



U.S. ARMY

# Southern Review

## of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

January 2018

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. For installations that implement an environmental management system in accordance with ISO 14001 specifications, the content of the *Review* may help them identify emerging requirements.

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## SOUTHERN GEORGIA IS NAMED SENTINEL LANDSCAPE

By [DOD News, Defense Media Activity](#)

The departments of Agriculture, Defense and Interior have designated southern Georgia as a [Sentinel Landscape](#) to maintain military readiness while preserving local agriculture, natural resources and wildlife habitat, Defense Department officials announced Dec. 19.

In July 2013, the departments launched the Sentinel Landscapes Partnership through a memorandum of understanding to meet three critical goals: preserve working and agricultural lands, restore and protect wildlife habitat, and assist with military readiness.

Through the Sentinel Landscapes Partnership, the federal agencies work with state, local and private partners to preserve working and natural lands important to the nation’s defense mission. The Georgia Sentinel Landscape partnership will promote the military missions of nine important installations and ranges in Georgia, including Fort Stewart, Fort Benning, and Townsend Bombing Range.

“This announcement represents a major accomplishment in the effort to protect our land, promote the livelihoods of hardworking Americans, and ensure our nation’s defense,” said Lucian Niemeyer, assistant secretary of defense for energy, installations and environment.

“Maintaining working and natural lands across southern Georgia will not only provide critical habitat for a number of important species and promote the economies of rural communities,” Niemeyer said, “but also enable the military to continue to test, train, and operate at nine key military installations in the state.

“The Sentinel Landscapes Partnership is an innovative initiative that protects critical Department of Defense missions through efficient government and private-sector collaboration,” he continued. “This is a true win for warfighters, taxpayers and the citizens of Georgia.”

# 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.



## ***2018 LEGISLATIVE SESSION: 9 JAN THROUGH 24 APR***

Alabama has a one-year session. The Legislature convenes in regular annual sessions on the first Tuesday following the first Monday in February, except in the first year of the four-year term, when the session begins on the first Tuesday in March, and in the last year of a four-year term, when the session begins on the second Tuesday in January. The length of the regular session is limited to 30 meeting days within a period of 105 calendar days.

There are no significant legislative activities to report.

### ***FINAL RULES***

**AIR QUALITY RULES AMENDMENTS.** The Alabama Department of Environmental Management (ADEM) adopted amendments to Administrative Code Rules [335-1-1-.03](#), [335-1-1-.04](#), and [335-3-3-.05](#). These revisions include Clean Air Act (CAA) requirements that members of boards and commissions, which oversee state air quality efforts, conform to requirements in the CAA involving disclosure of potential conflicts of interest. Revisions to rule 335-3-3-.05 incorporate an equivalent production-based mercury emission limit and add additional monitoring and recordkeeping requirements for existing commercial and industrial solid waste incineration units in the waste-burning kiln category. ADEM published the [certified adopted rule](#) 30 NOV 17 and the revisions are effective 8 DEC 17.

**UNDERGROUND STORAGE TANK REGULATIONS.** ADEM adopted amendments to Administrative Code section [335-6-15](#). These proposed revisions maintain the program's authorized status, adopt new rules published by the U.S. Environmental Protection Agency (EPA), and make typographical and grammatical corrections. ADEM published the [certified adopted rule](#) 30 NOV 17 and the revisions are effective 8 DEC 17.



## ***2018 LEGISLATIVE SESSION: 8 JAN THROUGH 7 MAR***

The Florida Legislature regular session begins on the first Tuesday after the first Monday in March and continues for 60 consecutive days, which may be extended by a three-fifths vote of each house. Special sessions may be called by the governor or convened by joint proclamation of the president of the Senate and the speaker of the House of Representatives. Special sessions may not exceed 20 days, unless extended by a three-fifths vote of each house. Florida has a one-year session, and the Legislature typically holds committee meetings in January and February.

**FLORIDA HB 405 (FLORIDA SB 494), LINEAR FACILITIES DEVELOPMENT.** The Florida Electrical Power Plant Siting Act (PPSA) and the Florida Electric Transmission Line Siting Act establish centrally coordinated review processes for state

and local permitting of certain electrical power plants and transmission lines. Under the PPSA, an application for certification of a site for a power plant and associated facilities must include a statement on the consistency of the site, and any associated facilities that constitute "development," with existing land use plans and zoning ordinances. Certain activities are excluded from the definition of development, as found in the Florida Local Government Development Agreement Act ([section 163.3221, F.S.](#)) and the state statute on land and water management ([section 380.04, F.S.](#)). This bill extends the exclusion to include activities associated with the distribution or transmission of electricity on established rights-of-way and corridors and rights-of-way and corridors yet to be established. It also excludes the creation of distribution and transmission corridors, defined ([section 403.503, F.S.](#)) as the proposed area within which an associated linear facility right-of-way is to be located. The House bill reported favorable by the Natural Resources and Public Lands Subcommittee 6 DEC 17; the Senate version remains in Community Affairs.

