



# Northern Review

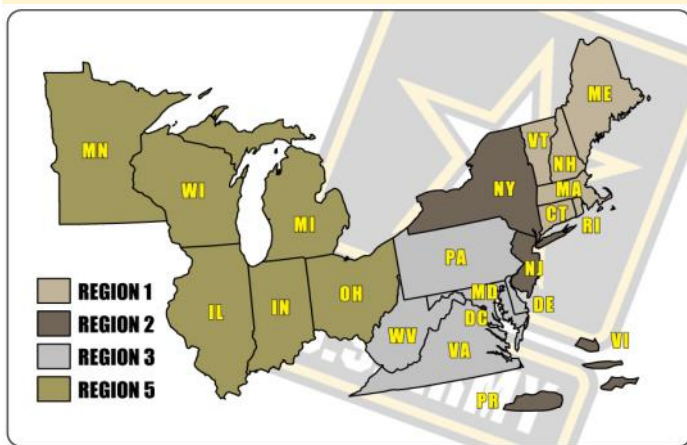
## of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

December 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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## FY 2018 NATIONAL DEFENSE AUTHORIZATION ACT

President Trump signed the [National Defense Authorization Act for Fiscal Year 2018](#) into law on 12 DEC 17.

The National Defense Authorization Act (NDAA) authorizes appropriations and sets forth policies for Department of Defense (DOD) programs and activities, including military personnel strengths. It does not provide budget authority, which is provided in subsequent appropriations legislation.

Several provisions in the Fiscal Year (FY) 2018 NDAA relate to environmental aspects of installations and operations within DOD. For example, Congress directs the Secretary of Defense (SECDEF) to report within 180 days on DOD's progress in developing a new military specification for safe and effective alternatives to aqueous film forming foam that do not contain perfluorooctanoic acid (PFOA) or perfluorooctanesulfonic acid (PFOS). Congress also directs the secretary of Health and Human Services, in consultation with DOD, to conduct an exposure assessment of no less than eight current or former domestic military installations known to have per- and polyfluoroalkyl substances (PFAS) contamination in any sources of water and relevant exposure pathways.

Within the FY 2018 NDAA, Congress also directs the SECDEF to submit a report within a year on "vulnerabilities to military installations and combatant commander requirements resulting from climate change over the next 20 years." The NDAA summarizes several findings on the effects of climate change on DOD, noting "... (DOD) must ensure it is prepared to conduct operations both today and in the future and that it is prepared to address the effects of a changing climate on threat assessments, resources, and readiness..."

# 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: 7 FEB 18 THROUGH 9 MAY 18, SINE DIE** **FINAL RULE**

**OCCUPATIONAL EXPOSURE TO BERYLLIUM.** The Connecticut Department of Labor has [adopted](#) amendments to Section 31-372-101-1910, *Safety and health standards for general industry*. The amendments incorporate, by reference, updated federal occupational safety and health standards regarding general industry standards on occupational exposure to beryllium. A notice of the proposed amendments was published in the July 2017 *Northern Review*. The amendments became effective 7 NOV 17.



## **LEGISLATIVE SESSION: 4 JAN 17 THROUGH 31 DEC 17 (EST)** **PROPOSED LEGISLATION**

**HB 4041 RESTRICTIONS ON USE OF NEONICOTINOIDS.** HB 4041 amends state law to protect state pollinators. The bill: (1) prohibits the distribution of a neonicotinoid, or any substance containing a neonicotinoid, for agricultural use or horticultural use to only a certified commercial applicator, a certified private applicator, or a licensed applicator; (2) prohibits the application of neonicotinoids on any property within the commonwealth, unless certain conditions are met; and (3) requires the establishment of training requirements for certified commercial applicators, certified private applicators, or licensed applicators using neonicotinoids. The bill was referred to the Ways and Means Committee.

**SD 2299 DISCLOSURE REQUIREMENT FOR LEAD IN WATER PIPES.** SD 2299 amends state law to require the disclosure of lead in water pipes. Current law requires that prospective purchasers (or prospective lessees) of a premises be notified about the hazards of lead in paint, plaster or other accessible structural material in the premises and the requirements for their abatement or containment. The bill adds "plumbing and water piping, including water service lines" to the lead notification requirement. The bill was referred to the Public Health Committee.



## **LEGISLATIVE SESSION: 3 JAN 18 THROUGH 30 JUN 18, SINE DIE** **FEDERAL ACTIVITY**

**WITHDRAWAL OF DIRECT FINAL RULE — OPEN BURNING AND INCINERATORS.** Due to adverse comment, the U.S. Environmental Protection Agency (EPA) has withdrawn a [direct final rule](#), issued 6 SEP 17, approving State Implementation Plan (SIP) revisions submitted by the state of New Hampshire ([82 FR 51349](#)). The SIP revisions establish rules for open burning and established emission standards and operating practices for incinerators and wood

waste burners that are not regulated pursuant to federal incinerator standards. The direct final rule also approved revisions to the definitions of “incinerator” and “wood waste burner.” A notice of the direct final rule was published in the October 2017 *Northern Review*. The withdrawal became effective 6 NOV 17.

## ***PROPOSED LEGISLATION***

**HB 1101 REGULATING GROUNDWATER POLLUTION CAUSED BY AIR POLLUTION.** HB 1101 allows the New Hampshire Department of Environmental Services (NHDES) to make rules regarding air pollution and the deposit of such pollutants on soils and water. The bill also regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants. The bill was referred to the Resources, Recreation, and Development Committee.

**HB 1592 ARSENIC CONTAMINATION IN DRINKING WATER.** HB 1592 requires the commissioner of NHDES to initiate rulemakings, within 120 days of the bill’s effective date, that: (1) revise the ambient groundwater quality standard for arsenic to 0.004 parts per billion (ppb); and (2) adopt a maximum contaminant limit (MCL) for arsenic of 0.004 ppb for certain public water systems. The bill was referred to the Resources, Recreation, and Development Committee.

**HB 1590 STANDARDS FOR PERFLUORINATED CHEMICALS IN SURFACE WATER.** HB 1590 requires the commissioner of NHDES, in consultation with the commissioner of the New Hampshire Department of Health and Human Services, within 120 days from the bill’s effective date, to initiate a rulemaking to adopt surface water quality standards for PFOS, PFOA, perfluorohexane sulfonate, and perfluorononanoic acid. The bill outlines considerations and requirements the commissioner must follow. The bill was referred to the Resources, Recreation, and Development Committee.

**HB 1618 AMBIENT WATER QUALITY STANDARDS AND MCLS FOR PERFLUORINATED CHEMICALS.** HB 1618 requires the commissioner of NHDES, in consultation with the commissioner of the New Hampshire Department of Health and Human Services, within 120 days from the bill’s effective date, to initiate a rulemaking to adopt: (1) MCLs for EPA’s third Unregulated Contaminant Monitoring Rule (UCMR 3) List perfluorinated chemicals for certain public water systems; (2) new or revised ambient groundwater quality standards for EPA UCMR3 List perfluorinated chemicals; and (3) surface water quality standards for EPA UCMR3 List perfluorinated chemicals for certain surface waters. The bill was referred to the Resources, Recreation, and Development Committee.

