



Southern Review of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

June 2019

The *Southern Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the eight states in Federal Region 4, the *Southern Review* gives early notice of legislative and regulatory activities relevant to DOD interests. For installations that implement an environmental management system in accordance with ISO 14001 specifications, the content of the *Review* may help them identify emerging requirements.

The *Review* is published under contract to the U.S. Army Corps of Engineers (USACE). The information in this publication is derived from a variety of sources and is not created by USACE.

To read back issues of this or other Army REEO *Reviews*, or to receive a monthly electronic copy, send an [email request](#).



TABLE OF CONTENTS

Alabama	2
Florida	3
Georgia	4
Kentucky	4
Mississippi	5
North Carolina	6
South Carolina	7
Tennessee	7
Federal Activity	8
DOD Activity	12
Professional Development	12
Staff Directory	17

READINESS AND ENVIRONMENTAL INFRASTRUCTURE

By Hon. Alex A. Beehler, Assistant Secretary of the Army, Installations, Energy and Environment

The Army is prioritizing modernization and readiness as we train to deploy, fight, and win our nation's wars. Readiness and modernization depend on environmental infrastructure and necessitate training operations in large-scale, realistic natural landscapes and environmental conditions expanding in scope and complexity. Combat-ready forces depend on successful stewardship of natural resources in order to simulate realistic maneuver areas, training environments, and testing ranges. As such, the Army has a tremendous obligation to protect and conserve air and water resources, and ensure rare and vanishing ecosystems and habitats are conserved. As Assistant Secretary of the Army for Installations, Energy and Environment, I am committed to changing the focus on how we view the environment. Rather than isolating and independently managing environmental factors, we are moving towards recognizing these resources as strategic assets critical to Army's warfighting readiness.

Through collaboration with industry, local utilities, and other stakeholders, the Army is exploring technology-agnostic solutions to enhance installation and operational energy and water resilience. Energy initiatives involve project teams assessing costs, long-term environmental impacts, resilience benefits, and other factors to develop solutions independent from the commercial electrical grid. The Army relies on alternative and renewable energy generation, battery energy storage systems, and microgrids at installations to decrease grid dependence and infrastructure vulnerability. We are also reforming efforts to measure and implement utility resilience. During resilience exercises, we disconnect installations from commercial electric power to determine gaps in operational capability during utility outages. The results of these exercises highlight vital issues such as undefined critical building loads and improperly configured backup generation.

To continue reading this article in its entirety, click [here](#).

Region 4

For more information or to comment on any state issue in Region 4, contact [Dave Blalock](#), REEO-S Regional Counsel, (404) 545-5655.



LEGISLATIVE SESSION: 5 MAR 19 THROUGH 23 MAY 19

FINAL LEGISLATION

SJR 78, COASTAL ZONE MANAGEMENT. Senate Joint Resolution 78 was created to urge the federal government to release the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program. The resolution was assigned Act No. 2019-295 23 MAY 19.

PROPOSED LEGISLATION

SB 365 (HB 600), ALABAMA JOB CREATION AND MILITARY STABILITY COMMISSION. This bill would amend Section 31-14-3, Code of Alabama 1975 to include the commissioner of the Alabama Department of Veterans Affairs on the Alabama Job Creation and Military Stability Commission. The bill was introduced 2 MAY 19.

SB 410, FORMERLY USED DEFENSE SITES. This bill authorizes a municipality or county to establish a local redevelopment authority for economic development, redevelopment, and rehabilitation for property that is contiguous to an operational or nonoperational military installation. Companion bill, [HB 508](#), was introduced 25 APR 19. SB 410 was introduced 14 MAY 19.

SJR 95, SOLID WASTE AND DEBRIS. The joint resolution encourages federal, state, and local agencies to develop a policy for removing waste and debris after a natural disaster. The joint resolution was introduced 28 MAY 19.

REGULATORY ACTIVITY

UNIFORM ENVIRONMENTAL COVENANTS PROGRAM. The Department of Environmental Management has proposed amendments to the rules regarding the Uniform Environmental Covenants Program. The hearing date and comment deadline are 11 JUL 19. A copy of the proposed rule can be found [here](#).

WATER QUALITY PROGRAM REGULATIONS. The Department of Environmental Management has proposed rules to revise the water use classifications for the Black Warrior River Basin segments of Duck River (three segments) in Cullman County. The hearing date and comment deadline are 11 JUL 19. A copy of the proposed rule can be found [here](#).



LEGISLATIVE SESSION: 5 MAR 19 THROUGH 3 MAY 19

PROPOSED LEGISLATION

HB 521, WETLAND MITIGATION. This bill authorizes local governments to allow certain permittee-responsible mitigation on lands purchased and owned by local governments for conservation purposes, and provides exception to provisions prohibiting a governmental entity from creating or providing mitigation for a project other than its own unless certain conditions are met. The bill was introduced 22 JAN 19.

