



# Southern Review

## of Legislative & Regulatory Actions

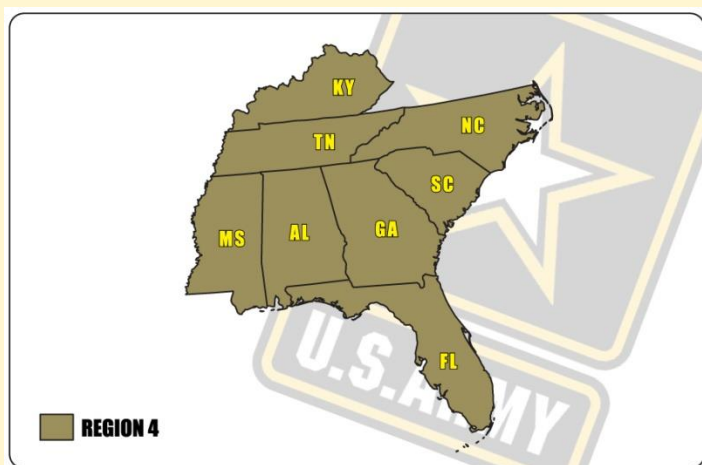


The U.S. Army Regional Environmental & Energy Office

September 2016

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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## ENDANGERED SPECIES

The Center for Biological Diversity, a nongovernmental organization, is seeking to force the U.S. Fish and Wildlife Service (FWS) to determine whether listing 417 species as threatened or endangered is warranted. The Endangered Species Act (ESA) requires FWS to determine whether listing is warranted within 12 months of its initial evaluation. However, according to the Center for Biological Diversity, FWS has exceeded ESA deadlines by one to seven years for these species.

In August, the Center for Biological Diversity sent a [letter](#) to FWS requesting it make the required findings for 417 species or develop a legally binding timeline to do so; otherwise the center will file suit in an attempt to force the agency to act. The 417 species mentioned in the letter range across the country, with one or more being found in nearly every state in the U.S. Although a majority are aquatic and wetland species, they include invertebrates such as mussels and butterflies, plants, amphibians and reptiles, fish, birds, and mammals.

Meanwhile, the Center for Biological Diversity has praised the ESA as "extraordinarily successful" in recovering imperiled birds. In a June [report](#), the group noted that

- 85 percent of bird populations in the continental U.S. increased or stabilized while protected under the ESA;
- The average population increase of all birds was 624 percent;
- Birds are recovering at the rate expected by their federal recovery plans; and
- "Threatened and "endangered" birds fared much better than unprotected birds, which on average declined 24 percent since 1974.

The Center for Biological Diversity states in its August letter to FWS that failing to make timely findings on petitions to list species "is a persistent problem with real world consequences for species' survival."

# 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: 2 FEB 16 THROUGH 16 MAY 16***

Alabama has a one-year session. Adjournment dates are estimated and updated based on legislative activity. Alabama had a special session 15 AUG through 7 SEP 16.

### ***LEGISLATION***

**ALABAMA HB 50, FUEL EXCISE TAXES AND ALTERNATIVE FUEL VEHICLES.** This bill would provide for additional gasoline and diesel fuel excise taxes to bring the excise taxes in line with the average gasoline taxes and fees levied in the four states bordering Alabama. The revenue from the additional taxes would be paid into the Alabama Transportation Safety Fund and would be expended only as authorized by law. This bill would also provide additional fees for private passenger alternative fuel vehicles and commercial alternative fuel vehicles and would require that the fees be paid into the Alabama Transportation Safety Fund and expended only as authorized by law. Last action: House referred to committee on 16 AUG 16.

### ***PROPOSED RULES***

**WATER DISCHARGES ASSOCIATED WITH PETROLEUM PRODUCTS.** The Alabama Department of Environmental Management (ADEM) proposes to reissue the General NPDES Permit ALG340000 regulating discharges associated with petroleum products consisting of storm water, hydrostatic test water, and groundwater discharges resulting from the storage, handling, transportation, spill cleanup, contaminated groundwater and/or soil remediation and investigation, or other operations involving petroleum and its derivatives and treated vehicle wash water (excluding commercial car washes) discharging to waters of the state (not designated outstanding national resource water or outstanding Alabama water). ADEM issued the [public notice](#) on 3 AUG 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.

