](#) to amend Georgia's State Implementation Plan (SIP) and Georgia's Rules for Air Quality Control, [Chapter 391-3-1](#). These revisions are required to comply with the Federal Clean Air Act (CAA) and to exercise authority approved and/or delegated by the EPA to implement Section 110 of the Federal CAA. The proposed air rule amendments include the following:

- Rule 391-3-1-.01, "Definitions," is amended to update the definition of "Procedures for Testing and Monitoring Sources of Air Pollutants."
- Rule 391-3-1-.02(8)(b), "New Source Performance Standards," is amended to adopt the Federal Performance Standards into the Georgia rules by reference to ensure consistency between the state and federal programs.
- Rule 391-3-1-.02(9)(b), "Emission Standards for Hazardous Air Pollutants," is amended to adopt federal emission standards into Georgia rules by reference to ensure consistency between state and federal programs.

EPD filed the proposed rule 4 APR 16, and the agency held a public hearing on 10 MAY 16.

RULES FOR EROSION AND SEDIMENTATION CONTROL. EPD adopted amendments to the Rules for Erosion and Sedimentation Control, [Chapter 391-3-7](#), to ensure consistency with 2015 amendments to the Erosion and Sedimentation Act under [Senate Bill \(SB\) 101](#). Specifically, the rule amendments incorporate specific updates to the definitions and buffer variance procedures and criteria relating to coastal marshlands. EPD filed the final rule on 31 March, and the amended rules were effective 20 APR 16.



2016 LEGISLATIVE SESSION: 5 JAN 16 THROUGH 12 APR 16

Kentucky has a one-year session. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

KENTUCKY HB 106, CHEMICAL MUNITIONS DISPOSAL. Proposed amendments delete references to gaps in information on the acute and chronic health effects of exposure to compounds used in chemical munitions. The bill requires that, after the compounds in chemical munitions are treated to specific treatment or destruction values set by law or by the Energy and Environment Cabinet, the cabinet will reclassify the residual wastes to ensure proper management and disposal. Last action: Signed by the governor on 6 APR 16. **REEO-S Note:** The Bluegrass facility appears to be the target of these measures. The proposed changes are apparently designed to resolve current ambiguities associated with managing residual wastes. REEO-S will continue to monitor progress and report on any implications.

KENTUCKY HB 431, GREYWATER AND WATER REUSE. Amends Kentucky Revised Statutes ([KRS Chapter 211](#)) to include systems that utilize greywater to reduce total daily waste flows under regulations for onsite wastewater disposal systems. It defines greywater and black water, and it allows for conservation credits for greywater systems that reduce the waste flow calculations. It creates a new section of KRS Chapter 211 to require administrative regulations that update the daily waste flow charts to account for reductions from efficiency improvements in water using fixtures and appliances. The cabinet must provide a methodology for using conservation credits for greywater systems that reduce total daily waste flows. The new section in KRS Chapter 211 also prohibits any political subdivision from prohibiting use of greywater reductions from systems approved under permit by the cabinet. Last action: Signed by the governor on 13 APR 16.

PROPOSED RULES

AMBIENT AIR QUALITY STANDARDS. The Kentucky Department for Environmental Protection (DEP) proposes to amend Kentucky Administrative Regulation [401 KAR 53:010](#), Ambient Air Quality Standards, to reflect changes to National Ambient Air Quality Standards (NAAQS) promulgated by EPA since the administrative regulation was last amended. The Kentucky Energy and Environment Cabinet will conduct a [public hearing](#) on 26 MAY 16.

ATTAINMENT STATUS DESIGNATIONS. The DEP proposes to amend [401 KAR 51:010](#), Attainment Status Designations, updating the description and attainment or nonattainment status of geographic areas in Kentucky with respect to new and revised national primary and secondary ambient air quality standards. The Kentucky Energy and Environment Cabinet will conduct a [public hearing](#) on 26 MAY 16.

LIST OF HAZARDOUS WASTES. The DEP [proposes](#) to amend [401 KAR 31:040](#), adding hazardous waste codes for treated wastes of nerve and blistering agents. This amendment references changes to C.F.R. 263.31 modifying the F019 listing to allow wastewater treatment sludge to be disposed of as a nonhazardous waste. Due to removal of 40 C.F.R. 263.38, the comparable syngas fuel exclusion, the reference was also removed from this administrative regulation.



2016 LEGISLATIVE SESSION: 5 JAN 16 THROUGH 8 MAY 16

Mississippi has a one-year session. Adjournment dates are estimated and updated based on legislative activity.

FINAL RULES

REGULATIONS FOR THE PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY. The Mississippi Department of Environmental Quality (MDEQ) adopted amendments to 11 Miss. Admin. Code, Pt. 2, Ch. 5, which adopt by reference amendments to relevant portions of federal regulations as promulgated in 40 CFR Parts 51.166 and 52.21 by the EPA in order to make the state Prevention of Significant Deterioration of Air Quality (PSD) permitting program consistent with federal requirements. Specifically, the amendments incorporate, by reference, federal provisions to grandfather certain preconstruction permitting requirements associated with the 16 OCT 15 revision of the NAAQS for ozone for eligible PSD permit applications. The amendments also remove portions of the Greenhouse Gas Tailoring Rule vacated by the U.S. Court of Appeals for the D.C. Circuit on 10 APR 15 and subsequently removed from the federal regulations via ministerial action by EPA on 19 AUG 15. Other minor typographical and editorial changes are also included. MDEQ [filed](#) the final rule on 28 APR 16, and the amended rules are effective on 28 MAY 16.



2016 LEGISLATIVE SESSION: 25 APR 16 THROUGH 30 JUN 16

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. There were no legislative or regulatory changes of significance to the Army or other Military Services in April.

NORTH CAROLINA HB 1005 (SB 779), DRINKING WATER STANDARDS. Limits conditions under which a state agency, local board of health, or local health department may issue a health advisory for the presence of a contaminant in a public water system or private drinking water well. Last action: Passed first reading and referred to committee on 28 APR 16. **REEO-S Note:** There has been much discussion among environmental regulators recently with respect to

emerging contaminants, especially polyfluorinated compounds (PFCs), and how to properly address the presence of these contaminants in water resources. EPA is expected to issue a revised health advisory standard for perfluorooctanoic acid (PFOA) soon. Under this measure, it appears that state and local authorities could be limited in how they respond to information respecting health concerns associated with PFCs.

