



U.S. ARMY

# Southern Review

## of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

March 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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## TRANSLOCATING ENDANGERED BIRDS TO SPEED RECOVERY

More than 1 million red-cockaded woodpecker (RCW) clusters once populated the 90-million acre longleaf pine ecosystem. Timber and turpentine harvests, as well as sprawling urban and agricultural lands, decimated the bird's territory. Southern forests today—mostly commercial pines with insufficient habitat—aren't kind to the woodpecker either.

The bird was listed as endangered in 1970. Maybe 3,000 RCW clusters existed at the time, though few good surveys were done to verify those numbers. The U.S. Fish and Wildlife Service (FWS) and friends set about saving RCWs in the early 1990s. The Southern Range Translocation Cooperative, a woodpecker trading scheme where bird-poor regions seek woodpeckers from bird-rich regions, was created in 1998. More than 1,000 birds have since been translocated.

Southern military bases, with vast expanses of forest and well-regarded conservation programs, remain key woodpecker donors. Private landowners deserve credit as well for the RCW's revival. Via FWS's voluntary Safe Harbor Program, property owners can work their RCW-friendly land without fear of future regulatory action if woodpeckers take up residence.

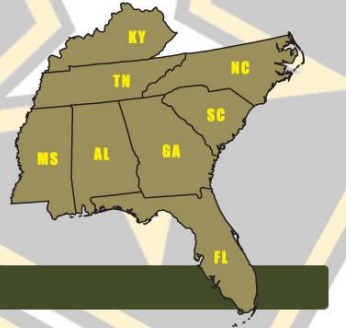
FWS is currently studying the bird's overall health in the wild to determine if it can live happily ever after without federal oversight. While it's too soon to declare victory and delist or down-list RCWs from the endangered species list, biologists credit federal and state agencies, the military, nonprofit groups, and private landowners for the recovery.

"With few exceptions, the woodpecker is coming back strong," said Will McDearman, who heads up FWS efforts to rebuild RCW numbers. "It's all testament to close cooperation between property owners, the conservation community and the scientists who know where the birds are and where they should go."

\* Adapted from an [article](#) by Dan Chapman, FWS

# 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 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 version passed 8 FEB 18 and sent to the Senate where it reported favorable from Health and Human Services 22 FEB 18. Senate version passed 1 FEB 18 and sent to the House where it was referred to the Committee on Health. Reported favorable from the House Committee on Health 8 FEB 18.

**ALABAMA HB 393 (ALABAMA SB 287), STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS.** This bill requires all rules adopted by the Alabama Department of Public Health (ADPH) relating to onsite sewage treatment and disposal systems to be applied uniformly and to focus on performance and functionality rather than requiring material specifications that restrict the use of technology used in this state prior to March 2017. House bill read for the first time 8 FEB 18 and referred to the House Committee on State Government. Senate version read for the first time 8 FEB 18 and referred to the Senate Committee on Health and Human Services.

**ALABAMA HB 408, LEAD REDUCTION ACT AMENDMENT.** This bill amends the Alabama Lead Reduction Act to add definitions, increase regulations relating to lead hazard reductions, increase the authority of the ADPH to conduct lead inspections and enforce the act, and increase penalties for violations of the act. Read for the first time and referred to the House Committee on Health 13 FEB 18.

**ALABAMA HB 416, ALABAMA CONSERVATION AND SECURITY ACT.** This bill empowers the state to preserve water flows and availability and establish additional conservation powers in times of drought and water emergency. It facilitates coordination between water quality and water allocation management, requiring the state to protect the appropriate biological, chemical, and physical integrity of waters by rule. The bill requires the Water Resources Commission to declare a water shortage or emergency under certain conditions, and it establishes a burden of proof for withdrawals of surface or underground water. It authorizes the Office of Water Resources (OWR) to: (1) restrict any term or condition in a certificate of use for the duration of a water shortage or emergency; (2) provide conservation credits to water users that take certain conservation measures during shortages or emergencies; (3) restrict withdrawals for which no certificate is required during a shortage or emergency; and (4) allocate water to and among uses in order to alleviate a shortage or emergency. It also requires the state to preserve environmental flows and levels in all water sources and allows the OWR to establish by rule an environmental flow or level in any water source after consultation with the Alabama Water Resources Council. Read for the first time and referred to the House Committee on Agriculture and Forestry 15 FEB 18.

