



# Southern Review

## of Legislative & Regulatory Actions

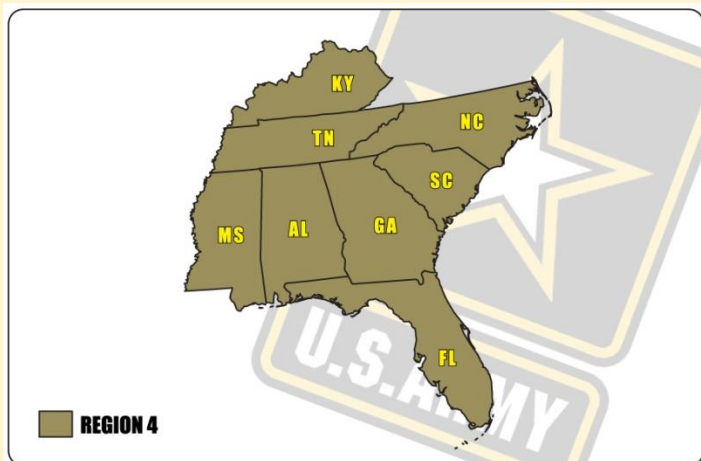
The U.S. Army Regional Environmental & Energy Office

February 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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## TABLE OF CONTENTS

Alabama .....	2
Florida .....	2
Georgia .....	6
Kentucky .....	6
Mississippi .....	7
North Carolina .....	8
South Carolina .....	8
Tennessee .....	9
Federal Activity .....	10
DOD Activity .....	17
Professional Development .....	18
Staff Directory .....	22

## STATE WATER GROUP ASKS FOR FEDERAL ACTION ON PFASs

The Association of State Drinking Water Administrators (ASDWA) says it has “serious concerns” with the growing health issues associated with per- and polyfluoroalkyl substances (PFASs) and is asking the U.S. Environmental Protection Agency (EPA) to work with state and federal agencies to develop a unified approach to PFASs.

“ASDWA urges EPA and CDC [Centers for Disease Control and Prevention] to work in partnership with ASDWA and state drinking water programs, and with DOD, to address these growing public health concerns,” wrote Lisa Daniels, ASDWA president and director, in a 12 JAN 18 [letter to EPA Administrator Scott Pruitt and CDC Administrator Brenda Fitzgerald](#). Daniels also sent a copy to Maureen Sullivan, Deputy Assistant Secretary of Defense for Environment, Safety, and Occupational Health.

In the letter, Daniels outlined ASDWA’s two urgent recommendations: that a working committee be formed as soon as possible with ASDWA, EPA, CDC, and DOD leadership; and that the federal government develop a unified message to the public and state regulators on what to do about PFASs to minimize potential adverse effects to public health and the environment. “Knowledge is continually evolving on a wide range of PFAS issues,” Daniels wrote, “and this new knowledge needs to be transferred to the public and state regulators in a coherent and cogent manner.”

Through the National Defense Authorization Act for fiscal 2018, Congress already directs the CDC, in coordination with DOD and other federal agencies, to study the human health implications of PFASs contamination in drinking water, ground water, and any other sources of water and relevant exposure pathways. It also directs these agencies to conduct an exposure assessment for no less than eight domestic military installations known to have PFAS contamination.

# 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.

**ALABAMA HB 224 (ALABAMA SB 180), PUBLIC WATER SYSTEMS.** This bill requires a public water system to notify the State Health Officer before initiating any permanent change in the fluoridation status of its water supply. House and Senate bills referred to respective committees on Health and Human Services 16 JAN 18. Read for the second time 25 JAN 17, and placed on the calendar for third reading.

## ***REGULATORY REVIEW***

There are no significant regulatory activities to report



## ***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, 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. Passed the House 25 JAN 18, and sent to the Senate 31 JAN 18.

**FLORIDA HB 879 (FLORIDA SB 1326), RECOVERED MATERIALS.** This bill revises the definition of "recovered materials" to include certain wood, asphalt, and concrete materials. The term "wood" does not include wood treated or coated with chemicals to resist decomposition or vegetative matter resulting from landscaping maintenance or land clearing operations that includes tree or shrub trimmings, grass clippings, palm fronds, trees, or tree stumps. Committee substitute approved by Natural Resources and Public Lands Subcommittee 30 JAN 18.

**FLORIDA HB 1149 (FLORIDA SB 1308), ENVIRONMENTAL REGULATIONS.** The bill revises state policies relating to environmental regulation, including: providing examples of reclaimed water use that may create an impact offset to include those that prevent or stop further saltwater intrusion, raise aquifer levels, improve the water quality of an aquifer, or augment surface water to increase the quantity of water available for water supply; requiring the Florida Department of Environmental Protection (FDEP) to revise the water resource implementation rule to create criteria by which an impact offset or substitution credit may be applied to the issuance, renewal, or extension of a consumptive use permit (CUP) or may be used to address additional water resource constraints imposed by the adoption of a recovery or prevention strategy; and including the reuse of reclaimed water through aquifer recharge as a critical component of meeting the state's existing and future water supply needs while sustaining natural systems. House Natural Resources and Public Lands Subcommittee approved a substitute 23 JAN 18. Senate Environmental Preservation and Conservation Committee approved a substitute 26 JAN 18.

**FLORIDA HB 1151 (FLORIDA SB 1244) DEVELOPMENTS OF REGIONAL IMPACT.** The bill eliminates state and regional review of existing Developments of Regional Impact (DRIs), eliminates the Florida Quality Development (FQD) program, and transfers the responsibility for implementation of, and amendments to, DRI and FQD development orders to the local governments in which the developments are located. It preserves existing DRI letters, development orders, agreements, and vested rights. The bill deletes the criteria for determining when two or more developments must be aggregated and treated as a single development for the purposes of DRI review and deletes the substantial deviation criteria for development order changes. It ends all DRI appeals to the Florida Land and Water Adjudicatory Commission except for decisions by local governments to abandon an approved DRI. However, no changes are made regarding the authority of the commission to review development orders in areas of critical state concern. Reported favorable by the House Local, Federal and Veterans Affairs Subcommittee 29 JAN 13.

**FLORIDA HB 1173 (FLORIDA SB 1622), LANDS USED FOR GOVERNMENTAL PURPOSES.** The bill adds additional procedures for the selection of lands under the Military Base Protection Program (MBPP) by requiring: the Department of Economic Opportunity (DEO) annually to request military installations to submit a list of base buffering lands for acquisitions; the Florida Defense Support Task Force to analyze the resulting list and provide ranking recommendations to DEO; DEO to submit its final list to the board of trustees of the Internal Improvement Trust Fund for acquisition; and the board of trustees to use federal appraisal standards and to disclose its appraisal to the seller when federal partnership funds are available. The bill authorizes the board of trustees to lease or convey the acquired military buffer land at less than appraised value to the military installation, provided the conveyance states the land will revert to the board of trustees if the military installation does not use the land as a buffer or if the military installation closes. Reported favorable by Ways and Means Committee 31 JAN 18; now in Government Accountability Committee.

