



# Northern Review

## of Legislative & Regulatory Actions

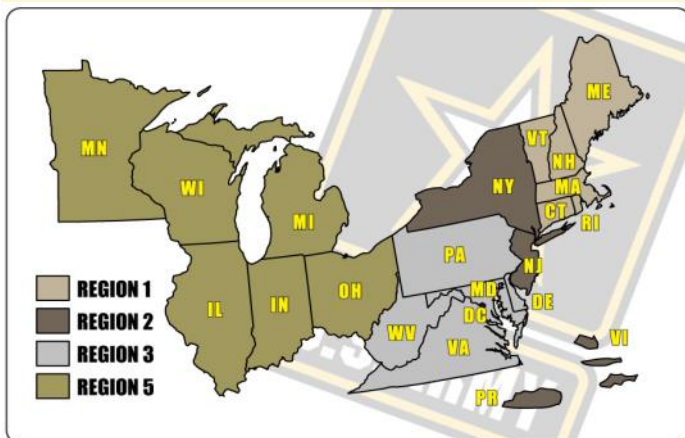


The U.S. Army Regional Environmental & Energy Office

May 2016

The *Northern Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the 22 states and territories in Federal Regions 1, 2, 3, and 5, the *Northern Review* gives early notice of legislative and regulatory activities relevant to DOD interests. The *Review* also helps installations meet ISO 14001 environmental management system requirements.

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## WHAT'S IN THIS REVIEW?

### Region 1

In CT, final amendments to air regulations, and USEPA proposes rule to address dredged material disposal. In ME, new laws concerning T&E regulatory amendments and the handling, management, and disposal of solid waste; final amendments to the oil spill clean-up rules. In MA, proposed legislation concerning solid waste management and pesticide control. In RI, final regulations for solid waste management facilities. In VT, new law amending AST standards.

### Region 2

In NJ, proposed bills addressing land use planning between civilian and military interests, and prescribed burning regulations. In NY, adoption of a new state energy conservation construction code and a proposed rule to protect against Legionella.

### Region 3

In DE, proposed bill to amend AST regulations and final adoption of sediment and stormwater regulations. In DC, adoption of new mold assessment and remediation licensure regulations. In MD, adoption of new AIM coatings regulations. In PA, final amendments to RACT requirements for major sources of NO<sub>x</sub> and VOCs. In VA, final rules concerning ambient air quality standards and radiation protection rules; and proposed rule amending water quality management planning regulations.

### Region 5

In IL, multiple final rules amending public and community water supply rules. In IN, new law amending water resources regulations and the release of the draft 2016 list of impaired waters. In MN, proposed bill modifying the *Clean Water Legacy Act* goals implementation and an updated list of infested waters. In OH, proposed bill establishing lead and copper testing for certain water systems, and finalized new public water system harmful algal bloom regulations. In WI, new law amending navigable waters and wetlands regulations.

### DOD Activity

DOD announces 2016 Secretary of Defense Environmental Award winners.

### Federal Activity

USEPA issues final corrections to the MATS and Utility NSPS rules.

# Region 1

For more information or to comment on any state issues in Region 1, contact [Kevin Kennedy](#), Army Regional Program Coordinator, Region 1, (410) 278-6168.



**Legislature convened 3 FEB 16 and adjourned sine die 4 MAY 16.**

## ***FEDERAL ACTIVITY***

**DESIGNATION OF DREDGED MATERIAL DISPOSAL SITE IN LONG ISLAND SOUND** The U.S. Environmental Protection Agency (USEPA) has issued a proposed rule to designate one disposal site in eastern Long Island Sound for dredged material from harbors and navigation channels ([81 FR 24748](#)). The rule designates the Eastern Long Island Sound Disposal Site (ELDS) located offshore from New London, Conn. The designation is necessary to provide a long term, open water dredged material disposal site as an alternative for the possible future disposal of such material. This disposal site designation is subject to various restrictions designed to support the goal of reducing or eliminating the disposal of dredged material in Long Island Sound. USEPA has also concluded that two other alternatives (Niantic Bay and Cornfield Shoals disposal sites) could potentially be designated in addition to, or instead of, the ELDS. Comments are due by 27 JUN 16.

## ***FINAL RULES***

**AMENDMENTS TO AIR REGULATIONS** The Connecticut Department of Energy and Environmental Protection (CDEEP) has [adopted](#) amendments to the air regulations at sections 22a-174-3c and 22a-174-29 of the Regulations of Connecticut State Agencies (RCSA). The amendments: (1) address the application of RCSA section 22a-174-29 (*Hazardous air pollutants*) to permitted sources of air pollution; and (2) add enforceable limitations on air pollutant emissions to RCSA section 22a-174-3c (*Limitations on potential to emit for external combustion units, emergency engines, automotive refinishing operations, nonmetallic mineral processing equipment and surface coating operations*). The amendments became effective on 6 APR 16.

## ***OTHER REGULATORY ACTIVITY***

**GENERAL PERMIT TO LIMIT POTENTIAL TO EMIT FROM STATIONARY SOURCES OF AIR POLLUTION** CDEEP has given [notice](#) of its intent to revise the Connecticut State Implementation Plan (SIP). The revision adds the *General Permit to Limit Potential to Emit from Stationary Sources of Air Pollution* (GPLPE) that was issued on 9 NOV 15. The GPLPE limits emissions from major stationary sources by including permit restrictions on potential emissions for major stationary sources. The GPLPE will be submitted to USEPA for review and subsequent inclusion into the SIP. Comments are due by 19 MAY 16.

**GENERAL PERMIT FOR DISCHARGE OF STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY** CDEEP has given [notice](#) of a tentative decision to reissue without modifications the *General Permit for the Discharge of Stormwater Associated with Industrial Activity* (industrial general permit). The current industrial general permit is scheduled to expire on 30 SEP 16. The proposal extends permit authorization for the period beginning on 1 OCT 16 and expiring on 30 SEP 18. During this proposed time period CDEEP intends to reissue a new industrial general permit with modifications. The comment period closed on 4 MAY 16.



Legislature convened 6 JAN 16 and adjourned sine die 20 APR 16.

**FEDERAL ACTIVITY**

**PROPOSAL OF FEDERAL WATER QUALITY STANDARDS** USEPA has issued a proposed rule to promulgate federal Clean Water Act (CWA) water quality standards (WQS) that would apply to certain waters under the state of Maine's jurisdiction ([81 FR 23239](#)). The rule proposes human health criteria (HHC) to protect the sustenance fishing use for certain waters in Indian lands and for waters subject to sustenance fishing rights under the Maine Implementing Act (MIA). The rule also proposes six additional WQS for waters in Indian lands, two WQS for all waters, and one WQS for waters outside of Indian lands. The proposed WQS take into account the best available science, as well as applicable USEPA policies, guidance, and legal requirements, to protect human health and aquatic life. Finally, the rule addresses various disapprovals of Maine's standards that USEPA issued in February, March, and June 2015. Comments are due by 20 JUN 16.

**FINAL LEGISLATION**

**LD 313 HANDLING, MANAGEMENT AND DISPOSAL OF SOLID WASTE** LD 313 (Public Act: 461) establishes the Maine Solid Waste Diversion Grant Program to provide grants to entities increasing the diversion of solid waste from disposal in the state. The Maine Department of Environment Protection (MDEP) is required to provide funding from the Maine Solid Waste Management Fund for these grants if it determines there are sufficient balances within the fund to make disbursements. The bill also allows MDEP to change fees related to disposal of certain solid waste. The bill was signed by the governor on 13 APR 16 and becomes effective on 29 JUL 16.

**LD 1636 AMENDMENTS TO T&E REGULATIONS** LD 1636 (Public Act: 423) amends laws related to threatened and endangered (T&E) species. The bill states that the commissioner of the Maine Department of Inland Fisheries and Wildlife can authorize certain activities regarding T&E species, including allowances for the: (1) transport, under certain circumstances, of a T&E species into, within, or out of the state; (2) take of a T&E species pursuant to an incidental take plan if certain criteria are met; (3) take of a T&E species pursuant to a widespread activity incidental take plan developed by the commissioner under specified circumstances; (4) creation of exemptions; and (5) approval or adoption of an incidental take plan developed pursuant to specified requirements. The bill was signed by the governor on 1 APR 16 and became effective upon signature.

