



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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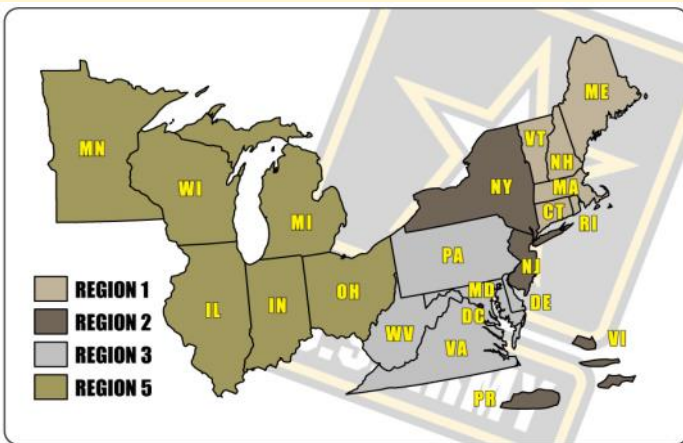


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WHAT'S IN THIS REVIEW?

Region 1

In CT, proposed amendments to air quality and water regulations. In MA, final amendments to rules for the certification and operation of environmental analysis laboratories. In NH, re-adoption with amendments to surface water quality standards.

Region 2

In NJ, proposed bill to prohibit dumping of dredge spoils on or around certain islands. In NY, re-adoption of emergency rule adding PFOA and PFOS to list of hazardous substances and the adoption of amendments to emission limits for distributed generation sources.

Region 3

In DE, final amendments to requirements for preconstruction review, and proposed AST regulatory amendments. In MD, final amendments to radiation protection regulations. In PA, final Land Recycling Program Technical Guidance Manual for certain vapor intrusion.

Region 5

In IN, final hazardous waste regulatory update, and emergency rule adopting the Revised Total Coliform Rule requirements. In MI, proposed bills concerning site remediation requirements and AST application and annual fees; adoption of two emergency rules establishing cleanup criteria for 1,4-dioxane. In MN, final revisions to antidegradation of state waters rules. In OH, final amendments to underground injection control rules, and draft universal waste rules. In WI, final amendments to well construction and pump installation regulations.

DOD Activity

DOD has issued two DODIs concerning explosives safety management and the REPI Program, and a final rule addressing the DOD Environmental Laboratory Accreditation Program.

Federal Activity

USEPA has issued final rules amending regulations concerning PSD, NSPS procedures, RCRA's hazardous waste generator improvements rule, and SNURs under TSCA.

Region 1

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



LEGISLATURE CONVENES 4 JAN 17 AND ADJOURNS SINE DIE 5 JUN 17 (EST)

PROPOSED RULES

AMENDMENTS TO AIR QUALITY REGULATIONS. The Connecticut Department of Energy and Environmental Protection (CDEEP) has [proposed](#) amendments to the air quality regulations. The proposal amends three air quality programs: (1) volatile organic compound (VOC) content of architectural and industrial maintenance (AIM) coatings; (2) VOC content of consumer products; and (3) prevention of significant deterioration (PSD) permit program. Once final, the rulemaking will be submitted as a State Implementation Plan (SIP) revision to USEPA for review and approval. A public hearing is scheduled for 14 DEC 16 and comments are due by 16 DEC 16.

REMOVAL OF WATER DIVISION EXEMPTIONS. CDEEP has [proposed](#) amendments to section [22a-377\(b\)-1](#) of the Regulations of Connecticut State Agencies. The amendments eliminate the exemption for use of registered water throughout an Exclusive Service Area. Specifically, the amendments close a loophole that allowed water utilities with grandfathered water diversion registrations to expand their use in Exclusive Service Areas without being subject to the water diversion permitting process and attendant impact evaluation. A public hearing is scheduled for 20 DEC 16 and comments are due the same day.



LEGISLATURE CONVENED 7 DEC 16 AND ADJOURNS SINE DIE 27 JUN 17 (EST)

OTHER REGULATORY ACTIVITY

UPDATE OF NONPOINT SOURCE PRIORITY WATERSHEDS LIST. The Maine Department of Environmental Management has issued a [notice](#) providing organizations and individuals with the opportunity to submit requests to add or remove watersheds on the Nonpoint Source (NPS) Priority Watershed List. The list encourages NPS abatement work in watersheds most vulnerable to NPS pollution. The NPS priority watersheds list was updated in 2014 as part of the development of the Maine NPS Management Plan. The comment period closed on 18 NOV 16.



LEGISLATURE CONVENED 6 JAN 16 AND ADJOURNS 4 JAN 17 (EST)

FEDERAL ACTIVITY

DECOMMISSIONING OF STAGE II VAPOR RECOVERY SYSTEMS. USEPA has issued a final rule approving a SIP revision submitted by the state of Massachusetts concerning the state vapor recovery regulations ([81 FR 85897](#)). The revision

includes regulatory amendments that: (1) allow gasoline dispensing facilities (GDFs) to decommission their Stage II vapor recovery systems as of 2 JAN 15; (2) demonstrate that the removal is consistent with the Clean Air Act (CAA) and USEPA guidance; and (3) strengthen Massachusetts' requirements for Stage I vapor recovery systems at GDFs. The final rule becomes effective on 29 DEC 16.

FINAL RULES

CERTIFICATION AND OPERATION OF ENVIRONMENTAL ANALYSIS LABORATORIES. The Massachusetts Department of Environmental Protection (MassDEP) has [adopted](#) amendments to 310 CMR 42.00, *Certification and Operation of Environmental Analysis Laboratories*. The amendments: (1) improve MassDEP's ability to evaluate the performance of laboratories analyzing drinking water samples; (2) promote the timely generation and reporting of high quality data used by MassDEP's Drinking Water Program; (3) align MassDEP's laboratory certification program with USEPA's national guidance; (4) improve measures to prevent and detect fraudulent and deceptive laboratory practices; (5) update the scope of certain certifications; and (6) make technical updates and clarifications. The amendments became effective on 4 NOV 16.



LEGISLATURE CONVENES 4 JAN 17 AND ADJOURNS SINE DIE 30 JUN 17 (EST)

FINAL RULES

AMENDMENTS TO SOLID WASTE OPERATOR TRAINING AND CERTIFICATION REQUIREMENTS. The New Hampshire Department of Environmental Services (NHDES) has [adopted](#) amendments to the solid waste regulations. Specifically, the amendments update the solid waste operator training and certification requirements under: (1) Env-Sw 400, *Collection, Storage, Transfer Facility Regulations*; (2) Env-Sw 1200, *Permit- By-Notification Facilities*; and (3) Env-Sw 1600, *Solid Waste Facility Operator Training and Certification*. The amendments became effective on 18 NOV 16.

