



# Southern Review

## of Legislative & Regulatory Actions

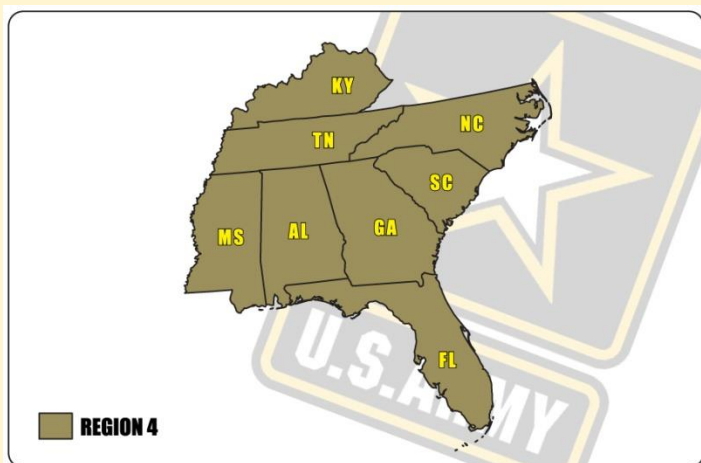
The U.S. Army Regional Environmental & Energy Office

November 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.

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## ENVIRONMENTAL RESEARCH FUNDING ANNOUNCEMENT

DOD's Strategic Environmental Research and Development Program (SERDP) is seeking to fund environmental research and development projects in the environmental restoration program area.

SERDP's environmental restoration program focuses on remediating and managing contaminated lands on current and former military installations. It supports the development of innovative technologies to characterize, remediate, and scientifically manage contaminants in soil, sediments, and ground, surface and waste water. SERDP is requesting proposals that respond to the following Statements of Need (SON) in environmental restoration:

- Biodegradation of Per- and Polyfluoroalkyl Substances Found in Aqueous Film Forming Foams;
- Development of Passive Sampling Methodologies for Per- and Polyfluoroalkyl Substances;
- Development of Analytical Methods to Assess Leaching and Mobility of Per- and Polyfluoroalkyl Substances from Soils, Sediments, and Solid Wastes;
- Quantitative Groundwater Plume Characterization to Support Transition Assessments; and
- Forensic Methods for Source Tracking and Allocation of Per- and Polyfluoroalkyl Substances.

Other program areas included in the solicitation include munitions response, resource conservation and resiliency, and weapons systems and platforms.

Pre-proposals are due to SERDP 8 JAN 19. Proposals responding to the Fiscal Year 2020 SON will be selected through a competitive process. The SONs and detailed instructions are available on the [SERDP website](#).

Submittals from DOD entities should be coordinated through their chain of command.

# 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.



## ***2019 LEGISLATIVE SESSION: 25 MAR THROUGH 23 MAY***

There are no significant legislative activities to report.

### ***PROPOSED RULE***

**HAZARDOUS WASTE MANAGEMENT.** The Alabama Department of Environmental Management (ADEM) has [proposed revisions](#) to Administrative Code 335-14 to adopt three newly codified and revised federal rules promulgated by the U.S. Environmental Protection Agency (EPA): (1) Confidentiality Determinations for Hazardous Waste Export and Import Documents Rule ([82 FR 60894](#)), finalized 26 DEC 17; (2) Hazardous Waste Electronic Manifest System User Fee Rule ([83 FR 420](#)), promulgated 3 JAN 18; and (3) Revisions to the Definition of Solid Waste, Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule ([83 FR 24664](#)), promulgated 30 MAY 18. These revisions are necessary for ADEM to maintain authorized status for its hazardous waste program. ADEM published a notice of intended action 31 OCT 18.

### ***FINAL RULES***

**GENERAL ADMINISTRATION PROGRAM.** ADEM adopted amendments to Division 1 of the ADEM Administrative Code. ADEM proposes to delete, modify, and add forms required for the implementation of the department's rules and regulations. Additional modifications comply with Act #2018-454 as it relates to the membership of the ADEM Environmental Management Commission. ADEM also modified the location where the complete and accurate record of the commission's meetings may be found by the public. ADEM published the [certified adopted rule](#) 31 OCT 18.