NORTH CAROLINA HB 1006 (SB 767), WATER QUALITY MANAGEMENT. Directs the Department of Environmental Quality (DEQ) to study whether nutrient management strategies are effective or will be effective for protecting or improving overall water quality for impaired water bodies. The measure requires DEQ report results of the study, including recommendations, by 1 DEC 16. Last action: Passed first reading and referred to committee on 28 APR 16.

NORTH CAROLINA SB 763, STORMWATER MANAGEMENT. Prohibits the director of the Division of Water Resources from requiring on-site stormwater control measures to protect downstream water quality, except as required by federal or state law. Last action: Passed first reading in the House and referred to committee on 28 APR 16. **REEO-S Note:** This measure would prevent DEQ from requiring on-site stormwater control measures, except as already provided by law, until a revised permanent rule is adopted by the Environmental Management Commission. The impact of this measure is unclear as DOD facilities are already required to comply with stormwater management provisions in [Section 438](#) of the [Energy Independence and Security Act](#) (EISA).

NORTH CAROLINA SB 765, STREAM MITIGATION. Directs the DEQ to submit written comments on behalf of the state to the U.S. Army Corps of Engineers (USACE) published notice of the proposed 2017 five-year reauthorization of nationwide permits issued pursuant to Section 404(e) of the Clean Water Act (CWA). The comments would support the Wilmington District adopting regional conditions that will increase the stream mitigation threshold for perennial or ephemeral/intermittent stream from 150 linear feet to 300 linear feet. Last action: Passed first reading in the Senate and referred to committee on 28 APR 16.

PROPOSED RULES

HEAVY-DUTY VEHICLE IDLING RESTRICTIONS. The DEQ proposes to repeal [15A NCAC 02D .1010](#), Heavy-Duty Vehicle Idling Restrictions, pursuant to Section 4.24 of Session Law 2015-286 which mandates the secretary of the DEQ repeal 15A NCAC 02D .1010. Until the effective date of the repeal, 15A NCAC 02D .1010 shall not be implemented or enforced. The DEQ published the proposed rule on 15 APR 16, and there is a [public hearing](#) on 25 MAY 16. Comments are due to DEQ by 14 JUN 16.

PROPOSED DEVELOPMENT LINE PROCEDURES AND AMENDMENTS TO THE GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS AND STATIC VEGETATION LINE EXCEPTION PROCEDURES. The Coastal Resources Commission (CRC) adopted the development line procedures and amendments to current rules to allow less restrictive management options for local government following a large scale beach fill project. [15A NCAC 07J .1300](#) (1301, 1302, and 1303) creates procedures for requesting, approving, and managing an oceanfront development line, and establishes an alternative to the Static Vegetation Line Exception ([15A NCAC 07J .1200](#)) for oceanfront communities receiving a large scale beach fill project. The CRC also amended General Description of Landforms ([15A NCAC 07H .0305](#)), which is the rule that defines various coastal features and reference lines. Amendments to the General Use Standards for Ocean Hazard Areas ([15A NCAC 07H .0306](#)) and Static Vegetation Line Exception procedures are intended to ease requirements by eliminating the mandatory five-year waiting period and the 2,500 maximum square footage limit on structures. The CRC published the [final rule](#) on 2 MAY 16, and the procedures and amended rules were effective 1 APR 16.

RISK-BASED REMEDIATION. The Department of Environment and Natural Resources (DENR) adopted rules pertaining to risk based assessment and corrective action to abate and control contamination of waters of the state sufficient to protect human health and the environment (15A NCAC 02L .0501 - .0515). The DENR published the [approved rule](#) on 1 APR 16, and the rules were effective 1 MAR 16.

STREAMLINING OF PERMIT EXEMPTION RULES. The DENR approved the following rules and amendments:

- Amend Rule 15A NCAC 02Q .0102, Activities Exempted from Permit Requirements, to simplify the rule to make it easier to understand. New exemptions are also added. Facilities with actual emissions less than five tons per year of each specified pollutant and total aggregate actual emissions of 10 tons per year would be exempt from permitting. Facilities that are not exempt and have total aggregate actual emissions less than 25 tons per year would be eligible for registration instead of obtaining a permit.
- Repeal Rule 15A NCAC 02Q .0302, Facilities Not Likely to Contravene Demonstration, since the rule is duplicative of the requirements contained in the 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 their permit.
- 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 DENR published the [approved rules](#) on 1 APR 16.

WORK PRACTICES FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS. The DEQ proposes to amend the rule cited as 15A NCAC 02D .0902, Applicability, to narrow the applicability of 15A NCAC 02D .0958, Work Practices for Sources of Volatile Organic Compounds (VOC), from statewide to the maintenance area for the 1997 8-hour ozone standard. The proposed amendments will remove unnecessary burden associated with permitting and complying with the work practice standards in 15A NCAC 02D .0958. Provisions of the CAA require that the VOC requirements previously implemented in an ozone nonattainment area prior to redesignation of the area to attainment remain in place; however, facilities outside the maintenance area counties for the 1997 8-hour ozone standard would no longer be required to comply with the work practice standards in 15A NCAC 02D .0958. The DEQ published the [proposed rule](#) on 15 APR 16, and there will be a [public hearing](#) on 25 MAY 16.



2016 LEGISLATIVE SESSION: 12 JAN 16 THROUGH 2 JUN 16

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.

LEGISLATION

SOUTH CAROLINA HB 5207 (HB 5294), BEVERAGE CONTAINER DEPOSITS. Establishes a beverage container deposit system wherein deposit beverage distributors pay the South Carolina Department of Revenue a five-cent deposit on each deposit beverage container manufactured in or imported into the state. Deposit beverage containers are individual, separate, sealed containers made of glass, aluminum, steel, bimetal, or plastic, in sizes less than or equal to two liters, and used for containing, at the time of sale to the consumer, a deposit beverage intended for use or consumption in this state. The measure also allows for deposits on refillable beverage containers designed to return intact to the manufacturer or distributor to be washed, refilled, and resold. Local governments, nonprofit organizations, dealers, businesses, existing processors, and individual persons may apply to operate certified redemption centers. Last action: Passed first reading in the House and referred to committee on 13 APR 16. **REEO-S Note:** This measure specifically includes military activities in the definition of distributor and would create administrative requirements and payment of fees to the state department of revenue. REEO-S is currently evaluating the effect of the measure, should it pass and become law. Additional responses are being considered to engage drafters of these beverage container recycling bills, to exclude the military, because of legal concerns associated with compliance with such programs.