SURFACE WATER QUALITY STANDARDS. NHDES has [readopted](#) with amendments Env-Wq 1700, *Surface Water Quality Standards*. This regulation establishes narrative and numeric water quality standards for the state's surface waters. The amendments clarify existing requirements and better align the rules with the requirements established in the *Drafting and Procedure Manual for Administrative Rules* published by the New Hampshire Office of Legislative Services. The amendments also update the numeric water quality standards to align the rules with more recent USEPA National Recommended Water Quality Criteria (NRWQC), as most of the numeric criteria have not been updated since 1999. A notice of the proposed readoption was published in the June 2016 *Northern Review*. The readoption and amendments became effective on 1 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 10 JAN 17

PROPOSED LEGISLATION

SB 2712 PROHIBITION ON DUMPING DREDGE SPOILS. SB 2712 prohibits dumping dredge spoils on and around certain islands without municipal approval. The bill prohibits the New Jersey Department of Environmental Protection (NJDEP) from approving any dumping of dredge spoils on any portion of a Delaware River island owned or controlled by the state or a political subdivision of the state. The bill establishes the following exemptions to the restriction: (1) NJDEP petitions each municipality owning land on that island to authorize the dumping of dredge spoils on or around the island, and (2) each municipality petitioned by NJDEP adopts an ordinance authorizing the dumping of dredge spoils on or around the island. The bill was referred to the Environment and Energy Committee.



New York

LEGISLATURE CONVENED 6 JAN 16 AND ADJOURNS 3 JAN 17

FINAL LEGISLATION

SB 7096 (AB 9625) MINIMUM STANDARDS FOR ONLINE POSTING OF RULEMAKING INFORMATION. SB 7096 (Public Act: 490) amends the *State Administrative Procedure Act*, in relation to minimum standards for online posting of rulemaking information to ensure that it is readily accessible to the public. The bill states that when a State Register notice refers to rule text or another document that has been posted on a state website in lieu of publication of the full text: (1) the full text must be posted not later than the date of publication of the notice, and be maintained for a specified time; and (2) the notice shall provide sufficient information to enable the public to access the information without extensive searching and shall conform to any guidance issued by the Secretary of State. The bill was signed by the governor on 28 NOV 16 and becomes effective on 1 JAN 17.

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) perfluorooctanoic acid (PFOA), PFOA-salt, perfluorooctane sulfonic acid (PFOS), 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 expired on 14 NOV 16. A notice of the previous emergency rule was published in the November 2016 *Northern Review*. The readopted emergency rule became effective on 14 NOV 16 and will expire on 12 JAN 17. NYSDEC has proposed an identical permanent rule. The comment period for the permanent rule closed on 8 JUL 16.

EMISSION LIMITS FOR DISTRIBUTED GENERATION SOURCES. NYSDEC has [adopted](#) amendments and additional rules to establish emission limits for distributed generation (DG) sources. The amendments adopt 6 NYCRR Part 222, *Distributed Generation Sources*; and revise Part 200, *General Provisions*, and Subpart 227-2, *Reasonably Available Control Technology (RACT) for Nitrogen Oxides (NO_x)*, to conform to the new Part 222. A DG source is defined as a stationary reciprocating or rotary internal combustion engine that feeds into the distribution grid or produces electricity for use at the host facility or both. A notice of the proposed amendments was published in the January 2016 *Northern Review*. The rulemaking became effective on 1 DEC 16.

IMPLEMENTATION OF SEWAGE POLLUTION RIGHT TO KNOW ACT. NYSDEC has [adopted](#) amendments to Title 6 NYCRR Part 621, *Uniform Procedures*, and Part 750, *State Pollutant Discharge Elimination System Permits*. The amendments to Part 750 implement the reporting, notification, and record keeping requirements of Environmental Conservation Law section 17-0826-a, *Sewage Pollution Right to Know Act*. The new required reporting applies to publicly owned treatment works and operators of publicly owned sewer systems with a focus on untreated and partially treated discharges. Amendments to Part 621 update cross references to Part 750. A notice of the proposed amendments was published in the July 2016 *Northern Review*. The amendments became effective on 9 NOV 16.

PROPOSED RULES

SCIENCE-BASED STATE SEA-LEVEL RISE PROJECTIONS. NYSDEC has [proposed](#) a new rule at 6 NYCRR Part 490, *Projected Sea-level Rise*. In 2014, Governor Cuomo signed the *Community Risk and Resiliency Act (CRRRA)*, to ensure that decisions regarding certain state permits and expenditures consider climate risk, including sea-level rise. CRRRA included requirements for NYSDEC to adopt regulations establishing science-based state sea-level rise projections. The proposed new rule addresses the CRRRA requirements by establishing projections of sea-level rise in three specified geographic regions over various time intervals. Comments are due by 30 DEC 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 CONVENES 10 JAN 17 AND ADJOURNS 30 JUN 17 (EST)

FINAL RULES

AMENDMENTS TO REQUIREMENTS FOR PRECONSTRUCTION REVIEW. The Delaware Department of Natural Resources and Environmental Control (DDNREC) has [adopted](#) amendments to the 7 DE Admin. Code § 1125, *Requirements for Preconstruction Review*, specifically to revise Table 1-1, *Global Warming Potentials*. The amendments bring Table 1-1 up to date with the most current federal rules for calculating the carbon dioxide equivalent emissions (CO₂e) for regulated major sources emitting greenhouse gases (GHG). The amendments became effective on 11 DEC 16.

PROPOSED RULES

AST REGULATORY AMENDMENTS. DDNREC has [proposed](#) amendments to the aboveground storage tank (AST) regulations at 7 DE Admin. Code 1352. The amendments reflect changes to definitions needed to clarify technical requirements applicable to AST systems. The amendments also: (1) clarify which version of industry-based reference

standards, published by the American Petroleum Institute and other trade organizations, are applicable to ASTs that are subject to regulation; (2) create minimum distances for locating new ASTs near private and public wells that mirror those contained in DDNREC's well permitting regulations; and (3) address technical requirements associated with release reporting and corrective action needed when releases from aboveground storage tanks occur. DDNREC staff stated that the comment period would remain open for at least 30 days after the scheduled public hearing on 6 DEC 16.



