



Southern Review

of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

April 2019

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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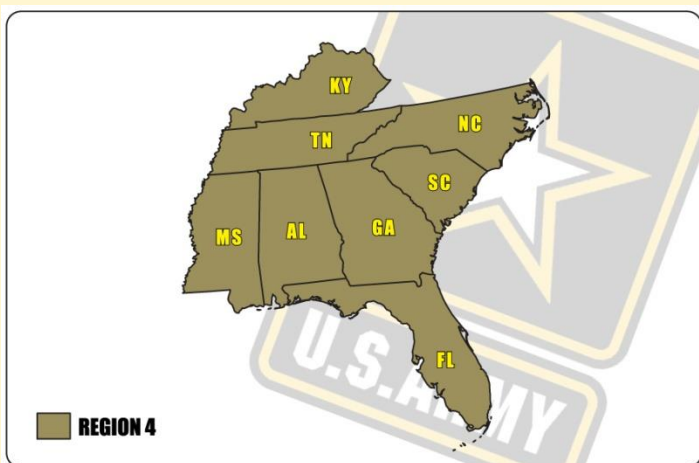


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2019 ARMY POSTURE STATEMENT

The Army Posture Statement is the Secretary of the Army and the Chief of Staff of the Army's written testimony to Congress on the state of the U.S. Army. The statement describes where the Army is and what the Army has done over the last year to support the National Defense Strategy.

The [2019 Army Posture Statement](#) explains the Army's budgetary needs to maintain its readiness, modernization, and reform initiatives in fiscal year 2020. It describes major elements of Army support to the Joint Force, ongoing modernization investments, and business reforms.

The Army has taken several measures to implement the [National Defense Strategy](#):

- Readiness—Increased Army readiness and lethality by improving and expanding training, and by reorganizing to meet the challenges of great power competition.
- Modernization—Modernizing Army doctrine, equipment, and formations to extend its overmatch against near-peer competitors and adversaries as the character of war changes.
- Reform—Improving stewardship of taxpayer dollars by reforming its business practices to save money and reinvesting those savings into the Army modernization priorities.
- Allies and Partners—Strengthening America's network of allies and partners through combined training and security cooperation to build interoperability and trust.
- People and Values—Ensuring Soldiers and units are resilient and ready for combat while ensuring Army Families have what they need at home to thrive.

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

ALABAMA HB 71 (SB 53), DRINKING WATER STANDARDS. The bill adds Section 22-23-55 to set safety and cleanliness requirements for the design, construction, permitting, and operation of drinking water systems that distribute drinking water for consumption by the public. The bill was introduced 5 MAR 19.

ALABAMA SB 63, UNDERWATER CULTURAL RESOURCES ACT. The bill amends Sec. [41-9-291](#) of Alabama Code to define cultural resources and removes Alabama Register of Landmarks and Heritage resources from the definition of cultural resources. The bill discusses excavation and exploration of underwater cultural resources in state-owned waters. The bill was introduced 5 MAR 19.

PROPOSED RULE

DRINKING WATER DISTRIBUTION FACILITIES. The Alabama Department of Environmental Management (ADEM) has proposed to amend its rule to require that products installed in a public drinking water distribution system be certified to the specifications of National Sanitation Foundation (NSF) / American Standard Institute (ANSI) [Standard 61 \(NSF-61\)](#). The standard is intended to prevent harmful contaminants leaching from these products into drinking water. The [notice](#) was filed 24 MAR 19 with a hearing date and comments due 13 MAY 19.

FEDERAL ACTIVITY

PREVENTION OF SIGNIFICANT DETERIORATION REPLACEMENT UNITS. The U.S. Environmental Protection Agency (EPA) is [proposing](#) to approve revisions to the Alabama State Implementation Plan (SIP.) The proposed SIP revisions relate to the state's Prevention of Significant Deterioration (PSD) permitting regulations. In particular, the revisions add a definition of "replacement unit" and provide that a replacement unit is a type of existing emissions unit under the definition of "emissions unit." The comment deadline is 29 APR 19.

ALABAMA REGIONAL HAZE PROGRESS REPORT. EPA [approved](#) a SIP revision submitted by ADEM. Alabama's SIP revision addresses requirements of the Clean Air Act (CAA) and EPA's rules that require each state to submit periodic reports describing progress toward reasonable progress goals established for regional haze and a determination of the adequacy of the state's existing SIP addressing regional haze. The rule was effective 4 APR 19.