SOUTH CAROLINA HB 5231, MOLD REMEDIATION. Directs the South Carolina Department of Health and Environmental Control (DHEC) to set standards, practices, and guidelines for assessing and remediating indoor mold contamination. It requires DHEC to set a threshold level of indoor mold contamination that requires professional indoor mold remediation at residential properties, establish licensing requirements for indoor mold assessment and remediation, and establish guidelines for the removal of indoor mold below the threshold. Last action: Passed first reading in the House and referred to committee on 14 APR 16.

SOUTH CAROLINA SB 1076, MAINTENANCE DREDGING. Amends [Section 48-39-130](#) of the 1976 Code of South Carolina, relating to permits to utilize critical areas, so as to establish that an individual does not need to apply for a permit to dredge a manmade, predominately armored, recreational use, or essential access canal for maintenance purposes. This provision currently applies only to municipalities and counties, and presumes the maintenance dredging is authorized by a permit from the U.S. Army Corps of Engineers; this bill extends the provision to individuals as well. Last action: Signed by the governor on 21 APR 16; effective 27 APR 16.

SOUTH CAROLINA SB 1231, LEAD AND MERCURY IN BALANCING PRODUCTS. Prohibits selling, distributing, or installing wheel weights or other products used to balance motor vehicle or aircraft wheels if the products contain lead or mercury intentionally added during the manufacture of the product. It also prohibits the sale of a new motor vehicle or aircraft that is equipped with a weight or other product for balancing wheels if the product contains lead or mercury that was intentionally added during the manufacture of the product. Last action: Passed first reading in the Senate and referred to committee on 13 APR 16.



2016 LEGISLATIVE SESSION: 12 JAN 16 THROUGH 20 APR 16

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.

LEGISLATION

TENNESSEE HB 1892 (SB 1830), STORMWATER MANAGEMENT. Amends state law to prohibit permits that impose post-construction stormwater requirements more restrictive than the federal CWA and associated regulations. It grants local entities operating municipal separate stormwater systems the maximum permissible discretion in selecting appropriate measures to meet post-construction stormwater management requirements. Before implementing a general permit that imposes such requirements, the commissioner of the Tennessee Department of Environment and Conservation (TDEC) must promulgate a rule that includes all necessary provisions of the permit. Last action: Transmitted to the governor for action on 12 APR 16; returned by the governor without signature on 22 APR 16.

FINAL RULES

CONSTRUCTION AND ANNUAL EMISSION FEES. The TDEC adopted amendments to [1200-03-26-.02](#), Construction and Annual Emission Fees, 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-electric generated utilities (EGU) major sources by \$4.00 and decrease the per ton fee for 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 year or state fiscal year annual accounting period and to choose the annual accounting period and the emissions basis of the fee annually. Pollutants that are constituents of the pollutant greenhouse gases 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 that a letter must be submitted by minor and conditional major sources to request an allowable emissions limit. The [rules](#) are effective on 5 APR 16.

VOLATILE ORGANIC COMPOUNDS. The TDEC adopted amendments to [Rule 1200-03-18-24](#), related to gasoline dispensing facilities. This amendment adopts the federal requirements for gasoline dispensing facilities ([40 CFR 63 Subpart CCCCCC](#)) by reference and remove most state-specific language for Stage I vapor recovery.

Department of Defense Activity

CLIMATE CHANGE

NAVY TO REQUIRE GREENHOUSE GAS (GHG) REPORTING FROM VENDORS. The Navy [indicated](#) it will start requiring major vendors to report their output of GHGs and work to reduce their GHG emissions. The Navy is following the lead of the General Services Administration (GSA), which last year became the first federal agency to require its vendors to [report carbon emissions](#) and set lower carbon emission targets. The move seeks to leverage the Navy's \$170 billion budget to encourage contractors to cut their overall output of climate-changing carbon.

ENERGY

ARMY AND AIR FORCE TEAM UP FOR ENERGY ASSURANCE. The Army and Air Force are [teaming up](#) to promote energy resilience for their respective installations. In April, Katherine Hammack, the assistant secretary of the Army for installations, energy and environment, and Miranda Ballentine, the assistant secretary of the Air Force for installations, environment, and energy, signed a [memorandum of agreement](#) (MOA) identifying a framework for cooperation and support in the development of renewable energy projects. The MOA encompasses the delivery of full spectrum services between the services in the planning, development, and execution of:

- Large scale renewable energy projects (10 megawatts or greater), leveraging third-party financing; and
- Integrated and/or modular energy systems that support energy security requirements on military installations.

The Office of Energy Initiatives (OEI) serves as the Army's central management office for implementing large-scale renewable and alternative energy projects. The Air Force, through actions to be accomplished within the terms of the MOA, intends to leverage the experience of the OEI to build an Air Force capability in support of the Air Force renewable energy goal to increase facility renewable energy to 25 percent by fiscal year (FY) 2025.

DEFENSE SITING CLEARINGHOUSE. [Department of Defense Instruction \(DODI\) 4180.02, Implementation and Management of the DOD Mission Compatibility Evaluation Process](#), establishes policy, assigns responsibilities, and prescribes procedures to evaluate energy projects and identify techniques to mitigate the impact of proposed projects on military operations and readiness. The DODI, effective 31 MAR 16, cancels:

- Charter of the Department of Defense Siting Clearinghouse Board of Directors, 3 OCT 12;
- Under Secretary of Defense for Acquisition, Technology, and Logistics Memorandum, "Delegation of Authority to Sign Agreements Accepting Voluntary Contributions and Agreeing to Mitigation Measures," 18 OCT 12; and
- Clearinghouse Board of Directors Memorandum, Mitigation Oversight Committee Duties, 16 OCT 15.

