



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

June 2017

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

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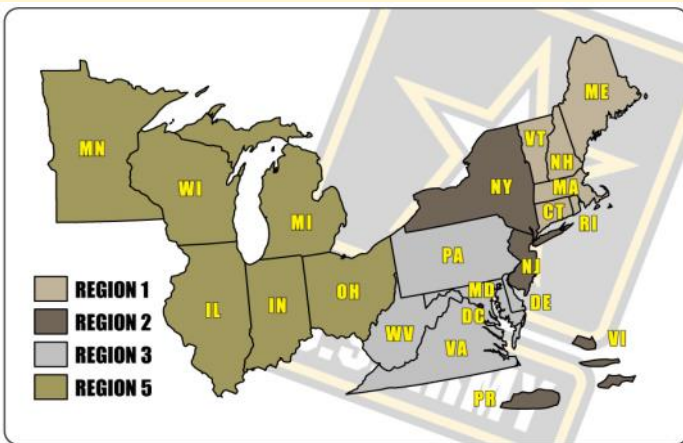


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SUPPLEMENTAL ENVIRONMENTAL PROJECTS

The Environmental Council of the States (ECOS) is encouraging states and EPA to make use of Supplemental Environmental Projects (SEPs) to help regulated entities settle enforcement actions for failure to comply with environmental laws and regulations.

ECOS, a national, non-profit, non-partisan group of state and territorial environmental agency leaders, approved a [resolution](#) supporting SEPs at its April 2017 meeting.

“SEPs advance the public interest by providing additional environmental and public health benefits for communities adversely impacted by environmental violations,” reads the ECOS resolution. The group “encourages the use of SEP policies by states and U.S. EPA in all appropriate instances to respond to environmental harm and to invigorate communities across the nation.”

SEPs are environmental improvement projects that go beyond what could legally be required for a defendant to return to compliance. They have environmental and public health benefits in addition to those achieved by compliance with applicable laws. They are undertaken in addition to actions required to correct specified violations.

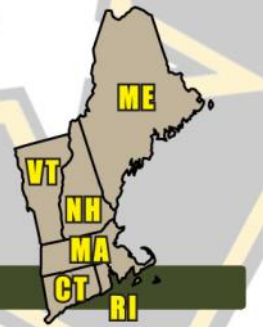
Already, 37 states/districts have adopted SEP policies. In the REEO-Northern area of operations, they are Connecticut, D.C., Delaware, Illinois, Indiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and Vermont. The EPA last updated its SEP policy in 2015.

State and EPA policies require that SEPs meet certain criteria, including a tie to the violation. SEPs generally fit into specific categories, including pollution reduction and emergency planning.

Read [here](#) for more information about SEPs.

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.



LEGISLATIVE SESSION: 4 JAN THROUGH 30 JUN (EST), SINE DIE

FEDERAL ACTIVITY

INFRASTRUCTURE REQUIREMENT FOR 2010 SO₂ NAAQS. EPA has issued a proposed rule to approve the remaining portion of a State Implementation Plan (SIP) revision submitted by the state of Connecticut ([82 FR 21351](#)). The revision addresses the interstate transport requirements of the Clean Air Act (CAA), referred to as the good neighbor provision, with respect to the 2010 sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). The rule proposes to approve Connecticut's demonstration that the state is meeting its obligations regarding the transport of SO₂ emissions into other states. The comment period closed on 7 JUN 17.

ADEQUACY STATUS OF MVEBS FOR TRANSPORTATION CONFORMITY PURPOSES. EPA has issued a finding that the 2017 Motor Vehicle Emission Budgets (MVEBs) for the Greater Connecticut ozone nonattainment area for the 2008 ozone NAAQS are adequate for transportation conformity purposes ([82 FR 24859](#)). As a result of the finding, Connecticut must use these MVEBs for future transportation conformity determinations. The finding becomes effective on 15 JUN 17.

PROPOSED LEGISLATION

HB 7221 ACCESS TO WATER PLANNING INFORMATION. The bill establishes procedures for gaining access to information that is needed for water planning purposes. The bill also identifies what records filed with any public agency by a water company are confidential and are not subject to disclosure under the Freedom of Information Act. The bill has passed the house and was referred to the Senate.

SB 963 ADOPTION OF FEDERAL HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE. SB 963 requires the Connecticut Department of Energy and Environmental Protection (CDEEP) commissioner to adopt hazardous waste regulations consistent with EPA's Hazardous Waste Generator Improvements Rule. The bill states that if CDEEP has not adopted regulations as the bill requires before 1 JUL 18, hazardous waste generators in the state must follow the federal rule's standards until CDEEP does so. The bill also makes changes in the development of the manufacturing workforce. The bill has passed the Senate and was referred to the House.

FINAL RULES

REMOVAL OF WATER DIVISION EXEMPTIONS. CDEEP has [adopted](#) amendments to section 22a-377(b)-1 of the Regulations of Connecticut State Agencies. The amendments narrow the exemption for the use of registered water throughout an Exclusive Service Area. Specifically, the amendments ensure that expanded use of registered diversions into new Exclusive Service Areas will not significantly impact other water users nor the environment by requiring a diversion permit for such expansion. A notice of the proposed amendments was published in the December 2016 *Northern Review*. The adoption became effective on 26 MAY 17.



LEGISLATIVE SESSION: 7 DEC 16 THROUGH 14 JUN 17 (EST), SINE DIE
FEDERAL ACTIVITY

EMISSION STATEMENT REPORTING. EPA has issued a direct final rule approving a SIP revision submitted by the state of Maine ([82 FR 20257](#)). The SIP revision updates Maine's emissions reporting requirements for certain stationary sources that emit criteria pollutants. Barring adverse comment the direct final rule becomes effective on 30 JUN 17.

MOTOR VEHICLE FUEL REQUIREMENTS. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Maine ([82 FR 21346](#)). The SIP revision includes a revised motor vehicle fuel volatility regulation that has been updated to be consistent with existing federal regulations. The regulation requires retailers to sell reformulated gasoline in the counties of York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, and Lincoln as of 1 JUN 15. The comment period closed on 7 JUN 17.

DECOMMISSIONING OF STAGE II VAPOR RECOVERY SYSTEMS. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Maine ([82 FR 21348](#)). The SIP revision includes regulatory amendments that repeal Stage II vapor recovery requirements at gasoline dispensing facilities (GDFs) as of 1 JAN 12, with the mandate that all Stage II equipment be decommissioned by 1 JAN 13. The revision also includes: (1) a demonstration that such removal is consistent with CAA and relevant EPA guidance; and (2) regulatory amendments that update Maine's testing and certain equipment requirements for Stage I vapor recovery systems at GDFs. The comment period closed on 7 JUN 17.

PROPOSED RULES

AMENDMENTS TO BENEFICIAL USE OF SOLID WASTES RULES. The Maine Department of Environmental Protection (MDEP) has [proposed](#) amendments to [Chapter 418, Solid Waste Management Rules: Beneficial Use of Solid Wastes](#). The amendments include: (1) new exemptions addressing the beneficial use of several different waste streams (e.g., spent septic systems, catch basin grit, petroleum contaminated soil); (2) replacement of the constituent values in Appendix A (Screening Standards for Beneficial Use) with current, risk based values based on the *Maine Remedial Action Guidelines for Sites Contaminated with Hazardous Substances*; (3) additions and revisions to the permit-by-rule and reduced procedure licensing standards pertaining to tires and dredge material; and (4) reorganization and substantive updates of the fuel substitution provisions of the rule for secondary materials such as construction and demolition debris (CDD) wood. A public hearing is scheduled for 15 JUN 17 and comments are due by 26 JUN 17.

OTHER REGULATORY ACTIVITY

DRAFT 2016 INTEGRATED WATER QUALITY MONITORING AND ASSESSMENT REPORT. MDEP has [requested comment](#) on the [Draft 2016 Integrated Water Quality Monitoring and Assessment Report](#). The document includes federally required listing methods and specific waterbody attainment and impairment assignments. Comments are due by 14 JUN 17.



