



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](#).

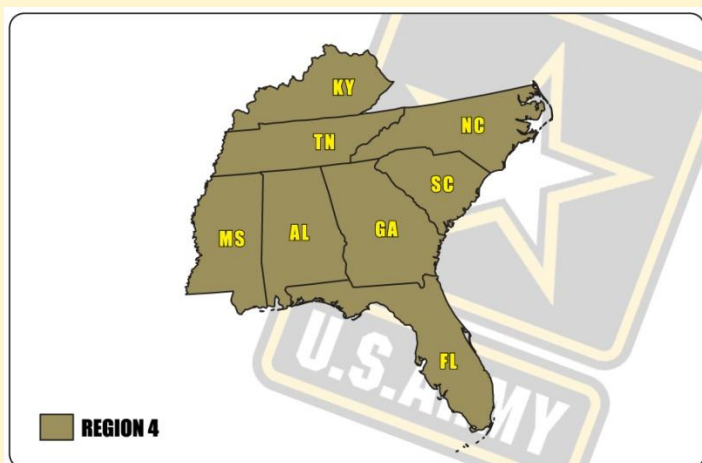


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ENDANGERED SPECIES PETITIONS

The U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) jointly issued [final regulations](#) with major changes to the process for submitting petitions to list, delist, or reclassify endangered species and to request revisions to critical habitat designations. According to the services, the changes will improve the content and specificity of petitions and maximize the efficiency with which the services process petitions, leading to quicker decisions.

The new regulations include the following changes:

- *Improved engagement with state wildlife agencies:* Petitioners are required to notify each state wildlife agency in which the species occurs at least 30 days before submitting the petition to the services. This change provides states an opportunity to submit pertinent information on petitioned species in time to inform federal review.
- *Limitation on the number of species per petition:* Petitions are now limited to only one species per petition. A petition may still address any members of a single species as defined by the Endangered Species Act (ESA), including the full species and one or more subspecies or varieties. For vertebrate species, this includes one or more distinct population segment (DPS).

While some conservationists harshly [criticized](#) the new rule, asserting that the changes make it more difficult to submit petitions, others [applauded](#) the rule as a step in the right direction, recognizing the rule changes allow greater input on the local level. In the west, greater involvement and cooperation on the local, state, and regional level has resulted in a [suite of initiatives](#) protecting the greater sage-grouse, ultimately leading the FWS to decline to list the species. The final rule is effective 27 OCT 16.

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.

PROPOSED RULES

WATER QUALITY CRITERIA. The Alabama Department of Environmental Management (ADEM) proposes to amend [Division 335-6 of the ADEM Administrative Code](#) in regard to water quality criteria and establishing standards of quality for surface waters of the state. ADEM published a [notice of intended action](#) and the [proposed rules](#) on 30 SEP 16, and the agency will hold a hearing on 10 NOV 16, with comments due the date of the hearing.

REVISIONS TO WATER QUALITY PROGRAM REGULATIONS. ADEM [proposes](#) to revise chapters 335-6-1, 335-6-5, and 335-6-6 to reflect changes in federal rules that require electronic reporting of certain monitoring data, program reports, notices, and certifications by entities regulated under the National Pollutant Discharge Elimination System (NPDES). These federal requirements, referred to as the NPDES Electronic Reporting Rule, were published in the Federal Register ([80 FR 64063](#)) on 22 OCT 15. ADEM published a [notice of intended action](#) and the [proposed rules](#) on 30 SEP 16, and the agency will hold a hearing on 10 NOV 16, with comments due the date of the hearing.

REVISIONS TO WATER SUPPLY PROGRAM REGULATIONS. ADEM [proposes](#) to amend Division 335-7 of the ADEM Administrative Code to clarify language in the department's Lead and Copper Rule as requested by the U.S. Environmental Protection Agency (EPA). ADEM published a [notice of intended action](#) on 25 SEP 16, and the agency will hold a hearing on 9 NOV 16, with comments due the date of the hearing.



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

COASTAL CONSTRUCTION PERMITS. The Florida Department of Environmental Protection (FLDEP) proposes to amend rule [62B-41, F.A.C.](#), which contains the criteria and procedures for obtaining a coastal construction permit. The proposed amendments refine the requirements for permit applications for coastal construction below the mean high water line,

including inlet construction and maintenance, and beach restoration and nourishment; eliminate duplicative language contained in [62B-49, F.A.C.](#); incorporate electronic submittal language; and update terminology. Additionally, the rule changes implement a 2012 amendment to [Section 161.041, F.S.](#) and address comments from the Joint Administrative Procedures Committee. FLDEP published a [notice of proposed rule](#) on 2 SEP 16.

EMISSION LIMITS DURING TRANSIENT MODES OF OPERATION. FLDEP 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 (SSM). These changes are intended to meet the legal requirements of 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. FLDEP published a [notice of proposed rule](#) on 1 SEP 16.

PUBLIC NOTICE OF POLLUTION. FLDEP proposes a new rule in [Chapter 62-4, F.A.C.](#), to require owners and operators of any installation to provide notice within 24 hours to FLDEP, local government officials, and the public whenever there is an incident or discovery of pollution at an installation. Owners and operators also must provide a subsequent notice within 48 hours that describes any potentially affected areas beyond the property boundary of the installation, and the potential risk to public health, safety, or welfare. Owners and operators must notify FLDEP, local government officials, and the property owner within 24 hours of becoming aware that pollution from an installation has affected areas beyond the property boundaries of the installation. FLDEP published a [notice of proposed rule](#) on 28 SEP 16.

RISK-BASED CORRECTIVE ACTION. FLDEP proposes to amend [Chapter 62-780, F.A.C.](#), which has not been substantially updated on a technical basis since it was adopted in 2005. The rule chapter is updated to incorporate lessons learned in applying risk-based corrective action principles to contaminated site management and closure. The rule is also revised to allow the use of new techniques and approaches. FLDEP also corrected a number of inconsistencies or incongruities within the chapter. FLDEP published a [notice of proposed rule](#) on 19 SEP 16 and a [notice of correction](#) on 29 SEP 16.

FINAL RULES

HUMAN HEALTH-BASED SURFACE WATER QUALITY CRITERIA. FLDEP adopted amendments to [Chapter 62-303, F.A.C.](#), which update the listing methodology for assessing human health-based water quality criteria as part of the process of identifying impaired surface waterbodies. This action is in conjunction with proposed revisions to human health-based criteria in [Chapter 62-302, F.A.C.](#) (covered under a separate notice). FLDEP filed notice of the final rule on 27 SEP 16.

