



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

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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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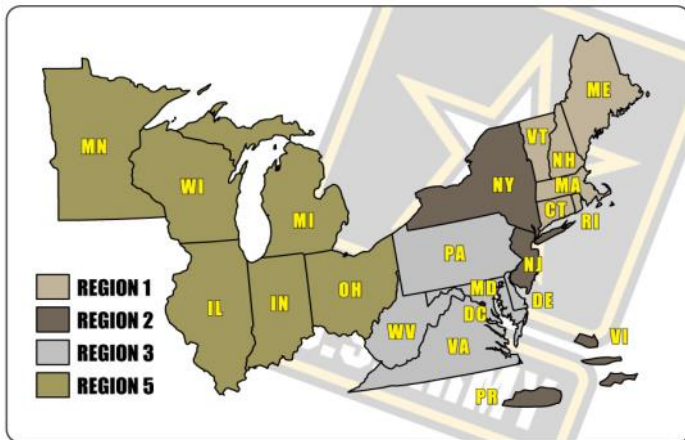


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WHAT'S IN THIS REVIEW?

Region 1

In MA, update of energy efficiency requirements and standards. In NH, final amendments to capacity assurance for certain public water systems.

Region 2

In NJ, proposed implementation of the *Legacy Landfill Law*. In NY, extension of emergency rule that adds PFOA and PFOS to List of Hazardous Substances and multiple rulemakings that adopt a Clean Energy Standard. In PR, enactment of the *Protection and Preservation of Pollinators Act*.

Region 3

In DE, a new law creating a Waterway Management Fund. In MD, final amendments to threatened and endangered species regulations. In PA, guidance concerning closure requirements for USTs and ASTs. In VA, final amendments to water quality management planning regulations. In WV, establishment of an approved AST regulatory program and adoption of regulations on AST proceedings and civil penalty assessment.

Region 5

In IL, final amendments to the hazardous waste and UST regulations. In MN, amendments adopted to the prohibited and regulated invasive species regulations, and revisions under consideration for rules governing health risk limits for water. In OH, final rules concerning emergency planning, incident notification requirements, and monitoring for compliance with secondary MCLs related to fluoride levels in drinking water. In WI, final revisions to the WPDES wastewater permit program.

Federal Activity

The president creates the world's largest marine protected area. USEPA creates a new science advisory committee on chemicals, and issues final rules concerning PM_{2.5} implementation, revisions to air regulations for municipal solid waste landfills, and an update to the definition of VOCs. The White House CEQ issues NEPA Climate Change guidance. NRCS issues revised conservation practice standards.

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.



DRAFT NPDES GPs FOR DISCHARGES FROM PWTFS IN MASSACHUSETTS AND NEW HAMPSHIRE. USEPA released the draft National Pollutant Discharge Elimination System (NPDES) General Permits (GP) for discharges from potable water treatment facilities (PWTf) to certain waters of the commonwealth of Massachusetts and the state of New Hampshire ([81 FR 52851](#)). The draft GPs establish Notice of Intent (NOI) requirements, effluent limitations, standard and special conditions, prohibitions, and best management practices (BMPs) for sites with discharges from potable water treatment facilities. These GPs replace the previous PWTf GP that expired on 2 OCT 14. The comment period closed on 9 SEP 16.

DRAFT NPDES GPs FOR REMEDIATION ACTIVITY DISCHARGES IN MASSACHUSETTS AND NEW HAMPSHIRE. USEPA released the draft NPDES GPs for discharges from sites engaged in certain remediation activities to certain waters of the commonwealth of Massachusetts and the state of New Hampshire ([81 FR 55194](#)). The draft NPDES GPs establish NOI, notice of change, and notice of termination requirements, effluent limitations and requirements, standard and special conditions and BMP requirements for sites that discharge one million gallons per day or less in Massachusetts and New Hampshire. These GPs replace the Remediation GP that expired on 9 SEP 15. Comments are due by 19 SEP 16.

PWSS PROGRAM REVISIONS FOR MASSACHUSETTS, RHODE ISLAND, AND VERMONT. USEPA has issued a notice that Massachusetts, Rhode Island, and Vermont are in the process of revising their respective approved Public Water System Supervision (PWSS) programs to meet the requirements of the Safe Drinking Water Act (SDWA) ([81 FR 55190](#)). Massachusetts has revised its PWSS program by adopting drinking water regulations for the Ground Water Rule, Long Term 2 Enhanced Surface Water Treatment Rule, and the Stage 2 Disinfectant and Disinfection Byproducts Rule. Rhode Island has amended the state PWSS program by adopting drinking water regulations for the Lead and Copper Rule, Lead and Copper Minor Revisions Rule, Lead and Copper Short-Term Revisions Rule, Ground Water Rule, and the Stage 2 Disinfectant and Disinfection Byproducts Rule. Vermont has adopted drinking water regulations for the Ground Water Rule, Long Term 2 Enhanced Surface Water Treatment Rule, and the Stage 2 Disinfectant and Disinfection Byproducts Rule. USEPA intends to approve all three states' PWSS program revisions.

INTERSTATE TRANSPORT OF AIR POLLUTION SIPS FOR MAINE, NEW HAMPSHIRE, RHODE ISLAND, AND VERMONT. USEPA has issued a proposed rule to approve State Implementation Plan (SIP) revisions submitted by the states of Maine, New Hampshire, Rhode Island, and Vermont ([81 FR 57519](#)). The SIP revisions address the Clean Air Act (CAA) provisions that require each state to submit a SIP to address emissions that may adversely affect another state's air quality through interstate transport. USEPA has proposed that all four states have adequate provisions to prohibit in-state emissions activities from significantly contributing to, or interfering with the maintenance of, the 2008 ozone National Ambient Air Quality Standards (NAAQS) in other states. Comments are due by 22 SEP 16.



LEGISLATIVE SESSION CONVENED 6 JAN 16 AND ADJOURNED 31 JUL 16.

FINAL RULES

UPDATE OF ENERGY EFFICIENCY REQUIREMENTS AND STANDARDS. The Massachusetts Department of Public Safety has [adopted](#) amendments to multiple regulations at 780 CMR, *State Board of Building Regulations and Standards*. The amendments update Chapters 13 (Energy Efficiency), 51 (Massachusetts Residential Code), and 115.AA (Stretch Energy

Code) to the 2015 International Energy Conservation Code (IECC) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2013 energy standards. The amendments: (1) lower consumption requirements; (2) modernize building envelope, ventilation, insulation systems, and other measures; and (3) promote cost savings for builders, owners, and residents through offsets and improved efficiency. The amendments became effective on 12 AUG 16.



LEGISLATIVE SESSION CONVENED 6 JAN 16 AND ADJOURNED SINE DIE 1 JUL 16.