## ***PROPOSED RULES***

**EMISSION LIMITS DURING TRANSIENT MODES OF OPERATION.** The Florida Department of Environmental Protection (DEP) proposes to add a new rule section to [Chapter 62-210, F.A.C.](#), and revise specified provisions of [Rule 62-210.700, F.A.C.](#) The proposed rule amendments address emission limits during transient operating conditions at regulated facilities, including periods of startup, shutdown, and malfunction. These changes are intended to meet the legal requirements of The U.S. Environmental Protection Agency's (EPA's) notice of final rule published in the Federal Register on 12 JUN 15 ([80 FR 33840](#)). EPA's final rule has been challenged in the D.C. Circuit Court of Appeals by multiple states, including the State of Florida, in *Walter Coke, Inc. v. U.S. EPA*, USCA Case No. 15-1166. DEP published a [notice of proposed rule](#) on 1 SEP 16. The deadline for comments is 22 SEP 16.

**HUMAN HEALTH-BASED SURFACE WATER QUALITY CRITERIA.** The Florida DEP proposes to revise the human health-based surface water quality criteria in [Chapter 62-302, F.A.C.](#) The revisions are based on updated scientific information, including recent fish and drinking water consumption rate information, updated toxicological information, and revised methods to estimate bioaccumulation of pollutants in fish. The department also proposes to establish a new sub-classification of surface waters (Class I-B, Treated Potable Water Supplies) and to reclassify seven surface waters into the new sub-classification. The Florida DEP published the original notice of proposed rule on 30 JUN 16, but the department published a [notice of correction](#) on 4 AUG 16.

## ***FINAL RULES***

**ELECTRONIC REPORTING REQUIREMENTS.** The Florida DEP adopted amendments to [62-620.100, F.A.C.](#), to incorporate by reference requirements substantively identical to regulations adopted by the EPA pursuant to federal law. The rules incorporate by reference electronic reporting applicable to permittees under the state administered National Pollutant Discharge Elimination System (NPDES) program. The rules incorporate by reference electronic reporting requirements in Title 40, Code of Federal Regulations, Part 127 (40 CFR 127 subparts A and B [except paragraphs 127.1(a)(6) and 127.11(a)(2)], section 127.24, and Appendix A to Part 127) and paragraphs 403.12(e)(1), (h), and (i) revised as of 22 OCT 15 in the Federal Register ([80 FR 64063](#)). Florida DEP published the [notice of rule filing](#) on 23 AUG 16.

**PUBLIC NOTIFICATION RULE RELATED TO REVISED TOTAL COLIFORM RULE.** The Florida DEP amended [62-550.817](#), [62-550.828](#), and [62-550.830](#), F.A.C., to adopt revisions to the EPA's [Public Notification Rule](#) relating to the Revised Total Coliform Rule published in the 1 JUL 15 version of [40 C.F.R. 141, Subpart Q](#). FLDEP also is updating existing citations to incorporate the 1 JUL 15 version of 40 C.F.R. 141. FLDEP published the notice of rule filing on 9 AUG 16.

**PUBLIC NOTIFICATION RULE RELATED TO REVISED TOTAL COLIFORM RULE.** The Florida DEP amended [62-560.400](#), [62-560.410](#), [62-560.430](#), and [62-560.440](#), F.A.C., to adopt revisions to the EPA's [Public Notification Rule](#) relating to the Revised Total Coliform Rule published in the 1 JUL 15 version of [40 C.F.R. 141, Subpart Q](#). FLDEP also updated existing citations to incorporate the 1 JUL 15 version of 40 C.F.R. 141. The Florida DEP made minor updates to the incorporated federal public notification regulations to address EPA comments on Department rules and to incorporate federal requirements for public notification to new billing units by non-community water systems. FLDEP published the notice of rule filing on 9 AUG 16.



***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.

## ***PROPOSED RULES***

**STARTUP, SHUTDOWN, AND MALFUNCTION EMISSIONS.** The Georgia Environmental Protection Division (EPD) proposes to amend the state's [Rules for Air Quality Control, Chapter 391-3-1](#). These amendments are required to comply with the EPA's call ([section 110\(k\)\(5\)](#) of the Federal Clean Air Act (CAA)) for Georgia to submit a State Implementation Plan (SIP) Revision to correct provisions inconsistent with section 302(k) of the CAA. The proposed air rule amendments include the following specific changes:

- Rule 391-3-1-.02(2)(a)11., "Startup and Shutdown Emissions for SIP-Approved Rules," is being added to address process equipment and air pollution control equipment limits by including the option of complying with alternative work practice standards during periods of startup and shutdown.
- Rule 391-3-1-.02(2)(a)12., "Malfunction Emissions," is being added to allow compliance with source-specific alternative work practice standards during periods of malfunctions.
- Rule 391-3-1-.02(2)(a)13., "Startup, Shutdown, and Malfunction Emissions for Certain Rules," is being added to retain the language of the Excess Emission Rule. It describes requirements for minimizing excess emissions during periods of startup, shutdown, and malfunction for rules not adopted into the SIP.