## ***PROPOSED RULES***

**GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** The Alabama Department of Environmental Management (ADEM) proposes to reissue the [General NPDES Permit ALG640000](#) regulating discharges of filter backwash, sedimentation basin wash water, and decant water from water treatment plants discharging to waters of the state. Discharges from water treatment plants that use ion-exchange or reverse osmosis are not covered by this General Permit. ADEM issued [notice](#) 21 FEB 18, and written comments must be submitted no later than 23 MAR 18.

**SOLID WASTE REGULATION AMENDMENTS.** ADEM proposes to revise portions of [Division 13](#) regulations to incorporate changes to ensure consistency with state and federal statutes; adopt certain state-specific requirements; provide clarification of state requirements for the management of solid waste; and adopt standards for the disposal of coal combustion residuals (CCR) in landfills and surface impoundments as promulgated by the U.S. Environmental Protection Agency (EPA). Additionally, the definition of "municipal solid waste landfill unit" is proposed to be amended in accordance with EPA's Hazardous Waste Generator Improvements Rule ([81 FR 85732](#)). ADEM published a [notice of public hearing](#) on revisions to the solid waste program 2 FEB 18, and comments must be received by ADEM no later than 21 MAR 18.



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

**FLORIDA HB 405, LINEAR FACILITIES DEVELOPMENT.** Under the Florida Electrical Power Plant Siting Act, 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 Senate 21 FEB 18 and ordered enrolled 27 FEB 18.

**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 their 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. Passed the House 21 FEB 18; received by the Senate 28 FEB 18 and referred to Environmental Preservation and Conservation and to Governmental Oversight and Accountability.

**FLORIDA HB 7043 (FLORIDA SB 1402), DREDGE AND FILL PERMITTING AUTHORITY.** Provides the Florida Department of Environmental Protection (FDEP), upon EPA approval, with power and authority to adopt rules to assume and implement a permitting program pursuant to the 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. Passed the House 21 FEB 18 and referred to Senate Committee on Environmental Preservation and Conservation 28 FEB 18.

## ***PROPOSED RULES***

**EXCESS EMISSIONS.** FDEP proposes to amend [Rule 62-210.700, Florida Administrative Code \(F.A.C.\)](#). This will revise the sunset date in subsection 62-210.700(6), F.A.C., relating to excess emissions. FDEP published a [notice of proposed rule](#) 15 FEB 18.

**WASTEWATER FACILITIES OR ACTIVITIES PERMITTING.** FDEP proposes to amend rule [62-620.100](#) to adopt and incorporate by reference modifications to the testing procedures approved for analysis and sampling under the department's NPDES program, Title 40, Code of Federal Regulations, Part 136 (40 CFR 136) effective 1 JUL 17 and revised 28 AUG 17. FDEP published a [notice of proposed rule](#) 21 FEB 18.



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

**GEORGIA HB 332, LAND CONSERVATION.** This bill amends Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, to repeal and reenact Chapter 6A, relating to land conservation. It creates the Georgia Outdoor Stewardship Trust Fund and funding mechanisms for the protection of conservation lands. The bill establishes procedural requirements for approval of project proposals and reporting requirements, and it establishes a board of trustees for the trust fund, with terms of office, meeting requirements, and guidelines for prioritizing project applications. Passed the House 28 FEB 18 and sent to the Senate.