LEGISLATIVE SESSION: 4 JAN THROUGH 30 JUN (EST), SINE DIE
FEDERAL ACTIVITY

CORRECTING AMENDMENT FOR 2010 SO₂ NAAQS INFRASTRUCTURE REQUIREMENT FINAL RULE. EPA has issued a correcting amendment for a previously issued final rule published in the Federal Register on [8 JUL 16](#) ([82 FR 21123](#)). The final rule approved a New Hampshire SIP submission that addressed CAA infrastructure requirements for the 2010

SO₂ NAAQS. The amendment identifies and corrects an error in the non-regulatory table in New Hampshire's SIP. The correcting amendment became effective on 5 MAY 17.

APPROVAL OF MULTIPLE AIR PROGRAM SIP REVISIONS. EPA has issued a direct final rule approving several different SIP revisions submitted by the state of New Hampshire ([82 FR 24057](#)). The direct final rule: (1) converts EPA's September 2015 conditional approval to full approval for state Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) permit programs; (2) approves revisions relating to several state infrastructure SIPs, which were conditionally approved in 2015 and 2016; (3) approves a SIP revision amending the public notice and hearing procedures for New Hampshire's NNSR, PSD, and minor New Source Review (NSR) permit programs; (4) approves a SIP revision that withdraws the state SIP's permit fee system; and (5) approves a SIP revision that addresses the good neighbor provisions of New Hampshire's infrastructure SIP for the 2010 nitrogen dioxide (NO₂) NAAQS. Barring adverse comment the direct final rule becomes effective on 24 JUL 17.

FINAL RULES

AMENDMENTS TO ASBESTOS MANAGEMENT AND CONTROL RULES. The New Hampshire Department of Environmental Services (NHDES) has [adopted](#) (page 24) amendments to [Env-A 1800](#), *Asbestos Management and Control rules*. The amendments clarify several definitions and amend existing recordkeeping requirements. The amendments also: (1) require an owner or operator of a facility in which a major abatement project is occurring to notify NHDES of any change in start or completion dates or of any break in operations; (2) include new, less burdensome alternative requirements for facility operators performing asbestos abatement activities involving vinyl asbestos floor tile, vinyl asbestos floor sheeting, asbestos roofing materials, asbestos siding, and other preformed cementitious asbestos materials; and (3) allow an applicant for an abatement entity or asbestos disposal site contractor license to voluntarily provide proof of business liability insurance or bond, which would be noted by NHDES on its website. The amendments became effective on 5 MAY 17.

PUBLIC DRINKING WATER PRIMACY AMENDMENTS CONCERNING LEAD AND COPPER ACTION LEVELS. NHDES has [readopted](#) with amendments drinking water regulations at Env-Dw 403.02 and Env-Dw 714, and adopted a new regulation at Env-Dw 403.03, *Exceedance of Lead Action Level; Exceedance of Copper Action Level*. The amendments were necessary to maintain state primary enforcement responsibility. Specifically, the rulemaking brings the state rules into alignment with the federal requirements at 40 CFR Subpart I. The rulemaking became effective on 23 MAY 17.

AMENDMENT TO PUBLIC WATER SYSTEMS RULES. NHDES has [adopted](#) an amendment to the definition section of the public water systems regulations at Env-Dw 103.41. The amendment makes the state regulation consistent with federal regulations. Specifically, the amendment defines an "owner or operator" as a "supplier of water" as defined in the federal statute 40 CFR 141.2. The amendment became effective on 23 MAY 17.

PROPOSED RULES

AMENDMENTS TO SOLID WASTE PERMITTING RULES. NHDES has [proposed](#) amendments to Env-Sw 300, *Solid Waste Program: Permits*. The amendments: (1) allow a compliance report in lieu of a compliance certification for Type III permit modifications; (2) eliminate the requirement for a solid waste facility permittee to seek a Type III permit modification when the ownership of 10 percent or more of the permittee's equity or debt changes without changing the permittee's ownership or operational control; (3) clarify the information required for a Type I-A permit modification application; (4) clarify the applicability of Env-Sw 315, *Permit Modification*; (5) streamline and clarify the application requirements for a Type IV permit modification; and (6) correct existing language. Comments are due by 16 JUN 17.



LEGISLATIVE SESSION: 3 JAN THROUGH 30 JUN (EST), SINE DIE

FEDERAL ACTIVITY

REPEAL OF NO_x BUDGET TRADING PROGRAM. EPA has issued a direct final rule approving a SIP revision submitted by the state of Rhode Island ([82 FR 20274](#)). The revision removes Air Pollution Control (APC) Regulation 41, *Nitrogen Oxides (NO_x) Budget Trading Program* (NBP), from the Rhode Island SIP. The state NBP was a market-based cap and trade program, which was created to reduce emissions of NO_x from power plants and other large combustion sources. The state's NBP was repealed under state law effective 29 JUL 14. The five sources meeting the NBP applicability criteria have Title V permits, which contain SIP-derived NO_x emissions limits. These limits have satisfied the federal requirements, and therefore rendered Regulation 41 unnecessary. Barring adverse comment the direct final rule becomes effective on 30 JUN 17.

OTHER REGULATORY ACTIVITY

FY 2018 OPERATION PERMIT FEES. The Rhode Island Department of Environmental Management has [issued](#) a final determination of operation permit fixed fees and dollar-per-ton fees for FY 2018 for air emission sources. The FY 2018 dollar-per-ton fee is \$440.12, and the fixed fee is approximately equal to 10 times the dollar-per-ton-fee (\$4401.15). The new fees for FY 2018 begin on 1 JUL 17. The notice was issued on 14 APR 17.



LEGISLATIVE SESSION: 4 JAN THROUGH 23 JUN (EST), SINE DIE

FEDERAL ACTIVITY

CROSS-MEDIA ELECTRONIC REPORTING APPROVED FOR EPA ADMINISTERED NPDWRI PROGRAM. EPA has approved a state of Vermont request to revise its EPA authorized National Primary Drinking Water Regulations Implementation (NPDWRI) program ([82 FR 21813](#)). The revision allows the use of electronic reporting. Barring a request for a public hearing, the approval becomes effective on 9 JUN 17.

FINAL RULES

VERMONT WETLAND RULES. The Vermont Agency of Natural Resources (VANR) has [adopted](#) amendments to the state wetland rules to reflect statutory updates effective since the last rules update in 2010. The amendments add four wetlands to the list of Class I wetlands. The amendments became effective on 1 APR 17.

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

LEGISLATIVE SESSION: 10 JAN 17 THROUGH 9 JAN 18

FEDERAL ACTIVITY

SOURCE-SPECIFIC RACT DETERMINATIONS FOR CONTROLLING NO_x. EPA has issued a proposed rule to approve SIP revisions submitted by the state of New Jersey ([82 FR 21343](#)). The SIP revisions consist of two source-specific reasonably available control technology (RACT) determinations for controlling NO_x. One is for the Transcontinental Gas Pipeline Corp. and the other is for Joint Base McGuire-Dix-Lakehurst. The state made these determinations in accordance with the provisions of its regulation to help meet the NAAQS for ozone. The comment period closed on 7 JUN 17.

PROPOSED LEGISLATION

AB 4794 PROHIBITION ON USE OF CHLORPYRIFOS INSECTICIDE. AB 4794 prohibits the sale, purchase, use, and application of the insecticide chlorpyrifos. Currently, chlorpyrifos is regulated in the state as a “restricted use” insecticide, which means that it can be purchased and/or used only by certified and licensed responsible pesticide applicators or by persons working under their direct supervision. The bill was referred to the Environment and Solid Waste Committee.

FINAL RULES

AMENDMENTS TO NJPDES REGULATIONS. The New Jersey Department of Environmental Protection (NJDEP) has [adopted](#) amendments to the New Jersey Pollutant Discharge Elimination System (NJPDES) regulations. The amendments revise the capacity assurance program (CAP) provisions of N.J.A.C. 7:14A-22, *Treatment Works Approvals*, *Sewer Bans*, *Sewer Ban Exemptions*. The amendments address the threshold at which the CAP requirements are triggered, the information gathered and evaluated as part of the capacity analysis, and the basis for relief from the CAP requirements. The amendments became effective on 15 MAY 17.

