



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

October 2017

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

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

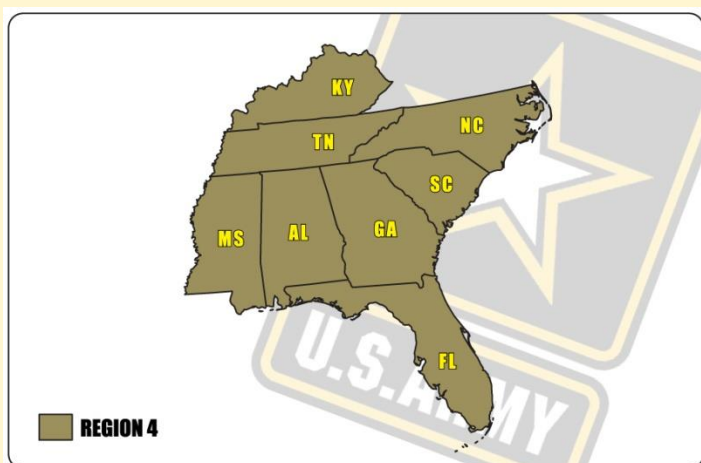


TABLE OF CONTENTS

Alabama	2
Florida	2
Georgia	3
Kentucky	3
Mississippi	4
North Carolina	4
South Carolina	4
Tennessee	4
Federal Activity	5
DOD Activity	10
Professional Development	10
Staff Directory	15

ENERGY ACTION MONTH

October is Energy Action Month. The Army's theme for this year's observance is "Energy Resilience Enables Army Readiness."

In a [leadership note](#) to commemorate Energy Action Month, J. Randall Robinson, Acting Assistant Secretary of the Army, Installations, Energy and Environment; and Lt. Gen. Gwen Bingham, Assistant Chief of Staff, Installation Management, said the Army's theme is a reminder that energy is a key mission enabler and force multiplier.

"Energy resilience begins at our 156 Army installations and over 1,000 community-based Army National Guard and Army Reserve Centers," they said. "...Through diligent energy management, our installations become robust and resilient power projection platforms."

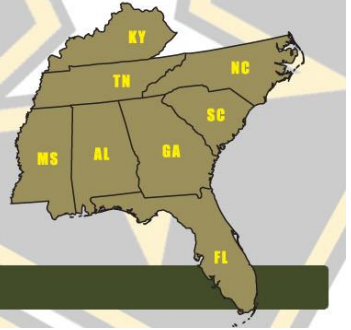
Energy security contributes directly to war-fighting readiness, they added. "We improve assured access to energy by implementing policies and projects that add reliable, diverse and redundant energy sources to our installations. We also work to improve our current infrastructure condition, ensuring the lines and equipment on our sites reliably distribute energy where we need it most. We seal this energy security effort with effective system operation and trained Army personnel to properly exercise emergency response plans."

Energy is also a critical enabler of military capability, said Mr. Robinson and Lt. Gen. Bingham. "Energy moves vehicles and aircraft, powers mission command and protection systems, and supports base camp operations. Wise use of energy extends reach and endurance, reduces sustainment demands, and frees Soldiers from support tasks to focus on the primary mission."

"Training leaders and Soldiers to consider the effects of energy on operations ensures energy is used for the greatest operational good," they said. "We encourage all to remain mindful of energy use, reduce energy consumption, innovate where possible, and promote energy awareness this month, and every month."

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 activities to report.

PROPOSED RULES

GENERAL NPDES PERMIT. The Alabama Department of Environmental Management (ADEM) proposes to reissue the General National Pollutant Discharge Elimination System (NPDES) [Permit ALG890000](#). This draft permit authorizes, subject to conditions of the permit, discharges associated with non-coal/nonmetallic mining (as defined in Part IV.EE.29 of the draft permit) and dry processing, and areas associated with these activities, where such activities will result in a cumulative land disturbance of less than five acres of land over the life of the mining activity. It also authorizes non-storm water discharges as defined in Part I.B.2 of the proposed General Permit. ADEM issued [notice of this proposed action](#) on 18 SEP 17. Comments are due to ADEM no later than 17 OCT 17.



2017 LEGISLATIVE SESSION: 7 MAR THROUGH 5 MAY

There are no significant legislative activities to report.