Georgia EPD published a [notice of proposed amendments](#) on 31 AUG 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.

## ***PROPOSED RULES***

**EXCESS EMISSIONS DURING PERIODS OF STARTUP, SHUTDOWN, AND MALFUNCTION.** The Kentucky Department of Environmental Protection (DEP) proposes to revise the SIP pertaining to the removal of provisions in [401 KAR 50:055](#), General compliance requirements, relating to excess emissions during periods of startup, shutdown, and malfunction, from the Kentucky SIP. The Division for Air Quality issued a [notice of public hearing](#) on 12 AUG 16.



## ***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.

## ***PROPOSED RULES***

**AIR POLLUTION CONTROL REGULATIONS AND REVISION TO THE STATE IMPLEMENTATION PLAN.** The Commission on Environmental Quality (CEQ) proposes to amend state air pollution control regulations and revise the SIP. Specific amendments include the following:

- Amend [11 Miss. Admin. Code, Pt. 2, Ch. 1](#), Rule 1.10, and associated SIP provisions regarding emissions during startups, shutdowns, and/or malfunctions in order to comply with federal requirements of the EPA. The proposed amendments and associated SIP Revision are intended to address state regulation inconsistencies with EPA policies for startup, shutdown, and malfunction events.
- Amend 11 Miss. Admin. Code, Pt. 2, Ch. 1, to adopt by reference recent amendments to federal New Source Performance Standards (NSPS) in [40 CFR Part 60](#), Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Parts [61](#) and [63](#), and Federal Consolidated Air Rules in [40 CFR Part 65](#) promulgated by the EPA. These amendments will update the state adoption of federal rules as provided in Rule 1.6 and Rule 1.8 of 11 Miss. Admin. Code, Pt. 2, Ch. 1.
- Delete 11 Miss. Admin. Code, Pt. 2, Ch. 1, Rule 1.14, Provisions for the Clean Air Interstate Rule, since the federal provisions referenced in Rule 1.14 have been revoked and are no longer in effect.

CEQ filed the [notice of proposed rulemaking](#) on 17 AUG 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.

## ***PROPOSED RULES***

**QUALIFIED NATURAL AREAS AND NATURE PRESERVES.** The Department of Natural and Cultural Resources (DNCR) proposes to amend rules cited as [15A NCAC 12H .0103-.0105](#), [.0201-.0208](#), [.0301-.0308](#), and [.0401-.0403](#). The proposed rules are necessary to carry out the functions of the [Nature Preserves Act](#) (Part 42 of Ch. 143B of the N.C.G.S.), seeking to establish a formal process for the selection, registration, and dedication of qualified natural areas and nature preserves. DNCR published the [proposed rule](#) on 1 AUG 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.



## ***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.

### ***FINAL RULES***

**EMISSIONS DUE TO MALFUNCTIONS, STARTUPS, AND SHUTDOWNS.** The Tennessee Department of Environment and Conservation (TDEC) amended [1200-03-20-.06](#) to clarify the reporting requirements following a Notice of Violation due to emissions from air contaminant sources during start-up, shutdown and malfunction (SSM). The changes clarify that reported facts of an SSM event shall be used for the determination of potential enforcement actions. Additionally, the rule changes clearly define that no emission shall be allowed that causes or contributes to any violation of the National Ambient Air Quality Standards (NAAQS). This amendment is in response to the EPA Final Rule on SSM SIP Findings of Inadequacy and Call for Revisions issued on 12 JUN 15. TDEC filed the [rulemaking hearing rule](#) on 18 AUG 16.

**VISIBLE EMISSIONS REGULATIONS.** TDEC amended paragraph (1) of [Rule 1200-03-05-.02](#) to clarify that irrespective of any permit conditions or due allowances for visible emissions, no emission will be allowed that can be proved to cause or contribute to violations of NAAQS. TDEC filed the rulemaking hearing rule on 18 AUG 16.

## **Department of Defense Activity**

**CULTURAL RESOURCES PROGRAM NEWSLETTER.** The [summer edition](#) of the DOD's Cultural Resources Program newsletter is now available. The newsletter contains an article on the Native American Graves Protection and Repatriation Act, information about DOD cultural resources activities, updated guidance on sacred lands, and links to training classes.

**SERDP SCIENTIFIC ADVISORY BOARD MEETING.** DOD is hosting a meeting of the Strategic Environmental Research and Development Program (SERDP) Scientific Advisory Board (SAB) on 13-15 SEP 16 ([81 FR 54792](#)). The purpose of the meeting is to review new-start research and development projects requesting SERDP funds. The agenda includes an overview of two new-start projects examining fluorine-free aqueous film-forming foams. For more information on the meeting agenda, click [here](#).