2019 LEGISLATIVE SESSION: 5 MAR THROUGH 3 MAY

FLORIDA HB 891, MILITARY-FRIENDLY INITIATIVES. The bill would place additional restrictions on development in Joint Land Use Study areas and would enhance protections for Readiness and Environmental Protection Initiative (REPI) / Army Compatible Use Buffer easements. The bill was introduced 5 MAR 19.

FLORIDA HB 1241 (SB 1776), ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS. The bill directs Florida Department of Environmental Protection (FDEP) and Department of Health (DOH,) by 1 JUL 20, to select a national third-party certification organization to develop a program for issuing innovative system permits, and requires counties to establish onsite sewage treatment and disposal system inspection programs. The bill was filed 1 MAR 19.

FLORIDA HB 1263 (SB 1772), LITTLE WEKIVA RIVER. The bill directs St. John's River Water Management District to conduct a study of the impact of the Little Wekiva River headwaters and surrounding wetlands on the Wekiva River System and submit a report to the Acquisition and Restoration Council and Board of Trustees of Internal Improvement Trust Fund by 1 OCT 20. The bill defines requirements for the study including the environmental significance of the headwaters, environmental impact of industrial development, overall water quality, and risks of future development on the wetlands. The bill was filed 3 MAR 19.

FLORIDA HB 1275, PEST CONTROL REGULATIONS. The bill repeals provisions relating to preemption of pest control regulation to the state and prohibits county, municipality, or other local political subdivision from adopting or enforcing local ordinance, special law, or local regulation governing pest control that is less stringent than general law or agency rule. The bill was filed 3 MAR 19.

FLORIDA HB 1291 (SB 1762), STATE RENEWABLE ENERGY GOALS. The bill creates Florida Statute (F.S.) 377.821 directing the Office of Energy within Department of Agriculture and Consumer Services to develop a unified statewide plan to generate the state's energy from renewable sources by 2050. An interim goal of at least 40 percent of the state's energy from renewable resources is set for 2030. The bill was filed 3 MAR 19.

FLORIDA HB 1343 (SB 1344), STORMWATER MANAGEMENT SYSTEMS. The bill amends F.S. [373.4131](#) by clarifying the duty of FDEP to adopt rules in coordination with water management districts. It directs water management districts, with FDEP oversight, to adopt rules for specified design and performance standards relating to urban infill and redevelopment projects. An additional amendment includes documentation of the predevelopment and post-development stormwater pollutant loadings for the project to qualify for the self-certification general permit. The bill was filed 4 MAR 19.

FLORIDA HB 1369, FLORIDA CLIMATE AND RESILIENCY RESEARCH PROGRAM. The bill establishes the Florida Climate and Resiliency Research Program within the Office of Resilience and Coastal Protection for the purpose of assisting the state in understanding, assessing, predicting, and responding to the effects of climate change. The program will prepare an assessment that analyzes, integrates, evaluates, and interprets the effects of climate change as well as current trends in climate change, both human-induced and natural, and projected major trends for the subsequent 25 to 100 years. The bill was filed 4 MAR 19.

FLORIDA HB 1417, MELBOURNE-TILLMAN WATER CONTROL DISTRICT, BREVARD COUNTY. The bill revises voting requirements relating to the stormwater management user fee. The bill was introduced 5 MAR 19.

FLORIDA HB 5401, FDEP DIVISION OF LAW ENFORCEMENT. The bill establishes the Division of Law Enforcement within FDEP and transfers specified powers and duties of the Fish and Wildlife Conservation Commission (FWCC) relating to environmental crimes to the division. The bill was filed 19 MAR 19, and a hearing was held 27 MAR 19.

FLORIDA HR 1379, GULF OF MEXICO RANGE COMPLEX. The bill supports an extension of the current moratorium on drilling in the Gulf of Mexico east of Military Mission Line because permitting drilling east of the Military Mission Line would mean loss of range areas and possible relocation of aircraft and bases to other unrestricted range areas. The bill was introduced 5 MAR 19.

FLORIDA SB 588, SINGLE-USE PLASTIC STRAWS. The bill prohibits local government entities from adopting or enforcing local ordinances or regulations relating to single-use plastic straws. The bill also directs an environmental study analyzing the prudence of regulating single-use plastics. The prohibition would expire 1 JUL 24. The bill was introduced 5 MAR 19.

