



Southern Review of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

September 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.

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EARLY WARNING DASHBOARD TRAINING AVAILABLE

The U.S. Environmental Protection Agency (EPA) has posted training for its National Pollutant Discharge Elimination System (NPDES) Early Warning Significant Noncompliance (SNC) Dashboard to [FedCenter.gov](#) and EPA's Enforcement and Compliance History Online ([ECHO](#)) [training page](#).

According to the webinar introduction on FedCenter.gov, the NPDES Early Warning SNC Dashboard is designed to help states and other federal agencies better track the compliance status of individually permitted NPDES facilities. The SNC Dashboard allows users to view SNC statuses for last official quarter, subsequent unofficial quarter, and current quarter in progress ("real-time status"). Real-time statuses indicate whether a facility would be in SNC if nothing changed for the rest of the current quarter, or whether a single additional effluent violation could cause SNC ("warning").

The webinar overview describes the first hour of training as an introduction to the dashboard. The second hour focuses on conducting more advanced analysis with the dashboard.

Among the skills covered in the webinar are how to:

- Use the real-time status to help manage lists of facilities in SNC.
- Download a list of facilities at risk of SNC.
- View facilities one effluent exceedance away from SNC.
- Sort within the violations table to further refine a search.
- Identify very old SNC that may require data clean-up.

In order for federal users to obtain access to the Early Warning Dashboard and other compliance tools, users must register for an [ECHO account](#). Access to the webinar is free; it may be downloaded [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

There are no significant activities to report.

Alabama

LEGISLATIVE SESSION: 4 FEB 20 THROUGH 18 MAY 20

There are no significant legislative activities to report.

REGULATORY ACTIVITY

HAZARDOUS WASTE PROGRAM FEES. The Alabama Department of Environmental Management (ADEM) has initiated rulemaking regarding additional modifications to restructure the [Hazardous Waste Program Fees](#) outlined in Fee Schedule C. In addition, revisions to the Division 14 Code are being proposed to adopt the Universal Waste Aerosol Cans Rule and to adjust the term length for permits issued to hazardous waste treatment, storage, and/or disposal facilities by ADEM. The hearing and comment deadline are 17 SEP 20.

ONSITE WASTEWATER BOARD — NEW LICENSING. The Alabama Onsite Wastewater Board has proposed rulemaking to amend a rule for obtaining a new license. Comments were due 4 SEP 20.

PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) CONSENT ORDER WITH 3M. ADEM has [announced a consent order](#) with the 3M Company that holds the 3M Company accountable for cleaning up PFAS from its plant in Decatur, Alabama, and at multiple sites in northwest Alabama. The order requires the company to perform assessments at known waste sites in Morgan and Lawrence counties and at additional sites, to determine the levels of a class of PFAS and take remedial steps to reduce their presence. The company must also install specialized water and air control equipment, put in a place a system of investigations, monitoring, notifications, testing and research to track the pollutants, determine their health risks and impacts on the environment, and develop best practices for managing the cleanup and containment of the compounds. The consent order was issued 24 JUL 20.

Florida

LEGISLATIVE SESSION: 14 JAN 20 THROUGH 19 MAR 20

There are no significant legislative activities to report.

REGULATORY ACTIVITY

2020 PRIORITY WATERBODY LIST. The South Florida Water Management District (SFWMD), Southwest Florida Water Management District, and St. Johns River Water Management District held a joint public meeting to solicit stakeholder input on each district's annual update of their 2020 Priority Waterbody List and Schedule for the Establishment of Minimum Flows and Water Levels for the Central Florida Water Initiative (CFWI) and water reservations within the CFWI region. The [workshop](#) was held 1 SEP 20.

AIR REGULATORY PROJECTS UPDATE. The Florida Department of Environmental Protection (FDEP) has issued notice of an air regulatory projects update. The update summarizes recent air rule development and state planning activities; updates the list of Florida air rules recently adopted, revised, or repealed; and Clean Air Act (CAA) State Implementation Plan (SIP) revisions submitted to EPA. Notice was issued 23 JUL 20.