PUBLIC NOTICE OF POLLUTION. FLDEP adopted [emergency rules](#) to require owners and operators of any installation to provide notice within 24 hours to FLDEP, local government officials, and the public whenever there is an incident or discovery of pollution at an installation. Owners and operators also must provide a subsequent notice within 48 hours that describes any potentially affected areas beyond the property boundary of the installation, and the potential risk to public health, safety, or welfare. Owners and operators must notify FLDEP, local government officials, and the property owner within 24 hours of becoming aware that pollution from an installation has affected areas beyond the property boundaries of the installation. FLDEP published the emergency rules on 27 SEP 16.

WELL CONSTRUCTION PERMITTING AGREEMENTS. The Southwest Florida Water Management District (SFWMD) adopted rule changes to 40D-1.002, F.A.C., incorporating by reference the well construction permitting agreements between the district and Sarasota County, Manatee County, and the Florida Department of Health in Marion County, which were recently approved by the district's governing board. These agreements memorialize and continue the long-standing delegation of the well construction permitting program by the SFWMD in Sarasota, Manatee, and Marion counties. The agreements are effective 1 JUN 16 and expire 31 MAY 21 unless terminated earlier. The amendment of this rule to incorporate the agreements by reference maintains the regulatory status quo for well construction permitting in Sarasota, Manatee and Marion counties. The SFWMD published a notice of rule filing on 7 SEP 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.

FINAL RULES

RULES FOR AIR QUALITY CONTROL AND STATE IMPLEMENTATION PLAN. Georgia Environmental Protection Division (GAEPD) amended 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 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.

GAEPD issued an advisory on the final rules on 6 SEP 16, and the rules are effective 14 AUG 16.

RULES FOR SAFE DRINKING WATER. GAEPD adopted amendments to [Rule 391-3-5-.04](#) to remove current requirements pertaining to trust indentures and add requirements for performance bonds or letters of credit exactly as presented in O.C.G.A. § 12-5-179(g). The [amendments](#) align the [Rules for Safe Drinking Water](#) with the statutory authority and recognize this authority as a more effective mechanism to incentivize good system performance. GAEPD issued an advisory on the final rules on 6 SEP 16, and the rules are effective 15 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.

DRAFT PERMITS

DRAFT TITLE V CONSTRUCTION/OPERATING PERMIT V-13-005 R3. The Kentucky Department of Environmental Protection (KYDEP), Division of Air Quality, issued a notice of a Title V permit application from U.S. Army Garrison - Fort Knox to construct and operate a military complex facility at Building 1110 on 6th Avenue. DEP issued the notice on 15 SEP 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

LARGE CONSTRUCTION STORM WATER GENERAL PERMIT (MSR10). The Mississippi Department of Environmental Quality (MSDEQ) proposes to reissue the statewide [Large Construction Storm Water General Permit](#) (MSR10). The permit covers the state of Mississippi and authorizes the discharge of storm water runoff into waters of the state from construction sites that have installed best management practices for erosion and sediment control. Construction activities include clearing, grading, grubbing, excavating, and other land disturbing activities that disturb five acres or more. Large construction activities disturbing fewer than five acres are regulated by this permit, if the project is part of a larger common plan of development or sale with a planned disturbance of equal to or greater than five acres. The reissuance will allow the continued discharge of storm water for an additional five-year period. MSDEQ issued the [public notice](#) on 7 SEP 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.

FINAL RULES

STARTUP, SHUTDOWN, AND MALFUNCTION (SSM) SIP CALL RULE REVISIONS. The North Carolina Department of Environment and Natural Resources (NCDENR) adopted amendments to [15A NCAC 02D .0535](#) and the adoption of [15A NCAC 02D .0545](#) relating to SSM operations. On 22 MAY 15, EPA issued a final action to ensure states have plans in place that are fully consistent with the CAA and recent court decisions concerning SSM emission limit exemptions. EPA's final action responds to the Sierra Club Petition, clarifies the EPA's SSM Policy to assure consistency with the CAA and recent court decisions, and finalizes findings that the SSM provisions in the SIPs of 36 states do not meet the requirements of the CAA and accordingly issues a "SIP call" for each of those states. There is a requirement to submit a SIP revision by 22 NOV 16. Several states, including North Carolina, entered into litigation over the validity of the EPA SIP call. Due to the uncertainty of the outcome of the litigation, North Carolina has chosen to move forward with rulemaking. NCDENR posted the [approved rule](#) on 19 SEP 16.

WORK PRACTICES FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS. The North Carolina Department of Environmental Quality (NCDEQ) amended 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. CAA provisions require 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. NCDEQ posted the [approved rule](#) on 19 SEP 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.

FINAL RULES

AIR POLLUTION CONTROL AND STATE IMPLEMENTATION PLAN. SCDHEC amended Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP). Specifically, SCDHEC amended [Regulation 61-62.1](#), Section III, Emissions Inventory and Emissions Statements; [Regulation 61-62.60](#), South Carolina Designated Facility Plan and New Source Performance Standards; [Regulation 61-62.63](#), National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; [Regulation 61-62.5](#), Standard No. 2, Ambient Air Quality Standards; and the SIP. The rule changes codify federal amendments to these standards promulgated from 1 JAN 15 through 31 DEC 15. SCDHEC also amended Regulation 61-62.1, [Section II](#), Permit Requirements; Regulation 61-62.5, [Standard No. 1](#), Emissions from Fuel Burning Operations; and Regulation 61-62.5, [Standard No. 4](#), Emissions from Process Industries, to address periods of excess emissions during SSM events as required by the EPA ([80 FR 33840](#)). SCDHEC published the [final regulation](#) on 23 SEP 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.

PROPOSED RULES

PERMIT BY RULE AMENDMENTS. The Tennessee Department of Environment and Conservation (TNDEC) proposes to amend the Tennessee Air Pollution Control Rules and SIP pursuant to Tennessee Code Annotated, Section 68-201-105. [Proposed amendments](#) to Chapters 1200-03-09 and 1200-03-26 allow the Technical Secretary of the Air Pollution Control Board to streamline the permitting process for certain small sources only subject to permitting because of federal requirements. Many of the sources will be eligible to seek coverage under a “permit-by-rule” rather than traditional construction and operating permits. TNDEC filed a [notice of rulemaking hearing](#) on 12 SEP 16.

