



U.S. ARMY

Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

April 2017

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](#).

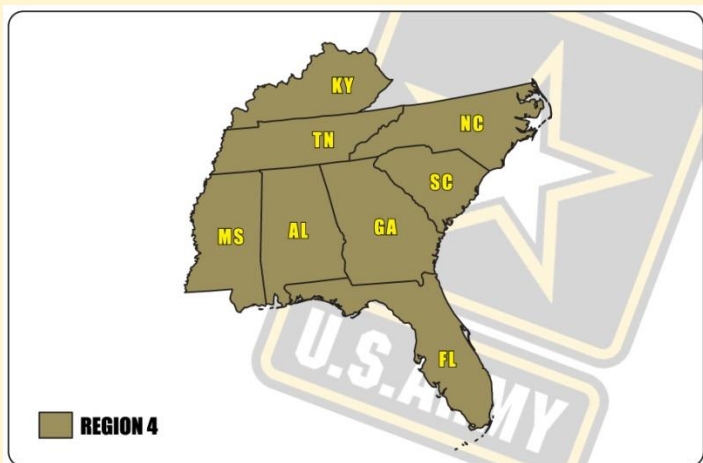


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ARMY ENERGY AND WATER INDEPENDENCE POLICY

In February, the Army [announced](#) new energy and water security goals for U.S. installations. [Army Directive 2017-07](#), Installation Energy and Water Independence Policy, sets a goal for the Army to sustain its own water and power on installations for a minimum of two weeks, without having to depend on civilian water and power supplies.

The directive also calls on installations to improve their overall resilience, including planning for restoration of degraded energy and water systems and reducing risks of future disruptions. Installations will do this by addressing:

- Assured Access to Resource Supply. Redundant and diverse supply, including renewable energy and alternative water.
- Reliable Infrastructure Condition. Infrastructure capable of onsite energy and water storage, along with flexible and redundant distribution networks.
- Effective Operation Systems. Trained personnel who conduct required system planning, operations, and sustainment activities for energy and water security.

While the directive is Army-wide, including Guard and Reserve installations, it does not apply to contingency bases and U.S. Army Corps of Engineers Civil Works facilities. The Army intends to incorporate the guidance in the directive into the next revisions of Army Regulation (AR) [420-1](#) and AR [525-2](#).

The directive calls for immediate "analysis of resource needs, prioritization of requirements for risk mitigation and courses of action to establish and manage funding for program implementation," but it does not have a compliance deadline.

In addition to the energy and water independence policy, the Army is striving toward [net zero](#) in terms of water, electricity, and waste. Net zero began about eight years ago as a pilot but has since expanded Army-wide.

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.



2017 LEGISLATIVE SESSION: 7 FEB THROUGH 22 MAY

ALABAMA HB 273 (ALABAMA SB 242), JOB CREATION AND MILITARY STABILITY COMMISSION. This bill reconstitutes the Alabama Job Creation and Military Stability Commission to ensure the stability of Department of Defense (DOD) resources in the state. It requires the commission to study and evaluate military organizations, personnel, civilian support personnel, equipment, and infrastructure currently located in the state, and to consider potential impacts to the state from stationing or reorganization actions. Read for the second time in the House on 15 MAR 16 and placed on the calendar for third reading; Senate bill read for the second time on 9 MAR 17 and placed on the calendar for third reading, subject to a favorable recommendation from committee.

ALABAMA HB 274 (ALABAMA SB 218), MILITARY INSTALLATION RETENTION AND EXPANSION. This bill creates a program for the retention and expansion of Alabama's military installations and authorizes state funds, along with local matching funds, upon the submission and acceptance of a plan for public projects necessary to protect the interests of an area with respect to realignment or closure of a military installation. It requires the Alabama Job Creation and Military Stability Commission to award funds under this act and submit an annual report to the Legislature. Read for the second time on 15 MAR 17 and placed on the calendar for third reading.

ALABAMA HB 376, WASTEWATER SYSTEMS. Under existing law, certain privately owned wastewater systems, including community wastewater systems and cluster wastewater systems, are subject to regulation under certain conditions by the Department of Environmental Management, the Department of Public Health, and the Public Service Commission. The terms "Cluster wastewater system," "Community wastewater system," and "Small-Flow cluster systems" exclude systems that discharge directly to the surface waters of the state. This bill would remove these exclusions from the definitions. Read for the first time on 9 MAR 17 and referred to committee.

ALABAMA HB 403, COASTAL ZONE MANAGEMENT. This bill provides for permits for shoreline restoration, including the use of living shoreline techniques, by riparian property owners in coastal areas. It authorizes riparian property owners to sever and use materials in their riparian rights use area and for the purposes of shoreline restoration without fee or charge by the Department of Conservation and Natural Resources or the Department of Environmental Management when the source sediment is used for the construction of living shorelines in front of a property owner's riparian property. Read for the first time on 14 MAR 17 and referred to committee.

ALABAMA HJR 85, ELECTRIC GENERATION AND TRANSMISSION FACILITIES. This resolution encourages ongoing bipartisan efforts to spur development of advanced nuclear reactors and innovative nuclear technologies. Received in the Senate on 7 MAR 17 and referred to committee.

ALABAMA HJR 89, ELECTRIC GENERATION AND TRANSMISSION FACILITIES. This resolution urges protection of the nation's electric power grid from dynamic cyber threats. Received in the Senate on 7 MAR 17 and referred to committee.

ALABAMA HJR 93, CLEAN ENERGY TECHNOLOGY INNOVATIONS. This resolution calls on the Alabama Secretary of Energy to work in collaboration with the Southern States Energy Board to expand the opportunity for clean energy technology innovations and applications in southern states to maximize sustainable economic development for a thriving and successful future. Received in the Senate on 7 MAR 17 and referred to committee.

ALABAMA HJR 97, GHG EMISSION REDUCTION MEASURES. This resolution urges policymakers at the federal level to recognize the critical role that capture and storage technologies will play in the nation's and the world's attempts to reduce carbon emissions; to work expeditiously on developing long-term policies that will ensure a positive business case for the deployment of capture, storage, and utilization technologies, especially for secondary users of carbon dioxide; and to establish strong policy measures to significantly increase research and development resources leading to adequately demonstrated, proven, and commercially available transformational carbon capture and storage technologies for fossil fuel power generation that further reduce costs and increase efficiency. It calls on policy makers at the federal, state, and local level, in partnership with the electricity generating industry, to work collaboratively on identifying storage sites that meet the necessary characterizations of successful capture and storage projects. Received in the Senate on 7 MAR 17 and referred to committee.

ALABAMA SB 241, EXPANDED USE OF INDUSTRIAL ACCESS FUNDS. Under existing law, industrial access funds are intended to provide adequate public access to new or expanding distribution, manufacturing, and industrial firms. This bill expands the use of industrial access funds to include costs associated with access to active military installations or property used primarily for military purposes or nonindustrial development sites, such as contact or call centers, that provide a specified number of full-time jobs. Passed the Senate on 16 MAR 16 and sent to the House, where it was referred to committee.

ALABAMA SB 255, SOURCE WATER PROTECTION. Under existing statutory law and case law, a landowner whose land is not contiguous to a body of water in the state does not have a right to use water from the body of water for agricultural irrigation. This bill applies to the Alabama River, the Tennessee River, and the Tombigbee River, and authorizes a landowner whose land is not contiguous to a natural body of water to use water for agricultural irrigation under certain circumstances. Read for the first time on 28 FEB 17 and referred to committee.

PROPOSED RULES

SOLID WASTE AND MUNICIPAL SOLID WASTE. The State Board of Health proposes to repeal and replace the current rule, which includes removing references to areas that are no longer under the purview of the health department. The board published the [notice of intended action](#) on 1 MAR 17, with a public hearing on 14 MAR 17.

