



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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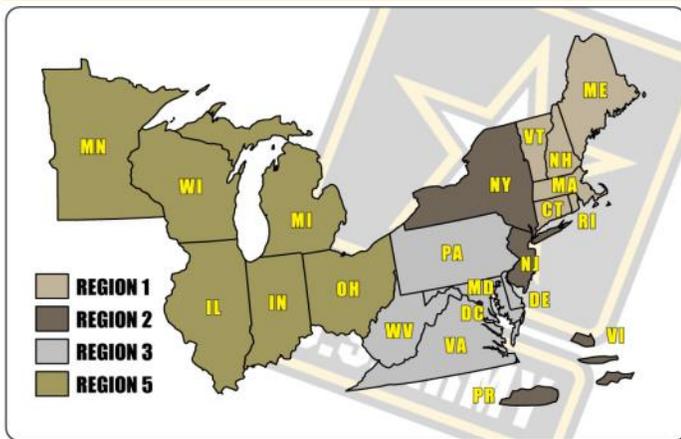


TABLE OF CONTENTS

Region 1	2
Region 2	6
Region 3	7
Region 5	10
DOD Activity	15
Federal Activity	15
Professional Development	19
Staff Directory	23

WHAT'S IN THIS REVIEW?

Region 1

In CT, final updates to air quality rules concerning NO_x emissions. In ME, final amendment to state VOC definition. In MA, final amendments to groundwater discharge and hazardous waste management rules. In NH, final amendments to regulated toxic air pollutant regulations. In VT, final rules amending groundwater protection standards and hazardous waste regulations concerning PFOA and PFOS.

Region 2

In NY, a new law enhancing protection of water supplies from cyber terrorism.

Region 3

In DE, final amendments to state VOC definition. In DC, final revisions to motor vehicle and mobile equipment non-assembly line coating operations. In VA, withdrawal of USEPA direct final rule concerning the removal of Stage II gasoline vapor recovery requirements. In WV, multiple final rules concerning amendments to various air regulations.

Region 5

In IN, update to state regulatory CFR references. In MI, new law amending regulations for leaking USTs, and final revisions to rule governing process safety management of highly hazardous chemicals. In MN, final amendments to air quality rules. In OH, final updates to rules for air pollution control, public water system contingency plan requirements, and solid and infectious waste.

DOD Activity

Army completed a PEA on solar photovoltaic renewable energy projects on Army installations.

Federal Activity

USEPA issued its fall 2016 semiannual regulatory agenda, and finalized Unregulated Contaminant Monitoring Rule 4. FWS issued a final rule revising regulations for eagle incidental take and take of eagle nests. An updated EO on safeguarding from invasive species has been issued.

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.



MULTIPLE STATE SIP REVISIONS CONCERNING INTERSTATE TRANSPORT OF PM_{2.5} AND OZONE AIR POLLUTION. USEPA has issued a proposed rule to approve State Implementation Plan (SIP) revisions submitted by the states of Maine, New Hampshire, Rhode Island, and Vermont ([81 FR 90758](#)). The revisions address Clean Air Act (CAA) provisions that require each state to submit a SIP addressing emissions that may adversely affect another state's air quality through interstate transport. USEPA has proposed that all four states have adequate provisions to prohibit in-state emissions activities from significantly contributing to nonattainment, or interfering with the maintenance, of the 1997 ozone National Ambient Air Quality Standards (NAAQS) in other states. USEPA has also proposed that Rhode Island and Vermont have adequate provisions to prohibit in-state emissions activities from significantly contributing to nonattainment, or interfering with maintenance, of the 1997 fine particulate matter (PM_{2.5}) and 2006 PM_{2.5} NAAQS in other states. Comments are due by 17 JAN 17.



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

FEDERAL ACTIVITY

DESIGNATION OF DREDGED MATERIAL DISPOSAL SITE IN EASTERN LONG ISLAND SOUND. USEPA has issued a final rule designating a disposal site in eastern Long Island Sound for dredged material from certain harbors and navigation channels ([81 FR 87820](#)). The final rule designates the Eastern Long Island Sound Disposal Site located offshore from New London, Conn. The designation was necessary to provide a long term, open water dredged material disposal site as an alternative for the possible future disposal of such material. This disposal site designation is subject to various restrictions designed to support the goal of reducing or eliminating the disposal of dredged material in Long Island Sound. A notice of the proposed designation was published in the May 2016 *Northern Review*. The final rule became effective on 5 JAN 17.

FINAL RULES

AMENDMENTS TO AIR QUALITY REGULATIONS CONCERNING NO_x EMISSIONS FROM FUEL-BURNING EQUIPMENT. The Connecticut Department of Energy and Environmental Protection has [finalized](#) a rulemaking to adopt, amend, and repeal sections of the air quality regulations concerning emissions of nitrogen oxides (NO_x) from fuel-burning equipment. The final rulemaking: (1) repeals, as of 1 JUN 18, Regulations of Connecticut State Agencies (RCSA) section 22a-174-22 (*Control of nitrogen oxides emissions*); (2) adopts RCSA sections 22a-174-22e (*Control of nitrogen oxides emissions from fuel-burning equipment at major stationary sources of nitrogen oxides*) and 22f (*High daily NO_x emitting units at non-major sources of NO_x*); and (3) amends various other sections that refer to RCSA section 22a-174-22. The rulemaking uses a phased approach to reduce NO_x emissions from fuel-burning equipment and assists Connecticut with fulfilling obligations under the 2008 and 2015 ozone NAAQS. The state will submit the changes, as a SIP revision, to USEPA for review and approval. A notice of the proposed rulemaking was published in the June 2016 *Northern Review*. The final rulemaking [differs](#) from the original proposal in regard to the start date of "Phase 2" compliance options and the flexibility with which those options can be used. The rulemaking became effective on 22 DEC 16.



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

FEDERAL ACTIVITY

ADOPTION OF CERTAIN CWA WATER QUALITY STANDARDS APPLICABLE TO MAINE. USEPA has issued a final rule adopting federal Clean Water Act (CWA) water quality standards (WQS) for certain waters under the state of Maine's jurisdiction ([81 FR 92466](#)). Entities such as industries, stormwater management districts, or publicly owned treatment works (POTWs) that discharge pollutants to waters of the U.S. in Maine could be indirectly affected by this rulemaking. Standards adopted include human health criteria to protect the sustenance fishing designated use in waters within Indian lands and in waters subject to sustenance fishing rights under the Maine Implementing Act. The adopted WQS also address various disapprovals of Maine's standards that USEPA issued in 2015. The final rule becomes effective on 18 JAN 17.

FINAL RULES

UPDATE TO STATE DEFINITION OF VOC. The Maine Department of Environmental Protection (MDEP) has [adopted](#) amendments to [Ch. 100, Definitions Regulation](#). The amendments add compounds that were previously exempted from the definition of volatile organic compound (VOC) by USEPA. Instead of listing all exempt compounds, MDEP incorporated the federal exemptions by reference. The amendments also deleted the definition for "negligibly photochemically reactive" since it is no longer needed. The amendments became effective on 27 NOV 16.



LEGISLATURE CONVENED 4 JAN 17 AND ADJOURNS 31 DEC 17 (EST)

FEDERAL ACTIVITY

SIP REVISIONS FOR INFRASTRUCTURE REQUIREMENTS FOR MULTIPLE NAAQS. USEPA has issued a final rule approving most elements of SIP revisions submitted by Massachusetts ([81 FR 93627](#)). The revisions address CAA infrastructure requirements for the 1997 ozone, 2008 lead, 2008 ozone, 2010 nitrogen dioxide (NO₂), and 2010 sulfur dioxide (SO₂) NAAQS. USEPA has conditionally approved three aspects of Massachusetts's revisions, while also making findings of failure to submit pertaining to various aspects of the prevention of significant deterioration (PSD) requirements. The final rule becomes effective on 20 JAN 17.