PROPOSED RULES

FRESHWATER WETLAND PROTECTION ACT AND FLOOD HAZARD AREA CONTROL ACT RULES. NJDEP has [proposed](#) comprehensive changes to the state land use management rules. The proposed amendments, repeals, and new rules reduce unnecessary regulatory burden, add flexibility, provide consistency with federal, local, and other state requirements, and address implementation issues. The proposed changes are also part of NJDEP’s effort to transform the operations of its land use permitting programs, including aligning various aspects of the *Flood Hazard Area Control Act*, *Coastal Zone Management Act*, and *Freshwater Wetland Protection Act* rules. Comments are due by 30 JUN 17.

AMENDMENTS TO UNDERGROUND STORAGE TANK RULES. NJDEP has [proposed](#) new rules and amendments affecting the requirements applicable to Underground Storage Tanks (USTs). The proposed new rules and amendments relate to: (1) secondary containment; (2) operator training, designation, and duties; (3) partially regulated UST systems; (4) field

constructed tanks and airport hydrant systems; (5) operation and maintenance walkthrough inspections; (6) UST registration; (7) notification; (8) UST service provider certifications; and (9) civil administrative penalties. The proposed rules apply to tanks that store motor fuel, liquid petroleum products, waste oil, or other hazardous substances, and all heating oil tanks of 2,001 gallons or more for on-site consumption at businesses or commercial operations. Comments are due by 14 JUL 17.

OTHER REGULATORY ACTIVITY

CONSUMER PRICE INDEX PERCENTAGE ADJUSTMENTS TO AIR CONTAMINANT EMISSION FEES. NJDEP has [issued a notice](#) of the annual percentage increase in the Consumer Price Index (CPI) and the resultant per-ton emission fee for FY 2017. The annual emission fee is calculated by applying the CPI adjustment to the base amount per ton of emissions. The CPI increase for FY 2017 is 0.80 percent, therefore the annual emission fee for FY 2017 is \$117.23. A facility subject to this fee must multiply \$117.23 by the quantity of regulated air contaminant emissions emitted in tons during calendar year 2015. The notice was issued on 1 MAY 17.

NOTICE OF AVAILABILITY OF ANNUAL TCPA FEE SCHEDULE REPORT FOR FY 2017. NJDEP has [issued](#) the *Annual Toxic Catastrophe Prevention Act (TCPA) Fee Schedule Report for FY 2017*. The annual fee schedule adjusts fees for owners and operators of facilities covered under TCPA. The act requires NJDEP to assess an annual fee to each owner/operator of a TCPA regulated facility. The notice was issued on 1 MAY 17.



LEGISLATIVE SESSION: 4 JAN THROUGH 31 DEC (EST)

PROPOSED LEGISLATION

AB 1366 (SB 1866) NOTIFICATION REQUIREMENTS FOR WETLAND DEVELOPMENT. AB 1366 amends the environmental conservation law, regarding notice requirements for adjacent landowners where certain development is proposed in wetlands in a city with a population of one million or more. The bill provides for notice to the neighbors and directs the New York State Department of Environmental Conservation (NYSDEC) to apprise the neighbors of the outcome of the application. The bill has passed the Assembly and was referred to the Environmental Conservation Committee.

AB 6336 (SB 4819) PROHIBITION ON USE OF METHOPRENE AS A PESTICIDE. AB 6336 prohibits the use of the chemical methoprene, trade name ALTOSID, as a pesticide. The bill makes it unlawful for any person to use any pesticide that contains the active ingredient methoprene in any storm drain or conveyance for water or fish habitat in any municipality adjoining the Long Island Sound and the Atlantic Ocean and their connecting water bodies, bays, harbors, shallows, and marshes. The bill provides for an emergency application of such a pesticide if it is determined by the county health department to be a case where there is a significant threat to public health. The bill was referred to the Codes Committee.

AB 6906 (SB 6472) CHANGE TO DEFINITION OF ELEVATED BLOOD LEAD LEVELS. AB 6906 amends the definition of "elevated lead levels" in the Public Health Law to lower the level of lead in whole blood requiring action under the Childhood Lead Poisoning Prevention Program. The bill changes the current level of 10 micrograms of lead per deciliter of whole blood (pg/dL) to five micrograms pg/dL. The bill was referred to the Ways and Means Committee.

SB 881 (AB 1038) ESTABLISHMENT OF PAINT STEWARDSHIP PROGRAM. SB 881 requires the establishment of a paint stewardship program, with the goal of minimizing public sector involvement in the management of post-consumer paint through negotiated agreements to collect, transport, reuse, recycle, and/or burn using environmentally sound management practices. The bill requires producers of architectural paints to develop a paint stewardship program. Industrial paints are not included. The bill passed the Senate and was referred to the Environmental Conservation Committee.

FINAL RULES

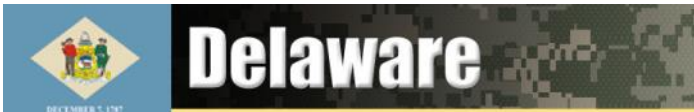
REVISED RESTRICTED ZONE FOR EMERALD ASH BORER. The New York State Department of Agriculture and Markets (NYSDAM) has [adopted](#) (page 1) an emergency rule to revise the quarantine regulations by expanding the emerald ash borer (EAB) quarantine to points south of the New York State Thruway to Long Island. The EAB is a non-indigenous destructive wood-boring insect. Establishment of the new restricted zone will help ensure control measures are undertaken, and that the EAB does not spread beyond those areas via the movement of infested trees and materials. The emergency rule became effective on 25 APR 17 and will expire on 23 JUL 17. Together with the emergency rule, NYSDAM proposed an identical permanent rulemaking. Comments are due on the proposed rulemaking by 24 JUN 17.

PROPOSED RULES

REQUIREMENTS FOR LEAD TESTING IN SCHOOL DRINKING WATER. The New York State Department of Health (NYSDH) has [proposed](#) (page 14) amendments to the lead poisoning prevention and control rules at 10 NYCRR Subpart 67-4, *Lead Testing in School Drinking Water*. The amendments require all school districts and boards of cooperative educational services, including those already classified as a public water system under 10 NYCRR Subpart 5-1, to test potable water for lead contamination and to develop and implement a lead remediation plan, where applicable. Comments are due by 3 JUL 17.

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.



LEGISLATIVE SESSION: 10 JAN THROUGH 30 JUN (EST)

FEDERAL ACTIVITY

UPDATE TO MATERIALS INCORPORATED BY REFERENCE. EPA has issued a final rule to update the materials that are incorporated by reference into the Delaware SIP ([82 FR 24529](#)). The regulations affected by this update have been previously submitted by the state of Delaware and approved by EPA. The update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA) and the EPA Regional Office. The final rule became effective on 30 MAY 17.

PROPOSED LEGISLATION

SB 68 FEE INCREASES UNDER EPCRA. SB 68 amends Title 16 of the Delaware Code relating to the Emergency Planning and Community Right-to-Know Act (EPCRA). The bill provides for an increase in fees collected with annual hazardous chemical inventory reports submitted by facilities. The bill increases the current fee per hazardous chemical from \$40 to \$60, and per extremely hazardous substance from \$80 to \$100, starting in 2018. Existing fee amounts are maintained for reports submitted late for back years. The bill also makes additional technical corrections. SB 68 has passed the Senate and was referred to the House Health & Human Development Committee.



LEGISLATIVE SESSION: 1 JAN THROUGH 31 DEC

FEDERAL ACTIVITY

REVISION OF REGULATIONS FOR SULFUR CONTENT OF FUEL OIL. EPA has issued a final rule to approve SIP revisions submitted by the District of Columbia ([82 FR 20270](#)). The revisions address the update of the District of Columbia Municipal Regulations (DCMR) to lower the sulfur content of fuel oil. The final rule became effective on 31 MAY 17.