**HB 1727 MONITORING PERFLUORINATED CHEMICALS IN PUBLIC WATER SUPPLIES.** HB 1727 requires all public water systems to be tested by the providers for perfluorinated chemicals within 18 months of the bill’s effective date. If the testing indicates perfluorinated chemical levels at concentrations equal to or greater than the lowest available state standard, the bill requires the provider to continue testing the water system once a month until NHDES determines that levels have consistently tested at or below the lowest available state standard for six consecutive months. In those cases, the bill requires NHDES to test the public water system every year until the water system has consistently tested at or below the lowest available state standard for 12 consecutive months. The bill was referred to the Resources, Recreation, and Development Committee.

**HB 1632 TESTING REQUIREMENTS FOR BOTTLED WATER.** HB 1632 requires manufacturers of bottled water to have the water analyzed at least annually for perfluorinated chemicals using an expanded list of 24 perfluorinated chemicals and at least annually for volatile organic compounds (VOCs), including methyl tert butyl ether and arsenic. The bill also establishes label requirements for bottled water that tests above laboratory detection limits for those chemicals using drinking water methods. The bill was referred to the Commerce and Consumer Affairs Committee.

## ***FINAL RULE***

**AMENDMENTS TO SOLID WASTE PERMITTING RULES.** NHDES has [adopted](#) (page 17) 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. A notice of the proposed amendments was published in the June 2017 *Northern Review*. The amendments became effective 21 OCT 17.



**LEGISLATIVE SESSION: 3 JAN 18 THROUGH 4 MAY 18 (EST), SINE DIE**

## **FINAL RULE**

**INVESTIGATION AND REMEDIATION OF CONTAMINATED PROPERTIES RULE.** The Vermont Agency of Natural Resources has [adopted](#) a rule that provides guidance for the investigation and remediation of releases of hazardous materials. The [rule](#) also provides a process that must be utilized for all properties where releases have occurred. The guidance outlines the process, starting with the initial investigation of contaminated property, through final cleanup, remediation, and closure of the property. A notice of the proposed rule was published in the April 2017 *Northern Review*. The final rule was published 28 NOV 17, but became retroactively effective 27 JUL 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.



**DETERMINATION FOR PHILADELPHIA-WILMINGTON-ATLANTIC CITY, PA-NJ-MD-DE MARGINAL OZONE NONATTAINMENT AREA.** EPA has issued a final rule determining that the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE marginal ozone nonattainment area has attained the 2008 ozone national ambient air quality standards (NAAQS) by the 20 JUL 16 attainment date ([82 FR 50814](#)). The determination is based on complete, certified, and quality assured ambient air quality monitoring data for the Philadelphia area for the 2013-2015 monitoring period. Due to the determination, the Philadelphia area will not be reclassified as a moderate nonattainment area. The determination of attainment is not equivalent to a redesignation, and the states in the Philadelphia area must still meet the statutory requirements for redesignation in order to be redesignated to attainment. The determination is also not a clean data determination. The final rule became effective 4 DEC 17.



**LEGISLATIVE SESSION: 10 JAN 17 THROUGH 9 JAN 18**

## **FINAL RULES**

**AMENDMENTS TO RACT REQUIREMENTS FOR VOC AND NO<sub>x</sub>.** The New Jersey Department of Environmental Protection (NJDEP) has [adopted](#) amendments to the Air Pollution Control Rules at N.J.A.C. 7:27. The rules pertain to reasonably achievable control technology (RACT) requirements for VOCs and for oxides of nitrogen (NO<sub>x</sub>). The amendments address VOC RACT by incorporating EPA recommendations from four control techniques guidelines (CTGs) for source categories that are present in New Jersey, including industrial cleaning solvents and miscellaneous metal and plastic parts coatings. The amendments also address NO<sub>x</sub> RACT requirements by establishing new limits on NO<sub>x</sub> emissions from: (1) existing simple cycle combustion turbines combusting natural gas and compressing gaseous fuel at major NO<sub>x</sub> facilities; and (2) stationary reciprocating engines combusting natural gas and compressing gaseous fuel at major NO<sub>x</sub> facilities. The amendments will be submitted to EPA as a SIP revision. A notice of the proposed amendments was



published in the February 2017 *Northern Review*. The amendments became effective 6 NOV 17.

**AMENDMENTS TO SDWA AND CERTIFICATION OF LABORATORIES AND ENVIRONMENTAL MEASUREMENTS RULES.** NJDEP has [adopted](#) amendments to the rules at N.J.A.C. 7:10, *Safe Drinking Water Act* (SDWA); and N.J.A.C. 7:18, *Regulations Governing the Certification of Laboratories and Environmental Measurements*. The SDWA amendments incorporate by reference the federal Revised Total Coliform Rule to establish New Jersey-specific requirements for implementation of that rule, including: (1) a microbiological monitoring schedule; (2) start-up procedures for seasonal water systems; (3) Level 1 and Level 2 assessments; (4) parties approved to perform Level 2 assessments; and (5) extension of the 24-hour limit for the collection of repeat samples on a case-by-case basis. The amendments to N.J.A.C. 7:18 address requirements governing the notice certified laboratories must provide to the water system, local health authority, and NJDEP regarding E. coli water sample results and nitrate/nitrite water sample results. A notice of the proposed amendments was published in the April 2017 *Northern Review*. The amendments became effective 6 NOV 17.

**TBAC EMISSIONS REPORTING, PERMITTING, AND GASOLINE TRANSFER OPERATIONS.** NJDEP has [adopted](#) 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 repeal the t-butyl acetate (TBAC) emissions reporting requirements, and revise the air permitting and gasoline transfer operations rules and related penalty provisions. The amendments were submitted to EPA as a proposed revision to New Jersey's SIP for the attainment and maintenance of the ozone NAAQS. A notice of the proposed amendments was published in the August 2017 *Northern Review*. The amendments became effective 20 NOV 17.

## ***PROPOSED RULE***

**PROPOSED GENERAL PERMIT FUEL DISPENSING FACILITIES.** NJDEP has [proposed](#) a general permit (GP-004B) for fuel dispensing facilities equipped with Phase I vapor recovery control system at minor air facilities. The general permit would apply to: (1) new fuel dispensing facilities; (2) existing fuel dispensing facilities equipped with only Phase I vapor recovery control systems; and (3) existing fuel dispensing facilities after decommissioning of Phase II vapor recovery control systems. The GP-004B differs from the existing GP-004A as follows: (1) unlike GP-004A, GP-004B does not require Phase II vapor recovery control for new gasoline stations; and (2) GP-004B includes requirements to enhance Phase I vapor recovery control systems. The comment period closed 6 DEC 17.



