



Southern Review of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

July 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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INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL

The [Interstate Technology and Regulatory Council](#) (ITRC) celebrates 25 years of environmental stewardship in 2020. An organization that began in the early 1990s to reduce regulatory barriers to the use of innovative environmental cleanup technologies, ITRC continues today as a research arm of the Environmental Council of the States (ECOS) and partner of DOD.

ITRC is a state-led coalition working to reduce barriers to the use of innovative air, water, waste, and remediation environmental technologies and processes. ITRC produces documents and training that broaden and deepen technical knowledge and expedite quality regulatory decision-making while protecting human health and the environment. The coalition has public and private sector members from all 50 states and the District of Columbia.

ITRC achieves its mission through its [Teams](#), which are composed of environmental professionals, including state and federal environmental regulators, federal agency representatives, industry experts, community stakeholders, and academia. Led by state environmental agency staff, Teams develop guidance documents and training courses. Current active teams include 1,4-Dioxane, PFAS, and Soil Background & Risk.

The ITRC [PFAS Team](#) is producing [technical resources](#) to help stakeholders improve their understanding of the current science regarding per- and polyfluoroalkyl substances (PFAS). Online technical resources include the PFAS Technical and Regulatory Guidance Document, PFAS Fact Sheets and Explainer Videos, Training Module Videos, and tables of data.

ITRC also delivers [training courses](#) to reach an audience of regulators, consultants, and other members of the environmental community. ITRC and the U.S. Environmental Protection Agency (EPA) host internet-based training at no cost to participants.

For more information about ITRC, including its history and strategic plan, click [here](#).

Region 4

For more information or to comment on any state issue in Region 4, contact [Dave Blalock](#), REEO-S Regional Counsel, (404) 545-5655.



Regional Activity

SOUTH ATLANTIC COASTAL STUDY (SACS) FOCUS AREA WORKSHOP WEBINARS. The South Atlantic Coastal Study provides a common understanding of risk from coastal storms and sea level rise to support resilient communities and habitats. SACS will be presenting focus area webinars 15-17 JUL. Contact the study team at SACS@usace.army.mil. The webinar schedule is as follows—all times EDT:

- Dare County / Outer Banks, North Carolina Focus Area — 15 JUL, 9-10:30 a.m.
- Panama City Beach / Mexico City, Florida Focus Area — 15 JUL, 11-12:30 p.m.
- Grand Strand, South Carolina Focus Area — 15 JUL, 1-2:30 p.m.
- Southwest Florida Focus Area — 15 JUL, 3-4:30 p.m.
- Pensacola/Fort Walton Beach/Destin, Florida Focus Area — 15 JUL, 3-4:30 p.m.
- Carteret/Craven County, North Carolina Focus Area — 16 JUL, 9-10:30 a.m.
- Charleston, South Carolina Metro Focus Area — 16 JUL, 1-2:30 p.m.
- Tampa Bay, Florida Region Focus Area — 16 JUL, 1-2:30 p.m.
- New Hanover/Brunswick Focus Area — 17 JUL, 9-10:30 a.m.
- Western Mobile Bay, Alabama Focus Area — 17 JUL, 11-12:30 p.m.
- Virgin Islands Focus Area — 17 JUL, 1-2:30 p.m.; 2:30-4:00 p.m.

Alabama

LEGISLATIVE SESSION: 4 FEB 20 THROUGH 18 MAY 20

There are no significant legislative activities to report.

REGULATORY ACTIVITY

2020 ANNUAL ONGOING DATA REQUIREMENT REPORT. Alabama Department of Environmental Management has released a report that demonstrates that the sources subject to EPA's Data Requirement Rule reporting requirement are in compliance with the 1-hour Sulfur Dioxide (SO₂) National Ambient Air Quality Standards (NAAQS) and have had no emissions increase. Notice was issued 22 JUN 20, and comments are due 22 JUL 20.

FEDERAL ACTIVITY

AIR PLAN APPROVAL—DEFINITIONS. EPA has proposed to approve a revision to Alabama’s State Implementation Plan (SIP) to modify the state’s air quality regulations as incorporated into the SIP to change the definition of volatile organic compounds (VOC) to be consistent with federal regulations. Comments were due 8 JUL 20.



LEGISLATIVE SESSION: 14 JAN 20 THROUGH 19 MAR 20

There are no significant legislative activities to report.

REGULATORY ACTIVITY

CONSUMPTIVE USES OF WATER. The Florida Department of Environmental Protection (FDEP) has proposed rulemaking to create uniform rules for application for consumptive use permitting within the Central Florida Water Initiative Area. The Central Florida Water Initiative Area is all of Orange, Osceola, Polk, and Seminole counties, and southern Lake County. Notice was posted 25 JUN 20, and a workshop will be held 12 AUG 20.

