



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

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The *Southern Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the eight states in Federal Region 4, the *Southern Review* gives early notice of legislative and regulatory activities relevant to DOD interests. The *Southern Review* also helps installations meet ISO 14001 environmental management system requirements.

To read back issues of the *Southern Review* or other Army Regional Environmental and Energy Office *Reviews*, or to receive a monthly copy of this electronic publication, please [send an email request](#).

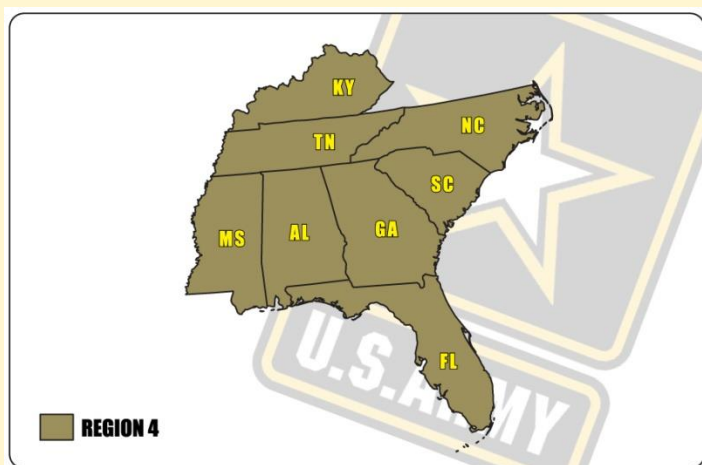


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STATE SUPPORT FOR DEFENSE INSTALLATIONS

The Association of Defense Communities (ADC) reports that states have responded to the looming threats to military installations posed by DOD budget constraints and the prospect of a new Base Realignment and Closure (BRAC) round by increasing support to retain and promote local bases.

According to the ADC report, [State of Support 2017](#), establishment of state military affairs organizations peaked in 2015 when five states formed offices to focus on preserving their defense presence. No new organizations were created in 2016. Still, almost half of the organizations participating in the survey are new since 2011.

States' recent interest in creating military affairs organizations — which focus on base retention, mission enhancement, and development of the defense sector — comes as Defense Department support for military infrastructure has waned due to stringent spending caps mandated under the 2011 Budget Control Act. "At the same time," ADC reports, "DOD has urged Congress to approve a new round of base closures every year since 2012, forcing states to re-examine their level of support for military installations in an attempt to stave off the possibility of losing the economic contribution of defense facilities and enhance their prospect for picking up new missions following a base closure round."

In its survey, ADC says states' top concern for 2017 was the uncertainty of funding levels for the Pentagon in fiscal 2017 and 2018. The second leading concern was BRAC.

To date, 35 states have military affairs organizations. The ADC 2017 survey is based on responses from 31 states. In Region 4, military affairs organizations from Alabama, Florida, Georgia, Kentucky, North Carolina, and South Carolina responded to the ADC survey.

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

There are no significant legislative or 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. Approved by the governor on 2 JUN 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. Approved by the governor on 14 JUN 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. Approved by the governor on 6 JUN 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. Approved by the governor on 26 JUN 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. Approved by the governor on 23 JUN 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. Approved by the governor on 23 JUN 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. Approved by the governor on 14 JUN 17.

PROPOSED RULES

MINIMUM WATER LEVELS AND FLOWS. The Florida Department of Environmental Protection (FDEP) proposes to establish minimum flows and levels for the upper and middle reaches of the Suwannee River and associated priority springs, including four Outstanding Florida Springs. This has the potential to impact consumptive use applicants and permittees within the Suwannee River and St. Johns River Water Management Districts. FDEP published a [notice of development of rulemaking](#) on 30 JUN 17.

FINAL 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 rule filing](#) on 6 JUN 17.



2017 LEGISLATIVE SESSION: 9 JAN THROUGH 24 MAR

There are no significant legislative activities to report.

PROPOSED RULES

HAZARDOUS WASTE RULE AMENDMENTS. The Georgia Environmental Protection Division (EPD) proposes to amend Georgia Rules for Hazardous Waste Management, Chapter 391-3-11. The proposed amendments include adoption of the U.S. EPA's final "Generator Improvements Rule" and "Hazardous Waste Export-Import Revisions." The Generator Improvements Rule allows very small quantity generators, previously known as "conditionally-exempt small quantity generators," to send their hazardous waste to a large quantity generator under the control of the same person or entity, and for very small quantity generators and small generators to generate episodic amounts of hazardous waste without being subject to additional regulation. The Export-Import revisions consolidate all hazardous waste export and import regulations into one concise section and allow importers and exporters to submit required paperwork to EPA

electronically. Georgia EPD published the [notice of public hearing](#) and [proposed amendments](#) on 1 JUN 17. Written comments must be received by Georgia EPD no later than 1 AUG 17.

