



# Northern Review

## of Legislative & Regulatory Actions

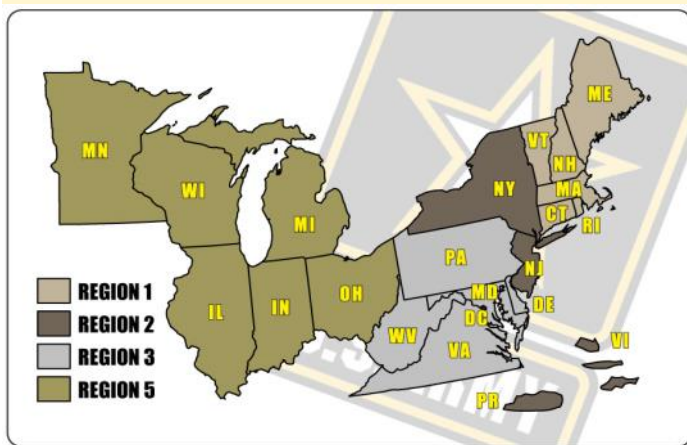


The U.S. Army Regional Environmental & Energy Office

August 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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## SUPERFUND PROGRAM

U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt is making [changes](#) to the Superfund Program, including changes to the way certain large Superfund cleanup remedies are selected and planning new efforts to streamline or restructure the program.

On [9 MAY 17](#) and [22 MAY 17](#) Administrator Pruitt issued memos revising the delegation of authority to select remedies under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The memos specify that authority to select remedies estimated to cost more than \$50 million is retained by the administrator.

The [22 MAY 17](#) memorandum also established a [task force](#) to provide recommendations for improving the efficiency of the Superfund Program by:

- Identifying best practices within regional programs;
- Incentivizing private investment at sites;
- Ensuring risk management principles are considered at sites with contaminated sediment;
- Utilizing alternative and nontraditional approaches for financing site cleanups;
- Reducing administrative and overhead costs and re-examining the necessary level of agency oversight; and
- Improving the agency's interactions with key stakeholders, particularly federal agencies at federal facilities, and expanding the role that tribal, state, and local governments; local and regional economic development zones; and public-private partnerships play.

The memorandum also calls for more close and frequent coordination by regional coordinators and their staffs with the administrator's office throughout the process of developing and evaluating alternatives and selecting site remedies.

See additional information about the task force recommendations on page 15 of this month's *Review*.

# Region 1

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



**MULTIPLE STATES REVISING PUBLIC WATER SUPERVISION PROGRAMS TO MEET SDWA REQUIREMENTS.** EPA has issued a notice announcing its determinations to approve Connecticut, New Hampshire, Rhode Island, Vermont, and of Massachusetts' respective revisions to their approved Public Water System Supervision programs to meet the requirements of the Safe Drinking Water Act (SDWA) ([82 FR 32699](#)). Barring a request for a public hearing the determinations become effective on 16 AUG 17.



**LEGISLATIVE SESSION: 4 JAN THROUGH 30 JUN, SINE DIE**

## **FEDERAL ACTIVITY**

**RACT FOR 2008 OZONE STANDARD.** EPA has issued a final rule approving State Implementation Plan (SIP) revisions submitted by the state of Connecticut ([82 FR 35454](#)). The SIP revisions consist of a demonstration that Connecticut meets the requirements to implement reasonably available control technology (RACT) for the two precursors of ground-level ozone, oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOCs), set forth by the Clean Air Act (CAA) with respect to the 2008 ozone National Ambient Air Quality Standards (NAAQS). Additionally, EPA has approved three related regulations that limit air emissions of NO<sub>x</sub> from sources within the state. The final rule becomes effective on 30 AUG 17.

## **FINAL LEGISLATION**

**HB 5884 PROHIBITION ON USING COAL TAR SEALANTS ON STATE HIGHWAYS.** HB 5884 (Public Act: 17-113) prohibits the use of coal tar sealants on state highways. The prohibition seeks to protect the environment and public health by limiting human and wildlife exposure to hazardous materials. A notice of the bill's introduction was published in the February 2017 *Northern Review*. The bill was signed by the governor on 6 JUL 17 and becomes effective on 1 OCT 17.

**HB 7221 ACCESS TO WATER PLANNING INFORMATION.** HB 7221 (Public Act 17-211) establishes procedures for gaining access to information that is needed for water planning purposes. The bill 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. A notice of the bill's house passage was published in the June 2017 *Northern Review*. The bill was signed by the governor on 5 JUL 17 and retroactively became effective on 1 JUL 17.

**SB 963 ADOPTION OF FEDERAL HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE.** SB 963 (Public Act 17-242) 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 the required regulations before 1 JUL 18, the commissioner must submit a report to the joint standing committee of the General Assembly by 1 AUG 18. The report must include an updated timeframe for the adoption of such regulations and a summary of any public comment received by the commissioner during the rulemaking process. The bill also makes changes in the development of the manufacturing workforce. A notice of the bill's Senate passage was published in the June 2017 *Northern Review*. The bill was signed by the governor on 11 JUL 17; provisions of the bill have varying effective dates.



**LEGISLATIVE SESSION: 7 DEC 16 THROUGH 2 AUG 17, SINE DIE**

**FEDERAL ACTIVITY**

**DECOMMISSIONING OF STAGE II VAPOR RECOVERY SYSTEMS AT GDFs.** EPA has issued a final rule approving a SIP revision submitted by the state of Maine ([82 FR 32480](#)). The 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 SIP revision also includes: (1) a demonstration that the removal is consistent with the 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 final rule becomes effective on 14 AUG 17.

**SIP REVISION FOR MOTOR VEHICLE FUEL REQUIREMENTS.** EPA has issued a final rule approving a SIP revision submitted by the state of Maine ([82 FR 33012](#)). The revision includes a revised motor vehicle fuel volatility regulation that has been updated to be consistent with existing federal regulations that require retailers to sell reformulated gasoline (RFG) in the counties of York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, and Lincoln, as of 1 JUN 15. The final rule becomes effective on 18 AUG 17.

**REGIONAL HAZE FIVE-YEAR PROGRESS REPORT.** EPA has issued a proposed a rule to approve a SIP revision submitted by the state of Maine that addresses the state's regional haze progress report ([82 FR 33471](#)). Maine is federally required to submit periodic reports that describe the progress being made toward reasonable progress goals (RPGs) established for regional haze. The reports also must include a determination of the adequacy of the state's existing regional haze SIP. EPA has proposed approving Maine's determination that the state's regional haze SIP is adequate to meet the RPGs for the first implementation period covering through 2018 and requires no substantive revision at this time. Comments are due by 21 AUG 17.



**LEGISLATIVE SESSION: 4 JAN THROUGH 31 DEC (EST)**

**FEDERAL ACTIVITY**

**POSTPONEMENT OF MASSACHUSETTS NPDES GENERAL PERMIT FOR MS4s.** EPA has announced the [postponement](#) of the effective date of its Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) in Massachusetts ([82 FR 32357](#)). EPA has postponed the 1 JUL 17 effective date of the permit for one year, to 1 JUL 18. The postponement became effective on 29 JUN 17.