DIVISION OF STATE LANDS. FDEP held a meeting of the Acquisition and Restoration Council (ARC) for ARC to conduct regular business that includes reviewing land management plans, and other proposed uses of state-owned conservation lands. ARC took public testimony on new Florida Forever project proposals as well as existing land acquisition projects. The meeting was held 12 JUN 20.

DRAFT 2020 REGIONAL WATER SUPPLY PLAN. The Southwest Florida Water Management District held a [webinar](#) 30 JUN 20 regarding the draft 2020 water supply plan. The *Draft 2020 Regional Water Supply Plan* is an assessment of projected water demands and potential sources of water to meet the demands in the Southwest Florida Water Management District for the period from 2020 through 2040.

EMERALD COAST LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)—HAZARDOUS MATERIALS (HAZMAT) PLAN. The Emerald Coast LEPC held a meeting to discuss the content and level of detail provided in the HAZMAT plan to support local officials, given its scope as a regional/non-local plan, and to examine the implications from recent incidents as they relate to the HAZMAT plan and LEPC’s mission. The [meeting](#) was held 8 JUN 20.

HARMFUL ALGAL BLOOM GRANT PROGRAM. The Florida Fish and Wildlife Conservation Commission (FWCC) held a meeting to make a final determination of awards for the 2020 Harmful Algal Bloom Grant Program. The [meeting](#) was held 6 JUL 20.

HARMFUL ALGAL BLOOM TASK FORCE. FWCC held a meeting to focus on strategies for implementing initial recommendations to reduce impacts associated with *Karenia brevis* (red tide.) The [meeting](#) was held 24 JUN 20.

MODEL LIGHTING ORDINANCE FOR MARINE TURTLE PROTECTION. FDEP has proposed rulemaking to amend sections of [Rule Chapter 62B-55](#), Model Lighting Ordinance for Marine Turtle Protection, to update nonmandatory guidelines and reflect improvements in lighting technology. [Notice](#) was posted 3 JUN 20, and a workshop was held 17 JUN 20.

NORTHERN EVERGLADES WATERSHED PROTECTION PLANNING WORKSHOP. The South Florida Water Management District held a workshop for public input on identifying projects, activities, and programs to improve the quality, quantity, timing, and distribution of water in the Northern Everglades. Public comments will support Basin Management Action Plans adopted by FDEP to achieve total maximum daily loads for the Lake Okeechobee Watershed and the St. Lucie and Caloosahatchee River watersheds and estuaries. The [workshop](#) was held 26 JUN 20.

NOXIOUS WEED LIST. The Florida Division of Plant Industry has [proposed rulemaking](#) to clarify regulations pertaining to transporting and disposing noxious or prohibited aquatic plants; adding plants to the Noxious Weed List; updating who is authorized to recommend members to the List Review Committee for Noxious Weed Invasive Plants; and clarifying the form required to import *Saccharum* and *Miscanthus* species. Comments were due 30 JUN 20.

PERMITTING GUIDELINES — SOUTHEASTERN AMERICAN KESTRELS. FWCC held a workshop to present the early development of draft Species Conservation Measures and Permitting Guidelines for the southeastern American kestrel. The workshop was held 8 JUL 20.

PUBLICATIONS INCORPORATED BY REFERENCE. The South Florida Water Management District has proposed rulemaking regarding water reservation for the Central Everglades Planning Project Everglades Agricultural Area Reservoir, in volumes, locations, and time of the year as is necessary for the protection of fish and wildlife. Rulemaking is also proposed for an associated “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District” criteria. A [workshop](#) was held 14 JUL 20.

WATER RESERVATIONS. The South Florida Water Management District has proposed rulemaking regarding the Comprehensive Everglades Restoration Plan, the framework to restore the Greater Everglades Ecosystem. A [workshop](#) was held 14 JUL 20.

FEDERAL ACTIVITY

STATE HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS—FINAL AUTHORIZATION. EPA has granted Florida final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The final authorization was effective 1 JUN 20.



LEGISLATIVE SESSION: 13 JAN 20 THROUGH 26 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 — INFRASTRUCTURE REQUIREMENTS. EPA has approved a revision to Georgia’s SIP relating to the good neighbor provision of the Clean Air Act (CAA) for the 2010 1-hour SO₂ NAAQS. The rule is effective 23 JUL 20.

AIR PLAN APPROVAL — REMOVAL OF TRANSPORTATION CONTROL MEASURES. EPA has proposed to approve a revision to Georgia’s SIP for the purpose of removing certain transportation control measures from 13 counties in the Atlanta area. EPA has also proposed to approve Georgia’s update to the 2008 8-hour Ozone Maintenance Plan. Comments are due 30 JUL 20.

