



U.S. ARMY

# Southern Review of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

February 2020

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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## CLIMATE ADAPTATION FOR DOD

*From the Climate Adaptation Guide for DOD Natural Resource Managers*

Over the coming decades, DOD installations will experience significant risks from climate-driven changes in the environment, which would compromise the capacity of these lands and waters to support the military mission. To address those risks, the DOD Integrated Natural Resources Management Plan (INRMP) Implementation Manual (DoDM 4715.03) specifically calls for installations to address climate considerations when updating or revising their INRMPs.

The DOD, National Wildlife Federation, and Naval Information Warfare Center have developed [Climate Adaptation for DOD Natural Resource Managers: A Guide to Incorporating Climate Considerations into Integrated Natural Resource Management Plans](#) to help installation managers implement that policy guidance. The guide consists of two major sections. Part I includes an overview of climate risks to military installations and mission requirements, an introduction to adaptation, a brief primer on climate science, a review of options for incorporating climate concerns into INRMPs, and a summary of climate and adaptation considerations for individual program elements. Part II offers a step-by-step method for carrying out the INRMP adaptation planning process.

The approximately 25 million acres of land managed by DOD are integral to the military's mission of keeping our nation secure. As such, there is an operational need to ensure that current and future climatic changes do not compromise the ability of installations to serve their essential operational, training, and testing functions. Understanding climate risks and vulnerabilities, and getting a start on adapting to these changes, will greatly improve the chance for sustaining the capacity of ranges and bases to meet their mission now and into the future.

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# 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.



## Regional Activity

There are no significant activities to report.



*LEGISLATIVE SESSION: 4 FEB 20 THROUGH 19 MAY 20*

There are no significant legislative activities to report.

### *REGULATORY ACTIVITY*

There are no significant regulatory activities to report.



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

**HB 1067 (SB 1360), FLORIDA ENDANGERED AND THREATENED SPECIES ACT.** The bill would direct the Florida Fish and Wildlife Conservation Commission and the Florida Department of Agriculture and Consumer Services (DACs) to protect certain declassified species, and the bill would revise criteria for placement of species on the Regulated Plant Index. The bill was introduced 14 JAN 20.

**HB 1091 (SB 1450), ENVIRONMENTAL ENFORCEMENT.** The bill would increase civil penalties for violations to beach and shore construction and create a discharge contingency plan for vessels. The bill would also address pollutant discharge prevention and control relating to pollution of surface and groundwater, sewage disposal facilities, and abatement of imminent hazards caused by hazardous substances and hazardous waste generators. The bill was introduced 14 JAN 20.

**HB 1267 (SB 1654), BIOSOLIDS MANAGEMENT.** The bill would prohibit the land application of biosolids on certain sites, and the bill would direct the Florida Department of Environmental Protection (FDEP) to initiate rulemaking and implement a specified water quality monitoring program. The bill was introduced 14 JAN 20.

**HB 1343, WATER QUALITY IMPROVEMENTS.** The bill would transfer the Onsite Sewage Program from the Florida Department of Health to FDEP and provide for the management of biosolids and water quality monitoring. The bill was introduced 14 JAN 20.

**HB 1351 (SB 1824), RENEWABLE ENERGY.** The bill would prohibit deed restrictions from prohibiting certain cool roofs and renewable energy source devices. The bill would also require DACS to develop a greenhouse gas registry and inventory. The following items would be established by this bill: Climate Adaptation Research Grant Program; Clean Energy Research, Demonstration, and Deployment Center Program; Farm Renewable and Efficiency Demonstrations Program; and Agriculture Resiliency Grant Program. The bill was introduced 14 JAN 20.

**HB 1363, BASIN MANAGEMENT ACTION PLAN.** The bill would provide additional management strategies for basin management action plans. The plans would establish nutrient reduction cost-share programs within FDEP and exempt rural homesteads from certain best management practices. The bill was introduced 14 JAN 20.