**OTHER LEGISLATIVE ACTIVITY**

**SD 2254 MASSDEP REVIEW OF REVISED WMA PERMIT REQUIREMENTS.** SD 2254 is the Massachusetts Department of Environmental Protection's (MassDEP) required report presenting its review of revised Water Management Act (WMA) Permit Requirements. In November 2014, MassDEP adopted revised regulations (310 CMR 36.00) to implement statutory requirements of the WMA ([M.G.L. c. 21G](#)). MassDEP was required to conduct a review of the revised WMA permit requirements, review public water supply permits that include new permit conditions, and estimate the cost of implementing the new permit conditions. SD 2254 presents MassDEP findings based on the department's experience of implementing the new requirements through permitting and extensive pre-permitting work with communities. SD 2254 was placed on file.

**LEGISLATIVE SESSION: 4 JAN THROUGH 30 SEP (EST), SINE DIE****FINAL LEGISLATION**

**SB 121 COMMISSION TO DETERMINE DELEGATION OF NPDES.** SB 121 (Public Act: 256) establishes a commission to determine if the New Hampshire Department of Environmental Services (NHDES) should request delegation of the NPDES program from EPA. The bill states that if the commission finds that NHDES should seek delegation, the commission must recommend a fee structure that would pay for the department to hire the required number of employees to manage the issuance of permits. A notice of the bill's introduction was published in the February 2017 *Northern Review*. The final bill is significantly different than the originally introduced bill. The bill was signed by the governor on 18 JUL 17 and provisions of the bill have varying effective dates.

**SB 127 AMENDMENT TO STATE DISSOLVED OXYGEN WATER QUALITY STANDARDS.** SB 127 (Public Act: 211) amends state standards concerning dissolved oxygen water quality standards. The bill authorizes NHDES to promulgate rules addressing dissolved oxygen water quality standards in a manner consistent with the CWA. The bill also defines 7Q10 flows, for the purpose of classification of waters, as the lowest average flow that occurs for seven consecutive days on an annual basis with a recurrence interval of once in 10 years on average (expressed in terms of volume per time period). A notice of the bill's Senate passage was published in the May 2017 *Northern Review*. The bill was signed by the governor on 10 JUL 17 and it becomes effective on 8 SEP 17.

**FINAL RULES**

**UPDATE OF INSPECTIONS AND ENFORCEMENT HAZARDOUS WASTE RULES.** NHDES has [readopted](#) with amendments the existing hazardous waste rules at Env-Hw 900, *Inspections and Enforcement*. The amendments improve clarity and organization. The rules affect any individual or entity that generates, stores, treats, recycles, transports, or disposes of hazardous waste. The readoption becomes effective on 14 AUG 17.

**HAZARDOUS WASTE LAND DISPOSAL RESTRICTION REGULATIONS.** NHDES has [adopted](#) rules (Env-Hw 1200) to incorporate by reference federal requirements and restrictions applicable to land disposal of hazardous waste, pursuant to 40 CFR 268. The rules do not incorporate federal requirements for land disposal by use of underground injection wells. Underground injection of hazardous waste is prohibited in New Hampshire (Env-Hw 701.03). A notice of the proposed rules was published in the March 2017 *Northern Review*. The rules become effective on 14 AUG 17.

**UPDATE OF HAZARDOUS WASTE PERMIT RULES.** NHDES has [readopted](#) with amendments the existing hazardous waste rules at Env-Hw 300, *Permits*. The amendments improve clarity and organization, including clarifying permit application requirements. The readoption becomes effective on 14 AUG 17.

**HAZARDOUS WASTE RULE REQUIREMENTS FOR FACILITY OWNERS/OPERATORS.** NHDES has [readopted](#) with amendments the existing rules at Env-Hw 700, *Requirements for Owners and Operators of Hazardous Waste Facilities/Hazardous Waste Transfer Facilities*. The amendments: (1) clarify notification requirements; (2) clarify groundwater monitoring requirements; (3) clarify manifest discrepancy requirements; (4) clarify requirements for rejecting shipments; and (4) add provisions for responding to releases prior to cleanup plan approval. A notice of the proposed rule was published in the March 2017 *Northern Review*. The readoption becomes effective on 14 AUG 17.

**REQUIREMENTS FOR HAZARDOUS WASTE GENERATORS.** NHDES has [readopted](#) with amendments the rules at Env-Hw 500, *Requirements for Hazardous Waste Generators*. The rulemaking is necessary for the state to maintain primacy over the program. The amendments: (1) clarify the documentation required to meet recordkeeping requirements for determinations; (2) clarify generator classification calculations; (3) reorganize and clarify notification requirements; (4) reorganize and clarify packaging, labeling, and storage requirements; (5) update and clarify manifest requirements; and



(6) add provisions for responding to releases prior to cleanup plan approval. The existing rules were scheduled to expire on 28 JAN 17, but they remained in effect during the rulemaking process. A notice of the proposed rule was published in the March 2017 *Northern Review*. The readoption becomes effective on 14 AUG 17.

**REQUIREMENTS FOR RECYCLING OF HAZARDOUS WASTE.** NHDES has [readopted](#) with amendments the existing rules at Env-Hw 800, *Requirements for Recycling of Hazardous Wastes*. The rulemaking is necessary for the state to maintain primacy over the program. The amendments: (1) relocate exemptions for certain recycled wastes to Env-Hw 400 from Env-Hw 802.02; (2) clarify requirements for recycling a waste without land disposing it or placing it on the land; and (3) clarify that the NH01 waste code is not to be used on manifests for used oil recycled out of state. The existing rules were scheduled to expire on 28 JAN 17, but they remained in effect during the rulemaking process. A notice of the proposed rule was published in the March 2017 *Northern Review*. The readoption becomes effective on 14 AUG 17.

**REQUIREMENTS FOR HAZARDOUS WASTE TRANSPORTERS.** NHDES has [readopted](#) with amendments the existing rules at Env-Hw 600, *Requirements for Hazardous Waste Transporters*. The rulemaking is necessary for the state to maintain primacy over the program. The amendments: (1) clarify notification requirements; (2) add provisions for responding to releases prior to cleanup plan approval; (3) add a federal exemption for responses to explosives or munitions emergencies; and (4) add references to current federal import/export provisions. The existing rules were scheduled to expire on 28 JAN 17, but they remained in effect during the rulemaking process. A notice of the proposed rule was published in the March 2017 *Northern Review*. The readoption becomes effective on 14 AUG 17.

**AMENDMENTS TO REQUIREMENTS FOR UNIVERSAL WASTE MANAGEMENT.** NHDES has [readopted](#) with amendments the existing hazardous waste rules at Env-Hw 1100, *Requirements for Universal Waste Management*. The amendments improve clarity and organization, and incorporate federal regulations pertaining to import/export requirements previously adopted by EPA under the Hazardous and Solid Waste Amendments of 1984 (HSWA). The readoption becomes effective on 14 AUG 17.

**AMENDMENTS TO HAZARDOUS WASTE ORGANIZATIONAL RULES.** NHDES has [readopted](#) with amendments the existing hazardous waste rules at Env-Hw 100, *Organizational Rules*. The amendments revise and update the applicability of federal regulations, move the text of statutory and federal definitions to appendices, repeal unneeded definitions, and add definitions for terms that are not currently defined. The readoption becomes effective on 14 AUG 17.

