



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

August 2017

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](#).

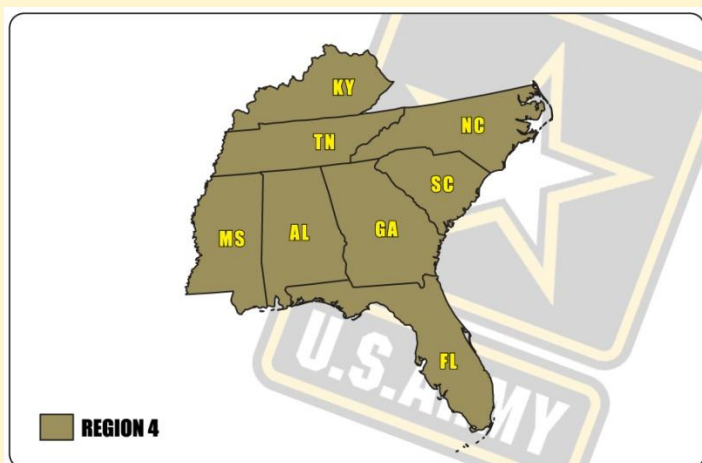


TABLE OF CONTENTS

Alabama	2
Florida	2
Georgia	3
Kentucky	3
Mississippi	4
North Carolina	4
South Carolina	5
Tennessee	5
Federal Activity	6
DOD Activity	12
Professional Development	12
Staff Directory	17

SUPERFUND PROGRAM

U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt is making [changes](#) to the Superfund Program, including changes to the way certain large Superfund cleanup remedies are selected, and planning new efforts to streamline or restructure the program.

On [9 MAY 17](#) and [22 MAY 17](#), Administrator Pruitt issued memos revising the delegation of authority to select remedies under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The memos specify that authority to select remedies estimated to cost more than \$50 million is retained by the administrator.

The [22 MAY 17](#) memorandum also established a [task force](#) to provide recommendations for improving the efficiency of the Superfund Program by:

- Identifying best practices within regional Superfund programs;
- Incentivizing private investment at sites;
- Ensuring risk management principles are considered at sites with contaminated sediment;
- Utilizing alternative and nontraditional approaches for financing site cleanups;
- Reducing administrative and overhead costs, and re-examining the necessary level of agency oversight; and
- Improving interactions with key stakeholders, and expanding the role these stakeholders and public-private partnerships play.

The memorandum also calls for more close and frequent coordination by regional coordinators and their staffs with the administrator's office throughout the process of developing and evaluating alternatives and selecting site remedies.

See additional information about the task force recommendations on page 6 of this month's *Review*.

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.



2017 LEGISLATIVE SESSION: 7 FEB THROUGH 22 MAY

There are no significant legislative or regulatory activities to report.

PROPOSED RULES

AIR QUALITY RULES AMENDMENTS. The Alabama Department of Environmental Management (ADEM) proposes to amend Administrative Code Rules [335-1-1-.03](#), [335-1-1-.04](#), and [335-3-3-.05](#). These proposed revisions include Clean Air Act (CAA) requirements that members of Boards and Commissions, which oversee state air quality efforts, conform to requirements in the CAA involving disclosure of potential conflicts of interest. Proposed revisions to rule 335-3-3-.05 incorporate an equivalent production-based mercury emission limit and add additional monitoring and recordkeeping requirements for existing commercial and industrial solid waste incineration units in the waste-burning kiln category. ADEM filed a [notice of intended action](#) on 23 JUL 17.

UNDERGROUND STORAGE TANK REGULATIONS. ADEM proposes to amend [chapter 335-6-15](#) of the ADEM administrative code. These proposed revisions maintain the program's authorized status, to adopt new rules published by EPA, and to make typographical and grammatical corrections. ADEM filed a [notice of intended action](#) on 23 JUL 17.



2017 LEGISLATIVE SESSION: 7 MAR THROUGH 5 MAY

There are no significant legislative activities to report.

PROPOSED RULES

ENVIRONMENTAL RESOURCE PERMITTING. The Florida Department of Environmental Protection (FDEP) proposes to amend rules in [Chapter 62-330](#), F.A.C., the [Applicant's Handbook Volume I](#), and sections in the [Applicant's Handbook Volume II](#) within the Northwest Florida Water Management District. The amendments to Chapter 62-330, F.A.C., streamline regulatory processes, provide clarifications, make technical corrections, reduce redundant submittal requirements, improve cooperation with federal permitting programs, revise the application and notice form, and provide exemptions for certain de minimis activities. FDEP hosted a workshop on 25 JUL 17, before a notice of rule development is published. Click [here](#) for a copy of the workshop presentation.

PERMITTING CONSUMPTIVE USES OF WATER. The St. Johns River Water Management District proposes to amend rules in [Chapter 40C-2, F.A.C.](#), to: (1) add the new rule language regarding market conditions for agriculture irrigation, as

required by subsection 373.227(6), F.S. (2016); (2) clarify existing rules; (3) create additional streamlining; and (4) reduce regulatory burdens while protecting water resources. This rule development will cover (1) consumptive use permit criteria; (2) limiting conditions (permit conditions by rule); (3) permit thresholds; (4) permit types; (5) permit duration; (6) water conservation requirements; (7) annual allocation requirements and other rules needed to provide continuous reasonable assurance throughout the duration of a permit; (8) modification of permits; (9) 10-year compliance reports; (10) compliance monitoring and forms; (11) application forms; (12) permit fees to address related changes to permit thresholds or permit types; and (13) other rules for which conforming amendments may be needed, along with any rule changes made in the subject areas identified above. The water management district published [notice of development of rulemaking](#) on 12 OCT 16, and it conducted a Rule Development Workshop on 3 AUG 17 to discuss and receive public input on the proposed rule amendments. The water management district issued a draft [notice of the proposed rule](#) on 27 JUL 17.

