



# REC Review

## of Legislative & Regulatory Actions



Regional Environmental Coordination / Sustaining Readiness in Partnership with States

May 2017

The **REC Review** publishes environmental and energy related developments for DoD leaders and Installation staff. Covering 20 states in Federal Regions 1, 2, 3, 4, and 5, the **REC Review** gives early notice of legislative and regulatory activities relevant to DoD interests.

To find out more about the Regional Environmental Coordination Office and browse back issues of the **REC Review** visit <http://denix.osd.mil/rec/>. To receive a copy of this electronic publication, send a subscription request to [NAVFACML\\_EV-dodrecregion3@navy.mil](mailto:NAVFACML_EV-dodrecregion3@navy.mil).



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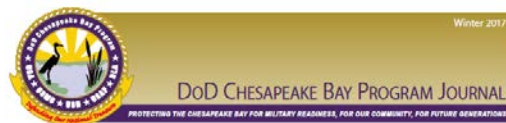
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### SPOTLIGHT STORY

DoD Chesapeake Bay Program Journal is a [quarterly publication](#) that provides Chesapeake Bay Program updates, highlights recent DoD activities in the Bay watershed, and summarizes scientific and technical advances that relate to the restoration and preservation of the Bay.

DoD installations host a diverse range of land- and water-based public access options, including hunting and fishing programs, boardwalk and trail networks, boat launch sites, interpretive displays, fishing piers, wildlife viewing areas, marinas, and other recreation areas.

This issue highlights a few installations that provide an open door to our great outdoors and demonstrates DoD's shared commitment to our military mission, the environment and our surrounding communities.



#### Exploring the Great Outdoors on DoD Lands

By Sarah Diebel, DoD Chesapeake Bay Program Coordinator

As I mentioned in the last issue, the Department of Defense (DoD) Chesapeake Bay Program (CBP) team developed a series of editorial focus areas and featured articles surrounding specific Chesapeake Bay Watershed Agreement (Agreement) Goals and Objectives that align with installation initiatives. This issue's focus: public access and its relationship to DoD.

Public access is designated in the Agreement because without it, quality of life, local economies and long-term conservation would decline. "Increasing public access to local watersheds for fishing, swimming, boating and other activities fosters a shared sense of responsibility and increased stewardship."

**203** Public access sites on DoD lands reported in FY2016  
**\$600k** Committed to future public access projects

DoD installations host a diverse range of land- and water-based public access options, including hunting and fishing programs, boardwalk and trail networks, boat launch sites, interpretive displays, fishing piers, wildlife viewing areas, marinas, and other recreation areas.

In 2009, DoD documented 31 existing public access sites in the "Landscape Conservation & Public Access in the Chesapeake Bay Region," which was developed to fulfill section 202(d) of Executive Order 13506. In 2016, installations reported a total of 203 public access sites across DoD lands and facilities and multiple installations reported projects associated with creating or maintaining public access sites. In total, these installations devoted more than \$220,000 to these projects.

While full public access is limited, military installations provide opportunities for our service men and women, veterans, civilians, and their families to enjoy the recreational benefits we all know and love about the Chesapeake Bay and help them make a connection between their personal and local concerns and the well-being of the bay.

This issue highlights a few installations that provide an open door to our great outdoors and demonstrates DoD's shared commitment to our military mission, the environment and our surrounding communities.

Here's a look at the following installation representatives that made this issue possible by sharing information about their public access areas:

- Bridget Kelly Hatcher, Garrison Adelphi Laboratory Center
- Shannon Peaf Research Facility
- Thomas Wiley, Naval Support Facility Dahlgren
- Seth Berry, Naval Support Facility Indian Head
- Craig Kradin, Lenoir Army Depot
- Nicholas Hoffman, Fort Indiantown Gap
- Robert Stamps, Marine Corps Base Quantico

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For more information or to be added to the email distribution list, please contact the DoD Chesapeake Bay Program: <http://www.denix.osd.mil/Chesapeake/home>.

## GENERAL INTEREST

**DoD Chesapeake Bay Program Annual Report** The [Annual Progress Report](#), published April 2017, highlights DoD's FY2016 key accomplishments, programmatic milestone progress, and future planning efforts of the DoD Chesapeake Bay Program.