**CROSS-STATE AIR POLLUTION RULES.** ADEM adopted amendments to ADEM Administrative Code Rules 335-3-5-.13, 335-3-8-.14, and 335-3-8-.46. These changes to Chapters 335-3-5 and 335-3-8 incorporate changes to trading rules in EPA's Cross State Air Pollution Rules (CSAPR) to address distribution of any excess allocations that remain after an existing unit has reached its historic emission cap. Also, these changes address allocation set-asides for any new nitrogen oxides (NOx) ozone season units in Indian country within Alabama. ADEM published the [certified adopted rules](#) 31 OCT 18.



## ***2019 LEGISLATIVE SESSION: 5 MAR THROUGH 3 MAY***

There are no significant legislative activities to report.

## ***PROPOSED RULES***

**EMERGING INVASIVE SPECIES.** The Florida Fish and Wildlife Conservation Commission (FWC) has proposed rule amendments 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 proposed rule](#) 30 OCT 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 proposed rule](#) 31 OCT 18.

## ***FINAL RULES***

**AQUATIC PLANT CONTROL PERMIT.** FWC adopted amendments to 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 rule filing](#) 6 NOV 18.

**PLANT PESTS OF LIMITED DISTRIBUTION.** The Department of Agriculture and Consumer Services (DACS) has adopted 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 rule filing](#) 2 OCT 18.



## ***2019 LEGISLATIVE SESSION: 14 JAN THROUGH 20 MAR***

There are no significant legislative activities to report.

## ***DRAFT GUIDANCE***

**AREA AVERAGING APPROACH TO SOIL CLEANUPS.** The Georgia Environmental Protection Division (GEPD) has requested public input regarding [draft guidance](#) on the area averaging approach to soil cleanups. This document will be applicable for use in Georgia under a variety of regulatory frameworks including Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Hazardous Site Response Act, Voluntary Remediation Program Act, and Georgia Brownfield Act. GEPD issued [notice](#) 24 OCT 18. GEPD is accepting feedback on the guidance through 14 DEC 18.

**EVALUATING SOIL-TO-GROUNDWATER PATHWAY.** GEPD has requested public input regarding [draft guidance](#) for evaluating the Soil-to-Groundwater Pathway. This document is intended to provide guidance to stakeholders regarding the evaluation of the soil-to-groundwater pathway for sites regulated under the Hazardous Waste Corrective Action, Hazardous Waste Management, and Response and Remediation programs of the Land Protection Branch. GEPD issued [notice](#) 24 OCT 18. GEPD is accepting feedback on the guidance through 14 DEC 18.



## ***2019 LEGISLATIVE SESSION: 8 JAN THROUGH 30 MAR***

There are no significant legislative or regulatory activities to report.



## ***2019 LEGISLATIVE SESSION: 9 JAN THROUGH 31 MAY***

There are no significant legislative activities to report.

### ***PROPOSED RULES***

**GUAVA ROOT KNOT QUARANTINE.** The Mississippi Department of Agriculture and Commerce (MDAC) has [proposed rules](#) placing a quarantine on states infected with the guava root knot nematode and preventing its spread into Mississippi. MDAC filed the [proposed rule](#) 19 OCT 18.

**INVASIVE NOXIOUS WEEDS REGULATION.** MDAC has [proposed rules](#) regarding the spread of invasive noxious weeds. MDAC filed the [proposed rule](#) 15 OCT 18.



## ***2019 LEGISLATIVE SESSION: 16 JAN THROUGH 30 JUN***

There are no significant legislative activities to report.

### ***PROPOSED RULE***

**INDUSTRIAL STORMWATER GENERAL PERMITS.** The North Carolina Department of Environmental Quality (NCDEQ) has proposed to reissue NPDES General Permit No. NCG580000 for the discharge of treated wastewater resulting from reclaimed water from conjunctive use reclaimed water systems. NCDEQ issued [notice](#) 15 OCT 18. Comments were due no later than 14 NOV 18.

### ***FINAL RULES***

**WATER POLLUTION CONTROL SYSTEMS OPERATOR CERTIFICATION.** The Water Pollution Control Systems Operator Certification Commission of NCDEQ amended rules that primarily include efforts to correct technical and typographical errors, clarify the rules' understandability, and reduce burden on the regulated community by becoming less restrictive and allowing greater flexibility in licensing eligibility. The commission published the [approved rule](#) 1 OCT 18.