REGULATORY ACTIVITY

CENTRAL FLORIDA WATER INITIATIVE. The Department of Environmental Protection (FDEP) has proposed rulemaking that will provide for uniform rules for consumptive use permitting within the Central Florida Water Initiative Area, which includes all of Orange, Osceola, Polk, and Seminole counties, and southern Lake County. The notice was published 21 MAR 19. A copy of the proposed rules can be found [here](#).

VARIANCES FROM WATER SHORTAGE RULES. The St. Johns River Water Management District has proposed rules regarding variances from water shortage rules, permit and application fees, and emergency petitions. The notice was published 15 MAY 19. A copy of the proposed rules can be found [here](#).

STANDARDS FOR HAZARDOUS WASTE, UNIVERSAL WASTE, AND PHARMACEUTICAL WASTE. FDEP has proposed rules regarding identification of and standards applicable to hazardous waste, universal waste, and pharmaceutical waste. The notice was published 21 MAY 19, and the comment deadline was 11 JUN 19. A copy of the notice can be found [here](#).

STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS. The Florida Department of Health (DOH) has requested public input regarding potential changes to the rules for onsite sewage treatment and disposal systems. An advisory was issued 22 MAY 19, and a meeting was held 28 MAY 19. A copy of the advisory can be found [here](#).

STANDARDS FOR AEROBIC TREATMENT UNITS. DOH has proposed rules regarding aerobic waste treatment units including clarification, definitions, and establishing a time-efficient process to obtain an innovative system permit. The notice was published 24 MAY 19. A copy of the notice can be found [here](#).

FEDERAL ACTIVITY

HAZARDOUS WASTE PROGRAM REVISIONS. EPA has granted Florida final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The final rule was effective 10 MAY 19. A copy of the final rule can be found [here](#).



LEGISLATIVE SESSION: 14 JAN 19 THROUGH 1 APR 19

FINAL LEGISLATION

HB 458, FIREFIGHTING FOAM CHEMICALS. This bill amends O.C.G.A. 25-2 relating to regulation of fire and other hazards to persons and property generally, and to prohibit the use of class B firefighting foam for testing purposes if such foam contains per- and polyfluoroalkyl substances (PFAS) chemicals. The bill was signed 7 MAY 19, and the effective date is 1 JUL 19.

REGULATORY ACTIVITY

AIR RULE AMENDMENTS. The Georgia Environmental Protection Division has proposed amendments to Georgia's Rule for Air Quality Control to comply with the Clean Air Act (CAA.) The proposed rule was posted 23 MAY 19 with a hearing date of 25 JUN 19, and comments are due 2 JUL 19. A copy of the proposed rule can be found [here](#).

FEDERAL ACTIVITY

INTERSTATE TRANSPORT AIR PLAN. The U.S. Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions for the purpose of addressing the CAA "good neighbor" interstate transport (prongs 1 and 2) infrastructure SIP requirements for the 2010 1-hour Nitrogen Dioxide (NO₂) National Ambient Air Quality Standard (NAAQS). EPA is approving these SIP revisions addressing prongs 1 and 2 to ensure that air emissions in Georgia do not significantly contribute to nonattainment or interfere with maintenance of the 2010 1-hour NO₂ NAAQS in any other state. The final rule is effective 17 JUN 19. A copy of the proposed rule can be found [here](#).

EXEMPTION FOR FIREFIGHTING EQUIPMENT. The U.S. Environmental Protection Agency (EPA) is taking final action to approve two revisions to the Georgia SIP. EPA is approving changes that revise existing exemptions for firefighting equipment. The final rule is effective 20 JUN 19. A copy of the final rule can be found [here](#).

FEDERAL REID VAPOR PRESSURE (RVP) GASOLINE VOLATILITY. EPA has proposed to approve a request from Georgia for EPA to relax the federal RVP standard applicable to gasoline introduced into commerce from 1 June to 15 September of each year for 13 metro Atlanta areas (the "Atlanta RVP Area.") Comments were due 13 JUN 19. A copy of the proposed rule can be found [here](#).

STATE IMPLEMENTATION PLAN REVISIONS. EPA is approving changes to the Georgia SIP to revise Georgia's rules regarding emissions standards and open burning. The rule is effective 27 JUN 19. A copy of the rule can be found [here](#).



LEGISLATIVE SESSION: 8 JAN 19 THROUGH 28 MAR 19

There are no significant legislative activities to report.

REGULATORY ACTIVITY

2019 ANNUAL AMBIENT AIR MONITORING NETWORK PLAN. The Kentucky Energy and Environment Cabinet has requested public input regarding the 2019 Annual Ambient Air Monitoring Network Plan. The comment deadline is 20 JUN 19. A copy of the notice can be found [here](#), and the 2019 plan can be found [here](#).