**FINAL RULES**

**AMENDMENTS TO OIL SPILL CLEAN-UP REGULATIONS** MDEP has [adopted](#) amendments to Chapters 600, 685, 686, and 691 to align the rules with changes in the underlying statutes made by the Legislature in LD 1303 (PL 2015 c. 319). The amendments: (1) revise the definition to be consistent with the statute; (2) reflect that the Maine Coastal and Inland Surface Oil Clean Up Fund and the Ground Water Oil Clean Up Fund have been combined to create the Maine Ground and Surface Water Clean-up and Response Fund; (3) correct citation to statute to be consistent with the statutory amendments; (4) reflect that the Fund Insurance Review Board and the Oil Spill Advisory Committee have been combined creating the Clean-up and Response Fund Review Board; and (5) clarify the process for refunding certain fees collected on oil that is exported from the state. The amendments became effective on 3 APR 16.

**OTHER REGULATORY ACTIVITY**

**DRAFT 2014 INTEGRATED WATER QUALITY MONITORING AND ASSESSMENT REPORT** MDEP has [prepared](#) the draft *2014 Integrated Water Quality Monitoring and Assessment Report* for submission to USEPA as required by CWA and state law. The report includes the listing methods required by USEPA for surface water assessments. Specific waterbody attainment and impairment assignments can be found in the appendices. Comments are due by 27 MAY 16.



Legislature convened 6 JAN 16 and adjourns 31 JUL 16.

**FEDERAL ACTIVITY**

**FINAL NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM SMALL MS4s** USEPA has issued a notice of availability for the final National Pollutant Discharge Elimination System (NPDES) general permit (GP) for stormwater discharges from small municipal separate storm sewer systems (MS4s) to certain waters of the commonwealth of Massachusetts ([81 FR 21862](#)). The GP establishes Notice of Intent (NOI) requirements, prohibitions, and management practices for stormwater discharges from small MS4s in Massachusetts. The final GP also reflects modifications to the draft small MS4 general permit released for comment in 2014 and replaces the 2003 small MS4 general permit for MS4 operators. The GP becomes effective on 1 JUL 17 and will expire on 30 JUN 22.

**PROPOSED LEGISLATION**

**HB 3420 SOLID WASTE MANAGEMENT** HB 3420 provides for, and requires the use of, a consistent system of solid waste management across public and private sectors. The system will reduce the total amount of solid waste disposed of and maximize the recovery of waste banned materials. The bill was reported favorably by the Environment, Natural Resources and Agriculture Committee and was referred to the Ways and Means Committee.

**HB 4187 AMENDMENTS TO MASSACHUSETTS PESTICIDE CONTROL ACT** HB 4187 amends the *Massachusetts Pesticide Control Act* to protect the state’s pollinators. The amendments: (1) add definitions for agricultural use, blooming season, horticultural use, and neonicotinoid; (2) prohibit the distribution of a neonicotinoid pesticide, for certain uses, to any person other than a certified commercial applicator, a certified private applicator, or a licensed applicator; (3) establish restrictions on the use of neonicotinoids; (4) require the Massachusetts Department of Environmental Protection (MassDEP) to integrate specified neonicotinoid training into the current licensing and certification process for certified commercial applicators, certified private applicators, or licensed applicators; (5) create a special commission to investigate methods and solutions to protect and promote pollinators health; and (6) establish the special commission’s membership criteria, scope of the investigation, and reporting requirements. The bill was referred to the Ways and Means Committee.



Legislature convened 6 JAN 16 and adjourns sine die 1 JUL 16 (est).

**FINAL RULES**

**SMALL PRODUCTION WELLS FOR SMALL COMMUNITY WATER SYSTEMS** The New Hampshire Department of Environmental Services (NHDES) has [readopted](#) with amendments [Env-Dw 305](#) (currently Env-Dw 301), *Small Production Wells for Small Community Water Systems*. The existing rules in Env-Dw 301 establish the procedures and criteria for the development of new small production wells for small community water systems. The amendments: (1) delete duplicative definitions; (2) require monitoring for 1,4-Dioxane; (3) require electronic submission of preliminary reports; (4) specify the applicability of existing well design standards; (5) require a natural hazard vulnerability assessment for wells proposed to be located in high-hazard areas; (6) increase the duration of pumping tests from 48 to 72 hours for certain wells; and (7) increase the duration of replacement well pumping tests from 12 to 24 hours. The rules were scheduled to expire on 19 OCT 15, but remained in effect during the rulemaking process. The readoption and amendments became effective on 1 APR 16.





Legislature convened 5 JAN 16 and adjourns sine die 30 JUN 16 (est).

### ***FEDERAL ACTIVITY***

**INFRASTRUCTURE SIP REQUIREMENTS FOR PM<sub>2.5</sub>, OZONE, LEAD, NO<sub>2</sub>, AND SO<sub>2</sub>** USEPA has issued a final rule approving most elements of SIP revisions submitted by the state of Rhode Island ([81 FR 23175](#)). The SIP revisions concern Clean Air Act (CAA) infrastructure requirements for the 1997 fine particle matter (PM<sub>2.5</sub>), 2006 PM<sub>2.5</sub>, 2008 lead, 2008 ozone, 2010 nitrogen dioxide (NO<sub>2</sub>), and 2010 sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). Additionally, USEPA has: (1) disapproved portions of the revisions with respect to CAA section 110(a)(2)(H), because a Federal Implementation Plan has been in place for this requirement since 1973; (2) corrected an earlier approval of this element for the 1997 8-hour ozone NAAQS infrastructure requirements; (3) approved several statutes that support Rhode Island's demonstration that the infrastructure requirements have been met; and (4) conditionally approved certain elements related to Prevention of Significant Deterioration (PSD) requirements. The final rule becomes effective on 20 MAY 16.

**ELECTRONIC REPORTING FOR NATIONAL PRIMARY DRINKING WATER REGULATIONS** USEPA has approved a request from the state of Rhode Island to revise its USEPA-authorized National Primary Drinking Water Regulations Implementation program to allow electronic reporting ([81 FR 24603](#)). The approval becomes effective on 26 MAY 16.

### ***PROPOSED LEGISLATION***

**SB 2095 MERCURY REDUCTION AND EDUCATION ACT** SB 2095 requires manufacturers of mercury-containing lamps to establish and implement a statewide collection program for the recycling of the lamps. The bill establishes program requirements, compliance timelines, reporting requirements, and funding processes. The bill passed the Senate and was referred to the House Environment and Natural Resources Committee.

### ***FINAL RULES***

**REGULATIONS FOR SOLID WASTE MANAGEMENT AND ORGANIC WASTE MANAGEMENT FACILITIES** The Rhode Island Department of Environmental Management (RIDEM) has [adopted](#) amendments to the solid waste management and organic waste management facilities regulations. The amendments encourage and simplify composting requirements for small-scale composting operations and medium-scale composting facilities. The amendments also create Anaerobic Digestion Rules to encourage the development of these types of facilities since the *Refuse Disposal Act* was revised to include a ban on disposing food residuals for large generators (greater than 104 tons per year). The food waste ban went into effect on 1 JAN 16. RIDEM has also [adopted](#) amendments specifically to minimize environmental hazards associated with the operation of leaf and yard waste composting facilities, putrescible waste composting facilities, and mixed solid waste composting facilities. Both sets of amendments became effective on 4 MAY 16.



Legislature convened 5 JAN 16 and adjourned sine die 12 MAY 16.

### ***FEDERAL ACTIVITY***

**STAGE I VAPOR RECOVERY REQUIREMENTS** USEPA has issued a direct final rule approving a SIP revision submitted by the state of Vermont ([81 FR 23164](#)). The revision includes regulatory amendments that clarify Stage I vapor recovery requirements at gasoline dispensing facilities (GDFs). The rule approves Vermont's revised Stage I vapor recovery regulations. Barring adverse comment the direct final rule becomes effective on 20 JUN 16.

## FINAL LEGISLATION

**HB 531 AMENDMENTS TO ABOVEGROUND STORAGE TANK STANDARDS** HB 531 (Public Act: 76) amends state regulations regarding aboveground storage tank (ASTs) standards and the *Petroleum Cleanup Fund*. The bill requires the Vermont Secretary of Natural Resources, on or before 1 JUL 17, to adopt rules for the inspection of ASTs. The new rules must establish requirements for secondary containment systems, tank inspections, documentation, training and certification, identification of noncompliant tanks, and the reuse of tanks. The bill also requires the secretary to maintain a database of tanks that have been determined to be noncompliant with the requirements and to make the database accessible to the public. The bill was signed by the governor on 19 APR 16 and most components of the bill become effective on 1 JUL 16; some specific sections become effective on 1 JUL 17.

