

FLORIDA BEACON

From the President's Desk...
Amy Guilfoyle



**Florida Association of
Environmental Professionals**
Fall 2017



EPA moves to repeal Obama Climate rule 'in its entirety'

The Trump administration will soon propose repealing the Obama administration's climate change rule for power plants but won't commit to replacing it with other regulation.

A draft of the proposal obtained by The Hill on October 6th, asserts that under former President Barack Obama, the EPA issued a Clean Power Plan (CPP) that "is not within Congress's grant of authority to the agency under the governing statute."

"The EPA is proposing to repeal the CPP in its entirety," the agency writes in the notice that would be published in the Federal Register.

"The EPA proposes to take this action because it proposes to determine that the rule exceeds its authority under the statute, that those portions of the rule which arguably do not exceed its authority are not severable and separately implementable, and that it is not appropriate for a rule that exceeds statutory authority – especially a rule of this magnitude and with this level of impact on areas of traditional state authority – to remain in existence pending a potential, successive rulemaking process."

The administration is expected to roll out the proposed repeal as early as October 12th, which would open what is certain to be a fierce regulatory battle over the limits of the EPA's authority and its responsibility to fight climate change.

The regulation was the pillar of Obama's aggressive second-term climate agenda, in which he sought to take unilateral actions to fight climate change after Congress refused to pass cap-and-trade legislation. Go [here](#) for more on this topic.

From The Hill

Sincerely,

Amy L. Guilfoyle

FAEP President

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**Check the last page of this
newsletter to determine if you
qualify for a discount on your
membership!**

Next FAEP Board Meeting!!
The next FAEP Board of Directors Meeting
is October 20, 2017 at 2:00 in-person at the
FAEP 2017 Annual Conference

Find out more about FAEP
Member's Benefits at our website:
WWW.FAEP-FL.ORG

2017 FAEP Conference at the Capital, October 18 - 20, 2017

Where can you go to hear the latest on environmental topics, get classroom training and field training? The 2017 FAEP Conference, which will be located in Tallahassee on October 18 - 20th!

We listened to you and have put together a fantastic line up of panels that will cover your requested topics for presentations, training sessions, and field training. Expect to hear from FDEP, FWC and NRCS agency experts as well as private sector experts including attorneys, land managers, surveyors, biologists, geologists, and others.

Plan to take advantage of our in-depth training sessions on identification of grasses, UMAM, hydric soils, and Phase 1 Environmental Site Assessments, some of which offer both a classroom session and an in-the-field component to allow for hands-on learning.

The conference officially starts the morning of Thursday, October 19th, but plan to come on Wednesday evening and join us for a tour of the award winning and unique Cascades Park. The history of this Superfund redevelopment project will be shared during a walking tour of the Park. It will end with networking and appetizers at The Edison Restaurant, a renovated gasification plant- turned fantastic gathering place for food and libations located in the middle of Cascades Park.



Thursday will be filled with engaging speakers, panelists, and training sessions, followed by a special tour of the venue, the Sheraton Four Points, which is a Silver certified LEED hotel. The day will top off with a poolside networking reception.

Friday will begin with a Fun Run around the Capital buildings for those ambitious conference attendees, followed by more speakers, panelists, and in-field training sessions. Friday afternoon field sessions should not be missed. Several options are available which have been chosen to build upon the topics covered in the conference presentations. Field trip topics will include additional training on land management, springs, sinkholes, wetland mitigation, wildlife ecology, drone operation, wildlife photography, and more!



Please visit the FAEP Conference website (<http://www.faep-fl.org/faep-conference>) for more information. If you have questions, please contact Conference Co-chairs, Elva Peppers elvapeppers@felsi.org or Danielle Irwin dirwin@coastalsystemsint.com

MORE TRENCH

...since 1931.

Florida Beacon

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FAEP Board Member Spotlight

FAEP will be spotlighting your board members throughout the year in selected newsletter editions. We hope this helps members of our association have a better understanding of board member roles and responsibilities, as well as who we are outside of “the office”. In this edition, we introduce you to:

Chasidy Fisher Hobbs

What is your occupation?

Instructor and Career Coach, Department of Earth & Environmental Sciences, UWF

Where do you live?

Pensacola, Florida

Do you have pets?

