



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

September 2012

The **NORTHERN REGION REVIEW** provides current information on state and local environmental, energy, land use, and related legislative and regulatory activities relevant to Department of Defense interests in the 22 states and territories in Federal Regions 1, 2, 3 and 5. The Review is intended to be a tool useful to DOD and Army leaders, planners, and program managers in carrying out their responsibilities including meeting legal criteria of ISO 14001. The Northern Region Review monitors and targets proposed and final regulations and legislation that may affect Army or DOD operations. Click here for information on the [Army's Regional Environmental and Energy Offices](#).

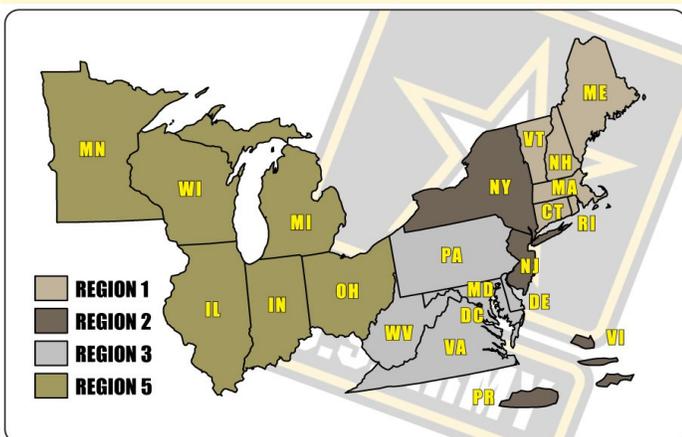


Table of Contents

Region 1	2
Region 2	5
Region 3	7
Region 5	10
DOD Activity	13
Federal Activity	14
Professional Development	17
How the Regional Offices Work for You	17

What's In This Review?

Region 1

Regionally, USEPA grants final rule approval to three state implementation plans; CT addresses stormwater permit revisions; in ME, proposed rules and repeal of pesticide control rules; in MA, new phosphorous use law; in NH, USEPA grants final rule approval to regional haze program, and a proposal to update hazardous waste rules; and in VT, proposed changes to hazardous waste management regulations.

Region 2

In NJ, proposed rules on air procedures and penalties, and amendments to the Endangered Plant Species Program; in NY, USEPA approves final rule on regional haze state implementation plan, and a new law on the "Sewage Pollution Right-To-Know Act;" and in PR, final rule on controlling hazardous air pollutants and the Title V operating permit program.

Region 3

In DC, proposed rules on stormwater management, soil erosion control, and lead hazard prevention; in MD, emergency rule on medical waste incinerators; in PA, proposed revisions to PA's general permit for stormwater construction activities; in VA, final rule on Emerald Ash Borer quarantine for the entire Commonwealth; and in WV, USEPA grants delegation of authority to the State on air standards.

Region 5

Regionally, U.S. and Canada sign new Great Lakes Water Quality Pact; in IL, new laws on ambient air quality standards, and energy efficient building code requirements; in IN, emergency rule on dual review projects for historic sites, final rule on pests and pathogens in forest management, and a final rule updates water quality standards for chloride and sulfate.

Federal Activity

DOD: US Army releases RFP for Renewable Energy Contracts and the Navy releases a new shore energy policy; USEPA: final rule on mandatory reporting of greenhouse gases and reporting dates, two climate assessment modeling tools, and worker protection standards for hazardous waste operations and emergency response; DOE: wind technologies report; and DOI: natural resources guide.

Region 1

For more information on any state issues in Region 1, contact [Bob Muhly](#), Army Regional Environmental Coordinator, Regions 1 & 2, (410) 436-6224.



USEPA GRANTS FINAL RULE APPROVAL TO THREE STATE IMPLEMENTATION PLANS

USEPA issued a final rule that grants approval to the State Implementation Plan revisions, submitted by Connecticut, Massachusetts, and Rhode Island [[77 FR 50595](#), 22 Aug 12]. These revisions establish 2002 base year emission inventories and reasonable further progress emission reduction plans for areas within these states designated as in nonattainment of USEPA's 1997 8-hour ozone standard. Additionally, the final rule approves the 2008 motor vehicle transportation budgets, and contingency measures associated with the reasonable further progress emission reduction plans. USEPA also is approving three rules adopted by Connecticut that will reduce volatile organic compound emissions in the state. This action is being taken in accordance with the Clean Air Act. The final rule becomes effective on 21 Sep 12.

PROPOSED RULE TO LIST BRICKNELL'S THRUSH AS ENDANGERED

The U.S. Fish and Wildlife Service (USFWS) issued a proposed rule announcing a 90-day finding to list the [Bicknell's Thrush](#) (*Catharus bicknelli*), a small bird, as endangered or threatened under the Endangered Species Act of 1973, and to designate critical habitat [[77 FR 48934](#), 15 Aug 12]. Based on the current review, USFWS finds that the petition presents substantial scientific or commercial information indicating that listing this species may be warranted. Bicknell's Thrush breeds in the high elevation forests of northeastern North America and winters in the Caribbean. USFWS is initiating a review of the status of the species to determine if listing the Bicknell's thrush is warranted. To ensure that the status review is comprehensive, USFWS is requesting scientific and commercial data and other information regarding this species. Based on the results of the status review, USFWS will issue a 12-month finding on the petition, which will address whether the petitioned action is warranted, as provided in Section 4(b)(3)(B) of the Act. Bicknell's Thrush follows the entire Atlantic coastline during migration. United States breeding locations include: the White Mountains of New Hampshire, New York's Catskill and Adirondack Mountains, and the Green Mountains of Vermont. Potential to affect DOD training in areas along the Atlantic coast. The comment period closes on 15 Oct 12.



Legislature convened 8 Feb 12 and adjourned sine die 9 May 12.

STATE OF CONNECTICUT PROPOSED RULES

PROPOSED AMENDMENTS TO REMEDIATION STANDARDS AND LAND USE RESTRICTION REGULATIONS

On 21 Aug 12, the Department of Energy and Environmental Protection (DEEP) issued [proposed amendments](#) to the Remediation Standard Regulations (RSR) and Environmental Land Use Restriction (ELUR) regulations. The amendments to the RSRs aid site cleanup and redevelopment. The proposed changes have several specific testing criteria changes and expand on specific settings, add regulatory language, and definitions. In addition, proposed changes to the applicability section will clarify when and how the regulations apply. The purpose of the amendments to the ELUR regulations is to clarify requirements and incorporate procedural changes that streamline the process of utilizing an ELUR on polluted real property. An informational session is scheduled for 26 Sep 12, and a public hearing is set for 25 Oct 12. A deadline for comment has not been established, but may be as early as 25 Oct 12.

STATE OF CONNECTICUT OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

PROPOSED RENEWAL OF NPDES GENERAL STORMWATER PERMIT

On 9 Aug 12, the Commissioner of DEEP issued a [notice of a tentative determination](#) to renew a National Pollutant Discharge Elimination System Permit (NPDES) for two years without modification. The General Permit for the Discharge

of Stormwater from Small Municipal Separate Storm Sewer Systems under Section 22a-430b, "Connecticut General Statutes" allows for discharges of stormwater from municipal separate storm sewer systems into the waters of the state. The comment period closed on 9 Sep 12.

PROPOSED GENERAL STORMWATER AND CONSTRUCTION ACTIVITIES PERMIT RENEWAL

On 1 Sep 12, DEEP issued a [notice of a tentative determination](#) to renew for one year without modification the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities under Section 22a-430b of the Connecticut General Statutes for discharges of stormwater from construction activities into the waters of the state. The proposed permit renewal requires permittees to implement best management practices called "controls," consistent with the "2002 Guidelines for Soil Erosion and Sediment Control," to minimize the discharge of sediment in construction and post-construction discharges and reduce the velocity of post construction stormwater discharges. The comment period and hearing request option closes on 1 Oct 12.



Legislature convened 4 Jan 12 and adjourned sine die 18 Apr 12.

