



# Southern Review

## of Legislative & Regulatory Actions

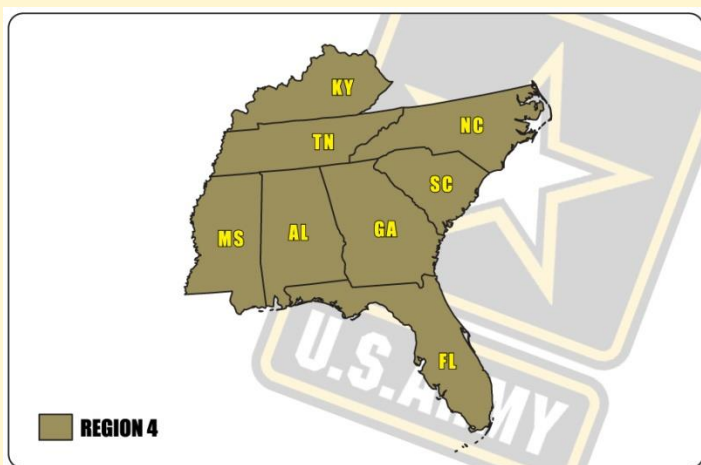


The U.S. Army Regional Environmental & Energy Office

May 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 STRATEGY FOR ENVIRONMENT, SAFETY, HEALTH

In March, the Army released the [Environment, Safety, and Occupational Health \(ESOH\) Strategy 2025](#). The strategy provides a framework that supports Army's top-level objectives, which guide and shape the ESOH program as defined in Army Regulation (AR) 200-1, AR 385-10, and AR 40-5. The strategy also considers ESOH at garrison and contingency locations in accordance with AR 11-35.

Army ESOH Strategy 2025 introduces an entirely new strategic design and direction for the Army's ESOH program by viewing environmental resources as mission enabling assets and transforming the costs of environmental compliance into investments that improve the Army's operational capability.

It establishes new Army-wide ESOH program objectives and goals to maintain an effective environmental stewardship program and a safety-based culture for Soldiers, civilians, and communities surrounding Army installations. The objectives and goals aim to:

- Optimize the Army Environmental Program;
- Enable Readiness through Chemical / Biological / Munitions Policies and Programs;
- Enhance the Army Safety and Occupational Health Program;
- Transform Army Occupational and Environmental Health Program;
- Enable Technology Acquisition; and
- Promote Strategic Army ESOH Priorities.

The Army ESOH Strategy 2025 replaces and updates the 2003 Army Environmental Cleanup Program Strategy, the 2004 Army Strategy for the Environment, and the 2010 Army Safety and Occupational Health Strategic Plan.

To read a press release, click [here](#).

# 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 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. Amended in committee to limit the scope to property bounded by and touching the Gulf of Mexico proper. Passed House committee with amendments on 6 APR 17.

**ALABAMA HB 482, PRIVATE SEWER SYSTEMS.** Under existing law, privately owned sewer systems, with some exceptions, are regulated by the Alabama Department of Environmental Management (ADEM), but these systems are not regulated by the Alabama Public Service Commission (PSC) with regard to rates and consumer protection. This bill authorizes the PSC to regulate privately owned sewer systems that use rights-of-way of public roads. Cooperatives, municipalities, county governments, and entities managing small-flow cluster systems will not be regulated by the commission, but they will be subject to other health and environmental requirements. Read for the first time and referred to committee on 6 APR 17.

**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. Passed the Senate, read for first time in the House, and referred to committee on 11 APR 17; reported favorably from the committee on 27 APR 17, and placed on the calendar for third reading.

**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. Reported favorably from the House committee on 20 APR 17, and placed on the calendar for third reading.

**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 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. Passed the Senate, read for the first time in the House, and referred to committee in the House on 11 APR 17; read for the second time, and reported favorably from committee on 27 APR 17; placed on the calendar for third reading.

There are no significant regulatory activities to report.



## ***2017 LEGISLATIVE SESSION: 7 MAR THROUGH 5 MAY***

**FLORIDA HB 181, 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. Passed the House on 30 MAR 17; passed the Senate and enrolled on 3 MAY 17.

**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. Amended on 4 APR 17, and passed the House as amended on 5 APR 17; referred to Senate committee on 13 APR 17. Withdrawn from committee, and received second reading on 28 APR 17; placed on calendar for third reading.

**FLORIDA HB 587, 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 to mitigate the impact of priority invasive species on the public lands or waters of the state. The goal of the pilot program is to examine the benefits of using trained private contractors to slow the advance of priority non-native species, contain their populations, and eradicate them. FWCC is to submit a report on its findings and recommendations to the governor and the Legislature by 1 JAN 20. Amended in committee on 3 APR 17, and passed the House on 26 APR 17; referred to committee in the Senate on 26 APR 17.

**FLORIDA HB 921, FELLSMERE DRAINAGE DISTRICT.** This bill amends, codifies, reenacts, and repeals the special acts and court decrees relating to the Fellsmere Drainage District to create a single, unified charter. It renames the district the Fellsmere Water Control District, removes the 99-year term limitation, and amends district boundaries to remove lands that are no longer located within the district. Reported favorably from the House committee on 6 APR 17, and passed the House on 27 APR 17; referred to committee in the Senate on 28 APR 17.

**FLORIDA HB 925, 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. Passed the House on 26 APR 17, and referred to committee in the Senate on 28 APR 17.

**FLORIDA HB 1027 (FLORIDA SB 832), UNMANNED AIRCRAFT SYSTEMS.** Prohibits political subdivisions 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. Military properties are not included in the facilities covered by this bill. Passed the House 20 APR 17, and referred to committee in the Senate on 25 APR 17.

**FLORIDA HB 1143 (FLORIDA SB 1624), CORAL REEF CONSERVATION.** This bill establishes the Southeast Florida Coral Reef Ecosystem Conservation Area consisting of the sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach counties from Saint Lucie Inlet to the northern boundary of Biscayne National Park. Passed the House and referred to committee in the Senate on 26 APR 17.