During FY2016 DoD funded a total of \$98 million towards projects that benefited the restoration and resiliency of the Chesapeake Bay. As a landowner and member of the Bay community, DoD is committed to restoring and protecting the Chesapeake Bay and its watershed.

## FEDERAL NEWS

*Notice: With regard to any regulation or legislation, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions, or comments.*

### AIR

**REVIEW OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OXIDES OF NITROGEN** EPA announced the availability of the final document titled Policy Assessment for the Review of the [Primary National Ambient Air Quality Standards for Oxides of Nitrogen \(NO<sub>2</sub> PA\)](#).

Nitrogen dioxide (NO<sub>2</sub>) is the component of oxides of nitrogen (NO<sub>x</sub>) for which EPA has the greatest concern for public health. Accordingly, the current primary (health-based) National Ambient Air Quality Standards (NAAQS) for NO<sub>x</sub> is presented in terms of NO<sub>2</sub>. The NO<sub>2</sub> PA presents considerations and conclusions relevant for the EPA's review of the primary NO<sub>2</sub> NAAQS. The primary NO<sub>2</sub> NAAQS are set to protect the public health from exposures to NO<sub>2</sub> in ambient air.

## REGION I



### CONNECTICUT

**Note: The Connecticut Legislature convened on 4 JAN 2017 and adjourns on 7 JUN 2017.**

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.



### MAINE

**Note: The Maine Legislature convened on 7 DEC 2016 and adjourns on 15 APR 2018.**

### ***PROPOSED LEGISLATION***

**LD 540** This bill amends the State's growth planning and land use laws to reflect that addressing the effects of sea level rise is a state planning and regulatory goal. The bill amends the laws regarding the State's coastal management policies to direct state, local and certain federal agencies responsible for regulating, planning, developing or managing coastal resources to conduct their activities affecting the coastal area consistent with the policy of encouraging the assessment of and planning for the effects of the rise in sea level.

**LD 1342** This bill specifies that associated facilities constructed for wind energy development not include utility-owned facilities and utility-owned facilities are not part of a wind energy development or offshore wind power project.

**LD 1505** This bill prohibits a municipality from adopting or continuing to enforce any or rule regarding the sale or use of pesticides.

### ***FINAL REGULATION***

**IDENTIFICATION OF HAZARDOUS WASTES** The Department of Environmental Protection has [amended](#) Ch. 850, Identification of Hazardous Wastes, to include an exemption for solvent contaminated wipes which is found in federal regulations of hazardous waste. **Effective 26 April 2017.**



## MASSACHUSETTS

**Note: The Massachusetts Legislature convened on 4 JAN 2017 and adjourns on 2 JAN 2019.**

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.



## NEW HAMPSHIRE

**Note: The New Hampshire Legislature convened on 4 JAN 2017 and adjourns on 30 JUN 2017.**

### ***PROPOSED LEGISLATION***

**SB 127** This bill defines 7Q10 flows for the purpose of classification of waters. This bill also authorizes the department of environmental services to make rules regarding dissolved oxygen water quality standards.

### ***PROPOSED REGULATION***

**CONTROL OF LEAD AND COPPER: PUBLIC DRINKING WATER PRIMACY AMENDMENTS** The Department of Environmental Services has proposed rulemaking to [readopt](#) with amendments Env-Dw 403.02 and Env-Dw 714, and to adopt Env-Dw 403.03, in order to maintain state primary enforcement responsibility. Specifically, the proposed

readoption with amendments and adoption make Env-Dw 403.02, Env-Dw 403.03, and Env-Dw 714 equivalent to 40 CFR Subpart I.

**PUBLIC DRINKING WATER RULES: DEFINITION OF OWNER/OPERATOR** The Department of Environmental Services has proposed rulemaking to [adopt](#) a definition of “owner or operator” that makes the subtitle consistent with federal regulations applicable to public water systems promulgated by the U.S. Environmental Protection Agency (“EPA”) to implement the federal Safe Drinking Water Act.



**Note: The Rhode Island Legislature convened on 3 JAN 2017 and adjourns on 30 JUN 2017.**

### ***PROPOSED LEGISLATION***

**HB 5936** An Act to establish a procedure whereby residential fuel oil tanks would be inspected and certified by a licensed oil burner person. In some instances where the tank shows signs of age and wear it must be replaced with a new safer tank and an oil safety valve. This act would also require removal of old buried oil tanks, the oil in the tanks and the supply and return lines in accordance with the hazardous waste management act.