FEDERAL ACTIVITY

CONTROL OF VOC EMISSIONS FROM MINOR CORE ACTIVITIES. USEPA has issued a direct final rule approving a SIP revision submitted by the state of New Hampshire ([81 FR 53926](#)). The revision clarifies Reasonably Available Control Technology (RACT) requirements as they apply to minor core activities of volatile organic compound (VOC) sources. Barring adverse comment the direct final rule becomes effective on 14 OCT 16.

RULES FOR REDUCING PARTICULATE EMISSIONS. USEPA has issued a proposed rule to approve SIP revisions submitted by the state of New Hampshire ([81 FR 56556](#)). The SIP revisions establish particulate matter (PM) and visible emissions standards for the following sources: (1) foundries, smelters, and investment casting operations; (2) hot mix asphalt plants; and (3) sand and gravel sources, non-metallic mineral processing plants, and cement and concrete sources. In addition, USEPA has proposed approval for part of a SIP revision that establishes procedures for testing opacity of emissions. Comments are due by 21 SEP 16.

FINAL RULES

CAPACITY ASSURANCE FOR CERTAIN PUBLIC WATER SYSTEMS. The New Hampshire Department of Environmental Services (NHDES) has [readopted](#) with amendments Env-Dw 600, *Capacity Assurance for Certain Public Water Systems*. The rules establish standards, criteria, and procedures to ensure the long-term viability of public water systems. The amendments restructure and clarify the existing rules. A notice of the proposed re Adoption was published in the April 2016 *Northern Review*. The re Adoption became effective on 26 JUL 16.

PROPOSED RULES

REGULATED TOXIC AIR POLLUTANT UPDATES. NHDES has [proposed](#) amendments to Env-A 1400, *Regulated Toxic Air Pollutants*. The amendments implement RSA 125-I, *Air Toxic Control Act*, by listing regulated toxic air pollutants (RTAPs), classifying them, and establishing ambient air limits (AALs). The amendments reflect updates made to the list of chemical substances by the American Conference of Governmental Industrial Hygienists (ACGIH) and USEPA's Integrated Risk Information System. NHDES has also proposed to: (1) broaden the exemption for publicly owned wastewater treatment facilities and add pump stations associated with such facilities to the exemption; and (2) add exemptions for cooling towers, combustion of landfill gas, routine maintenance activities associated with boilers, and the use of isopropyl alcohol, nitrous oxide (NO_x), and ethylene oxide at health care facilities. A public hearing is scheduled for 30 SEP 16 and comments are due by 7 OCT 16.

AMENDMENTS TO PESTICIDE REGULATIONS. The New Hampshire Pesticide Control Board has [proposed](#) amendments to the pesticide regulations at Pes 502.0 1, Pes 505.05, Pes 505.06, Pes 602.01, and Pes 604.01. The amendments update rules related to label instructions, application forms, notification of spraying, permits to conduct an aquatic pesticide, and governmental applications for mosquito control. A public hearing is scheduled for 12 SEP 16 and comments are due by 26 SEP 16.



LEGISLATIVE SESSION CONVENED 5 JAN 16 AND ADJOURNED SINE DIE 30 JUN 16.

FEDERAL ACTIVITY

CORRECTION FOR INFRASTRUCTURE SIP REQUIREMENTS FOR PM_{2.5}, OZONE, LEAD, NO₂, and SO₂. USEPA has issued a correction to a final rule issued on [20 APR 16 \(81 FR 58849\)](#). The April final rule approved most elements of SIP revisions submitted by the state of Rhode Island that addressed CAA infrastructure requirements for the 1997 fine particle matter (PM_{2.5}), 2006 PM_{2.5}, 2008 lead, 2008 ozone, 2010 nitrogen dioxide (NO₂), and 2010 sulfur dioxide (SO₂) NAAQS. This correction fixes errors within the key for *Table 1--EPA's Action on Rhode Island's Infrastructure SIP Submittals for Listed NAAQS*. A notice of the April final rule was published in the May 2016 *Northern Review*.

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.



LEGISLATIVE SESSION CONVENED 12 JAN 16 AND ADJOURNS 9 JAN 18.

PROPOSED RULES

IMPLEMENTATION OF LEGACY LANDFILL LAW. The New Jersey Department of Environmental Protection (NJDEP) has [proposed](#) amendments to the solid waste rules (N.J.A.C. 7:26), recycling rules (7:26A), air pollution control rules (7:27), and the air administrative procedures and penalties rules (7:27A), as they pertain to sanitary landfills. The amendments codify and implement the provisions of the *Legacy Landfill Law*, that became effective on 26 JUN 13. Additionally, the proposed amendments address post-closure requirements, as well as clarify language in the chapter. A public hearing is scheduled for 23 SEP 16 and comments are due by 14 OCT 16.



LEGISLATIVE SESSION CONVENED 6 JAN 16 AND ADJOURNED 16 JUN 16.

FEDERAL ACTIVITY

INTERSTATE TRANSPORT INFRASTRUCTURE SIP REQUIREMENTS FOR 2008 OZONE NAAQS. USEPA has issued a final rule to partially approve and partially disapprove elements of a SIP revision submitted by the state of New York ([81 FR 58849](#)). The revision addresses CAA infrastructure requirements for the 2008 ozone NAAQS. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under CAA. The rulemaking pertains specifically to infrastructure requirements concerning interstate transport provisions. The final rule becomes effective on 26 SEP 16.

FINAL RULES

ADDITION OF PFOA AND PFOS TO LIST OF HAZARDOUS SUBSTANCES. The New York State Department of Environmental Conservation (NYSDEC) has [adopted](#) a new emergency rule to amend regulations under Title 6 NYCRR Part 597, *Hazardous Substances Identification, Release Prohibition, and Release Reporting*. The emergency rule adds: (1) PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt to the list of hazardous substances in Section 597.3.; (2) allows fire-fighting foam containing PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt to be used to fight fires (but not for training or any other purposes) on or before 25 APR 17; and (3) corrects the list of hazardous substances by providing units for reportable quantities. The previous emergency rule in effect was set to expire on 23 JUL 16. A notice of the previous emergency rule was published in the March 2016 *Northern Review*. The new emergency rule became effective on 21 JUL 16 and will expire on 18 SEP 16. NYSDEC has proposed an identical permanent rule. The comment period for the permanent rule closed on 8 JUL 16.

A CLEAN ENERGY STANDARD. The New York Public Service Commission has [adopted](#) a clean energy standard via multiple separate rulemakings ([PSC-16-16-00006](#), [PSC-4-16-00008](#), and [PSC-16-16-00005](#)). The PSC-16-16-00006 rule supports and encourages new incremental renewable generation (Tier 1) and certain existing renewable generation (Tier 2). The PSC-4-16-00008 rule provides funding for the construction of new and continuing support for existing renewable and other non-emitting electric generating facilities. The PSC-16-16-00005 rule requires load serving entities to purchase credits to maintain the zero-emissions benefits of certain nuclear power plants. All of the final rules support the state energy plan goals and became final on 1 AUG 16.



