



Southern Review

of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

February 2019

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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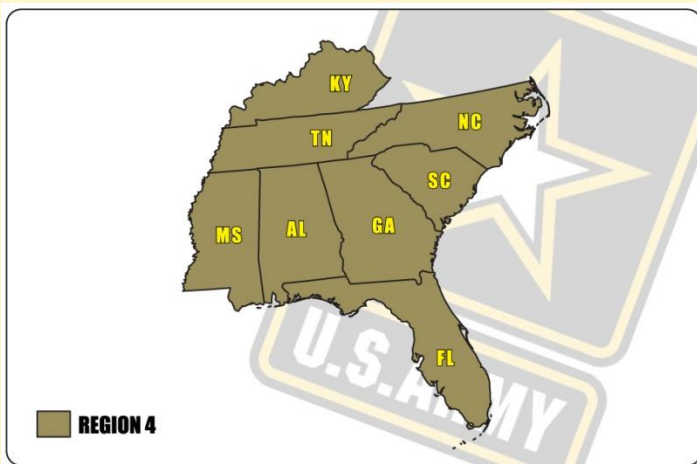


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BEEHLER CONFIRMED As ASA (IE&E)

Alex A. Beehler was confirmed by the U.S. Senate on Jan. 2, 2019 and sworn in as the 16th assistant secretary of the U.S. Army for Installations, Energy and Environment (ASA (IE&E)) on Jan. 10, 2019.

As ASA (IE&E), he is the primary advisor to the Secretary of the Army and Chief of Staff of the Army for all matters related to Army installation policy and oversight, and coordination of energy security and management. In addition, he is responsible for policy and oversight of sustainability and environmental initiatives; resource management, including design, military construction, operations and maintenance; Base Realignment and Closure; privatization of the Army real estate portfolio, and installations' Safety and Occupational Health programs.

According to his [biography](#), Mr. Beehler previously served from 2004 to 2009, in the Office of Under Secretary of Defense for Installations and Environment, first as the Assistant Deputy for Environment, Safety and Occupational Health, then Principal Deputy, and Acting Deputy Under Secretary. In those capacities, Mr. Beehler served as the principal assistant and advisor for all environmental, safety and occupational health policies and programs in the Department of Defense. Those programs included cleanup at active and closing bases, compliance with environmental laws, conservation of natural and cultural resources, pollution prevention, environmental technology, fire protection, safety and explosive safety, and pest management and disease control for defense activities worldwide. He also was the first Chief Sustainability Officer of the Department of Defense.

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.



2019 LEGISLATIVE SESSION: 25 MAR THROUGH 23 MAY

There are no significant legislative activities to report.

REGULATORY ACTIVITIES

There are no significant regulatory activities to report.



2019 LEGISLATIVE SESSION: 5 MAR THROUGH 3 MAY

FLORIDA HB 141, WATER QUALITY IMPROVEMENTS. This bill amends the [Land Acquisition Trust Fund, s. 375.041](#) by providing appropriation for certain projects related to the Indian River Lagoon Comprehensive Conservation and Management Plan. It also authorizes Florida Department of Environmental Protection (FDEP), with other specified entities, to provide grants for such projects and directs FDEP to submit an annual report. The bill requires each wastewater facility that unlawfully discharges sewage into a waterway or an aquifer to notify its customers and provides penalties for the unlawful discharge. The bill was introduced 28 DEC 18.

FLORIDA HB 157, FERTILIZER USE. This bill amends Florida Statute [403.9336](#) by requiring county and municipal governments to adopt and enforce a Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. The bill specifies that county and municipal governments must require use of specified slow-release fertilizers and provides additional requirements for counties and municipalities within estuary runoff areas. The bill was introduced 2 JAN 19.

FLORIDA HB 239, ADVANCED WELL STIMULATION TREATMENT. This bill amends Florida Statute [377.19](#) by providing a definition for "advanced well stimulation treatment" and creates Florida Statute 377.2405 to prohibit the performance of advanced well stimulation treatments. The bill clarifies that permits for drilling or operating of wells do not authorize performance of advanced well treatments. The bill provides applicability and was introduced 10 JAN 19.

FLORIDA HB 325, COASTAL ZONE MANAGEMENT. This bill amends Florida Statute [161.101](#) by revising the criteria FDEP must consider in determining and assigning annual funding priorities for beach management and erosion control projects. The bill provides the following:

- Specifies a weighted tier scoring system to determine annual project funding priorities including a federal cost-share and revises the method FDEP uses to rank and fund certain inlet management projects;
- Requires FDEP to update active project lists on its website;

- Redefines the term “significant change” in terms of project-specific changes to the original project allocation;
- Specifies allowable uses for certain surplus funds and requires funding for certain projects remain available for specified period;
- Requires FDEP to update and maintain report regarding progress of certain inlet management projects and revises reporting requirements; and
- Revises requirements for comprehensive long-term management plan and requires FDEP to submit three-year work plan and related forecast for availability of funding to Legislature.

The bill was introduced 17 JAN 19.