## Region 2

For more information or to comment on any state issues in Region 2, contact [Patrick Timm](#), Army Regional Environmental Coordinator, Region 2, (410) 278-6165.



## New Jersey

Legislature convened 12 JAN 16 and adjourns 9 JAN 18.

## PROPOSED LEGISLATION

**AB 1623 REQUIREMENTS FOR USE OF PERVIOUS CONCRETE** AB 1623 requires any state agency to use pervious concrete for the construction or development of any project including access roads, pathways, roadways, or parking lots. The bill states that pervious concrete should be used whenever appropriate and the cost of using such material is comparable with the cost of using other types of concrete. Pervious concrete is defined as a type of concrete that decreases the total amount of runoff leaving a site, promotes infiltration of runoff into the ground, reduces the amount of pollutants carried to a storm drain or waterway, provides for stormwater management, and aids with reducing peak runoff velocity and volume. The bill requires the New Jersey Department of Environmental Protection (NJDEP) to adopt criteria for pervious concrete that includes soil infiltration rates and design specifications. The bill was referred to the Appropriations Committee.

**SB 1992 LAND USE PLANNING BETWEEN CIVILIAN AND MILITARY INTERESTS** SB 1992 facilitates coordination of land use planning between civilian and military interests to preserve viability of federal military installations within the state. The bill implements recommendations set forth in the New Jersey Military Installation Growth and Development Task Force Report concerning land use planning in order to minimize civilian encroachment upon military installations, protect against the closure of military installations and mission loss, and encourage the development of compatible uses of land near military installations. The bill adds language to the stated purposes of the *Municipal Land Use Law* (MLUL) and the *State Planning Act*. The bill is very similar to [AB 2518](#), which was introduced in February 2016. SB 1992 was referred to the Military and Veterans' Affairs Committee.

**SB 2000 (AB 1696) PRESCRIBED BURNING REGULATIONS** SB 2000 authorizes prescribed burning in certain circumstances. This bill establishes a process for certifying individuals, and for allowing landowners and lessees, to conduct prescribed burns of forested and other undeveloped lands to prevent uncontrolled and damaging wildfires and to accomplish various land management objectives. The bill establishes the procedures to be followed in conducting prescribed burns on lands, and authorizes NJDEP's Bureau of Forest Fire Management, under certain conditions, to conduct prescribed burns on any area of land within the state that is determined to be in reasonable danger of wildfire.

The bill specifically directs NJDEP to develop and administer a program for the certification of prescribed burn managers. The bill was referred to the Environment and Energy Committee.

## ***OTHER REGULATORY ACTIVITY***

**NJPDES FISCAL YEAR 2016 ANNUAL FEE REPORT AND ASSESSMENT OF FEES** NJDEP has [announced](#) the adoption of the Fiscal Year (FY) 2016 New Jersey Pollutant Discharge Elimination System (NJPDES) Annual Fee Report and Assessment of Fees. In accordance with state law, publication of this notice marks the completion of the FY 2016 budgeting and fee assessment process for the NJPDES permit program.



**Legislature convened 6 JAN 16 and adjourns 16 JUN 16.**

## ***PROPOSED LEGISLATION***

**SB 919 REDUCTION OF MERCURY IN MERCURY-ADDED LAMPS** SB 919 establishes regulations for the control and reduction of mercury in mercury-added lamps. The bill provides definitions for mercury-added lamps, producer of mercury-added lamps, general purpose lights, and special purpose lights. The bill states that after 1 JAN 18, no producer of mercury-added lamps shall sell, offer for sale, or distribute such lamps that fail to meet mercury content standards adopted by the New York State Department of Environmental Conservation (NYSDEC). The bill outlines requirements, exemptions, and civil penalties for violations of the regulations. Other similar bills, [SB 3261](#) and [AB 5844](#), have been introduced. The bills differ from SB 919 regarding the specific types of lamps being regulated, definitions, and compliance dates. SB 919 was referred to the Environmental Conservation Committee.

## ***FINAL RULES***

**NEW STATE ENERGY CONSERVATION CONSTRUCTION CODE** The New York Department of State has [adopted](#) a rule to repeal the current Part 1240 of Title 19 of the NYCRR (State Energy Conservation Construction Code) and add a new version of Part 1240. The new energy code equals or exceeds American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2013 for commercial buildings, and equals or exceeds the 2015 International Energy Conservation Code (IECC) for residential buildings. A notice of the proposed rule was published in the December 2015 *Northern Review*. The rule becomes effective on 3 OCT 16.

## ***PROPOSED RULES***

**PROTECTION AGAINST LEGIONELLA** The New York State Department of Health (NYSDH) has [proposed](#) a rule to add Part 4 to Title 10 NYCRR. The new Part 4 would protect the public from the immediate threat posed by Legionella by: (1) amending definitions; (2) requiring owners of cooling towers to register such towers with NYSDH using a statewide electronic system; (3) establishing schedules for routine Legionella culture and bacteriological culture sampling and analysis; (4) requiring owners to obtain or update the maintenance program and plan for all operational cooling towers by 1 SEP 16, and prior to the startup of newly installed cooling towers; and (5) establishing requirements for disinfection, inspection, certification, recordkeeping, and notification. Currently, the new Part 4 is effective via an emergency rule. Comments are due by 4 JUN 16. **REEO-N NOTE:** *This proposal is provided as a matter of public interest only. If promulgated, these rules would not be applicable to federally owned facilities.*

# Region 3

For more information or to comment on any state issues in Region 3, contact [Patrick Timm](#), Army Regional Environmental Coordinator, Region 3, (410) 278-6165.



## FEDERAL ACTIVITY

**REVISION TO MVEBS FOR WASHINGTON DC-MD-VA 1997 ANNUAL PRIMARY PM<sub>2.5</sub> NAAQS** A [draft revision](#) to the Motor Vehicle Emission Budgets (MVEBs) for the Washington DC-MD-VA 1997 Annual Primary PM<sub>2.5</sub> NAAQS has been released. The draft was prepared by the Metropolitan Washington Council of Governments for the District Department of Energy and Environment (DDOEE), Maryland Department of the Environment (MDE), and Virginia Department of Environmental Quality (VDEQ). The draft revision includes changes to on-road MVEBs for PM<sub>2.5</sub> and nitrogen oxides (NO<sub>x</sub>) based on the USEPA approved MOVES2014 model. The three jurisdictions are revising the MVEBs to meet the commitments in Appendix D of the maintenance plan, which USEPA approved on 6 OCT 14. [DDOEE](#), [MDE](#), and [VDEQ](#) are addressing public hearings and comments periods individually.



Legislature convened 12 JAN 16 and adjourns 30 JUN 16.

## PROPOSED LEGISLATION

**SB 233 AMENDMENTS TO AST REGULATIONS** SB 233 amends Title 7 of the Delaware Code relating to the *Jeffrey Davis Aboveground Storage Tank Act*. The bill: (1) adds and amends definitions; (2) authorizes the Delaware Department of Natural Resources and Environmental Control (DDNREC) to intervene when the owner or operator has failed to address situations where signs exist that an AST, or secondary containment system, is found to have an indicated release, or where an AST presents an imminent threat of a release; (3) clarifies DDNREC's authority to recover costs associated with these activities in a manner consistent with Delaware's *Underground Storage Tank (UST) Act*; and (4) authorizes the use of hazardous substance cleanup funds to prevent releases of petroleum and other hazardous substances from ASTs, and to investigate and clean up such releases when they occur. The bill has passed the Senate.

## FINAL RULES

**ADOPTION OF SEDIMENT AND STORMWATER REGULATIONS** DDNREC has [adopted](#), as an emergency regulation, the 2014 *Delaware Sediment and Stormwater Regulations*, (7 DE Admin Code 5101). The 2014 regulations were recently invalidated by the Delaware Superior Court. DDNREC has issued the emergency adoption to fill the regulatory vacuum left by the court decision, pending formal adoption of amended regulations. The emergency rulemaking also adopts the April 2016 technical document. The emergency rule became effective on 16 APR 16 and expires on 14 AUG 16.



Legislature convened 5 JAN 16 and adjourns 31 DEC 16.

## FINAL RULES

**MOLD ASSESSMENT AND REMEDIATION LICENSURE REGULATIONS** DDOEE has [adopted](#) a new Chapter 32 of Title 20



(Environment) of the District of Columbia Municipal Regulations (DCMR), *Mold Assessment and Remediation Licensure Regulations*. The new chapter implements provisions of the Air Quality Amendment Act of 2014 by providing mold licensure and certification mechanisms for all mold assessment or remediation professionals who operate in DC. The new chapter also sets a threshold above which a property owner must employ assessment and remediation professionals if the property is rented for residential use. A notice of the proposed new chapter was published in the May 2015 *Northern Review*. The adoption became effective on 22 APR 16.

