



# Northern Review

## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

November 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](#).

## What's In This Review?

### Region 1

Regionally, USEPA approval of Region 1 infrastructure SIP; in CT, Draft General Permit (GP) for in situ chemical oxidation and draft integrated water quality report; in MA, proposed revisions to Environmental Policy Act; and in VT, approval of prevention of significant deterioration SIP revisions.

### Region 2

In NJ, proposed creation of a Monmouth County storm-water study commission; and in NY, proposed amendments to control VOC emissions from surface coating facilities.

### Region 3

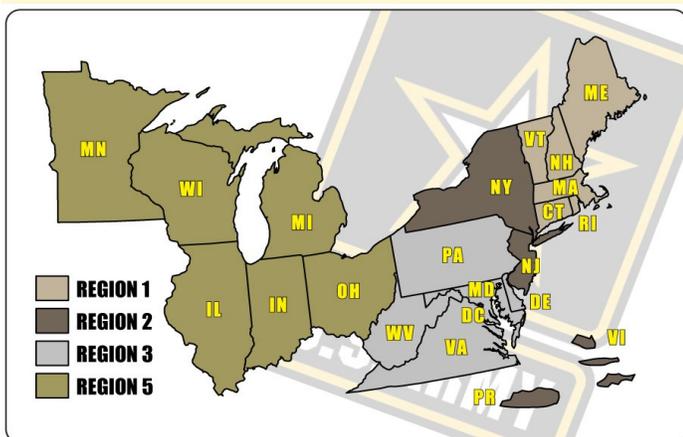
In DE, USEPA grants approval to SIP revisions, and proposed revisions to wastewater treatment and disposal system rules; DC, increases solid waste disposal fees; in MD, new Chesapeake Bay critical area regulations, new controls of ionizing radiation, proposed amendments to the CO2 budget trading program, and shore erosion control regulations; in PA, a new law requiring emergency shut-off controls at gasoline stations, and state conformity with federal radioactive material regulations; in VA, amendments to GP for nutrient discharges and nutrient trading, new Chesapeake Bay preservation area designation and management regulations, new certification and requirements for erosion and sediment control, and proposed rules expanding the eastern VA groundwater management area.

### Region 5

In IL, amendments to groundwater quality rules, and proposed revisions to the Vehicle Emissions and Maintenance Program; in IN, proposal to grant approval to hazardous waste management program revisions; in MN, planned amendments to water quality variance rules; in OH, new water quality trading program rules and proposed drinking water operator certification rules; in WI, a new GP for small wetland fill projects.

### Federal Activity

DOD: Army releases 2012 Sustainability Report, and new Army policy letter on federally recognized Tribes; President Obama: signs hazardous waste bill requiring an e-manifest system; USEPA: issues an assessment of federal facilities cleanup efforts, and federal green challenge open enrollment, and in DOE: new guidance on energy and water efficiency measures in covered facilities.



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# Region 1

For more information on any state issues in Region 1, contact [Bob Muhly](#), Army Regional Environmental Coordinator, Regions 1 & 2, (410) 278-6140.



## USEPA APPROVAL OF REGION 1 INFRASTRUCTURE STATE IMPLEMENTATION PLANS

USEPA issued a final rule granting approval to portions of the air quality infrastructure State Implementation Plans (SIPs) for Connecticut, Maine, Massachusetts, and New Hampshire. USEPA is conditionally approving certain elements of each states' submittals, as well as disapproving a few elements of Massachusetts' submittals [[77 FR 63228](#), 16 Oct 12]. The submittals outline how each state's SIP meets the requirements of section 110(a) of the Clean Air Act (CAA) for both the 1997 and 2006 fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS). The final rule becomes effective on 15 Nov 12.



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

### OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

#### **DRAFT GENERAL PERMIT FOR IN SITU CHEMICAL OXIDATION REMEDIATION**

On 9 Oct 12, the Connecticut Department of Energy and Environmental Protection (DEEP) issued a [notice](#) on a Preliminary Draft General Permit that would authorize In Situ Chemical Oxidation (ISCO) to remediate polluted groundwater and soil, replacing the current reliance on Temporary Authorizations. DEEP's Remediation Division is soliciting the regulated community's informal input, prior to formally proposing the General Permit (GP) for adoption, to ensure it is responsive to the regulated community's need for a flexible but easily implementable mechanism to authorize ISCO. See Appendix in the Preliminary Draft GP for list of oxidizing chemicals. Monitoring requirements include: monitoring groundwater pH levels for contaminants of concern (COC), residuals associated with ingredients of ISCO, and chemical byproducts if the delivered concentration exceeds Groundwater Protection Criteria. The comment period closed on 30 Oct 12.

#### **DRAFT INTEGRATED WATER QUALITY REPORT**

On 24 Sep 12, DEEP issued a notice on the [Draft State of Connecticut Integrated Water Quality Report](#) for public review and comment. Section 303(d) of the Clean Water Act (CWA) requires each State to compile a list identifying only those waters not meeting water quality standards and to prioritize each impaired water-body for Total Maximum Daily Load (TMDL) development or other management action. This information is contained in the Integrated Water Quality Report (IWQR) which is submitted to USEPA every two years for review. The comment period closed on 29 Oct 12.



Legislature convened 4 Jan 12 and adjourns 1 Jan 13.

**PROPOSED RULE**

**PROPOSED REVISIONS TO ENVIRONMENTAL POLICY ACT**

On 12 Oct 12, the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) issued a **proposed rule** that would amend the Massachusetts Environmental Policy Act (MEPA) regulations at 301 Code of Municipal Regulations (CMR) 11.00. The amendments revise the existing regulation to incorporate aspects of the Global Warming Solutions **Act** (GWSA) of 2008. The GWSA requires the EOEEA, in consultation with other state agencies and the public, to set economy-wide greenhouse gas (GHG) emission reduction goals for Massachusetts that will achieve reductions of between 10 percent and 25 percent of statewide 1990 GHG emission levels by 2020. The rule will codify practice under the existing MEPA GHG Policy and Protocol (GHG Policy), and create new MEPA review thresholds for GHG emissions equivalent for permitting requirements established by USEPA under the Clean Air Act. The revisions also change notice requirements for parties seeking to appeal MEPA decisions, and also require State Agencies to provide notice to potential litigants, when permits have been issued, if potential litigants have requested such notice. The intent of the proposed revisions is to provide consistency between federal and state air quality and review regulations including MEPA and MassDEP. A hearing is scheduled for 14 Nov 12, and the comment period closes on 12 Dec 12.



Legislature convened 3 Jan 12 and adjourned sine die 22 Jun 12.

**PROPOSED RULE**

**PROPOSED AMENDMENTS TO COASTAL RESOURCES MANAGEMENT PROGRAM RED BOOK**

On 1 Oct 12, the Rhode Island Coastal Resources Management Council issued a **proposed rule** amending Sections 5.9, 130, 210.2 and 210.3 of the Rhode Island Coastal Resources Management Program (CRMP) (Red Book). The proposed revisions to Section 210.3 would: amend the coastal wetlands rules by adding new findings, and Council goals regarding coastal buffer zones, and add new prohibitions. Amendments to Section 210.2.05, "Barrier Islands and Spits," would add utility/infrastructure prohibitions on barriers, and allowances for stormwater drainage improvement projects. The comment period closed on 3 Nov 12, and a hearing is scheduled for 27 Nov 12.

**OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**DRAFT BLACKSTONE RIVER WATERSHED TMDL PLAN**

On 22 Oct 12, the Rhode Island Department of Environmental Management issued, and is requesting comment on, a **Draft Total Maximum Daily Load (TMDL) Plan** for water-bodies in the Blackstone River Watershed including, the Blackstone River, Cherry Brook, Mill River, and Peters River. Impairments include fecal coliform, enterococcus bacteria, cadmium, copper, and lead. The comment period closes on 7 Dec 12.



