



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

July 2016

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. The *Southern Review* also helps installations meet ISO 14001 environmental management system requirements.

To read back issues of the *Southern Review* or other Army Regional Environmental and Energy Office *Reviews*, or to receive a monthly copy of this electronic publication, please [send an email request](#).

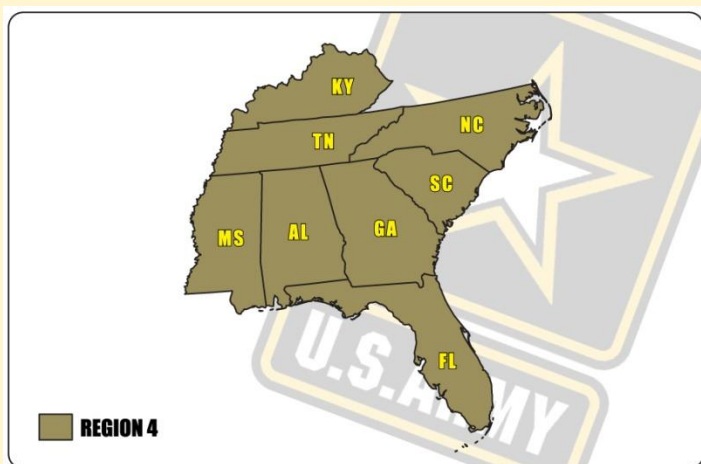


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MILITARY WATER SYSTEMS TO TEST FOR PFCs

In May, the Environmental Protection Agency (EPA) issued lifetime health advisories (HAs) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), limiting the amount of the compounds in drinking water to 70 parts per trillion, singly or combined. The compounds have been used historically in firefighting and fire suppression products, including aqueous film forming foam (AFFF) and chemical fume suppressants.

In June, the Office of the Assistant Secretary of Defense directed DOD components to test DOD supplied drinking water for PFOA and PFOS, and to take certain actions if test results show elevated concentrations of either compound. The testing is to be completed as soon as possible.

Also in June, the Army directed Army water systems and cleanup programs to assess for possible perfluorinated compound (PFC) contamination, and to take appropriate response actions. All Army water systems, regardless of the number of users served, are required to test for PFOA and PFOS, if they have not already done so, with the sampling to be complete by the end of calendar year 2016. In addition, Army commands will assess if installations are receiving water from non-Army public water systems known to have exceeded PFOA and PFOS HA levels. Further, Army water systems are required to notify users and take actions if sampling shows PFOA and/or PFOA above the HA levels.

The Army also directed its cleanup programs to research and identify locations where PFOA and PFOS are known or suspected to have been released on Army installations, and to evaluate whether a release from these installations is contributing to the PFOA and PFOS levels in water system source waters.

Region 4

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



2016 LEGISLATIVE SESSION: 2 FEB 16 THROUGH 16 MAY 16

Alabama has a one-year session. Adjournment dates are estimated and updated based on legislative activity.



2016 LEGISLATIVE SESSION: 12 JAN 16 THROUGH 11 MAR 16

Florida has a one-year session. Adjournment dates are estimated and updated based on legislative activity.

PROPOSED RULES

RISK-BASED CORRECTIVE ACTION. The Department of Environmental Protection (DEP) [proposes](#) to amend [Chapter 62-777, F.A.C.](#), rules governing the Risk-Based Corrective Action (RBCA) process at contaminated sites and the rules that govern the derivation of Cleanup Target Levels in Florida. DEP proposes to review and update the methods for establishing cleanup target levels, the parameter values used, and develop updated cleanup target levels. Tables 1-6 and figures 1-10 in Chapter 62-777, F.A.C. will also be updated. This update to the methods and values is planned to run concurrently with the rule making for Chapter 62-780, F.A.C. DEP published the [notice of development of rulemaking](#) on 15 JUN 16.

AIR POLLUTION PERMITS. DEP [proposes](#) to amend [Rule 62-210.300\(3\)\(a\), F.A.C.](#), to update provisions for fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity less than 100 million Btu per hour. The rule revision will allow units that meet the requirements of 40 CFR 63 Subpart JJJJJJ to maintain the existing permit exemption. This rule development also proposes to amend [Rule 62-210.310, F.A.C.](#) to address the circumstances under which temporary and relocatable sources, including emissions units operating under an Air General Permit (AGP), may collocate at an otherwise permitted facility, as well as revisions to the AGP for chromium electroplaters to reflect updates to 40 CFR 63 Subpart N. Clarifying and corrective revisions to existing rule language in Rules 62-210.200, .300 and .310, F.A.C., will also be considered. DEP published the [notice of development of rulemaking](#) on 8 JUN 16.

EXCESS EMISSIONS AND LIMITS DURING TRANSIENT MODES OF OPERATION. DEP [proposes](#) to add a new rule section to [Chapter 62-210, F.A.C.](#), and to revise specified provisions of [Rule 62-210.700, F.A.C.](#) Promulgation of these rules is intended to meet the legal requirements of EPA's Notice of Final Rule published in the Federal Register on 12 JUN 15 ([80 FR 33840](#)). DEP published the [notice of development of rulemaking](#) on 8 JUN 16.