FLORIDA HB 405, WATERSHED POLLUTANT CONTROL PROGRAM. The bill provides that St. Johns River Upper Basin Watershed Pollutant Control Program consists of St. Johns River Upper Basin Watershed Basin Management Action Plan. The bill provides the following:

- Requires implementation of specified regulations, best management practices, and alternative technologies for pollutant reduction;
- Requires the action plan to include certain assessments and recommendations;
- Prohibits FDEP from authorizing disposal of domestic wastewater biosolids within watershed;
- Directs Department of Health (DOH) to require certain entities to develop and submit agricultural use plans; and
- Directs Department of Agriculture & Consumer Services (DACS) and St. Johns River Water Management District to initiate specified rulemaking.

The bill was introduced 22 JAN 19.

FLORIDA HB 545, DRINKING WATER IN PUBLIC SCHOOLS. This bill creates Florida Statute 1013.29 to prevent lead in drinking water in public schools. It requires each school district to perform the following for schools built before 1986:

- Locate all drinking water sources and identify and install a barcode on each source;
- Install lead-reducing filters on the identified sources; and
- Publish a list of the drinking water sources on the school district's website with an effective date.

The bill was introduced 23 JAN 19.

FLORIDA SB 214, ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS. This bill amends Florida Statute [381.0065](#) by directing the Department of Health to identify certain information for onsite sewage treatment and disposal systems. The bill requires updating the current database of such systems and submitting a report to the governor and Legislature by a specified date. It also requires owners of onsite sewage treatment and disposal systems to have systems periodically inspected and requires an onsite sewage treatment and disposal system disclosure summary for certain properties before or at the execution of a contract for sale. The bill was introduced 2 JAN 19.

FLORIDA SB 216, WATER QUALITY IMPROVEMENTS. This bill amends Florida Statute [375.041](#) by providing an appropriation for certain projects related to the Indian River Lagoon Comprehensive Conservation and Management Plan. The bill creates 403.0771 to require each wastewater facility that unlawfully discharges sewage into a waterway or aquifer to notify its customers within 24 hours after discovering the discharge. The bill amends [403.141](#) to provide penalties for wastewater treatment facilities that unlawfully discharge sewage into designated areas. The bill was filed 2 JAN 19.

Florida SB 222, PRIVATE PROPERTY RIGHTS. This bill amends Florida Statute [366.02](#) by exempting property owners who own and operate a renewable energy source device from the definition of “public utility.” The bill also exempts property owners from the “public utility” definition if the property owner provides or sells the renewable energy from the source to users on that property, under certain circumstances. The bill was introduced 3 JAN 19.

FLORIDA SB 286, DOMESTIC WASTEWATER COLLECTION SYSTEM ASSESSMENT AND MAINTENANCE. This bill creates Florida Statute 403.1839 to establish and provide the purpose for the Blue Star Collection System Assessment and Maintenance Program. The statute requires FDEP to adopt rules and review and approve program applications for certification under the program and requires FDEP to allow public and private, nonprofit utilities to participate in the Clean Water State Revolving Fund Program under certain conditions. The bill authorizes additional recipients and uses of the Small Community Sewer Construction Assistance Act grants. The bill was introduced 10 JAN 19.

FLORIDA SB 376, LAND ACQUISITION TRUST FUND. This bill amends Florida Statute [375.041](#) by requiring that funds in the sum of \$50 million distributed into the Land Acquisition Trust Fund by Florida Statute [201.15](#) be used for conservation and management projects in listed counties impacted by Hurricane Michael. The bill also provides the specific types of projects for which FDEP may use such funds. The bill was introduced 18 JAN 19.

FLORIDA SB 446, COASTAL ZONE MANAGEMENT. This bill amends Florida Statute [161.101](#) by revising the criteria FDEP must consider in determining and assigning annual funding priorities including federal cost-share for beach management and erosion control projects. The bill provides the following:

- Revises the ranking criteria to be used by FDEP to establish certain funding priorities for certain inlet-caused beach erosion projects;
- Revises requirements for the comprehensive long-term management plan; and
- Requires the plan to include a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan.

The bill was introduced 23 JAN 19.

FLORIDA SB 502, PROHIBITION OF PLASTIC CARRYOUT BAGS AND STRAWS. This bill prohibits a store or food service business from providing a carryout bag made of plastic film to a customer and prohibits a food service business from selling or providing a single-use plastic straw to a customer. (Similar bills [SB 603](#) and [SB 588](#) are related to single-use plastic straws being provided.) The bill was introduced 24 JAN 19.

FLORIDA SB 532, WETLAND MITIGATION. This bill revises the conditions under which a governmental entity may create or provide mitigation for a project other than its own if mitigation credits available from the project are only sold or used when alternative mitigation credits are not available. The bill was introduced 25 JAN 19.

FLORIDA SB 620, MILITARY AFFAIRS. This bill amends Florida Statute [83.49](#) by prohibiting a landlord from requiring a prospective tenant who is a servicemember to deposit or advance more than the total sum of rent that would be due in 60 days. It amends [83.682](#) provides an additional circumstance under which a servicemember may terminate a rental agreement. The bill also amends [570.71](#) by prohibiting certain construction or activities within clear zones, accident potential zones, or Joint Use Land Studies (JLUS) Military Influence Planning Areas 1 or 2, and amends [197.572](#) for the prevention of encroachment of military installations despite foreclosure. The bill was introduced 30 JAN 19.