LEGISLATIVE SESSION CONVENED 11 JAN 16 AND ADJOURNS 15 NOV 16 (EST).

FINAL LEGISLATION

PC 2575 PROTECTION AND PRESERVATION OF POLLINATORS ACT. PC 2575 (Public Act: 156) creates the *Protection and Preservation of Pollinators Act*. The act tempers all urban development plans, land use plans, and building codes for purposes of preserving and protecting pollinators. A notice of the bill's introduction was published in the October 2015 *Northern Review*. The bill was signed by the governor and became effective on 9 AUG 16.

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.



LEGISLATIVE SESSION CONVENED 12 JAN 16 AND ADJOURNED 30 JUN 16.

FINAL LEGISLATION

SB 185 COMMERCIAL DRIVER LICENSE HAZARDOUS MATERIALS ENDORSEMENT. SB 185 (Public Act: 341) amends Title 21 of the Delaware Code relating to the commercial driver license (CDL) hazardous materials endorsement. In order to be eligible to transport hazardous materials (HAZMAT) in a commercial motor vehicle an applicant must clear a criminal

background check conducted by the Transportation Security Administration (TSA). The TSA background check is only valid for five years from the approval date. The bill decouples the expiration date of a CDL endorsed for transporting HAZMAT from the applicant's birthday and changes it to coincide with the TSA approval date. This change will ensure an applicant's HAZMAT endorsed CDL will be valid for the entire TSA approval period. The bill was signed by the governor on 29 JUL 16 and became effective upon signature.



LEGISLATIVE SESSION CONVENED 5 JAN 16 AND ADJOURNS 31 DEC 16.

FEDERAL ACTIVITY

INFRASTRUCTURE REQUIREMENTS FOR 2012 PM_{2.5} NAAQS. USEPA has issued a direct final rule to approve a SIP revision submitted by the District of Columbia ([81 FR 54504](#)). The SIP revision address the CAA infrastructure requirements for the 2012 annual PM_{2.5} NAAQS. Barring adverse comment the direct final rule becomes effective on 17 OCT 16.



LEGISLATIVE SESSION CONVENED 13 JAN 16 AND ADJOURNED SINE DIE 11 APR 16.

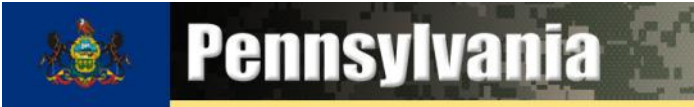
FEDERAL ACTIVITY

BALTIMORE 1997 8-HOUR OZONE SERIOUS NONATTAINMENT AREA. USEPA has issued a final rule approving the reasonable further progress (RFP) plan for the Baltimore serious nonattainment area for the 1997 8-hour ozone NAAQS ([81 FR 50360](#)). The SIP revision includes: (1) 2011 and 2012 RFP milestones; (2) contingency measures for failure to meet RFP; and (3) updates to the 2002 base year inventory and the 2008 reasonable RFP plan previously approved by USEPA. USEPA has also approved the transportation conformity motor vehicle emissions budgets (MVEBs) associated with this revision. The final rule became effective on 31 AUG 16.

FINAL AUTHORIZATION OF STATE HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS. USEPA has issued a direct final rule granting final authorization of revisions to the state of Maryland's hazardous waste program under the Resource Conservation and Recovery Act (RCRA) ([81 FR 59503](#)). The revisions correspond to certain federal rules promulgated between 14 JAN 85 and 5 AUG 05. Barring adverse comment the direct final rule becomes effective on 31 OCT 16.

FINAL RULES

AMENDMENTS TO THREATENED AND ENDANGERED SPECIES REGULATIONS. The Maryland Department of Natural Resources (MDNR) has [adopted](#) amendments to COMAR 08.03.08, *Threatened and Endangered Species*. The amendments: (1) list 23 new species of animals and plants in need of conservation, or that are endangered, threatened or endangered extirpated; (2) reclassify 31 species that are currently listed as in need of conservation, threatened, endangered or endangered extirpated; (3) provide protection for 10 nongame mammal species that are not currently listed and for one mammal species that is proposed to be delisted; and (4) repeal and replace certain regulations due to the large number of proposed plant species' common name changes. A notice of the proposed amendments was published in the February 2016 *Northern Review*. The amendments became effective on 29 AUG 16.



LEGISLATIVE SESSION CONVENED 5 JAN 16 AND ADJOURNS 30 NOV 16.

OTHER REGULATORY ACTIVITY

4-LOG TREATMENT OF VIRUSES DEMONSTRATION GUIDANCE. The Pennsylvania Department of Environmental Protection (PADEP) has [released](#) final revised technical guidance, *4-Log Treatment of Viruses Demonstration Guidance* (DEP ID: [394-2125-002](#)). The original guidance document was developed to help all community water systems and some noncommunity water systems to comply with the Pennsylvania Groundwater Rule (PGR). The document is now used primarily by noncommunity systems on an as-needed basis. The revisions include: (1) changes to the titles and form numbers for some forms; (2) minor changes to address comment from International Ultraviolet Association (IUA); and (3) reference to e-library link for various forms instead of inclusion of those in the guidance document. The guidance document became effective on 20 AUG 16.

GUIDANCE ON CLOSURE REQUIREMENTS FOR UNDERGROUND AND ABOVEGROUND STORAGE TANK SYSTEMS. PADEP has [released](#) two new guidance documents concerning closure requirements for tanks. The guidance documents are: (1) *Closure Requirements for Underground Storage Tank (UST) Systems* (DEP ID: [263-4500-601](#)), and (2) *Closure Requirements for Aboveground Storage Tank (AST) Systems* (DEP ID: [263-4200-001](#)). The guidance establishes minimum standards for compliance with closure requirements for regulated USTs and large ASTs. These procedures include closure notification, tank handling, waste management and disposal, site assessment, sampling requirements, analytical requirements, release reporting and recordkeeping. The guidance documents became effective on 27 AUG 16.

EXTENSION OF GP FOR POINT SOURCE DISCHARGES FROM APPLICATION OF PESTICIDES. PADEP has [issued](#) a notice that it is extending, for 12 months, the availability of the current GP for point source discharges to waters of the commonwealth of Pennsylvania from the application of pesticides ([PAG-15](#)). The extension was necessary for PADEP to adequately prepare for the reissuance of the PAG-15 GP. The permit effective date has been extended to 28 OCT 17.

DESIGNATION RECOMMENDATIONS FOR 2015 OZONE STANDARDS. PADEP has [released](#) *Proposed Designation Recommendations for the 2015 Eight-Hour Ozone National Ambient Air Quality Standards*. The [document](#) presents recommendations based on air quality, demographic information, and political boundary factors. The recommendations are: (1) Allegheny, Armstrong, Beaver, Butler, Washington, Fayette, and Westmoreland counties be designated as a multicounty nonattainment area; (2) Indiana County be designated as a single county nonattainment area; (3) Lebanon County be designated as a single county nonattainment area; and (4) Bucks, Chester, Delaware, Montgomery, and Philadelphia counties be designated as a multicounty interstate nonattainment area. PADEP recommends that the remainder of the commonwealth be designated as unclassifiable/attainment. The comment period closed on 2 SEP 16.