***LEGISLATIVE SESSION: 4 JAN 17 THROUGH 31 DEC 17 (EST)***

## ***FINAL LEGISLATION***

**SB 6754 (AB 6716) CREATION OF UPSTATE FLOOD MITIGATION TASK FORCE AND GRANT PROGRAM.** SB 6754 creates the Upstate Flood Mitigation Task Force and grant program within the canal corporation. The task force is charged with identifying reasonable measures that can be taken to enhance flood management and mitigation in the upstate flood mitigation region. The task force must also make recommendations and provide grant assistance with respect to such measures. The bill was signed by the governor 29 NOV 17 and most provisions of the bill became effective upon signature.

## ***PROPOSED LEGISLATION***

**AB 8797 STATE RIGHT OF FIRST REFUSAL FOR FEDERAL PUBLIC LANDS BEING TRANSFERRED.** AB 8797 amends the public lands law, in relation to establishing a right of first refusal in the state for federal public land to be transferred. The bill also amends the real property law, to establish the manner in which documents regarding federal lands will be recorded. The bill was referred to the Governmental Operations Committee.

## FINAL RULE

**UPDATE TO MULTIPLE WASTE, HAZARDOUS WASTE, AND WATER REGULATIONS.** The New York State Department of Environmental Conservation has [adopted](#) (page 24) amendments to repeal Title 6 NYCRR Part 500, *Floodplain Management Regulations Development Permits*, and revise multiple other parts of Title 6. The 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*. A notice of the proposed amendments was published in the August 2017 *Northern Review*. The amendments became effective 1 NOV 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.



**DETERMINATION FOR PHILADELPHIA-WILMINGTON-ATLANTIC CITY, PA-NJ-MD-DE MARGINAL OZONE NONATTAINMENT AREA.** EPA has issued a final rule determining that the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE marginal ozone nonattainment area has attained the 2008 ozone NAAQS by the 20 JUL 16 attainment date ([82 FR 50814](#)). The determination is based on complete, certified, and quality assured ambient air quality monitoring data for the Philadelphia area for the 2013-2015 monitoring period. Due to the determination, the Philadelphia area will not be reclassified as a moderate nonattainment area. The determination of attainment is not equivalent to a redesignation, and the states in the Philadelphia area must still meet the statutory requirements for redesignation in order to be redesignated to attainment. The determination is also not a clean data determination. The final rule became effective 4 DEC 17.

**DETERMINATION FOR WASHINGTON, DC-MD-VA MARGINAL OZONE NONATTAINMENT AREA.** EPA has issued a final rule determining that the Washington, DC-MD-VA marginal ozone nonattainment area attained the 2008 ozone NAAQS by the 20 JUL 16 attainment date ([82 FR 52651](#)). The determination is based on complete, certified, and quality assured ambient air quality monitoring data for the Washington area for the 2013-2015 monitoring period. Due to the determination, the Washington area will not be reclassified as a moderate nonattainment area. The determination of attainment is not equivalent to a redesignation, and the states in the Washington area and DC must meet the statutory requirements for redesignation in order to be redesignated to attainment. The determination is also not a clean data determination. The final rule becomes effective 14 DEC 17.



**LEGISLATIVE SESSION: 9 JAN 18 THROUGH 1 JUL 18 (EST)**

## FEDERAL ACTIVITY

**WITHDRAWAL OF DIRECT FINAL RULE — SIP FOR INTERSTATE TRANSPORT FOR 2008 OZONE NAAQS.** Due to adverse comment, EPA has withdrawn a [direct final rule](#), issued on 27 SEP 17, that approved a SIP revision submitted by the state of Delaware ([82 FR 55052](#)). The SIP revision addressed the interstate transport requirements for the 2008 ozone

NAAQS. A notice of the direct final rule was published in the October 2017 *Northern Review*. The withdrawal became effective 20 NOV 17.



**LEGISLATIVE SESSION: 10 JAN 18 THROUGH 9 APR 18 (EST), SINE DIE**

### **FEDERAL ACTIVITY**

**WITHDRAWAL OF DIRECT FINAL RULE — PHILADELPHIA-WILMINGTON-ATLANTIC CITY NONATTAINMENT AREA.** Due to adverse comment, EPA has withdrawn a [direct final rule](#), issued on 25 SEP 17, that approved the 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City marginal nonattainment area for the 2008 8-hour ozone NAAQS ([82 FR 54298](#)). The inventory included the ozone precursors NO<sub>x</sub> and VOC, as well as several other pollutants. A notice of the direct final rule was published in the October 2017 *Northern Review*. The withdrawal became effective 17 NOV 17.

**WITHDRAWAL OF DIRECT FINAL RULE — NNSR REQUIREMENTS FOR 2008 8-HOUR OZONE NAAQS.** Due to adverse comment, EPA has withdrawn a [direct final rule](#), issued on 29 SEP 17, that approved a SIP revision submitted by the state of Maryland ([82 FR 55510](#)). The revision was in response to EPA's 3 FEB 17 Findings of Failure to Submit for various requirements relating to the 2008 8-hour ozone NAAQS. The SIP revision was specific to nonattainment new source review (NNSR) requirements. A notice of the direct final rule was published in the October 2017 *Northern Review*. The withdrawal became effective 22 NOV 17.

**WITHDRAWAL OF DIRECT FINAL RULE — BALTIMORE NONATTAINMENT AREA.** Due to adverse comment, EPA has withdrawn a [direct final rule](#), issued on 3 OCT 17, that approved a SIP revision submitted by the state of Maryland ([82 FR 55511](#)). The revision added the 2011 base year inventory for the Baltimore moderate nonattainment area for the 2008 8-hour ozone NAAQS into Maryland's SIP. A notice of the direct final rule was published in the November 2017 *Northern Review*. The withdrawal became effective 22 NOV 17.



**LEGISLATIVE SESSION: 2 JAN 18 THROUGH 30 NOV 18**

### **FEDERAL ACTIVITY**

**PROPOSED 2012 PM<sub>2.5</sub> NAAQS ATTAINMENT FOR LEBANON COUNTY NONATTAINMENT AREA.** EPA has issued a proposed rule determining that the Lebanon County nonattainment area has attained the 2012 annual fine particulate matter (PM<sub>2.5</sub>) NAAQS ([82 FR 50851](#)). The proposed determination of attainment, also known as a clean data determination, is based on quality assured and certified ambient air quality data for the 2014-2016 monitoring period. If finalized, the determination would suspend certain planning requirements for the area, including the requirement to submit an attainment demonstration and associated reasonably available control measures, a reasonable further progress plan, and contingency measures. These requirements would be suspended for as long as the area continues to meet the 2012 annual PM<sub>2.5</sub> NAAQS. The proposed rule is not a redesignation to attainment for the area. The comment period closed on 4 DEC 17.

### **FINAL RULE**

**AMENDMENTS TO WATER QUALITY STANDARDS REGARDING CLASS A STREAM REDESIGNATIONS.** The Pennsylvania Department of Environmental Protection (PADEP) has [adopted](#) amendments to 25 PA. Code Chapter. 93, *Water Quality Standards — Class A Stream Redesignations*. The rulemaking fulfills the commonwealth's obligations under state and federal law to review and revise, as necessary, water quality standards that are protective of surface waters. The

amendments are the result of stream evaluations conducted by PADEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission. The amendments became effective 18 NOV 17.

