



Southern Review of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

April 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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ARMY RECOGNIZES ENVIRONMENTAL SUCCESSSES

Each year the Army accepts nominations in nine categories and selects those installations and organizations that have excelled in program management, technical merit, supporting the military mission, transferring lessons learned and involving installation personnel, residents and local community in their environmental program.

The Secretary of the Army Environmental Awards Program winners within the Southern Region recognized for their successes during fiscal years 2016-2017 are:

- North Carolina Army National Guard for green operations at their Field Maintenance Shop #1 in Asheville, including reductions in both hazardous and universal waste, the implementation and hosting of new environmental training, and material inventory innovations; and
- Program Executive Office for Aviation's Cargo Helicopter System Safety Environmental Working Group, Redstone Arsenal, Alabama, for eliminating hexavalent chromium, improving the rotor system to eliminate chromium plating, replacing ozone-depleting substances, and minimizing the use of other hazardous material.

Winners from other regions are:

- Fort Hood, Texas,
- Hawaii Army National Guard,
- Pennsylvania Army National Guard,
- Utah Army National Guard,
- Ohio Army National Guard, and
- Minnesota Army National Guard.

Army winners will compete against other military services in the Secretary of Defense competition. Department of Defense winners will be announced later in April.

Excerpted from [March 2018 Army.mil article](#)

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 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. Passed the House 22 MAR 18. Enrolled and sent to the governor 27 MAR 18.

PROPOSED RULE

AIR DIVISION RULES AND STATE IMPLEMENTATION PLAN. The Alabama Department of Environmental Management (ADEM) proposes to amend [Division 3](#) of the Administrative Code Rules. These proposed revisions incorporate by reference changes to the U.S. Environmental Protection Agency's (EPA's) New Source Performance Standards (NSPS), and National Emissions Standards for Hazardous Air Pollutants (NESHAPs). Proposed revisions to Chapter 335-3-8 incorporate title changes to be consistent with EPA's Cross State Air Pollution Rules (CSAPR). Proposed revisions to Chapter 335-3-14 clarify the definition of replacement units. ADEM also proposes to revise state plans to control landfill gas emissions at existing municipal solid waste landfills. ADEM published a [notice of public hearing](#) for proposed revisions 25 MAR 18, and comments are due 11 MAY 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. Signed by officers of the Florida Legislature 9 MAR 18; approved by the governor 19 MAR 18; and enacted into state law ([Chapter No. 2018-34](#)) 21 MAR 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 Senate 9 MAR 18; presented to the governor 26 MAR 18.

FLORIDA HB 1149, ENVIRONMENTAL REGULATIONS. The bill requires the Florida Department of Environmental Protection (FDEP) to revise the water resource implementation rule to create criteria for an impact offset or substitution credit to be applied to the issuance, renewal, or extension of a consumptive use permit (CUP) or to address additional water resource constraints imposed by the adoption of a recovery or prevention strategy. It encourages the development of aquifer recharge for reuse implementation. The bill also requires local governments to address the contamination of recyclable material in contracts with residential recycling collectors and recovered materials processing facilities. Further, it creates an incentive-based program to assist public and private utilities in limiting sanitary sewer overflows and the unauthorized discharge of pathogens. Passed the House 5 MAR 18; passed the Senate and ordered enrolled 9 MAR 18; presented to the governor 26 MAR 18. Vetoed by the governor 6 APR 18.

FLORIDA HB 1151 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. Passed the House 2 MAR 18; passed the Senate and ordered enrolled 9 MAR 18; presented to the governor 26 MAR 18. Approved by the governor 6 APR 18.

FLORIDA HB 1173, LANDS USED FOR GOVERNMENTAL PURPOSES. The bill adds additional procedures for the selection of lands under the Military Base Protection Program 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. Passed the House 5 MAR 18; passed the Senate with amendments 7 MAR 18; passed the House as amended and ordered enrolled 8 MAR 18; presented to the governor 26 MAR 18. Approved by the governor 6 APR 18.

FLORIDA HB 7043, 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 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 Senate and ordered enrolled 8 MAR 18; presented to the governor 14 MAR 18. Approved by the governor 23 APR 18 and enacted into state law ([Chapter No. 2018-88](#)) 21 MAR 18.