CLIMATE CHANGE ACTION PLAN UPDATE. PADEP has [released](#) the [2015 Climate Change Action Plan Update](#). The *Pennsylvania Climate Change Act* mandates the preparation of an update to the plan every three years. The updated plan discusses the reductions in greenhouse gases (GHGs) that have been achieved, provides work plans for additional emission reductions, and makes recommendations for legislative action.



LEGISLATIVE SESSION CONVENED 13 JAN 16 AND ADJOURNED 11 MAR 16.

FEDERAL ACTIVITY

CASE-BY-CASE RACT FOR 2008 8-HOUR OZONE NAAQS. USEPA has issued a direct final rule approving a SIP revision submitted by the commonwealth of Virginia ([81 FR 54506](#)). The SIP revision includes updated Virginia regulations that

added notification and compliance dates for sources seeking case-by-case RACT determinations required under the 2008 8-hour ozone NAAQS. Barring adverse comment the direct final rule becomes effective on 17 OCT 16.

MINOR NEW SOURCE REVIEW REQUIREMENTS. USEPA has issued a final direct rule approving SIP revisions submitted by the commonwealth of Virginia ([81 FR 56508](#)). The revisions pertain to preconstruction permitting requirements under Virginia's minor New Source Review (NSR) program. Barring adverse comment the direct final rule becomes effective on 21 OCT 16.

AMENDMENT TO DEFINITION OF NONROAD ENGINES UNDER NSR. USEPA has issued a direct final rule approving SIP revisions submitted by the commonwealth of Virginia ([81 FR 57466](#)). The revisions amend the definition of "nonroad engine" under Virginia's minor New Source Review (NSR) requirements to align with federal requirements. Barring adverse comment the direct final rule becomes effective on 24 OCT 16.

CONTROL TECHNOLOGY GUIDELINES FOR CONTROL OF VOC EMISSIONS. USEPA has issued a proposed rule to approve SIP revisions submitted by the commonwealth of Virginia ([81 FR 57531](#)). The revisions address the requirement to adopt RACT for sources covered by USEPA's Control Techniques Guidelines (CTG) standards for the following categories: (1) offset lithographic printing and letterpress printing; (2) industrial solvent cleaning operations; (3) miscellaneous industrial adhesives; and (4) miscellaneous metal and plastic parts coatings. Comments are due by 22 SEP 16.

FINAL RULES

AMENDMENTS TO PESTICIDE APPLICATOR CERTIFICATION REGULATIONS. The Virginia Department of Agriculture and Consumer Services has [adopted](#) amendments to 2VAC5-685, *Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act*. The amendments update the regulation and align it with current agency practices by: (1) amending definitions; (2) allowing an additional 90-day training after individuals fail their initial examination; (3) revising the process by which persons who cannot read pesticide labels can be certified to apply restricted use pesticides on their own property, (4) clarifying on-the-job training requirements for prospective applicators; (5) establishing numeric identifiers for existing categories of private applicator certification; (6) prescribing minimum educational requirements for certified commercial applicators and registered technicians taking board-approved recertification training programs; and (7) clarifying the requirements for the issuance of a certificate pursuant to a reciprocal agreement with another state. A notice of the proposed amendments was published in the September 2015 *Northern Review*. The amendments become effective on 22 SEP 16.

AMENDMENTS TO WATER QUALITY MANAGEMENT PLANNING REGULATION. The Virginia Department of Environmental Quality (VDEQ) has [adopted](#) amendments to 9VAC25-720, *Water Quality Management Planning Regulation*. The amendments: (1) add three new Total Maximum Daily Load (TMDL) wasteload allocations in the Potomac-Shenandoah River Basin; (2) add four new TMDL wasteload allocations in the James River Basin; (3) add one new TMDL wasteload allocation in the Tennessee-Big Sandy River Basin; (4) add 14 new TMDL wasteload allocations in the York River Basin; (5) add nine new TMDL wasteload allocations in the New River Basin; (6) replace two existing TMDL wasteload allocations with revised values in the James River Basin; (7) incorporate four technical corrections in the Potomac-Shenandoah River Basin; (8) incorporate two technical corrections in the Tennessee-Big Sandy River Basin; and (9) incorporate two technical corrections in the Chesapeake Bay-Small Coastal-Eastern Shore River Basin. The amendments became effective on 24 AUG 16.

OTHER REGULATORY ACTIVITY

DRAFT REVISED CIVIL ENFORCEMENT MANUAL. VDEQ has [requested comment](#) on the draft [revised guidance](#) used in its enforcement program. This guidance addresses the procedures that VDEQ staff use to resolve and prioritize alleged violations of environmental requirements. It also outlines how to calculate appropriate civil charges/civil penalties in administrative enforcement actions for VDEQ's Air Stationary Source Program, Land Protection and Remediation Programs, and Water Programs. Comments are due by 21 OCT 16.



LEGISLATIVE SESSION CONVENED 13 JAN 16 AND ADJOURNED SINE DIE 12 MAR 16.

FEDERAL ACTIVITY

PSD AND INFRASTRUCTURE SIPS FOR NAAQS. USEPA has issued a final rule approving a SIP revision submitted by the state of West Virginia ([81 FR 53008](#)). The SIP revision amends West Virginia's Prevention of Significant Deterioration (PSD) permit program regulations for preconstruction permitting requirements for major sources, regarding PM_{2.5} emissions. The SIP revision satisfies the state's obligations pursuant to an earlier rulemaking in which USEPA granted final conditional approval of West Virginia's PSD implementing regulations. The final rule also addresses specific CAA infrastructure program elements necessary to implement, maintain, and enforce several NAAQS. The final rule becomes effective on 12 SEP 16.

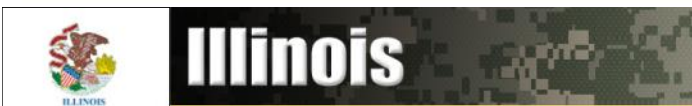
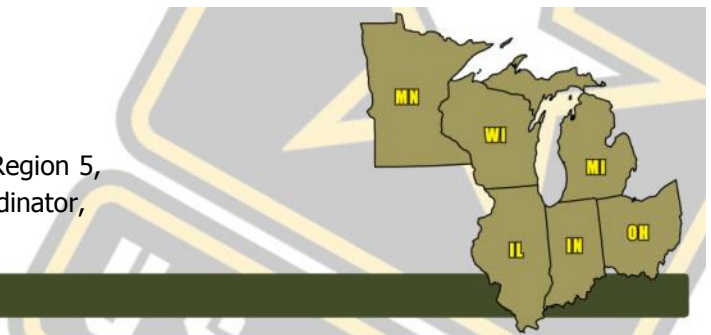
FINAL RULES

ESTABLISHMENT OF AST REGULATORY PROGRAM. West Virginia Department of Environmental Protection (WVDEP) has [adopted](#) 47CSR63, which establishes a regulatory program for ASTs within the state. The AST program will govern the construction, installation, upgrading, use, inspection, maintenance, testing, and closure of ASTs. A notice of the rule's WVDEP approval and submission to the Legislative Rule Making Review Committee (LRMRC) was published in the September 2015 *Northern Review*. The rule was approved by LRMRC and then submitted to the 2016 West Virginia Legislature for approval. The recent passage of HB 117 granted approval for WVDEP to adopt the rule. The rule became effective on 1 AUG 16.

