



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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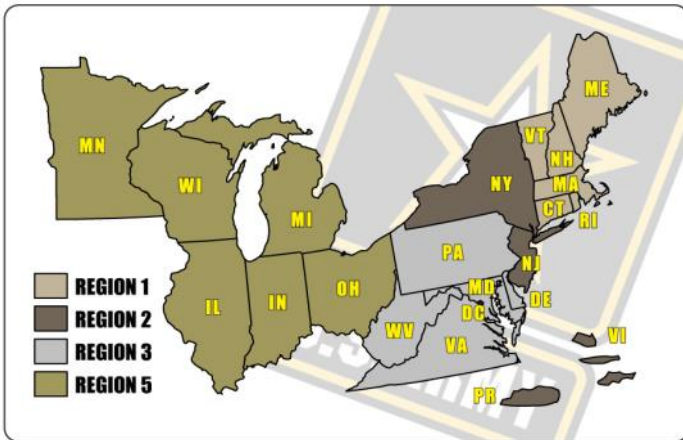


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WHAT'S IN THIS REVIEW?

Region 1

In MA, final revisions to industrial wastewater holding tank and container construction, operation, and record keeping requirements. In NH, proposed amendments to threatened and endangered species rules. In VT, re-adoption of emergency rules that add PFOA and PFOS to the list of hazardous waste and establish primary groundwater enforcement standards for both chemicals.

Region 2

In NJ, proposed laws to require NJDEP to develop MCLs based on DWQI recommendations and DOD and FAA review of proposed offshore wind projects. In NY, new law prohibiting the sale and use of mercury added rotational balancing products.

Region 3

In DE, finalized amendments to the construction and use of well regulations. In MD, proposed amendments to radiation protection regulations. In PA, proposed legislation to amend the underground utility line protection law, and a final rule amending the safe drinking water regulations related to microbial contamination. In VA, final amendments to erosion and sediment control regulations.

Region 5

In OH, proposed amendments to wastewater permit-to-install program rules and public water system contingency plan requirements.

DOD Activity

Army energy savings contracts reach \$1 billion milestone. DOD issues instruction 4105.2, *Procurement of Sustainable Goods and Services*.

Federal Activity

USEPA issues final decision regarding reconsideration of Area Source Boiler Rule amendments. FWS and NMFS jointly issue final rule revising petition regulations.

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

REMOVAL OF SIP OPEN BURNING AND PORTABLE FUEL CONTAINER REGULATIONS. USEPA has issued a direct final rule approving a State Implementation Plan (SIP) revision submitted by the state of Connecticut ([81 FR 60274](#)). The revision removes two regulations that regulate open burning and portable fuel container spillage control. In place of the open burning regulation, USEPA has approved a state statute to control open burning. The direct final rule also approves a state definition of "brush" that meets the Clean Air Act (CAA) infrastructure requirements for the 2012 fine particle (PM_{2.5}) National Ambient Air Quality Standards (NAAQS). The requirements in the Connecticut portable fuel container regulation were no longer needed because they had been superseded by federal portable fuel container requirements. Barring adverse comment the direct final rule becomes effective on 31 OCT 16.

NO_x EMISSION TRADING AND AGREEMENT ORDERS. USEPA has issued a final rule approving a SIP revision submitted by the state of Connecticut ([81 FR 62378](#)). The revision allows facilities to continue using and/or create emissions credits that utilize nitrogen oxides (NO_x) emission Trading and Agreement Orders (TAOs) to comply with state NO_x emission limits. Specifically, the final rule allows for approval of individual trading orders so facilities can determine the most cost-effective way to comply with the state regulation. The final rule became effective on 11 OCT 16.



LEGISLATURE CONVENED 6 JAN 16 AND ADJOURNED 31 JUL 16.

FINAL RULES

INDUSTRIAL WASTEWATER HOLDING TANK AND CONTAINER CONSTRUCTION, OPERATION, AND RECORD KEEPING REQUIREMENTS. The Massachusetts Department of Environmental Protection (MassDEP) has [adopted](#) amendments to 314 CMR 18.00, *Industrial Wastewater Holding Tank and Container Construction, Operation, and Record Keeping Requirements*. The regulation establishes design and operation standards for industrial wastewater holding tanks and containers used for accumulating or storing industrial wastewater prior to off-site recycling, treatment, or disposal. The amendments: (1) allow the transport of industrial wastewater to permitted centralized wastewater treatment facilities for treatment and disposal; (2) provide flexibility in the design standards for holding tanks with MassDEP's approval; (3) add more flexibility to the feasibility exemption on the use of holding tanks; and (4) provide a wastewater tracking mechanism to be implemented by the local Board of Health to better track the disposal of industrial wastewater. The amendments became effective on 23 SEP 16.

AMENDMENTS TO CERTIFICATION AND LICENSING OF PESTICIDE APPLICATOR REGULATIONS. The Massachusetts Department of Agricultural Resources has [adopted](#) amendments to 333 CMR 10.00, *Certification And Licensing Of Pesticide Applicators*. The regulations establish standards, requirements, and procedures for certification and licensing of

pesticide applicators. The amendments incorporate a directive from the state Pesticide Board to: (1) address inconsistent interpretations of the existing regulations; and (2) ensure uniform enforcement with regard to direct supervision of non-certified applicators applying restricted use and state limited use pesticides. The amendment became effective on 23 SEP 16.



LEGISLATURE CONVENED 6 JAN 16 AND ADJOURNED SINE DIE 1 JUL 16.

PROPOSED RULES

AMENDMENTS TO CONSERVATION OF THREATENED AND ENDANGERED SPECIES REGULATIONS. The New Hampshire Fish and Game Department has [proposed](#) to readopt with amendments Fis 1000, *Conservation of Endangered and Threatened Species*. The amendments: (1) add and remove certain species from each list of threatened or endangered species; (2) make the existing rule on wildlife control operators (Fis 308.02) conform to a new section on taking of bats; (3) change the title of the existing rule on the taking of shad (Fis 403.06) to lake whitefish; and (4) add a new rule (Fis 403.14) on round whitefish. The amendments regrading lake whitefish and round whitefish reflect the listing of these fish as threatened or endangered. A public hearing is scheduled for 3 NOV 16 and comments are due by 14 NOV 16.



LEGISLATURE CONVENED 5 JAN 16 AND ADJOURNED SINE DIE 12 MAY 16.

FEDERAL ACTIVITY

PREVENTION OF SIGNIFICANT DETERIORATION SIP REVISION. USEPA has issued a direct final rule approving a SIP revision submitted by the state of Vermont ([81 FR 63102](#)). The revision sets the amount of PM_{2.5} increment sources are permitted to consume when obtaining a prevention of significant deterioration (PSD) preconstruction permit and requires PM_{2.5} emission offsets under certain circumstances. Barring adverse comment the direct final rule becomes effective on 14 NOV 16.

FINAL RULES

READOPTED EMERGENCY RULES CONCERNING PFOA AND PFOS. The Vermont Agency of Natural Resources (VANR) has [readopted](#) two separate emergency rules concerning perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS). The first emergency rule, *Groundwater Protection Rule and Strategy* ([16-E07](#)), establishes a primary groundwater enforcement standard of 20 parts per trillion (ppt) for PFOA and 30 ppt for PFOS. The second emergency rule, *Vermont Hazardous Waste Management Regulations* ([16-E06](#)), adds PFOA and PFOS to the Vermont list of hazardous waste. The emergency rules were adopted to extend the standards set in place by the previous emergency rule until the formal, non-emergency rulemaking process finalizes. A notice of both previous emergency rules was published in the June 2016 *Northern Review*. The emergency rules became effective on 25 AUG 16 and will expire on 23 DEC 16.