FINAL RULES

AIR QUALITY CONTROL RULES. Georgia EPD amended [Chapter 391-3-1](#) of the state's Rules for Air Quality Control. This rule updates the definition of "volatile organic compound" to remove the recordkeeping requirements for t-butyl acetate (also known as tertiary butyl acetate or TBAC). The definition is being updated to add 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane to the list of organic compounds having negligible photochemical reactivity. The revisions also include the addition of chemical names to clarify previous exemptions. The ambient air standards are being revised by updating the 8-hour ozone standard to be consistent with the revision of the National Ambient Air Quality Standard (NAAQS) for ozone in 2015. The revisions also include clarification and consistency corrections that are administrative in nature. The Georgia Board of Natural Resources adopted the [rule amendments](#) on 28 JUN 17.

RULES FOR RADIOACTIVE MATERIALS. EPD adopted amendments to [Chapter 391-3-17](#), Rules for Radioactive Materials, to ensure the consistency of the rules with the requirements of the Nuclear Regulatory Commission. EPD filed the final rule on 1 JUN 17, and the rules are effective 17 JUN 17.



2017 LEGISLATIVE SESSION: 3 JAN THROUGH 30 MAR

There are no significant legislative or regulatory activities to report.



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 by cities and counties 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 Senate on 22 JUN 17; passed the House and presented to the governor on 28 JUN 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 Rules and Operations Committee on 27 JUN 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. Passed the Senate on 15 JUN 17, and presented to the governor on 20 JUN 17.

NORTH CAROLINA HB 589, COMPETITIVE ENERGY SOLUTIONS. Reforms North Carolina's approach to integrating renewable electricity generation, and enacts the Distributed Resources Access Act. This bill requires electric public utilities providing retail electric service to more than 150,000 retail jurisdictional customers in the state as of 1 JAN 17 to file with the North Carolina Utilities Commission an application requesting approval of a new program applicable to major military installations, The University of North Carolina, and other new and existing nonresidential customers with either a contract demand equal to or greater than one megawatt (MW) or at multiple service locations that, in aggregate, is equal to or greater than five MWs. Electric public utilities must offer the program for a period of five years or until 31 DEC 22, whichever is later, and the total capacity offered must not exceed a combined 600 MWs; affected utilities must reserve at least 100 MWs for major military installations. This bill also establishes a moratorium from 1 JAN 17 to 31 DEC 18 on the issuance of permits for wind energy facilities and wind energy facility expansions in the state to allow the General Assembly time to consider the impact of future wind energy facilities and energy infrastructure on military operations, training, and readiness. Presented to the governor on 30 JUN 17, after passing both houses and being reconciled in conference.

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 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 House on 15 JUN 17, ratified and presented to the governor on 20 JUN 17, and signed by the governor on 28 JUN 17.

NORTH CAROLINA SB 257, CURRENT OPERATIONS APPROPRIATIONS ACT OF 2017. Requires funds appropriated for the Clean Water Management Trust Fund and the North Carolina Agricultural Development and Farmland Preservation Trust Fund for the purpose of military buffers shall only be expended on land that buffers a military facility from incompatible use encroachment. Establishes the North Carolina Military Affairs Commission, functionally independent of the Department of Military and Veterans Affairs, to provide advice, counsel, and recommendations to the General Assembly, the Secretary of Military and Veterans Affairs, and other state agencies on initiatives, programs, and legislation that will continue and increase the role that North Carolina's military installations, the National Guard, and Reserves play in America's defense strategy and the economic health and vitality of the state. Establishes the Military Presence Stabilization Fund as a special fund in the Department of Military and Veterans Affairs, for use by the North Carolina Military Affairs Commission, to support actions designed to make the state less vulnerable to closure pursuant to federal base realignment and closure and related initiatives. Presented to the governor on 22 JUN 17; vetoed by the governor on 27 JUN 17; overridden by the Senate on 27 JUN 17 and by the House on 28 JUN 17; enacted into law on 28 JUN 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 National Pollutant Discharge Elimination System 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. Passed the Senate and referred to committee in the House on 28 JUN 17.