**HB 1419, RENEWABLE ENERGY GENERATING SYSTEMS.** The bill would authorize public customers to use specified mechanisms to generate electricity using renewable energy generating systems and would authorize public customers to aggregate electricity consumption for net metering. The bill would require utilities to adopt programs offering renewable energy tariffs for non-residential customers and would require utilities to supply all or part of non-residential customers' electricity needs with renewable energy. The bill was introduced 14 JAN 20.

**HB 1427 (SB 1720), FLORIDA SAFE DRINKING WATER ACT.** The bill would require FDEP to adopt and implement rules for statewide maximum contaminant levels (MCLs) for the following pollutants:

- Perfluorooctanesulfonic acid (PFOS),
- Perfluorooctanoic acid (PFOA),
- Per- and polyfluoroalkyl compounds (PFAS),
- Chromium-6,
- 1,4-dioxane, and
- Any other pollutants for which two or more states have set limits for or on which guidance has been issued.

The bill was introduced 14 JAN 20.

**HB 6081, CONSERVATION EASEMENTS.** The bill would remove provisions prohibiting a landowner or an owner of a conservation easement over the land to voluntarily negotiate the sale or use of such land or easement for construction and operation of linear facilities. The bill was filed 14 JAN 20.

**SB 1382, ENVIRONMENTAL RESOURCE MANAGEMENT.** The bill would provide that basin management action plan management strategies may include certain water quality improvement elements and require the development and implementation of a cooperative urban, suburban, commercial, or institutional water quality improvement element. The bill was introduced 14 JAN 20.

**SB 1390, EVERGLADES PROTECTION AREA.** The bill would require comprehensive plans and plan amendments adopted by the governing bodies of local governments whose boundaries include any portion of the Everglades Protection Area to follow the state-coordinated review process. The bill would require FDEP to make certain determinations for such plans and amendments to provide written notice to the local governments. The bill was introduced 14 JAN 20. The bill is related to [HB 775](#), published in the December 2019 *Southern Review*.

**SB 1534, TRADE SECRETS IN REPORTING.** The bill would require federal agencies to report in accordance with the requirements of sections 301 through 313 of the Emergency Planning and Community Right-to-Know Act ([Section 3\(j\)\(i\) of Executive Order 13693](#)). Federal facilities would follow the U.S. Environmental Protection Agency's (EPA) guidance with respect to the treatment of trade secrets in reporting. The bill was introduced 14 JAN 20.

**SB 1608, FLORIDA NATIONAL ESTUARY PROGRAM ACT.** The bill would provide that partnering with the federal government and local governments to protect specified water resources is an important state interest, and the bill would require FDEP

to give funding consideration to the conservation and management of specified estuaries identified under the [National Estuary Program](#). The bill was introduced 22 JAN 20.

**SB 1656, WATER SUPPLY RESILIENCY.** The bill would provide that reclaimed water is a water source for public water supply systems, and the bill would provide groundwater and surface water quality protections for potable reuse projects. The bill would prohibit domestic wastewater treatment facilities from disposing of effluent, reclaimed water, or reuse water by surface water discharge. The bill was introduced 22 JAN 20.

**SB 1706, WATER TESTING FOR POLLUTION.** The bill would authorize persons or businesses that suspect contamination of their private water systems, multifamily water systems, or certain public water systems to request that the Department of Health test such source for pollution. The testing would be required to be performed within a specified timeframe and follow certain procedures. The bill was introduced 22 JAN 20.

**SB 1722, RECYCLABLE MATERIALS.** The bill would require FDEP to review and update the department's *Retail Bags Report of 2010* to analyze the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers from retail establishments. The bill was introduced 22 JAN 20.

**SB 1878, EVERGLADES PROTECTION.** The bill would require a minimum annual appropriation for Everglades restoration and the protection of water resources. The bill was introduced 22 JAN 20.

**SB 7024, FLORIDA FOREVER ACT.** The bill would revise legislative findings under the Florida Forever Act to include wildlife crossings as a land acquisition purpose, would require FDEP to consult with entities for projects related to conservation lands and coastal areas subject to flooding, and it would allocate \$10 million for lands that have been impacted by a hurricane within the five years before the fiscal year for which the funds are allocated. The bill includes protection of uplands and springsheds that provide recharge to aquifer systems critical to resiliency of the water supply. The bill was introduced 22 JAN 20.