## ***PROPOSED RULES***

**NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES.** PADEP has made a [tentative decision](#) to reissue the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities ([PAG-02](#)). The existing PAG-02 general permit was scheduled to expire on 7 DEC 17, but in October 2017 PADEP published notice of an administrative extension to the PAG-02 General Permit until 7 DEC 18. PADEP [proposed](#) a draft reissued PAG-02 general permit on 4 NOV 17, with a comment period that closed 4 DEC 17. PADEP received comments and questions during the comment period, and has developed a separate comment-response document. The reissued PAG-02 general permit replaces the general permit that was extended until 7 DEC 18. The tentative decision reissues the PAG-02 general permit with the same terms and conditions as the administratively extended general permit for a new five-year term.

**CONSERVATION OF STATE NATIVE WILD PLANTS.** The Pennsylvania Department of Conservation and Natural Resources (PDCNR) has [proposed](#) amendments to 17 PA Code Chapter 45, *Conservation of Pennsylvania Native Wild Plants*, to update information and classifications. The proposed amendments update: (1) the classification lists of native wild plants; (2) the scientific and common names of certain native wild plants; and (3) the reference source that PDCNR uses for the names of native wild plants. Comments are due by 25 DEC 17.

## ***OTHER REGULATORY ACTIVITY***

**ORDER OF QUARANTINE FOR SPOTTED LANTERNFLY.** The Pennsylvania Department of Agriculture has [issued](#) an order of quarantine for the spotted lanternfly in the commonwealth. The spotted lanternfly is an insect dangerous to forests, ornamental trees, orchards, and grapes. The quarantine has been established with respect to Berks, Bucks, Carbon, Chester, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Philadelphia, and Schuylkill counties; and any other area or place delineated in an addendum to the order of quarantine. The notice was issued 4 NOV 17.



***LEGISLATIVE SESSION: 10 JAN 18 THROUGH 10 MAR 18 (EST)***

## ***FEDERAL ACTIVITY***

**WITHDRAWAL OF DIRECT FINAL RULE – REMOVAL OF CAIR TRADING PROGRAMS FROM SIP.** Due to adverse comment, EPA has withdrawn a [direct final rule](#), issued on 28 SEP 17, that approved a SIP revision submitted by the commonwealth of Virginia ([82 FR 55052](#)). The revision removed state regulations that established EPA-administered trading programs under the Clean Air Interstate Rule (CAIR), one of which also included requirements to address NO<sub>x</sub> reductions required under the NO<sub>x</sub> SIP Call. A notice of the direct final rule was published in the October 2017 *Northern Review*. The withdrawal became effective 20 NOV 17.

## ***FINAL RULES***

**ONSITE SEWAGE SYSTEM PROFESSIONALS LICENSING REGULATIONS.** The Virginia Department of Professional and Occupational Regulation has [adopted](#) amendments to 18VAC160-40, *Onsite Sewage System Professionals Licensing Regulations*. The amendments reduce: (1) renewal fees for onsite sewage system professional licenses that expire on or after 31 JAN 18, and before 31 JAN 20; and (2) reinstatement fees for reinstatement applications received after 31 JAN 18, and on or before 31 JAN 20. The amendments become effective 1 JAN 18.

**AMENDMENTS TO TITLE V PROGRAM FEES.** The Virginia Department of Environmental Quality has [adopted](#) amendments to 9VAC5-80, *Permits for Stationary Sources*. The amendments update state rules to comply with state and federal

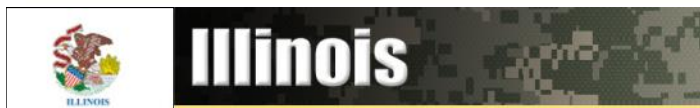
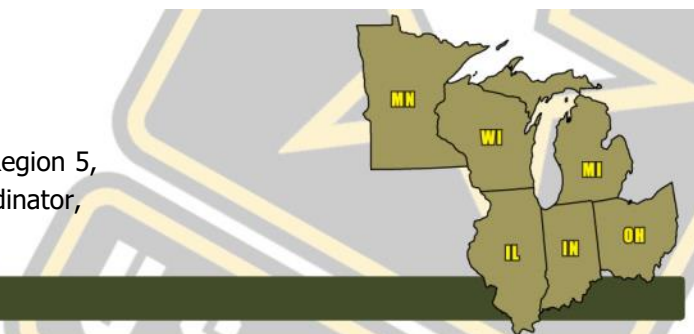


requirements to fully fund Virginia's Title V Permit Program. The amendments: (1) sequentially increase the emissions fee rate over two years; (2) change the method of calculating future Consumer Price Index emissions fee adjustments; (3) exclude greenhouse gas (GHG) emissions from the calculation of emissions fees; (4) increase permit application fees depending on the type, and clarify provisions for application amendments; (5) increase permit maintenance fees and establish a new minimum fee for synthetic minor sources; and (6) make various other changes as necessary to clarify and implement the changes. A notice of the proposed amendments was published in June 2017 *Northern Review*. The amendments become effective 1 JAN 18.

**WATERWORKS AND WASTEWATER WORKS OPERATORS LICENSING REGULATIONS.** The Virginia Department of Professional and Occupational Regulation has [adopted](#) amendments to 18VAC160-30, *Waterworks and Wastewater Works Operators Licensing Regulations*. The amendments reduce the renewal and reinstatement fees for: (1) wastewater works operator licenses that expire on 28 FEB 18; and (2) waterworks operator licenses that expire on 28 FEB 19. The amendments become effective 1 JAN 18.

## 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: 10 JAN 18 THROUGH 9 JAN 19 (EST)**

### FEDERAL ACTIVITY

**SIP REVISION AMENDING DEFINITION OF VOM/VOC.** EPA has issued a direct final rule approving a SIP revision submitted by the state of Illinois for ozone ([82 FR 50811](#)). The SIP revision incorporates changes to the Illinois Administrative Code (IAC) definition of volatile organic material (VOM), otherwise known as VOC. The revision removes recordkeeping and reporting requirements related to the use of t-butyl acetate (tertiary butyl acetate) as a VOC, and is in response to an EPA rulemaking that occurred in 2016. Illinois also added information to provide clarity to the list of compounds excluded from the definition of VOC. Barring adverse comment the direct final rule becomes effective 2 JAN 18.

### FINAL RULES

**UPDATE TO STATE AMBIENT AIR QUALITY REQUIREMENTS.** The Illinois Environmental Protection Agency has [adopted](#) (page 135) amendments to the state ambient air quality requirements in 35 IAC 243. The amendments update the state requirements to correspond with amendments to the federal NAAQS that EPA adopted from 1 JUL 16 through 31 DEC 17. The amendments also adopt the EPA actions of 20 MAR 17, 11 MAY 17, and 16 JUN 17. A notice of the proposed amendments was published in the September 2017 *Northern Review*. The amendments became effective 23 OCT 17.