FLORIDA SB 628, WATER RESOURCES. This bill revises the requirements for the Office of Economic and Demographic Research's annual assessment of the state's water resources and conservation lands. It requires the office to consult with FDEP and to submit the assessment to the Legislature by 1 JAN 20. The bill was introduced 31 JAN 19.

PROPOSED RULES

ENDANGERED AND THREATENED SPECIES. The Fish and Wildlife Conservation Commission has [proposed rules](#) for calendar year 2019 to establish or revise rule provisions associated with species classified as Candidate Species, Endangered Species, Threatened Species, Species of Special Concern, and Marine Endangered and Threatened Species. Subject areas to be covered include: listing, delisting, and reclassifying procedures; designation of species; and prohibitions, permits, and rewards associated with the species. Notice was published 31 DEC 18.

ESTABLISHMENT OF WILDLIFE MANAGEMENT AREAS. The Fish and Wildlife Conservation Commission has [proposed rules](#) regarding provisions during calendar year 2019 to establish areas as wildlife management areas, wildlife and environmental areas, wildlife refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, or miscellaneous areas. The proposed rule also addresses the opening or closing of areas other than restricted hunting areas, bird sanctuaries, or critical wildlife areas. Notice was published 31 DEC 18.

MIGRATORY BIRDS. The Fish and Wildlife Conservation Commission has [proposed rules](#) for calendar year 2019 associated with migratory birds, the bald eagle, and non-listed inactive migratory bird nests. Areas covered in the proposed rules include adoption of federal statutes and regulations regarding migratory birds, conservation of bald eagles, and take of non-listed inactive migratory bird nests. Notice was published 31 DEC 18.

HILLSBOROUGH RIVER BASIN TMDLS. FDEP has invited public comments on draft nutrient total maximum daily loads (TMDLs) for impaired waters in the Hillsborough River Basin, to be adopted in Rule [62-304.610](#), F.A.C. The draft TMDLs are for Lake Thonotosassa (1522B) and Flint Creek (1522A). These nutrient TMDLs, if adopted, will constitute site-specific numeric interpretations of the narrative nutrient criterion set forth in paragraph [62-302.530\(48\)\(b\)](#), F.A.C., that would replace the otherwise applicable numeric nutrient criteria in subsection [62-302.531\(2\)](#) for these particular waters. Notice was issued 11 JAN 19 with a comment deadline of 21 FEB 19.

OUTDATED PHARMACEUTICALS. The Board of Pharmacy is [proposing amendments](#) to update the proper procedures for outdated pharmaceuticals. Notice was issued 14 JAN 19.



2019 LEGISLATIVE SESSION: 14 JAN THROUGH 20 MAR

There are no significant legislative activities to report.

PROPOSED RULES

ADDENDUM TO AMBIENT AIR MONITORING NETWORK PLAN. The Georgia Department of Natural Resources (DNR) requested public input regarding an [addendum](#) to the Ambient Air Monitoring Network Plan. The comment deadline was 9 JAN 19.

DRAFT 2018 LIST OF WATERS. DNR requested public input regarding a [draft 2018 305\(b\)/303\(d\) List of Waters](#) in accordance with Section 303(d) of the Clean Water Act. The list of waters was produced by the Georgia Environmental Protection Division in accordance with U. S. Environmental Protection Agency (EPA) rules and guidelines. The comment deadline and hearing date was 25 JAN 19.

PERMIT FEES. DNR has [proposed amendments](#) to Rule 391-3-1-.03(9), "Permit Fees," to specify the dollar-per-ton rate and reference the "Procedures for Calculating Air Permit Application & Annual Permit Fees" (Fee Manual) for state fiscal year (FY) 2020 fees. Rule [391-3-1-.03\(9\)](#) will be submitted as a Part 70 Permit Program revision to EPA. The proposed rule was posted 24 JAN 19, and a hearing date is scheduled for 25 FEB 19.

PROPOSED AMENDMENTS TO RULES FOR WATER QUALITY CONTROL. The Environmental Protection Division of the DNR has [proposed](#) to make changes to the water quality standards found in Chapter 391-3-6-.03 "Water Use Classifications and Water Quality Standards" of the Rules and Regulations for Water Quality Control as part of the Triennial Review

process. The proposed rule was posted 7 JAN 19. A hearing date is scheduled for 26 FEB 19, and comments are due 8 MAR 19.



2019 LEGISLATIVE SESSION: 8 JAN THROUGH 30 MAR

KENTUCKY BR 481, NOTICE OF VIOLATION FOR A HAZARDOUS WASTE SITE. This bill creates a new section of [KRS 224.46-505](#) to [224.46-590](#) to require the secretary of the Energy and Environment Cabinet to send a copy of a notice of violation for a hazardous waste site or facility to the county/judge executive of the county or the chief executive officer of the urban-county government within which the site or facility is located. The bill was introduced 13 DEC 18.

KENTUCKY HB 165, AIR QUALITY FEE STRUCTURE. This bill amends [KRS 224.20-050](#) to allow the Energy and Environment Cabinet or an air pollution control district to establish an air quality fee structure. The fee structure may include a permit or registration fee in addition to the collection of per-ton emissions-based assessment. The bill removes the requirements relating to the determination of fee assessments for particulate matter. The bill was introduced 11 JAN 19.