**FLORIDA HB 1411 (FLORIDA SB 1038), RENEWABLE ENERGY.** The bill creates the Energy 2040 Task Force within the Public Service Commission (PSC). The task force is to project Florida's electric energy needs over the next 20 years and determine how best to meet those needs in an efficient, affordable, and reliable manner while increasing competition and consumer choice and ensuring adequate electric reserves. The task force is to recommend appropriate electric policies for the state based on these projections and determinations, including any necessary statutory changes. House bill referred to the Energy and Utilities Subcommittee 12 JAN 18; Senate bill reported favorable by Communications, Energy, and Public Utilities 10 JAN 18, and now in Government Oversight and Accountability.

**FLORIDA HB 7043 (FLORIDA SB 1402), DREDGE AND FILL PERMITTING AUTHORITY.** Provides FDEP, upon EPA approval, with power and authority to adopt rules to assume and implement a permitting program pursuant to federal Clean Water Act for dredge and fill activities in certain state waters; also provides applicability of state laws, exemptions, and administrative procedures. The bill provides permit requirements and delegation of certain activities. Filed 18 JAN 18, and referred to Government Accountability Committee 19 JAN 18.

**FLORIDA HR 319 (FLORIDA SR 550), MORATORIUM ON OIL EXPLORATION.** The Gulf of Mexico (GOMEX) Range Complex stretches from the Florida Panhandle, referred to as the Military Mission Line, south to Key West and is the largest military testing and training range in the United States. To ensure drilling platforms and activities would not encroach on the GOMEX Range Complex, the Gulf of Mexico Security Act (GOMESA) was signed into law 20 DEC 06, establishing a moratorium on oil exploration in the eastern Gulf of Mexico east of the Military Mission Line until 2022. This resolution states that the Florida House of Representatives supports an indefinite extension of the restriction, specified in the GOMESA, on oil and gas leasing in all areas east of the Military Mission Line and indefinite extension of the GOMESA ban on oil and gas leasing within 125 miles of the Florida coastline in the Eastern Planning Area and in a portion of the Central Planning Area. House resolution adopted 31 JAN 18, and Senate resolution adopted 8 FEB 18.

**FLORIDA SB 1506, WATER MANAGEMENT.** This bill requires water management plans for districts including Outstanding Florida Springs to include certain maximum sustainable groundwater withdrawal estimates. It revises the criteria for determining whether certain water supply development projects are given first consideration for funding assistance to include consideration of whether a project maximizes water conservation. Filed 3 JAN 18, and referred to Environmental Preservation and Conservation subcommittee 17 JAN 18.

**FLORIDA SB 1620, WATER INFRASTRUCTURE NEEDS SOLUTIONS.** This bill creates the Florida Water Infrastructure Needs Solutions Task Force within the legislative branch. The purpose of the task force is to evaluate funding mechanisms and strategies currently being used locally, regionally, nationally, and globally to ensure abundant and clean water for future generations, and to recommend those funding mechanisms and strategies that would provide the greatest opportunity to ensure abundant and clean water for future generations of the residents of this state. It requires the task force to submit a report to the governor and the Legislature by 1 DEC 19, and it specifies that the task force is dissolved and discharged of further duties upon submission of its report. Filed 5 JAN 18, and referred to Environmental Preservation and Conservation 12 JAN 18.

**FLORIDA SB 1664, BASIN MANAGEMENT ACTION PLANS.** The bill requires FDEP and other entities, as part of a basin management action plan, to develop onsite sewage treatment and disposal system remediation plans under certain conditions. It specifies requirements for the installation, repair, modification, or upgrade of certain onsite sewage treatment and disposal systems, and it provides criteria for the prioritization of funding for wastewater treatment facilities. Filed 5 JAN 18, and referred to Environmental Preservation and Conservation 12 JAN 18.

**FLORIDA SB 1856, BEVERAGE CONTAINER DEPOSITS.** This bill establishes a refund value for specified beverage containers, and it requires consumers and dealers to pay a deposit fee for specified beverage containers. Filed 5 JAN 18, and referred to Environmental Preservation and Conservation 12 JAN 18.

**FLORIDA SB 1864, MILITARY AFFAIRS.** This bill prohibits a landlord from requiring a prospective tenant who is a service member to deposit or advance more than a certain amount of funds; providing that the title to certain lands remains subject to an easement to prevent encroachment of military installations after a tax sale or the issuance of a tax certificate in foreclosure proceedings; providing that the president of Enterprise Florida Inc., is the executive director of the Florida Defense Support Task Force. Filed 5 JAN 18, and referred to Military and Veterans Affairs, Space, and Domestic Security 12 JAN 18.

**FLORIDA SB 1888 (FLORIDA HB 1133), ENERGY SECURITY AND DISASTER RESILIENCE.** This bill creates an energy security and disaster resilience pilot program within the Department of Agriculture and Consumer Services (DACS). The purpose of the pilot program is to demonstrate the effectiveness of distributed energy generation and energy storage



technologies to provide for the energy needs of critical disaster resilience facilities located in areas of critical state concern during a natural disaster or declared state of emergency. It is also to study and assess the benefits of grants for such technologies. The bill also requires DACS to establish and issue grants to offset costs for the purchase or lease and installation of onsite solar energy storage systems placed into service after 1 JAN 18 to serve critical disaster resilience facilities located in areas of critical state concern. Filed 9 JAN 18, and referred to Communications, Energy, and Public Utilities 12 JAN 18.

## ***PROPOSED RULES***

**ENDANGERED SPECIES.** The Florida Fish and Wildlife Conservation Commission (FWCC) has proposed rule development to establish or revise [rule provisions](#) during calendar year 2018 associated with species classified as Candidate Species, Endangered Species, Threatened Species, Species of Special Concern, and Marine Endangered and Threatened Species. FWCC published a [notice of development of rulemaking](#) 5 JAN 18.

**OPENING OR CLOSING AREAS OTHER THAN RESTRICTED HUNTING AREAS OR BIRD SANCTUARIES.** FWCC has proposed rule development to establish or revise rule provisions during calendar year 2018 associated with establishing wildlife management areas, wildlife and environmental areas, wildlife refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, or miscellaneous areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries, or critical wildlife areas. FWCC published a [notice of development of rulemaking](#) 5 JAN 18.

**RULES RELATING TO BIRDS.** FWCC has proposed rule development to establish or revise rule provisions during calendar year 2018 associated with migratory birds, the bald eagle, and non-listed inactive migratory bird nests. FWCC published a [notice of development of rulemaking](#) 5 JAN 18.