2019 NONPOINT SOURCE MANAGEMENT PLAN. The Kentucky Energy and Environment Cabinet has requested public input regarding a draft of the Kentucky Nonpoint Source Management Plan: A Strategy for 2019-2023. The report details the Kentucky Division of Water's priorities, goals, and strategies for addressing nonpoint source pollution for the years 2019-2023. Notice was issued 20 MAY 19, and the comment deadline is 20 JUN 19. A copy of the notice can be found [here](#), and the 2019 plan can be found [here](#).

DRINKING WATER AND WASTEWATER OPERATORS. The Kentucky Energy and Environment Cabinet has proposed rules regarding education, experience, and training requirements for certified drinking water and wastewater operators. The hearing date is 27 JUN 19, and comments are due 30 JUN 19. A copy of the proposed amendments can be found [here](#).

FEDERAL ACTIVITY

JEFFERSON COUNTY PROCESS OPERATIONS. EPA is taking final action to approve minor amendments to regulations regarding new and existing process operations to the Jefferson County portion of the Kentucky SIP. The final rule will be effective 20 JUN 19. A copy of the final rule can be found [here](#).

INTERSTATE TRANSPORT AIR PLAN. EPA is proposing to approve a Kentucky SIP revision to addressing the CAA "good neighbor" interstate transport (prongs 1 and 2) infrastructure SIP requirements for the 2010 1-hour NO₂ NAAQS. EPA is proposing to approve Kentucky's SIP revision to ensure that air emissions in Kentucky do not significantly contribute to nonattainment or interfere with maintenance of the 2010 1-hour NO₂ NAAQS in any other state. Comments are due 17 JUN 19. A copy of the proposed rule can be found [here](#).

AIR PLAN ORIGIN OPERATING PERMITS. EPA is proposing to approve SIP revisions to amend Jefferson County's regulations regarding definitions and the federally enforceable district origin operating permit program. The comment deadline is 19 JUN 19. A copy of the proposed rule can be found [here](#).



LEGISLATIVE SESSION: 8 JAN 19 THROUGH 29 MAR 19

There are no significant legislative activities to report.

REGULATORY ACTIVITY

ON-SITE WASTEWATER PERMIT/RECOMMENDATIONS. The Department of Health has proposed rulemaking that would allow permit/recommendations be made for an additional year to two years due to regulatory and statutory stability. The proposed action was filed 8 MAY 19 with a comment deadline of 2 JUN 19 and hearing date of 10 JUN 19. A copy of the proposed rulemaking can be found [here](#).

MISSISSIPPI PRIMARY DRINKING WATER REGULATION. DOH has proposed rulemaking modifications in response to public health concerns associated with safety, care, and treatment of the state's public water supplies including the addition of a corrosion control treatment section and public water supply operation standards. The proposed action on rules was filed 1

MAY 19, comments were due 26 MAY 19, and the hearing was 10 JUN 19. A copy of the proposed action can be found [here](#).

REGULATION GOVERNING CERTIFICATION OF MUNICIPAL AND DOMESTIC WATER SYSTEM OPERATORS. DOH has proposed rulemaking to make minor modifications to some references to reflect the processes performed in association with the certification of municipal and domestic water system operators as well as operational standards. The proposed action on rules was filed 1 MAY 19, the comment deadline was 26 MAY 19, and the hearing date was 10 JUN 19. A copy of the proposed action can be found [here](#).

REGULATIONS GOVERNING FLUORIDATION OF COMMUNITY WATER SUPPLIES. DOH has proposed rulemaking modifications regarding optimal fluoridation requirements of community water supplies by changing the minimum number of monthly water samples to 13 from each entry point for analysis. The proposed action on rules was filed 1 MAY 19 with comments due 26 MAY 19, and the hearing date was 10 JUN 19. A copy of the proposed action can be found [here](#).



LEGISLATIVE SESSION: 9 JAN 19 THROUGH 30 JUN 20

SB 553, REGULATORY REFORM ACT OF 2019. The Regulatory Reform Act of 2019 makes various updates including electronics disposal, flood hazard areas, and landfill fees. The bill was introduced 2 APR 19, and a hearing took place 28 MAY 19.

HB 738, SCIENCE ADVISORY BOARD. This bill will establish a Department of Environmental Quality (DEQ) Science Advisory Board to perform specific duties including scientific reviews and evaluations, advisement, and consultation. The bill was introduced 11 APR 19.

HB 741, FLOOD MITIGATION. This bill establishes the joint legislative study commission on flooding mitigation to study the efficacy, cost-effectiveness, and barriers that could prevent or mitigate flooding in the state. The bill was introduced 11 APR 19.

HB 765, TOXIC-FREE KIDS ACT. This bill is an act to protect children from the health impacts of toxic chemicals in children's products by prohibiting the sale of children's products containing bisphenol A, Tris, or phthalates. This bill was filed 15 APR 19.

REGULATORY ACTIVITY

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) INDUSTRIAL STORMWATER PERMITS. The Environmental Management Division has invited public comment on several revisions and reissuance of NPDES general permits. Notice was issued 15 MAY 19, and comments are due 16 JUN 19. A copy of the notice can be found [here](#).