PROPOSED RULES

WATER SUPPLY WELLS. The St. Johns River WMD proposes a rulemaking to clarify that wells that supply water to public water systems not covered or included in the Florida Safe Drinking Water Act are included in the definition of [Public Water Supply Well](#) and require applicants or water well contractors applying for a permit to submit complete well completion reports, which will allow the district to more efficiently and effectively protect and manage the water resources. WMD published a [notice of proposed rule](#) 14 MAR 18.

WATER QUALITY MONITORING AND VERIFICATION. FDEP proposes a rule regarding [water quality monitoring and verification](#) requirements for nonpoint source dischargers that chose to monitor water quality in lieu of implementing adopted best management practices and related enforcement procedures. FDEP published a [notice of development of rulemaking](#) 27 MAR 18.



2018 LEGISLATIVE SESSION: 8 JAN THROUGH 2 MAR

GEORGIA HB 332, LAND CONSERVATION. This bill 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 Senate with amendment 27 MAR 18; the House agreed to the Senate amendment 29 MAR 18 and sent the bill to the governor 6 APR 18.

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 Senate with amendment 29 MAR 18; the House agreed to the Senate amendment 29 MAR 18 and sent the bill to the governor 5 APR 18.

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 Senate with amendment 29 MAR 18; the House agreed to the Senate amendment 29 MAR 18 and sent the bill to the governor 4 APR 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 House with amendment 15 MAR 18; the Senate agreed to the House amendment 29 MAR 18 and sent the bill to the governor 5 APR 18.

PROPOSED RULES

AIR QUALITY CONTROL PERMIT FEES. The Georgia Environmental Protection Division (EPD) proposes amendments to the rules for air quality control regarding permit application fees. The Permit Fee provision is being revised to introduce permit application fees effective 1 MAR 19, specify the dollar-per-ton rate, and reference the permit fee manual for calendar year 2017 fees. EPD filed the [proposed rule](#) 8 MAR 18.

AIR RULE AMENDMENTS. EPD proposes new [air rule amendments](#) regarding air quality permitting requirements and Title V implementation. EPD proposes to revise the permitting requirements rule to remove "Additional Provisions for Ozone Non-Attainment Areas for Counties that were Formerly Part of the 1-hour Ozone Non-Attainment Area" (NAA NSR Rule) from Georgia Rules. The NAA NSR Rule is no longer required since this area has been re-designated to attainment and EPA has revoked the 1-hour ozone standard. EPD proposes to revise the Title V implementing rule to increase major source permitting thresholds for the 13 formerly severe counties from 25 tons per year (tpy) to 100 tpy of nitrogen oxides and volatile organic compounds. The provisions of the NAA NSR Rule are no longer required since the area has been re-designated to attainment and EPA has revoked the 1-hour ozone standard. EPD filed the [proposed rule](#) 8 MAR 18.

FINAL RULES

COASTAL MANAGEMENT. The Georgia Department of Natural Resources (DNR), Coastal Resources Division, received federal approval of recent changes to enforceable policies of the federally approved [Georgia Coastal Management Program](#), including the Game and Fish Code (Title 27) and DNR Rules and Regulations (Chapters 391-2-4, 391-4-2, 391-4-3, 391-4-7, 391-4-9, 391-4-10, and 391-4-14). The National Oceanic and Atmospheric Administration, Office of Coastal Management, [approved the changes](#) 2 MAR 18.

ENHANCED INSPECTION AND MAINTENANCE. EPD [amended rules](#) for enhanced inspection and maintenance, effective 28 MAR 18. EPD filed the final rule 8 MAR 18.

SOLID WASTE MANAGEMENT. EPD [amended rules](#) regarding solid waste management (Chapter 391-3-4), effective 28 MAR 18. EPD filed the final rule 8 MAR 18.



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 (USTs) 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 Senate 6 MAR 18 and approved by the governor 19 MAR 18.

MISSISSIPPI HB 1681, WASTEWATER TREATMENT FOR NAVAL AIR STATION MERIDIAN. The bill authorizes the governing authorities of the City of Meridian, Miss., to provide wastewater treatment services to Naval Air Station Meridian, which is located outside the corporate limits of the City of Meridian. Passed the House 15 MAR 18; passed the Senate 24 MAR 18; sent to the governor 27 MAR 18.