PROPOSED RULES

OZONE AMBIENT STANDARD AND GROUP 1 AIR QUALITY RULES. The North Carolina Department of Environmental Quality (NCDEQ) proposes to amend Rule [15A NCAC 02D .0405](#) to reflect changes to the NAAQS for ozone. NCDEQ also proposes to amend and readopt several sections of [15A NCAC 02D](#) to meet regulatory requirements. The department published the [notice of proposed rule](#) on 15 JUN 17. Comments must be submitted no later than 14 AUG 17.



2017 LEGISLATIVE SESSION: 10 JAN THROUGH 1 JUN

There are no significant legislative or regulatory activities to report.



2017 LEGISLATIVE SESSION: 10 JAN THROUGH 14 APR

There are no significant legislative or regulatory activities to report.

Federal Activity

AIR

GEORGIA STATE IMPLEMENTATION PLAN (SIP) REVISION. On 18 JUL 16, the Georgia EPD submitted a request for the U.S. EPA to re-designate the Atlanta, Ga., 2008 8-hour ozone nonattainment area to attainment for the 2008 8-hour ozone NAAQS and to approve a SIP revision containing a maintenance plan for the area. EPA is approving ([82 FR 25523](#)) the state's maintenance plan, including the motor vehicle emission budgets (MVEBs) for nitrogen oxides (NO_x) and volatile organic compounds for the years 2014 and 2030 for the area; and re-designating the area to attainment for the 2008 8-hour ozone NAAQS. Additionally, EPA finds the 2014 and 2030 MVEBs for the Atlanta Area adequate for the purposes of transportation conformity. The rule was effective 2 JUN 17.

GEORGIA AND SOUTH CAROLINA AIR PLAN APPROVALS – CHANGES TO AMBIENT AIR STANDARDS AND DEFINITIONS. The U.S. EPA is taking direct final action to approve a revision to the Georgia SIP submitted by the Georgia EPD on 30 AUG 10, and a portion of the SIP revision submitted on 25 JUL 14; and portions of revisions to the South Carolina SIP submitted by the Department of Health and Environmental Control (DHEC) on 15 DEC 14, 12 AUG 15, and 4 NOV 16 ([82 FR 29414](#)). The Georgia SIP revisions incorporate definitions relating to fine particulate matter (PM_{2.5}), and amend state rules to reflect the 2008 NAAQS for lead. The South Carolina SIP revisions incorporate the 2010 sulfur dioxide (SO₂) NAAQS, 2010 nitrogen dioxide (NO₂) NAAQS, 2012 PM_{2.5} NAAQS, and 2015 ozone NAAQS; remove the revoked

1997 8-hour ozone NAAQS; and remove the standard for gaseous fluorides from the SIP. The direct final rule is effective 28 AUG 17, unless EPA receives adverse comment by 31 JUL 17.

GEORGIA AIR PLAN APPROVAL – PERMIT EXEMPTIONS AND DEFINITIONS. The U.S. EPA is approving portions of a SIP revision submitted by the Georgia EPD on 19 SEP 06, with a clarification submitted on 6 NOV 06 ([82 FR 29418](#)). This direct final action approves changes to existing minor source permitting exemptions and approves a definition related to minor source permitting exemptions. EPA is approving these portions of this SIP revision because the state has demonstrated that the revisions are consistent with the Clean Air Act (CAA).

TENNESSEE AIR PLAN APPROVAL. The U.S. EPA is conditionally approving the visibility transport (prong 4) portions of revisions to the Tennessee SIP, submitted by the Department of Environment and Conservation (TDEC) ([82 FR 27428](#)). These revisions address the CAA infrastructure SIP requirements for the 2010 1-hour NO₂, 2010 1-hour SO₂, and 2012 annual PM_{2.5} NAAQS. Specifically, EPA is conditionally approving the prong 4 portions of Tennessee's 2010 1-hour NO₂ and 2010 1-hour SO₂ infrastructure SIP submission (13 MAR 14) and 2012 annual PM_{2.5} infrastructure SIP submission (16 DEC 15). All other applicable infrastructure requirements for these SIP submissions have been or will be addressed in separate rulemakings. The rule is effective 17 JUL 17.

N-PROPYL BROMIDE AS A HAZARDOUS AIR POLLUTANT. The U.S. EPA is extending the comment period on the draft notice of the rationale for granting petitions to add n-propyl bromide (nPB), also known as 1-bromopropane (1-BP), to the list of hazardous air pollutants contained in section 112(b)(1) of the Clean Air Act ([82 FR 26091](#)). The EPA received a request to extend the comment period from 10 MAR 17 to 1 OCT 17 to allow for the review of data and information that would otherwise become available after the close of the comment period. On 6 MAR 17, the EPA made an interim extension of the comment period to 8 JUN 17, and the agency is now extending the comment period until 1 OCT 17.

