



October 2013

What's In This Review?

In CT, approval for air SIP revisions and proposed stream flow classifications. In ME, proposed revisions to solid waste management rules, underground oil facilities rules, and the coastal program. In MA, USEPA approval for multiple air SIP revisions, and proposed legislation to establish a sustainable water resource fund. In NH, proposed amendments to rules reducing VOC emissions.

In NJ and PR, proposed legislation setting prohibitions on neonicotinoid pesticides. In NY, a draft Hudson River Estuary Habitat Restoration Plan.

In DE, final revisions increasing the availability of emission offsets and updates to the Statewide Solid Waste Management Plan. In MD, final updates to the buffer management regulations and the withdrawal of proposed radiation protection regulation updates. In PA, final update to the qualification process for T&E surveyors, and release of multiple draft technical guidance documents. In VA, USEPA approval for hazardous waste program revisions, and the transfer of administration for certain stormwater regulations to the VDEQ.

In IL, final amendments to the injurious species regulations, the private sewage disposal code, and proposed amendments to air rules. In MI, adopted amendments to the Farmland and Open Space Preservation regulation. In MN, final amendments to the HRL rules for groundwater. In OH, proposed amendments to Bureau of Radiation Protection rules, and multiple requests for stakeholder input concerning amendments under consideration. In WI, proposed legislation restricting the use of drones by law enforcement, and requirements for high capacity wells.

DoD has requested nominations for the 2014 Secretary of Defense Environmental Awards.

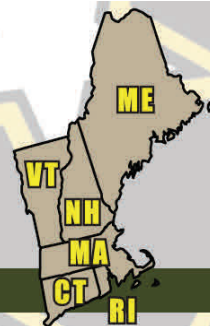
USEPA proposed revisions to the GHG reporting rules, water quality standards, and the 2013 MSGP. USDOE has updated the GHG reporting tool. USFWS has finalized T&E status listings and critical habitat designations.



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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.



Legislature convened 9 JAN 13 and adjourned sine die 5 JUN 13.

FEDERAL ACTIVITY

NO_x EMISSION TRADING ORDERS SIP REVISIONS USEPA has issued a final rule approving State Implementation Plan (SIP) revisions submitted by the state of Connecticut ([78 FR 54962](#)). The final rule approves nitrogen oxides (NO_x) emission trading orders allowing facilities to create and/or use emission credits to comply with the NO_x emission limits required by Regulations of Connecticut State Agencies (RCSA) section 22a-174-22 (Control of Nitrogen Oxides). The approval allows facilities to determine the most cost-effective way to comply with the state regulation. The final rule became effective on 9 OCT 13.

ATTAINMENT FOR CONNECTICUT PORTION OF NY-NJ-CT PM_{2.5} NONATTAINMENT AREA USEPA has issued a final rule approving the state of Connecticut's request to redesignate the Connecticut portion of the NY-NJ-CT fine particle (PM_{2.5}) area from nonattainment to attainment for the 1997 annual National Ambient Air Quality Standards (NAAQS), as well as for the 2006 24-hour PM_{2.5} NAAQS ([78 FR 58467](#)). The final rule also approves related elements including the 10-year maintenance plan, the 2007 base-year emissions inventory, and the new motor vehicle emissions budgets (MVEBs) for the years 2017 and 2025. The final rule becomes effective on 24 OCT 13.

OTHER REGULATORY ACTIVITY

PROPOSED STREAM FLOW CLASSIFICATIONS FOR SEVERAL MAJOR RIVER BASINS The Connecticut Department of Energy and Environmental Protection has [released](#) maps showing proposed stream flow classifications for the Southeast Coastal, Pawcatuck, and Thames Major River Basins. The maps include river and stream segments in 46 towns. Comments are due by 31 DEC 13.



Legislature convened 5 DEC 12 and adjourned sine die 19 JUN 13.

PROPOSED RULES

REVISIONS TO THE SOLID WASTE MANAGEMENT RULES The Maine Department of Environmental Protection (MDEP) has [proposed](#) revisions to the solid waste management rules at Chapter 405. The revisions clarify that analytical work submitted to MDEP must be conducted by laboratories with appropriate certifications. Comments are due by 25 OCT 13.

AMENDMENTS TO THE UNDERGROUND OIL STORAGE FACILITIES RULES MDEP has [proposed](#) a rule to amend the rules for underground oil storage facilities at 06-096 C.M.R. Ch. 691. The rule provides additional options for conducting a site assessment at the time of the abandonment of an underground oil storage tank or facility. The rule also updates installation, operation, and maintenance requirements for underground storage facilities to make them consistent with changes in industry and national standards of practice and changes in technology. Comments are due by 25 OCT 13.

PROPOSED ROUTINE PROGRAM CHANGES TO THE MAINE COASTAL PROGRAM The Maine Department of Agriculture, Conservation and Forestry has [proposed](#) routine program changes to the Maine Coastal Program (MCP). The proposed

changes amend the Natural Resources Protection Act, Shoreland Zoning Act, Site Location of Development Act, state air and water quality laws, and other program core laws that were enacted during the most recent legislative session. The comment period closed on 19 SEP 13.



Legislature convened 2 JAN 13 and adjourns sine die 31 DEC 13.

FEDERAL ACTIVITY

RACT FOR THE 1997 8-HOUR OZONE STANDARD USEPA has issued a final rule approving SIP revisions submitted by the state of Massachusetts ([78 FR 54960](#)). The revisions consist of a demonstration that Massachusetts meets the requirements of reasonably available control technology (RACT) for NO_x and volatile organic compounds (VOCs) set forth by the Clean Air Act (CAA) with respect to the 1997 8-hour ozone standard. The final rule also approves updates to two existing regulations limiting emissions of VOCs compounds. The final rule became on 9 OCT 13.

SIP REVISIONS ADDRESSING REGIONAL HAZE USEPA has issued a final rule approving SIP revisions, submitted by the state of Massachusetts, that address regional haze for the first planning period from 2008 through 2018 ([78 FR 57487](#)). States are required to assure reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. The final rule becomes effective on 21 OCT 13.

