



# Southern Review of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

May 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.

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



## TABLE OF CONTENTS

Regional Activity .....	2
Alabama.....	3
Florida .....	3
Georgia.....	3
Kentucky.....	4
Mississippi.....	5
North Carolina .....	5
South Carolina .....	5
Tennessee.....	6
National Covid-19 Resources.....	6
Federal Activity .....	7
DOD Activity.....	12
Professional Development.....	13
Staff Directory .....	17

## INSTALLATION ENERGY AND WATER RESILIENCE POLICY

On 31 MAR 20 the Secretary of the Army, Ryan D. McCarthy, issued [Army Directive 2020-03 \(Installation Energy and Water Resilience Policy\)](#) to strengthen energy and water resilience to reduce the risk to Army missions posed by utility disruptions affecting installations. This directive supersedes Army Directive 2017-07 (Installation Energy and Water Security Policy) and revises provisions in chapter 22 of Army Regulation (AR) 420-1 (Army Facilities Management).

Secure and reliable access to energy and water on Army installations is essential to the Total Army and its ability to deploy, fight, and win in a complex world. Threats, both man-made and natural, associated with the interdependent electric power grids, natural gas pipelines, and water resources and systems can jeopardize mission capabilities. The Army must identify and mitigate vulnerabilities and ensure installations can continue critical missions through any disruption of utility services. Resilient energy and water systems directly affect the success of the strategic support area in multi-domain operations.

This directive applies to the Regular Army, Army National Guard/Army National Guard of the United States, and U.S. Army Reserve. It also applies to tenants on active Army installations.

This directive establishes energy and water resilience requirements for Army installations in support of the 2018 National Defense Strategy and Army Vision. To reduce mission risk, the Army will prioritize providing resilient energy and water supplies, facilities, and infrastructure that support critical missions. The Army will reduce risk to all other missions when it is life-cycle cost-effective. Army real property affected by this policy are installations, sites, and facilities operated and/or maintained by Federal funds in and outside the continental United States. This policy does not apply to Army contingency bases or U.S. Army Corps of Engineers civil works facilities.

Click [here](#) to read the entire policy.

# 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

### COVID-19—U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) ENFORCEMENT AND COMPLIANCE ASSURANCE PROGRAM

**UPDATE.** EPA has issued a memorandum titled *COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program* 26 MAR 20. EPA will exercise the enforcement discretion specified below for noncompliance covered by the temporary policy and resulting from the COVID-19 pandemic, if regulated entities take the steps applicable to their situations. The policy will apply to the noncompliance in lieu of an otherwise applicable EPA enforcement response policy that occurs during the period of time that the temporary policy is in effect and that results from the COVID-19 pandemic. The policy applies retroactively beginning 13 MAR 20. Authorized states or tribes may take a different approach under their own authorities.

Installations are encouraged to contact their respective state regulatory authority to be updated on any additional guidance or changes made to the requirements. Region 4 states' actions are as follows:

- **ALABAMA:** Guidance expected to follow EPA's.
- **FLORIDA:** Florida Department of Environmental Protection (FDEP) encourages Florida installations to reach out to the appropriate program on a case-by-case basis for questions that are specific to the installation.
- **GEORGIA:** Georgia Environmental Protection Division (EPD) will continue to evaluate appropriate enforcement actions after considering potential harm to human health and the environment, mitigating or equitable circumstances, and the overriding goal of returning a facility to compliance as quickly as possible. EPD has provided a [memorandum](#) for additional information.
- **KENTUCKY:** There is no blanket relief offered at this time. Relief will be on a case-by-case basis.
- **MISSISSIPPI:** [Guidance](#) provided for regulatory changes.
- **NORTH CAROLINA:** Will continue with regulatory responsibilities with exceptions to routine inspections that are suspended until further notice. Counterparts and installation counterparts are to determine how to navigate any mandatory/statutory compliance while respecting county shelter-in-place restrictions, distancing requirements, and other concerns.
- **SOUTH CAROLINA:** Guidance will follow EPA and South Carolina [EO 2020-10](#). An [email address](#) has been set up to receive requests for regulatory relief consideration due to the COVID-19 event. The mailbox is monitored throughout the day, and messages will be routed to the proper regulatory program area for action.
- **TENNESSEE:** Tennessee Department of Environmental Conservation's Bureau of Environment (BOE) has issued guidance offering direction for BOE operations affecting BOE divisions and their various programs during the COVID-19 event. Information regarding BOE activity can be found [here](#).