**Note: The Vermont Legislature convened on 4 JAN 2017 and adjourns on 7 MAY 2018.**

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.

## **REGION II**



**Note: The New Jersey Legislature convened on 12 JAN 2016 and adjourns on 9 JAN 2018.**

### ***OTHER REGULATORY ACTIVITY***

**CONSUMER PRICE INDEX PERCENTAGE ADJUSTMENTS TO AIR CONTAMINANT EMISSION FEES** The Department of Environmental Protection (Department) has issued [notice](#) of the annual percentage increase in the Consumer Price Index (CPI) relative to the 1989 CPI and the resultant per-ton emission fee for fiscal year (FY) 2017.

**NOTICE OF AVAILABILITY OF ANNUAL TCPA FEE SCHEDULE REPORT FOR FISCAL YEAR 2017** The Department of Environmental Protection (Department) has given [notice](#) that it is adjusting fees to owners and operators of facilities covered under the Toxic Catastrophe Prevention Act (TCPA) pursuant to N.J.A.C. 7:31-1.11A, which requires the Department to assess an annual fee to each owner/operator of a TCPA regulated facility.



## NEW YORK

**Note: The New York State Legislature convened 4 JAN 2017 and adjourns 2 JAN 2019.**

### ***FINAL LEGISLATION***

**SB 2008** Enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2017-2018 state fiscal year. **Effective 20 April 2017.**

### ***PROPOSED REGULATION***

**PREVENTION AND CONTROL OF ENVIRONMENTAL POLLUTION BY RADIOACTIVE MATERIALS** The Department of Environmental Conservation has [proposed rulemaking](#) to amend regulations pertaining to disposal and release of radioactive materials to the environment. **Comments due 5 June 2017.**

## REGION III



## DISTRICT OF COLUMBIA

**Note: The Council of the District of Columbia convened 2 JAN 2017 and adjourns 31 DEC 2018.**

### ***FINAL RULES***

**STORMWATER MANAGEMENT AND SOIL EROSION AND SEDIMENT CONTROL FEES AND EXEMPTION** The Department of Energy and Environment has [adopted](#) amendments update the fees for the District Stormwater Management Guidebook and existing fees that the Department adjusts annually for inflation using the Urban Consumer Price Index published by the United States Bureau of Labor Statistics, as required by 21 DCMR § 501.1. All fees are rounded to the nearest cent. These amendments also update the total project cost beneath which an individual house, townhouse, or rowhouse is exempt from complying with the soil erosion and sediment control provisions of this chapter. Adjustments in future years will be applied to the adjusted value of the prior year rather than to the rounded value. **Effective 21 April 2017.**



**Note: The Delaware General Assembly convened on 11 JAN 2017 and adjourns on 30 JUN 2018.**

### ***FINAL RULES***

**PUBLIC DRINKING WATER SYSTEMS** The Department of Health and Social Services has [adopted](#) the State of Delaware Regulations Governing Public Drinking Water Systems. **Effective 11 April 2017.**



**Note: The Maryland General Assembly convened on 11 JAN 2017 and adjourns on 11 MAY 2017.**

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.



**Note: The Pennsylvania General Assembly convened on 3 JAN 2017 and adjourns on 30 NOV 2018.**

### ***PROPOSED LEGISLATION***

**[HB 790](#)** An Act regulating controlled plants and noxious weeds; establishing the Controlled Plant and Noxious Weed Committee; providing for powers and duties of the Controlled Plant and Noxious Weed Committee; imposing powers and duties on the Secretary of Agriculture and municipalities; prescribing penalties; establishing a category of controlled plants and providing for the permitting of controlled plants; and making a related repeal.

**[HB 1090](#)** An Act providing for erosion and sediment control requirements.

**[HB 1120](#)** An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a plastic bag fee.

**[HB 1195](#)** An Act amending the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act, in hazardous material protection, further providing for establishment and functions of local emergency planning committees and for emergency reporting requirements.

**[SB 649](#)** An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, in financial provisions, further providing for Underground Storage Tank Environmental Cleanup Program, for Underground Storage Tank Pollution Prevention Program and for investigation and closure costs.