NATURAL RESOURCES

2016 REPI CHALLENGE AWARD WINNERS. DOD's Readiness and Environmental Protection Integration (REPI) Program announced the first three recipients of funding in the 2016 REPI Challenge cycle. Partnerships at Fort Huachuca, Ariz., Fort Hood, Texas, and Naval Air Station Patuxent River, Md., will receive awards totaling \$5.2 million, which will be

leveraged with more than \$20 million in partner funding to protect 7,929 acres. These projects demonstrate extraordinary stakeholder collaboration and will not only help protect military missions at three installations, but also will help to prevent the listing of candidate species, preserve and manage important natural resources, support working lands, and open up recreational opportunities for local communities. Since the REPI Challenge was initiated in 2012, more than \$29 million in REPI Program funds have been leveraged with more than \$85 million in partner funding to protect over 73,000 acres around nine installations. Visit the [REPI website](#) to view a [fact sheet](#) about the award winning projects, to learn about the [REPI Challenge](#), or to learn more about REPI programs, resources, and projects.

RANGE SUSTAINMENT AND MILITARY READINESS

ASSESSING FOREIGN ENCROACHMENT RISKS TO DOD ON FEDERALLY MANAGED LAND. The Government Accountability Office (GAO) issued a report assessing DOD progress on the issue of "foreign encroachment," which is described as foreign investment in industries located in proximity to military training and testing ranges on federally managed land ([GAO-16-381R](#)). GAO last [reported](#) on this issue in December 2014. A significant portion of DOD's mission-essential test and training ranges are located adjacent to, on, above, or in close proximity to federal lands. For many years, DOD has reported that it faces growing challenges in carrying out realistic training at installations and training ranges because of the cumulative result of outside influences that inhibit military training and testing, which DOD refers to as encroachment. More recently, DOD stated that it is concerned with security encroachment by foreign entities acquiring assets or otherwise conducting business on federally managed lands near test and training ranges, which may provide an opportunity for persistent surveillance of DOD test and training activities. In December 2014, GAO reported on DOD's efforts to assess such risks. GAO is not making new recommendations in this report, but continues to believe that DOD should act on GAO's 2014 recommendations.

FEDERAL SAGE-GROUSE CONSERVATION AND MILITARY READINESS. Greater sage-grouse protection measures do not adversely affect the military, and there is no national security reason to restrict federal conservation plans, according to letters from Pentagon environmental officials. "Overall, the Department of Defense would not expect a significant impact to military training, operations, or readiness should the greater sage-grouse be listed under the endangered species act," [wrote](#) acting Assistant Secretary of Defense for Readiness Daniel Feehan. Feehan, along with environmental heads of the Army, Navy, and Air Force, also [made the case](#) that pre-existing laws and policies adequately insulate military bases from being adversely affected by listing of endangered species. The letters were prompted by a request to clarify the Pentagon's stance on the issue. A provision in the House version of the defense authorization would allow states with sage-grouse management plans to block federal plans and prevent the Department of Interior from changing the bird's conservation status until 30 SEP 26, because, according to the provision's author, sage-grouse protections "have a huge impact on the military..." To read more, click [here](#).

WASTE

DRUG TAKE BACK PROGRAM. [DODI 6025.25](#), Drug Take Back Program, establishes policy and assigns responsibilities for developing, publishing, and implementing procedural guidance for a drug take back program. The DODI, effective 26 APR 16, provides the policy foundation to establish drug take back programs that will provide service members with a prompt, safe, and effective method for disposing of unused, unwanted, and expired medications. According to the DODI, it is DOD policy that eligible medical treatment facilities in the U.S. will provide drug take back programs to properly dispose of controlled, non-controlled, and over-the-counter medications that will be operated in accordance with Drug Enforcement Agency requirements as well as state and federal household hazardous collection exemptions and requirements.

Federal Activity

AIR

NESHAP AND PERFORMANCE STANDARDS FOR STEAM GENERATING UNITS. The EPA issued technical corrections to its National Emission Standards for Hazardous Air Pollutants (NESHAP) from Coal- and Oil-fired Electric Utility Steam Generating Units (i.e., MATS rule) and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units (e.g., Utility New Source Performance Standard (NSPS) rule) ([81 FR 20171](#)). The final rule makes corrections and clarifications to the 2012 final MATS and Utility NSPS rules, effective 6 APR 16.

SNAP REVISIONS. Pursuant to EPA's Significant New Alternatives Policy (SNAP) program, the agency is proposing to list a number of substances as acceptable, list several substances as unacceptable, and modify the listing status for other substances ([81 FR 22809](#)). EPA is proposing to list as acceptable, subject to use restrictions, propane and HFO-1234yf in the refrigeration and air conditioning, and 2-bromo-3,3,3-trifluoroprop-1-ene in the fire suppression and explosion protection sectors. The agency is proposing to list as unacceptable certain hydrocarbons and hydrocarbon blends in specific end uses in the refrigeration and air conditioning sector and to modify the listing status for certain high-global warming potential alternatives for certain end uses in the refrigeration and air conditioning, foam blowing, and fire suppression and explosion protection sectors. EPA is also proposing to exempt propane in certain refrigeration end uses from the prohibition on venting, release, or disposal. In addition, EPA is proposing to apply unacceptability determinations for foam blowing agents to closed cell foam products and products containing closed cell foam that are manufactured or imported using these foam blowing agents. The agency is also proposing to clarify the listing for Powdered Aerosol D, by removing the listing as acceptable subject to use conditions. Comments are due 2 JUN 16.

PARTICULATE MATTER DRAFT INTEGRATED REVIEW PLAN. EPA released the draft integrated review plan for the NAAQS for particulate matter (PM) ([81 FR 22977](#)). The [draft plan](#) contains the current plans for the review of air quality criteria for PM and the primary and secondary NAAQS for PM. The primary PM NAAQS are protective of public health and the secondary PM NAAQS are protective of public welfare from exposures to PM in ambient air. Comments on the draft plan are due 23 JUN 16. For more information about the PM NAAQS, click [here](#).

AMBIENT AIR MONITORING METHODS. EPA designated three new reference methods and three equivalent methods, in accordance with [Title 40 Code of Federal Regulation \(CFR\) Part 53](#), Ambient Air Monitoring Reference and Equivalent Methods ([81 FR 25397](#)). The new methods are for measuring coarse particulate matter (PM₁₀), coarse to fine particulate matter (PM_{10-2.5}), and ozone ambient air. The three new equivalent methods measure ozone in ambient air.