FEDERAL ACTIVITY

CHARLOTTE 8-HOUR OZONE NAAQS MAINTENANCE PLAN. EPA is proposing to approve SIP revisions for the purpose of revising the model year coverage for vehicles in the 22 counties subject to North Carolina's expanded inspection and maintenance program. Additional revisions include updates to the state's maintenance plan and the associated motor vehicle emissions budgets used for transportation conformity for the Charlotte-Rock Hill, NC-SC 2008 8-hour ozone nonattainment area. The comment deadline is 19 JUN 19. A copy of the proposed rule can be found [here](#).

PERMITTING REVISIONS. EPA approved a portion of a revision to the North Carolina SIP changing permitting regulations. The revision is part of North Carolina's strategy to meet and maintain the national ambient air quality standards. The rule is effective 24 JUN 19. A copy of the rule can be found [here](#).

REQUIREMENTS FOR GREENHOUSE GASES. EPA is proposing to approve SIP revisions that are related to the state's Prevention of Significant Deterioration permitting program requirements for greenhouse gases. The comment deadline is 24 JUN 19. A copy of the proposed revisions can be found [here](#).



LEGISLATIVE SESSION: 8 JAN 19 THROUGH 22 MAY 19

SB 677, CONSERVATION EASEMENTS. This bill amends Section 27-8-85 of South Carolina Code to require persons to consider prudent and feasible alternatives to condemning property subject to a conservation easement registered with the National Conservation Easement Database. This bill was introduced 19 MAR 19.

REGULATORY ACTIVITY

AIR QUALITY PERMITTING EXEMPTIONS. The North Carolina Department of Health and Environmental Control (DHEC) has determined that no construction permit shall be required for sources listed in the notice, unless otherwise specified. Notice was issued 24 MAY 19. A copy of the notice can be found [here](#) (page 17.)

SOLID WASTE PROCESSING FACILITIES. DHEC has proposed amending Solid Waste Management: Solid Waste Processing Facilities regulations to execute statutory requirements established by Act 170 of 2018 Solid Waste Emergency Fund, revise existing standards, and create standards for facilities that process construction and demolition debris. The notice was published 24 MAY 19, and a copy of the notice can be found [here](#) (page 32.)

FEDERAL ACTIVITY

8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS. EPA is proposing to approve South Carolina's SIP submission pertaining to the "good neighbor" provision of the CAA for the 2008 8-hour Ozone NAAQS. The comment deadline is 27 JUN 19. A copy of the proposed rule can be found [here](#).



LEGISLATIVE SESSION: 8 JAN 19 THROUGH 8 MAY 29

There are no significant legislative activities to report.

REGULATORY ACTIVITY

NPDES PERMITS. The Department of Environment and Conservation (DEC) has proposed rules regarding NPDES general permits as well as effluent limitations for post-construction stormwater. The notice was published 2 MAY 19 with a hearing date of 15 JUL 19, and comments due 25 JUL 19. A copy of the notice can be found [here](#).

EFFLUENT LIMITATIONS AND STANDARDS. DEC has proposed rules regarding sanitary sewer overflows. Under the proposed rules, publicly owned treatment works and domestic dischargers would be required to report releases in addition to sanitary

sewer overflows. The notice was published 2 MAY 19 with a hearing date of 15 JUL 19, and comments are due 25 JUL 19. A copy of the notice can be found [here](#).

STATE OPERATING PERMITS (SOP) PROGRAM. DEC has proposed rules regarding state operating permits. DEC has determined that both the NPDES individual permit program and the SOP program would benefit from having separate rule chapters that better address the specific requirements of each program. The notice was published 2 MAY 19 with a hearing date of 15 JUL 19, and comments are due 25 JUL 19. A copy of the notice can be found [here](#).

FEDERAL ACTIVITY

VOLATILE ORGANIC COMPOUNDS (VOC) REVISION. EPA is revising changes to the definition of volatile organic compounds (VOC) to the Chattanooga portion of the SIP. The comment deadline is 19 JUN 19. A copy of the proposed rule can be found [here](#).

TENNESSEE PRODUCTS SUPERFUND SITE. EPA Region 4 issued a Notice of Intent to delete the Tennessee Products Superfund Site in Chattanooga, Tennessee, from the National Priorities List and requested public comments on the proposed action. EPA and the state of Tennessee have determined that all appropriate response actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), other than five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund. The comment deadline was 7 JUN 19. A copy of the proposed rule can be found [here](#).

Federal Activity

AIR

ENGINE TEST CELLS/STANDS RESIDUAL RISK AND TECHNOLOGY FOUND ACCEPTABLE. EPA is proposing the results of the residual risk and technology reviews (RTR) for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Engine Test Cells/Stands. EPA found risks due to emissions of air toxics from this source category to be acceptable and determined that the current NESHAP provides an ample margin of safety to protect public health ([84 FR 20208](#)). EPA also identified no new cost-effective controls under the technology review to achieve further emission reductions. EPA is proposing no revisions to the numerical emission limit based on the risk analysis and technology review and is proposing to amend provisions addressing periods of startup, shutdown, and malfunction (SSM), to amend provisions regarding electronic reporting and to make clarifying and technical corrections. Comments are due 24 JUN 19.