PROPOSED LEGISLATION

HB 805 ESTABLISHMENT OF A SUSTAINABLE WATER RESOURCE FUND HB 805 establishes a Sustainable Water Resource Fund to mitigate water shortages. The bill grants cities, towns, and water/sewer districts the authority to collect fees to offset and remedy impacts of water withdrawals, sewerage, stormwater runoff, or impairment of recharge of groundwater on the natural environment through depletion of ground or surface waters. The bill was referred to the Joint Committee on Environment, Natural Resources and Agriculture.

OTHER REGULATORY ACTIVITY

DRAFT FINAL MASSDEP PROGRAM PLAN/PERFORMANCE PARTNERSHIP AGREEMENT WORK PLAN FOR FY 14 The Massachusetts Department of Environmental Protection (MassDEP) has released the [Draft Final Program Plan/Performance Partnership Agreement Work Plan for Federal Fiscal Year \(FFY\) 14](#). This combined MassDEP Program Plan and MassDEP-USEPA Performance Partnership Agreement work plan includes discussion of programmatic priorities and also provides a statement of the goals, objectives, and activities that will be the framework for MassDEP's program-specific work for FFY14. Comments are due by 14 OCT 13.



Legislature convened 2 JAN 13 and adjourned sine die 30 JUN 13.

PROPOSED RULES

AMENDMENTS TO RGGI RELATED REGULATIONS The New Hampshire Department of Environmental Services (NHDES) has issued three separate proposals to readopt, with amendments, the regulations responsible for implementing portions of the Regional Greenhouse Gas Initiative (RGGI) in New Hampshire. The proposed readoptions with amendments are for the following regulations: (1) [Env-A 4800](#) - Carbon Dioxide (CO₂) Allowance Auction Program regulations; (2) [Env-A 4600](#) - CO₂ Budget Trading Program; and (3) [Env-A 4700](#) - CO₂ Offset Projects. Each proposal updates the specific regulation by implementing changes to the RGGI Model Rule and statute. Comments are due for all three proposals by 25 OCT 13.

VOC LIMITS FOR CONSUMER PRODUCTS NHDES has [proposed](#) to readopt, with amendments, the rules (Env-A 4100) that reduce emissions of VOCs by establishing caps on the VOC content of various consumer products. The readoption is necessary because the rules were set to expire on 24 SEP 13. The proposed amendments are in accordance with

revisions to the Ozone Transport Commission (OTC) Model Rules and: (1) add definitions; (2) add consumer product categories; (3) change some existing VOC limits; (4) add new VOC limits for some products; and (5) add specific requirements for paint thinner and multipurpose solvents. The existing rules will remain in effect until the readoption is finalized. Comments are due by 24 OCT 13.



Legislature convened 9 JAN 13 and adjourned sine die 10 MAY 13.

OTHER REGULATORY ACTIVITY

WORKSHOPS TO DISCUSS UPDATING THE VERMONT STORMWATER MANAGEMENT MANUAL The Vermont Department of Environmental Conservation's Stormwater Program has **announced** a series of workshops to discuss a range of potential changes to the Vermont Stormwater Management Manual. The workshops are scheduled for 1 NOV 13, 12 DEC 13, 17 JAN 14, and 21 FEB 14.

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.



Legislature convened 8 JAN 13 and adjourns sine die 31 DEC 13.

FEDERAL ACTIVITY

ATTAINMENT FOR THE 1997 ANNUAL AND THE 2006 24-Hour PM_{2.5} NAAQS USEPA has issued a final rule approving the state of New Jersey's request to redesignate the New Jersey portions of the NY-NJ-CT nonattainment area, and the PA-NJ-DE nonattainment area, to attainment for the 1997 annual and the 2006 24-hour PM_{2.5} NAAQS (**78 FR 54396**). The final rule also approves related elements including comprehensive emissions inventories for ammonia (NH₃), VOC, NO_x, direct PM_{2.5}, sulfur dioxide (SO₂), maintenance plans, and the accompanying MVEBs. The final rule became effective on 4 SEP 13.

PROPOSED LEGISLATION

AB 4349 PROHIBITION ON THE USE OR SALE OF NEONICOTINOID PESTICIDES AB 4349 prohibits the use, sale, offer for sale or promotional purposes, or distribution of any neonicotinoid pesticide. Neonicotinoids are a class of neuro-active pesticides chemically similar to nicotine. Neonicotinoid pesticides are suspected of having adverse effects on pollinating insects and may contribute to the disappearance of bee populations. The bill defines a "neonicotinoid pesticide" as any pesticide containing a chemical belonging to the neonicotinoid class of chemicals, including: imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran, thiacloprid, and thiamethoxam. Any person in violation of the provisions of the bill would be subject to a civil penalty. The bill was referred to the Agriculture and Natural Resources Committee.



Legislature convened 9 JAN 13 and adjourns sine die 31 DEC 13.

FEDERAL ACTIVITY

DETERMINATION OF CLEAN DATA FOR THE 1987 PM10 STANDARD FOR THE NEW YORK COUNTY AREA USEPA has issued a proposed rule to determine that the New York County nonattainment area is attaining the NAAQS for PM10 based on certified, quality-assured ambient air monitoring data for the years 2010 through 2012 ([78 FR 56633](#)). The state of New York submitted a request to USEPA to make a clean data determination for the area. Based on the proposed determination, USEPA has also proposed to determine that New York's obligation to make submissions to meet certain CAA requirements related to attainment of the NAAQS is not applicable for as long as the New York County nonattainment area continues to attain the NAAQS. Comments are due by 15 OCT 13.

OTHER REGULATORY ACTIVITY

HUDSON RIVER ESTUARY HABITAT RESTORATION PLAN The New York Department of Environmental Conservation has [released](#) a [draft](#) of the Hudson River Estuary Habitat Restoration Plan. The plan guides restoration and protection actions that will sustain priority habitats in the Hudson River estuary and tributaries from the federal dam at Troy to the Tappan Zee Bridge. The plan identifies four priority habitat types for restoration: intertidal (the area between high and low tide), shallow water, shorelines, and tributaries. Comments are due by 31 OCT 13.



