



Southern Review of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

June 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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MEET AMY L. BORMAN DASA-ESOH

Ms. Amy L. Borman serves as the Deputy Assistant Secretary of the Army (DASA) for Environment, Safety and Occupational Health (ESOH). She was selected for the Senior Executive Service in 2020.



In her role as DASA-ESOH, Ms. Borman serves as the Functional Chief for Career Program 12 (CP-12), Safety and Occupational Health. She serves as the Executive Agent for a number of critical DOD activities, to include the Unexploded Ordnance Center of Excellence; National Defense Center for Energy and the Environment; Recovered Chemical Warfare Materials Program; Voluntary Protection Program Center of Excellence; DOD Environment, Safety, and Occupational Health Network and Information Exchange; and the Formerly Used Defense Sites (FUDS) cleanup program.

Ms. Borman provides oversight with regard to environmental, safety, and occupational health technology development, demonstration, and validation programs. She works closely with the Interstate Technology and Regulatory Council to integrate state and commercially developed ESOH technologies into the installation community.

For more information about Ms. Borman, click [here](#).

TABLE OF CONTENTS

Regional Activity	2
Alabama	3
Florida	3
Georgia.....	4
Kentucky.....	5
Mississippi.....	5
North Carolina	5
South Carolina.....	6
Tennessee	7
National COVID-19 Resources.....	7
Federal Activity.....	7
DOD Activity.....	11
Professional Development.....	12
Staff Directory	16

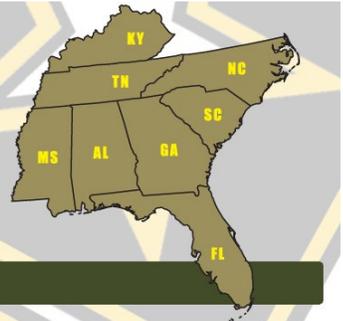
Did You Know?

The DASA-ESOH [Safety Directorate](#) assists in setting the strategic direction, goals and objectives for the Army Safety Program; establishes safety policy and sets safety standards; proposes safety programming and funding; and provides safety program management and oversight.

The [Occupational and Environmental Health](#) (OEH) Directorate provides support and assistance to the DASA-ESOH with strategic goals, objectives, and guidance, program and budgetary recommendations, and policy development for the Army's OEH enterprise. In April, the directorate released the [2020-2028 Safety, Occupational and Environmental Health Strategy](#).

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. According to the memorandum, 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

COASTAL MANAGEMENT PROGRAM—NOTICE OF PROGRAM CHANGE REQUEST. The Florida Department of Environment Protection (FDEP) Office of Resilience and Coastal Protection has issued notice of a request for concurrence of the National Oceanic and Atmospheric Administration's Office for Coastal Management in updating the statutory authorities included within the Florida Coastal Management Program as a program change. The program change submission will incorporate relevant new Florida Statutes enacted by the Florida Legislature during the 2019 legislative session into the Florida Coastal Management Program. Comments are due 22 JUN 20.

FLORIDA ADVISORY COUNCIL ON CLIMATE AND ENERGY (FACCE). FACCE held a public meeting to provide an overview of the Florida Department of Agriculture and Consumer Services, the Florida Office of Energy, and the Florida Energy and Climate Plan. The members of FACCE participated in a facilitated discussion on the transportation sector to look at how the state can modernize energy policy, diversify energy sources, increase energy efficiency, and create opportunities for Florida's most vulnerable citizens. The meeting was held 3 JUN 20.

ENDANGERED AND THREATENED SPECIES UPDATE. The Florida Fish and Wildlife Commission has considered revising [Rule 68A-27.003](#), Florida Endangered and Threatened Species List; Prohibitions, with the following items:

- Incorporate by reference and link to the commission-approved *Gopher Tortoise Management Plan* and to commission-approved *Guidelines for the Gopher Tortoise*.
- Link to revised *Commission-Approved Guidelines for the Florida Pine Snake*.
- Add the Gulf of Mexico Bryde's whale to the Florida Endangered and Threatened Species list as federally endangered.
- Revise rule provisions associated with species classified as Endangered, Threatened, or Species of Special Concern.