STATE OF MAINE PROPOSED RULES

PROPOSED RULES AND REPEAL OF PESTICIDE CONTROL RULES

On 15 Aug 12, the Maine Board of Pesticides Control issued a [notice](#) on a [proposed rule](#) that would amend/repeal several chapters (10, 21, 27, & 50) to the Pesticides Control Rules. The amendments to Ch. 10, "Definitions and Terms," will incorporate interpretive policies to the definitions of: Commercial Applicator, Custom Application, Distribute and Spray Contracting Firm. A definition of Government Employee is also added. The repeal of Ch. 21, "Pesticide Container Disposal and Storage," is appropriate because the statutory mandate for a restricted-use pesticide container deposit system was repealed by Public Law 2011, Ch. 510. The amendments to Ch. 27, "Standards for Pesticide Applications and Public Notification in Schools," are to address weaknesses and incorporate improvements that were identified during an evaluation of the rule requested by the Legislature in Resolve 2011, Ch. 59. The amendments to Ch. 50, "Record Keeping & Reporting Requirements," will remove the reporting requirements associated with the restricted-use pesticide container deposit system which is no longer necessary because of the repeal of Ch. 21. A hearing occurred on 7 Sep 12, and the comment period closes on 28 Sep 12.



Legislature convened 4 Jan 12 and adjourns 1 Jan 13.

COMMONWEALTH OF MASSACHUSETTS LEGISLATION SIGNED BY THE GOVERNOR

NEW PHOSPHOROUS USE LAW

On 23 Aug 12, [HB 4306](#) was signed by Governor Patrick into law. The legislation gives the Department of Agriculture the authority to specifically create restrictions surrounding phosphorous use. The new law restricts the use of fertilizer products containing phosphorus in areas that are most likely to cause environmental degradation due to runoff, and also creates civil penalties for violations of the law. The law becomes effective 1 Jan 14.

COMMONWEALTH OF MASSACHUSETTS PROPOSED LEGISLATION

PROPOSED PHOSPHORUS RUNOFF REDUCTION BILL

On 9 Aug 12, House Bill [HB 4394](#) (companion [SB 2403](#)), was introduced by Representative Fernandes. The legislation proposes to reduce phosphorus runoff. This legislation amends changes made by HB 4306 by deleting a provision to only use fertilizer on new turf areas when soil testing confirms a need for stimulating growth, prohibiting fertilizer from landing or running off impervious surfaces, and applying it within 20 ft. of surface water. The legislation adds a 1 Jan 14, requirement for promulgation of regulation and states that those regulations shall be designed to maximize credits provided to municipalities by stormwater permits.



New Hampshire

Legislature convened 4 Jan 12 and adjourned sine die 1 Jul 12.

USEPA FINAL RULE GRANTS APPROVAL TO REGIONAL HAZE PROGRAM

USEPA issued a final rule approving a revision to the New Hampshire State Implementation Plan (SIP) that addresses regional haze for the first planning period from 2008 through 2018 [[77 FR 50602](#), 22 Aug 12]. The revision was submitted by the New Hampshire Department of Environmental Services (NHDES) on 29 Jan 10, with supplemental submittals on 14 Jan 11, and 26 Aug 11. This revision addresses the requirements of the Clean Air Act and USEPA's rules that require States to prevent any future, and remedy any existing, manmade impairment of visibility in mandatory Class I Areas caused by emissions of air pollutants from numerous sources located over a wide geographic area (also referred to as the "regional haze program"). The final rule becomes effective on 21 Sep 12.

STATE OF NEW HAMPSHIRE PROPOSED RULES

PROPOSAL TO UPDATE HAZARDOUS WASTE RULES

On 9 Aug 12, DES issued a [proposed rule](#) that amends the Hazardous Waste rules in Env-Hw 100, "Hazardous Waste Definitions," to clarify the definitions of: "full quantity generator" and "small quantity generator;" adopt definitions for household waste and pharmaceutical waste; update the definition of "spent material" to reflect a statutory change; and add synthetic oil to the definition of used oil to mirror the federal definition. The rules affect any entity that generates, stores, treats, transports, or disposes of hazardous waste. The comment period closed on 7 Sep 12.

PROPOSED AMENDMENTS TO HAZARDOUS WASTE RULES

On 9 Aug 12, the Department of Environmental Services (DES) issued a [proposed rule](#) that amends and readopts several hazardous waste rules, Env-Hw 300,-700, 1100, and various sections. The proposed rules align the state rules with federal requirements that have changed since the rules were last adopted and they include: Env-Hw 300, relative to permitting, and is proposed to be amended to delete a re-submittal fee; Env-Hw 400, relative to identification and listing of hazardous waste; Env-Hw 500, relative to hazardous waste generators; Env-Hw 600, relative to hazardous waste transporters; Env-Hw 700, relative to owners/operators of hazardous waste facilities; and Env-Hw 1000, relative to the hazardous waste cleanup fund, are all readopted with amendments. A hearing occurred on 30 Aug 12, and the comment period closed on 7 Sep 12.

PROPOSED RULE ON RECOVERY OF GASOLINE VAPORS

On 16 Aug 12, DES issued a [proposed rule](#) relating to recovery of gasoline vapors in Env-Or 500 (currently Env-Wm 1404). The rules, found in New Hampshire Code of Administrative Rules, Env-Wm 1404, "Volatile Organic Compounds (VOCs) Gasoline Dispensing Facilities, Bulk Gasoline Plants, and Cargo Trucks," regulate emissions of VOC's is in accordance with the Clean Air Act. These rules are proposed to be readopted with amendments so as to continue the vapor recovery program. Pursuant to Revised Statutes Annotated (RSA) 541-A:14-a, I, the existing rules in Env-Wm 1404 will continue to be in effect for the duration of this re-adoption proceeding. The amendments are primarily intended to: clarify existing requirements; align the state rules with federal standards; remove bulk gasoline loading terminals as defined in Env-A 1202.22; address bulk gasoline plants as defined in Env-A 1202.23, as they are subject to Env-A 1217, "VOL. Storage and Transfer;" and re-designate the rules into the "Oil and Remediation" rules. Some additional recordkeeping, reporting, and testing requirements are also proposed. A hearing is scheduled for 21 Sep 12, and the comment period closes on 28 Sep 12.



Vermont

VT Legislature convened 3 Jan 12 and adjourned sine die 5 May 12.

USEPA PROPOSED APPROVAL OF SIP REVISIONS AND PSD PROGRAM

USEPA issued a proposed rule approving a revision to the Vermont State Implementation Plan (SIP) relating to regulation of Greenhouse Gases (GHG) under Vermont's Prevention of Significant Deterioration (PSD) program [[77 FR 49404](#), 16 Aug 12]. This revision was submitted by the Vermont Department of Environmental Conservation (VT DEC), Air Pollution Control Division on 14 Feb 11. It is intended to align Vermont's regulations with USEPA's "PSD and Title V Greenhouse Gas Tailoring Rule." USEPA is proposing to approve the revision because the Agency has made the

preliminary determination that the SIP revision, already adopted by Vermont as a final effective rule, is in accordance with the Clean Air Act and USEPA regulations regarding PSD permitting for GHGs. The SIP submittal also contains proposed amendments to several other sections of Vermont's SIP not directly related to GHG permitting which USEPA is not acting on at this time. The comment period closed on 17 Sep 12.

STATE OF VERMONT PROPOSED RULES

PROPOSED CHANGES TO HAZARDOUS WASTE MANAGEMENT REGULATIONS

On 29 Aug 12, the Vermont Agency of Natural Resources issued a [proposed rule](#) revising the Vermont Hazardous Waste Management Regulations. The rule: identifies wastes subject to regulation as hazardous; establishes management standards for businesses that generate, transport, treat, store or dispose of Hazardous Waste; and incorporates new federal regulations, clarifies existing requirements, and makes minor corrections. Some specific changes include: adoption of the federal Academic Labs rule to replace the expiring University Labs XL rule; addition of new standards for facilities that aggregate and temporarily store waste fuels received from off-site for subsequent reclamation/reuse; substitution of current emergency response procedures for small quantity generators with simplified federal standards; addition of legitimacy criteria for recycling; clarification that intact circuit boards may be managed under an existing exemption for shredded circuit boards; and clarification that specification used oil fuel is subject to limited regulation. A hearing is scheduled for 1 Oct 12, and the comment period closes on 8 Oct 12. See fact sheet [here](#).