**FLORIDA HB 703, WATER MANAGEMENT DISTRICTS SURPLUS LAND.** The bill changes the procedures for a water management district (WMD) to sell its surplus lands. It amends [s. 373.089\(3\), F.S.](#) to require a WMD to publish notice of its intent to sell surplus property at least 30 days, but not more than 360 days, before the WMD approves the sale. The bill amends [s. 373.089\(8\)\(a\), F.S.](#), to authorize a WMD to sell land valued at \$25,000 or less to the adjacent property owner rather than giving such property owners the opportunity to purchase the property before the rest of the general public. It also requires a WMD to publish, only one time, the notice of intention to offer to sell land valued at \$25,000 or less to adjacent property owners in the newspaper in the county where the land is located. Lastly, the bill amends [s. 373.089\(8\)\(c\), F.S.](#), to remove the requirement that a WMD accept sealed bids and sell the property to the highest bidder or reject all offers 30 days after publication of notice, if the WMD does not sell the land to the adjacent property owner. Instead, it authorizes a WMD to sell the parcel valued at \$25,000 or less at any time to the general public for the highest price obtainable, if the WMD does not sell the parcel to the adjacent property owner. Reported favorably by the Natural Resources and Public Lands Subcommittee 6 DEC 17; now in the Agriculture and Natural Resources Appropriations Subcommittee.

**FLORIDA HB 837, DOMESTIC WASTEWATER COLLECTION SYSTEM ASSESSMENT AND MAINTENANCE.** This bill establishes a voluntary incentive program within Florida Department of Environmental Protection (FDEP) for domestic wastewater utilities to assist in limiting sanitary sewer overflows and unauthorized discharges of pathogens. The bill directs FDEP to adopt rules to administer the program, including certification standards for the program, and to review and approve utilities applying for certification under the program. In the calculation of penalties for a sanitary sewer overflow, FDEP may reduce the penalty based on a utility's status as a certified utility, and the department may allow a certified utility to apply the penalty toward investment that will identify and address conditions that may cause unauthorized releases or spills of treated or untreated domestic wastewater, pipe leakage, or interruption of service to customers due to a physical condition defect in the system. Filed 29 NOV 17, and referred to the Natural Resources and Public Lands Subcommittee, Agriculture and Natural Resources Appropriations Subcommittee, and Government Accountability Committee 8 DEC 17.

**FLORIDA HB 6039, LOCAL REGULATION OF SOLID WASTE.** This bill removes state preemption on regulation of certain auxiliary containers, wrappings, and disposable plastic bags. Referred to the Local, Federal, and Veterans Affairs Subcommittee; Careers and Competition Subcommittee; and Government Accountability Committee 8 DEC 17.

## ***PROPOSED RULES***

**BEACHES AND COASTAL SYSTEMS.** FDEP proposes to amend [Chapter 62B-33, F.A.C.](#), Rules and Procedures for Coastal Construction and Excavation, 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 published an [advisory on the draft rule](#) on 19 DEC 17.

**CONSUMPTIVE USE PERMIT FEES.** The St. John's River WMD proposes to amend the fees for consumptive use permit (CUP) applications, basing fees solely on the amount of water proposed, and to create a new free application fee category to incentivize CUP renewals that would provide a water resource benefit. The WMD published a [notice of proposed rule](#) 13 DEC 17.

**WATER SUPPLY WELLS.** The St. Johns River WMD proposes a rulemaking to clarify that wells that supply water to public water systems not covered or included in the Florida Safe Drinking Water Act are included in the definition of Public Water Supply Well; and require applicants or water well contractors applying for a permit to submit complete well completion reports, which will allow the district to more efficiently and effectively protect and manage the water resources. The WMD published a [notice of development of rulemaking](#) 13 DEC 17.

## ***FINAL RULE***

**AIR POLLUTION REGULATIONS.** FDEP adopted amendments that incorporate by reference air pollution regulations promulgated by EPA at Title 40, Code of Federal Regulations (CFR), to incorporate requirements of the federally approved and delegated air pollution programs. FDEP published a [notice of final rule filing](#) 20 DEC 17, and the rule is effective as of the filing date.



## ***2018 LEGISLATIVE SESSION: 8 JAN THROUGH 2 MAR***

The Georgia General Assembly meets in regular session on the second Monday in January for no longer than 40 legislative (rather than calendar) days each year. The governor may call the General Assembly into special session, and committees may meet even when the Legislature is not in session. Georgia has a two-year session (2017-2018) with 2017 bills carrying over for consideration in 2018. Adjournment dates are estimated and updated based on legislative activity.