Legislature convened 14 JAN 13 and adjourns sine die 31 DEC 16.

PROPOSED LEGISLATION

PS 710 Amendments to the Pesticides Act PS 710 adds a subsection (d) to Article 3 of Law 49, known as the Pesticides Act. The new subsection prohibits the use of the pesticides acetamiprid, clothianidin, dinotefuran, imidacloprid, nitenpyram, thiacloprid, thiamethoxam, and any other pesticide in the neonicotinoid family. The bill was referred to the Committee on Agriculture, Food Assurance, Sustainability of the Mountain and the Southern Region.

Region 3

For more information on any state issues in Region 3, contact [Patrick Timm](#), Acting Army Regional Environmental Coordinator, Region 3, (410) 278-6139.



Legislature convened 8 JAN 13 and adjourned sine die 30 JUN 13.

FEDERAL ACTIVITY

UPDATE TO MATERIALS INCORPORATED BY REFERENCE USEPA has issued a final rule updating the materials that are incorporated by reference into the Delaware SIP ([78 FR 58465](#)). The update affects the SIP materials that are available for public inspection at the National Archives and Records Administration, the Air and Radiation Docket and Information Center located at USEPA Headquarters in Washington, DC, and the USEPA Regional Office. The final rule became effective on 24 SEP 13.

ATTAINMENT PLAN FOR THE PHILADELPHIA-WILMINGTON, PA-NJ-DE NONATTAINMENT AREA USEPA has issued a supplemental proposal to a prior proposed approval of Delaware's SIP published in the Federal Register on 19 NOV 12 ([78 FR 57573](#)). The SIP revision demonstrates Delaware's attainment of the 1997 PM2.5 NAAQS for the Philadelphia-Wilmington, PA-NJ-DE PM2.5 nonattainment area. The supplemental proposal addresses the potential effects of a court decision regarding USEPA's implementation of the 1997 PM2.5 NAAQS. The supplemental also revises the proposed approval of Delaware's attainment plan and proposes to approve the 2009 and 2012 MVEBs used for transportation conformity purposes for New Castle County. Comment are due by 21 OCT 13.

FINAL RULES

INCREASING THE AVAILABILITY OF EMISSION OFFSETS The Delaware Department of Natural Resources and Environmental Control (DDNREC) has [adopted](#) revisions to 7 DE Admin. Code 1125, Requirements for Preconstruction Review: Section 2.5 (Offsets). The revisions increase the availability of emission offsets by expanding the area where offsets can be obtained to include the 15 states that significantly contribute to Delaware's ozone nonattainment problem. DDNREC will submit the change to USEPA as a SIP revision. The final rule became effective on 11 SEP 13.

ADDENDUM TO THE STATEWIDE SOLID WASTE MANAGEMENT PLAN The Delaware Solid Waste Authority (DSWA) has [adopted](#) an addendum to the Statewide Solid Waste Management Plan at 1 DE Admin. Code 502. The addendum clarifies the activities of the DSWA and highlights its authority to control and manage the collection of solid waste in Delaware to assure the usage of DSWA facilities. The addendum became effective on 11 SEP 13.



Legislature convened 9 JAN 13 and adjourned sine die 8 APR 13.

FEDERAL ACTIVITY

CONTROL OF VOC EMISSIONS FROM PLEASURE CRAFT COATING OPERATIONS USEPA has issued a final rule approving a SIP revision, submitted by the state of Maryland ([78 FR 59240](#)). The revision adds a new regulation pertaining to the control of VOC emissions from pleasure craft coating operations. The revision also includes requirements recommended by USEPA's Control Technique Guidelines (CTG) for miscellaneous metal parts and plastic coating operations. The final rule will become effective on 28 OCT 13.

FINAL RULES

UPDATE TO BUFFER MANAGEMENT REGULATIONS The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has [adopted](#) a rule that amends the criteria for local critical area program development regulations. The amendments include: (1) updates to the definitions of "buffer" and "application"; (2) requirements for buffer management plans to be submitted as part of an application; and (3) additional requirements for local governments concerning buffer management plans. The rule became effective on 2 SEP 13.

WITHDRAWAL OF RADIATION PROTECTION REGULATIONS MDE has [withdrawn](#) a proposed rule to update COMAR 26.12.01.01, Regulations for the Control of Ionizing Radiation. The rule was proposed on 17 MAY 13, and it was withdrawn on 6 SEP 13. Reproposal is expected in the near future. A notice of the proposed rule was published in the June 2013 edition of the *Northern Review*.

PROPOSED RULES

BAY RESTORATION FUND IMPLEMENTATION REGULATIONS MDE has [proposed](#) a new chapter, Bay Restoration Fund Implementation (COMAR 26.03.13), to the water supply, sewerage, solid waste, and pollution control planning and funding regulations. The new regulations specify the procedures for implementing the Bay Restoration Fund. The Bay Restoration Fund is administered by the Maryland Water Quality Financing Administration, a unit of MDE, and is comprised of two sub-funds: (1) Wastewater Fund; and (2) Onsite Sewage Disposal System Fund. The comment period closed on 7 OCT 13. **NOTE:** *DOD has determined that Maryland cannot collect payments into the Bay Restoration Fund from DOD facilities.*

OTHER REGULATORY ACTIVITY

BALTIMORE NONATTAINMENT AREA PM2.5 REDESIGNATION REQUEST AND MAINTENANCE PLAN MDE has [released](#) the Baltimore Nonattainment Area PM2.5 Redesignation Request and Maintenance Plan. MDE will be requesting that USEPA redesignate the Baltimore nonattainment area to attainment for the 1997 PM2.5 NAAQS. MDE will also request that USEPA concurrently approve, as a SIP revision, the related § 175A maintenance plan. The plan ensures that good PM2.5 air quality will be maintained through 2025. The comment period closed on 7 OCT 13.