STATE IMPLEMENTATION PLAN REVISIONS. TDEC issued a [notice of hearing](#) before the Technical Secretary of the Tennessee Air Pollution Control Board to consider a proposed SIP revision under the authority of Tennessee Code Annotated, Section 68-201-105. The proposed SIP revision requests from the EPA the relaxation of the Reid vapor pressure (RVP) summertime gasoline standard from 7.8 pounds per square inch (psi) to 9.0 psi for the five-county (Davidson, Rutherford, Sumner, Williamson, and Wilson) Middle Tennessee area. TNDEC issued the notice of hearing on 7 SEP 16.

REQUIRED SAMPLING, RECORDING, AND REPORTING. TNDEC proposed amendments to [Chapter 1200-03-10](#) by adding a new rule, cited as 1200-03-10-.05, Emissions Inventory Requirements. The new rule requires stationary sources that exceed thresholds in 40 CFR 51 Subpart A submit emissions inventories no later than 1 JUN of each calendar year. The Technical Secretary of the Tennessee Air Pollution Control Board will provide the format for emission inventories. TNDEC issued a [notice of hearing](#) on 7 SEP 16.

Department of Defense Activity

PROCUREMENT OF SUSTAINABLE GOODS AND SERVICES. Effective 7 SEP 16, DOD Instruction (DODI) [4105.2](#), Procurement of Sustainable Goods and Services, establishes policy, assigns responsibilities, and prescribes procedures for the procurement of sustainable goods and services to reduce the lifecycle costs and the impact of DOD activities on the environment. The DODI states it is policy for the DOD to implement a program that gives preference to procurement of sustainable goods and services and addresses specified goals and preferences for a variety of goods and services.

MANAGEMENT OF DOD RESEARCH AND DEVELOPMENT LABORATORIES. Effective 29 SEP 16, DODI [3201.1](#), Management of DOD Research and Development (R&D) Laboratories, establishes policy and assigns responsibilities for the management of DoD R&D laboratories. The DODI states it is policy to maintain technical excellence in DOD R&D laboratories; provide leadership to DOD R&D laboratories in the development and acquisition of needed capabilities and to ensure the laboratories are properly supported; and provide laboratory in-house management with the responsibility, authority, and flexibility to manage the laboratories.

REPI PROGRAM NEWSLETTER. The summer edition of the DOD's Readiness and Environmental Protection Integration (REPI) Program newsletter is available [here](#).

2017 REPI CHALLENGE PRE-PROPOSALS. The 2017 REPI Challenge Request for Pre-Proposals and the downloadable pre-proposal form are now available through the U.S. Endowment for Forestry and Communities' [website](#). The REPI Challenge seeks to leverage public and private funds for land conservation projects that limit incompatible development or that relieve current or anticipated environmental restrictions on military testing, training, or operations. Up to \$10 million will be made available for the 2017 REPI Challenge, and funds will be awarded in April 2017. The challenge is open to all eligible partners at any DOD installation. The deadline for submissions is 18 NOV 16. For more information, click [here](#).

REPI WEBINAR: STATE POLICIES AND ENCROACHMENT PROTECTION EFFORTS. In September, REPI hosted a webinar on state policies and encroachment protection efforts. The webinar included presentations on Fort Huachuca's efforts to identify federal, state, and local funding opportunities in the Fort Huachuca Sentinel Landscape; efforts in California to improve military and community compatibility planning, specifically [updates](#) to the California Military and Community Planning Advisory Handbook; and an overview of how states are supporting their defense sector. Presenters included representatives from Fort Huachuca, the California Governor's Office of Planning and Research, and the Association of Defense Communities. The webinar, archived [here](#), is available for viewing anytime. The draft handbook, available [here](#), is best viewed using Microsoft Internet Explorer®.

NEPA IMPLEMENTING PROCEDURES: DTRA/SCC-WMD. The Defense Threat Reduction Agency/USSTRATCOM Center for Combating Weapons of Mass Destruction (DTRA/SCC-WMD) issued procedures to implement the National Environmental Policy Act (NEPA), Executive Order (EO) 11514, and the White House Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA ([81 FR 61200](#)). DTRA/SCC-WMD actions typically occur on host military service installations or ranges, or on other federal agency properties. Formerly, the agency relied upon host-installation NEPA implementing procedures. However, subsequent to CEQ regulations, the agency determined

it needed to establish NEPA implementing procedures and categorical exclusions specific to DTRA/SCC-WMD projects and actions. For more information, click [here](#).

GAO REPORT: DOD RENEWABLE ENERGY PROJECT DATA FOR ANALYZING COSTS AND BENEFITS. The Government Accountability Office (GAO) examined DOD's approach for analyzing the financial costs and benefits for renewable energy projects, and the extent to which these projects addressed DOD's renewable energy goals and energy security objectives ([GAO-16-487](#)). GAO found that renewable energy project documentation was not always complete. For example, DOD project documentation did not consistently identify the value of land used and compare that to any compensation DOD received. GAO also found that project documentation was not always clear about how a renewable energy project advanced DOD's goal of energy security or whether the project might require additional investment, such as energy storage, to realize the energy security goal. GAO noted that without this information, DOD officials may not have a full understanding of all relevant information when approving renewable energy projects. GAO recommended that DOD issue guidance clarifying that project documentation include a comparison of the value of the land used and the compensation DOD is to receive for it and information on projects' contributions toward DOD's energy security objective. DOD concurred with GAO's recommendations. GAO report highlights are available [here](#).

ARMY ENERGY SAVINGS CONTRACTS \$1B MILESTONE. The U.S. Army recently announced it has surpassed \$1 billion in energy savings performance and utility energy services contracts in less than five years. This is in response to President Obama's challenge to all federal agencies to achieve a total investment of \$4 billion before the end of 2016. According to Katherine Hammack, Assistant Secretary of the Army for Installations, Energy, and Environment, "These contracts are important to the Army. Federal agencies like the Army can leverage their utility budgets and take the steps essential to enhancing resiliency, achieving cost savings, and improving operations and maintenance." Private investors use their own funds to modernize, upgrade, or implement energy and water efficiency, as well as renewable energy systems on Army installations. In return, the Army pays back the investment with some of the utility cost savings achieved from these improvements. The investors guarantee a minimum savings that meets or exceeds the required payments. At the end of the contract, the Army owns all of the improvements and benefits from the continuing savings, which it can use to meet other readiness requirements.

