



# Southern Review of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

November 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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## 2019 REPI CHALLENGE AWARD

The Readiness and Environmental Protection Integration (REPI) Program announced in October that Naval Submarine Base Kings Bay, Georgia, is a recipient of the 2019 REPI Challenge award. This year, the REPI Challenge focused on promoting coastal resilience and proactively protecting at-risk species to relieve environmental restrictions on military testing, training, or operations, particularly capabilities outlined in the National Defense Strategy.

The Naval Submarine Base Kings Bay project will leverage \$8 million in REPI Challenge funds and \$32.3 million in partner contributions to protect more than 11,000 acres of unprotected coast. The Kings Bay project will protect the coastline from being developed, therefore preserving marsh and tidal lands integral to the absorption of storm surge. This project will also contribute to the Georgia Gopher Tortoise Conservation Initiative and the Georgia Sentinel Landscape, improving fire management, restoring longleaf pine habitats, promoting coastal resilience, and mitigating maritime and airspace operational conflicts.

The REPI Challenge awards funds on an annual basis to one or more projects that provide innovative approaches to protecting the military mission. This annual competition seeks to cultivate projects that conserve land at a greater scale, thereby helping the REPI Program meet its goals. Since the initiation of the REPI Challenge in 2012, more than \$50 million in REPI Program funds have been leveraged with nearly \$166 million in partner contributions to protect over 143,000 acres of working lands, habitat and open spaces at 13 locations nationwide.

*Additional information on the REPI Challenge awards can be found [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.

## *REGULATORY ACTIVITY*

**PROPOSED REVISIONS TO HAZARDOUS WASTE PROGRAM.** The Alabama Department of Environmental Management (ADEM) has proposed rules to revise the hazardous waste program including requirements regarding the management of pharmaceutical wastes pursuant to 40 CFR part 266. [Notice](#) was published 31 OCT 19. The hearing date and comment deadlines are 5 DEC 19.

**SOLID WASTE PERMITS AND FEES.** ADEM has proposed rules regarding solid waste permits/registration program fees. [Notice](#) was published 31 OCT 19. The hearing date and comment deadline is 5 DEC 19.



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

**SB 446, RENEWABLE ENERGY.** The bill would authorize owners of commercial or industrial businesses, or third parties contracted by such owners, to install, maintain, and operate a renewable energy source device on or near owned structures. The electricity generated from the device would be permitted to be sold to businesses regardless of whether the device is located in a utility's service territory. The bill has been prefiled for the 2020 legislative session.

**SB 452, ELECTRIC VEHICLE CHARGING STATIONS.** The bill would require the Florida Department of Transportation to develop and adopt a master plan for electric vehicle charging stations on state highways. The bill has been prefiled for the 2020 legislative session.

**SB 454, DISCHARGE OF DOMESTIC WASTEWATER.** The bill would prohibit the construction of new or expansion of existing deep injection wells for domestic wastewater. The bill would require current ocean outfall and deep well injection permit holders to install a functioning reuse system within the utility's service area, and the bill would prohibit the discharge of domestic wastewater through ocean outfalls and deep injection wells at a future date. The bill has been prefiled for the 2020 legislative session.

**SB 492, PUBLIC NOTIFICATION OF POLLUTION.** The bill would redefine the term "reportable pollution release" and require the Florida Department of Environmental Protection (FDEP) to publish notices of reportable pollution releases received and

to notify affected homeowners of notices via the United States Postal Service. The bill has been prefiled for the 2020 legislative session.

**SB 538, EMERGENCY REPORTING.** The bill would require counties and municipalities to report certain events to the State Watch Office. Certain events would include natural disasters, fires, sinkholes, floods, environmental spills or emergencies, and military events. The bill has been prefiled for the 2020 legislative session.

**SB 638, APALACHICOLA ENVIRONMENTAL STEWARDSHIP ACT.** The bill would appropriate \$12 million to be spent on land acquisition and projects that improve surface water and groundwater quality in the Apalachicola River and Apalachicola Bay. Priority would be given to projects that have multiple conservation benefits. The bill has been prefiled for the 2020 legislative session.