FINAL RULES

AMENDMENTS TO GROUNDWATER DISCHARGE AND HAZARDOUS WASTE MANAGEMENT REGULATIONS. The Massachusetts Department of Environmental Protection (MassDEP) has [adopted](#) amendments to 314 CMR 5.00, *Ground Water Discharge Permit Program*, and 314 CMR 8.00, *Supplemental Requirements for Hazardous Waste Management*. The amendments to 314 CMR 5.00: (1) add permitting exemptions for certain types of discharges that are adequately regulated by another program or agency; (2) streamline the permit process for administrative renewals; (3) streamline permit requirements regarding financial assurance; (4) require electronic reporting within one year of the date of the revisions; and (5) institute a self-certification process for owners of private wastewater treatment facilities. The amendments to 314 CMR 8.00 make technical amendments to update terms, definitions, and references that are outdated. The amendments became effective on 2 DEC 16.

OTHER REGULATORY ACTIVITY

2017 DRAFT STATE REVOLVING FUND INTENDED USE PLANS. MassDEP has [released](#) the 2017 Draft Intended Use Plans (IUPs) for the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF). The CWSRF assists communities in implementing the requirements of the federal and state CWA. The DWSRF program assists public water suppliers with implementing requirements of the federal Safe Drinking Water Act (SDWA). The draft IUPs list, by priority ranking, those projects that MassDEP will recommend to be financed through the Massachusetts Clean Water Trust in 2017. The comment period closed on 4 JAN 17.



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

FINAL RULES

REGULATED TOXIC AIR POLLUTANT UPDATES. The New Hampshire Department of Environmental Services has [adopted](#) amendments to [Env-A 1400](#), *Regulated Toxic Air Pollutants*. The amendments implement RSA 125-I, *Air Toxic Control Act*, by listing regulated toxic air pollutants, classifying them, and establishing ambient air limits. The amendments reflect updates made to the list of chemical substances by the American Conference of Governmental Industrial Hygienists and USEPA's Integrated Risk Information System. The amendments also: (1) broaden the exemption for publicly owned wastewater treatment facilities and add pump stations associated with such facilities to the exemption; and (2) add exemptions for routine maintenance activities associated with boilers, and the use of isopropyl alcohol, NO_x, and ethylene oxide at health care facilities. A notice of the proposed amendments was published in the September 2016 *Northern Review*. The final amendments differ from the original proposal by the removal of exemptions for cooling towers and combustion of landfill gas. The amendments became effective on 30 DEC 16.



LEGISLATURE CONVENED 3 JAN 17 AND ADJOURNS SINE DIE 30 JUN 17 (EST)

FINAL RULES

REVISIONS TO REGULATIONS GOVERNING CONTROL OF NO_x EMISSIONS. The Rhode Island Department of Environmental Management (RIDEM) has [adopted](#) revisions to Air Pollution Control (APC) Regulation Number 27, *Control of Nitrogen Oxides Emissions*. This regulation limits NO_x emissions from stationary sources. The revisions include: (1) reducing the frequency of compliance testing required from annually to once every five years; (2) reducing the frequency of tune-ups required for industrial-commercial-institutional boilers from annually to biennially; (3) altering the allowable tune-up procedure for certain boilers; (4) revising the method for determining compliance with the emission limits; and (5) updating/eliminating some outdated provisions of the regulation. A notice of the proposed revisions was published in the June 2016 *Northern Review*. The revisions became effective on 9 JAN 17.

REVISIONS TO REGULATIONS GOVERNING CONTROL OF VOCs FROM SURFACE COATING OPERATIONS. RIDEM has [adopted](#) revisions to APC Regulation Number 19, *Control of Volatile Organic Compounds from Surface Coating Operations*. The emission limits in Regulation 19 and APC Regulation Number 44, *Control of Volatile Organic Compounds from Adhesives and Sealants*, can apply to the same processes. The revisions add regulatory language to clarify that the emission limitations in Regulation 19 do not apply to those who are subject to the requirements in Regulation 44. Additionally, the registration requirements are being revised to be consistent with the requirements in APC Regulation No. 14, *Record Keeping and Reporting*. A notice of the proposed revisions was published in the June 2016 *Northern Review*. The revisions became effective on 9 JAN 17.

AMENDMENTS TO ALLOWABLE SULFUR CONTENT OF ALTERNATIVE FUELS. RIDEM has [adopted](#) amendments to APC Regulation Number 8, *Sulfur Content of Fuels*. The amendments correct a mistake from a 2014 revision. Prior to the 2014 revision, the allowable sulfur content of alternative fuels was the same as that for residual fuel oils. In the 2014 revision, the allowable sulfur content of alternative fuels was changed to be the same as that for distillate fuel oils. This was a mistake and evidence has been provided RIDEM to show that it is impossible to achieve such limits for waste oils. The amendments restore the allowable sulfur content for alternative fuels to be the same as that for residual fuel oils as it was prior to 2014. The amendments became effective on 9 JAN 17.



LEGISLATURE CONVENED 4 JAN 17 AND ADJOURNS SINE DIE 19 MAY 17 (EST)

FINAL RULES

GROUNDWATER PROTECTION RULE AND STRATEGY. The Vermont Agency of Natural Resources (VANR) has [adopted](#) a permanent rulemaking to establish primary groundwater quality enforcement standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). The rulemaking sets a 20 parts per trillion (ppt) enforcement standard and a 10 ppt preventive action level for both PFOA and PFOS. The 20 ppt standard also applies to the sum of PFOA and PFOS. An "enforcement standard" is the detectable concentration of a substance in groundwater that, when reached or exceeded, requires a response under Section 12-804 of the Vermont Groundwater Rule. A "preventive action level" is the detectable concentration that requires a response under Section 12-803 of the rule. An emergency rule was previously in effect that established a primary groundwater enforcement standard of 20 ppt for PFOA and 30 ppt for PFOS. A notice of the proposed rulemaking was published in the August 2016 *Northern Review*. The adoption became effective on 16 DEC 16.

AMENDMENTS TO AIR POLLUTION CONTROL REGULATIONS. VANR has [adopted](#) amendments to the air pollution control regulations that address a wide variety of housekeeping and substantive issues, including required USEPA SIP amendments. The amendments also include: (1) updates to the Air Quality and Climate Division's administration of the air contaminant source registration program; (2) updates to the perchloroethylene dry cleaning rules; and (3) an expansion in the scope of the outdoor wood-fired boiler (OWB) rule to include wood stoves and other central wood heaters certified by USEPA. The amendments became effective on 25 DEC 16.

HAZARDOUS WASTE MANAGEMENT RULE AMENDMENTS CONCERNING PFOA AND PFOS. VANR has [adopted](#) a permanent rulemaking to amend the state Hazardous Waste Management Rule. The amendments: (1) list PFOA and PFOS as Vermont listed hazardous wastes; (2) create several exemptions from managing wastes containing PFOA and PFOS as hazardous waste; and (3) restructure the process of listing Vermont specific hazardous wastes. An emergency rule was previously in effect that added PFOA and PFOS to the Vermont list of hazardous waste. A notice of the proposed rulemaking was published in the August 2016 *Northern Review*. The adoption became effective on 16 DEC 16.