Region 2

For more information on any state issues in Region 2, contact [Bob Muhly](#), Army Regional Environmental Coordinator, Regions 1 & 2, (410) 436-6224.



USEPA APPROVES ATTAINMENT OF THE 2006 FINE PARTICLE STANDARD FOR THREE STATES

USEPA issued a proposed rule which determines that the New York, New Jersey-Long Island, Connecticut fine particle (PM2.5) nonattainment area has attained the 2006 24-hour fine particle National Ambient Air Quality Standard (NAAQS) [[77 FR 52626](#), 30 Aug 12]. This proposed determination is based upon quality assured, quality controlled, and certified ambient air monitoring data that shows the area has monitored attainment of the 2006 24-hour PM2.5 NAAQS for the 2007-2009 and 2008-2010 monitoring periods and continues to show attainment through 2011. If this proposed determination is made final, the requirements for this area to submit an attainment demonstration, reasonably available control measures, reasonable further progress plan, and contingency measures related to attainment of the 2006 24-hour PM2.5 NAAQS shall be suspended for so long as the area continues to attain the 2006 24-hour PM2.5 NAAQS. The comment period closes on 1 Oct 12.

PROPOSED RULE TO LIST BRICKNELL'S THRUSH AS ENDANGERED

The U.S. Fish and Wildlife Service (USFWS) issued a proposed rule announcing a 90-day finding to list the [Bicknell's Thrush](#) (*Catharus bicknelli*), a small bird, as endangered or threatened under the Endangered Species Act of 1973, and to designate critical habitat [[77 FR 48934](#), 15 Aug 12]. For further details, refer to this identical entry posted under Region 1 (see page 2).



Legislature convened 10 Jan 12 and adjourns 31 Dec 12.

STATE OF NEW JERSEY PROPOSED RULES

PROPOSED RULE ON AIR PROCEDURES AND PENALTIES

On 20 Aug 12, the New Jersey Department of Environmental Protection (NJ EPA) issued a [proposed rule](#) on, "air administrative procedures and penalties," rules in the New Jersey Administrative Code (N.J.A.C.)7:27A, to update the penalty matrices. NJ EPA proposes to amend several sections of N.J.A.C. to allow environmental impact (or the lack of impact) to be taken into account in adjusting penalty amounts, as provided by N.J.A.C. 7:27A-3.10(j). The proposed

grace period provisions allow a violator an opportunity to correct certain violations within the time provided and thereby avoid a penalty. In addition, through the amended rules, NJ EPA is complying with the Federal Clean Air Act regulations, which require each state to have an air pollution control program with an adequate enforcement mechanism. A hearing is scheduled for 25 Sep 12, and the comment period closes on 19 Oct 12.

PROPOSED RULE ADDS, AND DELETES SPECIES ON ENDANGERED PLANT SPECIES LIST

On 6 Aug 12, NJ EPA issued a [proposed rule](#) which amends the Endangered Plant Species Program rules at N.J.A.C. 7:5C to: update N.J.A.C. 7:5C-4.1, "Public Participation" methods; and amend N.J.A.C. 7:5C-5.1, "Endangered Plant Species List." This proposal adds 37 native plant species to the List, removes 20 species from the List, and updates the rules in N.J.A.C. 7:5C-2.2, which "specifies the criteria utilized to determine if native plant species should be designated as endangered." Species are designated endangered based upon a determination that the species' survival in the State or Nation is in jeopardy. In addition, the rule adds current information in the Department's Natural Heritage Database. The resultant List will contain 356 endangered plant species. The rulemaking also updates the scientific names of 62 currently listed endangered plant species to reflect current scientific nomenclature. Of the 37 species proposed for addition to the List, three species are being proposed for addition because they are considered globally rare: *Boltonia montana* (Appalachian mountain boltonia), *Eleocharis olivacea* var. *reductisetata* (Pine Barren spike-rush), and *Rubus novocaesarius* (New Jersey dewberry). The comment period closes on 5 Oct 12.

STATE OF NEW JERSEY OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

NOTICE OF SIP REVISION FOR ATTAINMENT AND MAINTENANCE PM_{2.5}

On 20 Aug 12, the New Jersey Department of Environmental Protection (NJ DEP) issued a [notice](#) on a revision to the New Jersey State Implementation Plan (NJ-SIP) for the Attainment and Maintenance of the Fine Particulate Matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS) that was forwarded to USEPA on 19 Jul 12. DEP is requesting USEPA re-designate the multi-state fine particulate matter PM_{2.5} New Jersey nonattainment areas to attainment. The NJ-SIP revision document contains: air quality monitoring data that shows compliance with the NAAQS and a decreasing trend in PM_{2.5} concentrations over time; a summary of control measures that New Jersey has implemented to bring the State into attainment; a maintenance plan that demonstrates a projected continuing downward trend in emissions through 2025; a contingency plan that would be implemented should the air quality violate NAAQS in the future; transportation conformity budgets; and other information that supports the request for re-designation. A hearing occurred on 5 Sep 12, and the comment period closed on 12 Sep 12.



Legislature convened 5 Jan 12 and adjourns 8 Jan 13.

USEPA APPROVES FINAL RULE ON REGIONAL HAZE STATE IMPLEMENTATION PLAN

USEPA issued a final rule granting approval to the Regional Haze State Implementation Plan (SIP) submitted by the State of New York [[77 FR 51915](#), 28 Aug 12]. USEPA is also approving seventeen source-specific SIP revisions containing permits for Best Available Retrofit Technology (BART), revisions for Title 6 of the New York Codes, Rules and Regulations, Part 249, "BART" and Section 19-0325 of the New York Environmental Conservation Law which regulates the sulfur content of fuel oil (Section 19-0325 requires that after 1 Jul 12, all number two heating oil sold for in heating use within New York State shall not have a sulfur content greater than fifteen parts per million.). These revisions to the SIP addressing regional haze were submitted by the State of New York on 15 Mar 10, and supplemented on 2 Aug 10, 16 Apr 12, and 2 Jul 12. These SIP revisions were submitted to address Clean Air Act requirements and USEPA's rules for states to prevent and remedy future and existing anthropogenic impairment of visibility in mandatory Class I areas through a regional haze program. Although New York State addressed most of the issues identified in USEPA's proposal, USEPA is promulgating a Federal Implementation Plan to address two sources where USEPA is disapproving New York's BART determinations. The final rule becomes effective on 27 Sep 12.

STATE OF NEW YORK LEGISLATION SIGNED BY THE GOVERNOR

NEW LAW ON THE SEWAGE POLLUTION RIGHT-TO-KNOW ACT

On 9 Aug 12, Governor Cuomo signed Assembly Bill [AB 10585](#) into law becoming Chapter 368. This law titled, "Sewage Pollution Right-to-Know Act," requires the operators of sewage treatment plants to notify regulators and the public of discharges of untreated sewage or partially treated sewage. This bill adds to existing federal and state spill reporting

requirements for sewage treatment plants. All sewage discharges, including combined sewer overflow (CSO) discharges, must be reported to Department of Environmental Conservation (DEC) and the local Department of Health (DOH) (or the state DOH if there is no local DOH) within two hours of discovery. The law requires DEC to promulgate new regulations specifying "through appropriate electronic media," public notification. DEC's new regulations, however, are only to require public notice of sewage discharges that may affect public health. The new law takes effect 1 May 13.



Legislature convened 10 Jan 12 and adjourned sine die 30 Jun 12.