Legislature convened 1 JAN 13 and adjourns sine die 31 DEC 13.

FEDERAL ACTIVITY

WITHDRAWAL OF APPROVAL FOR UPDATED MVEBS FOR THE LANCASTER 1997 8-HOUR OZONE MAINTENANCE AREA USEPA has issued a withdrawal of the direct final rule issued on 8 AUG 13 that approved revisions to the commonwealth of Pennsylvania's SIP ([78 FR 59258](#)). The revisions consist of an update to the SIP-approved MVEBs for NO_x and VOCs, and an updated point source inventory for NO_x and VOCs for the 1997 8-Hour Ozone NAAQS SIP for Lancaster County. In the direct final rule, the table with revised MVEBs contained numerical errors. Therefore, USEPA has withdrawn the direct final rule in its entirety. USEPA will commence a separate rulemaking action for this SIP revision. The withdrawal became effective on 26 SEP 13.

PROPOSED LEGISLATION

HB 1699 POLLUTION CONTROL REQUIREMENTS FOR DEMAND RESPONSE GENERATORS HB 1699 provides for the regulation of certain reciprocal internal combustion engines. The bill requires backup generators that participate in profitable demand response programs to: (1) register with the Pennsylvania Department of Environmental Protection (PDEP) every five years and certify compliance with emissions limits; (2) report annually on operations; and (3) meet reasonably achievable emissions limits. The law establishes a streamlined process for compliance, and establishes a \$40 registration fee to be collected once every five years. The bill does not place any new administrative or pollution control requirements on generators that are used only for true emergencies. The bill was referred to the Environmental Resources and Energy Committee.

FINAL RULES

QUALIFICATION PROCESS FOR T&E SURVEYORS The Pennsylvania Fish and Boat Commission (PFBC) has [adopted](#) amendments to 58 PA Code Chapter 75, relating to requirements for qualified surveyors for threatened and endangered (T&E) species and their habitat. The amendments require that a surveyor must first be deemed qualified by the PFBC to conduct surveys for T&E species or their habitat in connection with an application for a proposed or planned development activity. Individuals who wish to be qualified by PFBC to conduct surveys for T&E species must demonstrate they meet the specified qualified surveyor requirements. A notice of the proposed amendments was published in the February 2013 edition of the *Northern Review*. The amendments will become effective on 1 JAN 14.

OTHER REGULATORY ACTIVITY

CATAWISSA CREEK WATERSHED RIVER CONSERVATION PLAN The Pennsylvania Department of Conservation and Natural Resources (PDCNR), Bureau of Recreation and Conservation has [approved](#) the Catawissa Creek Watershed River Conservation Plan. PDCNR has placed the Catawissa Creek Watershed and all tributaries covered by the plan in Carbon, Columbia, Luzerne and Schuylkill counties on the Pennsylvania Rivers Conservation Registry. Projects identified in the plan are eligible for implementation, development or acquisition grant funding through the Rivers Conservation Program. The plan became effective on 14 SEP 13.

DRAFT WATER ASSESSMENT AND LISTING METHODOLOGY PDEP has [invited comment](#) on the draft Assessment and Listing Methodology. The methodology is a compilation of the protocols being used to assess waters that will appear in the 2014 Pennsylvania Integrated Water Quality Monitoring and Assessment Report. The protocols comprising the methodology describe the field data collection procedures and data analysis methods used to obtain and evaluate water

quality data. The individual protocols apply to a wide range of water resource types, data sources, and environmental indicators. Comments are due by 20 NOV 13.

GP FOR DISCHARGES FROM PETROLEUM PRODUCT CONTAMINATED GROUNDWATER REMEDIATION SYSTEMS PDEP has [invited comment](#) on a draft NPDES General Permit (GP) for Discharges from Petroleum Product Groundwater Remediation Facilities (PAG-05). The PAG-05 GP provides NPDES permit coverage to petroleum product contaminated groundwater remediation systems (PPCGRS) that discharge treated effluent to waters of the commonwealth. The existing PAG-05, which has been administratively extended, will expire on 28 DEC 13. The draft PAG-05 GP includes some significant changes to the existing PAG-05 GP. Comments are due by 28 OCT 13.

MULTIPLE DRAFT TECHNICAL GUIDANCE DOCUMENTS RELEASED PDEP has released multiple draft technical guidance for comment. The draft technical guidance documents include: (1) [Aquifer Testing Guidance for Public Water Systems](#); (2) [New Source Sampling Requirements for Groundwater Sources for Community and Noncommunity Systems](#); (3) [New Source Sampling Requirements for Surface Water Sources](#); (4) [New Source Sampling Requirements for Transient Noncommunity Groundwater Sources](#); and (5) [Storage Tank Modification and Maintenance Issues](#). Comments are due for the aquifer testing guidance and the storage tank guidance by 21 OCT 13 and 28 OCT 13, respectively. Comments are due for the remaining guidance documents by 15 OCT 13.



Legislature convened 9 JAN 13 and adjourned sine die 23 FEB 13.

FEDERAL ACTIVITY

FINAL AUTHORIZATION OF STATE HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS USEPA has issued an immediate final rule authorizing revisions to the commonwealth of Virginia's hazardous waste program ([78 FR 54178](#)). The revisions incorporate, by reference, required federal provisions, in order to maintain consistency with federal regulations. Barring adverse comment the immediate final rule will become effective on 4 NOV 13.

INFRASTRUCTURE REQUIREMENTS FOR THE 2008 LEAD NAAQS USEPA has issued a final rule approving a SIP revision, submitted by the commonwealth of Virginia, addressing infrastructure requirements for the 2008 lead (Pb) NAAQS ([78 FR 58462](#)). The infrastructure requirements include basic program elements, regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. The final rule will become effective on 24 OCT 13.

