



U.S. ARMY

# Southern Review

## of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

September 2018

The *Southern Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the eight states in Federal Region 4, the *Southern Review* gives early notice of legislative and regulatory activities relevant to DOD interests. For installations that implement an environmental management system in accordance with ISO 14001 specifications, the content of the *Review* may help them identify emerging requirements.

The *Review* is published under contract to the U.S. Army Corps of Engineers (USACE). The information in this publication is derived from a variety of sources and is not created by USACE.

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## SUSTAINING MILITARY READINESS CONFERENCE 2018

Leaders from the Department of Defense and its partners met in St. Louis, Missouri, for four days in August 2018 for discussions, workshops, and networking at the Sustaining Military Readiness Conference.

Representatives from installations, ranges, and commands; state and local governments; communities and industry gathered to discuss emerging challenges and new opportunities to enhance and support military readiness.

The Hon. Lucian Niemeyer, Assistant Secretary of Defense for Energy, Installations, and Environment, was a keynote speaker at several conference sessions. He covered DOD's priorities outlined in the [2018 National Defense Strategy](#):

1. Rebuilding military readiness as we build a more lethal Joint Force;
2. Strengthening alliances as we attract new partners; and
3. Reforming DOD's business practices for greater performance and affordability.

Rebuilding and strengthening readiness were consistent themes throughout the conference. Sessions dealt with leveraging partnerships to address challenges in military readiness; promoting compatible management of resources to strengthen readiness; balancing competing interests for the electromagnetic spectrum; and finding greater access to air, land, sea, and spectrum resources.

Workshops offered tips for factoring climate change into integrated natural resource management plans, the science behind blast noise, training on cultural resources and Native American Affairs, and a 15-year retrospective on the [Readiness and Environmental Protection Integration Program](#). The Army, Navy, Air Force, and Marines also held separate breakout sessions, hosted by headquarters staff, to review conservation easement and other encroachment management projects and priorities.

Many of the session presentations can be found [here](#). Click on the "view session content link" for more information.

# 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.



## ***2018 LEGISLATIVE SESSION: 9 JAN THROUGH 24 APR***

There are no significant legislative activities to report.

### ***FEDERAL ACTIVITY***

**ALABAMA AIR PLAN APPROVAL AND AIR QUALITY DESIGNATION.** The Alabama Department of Environmental Management (ADEM) submitted a request 22 MAR 18 for the U.S. Environmental Protection Agency (EPA) to redesignate the Etowah County, Alabama, fine particulate matter (PM<sub>2.5</sub>) unclassifiable area to attainment for the 2006 primary and secondary 24-hour PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS). EPA is approving ADEM's request and redesignating the area to unclassifiable/attainment for the 2006 primary and secondary 24-hour PM<sub>2.5</sub> NAAQS based upon valid, quality-assured, and certified ambient air monitoring data showing that the PM<sub>2.5</sub> monitor in the area is in compliance with the 2006 primary and secondary 24-hour PM<sub>2.5</sub> NAAQS ([83 FR 42223](#)).



## ***2018 LEGISLATIVE SESSION: 8 JAN THROUGH 7 MAR***

There are no significant legislative activities to report.

### ***PROPOSED RULES***

**MINIMUM FLOWS AND LEVELS PRIORITY LIST.** The Southwest Florida Water Management District (WMD) has requested public input regarding the proposed 2018 Minimum Flows and Levels Priority List, with a focus on the Central Florida Water Initiative area. The Southwest Florida WMD [announced](#) 31 AUG 18 it will hold a public hearing 25 SEP 18.

**AQUATIC PLANT CONTROL PERMIT.** The Florida Fish and Wildlife Conservation Commission (FWC) has proposed amendments to the rules regarding aquatic plant control permits. The changes add new definitions, remove obsolete definitions, clarify existing definitions, institute and clarify processes for permit applications, add new exemptions, and set forth new penalties. FWC published a [notice of proposed rule](#) 7 AUG 18. Comments must have been submitted no later than 28 AUG 18.

**EMERGING INVASIVE SPECIES.** FWC has proposed amendments to [rules](#) to address emerging invasive species issues regarding prohibited non-native species, amnesty for persons relinquishing non-native pets, and lionfish. FWC published a [notice of development of rulemaking](#) 17 AUG 18.

**WATER SUPPLY PLAN.** The South Florida WMD has requested public input regarding the Lower East Coast Water Supply Plan. The WMD issued a [notice of meeting](#) 10 AUG 18. The public meeting was held 22 AUG 18.

**AIR QUALITY PLAN AMENDMENT—SULFUR DIOXIDE.** The Florida Department of Environmental Protection (FDEP) has proposed [revision](#) to Florida's Infrastructure State Implementation Plan (ISIP) under the Clean Air Act (CAA). The proposed sulfur dioxide (SO<sub>2</sub>) ISIP amendment confirms that Florida meets CAA Section 110(a)(2)(D)(i)(I), Prongs 1 and 2, requirements that address interstate transport of air pollutants. FDEP published a [notice](#) 3 AUG 18. Comments must have been submitted no later than 4 SEP 18. No hearing was requested or held.