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

**APPROVAL OF PREVENTION OF SIGNIFICANT DETERIORATION SIP REVISIONS**

USEPA issued a final rule approving revisions to the Vermont State Implementation Plan (SIP), submitted by the Vermont Department of Environmental Conservation (VT DEC) on 14 Feb 11 [**77 FR 60907**, 5 Oct 12]. The SIP revises Vermont's Prevention of Significant Deterioration (PSD) program to establish appropriate emission thresholds for determining which new stationary sources and modification projects become subject to Vermont's PSD permitting requirements for their greenhouse gas (GHG) emissions. USEPA proposed approval of these regulatory revisions on 16 Aug 12 [**77 FR 49404**, 16 Aug 12], and received no comments. This action affects major stationary sources in Vermont having GHG emissions above the thresholds established in the PSD regulations. The final rule became effective on 5 Nov 12.

# Region 2

For more information on any state issues in Region 2, contact [Bob Muhly](#), Army Regional Environmental Coordinator, Regions 1 & 2, (410) 278-6140.



## New Jersey

Legislature convened 10 Jan 12 and adjourns 31 Dec 12.

### PROPOSED LEGISLATION

#### **PROPOSED REVISIONS TO THE DE MINIMIS EXEMPTION REQUIREMENTS OF THE INDUSTRIAL SITE RECOVERY ACT**

On 11 Oct 12, Assemblywoman Spencer introduced Assembly Bill [AB3367](#), an Act concerning site remediation and amending Public Law 1993, c.139. The legislation requires, as a matter of law, an owner or operator of industrial establishment applying for a de minimis exemption from the "Industrial Site Recovery Act" (ISRA) to certify to the Department of Environmental Protection (DEP) that they have no actual knowledge of contamination exceeding remediation standards. Under current law, the owner or operator of an industrial establishment may apply for an exemption from the investigatory and remedial requirements of ISRA that apply when transferring or closing an industrial establishment, if the owner or operator's use of hazardous substances at the site never exceeded certain de minimis levels. A recent 6 Jul 12, decision by the Appellate Division of the Superior Court held that the requirement for such certification were without sufficient legislative authorization and therefore invalid.

#### **PROPOSED CREATION OF A MONMOUTH COUNTY STORMWATER STUDY COMMISSION**

On 25 Oct 12, Assemblyman Kean introduced Assembly Bill [AB 3452](#), as a companion to Senate Bill [SB 2284](#), directing DEP and Monmouth County to form a Study Commission examining Monmouth County (including the Southern Area, from Howell Township to Wall Township): nonpoint source pollution; stormwater management issues; necessary restoration initiatives and actions to improve water quality. The proposed legislation specifies Commission membership and would establish requirements to identify both short-term and long-term recommendations for stormwater infrastructure, flood control, land use, soil health and soil compaction issues, watershed restoration, and water quality within the study area. In addition, AB 3452, requires DEP to prepare a report on the Study Commission's work addressing nonpoint source pollution and stormwater management within the Wreck Pond Watershed.



## New York

Legislature convened 5 Jan 12 and adjourns 8 Jan 13.

### PROPOSED RULES

#### **PROPOSED AMENDMENTS TO CONTROL VOC EMISSIONS FROM SURFACE COATING FACILITIES**

On 31 Oct 12, the New York Department of Environmental Conservation (NY DEC) issued a [proposed rule](#) regarding volatile organic compounds (VOC) emissions from surface coating facilities. The rule will revise Parts 200, "General Provisions"; 201, "Permits and Registrations"; Subparts 228-1, "Surface Coating Processes"; and 228-2, "Commercial and Industrial Adhesives, Sealants and Primers," of Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (6 NYCRR). The proposed changes to Subpart 228-1, and attendant revisions to Parts 200, and 201, incorporate federal Control Techniques Guidelines (CTGs) establishing Reasonably Available Control Technology (RACT) for VOCs emitted by surface coating processes. Proposed changes to Part 201 would provide an optional exemption criterion for facilities with 1,000 pounds or less of actual facility-wide VOC usage on a 12-month rolling basis. The proposed revisions to Subpart 228-1, contain alternatives for compliance, including a compliant materials requirement, the option of using add-on controls or the utilization of a coating system, as well as a RACT variance provision. Hearings are scheduled for 18 & 20 Dec 12, and the comment period closes on 28 Dec 12.

## PROPOSED AMENDMENTS TO UNIFORM PROCEDURES FOR TITLE V PERMITS

On 31 Oct 12, the NY DEC issued a [proposed rule](#) to amend its "Uniform Procedures" found in 6 NYCRR Part 621. In a concurrent rulemaking, NY DEC is also proposing to amend Part 20, "Permits and Registrations" to limit the term of new and modified state facility Title V permits to no more than 10 years. Under the existing Part 201, state facility permits are issued for an indefinite permit term. The term of certain air permits issued by NY DEC is also mentioned within Part 621. This proposal will amend Part 621 to make it consistent with the proposed revisions to Part 201. Recent changes in federal air standards and regulations, as well as in proposed modifications to existing permitted minor facilities, has highlighted the need for a more regular review of permitted minor facilities, to five years for Title V and Title IV facility permits. Hearings are scheduled for 18 & 20 Dec 12, and the comment period closes on 28 Dec 12.

# Region 3

For more information on any state issues in Region 3, contact [Amy Alton](#), Army Regional Environmental Coordinator, Region 3, (410) 278-6170.



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

### USEPA GRANTS APPROVAL TO SIP REVISIONS

USEPA issued a final rule approving Delaware's State Implementation Plan (SIP) revision submitted on 14 Mar 12, pertaining to Delaware's Prevention of Significant Deterioration (PSD) and nonattainment New Source Review (NSR) programs [[77 FR 60053](#), 2 Oct 12]. This SIP incorporates preconstruction permitting requirements for fine particulate matter (PM<sub>2.5</sub>) into the Delaware SIP. In addition, USEPA determined that Delaware has met its statutory obligations to the infrastructure requirements of the Clean Air Act (CAA) which relate to Delaware's PSD permitting program and those necessary to implement, maintain, and enforce the 1997 national ambient air quality standards (NAAQS) for PM<sub>2.5</sub> and ozone, the 2006 PM<sub>2.5</sub> NAAQS, and the 2008 lead NAAQS. The final rule became effective on 1 Nov 12.

### PROPOSED RULES

#### REVISIONS TO WASTEWATER TREATMENT AND DISPOSAL SYSTEM RULES

On 1 Oct 12, the Delaware Department of Natural Resources and Environmental Control (DNREC) re-issued a [proposed rule](#) revising the regulations for the design, installation and operation of On-Site Wastewater Treatment and Disposal Systems (on-site regulations) to incorporate the guidance and regulations governing the land treatment of wastewater spray irrigation. The regulations were revised to address large system site investigations, hydrogeological investigations, design considerations, operation and maintenance practices, updating of individual on-site wastewater treatment and disposal system design criteria, establishment of new licensees and inspection protocols, and to establish performance standards for small on-site systems utilizing alternative technologies and all large systems. A second hearing is scheduled for 15 Nov 12, and the second comment deadline closes on 30 Nov 12.



**Legislature convened 2 Jan 12 and adjourns 31 Dec 12.**

### EMERGENCY RULES

#### EMERGENCY RULE AMENDS SOLID WASTE DISPOSAL FEES

On 12 Oct 12, the District of Columbia Department of Public Works issued an [emergency rule](#) that amends Chapter 7, "Solid Waste Control" of title 21, "Water and Sanitation" of the District of Columbia Municipal Regulations (DCMR), by amending the fees for the disposal of solid waste at the District's waste-handling facilities. This emergency action is based on an increase in the cost that the District pays to haul solid waste delivered to its solid waste transfer facilities

and is taken to ensure that the District fee recoups the actual cost of providing solid waste handling services. Beginning on 7 Oct 12, the applicable fee for the disposal of construction and demolition debris at the waste-handling facilities is \$74.04 for each ton disposed; with a minimum fee of \$37.02 to be imposed on each load weighing 1,000 pounds or less. The applicable fee for the disposal of each ton of solid waste excluding those wastes specified in § 720.5, 720.6, and 720.7, will be \$50.62 for each ton disposed with a minimum fee of \$25.31 imposed on each load weighing 1,000 pounds or less. The emergency rule became effective on 7 Oct 12, and expires on 29 Jan 12.