The Army has contracted for 127 individual projects, or task orders, totaling \$1.015 billion. This represents 33 percent of the federal government's total response to the President's challenge and 68 percent of the Department of Defense's total efforts. The Army has a long history of using performance contracting that predates the President's challenge. Since 1992, the Army has been aggressively pursuing energy savings and currently has the largest energy savings performance contracting program in federal government. The Army's 624 individual projects or task orders represent private investment of more than \$2.5 billion. Collectively, these energy usage improvements equate to 12.7 trillion British thermal unit energy savings annually for the Army, enough to power nearly 350,000 average U.S. households per year. (The complete article by Gary Sheftick can be found [here](#).)

Federal Activity

AIR

AREA SOURCE BOILER RULE. EPA issued a final decision on its reconsideration of certain aspects of the [2013 final amendments](#) to the National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers, commonly referred to as the Area Source Boiler Rule ([81 FR 63112](#)). EPA retained the subcategory and separate requirements for limited-use boilers, consistent with the February 2013 final rule. EPA amended three reconsidered provisions regarding alternative particulate matter (PM) standard for new oil-fired boilers; performance testing for PM for certain boilers based on their initial compliance test; and fuel sampling for mercury for

certain coal-fired boilers based on their initial compliance demonstration. EPA made minor changes to the definition of startup and shutdown, based on comments received. The final action also addressed technical corrections and clarifications, including removal of the affirmative defense for malfunction in light of a court decision on the issue. The final rule was effective 14 SEP 16.

NO₂ NAAQS. EPA is reviewing the National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO₂) ([81 FR 65353](#)). In September, the agency released a draft policy assessment for the review of the primary NO₂ NAAQS. The policy assessment is intended to facilitate the Clean Air Scientific Advisory Committee's advice and public input as part of the ongoing review. Comments are due 8 DEC 16.

ELECTRONIC REPORTING: MATS RULE. EPA is proposing to amend the electronic reporting requirements for the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units, commonly referred to as the Mercury and Air Toxics Standards (MATS) ([81 FR 67062](#)). The proposed rule would revise and streamline MATS electronic data reporting requirements for owners or operators of electric utility steam generating units who use performance stack testing or continuous monitoring to demonstrate compliance. Comments are due 31 OCT 16.

WITHDRAWN DIRECT FINAL RULE: TECHNICAL CORRECTION TO PM_{2.5} CALCULATION. EPA withdrew a [direct final rule](#) correcting an equation in an appendix in the NAAQS for fine particulate matter (PM_{2.5}) ([81 FR 66823](#)). The rulemaking, which corrected an error in one of the equations used to calculate an annual mean PM_{2.5} concentration, consistent with the text elsewhere in the appendix, was withdrawn because the agency received adverse comment. EPA will address the adverse comment and issue a new final rule.

AIR POLLUTION CONTROL COST MANUAL. EPA is updating three chapters of its air pollution cost control manual and is seeking public comment on the proposed revisions ([81 FR 65352](#)). The manual contains individual chapters on control measures, including data and equations to aid users in estimating capital costs for installation and annual costs for operation and maintenance of these measures. The manual, used by EPA to estimate the impacts of rulemakings, serves as a basis for sources to estimate control costs that are Best Available Control Technology (BACT) under the New Source Review (NSR) program and Best Available Retrofit Technology (BART) under the Regional Haze program. Comments are due 21 DEC 16.

VOLKSWAGEN DIESEL SETTLEMENT TO FUND STATE PROGRAMS. In 2016, the United States and the State of California filed a lawsuit against Volkswagen alleging it had manufactured diesel cars with systems intended to defeat emissions tests. These systems allowed vehicles to emit nitrogen oxide (NOx) pollution at levels that significantly exceeded the amounts allowed under the CAA. In addition to a [consumer restitution](#) component, a [proposed settlement](#) would establish an environmental mitigation trust fund of \$2.7 billion that could be used by states and federally recognized tribes to fund a [limited suite](#) of programs to reduce NOx emissions. The settlement also requires Volkswagen to [invest \\$2 billion](#) in zero electric vehicle (ZEV) charging infrastructure and ZEV promotion.

After the proposed settlement is approved by the court and the final settlement trust fund is established, states have a number of steps they must take to access funding. Under an estimated [mitigation fund timeline](#), mitigation trust funds could be accessed as early as summer 2017.

Beneficiary states are beginning to plan how to spend their portions of the ZEV investment funds and to identify which NOx reduction projects to pursue. Some states are further in the planning process than others. To view state-specific news as related to the Volkswagen settlement and mitigation fund, click on the state name: [Alabama](#), [Florida](#), [Georgia](#), [Kentucky](#), [Mississippi](#), [North Carolina](#), and [Tennessee](#).

CLIMATE CHANGE

CLIMATE CHANGE AND NATIONAL SECURITY. On 21 SEP 16, President Obama issued a presidential memorandum, [Climate Change and National Security](#). The memorandum establishes policy that the impacts of climate change must be considered in the development of national security-related doctrine, policies, and plans. To achieve this, 20 federal agencies and offices with climate science, intelligence analysis, and national security policy development missions and responsibilities will collaborate to ensure the best information on climate impacts is available to strengthen national security. The memorandum requires subject federal agencies to develop individual Agency Implementation Plans that describes how the agency will identify and maintain climate-related data; identify climate change-related risks to agency missions; and identify the potential impact of climate change on human migration and displacement, global food and water security, and human and animal health, as relates to national security.

The President's memorandum is supported by a September [report on the national security implications of climate change](#), issued by the [National Intelligence Council](#). The report finds that climate change is already having significant impacts that are "likely to pose significant national security challenges for the United States over the next two decades," including straining U.S. military operations and bases. For more information, click [here](#).

CLIMATE SECURITY CONSENSUS PROJECT. In September, the Center for Climate and Security, a non-partisan policy institute, issued a [consensus statement](#) and two reports related to climate change. The consensus statement declares that the effects of climate change present a strategically significant risk to U.S. national security and urges a comprehensive policy to address this risk. According to the statement, impacts of climate change present significant and direct risks to the U.S. homeland, including to critical energy and military infrastructure. In addition, the center released a [briefing book](#) for the next administration that makes recommendations to address the security risks of climate change and a [report](#) on sea level rise and the U.S. military mission.

