



# Southern Review of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

September 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.

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## ARMY'S PIVOT TO ENERGY AND WATER RESILIENCE

By J.E. "Jack" Surash, Acting Deputy Assistant Secretary of the Army for Energy and Sustainability

Energy and water are fundamental elements to the readiness and resilience of the U.S. Army. The occurrence of a major power grid outage may be out of the Army's control, but preparing for a disruption and the aftermath is not. Potential threats to Army energy, water and land resources are growing in scope and complexity at home and abroad. Army energy systems are vulnerable to cyberattacks, progressively sophisticated enemy weapons, and increasingly frequent and severe weather events. The future of Army energy must be focused on energy resilience and security, because the ability to prepare for and recover rapidly from power disruptions is more critical to warfighting readiness than ever.

Given these potential threats, the Army is working to move beyond energy and water projects that just increase generation options, or save money, to projects that incorporate resilience -- including microgrids and combined heat and power systems. These projects will advance U.S. Army warfighting capabilities, reduce risk and provide commanders with increased mobility and freedom of action.

The 2018 National Defense Authorization Act set new energy policy that requires the secretary of defense to "ensure the readiness of the armed forces for their military missions by pursuing energy security and energy resilience." The Department of Defense defines energy resilience as "the ability to avoid, prepare for, minimize, adapt to, and recover from anticipated and unanticipated energy disruptions in order to ensure energy availability and reliability sufficient to provide for mission assurance and readiness including task critical assets and other mission essential operations related to readiness, and to execute or rapidly reestablish mission essential requirements."

In simple terms, energy and water resilience can be thought of as having a sound "Plan A" for supplying energy and water to critical end users but also a reliable "Plan B" that one can count on in the event of a disruption in that supply of energy or water.

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: 4 FEB 20 THROUGH 18 MAY 20**

There are no significant legislative activities to report.

## *PROPOSED RULE*

**DRAFT LIST OF IMPAIRED WATERS.** The Alabama Department of Environmental Management (ADEM) has requested public input regarding the [Draft 2020 Section 303\(d\) List of Impaired Waters and Draft Water Assessment and Listing Methodology](#). Notice was issued 26 AUG 19, and the comment deadline is 25 SEP 19. A copy of the notice can be found [here](#).

## *FINAL RULE*

**SPECIAL MONITORING AND ANALYTICAL REQUIREMENTS FOR UNREGULATED CONTAMINANTS.** ADEM has adopted amendments to the Special Monitoring and Analytical Requirements for Unregulated Contaminants rule to give ADEM the authority to require monitoring for additional unregulated contaminants if health advisories or toxicity values have been issued for such contaminants. The change was necessary to determine the occurrence of these contaminants in drinking water and to provide ADEM, public water systems, and consumers the data needed to make informed decisions about water sources and treatment. The [final rule](#) is effective 9 AUG 19. A copy of the notice can be found [here](#).



**LEGISLATIVE SESSION: 14 JAN 20 THROUGH 13 MAR 20**

**SB 40, PLASTIC CARRYOUT BAGS AND STRAWS.** The bill would create 509.235 F.S. to prohibit a store or food service business from providing to a customer a carryout bag made of plastic film and would prohibit the same businesses from selling or providing a single-use plastic straw. The bill has been prefiled for the 2020 legislative session.

**SB 50, BEVERAGE CONTAINER DEPOSITS.** The bill would create the Florida Beverage Deposit Act that would establish the following items:

- Dealer and consumer deposit fees and refund values for specified beverage containers;
- Prohibit redemption centers unless they are registered with the Florida Department of Environmental Protection (FDEP); and,
- Distributors and dealers are not obligated to accept or take containers not originally sold in Florida or to pay the refund value for them.

The bill has been prefiled for the 2020 legislative session.

**SB 144, ENERGY 2040 TASK FORCE.** The bill would create the Energy 2040 Task Force within the Florida Public Service Commission. The task force would be required to make recommendations and consider certain energy topics. State agencies would be required to assist and cooperate with the task force and any advisory committees. The bill has been prefiled for the 2020 legislative session.