**SB 690, WATER RESOURCES.** The bill would require FDEP to conduct a comprehensive and quantitative needs-based overview of water resources. The bill has been prefiled for the 2020 legislative session.

**SB 712, CLEAN WATERWAYS ACT.** The bill would require FDEP to develop a report on the impacts of a type two transfer of the onsite sewage program, revise the requirements for a basin management action plan for Outstanding Florida Spring, and establish a real-time water quality monitoring program. The bill has been prefiled for the 2020 legislative session.

**SB 722, LAND ACQUISITION TRUST FUND.** The bill would provide \$50 million each fiscal year through the 2026-2027 fiscal year for projects dedicated to conservation and management activities in the counties impacted by Hurricane Michael during the 2018 hurricane season. The bill has been prefiled for the 2020 legislative session.

**HB 405 (SB 686), STORMWATER MANAGEMENT SYSTEMS.** The bill would direct water management districts to add design and performance standards that increase the removal of nutrients from stormwater discharges to impaired waters from all new development and redevelopment projects. The bill has been prefiled for the 2020 legislative session.

**HB 417 (SB 606), ANCHORING LIMITATION AREAS.** The bill would designate specified waterways as anchoring limitation areas. The bill has been prefiled for the 2020 legislative session.

## *REGULATORY ACTIVITY*

**BEACHES AND COASTAL SYSTEMS.** FDEP has given notice of development of rulemaking to amend the definition of "vulnerable" to clarify that in order to qualify for coastal armoring, the eligible structure to be protected must be located wholly or partially seaward of the applicable Coastal Construction Control Line. A new model has also been proposed to be used to determine vulnerability. [Notice](#) of rulemaking was published 22 OCT 19.

**CRITERIA FOR WASTE FACILITIES.** FDEP has proposed a rule regarding specific criteria for registration of waste facilities and for permitted waste facilities and clarifications regarding compost. [Notice of development of rulemaking](#) was published 1 OCT 19.

**INNOVATIVE SYSTEM PERMITTING FOR ONSITE SEWAGE TREATMENT AND DISPOSAL.** The Florida Department of Health has requested public input regarding issues relating to onsite sewage treatment and disposal systems and draft rule amendments to provisions of [Chapter 64E-6](#). [Notice](#) was published 15 OCT 19.

**LAKE OKEECHOBEE BASIN PERMITS AND REQUIREMENTS.** The South Florida Water Management District has given notice of development regarding permits, basin and sub-basin boundaries, requirements, and conditions for the Lake Okeechobee Basin. [Notice of development of rulemaking](#) was published 22 OCT 19.

**OCHLOKONEE RIVER BASIN TOTAL MAXIMUM DAILY LOADS (TMDLS).** FDEP has requested public input regarding nutrient TMDL development for Lake Talquin in the Ochlokonee River Basin. [Notice](#) was issued 11 OCT 19. A hearing date has been scheduled 20 NOV 19, and the comment deadline is 6 DEC 19.

**BETHEL LAKE AND LAKE GEM TMDLS.** FDEP has issued draft nutrient TMDLs for [Bethel Lake](#) and [Lake Gem](#). Notice was issued 23 OCT 19.

**MIDDLE ST. JOHNS RIVER, KISSIMMEE RIVER, PEACE RIVER, AND WITHLACOOCHEE RIVER BASINS' TMDLS.** FDEP has issued notice of a public hearing regarding TMDLs for the Middle St. Johns River Basin, Kissimmee River Basin, Peace River Basin, and Withlacoochee River Basin as well as proposed rules regarding TMDLs for certain impaired waters in the same basins.

- Public Hearing Notice—[Notice](#) was issued 23 OCT 19. A hearing date has been scheduled 16 DEC 19.
- Proposed Rulemaking—[Notice](#) was issued 28 OCT 19. The comment deadline is 18 NOV 19, and a hearing has been scheduled 16 DEC 19.