AMENDMENTS TO STATE WATER QUALITY STANDARDS. VANR has [adopted](#) amendments to the Vermont Water Quality Standards (VWQS). The amendments reflect updates to water pollution control regulations (10 V.S.A. §§ 1252 and 1253), enacted under Act 79 of 2016, by adding Class B(1) criteria and reorganizing the water quality criteria to allow for designating individual uses in a single water as different classes. The amendments also: (1) incorporate the concept of dynamic stream equilibrium; (2) improve water temperature criteria; (3) incorporate previously authorized biological assessment procedures; (4) update toxic chemical criteria consistent with USEPA criteria and regulations; (5) reclassify specific uses of certain surface waters to Class A(1); (6) update the Antidegradation Policy consistent with federal regulations; and (7) update formatting, style, and grammar consistent with VANR drafting conventions. The amendments became effective on 15 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 10 JAN 17 AND ADJOURNS 9 JAN 18

PROPOSED LEGISLATION

AB 4429 (SB 2855) ELECTRONIC PUBLICATION OF LEGAL NOTICES ACT. AB 4429 allows government agencies and persons to publish legal notices on official government notice websites instead of in newspapers. The bill requires that a government agency that meets the requirements and elects to exclusively publish legal notices electronically must create a notice website on which the required legal notices would be electronically published. The bill was reported favorably with amendments out of the Appropriations Committee.



New York

LEGISLATURE CONVENED 4 JAN 17 AND ADJOURNS 31 DEC 17 (EST)

FEDERAL ACTIVITY

SIP REVISION AMENDING NNSR, NSR, AND PSD PROGRAMS. USEPA has issued a final rule approving SIP revisions submitted by the state of New York ([81 FR 95047](#)). The revisions amend existing nonattainment New Source Review (NNSR) and attainment New Source Review (NSR) PSD program requirements. Specifically, the SIP revision includes new requirements pertaining to the regulation of PM_{2.5} and the regulation of greenhouse gases (GHGs) under multiple New York regulations. USEPA has also approved certain elements of the SIP revisions regarding CAA infrastructure requirements for the 2008 lead, 2008 ozone, and 2010 SO₂ NAAQS. A notice of the proposed approval was published in the October 2016 *Northern Review*. The final rule becomes effective on 26 JAN 17.

FINAL LEGISLATION

SB 7601 ENHANCED PROTECTION OF WATER SUPPLIES FROM TERRORISM ATTACKS. SB 7601 (Public Act 516) provides for enhanced protection of water supplies from, and emergency planning for, terrorism and cyber terrorism attacks. The bill requires drinking water suppliers to submit a vulnerability assessment analysis relating to cyber terrorism. The bill also requires the commissioner of the New York State Division of Homeland Security and Emergency Services to review each vulnerability analysis assessment from a water supplier. A notice of the bill's introduction was published in the June 2016 *Northern Review*. The bill was signed by the governor of 31 DEC 16 and became effective upon signature.

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 10 JAN 17 AND ADJOURNS 30 JUN 17 (EST)

FINAL RULES

UPDATE TO STATE DEFINITION OF VOC. The Delaware Department of Natural Resources and Environmental Control (DDNREC) has [adopted](#) amendments to the air quality management regulations at 7 DE Admin. Code §1101, *Definitions and Principles*. The amendments update the state definition of VOC to mirror the federal definition, as found at 40 CFR 51.100(s). Specifically, the amendments add the following eight compounds to the list of compounds excluded from the state definition: HFO-1234ze; HFE-134; HFE-236cal2; HFE-338pcc13; H-Galden1040x; trans1-chloro-3,3,3-trifluoroprop-1-ene; HFO-1234yf; and 2-amino-2-methyl-1-propanol. The amendments became effective on 11 NOV 16.

LIMITING EMISSIONS OF VOCs FROM CONSUMER AND COMMERCIAL PRODUCTS. DDNREC has [adopted](#) amendments to 7 DE Admin Code 1141, *Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products*. The amendments revise Section 1.0, *Architectural and Industrial Maintenance Coatings*, to bring it up to date with the most current Ozone Transport Commission (OTC) model rule for regulation of the VOC content of architectural and industrial maintenance (AIM) coatings. A notice of the proposed amendments was published in the August 2016 *Northern Review*. The amendments became effective on 11 DEC 16.



LEGISLATURE CONVENED 1 JAN 17 AND ADJOURNS 31 DEC 17

FINAL RULES

MOTOR VEHICLE AND MOBILE EQUIPMENT NON-ASSEMBLY LINE COATING OPERATIONS. The District of Columbia Department of Energy and Environment has [adopted](#) amendments to Chapter 7 (Air Quality – Volatile Organic Compounds and Hazardous Air Pollutants) of Title 20 (Environment) of the District of Columbia Municipal Regulations. The amendments establish more stringent emission standards for automobile paint spray booth operations. Specifically, the rulemaking: (1) sets automotive coating and cleaning solvent VOC limits; (2) mandates the use of certain automotive coating application methods; (3) prescribes work practices and other requirements to reduce emissions; (4) includes stack requirements for new and existing automobile paint spray booths; (5) prescribes recordkeeping requirements for those who use particular automotive coating and cleaning solvents and related emission control systems; (6) details the test methods to determine compliance with various limits and standards; and (7) amends and adds applicable definitions and revises cross references. A notice of the proposed amendments and associated emergency rule was published in the April 2016 *Northern Review*. The amendments became effective on 9 DEC 16.



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

OTHER REGULATORY ACTIVITY

GENERAL PERMITS FOR DISCHARGES FROM SMALL MS4s. The Maryland Department of the Environment (MDE) has issued two separate notices of tentative determinations to issue different National Pollutant Discharge Elimination System (NPDES) General Permits (GPs). The GPs being issued are: (1) [Permit No. 13-IM-5500](#) - *General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s)*; and (2) [Permit No. 13-SF-5501](#) - *General Permit for Discharges from State and Federal Small MS4s*. MDE has drafted the GPs to comply with USEPA regulations and to control stormwater pollutant discharges from small MS4s. The permits are issued for five years. Public hearings are scheduled for both GPs on 6 FEB 17 and comments for both are due by 30 MAR 17.

DRAFT 2016 INTEGRATED REPORT OF SURFACE WATER QUALITY. MDE has [released](#) the *Draft 2016 Integrated Report of Surface Water Quality (IR)* for public review and comment. The IR combines water quality reports required under CWA sections 305(b), 314, and 303. The IR also assists in other ways relating to water quality planning for state, county, local, and non-governmental organizations. MDE has also released an [IR fact sheet](#). Comments are due by 23 JAN 17.



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

FEDERAL ACTIVITY

WITHDRAWAL OF RULE CONCERNING REMOVAL OF STAGE II GASOLINE VAPOR RECOVERY REQUIREMENTS. Due to the receipt of adverse comment, USEPA has withdrawn the direct final rule issued on [21 OCT 16](#) that approved a SIP revision submitted by the commonwealth of Virginia ([81 FR 89007](#)). The SIP revision removed 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. A notice of the direct final rule was published in the October 2016 *Northern Review*. The withdrawal of the direct final rule became effective on 9 DEC 16.

PROPOSED LEGISLATION

SB 918 THIRD-PARTY POWER PURCHASE AGREEMENTS FOR RENEWABLE GENERATION FACILITIES. SB 918 replaces the pilot program enacted in 2013 that authorized certain third-party power purchase agreements providing financing of certain renewable generation facilities. The measure requires the State Corporation Commission to establish third-party power purchase agreement programs for each electric utility. The existing pilot program applies only to Dominion Virginia Power and sets the maximum size of a renewable generation facility at one megawatt. SB 918 authorizes programs that apply to all electric utilities and does not set limits on the size of facilities. The bill also exempts sellers under third-party power purchase agreements from being defined as a public utility, public service corporation, public service company, or electric utility solely because of the sale of electricity or ownership or operation of a renewable generation facility. The bill was referred to the Commerce and Labor Committee.



LEGISLATURE CONVENED 11 JAN 17 AND ADJOURNS SINE DIE 10 MAR 17 (EST)

FEDERAL ACTIVITY

INFRASTRUCTURE SIP FOR 2012 PM_{2.5} NAAQS. USEPA has issued a proposed rule to approve SIP revisions submitted by the state of West Virginia addressing the infrastructure requirements for the 2012 PM_{2.5} NAAQS ([81 FR 94281](#)). The revision addresses CAA sections 110(a)(1) and (2) requirements that provide basic program elements necessary to implement, maintain, and enforce the 2012 PM_{2.5} NAAQS. Comments are due by 23 JAN 17.