BEACHES AND COASTAL SYSTEMS. The Florida Department of Environmental Protection (FDEP) [proposes](#) to amend [Chapter 62B-33](#), F.A.C., Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line and Fifty-Foot Setback), authorized by Sections 161.053 and 161.052, F.S., respectively. The proposed amendments will clarify and update existing rule language, and delete, revise, and add definitions. Furthermore, the revisions provide additional exemptions from permitting for certain minor activities; delete obsolete references to the Florida Building Code; establish criteria for fill material; provide more specific criteria for siting of both major and minor structures (including those where armoring exists); establish criteria for rebuilt pipelines and ocean outfalls crossing the beach; clarify requirements for geotechnical data and other information required in the application process; delete the requirement to submit multiple copies of certain documents to FDEP; simplify fee calculations; eliminate the permit fee for exemption determinations and permit transfers; reduce the permit fee for reissued permits; provide for electronic submission of applications and related documents; provide success criteria for site re-vegetation; eliminate a requirement for construction progress reports; and clarify the methodology used to establish the 30-year erosion projection line. FDEP filed the [notice of development of rulemaking](#) on 15 SEP 17.

CONSUMPTIVE USES OF WATER. The St. Johns River Water Management District proposes to amend or develop rules as needed to clean up inadvertent errors, clarify existing rules, create additional streamlining, and reduce regulatory

burdens on the following subjects: (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; and (13) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas identified above. The district published the [notice of proposed rule](#) on 21 SEP 17.



2017 LEGISLATIVE SESSION: 9 JAN THROUGH 24 MAR

There are no significant legislative activities to report.

PROPOSED RULES

RULES FOR RADIOACTIVE MATERIALS. The Georgia Environmental Protection Division (EPD) [proposes amendments](#) to Georgia's Rules for Radioactive Materials, Chapter 391-3-17. Georgia EPD certifies that the revisions to rules 391-3-17-.02, 391-3-17-.03, and 391-3-17-.06 and the addition of rule 391-3-17-.13 are required to comply with section 274 of the Atomic Energy Act. Rule 391-3-17-.02(7), "Filing Application for Specific Licenses"; Rule 391-3-17-.02(19), "Transfer of Material"; Rule 391-3-17-.03(15), "Reports"; and Rule 391-3-17-.06, "Transportation of Radioactive Material," are amended to ensure the consistency of the rules with the requirements of the Nuclear Regulatory Commission. Rule 391-3-17-.13, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Materials," is being added to ensure the consistency of the rules with the requirements of the Nuclear Regulatory Commission. Georgia EPD filed the [notice of proposed rule](#) on 6 SEP 17.

FINAL RULES

HAZARDOUS WASTE RULE AMENDMENTS. The Georgia Environmental Protection Division (EPD) amended Georgia Rules for Hazardous Waste Management, Chapter 391-3-11. The 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 filed the [final rule](#) on 8 SEP 17, and the rule became effective on 28 SEP 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 activities to report.

PROPOSED RULES

ON-SITE WASTEWATER REGULATIONS. The Mississippi Department of Health amended [Part 15, Subpart 77](#), On-site Wastewater, in accordance with the Wastewater Advisory Council. The department [filed the final rule](#) on 22 SEP 17.



2017 LEGISLATIVE SESSION: 11 JAN THROUGH 1 JUL

There are no significant legislative activities to report.

PROPOSED RULES

ON-SITE WASTEWATER TREATMENT SYSTEMS. The North Carolina Department of Environmental Quality (NCDEQ) proposes to reorganize and clarify current on-site wastewater treatment system rule interpretations and existing knowledge of advanced technologies, include previously excluded products, update and simplify terminology, and reflect significant improvement in consistency and clarity. NCDEQ published the [proposed rule](#) (299) on 1 SEP 17.

WASTE NOT DISCHARGED TO SURFACE WATER. NCDEQ proposes changes to 15A NCAC 02T, Waste Not Discharged to Surface Water; and 15A NCAC 02U, Reclaimed Water. These rules apply to all persons proposing to construct, alter, extend, or operate any sewer system, treatment works, disposal system, contaminated soil treatment system, animal waste management system, stormwater management system or residual disposal/utilization system that does not discharge to surface waters of the state. NCDEQ published the [proposed rule](#) (524) on 15 SEP 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 activities to report.