FLORIDA SB 1502, ENVIRONMENTAL REGULATORY PENALTY POLICY. The bill transfers and reassigns functions and responsibilities of the Division of Law Enforcement relating to investigators of environmental crimes within the FWCC to the Division of Law Enforcement of FDEP. The bill was filed 28 FEB 19.

FLORIDA SB 1716, FERTILIZERS. The bill requires county and municipal governments to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes and specifies that county and municipal governments must require the use of specified slow-release fertilizers. The bill was filed 1 MAR 19.

FLORIDA SB 1758, CLEAN WATERWAYS ACT. The bill is cited as the “Clean Waterways Act” and transfers the onsite sewage program of the DOH to FDEP. It establishes a wastewater grant program within FDEP and revises the requirements for a basin management action plan. The bill also requires a wastewater treatment plant to notify customers of unlawful discharges of raw or partially treated sewage into any waterway or aquifer within a specified timeframe. Additional related bills are [HB 141](#), [HB 973](#), [SB 216](#), [SB 1022](#), and [HB 1395](#). The bill was filed 1 MAR 19.

FLORIDA SR 1820, MORATORIUM ON DRILLING IN GULF OF MEXICO. The bill supports an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line. The bill was filed 18 MAR 19.

PROPOSED RULES

ENDANGERED AND THREATENED SPECIES. FWCC has [proposed](#) rule revisions to incorporate FWCC-approved guidelines into rule by reference and provide hyperlinks to the most recent versions. The guidelines clarify which activities do or do not require a permit and provide information about how FWCC issues permits. Notice was published 7 MAR 19, and a hearing date is scheduled for 1 MAY 19.

USE AND APPLICATION OF BIOSOLIDS. FDEP proposed amendments to Florida Administrative Code (F.A.C.), Chapter [62-640](#) to ensure the proper management, use and land application of biosolids to protect waters of the state from nutrient pollution. [Notice](#) was published 22 MAR 19.

FDEP 2018-2019 REGULATORY PLAN UPDATES. FDEP has proposed amendments to its 2018-2019 Regulatory Plan:

- Transportation of Spent Universal Waste Lamps and Devices—[proposed](#) amendments to transportation of spent mercury-containing lamps and devices destined for recycling in Chapter [62-737, F.A.C.](#)
- State Hazardous Waste Regulations—[proposed](#) amendments to state hazardous waste regulations in Chapter [62-730, F.A.C.](#)
- Used Oil Management Regulations—[proposed](#) amendments to used oil management in Chapter [62-710, F.A.C.](#)

Notices were published 28 FEB 19.



2019 LEGISLATIVE SESSION: 14 JAN THROUGH 20 MAR

There are no significant legislative activities to report.

REGULATORY ACTIVITIES

There are no significant regulatory activities to report.

FEDERAL ACTIVITY

GEORGIA INTERSTATE TRANSPORT FOR 2010 1-HOUR NO₂ STANDARD. EPA has [proposed](#) to approve a SIP revision submitted by the state of Georgia for the purpose of addressing the CAA “good neighbor” interstate transport (prongs 1 and 2) infrastructure SIP requirements for the 2010 1-hour Nitrogen Dioxide (NO₂) National Ambient Air Quality Standard (NAAQS). The comment deadline was 10 APR 19.

EMISSION REDUCTION CREDITS. EPA took final action to approve changes to the SIP to revise the emission reduction credits (ERC) regulation. The revision expands the eligibility for sources in Barrow County that can participate in the ERC Program, adds a provision for reevaluation of the certificates of ERC, changes the administrative fees, and eliminates an exemption for certain types of ERCs. The [rule](#) is effective 15 APR 19.



2019 LEGISLATIVE SESSION: 8 JAN THROUGH 30 MAR

There are no significant legislative activities to report.

REGULATORY ACTIVITIES

There are no significant regulatory activities to report.

FEDERAL ACTIVITY

JEFFERSON COUNTY, KENTUCKY STATE IMPLEMENTATION PLAN. EPA is [proposing](#) to approve changes to the Jefferson County portion of the Kentucky SIP. The proposed SIP revision makes minor ministerial amendments to regulations and reduces redundancy in the particulate matter (PM) and opacity standards. The comment deadline was 3 APR 19.