TMDLS FOR MIDDLE ST. JOHNS RIVER BASIN AND CHARLOTTE HARBOR BASIN. FDEP proposes to establish Total Maximum Daily Loads (TMDLs) for certain surface waters within the Middle St. Johns River Basin and Charlotte Harbor Basin, where those waters previously have been identified as impaired for specific pollutants and included on the department's verified list of impaired waters. Specifically, the proposed nutrient TMDL rules are for the DeLeon Spring (WBID 3424) and Gemini Springs (3424Z), Sanibel Slough West (WBID 2754), and Sanibel Slough East (2872A). The DeLeon Spring and Gemini Springs waterbodies were verified for nutrient impairments because of elevated concentrations of nitrate contributed to an imbalance of flora caused by algal smothering in the spring run; Sanibel Slough (West and East) waterbodies were verified for nutrient impairments due to elevated chlorophyll a concentrations, using the methodology established in Chapter 62-303, F.A.C. FDEP published a [notice of proposed rule](#) on 10 JUL 17.



2017 LEGISLATIVE SESSION: 9 JAN THROUGH 24 MAR

There are no significant legislative activities to report.

PROPOSED RULES

UNDERGROUND STORAGE TANK MANAGEMENT. The Georgia Environmental Protection Division (EPD) proposes to amend Georgia Rules for Underground Storage Tank Management, Chapter 391-3-15. EPD proposes to amend Rules 391-3-15-.01 through 391-3-15-.09; 391-3-15-.11 through 391-3-15-.13; 391-3-15-.16; and 391-3-15-.17 to include regulations published by the EPA through July 15, 2015. The [proposed amendments](#) include adoption of EPA's 2015 Underground Storage Tank (UST) Regulation, which increases emphasis on properly operating and maintaining UST equipment and establishes federal requirements similar to key portions of the Energy Policy Act of 2005. Georgia EPD filed the [notice of proposed rule](#) on 29 JUN 17.

WATER QUALITY CONTROL. Georgia EPD proposes to amend Chapter 391-3-6, Rules for Water Quality Control, to ensure consistency between state rules and the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, which sets forth various electronic reporting requirements for NPDES permittees. The [proposed amendments](#) incorporate language that recognizes and incorporates the NPDES Electronic Reporting Rule requirements into the rules addressing NPDES permits administered by Georgia EPD. The division filed a [notice of proposed rule](#) on 11 JUL 17.



2017 LEGISLATIVE SESSION: 3 JAN THROUGH 30 MAR

There are no significant legislative activities to report.

PUBLIC WATER SUPPLY. The Kentucky Department for Environmental Protection (DEP) proposes to amend [401 KAR Chapter 8](#): Public Water Supply. The following regulations are proposed for changes:

- 401 KAR 8:010 – Definitions
- 401 KAR 8:011 – Repeal of 401 KAR 8:070, 8:101, 8:550, and 8:600
- 401 KAR 8:020 – Public and semipublic water systems; general provisions
- 401 KAR 8:040 – Laboratory certification
- 401 KAR 8:075 – Consumer confidence reports and public notification
- 401 KAR 8:100 – Design, construction, and approval of facilities and approval timetable for 401 KAR Chapter 8
- 401 KAR 8:250 – Inorganic and organic chemical sampling, analytical techniques, maximum contaminant levels, radionuclides, and secondary standards

Regulations in 401 KAR Chapter 8 are required for Kentucky to maintain primacy over its Safe Drinking Water Program, and the amended regulations are intended to maintain consistency with [40 C.F.R. Part 141](#) and [40 C.F.R. Part 142](#). The Kentucky DEP filed the proposed amendments on 13 APR 17. On 7 JUL 17, after receiving comments on the proposed amendments, the department filed a [Statement of Consideration](#) with the Legislative Research Commission and issued a [public notice](#) regarding further amendments to [401 KAR 8:020](#) and [401 KAR 8:075](#).

STATE IMPLEMENTATION PLAN REVISION. The Kentucky Energy and Environment Cabinet will conduct a [public hearing](#) on 24 AUG 17 at the Northern Kentucky Area Development District to receive comments on a [proposed revision](#) to Kentucky's State Implementation Plan (SIP) and Non-interference Demonstration for the Removal of Reformulated Gasoline (RFG) from Boone, Campbell, and Kenton counties. The revision includes updated mobile source emissions inventories, reflecting the removal of RFG as a control measure for the Northern Kentucky area, and replaces those previously submitted with the redesignation request for the 2008 Ozone National Ambient Air Quality Standard (NAAQS).



2017 LEGISLATIVE SESSION: 3 JAN THROUGH 2 APR

There are no significant legislative or regulatory activities to report.