FINAL RULES

EMERALD ASH BORER QUARANTINE. The Alabama Department of Agriculture and Industries (ADAI) adopted an [emergency rule](#) to establish a quarantine to prevent the spread of the emerald ash borer (*Agilus planipennis*), a federally regulated invasive species. ADAI determined that the insect, which is established in several other states, has been found in Alabama, and it can be highly destructive to Alabama's ash trees (*Fraxinus* species) and ash nursery stock. ADAI established the quarantine to limit the human-assisted spread of the emerald ash borer within the state. The regulated area includes designated parts of the state that may become infested or may otherwise be deemed to present a hazard of spread of the emerald ash borer, and currently include Calhoun, Cherokee, and Cleburne counties. ADAI published the [certified adopted rules](#) on 1 MAR 17.

HAZARDOUS WASTE MANAGEMENT. The Alabama Department of Environmental Management (ADEM) amended the Hazardous Waste Management Regulations, Division 335-14, ADEM Administrative Code, to maintain the program's authorized status, to adopt new rules published by the U.S. Environmental Protection Agency (EPA), and to make typographical and grammatical corrections. Specifically, ADEM amended the following sections:

- [335-14-1](#), Hazardous Waste Management System: General
- [335-14-2](#), Identification and Listing of Hazardous Waste
- [335-14-3](#), Standards Applicable to Generators of Hazardous Waste
- [335-14-4](#), Standards Applicable to Transporters of Hazardous Waste
- [335-14-5](#), Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities
- [335-14-6](#), Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- [335-14-7](#), Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
- [335-14-11](#), Standards for Universal Waste Management

ADEM published the [certified adopted rules](#) on 1 MAR 17, and the rules are effective 31 MAR 17.



2017 LEGISLATIVE SESSION: 7 MAR THROUGH 5 MAY

FLORIDA HB 181, (FLORIDA SB 464) NATURAL HAZARDS INTERAGENCY WORKGROUP. Creates an interagency workgroup to share information, coordinate ongoing efforts, and collaborate on initiatives relating to natural hazards. The bill designates the director of the Division of Emergency Management or his or her designee as the liaison to and coordinator of the workgroup. Read for the third time on 30 MAR 17 and passed to the Senate.

FLORIDA HB 379, UNDERGROUND FACILITY DAMAGE REPORTING. Requires the board of directors of Sunshine State One-Call of Florida Inc. to submit a summary of the damage reporting data received by the one-call notification system under s. 556.105(12) for the preceding year, and any analysis of the data by the board of directors. The bill requires excavators to call 911 if contact with or damage to an underground pipe or any other underground facility results in the escape of any natural and other gas or hazardous liquid regulated by the Pipeline and Hazardous Materials Safety Administration of the U.S. Department of Transportation. It also requires the operator from the participating member (i.e., the municipality or county) receiving the notice of an event that damages any pipe, cable, or its protective covering, or other underground facility file a report with the system on an annual basis, at a minimum. Each report must describe, if known, the cause, nature, and location of the damage. Under this bill, the one-call notification system shall establish and maintain a process to facilitate submission of reports by member operators. Received a favorable vote from the committee on 9 MAR 17 and placed on the special order calendar on 30 MAR 17.

FLORIDA HB 587 (FLORIDA SB 230), NON-NATIVE SPECIES ON STATE LANDS. Directs the Florida Fish and Wildlife Conservation Commission (FWCC), in consultation with the Florida Department of Environmental Protection (FDEP), to establish a pilot program for the eradication of specific non-native species on public lands. It requires the commission to enter into specified contracts with entities or individuals to capture or destroy the species on state lands. FWCC is to submit a report to the governor and the Legislature by 1 JAN 20. The bill provides an appropriation to the Land Acquisition Trust Fund of \$300,000 per year for two years to implement the pilot program. Reported favorably by the subcommittee on 7 MAR 17; referred to another subcommittee.

FLORIDA HB 861 (FLORIDA SB 198), ENVIRONMENTAL REGULATION COMMISSION. Allows for provisional membership on the Environmental Regulation Commission under certain circumstances. This bill also requires a supermajority vote for proposed rules pertaining to the following: (1) air pollution; (2) water quality standards; (3) regulation of consumptive usage of water; (4) hazardous substance release notification; (5) ambient air quality standards; (6) emission standards for stationary sources; (7) surface water quality standards; (8) ground water classes, standards, and exemptions; and (9) drinking water classes, standards, and exemptions. Referred to subcommittee on 1 MAR 17.

FLORIDA HB 921, FELLSMERE DRAINAGE DISTRICT. Changes name of district to the Fellsmere Water Control District, pursuant to s. 298.001, Florida Statutes. The bill also removes 99-year term limitation of the district and amends its boundaries to reflect lands that are no longer located within the district. Referred to subcommittee on 1 MAR 17.

FLORIDA HB 925 (FLORIDA SB 986), STATE BOILER CODE REQUIREMENTS. Revises and provides requirements relating to the State Boiler Code, including installation of boilers, certification of boiler inspectors, state boiler inspection program, inspections and inspection reports, penalties against insurance carriers, boiler permits, and administrative fines. Referred to committee on 1 MAR 17.

FLORIDA HB 1027 (SB 832), UNMANNED AIRCRAFT SYSTEMS. Prohibits political subdivision from enacting or enforcing certain ordinances or resolutions regarding unmanned aircraft systems. This bill requires application to the Federal Aviation Administration (FAA) to restrict or limit operation of unmanned aircraft in close proximity to certain infrastructure or facilities. It prohibits certain operation of unmanned aircraft in relation to certain critical infrastructure facilities. Referred to committee on 6 MAR 17.

FLORIDA HB 1065 (FLORIDA SB 532), PUBLIC NOTIFICATION OF POLLUTION. Creates the "Public Notice of Pollution Act," specifying authority of the FDEP. The bill requires the department to establish and publish the types and amounts of a substance that, if released, would constitute a reportable release; owners or operators at an installation where a reportable release occurs must report the release to FDEP. Notice does not constitute an admission of liability or harm. Referred to committee on 6 MAR 17.

FLORIDA HB 1143 (FLORIDA SB 1624), CORAL REEF CONSERVATION. This bill requires the Coral Reef Conservation Program, in coordination with FWCC, to develop specified comprehensive management plan for the Southeast Florida Coral Reef Ecosystem Conservation Area. It requires FDEP to submit proposed plan to the Board of Trustees of Internal Improvement Trust Fund. Referred to committee on 6 MAR 17.

FLORIDA HB 1211, CENTRAL AND SOUTHERN FLORIDA PROJECT FOR FLOOD CONTROL. Directs the South Florida Water Management District to take specified actions relating to Lake Okeechobee discharges and rehabilitation of Herbert Hoover Dike. Specifically, it requests the U.S. Army Corps of Engineers (USACE) revise a study on efforts to rehabilitate, repair, improve, and strengthen the Herbert Hoover Dike. Further, it requests USACE assist in developing a reevaluation report for the Comprehensive Everglades Restoration Plan, with the purpose of optimizing storage in the Everglades Agricultural Area. The bill provides requirements for the expenditure and recovery of moneys, and it provides the appropriation of \$100,000,000. Referred to committee on 6 MAR 17.

FLORIDA HB 1275, WASTEWATER TREATMENT FACILITIES. Prohibits the decommission of a wastewater treatment facility until a replacement facility of equal or greater capacity is in service for a period of two years. Referred to subcommittee on 10 MAR 17.

FLORIDA HB 1353, PETROLEUM STORAGE SYSTEMS. Authorizes funds in the Inland Protection Trust Fund to be used for purposes relating to damage or potential damage to petroleum storage systems caused by ethanol or biodiesel, including costs for previously completed repairs, replacement, or other preventive measures. Also requires FDEP to ensure that petroleum storage systems approved after certain date meet certain standards. Referred to committee on 10 MAR 17.