**SR 1572, CLIMATE CHANGE SUSCEPTIBILITY.** The senate resolution expresses the Legislature's recognition of Florida's susceptibility to climate change and its intention to adopt policies to combat climate change. The resolution was introduced 14 JAN 20.

## *REGULATORY ACTIVITY*

**GENERIC PERMITS FOR DISCHARGE OF STORMWATER.** FDEP has proposed rulemaking to revise and update forms for the existing Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems for consistency with current EPA requirements. The notice was published 13 JAN 20.

**MINIMUM WETLAND LEVELS.** The Southwest Florida Water Management District has proposed rulemaking to adopt new minimum flows for certain wetlands located within Hillsborough, Pasco, and Pinellas counties, Florida. The notice was published 7 JAN 20, and comments are due 19 FEB 20.



## *LEGISLATIVE SESSION: 13 JAN 20 THROUGH 11 MAR 20*

**HB 774, ETHYLENE OXIDE RELEASE.** The bill would require any unpermitted releases of ethylene oxide be reported to the Georgia Environmental Protection Division (EPD.) Georgia EPD would be required to notify the public of such releases. The bill was introduced 14 JAN 20.

**HR 895, JOINT ETHYLENE OXIDE STUDY COMMITTEE.** The house resolution would create the Joint Ethylene Oxide Study Committee to evaluate current state laws, as well as proposed legislation to revise such laws, relating to the health risks associated with the release of ethylene oxide into the environment and reducing the amount of ethylene oxide emissions. The resolution was introduced 14 JAN 20.

**HR 930, STAND4FORESTS ENDORSEMENT.** The house resolution encourages the state of Georgia to endorse the [Stand4Forests](#) platform and its objectives to achieve the following:

- Permanent expansion of protected lands,
- A ban on subsidies for false clean energy solutions,
- Accurate and transparent emissions reductions,
- Investments in forest protections,
- Transitional economic development opportunities for communities currently dependent on extractive forestry practices, and
- Provisions for more options and resources for landowners and municipalities to keep forests standing and thriving.

The resolution was introduced 16 JAN 20.

## *REGULATORY ACTIVITY*

There are no significant regulatory activities to report.

## *FEDERAL ACTIVITY*

**AIR—AEROSPACE VOLATILE ORGANIC COMPOUNDS (VOC) RULE.** EPA has proposed to approve a revision to Georgia’s State Implementation Plan (SIP) to update Georgia’s rule titled “VOC Emissions from Aerospace Manufacturing and Rework Facilities.” The proposed action revises the reasonably available control technology standard. Comments were due 12 FEB 20.

**AIR—COAL COMBUSTION RESIDUALS.** EPA has approved the Georgia Environmental Protection Division’s partial Coal Combustion Residuals state permit program pursuant to the Resource Conservation and Recovery Act (RCRA). Facilities operating under the state’s program requirements and resulting permit provisions are subject to EPA’s information gathering and inspection and enforcement authorities under RCRA. The final approval was effective 10 FEB 20.

**AIR—NONATTAINMENT NEW SOURCE REVIEW.** EPA has approved a SIP revision to Georgia’s Nonattainment New Source Review permitting rules. The final rule will be effective 18 FEB 20.



## *LEGISLATIVE SESSION: 7 JAN 20 THROUGH 15 APR 20*

**HB 85 (SB 68), SINGLE-USE PLASTICS.** The bill establishes definitions and prohibits the intentional release of more than 25 plastic balloons; and establishes a ban on plastic, single-use carryout bags, plastic straws, and Styrofoam food and beverage containers by retail food and beverage establishments by 1 JUL 23. The bill was introduced 7 JAN 20.

**HB 279, KENTUCKY COMMISSION ON MILITARY AFFAIRS.** The bill would update Kentucky Commission on Military Affairs membership based on current commands, battalions, and military installations. The following ex-office, non-voting members would be added:

- U.S. Coast Guard Sector Ohio Valley,
- First Army Division East, and
- First Theater Sustainment Command.