### ***OTHER REGULATORY ACTIVITY***

**NUTRIENT CREDIT TRADING PROGRAM – CREDIT CERTIFICATION** The Department of Environmental Protection has issued [notice](#) of its intention under the Nutrient Credit Trading Program (Trading Program) to approve a mass certification of pollutant reduction activities to generate credits by Significant Sewage point source discharges within the Commonwealth portion of the Chesapeake Bay watershed with annual mass load effluent limitations (Cap Load) in a National Pollutant Discharge Elimination System (NPDES) permit.

**REVISED DESIGNATION RECOMMENDATIONS FOR THE 2015 OZONE STANDARDS** The Department of Environmental Protection has issued [notice](#) of revised designation recommendations for the 2015 Ozone Standards for Indiana County and the seven-county Pittsburgh-Beaver Valley area, which includes Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties.



**Note: The Virginia General Assembly convened on 11 JAN 2017 and adjourned on 25 FEB 2017.**

## ***FINAL LEGISLATION***

**[HB 2383](#)** Directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Chesapeake Bay Watershed and to determine what actions by the owner, if it is not under a state order, are necessary to bring such an outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency (EPA). The bill requires any owner of such an outfall to initiate construction activities by July 1, 2023, to bring it into compliance by July 1, 2025. Until compliance is achieved, the bill requires the outfall owner to annually report its progress to DEQ. The bill requires DEQ to provide all such reports to certain legislative committees, the Virginia delegation to the Chesapeake Bay Commission, the Secretary of Natural Resources, and the Governor. The bill does not apply to any outfall for which a higher level of control is necessary to comply with a Total Maximum Daily Load (TMDL). **Effective 1 July 2017.**

**[SB 898](#)** Directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Chesapeake Bay Watershed and to determine what actions by the owner, if it is not under a state order, are necessary to bring such an outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency (EPA). The bill requires any owner of such an outfall to initiate construction activities by July 1, 2023, to bring it into compliance by July 1, 2025. Until compliance is achieved, the bill requires the outfall owner to annually report its progress to DEQ. The bill requires DEQ to provide all such reports to certain legislative committees, the Virginia delegation to the Chesapeake Bay Commission, the Secretary of Natural Resources, and the Governor. The bill does not apply to any outfall for which a higher level of control is necessary to comply with a Total Maximum Daily Load (TMDL). **Effective 1 July 2017.**

## ***FINAL RULES***

**AMENDMENTS TO IMPLEMENT THE 2012 PM2.5 STANDARD** On August 24, 2016 (81 FR 58010), the U.S. Environmental Protection Agency (EPA) established a final implementation [rule](#) for the 2012 national ambient air quality standard (NAAQS) for very fine particulate matter (PM2.5). This rule addresses a range of nonattainment area state implementation plan (SIP) requirements for the 2012 PM2.5 NAAQS, including how to address the revoked 1997 PM2.5 NAAQS. The board's ambient air quality regulation must be amended accordingly, as well as the regulation governing permitting in nonattainment areas (Rule 8-9), and the Regulation for General Conformity. **Effective 17 May**

2017.



## WEST VIRGINIA

**Note: The West Virginia Legislature convened on 8 FEB 2017 and adjourned on 8 APR 2017.**

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.

## REGION IV



## NORTH CAROLINA

**Note: The North Carolina General Assembly convened on 11 JAN 2017 and adjourns on 1 AUG 2018.**

### ***PROPOSED LEGISLATION***

**HB 507** An Act to make changes to the land-use regulatory laws of the State.

**HB 557** An Act to encourage the provision of mitigation services by the private sector.

**HB 567** An Act to study adverse impacts on drinking water of residents in divided neighborhoods surrounding cola combustion residuals surface impoundments.

**HB 574** An Act to better ensure compatibility of wind energy facilities with military operations and readiness.

**HB 576** An Act to (1) require the Department of Environmental Quality to approve aerosolization of leachate and wastewater from a lined sanitary landfill for the disposal of municipal solid waste landfill, in certain circumstances; (2) allow the Department to approve aerosolization of leachate from unlined landfills; and (3) provide that aerosolization of leachate or wastewater that results in a zero-liquid discharge and is not a significant air contamination source does not constitute a source that required certain permits.

**HB 624** An Act to provide for uniform authority to implement system development fees for public water and sewer systems in North Carolina.

**HB 632** An Act to amend laws related to the provision of mitigation services

**HB 667** An Act to provide more effective testing and evaluation of disinfection byproducts for wholesalers and purchasers of drinking water.