BIG CYPRESS BASIN BOARD MEETING. SFWMD held a workshop for the Water Resources Accountability and Collaboration Public Forum Group regarding high water levels in the Central Everglades (Water Conservation Areas). The [workshop](#) was held 27 AUG 20.

CORAL REEF CONSERVATION. FDEP held a meeting of the Southeast Florida Coral Reef Initiative (SEFCRI) team to update and facilitate discussions with team members and stakeholders regarding project planning and current projects. Items discussed included SEFCRI history and local action strategy project planning, current projects in Southeast Florida, stony coral tissue loss disease response effort, and management of the Southeast Florida Coral Reef Ecosystem Conservation Area. Meetings were held 2 SEP and 3 SEP 20.

ENDANGERED AND THREATENED SPECIES LIST — SOUTHEASTERN AMERICAN KESTREL. Florida's Fish and Wildlife Conservation Commission is considering revising the rule to incorporate by reference and link to commission-approved guidelines for the Southeastern American kestrel and revise rule provisions associated with species classified as Endangered, Threatened, or Species of Special Concern. Notice was published 17 AUG 20.

EPCRA MEETING. Florida's Local Preparedness Committee has issued notice of a public meeting regarding the Emergency Planning and Community Right-to-Know Act (EPCRA) as it relates to their communities. The meeting date is 17 SEP 20.

EVERGLADES TECHNICAL OVERSIGHT COMMITTEE. SFWMD held a quarterly meeting of the [Everglades Technical Oversight Committee](#) to provide an update on water quality conditions in the Loxahatchee National Wildlife Refuge and at inflows to Everglades National Park relative to the 1991 Settlement Agreement, entered as a Consent Decree in 1992, and modified in 1995. The [meeting](#) was 11 AUG 20.

FIVE-YEAR WORK PLAN HEARING. SFWMD held a public hearing to discuss proposed boundary modifications to the district's Five-Year Work Plan. The proposed modifications would move lands from the Allapattah Complex Natural Storage Component to the C-44 Reservoir and Stormwater Treatment Area Component, all located within the Indian River Lagoon-South, Comprehensive Everglades Restoration Plan project, in Martin County. The boundary modifications also add non-project lands to the C-44 Reservoir and Stormwater Treatment Area Component. The [meeting](#) was held 10 SEP 20.

FLORIDA FOREVER PROJECT PROPOSALS. Florida's Acquisition and Restoration Council invited public comment on the 2020 Florida Forever Cycle 2 project proposals for crayfish habitat restoration, Welannee Watershed Forest, Abington Ranch, Bluefield to Cow Creek, Withlacoochee River addition, and existing land acquisition projects. Meetings were held [1 SEP](#) and [2 SEP 20](#).

FLORIDA STATE CLEARINGHOUSE REVIEW. Florida's Office of the Secretary has given notice that the state is coordinating reviews of federal activities and federally funded projects as required by [Section 403.061\(42\), F.S.](#) The review includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Coastal Management Program. Notice was issued 30 JUL 20.

HAZARDOUS MATERIALS TRAINING. The South Florida Local Emergency Planning Committee (LEPC) held a public meeting to discuss the LEPC's ongoing regional hazardous materials training and planning activities for fiscal year 2021. The meeting was held 19 AUG 20.

MINIMUM FLOWS AND LEVELS PRIORITY LIST AND SCHEDULE. SFWMD held a meeting to solicit stakeholder input on the annual update of the district's Minimum Flows and Levels Priority List and Schedule. The Priority List and Schedule identifies water bodies for which the district plans to establish minimum flows and levels. The meeting was held 26 AUG 20.

MOTOR FUEL SPECIFICATIONS AND STANDARDS. Florida's Division of Consumer Services has [proposed rulemaking](#) to update adopted versions of ASTM International Designations and correct outdated rule references, adjust allowances for MTBE and sulfur, harmonize the levels of allowed methanol and butanol with EPA levels and update petroleum labeling requirements. Comments were due 24 AUG 20.

ST. JOHNS RIVER — MINIMUM SURFACE LEVELS AND FLOWS AND GROUNDWATER LEVELS. The St. Johns River Water Management District has invited public comment on the Draft 2020 Minimum Flows and Levels Priority List and Schedule. Hearings were held 1 SEP and 4 SEP 20.