AST PROCEEDINGS AND CIVIL PENALTY ASSESSMENT. WVDEP has [adopted](#) 47CSR65, *Aboveground Storage Tank Administrative Proceedings and Civil Penalty Assessment*. The rule establishes a mechanism for the administrative resolution of violations of the AST Act and rules through consent orders and agreements as an alternative to instituting civil actions. Granting authority for the WVDEP director to enter into consent agreements that include appropriate penalty calculations and correction action will allow for the timely and effective administrative settlement of AST violations. A notice of the rule's WVDEP approval and submission to LRMRC was published in the September 2015 *Northern Review*. The rule was approved by LRMRC and then submitted to the 2016 West Virginia Legislature for approval. The recent passage of HB 117 granted approval for WVDEP to adopt the rule. The rule became effective on 1 AUG 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.



LEGISLATIVE SESSION CONVENED 13 JAN 16 AND ADJOURNED 31 MAY 16.

FINAL RULES

AMENDMENTS TO UST REGULATIONS. The Illinois Pollution Control Board (IPCB) has [adopted](#) amendments to 35 Ill. Adm. Code 731, *Underground Storage Tanks*. The amendments update the UST corrective action rules to correspond

with amendments adopted by USEPA and published in the Federal Register between 1 JUL 15 and 31 DEC 15. IPCB has included a limited number of corrections and clarifying amendments that are not directly derived from the federal amendments. A notice of the proposed amendments was published in the June 2016 *Northern Review*. The amendments became effective on 13 JUL 16.

MULTIPLE AMENDMENTS TO HAZARDOUS WASTE REGULATIONS. IPCB has adopted a rulemaking ([Docket R16-7](#)) that affects the hazardous waste regulations at 35 Ill. Adm. Code [703](#), [721](#), [720](#), [722](#), [724](#), [725](#), [726](#), [727](#), [728](#), and [733](#). Each of the regulations was adopted separately and published individually in the Illinois Register. Docket R16-7 includes 10 separate amendments that together encompass a RCRA Subtitle C update. Some of the amendments include corrections and clarifications to state regulations based on USEPA suggestions, while other amendments incorporate USEPA amendments adopted between 1 JAN 15 through 30 JUN 15. A notice of the proposed amendments was published in the April 2016 *Northern Review*. All of the regulations became effective on 9 AUG 16.



LEGISLATIVE SESSION CONVENED 5 JAN 16 AND ADJOURNED SINE DIE 14 MAR 16.

FEDERAL ACTIVITY

INDIANA PORTION OF CINCINNATI-HAMILTON 1997 ANNUAL PM_{2.5} NONATTAINMENT AREA. USEPA has issued a direct final rule approving a SIP revision submitted by the state of Indiana ([81 FR 58402](#)). The SIP revision addresses the reasonably available control measures (RACM) and RACT analysis as part of the attainment plan for the 1997 PM_{2.5} standard. The RACM/RACT analysis addresses Indiana's portion of the Cincinnati-Hamilton nonattainment area. USEPA has not acted on the portions of the SIP submission that are unrelated to RACM/RACT. Other portions of the attainment plan have either been addressed or will be addressed in future rulemaking actions. Barring adverse comment the direct final rule becomes effective on 24 OCT 16.

FINAL RULES

INCORPORATION OF FEDERAL RTCR REQUIREMENTS. The Indiana Department of Environmental Management (IDEM) has [adopted](#) an emergency rule to amend the state drinking water standards at 327 IAC 8-2. The rule incorporates by reference the federal Revised Total Coliform Rule (RTCR) requirements found at 40 CFR 141, as published in the Federal Register as of 1 JUL 15. The emergency rule became effective on 11 AUG 16 and expires on 8 NOV 16.



LEGISLATIVE SESSION CONVENED 8 MAR 16 AND ADJOURNED SINE DIE 23 MAY 16.

FINAL RULES

AMENDMENTS TO PROHIBITED AND REGULATED INVASIVE SPECIES REGULATIONS. The Minnesota Department of Natural Resources has [adopted](#) amendments to rules governing prohibited and regulated invasive species, Minnesota Rules Chapter 6216. The [amendments](#): (1) designate the starry stonewort Linnaeus as a prohibited invasive species; (2) change the designation of water hyacinth from prohibited to regulated; (3) make a technical correction to show yabby in the invertebrates list instead of the fish list; and (4) make two spelling corrections in the listing of tilapia as a regulated species. The amendments became effective on 1 AUG 16.

OTHER REGULATORY ACTIVITY

GP FOR CONTAMINATED GROUNDWATER PUMP-OUT. The Minnesota Pollution Control Agency (MPCA) has [issued](#) a notice of intent to reissue the Contaminated Groundwater Pump-Out GP. The GP will be used as a mechanism to regulate the discharge of contaminated groundwater extracted at cleanup and redevelopment sites. This includes discharges that have been contaminated by past or present activities, from both known and unknown sources of contamination. MPCA has also released a [fact sheet](#) concerning the GP. Comments are due by 14 SEP 16.

POSSIBLE AMENDMENTS TO HEALTH RISK LIMITS RULES. The Minnesota Department of Health (MDH) has [requested comments](#) on possible amendments to the rules governing Health Risk Limits (HRLs) for water. The amendments will add new HRL values or replace outdated HRL values for water contaminants to the existing HRL tables found in Minnesota Rules, parts 4717.7500 and 4717.7860. A public hearing is scheduled for 15 SEP 16. The comment period will be open until MDH publishes a Notice of Intent to Adopt Rules, which they anticipate will be during the summer or fall of 2017.



LEGISLATIVE SESSION CONVENED 20 JAN 16 AND ADJOURNS 16 DEC 16 (EST).

FINAL RULES

AMENDMENTS TO EMERGENCY PLANNING REGULATIONS. The Ohio Environmental Protection Agency (OEPA) has [adopted](#) amendments to the regulations at [3750-30-25](#), *Identification of hazardous chemicals*, and [3750-50-01](#), *Annual inventory filing fees and forms*. These regulations fall under Chapter 3750, *Emergency Planning*, which provides for implementation of the Emergency Planning and Community Right-to-Know Act (EPCRA) in Ohio. The amendments address minor administrative issues identified by the Joint Committee on Agency Rule Review (JCARR) during the rule review process. The amendments became effective on 1 AUG 16.

