

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.



CONNECTICUT AND NEW HAMPSHIRE REVISING PWSS PROGRAMS. The U.S. Environmental Protection Agency (EPA) has issued notice that the states of Connecticut and New Hampshire are in the process of revising their respective approved Public Water System Supervision (PWSS) programs to meet the requirements of the Safe Drinking Water Act (SDWA) ([83 FR 40287](#)).



LEGISLATIVE SESSION: 7 FEB 18 THROUGH 9 MAY 18, SINE DIE

FEDERAL ACTIVITY

INFRASTRUCTURE SIP REQUIREMENTS AND PSD PERMIT PROGRAM REVISIONS. EPA has issued a final rule approving elements of State Implementation Plan (SIP) revisions submitted by the state of Connecticut ([83 FR 37437](#)). The revisions address infrastructure requirements of the Clean Air Act (CAA) for the 2012 fine particle (PM_{2.5}) National Ambient Air Quality Standards (NAAQS), and CAA interstate transport requirements for the 2006 PM_{2.5} NAAQS. EPA has also: (1) approved one statute included in the SIP for the 2012 PM_{2.5} NAAQS; (2) approved revisions that satisfy Connecticut's earlier commitment to adopt and submit provisions that meet certain requirements of the federal Prevention of Significant Deterioration (PSD) permit program; and (3) converted a 2016 conditional approval to full approval for elements of Connecticut's infrastructure SIP. The final rule became effective 31 AUG 18.

APPROVAL OF 1997 8-HOUR OZONE ATTAINMENT DEMONSTRATION. EPA has issued a final rule approving the ozone attainment demonstration portion of a SIP revision submitted by the state of Connecticut ([83 FR 39890](#)). EPA has approved Connecticut's demonstration of attainment of the 1997 8-hour ozone NAAQS for the NY-NJ-CT moderate 1997 8-hour ozone nonattainment area. In addition, EPA has approved Connecticut's reasonably available control measures (RACM) analysis. The final rule became effective 12 SEP 18.

PLAN SUBMITTALS FOR 2008 OZONE NAAQS. EPA has issued a proposed rule to approve SIP revisions submitted by the state of Connecticut that address the 2008 8-hour ozone NAAQS ([83 FR 38104](#)). The SIP revisions are for the Greater Connecticut and the Connecticut portion of the NY-NJ-CT moderate ozone nonattainment areas. EPA has proposed approving the submittals that include 2011 base year emissions inventories, an emissions statement certification, reasonable further progress (RFP) demonstrations, RACM analyses, motor vehicle emissions budgets (MVEBs), and contingency measures. The comment period closed 4 SEP 18.



LEGISLATIVE SESSION: 3 JAN 18 THROUGH 2 MAY 18, SINE DIE

FEDERAL ACTIVITY

INFRASTRUCTURE REQUIREMENT FOR 2010 NO₂ NAAQS. EPA has issued a final rule approving a SIP revision submitted by the state of Maine ([83 FR 39892](#)). The revision addresses the CAA interstate transport requirements with respect to

the 2010 primary nitrogen dioxide (NO₂) NAAQS. EPA has approved Maine's demonstration that the state is meeting its obligations regarding the interstate transport of NO₂ emissions into other states. The final rule became effective 12 SEP 18.

INFRASTRUCTURE SIP FOR 2012 PM_{2.5} NAAQS. EPA has issued a proposed rule to approve elements of a SIP revision submitted by the state of Maine that addresses the CAA infrastructure requirements for the 2012 PM_{2.5} NAAQS ([83 FR 39957](#)). EPA has also proposed to conditionally approve one sub-element of Maine's infrastructure SIP. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities with respect to this NAAQS under the CAA. The comment period closed 12 SEP 18.

FINAL RULE

INDUSTRIAL CLEANING SOLVENTS—VOC COATINGS. The Maine Department of Environmental Protection (MDEP) has [adopted](#) a new rule, [Chapter 166—Industrial Cleaning Solvents](#). The new rule expands the types of volatile organic compound (VOC) emissions controlled under reasonably available control technology (RACT) to include those from industrial cleaning solvents. The emission limits are achieved by using low-VOC solvents and work practices. A notice of the proposed rule was published in the June 2018 *Northern Review*. The final rule became effective 22 AUG 18.

PROPOSED RULE

AMENDMENTS TO UNDERGROUND OIL STORAGE RULES. MDEP has [proposed](#) amendments to the underground oil storage rules at Chapter 691, *Rules for Underground Oil Storage Facilities*; and 693, *Operator Training for Underground Oil Hazardous Substance, Field Construction Underground Oil Storage Facilities, and Airport Hydrant Systems*. The amendments include federal regulatory requirements passed in 2015 and allow MDEP to seek reauthorization for Maine's underground oil storage tank program. The amendments also remove outdated aspects of the rule and make other minor language improvements. The comment period closed 31 AUG 18.



LEGISLATIVE SESSION: 3 JAN 18 THROUGH 30 JUN 18, SINE DIE

FEDERAL ACTIVITY

UPDATES TO ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM REGULATION. EPA has issued a proposed rule to approve a SIP revision submitted by the state of New Hampshire ([83 FR 38102](#)). The revision includes an amended regulation for the enhanced motor vehicle inspection and maintenance (I/M) program in New Hampshire. New Hampshire continues to implement a test and repair network for an on-board diagnostic testing program. The submitted New Hampshire regulation updates and clarifies the implementation of the New Hampshire I/M program. The comment period closed 4 SEP 18.

FINAL RULE

DEFINITION OF EMERGENCY GENERATOR. The New Hampshire Department of Environmental Services (NHDES) has [adopted](#) a rulemaking to amend the definition of "[emergency generator](#)" to make it consistent with a federal court decision and EPA guidance. The adoption became effective 15 AUG 18.

PROPOSED RULE

AMENDMENTS TO PERMIT FEE SYSTEM REGULATIONS. NHDES has [proposed](#) (page 11) to readopt with amendments Env-A 700, *Permit Fee System*. The amendments implement a more equitable and sustainable basis for funding the stationary source program by reducing the fees calculated based on emissions and creating a baseline annual emission fee. The amendments also: (1) tie the fee calculation to a three-year rolling statewide emissions average to ease the

impact of emissions inventory reductions; (2) allow more time for payment of required fees; and (3) establish a fixed flat annual fee for sources operating under a general state permit (GSP). The comment period closed 14 SEP 18.