## **Federal Activity**

### ***AIR***

**REGIONAL CONSISTENCY.** The U.S. Environmental Protection Agency (EPA) revised its [regional consistency regulations](#) to more clearly address the implications of adverse federal court decisions that result from challenges to locally or regionally applicable actions ([81 FR 51102](#)). Specifically, EPA introduced a narrow procedural exception under which an EPA regional office no longer needs to seek headquarters concurrence to diverge from national policy in geographic

areas covered by such an adverse court decision. The revisions are intended to foster overall fairness and predictability regarding the scope and impact of judicial decisions under the Clean Air Act (CAA). The final rule was effective 2 SEP 16.

**TITLE V PETITIONS.** EPA is proposing to streamline and clarify processes related to submission and review of Title V petitions ([81 FR 57822](#)). The revisions, which cover five areas, are intended to increase stakeholder access to and understanding of the petition process and aid EPA's review of petitions. The revisions provide direction as to how petitions should be submitted; describe format and minimum content for petitions; clarify EPA response requirements; provide guidance to help ensure Title V permits have complete administrative records; and provide the agency's interpretation of certain Title V provisions relating to petitions. Comments are due 24 OCT 16.

**PM<sub>2.5</sub> IMPLEMENTATION RULE.** EPA is setting a December 2021 target for most parts of the country to attain its PM<sub>2.5</sub> NAAQS of 12 micrograms per cubic meter (ug/m<sup>3</sup>), although some areas with worse levels of PM<sub>2.5</sub> could have until December 2025 to cut emissions and comply with the standard ([81 FR 58009](#)). The deadlines are detailed in a final rule that also specifies how states should craft state implementation plans (SIPs) outlining the emissions controls they will put in place to reduce levels of PM<sub>2.5</sub> and meet the limit. The requirements apply to areas currently designated in nonattainment with the 2012 PM<sub>2.5</sub> NAAQS and any areas classified nonattainment in the future. Moderate areas must attain the NAAQS by December 2021 or be reclassified as "serious" status, although areas may be reclassified as serious before this date. Areas reclassified as serious must attain the PM<sub>2.5</sub> NAAQS by December 2025. The final rule is effective 24 OCT 16. To view a fact sheet on the final rule, click [here](#).

**REGULATORY DEFINITION OF VOCs: CLEANING SOLVENT HFE-347PCF2.** EPA is adding 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2) to the list of compounds excluded from the regulatory definition of volatile organic compound (VOC) on the basis that it makes a negligible contribution to tropospheric ozone formation ([81 FR 50330](#)). The compound is used as a precision cleaning agent to remove contaminants such as oil, flux, and fingerprints from medical devices, artificial implants, military and aerospace items, electric components, printed circuit boards, optics, jewelry, ball bearings, aircraft guidance systems, film, relays, and a variety of metal components. HFE-347pcf2 was listed in 2012 as an acceptable substitute for other ozone-depleting chemicals in electronics and precision cleaning and as an aerosol solvent. The final rule is effective 30 SEP 16, unless the agency received adverse comment by 31 AUG 16.

**NESHAP CLARIFICATION: AEROSPACE MANUFACTURING AND REWORK FACILITIES.** EPA is amending the NESHAP for aerospace manufacturing and rework facilities. Specifically, EPA is clarifying the compliance date for the handling and storage of waste for these facilities. The final rule is effective 3 OCT 16 unless the agency received adverse comment by 2 SEP 16.

**TECHNICAL CORRECTION TO PM<sub>2.5</sub> CALCULATION.** EPA is making a technical correction to an equation in an appendix in the NAAQS for PM<sub>2.5</sub> ([81 FR 53006](#)). The rulemaking corrects an error in one of the equations used to calculate an annual mean PM<sub>2.5</sub> concentration, consistent with the text elsewhere in the appendix. The final rule is effective 11 OCT 16, unless EPA receives adverse comment by 12 SEP 16.

**REGULATORY REVIEW: LEAD RENOVATION, REPAIR, AND PAINTING PROGRAM.** EPA extended the public comment period on what should be considered during the agency's 10-year review of the 2008 Lead Renovation, Repair, and Painting (RRP) program ([81 FR 52393](#)). Section 610 of the Regulatory Flexibility Act requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. The public comment period was extended to 7 SEP 16.

**NATIONAL AIR QUALITY REPORT.** EPA [released](#) an annual report on trends in the nation's air quality. The [interactive report](#) illustrates decreases in common air pollutants in relation to growth of the U.S. economy over time, discusses the difference between gaseous and particulate pollution, identifies the sources of air pollution, and the effects of air

pollution on public health. The report contains sections on growth, NAAQS, weather, visibility, toxics, and outlook, and summarizes detailed information found at EPA's [AirTrends website](#).