FINAL RULE ON CONTROLLING HAZARDOUS AIR POLLUTANTS & TITLE V OPERATING PERMIT PROGRAM

USEPA issued a final rule approving revisions to the Puerto Rico Regulations for the Control of Atmospheric Pollution (PRCAP), submitted by the Puerto Rico Environmental Quality Board (PREQB) on 13 Jul 11 [[77 FR 52233](#), 29 Aug 12]. This action approves revisions to the PREQB rules: 102, "Definitions;" 111, "Applications, Hearings, Public Notice;" 115, "Punishment;" 116, "Public Nuisance;" and Appendix A, "Hazardous Air Pollutants." USEPA is also approving a revision to Rule 609, "Permit Review," as part of Puerto Rico's Title V Operating Program. Generally the revisions to the PRCAP regulations involve administrative changes which improve the clarity of the rules contained in the Commonwealth's Implementation Plan and Operating Permits Program. They do not change the emission limitations. The final rule becomes effective on 28 Sep 12

Region 3

For more information on any state issues in Region 3, contact [Amy Alton](#), Army Regional Environmental Coordinator, Region 3, (410) 436-7098.



PROPOSED RULE TO LIST BRICKNELL'S THRUSH AS ENDANGERED

The U.S. Fish and Wildlife Service (USFWS) issued a proposed rule announcing a 90-day finding to list the [Bicknell's Thrush](#) (*Catharus bicknelli*), a small bird, as endangered or threatened under the Endangered Species Act of 1973, and to designate critical habitat [[77 FR 48934](#), 15 Aug 12]. For further details, refer to this identical entry posted under Region 1 (see page 2).



Legislature convened 2 Jan 12 and adjourns 31 Dec 12.

DISTRICT OF COLUMBIA PROPOSED RULES

PROPOSED RULE ON STORMWATER MANAGEMENT, SOIL EROSION CONTROL, AND UPDATES TO STORMWATER GUIDEBOOK

On 10 Aug 12, District of Columbia Department of the Environment (DDOE) issued a [proposed rule](#) that amends Chapter 5, "Water Quality and Pollution" of Title 21, "Water and Sanitation" of the District of Columbia Municipal Regulations, comprehensively amending the stormwater regulations and the soil erosion and sediment control regulations. The rule includes: financial incentives for voluntary installation of stormwater retrofits to earn Stormwater Retention Credits that can be sold to regulated sites to meet requirements; updates the District's existing requirements to reflect current scientific, engineering and stormwater principles; and allows the District to comply with federal requirements established in the stormwater permits issued to the District by USEPA. DDOE also issued a notice of intent to adopt the revised [Stormwater Management Guidebook](#) (SWMG). DDOE has updated and expanded the SWMG to be consistent with and provide guidance on compliance with the proposed regulatory amendments. DDOE is requesting comment on both the proposed rulemaking and on the revised Draft Stormwater Management Guidebook. The comment period closes on 8 Nov 12. In addition, DDOE will host several [training sessions](#) on Using Technical

Guidance in the "Draft Stormwater Management Guidebook," and will also host two hearings on the proposed rule on 18 Oct 12, and on 5 Nov 12.

PROPOSED RULE ON IMPLEMENTING THE LEAD HAZARD PREVENTION AND ELIMINATION ACTS

On 31 Aug 12, DDOE issued a second notice on a [proposed rule](#) to implement the Lead Hazard Prevention and Elimination Act of 2008 and the Lead Hazard Prevention and Elimination Amendment Act of 2010. This proposal incorporates comments on an earlier version of the rule proposed in July 2012. The proposed rule will allow DDOE to fulfill the intent of the Acts by: setting the specific mandates on lead-safe work practices; setting the requirements for property owners to disclose the presence of any "reasonably known" lead-based paint or lead-based paint hazards; establishing certain basic lead certification requirements; and stipulating when an abatement permit must be obtained prior to performing abatement. In addition, the proposed rule establishes three discrete exceptions to abatement permit requirements and clarifies when demolition of a pre-1978 building triggers an abatement permit. Finally, the rulemaking sets the fines and or penalties that may be imposed on an owner for failure to comply. The comment period closes on 30 Sep 12.

DISTRICT OF COLUMBIA OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

PROPOSED FEDERAL CONFORMITY FOR HAZARDOUS WASTE MANAGEMENT REGULATIONS

On 10 Aug 12, DDOE issued a [Notice Of Intent](#) (NOI) to adopt updated versions of federal regulations governing transportation and disposal of hazardous waste. The proposed adoption would repeal and replace the existing incorporations by reference in Chapter 42, "Standards for the Management of Hazardous Waste and Used Oil," of Title 20, the "Hazardous Waste Management Regulations," "DC Municipal Regulations (DCMR)." These regulations incorporate by reference, the most current corresponding federal Resource Recovery and Conservation Act (RCRA) regulations, published in 40 Code of Federal Regulations (CFR) Parts: 124, 260 - 266, 268, 270, 273 and 279. The comment period closed on 9 Sep 12.



Legislature convened 11 Jan 12 and adjourned sine die 9 Apr 12. Special session 14-15 May 12.

STATE OF MARYLAND EMERGENCY RULES

EMERGENCY RULE ON MEDICAL WASTE INCINERATORS

On 4 Jul 12, the Maryland Department of the Environment issued a [notice on an emergency action](#) (PDF pg.12) which amends the compliance schedule for hospital, medical, infectious and medical waste incinerators (HMIWI) to come into compliance with Code of Maryland Regulations (COMAR) [26.11.08](#), "Control of Incinerators." The emergency rule became effective on 4 Jul 12, and sunsets on 30 Nov 12.



Legislature convened 3 Jan 12 and adjourns 30 Nov 12.

COMMONWEALTH OF PENNSYLVANIA PROPOSED RULES

PROPOSED CHANGES TO BIRD CLASSIFICATION STATUS

On 11 Aug 12, the Pennsylvania Game Commission issued a [proposed rule](#) amending Pennsylvania Code Chapter 133, "Classification of Birds," to reflect the current status of breeding populations of threatened and endangered wild birds, and also updating scientific nomenclature. The proposed changes include: listing the Upland Sandpiper, a grassland nesting bird, (downgraded) to endangered status; the Northern Harrier, a type of hawk, as threatened, (is listed as either endangered or threatened in neighboring states); and listing Long-eared Owls as threatened. The comment period closes on 21 Sep 12.

COMMONWEALTH OF PENNSYLVANIA OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

PROPOSED REVISIONS TO GENERAL PERMIT FOR STORMWATER CONSTRUCTION ACTIVITIES

On 18 Aug 12, the Department of Environmental Protection (DEP) issued a [notice](#) on proposed revisions to the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction

Activities to Pennsylvania's General Permit (PAG) ([PAG-02, 2012](#) amendment) for renewal for 5-years. The current PAG-02 permit is scheduled to expire at midnight on 7 Dec 12. The PAG-02 permit will continue to be in force until formal revision of PAG-02, 2012, is completed and announced in the Pennsylvania Bulletin, unless rescinded. The PAG-02, 2012 revisions include: long-term operation and maintenance of post construction stormwater Best Management Practices (BMP); licensed professional obligations and Notice of Termination were added to become compliant with the revisions made on 19 Nov 10, to 25 Pa. Code Chapter 102 "Erosion and Sediment Control," Part A, "Effluent Limitations, Monitoring, and Reporting Requirements;" requires federal conformity with effluent monitoring conditions and limitations for turbidity, to Part C, "Other Conditions," provides for the creation of voluntary riparian forest buffers; Part C, also allows for municipal separate storm sewer systems to use the Commonwealth's Chapter 102 permitting program to satisfy their minimum control measures 4 and 5 (BMPs 1-2). DEP is also implementing a disturbed acreage fee (\$100 per disturbed acre) that is added to the base fee (\$500) for the permit. The comment period closed on 17 Sep 12.



Legislature convened 11 Jan 12, adjourned sine die 10 Mar 12. Special Sessions 21 Mar 12 & 2 May 12.