**IDENTIFICATION AND LISTING OF HAZARDOUS WASTES.** NHDES has [readopted](#) with amendments the existing rules at Env-Hw 400, *Identification and Listing of Hazardous Wastes*. The rulemaking is necessary for the state to maintain primacy over the program. The amendments: (1) relocate exemptions for certain recycled wastes from Env-Hw 800 to Env-Hw 401.03(b)(36) through (39); (2) repeal the pharmaceutical waste exemption in response to 2016 HB 1490; (3) clarify the documentation required to meet recordkeeping requirements for claims that a waste is not a hazardous waste and for recycling; and (4) adopt or incorporate federal regulations. The existing rules were scheduled to expire on 28 JAN 17, but they remained in effect during the rulemaking process. A notice of the proposed rule was published in the March 2017 *Northern Review*. The readoption becomes effective on 14 AUG 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

**SIP REVISION REVISING FORMAT FOR MATERIALS BEING INCORPORATED BY REFERENCE.** EPA has issued a final rule revising the format for materials that are incorporated by reference (IBR) into the New Jersey SIP ([82 FR 30758](#)). The regulations and other materials affected by this format change have all been previously submitted by New Jersey and approved by EPA. The format revision primarily affects the "Identification of plan" section as well as the format of the SIP materials that will be available for public inspection at the National Archives and Records Administration (NARA), and the EPA Region 2 Office. EPA has also added a table in the "Identification of plan" section, which summarizes the approval actions that EPA has taken on the regulatory and non-regulatory portions of the New Jersey SIP. The final rule became effective on 3 JUL 17.

### FINAL LEGISLATION

**SB 2834 WATER QUALITY ACCOUNTABILITY ACT.** SB 2834 (Public Act: 133) imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors. The bill also requires water purveyors to develop a cybersecurity program, in accordance with requirements established by the New Jersey Board of Public Utilities. A notice of the bill introduction and its companion bill ([AB 4569](#)) was published in the March 2017 *Northern Review*. The bill was signed by the governor on 21 JUL 17 and becomes effective on 20 OCT 17.

### FINAL RULES

**AMENDMENTS TO FHACA, CZM, AND FWPA RULES.** The New Jersey Department of Environmental Protection (NJDEP) has [adopted](#) amendments to and new rules within *Flood Hazard Area Control Act* (FHACA) rules, Coastal Zone Management (CZM) rules, and *Freshwater Wetlands Protection Act* (FWPA) rules. The amendments and new rules fall into six categories: (1) improvements to riparian zone protections; (2) improving consistency of FHACA rules with the Uniform Construction Code and National Flood Insurance Program; (3) improving consistency between FHACA rules and CZM rules; (4) facilitation of environmentally beneficial activities; (5) clarification that permits-by-rule, general permits-by-certification, and general permits may not be used for activities qualifying as "major development"; and (6) implementation of a cap on stormwater calculation review fees and clarification regarding the appropriate application fee to modify the calculations. A notice of the proposed amendments was published in the June 2016 *Northern Review*. The rulemaking became effective on 17 JUL 17.

### PROPOSED RULES

**TBAC EMISSIONS REPORTING, PERMITTING, AND GASOLINE TRANSFER OPERATIONS.** NJDEP has [proposed](#) amendments to the air pollution control regulations at N.J.A.C. 7:27 and the Air Administrative Procedures and Penalties regulations at N.J.A.C. 7:27A. The amendments would repeal the t-butyl acetate (TBAC) emissions reporting requirements, and revise the air permitting and gasoline transfer operations rules and related penalty provisions. NJDEP has also submitted

the rule amendments and repeals to EPA as a proposed revision to New Jersey's SIP for the attainment and maintenance of the ozone NAAQS. A public hearing is scheduled for 24 AUG 17 and comments are due by 1 SEP 17.



**LEGISLATIVE SESSION: 4 JAN THROUGH 31 DEC (EST)**

### **PROPOSED LEGISLATION**

**AB 8558 (SB 487) PROHIBITION OF IDLING BY HEAVY-DUTY VEHICLES.** AB 8558 prohibits more than three consecutive minutes of idling by heavy-duty vehicles. The bill defines a "heavy-duty vehicle" as a vehicle that has a gross vehicle weight rating exceeding 8,500 pounds designed primarily for transporting persons or properties. The bill provides exceptions for certain emergency vehicles. The bill was referred to the Environmental Committee. *REEO-N NOTE: The DOD REC for Region 2 is submitting comments on the bill requesting an exemption for military tactical vehicles.*

### **PROPOSED RULES**

**UPDATE TO MULTIPLE WASTE, HAZARDOUS WASTE, AND WATER REGULATIONS.** The New York State Department of Environmental Conservation has [proposed](#) (page 13) to repeal Title 6 NYCRR Part 500, *Floodplain Management Regulations Development Permits*, and amend multiple other parts of Title 6. The proposed amendments correct or remove outdated references within: (1) Part 371, *Identification and Listing of Hazardous Wastes*; (2) Part 373, *Hazardous Waste Management Facilities*; (3) Part 380, *Prevention and Control of Environmental Pollution by Radioactive Materials*; (4) Part 598, *Handling and Storage of Hazardous Substances*; (5) Part 599, *Standards for New Hazardous Substance Tank Systems*; (6) Part 608, *Use and Protection of Waters*; (7) Part 700, *Definitions, Samples and Tests*; (8) Part 702, *Derivation and Use of Standards and Guidance Values*; and (9) Part 703, *Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations*. Comments are due by 14 AUG 17.



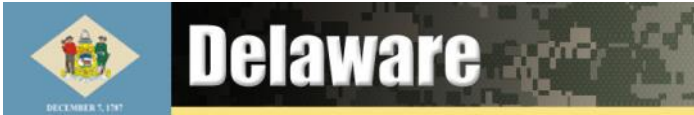
**LEGISLATIVE SESSION: 9 JAN THROUGH 31 DEC, SINE DIE**

### **FEDERAL ACTIVITY**

**CROSS-MEDIA ELECTRONIC REPORTING.** EPA has approved the territory of U.S. Virgin Islands' request to revise its EPA-authorized NPDES program to allow electronic reporting ([82 FR 33122](#)). The approval became effective on 19 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 2 JUL**

## **FINAL LEGISLATION**

**SB 103 TITLE V OPERATION PERMIT PROGRAM FEES.** SB 103 (Public Act 81-75) amends Title 7 of the Delaware code relating to the CAA Title V operating permit program. The bill authorizes the Delaware Department of Natural Resources and Environmental Control to collect the program's annual fees for calendar years 2018 through 2020 at which point the authority sunsets. The existing statutory authorization for the fees sunsets on 31 DEC 17. The bill removes previous language and requirements to complete a Title V Operating Permit Program Management Review. The program management review was completed and a final report was issued in April 2017. The bill was signed by the governor on 17 JUL 17 and becomes effective on 1 JAN 18.



**LEGISLATIVE SESSION: 11 JAN THROUGH 10 APR, SINE DIE**

## **FEDERAL ACTIVITY**

**SIP REVISION FOR CONTINUOUS EMISSION MONITORING REQUIREMENTS.** EPA has issued a final rule approving a SIP revision submitted by the state of Maryland ([82 FR 35104](#)). The SIP revision removes the discontinued Technical Memorandum 90-01 (TM 90-01) from Maryland's SIP, which is now superseded by a new continuous emission monitoring (CEM) regulation. The final rule becomes effective on 28 AUG 17.

## **PROPOSED RULES**

**AMENDMENTS TO REQUIREMENTS FOR EMERGENCY GENERATORS AND LOAD SHAVING UNITS.** The Maryland Department of the Environment (MDE) has [proposed](#) (page 41) amendments to the existing requirements for emergency generators and load shaving units (engines) codified under COMAR 26.11.36, *Permits, Approvals, and Registration*. The amendments reflect changes in the federal requirements for stationary internal combustion engines and reciprocating internal combustion engines. Changes to COMAR 26.11.02 are being made to coincide with the amendments to COMAR 26.11.36, *Distributed Generation*. The comment period closed on 8 AUG 17.