TIER 3 MOTOR VEHICLE EMISSION AND FUEL STANDARDS. EPA issued a direct final rule amending the April 2014 Tier 3 and the July 2014 Quality Assurance Program final rules ([81 FR 23641](#)). The amendments correct errors identified by commenters on the 2014 rules and improve clarity to ensure that the regulations properly reflect the requirements established in those rules. Potentially regulated entities include those regulated under North American Industry Classification System code 493190 (Other warehousing and storage-bulk petroleum storage). The direct final rule is effective 21 JUN 16.

REGULATION OF HAZARDOUS AIR POLLUTANTS FROM COAL- AND OIL-FIRED ELECTRIC UTILITY STEAM GENERATING UNITS. In response to a 2015 U.S. Supreme Court decision, [Michigan v. EPA](#), EPA issued a supplemental finding explaining how it has taken cost into account in evaluating whether it is appropriate and necessary to regulate coal- and oil-fired electric utility steam generating units (EGUs) under section 112 of the CAA ([81 FR 24419](#)). The supplemental finding concludes that a consideration of cost does not cause EPA to change its determination that regulation of hazardous air pollutant emissions from coal- and oil-fired EGUs is appropriate and necessary and that EGUs are, therefore, properly included on

the CAA section 112(c) list of sources that must be regulated under CAA section 112(d). The finding was effective 26 APR 16.

CLEANUP

NATIONAL PRIORITIES LIST UPDATE. EPA added five sites to the General Superfund section of the National Priorities List (NPL) ([81 FR 20252](#)) and is proposing to add another eight sites to the list ([81 FR 20277](#)). The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The NPL constitutes this list. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation. These further investigations will allow EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate.

CULTURAL RESOURCES

KENNEWICK MAN DECLARED NATIVE AMERICAN. The USACE, Northwestern Division, reached an initial [determination](#) regarding the set of ancient remains known as Kennewick Man. Based on review and analysis of new information, and in particular, evidence provided by recently published DNA and skeletal analyses, there is substantial evidence to determine that Kennewick Man is related to modern Native Americans from the United States. Therefore, the human remains are Native American under the Native American Graves Protection and Repatriation Act (NAGPRA). Because the finding is that Kennewick Man is Native American, the remains are now subject to the processes and procedures outlined in NAGPRA. USACE, which is in possession of the remains, is working with Native American tribes to coordinate a burial. For more information, click [here](#).

ENERGY

CLEAN POWER PLAN. According to a [news report](#), on 20 APR 16, EPA Administrator Gina McCarthy said that the EPA will delay the final September 2018 deadline for states to implement the Clean Power Plan, pending the Supreme Court's decision on the rule. EPA has already said it will not enforce a September 2016 deadline for states to submit initial compliance plans.

QUADRENNIAL ENERGY REVIEW. The Department of Energy (DOE) scheduled public meetings throughout the month of May to frame the second installment of the Quadrennial Energy Review (QER) ([81 FR 24589](#)). Unlike other federal quadrennial review processes, where an analysis is done every four years, the QER is being conducted in installments to allow for granular analysis of key energy sub-sectors. The first installment, released in April 2015, examined the nation's infrastructure for energy transmission, storage, and distribution. The 2015 QER highlighted the growing dependencies of critical infrastructures and economic sectors on electricity and the increasing interdependence of the various energy subsectors. The second installment will conduct a comprehensive review of the nation's electricity system, from generation to end use, including a more comprehensive look at electricity transmission, storage, and distribution infrastructure. Comments are due 1 JUL 16. For more information about the QER, click [here](#). To view a briefing memorandum for the meetings, click [here](#).

U.S. ENERGY PRODUCTION REPORT. The Energy Information Administration (EIA) [reported](#) that total U.S. energy production increased for the sixth consecutive year. In 2015, energy production reached a record 89 quadrillion British thermal units (Btu), equivalent to 91 percent of total U.S. energy consumption. Liquid fuels production drove the increase, with an eight percent increase for crude oil and a nine percent increase for natural gas plant liquids. Natural gas production also increased five percent. These gains more than offset a 10 percent decline in coal production. The U.S. saw little change in production from nuclear electric power and renewable energy (across all sectors); however, there were [shifts in the sources of electricity generation from renewable fuels](#), as declines in hydroelectric generation

were mostly offset by increases in electricity generation from wind and solar. For more information, click [here](#) to view the EIA's March 2016 [Monthly Energy Review](#).

TUTORIALS FOR DOE PAGES^{BETA}. DOE created a series of three [online tutorials](#) to help users navigate the DOE Public Access Gateway for Energy and Science^{Beta} ([DOE PAGES^{Beta}](#)), the DOE portal that makes scholarly publications resulting from DOE research funding publicly accessible and searchable at no charge. The first DOE PAGES^{Beta} tutorial was designed for new users: it provides an [introduction to the public access gateway](#), its contents, and its search capabilities. The other two tutorials are intended to help returning users better craft their searches. One tutorial provides additional information on the [three types of documents available at DOE PAGES^{Beta}](#) – accepted manuscripts, publisher accepted manuscripts, and published articles; the other tutorial offers tips on how to use the [DOE PAGES^{Beta} advanced search](#) to enhance results.

STANDARDIZATION OF SOLAR DATA: ORANGE BUTTON. As part of the [SunShot](#) initiative, DOE is funding a solar data standardization effort referred to as [Orange Button](#). The Orange Button effort is intended to increase solar market transparency and fair pricing by establishing data standards for the industry. The solar energy community currently relies on fragmented and variable quality datasets released by state energy offices or private organizations regarding project origination, grid integration, operations, and retirement. The Orange Button project will standardize this data, making it easier to share and secure, and to provide for a more transparent marketplace. The first phase of the Orange Button project will define data requirements, the second phase will formulate data taxonomies and interoperability standards, and the third phase will facilitate development and adoption of a data exchange marketplace. To view a press release about the effort, click [here](#).