ADOPTION OF INCIDENT NOTIFICATION REQUIREMENTS AND DEFINITIONS. The Ohio Department of Natural Resources has adopted emergency rules ([1501:9-8-01](#) and [1501:9-8-02](#)) under the Division of Mineral Resources regulations. The new rules relate to incident notification requirements for the release of hazardous materials into the environment, and definitions. The emergency rules became effective on 10 AUG 16 and will expire on 8 DEC 16.

MONITORING FOR COMPLIANCE WITH SECONDARY MAXIMUM CONTAMINANT LEVELS. OEPA has [adopted](#) a rulemaking to rescind OAC rule 3745-82-03, *Monitoring for Compliance with Secondary Maximum Contaminant Levels*, and replace it with two new rules. The new rules, OAC Rule 3745-82-03 (new version) and OAC Rule 3745-82-04, will separate the fluoride-specific requirements from the general requirements. OEPA also revised the fluoride-specific language. The revisions allow public water systems to operate with fluoride levels closer to 0.7 mg/L, which is the new optimal fluoride level recommended by the Centers for Disease Control and Prevention (CDC), but still maintain compliance with the fluoride range of 0.8 mg/L to 1.3 mg/L through an overall monthly average. A notice of the proposed rulemaking was published in the June 2016 *Northern Review*. The rulemaking became effective on 5 AUG 16.

OTHER REGULATORY ACTIVITY

DRAFT 2016 WATER QUALITY REPORT. OEPA has [released](#) the draft 2016 water quality report. The report outlines the general condition of Ohio's waters and includes a list that identifies impaired waters that are not meeting their federal or state water quality goals.



LEGISLATIVE SESSION CONVENED 12 JAN 16 AND ADJOURNED 7 APR 16.

FEDERAL ACTIVITY

INTERSTATE TRANSPORT REQUIREMENTS FOR 2008 OZONE NAAQS. USEPA has issued a final rule partially approving and partially disapproving elements of a SIP submission from the state of Wisconsin regarding CAA infrastructure requirements for the 2008 ozone NAAQS ([81 FR 53309](#)). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. The final rule pertains specifically to infrastructure requirements concerning interstate transport provisions. The final rule becomes effective on 12 SEP 16.

FINAL RULES

REVISIONS TO WPDES WASTEWATER PERMIT PROGRAM. WDNR has [adopted](#) revisions to Wisconsin Administrative Code Chapter NR 106, relating to the Wisconsin Pollutant Discharge Elimination System (WPDES) wastewater permit program. The revisions make the rule consistent with federal regulation to rules related to cooling water additives, mercury reasonable potential, surface water intakes, mixing zones, and other clarifications. WDNR has also [adopted](#) a separate set of revisions (Rule Package #4) to Chapters NR 106, 205, and 212. These revisions address expression of limits, whole effluent toxicity, TMDL development and implementation, and other aspects of the WPDES permitting program. A combined notice of both proposals was published in the December 2015 *Northern Review*. Both rulemakings became effective on 1 SEP 16.

Department of Defense Activity

CULTURAL RESOURCES PROGRAM NEWSLETTER. The [summer edition](#) of the DOD's Cultural Resources Program newsletter is now available. The newsletter contains an article on the Native American Graves Protection and Repatriation Act, information about DOD cultural resources activities, updated guidance on sacred lands, and links to training classes.

SERDP SCIENTIFIC ADVISORY BOARD MEETING. DOD is hosting a meeting of the Strategic Environmental Research and Development Program (SERDP) Scientific Advisory Board (SAB) on 13-14 SEP 16 ([81 FR 54792](#)). The purpose of the meeting is to review new-start research and development projects requesting SERDP funds. The agenda includes an overview of two new-start projects examining fluorine-free aqueous film-forming foams.

Federal Activity

AIR

REGIONAL CONSISTENCY CONCERNING JUDICIAL DECISIONS. USEPA has issued a final rule to revise its [regional consistency regulations](#) to more clearly address the implications of adverse federal court decisions that result from challenges to locally or regionally applicable actions ([81 FR 51102](#)). Specifically, USEPA introduced a narrow procedural exception under which an USEPA regional office no longer needs to seek headquarters concurrence to diverge from national policy in geographic areas covered by such an adverse court decision. The revisions will foster overall fairness and predictability regarding the scope and impact of judicial decisions under the CAA. The final rule became effective on 2 SEP 16.

PROCESS AND REVIEW OF TITLE V PETITIONS. USEPA has issued a proposed rule to streamline and clarify processes related to the submission and review of title V petitions ([81 FR 57822](#)). The revisions cover five areas and are intended to increase stakeholder access to and understanding of the petition process and aid USEPA's review of petitions. The revisions: (1) provide direction as to how petitions should be submitted; (2) describe format and minimum content for petitions; (3) clarify USEPA response requirements; (4) provide guidance to help ensure title V permits have complete administrative records; and (5) provide the agency's interpretation of certain title V provisions relating to petitions.

PM_{2.5} IMPLEMENTATION RULE. USEPA has issued a final rule promulgating requirements that state, local and tribal air agencies have to meet as they implement the current and future PM_{2.5} NAAQS ([81 FR 58009](#)). USEPA has set a December 2021 target for most parts of the country to attain its PM_{2.5} NAAQS of 12 micrograms per cubic meter (ug/m³), although some areas could have until December 2025 to cut emissions and comply with the standard. The final rule also specifies how states should craft SIPs outlining the emissions controls they will put in place to reduce levels of PM_{2.5} and meet the limit. The requirements apply to areas currently designated in nonattainment with the 2012 PM_{2.5} NAAQS and any areas classified nonattainment in the future. Moderate areas must attain the NAAQS by December 2021 or be reclassified as "serious" status. Areas reclassified as serious must attain the PM_{2.5} NAAQS by December 2025. The final rule becomes effective on 24 OCT 16. To view a fact sheet on the final rule, click [here](#).

REGULATORY DEFINITION OF VOCs: CLEANING SOLVENT HFE-347PCF2. USEPA has issued a direct final rule to add 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2) to the list of compounds excluded from the regulatory definition of VOC on the basis that it makes a negligible contribution to tropospheric ozone formation ([81 FR 50330](#)). The compound is used as a precision cleaning agent to remove contaminants such as oil, flux, and fingerprints from medical devices, artificial implants, military and aerospace items, electric components, printed circuit boards, optics, ball bearings, aircraft guidance systems, film, relays, and a variety of metal components. HFE-347pcf2 was listed in 2012 as an acceptable substitute for other ozone-depleting chemicals in electronics and precision cleaning and as an aerosol solvent. Barring adverse comment the direct final rule becomes effective on 30 SEP 16.