ACCIDENTAL RELEASE PREVENTION REQUIREMENTS – CLEAN AIR ACT RISK MANAGEMENT PROGRAMS. The U.S. EPA is delaying the effective date of the Risk Management Program Amendments for an additional 20 months, to allow EPA to reconsider certain aspects of the amendments and to consider other issues that may benefit from additional comment ([82 FR 27133](#)). The effective date of the rule amending [40 CFR part 68](#), published at [82 FR 4594](#) (13 JAN 17), as delayed at [82 FR 8499](#) (26 JAN 17) and [82 FR 13968](#) (16 MAR 17), is further delayed until 19 FEB 19. This additional delay allows EPA time to consider petitions for reconsideration of the Risk Management Program Amendments and take further regulatory action, as appropriate, which could include proposing and finalizing a rule to revise or rescind the amendments.

NEW AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS. The U.S. EPA has designated one new reference method for measuring concentrations of carbon monoxide (CO), and one new equivalent method for measuring concentrations of NO₂ in ambient air ([82 FR 27816](#)). The EPA evaluates various methods for monitoring the concentrations of ambient air pollutants for which the agency has established NAAQS, as set forth in [40 CFR part 50](#). Monitoring methods determined to meet specific requirements for adequacy are designated by the EPA as either reference or equivalent methods (as applicable), thereby permitting their use under [40 CFR part 58](#) by states and other agencies for determining compliance with the NAAQS. A list of all reference or equivalent methods that have been previously designated by EPA may be found at <https://www3.epa.gov/ttn/amtic/criteria.html>.

EXTENSION OF DEADLINE FOR PROMULGATING DESIGNATIONS FOR 2015 OZONE NAAQS. The U.S. EPA announces ([82 FR 29246](#)) that it is using its authority under the CAA to extend by one year the deadline for promulgating initial area designations for the ozone NAAQS that were promulgated in October 2015 ([80 FR 65292](#)). The new deadline is 1 OCT 18.

ALABAMA AIR PLAN APPROVAL – INFRASTRUCTURE REQUIREMENTS FOR THE 2012 PARTICULATE MATTER NATIONAL AMBIENT AIR QUALITY STANDARD. The U.S. EPA is proposing to approve portions of the 9 DEC 15 SIP submitted by the Alabama Department of Environmental Management (ADEM) ([82 FR 29448](#)). This proposal pertains to the

infrastructure requirements of the CAA for the 2012 annual PM_{2.5} NAAQS. Written comments must be received by EPA no later than 31 JUL 17.

ENERGY

GAO REPORT: ALTERNATIVELY FINANCED ENERGY PROJECTS. The Government Accountability Office (GAO) issued a report on DOD use of alternate financing mechanisms for energy projects ([GAO-17-461](#)). GAO reviewed 13 operational alternatively financed energy projects and found that all 13 projects reported achieving their expected savings. However, GAO found that the military services have varying approaches for verifying whether projected savings were achieved for all utility energy service contracts (UESC). GAO recommends DOD issue clear guidance on how the military services should be taking steps to verify savings associated with UESC projects, otherwise the military services are likely to take inconsistent approaches to verifying the savings of UESC projects.

MARINE RESOURCES

U.S. COAST GUARD DISCHARGE REQUIREMENTS IN NATIONAL MARINE SANCTUARY EXPANSION. The National Oceanic and Atmospheric Administration (NOAA) is extending, for an additional six months, implementation of vessel discharge requirements for U.S. Coast Guard (USCG) vessels operating within the expanded boundaries of the Greater Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary ([82 FR 26339](#)). When NOAA expanded the boundaries of the sanctuaries in 2015 ([80 FR 13077](#)), it learned that discharge regulations had the potential to impair the operations of USCG vessels, and aircraft conducting law enforcement and on-water training exercises in the sanctuary expansion areas. USCG supports national marine sanctuary management by providing routine surveillance and dedicated law enforcement of the National Marine Sanctuaries Act and sanctuary regulations. To ensure the 2015 rule does not undermine USCG's ability to perform its duties at that time, NOAA postponed the effective date of the discharge requirements in both sanctuaries' regulations with regard to USCG activities in the expansion areas. This rule further delays the effective date of discharge requirements for USCG vessels to 9 DEC 17. To learn more about the expansion of the marine sanctuaries, click [here](#).