**EMISSION TESTING.** EPA issued final technical and editorial corrections and revisions to emission source testing regulations ([81 FR 59799](#)). The rulemaking makes corrections and updates to testing provisions and adds newly approved alternatives to existing testing regulations. The revisions are intended to improve the quality of data and provide flexibility in the use of approved alternative procedures. The final rule is effective 31 OCT 16.

**EMISSION GUIDELINES FOR MUNICIPAL SOLID WASTE LANDFILLS.** EPA is finalizing updates for emission guidelines and compliance times for municipal solid waste landfills (MSWs) ([81 FR 59275](#)). The updates address thresholds for installing controls, emission threshold determinations, requirements for landfills closed before 2017, landfill gas treatment requirements, reduced requirements for landfills that produce low amounts of gas, and surface monitoring. The final rule is effective 28 OCT 16.

**CROSS-STATE AIR POLLUTION RULE: EMISSIONS ALLOWANCES.** EPA provided notice of emission allowance allocations to certain units under the new unit set-aside (NUSA) provisions of the [Cross-State Air Pollution Rule](#) (CSAPR) federal implementation plans (FIPs) ([81 FR 50603](#)). EPA completed final calculations for the first round of NUSA allowance allocations for the 2016 compliance year and posted spreadsheets containing the calculations on EPA's website. The final allocations are unchanged from the preliminary calculations. Allocated allowances in sources' Allowance Management System (AMS) accounts were recorded in August. CSAPR requires 28 states to significantly improve air quality by reducing power plant emissions that cross state lines and contribute to ozone and fine particle pollution in other states. To speed implementation, EPA is adopting FIPs for each of the states covered by the rule.

## ***CLIMATE CHANGE***

**AIRCRAFT GHG EMISSIONS.** EPA issued a so-called final endangerment finding, a determination that greenhouse gas (GHG) emissions from aircraft cause or contribute to air pollution that may endanger public health and welfare ([81 FR 54421](#)). The finding identifies that harmful aircraft emissions include carbon dioxide (CO<sub>2</sub>), methane, nitrous oxide, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>), all of which contribute to GHG pollution that is driving human-caused climate change. The endangerment finding is limited to certain commercial jet engines. At this time, the agency is not proposing aircraft engine GHG emission standards.

**NEPA CLIMATE CHANGE GUIDANCE.** On 1 AUG 16, the White House Council on Environmental Quality (CEQ) issued [final guidance](#) to federal agencies considering the effects of GHG emissions and climate change when evaluating proposed federal actions in accordance with the National Environmental Policy Act (NEPA) and CEQ's [Regulations Implementing the Procedural Provisions of NEPA](#). CEQ issued the guidance to provide greater clarity and consistency in how agencies should address climate change in their environmental impact assessment processes. The guidance provides a common approach for assessing proposed actions, while recognizing each agency's unique circumstances and authorities. To read an analysis of the final guidance, including changes from prior CEQ-issued draft guidance, click [here](#).

**CLIMATE CHANGE INDICATORS REPORT.** EPA [released](#) the 2016 edition of Climate Change Indicators, which includes seven new indicators and a feature on climate and health. The report presents a total of 37 indicators, each describing trends related to the causes and effects of climate change. The report focuses primarily on the U.S., but in some cases global trends are presented to provide context or a basis for comparison. The [online version](#) will be updated periodically as new data become available, and thus may differ from the [print version](#). For more information, click [here](#).

**SUSTAINABLE JET FUELS.** A new [report](#) by the White House National Science and Technology Council outlines the federal government's plans to lower the cost of alternative jet fuels through coordinated, targeted research and development by EPA and the departments of Energy, Agriculture, and Transportation. Their efforts focus on feedstocks (biomass used to make fuel), conversion technologies and scale-up (which enable fuel to be created and produced commercially), fuel testing and evaluation, and overcoming other technical challenges. For more information, click [here](#).



**GHG AND FUEL EFFICIENCY STANDARDS FOR HEAVY-DUTY TRUCKS.** In advance of publication in the Federal Register, EPA and the Department of Transportation (DOT) released [final standards](#) for medium- and heavy-duty engines and vehicles. DOT's fuel consumption standards and EPA's CO<sub>2</sub> emission standards are tailored to each of four regulatory categories of heavy-duty vehicles: combination tractors, trailers used in combination with those tractors, heavy-duty pickup trucks and vans, and vocational vehicles. The rule also includes separate standards for engines that power combination tractors and vocational vehicles. GHG emissions requirements that are exclusive to the EPA program include hydrofluorocarbon standards to control leakage from air conditioning systems in vocational vehicles and nitrous oxide and methane standards for heavy-duty engines. EPA is finalizing non-GHG emission standards relating to the use of diesel auxiliary power units installed in new tractors and is clarifying the classification of natural gas engines and other gaseous-fueled heavy-duty engines. EPA is also finalizing technical amendments to its rules that apply to emissions of non-GHG pollutants from light-duty motor vehicles, marine diesel engines, and other non-road engines and equipment.