*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 19 MAR 20*

There are no significant legislative activities to report.

*REGULATORY ACTIVITY*

**BIOSOLIDS AND NUTRIENT POLLUTION PROTECTIONS.** The Florida Department of Environmental Protection has initiated rulemaking regarding revisions to Chapter 62-640 F.A.C. to ensure proper management of biosolids to protect the waters of the state from nutrient pollution. Notice was issued 14 APR 20.

**FLORIDA CLEARINGHOUSE REVIEW.** Florida has issued notice of the coordination of reviews of federal activities and federally funded projects as required by subsection 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. Notice was issued 30 APR 20.

**KISSIMMEE RIVER BASIN TOTAL MAXIMUM DAILY LOADS (TMDL) WORKSHOP.** FDEP has issued notice of a workshop to receive public comments on draft nutrient TMDLs for impaired waters in the Kissimmee River Basin. Notice was issued 27 APR 20. A hearing has been scheduled for 27 MAY 20 and comments are due 3 JUN 20.

*FEDERAL ACTIVITY*

**AIR PLAN APPROVAL—INFRASTRUCTURE REQUIREMENTS.** EPA has approved portions of Florida's State Implementation Plan (SIP) pertaining to the infrastructure requirements of the 2015 8-hour Ozone National Ambient Air Quality Standards (NAAQS). The final rule was effective 6 MAY 20.



*LEGISLATIVE SESSION: DUE TO COVID-19, TEMPORARILY ADJOURNED*

There are no significant legislative activities to report.

## *REGULATORY ACTIVITY*

**ANNUAL BAN ON OPEN BURNING.** Georgia Environmental Protection Division has announced the annual open burning ban in effect for 47 Georgia counties effective 1 MAY. The ban will begin 1 JUN for the following counties due to extra time needed to clear vegetative debris from April storms: Banks, Catoosa, Chattooga, Floyd, Gordon, Upson, and Walker counties. Notice was issued 29 APR 20.

**DRAFT 2020 305(B)/303(D) LIST OF WATERS.** The state of Georgia has completed the compilation of a list of waters in accordance with Section 303(d) of the Clean Water Act. The listing was produced by the Georgia Environmental Protection Division in accordance with EPA rules and guidelines. [Notice](#) was issued 3 APR 20. A meeting date has been scheduled for 30 MAY 20 and comments are due 7 JUN 20.

**OGEECHEE RIVER BASIN—PROPOSED TMDLS.** The State of Georgia has proposed TMDLs for enterococci for a river segment in the Ogeechee River Basin. [Notice](#) was issued 8 APR 20 and comments are due 11 JUN 20.

## *FEDERAL ACTIVITY*

**AIR PLAN APPROVAL—INFRASTRUCTURE REQUIREMENTS.** EPA has conditionally approved portions of Georgia's SIP for the 2015 8-hour Ozone NAAQS. The rule was effective 15 MAY 20.



## *LEGISLATIVE SESSION: DUE TO COVID-19, RECONVENED 14 APR 20*

**HCR 88, PUBLIC WATER AND WASTEWATER INFRASTRUCTURE TASK FORCE.** The resolution would reestablish the Kentucky Public Water and Wastewater System Infrastructure Task Force. The task force would be responsible for evaluating policy options on how to address Kentucky's troubled public water and wastewater systems and provide legislative recommendations. The resolution was introduced 19 FEB 20.

**HJR 91, ECONOMIC IMPACT OF RENEWABLE ENERGY.** The resolution would direct the Kentucky Energy and Environment Cabinet to study the economic impact of renewable energy portfolio standards and other renewable energy policies in all states. The purpose of the study is to provide recommendations on the applicability and feasibility of adopting new renewable energy policies that support economic growth in Kentucky. The resolution was introduced 19 FEB 20.

## *REGULATORY ACTIVITY*

There are no significant regulatory activities to report.

## *FEDERAL ACTIVITY*

**AIR PLAN APPROVAL—JEFFERSON COUNTY PERFORMANCE TESTS.** EPA has proposed to approve changes to portions of Kentucky's SIP on behalf of the Louisville Metro Air Pollution Control District. The SIP revision includes changes to Jefferson County regulations regarding performance tests. Comments are due 28 MAY 20.



***LEGISLATIVE SESSION: DUE TO COVID-19, RECONVENED 7 MAY 20***

There are no significant legislative activities to report.

***REGULATORY ACTIVITY***

There are no significant regulatory activities to report.