Yes, two rescue dogs, Echo and Oly

How long have you been a FAEP member?

Hmmmm, started as a student member way back in early 2000s, left the state for a short period, then came back and began serving on the BOD of my local, northwest chapter.

What do you like best about FAEP?

Part of my work is to help the graduates in our department plan for and take the leap to the next step after earning their Bachelor degree. Along with the ability to help students, being part of FAEP also affords me another outlet for providing environmental education opportunities to my community, my true passion.

Have you had an especially good experience with FAEP?

My entire experience with FAEP has been fabulous, I cannot think of one that outshines the rest.

What motivates you to jump out of bed in the morning?

Truth? Slobbery dog kisses that continue until I open the back door! Then coffee. After that, I am able to focus on the big picture and get excited to spend my day helping people and my community. You know what I love about our industry; most of the Environmental Professionals I know love their “jobs”. I get to go to work every day and help people make their dreams a reality. I get to teach people about the world around them and help them see the how connected to it they are, every single day. When you love what you do every day you do not call it a job that makes getting out of bed easy!

What do you do in your free time?

We have a hidden top-secret treasure in my community, a patch of urban forest with several trails going through it; it is a leash free zone and one of the few places {well-trained} dogs can run free (not officially though, which is why it is top-secret). These woods are our church! If not there, these days I am likely at the baseball field watching my son be a kick-butt catcher, or I am at the UWF community garden doing my part to support a sustainable food system.

If you could make one change in the world to leave it as your legacy what would it be?

Everyone would recognize and accept the interconnectedness of humans with the rest of the globe. So many daily decisions are made not recognizing, or ignoring this fact.

What profession other than your own would you like to attempt?

Farmer! I want pigs and cows and turkeys and chickens, all living a happy healthy life before providing nutrients to humans. I want rows and rows of heirloom variety foods that a grocery store would not currently sell because they “look different”. My chickens will be my pest control; my cows will provide the fertilizer; goats will be weed control, and piglets are simply adorable (and, well, bacon!). Oh, and many dogs to serve as protectors for the rest, although they will not be eaten, due to an odd moral standard we have created. Yes, farmer!

What made you want to help the environment?

I must have been born with the desire, because I cannot remember not wanting to; as far back as grade school I was involved with local environmental projects. Then I became a mother and that desire to protect the quality of the water, food and air that my children need in order to survive grew to code-red levels, the rest is history.



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FWC Imperiled Species

Species Conservation Measures and Permitting Guidelines are being developed by the Florida Fish and Wildlife Conservation Commission (FWC) for all 57 species included in the Imperiled Species Management Plan. Completion of all Guidelines is anticipated by 2019, with the primary focus in 2017 and 2018 on state-Threatened species. Guidelines under development in 2017 include the Florida Burrowing Owl, blackmouth shiner, saltmarsh topminnow, Barbour's map turtle, Florida pine snake, Black Creek crayfish, Santa Fe cave crayfish, and Big Cypress fox squirrel.

FWC is gathering public input for the development of **Conservation Measures and Permitting Guidelines for 7 species**. These guidelines will outline biological background, recommended survey methodology, and recommendations for avoidance, minimization, and mitigation for this species. There will be multiple opportunities for the public to comment during the development of guidelines.

FWC has **postponed** the public webinars and public comment period for these guidelines due to the hurricane and office closures. Additional information and updated dates will be posted as soon as possible.

Burrowing Owl meetings were held in June and July. You can read [answers to the questions](#) that were received at the open house meetings.

Stakeholders can provide written comments to Imperiled@myfwc.com, with "burrowing owl" in the subject line. There will be additional opportunity for comments once a draft guidelines document is produced. At this time, please focus comments on the development of guidelines for this species. For questions or comments about permits, please visit [Protected Wildlife Permits](#) page. To report a wildlife violation, please visit [Wildlife Alerts](#) page. The FWC's [frequently asked questions](#) provide additional information on protections and permitting for burrowing owls. Article by Bruce Hasbrouck, Faller Davis & Associates.