REVIEW OF NATIONAL MARINE SANCTUARIES AND MARINE NATIONAL MONUMENTS. Pursuant to [Executive Order 13795](#), "Implementing an America-First Offshore Energy Strategy," signed on 28 APR 17, the U.S. Department of Commerce is conducting a review of all designations and expansions of National Marine Sanctuaries and Marine National Monuments since 28 APR 07 ([82 FR 28827](#)). The Secretary of Commerce will use the review to inform the preparation of a report under Executive Order 13795, Sec. 4(b)(ii). This notice identifies 11 National Marine Sanctuaries and Marine National Monuments subject to the review and invites comments to inform the review. Written comments must be submitted no later than 26 JUL 17.

MISCELLANEOUS

GAO REPORT: EPA SCIENCE ADVISORY BOARD. GAO reviewed EPA policy on science quality and integrity for the agency's Science Advisory Board (SAB) ([GAO 17-526](#)). EPA relies on its SAB for scientific and technical advice on regulations to protect the environment and public health. EPA was required to develop an updated policy statement on science quality and integrity for the board in 2016, and include goals for diversifying board membership, an evaluation of potential bias, and instructions on how to treat public comments. GAO found that while EPA developed a draft statement describing existing policies, it did not update policies or include all required information. GAO encourages EPA to specifically address the requirements for its updated policy statement.

NATURAL RESOURCES

GAO REPORT: WILDLAND FIRE RISK REDUCTION. GAO released a report on factors that contribute to wildland fires and federal-nonfederal collaboration to reduce the risk of wildland fires ([GAO-17-357](#)). According to GAO, federal agencies

can collaborate with nonfederal stakeholders to reduce the risk of wildland fires; this is a key aspect of the National Cohesive Wildland Fire Management Strategy. GAO [recommends](#) that federal agencies work with the Wildland Fire Leadership Council, which provides oversight and leadership for the strategy, to develop measures to assess progress toward achieving the strategy's goals.

THREATENED AND ENDANGERED SPECIES

FIVE-YEAR STATUS REVIEWS OF 23 SOUTHEASTERN SPECIES. The USFWS is initiating five-year status reviews of 23 species under the ESA ([82 FR 29916](#)). The service conducts the reviews to ensure that the classification of species as threatened or endangered on the Lists of Endangered and Threatened Wildlife and Plants is accurate. A five-year review is an assessment of the best scientific and commercial data available at the time of the review. USFWS requests submission of information that has become available since the last review of each species. Comments or information must be submitted no later than 29 AUG 17.

TOXICS

CERTIFICATION OF PESTICIDE APPLICATORS. EPA is delaying the effective date for the final rule issued in the Federal Register on 4 JAN 17 ([82 FR 952](#)), amending 40 CFR part 171, which pertains to the certification of pesticide applicators rule. The effective date for the final rule was delayed previously on 26 JAN 17 ([82 FR 8499](#)), and 20 MAR 17 ([82 FR 14324](#)); it is further delayed until 22 MAY 18.

IMPLEMENTATION OF TSCA AMENDMENTS. The Congressional Research Service (CRS) issued an [insight report](#) for members of Congress about steps EPA has taken to implement the 2016 [amendments](#) to the Toxic Substances Control Act (TSCA). As amended, TSCA establishes a framework to identify commercial chemicals that present unreasonable risks and to regulate the product life cycle of a chemical (i.e., manufacture or importation, processing, distribution, use, and disposal) so that it no longer presents unreasonable risk. Nearly one year after the amendments were enacted, EPA continues to take steps toward potential regulation of existing chemicals under the amended statute, though it has not promulgated any regulation that restricts activities associated with the existing use of any chemical. This CRS insight report summarizes select EPA actions to implement the TSCA amendments.

TOXIC SUBSTANCES CONTROL ACT FRAMEWORK RULES. The U.S. EPA released pre-publication Federal Register notices on 22 JUN 17 of the final framework actions under TSCA, as revised by the Frank R. Lautenberg Chemical Safety for the 21st Century Act. The final rules include the [prioritization process rule](#), which establishes EPA's process and criteria for identifying high-priority chemicals for risk evaluation and low-priority chemicals for which risk evaluation is not warranted at this time; the [risk evaluation process rule](#), which establishes EPA's process for evaluating high-priority chemicals to determine whether or not they present an unreasonable risk to health or the environment; and the [TSCA Inventory notification rule](#), which requires industry to report chemicals manufactured, imported, or processed in the U.S. over the past 10 years. EPA also published pre-publication notices concerning the [scopes of the risk evaluations](#) to be conducted for the first 10 chemical substances under the new TSCA and a [guidance document](#) to assist interested persons in developing and submitting draft risk evaluations.