***LEGISLATIVE SESSION: DUE TO COVID-19, ADJOURNMENT MOVED TO MID-JULY 20***

There are no significant legislative activities to report.

***REGULATORY ACTIVITY***

There are no significant regulatory activities to report.

***FEDERAL ACTIVITY***

**AIR PLAN APPROVAL—INFRASTRUCTURE REQUIREMENTS.** EPA has conditionally approved portions of Georgia’s SIP for the 2015 8-hour Ozone NAAQS. The rule was effective 15 MAY 20.

**AIR PLAN APPROVAL—LARGE INTERNAL COMBUSTION ENGINE RULE CHANGE.** EPA has approved a North Carolina SIP revision regarding nitrogen oxides emissions from large internal combustion engine sources. The final rule is effective 28 MAY 20.

**AIR PLAN APPROVAL—MISCELLANEOUS PERMIT REVISIONS.** EPA has proposed to approve SIP revisions submitted by North Carolina to amend several rules regarding construction and operating permits. Comments are due 27 MAY 20.



***LEGISLATIVE SESSION: DUE TO COVID-19, RECONVENING 12 MAY 20***

There are no significant legislative activities to report.

***REGULATORY ACTIVITY***

**2020-2021 SOUTH CAROLINA ANNUAL AMBIENT AIR MONITORING NETWORK PLAN.** The South Carolina Department of Health and Environmental Control (DHEC) has published Notice of General Public Interest to provide opportunity to comment on the proposed 2020-2021 South Carolina Annual Ambient Air Monitoring Network Plan. The plan provides documentation of the establishment and maintenance of an air quality surveillance system that consists of a network of state or local air monitoring stations that includes federal reference method and federal equivalent method monitors, national core

multipollutant monitoring stations, chemical speciation network, and special purpose monitor. Notice was issued 24 APR 20. Comments are due 26 MAY 20 and a hearing has been scheduled for 4 JUN 20.

**HAZARDOUS WASTE PHARMACEUTICAL AMENDMENTS.** DHEC has adopted the rule titled “Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine” published 22 FEB 19 at [84 FR 5816](#). The rule establishes prohibitions on facilities from disposing of hazardous waste pharmaceuticals down the drain. In addition, over-the-counter nicotine replacement therapies will no longer be considered hazardous when discarded. Notice was published 24 APR 20, and comments are due 26 MAY 20.

**UNIVERSAL WASTE REGULATIONS—AEROSOL CANS.** DHEC has proposed adopting the rule titled “Universal Waste Regulations: Addition of Aerosol Cans” published 9 DEC 19 at [84 FR 67202](#). The rule would add hazardous waste aerosol cans to the universal waste program under the Resource Conservation and Recovery Act (RCRA). Notice (page 90) was published 24 APR 20, and comments are due 26 MAY 20.

### *FEDERAL ACTIVITY*

**CROSS-MEDIA ELECTRONIC REPORTING.** EPA has approved South Carolina’s request to revise certain EPA-authorized programs to allow electronic reporting. Authorized program revisions were effective 30 APR 20.



### *LEGISLATIVE SESSION: DUE TO COVID-19, ADJOURNED UNTIL 1 JUN 20*

There are no significant legislative activities to report.

### *REGULATORY ACTIVITY*

There are no significant regulatory activities to report.

### *FEDERAL ACTIVITY*

**AIR PLAN APPROVAL—CHATTANOOGA NEW SOURCE REVIEW.** EPA has finalized approvals of revisions to Tennessee’s SIP to modify the Prevention of Significant Deterioration regulations in Chattanooga. The final rule was effective 1 MAY 20.

**AIR PLAN APPROVAL—CHATTANOOGA MISCELLANEOUS REVISIONS.** EPA has approved a revision to the Chattanooga portion of the Tennessee SIP that removes and replaces the Chattanooga City Code, Air Pollution Control Ordinances, penalties, enforcement, and permit fees. The final rule was effective 6 MAY 20.

**AIR PLAN APPROVAL—INFRASTRUCTURE REQUIREMENTS.** EPA has conditionally approved portions of Tennessee’s SIP for the 2015 8-hour Ozone National Ambient Air Quality Standards (NAAQS). The final rule was effective 11 MAY 20.