LEGISLATURE CONVENES 11 JAN 17 AND ADJOURNS SINE DIE 11 MAY 17 (EST)

FEDERAL ACTIVITY

SIP REVISION FOR AMENDED REGULATIONS GOVERNING COM, CEM, AND QA/QC FOR COMs. USEPA has issued a final rule approving a SIP revision submitted by the state of Maryland ([81 FR 78048](#)). The revision changes and amends Maryland regulations for: (1) continuous opacity monitoring (COM); (2) continuous emissions monitoring (CEM); and (3) additional requirements for quality assurance and quality control (QA/QC) as they pertain to COMs. The final rule became effective on 7 DEC 16.

NEW REGULATIONS FOR ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS. USEPA has issued a proposed rule to approve a SIP revision submitted by the state of Maryland ([81 FR 85455](#)). The revision establishes new VOC content limits and standards for AIM coatings available for sale and use in Maryland. Comments are due by 28 DEC 16.

CONTROL OF EMISSIONS FROM EXISTING HMIWI UNITS. USEPA has issued a proposed rule to approve a section 111(d)/129 plan submitted by the state of Maryland for existing hospital/medical/infectious waste incineration (HMIWI) units ([81 FR 85457](#)). The section 111(d)/129 plan contains revisions to a previously approved state plan for existing HMIWI units and was submitted as a result of amended federal new source performance standards (NSPS) and emission guidelines for HMIWI units. Comments are due by 28 DEC 16.

FINAL RULES

AMENDMENTS TO RADIATION PROTECTION REGULATIONS. The Maryland Department of the Environment (MDE) has [adopted](#) 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. A notice of the proposed amendments was published in the October 2016 *Northern Review*. The amendments became effective on 24 NOV 16.



LEGISLATURE CONVENES 3 JAN 17 AND ADJOURNS 30 NOV 17 (EST)

FINAL LEGISLATION

SB 1235 SUNSET EXTENSION FOR UNDERGROUND UTILITY LINE PROTECTION LAW. SB 1235 (Public Act: 160) amends the *Underground Utility Line Protection Law*, which governs the Pennsylvania One Call System. PA One Call is the communications system established to prevent damage to underground utilities and promote safety. The bill extends the

sunset date of the act from 31 DEC 16 to 31 DEC 17. The bill was signed by the governor on 4 NOV 16 and became effective upon signature.

OTHER REGULATORY ACTIVITY

LAND RECYCLING PROGRAM TECHNICAL GUIDANCE MANUAL FOR CERTAIN VAPOR INTRUSION. The Pennsylvania Department of Environmental Protection (PADEP) has [issued](#) a final [Technical Guidance Manual](#) (TGM) to assist remediators in satisfying the requirements of the *Land Recycling and Environmental Remediation Standards Act* (Act 2) and the Land Recycling Program regulations (Pa. Code Chapter 250). The TGM provides guidance for how to address vapor intrusion (VI) from contaminated soil and groundwater into buildings. The document replaces, in its entirety, the *Land Recycling Program Technical Guidance Manual – Section IV.A.4. Vapor Intrusion into Buildings from Groundwater and Soil under the Act 2 Statewide Health Standard* dated 24 JAN 04. The TGM becomes effective on 18 JAN 17.



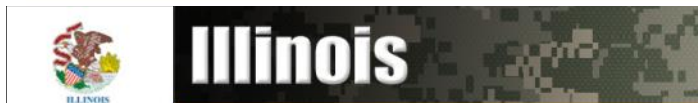
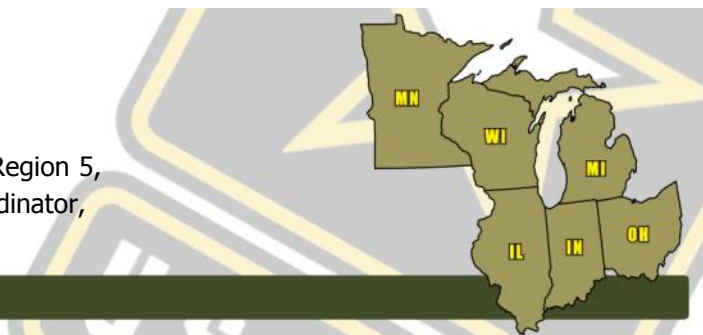
LEGISLATURE CONVENES 11 JAN 17 AND ADJOURNS 25 FEB 17 (EST)

PREFILED LEGISLATION

HB 1423 POTOMAC RIVER WATERSHED COMPLIANCE REQUIREMENTS FOR COMBINED SEWER OVERFLOWS. HB 1423 directs the Virginia Department of Environmental Quality (VDEQ) to identify the owner/operator of any combined sewer overflow (CSO) outfall that discharges into the Potomac River Watershed. The bill requires VDEQ, by 1 JUL 18, to determine what actions by the owner are necessary to bring the outfall into compliance with Virginia law, the federal Clean Water Act (CWA), and the Presumption Approach described in the CSO Control Policy adopted by USEPA. The bill states that the outfall must be in compliance by 1 JUL 27. The bill does not apply to any outfall for which a higher level of control is necessary to comply with a TMDL. The bill has been prefiled. An identical bill, [SB 818](#), has been prefiled in the Senate.

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 CONVENEED 13 JAN 16 AND ADJOURNS 11 JAN 17 (EST)

PROPOSED RULES

AMENDMENTS TO AMBIENT AIR QUALITY REQUIREMENTS. The Illinois Pollution Control Board (IPCB) has [proposed](#) amendments to the ambient air quality requirements at 35 Ill. Adm. Code 243. The amendments allow the state requirements to correspond with USEPA amendments to the federal National Ambient Air Quality Standards (NAAQS) adopted between 1 JAN 16 and 30 JUN 16. Once finalized, the amendments will be submitted as a SIP revision to USEPA for review and approval. Comments are due by 29 DEC 16. In anticipation of the SIP revision submission, IPCB has [requested comment](#) on the possible SIP revision.

AMENDMENTS TO SEWER DISCHARGE CRITERIA. IPCB has [proposed](#) revisions to the state wastewater pretreatment rules at 35 Ill. Adm. Code 307, *Sewer Discharge Criteria*. The revisions implement amendments adopted by USEPA between 1 JUL 15 and 31 DEC 15. USEPA wastewater pretreatment elements being implemented include: (1) mandatory digital reporting rules for facilities permitted under the National Pollutant Discharge Elimination System (NPDES) program; and (2) amended wastewater effluent requirements applicable to sources in the Steam Electric Power Generating Point Source Category. Comments are due by 15 DEC 16.