**SB 168, DRINKING WATER IN PUBLIC SCHOOLS.** The bill would require each school district to install filters that meet certain specifications on drinking water sources and would require certain signage on water sources. Specified information on each water source would be published on the school districts' websites. The bill has been prefiled for the 2020 legislative session.

**SB 178, SEA LEVEL IMPACT PROJECTION STUDY.** The bill would prohibit state-financed constructors from commencing construction of certain structures in coastal areas without first conducting a sea level impact projection study and would require FDEP to develop by rule a standard for the studies and require FDEP to enforce the requirements. The bill has been prefiled for the 2020 legislative session.

**SB 182, RECYCLABLE AND POLYSTYRENE MATERIALS.** The bill would delete preemptions of local law relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags and would repeal the preemption of local law regarding the use or sale of polystyrene products to the Department of Agriculture and Consumer Services. The bill has been prefiled for the 2020 legislative session.

**HB 73, SOLID WASTE REQUIREMENTS.** The bill specifies various requirements for contracts between residential recycling collectors or recovered materials processing facilities and counties or municipalities for collection and prohibits counties and municipalities from requiring collection, transport, or processing of contaminated recyclable material. The bill has been prefiled for the 2020 legislative session.

**HB 97, STATE RENEWABLE ENERGY GOALS.** The bill would require that all electricity used in Florida be generated by renewable energy by 2050 and directs the Office of Energy to develop the unified statewide plan and submit the plan and updates to the governor and Legislature. The bill has been prefiled for the 2020 legislative session.

## *REGULATORY ACTIVITY*

**INNOVATIVE SYSTEM FOR PERMITTING ONSITE SEWAGE TREATMENT.** The Department of Health has given notice of development of rulemaking for rules regarding innovative system permitting, creating a section specifically for innovative system permitting, establishing distinct steps for each phase of innovative permit activities, defining terms, and establishing process steps to obtain an innovative system permit. Notice was issued 27 AUG 19. A copy of the notice can be found [here](#).



## *LEGISLATIVE SESSION: 14 JAN 19 THROUGH 27 MAR 20*

There are no significant legislative activities to report.

## *REGULATORY ACTIVITY*

**REVISED TOTAL MAXIMUM DAILY LOAD (TMDL) FOR DISSOLVED OXYGEN FOR SATILLA RIVER BASIN.** The Georgia Environmental Protection Division has requested public input regarding a [revised TMDL](#) for dissolved oxygen for rivers and sound segments in the Satilla River Basin. Notice was issued 30 AUG 19, and the comment deadline is 25 OCT 19. A copy of the notice can be found [here](#).



*LEGISLATIVE SESSION: 7 JAN 20 THROUGH 30 MAR 20*

**BR 206, WASTE MANAGEMENT.** The bill would delete incidental or residual waste facilities from the exclusion in the description of waste management facilities, allow fiscal courts to license solid waste and residual landfills, and assess increased fees for accepting wastes outside of the waste planning area. The bill has been prefiled for the 2020 legislative session.

### *REGULATORY ACTIVITY*

There are no significant regulatory activities to report.



*LEGISLATIVE SESSION: 7 JAN 20 THROUGH 27 MAR 20*

There are no significant legislative activities to report.

### *REGULATORY ACTIVITY*

**ENERGY—INTEGRATED RESOURCE PLANNING AND REPORTING.** The Mississippi Public Service Commission has proposed rulemaking that combines long-term utility resource planning with the planning and implementation of energy efficiency programs and other annual energy delivery efforts. The comment deadline is 20 SEP 19. A copy of the proposed rule can be found [here](#).



*LEGISLATIVE SESSION: 9 JAN 19 THROUGH 1 JUL 20*

There are no significant legislative activities to report.

### *FEDERAL ACTIVITY*

**STATE HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS.** North Carolina has applied to the U.S. Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA) ([84 FR 44266](#)). EPA has reviewed North Carolina's application and has determined, subject to public comment, that these changes satisfy all requirements needed to qualify for final authorization. EPA seeks public comment prior to taking final action. Comments are due 23 SEP 19.