**WASTE NOT DISCHARGED TO SURFACE WATER.** NCDEQ adopted changes to 15A NCAC 02T, Waste Not Discharged to Surface Water; and 15A NCAC 02U, Reclaimed Water. These rules apply to all persons proposing to construct, alter, extend, or operate any sewer system, treatment works, disposal system, contaminated soil treatment system, animal

waste management system, stormwater management system, or residual disposal/utilization system that does not discharge to surface waters of the state. NCDEQ published the [approved rule](#) 1 OCT 18.

**WATER TREATMENT FACILITY OPERATOR CERTIFICATION.** The Water Treatment Facility Operator Certification Board readopted with substantive changes the [rules](#) governing water treatment facility operators. Draft changes were initiated either from comments received or per recommendations from a board subcommittee that was tasked with improving the rule language. The board published the [approved rule](#) 1 OCT 18.



### ***2019 LEGISLATIVE SESSION: 8 JAN THROUGH 8 JUN***

There are no significant legislative activities to report.

### ***PROPOSED RULES***

**HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE.** The South Carolina Department of Health and Environmental Control (SCDHEC) has proposed amending Regulation 61-79, Hazardous Waste Management Regulations. SCDHEC proposes adopting the "Hazardous Waste Generator Improvements Rule," published on 28 NOV 16 (81 FR 85732-85829). Adopting the rule would reorganize the hazardous waste generator regulations to improve their usability by the regulated community, provide a better understanding of how the RCRA hazardous waste generator regulatory program works, address gaps in existing regulations to strengthen environmental protections, provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner, and make technical corrections to address inadvertent errors and remove obsolete references to programs that no longer exist. SCDHEC published the [proposed regulation](#) 26 OCT 18.

**IMPORTS AND EXPORTS OF HAZARDOUS WASTE.** SCDHEC has proposed adopting the "Imports and Exports of Hazardous Waste" Rule, published 28 NOV 16 (81 FR 85696-85729 and 82 FR 41015-41016). The rule amends existing requirements regarding the export and import of hazardous wastes from and into the U.S. SCDHEC proposes adopting the rule to maintain compliance with federal law and provide greater protection to human health and the environment by:

- Making existing export and import related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development;
- Enabling electronic submittal to EPA of all export and import-related documents (e.g., export notices, export annual reports); and
- Enabling electronic validation of consent in the Automated Export System for export shipments subject to RCRA export consent requirements.

SCDHEC published the [proposed regulation](#) 26 OCT 18. Comments must be received no later than 26 NOV 18.



### ***2019 LEGISLATIVE SESSION: 8 JAN THROUGH 8 MAY***

There are no significant legislative or regulatory activities to report.



# Federal Activity

## AIR

**CORRECTIONS—AIR QUALITY DESIGNATIONS FOR 2015 OZONE NAAQS.** EPA has issued corrections to errors in the regulatory text regarding the designation of certain areas in nine states for the 2015 Ozone National Ambient Air Quality Standards (NAAQS) ([83 FR 52157](#)). The designation rules were signed by the EPA administrator on 6 NOV 17 and 30 APR 18. The errors include typographical and formatting errors and the omission from the regulatory tables of several counties designated as attainment/unclassifiable. EPA has corrected the errors consistent with the rulemaking record. The affected areas are in California, Illinois, Indiana, Kentucky, Michigan, Montana, Ohio, Pennsylvania, and Virginia. The corrections become effective 15 NOV 18.

**NEW SUBSTITUTES FOR OZONE DEPLETING SUBSTANCES.** EPA has expanded the list of acceptable substitutes for ozone depleting substances ([83 FR 50026](#)). The action lists as acceptable additional substitutes for use in the refrigeration and air conditioning, foam blowing, fire suppression, cleaning solvents, and aerosols sectors. Effective 4 OCT 18, the additional listed substitutes are:

- HFO-1336mzz(Z) for use in electronics cleaning, metals cleaning, and precision cleaning, and as an aerosol solvent;
- Powdered Aerosol E in total flooding fire suppression (normally occupied areas);
- Acetone/isopentane blend as a foam blowing agent in manufacture of rigid polyurethane and polyisocyanurate laminated boardstock; and
- Five refrigerant blends for use in ice skating rink refrigeration equipment.