FINAL RULES

ALTERNATIVE EMISSION LIMITATIONS DURING STARTUP, SHUTDOWN, AND MAINTENANCE OPERATIONS. The West Virginia Department of Environmental Protection (WVDEP) has [adopted](#) amendments to 45 CSR 01, *Alternative Emission Limitations During Startup, Shutdown, and Maintenance Operations*. The amendments identify the criteria for establishing an alternative emission limitation during periods of startup, shutdown, or maintenance. A notice of the proposed amendments was published in the July 2016 *Northern Review*. The West Virginia Legislative Rule-Making Review Committee has also [approved](#) the amendments. The amendments will be submitted to the 2017 Legislature for review and approval. Under West Virginia law, all regulations adopted by state regulatory agencies must be approved by the Legislature before they can be promulgated.

INCORPORATION OF FEDERAL AMBIENT AIR QUALITY STANDARDS. WVDEP has [adopted](#) amendments to 45 CSR 08, *Ambient Air Quality Standards*. The amendments incorporate by reference the federal national primary and secondary ambient air quality standards for SO₂, PM, carbon monoxide (CO), ozone, NO₂, and lead. A notice of the proposed amendments was published in the July 2016 *Northern Review*. The West Virginia Legislative Rule-Making Review Committee has also [approved](#) the amendments. The amendments will be submitted to the 2017 Legislature for review and approval.

CONTROL OF AIR POLLUTION FROM HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES. WVDEP has [adopted](#) amendments to 45 CSR 25, *Control of Air Pollution from Hazardous Waste Treatment, Storage, and Disposal Facilities*. The amendments adopt emission standards for the treatment, storage, and disposal of hazardous waste promulgated by USEPA pursuant to the Resource Conservation and Recovery Act (RCRA). The amendments also adopt associated appendices, reference methods, performance specifications, and other test methods that are appended to these standards. A notice of the proposed amendments was published in the July 2016 *Northern Review*. The West Virginia Legislative Rule-Making Review Committee has also [approved](#) the amendments. The amendments will be submitted to the 2017 Legislature for review and approval.

INCORPORATION OF EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS. WVDEP has [adopted](#) amendments to 45 CSR 34, *Emission Standards for Hazardous Air Pollutants*. The amendments incorporate by reference the National Emission Standards for Hazardous Air Pollutants (NESHAP) and other regulatory requirements promulgated by USEPA as of 1 JUN 16. A notice of the proposed amendments was published in the July 2016 *Northern Review*. The West Virginia Legislative Rule-Making Review Committee has also [approved](#) the amendments. The amendments will be submitted to the 2017 Legislature for review and approval.

REMOVAL OF GHG TAILORING RULE STEP 2 FROM PSD PROVISIONS. WVDEP has [adopted](#) amendments to 45 CSR 14, *Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality*. The amendments align state regulations with the current federal counterpart PSD provisions regarding removal of the GHG Tailoring Rule Step 2 that was vacated by the DC Circuit Court of Appeals in April 2015. Once final, the amendments will be submitted as a SIP revision to USEPA for review and approval. A notice of the proposed amendments was published in the July 2016 *Northern Review*. The West Virginia Legislative Rule-Making

Review Committee has also [approved](#) the amendments. The amendments will be submitted to the 2017 Legislature for review and approval.

INCORPORATION OF FEDERAL STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES. WVDEP has [adopted](#) amendments to 45 CSR 16, *Standards of Performance for New Stationary Sources*. The amendments incorporate by reference the New Source Performance Standards (NSPS) and other regulatory requirements promulgated by USEPA as of 1 JUN 16. New or revised NSPS standards being incorporated include: (1) Performance Specification 18; (2) Technical Amendments to Performance Specification 18 and Procedure 6; (3) Electric Utility Generating Sector; and (4) Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units. A notice of the proposed amendments was published in the July 2016 *Northern Review*. The West Virginia Legislative Rule-Making Review Committee has also [approved](#) the amendments. The amendments will be submitted to the 2017 Legislature for review and approval.

STATIONARY SOURCE REPORTING REVISIONS. WVDEP has [adopted](#) amendments to 45 CSR 13, *Permits for Construction, Modification, Relocation, and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Admin. Updates, Temporary Permits, General Permits, Permission to Commence Construction, and Procedures for Evaluation*. The amendments: (1) revise modification and stationary source definitions; (2) add store-on-site and WVDEP webpage definitions; (3) change applicability for Class 1 administrative updates to no increase in emissions; (4) change applicability of Class II administrative updates to an increase in emissions; (5) clarify store-on-site requirements; (6) provide miscellaneous clarifications and updates to references. A notice of the proposed amendments was published in the July 2016 *Northern Review*. The West Virginia Legislative Rule-Making Review Committee has also [approved](#) the amendments. The amendments will be submitted to the 2017 Legislature for review and approval.

VOLUNTARY REMEDIATION AND REDEVELOPMENT RULE REVISIONS. WVDEP has [adopted](#) amendments to 60 CSR 3, *Voluntary Remediation and Redevelopment Rule*. The amendments update Table 60-3B (De Minimis Table) and incorporate minor changes. The table is used extensively during risk-based cleanups to determine whether or not environmental contamination at a site being evaluated under the rule exceeds a level that would be protective of human health. The revisions to the De Minimis Table are necessary due to revised USEPA exposure factors, toxicity criteria, and physiochemical parameters, as well as risk-based groundwater de minimis values now including exposure via dermal contact. The amendments align state values with national standards. A notice of the proposed amendments was published in the July 2016 *Northern Review*. The West Virginia Legislative Rule-Making Review Committee has also [approved](#) the amendments. The amendments will be submitted to the 2017 Legislature for review and approval.

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 ADJOURNS 11 JAN 17 (EST)

FEDERAL ACTIVITY

SIP REVISION UPDATING DEFINITION OF VOM AND VOC. USEPA has issued a direct final rule approving a SIP revision submitted by the state of Illinois ([81 FR 95475](#)). The revision amends the Illinois Administrative Code (IAC) by updating the definition of volatile organic material (VOM), otherwise known as VOC, to exclude 2-amino-2-methyl-1-propanol

(AMP). The SIP revision brings the state definition in line with the federal definition, which was amended in 2014 to exempt the compound. Barring adverse comment the direct final rule becomes effective on 27 FEB 17.



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

FINAL RULES

UPDATE OF STATE REGULATION REFERENCES TO CFR. The Indiana Department of Environmental Management (IDEM) has [adopted](#) amendments to the Air Pollution Control Division regulations at 326 IAC 1-1-3. The amendments revise references to the Code of Federal Regulations (CFR) to bring it up to date with the 1 JUL 15 edition. The amendments became effective on 7 DEC 16.

OTHER REGULATORY ACTIVITY

UPDATE TO STATE 2015 8-HOUR OZONE NAAQS STANDARD. IDEM has [developed](#) draft rule language for amendments to Indiana's rules at 326 IAC 1-3-4, *Ambient air quality standards*. The amendments revise the state 2015 8-hour ozone NAAQS standard to 0.070 ppm and make formatting corrections. These changes will make the state standard consistent with the federal standard. The comment period closed on 6 JAN 17.



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

FEDERAL ACTIVITY

APPROVAL OF PROGRAM REVISIONS TO MICHIGAN'S CWA SECTION 404 PROGRAM. USEPA has issued a notice of decision approving portions of the revisions to Michigan's CWA Section 404 permitting program that resulted from the enactment of Michigan Public Act 98 ([81 FR 89930](#)). CWA Section 404 requires permits for dredge and fill activities in wetlands subject to federal jurisdiction. Any revisions to state CWA programs must be approved by USEPA before the revision can be implemented. USEPA reviewed the state's proposed revisions and found a majority of revisions to be consistent with the CWA and approvable. Other revisions are inconsistent with the CWA and thus not approvable. The approval became effective on 13 DEC 16.