Venable brings a full range of resources to environmental issues and can provide counsel and advocacy in all areas of environmental law including:

- ▶ Environmental matters arising under federal statutes including the Clean Water Act, the National Environmental Policy Act, the Endangered Species Act, and the Clean Air Act;
- ▶ Florida Environmental Resource Permitting (ERPs);
- ▶ State and federal transportation and infrastructure permitting and advising; and
- ▶ Environmental due diligence.

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FALL FAEP REGULATORY UPDATE

Halfway through President Trump's first year in office, Administrator Pruitt continues to remake the Environmental Protection Agency (EPA) and roll back significant chunks of President Obama's regulatory framework. While EPA acted quickly to review signature features of the last administration's regulatory regime, such as the Clean Power Plan (CPP) and the Waters of the United States Rule (WOTUS Rule), some of the Trump administration's agenda has been slow to come to fruition, partially due to the lack of high level appointees within EPA.

That could be set to change. At the beginning of September, President Trump submitted **nominations for three key agency posts**: Assistant Administrator for the Office of Air and Radiation (Bill Wehrum), Assistant Administrator for the Office of Water (David Ross), and General Counsel (Matt Leopold). Of particular note, the President's EPA General Counsel nominee, Matt Leopold, served as general counsel for the Florida Department of Environmental Protection from 2013 to 2015.

EPA also took **several steps in response to Hurricane Irma**. In addition to waiving two fuel standards, EPA issued several no action assurances (NAA) in Florida: one specific to [Monroe County](#), another specific to [Tampa Electric Company \(TECO\)](#), and one that [applies statewide](#). Each NAA released the respective utilities from certain permit conditions and regulatory requirements for a defined period of time.

Over the summer, the Administration released a series of **environmental streamlining initiatives**, aimed at speeding up federal environmental reviews. On August 15th, [President Trump published an executive order "on establishing discipline and accountability in the environmental review and permitting process for infrastructure"](#) (the EO). Among other things, the EO announces a government-wide goal of completing NEPA reviews for "major infrastructure projects" within an average of two years. It further requires lead agencies to issue all major decisions in a single record of decision (ROD). And all final federal permitting decisions must be completed within 90 days of a ROD's issuance.

On August 31st, [the U.S. Department of the Interior \(DOI\) adopted its own, narrower rule](#). DOI Departmental Order 3355 requires that most of its environmental impact statements must be completed within one year and in under 150 pages ("unusually complex projects" get up to 300 pages). It is unclear, however, how much these new rules will truly accelerate environmental review. Most of the EO's rules are duplicative of preexisting federal authority or practice, and the DOI's rule's strict limits may be hard to adhere to in practice.

As of this writing, both the **CPP and WOTUS Rule** are in an intermediate review stage. EPA recently signaled that a CPP repeal can be expected this fall. And though EPA just issued its initial rescission of the WOTUS Rule, it is undertaking "step two": issuing a narrower Clean Water Act jurisdictional rule. Written comments are due by November 28th, and EPA is [holding a series of stakeholder teleconferences](#) throughout the fall. Each teleconference is geared toward towards a particular constituency.

EPA also undid its decision to delay issuing 2015 **Clean Air Act (CAA) ozone attainment designations**. Originally due on October 1, 2017, Administrator Pruitt initially decided to push the designation deadline to October 1, 2018. But he has since reversed course, reinstating the October 1, 2017 deadline while maintaining that extensions are still possible for some states.

[Kyle Robisch](#) is an environmental attorney based out of Venable LLP's Washington, D.C. office. He assists clients, including many in Florida, with regulatory compliance, permitting, and complex litigation. His practice focuses on federal and state environmental laws, including the National Environmental Policy Act, the Endangered Species Act, and the Clean Water Act. Before joining Venable, Kyle spent two years in Orlando clerking for the Honorable G. Kendall Sharp, United States District Judge for the Middle District of Florida. He is admitted to practice in Florida and is a proud graduate of the University of Florida. He can be reached at kwrobisch@venable.com or 202-344-4327.

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SUPERCHARGING CITIES

It is extremely important for Tesla customers to be able to easily charge their cars. The most convenient way to charge is to plug in overnight at home, and for most people, this is all that is needed. However, for customers who use their car for long distance travel, there is a growing network of Superchargers located along highways on popular driving routes. They have also installed thousands of Destination Charging connectors at hotels, resorts and restaurants that replicate the home charging experience when you're away from home. Now, as part of their commitment to make Tesla ownership easy for everyone, including those without immediate access to home or workplace charging, they are expanding their Supercharger network into city centers, starting with downtown Chicago and Boston.