LEGISLATIVE SESSION: 2 JAN 18 THROUGH 30 JUN 18 (EST), SINE DIE

FEDERAL ACTIVITY

CONTROL OF VOC AND NO_x EMISSIONS AND SULFUR CONTENT OF FUELS. EPA has issued a final rule approving a SIP revision submitted by the state of Rhode Island ([83 FR 39888](#)). The revision updates Rhode Island Air Pollution Control Regulations for VOC emissions, nitrogen oxide (NO_x) emissions, sulfur content in fuel requirements, and associated general definitions. The final rule became effective 12 SEP 18.

PROPOSED RULE

UNDERGROUND STORAGE FACILITIES USED FOR REGULATED SUBSTANCES AND HAZARDOUS MATERIALS. The Rhode Island Department of Environmental Management (RIDEM) has [proposed](#) rules regarding underground storage facilities used for regulated substances and hazardous materials. The rules amend the existing regulations for underground storage tanks (USTs) to incorporate changes in federal law and clarify and strengthen existing regulations. In a separate rulemaking, RIDEM has simultaneously [proposed](#) a repeal of rules regarding the UST review board. The repeal deletes the existing regulation in full because it is being merged into the rules for underground storage facilities used for petroleum products and hazardous materials. The comment periods for both regulatory actions closed 10 SEP 18.



LEGISLATIVE SESSION: 3 JAN 18 THROUGH 4 MAY 18, SINE DIE

FEDERAL ACTIVITY

INFRASTRUCTURE REQUIREMENT FOR 2010 SO₂ NAAQS. EPA has issued a final rule approving a SIP revision submitted by the state of Vermont ([83 FR 37435](#)). The revision addresses the CAA interstate transport requirements, referred to as the good neighbor provision, with respect to the primary 2010 sulfur dioxide (SO₂) NAAQS. The final rule approves Vermont's demonstration that the state is meeting its obligations regarding the transport of SO₂ emissions into other states. The final rule became effective 31 AUG 18.

PROPOSED RULE

STORMWATER PERMITTING RULE. The Vermont Agency of Natural Resources (VANR) has [proposed](#) a rulemaking that updates and combines all the stormwater rules, except the Vermont Stormwater Management Manual, into one comprehensive rule. The rulemaking includes the stormwater permitting requirements for all stormwater discharges VANR must regulate pursuant to its authority to administer a permit program consistent with the federal National Pollutant Discharge Elimination System (NPDES). These include requirements for construction stormwater, municipal separate storm sewer systems (MS4s), and industrial stormwater. The rulemaking also includes stormwater permitting requirements unique to the state, which include operational stormwater requirements for impervious surfaces of one or more acres, impervious surfaces of three or more acres, and municipal roads. Comments are due 1 OCT 18.

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: 9 JAN 18 THROUGH 7 JAN 19

FEDERAL ACTIVITY

INFRASTRUCTURE SIP REQUIREMENTS FOR 2012 PM_{2.5} NAAQS. EPA has issued a final rule to approve elements of a SIP revision submitted by the state of New Jersey regarding CAA infrastructure requirements for the 2012 annual PM_{2.5} NAAQS ([83 FR 40151](#)). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. The proposed rule pertains specifically to infrastructure requirements concerning interstate transport provisions. The final rule became effective 13 SEP 18.

FINAL LEGISLATION

AB 1675 AUTHORIZATION OF PRESCRIBED BURNING PROGRAM. AB 1675 (Public Act: 107) directs the New Jersey Department of Environmental Protection (NJDEP) to develop and administer a program for prescribed burning on public and private lands pursuant to a prescribed burn plan approved by the department. The bill authorizes NJDEP to charge a reasonable fee to cover the costs associated with the program. The bill also states that a person would not be required to complete and receive certification from a prescribed burn education program if they only want to conduct a prescribed burn on land for which they are the landowner or lessee. A notice of the bill's Assembly passage was published in the May 2018 *Northern Review*. The bill was signed by the governor 24 AUG 18 and became effective upon signature.

PROPOSED LEGISLATION

AB 4332 (SB 2903) CAP ON DAMAGES INCREASED FOR CERTAIN DISCHARGES. AB 4332 increases the cap on damages for certain discharges that may be recovered by the New Jersey Spill Compensation Fund from the owner or operator of a major facility, from \$50 million to \$350 million. The bill also increases the cap on damages for certain discharges that may be recovered by the New Jersey Spill Compensation Fund from "vessels" from \$1,200 per gross ton to \$2,400 per gross ton. The bill was referred to the Environment and Solid Waste Committee.

FINAL RULES

UPDATES TO SITE REMEDIATION RULES. NJDEP has [adopted](#) amendments, new rules, and repeals within its site remediation regulations. The rulemaking adopts a new chapter, N.J.A.C. 7:26F, *Heating Oil Tank System Remediation Rules*, to address the closure of heating oil tank systems, and remediation of discharges from those systems. Heating oil tank systems are defined in the rule as residential aboveground heating oil tank systems; small, non-residential aboveground heating oil tank systems; and "unregulated" heating oil tank systems, which are UST systems. With the adoption of the new chapter, NJDEP has deleted the requirements for remediating discharges from heating oil tank systems from other rules governing site remediation. The rulemaking also amends the following rules: (1) Discharges of Petroleum and Other Hazardous Substances; (2) New Jersey Pollutant Discharge Elimination System; (3) UST; (4) Industrial Site Recovery Act; (5) Administrative Requirements for the Remediation of Contaminated Sites; and (6)

Technical Requirements for Site Remediation. The amendments streamline the rules, clarify provisions that make it difficult to implement the rules, and simplify the implementation of the licensed site remediation professional program. The rulemaking became effective 6 AUG 18.

EMERGENCY RULE—SPOTTED LANTERNFLY QUARANTINE. The New Jersey Department of Agriculture (NJDA) has [adopted](#) emergency amendments to N.J.A.C. 2:20, to declare a quarantine on the spotted lanternfly. The spotted lanternfly is a planthopper insect native to Asia. The insect has recently been discovered and confirmed to be in Southern Warren and Northern Mercer counties in New Jersey. The quarantine will allow NJDA to take immediate action to prevent the further spread of this exotic insect pest and work to eliminate it from the state. NJDA is concurrently working on a permanent rulemaking that would promulgate the provisions of this emergency adoption through the normal administrative process. The emergency rulemaking became effective 30 JUL 18 and expires 28 SEP 18.