STATE IMPLEMENTATION PLAN — INFRASTRUCTURE. The Florida Division of Air Resource Management has proposed revisions to Florida's SIP consisting of a request for EPA to approve various infrastructure SIP elements that EPA previously disapproved. FDEP has requested that EPA approve outstanding infrastructure elements from the 2008 Ozone Infrastructure SIP, the 1997 Ozone Infrastructure SIP, the 2006 Fine Particulate Matter SIP, and the 1997 Fine Particulate Matter Infrastructure SIP. Comments were due 20 AUG 20.

WATER RESERVATIONS — UPPER AND LOWER KISSIMMEE BASIN. SFWMD held a workshop to discuss the revised supporting technical document, which identifies the water needed for the protection of fish and wildlife, the revised draft reservation rule text, and the associated permitting criteria in the *Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District*. The [workshop](#) was held 3 SEP 20.



LEGISLATIVE SESSION: 13 JAN 20 THROUGH 26 JUN 20

There are no significant legislative activities to report.

REGULATORY ACTIVITY

EXISTING MUNICIPAL SOLID WASTE AND LANDFILL RULE UPDATE. Georgia's Environmental Protection Division held a hearing to provide an opportunity for the public to comment regarding the Existing Municipal Solid Waste Landfill Rule Update. The hearing was held 8 SEP 20.

GENERAL NPDES PERMIT REISSUANCE. Georgia's Department of Natural Resources has issued notice of an opportunity to comment regarding NPDES General Permit for Drinking Water Treatment Plant Dischargers. Comments are due 21 SEP 20.

FEDERAL ACTIVITY

REVISION TO INSPECTION AND MAINTENANCE (I/M) PROGRAM. EPA has approved a Georgia SIP revision that removes obsolete references, clarifies the state's I/M requirements, and updates terminology to reflect advances in technology. The final rule is effective 23 SEP 20.

Kentucky

LEGISLATIVE SESSION: 7 JAN 20 THROUGH 15 APR 20

There are no significant legislative activities to report.

REGULATORY ACTIVITY

AIR QUALITY — MARGINAL NONATTAINMENT AREA REQUIREMENTS. The Kentucky Division of Air Quality has issued notice of an opportunity to comment regarding a letter certifying the previously adopted emissions statement program and the nonattainment new source review program for the Kentucky 2015 Ozone Marginal Nonattainment areas. [Notice](#) was issued 1 SEP 20, and comments are due 29 SEP 20.

FEDERAL ACTIVITY

AIR PLAN APPROVAL — DESIGNATION OF AREAS. EPA has approved a Kentucky SIP revision to redesignate the Jefferson County Sulfur Dioxide (SO₂) nonattainment area to attainment for the 2010 1-hour SO₂ primary National Ambient Air Quality Standard (NAAQS) and approve a revision containing a maintenance plan for the area. The final rule was effective 8 SEP 20.

Mississippi

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

There are no significant legislative activities to report.

REGULATORY ACTIVITY

There are no significant regulatory activities to report.

FEDERAL ACTIVITY

AIR PLAN APPROVAL — BEST AVAILABLE RETROFIT TECHNOLOGY (BART) AND REGIONAL HAZE PROGRESS. EPA has proposed to approve a draft Mississippi SIP revision addressing BART determinations for 14 electric generating units (EGUs.) These EGUs were initially addressed in EPA's prior limited approval and limited disapproval actions on Mississippi's regional haze SIP because of deficiencies arising from the state's reliance on the Clean Air Interstate Rule. Comments were due 3 SEP 20.

North Carolina

LEGISLATIVE SESSION: 28 APR 20 THROUGH 3 SEP 20

There are no significant legislative activities to report.

REGULATORY ACTIVITY

SOLID WASTE MANAGEMENT AND LANDFILL PERMITTING. North Carolina Department of Environmental Quality (NC DEQ) has proposed amendments to several rules addressing solid waste management and requirements for landfills, transfer stations, and related permits. Hearings will be held 22 and 24 SEP 20, and comments are due 16 OCT 20. When commenting, please include "Solid Waste Rule Readoption" in the subject line.

