



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

November 2016

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

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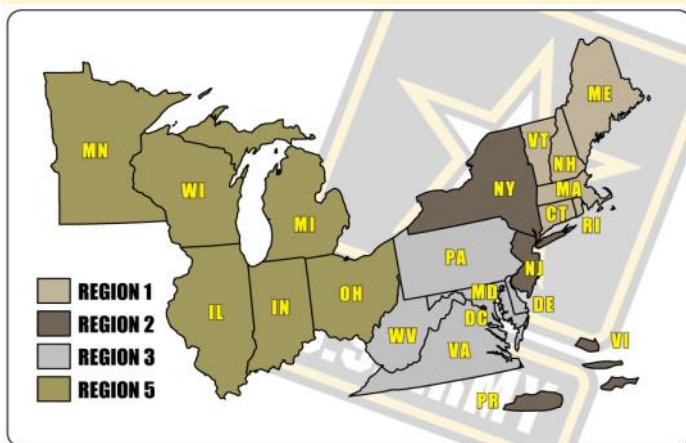


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WHAT'S IN THIS REVIEW?

Region 1

In NH, adoption of ambient groundwater quality standards for PFOA and PFOS and amendments to the NSR and PSD rules. In RI, final amendments to hazardous waste management rules.

Region 2

In NJ, finalized amendments to motor vehicle I/M rules and water quality management planning rules. In NY, re-adoption of emergency rule that adds PFOA and PFOS to List of Hazardous Substances.

Region 3

In MD, proposed amendments to list of invasive plants. In PA, proposed bill to create an erosion and sediment control permit; and final amendments to regulations controlling VOC emissions from miscellaneous metal and plastic parts surface coating processes. In VA, final amendments to the definition of VOC, final erosion and sediment control regulations, and final rules for stationary source permits.

Region 5

In IL, proposed amendments to permits and general provisions regulations. In MI, proposed amendments to hazardous waste management program rules. In MN, adopted amendments to water quality variance rules. In OH, final rules concerning minimum threshold quantity for reporting of hazardous chemicals, iron and manganese treatment requirements, and new beneficial use rules.

DOD Activity

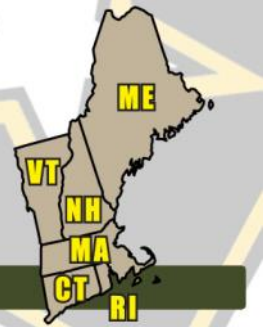
DOD issued, DODI 4715.23, *Integrated Recycling and Solid Waste Management*. Army released *Army Installations 2025*, a strategy to ensure installations remain ready, resilient, and capable of meeting future demands.

Federal Activity

USEPA issued a final rule updating the CSAPR to address interstate transport of ozone with respect to the 2008 ozone NAAQS; and proposed revisions to PSD and Title V permitting regulations in relation to GHGs.

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.



MULTIPLE STATES ADDRESS INTERSTATE TRANSPORT OF AIR POLLUTION THROUGH SIPs. USEPA has issued a final rule approving State Implementation Plan (SIP) revisions submitted by the states of Maine, New Hampshire, Rhode Island, and Vermont ([81 FR 70631](#)). These SIP revisions fulfill federal requirements for each state to address emissions that may adversely affect another state's air quality through interstate transport. USEPA has concluded that all four states have adequate provisions to prohibit in-state emissions activities from significantly contributing to the nonattainment, or interfering with the maintenance, of the 2008 ozone National Ambient Air Quality Standards (NAAQS) in any other state. The final rule becomes effective on 14 NOV 16.



LEGISLATURE CONVENED 3 FEB 16 AND ADJOURNED SINE DIE 4 MAY 16.

OTHER REGULATORY ACTIVITY

COMPREHENSIVE GENERAL PERMIT FOR DISCHARGES TO SURFACE WATER AND GROUNDWATER. The Connecticut Department of Energy and Environmental Protection (CDEEP) intends to [issue](#) the [Comprehensive General Permit \(GP\) for Discharges to Surface Water and Groundwater](#). The permit provides a single GP that encompasses discharges from three existing GPs for the discharge of: (1) water treatment wastewater; (2) minor non-contact cooling and heat pump water; and (3) hydrostatic pressure testing water. The comprehensive GP also includes coverage for discharges of fire suppression testing wastewater, hydrant flushing wastewater, potable water system tank and pipeline draining wastewater, and boiler blowdown wastewater to the ground. A fact sheet concerning the GP can be found [here](#). The comment period closed on 30 OCT 16.

GP FOR DISCHARGES OF GROUNDWATER REMEDIATION WASTEWATER. CDEEP intends to [issue](#) the [General Permit for Discharges of Groundwater Remediation Wastewater](#). The GP provides a single general permit that encompasses discharges from two existing GPs for the discharge of: (1) groundwater remediation wastewater to a sanitary sewer; and (2) groundwater remediation wastewater directly to surface water. A fact sheet concerning the GP can be found [here](#). The comment period closed on 30 OCT 16.

AMENDMENTS TO GP FOR MISCELLANEOUS DISCHARGES OF SEWER COMPATIBLE WASTEWATER. CDEEP intends to [amend](#) the [General Permit for Miscellaneous Discharges of Sewer Compatible Wastewater](#). The proposed amendments: (1) add "reverse osmosis reject water" as a group II discharge; (2) add "potable water system maintenance or sampling wastewaters" as a group III discharge; (3) add arsenic monitoring for water treatment wastewater resulting from coagulation and flocculation treatment processes; (4) add a section requiring public water treatment facilities that seek a variance from the effluent limits to submit detailed information on the discharge requiring the variance and the facility's current and potential future residuals management plans; (5) add specific phone numbers and times in the event a violation needs to be reported to CDEEP; and (6) add a certification requirement and recordkeeping for wastewaters transported to a publicly owned treatment works. A fact sheet concerning the GP amendments can be found [here](#). The comment period closed on 30 OCT 16.

GENERAL PERMIT FOR POINT SOURCE DISCHARGES TO STATE WATERS FROM APPLICATION OF PESTICIDES. CDEEP intends to [reissue](#) the [General Permit for Point Source Discharges to Waters of the State From the Application of Pesticides](#). The GP works in concert with Connecticut's existing pesticide permitting program to comply with federal law and protect the waters of the state from pollution. A fact sheet concerning the GP amendments can be found [here](#). The comment period closed on 30 OCT 16.

ATTAINMENT DEMONSTRATION FOR GREATER CONNECTICUT NONATTAINMENT AREA FOR 2008 OZONE NAAQS. CDEEP [intends](#) to revise the SIP to comply with the 2008 ozone NAAQS, which is necessary to fulfill the Clean Air Act (CAA) requirements for moderate nonattainment areas. The revision addresses the attainment demonstration for the Greater Connecticut Nonattainment Area, which is comprised of Litchfield, Hartford, Tolland, Windham, and New London counties. CDEEP concludes that the Greater Connecticut Nonattainment Area is likely to attain the 2008 ozone NAAQS by the end of the 2017 ozone season. The SIP revision also includes motor vehicle emissions budgets (MVEBs) for both Greater Connecticut and Southwest Connecticut. Once final, the attainment demonstration and MVEBs will be submitted to USEPA for review and approval. A public hearing is scheduled for 28 NOV 16 and comments are due the same day.