Supercharger stations in urban areas will be installed in convenient locations, including supermarkets, shopping centers and downtown districts, so it's easy for customers to charge their car in the time it takes to grocery shop or run errands. They also have the same pricing as Tesla's existing Superchargers, which is far cheaper than the cost of gasoline.

Superchargers in urban areas have a new post design that occupies less space and is easier to install, making them ideal for dense, highly populated areas. To increase efficiency and support a high volume of cars, these Superchargers have a new architecture that delivers a rapid 72 kilowatts of dedicated power to each car. This means charging speeds are unaffected by Tesla vehicles plugging into adjacent Superchargers, and results in consistent charging times around 45 to 50 minutes for most drivers.



Tesla will continue to expand their charging networks so that Tesla owners always have abundant and reliable access to charging wherever they go. Each year, Tesla owners receive 400KWh of free Supercharger credit, enough to drive about 1,000 miles. These credits cover the long distance driving needs of most owners, so road trips are completely free. Tesla estimates the Supercharger cost, after the annual credit, to be approximately \$179 per year compared to a cost of \$390 for gasoline for 3,000 miles. More information and Supercharging maps are available [here](#).

Information from www.Tesla.com



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Where Do They Put All Of That Toxic Hurricane Debris?

Hurricanes Harvey and Irma left a hell of a mess—millions of tons of debris, much of it toxic. Houston officials said this week it will cost at least [\\$200 million](#) to dispose of 8 million cubic yards of storm debris. More than 100,000 homes in Houston are damaged. Irma caused billions of dollars of damage across the Caribbean and southeastern United States.

Wood, plaster, drywall, metal, oil, electronics—all of it waterlogged. Put it into unlined landfills and it can contaminate groundwater. The gypsum in drywall decomposes into hydrogen sulfide gas. And it might all get thrown away together anyway.

“No one is interested in separating garbage after a hurricane,” says Elena Craft, a senior scientist at the Environmental Defense Fund in Austin. “But there are real threats that exist from this process.”

Craft and other environmental advocates met with representatives of the Texas Commission on Environmental Quality this week to talk about debris disposal. “It sounded like [the state] was relying on landfill operators to be vigilant,” Craft says. “The state does not do the best job of active surveillance. It’s nice to think that everyone is doing the right thing, but sometimes they don’t.”

Case in point: Versailles, Louisiana. After Hurricane Katrina in 2005, Louisiana state environmental officials were so overwhelmed with construction debris that they [opened up](#) a new landfill next to the low-income Vietnamese community of Versailles. The dumping continued despite protests, and years later local residents found medical waste, oil cans, and electronics—stuff that was supposed to be sent to more protective sites. Chronicled in a [PBS documentary](#), the Versailles landfill didn’t have a synthetic liner underneath or water-monitoring equipment.

Under the Obama administration, the EPA was working on a [plan to incorporate climate change](#) scenarios into planning for disposal of toxic material and protecting Superfund sites from big storms. “Increased frequency and intensity of extreme weather events may affect EPA’s capacity to manage debris and respond to emergencies,” the report stated. And last year, the Office of the Inspector General [released a report](#) that EPA officials didn’t have a good idea of what state officials were doing to prepare for post-disaster waste disposal.

A [new post-hurricane analysis](#) by the Union of Concerned Scientists shows 650 energy and industrial facilities in Texas flooded by Harvey, where toxic runoff could pose a risk to local residents.

What happens now in Florida and Texas will depend on the decisions that state officials make in the coming weeks. “What we saw during Hurricane Katrina was a lot of waivers issued by EPA and activity that was technically illegal,” says [Adam Babich](#), professor of environmental law at Tulane University. The waivers are a legal way to allow state agencies to temporarily violate federal law without facing enforcement by the EPA.

Local officials could mix different kinds of waste without fear of prosecution for violating federal hazardous waste laws. That sometimes leads to long-term risk to nearby communities, Babich says. “Sometimes you have to do it in the face of an emergency,” he says. “Other times you are trying to do it faster than you would otherwise, or to save money. Where those lines are drawn is something we can debate.”