UNDERGROUND STORAGE TANKS. NC DEQ has proposed amendments to rules regarding underground storage tanks and operators of underground storage tanks. Comments are due 16 OCT 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

ONSITE WASTEWATER SYSTEMS. South Carolina's Department of Health and Environmental Control has [proposed rulemaking](#) to amend R.61-56, Onsite Wastewater System, to add new system standards, clarify and amend definitions, and clarify and update selected sections. The amendments will modernize the regulation and streamline permitting procedures to address needed updates in administering the Onsite Wastewater program. Comments are due 28 SEP 20, and a hearing will be held 12 NOV 20.

Tennessee

LEGISLATIVE SESSION: 14 JAN 20 THROUGH 19 JUN 20

There are no significant legislative activities to report.

REGULATORY ACTIVITY

CONTROL OF SULFUR DIOXIDE EMISSIONS. Tennessee's Air Pollution Control Board has [proposed rulemaking](#) to amend Air Pollution Control Regulations and the SIP pursuant to Tennessee Code Annotated § [68-201-105](#), regarding the monitoring of sulfur dioxide emissions. Comments are due and a hearing has been scheduled for 3 NOV 20.

SIP AMENDMENTS. Tennessee's Department of Environment and Conservation has proposed rulemaking to adopt by reference the current version of 40 CFR Part 51 Appendix W, which is the federal guideline on air quality models. EPA is requiring these amendments for [construction and operating permits](#) and [General Alternate Emission Standards](#). Comments are due and a hearing has been scheduled for 3 NOV 20.

Federal Activity

AIR

ALLOCATIONS OF CROSS-STATE AIR POLLUTION RULE ALLOWANCES. 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 48521](#)). EPA has completed final 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 EPA's website. Additional information can be found [here](#).

EPA RESPONSES TO STATE DESIGNATION RECOMMENDATIONS FOR 2010 SO₂ PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD. EPA has posted responses to certain state designation recommendations for the 2010 SO₂ Primary NAAQS on EPA's website and electronic docket ([85 FR 51694](#)). These responses include EPA's intended designations for the affected areas, specifically all remaining undesignated areas for the 2010 SO₂ NAAQS. EPA also invites the public to review and provide input on its intended designations. EPA sent its responses directly to the states on or about 13 AUG 20. EPA intends to make final designation determinations for the areas addressed by these responses no later than 31 DEC 20. Additional information can be found [here](#). Comments are due 21 SEP 20.

FOSSIL FUEL-FIRED STEAM GENERATORS EMISSION REPORTING REQUIREMENTS IN SIPs. EPA is amending regulations at 40 CFR part 51 Appendix P that specify what SIPs must require of fossil fuel-fired steam generators (and three other source categories) with respect to continuous emission monitoring, recording, and reporting ([85 FR 49596](#)). The amendments revise provisions that specify the minimum frequency for submitting reports of excess emissions that must be included in SIPs. The minimum frequency is being revised from "each calendar quarter" to "twice per year at six-month intervals."