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

## **FINAL RULES**

### **NEW CHESAPEAKE BAY CRITICAL AREA REGULATIONS**

On 19 Oct 12, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays issued a **final rule** that was adopted as originally proposed. The final rule modifies and streamlines the Critical Area regulations to reduce unnecessary, duplicative, or outdated regulations to promote economic growth and job creation. The final rule amends: regulation .01 under the Code of Maryland Regulations (COMAR) 27.01.01, "General Provisions"; regulations .03, .04, .05, and .08 under COMAR 27.01.02, "Development in the Critical Area"; regulations .05 and .07 under COMAR 27.01.03, "Water-Dependent Facilities"; regulations .02 and .03 under COMAR 27.01.06, "Agriculture"; regulation .03 under COMAR 27.01.07, "Surface Mining in the Critical Area"; regulations .01 and .01-8 under COMAR 27.01.09, "Habitat Protection Areas in the Critical Area"; regulation .01 under COMAR 27.02.01, "General Provisions" ; and regulation .01 under COMAR 27.03.01. Also see **proposed regulations**. The final rule became effective on 29 Oct 12.

### **NEW CONTROLS OF IONIZING RADIATION**

On 19 Oct 12, the Maryland Department of the Environment (MDE) issued a **final rule** that was adopted as originally proposed. The final rule updates (COMAR) 26.12.01.01, "Control of Ionizing Radiation Supplement 22." The rule makes: minor clarifications regarding training requirements as promulgated by the U.S. Nuclear Regulatory Commission; makes changes to ensure internal consistency with the regulations requiring use of a dose calibrator; and reclassifies a small number of sealed radioactive source licensees into a different license category, resulting in a higher annual fee for this group (approximately \$1,000 per licensee for calendar year 2013). It also makes revisions to allow use of alternative dose weighting factors to determine exposure for certain fluoroscopic medical procedures; and makes minor clarifications to the regulations. For more information see **proposed rule**. The final rule became effective on 29 Oct 12.

## **PROPOSED RULES**

### **PROPOSED AMENDMENTS TO MARYLAND CO2 BUDGET TRADING PROGRAM**

On 16 Oct 12, MDE issued a **proposed rule** that amends Subtitle 09 of the "Maryland CO2 Budget Trading Program Rules"; amends .02 under COMAR 26.09.01, "General Administrative Provisions and Regulations" ; and amends .03, .06 - .09, under COMAR 26.09.02, "Applicability, Determining Compliance, and Allowance Distribution." The amendments would: add definitions; revise the process by which Regional Greenhouse Gas Initiative (RGGI) CO2 allowances are allocated to the set-aside accounts; add more specificity to the renewable energy credits that can qualify under the Voluntary Renewable Set Aside provisions; and specify that the only renewable energy credit purchases that qualify to have RGGI CO2 allowances retired are renewable energy credits generated in RGGI states. Also see **technical support document**. A hearing is scheduled for and comments are due by 5 Dec 12.

### **PROPOSED SHORE EROSION CONTROL REGULATIONS**

On 19 Oct 12, MDE issued a **notice of proposed action** to amend regulation .02 under COMAR 26.24.01 and repeal existing regulation .01, and adopt new regulations .01-.01-4 under COMAR 26.24.04, "Shore Erosion Control." The proposed rule will implement the provisions of the "Living Shoreline Protection Act of 2008", (H.B. 973, Ch. 304, Acts of 2008 (the Act)). The Act requires the use of nonstructural shoreline stabilization measures except in areas mapped as appropriate for structural shoreline stabilization measures or in areas where a property owner can demonstrate that such measures are not feasible. The regulations include a waiver process exempting certain individuals from the Act's requirement to use nonstructural shoreline stabilization measures. The regulations were developed in coordination with the Maryland Department of Natural Resources as required by the Act. The proposed rule specifies definitions, shore erosion control measures, nonstructural shoreline stabilization measures, waiver process, and application requirements. A hearing was scheduled for 7 Nov 12, and the comment deadline closes 19 Nov 12.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

### **STORMWATER GENERAL PERMIT FOR DISCHARGES FROM INDUSTRIAL ACTIVITIES**

On 5 Nov 12, MDE issued a [Notice of Tentative Determination](#) (pg.1354) on proposed changes to the state National Pollution Discharge Elimination System (NPDES) General Permit (GP) for Discharges from Stormwater Associated with Industrial Activities (No. 02SW). This updated GP requires restoration of impervious surfaces using the updated Maryland Stormwater Design Manual, and mandates that permittees treat 20% of the impervious surfaces not currently treated to the standards of MDE's Design Manual by the fifth year of the permit term. In cases where onsite restoration isn't possible, offsite restoration is an allowed option. It also specifies new electronic Discharge Monitoring Reports submission requirements and requirements for inspection and reporting on quarterly visual examinations of stormwater discharges to evaluate the effectiveness of the Stormwater Pollution Prevention Plan (SWPPP). Finally, the permit includes several clarifications on the types of eligible discharges authorized by the permit and updates various permit conditions. Hearings are scheduled for 26 and 30 Nov 12, and the comment period closes on 4 Jan 12.



**Legislature convened 3 Jan 12 and adjourns 30 Nov 12.**

### **USEPA GRANTS LIMITED APPROVAL TO SIP REVISION**

USEPA issued a final rule granting limited approval to a State Implementation Plan (SIP) revision submitted by the Pennsylvania Department of Environmental Protection (PADEP) on 14 Apr 09 [[77 FR 60910](#), 5 Oct 12]. The revision pertains to PADEP's plan approval requirements for the construction, modification, and operation of sources and is primarily intended to streamline the process for minor permitting actions. This action is being taken under the Clean Air Act (CAA). This final rule became effective on 5 Nov 12.

## **LEGISLATION SIGNED BY THE GOVERNOR**

### **NEW LAW REQUIRING EMERGENCY SHUT-OFF CONTROLS AT GASOLINE STATIONS**

On 8 Oct 12, Governor Corbett signed House Bill 728, into law. The new law, Public Law (P.L.) [P.L. 1188](#), No. 144, of 2012, amends P.L. 58, No. 15, of 1998, known as the "Combustible and Flammable Liquids Act," and P.L. 574, No. 74, of 2000. The new law specifies the regulations, prohibitions, and signage requirements for retail service stations; promulgates the adoption of the National Fire Protection Association Standard for Compressed Natural Gas Vehicular Fuel systems (NFPA 52); and specifies the requirements for emergency controls, including a main power shut-off switch or switches, at self-service gasoline stations.

## **FINAL RULES**

### **STATE CONFORMITY WITH FEDERAL RADIOACTIVE MATERIAL REGULATIONS**

On 13 Oct 12, PADEP issued a [final rule](#) which adopts recent federal amendments to radioactive material regulations [[77 FR 43666](#), 25 Jul 12]; and 10 CFR Parts 30—32, 40 and 70 [[77 FR 43544](#); 25 Jul 12]. The Commonwealth is a United States Nuclear Regulatory Commission (NRC) Agreement State and has incorporated by reference many NRC regulations. This rulemaking brings Pennsylvania into federal compliance with recent NRC regulations to make the requirements for distributors of byproduct material clearer, less prescriptive and more risk-informed. The NRC also redefined categories of devices to be used under exemptions, adding provisions for licensing and registering of sealed sources and devices. This final rule is primarily intended to make licensing processes more efficient and effective. These changes will affect manufacturers and distributors of sources and devices containing byproduct material and future users of some products currently used under a general or specific license. The final rule became effective on 13 Oct 12.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

### **ADDITIONS & AMENDMENTS TO WILD TROUT STREAM LIST**

On 20 Oct 12, the Pennsylvania Fish and Boat Commission issued a [notice](#) that amends the list of designated waters for wild trout streams. The new list added 13 new trout streams, and adjusted the catch limits of one water body, which was published at [[42 Pa.B. 4672](#), 21 Jul 12] and corrected at, [[42 Pa.B. 5595](#), 25 Aug 12]. The Commission identifies and classifies stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed.