PROPOSED RULE

TITLE V OPERATING PERMIT FOR MANUFACTURING AND MATERIALS HANDLING EQUIPMENT. NJDEP has [requested public comment](#) on the proposed general operating permit GOP-002A. The permit covers manufacturing and materials handling equipment with a potential to emit less than the reporting threshold for each air contaminant at major air facilities. A major facility with an approved Title V operating permit must register each piece of equipment under GOP-002A by applying for each piece of equipment in one emission unit. This general operating permit was previously proposed in 2017, but has been revised to add an exclusion of any fumigation activity and the definition of fumigation. Comments are due 19 SEP 18.



LEGISLATIVE SESSION: 3 JAN 18 THROUGH 2 JAN 19 (EST)

FEDERAL ACTIVITY

FUEL COMPOSITION AND USE—SULFUR LIMITATIONS. EPA has issued a final rule to approve a SIP revision submitted by the state of New York concerning sulfur-in-fuel limits ([83 FR 42589](#)). The revision adds a regulatory mechanism for meeting the existing obligations related to regional haze. The SIP revision: (1) amends Title 6 of the New York Codes, Rules and Regulations Subpart 225-1, *Fuel Composition and Use—Sulfur Limitations*, and Section 200.1, *Definitions*; and (2) removes an obsolete provision from the Code of Federal Regulations (CFR) related to facility specific sulfur-in-fuel limits. The final rule becomes effective 24 SEP 18.

FINAL RULE

OFFSHORE WIND GENERATING FACILITIES PROGRAM. The New York State Public Service Commission (NYSPSC) has [adopted](#) (page 38) a rulemaking that establishes an Offshore Wind Standard and framework for Phase 1 procurement. The purpose of the standard and framework is to encourage the procurement of electricity from new offshore wind generating facilities by state consumers. The rulemaking became effective 12 JUL 18.

PROPOSED RULE

CONTINUED IMPLEMENTATION OF CLEAN ENERGY STANDARD. NYSPSC has [proposed](#) (page 22) a rule to consider the Clean Energy Standard (CES) Phase 3 Implementation Plan. The plan would continue implementation of the CES to promote and maintain renewable and zero-emission electric energy resources. Comments are due 21 OCT 18.



LEGISLATIVE SESSION: 15 JAN 18 THROUGH 31 DEC 18, SINE DIE

FEDERAL ACTIVITY

NEGATIVE DECLARATION FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS. EPA has issued a final rule approving a CAA section 111(d)/129 negative declaration submitted by the U.S. Virgin Islands for CISWI units ([83 FR 40153](#)). The negative declaration certifies that CISWI units subject to CAA sections 111(d) and 129 do not exist within the jurisdiction of the U.S. Virgin Islands. The final rule became effective 13 SEP 18.

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.



ADEQUACY STATUS OF MVEBS. EPA has issued a notice finding that the 2014, 2025, and 2030 MVEBs for the ozone precursors NO_x and VOC contained in the maintenance plan for the Washington, DC-MD-VA 2008 ozone NAAQS nonattainment area are adequate for conformity purposes ([83 FR 38301](#)). As a result of EPA's finding, the Washington area must use the NO_x and VOC MVEBs from the submitted maintenance plan in future conformity determinations. The finding became effective 21 AUG 18.

ATTAINMENT OF 2008 8-HOUR OZONE NAAQS FOR DC-MD-VA NONATTAINMENT AREA. EPA has issued a proposed rule to approve the requests from the state of Maryland and the commonwealth of Virginia to redesignate their respective portions of the Washington, DC-MD-VA nonattainment area for the 2008 8-hour ozone NAAQS ([83 FR 39019](#)). EPA has not proposed to approve the redesignation request for the District of Columbia for its portion of the area; EPA will address the District's redesignation request in a separate rulemaking action. EPA has also proposed to approve a joint maintenance plan as a revision to the District, Maryland, and Virginia's SIPs. The joint maintenance plan demonstrates maintenance of the 2008 ozone NAAQS through 2030 in the Washington area. The maintenance plan includes MVEBs for the 2008 ozone NAAQS for NO_x and VOCs. The comment period closed on 7 SEP 18.



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

FEDERAL ACTIVITY

FINAL RULE CORRECTION—INTERSTATE TRANSPORT REQUIREMENTS FOR 2012 PM_{2.5} NAAQS. EPA has issued a final rule to correct an error in the amendatory language of a previously issued final rule ([83 FR 38968](#)). That rule was EPA's approval of a SIP revision submitted by the state of Delaware. The SIP revision addressed the infrastructure requirements for interstate transport of pollution with respect to the 2012 PM_{2.5} NAAQS. The final rule correction became effective 13 AUG 18.

INTERSTATE TRANSPORT REQUIREMENTS FOR 2010 1-HOUR SO₂ STANDARD. EPA has issued a proposed rule to approve portions of a SIP revision submitted by the state of Delaware ([83 FR 39035](#)). The SIP revision addresses the infrastructure requirement for interstate transport of pollution with respect to the 2010 1-hour SO₂ NAAQS. The comment period closed 7 SEP 18.

FINAL LEGISLATION

HB 456 PROHIBITION ON LEAD PAINTS ON OUTDOOR STRUCTURES. HB 456 (Public Act: 81:396) amends titles 14, 16, 17, 26, and 29 of the Delaware code relating to the use of lead paints on outdoor structures. The bill prohibits the use of lead paints by any person on outdoor structures, whether applied to new or existing outdoor structures within certain effective dates established by the bill. The bill defines a person as, "an individual, partnership, corporation, association, non-profit, or governmental entity." The bill was signed by the governor 29 AUG 18 and became effective upon signature.



LEGISLATIVE SESSION: 2 JAN 18 THROUGH 31 DEC 18

FEDERAL ACTIVITY

FINAL AUTHORIZATION OF HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS. EPA has granted final authorization for the District of Columbia's revisions to its hazardous waste management program under the Resource Conservation and Recovery Act ([83 FR 42036](#)). The final authorization became effective 20 AUG 18.

SIP FOR INTERSTATE TRANSPORT REQUIREMENTS FOR 2008 OZONE STANDARD. EPA has issued a final rule to approve a portion of a SIP revision submitted by the District of Columbia ([83 FR 44498](#)). The revision addresses the CAA good neighbor and interstate transport requirements for the 2008 ozone NAAQS. The good neighbor provision requires each state to prohibit in its SIP emissions that would significantly contribute to nonattainment or interfere with maintenance of a NAAQS in another state. EPA has approved the District's SIP as having adequate provisions to meet the requirements of the good neighbor provision for the 2008 ozone NAAQS in accordance with section 110 of the CAA. The final rule becomes effective 1 OCT 18.