**REFRIGERANT VENTING.** EPA is proposing to revise appliance maintenance and leak repair provisions so they apply only to equipment using refrigerant containing a class I or class II ozone depleting substance (ODS) ([83 FR 49332](#)). The Clean Air Act (CAA) prohibits knowingly venting or releasing ozone-depleting and substitute refrigerants in the course of maintaining, servicing, repairing, or disposing of appliances or industrial process refrigeration. The rulemaking would repeal a 2016 provision that extended the CAA venting prohibition to hydrofluorocarbons with a high global warming potential. EPA is taking comment on whether the 2016 extension of subpart F refrigerant management requirements to non-ODS substitute refrigerants should be rescinded in full. EPA is also proposing to extend by up to 12 months the 1 JAN 19 compliance date for when appliances containing only non-ODS substitute refrigerants subject to the venting prohibition must comply with the appliance maintenance and leak repair provisions. Comments are due 15 NOV 18.

**MODIFYING SCIENCE REVIEW PROCESS UNDERLYING NAAQS 5-YEAR REVIEWS.** EPA has [announced](#) the appointment of five new members of the chartered Clean Air Scientific Advisory Committee (CASAC). This seven-member panel, required under CAA Section 109, provides critical advice related to NAAQS, including how to set standards that protect public health with an adequate margin of safety, the role of background pollution, research needs, and potential adverse effects from strategies to meet these standards. The panel was also tasked with leading the review of science for any necessary changes to the NAAQS for ozone or particulate matter. As outlined in the May 2018 "[Back-to-Basics Process for Reviewing NAAQS](#)" memorandum, these changes would be finalized by late 2020.

## CLIMATE CHANGE

**SPECIAL REPORT ON GLOBAL WARMING.** The United Nations Intergovernmental Panel on Climate Change (IPCC) released a [special report](#) on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways. According to an [IPCC press release](#), the report finds that limiting global warming to 1.5°C would

require “rapid and far-reaching” transitions in land, energy, industry, buildings, transport, and cities. Global net human-caused emissions of carbon dioxide (CO<sub>2</sub>) would need to fall by about 45 percent from 2010 levels by 2030, reaching net zero by 2050.

**U.S. GOVERNMENT PREDICTS RISE IN GLOBAL TEMPERATURES.** In July, the National Highway Traffic Safety Administration (NHTSA) released a [draft Environmental Impact Statement](#) (EIS) in support of a proposal to freeze federal fuel-efficiency standards for cars and light-duty trucks. In the draft EIS, NHTSA predicts that by the year 2100, global CO<sub>2</sub> levels will rise to 789 ppm, with a corresponding increase in global temperature of approximately 4°C (7°F) above pre-industrial (1880) levels. A news report about NHTSA’s prediction is available [here](#).

## **ENERGY**

**CORRECTION—PROPOSED FUEL ECONOMY AND EMISSION STANDARDS.** EPA and the NHTSA have published a correction to the previously issued [proposed rule](#), *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks* (83 FR 53204). The correction pertains to clerical errors and makes no updates to either the proposal or to the analysis underlying the proposal. An updated Preliminary Regulatory Impact Assessment also has been made available concurrent with this notice; that document will include descriptions detailing the corrections to various tables and figures. The comment period closed on 26 OCT 18.

**RESTRICTION ON SALE OF E15 TO BE LIFTED.** President Trump has [directed](#) EPA to lift restrictions on the sale of higher-ethanol fuel by allowing the sale of the fuel during the summer. The sale of E15, or fuel blended with 15 percent ethanol, is restricted during the summer due to fuel volatility and air pollution concerns. Currently, because of the summertime restriction on the sale of E15, some retailers avoid selling because they do not want to switch the type of fuel stored in each tank. The next step is for EPA to develop a proposed rule for public comment. A news report is available [here](#).

**2018 STATE ENERGY EFFICIENCY SCORECARD.** The 12th edition of the American Council for an Energy-Efficient Economy [State Energy Efficiency Scorecard](#) provides a progress report on state energy efficiency policies and programs that save energy and produce environmental and economic benefits. The scorecard uses data vetted by state energy officials to rank states in six categories—utility programs, transportation, building energy codes, combined heat and power, state initiatives, and appliance standards. The top states in the 2018 scorecard were Massachusetts, California, Rhode Island, Vermont, and Connecticut. The most-improved state was New Jersey; other up-and-coming states included Missouri, Colorado, and South Dakota. Energy efficiency is a growing resource in these states and others, with utilities spending more than \$7.9 billion in 2017 for efficiency programs nationwide and saving 27.3 million megawatt-hours of electricity.