Notice of the proposed rulemaking was published 28 MAY 20.

MINIMUM FLOWS—CRYSTAL RIVER/KINGS BAY SYSTEM. The Florida Southwest Water Management District has proposed rulemaking to modify the language to describe the assessment of the status of the previously established minimum flows pursuant to [Section 373.042, F.S.](#), for the Crystal River/Kings Bay System. The minimum flows are used in the District's permitting and resource management and development programs. Notice of rulemaking was published 30 APR 20.

NORTHERN EVERGLADES AND ESTUARIES PROTECTION. The South Florida Water Management District held workshops to review amendments to Chapter [40E-61, F.A.C.](#) to be consistent with the 2016 Northern Everglades and Estuaries Protection Program ([373.4595, F.S.](#) and Section [403.067, F.S.](#)). The workshops were held 19 and 21 MAY and 3 JUN 20.

PUBLICATIONS INCORPORATED BY REFERENCE. The South Florida Water Management District held a workshop to review draft rule text for water reservation for the Kissimmee River and floodplain, and Chain of Lakes in volumes, locations, and time of the year as is necessary for the protection of fish and wildlife and associated Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District criteria. The workshop was held 9 JUN 20.

REQUIREMENTS FOR FEDERALLY APPROVED AND DELEGATED AIR POLLUTION PROGRAMS. FDEP has initiated rulemaking regarding FDEP's adoption by reference of air pollution regulations promulgated by EPA to incorporate requirements of FDEP's federally approved and delegated air pollution programs. The rule amendments include adoption of recent revisions to the Municipal Solid Waste Landfill Emission Guidelines, adoption of New Source Performance Standards, and amendments to the National Emission Standards for Hazardous Air Pollutants. The comment deadline was 26 MAY 20.

REVISED VERIFIED LISTS OF IMPAIRED WATERS AND DELISTING OF WATERS. FDEP has issued notice that a final order was entered 30 APR 20 revising the *Verified List of Impaired Waters for Group 2 Basins* (Apalachicola-Chipola River, Charlotte Harbor, Lower St. Johns, Middle St. Johns, St. Lucie-Loxahatchee River, and Tampa Bay tributaries); amending the *Verified List of Impaired Waters* for one waterbody in the Group 3 Upper St. Johns basin and two waterbody segments in the Group 5 Indian River Lagoon basin; and finalizing the assessment determination for two waterbody segments in the Group 1 Ochlocknee-St. Marks basin. The comment deadline was 9 JUN 20.

STATE IMPLEMENTATION PLAN (SIP) REVISION—MOTOR VEHICLE RULES. FDEP invited public comment on a proposed revision to the SIP under the Clean Air Act (CAA.) The proposed SIP revision consists of removing Chapters [62-243](#) and [62-244](#), F.A.C. Notice was issued 27 MAY 20, and comments are due 26 JUN 20. A hearing was held for 8 JUL 20.



LEGISLATIVE SESSION: DUE TO COVID-19, TEMPORARILY ADJOURNED

There are no significant legislative activities to report.

REGULATORY ACTIVITY

SIP REVISION. Georgia's Environmental Protection Division (EPD) has proposed amendments to Georgia's SIP. The proposed revision includes the addition of the seven-county Atlanta Nonattainment Area Emissions Inventory for the 2015 Ozone National Ambient Air Quality Standard (NAAQS) as required by Section 182(a)(1) of CAA. EPD has also provided a written commitment to take action to meet the Emission Statements located in Section 182(a)(3)(B) of the CAA. Comments are due 18 JUN 20.