SIGNIFICANT NEW USE RULE UNDER THE TOXIC SUBSTANCES CONTROL ACT. The U.S. EPA is proposing a significant new use rule (SNUR) under TSCA for a chemical substance described as a bimodal mixture consisting of multi-walled carbon nanotubes and other classes of carbon nanotubes (generic) ([82 FR 26644](#)). EPA issued a direct final SNUR on the chemical substance, as the subject of pre-manufacture notice (PMN) P-11-482, on 17 NOV 16 ([81 FR 81250](#)). The agency then withdrew the SNUR on 19 JAN 17 ([82 FR 6277](#)) in response to a notice of intent to submit adverse comments. The SNUR would require persons who intend to manufacture or process the chemical substance for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the intended use within the applicable review period. Manufacture and processing for the significant new use is unable to commence until EPA has conducted a review of the notice,

made an appropriate determination on the notice, and take such actions as are required with the determination. Comments must be submitted to EPA no later than 10 JUL 17.

DRAFT TOXICOLOGICAL PROFILES FOR PUBLIC REVIEW. The Agency for Toxic Substances and Disease Registry (ATSDR), within the Department of Health and Human Services (HHS), announced ([82 FR 27066](#)) the availability of toxicological profiles for review and comment on the following substances: [Antimony](#); [2,4-Dichlorophenoxyacetic Acid](#) (2,4-D); [Molybdenum](#), and [Silica](#). ATSDR seeks public comments and additional information or reports on studies about the health effects of the substances for review and potential inclusion in the toxicological profiles. Comments must be submitted by 11 SEP 17.

OCCUPATIONAL EXPOSURE TO BERYLLIUM AND BERYLLIUM COMPOUNDS IN CONSTRUCTION AND SHIPYARD SECTORS. The Occupational Safety and Health Administration (OSHA) proposes to revoke ancillary provisions in the proposed rule on occupational exposure to beryllium and beryllium compounds for the construction and the shipyard sectors adopted on 9 JAN 17, while retaining the new permissible exposure limit of 0.2 µg/m³ and the short term exposure limit of 2.0 µg/m³ for each sector ([82 FR 29182](#)). OSHA will not enforce the 9 JAN 17 shipyard and construction standards without further notice while the new rulemaking is underway. The proposal does not affect the general industry beryllium standard published on 9 JAN 17 ([82 FR 2470](#)). Written comments must be submitted no later than 28 AUG 17.

WATER

STEAM ELECTRIC POINT SOURCE EFFLUENT. The U.S. EPA proposes ([82 FR 26017](#)) to postpone certain compliance dates in the effluent limitations guidelines and standards for the steam electric point source category under the Clean Water Act (CWA), published in the Federal Register on 3 NOV 15 ([80 FR 67837](#)). Specifically, EPA proposes to postpone the compliance dates for the new, and more stringent, best available technology economically achievable effluent limitations and pretreatment standards for each of the following waste streams: fly ash transport water, bottom ash transport water, flue gas desulfurization wastewater, flue gas mercury control wastewater, and gasification wastewater. Compliance dates would be postponed until EPA completes reconsideration of the 2015 rule. Comments on the proposed rule were due 6 JUL 17.

EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE DENTAL CATEGORY. The U.S. EPA is promulgating technology-based pretreatment standards under the Clean Water Act to reduce discharges of mercury from dental offices into municipal sewage treatment plants ([82 FR 27154](#)). This final rule requires dental offices to use amalgam separators and two best management practices recommended by the American Dental Association. The final rule includes a provision to significantly reduce and streamline the oversight and reporting requirements in EPA's General Pretreatment Regulations that would otherwise apply as a result of the rulemaking. The final rule is effective on 14 JUL 17. The compliance date when existing sources subject to the rule must comply with the rule standards is 14 JUL 20. After the effective date of the rule, new sources subject to the rule must comply immediately with the rule standards.

Department of Defense Activity

DODI: HEALTH RISKS FROM PAST ENVIRONMENTAL EXPOSURES ON MILITARY INSTALLATIONS. DOD issued [Department of Defense Instruction \(DODI\) 6055.20](#), Assessment of Significant Long-term Health Risks from Past Environmental Exposures on Military Installations. The DODI, effective 6 JUN 17, establishes policy, assigns responsibilities, and establishes procedures for assessing significant long-term health risks from past environmental exposures to military personnel and civilian individuals from living or working on military installations.