LISTING METHODOLOGY FOR ASSESSING HUMAN HEALTH-BASED WATER QUALITY CRITERIA. DEP [proposes](#) to amend [Chapter 62-303, F.A.C.](#), to update the listing methodology for assessing human health-based water quality criteria as part of the process to identify impaired surface waterbodies. This rulemaking is being conducted in conjunction with rulemaking to revise the human health-based criteria in [Chapter 62-302, F.A.C.](#) (under a separate rulemaking notice). Additionally, in accordance with the requirements of paragraph 403.061(29)(b) and paragraphs 403.861(21)(a) and (b), F.S., enacted under [Chapter 2016-01, Laws of Florida](#), the department is proposing to establish a new sub-classification of surface waters (Class I-B, Treated Potable Water Supplies), which will require minor revisions in Chapter 62-303, F.A.C. Specifically, the department plans to revise a number of rules in Chapter 62-303, F.A.C., to clarify that Class I waters include both "Class I-A" (existing Class I waters) and "Class I-B" (Treated Potable Water Supply waters). DEP published the [notice of proposed rule](#) on 30 JUN 16.

HUMAN HEALTH-BASED SURFACE WATER QUALITY CRITERIA. DEP [proposes](#) to revise human health-based surface water quality criteria in [Chapter 62-302, F.A.C.](#), that are designed to ensure safe fish and drinking water in Florida. Revisions are based on updated scientific information, including fish and drinking water consumption rates, updated toxicological information, and revised methods to estimate bioaccumulation of pollutants in fish. Additionally, in accordance with the requirements of paragraph 403.061(29)(b) and paragraphs 403.861(21)(a) and (b), F.S., enacted under [Chapter 2016-01, Laws of Florida](#), the department is proposing to establish a new sub-classification of surface waters (Class I-B, Treated Potable Water Supplies) and to reclassify seven surface waters into the new sub-classification. DEP published the [notice of proposed rule](#) on 30 JUN 16.



2016 LEGISLATIVE SESSION: 11 JAN 16 THROUGH 31 MAR 16

Georgia has a two-year session (2015-2016) with 2015 bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity.

FINAL RULES

HAZARDOUS WASTE MANAGEMENT. The Environmental Protection Division (EPD) adopted amendments to Georgia Rules for Hazardous Waste Management, [Chapter 391-3-11](#). The rule amendments are necessary to exercise powers delegated by the federal government to the state for implementing specific sections of 40 CFR Parts 260-265 and 40 CFR Part 270. EPD amendments include regulations published by the EPA through 30 JUN 15, such as EPA's final "Definition of Solid Waste Rule." The rule establishes a uniform recycling standard for hazardous secondary materials that encourages recycling while ensuring the safe management of the materials, and it sets up state oversight through notification requirements, and a variance or permitting process. EPD filed the final rule on 2 JUN 15, and the rules are effective 22 JUN 15.



2016 LEGISLATIVE SESSION: 5 JAN 16 THROUGH 12 APR 16

Kentucky has a one-year session. Adjournment dates are estimated and updated based on legislative activity.

FINAL RULES

LIST OF HAZARDOUS WASTES. The Kentucky Department of Environmental Protection (DEP) adopted an emergency regulation amending [401 KAR 31:040](#), adding hazardous waste codes for treated wastes of nerve and blistering agents. The amendment references change to [C.F.R. 263.31](#) that modifies the F019 listing to allow wastewater treatment sludge to be disposed of as a nonhazardous waste. Due to removal of 40 C.F.R. 263.38, the comparable syngas fuel exclusion, the reference was also removed from this administrative regulation. The DEP published the adopted emergency rules on 1 JUN 16; the changes are effective as of 26 APR 16 but expire on 23 OCT 16.



2016 LEGISLATIVE SESSION: 5 JAN 16 THROUGH 8 MAY 16

Mississippi has a one-year session. Adjournment dates are estimated and updated based on legislative activity.



2016 LEGISLATIVE SESSION: 25 APR 16 THROUGH 30 JUN 16

North Carolina has a two-year session (2015-2016) with 2015 bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity.

NORTH CAROLINA HB 763, LAND USE PLANNING. Protects military installations and operations in the state. This bill allows the state's Department of Military and Veteran's Affairs (DMVA) to make recommendations on proposed wind energy facility siting based on potential encroachment on military air navigation and training routes. It also requires the DMVA, with input from the installation commander, to review proposals for tall buildings or structures in an area surrounding a major military installation. Further, this bill brings the DMVA and installation commanders into the process of reviewing local ordinances on encroachment issues. Last action: Passed House and Senate; engrossed on 20 JUN 16. **REEO Note:** All amendments affecting DOD are protective in nature, but DOD must be aware of the state's ability to deny siting requests, even if DOD has reached an MOU (memorandum of agreement) with a wind energy contractor.

NORTH CAROLINA HB 1074, LEAD EXPOSURE. Requires public schools and child care facilities in North Carolina to test drinking water outlets for the presence of lead. The Department of Health and Human Services will reimburse schools and child care facilities for the costs associated with testing drinking water for the presence of lead, as funds are available. Schools and child care facilities must complete corrective actions within 12 months of receiving confirmation on elevated lead levels. This bill also creates a House Select Study Committee on Health and Safety in Outdoor Water Recreation Sites to study necessary health and safety requirements for water recreation attractions, including recommendations for required testing of the water used in the attraction for the presence of physical, biological, or chemical substances. Last action: Passed the House and sent to the Senate on 30 JUN 16.