The bill was introduced 16 JAN 20.

**HB 323, ELECTRIC GENERATING FACILITIES.** The bill would amend [KRS 278.466](#) to allow eligible electric generating facilities beginning service on or before 31 DEC 24 to maintain the same net metering rate for a period of 25 years regardless of whether the premises are sold or conveyed during that period. The bill was introduced 24 JAN 20.

**SB 16, WASTE DISPOSAL FACILITY.** The bill would modify the definition of “waste disposal facility” to specify that all residual landfills are included in the process of local determination and would remove the exception for private facilities that dispose of waste on their own private property. The bill was introduced 7 JAN 20.

**SB 22, WASTE MANAGEMENT FACILITIES.** The bill would delete incidental or residual waste facilities from the exclusion in the description of waste management facilities, and allow fiscal courts to license solid waste landfills and residual landfills and assess increased fees for accepting wastes outside of the waste planning area. The bill was introduced 7 JAN 20.

### *REGULATORY ACTIVITY*

**AIR—PUBLIC, AFFECTED STATE, AND EPA REVIEW.** The Kentucky Department of Environmental Protection has proposed rulemaking (page 176) establishing the procedures used by the Kentucky Energy and Environment Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution and to provide for the review of federally enforceable permits by the public, affected states, and EPA. Comments were due 31 JAN 20.



### *LEGISLATIVE SESSION: 7 JAN 20 THROUGH 7 APR 20*

**SB 2003, WILDLIFE CORRIDORS.** The bill would require the Mississippi Department of Wildlife, Fisheries, and Parks, in conjunction with the Mississippi Department of Environmental Quality and the Mississippi Department of Transportation, to identify existing and needed wildlife corridors. The bill was introduced 14 JAN 20.

**SB 2014, CARBON MONOXIDE TESTING IN SCHOOLS.** The bill would require carbon monoxide detectors in all public and nonpublic schools in Mississippi, and testing of the carbon monoxide detectors would be performed under the direction of the state fire marshal. The bill was introduced 14 JAN 20.

**SB 2071, FLUORIDATION TREATMENT.** The bill would provide that community public water systems, non-transient, non-community public water systems, public water systems, or semi-public water systems would not be required to fluoridate water or to acquire and install fluoridation treatment equipment. The bill was introduced 17 JAN 20.

### *REGULATORY ACTIVITY*

There are no significant regulatory activities to report.



**LEGISLATIVE SESSION: 14 JAN 20 THROUGH 1 JUL 20**

There are no significant legislative activities to report.

**REGULATORY ACTIVITY**

There are no significant regulatory activities to report.



**LEGISLATIVE SESSION: 14 JAN 20 THROUGH 21 MAY 20**

**HB 4831 (SB 885), WILDLIFE MANAGEMENT AND CONSERVATION.** The bill would update provisions related to wildlife management within the state including prohibition of activities related to native wildlife and nonnative captive wildlife, and would require the Department of Natural Resources to conduct a review of the state list of endangered species. The bill was introduced 14 JAN 20.

**HB 5012 (SB 870), OFFSHORE DEVELOPMENT.** The bill would prohibit a city, county, municipality, or other local government or political subdivision from approving a plan, permit, or license application for certain offshore development activities. The bill was introduced 23 JAN 20.

**HJR 4940 (SJR 998), ELECTRICITY MARKET REFORM.** The joint resolution would establish the electricity market reform measures study committee to study whether the Legislature should adopt market reform measures affecting the provision of electric service in South Carolina and study the public benefits associated with such measures. The bill was introduced 15 JAN 20.

**SB 984, WASTEWATER SPILLS.** The bill would amend section 48-I-95(3) of the South Carolina 1976 Code to provide that the South Carolina Department of Health and Environmental Control (DHEC) would notify the public of significant spills by wastewater utilities. The bill was introduced 14 JAN 20.

