



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

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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. The *Review* also helps installations meet ISO 14001 environmental management system requirements.

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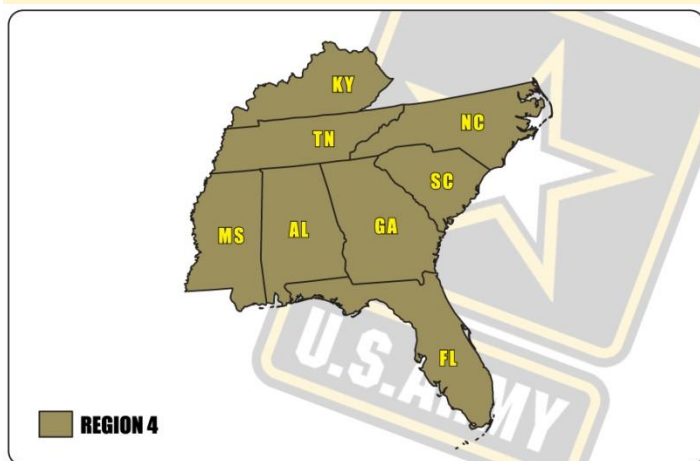


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NATIONAL ENFORCEMENT INITIATIVES

In February, the U.S. Environmental Protection Agency (EPA) released its [national enforcement initiatives](#) (NEIs) for fiscal years (FY) 2017 through 2019. Every three years, EPA selects NEIs to focus resources on national environmental problems where there is significant non-compliance with laws, and where federal enforcement efforts can make a difference. The initiatives are chosen with input from the public and from stakeholders across EPA's state, local, and tribal agency partners.

According to EPA's website, a new [chemical-release NEI](#) will focus on reducing accident risks and improving response capabilities, including a [proposed revision](#) to risk management planning requirements.

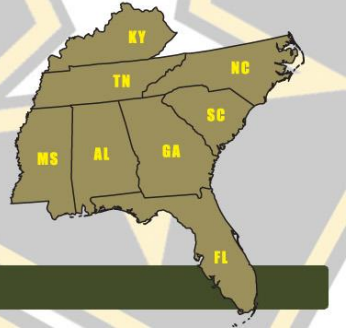
A new [NEI for industrial water pollution](#) will address facilities in industrial sectors and will be driven by water pollution data. It will include enforcing existing Clean Water Act (CWA) permit limits and stopping unpermitted discharges.

The agency will also [expand its existing focus on hazardous air pollutants](#) (HAPs) to include air toxics at the community level. According to EPA, recent monitoring shows that facilities typically emit more HAP emissions than they actually report. The expanded NEI will address air emissions from large product storage tanks and hazardous waste generator and treatment, storage and disposal facilities (TSDFs). Specifically, EPA intends to focus on identifying and addressing violations of leak detection and repair requirements for product storage tanks, and hazardous waste tanks, surface impoundments, or containers, as well as from related hazardous waste treatment equipment.

The renewed NEIs focus on reducing air pollution from the largest sources, ensuring energy extraction operations comply with environmental laws, keeping raw sewage and contaminated stormwater out of water, and preventing water contamination from animal waste. The agency eliminated its focus on reducing pollution from mineral processing operations.

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.



2016 LEGISLATIVE SESSION: 2 FEB 16 THROUGH 16 MAY 16

Alabama has a one-year session. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

HB 171 MUNICIPAL WASTEWATER Under existing law, certain privately owned wastewater systems, including community wastewater systems and cluster wastewater systems, are subject to regulation under certain conditions by the Alabama Department of Environmental Management (ADEM), the Department of Public Health, and the Public Service Commission. The terms "cluster wastewater system," "community wastewater system," and "small-flow cluster systems" exclude systems that discharge directly to the surface waters of the state. This bill would remove the exclusions described above from the definitions. Last action: House first reading and referred to committee 9 FEB 16.

HB 277 SOLAR ENERGY GENERATION This bill would authorize a retail electric service customer to install or have installed solar technology for the generation of electricity for his or her own use and to finance such installation through a solar financing agent. The bill would prohibit an electric supplier or utility from preventing, penalizing, discriminating against, or otherwise interfering with the installation or financing of solar technology by a retail electric service customer through a solar financing agent and from requiring the purchase of additional equipment or insurance or to perform additional testing other than that required by all applicable safety codes. Last action: House first reading and referred to committee 23 FEB 16. **REEO-S Note:** This measure would clarify that third-party financing of solar photovoltaic is authorized under state law. It also follows the approach taken for HB 57 in Georgia, in 2015. Georgia HB 57 passed unanimously and was enacted. Prospects for the Alabama measure being enacted this year are, however, not as promising as in Georgia.



2016 LEGISLATIVE SESSION: 12 JAN 16 THROUGH 11 MAR 16

Florida has a one-year session. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

HB 285 (SB 90) ALTERNATIVE FUELS Authorizes the Florida Department of Agriculture and Consumer Services to receive additional applications from certain natural gas fuel fleet vehicle rebate applicants and to use certain funds to award additional rebates. Last action: passed House committee, placed on calendar 23 FEB 16. (SB 90 passed Senate 11 FEB 16). **REEO-S Note:** The rebate program perhaps benefits National Guard facilities that utilize state-registered vehicles.

HB 351 SITE REMEDIATION Defines background concentration and long-term natural attenuation. It also requires the Florida Department of Environmental Protection (FLDEP) to include protocols for use of long-term natural attenuation where site conditions warrant; requires that specified interactive effects of contaminants be considered as cleanup criteria; revises how cleanup target levels are applied for surface waters exposed to contaminated groundwater; authorizes use of relevant data and information when assessing cleanup target levels; provides that institutional controls are not required under certain circumstances, if alternative cleanup target levels are used; and provides additional contamination cleanup criteria for brownfield sites and brownfield areas. Last action: passed House 3 FEB 16, passed Senate 11 FEB 16. **REEO-S Note:** Similar measures are introduced each legislative session with limited success. If enacted, the measure could provide additional flexibility when conducting site remediation.

HB 589 WATER WITHDRAWALS Prohibits water management districts (WMDs) from modifying or reducing consumptive use permit allocations under certain circumstances. Among other provisions, it directs districts to adopt rules providing water conservation incentives, revises eligibility requirements for specified license examination, exempts certain constructed clay settling areas from reclamation rate and financial responsibility requirements, and directs FLDEP to adopt classification to protect surface waters used for treated potable water supply. Last action: passed House committee 18 FEB 16. **REEO-S Note:** This measure could bring about needed clarity for DOD facilities engaged in conservation efforts and securing water rights under state law. The impact of water conservation on water rights is an issue of interest to DOD, so we will follow the progress of this bill. It may also serve as an example for other states in the region, when presented with this issue.

SB 1052 WATER SUPPLIES AND PLANNING Prohibits WMDs from modifying or reducing consumptive use permit (CUP) allocations if actual water use is less than permitted water use due to water conservation measures or specified circumstances. It also requires FLDEP to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply. Last action: passed Senate committee 25 FEB 16. **REEO-S Note:** The bill is similar to several other measures that have been introduced in Florida this session. It seeks to promote water conservation by locking in amounts allocated pursuant to a state-issued CUP.