**GEORGIA HB 785, SOLID WASTE MANAGEMENT.** This bill amends Code Section 12-8-22 of the Official Code of Georgia Annotated, relating to definitions associated with solid waste management, to modify certain definitions and enact new definitions. It specifically clarifies the definition of "gasification to fuels and chemicals" and "pyrolysis" as distinct from solid waste handling and thermal treatment of recovered materials. Passed the House 22 FEB 18 and sent to the Senate.

**GEORGIA HB 792, SOLID WASTE SURCHARGES AND HAZARDOUS WASTE FEES.** This bill amends Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, to extend the sunset date for certain solid waste surcharges and hazardous waste fees. Passed the House 15 FEB 18 and sent to the Senate.

**GEORGIA HB 823, NORTH GEORGIA CHEROKEE AS A NATIVE AMERICAN TRIBE.** This bill amends Code Section 44-12-300 of the Official Code of Georgia Annotated, relating to tribes, bands, groups, or communities recognized by the state as legitimate American Indian Tribes, to recognize the North Georgia Cherokee Indians as a legitimate American Indian tribe. Introduced in the House 1 FEB 18.

**GEORGIA HB 884, FLUORIDATION OF PUBLIC WATER SYSTEMS.** This bill amends Code Section 12-5-175 of the Official Code of Georgia Annotated, relating to fluoridation of public water systems, state funds for cost of fluoridation equipment, chemicals, and materials, and tax deduction for fluoride-removing devices, to provide that communities may impose or remove fluoridation by referendum under certain circumstances.

**GEORGIA SB 385, SOLID WASTE DISPOSAL FEES.** This bill amends Code Section 12-8-39 of the Official Code of Georgia Annotated, relating to cost reimbursement fees and surcharges, so as to change the surcharge imposed by host local governments regarding solid waste disposal facilities operated by private enterprises. Passed the Senate 28 FEB 18.

**GEORGIA SB 395, GEORGIA JOINT DEFENSE COMMISSION.** This bill amends Article 10 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Defense Community Economic Development Fund, to create the



Georgia Joint Defense Commission. The Georgia Joint Defense Commission would advise the governor and the General Assembly on defense and military issues within the state and nationally; make recommendations regarding policies and plans to support the long-term viability and development of the military, both active and civilian, in the state; develop methods to assist defense-dependent communities in the design and execution of programs that enhance each community's relationship with military installations and defense-related business; serve as a task force to seek advice on and prepare for potential base realignment or closure of military installations in the state; and develop and implement a plan to navigate potential base realignment or closure of military installations studies and proceedings. Passed the Senate 26 FEB 18 and sent to the House.

### ***REGULATORY REVIEW***

There are no significant regulatory activities to report



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

There are no significant legislative activities to report.

### ***REGULATORY REVIEW***

There are no significant regulatory activities to report



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

**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. Passed the House 6 FEB 18 and sent to the Senate; referred to the Committee on Energy 12 FEB 18.

### ***REGULATORY REVIEW***

There are no significant regulatory activities to report



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

**NORTH CAROLINA HB 189, EMERGING CONTAMINANTS.** This bill requires the Department of Health and Human Services (DHHS) to consult with federal agencies and state universities on the department's process for establishing health goals for per- and polyfluoroalkyl substances. It also requires the North Carolina Department of Environmental Quality

(NCDEQ) to review NPDES permitting requirements and notification processes associated with emerging contaminants. Furthermore, the bill redirects significant funding to NCDEQ for the identification, characterization, and monitoring of emerging contaminants. These redirected funds are to focus on NCDEQ's sampling and analysis capabilities for emerging contaminants as well as to address permitting backlogs. The Senate passed a substitute bill with amendments 9 FEB 18 and sent the bill to the House; the bill was referred to the House Select Committee on North Carolina River Quality.

## ***PROPOSED RULE***

**REVISION OF STARTUP, SHUTDOWN, AND MALFUNCTION.** NCDEQ proposes to adjust the effective date of 15A NCAC 02D .0535 and .0545. In 2016, NCDEQ adopted amendments to 15A NCAC 02D .0535 and new rule 15A NCAC 02D .0545 relating to startup, shutdown and malfunction (SSM) operations. The rules were scheduled to become effective on 18 MAY 18, but the department now proposes to make the rules effective upon EPA approval of North Carolina's State Implementation Plan. NCDEQ filed the [proposed rule](#) 14 FEB 18.