There are no significant legislative activities to report.

## ***PROPOSED RULE***

**WATER QUALITY STANDARDS.** The Georgia Environmental Protection Division (EPD) has [requested](#) public input regarding [proposed rule changes](#) for water quality control as part of the 2016 [Triennial Review](#). EPD will hold a public meeting 18 JAN 18 and the division is accepting comments through 26 JAN 18.

## ***FINAL RULE***

**RULES FOR RADIOACTIVE MATERIALS.** EPD adopted [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 final rule 14 DEC 17.



### ***2018 LEGISLATIVE SESSION: 2 JAN THROUGH 13 APR***

Kentucky has a one-year session. Adjournment dates are estimated and updated based on legislative activity. The Legislature convenes in regular session on the first Tuesday in January for 60 days in even-numbered years and for 30 days in odd-numbered years. It convenes in special sessions at the call of the governor.

There are no significant legislative activities to report.

#### ***FINAL RULE***

**HAZARDOUS WASTE REGULATIONS.** The Kentucky Department for Environmental Protection (KDEP) adopted amendments to the following sections of Kentucky Administrative Regulations (KAR), Title 401, Energy and Environmental Cabinet – Department for Environmental Protection:

- [401 KAR 39:005](#). Definitions for 401 KAR Chapter 39.
- [401 KAR 39:060](#). General requirements.
- [401 KAR 39:080](#). Hazardous waste handlers.
- [401 KAR 39:090](#). Hazardous waste permit program.
- [401 KAR 39:120](#). Permit review, determination timetables, and fees.

KDEP published the [final rules](#) 1 DEC 17.



### ***2018 LEGISLATIVE SESSION: 2 JAN THROUGH 2 APR***

The Mississippi State Legislature convenes in regular session on the Tuesday following the first Monday in January of each year, and the length of regular sessions is limited to 90 calendar days, except for once every four years when the regular session can last up to 125 calendar days. The Legislature may extend its sessions for 30 days by a two-thirds vote of both legislative houses, and the governor may call the Legislature into an extraordinary session. Mississippi has a one-year session. Adjournment dates are estimated and updated based on legislative activity.

There are no significant legislative or regulatory activities to report.



### ***2018 LEGISLATIVE SESSION: 10 JAN THROUGH 1 JUL***

North Carolina has a two-year session (2017-2018) with 2017 bills carrying over for consideration in 2018. The regular session begins on the second Wednesday in January. Extra sessions may be convened by joint proclamation. Adjournment dates are estimated and updated based on legislative activity.

There are no significant legislative activities to report.

### ***PROPOSED RULE***

**TOXIC AIR POLLUTANTS AND EMISSIONS FROM INCINERATORS.** The North Carolina Department of Environmental Quality (NCDEQ) has [proposed rules](#) regarding air quality, toxic air pollutants, and emissions from incinerators. NCDEQ filed the [notice of proposed rule](#) 14 DEC 17.



### ***2018 LEGISLATIVE SESSION: 9 JAN THROUGH 7 JUN***

South Carolina has a two-year session (2017-2018), with 2017 bills carrying over for consideration in 2018. The legislative session begins on the second Tuesday of January of each year and has no limitation as to the length of the session; however, it must adjourn sine die no later than the first Thursday in June except when extended by two-thirds vote of both houses. Adjournment dates are estimated and updated based on legislative activity.

There are no significant legislative activities to report.

### ***PROPOSED RULE***

**EMERALD ASH BORER AND BENGHAL DAYFLOWER.** The South Carolina State Crop Pest Commission has proposed new regulations which govern, to the extent authorized by the [S.C. Code, Title 46, Chapter 9](#), designation, monitoring and control, including quarantine, of the plant pests emerald ash borer (*Agilus planipennis*) and Benghal dayflower (*Commelina benghalensis*) in South Carolina. The commission published the [proposed regulation](#) 22 DEC 17.



### ***2018 LEGISLATIVE SESSION: 9 JAN THROUGH 16 APR***

Tennessee has a two-year session (2017-2018) with bills carrying over for consideration in 2018. The Legislature is limited to 90 legislative (rather than calendar) days per two-year term, plus up to 15 days for organizational purposes at the start of each term. The governor may call "extraordinary sessions," limited to the topic or topics outlined in the call and limited to another 20 days, and two-thirds of each house may initiate such a call. Adjournment dates are estimated and updated based on legislative activity.

There are no significant legislative or regulatory activities to report.