**LEGISLATIVE SESSION: 3 JAN THROUGH 30 NOV (EST)**

### **FEDERAL ACTIVITY**

**SIP REVISION ADDRESSING VOC RACT FOR 1997 OZONE STANDARD.** EPA has issued a direct final rule approving SIP revisions submitted by the commonwealth of Pennsylvania ([82 FR 31464](#)). The SIP revision addresses the requirements for RACT controls for certain sources of VOCs under the 1997 ozone NAAQS. The SIP revision also includes Pennsylvania's certification that: (1) previously state adopted RACT controls approved by EPA under the 1-hour ozone NAAQS are based on the currently available technically and economically feasible controls; (2) these controls continue to represent RACT for the 1997 ozone NAAQS; and (3) a negative declaration that certain categories of sources do not exist in Pennsylvania. The SIP revision does not address Pennsylvania's May 2016 VOC and NO<sub>x</sub> RACT rule, *Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs*, also known as RACT II. EPA will take separate action on RACT II. Barring adverse comment the direct final rule becomes effective on 5 OCT 17.

### **FINAL RULES**

**REVISIONS TO TWO STORAGE TANK TECHNICAL GUIDANCE DOCUMENTS.** The Pennsylvania Department of Environmental Protection (PADEP) has [finalized](#) revisions to technical guidance documents concerning aboveground and underground storage tanks. The revised guidance documents are: (1) [DEP ID: 263-4200-001](#), *Closure Requirements for Aboveground Storage Tank (AST) Systems*; and (2) [DEP ID: 263-4500-601](#), *Closure Requirements for Underground Storage Tank (UST) Systems*. The revised documents became effective on 8 JUL 17.

### **PROPOSED RULES**

**PROPOSED SIP REVISION CONCERNING EXISTING EMISSION STATEMENT PROGRAM AND NNSR PROGRAM.** PADEP has [proposed](#) a SIP revision certifying that the commonwealth's existing federally approved Statewide Emission Statement and its existing Nonattainment New Source Review (NNSR) Program, covering five 2008 ozone NAAQS nonattainment areas, meet the federal requirements. The five 2008 ozone NAAQS nonattainment areas addressed by the SIP revision are: (1) Allentown-Bethlehem-Easton, PA; (2) Lancaster, PA; (3) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE; (4) Pittsburgh-Beaver Valley, PA; and (5) Reading, PA. Once finalized, the SIP revision will be submitted to EPA for review and approval. Public hearings are scheduled for 16 and 17 AUG 17 and comments are due by 18 AUG 17.

### **OTHER REGULATORY ACTIVITY**

**DRAFT NPDES GP FOR POINT SOURCE DISCHARGES FROM APPLICATION OF PESTICIDES (PAG-15).** PADEP has announced the [availability](#) of a draft NPDES General Permit (GP) for Point Source Discharges from the Application of Pesticides (PAG-15). The GP is applicable to certain entities that make a decision to control mosquitoes and flying insect pests, weeds and algae, animal pests, and forest canopy pests in and near water's edge, exceeding annual treatment area thresholds. The existing PAG-15 GP is scheduled to expire on 28 OCT 17. Comments are due by 21 AUG 17.



**LEGISLATIVE SESSION: 11 JAN THROUGH 5 APR**

### **FINAL RULES**

**AMENDMENTS TO ENFORCEMENT REGULATIONS CONCERNING VIRGINIA PESTICIDE LAW.** The Virginia Department of Agriculture and Consumer Services has [adopted](#) amendments to 2VAC5-670, *Rules and Regulations for Enforcement of*

*the Virginia Pesticide Law*. The amendments update the regulation and align it with current agency practices and federal requirements. The amendments: (1) revise the format, language, definitions, label requirements, ingredient statement requirements, and handling and storage requirements; (2) clarify and remove duplicative registration requirements; and (3) clarify warning and caution statements. The amendments become effective on 24 AUG 17.

**SMALL RENEWABLE WIND ENERGY PROJECTS PERMIT BY RULE.** The Virginia Department of Environmental Quality has [adopted](#) amendments to 9VAC15-40, *Small Renewable Energy Projects (Wind) Permit by Rule*. The amendments: (1) increase the maximum size of a small renewable wind energy project from 100 to 150 megawatts; (2) require certification that the project is not proposed, developed, constructed, or purchased by a person that is utility regulated under Title 56 of the Code of Virginia; and (3) stipulate that any project commencing operation after 1 JUL 17 is eligible for the wind permit by rule and is exempt from State Corporation Commission environmental review if the project is proposed, developed, constructed, or purchased by specified entities. The amendments became effective on 1 JUL 17.



***LEGISLATIVE SESSION: 11 JAN THROUGH 8 APR, SINE DIE***

### ***FEDERAL ACTIVITY***

**CROSS-MEDIA ELECTRONIC REPORTING.** EPA has approved the state of West Virginia's request to revise its EPA-authorized National Primary Drinking Water Regulations Implementation program to allow electronic reporting ([82 FR 31595](#)). The approval became effective on 7 AUG 17.

### ***PROPOSED RULES***

**AMENDMENTS TO PUBLIC WATER SYSTEMS REGULATIONS.** The West Virginia Bureau for Public Health has [proposed](#) amendments to 64CSR03, *Public Water Systems*. The amendments establish state standards and procedures and adopt the national drinking water standards for public water systems and public water utilities. Specifically, the amendments establish standards for the production and distribution of bottled drinking water, and adopt federal standards for the certification of laboratories performing analyses of drinking water. The comment period closed on 27 JUL 17.

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

**LIST OF STATE IMPAIRED WATERWAYS.** The West Virginia Department of Environmental Protection (WVDEP) has [requested public comment](#) on a draft list of state impaired streams and lakes. WVDEP is required to update its list of impaired waters every two years. The list, commonly known as the 303(d) List, serves as an inventory of waters for which Total Maximum Daily Loads (TMDLs) must be developed. Comments are due by 21 AUG 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.



## Illinois

**LEGISLATIVE SESSION: 11 JAN THROUGH 30 JUN**

### **FEDERAL ACTIVITY**

**EMISSIONS STATEMENT RULE CERTIFICATION FOR 2008 OZONE NAAQS.** EPA has issued a direct final rule approving a SIP revision submitted by the state of Illinois ([82 FR 31913](#)). The revision certifies that the existing state emission statement program remains in effect and satisfies CAA requirements for the Illinois portions of the Chicago-Naperville, IL-IN-WI and St. Louis-St. Charles-Farmington, MO-IL nonattainment areas under the 2008 ozone NAAQS. State SIPs are federally mandated to require stationary sources in ozone nonattainment areas classified as marginal or above to annually report emissions of VOC and NO<sub>x</sub>. Barring adverse comment the direct final rule becomes effective on 11 SEP 17.

**STATE NAAQS UPDATES.** EPA has issued a direct final rule approving SIP revisions submitted by the state of Illinois ([82 FR 32771](#)). The SIP revisions update Illinois' ambient air quality standards to include the 2015 primary NAAQS for ozone, add EPA-promulgated monitoring methods for several NAAQS, and address EPA's revocation of the 1997 ozone NAAQS. In addition, the revisions contain timing requirements for the "flagging of exceptional events" and the submission of documentation supporting exceptional events for the initial area designations for the 2015 primary annual ozone standard. The SIP revisions update Illinois' air pollution control regulations to be identical in substance to EPA rulemakings related to the NAAQS that occurred between 1 JAN 14 and 17 JUN 16. Barring adverse comment the direct final rule becomes effective on 18 SEP 17.