**AIR QUALITY PLAN AMENDMENT—OZONE.** FDEP has proposed [revision](#) to Florida's ISIP for the 2015 Ozone NAAQS under the CAA. The proposed ozone ISIP amendment confirms that Florida meets CAA Section 110(a)(2) requirements. FDEP published a [notice](#) 3 AUG 18. Comments must have been submitted no later than 4 SEP 18. No hearing was requested or held.

**PLANT PESTS OF LIMITED DISTRIBUTION.** The Department of Agriculture and Consumer Services (DACS) has proposed a rule regarding lists of plants with limited distribution in Florida that will entail quarantine action by the department. The rulemaking will add pink bollwormpest (*pectinophora gossypiella*) to the plants with limited distribution in Florida, which will require quarantine action by the department if found. DACS published a [notice of proposed rule](#) 22 AUG 18. Comments were to be received no later than 12 SEP 18.

**REGULATIONS RELATING TO TAKING OF MAMMALS.** FWC has proposed rules clarifying the take of mammals that are not on the [Florida Endangered and Threatened Species](#) list or otherwise regulated by rules in [Division 68A](#). No mammal chapter exists, and the proposed rule will create a mammal chapter similar to existing chapters for birds ([68A-16](#)), reptiles ([68A-25](#)), and amphibians ([68A-26](#)). The new mammal chapter includes species being delisted or those that were recently delisted as part of the Imperiled Species Management Plan, species with similarity of appearance concerns, and possession limits for species that may be maintained as pets. The species included in this draft rule are included to continue to limit take to prevent the need to be listed again in the future or to reduce the risk that they will be taken, possessed, bred, or sold as part of the pet trade. FWC published a [notice of development of rulemaking](#) 16 AUG 18.

## ***FINAL RULES***

**WATER SHORTAGE PLAN AMENDMENT.** The St. Johns River WMD [amended](#) the district's water shortage plan required by Section 373.246, F.S., and codified in Chapter 40C-21, F.A.C. The amendment may address noticing of the declaration of a water shortage and associated water use restrictions, the hydrologic indicators to be used to assess whether to declare a water shortage or to change phases of a declared water shortage, the water use restrictions to be implemented during particular phases of a water shortage, and other matters as appropriate to make the water shortage plan more effective and efficient. The St. Johns River WMD published [notice of rule filing](#) 7 AUG 18. The rules were effective 23 AUG 18.

**CONSUMPTIVE USE PERMITS.** The St. Johns River WMD adopted amendments to rules in [Chapter 40C-2, F.A.C.](#), to update the types of consumptive use permits the district staff is delegated the authority to approve. The WMD published a [notice of rule filing](#) 14 AUG 18. The rules were effective 29 AUG 18.

## ***FEDERAL ACTIVITY***

**FLORIDA AIR QUALITY DESIGNATIONS.** EPA is establishing initial air quality designations for the 2012 primary annual PM<sub>2.5</sub> NAAQS for the remaining undesignated areas in the state of Florida ([83 FR 39369](#)). When EPA designated the majority of areas in the country for this NAAQS in December 2014 and March 2015, the agency deferred initial area designations for certain areas, including all of Florida, because EPA could not determine, using available data, whether the areas were meeting or not meeting the NAAQS. In August 2016, EPA designated most of the state of Florida; however, five counties remained undesignated. EPA could not determine at that time whether the areas were meeting

or not meeting the NAAQS. Florida has now submitted complete, quality-assured, and certified air quality monitoring data for the period 2015-2017 for the areas identified in this action. Based on these data, EPA is designating the remaining counties as unclassifiable/attainment for the 2012 primary annual PM<sub>2.5</sub> NAAQS, effective 10 SEP 18.



## ***2018 LEGISLATIVE SESSION: 8 JAN THROUGH 29 MAR***

There are no significant legislative activities to report.

### ***FINAL RULE***

**WATER QUALITY STANDARDS.** The Georgia Environmental Protection Division (GEPD) has adopted [amendments](#) to the rules for water quality control regarding water use classifications and water quality standards, as part of the triennial review. GEPD published the final rule 8 AUG 18.

### ***FEDERAL ACTIVITY***

**GEORGIA HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS.** Georgia EPD has applied to EPA for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA) ([83 FR 39975](#)). EPA has reviewed Georgia's application and has determined that the changes satisfy all requirements needed to qualify for final authorization and proposes to authorize the state's changes. EPA seeks public comment prior to taking final action. Comments were due 12 SEP 18.



## ***2018 LEGISLATIVE SESSION: 2 JAN THROUGH 13 APR***

There are no significant legislative activities to report.