Kentucky

LEGISLATIVE SESSION: 7 JAN 20 THROUGH 15 APR 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 approved portions of Kentucky's SIP because Kentucky has demonstrated it meets the infrastructure requirements of the CAA for the 2015 8-hour Ozone NAAQS. The rule was effective 1 JUL 20.

Mississippi

*LEGISLATIVE SESSION: IN RECESS BEGINNING 1 JUL 20; RETURN NO LATER THAN 5 OCT 20
DUE TO COVID-19*

HB 827, MISSISSIPPI DEPARTMENT OF MARINE RESOURCES. The bill established the Mississippi Department of Marine Resources and gives the department full power to manage, control, supervise, enforce, and direct any matters pertaining to saltwater aquatic life and marine resources under the jurisdiction of the Mississippi Commission on Marine Resources. The Department of Marine Resources is made up of the Mississippi Offices of Coastal Resources Management, Finance and Administration, Marine Fisheries, Marine Patrol, and Coastal Restoration and Resiliency. The bill was signed into law 1 JUL 20.

REGULATORY ACTIVITY

There are no significant regulatory activities to report.

North Carolina

LEGISLATIVE SESSION: 28 APR 20 THROUGH 3 SEP 20

HB 308 (SB 374), REGULATORY REFORM ACT OF 2020. The bill provides several regulatory updates including the development of solid waste management procedures during declared emergencies. The bill was signed into law 1 JUL 20.

SB 681, AGENCY POLICY AND DIRECTIVES UPDATES. The bill updates several North Carolina state policy directives for the 2019-2021 fiscal biennium. Directives include the use of funds from the One Million Acres Program to be used to provide buffers around military bases to protect the military mission and the establishment of the Military Presence Stabilization Fund to fund actions designed to make the state less vulnerable to closure pursuant to the federal Base Realignment and Closure Act. The bill was signed into law 1 JUL 20.

REGULATORY ACTIVITY

2020-2021 ANNUAL MONITORING NETWORK PLAN. The North Carolina Department of Environmental Quality has issued [notice](#) of an opportunity to comment on the 2020-2021 Annual Monitoring Network Plan. Comments were due 29 JUN 20.

ONSITE WASTEWATER CONTRACTORS AND INSPECTORS—WAIVER OR EXTENSION. The North Carolina Onsite Wastewater Contractors and Inspectors Certification Board has enacted an emergency rule regarding the board's waiver or extension abilities during the COVID-19 public health emergency. The [temporary rule](#) was published in the May *Southern Review*. The [emergency rule](#) was retroactively effective 20 MAY 20.

South Carolina

LEGISLATIVE SESSION: 8 JAN 19 THROUGH 25 JUN 20; SPECIAL SESSION BEGINS

15 SEP 20

There are no significant legislative activities to report.

REGULATORY ACTIVITY

There are no significant regulatory activities to report.

Tennessee

LEGISLATIVE SESSION: 14 JAN 20 THROUGH 19 JUN 20

HB 728 (SB 906), IMPACTS OF OFF-HIGHWAY MOTOR VEHICLES AND HABITAT. The bill would direct the Tennessee Wildlife Resources Agency (TWRA) to report findings of a study relating to the impacts of off-highway motor vehicles on habitat and environment to the House Agriculture and Natural Resources Committee and the Senate Energy, Agriculture, and Natural Resources Committee. The bill has been carried over to the next legislative session.

SB 1358 (HB 1256), WETLAND AND BOTTOMLAND HARDWOOD FORESTS. The bill would require TWRA to issue an annual report concerning acquisition priorities for wetland and bottomland hardwood forest acquisition. The bill has been carried over to the next legislative session.

SB 2649 (HB 2868), TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION TERMINATION. The bill would terminate the Tennessee Department of Environment and Conservation 30 JUN 20 causing the department to go into a one-year wind down period and cease to exist 30 JUN 21. The bill was introduced 5 FEB 20.

REGULATORY ACTIVITY

AMBIENT AIR MONITORING PLAN. The Tennessee Department of Environment and Conservation invited public comment to consider revisions to the Tennessee Division of Air Pollution Control's Ambient Air Monitoring Plan. An annual evaluation of the plan is required by federal regulations. The [comment deadline](#) was 29 JUN 20.

FEDERAL ACTIVITY

AIR PLAN APPROVAL — NITROGEN OXIDES (NO_x) EMISSIONS. EPA has proposed to approve a revision to Tennessee's SIP concerning NO_x emissions. A letter submitted by the state of Tennessee revises the Tennessee Air Pollution Control Rule titled "NO_x SIP Call Requirements for Stationary Boilers and Combustion Turbines." Comments were due 8 JUL 20.