NORTH CAROLINA HB 1144 (SB 884), THREATENED OR ENDANGERED SPECIES. Expresses legislative support for two resolutions adopted by the state Wildlife Resources Commission on 29 JAN 15 pertaining to the U.S. Fish and Wildlife Service (FWS) Red Wolf Reintroduction Program. The first resolution requests the FWS declare the Red Wolf extinct in the wild and terminate the reintroduction program in Beaufort, Dare, Hyde, Tyrrell, and Washington counties. The second resolution requests the FWS remove red wolves released onto private lands in the red wolf recovery area located in the aforementioned counties. This bill also states it is unlawful to hunt, take, or kill any wild animal or wild bird with a firearm, bow and arrow, or crossbow (or even to discharge these weapons) on, from, or across the right-of-way of any state-maintained road or highway. Last action: Withdrawn from committee and placed on the House calendar on 30 JUN 16. **REEO-S Note:** This bill is substantially different from the version initially filed. It no longer disapproves rules adopted by the Wildlife Resources Commission on 18 MAR 2015.

NORTH CAROLINA SB 303, REGULATORY REFORM. Provides regulatory reform on subjects such as energy, water, waste and land use. It requires the NC Department of Environmental Quality (DEQ) and DMVA jointly study the appropriate role of the DMVA in the evaluation of military-related criteria for permitting wind energy facilities. Under the bill, DEQ and DMVA must issue a joint report to the state Environmental Review Commission and the NC Military Affairs Commission no later than 1 DEC 2016. Last action: Sent to conference committee on 29 JUN 16. **REEO-S Note:** This bill is substantially different from the version initially filed, and certain provisions pertaining to military installations have been deleted or amended.



2016 LEGISLATIVE SESSION: 12 JAN 16 THROUGH 2 JUN 16

South Carolina has a two-year session (2015-2016), with bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity.

PROPOSED RULES

HAZARDOUS WASTE MANAGEMENT REGULATIONS. The SC Department of Health and Environmental Control (DHEC) proposes to amend [R.61-79, Hazardous Waste Management Regulations](#), to adopt two final rules published in the Federal Register by EPA. The proposed amendments revise the definition of solid waste to conditionally exclude carbon dioxide (CO₂) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO₂ streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration, and meet certain other conditions; and revise several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act. DHEC [published](#) the proposed regulation on 24 JUN 15.

SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN. DHEC proposes to [amend](#) Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). Specifically, DHEC proposes to amend Regulation 61-62.1, Section III, Emissions Inventory and Emissions Statements; Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards; and the SIP, to codify federal amendments to these standards promulgated from 1 JAN 15, through 31 DEC 15. DHEC also proposes to amend Regulation 61-62.1, Section II, Permit Requirements; Regulation 61-62.5, Standard No.1, Emissions from Fuel Burning Operations; and Regulation 61-62.5, Standard 4, Emissions from Process Industries, to address periods of excess emissions during startup, shutdown, or

malfunction (SSM) events as required by the EPA ([80 FR 33840](#)). DHEC [published](#) the proposed regulation on 24 JUN 15.

FINAL RULES

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS AND THE SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN.

DHEC adopted amendments to South Carolina [Regulation 61-62, Air Pollution Control Regulations and Standards](#), and the SIP. Specific amendments include the following:

- Add a definition for "Emission."
- Remove the requirement of a revised air dispersion modeling analysis for permit renewals.
- Remove appeals language as this is generally defined by statutory law (Code Ann. Section 44-1-60 (Supp. 2012) and is redundant, and to clarify qualification language for administrative amendments.
- Include corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

DHEC [published](#) the final regulation on 24 JUN 15.

COASTAL ZONE MANAGEMENT. DHEC adopted amendments to [coastal management regulations](#), including changes to the following sections: R.30-1.D Definitions, R.30-5 Exceptions, R.30-9 Other Provisions, R.30-13 Specific Project Standards for Beaches and Dunes, R.30-14 Administrative Procedures, R.30-15 Activities Allowed Seaward of the Baseline, and R.30-16 Documentation Requirements Before Commencing Activities Between Setback line and Baseline. These changes, which are based on the Blue Ribbon Committee on Shoreline Management's final recommendations, amend definitions, provide clarity and specific standards to be utilized in the evaluation of beachfront permit applications and notifications, and provide specific standards, conditions and administrative procedures for issuance of emergency orders within the state's beachfront jurisdiction. Amendments also modify specific procedures under R.30-13 and R.30-15 for issuance of emergency orders for golf courses to comply with Act No. 147, which is codified as [1976 Code Section 48-39-135](#). DHEC [published](#) the final regulation on 24 JUN 16.

SOLID WASTE MANAGEMENT: USED OIL. DHEC adopted amendments to [61-107.279. Solid Waste Management: Used Oil](#). This amendment removes the requirement for used oil fuel marketers to obtain a permit; revises existing language for clarity; and clarifies when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the RCRA used oil standards and when it is not to conform to federal regulations. The revision clarifies violations and penalties. DHEC [published](#) the final regulation on 24 JUN 16.



2016 LEGISLATIVE SESSION: 12 JAN 16 THROUGH 20 APR 16

Tennessee has a two-year session (2015-2016) with bills carrying over for consideration in 2016. Adjournment dates are estimated and updated based on legislative activity.

FINAL RULES

NEW SOURCE PERFORMANCE STANDARDS. The TN Department of Environment and Conservation (DEC) adopted amendments to [1200-03-16, New Source Performance Standards](#). Various sections of the rule are being deleted and reserved, as they have been made obsolete by revisions to the equivalent federal regulations.

PUBLIC WATER SYSTEMS. DEC adopted changes to [0400-45-01, Public Water Systems](#). Specific amendments include:

- Changes in Rule 0400-45-01-.06 to correct EPA terminology of the phrase "subpart V" to "Stage 2 Disinfection Byproduct Rule Requirements" used elsewhere in the rule chapter.
- Change in Rule 0400-45-01-.07(1)(g) to sunset the existing special purpose sample rule at the end of the day on 31 MAR 16 to coincide with the start of the Revised Total Coliform Rule on 1 APR 16.
- Change in Rule 0400-45-01-.17(22) for what is defined as "lead free" to be in line with the recent change in the TN Safe Drinking Water Act, which was required to be changed due to the change in the federal act.
- Change in Rule 0400-45-01-.41(3)(b) to reflect the exact language in the federal rule on special purpose samples. Compliance samples are intended to reflect the quality of the water within the entire distribution system, which line repairs samples do not.