2017 LEGISLATIVE SESSION: 11 JAN THROUGH 1 JUL

NORTH CAROLINA HB 275, STORMWATER FEES ON TAXIWAYS OR RUNWAYS. Exempts airports from paying a stormwater utility fee levied by cities and counties on runways and taxiways. The initial bill was amended to explicitly exempt runways and taxiways on military properties from stormwater utility fees. Airports (not including military airfields) must use savings from the exemption to attract business to the airport. Signed by the governor on 20 JUL 17.

NORTH CAROLINA HB 402, RECYCLING LIABILITY. Exempts persons who arrange for recycling of recyclable materials from liability for hazardous substances released or threatened to be released at a facility owned or operated by another person. The exemption presumes the person has complied with all standards, requirements, and criteria set forth in the Superfund Recycling Equity Act of 1999, 42 U.S.C. Section 9627, as amended. Signed by the governor on 21 JUL 17.

NORTH CAROLINA HB 576, AEROSOLIZATION OF LEACHATE. Approves aerosolization of leachate and wastewater as an acceptable method of site management within lined landfills for the purpose of the management and/or disposal of leachate and non-domestic wastewater collected from a lined sanitary landfill for the disposal of municipal solid waste, except those permitted for the disposal of coal combustion residuals and wastewater from a swine lagoon. North Carolina Department of Environmental Quality (DEQ) also may consider aerosolization of leachate as an acceptable method of site management for unlined landfills. Vetoed by the governor on 30 JUN 17.

NORTH CAROLINA HB 589, COMPETITIVE ENERGY SOLUTIONS. Reforms North Carolina's approach to integrating renewable electricity generation, and enacts the Distributed Resources Access Act. This bill requires electric public utilities providing retail electric service to more than 150,000 retail jurisdictional customers in the state as of 1 JAN 17 to file with the North Carolina Utilities Commission an application requesting approval of a new program applicable to major military installations, The University of North Carolina, and certain other new and existing nonresidential customers. Electric public utilities must offer the program for a period of five years or until 31 DEC 22, whichever is later, and the total capacity offered must not exceed a combined 600 MWs; affected utilities must reserve at least 100 MWs for major military installations. This bill also establishes a moratorium from 1 JAN 17 to 31 DEC 18 on the issuance of permits for wind energy facilities and wind energy facility expansions in the state to allow the General Assembly time to consider the impact of future wind energy facilities and energy infrastructure on military operations, training, and readiness. Signed by the governor on 27 JUL 17.

PROPOSED RULES

GUIDANCE ON STANDARD FOR CHROMIUM IN GROUNDWATER. North Carolina DEQ Secretary Michael Regan is [directing a state panel](#) to provide science-based guidance that can be used to address the recently announced performance standard for chromium in groundwater. DEQ issued [performance standards](#) for chromium and other coal ash-related constituents based on what is required by state groundwater regulations and the Coal Ash Management Act. The performance standards DEQ issued for water filtration systems are based on enforceable, regulatory concentrations of a contaminant. The North Carolina Department of Health and Human Services has established a separate health goal to help private well-owners near coal ash ponds understand potential health risks and options to reduce their exposure.

FINAL RULES

OCCUPATIONAL EXPOSURE TO BERYLLIUM. The Occupational Safety and Health Division of the North Carolina Department of Labor amended the *North Carolina Administrative Code* to incorporate by reference the occupational safety and health related provisions of Title 29 of the *Code of Federal Regulations* (CFR) Parts 1910, 1915, and 1926, as promulgated on 9 JAN 17 ([82 FR 2470](#)). This update includes the recent verbatim adoption of federal standards for occupational exposure to beryllium. The division published the [notice of verbatim adoption of federal standards](#) on 17 JUL 17, and the amended rule is effective 1 JUL 17.



2017 LEGISLATIVE SESSION: 10 JAN THROUGH 1 JUN

There are no significant legislative or regulatory activities to report.



2017 LEGISLATIVE SESSION: 10 JAN THROUGH 14 APR

There are no significant legislative activities to report.

PROPOSED RULES

PUBLIC RECORDS REQUESTS. The Tennessee Department of Environment and Conservation (TDEC) proposes an amendment to give flexibility to the Commissioner to determine if a records request made by a federal, state, or local government agency is in the best interest of the public, thereby, warranting an exemption from paying a fee for copies of the requested public records. TDEC published a [notice of rulemaking hearing](#) on 11 JUL 17.

Federal Activity

AIR

NO₂ NAAQS REVIEW. EPA proposes to retain, without revision, the existing primary NAAQS for nitrogen dioxide (NO₂) and the air quality criteria addressing human health effects of oxides of nitrogen ([82 FR 34792](#)). Comments are due 25 SEP 17.

SNAP: ACCEPTABLE REFRIGERANT SUBSTITUTES. EPA expanded the list of acceptable substitutes pursuant to the EPA Significant New Alternatives Policy (SNAP) program ([82 FR 33809](#)). This action lists as acceptable additional substitutes for use in the refrigeration and air conditioning sector and the cleaning solvents sector. Effective 21 JUL 17, the new substitutes are:

- Hydrofluorocarbon (HFC)-134a in residential and light commercial air conditioning and heat pumps (retrofit equipment);
- Hydrofluoroether (HFE)-7300 in non-mechanical heat transfer systems (new and retrofit equipment);
- R-407H and/or R-442A in retail food refrigeration—remote condensing units (new and retrofit equipment);
- R-448A, R-449A, R-449B, R-452A, R-452C, R-453A, and/or R-458A in multiple refrigeration and air conditioning end-uses (new and retrofit equipment);
- R-513A in residential dehumidifiers (new and retrofit equipment); and
- HFE-7300 in electronics cleaning, metals cleaning, and precision cleaning end-uses.