**FLORIDA HB 5401, PESTICIDE REGISTRATION FEES.** This bill eliminates the annual supplemental fee required for pesticides that contain an active ingredient for which the U.S. Environmental Protection Agency (EPA) has established a food tolerance limit. The purpose of the fee is to defray the expense of the Chemical Residue Laboratory, which performs chemical analyses of poisonous or deleterious chemical residues remaining in or on human food produced or marketed in Florida. The supplemental fee is currently \$630 per brand of pesticide. Passed the House on 13 APR 17; amended in the Senate and passed on 13 APR 17; placed in conference on 27 APR 17.

**FLORIDA SB 532 (FLORIDA SB 1018), 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. SB 532 passed the Senate on 18 APR 17, and SB 1018 (amended on 28 APR 17) passed the Senate on 1 MAY 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 is convening a technical advisory group (TAG) made up of Florida business owners, waste tire service providers, and local and state representatives who are involved with the management of waste tires in Florida. The department published an [advisory on the TAG meeting](#) on 20 APR 17; the meeting will be 10 MAY 17.

**AIR POLLUTION CONTROL.** FDEP proposes to amend [Rule 62-210.900, F.A.C.](#) The rule will be updated to revise the instructions to the Annual Operating Report for Air Pollutant Emitting Facility, and the instructions to two air permit application forms, each of which contains an appendix of pollutant identification codes. As new federal regulations for additional pollutants are promulgated, the appendices require periodic updating to include the additional pollutants in the list of pollutant identification codes and clarify existing language. The department also will assess the need for clarifications to facilitate the completion and processing of the forms. FDEP published a [notice of change](#) on 21 APR 17.

## ***PROPOSED PLANS***

**STATE PLAN FOR MUNICIPAL SOLID WASTE LANDFILLS.** FDEP invited public comment on the proposed submission of Florida's [State Plan for Municipal Solid Waste \(MSW\) Landfills](#) to the EPA under the Clean Air Act. The department proposes to submit this state plan so that Florida may enforce the emission guidelines promulgated by the U.S. EPA on 29 AUG 16, which set emission limits for MSW landfills that commenced construction or modification on or before 17 JUL 14. The proposed state plan adopts the model rules contained in 40 C.F.R. Part 60, Subpart Cf, and contains information on the facilities subject to regulation under this subpart. Once the EPA approves Florida's state plan, FDEP will be the agency tasked with ensuring that MSW landfills subject to 40 C.F.R. Part 60, Subpart Cf, comply with the applicable emissions limitations. FDEP issued a [notice of hearing](#) on 7 APR 17. Comments are due no later than 8 MAY 17, and the hearing date is 10 MAY 17.



## ***FINAL RULES***

**BOILERS AREA SOURCES AND AIR GENERAL PERMIT REQUIREMENTS.** FDEP amended [Rule 62-210.300\(3\)\(a\), F.A.C.](#), to update provisions for fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity less than 100 million Btu per hour. The rule revision allows units that meet the requirements of [40 CFR 63 Subpart JJJJJ](#) to maintain the existing permit exemption. It also amends [Rule 62-210.310, F.A.C.](#) to address the circumstances under which temporary and relocatable sources, including emissions units operating under an Air General Permit (AGP), may collocate at an otherwise permitted facility, as well as revisions to the AGP for chromium electroplaters to reflect updates to [40 CFR 63 Subpart N](#). Clarifying and corrective revisions to existing rule language in Rules 62-210.200, .300 and .310, F.A.C., are also included. FDEP published a [notice of rule filing](#) on 11 APR 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. Signed by the governor on 1 MAY 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. Signed by the governor on 1 MAY 17.

## ***FINAL PERMITS***

**2017 INDUSTRIAL GENERAL PERMIT.** Georgia EPD released the [2017 Industrial General Permit](#) (IGP), also known as the National Pollutant Discharge Elimination System (NPDES) General Stormwater Permit (GAR050000), on 20 APR 17. The 2017 IGP authorizes all new and existing stormwater point sources within Georgia to discharge stormwater associated with industrial activity, excluding construction, to the waters of the state upon submittal of a notice of intent. The 2017 IGP is in compliance with, and is based upon, the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p. 416) as amended, the Federal Clean Water Act, as amended (33 U.S.C.1251 et seq.), and the rules and regulations promulgated subsequent to each of these acts. The proposed permit is patterned after the U.S. EPA Multi-Sector General NPDES Permit (2015 MSGP) for industrial stormwater issued 4 JUN 16. The 2017 permit will become effective on 1 JUN 17.



### ***2017 LEGISLATIVE SESSION: 3 JAN THROUGH 30 MAR***

There are no significant legislative actions to report.

## ***PROPOSED RULES***

**ADMINISTRATIVE PROCEDURES AND ENFORCEMENT.** The Kentucky Energy and Environment Cabinet (EEC) proposes to amend 400 KAR 1:090 provisions dealing with administrative procedures. The amendments would authorize the cabinet to conduct administrative hearings and promulgate administrative regulations for the administrative hearing process. This administrative regulation establishes procedures for conducting administrative hearings, administrative conferences, mediations, and issuance of final orders in regard to violations and final determinations of the cabinet made pursuant to KRS Chapters 146, 149, 151, 223, 224, and 350. The cabinet published the [proposed amendments](#) on 1 APR 17.

**GENERAL ADMINISTRATIVE HEARING PRACTICE PROVISIONS.** The EEC proposes new provisions in KRS Chapter 146 relating to wild rivers, KRS Chapter 149 relating to timber harvesting, KRS Chapter 151 relating to water resources, KRS Chapter 223 relating to water plant operators and water well drillers, and KRS Chapter 224 relating generally to environmental protection. The provisions authorize the cabinet to conduct administrative hearings and promulgate administrative regulations. This administrative regulation establishes procedures for conducting administrative hearings. The cabinet published the [proposed amendments](#) on 1 APR 17.

**PUBLIC WATER SUPPLY.** The Kentucky Department for Environmental Protection (DEP) has proposed rulemaking to amend [401 KAR Chapter 8](#): Public Water Supply. The following regulations are proposed for changes:

- 401 KAR 8:010 – Definitions
- 401 KAR 8:011 – Repeal of 401 KAR 8:070, 8:101, 8:550, and 8:600
- 401 KAR 8:020 – Public and semipublic water systems; general provisions
- 401 KAR 8:040 – Laboratory certification
- 401 KAR 8:075 – Consumer confidence reports and public notification
- 401 KAR 8:100 – Design, construction, and approval of facilities and approval timetable for 401 KAR Chapter 8
- 401 KAR 8:250 – Inorganic and organic chemical sampling, analytical techniques, maximum contaminant levels, radionuclides, and secondary standards

Regulations in 401 KAR Chapter 8 are required for Kentucky to maintain primacy over its Safe Drinking Water Program, and the amended regulations are intended to maintain consistency with [40 C.F.R. Part 141](#) and [40 C.F.R. Part 142](#). The Kentucky DEP filed the [proposed amendments](#) on 13 APR 17.