KENTUCKY SB 28, HAZARDOUS WASTE. This bill creates KRS 224.46-505 to 224.46-590 that requires the secretary of the Energy and Environment Cabinet to send a copy of a notice of violation of a hazardous waste site or facility to the county/judge executive of the county or the chief executive officer of the urban-county government within which the site or facility is located. The bill also amends KRS [224.10-212](#) to specify that notices of violation for hazardous waste sites or facilities are not prohibited from disclosure due to confidentiality. The bill was introduced 8 JAN 19.

PROPOSED RULE

TITLE V AIR EMISSION FEES. The Energy and Environment Cabinet [requested public input](#) regarding establishing the appropriate Title V air emissions fee necessary to cover all reasonable costs of administering the permit program. The comment deadline and hearing date was 7 JAN 19.



2019 LEGISLATIVE SESSION: 9 JAN THROUGH 31 MAY

MISSISSIPPI HB 44, WIND ENERGY. This bill creates an appropriation to the Board of Supervisors of Sunflower County to assist the county in paying costs associated with researching whether windmills or other forms of wind energy are a viable source of power for the county for FY 2020 starting 1 JUL 19. The bill was introduced 11 JAN 19.

MISSISSIPPI HB 441, RENEWABLE ENERGY SITING. This act authorizes the issuance of state general obligation bonds to provide funds to assist Sunflower County, Mississippi, in paying costs associated with researching whether windmills or other forms of wind energy are a viable source of providing power for the county. The bill was referred 14 JAN 19.

MISSISSIPPI HB 794, PESTICIDES. This is an act to prohibit public applicators from applying chemical sprays that contain 2,4-D, Dicamba, MCPA and/or any other hormone-type herbicide from 15 APR 19 through 15 OCT 19. This bill was introduced 21 JAN 19.

MISSISSIPPI SB 2443, RADON CONTROL. This bill requires the Commission on Environmental Quality to adopt rules for radon control. The bill was introduced 21 JAN 19.

OTHER REGULATORY ACTIVITY

2018 MDEQ ANNUAL REPORT. The Mississippi Department of Environmental Quality (MDEQ) has made available the [annual report](#) to the governor and the Mississippi Legislature for FY 2018. The annual report provides an overview and updates on the varied programs and initiatives MDEQ manages including different environment media areas and ongoing remediation efforts at defense sites around the state. The report was issued 17 JAN 19.



2019 LEGISLATIVE SESSION: 16 JAN THROUGH 30 JUN

There are no significant legislative activities to report.

PROPOSED RULES

READOPTON OF GROUP 4 AIR QUALITY RULES. The Department of Environmental Quality (DEQ) has [proposed amendments](#) to rules regarding particulates from fugitive dust emission sources, control of odors, and open burning, to meet the requirements of [G.S. 150B-21.3A](#), Periodic Review and Expiration of Existing Rules. The proposed rule was filed 13 DEC 18. Comments are due 15 FEB 19.

REPEAL OF GROUNDWATER REMEDIATION SYSTEMS RULES. The Environmental Management Commission has [proposed the repeal](#) of 15A NCAC 02T .1600 because the 15A NCAC 02C 0.225 rule, which had already been approved by the Environmental Management Commission to go to public hearing, would encompass the requirements for both the 15A NCAC 02C .0225 rule and the 15A NCAC 02T.1600 rules. The proposed rule was filed 11 JAN 19, and the comment deadline is 15 FEB 19.

RIPRAP SILLS FOR WETLAND ENHANCEMENT. DEQ has [proposed](#) to adopt rules to revise the Coastal Resources Commission's general permit for the construction of riprap sills for wetland enhancement in estuarine and public trust waters to make the general permit consistent with the U.S. Army Corps of Engineers regional general permit for living shorelines. The proposed rule was filed 15 JAN 19 with a hearing date scheduled 28 FEB 19, and a comment deadline of 18 MAR 19.

RISK-BASED ASSESSMENT AND CORRECTIVE ACTION FOR PETROLEUM STORAGE TANKS. The Environmental Management Commission has [proposed](#) rulemaking changes to the Risk-Based Assessment and Corrective Action for Petroleum Underground Storage Tanks, Aboveground Storage Tanks, and Other Sources. The proposed rule was filed 17 DEC with a comment deadline of 15 FEB 19.

FEDERAL ACTIVITY

NOTICE OF VERBATIM ADOPTION OF FEDERAL STANDARDS. The Department of Labor has given [notice](#) of its verbatim adoption of recent federal changes to occupational safety and health-related provisions of Title 29 of the Code of Federal Regulations Part 1910, with respect to occupational exposure to beryllium in general industry. The notice was issued 15 JAN 19.



2019 LEGISLATIVE SESSION: 8 JAN THROUGH 8 JUN

SOUTH CAROLINA HB 3087, ATLANTIC OCEAN MARINE SEISMIC TESTING. This bill amends the South Carolina Code of Laws by adding [Section 48-43-400](#) to prohibit the approval of an action to facilitate Atlantic Ocean marine seismic testing to locate reserves of oil and natural gas. The bill also prohibits the approval of transportation of offshore oil and natural gas into the land and waters of the state by the state of South Carolina, a state agency, or a political subdivision of the state. The bill was introduced 8 JAN 19.