LABORATORY AND ANALYTICAL-USE EXEMPTION FOR ESSENTIAL CLASS I OZONE-DEPLETING SUBSTANCES (ODS). EPA is proposing to indefinitely extend the laboratory and analytical-use exemption for class I ODS in 40 CFR 82.8(b) ([85 FR 47940](#)). In November 2019, the Parties to the Montreal Protocol agreed to "extend the global laboratory and analytical-use exemption indefinitely beyond 2021, without prejudice to the parties deciding to review the exemption at a future meeting." That agreement also encouraged parties to further reduce their production and consumption of ODS for laboratory and analytical uses and to facilitate the introduction of laboratory standards that do not require such substances. EPA's proposal would make the laboratory and analytical-use regulatory exemption indefinite unless or until it is limited or eliminated through future rulemaking. Comments are due 6 OCT 20.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR MAJOR SOURCES: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS. EPA is proposing to amend several emission standards ([85 FR 52198](#)). On 31 JAN 13, EPA finalized amendments to the NESHAP for the control of hazardous air pollutants (HAP) at major sources from new and existing industrial, commercial, and institutional (ICI) boilers and process heaters. Subsequently, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit), in a decision issued in July 2016, remanded several of the emission standards to EPA based on the court's review of EPA's approach to setting those standards. In response to the remands, this action proposes to amend several numeric emission limits for new and existing boilers and process heaters consistent with the court's opinion and set compliance dates for the new emission limits. The court also remanded for further explanation EPA's use of carbon monoxide (CO) as a surrogate for organic HAP and, in a subsequent decision in March 2018, remanded for further explanation EPA's use of a CO threshold to represent the application of the maximum achievable control technology for organic HAP. The proposed changes to the emissions limits will protect air quality and promote public health by reducing emissions of the HAP listed in CAA. This action also addresses the two issues remanded to EPA for further explanation. EPA is also proposing several technical clarifications and corrections. Comments are due 23 OCT 20.

REVIEW OF OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS. EPA has finalized review of the air quality criteria and the NAAQS for photochemical oxidants including ozone ([85 FR 49830](#)). EPA is proposing to retain the current standards, without revision. Comments are due 1 OCT 20.

REVISIONS TO APPENDIX P 40 CFR PART 51 — MINIMUM EMISSION REPORTING REQUIREMENTS IN SIPS. EPA is issuing significant new use rules under the Toxic Substances Control Act (TSCA) for chemical substances that are the subject of premanufacture notices ([85 FR 46550](#)). This action requires persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of the chemical substances for an activity that is designated as a significant new use by this rule. The required notification initiates EPA's evaluation of the chemical under the conditions of use within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the Significant New Use Notice (SNUN), made an appropriate determination on the SNUN, and has taken such actions as are required as a result of that determination. This rule becomes effective 2 OCT 20.

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND EMISSION GUIDELINES FOR EXISTING SOURCES — OTHER SOLID WASTE INCINERATION UNITS REVIEW. In accordance with requirements under the CAA, EPA performed a periodic review of the emissions standards and other requirements for Other Solid Waste Incineration (OSWI) units, covering certain very small municipal waste combustion and institutional waste incineration units ([85 FR 54178](#)). Although EPA is not proposing revisions to the OSWI New Source Performance Standards (NSPS) and Emission Guidelines (EG) specifically based on its statutory periodic review, EPA is otherwise, in accordance with its authority under the CAA, proposing changes to the OSWI NSPS and EG. Comments are due 30 SEP 20.

UPDATE TO AIR POLLUTION CONTROL COST MANUAL SECTION ON WET SCRUBBERS FOR ACID GAS. EPA is requesting comment on an update to Air Pollution Control Cost Manual, Chapter 1, Section 5, "Wet Scrubbers for Acid Gas," (or Wet and Dry Scrubbers) chapter ([85 FR 47372](#)). The Consolidated Appropriations Act of 2014 requested that the EPA begin development of a seventh edition of the Control Cost Manual. Comments are due 3 NOV 20.

CLEANUP

INTEGRATED DNAPL SITE STRATEGY GUIDANCE DOCUMENT. The Interstate Technology and Regulatory Council has published its Integrated Dense, Nonaqueous-phase Liquid (DNAPL) Site Strategy guidance document as an interactive web document. Originally a downloadable PDF, the Integrated DNAPL Site Strategy (IDSS) guidance document describes key concepts and recent developments to help remediation managers develop successful integrated strategies for chlorinated-solvent sites. The IDSS web document is integrated with other recently published web documents that cite it in their linkages. Access the IDSS guidance document is available [here](#).

CLIMATE

E85 FLEXIBLE FUEL VEHICLE WEIGHTING FACTOR (F-FACTOR) FOR MODEL YEARS 2021 AND LATER. EPA is requesting comment on data sources and analytical approaches on which to base an EPA determination of an F-factor for E85 flexible fuel vehicles for model years 2021 and later ([85 FR 52590](#)). The F-factor for a given vehicle model year is used to weight the GHG emissions of a flexible fuel vehicle operating on E85 with the GHG emissions of the vehicle operating on conventional gasoline, when calculating the compliance value for that model year. The F-factor is also used in the Corporate Average Fuel Economy program for weighting the measured fuel economy of flexible fuel vehicles when operating on E85. Comments are due 26 OCT 20.