**HB 680** An Act to provide that agricultural conservation easements on farmland may include terms allowing an easement holder the option to purchase the land at agricultural value, which may run in perpetuity.



**HB 745** An Act to amend various provisions of the general statutes related to distributed generation and to direct the utilities commission to perform an assessment of the costs and benefits of distributed generation.

**HB 763** An Act to require the Department of Environmental Quality (DEQ) to provide each county with electronic access to information on the location of inactive hazardous sites within their jurisdiction and to require inclusion of such information on searchable mapping systems operated by counties; to provide notice on the residential property disclosure form of information available at the DEQ's web site concerning contaminated properties; and to modify recordation requirements applicable to inactive hazardous sites.

**HB 767** An Act to protect children from the health impacts of toxic chemicals in children's products by prohibiting the sale of children's products containing Bisphenol-a, Tris, or Phthalates.

**HB 770** An Act to provide for a report on rules for remediation of certain underground storage tanks required by the 2015 Appropriations Act and to amend a 2016 budget provision addressing funds appropriated to the Environmental Quality Incentives Program.

**HB 825** An Act to require certain public schools and child care facilities to test drinking water for the presence of lead.

**HB 903** An Act to appropriate funds to the DEQ for regional councils of governments to establish water infrastructure and water resources management improvement partnerships.

**HB 905** An Act to reenact and modify the conservation tax credit.

**HB 909** An Act to establish sound policies for increased utilization of renewable energy sources, to reform North Carolina's implementation of the public utilities regulatory policies act of 1978 and to provide for utility cost recovery for new qualifying facility generators, and to assure long-term reliable energy for North Carolina customers at fair and reasonable rates.

**SB 331** An Act to impose a temporary moratorium on the consideration of permit applications and issuance of permits for the construction of new onshore and offshore wind energy facilities and direct a study of geospatial, temporal, and other data to understand the extent and scope of military operations in this state with respect to energy infrastructure.

**SB 419** An Act to reorganize and clarify statutes regarding local planning and development regulation.

**SB 469** An Act to conserve municipal solid waste landfill capacity by preventing the enactment of certain flow control measures.

**SB 533** An Act to establish the division of mitigation services in the Department of Transportation and require the Department of Administration to inventory existing mitigation credits held by the state and develop a plan for disposing of unneeded mitigation credits.

**SB 641** An Act to provide for uniform authority to implement system development fees for public water and sewer systems.

**SB 657** An Act to study adverse impacts on drinking water of residents in divided neighborhoods surrounding coal combustion residuals surface impoundments.

**SR 319** A senate resolution confirming Susi H. Hamilton as Secretary of the Department of Natural and Cultural

Resources.

## ***PROPOSED RULES***

**ENDANGERED, THREATENED, AND SPECIAL CONCERN SPECIES RULES** The Wildlife Resources Commission has [proposed changes](#) to the state listing include an additional three species to be listed as endangered, three species to be listed as threatened, and eight species to be listed as special concern. Overall, there will be a total of 37 changes to the 15A NCAC 10I – Endangered and Threatened Species Rules due to additions, removals, and shifting of species between lists.

## ***FINAL RULES***

**HISTORICAL COMMISSION: ARCHAEOLOGICAL RESOURCES PROTECTION ACT** The Department of Natural and Cultural Resources has [adopted](#) rulemaking to combine a new Section .1600 within 07 NCAC 04R, which will govern the issuance of permits for underwater and terrestrial investigations conducted throughout the State. **Effective 1 May 2017.**

# REGION V



ILLINOIS

**Note: The Illinois General Assembly convened on 11 JAN 2017 and adjourns on 9 JAN 2019.**

## ***PROPOSED LEGISLATION***

**EO 1701** Proposes, under Article V, Section 11 of the Illinois Constitution, to: abolish the Historic Preservation Agency and transfer certain powers and duties of the Historic Preservation Agency to a new Division of Historic Preservation within the Department of Natural Resources; create the Abraham Lincoln Presidential Library and Museum as a new principal department of the executive branch directly responsible to the Governor and transfer the functions of the Abraham Lincoln Presidential Library and Museum under the Historic Preservation Agency Act and the position of Illinois State Historian under the Historic Preservation Agency Act to the new department; and establish the Abraham Lincoln Presidential Library and Museum Board of Trustees and set forth its powers and duties. Contains provisions regarding: transfer of functions; inconsistent laws; reports; savings; prior executive orders; severability; and other matters. Provides that, if neither house of the General Assembly disapproves the Executive Order, the Executive Order takes effect 60 days after its delivery to the General Assembly.