AMENDMENTS TO STATE DEFINITION OF VOC. IPCB has [proposed](#) amendments to the state definition of VOC at 35 Ill. Adm. Code 211, *Definitions and General Provisions*. The amendments update the state VOC definition to correspond with an amendment to the federal definition of VOC at 40 C.F.R. 51.100(s) that USEPA adopted between 1 JAN 16 and 30 JUN 16. The USEPA amendment being implemented revised the existing exclusion of tertiarybutyl acetate (t-Bac) to remove the recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements related to the use of t-Bac as a VOC. Once finalized, the amendments will be submitted as a SIP revision to USEPA for review and approval. Comments are due by 2 JAN 17. In anticipation of the SIP revision submission, IPCB has [requested comment](#) on the possible SIP revision.



LEGISLATURE CONVENES 3 JAN 17 AND ADJOURNS SINE DIE 29 APR 17 (EST)

FINAL RULES

RENEWAL OF NPDES PESTICIDE GENERAL PERMIT. The Indiana Department of Environmental Management (IDEM) has [issued](#) a renewal of the NPDES Pesticide General Permit (GP) [Number ING870000](#). The GP establishes requirements for point source discharges statewide from the application of pesticides on waters of the state of Indiana and land areas adjacent to waters of the state. These requirements are consistent with USEPA pesticide GP requirements. The renewed GP became effective on 31 OCT 16 and will expire on 30 OCT 21.

HAZARDOUS WASTE REGULATORY UPDATE. IDEM has [adopted](#) amendments to 329 IAC 3.1, *Hazardous Waste Management Permit Program and Related Hazardous Waste Management*. The amendments incorporate by reference USEPA amendments to the hazardous waste requirements promulgated as of 1 JUL 15. A notice of the proposed amendments was published in the April 2016 *Northern Review*. The amendments became effective on 2 DEC 16.

ADOPTION OF REVISED TOTAL COLIFORM RULE REQUIREMENTS. The Indiana Water Pollution Control Division has [adopted](#) an emergency rule to temporarily amend the public water supply regulations at 327 IAC 8-2, 327 IAC 8-2.1, 327 IAC 8-2.3, and 327 IAC 8-2.5. The amendments add federal requirements of the revised total coliform rule. The emergency rule became effective on 10 NOV 16 and will expire on 14 FEB 17.



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

PROPOSED LEGISLATION

HB 6024 SITE REMEDIATION REQUIREMENTS. HB 6024 amends the Natural Resources and Environmental Protection Act (NREPA) in regards to site remediation. The bill requires, if technically feasible, certain remedial actions to attain cleanup criteria for unrestricted residential use and to restore any affected aquifer to state drinking water standards. The bill was referred to the Natural Resources Committee.

SB 1179 AMENDMENTS TO AST APPLICATION AND ANNUAL FEES. SB 1179 amends the Fire Prevention Code regarding AST fees. Under current law, an individual who wishes to install an AST is subject to a fee of \$203 with the application for installation, as well as a \$61.50 annual fee. The bill would exempt owners of ASTs from the fees if the tanks were used exclusively for the storage of refined petroleum products subject to the 7/8th-cent per gallon environmental protection regulatory fee. The bill passed the Senate and was referred to the House Appropriations Committee.

FINAL RULES

CLEANUP CRITERIA FOR 1,4-DIOXANE. The Michigan Department of Environmental Quality (MDEQ) has [adopted](#) two emergency rules that establish cleanup criteria for 1,4-dioxane under the authority of Part 201, *Environmental Remediation*, of NREPA. The current cleanup criteria for 1,4-dioxane, initially established in 2002, are outdated and are not protective of public health with respect to the drinking water ingestion pathway and the vapor intrusion pathway. The first emergency rule establishes the 1,4-dioxane cleanup criterion for the drinking water ingestion pathway at 7.2 parts per billion (ppb). The second emergency rule establishes the vapor intrusion screening criterion at 29 ppb. The emergency rules became effective on 27 OCT 16 and will expire on 25 APR 17.

PROPOSED RULES

AMENDMENTS TO AIR POLLUTION CONTROL REGULATIONS. MDEQ has [proposed](#) amendments to the regulations at Part 55, *Air Pollution Control*, of NREPA. These rules set emission standards for existing sources of VOCs. The proposed amendments were requested by USEPA Region 5 to clarify the testing requirements for emulsified and cutback asphalts. The amendments also update the federal reference and adoption by reference citations. The comment period closed on 14 NOV 16.



LEGISLATURE CONVENES 3 JAN 17 AND ADJOURNS SINE DIE 22 MAY 17 (EST)

FINAL RULES

ANTIDegradation of State Waters Rules. The Minnesota Pollution Control Agency (MPCA) has [adopted](#) amendments to Minnesota Rules, chapter 7050, *Waters of the State*, to protect surface water quality. The amendments repeal the existing non-degradation rules and replace them with new antidegradation rules. MPCA has also proposed amendments to Minnesota Rules chapters 7001, *Permits and Certifications*, and 7052, *Lake Superior Basin Water Standards*, in support of the antidegradation amendments. A notice of the proposed amendments was published in the March 2016 *Northern Review*. The final amendments contain some modifications from the proposed amendments. The amendments became effective on 21 NOV 16.

OTHER REGULATORY ACTIVITY

PROPOSED SIP REVISION ADDRESSING GOOD NEIGHBOR PROVISIONS UNDER 2012 PM_{2.5} NAAQS. MPCA has [requested comment](#) on a proposed SIP revision that addresses Minnesota's good neighbor obligations under the 2012 PM_{2.5} NAAQS. The revision demonstrates MPCA's belief that the limits and controls currently in place to limit PM_{2.5} and its precursors are sufficient to ensure that Minnesota will not significantly contribute to nonattainment, or interfere with maintenance, in any downwind state. Therefore, the revision states that no further controls or emissions limits are required to fulfill the state's responsibilities under the good neighbor provisions. Comments are due by 23 DEC 16.



LEGISLATURE CONVENED 5 JAN 16 AND ADJOURNS 31 DEC 16 (EST)

FINAL RULES

AMENDMENTS TO UNDERGROUND INJECTION CONTROL RULES. The Ohio Environmental Protection Agency (OEPA) has adopted amendments to various rules in Ohio Administrative Code (OAC) [Chapter 3745-34](#), *Underground Injection Control*. The [amendments](#): (1) remove nonessential references and rule language; (2) revise Class II and Class III well language to be consistent with the Ohio Department of Natural Resources, the governing agency; (3) update rule references; (4) revise permit fees; (5) add language to be consistent with the federal counterparts; (6) add language to reflect state statute; (7) clarify that wells with mechanical integrity are authorized to inject waste and hazardous wells must follow operating requirements in OAC rule 3745-34-56; (8) add language to point to performance standards; and (9) add language requiring an owner/operator to follow the approved plan and allow for deviations from the approved plan during field work. The amendments became effective on 11 NOV 16.