AIR PLAN APPROVAL — REMOVAL OF VEHICLE INSPECTION AND MAINTENANCE (I/M) PROGRAM—HAMILTON COUNTY. EPA has proposed to approve a revision to Tennessee's SIP to remove Tennessee's I/M program requirements for Hamilton County from the federally approved SIP. Comments were due 8 JUL 20.

AIR PLAN APPROVAL — REMOVAL OF VEHICLE I/M PROGRAM—MIDDLE TENNESSEE. EPA has proposed to approve a revision to Tennessee's SIP to remove Tennessee's I/M program requirements for Davidson, Sumner, Rutherford, Williamson, and Wilson counties. Comments were due 13 JUL 20.

DRINKING WATER — CROSS-MEDIA ELECTRONIC REPORTING. EPA has approved Tennessee's request to revise its EPA-authorized program under the National Primary Drinking Water Regulations Implementation to allow electronic reporting. EPA's approval will be effective 27 JUL 29 if no request for a public hearing is received.

COVID-19 Resources

CENTERS FOR DISEASE CONTROL (CDC) GUIDANCE ON AT-RISK INDIVIDUALS. CDC has broadened its warning about who is at risk of developing severe diseases from COVID-19 infection to include younger people who are obese or have other health conditions. The new advice frames the risk as rising with age, rather than emphasizing a discrete threshold such as 65 and older. CDC has also warned that being pregnant may increase a woman's risk of being hospitalized and having a severe bout of the illness. The [press release](#) was published 25 JUN 20.

COVID-19 IMPLICATIONS FOR EPA'S ENFORCEMENT AND COMPLIANCE ASSURANCE PROGRAM — ADDENDUM ON TERMINATION. EPA issued a memorandum titled [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program](#) 26 MAR 20. The memorandum was a temporary policy regarding EPA's exercise of enforcement of environmental legal obligations during the COVID-19 public health emergency. Since that time, new federal guidelines and directives have been issued to support both the public health response and economic recovery efforts, and many parts of the country have already taken steps to relax social distancing restrictions in parts or all of individual states. As state and local restrictions are relaxed or lifted, so too may the restrictions that potentially impede regulatory compliance, reducing the circumstances in which the temporary policy may apply. In light of these developments, the temporary policy has been revised to include a termination date of 31 AUG 20 for the temporary policy. The Addendum on Termination memorandum can be found [here](#).

KEY CONSIDERATIONS FOR AGENCIES RETURNING EMPLOYEES TO WORKPLACES DURING PANDEMICS. The Government Accountability Office (GAO) has published testimony on "Key Considerations for Agencies Returning Employees to Workplaces During Pandemics" ([GAO-20-650T](#)). The report touches on practices for ensuring effectiveness of telework and discusses considerations for returning to the workplace.

PREPARATIONS FOR 2020 HURRICANE SEASON AMID COVID-19. In a 9 JUN 20 news release, EPA has assured the public that the agency maintains its readiness to prepare for and respond to hurricanes amid the COVID-19 pandemic. Hurricane season began 1 JUN 20. EPA has a major role working with federal, tribal, state, and local government partners to help communities prepare for and respond to hurricanes and other natural disasters. To adapt its preparedness and response efforts amid COVID-19, EPA will follow the Federal Emergency Management Agency's (FEMA) "[COVID-19 Pandemic Operational Guidance for the 2020 Hurricane Season](#)" and any relevant EPA guidance.

Federal Activity

AIR

ANNUAL REPORT ON AIR QUALITY. EPA has released its annual report on air quality through 2019 on 8 JUN 20. Among the highlights of the report are that, from 2017 to 2019, the combined emission of criteria pollutants and their precursors dropped 7% and the number of days listed as unhealthy for sensitive groups in the Air Quality Index dropped by 34%. The report includes interactive graphics that enable citizens, policymakers, and stakeholders to view and download detailed information by pollutant, geographic location, and year. The report and data can be viewed [here](#).

BENEFITS AND COSTS OF CLEAN AIR ACT. EPA has proposed processes that it would be required to undertake in promulgating regulations under CAA to ensure that information regarding the benefits and costs of regulatory decisions is provided and considered in a consistent and transparent manner ([85 FR 35612](#)). EPA has proposed to establish procedural requirements governing the development and presentation of benefit-cost analyses including risk assessments used for significant rulemakings conducted under CAA. An update to the proposed rulemaking was published 19 JUN 20 and extends the comment period from the original date ([85 FR 37057](#)). Comments are due 3 AUG 20.

DUST-LEAD POST-ABATEMENT CLEARANCE LEVELS. EPA has evaluated the current dust-lead clearance levels (DLCL) and is proposing to lower the DLCL from 40 micrograms per square feet and 250 micrograms per square feet for floors and window sills, respectively ([85 FR 37810](#)). EPA has released a [proposal](#) to reduce the amount of lead that can remain in dust on floors and windowsills after lead removal activities to better protect children from the harmful effects of lead exposure. Additional information on the proposal and reducing the risk of lead exposure can be found [here](#). Comments are due 24 AUG 20.