AMENDMENTS TO COMBINED SEWER OVERFLOW RULE. VANR has [adopted](#) a rulemaking to ensure that all remaining Combined Sewer Overflows (CSOs) in the state are brought into compliance with the requirements of state and federal law, including the Vermont Water Quality Standards (VWQS). The rulemaking codifies, updates, and clarifies the technology-based and water quality-based requirements applicable to CSOs within the state. Further, the rulemaking includes the processes through which VANR will require municipalities to bring CSOs into compliance with the VWQS. The rulemaking became effective on 15 SEP 16.

PROPOSED RULES

2017 STORMWATER MANAGEMENT MANUAL RULE. The Vermont Department of Environmental Conservation (VDEC) has [proposed](#) the [2017 Vermont Stormwater Management Manual \(VSMM\) Rule](#). The proposed rule updates the existing 2002 VSMM to incorporate important advances in the field of stormwater management. Changes to the VSMM include: (1) updates to the standards for water quality, groundwater recharge, channel protection volume, overbank flood protection, and extreme flood protection treatment; (2) alternatives to the channel protection volume treatment standard; (3) incorporation of the soil depth and quality standard; (4) incorporation of the runoff reduction framework in design guidance; (5) integration of green stormwater infrastructure concepts; (6) expansion of the treatment requirements for redevelopment sites; and (7) incorporation of requirements for development and implementation of maintenance plans. A public hearing is scheduled for 25 OCT 16 and comments are due by 1 NOV 16.

UPDATES TO VERMONT WETLAND RULES. VANR has [proposed](#) updates to the Vermont Wetland Rules to reflect statutory updates effective since the rules were last amended in 2010. The updates: (1) provide procedural changes necessary to come into conformance with the permit process reform requirements of Act 150 of 2016, (2) provide descriptions of four new proposed Class I wetlands; (3) replace references to the Water Resources Panel with references to the Secretary of the Agency of Natural Resources; (4) replace outdated statutory references; (5) clarify notice and comment requirements; and (6) add a permit amendment process. Public hearings are scheduled for 24, 25, and 27 OCT 16 and comments are due by 3 NOV 16.

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.

FEDERAL ACTIVITY

PARTIAL APPROVAL AND PARTIAL DISAPPROVAL OF AIR QUALITY IMPLEMENTATION PLANS. USEPA has issued a final rule to partially approve and partially disapprove elements of a SIP revision submitted by the state of New Jersey ([81 FR 64070](#)). The SIP revision addresses CAA infrastructure requirements for the 2008 Lead, 2008 Ozone, 2010 Nitrogen Dioxide (NO₂), 2010 Sulfur Dioxide (SO₂), 2011 Carbon Monoxide (CO), 2006 Particulate Matter of ten microns or less (PM₁₀), and 2012 PM_{2.5} NAAQS. The final rule pertains to infrastructure requirements relating to interstate transport provisions concerning the PSD regulations and visibility protection. The final rule becomes effective on 19 OCT 16.

PROPOSED LEGISLATION

SB 2468 (AB 4095) DEVELOPMENT OF MCLS BASED ON DWQI RECOMMENDATIONS. SB 2468 directs the New Jersey Department of Environmental Protection (NJDEP), within a specified time period, to propose maximum contaminant levels (MCLs) rules and regulations based on recommendations from the New Jersey Drinking Water Quality Institute (DWQI). The bill specifically identifies 16 contaminants that DWQI has submitted recommendations for new or more stringent standards within the past 11 years, including perchlorate and perfluorononanoic acid (PFNA). The bill also tasks DWQI to study the issue of perfluorinated compounds in drinking water, including PFOA and PFOS, and to

recommend to NJDEP appropriate MCLs. The bill was passed out of the Environment and Energy Committee with amendments, and was referred to the Budget and Appropriations Committee.

AB 4093 (SB 2422) RECYCLING OF SCRAP TIRES AND LICENSING OF SCRAP TIRE HAULERS. AB 4093 Amends Title 13 of the Revised Statutes by requiring recycling of scrap tires and licensing of scrap tire haulers. The bill requires: (1) NJDEP to establish a system for the manifesting, tracking, collection, recycling, and disposal of scrap tires; (2) all scrap tires be recycled or reused and prohibits their disposal as solid waste; (3) any person engaging in scrap tire collection to be licensed by NJDEP; and (4) each district recycling plan to require source separation of scrap tires from the solid waste stream. The bill was introduced and referred to the Environment and Solid Waste Committee.

AB 4139 (SB 2497) REQUIREMENTS FOR LEAD TESTING OF DRINKING WATER AT HEALTH CARE FACILITIES. AB 4139 requires the owner or operator of a health care facility to undertake periodic testing of each drinking water outlet in the facility for the presence of lead. The bill specifies requirements regarding laboratories, testing timelines and frequencies, remedial actions, reporting, recordkeeping, and test result disclosure. The bill was introduced and referred to the Environment and Solid Waste Committee.

SB 2078 (AB 3400) TRAINING COURSE FOR PESTICIDE APPLICATORS CONCERNING POLLINATING BEES. SB 2078 requires the NJDEP commissioner to establish a basic training course for pesticide applicators and operators concerning the use of pesticides with respect to pollinating bees. The bill defines a "pollinating bee" as any bee that causes a plant to make fruits or seeds by transferring pollen from a plant anther to a plant stigma, resulting in fertilization. The training course would ensure that commercial pesticide applicators are trained to avoid, reduce, or eliminate the impact pesticides have on pollinating bee populations in New Jersey. The bill has passed the Senate and was referred to the Assembly Agriculture and Natural Resources Committee.

SB 2550 DOD AND FAA REVIEW OF PROPOSED OFFSHORE WIND PROJECTS. SB 2550 amends the law commonly referred to as the *Offshore Wind Economic Development Act*. The bill amends the law to: (1) require an applicant for a qualified offshore wind project to submit, to the Board of Public Utilities as part of its application, documentation that the proposed project was reviewed and approved by DOD Siting Clearinghouse and the Federal Aviation Administration's Obstruction Evaluation Group (FAA); and (2) prohibit the board from approving or conditionally approving any application for a qualified offshore wind project unless the project has been reviewed and approved by DOD and FAA. The bill was referred to the Environment and Energy Committee.

PROPOSED RULES

GENERAL OPERATION PERMIT FOR CERTAIN LARGE BOILERS OR HEATERS AT MAJOR AIR FACILITIES. NJDEP has [proposed](#) a general operating permit (GOP-008) for a boiler or heater greater than or equal to five million BTUs per hour (MMBTU/hr) and less than 10 MMBTU/hr at major air facilities. The new GOP would allow for the construction, installation, modification, and operation of a single boiler or heater with a maximum rated heat input to the burning chamber of greater than or equal to five MMBTU/hr and less than 10 MMBTU/hr. A major facility with an approved Title V operating permit must register each boiler or heater under GOP-008 by applying for each boiler or heater separately. Comments are due by 19 OCT 16.

GENERAL PERMIT FOR CERTAIN LARGE BOILERS OR HEATERS AT MINOR AIR FACILITIES. NJDEP has [proposed](#) a general permit (GP-018A) for boilers and/or heaters that are individually greater than or equal to five MMBTU/hr per hour and less than 10 MMBTU/hr at minor air facilities. The GP will replace GP-018, *Boiler(s) and/or Heater(s) Each Less Than 10 MMBTU/hr*. Once GP-018A is final, the old GP will no longer be available to new registrants. Boilers and/or heaters registered under the old GP-018 can continue to operate under the existing GP until: (1) the registrant's current GP expiration date; or (2) the boiler and/or heater is replaced or modified. A GP is a pre-approved permit to construct and certificate to operate for one or more types of similar sources at a minor facility. Comments are due by 19 OCT 16.