REGIONAL HAZE FIVE-YEAR PROGRESS REPORT SIP. EPA has issued a proposed rule to approve a SIP revision submitted by the District of Columbia ([82 FR 24617](#)). The SIP revision addresses CAA requirements and EPA's rules that require states to submit periodic reports describing progress toward reasonable progress goals established for regional haze and a determination of the adequacy of the state's existing SIP addressing regional haze. EPA has proposed approval of the District's SIP revision because it satisfactorily addresses the progress report and adequacy determination requirements for the first implementation period for regional haze. Comments are due by 29 JUN 17.



LEGISLATIVE SESSION: 11 JAN THROUGH 10 APR , SINE DIE

FEDERAL ACTIVITY

CORRECTION OF SIP REVISION FOR RULES GOVERNING COM, CEM, AND QA/QC FOR COMS. EPA has issued a final rule that corrects an omission in the rule language of a [previously issued final rule](#), issued in 2016, that approved a SIP revision submitted by the state of Maryland ([82 FR 22290](#)). The 2016 final rule addressed changes and amendments to Maryland regulations: (1) continuous opacity monitoring (COM); (2) continuous emissions monitoring (CEM); and (3) additional requirements for quality assurance and quality control (QA/QC) as they pertain to COMs. The new final rule became effective on 15 MAY 17.

NEW REGULATIONS FOR ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS. EPA has issued a final rule approving a SIP revision submitted by the state of Maryland ([82 FR 21312](#)). The revision addresses a provision that establishes new volatile organic compound (VOC) content limits and standards for architectural and industrial maintenance (AIM) coatings available for sale and use in Maryland. The final rule became effective on 7 JUN 17.

UPDATE TO MATERIALS INCORPORATED BY REFERENCE. EPA has issued a final rule to update the materials that are incorporated by reference into the Maryland SIP ([82 FR 24549](#)). The regulations affected by this update have been previously submitted by the state of Maryland and approved by EPA. The update affects the SIP materials that are available for public inspection at NARA and the EPA Regional Office. The final rule became effective on 30 MAY 17.

REQUIREMENTS FOR CONTINUOUS EMISSION MONITORING. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Maryland ([82 FR 20292](#)). The revision removes a discontinued Technical Memorandum 90-01 (TM 90-01) from Maryland's SIP. TM 90-01 has been superseded by a new CEM regulation. Maryland previously used TM 90-01 to govern the CEM requirements for fuel burning equipment. The comment period closed on 31 MAY 17.

FINAL LEGISLATION

HB 66 PROHIBITION ON LEAD AND MERCURY WHEEL WEIGHTS. HB 66 (Public Act 385) prohibits the sale and use of lead and mercury wheel weights for new and used vehicles registered in the state beginning 1 JAN 20. The bill also: (1) requires the state to ensure that vehicles purchased after 1 JAN 19 are free of lead and mercury wheel weights; (2)

prohibits each tire on a state fleet vehicle that is balanced or replaced after 1 JAN 18 from being equipped with a lead or mercury wheel weight; (3) requires that lead and mercury wheel weights that are removed and collected must be properly recycled; and (4) establishes enforcement requirements. A notice of the bill's introduction was published in the February 2017 *Northern Review*. The bill was signed by the governor on 4 MAY 17 and becomes effective on 1 OCT 17.

HB 121 REPEAL OF CERTAIN HAZARDOUS MATERIAL SECURITY REGULATIONS. HB 121 (Public Act: 375) repeals multiple requirements within the state hazardous material security regulations. The bill includes the repeal of: (1) requirement to deposit certain fees collected by the Maryland Department of the Environment (MDE) into a certain account within the Community Right-To-Know Fund; (2) requirement that certain persons analyze the security of specific facilities; (3) requirement that a certain analysis be submitted to MDE; and (4) certain fee exemptions for counties and municipalities. A notice of the bill's introduction was published in the February 2017 *Northern Review*. The bill was signed by the governor on 4 MAY 17 and becomes effective on 1 JUL 17.

HB 124 RECYCLING FACILITY REGULATIONS. HB 124 (Public Act: 376) requires MDE to adopt certain regulations relating to recycling facilities. The bill states the new regulations must: (1) specify when a "recycling facility" may operate without a refuse disposal permit; and (2) exempt certain materials that are managed at a recycling facility from being designated as "solid waste." The bill requires MDE to convene and consult with a workgroup of affected stakeholders when developing the regulations. Finally, the bill provides for the enforcement of state recycling facility laws and regulations through existing enforcement provisions. The bill was signed by the governor on 4 MAY 17 and becomes effective on 1 OCT 17.

HB 171 (SB 99) STUDY OF YARD WASTE, FOOD RESIDUALS, AND OTHER ORGANIC MATERIALS DIVERSION AND INFRASTRUCTURE. HB 171 (Public Act: 384) requires MDE, in consultation with specified persons, to study, review, explore, identify, and make recommendations regarding certain matters that relate to the diversion of yard waste, food residuals, and other organic materials from refuse disposal facilities. The study should also include the status of infrastructure in the state. The bill requires MDE provide a final report of its findings and recommendations to the governor and the General Assembly by 1 JUL 19. The bill was signed by the governor on 4 MAY 17 and will become effective on 1 JUL 17.

HB 270 REQUIREMENTS FOR PUBLIC AND NONPUBLIC SCHOOLS TO TEST FOR LEAD IN DRINKING WATER. HB 270 (Public Act: 386) requires MDE, in consultation with multiple state agencies, to adopt regulations that require periodic testing for the presence of lead in each "drinking water outlet" located in an occupied public or nonpublic school building. Among other provisions, the regulations must: (1) require initial testing to be conducted by 1 JUL 18; (2) phase in the testing, as specified; and (3) establish specific follow-up actions for positive test results. A waiver from the required testing can be granted under specified conditions. Before adopting the required regulations, MDE must gather certain information and convene a stakeholder group. The bill also establishes reporting requirements. HB 270 was signed by the governor on 4 MAY 17 and it became effective on 1 JUN 17.

HB 504 PROHIBITION ON SALE OF CERTAIN PRODUCTS THAT CONTAIN MERCURY. HB 504 (Public Act: 809) prohibits a "marketer," beginning 1 OCT 18, from knowingly selling or providing to a consumer electric switches, electric relays, and gas valve switches that contain mercury. The bill does not apply to an electric switch, an electric relay, or a gas valve switch that is a component of a larger product that was in use on or before 1 OCT 18, if certain conditions are met. The bill establishes specific exemptions, and civil and administrative penalties for violations of the bill's provisions. A notice of the bill's House passage was published in the April 2017 *Northern Review*. The bill was signed by the governor on 27 MAY 17 and it becomes effective on 1 OCT 17.

HB 617 (SB 29) FOREST CONSERVATION THRESHOLDS AND REQUIREMENTS. HB 617 (Public Act: 795) clarifies that a unit of local government with planning and zoning authority may adopt specified forest conservation thresholds and afforestation and reforestation requirements, as part of its local forest conservation program, that are more stringent than certain state law. The bill was not signed by the governor, but it was enacted under Article II, Section 17(c) of the Maryland Constitution and became effective on 1 JUN 17.

HB 830 (SB 386) POLLINATOR HABITAT PLAN REQUIREMENTS. HB 830 (Public Act: 755) requires that pollinator habitat plans established by the Maryland Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration be as protective of pollinators as the Maryland Department of Agriculture's managed pollinator protection plan. The bill also: (1) requires contents of the plans to be modified to focus on pollinator habitat areas, rather than pollinator habitats; (2) specifies that pollinator habitat plans must include best management practices for the designation, maintenance, creation, enhancement, and restoration of pollinator habitat areas; and (3) prohibits the use of certain pesticides, seeds, or plants in the pollinator habitat plan. The bill was signed by the governor on 25 MAY 17 and it becomes effective on 1 JUL 17. The governor vetoed the companion bill, SB 386, citing it was duplicative.