PROPOSED RULES

HAZARDOUS WASTE MANAGEMENT. The Mississippi Department of Environmental Quality (MDEQ) has proposed to amend the present regulations to include the Generator Improvements Rule promulgated by EPA on 28 NOV 16. MDEQ filed the [proposed rule](#) 1 MAR 18.

TITLE V PERMIT FEE. MDEQ received public comment 2 MAR 18 to 5 APR 18 regarding the proposed Title V Permit fee for 1 SEP 18 through 31 AUG 19. MDEQ issued [public notice](#) 2 MAR 18.



2018 LEGISLATIVE SESSION: 10 JAN THROUGH 1 JUL

There are no significant legislative activities to report.

PROPOSED RULE

WATER POLLUTION CONTROL SYSTEMS OPERATOR CERTIFICATION. The Water Pollution Control Systems Operator Certification Commission of the North Carolina Department of Environmental Quality (NCDEQ) proposes to amend commission rules that primarily include efforts to correct technical and typographical errors, clarify the rules' understandability, and reduce burden on the regulated community by becoming less restrictive and allowing greater flexibility in licensing eligibility. The commission published the [proposed rule](#) 15 MAR 18.

WATER TREATMENT FACILITY OPERATOR CERTIFICATION. The Water Treatment Facility Operator Certification Board proposes to readopt with substantive changes the [rules](#) governing water treatment facility operators. Draft changes were initiated either from comments received or per recommendations from a board subcommittee that was tasked with improving the rule language. The board published the [proposed rule](#) 15 MAR 18.

FINAL RULE

HAZARDOUS WASTE MANAGEMENT. NCDEQ adopted rules, effective 1 MAR 18, to incorporate new federal regulations in the state's [Hazardous Waste Management rules](#). The Rules Review Commission approved the rules 15 FEB 18, as [published](#) in the North Carolina Register 15 MAR 18.

GUIDANCE DOCUMENTS

UPDATED VAPOR INTRUSION GUIDANCE. The NCDEQ Division of Waste Management (DWM) has developed [guidance](#) for environmental professionals and internal staff to assist in the investigation and evaluation of vapor intrusion at contaminated sites. This guidance is applicable anywhere a vapor intrusion investigation is warranted by a program in

DWM, except for the UST Section. DWM also released information about updated residential and non-residential vapor intrusion screening levels.



2018 LEGISLATIVE SESSION: 9 JAN THROUGH 7 JUN

There are no significant legislative activities to report.

PROPOSED RULE

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS. The South Carolina Department of Health and Environmental Control (DHEC) proposes to amend [Regulation 61-62](#), Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan. DHEC published the [proposed rulemaking](#) 23 MAR 18, and comments must be received no later than 23 APR 18.



2018 LEGISLATIVE SESSION: 9 JAN THROUGH 16 APR

TENNESSEE SB 2239, RADIOACTIVE MATERIALS. This bill narrows the public records exception for records of the Tennessee Department of Environment and Conservation (TDEC) concerning radioactive materials to those records that are confidential under federal law, regulation, or guidance, or Nuclear Regulatory Commission regulatory issue summary. It also 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. Passed the Senate 5 MAR 18; passed the House 12 MAR 18; signed by the governor 2 APR 18.

PROPOSED RULE

UST REMEDIATION DISCHARGES. TDEC Division of Water Resources proposes to issue a General NPDES permit for discharges of treated groundwater associated with UST remediation, Permit Number TNG830000, applicable to all locations in the state of Tennessee. The draft permit will replace the current permit that expires on 31 MAY 18. TDEC issued [notice](#) 20 MAR 18.

Federal Activity

AIR

VOC EMISSIONS FACTORS FOR FLARES. EPA took final action 5 FEB 18 on its review of the existing VOC emissions factor for flares at natural gas production sites pursuant to section 130 of the Clean Air Act. While the review did not result in a revision to this existing VOC emissions factor, EPA issued new total hydrocarbon (THC) emissions factors for enclosed ground flares based on the available flare data ([83 FR 9313](#)). The new THC emissions factors were applicable 5 MAR 18.

PROTECTION OF STRATOSPHERIC OZONE. EPA received adverse comment on the direct final rule, "Protection of Stratospheric Ozone: Revision to References for Refrigeration and Air Conditioning Sector to Incorporate Latest Edition of Certain Industry, Consensus-based Standards," published 11 DEC 17 ([82 FR 58122](#)). Therefore, the agency withdrew that direct final rule effective 7 MAR 18 ([83 FR 9703](#)). EPA will address all significant comments in any subsequent final action, which would be based on the parallel proposed rule also published on 11 DEC 17 ([82 FR 58154](#)). There will not be a second comment period on this action.