**RULES RELATING TO ALLIGATORS AND OTHER REPTILES.** FWCC has proposed rule development to establish or revise rule provisions during calendar year 2018 for the unlawful [feeding or enticement](#) of crocodilians; [taking, possession, and sale](#) of alligators and other reptiles; [taking and disposal](#) of nuisance alligators; regulations governing the [operation of alligator farms](#); regulations governing [alligator egg and hatchling collections](#) on lands not included in the Alligator Management Programs; regulations governing the establishment of [alligator management programs](#); regulations governing statewide alligator [trapping, permitting, taking and sale](#); and regulations governing the [processing](#) of alligators and the sale of alligator meat and parts. FWCC published a [notice of development of rulemaking](#) 5 JAN 18.

**MINIMUM FLOWS.** The Southwest Florida Water Management District (WMD) has proposed amendments to establish minimum flows pursuant to [Section 373.042, F.S.](#), for the Crystal River/Kings Bay System. This water body is listed on the Southwest Florida WMD's minimum flow and levels priority list for establishment of minimum flows. The minimum flows will be used in the WMD's permitting and resource management and development programs. The WMD published a [notice of proposed rule](#) 25 JAN 18.

## ***FINAL RULES***

**CONSUMPTIVE USE PERMIT FEES.** The St. John's River WMD amended the fees for CUP applications, basing fees solely on the amount of water proposed, and created a new free application fee category to incentivize CUP renewals that would provide a water resource benefit. The WMD filed a [notice of final rule](#) 16 JAN 18.

**GENERIC PERMIT FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES.** FDEP adopted amendments to [Chapter 62-621, F.A.C.](#), to update and clarify requirements applicable to the National Pollutant Discharge Elimination System (NPDES) Generic Permit for Discharges from Petroleum Contaminated Sites. The amendments update screening criteria and monitoring requirements consistent with current surface water quality criteria, and adopt a user friendly Notice of Intent to use this generic permit and clarify reporting requirements. FDEP published the [notice of final rule](#) 26 JAN 18.



## ***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.

**GEORGIA SB 340, GREENHOUSE GAS EMISSION STANDARDS.** This bill amends Article 1 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to air quality, so as to provide for greenhouse gas emissions standards. It requires the Georgia Environmental Protection Division (EPD) to provide for rules and regulations associated with standards.

## ***REGULATORY REVIEW***

There are no significant regulatory activities to report



## ***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.

**KENTUCKY HB 192, MILITARY RETIREE PENSIONS.** This bill provides an exemption of income taxation for military pensions. It excludes military pensions from income taxation beginning on or after 1 JAN 19 and ending before 1 JAN 23. Introduced 11 JAN 18, and referred to Veterans, Military Affairs, and Public Protection 19 JAN 18.

**KENTUCKY HB 196, RENEWABLE ENERGY AND EFFICIENCY REQUIREMENTS.** This bill requires retail electric suppliers to use increasing amounts of renewable energy, and it requires retail electric suppliers to take energy-efficiency measures and implement energy-efficiency programs that increase energy savings over a period of time. It provides for alternative compliance plans for public utilities that fail to meet renewable energy or efficiency requirements, and it specifies reporting requirements to the Public Service Commission (PSC) regarding progress in diversifying energy sources and energy savings. The bill also requires the PSC to develop tariff guidelines for purchase of renewable power. Introduced 16 JAN 18, and referred to Natural Resources and Energy 18 JAN 18.

**KENTUCKY SB 82, AUXILIARY CONTAINERS.** This bill creates a new section of KRS Chapter 109 providing definitions of "auxiliary container" and "local government." It prohibits local governments from adopting ordinances or regulations concerning the use, prohibition of, or taxes upon auxiliary containers, and it exempts certain facilities and properties of local governments. Introduced 17 JAN 18, and referred to State and Local Government 18 JAN 18.

## ***PROPOSED RULE***

**DISINFECTANT RESIDUALS, DISINFECTION BY-PRODUCTS, AND DISINFECTION BY-PRODUCT PRECURSORS.** The Kentucky Department for Environmental Protection (KDEP) has proposed amendments to [401 KAR 8:050](#): Disinfectant Residuals,

Disinfection By-Products, and Disinfection By-Product Precursors. KDEP filed the [proposed amendment](#) 4 JAN 18 and will hold a public hearing 22 FEB 18.

## ***FINAL RULE***

**INDIRECT HEAT EXCHANGERS.** KDEP amended regulations for new indirect heat exchangers ([401 KAR 59:015](#)) and existing indirect heat exchangers ([401 KAR 61:015](#)). The regulation is contained in the SIP approved by EPA. The SIP revision package for the amended regulation will be submitted to EPA once the proposed amendments to this administrative regulation become effective. KDEP published the [rules as amended after comments](#) received, 1 JAN 18.



## ***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.

**MISSISSIPPI HB 813, UNDERGROUND STORAGE TANKS.** This bill includes certain underground storage tanks within the definition of an active site under the Mississippi Underground Storage Tank Act of 1988, to increase the cap on the annual tank regulatory fee assessed by the Commission on Environmental Quality. It requires that the commission set the amount of the fee by order, and it establishes certain requirements for the order determining the fee. This bill also creates the Underground Storage Tank Advisory Council and requires the council to conduct an independent study of the costs related to the underground storage tank program. The council must recommend an equitable fee system for the program. Referred to Ways and Means 11 JAN 18.

**MISSISSIPPI HB 1500 (MISSISSIPPI SB 2570), AUXILIARY CONTAINERS.** This bill prohibits counties and cities from regulating the use, disposition or sale of auxiliary containers as well as the imposition of a tax, fee or charge on such containers; and defines the term "auxiliary container." Referred to Conservation and Water Resources 15 JAN 18.

**MISSISSIPPI SB 2116, WILDLIFE CORRIDORS.** This bill requires the Mississippi Department of Wildlife, Fisheries and Parks, in conjunction with the Mississippi Department of Environmental Quality and the Mississippi Department of Transportation, to identify existing and needed wildlife corridors. Referred to Wildlife, Fisheries and Parks 8 JAN 18.

**MISSISSIPPI SB 2404, UNDERGROUND STORAGE TANKS.** This bill creates the underground storage tank advisory council; to require the advisory council to conduct an independent study of the costs related to the underground storage tank program; and to require the advisory council to recommend an equitable fee system for the storage tank program. Referred to Energy 15 JAN 18.

## ***FINAL RULES***

**PRIMARY DRINKING WATER REGULATION.** The Mississippi State Department of Health (MSDH) approved [amendments](#) to drinking water regulations to be consistent with the CFR regarding the Safe Drinking Water Act's (SDWA) Revised Total Coliform Rule. Modifications are necessary to ensure that the MSDH retains primacy to provide oversight of the SDWA in Mississippi. MSDH filed the [final rule](#) 12 JAN 18.

**MUNICIPAL AND DOMESTIC WATER SYSTEM OPERATORS.** MSDH approved [amendments](#) to current rules to reflect the current processes performed in association with the certification of municipal and domestic water system operators. MSDH filed the [final rule](#) 12 JAN 18.