### ***PROPOSED RULES***

**AIR QUALITY PLAN AMENDMENT—OZONE.** The Kentucky Department of Environmental Protection (KDEP) has [proposed revision](#) to Kentucky's 2015 Ozone Standard ISIP addressing CAA Section 110 requirements. KDEP will conduct a public hearing 21 SEP 18 to receive comments on the proposed revision. The department issued a [notice of public hearing](#) 5 SEP 18.

**AIR QUALITY REGULATIONS AMENDMENT.** KDEP has proposed rulemaking to amend the following regulations:

- [401 KAR 52:050](#). Permit application, registration application, and compliance forms.
- [401 KAR 52:070](#). Registration of air contaminant sources.

KDEP issued a [notice of public hearing](#) 9 AUG 18. The public hearing will be held 27 SEP 18, and written comments must be received no later than 30 SEP 18.

**AIR QUALITY PLAN AMENDMENT—GOOD NEIGHBOR PROVISION.** KDEP has invited public comment on a [proposed revision](#) to the SIP pertaining to the proposed 110(a)(2)(D)(i)(I), "good neighbor" provision, Demonstration for the 2010 1-hour Nitrogen Dioxide National Ambient Air Quality Standard. KDEP will conduct a public hearing 18 SEP 18 to receive

comments on the proposed revision. Written comments must be received no later than 18 SEP 18. The department issued a [notice of public hearing](#) 14 AUG 18.

**AIR QUALITY PLAN AMENDMENT—REGIONAL HAZE.** KDEP has proposed to revise the SIP to rely on the Cross State Air Pollution Rule (CSAPR), instead of the Clean Air Interstate Rule (CAIR), as an alternative to Best Available Retrofit Technology (BART). KDEP also [requested](#) EPA revise its limited disapproval of Kentucky's Regional Haze SIP to full approval. Subsequently, the department requested EPA grant full approval of section 110(a)(2)(D)(i)(II) "prong 4" within Kentucky's 1997 ozone, 2012 PM<sub>2.5</sub>, 2010 nitrogen dioxide and 2010 SO<sub>2</sub> ISIPs once the revised Regional Haze SIP has been approved. KDEP issued a [notice of public hearing](#) 4 SEP 18. The public hearing will be held 4 OCT 18. Written comments must be received no later than 4 OCT 18.

**WATER QUALITY STANDARDS AMENDMENT.** KDEP has [proposed changes](#) to regulation in [401 KAR Chapter 5](#) to ensure that issued permits are legally sound and in compliance. Changes to the regulations in 401 KAR Chapter 5 will be subject to approval by EPA. All of the regulations will remain consistent with Clean Water Act, Section 402, and 40 CFR Part 122, and will not be more stringent than the federal regulations. KDEP issued a [notice](#) 8 AUG 18.

## ***FEDERAL ACTIVITY***

**KENTUCKY AIR PLAN APPROVAL AND AIR QUALITY DESIGNATION.** KDEP submitted a request 4 MAY 18 for EPA to redesignate the portion of Kentucky that is within the bi-state (Kentucky and Indiana) Louisville PM<sub>2.5</sub> unclassifiable area to unclassifiable/attainment for the 2012 primary annual PM<sub>2.5</sub> NAAQS. The bi-state Louisville area consists of Jefferson County and a portion of Bullitt County in Kentucky, as well as Clark and Floyd counties in Indiana. EPA is approving KDEP's request and redesignating the area to unclassifiable/attainment for the 2012 primary annual PM<sub>2.5</sub> NAAQS based upon valid, quality-assured, and certified ambient air monitoring data showing that the PM<sub>2.5</sub> monitors in the bi-state Louisville area are in compliance with the 2012 primary annual PM<sub>2.5</sub> NAAQS ([83 FR 42034](#)). This rule is effective 19 SEP 18.



## ***2018 LEGISLATIVE SESSION: 2 JAN THROUGH 2 APR***

There are no significant legislative activities to report.

## ***PROPOSED RULE***

**DRINKING WATER QUALITY ANALYSIS FUND.** The Mississippi Department of Health has [proposed rules](#) regarding a fee schedule to cover all reasonable direct and indirect costs of water quality analysis and related activities as required by the federal Safe Drinking Water Act. The department filed [notice](#) of the proposed rule 13 AUG 18. Comments must have been received no later than 7 SEP 18.

## ***FINAL RULE***

**UNDERGROUND STORAGE TANKS.** Mississippi Department of Environmental Quality (MDEQ) has adopted [new rules](#) regarding certification of persons who install, alter, test and permanently close underground storage tanks (USTs). The department also adopted amendments to UST regulations, technical standards, and corrective action requirements. MDEQ filed [notice](#) of the final rule 30 AUG 18.



## ***2018 LEGISLATIVE SESSION: 10 JAN THROUGH 1 JUL***

There are no significant legislative activities to report.