DHEC filed a [notice of rulemaking hearing](#) on 19 JUN 16.

Department of Defense Activity

DOD, EPA TO COORDINATE ON TSCA WORK PLAN CHEMICAL RESEARCH. DOD and EPA signed an MOU that identifies how the agencies will cooperate on various information sharing activities to advance risk reduction for [Work Plan chemicals](#) under the Toxic Substances Control Act (TSCA). Under the terms of the MOU, EPA and DOD will coordinate efforts to improve the availability of alternative assessments and each will provide a point of contact to foster improved coordination. EPA will provide regular updates to DOD on its TSCA Work Plan risk assessment and risk reduction activities. The agency will consider DOD mission critical uses and impacts to national security when conducting risk reduction actions that could affect the availability of certain chemicals and will provide DOD with updates on the status of its risk assessment activities. DOD will provide EPA with input on scoping, problem formulation, data needs assessments, and risk assessments regarding DOD uses of TSCA Work Plan chemicals. DOD will share its efforts to identify safer alternative chemicals for specific mission critical uses, and any relevant information on the performance, availability, efficacy, and costs of substitutes. DOD will provide feedback to EPA on potential impacts to national security from various risk management options, and how potential risk management options affect mission critical uses of Work Plan chemicals.

GAO EVALUATION OF DOD ELECTRONIC WASTE MANAGEMENT. The Government Accountability Office (GAO) evaluated DOD's electronic waste management practices and issued recommendations for improvement ([GAO 16-576](#)). The Defense Logistics Agency (DLA) processes DOD electronic waste and recovers some materials from this waste. In December 2015 DLA changed its electronics disposal process and began selling electronic waste directly to recyclers, instead of paying for the processing and recovery of recyclable materials. Based on GAO's analysis and discussions with DLA officials, this approach will likely reduce the amount of precious metals that DLA recovers but is expected to streamline the process and increase DLA's revenues. DOD has assessed potential opportunities to recover certain materials found in its electronic waste, including rare earth elements, but a number of factors may hinder near-term expansion of its recovery efforts. Among these factors is that DOD does not have information on the material content of items, including the content found in electronic waste. DOD is in the process of developing a materials declaration

standard to collect information from suppliers; however, the current focus of the effort is materials that present potential health or environmental risks. GAO recommends that DLA take steps to ensure that strategic and critical materials are included in the development of DOD material declaration standards and guidance. DOD concurred with GAO's recommendation.

ENERGY

MARINE CORPS GUIDELINES FOR ENERGY DEVELOPMENT. In a [new policy letter](#), Commanding General, Marine Corps Installations (MCI)-West, Brigadier General Edward D. Banta, set targets for the implementation of Camp Pendleton's renewable energy projects. The policy letter outlines the base's energy priorities, which support Secretary of the Navy Ray Mabus' mandate that at least half of the energy requirements for shore-based Navy installations must come from renewable energy sources by 2020. The letter outlines tasks for MCI-West installation commanders to evaluate renewable energy projects, taking into consideration current and future operations, training, technology, and impact on the environment. For more information, click [here](#).

POLICY AND INSTRUCTIONS

EMERGING CONTAMINANTS. Department of Defense Instruction ([DODI](#) 4715.18, Emerging Contaminants, has been recertified. The DODI describes DOD policy for emerging contaminants that have the potential to impact the DOD. The DODI, first issued in 2009, has been recertified for another five years.

RANGE SUSTAINMENT

GAO EVALUATION OF DOD SUSTAINABLE RANGES PROGRAM. GAO evaluated DOD's 2016 Sustainable Ranges Report and determined the report met the annual statutory reporting requirements to describe DOD's progress in implementing its plan to sustain training ranges and any additional actions taken or planned for addressing training constraints caused by limitations on the use of military lands, marine areas, and airspace ([GAO-16-627](#)). GAO did not make any recommendations.

2016 REPI CHALLENGE PROJECTS. DOD's Readiness and Environmental Protection Integration (REPI) program released a [fact sheet](#) describing projects funded through the 2016 REPI Challenge. Funds in excess of \$32 million were requested in the 2016 REPI Challenge proposals by eight finalists, to be leveraged with more than \$61 million in potential partner funding to protect 55,600 acres across seven states. The first four awards in the 2016 REPI Challenge cycle will fund projects at Fort Huachuca, Fort Hood, NAS Patuxent River, and Townsend Bombing Range to advance protection of 27,506 acres in Arizona, Texas, Maryland, and Georgia.

Federal Activity

EPA SEMIANNUAL REGULATORY AGENDA. EPA published notice of its [Spring 2016 semiannual regulatory agenda](#) ([81 FR 37373](#)). The notice contains information about regulations in the semiannual regulatory agenda that are under development, completed, or canceled since the last agenda and plans for retrospective reviews of existing regulations. Among the agency's major Clean Air Act rulemakings: an overhaul of the agency's regional haze program; guidance on implementing its particulate matter (PM) and ozone ambient air standards; and new regulations on interstate air pollution.