CLEAN UP

SUPERFUND TASK FORCE RECOMMENDATIONS. EPA's Superfund Task Force [released](#) a report to EPA Administrator Scott Pruitt, providing 42 specific and detailed recommendations to streamline and improve the Superfund program. The [42 Superfund Task Force recommendations](#) are organized into five goals:

- Expediting Cleanup and Remediation;
- Re-invigorating Responsible Party Cleanup and Reuse;
- Encouraging Private Investment;
- Promoting Redevelopment and Community Revitalization; and
- Engaging Partners and Stakeholders.

Each goal in the task force report is accompanied by strategies and specific actions that are planned to commence within 12 months. Administrator Pruitt also [signed a directive](#) identifying 11 specific actions that should be implemented immediately, including identification of sites where the risk of human exposure is not fully controlled. To read an announcement about the task force recommendations, click [here](#).

CLIMATE CHANGE

NATIONAL CLIMATE ASSESSMENT. The U.S. Global Change Research Program is mandated to conduct a quadrennial National Climate Assessment (NCA). Under its current strategic [plan](#), the program is building sustained assessment capacity to support the nation's ability to understand, anticipate, and respond to risks and potential impacts brought about by global environmental change. Work on the fourth National Climate Assessment (NCA4) is currently underway. The National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Global Change Research Program, is soliciting nominations for review editors for the NCA4 ([82 FR 33482](#)). Nominations are due 8 SEP 17.

ENERGY

RENEWABLE FUEL STANDARD PROGRAM. EPA [announced](#) proposed volume requirements under the Renewable Fuel Standard (RFS) program for cellulosic biofuel, advanced biofuel, and total renewable fuel that apply to gasoline and diesel transportation fuel produced or imported in calendar year 2018. EPA also proposed biomass-based diesel volume standards for calendar year 2019 ([82 FR 34206](#)). The proposal would require refiners to use 19.24 billion gallons of renewable fuels in 2018, slightly down from the 19.28 billion gallons required in 2017 and approximately 25 percent lower than the target Congress outlined in 2007. In addition, EPA published the text of a proposed rule, [Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019](#), and held a public hearing on the standard ([82 FR 32783](#)). For more information about EPA's renewable fuel standard proposed volume requirements, click [here](#).

In a related action, the Court of Appeals for the District of Columbia [ruled](#) in July that EPA erred in 2015 when it waived certain biofuel blending requirements set in the RFS law seven years prior. The EPA decision in 2015 required oil refiners blend 18.11 billion gallons of biofuels into their gasoline and diesel supply the following year. That level was below the goal set by Congress, but EPA said it was waiving the requirement because demand pressures were limiting the ability to increase renewable fuel levels as quickly as the law required. The court ruled that EPA was not allowed to make that determination. To read a news report about the decision, click [here](#).

METHANE RULE. The U.S. District Court of Appeals for the District of Columbia [ruled](#) in July that EPA must immediately begin enforcing the so-called methane rule, which limits methane emissions from oil and gas operations while also giving drillers the incentive to capture and sell that fuel to manufacturers and chemical makers. EPA had wanted to either delay or to scrap the rule altogether, arguing that the previous administration failed to let stakeholders consider the matter. The court said EPA can review the rule internally but the agency cannot delay rules that have been enacted unless it can cite a legal precedent. To read a news report about the ruling, click [here](#).

COMBINED HEAT AND POWER DATABASE. The Department of Energy (DOE) Advanced Manufacturing Office released an updated [Combined Heat and Power \(CHP\) Installation Database](#), which contains a comprehensive listing of combined heat and power installations throughout the country. The updated database reflects an increase in the overall U.S. CHP capacity from 81.1 gigawatt (GW) in 2015 to 82.6 GW in 2016. The number of CHP sites grew from 4,309 to 4,395 in 2016. Growth was fueled by 173 new CHP installations. The states with the most new CHP installations were New York (39), Massachusetts (27), California (19), and Pennsylvania (11). Natural gas was the predominant fuel type for new CHP installations, supplying the fuel for 80 percent of new systems in 2016, while biomass accounted for 16 percent of new CHP capacity. For more information, click [here](#).

ENERGY SAVINGS ANALYSIS OF ENERGY EFFICIENCY STANDARD. DOE released a preliminary energy savings analysis of ANSI/ASHRAE/IES Standard 90.1-2016, Energy Standard for Buildings Except Low-Rise Residential Buildings ([82 FR 34513](#)). The preliminary analysis quantifies the expected energy savings associated with [Standard 90.1-2016](#) relative to the previous 2013 version. A copy of the preliminary analysis is available [here](#). DOE is accepting comment on any subject within the scope of the preliminary analysis. Comments are due 8 SEP 17.

MISCELLANEOUS

NATIONAL SPACE COUNCIL. President Trump issued Executive Order (EO) 13803 reviving the National Space Council ([82 FR 31429](#)). Established in 1989, the National Space Council was to advise and assist the president on national space policy and strategy. The council was never formally disestablished, but it effectively ceased operation in 1993. This order revives the council and provides additional details regarding its duties and responsibilities. The Secretary of Defense is designated a position on the council.