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

## **FINAL RULES**

### **GENERAL PERMIT AMENDMENTS FOR NUTRIENT DISCHARGES AND TRADING**

On 22 Oct 12, Virginia DEQ issued a [final rule](#) 9VAC25-820, "Watershed Permit for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in The Chesapeake Bay Watershed", reissuing and amending the Virginia Pollutant Discharge Elimination System (VPDES) General Permit (GP) for Total Nitrogen (TN) and Total Phosphorus (TP) discharges and nutrient trading in the Chesapeake Bay Watershed. Substantive changes from the existing regulation include: expansion of the nutrient trading program to allow smaller, "non-significant" dischargers to generate compliance credits which may be exchanged with other dischargers; elimination of the requirement to submit an annual report in addition to a year end Discharge Monitoring Report; new provisions for new or expanding facilities to offset new loads with compliance credits; allowing new or expanding facilities to make use of the capacity under the cap generated by upgrades at existing facilities; modifying the definition of "waste load allocation" to conform to the statute; and changes to reflect planned development of nonpoint source credit certification regulations by the Virginia Department of Conservation and Recreation (DCR). The final rule conforms to recent statutory changes enacted by the 2012 General Assembly. For additional information see [Agency background document](#). This final rule becomes effective on 21 Nov 12.

### **NEW CHESAPEAKE BAY PRESERVATION AREA DESIGNATION AND MANAGEMENT REGULATIONS**

On 22 Oct 12, DCR issued a [final rule](#) which makes the current Bay Preservation Area Designation and Management Regulations in 4VAC50-90 conform to recently passed legislation (HB1065, SB407). The legislation integrated elements of the Erosion and Sediment Control Act, the Stormwater Management Act, and the Chesapeake Bay Preservation Act. The bill abolished the Chesapeake Bay Local Assistance Board and transferred its powers and responsibilities to the Virginia Soil and Water Conservation Board. Accordingly, this consolidated legislation resulted in necessary amendments to each of the referenced Act's attendant regulations. This final rule renumbers the existing Chesapeake Bay Preservation Area Designation and Management Regulations (formerly 9VAC10-20) and moves this set of regulations to a new Chapter under the Virginia Soil and Water Conservation Board. The final rule becomes effective on 21 Nov 12.

### **NEW CERTIFICATION RULES FOR EROSION AND SEDIMENT CONTROL**

On 22 Oct 12, the Virginia DCR issued a [final rule](#) which makes the current Erosion and Sediment Control Certification Regulations in 4VAC50-50 conform to recently passed legislation (the Erosion and Sediment Control, Stormwater Management, and Chesapeake Bay Preservation Acts, integration of programs bill Chapters 785 and 819 of the 2012 Virginia Acts of Assembly; (HB1065, SB407)). This consolidation legislation resulted in necessary amendments to create greater efficiencies for those being regulated. The substantive elements include: changing the title of the regulations to recognize the broadened scope of the certification program to include stormwater training and certification; updating definitions; expanding the series of classifications currently available in the certification program for erosion and sediment control; and stipulating which programs must be taken for each of these classifications. The final rule becomes effective on 21 Nov 12.

### **NEW REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL**

On 22 Oct 12, the Virginia DCR issued a [final rule](#) amending 4VAC50-30, "Erosion and Sediment Control Regulations" to conform to recently passed legislation (the Erosion and Sediment Control, Stormwater Management, and Chesapeake Bay Preservation Acts, integration of programs bill Chapters 785 and 819 of the 2012 Virginia Acts of Assembly; (HB1065, SB407)). The substantive elements of this final rule include: updating and adding new definitions for "Virginia Erosion and Sediment Control Program"; updating the list of entities that may submit annual general erosion and sediment control standards, and specifications; and clarifying, that such standards and specifications or Erosion and Sediment Control Plans, be submitted to DCR for approval. In addition, the rule includes requirements to conform with the federal requirements found in [[74 FR 63057](#); 1 Dec 09] Subpart B – "Construction and Development Effluent Guidelines." These requirements include: use of best practicable technology currently available (BPT) and soil stabilization requirements as specified in the Federal Register notice. The final rule became effective 22 Oct 12. For more information see [Agency background document](#).

## **RULE REVISIONS AND REISSUE OF GENERAL PERMIT FOR NON-CONTACT COOLING WATER**

On 22 Oct 12, the Virginia Department of Environmental Quality (DEQ) State Water Control Board, issued a [final rule](#) pertaining to the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Non-contact Cooling Water (NCCW) Discharges of 50,000 gallons per day or Less which has existed since 1998. This regulation amendment reissues the existing General Permit (GP) scheduled to expire 1 Mar 13. This regulation establishes effluent limitations and monitoring requirements for point source discharges of 50,000 gallons or less per day of NCCW and cooling equipment blow down to surface waters. The final rule specifies a requirement to implement measures and controls consistent with a total maximum daily load (TMDL) requirement, when applicable. Substantive changes from the proposed rule include the modification of 9VAC25-196-60 B to clarify the late registration statement provision and more clearly define when an owner qualifies for "administrative continuance" of GP coverage. DOD facilities should be aware that the reissued permit will contain effluent limitations for copper, zinc and silver. The limits would become effective during the fifth year of the permit term. Facilities with these discharges to surface waters will need to meet the new effluent limitations, divert the discharges to a sanitary sewer (and meet any associated requirements), or terminate the discharge. It is anticipated that industrial stormwater permits authorizing NCCW discharges will also change, probably upon reissuance, to include effluent limitations for NCCW corresponding to those in the revised GP. For more information also see [Agency background document](#). The final rule becomes effective on 2 Mar 13.

## **NEW WATERWORKS AND WASTEWATER WORKS OPERATOR REQUIREMENTS**

On 8 Oct 12, the Virginia Board for Waterworks and Wastewater Works issued a final [fast-track rule](#) which would amend the rules in Chapter 18, "Board for Waterworks and Wastewater Works Operators Regulations" of the Virginia Administrative Code (VAC) Section 160-20, "Definitions". The rule would change the definitions of "direct supervisor" and "direct supervision," allowing licensees to supervise the work of unlicensed individuals who are not seeking licensure. Also, the requirements for applicants for an individual sewage system installer license have been modified to reflect current industry procedures consistent with the Virginia Department of Health. The comment period closed on 7 Nov 12, and the rule becomes effective on 1 Dec 12.

## **UPDATES TO FEES IN RADIATION PROTECTION REGULATIONS**

On 8 Oct 12, the Virginia Department of Health (DOH) issued [fast-track regulation](#) 12VAC5-490 "Virginia Radiation Protection Regulations: Fee Schedule (amending 12VAC5-490-40; repealing 12VAC5-490-30)" relating to the fee schedule within the Virginia Radiation Protection Regulations. This regulation supports DOH's Radioactive Materials Program (RMP) for those materials the U.S. Nuclear Regulatory Commission (NRC) transferred to the Commonwealth by agreement. The amendments lower several fees for radioactive materials licenses. The comment period closed on 8 Nov 12, and the rule becomes effective on 22 Nov 12.

## **PROPOSED RULES**

### **PROPOSED AMENDMENTS TO STORMWATER MANAGEMENT RULES & REISSUANCE OF THE MS4 GENERAL PERMIT**

On 16 Oct 12, DCR issued a [proposed rule](#) which would amend 4VAC50-60, "Stormwater Management Regulations" and reissue the General Permit (GP) for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (small MS4s) in urbanized areas. The existing 5-year GP became effective on 9 Jul 08; thus necessitating the regulatory promulgation of a new GP prior to the 8 Jul 13 expiration date. The MS4 Program will require the operator to identify best management practices (BMP's) to control stormwater discharges, and develop measurable goals for each identified BMP for each of the following control measures: public education and outreach on stormwater impacts; public involvement/participation; illicit discharge detection and elimination; construction site stormwater runoff control; post-construction stormwater management in new development, and development on prior developed lands; and pollution prevention/good housekeeping for municipal operations. The proposed action also requires that the operator address Total Maximum Daily Load (TMDL) wasteload allocations, including those associated with the Chesapeake Bay TMDL, assigned to the operator and contains other conditions governing the development, implementation, and reporting requirements of an MS4 Program. The comment period closes on 4 Jan 12. For additional information see [Agency background document](#).