OTHER REGULATORY ACTIVITY

DRINKING WATER QUALITY INSTITUTE REPORTS CONCERNING RECOMMENDED MCLs FOR PFOA. DWQI has [requested public comment](#) on three separate subcommittee reports pertaining to the development of recommended MCLs for PFOA. The three reports are: (1) Health Effects Subcommittee Report - [Health-Based Maximum Contaminant Level Support Document: Perfluorooctanoic Acid \(PFOA\)](#), which recommends a MCL of 14 parts per trillion (ppt) for PFOA; (2) Testing Subcommittee Report - [Report on the Development of a Practical Quantitation Level for Perfluorooctanoic Acid \(PFOA\) in Drinking Water](#); and (3) Testing Subcommittee Report - [Addendum to Appendix C: Recommendation on Perfluorinated Compound Treatment Options for Drinking Water](#). Comments are due by 21 NOV 16. Further information concerning DWQI's MCL recommendations can be found [here](#).



LEGISLATURE CONVENED 6 JAN 16 AND ADJOURNED 16 JUN 16.

FEDERAL ACTIVITY

PROPOSED SIP REVISION AMENDING NNSR, NSR, AND PSD PROGRAMS. USEPA has issued a proposed rule to approve SIP revisions submitted by the state of New York ([81 FR 63448](#)). The revisions amend existing nonattainment New Source Review (NNSR) and attainment New Source Review (NSR) and PSD program requirements. Specifically, the SIP revision includes new requirements pertaining to the regulation of PM_{2.5} and the regulation of greenhouse gases (GHGs) under multiple New York regulations. USEPA has also proposed to approve certain elements of the SIP revisions regarding CAA infrastructure requirements for the 2008 lead, 2008 ozone, and 2010 SO₂ NAAQS. Comments are due by 17 OCT 16.

FINAL LEGISLATION

AB 9612 (SB 7097) REQUIRED POSTING OF FULL TEXT RULES, STATEMENTS, AND ANALYSES. AB 9612 (Public Act: 304) amends the state administrative procedure act in relation to online posting of the full text of rules, statements, and analyses. The bill requires the full text of a proposed rule, revised rule, or another regulatory document to be made available on a state agency website when only a summary of the text was published in the State Register. The bill was signed by the governor on 9 SEP 16 and became effective upon signature.

AB 9615 (SB 7098) REQUIRED POSTING OF FULL TEXT FOR EMERGENCY RULES. AB 9615 (Public Act: 305) amends the *State Administrative Procedure Act* in relation to making the text of emergency rules available online. The bill requires that the full text of every emergency rule be readily available to the public, either through publication in the State Register or posting on a state agency website. A notice of the bill's Assembly passage was published in the April 2016 *Northern Review*. The bill was signed by the governor on 9 SEP 16 and became effective upon signature.

SB 172 (SB 5322) PROHIBITION OF MERCURY-ADDED ROTATIONAL BALANCING PRODUCTS. SB 172 (Public Act: 312) prohibits the sale and use of wheel weights containing mercury. Wheel weights are aftermarket, rotational balancing products used in cars, trucks, and other rotational devices. The bill also establishes deadlines for compliance. SB 172 builds upon a 2010 law, which prohibited the sale and use of wheel weights containing lead. A notice of the bill's introduction was published in the February 2016 *Northern Review*. The bill was signed by the governor on 9 SEP 16 and became effective upon signature.

PROPOSED LEGISLATION

SB 8186 REQUIRED PERIODIC REVIEW OF USEPA CONTAMINANT CANDIDATE LIST. SB 8186 requires the New York State Department of Health (NYSDH) to conduct a review of the most recent USEPA contaminant candidate list at least every five years. Upon review, NYSDH must determine whether the department should establish rules and regulations

for the protection from contamination by any or all of the contaminants on the list. The bill also requires NYSDH to publish the findings of the periodic review on the department's website and submit a report to the governor. The bill was referred to the Rules Committee.



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

FEDERAL ACTIVITY

INFRASTRUCTURE REQUIREMENTS FOR 1997 AND 2008 OZONE, 1997 AND 2006 PM_{2.5}, AND 2008 LEAD NAAQS. USEPA has issued a final rule approving most elements of the five SIP revisions submitted by the commonwealth of Puerto Rico ([81 FR 62813](#)). The SIP revisions address CAA infrastructure requirements for the 1997 and 2008 ozone, 1997 and 2006 PM_{2.5}, and 2008 lead NAAQS. The final rule approves the infrastructure SIP submissions with the exception of some portions that address PSD. The final rule became effective on 13 OCT 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.



LEGISLATURE CONVENED 12 JAN 16 AND ADJOURNED 30 JUN 16.

FEDERAL ACTIVITY

EXTENSION OF DEADLINE FOR ACTION ON A SECTION 126 PETITION FROM DELAWARE. USEPA has issued a final rule determining that 60 days is insufficient time to complete technical analyses and public notice process required for review of a petition submitted by the state of Delaware ([81 FR 66189](#)). The state petition requested that USEPA make a finding that Harrison Power Station, located near Haywood, Harrison County, West Virginia, emits air pollution that significantly contributes to nonattainment and interferes with maintenance of the 2008 and 2015 ozone NAAQS in the state of Delaware. USEPA has extended the deadline for acting on the petition to no later than 7 APR 17. The final rule became effective on 27 SEP 16.

FINAL LEGISLATION

HB 195 PROHIBITION ON USE OF UNMANNED AIRCRAFT SYSTEM WITHIN CERTAIN AREAS. HB 195 (Public Act: 421) amends Title 11 of the Delaware Code relating to unmanned aircraft systems (UAS). The bill prohibits UAS from flying over: (1) sporting events, concerts, automobile races, festivals, and events that have more than 1,500 people in attendance; (2) critical infrastructure in the state; and (3) any incident where first responders are actively engaged in response or air, water, vehicular, ground or specialized transport. The bill defines critical infrastructure and first responders; military facilities are included within the definition of critical infrastructure. The bill also establishes that only the state can enact a law or take any other action to prohibit, restrict, or regulate the testing or operation of an UAS in the state. Exemptions and penalties are also established by the bill. A notice of the bill's House passage was published in the June 2015 *Northern Review*. The bill was signed by the governor on 6 SEP 16 and became effective upon signature.

FINAL RULES

CONSTRUCTION AND USE OF WELL REGULATIONS. The Delaware Department of Natural Resources and Environmental Control (DDNREC) has [adopted](#) amendments to 7 DE Admin. Code §7301, *Regulations Governing the Construction and Use of Wells*. The amendments modernize the well construction regulations and streamline the process for addressing well construction and siting problems. The amendments include: (1) addition of new water well types; (2) technology changes; (3) incorporation of online permit application and related electronic options; (4) clarification of special permit requirements, such as for emergencies; (5) updates to regulatory language in order to meet several legislative bills concerning advertising and issuance of well permits within water service areas; and (6) incorporation of guidelines and policies to account for industry modernization and practices. The amendments became effective on 11 SEP 16.

OTHER REGULATORY ACTIVITY

PROPOSED SIP REVISIONS CONCERNING GHG EMISSIONS AND STARTUP AND SHUTDOWN EMISSIONS. DDNREC has [scheduled](#) two public hearings on proposed SIP revisions. The SIP revisions update: (1) 7 DE Admin. Code 1125 regarding the calculation of GHG emissions; and (2) 7 DE Admin. Codes 1104, 1105, 1124 and 1142 to satisfy USEPA requirements related to air emissions during equipment startup and shutdown as required by USEPA's SIP Call. The public hearings are scheduled for 25 OCT 16. The first of the two hearings will begin at 6 p.m., followed by the second hearing at the conclusion of the first. Comments are due by 9 NOV 16.