UNIVERSAL WASTE REGULATIONS—AEROSOL CANS. EPD has proposed rule amendments that create a new category of universal waste, which allows generators the option to manage hazardous waste aerosol cans under a more streamlined set of regulations. The proposed rule was posted 26 MAY, and a hearing was held 10 JUN 20. Comments are due 1 JUL 20.



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

There are no significant legislative activities to report.

REGULATORY ACTIVITY

AMBIENT AIR MONITORING NETWORK. The Kentucky Energy and Environment Cabinet has invited public comment on proposed changes to the Kentucky Division of Air Quality's ambient air monitoring network. The annual monitoring network plan details the operation and location of ambient air monitors operated by the Kentucky Division for Air Quality, Louisville Metro Air Pollution Control District, and the National Park Service. Comments are due 15 JUN 20.



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

There are no significant legislative activities to report.

REGULATORY ACTIVITY

REGIONAL HAZE SIP—FEDERAL CLASS I AREAS. The Mississippi Department of Environmental Quality has proposed a SIP revision to address Best Available Retrofit Technology provisions of the Regional Haze Rule for seven electric generating units in Mississippi. Notice was issued 23 APR 20.

REID VAPOR PRESSURE SPECIFICATION WAIVER. The Mississippi Department of Agriculture and Commerce has issued a [temporary rule](#) to provide a waiver to ASTM Reid Vapor Pressure specifications related to gasoline and gasoline blended with one or more percent ethanol. The temporary rule was effective 1 MAY 20 and expires 30 JUN 20.



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

HB 1049 (SB 714), ORGANIZATION RESTRUCTURING. The bill would direct the North Carolina Department of Environmental Quality (NCDEQ) to examine its organizational units with spans of control less than the recommended threshold and develop a formal business plan for the permit transformation project (PTP) as well as performance management plan for permit processes. The performance management plan would include a data management system sufficient to support the PTP. The bill was introduced 29 APR 20.

HB 1093, EMERGENCY RELEASE NOTIFICATIONS. The bill would improve and fund improvements for emergency release notifications from certain federally licensed hydroelectric projects. The bill was introduced 14 MAY 20.

HB 1108 (SB 837), PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) IN DISCHARGES. The bill would require National Pollutant Discharge Elimination System permits and renewals to do the following:

- Disclose each pollutant in the discharge that is reasonably expected to be at or above the Practical Quantitation Limitation (PQL) for that pollutant.
- Require industrial user pretreatment permit applicants to disclose each pollutant in the industrial user's discharge that is at or above the PQL for that pollutant.
- Eliminate PFAS received from industrial users prior to discharge to the waters of the state.
- Require the industrial user to eliminate PFAS from the user's discharge.

The bill was introduced 14 MAY 20.

HB 1109, PFAS—MANUFACTURE AND SALE. The bill would ban the manufacture, use, and distribution of PFAS and PFAS-containing products within North Carolina in order to protect public health. Civil penalties would apply to the violations. The bill was introduced 14 MAY 20.

HB 1119, FOOD WASTE REDUCTION ACT. The bill would require diversion of food wastes from the rest of the waste stream. The bill was introduced 14 MAY 20.

HB 1175, 2020 SAFE DRINKING WATER ACT. The bill would direct NCDEQ to establish Maximum Contaminant Levels for certain PFAS, hexavalent chromium (chromium-6,) and 1,4-dioxane. State standards would be no more stringent than federal standards. The bill was introduced 22 MAY 20.

SB 744 (HB 566), POLLUTER PAYS. The bill would add authority to NCDEQ to make persons causing or contributing to contamination responsible for costs of cleanup, and the bill would add a provision of providing alternative water supplies to persons with water supplies affected by such contamination. The bill was introduced 14 MAY 20.

SB 838 (HB 1110), PFAS STUDIES. The bill would direct various North Carolina agencies to study matters associated with PFAS contamination including the study of the estimated human exposure to PFAS, an epidemiological study to identify disparities in disease prevalence that are consistent with long-term exposures to PFAS, the ecological exposures and impacts from PFAS to wildlife, and other additional PFAS studies as required from NCDEQ. The bill was introduced 26 MAY 20.