STATE CLIMATE CHANGE FACT SHEETS. EPA [released fact sheets](#) on the likely impacts of climate change for the 50 U.S. states and the territories of Guam and Puerto Rico. A fact sheet for the District of Columbia is under development.

CULTURAL RESOURCES

PATHWAY TO REESTABLISH A FORMAL GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH NATIVE HAWAIIAN COMMUNITY. The U.S. Department of Interior (DOI) [announced](#) a final rule creating a pathway for reestablishing a formal government-to-government relationship with the Native Hawaiian Community. The final rule sets out an administrative procedure and criteria that the U.S. Secretary of the Interior would use if the Native Hawaiian community forms a unified government that then seeks a formal government-to-government relationship with the United States.

ENERGY

GUIDANCE FOR REPORTING ANNUAL ENERGY AND WATER USE. In September, the U.S. Department of Energy (DOE) released a [guidance document](#) for federal agencies reporting their annual energy and water management activities. The report is mandated by the National Energy Conservation Policy Act, Energy Policy Act of 2005, Energy Independence and Security Act of 2007, and EO 13693, Planning for Federal Sustainability in the Next Decade. For more information, click [here](#) or [here](#).

REPORT ON COST REDUCTIONS AND RAPID DEPLOYMENT OF CLEAN ENERGY TECHNOLOGIES. DOE released a [report](#) that highlights the accelerated deployment of five clean energy technologies: wind turbines, solar technologies for both utility-scale and distributed photovoltaic (PV), electric vehicles (EVs), and light-emitting diodes (LEDs). Highlights from the report detail these and other increases in America's clean energy deployment:

- Land-based wind accounted for 41 percent of all new capacity brought online in 2015. Overall, wind generated enough electricity to power more than 17 million households.

- Utility-scale solar PV represented 15 percent of all newly installed electricity generation capacity in 2015. Utility-scale PV generated enough electricity to power over two million homes.
- Distributed solar PV has reached one million rooftop installations on homes and businesses after experiencing a 54 percent reduction in overall costs since 2008.
- In total, wind and solar accounts for two-thirds of all new, U.S. installed electricity capacity.
- Installation of LED A-type bulbs exceeded 200 million through 2015, growing 160 percent over 2014.
- Total sales of EVs approach the half million mark, with 490,000 EVs on the road as of August 2016.

A fact sheet is available [here](#).

DOE BIENNIAL REPORT: ENERGY SAVINGS FORECAST OF SOLID-STATE LIGHTING IN GENERAL ILLUMINATION APPLICATIONS. Conclusions reported include:

- By 2035, LED lamps and luminaires are anticipated to hold the majority of lighting installations for each of the niches examined, comprising 86 percent of installed stock across all categories, compared to only 6 percent in 2015.
- Annual savings from LED lighting will be 5.1 quads in 2035, representing a 75 percent reduction in energy consumption versus a no-LED scenario.
- Most of the projected savings will be attributable to two commercial lighting applications (linear and low/high-bay); one residential application (A-type screw-in light bulbs); and one application that crosses both residential and commercial (directional, e.g., downlights and track lighting).
- DOE states that networked lighting and other control technologies (e.g., ordinary dimming, occupancy sensing) will be essential in achieving savings, accounting for almost 2.3 quads of the total 5.1 quads annual savings in 2035. See <http://energy.gov/eere/ssl/ssl-forecast-report> for an illustration.

The report provides price projections by application categories, and anticipates LED lighting continuing to fall rapidly in price until about 2020. Between 2015 and 2020, most categories are projected to fall in price by half or more. The full report is available [here](#).

RENEWABLE ENERGY ANNOUNCEMENTS. In September, U.S. DOI Secretary Sally Jewell [announced support](#) for efforts to increase renewable energy on public lands and waters.

- *Desert Renewable Energy Conservation Plan:* DOI [announced approval](#) of Phase I of the Desert Renewable Energy Conservation Plan (DRECP), an innovative, landscape-level renewable energy and conservation planning effort covering 10.8 million acres of public lands managed by the Bureau of Land Management in the California desert. Phase I is part of a larger, comprehensive effort with the state of California designed to provide a blueprint across 22 million acres of public and private land in California's desert region for streamlining renewable energy development while conserving unique and valuable ecosystems and providing outdoor recreation opportunities. The lands specifically identified for renewable energy development by the plan have the potential to generate up to 27,000 megawatts of renewable energy—enough to power over eight million homes—that will help meet federal and state renewable energy and climate change goals. For more information, click [here](#).
- *National Offshore Wind Strategy:* DOE and DOI [announced](#) publication of a collaborative [strategic plan](#) to continue accelerating the development of offshore wind energy. The strategy details the current state of offshore wind in the U.S., discusses the actions and innovations needed to reduce deployment costs and timelines, and provides a roadmap to support the growth and success of the industry. Additional information about the strategy is available [here](#).
- *Tribal Solar Project:* DOI [approved](#) the 100-megawatt [Aiya Solar Project](#) on tribal trust land in Clark County, Nev. Located northeast of Los Vegas, the Aiya Solar Project is the third utility-scale photovoltaic facility approved for development on the Moapa Band of Paiute Indians Reservation and the 60th renewable energy project

approved for federally administered land since 2009 as part of an effort to advance development of renewable energy on public lands.

HAZARDOUS MATERIALS

HAZARDOUS MATERIALS REGULATION. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is proposing to align the Hazardous Materials Regulation (HMR) with international standards ([81 FR 61471](#)). Proposed amendments include changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. The revisions are intended to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations. In addition, PHMSA is proposing amendments to the HMR in response to coordination with Canada under the U.S.-Canada Regulatory Cooperation Council. Comments are due 7 NOV 16.

SAFE TRANSPORT OF RADIOACTIVE MATERIAL. PHMSA [is requesting](#) public comment on a draft revision of the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Material (SSR-6), which is scheduled for publication in 2018 ([81 FR 62972](#)). The redline-strikeout version of the draft document is available [here](#). Among the proposed changes:

- Adding a new category of Surface Contaminated Objects (SCO-III);
- Replacing the term "radiation level" with the term "dose equivalent rate;" and
- Requiring that "Consignors and carriers shall establish, in advance, arrangements for preparedness and response for emergencies that may occur during transport."