COMMONWEALTH OF VIRGINIA FINAL RULE

FINAL RULE ON EMERALD ASH BORER QUARANTINE FOR THE ENTIRE COMMONWEALTH

The Department of Agriculture and Consumer Services issued a [final rule](#) which extends the Emerald Ash Borer, *Agrilus planipennis* (Fairemaire), quarantine to the entire Commonwealth of Virginia. The following articles are regulated under the provisions of the quarantine: the emerald ash borer in any life stage; firewood of all hardwood (nonconiferous) species; Ash (*Fraxinus* spp.) nursery stock; Green (nonheat treated) ash lumber; other living, dead, cut, or fallen material of the genus *Fraxinus*; including logs, stumps, roots, branches, and composted and un-composted wood chips. The final rule became effective on 26 Jul 12.

COMMONWEALTH OF VIRGINIA OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

PROPOSED LEAD CONTRACTOR NOTIFICATION REQUIREMENTS

On 27 Aug 12, the Virginia Department of Labor and Industry, Safety and Health Codes Board issued a [notice](#) on amending 16VAC25-35, the regulations concerning, "Certified Lead Contractors Notification, Lead Project Permits and Permit Fees." The purpose of the proposed action is to provide both increased protection to employees and employers performing lead-based paint abatement projects by requiring that licensed lead contractors submit written notification for all lead projects, as defined in [16VAC25-35-10](#) (which was just amended and became effective 15 Sep 12) regardless of the contract price for the lead project. The comment period closes on 26 Sep 12.

PROPOSED RENEWAL OF GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM INDUSTRIAL ACTIVITY

On 21 Aug 12, the Department of Environmental Quality (DEQ) issued a [proposed rule](#) amending and reissuing the General Virginia Pollutant Discharge Elimination System (VPDES) permit for stormwater discharges from industrial activity. The permit expires on 30 Jun 14 and needs to be reissued so that industrial facilities with point source discharges to surface waters of stormwater from regulated industrial activities can continue to have general permit coverage. This is a reissuance of an existing general permit and no changes are currently proposed; however, amendments may be identified following the submittal of public comments on this notice, and by the technical advisory committee during deliberations on this general permit regulation. The comment period closes on 10 Oct 12.



Legislature convened 11 Jan 12 and adjourned sine die 16 Mar 12.

USEPA GRANTS DELEGATION OF AUTHORITY TO STATE ON AIR STANDARDS

On 22 Jun 12, USEPA sent a letter to West Virginia's Department of Environmental Quality, granting and updating West Virginia's delegation of authority to implement and enforce National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS), as provided for under previously approved delegation mechanisms [[77 FR 47838](#), 10 Aug 12]. This Federal Register notice informs regulated facilities and the public of West

Virginia's updated delegation of authority to implement and enforce NESHAP and NSPS. The notice became effective on the publication date of 10 Aug 12.

Region 5

For more information on any state issues in Region 5, contact [Dr. Jim Hartman](#), DOD Regional Environmental Coordinator, Region 5, (410) 436-7096.



U.S., AND CANADA SIGN NEW GREAT LAKES WATER QUALITY PACT

On 7 Sep 12, the U.S. Environmental Protection Agency Administrator Lisa Jackson, and Canada's Environment Minister, Peter Kent, signed an updated agreement to the 40-year-old [Great Lakes Water Quality Agreement](#) that commits both countries "to restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes Basin Ecosystem." When the Great Lakes Water Quality Agreement was first signed in 1972, the major issue was phosphorus over-enrichment. The agreement was updated in 1978, and amended most recently in 1987 when the major issue was ridding the Great Lakes of persistent toxic substances. The revised agreement includes sections on invasive species such as Asian carp, restoring native species and habitat, and preparing coastal communities for climate change. The agreement, which is overseen by the International Joint Commission, requires both countries to restore and maintain the integrity of the Great Lakes Basin ecosystem and includes measures to deal with pollution, groundwater contamination and other threats to the lakes.

OHIO RIVER BASIN WATER QUALITY PILOT TRADING PLAN

On 9 Aug 12, the State of Ohio joined Indiana and Kentucky in the formation of a multi-state water quality trading plan. The "[Ohio River Basin Water Quality Project Pilot Trading Plan](#)," is the first consensus plan for interstate trading to reduce nutrients. In anticipation of new or more stringent numeric water quality criteria, total maximum daily loads (TMDLs), and/or water quality-based National Pollutant Discharge Elimination System (NPDES) permit limits, the plan will enable stakeholders, and regulators to have an economically, socially, and ecologically viable option for compliance, and water quality improvement by reducing nitrogen and phosphorus loading in rivers, lakes and streams through conservation and best management practices in a watershed. The pollutants identified for trading in the Pilot are total nitrogen (TN) and total phosphorus (TP). These pollutants have been selected because of their contribution to water quality problems within the Ohio River Basin and downstream, as well as their suitability for trading. The program is unique in that all states will operate under the same rules and water quality credits in one state can be applied to another state.



Illinois

Legislature convened 11 Jan 12 and adjourns 31 Dec 12.

USEPA FINAL RULE GRANTS 1997 OZONE APPROVAL TO GREATER CHICAGO AREA

USEPA issued a final rule which grants approval on a request from the State of Illinois to re-designate the Illinois portion of the Chicago-Gary-Lake County, Illinois-Indiana (IL-IN) area (the Greater Chicago area) to attainment of the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) [[77 FR 48062](#), 13 Aug 12]. The Illinois portion of the Greater Chicago area includes: Cook, DuPage, Kane, Lake, McHenry, Will Counties; portions of Grundy (Aux Sable and Goose Lake Townships); and Kendall (Oswego Township) Counties. The Illinois Environmental Protection Agency (IEPA) submitted this request on 23 Jul 09, and supplemented its request on 16 Sep 11. In addition to approval of Illinois' ozone re-designation request, USEPA is approving the State's plan for maintaining the 1997 8-hour ozone standard through 2025 and the State's 2002 Volatile Organic Compound (VOC) and Nitrogen Oxides (NOx) emission inventories, as revisions to the Illinois State Implementation Plan (SIP) for the Illinois portion of the Greater Chicago area, and approving and finding adequate the State's 2008 and 2025 VOC and NOx Motor Vehicle Emission Budgets. The final rule became effective on 13 Aug 12.

STATE OF ILLINOIS LEGISLATION SIGNED BY THE GOVERNOR

A NEW LAW ON AMBIENT AIR QUALITY STANDARDS

On 10 Aug 12, Governor Quinn signed Senate Bill [SB 3672](#) into law. This law is now titled Public Act 097-0945 and it amends the "Environmental Protection Act." The new law limits the authority of the Illinois Pollution Control Board (PCB) to prescribe ambient air quality standards for criteria air pollutants, such as Nitrogen Dioxide, if those standards are more exacting than the National Ambient Air Quality Standards set by USEPA. The legislation became effective upon signature.

A NEW LAW ON ENERGY EFFICIENT BUILDING CODE REQUIREMENTS

On 17 Aug 12, Governor Quinn signed Senate Bill [SB 3724](#) into law. This law is now titled Public Law 97-1033 and it amends the "Energy Efficient Building Act." The new law provides that the Capital Development Board shall adopt, the latest published edition of the International Energy Conservation Code as minimum requirements for commercial buildings, and also provides that the Board shall adopt, the Code as the minimum and maximum requirements for residential buildings. The law also stipulates that the Code adopted in 2012 shall take effect on 1 Jan 13. The legislation became effective upon signature.

STATE OF ILLINOIS PROPOSED LEGISLATION

PROPOSED LEGISLATION ON WATER USE DURING DECLARED DROUGHT EMERGENCY

On 17 Aug 12, House Bill [HB 6216](#) was introduced by Representative Bradley. The legislation would amend the "Rivers, Lakes, and Streams Act," and defines "secretarial disaster area" as any portion of a county which meets severe drought intensity for 8-consecutive weeks, or any portion of a county which meets extreme drought or higher drought intensity value at any time during the growing season. The bill states, "that whenever the Secretary of the United States Department of Agriculture declares a secretarial disaster area to exist, the Governor shall exercise his or her authority under Section 7 of the "Illinois Emergency Management Agency Act," to provide the Department of Natural Resources (DNR) the authority to regulate and permit all water use, including but not limited to, riparian rights of surface and groundwater resources within the secretarial disaster area." In addition, the legislation provides that the DNR shall have the authority to prioritize permitted water usage based on the needs of the affected area. Permitted uses shall include but not be limited to public drinking water supply, in-stream flows, industrial uses, and navigation. Finally, the legislation provides that DNR shall have the authority to make available all public and private water within Illinois to alleviate water supply demands within a secretarial disaster area, excluding federal reservoirs and Lake Michigan.