AIR

NESHAP SITE REMEDIATION RULE. EPA extended the public comment period on its [13 MAY 16 proposed rule](#), NESHAP: Site Remediation ([81 FR 41282](#)). The agency is proposing to remove exemptions for certain remedial actions from NESHAP requirements. NESHAP currently exempts site remediation performed under the Comprehensive Emergency Response, Compensation, and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA) corrective actions or orders. EPA is proposing to remove these exemptions, and to remove the applicability requirement that a site remediation be co-located with at least one other stationary source regulated by another NESHAP. Comments are due 27 JUL 16.

COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS: RECONSIDERATION. EPA issued a notice of final action on its reconsideration of the 2013 final rule, Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration (CISWI) ([81 FR 40955](#)). As part of EPA's reconsideration of the 2013 CISWI rule, the agency finalized actions on four topics: definition of continuous emission monitoring system data during startup and shutdown periods; PM limits for the waste-burning kiln subcategory; fuel variability factor for coal-burning energy recovery units; and the definition of kiln. The final amendments to Title 40 Code of Federal Regulation (CFR) Part 60 Subpart CCCC are effective 23 DEC 16. Amendments to 40 CFR Part 60 Subpart DDDD are effective 23 JUN 16.

CLIMATE CHANGE

CARBON CAPTURE AND STORAGE. Scientists in Iceland have figured out how to turn CO₂ into solid rock. In a [pilot project](#), CO₂ was captured from a power plant and pumped underground into basalt, a form of volcanic rock. The project results, published in [Science](#), showed that in less than two years, more than 95 percent of the injected CO₂ was mineralized, or turned to stone. This timeline contrasts with a commonly held understanding that the immobilization of CO₂ as carbonate minerals within geologic reservoirs takes several hundreds to thousands of years. The finding could be important because of the ubiquity of basalt in the world. The researchers say that 10 percent of the rocks that make up continents are basalt, as well as the majority of the sea floor. While this study was successful, the process must be scaled up and technical issues must be resolved before the process can be widely adopted. To read more about the project, click [here](#).

EVALUATING URBAN RESILIENCE TO CLIMATE CHANGE: A MULTI-SECTOR APPROACH. EPA released the draft document, [Evaluating Urban Resilience to Climate Change: A Multi-Sector Approach](#), for public comment ([81 FR 40302](#)). EPA scientists and their collaborators created an assessment tool to help cities identify climate change risks in eight different municipal sectors. The report identifies and tests indicators that may enhance or inhibit communities' resilience to climate change, allowing decision-makers to focus planning efforts on those areas that are least resilient to anticipated impacts. Comments are due 21 JUL 16.

ENERGY

DOE SEMIANNUAL REGULATORY AGENDA. The Department of Energy (DOE) published notice of its [Spring 2016 semiannual regulatory agenda](#) ([81 FR 37287](#)). The agenda is a compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The agenda also includes a list of regulatory actions completed since the last agenda.

NORTH AMERICAN CLIMATE, CLEAN ENERGY, AND ENVIRONMENT PARTNERSHIP ACTION PLAN. The North American Climate, Energy, and Environment Partnership was [announced](#) by Prime Minister Justin Trudeau, President Barack Obama, and President Enrique Peña Nieto on 29 JUN 16. The action plan identifies the deliverables to be achieved and activities to be pursued by the three countries as part of the partnership. The three countries agree to advance clean and secure energy by setting a regional goal of 50 percent clean power generation by 2025, including renewable, nuclear, carbon capture and storage, and demand reduction; supporting the development of cross-border transmission projects,

including the Great Northern Transmission Line, the New England Clean Power Link, and the Nogales Interconnection; and jointly study, identify, and implement options for broad energy system integration. Other joint initiatives are to drive down short-lived climate pollutants, promote clean and efficient transportation, protect nature and advance science, and show global leadership in climate protection.

CLEAN ENERGY INCENTIVE PROGRAM DESIGN DETAILS. EPA is proposing design details of the Clean Energy Incentive Program (CEIP) ([81 FR 42939](#)). The CEIP is a program that states have the option to adopt if they wish to incentivize certain early emission reduction projects under the Clean Power Plan Emission Guidelines (EGs). The framework for the CEIP was established in the Clean Power Plan EGs, where the EPA also noted that the design details of the program would be developed in a follow-on action. This proposal addresses those design details. In addition, EPA is re-proposing certain CEIP-related aspects of the proposed rate-based and mass-based model trading rules, consistent with the Supreme Court's orders staying the Clean Power Plan during judicial review. A public hearing to take oral comment is scheduled for 3 AUG 16. Comments are due 29 AUG 16.

COMMERCIAL WIND LEASING OFFSHORE OAHU. The Bureau of Ocean Energy Management announced that it will prepare an Environmental Assessment of potential commercial wind leasing and site assessment activities on the Outer Continental Shelf (OCS) offshore the island of Oahu, Hawaii ([81 FR 41334](#)). A detailed description of the area subject to leasing, referred to as the call area, can be found [here](#). The Oahu call area consists of two subareas, Oahu North and Oahu South. Oahu North is approximately seven to 24 nautical miles northwest of Kaena Point and consists of 17 full and 20 partial OCS blocks. Oahu South is approximately seven to 35 nautical miles south of Diamond Head and consists of 44 full and 32 partial OCS blocks. To view a detailed map of the call area, click [here](#). Comments are due 8 AUG 16.

HAZARDOUS MATERIALS

EPCRA REPORTING. EPA amended existing hazard categories for hazardous chemical inventory form reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312 and for list reporting under section 311 ([81 FR 38104](#)). The amendments align EPA requirements with recent changes to the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS). OSHA's HCS was recently revised to conform to the United Nations Globally Harmonized System of Classification and Labeling of Chemicals. EPA also made a few minor corrections to hazardous chemical reporting regulations. The final rule was effective 13 JUN 16. The compliance date is 1 JAN 16.