## **Federal Activity**

### ***AIR***

**INTEGRATED SCIENCE ASSESSMENT FOR SO<sub>x</sub> HEALTH CRITERIA.** EPA announced the availability of the final Integrated Science Assessment for Sulfur Oxides—Health Criteria ([82 FR 58601](#)). The integrated science assessment (ISA) was prepared by EPA as part of the review of the primary (health-based) National Ambient Air Quality Standards (NAAQS)

for sulfur oxides (SO<sub>x</sub>). The agency is developing a separate ISA as part of an independent review for the secondary (welfare-based) NAAQS for oxides of nitrogen and sulfur.

**UPDATED USE CONDITIONS FOR FLAMMABLE REFRIGERANTS.** EPA issued a direct final rule modifying the use conditions for three flammable refrigerants under the Significant New Alternatives Policy program ([82 FR 58122](#)). The refrigerants are isobutane (R-600a), propane (R-290), and R-441A, which are used in new household refrigerators, freezers, and combination refrigerators and freezers. EPA is revising the use conditions to incorporate by reference the updated Underwriters Laboratories ([UL Standard 60335-2-24](#), "Household and Similar Electrical Appliances—Safety—Part 2-24: Particular Requirements for Refrigerating Appliances, Ice-Cream Appliances and Ice-Makers." This rule is effective 12 MAR 18, without further notice, unless the agency receives adverse comment by 25 JAN 18.

## ***CLEAN UP***

**REVISIONS TO 2016 NATIONAL PREPAREDNESS FOR RESPONSE EXERCISE PROGRAM GUIDELINES.** The Coast Guard has announced proposed changes to the 2016 Preparedness for Response Exercise Program (PREP) Guidelines ([82 FR 60693](#)). The Preparedness for Response Exercise Program Compliance, Coordination, and Consistency Committee (PREP 4C) published the 2016 PREP Guidelines on [11 APR 16](#). The proposed revisions constitute the first change to the 2016 PREP Guidelines, and are referred to as the "2016.1 PREP Guidelines." One significant revision is to the Remote Assessment and Consultation drill frequency. The existing frequency will be decreased from one drill per vessel per year, to one drill per plan holder per triennial cycle. Comments are due by 22 JAN 18.

## ***CLIMATE CHANGE***

**UNITED STATES CLIMATE ALLIANCE.** In response to the U.S. federal government's decision to withdraw from the Paris Agreement on climate change, Governors Andrew Cuomo, Jay Inslee, and Jerry Brown created the [United States Climate Alliance](#). This bi-partisan coalition of states is committed to the goal of reducing greenhouse gas (GHG) emissions consistent with the goals of the Paris Agreement. Current membership includes California, Colorado, Connecticut, Delaware, Hawaii, Massachusetts, Minnesota, New York, North Carolina, Oregon, Puerto Rico, Rhode Island, Vermont, Virginia, and Washington. A copy of the alliance 2017 Annual Report is available [here](#). Information on member state best-practices is available [here](#).

**ARCTIC REPORT CARD.** The National Oceanic and Atmospheric Administration (NOAA) released the [2017 Arctic Report Card](#), which provides information on the current state of different components of the Arctic environmental system relative to historical records. According to the 2017 Arctic Report Card, "Despite relatively cool summer temperatures, observations in 2017 continue to indicate that the Arctic environmental system has reached a 'new normal,' characterized by long-term losses in the extent and thickness of the sea ice cover, the extent and duration of the winter snow cover and the mass of ice in the Greenland Ice Sheet and Arctic glaciers, and warming sea surface and permafrost temperatures." The full report card is available [here](#).

**REPORT ON EPA'S CLEAN POWER PLAN FOR EXISTING POWER PLANTS.** In December 2017, the Congressional Research Service (CRS) updated its [report](#) to Congress (R44341), [EPA's Clean Power Plan for Existing Power Plants: Frequently Asked Questions](#). The report discusses the history of the Clean Power Plan, EPA's proposed repeal of the plan, the statutory authority under which EPA promulgated the rule, ongoing litigation and recent court actions, and potential actions the agency might take to replace the plan. In addition, the report summarizes provisions of the Clean Power Plan, as finalized in August 2015, and discusses options that Congress has to influence EPA's action.

**REPORT ON CHANGES IN THE ARCTIC.** In December, CRS updated its [report](#) to Congress (R41153), [Changes in the Arctic: Background and Issues for Congress](#), on how the diminishment of Arctic sea ice has led to increased human activity in the Arctic. According to the report, record low extents of Arctic sea ice over the past decade have focused scientific and policy attention on links to global climate change and projected ice-free seasons in the Arctic within decades. These changes have potential consequences for weather in the U.S., access to mineral and biological resources in the Arctic,

the economies and cultures of peoples in the region, and national security. The report notes that some of the Arctic coastal states, particularly Russia, have announced an intention or taken actions to enhance their military presences in the high north.