**STATE ENDANGERED AND THREATENED SPECIES.** The Florida Fish and Wildlife Conservation Commission has given notice of developing rulemaking regarding commission-approved take of state-threatened species: the Sanibel Island rice rat, short-tailed snake, and bluenose shiner. [Notice of development of rulemaking](#) was published 9 OCT 19.



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

There are no significant legislative activities to report.

***REGULATORY ACTIVITY***

**LEACHING GUIDANCE.** Georgia Department of Natural Resources has issued guidance regarding frequently asked questions for evaluating the soil-to-groundwater migration pathway. [Guidance](#) was issued 24 OCT 19.

***FEDERAL ACTIVITY***

**REVISIONS TO CROSS-STATE AIR POLLUTION RULE.** The U.S. Environmental Protection Agency (EPA) has proposed to approve a Georgia State Implementation Plan (SIP) revision to approve changes to Georgia's cross-state air pollution rule state trading programs. The comment deadline for this [proposed rule](#) is 14 NOV 19.

**REVISIONS TO SULFUR DIOXIDE AMBIENT AIR QUALITY STANDARDS.** EPA has approved a Georgia SIP to update Georgia's air quality standards for sulfur dioxide to be consistent with the National Ambient Air Quality Standards (NAAQS.) The [final rule](#) is effective 29 NOV 19.



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

There are no significant legislative activities to report.

***REGULATORY ACTIVITY***

There are no significant legislative activities to report.



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

There are no significant legislative activities to report.

***REGULATORY ACTIVITY***

**POLLUTION EMERGENCY RESPONSE REGULATIONS.** The Mississippi Department of Environmental Quality has [proposed regulations](#) to include various sources of statutory authority for emergency response and to include definitions in the application of emergency response requirements. [Proposed action on rules](#) was filed 3 OCT 19. A hearing date has been scheduled for 12 DEC 19.



***LEGISLATIVE SESSION: 9 JAN 19 THROUGH 1 JUL 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 8 JUN 20***

There are no significant legislative activities to report.

***REGULATORY ACTIVITY***

There are no significant regulatory activities to report.

***FEDERAL ACTIVITY***

**NAAQS TRANSPORT INFRASTRUCTURE.** EPA has approved South Carolina's SIP submission pertaining to the good neighbor provisions of the Clean Air Act for the 2010 1-hour sulfur dioxide NAAQS. The [final rule](#) was effective 12 NOV 19.



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

There are no significant legislative activities to report.

### *REGULATORY ACTIVITY*

**AIR POLLUTION CONTROL REGULATIONS.** The Tennessee Division of Air Pollution Control has initiated rulemaking regarding Chapter 1200-03-26 of the Air Pollution Control Regulations, Administrative Fee Schedule. Proposed changes include revising the Tennessee Visible Emission Evaluation Course Fees, revising the annual fees for facilities subject to Title V permitting, and adding clarification to the rules. [Notice of rulemaking](#) was filed 7 OCT 19. The comment deadline and hearing dates are 25 NOV 19.

**HAZARDOUS WASTE MANAGEMENT, TRANSFER, STORAGE AND FACILITIES.** The Tennessee Department of Environment and Conservation, Underground Storage Tanks and Solid Waste Disposal Control Board has proposed rules incorporating federal rulemaking for hazardous waste generator improvement. The [notice of rulemaking](#) was filed 3 OCT 19. The hearing date and comment deadline is 3 DEC 19.

**REMOVAL OF VEHICLE INSPECTION PROGRAM FROM STATE IMPLEMENTATION PLAN.** The Tennessee Division of Air Pollution Control has issued notice of hearings regarding the removal of the vehicle inspection program for the following counties:

- Davidson, Williamson, Wilson, Sumner, and Rutherford—[Notice](#) was issued 18 OCT 19. The comment deadline and hearing dates are 19 NOV 19.
- Hamilton—[Notice](#) was issued 18 OCT 19. The comment deadline and hearing dates are 21 NOV 19.