LEGISLATURE CONVENED 6 JAN 16 AND ADJOURNED SINE DIE 20 APR 16.

OTHER REGULATORY ACTIVITY

DRAFT MULTI-SECTOR GENERAL PERMIT - STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY. The Maine Department of Environmental Protection has [issued](#) a draft [Multi-sector General Permit - Stormwater Discharge Associated with Industrial Activity](#) (MSGP) for public comment. The most current MSGP was last issued in 2011, for a five-year term. The proposed draft MSGP includes the following components: (1) the permit; (2) a list of sector codes to which the MSGP applies; (3) the sector-specific requirements; (4) a fact sheet; and (5) standard conditions applicable to all permits. The comment period closed on 1 NOV 16.



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

FEDERAL ACTIVITY

SIP REVISION FOR FIVE-YEAR HAZE PROGRESS REPORT. USEPA has issued a final rule approving a SIP revision submitted by the state of New Hampshire ([81 FR 70360](#)). The SIP revision addresses CAA and USEPA requirements for states to submit: (1) periodic reports describing progress being made toward regional haze reasonable progress goals (RPGs); and (2) a determination of the adequacy of the state's existing regional haze SIP. The final rule becomes effective on 14 NOV 16.

FINAL RULES

AMBIENT GROUNDWATER QUALITY STANDARDS FOR PFOA AND PFOS. The New Hampshire Department of Environmental Services (NHDES) has [readopted](#) Env-Or 603.03, *Ambient Groundwater Quality Standards*. NHDES had previously adopted (effective 31 MAY 16) emergency ambient groundwater quality standards of 0.07 µg/L for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). If PFOA and PFOS are both present, the standard is a combined total of 0.07 µg/L. The emergency standards were scheduled to expire on 27 NOV 16. This readoption promulgated the standards within the emergency rule into the permanent rules. A notice of the proposed readoption was published in the August 2016 *Northern Review*. The readoption became effective on 22 OCT 16.

NONATTAINMENT NSR AND PSD AMENDMENTS. NHDES has [adopted](#) amendments to the Env-A 600, *Statewide Permit System*. The amendments incorporate three provisions requested by USEPA as part of the 2012 conditional approval of Env-A 600 into New Hampshire's SIP. The conditional approval required that certain amendments be made to Env-A 618, *Nonattainment New Source Review (NSR)*, and Env-A 619, *Prevention of Significant Deterioration (PSD)*. Specifically, Env-A 618 has been amended to incorporate federal requirements at: (1) 40 CFR 51.165(a)(6) - applicable to projects at major stationary sources that are not major modifications but still have a "reasonable possibility" of resulting in a significant emission increase; (2) 40 CFR 51.165(a)(5)(i) - that state approval to construct shall not relieve any owner or operator of the responsibility to otherwise comply with the rules or local, state, or federal law; and (3) 40 CFR 51.165(a)(7) - that certain records be made available by NHDES or the public, upon request. The amendments also update Env-A 619 to: (1) incorporate the most recent federal PSD requirements, dated 1 JUL 16; and (2) make the rules consistent with certain current federal definitions. The amendments became effective on 22 OCT 16.

PROPOSED RULES

AMENDMENTS TO WATER USE REGISTRATION AND REPORTING RULES. NHDES has [proposed](#) to readopt with amendments [Env-Wq 2102](#), *Water Use Registration and Reporting*. The existing rules implement RSA 488, *Water Management*, by establishing procedures and standards for the registration, measurement, and reporting of certain water use. The proposed amendments: (1) clarify existing requirements, including adding definitions and aligning the rules and forms; and (2) improve the data reporting process for water users and for NHDES. The existing rules were scheduled to expire on 24 SEP 16, but they will remain in effect until the rulemaking process is complete. The comment period closed on 4 NOV 16.



LEGISLATURE CONVENED 5 JAN 16 AND ADJOURNED SINE DIE 30 JUN 16.

FINAL RULES

AMENDMENTS TO RULES AND REGULATIONS FOR HAZARDOUS WASTE MANAGEMENT. The Rhode Island Department of Environmental Management (RIDEM) has [adopted](#) amendments to the *Rules and Regulations for Hazardous Waste Management*. The amendments rectify inconsistencies between state and federal rules regarding changes made in 2014. Also, certain requirements that were judged to be unnecessarily burdensome to the regulated community and/or used excessive RIDEM resources without providing sufficient benefit to the environment have been modified or removed. The amendments became effective on 20 OCT 16.



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

PROPOSED RULES

CONSTRUCTION AND OPERATION OF NET-METERING SYSTEMS. The Vermont Public Service Board has [proposed](#) rules for the installation and operation of net-metering systems. The [proposed rule](#) addresses: (1) standards and procedures for the review of registrations and applications to construct net-metering systems; (2) procedures for public participation in the review of net-metering applications; (3) terms and conditions of net-metering service that electric utilities must offer to customers; (4) obligations of net-metering customers and requirements for the operation and decommissioning of net-metering systems; and (5) standards and procedures for enforcement proceedings involving net-metering systems. A public hearing is scheduled for 18 NOV 16 and comments are due by 2 DEC 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.

PROPOSED LEGISLATION

AB 4265 NOTIFICATION REQUIREMENTS FOR MOSQUITO SPRAYING APPLICATIONS. AB 4265 requires certain notification prior to mosquito spraying applications. Specifically, the bill requires the State Mosquito Control Commission and all county mosquito control commissions to: (1) notify any registered beekeeper five days prior to performing within five miles of a registered apiary any mosquito control spraying application that may be toxic to honeybees; and (2) post notice on their website five days prior to any mosquito control spraying application. Additionally, the bill requires all mosquito control spraying applications to be conducted before dawn or after dusk. The bill was referred to the Agriculture and Natural Resources Committee.

FINAL RULES

AMENDMENTS TO MOTOR VEHICLE INSPECTION AND MAINTENANCE RULES. The New Jersey Department of Environmental Protection (NJDEP) has [adopted](#) a rulemaking that repeals, amends, and creates new rules governing motor vehicle inspection and maintenance (I/M). The amendments implement changes to New Jersey's I/M program and constitute a revision to the state's approved I/M SIP. Specifically, the rulemaking updates the emissions tests and standards for certain classes of both gasoline and diesel vehicles and further enhances the state's use of the available on-board diagnostic capabilities of modern motor vehicles. A notice of the proposed rulemaking was published in the June 2016 *Northern Review*. The adoption became effective on 3 OCT 16.