REGULATORY ACTIVITY

ONSITE WASTEWATER—WAIVER OR EXTENSION. The North Carolina Onsite Wastewater Contractors and Inspectors Certification Board has issued a temporary rule regarding the board's waiver or extension abilities during the COVID-19 public health emergency. The temporary rule was effective 20 MAY 20.



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

There are no significant legislative activities to report.

REGULATORY ACTIVITY

BUREAU OF AIR QUALITY STREAMLINING GUIDANCE. The South Carolina Department of Health and Environmental Control (DHEC) has finalized the following permit guidance for streamlining requirements: "Streamlining Multiple Applicable Requirements on the Same Emission Unit" and "Streamlining PM Source Testing Requirements Contained in Standard No. 1 and 40 CFR 63, Subpart DDDDD." The guidance documents will be maintained by DHEC and periodically published in the *South Carolina State Register*. Notice was issued 22 MAY 20.

CONSTRUCTION AND DEMOLITION DEBRIS PROCESSING AND RECYCLING. DHEC has proposed drafting a new regulation that establishes procedures, standards, and other requirements for the proper operation and management of facilities that process or recycle construction and demolition debris. Notice was issued 22 MAY 20.

MAINTENANCE PLAN STATE IMPLEMENTATION PLAN REVISION. DHEC has invited comment on its proposal to address required SIP elements under Section 175A of the CAA pertaining to maintenance plans for NAAQS. DHEC is preparing a second 10-year maintenance plan for maintaining the 1997 Ozone NAAQS. Comments are due 22 JUN 20, and a hearing has been scheduled for 30 JUN 20.

SOLID WASTE MANAGEMENT—COMPOST AND MULCH. DHEC has proposed amending “R.61-107.4, Solid Waste Management: Compost and Mulch Production from Land-Clearing Debris, Yard Trimmings, and Organic Residuals,” to more effectively regulate composting facilities and better protect human and environmental health. The proposed amendments will address issues including quality assurance and testing requirements, acceptance of unauthorized wastes, and permitting requirements. Notice was published 22 MAY 20.



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

SB 2649 (HB 2868), TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION TERMINATION. The bill would amend TCA Title 4, Chapter 29 and Title 3, Chapter 3 to terminate the Tennessee Department of Environment and Conservation effective 30 JUN 20. The termination process would involve a wind-down period prior to ceasing to exist 30 JUN 21. The bill was originally introduced 5 FEB 20.

REGULATORY ACTIVITY

There are no significant regulatory activities to report.

COVID-19 Resources

EXECUTIVE ORDER 13924, REGULATORY RELIEF TO SUPPORT ECONOMIC RECOVERY (COVID-19). On 19 MAY 20, the president issued [Executive Order 13924, Regulatory Relief to Support Economic Recovery](#), which relates to economic consequences of COVID-19 ([85 FR 31353](#)). The heads of all federal agencies shall identify regulatory standards that may inhibit economic recovery and shall consider taking appropriate action, consistent with applicable law, including by issuing proposed rules as necessary, to temporarily or permanently rescind, modify, waive, or exempt persons or entities from those requirements, and to consider exercising appropriate temporary enforcement discretion or appropriate temporary extensions of time as provided for in enforceable agreements with respect to those requirements.

GUIDANCE FOR REOPENING BUILDINGS AFTER PROLONGED SHUTDOWN OR REDUCED OPERATION. The Centers for Disease Control and Prevention (CDC) has posted [Guidance for Reopening Buildings After Prolonged Shutdown or Reduced Operation](#). The guidance addresses assessing buildings for mold and excess moisture, and for stagnant or standing water in premise piping that can increase the risk for growth of the Legionella bacteria. As Legionella grows in building water systems, it can be inhaled, leading to the serious lung infection Legionnaires' disease. When water is stagnant, hot water temperatures can decrease to the Legionella growth range (77–108°F, 25–42°C). Stagnant water can also lead to low or undetectable levels of disinfectant, such as chlorine. The guidance provides considerations for flushing piping, and cleaning other water-using devices, such as ice machines.