FLORIDA HB 1357 (FLORIDA SB 1686), RECLAIMED WATER. Establishes state policy that projects to increase water supply be planned on a regional basis. Water supply projects should employ all practical means of obtaining water, including, but not limited to, withdrawals of surface water and groundwater, reclaimed water, and desalination; and properly implementing these projects will require cooperation and well-coordinated activities. Requires the Office of Program Policy Analysis and Government Accountability to perform an annual review of investments made in potential water supply projects by the State Board of Administration (SBA), and to submit its findings to the SBA, the president of the Senate, and the speaker of the House by 15 January of each year. Referred to committee on 23 MAR 17.

FLORIDA HB 7005, ECONOMIC PROGRAMS. Transfers duties, records, pending issues, rules, and unexpended balances of appropriations, allocations, and other public funds relating to certain programs to the Department of Economic Opportunity (DEO). This bill provides transitional provisions for terminated programs, and it provides for transfer of certain funds to the General Revenue Fund. It requires the DEO to pay outstanding debts and obligations of certain trust funds and the chief financial officer to close out and remove such trust funds from state accounting systems. Read third time and passed in the House on 10 MAR 17 and referred to committee in the Senate on 30 MAR 17.

FLORIDA HB 7021, LOCAL GOVERNMENT ETHICS REFORM. Provides that contractual relationships held by business entities are deemed held by public officers or employees in certain situations and provides ethics training requirements for members of local governing boards. The bill prohibits certain governing board members from voting in official capacity on specified matters, and it requires certain governing board members (or qualifying candidates) of a municipality to file a full and public disclosure of financial interests. It provides for future repeal of provisions relating to registration and reporting for lobbying water management districts, and it requires lobbyists to register with the Commission on Ethics before lobbying specified governmental entities. The bill requires the ethics commission to render advisory opinions under certain conditions. Read for the third time in the House and passed as amended on 30 MAR 17.

FLORIDA SB 1104 (FLORIDA HB 335), RESOURCE RECOVERY AND MANAGEMENT. Provides that materials recovered via pyrolysis or gasification to fuels, chemicals, and feedstocks are to be considered used or reused materials. Referred to committee on 6 MAR 17.

FLORIDA SB 1288 (FLORIDA HB 1133), RECOVERED MATERIALS. Revises the definition of "recovered materials" to include certain wood, asphalt, and concrete materials. Referred to committee on 14 MAR 17.

FLORIDA SB 1378 (FLORIDA HB 751), STORMWATER MANAGEMENT. Requires all local government stormwater management plans and programs to incorporate the best management practices adopted by FDEP and other local stormwater management measures, exempting local governments that adopted more stringent standards before a specified date. Referred to committee on 14 MAR 17.

FLORIDA SB 1438 (FLORIDA HB 755), AQUIFER REPLENISHMENT. Authorizes FDEP to place additional conditions on permits for underground injection intended to protect, augment, or replenish the state's ground water resources. These conditions can include the establishment of a zone of discharge for groundwater standards and associated institutional controls to promote the conservation, reclamation, and sustainability of the state's groundwater resources. Also authorizes FDEP to develop rules establishing voluntary facility classifications and associated operator licensing requirements for treatment facilities that provide treatment for reclaimed water, stormwater, and other water resources as a means of promoting the availability of sufficient water for existing and future reasonable-beneficial uses and natural systems. Filed on 2 MAR 17, and referred to committee on 14 MAR 17.

FLORIDA SB 1476, DOMESTIC WASTEWATER COLLECTION SYSTEM ASSESSMENT AND MAINTENANCE. Establishes a collection system assessment and maintenance program and provides its purpose to assist public and private utilities in limiting sanitary sewer overflows and the unauthorized discharge of pathogens. This bill requires FDEP to allow public and not-for-profit utilities to participate in the Clean Water State Revolving Fund Program, and it creates a presumption of compliance for certain total maximum daily load requirements for certified utilities. Also, it requires the department to provide extended operating permits when a certified utility applies for permit renewal. Introduced on 15 MAR 17, and referred to committee.

FLORIDA SB 1538, DOMESTIC WASTEWATER. Requires all functioning reuse systems to meet specified minimum baseline flow standards by specified dates. Also, it revises the plan that holders of permits authorizing discharge of domestic wastewater through an ocean outfall must submit to the Secretary of Environmental Protection. Filed on 2 MAR 17 and referred to committee on 14 MAR 17.

FLORIDA SB 1640 (FLORIDA HB 1163), ADMINISTRATIVE PROCEDURES. Requires an agency to prepare a statement of estimated regulatory costs before adoption, amendment, or repeal of any rule other than an emergency rule. Filed on 3 MAR 17 and referred to committee on 14 MAR 17.

FLORIDA SB 1700, WATER MANAGEMENT. Requires district water management plans for districts, including Outstanding Florida Springs, to include certain maximum sustainable groundwater estimates. Also, the bill requires the water management district, instead of FDEP, to conduct reviews of certain regional water supply plans upon the denial of an application for a water use permit due to impact on minimum flow or water level. If an Outstanding Florida Spring is below minimum flow or water level, the district or the department must reserve certain water quantities from permit applicants. Filed on 3 MAR 17 and referred to committee on 14 MAR 17.

FLORIDA SB 1748, ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTIONS. Requires onsite sewage treatment and disposal systems be inspected by specified professionals at the point of sale in real estate transactions, and specifies penalties for certain violations of such requirements. Filed on 3 MAR 17 and referred to committee on 14 MAR 17.

PROPOSED RULES

WASTE TIRE RULE. FDEP issued a notice of intent to initiate rulemaking for [Chapter 62-711, F.A.C.](#), to help to synchronize the current rule with the online waste tire registration process and to update and provide clarity to the current rule through public input. The benefits of online synchronization and updates to the chapter will be to more efficiently track waste tires in the state; therefore, helping the state reduce and eventually eliminate the need for state funded waste tire cleanup efforts. FDEP published a [public meeting notice](#) on 6 MAR 17 for a public meeting on 24 MAR 17.



2017 LEGISLATIVE SESSION: 9 JAN THROUGH 24 MAR

GEORGIA HB 168, UPPER OCONEE RESOURCE MANAGEMENT. Amends an act approved as public law on 14 APR 94 that created the Upper Oconee Basin Water Authority (Ga. L. 1994, p. 5123). This bill abolishes the Upper Oconee Resource Management Commission and removes all references to the commission. It modifies the composition of the Upper Oconee Basic Water Authority's Board and repeals conflicting laws. Passed the Senate on 6 MAR, and sent to the governor on 3 APR 17.

GEORGIA HB 183, GEOSPATIAL ADVISORY COUNCIL. Recreates the Georgia Geospatial Advisory Council, currently under the Georgia Environmental Protection Division (EPD) of the Department of Natural Resources, under the Department of Community Affairs (DCA). This bill provides that all documents and data of the current council shall be transferred to the new council; and it provides for appointment of members to the council, selection of a chairperson, and payment of certain expenses. Under this bill, DCA shall make available to the state Legislature, all departments and agencies of state government, all county and municipal governments, and members of the general public, on an annual basis, any reports generated by the council by posting such reports on the appropriate state agency websites. DCA shall promulgate such rules and regulations as may be reasonable and necessary for the administration of this article. Passed the Senate on 10 MAR 17 and sent to the governor on 3 APR 17.

GEORGIA HB 332, GEORGIA OUTDOOR STEWARDSHIP ACT. Establishes the Georgia Outdoor Stewardship Trust Fund as a separate fund in the state treasury, wherein the state treasurer shall credit 75 percent of all moneys received by the state from the sales and use tax applied to the sale of outdoor recreation equipment in the prior year. The Georgia Environmental Finance Authority would administer, grant, and loan money within the fund to provide stewardship for state lands and wildlife management areas, support local parks and trails, and preserve critical conservation land. One objective is to acquire critical areas for the provision or protection of clean water, game, wildlife, or fisheries for military

installation buffering or for natural-resource-based outdoor recreation. Reported favorably by the House by substitute on 3 MAR 17, and withdrawn and recommitted by the House on 30 MAR 17.