## Indiana

**LEGISLATIVE SESSION: 3 JAN THROUGH 21 APR, SINE DIE**

### **FEDERAL ACTIVITY**

**WITHDRAWAL OF DIRECT FINAL RULE - REDESIGNATION TO ATTAINMENT OF MUNCIE AREA FOR 2008 LEAD STANDARD.** Due to the receipt of adverse comment, EPA has withdrawn the [30 MAY 17, direct final rule](#) approving the redesignation of the Muncie nonattainment area to attainment for the 2008 NAAQS for lead ([82 FR 31722](#)). The withdrawn final rule also included 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. The withdrawal became effective on 10 JUL 17.



**LEGISLATIVE SESSION: 11 JAN THROUGH 31 DEC (EST)**

### **FINAL LEGISLATION**

**HB 4540 DELAY OF SUNSETS FOR WASTEWATER, DRINKING WATER, AND HAZARDOUS MATERIALS FEES.** HB 4540 (Public Act: 90'17) amends the Natural Resources and Environmental Protection Act (NREPA) to delay the sunset on a number of fees collected by the Michigan Department of Environmental Quality (MDEQ). The bill delays the sunset of the following fees for four years, from 1 OCT 17 to 1 OCT 21: (1) wastewater, stormwater, or sewerage system operator certification and training fees; (2) hazardous waste manifest fee; (3) hazardous waste site identification number fee; (4) hazardous waste handler user charge; and (5) liquid industrial waste facility or transporter site identification number fee. The bill was signed by the governor on 12 JUL 17 and became effective upon signature.

### **PROPOSED LEGISLATION**

**SB 503 RESTRICTIONS ON DISPOSAL OF CERTAIN RADIOACTIVE WASTE IN LANDFILLS.** SB 503 amends NREPA Section 11514 of Part 115, *Solid Waste Management*. The bill prohibits the disposal of technologically enhanced, naturally occurring radioactive material (TENORM) in a landfill unless the concentration of radium-226, radium-228, or any combination of these does not exceed 50 picocuries per gram, averaged over any single container. The bill also establishes reporting and testing requirements for the disposal of any TENORM in a landfill. The bill was referred to the Natural Resources Committee. A notice of the introduction of an identical House bill, [HB 4804](#), was published in the July 2017 *Northern Review*.

**SB 508 PROHIBITION ON SALE AND USE OF COAL TAR SEALANT PRODUCTS OR OTHER PAH SEALANTS.** SB 508 prohibits the sale of a coal tar sealant or other high polycyclic aromatic hydrocarbons (PAH) sealant. The bill also prohibits the application of a coal tar sealant or other high PAH sealant on asphalt, concrete, or other pavement. The bill establishes exemptions and penalties for violations. SB 508 was referred to the Transportation Committee. A notice of the introduction of a similar House bill, [HB 4309](#), was published in the April 2017 *Northern Review*.

### **PROPOSED RULES**

**CLEANUP CRITERIA FOR RESPONSE ACTIVITY FOR 1,4 DIOXANE.** MDEQ has [proposed](#) (page 45) a rule set, [2017-041 EQ](#), to amend the residential drinking water cleanup criterion for the chemical 1,4-dioxane established under NREPA Section 20120a. The amendments reflect the latest EPA toxicity data and MDEQ's exposure algorithms to protect both children and adults. The rule amendments are necessary to replace an emergency rule (Emergency Administrative Rule Number 2017-021 EQ) that will expire on 27 OCT 17. A public hearing is scheduled for 22 AUG 17 and comments are due the same day.



**LEGISLATIVE SESSION: 3 JAN THROUGH 22 MAY, SINE DIE**

### **FEDERAL ACTIVITY**

**SIP REVISION CONCERNING PSD RULES.** EPA has issued a proposed rule to approve a SIP revision submitted by the state of Minnesota ([82 FR 31741](#)). The revision includes the state's Prevention of Significant Deterioration (PSD) rules, which incorporate the federal PSD rules by reference. Comments are due by 9 AUG 17.



**SIP REVISION ADDRESSING STATE BOARD REQUIREMENTS.** EPA has issued a proposed rule to approve a SIP revision submitted by the state of Minnesota addressing the CAA state board requirements ([82 FR 32669](#)). EPA has also proposed approval for elements of Minnesota's submission addressing the infrastructure requirements relating to state boards for the 1997 ozone, 1997 fine particulate (PM<sub>2.5</sub>), 2006 PM<sub>2.5</sub>, 2008 lead, 2008 ozone, 2010 nitrogen dioxide (NO<sub>2</sub>), 2010 sulfur dioxide (SO<sub>2</sub>), and 2012 PM<sub>2.5</sub> NAAQS. Comments are due by 16 AUG 17.

**SIP REVISION ADDRESSING 2008 OZONE TRANSPORT REQUIREMENTS.** EPA has issued a proposed rule to approve a SIP revision submitted by the state of Minnesota ([82 FR 32673](#)). The revision demonstrates that the Minnesota SIP meets certain CAA interstate transport requirements for the 2008 ozone NAAQS. The SIP revision addresses the requirement that each SIP contain adequate provisions prohibiting air emissions that will have certain adverse air quality effects in other states. Comments are due by 16 AUG 17.



**LEGISLATIVE SESSION: 2 JAN THROUGH 31 DEC (EST)**

### **FEDERAL ACTIVITY**

**SIP REVISION AMENDING RULES FOR CONTROL OF EMISSIONS OR ORGANIC MATERIALS FROM STATIONARY SOURCES.** EPA has issued a direct final rule approving a SIP revision submitted by the state of Ohio ([82 FR 31916](#)). The SIP revision includes amendments to Ohio Administrative Code (OAC) rule 3745-21-07, *Control of emissions of organic materials from stationary sources*. The amendments: (1) make minor style changes to meet Ohio's legislative service commission style and formatting guidelines; (2) add specific effective dates within the rule; (3) correct certain errors and omissions introduced when the rule was last revised; (4) remove facilities and units that have been permanently shut down; (5) update the names of certain subject facilities; and (6) modify certain source applicability exclusions. Sources controlled by this rule are not covered by existing VOC RACT rules or other organic material emission control rules in OAC. Barring adverse comment the direct final rule becomes effective on 11 SEP 17.

### **PROPOSED RULES**

**AMENDMENTS TO WATER QUALITY STANDARDS PROGRAM RULES.** The Ohio Environmental Protection Agency (OEPA) has [proposed](#) amendments to OAC [Chapter 3745-1](#), *Water Quality Standards*. The proposed amendments revise: (1) 3745-1-01, *Purpose and applicability*; and (2) 3745-1-04, *Criteria applicable to all waters*. The amendments add criteria covering harbor or navigation maintenance activities in support of the law banning open lake disposal by 2020, and revise language covering pesticide applications. A public hearing is scheduled for 23 AUG 17 and comments are due the same day.

### **OTHER REGULATORY ACTIVITY**

**DRAFT REVISIONS TO BIOSOLIDS RULES.** OEPA has [requested comment](#) on potential [draft revisions](#) to OAC Chapter 3745-40, *Biosolids Rules*, before officially proposing a rulemaking. This chapter contains the rules for: (1) disposal, use, storage, transfer, and treatment of sewage sludge and biosolids; and (2) beneficial use of biosolids. The comment period closed on 7 AUG 17.