SB 1272 RENEWABLE ENERGY PRODUCTION CREDIT Amends existing state law by deleting the time limit for the renewable energy production credit against the corporate income tax, revising the total amount of tax credits that may be granted to taxpayers per state fiscal year, and revising the permissible use of certain unallocated credit amounts. Last action: passed Senate committee 8 FEB 16. **REEO-S Note:** In addition to rescinding the sunset provision, this measure would increase the total available tax credits to \$15 million per fiscal year. It may help to encourage development of additional renewable energy supporting DOD activities in the state.

SB 1290 LAND USE PLANNING Authorizes the Board of Trustees of the Internal Improvement Trust Fund to waive certain requirements and rules and substitute procedures relating to the acquisition of state lands under certain conditions. Provides for public agencies and nonprofit organizations to enter into written agreements with FLDEP rather than the Division of State Lands to purchase and hold property for subsequent resale to the board rather than the division. Also provides for the use of alternatives to fee simple acquisition by public land acquisition agencies. Last action: passed Senate committee 25 FEB 16. **REEO-S Note:** This measure concerns requirements for acquisition of land for conservation purposes. Provisions involving military compatible use lands, or Readiness and Environmental Protection Initiative (REPI) projects, remain unchanged.

SB 1544 STORMWATER SUPPLIES AND PLANNING Creates interagency workgroup to share information, coordinate ongoing efforts, and collaborate on initiatives relating to weather events. Among other provisions, the measure requires specified agencies to participate in the workgroup, designates the Florida Division of Emergency Management director or designee as liaison and workgroup coordinator, and requires the workgroup to prepare an annual report for the governor and Legislature. Last action: passed Senate committee 11 FEB 16. **REEO-S Note:** This measure may be of interest to DOD activities that may provide support through coordination with the Florida Department of Military Affairs.

FINAL RULES

TRIENNIAL REVIEW: STATE SURFACE WATER QUALITY STANDARDS (62-302.200, 300, 400, 530, 531, 532, 533, 800) As part of its Triennial Review of State Surface Water Quality Standards, FLDEP has [adopted amendments](#) to Chapter 62-302, FAC, to: (1) update biological standard operating procedures; (2) reclassify estuarine waterbodies from Class III to Class II; (3) replace criteria for un-ionized ammonia (fresh water) with criteria for total ammonia; (4) replace criteria for bacteriological quality (fecal coliform) with criteria for Escherichia coli bacteria (fresh water) and Enterococci bacteria (marine water); (5) establish new water quality criteria for nonylphenol, carbaryl (fresh water only), chlorpyrifos, and diazinon; (6) clarify the methodology for determining lake color and alkalinity when assessing nutrients in lakes; (7) revise the estuarine nutrient region boundaries for Naples Bay and Tampa Bay; (8) clarify the calculation of annual geometric and arithmetic means for nutrients in marine waters; and (9) update several rule references. The rule amendments were effective 17 FEB 16.

TRIENNIAL REVIEW: IDENTIFICATION OF IMPAIRED SURFACE WATERS (62-303.100, 150, 200, 300, 310, 320, 330, 350, 351 - 354, 360, 370, 380, 390, 400, 420, 430, 450, 460, 470, 480, 500, 600, 700, 710, 720) FLDEP has [adopted revisions](#) to Chapter 62-303, FAC, Identification of Impaired Surface Waters, designed to clarify the assessment methodology for identifying impaired surface waters. New provisions primarily relate to: (1) the assessment of the concurrently proposed bacteria criteria; and (2) clarification of the scope of waters on the Study List. The rule amendments were effective 17 FEB 16.

TRIENNIAL REVIEW: PERMITS (62-4.050, 62-4.242, 62-4.244) FLDEP has [adopted amendments](#) to Chapter 62-4, FAC, Permits, to: (1) revise subparagraph 62-4.242(3)(a)2 to delete text related to mixing zones in Outstanding Natural Resource Waters; (2) delete subsection 62-4.242(4), which pertains to equitable abatement; and (3) clarify that the fee in subparagraph 62-4.050(4)(q)1., for Site Specific Alternative Criteria, applies to each application instead of each parameter. The rule amendments were effective 17 FEB 16.

PROPOSED RULES

FLORIDA REGULATED PLANT INDEX (5B-40.0055) The Florida Department of Agriculture and Consumer Services has [proposed rulemaking](#) regarding 5B-40.0055, FAC, the purpose of which is to maintain a list of endangered, threatened, or commercially exploited plants. The department's mission is to ensure that these plants are protected and conservation of Florida's natural areas is observed. Comments are due by 14 MAR 16.

RISK-BASED CORRECTIVE ACTION (RBCA) (62-780.100, .150, .200, .210, .220, .300, .400, .450, .500, .550, .560, .600, .610, .650, .680, .690, .700, .750, .790, .900) FLDEP has [proposed rulemaking](#) concerning Chapter 62-780 of the Florida Administrative Code, which has not been substantially updated on a technical basis since adoption in 2005. Since then, much has been learned with regard to applying RBCA principles to contaminated site management and closure. The department is reviewing and updating these rules given technical advancement since original rule adoption. Specific topics to be addressed include notice requirements for conditional closure, addressing additivity, evaluation of Incremental Sampling Methodology, and splitting the current rule 62-780.500 into two separate rules, one for emergency response actions and one for interim source removal. A hearing is scheduled 4 APR 16.



2016 LEGISLATIVE SESSION: 11 JAN 16 THROUGH 31 MAR 16

Georgia has a two-year session (2015-2016) with 2015 bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

HR 1135 BRAC This resolution creates the House Study Committee on Base Realignment and Closure (BRAC). Last action: passed House committee 17 FEB 16.

HB 966 WATERSHED MANAGEMENT Prohibits land-disturbing activities within a buffer zone along all state waters. Last action: House read for second time 11 FEB 16. **REEO-S Note:** The measure would change the buffer point of measurement from "where vegetation has been wrested by normal stream flow or wave action" to the "ordinary high water mark." Perhaps this will simplify delineation of the protected buffer area.

HB 1022 SOLID WASTE DISPOSAL Creates new requirements for inert waste landfills. Provides for permit by notification for inert waste landfill operations, repeals a grandfather provision relating to inert waste landfills, and establishes new statutory requirements for inert waste landfill operators. Last action: House read for second time 18 FEB 16.

HB 1028 SOLID AND HAZARDOUS WASTE Requires the Environmental Protection Division (GAEPD) of the Georgia Department of Natural Resources to provide notice to affected localities upon the occurrence of certain events relating to permitted solid or hazardous waste facilities. Last action: passed House 29 FEB 16. **REEO-S Note:** This measure would require GAEPD to provide written notice of all applications for solid and hazardous waste facility operating permits to the governing local authority and each resident within a two-mile radius of the proposed site. The measure would also require GAEPD to provide the local authority and residents notice of all compliance violations from such facilities.