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

**SOUTH CAROLINA HB 4814, MOLD AND MILDEW HAZARDS IN PUBLIC SCHOOLS.** This bill amends the code of laws of South Carolina, 1976, by adding section 59-19-155 requiring the state department of education to adopt rules providing standards and procedures for reporting, inspecting, and abating mold and mildew hazards in public school facilities. It requires school district boards to keep district facilities in good repair and free from mold and mildew hazards, and it requires inspections of public school building interiors for mold and mildew hazards consistent with standards and procedures adopted by the department. Referred to the House Committee on Education and Public Works 31 JAN 18.

**SOUTH CAROLINA HB 4889 (SOUTH CAROLINA SB 981), CONSERVATION EASEMENTS.** This bill amends the code of laws of South Carolina, 1976, by adding section 27-8-85 allowing the holder of a conservation easement to contest an action to condemn property encumbered by a conservation easement under certain circumstances, to provide the procedure for a contested action, and to provide exceptions under certain circumstances. Introduced 8 FEB 18.

**SOUTH CAROLINA HCR 4835 (SOUTH CAROLINA HCR 4887), SUPPORT FOR OFFSHORE DRILLING.** This is a concurrent resolution to express the support of the South Carolina General Assembly to offshore drilling activities off the state's coast and the potential economic and environmental benefits of domestic energy production for the state. Introduced in the House 6 FEB 18.

**SOUTH CAROLINA HCR 4896, PROHIBIT OFFSHORE DRILLING.** This is a concurrent resolution to urge the United States Congress to prohibit seismic surveys or offshore oil and gas drilling off the coast of South Carolina, and to join the members of the South Carolina General Assembly in protecting the beautiful beaches, sea islands, and estuaries of the state from pollution of the air and sea if seismic surveys or offshore oil and gas drilling is allowed to take place off of South Carolina, with a potential negative impact on the quality of life along the coast and a detrimental effect on the tourism industry of the state. Introduced in the House 8 FEB 18 and referred to Committee on Agriculture, Natural Resources, and Environmental Affairs.

## ***REGULATORY REVIEW***

There are no significant regulatory activities to report



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

**TENNESSEE HB 1846, SAFE DRINKING WATER.** This bill amends Tennessee Code Annotated, Section 68-221-720(d), to require schools and local government entities notify parents, guardians, legal custodians, or caregivers of children attending schools of unsafe drinking water at schools. Assigned to Finance, Ways and Means Subcommittee 28 FEB 18.

**TENNESSEE HB 2476 (TENNESSEE SB 2666), WIND ENERGY IMPACTS ON MILITARY OPERATIONS.** This bill urges the Department of Military to study the impacts of wind energy on military installations and operations in the state, such as interference with communication, airspace, and test and training ranges. It requires the department to submit its findings and recommendations within 90 days from the conclusion of the study to the members of the Agriculture and Natural Resources Committee of the House of Representatives and the Energy, Agriculture and Natural Resources Committee of the Senate. Introduced 1 FEB 18 and referred to committee.

**TENNESSEE HB 2538 (TENNESSEE SB 2286), PESTICIDES AND WATER QUALITY.** This bill requires persons who apply pesticides to waters of Tennessee pursuant to the issuance of a national pollutant discharge elimination system permit to post public notice at all affected public swimming areas, boat launches, and boat docks. Introduced 1 FEB 18 and assigned to Agriculture and Natural Resources Subcommittee 7 FEB 18.

**TENNESSEE HB 2565 (TENNESSEE SB 2162), WATER CONSERVATION.** This bill requires the Tennessee Department of Environment and Conservation (TDEC) to develop a plan to protect, manage, and conserve the water supply. Introduced 1 FEB 18 and assigned to Agriculture and Natural Resources Subcommittee 7 FEB 18.