## ***2017 LEGISLATIVE SESSION: 3 JAN THROUGH 2 APR***

There are no significant legislative actions to report.

## ***FINAL RULES***

**FISCAL YEAR 2018 TITLE V PERMIT FEE.** The Mississippi Commission on Environmental Quality (MCEQ) approved the Title V permit fee for fiscal year 2018, from 1 SEP 17 to 31 AUG 18. The Title V permit fee will be \$47 per ton of regulated air pollutants, excluding carbon monoxide, greenhouse gases, any pollutant that is a regulated air pollutant solely because it is a Class I or II substance regulated under Title VI of the Federal Clean Air Act, any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Federal Clean Air Act, and emissions of any individual pollutant in excess of 4,000 tons per year per facility. The minimum annual fee shall be \$250 per facility. MCEQ issued a [public notice](#) on 19 APR 17.



## ***2017 LEGISLATIVE SESSION: 11 JAN THROUGH 1 JUL***

**NORTH CAROLINA HB 244, SOLID WASTE MANAGEMENT FACILITIES.** Requires a buffer of at least 500 feet between the outermost boundary of any new solid waste management facility and the outermost boundary of school property and associated athletic fields or community facilities hosting outdoor activities. It also requires the North Carolina Department of Environmental Quality (NCDEQ) to adopt new rules to substantially reduce and minimize fugitive emissions and offensive odors from composting facilities that will adversely affect the general health and safety of persons beyond the facilities' boundary. The bill requires the NCDEQ not issue or renew a permit for the construction, operation, expansion, or modification of a solid waste management facility that will produce compost without first providing public notice of the permit or renewal. Passed the House on 20 APR 17, and referred to committee in the Senate on 21 APR 17.

**NORTH CAROLINA HB 275, STORMWATER FEES ON TAXIWAYS OR RUNWAYS.** Exempts airports from paying a stormwater utility fee levied on runways and taxiways. The initial bill was amended to explicitly exempt runways and taxiways on military properties from stormwater utility fees. Airports (not including military airfields) must use savings from the exemption to attract business to the airport. Passed the House on 24 APR 17, and referred to committee in the Senate on 25 APR 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. Passed the House on 10 APR 17, and referred to committee in the Senate on 11 APR 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. Passed the House on 10 APR 17, and referred to committee in the Senate on 11 APR 17.

**NORTH CAROLINA HB 402, RECYCLING LIABILITY.** Exempts persons who arrange for recycling of recyclable materials from liability for hazardous substances released or threatened to be released at a facility owned or operated by another person. The exemption presumes the person has complied with all standards, requirements, and criteria set forth in the Superfund Recycling Equity Act of 1999, 42 U.S.C. Section 9627, as amended. Passed the House on 24 APR 17, and referred to committee in the Senate on 25 APR 17.

**NORTH CAROLINA HB 507, LAND-USE REGULATORY CHANGES.** Amends state land-use laws to ensure protections for property owners during development permitting and zoning amendment processes. For example, if a local government changes its zoning ordinance or development standards while a development permit application is under consideration, the property owner may choose to remain regulated under the requirements at the time the application was filed or the new standards, once adopted. Passed the House on 20 APR 17, and referred to committee in the Senate on 21 APR 17.

**NORTH CAROLINA HB 557 (NORTH CAROLINA SB 611), MITIGATION SERVICES AMENDMENTS.** Mandates the use of a private compensatory mitigation bank unless NCDEQ or the U.S. Army Corps of Engineers (USACE) determines it is not practicable, and then the applicant may satisfy compensatory mitigation requirements through (1) payment of a fee into the Ecosystem Restoration Fund or (2) permittee responsible mitigation. House and Senate versions filed on 4 APR 17 and referred to committee on 5 APR 17.

**NORTH CAROLINA HB 574, WIND ENERGY FACILITY PERMITTING.** Provides additional coordination and review with the North Carolina Department of Military and Veteran Affairs (DMVA) in the permitting process for wind energy facilities to ensure compatibility with military operations and readiness. Prior to issuing a permit, the applicant must obtain a letter to proceed from the DMVA stating that the proposed wind energy facility or proposed wind energy facility expansion would not cause significant adverse impacts on air navigation routes, air traffic control areas, military training routes, or radar installations. Filed in the House on 5 APR 17, referred to committee on 6 APR 17, and reported favorably as a substitute from committee on 26 APR 17; re-referred to committee on 26 APR 17.

**NORTH CAROLINA HB 576, AEROSOLIZATION OF LEACHATE.** Approves aerosolization of leachate and wastewater as an acceptable method of site management within lined landfills for the purpose of the management and/or disposal of leachate and non-domestic wastewater collected from a lined sanitary landfill for the disposal of municipal solid waste, except those permitted for the disposal of coal combustion residuals and wastewater from a swine lagoon. NDEQ also may consider aerosolization of leachate as an acceptable method of site management for unlined landfills. Filed in the House on 5 APR 17, and passed the House on 26 APR 17.

**NORTH CAROLINA HB 624 (NORTH CAROLINA SB 641), SYSTEM DEVELOPMENT FEES FOR WATER AND SEWER SYSTEMS.** Provides uniform authority to implement system development fees for public water and sewer systems. The governing body of a water or sewer, or water and sewer, system may impose a system development fee only as: (1) a charge for a portion of the infrastructure existing at the time the new customer asks for additional infrastructure or new services to be provided; or (2) a charge for a portion of the future needs of the water or sewer, or water and sewer, system that bears a reasonable relationship to the service requested and its impact on the system. Filed in the House on 6 APR 17, passed first reading on 10 APR 17, and referred to committee on 10 APR 17.