HAZMAT TRANSPORTATION. The Pipeline and Hazardous Materials Safety Administration (PHMSA) adopted a suite of amendments to the Hazardous Material Regulation ([81 FR 35483](#)). The amendments include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. The final rule was effective 5 JUL 16.

HAZARDOUS MATERIALS REGULATION. In response to petitions from the regulated community, PHMSA is proposing a suite of revisions to the Hazardous Materials Regulation to update, clarify, or provide relief from miscellaneous regulatory requirements. ([81 FR 42609](#)). Specifically, PHMSA is proposing to incorporate by reference multiple publications from both the Compressed Gas Association and the Chlorine Institute; address inconsistencies with domestic and international labels and placards; permit alternative testing for aerosols; no longer mandate that excepted quantities comply with the emergency response telephone requirement; allow electronic signatures for EPA manifest forms; and no longer require the service pressure to be marked on certain compressed gas cylinders. Comments are due 29 AUG 16.

NATURAL RESOURCES

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY. The National Oceanic and Atmospheric Administration (NOAA) is proposing to expand the boundaries of the Flower Garden Banks National Marine Sanctuary off the coasts of Louisiana and Texas ([81 FR 37576](#)). A draft environmental impact statement for the proposed expansion is available for public comment. NOAA's preferred alternative is the expansion of the existing boundaries from approximately 56 square miles to an area that encompasses approximately 383 square miles of waters in the northwestern Gulf of Mexico. This alternative would add 15 additional banks ranging from 70 to 120 miles off-shore that are comprised of reefs and bottom features that provide habitat for fish and other biological resources that serve as engines of sustainability for much of the Gulf of Mexico. Public meetings are scheduled for July 2016. Comments are due 19 AUG 16.

SUSTAINABILITY

GUIDANCE FOR WORKPLACE CHARGING OF PEVS. The White House Council on Environmental Quality issued [guidance](#) for federal agencies on how to implement requirements for the installation of plug-in electric vehicle (PEV) charging stations for privately owned PEVs. The Fixing America's Surface Transportation Act (FAST Act), which authorizes federal agencies to install, operate, and maintain PEV charging stations for private use, requires the collection of fees to recover costs. The guidance applies to federal agency buildings not under the jurisdiction of the General Services Administration. The guidance was effective 15 JUN 16.

THREATENED AND ENDANGERED SPECIES

HABITAT CONSERVATION PLANNING HANDBOOK. The FWS and National Marine Fisheries Service (NMFS) released a [draft revision of their joint Habitat Conservation Plan \(HCP\) Handbook](#), which describes requirements, procedures, and guidance for permit issuance and conservation-plan development for public comment ([81 FR 41896](#)). The HCP Handbook initially was released in 1996, and revised by addendum in July 2000. The purpose of the joint HCP Handbook is to instruct service staff on how to assist applicants to develop HCPs in an efficient and effective manner while ensuring adequate conservation for listed species. Comments are due 29 AUG 16.

EASTERN PUMA. FWS reopened the public comment period on its [June 2015 proposal](#) to delist the [eastern puma](#) (*Puma concolor cougar*) ([81 FR 41925](#)). The eastern cougar once roamed the eastern United States from Maine to South Carolina and west from Michigan to Tennessee. The FWS has for years presumed the eastern cougar was extinct, having no verifiable evidence to the contrary. Although many people have seen cougars in the East, and some have taken photographs, the animals sighted may not be the subspecies known as the eastern cougar. Comments on the proposed delisting are due 28 JUL 16.

ATLANTIC STURGEON: CRITICAL HABITAT FOR TWO DPSS. NMFS is proposing to designate critical habitat for the endangered Carolina Distinct Population Segment (DPS) and South Atlantic DPS of the Atlantic sturgeon ([81 FR 36077](#)). Specific occupied areas proposed for designation as critical habitat for the Carolina DPS of Atlantic sturgeon contain approximately 1,241 miles of aquatic habitat within the following rivers: Roanoke, Tar-Pamlico, Neuse, Cape Fear, Northeast Cape Fear, Waccamaw, Pee Dee, Black, Santee, North Santee, South Santee, Cooper, and Bull Creek. In addition, NMFS is proposing to designate unoccupied areas for the Carolina DPS totaling 238 miles of aquatic habitat within the Cape Fear, Santee, Wateree, Congaree, and Broad rivers, and within Lake Marion, Lake Moultrie, rediversion canal, and diversion canal. Specific occupied areas proposed for designation as critical habitat for the South Atlantic DPS of Atlantic sturgeon contain approximately 1,809 miles of aquatic habitat within the Edisto, Combahee-Salkehatchie, Savannah, Ogeechee, Altamaha, Ocmulgee, Oconee, Satilla, and St. Marys rivers. NMFS is also proposing to designate an unoccupied area within the Savannah River for the South Atlantic DPS that contains 21 miles of aquatic habitat. In addition, NMFS published a [separate clarifying correction](#) regarding what types of man-made structures are not included in the proposed designation. Comments are due 1 SEP 16.