**STATE GUIDELINES FOR GHG EMISSIONS FROM EXISTING ELECTRIC UTILITY GENERATING UNITS.** EPA has issued an advance notice of proposed rulemaking to solicit information from the public as the agency considers proposing a future rule ([82 FR 61507](#)). EPA is considering proposing emission guidelines to limit GHG emissions from existing electric utility generating units (EGUs) and is soliciting information on the proper respective roles of the state and federal governments in that process. EPA has also request information on: (1) systems of emission reduction that are applicable at or to an existing EGU; (2) compliance measures; and (3) state planning requirements under CAA section 111(d). The EPA's advance notice of proposed rulemaking does not propose any regulatory requirements. For more information, click [here](#). Comments are due 26 FEB 18.

## ***COMPLIANCE***

**FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET.** EPA updated the Federal Agency Hazardous Waste Compliance Docket ([82 FR 57976](#)). The docket is used to identify federal facilities that should be evaluated to determine if they pose a threat to public health or welfare and the environment, and to provide a mechanism to make this information available to the public. The update includes 21 additions, 10 deletions, and seven corrections since the previous update in June 2017. For DOD facilities, the update includes 10 additions, three deletions, and four corrections.

## ***ENERGY***

**RENEWABLE FUEL STANDARD: PROGRAM REVIEW.** As part of its periodic review of certain aspects of the Renewable Fuel Standard (RFS) program, EPA announced the availability of [Periodic Reviews for the Renewable Fuel Standard Program](#) ([82 FR 58364](#)). The document describes EPA's interpretation of the statutory requirement to conduct periodic reviews of the RFS and prior actions that EPA has taken to fulfill its obligations to conduct such reviews. The Docket ID is EPA-HQ-OAR-2017-0627. The Renewable Fuel Standard program website is available [here](#).

**RENEWABLE FUEL STANDARD: 2018, 2019.** EPA established the annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that apply to gasoline and diesel transportation fuel produced or imported in 2018 ([82 FR 58486](#)). The volume requirements for cellulosic biofuel, advanced biofuel, and total renewable fuel are below the statutory volume targets, as provided for when projected production volumes are less than the amount specified in the statute. In addition, EPA established the volume of biomass-based diesel for 2019. The final rule is effective 12 FEB 18.

**ENERGY RELIABILITY REPORT.** The [North American Reliability Corporation](#) (NERC) released its [2017 Long-Term Reliability Assessment](#) of the nation's bulk electricity generation and transmission system. As the independent organization given federal oversight over grid reliability, NERC found that, despite the rising closures of coal and nuclear power plants, "new resources, which are primarily natural gas and renewable generation, should collectively provide the bulk power system with the same level of voltage support, frequency response, and other essential reliability services as conventional generators."

**ENERGY-RELATED CARBON EMISSIONS DECLINE.** In December 2017, the Energy Information Administration (EIA) released its latest data on [state-level energy-related carbon dioxide \(CO<sub>2</sub>\) emissions](#). EIA's analysis measures emissions released at the location where fossil fuels are consumed. When fuels are used in one state to generate electricity that is consumed in another state, for example, emissions are attributed to the state where the generation occurs. According to EIA, between 2005 and 2015, energy-related CO<sub>2</sub> emissions decreased in 43 states, including the District of Columbia, and increased in eight states. On a per capita basis, energy-related CO<sub>2</sub> emissions decreased in 49 states, including the District of Columbia, and increased in two states (Louisiana and Nebraska) between 2005 and 2015.



**WIND ENERGY PARTNERSHIP SUMMIT.** The U.S. Department of Energy (DOE) Wind Energy Technologies Office (WETO) will hold a Wind Industry Partnership Summit on 24 JAN 18 ([82 FR 59594](#)). WETO invests in energy science research and development activities that enable innovation, advance U.S. wind systems, reduce the cost of electricity, and accelerate the deployment of wind power. In an effort to ensure that DOE's research and development priorities continue to benefit the wind energy industry, WETO is hosting the summit to share innovative technologies and engage industry leaders in a dialogue about future research and development investments. Summit sessions, informed by DOE's [Wind Vision roadmap](#), will address three categories of research and development activities, including turbine technology innovation and extreme scale turbines.

**PROCEDURES FOR CONSIDERATION OF NEW OR REVISED ENERGY CONSERVATION STANDARDS.** DOE has requested comment on its *Process Rule* for the development of energy efficiency standards for appliances and products ([82 FR 59992](#)). DOE generally uses the procedures set forth in the rule to prescribe energy conservation standards for both consumer products and commercial equipment. Comments are due 16 FEB 18.