### ***PROPOSED RULES***

**WASTEWATER GENERAL PERMIT.** The North Carolina Department of Environmental Quality (NCDEQ) has requested public input regarding the National Pollutant Discharge Elimination System (NPDES) general permit for the discharge of domestic wastewater from single family residences and other 100 percent domestic discharges with similar characteristics. NCDEQ published [notice](#) 15 AUG 18.

**SEPTAGE MANAGEMENT.** NCDEQ has proposed amendments to rules regarding septage management, permit fees, location of land application sites, record keeping, sampling and analysis, standards for septage detention and treatment facilities, land use, site closure, and transportation of septage. NCDEQ published [notice of the proposed rule](#) 15 AUG 18.

### ***FINAL RULES***

**AIR QUALITY STANDARDS AMENDMENT.** NCDEQ has readopted with substantive changes the rules cited as 15A NCAC 02D .1002 and .1210, and readopted without substantive changes the rules cited as 15A NCAC 02D .1001, .1003, .1005, .1006, and .1008. The rule [15A NCAC 02D .1002](#) is proposed for amendment and readoption with substantive change in response to Session Law 2017-10, Section 3.5(b), which changes vehicle coverage as follows: (1) a vehicle with a model year within 20 years of the current year and older than the three most recent model years; or (2) a vehicle with a model year within 20 years of the current year and has 70,000 miles or more on its odometer. NCDEQ is proposing to revise 15A NCAC 02D .1002 to comply with Session Law 2017-10. The rule [15A NCAC 02D .1210](#) has been updated to reflect EPA's revised emissions guidelines including (1) revised emissions limits, operational standards, and monitoring recordkeeping and reporting requirements; (2) the new definition of solid waste; and (3) the applicability of the rule to additional combustion sources burning solid waste. NCDEQ published the [approved rules](#) 1 AUG 18. The rule amendments are effective 1 JUL 18.

**TOXIC AIR POLLUTANTS AND EMISSIONS FROM INCINERATORS.** NCDEQ has adopted new rules regarding air quality, toxic air pollutants, and emissions from incinerators. NCDEQ published the [approved rule](#) 1 AUG 18.

### ***FEDERAL ACTIVITY***

**NORTH CAROLINA AIR PLAN APPROVAL.** EPA is proposing to approve a SIP revision submitted by NCDEQ 17 NOV 17 to remove 26 counties from North Carolina's expanded inspection and maintenance program, which was previously approved into the SIP for use as a component of NCDEQ's Nitrogen Oxides (NO<sub>x</sub>) Budget and Allowance Trading Program ([83 FR 35444](#)). EPA has evaluated whether the SIP revision would interfere with the requirements of the CAA, including EPA regulations related to statewide NO<sub>x</sub> emissions budgets. EPA is proposing to determine that NCDEQ's 17 NOV 17 SIP revision is consistent with the applicable provisions of the CAA.



## ***2018 LEGISLATIVE SESSION: 9 JAN THROUGH 7 JUN***

There are no significant legislative or regulatory activities to report.



## ***2018 LEGISLATIVE SESSION: 9 JAN THROUGH 16 APR***

There are no significant legislative activities to report.

### ***FEDERAL ACTIVITY***

**TENNESSEE AIR PLAN APPROVAL.** EPA is approving a SIP revision submitted 11 NOV 17 by the Tennessee Department of Environment and Conservation to make minor changes to the gasoline dispensing regulations, including adding clarifying language and effective and compliance dates, and specifying the counties subject to the reporting requirement rule ([83 FR 33132](#)). EPA has determined that Tennessee's 11 NOV 17 SIP revision is approvable because it is consistent with the CAA and with EPA's regulations and guidance.

## **Federal Activity**

### ***AIR***

**AIR PLAN AND OPERATING PERMIT PROGRAM APPROVAL.** EPA is proposing to approve portions of SIP revisions and the Title V Operating Permit Program revisions submitted 19 MAY 17 by ADEM; submitted 29 NOV 17 by the Georgia EPD; and submitted 5 SEP 17 by the South Carolina Department of Health and Environmental Control ([83 FR 39638](#)). The revisions address the public notice rule provisions for the New Source Review and Title V Operating Permit programs of the CAA that remove the mandatory requirement to provide public notice of a draft air permit in a newspaper and allow electronic notice ("e-notice") as an alternate noticing option. EPA is proposing to approve these revisions pursuant to the CAA and implementing federal regulations. Comments were due 10 SEP 18

**AIR PLAN APPROVAL—INTERSTATE TRANSPORT.** EPA is proposing to approve portions of SIP submissions from Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee addressing CAA interstate transport infrastructure SIP requirements for the 2012 PM<sub>2.5</sub> NAAQS ([83 FR 39387](#)). The CAA requires each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, commonly referred to as an "infrastructure SIP." EPA is proposing to approve the interstate transport portions of these infrastructure SIPs for the aforementioned states as demonstrating that air emissions in the states do not significantly contribute to nonattainment or interfere with maintenance of the 2012 PM<sub>2.5</sub> NAAQS in any other state. Comments were due by 30 AUG 18.

