



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

June 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.

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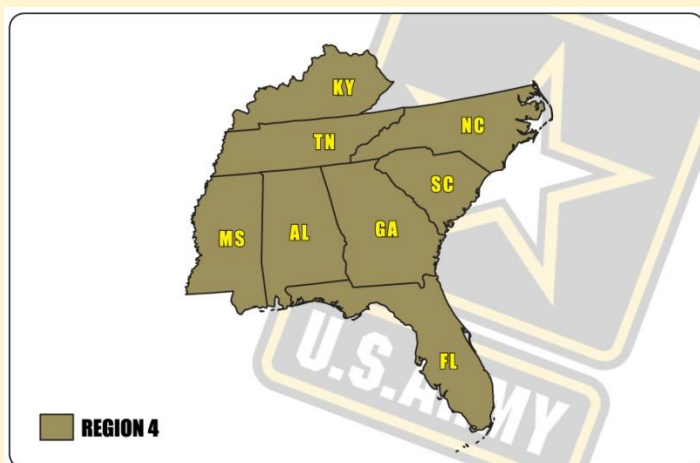


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NC SENTINEL LANDSCAPE WINS REPI CHALLENGE AWARD

The Readiness and Environmental Protection Integration (REPI) Program has presented the Eastern North Carolina Sentinel Landscape Partnership with the 2017 REPI Challenge award.

The partnership is a coordinated effort among the Army, Marine Corps, Air Force, other federal agencies, state and local governments, and nonprofit organizations to protect rural and natural lands important to the nation's defense mission around military installations and ranges in North Carolina. As agriculture and defense represent the top two economic sectors in North Carolina, the partnership's work is of strategic importance to DOD and economic significance for the state.

Under the leadership of the North Carolina Department of Agriculture and Consumer Services (DACS), the award of \$9.2 million in REPI funds will leverage \$10.1 million in partner contributions to protect more than 17,600 acres in the eastern portion of the state. The project will address threats such as potential wind turbine development that may adversely impact airborne operations and habitat degradation by establishing conservation easements on high priority parcels with willing landowners.

The REPI Challenge is an annual competition that seeks to cultivate projects that conserve land at a greater scale, thereby helping the REPI Program meet its ambitious goals in spite of limited funding.

Since the initiation of the REPI Challenge in 2012, \$37 million in REPI Program funds have been leveraged with \$117 million in partner contributions to protect nearly 110,000 acres of working lands, habitat and open spaces at 12 locations nationwide.

More information about the award is available in the [2017 REPI Challenge fact sheet](#) and in the DACS [press release](#).

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. Postponed indefinitely on 17 MAY 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. Enacted on 4 MAY 17.

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. Enacted on 9 MAY 17.

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 and 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. Enacted on 9 MAY 17.

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. Signed by officers and presented to the governor on 18 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 will establish and maintain a process to facilitate submission of reports by member operators. Passed the Senate on 1 MAY 17, and sent to the governor on 30 MAY 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. Signed by officers and presented to the governor on 22 MAY 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 Senate with amendments on 3 MAY 17; passed as amended in the House and enrolled on 4 MAY 17.

FLORIDA HB 1027, 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. Amended and passed the Senate; passed the House, as amended; and enrolled on 5 MAY 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 in the House and Senate, as amended by Conference Committee Report, and enrolled on 8 MAY 17.

FLORIDA SB 1018, PUBLIC NOTIFICATION OF POLLUTION. Creates the "Public Notice of Pollution Act," specifying authority of the Florida Department of Environmental Protection (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. Passed the House and enrolled on 3 MAY 17.

PROPOSED RULES

THREATENED OR ENDANGERED SPECIES. The Florida Fish and Wildlife Conservation Commission (FWCC) proposes to revise the Florida Endangered and Threatened Species List to reflect federal listing changes. [Rule 68A-27.0012\(1\)](#) of the Florida Administrative Code (F.A.C.) requires that when species native to Florida are added or reclassified under the federal Endangered Species Act (ESA), the species shall be so listed or reclassified in the F.A.C. to reflect the federal

designation. Because of recent federal designations, FWCC proposes to add the Miami tiger beetle and Suwannee moccasinshell to paragraph one of 68A-27.003. FWCC published a [notice of proposed rule](#) on 8 MAY 17.