AMENDMENTS TO WATER QUALITY MANAGEMENT PLANNING RULES. NJDEP has [adopted](#) amendments to the Water Quality Management Planning (WQMP) rules, which implement the Water Quality Planning Act. The purpose of the act is to maintain and, where attainable, restore the chemical, physical, and biological integrity of the surface and groundwater resources of the state. The amendments significantly revise the WQMP rules in order to streamline the planning process and better integrate it with existing permitting programs. In addition, the amendments revise the New Jersey Pollutant Elimination System and Highlands Water Protection and Planning Act rules to make them consistent with the proposed new WQMP rules. A notice of the proposed amendments was published in the November 2015 *Northern Review*. The amendments became effective 7 NOV 16.



New York

LEGISLATURE CONVENED 6 JAN 16 AND ADJOURNED 16 JUN 16.

FINAL RULES

ADDITION OF PFOA AND PFOS TO LIST OF HAZARDOUS SUBSTANCES. The New York State Department of Environmental Conservation (NYSDEC) has [readopted](#) an 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 18 SEP 16. A notice of the previous emergency rule was published in the September 2016 *Northern Review*. The readopted emergency rule became effective on 16 SEP 16 and will expire on 14 NOV 16. NYSDEC has proposed an identical permanent rule. The comment period for the permanent rule closed on 8 JUL 16.



LEGISLATURE CONVENED 11 JAN 16 AND ADJOURNS SINE DIE 31 DEC 16.

FINAL LEGISLATION

B 379 REGULATION OF PLASTIC BAGS. B 379 (Public Act: 7938) amends Title 29 Virgin Islands Code, Chapter 8 - *Virgin Islands Waste Management Authority*. The bill adds a new subchapter II that prohibits certain businesses from providing plastic checkout bags and non-recyclable paper bags to their customers at the point of sale for the purpose of transporting groceries or other merchandise. The new subsection does not preclude a business from making available to customers, with or without charge, at the point of sale: (1) reusable bags, compostable plastic bags, or recyclable paper bags for the purpose of transporting groceries or other merchandise; or (2) non-recyclable paper bags to protect or transport prepared foods, beverages, or bakery goods. The bill was signed by the governor on 7 OCT 16 and retroactively became effective on 1 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

DISAPPROVAL OF SIP REVISION CONCERNING EMISSIONS OFFSET PROVISIONS. USEPA has issued a final rule disapproving a SIP revision submitted by the state of Delaware ([81 FR 72529](#)). USEPA is disapproving the revision because the submittal does not satisfy CAA requirements or federal implementing regulations concerning specific emission offsets that must be obtained by the owner or operator of a new or modified major stationary source under Delaware's nonattainment new source review (NSR) preconstruction permitting program. USEPA has also disapproved the SIP revision because Delaware exercises authorities that are reserved for USEPA under CAA section 107. The final rule becomes effective on 21 NOV 16.



LEGISLATIVE CONVENED 5 JAN 16 AND ADJOURNS 31 DEC 16.

FEDERAL ACTIVITY

REGULATIONS FOR SULFUR CONTENT OF FUEL OIL. USEPA has issued a direct final rule approving a SIP revision submitted by the District of Columbia ([81 FR 70020](#)). The revision amends the District of Columbia Municipal Regulations to lower the sulfur content of fuel oil. Barring adverse comment the direct final rule becomes effective on 12 DEC 16.



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

FEDERAL ACTIVITY

REVISIONS TO WATER SYSTEM SUPERVISION PROGRAM. USEPA has issued a tentative approval of amendments made by the state of Maryland to its Public Water System Supervision Program ([81 FR 74799](#)). Maryland has adopted drinking water regulations for the Stage 2 Disinfectants and Disinfection By-Products Rule. USEPA has determined that Maryland's Stage 2 Rule meets all minimum federal requirements, and that it is no less stringent than the corresponding federal regulation. Barring adverse comment and or requests for public hearing the determination becomes effective on 28 NOV 16.

PROPOSED RULES

AMENDMENTS TO REGULATION OF INVASIVE PLANTS. The Maryland Department of Agriculture has [proposed](#) amendments to COMAR 15.06.04, *Regulation of Invasive Plants*. The amendments: (1) add two plants to the list of Tier 1 invasive plants and two to the list of Tier 2 invasive plants; (2) define the procedure for the classification or the declassification of a Tier 1 and/ or Tier 2 invasive plant; and (3) clarify that landscapers who plant or supply for the planting a tier 2 invasive plant must provide their customers a list of Tier 2 invasive plants. Comment are due by 14 NOV 16.

OTHER REGULATORY ACTIVITY

NOTICE OF PUBLIC HEARING ON AIR QUALITY PLAN. The Maryland Department of the Environment has [requested comment](#) concerning the SIP for the 2011 Base Year Emissions Inventory for the Baltimore 2008 Ozone NAAQS Nonattainment Area. A public hearing is scheduled for 21 NOV 16 and comments are due the same day.



LEGISLATURE CONVENED 5 JAN 16 AND ADJOURNS 30 NOV 16.

PROPOSED LEGISLATION

HB 2387 EROSION AND SEDIMENT CONTROL PERMIT ACT. HB 2387 requires a person proposing an earth disturbance activity regulated by 25 Pa. Code Ch. 102 to submit an application to the Pennsylvania Department of Environmental Protection (PADEP) and obtain an erosion and sediment control permit prior to commencing activity. The bill exempts projects that are subject to National Pollutant Discharge Elimination System (NPDES) requirements from the bill's requirements. The bill also requires PADEP to: (1) complete its permitting approval or disapproval within 45 days; and

(2) approve any permit application submitted by a license engineer within 20 days of receipt. The bill also requires PADEP to submit, no later than 31 JAN of each year, an annual report to the general assembly containing specific information regarding the administration of the permit program. The bill was referred to the Environmental Resources and Energy Committee.

HB 2403 AMENDMENTS TO CLEAN STREAMS LAW. HB 2403 amends the *Clean Streams Law*, by providing alternative compliance options for earth disturbance projects. The bill allows certain projects to use a variety of best management practices to maintain stream quality aside from traditional riparian buffers. The bill also clarifies and allows certain exemptions relating to riparian buffer requirements. The bill was referred to the Environmental Resources and Energy Committee.

FINAL RULES

CONTROL OF VOC EMISSIONS FROM MISCELLANEOUS METAL AND PLASTIC PARTS SURFACE COATING PROCESSES. The Pennsylvania Environmental Quality Board (EQB) has [adopted](#) a rule to amend 25 PA Code Chapter 129 related to standards for sources. The rule adds § 129.52d, which adopts reasonably available control technology (RACT) requirements and RACT emission limitations for stationary sources of volatile organic compound (VOC) emissions from miscellaneous metal parts surface coating processes and miscellaneous plastic parts surface coating processes. These processes include surface coating of automotive and transportation plastic parts, business machine plastic parts, pleasure craft, and bodies or body parts for new heavier vehicles. A notice of the proposed rulemaking was published in the August 2015 *Northern Review*. The rule will be submitted as a SIP revision to USEPA for their review and approval. The rule became effective on 22 OCT 16.