LEGISLATURE CONVENED 13 JAN 16 AND ADJOURNED SINE DIE 11 APR 16.

PROPOSED RULES

AMENDMENTS TO RADIATION PROTECTION REGULATIONS. The Maryland Department of the Environment (MDE) has [proposed](#) amendments to Regulation .01 under COMAR 26.12.01, *Radiation Protection*. The amendments incorporate Supplement 28, to include (1) five mandatory U.S. Nuclear Regulatory Commission regulations that include clarifications to radioactive material physical protection reporting requirements, requirements for shipments of category 1 quantities of radioactive material, harmonization of transportation safety requirements with International Atomic Energy Agency requirements, and miscellaneous corrections; (2) clarification of meaning of "annual;" (3) change in frequency of required radiation survey instrument calibration and radiographer audit; (4) clarification of the definition of "individual monitoring device"; (5) requirement for shutter checks for radioactive material specific license sealed sources; and (6) miscellaneous corrections. The comment period closed on 3 OCT 16.



LEGISLATURE CONVENED 5 JAN 16 AND ADJOURNS 30 NOV 16.

PROPOSED LEGISLATION

SB 1235 AMENDMENTS TO UNDERGROUND UTILITY LINE PROTECTION LAW. SB 1235 amends the *Underground Utility Line Protection Law*, to address excavation and demolition work that might affect underground lines. The bill transfers enforcement authority from the Pennsylvania Department of Labor and Industry to the Pennsylvania Public Utility Commission (PUC), which is consistent with PUC's current regulatory obligations. The bill: (1) removes some existing exemptions; (2) provides for mapping of lines and facilities; (3) establishes a damage prevention committee; (4) places additional duties on facility owners, excavators, and project owners; and (5) provides for assessments, fees, and penalties. The bill has passed the Senate and was referred to the House Consumer Affairs Committee.

FINAL RULES

NPDES GENERAL PERMIT FOR DISCHARGES OF STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY. The Pennsylvania Department of Environmental Protection (PADEP) has [reissued](#) the National Pollutant Discharge Elimination System (NPDES) PAG-03 General Permit for Discharges of Stormwater Associated with Industrial Activity. All permittees with existing NPDES permit coverage under the previous PAG-03 are authorized to continue discharging under the reissued GP. A notice of the draft GP was published in the November 2015 *Northern Review*. The reissued GP became effective on 24 SEP 16.

AMENDMENTS TO SAFE DRINKING WATER REGULATIONS. The Pennsylvania Environmental Quality Board has [adopted](#) amendments to the safe drinking water regulations at 25 PA. Code Chapter 109. The amendments supplement the Total Coliform Rule (TCR) by requiring public water systems (PWS) that are vulnerable to microbial contamination to perform assessments to identify sanitary defects and subsequently take action to correct them. The amendments also incorporate a multi-barrier approach designed to guard against microbial contamination by evaluating the effectiveness of treatment and the integrity of drinking water distribution systems, and by finding and fixing sanitary defects. A notice of the proposed amendments was published in the November 2015 *Northern Review*. The amendments became effective on 23 SEP 16.



LEGISLATURE CONVENED 13 JAN 16 AND ADJOURNED 11 MAR 16.

FINAL RULES

REMOVAL OF IMPERMISSIBLE AFFIRMATIVE DEFENSE PROVISIONS FROM OPERATION PERMIT REGULATIONS. The Virginia State Air Pollution Control Board (SAPCB) has issued a [fast-track regulation](#) to amend Virginia's operating permit regulations for stationary sources (Articles 1 and 3 of [9VAC5-80](#)). The amendments address a U.S. Court of Appeals decision invalidating USEPA's SIP Call concerning treatment of excess emissions in state rules by sources during periods of startup, shutdown or malfunction (SSM). Virginia's regulations also contain an affirmative defense for malfunctions that must now also be removed. The amendments update federal operating (Title V) permit regulations to remove an impermissible affirmative defense. The fast-track regulations becomes effective on 16 NOV 16.

AMENDMENTS TO IMPLEMENT 2008 OZONE STANDARD. SAPCB has issued a [fast-track regulation](#) to amend [9 VAC 5 - 20](#), *General Provisions*. The amendments address a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including the revoked 1997 ozone NAAQS. The fast-track regulation becomes effective on 16 NOV 16.

AMENDMENTS TO EROSION AND SEDIMENT CONTROL REGULATIONS. The Virginia Department of Environmental Quality (VDEQ) has issued a [fast-track regulation](#) to amend [9 VAC 25-840](#), *Erosion and Sediment Control Regulations*, by implementing statutory changes set forth in Chapter 66 of the 2016 Acts of Assembly ([SB 598](#)). The amendments clarify that erosion and sediment control plans approved on and after 1 JUL 14, and that are in accordance with grandfathering or time limits on applicability of approved design criteria provisions of the Virginia Stormwater Management Program (VSMP) Regulations, shall meet the flow rate capacity and velocity requirements of the Virginia Erosion and Sediment Control Program. The fast-track regulation becomes effective on 16 NOV 16.

REPEAL OF REGULATIONS GOVERNING CLEAN AIR INTERSTATE RULE (CAIR) PROGRAM. The Virginia Air Pollution Control Board has [repealed](#) regulations governing the Clean Air Interstate Rule (CAIR). CAIR was an emissions trading program intended to control NO_x and SO₂ that contribute to harmful levels of PM_{2.5} and ozone in downwind states. On 8 AUG 11, USEPA replaced CAIR with the Cross-State Air Pollution Rule (CSAPR). CSAPR is being implemented in Virginia under the associated federal implementation plan (FIP). The Virginia General Assembly passed legislation in 2011 that requires any regulations implementing CAIR to be repealed when facilities become subject to the FIP requirements. The repeal of regulations becomes effective on 16 NOV 16.

PROPOSED RULES

NON-MEDICAL X-RAY DEVICE REGISTRATION AND INSPECTION FEE SCHEDULE. The Virginia Department of Health has [proposed](#) amendments to [12VAC5-490](#), *Radiation Protection Fee Schedule*. The amendments add or increase fees related to x-ray machine registration and x-ray machine inspection. The fees will help offset the cost of administrative activities involved in the registration, inspection, and certification of non-medical x-ray equipment. The costs were once absorbed from general funds allocated to the Office of Radiological Health, but the general funds since have been abolished. Comments are due by 18 NOV 16.

OTHER REGULATORY ACTIVITY

SOLID WASTE MANAGEMENT PERMIT ACTION FEES AND ANNUAL FEES. The Virginia Waste Management Board has [amended](#) a form found under 9VAC20-90, *Solid Waste Management Permit Action Fees and Annual Fees*. The amendment updates the *Solid Waste Annual Permit Fee Quarter Payment Form (PF001)* by including due dates for the next four quarterly payments. Affected facilities should use the updated form when making quarterly payments.

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

ADEQUACY STATUS FOR VOCs AND NO_x MVEBs FOR TWO NONATTAINMENT AREAS. USEPA has issued a finding that the motor vehicle emissions budgets (MVEBs) for volatile organic compounds (VOCs) and NO_x are adequate for use in transportation conformity determinations for multiple nonattainment areas ([81 FR 66271](#)). The nonattainment areas affected by the finding are: (1) Cleveland-Akron-Lorain and Columbus, Ohio, ozone nonattainment areas; (2) Indiana and Ohio portions of the Cincinnati Indiana-Ohio-Kentucky ozone nonattainment area. As a result of the finding, these areas must use their submitted MVEBs for future transportation conformity determinations. The finding became effective on 12 OCT 16.