### ***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.

**NORTH CAROLINA HB 189, EMERGING CONTAMINANTS.** This bill requires the Department of Health and Human Services (HHS) to review processes by which the department establishes health goals for contaminants. It also requires the Department of Environmental Quality (DEQ) to review NPDES permitting requirements and notification processes associated with emerging contaminants. Furthermore, the bill redirects significant funding to DEQ for the identification, characterization, and monitoring of emerging contaminants. These redirected funds are to focus on DEQ's sampling and analysis capabilities for emerging contaminants as well as to address permitting backlogs. Passed the House 10 JAN 18, and referred to Committee on Rules and Operations in the Senate 12 JAN 18.

### ***FINAL RULE***

**OZONE AMBIENT STANDARD AND GROUP 1 AIR QUALITY RULES.** The North Carolina Department of Environmental Quality (NCDEQ) approved amendments to Rule [15A NCAC 02D .0405](#) to reflect changes to the National Ambient Air Quality Standard (NAAQS) for ozone. NCDEQ also proposes to amend and readopt several sections of [15A NCAC 02D](#) to meet regulatory requirements. The department published the [approved rule](#) 1 FEB 18.



### ***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.

**SOUTH CAROLINA HB 4644, SOLID WASTE EMERGENCY FUND.** This bill establishes the solid waste emergency fund, to provide for the funding of the fund, to provide exceptions, to authorize the recovery of costs by the attorney general or the Department of Health and Environmental Control (DHEC), and to authorize a representative to investigate a waste management site at any time to address an emergency situation. It amends section 44-96-120, related to the solid waste management trust fund, so as to include funding the solid waste emergency fund in the list of authorized solid waste management trust fund expenditures. The bill also amends section 44-96-290, relating to solid waste management facility permitting, so as to allow the DHEC to limit demonstration of need requirements, to remove local land use and zoning ordinances from a construction permit to build a new solid waste management facility or expand an existing facility, and to require a person seeking a construction permit to provide documentation of compliance with local land use and zoning ordinances. Furthermore, it amends section 44-96-360, relating to solid waste processing



facilities, so as to establish certain conditions for facilities that recycle construction and demolition debris. Introduced and referred to Committee on Agriculture, Natural Resources and Environmental Affairs 23 JAN 18.

**SOUTH CAROLINA HB 4683, COASTAL ZONE MANAGEMENT.** This bill excludes decisions to establish baselines or setback lines from appeal procedures, and it amends section 48-39-10, relating to coastal tidelands and wetlands definitions, so as to redefine the term "primary oceanfront sand dune" for purposes of establishing a baseline and to define the term "storm surge". It amends section 48-39-280, relating to the state's 40-year retreat policy, so as to require the use of historical and scientific data that accounts for effects of natural processes when determining erosion rates; to establish that DHEC must establish baselines and setback lines for certain areas and under certain guidelines; to prohibit the use of data from an area impacted by a storm system or event named by the national weather service for two years after the storm; to require the department to grant a review of a baseline or setback line for a landowner, a municipality, county, or organization acting on behalf of a landowner that submits substantiating evidence showing an adverse effect on his property; and to establish guidelines for review. Introduced and referred to the Committee on Agriculture, Natural Resources and Environmental Affairs 24 JAN 18.

**SOUTH CAROLINA SB 784, EROSION ZONE BASELINE AND SETBACK.** This bill amends section 48-39-280 of the Code of Laws of South Carolina relating to the 40-year retreat policy from the shoreline so as to prohibit the seaward movement of the baseline after 31 DEC 19. Introduced and referred to the Committee on Agriculture, Natural Resources and Environmental Affairs 9 JAN 18.

**SOUTH CAROLINA SB 819, BEVERAGE CONTAINER DEPOSITS.** This bill requires a deposit for certain types of beverage containers that is refundable upon the return of the beverage container and to provide that a manufacturer or distributor reimburse a retailer or redemption center. It prohibits a retailer and manufacturer from rejecting beverage containers, with some exceptions. This bill establishes labeling requirements for beverage containers sold in the state, and requires distributors and manufacturers to register beverage containers sold in the state. It establishes requirements for redemption centers, prohibits a distributor from selling an improperly labeled beverage container and the redemption of a beverage container that was purchased outside of the state. The bill authorizes DHEC to promulgate regulations, and it provides penalties for violations of its provisions. Introduced and referred to Committee on Medical Affairs 9 JAN 18.

## ***REGULATORY REVIEW***

There are no significant regulatory activities to report



## ***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.

**TENNESSEE HB 1545 (TENNESSEE SB 1489), LOW-LEVEL RADIOACTIVE WASTE.** This bill exempts information concerning low-level radioactive waste from the general requirement that records of the Tennessee Department of Environment and Conservation (TDEC) concerning radioactive materials be classified and not open for public inspection. Introduced 17 JAN 18, and referred to Agriculture and Natural Resources Subcommittee 19 JAN 18.

**TENNESSEE HB 1814 (TENNESSEE SB 2238), WATER QUALITY.** This bill specifies that the board of water quality, oil, and gas may promulgate rules concerning the effect of NPDES permit in an enforcement proceeding. Introduced 24 JAN 18, and referred to Agriculture and Natural Resources Subcommittee 30 JAN 18.

## ***PROPOSED RULE***

**CLEAN AIR ACT ADMINISTRATIVE FEES.** TDEC Division of Air Pollution Control adopted 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. TDEC filed the [rulemaking hearing rule](#) 11 JAN 18.

## ***FINAL RULE***

**AIR POLLUTION CONTROL RULES.** TDEC amended Chapter 1200-03-09 and created two new Chapters 0400-30-38 and 0400-30-39, which allows the Air Pollution Control Board to streamline the permitting process for certain small sources only subject to permitting because of federal requirements. Many of these sources will be eligible to seek coverage under a "permit-by-rule" rather than traditional construction and operating permits. The sources will be required to register their sources with the Division of Air Pollution Control and must meet all applicable requirements, but will not be subject to the traditional permitting processes. The division is proposing to adopt the federal requirements for two source categories to enable the use of the permit-by-rule procedures: stationary internal combustion engines; and paint stripping, auto body refinishing, and miscellaneous surface coating operations. TDEC filed the [rulemaking hearing rule](#) 8 JAN 18.

# **Federal Activity**

## ***AIR***

**PERMITTING FOR MAJOR SOURCES—ONCE IN, ALWAYS IN.** In January, EPA [issued](#) a [policy memorandum](#) reversing a long-standing policy for major sources. Under the so-called [once in, always in](#) policy, facilities considered major sources of hazardous air pollutants were always regulated as such, even if the facilities' owners took measures to reduce pollution. With the new guidance, sources previously classified as major sources may be reclassified as area sources at any time, provided the facility limits its potential to emit below major source thresholds. The Clean Air Act (CAA) defines a major source as a one that emits, or has the potential to emit, 10 tons per year of any hazardous air pollutant, or 25 tons per year or more of any combination of hazardous air pollutants. Sources with emissions below this threshold are classified as area sources. Different control standards apply to the source depending on whether or not it is classified as a major or as an area source. For more information, click [here](#).