LEGISLATIVE SESSION: 10 JAN 18 THROUGH 9 APR 18, SINE DIE

FEDERAL ACTIVITY

2011 BASE-YEAR INVENTORY FOR 2008 8-HOUR OZONE NAAQS FOR BALTIMORE NONATTAINMENT AREA. EPA has issued a final rule approving the 2011 base-year inventory for the Baltimore moderate nonattainment area for the 2008 8-hour ozone NAAQS ([83 FR 39365](#)). EPA has approved the 2011 base-year emissions inventory as a SIP revision. The final rule became effective 10 SEP 18.

INFRASTRUCTURE REQUIREMENTS FOR 2012 PM_{2.5} NAAQS. EPA has issued a final rule to approve a SIP revision submitted by the state of Maryland ([83 FR 44482](#)). The revision addresses the infrastructure requirements of CAA section 110 for the 2012 PM_{2.5} NAAQS. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. The final rule becomes effective 1 OCT 18.

RACT SIP UNDER 2008 OZONE NAAQS. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Maryland ([83 FR 38110](#)). The SIP revision satisfies the VOC RACT requirements under the 2008 8-hour ozone NAAQS. The revision includes: (1) certification that the previously adopted and EPA approved RACT controls in Maryland's SIP under the 1-hour ozone and 1997 8-hour ozone NAAQS are based on the currently available technically and economically feasible controls, and that they continue to represent RACT; (2) a negative declaration demonstrating that no facilities exist in the state for the applicable control technique guideline (CTG) categories; and (3) adoption of new or more stringent RACT determinations. The comment period closed 4 SEP 18.

NO_x OZONE SEASON EMISSIONS CAPS FOR NON-TRADING LARGE NO_x UNITS AND ASSOCIATED REVISIONS. EPA has issued a proposed rule to approve SIP revisions submitted by the state of Maryland ([83 FR 39014](#)). The SIP revisions address a new Maryland regulation that establishes ozone season NO_x emissions caps and other requirements for large non-electric generating units (non-EGU) in the state and includes associated revisions to two other state regulations. The revisions will enable Maryland to meet NO_x reduction requirements related to interstate transport of pollution that contributes to other states' nonattainment or interferes with other states' maintenance of the ozone NAAQS. The comment period closed 7 SEP 18.

FIVE-YEAR HAZE PROGRESS REPORT. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Maryland ([83 FR 43571](#)). The SIP revision addresses CAA and EPA requirements for states to submit: (1) periodic reports describing progress being made toward regional haze reasonable progress goals (RPGs); and (2) a determination of the adequacy of the state's existing regional haze SIP. Maryland's progress report notes that Maryland has implemented the measures in the regional haze SIP due to be in place by the date of the progress report and that Federal Class I areas affected by emissions from Maryland are meeting the RPGs for 2018. Maryland also has determined that the state's regional haze SIP is adequate to meet these RPGs for the first implementation period and requires no substantive revision. Comments are due 26 SEP 18.

PROPOSED RULES

AMENDMENTS TO MULTIPLE AIR REGULATIONS. The Maryland Department of the Environment (MDE) has [proposed](#) (page 15) rules to repeal and replace NO_x RACT requirements and initiate analysis of possible additional NO_x emission control requirements for large municipal waste combustors (MWCs). Additionally, the proposed rules amend opacity requirements, add definitions, and update references to the current emissions standards and requirements for hospital, medical, and infectious waste incinerators (HMIWIs). Once finalized, the amendments pertaining to large MWCs will be submitted to EPA as SIP revisions for review and approval; the amendments pertaining to small MWCs and HMIWIs will be submitted to EPA for approval as part of the state's 111(d) and 129 plans. Comments are due 21 SEP 18.

GENERAL PERMIT FOR DISCHARGES FROM TANKS, PIPES, OTHER LIQUID CONTAINMENT STRUCTURES, DEWATERING ACTIVITIES, AND GROUNDWATER REMEDIATION. MDE has [proposed](#) (page 28) to reissue with amendments the state/ NPDES permit 11HT, *General Discharge Permit from Tanks, Pipes, and Other Liquid Containment Structures*. The reissued permit, 17HT will be known as the *General Discharge Permit from Tanks, Pipes, other Liquid Containment Structures, Dewatering Activities, and Groundwater Remediation*. The 17HT permit would apply to discharges of wastewater from hydrostatic testing, potable water systems, construction dewatering, groundwater remediation, flushing of fire control systems and tank bottoms, and stormwater from storage tank containment structures in the state. Industries covered by the 11HT permit will have six months to file a notice of intent and fee to obtain coverage under the reissued permit 17HT. The proposed permit would have effluent requirements from each type of discharge and would require monitoring and online electronic submission of discharge monitoring. The comment period closed 13 SEP 18.



LEGISLATIVE SESSION: 2 JAN 18 THROUGH 30 NOV 18

FEDERAL ACTIVITY

ADOPTION OF CTG STANDARDS FOR MULTIPLE CATEGORIES. EPA has issued a final rule approving a SIP revision submitted by the commonwealth of Pennsylvania ([83 FR 39600](#)). The SIP revision addresses the requirement to adopt RACT for sources covered by EPA's CTG standards for multiple categories. The categories covered include: (1) miscellaneous metal parts surface coatings; (2) miscellaneous plastic parts surface coatings; and (3) pleasure craft surface coatings. The SIP revision also amends state regulations for graphic arts systems, mobile equipment repair and refinishing, and makes general administrative changes. The final rule became effective 10 SEP 18.

FINAL RULES

RACT EMISSION LIMITATIONS FOR STATIONARY SOURCES OF VOC FROM INDUSTRIAL CLEANING SOLVENTS. The Pennsylvania Environmental Quality Board (PEQB) has [adopted](#) amendments to air regulations at Chapters 121 and 129, relating to general provisions and standards for sources. The amendments add section 129.63a to adopt RACT requirements and RACT emission limitations for stationary sources of VOC emissions from industrial cleaning solvents. The amendments to Chapter 121 update definitions to support the addition of the new section. The amendments became effective 11 AUG 18.

AMENDMENTS TO SAFE DRINKING WATER REGULATIONS. PEQB has [adopted](#) amendments to 25 PA. Code Chapter 109, *Safe Drinking Water*. The amendments: (1) incorporate the remaining general update provisions that were separated from the proposed Revised Total Coliform Rule, including amendments to treatment technique requirements for pathogens, clarifications to permitting requirements, and new requirements for alarms, shutdown capabilities, and auxiliary power; (2) amend existing permit fees and add new annual fees; and (3) establish the regulatory basis for issuing general permits, clarify that non-community water systems require a permit or approval from Pennsylvania Department of Environmental Protection (PADEP) prior to construction and operation, and address concerns regarding gaps in the monitoring, reporting, and tracking of back-up sources of supply. The rulemaking became effective 18 AUG 18.