PROPOSED RULES

CLEAN AIR ACT ADMINISTRATIVE FEES. The Tennessee Department of Environment and Conservation (TDEC), Division of Air Pollution Control, proposes a fee structure that it has determined to be adequate for funding needs and the most responsive to comments received from stakeholders during the development process. TDEC is also soliciting certain comments beyond the proposed amendments. Written comments must be submitted no later than 9 NOV 17. TDEC filed a [notice of rulemaking](#) on 13 SEP 17.

Federal Activity

AIR

REVIEW OF PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD FOR SULFUR OXIDES. The U.S. Environmental Protection Agency (EPA) has released two draft documents: Risk and Exposure Assessment for the Review of the Primary National Ambient Air Quality Standard for Sulfur Oxides, External Review Draft (Draft REA); and Policy Assessment for the Review of the Primary National Ambient Air Quality Standard for Sulfur Oxides, External Review Draft (Draft PA) ([82 FR 43756](#)). These draft documents were prepared as part of the current review of the primary National Ambient Air Quality Standard (NAAQS) for sulfur oxides (SO_x). The REA describes quantitative exposure and risk analyses for the NAAQS review. The PA serves to bridge the currently available scientific information and the judgments required of the EPA administrator in determining whether to retain or revise the existing primary NAAQS for SO_x. The draft REA and draft PA are available [here](#). Comments are due by 18 OCT 17.

EPA AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS. EPA has designated three new reference methods for measuring concentrations of PM_{2.5}, PM₁₀, and PM_{10-2.5} in ambient air ([82 FR 44612](#)). In accordance with regulations at 40 CFR part 53, EPA evaluates methods for monitoring concentrations of ambient air pollutants for which EPA has established NAAQS as set forth in 40 CFR part 50. Monitoring methods that are determined to meet specific requirements for adequacy are designated by EPA as either reference methods 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. As designated reference methods, they are acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, the methods must be used in strict accordance with the operation or instruction manuals associated with the methods and are subject to specifications and limitations (e.g., configuration or operational settings) specified in the applicable designated descriptions.

CLEAN UP

PHASE I SITE ASSESSMENTS UNDER CERCLA. EPA is taking direct final action to update an existing reference to a standard practice associated with Phase I Site Assessments under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) ([82 FR 43310](#)). The rulemaking amends the Standards and Practices for All Appropriate Inquiries by updating an existing reference to a standard practice revised by ASTM International, a widely recognized standards development organization. Specifically, the final rule amends the [All Appropriate Inquiries Rule](#) to reference ASTM International's E2247-16 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property," and allows for its use to satisfy the statutory requirements for conducting all appropriate inquiries under CERCLA. The final rule is effective 14 MAR 18.

DOE STUDY OF GRID RELIABILITY. The U.S. Department of Energy (DOE) has released a [report](#) on grid reliability that was requested by Secretary of Energy Rick Perry. The report observes that the U.S. electricity industry is facing "unprecedented changes. Last year, for the first time in history, natural gas replaced coal as the leading source of electricity generation. In 2015, a record-high amount of generating capacity was retired from service. Over the course of the last decade, overall growth in electricity consumption at the national level has stalled (due to increased efficiency), while many generation sources—particularly natural gas, wind, and solar—frequently hit new record levels of penetration." Alaska and Hawaii have unique islanded electric power systems not comparable to the rest of the nation and were not included in this study. The report states that dispatch of variable renewable energy (VRE) has negatively impacted the economics of baseload plants, but the biggest contributor to coal and nuclear plant retirements has been the advantaged economics of natural gas-fired generation, along with the flattening of electricity demand growth; and regulations, mandates, and subsidies at the state and federal levels that have negatively impacted traditional baseload generation, particularly coal and nuclear power plants. The report contains policy recommendations, which include:

- DOE and related federal agencies should accelerate and reduce costs for the licensing, relicensing, and permitting of grid infrastructure such as nuclear, hydro, coal, advanced generation technologies, and transmission. DOE should review regulatory burdens for siting and permitting for generation, as well as gas and electricity transmission infrastructure, and should take actions to accelerate the process and reduce costs;
- Utilities, states, Federal Energy Regulatory Commission (FERC), and DOE should support increased coordination between the electric and natural gas industries to address potential reliability and resilience concerns; and
- Where feasible and within its statutory authority, FERC should study and make recommendations regarding efforts to require valuation of new and existing Essential Reliability Services by creating fuel-neutral markets and/or regulatory mechanisms that compensate grid participants for services that are necessary to support reliable grid operations.