Toxics

TSCA REFORM BILL SIGNED. President Obama [signed](#) a bill modernizing TSCA. The bill, [HR 2579, the Frank R. Lautenberg Chemical Safety for the 21st Century Act](#), addresses four areas:

- Risk-Based Screening to Prioritize Chemicals for Review. Within a year, EPA must establish a risk-based screening process and criteria for designating existing chemicals as a high or low priority for a safety assessment and safety determination. Within 180 days, EPA must identify at least 10 high-priority and 10 low-priority chemicals, with at least five of the high-priority chemicals drawn from the existing TSCA Work Plan. EPA is to increase the number of high priority chemicals undergoing assessment to 25 within five years.
- Safety Assessment. Within three years of a high-priority designation, EPA must conduct a safety assessment and make a safety determination for each high-priority chemical. Within two years of completing a negative safety determination, EPA must promulgate a rule establishing restrictions necessary to ensure the chemical (given exposure potential) meets the safety standard. If the safety standard cannot be met with restrictions, EPA must ban or phase out the chemical in as short a period as practicable. EPA may exempt uses of chemicals from restrictions if complying with the restrictions would harm national security, cause significant disruption in the national economy, or interfere with a critical or essential use for which no technically and economically feasible safer alternative is available.
- Federal Preemption. Subject to exemptions, states may not establish or continue to enforce statutes or administrative actions concerning testing information on chemicals that is likely to produce the same information required by the EPA; place restrictions on the manufacture, processing, or distribution in commerce or use of a chemical; and add significant new uses of chemicals. States are prohibited from adopting new restrictions for a high-priority chemical after it has been designated by EPA and while EPA's safety assessment is within deadline. State actions taken before 1 AUG 15, or taken under laws in effect on 31 AUG 03, are exempted from preemption.
- Sustainable Chemistry. EPA must convene an interagency entity under the National Science and Technology Council to coordinate federal programs and activities in support of sustainable chemistry.

A webinar was held 30 JUN 16 to provide an overview of the new act. Click [here](#) to view the webinar slides.

TRI REPORTING. EPA is proposing to add a hexabromocyclododecane (HBCD) category to the list of toxic chemicals subject to toxic release inventory (TRI) reporting under EPCRA Section 313 ([81 FR 35275](#)). EPA is adding this chemical category because it believes HBCD can reasonably be anticipated to cause developmental and reproductive effects in humans and is highly toxic to aquatic and terrestrial organisms. In addition, based on the available bioaccumulation and persistence data, EPA believes that HBCD should be classified as a persistent, bioaccumulative, and toxic chemical and assigned a 100-pound reporting threshold. Comments were due 1 AUG 16.

CHRONIC BERYLLIUM DISEASE. DOE is proposing to amend its chronic beryllium disease prevention program regulation ([81 FR 36703](#)). The amendments are intended to improve and strengthen the current provisions by lowering the action level to 0.05 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The program would continue to be applicable to DOE federal and contractor employees who are, were, or potentially will be exposed to beryllium at DOE sites. Copper-beryllium alloys are cast and machined into non-sparking tooling, for applications where fire and explosion are a concern, and into bushings, for bearings in landing gear of commercial and military aircraft. Public meetings are scheduled for June, July, and August 2016.

WATER

FOREST ROAD STORMWATER PERMITTING. EPA issued a [decision](#) that no additional regulations are needed to address stormwater discharges from forest roads under the Clean Water Act (CWA). The determination recognizes the success and continual improvement of state best management practices programs, which are proven to be effective in protecting water quality. The agency was under a court order to respond to the remand in *Environmental Defense Center, Inc. v. EPA* (EDC v. EPA, 2003) to address whether CWA Section 402(p)(6) requires additional regulation. EPA concluded that efforts to help strengthen existing programs addressing forest road discharges would be more effective than superimposing additional federal regulations. Click [here](#) to read more by the National Association of State Foresters.

PERCHLORATE IN DRINKING WATER: PEER REVIEWERS. EPA expanded the scope of its March 2016 request for nominations for peer reviewers for perchlorate in drinking water ([81 FR 35760](#)). Requested nominations are for an external peer review of the draft biologically based dose-response model and the draft model support document for perchlorate in drinking water. The expanded scope will include the review of the application of the draft biologically based dose-response model to develop a perchlorate maximum contaminant level goal. EPA combined the two panels to achieve efficiency and transparency in evaluating the development and application of key scientific products for analyzing perchlorate in drinking water.

NPDES APPLICATIONS AND PROGRAM UPDATES. EPA extended the public comment period for its [May 2016 proposal](#) to update and streamline its existing National Pollutant Discharge Elimination System (NPDES) regulations ([81 FR 41507](#)). The proposed amendments are intended to eliminate regulatory and application form inconsistencies; improve permit documentation, transparency, and oversight; clarify existing regulations; and remove outdated provisions. The amendments cover 15 topics in the major categories of permit applications, water quality-based permitting, permit objection, documentation and process efficiencies, vessels exclusion, and CWA Section 401 certification process. They also further align NPDES regulations with statutory requirements from the 1987 CWA Amendments and more recent case law requirements. The public comment period was extended to 2 AUG 16. For more information, click [here](#).

2016 EFFLUENT GUIDELINES PROGRAM PLAN. EPA released the [Preliminary 2016 Effluent Guidelines Program Plan](#) for public comment ([81 FR 41535](#)). The plan identifies any new or existing industrial categories selected for effluent guidelines or pretreatment standards and provides a schedule for their development. The 2016 plan builds upon the [2015 Annual Effluent Guidelines Review Report](#). Comments are due 27 JUL 16. For more information, click [here](#). A fact sheet is available [here](#).

PROTECTIVE ACTION GUIDE FOR DRINKING WATER AFTER A RADIOLOGICAL INCIDENT. EPA released a draft Protective Action Guide for Drinking Water for public comment ([81 FR 37589](#)). Comments are due 25 JUL 16.