**SB 1024, PROTECTION AGAINST DEVELOPMENT.** The bill would establish the goal of protecting 30% of South Carolina's forestlands, farmlands, wildlife habitats, biodiversity, outstanding natural areas, beaches, and public areas for outdoor recreation areas from rapid land development by 2030. The bill was introduced 21 JAN 20.

**SB 1068, MIGRATORY BIRDS.** The bill would classify bird members of the family *Anatidae* including brants, ducks, geese, and swans, as migratory waterfowl. The bill would repeal Sections 50-11-20 and 50-9-670 of the 1976 Code pertaining to waterfowl definitions and permits effective 1 JUL 21. The bill was introduced 30 JAN 20.

**SJR 1022, ORGANIC WASTE REDUCTION.** The joint resolution would direct DHEC to develop a five-year plan to reduce the state's production of organic waste. The joint resolution was introduced 21 JAN 20.

**SJR 1023, MICROPLASTICS.** The joint resolution would direct DHEC to conduct research into microplastic contamination. The joint resolution was introduced 21 JAN 20.

## REGULATORY ACTIVITY

There are no significant regulatory activities to report.

## FEDERAL ACTIVITY

**AIR—SIP UPDATE.** EPA has approved South Carolina’s SIP update pertaining to the good neighbor provision of the Clean Air Act for the 2008 8-hour Ozone National Ambient Air Quality Standard (NAAQS). The final rule was effective 3 FEB 20.



## LEGISLATIVE SESSION: 14 JAN 20 THROUGH 15 MAY 20

**HB 1658, VEHICLE EMISSIONS TESTING.** The bill would allow owners and operators of vehicles with an illuminated check engine light to elect to have the tailpipe test performed in lieu of the onboard diagnostics test. The bill was introduced 16 JAN 20.

**HB 1675 (SB 1633), CLEAN ENERGY RULE.** The bill would require the Tennessee Department of Environment and Conservation to develop a plan to implement the federal affordable clean energy rule and submit the plan to EPA for approval by 15 JUN 20. The bill was introduced 16 JAN 20.

**HB 1950, ZONING NOTICES.** The bill would require municipalities and counties to provide notice of proposed zoning ordinances and amendments to property owners within the boundaries of the zone. The bill was introduced 28 JAN 20.

**HB 1965 (SB 1911), NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS.** The bill would prohibit the Tennessee Department of Environment and Conservation from administering federal Farm Service Agency and Natural Resources Conservation Service programs beyond the extent allowable under federal law or regulation. The bill was introduced 28 JAN 20.

**HB 2017 (SB 2024), TESTING OF LEAD IN DRINKING WATER.** The bill would require the Tennessee Department of Education, with the assistance of the Tennessee Department of Health, instead of local boards of education, to develop a water testing program to reduce potential lead contamination in drinking water in public schools and child care programs. The bill would modify the lead level by which a school or child care program is required to take certain protective and remedial steps from 20 to 15 parts per billion. The bill was filed 29 JAN 20.

**HB 2074, WATER QUALITY CONTROL ACT.** The bill would reduce the time within which administrative enforcement decisions under the Water Quality Control Act must be published on the website of the Tennessee Department of Environment and Conservation from five business days to four business days. The bill was introduced 30 JAN 20.

**HJR 773, NATURAL RESOURCES PROTECTION AND CONSERVATION.** The joint resolution would amend Article II of the Constitution of Tennessee to authorize the General Assembly to provide for a dedicated revenue allocation to be used to protect and conserve forests, fish, wildlife habitats, and state and local parks. The resolution would conserve lands that protect drinking water sources and the water quality of rivers, lakes, and streams. The resolution was introduced 29 JAN 20.

**HJR 778, WATER PROJECTS.** The joint resolution would urge the U.S. Army Corps of Engineers to comply with Tennessee law in its administration of water projects in the state of Tennessee. The resolution was introduced 29 JAN 20.

**SJR 723, INVASIVE SPECIES—ASIAN CARP.** The joint resolution would urge the federal government, Tennessee Valley Authority, U.S. Army Corps of Engineers, and Tennessee Wildlife Resources Agency to assist in the control of the Asian carp invasion in Tennessee waters. The resolution was introduced 16 JAN 20.