**LEAD-BASED PAINT ABATEMENT.** The Tennessee Department of Environment and Conservation has proposed rules regarding the abatement of lead-based paint to meet federal guidelines. [Notice](#) was filed 24 OCT 19, and the comment deadline and hearing date is 18 DEC 19.

### *FEDERAL ACTIVITY*

**KNOX COUNTY SIP.** EPA has proposed approving several Tennessee SIP revisions including four sections of Knox County's Air Quality Management Regulations covering definitions, opening burning, permits and emissions reporting requirements. The comment deadline is 21 NOV 19. A copy of the proposed rule can be found [here](#).

# Federal Activity

## AIR

**RECLASSIFICATION OF MAJOR SOURCES AS AREA SOURCES.** EPA is considering additional stakeholder comments received after it reopened the public comment period for a [proposed rule](#) titled *Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act* ([84 FR 52419](#)). The proposed amendments provide that a major source can reclassify to area source status at any time by limiting its potential to emit 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. The original comment period closed 24 SEP 19. EPA reopened the comment period to allow stakeholders additional time for review and comment. The reopened public comment period closed 1 NOV 19.

**CHARTERED CLEAN AIR SCIENTIFIC ADVISORY COMMITTEE TO REVIEW OZONE AND PARTICULATE MATTER (PM) NAAQS.** The Chartered Clean Air Scientific Advisory Committee (CASAC) will meet 3-6 DEC 19, in Cary, North Carolina, to discuss the draft report on EPA's Policy Assessment for the Review of the NAAQS for Particulate Matter ([84 FR 58713](#)). CASAC will also peer-review both EPA's Integrated Science Assessment for Ozone and Related Photochemical Oxidants and Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards. CASAC provides independent advice to EPA on the technical bases for EPA's NAAQS. The committee is required to review the NAAQS for the six criteria air pollutants, including PM and ozone, every five years. EPA is currently reviewing the NAAQS for PM and ozone. The [PM assessment](#) stated a preliminary conclusion that the current annual and 24-hour primary PM<sub>2.5</sub> standards do not provide adequate public health protection. The assessment recommends retaining the current primary PM<sub>10</sub> standard.

## ENERGY

**GUIDELINES ON INFORMATION FOR LIGHTING AND MARKING OF STRUCTURES SUPPORTING RENEWABLE ENERGY DEVELOPMENT.** The Bureau of Ocean Energy Management (BOEM) Office of Renewable Energy Programs (OREP) has requested comment on the [Draft Proposed Guidelines for Providing Information on Lighting and Marking of Structures Supporting Renewable Energy Development](#) on the Outer Continental Shelf ([84 FR 57471](#)). OREP drafted these guidelines based upon studies and consultations with the Federal Aviation Administration (FAA) and U.S. Coast Guard (USCG). BOEM also convened a working group of federal agencies with interests in lighting, including the Federal Aviation Administration (FAA), USCG, DOD, and U.S. Fish and Wildlife Service (FWS). The working group noted the absence of FAA regulations or guidance regarding the use of lighting for offshore wind turbines beyond the U.S. Territorial Sea, 12 nautical miles offshore. Comments are due 25 NOV 19.

## HAZARDOUS WASTE

**UPDATE OF FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET.** EPA has issued an update to the Federal Agency Hazardous Waste Compliance Docket ([84 FR 57728](#)). The docket contains certain information reported to EPA by federal facilities that manage hazardous waste or from which a reportable quantity of hazardous substances has been released. The update includes zero additions, three deletions, and zero corrections to the docket since the 29 APR 19 update. The update was issued 10 OCT 19.

## MISCELLANEOUS

**EXECUTIVE ORDER ON REGULATORY GUIDANCE.** The president issued an [executive order](#) limiting federal agency use of regulatory guidance that imposes binding requirements in lieu of formal rulemaking conducted in accordance with the Administrative Procedures Act. Among the requirements of the executive order are that agencies must maintain a website

that contains all guidance documents currently in effect; review all guidance documents and rescind those that should no longer be in effect; and adopt final regulations governing the issuance of guidance documents, including the imposition of formal public comment period, as appropriate.