MINOR SOURCES INFRASTRUCTURE REQUIREMENT. EPA is approving portions of three SIP submissions. When EPA promulgates a new or revised NAAQS, CAA requires the state to make a new SIP submission establishing that the existing SIP meets the various applicable requirements or revising the SIP to meet those requirements. This type of SIP submission is commonly referred to as an “infrastructure” SIP. EPA is approving the portions of these infrastructure SIP submissions from Kentucky that relate to the minor source program requirements for the 2012 particulate matter (PM_{2.5}), 2010 NO₂, and 2010 sulfur dioxide (SO₂) NAAQS. The [rule](#) is effective 29 APR 19.

EXISTING AND NEW VOC WATER SEPARATORS. EPA is [proposing](#) to approve two revisions to the Jefferson County portion of the Kentucky SIP. The changes make minor ministerial amendments to applicability dates and clarify standards applicable to both existing and new volatile organic compound (VOC) water separators. The comment deadline is 29 APR 19.



2019 LEGISLATIVE SESSION: 9 JAN THROUGH 31 MAY

MISSISSIPPI HB 1468, ECONOMIC DEVELOPMENT DISTRICTS. This act revises the entities to which economic development districts may transfer certain lands to the Mississippi Military Department and the Mississippi National Guard for military use. The governor approved the bill 15 MAR 19.

REGULATORY ACTIVITIES

2018 AIR QUALITY REPORT. Mississippi Department of Environmental Quality (DEQ) issued a report examining the reported levels of criteria pollutants in 2018 at various monitoring sites. These levels are compared to the NAAQS to determine how the state measures against these standards. The [report](#) was issued 26 MAR 19.

TITLE V PERMIT FEE. DEQ has invited public comment regarding the proposed Title V Permit fee for 1 SEP 19 through 31 AUG 20 to be established by order of the Mississippi Commission on Environmental Quality. Notice was issued 8 MAR 19, and the comment deadline was 11 APR 19.



2019 LEGISLATIVE SESSION: 16 JAN THROUGH 30 JUN

NORTH CAROLINA HB 246, DEQ/FUND AND FEE CHANGES. The bill revises various fees and funds of the DEQ:

- Solid Waste Permit Fees—increases fees;
- Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund—expands allowable uses;
- Conservation Grant—updates definition of fund purpose; and
- Conservation Properties—changes name from conservation easements and adds eligibility requirements.

The bill was filed 28 FEB 19.

NORTH CAROLINA HB 268, ONSITE WASTEWATER RULES. The bill disapproves multiple onsite wastewater treatment and dispersal rules under the Commission for Public Health [15A NCAC 18E](#). The bill was filed 5 MAR 19.

NORTH CAROLINA HB 386, SCHOOL DRINKING WATER. The bill requires public schools and child care facilities that receive water from a public supplier of water to test drinking water for the presence of lead. The bill was filed 19 MAR 19.

NORTH CAROLINA HB 448 (SB 422), LAND USE AND DEVELOPMENT CHANGES. The bill reorganizes and clarifies statutes regarding local planning and development including Section 160D-6-1.(b) pertaining to the notification of military bases when development and land use proposals are located five miles or less from the perimeter boundary of a military base. The bill was filed 25 MAR 19.

NORTH CAROLINA SB 231, MILITARY ECONOMIC ZONES. The bill directs the Department of Military and Veterans Affairs to study the creation of economic zones around communities that host military installations. The resulting report would be due 1 JAN 20. The bill was filed 12 MAR 19.

NORTH CAROLINA SB 338 (HB 513), ENERGY RATES. The bill requires the North Carolina Utilities Commission to establish tiered electricity rates for residential, commercial, public, and industrial customers to encourage energy conservation and energy efficiency. The bill was filed 21 MAR 19.

NORTH CAROLINA SB 377, MILITARY BASE PROTECTION ACT. This bill prohibits construction, operation, or expansion of wind energy facilities in areas of the state where impacts of vertical obstructions have been determined to be significantly high, with a high risk for degrading safety and the military's ability to perform aviation training. The bill was filed 27 MAR 19.

NORTH CAROLINA SB 381, INCOMPATIBLE USE ENCROACHMENT. The bill clarifies the Clean Water Management Trust Fund and includes clarification for the prevention of incompatible use encroachment around military installations or military training areas. The bill was filed 27 MAR 19.

REGULATORY ACTIVITIES

There are no significant regulatory activities to report.

FEDERAL ACTIVITY

OPEN BURNING AND EMISSION CONTROL STANDARDS. EPA has [proposed](#) to approve portions of a revision to the North Carolina SIP. The revision includes changes to emission control standards and open burning regulations. The changes are part of North Carolina's strategy to meet and maintain the NAAQS. The comment deadline was 10 APR 19.