COSTS AND BENEFITS OF NET ENERGY METERING — NOTICE AND REQUEST FOR COMMENTS. DOE, as part of its Grid Modernization Initiative, will conduct a study of the cost and benefit considerations of net metering to utilities (utility business perspective), ratepayers (consumer perspective), and the electrical grid (technical/operational perspective) ([82 FR 43345](#)). Numerous studies have assessed the impacts of net metering in the states. As part of this study, DOE seeks stakeholder input on existing studies (2012-present) assessing the costs and benefits of net metering, and the availability of data that can be used in conducting such studies. DOE expects to use the input to help inform its report to Congress. DOE seeks specific information related to net energy metering (NEM) cost-benefit studies, including:

- Motivations and the policy context for conducting NEM cost-benefit studies, including the role of cost-benefit analysis in driving policy decisions around NEM and related policies, and descriptions of other considerations for policymakers considering NEM and related policies;
- Categories of costs and benefits, describing reasons for inclusion or exclusion of the categories in NEM studies;
- Methodological issues, identifying key methodological elements that can vary significantly when quantifying factors considered in the benefit-cost analysis. Key drivers that might be considered include local policy objectives and local electricity system fundamentals;
- Fundamental drivers and underlying market conditions that establish the context for the values and cause differing outcomes among studies of cost-benefit results in a particular category; such as, differing levels of excess generation capacity, transmission, or distribution system capacity; projected demand growth; level of penetration and location of distributed generation; and retail prices; and
- Specific emerging issues related to net metering cost-benefit analyses that are improving or complicating the application of cost-benefit analysis.

Comments are due by 30 OCT 17.

ELECTRIC GRID MODERNIZATION. In September, DOE [announced](#) funding of up to \$32 million over three years to the [Grid Modernization Laboratory Consortium](#) and its partners to advance resilient distribution systems, focusing on the integration of clean distributed energy resources, advanced controls, grid architecture, and emerging grid technologies on a regional scale. Projects are designed both to make grid systems more secure against cyberattacks and to improve their ability to withstand cyberattacks. One project, the Grid Resilience and Intelligence Platform, or GRIP, uses artificial intelligence and predictive analytics to help grid systems recover more quickly from cyber and physical destruction. Another project aims to make grids more resilient against cyber and physical attacks by segmenting energy into various micro-grids, so uncompromised portions can compensate for those compromised.

MISCELLANEOUS

EPA SMART SECTORS PROGRAM LAUNCH. EPA is announcing the Smart Sectors program in the Office of Policy ([82 FR 44783](#)). Based on the successful EPA Sector Strategies program, EPA's Smart Sectors program will re-examine how EPA engages with industry in order to reduce unnecessary regulatory burden, create certainty and predictability, and improve the ability of both EPA and industry to conduct long-term regulatory planning while also protecting the environment and public health. The Smart Sectors program will designate staff-level points of contact who are knowledgeable about specific industries. They will act as liaisons among industry trade associations and companies, EPA program and regional offices, state and local governments, and other stakeholder groups. The sector liaisons will focus primarily on three main areas: building relationships and improving customer service to sectors; developing additional expertise in each industry's operations and environmental performance; and informing the planning of future policies, regulations, and EPA processes.

GAO REPORT: STATUS OF GAO RECOMMENDATIONS TO EPA. The Government Accountability Office (GAO) reported that, since 2007, EPA has implemented 191 of 318 recommendations about its management and operations, as well as its programs related to water issues; environmental contamination and cleanup; toxics, chemical safety, and pesticides; public health and environmental justice; and air quality, climate change, and energy efficiency ([GAO-17-801T](#)). Most of the unimplemented recommendations concern management and operations and water issues.

NATURAL RESOURCES

DETECTING AQUATIC SPECIES USING ENVIRONMENTAL DNA. EPA [announced a project](#) to assess freshwater mussel populations by collecting water or sediment samples and analyzing for the species' DNA. This new method of detecting mussel populations lowers the level of effort in traditional freshwater mussel assessments, and will help provide early warning of water quality changes and promote mussel restoration and management. The use of [environmental DNA](#) (eDNA) has been described as an emerging tool in conservation for monitoring diversity. Sampling for eDNA has been applied in many sub-environments such as freshwater sampling; seawater sampling; terrestrial soil sampling (tundra permafrost); and aquatic soil sampling (river, lake, pond, and ocean sediment).