## ***NATURAL RESOURCES***

**90-DAY FINDINGS FOR FIVE SPECIES.** The U.S. Fish and Wildlife Service (FWS) has announced 90-day findings on several petitions to list or reclassify wildlife or plants under the Endangered Species Act of 1973, as amended (ESA) ([82 FR 60362](#)). FWS plans to initiate a review of the status for five species to determine if the petitioned actions are warranted. The species under review are the [oblong rocksnail](#), [Sturgeon chub](#), [sicklefin chub](#), tricolored bat, and Venus flytrap. FWS has requested scientific and commercial data and other information regarding these species. After completing the status reviews, FWS will issue 12-month findings on the petitions to address whether or not the petitioned action is warranted. In addition, FWS has announced a correction to information contained in the 90-day petition finding for the leopard, which clarifies the range and entity that is being evaluated in the status review of the species. The findings were issued on 20 DEC 17.

**LEATHERBACK TURTLE.** In response to a petition to identify the Northwest Atlantic subpopulation of the leatherback turtle as a distinct population segment and to list it as threatened under the Endangered Species Act, the National Marine Fisheries Service (NMFS) found the petitioned action may be warranted ([82 FR 57565](#)). The petition defines the Northwest Atlantic leatherback turtle subpopulation as those turtles that hatch on nesting beaches along the western Atlantic Ocean, north of the Equator, and the Caribbean Sea. Their marine habitat extends throughout the North Atlantic Ocean. Comments are due 5 FEB 18.

**GRIZZLY BEAR: YELLOWSTONE.** FWS is seeking public comment on a recent D.C. Circuit Court of Appeals ruling, *Humane Society of the United States, et al. v. Zinke et al.*, 865 F.3d 585 (D.C. Cir. 2017), that may impact its 30 JUN 17 final rule delisting the Greater Yellowstone Ecosystem (GYE) grizzly bear distinct population segment (DPS) ([82 FR 57698](#)). In the case, the court opined that the service had not evaluated the status of the remainder of the listed entity of wolves in light of the Western Great Lakes (WGL) wolf DPS delisting action and what the effect of lost historical range may have on the status of the WGL wolf DPS. In the notice, NMFS also describes its strategy to recover grizzly bears (*Ursus arctos horribilis*) in the lower 48 states of the U.S. and provides a brief recovery update for each ecosystem. Comments were due 8 JAN 18.

**DOI LEGAL MEMO ADDRESSING INCIDENTAL TAKES UNDER MIGRATORY BIRD TREATY ACT.** The U.S. Department of the Interior (DOI) has posted a [legal memo](#) clarifying the agency's interpretation on the Migratory Bird Treaty Act's prohibition against taking of migratory birds. The memo states that DOI's position is that the prohibition only applies to purposeful actions that kill migratory birds, not to incidental take from otherwise lawful activities.

## ***TOXICS***

**MINIMUM AGE REQUIREMENTS UNDER CERTIFICATION OF PESTICIDE APPLICATORS RULE.** EPA has initiated a rulemaking process to revise the minimum age requirements in the *Certification of Pesticide Applicators* rule ([82 FR 60195](#)). EPA

expects to publish a Notice of Proposed Rulemaking in 2018 to solicit public input on the proposed revisions to the rule. EPA has also announced that the implementation dates for certifying authorities to submit revised certification plans and for EPA to act on those plans, as identified in the 4 JAN 17 [final rule](#), remain in effect. EPA has no plans to change the implementation dates.

**COMMENT EXTENTION – REPORTING REQUIREMENTS FOR TSCA MERCURY INVENTORY.** EPA has extended the comment period on the previously [proposed rule](#), published 26 OCT 17, regarding reporting requirements for information to assist in the preparation of an “inventory of mercury supply, use, and trade in the United States” ([82 FR 6016](#)). The rule defines mercury to include either elemental mercury or a mercury compound. The inventory is required by the recent amendments to the Toxic Substances Control Act (TSCA). Comments were due 11 JAN 18.

**ADOPTION OF 2017 NAICS CODES FOR TRI REPORTING.** EPA has issued a final rule updating the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the Office of Management and Budget 2017 NAICS code revision ([82 FR 60906](#)). Facilities will be required to use 2017 NAICS codes beginning with TRI reporting forms that are due 1 JUL 18, covering releases and other waste management quantities for the 2017 calendar year. EPA has also modified the list of exceptions and limitations associated with NAICS codes in the Code of Federal Regulations for TRI reporting purposes by deleting the descriptive text. EPA had issued an August 2017 [direct final rule](#) to update the list, but due to adverse comment the rule was [withdrawn](#). This final rule promulgates the update and addresses the comment received. The final rule became effective 1 JAN 18.