REVISION TO PERMIT TERM FOR NON-TITLE V PERMITS. EPA has [proposed](#) to approve a revision to the North Carolina SIP. The SIP revision makes changes to the state's combined construction and operating permit program for non-Title V sources. The comment deadline is 29 APR 19.



2019 LEGISLATIVE SESSION: 8 JAN THROUGH 8 JUN

SOUTH CAROLINA HR 4163, OFFSHORE DRILLING. This house resolution expresses the opposition of the South Carolina House of Representatives to offshore drilling activities and seismic testing along South Carolina's coast. The bill was introduced 7 MAR 19.

SOUTH CAROLINA SB 454 (HB 3438), VETERANS' AFFAIRS. This bill amends section [25-11-10](#) of the 1976 Code, relating to the Division of Veterans' Affairs, to establish the division within the executive branch of government. The bill was introduced 29 JAN 19.

SOUTH CAROLINA SB 574 (HB 4152), SOLID WASTE AMENDMENTS. The bill amends Section [44-96-40](#) of the 1976 Code, relating to solid waste policy and management, to provide that post-use polymers and recoverable feedstocks used in pyrolysis and gasification processes are recovered materials and are not "solid waste" for the purposes of regulation by the Department of Health and Environmental Control (DHEC.) The bill was introduced 27 FEB 19.

SOUTH CAROLINA SB 690 (HB 4210), TOPOGRAPHIC MAPPING. The bill amends section [48-22-40](#) of the 1976 code to authorize South Carolina Geological Survey Unit of the Department of Natural Resources (DNR) to conduct topographic

mapping using light detection and ranging data collections to ensure compliance with certain Federal Emergency Management Agency standards. The collected data will be provided to the South Carolina DNR Flood Mitigation Program. The bill was introduced 21 MAR 19.

SOUTH CAROLINA HJR 4367, WILDLIFE MANAGEMENT. The joint resolution approves regulations of DNR relating to seasons, limits, methods of take, and special use restrictions on wildlife management areas. The joint resolution was introduced 28 MAR 19.

PROPOSED RULE

HAZARDOUS WASTE MANAGEMENT. DHEC proposed the following changes to Hazardous Waste Management:

- To [adopt](#) the "Revisions to the Definition of Solid Waste Rule": an EPA rule revising several recycling-related provisions issued under the authority of Subtitle C of the Resource Conservation and Recovery Act (RCRA); and
- To [adopt](#) three final rules published in the Federal Register by the EPA.

Notices were published 22 MAR 19.



2019 LEGISLATIVE SESSION: 8 JAN THROUGH 8 MAY

There are no significant legislative activities to report.

REGULATORY ACTIVITIES

There are no significant regulatory activities to report.

FEDERAL ACTIVITY

TENNESSEE SIP AND CAIR. EPA took [final action](#) to conditionally approve a portion of a SIP revision to establish a SIP-approved state control program to comply with the obligations of the Nitrogen Oxides (NO_x) SIP Call with respect to certain sources. EPA took final action to fully approve the remaining portion of the same Tennessee SIP revision to remove the SIP-approved portions of the State's Clean Air Interstate Rule (CAIR) Program rules from the Tennessee SIP. The rule was effective 5 APR 19.

INTERSTATE TRANSPORT FOR 2010 1-HOUR NO₂ STANDARD. EPA has [proposed](#) to approve a SIP revision submitted by the state of Tennessee for the purpose of addressing the CAA "good neighbor" interstate transport (prongs 1 and 2) infrastructure SIP requirements for the 2010 1-hour NO₂ NAAQS. The comment deadline was 10 APR 19.

UPDATES TO NAAQS FOR CHATTANOOGA. EPA has [proposed](#) to approve a revision to the Chattanooga portion of the Tennessee SIP. The revision updates NAAQS in the Chattanooga portion of the Tennessee SIP to reflect recent revisions made to the NAAQS. The comment deadline is 29 APR 19.

Federal Activity

AIR

REVIEW OF PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) FOR SULFUR OXIDES. EPA has issued a final rule announcing that based on its review of the air quality criteria addressing human health effects and the primary NAAQS for sulfur oxides (SO_x), EPA is retaining the current standard, without revision ([84 FR 9866](#)). The final rule becomes effective 17 APR 19.