SB 326 SOIL EROSION AND SEDIMENT CONTROL Relating to the control of soil erosion and sedimentation, so as to shorten the time period for permit issuance or denial by local issuing authorities; to clarify qualification standards for erosion and sediment control plan designers and reviewers. Last action: Senate first reading and referred to committee 4 FEB 16. **REEO-S Note:** This measure would appear to benefit DOD activities seeking such permits. The period for local issuing authorities to either issue or deny permits would change from 45 days to 14 days.

FEDERAL ACTIVITY

ATTAINMENT FOR 1997 ANNUAL PM_{2.5} NAAQS The USEPA has issued a final rule approving the state of Georgia's request to redesignate the Atlanta fine particulate matter (PM_{2.5}) nonattainment area to attainment for the 1997 Annual PM_{2.5} national ambient air quality standards (NAAQS) ([81 FR 9114](#)). USEPA has also approved the related State Implementation Plan (SIP) revision containing a maintenance plan for the Atlanta Area. The maintenance plan includes the associated motor vehicle emission budgets (MVEBs) for nitrogen oxides (NOX) and direct PM_{2.5} for the year 2024. Additionally, USEPA found the 2024 MVEBs for the Atlanta Area adequate for the purposes of transportation conformity. The final rule became effective on 24 FEB 16.



2016 LEGISLATIVE SESSION: 5 JAN 16 THROUGH 12 APR 16

Kentucky has a one-year session. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

HB 106 (SB 119) CHEMICAL MUNITIONS DISPOSAL Proposed amendments delete references to gaps in information on the acute and chronic health effects of exposure to compounds used in chemical munitions. The bill requires that, after the compounds in chemical munitions are treated to specific treatment or destruction values set by law or by the Energy and Environment Cabinet, the Energy and Environment Cabinet will reclassify the residual wastes to ensure proper management and disposal. Last action: HB 106 passed House 10 FEB 16; SB 119 passed Senate and referred to House committee 25 FEB 16. **REEO-S Note:** The Bluegrass facility appears to be the target of these measures. The proposed changes are apparently designed to resolve current ambiguities associated with managing residue wastes. We will continue to monitor progress and report on any implications.

HB 208 OPEN BURNING Among other provisions, requires the Energy and Environment Cabinet to promulgate administrative regulations no later than 15 JUL 17 to develop a comprehensive prescribed fire program and training. Requires approval of a prescribed fire plan by the Division of Forestry prior to a burn, provides liability coverage for prescribed fires conducted by state employees as a part of their employment duties, and declares prescribed fire use as in the public interest and not a nuisance to the public. Last action: passed House 23 FEB 16. **REEO-S Note:** DOD activities should not be subject to the provisions contained in this measure. However, DOD activities may participate in prescribed fire permitting or coordination to the extent that the main purpose of the permitting or coordination is to provide requested fire data to state officials in the context of facilitating compliance with Clean Air Act smoke management planning or substantiating EPA Exceptional Events Rule application.

HB 431 GRAY WATER AND WATER REUSE Defines gray water and black water, allows for conservation credits for gray water systems that reduce the waste flow calculations, creates a new section of KRS Chapter 211 to require the cabinet to promulgate administrative regulations to update daily waste flow charts for low water using fixtures and allow gray water conservation credits, and prohibits any political subdivision from prohibiting use of gray water reductions from systems approved under permit by the cabinet. Last action: referred to committee 23 FEB 16.



2016 LEGISLATIVE SESSION: 5 JAN 16 THROUGH 8 MAY 16

Mississippi has a one-year session. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

HB 138 ELECTRIC GENERATION AND TRANSMISSION FACILITIES Provides for the Mississippi distributed energy resource program that would provide for net metering for energy and the lease of renewable electric facilities. Requires the public service commission to promulgate standards for renewable energy facility interconnection, and each distribution electric cooperatives board to consider energy net metering policies. Last action: died in House committee 8 FEB 16. **REEO-S Note:** This measure would have clarified legal authority and facilitated opportunities for small-scale renewable energy development of interest to DOD activities in the state.

HB 142 OPEN BURNING Provides certain penalties for the violation of a burn ban. Last action: passed House 29 FEB 16. **REEO-S Note:** This measure would increase existing penalties for violating declared burn bans. The measure should not be enforceable against a federal facility; however, DOD activities should assess prudence of complying with declared bans.

FEDERAL ACTIVITY

INFRASTRUCTURE REQUIREMENTS FOR THE 2010 SO₂ NAAQS USEPA has issued a proposing rule to approve, in part, and disapprove, in part, portions of SIP revisions submitted by the state of Mississippi ([81 FR 7259](#)). The SIP revisions were submitted to demonstrate that the state meets the Clean Air Act (CAA) infrastructure requirements for the 2010 1-hour sulfur dioxide (SO₂) NAAQS. USEPA has proposed to disapprove sections governing the state board majority requirements related to significant portion of income. USEPA has proposed to approve the remaining sections of the infrastructure submission as satisfying certain required infrastructure elements for the 2010 1-hour SO₂ NAAQS. Comments are due by 14 MAR 16.

ATTAINMENT FOR MEMPHIS PORTION OF TN-MS-AR 2008 8-HOUR OZONE NONATTAINMENT AREA USEPA has issued a proposed rule to approve the state of Mississippi's request to redesignate the Mississippi portion of the Memphis, TN-MS-AR 2008 8-hour ozone nonattainment area ([81 FR 7269](#)). USEPA has also proposed approval of the related SIP revision containing a maintenance plan for the area. The maintenance plan includes the associated MVEBs for NO_x and volatile organic compounds (VOC) for the year 2027. Additionally, USEPA has announced the proposed adequacy determination for MVEBs for the Mississippi portion of the Memphis, TN-MS-AR Area. Comments are due by 14 MAR 16.

FINAL RULES

PRIMARY DRINKING WATER REGULATION (Title 15, Part 20, Subpart 72, Chapter 1) The Mississippi Department of Health has adopted [modifications](#) to Title 15 – Mississippi Department of Health, Part 20: Bureau of Public Water Supply, Subpart 72: Public Water Supply, Chapter 1., Mississippi Primary Drinking Water Regulation, in response to recent changes of the Safe Drinking Water Act (SDWA), which the state must incorporate into the Mississippi SDWA. The rules were effective on 27 FEB 16

PROPOSED RULES

MISSISSIPPI 2016 SECTION 303(D) LIST OF IMPAIRED WATER BODIES (Title 11, Part 6, Chapter 9) The Mississippi Department of Environmental Quality (MDEQ) has [proposed rulemaking](#) regarding Title 11, Part 6, Chapter 9 "Mississippi 2016 Section 303(d) List of Impaired Water Bodies." The Mississippi 2016 Section 303(d) List of Impaired Water Bodies identifies those waters within the state for which recent monitoring and assessment have found pollutant specific impairment and for which Total Maximum Daily Loads (TMDLs) are not yet completed. The list is a new regulation that replaces the previous version of this list in its entirety and will be codified at 11 Miss. Admin. Code Pt. 6, Ch. 9. A hearing was scheduled for 14 MAR 16.