**UPDATE OF STATE DEFINITION OF VOM/VOC.** IEPA has [adopted](#) (page 111) amendments to the Illinois definition of VOM or VOC at 35 IAC 211.7150. The amendments update the definition to correspond with an amendment to the federal definition of VOC at 40 CFR 51.100(s) that EPA adopted from 1 JUL 16 through 31 DEC 16. EPA added one hydrofluoroether compound to the list of chemical species excluded from the federal definition of VOC. A notice of the proposed amendments was published in the September 2017 *Northern Review*. The amendments became effective 23 OCT 17.

## ***PROPOSED RULES***

**UPDATE TO STATE CARRIAGE BY PUBLIC HIGHWAY REGULATIONS.** The Illinois Department of Transportation (IDOT) has [proposed](#) (page 59) amendments to 92 Ill. Adm. Code 177, *Carriage by Public Highway*, related to transportation of hazardous materials. The amendments update the state's incorporation by reference of 49 CFR 173 (Shippers—General Requirements for Shipments and Packagings) to the 1 OCT 17 edition, which is the most recent edition of 49 CFR. IDOT has posted a [correction](#) (page 171) to the original proposal, which incorrectly stated that the incorporation was of the 1 OCT 16 edition of the CFR. The comment period closed on 4 DEC 17.

**SIP REVISIONS ADDRESSING INFRASTRUCTURE REQUIREMENTS REGARDING STATE BOARDS.** IEPA has issued a [notice of intent](#) (page 293) to submit amendments to the Illinois Pollution Control Board's general rules governing bias and conflicts of interest at 35 IAC 101.112(d) to EPA as SIP revisions. The amendments address the Clean Air Act (CAA) infrastructure requirements regarding state boards and update Illinois' infrastructure SIPs for the 2008 lead NAAQS, 2006 PM<sub>2.5</sub> NAAQS, 2012 PM<sub>2.5</sub> NAAQS, 2010 sulfur dioxide (SO<sub>2</sub>) NAAQS, and 2008 ozone NAAQS. Comments are due by 18 DEC 17.



***LEGISLATIVE SESSION: 8 JAN 18 THROUGH 21 MAR 18 (EST), SINE DIE***

### ***FINAL RULE***

**UPDATE TO LIST OF STATE RESTRICTED USE PESTICIDE PRODUCTS.** The Pesticide Review Board has [adopted](#) amendments to 357 Indiana Administrative Code (IAC) 1-17, *State Restricted Use Pesticide Products*. The amendments expand the list of state restricted use pesticide products to include certain herbicides containing the active ingredient dicamba. A notice of the board's intent to amend the rules was published in the May 2017 *Northern Review*. The amendments became effective 4 NOV 17.

## ***PROPOSED RULE***

**AQUATIC LIFE AND HUMAN HEALTH AMBIENT WATER QUALITY CRITERIA FOR METALS.** The Indiana Department of Environmental Management (IDEM) has [proposed](#) amendments to the state aquatic life and human health ambient water quality criteria for metals. The amendments reflect updates to National Recommended Water Quality Criteria at Section 304(a) of the Clean Water Act (CWA). Comments are due by 2 JAN 18.

## ***OTHER REGULATORY ACTIVITY***

**UPDATED STATE ROSTER OF EXTIRPATED, ENDANGERED, AND THREATENED ANIMALS, INSECTS, AND PLANTS.** The Indiana Natural Resources Commission has [published](#) an updated roster of state animals, insects, and plants that are listed as extirpated, endangered, threatened, or rare (also described as special concern). The notice was issued 22 NOV 17.



***LEGISLATIVE SESSION: 11 JAN 17 THROUGH 31 DEC 17 (EST)***

### ***FINAL RULE***

**CLEANUP CRITERIA FOR RESPONSE ACTIVITY FOR 1,4 DIOXANE.** The Michigan Department of Environmental Quality (MDEQ) has [adopted](#) (page 26) amendments to the residential drinking water cleanup criterion for the chemical 1,4-dioxane established under Natural Resources and Environmental Protection Act Section 20120a. The amendments reflect the latest EPA toxicity data and MDEQ's exposure algorithms to protect both children and adults. The amendments were necessary to replace an emergency rule that expired 27 OCT 17. A notice of the proposed

amendments was published in the August 2017 *Northern Review*. The amendments became effective 20 OCT 17.



**LEGISLATIVE SESSION: 20 FEB 18 THROUGH 21 MAY 18 (EST), SINE DIE**

### **FEDERAL ACTIVITY**

**SIP REVISION ADDRESSING CAA STATE BOARD REQUIREMENTS AND INFRASTRUCTURE REQUIREMENTS.** EPA has issued a final rule approving a SIP revision submitted by the state of Minnesota addressing the CAA state board requirements ([82 FR 50807](#)). EPA has also approved elements of Minnesota's submission addressing the infrastructure requirements relating to state boards for the 1997 ozone, 1997 PM<sub>2.5</sub>, 2006 PM<sub>2.5</sub>, 2008 lead, 2008 ozone, 2010 nitrogen dioxide (NO<sub>2</sub>), 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS. The final rule became effective 4 DEC 17.

### **OTHER REGULATORY ACTIVITY**

**2018 DRAFT IMPAIRED WATERS LIST AND REVISIONS TO STATEWIDE MERCURY TOTAL MAXIMUM DAILY LOAD (TMDL).** The Minnesota Pollution Control Agency (MPCA), in accordance with federal CWA requirements, has [released](#) the *2018 Draft Impaired Waters List and Revisions to Statewide Mercury TMDL*. MPCA is required to list impaired waters that do not meet standards and update that list every even-numbered year. In addition to updating the list, MPCA has updated a guidance manual that describes state water quality standards, the data collection and quality requirements, and assessment methods used when developing the Impaired Waters List. Both documents are found on MPCA's Impaired Waters List [webpage](#). Comments are due by 26 JAN 18.

**POSSIBLE AMENDMENTS TO RULES GOVERNING DRAFT ENVIRONMENTAL IMPACT STATEMENTS.** The Minnesota Environmental Quality Board (MEQB) is [considering](#) possible amendments to the rules governing the Environmental Review Program, and more specifically, the development of draft environmental impact statements (EISs). The rule amendments would incorporate the statutory amendments made in the 2017 legislative session. The possible rulemaking may include the following rule parts: (1) definitions and abbreviations located under part 4410.0200; (2) procedures for the preparation, review, and modification of draft EISs located under part 4410.2550; and (3) procedures for the preparation, review, and modification of draft EISs located under part 4410.2600. At this stage, MEQB does not have a draft rule. The comment period closed 7 DEC 17.

**TRIENNIAL STANDARDS REVIEW.** MPCA is [conducting](#) (page 26) a Triennial Standards Review to obtain public input on the need for amendments and revisions to the rules governing state water quality standards (WQS). The federal CWA requires states to review their WQS every three years and amend and update them if necessary. A public hearing is scheduled for 10 JAN 18 and comments are due by 26 JAN 18.