**ANNUAL AIR QUALITY REPORT.** EPA [announced](#) it has released its annual report on air quality, tracking the nation's progress in improving air quality since the passage of the CAA. The report, [Our Nation's Air: Status and Trends Through 2017](#), documents the considerable improvements in air quality across America over more than 45 years. The report highlights that, between 1970 and 2017, the combined emissions of six key pollutants dropped by 73 percent, while the

U.S. economy grew more than three times. A closer look at more recent progress shows that between 1990 and 2017, average concentrations of harmful air pollutants decreased significantly:

- Sulfur dioxide (1-hour) ↓ 88 percent
- Lead (3-month average) ↓ 80 percent
- Carbon monoxide (8-hour) ↓ 77 percent
- Nitrogen dioxide (annual) ↓ 56 percent
- Fine Particulate Matter (24-hour) ↓ 40 percent
- Coarse Particulate Matter (24-hour) ↓ 34 percent and
- Ground-level ozone (8-hour) ↓ 22 percent

The report includes interactive graphics that enable citizens, policymakers, and stakeholders to view and download detailed information by pollutant, geographic location, and year.

**GREENHOUSE GAS EMISSIONS FROM EXISTING ELECTRIC UTILITY GENERATING UNITS.** EPA is proposing three distinct actions ([83 FR 44746](#)), including Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (EGUs). First, EPA is proposing to replace the Clean Power Plan (CPP) with revised emissions guidelines (the Affordable Clean Energy rule) that inform the development, submittal, and implementation of state plans to reduce greenhouse gas emissions from certain EGUs. In the proposed emissions guidelines, consistent with the interpretation described in the proposed repeal of the CPP, EPA is proposing to determine that heat rate improvement measures are the best system of emission reduction for existing coal-fired EGUs. Second, EPA is proposing new regulations that provide direction to both EPA and the states on the implementation of emission guidelines. The new proposed implementing regulations would apply to this action and any future emission guideline issued under section 111(d) of the CAA. Third, EPA is proposing revisions to the New Source Review (NSR) program that will help prevent NSR from being a barrier to the implementation of efficiency projects at EGUs. Comments must be received no later than 30 OCT 18.

## ***ENCROACHMENT***

**MAPS OF GEOGRAPHIC AREAS OF CONCERN.** The DOD Military Aviation and Installation Assurance Siting Clearinghouse released proposed maps of Geographic Areas of Concern (GAOC) for Boardman, Oregon, and Naval Air Station (NAS) Patuxent River, Maryland, for review and public comment ([83 FR 39080](#)). The maps, available [here](#), are intended to support outreach efforts by DOD to the energy industry. To inform preliminary reviews and early outreach efforts under [10 U.S. Code section 183a](#), DOD must identify distinct geographic areas selected as proposed locations for energy projects filed, or for energy projects that are reasonably expected to be filed in the near future, with the U.S. Department of Transportation, pursuant to [49 U.S. Code section 44178](#), where DOD can demonstrate such projects could have an adverse impact on military operations and readiness, including military training routes, and categorize the risk of adverse impact in such areas. Section 183a defines adverse impact on military operations and readiness as any impact upon military operations and readiness, including flight operations, research, development, testing, and evaluation and training, that is demonstrable and likely to impair or degrade the ability of the armed forces to perform their warfighting missions. The identification of a GAOC does not equate to a determination that a project in the GAOC would result in an unacceptable risk to U.S. national security. It only means that such a project would have an adverse impact and requires further review by the Military Aviation and Installation Assurance Siting Clearinghouse. The public review and comment period for the Board, Oregon, and NAS Patuxent River, Maryland, GAOCs ended 7 SEP 18.

## ***ENFORCEMENT***

**EPA SHIFTS FOCUS FROM ENFORCEMENT TO COMPLIANCE.** EPA is preparing to rework the top priorities for the Office of Enforcement and Compliance Assurance (OECA), focusing the program on compliance rather than enforcement while boosting the roles of both states and other EPA program offices in selecting new initiatives. In an [August memo](#) to



regional administrators, OECA chief Susan Bodine wrote that, as part of a broader emphasis on compliance assistance, her office is renaming the national enforcement initiative program as the national compliance program; extending the cycle for revising the initiatives from every three years to every four; and modifying the selection criteria for the next cycle to downplay many of the current initiatives that were chosen by the previous administration.

## **ENERGY**

**2017 WIND ENERGY MARKET REPORTS.** The U.S. Department of Energy [released](#) three wind energy market reports demonstrating that as wind installations continue across the country and offshore wind projects move beyond the planning process, technology costs and wind energy prices continue to fall. The reports cover three market sectors: land-based utility scale, distributed, and offshore wind.