Federal Activity

AIR

ALLOCATIONS OF CROSS-STATE AIR POLLUTION RULE ALLOWANCES FROM NEW UNIT SET-ASIDES FOR 2020 CONTROL PERIODS. EPA is providing notice of the availability of data on emission allowance allocations to certain units under the Cross-State Air Pollution Rule (CSAPR) trading programs ([85 FR 29711](#)). EPA has completed preliminary calculations for the first round of allocations of allowances from the CSAPR new unit set-asides for the 2020 control periods and has posted spreadsheets containing the calculations on its website. EPA will consider timely objections to the preliminary calculations (including objections concerning the identification of units eligible for allocations) before determining the final amounts of the first-round allocations. Objections must be received by 17 JUN 20.

DESIGNATION OF NEW EQUIVALENT METHOD FOR AMBIENT AIR MONITORING. EPA has designated one new equivalent method for measuring concentrations of nitrogen dioxide (NO₂) in ambient air ([85 FR 27221](#)). The new equivalent method for NO₂ is an automated method (analyzer) utilizing the measurement principle based on cavity-attenuated phase-shift spectroscopy.

FUELS REGULATORY STREAMLINING. EPA proposes to consolidate existing gasoline, diesel, and other fuels programs found in 40 CFR Part 80 into a new proposed set of regulations in 40 CFR part 1090 ([85 FR 29034](#)). EPA is proposing to remove expired provisions and consolidate the remaining provisions from multiple fuel quality programs into a single set of requirements. This action covers almost all fuel programs and related provisions currently in part 80, including but not limited to, the reformulated gasoline program, the anti-dumping program, the diesel sulfur program, the gasoline benzene program, the gasoline sulfur programs, the E15 misfueling mitigation program, and the national fuel detergent program. This proposed streamlining effort aims to combine the separate, now fully implemented programs, all of which affect the same regulated parties, into a single, national fuel quality program. Comments are due 29 JUN 20.

IMPROVEMENTS FOR HEAVY-DUTY ENGINE AND VEHICLE TEST PROCEDURES, AND OTHER TECHNICAL AMENDMENTS. EPA has proposed changes to the test procedures for heavy-duty engines and vehicles to improve accuracy and reduce testing burden ([85 FR 28140](#)). EPA has also proposed other regulatory amendments concerning light-duty vehicles, heavy-duty vehicles, highway motorcycles, locomotives, marine engines, other nonroad engines and vehicles, and stationary engines. The changes would affect the certification procedures for exhaust emission standards, and related requirements. EPA has proposed similar amendments for evaporative emission standards for nonroad equipment and portable fuel containers. These amendments would increase compliance flexibility, harmonize with other requirements, add clarity, correct errors, and streamline the regulations. In its notice, EPA said the proposed changes would have neither significant environmental impacts nor significant economic impacts for any sector. Comments are due 26 JUN 20.

NESHAPS FOR COAL- AND OIL-FIRED ELECTRIC UTILITY STEAM GENERATING UNITS. EPA is revising its response to the U.S. Supreme Court decision in *Michigan v. EPA*, which held that the EPA erred by not considering cost in its determination that regulating National Emission Standards for Hazardous Air Pollutants (NESHAP) emissions from coal- and oil-fired electric utility steam generating units is appropriate and necessary ([85 FR 31286](#)). EPA now finds that it is not "appropriate and necessary" to regulate NESHAP emissions from coal- and oil-fired electric generating units (EGUs). EPA is also finalizing the residual risk and technology review for the Coal- and Oil-Fired EGU source category commonly referred to as the Mercury and Air Toxics Standards (MATS). Based on the review, EPA is not promulgating any revisions to the MATS rule.