**NORTH CAROLINA HB 632, AMEND MITIGATION SERVICES LAW.** Amends the purposes of the Division of Mitigation Services to include the objective to prioritize cost-effective approaches to compliance with mitigation requirements that maximize the remaining productive uses of public and private lands consistent with other purposes of the division. It allows a recipient of funds from the Ecosystem Restoration Fund that acquires a conservation easement, or interest in real property appurtenant to a restoration project delivered to the division, to transfer the conservation easement or interest in real property to a federal or state agency, local government, or private, nonprofit conservation organization approved by the division. It also provides that land within a riparian buffer required to be maintained under a state or local permit or other regulatory approval in which neither the state nor its subdivisions holds any property interest may be used by a property owner to satisfy other development-related regulatory requirements based on property size. Filed in the House on 5 APR 17, passed the House on 24 APR 17, and referred to committee in the Senate on 25 APR 17.

**NORTH CAROLINA HB 667, DRINKING WATER WHOLESALERS TESTING AND EVALUATION.** Requires public water systems that supply water to one or more other public water systems and obtain all or part of their water from surface water sources to conduct sampling and analysis for applicable disinfection byproducts at or near all points of delivery to consecutive systems and provide the consecutive system with the sampling results. Also requires consecutive systems providing water to other consecutive systems to conduct sampling and analysis for applicable disinfection byproducts at or near all points of delivery to those other consecutive systems and provide the other consecutive systems with the sampling results. If the sampling results exceed the maximum contaminant level for any applicable disinfection byproduct, the supplying water system and any consecutive water systems must complete a joint operational evaluation signed by a responsible official for each water system participating in the evaluation. Filed in the House on 10 APR 17, and referred to committee on 11 APR 17.



**NORTH CAROLINA HB 680, AGRICULTURAL CONSERVATION EASEMENTS ON FARMLAND.** Provides that an agricultural conservation easement on qualifying farmland may include a provision that provides the easement holder a right of first refusal or option to purchase the land encumbered by the easement at agricultural value. Filed in the House on 10 APR 17, and referred to committee on 11 APR 17.

**NORTH CAROLINA HB 745, ENERGY RATEPAYERS PROTECTION ACT.** Amends various provisions of the general statutes related to distributed generation, and directs the North Carolina Utilities Commission to perform an assessment of the costs and benefits of distributed generation. Filed in the House on 11 APR 17, and referred to committee on 13 APR 17.

**NORTH CAROLINA HB 763, NOTICE TO INNOCENT PURCHASERS/HAZARDOUS SITES.** Requires NCDEQ to provide each county with electronic access to information on the location of inactive hazardous sites within their jurisdiction and to require inclusion of such information on searchable mapping systems operated by counties. Provides notice on the residential property disclosure form of information available at the NCDEQ's website concerning contaminated properties, and modifies record requirements applicable to inactive hazardous sites. Filed in the House on 11 APR 17, and referred to committee on 13 APR 17.

**NORTH CAROLINA HB 767, TOXIC-FREE KIDS ACT.** Intends to protect children from the health impacts of toxic chemicals in children's products by prohibiting the sale of children's products containing bisphenol A, TRIS, or phthalates. On or after 1 JUL 19, no wholesaler or retailer may knowingly sell, offer for sale, distribute for sale, or distribute for use in the state a children's product containing these chemicals of concern. On or after 1 OCT 18, a retailer or distributor of a children's product, or a trade organization on behalf of its member retailers or distributors, must provide notice to the NCDEQ of any children's products that contain a chemical regulated under this bill. Filed in the House on 11 APR 17, and referred to committee on 13 APR 17.

**NORTH CAROLINA HB 770, NONCOMMERCIAL UNDERGROUND STORAGE TANKS.** Provides for a report on rules for remediation of certain underground storage tanks required by the 2015 Appropriations Act, and amends a 2016 budget provision addressing funds appropriated to the Environmental Quality Incentives Program. The Environmental Management Commission will adopt temporary rules implementing Section 14.16B of S.L. 2015-241 no later than 1 OCT 17, and these rules will remain in effect until the effective date of the permanent rule adopted to replace the temporary rule. The commission must report no later than 31 DEC 17 regarding the status of the rule making required under this bill, and by Section 14.16B of S.L. 2015-241, to the Fiscal Research Division and the chairs of the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources. Passed the House on 26 APR 17, and referred to committee in the Senate on 27 APR 17.

**NORTH CAROLINA HB 825, CHILDREN AND LEAD EXPOSURE.** Requires certain public schools and child care facilities in the state to test drinking water for the presence of lead. Water samples must be analyzed by a laboratory certified to analyze for lead in drinking water samples by the State Laboratory for Public Health. Schools and child care facilities must notify teachers, other school or facility personnel, and the parents or guardians of the children attending the school or child care facility of the results of the sampling and analysis. When elevated lead levels are detected, the school or child care facility must immediately restrict access to drinking water outlets with lead concentrations above the lead trigger level and similar drinking water outlets near those revealed to have elevated levels, immediately take remedial action to ensure students/children are not exposed to water with elevated levels, and determine the necessary corrective action to address the lead contamination. Filed in the House on 11 APR 17, and referred to committee on 13 APR 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. Passed the Senate on 25 APR 17; referred to committee in the House on 27 APR 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 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. Reconciled in conference on 24 APR 17, sent to the governor on 28 APR 17, and signed by the governor on 4 MAY 17.

**NORTH CAROLINA SB 331 (NORTH CAROLINA HB 465), 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. The moratorium provides the General Assembly time to study the extent and scope of military operations in the state and to consider the impact of future wind energy facilities and energy infrastructure on military operations, training, and readiness. Re-referred to committee on 10 APR 17.

**NORTH CAROLINA SB 419, LOCAL PLANNING AND DEVELOPMENT.** Reorganizes and clarifies statutes regarding local planning and development regulation. The bill includes provisions authorizing local governments to adopt and enforce stormwater control regulations to protect water quality and control water quantity. Federal, state, or local government projects must comply with local government stormwater control regulations unless the federal, state, or local government agency has a NPDES stormwater permit that applies to the project. The bill states that, to the extent permitted by federal law, a local government may take enforcement action to compel a federal government agency to comply with a stormwater control regulation. Re-referred to committee on 6 APR 17.