ENERGY

2018 DISTRIBUTED WIND MARKET REPORT OVERVIEW. The U.S. Department of Energy Office of Energy Efficiency and Renewable Energy has published a two-page [2018 Distributed Wind Market Report Overview](#). Part of an annual series, the report provides market research, data, and analysis to help interested parties, policymakers, and industry understand the issues unique to distributed wind in the U.S. The full report is scheduled for release in summer 2019.

MISCELLANEOUS

ENHANCING EPA-STATE PLANNING AND COMMUNICATION ON ENFORCEMENT AND COMPLIANCE. EPA is soliciting comments on its policy of [Enhancing Planning and Communication Between the EPA and States in Civil Enforcement and Compliance Assurance Work](#). The policy would set expectations and procedures for enhancing planning and communication on civil enforcement work between EPA and states that are implementing federal environmental programs. EPA is also seeking comments on applying these planning and communication practices when working with federally recognized Indian tribes,

territories, and local governments that have received approval to implement federal programs. This planning document would not impose any legally binding requirements on EPA or any outside parties. The policy would update [interim guidance](#) issued January 2018 on collaboration between EPA and the states. Comments were due 12 JUN 19.

SPRING 2019 UNIFIED AGENDA. In advance of formal publication in the Federal Register, EPA along with the rest of the federal government has released the Spring 2019 Unified Agenda of Regulatory and Deregulatory Actions. The Unified Agenda can be found [here](#).

EPA CONSIDERING CHANGES TO BENEFIT-COST ANALYSES IN RULEMAKING. On 13 MAY 19 EPA Administrator Andrew Wheeler signed a [memorandum](#) directing agency leadership to develop rules for notice and comment that outline how benefit and cost considerations will be applied to future rulemakings. The memo states that "rulemaking efforts should not forestall near-term benefit-cost methodological changes for individual regulatory actions." The memo requests the assistant administrators for the following EPA offices develop reforms, including notice-and-comment rulemakings, that outline how benefit-cost considerations will be applied within their media areas: Air and Radiation; Chemical Safety and Pollution Prevention; Land and Emergency Management; and Water.

SW 846, LEACHING ENVIRONMENTAL ASSESSMENT FRAMEWORK METHODS AND GUIDANCE. EPA has [announced](#) the publication of the final Leaching Environmental Assessment Framework (LEAF) How-To Guide and Test Methods. The guide is part of EPA publication Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, also known as SW-846. The guide provides guidance on the application of LEAF to assess leaching potential of constituents of potential concern from solid waste materials for beneficial use, disposal, treatment, and remediation applications. In addition, the guide addresses frequently asked questions about the four LEAF methods, data management and reporting using freely available software, and potential applications of the LEAF approach.

EPA TO ALLOW YEAR-ROUND SALE OF E15 GASOLINE. EPA has announced a final rule that will adopt, for gasoline with 15-percent ethanol (E15), the 1-psi RVP waiver that currently applies to E10 during the summer months. This removes the most significant barrier to wider sales of E15 in the summer months, thus expanding the market for ethanol in transportation fuel. The rule will also change aspects of the renewable identification number compliance system under the Renewable Fuel Standard program to increase transparency and deter price manipulation. Additional information can be found [here](#).

NATURAL RESOURCES

MISCELLANEOUS CONSERVATION PROGRAM CHANGES. The Agricultural Improvement Act of 2018 (the 2018 Farm Bill) made several minor changes to Natural Resources Conservation Service conservation programs and related requirements ([84 FR 19699](#)). The conservation programs and related requirements include administration of the State Technical Committee, Watershed Protection and Flood Prevention Act Program, Healthy Forests Reserve Program, Technical Service Provider Assistance provisions, and Voluntary Public Access and Habitat Incentive Program. This rule makes changes to the existing regulations for the conservation programs that are consistent with the changes made by the 2018 Farm Bill. Comments are due 5 JUL 19.

SUSTAINABILITY

INSTRUCTIONS FOR IMPLEMENTING EFFICIENT FEDERAL OPERATIONS FOR EXECUTIVE ORDER (EO) 13834. The Council on Environmental Quality has issued instructions to federal agencies for meeting energy and environmental performance requirements under [EO 13834, Efficient Federal Operations](#), signed by the president 17 MAY 18. Implementing instructions for EO 13834 are available [here](#). Guidance documents issued under prior EOs are under review and may be revised. Federal agencies may continue to refer to this guidance, unless revised or revoked, particularly with regard to established procedures, reporting processes, definitions, and technical matters. The implementing instructions provide a summary of sustainability requirements (environmental and energy), indicating which are mandatory and which are recommended.