- The [2017 Wind Technologies Market Report](#) found that in 2017, wind energy contributed 6.3 percent of the nation's electric supply, more than 10 percent in 14 states, and more than 30 percent in four of those states—Iowa, Kansas, Oklahoma, and South Dakota. The average installed cost of wind projects was down 33 percent from the peak in 2009-2010.
- The [2017 Distributed Wind Market Report](#) found that in 2017, Iowa, Ohio, and California led the nation in new distributed wind capacity. Thirty-five percent of distributed wind projects installed in 2017 were at homes, and 25 percent were agricultural installations.
- The [2017 Offshore Wind Technologies Market Update](#) reported that commercial-scale projects were competitively selected in Massachusetts (800 MW), Rhode Island (400 MW), and Connecticut (200 MW). New York, New Jersey, and Maryland have offshore wind development projects in the planning stages. Approximately 60 percent of the U.S. offshore wind resources lie in deep waters. Wind projects in deep waters require wind turbines on floating foundations. Floating wind projects have been proposed off the coasts of Maine, California, and Hawaii.

**RENEWABLE FUEL STANDARD PROGRAM.** EPA has determined that biodiesel and heating oil produced from distillers sorghum oil via a transesterification process, and renewable diesel, jet fuel, heating oil, naphtha, and liquefied petroleum gas produced from distillers sorghum oil via a hydrotreating process, meet the lifecycle greenhouse gas emissions reduction threshold of 50 percent required for advanced biofuels and biomass-based diesel under the Renewable Fuel Standard (RFS) program ([83 FR 37735](#)). Based on these analyses, EPA is adding the pathways to the list of approved renewable fuel production pathways in the RFS regulations. EPA is also amending the RFS regulations by adding a new definition of "distillers sorghum oil," and replacing existing references to "non-food grade corn oil" with the newly defined term, "distillers corn oil." The final rule is effective 1 OCT 18.

**FUEL ECONOMY AND EMISSION STANDARDS.** EPA and the National Highway Traffic Safety Administration (NHTSA) are proposing the "Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks" ([83 FR 42986](#)). The SAFE Vehicles Rule would amend certain existing Corporate Average Fuel Economy (CAFE) and tailpipe carbon dioxide emissions standards for passenger cars and light trucks and establish new standards, covering model years 2021 through 2026. EPA and NHTSA propose to retain the model year 2020 standards (specifically, the footprint target curves for passenger cars and light trucks) for both programs through model year 2026. Under this proposal, as compared to maintaining the post-2020 standards set forth in 2012, the Energy Information Administration estimates U.S. fuel consumption would increase by about half a million barrels per day and would impact the global climate by 3/1000th of one degree Celsius by 2100. In addition to receiving written comments, EPA and NHTSA are holding three public hearings ([83 FR 42817](#)) 24, 25, and 26 SEP 18. Written comments must be received no later than 23 OCT 18.

## ***NATURAL RESOURCES***

**DEPARTMENT OF INTERIOR REORGANIZATION.** The U.S. Department of Interior (DOI) has announced a [reorganization plan](#) that would separate agency offices into 12 “Unified Regions” across the U.S. In a 29 AUG 18 [letter to DOI staff](#), Secretary of the Interior Ryan Zinke stated that his aim is to reorganize management of the department through ecosystem and watershed boundaries rather than state lines as part of DOI’s efforts to “modernize the way we do business.” The [12 Unified Regions](#) replace 49 different regions within DOI, but the reorganization will not include the Bureau of Indian Affairs, the Office of the Special Trustee for American Indians, or the Bureau of Indian Education. Secretary Zinke said there will not be any office or personnel relocations during the initial implementation of the reorganization plan. Senior executives will be working in each Unified Region over the next few months to design core elements of its respective operations.

## ***THREATENED AND ENDANGERED SPECIES***

**SPECIES STATUS REVIEWS FOR SOUTHEAST REGION.** The U.S. Fish and Wildlife Service (FWS) is initiating five-year status reviews of 42 species under the Endangered Species Act (ESA) ([83 FR 38320](#)). A five-year review is an assessment of the best scientific and commercial data available at the time of the review. FWS requested submission of information that has become available since the last reviews of the species. Comments must be received no later than 5 OCT 18.

## ***TOXICS***

**S. 3381.** Encourages federal agencies to expeditiously enter into or amend cooperative agreements with states for removal and remedial actions to address PFAS contamination in drinking, surface, and ground water, and land and subsurface strata. Introduced 23 AUG 18.

**SIGNIFICANT NEW USE RULES.** EPA is promulgating significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 145 chemical substances that were the subject of pre-manufacture notices ([83 FR 37702](#)). The chemical substances are subject to consent orders issued by EPA pursuant to section 5(e) of TSCA. This action requires persons who intend to manufacture (defined by statute to include import) or process any of the 145 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the intended use within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination. The rule is effective 1 OCT 18.