LEGISLATURE CONVENED 13 JAN 16 AND ADJOURNED 11 MAR 16.

FEDERAL ACTIVITY

ADOPTION OF CONTROL TECHNIQUES GUIDELINES FOR VOC EMISSIONS. USEPA has issued a final rule approving three SIP revisions submitted by the commonwealth of Virginia ([81 FR 72708](#)). These revisions include amendments to the state regulations and address the requirement to adopt RACT for sources covered by USEPA's Control Techniques Guidelines (CTG) standards. Categories of VOC emissions affected by the amendments include: (1) offset lithographic printing and letterpress printing; (2) industrial solvent cleaning operations; (3) miscellaneous industrial adhesives; and (4) miscellaneous metal and plastic parts coatings. The final rule becomes effective on 21 NOV 16.

REMOVAL OF STAGE II GASOLINE VAPOR RECOVERY REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES. USEPA has issued a direct final rule approving a SIP revision submitted by the commonwealth of Virginia ([81 FR 72724](#)). The revision removes requirements for vapor recovery equipment (also referred to as Stage II vapor recovery) from certain gasoline stations in areas of Virginia that were formerly required to install and operate Stage II under the prior approved SIP. The state has amended its existing rules to remove Stage II as a required measure by January 2017 and added decommissioning procedures for stations electing to opt out of the program. Barring adverse comment the direct final rule becomes effective on 20 DEC 16.

FINAL RULES

AMENDMENTS TO IMPLEMENT 2008 OZONE STANDARD. The Virginia Department of Environmental Quality (VDEQ) has [adopted](#) amendments to the State Air Pollution Control Board regulations (Rev. G16). The amendments address a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including how to address the revoked 1997 ozone NAAQS. The board's ambient air quality regulation had to be amended accordingly, as well as the list of nonattainment

areas to reflect these changes. Clarifying text has also been added to the regulations for transportation conformity and general conformity. The amendments become effective on 16 NOV 16.

AMENDMENT TO DEFINITION OF VOC. VDEQ has [issued](#) a [fast-track regulation](#) amending [9VAC5-10](#), *General Definitions*. The general definitions of 9VAC5-10 impose no regulatory requirements in and of themselves but provide support to other provisions of the Regulations for the Control and Abatement of Air Pollution. In February 2016, USEPA revised the definition of VOC to remove the recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements related to the use of tbutyl acetate (also known as tertiary butyl acetate or TBAC) as a VOC. The amendments update the state definition of VOC to be consistent with the federal definition. Barring adverse comment the fast-track regulation becomes effective on 15 DEC 16.

AMENDMENTS TO EROSION AND SEDIMENT CONTROL REGULATIONS. VDEQ has [adopted](#) amendments to 9VAC25-840, *Erosion and Sediment Control Regulations*. The amendments clarify that erosion and sediment control plans approved on and after 1 JUL 14 and that are in accordance with the grandfathering or time limits on applicability of approved Virginia Stormwater Management Program Regulation design criteria shall meet the flow rate capacity and velocity requirements of the Virginia Erosion and Sediment Control Program. The amendments become effective on 17 NOV 16.

AMENDMENT TO GENERAL PROVISIONS AND EXISTING STATIONARY SOURCES RULES. VDEQ has [adopted](#) amendments to 9VAC5-20 (General Provisions) and 9VAC5-40 (Existing Stationary Sources). The amendments: (1) revise the definitions of "continuous emission monitoring system data during startup and shutdown periods" and "kiln"; (2) revise the particulate matter limit for the waste-burning kiln subcategory; (3) revise the fuel variability factor for coal-burning energy recovery units; and (4) remove the provisions for affirmative defense. The amendments make state regulations consistent with USEPA revisions. The amendments become effective on 16 NOV 16.

AMENDMENTS TO PERMITS FOR STATIONARY SOURCE REGULATIONS. VDEQ has [adopted](#) amendments to 9VAC5-80, *Permits for Stationary Sources*. The amendments conform to federal rules concerning treatment of excess emissions in state rules by sources during periods of startup, shutdown, or malfunction (SSM), including Virginia's SSM rules at 9VAC5-20-180G. The amendments were necessary due to a court decision stating that USEPA's affirmative defense provisions were impermissible because they exceeded the agency's statutory authority. The amendments become effective on 16 NOV 16.

AMENDMENTS TO REGULATION FOR EMISSIONS TRADING PROGRAMS. VDEQ has [adopted](#) amendments to 9VAC5-40, *Regulation for Emissions Trading Programs*. The amendments repeal the Clean Air Interstate Rule (CAIR), which was an emissions trading program intended to control nitrogen oxides (NO_x) and sulfur dioxide (SO₂). In 2011, USEPA replaced CAIR with the Cross-State Air Pollution Rule (CSAPR), which is being implemented in Virginia under the associated federal implementation plan (FIP). The amendments become effective on 16 NOV 16.

OTHER REGULATORY ACTIVITY

DRAFT REVISION FOR A 111(D)/129 PLAN FOR CISWI. VDEQ has [requested comment](#) on a [draft revision](#) to the commonwealth of Virginia's § 111(d)/129 plan for commercial/industrial solid waste incinerators (CISWIs). The plan is developed by the commonwealth in order to fulfill its CAA responsibilities to implement and enforce emissions guidelines for solid waste incineration units. Once the plan is finalized, it will be submitted to USEPA for review and approval. A public hearing is scheduled for 14 DEC 16 and comments are due by 15 DEC 16.



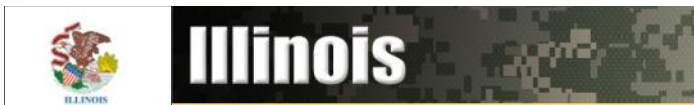
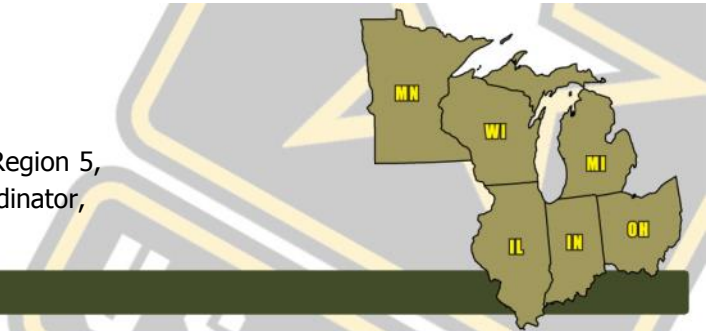
LEGISLATURE CONVENED 13 JAN 16 AND ADJOURNED SINE DIE 12 MAR 16.

OTHER REGULATORY ACTIVITY

RECOMMENDATION FOR ATTAINMENT OF 2015 OZONE NAAQS. The West Virginia Department of Environmental Protection (WVDEP) has [recommended](#) that USEPA designate the entire state of West Virginia as being in attainment with the 2015 Ozone NAAQS. The recommendation is based upon quality assured data submitted by the WVDEP's Division of Air Quality from its USEPA-approved statewide monitoring network.