OTHER REGULATORY ACTIVITY

TECHNICAL GUIDANCE FOR STATIONARY/NON-STATIONARY TANKS. PADEP has [released](#) a technical guidance document, DEP ID: 263-0900-006—*Stationary/Non-Stationary Tanks*. The *Storage Tank and Spill Prevention Act* regulates aboveground storage tanks (ASTs) containing regulated substances over certain sizes. Tanks that qualify as stationary tanks are regulated by the act and non-stationary aboveground storage tanks are excluded. The technical guidance document defines stationary and non-stationary ASTs. It became effective 11 AUG 18.



LEGISLATIVE SESSION: 10 JAN 18 THROUGH 10 MAR 18

FEDERAL ACTIVITY

REGIONAL HAZE PLAN AND VISIBILITY FOR 2010 SO₂ AND 2012 PM_{2.5} STANDARDS. EPA has issued a final rule to approve a SIP revision submitted by the commonwealth of Virginia ([83 FR 42219](#)). The revision changes reliance on the Clean Air Interstate Rule (CAIR) to reliance on the Cross-State Air Pollution Rule (CSAPR) to address certain regional haze requirements. EPA's approval of the SIP revision converts the agency's limited approval/limited disapproval of Virginia's regional haze SIP to full approval. EPA has also approved the visibility element of Virginia's infrastructure SIP submittals for the 2010 SO₂ and 2012 PM_{2.5} NAAQS. The final rule becomes effective 20 SEP 18.

OTHER REGULATORY ACTIVITY

EMERGENCY GENERATOR GENERAL PERMIT. The Virginia Department of Environmental Quality has [requested public comment](#) regarding the periodic review and small business impact review that VDEQ is currently conducting on 9VAC5-540, *Emergency Generator General Permit*. The review will determine whether the regulation should be repealed, amended, or retained in its current form. The comment period closed 27 AUG 18.



LEGISLATIVE SESSION: 10 JAN 18 THROUGH 10 MAR 18, SINE DIE

FEDERAL ACTIVITY

INTERSTATE TRANSPORT REQUIREMENTS FOR 2012 PM_{2.5} NAAQS. EPA has issued a proposed rule to approve a SIP revision submitted by the state of West Virginia ([83 FR 38112](#)). The revision addresses the infrastructure requirement for interstate transport of pollution with respect to the 2012 PM_{2.5} NAAQS. The comment period closed 4 SEP 18.

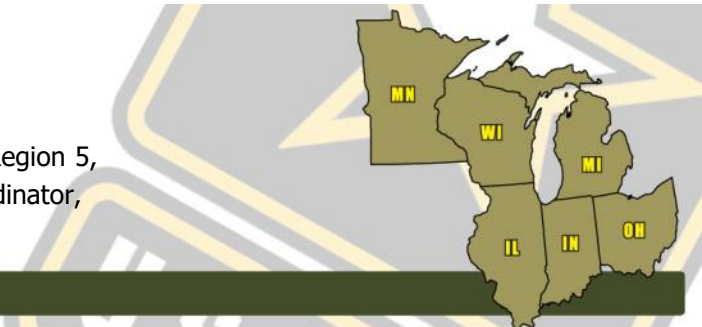
REVISIONS TO REGULATION FOR CONTROL OF OZONE SEASON NO_x EMISSIONS. EPA has issued a proposed rule to approve two SIP revisions submitted by the state of West Virginia ([83 FR 43836](#)). The SIP submittals are comprised of revisions to the West Virginia regulation that implemented the CAIR ozone season NO_x trading program. The EPA-administered trading programs under CAIR were discontinued upon the implementation of the CSAPR. The revised West Virginia regulation removes the CAIR ozone season NO_x trading program provisions, which also addressed certain large non-EGUs, establishes new requirements for these large non-EGUs, includes a state-wide NO_x emissions cap, and recodifies certain other provisions that address the NO_x emission reductions required for cement kilns and internal combustion engines. Comments are due 27 SEP 18.

OTHER REGULATORY ACTIVITY

SIP REVISION FOR 2015 8-HOUR OZONE NAAQS. The West Virginia Department of Environmental Protection has [requested public comment](#) regarding a proposed SIP revision for the 2015 8-Hour ozone NAAQS. The proposed SIP revision demonstrates that West Virginia has adequate resources and authority to implement the 2015 ozone NAAQS, and details how the state meets these requirements through authorities granted under state laws and regulations, as well as implementation of existing air programs. Once finalized, the SIP revision will be submitted to EPA for review and approval. The comment period closed 28 AUG 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)

FINAL LEGISLATION

HB 3040 AMENDMENTS TO ILLINOIS STATE GUARD ACT. HB 3040 (Public Act: 100-1030) amends provisions of the *Illinois State Guard Act*. The bill amends sections of the act concerning the activation and organization of the State Guard; personnel, pay, and allowances; equipping and uniforms; and other matters. The bill was signed by the governor 22 AUG 18 and became effective upon signature.

PROPOSED RULE

AMENDMENTS TO PRIMARY DRINKING WATER STANDARDS. The Illinois Pollution Control Board (IPCB) has [proposed](#) (page 202) amendments to 35 Ill. Adm. Code 611, *Primary Drinking Water Standards*. Previously, the Illinois

Environmental Protection Agency proposed that IPCB adopt a new Part 604, *Design, Operation and Maintenance Criteria*. The proposed amendments allow Part 611 to conform to Part 604. Comments are due 24 SEP 18.



LEGISLATIVE SESSION: 8 JAN 18 THROUGH 14 MAR 18, SINE DIE

FEDERAL ACTIVITY

CROSS-STATE AIR POLLUTION RULE. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Indiana concerning the CSAPR ([83 FR 40184](#)). The proposed rule approves the state's regulations requiring large Indiana EGUs to participate in new CSAPR state trading programs for annual NO_x, annual SO₂, and ozone season NO_x emissions integrated with the CSAPR federal trading programs. Under the CSAPR regulations, approval of the SIP revision would automatically eliminate Indiana's units' requirements under the corresponding CSAPR federal implementation plans addressing Indiana's interstate transport (or "good neighbor") obligations for the 1997 PM_{2.5} NAAQS, 2006 PM_{2.5} NAAQS, 1997 ozone NAAQS, and 2008 ozone NAAQS. The comment period closed 13 SEP 18.