### **PROPOSED EXPANSION OF GROUNDWATER MANAGEMENT AREA**

On 22 Oct 12, the Virginia DEQ issued a [proposed rule](#) amending Title 9, "Environment" of the Virginia Administrative Code (VAC) Section 25, Chapter 600 "Eastern Virginia Groundwater Management Area" regulations to include the additional localities of: counties of Essex, Gloucester, King George, King and Queen, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland, and the areas of Arlington, Caroline, Fairfax, Prince William,

Spotsylvania, and Stafford counties east of Interstate 95. Current groundwater levels in the undesignated portion of Virginia's coastal plain are declining. Impacts from groundwater withdrawals are propagating along the fall line into the undesignated portion of Virginia's coastal plain and have the potential to interfere with wells in these areas without assigned mitigation responsibilities. Due to the groundwater declines, the entire coastal plain aquifer system is being managed to maintain a sustainable future supply in the Eastern Virginia Groundwater Management Area. In addition, the proposed rule amends the term groundwater to be consistent with the use of the term by United States Geological Survey (USGS). For more information see [Agency background document](#). The comment period closed on 1 Nov 12, and a hearing is scheduled for 4 Dec 12.

### **COMBUSTION PERMIT BY RULE FOR SMALL RENEWABLE ENERGY PROJECTS**

On 8 Oct 12, DEQ issued a [proposed rule](#) 9VAC15-70, "Small Renewable Energy Projects (Combustion) Permit by Rule" (PBR) (adding 9VAC15-70-10, through 9VAC15-70-140). Legislation promulgated in 2009 on renewable energy, mandated DEQ create a regulatory framework of PBR's for small renewable energy projects with rated capacity less than 20 megawatts. This Combustion PBR, is for energy projects generating electricity from biomass, energy from waste, and municipal solid waste; and represents DEQ's obligation to the statutory intent of the 2009 legislation. This PBR specifies DEP requirements for: analysis of potential environmental impacts, mitigation plans, public participation, permit fees, inter-agency consultations, compliance, and enforcement. DEP developed this PBR with extensive recommendations by the Regulatory Advisory Panel (RAP), a group comprised of representatives from environmental advocacy groups, industry, local government, academia, industry, and state agencies. For additional information see [Agency background document](#). The comment period closes on 10 Dec 12, and a hearing is not scheduled.

## **Region 5**

For more information on state issues in Region 5, contact [Dr. Jim Hartman](#), DOD Regional Environmental Coordinator, Region 5, (410) 278-6991.



# **Illinois**

**Legislature convened 11 Jan 12 and adjourns 31 Dec 12.**

### **FINAL RULES**

#### **AMENDMENTS TO GROUNDWATER QUALITY RULES**

On 19 Oct 12, the Illinois Pollution Control Board (IPCB) issued a [final rule](#) which adopts amendments to the "Groundwater Quality" (35 Ill Adm Code 620; 35 Ill Reg 18502) rules. The final rule updates groundwater quality rules based on new scientific data, federal amendments and technical references. Preventive response levels for contaminants not classified as carcinogens are added. Caps for concentrations of chemical, organic and explosive constituents for Class I (drinking water sources) and II (general water sources) groundwaters are revised and added. For Class IV ("other groundwater") sources within previously mined areas, standards for various explosive chemicals are added. The changes add groundwater quality standards for those chemical constituents detected in Illinois groundwater that have toxicity values established by USEPA or that have groundwater remediation objectives under the Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742). In all, 39 chemical constituents were added to Part 620. Additionally, the Class I groundwater quality standard for arsenic was revised from 0.05 milligrams per liter (mg/L) to 0.010 mg/L in order to reflect the new federal Maximum Contaminant Level (MCL) for arsenic in drinking water. Incorporations by reference were added and new terms defined. The final rule became effective on 5 Oct 12.

## **PROPOSED RULES**

### **PROPOSED CHANGES TO SOLID WASTE AND SPECIAL WASTE HAULING PERMITS & FEES**

On 5 Oct 12, IPCB issued a [proposed rule](#) that would amend 35 Ill Adm Code 809; 36 Ill Reg. 14600 "Solid Waste and Special Waste Hauling" that implements provision of Public Act [97-1081](#), which became effective 24 Aug 12, extending the 1 year special waste hauling permit to 3 years. The \$250 annual fee and the \$20/vehicle fee, initially imposed in 1988, will not be increased but will be collected, beginning 1 Jan 13, on a triennial rather than an annual basis. A second [hearing](#) is scheduled for 15 Nov 12.

### **STATUTORY CHANGES FOR POLLUTION CONTROL BOARD'S PROCEDURAL RULES**

On 12 Oct 12, IPCB issued a [proposed rule](#) amendment which conforms the Board's procedural rules to a statutory change. The proposed rule amends "General Rules" in 35 Ill Adm. Code 101; 36 Ill Reg. 14971 reflecting Public Act 93-509 that reduced the Board's membership from 7 to 5 and stipulated that 4 members constitute a quorum if there is no vacancy on the Board. Otherwise, a majority of members (3 out of 5), will constitute a quorum. The Board is taking this action due to a recent vacancy, reducing the Board's membership to 4 members, which has created potential for public confusion. The comment period closes on 26 Nov 12.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

### **PROPOSED REVISIONS TO OZONE SIP FOR INSPECTION MAINTENANCE PROGRAM**

On 5 Oct 12, the Illinois Environmental Protection Agency (IL EPA), issued a [notice](#) which invites public comments on [proposed revisions](#) to the State Implementation Plan (SIP) for ozone relating to the Vehicle Emissions Inspection and Maintenance program (I/M program). Because Illinois had several Non Attainment Areas (NAA) USEPA required Illinois to implement an I/M program that met the "Enhanced" performance standard in the Chicago NAA and the "Basic" performance standard in the Metro-East St. Louis NAA. In order to maintain consistency throughout the state, IL EPA chose to implement an I/M program that met the enhanced performance standard in both NAAs. Illinois is currently demonstrating compliance with the Clean Air Act (CAA) requirements for the Rate of Progress (ROP). Therefore, IL EPA is implementing an I/M program that meets the lower enhanced performance standard for Volatile Organic Compounds (VOC) and oxides of nitrogen (NOx) ozone precursors. The modeling included as part of this SIP submittal demonstrates attainment of the lower enhanced performance standard. The comment period closed on 5 Nov 12.



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

### **PROPOSAL TO APPROVE OZONE MAINTENANCE SIP REVISION FOR MOTOR VEHICLE EMISSIONS BUDGETS**

USEPA issued a proposed rule that would approve Indiana's request to revise the South Bend-Elkhart, Indiana 1997 8-hour ozone maintenance air quality State Implementation Plan (SIP) by replacing the previously approved motor vehicle emissions budgets with budgets developed using EPA's Motor Vehicle Emissions Simulator (MOVES) 2010a emissions model [[77 FR 60661](#), 4 Oct 12]. Indiana submitted this request to USEPA for parallel processing with a letter dated 15 Jun 12, and followed up with a final submittal after the state public comment period ended on 18 Jul 12. The comment period closed on 5 Nov 12.

### **PROPOSAL TO GRANT APPROVAL TO HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS**

USEPA issued a proposed rule that would approve Indiana's changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA) [[77 FR 61326](#), 9 Oct 12]. USEPA reviewed Indiana's application with regards to federal requirements, and is proposing to authorize the state's changes. Indiana will have responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). The comment period closed on 8 Nov 12.