## **ENERGY**

**FREQUENCY AND VOLTAGE RIDE-THROUGH CAPABILITY FOR SMALL-GENERATING FACILITIES.** The Federal Energy Regulatory Commission (FERC) is modifying the pro forma Small Generator Interconnection Agreement ([81 FR 50290](#)). The interconnection agreement establishes the terms and conditions under which public utilities must provide interconnection service to facilities generating no more than 20 megawatts (MW). The commission is modifying the agreement to require newly interconnecting small-generating facilities to ride through abnormal frequency and voltage events and not disconnect during such events. The specific ride-through settings must be consistent with good utility practice and any standards and guidelines applied by the transmission provider to other generating facilities on a comparable basis. The final rule is effective 5 OCT 16.

**ESPC TAX CREDIT ELIGIBILITY.** The Federal Energy Management Program (FEMP) [is requesting](#) public comment on what Internal Revenue Service (IRS) guidance would be useful to clarify the eligibility of a renewable energy project structured as an energy savings performance contract (ESPC) energy sales agreement to qualify for the federal solar investment tax credit ([81 FR 53481](#)).

**CLEAN ENERGY INCENTIVE PROGRAM.** EPA extended the public comment period for its [June proposed Clean Energy Incentive Program \(CEIP\) Design Details](#) ([81 FR 59950](#)). States may adopt the CEIP if they wish to incentivize certain early emission reduction projects under the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, more commonly referred to as the Clean Power Plan Emission Guidelines. The agency extended the public comment period for an additional 60 days to allow for requested tribal consultation. Comments are due 1 NOV 16.

**HYDROPOWER REPORT.** A new study suggests that hydropower can grow by as much as 50 percent in 35 years. DOE's [Hydropower Vision](#) finds that hydropower in the U.S. could grow from 101 gigawatts (GW) of capacity in 2015 to 150 GW by 2050. The report suggests that much of the growth could come from so-called run-of-the-river facilities, which generate power by redirecting the river's flow using distributed hydropower units that include underwater watermills, rather than constructing large dams. The Obama administration is focusing its efforts on improving run-of-the-river technologies and the use of pumped storage, or reservoirs that receive pumped water, which is later released to create electricity when it is most needed. For more information, click [here](#).

**MONTHLY RENEWABLE ELECTRICITY GENERATION.** According to a new [report](#) from the Energy Information Administration (EIA), renewable electricity generation surpassed levels from previous years in the first six months 2016. Hydroelectric and non-hydroelectric renewables have contributed to this trend, but in different ways. After a lengthy West Coast drought, hydro generation has increased and is now closer to historical levels. Non- hydroelectric renewable generation continues to increase year-over-year and has exceeded hydroelectric generation in each month since February 2016.

**OPEN-WATER WAVE ENERGY TEST SITE SOUGHT.** DOE [announced](#) up to \$40 million in available funding to support the site selection, design, permitting, and construction of a national open-water wave energy testing facility within U.S.

federal or state waters. One project will be selected for funding and will construct an open-water, grid-connected, fully energetic domestic wave test facility to support the full-scale testing of wave energy devices. Federal agencies and instrumentalities (other than DOE) are eligible to apply for funding as a sub-recipient, but are not eligible to apply as a prime recipient. The letter of intent to submit an application was due 29 AUG 16. Full applications are due 20 SEP 16.

## ***MISCELLANEOUS***

**COLLABORATIVE CHEMISTRY RESEARCH PORTAL.** The American Chemical Society (ACS) [announced](#) its intention to establish a “ChemRxiv” preprint server to promote early research sharing. The ChemRxiv server, modeled after existing similar servers for [biology](#) and [physics](#), will facilitate the open dissemination of important scientific findings. The society is inviting interested stakeholders to become potential co-organizers and sponsors to help shape the scope, governance, and operating principles for ChemRxiv as a collaborative endeavor. ACS is a nonprofit organization chartered by the U.S. Congress, providing access to chemistry-related research through its multiple databases, peer-reviewed journals, and scientific conferences. Interested parties are invited to [contact](#) ACS to discuss the potential for collaboration on this venture.