CROSS-MEDIA ELECTRONIC REPORTING. EPA has approved the state of Indiana's request to revise its EPA-authorized National Primary Drinking Water Regulations Implementation program to allow electronic reporting ([83 FR 40285](#)). The approval became effective 13 SEP 18.

ATTAINMENT PLAN FOR INDIANAPOLIS, SOUTHWEST INDIANA, AND TERRE HAUTE SO₂ NONATTAINMENT AREAS. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Indiana ([83 FR 40487](#)). The SIP revision addresses attainment of the 2010 SO₂ NAAQS for the Indianapolis (Marion County), Southwest Indiana (Davies and Pike counties), and Terre Haute (Vigo County) areas. The revision includes Indiana's attainment demonstration and other elements required under CAA. The revision also addresses: (1) the requirement for meeting RFP toward attainment of the NAAQS; (2) RACM/RACT; (3) base-year and projection-year emission inventories; (4) enforceable emissions limitations and control measures; and (5) contingency measures. The comment period closed 14 SEP 18.

RFP AND OTHER PLAN ELEMENTS FOR CHICAGO NONATTAINMENT AREA FOR 2008 OZONE STANDARD. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Indiana ([83 FR 43825](#)). The SIP revision addresses base-year emissions inventory, RFP, RFP contingency measure, nonattainment new source review, VOC RACT, and motor vehicle inspection and maintenance (I/M) CAA requirements for the Indiana portion of the Chicago-Naperville, IL-IN-WI non-attainment area for the 2008 ozone NAAQS. EPA has also proposed approval for the 2017 transportation conformity MVEBs for the Indiana portion of the Chicago area for the 2008 ozone NAAQS. Final approval of Indiana's SIP as meeting the nonattainment NSR requirements of the CAA for the 2008 ozone NAAQS will permanently stop the sanctions and federal implementation plan clocks triggered by EPA's 3 FEB 17 finding that Indiana failed to submit a marginal ozone nonattainment NSR plan. Comments are due 27 SEP 18.

FINAL RULE

NEW NO_x REGULATIONS CONCERNING NON-EGUS AND REPEAL OF NO_x TRADING PROGRAMS. The Indiana Department of Environmental Management has [adopted](#) new regulations and amendments to the NO_x rules at 326 IAC 10. The new regulations apply to NO_x emissions for the ozone season from large industrial boilers, also known as non-EGUs. The regulations also repeal the NO_x budget trading program and corresponding CAIR sections. The adoption became effective 26 AUG 18.



LEGISLATIVE SESSION: 10 JAN 18 THROUGH 31 DEC 18 (EST)

FEDERAL ACTIVITY

CHANGES TO STATE PERMIT-TO-INSTALL REQUIREMENTS. EPA has issued a final rule approving certain SIP revisions submitted by the state of Michigan ([83 FR 44485](#)). The SIP revisions address changes to the permit-to-install requirements of Part 2 of the Michigan Administrative Code that were submitted in 1993, 1996, 1998, 2003, 2009, and 2017. The final rule becomes effective 1 OCT 18.

PROPOSED LEGISLATION

HB 6278 SEPARATION OF STORMWATER DRAINAGE AND SANITARY SEWERS. HB 6278 requires, by 31 DEC 22, operators of sewerage systems within the state to show, within their required plans, that the operating sewerage system is physically separated from any stormwater system and will not allow the discharge of untreated or partially treated sewage to enter waters of the state. The bill also provides definitions for “partially treated sewage” and “waters of the state.” The bill was referred to the Local Government Committee.



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

FEDERAL ACTIVITY

INFRASTRUCTURE SIP REQUIREMENTS FOR 2012 PM_{2.5} NAAQS—INTERSTATE TRANSPORT. EPA has issued a proposed rule to approve elements of a SIP revision submitted by the state of Minnesota ([83 FR 39970](#)). The SIP revision addresses CAA infrastructure requirements for the 2012 annual PM_{2.5} NAAQS. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. The proposed rule pertains specifically to infrastructure requirements concerning interstate transport provisions. The comment period closed 12 SEP 18.

PROPOSED RULE

UPDATE TO UST RULES. The Minnesota Pollution Control Agency has [proposed](#) (page 20) adopting amended UST rules. The rulemaking, known as the “UST update rules” would: (1) align state rules with federal requirements; (2) establish some stricter requirements; (3) reorganize the requirements for improved information grouping; (4) clarify language; and (5) update requirements to reflect current industry standards. Comments are due 11 OCT 18.



LEGISLATIVE SESSION: 2 JAN 18 THROUGH 31 DEC 18 (EST)

FEDERAL ACTIVITY

APPROVAL OF SULFUR DIOXIDE REGULATIONS. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Ohio addressing revised SO₂ regulations ([83 FR 40723](#)). Ohio updated its regulations to correct facility information and to add new emission limits for selected sources in Lake and Jefferson counties. The revised regulations do not impose substantive changes or additional emission restrictions upon the Ohio SIP except for the site-specific provisions that have been revised in response to Ohio's 2013 nonattainment area designations. EPA has proposed to approve the majority of the revised regulations the state submitted. The comment period closed 17 SEP 18.

ATTAINMENT PLAN FOR LAKE COUNTY SO₂ NONATTAINMENT AREA. EPA has issued a proposed rule to approve SIP revisions submitted by the state of Ohio ([83 FR 42235](#)). The SIP revisions address the state's plan for attaining the 1-hour SO₂ primary NAAQS for the Lake County SO₂ nonattainment area. The plan includes Ohio's attainment demonstration, enforceable emission limitations and control measures, and other CAA required elements. EPA has proposed that Ohio has appropriately demonstrated that the nonattainment plan provides for attainment of the 2010 1-hour primary SO₂ NAAQS in Lake County by the applicable attainment date and that the plan meets the other applicable CAA requirements. Comments are due 20 SEP 18.

FINAL RULE

AMENDMENTS TO PROFESSIONAL OPERATOR CERTIFICATION RULES. The Ohio Environmental Protection Agency's (OEPA), Division of Drinking and Groundwater has [adopted](#) revisions and a new rule to [Chapter 3745-7](#) of the Ohio Administrative Code (OAC) regarding professional operator certification. The revisions are, in part, a result of the five-year rule review requirements. The new rule establishes requirements for contracted professional operators and contract operations companies. A notice of the proposed rulemaking was published in the May 2018 *Northern Review*. The revisions and new rule became effective 15 AUG 18.