**TECHNICAL REPORT—MICRO NUCLEAR REACTORS.** A [report](#) released by the Nuclear Energy Institute, a nuclear industry lobby group, highlights general considerations, decisions, and challenges that could arise in connection with the deployment of micro-reactors for DOD installations. According to the report, a very small nuclear reactor could be deployed to power a domestic military installation within five to 10 years, although some challenges still need to be overcome. Section 327 of the [National Defense Authorization Act of 2019](#) directs the Department of Energy (DOE) to describe the requirements and components needed for a pilot program to “site, construct, and operate at least one licensed micro-reactor that provides resilience for national security infrastructure at a DOD or DOE facility.”

**HR 589.** Congress has enacted the Department of Energy Research and Innovation Act, Public Law 115-246. The act amends the Energy Policy Act of 2005. It requires DOE establish and maintain a public database containing a searchable listing of DOE-funded unclassified research and development initiatives and projects and report annually on its ability to successfully transfer new energy technologies to the private sector. The act also establishes research goals for department-funded research projects.

## ***HAZARDOUS MATERIAL***

**ALIGNMENT OF HAZARDOUS MATERIALS REGULATIONS WITH INTERNATIONAL STANDARDS.** The U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, in consultation with the Federal Aviation Administration, has issued a final rule to align hazardous materials regulations with current international standards for the air transportation of hazardous materials ([83 FR 52878](#)). Changes include modifications to packaging requirements for low and medium danger hazardous materials, and liquid materials packaged in glass or plastic containers. The final rule became effective 18 OCT 18.

## ***MISCELLANEOUS***

**SEMIANNUAL REGULATORY AGENDA.** Federal agencies have released their [Fall 2018 Semiannual Regulatory Agendas](#). Among [EPA's](#) items on the agenda are a revised definition of "Waters of the United States"; review of Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Generating Units; and amendments to the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines Amendments. Items on [DOE's](#) semiannual agenda include energy conservation standards for a variety of products; amendments to certification, compliance, and enforcement reporting requirements; and a final rule on nuclear classification and declassification.

## ***NATURAL RESOURCES***

**[S. 3508](#).** Congress has enacted a bill to reauthorize and amend the Marine Debris Act, Public Law 115-265. The bill contains three subsections, each with its own title. Title I, Save Our Seas Act of 2018, reauthorizes and amends the Marine Debris Act and calls for the U.S. government's help in supporting international waste management solutions to reduce marine debris. Title II, Hamm Alert Maritime Safety Act of 2018, addresses marine safety. Title III, Coast Guard Blue Technology Center of Expertise Act, authorizes the U.S. Coast Guard to establish a so-called blue technology center of expertise. Blue technology refers to any technology system or platform that supports maritime domain awareness (surveillance, measurement, communications) above, on, or below the sea surface, or that is otherwise applicable to Coast Guard operational needs.

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

**EASTERN BLACK RAIL.** FWS is proposing to list the [eastern black rail](#) (*Laterallus jamaicensis jamaicensis*) as threatened ([83 FR 50610](#)). FWS is also proposing a rule under section 4(d) of the Endangered Species Act (ESA) that provides measures to conserve the species. FWS is requesting public comment on its determination not to designate critical habitat at this time. The bird species is known or believed to occur in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Virgin Islands, West Virginia, and Wisconsin. Comments are due 10 DEC 18. Requests for a public hearing are due 23 NOV 18.

**SLENDERCLAW CRAYFISH.** FWS is proposing to list the [slenderclaw crayfish](#) (*Cambarus cracens*) as threatened ([83 FR 50582](#)). In addition, FWS is proposing to designate approximately 78 river miles in Alabama as critical habitat for the species. The species' range is limited to Alabama. Comments are due 10 DEC 18. Requests for a public hearing are due 23 NOV 18.

**BLACK-CAPPED PETREL.** FWS is proposing to list the [black-capped petrel](#) (*Pterodroma hasitata*) as threatened ([83 FR 50560](#)). The pelagic seabird nests on the island of Hispanola and forages off the coast of the eastern U.S. Its historical range included Georgia, North Carolina, and South Carolina. FWS is also requesting public comment on its determination not to designate critical habitat at this time. Comments are due 10 DEC 18.