IMPLEMENTATION OF 2015 NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE. In this final rule ([83 FR 10376](#)), effective 8 MAY 18, EPA established the air quality thresholds that define the classifications assigned to all nonattainment areas for the 2015 ozone national ambient air quality standards promulgated on 1 OCT 15. This final rule also established the timing of attainment dates for each nonattainment area classification.

GUIDANCE MEMORANDUM ON NEW SOURCE REVIEW PRECONSTRUCTION PERMITTING. EPA issued the guidance memorandum, "Project Emissions Accounting under the New Source Review Preconstruction Permitting Program," 13 MAR 18, which may be viewed [here](#) ([83 FR 13745](#)). The memorandum addresses the accounting of emissions changes resulting from a project under Step 1 of the New Source Review (NSR) applicability process in the EPA regulations. Step 1 of the NSR applicability process requires a determination of whether a proposed project will, by itself, result in a significant emissions increase.

MARINE RESOURCES

TAKING MARINE MAMMALS INCIDENTAL TO U.S. NAVY TRAINING AND TESTING ACTIVITIES. National Marine Fisheries Service (NMFS) has received a request from the U.S. Navy for authorization to take marine mammals incidental to training and testing activities conducted in the Atlantic Fleet Training and Testing Study Area ([83 FR 10954](#)). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments no later than 26 APR 18 on its proposal to issue regulations and subsequent letters of authorization to the Navy to incidentally take marine mammals during the specified activities. NMFS will consider public comments prior to issuing any final rule and agency responses to public comments will be summarized in the final decision. The Navy's activities qualify as military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004.

TAKING MARINE MAMMALS INCIDENTAL TO CONFINED BLASTING OPERATIONS BY U.S. ARMY CORPS OF ENGINEERS. NMFS has received a request from the U.S. Army Corps of Engineers, Jacksonville District, for authorization to take marine mammals incidental to confined blasting in the East Channel of the Big Bend Channel in Tampa Harbor, Tampa, Fla. ([83 FR 11968](#)). Pursuant to the MMPA, NMFS is requesting comments no later than 18 APR 18 on its proposal to issue an incidental harassment authorization to incidentally take marine mammals during the specified activities. NMFS will consider public comments prior to making any final decision and agency responses will be summarized in the final decision.

BIOLOGICAL OPINION ON CHLORPYRIFOS, DIAZINON, AND MALATHION. EPA is seeking comment on the final Biological Opinion issued by NMFS under the Endangered Species Act (ESA) regarding the potential effects of chlorpyrifos, malathion, and diazinon on federally listed threatened or endangered species and their designated critical habitats ([83 FR 12754](#)). Comments must be received no later than 22 MAY 18.

MISCELLANEOUS

EPA STRATEGIC PLAN. In February, EPA [released](#) its [FY 2018-2022 Strategic Plan](#). According to the plan, EPA intends to focus on accelerating the cleanup pace for Superfund sites and meeting its statutory requirements and mandatory deadlines in the Toxic Substances Control Act (TSCA) to ensure agency reviews are efficient, effective, and transparent, among other efforts.

NATURAL RESOURCES

FIVE-YEAR STATUS REVIEWS ON ENDANGERED AND THREATENED WILDLIFE AND PLANTS. The Fish and Wildlife Service (FWS) is initiating five-year status reviews of eight species under ESA ([83 FR 10737](#)). A five-year review is an assessment of the best scientific and commercial data available at the time of the review, and FWS is requesting information that has become available since the last reviews of the following species:

- Coqui llanero (*Eleutherodactylus juanariveroi*) (frog species)
- Carolina heelsplitter (*Lasmigona decorata*) (freshwater mussel species)
- Hell Creek Cave crayfish (*Cambarus zophonastes*)
- *Aristida chaseae* (no common name)
- Pelos del diablo (*Aristida portoricensis*)
- Smooth coneflower (*Echinacea laevigata*)
- Cooley's meadowrue (*Thalictrum cooley*)
- Louisiana quillwort (*Isoetes louisianensis*)

FWS must receive comments or information for the reviews on or before 11 MAY 18.