ETHYLENE OXIDE — COMMERCIAL STERILIZATION FACILITIES. EPA has [proposed an information collection request \(ICR\)](#) for ethylene oxide commercial sterilization facilities and has requested public comment on the action. The data collected through the ICR, in combination with a December 2019 questionnaire, will enable EPA to have a better understanding of emissions, emission sources, processes and control technologies in use at ethylene oxide sterilization facilities nationwide. EPA's analysis of the ICR data will support the agency's ongoing review of the Ethylene Oxide Commercial Sterilization and Fumigation Operations NESHAP. EPA will accept comment on the proposed ICR for 60 days after publication in the Federal Register.

RESIDUAL RISK AND TECHNOLOGY REVIEW FOR ENGINE TEST CELLS/STANDS. EPA has finalized the residual risk and technology review conducted for the Engine Test Cells/Stands source category regulated under the National Emission Standards for Hazardous Air Pollutants (NESHAP) ([85 FR 34326](#)). EPA has also taken final action on amendments to the Engine Test Cells/Stands NESHAP addressing periods of startup, shutdown, and malfunction. The final rule was effective 3 JUN 20.

RENEWABLE FUELS AND AIR QUALITY. EPA has proposed that no additional measures are necessary pursuant to CAA Section 211(v) to mitigate the adverse air quality impacts of the renewable fuel volumes required under CAA Section 211(o) ([85 FR 34688](#)). Comments were due 8 JUL 20.

ENERGY

BATTERY CRITICAL MATERIALS SUPPLY CHAIN. The U.S. Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy (EREE) will host a Research and Development Battery Critical Materials Supply Chain Workshop in fall 2020 and is seeking input to inform the workshop agenda ([85 FR 36394](#)). DOE is requesting information on challenges and opportunities in the upstream and midstream critical materials battery supply chain. EREE is specifically interested in

information on raw minerals production and refining and processing of cathode materials including cobalt, lithium, and battery grade (Class I) nickel. Responses to its request for information must be received by 16 JUL 20.

MISCELLANEOUS

2020 FEDERAL GREEN CHALLENGE WINNERS. EPA has recognized federal facilities for applying practical cost-effective measures to conserve money and resources as part of the Federal Green Challenge (FGC). The challenge is a national effort under EPA's Sustainable Materials Management Program, which encourages federal agencies to reduce the federal government's environmental impact. In fiscal year (FY) 2019, FGC participants reduced their environmental impact throughout the waste stream. EPA has awarded the following participants for their efforts in improving the efficiency of their facilities in FY 2019:

- Waste—Department of Veterans Affairs, James E. Van Zandt VA Medical Center, Altoona, Pennsylvania.
- Electronics—Department of Defense, Massachusetts (Barnes) Air National Guard, 104th Fighter Wing, Westfield, Massachusetts; and Drug Enforcement Administration, Western Laboratory, Pleasanton, California.
- Purchasing—Department of Veterans Affairs, Minneapolis Veterans Affairs Health Care System, Minneapolis, Minnesota; and Department of Veterans Affairs, Manchester Medical Center, Manchester, New Hampshire.
- Water—Department of Veterans Affairs, Minneapolis Veterans Affairs Health Care System, Minneapolis, Minnesota.
- Transportation—Department of Veterans Affairs, Central Arkansas Veterans Healthcare System, North Little Rock, Arkansas; and Department of Energy, Argonne National Laboratory, Lemont, Illinois.

Additional information on the Federal Green Challenge and 2020's winners can be found [here](#).

SPRING 2020 UNIFIED AGENDA OF REGULATORY AND DEREGULATORY ACTIONS. EPA and the rest of the federal government have released the [Spring 2020 Unified Agenda of Regulatory and Deregulatory Actions](#), which provides updates to the public about regulatory activity planned for the next 12 months. The Spring Agenda contains 29 new actions expected to be issued over the next 12 months.

NATURAL RESOURCES

FLORIDA REGIONAL WETLANDS PROGRAM DEVELOPMENT GRANT. On 18 JUN 20, EPA awarded the Florida Department of Environmental Protection a \$174,079 grant to support the state's efforts in identifying and assessing Florida's wetlands and to support Florida's Natural Area Inventory with establishing and assessing reference sites. Additional information on the award and wetland development can be found [here](#).