## **COVID-19 Resources**

**EPA INTERIM GUIDANCE TO REGIONAL OFFICES ON SITE FIELD WORK DECISIONS DUE TO IMPACTS OF COVID-19.** On 10 APR 20, EPA [announced](#) it had issued interim guidance to the agency’s regional offices to ensure that decisions about new or ongoing cleanup activities at sites across the country are made with the health and safety of communities, state and tribal partners, EPA staff, and contractors as the priority. The interim guidance focuses on decision-making at emergency response

and longer-term cleanup sites where EPA is the lead agency or has direct oversight of, or responsibility for, the cleanup work. This includes, but is not limited to, Superfund cleanups, RCRA corrective actions, Toxic Substance and Control Act PCB cleanups, Oil Pollution Act spill responses, and Underground Storage Tank Program actions. In addition, EPA is sharing this guidance with states to take into consideration as they encounter similar issues at state-led RCRA cleanup sites. The website for the interim guidance is available [here](#). The interim guidance memorandum is available [here](#).

**FEDCENTER—ENVIRONMENTAL GUIDANCE AND RECOMMENDATIONS FOR COVID-19.** The FedCenter website maintains a section dedicated to environmental guidance and recommendations of other federal agencies related to COVID-19. Find the section [here](#).

**PENTAGON CORONAVIRUS WEBSITE.** A new DOD coronavirus [spotlight web portal](#) provides up-to-date news relating to the military's response to COVID-19, an updated response timeline, briefing transcripts, and related multimedia resources. The website includes vetted DOD coronavirus information, information from the Centers for Disease Control and Prevention on COVID-19 symptoms, and videos that detail "Do-It-Yourself Face Coverings."

**ARMY GUIDANCE FOR ENVIRONMENTAL COMPLIANCE.** [Department of the Army Memorandum: Supplemental Guidance for Environmental Compliance During COVID-19 Response](#), issued April 2020, supplements policy and guidance to set compliance program performance expectations and provide temporary guidance for program management during the COVID-19 crisis response.

## Federal Activity

### AIR

**ELECTRONIC REPORTING REQUIREMENTS FOR MERCURY AND AIR TOXICS STANDARDS.** EPA has proposed to amend the electronic reporting requirements for the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units, also known as Mercury and Air Toxics Standards (MATS) ([85 FR 20342](#)). The amendments would revise electronic reporting requirements for MATs and extend the current deadline for alternative electronic data submission via portable document format files through 31 DEC 23. Comments were due 11 MAY 20.

**INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS—1990-2018.** EPA has prepared an Inventory of U.S. Greenhouse Gas Emissions and Sinks since the early 1990s. This [annual report](#) provides a comprehensive accounting of total greenhouse gas emissions for all man-made sources in the U.S. The gases covered by the inventory include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride. The inventory also calculates carbon dioxide removal from the atmosphere by "sinks"; e.g., through the uptake of carbon and storage in forests, vegetation, and soils. The report shows that 2018 emissions rose 3% compared with the previous year. EPA's Greenhouse Gas Emissions website is available [here](#). Report and data highlights are available [here](#). Click [here](#) to view Fast Facts 1990-2018.

**QUALITY-ASSURANCE REQUIREMENTS DURING COVID-19 NATIONAL EMERGENCY.** Due to COVID-19, EPA has adopted an interim final rule to temporarily provide additional flexibility to sources that monitor and report emissions using continuous emission monitoring ([85 FR 22362](#)). If an affected unit fails to complete a required quality-assurance, certification or recertification, fuel analysis, or emission rate test by the applicable deadline because of COVID-19 safety restrictions, the source can temporarily continue to report actual monitored data instead of substitute data if: (1) the unit's actual monitored data would be considered valid if not for the delayed test; and (2) the source maintains documentation, notifies EPA when a test is delayed and later completed, and certifies to EPA that they meet the criteria for using the amended reporting procedures. The rulemaking is applicable to sources that monitor and report emissions under the Acid Rain Program, the

Cross-State Air Pollution Rule, and/or the NOX SIP Call. The interim final rule became effective 22 APR 20 and expires 19 OCT 20. Comments are due 22 MAY 20.

**REVIEW OF NAAQS FOR PARTICULATE MATTER.** EPA issued a proposal on the five-year review of NAAQS for particulate matter (PM) ([85 FR 24094](#)). EPA has proposed to retain the current standards, without revision. This covers the primary (human health) and secondary (welfare) standards for both PM<sub>2.5</sub> and PM<sub>10</sub>. Comments are due 29 JUN 20.