**EXECUTIVE ORDER ON ADVISORY COMMITTEES.** The [Executive Order on the Continuance of Certain Federal Advisory Committees](#), issued 27 SEP 19, continues 30 federal advisory committees until 30 SEP 21. The executive order was effective 30 SEP 19.

## *NATURAL RESOURCES*

**EXECUTIVE ORDER ON PRESIDENT'S COUNCIL OF ADVISORS ON SCIENCE AND TECHNOLOGY (PCAST).** The president issued [Executive Order 13895](#), reestablishing the PCAST. The council is composed of the director of the Office of Science and Technology Policy, and not more than 16 additional members appointed by the president. The PCAST will advise the president on matters involving science, technology, education, innovation policy, and other topics. The executive order was signed 22 OCT 19.

## *OSHA*

**BERYLLIUM OCCUPATIONAL EXPOSURE.** The Occupational Safety and Health Administration (OSHA) has proposed to revise the standards for occupational exposure to beryllium and beryllium compounds in the construction and shipyard industries ([84 FR 53902](#)). These proposed changes are designed to: (1) more appropriately tailor the requirements of the construction and shipyard standards to the particular exposures in these industries in light of partial overlap between the beryllium standards' requirements and other OSHA standards; (2) aid compliance and enforcement across the beryllium standards by avoiding inconsistency between construction and shipyard standards and proposed revisions to the general industry standard; and (3) clarify certain requirements with respect to materials containing only trace amounts of beryllium. This proposal does not affect the general industry beryllium standard. Comments were due 7 NOV 19. An informational public hearing is scheduled for 3 DEC 19.

## *THREATENED AND ENDANGERED SPECIES*

**CANDIDATE NOTICE OF REVIEW.** FWS has posted an updated list of plant and animal species that are candidates for or have been proposed for listing under the Endangered Species Act ([84 FR 54732](#)). FWS has not identified any new candidate species through this notice. Refer to the Federal Register for details on candidate species, listing priority changes, candidate removals, petition findings, actions taken, and progress made. For more information, click [here](#).

**SPECIES NOT WARRANTED FOR LISTING.** FWS announced that 12 species are not warranted for listing as endangered or threatened species under the Endangered Species Act ([84 FR 53336](#)). Specifically, FWS has found that it is not warranted at this time to list the Berry Cave salamander, cobblestone tiger beetle, Florida clamshell orchid, longhead darter, Ocala vetch, Panamint alligator lizard, Peaks of Otter salamander, redlips darter, Scott riffle beetle, southern hognose snake, yellow anise tree, and yellow-cedar. Refer to the Federal Register notice for information about each species. The finding was made 7 OCT 19.

**BARRENS TOPMINNOW.** FWS has issued a final rule listing as endangered the [Barrens topminnow](#) (*Fundulus julisia*), a freshwater fish species from Cannon, Coffee, Dekalb, and Warren counties, Tennessee ([84 FR 56131](#)). FWS plans to publish a proposed rule to designate critical habitat for the Barrens topminnow in the near future. The final rule becomes effective 20 NOV 19.

**INTERIOR LEAST TERN.** FWS has proposed to remove the inland population of the interior least tern from the Federal List of Endangered and Threatened Wildlife ([84 FR 56977](#)). The interior least tern is a bird that nests adjacent to major rivers of the Great Plains and Lower Mississippi Valley. FWS has also announced the availability of a draft post-delisting

monitoring (PDM) plan for the interior least tern. FWS seeks information, data, and comments regarding the proposed rule and the associated draft PDM plan. Comments are due 23 DEC 19.