**UPDATE OF WILDLIFE PROTECTION REGULATIONS** DDOEE has [adopted](#) amendments to DCMR Chapter 15 (Fish and Wildlife) of Title 19 (Amusements, Parks, and Recreation). The rulemaking relates to the licensing of wildlife control operators and registration of wildlife control service providers. The amendments add the following new sections: (1) 1570 - *Wildlife Control Operator Licensing And Fees*; (2) 1571 - *Wildlife Control Services Provider Registration*; (3) 1572 - *Notice To Clients*; (4) 1573 - *Notice To Clients*; (5) 1574 - *Record Keeping And Reporting*; (6) 1575 - *Control Of Specific Species*; (7) 1576 - *Feral Dogs And Cats*; (8) 1577 - *Acceptable Methods Of Wildlife Control*; (9) 1578 - *Prohibited Methods Of Control Denial, Suspension, Modification, Or Revocation Of A License Or Registration*; and (10) 1579 - *Enforcement*. The licensing and registration requirements are in line with the requirements of neighboring states. The amendments became effective on 22 APR 16.



**Legislature convened 13 JAN 16 and adjourned sine die 11 APR 16.**

### ***FINAL RULES***

**NEW ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS REGULATIONS** MDE has [adopted](#) new Regulations .01 - .08 under a new chapter, COMAR 26.11.39, *Architectural and Industrial Maintenance (AIM) Coatings*. The regulations establish volatile organic compound (VOC) content limits and standards for a variety of AIM coatings made available for sale and use in Maryland. The regulations apply to any person that manufacturers, blends, thins, supplies, sells, offers for sale, repackages for sale, or applies AIM coatings in Maryland. The regulations will be submitted as a SIP revision to USEPA for review and approval. A notice of the proposed regulations was published in the February 2016 *Northern Review*. The new regulations became effective on 25 APR 16.



**Legislature convened 5 JAN 16 and adjourns 30 NOV 16.**

### ***FEDERAL ACTIVITY***

**SIP REVISION FOR MEASUREMENT AND REPORTING OF CONDENSABLE PM EMISSIONS** USEPA has issued a proposed rule to approve a SIP revision submitted by the commonwealth of Pennsylvania ([81 FR 20598](#)). The SIP revision amends two regulations to clarify testing and sampling methods for stationary sources of PM and adds the requirement to measure and report filterable and condensable PM. The comment period closed on 9 MAY 16.

**ELECTRONIC REPORTING FOR NATIONAL PRIMARY DRINKING WATER REGULATIONS** USEPA has approved a request from the commonwealth of Pennsylvania to revise its USEPA-authorized National Primary Drinking Water Regulations Implementation program to allow electronic reporting ([81 FR 24093](#)). The approval becomes effective on 25 MAY 16.

**2011 BASE YEAR INVENTORIES FOR 2008 8-HOUR OZONE NAAQS FOR MULTIPLE NONATTAINMENT AREAS** USEPA has issued a direct final rule to approve the 2011 base year inventories for five Pennsylvania marginal nonattainment areas for the 2008 8-hour ozone NAAQS ([81 FR 24492](#)). The five nonattainment areas affected by the rule are Allentown-Bethlehem-Easton, Lancaster, Pittsburgh-Beaver Valley, Reading, and Philadelphia-Wilmington-Atlantic City

(Pennsylvania portion). The 2011 base year emissions inventories were approved as a SIP revision. Barring adverse comment the direct final rule becomes effective on 27 JUN 16.

## ***FINAL RULES***

**ADDITIONAL RACT REQUIREMENTS FOR MAJOR SOURCES OF NO<sub>x</sub> AND VOCs** The Pennsylvania Environmental Quality Board (PEQB) has [adopted](#) amendments to the air regulations at Chapters 121 and 129, relating to general provisions and standards for sources. The amendments to Chapter 129 adopt presumptive reasonably available control technology (RACT) requirements and RACT emission limitations for certain major stationary sources of NO<sub>x</sub> and VOC emissions. The amendments also provide for a: (1) petition process for an alternative compliance schedule; (2) facility-wide or system-wide NO<sub>x</sub> emissions averaging plan provision; (3) alternative RACT proposal petition process; and (4) compliance demonstration and recordkeeping requirements. Definitions in Chapter 121 were updated to support the amendments to Chapter 129. The amendments will be submitted to USEPA as a SIP revision. A notice of the proposed amendments was published in the May 2014 *Northern Review*. The amendments became effective on 23 APR 16.



**Legislature convened 13 JAN 16 and adjourned 11 MAR 16.**

## ***FINAL RULES***

**LIST OF AMBIENT AIR QUALITY STANDARDS AMENDED TO INCLUDE NEW OZONE STANDARD** VDEQ has [adopted](#) amendments to 9VAC5-30, *Ambient Air Quality Standards*. On 26 OCT 15, USEPA revised the ozone NAAQS by adding an 8-hour standard at a level of 0.070 parts per million (ppm). The adopted amendments make state regulations consistent with the revised federal rules. VDEQ has also adopted amendments to 9VAC5-20-21, *Documents incorporated by reference*, by adding a new Appendix U, *Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*. The appendix explains the data handling conventions and computations necessary for determining whether the NAAQS for ozone are met at an ambient air quality monitoring site. The [amendments](#) were necessary to properly implement new source permitting review and various ozone implementation and planning programs. The amendments become effective on 1 JUN 16.

**REGULATIONS FOR NATURAL GAS MOTOR VEHICLE MECHANICS AND TECHNICIANS** The Virginia Department of Professional and Occupational Regulation has [adopted](#) 18VAC120-50, *Regulations for Natural Gas Motor Vehicle Mechanics and Technicians*. The new chapter establishes a regulatory program for the certification of natural gas automobile mechanics and technicians in accordance with Chapter 763 of the 2014 Acts of Assembly. The chapter establishes: (1) certification, renewal, and reinstatement requirements; (2) standards of practice and conduct; (3) grounds for disciplinary actions; (4) education provider requirements for training programs; (5) fees; and (6) an advisory board. A notice of the proposed chapter was published in the November 2015 *Northern Review*. The adoption becomes effective on 1 JUL 16.

**AMENDMENTS TO REMOVE AN IMPERMISSIBLE AFFIRMATIVE DEFENSE FROM MALFUNCTION PROVISIONS** VDEQ has [adopted](#) amendments to [9VAC5-20](#), *General Provisions*. The amendments address the 2015 USEPA final SIP call concerning treatment of excess emissions in state rules by sources during periods of startup, shutdown or malfunction (SSM), including Virginia's SSM rules at 9VAC5-20-180 G. The U.S. Court of Appeals for the District of Columbia Circuit held that such provisions are illegal, and state plans must be amended accordingly. Essentially, USEPA has found that 9VAC5-20-180 G as currently drafted creates an impermissible affirmative defense for violations of emission limits, and therefore required these amendments. The amendments become effective on 1 JUN 16.

**AMENDMENTS TO RADIATION PROTECTION REGULATIONS** The Virginia Department of Health (VDH), Office of Radiological Health (ORH) has issued a [fast-track regulation](#) to amend 12VAC5-481, *Virginia Radiation Protection Regulations*. The

amendments: (1) reflect changes in and new x-ray modalities pertaining to the medical field; (2) amend existing and add new definitions; and (3) update the regulations to meet the current Virginia Register form, style, and procedure manual. The fast track regulation becomes effective on 5 JUN 16.

## ***PROPOSED RULES***

**AMENDMENT OF WATER QUALITY MANAGEMENT PLANNING REGULATION** The Virginia State Water Control Board (VSWCB) is [considering](#) proposed amendments to the state's water quality management planning regulations at 9VAC25-720. The amendments: (1) adopt 31 new total maximum daily load (TMDL) wasteload allocations; (2) replace two TMDL wasteload allocations with revised values; and (3) make revisions to eight errors in the water quality management planning regulation. The comment period closed on 4 MAY 16.