## **ENERGY**

**FUNDING OPPORTUNITY TO STRENGTHEN FEDERAL ENERGY AND WATER INFRASTRUCTURE.** The Office of Energy Efficiency and Renewable Energy (EERE) [has issued](#) a Federal Energy Management Program (FEMP) update titled, *Notice of Intent for Funding Opportunity to Strengthen Federal Energy and Water Infrastructure: Assisting Federal Facilities with Energy Conservation Technologies (AFFECT) 2020 Federal Agency Call (FAC)* to strengthen energy and water infrastructure across federal agencies. FEMP intends to issue the FAC in spring 2020. The AFFECT 2020 FAC will provide direct funding to federal agencies to help advance the energy efficiency, resiliency, and security of their operations. To increase the impact of the projects, federal agencies will leverage energy savings performance contracts to install energy conservation measures and address infrastructure needs.

**GEOELECTRIC HAZARD REPORT AND MAP.** The U.S. Geological Survey (USGS) [announced](#) the release of a new [report](#) on geoelectric hazards and the potential vulnerability of the U.S. power grid from a magnetic storm. The report includes a map of voltages that could be induced on the national electric power grid by a geomagnetic superstorm. "The new voltage map is a critical step forward in our ability to assess the Nation's risk to geoelectric hazards," said Jim Reilly, USGS director. "This information will allow utility companies to evaluate the vulnerability of their power-grid systems to magnetic storms and take important steps to improve grid resilience." The research furthers [Executive Order 13865](#), *Coordinating National Resilience to Electromagnetic Pulses*, issued 25 MAR 19.

## **MISCELLANEOUS**

**ENCOURAGING INTERNATIONAL SUPPORT FOR RECOVERY AND USE OF SPACE RESOURCES.** The president has issued Executive Order 13914, *Encouraging International Support for the Recovery and Use of Space Resources* ([85 FR 20381](#)). Section 3 of the order specifies that "...The Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, and the head of any other executive department or agency the Secretary of State determines to be appropriate, shall take all appropriate actions to encourage international support for the public and private recovery and use of resources in outer space... In carrying out this section, the Secretary of State shall seek to negotiate joint statements and bilateral and multilateral arrangements with foreign states regarding safe and sustainable operations for the public and private recovery and use of space resources."

**STRENGTHENING TRANSPARENCY IN REGULATORY SCIENCE—EXTENSION OF PUBLIC COMMENT PERIOD.** EPA has extended the public comment period for the [18 MAR 20](#) supplemental notice of proposed rulemaking (SNPRM) ([85 FR 21340](#)). The SNPRM had proposed to extend the scope of the [initial 2018 rulemaking](#) to apply to influential scientific information as well as significant regulatory decisions. The comment period has been extended to 18 MAY 20.

## **NATURAL RESOURCES**

**LIST OF BIRD SPECIES NOT PROTECTED BY MIGRATORY BIRD TREATY ACT (MBTA).** The U.S. Fish and Wildlife Service (FWS) has published an amended list of nonnative bird species that have been introduced by humans into the United States or U.S. territories and to which the MBTA does not apply ([85 FR 21262](#)). This notice presents an updated list of species not protected by the MBTA, which reflects current taxonomy, removes one species that no longer occurs in a protected family, and removes two species as a result of new distributional records documenting their natural occurrence in the United States.

The list arranges 122 species by family according to the American Ornithological Society. Within families, the list arranges species alphabetically by scientific name. The list was published 16 APR 18.

**MONARCH BUTTERFLY—NATIONWIDE CANDIDATE CONSERVATION AGREEMENT ON ENERGY AND TRANSPORTATION LANDS.** FWS has [announced](#) an agreement to conserve millions of acres for monarch butterflies and other pollinators across the United States. The monarch butterfly Candidate Conservation Agreement with Assurances and integrated Candidate Conservation Agreement for energy and transportation lands is an opportunity to help the monarch and other pollinators. More than 45 energy and transmission companies and state departments of transportation are voluntarily committing time and funding to carry out monarch butterfly-friendly management practices on millions of acres in rights of way. In turn, their actions may preclude the need to list the monarch or could speed recovery if the monarch is listed under the Endangered Species Act. Additionally, the agreement provides participants regulatory assurances that additional conservation measures will not be required if the monarch is protected under the Endangered Species Act. The FWS website for the monarch butterfly, with links to the Final Candidate Conservation Agreement with Assurances, FAQs, the news release, and permit, is available [here](#).

**REVISED LIST OF MIGRATORY BIRDS.** FWS has revised the List of Migratory Birds protected by the MBTA by adding and removing species ([85 FR 21282](#)). Reasons for the changes to the list include adding species based on new taxonomy and new evidence of natural occurrence in the United States or U.S. territories; removing species no longer known to occur within the United States or U.S. territories; and changing names to conform to accepted use. The net increase of 67 species (75 added and eight removed) brings the total number of species protected by the MBTA to 1,093. FWS regulates the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds. The final rule was effective 18 MAY 20.

