



Southern Review of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

August 2019

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

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'WHOLE-OF-GOVERNMENT' RESPONSE

From an [article](#) by Malcolm McClendon, Air Force Installation and Mission Support Center Public Affairs

Partnering, communication, and protecting human health against an emergent contaminant were common topics heard throughout the Air Force Eastern Regional Environmental Restoration Summit, 23-24 JUL 19.

The Air Force Civil Engineer Center (AFCEC), which provides environmental remediation support to Air Force headquarters, major commands and installations, hosted the summit in Chicago.

"We all have the same goal, to protect human health," said Kenny Johnson, Restoration Division Chief for AFCEC's Environmental Directorate. He said agencies can look into the future of environmental restoration together and have a unified response specifically to the emerging contaminants perfluorooctane sulfonate and perfluorooctanoic acid.

"We're moving forward in our response actions for PFOS/PFOA, making sure those affected have safe drinking water, but we have to be prepared for the next steps," Johnson said. "Together with the EPA, Army and Navy representatives, we met today with a private industry partner to help us find innovative ways to develop standards for PFOS/PFOA in other-than-drinking water in an effort to remediate all groundwater."

Due to the contaminants' widespread use, Senior Air Force leaders advocate for a whole-of-government approach to address PFOS/PFOA contamination.

Maine Department of Environmental Protection Federal Facilities Program Manager, Chris Swain, said these summits will play a key factor in that endeavor.

"Absent these types of opportunities where we can communicate regularly, there's no way we'll be able to address these emergent contaminants in a time frame that the public demands we deal with them," Swain said. "These summits really help develop us into full partners and I look forward to the work we will do together."

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

There are no significant legislative activities to report.

REGULATORY ACTIVITY

PREVENTION OF SIGNIFICANT DETERIORATION REPLACEMENT UNITS. The U.S. Environmental Protection Agency (EPA) has approved revisions to Alabama's State Implementation Plan (SIP) relating to the state's prevention of significant deterioration permitting regulations. The revisions add a definition of "replacement unit" and provide that a replacement unit is a type of existing emission unit under the definition of "emission unit." The rule was effective 2 AUG 19. A copy of the final rule can be found [here](#).

BY-PRODUCT MATERIALS USE FOR LAND APPLICATION. Alabama Department of Environmental Management has proposed to adopt new standards for the beneficial use of non-hazardous by-product materials for the purpose of land application. Notice of the intended action was filed 21 JUL 19. The hearing date and comment deadline are 5 SEP 19. A copy of the proposed standards can be found [here](#).



LEGISLATIVE SESSION: 5 MAR 19 THROUGH 3 MAY 19

FINAL LEGISLATION

There are no significant legislative activities to report.

REGULATORY ACTIVITY

WATER PERMIT ISSUANCE CONDITIONS. The Suwannee River Water Management District has issued a notice of rulemaking development regarding amendments to the *Water Use Permitting Applicant's Handbook* to include a Western Water Resource Caution Area map. Proposed changes concern reclaimed water for water supply and additional requirements for water treatment facilities. The effect of the proposed rulemaking will be the expansion of planning areas with existing water resource problems or areas in which water resource problems are projected to develop in the next 20 years. Notice of rulemaking was published 18 JUL 19. A copy of the notice can be found [here](#).

FEDERAL ACTIVITY

REDESIGNATION OF HILLSBOROUGH COUNTY SO₂ NONATTAINMENT AREA. The Florida Department of Environmental Protection has submitted a request for EPA to redesignate the Hillsborough County sulfur dioxide (SO₂) nonattainment area to attainment for the 2010 1-hour SO₂ Primary National Ambient Air Quality Standards (NAAQS.) The comment deadline is 30 AUG 19. A copy of the proposed rule can be found [here](#).



LEGISLATIVE SESSION: 14 JAN 19 THROUGH 1 APR 19

There are no significant legislative activities to report.

REGULATORY ACTIVITY

There are no significant regulatory activities to report.

FEDERAL ACTIVITY

EVALUATION OF STATE COASTAL MANAGEMENT PROGRAMS. The National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management will hold a public meeting to solicit comments on the performance evaluation of the Georgia Coastal Management Program. The public meeting will be held 28 AUG 19, and written comments are due 6 SEP 19. A copy of the notice can be found [here](#).