FINAL LEGISLATION

SB 717 AMENDMENTS TO REGULATIONS FOR LEAKING USTs. SB 717 (Public Act 381) amends Part 213, *Leaking Underground Storage Tanks*, of the Natural Resources and Environmental Protection Act. The amendments include: (1) excusing a property owner or operator from compliance with a 45-day deadline for conducting a baseline environmental assessment, required for an exemption from liability for a release, if the Michigan Department of Environmental Quality (MDEQ) determined that the failure to comply was inconsequential; (2) providing that, if a closure report relied on an alternate mechanism and the conditions of that mechanism were changed in the future, the owner or operator must notify MDEQ 30 days prior to the change and they would be liable for additional corrective action activities necessary to address any increased risk of exposure to contamination; and (3) requiring a qualified UST consultant to have experience with the American Society for Testing and Materials Standard Guide for risk-based corrective action applied at petroleum release sites. A notice of the bill's introduction was published in the February 2016 *Northern Review*. The bill was signed by the governor on 21 DEC 16 and becomes effective on 27 MAR 17.

HB 5120 PUBLIC NOTIFICATION REQUIREMENTS FOR NONCOMPLIANCE WITH DRINKING WATER STANDARDS. HB 5120 (Public Act 478) amends the state Safe Drinking Water Act to require the owner or operator of a public water supply (PWS) to notify its users if the water that was delivered was found not to be in compliance with the state drinking water standards. The notice must explain the extent and nature of the noncompliance. The bill requires, in situations where administrative rules require public education regarding lead, that the owner or operator of the PWS issue a public advisory within three business days after being notified that the lead action level had been exceeded. The bill was signed by the governor on 6 JAN 17 and became effective upon signature.

FINAL RULES

AMENDMENTS TO REGULATIONS GOVERNING PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS. The Michigan Department of Licensing and Regulatory Affairs has [adopted](#) amendments to the regulations governing process safety management of highly hazardous chemicals at R 325.18301, R 325.18302, and R 325.18303. These regulations establish minimum requirements for preventing or minimizing the consequences of catastrophic releases of toxic, reactive, flammable, or explosive chemicals. The amendments adopt and update references to federal Occupational Safety and Health Administration regulations on process safety management of highly hazardous chemicals. The amendments became effective on 10 NOV 16.



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

FINAL RULES

AMENDMENTS TO AIR QUALITY RULES. The Minnesota Pollution Control Agency has [adopted](#) amendments to several chapters of the state air quality rules. The amendments ensure consistency with applicable state and federal regulations and make changes required by USEPA. Specifically, the amendments update air program definitions and ambient air quality standards, change permitting and performance testing rules, and incorporate by reference new federal performance and emission standards. The amendments became effective on 26 DEC 16.



LEGISLATURE CONVENED 2 JAN 17 AND ADJOURNS 31 DEC 17 (EST)

FEDERAL ACTIVITY

REDESIGNATION OF OHIO PORTION OF CINCINNATI AREA FOR 2008 OZONE STANDARD. USEPA has issued a final rule approving the state of Ohio's request to redesignate their portion of the Cincinnati, OH-KY-IN nonattainment area to attainment for the 2008 8-hour ozone NAAQS ([81 FR 91035](#)). The Cincinnati area includes Butler, Clermont, Clinton, Hamilton, and Warren counties. USEPA has also approved, as a SIP revision, the state's plan for maintaining the 2008 8-hour ozone standard through 2030. Finally, USEPA has approved the state's 2020 and 2030 VOC and NO_x Motor Vehicle Emissions Budgets (MVEBs) for the Ohio and Indiana portion of the Cincinnati area. A notice of the proposed approval was published in the October 2016 *Northern Review*. The final rule became effective on 16 DEC 16.

REDESIGNATION OF COLUMBUS AREA TO ATTAINMENT OF 2008 OZONE NAAQS. USEPA has issued a final rule approving the state of Ohio's request to redesignate the Columbus, Ohio, area to attainment for the 2008 ozone NAAQS ([81 FR 93631](#)). The Columbus area includes Delaware, Fairfield, Knox, Licking, and Mason counties. USEPA has also approved, as a SIP revision, the state's plan for maintaining the 2008 8-hour ozone standard through 2030. Finally, USEPA has approved the state's 2020 and 2030 VOC and NO_x MVEBs for the Columbus area. A notice of the proposed approval was published in the October 2016 *Northern Review*. The final rule became effective on 21 DEC 16.

FINAL RULES

AMENDMENTS TO PUBLIC WATER SYSTEM CONTINGENCY PLAN REQUIREMENTS. The Ohio Environmental Protection Agency (OEPA) has [adopted](#) amendments to the contingency plan requirements found at Ohio Administrative Code (OAC) [3745-85-01](#). The amendments clarify and expand the contingency plan requirements by: (1) establishing that wholesale systems are required to prepare and maintain a contingency plan in addition to community water systems; (2) expanding the definition and purpose, and availability of the contingency plan; (3) updating required contents of the contingency plan; (4) establishing a requirement to exercise the contingency plan; (5) revising the contingency plan revision requirements; (6) establishing the steps a public water system needs to take if a circumstance triggers the activation of their contingency plan; (7) stating that contingency plans submitted in accordance with the rule are not public records; and (8) establishing a requirement to supply the emergency contact information of a designated water system representative who will respond to an emergency within 30 minutes. A notice of the proposed amendments was published in the October 2016 *Northern Review*. The amendments became effective on 23 DEC 16.

UPDATE TO AIR POLLUTION CONTROL REGULATIONS. OEPA has adopted amendments to OAC Chapters [3745-71](#), *Definitions and reference to materials*, and [3745-71-03](#), *Methods of ambient air measurement*. The amendments update the rule language to reflect the CFR as published by 1 JUL 16, and fix minor formatting issues to maintain consistency among OEPA's rules. The amendments became effective on 10 DEC 16.

NO_x AND VOC EMISSION STATEMENTS AND AIR POLLUTION CONTROL FEES. OEPA has adopted amendments to [3745-24](#), *NO_x and VOC Emission Statements*, and air pollution control fee rules at [3745-78-1](#) and [3745-78-2](#). These rules are related to the submission of annual emission statements and air pollution control emissions fee reporting. The amendments make minor changes to the rules for clarification, fix typographical errors, and make the rule conform to Legislative Service Commission and agency formatting standards. The amendments became effective on 17 DEC 16.

AMENDMENTS TO SOLID AND INFECTIOUS WASTE REGULATIONS. OEPA has [adopted](#) amendments to the solid and infectious waste regulations at [3745-27-02](#), [-04](#), [-15](#), [-16](#), [-18](#), [-19](#), and [-20](#). The amendments address solid waste facilities and fulfill the state's five year rule review requirements. The amendments became effective on 1 JAN 17.

AMENDMENTS TO WASTEWATER PERMITS TO INSTALL REGULATIONS. OEPA has [adopted](#) a new rule and amendments to the Permit to Install Program regulations at OAC 3745-42 and OAC 3745-33-08. The amendments include provisions from guidance documents, strengthen application submittal requirements for disposal systems not owned by public entities or industries, and update requirements for the land application of treated sewage. The rulemaking becomes effective on 31 MAR 17.

PROPOSED RULES

AMENDMENTS TO HAZARDOUS WASTE MANAGEMENT REGULATIONS. OEPA has [proposed](#) amendments to the hazardous waste management rules. The amendments update Ohio's rules so they continue to be equivalent to their amended federal counterpart rules in 40 CFR Parts 261 and 266 and fulfill five-year review requirements. The amendments are typically referred to collectively as the "Set N" rules package. The comment period closed on 5 JAN 17.