**LEGISLATIVE SESSION: 2 JAN 17 THROUGH 31 DEC 17 (EST)**

### **FINAL RULES**

**REVISIONS TO STATE EMERGENCY RESPONSE COMMISSION RULES.** The Ohio Environmental Protection Agency (OEPA) has [adopted](#) revisions to the emergency planning and community right-to-know program under the administration of the State Emergency Response Commission ([OAC Chapters](#) 3750-1, 3750-15, 3750-25, 3750-30, and 3750-50). The revisions include: (1) changes that align hazardous chemical reporting requirements for oil and gas facilities to an electronic database created and hosted by Ohio Department of Natural Resources; and (2) changes to the facility emergency and hazardous chemical inventory form to incorporate federal Occupational Safety and Health (OSHA) changes from five reporting categories to two. Other revisions fix typos and upgrade rules to match agency and

Legislative Services Commission format standards. A notice of the draft revisions was published in the May 2017 *Northern Review*. The revisions became effective 18 NOV 17.

**TECHNICAL GUIDANCE MANUAL FOR HYDROGEOLOGIC INVESTIGATIONS AND GROUNDWATER MONITORING.** OEPA's Division of Drinking and Ground Waters has released [final revisions](#) of Chapter 6, *Drilling and Subsurface Sampling*, of the Technical Guidance Manual for Hydrogeologic Investigations and Groundwater Monitoring (TGM). TGM identifies technical considerations for performing hydrogeologic investigations and groundwater monitoring at potential or known groundwater pollution sources. The final revisions make minor changes, including updated references, addition of section numbers, and terminology changes. A notice of the draft revisions was published in the August 2017 *Northern Review*. The final revisions became effective 13 NOV 17.



**LEGISLATIVE SESSION: 3 JAN 17 THROUGH 31 DEC 17 (EST)**

## **FEDERAL ACTIVITY**

**SIP REVISION AMENDING AIR POLLUTION CONTROL RULES.** EPA has issued a direct final rule approving a SIP revision submitted by the state of Wisconsin addressing amendments to state air pollution control rules. ([82 FR 51575](#)). The SIP revision replaces the definition of "emergency electric generator" with a broader definition of "restricted internal combustion engine." In addition, the revision makes amendments to procedures for revoking construction permits as well as language changes and other administrative updates. Lastly, the revision removes, from the SIP, two Wisconsin Administrative Code provisions that affect eligibility of coverage under general and construction permits. Barring adverse comment the direct final rule becomes effective 8 JAN 18.

# **Federal Activity**

## **AIR**

**DENIAL OF MULTI-STATE PETITION TO EXPAND OZONE TRANSPORT REGION.** EPA has denied a CAA petition filed by the states of Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont ([82 FR 51238](#)). The petition requested that EPA expand the Ozone Transport Region (OTR) by adding the states of Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, West Virginia, and the areas of Virginia not already in the OTR to address the interstate transport of air pollution with respect to the 2008 ozone NAAQS. As a result of the denial, the geographic scope and requirements of the OTR will remain unchanged. However, EPA and states will continue to implement programs to address interstate transport of ozone pollution with respect to the 2008 ozone. The denial became effective 3 NOV 17.

**OZONE ATTAINMENT DESIGNATIONS.** EPA has issued a final rule that establishes initial air quality designations for most areas of the U.S., including most areas of Indian Country, for the 2015 primary and secondary NAAQS for ozone ([82 FR 54232](#)). In this action, EPA has designated 2,646 counties, including Indian Country located in those counties, two separate areas of Indian Country, and five territories as Attainment/Unclassifiable and three counties as Unclassifiable. The final rule becomes effective 16 JAN 18.

## **CLIMATE CHANGE**

**NATIONAL CLIMATE ASSESSMENT REPORT.** The U.S. Global Change Research Program has released the [final Climate Science Special Report](#), which is also referred to as Volume I of the Fourth National Climate Assessment (NCA4). The special report is a stand-alone document on the state of science relating to climate change and its physical impacts. To read the report's executive summary, click [here](#). In a related matter, the National Oceanic and Atmospheric



Administration announced the availability of the draft Volume II of the NCA4 report for public comment ([82 FR 51614](#)). The draft report summarizes the best-available science on observed and projected climate changes, as well as its impacts on human health, regions of the country, and tribal communities. After registering [here](#), a copy of the draft report is available for download. For more information about the draft report, click [here](#).

**ANNUAL GHG AND SUSTAINABILITY REPORT.** In November, the Federal Energy Management Program (FEMP) [released](#) its updated [Annual Data Energy Report, version 8-1](#). The updated report replaces the September 2017 version. The data report is a tool for calculating and reporting comprehensive FY 2017 GHG data. The document is to be used by top-tier federal departments and agencies when reporting their scope 1, 2, and 3 GHG emissions, in accordance with the National Energy Conservation Policy Act.

## **ENERGY**

**DOE 2017 FEDERAL ENERGY AND WATER MANAGEMENT AWARDS.** In November, the U.S. Department of Energy (DOE) announced the winners of the 2017 Federal Energy and Management Awards. The department recognized 27 winners in five categories for their outstanding contributions in the areas of energy efficiency, water conservation, and the use of advanced and renewable energy technologies at federal facilities. This year's winners included federal staff serving the U.S. Air Force, Army, Army Corps of Engineers, Defense Intelligence Agency, Defense Logistics Agency, Marine Corps, and Navy; the departments of Agriculture, Energy, Interior, and Transportation; the General Services Administration; and EPA. Among the Army winners, the following fall within the REEO-N area of responsibility: (1) Army Reserve Installation Management Directorate, Fort Belvoir, Va., for its Net Zero Energy program; (2) Army Installation Management Command, Washington D.C., Headquarters Energy and Utility team for reductions in energy consumption; and (3) U.S. Army Garrison, Fort A.P. Hill, Va., Directorate of Public Works for efforts to reduce consumption of energy and liquid fuels, and the removal of liquid fuel storage tanks. An Army news release about Army winners is available [here](#). To view the DOE announcement, including details on the accomplishments of all winners, click [here](#).

**DOE REGULATORY REFORM: DOMESTIC ENERGY RESOURCES.** In accordance with [Executive Order \(EO\) 13783](#), *Promoting Energy Independence and Economic Growth*, DOE released a [final report](#) on its recommendations to reduce regulatory burdens on domestic energy resources ([82 FR 50491](#)). DOE is offering the following recommendations: (1) streamline natural gas exports; (2) review national laboratory policies; (3) review National Environmental Policy Act regulations; and (4) review the DOE Appliance Standards Program.

**EPA REGULATORY REFORM: DOMESTIC ENERGY RESOURCES.** In accordance with EO 13783, EPA has released a [final report](#) on its recommendations to reduce regulatory burdens on domestic energy resources ([82 FR 51160](#)). EPA identified four key initiatives that it believes will further the goal of reducing unnecessary burdens on the development and use of domestic energy resources. These initiatives include: New Source Review reform, NAAQS reform, evaluations of the employment effects of EPA regulations, and a sector-based outreach program. For more information on EPA regulatory reform efforts, click [here](#).