REORGANIZATION OF WATER QUALITY STANDARDS REGULATIONS. OEPA has [adopted](#) amendments to multiple rules contained in the Water Quality Standards Program, OAC Chapter 3745-1. The [amendments](#) reorganize the content in the chapter, which includes the movement of existing rule content without any substantive changes, except in rule OAC 3745-1-05. The reorganization also includes the transfer of water quality standards rule requirements currently contained in other rule chapters (OAC Chapters 3745-2 and 3745-33) into OAC Chapter 3745-1. Due to the reorganization, all of Ohio's water quality standards are now contained within a single rule chapter. The amendments become effective on 6 FEB 17.

PROPOSED RULES

AMENDMENTS TO RELEASE NOTIFICATION REQUIREMENTS FOR OIL AND GAS FACILITIES. OEPA, on behalf of the State Emergency Response Commission (SERC), has [proposed](#) amendments to OAC rule 3750-25-25, *Release Notification Requirements*. The amendments align the rule language for reporting spills/releases at oil and gas facilities regulated under the ORC 1509 (Division of Oil and Gas Resources Management) with the Governor's Executive Order 2016-04K signed on 9 AUG 16. Specifically, the amendments incorporate the one-call emergency notification system for oil and gas related emergencies. The notification system designates the Ohio Department of Natural Resources to be the single point of contact for state agency notification for spills or releases at oil and gas regulated facility sites. A [public hearing](#) is scheduled for 19 DEC 16 and comments are due the same day.

OTHER REGULATORY ACTIVITY

DRAFT NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY. OEPA has [requested comment](#) on the [draft](#) NPDES GP for Storm Water Discharges Associated with Industrial Activity (Permit No. 70HR000006). The GP covers the majority of facilities requiring NPDES permit coverage to discharge stormwater throughout the state. The permit contains requirements for permittees to develop and implement a Stormwater Pollution Prevention Plan to minimize or eliminate the potential for contamination of stormwater by industrial activities. The GP includes reporting requirements for all facilities and also contains analytical monitoring requirements for most facilities covered. A public hearing is scheduled for 9 JAN 17 and comments are due by 16 JAN 17. A fact sheet concerning the draft GP can be found [here](#).

REVISED OHIO AIR MONITORING NETWORK PLAN 2016-2017. OEPA has [released](#) a revised [draft 2016-2017 Annual Air Monitoring Network Plan](#). OEPA has made revisions to the plan to provide additional details regarding Ohio's plan for fulfilling the requirements of Appendices A, C, D, and E of 40 CFR Part 58 related to ambient air monitoring. The comment period closed on 12 DEC 16.

DRAFT UNIVERSAL WASTE RULES. OEPA has [issued](#) draft rules to add Ohio-specific wastes to the state's universal waste rules. The [proposed wastes](#) are hazardous non-empty aerosol containers, hazardous paint and paint-related wastes, and hazardous antifreeze. Each new universal waste would be subject to streamlined provisions that are tailored to address the risks the wastes may pose. The requirements include labeling, tank and container standards, limited treatment provisions, accumulation time limits, employee training requirements, emergency response requirements, and transportation rules. Comments are due by 21 DEC 16.



LEGISLATURE CONVENES 11 JAN 17 AND ADJOURNS 31 DEC 17 (EST)

FINAL RULES

AMENDMENTS TO WELL CONSTRUCTION AND PUMP INSTALLATION REGULATIONS. The Wisconsin Department of Natural Resources has [adopted](#) amendments to NR 812, *Well Construction and Pump Installation*. The amendments correct and clarify, streamline processes, update construction standards, and ensure consistency with federal and state law. The amendments became effective on 1 NOV 16. The original statement of scope can be found [here](#).

Department of Defense Activity

SERDP FUNDING OPPORTUNITY. DOD's Strategic Environmental Research and Development Program (SERDP) is seeking to fund environmental research and development proposals. SERDP is DOD's environmental science and technology program, investing across a broad spectrum of basic and applied research and advanced development. Proposals are requested for the following areas: (1) environmental restoration; (2) munitions response; (3) resource conservation and climate change; and (4) weapons systems and platforms. Separate solicitations are available to federal and non-federal proposers. All core solicitation pre-proposals are due 5 JAN 17 and detailed instructions are available on the [SERDP website](#). SERDP will also fund environmental research and development through the SERDP Exploratory Development (SEED) solicitation. The SEED solicitation is designed to provide a limited amount of funding for short duration projects. This year, SERDP is requesting SEED proposals for the munitions response program area.

DODI FOR EXPLOSIVES SAFETY MANAGEMENT. The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (OUSD-DATL) has issued Department of Defense Instruction (DODI) [6055.09E, Explosives Safety Management](#) (ESM). The DODI establishes policy and assigns responsibilities for the DOD ESM Program and for the DOD Explosives Safety Board. It replaces DODI 6055.9E, issued 19 AUG 05. The DODI became effective on 18 NOV 16.

DODI FOR REPI PROGRAM. The OUSD-DATL has issued DODI [4715.24, The Readiness and Environmental Protection Integration \(REPI\) Program and Encroachment Management](#). The DODI establishes policy, assigns responsibilities, and provides procedures for executing the REPI program in coordination with other encroachment management tools and programs to protect military installations, ranges and their associated facilities, range infrastructure, and airspace from incompatible development and other encroachment threats. The DODI also establishes and provides responsibilities for the REPI Inter-Service Working Group to coordinate and integrate REPI program tools and strategies. The DODI became effective on 9 NOV 16.

DOD ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM. DOD has issued a final rule that establishes policy, assigns responsibilities, and provides procedures to be used by DOD personnel for the operation and management of the DOD Environmental Laboratory Accreditation Program (ELAP) ([81 FR 80996](#)). The DOD ELAP provides a unified DOD program through which commercial environmental laboratories can demonstrate competency and document

conformance to the international quality systems standards as they are implemented by DOD. The ELAP is a voluntary program open to qualified laboratories. The final rule establishes a program to allow qualified laboratories to receive third-party accreditation and become eligible to provide environmental sampling and testing services for DOD. The final rule becomes effective on 19 DEC 16.