NATIONWIDE PERMITS. USACE is proposing to reissue the existing 50 nationwide permits (NWP) with some modifications and to issue two new NWPs ([81 FR 35185](#)). The modifications are intended to make the NWPs more easily understood. A draft decision document has been prepared for each NWP, available [here](#) (docket ID number COE-2015-0017). The new NPWs cover removal of "low head dams" and "living shoreline" stabilization. Comments are due 1 AUG 16.

Professional Development

DOD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING. USACE announces course availability for the FY17 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and schedule for details. Environmental courses include, but are not limited to:

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

NAVY AND ISEERB ENVIRONMENTAL TRAINING. The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule is available. Course topics include environmental overview and management, law planning and sustainability, pollution prevention, restoration, conservation, supplemental and Internet/computer-based training, and more.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING. The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS. The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the U.S. Army Environmental Command [website](#), which has links to training provided by DOD organizations.

FEDERAL TRAINING SOURCES

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.

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 in the following areas:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;

- Regulatory Watch for information on new or changed laws or regulations;
- Pollution prevention opportunities and best management practices;
- EPA enforcement notices;
- Links to state environmental programs;
- Access to [environmental assistance](#);
- Access to free, FedCenter-sponsored courses:
 - [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
 - [Environmental Management Systems](#) (FedCenter membership required);
 - [Underground Storage Tanks](#) (FedCenter membership required);
- Environmental conferences, meetings, training, and workshop information;
- Applicable laws and Executive Orders; and
- Industry sector-specific newsletters.

FedCenter also provides member assistance services such as:

- Collaboration tools for workgroups,
- Environmental reporting tools, and
- Daily newsletter and subscription services.

SCHEDULED WEBINARS

REPI WEBINAR SERIES. DOD's Readiness and Environmental Protection Integration program offers webinars throughout the year. All webinars start at 1:00 p.m. Eastern, unless otherwise noted. For detailed webinar descriptions and connection instructions, including links to past webinars, visit www.REPI.mil.

- **20 JUL** [Thinking Outside the Base: Off-Installation Solutions to Environmental Regulatory Issues](#). Learn about opportunities for regional crediting schemes and other options for DOD installations to address ESA and other species and habitat-related issues through innovative off-installation practices, while highlighting DOD's efforts at updating its Natural Resources Program strategy.
- **21 SEP** [State Policies and Encroachment Protection Efforts](#). Learn about the various tools, policies, and authorities states provide in support of encroachment management and mission sustainability.
- **7 DEC** [Environmental Law Institute Brief: Sentinel Landscapes Partnership Authorities and Opportunities](#). The Environmental Law Institute has analyzed ways to enhance Sentinel Landscape Partnership implementation and will brief on the opportunities and roadblocks presented by the various partner agencies' authorities and programs.

SERDP AND ESTCP WEBINAR SERIES. The DOD environmental research and development funding programs [SERDP and ESTCP](#) offer webinars 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 DOE audiences. Prior presentations are archived for viewing any time.

FEMP eTRAINING COURSES. FEMP offers interactive, online eTraining courses to help federal agencies develop core competencies and comply with energy-efficiency and 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. [Promotional materials](#) are available to help federal agencies encourage the completion of FEMP's eTraining courses.

ENERGY STAR WEBCASTS. Energy Star is a EPA voluntary program that helps businesses and individuals save money and protect our climate through superior energy efficiency.

CLEAN AIR ACT 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. The training from EPA covers all aspects of the rule and is divided into four modules:

- The Basics, for top agency managers and the general public: [Module I](#) provides an overview of the program purpose, regulation content, program design, legal requirements, and relationship to other environmental programs.
- The Key Concepts, for program managers and others who need a working knowledge of the program: [Module II](#) provides information on determining applicability of regulations to federal actions, requirements for determining conformity, and the review process for a determination.
- All The Details, for individuals responsible for preparing the determination: [Module III](#) contains detailed information on evaluating conformity including emission calculations, requirements for associated programs and special situations.
- State and tribal requirements and responsibilities, for state, tribal, and local air quality managers: [Module IV](#) provides information on state and tribal requirements and responsibilities in evaluation of conformity for federal actions.

WATER MANAGEMENT BASICS. This FEMP course provides a concise introduction to comprehensive water management, to include key topic areas of basic water management terminology, history of federal water mandates, current Executive Order 13693 provisions, 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

USGS CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES. U.S. Geological Survey webinars are designed 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 U.S. Video recordings with closed captioning are made available one to two weeks after each presentation.

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.

ITRC INTERNET BASED TRAINING. The Interstate Technology and Regulatory Council (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. Visit the site often to view upcoming Internet-based training events.

ONLINE TRAINING: SCHEDULED AND ON-DEMAND EVENTS

***23-25 AUG 16.** [Workshop on Small Drinking Water System Challenges and Solutions](#) This EPA-sponsored workshop will provide participants with in-depth training and information on various solutions and strategies for handling small system problems and compliance challenges. The workshop is designed to provide timely information on a variety of drinking water topics relevant to small systems, including treatment technologies, drinking water regulations, compliance issues and emerging contaminants.

Staff Directory

Director/DOD Region 4 REC	(404) 562-5146
Regional Counsel	(404) 562-5016
Region 4 Army REC	(404) 562-5231
Regulatory Affairs Specialist	(404) 562-5023

How the Regional Offices Work for You

The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations. The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are protected.

To comment on an item in the *Southern Review*, please contact the Regional Environmental Coordinator listed at the top of page two.

To be added to the *Southern Review* distribution list, email the [Regulatory Affairs Specialist](#).