DODM: VESSEL MARINE SANITATION DEVICES. DOD issued [Department of Defense Manual \(DODM\) 4715.06, Volume 1](#), Regulations on Vessels Owned or Operated by the Department of Defense: Marine Sanitation Devices (MSDs). DODM

4715.06, Volume 1 implements and administers policies, details procedures governing the design, construction, installation, and operation of MSDs, and provides procedures for certifying that MSDs are consistent with EPA standards in accordance with 40 CFR Part 140. The DODM, effective 6 JUN 17, reissues and cancels DOD 4715.6-R-1, Chapter 1, Regulations on Vessels Owned or Operated by the Department of Defense, 1 JAN 05.

DODM: VESSEL OIL POLLUTION PREVENTION. DOD issued [DODM 4715.06, Volume 2](#), Regulations on Vessels Owned or Operated by the Department of Defense: Oil Pollution Prevention. DODM 4715.05, Volume 2 implements and administers policies for warships, naval auxiliaries, and other public vessels owned or operated by DOD to prevent oil pollution. The DODM also implements Annex I of the 1973 International Convention for the Prevention of Pollution from Ships (MARPOL), including the 1978 MARPOL Protocol, in accordance with the requirements of section 1902(h) of Title 33, United States Code (USC). The DODM, effective 7 JUN 17, reissues and cancels DOD 4715.6-R-1, Chapter 2, Regulations on Vessels Owned or Operated by the Department of Defense, 1 JAN 05.

DODM: VESSEL BALLAST WATER, WELLDECK SEDIMENT, AND ANCHOR SEDIMENT. DOD issued [DODM 4715.06, Volume 3](#), Regulations on Vessels Owned or Operated by the Department of Defense: Ballast Water, Welldeck Sediment, and Anchor Sediment Management. DODM 4715.06, Volume 3 implements a ballast water management program to minimize the risk of introduction of nonindigenous species from releases of ballast water from seagoing ships of DOD in accordance with 16 USC Section 4713, also known as section 1103 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996. The DODM was effective 7 JUN 17.

ARMY ACQUISITION POLICY. The Army reissued [Army Regulation \(AR\) 70-1](#), Army Acquisition Policy, effective 16 JUN 17. This is a major revision and supersedes the previous version published on 22 JUL 11, with administrative revisions on 26 APR 12.

PILOT STUDY: BIOSOLIDS TO ENERGY. The Army is funding a project to demonstrate technology developed on the University of Illinois' South Farm that disposes of wastewater biosolids by turning them into energy. The system will be demonstrated over a two-month period at Fort Detrick, in Frederick, Md., where Net Zero team members will document the effectiveness of the approach to improve the environmental footprint and enhance resiliency at Army installations. The pilot-scale reactor converts biosolids into biofuels through a hydrothermal process. "The system's small size and portability also make the approach appealing for deployment at military installations here and abroad," said Stephen Cosper, an engineer with the Army's Construction Engineering Research Laboratory who has spent a sabbatical year collaborating with researchers. To read more about the project, click [here](#).

REPORTS

BASE REDEVELOPMENT REPORT. The Association of Defense Communities released a report on the state of redevelopment at DOD facilities subject to base redevelopment and closure (BRAC) and how designated local redevelopment authorities (LRAs) are progressing with redevelopment projects. The report, which relies on voluntary disclosures, identifies critical challenges, funding sources and budgets, and jobs created. To read the report, click [here](#).

Professional Development

DOD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM). USACE announces course availability for the FY18 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:

- CERCLA/RCRA Process (Course Control Number (CCN) [356](#))
- Environmental Laws and Regulations (CCN [170](#))
- Environmental Regulations Practical Application Course (CCN [398](#))
- Environmental Remediation Technologies (CCN [395](#))
- Hazardous Waste Manifesting/DOT Certification (CCN [223](#))
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN [429](#))
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Radioactive Waste Transport (CCN [441](#))
- The Complete RCRA Course (Hazardous Waste Generation, Management, and Corrective Action) (CCN [226](#))

NAVY CIVIL ENGINEER CORPS OFFICERS SCHOOL TRAINING. The [Navy Civil Engineer Corps Officers School](#) (CECOS) offers training on environmental management, pollution prevention, environmental compliance, environmental conservation and planning, and environmental restoration. Energy course offerings include Leadership in Energy and Environmental Design, Energy Information Administration, and Energy Technology Information. Click [here](#) for information on course offerings and times. Courses offered by CECOS are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING. The [Air Force Civil Engineer School](#) offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS. The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the U.S. Army Environmental Command [website](#), which has links to training provided by DOD organizations.