**DATA CENTER OPTIMIZATION INITIATIVE.** President Obama released a [memorandum](#) to federal agencies on an initiative to increase the efficiency of federal data centers, reduce costs, and improve the overall information technology (IT) security posture of the federal government. The [Data Center Optimization Initiative](#) requires agencies, including the DOD, to implement strategies to consolidate inefficient infrastructure, optimize existing facilities, improve security posture, achieve cost savings, and transition to more efficient infrastructure, such as cloud services and inter-agency shared services.

## ***NATURAL RESOURCES***

**NATIONAL HANDBOOK OF CONSERVATION PRACTICES.** The Natural Resources Conservation Service (NRCS) is proposing to issue a series of revised conservation practice standards in the National Handbook of Conservation Practices ([81 FR 56579](#)). Among the standards being revised:

- Compost Facility (Code 317);
- Constructed Wetland (Code 656);
- Critical Area Planting (Code 342);
- Drainage Water Management (Code 554); and
- Stream Habitat Improvement (Code 395).

NRCS state conservationists who choose to adopt the standards for use within their states will incorporate them into section IV of their respective electronic Field Office Technical Guide. The standards may be used in conservation systems that treat highly erodible land (HEL) or on land determined to be a wetland.

**WILDLAND FIRE MANAGEMENT AND RESILIENT LANDSCAPES.** Western Governors Association adopted a [policy resolution](#) seeking to promote wildland fire management practices and create resilient landscapes. The policy calls for active management to improve the health of forest and rangeland ecosystems; approval and funding to update and implement the national wildfire aviation strategy; greater federal investment U.S. Forest Service fire response activities; development of solutions to overcome funding barriers identified in the National Cohesive Wildland Fire Management Strategy; expanded use of the Good Neighbor and Stewardship Contracting Authorities; and authorization to use Federal Emergency Management Act (FEMA) funding to help homeowners and renters impacted by wildfire.

**GUAM COASTAL MANAGEMENT PROGRAM EVALUATION.** The National Oceanic and Atmospheric Administration (NOAA) scheduled a public meeting to solicit public comment on the performance evaluation of the Guam Coastal Management Program ([81 FR 56607](#)). The meeting is scheduled for 28 SEP 16. Comments are due 5 OCT 16. During the evaluation,

NOAA will consider the extent to which Guam has met national objectives, adhered to its approved management program, and adhered to the terms of financial assistance under the Coastal Zone Management Act.

**OBAMA CREATES WORLD’S LARGEST MARINE PROTECTED AREA.** In August, President Obama [expanded the Papahānaumokuākea Marine National Monument](#) off the coast of Hawaii, creating the world’s largest marine protected area ([81 FR 60225](#)). As a result, the existing marine national monument was expanded by 442,781 square miles, bringing the total protected area of the expanded monument to 582,578 square miles. All commercial resource extraction activities, including commercial fishing and any future mineral extraction, are prohibited in the expansion area. Noncommercial fishing, such as recreational fishing and the removal of fish and other resources for Native Hawaiian cultural practices, is allowed in the expansion area by permit, as is scientific research. In addition the departments of Interior and Commerce will sign an agreement with Hawaii’s Department of Natural Resources and Office of Hawaiian Affairs providing for a greater management role as a trustee in the Papahānaumokuākea Marine National Monument. The monument was originally created in 2006 by President George W. Bush and designated as a United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage Site in 2010.

**ANTHROPOGENIC SOUND.** The National Marine Fisheries Service (NMFS) issued final technical guidance for assessing the effects of anthropogenic sound on marine mammal hearing ([81 FR 51693](#)). The [guidance](#) provides updated received levels, or acoustic thresholds, above which individual marine mammals under NMFS jurisdiction are predicted to experience changes in their hearing sensitivity (either temporary or permanent) for all underwater anthropogenic sound sources. The guidance is intended for use by NMFS analysts and managers and other relevant user groups and stakeholders, including other federal agencies, when seeking to determine whether and how their activities are expected to result in hearing impacts to marine mammals via acoustic exposure. For more information on ocean acoustics, click [here](#).

## ***SUSTAINABILITY***

**SUSTAINABLE PROCUREMENT STANDARD: ISO 20400.** A new standard in development, [ISO 20400](#), Sustainable Procurement – Guidance, will provide guidelines for organizations wanting to integrate sustainability into their procurement processes. The standard is in second draft international standard stage, meaning interested parties can submit feedback on the draft before final publication in 2017. In tandem with ISO 20400, the nonprofit [Sustainable Purchasing Leadership Council](#) is currently developing a [Sustainable Purchasing Benchmarking System](#). The council’s director of outreach and operations says the benchmarking system will be consistent with the ISO 20400 approach and help organizations identify high-impact sustainable procurement opportunities. For more information, click [here](#).