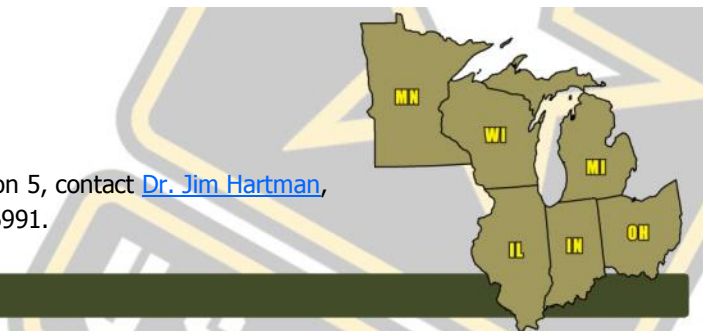
**EVALUATION CRITERIA AND PROCEDURES FOR DESIGNATIONS BY BOARD OF HISTORIC RESOURCES** The Virginia Board of Historic Resources (VBHR) has [proposed](#) amendments to 17VAC5-30, *Evaluation Criteria and Procedures for Designations By the Board of Historic Resources*. The amendments clarify and detail the process and requirements necessary for owner objection to properties nominated for historic district designation by VBHR for inclusion in the Virginia Landmarks Register (VLR). Comments are due by 17 JUN 16.

## ***OTHER REGULATORY ACTIVITY***

**LIST OF IMPAIRED WATERS PRIORITIZED FOR TMDL OR TMDL ALTERNATIVE DEVELOPMENT FOR 2016-2022** VDEQ has [released](#) the revised list of impaired waters prioritized for TMDL or TMDL alternative development throughout 2016-2022. VDEQ is implementing the [national 303\(d\) program vision](#), which facilitates the prioritization of these types of impaired waters. VDEQ has also prioritized impaired waters that require a stressor analysis report or a natural conditions report. These reports analyze water quality data to determine what the most probable stressors are that contribute to the impaired status of the water. Once final, the list will be published in the 2016, 2018, and 2020 biennial §§ 305(b)/303(d) Integrated Reports, where it will be available for additional public comment under the comment period for the entire Integrated Report. The comment period closed on 4 MAY 16.

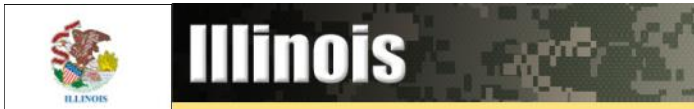
# **Region 5**

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



## ***FEDERAL ACTIVITY***

**303(d) PUBLIC NOTICE REQUIREMENTS** USEPA Region 5 has issued a notice regarding a change in the agency's public notice procedures. USEPA has changed the procedures for seeking comment on proposed listings of impaired waters after disapproving or partially disapproving a state's list of impaired waters or proposed TMDL ([81 FR 22263](#)). For future proposed actions regarding inclusion of waters on a state's 303(d) list or TMDL creation, USEPA Region 5 will provide public notice on the 303(d)/TMDL program [website](#), rather than by publication in the *Federal Register*. The change in procedure became effective on 15 APR 16.



Legislature convened 13 JAN 16 and adjourns 31 MAY 16.

**PROPOSED LEGISLATION**

**HB 4688 REQUIREMENTS FOR FLUORIDATION OF COMMUNITY WATER** HB 4688 amends the *Public Water Supply Regulation Act*. The bill states that the owners or official custodians of public water supplies shall comply with the recommendations on optimal fluoridation for community water levels as proposed and adopted by the U.S. Department of Health and Human Services. The bill passed the House and was referred to the Senate Public Health Committee.

**FINAL RULES**

**AMENDMENTS TO PUBLIC WATER SUPPLY REGULATIONS** The Illinois Pollution Control Board (IPCB) has [adopted](#) amendments to 35 Ill. Adm. Code 601 governing public water supplies. The amendments add a new section, to incorporate by reference, national standards published by the: (1) American Water Works Association; (2) American Society for Testing and Materials; (3) American National Standards Institute; and (4) National Sanitation Foundation International. The new section also incorporates the recommended standards for water works, many of which contain design standards that would have to be met for a construction permit to be issued. Definitions used in Codes 602 and 603 are also added to and revised in Code 601. A notice of the proposed amendments was published in the December 2015 *Northern Review*. The amendments became effective on 15 APR 16.

**AMENDMENTS TO PUBLIC WATER SUPPLY OWNERSHIP AND RESPONSIBLE PERSONNEL RULES** IPCB has [adopted](#) amendments to 35 Ill. Adm. Code 603, *Ownership and Responsible Personnel*, governing public water supplies. The amendments revise Part 603 to be consistent with recent amendments to the *Public Water Supply Operations Act*, [415 ILCS 45]. The amendments add the new term "Responsible Operator in Charge" (ROINC), a position that a community water supply must designate and that directly supervises the water treatment facilities or distribution facilities, or both, of the community water supply. The amendments also establish the ROINC's duties and areas of responsibility. Lastly, the amendments incorporate the new concept of an "administrative contact," which allows a community water supply to designate a contact to serve as agent of the owner or official custodian. A notice of the proposed amendments was published in the December 2015 *Northern Review*. The amendments became effective on 15 APR 16.

**CONSOLIDATION OF IPCB AND IEPA COMMUNITY WATER SUPPLY PERMITTING RULES** IPCB has [adopted](#) amendments to 35 Ill. Adm. Code 602, *Permits*, governing public water supplies. The amendments consolidate the community water supply permitting rules in Part 652 and Part 602. IPCB's permitting rules are found in Part 602 while the Illinois Environmental Protection Agency's permitting requirements are located in Part 652. The amendments consolidate all permitting requirements into a single part, Part 602, with five new subparts. A notice of the proposed amendments was published in the December 2015 *Northern Review*. The amendments became effective on 15 APR 16.



Legislature convened 5 JAN 16 and adjourned sine die 14 MAR 16.

**FINAL LEGISLATION**

**SB 347 AMENDMENTS TO WATER RESOURCES REGULATIONS** SB 347 (Public Act: 102) repeals the law requiring all water utilities to annually report their operations and maintenance costs to the utility regulatory commission. The bill requires the Indiana Finance Authority (IFA), prior to 1 NOV 17, to prepare and submit a report on non-revenue water and water loss in Indiana. The bill also requires IFA to study, analyze, and report to the executive director of the Legislative



Services Agency by 1 NOV 16 on the infrastructure needs of Indiana's water utilities. The bill was signed by the governor on 22 MAR 16 and has varying effective dates.

## ***OTHER REGULATORY ACTIVITY***

**DRAFT 2016 LIST OF IMPAIRED WATERS AND CONSOLIDATED ASSESSMENT AND LISTING METHODOLOGY** The Indiana Department of Environmental Management (IDEM) has [requested](#) public comment for the development of its draft 2016 *303(d) List of Impaired Waters* and the *Consolidated Assessment and Listing Methodology* used to develop it. IDEM has requested water quality data or water quality-related information to support or refute the listing of a waterbody or to add a waterbody to the 303(d) list. Comments are due by 5 JUL 16.



**Legislature convened 8 MAR 16 and adjourns sine die 23 MAY 16 (est).**

## ***PROPOSED LEGISLATION***

**SB 3488 CLEAN WATER LEGACY ACT GOALS IMPLEMENTATION** SB 3488 modifies implementation goals of the *Clean Water Legacy Act*. The modifications: (1) change the date by which impaired waters must be identified in accordance with federal TMDL requirements from 2016 to 2020; (2) establish 2050 as the goal for when waters will have achieved their designated uses; and (3) establish 2025 as the goal for all groundwater sources used for drinking water supplies to meet federal and state drinking water standards and health risk limits. The bill was referred to the Environment and Energy Committee.

## ***OTHER REGULATORY ACTIVITY***

**UPDATE OF INFESTED WATERS LIST** The Minnesota Department of Natural Resources (MDNR) has issued a [notice](#) updating its *Infested Waters List*. WDNR adds a lake, river, pond, or wetland to the infested waters list if it contains certain aquatic invasive species that could spread to other waters. A lake, river, pond, or wetland can also be added to the list as infested if it is connected to a body of water where an aquatic invasive species is present. The notice was issued on 25 APR 16.

**SIP REVISION TO ADDRESS MULTIPLE CAA REQUIREMENTS** The Minnesota Pollution Control Agency (MPCA) has [drafted](#) a SIP revision to meet the state's requirements under CAA sections 110(a)(2)(D) (i)(I), 128, and 110(a)(2)(E)(ii). The revision addresses: (1) good neighbor obligations for the 2008 ozone NAAQS; (2) state board public interest and disclosure requirements; and (3) demonstration of infrastructure compliance for 2010 SO<sub>2</sub>, 2010 NO<sub>2</sub>, 2008 ozone, 2012 PM<sub>2.5</sub>, 2006 PM<sub>2.5</sub>, 2008 lead, 1997 ozone, and 1997 PM<sub>2.5</sub> NAAQS. The comment period closed on 5 MAY 16.