LEGISLATIVE SESSION: 8 JAN 19 THROUGH 28 MAR 19

There are no significant legislative activities to report.

REGULATORY ACTIVITY

AIR QUALITY—ATTAINMENT STATUS DESIGNATION. The Division for Air Quality has proposed rulemaking amendments to [401 KAR 51:010](#) regulations for prevention, abatement, and control of air pollution. The regulation designates the status of all areas of the commonwealth of Kentucky with regard to attainment of the ambient air quality standards for carbon monoxide, lead, nitrogen oxides, ozone, fine particulate matter (PM_{2.5}), and SO₂. The proposed amendment was filed 12 JUL 19 with a hearing date scheduled 26 AUG 19. The comment deadline is 31 AUG 19. A copy of the proposed amendment can be found [here](#).

WATER STANDARDS. The Division of Water has proposed amendments to 401 KAR 6:001 that establish definitions for 401 KAR Chapter 6. An [emergency rule](#) was created and effective 11 JUL 19 and will expire when the concurrent permanent rulemaking is adopted. The proposed amendments include the following:

- Definitions added for "base flood elevation," "special well types," and "special flood zone";
- Requirements established for the construction of monitoring wells;
- Requirements clarified for monitoring well abandonment; and

- Several additional existing definitions clarified.

A hearing date is scheduled 22 AUG 19, and the comment deadline is 23 AUG 19. A copy of the proposed amendment can be found [here](#).

MONITORING WELL AND WATER SUPPLY WELL STANDARDS. The Division of Water has proposed amendments to 401 KAR 6:350 establishing requirements for monitoring wells and has proposed similar amendments to 401 KAR 6:310 for water supply well requirements. [Emergency rule \(401 KAR 6:350\)](#) and [emergency rule \(401 KAR 6:310\)](#) were created and effective 11 JUL 19 and will expire when the concurrent permanent rulemaking is adopted. The proposed amendments for both include the following:

- Specifications added for irrigation, hand-dug, and flowing artesian wells;
- Requirements clarified for bored and driven wells;
- Total coliform sampling replaced with *E. coli* sampling; and
- Water Well Bacterial Report and Chain of Custody form added.

A hearing date is scheduled 22 AUG 19, and the comment deadline is 31 AUG 19. A copy of the proposed amendments to 401 KAR 6:350 can be found [here](#), and a copy of the proposed amendments to 401 KAR 6:310 can be found [here](#).

FEDERAL ACTIVITY

INTERSTATE TRANSPORT FOR 2010 1-HOUR NITROGEN DIOXIDE (NO₂) STANDARD. EPA has approved a revision to Kentucky's SIP for the purpose of addressing the Clean Air Act (CAA) "good neighbor" interstate transport infrastructure SIP requirements for the 2010 1-hour NO₂ NAAQS. The rule is effective 30 AUG 19. A copy of the final rule can be found [here](#).

AIR PLAN APPROVAL—OPERATING PERMIT. EPA has approved revisions to Kentucky's SIP regarding definitions and the federally enforceable district origin operating permit. The rule is effective 26 AUG 19. A copy of the final rule can be found [here](#).

AIR PLAN APPROVAL—EXISTING INDIRECT HEAT EXCHANGERS. EPA has proposed to approve revisions to Kentucky's SIP regarding existing indirect heat exchangers in Jefferson County (Louisville Metro Air Pollution Control District.) The comment deadline is 21 AUG 19. A copy of the proposed rule can be found [here](#).

CROSS-STATE AIR POLLUTION RULE. EPA has proposed to approve revisions to Kentucky's SIP concerning the Cross-State Air Pollution Rule (CSAPR). Approval of this SIP revision would automatically eliminate Kentucky units' obligations to participate in CSAPR's federal trading programs for ozone season nitrogen oxide emissions, annual nitrogen oxide emissions, and annual SO₂ emissions under the corresponding CSAPR federal implementation plan addressing interstate transport requirements for the 1997 annual PM_{2.5} NAAQS, the 1997 8-hour Ozone NAAQS, the 2006 24-hour PM_{2.5} NAAQS, and the 2008 8-hour Ozone NAAQS. Approval of the SIP revision would also satisfy Kentucky's "good neighbor" obligation under the CAA. The comment deadline is 29 AUG 19. A copy of the proposed rules can be found [here](#).