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.



LEGISLATURE CONVENED 13 JAN 16 AND ADJOURNED 31 MAY 16.

PROPOSED RULES

AMENDMENTS TO PERMITS AND GENERAL PROVISIONS REGULATIONS. The Illinois Pollution Control Board has [proposed](#) amendments to 35 Ill. Adm. Code 201, *Permits and General Provisions*. The amendments update provisions related to small boilers seeking to obtain a permit by rule. Comments are due by 14 NOV 16 and a [public hearing](#) is scheduled for 16 NOV 16.

OTHER REGULATORY ACTIVITY

FIVE-YEAR PROGRESS REPORT FOR ILLINOIS REGIONAL HAZE SIP. The Illinois Environmental Protection Agency has [released](#) the draft *Five-Year Progress Report for Illinois Regional Haze State Implementation Plan*. The report allows the state to meet the requirements of the federal *Regional Haze Rule*. The draft report provides all required report elements necessary to demonstrate that the current Illinois Regional Haze SIP is adequate and does not require any revision to achieve the 2018 visibility goals in the first implementation period. Once final, the report will be submitted to USEPA for review and approval as a SIP revision. The comment period closed on 6 NOV 16.



LEGISLATURE CONVENED 13 JAN 16 AND ADJOURNS 31 DEC 16 (EST).

PROPOSED RULES

AMENDMENTS TO CLEANUP CRITERIA REQUIREMENTS FOR RESPONSE ACTIVITY REGULATIONS. The Michigan Department of Environmental Quality (MDEQ) has [proposed](#) amendments to R 299.1 - 299.50 of the Michigan Administrative Code, *Cleanup Criteria Requirements for Response Activity*. MDEQ is required to evaluate and revise the cleanup criteria

established under Section 20120a of the Natural Resources and Environmental Protection Act (NREPA). The evaluation must incorporate knowledge gained through research studies in the areas of fate and transport and risk assessment of hazardous substances, and take into account best practices from other states, reasonable and realistic conditions, and sound science. The proposed amendments are the result of this mandated evaluation. The comment period closed on 17 OCT 16.

AMENDMENTS TO HAZARDOUS WASTE MANAGEMENT PROGRAM REGULATIONS. MDEQ has [proposed](#) amendments to certain hazardous waste management regulations in order to maintain state primacy for the Hazardous Waste Management Program. The amendments: (1) incorporate federal program revisions; (2) improve the overall quality of the rules, both in terms of clarification of existing requirements and areas of program coverage; and (3) reduce some of the regulatory burdens on the regulated community by providing streamlined and flexible requirements. The comment period closed 4 NOV 16.

AMENDMENTS TO AIR EMISSION LIMITATION AND PROHIBITION REGULATIONS. MDEQ has [proposed](#) amendments to the air quality regulations known as, *Part 6. Emission Limitations and Prohibitions - Existing Sources of Volatile Organic Compound Emissions*. The revisions: (1) transfer adoptions by reference to another rule section; (2) clarify testing requirements for cutback and emulsified asphalts in R 336.1618; and (3) simplify references to federal test methods by making the citations consistent throughout the Part 6 rules. A [public hearing](#) is scheduled for 14 NOV 16 and comments are due the same day.



LEGISLATURE CONVENED 8 MAR 16 AND ADJOURNED SINE DIE 23 MAY 16.

FINAL RULES

AMENDMENTS TO WATER QUALITY VARIANCE RULES. The Minnesota Pollution Control Agency (MPCA) has [adopted](#) amendments to the water quality variance rules. The amendments revise Minnesota Rules: (1) Chapter 7050 - *Waters of the State*; (2) Chapter 7052 - *Lake Superior Basin Water Standards*; and (3) Chapter 7053 - *State Waters Discharge Restrictions*. A water quality variance is a temporary change in a state water quality standard for a specific pollutant, allowing a permittee discharging wastewater additional time to meet the standard. The amendments provide consistent application of the state's variance rules and applicable federal requirements. A notice of the proposed amendments was published in the December 2015 *Northern Review*. The amendments became effective on 24 OCT 16.

OTHER REGULATORY ACTIVITY

CONSIDERATION OF REVISIONS TO ENVIRONMENTAL REVIEW PROGRAM RULES. The Minnesota Environmental Quality Board is [considering](#) revisions to the Environmental Review Program rules. The rules govern responsible governmental units (RGUs) selection and the preparation or exemption of environmental assessment worksheets (EAWs), environmental impact statements (EISs), and other documents from environmental review. Possible revisions include updates to: (1) definitions and abbreviations; (2) procedures for selecting and redesignating RGUs; (3) mandatory categories for EAWs; (4) mandatory categories for EISs; and (5) mandatory categories for projects exempt from environmental review. Comments are due by 28 NOV 16.

STAKEHOLDER INPUT ON SRV RELATED DOCUMENTS. MPCA has [requested](#) stakeholder input on draft documents prepared by the Remediation Division. The draft documents include: (1) "Property Use Guidance"; (2) "Soil Investigation Guidance"; and (3) "Range of Risks Spreadsheet." Several other previously released draft soil reference value (SRV) related guidance are also being re-released as drafts with minor revisions including: "Soil Reference Value Technical Support Document"; "Background Threshold Value Evaluation"; "SRV Spreadsheet"; and "SRV Spreadsheet – Site Specific." Comments are due by 2 DEC 16.



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

FEDERAL ACTIVITY

REDESIGNATION OF CLEVELAND AREA TO ATTAINMENT OF 2008 OZONE STANDARD. USEPA has issued a proposed rule to approve a request from the state of Ohio to redesignate to attainment the Cleveland-Akron-Lorain, Ohio, area of the 2008 ozone NAAQS ([81 FR 71444](#)). The Cleveland area includes Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit counties. USEPA has also proposed approval, as a SIP revision, Ohio's plan for maintaining the 2008 ozone standard through 2030 in the Cleveland area. Finally, USEPA has proposed approving Ohio's 2020 and 2030 MVEBs for the Cleveland area. Comments are due by 16 NOV 16.

REMOVAL OF STAGE II VAPOR RECOVERY PROGRAM REQUIREMENTS FOR THREE AREAS. USEPA has issued a final rule approving a SIP revision submitted by the state of Ohio ([81 FR 71631](#)). The revision addresses the state's Stage II vapor recovery program for the Cleveland, Cincinnati, and Dayton ozone areas. The revision removes Stage II requirements for the three areas as a component of the Ohio ozone SIP. The revision also includes a demonstration that addresses emission impacts associated with the removal of the Stage II program. The final rule becomes effective on 17 NOV 16.

FINAL RULES

NEW BENEFICIAL USE RULES. OEPA has [adopted](#) new rules at Ohio Administrative Code (OAC) [3745-599](#), *Beneficial Use*. The new rules establish a regulatory program pertaining to the beneficial use of solid wastes, industrial wastes, and other wastes regulated pursuant to Ohio Revised Code Chapters 3734 and 6111. A notice of the proposed rules was published in the August 2016 *Northern Review*. The new rules become effective on 31 MAR 17.