AMENDMENTS TO SO₂ REGULATIONS. OEPA has [proposed](#) amendments to OAC Chapter 3745-18, *Sulfur Dioxide Regulations Rules*. The rules in this chapter set limits, testing, and recordkeeping requirements for emissions of SO₂ from sources in the state. The amendments are a result from the state mandated five year review of regulations. The amendments: (1) correct a deficiency identified by USEPA in a recent amendment; (2) remove facility specific emission requirements for shut down facilities; (3) update facility names and emissions unit identifications; and (4) make minor changes for grammar and typographical errors throughout the chapter. The comment period closed on 6 JAN 17.

OTHER REGULATORY ACTIVITY

CONTROL OF NMOC EMISSIONS FROM EXISTING LANDFILLS. OEPA has [invited stakeholder input](#) on proposed rule

changes to OAC Chapter 3745-76, *Control of Non-Methane Organic Compound (NMOC) Emissions from Existing Landfills*. The chapter contains requirements and emission guidelines for the control on NMOC emissions from existing landfills. Some of the major changes being considered include: (1) defining an existing landfill as any landfill that commenced construction, reconstruction, or modification on or before 17 JUL 14; (2) requiring that landfill owners/operators must install a gas collection and control system (GCCS) from 50 Megagrams (Mg) NMOC per year to 34 Mg/year; and (3) adding an alternative site specific emission threshold determination for when a landfill must install and operate a GCCS, which is referred to as "Tier 4," surface emissions monitoring. The comment period closed on 13 JAN 17.



LEGISLATURE CONVENED 3 JAN 17 AND ADJOURNS 31 DEC 17 (EST)

FEDERAL ACTIVITY

RECLASSIFICATION OF SHEBOYGAN AREA TO MODERATE NONATTAINMENT FOR 2008 OZONE NAAQS. USEPA has issued a final rule determining that the Sheboygan area has failed to attain the 2008 ozone NAAQS by the applicable attainment date of 20 JUL 16, and that the area is not eligible for an extension of the attainment date ([81 FR 91841](#)). USEPA has reclassified the area as "moderate" nonattainment for the 2008 ozone NAAQS. Due to the reclassification, the state must submit SIP revisions that meet the statutory and regulatory requirements that apply to areas classified as moderate nonattainment for the 2008 ozone NAAQS. The final rule required the submission of the necessary moderate area SIP revisions by 1 JAN 17. A notice of the proposed determination was published in the October 2016 *Northern Review*. The final rule became effective on 19 DEC 16.

INFRASTRUCTURE SIP REQUIREMENTS FOR 2012 PM_{2.5} NAAQS. USEPA has issued a final rule approving some elements of a SIP revision submitted by the state of Wisconsin ([81 FR 95043](#)). The revision addresses CAA section 110 infrastructure requirements for the 2012 PM_{2.5} NAAQS. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's CAA responsibilities. The final rule does not take action on Wisconsin's satisfaction of the infrastructure requirements of CAA section 110(a)(2)(F), also referred to as "element F," which pertains to stationary source monitoring and reporting. USEPA received adverse comment on the proposed approval of element F, so the agency will address it in a separate rulemaking. A notice of the proposed approval was published in the March 2016 *Northern Review*. The final rule becomes effective on 26 JAN 17.

OTHER REGULATORY ACTIVITY

DRAFT CONSOLIDATED ASSESSMENT AND LISTING METHODOLOGY DRAFT GUIDANCE. The Wisconsin Department of Natural Resources has [requested comment](#) on a draft guidance document, *Wisconsin 2018 Consolidated Assessment and Listing Methodology (WisCALM) for CWA Section 303(d) and 305(b) Integrated Reporting*. The document provides guidance to assess surface water quality and trends against standards set by the CWA. The methodology is updated for each biennial surface water assessment cycle and the current guidance is being updated for the 2018 cycle. Comments are due by 27 JAN 17.

Department of Defense Activity

PROCESS FOR CERTAIN ENTITIES TO OBTAIN DOD LEGAL REPRESENTATION CONCERNING BRAC SITE CONTAMINATION.

DOD has issued a proposed rule that outlines the process Local Redevelopment Authorities (LRAs), owners, and others in control of Base Realignment and Closure (BRAC) sites should use to request legal representation from DOD ([81 FR 88167](#)). The proposed rule stems from Section 330 of the 1993 Defense Authorization Act, which indemnifies owners of former military base property from lawsuits, judgements, and other actions arising out of claims for personal injury or property damage. To date, the statute primarily has been relied on by LRAs and their insurers to recover damages from the military after they encounter previously unknown contamination. Additional information can be found [here](#).

ARMY PROGRAMMATIC ENVIRONMENTAL ASSESSMENT ON SOLAR PHOTOVOLTAIC RENEWABLE ENERGY PROJECTS. The Department of the Army has completed a Programmatic Environmental Assessment (PEA) for construction, operation, and maintenance of solar photovoltaic (PV) renewable energy projects on Army installations. The Solar PEA supports the Army's efforts to streamline processes to develop and execute renewable and alternative energy projects that increase energy security and resiliency and enhance mission effectiveness. The PEA and a draft Finding of No Significant Impact (FONSI) are available for public review [here](#).

PROTECTION OF MILITARY AIRFIELDS FROM WIND TURBINE ENCRoACHMENT ACT. U.S. Representative Chris Collins (R-NY) has [introduced](#) the *Protection of Military Airfields from Wind Turbine Encroachment Act* ([HR 6397](#)). This act allows a 40-mile-radius buffer for an airfield or airbase under jurisdiction of a military department in active use, or an air traffic control radar site, weather radar site, or aircraft navigation aid owned or operated by DOD and a permanent land-based structure at a fixed location. U.S. Senator John Cornyn (R-TX) has also introduced a companion bill [SB 3428](#).

Federal Activity

AIR

FINAL INTEGRATED REVIEW PLAN FOR NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER. USEPA has released the final [Integrated Review Plan for the National Ambient Air Quality Standards for Particulate Matter](#) (IRP) ([81 FR 87933](#)). The IRP presents the planned approach and anticipated schedule for the review of the air quality criteria for particulate matter (PM) and the primary and secondary NAAQS for PM. The primary and secondary NAAQS for PM are set to protect the public health and public welfare, respectively, from exposures to PM in ambient air.

REVISIONS TO SNAP PROGRAM REGULATIONS. USEPA has issued a final rule amending regulations under the Significant New Alternatives Policy (SNAP) program ([81 FR 86778](#)). The final rule: (1) lists certain substances as acceptable, subject to use conditions; (2) lists several substances as unacceptable; (3) changes the listing status for certain substances from acceptable to acceptable, subject to narrowed use limits, or to unacceptable; (4) exempts propane in certain refrigeration end-uses from CAA section 608 prohibition on venting, release, or disposal; and (5) applies unacceptability determinations for foam-blowing agents to closed cell foam products and products containing closed cell foam that are manufactured or imported using these foam blowing agents. The final rule became effective on 3 JAN 17.

SECOND EXTERNAL REVIEW DRAFT INTEGRATED SCIENCE ASSESSMENT (ISA) FOR SULFUR OXIDES - HEALTH CRITERIA. USEPA has released the draft [Second External Review Draft Integrated Science Assessment for Sulfur Oxides—Health Criteria](#) (EPA/600/R-16/351) ([81 FR 89097](#)). The draft document was prepared as part of the review of the primary (health-based) NAAQS for SO₂. The Integrated Science Assessment (ISA), in conjunction with additional technical and policy assessments, provides the scientific basis for USEPA's decisions on the adequacy of the current NAAQS and the

appropriateness of possible alternative standards. USEPA intends to develop a separate ISA as part of an independent review for the secondary (welfare-based) NAAQS for NO_x and sulfur.