**ROUND THREE AIR QUALITY AREA DESIGNATIONS—SULFUR DIOXIDE.** EPA adopted a final rule establishing initial air quality designations for certain areas in the U.S. for the 2010 sulfur dioxide (SO<sub>2</sub>) primary NAAQS ([83 FR 1098](#)). EPA is designating areas as either Nonattainment, Attainment/Unclassifiable, or Unclassifiable. In this third round of designations for the 2010 SO<sub>2</sub> NAAQS, six areas are being designated Nonattainment; 23 areas are being designated Unclassifiable; and the rest of the areas covered by this round in all states, territories, and tribal lands are being designated Attainment/Unclassifiable. EPA established a [website](#) for the initial SO<sub>2</sub> designation rulemakings that lists counties or air districts and indicates their attainment status. The round one and two designations are represented in map form [here](#). The round three final designations are effective 9 APR 18.

**EMISSION STANDARDS FOR OFF-SITE WASTE AND RECOVERY OPERATIONS.** EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Off-Site Waste and Recovery Operations (OSWRO) ([83 FR 3986](#)). The final amendments address continuous monitoring on pressure relief devices (PRDs) on containers. The rulemaking, in response to a petition for reconsideration of the 2015 amendments to the OSWRO NESHAP, removes additional monitoring requirements for pressure relief devices on containers that resulted from the 2015 amendments. Categories and entities potentially regulated by this action include, but are not limited to, businesses or government agencies that operate any of the following: hazardous waste treatment, storage and disposal facilities (TSDFs); Resource Conservation and Recovery Act (RCRA) exempt hazardous wastewater treatment facilities; nonhazardous wastewater treatment facilities other than publicly owned treatment works; used solvent recovery plants; RCRA exempt hazardous waste recycling operations; and used oil re-refineries. The final rule was effective 29 JAN 18.

**TESTING REGULATIONS FOR AIR EMISSION SOURCES.** EPA is proposing to make corrections and updates to regulations for source testing of emissions ([83 FR 3636](#)). The proposed rule includes corrections to testing provisions that contain inaccuracies, updates to outdated procedures, and approved alternative procedures that provide testers enhanced flexibility. Comments are due 27 MAR 18.

**FORMALDEHYDE.** EPA [adopted](#) a final rule that updates several voluntary consensus standards listed at 40 CFR 770.99 and incorporated by reference in the Formaldehyde Emission Standards for Composite Wood Products rule. The final rule updates multiple voluntary consensus standards and makes a technical correction to the rule. The final rule text is available [here](#). For more information, click [here](#).

## ***CLEAN UP***

**SUPERFUND NATIONAL PRIORITIES LIST UPDATE.** EPA added four sites to the General Superfund section of the National Priorities List (NPL) ([83 FR 2549](#)). For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by EPA, referred to as the General Superfund section, and one of sites that are owned or operated by other federal agencies, referred to as the Federal Facilities section. In a related matter, EPA is proposing to add 10 sites to the General Superfund section of the NPL ([83 FR 2576](#)). Comments on the proposed additions are due 19 MAR 18.

**SUPERFUND REDEVELOPMENT FOCUS LIST.** EPA released an updated [Superfund Redevelopment Focus List](#). The list identifies Superfund NPL sites with the greatest expected redevelopment and commercial potential. EPA will focus redevelopment training, tools, and resources toward the sites on this list. The agency will work with developers interested in reusing these and other Superfund sites, will identify potentially interested businesses and industries to keep them apprised of redevelopment opportunities, and will continue to engage with community groups in cleanup and redevelopment activities to promote the successful redevelopment and revitalization. The list is intended to be dynamic; sites will move on and off the list as appropriate.

**HAZARD RANKING SYSTEM—CORRECTION TO SUBSURFACE INTRUSION COMPONENT.** EPA made a correction to the Subsurface Intrusion Component to the Hazard Ranking System ([83 FR 4430](#)). The correction makes changes to [Appendix A to 40 CFR 300](#) by revising the names of certain sections and figures, and adding a number of tables. In a separate but related action, EPA revised the definition of the term “source” in the same appendix ([83 FR 4431](#)). Source is now defined as any area where a hazardous substance has been deposited, stored, disposed, or placed, plus those soils that have become contaminated from migration of a hazardous substance. Sources do not include those volumes of air, ground water, surface water, or surface water sediments that have become contaminated by migration; except, in the case of either a ground water plume with no identified source or contaminated surface water sediments with no identified source, the plume or contaminated sediments may be considered a source. The corrections were published 31 JAN 18.

## **CLIMATE CHANGE**

**CLEAN POWER PLAN REPLACEMENT.** EPA [issued](#) an Advanced Notice of Proposed Rulemaking (ANPR) to replace the Clean Power Plan ([83 FR 61507](#)). The ANPR solicits comment on what EPA should include in a potential new rule to regulate greenhouse gas (GHG) emissions from existing power plants under CAA Section 111(d). Specifically, EPA is requesting input on:

- The best system of emission reduction that can be deployed at or to an existing power plant, at the source-specific level, consistent with the agency's new interpretation of CAA Section 111. EPA notes that such measures would be limited to emission reduction based on a physical or operational change to a building, structure, facility, or installation at that source, rather than measures that the source's owner or operator can implement on behalf of the source at another location.
- The roles and responsibilities of states and EPA in regulating existing electric utility generating units for GHG emissions, and how much discretion states should have to depart from EPA emission guidelines.
- Potential interactions between this and other regulatory programs.

Comments are due 26 FEB 18.

## **ENERGY**

**DOE REGULATORY AGENDA.** The U.S. Department of Energy (DOE) released its Semiannual Regulatory Agenda ([83 FR 1854](#)). Among the items on the agenda are energy conservation standards for a variety of products, use of a market-based approach to identifying energy conservation standards, and a final rule on natural gas exports.

**GRID RESILIENCE.** In a [news release](#), the Federal Energy Regulatory Commission (FERC) announced it has terminated a proceeding it initiated ([Docket No. RM18-1-000](#)) to consider DOE's [September 29 proposal](#) on grid reliability and resilience pricing. The commission issued a new proceeding ([Docket No. AD18-7-000](#)) to holistically examine the resilience of the bulk power system. The new action directs operators of the regional wholesale power markets to provide information as to whether FERC and the markets need to take additional action on resilience of the bulk power system. The goals of this proceeding are to develop a common understanding among the commission, industry, and others of what resilience of the bulk power system means and requires; to understand how each regional transmission organization and independent system operator assesses resilience in its geographic footprint; and how to use this information to evaluate whether additional commission action regarding resilience is appropriate.