IRON AND MANGANESE TREATMENT REQUIREMENTS. OEPA has [adopted](#) revisions to rule OAC 3745-91-09, *Iron and manganese treatment*. The revisions clarify that existing community water systems making modifications to their sources are required to provide treatment for the removal of iron and manganese in order to meet the secondary maximum contaminant level for these contaminants. The revisions became effective on 14 OCT 16.

MINIMUM THRESHOLD QUANTITY FOR REPORTING OF HAZARDOUS CHEMICALS. OEPA has adopted a new rule at OAC [3750-10-08](#) and amendments to OAC [3750-30-27](#). The amended rule (3750-30-27) addresses the minimum threshold quantity for reporting of hazardous chemicals under rules OAC 3750-30-15 and 3750-30-2. The new rule (3750-10-08) establishes a mechanism for a Local Emergency Planning Committee to get a designated facility to be subject to their local plan. A notice of the proposed new rule and amendments was published in the August 2016 *Northern Review*. The adoption became effective on 22 OCT 16.

AMENDMENTS TO SECTION 401 WATER QUALITY CERTIFICATION PROGRAM RULES. OEPA has [adopted](#) amendments to the Section 401 Water Quality Certification Program rules in OAC Chapters [3745-32](#) and [3745-45](#). The rules were amended as part of the state's five year rule review requirements. The amendments clarify historical administrative procedures and move administrative requirements together into fewer rules. The amendments become effective on 2 JAN 17.

AMENDMENTS TO WATER QUALITY STANDARDS FOR MULTIPLE DRAINAGE BASINS. OEPA has [adopted](#) amendments to the Water Quality Standards Program rules in OAC Chapter 3745-1. State law and the federal Clean Water Act (CWA) require OEPA to periodically update rules to reflect the latest scientific information. The agency has evaluated information regarding beneficial use designations for seven drainage basins. The seven drainage basins are: (1) Scioto river drainage basin (3745-1-09); (2) Grand river drainage basin (3745-1-10); (3) Southwest Ohio tributaries drainage basin (3745-1-17); (4) Huron river drainage basin (3745-1-19); (5) Rocky river drainage basin (3745-1-20); (6)

Mahoning river drainage basin (3745-1-25); and (7) Mill creek drainage basin (3745-1-30). Three broad types of changes have been made: (1) changing beneficial use designations for specific water bodies; (2) adding water bodies that are currently undesignated to the rules; and (3) verifying existing beneficial use designations already listed in the rules. The amendments become effective on 2 JAN 17.

PROPOSED RULES

ENDANGERED AND THREATENED SPECIES LIST UPDATE. The Ohio Department of Natural Resources (ODNR) has [proposed](#) amendments to administrative rule [1501:18-1-03](#), *Endangered and threatened species*. The [amendments](#) comply with a state requirement to update biennially the listing of endangered and threatened plants. Endangered and threatened plant species were added or removed as determined by the Ohio Rare Plant Advisory Committee and the Division of Natural Areas and Preserves. Some plant names were changed to reflect the current scientific standards. A public hearing is scheduled for 21 NOV 16.

AMENDMENTS TO TOXIC CHEMICAL RELEASE REPORTING RULES. OEPA has [proposed](#) amendments to OAC Chapter [3745-100](#), *Toxic Chemical Release Reporting*. The [amendments](#): (1) update the list of North American Industry Classification System (NAICS) codes subject to reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act (also known as the Toxics Release Inventory) to reflect the Office of Management and Budget 2012 NAICS revision; (2) address the *Electronic Reporting Rule* that requires all forms to be submitted electronically; and (3) make minor changes to the language formatting. A public hearing is scheduled for 29 NOV 16 and comments are due the same day.

OTHER REGULATORY ACTIVITY

DRAFT STARTUP, SHUTDOWN, OR MALFUNCTION AND SCHEDULED MAINTENANCE RULES. OEPA has [requested public comment](#) on a draft of amended OAC Rules [3745-14-11](#), [3745-15-01](#), [3745-15-06](#), and [3745-17-07](#). These rules include regulations for identifying and reporting excess emissions during periods of SSM and handling scheduled maintenance of air pollution control equipment. The drafted amendments are in response to a USEPA call for modifications to the rules. Once adopted the amendments will be submitted as a SIP revision to USEPA for review and approval. Comments are due by 28 NOV 16.

DRAFT ISSUANCE OF GENERAL NPDES PERMIT FOR DISCHARGES FROM PESTICIDE APPLICATIONS. OEPA has [issued](#) a draft renewal NPDES GP for Discharges from Pesticide Applications. The GP covers pesticide application in, over, and near waters of the state. A public hearing is scheduled for 17 NOV 16 and comments are due by 24 NOV 16.

GUIDELINES FOR LEAD MAPPING IN DISTRIBUTION. OEPA has released draft guidelines for lead mapping. The documents provide guidance on how to map a distribution system to identify areas known or likely to contain lead service lines, and identify characteristics of buildings that may contain lead piping, solder, or fixtures. The drafts include: (1) [Guidelines for Lead Mapping in Distribution Systems](#); (2) [Guidelines for Lead Mapping in Distribution Systems for Individual Buildings](#). The comment period closed on 21 OCT 16.

RECOMMENDED DESIGNATION OF NONATTAINMENT AREA BOUNDARIES FOR 2015 OZONE STANDARD. OEPA has [submitted](#) to USEPA Ohio's [Recommended Designations](#) for the 2015 Ozone Standards. OEPA's recommendations are for the following counties to be designated nonattainment for the revised ozone standard: (1) Butler, Clermont, Hamilton, and Warren counties in the Ohio portion of the Cincinnati, OH-KY-IN designation area; (2) Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit counties in the Cleveland-Akron-Lorain, Ohio, designation area; and (3) Delaware, Fairfield, Franklin, and Licking counties in the Columbus, Ohio, designation area.

DRAFT REVISIONS TO BENEFICIAL USE DESIGNATION RULE. OEPA has [requested public comment](#) on draft revisions to the Water Quality Standards' Beneficial Use Designation Rule OAC Chapter [3745-1-13](#), *Central Ohio Tributaries Drainage Basin*. State law and CWA require OEPA to periodically update rules to reflect the latest scientific information. The agency has evaluated information regarding beneficial use designations for the drainage basin. Three broad types of changes are being considered: (1) changing beneficial use designations for specific water bodies; (2) adding water

bodies that are currently undesignated to the rule; and (3) verifying existing beneficial use designations already listed in the rule. Comments are due by 21 NOV 16.



LEGISLATURE CONVENED 12 JAN 16 AND ADJOURNED 7 APR 16.

OTHER REGULATORY ACTIVITY

MILWAUKEE BASIN TMDL STUDY. The Wisconsin Department of Natural Resources has [requested comment](#) on the "Total Maximum Daily Loads (TMDL) for Total Phosphorus, Total Suspended Solids, and Fecal Coliform; Milwaukee River Basin, Wisconsin." A public hearing is scheduled for 15 NOV 16 and comments are due by 9 DEC 16.