## *SUSTAINABILITY*

**PROCUREMENT GUIDELINE DESIGNATIONS—RECOVERED MATERIALS ADVISORY.** In accordance with RCRA, EPA is required to issue procurement guidelines, to designate items that are or can be made with recovered materials, and to recommend practices for procurement of such items. EPA has designated 61 items in eight product categories in a Comprehensive Procurement Guideline and has issued recycled-content recommendations and procurement specifications for these items in a series of Recovered Materials Advisory Notices published in the Federal Register. EPA last updated the guidelines/notices in 2007. EPA has requested public comment on the list of Comprehensive Procurement Guideline-designated items and recommendations issued in the associated Recovered Materials Advisory Notices ([85 FR 19473](#)). Comments are due 6 JUL 20.

## *THREATENED AND ENDANGERED SPECIES*

**CUMBERLAND SANDWORT.** FWS has issued a proposed rule to remove the Cumberland sandwort ([Arenaria cumberlandensis](#)) from the Federal List of Endangered and Threatened Plants ([85 FR 23302](#)). The Cumberland sandwort is a plant found in Kentucky and Tennessee. FWS has also announced the availability of a draft post-delisting monitoring (PDM) plan for the Cumberland sandwort. Comments on the proposed rule and on the associated draft PDM plan are due 26 JUN 20.

## *TOXICS*

**ASBESTOS RISK EVALUATION.** EPA is soliciting comment on a draft Toxic Substances Control Act (TSCA) risk evaluation of asbestos ([85 FR 18954](#)). The purpose of conducting risk evaluations under TSCA is to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use, including an unreasonable risk to a relevant potentially exposed or susceptible subpopulation. Asbestos is part of the first 10 chemical substances undergoing risk evaluation. EPA intends to consider legacy uses and associated disposal in a supplemental scope

document and supplemental risk evaluation. Comments are due 2 JUN 20. The peer review draft risk evaluation is available [here](#).

**CHEMICAL DATA REPORTING—EXTENSION OF 2020 SUBMISSION PERIOD.** EPA has extended the TSCA Chemical Data Reporting (CDR) submission deadline for 2020 reports from 30 SEP 20 to 30 NOV 20 ([85 FR 19890](#)). This is a one-time extension for the 2020 submission period. The CDR regulations require manufacturers (including importers) of certain chemical substances included on the TSCA Chemical Substance Inventory to report data on the manufacturing, processing, and use of the chemical substances. This final rule was effective 9 APR 20.

**DRAFT SCOPE DOCUMENTS FOR 13 HIGH-PRIORITY CHEMICALS UNDERGOING RISK EVALUATION.** EPA has released for public comment the draft scoping documents for 13 of 20 High-Priority Substances designated in December 2019 ([85 FR 19941](#)). The draft scoping document for each chemical substance includes the conditions of use, hazards, exposures, and the potentially exposed or susceptible subpopulations EPA plans to consider in conducting the risk evaluation for that chemical substance. EPA has also opened a 45-calendar day comment period on these draft scope documents to allow the public to provide additional data or information that could be useful to the agency in finalizing the scope of the risk evaluations. Comments may be submitted to this docket and the individual dockets for each of the chemical substances. Comments are due 26 MAY 20. For the list of 13 substances, refer to the Federal Register notice and scroll to the Supplementary Information Section, Part III, or click [here](#).

**ITRC PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) TECHNICAL AND REGULATORY GUIDANCE DOCUMENT.** The Interstate Technology & Regulatory Council (ITRC) has released a technical and regulatory guidance document that provides analysis of the complex world of PFAS. Topics covered in the document include history and use, firefighting foams, fate and transport, occurrence, regulations, site risk assessment, site characterization, sampling and analysis, treatment technologies, and risk communication. The document also includes case studies and stakeholder perspectives, discusses technical challenges in addressing PFAS, and provides additional references to relevant scientific literature. The document is available [here](#).

**TSCA CHEMICAL DATA REPORTING REVISIONS.** EPA has finalized a rule amending CDR rule requirements ([85 FR 20122](#)). The CDR rule requires manufacturers (including importers) of certain chemical substances listed on the TSCA Chemical Substance Inventory (TSCA Inventory) to report data every four years on chemical manufacturing, processing, and use. The changes to the CDR rule make regulatory updates that align with new statutory requirements of TSCA; improve the CDR data collected as necessary to support the implementation of TSCA; and potentially reduce burden for certain CDR reporters. In addition, these regulatory modifications may result in additional information to EPA and the public that is currently not collected. The final rule was effective 11 MAY 20.