LEGISLATIVE SESSION: 8 JAN 19 THROUGH 29 MAR 19

There are no significant legislative activities to report.

REGULATORY ACTIVITY

There are no significant regulatory activities to report.



LEGISLATIVE SESSION: 9 JAN 19 THROUGH 30 JUN 20

There are no significant legislative activities to report.

REGULATORY ACTIVITY

OCEAN HAZARD AREAS. The Coastal Resources Commission has proposed rulemaking to comply with a legislative mandate ([S.L. 2015-241](#)) related to the removal of specific areas from the Inlet Hazard Area of Environmental Concern. The amendments would provide greater flexibility to local governments and state agencies protecting life and property from the hazardous forces inherent to the oceanfront shoreline. The hearing date and comment deadline are 18 SEP 19. A copy of the proposed rule can be found [here](#) (page 13).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM—GENERAL WASTEWATER PERMIT. The Environmental Management Commission has proposed to reissue National Pollutant Discharge Elimination System General Permit No. NCG570000 for the discharge of domestic wastewater from single-family residences and other 100-percent domestic discharges with similar characteristics located within the Falls Lake Watershed. Notice was issued 15 JUL 19, and the comment deadline is 14 AUG 19. A copy of the notice can be found [here](#) (page 48).

SEDIMENTATION CONTROL. The Division of Energy, Mineral, and Land Resources and the Sedimentation Control Commission have proposed sediment control rule changes and have requested comments on the following items:

- Rule 04A.0105(29) regarding “bank full flows;”
- Rule 04B.0107 regarding permanent ground cover considerations for restraining erosion; and
- Rule 04B.0124 regarding details for meeting design standards for turbidity including adding flocculants or settling efficiencies.

The proposed rules were published 15 JUL 19, and the comment deadline is 13 SEP 19. A copy of the proposed rulemaking can be found [here](#).

VAPOR INTRUSION—IMMEDIATE ACTION LEVELS AND RESPONSE GUIDANCE. DEQ has issued updated guidance regarding trichloroethylene (TCE) vapor intrusion action levels ([residential](#) and [workplace](#) indoor air). Guidance was issued 23 JUL 19. A copy of the guidance can be found [here](#).

FEDERAL ACTIVITY

NON-TITLE V AIR QUALITY PERMITS. EPA has taken final action to approve a revision to North Carolina’s SIP making changes to the state’s combined construction and operating permit program for non-Title V sources. The rule was effective 2 AUG 19. A copy of the final rule can be found [here](#).

EMISSION CONTROL STANDARDS. EPA has taken final action to approve portions of a revised SIP that includes changes to emission control standards and open burning regulations. The rule is effective 15 AUG 19. A copy of the final rule can be found [here](#).



LEGISLATIVE SESSION: 8 JAN 19 THROUGH 22 MAY 19

FINAL LEGISLATION

There are no significant legislative activities to report.

REGULATORY ACTIVITY

There are no significant regulatory activities to report.



LEGISLATIVE SESSION: 8 JAN 19 THROUGH 8 MAY 29

There are no significant legislative activities to report.

REGULATORY ACTIVITY

SOLID WASTE AND HAZARDOUS SECONDARY MATERIALS. The Department of Environment and Conservation has proposed amendments regarding solid waste and hazardous secondary materials. These amendments will bring Tennessee's current rules into conformance with the final federal rule changes required in response to litigation. The three proposed differences from the federal rule would be as follows:

- Off-site reclaimers and intermediate facilities must send to the hazardous secondary material generator confirmations of receipt for all off-site shipments of hazardous secondary materials, within 30 days of receipt;
- Rule 0400-12-01-.02, paragraph (13), regarding emergency preparedness and response for off-site reclaimers and intermediate facilities, will remain a requirement; and
- Definition of "contained" is added.

The comment deadline is 20 AUG 19. A copy of the proposed rules can be found [here](#).

FEDERAL ACTIVITY

NATIONAL AMBIENT AIR QUALITY STANDARDS—CHATTANOOGA. EPA has taken final action to approve revision updates to the NAAQS Chattanooga portion of Tennessee's SIP. The rule is effective 30 AUG 19. A copy of the final rule can be found [here](#).