## *TOXICS*

**DRAFT TECHNICAL REPORTS ON TOXICOLOGY AND CARCINOGENESIS—PFOA.** The National Institutes of Health, National Toxicology Program (NTP) has released draft technical reports on toxicology and carcinogenesis studies of perfluorooctanoic acid (PFOA) and 2-hydroxy-4-methoxybenzophenone ([84 FR 54908](#)). NTP is requesting written and oral public comments that address scientific or technical issues. A peer-review web meeting is scheduled for 12 DEC 19. Registration is required for attendance and to present oral comments. Comments on the draft documents are due 20 NOV 19. Meeting information and draft documents are available [here](#).

**METHYLENE CHLORIDE—DRAFT TSCA RISK EVALUATION.** EPA has requested public comment on the draft Toxic Substances Control Act (TSCA) [risk evaluation](#) of methylene chloride (MC) ([84 FR 57866](#)). MC is a volatile and colorless liquid that is used in various industrial processes and industries, including paint stripping, paint remover manufacturing, and metal cleaning and degreasing. In the risk evaluation, EPA reviewed a suite of potential MC exposures and made initial determinations on risk. These preliminary determinations may change as EPA's evaluation becomes more refined through the public-comment and peer-review processes. Comments are due 30 DEC 19.

**GUIDANCE FOR POLYCHLORINATED BIPHENYLS (PCB) INCINERATION.** EPA has published an [update](#) to the *Guidance for Applicants Requesting to Treat/Dispose of PCBs Using Incineration or an Alternative Method*. The guidance is to assist applicants, facility owners, and operators applying to EPA for approval to dispose of PCBs using incineration or alternative thermal and non-thermal methods. The update modernizes the format of the document and puts the relevant existing policies in one place.

**IRIS PROGRAM OUTLOOK UPDATE.** Three times a year, the Integrated Risk Information System (IRIS) Program provides an updated outlook of program activities to maintain transparency. The most recent [IRIS Program Outlook Update](#) was published 8 OCT 19. The IRIS Program Outlook website is available [here](#).

**IRIS ASSESSMENT FOR INORGANIC MERCURY SALTS.** EPA has announced a 30-day comment period for the IRIS Assessment Plan for Inorganic Mercury Salts ([84 FR 53720](#)). This assessment plan communicates information on the scoping needs identified by EPA and the IRIS Program's initial problem formulation activities. Specifically, the plan outlines the objectives for the IRIS assessment and the type of evidence considered most pertinent to address the scoping needs. The IRIS assessment plan will be discussed at a [public science webinar](#) 5 DEC 19. The public comment period for the IRIS assessment plan ended 7 NOV 19. For more information about the IRIS Assessment Plan for Inorganic Mercury Salts, click [here](#).

**UPDATED PCB TREATMENT GUIDANCE.** EPA has [issued](#) the 2019 *Guidance for Applicants Requesting To Treat/Dispose of PCBs Using Incineration or an Alternative Method*. The guidance updates and combines two existing guidance documents that were developed in 1986. It is for persons applying to EPA for approval to dispose of PCBs using thermal and non-thermal alternative methods. The guidance is posted on EPA's website along with a variety of other PCB related guidance and interpretative letters from EPA.

## *WASTE*

**REPORT ON FOOD WASTE—ANAEROBIC DIGESTERS.** As part of EPA's efforts to better understand practice and prevalence of food waste digesters in the U.S., EPA was granted authority to survey digesters annually for three years, from 2017 through 2019. In September, EPA published the [second report of findings on Anaerobic Digestion Facilities Processing Food Waste in the United States](#). The reports summarize data received from stand-alone food waste digesters, on-farm digesters that co-digest food waste, and digesters at water resource recovery facilities that co-digest food waste. The reports include information about the processing capacity of anaerobic digester facilities as well as the total food and non-food waste

processed. They also include information about facility operations, pre-processing/de-packaging technologies, feedstock types and sources, biogas cleaning systems, biogas production/uses, and solid/liquid digestate uses. For more information, click [here](#).