NATIONAL POLLINATOR WEEK. EPA Administrator signed a [proclamation](#) 22 JUN 20 designating the week of 22 June as National Pollinator Week. EPA is leading several efforts to protect bees and other pollinators from pesticide exposure to ensure they can thrive in their habitats. In 2019, the agency updated its bee mortality data table to help farmers and beekeepers estimate how long a specific pesticide may remain toxic to bees and other insect pollinators following application. EPA has also focused on advancing public awareness of the importance of protecting pollinators, including the launch of a [free webinar series](#) highlighting ongoing work to promote pollinator health and habitat. The webinar series is available through September 2020.

NEPA

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) IMPLEMENTING PROCEDURES. The Department of the Interior has proposed to revise the NEPA implementing procedures for the Bureau of Land Management at Chapter 11 of Part 516 of the Department Manual with a proposed new categorical exclusion for authorization of the salvage harvest of dead or dying trees ([85 FR 33697](#)). Comments were due 2 JUL 20.

T&E SPECIES

CRITICAL HABITAT DESIGNATION—FLORIDA BONNETED BAT. The U.S. Fish and Wildlife Service (FWS) has proposed to designate critical habitat for the Florida bonneted bat (*Eumops floridanus*) under the Endangered Species Act ([85 FR 35510](#)). Approximately 1,478,333 acres in portions of 10 Florida counties fall within the boundaries of the proposed critical habitat designation. Written requests for public hearings are due 27 JUL 20. Comments on the proposed rule or draft economic analysis are due 10 AUG 20.

TOXICS

METHYLENE CHLORIDE — FINAL TOXIC SUBSTANCES CONTROL ACT (TSCA) RISK EVALUATION. EPA has formally published its TSCA risk evaluation of methylene chloride ([85 FR 37942](#)). EPA has determined that most commercial uses of methylene chloride present an unreasonable health risk. The few commercial uses not identified as an unreasonable risk include use as a laboratory chemical and several non-contact uses such as manufacturing, distribution, disposal, processing as a reactant, and recycling. EPA will initiate TSCA section 6(a) risk management actions on these conditions of use as required under TSCA section 6(c)(1). EPA has up to one year to propose and take public comments on any risk management actions. Notice was published 24 JUN 20.

PFAS TOXIC CHEMICAL RELEASE REPORTING. EPA has added 172 PFAS to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act and section 6607 of the Pollution Prevention Act ([85 FR 37354](#)). EPA has set a manufacture, processing, and otherwise use reporting threshold of 100 pounds for each PFAS being added to the list. The actions were taken to comply with section 7321 of the [National Defense Authorization Act for Fiscal Year 2020](#) enacted 20 DEC 19. The rule is effective 22 JUN 20.

WASTE

IGNITABLE LIQUIDS DETERMINATION. EPA has finalized changes to the hazardous waste regulations that modernize how the hazardous waste characteristic of ignitability is determined under the Resource Conservation and Recovery Act. The final rulemaking allows the use of non-mercury thermometers in a variety of EPA's analytical methods that currently require mercury thermometers. The final amendments also allow for the use of modern equipment and techniques for making ignitability determinations for waste. In addition, the changes reduce potential mercury exposures to humans and the environment by reducing the overall use of mercury-containing products. The final rule is effective 60 days after publication in the Federal Register. For more information, click [here](#).

NEW MAPPING TOOL FOR MANAGING DEBRIS. EPA has announced the nationwide expansion of an interactive dataset that maps recyclers and landfills for the planning, response, and recovery of debris. The debris recovery tool can assist with debris management planning by identifying potential facilities before a disaster occurs, which can help communities recover faster. More information on EPA's debris recovery tool can be found [here](#). EPA's Planning for Natural Disaster Debris guide and managing materials and wastes for homeland security can be found [here](#).

PREVENT AND MINIMIZE RELEASES DURING HAZARDOUS WEATHER EVENTS. EPA has issued a Hazardous Weather Release Prevention and Reporting alert to remind facility operators of certain requirements that call for preventing, minimizing, and reporting chemical releases. The alert is designed to increase awareness among facility operators about their obligation to operate facilities safely, minimize releases that do occur, and report chemical or oil releases and discharges in a timely manner, as required under the Comprehensive Environmental Response, Compensation and Liability Act, the emergency planning provisions of the Emergency Planning and Community Right-to-Know Act, and/or the National Oil and Hazardous Substances Pollution Contingency Plan. The alert specifies release prevention and preparedness requirements and clarifies reporting requirements, including exemptions. The alert and requirements can be found [here](#).

WATER

2019 STATE OF GREAT LAKES REPORT. EPA and the Environment and Climate Change Canada have released the [2019 State of the Great Lakes report](#) that provides an overview of the status and trends of the Great Lakes ecosystem. The report shows that invasive species and excess nutrients continue to undermine ecosystem health. The status reports directly inform state and federal policies toward the Great Lakes. The report is developed in accordance with the [Great Lakes Water Quality Agreement](#). The assessment is based on indicators of ecosystem health, such as drinking water, fish consumption, and beach closures.