REGULATIONS FOR THE PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY (Title 11, Part 2, Chapter 5) MDEQ has [proposed amendments](#) to state air pollution control regulations and a revision to the SIP. The state regulations affected by the proposed amendments are Mississippi Administrative Code, Title 11, Part 2, Chapter 5, "Regulations for the Prevention of Significant Deterioration of Air Quality". The proposed regulation amendments and SIP revision will be applicable statewide. A hearing will be held 18 MAR 16, and comments are due the same day.



2016 LEGISLATIVE SESSION: 25 APR 16 THROUGH 30 JUN 16

North Carolina has a two-year session (2015-2016) with 2015 bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity.

FEDERAL ACTIVITY

INFRASTRUCTURE REQUIREMENTS FOR THE 2010 SO₂ NAAQS USEPA has issued a proposed rule to approve portions of SIP revisions submitted by the state of North Carolina ([81 FR 9398](#)). The SIP revisions were submitted to demonstrate that the state meets the CAA infrastructure requirements for the 2010 1-hour SO₂ NAAQS. USEPA has proposed to determine that portions of North Carolina's infrastructure SIP submission satisfy certain infrastructure elements for the 2010 1-hour SO₂ NAAQS. Comments are due by 28 MAR 16.

FINAL RULES

COASTAL AREA MANAGEMENT ACT (CAMA) LAND USE PLANNING PROGRAM (15A NCAC 07B .0801, .0804, .0601, .0701, .0702, .0802, .0803; 15A NCAC 07L .0102, .0502-.0504, .0505-.0514, .0601-.0603, .0701-.0705) The North Carolina Department of Environment and Natural Resources (NCDENR) has [adopted rulemaking](#) to adopt the rules cited as 15A NCAC 07B .0801, .0804; amend the rules cited as 15A NCAC 07L .0102, .0502-.0504; repeal the rules cited as 15A NCAC 07L .0505-.0514, .0601-.0603, .0701-.0705; and readopt with substantive changes the rules cited as 15A NCAC 07B .0601, .0701, .0702, .0802, .0803. These amendments increase flexibility for land use planning program content and format; clarify that updates and amendments are voluntary; provide a new process option for CAMA Major Permit Review; streamline plan approval, amendment, and update processes; and integrate planning efforts.

NATIONAL POLLINATOR PROTECTION STRATEGY (02 NCAC 09L .1009) The North Carolina Department of Agriculture and Consumer Services has [adopted rulemaking](#) to amend the rule "Notification of Apiaries." EPA issued a national pollinator protection strategy on 19 MAY 15. Changes to the North Carolina rule were necessary to make it consistent with the federal strategy, as well as with new federal neonicotinoid pesticide labeling requirements for notification of beekeepers prior to pesticide application to protect pollinators. The rule was effective 1 JAN 16.

PROPOSED RULES

STREAMLINING OF PERMIT EXEMPTION RULES (15A NCAC 02Q .0318, .0102, .0903, .0302) NCDENR has [proposed rulemaking](#) to adopt the rule cited as 15A NCAC 02Q .0318; amend the rules cited as 15A NCAC 02Q .0102 and .0903; and repeal the rule cited as 15A NCAC 02Q .0302.

- Amendments to Rule 15A NCAC 02Q .0102, Activities Exempted From Permit Requirements, simplify the rule to make it easier to understand. New exemptions are also added. Facilities with actual emissions less than five tons per year of each specified pollutant and total aggregate actual emissions of 10 tons per year would be exempt from permitting. Facilities that are not exempt and have total aggregate actual emissions less than 25 tons per year would be eligible for registration instead of obtaining a permit.
- Amendments to repeal Rule 15A NCAC 02Q .0302, Facilities Not Likely To Contravene Demonstration, are needed because the rule is duplicative of requirements contained in revised Rule 15A NCAC 02Q .0102.
- Amendments to adopt Rule 15A NCAC 02Q .0318, Changes Not Requiring Permit Revisions, allow facilities to make minor changes without first modifying their permit.
- Amendments to Rule 15A NCAC 02Q .0903, Emergency Generators And Stationary Reciprocating Internal Combustion Engines, add an exemption from permitting for stationary reciprocating internal combustion engines, if the engine is the only source of emissions at the facility.

A hearing was held 18 FEB 16.



2016 LEGISLATIVE SESSION: 12 JAN 16 THROUGH 2 JUN 16

South Carolina has a two-year session (2015-2016), with bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity.

LEGISLATION

HJR 4982 UNDERGROUND STORAGE TANKS This joint resolution would approve underground storage tank control regulations of the South Carolina Department of Health and Environmental Control (SCDHEC), designated as regulation document number 4565, pursuant to the provisions of article 1, chapter 23, title 1 of the 1976 code. Last action: House introduced 25 FEB 16.

HB 3874, RENEWABLE ENERGY Provides for an income tax credit to an individual or business that constructs, purchases, or leases renewable energy property and places it in service in South Carolina. The bill also defines "renewable energy property." Last action: signed by the Governor 16 FEB 16. **REEO-S Note:** This measure provides a 35% tax credit for renewable energy project development. The utility of the measure is somewhat limited but could encourage small-scale renewable energy development.

SB 1076 MAINTENANCE DREDGING Permits maintenance dredging by individuals of certain existing navigational canal community developments authorized by a permit from the U.S. Army Corps of Engineers pursuant to the federal Clean Water Act, as amended, or the Rivers and Harbors Act. Last action: passed Senate 23 FEB 16, House referred to committee 24 FEB 16.

FEDERAL ACTIVITY

CROSS-MEDIA ELECTRONIC REPORTING EPA approved South Carolina's request to revise two state USEPA-authorized air programs to allow electronic reporting ([81 FR 8710](#)). The approval establishes electronic reporting as an acceptable regulatory alternative to paper reporting for the Approval and Promulgation of Implementation Plans program and the State Operating Permit program. The approval became effective on 22 FEB 16.

FINAL RULES

SOUTH CAROLINA CONSUMER ELECTRONIC EQUIPMENT COLLECTION AND RECOVERY (61-124) The South Carolina Department of Health and Environmental Control (SCDHEC) has adopted [new Regulation 61-124](#), Consumer Electronic Equipment Collection and Recovery. The South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act, codified at Section 48-60-5 et seq., S.C. Code of Laws, 1976, as amended, establishes requirements for the sale, prohibition of disposal, and recovery of consumer electronic devices, specifically for household computers, printers, and televisions. The regulation:

- Establishes standards for labeling covered devices and for the registration of manufacturers of covered devices;
- Establishes procedures for banning covered devices from disposal in solid waste landfills, and specifies annual registration fees for manufacturers of covered electronic devices;
- Addresses responsibilities of manufacturers and retailers of covered electronic devices as defined by the act, standards for the safe, environmentally responsible recovery, and recycling of devices when no longer wanted by consumers and reporting requirements; and
- Establishes fines for violations of the act and the regulation.

The regulation was effective on 26 FEB 16.