INFRASTRUCTURE ADVISORY COUNCIL. President Trump issued an EO establishing a [presidential advisory council on infrastructure](#) ([82 FR 34838](#)). The order establishes the Presidential Advisory Council on Infrastructure within the Department of Commerce. The council is tasked to study the scope and effectiveness of, and make findings and recommendations to the president regarding federal government funding, support, and delivery of infrastructure projects in several sectors, including surface transportation, aviation, ports and waterways, water resources, renewable energy generation, electricity transmission, broadband, pipelines, and other such sectors as determined by the council.

POLICY TO ASSESS AND STRENGTHEN DEFENSE INDUSTRIAL BASE AND SUPPLY CHAIN. President Trump issued EO 13806, Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States ([82 FR 34597](#)). The EO requires the Secretary of Defense and others to develop a report that evaluates, assesses, and makes recommendations to ensure the continued production or availability of military and civilian materiel, raw materials, and other goods that are essential to national security.

FEDERAL WAREHOUSING AND ASSET STORAGE. The General Services Administration Office of Government-Wide Policy is providing guidance on federal warehousing and the storage of assets through Federal Management Regulation (FMR) Bulletin B-44 ([82 FR 32362](#)). The bulletin provides an overview of considerations for agencies as they plan for acquiring warehousing space and throughout the life-cycle of the warehouse. In addition to addressing the warehouse facility itself, FMR Bulletin B-44 discusses the contents of the warehouse, with the idea that if the contents can be reduced, the need for warehousing facilities can also be reduced concomitantly.

TRANSPORT OF DANGEROUS GOODS. The Pipeline and Hazardous Materials Safety Administration is requesting comment on issues being considered during the 51st and 52nd sessions of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods ([82 FR 34745](#)). Comments are due 17 NOV 17.

EPA REGION 4: CORRECTIONS TO ADDRESSES AND AGENCY NAMES. EPA has corrected the addresses and agency names for EPA Region 4 state and local agencies in EPA regulations ([82 FR 32644](#)). The jurisdiction of EPA Region 4 is Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Certain EPA air pollution control regulations require submittal of notifications, reports, and other documents to the appropriate authorized state or local agency. The final corrections were effective 17 JUL 17.

NATURAL RESOURCES

MIGRATORY BIRD HUNTING. The U.S. Fish and Wildlife Service (FWS) issued a final rule prescribing the hunting seasons, hours, areas, and daily bag and possession limits for migratory game birds ([82 FR 34752](#)). Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of designated species during the 2017-18 season.

THREATENED AND ENDANGERED SPECIES

REGULATORY REVIEW. As part of efforts to improve regulations and regulatory processes, the National Marine Fisheries Service (NMFS) and National Ocean Service (NOS) are requesting public comment on identifying existing regulations that eliminate jobs or inhibit job creation; are outdated, unnecessary, or ineffective; impose costs that exceed benefits; create a serious inconsistency or interfere with regulatory reform initiatives and policies; are inconsistent with the

requirements of section 515 of the Treasury and General Government Appropriations Act of 2001; and/or derive from or implement EOs or other presidential directives that have been subsequently rescinded or substantially modified ([82 FR 31576](#)). NMFS and NOS also seek public comment on the efficiency and effectiveness of current regulatory processes, and specifically, if current regulatory processes can be further streamlined or expedited in a manner consistent with applicable law. Comments are due 21 AUG 17.

TOXICS

TSCA: PROCEDURES FOR PRIORITIZATION OF CHEMICALS FOR RISK EVALUATION. EPA issued a final rule that establishes the process and criteria that it will use to identify chemical substances as either High-Priority Substances for risk evaluation, or Low-Priority Substances for which risk evaluations are not warranted ([82 FR 33753](#)). The final rule describes the processes for formally initiating the prioritization process on a selected candidate, providing opportunities for public comment, screening the candidate against certain criteria, and proposing and finalizing designations of priority. Prioritization is the initial step in a new process of existing chemical substance review and risk management activity established under the Toxic Substances Control Act (TSCA), as amended. The final rule is effective 18 SEP 17.

TSCA: PROCEDURES FOR CHEMICAL RISK EVALUATION. EPA issued a final rule that establishes a process for conducting risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment ([82 FR 33726](#)). The rule identifies the steps of the risk evaluation process including scope, hazard assessment, exposure assessment, risk characterization, and finally a risk determination. This process will be used for the first 10 chemical substances undergoing evaluation from the 2014 update of the TSCA Work Plan for Chemical Assessments. Chemical substances designated as High-Priority Substances during the prioritization process and those chemical substances for which EPA has initiated a risk evaluation in response to a manufacturer request will always be subject to this process. The final rule also includes the required “form and criteria” applicable to such manufacturer requests. The final rule is effective 18 SEP 17.

TSCA: SCOPE DOCUMENTS FOR RISK EVALUATIONS. EPA announced the availability of the scope documents for the risk evaluations to be conducted for the first 10 chemical substances reviewed under TSCA ([82 FR 31592](#)). Each scope includes the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the EPA expects to consider in conducting the risk evaluation. EPA is also re-opening existing dockets for the first 10 chemicals to allow for the public to provide additional data or information that could be useful to the agency in conducting a problem formulation, which is the next step in the process of conducting the risk evaluations for these chemicals. The 10 chemicals subject to review are asbestos, 1-bromopropane, 1,4-dioxane, carbon tetrachloride, cyclic aliphatic bromide cluster (HBCD), methylene chloride, n-methylpyrrolidone (NMP), pigment violet 26, tetrachloroethylene (also known as perchloroethylene), and trichloroethylene.