EMISSIONS MONITORING PROVISIONS IN STATE IMPLEMENTATION PLANS. EPA revised some of the regulations that provide covered states greater flexibility concerning the form of the NO_x emissions monitoring requirements that the states must include in their SIPs for certain emissions sources ([84 FR 8422](#)). In this action, EPA revised rules that were originally promulgated in 1998 to implement the [NO_x SIP Call](#). Other revisions remove obsolete provisions and clarify the remaining regulations. This action amends existing regulatory requirements applicable to the SIPs of Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. The final rule was effective 8 MAR 19.

CLEAN AIR ACT CITIZEN SUIT—PROPOSED CONSENT DECREE. EPA issued notice of a proposed consent decree that would establish deadlines for EPA to review and revise if necessary the Furnaces and Bulk Gasoline NSPS at least every eight years; and to review and revise if necessary the Major Source Bulk Gasoline, Area Source Gasoline, Foundries, and Wood Preserving NESHAP no less often than every eight years under CAA section 112(d)(6) CAA section 112(d)(6) ([84 FR 7895](#)). The proposed consent decree would resolve a lawsuit filed by Our Children's Earth Foundation seeking to compel EPA to take action under the CAA to review the existing New Source Performance Standards (NSPS) and NESHAP governing several source categories. Comments were due 4 APR 19.

NEW EQUIVALENT METHOD FOR OZONE MEASUREMENT. EPA has designated one new equivalent method for measuring concentrations of ozone (O₃) in ambient air ([84 FR 11973](#)). The new equivalent method for O₃ is an automated method (analyzer) utilizing the measurement principle based on UV photometry. A list of all reference or equivalent methods previously designated by EPA is available [here](#).

ENERGY

ETHANOL-GASOLINE BLENDS. EPA has issued a proposed rule to allow gasoline blended with up to 15 percent ethanol (E15) to take advantage of the 1-psi Reid Vapor Pressure (RVP) waiver for the summer months. Historically, the waiver has been applied only to gasoline blended with 10 percent ethanol (E10) ([84 FR 10584](#)). Under the proposed rule, E15 could be sold year-round without additional RVP control, rather than just eight months of the year. EPA is also proposing regulatory changes to modify elements of the renewable identification number compliance system under the Renewable Fuel Standard program. A public hearing was held 29 MAR 19, and comments are due 29 APR 19. For more information, click [here](#).

AVERAGE USE CYCLES OR PERIODS OF USE IN DOE TEST PROCEDURES. The U.S. Department of Energy (DOE) has requested information to better understand the average use cycles or periods of use for products covered by DOE energy efficiency standards ([84 FR 9721](#)). DOE is considering whether test procedures for consumer appliances and industrial equipment could be improved to produce results that are more representative of average use cycles or periods of use. DOE's test procedures are required to be reasonably designed to produce test results that measure energy efficiency,

energy use, water use, or estimated annual operating cost of covered products or equipment during a representative average use cycle or period of use, and they cannot be unduly burdensome to conduct. Comments are due 17 MAY 19.

HAZARDOUS MATERIAL

NEW MAILING STANDARDS FOR MAILPIECES CONTAINING LIQUIDS. The U.S. Postal Service has issued a final rule revising the Domestic Mail Manual, and 39 CFR Part 111, to clarify and supplement the mailing standards for mailpieces containing liquids ([84 FR 9716](#)). Current mailing standards require triple packaging only for “breakable” primary containers over four ounces. The revision requires mailers of all liquids in nonmetal containers and certain metal containers to provide triple packaging, including absorbent cushioning materials, sealed secondary packaging, and a strong outer mailing container. Breakable containers include those made of glass, plastic, porcelain, and earthenware. Metal containers with pull-tabs or friction-top closures, having a capacity of more than four fluid ounces, must be triple-packaged. The final rule became effective 28 MAR 19.

NATURAL RESOURCES

NATIONAL CONSERVATION PRACTICE STANDARDS. The Natural Resource Conservation Service will review the national conservation practice standards in the National Handbook of Conservation Practices and is requesting comments from the public about how to improve conservation practice standards ([84 FR 8663](#)). Comments are due 25 APR 19.

S. 47 JOHN D. DINGELL, JR. CONSERVATION, MANAGEMENT, AND RECREATION ACT. This bill addresses provisions regarding various programs, projects, activities, and studies for the management and conservation of natural resources on federal lands, including multiple land withdrawals, conveyances, and boundary adjustments. The bill also provides for a desert tortoise conservation center, wildlife habitat and conservation, and endangered fish recovery programs. The bill became law 12 MAR 19.