LEGISLATIVE SESSION: 3 JAN THROUGH 30 NOV (EST)

FEDERAL ACTIVITY

UPDATE TO MATERIALS INCORPORATED BY REFERENCE. EPA has issued a final rule to update the materials that are incorporated by reference into the Pennsylvania SIP ([82 FR 24856](#)). The regulations affected by this update have been previously submitted by the commonwealth of Pennsylvania and approved by EPA. The update affects SIP materials that are available for public inspection at NARA and the EPA Regional Office. The final rule became effective on 30 MAY 17.

PROPOSED LEGISLATION

HB 790 CONTROLLED PLANTS AND NOXIOUS WEED ACT. HB 790 repeals the *Noxious Weed Control Law* (Act 74 of 1982) and replaces it with the *Controlled Plant and Noxious Weed Act*. The bill establishes the Controlled Plant and Noxious Weed Committee, consisting of public and private sector stakeholders, to conduct studies and risk assessments on any plant the committee is considering adding or deleting from the noxious weed list. The bill also: (1) imposes powers and duties on the state Secretary of Agriculture and municipalities; (2) establishes a category of controlled plants and provides for the permitting of controlled plants; and (3) prescribes penalties. The bill has passed the House and was referred to the Senate Agriculture and Rural Affairs Committee.

SB 649 AMENDMENTS TO STORAGE TANK AND SPILL PREVENTION ACT. SB 649 amends the *Storage Tank and Spill Prevention Act*. The bill makes multiple minor amendments to the current law, mostly related to financial provisions, to provide for expenditures for the UST Environmental Cleanup Program, UST Pollution Prevention Program, and for investigation and closure costs. The bill also extends certain sunset provisions by five years. The SB 649 was referred to the Environmental Resources and Energy Committee.

PROPOSED RULES

AMENDMENTS TO RADIOLOGICAL HEALTH REGULATIONS. The Pennsylvania Environmental Quality Board (EQB) has [proposed](#) amendments to the radiological health regulations at 25 PA. Code Chapters 215-221, 223, 225, 227, 228, 230 and 240. The amendments: (1) clarify and provide guidance regarding radiation safety; (2) update the standards for protection against radiation; and (3) update requirements for radon certification. EQB last updated the radiological health regulations in 2009. Comments are due by 26 JUN 17.

OTHER REGULATORY ACTIVITY

DRAFT PENNSYLVANIA LAKE ERIE PHOSPHORUS REDUCTION DOMESTIC ACTION PLAN. The Pennsylvania Department of Environmental Protection has [requested comment](#) on the draft [Pennsylvania Lake Erie Phosphorus Reduction Domestic Action Plan](#). The commonwealth of Pennsylvania is one of eight states with coastline and contributing watersheds to the North American Great Lakes and one of five states that share jurisdictional responsibilities for Lake Erie. The plan assists in the elimination of nutrient pollution in Lake Erie. Comments are due by 26 JUN 17.



Virginia

LEGISLATIVE SESSION: 11 JAN THROUGH 5 APR

FEDERAL ACTIVITY

REMOVAL OF STAGE II GASOLINE VAPOR RECOVERY REQUIREMENTS FOR GDFs. EPA has issued a final rule approving a SIP revision submitted by the commonwealth of Virginia ([82 FR 21697](#)). The revision includes regulatory amendments that allow GDFs located in Northern Virginia, Fredericksburg, and Richmond that are currently required to install and operate vapor recovery equipment on gasoline dispensers (Stage II vapor recovery) to decommission that equipment by January 2017. In prior rulemaking actions, EPA has approved Virginia's demonstrations that decommissioning Stage II is consistent with the CAA and EPA guidance. The final rule approves Virginia's revised petroleum transfer and storage regulation to allow for decommissioning of Stage II equipment. The final rule became effective on 9 JUN 17.

UPDATE TO MATERIALS INCORPORATED BY REFERENCE. EPA has issued a final rule to update the materials that are incorporated by reference (into the Virginia SIP ([82 FR 24537](#))). The regulations affected by this update have been previously submitted by the commonwealth of Virginia and approved by EPA. The update affects SIP materials that are available for public inspection at NARA and the EPA Regional Office. The final rule became effective on 30 MAY 17.

PROPOSED RULES

SIP REVISION FOR DEFINITION OF VOC. The Virginia Department of Environmental Quality (VDEQ) has [proposed](#) a SIP revision addressing the state definition of VOC. The SIP revision submits two separate amendments to the existing state regulation provisions concerning the definition of VOC. The amendments incorporate EPA revisions to the definition of VOC concerning t-butyl acetate and 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2). Comments are due by 12 JUL 17.

AMENDMENTS TO TITLE V PROGRAM FEES. VDEQ has [proposed](#) amendments to [9VAC5-80](#), *Permits for Stationary Sources*. The amendments update state rules to comply with state and federal requirements to fully fund Virginia's Title V Permit Program. The amendments: (1) increase Title V fees enough to fully fund the Title V program; (2) restructure the existing Title V fee schedule to better reflect actual costs of the program; and (3) make other amendments determined necessary including clarification of the regulatory text. A notice of the amendments under consideration was published in the March 2017 *Northern Review*. A public hearing is scheduled for 6 JUL 17 and comments are due by 28 JUL 17.



West Virginia

LEGISLATIVE SESSION: 11 JAN THROUGH 8 APR, SINE DIE

FEDERAL ACTIVITY

INFRASTRUCTURE REQUIREMENTS FOR 2012 PM_{2.5} NAAQS. USEPA has issued a final rule approving portions of a SIP revision submitted by the state of West Virginia ([82 FR 22076](#)). The revision addresses CAA section 110 (1) and (2) requirements, often referred to as the "infrastructure" SIP. Specifically, the revision addresses the infrastructure requirements necessary to implement, maintain, and enforce the 2012 fine particulate matter (PM_{2.5}) NAAQS. The final rule became effective on 12 JUN 17.

FINAL LEGISLATION

SB 113 APPROVAL OF STATE REGULATORY AGENCY RULES. SB 113 (Public Act: 140) authorizes the West Virginia Department of Environmental Protection (WVDEP) to promulgate a series of regulations that were adopted during 2016. Under West Virginia law, all regulations adopted by state regulatory agencies must be approved by the Legislature before they can be promulgated. The regulations, filed in the State Register on 26 AUG 16, are:

- *Alternative Emission Limitations During Startup, Shutdown and Maintenance Operations* ([45 CSR 01](#));
- *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, Permission to Commence Construction and Procedures for Evaluation* ([45 CSR 13](#));
- *Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality* ([45 CSR 14](#));
- *Standards of Performance for New Stationary Sources* ([45 CSR 16](#));
- *Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities* ([45 CSR 25](#));
- *Emission Standards for Hazardous Air Pollutants* ([45 CSR 34](#));
- *Ambient Air Quality Standards* ([45 CSR 08](#)); and
- *Voluntary Remediation and Redevelopment* ([60 CSR 03](#)).

A notice on the bill's Senate passage was published in the March 2017 *Northern Review*. The bill was signed by the governor on 8 APR 17 and it became effective on 30 MAR 17.

FINAL RULES

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, nitrogen dioxide (NO₂), and lead. A notice of the amendments' approval by the West Virginia Legislature Rule-Making Review Committee was published in the January 2017 *Northern Review*. The West Virginia Legislature approved the regulation action via passage of SB 113. The amendments became effective on 1 JUN 17.

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 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 amendments' approval by the West Virginia Legislature Rule-Making Review Committee was published in the January 2017 *Northern Review*. The West Virginia Legislature approved the regulation action via passage of SB 113. The amendments became effective on 1 JUN 17.

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 amendments' approval by the West Virginia Legislature Rule-Making Review Committee was published in the January 2017 *Northern Review*. The West Virginia Legislature approved the regulation action via passage of SB 113. The amendments became effective on 1 JUN 17.

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 Greenhouse Gas (GHG) Tailoring Rule Step 2 that was vacated by the DC Circuit Court of Appeals in April 2015. A notice of the amendments' approval by the West Virginia Legislature Rule-Making Review Committee was published in the January 2017 *Northern Review*. The West Virginia Legislature approved the regulation action via passage of SB 113. The amendments became effective on 1 JUN 17. The amendments will be submitted as a SIP revision to USEPA 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 amendments' approval by the West Virginia Legislature Rule-Making Review Committee was published in the January 2017 *Northern Review*. The West Virginia Legislature approved the regulation action via passage of SB 113. The amendments became effective on 1 JUN 17.