**HB 1454** Amends the Environmental Protection Act. Makes a technical change in Section 24 stating no person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity, so as to violate any regulation or standard adopted by the Board under this Act.

## ***FINAL RULES***

**PERMITS AND GENERAL PROVISIONS** The Pollution Control Board has [adopted](#) amendments related to provisions for permits by rule and provisions applying to small boilers seeking to obtain a permit by rule. **Effective 24 March 2017.**



## INDIANA

**Note: The Indiana General Assembly convened on 3 JAN 2017 and adjourns on 29 APR 2017.**

### **FINAL LEGISLATION**

**SB 421** Repeals the law requiring owners of certain above ground storage tanks to register their tanks with the department of environmental management. Authorizes the person responsible for the operation of a public water system to gather information from potential sources of contamination for the purpose of developing or updating the public water system's threat minimization and response plan. Provides that, depending on the circumstances, the information gathered from potential sources of contamination may be exempted from inspection and copying under the public records law. Urges the legislative council to assign to the interim study committee on environmental affairs for study during the 2017 interim the topic of public water supply protection, including: (1) the potential creation of a central repository for all information about above ground storage tanks that is reported to various agencies; (2) resources available to the operators of public water systems for developing and maintaining emergency plans for responding to threats to the drinking water supply; and (3) whether the information available to emergency responders and environmental regulators concerning above ground storage tanks is sufficient to ensure the protection of public water supplies. **Effective 13 April 2017.**

**SB 472** Amends the statute concerning the locating and marking of underground utility facilities (Indiana's 811 law) to allow a person responsible for: (1) a construction project; or (2) any other project or operation; that will involve an excavation or demolition operation to provide a voluntary design information notice to the association known as the Indiana Underground Plant Protection Service (association) before commencing preliminary engineering studies or construction planning activities in the project area that will be affected by the excavation or demolition. **Effective 1 July 2017.**

### **PROPOSED RULES**

**HERBICIDES** The Pesticide Review Board has [proposed](#) rulemaking to amend 357 IAC 1-17 to expand the list of state restricted use pesticide products to include certain herbicides containing the active ingredient dicamba.



## MICHIGAN

**Note: The Michigan Legislature convened on 11 JAN 2017 and adjourns on 31 DEC 2018.**

**HAZARDOUS WASTE MANAGEMENT** A [rule](#) to require MDEQ to maintain its federal authorization from the United States Environmental Protection Agency to administer the state's Hazardous Waste Management Program in lieu of the federal Hazardous Waste Management Program under the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984; to improve the overall quality of the rules, both in terms of clarification of existing requirements and areas of program coverage; and to reduce some of the regulatory burdens on the regulated community by providing streamlined and flexible requirements. The federal revisions pertain to the following subject areas: solvent-contaminated wipes, carbon dioxide streams in geologic sequestration activities, electronic manifesting, cathode ray tubes export provisions, definition of solid waste, vacatur of the

comparable fuels and gasification rules, and disposal of coal combustion residuals from electric utilities. The rules also include revisions based on MDEQ and public recommendations in such areas as: hazardous waste identification and listing, clarification that facilities receiving shipments of hazardous waste from conditionally exempt small quantity generators electing to use a manifest do not need to provide a copy of the manifest to the MDEQ, updates to information associated with items adopted by reference in the rules, and typographical corrections. **Effective 5 April 2017.**

**PART 6 EMISSION LIMITATIONS AND PROHIBITIONS – EXISTING SOURCES OF VOLATILE ORGANIC COMPOUND** The Department of Environmental Quality has [adopted](#) a rulemaking to make changes to R 336.1610, R 336.1611, R 336.1612, R 336.1613, R 336.1614, R 336.1618, R 336.1619, R 336.1622, R 336.1625, R 336.1627, R 336.1628, R 336.1629, R 336.1632, R 336.1651, R 336.1660, and R 336.1661 of the Michigan Administrative Code in regards to air pollution control. The changes will result in a revision to the State Implementation Plan (SIP) under the Clean Air Act. **Effective 5 April 2017.**