STATE OF ILLINOIS FINAL RULE

FINAL RULE AMENDS NONHAZARDOUS SPECIAL WASTE HAULING AND UNIFORM PROGRAM

On 3 Aug 12, the Illinois Pollution Control Board (PCB) issued a [notice of adopted amendments](#) that amended the rules titled, "Nonhazardous Special Waste Hauling and the Uniform Program," (35 Ill Adm. Code 809; 36 Ill Reg. 5095). This rule is in response to legislation passed last summer (Public Act 97-220) withdrawing the state of Illinois from the Federal Uniform Hazardous Materials Transportation Registration and Permit Program (Uniform Program). The PCB requires all transporters of both hazardous and non-hazardous special waste to obtain a single special waste hauler permit from the Illinois Environmental Protection Agency, instead of requiring a separate permit for hazardous special waste as required under the Uniform Program. The adopted amendments became effective on 18 Jul 12.



Legislature convened 4 Jan 12 and adjourned sine die 10 Mar 12.

USEPA FINAL RULE GRANTS APPROVAL TO SIP LIMITATIONS ON AIM COATINGS

USEPA issued a final rule approving into the Indiana State Implementation Plan (SIP) the addition of a new rule that sets limits on the amount of volatile organic compounds (VOC) in Architectural and Industrial Maintenance (AIM) coatings that are sold, supplied, manufactured, or offered for sale in the State [[77 FR 52606](#), 30 Aug 12]. The final rule becomes effective 29 Oct 12, contingent on USEPA not receiving adverse comments by 1 Oct 12. If adverse comments are received, USEPA will withdrawal the direct final rule in the Federal Register informing the public that the rule will not take effect.

STATE OF INDIANA EMERGENCY AND FINAL RULES

EMERGENCY RULE ON DUAL REVIEW PROJECTS FOR HISTORIC SITES

On 1 Aug 12, the Indiana Natural Resources Commission (NRC) issued an [emergency rule](#) which temporarily adds non-code provisions to establish a process by which a person may seek dual review and action by the Department of Natural Resources, Division of Historic Preservation and Archaeology, for a project that is subject potentially to both Title 16 United States Code (U.S.C.) 470f "Effect of Federal undertakings...Historic Preservation Act;" and Indiana Administrative Code (IAC) 14-21-1-18, "Alteration of historic sites or structures; certificate of approval; exceptions; survey of historic sites and structures reports." It also provides that the Division Director may issue a letter of clearance for a qualified dual review project, but any member of the Historic Preservation Review Board may require submission of a project to the Review Board. The emergency rule became effective on 1 Aug 12, and sunsets on 30 Oct 12.

FINAL RULE ON PESTS AND PATHOGENS IN FOREST MANAGEMENT

On 8 Aug 12, the NRC issued a [final rule](#) which amends Title 312, which are the "Natural Resources Commission Rules" of the IAC Section 18, "Entomology and Plant Pathology," and Section 18-1-13, "Application of definitions," to update the definition of "pest or pathogen" to be consistent with the statutory definition. The rule also amends 312 IAC 18-2-2, "Infested areas, quarantines" to allow the director to establish and modify boundaries of a quarantined area for a pest or pathogen consistently with amendments made to IAC 14-24-4-2; "Declaration of infested areas" and adds 312 IAC 18-3-22 "Production of pest and pathogen free nursery stock," to produce seedlings, used in reforestation, afforestation, or another natural resources purpose, that are free of pests or pathogens. The final rule became effective on 8 Aug 12.

FINAL RULE UPDATES WATER QUALITY STANDARDS FOR CHLORIDE AND SULFATE

On 9 Jul 12, the Indiana Department of Environmental Management (IDEM) issued a [final rule](#) that updates the water quality standards for chloride and sulfate. Current standards were adopted in the late 1980's based on USEPA developed standards and are now outdated. IDEM through this rulemaking is utilizing USEPA's approved water quality criteria for chloride adopted by the Indiana DNR in 2010. The sulfate standard in 327 IAC 2-1-6, "Minimum Surface Water Quality Standards," is also amended as sulfate criteria are expressed as a function of chloride concentration which is currently capped at the chronic criterion of 230 mg/L. See fact sheet [here](#).

STATE OF INDIANA PROPOSED RULE

PROPOSED RULE ON ORGANIC SOLVENT DEGREASERS

On 15 Aug 12, IDEM issued a [proposed rule](#) that amends the rules to 326 IAC 8-3 concerning organic solvent degreasers in Indiana. IDEM is seeking to reduce emissions of Volatile Organic Compounds (VOCs) that occur as a result of evaporation from storage and handling of fresh and spent solvents. This rule is being proposed as part of a multi-state effort led by the Lake Michigan Air Directors Consortium to identify and recommend regional VOC controls to help states in the Mid-west Regional Planning Organization, Illinois, Indiana, Michigan, Ohio, and Wisconsin, to achieve and maintain compliance with the National Ambient Air Quality Standard (NAAQS) for ozone. A [hearing](#) is scheduled for 7 Nov 12.



Legislature convened 11 Jan 12 and adjourns 31 Dec 12.

STATE OF MICHIGAN PROPOSED LEGISLATION

PROPOSED LEGISLATION ON SOLID WASTE MANAGEMENT

On 15 Aug 12, House Bill [HB 5798](#) was introduced. The legislation would amend Part 115, "Solid Waste Management" rules of the Natural Resources and Environmental Protection Act to establish new guidelines for the collection and storage of diverted waste through waste diversion centers. Specifically, the bill would establish new requirements for waste diversion center operators, and it is intended to remove obstacles to allow for better methods of collecting medications and household hazardous waste that would otherwise be sent to a landfill.

PROPOSED LEGISLATION ON RESTRICTED SPECIES

On 15 Aug 12, Senator Booher introduced Senate Bill [SB 1235](#) which was referred to the Committee on Natural Resources, Environment and Great Lakes. The legislation would amend several sections of the "Natural Resources and Environmental Protection Act," and includes a list of prohibited species or restricted species. In addition, the legislation

specifies that the Department of Agriculture and Rural Development, after consultation with the Department of Natural Resources, may recommend to the legislature that a plant, insect, or livestock species be added to or deleted from the definition of prohibited species or restricted species.



Legislature convened 3 Jan 12 and adjourns 31 Dec 12.

STATE OF OHIO PROPOSED RULES

PROPOSED REVISIONS TO PRIMARY DRINKING WATER STANDARDS

On 21 Aug 12, the Ohio Environmental Protection Agency issued a [notice](#) of proposed revisions to 3745-81-01, the "Primary Drinking Water Rules Definitions" and in Section 3745-81-76, of the "Water Source Designation" rules in the Ohio Administrative Code establishing primary drinking water standards for the State. The draft amendments are, a result of the five-year rule review required by the Ohio Revised Code. Proposed revisions include clarifications of the definitions of a public water system and the term "grab sample" and changes allowing the Division of Drinking and Ground Waters to designate the majority of sources by rule with an allowance for the director to designate a well as surface water under certain circumstances. The comment period closed on 12 Sep 12.



WI Legislature convened 10 Jan 12 and adjourns 31 Dec 12.