PROPOSED RULES

SIP CALL—INCORPORATION BY REFERENCE OF RECENT FEDERAL AMENDMENTS (61-62) SCDHEC has proposed rulemaking to amend Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). SCDHEC [proposes to amend](#) Regulation 61-62.1, Section II, Permit Requirements; Regulation 61-62.5, Standard No.1, Emissions from Fuel Burning Operations; and Regulation 61-62.5, Standard 4, Emissions from Process Industries, to address periods of excess emissions during startup, shutdown, or malfunction (SSM) events. The amendments are required by EPA in response to a national petition for rulemaking and to address a finding of substantial inadequacy (referred to as a SIP call) (80 FR 33840, 12 JUN 15). SCDHEC also proposes to amend Regulation 61-62.1, Section III, Emissions Inventory and Emissions Statements; Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards; and the SIP, to incorporate by reference recent federal amendments promulgated from 1 JAN 15, through 31 DEC 15. Comments are due 28 MAR 16.



2016 LEGISLATIVE SESSION: 12 JAN 16 THROUGH 20 APR 16

Tennessee has a two-year session (2015-2016) with bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity..

LEGISLATION

No Army relevant developments.

FEDERAL ACTIVITY

MEMPHIS I/M PROGRAM REMOVAL AND REVISIONS TO SHELBY COUNTY 1997 8-HOUR OZONE MAINTENANCE PLAN USEPA has issued a proposed rule to approve SIP revisions submitted by the state of Tennessee ([81 FR 7483](#)). The SIP revisions remove the Inspection and Maintenance (I/M) program in the City of Memphis, and incorporate Shelby County's revised maintenance plan for the 1997 8-hour ozone NAAQS. The revised maintenance plan: (1) updates the emissions inventory estimates and MVEBs for the years 2006 and 2021; and (2) contains an emissions reduction measure to offset the emissions increase expected from the termination of City of Memphis I/M program. Comments are due by 14 MAR 16.

FINAL RULES

TENNESSEE REVISED TOTAL COLIFORM RULE (0400-45-01) The Tennessee Department of Environment and Conservation (TDEC) has [adopted](#) new Rule 0400-45-01-.41, Revised Total Coliform Rule. TDEC has also adopted amendments associated with the new rule within Rules 0400-45-01-.04 (Definitions); 0400-45-01-.06 (Maximum Contaminant Levels); 0400-45-01-.07 (Monitoring and Analytical Requirements); 0400-45-01-.19 (Notification to Customers); 0400-45-01-.31 (Filtration and Disinfection); 0400-45-01-.35 (Consumer Confidence Reports); 0400-45-01-.36 (Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors); and 0400-45-01-.40 (Ground Water Rule). Tennessee is promulgating these rules to maintain primary enforcement authority from EPA. Under the USEPA's Revised Total Coliform Rule there is no longer a monthly maximum contaminant level (MCL) violation for multiple total coliform detections. Instead, the revisions require water systems that have an indication of coliform contamination in the distribution system to assess the problem and take corrective action that may reduce cases of illnesses and deaths due to potential fecal contamination and waterborne pathogen exposure. The rule was effective 22 FEB 16.

Department of Defense Activity

DODI 4715.22 ENVIRONMENTAL MANAGEMENT POLICY FOR CONTINGENCY LOCATIONS Department of Defense Instruction (DODI) [4715.22](#), Environmental Management Policy for Contingency Locations, was updated 18 FEB 16. The DODI establishes policy, assigns responsibilities, and provides direction for environmental management at contingency locations in accordance with guidance in DOD Directives (DODDs) [4715.1E](#) and [3000.10](#) and authority in [DODD 5134.01](#).

FUSRAP UPDATE 2015 The [2015 update](#) to the Formerly Utilized Sites Remedial Action Program (FUSRAP), published by the U.S. Army Corps of Engineers (USACE) in January 2016, provides information about progress USACE is making in cleaning up sites with contamination resulting from the nation's early atomic energy program. FUSRAP was initiated in 1974 to identify, investigate, and, as necessary, clean up or control sites throughout the U.S. that were contaminated as a result of Manhattan Engineer District (MED) or early Atomic Energy Commission (AEC) activities. MED and the AEC were predecessors of the U.S. Department of Energy (DOE).

LEGACY RESOURCE MANAGEMENT PROGRAM: REQUEST FOR PRE-PROPOSALS The Office of the Assistant Secretary of Defense [announced](#) the DOD Legacy Resource Management Program request for pre-proposals for FY 2017 Legacy Program funding. Specific areas of interest and the proposal timeline are described in the FY 2017 Areas of Emphasis (AOEs) attached to the announcement. The DOD Legacy Program provides funding to high priority conservation projects that foster mission sustainment while promoting long-term stewardship of the nation's natural and cultural heritage. All projects must address at least one of the AOEs and support the mission-relevant priorities that form the basis of DOD's

Natural and Cultural Resources Programs. Proposals must identify any relationship between the proposed work and other similar efforts that are currently underway or completed. Pre-proposals are due 4 APR 16. For more information, click [here](#).

Federal Activity

AIR

DEFINITION OF VOC EPA revised the definition of volatile organic compound ([81 FR 9339](#)). The regulatory definition of VOC currently excludes t-butyl acetate (also known as tertiary butyl acetate or TBAC) for purposes of VOC emissions limitations or VOC content requirements on the basis that it makes a negligible contribution to tropospheric ozone formation. However, the current definition includes TBAC as a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements that apply to VOC. This final action removes the recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements related to the use of TBAC as a VOC. The final rule is effective 25 APR 16.

LEAK DETECTION METHODOLOGY AND CONFIDENTIALITY FOR PETROLEUM AND NATURAL GAS SYSTEMS EPA has proposed to add new monitoring methods for detecting leaks from oil and gas equipment in the petroleum and natural gas systems source category consistent with the leak detection methods in the recently proposed new source performance standards (NSPS) for the oil and gas industry ([81 FR 4987](#)). EPA has also proposed to add emission factors for leaking equipment to be used in conjunction with these monitoring methods to calculate and report greenhouse gas (GHG) emissions resulting from equipment leaks. Further, the EPA proposed reporting requirements and confidentiality determinations for nine new or substantially revised data elements.

CLEANUP

REVISIONS TO HAZARD RANKING SYSTEM: SUBSURFACE INTRUSION EPA is proposing to add a subsurface intrusion (SsI) component to the Hazard Ranking System (HRS), which is the principal mechanism that EPA uses to evaluate sites for placement on the National Priorities List (NPL) ([81 FR 10371](#)). The SsI component would expand the number of available options for EPA to evaluate potential threats to public health from releases of hazardous substances, pollutants, or contaminants. The addition will allow an HRS evaluation to directly consider human exposure to hazardous substances, pollutants, or contaminants that enter regularly occupied structures through subsurface intrusion in assessing a site's relative risk. The change would allow subsurface intrusion to be considered when evaluating sites for placement on the NPL. Comments are due 29 APR 16.