GAO REPORT ON CLIMATE. The U.S. Government Accountability Office (GAO) has posted a [report](#) that examines the use of climate migration as a resilience strategy, federal support for climate migration, and key challenges to climate migration. According to the 13-agency United States Global Change Research Program, relocation due to climate change will be unavoidable in some coastal areas in all but the very lowest sea level rise projections. In part because no federal entity has the authority to coordinate assistance to support relocation, such communities will rely on post-disaster assistance if no

action is taken beforehand, possibly increasing federal fiscal exposure. Risk management best practices and GAO's 2019 Disaster Resilience Framework suggest that federal agencies should manage risks before disasters occur. GAO recommended that Congress consider establishing a pilot program with clear federal leadership to identify and help communities that express affirmative interest in relocation as a resilience strategy.

GHG EMISSION STANDARDS FOR COMMERCIAL AIRPLANES AND AIRPLANE ENGINES. EPA is proposing greenhouse gas (GHG) emission standards for engines used by civil subsonic jet airplanes with a maximum takeoff mass greater than 5,700 kilograms, and by larger civil subsonic propeller-driven airplanes with turboprop engines having a maximum takeoff mass greater than 8,618 kilograms ([85 FR 51556](#)). These proposed standards are equivalent to the airplane CO₂ standards adopted by the International Civil Aviation Organization in 2017 and would apply to both new type design airplanes and in-production airplanes.

ENERGY

ENERGY CONSERVATION STANDARDS FOR METAL HALIDE LAMP FIXTURES. The U.S. Department of Energy (DOE) has initially determined that the energy conservation standards for metal halide lamp fixtures do not need to be amended and also asks for comments on this proposed determination ([85 FR 47472](#)). DOE has examined, but rejected, several metrics, including one developed by DOE to quantify outdoor pole-mounted fixture performance for Energy Star qualification. Comments are due 19 OCT 20.

PROCEDURES FOR EVALUATING STATUTORY FACTORS FOR USE IN NEW OR REVISED ENERGY CONSERVATION STANDARDS. DOE is amending its decision-making process for selecting energy conservation standards by specifying that it will conduct a comparative analysis of the relative benefits and burdens of potential energy conservation standard levels in determining whether a specific energy conservation standard level is economically justified ([85 FR 50937](#)). Federal law requires that any new or amended energy conservation standard for covered products be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified.

HAZARDOUS MATERIALS

MAILING STANDARDS FOR SEPARATION OF HAZARDOUS MATERIALS. The U.S. Postal Service (USPS) proposes to amend Publication 52, Hazardous, Restricted, and Perishable Mail (Pub 52), to incorporate requirements for mailers to separate all air-eligible hazardous material (HAZMAT) from surface-only transportation HAZMAT shipments and other non-HAZMAT items when tendering mail to USPS in the domestic mail ([85 FR 46575](#)). Separately, USPS is proposing an additional change to PUB 52 and 39 CFR 113 that would include requiring Electronic Verification System and ePostage mailers to transmit a Shipping Services File to USPS before or concurrent with the tendering of hazardous materials shipments ([85 FR 47720](#)). Comments for both changes were due 2 SEP 20.

MISCELLANEOUS

NATIONAL SPATIAL DATA INFRASTRUCTURE STRATEGIC PLAN DRAFT. The Federal Geographic Data Committee is soliciting public comments on the draft strategic plan for the National Spatial Data Infrastructure (NSDI) ([85 FR 53018](#)). The strategic plan will help ensure that the U.S. has consistent, trusted, geospatial data to promote effective governance, economic growth, and technological innovation at local and national scales. It includes a vision, mission, and guiding principles that describe a long-term path forward for the sustainable development of the NSDI. It also includes a set of actionable goals and objectives. The draft strategic plan is posted [here](#).