NEPA

ENVIRONMENTAL IMPACT STATEMENT FOR AIR FORCE RESERVE COMMAND F-35A OPERATIONAL BEDDOWN. The U.S. Air Force is issuing notice to advise the public of the intent to prepare an Environmental Impact Statement (EIS) for the Air Force Reserve Command (AFRC) F-35A Operational Beddown ([83 FR 12568](#)). The EIS will assess the environmental consequences that could result from the beddown and operation of 24 Primary Aerospace Vehicles Authorized (PAA) F-35A aircraft with 2 Backup Aircraft Inventory (BAI), facility and infrastructure development, and personnel changes at a military base in the continental United States where the AFRC conducts a global precision attack mission. The AFRC F-35A mission includes the beddown and operation of one squadron of 24 PAA F-35A aircraft with 2 BAI. The 24 PAA AFRC F-35A aircraft with 2 BAI would replace either 24 AFRC F-16 aircraft at Homestead Air Reserve Base (ARB) or Naval Air Station (NAS) Fort Worth Joint Reserve Base (JRB); or 24 AFRC A-10 aircraft at Davis-Monthan Air Force Base (AFB) or Whiteman AFB. The U.S. Air Force has identified NAS Fort Worth JRB as the preferred alternative, and Davis-Monthan AFB, Homestead ARB, and Whiteman AFB as reasonable alternatives. Along with the No Action Alternative, all four bases will be evaluated as alternatives in the EIS. The U.S. Navy is a Cooperating Agency to the U.S. Air Force for this EIS.

PROGRAMMATIC ENVIRONMENTAL ASSESSMENT FOR BRIGADE COMBAT TEAM CONVERSION AND STATIONING. The Department of the Army has completed a Programmatic Environmental Assessment (PEA) analyzing the proposed conversion of an Infantry Brigade Combat Team (IBCT) at Fort Carson, Colo., into an Armored Brigade Combat Team (ABCT) and the stationing of that newly converted ABCT at one of five Army installations: Fort Carson; Fort Bliss, Texas; Fort Hood, Texas; Fort Riley, Kan.; or Fort Stewart, Ga. The Army is making the PEA and a draft Finding of No Significant Impact (FONSI) available for public comment ([83 FR 13739](#)), with comments due no later than 29 APR 18. The PEA does not identify significant environmental impacts from any of the alternatives under the proposed action. The draft FONSI concludes that preparation of an EIS is not required, and therefore will not be prepared.

TOXICS

NATIONAL LEADERSHIP SUMMIT—PFAS. EPA [announced](#) it will convene a National Leadership Summit to take action on per- and polyfluoroalkyl substances (PFAS) in Washington, D.C., 22-23 MAY 18. During the summit, participants will work together to:

- Share information on ongoing efforts to characterize risks from PFAS and develop monitoring and treatment/cleanup techniques;
- Identify specific near-term actions, beyond those already underway, that are needed to address challenges currently facing states and local communities; and
- Develop risk communication strategies to address public concerns with PFAS.

Following the summit, EPA will travel to states with communities impacted by PFAS to further engage on ways the agency can best support the work being done at the state, local, and tribal levels. Using information from the National Leadership Summit and community engagement, EPA plans to develop a PFAS Management Plan for release later in 2018.

PFAS FACT SHEETS. The Interstate Technology and Regulatory Council (ITRC) has developed six fact sheets to summarize the latest science and emerging technologies for PFAS. The fact sheets are tailored to the needs of state regulatory program personnel who are tasked with making informed and timely decisions regarding PFAS-impacted sites. The content is also useful to consultants and parties responsible for the release of these contaminants, as well as public and tribal stakeholders. The fact sheets in the series are:

- Naming Conventions and Physical and Chemical Properties;
- Regulations, Guidance, and Advisories;
- History and Use;
- Environmental Fate and Transport;
- Site Characterization Tools, Sampling Techniques, and Laboratory Analytical Methods; and
- Remediation Technologies and Methods.

Click [here](#) to view links for the ITRC PFAS fact sheets.