**Legislature convened 20 JAN 16 and adjourns 16 DEC 16 (est).**

## ***PROPOSED LEGISLATION***

**HB 512 LEAD AND COPPER TESTING FOR COMMUNITY AND NON-TRANSIENT NON-COMMUNITY WATER SYSTEMS** HB 512 establishes requirements governing lead and copper testing for community and non-transient non-community water systems. The bill: (1) revises state law governing lead contamination from plumbing fixtures; (2) makes appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools; and (3) revises state laws governing the Water Pollution Control Loan and Drinking Water Assistance Funds.

The bill also requires the director of the Ohio Environmental Protection Agency (OEPA) to create regulations requiring owners of these systems to perform regular lead and copper testing of the water and to comply with other requirements. The bill was referred to the Energy and Natural Resources Committee.

## ***FINAL RULES***

**PUBLIC WATER SYSTEM HARMFUL ALGAL BLOOM RULES** OEPA's Division of Drinking and Ground Waters (DDAGW) has [adopted](#) rules in a new Chapter [3745-90](#) (*Harmful algal blooms*) and amendments to Chapter 3745-89 (*Laboratory certification*) of the Ohio Administrative Code (OAC). The new rules and amendments: (1) establish action levels for microcystins; (2) establish cyanobacteria screening, and microcystins monitoring and reporting requirements for surface water public water systems (PWSs); (3) require increased monitoring based on certain detections of microcystins; (4) require public notification in cases of monitoring violations and exceedances of action levels in drinking water, as well as consumer confidence reports; and (5) require PWSs to submit written cyanotoxin treatment optimization protocols if microcystins are detected in raw or finished drinking water. Additionally, PWSs may be required to submit a cyanotoxin general plan with one or a combination of source water protection activities, reservoir management and in-plant treatment technologies. Finally, the amendments establish requirements for laboratory certification, analytical techniques and reporting deadlines. A notice of the draft rule was published in the July 2015 *Northern Review*. The rulemaking becomes effective on 1 JUN 16.



**Legislature convened 12 JAN 16 and adjourned 7 APR 16.**

## ***FINAL LEGISLATION***

**LEGISLATIVE UPDATE** The following bills, published in previous editions of the *Northern Review*, have since failed to pass: (1) [AB 371](#) – amendments to local comprehensive land use planning requirements; (2) [AB 637](#) and companion bill [SB 469](#) - control of non-point source water pollution in certain areas with carbonate bedrock; and (3) [SB 266](#) - elimination of certain comprehensive plan requirements.

**SB 459 REGULATION OF NAVIGABLE WATERS AND WETLANDS** SB 459 (Public Act: 387) makes various changes to the regulation of navigable waters, artificial water bodies, wetlands, and nonpoint source pollution. Under current state law, the state holds title to navigable waters in trust for public purposes. The bill provides that any area of a navigable water that was filled before 1 JAN 75, and that has remained continuously filled since 1 JAN 75, is owned by the riparian owner in whose riparian zone the filled area is located. The bill also exempts from the wetland permitting requirement any discharge that is the result of maintaining a roadside ditch, sedimentation, or stormwater detention basin and associated conveyance features. The bill was signed by the governor on 26 APR 16 and becomes effective on 1 SEP 16.

# **Department of Defense Activity**

**2016 SECRETARY OF DEFENSE ENVIRONMENTAL AWARDS** DOD has [announced](#) the winners of the 2016 Secretary of Defense Environmental Awards. Each year since 1962, the Secretary of Defense has recognized individuals, teams, and installations for their outstanding achievements and innovative work protecting the environment while sustaining mission readiness. Military services and defense agencies may submit one nomination for each of the nine award categories. The winners chosen from the REEO-N's area of responsibility are: (1) *Natural Resources Conservation, Small Installation* - Camp Dawson Army Training Site, West Virginia Army National Guard; (2) *Natural Resources Conservation, Individual/Team* - Fort McCoy Natural Resources Branch, Wisconsin; (3) *Environmental Restoration,*

*Individual/Team* - Vieques Environmental Restoration Program Team, Puerto Rico; and (4) *Environmental Excellence in Weapon System Acquisition, Large Program* - KC-46 Program Environment, Safety and Occupational Health Team, Wright-Patterson Air Force Base, Ohio.

**2016 REPI CHALLENGE AWARD WINNERS** DOD's Readiness and Environmental Protection Integration (REPI) Program has announced the first three recipients of funding in the 2016 REPI Challenge cycle. Partnerships at Fort Huachuca, Ariz., Fort Hood, Texas, and Naval Air Station (NAS) Patuxent River, Md., will receive awards totaling \$5.2 million. The award money will be leveraged with more than \$20 million in partner funding to protect 7,929 acres. These projects demonstrate stakeholder collaboration and will help protect military missions at three installations. Since the REPI Challenge was initiated in 2012, more than \$29 million in REPI Program funds have been leveraged with more than \$85 million in partner funding to protect over 73,000 acres around nine installations. Visit the [REPI website](#) to view a [fact sheet](#) about the award winning projects, to learn about the [REPI Challenge](#), or to learn more about REPI programs, resources, and projects.

**ARMY AND AIR FORCE BUILD PARTNERSHIP FOR ENERGY ASSURANCE** The Army and Air Force are [teaming up](#) to promote energy resilience for their respective installations. In April, Katherine Hammack, the assistant secretary of the Army for installations, energy and environment, and Miranda Ballentine, the assistant secretary of the Air Force for installations, environment, and energy, signed a [memorandum of agreement](#) (MOA) identifying a framework for cooperation and support in the development of renewable energy projects. The MOA encompasses the delivery of full spectrum services between the services in the planning, development, and execution of: (1) large scale renewable energy projects (10 megawatts or greater), leveraging third-party financing; and (2) integrated and/or modular energy systems that support energy security requirements on military installations. The Office of Energy Initiatives (OEI) serves as the Army's central management office for implementing large-scale renewable and alternative energy projects. The Air Force, through actions to be accomplished within the terms of the MOA, intends to leverage the experience of the OEI to build an Air Force capability in support of the Air Force renewable energy goal to increase facility renewable energy to 25 percent by fiscal year 2025.

**DEFENSE SITING CLEARINGHOUSE** The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics has issued [Department of Defense Instruction \(DODI\) 4180.02, Implementation and Management of the DOD Mission Compatibility Evaluation Process](#). The DODI establishes policy, assigns responsibilities, and prescribes procedures to evaluate energy projects and identify techniques to mitigate the impact of proposed projects on military operations and readiness. The DODI also cancels: (1) *Charter of the Department of Defense Siting Clearinghouse Board of Directors*, 3 OCT 12; (2) Under Secretary of Defense for Acquisition, Technology, and Logistics Memorandum, *Delegation of Authority to Sign Agreements Accepting Voluntary Contributions and Agreeing to Mitigation Measures*, 18 OCT 12; and (3) Clearinghouse Board of Directors Memorandum, *Mitigation Oversight Committee Duties*, 16 OCT 15. DODI 4180.02 became effective on 31 MAR 16.

**DRUG TAKE BACK PROGRAM** The Office of the Under Secretary of Defense for Personnel and Readiness has issued [DODI 6025.25, Drug Take Back Program](#). The DODI establishes policy and assigns responsibilities for developing, publishing, and implementing procedural guidance for a drug take back program. According to the DODI, it is DOD policy that eligible medical treatment facilities in the U.S. will provide drug take back programs to properly dispose of controlled, non-controlled, and over-the-counter medications that will be operated in accordance with Drug Enforcement Agency (DEA) requirements as well as state and federal household hazardous collection exemptions and requirements. The DODI became effective on 26 APR 16.

# Federal Activity

## AIR

**NESHAP AND PERFORMANCE STANDARDS FOR STEAM GENERATING UNITS** USEPA has issued a final rule with technical corrections to its National Emission Standards for Hazardous Air Pollutants (NESHAP) from Coal- and Oil-fired Electric Utility Steam Generating Units (i.e., MATS rule) and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units (e.g., Utility New Source Performance Standard (NSPS) rule) ([81 FR 20171](#)). The final rule makes corrections and clarifications to the 2012 final MATS and Utility NSPS rules. The final rule became effective on 6 APR 16.