GEORGIA HB 470, SUPPORT TO MILITARY COMMUNITIES. Establishes the Defense Community Economic Development Fund, and directs the Department of Economic Development administer a grant program to provide assistance to military communities with projects, events, or activities that promote a military installation. Grants may support the promotion of recruitment, expansion, or retention of jobs at such military installation or within the military community in which it is located or the preparation for any review of a military installation by a federal entity for the purpose of determining the viability of such military installation, including, but not limited to, any review directly or indirectly related to the Defense Base Closure and Realignment Commission. Passed the House on 3 MAR 17, and passed the Senate on 28 MAR 17; sent to the governor on 4 APR 17.

GEORGIA HB 481, UNMANNED AIRCRAFT SYSTEMS. Prohibits any ordinance, resolution, regulation, or policy of any county, municipality, or other political subdivision of this state regulating the testing or operation of unmanned aircraft systems. However, a county, municipality, or other political subdivision of this state may enforce any ordinance that was adopted on or before 1 APR 17. Furthermore, local governments may adopt an ordinance that enforces FAA restrictions, and they may adopt an ordinance that provides for or prohibits the launch or intentional landing of an unmanned aircraft system from or on its public property except with respect to the operation of an unmanned aircraft system for commercial purposes. Under this bill, the state, through agency or departmental rules and regulations, may provide for or prohibit the launch or intentional landing of an unmanned aircraft system from or on its public property. Passed the House by substitute on 3 MAR 17, and passed the Senate on 28 MAR 17; sent to the governor on 4 APR 17.

GEORGIA HB 512, (GEORGIA SB 116) STORMWATER COLLECTION AND DISPOSAL FEES. Prohibits a county, municipality, consolidated government, or local authority from charging a stormwater collection and disposal fee for any property that is certified as a water-neutral site by a registered professional engineer. Under this bill, the term "water-neutral site" means a property designed to achieve control of water runoff from a 25-year, 24-hour storm event in a manner consistent with the Georgia Stormwater Management Manual. Certified properties shall remain exempt from stormwater collection and disposal fees unless the county, municipality, consolidated government, or local authority can show that a property is no longer a water-neutral site. Read for the second time in the House on 1 MAR 17.

GEORGIA HB 523, INDUSTRIAL LOANS NEAR MILITARY INSTALLATIONS. Prohibits the issuance of a license to issue industrial loans within a certain distance from a military base or installation, and requires certain disclosures related to insurance premiums on industrial loans in certain instances. The bill also prohibits persons engaged in the business of making industrial loans from issuing payment instruments which create a loan contract upon redemption, unless a previous contract has been entered into between the two parties. Reported favorably by substitute from committee on 3 MAR 17, and passed in the House by substitute on 3 MAR 17; read in the Senate and referred on 6 MAR 17.

GEORGIA HR 362 (GEORGIA SR 152), STREAM BUFFER PROTECTION. Creates the Joint Study Committee on Stream Buffers in Georgia to study of the conditions, needs, issues, and problems in the state associated with stream buffers. Under this resolution, the study committee is expected to determine an appropriate plan of action and present recommendations that strike a balance between water protection and private property rights. The committee shall be abolished on 31 DEC 17. House resolution passed by the House on 1 MAR 17, and reported favorably from committee in the Senate on 16 MAR 17, with a second reading on 20 MAR 17. Senate resolution passed the Senate on 3 MAR 17, reported favorably by committee in the House on 9 MAR 17, and passed the House on 16 MAR 17.

GEORGIA HR 462, STRENGTHENING MILITARY INSTALLATIONS. Reaffirms the House of Representatives' commitment to strengthening military installations located within the state. Passed the House on 24 MAR 17.

GEORGIA HR 514, HOUSE STUDY COMMITTEE ON WATER DESALINATION. Creates a committee to study of the conditions, needs, issues, and problems associated with stresses to the state's water resources, and to recommend any action or legislation that the committee deems necessary or appropriate. Specifically, the committee will explore the viability of

alternative water sources such as purification of sea water through the desalination process. Read for the second time in the House on 13 MAR 17.

GEORGIA HR 643, COMMERCIAL SPACEPORT IMPACTS ON COASTAL RESOURCES. Recognizes the unique economic and natural resources of coastal Georgia and the need to carefully study and consider the impacts a commercial spaceport may have on such resources. Read for the second time in the House on 22 MAR 17.

GEORGIA SB 29, LEAD CONTAMINATION IN DRINKING WATER. Requires every child care learning center and every school to conduct testing of drinking water outlets for lead contamination and remediate any lead contamination identified no later than 3 JUN 19. Where a finding of lead contamination is made, a child care learning center or school must provide written notice of test results and the remediation plan to parents or guardians of children and students, and to staff members; post such test results and remediation plan in a prominent location at the child care learning center or school, or on the center's or school's website; and submit such test results and remediation plan to the Department of Public Health. Passed the Senate on 3 MAR 17 and read for the second time in the House on 9 MAR 17.

GEORGIA SR 224, JOINT STUDY COMMITTEE ON STORMWATER MANAGEMENT FEES. Creates the Joint Study Committee on Stormwater Management Fees for the purposes of striking the proper balance between water quality protection and the equitable sharing of burdens for impact to stormwater systems. The committee shall undertake a study of the conditions, needs, issues, and problems associated with stormwater management fees and recommend actions or legislation that the committee deems necessary or appropriate. Passed the Senate on 3 MAR 17 and passed the House on 16 MAR 17.

PROPOSED RULES

AIR QUALITY CONTROL RULES. The Georgia EPD proposes rule revisions to specify the dollar-per-ton rate and reference the *Procedures for Calculating Air Permit Fees* (permit fee manual) for calendar year 2016 fees. Rule 391-3-1-.03(9) will be submitted as a Part 70 Permit Program revision to EPA. Georgia EPD filed the [proposed rule](#) on 10 MAR 17.

CHAPTER 391-3-1, AIR QUALITY CONTROL RULES. Georgia EPD proposes to amend [Chapter 391-3-1](#) of the state's Rules for Air Quality Control. This rule is being revised to update the definition of "volatile organic compound" to remove the recordkeeping requirements for t-butyl acetate (also known as tertiary butyl acetate or TBAC). The definition is being updated to add 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane to the list of organic compounds having negligible photochemical reactivity. The revisions also include the addition of chemical names to clarify previous exemptions. The ambient air standards are being revised by updating the 8-hour ozone standard to be consistent with the revision of the NAAQS for ozone in 2015. The revisions also include clarification and consistency corrections that are administrative in nature. EPD filed the [proposed rule](#) on 31 MAR 17.

DESTRUCTION OF DRUG. The Board of Pharmacy issued a notice of public hearing pertaining to its intent to adopt rules to allow the use of collection receptacles in the destruction of controlled and non-controlled substances. The board published a [notice of intent](#) to amend Rule 480-24-.06, Destruction of Drugs, on 7 MAR 17.

RULES FOR RADIOACTIVE MATERIALS. EPD proposes amendments to the Rules for Radioactive Materials to ensure the consistency of the rules with the requirements of the Nuclear Regulatory Commission. EPD filed the [proposed rule](#) on 10 MAR 17, with a public hearing on 12 APR 17 and comments due by 19 APR 17.



2017 LEGISLATIVE SESSION: 3 JAN THROUGH 30 MAR

KENTUCKY HB 338, RENEWABLE ENERGY PORTFOLIO STANDARDS. Requires retail electric suppliers to use increasing amounts of renewable energy and to take energy-efficiency measures and implement energy-efficiency programs that

increase energy savings over a period of time. The bill provides for alternative compliance plans for public utilities who fail to meet renewable energy or efficiency requirements, and it specifies reporting requirements to the Public Service Commission (PSC) on progress in diversifying energy sources and energy savings. It also requires the PSC to develop tariff guidelines for purchase of renewable power. Amended on the floor on 8 MAR 17.