**SIGNIFICANT NEW USE RULES.** EPA is promulgating SNURs under TSCA for 27 chemical substances which were the subject of pre-manufacture notices ([83 FR 40986](#)). The chemical substances are subject to consent orders issued by EPA pursuant to section 5(e) of TSCA. This action requires persons who intend to manufacture (defined by statute to include import) or process any of the 27 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the intended use within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination. The rule is effective 16 OCT 18.

**SIGNIFICANT NEW USE RULES.** EPA is promulgating SNURs under TSCA for 19 chemical substances which were the subject of pre-manufacture notices ([83 FR 43538](#)). The chemical substances are subject to consent orders issued by EPA pursuant to section 5(e) of TSCA. This action requires persons who intend to manufacture (defined by statute to include import) or process any of the 27 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the intended use within the applicable review period. Persons may not commence manufacture or

processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination. The rule is effective 26 OCT 18.

**DRAFT TOXICOLOGICAL PROFILES.** The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of Set 29 Draft Toxicological Profiles for review and comment ([83 FR 37812](#)). These draft toxicological profiles represent ATSDR's best efforts to provide important toxicological information on priority hazardous substances. ATSDR is seeking public comments and additional information or reports on studies about the health effects of tribufos, bromodichloromethane, bromomethane, and 2-hexanone for review and potential inclusion in the profiles. Although ATSDR considers key studies for these substances during the profile development process, the notice solicits any relevant, additional information. ATSDR will evaluate the quality and relevance of such data or studies for possible inclusion into the profile. Comments must be submitted to ATSDR by 31 OCT 18.

## **WASTE**

**COAL COMBUSTION RESIDUALS.** A federal appeals court vacated portions of the Obama-era coal ash disposal rule for being too lenient and is ordering the Trump administration to craft stricter disposal mandates for certain sites. In a 21 AUG 18 [per curiam opinion](#), a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit broadly backed environmentalists' arguments that the 2014 Resource Conservation and Recovery Act (RCRA) rule does not go far enough to regulate sites that lack a composite liner to prevent groundwater leaks or address potential pollution from closed "legacy sites."

## **WATER**

**WATERS OF THE U.S. RULE REVIVED IN 26 STATES.** A federal judge in South Carolina has issued a nationwide [injunction](#) on the Trump administration's delay of the 2015 Clean Water Rule, also known as the Waters of the U.S. (WOTUS) Rule. The decision in the U.S. District Court for the District of South Carolina means the Clean Water Rule is now the law in 26 states where district court judges have not stayed the regulation. The regulation redefined which wetlands and small waterways are covered by the Clean Water Act (CWA), but was delayed by the Trump administration rule in February 2018. In the Southern Region, the WOTUS rule is in effect in Mississippi and Tennessee. A map showing where the rule is in effect is available [here](#).

**ASSUMABLE WATERS.** USACE issued a [memorandum](#) to assist states in determining waters over which they may assume responsibility to manage the CWA Section 404 dredge and fill permit program, should they seek that authority. The memorandum describes waters over which USACE retains permitting authority, referred to as "non-assumable waters." States may assume 404 permit authority for the remainder of waters, referred to as "assumable waters." Under Section 404 of the CWA, a permit is required before dredged or fill material can be discharged into navigable waters or certain wetlands. To date, only Michigan and New Jersey have assumed administration of the Section 404 program. USACE retains permitting authority for the rest of the country. The memorandum expressly does not affect the scope of "waters of the United States" under the CWA. For additional information, click [here](#).

# **Department of Defense Activity**

**2019 NATIONAL DEFENSE AUTHORIZATION ACT.** In August, President Trump signed the [John S. McCain National Defense Authorization Act for Fiscal 2019](#). Among provisions in the bill are those relating to energy security and resilience; per- and polyfluoroalkyl substances (PFAS) in drinking water; the effect of wind farms on military operations; and the Readiness and Environmental Protection Integration (REPI) Program:

- Section 312 addresses energy security and resilience by requiring DOD to set energy security and resilience metrics, report on energy security and resilience goals annually, and report on energy projects awarded during the reporting period and planned in the next two years;
- Section 315 directs DOD to fund a study conducted by ATSDR on the health implications of PFAS contamination in drinking water and to take certain actions after EPA sets a maximum contaminant level for PFAS in drinking water;
- Section 318 directs DOD to work with the National Oceanic and Atmospheric Administration (NOAA) to study the impact of wind farms on weather radar and military operations. The study, due to Congress in 2019, would focus on improving existing tools needed to validate mitigation options for weather radar; and
- Section 2827 clarifies that state-owned National Guard installations are military installations eligible for participation in military programs that limit encroachment under [10 USC 2684a\(a\)](#).

**DEFENSE ENVIRONMENTAL PROGRAMS ANNUAL REPORT TO CONGRESS.** The [Defense Environmental Programs Annual Report to Congress for Fiscal 2016](#) has been released. In fiscal 2016, DOD obligated approximately \$3.6 billion for its environmental programs. This includes \$1.6 billion for environmental restoration activities, \$1.8 billion for environmental quality activities, and \$189 million for environmental technology activities.