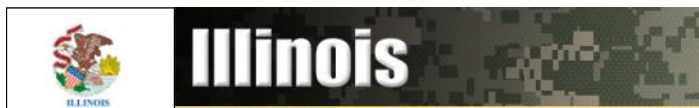
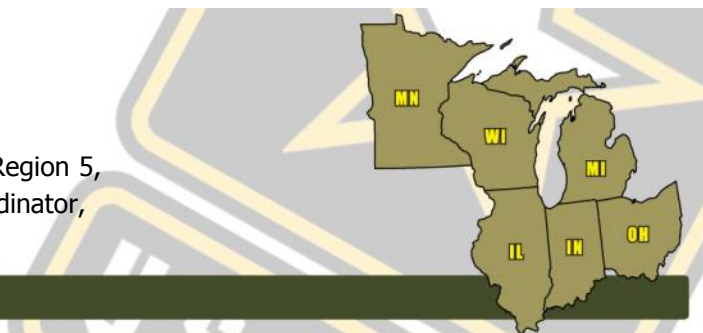
STATIONARY SOURCE REPORTING REVISIONS. WVDEP has [adopted](#) amendments to 45 CSR 13, *Permits for Construction, Modification, Relocation, and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Admin. Updates, Temporary Permits, General Permits, Permission to Commence Construction, 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; and (6) provide other clarifications and updates to references. A notice of the amendments' approval by the West Virginia Legislature Rule-Making Review Committee was published in the January 2017 *Northern Review*. The West Virginia Legislature approved the regulation action via passage of SB 113. The amendments became effective on 1 JUN 17.

OTHER REGULATORY ACTIVITY

2017 AMBIENT AIR MONITORING ANNUAL NETWORK PLAN. WVDEP's Division of Air Quality has [requested comment](#) on the ambient air monitoring Annual Network Plan (ANP) for 2017. The ANP describes to USEPA which pollutants and other parameters WVDEP measures at its various ambient air monitoring sites and why they are measured at those specific locations. Comments are due by 13 JUN 17.

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.



LEGISLATIVE SESSION: 11 JAN THROUGH 30 JUN (EST)

PROPOSED LEGISLATION

HB 3014 UNLAWFUL MATERIALS FOR RECYCLING. HB 3014 provides that beginning on 1 JUL 17, it will be unlawful for any person to knowingly place specified materials into a container intended for collection by a residential hauler for processing at a recycling center. The bill identifies the unlawful materials as: (1) household sharps; (2) plastic bags,

plastic sheets, plastic tarps, or plastic wrap; (3) polystyrene; (4) landscape waste; (5) food scrap; and (6) motor oil containers or other hazardous waste containers. The bill has passed the House and was referred to the Senate Rules Committee.



LEGISLATIVE SESSION: 3 JAN THROUGH 21 APR , SINE DIE

FEDERAL ACTIVITY

REDESIGNATION OF MUNCIE AREA TO ATTAINMENT OF 2008 LEAD STANDARD. EPA has issued a direct final rule approving the state of Indiana's request to redesignate the Muncie nonattainment area to attainment for the 2008 NAAQS for lead ([82 FR 24553](#)). The rule also approves the state's plan for maintaining the 2008 lead NAAQS through 2030 for the area and the 2013 attainment year emissions inventory for the area. Barring adverse comment the direct final rule becomes effective on 31 JUL 17.



LEGISLATIVE SESSION: 11 JAN THROUGH 31 DEC (EST)

PROPOSED LEGISLATION

HB 4205 PROHIBITION ON BEING MORE STRINGENT THAN FEDERAL REGULATIONS. HB 4205 prohibits a state agency from adopting rules more stringent than the applicable federally mandated standard unless the director of that agency determines there is a "clear and convincing need" to exceed the federal standard. This requirement applies when the federal government has mandated that Michigan promulgate rules. If the federal government has not mandated that Michigan promulgate rules, then an agency could only promulgate more stringent rules if specifically authorized by statute or by the agency director to do so. The bill establishes exceptions in both cases for certain emergency rules. The bill has passed the House and was referred to the Senate Oversight Committee.

HB 4569 INCREASE IN FINES FOR DISCHARGE OF PETROLEUM INTO STATE WATERS. HB 4569 increases the maximum civil fine for discharges of petroleum into the waters of the state from \$25,000 per day to \$500,000 per day. The bill also increases the maximum civil fine for failure to report a release from \$2,500 to \$50,000. The bill was referred to the Energy Policy Committee.

FINAL RULES

EMERGENCY RULE TO ESTABLISH CLEANUP CRITERIA FOR 1,4-DIOXANE. The Michigan Department of Environmental Quality (MDEQ) has [readopted](#) (page 16) an emergency rule to establish cleanup criteria for 1,4-dioxane. In October 2016, MDEQ issued two emergency rules establishing 1,4-dioxane cleanup criteria for drinking water ingestion pathway and vapor intrusion screening. Both previously issued emergency rules expired on 25 APR 17. This emergency rule reaffirms establishment of the 1,4-dioxane cleanup criterion for the drinking water ingestion pathway at 7.2 parts per billion. This emergency rule does not reaffirm the vapor intrusion screening criterion of 29 parts per billion (ppb) because MDEQ has received public comments concerning the criterion and it will be addressed through a separate comprehensive rulemaking process. A notice of the previously issued emergency rule was published in the December 2016 *Northern Review*. The previously issued emergency rule expired on 25 APR 17. The newly issued emergency rule became effective on 1 MAY 17 and will expire on 1 NOV 17.

OTHER REGULATORY ACTIVITY

2018 AMBIENT AIR MONITORING NETWORK REVIEW. MDEQ has published the draft [Michigan's 2018 Ambient Air Monitoring Network Review](#). The draft document examines Michigan's ambient air monitoring network in operation during 2017 and recommends changes based on monitoring history, population distribution, and modifications to the CAA federal monitoring requirements. Recommended changes to the network will be implemented during the 2018 calendar year, contingent upon adequate levels of funding. The comment closed on 12 JUN 17.



LEGISLATIVE SESSION: 3 JAN THROUGH 22 MAY, SINE DIE

PROPOSED LEGISLATION

HF 2681 WATER MANAGEMENT PRACTICES TO PREVENT WATERBORNE DISEASES. HB 2681 establishes water management practices to prevent waterborne diseases. The water management practices apply to public water distribution systems that serve one or more counties, cities, towns, or other public authorities. The bill identifies the following practices: (1) use of chlorine-based chemical disinfectant; (2) use of continuous chloramination method; (3) monitoring; and (4) notice to customers. The bill also requires the commissioner of health or a community health board with delegated authority to investigate all cases of Legionnaires' disease reported to the commissioner, and outlines requirements for the investigation. The bill was referred to the Health and Human Services Reform Committee.

PROPOSED RULES

NOTICE OF INTENT TO ISSUE AIR EMISSION PART 70 GENERAL PERMIT. The Minnesota Pollution Control Agency (MPCA) has [proposed](#) (page 15) issuing a federal general permit governing certain low-emitting aviation and aircraft painting and refinishing sources located in Minnesota. The issuance of this general permit is authorized by Minn. R. 7007.1100, which allows MPCA to issue a general permit if "numerous and similar stationary sources are subject to substantially similar regulatory requirements." The general permit is designed for existing facilities that did not obtain an air emissions permit prior to initiating construction, or construction and operation of their facility; however, it is available to both new and existing sources. Comments are due by 29 JUN 17.



LEGISLATIVE SESSION: 2 JAN THROUGH 31 DEC (EST)

FEDERAL ACTIVITY

SIP REVISION CONCERNING VOC CONTROL RULES. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Ohio ([82 FR 21960](#)). The revision consists of adjustments and additions to VOC rules in the Ohio Administrative Code (OAC). The changes are a result of a five-year review and a new rule to update the VOC RACT requirements for the miscellaneous metal and plastic parts coatings source category for the Cleveland-Akron-Lorain area. The area consists of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit counties. The comment period closed on 12 JUN 17.