**GRID SECURITY—EMERGENCY ORDERS.** DOE issued a final rule establishing procedural regulations to implement temporary emergency measures in the event of a grid security emergency ([83 FR 1174](#)). A grid security emergency could result from a physical attack, a cyber-attack using electronic communication, an electromagnetic pulse, or a geomagnetic storm event damaging certain electricity infrastructure assets and impairing the reliability of the nation's power grid. The procedures established by the final rule are intended to ensure the expeditious issuance of emergency orders under the Federal Power Act. The procedures are effective 10 JAN 18.

**ELECTRIFICATION FUTURES STUDY.** DOE's National Renewable Energy Laboratory launched a two-year effort called the [Electrification Futures Study: A Technical Evaluation of the Impacts of an Electrified U.S. Energy System](#). The study is a multi-year research project to explore widespread electrification in the future energy system of the United States. More specifically, the study is designed to examine electric technology advancement and adoption for end uses in all major economic sectors as well as electricity consumption growth and load profiles, future power system infrastructure development and operations, and the economic and environmental implications of widespread electrification. The first report, [Electrification Futures Study: End-Use Electric Technology Cost and Performance Projections through 2050](#), was released in December.

**SOLAR PANEL TARIFFS.** In January, President Trump issued [Proclamation 9693](#), imposing a 30 percent tariff on imported solar panel components, with the rate declining over four years. The administration's decision followed a trade case brought by two U.S. based solar manufacturers, Sunvia and Solarworld. They contended that cheap solar equipment from China and other countries hurt their businesses. In response to the tariffs, Solar Energy Industries Association, a trade group, [said](#) that of the 38,000 solar manufacturing jobs in the U.S., only 2,000 involve making cells and panels, which are covered by the import tax. The other 36,000 manufacturing jobs involve other equipment used on large solar farms and rooftop solar installations.

**SOLAR MANUFACTURING PRIZE COMPETITION.** DOE's Office of Energy Efficiency and Renewable Energy [announced](#) a \$3 million prize competition to reenergize innovation in U.S. solar manufacturing. The [American Made Solar Prize](#) is intended to incentivize the nation's entrepreneurs to develop new processes and products. The challenge seeks to lower the barriers U.S.-based innovators face in reaching manufacturing scale by accelerating the cycles of learning from years to weeks, while helping to create partnerships that connect entrepreneurs to the private sector and the network of DOE's National Laboratories. The prize is in addition to total DOE funding of up to \$400 million for solar projects and technologies in 2017.

## ***MISCELLANEOUS***

**EPA SEMIANNUAL REGULATORY AGENDA.** EPA released its Semiannual Regulatory Agenda ([83 FR 1932](#)). Among the items on the agenda are a review of lead-based paint activities, training, and certification for renovation and remodeling; review of vapor degreasing activities under the Toxic Substances Control Act (TSCA); and TSCA review of n-methylpyrrolidone (NMP) and methylene chloride in paint and coating removal in commercial processes, consumer products, and residential settings.

## ***NATURAL RESOURCES***

**CLIMATE AND MITIGATION POLICIES RESCINDED.** In December, the U.S. Department of Interior (DOI) issued [Secretarial Order 3360](#), which rescinds the DOI's climate and mitigation policies, including the Departmental Manual on Climate Change Policy, Departmental Manual on Landscape-Scale Mitigation Policy, the Bureau of Land Management (BLM) Mitigation Manual, and BLM Mitigation Handbook. The DOI order also directs BLM to review the Draft Regional Mitigation Strategy for the National Petroleum Reserve-Alaska and begin revisions to ensure it is consistent with the administration's energy dominance goals. The order is aimed at implementing President Trump's [Executive Order on Promoting Energy Independence and Economic Growth](#).

**NEPA COMPLIANCE ON FOREST SERVICE LANDS.** The U.S. Forest Service is proposing to revise its National Environmental Policy Act (NEPA) procedures with the goal of increasing efficiency of environmental analysis and has released an Advance Notice of Proposed Rulemaking ([83 FR 302](#)). The service is seeking comment on how, under NEPA, it can:

- Increase efficiency in moving through the NEPA process;
- Improve application of the NEPA process on landscape-scale restoration projects;
- Determine which types of activities could undergo an abbreviated NEPA review because they pose minimal effects on natural resources, such as certain restoration projects, special use authorizations, and activities to maintain and manage sites, facilities, and associated infrastructure; and
- Improve coordination with other agencies on multi-agency projects.

Comments on the proposed rulemaking were due 2 FEB 18. A news release is available [here](#).

**REPORT—WILDERNESS ISSUES AND LEGISLATION.** The Congressional Research Service released a report, [Wilderness: Issues and Legislation](#) (R41610). The report provides an overview of the National Wilderness Preservation System and



how lands are designated as wilderness. The report also explores some of the controversies associated with wilderness designations, authorized land uses within wilderness areas, and access to wilderness areas for specific uses or purposes.

**INVASIVE SPECIES ADVISORY COMMITTEE.** The advisory committee to the National Invasive Species Council (NISC) is holding a three-day meeting, 27 FEB to 1 MAR 18 ([83 FR 4241](#)). The first day of the meeting will include two public listening sessions that invite responses to the following questions from private sector, academic, and non-governmental perspectives (Session 1), as well as from state, territory, and tribal perspectives (Session 2):

- How can NISC help advance cooperative federalism—an approach in which national, state, territorial, tribal, and local governments work together to solve shared invasive species challenges—to better protect the nation's biodiversity, land and water resources, public health, and other assets?
- How can NISC facilitate more effective partnerships with the private sector to reduce the risks of invasive species crossing U.S. borders?
- What are the highest priority opportunities to streamline federal regulatory procedures to make it easier and more cost-effective for various sectors of society to prevent, eradicate, and control invasive species?
- How can NISC foster the development and application of innovative tools and technologies to enable the prevention, eradication, and control of invasive species in a more timely and effective manner?

## ***SUSTAINABILITY***

**NATIONAL MITIGATION INVESTMENT STRATEGY.** The Federal Emergency Management Agency (FEMA) released the draft [National Mitigation Investment Strategy](#) for public comment. The draft strategy, developed by the Mitigation Framework Leadership Group (MitFLG) as a part of FEMA's National Mitigation Framework, makes a series of recommendations organized by six desired outcomes which—if met—could result in a nation better equipped for, and less vulnerable to, natural hazards. The draft strategy provides a national approach to investments in mitigation activities and risk management across federal, state, local, tribal, and territorial governments, and private and non-profit sectors. MitFLG is specifically seeking comment on what incentives could be used to encourage more non-federal investments. Comments are due 11 MAR 18. A fact sheet and draft strategy are available from FEMA's [MitFLG website](#). For more information about the National Mitigation Framework, including the draft strategy, click [here](#).