## **PROPOSED RULES**

### **PROPOSED AMENDMENTS TO PESTICIDE RULES, PENALTIES, AND STORAGE**

On 17 Oct 12, the Indiana Pesticide Review Board issued a [proposed rule](#) amending Section 357 of the Indiana Administrative Code (IAC) 1-3-1 "Definitions"; and Section 357 IAC 1-3-3, "Distribution to certified users by registered Dealers"

to make legal citation references consistent with amendments to IAC 15-16-5I "Pesticide Use and Application"; amends Section 357 IAC 1-6-1, "Civil Penalty Assessment Schedule Definitions"; and Section 357 IAC 1-6-2, "Schedule" to make legal citation references consistent with amendments to IC 15-16-4, "Pesticides" and IC 15-16-5, "Pesticide use and Application"; and to consolidate 357 IAC 1-6 and 357 IAC 1-7 into one comprehensive rule addressing civil penalties under both IC 15-16-4 and IC 15-16-5. This rule will consolidate two existing pesticide civil penalty rules into one comprehensive rule, will repeal a rule requiring annual consultant registration of pesticide retailers, and will clarify pesticide storage and spill cleanup procedures for wellhead protection areas. Some previously existing regulatory requirements are being repealed and no new regulatory requirements are being created, this rule will not impose any compliance costs to government agencies that use pesticides. A hearing is scheduled for 12 Nov 12.



**Legislature convened 24 Jan 12 and adjourned sine die 21 May 12.**

## **PROPOSED RULES**

### **PLANNED AMENDMENTS TO WATER QUALITY VARIANCE RULES**

On 1 Oct 12, the Minnesota Pollution Control Agency (MPCA) issued a [notice](#) and request for comments on planned amendments to the water quality rules in Chapters 7050, and 7052, regarding water quality variance rules, and the effluent discharge restrictions in Chapter 7053. The amendments will address inconsistencies in the water quality rules, reduce confusion in the regulated community, and maintain consistency with USEPA's application of variances and 40 Code of Federal Regulations § 131.10(g). USEPA is required to review variances from Minnesota's water quality standards, and consistency with federal requirements will reduce delay in USEPA's review and approval and subsequent permit issuance. MPCA is proposing to align the state-wide water quality variance conditions in chapters 7050 and 7053 with Minn. R. 7052.0280. The comment period closed on 31 Oct 12. See supplemental information [here](#).



**Legislature convened 3 Jan 12 and adjourns 31 Dec 12.**

### **USEPA APPROVES PERMITTING RULES IN SIP ADDITIONS**

USEPA issued a final rule approving six Permit-by-Rule (PBR) provisions, a Permit to Install and Operate (PTIO) program, two permanent exemptions from the Permit to Install (PTI) requirement and a general permit program as additions to Ohio's State Implementation Plan (SIP) under the Clean Air Act [[77 FR 59751](#), 1 Oct 12]. The Ohio Environmental Protection Agency (OEPA) requested these rule revisions to make its air pollution permit program more efficient. Prior to the rulemaking, a minor source (a source not subject to Title V of the Clean Air Act) in Ohio would be issued both a PTI under OAC 3745-31 and a Permit to Operate (PTO) under OAC 3745-35 "Air Permits to Operate and Variances". Ohio is now combining both permit programs into a new PTIO program. USEPA is approving the modification of OAC 3745-31-03 to incorporate PBRs for auto body refinishing facilities, gasoline dispensing facilities with Stage I controls, gasoline dispensing facilities with Stage I and Stage II controls, boilers and heaters, small printing facilities, and mid-size printing facilities. USEPA is approving the modification of OAC 3745-31-03 to incorporate permanent exemptions for organic liquid storage tanks of less than 19,815-gallon capacity, between 19,815 and 39,894-gallon capacity, and tanks of 39,894-gallon or greater capacity. Approving these additions will make the PBRs, PTIOs, and general permits federally enforceable. The final rule becomes effective 30 Nov 12, contingent on USEPA not receiving any adverse comments. If adverse comments are received, the rule will be withdrawn, and will not take effect.

## **FINAL RULES**

### **NEW WASTEWATER PRETREATMENT AND INDIRECT DISCHARGE PERMIT RULES**

OEPA issued a [final rule](#) amending the wastewater pretreatment and indirect discharge program rules. Ohio Administrative Code (OAC) Chapter 3745-3 "Industrial Discharges to Publicly Owned Treatment Works" has Sections OAC 3745-3-01 "Pre-treatment Rules Definitions", and OAC 3745-36-02 "Definitions", revised to include a definition of noncontact cooling water; and Section OAC 3745-3-06(F), has been revised to clarify that reports and certification required by the rule include the certification statement in 40 C.F.R. 403.6(a)(2)(ii) "National pretreatment standards Categorical standards." In addition, OEPA has also included the administrative requirements for the optional toxic organics management plan certification (which is currently in the Division of Surface Water's [policy](#) manual) into the rule. Finally, OAC 3745-3-

07(F) is revised to clarify that all information submitted to the state or publicly owned treatment works shall be available to the public at least to the extent provided by 40 C.F.R. Part 2.302. The final rule became effective on 1 Oct 12. For additional information see related [fact sheet](#).

## **NEW WATER QUALITY TRADING PROGRAM RULES**

On 11 Oct 12, OEPA issued a final rule adopting amendments to sections of Chapter 3745-5 which provides the administrative requirements for the development and implementation of water quality trading programs in Ohio. The water quality trading program is a voluntary program that allows a National Pollutant Discharge Elimination System (NPDES) permit holder to meet its regulatory obligations by using pollutant reductions generated by another wastewater point source or non-point source. The rule amends the following sections: [3745-5-01](#), "Definitions used in this chapter"; [3745-5-02](#), "Establishes a voluntary statewide water quality trading program" ; [3745-5-03](#), "Water quality credits"; [3745-5-04](#), "Water quality trading, general requirements" ; [3745-5-05](#), "The requirements for a water quality trading management plan application" ; [3745-5-06](#), "Water quality trading management plan" ; [3745-5-09](#), "Determining water quality baselines" ; [3745-5-11](#), "Water quality trading: incorporating trades into individual NPDES permits and general permits" ; [3745-5-12](#), "Record keeping, reporting requirements, compliance, enforcement, and oversight" ; [3745-5-13](#), "Public participation requirements"; and [3745-5-14](#), "Ambient water quality monitoring requirements." The final rule became effective on 11 Oct 12.

## **PROPOSED RULES**

### **PROPOSED DRINKING WATER OPERATOR CERTIFICATION RULES**

On 10 Oct 12, OEPA issued two proposed rules to Chapter 3745-7-19 and 3745-7-20. Chapter 3745, "Operator Certification" of the Ohio Administrative Code (OAC) [3745-7-19](#) "Examination Providers," would establish a program under which organizations can apply to become approved examination providers for water and wastewater operators wanting to become state-certified. The draft rules would require the examination provider to conduct computerized examinations in multiple locations and multiple times per year. The rules in [3745-7-20](#) "Certification of operators who pass an examination from an approved examination provider," specify the requirements for certificates to operators. The proposed rules would provide an opportunity for organizations to apply to become Agency-approved examiners. Examiners would give computerized water and wastewater certification exams in various locations throughout Ohio. Currently, OEPA gives exams twice per year in one location and will continue to do so. Approved independent examiners would be able to offer testing more frequently than OEPA is able to. In addition, the rules propose requirements for receiving operator certification through an Agency-approved examiner. A hearing is scheduled for and comments are due by 13 Nov 12.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

### **PROPOSED UPDATES TO VOLUNTARY ACTION PROGRAM**

On 9 Oct 12, OEPA issued a [notice](#) of early stakeholder outreach (ESO) to update the Voluntary Action Program (VAP) rules. The notice aims to solicit ESO input on proposed changes to VAP rules in OAC [3745-300-05](#), "Certified Professionals" and [OAC 3745-300-09](#), "Property Specific Risk Assessment Procedures." OEPA is considering modifying the VAP biocriteria training and certification requirements within both OAC 3745-300-05 and OAC 3745-300-09. Proposed amendments to OAC 3745-300-09, would require VAP certification as a Division of Surface Water (DSW) qualified data collector for level 3 credible data. The comment period closed on 24 Oct 12.