REDESIGNATION OF CLEVELAND AREA TO ATTAINMENT OF 2008 LEAD STANDARD. EPA has issued a direct final rule approving the state of Ohio's request to redesignate the partial Cuyahoga County nonattainment area (known as the Cleveland area) to attainment for the 2008 NAAQS for lead ([82 FR 24871](#)). EPA has also approved, as revisions to the Ohio SIP, reasonably available control measure (RACM)/RACT requirements, emissions inventory requirements, and the

state's plan for maintaining the 2008 lead NAAQS through 2030 for the area. Barring adverse comment the direct final rule becomes effective on 31 JUL 17.

FINAL RULES

AMENDMENTS TO WATER QUALITY STANDARDS. The Ohio Environmental Protection Agency (OEPA) has [adopted](#) amendments to the Water Quality Standards Program rules in OAC [Chapter 3745-1](#). The rules amended include: (1) 3745-1-11 - *Maumee river drainage basin*; (2) 3745-1-12 - *Sandusky river drainage basin*; (3) 3745-1-21 - *Great Miami river drainage basin*; (4) 3745-1-23 - *Portage river drainage basin*; and (5) 3745-1-24 - *Muskingum river drainage basin*. The amendments became effective on 22 MAY 17.

PROPOSED RULES

REVISIONS TO UST PROGRAM RULES. The Ohio Division of State Fire Marshal's Bureau of Underground Storage Tank Regulations (BUSTR), has [proposed](#) 21 revised rules related to Ohio's UST program, found in OAC Chapter [1301:7-9](#). The proposed revisions were developed as part of the five-year review process. A public hearing is scheduled for 20 JUN 17 and comments are due the same day.

OTHER REGULATORY ACTIVITY

DRAFT RULES TO IMPLEMENT ALTERNATIVE FUEL VEHICLE GRANT PROGRAM. OEPA has [drafted](#) preliminary proposed rules to implement a new grant program for converting or replacing diesel and gasoline-powered large vehicles to run on alternative fuels. The [draft rules](#) closely mirror the program requirements enacted in the 2016 statute that authorizes the grant program. Comments are due by 21 JUN 17.

EARLY STAKEHOLDER OUTREACH — WATER QUALITY CERTIFIED PROFESSIONAL PROGRAM. OEPA has [requested comments](#), as part of the early stakeholder outreach rulemaking stage, concerning the creation of a Water Quality Certified Professional (WQCP) program. On 30 JUN 15, Governor Kasich signed House Bill 64, which gave OEPA the authority to create a WQCP program. House Bill 64 also established the minimum content requirements for the rules that must be adopted for this program. The comment period closed on 1 JUN 17.

EARLY STAKEHOLDER OUTREACH — PROJECTS LOCATED ON PREVIOUS SOLID OR HAZARDOUS WASTE FACILITY SITES. OEPA has [requested comment](#), as part of the early stakeholder outreach rulemaking stage, on Rule 3745-27-13, providing requirements for any person seeking to fill, grade, excavate, build, drill, or mine on land where a solid waste or hazardous waste facility was operated. The rule addresses activities ranging from exploratory sampling to full-scale commercial or industrial re-development on land where a solid or hazardous waste facility was operated. Comments are due by 19 JUN 17.

EARLY STAKEHOLDER OUTREACH - WATER QUALITY TRADING. OEPA has [requested comment](#), as part of the early stakeholder outreach rulemaking stage, on possible changes and revisions to OAC Chapter 3745-5, *Water Quality Trading*. This chapter provides administrative requirements for the development and implementation of water quality trading programs in Ohio. OEPA is reviewing this rule to fulfill the five-year rule review requirements. Comments are due by 19 JUN 17.

DRAFT DRINKING WATER ASSISTANCE PROGRAM MANAGEMENT PLAN. OEPA has [requested comment](#) of the Drinking Water Assistance Fund (DWAF) [Draft 2018 Program Management and Intended Use Plan](#). The fund provides financial and technical assistance for a variety of projects that help improve or protect the quality of Ohio's drinking water. The draft plan describes how OEPA intends to administer and distribute DWAF funds during FY 2018. Public hearings are scheduled for 16 JUN 17 and comments are due the same day.



LEGISLATIVE SESSION: 3 JAN THROUGH 31 DEC (EST)

PROPOSED LEGISLATION

AB 298 CHILD CARE FACILITY REQUIREMENTS FOR LEAD TESTING OF DRINKING WATER. AB 298 requires an applicant for a child care center license and a child care provider certification to test drinking water for lead contamination in a building used or to be used for child care. The bill defines lead contamination as a concentration of lead that is greater than 0.005 mg/L. The testing required under the bill must be done within six months prior to submitting the application and in accordance with rules promulgated by the Wisconsin Department of Natural Resources (WDNR). The bill also establishes requirements for applicants who test positive for lead contamination. The bill was referred to the Energy and Utilities Committee.

SB 180 DESIGNATION OF A WATER SUPPLY SERVICE AREA BY GREAT LAKES COUNCIL. SB 180 amends the regulations governing water supply service area plans for public water supply systems. Under the current law, if a public water supply system within a county that lies only partly within the Great Lakes Basin proposes to divert water from the basin, the public water supply system's proposal for diverting the water must be approved by the Great Lakes - St. Lawrence River Basin Water Resources Council. This bill provides that if the council approves a diversion area for a public water supply system, that diversion area serves as the water supply service area in the water supply plan that the public water supply system must submit to WDNR. Under the bill, diversion areas designated by the council do not need to be consistent with an approved area-wide water quality management plan for the planning area. The bill was referred to the Government Operations, Technology and Consumer Protection Committee.

Federal Activity

AIR

FORMALDEHYDE EMISSION STANDARDS FOR COMPOSITE WOOD PRODUCTS. EPA has issued a direct final rule extending the compliance dates for a [final rule](#) published on 12 DEC 16, related to formaldehyde emission standards for composite wood products ([82 FR 23735](#)). EPA has extended the: (1) 12 DEC 17 date for emission standards, recordkeeping, and labeling provisions until 22 MAR 18; (2) 12 DEC 18 date for import certification provisions until 22 MAR 19; and (3) 12 DEC 23 date for provisions applicable to producers of laminated products until 22 MAR 24. Additionally, the direct final rule extends, under certain circumstances, the transitional period during which California Air Resources Board (CARB) Third Party Certifiers (TPC) may certify composite wood products under the Toxic Substances Control Act (TSCA) Title VI. Barring adverse comment the direct final rule becomes effective on 10 JUL 17.

STAY OF FINAL RULES CONCERNING METHANE GAS EMISSIONS FROM MUNICIPAL SOLID WASTE LANDFILLS. On 5 MAY 17, EPA announced the convening of a proceeding for reconsideration of certain requirements in the final rules, *Standards of Performance for Municipal Solid Waste Landfills*, and *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills*, both published on 29 AUG 16 ([82 FR 24878](#)). In this action, EPA is staying subparts, which were added or revised by the two rules, for 90 days pending reconsideration. Title 40 CFR part 60, subpart Cf, and 40 CFR part 60, subpart XXX, are stayed from 31 MAY 17 until 29 AUG 17. Copies of these new standards can be found [here](#). Notices for both 2016 final rules were published in the September 2016 *Northern Review*.

HR 2438 AMENDMENT OF CAA. H.R. 2438 amends the CAA to prohibit any regulation under the act concerning the emissions of carbon dioxide from a fossil fuel-fired electric generating unit from taking effect until the administrator of the EPA makes certain certifications. The bill was referred to the Energy and Commerce Committee.