## *WASTE*

**37<sup>TH</sup> UPDATE OF FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET.** EPA has issued the updated Federal Agency Hazardous Waste Compliance Docket under section 120(c) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) ([85 FR 23818](#)). EPA is federally required to maintain the docket, which 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 six additions, zero deletions, and one correction to the docket since the last update on 28 OCT 19.

**DISPOSAL OF COAL COMBUSTION RESIDUALS.** EPA has extended the comment period for its [February 2020 proposal](#) to establish a federal coal combustion residuals (CCR) permit program ([85 FR 20625](#)). EPA has proposed to establish requirements and procedures to issue federal permits for disposal and other solid waste management of CCR in 40 CFR 257 Subpart E. The proposed permit requirements would include definitions, compliance deadlines, application requirements, content and duration, and modification requirements and procedures. The comment period has been extended to 20 MAY 20.

**PROPOSED INTERPRETIVE RULE—VERY LOW-LEVEL RADIOACTIVE WASTE.** The U.S. Nuclear Regulatory Commission (NRC) has extended the public comment period for its [March 2020 proposed interpretation](#) of its low-level radioactive waste disposal regulations ([85 FR 19907](#)). NRC's intent is that this interpretive rule will allow licensees to transfer very low-level radioactive waste to exempt persons for the purpose of disposal by land burial. The public comment period has been extended to 20 JUL 20.

**S.3356. BATTERY AND CRITICAL MINERAL RECYCLING ACT OF 2020.** This bill supports the reuse and recycling of batteries and critical minerals. The bill aims to incentivize the recycling of rechargeable and electrochemical batteries – including lithium ion and other chemistries – needed to meet the United States' growing clean energy needs and decrease dependence on critical mineral imports. Introduced by Senator Angus King (I-ME) 27 FEB 20.

## *WATER*

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) GENERAL PERMIT RULE UPDATES.** EPA has updated specific data elements within the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (NPDES eRule), that apply to regulated MS4s ([85 FR 20873](#)). The NPDES eRule was initially published [22 OCT 15](#) and later amended by the MS4 General Permit Remand Rule, published 9 DEC 16. This final rule updates certain data elements to be consistent with current MS4 regulations, corrects related typographical errors, and makes other selected clarifications at the request of state NPDES permitting programs. For information on entities potentially affected by this action, including military bases, refer to the Supplementary Information section of the Federal Register notice. The final rule is effective 15 MAY 20.

**NAVIGABLE WATERS PROTECTION RULE—DEFINITION OF 'WATERS OF THE UNITED STATES.'** The Environmental Protection Agency (EPA) and the Department of the Army's Navigable Waters Protection Rule: Definition of "Waters of the United States" was published in the Federal Register ([85 FR 22250](#)). This final rule establishes the scope of federal regulatory authority under the Clean Water Act. The Navigable Waters Protection Rule includes four simple categories of jurisdictional waters and provides specific exclusions for many water features that traditionally have not been regulated. The final rule becomes effective 22 JUN 20. The published version is 93 pages, and the citation is: 85 FR 22250. The Federal Register notice is available [here](#). Additional information about the rule can be found on the EPA website [here](#).

**PROPOSED SETTLEMENT AGREEMENT—SAFE DRINKING WATER ACT ACTIONS.** EPA has announced a proposed settlement agreement to address a series of claims regarding EPA's obligations to develop new and revised National Primary Drinking Water Regulations (NPDWRs) ([85 FR 21230](#)). Under the proposed settlement agreement, EPA would agree to deadlines with respect to certain actions under the Safe Drinking Water Act. For additional detail on the plaintiff complaint and the proposed settlement agreement, refer to the Federal Register notice. Comments on the proposed settlement agreement are due 18 MAY 20.

**SUPREME COURT BACKS CLEAN WATER ACT PERMITS FOR SOME GROUNDWATER DISCHARGES.** The Supreme Court has [ruled](#) that the CWA requires permits for point source discharges of pollutants to groundwater that are the "functional equivalent of" direct discharges to navigable waters. The 23 APR 20 decision in *County of Maui, HI, v. Hawaii Wildlife Fund, et al.* found EPA's 2019 Interpretive Statement that all releases of pollutants to groundwater are excluded from the permitting program to be inconsistent with the statute.