MINIMUM WATER LEVELS AND FLOWS. The St. Johns River Water Management District proposes to amend rules to establish a minimum spring flow for Alexander Springs, Gemini Springs, and Silver Glen Springs pursuant to the mandate of Section 373.042, Florida Statutes. The minimum spring flows in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process. The district published a [notice of proposed rule](#) on 10 MAY 17.

FINAL RULES

TMDL FOR AUCILLA RIVER BASIN. FDEP [adopted rulemaking](#) regarding 62-304.406, F.A.C., to establish total maximum daily loads (TMDLs) for certain surface waters within the Aucilla River Basin where they were previously identified as impaired for specific pollutants and included on the department's verified list of impaired waters. The [final rule](#) became effective on 30 MAY 17. The notice of rule filing was published on 16 MAY 17.

TMDL FOR CRESCENT LAKE IN LOWER ST. JOHNS RIVER BASIN. FDEP [adopted rulemaking](#) regarding 62-304.415, F.A.C., to establish TMDLs for Crescent Lake in the Lower St. Johns River basin. The [final rule](#) became effective on 30 MAY 17. The notice of rule filing was published on 16 MAY 17.



2017 LEGISLATIVE SESSION: 9 JAN THROUGH 24 MAR

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. Signed by the governor on 8 MAY 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. Signed by the governor on 9 MAY 17.

There are no significant regulatory activities to report.



2017 LEGISLATIVE SESSION: 3 JAN THROUGH 30 MAR

There are no significant legislative activities to report.

PROPOSED RULES

IMPAIRED WATERS LIST. The Kentucky Division of Water has opened a 60-day comment period on the 2016 draft 303(d) list of impaired waters, as required by the federal Water Pollution Control (or Clean Water) Act of 1972. The 2016 draft impaired waters list is based primarily on results from monitoring and assessments performed on 646 stream miles in the Big Sandy River Basin Management Unit (BMU) and 1,833 stream miles in the Kentucky River BMU. Publicly accessible reservoirs (lakes) were monitored and assessed from those two BMUs from April 2012 to March 2014. The list also incorporates assessment data and results from monitoring that occurred outside of the BMUs of focus, totaling 1,573 stream miles and providing a statewide update of monitoring results. The division issued a [notice on the public comment period](#) on 2 MAY 17.



2017 LEGISLATIVE SESSION: 3 JAN THROUGH 2 APR

There are no significant legislative or regulatory activities to report.



2017 LEGISLATIVE SESSION: 11 JAN THROUGH 1 JUL

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. Substitute reported favorably from Senate Agriculture/Environment/Natural Resources Committee and re-referred to Senate Rules and Operations Committee on 18 MAY 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. Reported favorably from Senate Agriculture/Environment/Natural Resources Committee and re-referred to Senate Rules and Operations Committee on 18 MAY 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. North Carolina Department of Environmental Quality also may consider aerosolization of leachate as an acceptable method of site

management for unlined landfills. Senate reported favorably and re-referred to the Committee on Rules and Operations on 31 MAY 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. Signed by the governor on 4 MAY 17.

NORTH CAROLINA SB 257, PROTECTION OF MILITARY OPERATIONS. Senate appropriations bill establishes a moratorium on considering applications for a permit and on issuing permits for new wind energy facilities and wind energy facility expansions in the state. The moratorium is to allow 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. Passed the Senate on 12 MAY 17, and referred to committee in the House.

FINAL RULES

NORTH CAROLINA HISTORICAL COMMISSION: ARCHAEOLOGICAL RESOURCES PROTECTION ACT. The Department of Natural and Cultural Resources proposes to combine a new Section .1600 within [07 NCAC 04R](#), which will govern the issuance of permits for underwater and terrestrial investigations conducted throughout the state. The department adopted the rule and [published the Rules Review Commission minutes](#) on 1 MAY 17.

ARCHAEOLOGY AND HISTORIC PRESERVATION. The Department of Natural and Cultural Resources [adopted amendments and new rules](#) related to carrying out the functions of the Historic Preservation Office of State Archaeology at 07 NCAC 04R. The changes concern the administration and management of state cultural resource programs and state historic preservation office coordination. The changes: amend the rules cited as 07 NCAC 04R .0201, .0202, .0301, .0303, .0501-.0503, .0601-.0602, .0605, .1503; and 04T .0104; repeal the rules cited as 07 NCAC 04R .0101, .0302, .0305, .0504, .0603, .0604, .0606, .1501, and .1502; and readopt with substantive changes the rules cited as 07 NCAC 04R .0203, .0204-.0206, .0304, .0702-.0718, .0801-.0808, and .1002-.1013. The rules became effective on 30 MAY 17.