**EARLY STAKEHOLDER OUTREACH – AMENDMENTS TO AIR POLLUTION CONTROL RULES.** OEPA has [requested comment](#), as part of the early stakeholder outreach rulemaking stage, on potential amendments to OAC 3745-31-03, *Exemptions and Permits-by-Rule*. The rule identifies the qualifications, exemptions, and permit-by-rule provisions that relieve an entity from the obligation to apply for and obtain a permit-to-install or permit-to-install and operate for the installation or modification, and operation of an air contaminant source. OEPA is considering amendments that would: (1) add an additional clarification of the qualifications under OAC rule 3745-31-03(A); (2) revise existing permanent permit exemptions and propose additional permanent permit exemptions under OAC rule 3745-31-03(B)(1); and (3) provide

clarifications and corrections to several permit-by-rule provisions in OAC rule 3745- 31-03(C). The comment period closed on 1 AUG 17.

**TECHNICAL GUIDANCE MANUAL FOR HYDROGEOLOGIC INVESTIGATIONS AND GROUNDWATER MONITORING.** OEPA's Division of Drinking and Ground Waters has [released](#) draft revisions of Chapter 6, *Drilling and Subsurface Sampling*, of the Technical Guidance Manual for Hydrogeologic Investigations and Groundwater Monitoring (TGM). The TGM identifies technical considerations for performing hydrogeologic investigations and groundwater monitoring at potential or known groundwater pollution sources. The draft revisions make minor changes, including updated references, addition of section numbers, and terminology changes. The draft was issued on 14 JUL 17.

**DRAFT REVISIONS TO TITLE V PERMITTING PROGRAM.** OEPA's Division of Air Pollution Control has [requested comment](#) on draft revisions to [OAC Chapter 3745-77](#), *Title V Permitting Program*. The draft revisions are the result of the state mandated five-year review process and they clarify definitions and required permit content, as well as fix typos and grammatical errors. Comments are due by 29 AUG 17.



**LEGISLATIVE SESSION: 3 JAN THROUGH 31 DEC (EST)**

### **OTHER REGULATORY ACTIVITY**

**SIP REVISION ADDRESSING PREVENTION OF SIGNIFICANT DETERIORATION.** The Wisconsin Department of Natural Resources (WDNR) has [submitted](#), to the standing committees of the legislature with jurisdiction over environmental matters, a report describing WDNR's proposed SIP revision for air quality. The proposed SIP revision addresses the legislative action in Act 33 2015, which modified Chapter NR 405, *Prevention of Significant Deterioration*. The SIP revision ensures consistency with the CAA and aligns state law with federal standards. WDNR will submit the revision to EPA for review and approval.

## **Federal Activity**

### **AIR**

**NO<sub>2</sub> NAAQS REVIEW.** EPA has issued a proposed rule to retain, without revision, the existing primary NAAQS for NO<sub>2</sub> and the air quality criteria addressing human health effects of oxides of nitrogen ([82 FR 34792](#)).

**SNAP: ACCEPTABLE REFRIGERANT SUBSTITUTES.** EPA has issued a determination of acceptability that expands the list of acceptable substitutes pursuant to EPA's Significant New Alternatives Policy (SNAP) program ([82 FR 33809](#)). The determination addresses acceptable additional substitutes for use in the refrigeration and air conditioning sector and the cleaning solvents sector. The new substitutes are: (1) Hydrofluorocarbon (HFC)-134a in residential and light commercial air conditioning and heat pumps (retrofit equipment); (2) Hydrofluoroether (HFE)-7300 in non-mechanical heat transfer systems (new and retrofit equipment); (3) R-407H and/or R-442A in retail food refrigeration—remote condensing units (new and retrofit equipment); (4) R-448A, R-449A, R-449B, R-452A, R-452C, R-453A, and/or R-458A in multiple refrigeration and air conditioning end-uses (new and retrofit equipment); (5) R-513A in residential dehumidifiers (new and retrofit equipment); and (6) HFE-7300 in electronics cleaning, metals cleaning, and precision cleaning end-uses. The determination became effective on 21 JUL 17.

## ***CLEAN UP***

**SUPERFUND TASK FORCE RECOMMENDATIONS.** EPA's Superfund Task Force has [released](#) a report to EPA Administrator Scott Pruitt, providing 42 specific and detailed recommendations to streamline and improve the Superfund program. The [42 Superfund Task Force recommendations](#) are organized into five goals: (1) Expediting Cleanup and Remediation; (2) Re-invigorating Responsible Party Cleanup and Reuse; (3) Encouraging Private Investment; (4) Promoting Redevelopment and Community Revitalization; and (5) Engaging Partners and Stakeholders. Each goal in the task force report is accompanied by strategies and specific actions that are planned to commence within 12 months. Administrator Pruitt also [signed a directive](#) identifying 11 specific actions that should be implemented immediately, including identification of sites where the risk of human exposure is not fully controlled. To read an announcement about the task force recommendations, click [here](#).

## ***CLIMATE CHANGE***

**NATIONAL CLIMATE ASSESSMENT.** The U.S. Global Change Research Program is mandated to conduct a quadrennial National Climate Assessment (NCA). Under its current strategic [plan](#), the program is building sustained assessment capacity to support the nation's ability to understand, anticipate, and respond to risks and potential impacts brought about by global environmental change. Work on the fourth National Climate Assessment (NCA4) is currently underway. The National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Global Change Research Program, is soliciting nominations for review editors for the NCA4 ([82 FR 33482](#)). Nominations are due 8 SEP 17.

## ***ENERGY***

**RENEWABLE FUEL STANDARD PROGRAM.** EPA has [announced](#) proposed volume requirements under the Renewable Fuel Standard (RFS) program for cellulosic biofuel, advanced biofuel, and total renewable fuel that apply to gasoline and diesel transportation fuel produced or imported in calendar year 2018. EPA has also proposed biomass-based diesel volume standards for calendar year 2019 ([82 FR 34206](#)). The proposal would require refiners to use 19.24 billion gallons of renewable fuels in 2018, slightly down from the 19.28 billion gallons required in 2017 and approximately 25 percent lower than the target Congress outlined in 2007. In addition, EPA published the text of a proposed rule, [Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019](#), and held a public hearing on the standard ([82 FR 32783](#)). For more information about EPA's renewable fuel standard proposed volume requirements, click [here](#).

**METHANE RULE.** The U.S. District Court of Appeals for the District of Columbia [ruled](#) in July that EPA must immediately begin enforcing the methane rule, enacted in May 2016, which limits methane emissions from oil and gas operations while also giving drillers the incentive to capture and sell that fuel to manufacturers and chemical makers. EPA had wanted to delay the rule while they reviewed it. The court ruled that EPA can review the rule internally but the agency cannot delay rules that have been enacted unless it can cite a legal precedence.

## ***HAZARDOUS MATERIALS***

**TRANSPORT OF DANGEROUS GOODS.** The Pipeline and Hazardous Materials Safety Administration has requested comment on issues being considered during the 51st and 52nd sessions of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods ([82 FR 34745](#)).

## ***MISCELLANEOUS***

**INFRASTRUCTURE ADVISORY COUNCIL.** President Trump has issued EO 13805, establishing a presidential advisory council on infrastructure ([82 FR 34838](#)). The order establishes the Presidential Advisory Council on Infrastructure within the Department of Commerce. The council is tasked to study the scope and effectiveness of, and make findings and recommendations to the president regarding federal government funding, support, and delivery of infrastructure

projects in several sectors, including surface transportation, aviation, ports and waterways, water resources, renewable energy generation, electricity transmission, broadband, pipelines, and other such sectors as determined by the council.