DOD FACT SHEET: PROTECTING AMERICA'S ENVIRONMENT TODAY. The Office of the Deputy Assistant Secretary of Defense (Environment, Safety and Occupational Health) released a [fact sheet](#) highlighting recent DOD investments and accomplishments with respect to sustaining and protecting the environment through its environmental programs.

Federal Activity

AIR

PREVENTION OF SIGNIFICANT DETERIORATION. USEPA has issued a final rule amending the federal PSD regulations by removing a date restriction from the permit rescission provision ([81 FR 78043](#)). Other than removing the date restriction, the final rule does not alter the criteria under which a new source review (NSR) permit may be rescinded. The final rule clarifies that a rescission of a permit is not automatic and corrects an outdated cross-reference to another part of the PSD regulations. USEPA also added a corresponding permit rescission provision in the federal regulations that apply to major sources in nonattainment areas of Indian country. The final rule became effective on 7 DEC 16.

REFRIGERANT MANAGEMENT. USEPA has issued a final rule to update and extend requirements associated with the management of ozone depleting substances in air conditioning and refrigeration equipment containing more than 50 pounds of refrigerant ([81 FR 82272](#)). The final rule: (1) extends the requirements to certain non-ozone depleting substitute refrigerants, such as hydrofluorocarbons; (2) strengthens leak repair requirements; (3) adds recordkeeping requirements for the disposal of appliances containing between five and 50 pounds of refrigerant; (4) revises the technical certification program; and (5) makes housekeeping corrections to improve readability. The final rule becomes effective on 1 JAN 17.

CONTINUOUS EMISSION MONITORING SYSTEMS AT STATIONARY SOURCES. USEPA has issued a direct final rule revising a procedure in the NSPS ([81 FR 83160](#)). The procedure provides the ongoing quality assurance/quality control procedures for assessing the acceptability of PM continuous emissions monitoring systems. The revisions ensure that stationary sources that reduced their emissions since completing correlation testing will no longer be penalized because their lower emissions fall outside their initial response range. USEPA has also corrected errors and made housekeeping revisions. Barring adverse comment the direct final rule becomes effective on 21 FEB 17.

AMBIENT AIR MONITORING: ONE NEW EQUIVALENT METHOD. USEPA has designated one new equivalent method for measuring concentrations of nitrogen dioxide (NO₂) in ambient air ([81 FR 85561](#)). The designation of this equivalent method will assist the states in establishing and operating their air quality surveillance systems under Title 40 Code of Federal Regulation (CFR) Part 58.

2015 OZONE NAAQS: NONATTAINMENT CLASSIFICATIONS AND SIP REQUIREMENTS. USEPA has issued a proposed rule addressing nonattainment area classification thresholds and implementation requirements for the strengthened 2015 ozone NAAQS ([81 FR 81276](#)). The rule addresses the timing of attainment dates for each nonattainment area classification and a range of nonattainment area SIP requirements for the 2015 ozone NAAQS. The proposed SIP requirements pertain to attainment demonstrations, reasonable further progress (RFP) and associated milestone demonstrations, RACT, reasonably available control measures (RACM), major nonattainment new source review (NNSR), emission inventories, SIP submission timing, and compliance with SIP emission control measures. The proposed rule also addresses revocation of the 2008 ozone NAAQS, anti-backsliding requirements when the 2008 ozone NAAQS are revoked, and reconsideration of the ozone NAAQS interprecursor trading provisions.

CROSS-STATE AIR POLLUTION RULE. USEPA has provided notice of emission allocations to certain units under the new unit set-aside (NUSA) provisions of the Cross-State Air Pollution Rule (CSAPR) federal implementation plans (FIPs) ([81 FR 80593](#)). USEPA completed final calculations for the second round of NUSA allowance allocations for the 2016 compliance year of the CSAPR NO_x Ozone Season Trading Program. The agency also posted spreadsheets showing the second-round 2016 NUSA allocations of CSAPR NO_x ozone season allowances to new units and allocations to existing units of the remaining CSAPR NO_x ozone season allowances not previously allocated to new units. USEPA recorded the allocated CSAPR NO_x ozone season allowances in sources' allowance management system accounts by 15 NOV 16.

CLIMATE CHANGE

2014 STATE CO₂ EMISSIONS DATA. The Energy Information Administration has [released](#) estimated state carbon dioxide (CO₂) emissions data for 2014. The state CO₂ data include a summary table with total energy-related CO₂ by state beginning in 1990, a table with emissions by fuel in 2014, and a table with emissions by sector in 2014. There are additional tables by fuels and sectors for all states across time. Detailed tables for individual states provide emissions by fuel and sector for data beginning in 1980.

MID-CENTURY CLIMATE STRATEGY. The White House has released a new goal to rapidly reduce GHG emissions by midcentury. The [United States Mid-Century Strategy for Deep Decarbonization](#), referred to as the Mid-Century Strategy (MCS), charts a path to achieve economy-wide net GHG emissions reductions of 80 percent or more below 2005 levels by 2050, in accordance with the Paris Agreement and prior climate change commitments. According to the MCS, achieving deep economy-wide net GHG emissions reductions will require three major categories of action: (1) transitioning to a low-carbon energy system by cutting energy waste and deploying clean electricity and low carbon fuels in the transportation, building, and industrial sectors; (2) sequestering carbon by bolstering the amount of carbon stored and sequestered in U.S. lands and deploying CO₂ removal technologies such as bioenergy with carbon capture and storage; and (3) reducing non-CO₂ emissions, such as methane, NO_x, and fluorinated gas emissions.

CULTURAL RESOURCES

POLICY STATEMENT ON HISTORIC PRESERVATION AND COMMUNITY REVITALIZATION. The Advisory Council on Historic Preservation issued a policy statement on historic preservation and community revitalization ([81 FR 80669](#)). The policy supports a [2014 report](#) that recommended actions for communities undergoing population loss, economic decline, and associated blight. The policy statement is intended to ensure that preservation is considered as a tool that will assist federal, state, and local governments to plan and implement revitalization projects and programs in a manner that will consider the reuse and rehabilitation of historic properties.