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

## **PROPOSED RULES**

### **DRAFT STATE IMPLEMENTATION PLAN (SIP) FOR STAGE 2 VAPOR RECOVERY CONTROL PROGRAM**

On 30 Aug 12, the Wisconsin Department of Natural Resources (WDNR) issued a [notice](#) for a public hearing on a proposal to remove stage 2 vapor recovery controls at gasoline stations from the state's ozone control State Implementation Plan (SIP) requirements. This proposal was in response to a USEPA finding, effective 16 May 12, that onboard refueling vapor recovery equipment on newer motor vehicles make the use of stage 2 vapor recovery equipment at gasoline stations obsolete. The comment period closed on 12 Oct 12.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

### **NEW GENERAL PERMIT FOR SMALL WETLAND FILL PROJECTS**

On 8 Oct 12, WDNR [announced](#) the issuance of a new General Permit (GP) ([WDNR-GP1-2012](#)) that streamlines and shortens the wetland permitting process for some residential, commercial and industrial projects impacting wetlands. The statewide GP enables projects resulting in the unavoidable filling of less than 10,000 square feet of wetland, to get a permit decision more quickly if the project meets the standards and conditions in WDNR-GP1-2012. Previously, all landowners wanting to pursue projects that involve wetland fill were required to seek an individual permit and lengthier environmental review. Projects that involve more than 10,000 square feet of wetland fill or do not meet the WDNR-GP1-2012 standards and conditions continue to require a wetland individual permit. The GP for smaller wetland projects identifies the location, design, and construction standards and other conditions any project must meet to qualify for the GP, and to ensure that minimal environmental effects occur. The GP is valid statewide for 5 years. When property owners' projects apply to be covered under the general permit, DNR is required to issue a decision within 30 days.

# Department of Defense Activity

### **ARMY FOCUSES ON ENERGY SECURITY ISSUES IN OCTOBER**

In October 2012, the Army released a signed [energy letter](#) establishing October as Energy Awareness Month. The month provided renewed opportunity for Army to assess energy and water security issues. This joint Army Leadership message conveys the importance of our collective efforts in the areas of energy and water security. Assuring sufficient, secure energy and water in our operational missions and at our installations is a key planning consideration for all Army activities. The Army is enhancing mission effectiveness through Army Power and Energy advancements. Through the Net Zero Initiative, and the Energy Initiatives Task Force, the Army is seeking ways to further reduce the Army's total installation energy consumption, which, since 2003, has decreased by 13 percent. Collectively, by making a difference today, we will continue to: reduce demand, increase efficiency, employ alternative sources, and create a culture of energy accountability.

### **ARMY RELEASES SUSTAINABILITY REPORT**

On 31 Oct 12, the Assistant Secretary of the Army for Installations, Energy, and Environment released the [Army 2012 Sustainability Report](#), which describes the Army's sustainability efforts and progress during years 2010 and 2011. This fourth Global Reporting Initiative, or GRI-based report, documents the Army's status achievements, and trends associated with relevant indicators of sustainability. It also describes the efforts and progress to further integrate sustainability Army-wide. By implementing sustainable principles and practices, the Army will decrease future mission constraints, increase flexibility and resilience, safeguard human health, improve Army quality of life, and enhance the natural environment.

### **NEW ARMY POLICY LETTER ON FEDERALLY RECOGNIZED TRIBES**

On 24 Oct 12, Secretary McHugh signed an American Indian and Alaska Native Policy document establishing Department of Army policy for interaction with Federally recognized American Indian and Alaska Native tribes (Federally recognized Tribes). The policy recognizes the importance of understanding and addressing the concerns of federally recognized tribes prior to reaching decisions on matters that may have the potential to significantly affect tribal rights, tribal lands, or protected tribal resources. The policy letter is available on AKO under "American and Alaska Native Policy."

# Federal Activity

## **AIR**

### **USEPA APPROVES THREE NEW METHODS FOR MONITORING AMBIENT AIR QUALITY**

The U.S. Environmental Protection Agency (USEPA) issued a notice on the designation of three new equivalent methods, for monitoring ambient air quality: one for measuring concentrations of PM2.5; one for measuring concentrations of PM10; and one for measuring concentrations of PM10-2.5 in the ambient air [[77 FR 60985](#), 5 Oct 12].

## **PROPOSED STANDARDS OF PERFORMANCE FOR STATIONARY GAS & COMBUSTION TURBINES**

USEPA issued a notice announcing that the period for providing public comments on the 29 Aug 12, proposed rule titled, "Standards of Performance for Stationary Gas Turbines; Standards of Performance for Stationary Combustion Turbines" is being extended for 60 days [[77 FR 65351](#), 26 Oct 12]. The comment period closes on 28 Dec 12.

## **FINAL RULE ON 2017–2025 CAFE STANDARDS**

USEPA and National Highway Traffic Safety Administration (NHTSA), on behalf of the Department of Transportation (DOT), issued a final rule to further reduce greenhouse gas emissions and improve fuel economy for light-duty vehicles for model years 2017. The final rule aims to increase corporate average fuel economy (CAFE) standards for cars and light-duty trucks to the equivalent of 54.5 miles per gallon (mpg) by Model Year 2025 [[77 FR 62623](#), 15 Oct 12]. This rule making is in response to a 21 May 10, Presidential Memorandum requesting that NHTSA and USEPA develop a coordinated National Program to improve fuel economy and reduce greenhouse gas emissions of light-duty vehicles for model years 2017-2025. This effort is to build on the success of the first phase of the National Program for these vehicles for model years 2012-2016. This final rule becomes effective on 14 Dec 12.

## **ENERGY**

### **STUDY ON DOD IMPACT OF CLEAN ENERGY INVESTMENT**

On 16 Oct 12, the Information Technology & Innovation Foundation (ITIF) released a study titled, "[Lean, Mean, and Clean II: Assessing DOD Investments in Clean Energy Innovation](#)." The study found that five billion dollars in Department of Defense clean energy spending since 2009 could be critical to accelerating the national commercial scale deployment of new energy technologies. The study concluded that DOD accounts for 24 percent of public investments in clean energy innovation in 2012, second only to the Department of Energy (DOE).

### **RELEASE OF ENERGY EFFICIENCY STATE RANKING SCORECARD**

On 3 Oct 12, the American Council for an Energy-Efficient Economy (ACEEE), a national nonpartisan organization, released its "[2012 State Energy Efficiency Scorecard](#)." The Scorecard benchmarks all 50 states and the District of Columbia according to the regulations and programs that encourage the efficient use of energy in many sectors of the economy. The Scorecard shows that the top 10 energy efficiency states are: Massachusetts (in its second year on top of the rankings), California, New York, Oregon, Vermont, Connecticut, Rhode Island, Washington, Maryland, and Minnesota. The report examines six of the primary policy areas in which states typically pursue energy efficiency: utility and "public benefits" programs and policies; transportation policies; building energy codes; combined heat and power ([CHP](#)) policies; state government-led initiatives around energy efficiency; and appliance and equipment standards.

## **HAZARDOUS CHEMICALS**

### **HAZARDOUS WASTE ELECTRONICS MANIFEST BILL SIGNED INTO LAW**

On 5 OCT 12, Legislation [S. 710](#) the "Hazardous Waste Electronic Manifest Establishment Act," was signed into law by President Obama. The new law grants USEPA the statutory authority needed to collect user fees and establish an electronic system for tracking hazardous waste shipments. The law will modernize USEPA's 25-year-old paper system used to track hazardous waste disposal shipments under the Resource Conservation & Recovery Act (RCRA). Benefits of the e-Manifest system include: cost savings for both manifest users and the agencies that collect manifests and process their data, and making information on hazardous chemicals available to states and emergency responders in real time. Finally, the bill was amended to require USEPA to harmonize its electronic tracking system with the Department of Transportation.