THREATENED AND ENDANGERED SPECIES

RECLASSIFYING AMERICAN BURYING BEETLE FROM ENDANGERED TO THREATENED. The U.S. Fish and Wildlife Service (FWS) has proposed reclassifying the American burying beetle (*Nicrophorus americanus*) from endangered to threatened on the Federal List of Endangered and Threatened Wildlife ([84 FR 19013](#)). FWS determined that the threats to this species have been reduced to the point that it no longer meets the definition of an endangered species, but is likely to become endangered within the foreseeable future. FWS has also proposed a rule under section 4(d) of the Endangered Species Act to provide for the conservation of the species. Many routine activities in the species' range will not be regulated if this proposal is finalized because these practices will not affect the overall viability of the American burying beetle. Comments are due 2 JUL 19.

REVISED METHOD FOR NATIONAL LEVEL ENDANGERED SPECIES RISK ASSESSMENT PROCESS FOR BIOLOGICAL EVALUATIONS OF PESTICIDES. EPA is seeking comment on a draft revised method for conducting national level threatened and endangered species biological evaluations for pesticides ([84 FR 22120](#)). When considering the registration of a pesticide, if EPA determines the pesticide may affect a listed species or its designated critical habitat, EPA must initiate consultation with FWS and/or the National Marine Fisheries Service. Such consultation is initiated through the conduct and transmittal of a biological evaluation with its findings. Comments are due 1 JUL 19.

PETITION TO LIST NEUSE RIVER WATERDOG AND CAROLINA MADTOM. FWS proposes to list two North Carolina species, the Neuse River waterdog, as threatened, and the Carolina madtom, as endangered ([84 FR 23644](#)). The Neuse River waterdog is an aquatic salamander. The Carolina madtom is a freshwater fish. FWS has also proposed designating critical habitat for both species. In total, approximately 738 river miles in 16 units in North Carolina fall within the boundaries of the proposed critical habitat designation for the Neuse River waterdog. Approximately 257 river miles in seven units in North Carolina are being proposed as critical habitat for the Carolina madtom. FWS identified Seymour Johnson Air Force Base in Goldsboro, NC, within the proposed critical habitat designation. Because conservation efforts identified in the base Integrated Natural Resources Management Plan will provide a benefit to the Neuse River waterdog, streams within base are exempt from critical habitat designation. Comments are due 22 JUL 19.

TOXICS

EPA ASSERTS GLYPHOSPHATE IS NOT A CARCINOGEN. EPA has released a [Proposed Interim Registration Review Decision](#) for the herbicide glyphosate. EPA also released [draft human health and ecological risk assessments and supporting documents](#) for glyphosate. EPA has determined that glyphosate is not carcinogenic to humans. Potential ecological risks were identified for terrestrial and aquatic plants, birds, and mammals, primarily from exposure to spray drift. EPA is proposing spray drift management measures (e.g., release height, droplet size, and wind speed restrictions) to reduce off-site exposure to non-target wildlife (insect pollinators and habitat). EPA is also proposing weed resistance management labeling (e.g., information on mode of action, scouting instructions, and reporting instructions for weed resistance) to preserve glyphosate as a valuable tool for growers. Comments are due 5 JUL 19.

AVAILABILITY OF DRAFT TOXICOLOGICAL PROFILES. The Agency for Toxic Substances and Disease Registry announced the opening of a docket to obtain comments on [draft toxicological profiles](#) for dinitrophenols, 2-butanone, Mirex, chlordecone, 1,2-diphenylhydrazine, 1,2,3-trichloropropane, lead, and endrin. Comments are due 7 AUG 19.

UPDATED PROBLEM FORMULATION AND PROTOCOL FOR INORGANIC ARSENIC IRIS ASSESSMENT. EPA announced a 30-day public comment period associated with the release of the Updated Problem Formulation and Protocol for the Inorganic Arsenic Integrated Risk Information System (IRIS) Assessment ([84 FR 24502](#)). This document summarizes EPA's needs for the assessment and presents the refined focus based on problem formulation activities conducted since the last assessment plan released to the National Academy of Sciences, Engineering, and Medicine in 2015. Additional information can be found [here](#). Comments are due 27 JUN 19.

WASTE

REQUIREMENTS FOR GENERATORS, TRANSPORTERS, AND WASTE MANAGEMENT FACILITIES UNDER RCRA HAZARDOUS WASTE MANIFEST SYSTEM. EPA has submitted an information collection request (ICR), Requirements for Generators, Transporters, and Waste Management Facilities Under the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Manifest System ([84 FR 25043](#)). This is a proposed extension of the ICR, which is currently approved through 31 MAY 19. Public comments were previously requested via the Federal Register on 8 FEB 19 during a 60-day comment period. Comments are due 29 JUL 19.

FINAL AUTHORIZATION OF STATE HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS FOR FLORIDA. EPA has granted Florida final authorization for changes to its hazardous waste program under RCRA ([84 FR 20549](#)).