## **MISCELLANEOUS**

**UNMANNED AIRCRAFT SYSTEMS INTEGRATION PILOT PROGRAM.** In October, the president issued a memorandum announcing a new Unmanned Aircraft System (UAS) Integration Pilot Program ([82 FR 50301](#)). The program is intended to promote the safe operation of UAS and enable the development of UAS technologies for use in agriculture, commerce, emergency management, human transportation, and other sectors. The memorandum tasks the secretary of the Department of Transportation (DOT), with the Administrator of the Federal Aviation Administration (FAA), to develop the pilot program, in consultation with other federal agencies, including DOD. Subsequently, in November, DOT and FAA announced the new UAS integration pilot program and requested potential participants to apply ([82 FR 51903](#)). State, local, and tribal governments, and any partnered stakeholders, with guidance from FAA, will propose and define operational concepts and determine how to manage UAS at the local level under the safety oversight role of FAA. Interested state, local, or tribal governments were required to declare an intent to participate in the program no later than 28 NOV 17.

## ***NATURAL RESOURCES***

**MIGRATORY BIRD HUNTING.** The U.S. Fish and Wildlife Service (FWS) has issued a final rule approving the use of corrosion-inhibited copper shot for hunting waterfowl and coots ([82 FR 51358](#)). The service concluded that this type of shot left in terrestrial or aquatic environments is unlikely to adversely affect fish, wildlife, or their habitats. Approval of this shot formulation increases the nontoxic shot options for hunters. The final rule became effective 6 NOV 17.

## ***SUSTAINABILITY***

**FEDERAL AGENCY SCORECARDS.** The Office of Management and Budget (OMB) has [released](#) federal agency FY 2016 sustainability/energy scorecards. The scorecards are based on data, metrics, and scoring criteria that were developed in accordance with existing statutory and executive order requirements applicable in FY 2016. For the FY 2017 scorecard, OMB intends to implement changes to reflect current policies and priorities. As required in statute, OMB will continue to assess individual agencies' annual performance and issue scorecards to measure and report on agencies' energy management activities, energy and water savings, greenhouse gas emissions, and associated cost reductions. The DOD scorecard is available [here](#). The U.S. Army Corps of Engineers (USACE) scorecard is available [here](#).

## ***THREATENED AND ENDANGERED SPECIES***

**CANDIDATE CONSERVATION AGREEMENTS WITH ASSURANCES.** FWS has announced its intention to review and potentially revise regulations concerning enhancement-of-survival permits issued under the Endangered Species Act (ESA), associated with Candidate Conservation Agreements with Assurances (CCAA) ([82 FR 55550](#)). In addition, in a related matter, FWS and the National Marine Fisheries Service (NMFS) jointly announced their intention to review and potentially revise the CCAA policy ([82 FR 55625](#)). Through the candidate conservation program, FWS encouraged the public to voluntarily develop and implement conservation agreements for declining species prior to listing under the ESA. Participating private property owners receive assurances that they will not be required to undertake conservation measures beyond those agreed to, even if new information indicates that additional or revised conservation measures are needed for the species, and they will not be subject to additional resource use or land-use restrictions. The agencies have proposed eliminating language that had caused confusion for property owners. Under the proposed language, to approve a CCAA, the agencies would require a net conservation benefit to the covered species, specifically on the property to be enrolled.

**MITIGATION POLICIES.** FWS has requested public comment on portions of its existing Mitigation Policy and Endangered Species Act Compensatory Mitigation Policy ([82 FR 51382](#)). FWS specifically requests comment on the policies' mitigation planning goals. The service's mitigation planning goal has been to improve (to secure a net gain) or, at minimum, to maintain (i.e., no net loss) the current status of affected resources. In response to EO 13783 and DOI's [Order 3349](#) on American Energy Independence, FWS is soliciting input regarding whether to retain or remove net conservation gain as a mitigation planning goal within FWS's mitigation policies.

## ***TOXICS***

**TOXICOLOGICAL PROFILES.** The Agency for Toxic Substances and Disease Registry has released [toxicological and adverse health profiles](#) for six biocidal substances: 1-bromopropane (1-BP); DEET (N,N-diethyl-meta-toluamide); glutaraldehyde; nitrate, nitrite; and toluene. 1-Bromopropane is used as a solvent in the adhesives, dry cleaning, vapor degreasing and electronic and metal cleaning industries. Nitrate and nitrite are used in the production of munitions and explosives. Toluene is used in making paints, paint thinners, lacquers, adhesives and rubber, and in some printing processes. It is also added to gasoline, along with benzene and xylene, to improve octane ratings.

**WITHDRAWN: NAICS CODES FOR TRI REPORTING.** Due to adverse comment, EPA has withdrawn an [August 2017 direct final rule](#) updating the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) ([82 FR 52674](#)). The rulemaking was intended to align TRI reporting with OMB 2017 NAICS code revision. EPA will proceed with a new final rule, after considering all public comments. The withdrawal became effective 14 NOV 17.

**NEW CHEMICALS REVIEW PROGRAM.** In December, EPA held meetings to discuss implementation activities under the Toxic Substances Control Act (TSCA), as amended in 2016 ([82 FR 51415](#)). The first meeting updated and engaged with the public on the agency's progress in implementing changes to the New Chemicals Review Program as a result of the 2016 TSCA amendments, including EPA's draft New Chemicals Decision-Making Framework. The second meeting focused on possible approaches for identifying potential candidate chemical substances for EPA's prioritization process under TSCA. The meetings were held 6 and 11 DEC 17. Click [here](#) to view information about the meeting agendas.

## **WASTE**

**SW-846 UPDATE: LEAD IN SOIL.** EPA's Office of Resource Conservation and Recovery (ORCR) has [announced](#) the completion of SW-846 Update VI, Phase I, which incorporates final [Method 1340](#)—In Vitro Bioaccessibility Assay for Lead in Soil—into the SW-846 compendium. Method 1340 defines a procedure to analyze for bioavailable lead in soil under 50,000 milligrams per kilogram (mg/kg) in concentration. At this time, the method has only been validated for lead-contaminated soil under field conditions, and not for other matrices (e.g., water, air, amended soils, dust, food). This method uses a leaching procedure in a rotary extractor to extract lead from soil at a known temperature and time of exposure. For more information, click [here](#).

**SW 846 UPDATE: LEACHING ENVIRONMENTAL ASSESSMENT FRAMEWORK.** EPA's ORCR has [released](#) SW-846 Update VI, Phase III for public comment. The update contains four tests (EPA Methods 1313, 1314, 1315, and 1316), known as the Leaching Environmental Assessment Framework (LEAF) tests, and technical implementation guidance ([LEAF How-To Guide](#)) that evaluate how waste constituent leaching changes with different environmental conditions. The LEAF tests are intended to be more accurate than other leaching tests by assessing constituent leaching potential under actual or plausible disposal conditions. Because the LEAF test methods represent a new approach to evaluating leaching potential, EPA is developing technical implementation guidance (LEAF How-To Guide) to help potential users understand the LEAF tests and how to use them. The SW-846 test methods and technical implementation guidance method will be published using EPA's [streamlined approval process](#) for public comment and for final posting on the [EPA Hazardous Waste Test Methods web page](#), rather than through the Federal Register. Additional information can be found on [regulations.gov](#), Docket# EPA-HQ-OLEM-2017-0210.