OCCUPATIONAL EXPOSURE TO BERYLLIUM. The Occupational Safety and Health Administration (OSHA) [announced](#) it will start enforcement of the [final rule on occupational exposure to beryllium](#) in general industries, construction, and shipyards on 11 MAY 18. This timeframe will ensure that stakeholders are aware of their obligations, and that OSHA provides consistent instructions to its inspectors. The start of enforcement had previously been set for 12 MAR 18. In [January 2017](#), OSHA issued new comprehensive health standards addressing exposure to beryllium in all industries. In response to feedback from stakeholders, the agency is considering technical updates to the January 2017 general industry standard, which will clarify and simplify compliance with requirements. On 11 MAY 18, OSHA will begin enforcing the new lower 8-hour permissible exposure limit (PEL) and short-term (15-minute) exposure limit (STEL) for construction and shipyard industries.

CERTAIN NEW CHEMICALS OR SIGNIFICANT NEW USES. Section 5(g) of TSCA requires EPA to publish a statement of findings after its review of TSCA section 5(a) notices when EPA finds that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. EPA presented statements of findings on TSCA section 5(a) notices from 1 DEC 17 to 31 DEC 17 ([83 FR 10476](#)) and 1 JAN 18 to 31 JAN 18 ([83 FR 13126](#)).

TSCA ALTERNATIVE TESTING METHODS DRAFT STRATEGIC PLAN. Pursuant to TSCA section 4(h)(2)(A), EPA is developing a strategic plan to promote the development and implementation of alternative test methods and strategies to reduce, refine, or replace vertebrate animal testing ([83 FR 10717](#)). The draft strategic plan will be available for comment until 26 APR 18; EPA also held a public meeting 10 APR 18 to obtain input on the draft strategic plan. Information obtained will be considered in EPA's development of the final strategic plan, which is required to be completed and published in June 2018.

WASTE

AEROSOL CANS AS UNIVERSAL WASTE. EPA proposes to add hazardous waste aerosol cans to the universal waste program under the federal Resource Conservation and Recovery Act regulations ([83 FR 11654](#)). This proposed change is intended to provide a clear, protective system for managing discarded aerosol cans. EPA expects the streamlined universal waste regulations to ease regulatory burdens on retail stores and others that discard aerosol cans, promote the collection and recycling of these cans, and encourage the development of municipal and commercial programs to divert these wastes from municipal solid waste landfills or combustors. Comments must be received no later than 15 MAY 18.

Department of Defense Activity

REPI REPORT TO CONGRESS. DOD's Readiness and Environmental Protection Integration (REPI) Program [announced](#) that the [2018 REPI Report to Congress](#) is now available. The report summarizes and reviews the achievements of the REPI Program through fiscal year (FY) 2017. According to the report, in its 15-year lifespan, the REPI Program has protected 516,413 acres in 93 locations across 31 states. In conjunction with the release of the report, the program also updated the [state fact sheets](#), which provide an overview of REPI activities, installation case studies, and DOD economic impact within states that have REPI projects.

DOD RESTRUCTURES ITS ACQUISITION, TECHNOLOGY, AND LOGISTICS ORGANIZATION. DOD [announced](#) it has restructured its [acquisition, technology and logistics organization](#) into two organizations: Acquisition and Sustainment, and Research and Engineering, each with an under secretary. The reorganization was mandated by Congress in the FY 2017 National Defense Authorization Act. As legislated by Congress, in addition to its primary responsibilities, the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, has oversight responsibilities for military installations and their environment and operational energy plans and programs.

DOD MANAGEMENT OF ENERGY COMMODITIES. The Office of the Under Secretary of Defense for Acquisition and Sustainment reissued DOD Manual (DODM) 4140.25, DOD Management of Energy Commodities, which is composed of several volumes, each with its own purpose. The manual implements policy, assigns responsibilities, and provides procedures for the supply chain management, quality assurance and quality surveillance, and storage of energy commodities and related services. [Volume 1](#) provides an overview and functional introduction to DOD energy commodities management, addressing basic management approaches, organizational responsibilities, energy management information systems, and alternative fuels programs. All 12 volumes to the reissued DODM 4140.25, effective 2 MAR 18, are available electronically through the DOD [Executive Services Directorate](#).

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 Interservice Environmental Education Review Board (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 U.S. Department of Energy (DOE) audiences. Prior presentations are archived for viewing anytime. 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](#)

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 DOE's 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.

INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL (ITRC) TRAINING (ONLINE). 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](#).