In Florida, state emergency officials are still working to restore power and other basic services to millions of people hit by the storm. As yet Florida officials haven’t asked for a statewide waiver to allow solid waste facilities to accept waste categories outside of their permit, but they will consider waivers on a case by case basis, according to Sarah Shellabarger, a spokeswoman for the Florida Department of Environmental Protection in Tallahassee.

Florida is asking residents to report storm debris to a graphic [web portal](#) that went up Friday showing reports from around the state. Marianna Huntley of Ormond Beach reported a “wrecked boat sitting upside down next to my dock leaking oil and fluids into the river” while other people reported smashed wooden piers, junked jet skis and “trees 60 to 80 feet long and as big around as car tires.”

WIRED asked the EPA press office whether the agency plans to grant waivers to Texas and Florida on dumping rules, whether it has state debris response plans, and whether the agency is incorporating climate change into disaster preparedness. As of Friday afternoon, the agency had not responded.

From Wired



Damaged homes and streets littered with debris are seen after Hurricane Irma Passed through Key West, FL on September 13, 2017.

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General Motors, Disney, Shell and 1,200 Other Companies Are Taking Steps to Fight Climate Change, Report Says

More than 1,200 global businesses, including U.S. companies such as Disney, Shell and General Motors, are moving to embrace a carbon price – even if President Trump isn't, according to a new report by a Washington climate think tank. While the president has suggested that tackling climate change will undermine the economy and hamstring business, and announced his intention to pull the U.S. out of the Paris climate accord, chief executives have been busy voluntarily putting a price on their own carbon dioxide emissions. Pricing carbon, or assigning a dollar value per ton of carbon dioxide emissions, creates a financial incentive for companies to reduce emissions.

The [report](#) on the business of pricing carbon published in September by the Center for Climate and Energy Solutions is the first major study of corporate carbon pricing since Trump's election. The findings are based on information disclosed to CDP, formerly known as Carbon Disclosure Project, an organization that helps investors, companies and cities track greenhouse gas emissions, as well as the companies' sustainability reports. The CDP found that 517 companies have put a price on carbon and 732 are planning to do so in the next two years.

"As a global company, we have to be attentive and other global companies have to be attentive to advancing low carbon, to dealing with climate change in all of its aspects...and I don't think the U.S. withdrawal from the Paris Agreement was announced will change that significantly, certainly not for global companies like ours. I think carbon pricing can help," said Bob Stout, vice president and head of regulatory affairs at BP America, in a webinar hosted by C2ES on Tuesday. The think tank also interviewed representatives from 20 major companies between November 2016 and July 2017. Companies that have put a price on carbon include Microsoft, Disney, Swiss Re, Unilever, Shell, BO, BHP Billiton, Rio Tinto and General Motors.

"Carbon pricing is a tool that is rising on the corporate agenda, It has grown across all sectors and geographies," Manjot Bhan Ahluwalia, the lead author of the Center for Climate Change and Energy Solutions report, said in an interview with The Washington Post. According to the World Bank, governments in 42 countries and more than 20 cities, states and provinces have either put a price on carbon or intend to do so.

California has recently extended its cap-and-trade scheme out to 2030, forcing big polluters to buy and trade carbon credits to cover their emissions. The European Union has been pricing emissions since 2005, and China is expected to launch a nationwide trading scheme in the next four months. There's nothing to force companies outside of such jurisdictions to price their carbon emissions. But a growing number of businesses are doing so of their own accord.

According to CDP data for 2016, more than 1,200 companies are either pursuing internal carbon pricing or planning to do so in the next two years – an increase of 23% compared with 2015. About 80 firms in the U.S. have a price on carbon and 130 plan to do so in the next two years, according to the CDP.

Some companies may choose to do this with a carbon fee, assigning a sum of money to CO2 emissions. The revenue will often be used by the business to fund emissions reduction measures such as purchasing renewable energy or boosting energy efficiency. Others may use a "shadow price" – a hypothetical cost applied to CO2 within a company. Although this doesn't involve handing over any real money, businesses can use it to inform their decision-making, such as when to invest in a low-carbon alternative.