*LEGISLATIVE SESSION: 8 JAN 19 THROUGH 8 JUN 20*

There are no significant legislative activities to report.

*REGULATORY ACTIVITY*

There are no significant regulatory activities to report.



*LEGISLATIVE SESSION: 8 JAN 19 THROUGH 24 APR 20*

There are no significant legislative activities to report.

*REGULATORY ACTIVITY*

**NEW SOURCE REVIEW AND TITLE V PERMITS.** The Tennessee Department of Environment and Conservation (DEC) has proposed rules regarding the New Source Review and Title V permit programs. Notice of the rulemaking hearing was published 4 AUG 19, and the hearing date and comment deadline are 8 OCT 19. A copy of the notice can be found [here](#).

**BENEFICIAL USE OF CONTAMINATED SOIL.** DEC has requested public comment regarding a Memorandum of Understanding for the Divisions of Solid Waste Management and Remediation to evaluate beneficial uses of contaminated soils. The comment deadline is 20 SEP 19. Copies of the notice and memorandum can be found [here](#).

*FEDERAL ACTIVITY*

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

# Federal Activity

## *AIR*

**REGULATORY REVISION OF NEW SOURCE REVIEW PROJECT EMISSIONS ACCOUNTING.** EPA has proposed revising certain New Source Review (NSR) applicability regulations to clarify the requirements that apply to sources proposing to undertake a physical or operational project under the NSR preconstruction permitting program ([84 FR 39244](#)). Under this program, an existing major source proposing to undertake a project must determine whether that project will constitute a major modification, following a two-step applicability test, and thus be subject to the NSR preconstruction permitting requirements. Step 1 is to determine if the proposed project will cause a "significant emissions increase" of a regulated NSR pollutant. If the proposed project is projected to cause such an increase, Step 2 is to determine if there is a "significant net emissions increase" of that pollutant. EPA is proposing to revise its NSR applicability regulations to make it clear that both emissions increases and decreases that result from a given proposed project are to be considered at Step 1 of the NSR major modification applicability test. In addition, this proposal replaces and withdraws EPA's 2006 Project Netting Proposal. Comments are due 8 OCT 19.

**ADJUSTMENTS TO ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION AND IMPORT 2020-2029.** EPA is proposing to allocate production and consumption allowances for specific hydrochlorofluorocarbons (HCFC), a type of ozone-depleting substance, for the years 2020 through 2029 ([84 FR 41510](#)). HCFCs may be used to service certain equipment manufactured before 2020. EPA is also proposing other updates that include revising the labeling requirements for containers of specific HCFCs; prohibiting the conversion of HCFC allowances allocated through this rulemaking into allowances for HCFCs that have already been phased out; requiring the use of an electronic reporting system for producers, importers, exporters, transformers, and destroyers of class I and class II ozone-depleting substances; revising and removing recordkeeping and reporting requirements; improving the process for petitioning to import used substances for reuse; creating a certification process for importing used and virgin substances for destruction; and restricting the sale of known illegally imported substances. Comments are due 30 SEP 19.

**FEDERAL PLAN REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS.** EPA proposes a federal plan to implement the Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (2016 MSW Landfills EG) for existing MSW landfills located in states and Indian country where state plans or tribal plans are not in effect ([84 FR 43745](#)). This proposed MSW Landfills Federal Plan includes the same elements as required for a state plan: identification of legal authority and mechanisms for implementation; inventory of designated facilities; emissions inventory; emission limits; compliance schedules; a process for EPA or state review of design plans for site-specific gas collection and control systems; testing, monitoring, reporting and recordkeeping requirements; public hearing requirements; and progress reporting requirements. Additionally, this action summarizes implementation and delegation of authority of the MSW Landfills Federal Plan. Comments are due 7 OCT 19.