SOUTH CAROLINA HB 3089, CONSERVATION EASEMENTS. This bill amends the South Carolina Code of Laws by adding [Section 27-8-85](#) to allow for the holder of a conservation easement to contest an action to condemn property encumbered by a conservation easement under certain circumstances. The bill also provides the procedure for a contested action and provides exceptions under certain circumstances. The bill was introduced 8 JAN 19.

SOUTH CAROLINA HB 3090, CONSERVATION EASEMENTS. This bill amends the South Carolina Code of Laws by adding [Section 27-8-75](#) to allow the holder of a conservation easement to contest a condemnation action under certain circumstances. This bill also provides a procedure for the contested action and to provide exceptions to certain requirements. The bill was introduced 8 JAN 19.

SOUTH CAROLINA HB 3371, SINGLE-USE PLASTIC BAGS. This bill amends the South Carolina Code of Laws to add Chapter 77 to Title 39 prohibiting a store from providing a single-use plastic bag to a customer. The bill was introduced 8 JAN 19.

SOUTH CAROLINA HB 3470 (HB 3471), COASTAL ZONE MANAGEMENT. This bill provides that state agencies or political subdivisions may not approve plans or ordinances that would deter, prohibit, or impede the construction or use of infrastructure used to facilitate Atlantic Ocean marine seismic testing to locate reserves of oil and natural gas. The bill was introduced 8 JAN 19.

SOUTH CAROLINA HB 3699 (SB 371), STRUCTURE SIZE DETERMINATION –ATLANTIC INTRACOASTAL WATERWAY. This bill authorizes the South Carolina Department of Health and Environmental Control to defer to the U.S. Army Corps of Engineers in determining the size of a private recreational dock constructed on the Atlantic Intracoastal Waterway Federal Navigation Project. The bill was introduced 22 JAN 19, and a hearing date was held 30 JAN 19.

SOUTH CAROLINA HB 3776, UNMANNED AERIAL VEHICLES. This bill provides that it is unlawful for certain persons to operate an unmanned aerial vehicle near military installations and to provide a penalty to those in violation. The bill was introduced 29 JAN 19.

SOUTH CAROLINA HCR 3013, SEISMIC SURVEY ACTIVITIES. This bill expresses the support by the South Carolina General Assembly for seismic survey activities off South Carolina's coast and the potential economic and environmental benefits of domestic energy production for the state. The bill was introduced 8 JAN 19.

SOUTH CAROLINA HJR 3127, MOLD ABATEMENT AND REMEDIATION STUDY COMMITTEE. This bill is a joint resolution to establish the mold abatement and remediation study committee to study the impact of mold in public areas and to ascertain the best method of abatement for mold in public areas. The bill further provides for the membership of the study committee, to establish certain goals, to require the preparation of a report for the General Assembly, and to dissolve the study committee. The bill was introduced 8 JAN 19.

SOUTH CAROLINA HJR 3382, ENVIRONMENTAL BILL OF RIGHTS. The bill proposes an amendment to the Constitution of South Carolina to enact the Environmental Bill of Rights, to grant standing to the people of the state to enforce their right to conserve and protect the environment. The bill grants local governments the power to enact laws, regulations, ordinances, and charter provisions that are more restrictive and protective of the environment than laws adopted by the state government. The bill was introduced 8 JAN 19.

SOUTH CAROLINA SB 237 (HB 3089), CONSERVATION EASEMENT. This bill amends the South Carolina Code of Laws by adding [Section 27-8-85](#) to allow for the holder of a conservation easement to contest an action to condemn property encumbered by a conservation easement under certain circumstances. The bill also provides the procedure for a contested action and exceptions under certain circumstances. The bill was introduced 8 JAN 19.

SOUTH CAROLINA SB 332 (HB 3659), CLEAN ENERGY ACCESS ACT. This bill amends [Article 17, Chapter 27, Title 58](#) of the 1976 South Carolina Code to enact the "Clean Energy Access Act" relating to the rates of and charges by electric utilities and electric cooperatives. The following sections are among those added or amended:

- Section [58-40-20](#) amended relating to net energy metering and provides that an electrical utility must make net energy metering available to customer-generators until the total installed nameplate generating capacity of net energy metering systems equals at least two percent of the previous five-year average of the electrical utility's South Carolina retail peak demand;
- Section [58-27-2610](#) subsections (b), (h), and (i) deleted relating to certain provisions for the lease of a renewable electric generation facility;
- Section [58-37-40](#) amended relating to integrated resource plans and to provide for the evaluation of the adoption of renewable energy, energy efficiency, and demand response in integrated resource plans;
- Section [58-33-110](#) amended relating to the certificate required before the construction of a major utility facility to provide for a procurement process overseen by an independent evaluator chosen by the office of regulatory staff for the selection of a major utility facility for construction.

The bill was introduced 8 JAN 19.

PROPOSED RULE

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS. The Department of Health and Environmental Control has [proposed amendments](#) to Regulation 61-62, Air Pollution Control Regulations and Standards, to support the department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. (Additional amendments are [proposed](#) for the South Carolina State Implementation Plan (SIP).) These amendments:

- Expand and clarify definitions applicable to air pollution control regulations and standards;
- Streamline permitting options;
- Clarify reporting requirements;
- Identify the department's consistent noticing method;
- Improve the regulations' organizational structure; and
- Provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62.