Comments are due 28 OCT 16.

NANOTECHNOLOGY INITIATIVE STRATEGIC PLAN. The National Nanotechnology Coordination Office released the draft 2016 National Nanotechnology Initiative (NNI) Strategic Plan ([81 FR 62937](#)). The plan, which identifies specific objectives toward collectively achieving the NNI vision, updates and replaces the 2014 strategic plan. Environmental, health, and safety elements of the plan:

- Support the creation of a comprehensive knowledge base for evaluation of the potential risks and benefits of nanotechnology to the environment and to human health and safety;
- Create and employ means for timely dissemination, evaluation, and incorporation of relevant environmental, health, and safety knowledge and best practices;
- Develop the national capacity to identify, define, and responsibly address concepts and challenges specific to the ethical, legal, and societal implications of nanotechnology;
- Incorporate sustainability in the responsible development of nanotechnology;
- Encourage the development of engineered nanomaterials that are safer and more sustainable alternatives to materials—nanoscale and otherwise—that are now in use; and
- Promote the design and development of safe and environmentally benign manufacturing and end-of-life processes for engineered nanomaterials and nanotechnology-enabled products.

MISCELLANEOUS

STREAMLINED APPROVAL PROCESS FOR NON-REGULATORY METHODS IN SW-846. EPA provided notice of a new streamlined approval process for non-regulatory methods in the SW-846 manual, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods ([81 FR 66272](#)). The new process will employ the use of [website](#) postings and email to notify the SW-846 scientific community of methods being released for public comment, which differs from the

traditional Federal Register publication. All methods, beginning with Update VI to SW-846 will utilize the new process. This new process only applies to SW-846 methods published as guidance, where there are no changes to the hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA). The process for updating or publishing SW-846 analytical methods that are required in the RCRA regulations, referred to as Method Defined Parameters, will not change. To sign up for the email notification list, click [here](#).

NATURAL RESOURCES

FIRST U.S. ATLANTIC OCEAN MARINE NATIONAL MONUMENT. In September, President Obama designated the first national marine monument in U.S. Atlantic Ocean waters. The 4,913-square-mile [Northeast Canyons and Seamounts Marine National Monument](#) is the size of Connecticut and has been called an "underwater Yellowstone" and "a deep sea Serengeti." Senior administration officials say to mitigate financial harm, they designated a smaller area than planned and lobster and red crab fisheries have been given a seven-year compliance grace period.

SUSTAINABILITY

SUSTAINABLE ACQUISITION AND GREEN PURCHASE GOALS: GREEN CHECK. The General Services Administration (GSA) [announced](#) it will be implementing a new feature within the [GSA Acquisition Gateway](#) portal to display a Green ✓ (Green Check) tag next to contract vehicles that are identified as sustainable and that advance federal green purchasing goals. At this time, contracts within the information technology (IT) hardware category have been reviewed and a Green Check associated with contracts that are a source of equipment that meets or exceeds federal energy efficiency and other sustainable IT standards. GSA plans to launch Green Check in additional categories in the coming months.

FEDERAL AGENCY ELECTRIC VEHICLE WORKPLACE CHARGING WORKSHOP. DOE and CEQ are hosting [a workshop](#) for federal agencies considering developing a workplace electric vehicle charging program. Topics covered at the workshop will include federal agency workplace charging authority and guidance, and lessons learned from agencies that have already implemented employee workplace electric vehicle charging programs. The workshop is scheduled for 19 OCT 16 in Washington, D.C.

ENVIRONMENTAL MANAGEMENT SYSTEMS: ISO 14001 UPDATE. In September, an updated version of the international standard for environmental management systems (EMSs), ISO 14001:2015, was made available for [purchase](#). The standard can be used by an organization seeking to manage its environmental responsibilities in a systematic manner. [EO 13693, Planning for Federal Sustainability in the Next Decade](#), issued in 2015, encourages federal agencies to continue implementation of formal EMSs where those systems have proven effective and deployment of new EMSs where appropriate. Among the key changes to ISO 14001:2015 from prior versions:

- Increased prominence of environmental management within the organization's strategic planning processes;
- Greater focus on leadership;
- Additional focus on proactive initiatives, such as sustainable resource use and climate change mitigation to protect the environment from harm and degradation;
- Increased emphasis on lifecycle aspects when considering environmental impacts; and
- Addition of a communications strategy.

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

ANNUAL GREENHOUSE GAS (GHG) AND SUSTAINABILITY DATA REPORT, VERSION 7. In September, DOE's Federal Energy Management Program (FEMP) released its [Annual GHG and Sustainability Data Report, version 7.0](#). The Excel® workbook is to be used by top-tier federal departments and agencies for comprehensive reporting of fiscal year (FY) 2016 energy, costs, square footage, and associated operational data. Updates from the version 6.1 workbook incorporate reporting and accounting changes stemming from EO 13693, Planning for Federal Sustainability in the Next Decade, and its

associated Implementing Instructions. The workbook collects agency-aggregated data necessary for calculating scope 1, 2, and 3 GHG emissions in the commonly used, native units of energy consumption and fugitive emissions as well as activity data for estimating scope 3 indirect emissions. It provides users with the summation of their calculated emissions as well as performance results for other sustainability goals. Additional information on the reporting tool is available [here](#).

THREATENED AND ENDANGERED SPECIES

COMPENSATORY MITIGATION POLICY. FWS released its draft Compensatory Mitigation Policy for public comment ([81 FR 61031](#)). The new policy would shift emphasis from project-by-project to landscape-scale approach to planning and implementing compensatory mitigation. It is intended to improve consistency in the use of compensatory mitigation as recommended or required by the ESA. If adopted, the policy would cover permittee-responsible mitigation, conservation banking, in-lieu fee programs, and other third-party mitigation mechanisms, while emphasizing the need to hold all compensatory mitigation mechanisms to equivalent and effective standards. The compensatory mitigation policy is consistent with recent [Executive Office](#) and [DOI](#) mitigation policies. Comments on the draft compensatory mitigation policy were due 3 OCT 16.