CLIMATE CHANGE

GREENHOUSE GAS EMISSIONS AND SINKS The Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2014 is available for public review and comment ([81 FR 8713](#)). The report summarizes annual U.S. emissions for the period from 1990 through 2014, by source category and sector. The inventory contains estimates of carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), sulfur hexafluoride (SF₆), and nitrogen trifluoride (NF₃) emissions. The inventory also includes estimates of carbon fluxes in U.S. agricultural and forest lands. Comments are due 23 MAR 16. For more information about the draft report, click [here](#).

EMERGENCY RESPONSE

RISK MANAGEMENT PLANNING EPA [is proposing](#) to revise its Risk Management Plan (RMP) rule to improve chemical process safety, assist local emergency authorities in planning for and responding to accidents, and improve public awareness of chemical hazards at regulated sources. The rule requires covered facilities to develop and implement a risk management program. The proposed amendments are intended to improve existing risk management plan requirements to enhance chemical safety at RMP facilities by:

- Requiring the consideration of safer technologies and alternatives by including the assessment of inherently safer technologies and designs in the process hazard assessment;
- Requiring third party audits and root cause analysis to identify process safety improvements for accident prevention;
- Enhancing emergency planning and preparedness requirements to help ensure coordination between facilities and local communities;
- Strengthening emergency response planning to help ensure emergency response capabilities are available to mitigate the effect of a chemical accident;
- Improving the ability of Local Emergency Planning Committees (LEPCs) and local emergency response officials to better prepare for emergencies both individually and with one another; and
- Improving access to information to help the public understand the risks at RMP facilities.

Approximately 12,500 facilities have filed current RMPs with EPA and are potentially affected by the proposed rule changes. Comments are due 60 days after publication in the Federal Register. For more information, click [here](#).

ENERGY

SUPREME COURT STAYS CLEAN POWER PLANNING REQUIREMENTS The Supreme Court [stayed](#) implementation of the Clean Power Plan, pending [judicial review](#). The Clean Power Plan identifies individual goals for each state to reduce CO₂ emissions from its power plant sector by 2030. Under Clean Power Planning requirements, states are required to develop a plan to reach their specific emission reduction goal. State plans are due October 2016, although EPA is authorizing two-year extensions for states that requested an extension. In response to the court stay, EPA [announced](#) that it intends to continue providing tools and support to states that choose to continue working to cut carbon emissions from power plants.

GOVERNORS' ACCORD FOR A NEW ENERGY FUTURE The governors of [17 states](#) signed an [accord for a new energy future](#). The accord lays out a shared vision whereby the states pledge to diversify energy generation and expand clean energy sources; modernize energy infrastructure; encourage clean transportation options; plan for a transition to clean energy; and work together to make transformational policy changes in order to secure a stronger national energy future. Participating governors include those of California, Connecticut, Delaware, Hawaii, Idaho, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington. For more information, click [here](#).

INTERSTATE ELECTRIC TRANSMISSION: COORDINATION OF FEDERAL AUTHORIZATIONS DOE is proposing to simplify regulations governing coordination of federal authorizations for proposed interstate electric transmission facilities ([81 FR 5383](#)). In 2009, DOE and eight other federal agencies, including DOD, entered into a [memorandum of understanding](#) (MOU) regarding coordination in federal agency review for electric transmission siting on federal lands to improve coordination among project proponents, federal agencies, states, and tribes involved in the siting and permitting process. DOE is proposing to implement an integrated, interagency pre-application review process intended to provide a roadmap and encourage early coordination between electric grid transmission project proponents and permitting agencies. As part of the voluntary pre-application review process, a project proponent must submit a project summary that includes a summary of known or potential conflicts with or adverse impacts on military activities, including "potential constraints

caused by impacts on military test, training, and operational missions, including impacts on installations, ranges, and airspace." Comments are due 4 APR 16. For more information, click [here](#).

ENERGY SAVINGS PERFORMANCE CONTRACT ENERGY SALES AGREEMENT - NOTICE AND REQUEST DOE's Federal Energy Management Program Office (FEMP) is requesting comments on including onsite renewable energy generation under energy savings performance contracts (ESPC). FEMP seeks to obtain information on potential obstacles associated with the implementation of privately owned onsite renewable energy generation projects under the federal ESPC authority, including potential issues with project eligibility for the federal solar investment tax credit (ITC) and the use of a streamlined procurement program for such projects ([81 FR 7777](#)). DOE requests information on potential obstacles associated with the implementation of onsite privately owned renewable energy generation projects under the ESPC authorities. Comments are due by 2 MAR 16.

QUADRENNIAL ENERGY REVIEW (SECOND INSTALLMENT) The focus for the initial Quadrennial Energy Review (QER), released 21 APR 15, was national transmission, storage and distribution infrastructures. The second installment of the QER will review the nation's electricity system, from generation to end use, including a more comprehensive look at electricity transmission, storage, and distribution infrastructure covered in installment one ([81 FR 4025](#)). The electricity system encompasses not just physical structures, but also a range of actors and institutions. The second installment intends to consider the roles and activities of all relevant actors, industries, and institutions integral to continuing to supply reliable and affordable electricity at a time of dramatic change in technology development. Issues to be considered in QER analyses include fuel choices; distributed and centralized generation; physical and cyber vulnerabilities; federal, state, and local policy direction; expectations of residential and commercial consumers; and existing and evolving business models for entities throughout the system. Over the course of 2016, the QER Task Force will hold a series of public meetings to discuss and receive comment on issues related to the second installment. DOE met 4 FEB 16 in Washington, D.C., to introduce the second installment of the QER. Comments are due by 1 JUL 16.

HAZARDOUS MATERIALS

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN – DOD IMPLICATIONS EPA proposed revisions to the National Oil and Hazardous Substances Pollution Contingency Plan to align it with the Department of Homeland Security's National Response Framework and National Incident Management System ([81 FR 3982](#)). The revisions also update the descriptions of federal agency organizational structures and capabilities and how they operate, and recognize the establishment of the Department of Homeland Security. The implications for DOD are two-fold.

- DOD has responsibility to take all action necessary with respect to releases where either the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of DOD. In the event of releases that are unrelated to DOD, DOD may, consistent with its operational requirements and upon request of the Office of Special Counsel, provide appropriate support to other federal agencies. In such event, the following components of DOD may have particular relevance or expertise.
- U.S. Navy Supervisor of Salvage (SUPSALV) is the DOD component most knowledgeable and experienced in ship salvage, harbor clearance, towing, oil and hazardous spill response, underwater ship repair, and diving. The Navy has an extensive array of specialized equipment and personnel available for use in these areas as well as specialized containment, collection, and removal equipment specifically designed for salvage-related and open-sea pollution incidents. In addition to the capabilities provided by SUPSALV, DOD may also, consistent with operational commitments, provide locally deployed Navy oil spill response equipment and operating personnel.

Comments are due by 25 MAR 16.