POLICY ASSESSMENT FOR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS. EPA indicated that it will release a policy assessment for the Ozone NAAQS ([85 FR 31182](#)). The policy assessment presents a staff analysis of the scientific basis for policy options for consideration by senior EPA management prior to rulemaking. Such an evaluation of policy implications

is intended to help bridge the gap between the EPA's scientific assessments, presented in the integrated science assessment and risk/exposure assessment, and the judgments required of the EPA administrator in determining whether it is appropriate to retain or revise the NAAQS. The current draft, and the final when released, can be found [here](#).

REQUEST FOR NOMINATIONS FOR 2020 CLEAN AIR EXCELLENCE AWARDS PROGRAM. EPA announced the competition for the 2020 Clean Air Excellence Awards Program. EPA established the Clean Air Excellence Awards Program in February 2000 to recognize outstanding and innovative efforts that support progress in achieving clean air. All entries for the [Clean Air Excellence Awards Program](#) must be postmarked by 31 JUL 20.

ENERGY

SECURING U.S. BULK-POWER SYSTEM. On 1 MAY 20, the president issued [Executive Order 13920](#) "Securing the United States Bulk-Power System." The order finds that the bulk power system represents a potential target of malicious cyber activities. The order establishes a task force, chaired by the U.S. Department of Energy (DOE), to address federal energy infrastructure procurement policies related to national security. The task force shall:

- Develop a recommended consistent set of energy infrastructure procurement policies and procedures for agencies and submit such recommendations to the Federal Acquisition Regulatory (FAR) Council.
- Evaluate the methods and criteria used to incorporate national security considerations into energy security and cybersecurity policymaking.
- Report to OMB within one year, to summarize its progress, findings, and recommendations.
- Engage with distribution system industry groups, to the extent consistent with law and national security.

Within 180 days of receiving energy infrastructure procurement recommendations, the FAR Council shall consider proposing amendments to implement the recommendations.

HAZARDOUS MATERIALS

HAZARDOUS MATERIALS HARMONIZATION WITH INTERNATIONAL STANDARDS. The Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a final rule to amend the Hazardous Materials Regulations (HMR) to maintain alignment with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements ([85 FR 27810](#)). These revisions are necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations. Additionally, PHMSA is adopting several amendments to the HMR that would allow for increased alignment with the Transport Canada, Transportation of Dangerous Goods Regulations. The rule became effective 11 MAY 20, except for instruction 17, which is effective 2 JAN 23.

MISCELLANEOUS

ADMINISTRATIVE PROCEDURES FOR ISSUANCE OF EPA GUIDANCE. EPA is proposing internal regulations for how the agency would manage the future issuance of guidance documents subject to the requirements of Executive Order 13891, "Promoting the Rule of Law Through Improved Agency Guidance Documents" ([85 FR 31104](#)). EPA may issue non-binding guidance, in a variety of formats, to clarify existing obligations and provide information to help regulated entities comply with requirements. Such guidance is not subject to Administrative Procedures Act notice-and-comment requirements. EPA does, however, often work with stakeholders to develop guidance and does provide for public review and comment on the draft guidance. Comments are due 22 JUN 20.

PRIORITY OPEN RECOMMENDATIONS FOR EPA—2020 UPDATE. Each year, the Government Accountability Office (GAO) makes recommendations to help improve the federal government. GAO has released a report outlining 21 priority open recommendations for EPA ([GAO-20-287PR](#)). In April 2019, GAO identified 17 priority recommendations for EPA. Since then, EPA has implemented three of those recommendations by, among other things, taking actions to assess established timeframes for each step in the Integrated Risk Information System process and publish current information about chemicals being assessed. In April 2020, GAO identified seven additional priority recommendations for EPA, bringing the total number to 21. These recommendations involve the following areas:

- Assessing and controlling toxic chemicals.
- Reducing pollution in the nation's waters.
- Ensuring cybersecurity at EPA.
- Addressing data, funding, and cybersecurity issues for drinking water and wastewater infrastructure.
- Managing climate change risks.