## ***THREATENED AND ENDANGERED SPECIES***

**LISTING FORMAT.** FWS amended the format of the Lists of Endangered and Threatened Wildlife and Plants to reflect current practices and standards to make the regulations and lists easier to understand ([81 FR 51549](#)). The lists, in the new format, are included in their entirety in the Federal Register notice and have been updated to correct identified errors, effective 4 AUG 16.

**PERIODIC REVIEW OF REGULATIONS.** NMFS published a proposed plan to comply with the Regulatory Flexibility Act (RFA) ([81 FR 51426](#)). The RFA requires that NMFS periodically review existing regulations that have a significant economic impact on a substantial number of small entities, such as small businesses, small organizations, and small governmental jurisdictions. The plan describes how NMFS will perform the review and describes the regulations that are being proposed for review during the current review cycle. Among the regulations scheduled for review are critical habitat designations for the [Atlantic salmon](#) (*Salmo Salar*) Gulf of Maine distinct population segment (DPS); the endangered DPS of [smalltooth sawfish](#); and a proposed designation of critical habitat for the threatened southern DPS of North American [green sturgeon](#).

## ***TOXICS***

**SCIENCE ADVISORY COMMITTEE ON CHEMICALS.** EPA is establishing a new federal Science Advisory Committee on Chemicals (SACC) and is seeking committee member nominations ([81 FR 58925](#)). The purpose of the SACC is to provide independent advice and expert consultation on the scientific and technical aspects of risk assessments, methodologies, and pollution prevention measures or approaches. Members of the SACC will have expertise in scientific and technical fields relevant to chemical risk assessment and pollution prevention. Members will also have diverse background and experiences, including professional experiences in government, labor, public health, public interest, animal protection, industry, and other groups. Comments and nominations are due 11 OCT 16.

**MERCURY EXPORT PROHIBITION.** EPA published a list of mercury compounds that are prohibited from export ([81 FR 58926](#)). Effective 1 JAN 20, the export of mercury (I) chloride or calomel; mercury (II) oxide, mercury (II) sulfate, mercury (II) nitrate, and cinnabar (i.e., mercury sulfide) is prohibited, unless the compounds are exported to member countries of the Organization for Economic Cooperation and Development for environmentally sound disposal, on the condition that no exported mercury or mercury compounds are recovered, recycled, reclaimed for use, or directly reused.

## ***WASTE***

**COAL COMBUSTION RESIDUALS.** EPA is extending the compliance deadlines for certain inactive surface impoundments for coal combustion residuals (CCR) ([81 FR 51802](#)). The agency is taking this action in response to a partial vacatur ordered by the U.S. Court of Appeals for the District of Columbia Circuit on 14 JUN 16. The final rule provides time for owners and operators affected by the court decision to bring their units into compliance with the rule's substantive requirements. The final rule is effective 4 OCT 16, unless the agency received adverse comment by 4 SEP 16.

# **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](http://www.REPI.mil).



- **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.** 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.

### ***ONLINE TRAINING: SCHEDULED AND ON-DEMAND EVENTS***

**\*28 SEP 16.** [Using NRCS's Plant Database in Conservation Planning.](#) Learn how the data available in the National Plant Data Team's PLANTS database and [website](#) can be used in conservation planning. PLANTS is the central repository of basic plant information for NRCS, and provides data for the approximately 25,000 native and naturalized plant species in the U.S. and its possessions.

**\*29 SEP 16.** [Remedy Selection for Contaminated Sediments.](#) Developed for managers of sites with contaminated sediments, this ITRC training course show participants how to apply technical and regulatory guidance to overcome remedial challenges posed by contaminated sediment sites. Participants will learn how to identify site-specific characteristics and data needed for site decision making, evaluate potential technologies based on site information, and select the most favorable contaminant management technology for their site. For reference during the training class, participants should have a copy of the one-page [Framework for Sediment Remedy Evaluation](#); and be familiar with the ITRC technology and regulatory guidance, [Incorporating Bioavailability Considerations into the Evaluation of Contaminated Sediment Sites Website \(CS-1, 2011\)](#), and [associated internet-based training](#) that assists state regulators and practitioners with understanding and incorporating fundamental concepts of bioavailability in contaminated sediment management practices.

**SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES.** This two-hour [course](#) provides staff involved in specifying and purchasing with a thorough introduction to compliance requirements, processes, and tools for procuring sustainable products and services. Participants will receive specific guidance in how to meet executive order and Federal Acquisition Regulation (FAR) requirements and understand how sustainable acquisition benefits their agency, community, and the environment.

# Staff Directory

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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.

To be added to the *Southern Review* distribution list, email the [Regulatory Affairs Specialist](#).