**NORTH CAROLINA SB 469, MUNICIPAL SOLID WASTE CAPACITY.** Requires local governments to establish and maintain a solid waste reduction program. Demolition debris consisting of used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material may be used as fill and need not be disposed of in a permitted landfill or solid waste disposal facility, provided that demolition debris may not be placed in the waters of the state or at or below the seasonal high water table. Local governments are encouraged to separate marketable plastics, glass, metal, and all grades of paper for recycling prior to final disposal, and they are further encouraged to recycle yard trash and other organic solid waste into compost available for agricultural and other acceptable uses. The bill clarifies that local governments may not, by ordinance or otherwise, prohibit the disposal of construction and demolition debris in any sanitary landfill permitted for the disposal of construction and demolition debris that has a valid and operative franchise agreement and is otherwise properly permitted. Passed the Senate on 25 APR 17, and referred to committee in the House on 27 APR 17.

**NORTH CAROLINA SB 657 (NORTH CAROLINA HB 567), HEXAVALENT CHROMIUM IN GROUNDWATER.** Requires the NCDEQ to conduct a study of the distribution and levels of hexavalent chromium in the groundwater beneath a divided neighborhood in order to determine if all households in the partially impacted neighborhood should receive a permanent replacement water supply as provided in North Carolina General Statutes, section 130A-309.211. It refers to the requirement that the owner of a coal combustion residuals surface impoundment must establish permanent replacement water supplies for each household within a one-half mile radius from the established compliance boundary and is not separated from the impoundment by the mainstem of a river or other body of water that would prevent the migration of contaminants through groundwater from the impoundment to a well. The owner of the impoundment must establish permanent replacement water supplies also for each household that has a drinking water supply well that is located in an area in which contamination resulting from constituents associated with the presence of a coal combustion residuals impoundment is expected to migrate. Filed in the Senate and the House on 4 APR 17; referred to committee in the Senate on 5 APR 17, and referred to committee in the House on 6 APR 17.

**NORTH CAROLINA SR 319, NATURAL AND CULTURAL RESOURCES CONFIRMATION.** Confirms Susi H. Hamilton as Secretary of the North Carolina Department of Natural and Cultural Resources. Reported favorably from committee on 10 APR 17; amended and adopted by the Senate on 11 APR 17.

## ***PROPOSED RULES***

**ENDANGERED, THREATENED, AND SPECIAL CONCERN SPECIES RULES.** The North Carolina Wildlife Resources Commission (WRC) proposes to amend the state listing for endangered, threatened, and special concern species. The changes include

an additional three species to be listed as endangered, three species to be listed as threatened, and eight species to be listed as special concern. Overall, 37 changes will be made to 15A NCAC 10I, [Endangered/Threatened/Special Concern Species Rule](#), due to additions, removals, and shifting of species between lists. WRC published [notice of the proposed rule changes](#) on 15 MAR 17.

**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 published a [public notice on the proposed rule](#) on 3 APR 17.

## ***FINAL RULES***

**ARCHAEOLOGY AND HISTORIC PRESERVATION.** The North Carolina Department of Natural and Cultural Resources (DNCR) adopted amendments and new rules related to carrying out the functions of the Historic Preservation Office of State Archaeology. DNCR published the [approved rule](#) on 3 APR 17.

**RADIATION PROTECTION RULES.** The Department of Health and Human Services adopted amendments to comply with federal requirements of the U.S. Nuclear Regulatory Commission (NRC). North Carolina entered into an agreement with the U.S. Atomic Energy Commission (now the NRC) effective 1 AUG 64. This agreement provided for the discontinuance of the commission's regulatory authority in the state. The commission had to determine the state program for radiation protection was compatible with federal regulations and was adequate to protect public health and safety for the agreement to be approved. The agreement was signed by the governor; therefore, North Carolina is an Agreement State. The agreement requires the state to continue to maintain compatibility with NRC radiation protection rules. The North Carolina Radiation Protection Section is inspected by NRC every four years to verify the radiation program remains compatible and adequate to protect public health and safety, including federal rule compatibility. The department published the [approved rule](#) on 3 APR 17.

**ENVIRONMENTAL MANAGEMENT—OFFSITE CONTAMINATION.** NCDEQ adopted rules related to requirements for remedial action when contamination has migrated offsite. This modification does not change the legal requirements for remedial action or NCDEQ's implementation and enforcement of the statute. NCDEQ published the [approved rule](#) on 3 APR 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 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. Reported favorably from committee on 19 APR 17.

**SOUTH CAROLINA SJR 376, UNDERGROUND STORAGE TANK CONTROL REGULATIONS.** A joint resolution to approve regulations of the South Carolina Department of Health and Environmental Control (SCDHEC), relating to underground storage tank control regulations, designated as regulation document number 4706, pursuant to the provisions of Article

1, Chapter 23, Title 1, of the 1976 code. The amendments reorganize the regulations for clarity and consistency with the format of the federal regulation, along with other stylistic changes. Read third time and enrolled on 20 APR 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. Placed on the House Finance, Ways and Means Subcommittee calendar on 26 APR 17 for 8 MAY 17.

**TENNESSEE HB 1021, WIND ENERGY FACILITY SITING.** Imposes a moratorium on the construction, operation, expansion, or redevelopment of wind energy facilities in counties and municipalities that have not adopted regulations related to the siting of wind energy facilities in their jurisdictions. The bill creates a six-member joint legislative study committee to evaluate and make recommendations relative to the siting of wind energy facilities. The joint legislative study committee must report its findings and recommendations, including any potential legislation, to the Senate Energy, Agriculture, and Natural Resources Committee and the House Agriculture and Natural Resources Committee by 1 JAN 18, at which time the committee ceases to exist. Passed the House on 20 APR 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. Action deferred in the Senate Commerce and Labor Committee to first calendar of 2018.

**TENNESSEE SB 1199, SOLID WASTE DISPOSAL.** Requires the owner or operator of each Class I municipal solid waste disposal facility, incinerator, or transfer station to maintain an accurate written record the county of origin and amounts of solid waste, measured in tons, received at the facility, and to submit the information to the Tennessee Department of Environment and Conservation (TDEC). Substituted for HB 311 and passed the House on 24 APR 17; enrolled on 25 APR 17, and signed by the governor on 4 MAY 17.