Department of Defense Activity

DODI 4715.23, INTEGRATED RECYCLING AND SOLID WASTE MANAGEMENT. DOD has issued Department of Defense Instruction (DODI) [4715.23, Integrated Recycling and Solid Waste Management](#). The DODI establishes policy, assigns responsibility, and prescribes procedures to implement integrated solid waste management (ISWM) through waste prevention and recycling. The DODI also establishes the DOD ISWM Working Group. In accordance with the DODI, each installation generating more than one ton of solid waste per day (based on annual average) will develop, maintain, and annually review and update their ISWM plan. At a minimum, the ISWM plan includes: (1) identification of applicable DOD, executive, federal, state, and local requirements and Executive Orders (EOs); (2) results of a comprehensive solid waste characterization study; (3) installation-level ISWM goals; (4) ISWM organizational structure with associated responsibilities; (5) economic feasibility study of potential diversion opportunities; (6) procedures to meet recordkeeping and reporting requirements; (7) outreach and education; and (8) practices to sustain compliance, facilitate improvement, and meet goals. The DODI became effective on 24 OCT 16.

UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES — PHASE II, BATCH TWO. DOD and USEPA have issued a proposed rule establishing discharge performance standards for 11 discharges incidental to the normal operation of a vessel of the Armed Forces into the navigable waters of the U.S., the territorial seas, and the contiguous zone ([81 FR 69793](#)). The 11 discharges addressed by the proposed rule are catapult water brake tank and post-launch retraction exhaust, controllable pitch propeller hydraulic fluid, deck runoff, firemain systems, graywater, hull coating leachate, motor gasoline and compensating discharge, sonar dome discharge, submarine bilgewater, surface vessel bilgewater/oil-water separator effluent, and underwater ship husbandry. USEPA and DOD have also proposed the addition of definitions to the Uniform National Discharge Standards. Within one year of finalization of the Phase II standards, DOD will promulgate regulations governing the design, construction, installation, and use of marine pollution control devices necessary to meet the discharge performance standards.

ARMY INSTALLATIONS 2025. The Army has released [Army Installations 2025](#), a strategy to ensure its installations remain ready, resilient, and capable of meeting the demands placed upon them. The document provides a holistic strategy for the future by incorporating the Army's Facility Investment Strategy and ASA (IE&E) [Strategy 2025](#). It aligns to overarching national, DOD, and Army strategies and, as a strategic framework, is intended to guide and shape current and future program actions at all levels within the Army.

Federal Activity

AIR

PSD AND TITLE V GHG PERMITTING REGULATIONS. USEPA has issued a proposed rule to revise provisions applicable to greenhouse gases (GHGs) in its PSD and Title V permitting regulations ([81 FR 68110](#)). USEPA is taking this action in response to two court decisions. The proposed revisions: (1) update several regulatory definitions in the PSD and Title V regulations; (2) update PSD provisions on GHG Plantwide Applicability Limitations (PALs); and (3) ensure that neither the PSD nor Title V rules require a source to obtain a permit solely because the source emits or has the potential to emit GHGs above the applicable thresholds. USEPA has also proposed establishing an appropriate threshold level below which best available control technology is not required for a source's GHG emissions. The level would be set at 75,000 tons per year (tpy) carbon dioxide equivalent (CO₂e).

EXPANDED LIST OF OZONE DEPLETING SUBSTANCE ALTERNATIVES. USEPA has issued a determination to add four substances to the list of substitutes for ozone depleting substances under the Significant New Alternatives Program (SNAP) policy ([81 FR 70029](#)). The newly listed compounds are: (1) R-448A - acceptable as a substitute for use in retail food refrigeration; (2) R-449A - acceptable as a substitute for use in retail food refrigeration; (3) R-449B - acceptable as a substitute for use in new and retrofit commercial ice machines, refrigerated transport, and retail food refrigeration; (4) Trans-1-chloro-3,3,3-trifluoroprop-1-ene (Solstice FS) - acceptable as a substitute for use in total flooding uses in both normally occupied and unoccupied spaces. The determination became effective on 11 OCT 16.

CROSS-STATE AIR POLLUTION RULE: 2008 OZONE NAAQS. USEPA has issued a final rule updating CSAPR to address interstate transport of ozone with respect to the 2008 ozone NAAQS ([81 FR 74504](#)). The final rule will reduce ozone season NO_x emissions in 22 eastern states that can be transported downwind as NO_x or ozone. For the 22 states, USEPA issued FIPs that generally provide updated CSAPR NO_x ozone season emission budgets for the electric generating units (EGUs) within the states, and that implement the budgets via modifications to the CSAPR NO_x ozone season allowance trading program. The final rule becomes effective on 27 DEC 16.

REVISIONS TO PUBLIC NOTICE RULE PROVISIONS. USEPA has issued a final rule revising the public notice rule provisions for the NSR, Title V, Outer Continental Shelf (OCS) permit programs, and corresponding onshore area (COA) determinations for implementation of the OCS air quality regulations ([81 FR 71613](#)). The final rule removes the mandatory requirement to provide public notice of a draft air permit through publication in a newspaper. Instead, the final rule requires electronic notice (e-notice) for USEPA actions and allows for e-notice as an option for actions by permitting authorities implementing USEPA-approved programs. When e-notice is provided, the final rule requires, at a minimum, electronic access to the draft permit. The final rule became effective on 17 NOV 16.

NO REVISIONS FOR LEAD NAAQS. USEPA has issued a final rule stating that based upon the agency's review of the air quality criteria and the NAAQS for lead, the agency is retaining the current standards, without revision ([81 FR 71906](#)). The final rule becomes effective on 17 NOV 16.

CLIMATE CHANGE

PHASED-DOWN HFC USE. In October 2016, at a summit in Kigali, Rwanda, representatives from nearly 200 member countries of the Montreal Protocol agreed to reduce emissions of hydrofluorocarbons (HFCs), which are thousands of times more damaging to the climate than carbon dioxide (CO₂). Under the amendment to the Montreal Protocol, developed countries will start to phase down HFCs by 2019, continuing through 2036. Developing countries will follow with a freeze of HFCs consumption levels in 2024, with some countries freezing consumption in 2028. The current agreement states that by 2036 and thereafter a country's HFC use will be approximately 15 to 20 percent of its 2011 to 2014 use. A statement by the United Nations Environment Programme (UNEP), including links to the agreement text, is available [here](#).

PARIS AGREEMENT RATIFIED. The [Paris Agreement](#), which calls for zeroing-out of net carbon pollution by the end of the century, was ratified on 5 OCT 16 and will enter into force on 4 NOV 16. The Paris Agreement requires all parties to put forward their best efforts through “[nationally determined contributions](#)” and to strengthen these efforts in the years ahead. All parties must report regularly on their emissions and implementation efforts.