STATE OF WISCONSIN OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

PROPOSED UPDATES TO AIR RULES TO BRING INTO FEDERAL CONFORMITY

On 15 Aug 12, the Wisconsin Department of Natural Resources (WDNR) issued a [statement of scope](#) on a proposed rule package that would address federal New Source Review (NSR) rules. The rule package revises regulatory language in Chapters NR 405, "Prevention of Significant Deterioration," and NR 408, "Construction Permits for Direct Major Sources in Nonattainment Areas," to bring the Wisconsin rules into federal conformity. Chapter NR 405.02 (25i) defines "Regulated NSR air contaminant" and includes an example of volatile organic compounds as a precursor for ozone. USEPA has requested inclusion of nitrogen oxides (NOx) in the example contained in the definition for clarification purposes. Additionally, Sections of Chapters NR 400, "Air Pollution Control Definitions," and NR 410, "Air Permit, Emission and Inspection Fees," are being repealed since these rules are no longer needed to support Chapter NR 411 which already was repealed in an earlier rulemaking. In a Federal Register notice dated 14 Jun 12, USEPA disapproved portions of WDNR's infrastructure State Implementation Plan (SIP) pertaining to Chapters NR 405 and NR 408. WDNR is adding language that NOx is a precursor to ozone, and Section 285.11(17), of Wisconsin Statutes, requires WDNR to "Promulgate rules, consistent with the federal clean air act, (CAA) that modify the meaning of the term 'modification' as it relates to specified categories of stationary sources." This proposed rule makes the WDNR definition of "major modification" consistent with the federal definition in order to conform to the statutes and the federal CAA.

Department of Defense Activity

U.S. ARMY RELEASES RFP FOR RENEWABLE ENERGY CONTRACTS AND MOU BETWEEN DOD AND DOI

On 8 Aug 12, the U.S. Army Engineering and Support Center announced a Multiple-Award Task Order [Request for Proposal](#) (RFP), for \$7 billion to purchase power sourced from solar, wind, biomass, geothermal and other alternative-energy technologies. The government intends to purchase the energy that is produced for up to 30 years through site or project-specific power purchase agreements or other contract equivalent. In addition, pursuant to current Army policy, the ownership of the renewable energy credits (RECs) resulting from renewable energy generated "on-site" will be determined on a case-by-case basis. The generation assets may be located on U.S. Department of Defense properties or on nearby private land. The contract is intended to cover installations in the continental United States, Alaska, Hawaii, and U.S. Territories. Responses to the solicitation, must be received by 5 Oct 12. In addition to the RFP, a Memorandum of Understanding ([MOU](#)) was made on 20 Jul 12, between the U.S. Department of Defense and the U.S. Department of the Interior that encourages development of renewable energy projects on up to 16 million acres

of public lands that were previously set aside for defense-related purposes, and in other onshore and offshore areas near military installations. Responses to the solicitation, must be received by 5 Oct 12.

DRAFT FINDING OF NO SIGNIFICANT IMPACT FOR IMPLEMENTATION OF THE NET ZERO PROGRAM AT ARMY INSTALLATIONS

The Department of the Army announced the availability of a Draft Finding of No Significant Impact and the Final Programmatic Environmental Assessment (PEA) for Implementation of the Net Zero program at Army Installations [[77 FR 48131](#), 13 Aug 12]. This PEA evaluates potential direct, indirect, and cumulative effects of the Net Zero Installation Plan at a programmatic (Army-wide) level. Installation or project-specific analysis will be performed and documented for proposed installation-level action. The comment period closed on 12 Sep 12.

NAVY ISSUES NEW SHORE ENERGY POLICY

On 10 Jul 12, the Navy issued a [press release](#) on a new energy policy that will drive energy consumption reduction at all Navy installations, transform the shore energy culture, and seek new or existing technical solutions for reducing energy. The [revised instruction](#) includes specific responsibilities and actions that commands and personnel ashore must take in implementing the Navy Shore Energy program. For example, each Navy installation will have a tailored energy consumption reduction goal based on its unique energy situation. By increasing energy efficiency, Navy can reduce operating costs, multiply the impact of current and future alternative energy sources and achieve Navy renewable energy targets.

Federal Activity

AIR

FINAL RULE ON MANDATORY REPORTING OF GREENHOUSE GASES AND REPORTING DATES

The U.S. Environmental Protection Agency (USEPA) issued a final rule on confidentiality determinations for certain data elements in regulations under the Mandatory Greenhouse Gas Reporting Rule, and defers the reporting deadlines of certain data elements until 2013 or 2015 [[77 FR 48072](#), 13 Aug 12]. Additionally USEPA is finalizing amendments regarding the calculation and reporting of emissions from facilities that use best available monitoring methods. This final rule action does not include final confidentiality determinations for data elements in the "Inputs to Emission Equations" data category.

CROSS-STATE AIR POLLUTION RULE VACATED

On 21 Aug 12, the U.S. Court of Appeals for the District of Columbia Circuit [vacated](#) the U.S. Environmental Protection Agency's Cross-State Air Pollution Rule ([CASPR](#)) [[77 FR 10324](#), 21, Feb 12]. The court ruled that the transport rule exceeds the agency's statutory authority under the Clean Air Act and ordered the agency to continue administering the less-stringent 2005 [Clean Air Interstate Rule](#) (CAIR) while it promulgates a valid replacement. The CASPR rule was to replace USEPA's 2005 CAIR rule. A December 2008 court decision kept the requirements of CAIR in place temporarily and directed USEPA to issue a new rule to implement Clean Air Act requirements concerning the transport of air pollution across state boundaries.

CLIMATE CHANGE

NOAA REPORT ON SEA LEVEL RISE

In July 2012, the National Oceanic and Atmospheric Administration (NOAA) released a report, "[Incorporating Sea Level Change Scenarios at the Local Level](#)." The report emphasizes local measurements and projections needed for local planning efforts to prepare for changing sea level rates. The report also specifies that raising rates reflect a variety of local factors, including vertical land motion (subsidence or uplift) and changes in estuarine and shelf hydrodynamics, regional oceanographic circulation patterns, and hydrologic cycles (river flow). The Army is currently studying the effects of sea-level rise, more information [here](#).

USEPA ISSUES TWO CLIMATE ASSESSMENT MODELING TOOLS

On 10 Sep 12, USEPA and partners [issued](#) two water and climate assessment modeling tools, "Better Assessment Science Integrating Point and Non-point Sources" (BASINS), and "Water Erosion Prediction Project Climate Assessment Tool" (WEPPCAT), that facilitate application of existing simulation models for conducting scenario-based assessments of

potential climate change effects on stream-flow and water quality. The report presents a series of short case studies using the BASINS and WEPPCAT tools. The case studies are designed to illustrate the capabilities of these tools for conducting scenario-based assessments of the potential effects of climate, land use, and management change on water resources.

ENERGY

WIND TECHNOLOGIES REPORT

The Department of Energy released a report on 14 Aug 12, examining the impact of the wind energy industry. The report, "[2011 Wind Technologies Market Report](#)," updates data presented in previous editions, while highlighting key trends and important new developments from 2011. New to this sixth edition is a summary of trends in the wind resource conditions in which wind power projects have been sited, as well as differences in how wind power sales prices are reported – including new data on full-term power purchase agreement (PPA) prices stabilized over the full contract term. The report concentrates on larger-scale wind turbines, defined as individual turbines that exceed 100 kW in size. The study also demonstrates that 70 percent of the equipment installed at American wind farms last year was domestically manufactured, up from 35 percent in 2005.

ANNUAL ENERGY OUTLOOK 2012 REPORT

In June 2012, the U.S. Energy Information Administration (EIA) issued the "[Annual Energy Outlook 2012](#)" (AEO2012). The report focuses on the factors that shape the U.S. energy system over the long term. The AEO2012 reference case provides the basis for examination and discussion of energy production, consumption, technology, and market trends and the direction they may take in the future. It also serves as a starting point for analysis of potential changes in energy policies.

NEW NATIONAL ACADEMY OF SCIENCES WIND STUDY REPORT

On 10 Sep 12, a Stanford Report on a Wind Power Study was released. The report claims Wind Power will meet power demand by 2030, and was [published](#) in the "Proceedings of the National Academy of Sciences" (PNAS). Adapting a new, sophisticated climate model, researchers show that there is ample wind energy available to supply half to several times the world's total energy needs within the next two decades. The report contradicts two earlier "wind potential" studies that claimed that wind power falls short due to turbine interference, and that turbines introduce harmful climate consequences that negate some of the positive aspects of renewable wind energy.