PROPOSED RULE

PETROLEUM UST RELEASE COMPENSATION BOARD RULES. The Ohio Petroleum Underground Storage Tank Release Compensation Board has [proposed](#) rules to amend their general provisions at [OAC 3737-1](#). The amendments address the financial assurance fund, corrective action costs, and fund eligibility. The comment period closed 11 SEP 18.

OTHER REGULATORY ACTIVITY

EARLY STAKEHOLDER OUTREACH—NUTRIENT TARGETS FOR LARGE RIVERS. OEPA has [requested public comment](#), as part of the early stakeholder outreach rulemaking stage, on a potential rulemaking to cover Ohio's standards for eutrophication endpoints in Ohio's Large River Assessment Units. In addition, a target phosphorus concentration is being considered for river segments that are over-enriched as demonstrated by the standard. Comments are due 26 SEP 18.



LEGISLATIVE SESSION: 16 JAN 18 THROUGH 7 JAN 19 (EST)

FEDERAL ACTIVITY

MODIFICATION OF GREENHOUSE GAS (GHG) LANGUAGE. EPA has issued a final rule approving a SIP revision submitted by the state of Wisconsin ([83 FR 37434](#)). The revision makes modifications to the language associated with how GHGs are evaluated in the PSD program. These revisions were made to reflect changes required by a 2014 U.S. Supreme Court decision. The final rule became effective 31 AUG 18.

RFP AND OTHER PLAN ELEMENTS FOR CHICAGO NONATTAINMENT AREA FOR 2008 OZONE STANDARD. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Wisconsin ([83 FR 40715](#)). The SIP revision addresses base-year emissions inventory, RFP, RFP contingency measure, NO_x RACT, and I/M CAA requirements for the Wisconsin portion of the Chicago-Naperville, IL-IN-WI nonattainment area for the 2008 ozone NAAQS. EPA has also proposed to approve the 2017 and 2018 transportation conformity MVEBs for the Wisconsin portion of the Chicago area for the 2008 ozone NAAQS. The comment period closed 17 SEP 18.

OTHER REGULATORY ACTIVITY

TRIENNIAL REVIEW OF WATER QUALITY STANDARDS. The Wisconsin Department of Natural Resources (WDNR) has [requested public comment](#) on a draft final document, [2018 – 2020 Triennial Standards Review \(TSR\) Priorities for the](#)

[Water Quality Standards Program](#). The draft document, part of the [triennial standards review](#), lists five water quality standards topics proposed as priorities for protecting Wisconsin's lakes and rivers. Specifically, these priorities relate to the protection of public health, recreation, fish and other aquatic communities within the state's waterbodies. WDNR has proposed revisions to some existing standards because of new information about levels of exposure to certain contaminants and to reflect changes in federal regulations or recommendations. Also under consideration is the development of standards for certain emerging contaminants that may need to be monitored and controlled to protect people and the environment. Within the draft document, perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) criteria development is listed under *Category B: Standards or guidance that are new priorities for the upcoming cycle*. A public hearing is scheduled for 21 SEP 18 and comments are due 5 OCT 18.

Federal Activity

AIR

ANNUAL AIR QUALITY REPORT. EPA has [announced](#) the release of its annual report on air quality, tracking the nation's progress in improving air quality since the passage of the CAA. The report, [Our Nation's Air: Status and Trends Through 2017](#), documents the considerable improvements in air quality across America over more than 45 years. The report highlights that, between 1970 and 2017, the combined emissions of six key pollutants dropped by 73 percent, while the U.S. economy grew more than three times. A closer look at more recent progress shows that between 1990 and 2017, average concentrations of harmful air pollutants decreased significantly:

- Sulfur dioxide (1-hour) ↓ 88 percent
- Lead (3-month average) ↓ 80 percent
- Carbon monoxide (8-hour) ↓ 77 percent
- Nitrogen dioxide (annual) ↓ 56 percent
- Fine Particulate Matter (24-hour) ↓ 40 percent
- Coarse Particulate Matter (24-hour) ↓ 34 percent and
- Ground-level ozone (8-hour) ↓ 22 percent

The report includes interactive graphics that enable citizens, policymakers, and stakeholders to view and download detailed information by pollutant, geographic location, and year.

GHG EMISSIONS FROM EXISTING ELECTRIC UTILITY GENERATING UNITS. EPA has proposed three distinct actions ([83 FR 44746](#)), including Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units. First, EPA has proposed replacing the Clean Power Plan (CPP) with revised emissions guidelines (the Affordable Clean Energy rule) that inform the development, submittal, and implementation of state plans to reduce GHG emissions from certain EGUs. In the proposed emissions guidelines, consistent with the interpretation described in the proposed repeal of the CPP, EPA has proposed determining that heat rate improvement measures are the best system of emission reduction for existing coal-fired EGUs. Second, EPA has proposed new regulations that provide direction to both EPA and the states on the implementation of emission guidelines. The new proposed implementing regulations would apply to this action and any future emission guideline issued under section 111(d) of the CAA. Third, EPA has proposed revisions to the New Source Review (NSR) program that will help prevent NSR from being a barrier to the implementation of efficiency projects at EGUs.

ENFORCEMENT

EPA SHIFTS FOCUS FROM ENFORCEMENT TO COMPLIANCE. EPA is preparing to rework the top priorities for the Office of Enforcement and Compliance Assurance (OECA), focusing the program on compliance rather than enforcement while boosting the roles of both states and other EPA program offices in selecting new initiatives. In an [August memo](#) to regional administrators, OECA chief Susan Bodine wrote that, as part of a broader emphasis on compliance assistance, her office is renaming the national enforcement initiative program as the national compliance program; extending the cycle for revising the initiatives from every three years to every four; and modifying the selection criteria for the next cycle to downplay many of the current initiatives that were chosen by the previous administration.

ENERGY

2017 WIND ENERGY MARKET REPORTS. The U.S. Department of Energy (DOE) has [released](#) three wind energy market reports demonstrating that as wind installations continue across the country and offshore wind projects move beyond the planning process, technology costs, and wind energy prices continue to fall. The reports cover three market sectors: land-based utility scale, distributed, and offshore wind.

- The [2017 Wind Technologies Market Report](#) found that in 2017, wind energy contributed 6.3 percent of the nation's electric supply, more than 10 percent in 14 states, and more than 30 percent in four of those states—Iowa, Kansas, Oklahoma, and South Dakota. The average installed cost of wind projects was down 33 percent from the peak in 2009-2010.
- The [2017 Distributed Wind Market Report](#) found that in 2017, Iowa, Ohio, and California led the nation in new distributed wind capacity. Thirty-five percent of distributed wind projects installed in 2017 were at homes, and 25 percent were agricultural installations.
- The [2017 Offshore Wind Technologies Market Update](#) reported that commercial-scale projects were competitively selected in Massachusetts (800 MW), Rhode Island (400 MW), and Connecticut (200 MW). New York, New Jersey, and Maryland have offshore wind development projects in the planning stages. Approximately 60 percent of the U.S. offshore wind resources lie in deep waters. Wind projects in deep waters require wind turbines on floating foundations. Floating wind projects have been proposed off the coasts of Maine, California, and Hawaii.