TECHNICAL CORRECTION TO PM_{2.5} CALCULATION. USEPA has issued a direct final rule making a technical correction to an equation in a PM_{2.5} NAAQS appendix ([81 FR 53006](#)). The rulemaking corrects an error in one of the equations used to calculate an annual mean PM_{2.5} concentration, consistent with the text elsewhere in the appendix. Barring adverse comment the direct final rule becomes effective on 11 OCT 16.

NATIONAL AIR QUALITY REPORT. USEPA [released](#) an annual report on trends in the nation's air quality. The [interactive report](#) illustrates decreases in common air pollutants in relation to growth of the U.S. economy over time, discusses the difference between gaseous and particulate pollution, identifies the sources of air pollution, and the effects of air pollution on public health. The report contains sections on growth, NAAQS, weather, visibility, toxics, and outlook, and summarizes detailed information found at USEPA's [AirTrends website](#).

REVISIONS TO EMISSION SOURCE TESTING REGULATIONS. USEPA has issued a final rule to provide technical and editorial corrections and revisions to emission source testing regulations ([81 FR 59799](#)). The rulemaking also adds newly approved alternatives to existing testing regulations. The revisions are intended to improve the quality of data and provide flexibility in the use of approved alternative procedures. The final rule becomes effective on 31 OCT 16.

EMISSION GUIDELINES FOR MUNICIPAL SOLID WASTE LANDFILLS. USEPA has issued a final rule amending the emission guidelines and compliance times for municipal solid waste landfills (MSWs) ([81 FR 59275](#)). The amendments address thresholds for installing controls, emission threshold determinations, requirements for landfills closed before 2017, landfill gas treatment requirements, reduced requirements for landfills that produce low amounts of gas, and surface monitoring. The final rule becomes effective on 28 OCT 16.

STANDARDS OF PERFORMANCE FOR MUNICIPAL SOLID WASTE LANDFILLS. USEPA has issued a final rule that adds a new subpart to update the Standards of Performance for Municipal Solid Waste Landfills ([81 FR 59331](#)). USEPA is required to review and, if appropriate, revise standards of performance at least every eight years. USEPA's review of the standards for municipal solid waste landfills considered landfills that commence construction, reconstruction, or modification after

17 JUL 14. The final standards reflect changes to the population of landfills and an analysis of the timing and methods for reducing emissions. The final rule will achieve additional reductions in emissions of landfill gas and its components, including methane, by lowering the emissions threshold at which a landfill must install controls. This rule also incorporates new data and information received in response to the proposed rulemaking and addresses other regulatory issues including surface emissions monitoring, wellhead monitoring, and the definition of landfill gas treatment system. The final rule becomes effective on 28 OCT 16.

CROSS-STATE AIR POLLUTION RULE: EMISSIONS ALLOWANCES. USEPA has provided notice of emission allowance allocations to certain units under the new unit set-aside (NUSA) provisions of the [Cross-State Air Pollution Rule](#) (CSAPR) federal implementation plans (FIPs) ([81 FR 50603](#)). USEPA completed final calculations for the first round of NUSA allowance allocations for the 2016 compliance year and posted spreadsheets containing the calculations on its website. The final allocations are unchanged from the preliminary calculations. Allocated allowances in sources' Allowance Management System (AMS) accounts were recorded in August. CSAPR requires 28 states to significantly improve air quality by reducing power plant emissions that cross state lines and contribute to ozone and fine particle pollution in other states. To speed implementation, USEPA is adopting FIPs for each of the states covered by the rule.

CLIMATE CHANGE

NEPA CLIMATE CHANGE GUIDANCE. On 1 AUG 16, the White House Council on Environmental Quality (CEQ) issued [final guidance](#) to federal agencies considering the effects of GHG emissions and climate change when evaluating proposed federal actions in accordance with the National Environmental Policy Act (NEPA) and CEQ's [Regulations Implementing the Procedural Provisions of NEPA](#). CEQ issued the guidance to provide greater clarity and consistency in how agencies should address climate change in their environmental impact assessment processes. The guidance provides a common approach for assessing proposed actions, while recognizing each agency's unique circumstances and authorities.

CLIMATE CHANGE INDICATORS REPORT. USEPA has [released](#) the 2016 edition of Climate Change Indicators, which includes seven new indicators and a feature on climate and health. The report presents a total of 37 indicators, each describing trends related to the causes and effects of climate change. The report focuses primarily on the U.S., but in some cases global trends are presented to provide context or a basis for comparison. The [online version](#) will be updated periodically as new data become available, and thus may differ from the [print version](#).

NATURAL RESOURCES

ENDANGERED AND THREATENED LISTING FORMAT. The U.S. Fish and Wildlife Service (FWS) has issued a final rule amending the format of the Lists of Endangered and Threatened Wildlife and Plants to reflect current practices and standards ([81 FR 51549](#)). The lists, in the new format, are included in their entirety in the Federal Register notice and have been updated to correct identified errors. The final rule became effective on 4 AUG 16.

PERIODIC REVIEW OF REGULATIONS. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) has published a proposed plan to comply with the Regulatory Flexibility Act (RFA) ([81 FR 51426](#)). The RFA requires that NMFS periodically review existing regulations that have a significant economic impact on a substantial number of small entities. The plan describes how NMFS will perform the review and describes the regulations that are being proposed for review during the current review cycle. Among the regulations scheduled for review are critical habitat designations for the [Atlantic salmon](#) Gulf of Maine distinct population segment (DPS); the endangered DPS of [smalltooth sawfish](#); and a proposed designation of critical habitat for the threatened southern DPS of North American [green sturgeon](#).

NATIONAL HANDBOOK OF CONSERVATION PRACTICES. The Natural Resources Conservation Service (NRCS) has proposed to issue a series of revised conservation practice standards in the National Handbook of Conservation Practices ([81 FR 56579](#)). Standards being revised include: (1) Compost Facility (Code 317); (2) Constructed Wetland (Code 656); (3) Critical Area Planting (Code 342); (4) Drainage Water Management (Code 554); and (5) Stream Habitat Improvement (Code 395). NRCS state conservationists who choose to adopt the standards for use within their states will incorporate

them into section IV of their respective electronic Field Office Technical Guide. The standards may be used in conservation systems that treat highly erodible land (HEL) or on land determined to be a wetland.

OBAMA CREATES WORLD'S LARGEST MARINE PROTECTED AREA. In August, President Obama [expanded the Papahānaumokuākea Marine National Monument](#) off the coast of Hawaii, creating the world's largest marine protected area ([81 FR 60225](#)). As a result, the existing marine national monument was expanded by 442,781 square miles, bringing the total protected area of the expanded monument to 582,578 square miles. All commercial resource extraction activities, including commercial fishing and any future mineral extraction, are prohibited in the expansion area. Noncommercial fishing, such as recreational fishing and the removal of fish and other resources for Native Hawaiian cultural practices, is allowed in the expansion area by permit, as is scientific research.