90-DAY FINDINGS ON 10 PETITIONS. FWS announced 90-day findings on 10 petitions to list, reclassify, or delist fish, wildlife, or plants ([81 FR 63160](#)). Based on its review of the petitions, the service is initiating 12-month status reviews for four species: the [Florida scrub lizard](#), found in Florida; the [Joshua tree](#), found in Arizona, California, Nevada, and Utah; the [Lassics lupine](#), found in California; and the [Lesser Virgin Islands skink](#), found in the U.S. and British Virgin Islands. Status reviews will not be conducted for the remaining six species. Comments are due 14 NOV 16.

12-MONTH FINDINGS ON NINE PETITIONS. FWS announced 12-month findings on petitions to list nine species as threatened or endangered ([81 FR 64843](#)). The service found that listing is not warranted for the angular dwarf crayfish, Guadalupe murrelet, Huachuca springsnail, two Kentucky cave beetles (Clifton Cave and Icebox Cave beetles), northern wormwood (*Artemisia campestris* var. *wormskioldii*), Scripps's murrelet, Virgin Islands coquí, and Washington ground squirrel. The findings were issued 21 SEP 16.

WHITE FRINGELESS ORCHID. FWS designated [white fringeless orchid](#) (*Platanthera integrilabia*) as threatened ([81 R 62826](#)). The species is found in Alabama, Georgia, Kentucky, Mississippi, South Carolina, and Tennessee. The final rule is effective 13 OCT 16.

PEARL DARTER. FWS is proposing to list the pearl darter (*Percina aurora*) as threatened ([81 FR 64857](#)). The service is not proposing critical habitat at this time. The fish, found in Mississippi, is currently listed as endangered by the Mississippi Department of Wildlife, Fisheries, and Parks. Comments are due 21 NOV 16.

THREATENED AND ENDANGERED STATUS FOR FOUR SOUTHERN FLORIDA PLANT SPECIES. FWS determined endangered status for three plant species and threatened status for one plant species found in southern Florida ([81 FR 66842](#)). The endangered plant species are [wedge spurge](#) (*Chamaesyce deltoidea* ssp. *serpyllum*), [Sand Flax](#) (*Linum arenicola*), and [Big Pine partridge pea](#) (*Chamaecrista lineata* var. *keyensis*). The threatened plant species is [Blodgett's silverbush](#) (*Argythamnia blodgettii*). FWS stated appreciation of the "Navy's interest and commitment to work proactively with the Service to conserve *Argythamnia blodgettii*. In particular, NAS Key West has been proactive in surveying for these species and updating the NAS Key West INRMP [Integrated Natural Resource Management Plan] to include conservation measures for *Argythamnia blodgettii*." FWS "will coordinate early with NAS Key West regarding any critical habitat proposal for *Chamaecrista lineata* var. *keyensis*, *Chamaesyce deltoidea* ssp. *Serpyllum*, *Linum arenicola*, or *Argythamnia blodgettii*." The final rule is effective 31 OCT 16.

RUSTY PATCHED BUMBLE BEE. FWS is proposing to list the [rusty patched bumble bee](#) (*Bombus affinis*) as endangered ([81 FR 65324](#)). The species, once widespread throughout its range, now occurs in scattered small populations in the 12 states of Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, North Carolina, Ohio, Pennsylvania, Tennessee,

Virginia, and Wisconsin. According to FWS, although the exact cause of the species' decline is uncertain, contributing factors may include habitat loss and degradation, pathogens, pesticides, and small population dynamics. Comments are due 21 NOV 16.

ATLANTIC STURGEON: REOPENED PUBLIC COMMENT PERIOD. NMFS reopened the public comment period for an additional 15 days on the proposed designation of critical habitat for five DPSs of Atlantic sturgeon ([81 FR 66911](#)). In June 2016, NMFS published two proposed rules ([81 FR 35701](#) and [81 FR 36077](#)) to designate critical habitat for the Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic DPSs of Atlantic sturgeon. The public comment period was reopened in response to public request. NMFS is soliciting comment on economic, national security, and other relevant impacts.

TOXICS

FDA BANS ANTIBACTERIAL SOAPS. The U.S. Food and Drug Administration (FDA) issued a final rule [banning](#) over-the-counter antibacterial soaps intended for use with water ([81 FR 61106](#)). The final rule applies to consumer antiseptic wash products containing one or more of 19 specific active ingredients, including the most commonly used ingredients—triclosan and triclocarban. These products are intended for use with water, and are rinsed off after use. The rule does not affect consumer hand sanitizers or wipes, or antibacterial products used in health care settings. The final rule is effective 6 SEP 17, one year after the publication of the final rule.

IRIS ASSESSMENT OF RDX. EPA announced two meetings to review the draft Integrated Risk Information System (IRIS) Assessment for hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) ([81 FR 66961](#)). A public teleconference will be held on 17 NOV 16 to learn about the development of the draft IRIS Toxicological Review of RDX and to discuss draft questions for peer review of the document. Public meetings will be held 12-14 DEC 16 in the Washington, D.C., metro area to conduct a peer review of the agency's draft IRIS Toxicological Review of RDX.

IRIS ASSESSMENT OF ETHYL TERTIARY BUTYL ETHER. EPA released the draft IRIS assessment of ethyl tertiary butyl ether (ETBE), a fuel additive, for public comment ([81 FR 60351](#)). Comments are due 31 OCT 16. The assessment is available [here](#), under Recent Additions.

IRIS ASSESSMENT OF AMMONIA. EPA [released](#) the final IRIS assessment of ammonia. The assessment addresses the potential noncancer human health effects from long-term inhalation exposure to ammonia. It updates the toxicological information on ammonia that was originally developed in 1991. An executive summary of the report is available [here](#). The full report is available [here](#).

SPENT NUCLEAR MATERIAL. The Nuclear Regulatory Commission (NRC) released the draft regulatory guide DG-5051, Shipping, Receiving, and Internal Transfer of Special Nuclear Material, for public comment ([81 FR 64955](#)). The guide consolidates NRC guidance concerning the material control and accounting requirements pertaining to shipments, receipts, and internal transfers of special nuclear material. Comments are due 21 OCT 16.

WASTE

DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE: CONSENT-BASED SITING PROCESS. DOE is designing a consent-based process to site facilities that will be a part of an integrated waste management system to transport, store, and dispose of spent nuclear fuel and high-level radioactive waste ([81 FR 60351](#)). As part of this process, the department hosted a series of meetings across the U.S. to get public input on the elements that should be considered in the development of a consent-based siting process. At the 15 SEP 16 meeting, the department summarized comments received and issued a [draft report](#) ([81 FR 63475](#)). DOE will consider all comments and issue a final report in December 2016. For more information about the initiative, including a video of the September meeting, click [here](#).