**CROSS-AGENCY EFFORT ON PFAS.** In December 2017, EPA [announced](#) a cross-agency effort to address per- and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), as well as GenX, a substance developed as a replacement for the older chemicals. As part of the initiative, EPA will:

- Identify a set of near-term actions that EPA will take to help support local communities;
- Enhance coordination with states, tribes, and federal partners to provide communities with critical information and tools to address PFAS;
- Increase ongoing research efforts to identify new methods for measuring PFAS and filling data gaps; and
- Expand proactive communication efforts with states, tribes, partners, and the American public about PFAS and their health effects.

EPA's efforts will build on its work to establish non-regulatory drinking water health advisories for PFOA and PFOS. The agency's water and research offices will lead these efforts and they will bring together expertise from across EPA. In addition, EPA is tapping its regional offices to enhance cooperation with partners at the state and local levels and to provide on-the-ground knowledge about specific issues, and address PFAS nationwide.

**USE AND EXPOSURE INFORMATION ON PBT CHEMICALS.** EPA [extended](#) the public comment period to receive information on the five persistent, bioaccumulative, and toxic (PBT) chemicals subject to the Toxic Substances Control Act, Section 6(h). The public comment period was extended to 12 JAN 18. For more information, click [here](#).

**RISK ASSESSMENT FOR GYLPHOSATE.** EPA [announced](#) it has released [draft human health and ecological risk assessments for glyphosate](#), a widely used herbicide. The draft human health risk assessment concludes that glyphosate is not likely to be carcinogenic to humans. The agency's assessment found no other meaningful risks to human health when the product is used according to the pesticide label. EPA's human health review evaluated dietary, residential/non-occupational, aggregate, and occupational exposures. Additionally, the agency performed an in-depth review of the glyphosate cancer database, including data from epidemiological, animal carcinogenicity, and genotoxicity studies. The ecological risk assessment indicates that there is potential for effects on birds, mammals, and terrestrial and aquatic plants. EPA used the most current risk assessment methods, including an evaluation of the potential effects of glyphosate exposure on animals and plants. Full details on the potential effects as well as the EPA's methods for estimating them, are found within the ecological risk assessment. EPA intends to open a 60-day comment period for the draft risk assessments in early 2018.

**RISK ASSESSMENTS FOR NEONICOTINOID.** EPA [announced](#) it has released preliminary ecological and human health risk assessments for three neonicotinoid insecticides and a preliminary ecological risk assessment for one neonicotinoid insecticide. Ecological and human health risk assessments were developed for clothianidin, thiamethoxam, and dinotefuran and the ecological risk assessment was developed for imidacloprid.

## **WASTE**

**TEST PROCEDURES AND LABELING STANDARDS FOR RECYCLED OIL.** The Federal Trade Commission (FTC) has requested public comment on the overall costs, benefits, and regulatory and economic impact of its rule specifying Test Procedures and Labeling Standards for Recycled Oil (*Recycled Oil Rule*) ([82 FR 60334](#)). The request is part of the commission's systematic review of all current FTC rules and guides. The rule is mandated by the Energy Policy and Conservation Act. Comments are due 12 FEB 18.

## **WATER**

**LEAD AND COPPER RULE REVISIONS.** In advance of revisions to the federal Lead and Copper Rule, EPA [announced](#) it has sent letters to state partners requesting their input on the rule revision. The [letter](#) from the Office of Ground Water and Drinking Water invites partner organizations to an 8 JAN 18 meeting followed by discussions on the proposed rule. The Lead and Copper Rule is applicable to all community public water systems. It requires water systems to sample water from households with plumbing materials that contain lead or copper and take action to reduce exposure to the harmful metals in drinking water.

**NPDES PERMIT: BULK FUEL STORAGE FACILITIES IN GUAM.** EPA Region 9 is proposing a new general National Pollutant Discharge Elimination System (NPDES) permit for discharges from bulk fuel storage facilities located in Guam (Permit No. GUG000001) ([82 FR 57598](#)). The proposed permit incorporates both federal and Guam water quality requirements. The permit coverage area consists of all surface and marine waters in the territory of Guam. EPA currently authorizes wastewater discharge from bulk fuel storage facilities on Guam through various individual permits. The proposed general permit is intended to cover five of those facilities, plus any that may apply for coverage in the future. When issued, the permit will establish effluent limitations, prohibitions, and other conditions on discharges from facilities in the general permit area. Stormwater discharges from these facilities will be regulated via the Multi-Sector General Permit and not through this proposed general permit. Comments are due 5 FEB 18. A fact sheet is available [here](#). The draft general permit is available [here](#).