TSCA: GUIDANCE FOR DEVELOPING AND SUBMITTING DRAFT RISK EVALUATIONS. EPA issued [Guidance to Assist Interested Persons in Developing and Submitting Draft Risk Evaluations Under the Toxic Substances Control Act](#) ([82 FR 33765](#)). The guidance is intended to assist interested persons or parties in developing and submitting draft risk evaluations to be considered by EPA under TSCA. The guidance document addresses the science standards, data quality considerations, and steps of the risk evaluation process that parties should follow when developing draft risk evaluations for consideration by EPA.

TOXIC RELEASE INVENTORY. In July, EPA released the [2016 Toxic Release Inventory \(TRI\) Preliminary Dataset](#). The dataset contains the most current TRI data available on toxic chemical releases, other waste management, and pollution prevention activities that occurred at industrial facilities during the 2016 calendar year. According to EPA, the July preliminary dataset includes reporting forms processed as of 1 JUL 17 and is estimated to be 97 percent complete.

MERCURY IN ARCTIC SOILS. According to a July 2017 [study](#), researchers have identified gaseous elemental mercury as the primary mode of mercury accumulation in the Arctic tundra. Researchers found that gaseous mercury is lofted to the Arctic, where it is absorbed by plants in a process similar to how they take up carbon dioxide. Then, the mercury is

deposited in the soil when the plants shed leaves or die. As a result, the tundra is a significant repository for atmospheric mercury being emitted by industrialized regions of the world.

GLOBAL TREATY ON MERCURY. In August 2017, the [Minamata Convention on Mercury](#), to which the U.S. is party, will enter into force. The Minamata Convention is a global treaty that aims to protect human health and the environment from anthropogenic emissions and releases of mercury and its compounds, comprehensively controlling the entire life-cycle of mercury consisting of mining, trading, use, emission, release, disposal and other processes. Once in force, the convention will require party nations to:

- Reduce and where feasible eliminate the use and release of mercury from artisanal and small-scale gold mining;
- Control mercury air emissions from coal-fired power plants, coal-fired industrial boilers, certain non-ferrous metals production operations, waste incineration, and cement production;
- Phase-out or take measures to reduce mercury use in certain products such as batteries, switches, lights, cosmetics, pesticides, and measuring devices, and create initiatives to reduce the use of mercury in dental amalgam; and
- Phase out or reduce the use of mercury in manufacturing processes such as chlor-alkali production, vinyl chloride monomer production, and acetaldehyde production.

In addition, the convention addresses the supply and trade of mercury, safer storage and disposal, and strategies to address contaminated sites.

WASTE

COURT VACATES KEY CRITERION FOR DETERMINING SHAM RECYCLING. In July, the D.C Court of Appeals for the District of Columbia [vacated](#) a key criterion used by EPA and state regulators to distinguish between legitimate recycling and sham recycling. The criterion was established by EPA in 2015 as part of a [final rule](#) intended to ensure that recycling regulations encourage reclamation in a way that does not result in increased risk to human health and the environment. The revisions allowed certain materials that would otherwise need to be managed as a hazardous waste to be recycled, as long as certain conditions were met. The court invalidated one of these criterion. Until EPA revises its rules, those seeking to demonstrate the legitimacy of a recycling process under federal law will only need to satisfy the remaining three legitimacy criteria: (a) the secondary material must provide a useful contribution to product; (b) the recycling process must produce a valuable product; and (c) the generator and recycler must manage the secondary material as valuable product. A news report about the ruling is available [here](#).

HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM ADVISORY BOARD MEETING. EPA will host a three-day meeting of the Hazardous Waste Electronic Manifest System (e-Manifest) Advisory Board to consider and advise the agency about the initial launch of the e-Manifest System ([82 FR 32546](#)). The meeting theme is "Implementing e-Manifest: User Registration and Account Activation." The meeting is scheduled for 26-28 SEP 17. EPA is requesting written comments be submitted by 12 SEP 17 and that requests for oral comments be submitted by 19 SEP 17.

WATER

CLEAN WATER RULE. EPA and the U.S. Army Corps of Engineers [are proposing](#) to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to the 2015 definition, "waters of the United States," consistent with [EO 13778 \(82 FR 34899\)](#). When finalized, this action would provide certainty pending a second rulemaking in which the agencies will substantively re-evaluate the definition of "waters of the United States." Comments are due 28 AUG 17. For more information, click [here](#). A press release is available [here](#).

DRINKING WATER SAMPLE TEST PROCEDURES. EPA approved 17 analytical methods for determining contaminant concentrations in drinking water samples collected under the Safe Drinking Water Act ([82 FR 34861](#)). Regulated parties

required to sample and monitor may use either the testing methods already established in existing regulations or the alternative testing methods being approved in this action. The new methods are listed along with other methods similarly approved through previous actions in [Title 40 Code of Federal Regulation Part 141](#), appendix A to subpart C, and on EPA's drinking water methods [website](#). The final rule was effective 27 JUL 17.