**TENNESSEE SB 1250 (TENNESSEE HB 438), ENERGY POLICY COUNCIL.** Creates the Tennessee Energy Policy Council to advise and make recommendations to the governor and General Assembly on how to (1) identify all state energy resources to ensure a secure, stable, and more predictable energy supply; (2) manage the use of energy resources in the state; and (3) increase domestic energy exploration, development, and production within the state and region, with the goal of promoting economic growth and job creation while ensuring the protection and preservation of the state's natural resources, cultural heritage, and quality of life. The council is to compile an annual report assessing the energy sector in the state and develop a comprehensive state energy policy plan to achieve maximum effective management and use of present and future energy sources. Recommended for passage with amendments on 26 APR 17 by the Senate Government Operations Committee; referred to Senate Finance, Ways, and Means Committee on 26 APR 17.

## ***PROPOSED RULES***

**EMISSIONS INVENTORY REQUIREMENTS.** TDEC proposes to amend Chapter 1200-03-10 Required Sampling, Recording, and Reporting by adding a new Rule 1200-03-10-.05 (Emissions Inventory Requirements). This rule would require affected sources to submit emission inventory information consistent with the provisions of 40 CFR Part 51, Subpart A. This rule would apply only to the pollutants listed 40 CFR §51.15(a)(1) (sulfur dioxide, volatile organic compounds, nitrogen oxides, carbon monoxide, lead and lead compounds, primary PM<sub>2.5</sub>, primary PM<sub>10</sub>, and ammonia). TDEC filed [a notice of rulemaking hearing](#) on 11 APR 17.



# Federal Activity

## *AIR*

**RISK MANAGEMENT PROGRAM: ACCIDENT PREVENTION.** EPA is proposing to further delay the effective date of a rule amending the Risk Management Program regulations under the Clean Air Act ([82 FR 16146](#)). The agency would, pending reconsideration, delay the effective date to 19 JUN 17. The rule applies to stationary sources that are subject to chemical accident prevention requirements codified at 40 CFR Part 68, including stationary sources holding more than a threshold quantity of a regulated substance in a process. The revisions made changes to accident prevention program requirements. Public comments on EPA's proposal to further delay the effective date are due 19 MAY 17.

**MERCURY AND AIR TOXICS ELECTRONIC REPORTING.** EPA amended electronic reporting requirements for the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units, also known as the Mercury and Air Toxics Standards (MATS) ([82 FR 16736](#)). The amendments extend the time period that electronic reports can be submitted using PDF format, through 30 JUN 18. The extension will allow EPA time to develop, implement, and test the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool MATS for electronic report submission. The final rule was effective 6 APR 17.

**REVIEW OF NOX NAAQS.** EPA released the final document, [Policy Assessment for the Review of the National Primary Ambient Air Quality Standards for Oxides of Nitrogen](#), ([82 FR 17947](#)). The final policy assessment review concluded that is appropriate to consider retaining the current standards, without revision. For more information, click [here](#).

## *CLIMATE CHANGE*

**REVIEW: CLEAN POWER PLAN.** EPA announced it will review and, if appropriate, suspend, revise, or rescind the Clean Power Plan, which established emission guidelines for state plans to limit CO<sub>2</sub> emissions from existing fossil fuel-fired power plants ([82 FR 16329](#)). The announcement was made 4 APR 17.

**REVIEW: GHG EMISSIONS FROM ELECTRIC GENERATING UNITS.** EPA is reviewing and, if appropriate, will suspend, revise, or rescind the [October 2015 rule](#), Standards of Performance for Greenhouse Gas (GHG) Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units ([82 FR 16330](#)). The final rule set CO<sub>2</sub> emission standards for newly constructed, modified, and reconstructed affected fossil fuel-fired electric utility generating units.

**WITHDRAWN: PROPOSED RULES ASSOCIATED WITH THE CLEAN POWER PLAN.** EPA withdrew two proposed rules that would have implemented provisions in the Clean Power Plan ([82 FR 16144](#)). The action withdrew the:

- October 2015 proposed rule: Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before 8 JAN 14; Model Trading Rules; Amendments to Framework Regulations, [80 FR 64966](#); and
- June 2016 proposed rule: Clean Energy Incentive Program Design Details, [81 FR 42940](#).

**WITHDRAWN: GHG CONSIDERATION UNDER NEPA.** The Council on Environmental Quality (CEQ) withdrew its [2016 guidance](#) for federal departments and agencies on how to consider GHG emissions and the effects of climate change in NEPA reviews ([82 FR 16576](#)). The withdrawal was effective 5 APR 17. Information about NEPA is available [here](#).

## *ENERGY*

**WIND VISION REPORT.** The Department of Energy released the [Wind Vision](#) report to inform a broad set of stakeholders—including the industry, policymakers, and the public—on the implications of continued U.S. wind deployment. The report

assesses the potential economic and social benefits of a scenario where U.S. wind power supplies 10 percent of the nation's electrical demand by 2020, 20 percent by 2030, and 35 percent by 2050. It also outlines a roadmap for growing the wind industry, which is estimated to support more than 600,000 jobs in manufacturing, installation, maintenance, and supporting services. For more information, click [here](#).

**NATURAL GAS MAKES UP LARGEST SHARE OF U.S. GENERATION CAPACITY.** According to a new [report](#) from the Energy Information Administration, in 2016, natural gas provided 34 percent of total electricity generation, surpassing coal to become the leading generation source. The report states that the increase in natural gas generation since 2005 is primarily a result of the continued cost-competitiveness of natural gas relative to coal.

## ***MISCELLANEOUS***

**REGULATORY REFORM.** EPA is seeking public input on regulations that may be appropriate for repeal, replacement, or modification ([82 FR 17793](#)). The agency requests that commenters be as specific as possible, include supporting data or other information such as cost information, provide a Federal Register or CFR citation when referencing a specific regulation, and provide specific suggestions regarding repeal, replacement, or modification. Comments are due 15 MAY 17. In support of this effort, individual EPA offices held [public meetings and listening sessions](#) in April and May to receive public input.