NATURAL RESOURCES

REGIONAL MONITORING NETWORKS TO DETECT CHANGING BASELINES IN FRESHWATER WADEABLE STREAMS EPA released a document titled *Regional Monitoring Networks (RMNs) to Detect Changing Baselines in Freshwater Wadeable Streams* ([81 FR 10240](#)). The document describes the development of the current regional monitoring networks (RMNs) for riffle-dominated, freshwater wadeable streams. RMNs have been established in the Northeast, Mid-Atlantic, and Southeast, and efforts are expanding into other regions. The document describes the development and implementation of the RMNs. It includes information on selection of sites, expectations for data collection, the rationale for collecting data, data infrastructure, and examples of how RMN data will be used and analyzed. The report concludes with a discussion on the status of monitoring activities and next steps. To view the document, click [here](#).

SUSTAINABILITY

SUSTAINABLE FEDERAL BUILDINGS The White House Council on Environmental Quality (CEQ) [issued updated guidance](#) for sustainability of federal buildings. The guidance, developed to comply with [EO 13693](#), Planning for Federal Sustainability for the Next Decade, is intended to:

- Reflect the evolution of sustainable building design, construction, and operating practices since 2008;
- Incorporate other building-related EO 13693 requirements;
- Increase the economic and environmental benefits of federal investments in facilities;
- Enhance occupant health, wellness, and productivity;
- Include climate resilience in building design, construction, and operations, and protect federal facility investments from the potential impacts of climate change; and
- Provide information on tracking agency green building performance.

The revised document, [Guiding Principles for Sustainable Federal Buildings](#), replaces CEQ's 2008 guidance, High Performance and Sustainable Buildings Guidance. CEQ also released a companion guidance document, [Determining Compliance with the Guiding Principles for Sustainable Federal Buildings](#).

THREATENED AND ENDANGERED SPECIES

ENDANGERED SPECIES ACT: INTERAGENCY COORDINATION POLICY The Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) announced an interagency policy to clarify the role of state agencies in activities undertaken by the services under authority of the Endangered Species Act (ESA) and associated regulations ([81 FR 8663](#)). The 22 FEB 16 policy, which is a revision of a policy issued in 1994, reflects a renewed commitment by the services and state fish and wildlife agencies to work together in conserving America's imperiled wildlife. The revised policy references a suite of conservation tools not available or in common use when the policy was originally developed, including Habitat Conservation Plans, Candidate Conservation Agreements with Assurances, and Safe Harbor Agreements. For more information, click [here](#).

INTERAGENCY COOPERATION: DEFINITIONS – DESTRUCTION OR ADVERSE MODIFICATION FWS and NMFS issued final amendments revising the definition of "destruction or adverse modification" of critical habitat ([80 FR 7214](#)). The act requires federal agencies to ensure their actions are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of critical habitat of such species. The final rule is effective 14 MAR 16.

REGULATIONS FOR DESIGNATING CRITICAL HABITAT FWS and NMFS issued final amendments to regulations that clarify, interpret, and implement procedures and criteria used for adding species to the lists of endangered and threatened wildlife and plants and designating and revising critical habitat ([81 FR 7413](#)). Specifically, the amendments make minor edits to the scope and purpose, add and remove some definitions, and clarify the criteria and procedures for designating

critical habitat. The amendments are intended to clarify expectations regarding critical habitat designation and provide for a more predictable and transparent designation process. The final rules are effective 14 MAR 16.

EXCLUSION FROM CRITICAL HABITAT DESIGNATION FWS and NMFS released their final policy on excluding lands from critical habitat designation ([81 FR 7226](#)). The non-binding policy provides the services' position on how they consider partnerships and conservation plans, conservation plans permitted under section 10 of the ESA, national-security and homeland-security impacts and military lands, and exclusions from critical habitat under section 4(b) of the ESA. The final policy is effective 14 MAR 16. For more information, including links to a [news release](#) and [frequently asked questions](#), click [here](#).

EAGLE TAKE PERMIT DURATION FWS reinstated the five-year maximum programmatic permit limit for eagle nonpurposeful take permits ([81 FR 8001](#)). The rulemaking, in response to a court order, removes provisions that extended maximum programmatic permit duration to 30 years. The final rule was effective 17 FEB 16.

STATUS REVIEW FOR TWO MANTA RAYS FWS announced that it will conduct status reviews for the giant manta ray (*Manta birostris*) and reef manta ray (*M. alfredi*) to determine if listing is warranted and whether critical habitat should be designated ([81 FR 8874](#)). The giant ray is widely distributed, inhabiting tropical, subtropical, and temperate waters. Although the giant manta ray is largely pelagic, it is thought to be a seasonal visitor along productive coastlines with regular upwelling, in oceanic island groups, and near offshore pinnacles and seamounts. Reef manta rays are found in tropical and subtropical waters and are often resident in or along productive near-shore environments, such as island groups, atolls, continental coastlines, and may also be associated with areas or events of high primary productivity (e.g., upwelling). Comments are due 25 APR 16. For more information about manta rays, click [here](#).

TOXICS

LEAD-BASED PAINT: TRAINING REQUIREMENTS EPA finalized revisions to the Lead Renovation, Repair, and Painting (RRP) rule and the Lead-based Paint (LBP) Activities rule ([81 FR 7987](#)). The revisions address training requirements associated with these rules. First, the final rule modified a requirement that renovator refresher training have a hands-on component. Second, the agency removed jurisdiction-specific certification and accreditation requirements under the LBP Activities program in states where EPA administers the program. Lastly, EPA added clarifying language to requirements for training providers under both programs. The final rule was effective 17 FEB 16.

DRAFT TOXICOLOGICAL PROFILE: GLUTARALDEHYDE The Agency for Toxic Substances and Disease Registry (ATSDR) released a draft toxicological profile for [glutaraldehyde](#) for public comment ([81 FR 5756](#)). Glutaraldehyde is used as a cold sterilant in the healthcare industry, a biocide in metalworking fluids, and an antimicrobial in water treatment systems. Comments are due 3 MAY 16.

DRAFT TOXICOLOGICAL PROFILES: JET FUELS AND 1-BROMOPROPANE ATSDR released draft toxicological profiles for jet fuel and 1-bromopropane for public comment ([81 FR 9198](#)). 1-bromopropane is a solvent used in degreasing, dry cleaning, spray adhesives, and aerosol solvents. Comments are due 24 MAY 16.

WASTE

CATEGORICAL NON-WASTE FUELS Under the Resource Conservation and Recovery Act (RCRA), the Non-Hazardous Secondary Materials rule establishes standards and procedures to determine whether non-hazardous secondary materials are solid wastes or ingredients when used as fuels in combustion units. EPA developed a list of non-hazardous secondary materials that are not wastes when burned as fuels under specific conditions. This rulemaking ([81 FR 6687](#)) expands the list to include:

- Construction and demolition wood processed from construction and demolition debris according to best management practices;

- Paper recycling residuals generated from the recycling of recovered paper, paperboard, and corrugated containers and combusted by paper recycling mills whose boilers are designed to burn solid fuel; and
- Certain creosote treated railroad ties that are processed and then combusted in specific types of units.

The final rule was effective 9 MAR 16.