## *REGULATORY ACTIVITY*

**STATE IMPLEMENTATION PLAN AMENDMENT—CLARKSVILLE.** The Tennessee Department of Environment and Conservation has requested public input regarding the Limited Maintenance Plan for the remainder of the 20-year maintenance period for Montgomery County, the Tennessee portion of the Clarksville 8-hour Ozone NAAQS maintenance area. [Notice](#) was issued 28 JAN 20, and the hearing date and comment deadline is 3 MAR 20.

**VEHICLE INSPECTION AND MAINTENANCE PROGRAM.** The Tennessee Department of Environment and Conservation has requested public input regarding a revision to the SIP for the Noninterference Demonstration Reports for removal of the Vehicle Inspection and Maintenance program for [Davidson, Williamson, Wilson, Sumner, and Rutherford counties](#) in Middle Tennessee and [Hamilton County](#). Notice was issued 16 JAN 20, and comments are due 15 FEB 20.

# Federal Activity

## *AIR*

**CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: HEAVY-DUTY ENGINE STANDARDS.** EPA is soliciting pre-proposal comments on a rulemaking effort known as the Cleaner Trucks Initiative ([85 FR 3306](#)). The future rulemaking would propose new emission standards for oxides of nitrogen (NO<sub>x</sub>) and other pollutants for highway heavy-duty engines (both diesel and gasoline). California Air Resources Board (CARB) staff is expected to present the Heavy-Duty NO<sub>x</sub> Omnibus proposal to their governing board for final approval in 2020. It is expected to include updates to CARB engine standards, certification test procedures, and heavy-duty in-use testing program that would take effect in model year 2024, with additional updates to warranty, durability, and useful life provisions and further reductions in standards beginning in model year 2027. EPA requests comment on the extent to which EPA should adopt similar provisions, whether these should reflect different stringency or timing, and how differences could be implemented to maintain a national program. EPA is considering implementation of new standards beginning in model year 2027, which is also the implementation year for the final set of Heavy-Duty Phase 2 (carbon dioxide and fuel consumption) standards. Comments are due 20 FEB 20.

**INTEGRATED SCIENCE ASSESSMENT FOR PARTICULATE MATTER.** EPA has announced the availability of a final document titled, "[Integrated Science Assessment for Particulate Matter](#)" (EPA/600/R-19/188) ([85 FR 4655](#)). The document was prepared by the Center for Public Health and Environmental Assessment within EPA's Office of Research and Development as part of the review of the primary (health-based) and secondary (welfare-based) NAAQS for particulate matter (PM). It represents an update of the 2009 Integrated Science Assessment (ISA) for PM. The welfare-based effects evaluated consist of non-ecological effects, specifically visibility impairment, climate effects, and effects on materials. The ISA provides the scientific basis for EPA's decisions, in conjunction with additional technical and policy assessments, on the adequacy of the current NAAQS and the appropriateness of possible alternative standards. EPA is currently developing a separate ISA to support the secondary NAAQS review for ecological effects for NO<sub>x</sub>, oxides of sulfur, and PM.

**BROADLY APPLICABLE ALTERNATIVE AIR SAMPLING METHODS.** EPA has announced the approval of additional broadly applicable alternative test methods for air emissions sampling. Source owners and operators may voluntarily use these broadly applicable alternative test methods in lieu of otherwise specified reference test methods. Use of these broadly applicable alternative test methods are not intended to and should not change the applicable emission standards. The complete listing of approved broadly applicable alternative test methods can be found [here](#).

## *ENERGY*

**ENERGY CONSERVATION STANDARDS FOR COMMERCIAL PACKAGED BOILERS.** The U.S. Department of Energy (DOE) has issued a final rule adopting amended energy conservation standards for commercial packaged boilers (CPB) ([85 FR 1592](#)). The rule expands the existing 10 CPB equipment classes to 12 equipment classes; and adopts standards that are more stringent for eight of the 12 equipment classes, which includes all classes except for the newly adopted very large CPB classes. Compliance with the amended standards is required 10 JAN 23.