SPRING 2020 SEMIANNUAL REGULATORY AGENDA. Federal agencies have posted the Spring Semiannual Unified Agenda of Regulatory and Deregulatory Actions ([85 FR 52763](#)). The Unified Agenda and Regulatory Plan can be found [here](#).

STREAMLINING PROCEDURES FOR PERMIT APPEALS. EPA finalized a procedural rule to streamline and modernize EPA's permit appeal process and ensure that appeals are decided consistent with the authority delegated from the EPA administrator by

modifying existing procedural requirements and realigning prior delegations ([85 FR 51650](#)). This final procedural rule applies to permits issued by or on behalf of EPA under the CAA, the Clean Water Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act. This rule becomes effective 21 SEP 20.

NATURAL AND CULTURAL RESOURCES

BIRD DEATHS FROM WIND TURBINES DROP 72% WHEN ONE BLADE IS BLACK. A study found that painting one of the three white blades on a wind turbine black reduces the amount of dead birds by 72%. Scientists from the Norwegian Institute for Nature Research conducted a trial on the remote island of Smøla (off the coast of central Norway) comparing how many birds were killed by four painted turbines compared to their untouched neighbors. Scientists regularly scoured the bottom of the turbines with specially trained sniffer dogs to identify any bird carcasses. This was done for nearly eight years before the blades were painted and nearly four years after treatment. While the number of dead birds dropped at painted turbines, it did not trigger a spike in the number of casualties at neighboring sites. Researchers suggest the reason painting a single blade works is due to a phenomenon called "motion smear": although birds often have exceptional eyesight, all-white rotating blades appear invisible. The findings are published in the journal [Ecology and Evolution](#).

DEFINITION OF HABITAT AND DESIGNATING CRITICAL HABITAT. The U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service are proposing to add a definition of "habitat" to their regulations that implement Section 4 of the Endangered Species Act for the designation of critical habitat ([85 FR 47333](#)). Nothing in this proposed regulation is intended to require that any critical habitat designations finalized before this rule becomes effective be reevaluated. Comments were due 4 SEP 20.

INVASIVE SPECIES STRATEGIC PLAN. The U.S. Department of the Interior has [announced](#) the release of the [draft Invasive Species Management Plan](#). The plan has been developed pursuant to the 2019 [John D. Dingell, Jr. Conservation, Management, and Recreation Act](#), which required preparation of an invasive species strategic plan. Upcoming consultations and listening sessions will inform DOI efforts in refining the plan. Additional details will be provided in the Federal Register.

PETITION FOR DETERMINATION OF NONREGULATED STATUS FOR BLIGHT-RESISTANT DARLING 58 AMERICAN CHESTNUT. The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) has received a petition from the State University of New York seeking a determination of nonregulated status for blight-resistant Darling 58 American chestnut ([85 FR 51008](#)). The petition states that Darling 58 American chestnut has been genetically engineered for fungal resistance to chestnut blight and is unlikely to pose a plant pest risk; therefore, it should not be a regulated article under APHIS' regulations in 7 CFR part 340. As described in the petition, resistance to chestnut blight in Darling 58 American chestnuts was enhanced by adding a gene for an enzyme called oxalate oxidase (OxO). This enzyme has no direct fungicidal properties, but rather detoxifies oxalic acid (oxalate) produced by the fungus, preventing the acid from killing the chestnut's tissues, which can lead to lethal cankers on the tree. In the presence of OxO, the damage caused by the oxalate is significantly restricted, resulting in superficial cankers. For this reason, the tree can coexist with the fungus in a manner like Asian chestnut species in the fungus' natural range. Comments are due 19 OCT 20.

TOXICS

1-BROMOPROPANE FINAL TSCA RISK EVALUATION. EPA has completed its final TSCA risk evaluation of 1-bromopropane (1-BP), also known as n-propyl bromide. EPA found unreasonable risks to workers from most commercial uses of 1-BP. Additionally, EPA found unreasonable risks from most commercial uses of this chemical to workers nearby but not in direct contact with 1-BP (known as occupational non-users). Unreasonable risks to workers and occupational non-users can come from both short- and long-term inhalation exposure. Common commercial uses include solvents for vapor degreasing and cleaning, adhesives, dry cleaning solvents, cleaners for metal and electronic components, and automotive care products like brake cleaner and air conditioning fluid. The evaluation can be found [here](#).