## **REMEDIATION**

### **FEDERAL FACILITIES SITE EVALUATION PROJECT**

On 18 Oct 12, USEPA released a notice on the [Federal Facilities Site Evaluation Project \(FFSEP\)](#). The FFSEP is a culmination of a two-year effort under the [Integrated Cleanup Initiative \(ICI\)](#) to document the status of 514 federally owned sites that appeared to be making insufficient cleanup progress and to reinvigorate the assessment and evaluation process. USEPA has made a cleanup determination for over 95% of the 514 FFSEP sites that had not been fully assessed at the project's inception with the remainder of the sites still being evaluated. The FFSEP website allows searching by agency, and includes 42 DOD sites, and their status. Most indicate status of "no further action planned."

## **SUSTAINABILITY**

### **FEDERAL GREEN CHALLENGE OPEN ENROLLMENT FOR FY 13 & UPCOMING WEBINAR**

The Federal Green Challenge enrollment for FY13 **opened** on 1 Oct 12, and closes on 31 Dec 12. The Federal Green Challenge is a national effort under USEPA's **Sustainable Materials Management Program**, challenging USEPA and other federal agencies throughout the country to lead by example in reducing the Federal Government's environmental impact. Federal offices or facilities start their participation by selecting a minimum two of the six target areas which include: waste, electronics, purchasing, energy, water, or transportation. At least one of the selected target areas must be waste, electronics, or purchasing. Members commit to an improvement goal of at least 5% per year in their selected target areas. An upcoming Green Challenge training overview is scheduled for 14 Nov 12.

## **WATER**

### **UPDATED DOE GUIDANCE ON ENERGY AND WATER EFFICIENCY MEASURES IN COVERED FACILITIES**

In September 2012, DOE issued **Federal Agency guidance** on the implementation and follow-up of energy and water efficiency measures identified and undertaken per Section 432 of the Energy Independence and Security Act of 2007 (EISA) (42 U.S.C. 8253(f)(4) and (5)). This guidance also provides context for how these activities fit into the comprehensive approach to facility energy and water management outlined by the statute and incorporates by reference previous DOE guidance, released in Section 432 of EISA, and other related documents.

### **ASHRAE RELEASES DRAFT WATER EFFICIENCY STANDARD FOR BUILDINGS**

On 30 Oct 12, the American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) released a draft **"Standard for the Efficient Use of Water in Building, Site and Mechanical Systems."** The standard is being developed by ASHRAE, the American Society of Plumbing Engineers (ASPE), the American Water Works Association (AWWA) and the U.S. Green Building Council (USGBC). The proposed standard will cover a variety of areas including: water makeup and use needs, insulation and piping run volume standards for hot water piping, and water metering and data collection. The comment period closes on 10 Dec 12.

# **Professional Development**

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

Please note: listing of commercial sponsored training should not be interpreted as a government endorsement of that training.

## **STATE SPECIFIC TRAINING**

### **REGION 3 TRAINING**

#### **TRAINING ON DC STORMWATER MANAGEMENT**

On 28 Oct 12, the District Department of Environment (DDOE) released three previously held stormwater management training presentations: **Achieving Stormwater Retention Performance Standards - Technical Guidance and Specifications in Guidebook**; **Use of Off-Site Retention by Major Regulated Projects**; and **Generation and Certification of Stormwater Retention Credits**.

#### **TRAINING ON MD NUTRIENT MANAGEMENT**

The Maryland Department of Environment is endorsing three University of Maryland Extension program classes on nutrient management. The training class titled, **Advanced Nutrient Applicator Training "Getting to Know Your Soils"** is scheduled for 13, & 27, of Nov, and 4 Dec 12; the program is free, but advanced registration is required.

### **REGION 5 TRAINING**

#### **OHIO AIR PERMITTING COMPLIANCE TRAINING WEBINAR**

On 25 Sep 12, OEPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) offered a free webinar titled, "Air Permitting Basics." This webinar covers the steps in evaluating whether a company's equipment and

operations need an air permit; exemptions; and how to get a permit if needed. The webinar covered the types of permits available, including: General Permits, Permit-By-Rule options, and Permits To-Install-and-Operate (PTIO). Finally, it provided tips on completing permit applications, working with OEPA district offices, and where to get additional help. View slides from the presentation [here](#).

### **UPCOMING TRAINING ON OHIO'S VOLUNTARY ACTION PROGRAM**

The Ohio Voluntary Action Program (VAP) has [announced](#) upcoming Certified Professional training scheduled for 27 Nov 12.

### **UPCOMING TRAINING ON MPCA'S INDUSTRIAL STORMWATER GP REQUIREMENTS**

On 30 Nov 12, HalfMoon Education is offering a full day training seminar covering the requirements of the Minnesota Pollution Control Agency (MPCA) Multi-Sector General Permit (MSGP) for industrial storm water discharges. The course (fee required) will begin with a discussion of stormwater discharge regulations under the Federal Clean Water Act, and then cover the specific requirements found in MPCA's 2010 industrial permit. Topics include: sector specific requirements; use of benchmark monitoring; effluent guideline monitoring, and corrective action requirements; a discussion of additional requirements for stormwater discharges to impaired waters; and other special waters identified in the MSGP. Afternoon session topics include: implementing best management practices (BMPs); development of a stormwater pollution prevention plan (SWPPP) at individual facilities; and a discussion on monitoring and reporting requirements for complying with the Minnesota MSGP. The seminar qualifies for continuing education credits and meets continuing education requirements for both Minnesota and Wisconsin. Follow link for more information [on registering](#).

## **NATIONAL CONFERENCES & TRAINING**

### **CONFERENCE ON FINANCING RENEWABLE ENERGY PROJECTS**

On 8-9 Nov 12, the [2012 Financing Renewable Energy Conference](#) will be held in Washington, DC, at the Park Hyatt Hotel. Get help navigating the complex financing that makes renewable energy projects possible. Explore financing and investment trends, meet policy makers and a host of active renewable energy technology practitioners and learn how to meet the common challenges.

### **WEBINAR ON INDUSTRIAL STORMWATER REQUIREMENTS AT FEDERAL FACILITIES**

On 14 Nov 12, USEPA will host a Stormwater compliance webinar for Federal facilities from 1 PM to 3 PM. The webinar will provide a framework to understand industrial stormwater compliance requirements, and will focus on areas identified by compliance inspectors as problems or concerns affecting the Federal sector. Register [here](#).

### **CONFERENCE ON MILITARY SMART GRIDS AND MICROGRIDS**

On 14-15 Nov 12, the [Conference on Military Smart Grids and Microgrids](#) will be held in Washington, DC at the Holiday Inn Rosslyn at Key Bridge. Over 30 leading experts discuss: DOD and Service Energy Strategy and Plans; Incorporating Smart and Microgrids; Intersections with National Grid; Commercial Developments; DOE Strategies/ Plans; Electric Vehicles and Smart/Microgrids Integration; Share Success Stories and Lessons Learned; Emerging Technologies and Capabilities; Net-Zero, Islanding, and Smart Metering. Mr. John Conger, Acting Deputy Under Secretary of Defense for Installations and Environment (DUSD/IE) is a featured presenter.

### **DOD AMERICAN INDIAN CULTURAL COMMUNICATION COURSE**

On 4-7 Dec 12, the [DOD American Indian Cultural Communication Course](#) will be held at Fort Bliss in El Paso TX. This advanced seminar/workshop provides valuable information for DOD employees whose work could affect Indian tribes and for those already working with tribes and tribal members. The training includes: History of Indian laws and the legal basis for DOD American Indian and Alaska Native Policy; Federal law and policies that impact DOD relationships with Indian tribes; Explanation of DOD's Instruction # 4710.02: DOD Interactions with Federally Recognized Tribes; Introduction to tribal concepts and cultures; Intercultural communication practices; and Strategies and steps for consulting with tribes.

### **RENEWABLE ENERGY WORLD CONFERENCE AND EXPO NORTH**

On 11-13 Dec 12, the [Renewable Energy World Conference and Expo North](#) will be held in Orlando, FL at the Orange County Convention Center. The conference offers unprecedented access to the latest information, solutions and technologies driving the success of business and the future of the industry.

## **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  
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