**DOD ENERGY EFFICIENCY AND SUSTAINABILITY SCORECARD.** DOD released its sustainability [scorecard](#) and [data](#) for fiscal 2017. The scorecard uses the colors green, yellow, and red to illustrate DOD progress toward meeting various department goals for energy use intensity, efficiency, and renewable use; water efficiency; sustainable buildings; fleet management; and acquisition. The data for fiscal 2017 uses graphs to show progress over the years toward meeting goals. Information on other federal agency data, including data for USACE, which is reported separately from DOD, is available [here](#).

**DOD STUDY—ACTIVE OPEN BURN/OPEN DETONATION SITES.** DOD Office of Inspector General (OIG) [announced](#) it will evaluate DOD compliance with relevant environmental and related laws, inter-agency and municipal agreements, and polity at sites where DOD conducts or conducted open burning of excess conventional ammunition and explosives at locations in the U.S. and its territories. OIG will also evaluate DOD oversight of contractors performing open burning at those sites. The project was initiated in response to congressional request.

**LEAD-BASED PAINT IN MILITARY HOUSING.** According to a [press release](#), U.S. Senators Tim Kaine (D-VA), David Purdue (R-GA), Mark Warner (D-VA), and Johnny Isakson (R-GA) sent a letter to the Secretary of the Army raising concerns about elevated levels of lead in housing on U.S. Army installations and its effect on the children of military families. The letter asks for a detailed briefing about what the Army is doing to keep military families safe and what they need from Congress to address this problem.

**ARMY GUIDANCE ON PER- AND POLYFLUOROALKYL SUBSTANCES.** The Chief, Army Environmental Programs, within the Office of the Assistant Chief of Staff for Installation Management, issued "Army Guidance on Per- and Polyfluoroalkyl Substances (PFAS)" 4 SEP 18. The guidance applies to Active Army installations, Base Realignment and Closure installations, Army National Guard facilities, and U.S. Army Reserve facilities. It provides a consistent framework for addressing historic releases of perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), and other PFAS on Army installations with Army and DOD approved regulatory standards or advisories applicable to Army facilities. It includes instructions for identifying the Army's inventory of sites where releases of PFAS may have occurred and for prioritizing sites for future investigations and response actions. It also includes guidelines for applying risk-based criteria during the cleanup process and requirements for sampling and analysis.

# Professional Development

## *DOD TRAINING SOURCES*

**US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM).** USACE announces course availability for the FY 2018 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 Interservice Environmental Education Review Board (ISEERB) offerings. Courses 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.

**STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM (SERDP) AND ENVIRONMENTAL SECURITY TECHNOLOGY CERTIFICATION PROGRAM (ESTCP) WEBINAR SERIES (ONLINE).** DOD's environmental research and development funding programs ([SERDP and ESTCP](#)) launched a [webinar series](#) to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars feature two 30-minute presentations and interactive question and answer sessions on topics targeted for DOD and Department of Energy audiences. Prior presentations are archived for viewing any time. Recently archived webinars, available on demand [here](#), include:

- [Management of Novel Hawaiian Ecosystems](#)
- [Research and Development Needs for Management of DOD's PFAS Contaminated Sites](#)
- [New Resource Conservation Insights to Desert Environments](#)

**REPI WEBINAR SERIES (ONLINE).** DOD's 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.

## ***FEDERAL TRAINING SOURCES***

**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](#); 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.

**INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL (ITRC) TRAINING (ONLINE).** 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. A list of ITRC's 2018 training classes is available [here](#) (dates subject to change).

**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. The next webinar is scheduled for 20 SEP 18. Information on upcoming webinars is available from the BioClimate newsletter ([click](#) to subscribe).

**WATER/WASTEWATER UTILITY ALL-HAZARDS BOOTCAMP TRAINING (ONLINE).** Hosted by EPA, this [training course](#) is designed for water and wastewater employees responsible for emergency response and recovery activities. It also explains why and how to implement an all-hazards program, and will cover prevention and mitigation, preparedness, response, and recovery.

## ***OTHER TRAINING RESOURCES***

**COOPERATIVE FEDERALISM WEBINAR (ONLINE).** The Environmental Council of the States (ECOS) released a [webinar](#), available on demand, highlighting ECOS' [paper](#) on Cooperative Federalism 2.0 and offering a deeper look into the EPA-state relationship.

**2018 DESIGN AND CONSTRUCTION ISSUES AT HAZARDOUS WASTE SITES.** The Society for American Military Engineers (SAME) and EPA are co-hosting the [third symposium on design and construction issues at hazardous waste sites](#) in Denver, Colo., 5-7 NOV 18. The symposium is designed to encourage dialogue and information sharing on design and construction issues relevant to hazardous waste sites in the western United States. The registration fee is waived for public agency/government employees.



# Staff Directory

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## How the Regional Offices Work for You

**The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.**

The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are represented.

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

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