LEGISLATURE CONVENED 5 JAN 16 AND ADJOURNED SINE DIE 14 MAR 16.

FEDERAL ACTIVITY

ATTAINMENT FOR INDIANA PORTION OF LOUISVILLE AREA FOR 1997 ANNUAL STANDARD FOR PM_{2.5}. USEPA has issued a final rule approving the state of Indiana's request to redesignate their portion of the Louisville (KY-IN) nonattainment area to attainment for the 1997 annual PM_{2.5} standard ([81 FR 62390](#)). Indiana's portion of the area includes Madison Township in Jefferson County, and Clark and Floyd counties. USEPA has also approved the related elements including the: (1) PM_{2.5} maintenance plan; (2) 2008 emissions inventories for primary PM_{2.5}, NO_x, SO₂, VOC, and ammonia; and (3) 2015 and 2025 primary PM_{2.5} and NO_x MVEBs. The MVEBs will be used in future transportation conformity analyses for the area. The final rule became effective on 9 SEP 16.

PROPOSED RULES

AMENDMENT TO DEFINITION OF "INTERFERENCE" RELATED TO PUBLICLY OWNED TREATMENT WORKS. The Indiana Department of Environmental Management (IDEM) has [proposed](#) amendments to the industrial wastewater pretreatment programs and NPDES regulations. The amendments update the pretreatment rules at 327 IAC 5-17-11, concerning the definition of "interference" as it relates to pretreatment discharge to a publicly owned treatment works (POTW). A [public hearing](#) is scheduled for 9 NOV 16.

OTHER REGULATORY ACTIVITY

PUBLIC HEARING ON AMENDMENTS TO STARTUP, SHUTDOWN, AND MALFUNCTIONS (SSM) AIR RULE. IDEM's Environmental Rules Board has [requested](#) public comment on amendments to the air pollution control regulations at 326 IAC 1-6, *Malfunctions*. The amendments address deficiencies identified by USEPA in Indiana's startup, shutdown, and malfunction provisions. The amendments also update the references found at 326 IAC 2-9-1(h). Once finalized, the amendments will be submitted to USEPA as a SIP revision. A public hearing is scheduled for 9 NOV 16.



LEGISLATURE CONVENED 20 JAN 16 AND ADJOURNS 16 DEC 16 (EST).

FEDERAL ACTIVITY

INFRASTRUCTURE SIP REQUIREMENTS FOR 2012 PM_{2.5} NAAQS. USEPA has issued a final rule approving elements of a SIP revision submitted by the state of Ohio ([81 FR 64072](#)). The SIP revision addresses CAA infrastructure requirements for the 2012 PM_{2.5} NAAQS. 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 becomes effective on 19 OCT 16.

PROPOSED REDESIGNATION OF OHIO PORTION OF CINCINNATI-HAMILTON AREA FOR 2008 OZONE STANDARD. USEPA has issued a proposed rule to approve the state of Ohio's request to redesignate their portion of the Cincinnati-Hamilton, Ohio-Kentucky-Indiana nonattainment area to attainment for the 2008 8-hour ozone NAAQS ([81 FR 66602](#)). The Cincinnati-Hamilton area includes Butler, Clermont, Clinton, Hamilton, and Warren counties. USEPA has also proposed to approve, as a SIP revision, the state's plan for maintaining the 2008 8-hour ozone standard through 2030. Finally, USEPA has proposed to approve the state's 2020 and 2030 VOC and NO_x MVEBs for the Ohio and Indiana portion of the Cincinnati-Hamilton area. Comments are due by 28 OCT 16.

PROPOSED REDESIGNATION OF COLUMBUS AREA TO ATTAINMENT OF 2008 OZONE NAAQS. USEPA has issued a proposed rule to approve the state of Ohio's request to redesignate the Columbus, Ohio, area to attainment for the 2008 ozone NAAQS ([81 FR 66578](#)). The Columbus area includes Delaware, Fairfield, Knox, Licking, and Mason counties. USEPA has also proposed approval, as a SIP revision, of the state's plan for maintaining the 2008 8-hour ozone standard through 2030. Finally, USEPA has proposed approving the state's 2020 and 2030 VOC and NO_x MVEBs for the Columbus area. Comments are due by 28 OCT 16.

PROPOSED RULES

AMENDMENTS TO PUBLIC WATER SYSTEM CONTINGENCY PLAN REQUIREMENTS. The Ohio Environmental Protection Agency (OEPA) has [proposed](#) an amendment to the contingency plan requirements found at Ohio Administrative Code (OAC) 3745-85-01. The [amendments](#) clarify and expand the contingency plan requirements by: (1) establishing that wholesale systems are required to prepare and maintain a contingency plan in addition to community water systems; (2) expanding the definition and purpose of the contingency plan; (3) expanding the availability of the contingency plan; (4) updating required contents of the contingency plan; (5) establishing a requirement to exercise the contingency plan;

(6) revising the contingency plan revision requirements; (7) establishing the steps a public water system needs to take if a circumstance triggers the activation of their contingency plan; (8) stating that contingency plans submitted in accordance with the rule are not public records; and, (9) establishing a requirement to supply the emergency contact information of a designated water system representative who will respond to an emergency within 30 minutes. Comments are due by 26 OCT 16.

AMENDMENTS TO WASTEWATER PERMIT-TO-INSTALL PROGRAM RULES. OEPA has [proposed](#) amendments to OAC 3745-42 that contains the Permit to Install (PTI) program rules. The amendments: (1) include provisions from guidance documents; (2) strengthen application submittal requirements for disposal systems not owned by public entities or industries; (3) update requirements for the land application of treated sewage; (4) add a new rule (OAC 3745-42-07) to clarify what OEPA means by best available technology; and (5) update OAC 3745-33-08, *Generic Permit Conditions*, to provide consistency with new rule OAC 3745-42-07. Comments are due by 25 OCT 16.

OTHER REGULATORY ACTIVITY

EARLY STAKEHOLDER OUTREACH FOR AMENDMENTS TO PTI AND PTIO PROGRAM RULES. OEPA has [invited public comment](#) as part of the early stakeholder outreach process before officially proposing amendments to OAC 3745-31-01. The rule is a part of Ohio's Permit-to-Install (PTI) New Sources and Permit-to-Install and Operate (PTIO) Program. As part of Ohio's SIP, OEPA has performed a comprehensive precursor demonstration to show that VOC and ammonia are an insignificant source of PM_{2.5} for the purpose of NSR in nonattainment areas. The amendments being considered reflect this finding and exempt facilities from control requirements for the compounds for the purpose of regulating PM_{2.5}. Comments are due by 31 OCT 16.

EARLY STAKEHOLDER OUTREACH FOR TRIENNIAL REVIEW OF WATER QUALITY STANDARDS PROGRAM RULES. OEPA has [invited public comment](#) as part of the early stakeholder outreach process in undertaking a federally required triennial review of the state Water Quality Standards (WQS) at OAC 3745-1. Ohio's human health water quality and aquatic life criteria need to be reviewed due to USEPA published Section 304(a) national recommendations. OEPA is also evaluating other rule changes and additions. A public hearing is scheduled for 9 NOV 16 and comments are due by 4 NOV 16.