ENERGY

ENERGY GRANTS FOR FEDERAL FACILITIES. Under the FY 2017 Assisting Federal Facilities with Energy Conservation Technologies (AFFECT) Funding Opportunity Announcement, the U.S. Department of Energy's Federal Energy Management Program (FEMP) will provide grants to federal agencies for projects in three topic areas: combined heat and power, renewable energy, and energy efficiency deep retrofits. Applicants will be asked to show how the proposed project results are conducive to broader adoption at other federal facilities, impacting the direction, strategy, and thinking of the agency to engage in similar efforts. The anticipated total funding level for AFFECT 2017 is \$3.0 million, subject to appropriations, with anticipated funding per award to be between approximately \$100,000 and \$1.0 million. Letters of intent (LOI) are due by 22 DEC 16, and full applications are due by 30 JAN 17. Applicants must submit a LOI to be eligible to submit a full application. To apply to AFFECT 2017, applicants must register with and submit application materials through the [EERE Exchange](#). For more information, click [here](#).

ELECTRIC STORAGE PARTICIPATION IN MARKETS. The Federal Energy Regulatory Commission released the text of a [proposed rule](#) that could greatly expand the role of energy storage in wholesale markets. The proposed rule would require each electric Regional Transmission Organization and each Independent System Operator to revise its tariff to remove barriers to the participation of electric storage resources and distributed energy resource aggregations in the

capacity, energy, and ancillary service markets operated by these organizations. The proposed rule also directs grid operators to adjust their rules so that distributed energy resource aggregators can compete in wholesale markets. To read a press release about the proposed rule, click [here](#).

HAZARDOUS WASTE

HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE. USEPA has issued a final rule adopting revisions to the Resource Conservation and Recovery Act (RCRA) hazardous waste generator regulatory program ([81 FR 85732](#)). The final rule incorporates more than 60 revisions and new provisions that: (1) reorganize the regulations to make them more user-friendly and improve their usability by the regulated community; (2) provide a better understanding of how the program works; (3) address gaps in the existing regulations to strengthen environmental protection; (4) provide greater flexibility for hazardous waste generators to manage their waste in a cost-effective and protective manner; and (5) make technical corrections and conforming changes to address inadvertent errors and remove obsolete references to programs that no longer exist. The final rule becomes effective on 30 MAY 17.

NATURAL RESOURCES

COASTAL ZONE MANAGEMENT PROGRAM. The National Oceanic and Atmospheric Administration (NOAA) has issued a proposed rule to streamline requirements for states amending their approved coastal zone management program ([81 FR 78514](#)). The amendments: (1) provide a more efficient process for states and NOAA to make changes to state management programs; (2) remove unnecessary requirements in the current regulations; (3) establish program change documentation to which all states would adhere; (4) continue to ensure that the public has an opportunity to comment on proposed changes to state coastal zone management programs; and (5) comply with the requirements of the Coastal Zone Management Act.

MID-ATLANTIC REGIONAL OCEAN ACTION PLAN. The Nation Ocean Council has submitted the [Mid-Atlantic Regional Ocean Action Plan](#) for certification that the plan meets requirements established by the National Ocean Policy, recommendations of the Interagency Ocean Policy Taskforce, and the Marine Planning Handbook ([81 FR 76635](#)). The National Ocean Policy encourages a comprehensive, ecosystem-based, and transparent ocean planning process for analyzing current and anticipated uses of ocean and coastal areas and resources, including the development of regional marine plans. The Mid-Atlantic Regional Planning Body includes the six states of Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia; two federally recognized tribes; and multiple federal agencies including DOD.

COMPENSATORY MITIGATION POLICY. The U.S. Fish and Wildlife Service (FWS) has revised its compensatory mitigation policy, which has guided service recommendations on mitigating the adverse impacts of land and water developments on fish, wildlife, plants, and their habitats since 1981 ([81 FR 83440](#)). The revised policy provides a framework for applying a landscape-scale approach to achieve, through application of the mitigation hierarchy, a net gain in conservation outcomes, or at a minimum, no net loss of resources and their values, services, and functions resulting from proposed actions. The policy will apply mitigation in a strategic manner that ensures an effective linkage with conservation strategies at appropriate landscape scales. The final policy became effective on 21 NOV 16. For more information, visit [regulations.gov](#), Docket Number FWS-HQ-ES-2015-0126, or FWS [compensatory mitigation website](#).

UPDATED THREATENED AND ENDANGERED SPECIES LIST. FWS has issued a final rule to update the list of threatened and endangered species in accordance with prior determinations made by the National Marine Fisheries Service (NMFS) ([81 FR 76311](#)). The final rule updates entries for the Puget Sound-Georgia Basin canary rockfish; Puget Sound-Georgia Basin yelloweye rockfish; Lower Columbia River coho salmon; Puget Sound steelhead to reflect the designation of critical habitat; and North Atlantic right whale to reflect an applicable rule citation. The final rule became effective on 2 NOV 16.

TOXICS

SIGNIFICANT NEW USE RULES. USEPA has issued a direct final rule adopting significant new use rules under the Toxic Substances Control Act (TSCA) for 57 chemical substances that were the subject of pre-manufacture notices ([81 FR](#)

[81250](#)). Thirty-four of the chemical substances are subject to TSCA section 5(e) consent orders issued by USEPA. The rulemaking requires persons who intend to manufacture (defined by statute to include import) or process any of these 57 chemical substances for an activity that is designated as a significant new use by this rule to notify USEPA at least 90 days before commencing that activity. Barring adverse comment the final rule becomes effective on 17 JAN 17.

TSCA CHEMICAL REVIEW. USEPA has [announced](#) the first 10 chemicals it will evaluate for potential risks to human health and the environment under the TSCA. The agency will start the risk evaluation process for the first 10 chemicals and within six months release a scoping document for each chemical that includes the hazard(s), exposure(s), conditions of use, and the potentially exposed or susceptible subpopulation(s) USEPA plans to consider for the evaluation. TSCA requires these chemical risk evaluations be completed within three years. If USEPA determines that a chemical presents an unreasonable risk, the agency must mitigate the risk(s) within two years. The first 10 chemicals to be evaluated are: 1,4-Dioxane; 1-Bromopropane; Asbestos; Carbon Tetrachloride; Cyclic Aliphatic Bromide Cluster; Methylene Chloride; N-methylpyrrolidone; Pigment Violet 29; Tetrachloroethylene, also known as perchloroethylene; and Trichloroethylene.

FOURTEENTH REPORT ON CARCINOGENS. The National Institutes of Health has released the 14th Report on Carcinogens, a congressionally mandated document that identifies and discusses agents, substances, mixtures, or exposure that may pose a hazard to human health because of their carcinogenicity ([81 FR 76621](#)). The report revises the listing for trichloroethylene by listing it as a known human carcinogen. The report also adds cobalt and cobalt compounds as reasonably anticipated to be human carcinogens.