The proposed regulation was introduced 25 JAN 19, the comment deadline is 25 FEB 19, and a hearing date has been scheduled for 7 MAR 19.



2019 LEGISLATIVE SESSION: 8 JAN THROUGH 8 MAY

TENNESSEE HB 11, NAAQS SIP. This bill amends Tennessee Code Annotated, Section [55-4-130](#), by allowing owners and operators of vehicles with an illuminated check engine light to elect to have the tailpipe test performed in lieu of the onboard diagnostics test. This bill was introduced 8 JAN 19.

TENNESSEE HB 319, COOPERATIVE AGREEMENTS. This bill provides state officials authority to enter into cooperative agreements with federal agencies for the management of natural resources and extends the effective date for newly published regulations involving cooperative agreements between the Tennessee Wildlife Resources Agency (TWRA) and federal agencies, from 30 days to 45 days after the publication date by the TWRA. It revises the due date for the submission of financial reports by the TWRA executive director to the governor and commission members, from September 15 to September 30 of each year. The bill was introduced 30 JAN 19.

TENNESSEE SB 30, WATER POLLUTION CONTROL. This bill amends Section [69-3-104](#) from Tennessee Code by expanding the time-period from five days to 10 days in which members of the Board of Water Quality, Oil, and Gas must be notified of meetings to review permit matters. The bill was introduced 11 JAN 19.

TENNESSEE SB 291, SOLID WASTE LANDFILLS. This bill extends from 30 days to 35 days the minimum period of time that must be allotted for written public comments on a proposed new solid waste landfill. The bill was introduced 30 JAN 19.

REGULATORY ACTIVITIES

There are no significant regulatory activities to report.

Federal Activity

NOTICE DUE TO PARTIAL GOVERNMENT SHUTDOWN

Note that due to the partial government shutdown in December and January, information in the following federal notices could potentially change (hearing dates, comment deadlines, agency links to information, etc.) resulting in unexpected delays, cancellations, or lack of updated information available on some government websites.

AIR

MERCURY AND AIR TOXICS STANDARDS REVISED. In advance of formal publication in the Federal Register, EPA has [released](#) the text of a proposed rule that would make a revised determination on the costs and benefits of regulating Hazardous Air Pollutant (HAP) emissions, including mercury, from coal- and oil-fired power plants. The proposed revised determination would focus solely on the benefits of reduced mercury and toxics and not include benefits from incidental reductions in particulate or other emissions. Based on the proposed revised accounting, EPA asserts that costs of such regulation grossly outweigh the benefits of regulating HAP emissions from coal- and oil-fired power plants under section 112 of the Clean Air Act (CAA). A fact sheet and prepublication version of the Federal Register notice are available [here](#).

CLEANUP

H.R. 535. This bill would require the administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances (PFAS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Introduced 14 JAN 19.

GAO REPORT—PROGRAM-WIDE STRATEGY NEEDED TO ADDRESS GROWING CLEANUP LIABILITY. GAO conducted an environmental liability review of Department of Energy (DOE) cleanup sites ([GAO-19-28](#)). DOE's Office of Environmental Management (EM) is tasked with cleaning up legacy waste from nuclear weapons produced during the Cold War era.

GAO found that from fiscal years 2011 through 2018, EM's environmental liability grew by about \$214 billion—outpacing its cleanup spending of about \$45 billion for that time period. To address this growing liability, GAO is making three recommendations to DOE: (1) develop a program-wide strategy that outlines how it will balance risks and costs across sites; (2) submit its mandated annual cleanup report that meets all requirements; and (3) disclose the funding needed to meet all scheduled milestones called for in compliance agreements, either in required annual reports or other supplemental budget materials. DOE agreed with all three recommendations.

CLIMATE CHANGE

ACTIVITIES OF SELECTED AGENCIES TO ADDRESS POTENTIAL IMPACT ON GLOBAL MIGRATION. GAO was asked to review how U.S. agencies address climate change as a potential driver of global migration and issued a report, titled [*Activities of Selected Agencies to Address Potential Impact on Global Migration*](#). This report (1) describes executive branch actions related to climate change and migration from fiscal years 2014 through 2018; (2) examines the extent to which the agencies discussed the potential effects of climate change on migration in their plans and risk assessments; and (3) describes agency activities on the issue.

ENERGY

FEDERAL SHORT-TERM ENERGY OUTLOOK. The U.S. Energy Information Administration (EIA) expects non-hydroelectric renewable energy resources, such as solar and wind, to be the fastest-growing source of U.S. electricity generation for at least the next two years. EIA's January 2019 [*Short-Term Energy Outlook*](#) (STEO) forecasts that electricity generation from utility-scale solar generating units will grow by 10 percent in 2019 and 17 percent in 2020. Further, according to the January STEO, wind generation will grow by 12 percent and 14 percent during the next two years.