WATER QUALITY CRITERIA FOR ALUMINUM. EPA released for public comment the [Draft Updated Aquatic Life Ambient Water Quality Criteria for Aluminum in Freshwater \(82 FR 35198\)](#). The freshwater criteria for aluminum is intended to protect aquatic life from harmful effects of aluminum toxicity. EPA is updating its recommended aluminum criteria to reflect the latest science and to provide users the flexibility to develop site-specific criteria based on site-specific water chemistry. The draft document provides a scientific assessment of ecological effects and is not a regulation. When finalized, the criteria will provide recommendations for states and authorized tribes to establish water quality standards. Comments are due 26 SEP 17. For more information about aluminum in water, including a fact sheet and EPA's responses to peer review comments, click [here](#).

WATER INFRASTRUCTURE FINANCING. EPA [launched](#) the [Water Finance Clearinghouse](#), a web-based portal to help communities make informed financing decisions for their drinking water, wastewater, and stormwater infrastructure needs. The clearinghouse provides communities with a searchable database with more than \$10 billion in water funding sources and more than 550 resources to support local water infrastructure projects. It consolidates and expands upon existing EPA-supported databases to create a one-stop-shop for all community water finance needs. The Water Finance Clearinghouse was developed by [EPA's Water Infrastructure and Resiliency Finance Center](#), an information and assistance center that provides financing information to help local decision makers make informed decisions for drinking water, wastewater, and stormwater infrastructure to reach their public health and environmental goals.

NATIONAL STORMWATER CALCULATOR. EPA released the [National Stormwater Calculator](#) (SWC) to help support local, state and national stormwater management objectives and regulatory efforts to reduce runoff through infiltration and retention using green infrastructure (infrastructure based on natural processes) practices as low impact development controls. The primary focus of the SWC is to inform site developers on how well they can meet a desired stormwater retention target with and without the use of green infrastructure. It can also be used by landscapers and homeowners. The SWC is a Windows-based desktop program that requires an internet connection. A mobile web application version that will be compatible with all operating systems will be released this fall. A [webinar](#) is scheduled for 23 AUG 17. For more information, click [here](#).

GREEN INFRASTRUCTURE EFFECTIVENESS DATABASE. Developed by NOAA, this [online database](#) of literature sources contains information on the effectiveness of green infrastructure to reduce the impacts of coastal hazards, such as inundation and erosion from tropical storms and cyclones, more frequent precipitation events, and sea level rise. The database contains records from a wide range of sources, such as peer-reviewed journals, online tools, and other literature, and includes information on 32 different coastal green infrastructure types. The green infrastructure techniques referenced cover a full range of approaches to coastal management, including natural, nature-based (e.g., low-impact development), structural, and policy. For more information, click [here](#).

HARMFUL ALGAL BLOOMS. EPA released a [suite of materials](#) states and communities can use to protect public health during harmful algal bloom (HAB) outbreaks caused by cyanobacteria. Public health officials and outdoor water recreational managers can use EPA's online resources to develop a cyanotoxin monitoring program, communicate potential health risks to the public, and address HAB outbreaks. In addition, in June, the Congressional Research Service (CRS) released a [report](#) on the causes, challenges, and policy considerations associated with freshwater HABs. The report discusses steps that Congress, federal agencies, and states have taken to address HABs and nutrients that contribute to their occurrence. According to CRS, some states have listed waters as impaired, or not meeting water quality standards, for algal blooms or algal toxins and some of these states have begun to develop total maximum daily loads (TMDLs) to address them.

Department of Defense Activity

VAPOR INTRUSION. DOD finalized and posted three fact sheets on the Defense Environmental Network and Information Exchange (DENIX) [website](#). The fact sheets address: [Passive Sampling for Vapor Intrusion Assessment](#), [Real-time Monitoring](#), and [High Volume Sampling](#). A copy of the [DOD Vapor Intrusion Handbook](#) (2009) is also posted on DENIX, as is a link to [Navy vapor intrusion resources](#).

LOW-LEVEL RADIOACTIVE WASTE. In July, DOD issued [DOD Instruction \(DODI\) 4715.27](#), DOD Low-Level Radioactive Waste (LLRW) Program to establish policy, assign responsibilities, and provide procedures for LLRW disposal and establish the LLRW Disposition Advisory Committee. The DODI requires component heads to develop and publish procedures in DOD Component regulations to comply with the DODI, assign a point of contact for the committee, and, for LLRW generated from an environmental restoration site, coordinate LLRW disposal plans with the DOD lead agent. The Secretary of the Army is designated lead agent for LLRW, in accordance with DODI 4715.06.

EXPLOSIVES SAFETY MANAGEMENT. The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics issued [Department of Defense Directive \(DODD\) 6055.09E](#), Explosives Safety Management. The directive reissues and cancels the prior directive, issued in 2005. The DODD establishes the DOD Explosives Safety Board (DDESB), establishes policy and assigns responsibilities for the board, and designates the Secretary of the Army as the DOD executive agent for emergency response to transportation mishaps of military munitions. The DODD also sets DOD policy for explosive safety.

USACE REGULATORY REFORM. The U.S Army Corps of Engineers, in accordance with [Executive Order 13777, Enforcing Regulatory Reform Agenda](#), is seeking input on existing regulations that may be appropriate for repeal, replacement, or modification ([82 FR 33470](#)). Comments are due 18 SEP 17.