Federal Activity

AIR

RECLASSIFICATION OF MAJOR SOURCES AS AREA SOURCES UNDER CAA SECTION 112. EPA has proposed amendments to the General Provisions of the National Emission Standards for Hazardous Air Pollutants (NESHAP) under the CAA ([84 FR 36304](#)). The proposal includes:

- Amendments to implement the plain language reading of the “major source” and “area source” definitions of CAA Section 112 and provide that a major source can reclassify to area source status at any time by limiting its potential to emit (PTE) hazardous air pollutants (HAP) to below the major source thresholds of 10 tons per year (tpy) of any single HAP or 25 tpy of any combination of HAP.
- PTE HAP limits must meet the proposed effectiveness criteria of being legally and practicably enforceable. The proposal also clarifies the requirements that apply to sources choosing to reclassify to area source status after the first substantive compliance date of an applicable NESHAP standard.
- Electronic notification when a source reclassifies.
- To revise provisions in specific NESHAP standards that specify the applicability of General Provisions requirements to account for the regulatory provisions EPA is proposing to add through this rule.

Comments are due 24 SEP 19. Additional information is available at [here](#).

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) GUIDANCE ON GREENHOUSE GAS (GHG) EMISSIONS. The Council on Environmental Quality (CEQ) has extended by 31 days the comment period on draft guidance published [26 JUN 19](#) on how NEPA analysis and documentation should address GHG emissions ([84 FR 35607](#)). The draft NEPA guidance, if finalized, would replace the final guidance CEQ issued 1 AUG 16 titled, “Final Guidance for Federal Departments and Agencies.” Comments are now due 26 AUG 19.

MUNICIPAL SOLID WASTE LANDFILLS RESIDUAL RISK AND TECHNOLOGY REVIEW. EPA has issued a proposed rule to amend the NESHAP: Municipal Solid Waste (MSW) Landfills source category ([84 FR 36670](#)). The amendments include: (1) new provisions to the most recent MSW Landfills new source performance standards (NSPS) and Emission Guidelines (EG) that would allow affected sources to demonstrate compliance with requirements of the most recent NSPS and EG by following corresponding requirements in the MSW Landfills NESHAP; (2) corrections and clarifications of regulatory provisions related to emissions during periods of startup, shutdown, and malfunction; (3) reorganization of rule text to incorporate provisions from the NSPS within this subpart; and (4) additional requirements for electronic reporting of performance test results. Comments are due 12 SEP 19.

ENERGY

AFFORDABLE CLEAN ENERGY RULE—EMISSION GUIDELINES, IMPLEMENTING REGULATIONS. EPA has finalized three separate and distinct rulemakings; namely, Repeal of the Clean Power Plan, Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units, and Revisions to Emission Guidelines Implementing Regulations ([84 FR 32520](#)).

- First, EPA has repealed the Clean Power Plan (CPP) because it has determined that the CPP exceeded EPA's statutory authority under the CAA.
- Second, EPA has finalized the Affordable Clean Energy (ACE) rule. The ACE rule consists of emission guidelines, under CAA Section 111(d), to inform states in the development, submittal, and implementation of state plans that establish standards of performance for carbon dioxide from certain existing coal-fired Electric Utility Generating

Units within their jurisdictions. According to the ACE rule executive summary, EPA has the authority and responsibility to determine the best system of emission reduction at the national level, while the states have the authority and responsibility to establish and apply standards of performance for their existing sources, taking into consideration source-specific factors where appropriate.

- Third, the EPA has finalized new regulations for EPA and state implementation of ACE and any future emission guidelines.

The final actions are effective 6 SEP 19.

CONGRESSIONAL RESEARCH REPORT ON ACE AND CPP. The Congressional Research Service released an insight report on EPA's repeal of the CPP and promulgation of the ACE rule ([IN11142](#)). The report summarizes the EPA rulemaking and discusses potential considerations for Congress. According to the insight report, the CPP and ACE reveal conflicting legal interpretations of CAA Section 111 authority and arguably raise broader questions about CAA regulation of GHG emissions.