**ADOPTING REQUIREMENTS IN EMISSION GUIDELINES FOR MUNICIPAL SOLID WASTE LANDFILLS.** EPA amended the 2016 Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (MSW Landfills EG) ([84 FR 44547](#)). The general requirements for state and federal plans implementing emission guidelines are referred to as implementing regulations, which are cross-referenced in the MSW Landfills EG. In a separate regulatory action titled "Revisions to Emission Guidelines Implementing Regulations," EPA finalized changes to modernize the implementing regulations governing EG under a new subpart. This action updates the cross-references to the implementing regulations in the MSW Landfills EG to harmonize with the new requirements for state and federal plans. This rule became effective on 6 SEP 19.

**AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS.** EPA has designated one new equivalent method for measuring concentrations of ozone in ambient air ([84 FR 44299](#)).

**INTEGRATED REVIEW PLAN FOR OZONE NAAQS.** EPA has released the [Integrated Review Plan for the Ozone National Ambient Air Quality Standards](#). This document contains plans for the current review of the air quality criteria and NAAQS for photochemical oxidants including ozone. The primary and secondary ozone NAAQS are set to protect public health and welfare from ozone and other photochemical oxidants in ambient air.

**AMENDMENTS TO MARINE DIESEL ENGINE EMISSION STANDARDS.** In advance of formal publication, EPA has released [the text of a proposed rule](#) that would amend the national marine diesel engine program to provide relief provisions to address concerns associated with finding and installing certified Tier 4 marine diesel engines in certain high-speed commercial vessels. The proposed relief is in the form of additional lead time for qualifying engines and vessels. The proposal also includes waiver provisions to allow for continued installation of Tier 3 engines for certain vessels if suitable Tier 4 engines continue to be unavailable. EPA also proposes adjustments to the requirements for certifying marine diesel engines, especially relating to demonstration of the durability of emission controls, to promote certification of engines with high power density. The proposal addresses marine diesel engines with rated power between 600 and 1,400 kW. EPA is also making a technical correction to the diesel fuel regulations to allow fuel manufacturers and distributors to make distillate diesel fuel that complies with the global sulfur standard that applies internationally instead of the fuel standards that otherwise apply to distillate diesel fuel in the United States.

**METHANE EMISSION STANDARDS FOR NEW, RECONSTRUCTED, AND MODIFIED SOURCES.** In advance of formal publication, EPA has released the [text of a proposed rule](#) that would remove new source performance standards (NSPS) intended to restrict fugitive emissions of methane in the oil and gas industry including the production, transmission, and storage segments. Specifically the amendments would remove sources in the transmission and storage segment from the source category; rescind the NSPS, including both the volatile organic compounds and methane requirements applicable to those sources; and rescind the methane-specific requirements of the NSPS applicable to sources in the production and processing segments. EPA is also proposing, as an alternative, to rescind the methane requirements of the NSPS applicable to all oil and natural gas sources, without removing any sources from the source category. EPA is also taking comment on alternative interpretations of its statutory authority to regulate pollutants under Section 111(b) of the Clean Air Act, and associated record and policy questions.

## *CLIMATE CHANGE*

**INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (IPCC) SPECIAL REPORT ON CLIMATE CHANGE AND LAND.** IPCC has issued a special report on [Climate Change and Land](#). The report discusses climate mitigation, adaptation, desertification, land degradation, food security, and interlinkages between challenges and response options.

## *ENERGY*

**RENEWABLE FUEL PROGRAM STANDARDS FOR 2020.** EPA is proposing renewable fuel percentage standards for 2020, and is proposing the applicable volumes for cellulosic biofuel, advanced biofuel, and total renewable fuel for 2020, as well as biomass-based diesel (BBD) for 2021 ([84 FR 36762](#)). EPA is also proposing the annual percentage standards for cellulosic biofuel, BBD, advanced biofuel, and total renewable fuel that would apply to all gasoline and diesel produced or imported in 2020. Comments were due 30 AUG 19.

**ENERGY CONSERVATION STANDARDS FOR UNFIRED HOT WATER STORAGE TANKS.** The U.S. Department of Energy (DOE) has issued a request for information (RFI) to determine whether to amend the current uniform national standard for unfired hot water storage tanks (UFHWSTs) ([84 FR 39220](#)). This RFI will help DOE determine whether an amended standard for UFHWSTs would result in significant energy savings and whether such a standard would be technologically feasible and economically justified. Under the Energy Policy and Conservation Act, DOE must review this standard at least once every six years and publish either a notice of proposed rulemaking to propose an amended standard for UFHWSTs or a notice of determination that the existing standard does not need to be amended. Comments and information are due 23 SEP 19.