EMISSIONS AND EFFICIENCY STANDARDS FOR MEDIUM- AND HEAVY-DUTY ENGINES AND VEHICLES. USEPA and the National Highway Traffic Safety Administration (NHTSA) have issued final rules to reduce GHG emissions and fuel consumption from new on-road medium- and heavy-duty vehicles and engines ([81 FR 73478](#)). NHTSA's fuel consumption standards and USEPA's CO₂ emission standards are tailored to each of four regulatory categories of heavy-duty vehicles: combination tractors; trailers used in combination with those tractors; heavy-duty pickup trucks and vans; and vocational vehicles. The rulemaking finalized emission standards for non-GHG emissions, relating to: (1) the use of diesel auxiliary power units installed in new tractors; (2) classification of natural gas and other gaseous-fueled heavy-duty engines; and (3) non-GHG pollutants from light-duty motor vehicles, marine diesel engines, and other nonroad engines and equipment. The final rule also addresses emissions from glider vehicles. The final rule becomes effective on 27 DEC 16.

NATURAL RESOURCES

NATIONAL HANDBOOK OF CONSERVATION PRACTICES. The Natural Resources Conservation Service (NRCS) is revising conservation practices standards in the National Handbook of Conservation Practices ([81 FR 69779](#)). NRCS is revising standards for: (1) Code 314 - Brush Management; (2) Code 315 - Herbaceous Weed Treatment; (3) Code 468 - Lined Waterway or Outlet; (4) Code 528 - Prescribed Grazing; and (6) Code 643 - Restoration of Rare or Declining Natural Communities. State conservationists who choose to adopt the practices for use within their states will incorporate them into section IV of their respective electronic Field Office Technical Guides. The final changes were became effective on 7 OCT 16.

HAZARDOUS MATERIALS

AIR TRANSPORT PROHIBITION ON SAMSUNG GALAXY NOTE 7. The Federal Aviation Administration (FAA) issued Emergency Restriction/Prohibition Order FAA-2016-9288 for Samsung Galaxy Note 7 users and air carriers ([81 FR 71983](#)). The emergency order prohibits persons from transporting via air any Samsung Galaxy Note 7 device on their person, in carry-on baggage, in checked baggage, or as cargo; requires individuals who inadvertently bring a Samsung Galaxy Note 7 device onto an aircraft immediately power off the device, not use or charge the device while aboard the aircraft, and protect the device from accidental activation for the duration of the flight. The emergency order also requires air carriers to inform passengers about the prohibition. The order was effective on 15 OCT 16.

SUSTAINABILITY

WORKPLACE EV CHARGING GUIDANCE. The White House Council on Environmental Quality (CEQ) has issued guidance for federal agency implementation of workplace charging of electric vehicles (EVs) ([81 FR 72041](#)). The guidance outlines how federal agencies can take advantage of workplace charging opportunities in accordance with the Fixing America's Surface Transportation (FAST) Act, and provides an approach for a uniform fee for the use of existing and new hard-wired electric vehicle supply equipment for the purposes of seeking reimbursement under the FAST Act. The guidance also describes how federal agency chief sustainability officers should coordinate with federal fleet managers to report annually on the implementation of workplace charging in the federal automotive statistical tool. The guidance became effective on 19 OCT 16.

FY16 STRATEGIC SUSTAINABILITY PERFORMANCE PLANS. In their Fiscal Year (FY) 2016 Sustainability Plans, agencies outline the actions they have taken and plans to continue their progress. For an overview of federal sustainability planning efforts and to view federal agency sustainability plans, click [here](#). DOD sustainability plans are available [here](#).

PREPARING THE NATION FOR EXTREME SPACE WEATHER EVENTS. In October 2016, President Obama issued an EO establishing policy to prepare for space weather events. EO 13744, [Coordinating Efforts to Prepare the Nation for Space Weather Events](#), tasks federal agencies, including the DOD, to take specific actions to prepare for and respond to extreme space weather events.

WASTE

RETAIL SECTOR HAZARDOUS WASTE. USEPA has released its [strategy](#) for addressing hazardous waste generated by retail activities. USEPA's "retail strategy" lays out a plan to address the unique challenges the retail sector faces in complying with hazardous waste regulations. The retail strategy complements USEPA's August 2016 [conceptual framework](#) for the flow of consumer goods and wastes in the retail sector. For more information, click [here](#).

HAZARDOUS WASTE COMPLIANCE DOCKET. USEPA published the 30th update to the Federal Agency Hazardous Waste Compliance Docket ([81 FR 73096](#)). The revisions in this update include 13 additions, 28 corrections, and 21 deletions since the previous update in March 2016.

WATER

LEAD AND COPPER RULE. USEPA has released a [white paper](#) on revisions to the federal Lead and Copper Rule (LCR). USEPA's goal for the LCR revisions is to strengthen corrosion control treatment in drinking water to further reduce exposure to lead and copper and to identify additional actions to equitably reduce public exposure to lead and copper, when corrosion control treatment alone is not effective. The white paper identifies five key principles to guide the agency as it develops proposed LCR revisions. USEPA is currently considering an approach that incorporates both technologically based and health-based elements to ensure reductions of lead in drinking water at the water system level, while at the same time providing consumers with the information, tools, and protections to address remaining risks. USEPA welcomes input and feedback on ideas presented in the white paper to support development of a proposed rulemaking for publication in the Federal Register in 2017. To learn more, visit USEPA's LCR long-term revisions [website](#).

COMMUNITY SOLUTIONS FOR VOLUNTARY LONG-TERM STORMWATER PLANNING. USEPA [launched](#) a new stormwater planning initiative to help communities plan long-term strategies for managing stormwater pollution. The initiative includes a step-by-step [guide](#) to help communities develop long-term stormwater plans, a web-based toolkit for the planning process, and technical assistance for five communities to develop plans that will be used as national models.

OTHER

CONGRESSIONAL RESEARCH SERVICE REPORTS AVAILABLE ONLINE. A new website, [EveryCRSReport.com](#) is providing access to reports by the Congressional Research Service (CRS). The reports, created in the context of the overall mission of CRS to provide research support to Congress, are [intended](#) to clearly define issues in a legislative context. The website offers options to sign up to receive email notifications when a new report in a particular topic area is issued.

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

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.

(NEW) MULTIPLE OFFERINGS, 2016 AND 2017: NEW APPROACHES IN REMEDIATION OF CONTAMINATED SEDIMENTS. In this two-day class, conventional and emerging technologies for remediating contaminated sediments will be addressed, including removal followed by treatment and disposal; in situ isolation of the sediments from the environment by covering the sediment with neutral materials (i.e., passive capping); active capping technologies, and monitored natural recovery, which involves monitoring processes that isolate, degrade, transform, and immobilize sediment contaminants under natural conditions. The course will address solutions to contaminants in both marine and freshwater sediments including the effects of remediation on the benthic environment. Emerging technologies that address contaminant toxicity, biogeochemistry, and transport mechanisms will also be highlighted. Classes are offered in December 2016 and February, April, June, August, and November 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.

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