ASSISTING FEDERAL FACILITIES WITH ENERGY CONSERVATION—2019 FUNDING ANNOUNCEMENT. The Office of Energy Efficiency and Renewable Energy's Federal Energy Management Program (FEMP) at the U.S. Department of Energy (DOE) has issued the 2019 Federal Agency Call ([DE-FOA-0002143](#)) for their funding program "Assisting Federal Facilities with Energy Conservation Technologies" (AFFECT). This program supports the development of energy and water efficiency projects and processes. The AFFECT 2019 Federal Agency Call funding is meant to initiate, supplement, improve or otherwise increase the viability and adoption of energy efficiency at U.S. federal government-owned facilities. To apply, applicants must register with and submit application materials through the [EERE Exchange](#). The submissions are due 29 AUG 19.

EVALUATION REPORT FOR HIGH-PERFORMANCE BUILDING CERTIFICATION SYSTEMS. The General Services Administration (GSA) has requested public comment on its [draft recommendations](#) about which high-performance building certification systems should be used by federal agencies ([84 FR 31320](#)). Section 436(h) of the Energy Independence and Security Act of 2007 requires GSA to evaluate high-performance building certification systems and provide the findings to DOE, which, in consultation with DOD and GSA, formally identifies systems to be used across the federal government. This [report](#) summarizes GSA's recent review of five systems that passed an initial market analysis screening (LEED, Green Globes, Living Building Challenge, BOMA BEST, and BREEAM). These systems were assessed against a set of review criteria to evaluate how they were developed and how effectively the systems align with current high-performance federal building requirements. Comments on the draft recommendations were due 15 JUL 19. For more information, click [here](#).

ENERGY CONSERVATION STANDARDS FOR METAL HALIDE LAMP FIXTURES. DOE is considering whether to amend the current energy conservation standards for metal halide lamp fixtures ([84 FR 31232](#)). DOE seeks comment on whether there have been sufficient technological or market changes since the most recent standards update that may justify a new rulemaking to consider more stringent standards. Comments are due 15 AUG 19.

MISCELLANEOUS

INSTRUCTIONS TO IMPLEMENT EXECUTIVE ORDER ON FEDERAL ADVISORY COMMITTEES. In July, the Office of Management and Budget released the memorandum, [Instructions Regarding Implementation of Executive Order 13875](#). The memorandum provides guidance to agencies regarding implementation of the order, including requirements to review current advisory committees, how to calculate the minimum number of committees required for elimination, information about requesting a waiver, and reporting requirements on agency committee evaluations and plans for existing committees.

PARTNERSHIPS BETWEEN EPA AND STATES IN CIVIL ENFORCEMENT AND COMPLIANCE. EPA has [posted](#) a final policy memorandum on *Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work* ([84 FR 34887](#)). The memo to EPA regional administrators stresses effective communication between EPA regions and states, while articulating the primary role of the states in implementing authorized programs. According to the memo, EPA regions and states should work together to identify which inspections the EPA or a state will perform. EPA may

take the lead or assist a state in an enforcement action at a federally owned or operated facility. The memo is an EPA planning document and would not impose any legally binding requirements on EPA or outside parties.

GAO REPORT ON EPA ADVISORY COMMITTEES. In response to a request from Congress, the Government Accountability Office (GAO) reviewed EPA advisory committee appointments made since 2016 and issued a report with two recommendations for improvement ([GAO-19-280](#)). Based on GAO's review of EPA guidance, the agency's established process for appointing advisory committee members involves three main phases: soliciting nominations, evaluating candidates, and obtaining approvals. Each phase involves several steps. GAO found that EPA generally followed its established process for most of its 22 advisory committees; however, in fiscal year 2018, EPA did not follow a key step for appointing 20 committee members to two committees GAO reviewed: the EPA Science Advisory Board and Clean Air Scientific Advisory Committee, which advise the agency on environmental regulatory matters, among other things. GAO recommended that: (1) EPA direct officials responsible for appointing committee members to follow a key step in its appointment process to document staff rationales for proposed membership; and (2) EPA's Ethics Office evaluate the quality of financial disclosure reviews of special government employees appointed to advisory committees. EPA disagreed with the first recommendation and agreed with the second. The full report is available [here](#).