**REPORT ON STATE ENVIRONMENTAL AGENCY BUDGETS, 2013-2015.** The Environmental Council of the States (ECOS) [released](#) a [report about state environmental agency budgets](#) (EABs), including sources of funding and how budgets changed over the reporting period. The report provides information on 48 state EABs for fiscal years (FY) 2013, FY 2014 and FY 2015; Louisiana, New Jersey, New Mexico, and North Carolina did not respond to ECOS data requests. ECOS reported on changes and trends in state budgets, including analysis of changes to the three main funding sources: state general funds, federal funding, and fees or other sources. The data show that, overall, state environmental budgets are increasing, federal support is decreasing slightly, and funding from fees is increasing.

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

**WEST INDIAN MANATEE.** The U.S. Fish and Wildlife Service (FWS) reclassified the [West Indian Manatee](#) from endangered to threatened ([82 FR 16668](#)). Upon the effective date of the final rule, 5 MAY 17, the West Indian manatee, including its two subspecies, will remain protected as a threatened species and the existing critical habitat designation in Florida will remain in effect.

**YELLOW LANCE.** FWS proposes to list the [yellow lance](#) (*Elliptio lanceolata*), a freshwater mussel native to Maryland, Virginia, and North Carolina, as a threatened species ([82 FR 16559](#)). Requests for a public hearing are due 22 MAY 17. Comments are due 5 JUN 17.

**FIVE-YEAR STATUS REVIEWS OF EIGHT ENDANGERED ANIMAL SPECIES.** FWS initiated five-year status reviews under the Endangered Species Act (ESA), for eight animal species ([82 FR 18156](#)). A five-year status review is based on the best scientific and commercial data available at the time of the review; therefore, FWS has requested submission of any such information that has become available since the last review for the species. The eight species are: (1) [Iowa Pleistocene snail](#); (2) [Karner blue butterfly](#); (3) [Kirtland's warbler](#); (4) [Ozark hellbender](#); and (5) four freshwater mussels: [Rayed bean](#), [Sheepnose](#), [Snuffbox](#), and [Spectaclecase](#). Comments are due by 16 JUN 17.

**90-DAY FINDINGS ON TWO PETITIONS.** FWS announced 90-day findings on two petitions to list or reclassify wildlife or plants under ESA ([82 FR 18409](#)). The petitions requested that the [Florida black bear](#) (range: Florida, Georgia, and Alabama) be listed as a threatened or endangered species, and that the Mojave population of the [desert tortoise](#) (range: Arizona, California, Nevada, and Utah) be listed as an endangered species. FWS found that the petitions were not warranted, and decided not to initiate status reviews in response to the petitions. The findings were made on 19 APR 17.

## ***TOXICS***

**EMERGENCY PREPAREDNESS FOR SMALL MODULAR REACTORS.** NRC requests comment on a draft regulatory basis to support a rulemaking that would develop new emergency preparedness requirements for small modular reactors and other new technologies, such as non-light- water reactors and medical isotope production facilities ([82 FR 17768](#)). The emergency preparedness regulations would be consequence-oriented, performance-based, and technology inclusive to the extent possible, and continue to provide reasonable assurance of adequate protection of public health and safety. The new emergency preparedness regulations would be applicable to small modular reactors and other new technologies facilities. Large light-water reactors, fuel cycle facilities, research and test reactors, and other non-power non-commercial facilities are not in the scope of this rulemaking. Comments are due 27 JUN 17.

## ***WATER***

**REPORT TO CONGRESS ON FUTURE WATER RESOURCES.** USACE is soliciting proposals from non-federal interests for feasibility studies and modifications to USACE water resource development projects or feasibility studies ([82 FR 17418](#)). The proposals will be included in the Army's annual report to congress on future water resources development. The Water Resources Reform and Development Act of 2014 requires the Army to submit to Congress a report that identifies feasibility reports, proposed feasibility studies submitted by non-federal interests, and proposed modifications to an authorized water resources development project or feasibility study that meet certain criteria.

**USE OF LEAD-FREE MATERIALS FOR DRINKING WATER.** EPA extended the public comment period on its [proposed rule](#) regarding use of lead free pipes, fittings, fixtures, solder, and flux in drinking water systems ([82 FR 17406](#)). The rulemaking would make conforming changes to existing drinking water regulations based on the Reduction of Lead in Drinking Water Act of 2011 and the Community Fire Safety Act of 2013. The Reduction of Lead in Drinking Water Act revised the definition of lead-free by lowering the allowable maximum lead content in plumbing products, established a statutory method for calculating lead content, and created exemptions for plumbing products used in nonpotable water sources. The community Fire Safety Act exempted fire hydrants from requirements to use lead-free fixtures and components. Comments on the proposed rule are due 17 MAY 17.

**POSTPONEMENT: EFFLUENT LIMITATIONS GUIDELINES.** EPA [announced](#) its decision to reconsider the final rule issued on [3 NOV 15](#), which amended effluent limitations guidelines and standards for the steam electric power generating category, commonly referred to as the ELG Rule. ([82 FR 19005](#)). The rule set the first federal limits on the levels of toxic metals in wastewater that can be discharged from certain coal-fired steam electric power plants. These regulations have been challenged in the U.S. Court of Appeals for the Fifth Circuit. EPA has postponed the compliance dates pending judicial review. The postponement became effective on 25 APR 17.

**POTABLE WATER TREATMENT FACILITY GENERAL PERMIT FOR NEW HAMPSHIRE AND MASSACHUSETTS.** EPA Region 1 is providing a notice of availability of the final National Pollutant Discharge Elimination System (NPDES) General Permits for discharges from potable water treatment facilities (PWTfs) to certain waters of the commonwealth of Massachusetts and the state of New Hampshire ([82 FR 17244](#)). The final general permits establish Notice of Intent requirements, effluent limitations, standard and special conditions, prohibitions, and best management practices for sites with discharges from potable water treatment facilities. The general permits replace the previous permits that expired in October 2014.

# **Department of Defense Activity**

**DODI 4715.15, ENVIRONMENTAL QUALITY SYSTEMS.** In April, the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics reissued [DOD Instruction \(DODI\) 4715.15, Environmental Quality Systems](#), which:

- Establishes policy to incorporate environmental quality systems into DOD activities and programs involving the collection, management, and use of environmental data;
- Assigns responsibilities for the DOD Environmental Data Quality Workgroup;
- Authorizes the DOD Environmental Laboratory Accreditation Program (ELAP) for the collection of definitive data used in support of the Defense Environmental Restoration Program (DERP); and
- Assigns responsibilities for the management and implementation of the DOD Advanced Geophysical Classification Accreditation Program for organizations using the advanced geophysical classification process at munitions response sites.