HAZARDOUS MATERIALS

LITHIUM ION BATTERY SAFETY ADVISORY. The Pipeline and Hazardous Materials Safety Administration issued a safety advisory notice to inform persons engaged in the transport of lithium batteries in commerce of recent actions taken by the International Civil Aviation Organization (ICAO) to enhance the safe transport of lithium batteries by air ([81 FR 20443](#)). According to ICAO, the fire suppression capabilities of an aircraft may be exceeded in a situation where heat and flames generated from thermal runaway in a single package of lithium ion batteries spreads to adjacent packages, potentially leading to a catastrophic loss of the aircraft because of a fire that cannot be contained or suppressed. The ICAO amended the 2015-2016 edition of the [Technical Instructions for the Safe Transport of Dangerous Goods by Air](#) to include:

- A prohibition on the transport of lithium ion cells and batteries as cargo aboard passenger carrying aircraft;
- A requirement for lithium ion cells and batteries to be shipped at a state of charge of no more than 30 percent of their rated capacity on cargo aircraft; and
- A limit on the number of packages of both lithium ion and lithium metal batteries that may be offered for transportation on cargo aircraft under current provisions for small cells and batteries to not more than one package per consignment or overpack.

NATURAL RESOURCES

NATIONAL PLANT LIST. USACE released the final [2016 National Wetland Plant List \(81 FR 22580\)](#). The plant list is used to determine whether the hydrophytic vegetation parameter is met when conducting wetland determinations under the CWA and the Wetland Conservation Provisions of the Food Security Act. Other applications of the list include wetland restoration, establishment, and enhancement projects. The list, effective 1 MAY 16, must be used in any wetland delineation performed after this date. Delineations received prior to this date may use the 2014 list.

MONARCH BUTTERFLY THREATS, OPPORTUNITIES FOR CONSERVATION. A new [study](#) from Cornell University indicates that Monarch butterflies face threats beyond those [commonly attributed](#) to their decline, such as loss of milkweed and

increased pesticide use. The Cornell study found that a lack of milkweed, the only host plant for monarch butterfly caterpillars, is unlikely to be driving the monarch's population decline, as the problem appears to occur after they take flight in the fall. In any given year, four generations of monarch butterflies traverse much of North America over a 2,000-mile trek beginning in early spring when they leave the Mexican wintering grounds. In the first generation, millions of monarchs flow through Texas and Oklahoma, with the subsequent generations moving into the Midwest and Northeast, until the start of fall, when the fourth generation returns to the mountainous, high-altitude Oyamel fir forests of central Mexico. To view a video of the researcher explaining the findings, click [here](#).

BLM RESOURCE MANAGEMENT PLANNING. The Bureau of Land Management (BLM) extended the comment period on its [proposed rule](#) to amend procedures used to prepare, revise, or amend BLM land use plans ([81 FR 23666](#)). The proposed rule would enable BLM to more readily address landscape-scale resource issues, such as wildfire, habitat connectivity, or the demand for renewable and non-renewable energy sources and to respond more effectively to environmental and social changes. Comments are due 25 MAY 16.

FOREST SERVICE ECOSYSTEM RESTORATION POLICY. The Forest Service (FS) issued a permanent Ecosystem Restoration policy that replaces the Interim Directive, Ecological Restoration and Resilience Policy, in Forest Service Manual 2020 ([81 FR 24785](#)). The policy provides broad guidance for restoring ecosystems on National Forest System lands so that they are self-sustaining and, if subject to disturbances or environmental change, have the ability to reorganize and renew themselves. It recognizes the adaptive capacity of restored ecosystems, the role of natural disturbances, and uncertainty related to climate and other environmental factors. The final directive brings the FS policy into alignment with current ecological restoration science and with congressional and FS authorizations and initiatives. The directive is effective 27 MAY 16. For more information, click [here](#).

OTHER

OPEN DATA ACT. A recently introduced bill, the [OPEN Government Data Act](#), seeks to make open data the default policy of the U.S. government. The bipartisan bill would require that federal agencies abandon the use of proprietary data formats and move to a machine readable format. The bill also includes provisions to make the data searchable and requires agencies to provide justification for why data was not published. To view a news report about the bill, click [here](#).

GREEN BUILDING STANDARDS. The ICC/ASHRAE 700-2015 National Green Building Standard™ (NGBS) has been approved by the American National Standards Institute for all types of sustainable residential construction. A collaborative effort of the International Code Council, ASHRAE and the National Association of Home Builders, NGBS outlines a variety of green practices that can be incorporated into new homes and multifamily buildings, hotels, dormitories, and land developments. The standard also delivers stand-alone chapters for home remodeling and additions and renovations of multifamily buildings. Green practices address site and lot design, preparation, and development; resource, energy, and water efficiency; indoor environmental quality; and operation, maintenance, and building owner education. For more information, click [here](#). A free-book of the standard is available for download [here](#).

PARTICULATE MATTER HEALTH EFFECTS. A study published in the journal [Cancer Epidemiology, Biomarkers & Prevention](#) makes an association between exposure to PM_{2.5} and mortality risk from many types of cancer (in addition to lung cancer). Long-term exposure to particulate matter has been associated with mortality mainly from cardiopulmonary causes and lung cancer, but there have been few studies showing an association with mortality from other cancers. Researchers believe that possible explanations for the association between PM_{2.5} and cancer could include defects in DNA repair function, alterations in the body's immune response, or inflammation that triggers angiogenesis, the growth of new blood vessels that allows tumors to spread. The study abstract is available [here](#). Separately, research published in [Environmental Health Perspectives](#) shows PM_{2.5} exposure increases risk in pregnant women for a condition called intrauterine inflammation, which can increase the risk of a number of health problems for the child from the fetal stage well into childhood. To learn more, click [here](#).

THREATENED AND ENDANGERED SPECIES

PETITIONS FOR THREATENED AND ENDANGERED SPECIES. The Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) announced revisions to their [May 2015](#) proposed rule to modify regulations governing petitions for threatened and endangered species conservation ([81 FR 23448](#)). The proposed rule was intended to enhance the information provided by petitioners and clarify the procedures by which the services will evaluate and process petitions. In response to comments received on the May 2015 proposed rule, the services are proposing to streamline the process for according states notice of petitions, reduce the amount of information that would need to be submitted with petitions, and provide additional clarifications. Comments are due 23 MAY 16.