NATURAL RESOURCES

EXECUTIVE ORDER 13855. The president has issued EO 13855, [*Promoting Active Management of America's Forests, Rangelands, and other Federal Lands to Improve Conditions and Reduce Wildfire Risk*](#). The EO directs the secretaries of the U.S. departments of Agriculture and Interior to implement policies to improve forest management practices by reducing hazardous fuel loads, mitigating fire risk and ensuring the safety and stability of local communities. The EO contains seven main sections that prescribe the "Policy," "Goals," "Coordination and Efficient Processes," "Unmanned Aerial Systems," "Wildfire Strategy," "Collaborative Partnerships," and "General Provisions" necessary to improve the management and conditions of public forestlands.

TOXICS

CONGRESSIONAL PFAS TASK FORCE. In January, Congressman Dan Kildee (MI), Chief Deputy Whip of the House Democratic Caucus, and Congressman Brian Fitzpatrick (PA) announced the formation of the [*bipartisan Congressional PFAS Task Force*](#). Comprised of 20 Republicans and Democrats in the U.S. House of Representatives, the PFAS Task Force will work to:

- Hold informational events to educate members of Congress and their staff to increase awareness about PFAS chemicals;
- Craft legislation to address PFAS contamination;
- Meet with congressional leadership, committee chairs and ranking members to ensure PFAS is adequately and more urgently addressed; and
- Fight for more robust funding through federal appropriations to clean up PFAS contamination.

WASTE

CHINA TO ELIMINATE ALL SOLID WASTE IMPORTS BY 2020. According to reports from the [Institute of Scrap Recycling Industries](#), [Recycling International](#), and other industry sources, China [announced](#) it is phasing in a ban on the import of scrap material for recycling, with a complete ban on scrap import by 2020. For the first phase of the ban, beginning 31 DEC 18, 16 types of solid waste, including, metal scrap, and scrap plastics, that were previously identified as restricted import are banned from import. Effective 31 DEC 19, an additional 16 types of solid waste, including waste and scrap stainless steel, will be banned from import.

WATER

NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM REAUTHORIZATION ACT OF 2018. The [National Integrated Drought Information System \(NIDIS\) Reauthorization Act of 2018](#) has been enacted. The law amends the National Integrated Drought Information System Act of 2006 to require, under NIDIS, that the collection and integration of information on the key indicators of drought and drought impacts include indicators of precipitation, soil moisture, and evaporative demand. The bill reauthorizes through FY 2023.

WATER INFRASTRUCTURE IMPROVEMENT ACT. The [Water Infrastructure Improvement Act](#) has been enacted. The law amends the Clean Water Act to allow municipalities to develop a plan that integrates wastewater and stormwater management. A National Pollutant Discharge Elimination System permit for a municipal discharge that incorporates an integrated plan may integrate all requirements under the act addressed in the plan, such as requirements relating to combined sewer overflows, sanitary sewer collection systems, and total maximum daily loads. A plan that is incorporated into a permit may include the implementation of green infrastructure and projects to reclaim, recycle, or reuse water. Green infrastructure includes measures that mimic natural processes to store, reuse, or reduce stormwater. The act specifies that the EPA administrator will promote and coordinate the use of green infrastructure into permitting and enforcement under the act.

Department of Defense Activity

NATURAL SELECTIONS—DOD NATURAL RESOURCES PROGRAM NEWSLETTER. The Winter 2018 edition, as well as past issues of Natural Selections, is available [here](#).

DOD PARTNERS IN AMPHIBIAN AND REPTILE CONSERVATION (DOD PARC). [DOD PARC](#) has released its 2018 Annual Report, detailing how it works to conserve amphibians and reptiles on military lands. Below are some of PARC's 2018 highlights:

- Performed risk assessments of pathogens on over 200 military installations
- Recorded 3,300 reptile and amphibian observations on military lands using [HerpMapper](#)
- The *Herpetological Conservation and Biology* journal published [Amphibians and Reptiles of United States Department of Defense Installations](#) in their December 2018 issue. DOD is the first federal agency to complete an agency-wide inventory of herpetofauna.

This year is DOD PARC's 10th anniversary, and they plan to celebrate this milestone by developing more recommended best management practices reports for at-risk species on DOD lands, a video on how to tell the difference between venomous and non-venomous snakes, and short biographies highlighting the careers of military veterans who have made significant contributions to the field of herpetology.

SOLICITATION FOR DEMONSTRATION OF ENVIRONMENTAL AND INSTALLATION ENERGY TECHNOLOGIES. DOD's Environmental Security Technology Certification Program (ESTCP) [released a solicitation](#) requesting proposals for demonstration of environmental and installation energy technologies. FY 2020 funds will be awarded through a competitive process to federal and private organizations for pre-proposals related to:

- Environmental Restoration;
- Munitions Response Underwater;
- Resource Conservation and Resiliency;
- Weapons Systems and Platforms;
- Energy Efficiency Technology Demonstrations Integrated with Utility Energy Services Contracts;
- Microgrid Development for Military Installations;
- Effective Use of Utility Meter Data to Improve Facility Energy Investments;
- Innovative Tools that Reduce the Time and Cost Required to Obtain and Maintain Authority to Operate for Facility Energy and Water Control Systems and Connected Technology; and
- Innovative Technology Transfer Approaches

Preproposals are due 7 MAR 19. More information about the solicitations, including instructions and deadlines, is available on the [Funding Opportunities](#) page.