## *HAZARDOUS MATERIALS*

**MISCELLANEOUS PETITIONS TO REDUCE REGULATORY BURDENS.** The Pipeline and Hazardous Materials Safety Administration (PHMSA) has published a proposed rule that would address numerous petitions for rulemaking submitted by the regulated community ([84 FR 41556](#)). Petitions include a request that PHMSA amend 49 CFR 171.8 by adding a definition of “waste material.” The purpose of this petition is to allow for all waste material, whether or not it meets the definition of a hazardous waste according to RCRA, to be managed in accordance with the lab pack exception and associated paragraphs in 49 CFR 173.12.

## *MISCELLANEOUS*

**EPA LIST OF SPECIFICATIONS, STANDARDS, AND ECOLABELS FOR FEDERAL PURCHASING.** EPA has updated its extensive collection of recommended specifications, standards, and ecolabels for federal purchasing. The [Recommendations of Specifications, Standards, and Ecolabels](#) is a tool intended to help federal purchasers efficiently and effectively identify and procure environmentally sustainable products and services. The tool also helps the federal government meet sustainability goals and comply with Federal Acquisition Regulations, the National Technology Transfer and Advancement Act, the Pollution Prevention Act of 1990, policy directives from the Office of Management and Budget and Executive Order 13834.

**TEST PROCEDURES FOR WATER CLOSETS AND URINALS.** DOE is considering whether to amend DOE's test procedures for water closets and urinals ([84 FR 37970](#)). DOE's test procedures for water closets and urinals are prescribed at 10 CFR 430.23(u) and (v), respectively, and 10 CFR part 430 subpart B appendix T. DOE requests comment on whether to conform the test procedures to American Society of Mechanical Engineers/American National Standards Institute Standard A112.19.2-2018, ceramic plumbing fixtures, including updates to terms and definitions, figures, and tables. Comments were due 4 SEP 19.

## *OSHA*

**FINAL NATIONAL OCCUPATIONAL RESEARCH AGENDA FOR HEARING LOSS PREVENTION.** The National Institute for Occupational Safety and Health has posted the final [National Occupational Research Agenda for Hearing Loss Prevention](#). In the final document, an additional research need was added: to perform targeted surveillance of worker hearing, cardiovascular health, mental health, and related health outcomes within worker populations with limited available research; such as, workers in small construction firms, landscaping companies, restaurants, bars, sports arenas and complexes, music venues, and within public service.

## *THREATENED AND ENDANGERED SPECIES*

**ENDANGERED SPECIES ACT (ESA) IMPLEMENTATION REGULATION REVISIONS.** The U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service jointly announced [revisions to regulations that implement portions of the Endangered Species Act \(ESA\)](#). The changes finalized apply to ESA sections 4 and 7 ([84 FR 45020](#) and [84 FR 44976](#)). Section 4, among other things, deals with adding species to or removing species from the act's protections and designating critical habitat. Section 7 covers consultations with other federal agencies. In addition to the final joint regulations, FWS finalized a separate revision rescinding its “blanket rule” under section 4(d) of the ESA ([84 FR 44753](#)). The rule had automatically given threatened species the same protections as endangered species unless otherwise specified.

**DRAFT RECOVERY PLAN REVISIONS FOR MULTIPLE SPECIES.** FWS has announced 28 draft recovery plan revisions that update recovery criteria for 53 endangered or threatened species located in Puerto Rico and 12 states: Alabama, Arizona, Arkansas, California, Florida, Georgia, Kentucky, Mississippi, Nevada, Oregon, Tennessee, and Utah ([84 FR 38284](#)). FWS is updating recovery criteria to better assist in determining when an endangered species has recovered to the point that it may be reclassified as threatened, or that the protections afforded by the ESA are no longer necessary and the species may be

removed from the ESA's protections. FWS requests review of the draft recovery plan revisions and invites comments from local, state, tribal, and federal agencies, nongovernmental organizations, and the public. Comments were due 5 SEP 19.