**WATERSENSE PROGRAM REVIEW.** EPA has announced completion of the review of WaterSense product performance criteria ([85 FR 20268](#)). EPA has made the decision not to revise any specifications. A summary of the review and findings is included in the Federal Register notice. Additionally, the notice announced that EPA is seeking input and requesting information on any data, surveys, or studies to help assess consumer satisfaction with WaterSense labeled products, which could inform future product specification development and product labeling. Comments are due 9 JUN 20.

# Department of Defense Activity

**ARMY CLIMATE ASSESSMENT TOOL.** The Army has [launched](#) the Army Climate Assessment Tool to assess installation exposure to coastal and riverine flooding, drought, desertification, wildfire, and permafrost thaw. An initial version of the tool is ready for deployment at 73 installations for which sufficient data has been analyzed. In conjunction with the release of the tool, the Army also released a memorandum and quick guide.

**DOD ANNOUNCES 2020 SECRETARY OF DEFENSE ENVIRONMENTAL AWARD WINNERS.** On 22 APR 20, DOD announced the [2020 Secretary of Defense Environmental Award winners](#). The awards recognize installations, teams, and individuals for their accomplishments in innovative and cost-effective environmental management strategies supporting mission readiness. The winners are:

- Natural Resources Conservation, Small Installation: Fort Custer Training Center, Michigan Army National Guard;
- Natural Resources Conservation, Individual/Team: Conservation-Training Enhancement Team, Camp Ripley, Minnesota Army National Guard;
- Environmental Quality, Non-Industrial Installation: Marine Corps Air Station Miramar, California;
- Environmental Quality, Individual/Team: Environmental Information Management System Team, U.S. Fleet Forces Command, Virginia;
- Sustainability, Industrial Installation: Naval Base Kitsap, Washington;
- Environmental Restoration, Installation: Camp Edwards, Joint Base Cape Cod, Massachusetts Army National Guard;
- Environmental Restoration, Individual/Team: Vieques Environmental Restoration Team, Puerto Rico;
- Cultural Resources Management, Large Installation: Naval Air Weapons Station China Lake, California;
- Environmental Excellence in Weapon System Acquisition, Large Program: F-35 Joint Program Office, Wright Patterson Air Force Base, Ohio.

## Professional Development

### *DOD TRAINING SOURCES*

**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. Due to OSD travel restrictions, all resident course offerings are cancelled or postponed until 30 JUN 20. The Civil Engineer School will continue delivering satellite and web course offerings throughout this period, although dates and times are subject to change.

**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.

**2020 READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION (REPI) WEBINAR SERIES.** DOD's REPI Program has announced the REPI Webinar Series for 2020. The series showcases best practices and lessons learned from REPI partnerships nationwide that support military missions and accelerate the pace of conservation. All webinars begin at 1300 Eastern time. The complete 2020 REPI Webinar Series is available for download [here](#). Upcoming webinars are as follows:

- 17 June, [Leveraging GIS to Identify New Partnership Opportunities](#);
- 9 September, [Effective Community Engagement](#);
- 4 November, [Preparing for Extreme Weather: Improving Installation Resilience and Exploring Emergency Response Programs](#); and
- 9 December, [Exploring Endangered Species Crediting Strategies](#).

**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.** The USACE FY 2020 PROSPECT (Proponent-Sponsored Engineer Corps Training) purple book is being [revised](#). Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Refer to the [course schedule](#) for the latest information relating to PROSPECT courses. Environmental courses include, but are not limited to:

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

## *FEDERAL TRAINING SOURCES*

**19 MAY 20, EPA EARLY WARNING SIGNIFICANT NON-COMPLIANCE (SNC) DASHBOARD TRAINING WEBINAR.** EPA's webinar is designed to help better track the compliance status of state-permitted NPDES facilities with the NPDES Early Warning SNC Dashboard. The dashboard allows users to view real-time SNC status. Register [here](#).

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

**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.

**DOE's 2020 ENERGY EXCHANGE TRAINING AND TRADE SHOW.** DOE's Federal Energy Management Program (FEMP) will host its annual Energy Exchange training and trade show event in Atlanta, Georgia, 11-13 AUG 20 ([85 FR 9464](#)). The theme of the event is "Empowering Solutions." It will focus on collaboration and innovation for federal agencies to leverage technologies and practices that offer efficient, resilient, and secure energy and water management solutions.

**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 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 on 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 continues its 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](#).