In its notice, GAO said EPA's continued attention to the issues could lead to improvements in government operations.

NATURAL RESOURCES

2019 RANGE-WIDE ACCOMPLISHMENT REPORT FOR AMERICA'S LONGLEAF RESTORATION INITIATIVE. America's Longleaf Restoration Initiative has announced the release of its Fiscal Year 2019 Accomplishments Report, which outlines accomplishments in over 1.7 million acres, including activities such as land protection, longleaf establishment, and prescribed burning. Over 700,000 acres of longleaf pine exist on military installations and ranges. Continued recovery and stewardship of the longleaf pine ecosystem benefits national defense by protecting compatible lands adjacent to essential training and testing activities, preserving natural environments that support realistic training conditions, mitigating risks against wildfires through the use of controlled burns, and recovering threatened and endangered species to ease regulatory restrictions on mission capabilities. The full report can be found [here](#).

NATIONAL WETLAND PLANT LIST—2018 REVISION. The U.S. Army Corps of Engineers, with other agencies, has released the final 2018 National Wetland Plant List (NWPL). The NWPL provides plant species indicator status ratings, which are used in determining whether the hydrophytic vegetation factor is met when conducting wetland delineations under the Clean Water Act. Delineations completed prior to 18 MAY 20 may still use the 2016 NWPL. Future updates to the NWPL will occur biennially. The NWPL and related information is available [here](#).

RADIOLOGICAL

EMERGENCY PREPAREDNESS FOR SMALL MODULAR REACTORS. The Nuclear Regulatory Commission is proposing to amend its regulations to include new alternative emergency preparedness requirements for small modular reactors and other new technologies, such as non-light-water reactors and certain non-power production or utilization facilities ([85 FR 28436](#)). Comments are due 27 JUL 20.

TOXICS

ADDITION OF CERTAIN PER- AND POLYFLUOROALKYL SUBSTANCES TO TRI CHEMICAL LIST. In advance of formal publication, EPA has released the text of a final rule that adds 172 per- and polyfluoroalkyl substances (PFAS) to the list of toxic chemicals subject to reporting under the Emergency Planning and Community Right-to-Know Act Section 313, toxic release inventory (TRI) reporting. EPA is also setting a manufacture, processing, and otherwise use reporting threshold of 100 pounds for each PFAS being added to the list. These additions are required by Section 7321 of the National Defense Authorization Act (NDAA) for Fiscal Year 2020, enacted 20 DEC 19. Per the NDAA requirements, the PFAS additions became effective as of 1 JAN 20. Reporting forms for the PFAS will be due to EPA by 1 JUL 21, for calendar year 2020 data. The pre-publication version of the rule can be found [here](#).

PERCHLOROETHYLENE DRAFT TSCA RISK EVALUATION. EPA is soliciting comment on a draft Toxic Substances Control Act (TSCA) risk evaluation of perchloroethylene ([85 FR 26464](#)). 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. The draft risk evaluation is available [here](#). Comments are due by 6 JUL 20.

PROPOSED SUBSTANCES TO BE EVALUATED FOR TOXICOLOGICAL PROFILE DEVELOPMENT. The Agency for Toxic Substances and Disease Registry (ATSDR) is soliciting public nominations of substances for ATSDR to evaluate for Toxicological Profile development ([85 FR 32039](#)). ATSDR will consider nominations from the [Substance Priority List](#). ATSDR also accepts nominations for non-CERCLA substances that may have public health implications. Nominations can be submitted by accessing the [Federal eRulemaking portal](#). Follow the instructions for submitting comments. Nominations from the Substance Priority List and/or additional substances must be received by 29 JUL 20.