WATER

PROPOSED PERCHLORATE RULE. In advance of formal publication in the Federal Register, EPA has released the text of a proposed rule to regulate perchlorate in drinking water. EPA is proposing to set both the enforceable Maximum Contaminant Level (MCL) for the perchlorate regulation and the perchlorate Maximum Contaminant Level Goal (MCLG) at 0.056 mg/L (56 µg/L). Water systems would be required to conduct monitoring and reporting for perchlorate, and inform consumers through public notification and consumer confidence reports. The proposal also includes a list of treatment technologies. In addition to the proposed regulation, EPA is requesting comment on three alternatives: (1) whether the MCL and MCLG for perchlorate should be set at 0.018 mg/L (18 µg/L); (2) whether the MCL and MCLG for perchlorate should be set at 0.090 mg/L (90 µg/L); or (3) whether instead of issuing a national primary drinking water regulation, EPA should withdraw its 11 FEB 11 determination to regulate perchlorate in drinking water, based on new information that indicates that perchlorate does not occur in public water systems at levels of public health concern. The pre-publication version of the proposed rule is available [here](#). EPA will accept public comment on the proposal for 60 days after publication in the Federal Register.

FINAL MODIFICATION TO 2017 CONSTRUCTION GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES. EPA issued a final modification to the 2017 NPDES general permit for stormwater discharges from construction activities, also referred to as the 2017 Construction General Permit (CGP), which became effective 16 FEB 17 ([84 FR 24503](#)). The final modification of the 2017 CGP replaces several conditions in the original 2017 CGP and relevant fact sheet sections. The scope of the modification is limited to only these conditions; all other conditions remain the same. The permit term also remains the same, meaning the modified 2017 CGP will still expire on 16 FEB 22. The modified 2017 CGP and accompanying fact sheet can be found [here](#).

Department of Defense Activity

FY 2020 NATIONAL DEFENSE AUTHORIZATION ACT EXECUTIVE SUMMARY. On 23 MAY 19, the Senate Armed Services Committee released some details of the \$750 billion fiscal year 2020 defense authorization bill. The committee voted 25-2 to approve the legislation. The Senate Armed Services Committee released a [summary](#) of key provisions.

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR OPERATIONS. The Army has updated and reissued [Field Manual \(FM\) 3-11, Chemical, Biological, Radiological, and Nuclear Operations](#). FM 3-11 applies to the Active Army, Army National Guard, and Army Reserve unless otherwise stated. This revision is based on the new focus of the Army toward large-scale combat operations. The updated FM 3-11, issued May 2019, supersedes the July 2011 edition.

Professional Development

DOD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM). USACE announces course availability for the Fiscal Year 2019 PROSPECT ([Proponent-Sponsored Engineer Corps Training](#)) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and [schedule](#) for details. Environmental courses include, but are not limited to:

- CERCLA/RCRA Process (Course Control Number (CCN) [356](#))
- Environmental Laws and Regulations (CCN [170](#))
- Environmental Regulations Practical Application Course (CCN [398](#))
- Environmental Remediation Technologies (CCN [395](#))
- Hazardous Waste Manifesting/DOT Certification (CCN [223](#))
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN [429](#))
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Radioactive Waste Transport (CCN [441](#))
- The Complete RCRA Course (Hazardous Waste Generation, Management, and Corrective Action) (CCN [226](#))

NAVY CIVIL ENGINEER CORPS OFFICERS SCHOOL TRAINING. The [Navy Civil Engineer Corps Officers School](#) (CECOS) offers training on environmental management, pollution prevention, environmental compliance, environmental conservation and planning, and environmental restoration. Energy course offerings include Leadership in Energy and Environmental Design, Energy Information Administration, and Energy Technology Information. Click [here](#) for information on course offerings and times. Courses offered by CECOS are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING. The [Air Force Civil Engineer School](#) offers a variety of environmental management courses and seminars, including Interservice Environmental Education Review Board offerings. Courses are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM (SERDP) AND ENVIRONMENTAL SECURITY TECHNOLOGY CERTIFICATION PROGRAM (ESTCP) WEBINAR SERIES. DOD's environmental research and development funding programs ([SERDP and ESTCP](#)) launched a [webinar series](#) to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars feature two 30-minute presentations and interactive question and answer sessions on topics targeted for DOD and Department of Energy audiences. Prior presentations are archived for viewing any time. Recently archived webinars are available on demand [here](#).

REPI WEBINAR SERIES. DOD's Readiness and Environmental Protection Integration (REPI) program offers [webinars](#) on best practices, tutorials, and knowledge sharing on partnerships that support the military mission and accelerate the pace and rate of land conservation.

FEDERAL TRAINING SOURCES

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE). [FedCenter.gov](#) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information, such as:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Access to [environmental assistance](#);
- Access to free, [FedCenter-sponsored courses](#); and
- [Partnerships](#).

FedCenter also provides member assistance services such as collaboration tools for workgroups, environmental reporting tools, and daily newsletter and subscription services.