**ENERGY CONSERVATION STANDARDS FOR AIR COMPRESSORS.** DOE has issued a final rule adopting new energy conservation standards for compressors with nominal motor horsepower between one and 500 ([85 FR 1504](#)). DOE's analyses indicate that the adopted energy conservation standards for air compressors would save energy. DOE estimates payback periods (on the increased manufacturing costs) of 2.4 to 4.9 years.

## *NATURAL RESOURCES*

**RATING FIRE DANGER.** In 2019, the International Association of Wildland Fire hosted a workshop focused on using soil moisture information to predict wildfire probability. The intent of the workshop was to raise awareness within the fire management community about how soil moisture data could be used in wildfire modeling, risk assessment, planning, and decision support tools. Thirty-four researchers and fire management practitioners participated in the one-day workshop, which included guest speakers and group discussions on wildfire impacts, current modeling trends, and needs related to fire management decision making. Discussions revealed that fire management decision makers are not seeking soil moisture information or are unaware of recent research indicating the supplementary benefits of such information when predicting fire danger. Instead, they often rely on decades-old drought indices. As a result, participants identified a need for increased accessibility of soil moisture information at relevant spatiotemporal scales and to determine how this information can effectively be integrated into existing fire danger rating systems. Additional information can be found [here](#).

## *NEPA*

**UPDATE NEPA PROCEDURAL PROVISIONS.** The Council on Environmental Quality (CEQ) has proposed updating its regulations for implementing several procedural provisions of National Environmental Policy Act (NEPA) ([85 FR 1684](#)). CEQ has not comprehensively updated its regulations since their promulgation in 1978. CEQ held a public hearing 11 FEB 20 in Denver, Colorado, and will hold another 25 FEB 20 in Washington, DC. Comments are due 10 MAR 20.

## *THREATENED AND ENDANGERED SPECIES*

**MANAGEMENT OF DOUBLE-CRESTED CORMORANTS.** The U.S. Fish and Wildlife Service (FWS) is developing a proposed rule to expand management of the double-crested cormorant, a fish-eating migratory bird, distributed throughout the U.S. FWS will prepare a draft NEPA review and seeks suggestions and information on the scope of the review. Public scoping webinars will be held later in 2020 with details to be posted [here](#).

**DRAFT RECOVERY PLAN FOR RUSTY PATCHED BUMBLE BEE.** FWS has released a draft recovery plan for the rusty patched bumble bee for public review and comment ([85 FR 4334](#)). Historically, the rusty patched bumble bee was broadly distributed across the eastern U.S. and Upper Midwest, from Maine and southern Quebec and Ontario in Canada, south to the northeast corner of Georgia, and reaching west to the eastern edges of North and South Dakota. Prior to listing under the Endangered Species Act (ESA) (11 JAN 17), the species experienced a widespread and precipitous decline. The cause of the decline is unknown, but evidence suggests a synergistic interaction between an introduced pathogen and exposure to pesticides (specifically, insecticides and fungicides). Comments are due 24 FEB 20.

**DESIGNATION OF CRITICAL HABITAT FOR BIG SANDY CRAYFISH AND GUYANDOTTE RIVER CRAYFISH.** FWS is proposing to designate critical habitat for the Big Sandy crayfish (*Cambarus callainus*) and the Guyandotte River crayfish (*C. veteranus*)

under the ESA ([85 FR 5072](#)). In total, approximately 362 stream miles (smi) in Martin and Pike counties, Kentucky; Buchanan, Dickenson, and Wise counties, Virginia; and McDowell, Mingo, and Wayne counties, West Virginia, are proposed as critical habitat for the Big Sandy crayfish. Approximately 84 smi in Logan and Wyoming counties, West Virginia, are proposed as critical habitat for the Guyandotte River crayfish. If FWS finalizes this rule as proposed, it would extend protections to these species' critical habitat. Comments are due 30 MAR 20.