**TENNESSEE SB 2225, INDUSTRIAL WASTE DISPOSAL.** This bill creates a process whereby industrial waste generators must demonstrate that their waste is not hazardous to dispose of in a particular landfill before obtaining permission to do so. Introduced 1 FEB 18 and referred to Energy, Agriculture, and Natural Resources Committee 5 FEB 18.

**TENNESSEE SB 2239, RADIOACTIVE MATERIALS.** This bill narrows the public records exception for records of TDEC concerning radioactive materials to those records that are confidential under federal law, regulation, or guidance, or Nuclear Regulatory Commission regulatory issue summary; classifies as confidential records relating to the location of a historical site or artifact when necessary to prevent damage to the site, artifact, or private property. Introduced 1 FEB 18 and referred to Energy, Agriculture, and Natural Resources Committee 5 FEB 18.

### **REGULATORY REVIEW**

There are no significant regulatory activities to report

## **Federal Activity**

### **AIR**

**ALLOCATIONS OF CROSS-STATE AIR POLLUTION RULE ALLOWANCES FROM NEW UNIT SET-ASIDES FOR 2017.** EPA is providing notice of the availability of data on emission allowance allocations to certain units under the Cross-State Air Pollution Rule (CSAPR) trading programs ([83 FR 7034](#)). EPA has completed calculations for the second round of allocations of allowances from the CSAPR new unit set-asides (NUSAs) for the 2017 control periods to new units and

has posted spreadsheets containing the calculations on EPA's website. In addition to the eligible units identified in the previous notice regarding this round of 2017 NUSA allocations, EPA is allocating allowances to two newly affected units in Wisconsin that were not previously identified as eligible to receive such allocations. EPA has also completed calculations for allocations of the remaining 2017 NUSA allowances to existing units and has posted spreadsheets containing those calculations on EPA's website as well.

**RECLASSIFICATION OF MAJOR SOURCES AS AREA SOURCES UNDER SECTION 112 OF CLEAN AIR ACT.** EPA has issued a guidance memorandum titled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act" ([83 FR 5543](#)). EPA is also withdrawing the memorandum titled "Potential to Emit for MACT Standards—Guidance on Timing Issues." View this guidance memorandum [here](#).

**REPEAL OF CARBON POLLUTION EMISSION GUIDELINES FOR EXISTING STATIONARY SOURCES.** On 16 OCT 17, EPA published a proposal ([82 FR 48035](#)) to announce its intention to repeal the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, commonly referred to as the Clean Power Plan, as promulgated 23 OCT 15. The proposal also requests public comment on the proposed rule. EPA held public hearings 28–29 NOV 17, and extended the public comment period until 16 JAN 18. In response to numerous requests for additional opportunities for the public to provide oral testimony on the proposed rule in more than one location, EPA is announcing that three listening sessions will be held. In addition, EPA will reopen the public comment period until 26 APR 18 ([83 FR 4620](#)).

## ***CLIMATE CHANGE***

**DRAFT INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS: 1990-2016.** EPA has released for review the [Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016](#). This annual report provides a comprehensive accounting of total greenhouse gas emissions for all man-made sources in the United States. Comments were due 9 MAR 18.

## ***ENERGY***

**GSA GOALS AND PERFORMANCE MEASURES TO MANAGE SMART BUILDINGS PROGRAM.** The Government Accountability Office (GAO) has released a [report](#) reviewing the General Services Administration's (GSA) smart buildings program. Two key technologies included in the program are internet-connected advanced utility meters and an analytical software application, GSALink, which alerts staff to potential building system problems, such as equipment operating outside of normal hours. GSA can install GSALink only in buildings whose building automation system operates on GSA's protected network. To date, GSA has upgraded building automation systems to operate on the agency's protected network in approximately 400 buildings. Additional information can be found [here](#).