FINAL RULES

SPECIAL WASTE PERMIT-BY-RULE. The Kentucky Department for Environmental Protection (KDEP) adopted an [amendment](#) to the requirements for special waste permit-by rule. KDEP published the rule, as amended, on 1 MAR 17.



2017 LEGISLATIVE SESSION: 3 JAN THROUGH 2 APR

There are no significant legislative actions to report.

PROPOSED RULES

CERTIFICATION OF MUNICIPAL AND DOMESTIC WASTEWATER FACILITY OPERATORS. The Mississippi Department of Environmental Quality (MDEQ) proposes to [amend](#) the regulation to require that professional references be obtained from certified operators at the same classification or higher than the classification being requested, and to require that operators with one year of experience be under the supervision of a certified operator. The amendment also adds the requirement that a certified operator's principal resident be no more than 50 miles away from any system being operated by that certified operator. It requires that operators attend an approved wastewater operator short course for the appropriate classification within 12 months prior to testing for that classification, and it allows for reciprocity to be granted any state that has entered into a reciprocity agreement with the department. MDEQ filed the [proposed rule](#) on 22 MAR 17.



2017 LEGISLATIVE SESSION: 11 JAN THROUGH 1 JULY

NORTH CAROLINA HB 267, RENEWABLE ENERGY PORTFOLIO STANDARDS. Reduces the renewable energy portfolio standard for electric utilities, electric membership corporations, and municipalities. The requirement, starting in 2018, is reduced from 10 percent to eight percent. Filed in the House on 7 MAR 17, and referred to committee on 8 MAR 17.

NORTH CAROLINA HB 271, PLASTIC BAG BAN REPEAL. Repeals the ban on using plastic bags on the barrier islands of the Outer Banks, in favor of voluntary educational programs to reduce the use of plastic bags in the state. Filed in the House on 7 MAR 17 and referred to committee on 8 MAR 17.

NORTH CAROLINA HB 275, STORMWATER FEES ON TAXIWAYS OR RUNWAYS. Exempts airports from paying a stormwater utility fee levied on runways and taxiways. Filed in the House on 7 MAR 17 and referred to committee on 8 MAR 17; withdrawn from committee and re-referred to committee on 29 MAR 17.

NORTH CAROLINA HB 320, ELECTRONICS RECYCLING. Requires the Environmental Review Commission (ERC) to study North Carolina's recycling requirements for discarded computer equipment and televisions. In conducting this study, the commission will consider (1) the changing waste stream, including the transition from televisions containing cathode ray tubes to flat screen televisions; (2) the current status of North Carolina's recycling system, including markets, and cost

and financing issues; (3) additional options for disposal of electronic products; and (4) any other issue the commission deems relevant. ERC will report its findings and recommendations, including any legislative proposals, to the 2018 regular session of the 2017 General Assembly upon its convening. Filed in the House on 9 MAR 17 and referred to committee on 13 MAR 17.

NORTH CAROLINA HB 321, SOLID WASTE AND MUNICIPAL SOLID WASTE. Requires the ERC to study the state's solid waste disposal tax imposed under Article 5G of Chapter 105 of the General Statutes. In conducting the study, the commission will examine a detailed history of the annual revenue generated from the tax and its distribution over time to the North Carolina Department of Environmental Quality (NCDEQ) and local governments. It also will include a detailed history of expenditures by the NCDEQ of tax proceeds, including to whom and for what purposes the expenditures were made. The commission will consider all work completed by the NCDEQ using proceeds of the tax and plans for future work using proceeds of the tax. The ERC will report its findings and recommendations, including any legislative proposals, to the 2018 regular session of the 2017 General Assembly upon its convening. Filed in the House on 9 MAR 17 and referred to committee on 13 MAR 17.

NORTH CAROLINA HB 363, POLLINATOR PROTECTION ACT. Enacts the Pollinator Protection Act of 2017. Under this act, the Pesticide Board will monitor the final pollinator risk assessments undertaken by the U.S. EPA as part of the registration reviews for the neonicotinoid pesticides imidacloprid, clothianidin, thiamethoxam, and dinotefuran and report on any legislative or regulatory changes necessary to protect pollinators within the state, taking into account findings and any recommendations of the EPA risk assessment. The board will study whether the state should have the authority to regulate the use and sale of seeds treated with systemic insecticides, including whether the state should require that untreated seeds and seeds treated at lower insecticide application rates be available in the market. Filed in the House on 15 MAR 17 and referred to committee on 16 MAR 17; withdrawn from committee and re-referred on 23 MAR 17.

NORTH CAROLINA HB 427 (NORTH CAROLINA SB 236), EFFICIENT AND AFFORDABLE ENERGY RATES. Requires the North Carolina utilities commission to establish tiered electricity rates for residential, commercial, public, and industrial customers to encourage energy conservation and energy efficiency. It directs the commission to create the energy efficiency bank to be used for loans to customers for the costs of certain energy efficiency or renewable energy projects, and to create an incentive for consumers to purchase energy star qualified household products. Filed in the House on 21 MAR 17 and referred to committee on 22 MAR 17.

NORTH CAROLINA HB 465 (NORTH CAROLINA SB 331), MILITARY OPERATIONS PROTECTION ACT. Imposes a temporary moratorium on the consideration of permit applications and issuance of permits for the construction of new onshore and offshore wind energy facilities and direct a study of geospatial, temporal, and other data to understand the extent and scope of military operations in this state with respect to energy infrastructure. Filed in the House on 23 MAR 17 and referred to committee on 27 MAR 17.

NORTH CAROLINA HB 470 (NORTH CAROLINA SB 366), WIND ENERGY FACILITIES SITING. Intended to minimize interference with military operations, environmental degradation, reduction of property rights, and harms to public health, safety, and welfare resulting from the siting and operation of industrial wind energy facilities. Filed in the House on 23 MAR 17 and referred to committee on 27 MAR 17.

NORTH CAROLINA SB 63, MILITARY AFFAIRS COMMISSION STRATEGIC PLAN. Requires the Military Affairs Commission to adopt a comprehensive strategic plan to enhance North Carolina military installations and their missions. Reported favorably from committee on 8 MAR 17 and referred on 8 MAR 17.

NORTH CAROLINA SB 131, REGULATORY REFORM ACT. Among other objectives, this bill establishes the North Carolina Sentinel Landscape Committee to develop and implement programs and strategies that protect working lands near where testing and training occur, near or adjacent to major military installations, or other areas of strategic benefit to national defense. The committee is intended to address restrictions that inhibit military testing and training, and forestall incompatible development. Passed the Senate on 15 MAR 17 and referred to committee in the House on 21 MAR 17.

NORTH CAROLINA SB 268, STORMWATER AND FLOOD CONTROL. Authorizes cities to undertake activities within their stormwater management programs to implement flood reduction techniques that result in improvements to private property. Filed in the Senate on 15 MAR 17 and referred to committee on 16 MAR 17.

PROPOSED RULES

PREVENTION OF SIGNIFICANT DETERIORATION RULE REVISIONS. The NCDEQ proposes to amend the prevention of significant deterioration (PSD) rule. The [proposed rule amendments](#) update the federal cross-reference in the rule to address the EPA's partial disapproval of North Carolina's State Implementation Plan (SIP). These proposed rule changes are necessary to comply with federal rules and are consistent with the principles of Executive Order 70. NCDEQ filed the [proposed rule](#) on 30 MAR 17.



2017 LEGISLATIVE SESSION: 10 JAN THROUGH 1 JUN

SOUTH CAROLINA HB 3817, MEDICAL WASTE. Allows pharmacies and other entities to register as a collector to receive controlled substances as part of law enforcement controlled substance take-back events and operate controlled substance mail-back programs. Requires the Department of Health and Environmental Control to facilitate and encourage registration and participation. Read third time and sent to the Senate on 31 MAR 17.