UNDERGROUND STORAGE TANK (UST) REGULATIONS. The North Carolina Department of Environmental Quality (NCDEQ) proposes new rules and amendments to incorporate changes to the federal UST regulations ([40 CFR Part 280](#)) to retain its state program approval. NCDEQ adopted the rule and [published the Rules Review Commission minutes](#) on 15 MAY 17.



2017 LEGISLATIVE SESSION: 10 JAN THROUGH 1 JUN

SOUTH CAROLINA HB 3719, OPEN BURNING. Provides that the state forester may prohibit all open burning except fires used for non-recreational purposes. The bill also revises penalties associated with the starting of unlawful fires. Signed by the governor on 19 MAY 17.

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. Signed by the governor on 19 MAY 17.

SOUTH CAROLINA HB 4304 (SOUTH CAROLINA SB 724), OFFSHORE WIND RESOURCE DEVELOPMENT. Defines "offshore wind resource development activities" as initiatives undertaken by an electrical utility for the long-term advancement of

economic development and clean energy benefits. The bill authorizes the South Carolina public service commission to adopt procedures that encourage electrical utilities subject to the jurisdiction of the commission to invest in cost-effective offshore wind resource development activities. Introduced in the House on 9 MAY 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. Passed the Senate on 4 MAY 17; introduced in the House on 9 MAY 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. Signed by the governor on 9 MAY 17.

PROPOSED RULES

SOUTH CAROLINA AIR POLLUTION CONTROL REGULATIONS AND STANDARDS. DHEC proposes to amend [Regulation 61-62](#), Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP). The department proposes to amend: Regulation 61-62.1, Definitions and General Requirements; Regulation 61- 62.5, Standard No. 7, Prevention of Significant Deterioration; Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR); Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP); Regulation 61-62.63, NESHAP for Source Categories; and Regulation 61-62.70, Title V Operating Permit Program. The amendments incorporate by reference recent federal amendments promulgated from 1 JAN 16 through 31 DEC 16. The department also proposes to add Regulation 61-62.97, Cross State Air Pollution Rule (CSAPR) Trading Program, to incorporate the EPA's CSAPR trading program for South Carolina in 40 CFR Part 97 for NO_x (Annual) and SO₂ (Annual), as published in the Federal Register on 8 AUG 11 ([76 FR 48208](#)) and subsequently amended on 3 DEC 14 ([79 FR 71663](#)), and 26 OCT 16 ([81 FR 74504](#)). The amendments will address mandatory transport and regional haze SIP infrastructure elements. The department published a [notice of proposed regulation](#) with notice of opportunity for public comment on 26 MAY 17. DHEC published a [notice of drafting](#) on 27 JAN 17.

FINAL RULES

UNDERGROUND STORAGE TANK CONTROL REGULATIONS. The Department of Health and Environmental Control (DHEC) has adopted rulemaking to amend R.61-92, Part 280: Underground Storage Tank (UST) Control Regulations. This amendment will focus on adopting, with state-specific modifications, the federal underground storage tank requirements of 40 CFR part 280 effective 13 OCT 15, and revising portions of R.61-92, Part 280, pertaining to permitting and compliance requirements of the UST Control Regulations. The [final regulation](#) was published on 25 MAY 17 and the rules became effective on 26 MAY 17.



2017 LEGISLATIVE SESSION: 10 JAN THROUGH 14 APR

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. Signed by the governor on 11 MAY 17.