**POLICY TO ASSESS AND STRENGTHEN DEFENSE INDUSTRIAL BASE AND SUPPLY CHAIN.** President Trump has issued EO 13806, *Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States* ([82 FR 34597](#)). The EO requires the Secretary of Defense and others to develop a report that evaluates, assesses, and makes recommendations to ensure the continued production or availability of military and civilian materiel, raw materials, and other goods that are essential to national security.

## ***NATURAL RESOURCES***

**MIGRATORY BIRD HUNTING.** The U.S. Fish and Wildlife Service (FWS) has issued a final rule prescribing the hunting seasons, hours, areas, and daily bag and possession limits for migratory game birds ([82 FR 34752](#)). Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of designated species during the 2017-18 season. The final rule became effective on 26 JUL 17.

**REGULATORY REVIEW.** As part of efforts to improve regulations and regulatory processes, the National Marine Fisheries Service (NMFS) and National Ocean Service (NOS) have requesting public comment on identifying existing regulations that: (1) eliminate jobs or inhibit job creation; are outdated, unnecessary, or ineffective; (2) impose costs that exceed benefits; (3) create a serious inconsistency or interfere with regulatory reform initiatives and policies; (4) are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act of 2001; and/or (5) derive from or implement EOs or other presidential directives that have been subsequently rescinded or substantially modified ([82 FR 31576](#)). NMFS and NOS are also seeking public comment on the efficiency and effectiveness of current regulatory processes, and specifically, if current regulatory processes can be further streamlined or expedited in a manner consistent with applicable law.

## ***TOXICS***

**PROCEDURES FOR PRIORITIZATION OF CHEMICALS FOR RISK EVALUATION.** EPA has issued a final rule that establishes the process and criteria that it will use to identify chemical substances as either High-Priority Substances for risk evaluation, or Low-Priority Substances for which risk evaluations are not warranted ([82 FR 33753](#)). The final rule describes the processes for formally initiating the prioritization process on a selected candidate, providing opportunities for public comment, screening the candidate against certain criteria, and proposing and finalizing designations of priority. Prioritization is the initial step in a new process of existing chemical substance review and risk management activity established under the Toxic Substances Control Act (TSCA). The final rule becomes effective 18 SEP 17.

**PROCEDURES FOR CHEMICAL RISK EVALUATION.** EPA has issued a final rule that establishes a process for conducting risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment ([82 FR 33726](#)). The rule identifies the steps of the risk evaluation process including scope, hazard assessment, exposure assessment, risk characterization, and finally a risk determination. This process will be used for the first 10 chemical substances undergoing evaluation from the 2014 update of the TSCA Work Plan for Chemical Assessments. The final rule is effective 18 SEP 17.

**SCOPE DOCUMENTS FOR RISK EVALUATIONS.** EPA has announced the availability of the scope documents for the risk evaluations to be conducted for the first 10 chemical substances reviewed under TSCA ([82 FR 31592](#)). Each scope includes the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the EPA expects to consider in conducting the risk evaluation. EPA is also re-opening existing dockets for the first 10 chemicals to allow the public to provide additional data or information that could be useful to the agency in conducting a problem formulation, which is the next step in the process of conducting the risk evaluations for the chemicals. The 10 chemicals subject to review are asbestos, 1-bromopropane, 1,4-dioxane, carbon tetrachloride, cyclic aliphatic bromide cluster (HBCD), methylene chloride, n-methylpyrrolidone (NMP), pigment violet 26, tetrachloroethylene (also known as perchloroethylene), and trichloroethylene.



**GUIDANCE FOR DEVELOPING AND SUBMITTING DRAFT RISK EVALUATIONS.** EPA has issued [Guidance to Assist Interested Persons in Developing and Submitting Draft Risk Evaluations Under the Toxic Substances Control Act \(82 FR 33765\)](#). The guidance will assist interested persons or parties in developing and submitting draft risk evaluations to be considered by EPA under TSCA. The guidance document addresses the science standards, data quality considerations, and steps of the risk evaluation process that parties should follow when developing draft risk evaluations for consideration by EPA.

**TOXIC RELEASE INVENTORY.** In July, EPA released the [2016 Toxic Release Inventory \(TRI\) Preliminary Dataset](#). The dataset contains the most current TRI data available on toxic chemical releases, other waste management, and pollution prevention activities that occurred at industrial facilities during the 2016 calendar year. According to EPA, the July preliminary dataset includes reporting forms processed as of 1 JUL 17 and is estimated to be 97 percent complete.

**WITHDRAWAL OF DIRECT FINAL RULE: FORMALDEHYDE EMISSIONS FROM COMPOSITE WOOD PRODUCTS.** Due to adverse comment, EPA has withdrawn its [May 2017 direct final rule](#) extending the compliance dates and California Air Resources Board third party certifier transitional period for the 2016 TSCA formaldehyde emission standards for composite wood products final rule ([82 FR 31267](#)). EPA will proceed with the rulemaking after considering all comments. The withdrawal became effective on 6 JUL 17.

**GLOBAL TREATY ON MERCURY.** In August, the [Minamata Convention on Mercury](#), to which the U.S. is party, will enter into force. The Minamata Convention is a global treaty that aims to protect human health and the environment from anthropogenic emissions and releases of mercury and its compounds, comprehensively controlling the entire life-cycle of mercury consisting of mining, trading, use, emission, release, disposal, and other processes. Once in force, the convention will require party nations to: (1) reduce and where feasible eliminate the use and release of mercury from artisanal and small-scale gold mining; (2) control mercury air emissions from coal-fired power plants, coal-fired industrial boilers, certain non-ferrous metals production operations, waste incineration, and cement production; (3) phase-out or take measures to reduce mercury use in certain products such as batteries, switches, lights, cosmetics, pesticides, and measuring devices, and create initiatives to reduce the use of mercury in dental amalgam; and (4) phase out or reduce the use of mercury in manufacturing processes such as chlor-alkali production, vinyl chloride monomer production, and acetaldehyde production. In addition, the convention addresses the supply and trade of mercury, safer storage and disposal, and strategies to address contaminated sites.

## **WASTE**

**COURT VACATES KEY CRITERION FOR DETERMINING SHAM RECYCLING.** In July, the D.C. Court of Appeals for the District of Columbia [vacated](#) a key criterion used by EPA and state regulators to distinguish between legitimate recycling and sham recycling. The criterion was established by EPA in 2015 as part of a [final rule](#) intended to ensure that recycling regulations encourage reclamation in a way that does not result in increased risk to human health and the environment. The revisions allowed certain materials that would otherwise need to be managed as a hazardous waste to be recycled, as long as certain conditions were met. The court invalidated one of these criterion. Until EPA revises its rules, those seeking to demonstrate the legitimacy of a recycling process under federal law will only need to satisfy the remaining three legitimacy criteria: (a) the secondary material must provide a useful contribution to product; (b) the recycling process must produce a valuable product; and (c) the generator and recycler must manage the secondary material as valuable product.

**HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM ADVISORY BOARD MEETING.** EPA will host a three-day meeting of the Hazardous Waste Electronic Manifest System (e-Manifest) Advisory Board to consider and advise the agency about the initial launch of the e-Manifest System ([82 FR 32546](#)). The meeting theme is "Implementing e-Manifest: User Registration and Account Activation." The meeting is scheduled for 26-28 SEP 17. EPA has requested written comments be submitted by 12 SEP 17 and requests for oral comments be submitted by 19 SEP 17.