SOUTH CAROLINA HB 3890, WATER WITHDRAWALS. Requires permitting for new water withdrawals and for expansion of existing registrations. It also amends section 49-4-55, relating to the right of registered surface water withdrawers to apply for a permit and exempt withdrawers to apply for a permit or register an exempt use, so as to change the option of a withdrawer of surface water for agricultural uses to obtain a permit into a requirement and eliminate the right of an exempt withdrawer to register the use. Further, it amends section 49-4-70, relating to applications for surface water withdrawal permits and operational and contingency plans, so as to prohibit application to withdrawers who are registered to withdraw surface water for agricultural uses, except if the withdrawer expands an existing registered use. Introduced into the House on 2 MAR 17 and referred to committee on 2 MAR 17.

SOUTH CAROLINA SB 109, UNMANNED AERIAL VEHICLES. Amends article 7, chapter 11, title 16 of the 1976 code, relating to trespasses and the unlawful use of the property of others, by adding section 16-11-605, to provide that it is unlawful to operate an unmanned aerial vehicle within a certain distance of a state or federal military installation and to provide penalties for the violation. Referred to subcommittee in the Senate on 10 MAR 17.

PROPOSED RULES

OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR BERYLLIUM. South Carolina Department of Labor, Licensing and Regulation (SC DLLR) has invited public comment on a proposed amendment to existing standards for occupational exposure to beryllium. The amended standard establishes a new permissible exposure limit for beryllium. Provisions of the standard are also being made to protect employees, such as requirements for exposure assessment, methods for controlling exposure, respiratory protection, medical surveillance, hazard communication, and recordkeeping. SC DLLR [issued the notice](#) on 24 MAR 17, with a public hearing scheduled for 24 MAY 17.



2017 LEGISLATIVE SESSION: 10 JAN THROUGH 14 APR

TENNESSEE HB 158 (TENNESSEE SB 683), PUBLIC WATER SYSTEMS TESTING. Requires public water systems, for which a monthly fluoride test is confirmed by quarterly laboratory analysis to exceed 1.5 mg/L, to have each monthly test analyzed by a laboratory until fluoride levels are below 1.5 mg/L for three consecutive months. Referred to the House Finance, Ways and Means Subcommittee on 22 MAR, placed on the calendar for 29 MAR 17, and placed behind the budget on 29 MAR 17.

TENNESSEE HB 311 (TENNESSEE SB 1199), SOLID WASTE DISPOSAL. Revises record-keeping requirements to include owners and operators of transfer stations. Placed on the calendar on 29 MAR 17 for the House Agriculture and Natural Resources Committee for 4 APR 17.

TENNESSEE HB 700 (TENNESSEE SB 383), STORMWATER USER FEES. Provides that all municipalities constructing, operating, or maintaining stormwater or flood control facilities are authorized to establish a graduated stormwater user's fee that may be assessed and collected from each user of the stormwater facilities provided by the municipality. The bill exempts the following persons and entities from paying the graduated stormwater user's fee:

- Persons whose stormwater runoff is not discharged into or through the stormwater or flood control facilities, or both, of the municipality;
- Owners or operators of agricultural land in the municipality, upon which the owner or operator conducts activities that enable the owner or operator to satisfy requirements of a qualified farmer or nurseryman; and
- Local education agencies.

Taken off the calendar for the Agriculture and Natural Resources Subcommittee on 29 MAR 17.

TENNESSEE HB 1021 (TENNESSEE SB 1336), WIND ENERGY FACILITY SITING. Urges the Tennessee Department of Environment and Conservation (TDEC) to study other states' laws that require or allow the state to regulate wind energy facility siting. Within 90 days from the conclusion of any such study, the department shall submit a written summary of those laws that require or allow a state to regulate wind energy facility siting to the Agriculture and Natural Resources Committee of the House of Representatives and the Energy, Agriculture and Natural Resources Committee of the Senate. Reported favorably from subcommittee on 29 MAR 17.

TENNESSEE SB 124, (TENNESSEE HB 38) EMPLOYMENT PROTECTIONS. Extends certain employment protections to members of the Army and Air National Guards, state guards, and civil air patrols of other states consistent with protections that exist for members of the Tennessee Air National Guard, state guard, and civil air patrol. Placed on the Senate Commerce and Labor Committee calendar on 28 MAR 7 for 3 APR 17.

TENNESSEE SB 1250 (TENNESSEE HB 438), ENERGY POLICY COUNCIL. creates the Tennessee Energy Policy Council to make recommendations to the governor and General Assembly on how to manage energy resources in the state. Action deferred on 29 MAR 17 in Senate Government Operations Committee to 12 APR 17.

PROPOSED RULES

TITLE V PROGRAM FEE. TDEC proposes to clarify that a Title V major source is bound by its most recent choice of annual accounting period (state fiscal year or calendar year) and emissions fee basis (allowable, actual, or mixed). In addition, the rule is amended to require payment of 65 percent of the annual emissions fee by 31 March of each year for certain

sources and 100 percent of the fee by 31 March of each year for others. TDEC filed a [notice of rulemaking hearing](#) on 1 MAR 17.

Federal Activity

AIR

GEORGIA AIR PLAN APPROVAL – 2008 8-HOUR OZONE STANDARD. The U.S. EPA is taking direct final action ([82 FR 14611](#)) to approve the portion of a SIP revision submitted on 6 FEB 15 by the Georgia EPD, addressing the nonattainment new source review requirements for the 2008 8-hour ozone NAAQS for the 2008 8-hour ozone nonattainment area comprised of 15 counties in metropolitan Atlanta. This direct final rule is effective 22 MAY 17, unless the U.S. EPA receives adverse comments by 21 APR 17.

KENTUCKY AIR PLAN APPROVAL AND DESIGNATION OF AREAS. The U.S. EPA is approving ([82 FR 13227](#)) two separate but related submissions provided by the commonwealth of Kentucky, through the Kentucky Division of Air Quality (KDAQ), in relation to attainment of the 2010 sulfur dioxide (SO₂) NAAQS for the Kentucky portion of the Campbell-Clermont, Kentucky-Ohio 2010 1-hour SO₂ nonattainment area. On 31 MAR 15, KDAQ submitted a request for EPA to determine that the area attained the 2010 1-hour SO₂ NAAQS. Subsequently, on 22 FEB 16, KDAQ submitted a request for the U.S. EPA to re-designate the Campbell County portion of Kentucky that is within the Campbell-Clermont, KY-OH area to attainment for the 2010 1-hour SO₂ NAAQS, and to approve a SIP revision containing a maintenance plan, base year inventory, and reasonably available control measures (RACM) determination for the Kentucky portion of the area. The U.S. EPA is approving the RACM determination, the base year emissions inventory for the Kentucky portion of the area, the request for a clean data determination, and the plan for maintaining attainment of the 2010 1-hour SO₂ NAAQS. Furthermore, the U.S. EPA is re-designating the Kentucky portion of the area to attainment for the 2010 1-hour SO₂ NAAQS. This rule is effective 10 MAR 17.

TENNESSEE AIR PLAN APPROVALS, VISIBILITY TRANSPORT (PRONG 4). The U.S. EPA proposes ([82 FR 12328](#)) to conditionally approve the visibility transport (prong 4) portions of revisions to the Tennessee SIP, submitted by TDEC, addressing the Clean Air Act (CAA) infrastructure SIP requirements for the 2010 1-hour nitrogen dioxide (NO₂), 2010 1-hour SO₂, and 2012 annual fine particulate matter (PM_{2.5}) NAAQS. Specifically, the U.S. EPA proposes to conditionally approve the prong 4 portions of Tennessee's 13 MAR 14 2010 infrastructure SIP submission for the 1-hour NO₂ and 2010 1-hour SO₂, and 16 DEC 15 submission for the 2012 annual PM_{2.5} infrastructure SIP. All other applicable infrastructure requirements for these SIP submissions have been or will be addressed in separate rulemakings. Comments must be received no later than 3 APR 17.

ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: FURTHER DELAY OF EFFECTIVE DATE. ([82 FR 13968](#)) By a letter dated 13 MAR 17, the U.S. EPA administrator announced the reconsideration of the final rule that amends the chemical accident prevention provisions addressing Risk Management Programs under the CAA published in the Federal Register on 13 JAN 17. The effective date of these regulations had been 21 MAR 17. The U.S. EPA is delaying the effective date of this rule for 90 days, which makes the rule effective on 19 JUN 17.

TECHNICAL CORRECTION TO NAAQS FOR PARTICULATE MATTER. The U.S. EPA is taking final action ([82 FR 14325](#)) to make a technical correction to equation 2 in appendix N to part 50, section 4.4(b) of the NAAQS for particulate matter. Equation 2 in appendix N describes an intermediate step in the calculation of the design value for the annual PM_{2.5} NAAQS. This action corrects equation 2 to properly account for cases where a site has quarters without daily values and passes the minimum quarterly value data substitution test. This change accurately reflects the intended calculation of the annual PM_{2.5} design value and is consistent with the text of section 4.1 in appendix N to part 50. This final rule is effective on 19 MAY 17.

GRANTING PETITIONS TO ADD N-PROPYL BROMIDE TO LIST OF HAZARDOUS AIR POLLUTANTS. On 9 JAN 17 ([82 FR 2354](#)), the U.S. EPA published a draft notice of the rationale for granting petitions to add n-propyl bromide (nPB), also known as 1-bromopropane (1-BP) (Chemical Abstract Service No. 106-94-5), to the list of hazardous air pollutants contained in section 112(b)(1) of the CAA. The U.S. EPA is extending the comment period on the draft notice that was scheduled to close on 10 MAR 17 by 90 days, until 8 JUN 17, as the agency considers a request to extend the comment period by more than six months. The notice of the extension to the comment period was published on 6 MAR 17 ([82 FR 12589](#)).

CLEAN UP

SW-846 UPDATE. The U.S. EPA's Office of Resource Conservation and Recovery [released](#) SW-846 Update VI, Phase I for public comment. The update contains [Method 1340 for In Vitro Bio-accessibility of Lead in Soil](#), which is a new method for the characterization of lead bioavailability in lead-contaminated soil under field conditions. Characterization of the bio-accessibility of lead is important because the amount of lead that actually enters the blood and body tissues from an ingested medium depends on the physical and chemical properties of the lead and of the medium. This is the first SW-846 method to be published using the [streamlined method publication process](#) via the U.S. EPA Hazardous Waste Test Methods website, rather than through the Federal Register. The new procedure allows for expedited method release, while still incorporating comments from the scientific community. Comments are due 1 MAY 17. For more information, go to [regulations.gov](#) and enter docket number EPA-HQ-OLEM-2017-0122.

CLIMATE

FACILITY LEVEL INFORMATION ON GREENHOUSE GASES TOOL. The U.S. EPA has created an online tool, Facility Level Information on Greenhouse Gases Tool ([FLIGHT](#)), which allows the user to explore data on greenhouse gas emissions from large facilities in the U.S. FLIGHT allows the user to search facilities by state, sector, and emissions by fuel type.

ENERGY

EXECUTIVE ORDER 13783. On 28 MAR 17, the president issued an executive order ([82 FR 16093](#), published 31 MAR 17) to review existing regulations that potentially burden the development or use of domestically produced energy resources. Based on this review, executive departments and agencies are directed to suspend, revise, or rescind (as appropriate) those regulations that "unduly burden the development of domestic energy resources, beyond the degree necessary to protect the public interest or otherwise comply with the law." Agencies must submit a draft final report within 120 days of the date of the executive order, detailing results from the review and including recommendations that could alleviate or eliminate aspects of agency actions that burden domestic energy production. The executive order also rescinds certain energy and climate-related presidential and regulatory actions from previous administrations, and it calls for a review of the U.S. EPA's Clean Power Plan and related rules and agency actions. It also directs the Secretary of the Interior to take all necessary and appropriate steps to amend or withdraw the discretionary programmatic environmental impact statement on modernizing the federal coal program, dated 15 JAN 16, and to lift moratoria on federal land coal leasing activities.

GAO REPORT: CHALLENGES AND BENEFITS OF RESIDENTIAL ENERGY SYSTEMS AND TECHNOLOGIES. The Government Accountability Office (GAO) evaluated the potential benefits of and challenges associated with technologies that give customers the ability to generate, store, and manage electricity ([GAO-17-142](#)). GAO issued a report describing the key federal and state policies used to encourage the deployment of these technologies, the extent to which they are being deployed, and the benefits and challenges of deploying them. GAO found that increasing residential deployment of solar systems and other technologies poses potential benefits and challenges, and some policymakers have implemented or are considering measures to address these.

INSTALLED WIND ELECTRIC GENERATING CAPACITY SURPASSES HYDROELECTRIC. The U.S. Energy Information Administration (EIA) [reported](#) that, at the end of 2016, installed wind electric capacity in the United States surpassed

conventional hydroelectric generating capacity. The U.S. EIA also predicted that, due to above average precipitation on the west coast, hydroelectric generation will likely exceed wind generation by the end of 2017.

MISCELLANEOUS

EXECUTIVE ORDER 13777. On 24 FEB 17, the president issued an executive order (published in [82 FR 12285](#), 1 MAR 17), requiring federal agencies to designate a Regulatory Reform Officer (RRO) to oversee implementation of regulatory reform initiatives. The RRO is to report periodically to the agency head and consult regularly with agency leadership. Agencies also must establish a Regulatory Reform Task Force comprised of RRO, the agency Regulatory Policy Officer, a representative from the agency's central policy office or equivalent central office, and at least three other senior agency officials. Each task force must provide an initial report to the agency head within 90 days of the executive order, with additional reports submitted as directed, detailing progress toward (1) improving the implementation of regulatory reform initiatives and policies, and (2) identifying regulations for repeal, replacement, or modification.

FURTHER DELAY OF EFFECTIVE DATES – U.S. ENVIRONMENTAL PROTECTION AGENCY REGULATIONS. In accordance with the presidential directive of 20 JAN 17, "Regulatory Freeze Pending Review," and the Federal Register document published by the U.S. EPA on 26 JAN 17, the agency is further delaying ([82 FR 14324](#)) the effective dates for the following five regulations, published between 12 DEC 16 and 17 JAN 17:

- [82 FR 2760](#), Addition of a Subsurface Intrusion Component to the Hazard Ranking System;
- [81 FR 89674](#), Formaldehyde Emission Standards for Composite Wood Products;
- [82 FR 5182](#), Revisions to the Guideline on Air Quality Models;
- [82 FR 952](#), Certification of Pesticide Applicators; and
- [82 FR 2230](#), Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits.

The new effective date is 22 MAY 17.

FOOD SERVICE GUIDELINES FOR FEDERAL FACILITIES. The Centers for Disease Control has issued [The Food Service Guidelines for Federal Facilities](#), which is a set of voluntary best business practices that can be used to increase healthy and safe food options for employees. The guidelines are designed to achieve three primary goals: (1) healthier foods and beverages are available and encouraged at federal facilities; (2) environmentally responsible practices are conducted in federal food service venues; and (3) food safety practices are followed to minimize the risk of foodborne illnesses. The document is intended to be used by federal facilities in their food service concession and vending operations.

THREATENED AND ENDANGERED SPECIES

DRAFT RECOVERY PLAN FOR YELLOWCHEEK DARTER. The U.S. Fish and Wildlife Service (USFWS) announces ([82 FR 12632](#)) the availability of the technical/agency draft recovery plan for the endangered yellowcheek darter, a fish. The draft recovery plan includes specific recovery objectives and criteria that must be met in order to reclassify the species to threatened status and ultimately delist it under the Endangered Species Act (ESA). The USFWS requests review and comment on this draft recovery plan from local, state, and federal agencies, and the public. Comments must be received no later than 5 MAY 17.