ELECTRONIC SUBMISSIONS TO THE NRC. The U.S. Nuclear Regulatory Commission (NRC) has released an updated guidance document providing direction for the electronic transmission and submittal of documents ([81 FR 76634](#)).

ADDITION OF NONYLPHENOL ETHOXYLATES CATEGORY. USEPA has issued a proposed rule to add nonylphenol ethoxylates (NPEs) category to the Toxic Release Inventory (TRI) list of reportable chemicals ([81 FR 80624](#)). USEPA believes that longer chain NPEs can break down to short-chain NPEs and nonylphenol, both of which are highly toxic to aquatic organisms. NPEs are nonionic surfactants widely used in adhesives, wetting agents, emulsifiers, stabilizers, dispersants, defoamers, cleaners, paints, and coatings.

ADDITION OF HEXABROMOCYCLODODECANE CATEGORY. USEPA has issued a final rule adding a hexabromocyclododecane (HBCD) category to the TRI list of reportable chemicals ([81 FR 85440](#)). USEPA added the chemical category to the list because it determined that HBCD can be reasonably anticipated to cause developmental and reproductive effects in humans and is highly toxic to aquatic and terrestrial organisms. In addition, USEPA determined that HBCD should be classified as a persistent, bioaccumulative, and toxic chemical and assigned a 100-pound reporting threshold. HBCD is a brominated flame retardant commonly used in expanded and extruded polystyrene foam insulation boards and in textiles. The final rule became effective on 30 NOV 16.

SUSTAINABILITY

SFTOOL UPDATE. GSA has [expanded](#) its Sustainable Facilities Tool (SFTool) with a new feature that streamlines sustainable product procurement for vendors and buyers. SFTool now allows searching brands and products that align with federal sustainability requirements. Users can view sets of compliant products by brand and model, sort products by energy and water performance, and gather documentation to streamline procurement.

WASTE

CATEGORICAL NON-WASTE FUELS: OTHER TREATED RAILROAD TIES. USEPA has issued a proposed rule to add the category of "other treated railroad ties" to the list of non-hazardous secondary materials ([81 FR 75781](#)). In general, the Non-Hazardous Secondary Materials Rule establishes standards and procedures for identifying whether non-hazardous secondary materials are solid wastes when used as fuels or ingredients in combustion units. In 2013, USEPA listed certain non-hazardous secondary materials as "categorical non-waste fuels" provided certain conditions are met. In

February 2016, USEPA added three materials, including creosote treated railroad ties, to the list of categorical non-waste fuels. The proposed would add other treated railroad ties, which are processed creosote-borate, copper naphthenate and copper naphthenate-borate treated railroad ties.

HAZARDOUS WASTE EXPORT-IMPORT. USEPA has issued a final rule amending rules governing the import and export of hazardous wastes to and from the United States ([81 FR 85696](#)). The final rule: (1) aligns requirements with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development; (2) enables electronic submittal to USEPA of all export and import-related documents (e.g., export notices, export annual reports); and (3) enables electronic validation of consent in the Automated Export System for export shipments subject to export consent requirements. The final rule becomes effective on 31 DEC 16.

HAZARDOUS WASTE IN RETAIL SECTOR. USEPA held a webinar 10 NOV 16 describing its [retail strategy](#) to address agency concerns with regulating hazardous waste generated by retail sector activities and issues related to reverse distribution, common in the retail sector. A recording of the webinar is available from USEPA's [archived seminars and podcasts website](#), or by clicking [here](#).

MUNICIPAL SOLID WASTE REPORT. USEPA has released its annual analysis of municipal solid waste (MSW) figures with its annual [Advancing Sustainable Materials Management: Fact Sheets](#). USEPA found that 258 million tons of MSW were generated in 2014. More than 89 million tons, or 34.6 percent, were recycled and composted.

WATER

DRINKING WATER CONTAMINANT CANDIDATE LIST. USEPA has published a final list of contaminants that are currently not subject to proposed or promulgated national primary drinking water regulations ([81 FR 81099](#)). These contaminants are known or anticipated to occur in public water systems and may require regulation under the Safe Drinking Water Act (SDWA). The list is the [Fourth Contaminant Candidate List](#) (CCL 4) published by USEPA since the SDWA amendments of 1996. The final CCL 4 includes 97 chemicals or chemical groups and 12 microbial contaminants. Among the listed contaminants are PFOA/PFOS, and hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX).

PESTICIDE GENERAL PERMIT. USEPA has issued the final 2016 NPDES Pesticide General Permit (PGP) for all 10 USEPA Regions ([81 FR 75816](#)). The PGP authorizes certain point source discharges from the application of pesticides to waters of the U.S. It is applicable for five years in all areas of the country where USEPA is the permitting authority, which are: (1) Idaho, Massachusetts, New Hampshire, New Mexico, Washington D.C.; (2) all U.S. territories except the Virgin Islands; (3) federal facilities in Colorado, Delaware, Vermont, and Washington; (4) all Indian country except Maine; and (5) activities associated with oil, gas, and geothermal resources in Texas. The 2016 PGP, which replaced the 2011 PGP, became effective on 31 OCT 16 and will expire on 31 OCT 21. For more information click [here](#).

PESTICIDE USE AND WATER QUALITY LAWS. In November, the [Congressional Research Service](#) (CRS) released a report about the emerging conflict over interpretation and implementation of the Federal Insecticide, Fungicide, and Rodenticide Act and the Clean Water Act. The report includes a brief discussion of the two laws and a review of some of the major litigation of interest. USEPA's efforts to clarify its policy in this area are discussed, including a regulation issued in 2006 that was subsequently vacated by a federal court, as well as possible options for USEPA and Congress to address the issues further. The full report can be found [here](#).

NATIONWIDE PERMITS PROGRAM: ISSUES AND REGULATORY DEVELOPMENTS. In November, CRS issued a report on the USACE nationwide permit program. Permits issued by USACE authorize various types of development projects in wetlands and other waters of the United States. It has been more than 15 years since Congress examined the nationwide permit program in oversight hearings or in connection with bills to fund the Corps' regulatory program. To read the report, click [here](#).

WATER QUALITY ISSUES IN 114TH CONGRESS: AN OVERVIEW. CRS has released a report on water quality issues facing the 114th Congress. To read the full report, click [here](#).

Professional Development

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

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.

MULTIPLE OFFERINGS: 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 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.

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