HAZARDOUS CHEMICALS

SIGNIFICANT NEW USE RULES ON CERTAIN CHEMICAL SUBSTANCES

USEPA issued a final rule establishing significant new use rules (SNURs) under Toxic Substances Control Act (TSCA) for 25 chemical substances. Fourteen of these chemical substances are subject to TSCA Section 5(e) consent orders issued by USEPA [[77 FR 48858](#), 15 Aug 12]. This action requires persons who intend to manufacture, import, or process any of these 25 chemical substances for an activity that is designated as a significant new use by this rule to notify USEPA at least 90-days before commencing.

WORKER PROTECTION STANDARDS FOR HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE

USEPA issued a Federal Register notice on Worker Protection Standards for Hazardous Waste Operations and Emergency Response [[77 FR 52322](#), 29 Aug 12]. USEPA is issuing an Information Collection Request (ICR) renewal which has been forwarded to the Office of Management and Budget (OMB) for review and approval. The USEPA coverage, extends to three categories of employees: those engaged in clean-ups at uncontrolled hazardous waste sites, including corrective actions at Treatment, Storage and Disposal (TSD) facilities regulated under the Resource Conservation and Recovery Act (RCRA); employees working at routine hazardous waste operations at RCRA TSD facilities; and employees involved in emergency response operations without regard to location. This ICR renews existing mandatory record keeping collection of ongoing activities. The comment period closes on 28 Sep 12.

OSHA ISSUES TWO BULLETINS ON MERCURY EXPOSURE IN FLUORESCENT BULBS

On 31 Jul 12, the Occupational Safety and Health Administration (OSHA) issued two new bulletins to help protect workers from mercury exposure while crushing and recycling fluorescent bulbs. The shift to energy-saving fluorescents, which contain mercury, calls for more attention to workers who handle, dispose of, and recycle used fluorescent bulbs. The OSHA [fact sheet](#) explains how workers may be exposed, what kinds of engineering controls and personal protective equipment they need, and how to use these controls and equipment properly. In addition, the OSHA [Quick Card](#) alerts employers and workers to the hazards of mercury and provides information on how to properly clean up accidentally broken fluorescent bulbs to minimize workers' exposures to mercury.

NATURAL RESOURCES

NATURAL RESOURCES GUIDE

The U.S. Department of the Interior issued a guide, titled, "[Adaptive Management Applications-Guide](#)," which provides federal, state, tribal and other natural resource managers with tools for natural resource management. The new guide covers threats ranging from urban sprawl, to wildfire risk, to climate change-related impacts. Case studies on river flow management, migratory bird protection, and renewable energy project siting show the scope of adaptive management applications at different scales and levels of complexity.

REPORTING

NEPA GUIDANCE AMENDED

USEPA amended the Environmental Impact Statement (EIS) Filing System Guidance for Implementing 40 CFR 1506.9 and 1506.10 of the Council on Environmental Quality's Regulations on Implementing the National Environmental Policy Act (NEPA) [[77 FR 51530](#), 24 Aug 12]. The amended guidelines update the previous guidelines. Federal agencies are required to prepare EISs in accordance with 40 CFR Part 1502, and to file the EISs with USEPA as specified in 40 CFR 1506.9. As of 1 Oct 12, Federal agencies are required to file by submitting the complete EIS, including appendices, to USEPA through the e-NEPA electronic filing system. To sign up for e-NEPA, register for an account [here](#), select "NEPA Electronic Filing System (e-NEPA)," when prompted to add the program.

USEPA'S ELECTRONIC NOTICE OF INTENT

USEPA has created the [Electronic Notice of Intent](#) (eNOI) for construction sites, industrial facilities, pesticides and vessel operators to apply for coverage under USEPA's Construction General Permit (CGP), Multi-Sector General Permit (MSGP), Pesticides General Permit (PGP) and Vessel General Permit (VGP). You will need Adobe Reader to view some of the files. Files are best viewed in Internet Explorer and Adobe 8.0 or higher.

WATER

USEPA ANNOUNCES FRAMEWORK ON MANAGING STORMWATER RUNOFF AND WASTEWATER

On 5 Jun 12, USEPA [released](#) the final, [Integrated Municipal Stormwater and Wastewater Planning Approach Framework](#). USEPA issued the new framework to help local governments and Municipal Separate Storm Sewer System (MS4's) meet their Clean Water Act obligations. The Integrated Municipal Stormwater and Wastewater Planning Approach Framework assists in developing voluntary storm and wastewater management plans and also helps implement effective integrated approaches that will protect public health by reducing overflows from wastewater systems and pollution from stormwater.

Professional Development

For a full listing of Professional Development opportunities please visit the REEO-N [website](#).

WEBINAR ON ENERGY METERING & IT ENERGY MEASUREMENT

On 25 Sep 12, a [webinar](#) presented by the ENERGY STAR Program will be held on Energy metering and IT management. Data centers often account for a significant portion of the buildings' total energy consumption, yet their energy performance is rarely assessed. To determine how efficiently the data center space and the entire building are using energy, ENERGY STAR requires actual IT energy measurement. Gain clarity on the latest USEPA requirements on data center metering. Discover successful strategies to measuring IT energy, employ the latest ENERGY STAR updates on data center metering, determine measurement strategies for capturing IT energy to receive the most accurate ENERGY STAR score.

EXCELLENCE IN BUILDING CONFERENCE & EXPO

On 25-27 Sep 12, in Scottsdale AZ at the Fairmont Princess Hotel, the 30th [Annual Excellence in Building EXPO](#) sponsored by the Energy and Environmental Building Alliance (EEBA). This event provides more than 55 educational sessions covering every facet of the building science industry.

GREAT LAKES WIND COLLABORATIVE 5TH ANNUAL MEETING

On 25-26 Sep 12, in Erie, Pennsylvania, at the Sheraton Erie Bay-front Hotel, the Great Lakes Wind Collaborative (GLWC) will hold their [fifth annual meeting](#). This year's program will feature sessions on wind power in the Great Lakes region, including sessions titled: "Great Lakes Wind: The Big Picture" including the ever-popular state and provincial wind updates from each of the 10 Great Lakes jurisdictions; and a special session on the "Wind Economy and the Supply Chain," being coordinated in concert with partners from the Global Wind Network (GLWN).

3RD ANNUAL GREENGOV SYMPOSIUM

The third [Annual GreenGov Symposium](#) will be held in Washington, DC on 24-26 Sep 12, at the Marriott Wardman Park Hotel. The Symposium aims to bring together leaders from government, the private sector, non-profits and academia to identify opportunities to create jobs, grow clean energy industries, and curb pollution by incorporating sustainable practices into the Federal Government's operations.

FEDERAL GREEN CHALLENGE WATER WEBINAR

On 27 Sep 12, the Federal Green Challenge Webinar Series will offer a free webinar titled, "Reducing Water Consumption at Federal Facilities." Learn how to reduce your facility's environmental footprint for water. Register [here](#).

How the Regional Offices Work for You

The U.S. Army Regional Environmental and Energy Office-Northern (REEO-N) monitors the following actions on your behalf. If a proposed state legislative or regulatory action has: (1) critical mission impact; (2) conflicts with a federal requirement; and/or (3) a disproportionate effect on the Army or DOD, we coordinate with the potentially affected installations, commands, and/or other military Services to further assess the potential impact. If action is needed on a proposed measure, we work with Army or Service regulatory experts to communicate DA/DOD position, coordinating with the affected installations and commands. Comments are combined from all parties in a single DOD/Army package and formally submitted to the state.

For further information visit the [Army's Regional Environmental and Energy Offices' website](#).

Do you want to comment on a rule or bill in the Review? Please contact your Regional Environmental Coordinator listed in each respective regional section of the Northern Region Review.

Archived issues of the Review can be found on the REEO-N [website](#)
To be added to the distribution list call or email the REEO-N Regulatory Affairs Specialist
email: charlene.c.beirsto.ctr@mail.mil Phone : 410-436-7248