**REMOVING RUNNING BUFFALO CLOVER FROM FEDERAL LIST OF ENDANGERED AND THREATENED PLANTS.** FWS proposes to remove running buffalo clover (*Trifolium stoloniferum*) from the Federal List of Endangered and Threatened Plants, due to recovery ([84 FR 44832](#)). This determination is based on a thorough review of the best available scientific and commercial information, which indicates that the threats to the species have been eliminated or reduced to the point that it no longer meets the definition of an endangered or a threatened species under the Endangered Species Act of 1973, as amended. FWS is seeking information and comments from the public regarding this proposed rule. FWS is also seeking comments on the draft post-delisting monitoring plan for running buffalo clover. Comments are due 28 OCT 19.

## *TOXICS*

**REPORT ON EPA AND CONGRESSIONAL ACTIONS RELATED TO POLYFLUOROALKYL SUBSTANCES (PFAS) AND DRINKING WATER.** The Congressional Research Service issued a report, [PFAS and Drinking Water: Selected EPA and Congressional Actions](#). This report provides an overview of EPA's ongoing and proposed actions to address PFAS under the Safe Drinking Water Act authorities, with particular focus on the statutory process for evaluating PFAS—particularly perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS)—for potential regulation. It also reviews PFAS-related legislation introduced in the 116th Congress.

**PROPOSED HIGH-PRIORITY SUBSTANCE DESIGNATIONS UNDER TOXIC SUBSTANCES CONTROL ACT (TSCA).** EPA is proposing to designate 20 chemical substances as High-Priority Substances for risk evaluation under Section 6(b) of TSCA ([84 FR 44300](#)). EPA is providing a 90-day comment period. A proposed designation of a chemical substance as a High-Priority Substance is not a finding of unreasonable risk; rather, when prioritization is complete, a final designation as a High-Priority Substance will initiate the risk evaluation for the chemical substance, which will culminate in a finding of whether or not the chemical substance presents an unreasonable risk to health or the environment under the conditions of use. For a list of the 20 chemicals proposed to be designated as High-Priority Substances, see the Federal Register notice. Comments are due 21 NOV 19.

**PROPOSED LOW-PRIORITY SUBSTANCE DESIGNATIONS UNDER TSCA.** EPA is proposing to designate 20 chemical substances as Low-Priority Substances for which risk evaluation is not warranted at this time ([84 FR 41712](#)). This document provides a summary of the approach used by EPA to support the proposed designations, the proposed designation for each of the chemical substances, and other information. For a list of the 20 chemicals proposed to be designated as Low-Priority Substances, see the FR notice. Comments are due 13 NOV 19.

## *WASTE*

**FRAMEWORK FOR ADVANCING U.S. RECYCLING SYSTEM.** In July, EPA [announced](#) it has released the [Status Report: Framework for Advancing the U.S. Recycling System](#). The status report represents the collective thinking and ideas of the America Recycles Workgroup members through June 2019. Also included as an appendix are the actions EPA intends to take to support the four identified action areas, as of June 2019. EPA will update the status of the America Recycles Workgroup activities, as well as any additional activities EPA plans to undertake in support of the effort, as new information becomes available. For more information about the framework, click [here](#). For more information about recycling in the U.S., including actions EPA is taking to address recycling challenges, click [here](#).

## *WATER*

**UPDATING REGULATIONS ON STATE WATER QUALITY CERTIFICATION.** EPA is requesting comment on a proposed rule addressing the process for state water quality certification under Clean Water Act Section 401 ([84 FR 44080](#)). Section 401 is a direct grant of authority to states and authorized tribes to review any proposed activity that requires a federal license

or permit and may result in a discharge to waters of the United States. EPA's proposal is intended to increase the predictability and timeliness of Section 401 certification by clarifying timeframes for certification, the scope of certification review and conditions, and related certification requirements and procedures. Comments are due 21 OCT 19.