**ELECTRIC STORAGE PARTICIPATION IN MARKETS.** In advance of publication in the Federal Register, the Federal Energy Regulatory Commission (FERC) has released the [text of a rule](#) that will remove barriers to the participation of electric storage resources in the capacity, energy, and ancillary services markets operated by Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs). In a November 2016 Notice of Proposed Rulemaking, FERC noted that market rules designed for traditional generation resources can create barriers to entry for emerging technologies such as electric storage resources. This final rule helps remove these barriers by requiring each regional grid operator to revise its tariff to establish a participation model for electric storage resources that consist of market rules that recognize the physical and operational characteristics of electric storage resources.

**MARKET PARTICIPATION OF DISTRIBUTED ENERGY RESOURCE AGGREGATIONS.** FERC will hold a technical conference 10-11 APR 18 in Washington, DC, to discuss the participation of distributed energy resource aggregations in RTO and ISO markets, and to more broadly discuss the potential effects of distributed energy resources on the bulk power system ([83 FR 7703](#)). The technical conference will provide for:



- Gathering additional information to help FERC determine what action to take on the distributed energy resource aggregation reforms; and
- Exploring issues related to the potential effects of distributed energy resources on the bulk power system.

**DOE Launches OSTI.GOV.** The Department of Energy (DOE) Office of Scientific and Technical Information (OSTI) has [redesigned](#) its homepage and website so that [OSTI.GOV](#) now serves as the search tool for DOE's research and development results, as well as OSTI's organizational hub. The search tool feature of OSTI.GOV, formerly called SciTech Connect, makes available over 70 years of research results from DOE and its predecessor agencies, including journal articles and related metadata, technical reports, scientific research datasets and collections, scientific software, conference and workshop papers, books and theses, patents, and multimedia.

**GSA COST-EFFECTIVE UPGRADES TOOL.** This GSA [website](#) is designed to help identify upgrades and energy conservation measures that can enhance building sustainability. To help with procurement, reports can be generated to outline upgrades, including their economic benefits.

## ***MISCELLANEOUS***

**CALL FOR NOMINATIONS FOR 2018 FEDERAL ENERGY AND WATER MANAGEMENT AWARDS.** The Federal Energy Management Program (FEMP) has [issued](#) a call for nominations for 2018 Federal Energy and Water Management Awards. These awards honor outstanding federal agency achievements in energy, water, and fleet management. All nominations must be submitted to FEMP's Awards Nomination website by 26 APR 18. More information can be found on FEMP's Federal Awards webpage, including the 2018 Criteria and Guidelines document. FEMP plans to announce the winners in July 2018 and host a ceremony for the winners in Washington, DC, in fall 2018.

## ***NATURAL RESOURCES***

**LIST OF CRITICAL MINERALS.** The U.S. Secretary of the Interior has released a [draft list](#) of 35 mineral commodities deemed critical under the definition provided in Executive Order 13817 issued 20 DEC 17, "A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals" ([83 FR 7065](#)).

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

**OCEANIC WHITETIP SHARK LISTING.** The National Marine Fisheries Service (NMFS) has issued a final rule listing the oceanic whitetip shark (*Carcharinus lonigmanus*) as threatened ([83 FR 4153](#)). NMFS has concluded that critical habitat cannot be determined at this time because data is insufficient to perform the required analyses. NMFS solicits information on habitat features and areas in U.S. waters that may meet the definition of critical habitat for the oceanic whitetip shark.

**PERMITS FOR ACTIVITIES TO ENHANCE PROPAGATION OR SURVIVAL OF ENDANGERED OR THREATENED SPECIES.** FWS is requesting comments by 26 MAR 18 on applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species ([83 FR 8098](#)). Federal law prohibits certain activities with endangered species unless a permit is obtained.