NEPA

ACTIONS TO ENHANCE AND MODERNIZE FEDERAL ENVIRONMENTAL REVIEW PROCESS. The White House Council on Environmental Quality (CEQ), pursuant to [Executive Order 13807](#), has released an initial list of actions that it intends to undertake to enhance and modernize the federal environmental review and authorization process ([82 FR 43226](#)).

- CEQ will develop with Office of Management and Budget (OMB), and in consultation with the Federal Permitting Improvement Steering Council (Permitting Council), a framework providing for the implementation of "One Federal Decision"; under this program the National Environmental Policy Act (NEPA) review for each major infrastructure project shall be coordinated by a lead federal agency;
- CEQ will refer requests for designation of state projects pursuant to Executive Order 13766 to the Permitting Council, U.S. Department of Transportation (DOT), and U.S. Army Corps of Engineers (USACE), as appropriate;

- CEQ intends to revise, modify, or supplement its existing guidance; review CEQ regulations implementing the procedural provisions of NEPA; and issue additional infrastructure-specific guidance to be compiled in a NEPA practitioners' handbook for infrastructure project proposals; and
- CEQ will convene an interagency Executive Order 13807 Working Group, consisting of agency chief environmental review and permit officers, the OMB director, and other agency representatives, to review the NEPA implementing regulations and other environmental review and authorization procedures and policies of federal agencies that are members of the Permitting Council. Based on this review, involved federal agencies will develop action plans and timelines with procedures for a regular review and update of categorical exclusions.

CEQ anticipates that the working group will address issues relating to environmental reviews, including but not limited to consultations pursuant to Section 7 of the Endangered Species Act, compliance with Section 106 of the National Historic Preservation Act, and permitting and certifications pursuant to the Clean Water Act.

TOXICS

MINAMATA MERCURY CONVENTION TAKES EFFECT. A global commitment to reduce health risks and environmental damage from mercury pollution came into effect on 16 AUG 17, when the Minamata Convention on Mercury entered into force. The 74 countries which have become parties to the convention so far, out of 128 that have signed, are now legally bound to take measures toward eliminating new sources of mercury; reducing its use, trade, and emissions; and regulating disposal of the element. On 6 NOV 13 the U.S. signed the Minamata Convention on Mercury and is a party to the convention. Additional information can be found [here](#).

WASTE

EPA TO RECONSIDER CERTAIN COAL ASH RULE PROVISIONS. In response to petitions, EPA has indicated that it will reconsider certain provisions of the final rule regulating coal combustion residuals (CCR) as nonhazardous waste. A petition from the Utility Solid Waste Activities Group submitted 12 MAY 17 seeks reconsideration of 11 specific provisions of the final CCR rule, including provisions prohibiting the use of alternative points of compliance for groundwater contamination, regulating inactive surface impoundments, and defining what activities constitute beneficial use of CCR. A petition from AES Puerto Rico LLP submitted 31 MAY 17 seeks reconsideration of certain on-site storage practices. EPA is not committing to changing any part of the rule, or agreeing with the merits of the petition; it is simply granting petitions to reconsider specific provisions. The current rule went into effect on 19 OCT 15 and regulates how CCR generated from electric utilities and independent power producers is managed and disposed of in surface impoundments and landfills. The rule also defines what constitutes beneficial use of CCR; and, therefore, is excluded from the rule's requirements. Additional information can be found [here](#).

ELECTRONIC FILING OF HAZARDOUS WASTE EXPORTS. Starting on 31 DEC 17, all U.S. exporters of manifested hazardous waste, universal waste, and spent lead-acid batteries for recycling or disposal, and all exporters of cathode ray tubes for recycling will be required to file EPA information in the [Automated Export System](#), for each export shipment. Paper processes will no longer be allowed on or after the compliance date. EPA's Hazardous Waste Export-Import Revisions final rule that became effective on 31 DEC 16 provided flexibility to the regulated community by establishing a transition period prior to the required filing of EPA information into the automated export system for certain export shipments. For more information, click [here](#).