INNOVATIVE WAYS TO DESTROY PFAS CHALLENGE. EPA, DOD, and several state partners have launched a prize challenge seeking "detailed plans for a non-thermal way of destroying PFAS in concentrated aqueous film forming foam (AFFF), while

creating the least amount of potentially harmful byproducts." A cash prize pool of \$50,000 is offered. Winners may be invited to reduce their solution to practice. Winners should make it clear if they have the interest and ability for subsequent development phases and would be willing to consider future collaborations and/or subsequent competitions with support of government staff and facilities. Further details can be found [here](#). Submissions are due 23 NOV 20.

TOXICOLOGICAL PROFILE UPDATE FOR LEAD. The Agency for Toxic Substances and Disease Registry has updated the toxicological profile for lead. The updated profile contains a new Appendix C that specifically addresses a scenario where ingestion of solid forms of lead, such as debris from firing or artillery ranges, could contribute to elevated lead levels in blood. The 10 AUG 20 Toxicological Profile for Lead is available [here](#).

Department of Defense Activity

AUGUST 2020 EDITION OF THE CORPS ENVIRONMENT. [The Corps Environment](#) is an online quarterly news magazine published by the U.S. Army Corps of Engineers (USACE) to provide information about USACE and U.S. Army environmental initiatives, policies, and technologies. This edition includes commentary from Ms. Amy Borman, Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health, discussing how the Army is advancing readiness through environmental compliance and stewardship. This edition also highlights efforts from across the enterprise that are providing environmental and economic benefits across the nation.

COMMANDER IN CHIEF'S ANNUAL AWARD FOR INSTALLATION EXCELLENCE — BACKGROUND AND AWARD WINNERS. In August, DOD published [The Commander in Chief's Annual Award for Installation Excellence](#). An installation is identified in each service and Defense Logistics Agency (DLA) where the Command has done the best job with its resources to sustain the mission, increase productivity of the workforce, and enhance the quality of life. On 4 AUG 20, DOD published the [2020 Award Winner Narratives](#) describing each winner and its accomplishments. The 2020 award winners are U.S. Army Garrison, Fort Drum, New York; Naval Station Norfolk, Virginia; Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center Twentynine Palms, California; Joint Base Elmendorf-Richardson, Alaska; and Defense Distribution Depot San Joaquin, California.

DOD GUIDANCE FOR IMPLEMENTING NATIONAL DEFENSE AUTHORIZATION ACT (NDAA) FOR FISCAL YEAR 2020. In August, DOD issued the memorandum, *Guidance for Implementing Section 343 of the National Defense Authorization Act for Fiscal Year 2020, Provision of Water Uncontaminated with Perfluorooctanoic Acid and Perfluorooctane Sulfonate for Agricultural Purposes*. The memorandum is available [here](#).

MANAGEMENT OF RADIOLOGICALLY CONTAMINATED EQUIPMENT OUTSIDE THE UNITED STATES. The Army has published a major revision to [Army Regulation \(AR\) 700-48, Management of Radiologically Contaminated Equipment Outside the United States](#). This regulation prescribes policy and procedures for the management of equipment contaminated with radioactive materials for operations outside the United States. Handling procedures for radiologically contaminated equipment are prescribed in DA Pam 700-48. The regulation was effective 12 SEP 20.

Professional Development

DOD TRAINING SOURCES

2020 READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION WEBINAR SERIES. DOD's REPI Program continues its 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:

- 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 through 2020. 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

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](#).

CARBON PRICING IN ORGANIZED WHOLESALE ELECTRICITY MARKETS WEBCAST, 30 SEP 20, WASHINGTON, DC. The Federal Energy Regulatory Commission (FERC) will host a technical webcast to consider state-adoption of mechanisms to price carbon dioxide emissions in regions with FERC-jurisdictional organized wholesale electricity markets. Updated information, including a link to the webcast, is posted [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.

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.

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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](#).