## *WATER*

**'WATERS OF THE UNITED STATES'—RECODIFICATION OF PRE-EXISTING RULES.** EPA and USACE have issued a final rule to repeal the 2015 Clean Water Rule: Definition of "Waters of the United States" ([84 FR 56626](#)). With this final rule, the regulations defining the scope of federal Clean Water Act (CWA) jurisdiction will be those portions of the Code of Federal Regulations as they existed before the amendments promulgated in the 2015 rule. The final rule becomes effective 23 DEC 19.

**PRELIMINARY EFFLUENT GUIDELINES: PROGRAM PLAN 14.** EPA has requested comments on Preliminary Effluent Guidelines: [Program Plan 14](#). Preliminary Plan 14 identifies industrial categories selected for effluent guidelines or pretreatment standards and provides a schedule for their development ([84 FR 57019](#)). The plan provides updates on ongoing industrial category studies for the electrical and electronic components category, oil and gas extraction wastewater management, and petroleum refining category. Other ongoing analyses discussed in Preliminary Plan 14 include an analysis of available data on industrial sources and discharges of per- and polyfluoroalkyl substances (PFAS). Three new activities are introduced in Preliminary Plan 14: (1) a new technology review process to help EPA gather information on current industrial wastewater treatment capabilities; (2) a new economic screening analysis to enable EPA to establish an initial prioritization of industries based on economic factors; and (3) a PFAS multi-industry study to identify industrial sources of PFAS in surface waters. This study was initially announced as part of [EPA's PFAS Action Plan](#). Comments are due 25 NOV 19.

**LEAD AND COPPER RULE UPDATE.** In advance of publication in the Federal Register, EPA has [announced](#) it will update the Lead and Copper Rule by requiring public water systems to take new actions to reduce lead in drinking water. Under the proposed rule, water systems would be required to perform the following actions:

- Prepare and update a publicly available inventory of lead service lines and require water systems to "find-and-fix" sources of lead when a sample in a home exceeds 15 parts per billion (ppb);
- Implement corrosion control treatment based on tap sampling results and establish a new trigger level of 10 ppb;
- Replace the water system-owned portion of a lead service line when a customer chooses to replace their portion of the line;
- Follow new, improved sampling procedures and adjust sampling sites to better target locations with higher lead levels;
- Notify customers within 24 hours if a sample collected in their home is above 15 ppb and conduct regular outreach to homeowners with lead service lines; and
- Take drinking water samples from the schools and child care facilities served by the system.

The proposed rule would also define the actions a water system would need to take if sample results exceed the trigger level. A prepublication version of the proposed rule is available [here](#). The website for the proposed Lead and Copper Rule, which includes an infographic on the revisions, fact sheets, and side-by-side comparison of the current rule and proposal, is available [here](#).

**PARTNERSHIP TO REDUCE CHILDHOOD LEAD EXPOSURE AT SCHOOLS AND CHILD CARE FACILITIES.** In October, EPA [announced](#) a memorandum of understanding (MOU) to facilitate actions that reduce children's exposure to lead from drinking water at schools and child care facilities. The MOU:

- Highlights each partner's commitment to work to help ensure that children in schools and childcare facilities are provided with safe drinking water.

- Encourages supporting activities that provide education on health concerns associated with lead in drinking water; assists in the development of a lead testing program utilizing EPA's [3Ts for Reducing Lead in Drinking Water in School and Child Care Facilities](#); and helps schools and child care facilities establish a sustainable and effective lead in drinking water testing program.
- Promotes collaboration in the development of materials, training, and tools to assist schools and child care facilities in reducing lead in drinking water.
- Allows for better identification of appropriate networks, associations, and organizations to partner with and develop communication materials for schools and child care facilities.

To read the MOU, click [here](#). EPA's MOU website is available [here](#).

**CWA METHODS UPDATE FOR ANALYSIS OF EFFLUENT.** EPA has issued a proposed rule to update its test procedures for analyzing wastewater and other environmental samples under the National Pollutant Discharge Elimination System permit program ([84 FR 56590](#)). The proposed updates provide increased flexibility for the regulated community in meeting monitoring requirements, improve data quality, and incorporate technological advances in analytical technology. Comments are due 23 DEC 19.