FREEDOM OF INFORMATION ACT (FOIA) REGULATION UPDATE. EPA has adopted final updates to the FOIA regulations ([84 FR 30028](#)). 40 CFR Part 2 Section 2.103(b) of the final rule authorizes administrator, deputy administrators, assistant administrators, deputy assistant administrators, regional administrators, deputy regional administrators, general counsel, deputy general counsels, regional counsels, deputy regional counsels, and inspectors general or those individuals' delegates, to make determinations required by 5 USC. 552(a)(6)(A), including to issue final determinations whether to release or withhold a record or a portion of a record on the basis of responsiveness or under one or more exemptions under the FOIA, and to issue "no records" responses. The final rule was effective 26 JUL 19.

BIODEBASED PRODUCTS FOR FEDERAL PROCUREMENT. The U.S. Department of Agriculture (USDA) has issued a final rule that designates 30 product categories within which biobased products would be afforded procurement preference by federal agencies ([84 FR 32015](#)). These 30 product categories contain finished products that are made, in large part, from intermediate ingredients that have been designated for federal procurement preference. Refer to the Federal Register notice for the full list of categories. No later than 6 JUL 20, federal agencies responsible for drafting or reviewing specifications for products to be procured must ensure that the relevant specifications require the use of biobased products in each of the categories listed. In addition, USDA has amended the existing designated product categories of general-purpose de-icers, firearm lubricants, laundry products, and water clarifying agents. These changes require drafting or reviewing agency specifications no later than 6 JUL 20 to require the use of biobased de-icers; firearm cleaners, lubricants, and protectants; laundry products; and water and wastewater treatment chemicals. The final rules were effective 5 AUG 19.

NATURAL RESOURCES

RELIGIOUS USE OF FEDERALLY PROTECTED BIRD FEATHERS. On 2 JUL 19, the U.S. Fish and Wildlife Service (FWS) extended the public comment period on a petition requesting FWS revise existing rules pertaining to the religious use of federally protected bird feathers ([84 FR 31559](#)). In April 2019, FWS [published the petition](#) in the Federal Register requesting public comment. The July action extended the public comment period to 16 JUL 19.

FERAL SWINE DAMAGE MANAGEMENT: A NATIONAL APPROACH EIS. The Natural Resources Conservation Service has announced its intent to adopt the Final Environmental Impact Statement (EIS), [Feral Swine Damage Management: A National Approach EIS](#) ([84 FR 34118](#)). The Final EIS states that proposed action needed includes: (1) expanding feral swine management programs nationwide to stabilize and eventually reduce the national feral swine population; (2) further develop cooperative partnerships with other pertinent federal, state, territorial, tribal, and local agencies, and private organizations working to reduce impacts of feral swine; (3) expand feral swine disease monitoring; (4) develop and improve tools and methods to manage and predict feral swine population expansion and economic impacts; (5) develop outreach materials and activities to educate the public about feral swine damage and related activities; and (6) coordinate with Canada and

Mexico to establish a collaborative plan to address the feral swine threat along the common borders. Comments are due 16 AUG 19.

THREATENED AND ENDANGERED SPECIES

DRAFT RECOVERY PLAN FOR SHORT'S BLADDERPOD. FWS has released the draft recovery plan for the endangered Short's bladderpod (*Physaria globosa*) ([84 FR 33962](#)). The Short's bladderpod is an upright biennial or perennial plant that typically grows on steep, rocky, wooded slopes and talus areas. The species is found in Indiana, Kentucky, and Tennessee. The draft recovery plan includes specific recovery objectives and criteria that must be met in order for the species to recover and ultimately be delisted under the Endangered Species Act of 1973, as amended.

TOXICS

DUST-LEAD HAZARD STANDARDS FOR FLOORS AND WINDOWSILLS. EPA issued a final rule revising the current dust-lead hazard standards (DLHS) for floors and windowsills ([84 FR 32632](#)). The final rule revises the DLHS from 40 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) to 10 $\mu\text{g}/\text{ft}^2$ for floors, and 250 $\mu\text{g}/\text{ft}^2$ to 100 $\mu\text{g}/\text{ft}^2$ for windowsills. EPA did not make a planned change to the definition of lead-based paint because insufficient information exists to support such a change at this time. Refer to the Federal Register citation for a list of potentially affected entities. The final rule is effective 6 JAN 20.