**REPORT—DISASTER RESILIENCE PLANNING SAVES MONEY.** According to a [new report](#) from the National Institutes of Building Sciences (NIBS), for every dollar spent on federal grants aimed at improving disaster resilience, society saves six dollars. This return is higher than previously thought—a 2005 study by NIBS found that each dollar from these grants yielded four dollars in savings. A copy of the Natural Hazard Mitigation Saves: 2017 Interim Report is available [here](#).

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

**GIANT MANTA RAY.** NMFS listed the [giant manta ray](#) (*Manta birostris*) as threatened ([83 FR 2916](#)). The service concluded that critical habitat is not determinable because data sufficient to perform the required analyses is lacking. Information on habitat features and areas in U.S. waters that may meet the definition of critical habitat for the giant manta ray may be submitted at any time. The giant manta ray can be found in all ocean basins. Within the Northern Hemisphere, the species has been documented as far north as southern California and New Jersey on the U.S. west and east coasts. Within its range, the giant manta ray inhabits tropical, subtropical, and temperate bodies of water and is commonly found offshore, in oceanic waters, and near productive coastlines. The final listing is effective 23 FEB 18.

**OCEANIC WHITETIP SHARK.** NMFS issued a final rule listing the [oceanic whitetip shark](#) (*Carcharinus lonigmanus*) as threatened ([83 FR 4153](#)). The service concluded that critical habitat is not determinable at this time due to a lack of data. Comments on habitat features and areas in U.S. waters that may meet the definition of critical habitat for the species may be submitted at any time. Oceanic whitetip sharks are found worldwide in warm tropical and subtropical

waters between 20° north and 20° south latitude, but can be found up to about 30° north and south latitude during seasonal movements to higher latitudes in the summer months. The final rule is effective 1 MAR 18.

**EASTERN PUMA.** FWS determined the [eastern puma](#) (*=cougar*)(*Puma (=Felis) concolor cougar*), a subspecies of puma, is extinct and removed the species from the Federal List of Endangered and Threatened Wildlife ([83 FR 3086](#)). The species historical range included Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. The last confirmed sighting was in 1938. The final rule is effective 22 FEB 18.

**BILL TO DELIST THE MEXICAN GRAY WOLF.** [S. 2277](#) would require delisting of Mexican gray wolves under ESA, on the determination that the subspecies has been sufficiently recovered in the U.S.

## ***TOXICS***

**PESTICIDE REGISTRATION—ENDANGERED SPECIES CONSULTATION.** According to an EPA [news release](#), EPA Administrator Scott Pruitt signed a Memorandum of Agreement (MOA) between EPA, DOI, and the Department of Commerce. The MOA establishes an interagency working group to evaluate and improve the ESA consultation process for pesticide registration. Through the MOA EPA, FWS, and NMFS will request the U.S. Department of Agriculture, the Council on Environmental Quality (CEQ) and the Office of Management and Budget join the interagency working group and that CEQ serve as its chair. The working group will coordinate and support agencies in meeting their obligations for pesticide consultation at the nexus of the Federal Insecticide, Fungicide and Rodenticide Act and ESA.

**2016 TRI NATIONAL ANALYSIS.** In January, EPA [announced](#) the release of the [2016 Toxic Release Inventory \(TRI\) National Analysis](#). The publicly available database shows that industrial facilities continue to reduce the releases of TRI chemicals through pollution reduction activities. The database includes easily accessible tools to learn more about the practices implemented to both manage waste and reduce pollution at nearly 22,000 facilities that submitted TRI data for calendar year 2016. For more information, click [here](#).

**EMERGING CONTAMINANTS AND FEDERAL FACILITY CONTAMINANTS OF CONCERN.** In November 2017, EPA updated its [website](#) for emerging contaminants and federal facility contaminants of concern. The website identifies and provides fact sheets for chemicals that present unique issues and challenges at federal facility sites. The fact sheets for chemical compounds provide a brief summary of each contaminant, including physical and chemical properties, environmental and health impacts, existing federal and state guidelines, and detection and treatment methods.

**HOUSEHOLD LEAD PAINT, LEAD DUST.** In December, the United States Court of Appeals for the Ninth Circuit [ordered](#) EPA to propose a new standard for lead inside homes within 90 days, and to promulgate a final rule within one year of the proposed rule. The agency has been working on new standards for lead in household paint, dust, and soil since 2011. EPA estimated to the court that it needed another six years to promulgate a final rule.

**IRIS PROGRAM—PUBLIC INVOLVEMENT.** In January, EPA released a [memo](#) that describes how the agency implements systematic review in the Integrated Risk Information System (IRIS) Program and how increased public engagement facilitates the development of IRIS assessments. The memo describes EPA's strategy of encouraging early public engagement to build flexibility and efficiency to the IRIS process. The memo describes how EPA uses IRIS Assessment Plans and Systematic Review Protocols to explain what will be assessed and how the assessment will be accomplished.

**URANIUM IRIS ASSESSMENT PLAN.** EPA released the draft [IRIS Assessment Plan for Uranium](#), Docket Number EPA-HQ-ORD-2017-0747, for public comment ([83 FR 4479](#)). The document communicates information on the scoping needs identified by the EPA program and regional offices and the IRIS program's initial problem formulation activities. Specifically, the assessment plan outlines the objectives for each assessment and the type of evidence considered most pertinent to address the scoping needs. Comments are due 2 MAR 18. To facilitate public input, a webinar to discuss

the draft assessment plan is scheduled for 22 MAR 18. Information about the webinar is available [here](#). Registration is open until 15 MAR 18, or until the 250 person limit is reached. For more information about the uranium assessment plan, including access to the IRIS summary, click [here](#).

**CHLOROFORM IRIS ASSESSMENT.** EPA released the [Systematic Review Protocol for the IRIS Chloroform Assessment \(Inhalation\)](#) for public comment ([83 FR 4480](#)). The protocol describes the systematic review procedures and other methodology planned for use in developing the chloroform assessment. Comments are due 2 MAR 18. For more information about the chloroform toxicological review, click [here](#).

## **WASTE**

**HAZARDOUS WASTE E-MANIFEST.** EPA adopted a final rule establishing the methodology by which it will determine and revise the user fees applicable to electronic and paper manifests that will be submitted to the national electronic manifest system (e-Manifest system), currently under development ([83 FR 420](#)). After the e-Manifest system's implementation date, certain users of the hazardous waste manifest will be required to pay a prescribed fee for each electronic and paper manifest they use and submit to the national system so that EPA can recover the costs of developing and operating the national e-Manifest system. The final rule is effective 30 JUN 18. On this date, EPA will begin accepting manifest submissions and collecting the corresponding manifest submission fees. In addition, EPA also announced final decisions and regulations relating to several non-fee related matters that were included in the proposed rule. These decisions and regulations address modifying existing regulations to: allow changes to the transporters designated on a manifest while the shipment is en route; describe how data corrections may be made to existing manifest records in the system; and amend the previous e-Manifest regulation (the One Year Rule) to allow the use, in certain instances, of a mixed paper and electronic manifest to track a hazardous waste shipment.