WATER

EPA FINALIZES RULE TO POSTPONE STEAM ELECTRIC POWER PLANT EFFLUENT GUIDELINES. EPA intends to conduct a rulemaking to potentially revise certain best available technology economically achievable (BAT) effluent limitations and pretreatment standards for existing sources (PSES) for the steam electric power generating point source category, which were published 3 NOV 15 ([82 FR 43494](#)). In particular, EPA is postponing for two years the earliest compliance dates

for the new, more stringent, BAT effluent limitations and PSES for flue gas desulfurization wastewater and bottom ash transport water. EPA does not intend to conduct a rulemaking that would potentially revise the new, more stringent BAT effluent limitations and pretreatment standards in the 2015 rule for fly ash transport water, flue gas mercury control wastewater, and gasification wastewater, or any of the other requirements in the 2015 rule. As such, EPA is not changing the compliance dates for the BAT limitations and PSES established by the 2015 rule for these waste streams.

PEER REVIEW MATERIALS TO INFORM DECISION MAKING ON PERCHLORATE. EPA is releasing, for public comment, the materials intended for expert peer review in support of EPA's Safe Drinking Water Act decision making for perchlorate ([82 FR 43354](#)). EPA is requesting comment on "Draft Report: Proposed Approaches to Inform the Derivation of a Maximum Contaminant Level Goal (MCLG) for Perchlorate in Drinking Water." In a companion [notice](#), EPA is requesting comments on an interim list of peer reviewers and draft charge questions. EPA has developed a biologically based dose response (BBDR), also known as a PBPK/PD model, to predict the effects of perchlorate on serum thyroid hormone concentrations in pregnant and lactating women exposed to perchlorate in drinking water and in infants exposed via ingestion of perchlorate in formula or breast milk. EPA then used the modeled thyroid hormone levels to predict potential adverse health effects based on published epidemiology data demonstrating a relationship between changes in thyroid hormone levels and neurodevelopmental effects. EPA will present an array of approaches to inform the derivation of an MCLG for perchlorate for expert peer review. Using the revised BBDR model output, EPA linked statistical relationships derived from five studies to implement a framework linking perchlorate exposure to neurodevelopmental impacts. All five studies assess the relationship between thyroid hormone levels in women in early pregnancy and various neurodevelopmental effects on children at various ages. EPA's draft report is available [here](#). Comments are due by 30 OCT 17.

CLEAN WATER ACT HAZARDOUS SUBSTANCES AND SPILL IMPACTS – SURVEY. EPA is planning to submit the new information collection request "Survey on Clean Water Act Hazardous Substances and Spill Impacts" ([82 FR 44178](#)). EPA agreed to a settlement requiring the agency to issue a proposed regulatory action, no later than June 2018, to address spill prevention measures for hazardous substances, in addition to the current spill prevention, control and countermeasures regulations addressing oil. [Background information](#) states that the Clean Water Act directed the president to issue regulations to prevent the discharge of oil and hazardous substances from onshore facilities and offshore facilities, and to contain such discharges (33 U.S.C. §1321 (j)). The list of hazardous substances was promulgated in 1978, and is found at 40 CFR part 116, but EPA never finalized regulations to address spill prevention for hazardous substances. EPA has developed a short, voluntary survey to be sent to states, tribes, and territories requesting information on the Emergency Planning and Community Right-to-Know Act Tier II reporting facilities reporting hazardous substances stored on site to assist in determining the universe of facilities that could potentially be subject to spill prevention regulations for hazardous substances listed at 40 CFR part 116. EPA is also interested in the impacts of hazardous substances discharges within the last 10 years.

ASSESSMENT AND TOTAL MAXIMUM DAILY LOAD TRACKING AND IMPLEMENTATION SYSTEM (ATTAINS). ATTAINS is an [online system](#) for accessing information about the conditions of the nation's surface waters. The Clean Water Act requires states, territories, and authorized tribes to monitor water pollution and report to EPA every two years on the waters they have evaluated. Part of this assessment is deciding which waters do not meet water quality standards because they are too polluted. Degraded waters polluted enough to require action are placed on a state list for future actions to reduce pollution. The information reported to EPA by states is available in ATTAINS; the system's web reports provide users with easy access to information on the status of waters at the national, state, and site-specific levels. To access the system, click [here](#).