## **WATER**

**WATERS OF U.S. RULE.** EPA and USACE have issued a proposed rule to amend the effective date of the 2015 Clean Water Rule to two years from the date of final action on this proposal ([82 FR 55542](#)). With this proposed rule, the agencies are seeking a two-year delay in the effective date of the 2015 rule that defined waters of the United States. The delay will give the agencies more time to reconsider a key definition of the rule. The announcement notes that the 2015 rule is currently on hold as a result of the Sixth Circuit's nationwide stay of the rule, but that stay may be affected by a pending Supreme Court case. For more information, click [here](#). A memorandum for the record explaining the agencies' proposed actions is available [here](#).

**PERCHLORATE IN DRINKING WATER.** EPA has announced a public peer review meeting and final list of panelists for external peer review of the agency's [Draft Report: Proposed Approaches to Inform the Derivation of a Maximum Contaminant Level Goal \(MCLG\) for Perchlorate in Drinking Water](#), referred to as the draft MCLG Approaches Report. The public peer review meeting is scheduled for 29-30 JAN 18. The public comment period for the draft MCLG Approaches Report ended in November. In addition, the public comment period on draft peer review charge questions ended in October. The peer review charge questions are available at [regulations.gov](#) (Docket ID No. EPA-HQ-OW-2016-0439).

**NATIONWIDE PERMITS.** USACE has issued a [report](#) that examined actions it could take to modify existing regulations that potentially burden the development and use of domestically produced energy resources, such as oil, natural gas, coal, and nuclear energy, and renewable energy ([82 FR 56192](#)). The report identifies changes that could be made to several nationwide permits that authorize activities under section 10 of the Rivers and Harbors Act of 1899 and CWA section 404 that are associated with domestic energy production and use.

**WATER POLLUTANT LOADING TOOL.** EPA is [improving access](#) to the Water Discharge Monitoring Report (DMR) Pollutant Loading Tool, accessible on the agency's [Enforcement and Compliance History Online \(ECHO\) website](#). The loading tool is designed to help users determine who is discharging, what pollutants they are discharging and how much, and where they are discharging. It calculates pollutant loadings from permit and DMR data and offers a variety of ways to customize searches. The modernized ECHO version of the loading tool, which offers some usability improvements, has a similar look and feel as the prior loading tool website. To learn how to navigate the modernized water pollutant loading tool, click [here](#).

**STORMWATER RUNOFF TOOL: GREEN INFRASTRUCTURE.** EPA developed the [National Stormwater Calculator](#) to help support local, state, and national stormwater management objectives and regulatory efforts to reduce runoff through infiltration and retention using green infrastructure practices such as low impact development controls. The tool, designed to be used to reduce runoff from a property, is applicable for any location within the United States, including Puerto Rico. A free webinar, scheduled for 31 JAN 18, provides potential and example applications, and presents new cost module and mobile web application versions that can be used on mobile devices, such as smartphones and tablets. Register for the webinar [here](#).

**STREAM PROTECTION RULE NULLIFIED.** In accordance with the Congressional Review Act, DOI's December 2016 [Stream Protection Rule](#) will be treated as if it had never taken effect ([82 FR 54924](#)). The rule, which became effective on 19 JAN 17, would have required mining operations to take certain actions to restore disturbed lands to pre-mining conditions and protect ground and surface waters. On 1 FEB 17, the U.S. House of Representatives passed a joint resolution of disapproval of the Stream Protection Rule and the Senate passed the joint resolution of disapproval the next day. The president then signed the resolution into law 16 FEB 17. Under the terms of the Congressional Review Act, the Office of Surface Mining Reclamation and Enforcement's Stream Protection Rule must be treated as though the rule had never taken effect. Effective 17 NOV 17, the Stream Protection Rule is nullified and the regulation reverts to requirements in effect prior to the December 2016 rule.

## Department of Defense Activity

**DOD PROJECTS ADDRESSING PER- AND POLYFLUOROALKYL SUBSTANCES.** According to a [DOD news release](#), projects addressing issues associated with per- and polyfluoroalkyl substances (PFAS) are now getting underway. The projects are sponsored by DOD's Strategic Environmental Research and Development Program (SERDP) and Environmental Security Technology Certification Program (ESTCP). Five projects were initiated under SERDP to develop technologies for treatment of PFASs mixed with chlorinated solvents, and one ESTCP project is developing a treatment train approach. Click [here](#) to read more about the projects and to link to the individual project websites.

**REPI CHALLENGE: REQUEST FOR PRE-PROPOSALS.** DOD's 2018 Readiness and Environmental Protection Integration (REPI) Challenge Request for Pre-Proposals and the downloadable PDF pre-proposal form are now available through the U.S. Endowment for Forestry and Communities [website](#). The 2018 REPI Challenge seeks to leverage public and private funds for: (1) land conservation or management activities that leverage species crediting approaches to relieve current or anticipated environmental restrictions on military testing, training or operations; (2) targeted land conservation within watersheds important to the safe and adequate supply of water to DOD installations and ranges; or (3) the acquisition of water rights that directly sustains or enhances military mission activities as a key element of a land protection project that limits incompatible development or preserves habitat in accordance with 10 U.S.C. 2684a. The REPI Challenge also seeks to engage the private sector to access and leverage unconventional sources of funding, attract additional philanthropic sources, and take advantage of market-based approaches to secure the most land at the least cost. Up to \$15 million will be made available for the 2018 REPI Challenge, and funds will be awarded in July 2018. The challenge is open to all eligible partners at any DOD installation. The 2018 REPI Challenge pre-proposals are due 26 JAN 18. All pre-proposals will be coordinated with the military services, and those receiving approval will be invited to submit full



proposals. Applicants will be notified of their pre-proposal status no later than Friday, 23 FEB 18.

**FUTURE OF ARMY ENERGY.** According to an [Army news release](#), the future of Army energy is focused on energy resilience and security because the ability to prepare for and recover rapidly from power disruptions is more critical to warfighting readiness than at any time in the nation's history. The news release describes Army policy requiring sustainment of base critical missions in the event of a disruption; actions the Army is taking to enhance energy savings and produce its own power; and how the Army Operational Energy program ensures the powering of Army vehicles, aircraft, and mission command systems is based on energy-informed decisions.

# Professional Development

## ***DOD TRAINING SOURCES***

**2017 REPI WEBINAR SERIES (ONLINE).** 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***

**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.

- 25 JAN 18: Decision Support Tools and a Framework for Climate-smart Restoration.

**INTERAGENCY CONSULTATION FOR ENDANGERED SPECIES (CLASSROOM).** Hosted by FWS, 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).** 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 FY 2018 PROSPECT (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 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](#).

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