FINAL RULES

TRANSFER OF ADMINISTRATION FOR CERTAIN STORMWATER REGULATIONS TO THE VDEQ The Virginia Department of Environmental Quality (VDEQ) has adopted multiple exempt action final regulations concerning stormwater regulations. As a result of actions by the 2013 Virginia General Assembly (HB2048 & SB 1279), certain water quality programs previously administered by the Virginia Department of Conservation and Recreation will now be administered by the VDEQ. VDEQ and the State Water Control Board will have oversight of water quality planning and laws dealing with stormwater management, erosion and sediment control, and the Chesapeake Bay Preservation Areas. The regulations being transferred to VDEQ include: (1) [9VAC25-870](#) - Virginia Stormwater Management Program Regulations; (2) [9VAC25-830](#) - Chesapeake Bay Preservation Area Designation and Management Regulations; (3) [9VAC25-850](#) - Erosion and Sediment Control and Stormwater Management Certification Regulations; (4) [9VAC25-840](#) - Erosion and Sediment Control Regulations; (5) [9VAC25-880](#) - General Permit for Discharges of Stormwater from Construction Activities; and (6) [9VAC25-890](#) - General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems. All of the exempt action final regulations will become effective on 23 OCT 13.

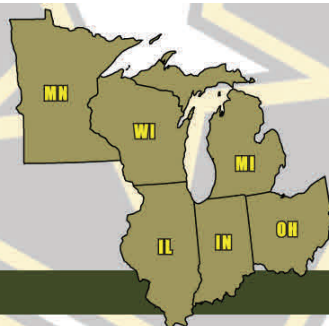
OTHER REGULATORY ACTIVITY

OZONE ADVANCE ACTION PLAN FOR CAROLINE COUNTY VDEQ has [invited comments](#) on a proposed Ozone Advance Action Plan to promote continued compliance with the NAAQS for ozone in Caroline County. The plan was developed by the Commonwealth in order to meet its overall clean air goals under CAA by attaining and maintaining the ambient air quality standards promulgated USEPA. Comments are due by 6 NOV 13.

RICHMOND AIR QUALITY PLAN VDEQ has [invited comment](#) on a proposed plan to attain and maintain the NAAQS for ozone in the Richmond-Petersburg Ozone Attainment/Maintenance Area. The commonwealth intends to submit the plan to USEPA as a SIP revision. The proposed plan revises the Richmond-Petersburg area's ozone maintenance plans so that Stage II vapor recovery systems on gasoline dispensing stations are no longer required beginning on 1 JAN 17. Comments are due by 6 NOV 13.

Region 5

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



Legislature convened 9 JAN 13 and adjourned 31 MAY 13.

FINAL RULES

AMENDMENTS TO THE INJURIOUS SPECIES REGULATIONS The Illinois Department of Natural Resources (IDNR) has [adopted](#) amendments to the regulations at 17 Ill. Adm. Code 805, Listing of Injurious Species, to include a list of injurious plants. Injurious species are defined as species that pose a potential threat to indigenous wildlife, aquatic life, or the habitat. Adding the injurious plants clarifies the rules and regulations and empowers enforcement to prevent the spread of the most dangerous plants into and within the state. A notice the proposed amendments was published in the July 2013 edition of the *Northern Review*. The amendments became effective on 30 AUG 13.

AMENDMENTS TO THE PRIVATE SEWAGE DISPOSAL CODE The Illinois Department of Public Health (IDPH) has [adopted](#) multiple amendments to the Private Sewage Disposal Code at 77 Ill. Adm. Code 905. The amendments include updates to the design and approval standards/requirements, definitions, and permit fee structures. The amendments became effective on 28 AUG 13.

PROPOSED RULES

PROPOSED AMENDMENTS TO THE AMBIENT AIR QUALITY REQUIREMENTS The Illinois Pollution Control Board (IPCB) has [proposed](#) amendments to the air pollution control rules at 35 Ill. Adm. Code 243, relating to ambient air quality requirements. The amendments update the state requirements to correspond with amendments to the federal NAAQSs that USEPA adopted during the period 1 JAN 13 through 30 JUN 13. Comments are due by 4 NOV 13.

PROPOSED UPDATE TO THE STATE DEFINITION OF VOM AND VOC IPCB has [proposed](#) amendments to the air pollution control rules at 35 Ill. Adm. Code 211.7150, relating to the listings of compounds exempted from the state definition of "volatile organic material" (VOM) or VOC. The amendments update the state definition to correspond with amendments to the federal definition at 40 C.F.R. 51.100(s) that USEPA adopted during the period 1 JAN 13 through 30 JUN 13. Comments are due by 4 NOV 13.



Legislature convened 7 JAN 13 and adjourned sine die 29 APR 13.

FINAL RULES

REVIEW OF PROJECTS IMPACTING HISTORICAL SITES The Indiana Natural Resources Commission has [adopted](#) a rule (312 IAC 20-4-11.5a) that establishes a process for seeking dual review by the Indiana Department of Natural

Resources' Division of Historic Preservation and Archaeology, for a project that is potentially subject to both 16 U.S.C. 470f and IC 14-21-1-18 requirements. The rule became effective on 13 SEP 13.



Legislature convened 9 JAN 13 and adjourns sine die 31 DEC 13.

FINAL RULES

FARMLAND AND OPEN SPACE PRESERVATION The Michigan Department of Agriculture and Rural Development (MDARD) has **adopted** amendments to the farmland and open space preservation regulation. The amendments allow MDARD to administer the state of Michigan's various farmland agreements and open space easement programs in accordance with the Natural Resources and Environmental Protection Act, 1994 PA 451, Part 361. A notice of the proposed amendments was published in the March 2013 edition of the *Northern Review*. The amendments became effective on 13 MAY 13.



Legislature convened 8 JAN 13 and adjourned sine die 20 MAY 13.

FINAL RULES

HEALTH RISK LIMITS FOR GROUNDWATER STANDARDS The Minnesota Department of Health (MDOH) has **adopted** amendments to the health risk limit (HRL) rules for groundwater. The amendments cover HRLs for contaminants found in groundwater that may be used for drinking purposes. The amendments add or replace HRL values with guidance values developed by MDOH between 2010 and 2012. A notice of the proposed amendments was published in the April 2013 edition of the *Northern Review*. The amendments became effective on 30 SEP 13.