APPLICABILITY DETERMINATION INDEX (ADI) DATA SYSTEM RECENT POSTING. USEPA has updated the ADI with newly released applicability determinations, alternative monitoring decisions, and regulatory interpretations that the agency has made ([81 FR 95585](#)). ADI is a database containing USEPA memoranda on applicability and compliance issues associated with NSPS, NESHAPs, and chlorofluorocarbons (CFC). An electronic copy of each complete document posted on the ADI data system is available on the Resources and Guidance Documents for Compliance Assistance page of the CAA Compliance Monitoring website under "Air," located [here](#).

NESHAP FOR PUBLICLY OWNED TREATMENT WORKS. USEPA has issued a proposed rule to amend the NESHAP for Publicly Owned Treatment Works (POTW) ([81 FR 95352](#)). The amendments address results of the residual risk and technology review conducted under the CAA. The rule proposes to include: (1) pretreatment requirements to limit emissions from collection systems and the POTW treatment plant; (2) requirements for existing, new, or reconstructed industrial (Group 1) POTW to comply with both the requirements in this rule and those in the applicable NESHAP for which they act as control; and (3) hazardous air pollutant emission limits for existing, non-industrial (Group 2) POTW. In addition, USEPA has proposed to revise applicability criteria; the names and definitions of the industrial (Group 1) and non-industrial (Group 2) subcategories; regulatory provisions pertaining to emissions during periods of startup, shutdown, and malfunction; and requirements for electronic reporting.

CLIMATE CHANGE

REVISIONS AND CONFIDENTIALITY DETERMINATIONS FOR DATA ELEMENTS UNDER GHG REPORTING RULE. USEPA has issued a final rule amending specific provisions in the GHG Reporting Rule ([81 FR 89188](#)). Affected entities include general stationary fuel combustion sources. If an entire facility or supplier is merged into another facility or supplier that is already reporting GHG data under this part, then the owner or operator may discontinue complying with this part for the facility or supplier, provided that the owner or operator submits a notification to USEPA that announces the discontinuation of reporting. USEPA is implementing changes in stages for the 2016, 2017, and 2018 reports. The final rule has varied effective dates.

ENERGY

ASSISTING FEDERAL FACILITIES WITH ENERGY CONSERVATION TECHNOLOGIES. The U.S. Department of Energy (DOE) has [released](#) a grant funding announcement. Assisting Federal Facilities with Energy Conservation Technologies (AFFECT) 2017 will provide grants to federal agencies for projects in three topic areas: (1) Combined Heat and Power; (2) Renewable Energy; and (3) Energy Efficiency Deep Retrofits. Applicants will be asked to show how the proposed project results are conducive to broader adoption at other federal facilities.

STANDARDS FOR 2017 AND BIOMASS-BASED DIESEL VOLUME FOR 2018. USEPA has issued a final rule establishing the annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that apply to all motor vehicle gasoline and diesel produced or imported in 2017 ([81 FR 89746](#)). USEPA has also finalized applicable volumes of advanced biofuel and total renewable fuel. The standards are expected to continue driving the market to overcome constraints in renewable fuel distribution infrastructure, which in turn is expected to lead to substantial growth over time in the production and use of renewable fuels. The final rule establishes the applicable volume of biomass-based diesel for 2018. The final rule becomes effective on 10 FEB 17.

HAZARDOUS MATERIALS

HAZARDOUS MATERIALS AIR TRANSPORTATION. In consultation with the Federal Aviation Administration, the U.S. Department of Transportation (DOT) has proposed to amend the Hazardous Materials Regulations to align with current international standards for the air transportation of hazardous materials ([81 FR 87510](#)). The proposal amends certain special provisions, packaging requirements, notification of pilot-in-command requirements, and exceptions for

passengers and crew members. In addition to harmonization with international standards, some of the proposed changes are also responsive to petitions for rulemaking submitted by the regulated community.

NATURAL RESOURCES

EXECUTIVE ORDER 13751 – *SAFEGUARDING THE NATION FROM THE IMPACTS OF INVASIVE SPECIES*. The President has issued Executive Order (EO) 13751, *Safeguarding the Nation From the Impacts of Invasive Species* ([81 FR 88609](#)). This order updates EO 13112, *Invasive Species*, issued on 3 FEB 99. Changes include: (1) naming additional agencies and executive office components for participation on the National Invasive Species Council (NISC); (2) requirement for the Department of Health and Human Services, within one year, to report on public health impacts associated with invasive species; (3) requirement for federal agencies to consider the impacts of climate change relevant to the prevention, eradication, and control of invasive species; and (3) requirement for federal agencies to consider opportunities to apply innovative science and technology including remote sensing technologies, molecular tools, cloud computing, and predictive analytics. The EO also tasks the NISC with additional assessment and reporting responsibilities.

FRAMEWORK FOR A FEDERAL STRATEGIC PLAN FOR SOIL SCIENCE. The Soil Science Interagency Working Group has released a draft framework for a Federal Strategic Plan for Soil Science ([81 FR 87981](#)). The framework identifies current gaps, needs, and opportunities in soil science, and proposes federal research priorities for the future. The framework will inform a more comprehensive federal strategic plan that will provide recommendations for improving the coordination of soil science research, as well as the development, implementation, and evaluation of soil conservation and management practices among federal agencies and non-federal organizations, both domestic and international. The framework is available [here](#).

REGULATIONS FOR EAGLE INCIDENTAL TAKE AND TAKE OF EAGLE NESTS. The U.S. Fish and Wildlife Service (FWS) has issued a final rule revising the regulations for eagle nonpurposeful take permits and eagle nest take permits ([81 FR 91494](#)). The revisions include changes to permit issuance criteria and duration, definitions, compensatory mitigation standards, criteria for eagle nest removal permits, permit application requirements, and fees. The revisions add clarity to the eagle permit regulations, improve their implementation, and increase compliance, while maintaining strong protection for eagles. Additional information is available [here](#). The final rule becomes effective on 17 JAN 17.

CANDIDATE NOTICE OF REVIEW. FWS has issued a [Candidate Notice of Review](#), which presents an updated list of plant and animal species native to the U.S. that are regarded as candidates for, or have been proposed for addition to the lists of endangered and threatened wildlife and plants under the Endangered Species Act (ESA) ([81 FR 87246](#)). Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, and by allowing landowners and resource managers to alleviate threats and thereby possibly remove the need to list species as endangered or threatened.

UPDATE TO HABITAT CONSERVATION PLANNING HANDBOOK. FWS and the National Marine Fisheries Service have released a final updated [Habitat Conservation Planning \(HCP\) Handbook](#). The handbook describes requirements, procedures, and guidance for permit issuance and conservation plan development for incidental take permits under ESA. Since the original HCP Handbook was published in 1996, over 1,000 habitat conservation plans (HCPs) covering more than 46 million acres of land have been approved nationwide. The updated handbook establishes process standards and best practices, and also updates and refines policy guidance and procedures. These refinements streamline the HCP process and increase the overall effectiveness of the program. The updated handbook is designed to be more user-friendly and applicable in both print and web media.

REVISIONS TO REGULATIONS FOR CANDIDATE CONSERVATION AGREEMENTS WITH ASSURANCES. FWS has issued a final rule revising regulations concerning enhancement-of-survival permits issued under the ESA, associated with Candidate Conservation Agreements with Assurances ([81 FR 95053](#)). The final rule adds the term “net conservation benefit” to the Candidate Conservation Agreements with Assurances regulations, and eliminates references to “other necessary properties” to clarify the level of conservation effort required for each agreement to approve a Candidate Conservation Agreement with Assurances. The final rule becomes effective on 26 JAN 17.