Microsoft implemented a carbon fee in 2012, ranging between \$5 – 10 per metric ton of CO2. So far, this revenue has enabled the company to reduce its emissions by 9.5 million tons. Disney adopted a carbon fee in 2013, ranging from \$10 to \$20 per metric ton of CO2, using the money to offset its emissions with forestry carbon credits. Ben and Jerry's, operated by Unilever, uses an internal carbon fee of \$10 per metric ton. Companies using the shadow pricing approach tend to place a higher value on a metric ton of CO2. Shell applies a \$40 per metric ton cost to all the emissions resulting from its investments, while BP applies a \$40 per metric ton price to any large new projects in the industrialized countries.

"For the oil and gas sector, the biggest challenge is how to manage the risks that may come up in the future where their assets may be stranded, or where a certain project or facility is threatened by a greater carbon price at the government level," Ahluwalia said. Continued on page 9

Upcoming Conferences and Workshops

Event	Date	Place
Florida Association of Environmental Professionals Annual Conference	Oct. 18 – 20, 2017	Tallahassee, FL
Florida Redevelopment Association Annual Conference	Oct. 18 – 20, 2017	Daytona Beach, FL
Florida Association of Science Teachers	Oct. 19-21, 2017	Orlando, FL
Georgia Rural Water Association Fall Conference	Oct. 23 – 25, 2017	Helen, GA
American Shore & Beach Preservation Association National Coastal Conference	Oct. 24 – 27, 2017	Ft. Lauderdale, FL
Florida Section A&WMA 53 rd Annual Conference	Oct. 25 – 26, 2017	Tallahassee, FL
Florida Society of Environmental Analysts Fall Meeting	Oct. 25 – 27, 2017	Jupiter, FL
FAEP Northwest Chapter Annual Environmental Symposium	October 27, 2017	Pensacola, FL
American Water Resources Association Annual Conference	Nov. 5 – 9, 2017	Portland, OR
SFAEP & IFAS Florida Master Naturalist Program	Nov. 10 – 12, 2017	Summerland Key, FL
Engineers Society of Western Pennsylvania International Water Conf.	Nov. 12 – 16, 2017	Orlando, FL
National Brownfield Training Conference	Dec. 5 -7, 2017	Pittsburgh, PA
22 nd Florida Remediation Conference	Dec. 7 – 8, 2017	Orlando, FL
9 th Annual Southeast Florida Regional Climate Leadership Summit	Dec. 14 – 15, 2017	Fort Lauderdale, FL
Green Biz, 9 th MiaGreen Expo & Conference	Jan. 24 – 25, 2018	Miami, FL
33 rd Conference on Hurricanes and Tropical Meteorology	Apr. 16 – 20, 2017	Ponte Vedra, FL
Florida Association For Water Quality Control	June 13 – 15, 2018	Naples, FL

FAEP shares information about conferences pertaining to the environmental professions. FAEP does not endorse any of the referenced conferences.

Continued from page 8

General Motors, Disney, Shell and 1,200 Other Companies Are Taking Steps to Fight Climate Change

Why would companies impose a carbon price on themselves?

Trump has characterized climate regulations as costly red tape, but for businesses, the threat is real. According to the CDP report, many companies have taken the carbon pricing route because of pressure from activist investors who are concerned about tracking climate change. Despite Trump's exit from the Paris deal, many chief executives think it is just a matter of time until they face more stringent climate regulations. They figure that moving to an internal carbon price ahead of time would reduce the shock. And while Trump may deny the existence and the threat of climate change, the carbon pricing tool had gained some bipartisan support over the years as a market-based solution to rising emissions. In February, a group of [Republican elder statesmen](#), including two former secretaries of state called for a carbon tax.

From the Washington Post



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Shout Out to the Tallahassee Chapter of FAEP for hosting the 2017 FAEP Annual Conference

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FAEP Group Discount Memberships

Did you know that FAEP provides a discount on our membership to employers who have 5 or more members? If your company or organization qualifies for the Group Membership you save \$5 on each FAEP new member or renewing member, lowering the FAEP membership fee from \$40 to \$35 for everyone from your company or organization. If your company or organization is on this list, you are eligible to join or renew at the discounted Group rate. The FAEP Board would like to extend a thank you to the following employers for supporting their employee's professional development and the FAEP mission:

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