REPI WEBINAR SERIES (ONLINE). DOD's Readiness and Environmental Protection Integration (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:

- 16 AUG 17: [Leveraging GIS to Define and Make Progress Toward Your Desired End State](#)
- 8 NOV 17: [Stakeholder Engagement 101: Building and Expanding Your REPI Partnership](#)
- 13 DEC 17: [REPI and Water](#)
- 31 JAN 18: [Can You Hear Me Now? Addressing Noise Impacts in Your REPI Partnership](#)

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 Department of Energy audiences. Prior presentations are archived for viewing any time. Upcoming webinars include:

- 20 JUL 17: [Management of Energetic and Propellant Material Releases on Testing and Training Ranges.](#)

FEDERAL TRAINING SOURCES

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.

BIOBASED PRODUCT TRAINING SERIES (ONLINE). The U.S. Department of Agriculture (USDA) offers a series of [on-demand training modules](#) about biobased products and the BioPreferred® Program:

- [Fundamentals: Biobased Products and the BioPreferred® Program](#)
- [Sustainable Acquisition: Biobased Requirements in the New Executive Order 13693](#)
- [Contracting Officer Role in Contractor Reporting of Biobased Product Purchases](#)
- [BioPreferred® Training for USDA Acquisition Community](#)
- [From Awareness to Action: The BioPreferred® Federal Procurement Preference Program](#)
- [Products in Operations, Maintenance, and Cleaning](#)

GUIDING PRINCIPLES FOR SUSTAINABLE FEDERAL BUILDINGS (ONLINE). This training series from the Federal Energy Management Program (FEMP) provides updated guidance for complying with the 2016 Guiding Principles for Sustainable Federal Buildings. The series consists of five on-demand courses:

- [2016 Guiding Principle I: Employ Integrated Design Principles and Introduction](#)
- [2016 Guiding Principle II: Optimize Energy Performance](#)
- [2016 Guiding Principle III: Protect and Conserve Water](#)
- [2016 Guiding Principle IV: Enhance Indoor Environmental Quality](#)
- [2016 Guiding Principle V: Reduce Environmental Impact of Materials and Guiding Principle VI - Assess and Consider Climate Change Risks](#)

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.

SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES (ONLINE). The 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.

SUSTAINABLE ACQUISITION TRAINING RESOURCES (ONLINE). The interagency federal Sustainable Acquisition & Materials Management Practices Workgroup compiled a [spreadsheet](#) of sustainable acquisition training resources developed or hosted by federal agencies that are available to government employees, businesses, and non-governmental organizations.

FEMP eTRAINING COURSES (ONLINE). FEMP offers interactive, [eTraining courses](#) to help federal agencies develop core competencies and comply with energy-efficiency and renewable-energy water-management and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide to host these comprehensive, FEMP-developed eTraining courses. [Promotional materials](#) are available to help federal agencies encourage the completion of FEMP's eTraining courses.

ENERGY STAR (ONLINE). EPA's [Energy Star program](#) helps identify and promote energy efficiency in products, homes, and buildings. EPA hosts a [webinar series](#) that covers a range of topics, from how to benchmark in Portfolio Manager to financing energy efficiency improvements to how to engage building occupants.

INTEGRATED SOLAR POWER & ENERGY STORAGE SOLUTIONS (ONLINE). This [webinar](#) is focused on how public and private sector organizations can benefit from an integrated solar and energy storage solution, resulting in increased savings of 20-50 percent on joint installations. Webinar participants will learn about the basics of commercial rate payer structures for energy use and how combined installations of solar and storage relate; how climate action plans and energy management objectives can be met with a combined installation; and financial incentive programs available to boost savings and generate revenues.

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.

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. EPA's [online training conformity training program](#) covers all aspects of the rule and is divided into four modules.

WATER MANAGEMENT BASICS (ONLINE). This FEMP [online course](#) provides a concise introduction to comprehensive water management, to include key topic areas of basic water management terminology, history of federal water mandates, current Executive Order 13693 provisions, best practices associated with comprehensive water management, and proven water conservation financing mechanisms and strategies. The three-module course offers a thorough overview of water management in the federal context:

- Module One: Introduction to Federal Water Management
- Module Two: Introduction to Comprehensive Water Management
- Module Three: Financing and Launching Water Management Projects

CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES (ONLINE). This U.S. Geological Survey [webinar series](#) was developed 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 United States. Video recordings with closed captioning are made available one to two weeks after each presentation.

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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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