**ATLANTIC PIGTOE.** FWS is proposing to list the [Atlantic pigtoe](#) (*Fusconaia masoni*) as threatened ([83 FR 51570](#)). FWS is also proposing a rule under ESA Section 4(d) that provides measures to conserve the species. The Atlantic pigtoe is a freshwater mussel native to Virginia, North Carolina, South Carolina, and Georgia. FWS is proposing to designate approximately 542 river miles in Virginia and North Carolina as critical habitat. Comments are due 10 DEC 18.

**BLACK PINESNAKE.** FWS reopened the public comment period for its [2015 proposed designation](#) of critical habitat for the [black pinesnake](#) (*Pituophis melanoleucus lodingi*) ([83 FR 51418](#)). The species' historical range included Alabama, Louisiana, and Mississippi. In response to comments received on the 2015 proposed rule, FWS revised the critical habitat designation in Units 7 and 8, and held two public informational meetings in October. The public comment period was extended to 13 NOV 18.

**BLUE WHALE.** The National Marine Fisheries Service (NMFS) released the Draft Revised Recovery Plan for the [blue whale](#) (*Balaenoptera musculus*) ([83 FR 51665](#)). NMFS also initiated a five-year review of the blue whale and is requesting new information on its status. The blue whale is listed as endangered throughout its range, which is world-wide. Comments on the draft plan and information for the five-year review are due 11 DEC 18.

## ***Toxics***

**WITHDRAWAL—SIGNIFICANT NEW USE RULES FOR 19 CHEMICALS.** EPA has withdrawn a previously issued direct final rule for significant new use rules (SNURs) promulgated under the Toxic Substances Control Act (TSCA) for 19 chemical substances, which were the subject of premanufacture notices ([83 FR 54031](#)). EPA received adverse comments and a request to extend the comment period regarding the SNURs identified in the direct final rule; therefore, the agency has withdrawn the direct final rule that was issued 27 AUG 18. The withdrawal became effective 26 OCT 18.

**FEES FOR TSCA ADMINISTRATION.** EPA has issued a final rule establishing fees regarding the administration of TSCA ([83 FR 52694](#)). The fees are applicable to any person required to submit information or a notice, including an exemption or other information, to be reviewed by EPA; or any person who manufactures or imports a chemical substance that is the subject of a risk evaluation. The final rule describes the final TSCA fees and fee categories for fiscal years 2019, 2020, and 2021, and explains the methodology by which the final TSCA fees were determined. The final rule became effective 18 OCT 18.

**SNURs FOR 13 CHEMICALS.** EPA has issued a proposed rule for SNURs under TSCA for 13 chemical substances that are the subject of premanufacture notices ([83 FR 52179](#)). The proposed rule would require persons who intend to manufacture, import, or process any of the 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. If the proposed rule is made final, persons may not commence manufacture, importing, 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. Comments are due 15 NOV 18.

**CANDIDATE CHEMICALS FOR TSCA PRIORITIZATION.** EPA is accepting public comment on the document, [A Working Approach for Identifying Potential Candidate Chemicals for Prioritization](#) ([83 FR 50366](#)). The document lays out EPA's near-term approach for identifying potential chemicals for prioritization, the initial step in evaluating the safety of existing chemicals under TSCA. The document also includes a longer-term risk-based approach for considering the larger TSCA active chemical universe. Comments are due 15 NOV 18. For more information, click [here](#).

**CHILDREN'S PFAS HEALTH STUDY.** The National Institute of Environmental Health [will fund a study](#) on how per- and polyfluoroalkyl substances (PFAS) affect the immune systems of children who have been exposed to contaminated drinking water. As part of the PFAS-REACH (Research, Education and Action for Community Health) project, researchers will measure antibody and PFAS levels in blood samples from children, ages four to six, after they receive their final diphtheria and tetanus vaccines. The study area includes Hyannis, Massachusetts, and the Pease International Tradeport

in Portsmouth, New Hampshire. Researchers will also interview people in PFAS-affected communities and create an online resource center.