CLEVELAND NONATTAINMENT AREA DRAFT ATTAINMENT DEMONSTRATION FOR 2012 PM_{2.5} STANDARDS. OEPA has [released](#) the draft SIP attainment demonstration to meet the 2012 PM_{2.5} standard in the Cleveland area by 31 DEC 21. The SIP includes meteorological and emissions data from the nonattainment area and modeling information that shows air quality in the Cleveland area will improve through current and upcoming regulations. The Cleveland area, which includes Cuyahoga and Lorain counties, was designated nonattainment for the standard on 15 APR 15. Once finalized the SIP will be submitted to USEPA for review and approval. The comment period closed on 28 SEP 16.



LEGISLATURE CONVENED 12 JAN 16 AND ADJOURNED 7 APR 16.

FEDERAL ACTIVITY

PROPOSED RECLASSIFICATION OF SHEBOYGAN AREA TO MODERATE NONATTAINMENT FOR 2008 OZONE NAAQS. USEPA has issued a proposed rule to determine that the Sheboygan area has failed to attain the 2008 ozone NAAQS by the applicable attainment date of 20 JUL 16, and that the area is not eligible for an extension of the attainment date ([81 FR 66617](#)). USEPA has proposed to reclassify the area as "moderate" nonattainment for the 2008 ozone NAAQS. Once reclassified, the state must submit SIP revisions that meet the statutory and regulatory requirements that apply to areas classified as moderate nonattainment for the 2008 ozone NAAQS. USEPA has proposed requiring the submission of the necessary moderate area SIP revisions by 1 JAN 17. Comment are due by 28 OCT 16.

SIP REVISIONS CONCERNING PSD AND AMBIENT AIR QUALITY PROGRAMS. USEPA has issued a proposed rule to approve as SIP revision submitted by the state of Wisconsin ([81 FR 67261](#)). The SIP revision amends portions of the state's PSD and ambient air quality programs to address deficiencies previously identified by USEPA. The SIP revision is consistent with the federal PSD rules and addresses the required elements of the PM_{2.5} PSD Increments, Significant Impact Levels (SILs), and Significant Monitoring Concentration (SMC) Rule. USEPA has also proposed to approve elements of SIP submissions from Wisconsin regarding CAA PSD infrastructure requirements for the 1997 PM_{2.5}, 1997 ozone, 2006 PM_{2.5}, 2008 lead, 2008 ozone, 2010 NO₂, 2010 SO₂, and 2012 PM_{2.5} NAAQS. Comments are due by 31 OCT 16.

Department of Defense Activity

ARMY ENERGY SAVINGS CONTRACTS \$1B MILESTONE. The U.S. Army recently announced it has surpassed \$1 billion in energy savings performance and utility energy services contracts in less than five years. This is in response to President Obama's challenge to all federal agencies to achieve a total investment of \$4 billion before the end of 2016. According to Katherine Hammack, Assistant Secretary of the Army for Installations, Energy, and Environment, "These contracts are important to the Army. Federal agencies like the Army can leverage their utility budgets and take the steps essential to enhancing resiliency, achieving cost savings, and improving operations and maintenance." The Army has contracted for 127 individual projects or task orders, totaling \$1.015 billion. This represents 33 percent of the federal government's total response to the President's challenge and 68 percent of DOD's total efforts. Since 1992, the Army has been aggressively pursuing energy savings and currently has the largest energy savings performance contracting program in federal government. The Army's 624 individual projects or task orders represent private investment of more than \$2.5 billion. Collectively, these energy usage improvements equate to 12.7 trillion British thermal unit (BTU) energy savings annually for the Army, enough to power nearly 350,000 average U.S. households per year. (The complete article by Gary Sheftick can be found [here](#).)

2015 ARMY LEAN SIX SIGMA EXCELLENCE AWARD PROGRAM. On 14 SEP 16, Under Secretary of the Army Patrick J. Murphy presided over the [awards ceremony](#) for the 2015 Army Lean Six Sigma Excellence Awards Program, known as LEAP. Ten awards were given for projects that together yielded \$1.1 billion in cost savings to the Army. Award recipients within the REEO-N area of responsibility (AOR) are the Aberdeen Test Center in Maryland and the Indiana National Guard.

PROCUREMENT OF SUSTAINABLE GOODS AND SERVICES. DOD has issued DOD Instruction (DODI) [4105.2](#), *Procurement of Sustainable Goods and Services*. The DODI establishes policy, assigns responsibilities, and prescribes procedures for the procurement of sustainable goods and services to reduce the lifecycle costs and the impact of DOD activities on the environment. The DODI became effective on 7 SEP 16.

MANAGEMENT OF DOD RESEARCH AND DEVELOPMENT LABORATORIES. DOD has issued DODI [3201.1](#), *Management of DOD Research and Development (R&D) Laboratories*. The DODI establishes policy and assigns responsibilities for the management of DOD R&D laboratories. The DODI states it is policy to: (1) maintain technical excellence in DOD R&D laboratories; (2) provide leadership to DOD R&D laboratories in the development and acquisition of needed capabilities and to ensure the laboratories are properly supported; and (3) provide laboratory in-house management with the responsibility, authority, and flexibility to manage the laboratories. The DODI became effective 29 SEP 16.

REPI PROGRAM NEWSLETTER. The summer edition of the DOD's Readiness and Environmental Protection Integration (REPI) Program newsletter is available [here](#).

2017 REPI CHALLENGE PRE-PROPOSALS. DOD is now accepting pre-proposals for the *2017 REPI Program Challenge*. The request for pre-proposals and the downloadable pre-proposal form are available on the U.S. Endowment for Forestry and Community's [website](#). The REPI Challenge seeks to leverage public and private funds for land conservation projects that limit incompatible development or that relieve current or anticipated environmental restrictions on military

testing, training, or operations. Up to \$10 million will be made available for the 2017 REPI Challenge, and funds will be awarded in April 2017. The challenge is open to all eligible partners at any DOD installation. The deadline for submissions is 18 NOV 16. For more information, click [here](#).

NEPA IMPLEMENTING PROCEDURES: DTRA/SCC-WMD. The Defense Threat Reduction Agency/USSTRATCOM Center for Combating Weapons of Mass Destruction (DTRA/SCC-WMD) has issued final guidance for implementing the National Environmental Policy Act (NEPA), Executive Order (EO) 11514, and the White House Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA ([81 FR 61200](#)). DTRA/SCC-WMD actions typically occur on host military service installations or ranges, or on other federal agency properties. Formerly, the agency relied upon host-installation NEPA implementing procedures. However, subsequent to CEQ regulations, the agency determined it needed to establish NEPA implementing procedures and categorical exclusions specific to DTRA/SCC-WMD projects and actions. The final guidance became effective on 6 SEP 16. For more information, click [here](#).

Federal Activity

AIR

AREA SOURCE BOILER RULE. USEPA has issued a final decision on its reconsideration of certain aspects of the [2013 final amendments](#) to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Area Sources: Industrial, Commercial, and Institutional Boilers, commonly referred to as the Area Source Boiler Rule ([81 FR 63112](#)). USEPA retained the subcategory and separate requirements for limited-use boilers, consistent with the February 2013 final rule. USEPA amended three reconsidered provisions regarding: (1) alternative PM standard for new oil-fired boilers; (2) performance testing for PM for certain boilers based on their initial compliance test; and (3) fuel sampling for mercury for certain coal-fired boilers based on their initial compliance demonstration. USEPA also made minor changes to the definition of startup and shutdown, based on comments received. Finally, USEPA addressed technical corrections and clarifications, including removal of the affirmative defense for malfunction in light of a court decision on the issue. The final rule became effective on 14 SEP 16.