OTHER REGULATORY ACTIVITY

MS4 SWPPP DOCUMENT PUBLIC NOTICE PROCESS The Minnesota Pollution Control Agency (MPCA) has given **notice** that it intends to establish a special interest e-mail list for the purpose of providing notification of public notice dates for Stormwater Pollution Prevention Program (SWPPP) documents. MPCA is establishing the e-mail list for persons requesting to be notified of the specific date each Municipal Separate Storm Sewer System's (MS4s) proposed SWPPP document will be placed on public notice. Requests to be placed on the e-mail list should be submitted in accordance with the provisions outlined within the notice.



Legislature convened 7 JAN 13 and adjourns 31 DEC 13.

FEDERAL ACTIVITY

REDESIGNATION OF THE CLEVELAND-AKRON-LORAIN NONATTAINMENT AREA USEPA has issued a final rule approving the state of Ohio's request to redesignate the Cleveland-Akron-Lorain nonattainment area to attainment for the 1997 Annual and 2006 24-hour PM_{2.5} NAAQS (**78 FR 57270**). The final rule also approves related elements including comprehensive emissions inventories for NH₃, VOC, NO_x, direct PM_{2.5}, SO₂, maintenance plans, and the accompanying MVEBs. The final rule became effective on 18 SEP 13.

REDESIGNATION OF THE DAYTON-SPRINGFIELD NONATTAINMENT AREA USEPA has issued a final rule approving the state of Ohio's request to redesignate the Dayton-Springfield nonattainment area to attainment for the 1997 annual PM_{2.5} NAAQS (**78 FR 59258**). The final rule also approves related elements including comprehensive emissions inventories for NH₃, VOC, NO_x, direct PM_{2.5}, SO₂, maintenance plans, and the accompanying MVEBs. The final rule became effective on 26 SEP 13.

PROPOSED RULES

AMENDMENTS TO THE BUREAU OF RADIATION PROTECTION RULES The Ohio Department of Health (ODOH) has **proposed** amendments to the Bureau of Radiation Protection rules to keep them current with federal regulations. The rules being amended include: (1) General Radiation Protection Standards for Sources of Radiation (O.A.C. 3701:1-38); (2) Radiation Protection Requirements (O.A.C. 3701:1-40); (3) Source Material Licensure (O.A.C. 3701:1-44); (4) Source Material (O.A.C. 3701:1-56); and (5) Medical Use of Radioactive Materials (O.A.C. 3701:1-58). Additionally, some rules are being amended in order to meet five-year review requirements. The comment period closed on 7 OCT 13.

OTHER REGULATORY ACTIVITY

CONTROL OF EMISSIONS OF VOCs FROM STATIONARY SOURCES The Ohio Environmental Protection Agency (OEPA) has completed **draft amendments** to Ohio Administrative Code (OAC) Rule 3745-21-09, Control of Emissions of VOCs from Stationary Sources. The amendments are in response to the 16 MAY 12 USEPA final rule determining that onboard refueling vapor recovery (ORVR) systems are in widespread use throughout the motor vehicle fleet. The amendments **change** paragraph (DDD) of OAC Rule 3745-21-09 to allow existing gasoline dispensing facilities to decommission their Stage II systems. The comment period closed on 8 OCT 13.

"SET M" HAZARDOUS WASTE MANAGEMENT RULES OEPA has **requested** stakeholder input on the "Set M" rules package, which contains rules that are being considered for adoption to allow OEPA to assume responsibility for the Resource Conservation and Recovery Act (RCRA) Subparts AA, BB, and CC program. Certain hazardous waste treatment, storage and disposal facilities and large quantity generators of hazardous waste will be subject to these rules. The rules address air emissions from tanks, containers, surface impoundments, and process equipment that are used in the management of organic hazardous waste. Comments are due by 12 NOV 13.

EMERGENCY EPISODE RULES AND AMBIENT AIR QUALITY STANDARDS OEPA has **requested** stakeholder input on potential rule amendments to OAC chapter 3745-25, Ambient Air Quality and Emergency Episode Standards. The rules in this chapter identify the criteria under which an emergency episode exists, and address procedures to be followed and actions to be taken in the event of an emergency. The rules also establish Ohio's ambient air quality standards. Comments are due by 14 OCT 13.

FACILITY EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORM RULE OEPA has **requested** stakeholder input on potential rule amendments to OAC 3750-30-20, Facility Emergency and Hazardous Chemical Inventory Form Rule. The amendments incorporate changes made by USEPA that add data elements and revise other existing data elements on the emergency and hazardous chemical inventory form under the Emergency Planning and Community Right-to-Know Act (EPCRA). Comments are due by 18 OCT 13.



Legislature convened 7 JAN 13 and adjourns 31 DEC 13.

FEDERAL ACTIVITY

AMENDMENTS TO VEHICLE INSPECTION AND MAINTENANCE PROGRAM USEPA has issued a final rule approving a SIP revision, submitted by the state of Wisconsin, concerning the state's vehicle inspection and maintenance (I/M) program in southeast Wisconsin (**78 FR 57501**). The revision amends I/M program requirements in the active control measures portion of the ozone SIP to reflect changes that have been implemented at the state level since USEPA fully approved the I/M program in 2001. The revision also includes a demonstration under CAA section 110(l) addressing lost emission reductions associated with the program changes. The final rule became effective on 21 OCT 13.

PROPOSED LEGISLATION

AB 203 RESTRICTION ON THE USE OF DRONES AB 203 restricts the use of drones. The bill defines a drone as a powered, aerial vehicle that does not carry a human operator, uses aerodynamic vehicle lift, and can fly autonomously or be piloted remotely. Under the bill, no law enforcement agency may use a drone that is equipped with video or audio recording equipment to collect evidence or information in a criminal investigation without first obtaining a search

warrant. The bill allows a law enforcement agency to use a drone without a search warrant if it is necessary to do so for certain emergency purposes. An Assembly amendment was offered on 20 SEP 13 that allows U.S. armed forces or national guard to act in their official capacity.