## Department of Defense Activity

**DEFENSE MATERIEL DISPOSITION.** DOD has reissued Department of Defense Manual (DODM) 4162.21, Volumes 1 thru 4. The manual prescribes uniform procedures for the disposition of DOD personal property and establishes the sequence of processes for disposition of personal property of the DOD Components. DOD has updated: (1) [DODM 4160.21, Volume 1](#), Disposal Guidance and Procedures; (2) [DODM 4160.21, Volume 2](#), Property Disposal and Reclamation; (3) [DODM 4160.21, Volume 3](#), Reutilization, Transfer, and Sale of Property; and (4) [DODM 4160.21, Volume 4](#), Instructions for Hazardous Property and Other Special Processing Materiel.

**PROGRAM COMMENT FOR ARMY INTER-WAR ERA HISTORIC HOUSING.** The U.S. Army intends, by July 2020, to request that the Advisory Council on Historic Preservation (ACHP) provide a "program comment" for Army Inter-War Era historic housing 1919-1940 ([84 FR 57707](#)). The program comment will demonstrate Army compliance with the National Historic Preservation Act regarding management of its inventory of Inter-War Era historic housing, associated structures, and landscape features. The Army has coordinated the concept with officials from the ACHP, National Conference of State Historic Preservation Officers, Office of the Secretary of Defense, other Military Departments, and DOD privatized housing partners. There are approximately 2,700 Army Inter-War Era historic housing units on 35 Army installations. Comments are due 12 DEC 19.

## Professional Development

### *DOD TRAINING SOURCES*

**US ARMY CORPS OF ENGINEERS PROSPECT TRAINING.** 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 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 ACADEMY WEBINAR SERIES.** EPA is hosting the [Federal Facilities Academy](#) series of webinars and one in-person course to improve the skill set necessary for project managers to effectively manage federal facilities and strengthen relationships across agencies. The intended participants for the program are EPA federal facility remedial project managers and project managers from other federal agencies, state government, and tribal groups. The schedule is available [here](#). Upon completion of all courses, participants receive a program certificate of completion to recognize their additional effort to understand federal facility cleanups. Webinars are archived for future viewing.

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER.** [FedCenter.gov](#) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information, 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.** The U.S. Department of Agriculture (USDA) offers a series of [on-demand training modules](#) about biobased products and the BioPreferred® Program:

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

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

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

**EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY.** 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.** 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.** 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.** 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).** 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.** 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.** 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.** 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.** 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.

**NATIONAL COUNCIL FOR SCIENCE AND THE ENVIRONMENT ANNUAL CONFERENCE – WASHINGTON, DC.** The National Council for Science and the Environment 2020 will be held 6-9 JAN 20 and will explore the various ways that science serves and contributes to the decision-making process, highlighting cases in which science has helped improve environmental decisions, as well as examples in which a lack of science has compromised the efficacy of decisions and policies. Additional information can be found [here](#).

**2019 EPA INTERNATIONAL DECONTAMINATION RESEARCH AND DEVELOPMENT CONFERENCE – NORFOLK, VA.** The conference is designed to facilitate presentation, discussion, and further collaboration on research and development focused on all-hazards approach to cleaning up contaminated buildings, infrastructure, and other areas/materials. The conference is being held 19-21 NOV 19. Additional information can be found [here](#).

## *OTHER TRAINING RESOURCES*

**QUALITY CONSIDERATIONS FOR MUNITIONS RESPONSE SITES.** 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.

# Staff Directory

<a href="#">Director/DOD Region 4 REC</a>	(404) 562-5146
<a href="#">Regional Counsel</a>	(404) 562-5016
<a href="#">Region 4 Army REC</a>	(404) 562-5231
<a href="#">Regulatory Affairs Specialist</a>	(404) 562-5023

## How the Regional Offices Work for You

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

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

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

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