Federal Activity

AIR

COMMENT PERIOD REOPENED: TRICHLOROETHYLENE, METHYLENE CHLORIDE, N-METHYLPYRROLIDONE. The Environmental Protection Agency (EPA) reopened and extended the public comment period for two proposed rules regulating trichloroethylene (TCE), methylene chloride, and N-methylpyrrolidone (NMP) ([82 FR 20310](#)). The first proposed rule would prohibit the manufacture (including import), processing, and distribution in commerce of TCE for use in vapor degreasing; prohibit the use of TCE in vapor degreasing; require manufacturers (including importers), processors, and distributors of TCE for any use to provide downstream notification of these prohibitions throughout the supply chain; and require limited recordkeeping. The second proposed rule would prohibit the manufacture (including import), processing, and distribution in commerce of methylene chloride and NMP for consumer and most types of commercial paint and coating removal; prohibit the use of methylene chloride and NMP in these commercial uses; require manufacturers, processors, and distributors of methylene chloride and NMP for any use to provide downstream notification of these prohibitions throughout the supply chain; and require recordkeeping. Comments were due 19 MAY 17.

FORMALDEHYDE EMISSION STANDARDS FOR COMPOSITE WOOD PRODUCTS. EPA is extending the compliance dates related to formaldehyde emission standards for composite wood products (hardwood plywood, medium-density fiberboard, particleboard, and/or finished products containing these composite wood materials) ([82 FR 23735](#)). The final rule published 12 DEC 16 can be found [here](#). EPA is extending the 12 DEC 17 date for emission standards, recordkeeping, and labeling provisions until 22 MAR 18; extending the 12 DEC 18 date for import certification provisions until 22 MAR 19; and extending the 12 DEC 23 date for provisions applicable to producers of laminated products until 22 MAR 24. Additionally, this action will extend the transitional period during which California Air Resources Board (CARB) Third Party Certifiers (TPC) may certify composite wood products under the Toxic Substances Control Act (TSCA) Title VI without an accreditation issued by an EPA TSCA Title VI Accreditation Body so long as the TPC remains approved by CARB, is recognized by EPA, and complies with all aspects of the 12 DEC 16 final rule. Information on California's Composite Wood Products Airborne Toxic Control Measure (ATCM) is available [here](#).

2012 PRIMARY ANNUAL FINE PARTICLE (PM_{2.5}) NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS) FOR UNDESIGNATED AREAS OF TENNESSEE. EPA is establishing air quality designations for the 2012 PM_{2.5} NAAQS for the remaining undesignated areas in the state of Tennessee ([82 FR 22888](#)). When the EPA designated the majority of areas in the country in December 2014 and March 2015, the EPA deferred initial area designations for several locations, including all of the state of Tennessee except three counties in the Chattanooga area; the EPA could not determine then whether or not the areas were meeting the NAAQS. However, Tennessee has now submitted complete, quality-assured, and certified air quality monitoring data for 2015 for the areas identified. Based on these data, the EPA is designating the areas as unclassifiable/attainment for the 2012 primary annual PM_{2.5} NAAQS.

STAY OF STANDARDS OF PERFORMANCE FOR MUNICIPAL SOLID WASTE LANDFILLS. On 5 MAY 17, the EPA announced the convening of a proceeding for reconsideration of certain requirements in the final rules, Standards of Performance for Municipal Solid Waste Landfills, and Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, both published on 29 AUG 16 ([82 FR 24878](#)). In this action, the EPA is staying subparts, which were added or revised by the two rules, for 90 days pending reconsideration. Title 40 CFR part 60, subpart Cf, and 40 CFR part 60, subpart XXX, are stayed from 31 MAY 17 until 29 AUG 17. Copies of these new standards can be found [here](#).

CLEAN UP

SW-846 UPDATE. EPA [released](#) SW-846 Update VI, Phase II for public comment. The update revises two organic methods ([8260D](#) and [8270E](#)) for the analysis of volatile and semivolatile compounds in solid waste and other environmental media using gas chromatography and mass spectrometry (GC/MS). The methods are revised to include the addition of new analytes and preparation methods; the option of hydrogen as a carrier gas; the use of advanced measurement techniques (e.g., selected ion monitoring, chemical ionization, tandem mass spectrometry); and updated language for lower limit of quantitation and method blanks. In addition, tuning requirements were updated to harmonize with other EPA program methods. Comments are due 28 JUN 17.

ENERGY

EXECUTIVE ORDER: OFFSHORE ENERGY. President Trump issued an executive order (EO) addressing energy exploration and production on the outer continental shelf (OCS) ([82 FR 20185](#)). The EO states it is policy to encourage energy exploration and development on federal lands and the OCS. The EO requires the Secretary of Commerce, in coordination with the Secretary of Defense and others, to evaluate National Marine Sanctuaries and Marine National Monuments and prepare a report. It modifies areas of the OCS withdrawn from leasing; requires review of the 2016 Offshore Arctic Drilling Rule and the 2016 Technical Memorandum [NMFS-OPR-55](#) (Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing); and reconsiders the Oil Well Control Rule (Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control) and the 2016 Proposed Offshore Air Rule.