SB 302 REQUIREMENTS FOR THE APPROVAL OF HIGH CAPACITY WELLS SB 302 modifies the current regulations governing high capacity wells, which are wells or well fields withdrawing more than 100,000 gallons of water per day on average over a 30 day period but less than 1 million gallons per day for any 30 consecutive days. The bill provides that within 65 business days from the date on which the Wisconsin Department of Natural Resources (WDNR) receives a complete application for approval of a proposed high capacity well, or for reconstruction or replacement of an existing high capacity well, it must approve or deny the application. The bill also modifies current law by specifying the circumstances under which a person must obtain a high capacity well approval. The bill was referred to the Natural Resources Committee.

Department of Defense Activity

2014 SECRETARY OF DEFENSE ENVIRONMENTAL AWARDS DoD has requested nominations for the 2014 Secretary of Defense Environmental Awards. Nominations should be submitted in accordance with the [2014 Secretary of Defense Environmental Awards Memo and Guidance](#) by 3 MAR 14. Each military service and defense agency may submit one nomination for each of the five installation and four individual/team award categories for accomplishments during the period 1 OCT 11 through 30 SEP 13.

Federal Activity

AIR

NESHAPS FOR RECIPROCATING INTERNAL COMBUSTION ENGINES - PETITIONS FOR AMENDMENT USEPA has issued a notice of reconsideration of final rule and request for public comment regarding possible changes to the National Emission Standards for Hazardous Air Pollutants (NESHAPS) for stationary reciprocating internal combustion engines, and source standards of performance for stationary internal combustion engines ([78 FR 54606](#)). USEPA has not proposed any specific changes but requests comment on three areas: (1) timing for compliance with the ultra-low sulfur diesel fuel requirement for emergency CI (diesel) engines; (2) timing and required information reporting for certain emergency engines; and (3) operation regulations for up to 50 hours per year in non-emergency situations as part of a financial arrangement with another entity. Comments are due by 4 NOV 13.

GREENHOUSE GAS REPORTING REVISIONS USEPA has issued a proposed rule to amend the Greenhouse Gas (GHG) Reporting Program reporting and recordkeeping requirements and establish an alternative verification approach ([78 FR 55993](#)). The proposed rule addresses concerns regarding the potential release of certain emission equations data, for which the reporting deadline was deferred until 31 MAR 15, while maintaining the USEPA's ability to verify emissions and ensure compliance with the GHG Reporting Program. In addition, USEPA has proposed confidentiality determinations for the newly proposed data elements. Comments are due by 12 NOV 13.

ENERGY

ANNUAL GHG REPORTING TOOL UPDATED The U.S. Department of Energy's (USDOE) Federal Energy Management Program (FEMP) has [released](#) the Annual GHG and Sustainability Data Report, Version 4.1 for FY 2013. The report is a Microsoft Excel workbook to be used by federal departments and agencies for comprehensive reporting of fiscal year (FY) 2013 energy, costs, square footage, and associated operational data. The report also accepts outputs from the [Federal Automotive Statistical Tool \(FAST\)](#) to calculate the GHG emissions from federal covered fleet fuel use.

HAZARDOUS MATERIALS

CHEMVIEW INFORMATION SOURCE USEPA has launched a new web-based tool, [ChemView](#), intended to improve access to chemical specific regulatory information and to data submitted under the Toxic Substances Control Act (TSCA). The ChemView web tool displays key health and safety data in an online format that allows comparison of chemicals by use and by health or environmental effects. Additionally, the new web tool allows searches by chemical name or Chemical Abstracts Service (CAS) number, use, hazard effect, or regulatory action. The ChemView database is being populated in phases, and currently contains information on more than 1,500 chemicals.

NATURAL RESOURCES

ENDANGERED SPECIES CONSULTATION REQUIREMENTS ON INCIDENTAL TAKE STATEMENTS The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Services have issued a proposed rule to amend the consultation regulations under section 7 of the Endangered Species Act, regarding incidental take statements ([78 FR 54437](#)). The proposed changes address the use of surrogates to express the amount or extent of anticipated incidental take. The rule also addresses incidental take statements for programmatic actions where implementation of the program requires later authorization, funding, or implementation of site-specific actions that will be subject to section 7 consultation and incidental take statements. These changes would improve the flexibility and clarify the development of incidental take statements. Comments are due by 4 NOV 13.

T & E STATUS LISTINGS FOR THE NEOSHO MUCKET AND THE RABBITSFOOT FRESHWATER MUSSELS USFWS has issued a final rule listing two freshwater mussels, the Neosho mucket and the rabbitsfoot, as endangered and threatened, respectively ([78 FR 57076](#)). The Neosho mucket occurs in Arkansas, Kansas, Missouri, and Oklahoma. The rabbitsfoot occurs in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, and West Virginia. The Neosho mucket and rabbitsfoot are found within medium to large river drainages exposed to a variety of landscape uses. The final rule will become effective on 17 OCT 13.

CRITICAL HABITAT FOR THE FLUTED KIDNEYSHELL AND SLABSIDE PEARLYMUSSEL USFWS has issued a final rule designating critical habitat for the fluted kidneyshell and the slabside pearlymussel ([78 FR 59555](#)). Separately, USFWS has designated these two species as endangered. These species are endemic to portions of the Cumberland and Tennessee River systems; in total 1,380 river miles in Alabama, Kentucky, Mississippi, Tennessee, and Virginia fall within the boundaries of the critical habitat designation. The areas designated as critical habitat include only stream channels within the ordinary high-water line and do not contain developed areas or structures. The final rule will become effective on 28 OCT 13.