## WATER

**NAVIGABLE WATERS PROTECTION RULE.** In advance of formal publication, EPA has released the text of a final rule, the "[Navigable Waters Protection Rule](#)," (NWPR) revising the definition of the waters of the United States (WOTUS), those waters subject to protection under the Clean Water Act (CWA). On 23 JAN 20, EPA and the Department of the Army finalized the NWPR to define WOTUS. For the first time, the agencies are streamlining the definition so that it includes four categories of jurisdictional waters, provides exclusions for many water features that traditionally have not been regulated, and defines terms in the regulatory text that have never been defined before. In the CWA, Congress explicitly directed EPA and the Army to protect "navigable waters." NWPR regulates these waters and the core tributary systems that provide perennial or intermittent flow into them. The final rule fulfills [Executive Order 13788](#) and reflects legal precedent set by key Supreme Court cases as well as public outreach and engagement, including pre-proposal input and comments received on the proposed rule. The final rule will become effective 60 days after publication in the *Federal Register*. Once effective, this rule replaces the rule published 22 OCT 19.

# Department of Defense Activity

**NEW WEB TOOL TO FACILITATE MILITARY/WIND ENERGY INDUSTRY COLLABORATION.** A new web tool, [Texas Early Notification Tool \(TENT\)](#), has been designed for energy industry developers to screen for potential project sites and identify potential issues that should be evaluated by the military. Additional information can be found [here](#).

**REPI MONTHLY NEWSLETTER AVAILABLE.** DOD's [Readiness and Environmental Protection Integration \(REPI\)](#) Program monthly newsletter is available [here](#). The REPI Program is a key tool for combating encroachment that can limit or restrict military training, testing, and operations. The REPI Program works to protect military missions by helping to remove or avoid land-use conflicts near installations and addressing regulatory restrictions that inhibit military activities.

**ESTCP SOLICITATION.** The Environmental Security Technology Certification Program (ESTCP) has released a [solicitation requesting proposals](#) for demonstrations of environmental and installation energy technologies. The due date for all pre-proposals is 5 MAR 20. More information about the solicitation, including instructions and deadlines, is available on the [ESTCP website](#) under Funding Opportunities.

**OPERATIONAL NOISE PROGRAM.** DOD has replaced the 2005 version of DOD Instruction (DODI) with the revised [4715.13, DOD Operational Noise Program](#). The issuance establishes policy, assigns responsibilities, and prescribes procedures for administering the DOD Operational Noise Program and managing military noise; and establishes the DOD Noise Working Group.

# Professional Development

## *DOD TRAINING SOURCES*

**2020 SUSTAINING MILITARY READINESS CONFERENCE.** The [2020 Sustaining Military Readiness Conference, 11-13 AUG 20 in San Antonio, Texas](#), will provide a forum for DOD and its partners to discuss opportunities to advance the 2018 National Defense Strategy through partnerships and planning. Attendance is at no cost for all participants.

**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.

**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.

**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.

**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](#).

**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](#))

## FEDERAL TRAINING SOURCES

**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](#)

**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).

**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.

**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.

**FEDERAL FACILITIES ACADEMY.** The [Federal Facilities \(FF\) Academy](#), hosted by EPA, is a voluntary training program developed for EPA Remedial Project Managers, project managers from other federal agencies, state government, and tribal groups who work on federal facility Superfund cleanups. The FF Academy offers [webinars](#) and [classroom training](#). Webinars are archived for on-demand viewing. Classroom training is offered in various locations throughout the year and may be available to non-EPA personnel, depending on the specific course and space availability.

**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.

**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.

**FISH AND WILDLIFE RESTORATION WEBINAR SERIES.** FWS [Fiscal 2020 Restoration Webinar Series](#) is a venue for disseminating new approaches, best management practices, and innovative restoration techniques to some of the nation's greatest restoration challenges. The series covers a broad spectrum of topics including planning and implementing restoration projects, project monitoring and evaluation at multiple time scales, accounting for a changing climate in restoration, regional restoration planning and priority setting, and permitting. All webinars are recorded and available for public viewing at any time. Archived webinars are available [here](#).

**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.

**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](#)

**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.

**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.

**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

**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.

## *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.

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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](#).