## **WATER**

**SUPREME COURT RULING ON WATERS OF THE U.S.** In a [unanimous decision](#), the Supreme Court ruled that challenges to the Obama-era Waters of the U.S. (WOTUS) jurisdiction rule should start in federal district courts. According to [INSIDEEPA](#) (paywall), the ruling sets an important precedent that says the EPA and U.S. Army Corps of Engineers rule defining the scope of the Clean Water Act's (CWA's) reach does not qualify as one of the specified types of water policies that the water law says can be challenged directly in appellate court. Instead, the court agreed with states, industry groups, environmentalists, and others that suits over the rule must, under the Administrative Procedure Act, be heard in district court. The decision reverses a nation-wide stay, and revives pending district court challenges to the Obama-era rule, even as the Trump Administration plans to [reconsider the WOTUS Rule](#). The case is [National Association of Manufacturers, v. Department of Defense, et al.](#)

**WATERS OF THE U.S. RULE—APPLICABILITY DATE.** EPA and the U.S. Army Corps of Engineers have jointly issued a final rule that adds an applicability date of 6 FEB 20 to the 2015 WOTUS rule, also referred to as the Clean Water Rule ([83 FR 5200](#)). During the next two years both agencies will continue the process of reconsidering the 2015 WOTUS rule. This final rule is separate from the two-step process the agencies are currently taking to reconsider the 2015 rule. The public comment period for the Step 1 rule proposing to rescind the 2015 rule closed in September 2017, and those comments are currently under review by the agencies. EPA and the Army are also in the process of reviewing input from state, local, and tribal governments and other stakeholders as they work to develop a proposed Step 2 rule that would revise the definition of "waters of the United States." The final rule became effective 6 FEB 18.

**RESEARCH PROJECT—CARBON NANOTUBES FILTER SEA WATER.** Research funded by DOE for next generation energy-efficient water purification membranes lead to the discovery that subnanometer-sized carbon nanotubes are able to purify salt water better than current membranes. The researchers found that carbon nanotubes less than one nanometer in diameter are able to filter water transport at high rates, approximately six times faster than currently possible, while maintaining high ion selectivity in sea-water like conditions. To read a press release about the research, click [here](#).

**EPA SUSPENDS WITHDRAWAL OF OBAMA-ERA DETERMINATION IN BRISTOL BAY WATERSHED.** In January, EPA [announced](#) it is suspending an earlier proposed withdrawal of an Obama-era determination that protected the Bristol Bay salmon fishery in Alaska from the risks posed by a mine at the Pebble copper and gold deposit. That determination, made in 2014, would have restricted the discharge of dredged or fill material in the Bristol Bay watershed related to mining the Pebble deposit. In May 2017, EPA solicited public comment on whether to withdraw the 2014 determination, and whether EPA should review the withdrawal decision. The January 2018 action, made in response to public comment, suspends the proposed withdrawal of the 2014 determination. To learn more about the proposed mine and agency actions related to it, click [here](#).

## Department of Defense Activity

**ENVIRONMENTAL AND ENERGY TECHNOLOGY SOLICITATION.** DOD's Environmental Security Technology Certification Program (ESTCP) released a [solicitation](#) requesting proposals for demonstration of environmental and installation energy technologies. Fiscal Year 2019 funds will be awarded through a competitive process to federal and private organizations for the following topic areas:

- Environmental Restoration;
- Munitions Response Underwater;
- Resource Conservation and Resiliency;
- Weapons Systems and Platforms;
- Energy Efficiency Technology Demonstrations Integrated with Utility Energy Services Contracts;
- Effective Use of Utility and Facility Data to Improve the Management, Operation and Maintenance of Facilities; and
- Large Scale Energy Storage and Microgrids.

Proposals are due 8 MAR 18.

**NATIONAL DEFENSE STRATEGY.** DOD released an unclassified [synopsis of the 2018 National Defense Strategy](#). The synopsis articulates DOD's strategy to compete, deter, and win in today's complex security environment. Patrick Shanahan, Deputy Secretary of Defense [released a message](#) about the strategy. The message includes a link to an interview at John Hopkins University of Advanced International Studies, where [Secretary of Defense James. N. Mattis outlined the strategy and answered questions](#), and a link to an [interview with Deputy Defense Secretary Patrick Shanahan](#) about what the strategy means to the DOD workforce and how DOD will go about implementing it.

**DOD STUDYING IMPLICATIONS OF WEARABLE DEVICES.** According to a [DOD news release](#), Defense Department officials are studying security issues raised by physical conditioning trackers that also can be used to track service members' whereabouts. The concern comes from a "heat map" posted by Strava—the makers of a fitness tracking application that shows the routes service members run or cycle in their daily exercises. These maps can show military bases and may be used to target individuals. "We take these matters seriously, and we are reviewing the situation to determine if any additional training or guidance is required, and if any additional policy must be developed to ensure the continued safety of DOD personnel at home and abroad," Army Col. Robert Manning III said during a 29 JAN 18 news conference at the Pentagon.

# 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 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.

**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](#)



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

## ***FEDERAL TRAINING SOURCES***

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE).** [FedCenter.gov](#) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information, such as:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Access to [environmental assistance](#);
- Access to free, [FedCenter-sponsored courses](#)
- Applicable laws and Executive Orders; and
- [Partnerships](#).

FedCenter also provides member assistance services such as collaboration tools for workgroups, environmental reporting tools, and daily newsletter and subscription services.

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

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

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

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

**EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY (ONLINE).** Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of [live and archived webinars](#). Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

**SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES (ONLINE).** The two-hour [course](#) provides staff involved in specifying and purchasing with a thorough introduction to compliance requirements, processes, and tools for procuring sustainable

products and services. Participants will receive specific guidance in how to meet executive order and Federal Acquisition Regulation requirements and understand how sustainable acquisition benefits their agency, community, and the environment.

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

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

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

**21 FEB 18—HOW TO TRACK WASTE AND MATERIALS IN PORTFOLIO MANAGER (ONLINE).** EPA's EnergyStar program is hosting [a one-hour webinar](#) on how to use the waste tracking feature in [Portfolio Manager](#). Learn how to measure and track building waste and materials. Registration required.

**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. A list of ITRC's 2018 training classes is available [here](#) (dates subject to change).

**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. The next webinar is scheduled for 22 FEB 18. Information on upcoming webinars is available from the BioClimate newsletter ([click](#) to subscribe).

## ***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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# Staff Directory

<a href="#">Director/DOD Region 4 REC</a>	(404) 562-5146
<a href="#">Regional Counsel</a>	(404) 562-5016
<a href="#">Region 4 Army REC</a>	(404) 562-5231
<a href="#">Regulatory Affairs Specialist</a>	(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](#).