**Note: The Ohio General Assembly convened on 2 JAN 2017 and adjourns on 31 DEC 2018.**

## ***PROPOSED RULES***

**OPERATOR CERTIFICATION** Ohio EPA has [proposed rulemaking](#) to amend rules in Chapter 3745-7 of the Ohio Administrative Code (OAC) and is proposing the addition of a new rule. The proposed new rule establishes requirements for contracted professional operators and contract operations companies. **Comments due 25 May 2017.**

**STATE EMERGENCY RESPONSE COMMISSION** Ohio EPA has request stakeholder comments on [proposed rule](#) changes to State Emergency Response Commission rules in in Ohio Administrative Code (OAC) Chapters 3750-1, 3750-15, 3750-25, 3750-30, and 3750-50. **Comments due 23 May 2017.**

**STATE EMERGENCY RESPONSE COMMISSION PROGRAM RULES** Ohio EPA [has proposed rulemaking](#) to amendment in Ohio Administrative Code (OAC) Chapters 3750-1, 3750-15, 3750-25, 3750-30, and 3750-50. The rules in this rulemaking contain various portions of the SERC including the following:

- OAC Rules 3750-1-(01, 02) – The rules in this chapter contain the basic definitions and purpose statement used by the SERC.
- OAC Rule 3750-15-05 – This rule contain requirements the procedures the SERC will use for providing public notice of proposed rules.
- OAC Rules 3750-25-(01, 05, 10, 15, 25) – The rules in this chapter contain the requirements for emergency release notification including procedures for determining if a facility is subject to notification requirements and designation of hazardous substances.
- OAC Rules 3750-30-(01, 20) – These rules contain requirements for hazardous chemical reporting
- OAC Rules 3750-50-(03, 05, 10, 20) – The rules in this chapter address annual inventory filing fees and various fund utilized by the SERC.

**Comments due 23 May 2017.**

## ***OTHER REGULATORY ACTIVITY***

**EARLY STAKEHOLDER OUTREACH – WATER QUALITY CERTIFIED PROFESSIONAL PROGRAM** Ohio EPA has invited [public comment](#) on potential changes to administrative requirements for the purpose of certifying water quality professionals to assess streams and categorize wetlands in support of applications for Section 401 Water Quality Certifications and Isolated Wetland Permits. This is part of the early stakeholder outreach process. **Comments due 1 June 2017.**

**EARLY STAKEHOLDER OUTREACH – PRETREATMENT AND INDIRECT DISCHARGE PERMIT RULES** Ohio EPA has invited [public comment](#) on potential changes to pretreatment and indirect discharge permit (IDP) rules as part of the early stakeholder outreach process. **Comments due 8 May 2017.**



**Note: The Wisconsin Legislature convened on 4 JAN 2017 and adjourns on 2 JAN 2019.**

### ***PROPOSED LEGISLATION***

**AB 264** AN ACT to repeal 299.85 (2) (b), 299.85 (2) (bm) and 299.85 (3m); to amend 299.85 (2m), 299.85 (3) (intro.), 299.85 (3) (d), 299.85 (3) (e), 299.85 (3) (em), 299.85 (7) (a) 1., 299.85 (7) (a) 2. and 299.85 (9m) (d); and to create 299.85 (8) (g) of the statutes; relating to: time limits for correcting violations found by the environmental compliance audit program.

### ***FINAL RULE***

**MOUNTAIN PINE BEETLE** The Department of Agriculture, Trade and Consumer Protection has [adopted](#) revisions to Ch. ATCP 21 that would modify current plant pest control rules related to the import of plants and plant products that may introduce a pest known as the Mountain Pine Beetle into Wisconsin. This rule will explore the following mitigating actions:

- Establish a quarantine that will restrict the movement of regulated items into Wisconsin from or through states and provinces known to be affected by Mountain Pine Beetle (MPB).
- Provide an exemption for articles that have been inspected and certified by a pest control official and are accompanied by a written certificate issued by the pest control official.
- Provide an exemption for businesses that enter into a state compliance agreement. The compliance agreement describes in detail what a company can and cannot do with regulated articles

**Effective 1 May 2017.**

## MEET THE REC STAFF

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Wastewater  
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Air Quality, Asbestos, Radon  
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P2, EPCRA, RCRA - HW/SW  
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Land Use, Encroachment  
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Environmental Restoration  
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REC Support  
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REC Outreach  
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