ARMY DISCOVERY MAY OFFER NEW ENERGY SOURCE. Army scientists and engineers have discovered that an aluminum nanomaterial of their design produces high amounts of energy when it comes in contact with water, or with any liquid containing water. The team demonstrated how the system works with a small radio-controlled tank. Moments after mixing a nano-galvanic, aluminum-based powder with a small amount of water, a bubbling reaction produced hydrogen, which was then used to power the tank model around the laboratory. To read more about the discovery, click [here](#).

Professional Development

DOD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM). USACE announces course availability for the FY18 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:

- CERCLA/RCRA Process (Course Control Number (CCN) [356](#))
- Environmental Laws and Regulations (CCN [170](#))
- Environmental Regulations Practical Application Course (CCN [398](#))
- Environmental Remediation Technologies (CCN [395](#))
- Hazardous Waste Manifesting/DOT Certification (CCN [223](#))
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN [429](#))

- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Radioactive Waste Transport (CCN [441](#))
- The Complete RCRA Course (Hazardous Waste Generation, Management, and Corrective Action) (CCN [226](#))

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.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING. The [Air Force Civil Engineer 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.

REPI WEBINAR SERIES (ONLINE). DOD's Readiness and Environmental Protection Integration (REPI) program offers [webinars](#) on best practices, tutorials, and knowledge sharing on partnerships that support the military mission and accelerate the pace and rate of land conservation. Archived webinars are available [on demand](#). Upcoming webinars include:

- 16 AUG 17: [Leveraging GIS to Define and Make Progress Toward Your Desired End State](#)
- 8 NOV 17: [Stakeholder Engagement 101: Building and Expanding Your REPI Partnership](#)
- 13 DEC 17: [REPI and Water](#)
- 31 JAN 18: [Can You Hear Me Now? Addressing Noise Impacts in Your REPI Partnership](#)

SERDP AND ESTCP WEBINAR SERIES (ONLINE). The DOD 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. Upcoming webinars include:

- 20 JUL 17: [Management of Energetic and Propellant Material Releases on Testing and Training Ranges.](#)

FEDERAL TRAINING SOURCES

14 SEP 17: FEDERAL FACILITY REQUIREMENTS FOR STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES (ONLINE). Join the EPA webinar on Clean Air Act [Stationary Reciprocating Internal Combustion Engine \(RICE\) requirements](#), and learn about the public health impacts of stationary RICE and emergency generators, why EPA regulates these engines, and specific regulatory requirements for federal facilities. EPA recently settled two enforcement cases with significant penalties against federal facilities for violating the RICE regulations. EPA is conducting this webinar in order to help other regulated federal facilities better understand their responsibilities under the RICE rules. Click [here](#) to register for the webinar.

RESTORATION WEBINAR SERIES (ONLINE). This webinar series is produced by a partnership between the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service. To receive an email notification when

registration for each webinar opens, please send your email address to jennifer_ryan@fws.gov. Also, you may click [here](#) to access the Restoration Webinar Series recording archive.

- 28 SEP 17: Overview of SER's New Certified Ecological Restoration Practitioner Program.
- 12 OCT 17: Restoring an Urban River: The Acushnet Sawmill Ecological Restoration Project.
- 30 NOV 17: Restoration of Shad and Anadromous Fish to the White Clay Creek National Wild and Scenic River in Delaware.
- 7 DEC 17: Upper Arkansas River Instream Habitat Restoration Project: How Can Monitoring Be Used to Inform Adaptive Management?
- 25 JAN 18: Decision Support Tools and a Framework for Climate-smart Restoration.

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE). 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](#)
- Applicable laws and Executive Orders; and
- [Partnerships](#).

FedCenter also provides member assistance services such as collaboration tools for workgroups, environmental reporting tools, and daily newsletter and subscription services.

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

- [Fundamentals: Biobased Products and the BioPreferred® Program](#)
- [Sustainable Acquisition: Biobased Requirements in the New Executive Order 13693](#)
- [Contracting Officer Role in Contractor Reporting of Biobased Product Purchases](#)
- [BioPreferred® Training for USDA Acquisition Community](#)
- [From Awareness to Action: The BioPreferred® Federal Procurement Preference Program](#)
- [Products in Operations, Maintenance, and Cleaning](#)

GUIDING PRINCIPLES FOR SUSTAINABLE FEDERAL BUILDINGS (ONLINE). This training series from the Federal Energy Management Program (FEMP) 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](#)

EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY (ONLINE). 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.

SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES (ONLINE). 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 in 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 (ONLINE). 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.

FEMP eTRAINING COURSES (ONLINE). FEMP offers interactive, [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 (ONLINE). 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.

INTEGRATED SOLAR POWER & ENERGY STORAGE SOLUTIONS (ONLINE). This [webinar](#) is focused on how public and private sector organizations can benefit from an integrated solar and energy storage solution, resulting in increased savings of 20-50 percent on joint installations. Webinar participants will learn about the basics of commercial rate payer structures for energy use and how combined installations of solar and storage relate; how climate action plans and energy management objectives can be met with a combined installation; and financial incentive programs available to boost savings and generate revenues.

ITRC TRAINING (ONLINE). 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.

GENERAL CONFORMITY TRAINING MODULES (ONLINE). 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 training conformity training program](#) covers all aspects of the rule and is divided into four modules.

WATER MANAGEMENT BASICS (ONLINE). 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, 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

CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES (ONLINE). 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.

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 represented.

To comment on items 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](#).

The *Review* is published under contract to the U.S. Army Corps of Engineers