DOD PARTICIPATION IN NATIONAL EXERCISE PROGRAM. Department of Defense Instruction (DODI) [3020.47](#), DOD Participation in the National Exercise Program (NEP), has been reissued. The DODI establishes policy, assigns responsibilities, and provides instructions for DOD participation in the NEP consistent with Presidential Policy Directive-8, the NEP Base Plan, and NEP Implementation Plan. The [NEP](#), administered by the Federal Emergency Management Agency, is a two-year cycle of exercises across the nation that examine and validate capabilities in all preparedness mission areas. The DODI was effective 29 JAN 19.

DOD REPORT—CHANGING CLIMATE AFFECTS MILITARY INSTALLATIONS. In January, DOD released [Report on Effects of a Changing Climate to the Department of Defense](#). The report was developed in response to requirements in the National Defense Authorization Act of 2018, which tasked the Pentagon to conduct an "assessment of the significant vulnerabilities from climate-related events in order to identify high risks to mission effectiveness on installations and to operations" and submit a report to Congress on the findings.

Professional Development

DOD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM). USACE announces course availability for the Fiscal Year 2019 PROSPECT ([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.

STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM (SERDP) AND ENVIRONMENTAL SECURITY TECHNOLOGY CERTIFICATION PROGRAM (ESTCP) WEBINAR SERIES. 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 Department of Energy audiences. Prior presentations are archived for viewing any time. Recently archived webinars are available on demand [here](#).

REPI WEBINAR SERIES FOR 2019. DOD's Readiness and Environmental Protection Integration (REPI) Program announced the [2019 REPI Webinar Series schedule](#). The webinars showcase best practices and lessons learned from REPI partnerships nationwide that support military missions and accelerate the pace of conservation. Unless otherwise noted, all webinars begin at 1:00 p.m. Eastern Time.

- 27 FEB 19: [Leveraging Department of Interior and Agriculture Funds as a Match to REPI Funds: A Case Study](#)
- 27 MAR 19: [Calling for Sentinel Landscapes Applications: Lessons Learned & Best Practices from the 2017 Cycle](#)
- 5 JUN 19: [Leveraging the New REPI Installation Resiliency Authority](#)
- 10 JUL 19: [How to Obtain Regulatory Relief for Endangered Species without Purchasing a Real Estate Interest](#)
- 28 AUG 19: [REPI and the National Defense Strategy: Rebuilding Readiness by Protecting Key Capabilities](#)
- 9 OCT 19: [Measuring Impacts: Developing Mission Benefit Metrics](#)
- 27 NOV 19: [REPI and the Farm Bill](#)
- 1 JAN 20: [How to Introduce Local Businesses into your REPI Partnership](#)

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

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

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

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

SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES (ONLINE). The two-hour [course](#) provides staff involved in specifying and purchasing with a thorough introduction to compliance requirements, processes, and tools for procuring sustainable products and services. Participants will receive specific guidance in how to meet executive order and Federal Acquisition Regulation requirements and understand how sustainable acquisition benefits their agency, community, and the environment.

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

FEMP eTRAINING COURSES (ONLINE). FEMP offers interactive, [eTraining courses](#) to help federal agencies develop core competencies and comply with energy efficiency, 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.

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 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.

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 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, 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. 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. 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. 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.

21 FEB 19 WEBINAR: OFFSHORE WIND MARKET. The National Conference of State Legislatures (NCSL) Energy Program will host its first webinar of 2019, The Growing U.S. Offshore Wind Market, Thursday, 21 FEB 19 at 3 p.m. Eastern Time. The amount of potential wind power available in U.S. waters is nearly twice the capacity of current U.S. electric power plants and has enough energy to power roughly 1.6 billion homes. With offshore wind costs falling significantly in recent years, more states are looking to harness the clean energy and economic development opportunities presented by offshore wind. The webinar will discuss state action around offshore wind and explore state policies, incentives, and financing structures to encourage and support the development of the U.S. offshore wind industry. Registration for the webinar is available [here](#).

4-8 MAR 19, DENVER, CO: NATIONAL MILITARY FISH AND WILDLIFE ASSOCIATION (NMFWA) MEETING. NMFWA will hold its annual training workshop and meeting in conjunction with the Wildlife Management Institute's 84th North American Wildlife and Natural Resources Conference. See the meeting website for a draft agenda, training courses available, and event details.

4-5 MAR 19: WORKSHOP ON COMPUTATIONAL MODELS FOR LARGE OUTDOOR FIRES. The National Institute of Standards and Technology will host a [workshop](#) 4-5 MAR 19 to discuss the current state of measurement science gaps in implementing computational tools to model large scale outdoor fires, such as those found in the wildland and wildland-urban interface communities. Portions of the workshop will be available via web broadcasting.

21-22 MAY 19, CHAMPAIGN, IL: 2019 EMERGING CONTAMINANTS IN THE ENVIRONMENT CONFERENCE. The Illinois Sustainable Technology Center and the Illinois-Indiana Sea Grant are cohosting the conference. The conference will expand beyond the aquatic environment to also include air and soil studies along with effects on human and animal health. The conference will feature presentations on the latest in emerging contaminant research, policies, and outreach.

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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](#).