BIOBASED PRODUCT TRAINING SERIES (ONLINE). The U.S. Department of Agriculture (USDA) offers a series of [on-demand training modules](#) about biobased products and the BioPreferred® Program:

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

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

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

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

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

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

FEMP eTRAINING COURSES (ONLINE). FEMP offers interactive, [eTraining courses](#) to help federal agencies develop core competencies and comply with energy efficiency, renewable energy, water management, and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide to host these comprehensive, FEMP-developed eTraining courses.

ENERGY STAR (ONLINE). EPA's [Energy Star program](#) helps identify and promote energy efficiency in products, homes, and buildings. EPA hosts a [webinar series](#) that covers a range of topics, from how to benchmark in Portfolio Manager to financing energy efficiency improvements to how to engage building occupants.

INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL TRAINING (ONLINE). ITRC is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers [training courses](#) to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents.

GENERAL CONFORMITY TRAINING MODULES (ONLINE). The General Conformity Rule ensures that the actions taken by federal agencies in nonattainment and maintenance areas do not interfere with a state's plans to meet national standards for air quality. EPA's [online conformity training program](#) covers all aspects of the rule and is divided into four modules.

WATER MANAGEMENT BASICS (ONLINE). This FEMP [online course](#) provides a concise introduction to comprehensive water management, to include key topic areas of basic water management terminology, history of federal water mandates, best practices associated with comprehensive water management, and proven water conservation financing mechanisms and strategies. The three-module course offers a thorough overview of water management in the federal context:

- Module One: Introduction to Federal Water Management
- Module Two: Introduction to Comprehensive Water Management
- Module Three: Financing and Launching Water Management Projects

CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES. This U.S. Geological Survey [webinar series](#) was developed to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation. Information on upcoming webinars is available from the BioClimate newsletter ([click](#) to subscribe).

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

16 JUL 19, CINCINNATI, OH: FIFTH PROPOSED UNREGULATED CONTAMINANT MONITORING RULE 5 FOR PUBLIC WATER SYSTEMS. EPA Office of Ground Water and Drinking Water announced a public meeting and webinar to discuss potential approaches to developing the proposal for the fifth Unregulated Contaminant Monitoring Rule (UCMR 5) for public drinking water systems. EPA will discuss issues related to UCMR 5, including the impacts of America's Water Infrastructure Act of 2018; analytical methods and analytes EPA is considering, including per- and polyfluoroalkyl substances (PFAS); sampling design; minimum reporting levels; and other possible requirements. Registration and other information can be found [here](#).

30-31 OCT 19, BETHESDA, MD: [2019 Federal Environmental Symposium](#). This year's theme for the symposium, "Federal Facilities Leading Environmental Change," focuses on the sharing of best practices, success stories, partnerships, challenges, and achievements of the federal practitioner community. The symposium is expected to bring together federal agencies and their partnering organizations to provide environmental policy perspectives.

OTHER TRAINING RESOURCES

QUALITY CONSIDERATIONS FOR MUNITIONS RESPONSE SITES (ONLINE). ITRC has released an [on-demand training video](#) that provides a 30-minute introductory overview of ITRC's [Quality Considerations for Multiple Aspects of Munitions Response Sites](#) guidance document. The training explains the decision logic used throughout a munitions response (MR) project and assists in developing the quality assurance and quality control activities that ensure quality data and confidence in decisions. The training provides an overview of the MR process and identifies specific quality considerations at critical decision points for MR projects.

COOPERATIVE FEDERALISM WEBINAR. The Environmental Council of the States (ECOS) released a [webinar](#), available on demand, highlighting ECOS' [paper](#) on Cooperative Federalism 2.0 and offering a deeper look into the EPA-state relationship.

STATE ENVIRONMENTAL JUSTICE TRAINING WEBINAR SERIES. EPA has launched a new State Environmental Justice Training Webinar series. This initiative is a strategic investment by EPA to build long-term capacity for environmental justice practitioners working at the state level. Registration is required and free of charge.

AIR FORCE REGIONAL ENVIRONMENTAL SUMMITS. The Air Force invites attendees to their Regional Environmental Restoration Summits to join the environmental restoration conversation with regulatory partners in EPA Regions 1, 2, 3, 4, and 5. Upcoming Air Force Summits are as follows:

- 26-27 JUN, Central Summit, New Orleans, Louisiana
- 24-25 JUL, Eastern Summit, Chicago, Illinois

Staff Directory

Director/DOD Region 4 REC	(404) 562-5146
Regional Counsel	(404) 562-5016
Region 4 Army REC	(404) 562-5231
Regulatory Affairs Specialist	(404) 562-5023

How the Regional Offices Work for You

The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.

The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are represented.

To comment on items in the *Southern Review*, please contact the Regional Counsel listed at the top of page two.

To be added to the *Southern Review* distribution list, email the [Regulatory Affairs Specialist](#).