## ***TOXICS***

**RECORDKEEPING REQUIREMENTS FOR PRODUCERS, REGISTRANTS AND APPLICANTS OF PESTICIDES AND PESTICIDE DEVICES.** EPA plans to submit an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. ([83 FR 6176](#)). The ICR (EPA ICR No. 0143.13, OMB Control No. 2070-0028) is on Recordkeeping Requirements for Producers, Registrants and Applicants of Pesticides and Pesticide Devices under Section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act. EPA is soliciting public

comments on specific aspects of the ICR. This is a proposed extension of the ICR, which is currently approved through 30 SEP 18. Comments are due 16 MAR 18.

**2018 ANNUAL REPORT ON RISK EVALUATIONS UNDER TSCA.** EPA has [issued](#) the second annual report on risk evaluations as required under the amended Toxic Substances Control Act (TSCA). The [2018 Annual Report on Risk Evaluations Under TSCA](#) identifies the next steps for the first 10 chemical reviews currently underway and describes EPA's work in 2018 to prepare for future risk evaluations. By 22 DEC 19, EPA will have designated 20 substances as Low-Priority and initiated risk evaluations on 20 High-Priority substances. To support these risk evaluations and other key aspects of TSCA implementation, EPA has made available a prepublication copy of a [proposed](#) TSCA fees rule. The proposed fees on certain chemical manufacturers, including importers, would go toward: (1) developing risk evaluations for existing chemicals; (2) collecting and reviewing toxicity and exposure data and information; (3) reviewing confidential business information; and (4) making determinations regarding the safety of new chemicals before they enter the marketplace.

## **WASTE**

**OTHER TREATED RAILROAD TIES AS CATEGORICAL NON-WASTE FUELS.** EPA amended the [Non-Hazardous Secondary Materials](#) regulations, which generally established standards and procedures for identifying whether non-hazardous secondary materials are solid wastes when used as fuels or ingredients in combustion units ([83 FR 5317](#)). EPA previously listed particular non-hazardous secondary materials as "categorical non-waste fuels," provided certain conditions are met ([78 FR 9112](#)). This final rule adds the following other treated railroad ties to the categorical non-waste fuel list: processed creosote-borate, copper naphthenate, and copper naphthenate-borate treated railroad ties, under certain conditions depending on the chemical treatment. This rule is effective 7 FEB 18.

**IDENTIFICATION AND LISTING OF HAZARDOUS WASTE CFR CORRECTION.** Title 40 of the Code of Federal Regulations (CFR), Parts 260 to 265, revised as of 1 JUL 17, on page 64, in § 261.6, paragraph (a)(2)(iv) is reinstated to read: "Spent lead-acid batteries that are being reclaimed (40 CFR part 266, subpart G)" ([83 FR 5340](#)).

**VERY LOW-LEVEL RADIOACTIVE WASTE SCOPING STUDY.** The Nuclear Regulatory Commission (NRC) is conducting a "very low-level radioactive waste" (VLLW) scoping study to identify possible options to improve and strengthen NRC's regulatory framework for the disposal of the anticipated large volumes of VLLW associated with the decommissioning of nuclear power plants and material sites, or other causes ([83 FR 6619](#)). Additionally, NRC plans to evaluate regulatory options that could define the conditions under which VLLW, including mixed waste, could be disposed of in Resource Conservation and Recovery Act (RCRA) hazardous waste facilities. Comments are due 15 MAY 18.

## **WATER**

**MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS FOR DISCHARGES INTO MARINE WATERS.** EPA has submitted an information collection request, "Modification of Secondary Treatment Requirements for Discharges into Marine Waters" (EPA ICR No. 0138.11, OMB Control No. 2040-0088) to OMB for review and approval ([83 FR 6018](#)). Public comments were previously requested via the Federal Register on 29 JUN 17, during a 60-day comment period. This notice allows for an additional 30 days for public comments. Comments were due 14 MAR 18.