LONG-EARED BAT. FWS determined that it is not prudent to designate critical habitat for the [northern long-eared bat](#) (*Myotis septentrionalis*) ([81 FR 24707](#)). The species was listed as threatened in April 2015. The service found that designating the wintering habitat as critical habitat for the bat would likely increase the threat from vandalism and disturbance and could potentially increase the spread of white-nose syndrome. The determination was made 27 APR 16.

LISTING DETERMINATION FOR TWO CRAYFISH. FWS determined threatened status for the [Big Sandy crayfish](#) (*Cambarus callainus*) and endangered status for the [Guyandotte River crayfish](#) (*C. veteranus*) ([81 FR 20449](#)). The Big Sandy crayfish is found in Kentucky, Virginia, and West Virginia, while the Guyandotte River crayfish is found in West Virginia. The final rule was effective 9 MAY 16.

THRESHER SHARK. NMS determined that listing the [common thresher shark](#) (*Alopias vulpinus*) and [big-eye thresher shark](#) (*Alopias superciliosus*) is not warranted because the species are not in danger of extinction throughout all or a significant portion of their ranges, or likely to become so within the foreseeable future ([81 FR 18979](#)). The common thresher shark is found throughout the world in temperate and tropical seas. The bigeye thresher shark is a highly migratory oceanic and coastal species of shark found throughout the world in tropical and temperate seas. The determination, made 1 APR 16, is based on the results of a status review the service conducted on the species. The status review is available [here](#).

WHITE FRINGELESS ORCHID. FWS reopened the public comment period on its [September 2015 proposal](#) to list the [white fringeless orchid](#) (*Platanthera integrilabia*) as threatened ([81 FR 22041](#)). The plant species is known from Alabama, Georgia, Kentucky, Mississippi, South Carolina, and Tennessee. Comments are due 13 JUN 16.

GREEN SEA TURTLE. NMFS and FWS issued a final rule listing 11 distinct population segments (DPSs) of the [green sea turtle](#) (*Chelonia mydas*) ([81 FR 20057](#)). The final rule lists three DPSs as endangered and eight as threatened. This final rule supersedes the 1978 final listing rule for green turtles and applies existing protective regulations to the threatened and endangered DPSs. Critical habitat is not determinable at this time but will be proposed in a future rulemaking. In the interim, the existing critical habitat designation (i.e., waters surrounding Culebra Island, Puerto Rico) remains in effect for the North Atlantic DPS. The final rule was effective 6 MAY 16.

WASTE

CONSENT-BASED SITING PROCESS FOR NUCLEAR WASTE STORAGE AND DISPOSAL. DOE is implementing a consent-based siting process to establish an integrated waste management system to transport, store, and dispose of spent nuclear fuel and high-level radioactive waste. In a consent-based siting approach, DOE will work with communities, tribal governments, and states across the country that express interest in hosting any of the facilities identified as part of an integrated waste management system. As part of this process, the department is hosting a series of public meetings to engage communities and individuals and discuss the development of a consent-based approach to managing our nation's nuclear waste. Public meetings will be held 14 JUL 16 in Boise, Idaho, ([81 FR 19595](#)) and 21 JUL 16 in Minneapolis, Minn., ([81 FR 19587](#)).

CORROSIVITY HAZARDOUS CHARACTERISTIC. EPA is tentatively denying a petition to revise the Resource Conservation and Recovery Act (RCRA) corrosivity hazardous waste characteristic regulation ([81 FR 21295](#)). The petition requested EPA make two changes to the current corrosivity characteristic regulation: revise the regulatory value for defining waste as corrosive from the current value of pH 12.5, to pH 11.5; and expand the scope of the RCRA corrosivity definition to include nonaqueous wastes, in addition to the aqueous wastes currently regulated. The petitioners express concerns about potentially dangerous exposures to workers and the general public from dusts that may potentially be corrosive. In particular, the petition is concerned about inhalation exposures, primarily to concrete or cement dust, which may occur in the course of manufacturing or handling of cement, and during building demolition. The agency is tentatively denying the petition because the materials submitted in support of the petition did not demonstrate that any change to the corrosivity characteristic regulation is warranted at this time. Comments on the tentative denial are due 10 JUN 16.

GENERAL PERMIT FOR OCEAN DISPOSAL OF MARINE MAMMAL CARCASSES. EPA is proposing to issue a general permit to authorize specific entities to transport from the United States and dispose of marine mammal carcasses in ocean waters ([81 FR 24598](#)). The intent of the general permit is to expedite required authorizations that otherwise currently require the issuance of an emergency permit. The general permit would be authorized under Title I of the Marine Protection, Research, and Sanctuaries Act, sometimes referred to as the Ocean Dumping Act. Comments are due 27 JUN 16.

WATER

DISCHARGE REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL. The Coast Guard is finalizing an interim rule that requires vessels carrying oil in bulk as cargo to carry discharge removal equipment, install spill prevention coamings, and install emergency towing arrangements ([81 FR 20247](#)). The rule also requires these vessels to have prearranged capability to calculate damage stability in the event of a casualty. By reducing the risk of oil spills, improving vessel oil spill response capabilities, and minimizing the impact of oil spills on the environment, this rulemaking promotes the Coast Guard's maritime safety and stewardship missions.

2017 CONSTRUCTION GENERAL PERMIT. EPA is requesting public comment on the proposed 2017 national pollutant discharge elimination system (NPDES) general permit for stormwater discharges from construction activities, also referred to as the 2017 Construction General Permit ([81 FR 21328](#)). Once finalized, the permit will replace the existing general permit, which expires 16 FEB 17. The permit will provide coverage to eligible operators in all areas of the country where EPA is the NPDES permitting authority, including Idaho, Massachusetts, New Hampshire, and New Mexico, Indian lands, Puerto Rico, the District of Columbia, and most U.S. territories and protectorates. The draft permit addresses contaminants in building washdown waters, use of waste container lids and practices to limit the discharge of pollutants from waste containers, measures to prevent polychlorinated biphenyls (PCBs) in stormwater, and public notification requirements. EPA is seeking comment on the [draft permit](#) and on its accompanying, 106-page [fact sheet](#). For more information, click [here](#). Comments are due 26 MAY 16.