# Department of Defense Activity

**THE CORPS ENVIRONMENT AUGUST 2019 ISSUE AVAILABLE.** [The Corps Environment](#) is an online quarterly news magazine published by the U.S. Army Corps of Engineers to provide information about USACE and U.S. Army environmental initiatives, policies and technologies.

**DODM 4715.06, VOLUME 3: REGULATIONS ON VESSELS OWNED OR OPERATED BY DOD: BALLAST WATER.** DOD has reissued [DOD Manual \(DODM\) 4715.06, Volume 3, Regulations on Vessels Owned or Operated by the Department of Defense: Ballast Water](#). The DODM is composed of several volumes, each containing its own purpose. This volume implements a ballast water management program to minimize the risk of introduction of nonindigenous species from releases of ballast water from seagoing vessels of DOD in accordance with Section 4713 of Title 16, United States Code, also known as Section 1103 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996. The updated manual: (1) modifies the current implementation date for ballast water control technology for DOD vessels, as defined in this volume, from 2020 to 2023 to allow adequate time to validate system integration on warfighting vessels; (2) removes content on anchor system and weldeck sediments now contained in Volume 4 of this manual; and (3) updates organizational symbols and references for accuracy.

**DOD GRANT PROGRAM FOR COMMUNITY PLANNING TO AVOID INCOMPATIBLE DEVELOPMENT.** DOD's Office of Economic Adjustment (OEA) has announced a federal funding opportunity for community planning assistance to help states and communities work with their local military installations. The goal is to promote and guide civilian development and activities to be compatible with and support the long-term readiness and operability of military installations, ranges, special use air space, military operation areas, and military training routes ([84 FR 38014](#)). OEA's Compatible Use Program provides technical and financial assistance to state and local governments to plan and carry out civilian actions necessary to alleviate and/or prevent incompatible civilian development and other civilian activities that are likely to impair the continued operational utility of a DOD installation or facility. OEA is accepting proposals for grant assistance from states, counties, and municipalities; other political subdivisions of a state; special purpose units of a state or local government; other instrumentalities of a state or local government; and tribal nations. In addressing encroachment, grantees may at the same time develop initiatives to enhance the security and resiliency of a military installation.

**NAVY POLICY ON PERSONNEL USE OF WORKPLACE CHARGING FOR ELECTRIC VEHICLES.** Commander, Navy Installations Command (CNIC) has issued an instruction addressing [Personnel Workplace Charging for Plug-In Electric Vehicles](#), CNIC Instruction 11010.6 of 29 JUL 19. The instruction specifies the responsibilities, procedures, and recordkeeping relevant to management of personnel workplace charging.

**ENERGY EXCHANGE FOCUSED ON MILITARY INSTALLATIONS, ENERGY RESILIENCY, EFFICIENCY, AND EMERGING THREATS.** Assistant Secretary of the Army for Installations, Energy and Environment (ASA IE&E), Honorable Alex A. Beehler, joined DOD counterparts and DOE representatives for DOE's Energy Exchange 2019. [Hon. Beehler delivered remarks regarding DOD and Army's strategic priorities](#) during the opening plenary session, to include his vision of the Army's present and future energy needs.

**TAGNITE TEAM AWARDED FOR ENVIRONMENTAL EXCELLENCE IN WEAPON SYSTEM ACQUISITION.** The Honorable Alex A. Beehler, (ASA IE&E), presented the award for [Environmental Excellence in Weapon System Acquisition](#), Small Program, to the Tagnite Technical Working Group, Army Research Laboratory at Aberdeen Proving Ground, Maryland, 18 JUL 19.

# 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).** The Federal Energy Management Program (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](#).

**2-3 OCT 19, RESEARCH TRIANGLE PARK, NC:** [EPA Conference on Air Quality Modeling](#). EPA has announced the Twelfth Conference on Air Quality Modeling. Such a conference is required by Section 320 of the Clean Air Act (CAA) to be held every three years. The purposes of the Twelfth Modeling Conference are to provide an overview of the latest features of the currently preferred air quality models and to provide a forum for public review and comment on potential revisions to the way EPA determines and applies appropriate air quality models in the future.

**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.

**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.

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