**PFAS FACT SHEETS.** The Interstate Regulatory Council (ITRC) maintains a set of fact sheets for PFAS on its [PFAS Fact Sheet website](#). The fact sheets provide summary information on a wide range of state initiatives regarding regulating PFAS. Technical resources for addressing PFAS are available [here](#).

**AQUEOUS FILM-FORMING FOAM FACT SHEET.** ITRC [announced](#) it has released a [fact sheet](#) on aqueous film-forming foam (AFFF). The fact sheet outlines how to properly identify, handle, store, capture, collect, manage, and dispose of AFFF. The intent of the fact sheet is to educate AFFF users on how to reduce and eliminate potential harm to human health and the environment.

**MEDICAL MONITORING IN RESPONSE TO PFAS EXPOSURE.** In October, the U.S. Court of Appeals for the 3rd Circuit in Philadelphia issued a ruling in a case where local residents had filed suit under Pennsylvania law seeking to have the Navy pay for medical monitoring and to conduct a health effects study that would include blood testing for themselves and others exposed to hazardous substances, including PFAS, released at contaminated facilities. The Appeals Court [ruled](#) that a medical monitoring claim is not a challenge to ongoing cleanup activities being conducted under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and that it is not barred by sovereign immunity. The Appeals Court upheld the District Court ruling that barred a claim for a health assessment or health effects study. A local news report about the ruling is available [here](#).

**HR 6835.** The U.S. House of Representatives has introduced the PFAS Federal Facility Accountability Act of 2018. The bill would encourage federal agencies to enter into or amend cooperative agreements with states for removal and remedial actions to address PFAS contamination in drinking water, surface water, ground water, sediment, and soil, and for other purposes.

## **WASTE**

**FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET.** EPA has released the 34<sup>th</sup> update to the Federal Agency Hazardous Waste Compliance Docket ([83 FR 54347](#)). The docket contains information of federal facilities that manage hazardous waste or from which a reportable quantity of hazardous waste has been released. The update includes nine additions, six deletions, and three corrections.

**EMISSION GUIDELINES FOR MUNICIPAL SOLID WASTE LANDFILLS.** EPA has issued a proposed rule to amend 2016 Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (MSW Landfills EG) ([83 FR 54527](#)). In August 2018, EPA proposed changes to modernize the old implementing regulations governing emission guidelines under a new subpart. The proposed amendments update the cross-references to the old implementing regulations in the MSW Landfills EG to harmonize with the proposed new timing and completeness requirements for state and federal plans. Comments are due 14 DEC 18.

**HIGH-LEVEL RADIOACTIVE WASTE.** DOE is requesting public comment on its interpretation of the definition of the statutory term "high-level radioactive waste" (HLW) ([83 FR 50909](#)). DOE interprets the statutory term such that some reprocessing wastes may be classified as not HLW (non-HLW) and may be disposed of in accordance with their radiological characteristics. Comments are due 10 DEC 18.

**RESTRICTIONS ON SCRAP PLASTIC WASTE SENT TO MALAYSIA.** Effective 23 OCT, Malaysia has resumed the import of scrap plastic shipments, with some restrictions. The temporary ban was initiated in July 2018. The Malaysian Ministry of Housing and Local Government announced it will [add a tax](#) of 15 ringgits (about \$3.62) per metric ton on imported plastic scrap. The government agency said that in addition to the tax, importers will need to obtain new government approvals from different agencies; processors operating in Malaysia will have new zoning requirements; and the government will close unlicensed operators, which proliferated since China banned the import of scrap plastic. A non-

governmental organization in the country continues to push for a complete ban on imports of recovered plastic material. A news report is available [here](#).

## **WATER**

**PRESIDENTIAL MEMORANDUM—SUPPLY AND DELIVERY OF WATER IN THE WEST.** On 19 OCT 18, the president issued a memorandum, *Promoting the Reliable Supply and Delivery of Water in the West* ([83 FR 53961](#)). The memo outlines required tasks issued to the Secretaries of Interior, Commerce, Energy, and the Army.