## ***WATER***

**CLEAN WATER RULE.** EPA and the U.S. Army Corps of Engineers have [proposed](#) rescinding the Clean Water Rule and re-codifying the regulatory text that existed prior to the 2015 definition, "waters of the United States," consistent with [EO 13778 \(82 FR 34899\)](#). Once finalized, this action would provide certainty pending a second rulemaking in which the agencies will substantively re-evaluate the definition of "waters of the United States." For more information, click [here](#). A press release is available [here](#).

**DRINKING WATER SAMPLE TEST PROCEDURES.** EPA has issued a final rule approving 17 analytical methods for determining contaminant concentrations in drinking water samples collected under SDWA ([82 FR 34861](#)). Regulated parties required to sample and monitor may use either the testing methods already established in existing regulations or the alternative testing methods being approved in this action. The new methods are listed on EPA's drinking water methods [website](#). The final rule became effective on 27 JUL 17.

**WATER QUALITY CRITERIA FOR ALUMINUM.** EPA has released the [Draft Updated Aquatic Life Ambient Water Quality Criteria for Aluminum in Freshwater \(82 FR 35198\)](#). The freshwater criteria for aluminum is intended to protect aquatic life from harmful effects of aluminum toxicity. The criteria is being updated to reflect the latest science and to provide users the flexibility to develop site-specific criteria based on site-specific water chemistry. The draft document provides a scientific assessment of ecological effects and is not a regulation. Once finalized, the criteria will provide recommendations for states and authorized tribes to establish water quality standards. For more information about aluminum in water, including a fact sheet and EPA's responses to peer review comments, click [here](#).

**WATER INFRASTRUCTURE FINANCING.** EPA [launched](#) the [Water Finance Clearinghouse](#), a web-based portal to help communities make informed financing decisions for their drinking water, wastewater, and stormwater infrastructure needs. The clearinghouse provides communities with a searchable database with more than \$10 billion in water funding sources and more than 550 resources to support local water infrastructure projects. It consolidates and expands upon existing EPA-supported databases to create a one-stop-shop for all community water finance needs.

**NATIONAL STORMWATER CALCULATOR.** EPA has released the [National Stormwater Calculator](#) (SWC) to help support local, state, and national stormwater management objectives and regulatory efforts to reduce runoff through infiltration and retention using green infrastructure (infrastructure based on natural processes) practices as low impact development controls. The primary focus of the SWC is to inform site developers on how well they can meet a desired stormwater retention target with and without the use of green infrastructure. A [webinar](#) is scheduled for 23 AUG 17. For more information, click [here](#).

**GREEN INFRASTRUCTURE EFFECTIVENESS DATABASE.** Developed by NOAA, this [online database](#) of literature sources contains information on the effectiveness of green infrastructure to reduce the impacts of coastal hazards, such as inundation and erosion from tropical storms and cyclones, more frequent precipitation events, and sea level rise. The database contains records from a wide range of sources, such as peer-reviewed journals, online tools, and other literature, and includes information on 32 different coastal green infrastructure types. The green infrastructure techniques referenced cover a full range of approaches to coastal management, including natural, nature-based (e.g., low-impact development), structural, and policy. For more information, click [here](#).

**HARMFUL ALGAL BLOOMS.** EPA has released a [suite of materials](#) states and communities can use to protect public health during harmful algal bloom (HAB) outbreaks caused by cyanobacteria. Public health officials and outdoor water recreational managers can use EPA's online resources to develop a cyanotoxin monitoring program, communicate potential health risks to the public, and address HAB outbreaks. In addition, in June, the Congressional Research Service (CRS) released a [report](#) on the causes, challenges, and policy considerations associated with freshwater HABs. The report discusses steps that Congress, federal agencies, and states have taken to address HABs and nutrients that contribute to their occurrence. According to CRS, some states have listed waters as impaired, or not meeting water quality standards, for algal blooms or algal toxins and some of these states have begun to develop total maximum daily loads (TMDLs) to address them.

# Department of Defense Activity

**VAPOR INTRUSION.** DOD has finalized and posted three fact sheets on the Defense Environmental Network and Information Exchange (DENIX) [website](#). The fact sheets address: [Passive Sampling for Vapor Intrusion Assessment](#), [Real-time Monitoring](#), and [High Volume Sampling](#). A copy of the [DOD Vapor Intrusion Handbook](#) (2009) is also posted on DENIX, as is a link to [Navy vapor intrusion resources](#).

**LOW-LEVEL RADIOACTIVE WASTE.** In July, DOD issued [DOD Instruction \(DODI\) 4715.27](#), DOD Low-Level Radioactive Waste (LLRW) Program to establish policy, assign responsibilities, and provide procedures for LLRW disposal and establish the LLRW Disposition Advisory Committee. The DODI requires component heads to develop and publish procedures in DOD Component regulations to comply with the DODI, assign a point of contract for the committee, and, for LLRW generated from an environmental restoration site, coordinate LLRW disposal plans with the DOD lead agent. The Secretary of the Army is designated lead agent for LLRW, in accordance with DODI 4715.06.

**EXPLOSIVES SAFETY MANAGEMENT.** The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics issued [Department of Defense Directive \(DODD\) 6055.09E](#), Explosives Safety Management. The directive reissues and cancels the prior directive, issued in 2005. The DODD establishes the DOD Explosives Safety Board (DDESB), establishes policy and assigns responsibilities for the board, and designates the Secretary of the Army as the DOD executive agent for emergency response to transportation mishaps of military munitions. The DODD also sets DOD policy for explosive safety.

**USACE REGULATORY REFORM.** The U.S. Army Corps of Engineers, in accordance with [Executive Order 13777, Enforcing Regulatory Reform Agenda](#), is seeking input on existing regulations that may be appropriate for repeal, replacement, or modification ([82 FR 33470](#)). Comments are due 18 SEP 17.

## Professional Development

### ***DOD TRAINING SOURCES***

**2017 REPI WEBINAR SERIES (ONLINE).** DOD's Readiness and Environmental Protection Integration (REPI) program 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 launched 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 (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 (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***

**(NEW) 14 SEP 17 - FEDERAL FACILITY CLEAN AIR ACT REQUIREMENTS FOR STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES – WEBINAR (ONLINE).** Join the EPA Region 1 and Region 4 webinar on Clean Air Act Stationary [Reciprocating Internal Combustion Engine \(RICE\) requirements](#) and learn about the public health impacts of stationary RICE and emergency generators, why EPA regulates these engines, and specific regulatory requirements for federal facilities. EPA recently settled two enforcement cases with significant penalties against federal facilities for violating the RICE regulations. EPA is conducting this webinar in order to help other regulated federal facilities better understand their responsibilities under the RICE rules.

**(NEW) THE RESTORATION WEBINAR SERIES (ONLINE)** - This webinar series is produced by a partnership between the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service.

- 3 AUG 17: Wetland Restoration: Contemporary Issues and Lessons Learned.
- 28 SEP 17: Overview of SER's New Certified Ecological Restoration Practitioner Program.
- 12 OCT 17: Restoring an Urban River: The Acushnet Sawmill Ecological Restoration Project.
- 30 NOV 17: Restoration of Shad and Anadromous Fish to the White Clay Creek National Wild and Scenic River in Delaware.
- 7 DEC 17: Upper Arkansas River Instream Habitat Restoration Project: How Can Monitoring be Used to Inform Adaptive Management?
- 25 JAN 18: Decision Support Tools and a Framework for Climate-smart Restoration.

**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.

**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 SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> 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.

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

The *Review* is published under contract to the U.S. Army Corps of Engineers