NO₂ NAAQS. USEPA has released a draft policy assessment for the review of the primary NO₂ NAAQS ([81 FR 65353](#)). The policy assessment is intended to facilitate the Clean Air Scientific Advisory Committee's advice and public input as part of the ongoing review. Comments are due 8 DEC 16.

ELECTRONIC REPORTING: MATS RULE. USEPA has issued a proposed rule to amend the electronic reporting requirements for the Coal- and Oil-Fired Electric Utility Steam Generating Units NESHAP, commonly referred to as the Mercury and Air Toxics Standards (MATS) ([81 FR 67062](#)). The amendments revise and streamline MATS electronic data reporting requirements for owners or operators of electric utility steam generating units who use performance stack testing or continuous monitoring to demonstrate compliance. Comments are due by 31 OCT 16.

WITHDRAWAL OF TECHNICAL CORRECTION TO PM_{2.5} CALCULATION. USEPA has withdrawn a previously issued [direct final rule](#) concerning the NAAQS for PM_{2.5} ([81 FR 66823](#)). The previous rulemaking, which corrected 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, was withdrawn because USEPA received adverse comment. USEPA will address the adverse comment and issue a new final rule. The withdrawal became effective on 29 SEP 16.

AIR POLLUTION CONTROL COST MANUAL. USEPA has requested comment on proposed revisions to three chapters of the air pollution cost control manual ([81 FR 65352](#)). The manual contains individual chapters on control measures, including data and equations to aid users in estimating capital costs for installation and annual costs for operation and maintenance of these measures. The manual, used by USEPA to estimate the impacts of rulemakings, serves as a basis for sources to estimate control costs that are Best Available Control Technology (BACT) under the NSR program and

Best Available Retrofit Technology (BART) under the Regional Haze program. Comments are due 21 DEC 16.

ENERGY

GUIDANCE FOR REPORTING ANNUAL ENERGY AND WATER USE. The U.S. Department of Energy (DOE) has released a [guidance document](#) for federal agencies reporting their annual energy and water management activities. The report is mandated by the National Energy Conservation Policy Act, Energy Policy Act of 2005, Energy Independence and Security Act of 2007, and EO 13693. For more information, click [here](#) or [here](#).

NATURAL RESOURCES

REVISIONS TO REGULATIONS FOR PETITIONS. The U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) have jointly issued a final rule finalizing revisions to the regulations concerning petitions ([81 FR 66461](#)). The revisions improve the content and specificity of petitions and enhance the efficiency and effectiveness of the petition process to support species conservation. The regulations clarify and enhance the procedures by which the services evaluate petitions under section 4(b)(3) of the Endangered Species Act (ESA). These revisions also maximize the efficiency with which the services process petitions, making the best use of available resources. The final rule becomes effective on 27 OCT 16.

COMPENSATORY MITIGATION POLICY. FWS has released its draft Compensatory Mitigation Policy for public comment ([81 FR 61031](#)). The new policy shifts emphasis from project-by-project to landscape-scale approach to planning and implementing compensatory mitigation. It is intended to improve consistency in the use of compensatory mitigation as recommended or required by the ESA. If adopted, the policy would cover permittee-responsible mitigation, conservation banking, in-lieu fee programs, and other third-party mitigation mechanisms, while emphasizing the need to hold all compensatory mitigation mechanisms to equivalent and effective standards. The compensatory mitigation policy is consistent with recent [Executive Office](#) and [Department Of Interior](#) mitigation policies.

90-DAY FINDINGS ON 10 PETITIONS. FWS has announced 90-day findings on 10 petitions to list, reclassify, or delist fish, wildlife, or plants ([81 FR 63160](#)). Based on its review of the petitions, FWS is initiating 12-month status reviews for four species: the [Florida scrub lizard](#), found in Florida; the [Joshua tree](#), found in Arizona, California, Nevada, and Utah; the [Lassics lupine](#), found in California; and the [Lesser Virgin Islands skink](#), found in the U.S. and British Virgin Islands. Status reviews will not be conducted for the remaining six species.

12-MONTH FINDINGS ON NINE PETITIONS. FWS has announced 12-month findings on petitions to list nine species as threatened or endangered ([81 FR 64843](#)). FWS found that listing is not warranted for the angular dwarf crayfish, Guadalupe murrelet, Huachuca springsnail, two Kentucky cave beetles (Clifton Cave and Icebox Cave beetles), northern wormwood, Scripps's murrelet, Virgin Islands coquí, and Washington ground squirrel. The findings were issued 21 SEP 16.

RUSTY PATCHED BUMBLE BEE. FWS has proposed listing the [rusty patched bumble bee](#) as endangered ([81 FR 65324](#)). The species, once widespread throughout its range, now occurs in scattered small populations in the 12 states of Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and Wisconsin. According to FWS, although the exact cause of the species' decline is uncertain, contributing factors may include habitat loss and degradation, pathogens, pesticides, and small population dynamics. Comments are due by 21 NOV 16.

KENK'S AMPHIPOD. FWS has proposed listing the [Kenk's amphipod](#) as endangered ([81 FR 67270](#)). The Kenk's amphipod is a small shrimp-like freshwater crustacean from the District of Columbia, Maryland, and Virginia.

EASTERN MASSASAUGA RATTLESNAKE. FWS has issued a final rule designating the eastern [Massasauga rattlesnake](#) as threatened ([81 FR 67193](#)). The species is known or believed to occur in Illinois, Indiana, Iowa, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin. The final rule becomes effective on 31 OCT 16.

HAZARDOUS MATERIALS

HAZARDOUS MATERIALS REGULATION. The Pipeline and Hazardous Materials Safety Administration (PHMSA) has proposed aligning the Hazardous Materials Regulation (HMR) with international standards ([81 FR 61471](#)). Proposed amendments include changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. The revisions harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations. In addition, PHMSA has proposed amendments to the HMR in response to coordination with Canada under the U.S.-Canada Regulatory Cooperation Council.

SAFE TRANSPORT OF RADIOACTIVE MATERIAL. PHMSA has [requested](#) comments on a draft revision of the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Material (SSR-6), which is scheduled for publication in 2018 ([81 FR 62972](#)). Among the proposed changes: (1) adding a new category of Surface Contaminated Objects (SCO-III); (2) replacing the term "radiation level" with the term "dose equivalent rate"; and (3) requiring that "Consignors and carriers shall establish, in advance, arrangements for preparedness and response for emergencies that may occur during transport." The redline-strikeout version of the draft document is available [here](#).

SPENT NUCLEAR MATERIAL. The Nuclear Regulatory Commission (NRC) released the draft regulatory guide DG-5051, *Shipping, Receiving, and Internal Transfer of Special Nuclear Material*, for public comment ([81 FR 64955](#)). The guide consolidates NRC guidance concerning the material control and accounting requirements pertaining to shipments, receipts, and internal transfers of special nuclear material.

SUSTAINABILITY

ENVIRONMENTAL MANAGEMENT SYSTEMS: ISO 14001 UPDATE. In September, an updated version of the international standard for environmental management systems (EMSs), ISO 14001:2015, was made available for [purchase](#). The standard can be used by an organization seeking to manage its environmental responsibilities in a systematic manner. [EO 13693, Planning for Federal Sustainability in the Next Decade](#), issued in 2015, encourages federal agencies to continue implementation of formal EMSs where those systems have proven effective and deploy new EMSs where appropriate. Among the key changes to ISO 14001:2015 from prior versions: (1) increased prominence of environmental management within the organization's strategic planning processes; (2) greater focus on leadership; (3) additional focus on proactive initiatives, such as sustainable resource use and climate change mitigation to protect the environment from harm and degradation; (4) increased emphasis on lifecycle aspects when considering environmental impacts; and (5) addition of a communications strategy. For more information on EMSs, click [here](#).