**PERCHLORATE IN DRINKING WATER.** EPA announced a public peer review meeting and final list of panelists for external peer review of the agency's [Draft Report: Proposed Approaches to Inform the Derivation of a Maximum Contaminant Level Goal \(MCLG\) for Perchlorate in Drinking Water](#), referred to as the draft MCLG Approaches Report ([82 FR 56235](#)). The public peer review meeting is scheduled for 29-30 JAN 18. The public comment period for the draft MCLG Approaches Report ended in November. In addition, the public comment period on draft peer review charge questions ended in October. The peer review charge questions are available at [regulations.gov](#) (Docket ID No. EPA-HQ-OW-2016-0439).

**REPORT ON FEDERALLY SUPPORTED WATER SUPPLY AND WASTEWATER TREATMENT PROGRAMS.** CRS issued a report to Congress describing federally supported water supply and wastewater treatment programs ([RL30478](#)). The report describes how programs operated by the U.S. departments of Agriculture, Commerce, Housing and Urban Development; EPA, Bureau of Land Management, and U.S. Army Corps of Engineers vary in scope and mission. The report describes how agency funding mechanisms (individual project or standing program authorization) affect how the programs operate. The report also discusses how federal expenditures have changed over time.

# Department of Defense Activity

**PENTAGON STATESIDE SCHOOLS.** According to an [Army Times news report](#), the Pentagon is considering a plan to end the military's longtime operation of schools for military children on dozens of stateside military bases, part of a broader push to cut costs and reduce the size of the federal workforce. The military currently operates 47 schools on military installations in seven states in the continental U.S., serving a total of about 20,000 students. The proposal, which would be implemented in phases, would turn over operation of those schools to local school districts.

**DOD ISSUANCES PROGRAM.** The Office of the Deputy Chief Management Officer of the Department of Defense reissued [Department of Defense Instruction \(DODI\) 5025.01](#), DOD Issuances Program. Effective 22 DEC 17, the DODI cancels and reissues the 6 JUN 14 version. The DODI:

- Establishes policy, assigns responsibilities, and provides procedures for the development, coordination, approval, publication, and review of DOD issuances;
- Discontinues Secretary's policy memorandums as a type of DOD issuance used in the DOD Issuances Program;
- Establishes the DOD Issuances Website as the official [unclassified](#) and [classified](#) DOD source for issuances and processing guidance;
- Establishes the Directives Portal System as the official [unclassified](#) and [classified](#) site for requesting and obtaining issuance coordination and legal review.

**REPORT: DOD CLIMATE CHANGE ADAPTATION PLANNING.** The Government Accountability Office (GAO) issued a report examining DOD planning for climate change impacts to overseas bases and infrastructure ([GAO-18-206](#)). GAO examined the extent to which DOD (1) identified operational and budgetary risks posed by weather effects associated with climate change on overseas infrastructure; (2) collected data to effectively manage risks to infrastructure; (3) integrated climate change adaptation into planning and design efforts; and (4) collaborated with host nations on adapting infrastructure and sharing costs. GAO reviewed DOD data and documents on climate change, planning, and cost-sharing and visited or contacted a sample of 45 overseas installations reporting climate change impacts. GAO recommended that DOD:

- Require overseas installations to systematically track costs associated with climate impacts;
- Re-administer its vulnerability assessment survey to include all relevant sites;
- Integrate climate change adaptation into relevant standards; and
- Include climate change adaptation in host-nation agreements.

DOD did not concur with the first two recommendations and partially concurred with the others.

## Professional Development

### ***DOD TRAINING SOURCES***

**US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM).** USACE announces course availability for the FY 2018 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.

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

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

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

## ***FEDERAL TRAINING SOURCES***

**RESTORATION WEBINAR SERIES (ONLINE).** This webinar series is produced by a partnership between the National Oceanic and Atmospheric Administration and FWS. To receive an email notification when registration for each webinar opens, please send your email address to [jennifer\\_ryan@fws.gov](mailto:jennifer_ryan@fws.gov). Also, you may click [here](#) to access the Restoration Webinar Series recording archive. Upcoming webinars include:

- 25 JAN 18: Decision Support Tools and a Framework for Climate-smart Restoration.

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE).** [FedCenter.gov](http://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 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.

**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.

## ***OTHER TRAINING RESOURCES***

**COOPERATIVE FEDERALISM WEBINAR (ONLINE).** The Environmental Council of the States (ECOS) released a [webinar](#), available on demand, highlighting ECOS' [paper](#) on Cooperative Federalism 2.0 and offering a deeper look into the EPA-state relationship.

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## How the Regional Offices Work for You

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

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

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

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