THREATENED AND ENDANGERED SPECIES

GRAY WOLF. The U.S. Fish and Wildlife Service is proposing to remove the [gray wolf](#) (*Canis lupus*) from the List of Endangered and Threatened Wildlife ([84 FR 9648](#)). The gray wolf is currently listed as endangered (threatened in Minnesota) in the contiguous United States and Mexico. The proposed removal is based on recovery of the species. The proposed rule does not have any effect on the separate listing of the Mexican wolf (*Canis lupus baileyi*) as endangered. Comments are due 14 MAY 19.

CUVIER'S BEAKED WHALE IN GULF OF MEXICO. The National Marine Fisheries Service (NMFS) has announced a negative 90-day finding on a petition to list the Cuvier's beaked whale in the Gulf of Mexico as a threatened or endangered distinct population segment (DPS) ([84 FR 11058](#)). NMFS found that the petition and information in its files do not present substantial scientific or commercial information indicating that the Cuvier's beaked whale in the Gulf qualifies as a DPS, eligible for listing under the ESA. NMFS also found that the petition and information readily available in its files do not indicate that listing Cuvier's beaked whale as threatened or endangered in a significant portion of its range may be warranted.

TOXICS

HEXAVALENT CHROMIUM. EPA released the *Systematic Review Protocol for the Hexavalent Chromium (Cr(VI)) Integrated Risk Assessment Protocol (IRIS) Assessment* ([84 FR 9516](#)). The document communicates the rationale for conducting the assessment of Cr(VI), describes screening criteria to identify relevant literature, outlines the approach for evaluating study quality, and describes the process of evidence synthesis/integration and dose-response methods. The protocol includes the list of studies currently considered in the IRIS assessment. A public science webinar is scheduled for 24 APR 19. Comments on the IRIS assessment are due 29 APR 19. For more information about the Cr(VI) IRIS assessment, click [here](#).

CONSUMER SALE OF PAINT REMOVERS WITH METHYLENE CHLORIDE BANNED. EPA issued a final rule prohibiting the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use ([84 FR 11420](#)). EPA has taken this action because of fatalities that have resulted from exposure to the chemical. Paint removal products containing methylene chloride may not be sold at any retail or distribution establishments that have consumer sales, including e-commerce sales. Those prohibitions start 180 days after the effective date of the final rule, which provides time for establishments selling this chemical to consumers to come into compliance with EPA's ban. EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep basic records. In a related matter, EPA is also soliciting public input for a future rulemaking that could establish a training, certification, and limited access program for methylene chloride for commercial uses ([84 FR 11466](#)). EPA is asking for input on the key elements required for such a program; comments are due 28 MAY 19. The final rule becomes effective 28 MAY 19.

2017 TOXIC RELEASE INVENTORY. EPA has made available the 2017 Toxics Release Inventory data and analyses. EPA notes significant reductions in the 10 year period from 2007 to 2017, adding that "Almost every sector reduced its releases to air, with the largest reduction coming from the electric utilities sector." An executive summary, full report, and summary data are available [here](#).

SIGNIFICANT NEW USE RULES ON CERTAIN CHEMICAL SUBSTANCES. EPA has issued proposed significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 28 chemical substances that were the subject of premanufacture notices ([84 FR 9999](#)). The chemical substances are subject to consent orders issued by EPA pursuant to section 5(e) of TSCA. This action would require persons who intend to manufacture, import, or process any chemical substances for an activity that is proposed as a significant new use 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, 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 3 MAY 19.

INITIATION OF PRIORITIZATION UNDER TSCA. EPA, as required under TSCA and related implementing regulations, has initiated the prioritization process for 20 chemical substances as candidates for designation as High Priority Substances for risk evaluation, and for 20 chemical substances as candidates for designation as Low Priority Substances for risk evaluation ([84 FR 10491](#)). The Federal Register notice provides the identity of the chemical substances being initiated for prioritization, a general explanation of why EPA chose these chemical substances, and information on the data sources EPA plans to use to support the designation. Comments are due 19 JUN 19.