**SNAP REVISIONS** USEPA has issued a proposed rule, pursuant to the Significant New Alternatives Policy (SNAP) program, to list a number of substances as acceptable, unacceptable, and modify the listing status for other substances ([81 FR 22809](#)). The rule proposes: (1) to list propane and HFO-1234yf in the refrigeration and air conditioning, and 2-bromo-3,3,3-trifluoroprop-1-ene in the fire suppression and explosion protection sectors as acceptable; (2) to list certain hydrocarbons and hydrocarbon blends in specific end uses in the refrigeration and air conditioning sector as unacceptable; (3) to modify the listing status for certain high global warming potential alternatives for certain end uses in the refrigeration and air conditioning, foam blowing, and fire suppression and explosion protection sectors; (4) to exempt propane in certain refrigeration end uses from the prohibition on venting, release, or disposal; (5) to apply unacceptability determinations for foam blowing agents to closed cell foam products and products containing closed cell foam that are manufactured or imported using these foam blowing agents; and (6) to clarify the listing for Powdered Aerosol D, by removing the listing as acceptable subject to use conditions.

**PARTICULATE MATTER DRAFT INTEGRATED REVIEW PLAN** USEPA has released the draft integrated review plan for the NAAQS for PM ([81 FR 22977](#)). The [draft plan](#) contains the current plans for the review of air quality criteria for PM and the primary and secondary NAAQS for PM. The primary PM NAAQS are protective of public health and the secondary PM NAAQS are protective of public welfare from exposures to PM in ambient air. Comments on the draft plan are due by 23 JUN 16. For more information about the PM NAAQS, click [here](#).

**AMBIENT AIR MONITORING METHODS** USEPA has designated three new reference methods and three equivalent methods, in accordance with [Title 40 Code of Federal Regulation \(CFR\) Part 53, Ambient Air Monitoring Reference and Equivalent Methods \(81 FR 25397\)](#). The new methods are for measuring coarse particulate matter (PM<sub>10</sub>), coarse to fine particulate matter (PM<sub>10-2.5</sub>), and ozone ambient air. The three new equivalent methods measure ozone in ambient air.

**TIER 3 MOTOR VEHICLE EMISSION AND FUEL STANDARDS** USEPA has issued a final rule amending the April 2014 Tier 3 and the July 2014 Quality Assurance Program final rules ([81 FR 23641](#)). The amendments correct errors identified by commenters on the 2014 rules and improve clarity to ensure that the regulations properly reflect the requirements established in those rules. Potentially regulated entities include those regulated under North American Industry Classification System (NAICS) code 493190 (other warehousing and storage-bulk petroleum storage). The final rule becomes effective on 21 JUN 16.

**REGULATION OF HAZARDOUS AIR POLLUTANTS FROM COAL- AND OIL-FIRED ELECTRIC UTILITY STEAM GENERATING UNITS** USEPA has issued a supplemental finding in response to a 2015 U.S. Supreme Court decision, [Michigan v. USEPA \(81 FR 24419\)](#). The supplemental finding explains how USEPA has taken cost into account in evaluating whether it is appropriate and necessary to regulate coal- and oil-fired electric utility steam generating units (EGUs) under CAA section 112. USEPA has found that consideration of cost does not cause a change to its determination that regulation of hazardous air pollutant (HAP) emissions from coal- and oil-fired EGUs is appropriate and necessary and that EGUs are,



therefore, properly included on the CAA section 112(c) list of sources that must be regulated under CAA section 112(d). The finding became effective on 26 APR 16.

## ***HAZARDOUS MATERIALS***

**LITHIUM ION BATTERY SAFETY ADVISORY** The Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued a safety advisory notice to inform persons engaged in the transport of lithium batteries in commerce of recent actions taken by the International Civil Aviation Organization (ICAO) to enhance the safe transport of lithium batteries by air ([81 FR 20443](#)). According to ICAO, the fire suppression capabilities of an aircraft may be exceeded in a situation where heat and flames generated from thermal runaway in a single package of lithium ion batteries spreads to adjacent packages, potentially leading to a catastrophic loss of the aircraft because of a fire that cannot be contained or suppressed. The ICAO amended the 2015-2016 edition of the [Technical Instructions for the Safe Transport of Dangerous Goods by Air](#) to include: (1) prohibition on the transport of lithium ion cells and batteries as cargo aboard passenger carrying aircraft; (2) requirement for lithium ion cells and batteries to be shipped at a state of charge of no more than 30 percent of their rated capacity on cargo aircraft; and (3) limit on the number of packages of both lithium ion and lithium metal batteries that may be offered for transportation on cargo aircraft under current provisions for small cells and batteries to not more than one package per consignment or overpack.

## ***NATURAL RESOURCES***

**NATIONAL PLANT LIST** The U.S. Army Corps of Engineers (USACE) has released the final [2016 National Wetland Plant List](#) ([81 FR 22580](#)). The plant list is used to determine whether the hydrophytic vegetation parameter is met when conducting wetland determinations under CWA and the Wetland Conservation Provisions of the Food Security Act. Other applications of the list include wetland restoration, establishment, and enhancement projects. The list, effective 1 MAY 16, must be used in any wetland delineation performed after this date. Delineations received prior to this date may use the 2014 list.

**FOREST SERVICE ECOSYSTEM RESTORATION POLICY** The U.S. Forest Service (USFS) has issued a permanent Ecosystem Restoration policy that replaces the Interim Directive, *Ecological Restoration and Resilience Policy*, in the USFS Manual 2020 ([81 FR 24785](#)). The policy provides broad guidance for restoring ecosystems on National Forest System lands so that they are self-sustaining and, if subject to disturbances or environmental change, have the ability to reorganize and renew themselves. It recognizes the adaptive capacity of restored ecosystems, the role of natural disturbances, and uncertainty related to climate and other environmental factors. The final directive brings the USFS policy into alignment with current ecological restoration science and with congressional and USFS authorizations and initiatives. The directive becomes effective on 27 MAY 16. For more information, click [here](#).

**PETITIONS FOR THREATENED AND ENDANGERED SPECIES** The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) have issued a proposed rule to revise a [May 2015](#) proposed rule that modified regulations governing petitions for T&E species conservation ([81 FR 23448](#)). The 2015 proposed rule was intended to enhance the information provided by petitioners and clarify the procedures by which the services will evaluate and process petitions. In response to comments received on the May 2015 proposed rule, the services have proposed to streamline the process for according states notice of petitions, reduce the amount of information that would need to be submitted with petitions, and provide additional clarifications.

**LONG-EARED BAT** USFWS has issued a determination that it is not prudent to designate critical habitat for the [northern long-eared bat](#) ([81 FR 24707](#)). The species was listed as threatened in April 2015. USFWS has found that designating the wintering habitat as critical habitat for the bat would likely increase the threat from vandalism and disturbance and could potentially increase the spread of white-nose syndrome. The determination was made on 27 APR 16.

**LISTING DETERMINATION FOR TWO CRAYFISH** USFWS has issued a final rule granting threatened status for the [Big Sandy crayfish](#) and endangered status for the [Guyandotte River crayfish](#) (81 FR 20449). The Big Sandy crayfish is found in Kentucky, Virginia, and West Virginia, while the Guyandotte River crayfish is found in West Virginia. The final rule became effective on 9 MAY 16.

**THRESHER SHARK** NMFS has determined that listing the [common thresher shark](#) and [big-eye thresher shark](#) is not warranted because the species are not in danger of extinction throughout all or a significant portion of their ranges, or likely to become so within the foreseeable future (81 FR 18979). The common thresher shark is found throughout the world in temperate and tropical seas. The bigeye thresher shark is a highly migratory oceanic and coastal species of shark found throughout the world in tropical and temperate seas. The determination, made on 1 APR 16, is based on the results of a status review the service conducted on the species. The status review is available [here](#).

**GREEN SEA TURTLE** NMFS and USFWS have issued a final rule listing 11 distinct population segments (DPSs) of the [green sea turtle](#) (81 FR 20057). The final rule lists three DPSs as endangered and eight as threatened. The final rule supersedes the 1978 final listing rule for green turtles and applies existing protective regulations to the threatened and endangered DPSs. Critical habitat is not determinable at this time but will be proposed in a future rulemaking. In the interim, the existing critical habitat designation (i.e., waters surrounding Culebra Island, Puerto Rico) remains in effect for the North Atlantic DPS. The final rule became effective on 6 MAY 16.