TOXICS

FDA BANS ANTIBACTERIAL SOAPS. The U.S. Food and Drug Administration (FDA) has issued a final rule [banning](#) over-the-counter antibacterial soaps intended for use with water ([81 FR 61106](#)). The final rule applies to consumer antiseptic wash products containing one or more of 19 specific active ingredients, including the most commonly used ingredients—triclosan and triclocarban. These products are intended for use with water, and are rinsed off after use. The rule does not affect consumer hand sanitizers or wipes, or antibacterial products used in health care settings. The final rule becomes effective on 6 SEP 17.

IRIS ASSESSMENT OF RDX. USEPA has announced two meetings to review the draft Integrated Risk Information System (IRIS) Assessment for hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) ([81 FR 66961](#)). A public teleconference will be held on 17 NOV 16 to learn about the development of the draft IRIS Toxicological Review of RDX and to discuss draft questions for peer review of the document. Public meetings will be held 12-14 DEC 16 in the Washington, D.C., metro area to conduct a peer review of USEPA's draft IRIS Toxicological Review of RDX.

IRIS ASSESSMENT OF ETHYL TERTIARY BUTYL ETHER. USEPA has released the draft IRIS assessment of ethyl tertiary butyl ether (ETBE), a fuel additive, for public comment ([81 FR 60351](#)). The assessment is available [here](#), under Recent Additions.

IRIS ASSESSMENT OF AMMONIA. USEPA has [released](#) the final IRIS assessment of ammonia. The assessment addresses the potential noncancer human health effects from long-term inhalation exposure to ammonia. It updates the toxicological information on ammonia that was originally developed in 1991. An executive summary of the report is available [here](#). The full report is available [here](#).

OTHER

STREAMLINED APPROVAL PROCESS FOR NON-REGULATORY METHODS IN SW-846. USEPA has provided notice of a new streamlined approval process for non-regulatory methods in the SW-846 manual, *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods* ([81 FR 66272](#)). The new process will employ the use of [website](#) postings and email to notify the SW-846 scientific community of methods being released for public comment, which differs from the traditional Federal Register publication. All methods, beginning with Update VI to SW-846 will utilize the new process. This new process only applies to SW-846 methods published as guidance, where there are no changes to the hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA). The process for updating or publishing SW-846 analytical methods that are required in the RCRA regulations, referred to as Method Defined Parameters, will not change. To sign up for the email notification list, click [here](#).

WATER

PERFLUORINATED COMPOUNDS IN SMALL DRINKING WATER SYSTEMS, TECHNICAL ADVISORY FOR LABORATORY ANALYSIS. USEPA [hosted a webinar](#) for small water systems on the challenges faced by small water systems to detect and treat 14 perfluoroalkyl acids (PFAAs) in drinking water. The webinar had three components: (1) challenges with developing USEPA-approved Test Method 537 to detect the compounds and issues that small systems should be aware of when collecting samples for analysis; (2) an overview of studies on PFAAs in the environment; and (3) a discussion of which methods can successfully treat PFAAs in drinking water, including use of USEPA's [Drinking Water Treatability Database](#) to identify treatment methods for PFOA and PFOS in drinking water. Click [here](#) to view a recording of the webinar. In a related matter, USEPA issued a [technical advisory](#) addressing laboratory analysis of PFOA using USEPA Test Method 537. USEPA issued the advisory because it learned that laboratories are using different approaches to implement the method. In the advisory, USEPA recommends that laboratories analyzing samples for PFOA using USEPA Method 537 quantify both linear and branched isomers.

PERCHLORATE IN DRINKING WATER: PEER REVIEW OF BACKGROUND MATERIALS. USEPA is developing a national primary drinking water regulation for perchlorate([81 FR 67350](#)). As part of the process of developing the new standard, USEPA developed a biologically based dose response model for perchlorate in drinking water that will be used to predict the effects of perchlorate on the thyroid gland of certain populations. USEPA will use the model results to develop maximum contaminant level goals (MCLGs) for drinking water. The agency released the model report for peer review for public comment.

PERCHLORATE IN DRINKING WATER: PEER REVIEW PANEL. As part of the process for developing a national primary drinking water regulation for perchlorate, USEPA released an interim list of peer review candidates and the draft charge for the expert peer review panel ([81 FR 67347](#)). Comments on the draft peer review panel charge questions and interim list of peer review candidates are due 21 OCT 16.

NPDES ELECTRONIC REPORTING: IMPLEMENTATION. In 2015, USEPA issued the final NPDES Electronic Reporting Rule, which requires regulated entities to electronically report information required by the NPDES permit program ([81 FR 62395](#)). The final rule also requires USEPA to publish, for regulated entities, a list of the initial recipient of their NPDES electronic data submissions and the due date for these NPDES electronic data submissions. In September 2016, USEPA published an: (1) overview of the "initial recipient" term; (2) a list of the initial electronic report recipients organized by

state, tribe, territory, and NPDES data group; and (3) the due date for NPDES electronic data submissions. USEPA will update the list on its website and in the Federal Register if there are any changes. For more information about the NPDES electronic reporting rule, click [here](#).

STATE OR TRIBAL ASSUMPTION OF DREDGE AND FILL PERMITTING. USEPA is undertaking an effort to assist states or tribes that may wish to assume permitting of dredge and fill activities pursuant to section 404(g) of the Clean Water Act (CWA) ([81 FR 62123](#)). Currently, the U.S. Army Corps of Engineers (USACE) administers the section 404 dredge and fill permit program in 48 states. USEPA's Assumable Waters Subcommittee met in September 2016 to advise the agency on how it can best clarify which waters a state or tribe may assume permitting responsibility and for which waters USACE will retain permitting authority. For more information about the Assumable Waters Subcommittee, click [here](#).

NATIONAL WATER FORECAST MODEL. The National Oceanic and Atmospheric Administration (NOAA) has launched a new [National Water Model](#) forecasting tool that simulates how water moves throughout the nation's rivers and streams, generating hourly forecasts for an entire river network. Initially, the model will benefit flash flood forecasts in headwater areas and provide water forecast information for many areas that are not covered. As the model evolves, it will provide "zoomed-in," street-level forecasts and inundation maps to improve flood warnings and will expand to include water quality forecasts.

ECHO DATABASE ADDS STORMWATER DISCHARGE. USEPA's Enforcement and History Online (ECHO) database has [added](#) a new search interface that allows users to identify facilities that discharge industrial stormwater under USEPA's multi-sector general permit.

Professional Development

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

NATIONAL VENUES

10 - 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.

WORKSHOPS

19 OCT 16, WASHINGTON, DC: FEDERAL AGENCY ELECTRIC VEHICLE WORKPLACE CHARGING WORKSHOP. DOE and CEQ are hosting a workshop for federal agencies considering developing a workplace electric vehicle charging program. Topics covered at the workshop will include federal agency workplace charging authority and guidance, and lessons learned from agencies that have already implemented employee workplace electric vehicle charging programs.

CLASSROOM TRAINING, MULTIPLE OFFERINGS, 2017. Interagency Consultation for Endangered Species. Participants acquire basic information on conducting interagency consultation under Section 7 of the Endangered Species Act. Key information needs and procedures are addressed, with a focus on the information needs related to biological assessments and biological opinions. Lectures and discussion emphasize interagency exchange of information and solutions to support species conservation. Action agency biologists and consultants are welcome to attend. The classroom training is offered in February, April, June, and July, 2017.

TRAINING - ONLINE

REPI WEBINAR SERIES. 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 FY17. 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 FY17. 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.

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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](#).