GAO REPORT—TSCA ASSESSMENTS. The Government Accountability Office (GAO) issued the report, *Status of EPA's Efforts to Produce Assessments and Implement the Toxic Substances Control Act* ([GAO-19-270](#)). The report describes the extent to which EPA's IRIS program has addressed identified challenges and made progress toward producing chemical assessments, and implementing TSCA. GAO found that EPA made improvements in timeliness and transparency of its assessment process until May 2018, when progress stalled.

LITHIUM BATTERY AIR TRANSPORT. The Pipeline and Hazardous Materials Safety Administration issued an interim final rule (IFR) revising the Hazardous Materials Regulations for lithium cells and batteries transported by aircraft ([84 FR 80016](#)). The IFR prohibits the transport of lithium-ion cells and batteries as cargo on passenger aircraft; requires lithium-ion cells and batteries to be shipped at not more than a 30 percent state of charge aboard cargo-only aircraft when not packed with or contained in equipment; and limits the use of alternative provisions for small lithium cell or battery shipments to one package per consignment. The IFR does not restrict passengers or crew members from bringing personal items or electronic devices containing lithium cells or batteries aboard aircraft or restrict cargo-only aircraft from transporting lithium-ion cells or batteries at a state of charge exceeding 30 percent when packed with or contained in equipment or devices. The interim final rule was effective 6 MAR 19. Comments are due 6 MAY 19.

HR 535. The PFAS Action Act of 2019 would require EPA to designate per- and polyfluoroalkyl substances (PFAS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA.) Introduced.

HR 7284. The PFAS Detection Act of 2018 would require the U.S. Geological Survey (USGS) to perform a nationwide survey of perfluorinated compounds in estuaries, lakes, streams, springs, wells, wetlands, rivers, aquifers, air, and soil using a performance standard developed in accordance with the act. Introduced.

WASTE

LIQUIDS MANAGEMENT AT MUNICIPAL SOLID WASTE LANDFILLS—COMMENT PERIOD EXTENDED. In December 2018, EPA issued an [advance notice of proposed rulemaking](#) to solicit comment on potential revisions to the criteria for municipal solid waste landfills and associated issues related to advances in liquids management. The comment period has been extended to 10 MAY 19 ([84 FR 8496](#)).

Department of Defense Activity

SUPPLY CHAIN MATERIAL MANAGEMENT POLICY. [DOD Instruction \(DODI\) 4140.01](#), DOD Supply Chain Material Management Policy, was released effective 6 MAR 19. The DODI establishes policy and assigns responsibilities for management of material across the DOD supply chain.

REASSIGNMENT OF ARMY INSTALLATION MANAGEMENT COMMAND. Effective 1 MAR 19, Army Installation Management Command (IMCOM) together with its subordinate element (U.S. Army Environmental Command) authorities, responsibilities, personnel, and resources (including funding and equipment) is discontinued as a direct reporting unit to the Chief of Staff, Army, and is reassigned as a major subordinate command of U.S. Army Material Command ([GO 2019-13](#)).

Professional Development

DOD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM). USACE announces course availability for the Fiscal Year 2019 PROSPECT ([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 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. 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. DOD's Readiness and Environmental Protection Integration 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. 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

QUALITY CONSIDERATIONS FOR MUNITIONS RESPONSE SITES (ONLINE). ITRC has released an [on-demand training video](#) that provides a 30-minute introductory overview of ITRC's [Quality Considerations for Multiple Aspects of Munitions Response Sites](#) guidance document. The training explains the decision logic used throughout a munitions response (MR) project and assists in developing the quality assurance and quality control activities that ensure quality data and confidence in decisions. The training provides an overview of the MR process and identifies specific quality considerations at critical decision points for MR projects

COOPERATIVE FEDERALISM WEBINAR. 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.

STATE ENVIRONMENTAL JUSTICE TRAINING WEBINAR SERIES. EPA has launched a new State Environmental Justice Training Webinar series. This initiative is a strategic investment by EPA to build long-term capacity for environmental justice practitioners working at the state level. Registration is required and free of charge.

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.

AIR FORCE REGIONAL ENVIRONMENTAL SUMMITS. The Air Force invites attendees to their Regional Environmental Restoration Summits to join the environmental restoration conversation with regulatory partners in EPA Regions 1, 2, 3, 4, and 5. Upcoming Air Force Summits are as follows:

- 22-23 MAY, Western Summit, Phoenix, Arizona
- 26-27 JUN, Central Summit, New Orleans, Louisiana
- 24-25 JUL, Eastern Summit, Chicago, Illinois

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How the Regional Offices Work for You

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

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

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

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