RADIOLOGICAL

PROTECTIVE ACTION GUIDES AND PLANNING GUIDANCE FOR RADIOLOGICAL INCIDENTS. USEPA, in coordination with a multi-agency working group within the Federal Radiological Preparedness Coordinating Committee, has made final updates to the 1992 Manual of Protective Action Guides and Protective Actions for Nuclear Incidents, referred to as "The 1992 PAG Manual" (EPA 400-R-92-001, May 1992). The revised PAG Manual applies guidelines to incidents other than nuclear power plant accidents, updates the radiation dosimetry and dose calculations based on current science, and incorporates late phase guidance. The PAG Manual is not a legally binding regulation or standard and does not supersede any environmental laws. This guidance does not address or impact site cleanups occurring under other statutory authorities such as USEPA's Superfund program, the Nuclear Regulatory Commission's decommissioning program, or other federal or state cleanup programs. The manual is available [here](#).

TOXICS

PROPOSED TRICHLOROETHYLENE PROHIBITIONS. USEPA has issued a proposed rule to establish trichloroethylene (TCE) prohibitions under section 6 of the Toxic Substances Control Act (TSCA) ([81 FR 91592](#)). TCE is a VOC widely used in industrial and commercial processes and has some limited uses in consumer and commercial products. The proposed rule: (1) prohibits the manufacture, processing, and distribution in commerce of TCE for use in aerosol degreasing and for use in spot cleaning in dry cleaning facilities; (2) prohibits commercial use of TCE for aerosol degreasing and for spot cleaning in dry cleaning facilities; (3) requires manufacturers, processors, and distributors, except for retailers of TCE for any use, to provide downstream notification of these prohibitions throughout the supply chain; and (4) requires limited recordkeeping.

DESIGNATION OF CHEMICAL SUBSTANCES FOR INITIAL RISK EVALUATIONS UNDER TSCA. As required by TSCA, USEPA has published an initial list of 10 chemical substances that the agency is initiating chemical risk evaluations on ([81 FR 91927](#)). The chemicals are: 1,4-Dioxane; 1-Bromopropane; Asbestos; Carbon Tetrachloride; Cyclic Aliphatic Bromide Cluster (HBCD); Methylene Chloride; N-Methylpyrrolidone (NMP); Pigment Violet 29; TCE; and Tetrachloroethylene (also known as perchloroethylene). USEPA will issue, within six months, a scoping document for each substance. USEPA has also established dockets for each of the chemical substances to document each risk evaluation and to facilitate receipt of information that will be useful to the risk evaluation.

WATER

NPDES MS4s GENERAL PERMIT REMAND RULE. USEPA has issued a final rule [modifying](#) the Phase II stormwater regulations relating to the use of general permits for small MS4s ([81 FR 89320](#)). The final rule is in response to a remand of these regulations from the United States Court of Appeals for the Ninth Circuit. The final rule establishes two alternative approaches an NPDES permitting authority can use to issue and administer small MS4 general permits that address the court remand. This final rule is effective on 9 JAN 17.

REVISIONS TO UNREGULATED CONTAMINANT MONITORING RULE. USEPA has issued a final rule promulgating the Unregulated Contaminant Monitoring Rule (UCMR 4) ([81 FR 92666](#)). UCMR 4 requires larger public water systems to collect occurrence data for contaminants that may be present in drinking water but are not yet subject to drinking water standards. The rule identifies 11 analytical methods to support water system monitoring for a total of 30 chemical contaminants. This rule applies to all large community and non-transient non-community water systems serving more than 10,000 people. The final rule becomes effective on 19 JAN 17.

DRAFT HUMAN HEALTH RECREATIONAL AMBIENT WATER QUALITY CRITERIA AND/OR SWIMMING ADVISORIES FOR CYANOBACTERIAL TOXINS. USEPA has released the [draft](#) *Human Health Recreational Ambient Water Quality Criteria and/or Swimming Advisories for Microcystins and Cylindrospermopsin – 2016* ([81 FR 91929](#)). The draft contains concentration recommendations for the toxins microcystins and cylindrospermopsin in recreational water protective of human health while swimming or participating in other activities on the water. The recommended values found in this

draft document do not replace or supersede the 2012 Recreational Water Quality Criteria (RWQC) recommendations for E. coli and Enterococcus. Rather, once final, they will supplement the 2012 RWQC to provide further public health protection for additional, potentially hazardous conditions found in ambient recreational waters.

OTHER

USEPA FALL 2016 SEMIANNUAL REGULATORY AGENDA. USEPA has released its [Fall 2016 semiannual regulatory agenda \(81 FR 94809\)](#). The notice contains information about: (1) regulations in the semiannual regulatory agenda that are under development, completed, or canceled since the last agenda; (2) retrospective reviews of existing regulations; and (3) reviews of regulations with small business impacts under Section 610 of the Regulatory Flexibility Act. Other federal agencies' fall 2016 semiannual regulatory agendas can be found [here](#).

NEW FEATURES AVAILABLE ON ECHO GOV. USEPA has [added](#) several new features to ECHO Gov, the government-only area of the Enforcement and Compliance History Online (ECHO) website. New features include an air targeting tool and water quality indicators map. To learn about these features, from [ECHO](#), click "ECHO Gov Login" at the top right, and log in. Visit the "What's New in ECHO Gov" page.

SENTINEL LANDSCAPES. The Federal Coordinating Committee has released the [Sentinel Landscapes 2016 Report](#) and the 2017 [application](#) for designation as a Sentinel Landscape. The report reviews the achievements of the six current Sentinel Landscapes designated through 2016. Also in December, DOD's Readiness and Environmental Protection Integration (REPI) program held a [webinar](#) about the 2017 Sentinel Landscapes application process. The webinar provided information on the requirements, evaluative criteria, and timeline for 2017 designations as well as the benefits that come along with becoming a Sentinel Landscape. Applications for designation as a Sentinel Landscape are due 30 MAR 15.

Professional Development

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

WORKSHOPS

(NEW) CLASSROOM TRAINING, MULTIPLE OFFERINGS, 2017. ADVANCED NEPA - TAKING THE NATIONAL ENVIRONMENTAL POLICY ACT TO THE NEXT LEVEL. The Northwest Environmental Training Center is hosting several intensive one-day classroom seminars with solutions to the most difficult National Environmental Protection Act (NEPA) problems. This is a seminar format with significant time reserved for discussion rather than lecture. Handout materials are based on statutes, regulations, and case law rather than on opinion or past practice.

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

(NEW) FEMP OFFERS CERTIFICATE SERIES FOR 2016 GUIDING PRINCIPLES FOR SUSTAINABLE BUILDINGS. The U.S. Department of Energy's Federal Energy Management Program (FEMP) is offering a five-course training series that provides updated guidance for complying with the 2016 Guiding Principles for Sustainable Federal Buildings. The series is web-based and offered on demand.

2017 REPI WEBINAR SERIES. DOD's Readiness and Environmental Protection Integration (REPI) program announced its schedule of webinars for 2017. The webinars showcase best practices, tutorials, and knowledge sharing on REPI partnerships that support military missions and accelerate the pace and rate of conservation. Unless otherwise noted, all webinars begin at 1:00 pm Eastern. Past webinars are archived for later viewing.

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 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. 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 total maximum daily loads (TMDLs) and National Pollutant Discharge Elimination System (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. 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 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 management, basic and advanced environmental law, sustainability, pollution prevention, restoration, conservation, supplemental and Internet/computer-based training, and more.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING FY17. The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government. Fees vary according to personnel status (i.e., active duty Air Force/civilian, other U.S. government employee, contractor).

NPDES TRAINING COURSES AND WORKSHOPS. Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES permit program. They are designed for permit writers, dischargers, USEPA officials, and other interested parties.

USEPA WATERSHED ACADEMY WEBCAST SERIES. USEPA's Watershed Academy is sponsoring free webcast seminars for local watershed organizations, municipal leaders, and others. To access a webcast, simultaneously log on to the web and/or participate by phone in live training conducted by expert instructors. Archived training sessions are also available by streaming audio.

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How the Regional Offices Work for You

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

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

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