## ***WATER***

**2017 CONSTRUCTION GENERAL PERMIT** USEPA issued the [draft](#) 2017 NPDES general permit for stormwater discharges from construction activities, also referred to as the 2017 Construction General Permit (81 FR 21328). Once finalized, the permit will replace the existing general permit, which expires 16 FEB 17. The permit provides coverage to eligible operators in all areas of the country where USEPA is the NPDES permitting authority, including Massachusetts, New Hampshire, Puerto Rico, and the District of Columbia. The draft permit addresses contaminants in building washdown waters, use of waste container lids and practices to limit the discharge of pollutants from waste containers, measures to prevent polychlorinated biphenyls (PCBs) in stormwater, and public notification requirements. USEPA has also issued a proposed accompanying [fact sheet](#). For more information, click [here](#).

**AQUATIC LIFE WATER QUALITY STANDARDS: CADMIUM** USEPA has released updated recommended aquatic life water quality criteria for cadmium (81 FR 19176). The criteria provide recommendations to states and tribes authorized to establish water quality standards under CWA. In adopting water quality standards, states set exposure protections for aquatic life. Cadmium enters the environment by natural and human processes; however, human sources, such as mining and urban processes, are responsible for contributing approximately 90 percent of the cadmium found in surface waters.

# **Professional Development**

Please note: Listing of commercial sponsored training and conferences is not a government endorsement of the training or conferences.

## ***NATIONAL VENUES***

**20-25 AUG, INDIANAPOLIS, IN: [ANNUAL STORMWATER CONFERENCE \(STORM-CON\) AND EXPO](#)** Annual surface water quality conference brings together public works directors, stormwater professionals, private sector, contractors, engineers, and government representatives. The multi-disciplinary conference is designed for all who have a stake in stormwater management, non-point source pollution, and urban water systems.

## ***TRAINING - ONLINE***

**REPI WEBINAR SERIES** DOD's Readiness and Environmental Protection Integration (REPI) program has [announced](#) its 2016 webinars. All webinars start at 1:00 p.m. Eastern, unless otherwise noted. For detailed webinar descriptions and connection instructions, including links to past webinars, visit [www.REPI.mil](http://www.REPI.mil).

**2015 SMALL DRINKING WATER AND WASTEWATER SYSTEMS WEBINAR SERIES** USEPA's Office of Research Development and Office of Water are hosting a monthly webinar series to communicate USEPA's current small systems research along with agency priorities. The site also includes an archive of past webinars.

**ENERGY MANAGEMENT BASIC TRAINING- TOOLS AND RESOURCES FOR RESULTS** This course provides civilian and military personnel with a concise overview of federal energy management, and the most current tools and resources for success. The instructors for this seminar are Randall Smidt, Army Program Manager for Alternative Financing, and Thomas B. Delaney, Jr., PE, Army Energy Conservation Investment Program Manager. Both instructors serve within the Army's Facilities Policy Division of the Office of the Assistant Chief of Staff for Installation Management.

**USACE PROSPECT TRAINING** U.S. Army Corps of Engineers (USACE) announces course availability for the FY16 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to all federal, state, county and city employees, and contractors. There are different registration processes for each entity. Please refer to the [Course Catalog](#) and [List of Classes and schedule](#) for details. Environmental courses include: Environmental Regulations Practical Application Course (Course Control Number (CCN) 398); CERCLA/RCRA Process (CCN 356); Hazardous Waste Manifesting & DOT Certification (CCN 223); Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429); Radioactive Waste Transport (CCN 441); Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141); Environmental Remediation Technologies (CCN 395); and Environmental Laws and Regulations (CCN 170).

**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; pollution prevention (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.

**INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL (ITRC) TRAINING** ITRC is a state-led coalition of regulators, industry experts, academia, citizen stakeholders, and federal partners from all 50 states and the District of Columbia that supports new approaches to cleanup projects. ITRC offers Internet-based training and hosts nationwide classroom training. Topics span the full spectrum of remediation and compliance subjects. The Internet-based training is supported by ITRC technical and regulatory guidance documents and is hosted with USEPA's Technology Innovation and Field Services Division (TIFSD). For a listing of current classes and to register, visit [USEPA's Clu-In Web page](#). The nationwide classroom training courses are often provided with an ITRC member state and provide participants with face-to-face training, hands-on problem solving, and engaging real world site applications. Visit the [ITRC training website](#) for specific training topics and scheduled events.

**USEPA TMDLS AND NPDES PERMITTING WEB-BASED TRAINING MODULES** USEPA has developed three web-based training modules on topics related to TMDLs and NPDES permitting. The presentations are intended for TMDL developers and NPDES permitting staff to gain a better understanding of TMDL implementation through NPDES permits. Each module is offered as a recorded presentation that enables participants to review the material on demand in a self-paced environment. The modules are also available as unrecorded PowerPoint presentations with slides and scripts. Each recorded session is approximately two hours long. The modules are: (1) Understanding TMDLs: A Primer for

NPDES Permit Writers; (2) Understanding WLA (waste load allocation) Implementation in Permits: A Primer for TMDL Developers; and (3) Understanding TMDLs with Stormwater Sources and the NPDES Stormwater Permitting Process.

**AVERT TUTORIAL** USEPA launched its on-demand training on how to use its avoided emissions and generation tool (AVERT). AVERT estimates the potential of energy efficiency/renewable energy programs to displace electricity system-related SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions in the continental United States. The tool can be used to evaluate county, state and regional level emissions displaced by energy efficiency and renewable energy programs without the need of specialized resources or electricity system expertise.

**FEMP TRAINING SEARCH TOOL** The Federal Energy Management Program (FEMP) has launched FEMP Training Search, a web tool that lists free training opportunities to help agencies meet federal energy, water, and sustainability laws and requirements. The new search tool provides options to easily find and select training offerings by topic area, topic series, course format and type, and by level of difficulty—introductory (101), intermediate (201), and advanced (301).

**SERDP AND ESTCP WEBINAR SERIES** The DOD environmental research and development funding programs SERDP and ESTCP are launching a webinar series to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Webinars are offered every two weeks. Most webinars feature two 30-minute presentations and interactive question and answer sessions, on topics targeted for DOD and DOE audiences.

**AIR FORCE INSTITUTE OF TECHNOLOGY (AFIT) TRAINING COURSE, QUALIFIED RECYCLING PROGRAM MANAGEMENT** This Interservice Environmental Education Review Board (ISEERB) designated course emphasizes principles and techniques to assist students in implementing a sound Qualified Recycling Program (QRP). The course focuses on learning what products can be recycled, products prohibited from recycling, QRP regulations, necessary processing equipment, collection and sorting methods to maximize returns, working with your Defense Reutilization and Marketing Office, establishing contracts, recording transactions, DOD recordkeeping, and estimating future budgets.

**ENERGY STAR WEBCASTS** Energy Star is hosting a series of webcasts covering various topics including Federal Guiding Principles Checklist, Portfolio Manager 101, and Portfolio Manager 201.

**CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES** The National Climate Change and Wildlife Science Center is partnering with the National Conservation Training Center to offer the webinar series to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife, and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation.

**BEST PRACTICES FOR COMPREHENSIVE WATER MANAGEMENT FOR FEDERAL FACILITIES TRAINING** The training is provided by USDOE's FEMP and provides federal facility and energy managers with knowledge and skills to assist in meeting water-related legislative and executive order requirements. Participants develop skills in increasing water efficiency, and reducing water use through sound operations practices and water-efficient technologies. Water metering is covered, as well as life cycle costing and establishing the overall economics for strategic water management.

**USEPA TRAINING PRESENTATIONS ON GHG REPORTING** USEPA provides training presentations and a tutorial on general provisions (subpart A), stationary combustion (subpart C), electricity generation (subpart D), and municipal landfills (subpart HH) sections of the GHG Reporting Program Part 98.

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS** The Army offers numerous environmental training courses. Training providers and fiscal year class schedules are available on the U.S. Army Environmental Command (USAEC) website.



**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.

**MILITARY MUNITIONS SUPPORT SERVICES SERIES** A series of monthly webinars sponsored by USEPA's Contaminated Sites Clean-Up Information program supports the Military Munitions Support Services community.

**ARMY PODCAST SERVICE** The Army offers free podcasts on a wide variety of topics, including an environmental series, an USACE series, and many more. The podcasts are available through a free subscription service.

**NAVY AND ISEERB ENVIRONMENTAL TRAINING FY16** Course topics in the Navy and the ISEERB Environmental Training schedule 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 FY16** 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.

**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.

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## How the Regional Offices Work for You

**The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.** The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are represented.

To comment on items in the *Northern Review*, please contact the Regional Environmental Coordinator listed at the top of each region's section.

To be added to the *Northern Review* distribution list, email [Regulatory Affairs Specialist](#).