CHLORPYRIFOS. EPA has issued a final order denying all objections (filed in June 2017) in response to a 29 MAR 17 order that denied a 2007 petition, which requested EPA revoke all tolerances and cancel all pesticide product registrations for chlorpyrifos ([84 FR 35555](#)). The 2007 petition was submitted by the Pesticide Action Network North America and the Natural Resources Defense Council. The June 2017 objections were filed by Earthjustice on behalf of 12 public interest groups, the North Coast Rivers Alliance, and seven states. The final order became effective 24 JUL 19.

TOXICOLOGICAL PROFILES—TETRACHLOROETHYLENE AND TRICHLOROETHYLENE. The Agency for Toxic Substances and Disease Registry released final toxicological profiles for tetrachloroethylene and trichloroethylene ([84 FR 31321](#)). The final toxicological profiles include an evaluation, summary, and interpretation of available toxicological and epidemiological information on the substances. The final toxicological profiles are available [here](#).

NATIONAL LEVEL ENDANGERED SPECIES RISK ASSESSMENT PROCESS FOR BIOLOGICAL EVALUATIONS OF PESTICIDES. EPA has extended the public comment period on its [May 2019 notice](#) regarding a revised method for conducting national level threatened and endangered species biological evaluations for pesticides ([84 FR 31319](#)). In response to requests for additional time to review the draft revised method, the public comment period has been extended to 15 AUG 19. EPA also announced that a recording of the 10 JUN 19 public meeting is available in the revised method docket ([EPA-HQ-OPP-2019-0185](#)). For additional information, click [here](#).

SIGNIFICANT NEW USE RULES FOR THREE SUBSTANCES. EPA has proposed significant new use rules under the Toxic Substances Control Act for three chemical substances, which are the subject of premanufacture notices ([84 FR 32366](#)). The substances are (1) isocyanate terminated polyurethane resin; (2) n-alkyl propanamide; and (3) n-alkyl acetamide. This action would require persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of these chemical substances for an activity that is designated as a significant new use by this proposed rule. Comments are due 7 AUG 19.

REGULATION OF ADDITIONAL PERSISTENT, BIOACCUMULATIVE, AND TOXIC CHEMICALS. EPA has issued a proposed rule to restrict the use of four persistent, bioaccumulative, toxic chemicals ([84 FR 36728](#)). The four chemicals are: (1) decabromodiphenyl ether (decaBDE), a flame retardant widely used in textiles, plastics, adhesives, and polyurethane foam; (2) phenol, isopropylated, phosphate (3:1), a flame retardant used in lubricants and hydraulic fluids; (3) 2,4,6-tris(tert-butyl)phenol, an antioxidant that can be used as a fuel additive or lubricant additive; and (4) pentachlorothiophenol (PCTP), used in the manufacture of rubber compounds. Comments are due 27 SEP 19.

GLYPHOSATE—EXTENSION OF PUBLIC COMMENT PERIOD FOR INTERIM REGISTRATION REVIEW DECISION. EPA extended the public comment period for the 26 MAY 19 proposed interim registration review decision in which it determined that glyphosate is not a carcinogen ([84 FR 30112](#)). This action to extend the public comment period is being taken after receiving public comments requesting additional time to review the Glyphosate Proposed Interim Registration Review Decision and supporting materials. The public comment period was extended to 3 SEP 19.

WASTE

PHASE II—PFAS METHODS 8327 AND 3512. EPA has [announced](#) a 30-day extension to the public comment period for SW-846 Update VII, Phase II—Method 8327: Per- and Polyfluoroalkyl Substances (PFAS) Using External Standard Calibration and Multiple Reaction Monitoring Liquid Chromatography/Tandem Mass Spectrometry. This method covers the analysis of 24 PFAS substances in prepared extracts of various matrices (waters and solids) and has been tested in reagent water, surface water, groundwater, and wastewater matrices. Comments are now due by 23 AUG 19. Additional information can be found [here](#).

DISPOSAL SITES DESIGNATED UNDER THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT. EPA has corrected technical inaccuracies in its ocean dumping regulations that have been identified since the original publication ([84 FR 31512](#)). Specifically, the corrections are intended to eliminate confusion regarding the applicable coordinate data for ocean dumping sites, correct formatting of coordinates for ocean dumping sites, clarify the name of one ocean dumping site, correctly specify the size of one ocean dumping site, update several out-of-date addresses and names of EPA organizational units, and correct a typographical error. The corrections were effective 1 AUG 19.