PERFLUORINATED COMPOUNDS IN SMALL DRINKING WATER SYSTEMS, TECHNICAL ADVISORY FOR LABORATORY ANALYSIS.

EPA [hosted a webinar](#) for small water systems on the challenges faced by small water systems to detect and treat 14 perfluoroalkyl acids (PFAAs) in drinking water. The webinar had three components: challenges with developing EPA-approved Test Method 537 to detect the compounds and issues that small systems should be aware of when collecting samples for analysis; an overview of studies on PFAAs in the environment; and a discussion of which methods can successfully treat PFAAs in drinking water, including use of EPA's [Drinking Water Treatability Database](#) to identify treatment methods for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) in drinking water. Click [here](#) to view a recording of the webinar. In a related matter, EPA issued a [technical advisory](#) addressing laboratory analysis of PFOA using EPA Test Method 537. The agency issued the advisory because it learned that laboratories are using different approaches to implement the method. In the advisory, EPA recommends that laboratories analyzing samples for PFOA using EPA Method 537 quantify both linear and branched isomers.

PERCHLORATE IN DRINKING WATER: PEER REVIEW OF BACKGROUND MATERIALS. EPA is developing a national primary drinking water regulation for perchlorate. As part of the process of developing the new standard, EPA developed a biologically based dose response model for perchlorate in drinking water that will be used to predict the effects of perchlorate on the thyroid gland of certain populations ([81 FR 67350](#)). EPA will use the model results to develop maximum contaminant level goals (MCLGs) for drinking water. The agency released the model report for peer review for public comment. Comments are due 14 NOV 16.

PERCHLORATE IN DRINKING WATER: PEER REVIEW PANEL. As part of the process for developing a national primary drinking water regulation for perchlorate, EPA released an interim list of peer review candidates and the draft charge for the expert peer review panel ([81 FR 67347](#)). Comments on the draft peer review panel charge questions and interim list of peer review candidates are due 21 OCT 16.

NPDES ELECTRONIC REPORTING: IMPLEMENTATION. In 2015, EPA issued the final National Pollutant Discharge Elimination System Electronic Reporting Rule, which requires regulated entities to electronically report information required by the NPDES permit program. The final rule also requires EPA to publish, for regulated entities, a list of the initial recipient of their NPDES electronic data submissions and the due date for these NPDES electronic data submissions. In September, EPA published an overview of the "initial recipient" term; a list of the initial electronic report recipients organized by state, tribe, territory, and NPDES data group; and the due date for NPDES electronic data submissions ([81 FR 62395](#)). EPA will update the list on its website and in the Federal Register if there are any changes. For more information about the NPDES electronic reporting rule, click [here](#).

STATE OR TRIBAL ASSUMPTION OF DREDGE AND FILL PERMITTING. EPA is undertaking an effort to assist states or tribes that may wish to assume permitting of dredge and fill activities pursuant to section 404(g) of the Clean Water Act (CWA) ([81 FR 62123](#)). Currently, the U.S. Army Corps of Engineers (USACE) administers the section 404 dredge and fill permit program in 48 states. EPA's Assumable Waters Subcommittee met in September to advise the agency as to how it can best clarify for which waters a state or tribe may assume permitting responsibility and for which waters USACE will retain permitting authority. For more information about the Assumable Waters Subcommittee, click [here](#).

TREATMENT OF INDIAN TRIBES IN A SIMILAR MANNER AS STATES FOR WATER QUALITY RESTORATION. EPA issued a final rule establishing a process for tribes to obtain treatment in a similar manner as states (TAS) authority to administer the water quality restoration provisions of CWA Section 303(d), including issuing lists of impaired waters and developing total maximum daily loads (TMDLs) to restore impaired waters ([81 FR 65901](#)). The final rule is effective 28 OCT 16. In a related matter, EPA is considering establishing federal baseline water quality standards (WQS) for certain Indian reservation waters to narrow a long-standing gap in coverage of CWA protections ([81 FR 66900](#)). Federal baseline WQS would define water quality goals for unprotected reservation waters and serve as the foundation for CWA actions to protect human health and the environment. The agency is seeking comment on whether to establish such federal

baseline WQS for Indian reservation waters that do not yet have WQS under the CWA and, if so, what those WQS should be and how they should be implemented. Comments are due 28 DEC 16.

NATIONAL WATER FORECAST MODEL. The National Oceanic and Atmospheric Administration (NOAA) launched a new [National Water Model](#) forecasting tool that simulates how water moves throughout the nation's rivers and streams, generating hourly forecasts for an entire river network. Initially, the model will benefit flash flood forecasts in headwater areas and provide water forecast information for many areas that are not covered. As the model evolves, it will provide "zoomed-in," street-level forecasts and inundation maps to improve flood warnings and will expand to include water quality forecasts. For more information, click [here](#).

ECHO DATABASE ADDS STORMWATER DISCHARGE. EPA's Enforcement and History Online (ECHO) database added a new search interface that allows users to identify facilities that discharge industrial stormwater under EPA's multi-sector general permit.

PATHOGENS IN DRINKING WATER DISTRIBUTION SYSTEMS. An [analysis by Tufts University](#) revealed rising healthcare costs due to infections from opportunistic pathogens such as Legionella that can live inside drinking water distribution systems. The [report](#) urges dialog across governmental and disciplinary divides on preventing proliferation of opportunistic pathogens through drinking water exposure, and it warns that aging water distribution systems face increasing susceptibility to opportunistic pathogen contamination.

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

CLASSROOM TRAINING, MULTIPLE OFFERINGS, 2017. [Interagency Consultation for Endangered Species](#). Participants acquire basic information on conducting interagency consultation under Section 7 of the Endangered Species Act. Key information needs and procedures are addressed, with a focus on the information needs related to biological assessments and biological opinions. Lecture and discussion emphasize interagency exchange of information and solutions to support species conservation. Action agency biologists and consultants are welcome to attend. The classroom training is offered in February, April, June, and July, 2017.

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.

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.

SCHEDULED WEBINARS

REPI WEBINAR SERIES: 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. For detailed webinar descriptions and connection instructions, including links to past webinars, visit www.REPI.mil.

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

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.

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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](#).