**NEW GUIDANCE ON STORMWATER BEST MANAGEMENT PRACTICES.** In October, ITRC [released](#) a [guidance document](#) on best management practices (BMPs) for stormwater management. The guidance offers details on post-construction BMP lifecycle processes. It also addresses long-term technology- and performance-based operational strategies, such as routine and non-routine maintenance. Data and information from existing publicly available BMP performance programs has been incorporated into an online [BMP Screening Tool](#). Using site-specific pollutant treatment requirements and installation considerations, the BMP Screening Tool can help identify BMPs that may be appropriate for a given site. The tool provides summarized information on treatment efficiency and installation and maintenance issues for identified BMPs, with links to access more detailed information. The guidance also includes a suite of [Stormwater BMP videos](#).

**NOMINATIONS FOR DRINKING WATER CONTAMINANT CANDIDATE LIST.** EPA is requesting nominations of chemical and microbial contaminants that are not currently regulated for possible inclusion on the fifth drinking water Contaminant Candidate List ([83 FR 50364](#)). Nominations should include information showing the nominated contaminant is known or anticipated to occur in public water systems and that the nominated contaminant may require regulation due to potential human health adverse effects. Nominations are due 4 DEC 18.

**ALTERNATIVE TEST PROCEDURES FOR DRINKING WATER COMPLIANCE.** EPA has issued a final rule approving 100 additional alternative test methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations ([83 FR 51636](#)). Regulated entities required to sample and monitor drinking water may use either the testing methods already established in existing national primary drinking water regulations or the alternative testing methods being approved under this action or in prior expedited approval actions. The new methods are listed along with other methods similarly approved through previous expedited actions in [40 CFR Part 141](#), Appendix A to subpart C and on the EPA's drinking water methods [website](#). The final rule became effective 12 OCT 18. On 31 OCT 18, EPA issued a correction to this final rule ([83 FR 54676](#)).

**EARTHQUAKE RESILIENCE GUIDE FOR WATER AND WASTEWATER UTILITIES.** EPA has [posted](#) a guide for increasing earthquake resilience of water and wastewater facilities, and posted interactive maps, based on U.S. Geological Survey data, of earthquake hazard zones, locations of historic earthquakes, faults, and areas potentially subject to liquefaction. The guide urges utility managers to: (1) understand the earthquake threat; (2) identify vulnerable assets, types of failures and consequences; and (3) summarize asset vulnerability and consequences, and prioritize mitigation.

**BUILDING CODE FOR WATER USE EFFICIENCY AND WATER QUALITY.** The National Institute of Standards and Technology (NIST) intends to study the design of building interior plumbing (premise plumbing) to inform the development of future code revisions, green building standards, and guidance documents ([83 FR 50897](#)). NIST is requesting input and comment to support a long-term research agenda to develop the codes, standards, and guidance to advance building water use efficiency and water quality. Comments were due 9 NOV 18.

**OIL SPILL PREVENTION AND RESPONSE.** The U.S. Coast Guard released the final [2016.1 National Preparedness for Response Exercise Program \(PREP\) Guidelines](#) ([83 FR 49563](#)). PREP was developed to establish a workable exercise program that meets the intent of section 4202(a) of the Oil Pollution Act of 1990. PREP helps to clarify exercise objectives and provides a methodology for evaluating compliance with federal regulations. It does not mandate a given exercise design process.

# Department of Defense Activity

**DOD SEMIANNUAL REGULATORY AGENDA.** DOD has released its [Fall 2018 Semiannual Regulatory Agenda](#). Items on the agenda includes a prerule concerning the regulatory program of the Army Corps of Engineers Tribal Consultation and National Historic Preservation Act compliance; and proposed rules addressing: (1) Procedures for Implementing the National Environmental Policy Act; (2) Definition of "Waters of the United States"; and (3) Compensatory Mitigation for Losses of Aquatic Resources--Review and Approval of Mitigation Banks and In-Lieu Fee Programs

## Professional Development

### ***DOD TRAINING SOURCES***

**US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM).** USACE announces course availability for the Fiscal 2019 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.

**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 are available on demand [here](#).

**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.

## ***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](#)
- [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, 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.

**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.

**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 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, 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. 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.

**21-22 MAY 19, CHAMPAIGN, IL: [2019 EMERGING CONTAMINANTS IN THE ENVIRONMENT CONFERENCE](#).** The Illinois Sustainable Technology Center and the Illinois-Indiana Sea Grant are cohosting the conference. The conference will expand beyond the aquatic environment to also include air and soil studies along with effects on human and animal health. The conference will feature presentations on the latest in emerging contaminant research, policies, and outreach.

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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](#).