WATER

PERCHLORATE IN DRINKING WATER—CORRECTION. EPA has issued a minor correction to its 26 JUN 19 proposed National Primary Drinking Water Regulation for perchlorate ([84 FR 33045](#)). The correction inserts the date 26 JUL 19 in the directions for commenting on the Paperwork Reduction Act information, page 30558.

NOAA POLICY FOR DETERMINING HAB AND HYPOXIA EVENTS OF NATIONAL SIGNIFICANCE IN MARINE OR COASTAL WATERS. NOAA has requested comments to inform the development of agency policy for determining harmful algal bloom (HAB) and hypoxia events of national significance in marine and coastal waters ([84 FR 35854](#)). The *Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2017* provides NOAA with authority to determine that a HAB or hypoxia event in marine or coastal waters is an event of national significance. Factors to be considered in making a determination include the toxicity of the HAB, severity of hypoxia, potential for spread, economic impact, relative size in relation to the past five occurrences, and the geographic scope. The requested comments would inform the development of guidance for assessing these considerations and whether additional factors should be considered. NOAA requests comment on some specific areas; see the Federal Register announcement for additional details. Comments are due 9 SEP 19.

Department of Defense Activity

UNIFORM NATIONAL DISCHARGE STANDARDS (UNDS) FOR VESSELS OF ARMED FORCES—PHASE III BATCH ONE. DOD has developed internal regulations on the design, construction, installation, and use of marine pollution control devices to meet performance standards for 11 discharges incidental to the normal operation of a vessel of the Armed Forces into the navigable waters of the United States, the territorial seas, and the contiguous zone, and is making them publicly available ([84 FR 31848](#)). Section 312 of the Clean Water Act (CWA), as amended by Section 325 of the National Defense Authorization Act of 1996, requires EPA and DOD to develop UNDS to control certain discharges incidental to the normal operation of a vessel of the Armed Forces. EPA previously issued joint rules in 1999 and 2017. This notice announced that DOD has also issued a DOD-only internal regulation as part of the requirement. Although issued by DOD alone, the regulation will apply

not only to DOD but also to the U.S. Coast Guard at all times, including when it is a service in the Department of Homeland Security.

INCIDENTAL DISCHARGES FROM DOD VESSELS. DOD has issued [DOD Manual \(DODM\) 4715.06 Volume 4, Regulations on Vessels Owned or Operated by the Department of Defense: Discharges Incidental to Normal Operations](#). The DODM incorporates and cancels responsibilities, requirements, and procedures regarding welldeck and anchor sediment in Volume 3, DOD Manual 4715.06, "Regulations on Vessels Owned or Operated by the Department of Defense: Ballast Water, Welldeck Sediment, and Anchor Sediment Management," dated 7 JUN 17. Volume 4 implements policy, assigns responsibilities, and provides procedures for environmental compliance of vessels owned or operated by the U.S. Coast Guard. It implements the CWA and issues regulations governing the design, construction, installation, and use of marine pollution control devices on board Armed Forces vessels as necessary to achieve the standards issued in accordance with [40 CFR Sections 1700.14 through 1700.42](#).

ENVIRONMENTAL QUALITY SYSTEMS. DOD has reissued [DOD Instruction \(DODI\) 4715.15, Environmental Quality Systems](#). The DODI establishes policy to incorporate environmental quality systems into DOD activities and programs involving the collection, management, and use of environmental data. It assigns responsibilities for the DOD Environmental Data Quality Workgroup; authorizes the DOD Environmental Laboratory Accreditation Program; and assigns responsibilities for the management and implementation of the DOD Advanced Geophysical Classification Accreditation Program. This DODI replaces the 2006 edition.

Professional Development

DOD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM). USACE announces course availability for the Fiscal Year 2020 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](#))
- 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). (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 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.

FRTR WEBINARS ON PFAS. The Federal Remediation Technologies Roundtable ([FRTR](#)) is hosting webinars to identify and discuss emerging science behind PFAS characterization and remedial technologies. Webinars are archived for viewing at any time. The first webinar was held in June and is titled [PFAS Emerging Characterization and Remedial Technologies](#),

[Session 1](#). The next webinar, scheduled for 26 SEP 19, is [PFAS Emerging Characterization and Remedial Technologies, Session 2](#).

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.

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How the Regional Offices Work for You

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

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

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

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