Department of Defense Activity

SERDP SCIENTIFIC ADVISORY BOARD — CHARTER RENEWAL. DOD has announced it is renewing the charter for the Strategic Environmental Research and Development Program (SERDP) Scientific Advisory Board (SAB) ([82 FR 41940](#)). Pursuant to 10 U.S.C. 2904(e), the SERDP Council shall refer to the SAB, and the SAB shall review, each proposed research project including its estimated cost, for research in and development of technologies related to environmental activities in excess of \$1 million. The council has lowered the dollar threshold for referral to the SAB to any proposed research project in excess of \$900,000.

The Secretaries of Defense and Energy, in consultation with EPA, shall jointly appoint not less than six and not more than 14 members. Permanent members of the SAB are the science advisor to the president and the administrator of the National Oceanic and Atmospheric Administration, or their respective designees. Non-permanent members of the SAB shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. One such member of the SAB shall be a representative of environmental public interest groups, and one such member shall be a representative of the interests of state governments.

2017 DOD SUSTAINABLE RANGES REPORT. GAO has released its latest report reviewing DOD's Sustainable Ranges efforts ([GAO-17-769](#)). Section 366 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 required DOD to submit a comprehensive plan on its efforts to address training constraints caused by limitations on the use of military lands, airspace, and marine areas in the U.S. and overseas for training. The act, as amended, further required DOD to provide annual progress reports on its efforts through 2018. The act also included a provision for GAO to submit annual evaluations of DOD's reports. The GAO report indicates no problems with DOD Sustainable Ranges' efforts and contains no recommendations.

DOD EXECUTIVE AGENT FOR BULK PETROLEUM. DOD reissued DOD Directive (DODD) [5101.08E](#), DOD Executive Agent for Bulk Petroleum. The DODD establishes policy and assigns responsibilities for the management of bulk petroleum; designates the Director, Defense Logistics Agency as the DOD executive agent for bulk petroleum, in accordance with [DODD 5101.1](#); and addresses the roles, responsibilities, and authorities of the DOD executive agent for bulk petroleum. The directive, effective 19 SEP 17, reissues and cancels DODD 5101.8, 11 AUG 04.

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:

- 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). DOD's 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:

- 19 OCT 17: [Laser De-Paint and Surface Preparation Mechanism and Technologies](#)
- 2 NOV 17: [Platforms for Underwater and Near-Shore Munitions Surveys](#)
- 16 NOV 17: Building Envelope Technologies
- 7 DEC 17: [Management of Novel Hawaiian Ecosystems](#)

Recently archived webinars, available on demand [here](#), include:

- [Research and Development Needs for Management of DOD's PFAS Contaminated Sites](#)
- [New Resource Conservation Insights to Desert Environments](#)

23-25 OCT 17: 2017 DESIGN AND CONSTRUCTION ISSUES AT HAZARDOUS WASTE SITES. The Society of American Military Engineers (SAME) and EPA are holding a symposium in Denver, Colo., to encourage dialog and information sharing on design and construction issues relevant to hazardous waste sites in the western U.S. Registration fees are being waived for public agency/government employees. For more information, click [here](#).

FEDERAL TRAINING SOURCES

RESTORATION WEBINAR SERIES (ONLINE). This webinar series is produced by a partnership between the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service. To receive an email notification when registration for each webinar opens, please send your email address to jennifer_ryan@fws.gov. Also, you may click [here](#) to access the Restoration Webinar Series recording archive.

- 28 SEP 17: Overview of SER's New Certified Ecological Restoration Practitioner Program.
- 12 OCT 17: Restoring an Urban River: The Acushnet Sawmill Ecological Restoration Project.
- 30 NOV 17: Restoration of Shad and Anadromous Fish to the White Clay Creek National Wild and Scenic River in Delaware.
- 7 DEC 17: Upper Arkansas River Instream Habitat Restoration Project: How Can Monitoring Be Used to Inform Adaptive Management?
- 25 JAN 18: Decision Support Tools and a Framework for Climate-smart Restoration.

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.

Staff Directory

Director/DOD Region 4 REC	(404) 562-5146
Regional Counsel	(404) 562-5016
Region 4 Army REC	(404) 562-5231
Regulatory Affairs Specialist	(404) 562-5023

How the Regional Offices Work for You

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

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

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

To be added to the *Southern Review* distribution list, email the [Regulatory Affairs Specialist](#).

The *Review* is published under contract to the U.S. Army Corps of Engineers