WORKPLACE PRIVATELY OWNED ELECTRIC VEHICLE CHARGING GUIDANCE. The Department of Energy (DOE) has released a study on workplace charging of privately owned vehicles (POVs) to guide federal agencies that provide workplace charging. DOE maintains a website on the topic [here](#). The study and other materials are available [here](#).

RESIDENTIAL AIR CONDITIONERS AND HEAT PUMPS. On 6 JAN 17, DOE published in the Federal Register a direct final rule to establish new energy conservation standards for residential central air conditioners and heat pumps ([82 FR 24211](#)). DOE has determined that the comments received in response to the direct final rule do not provide a reasonable basis for withdrawing it. Therefore, DOE is providing notice confirming the adoption of the energy conservation standards established in the direct final rule and announces the effective dates of those standards. The direct final rule for residential air conditioners and heat pumps published on 6 JAN 17 became effective on 8 MAY 17. Compliance with the residential air conditioners and heat pumps standards in the direct final rule will be required by 1 JAN 23.

NEW ENERGY CONSERVATION STANDARDS FOR MISCELLANEOUS REFRIGERATION PRODUCTS. On 28 OCT 16, the DOE established new energy conservation standards for miscellaneous refrigeration products ([82 FR 24214](#)). DOE has determined that the comments received in response to the direct final rule do not provide a reasonable basis for withdrawing it. Therefore, DOE is providing notice confirming the adoption of the energy conservation standards established in the direct final rule and announces the effective date of those standards. The direct final rule for miscellaneous refrigeration products published on 28 OCT 16 (81 FR 75194) became effective on 27 FEB 17. Compliance with the new standards in the direct final rule will be required on 28 OCT 19, as set forth in Table II.1 and Table II.2 in section II of the Supplementary Information section of this [document](#).

MISCELLANEOUS

H.R. 2438 AMENDMENT OF CAA. H.R. 2438 amends the Clean Air Act (CAA) to prohibit any regulation under the act concerning the emissions of carbon dioxide from a fossil fuel-fired electric generating unit from taking effect until the administrator of the EPA makes certain certifications. The bill was referred to the Energy and Commerce Committee.

YELLOW BOOK UPDATES. The Government Accountability Office is requesting public comment on proposed changes to government auditing standards, referred to as the Yellow Book ([GAO-17-313P](#)). The proposed changes contained in the [2017 exposure draft](#) update the Yellow Book to reflect major developments in the auditing, accountability, and financial management professions and emphasize specific considerations applicable to the government environment. Comments are due 6 JUL 17.

NATURAL & CULTURAL RESOURCES

EXECUTIVE ORDER: REVIEW OF NATIONAL MONUMENT DESIGNATIONS. President Trump issued an EO requiring the Secretary of the Interior to review presidential designations or expansions of designations of national monuments made since January 1996 ([82 FR 20429](#)). The EO requires the Secretary of the Interior to review designations where:

- The designation covers more than 100,000 acres;
- The designation after expansion covers more than 100,000 acres; or
- The Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders.

The EO requires the Secretary of the Interior to determine whether the designation conforms to the requirements and original objectives of the Antiquities Act of 1906.

COMMUNICATIONS PROJECTS ON FEDERAL LANDS AND PROPERTY - SECTION 106 REVIEW. The Advisory Council on Historic Preservation (ACHP) issued a Program Comment for Communications Projects on Federal Lands and Property to accelerate the review of these projects, particularly broadband deployment, under Section 106 of the National Historic Preservation Act ([82 FR 23818](#)). Federal agencies using the Program Comment may fulfill their Section 106 responsibilities for the relevant undertakings by implementing the terms of this comment, which include processes for the identification of historic properties and consideration of effects to these properties. The Program Comment also identifies certain undertakings that require no further Section 106 review under specified conditions.