CANADA LYNX REVISED DESIGNATION OF CRITICAL HABITAT AND SEGMENT BOUNDARY USFWS has issued a proposed rule designating revised critical habitat for the contiguous U.S. distinct population segment (DPS) of the Canada lynx and to revise the boundary of the Canada lynx DPS ([78 FR 59429](#)). The rule proposes to designate, in total, 41,547 square miles of critical habitat in five units in the states of Idaho, Maine, Minnesota, Montana, Washington, and Wyoming. Comments are due by 26 DEC 13.

WATER

WATER QUALITY STANDARDS AND REGULATORY CLARIFICATIONS USEPA has issued a proposed rule to amend the federal water quality standards (WQS) regulation ([78 FR 54517](#)). The proposed rule addresses the following key program areas: (1) USEPA determinations that new or revised WQS are necessary; (2) designated uses; (3) triennial reviews; (4) antidegradation implementation; (5) variances to WQS; and (6) compliance schedule authorizing provisions. Comments are due by 3 DEC 13.

PROPOSED NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM INDUSTRIAL ACTIVITIES USEPA's Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 have issued a notice proposing the 2013 National Pollutant Discharge Elimination System (NPDES) GP for stormwater discharges from industrial activity, also referred to as the Multi-Sector General Permit (MSGP) ([78 FR 59672](#)). The proposed 2013 MSGP provisions are largely similar to the existing 2008 MSGP; however, some changes have been made to improve permit clarity, address errors, and make the permit more streamlined. The proposed 2013 MSGP, once finalized, will replace the 2008 MSGP, which expired on 29 SEP 13. Additional information is available on the [USEPA website](#). Comments are due by 26 NOV 13.

OTHER

ONLINE MAPPING TOOL FOR ENVIRONMENTAL IMPACT STATEMENTS USEPA has launched an interactive web-based mapping tool, [**EIS Mapper**](#). The tool provides the public with access and information on Environmental Impact Statements (EIS) filed with USEPA for major projects proposed on federal lands and other proposed federal actions. When visiting the website, users can click on any state for a list of EISs, including information about the potential environmental, social and economic impacts of projects.

Professional Development

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

Please note: Listing of commercial sponsored training and conferences should not be interpreted as a government endorsement of those training or conferences.

TRAINING—ONLINE

22 OCT 13, INTRODUCTION TO UTILITY ENERGY SERVICE CONTRACTS (UESC) This [**Federal Energy Management Program**](#) (FEMP) [**UESC Webinar**](#) provides attendees with an overview of the contracting options and services available from their local utility companies to engineer, finance, and install cost-effective energy and water savings projects. Participants are walked through the typical project process from the audit phase to commissioning the equipment. This webinar introduces participants to UESCs and helps them determine if this alternative financing opportunity is right for them.

(NEW) DOD MASTER PLANNING INSTITUTE (DODMPI) 2014 COURSE SCHEDULE DODMPI offers master planning courses that teach the practice of installation planning. These courses present a planning curriculum that provides the DOD planning community with a breadth of understanding of the base planning process. DODMPI has an extensive course schedule planned for 2014.

UTILITY ENERGY PROJECT INCENTIVE FUNDS This FEMP course teaches federal agencies about financing the capital costs of energy improvement projects from savings generated through energy efficiency measures funded by utilities, public benefit funds, and other resources. This training opportunity targets federal energy, environmental, and fleet professionals and is offered at no cost by leading experts. The training session is delivered live via satellite or through streaming media.

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER - FedCenter.gov is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information in the following areas: program development; federal and state regulatory requirements for various facility activities; regulatory watch for information on new or changed laws or regulations; P2 opportunities and best management practices; USEPA enforcement notices; links to state environmental programs; access to environmental assistance; environmental conferences, meetings, training, and workshop information; applicable laws and Executive Orders; and industry sector-specific newsletters.

MILITARY MUNITIONS SUPPORT SERVICES SERIES This new series of monthly webinars sponsored by EPA's Contaminated Sites Clean-Up Information (CLU-IN) program supports the Military Munitions Support Services (M2S2) community.

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS The U.S. Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules is provided by the U.S. Army Environmental Command.

USACE PROSPECT Training USACE announces its FY14 Proponent-Sponsored Engineer Corps Training (PROSPECT) training program. Please see the [**Course Catalog \(a.k.a. Purple Book\)**](#) and [**List of Classes and schedule**](#) for details. Courses are open to all federal employees, state, county and city employees and contractors. There are different registration processes for each entity.

ARMY PODCAST SERVICE The Army offers free podcasts on a wide variety of topics, including an environmental series, an Army Corps of Engineers series, and many more. The podcasts are available through a free subscription service. (It is not necessary to own an iPod in order to view or listen to a podcast.)

NAVY AND ISEERB ENVIRONMENTAL TRAINING FY14 The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY14 is available. Course topics include environmental overview and management; law planning and sustainability; pollution prevention; restoration; conservation; supplemental and Internet/computer-based training, and more.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING FY14 The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government. Fees vary according to personnel status (i.e., active duty Air Force/civilian, other U.S. government employee, contractor).

NPDES TRAINING COURSES AND WORKSHOPS Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES Permit program. They are designed for permit writers, dischargers, USEPA officials and other interested parties.

READINESS AND ENVIRONMENTAL PROTECTION INITIATIVE – WEBINAR SERIES The REPI Webinar Series is presented by DOD in partnership with the **Land Trust Alliance**. This online series covers best practices, tutorials and knowledge sharing on REPI partnerships that support military mission and accelerate the pace and rate of conservation. All webinars begin at 1:00 p.m. Eastern unless otherwise noted. For detailed webinar descriptions please visit the **REPI website**.

USEPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs. Hear from experts around the country on how to make your program more successful. The format is a formal presentation followed by a question and answer session.

USEPA WATERSHED ACADEMY WEBCAST SERIES USEPA's Watershed Academy is sponsoring free webcast seminars for local watershed organizations, municipal leaders, and others. To access a webcast, simultaneously log on to the web and/or participate by phone conference lines in live training conducted by expert instructors. Archived training sessions are also available by streaming audio.

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 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: leanne.l.dickens.ctr@mail.mil Phone : 410-278-6143**