CLEAN UP

SW-846 UPDATE. EPA has [released](#) SW-846 Update VI, Phase II for public comment. The update revises two organic methods ([8260D](#) and [8270E](#)) for the analysis of volatile and semivolatile compounds in solid waste and other environmental media using gas chromatography and mass spectrometry (GC/MS). The methods are revised to include the: (1) addition of new analytes and preparation methods; (2) option of hydrogen as a carrier gas; (3) use of advanced measurement techniques (e.g., selected ion monitoring, chemical ionization, tandem mass spectrometry); and (4) updated language for lower limit of quantitation and method blanks. In addition, tuning requirements were updated to harmonize with other EPA program methods.

ENERGY

EXECUTIVE ORDER CONCERNING OFFSHORE ENERGY. President Trump issued Executive Order (EO) 13795, addressing energy exploration and production on the outer continental shelf (OCS) ([82 FR 20185](#)). The EO states it is policy to encourage energy exploration and development on federal lands and on the OCS. The EO requires the Secretary of Commerce, in coordination with the Secretary of Defense and others, to evaluate National Marine Sanctuaries and Marine National Monuments and prepare a report. The EO also: (1) modifies areas of the OCS withdrawn from leasing; (2) requires review of the 2016 Offshore Arctic Drilling Rule and the 2016 Technical Memorandum [NMFS-OPR-55](#) (Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing); and (3) reconsiders the Oil Well Control Rule (Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control) and the 2016 Proposed Offshore Air Rule.

WORKPLACE PRIVATELY OWNED ELECTRIC VEHICLE CHARGING GUIDANCE. The Department of Energy (DOE) has released a study on workplace charging of privately owned vehicles (POVs) to guide federal agencies that provide workplace charging. DOE maintains a website on the topic [here](#). The study and other materials are available [here](#).

MISCELLANEOUS

YELLOW BOOK UPDATES. The Government Accountability Office is requesting public comment on proposed changes to government auditing standards, referred to as the Yellow Book ([GAO-17-313P](#)). The proposed changes contained in the [2017 exposure draft](#) update the Yellow Book to reflect major developments in the auditing, accountability, and financial management professions and emphasize specific considerations applicable to the government environment.

NATURAL & CULTURAL RESOURCES

EXECUTIVE ORDER ON REVIEW OF NATIONAL MONUMENT DESIGNATIONS. President Trump issued EO 13792, requiring the Secretary of the Interior to review presidential designations or expansions of designations of national monuments made since January 1996 ([82 FR 20429](#)). The EO requires the Secretary of the Interior to review: (1) designations that cover more than 100,000 acres; (2) designations that after expansion cover more than 100,000 acres; or (3) designations and expansions that the Secretary determines were made without adequate public outreach and coordination with relevant stakeholders. The EO requires the Secretary of the Interior to determine whether the designation conforms to the requirements and original objectives of the Antiquities Act of 1906.

COMMUNICATIONS PROJECTS ON FEDERAL LANDS AND PROPERTY - SECTION 106 REVIEW. The Advisory Council on Historic Preservation (ACHP) has issued a Program Comment for Communications Projects on Federal Lands and Property to accelerate the review of these projects, particularly broadband deployment, under Section 106 of the National Historic Preservation Act ([82 FR 23818](#)). Federal agencies using the Program Comment may fulfill their Section 106 responsibilities for the relevant undertakings by implementing the terms of this comment, which include processes for the identification of historic properties and consideration of effects to these properties. The Program Comment also identifies certain undertakings that require no further Section 106 review under specified conditions.

THREATENED AND ENDANGERED SPECIES

ENDANGERED AND THREATENED SPECIES - LISTING AND RECOVERY PRIORITY GUIDELINES. The National Marine Fisheries Service (NMFS) has issued a notice of proposed revisions to the Recovery Plan Preparation and Implementation Priorities and Recovery Plans contained in the 1990 Listing and Recovery Priority Guidelines ([82 FR 24944](#)). The revisions will better prioritize limited agency resources to advance the recovery of threatened and endangered species guided by the immediacy of the species' overall extinction risk, extent of information regarding major threats, and certainty that management or protective actions can be implemented successfully. NMFS is not proposing changes to the Listing, Reclassification, and Delisting Priorities contained in the 1990 Listing and Recovery Priority Guidelines. NMFS found those guidelines to be sufficient in prioritizing listing actions. Comments are due by 30 JUN 17.

WATER

S. 1137 CLEAN SAFE RELIABLE WATER INFRASTRUCTURE ACT. S. 1137 amends the federal SDWA and the Federal Water Pollution Control Act to include provisions relating to drinking water and wastewater infrastructure. The bill was referred to the Environment and Public Works Committee.

NON-DISCLOSURE OF WATER SOURCE LOCATIONS. In May, the U.S. Court of Appeals for the District of Columbia Circuit affirmed a lower court's ruling that the Bureau of Reclamation permissibly withheld water well location and depth information from disclosure under Exemption 9 of the Freedom of Information Act, 5 U.S.C. 552(b)(9). The Court held that Exemption 9 permits the government to withhold information and maps disclosing the locations and depth of certain water wells. The depth and location of wells qualifies as "geological and geophysical information and data, including maps, concerning wells" under Exemption 9. The court decision is available [here](#).

Department of Defense Activity

USACE CALL FOR SUSTAINABILITY AWARD NOMINATIONS. The [USACE 2017 Sustainability Awards](#) nomination period is now open. The USACE Sustainability Awards recognize exceptional performance by USACE individuals and teams demonstrating extraordinary achievement in the pursuit of EO 13693: *Planning for Federal Sustainability in the Next Decade*. The award categories are modeled after those in the GreenGov Presidential Awards program and the winners from the program will subsequently be nominated for the GreenGov Presidential Awards. The 2017 awards will recognize achievements from January through December 2016. The award categories are: (1) Sustainability Hero Award; (2) Green Innovation Award; (3) Lean, Clean, and Green Award; (4) Good Neighbor Award; (5) Green Dream Team Award; (6) Building the Future Award; and (7) Climate Champion Award. The submission deadline is 16 JUN 17.

Professional Development

DOD TRAINING SOURCES

2017 REPI WEBINAR SERIES (ONLINE). 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.

SERDP AND ESTCP WEBINAR SERIES (ONLINE). 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 (CLASSROOM). 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.

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS (CLASSROOM/ONLINE). 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.

NAVY AND ISEERB ENVIRONMENTAL TRAINING FY17 (CLASSROOM). 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.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING FY17 (CLASSROOM/ONLINE). 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).

FEDERAL TRAINING SOURCES

INTERAGENCY CONSULTATION FOR ENDANGERED SPECIES (CLASSROOM). Hosted by USFWS, 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.

FEMP OFFERS CERTIFICATE SERIES FOR 2016 GUIDING PRINCIPLES FOR SUSTAINABLE BUILDINGS (ONLINE). 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.

SMALL DRINKING WATER AND WASTEWATER SYSTEMS WEBINAR SERIES (ONLINE). EPA's Office of Research Development and Office of Water are hosting a monthly webinar series to communicate EPA'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 (ONLINE). FEMP offers this course to provide 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 (CLASSROOM). USACE released the FY18 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.

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE). 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, such as: (1) program development (e.g., environmental management systems, green procurement program); (2) federal and state regulatory requirements for various facility activities; (3) access to [environmental assistance](#); (4) access to free, [FedCenter-sponsored courses](#); (5) applicable laws and Executive Orders; and (6) [Partnerships](#). FedCenter also provides member assistance services such as collaboration tools for workgroups, environmental reporting tools, and daily newsletter and subscription services.

INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL (ITRC) TRAINING (CLASSROOM/ONLINE). 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 EPA's Technology Innovation and Field Services Division. For a listing of current classes and to register, visit [EPA'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.

EPA TMDLS AND NPDES PERMITTING WEB-BASED TRAINING MODULES (ONLINE). EPA 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.

AVERT TUTORIAL (ONLINE). EPA 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 (ONLINE). 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 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).

CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES (ONLINE). The U.S. Geological Survey's 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 (ONLINE). 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.

UTILITY ENERGY PROJECT INCENTIVE FUNDS (ONLINE). This FEMP course teaches federal agency personnel 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.

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

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

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How the Regional Offices Work for You

The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.

The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are represented.

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

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