ANTHROPOGENIC SOUND. NMFS has issued final technical guidance for assessing the effects of anthropogenic sound on marine mammal hearing ([81 FR 51693](#)). The [guidance](#) provides updated received levels, or acoustic thresholds, above which individual marine mammals under NMFS jurisdiction are predicted to experience changes in their hearing sensitivity (either temporary or permanent) for all underwater anthropogenic sound sources. The guidance is intended for use by NMFS analysts and managers and other relevant user groups and stakeholders, including other federal agencies, when seeking to determine whether and how their activities are expected to result in hearing impacts to marine mammals via acoustic exposure.

SUSTAINABILITY

SUSTAINABLE PROCUREMENT STANDARD: ISO 20400. A new standard in development, [ISO 20400](#), *Sustainable Procurement – Guidance*, will provide guidelines for organizations wanting to integrate sustainability into their procurement processes. The standard is in second draft international standard stage, meaning interested parties can submit feedback on the draft before final publication in 2017. In tandem with ISO 20400, the nonprofit [Sustainable Purchasing Leadership Council](#) is currently developing a [Sustainable Purchasing Benchmarking System](#). The benchmarking system will be consistent with the ISO 20400 approach and help organizations identify high-impact sustainable procurement opportunities. For more information, click [here](#).

TOXICS

SCIENCE ADVISORY COMMITTEE ON CHEMICALS. USEPA has established a new federal Science Advisory Committee on Chemicals (SACC) and is seeking committee member nominations ([81 FR 58925](#)). The purpose of the SACC is to provide independent advice and expert consultation on the scientific and technical aspects of risk assessments, methodologies, and pollution prevention measures or approaches. Members of the SACC will have expertise in scientific and technical fields relevant to chemical risk assessment and pollution prevention. Members will also have diverse background and experiences, including professional experiences in government, labor, public health, public interest, animal protection, industry, and other groups. Nominations are due by 11 OCT 16.

MERCURY EXPORT PROHIBITION. USEPA has published a list of mercury compounds that are prohibited from export ([81 FR 58926](#)). Effective 1 JAN 20, the export of mercury (I) chloride or calomel; mercury (II) oxide, mercury (II) sulfate, mercury (II) nitrate, and cinnabar (i.e., mercury sulfide) is prohibited, unless the compounds are exported to member countries of the Organization for Economic Cooperation and Development for environmentally sound disposal, on the condition that no exported mercury or mercury compounds are not are recovered, recycled, reclaimed for use, or directly reused.

WASTE

COAL COMBUSTION RESIDUALS. USEPA has issued a direct final rule extending the compliance deadlines for certain inactive surface impoundments for coal combustion residuals (CCR) ([81 FR 51802](#)). The agency is taking this action in response to a partial vacatur ordered by the United States Court of Appeals for the District of Columbia Circuit on 14 JUN 16. The direct final rule provides time for owners and operators affected by the court decision to bring their units

into compliance with the rule's substantive requirements. Barring adverse comment the direct final rule becomes effective on 4 OCT 16.

OTHER

COLLABORATIVE CHEMISTRY RESEARCH PORTAL. The American Chemical Society (ACS) [announced](#) its intention to establish a "ChemRxiv" preprint server to promote early research sharing. The ChemRxiv server, modeled after existing similar servers for [biology](#) and [physics](#), will facilitate the open dissemination of important scientific findings. The society is inviting interested stakeholders to become potential co-organizers and sponsors to help shape the scope, governance, and operating principles for ChemRxiv as a collaborative endeavor. ACS is a nonprofit organization chartered by the U.S. Congress, providing access to chemistry-related research through its multiple databases, peer-reviewed journals, and scientific conferences. Interested parties are invited to [contact](#) ACS to discuss the potential for collaboration on this venture.

DATA CENTER OPTIMIZATION INITIATIVE. President Obama has released a [memorandum](#) to federal agencies on an initiative to increase the efficiency of federal data centers, reduce costs, and improve the overall information technology (IT) security posture of the federal government. The [Data Center Optimization Initiative](#) requires agencies, including the DOD, to implement strategies to consolidate inefficient infrastructure, optimize existing facilities, improve security posture, achieve cost savings, and transition to more efficient infrastructure, such as cloud services and inter-agency shared services.

Professional Development

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

NATIONAL VENUES

15 - 19 OCT, RALEIGH, NC: 2016 WILDLIFE SOCIETY'S ANNUAL CONFERENCE. Experience more than 600 wildlife science and management educational opportunities, engaging field trips and workshops, and more than 40 networking opportunities to meet peers, mentors and colleagues.

17 - 20 OCT, AMHERST, MA: 32ND INTERNATIONAL CONFERENCE ON SOILS, SEDIMENTS, WATER AND ENERGY. Attracts 600-800 attendees annually, representing state and federal agencies, military, industry, environmental engineering and consulting, and academia. The conference offers a technical program along with educational, social, and networking opportunities. Live equipment demonstrations augment exhibitions, bringing real-world applications to the technical theory presented in the sessions. Focused day and evening workshops provide attendees with practical information for immediate application.

15 - 15 DEC, NEW ORLEANS, LA: 8TH NATIONAL SUMMIT ON COASTAL AND ESTUARINE RESTORATION. Restore America's Estuaries and The Coastal Society are hosting the national summit that brings together the restoration and coastal management communities for discussions that explore critical issues, solutions, and lessons learned for the nation's coasts and estuaries.

SCHEDULED WEB-BASED TRAINING

28 SEP 16: USING NRCS'S PLANT DATABASE IN CONSERVATION PLANNING. Learn how the data available in the National Plant Data Team's PLANTS database and [website](#) can be used in conservation planning. PLANTS is the central

repository of basic plant information for NRCS, and provides data for the approximately 25,000 native and naturalized plant species in the United States and its possessions.

29 SEP 16: REMEDY SELECTION FOR CONTAMINATED SEDIMENTS. Developed for managers of sites with contaminated sediments, this ITRC training course show participants how to apply technical and regulatory guidance to overcome remedial challenges posed by contaminated sediment sites. Participants will learn how to identify site-specific characteristics and data needed for site decision making, evaluate potential technologies based on site information, and select the most favorable contaminant management technology for their site. For reference during the training class, participants should have a copy of the one-page [Framework for Sediment Remedy Evaluation](#); and be familiar with the ITRC technology and regulatory guidance, [Incorporating Bioavailability Considerations into the Evaluation of Contaminated Sediment Sites Website \(CS-1, 2011\)](#), and [associated internet-based training](#) that assists state regulators and practitioners with understanding and incorporating fundamental concepts of bioavailability in contaminated sediment management practices.

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.

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. USACE released the FY17 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and schedule for details. Environmental courses include: 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 SO₂, NO_x, and CO₂ 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 in live training conducted by expert instructors. Archived training sessions are also available by streaming audio.

Staff Directory

| | |
|-------------------------------|----------------|
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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](#).