WATER

EMERGING REGULATIONS TO ADDRESS POTENTIAL HAZARDOUS SUBSTANCES RELEASES On 16 FEB 16, EPA entered into a [consent decree](#) that requires it to issue proposed regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of hazardous-substances from onshore facilities, and to contain such discharges” under authority of the CWA. The consent decree requires EPA to issue proposed regulations within 18 months, with final action coming no later than 14 months thereafter. Currently, regulations imposed under section 311(j)(1)(C) of the CWA are limited to spill prevention and containment countermeasure plan regulations to prevent and contain discharges of oil from non-transportation-related onshore facilities. Regulations required under the consent decree will likely affect entities that handle, store, transport, or process hazardous substances. To read two articles about the consent decree, click [here](#) and [here](#).

MISC

FEDERAL EARTHQUAKE RISK MANAGEMENT STANDARD In February, President Obama issued a Federal Earthquake Management Standard ([81 FR 6405](#)). The Executive Order (EO) requires agencies ensure buildings are designed, constructed, or altered in accordance with appropriate earthquake resistant design and construction codes and standards. Agencies are required to designate one or more seismic safety coordinators and to submit biennial reports to the Office of Management and Budget (OMB) and the National Institute of Standards and Technology (NIST) on their progress in implementing the order, commencing in two years.

Professional Development

DOD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING USACE announces course availability for the FY16 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:

- Environmental Regulations Practical Application Course (Course Control Number (CCN) 398)
- CERCLA/RCRA Process (CCN 356)
- Hazardous Waste Manifesting & DOT Certification (CCN 223)
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429)
- Radioactive Waste Transport (CCN 441)
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Environmental Remediation Technologies (CCN 395)
- Environmental Laws and Regulations (CCN 170)

NAVY AND ISEERB ENVIRONMENTAL TRAINING The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule is available. Course topics include environmental overview and management,

law planning and sustainability, pollution prevention, restoration, conservation, supplemental and Internet/computer-based training, and more.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the U.S. Army Environmental Command [website](#), which has links to training provided by DOD organizations.

FEDERAL TRAINING SOURCES

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER 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 in the following areas:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Regulatory Watch for information on new or changed laws or regulations;
- Pollution prevention opportunities and best management practices;
- EPA enforcement notices;
- Links to state environmental programs;
- Access to [environmental assistance](#);
- Access to free, FedCenter-sponsored courses:
 1. [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
 2. [Environmental Management Systems](#) (FedCenter membership required);
 3. [Underground Storage Tanks](#) (FedCenter membership required);
- Environmental conferences, meetings, training, and workshop information;
- Applicable laws and Executive Orders; and
- Industry sector-specific newsletters.

FedCenter also provides member assistance services such as:

- Collaboration tools for workgroups,
- Environmental reporting tools, and
- Daily newsletter and subscription services.

SCHEDULED WEBINARS

14-18 MAR 16: 24TH ANNUAL JOINT SAFETY AND ENVIRONMENTAL PROFESSIONAL DEVELOPMENT SYMPOSIUM The DOD joint symposium, open to all DOD and Coast Guard personnel and select contractors to these agencies, will be held entirely on-line, free of charge. The symposium includes environmental, energy, industrial hygiene, and safety tracks. Among the environmental tracks sessions offered: Environmental Compliance Assessment, Training, and Tracking System ([ECATTS](#)), overseas drinking water, Council on Environmental Quality update, and proposed regulations and potential impacts to the Navy (dental wastewater, pharmaceutical waste, regulated medical waste, and more). To register, click [here](#). To view the draft agenda, click [here](#). View the registration form for additional detail regarding restrictions on contractor attendance.

REPI WEBINAR SERIES DOD's Readiness and Environmental Protection Integration (REPI) program offers a webinars throughout the year. All webinars start at 1:00 p.m. Eastern, unless otherwise noted. For detailed webinar descriptions and connection instructions, including links to past webinars, visit www.REPI.mil.

- **16 MAR** [The Full Suite: The REPI Toolbox](#) Learn about the full suite of tools offered through the REPI Program, beyond funding and guidance for buffer partnerships.
- **20 APR** [Annual REPI Help Session for FY17](#) Learn about changes to the REPI process for FY 2017, highlighting successful buffer proposal write-ups, and answering questions about REPI policy guidelines and changes involving the new online proposal system.
- **25 MAY** [How to Develop your Sentinel Landscapes](#) Learn about efforts to define and develop Sentinel Landscapes and how that feeds into requirements for REPI buffers and other encroachment management tools.
- **20 JUL** [Thinking Outside the Base: Off-Installation Solutions to Environmental Regulatory Issues](#) Learn about opportunities for regional crediting schemes and other options for DOD installations to address ESA and other species and habitat-related issues through innovative off-installation practices, while highlighting DOD's efforts at updating its Natural Resources Program strategy.
- **21 SEP** [State Policies and Encroachment Protection Efforts](#) Learn about the various tools, policies, and authorities states provide in support of encroachment management and mission sustainability.
- **7 DEC** [Environmental Law Institute Brief: Sentinel Landscapes Partnership Authorities and Opportunities](#) The Environmental Law Institute has analyzed ways to enhance Sentinel Landscape Partnership implementation and will brief on the opportunities and roadblocks presented by the various partner agencies' authorities and programs.

SERDP AND ESTCP WEBINAR SERIES The DOD environmental research and development funding programs [SERDP and ESTCP](#) offer webinars to promote the transfer of innovative, cost-effective and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars feature two 30-minute presentations and interactive question and answer sessions on topics targeted for DOD and DOE audiences. Prior presentations are archived for viewing any time.

FEMP eTRAINING COURSES The Federal Energy Management Program (FEMP) offers interactive, online 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 WEBCASTS Energy Star is a EPA voluntary program that helps businesses and individuals save money and protect our climate through superior energy efficiency.

CLEAN AIR ACT GENERAL CONFORMITY TRAINING MODULES 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. The training from EPA covers all aspects of the rule and is divided into four modules:

- The Basics, for top agency managers and the general public: [Module I](#) provides an overview of the program purpose, regulation content, program design, legal requirements, and relationship to other environmental programs.
- The Key Concepts, for program managers and others who need a working knowledge of the program: [Module II](#) provides information on determining applicability of regulations to federal actions, requirements for determining conformity, and the review process for a determination.

- All The Details, for individuals responsible for preparing the determination: [Module III](#) contains detailed information on evaluating conformity including emission calculations, requirements for associated programs and special situations.
- State and tribal requirements and responsibilities, for state, tribal, and local air quality managers: [Module IV](#) provides information on state and tribal requirements and responsibilities in evaluation of conformity for federal actions.

WATER MANAGEMENT BASICS This FEMP 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

USGS CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES U.S. Geological Survey (USGS) webinars are designed 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 U.S.. Video recordings with closed captioning are made available one to two weeks after each presentation.

EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY 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.

ITRC INTERNET BASED TRAINING The Interstate Technology and Regulatory Council (ITRC) is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers training courses to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents. Visit the site often to view upcoming Internet-based training events.

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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 protected.

To comment on an item 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](#).