**CLEAN WATER ACT COVERAGE OF DISCHARGES OF POLLUTANTS VIA DIRECT HYDROLOGIC CONNECTION TO SURFACE WATER.** EPA is requesting comment on EPA's previous statements regarding the Clean Water Act (CWA) and whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to CWA regulation ([83 FR 7126](#)). EPA is requesting comments on whether the agency should consider clarification or revision of those statements; and if so, comment on how clarification or revision should be provided. Comments are due 21 MAY 18.

# Department of Defense Activity

**DOD FREEDOM OF INFORMATION ACT (FOIA) PROGRAM.** DOD has issued a final rule revising the Freedom of Information Act (FOIA) regulation to incorporate the provisions of the Open Government Act of 2007 and the FOIA Improvement Act of 2016 ([83 FR 5196](#)). The revised regulation takes precedence over all DOD Component issuances that supplement and implement the DOD FOIA Program.

**PROCESSING REQUESTS TO ALTER U.S. ARMY CORPS OF ENGINEERS CIVIL WORKS PROJECTS.** The Army Corps of Engineers (USACE) has released a [draft Engineer Circular](#) (policy document) addressing how USACE will process requests by others to alter a USACE civil works project. For example, other entities may want to alter a civil works project to increase recreational opportunities; improve flood risk management; or construct a road, transmission line, or pipeline across a civil works project. The purpose of the Section 408 review is to ensure that the congressionally authorized purpose and benefits of a civil works project are protected and maintained (e.g., flood risk management, navigation, coastal storm damage reduction) and to ensure what is being proposed is not injurious to the public interest.

**REQUEST FOR PROPOSALS FOR BENEFICIAL USE OF DREDGED MATERIAL.** USACE has requested proposals for beneficial use of dredged material projects ([83 FR 5763](#)). USACE is required to carry out the pilot program in consultation with relevant state agencies and to establish regional beneficial use teams to identify and assist in the implementation of projects. Projects identified under Section 1122 must maximize the beneficial placement of dredged material from federal and non-federal navigation channels and incorporate, to the maximum extent practicable, two or more federal navigation, flood control, storm damage reduction, or environmental restoration projects. Implementation must foster federal, state, and local collaboration; implement best practices to maximize the beneficial use of dredged sand and other sediments; and ensure environmental compliance.

**CLIMATE RISKS TO MILITARY INFRASTRUCTURE.** In January, DOD's Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics released a comprehensive new survey of climate change-related risks to military infrastructure worldwide. The study, [Climate-Related Risk to DOD Infrastructure Initial Vulnerability Assessment Survey \(SLVAS\) Report](#), is a response to a congressional request from 2016. The vulnerability assessment, based on a qualitative survey of military personnel at each site, does not offer specific cost estimates related to these vulnerabilities, but it does paint a picture of current climate change-related risks to military installations both at home and abroad, with approximately half of sites reporting damage from flooding due to storm surge; flooding due to non-storm surge events (e.g., rain, snow, sleet, ice, river overflow); extreme temperatures (both hot and cold); wind; drought; and wildfire. A news report about the survey is available [here](#).

**SUSTAINING MILITARY READINESS CONFERENCE.** DOD requires flexible and unencumbered air, land, sea, and electromagnetic spectrum resources to support the military's current and future mission requirements. However, the department faces a number of existing and emerging threats from competing interests in many of these same resources. To ensure mission success, DOD must work with its partners to promote the compatible use of existing testing, training, and operational resources. The [Sustaining Military Readiness Conference](#), 13-16 AUG 18, in St. Louis, Missouri, provides a forum to share lessons learned and best practices to support military readiness and enhance DOD's capabilities.

# 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.

**STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM (SERDP) AND ENVIRONMENTAL SECURITY TECHNOLOGY CERTIFICATION PROGRAM (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 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. 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).

**WATER/WASTEWATER UTILITY ALL-HAZARDS BOOTCAMP TRAINING (ONLINE).** Hosted by EPA, this [training course](#) is designed for water and wastewater employees responsible for emergency response and recovery activities. It also explains why and how to implement an all-hazards program, and will cover prevention and mitigation, preparedness, response, and recovery.

## ***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](#).