TOXICS

OCCUPATIONAL EXPOSURE TO BERYLLIUM: PROPOSED DELAY OF EFFECTIVE DATE. In accordance with the presidential directive in the 20 JAN 17 memorandum from the Assistant to the President and Chief of Staff, "Regulatory Freeze Pending Review," the Occupational Safety Health Administration (OSHA) delayed the effective date to 21 MAR 17 for a new rule on occupational exposure to beryllium, published in the Federal Register on 9 JAN 17 ([82 FR 2470](#)). OSHA

provided a 10-day comment period on the rule, with comments due by 13 MAR 17, and the administration then proposed ([82 FR 12318](#)) to delay the effective date of the rule until 20 MAY 17, allowing further review and consideration of the new rule. On 21 MAR 17 ([82 FR 14439](#)), OSHA finalized the delay of the effective date to 20 MAY 17.

WASTE

ALABAMA: FINAL AUTHORIZATION OF STATE HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS. Alabama has applied to the U.S. EPA for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The U.S. EPA determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the state's changes through this direct final rule ([82 FR 14327](#)). The agency is also publishing a separate document that serves as the proposal to authorize these changes ([82 FR 14341](#)). Unless the U.S. EPA receives written comments by 19 APR 17 that oppose this authorization during the comment period, the decision to authorize Alabama's changes to its hazardous waste program will take effect on 19 MAY 17. If the U.S. EPA receives comments that oppose this action, it will publish a document in the Federal Register withdrawing the direct final rule before it takes effect, and the separate document published as a proposed rule will serve to authorize the changes.

WATER

INTENTION TO REVIEW AND RESCIND OR REVISE CLEAN WATER RULE. In accordance with a presidential directive, signed on 28 FEB 17 and published on 3 MAR 17 ([82 FR 12497](#)), the U.S. EPA and the Department of the Army announce their collective intention to review and rescind or revise the Clean Water Rule. This notice was published ([82 FR 12532](#)) on 6 MAR 17.

REQUEST FOR PUBLIC COMMENTS: HEALTH-BASED BENCHMARK FOR LEAD IN DRINKING WATER. The U.S. EPA requests comments on the candidates being considered as expert peer reviewers for the draft modeling report, "Proposed Modeling Approaches for a Health-Based Benchmark for Lead in Drinking Water" ([82 FR 14361](#)). The agency is seeking comment and information about the expertise and qualifications of the candidates; comments on the candidates must be received on or before 19 APR 17.

Department of Defense Activity

EPA REGION 4 AND MILITARY INSTALLATION WORKSHOP. Partnering with EPA Region 4, the DOD Regional Environmental Coordinator (REC) for Region 4 and component Service RECs are hosting a workshop in Atlanta on 24-25 APR 17. The workshop is designed to educate and update installation personnel across all services on current environmental regulations and programs being implemented by the U.S. EPA within the region. Presentations and discussions will focus on compliance and regulatory issues identified by installation environmental staff in EPA Region 4, falling into traditional media areas of air, water, and waste/cleanup. There also will be a multi-media voluntary program session and a National Environmental Policy Act session. EPA Region 4 sent invitation letters in early March. Email REEO@usace.army.mil to register or request more information.

ARMY RESERVE REDUCED ENERGY USE INTENSITY IN FY 2016. The Army [announced](#) that the Army Reserve achieved a 17.9 percent reduction in energy use intensity last year, compared to the fiscal year 2015 baseline. The reduction exceeded a federal goal of a 2.5 percent annual reduction in energy use intensity. Nine of the 10 Army Reserve-funded installations, regional support commands and Mission Support Command reported a reduction in energy use intensity, and seven of the 10 sites reported reductions of at least 12 percent. The Reserve's reduction in energy use intensity translated into significant fiscal savings of \$6.7 million in fiscal year 2016 — a cost equivalent to staging nine Army Reserve training exercises.

2017 REPI REPORT TO CONGRESS. DOD's Readiness and Environmental Protection Integration (REPI) program released its [annual report](#) to Congress. The report provides information on REPI program and other DOD efforts to conserve land and address threats to military readiness from incompatible development and environmental constraints. The 2017

Professional Development

report summarizes and reviews the achievements of the program through FY 2016. In its 14-year lifespan, the REPI program has protected 464,668 acres in 89 locations across 30 states. In conjunction with the release of the 2017 REPI Report, the program updated its [fact sheet](#), which is available on the program website.

DOD TRAINING SOURCES

REPI WEBINAR SERIES (ONLINE). DOD's REPI program offers [webinars](#) on best practices, tutorials, and knowledge sharing on partnerships that support the military mission and accelerate the pace and rate of land conservation. Archived webinars are available [on demand](#).

SERDP AND ESTCP WEBINAR SERIES (ONLINE). 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 U.S. Department of Energy (DOE) audiences. Prior presentations are archived for viewing any time.

WEBINAR: SOLUTIONS FOR INSTALLATIONS' PARTICIPATION IN ENERGY MARKETS (ONLINE). On 20 APR 17, the Strategic Environmental Research and Development Program (SERDP) and the Environmental Security Technology Certification Program (ESTCP) are hosting a webinar featuring research to identify energy solutions for DOD. The webinar will present an overview of two energy projects. The first is a demonstration project known as the Secure Automated Microgrid Energy System, which used a cluster of microgrids at three Naval bases to improve energy security, reduce costs, and fully integrate renewable energy sources into base electrical infrastructures. The second project is the development of an accreditation process for DOD facilities to participate in load modifying automated demand response. For more information, or to register, click [here](#).

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM). 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)

CIVIL ENGINEER CORPS OFFICERS SCHOOL ENVIRONMENTAL TRAINING (CLASSROOM). 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 (CLASSROOM/ONLINE). 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 (CLASSROOM/ONLINE). 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

NEW APPROACHES IN REMEDIATION OF CONTAMINATED SEDIMENTS (CLASSROOM). In this two-day class, conventional and emerging technologies for remediating contaminated sediments will be addressed, including removal followed by treatment and disposal; in situ isolation of the sediments from the environment by covering the sediment with neutral materials (i.e., passive capping); active capping technologies, and monitored natural recovery, which involves monitoring processes that isolate, degrade, transform, and immobilize sediment contaminants under natural conditions. The course will address solutions to contaminants in both marine and freshwater sediments including the effects of remediation on the benthic environment. Emerging technologies that address contaminant toxicity, biogeochemistry, and transport mechanisms will also be highlighted. Classes are offered in April, June, August, and November 2017.

INTERAGENCY CONSULTATION FOR ENDANGERED SPECIES (CLASSROOM). 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 April, June, and July, 2017.

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE). 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, such as:

- Program development (e.g., environmental management systems, green procurement program);
 - Federal and state regulatory requirements for various facility activities;
 - Access to [environmental assistance](#);
 - Access to free, [FedCenter-sponsored courses](#)
 - Applicable laws and Executive Orders; and
 - [Partnerships](#).
- FedCenter also provides member assistance services such as collaboration tools for workgroups, environmental reporting tools, and daily newsletter and subscription services.

FEMP eTRAINING COURSES (ONLINE). DOE's Federal Energy Management Program (FEMP) offers interactive, online eTraining courses to help federal agencies develop core competencies and comply with energy-efficiency and renewable-energy water-management and sustainability requirements. FEMP partnered 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 courses.

ENERGY STAR WEBCASTS (ONLINE). 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 (ONLINE). 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 (ONLINE). 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 EO 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 (ONLINE). 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 (ONLINE). 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 TRAINING (ONLINE). 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.

SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES (ONLINE). 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 requirements and understand how sustainable acquisition benefits their agency, community, and the environment.

FEMP OFFERS CERTIFICATE SERIES FOR 2016 GUIDING PRINCIPLES FOR SUSTAINABLE BUILDINGS (ONLINE). FEMP is offering a five-course training series that provides updated guidance for complying with the 2016 Guiding Principles for Sustainable Federal Buildings. The series is web-based and offered on demand.

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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 represented.

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

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