ADDITIONAL FUNDING TO REDUCE EXCESS NUTRIENTS IN GULF OF MEXICO WATERSHED. EPA has announced that it is providing an additional \$840,000 to the 12 state members of the Hypoxia Task Force (HTF), expanding the \$1.2 million that the agency already announced in August 2019. The funding will help HTF states implement plans that accelerate progress on reducing excess nutrients and improving water quality in the Mississippi River/Atchafalaya River Basin. Additional information on excess nutrients, hypoxia, and the Hypoxia Task Force can be found [here](#).

FINAL RULE—CLEAN WATER ACT SECTION 401 CERTIFICATION RULE. EPA finalized the [“Clean Water Act Section 401 Certification Rule”](#) 1 JUN 20 to implement the water quality certification process consistent with the text and structure of the Clean Water Act (CWA.) The final rule establishes procedures that promote consistent implementation of CWA section 401 and regulatory certainty in the federal licensing and permitting process. The final rule also provides a holistic analysis of the statutory text, legislative history, and relevant case law informing implementation of CWA section 401. The final rule will become effective 60 days after the date of publication in the Federal Register.

FINAL RULE—PERCHLORATE IN DRINKING WATER. EPA has issued a final action regarding the regulation of perchlorate under the Safe Drinking Water Act (SDWA). Perchlorate is commonly used in solid rocket propellants, munitions, fireworks, and airbag initiators for vehicles, matches, and signal flares. The agency has determined that perchlorate does not meet the criteria for regulation as a drinking water contaminant under the SDWA. The agency has withdrawn the 2011 regulatory determination and has made a final determination to not issue a national regulation for perchlorate at this time. More information about the final rule and perchlorate can be found [here](#).

NATIONAL DRINKING WATER ADVISORY COUNCIL—REQUEST FOR NOMINATIONS. EPA has invited nominations to fill vacancies on the National Drinking Water Advisory Council ([85 FR 35930](#)). The 15-member council was established by the SDWA to provide independent advice, consultation, and recommendations to the EPA administrator on matters related to the activities, functions, policies, and regulations required by SDWA. Nominations were due 13 JUL 20.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM (WIFIA) CRITERIA. EPA, the Office of Management and Budget, and the Department of Treasury have provided potential applicants to WIFIA with information about budgetary screening criteria that will be applied to projects in accordance with the Further Consolidated Appropriations Act, 2020 ([85 FR 39189](#)). The effective date was 30 JUN 20.

WATER QUALITY DATA TRANSPARENCY TOOL. On 18 JUN 20, EPA announced a new tool, “How’s My Waterway?” that assembles publicly available water quality data into a package that provides information on the quality of the nation’s waters at the community, state, and national level. The tool was created in partnership with states and water stakeholders and will facilitate next steps in the collective efforts to continue providing clean water for recreation and safe drinking water for communities across the nation. Additional information on the [water quality data transparency tool](#) can be found [here](#).

WATERSense PROGRAM—EXTENSION OF COMMENT PERIOD. EPA has extended the comment period for the document issued in the Federal Register [10 APR 20](#), “Notice of Recent Specifications Review and Request for Information on WaterSense Program” ([85 FR 34436](#)). The comment period has been extended from 9 JUN to 24 JUL 20.

Department of Defense Activity

ALTERNATIVES FOR REDUCING ARMY INSTALLATION UTILITY BILLS. [RAND Arroyo Center](#), the U.S. Army's federally funded research and development center, has conducted a study to investigate maintaining or enhancing military base readiness while reducing utility costs. The study includes information on the following readiness items:

- The use of existing water sources such as reclaimed water and nontraditional sources as new water sources.
- Army installations' producing and consuming of its own power sources.
- The move to smaller distributed energy sources such as smart grids.
- Implementing nontraditional installation energy and water partnerships.

The study report, *Alternatives for Reducing Army Installation Utility Bills While Enhancing Installation Readiness*, can be found [here](#).

DOD MANUAL 4715.05, VOLUME 1 — OVERSEAS ENVIRONMENTAL BASELINE GUIDANCE DOCUMENT: CONSERVATION. DOD has reissued DOD Manual (DODM) [4715.05, Volume 1, Overseas Environmental Baseline Guidance Document: Conservation](#). The manual is composed of multiple volumes, each addressing specific areas of environmental management. Among other things, the manual is used by DOD lead environmental components (LECs) to establish and update final governing standards (FGSs) and establishes baseline environmental standards for installations in countries for which an FGS is not required or has not been developed. Volume 1 identifies environmental standards for installations to ensure: (1) the protection and management of historic and cultural resources; and (2) the conservation of natural resources and species at risk. The manual, effective 29 JUN 20, reissues and cancels DOD 4715.05-G, dated 1 MAY 07.