TECHNOLOGY TO IMPROVE WATER DISTRIBUTION SYSTEM EFFICIENCY. GAO conducted an assessment of technologies that could help municipal water utilities address water scarcity and issued a report on its findings ([GAO-16-474](#)). The report examined technologies that could reduce demand on freshwater supplies by improving distribution system efficiency; technologies that could increase water supplies by using nontraditional water sources; and locations and types of water utilities where these technologies are most commonly adopted. A supplement with survey results of utilities to indicate how many are using the technologies is available [here](#).

PROTECTING AQUATIC LIFE FROM EFFECTS OF HYDROLOGIC ALTERATION. EPA and the U.S. Geological Survey (USGS) extended the public comment period on the draft technical report, [Protecting Aquatic Life from Effects of Hydrologic Alteration](#) ([81 FR 21863](#)). The report explores how hydrologic alteration can be a contributor to impairment of water bodies designated to support aquatic life. The report is a non-prescriptive framework with information to help states, tribes, territories, water resource managers, and other stakeholders responsible for the maintenance of hydrologic flow regime to quantify flow targets for the preservation of aquatic life and habitat. It also provides information on the

relationship between hydrologic condition and water quality and gives examples of what some states and authorized tribes have done to address flow concerns using the CWA. The framework can also be used to translate narrative criteria and develop flow targets to protect aquatic life and habitat. The public comment period was extended to 17 JUN 16.

AQUATIC LIFE WATER QUALITY STANDARDS: CADMIUM. EPA released updated recommended aquatic life water quality criteria for cadmium ([81 FR 19176](#)). The criteria provide recommendations to states and tribes authorized to establish water quality standards under the CWA. In adopting water quality standards, states set exposure protections for aquatic life. Cadmium enters the environment by natural and human processes; however, human sources, such as mining and urban processes, are responsible for contributing approximately 90 percent of the cadmium found in surface waters.

Professional Development

DOD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING. USACE announces course availability for the FY17 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and schedule for details. Environmental courses include, but are not limited to:

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

NAVY AND ISEERB ENVIRONMENTAL TRAINING. The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule is available. Course topics include environmental overview and management, law planning and sustainability, pollution prevention, restoration, conservation, supplemental and Internet/computer-based training, and more.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING. The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charge. 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 U.S. Army Environmental Command [website](#), which has links to training provided by DOD organizations.

FEDERAL TRAINING SOURCES

SUSTAINABLE ACQUISITION TRAINING RESOURCES. The interagency federal Sustainable Acquisition & Materials Management Practices Workgroup compiled a [spreadsheet](#) of sustainable acquisition training resources developed or

hosted by federal agencies that are available to government employees, businesses, and non-governmental organizations.

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;
- Pollution prevention 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.

SCHEDULED WEBINARS

REPI WEBINAR SERIES. DOD's Readiness and Environmental Protection Integration program offers webinars throughout the year. All webinars start at 1:00 p.m. Eastern, unless otherwise noted. For detailed webinar descriptions and connection instructions, including links to past webinars, visit www.REPI.mil.

- **25 MAY** [How to Develop your Sentinel Landscapes](#). Learn about efforts to define and develop Sentinel Landscapes and how that feeds into requirements for REPI buffers and other encroachment management tools.
- **20 JUL** [Thinking Outside the Base: Off-Installation Solutions to Environmental Regulatory Issues](#). Learn about opportunities for regional crediting schemes and other options for DOD installations to address ESA and other species and habitat-related issues through innovative off-installation practices, while highlighting DOD's efforts at updating its Natural Resources Program strategy.
- **21 SEP** [State Policies and Encroachment Protection Efforts](#). Learn about the various tools, policies, and authorities states provide in support of encroachment management and mission sustainability.
- **7 DEC** [Environmental Law Institute Brief: Sentinel Landscapes Partnership Authorities and Opportunities](#). The Environmental Law Institute has analyzed ways to enhance Sentinel Landscape Partnership implementation and will brief on the opportunities and roadblocks presented by the various partner agencies' authorities and programs.

SERDP AND ESTCP WEBINAR SERIES. The DOD environmental research and development funding programs [SERDP and ESTCP](#) offer webinars to promote the transfer of innovative, cost-effective and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars 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.

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 to host these comprehensive, FEMP-developed eTraining courses. [Promotional materials](#) are available to help federal agencies encourage the completion of FEMP's eTraining courses.

ENERGY STAR WEBCASTS. Energy Star is a EPA voluntary program that helps businesses and individuals save money and protect our climate through superior energy efficiency.

CLEAN AIR ACT GENERAL CONFORMITY TRAINING MODULES. The General Conformity Rule ensures that the actions taken by federal agencies in nonattainment and maintenance areas do not interfere with a state's plans to meet national standards for air quality. The training from EPA covers all aspects of the rule and is divided into four modules:

- The Basics, for top agency managers and the general public: [Module I](#) provides an overview of the program purpose, regulation content, program design, legal requirements, and relationship to other environmental programs.
- The Key Concepts, for program managers and others who need a working knowledge of the program: [Module II](#) provides information on determining applicability of regulations to federal actions, requirements for determining conformity, and the review process for a determination.
- All The Details, for individuals responsible for preparing the determination: [Module III](#) contains detailed information on evaluating conformity including emission calculations, requirements for associated programs and special situations.
- State and tribal requirements and responsibilities, for state, tribal, and local air quality managers: [Module IV](#) provides information on state and tribal requirements and responsibilities in evaluation of conformity for federal actions.

WATER MANAGEMENT BASICS. This FEMP course provides a concise introduction to comprehensive water management, to include key topic areas of basic water management terminology, history of federal water mandates, current Executive Order 13693 provisions, best practices associated with comprehensive water management, and proven water conservation financing mechanisms and strategies. The three-module course offers a thorough overview of water management in the federal context:

- Module One: Introduction to Federal Water Management
- Module Two: Introduction to Comprehensive Water Management
- Module Three: Financing and Launching Water Management Projects

USGS CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES. U.S. Geological Survey webinars are designed 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 U.S. Video recordings with closed captioning are made available one to two weeks after each presentation.

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 is a systemic approach that seeks

to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

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

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How the Regional Offices Work for You

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

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

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