The DODI assigns responsibilities to Assistant Secretary of Defense for Energy, Installations, and Environment, ASD(EI&E); DOD Component Heads; and the Secretaries of the Military Departments. In addition, the Secretary of the Navy is tasked to develop a charter for the environmental data quality workgroup, provide support for and oversight of the workgroup; and identify, discuss, and resolve emerging DOD environmental data quality, sampling, and testing issues with appropriate DOD Components and ASD(EI&E).

**DODM 4715.25, ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM.** In April, DOD released [DOD Manual \(DODM\) 4715.25, Environmental Laboratory Accreditation Program](#). The DODM states it is DOD policy, in accordance with DODI 4715.15, to implement the DOD ELAP for the collection of definitive data in support of the DERP at all DOD operations, activities, and installations, including government-owned, contractor-operated facilities and formerly used defense sites. Laboratories seeking to perform testing in support of the DERP must be accredited in accordance with the DOD ELAP.

**DODM 4715.26, MILITARY MUNITIONS RULE IMPLEMENTATION PROCEDURES.** In April, DOD released [DODM 4715.26, Military Munitions Rule Implementation Procedures](#). The DODM applies to multiple functional areas (e.g., explosives safety, explosive ordnance disposal, logistics, and environmental management). The munitions rule defines special requirements for the management of waste military munitions and establishes minimum standards for managing hazardous waste military munitions in the U.S. These requirements differ from the requirements for other hazardous waste categories managed in accordance with RCRA regulations. The DODM does not apply to munition responses.

**MARINE CORPS TO EXPAND PARTNERSHIP AUTHORITY.** The U.S. Marine Corps is [reportedly](#) planning on expanding the use of [installation-community partnerships](#). The expansion follows three successful pilot projects at three locations — Marine Corps Logistics Base (MCLB) Albany, Ga.; MCLB Barstow, Calif.; and Marine Corps Base Hawaii. A fourth pilot at Marine Corps Installations East/Marine Corps Base Camp Lejeune, N.C., is still underway and is expected to conclude soon. The installation-community pilot projects at the first three bases resulted in the development of 24 partnering initiatives with local agencies. The Marine Corps Installations Command has scheduled several workshops in May to assess the Marine Corps' return on investment and distill lessons learned. Officials then will brief the senior leadership of the Marine Corps on the results.

**2017 SECRETARY OF DEFENSE ENVIRONMENTAL AWARDS.** DOD [announced](#) the winners of the 2017 Secretary of Defense Environmental Awards. The awards recognize individuals, teams and installations for their exceptional environmental achievements and innovative, cost-effective environmental practices. The nine winners are:

- Natural Resources Conservation, Large Installation: Camp Ripley, Minnesota Army National Guard—Achieved key natural resources conservation goals through strategic partnerships and successful wildlife and land management.
- Environmental Quality, Industrial Installation: Marine Corps Logistics Base Barstow, California—Implemented a highly successful waste management program to reduce hazardous material usage, reduce the generation of hazardous waste, and increase diversion of non-hazardous solid waste on the installation.
- Environmental Quality, Overseas Installation: U.S. Army Garrison Bavaria, Germany—Created successful partnerships to implement innovative projects to clean up explosive residues, conserve natural resources, and avoid impacts to the environment.



- Sustainability, Non-Industrial Installation: Eglin Air Force Base, Florida—Displayed environmental leadership by recycling or reusing municipal solid waste, pursuing alternative energy sources, enhancing the prescribed burn program, and achieving designation as a clean and resilient installation.
- Sustainability, Individual/Team: Mr. Jeffery D. Schone, Luke Air Force Base, Arizona—Implemented innovative projects and techniques to recycle demolition debris, reduce costs from ordering excess materials, and improve the installation's wastewater treatment plant effluent to an A+ standard.
- Environmental Restoration, Installation: Travis Air Force Base, California—Implemented successful restoration projects, created collaborative partnerships to protect human health and the environment, and made significant progress cleaning up groundwater contamination.
- Cultural Resources Management, Small Installation: Commander, Fleet Activities, Yokosuka, Japan—Collaborated with local stakeholders to preserve and promote cultural resources while reinforcing a continued partnership with Japan and improved historic building evaluations.
- Cultural Resources Management, Individual/Team: Cultural Resources Management Team, Alabama Army National Guard—Collaborated with the Geographic Information Systems program to design and implement a cohesive integrated management tool for cultural resources management project planning across their installations.
- Environmental Excellence in Weapon System Acquisition, Small Program: Chromium-Free Wash Primer Replacement Team, U.S. Army Research Laboratory, Aberdeen Proving Ground, Maryland—Created and employed a testing framework to identify environmentally safe alternatives to wash primer containing carcinogenic hexavalent chromium.

For more information about the Secretary of Defense Environmental Awards Program, including past winners, visit the DOD Environment, Safety and Occupational Health Network and Information Exchange [website](#).

# Professional Development

## ***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](#). Upcoming webinars include:

- 28 JUN 17: [The Gopher Tortoise Conservation Strategy as a Model to Protect At-Risk Species](#)

**SERDP AND ESTCP WEBINAR SERIES (ONLINE).** The DOD environmental research and development funding programs ([SERDP and ESTCP](#)) launched a [webinar series](#) 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. Upcoming webinars include:

- 18 MAY 17: [High Resolution Site Characterization at Chlorinated Solvent Sites](#). This webinar describes a method to delineate chlorinated solvents in subsurface environments at contaminated sites.
- 1 JUN 17: [Classification of Military Munitions using Electromagnetic Induction Data](#). This webinar describes methods to identify and classify subsurface metals as unexploded ordnance (UXO) or non-UXO.

- 15 JUN 17: Coupling Geothermal Heat Pumps with Underground Seasonal Thermal Energy Storage. This webinar describes a DOD project that reduced an installation's energy consumption, water consumption and on-site emissions while simultaneously reducing the cost of deploying geothermal heat pump systems and creating an inside-the-fence geo-utility.

**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.



# Staff Directory

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## How the Regional Offices Work for You

**The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.**

The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are represented.

To comment on items 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](#).