WATER

DRAFT AMBIENT WATER QUALITY CRITERIA NITROGEN AND PHOSPHORUS RECOMMENDATIONS FOR LAKES AND RESERVOIRS. EPA has released "Draft Ambient Water Quality Criteria Recommendations for Lakes and Reservoirs of the Conterminous United States: Information Supporting the Development of Numeric Nutrient Criteria." These draft national criteria recommendations are models for total nitrogen and total phosphorus concentrations in lakes and reservoirs to protect three different designated uses—aquatic life, recreation, and drinking water source protection. The recommendations will support states in developing and adopting numeric nutrient criteria. These draft criteria recommendations, when finalized, will replace EPA's previously recommended ambient nutrient criteria for lakes and reservoirs. The Draft Ambient Water Quality Recommendations are available [here](#).

REQUEST FOR COMMENT—SHOULD SECTION 404 APPROVAL REQUIRE SECTION 7 CONSULT. EPA requests comment on whether the agency should reconsider its current position that consultation under ESA section 7 is not required when EPA approves a state or tribe's request to assume the Clean Water Act (CWA) section 404 dredge-and-fill permit program ([85 FR 30953](#)). If EPA changes its current position, then EPA would take the position that its decision to approve or disapprove a state or tribe's request to assume the 404 permit program involves an exercise of discretion warranting consultation under ESA section 7. Section 7 consultation would consequently apply to state and tribal requests to assume the CWA section 404 program, and potentially subsequent program revisions, and EPA would consult on its actions with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) under the ESA as appropriate. Comments are due 6 JUL 20.

Department of Defense Activity

AR 40-5, ARMY PUBLIC HEALTH. The Army has reissued [Army Regulation \(AR\) 40-5, Army Public Health Program](#). This major revision, dated 12 MAY 20, changes the title of the regulation from Preventative Medicine to Army Public Health Program. The complete summary of change can be found on pages 2 and 3 of the reissued regulation.

DA PAM 40-11, ARMY PUBLIC HEALTH. The Army has reissued [Department of Army Pamphlet \(DA PAM\) 40-11, Army Public Health](#). This major revision, dated, 18 MAY 20, changes the title of the pamphlet from Preventative Medicine to Army Public Health Program. The complete summary of change can be found on pages 2 and 3 of the reissued pamphlet.

FEDERAL FUNDING OPPORTUNITY—DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM. The Office of Economic Adjustment (OEA) has [announced](#) an opportunity for state and local governments, and not-for-profit, member owned utility services to receive federal funding from OEA to address deficiencies in community infrastructure supportive of a military installation, under the [Defense Community Infrastructure Pilot Program](#). Proposals will be accepted until 26 JUN 20 for

grants for the construction of off-base infrastructure. Projects that have a cost-share and have been endorsed by the local installation will receive a more favorable evaluation. Proposed projects must request at least \$250,000, but no more than \$25 million and they must be ready for immediate execution (i.e., acquire permits within six months and start construction within 12 months). The Secretary of Defense approved this program 6 MAY 20 and identified the priority focus to be military family quality of life, military resilience, and military value. Because this is a new program, OEA is requesting public comment on the proposed grant selection criteria, which can be found in Section E of the [announcement](#) on the OEA website.

Professional Development

DOD TRAINING SOURCES

2020 SUSTAINING MILITARY READINESS CONFERENCE POSTPONED. The [2020 Sustaining Military Readiness Conference](#) planned for 10-13 AUG in San Antonio, Texas has been postponed until 2022.

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

BIODEBASED 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 virtually host its [Energy Exchange 2020](#) training and trade show event 10-14 AUG 20. 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.

24 JUN 20—SOUTHERN FIRE EXCHANGE: PRESCRIBED FIRE 101. Registration is now available for the Prescribed Fire 101 webinar hosted by Southern Fire Exchange, Tall Timbers Research Station, and the University of Florida. Southeast state and local air agencies will also be participating in the webinar. The free one-hour webinar will take place 24 JUN 20 from 1:00 to 2:30 p.m. EDT.

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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](#).