THREATENED AND ENDANGERED SPECIES

ENDANGERED AND THREATENED SPECIES - LISTING AND RECOVERY PRIORITY GUIDELINES. The National Marine Fisheries Service (NMFS) is proposing to revise the Recovery Plan Preparation and Implementation Priorities and Recovery Plans contained in the 1990 Listing and Recovery Priority Guidelines ([82 FR 24944](#)). The U.S. Fish and Wildlife Service (FWS) proposes to revise the guidelines to better prioritize limited agency resources to advance the recovery of threatened and endangered species guided by the immediacy of the species' overall extinction risk, extent of information regarding major threats, and certainty that management or protective actions can be implemented successfully. FWS is not proposing changes to the Listing, Reclassification, and Delisting Priorities contained in the 1990 Listing and Recovery Priority Guidelines. FWS found those guidelines to be sufficient in prioritizing listing actions and thus do not warrant a revision at this time. Comments are due by 30 JUN 17.

TOXICS

COMMENT PERIOD EXTENDED: PESTICIDE RISK ASSESSMENTS. EPA extended the public comment period for draft human health and/or ecological risk assessments for a number of pesticides, including several pyrethroid insecticides ([82 FR 21385](#)). The comment period was extended due to the complexity of the risk assessments. Comments are due 7 JUN 17.

CERTIFICATION OF APPLICATORS OF RESTRICTED USE PESTICIDES (RUPs). On 4 JAN 17, EPA published a final rule revising the regulation concerning the certification of applicators of RUPs ([82 FR 22294](#)). The original effective date of 6 MAR 17 was extended to 21 MAR 17 by rule issued 26 JAN 17, and subsequently extended to 22 MAY 17 by rule issued 20 MAR 17. In accordance with the presidential directives in the memorandum of 20 JAN 17 from the Assistant to the President

and Chief of Staff, and the principles identified in a 25 APR 17 executive order, EPA is proposing to further delay the effective date of the 4 JAN 17 revisions to the Certification of Pesticide Applicators rule until 22 MAY 18.

WATER

S. 1137 CLEAN SAFE RELIABLE WATER INFRASTRUCTURE ACT. S. 1137 amends the federal Safe Drinking Water Act and the Federal Water Pollution Control Act to include provisions relating to drinking water and wastewater infrastructure. The bill was referred to the Environment and Public Works Committee.

NON-DISCLOSURE OF WATER SOURCE LOCATIONS. In May, the U.S. Court of Appeals for the District of Columbia Circuit affirmed a lower court's ruling that the Bureau of Reclamation permissibly withheld water well location and depth information from disclosure under Exemption 9 of the Freedom of Information Act, 5 U.S.C. 552(b)(9). The Court held that Exemption 9 permits the government to withhold information and maps disclosing the locations and depth of certain water wells. The depth and location of wells qualifies as "geological and geophysical information and data, including maps, concerning wells" under Exemption 9. The court decision is available [here](#).

Department of Defense Activity

GOPHER STRATEGY. DOD, led by the REPI Program, developed a strategy in collaboration with the military services, FWS, and three state wildlife agencies to address the conservation of the gopher tortoise. The strategy encourages the proactive conservation of the gopher tortoise, a candidate species for protection under the Endangered Species Act. The final strategy establishes a process for targeting conservation investments on non-military lands to establish credits that will allow for greater regulatory predictability and flexibility in the event that the species is protected under ESA. The strategy, the result of years of collaboration with agencies and stakeholders, enables the military to continue to meet its test and training requirements throughout the southeastern U.S., the historical range of the gopher tortoise. A press release from the FWS is available [here](#).

USACE CALL FOR SUSTAINABILITY AWARD NOMINATIONS. The [USACE 2017 Sustainability Awards](#) nomination period is now open. The USACE Sustainability Awards recognize exceptional performance by USACE individuals and teams demonstrating extraordinary achievement in the pursuit of EO 13693: *Planning for Federal Sustainability in the Next Decade*. The award categories are modeled after those in the GreenGov Presidential Awards program and the winners from the program will subsequently be nominated for the GreenGov Presidential Awards. The 2017 awards will recognize achievements from January through December 2016. The award categories are: (1) Sustainability Hero Award; (2) Green Innovation Award; (3) Lean, Clean, and Green Award; (4) Good Neighbor Award; (5) Green Dream Team Award; (6) Building the Future Award; and (7) Climate Champion Award. The submission deadline is 16 JUN 17.

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:

- 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.

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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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