DODM 4715.05, VOLUME 2 — OVERSEAS ENVIRONMENTAL BASELINE GUIDANCE DOCUMENT: AIR AND TOXICS. DOD has issued [DODM 4715.05, Volume 2, Overseas Environmental Baseline Guidance Document: Air and Toxics](#). This volume identifies environmental standards for installations to ensure: (1) the control of air emission sources; (2) the control and abatement of threats from asbestos; (3) the identification, control, or elimination of lead-based paint hazards in child-occupied facilities and military family housing; and (4) the control of threats from the storage, use, and disposal of polychlorinated biphenyls (PCBs). The manual was effective 29 JUN 20.

DODM 4715.05, VOLUME 3 — OVERSEAS ENVIRONMENTAL BASELINE GUIDANCE DOCUMENT: WATER. DOD has issued [DODM 4715.05, Volume 3, Overseas Environmental Baseline Guidance Document: Water](#). This volume identifies environmental standards for installations to ensure: (1) the safety of water that is provided for human consumption; and (2) the control of discharges of wastewater and stormwater into the waters of the host nation. The manual was effective 29 JUN 20.

DODM 4715.05, VOLUME 4 — OVERSEAS ENVIRONMENTAL BASELINE GUIDANCE DOCUMENT: HAZARDOUS MATERIALS, STORAGE TANKS, SPILLS, AND PESTICIDES. DOD has issued [DODM 4715.05, Volume 4, Overseas Environmental Baseline Guidance Document: Hazardous Materials, Storage Tanks, Spills, and Pesticides](#). This volume identifies environmental standards for installations to ensure: (1) the safe handling and storage of hazardous materials; (2) the prevention and control of pollution from the storage, transport, and distribution of petroleum, oil, and lubricants (POL); (3) the prevention and control of pollution from POL and hazardous substances stored in underground storage tank systems; (4) the planning, prevention, control, and reporting of POL and hazardous substance spills; and (5) the safe storage and use of pesticides. The manual was effective 29 JUN 20.

DODM 4715.05, VOLUME 5 — OVERSEAS ENVIRONMENTAL BASELINE GUIDANCE DOCUMENT: WASTE. DOD has issued [DODM 4715.05, Volume 5, Overseas Environmental Baseline Guidance Document: Waste](#). This manual identifies environmental standards for installations to ensure: (1) solid waste is collected, transported, stored, and recycled or disposed of in a manner protective of human health and the environment; (2) hazardous waste is identified, stored, transported, treated,

and recycled or disposed of in a manner protective of human health and the environment; and (3) medical waste is handled, stored, treated, and disposed of safely. The manual was effective 29 JUN 20.

Professional Development

DOD TRAINING SOURCES

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 1:00 p.m. Eastern time. The complete 2020 REPI Webinar Series is available for download [here](#). Upcoming webinars are as follows:

- 9 September, [Effective Community Engagement](#).
- 4 November, [Preparing for Extreme Weather: Improving Installation Resilience and Exploring Emergency Response Programs](#).
- 9 December, [Exploring Endangered Species Crediting Strategies](#).

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.

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 2021 PROSPECT (Proponent-Sponsored Engineer Corps Training) purple book has been released. 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.

FEDERAL TRAINING SOURCES

ADVANCING SCIENCE OF ASSESSING RISKS TO BEES FROM PESTICIDES—PART 1. EPA has announced the free webinar, "Advancing the Science of Assessing Risks to Bees from Pesticides—Part 1." Experts will explore advancements in the

development of standardized test methods and efforts to leverage existing data through retrospective analyses with a consideration of both pesticide exposure and effects. The webinar will be held 21 JUL 20 at 11:00 a.m. to 12:30 p.m. EDT.

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](#).

CDC CENTER FOR PREPAREDNESS AND RESPONSE (CPR) TELECONFERENCE. CDC will host a public virtual meeting to discuss the strategies and goals for the programs and research within CPR, monitoring the overall strategic direction and focus of the CPR divisions and offices, and administration and oversight of peer review for CPR scientific programs. The half-day teleconference will be held 16 JUL 20 at 12:20 p.m. EDT.

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 CONSERVATION STANDARDS FOR ROOM AIR CONDITIONERS WEBINAR. DOE's Office of Energy Efficiency and Renewable Energy will hold a webinar to discuss and receive comments on the preliminary analysis it has conducted for evaluating energy conservation standards for room air conditioners. The webinar will cover analytical framework, models, and tools that DOE has used to evaluate potential standards. The half-day webinar will be held 5 AUG 20 at 10:00 a.m. EDT.

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](#).

- [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

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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](#).