RENEWABLE FUEL STANDARD PROGRAM. EPA has determined that biodiesel and heating oil produced from distillers sorghum oil via a transesterification process, and renewable diesel, jet fuel, heating oil, naphtha, and liquefied petroleum gas produced from distillers sorghum oil via a hydrotreating process, meet the lifecycle GHG emissions reduction threshold of 50 percent required for advanced biofuels and biomass-based diesel under the Renewable Fuel Standard (RFS) program ([83 FR 37735](#)). Based on these analyses, EPA has added the pathways to the list of approved renewable fuel production pathways in the RFS regulations. EPA has also amended the RFS regulations by adding a new definition of "distillers sorghum oil," and replacing existing references to "non-food grade corn oil" with the newly defined term, "distillers corn oil." The final rule becomes effective 1 OCT 18.

NATURAL RESOURCES

DEPARTMENT OF INTERIOR REORGANIZATION. The U.S. Department of Interior (DOI) has announced a [reorganization plan](#) that would separate agency offices into 12 "Unified Regions" across the U.S. According to a 29 AUG 18 [internal communication](#), DOI Secretary Ryan Zinke said his aim is to reorganize management of the department through ecosystem and watershed boundaries rather than state lines as part of DOI's efforts to modernize. The [12 Unified Regions](#) replace 49 different regions within DOI, but the reorganization will not include the Bureau of Indian Affairs, the Office of the Special Trustee for American Indians, or the Bureau of Indian Education. Secretary Zinke said there would not be any office or personnel relocations during the initial implementation of the reorganization plan. Senior executives will be working in each Unified Region over the next few months to design core elements of its respective operations.

THREATENED AND ENDANGERED SPECIES

SPECIES STATUS REVIEWS FOR SOUTHEAST REGION. The U.S. Fish and Wildlife Service (FWS) has initiated five-year status reviews of 42 species under the ESA, including the Red-cockaded woodpecker ([83 FR 38320](#)). A five-year review is an assessment of the best scientific and commercial data available at the time of the review. FWS has requested submission of information that has become available since the last reviews of the species.

SPECIES STATUS REVIEWS FOR NORTHEAST REGION. FWS has initiated five-year status reviews of 19 northeastern species under the ESA, including the Bog turtle ([83 FR 39113](#)). A five-year review is an assessment of the best scientific and commercial data available at the time of the review. FWS requested submission of information that has become available since the last reviews of the species.

TOXICS

S. 3381 PFAS ACCOUNTABILITY ACT OF 2018. Encourages federal agencies to expeditiously enter into or amend cooperative agreements with states for removal and remedial actions to address per- and polyfluoroalkyl (PFAS) contamination in drinking, surface, and ground water, and land and subsurface strata. Introduced 23 AUG 18.

SIGNIFICANT NEW USE RULES FOR MULTIPLE CHEMICALS. EPA has issued direct final rules promulgating significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for a total of 191 chemical substances that were the subject of pre-manufacture notices with the follow Federal Register notices: [83 FR 37702](#) (145 chemicals); [83 FR 40986](#) (27 chemicals); [83 FR 43538](#) (19 chemicals). The chemical substances are subject to consent orders issued by EPA pursuant to section 5(e) of TSCA. This action requires persons who intend to manufacture, import, or process any of the chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the intended use within the applicable review period. Persons may not commence manufacture, importing, or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination. Barring adverse comment the direct final rules become effective 1 OCT 18 (83 FR 37702), 16 OCT 18 (83 FR 40986), and 26 OCT 18 (83 FR 43538).

DRAFT TOXICOLOGICAL PROFILES. The Agency for Toxic Substances and Disease Registry (ATSDR) has announced the availability of Set 29 Draft Toxicological Profiles for review and comment ([83 FR 37812](#)). These draft toxicological profiles represent ATSDR's best efforts to provide important toxicological information on priority hazardous substances. ATSDR is seeking public comments and additional information or reports on studies about the health effects of tribufos, bromodichloromethane, bromomethane, and 2-hexanone for review and potential inclusion in the profiles. Although ATSDR considers key studies for these substances during the profile development process, the Federal Register notice solicits any relevant, additional information. ATSDR will evaluate the quality and relevance of such data or studies for possible inclusion into the profile.

WATER

WATERS OF THE U.S. RULE REVIVED IN 26 STATES. A federal judge in South Carolina has issued a nationwide [injunction](#) on the Trump administration's delay of the 2015 Clean Water Rule, also known as the Waters of the U.S. (WOTUS) Rule. The decision in the U.S. District Court for the District of South Carolina means the Clean Water Rule is now the law in 26 states where district court judges have not stayed the regulation. The regulation redefined which wetlands and small waterways are covered by the Clean Water Act (CWA), but was delayed by the Trump administration rule in February 2018. In the Northern Region, the WOTUS rule is in effect in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia. A map showing where the rule is in effect is available [here](#).

ASSUMABLE WATERS. The U.S. Army Corps of Engineers (USACE) has issued a [memorandum](#) to assist states in determining waters over which they may assume responsibility to manage the CWA Section 404 dredge and fill permit

program, should they seek that authority. The memorandum describes waters over which USACE retains permitting authority, referred to as “non-assumable waters.” States may assume 404 permit authority for the remainder of waters, referred to as “assumable waters.” Under Section 404 of the CWA, a permit is required before dredged or fill material can be discharged into navigable waters or certain wetlands. To date, only Michigan and New Jersey have assumed administration of the Section 404 program. USACE retains permitting authority for the rest of the country. The memorandum expressly does not affect the scope of “waters of the United States” under the CWA. For additional information, click [here](#).

Department of Defense Activity

2019 NATIONAL DEFENSE AUTHORIZATION ACT. In August, President Trump signed the [John S. McCain National Defense Authorization Act for Fiscal 2019](#). Among provisions in the bill are those relating to energy security and resilience; PFAS in drinking water; the effect of wind farms on military operations; and the Readiness and Environmental Protection Integration Program:

- Section 312 addresses energy security and resilience by requiring DOD to set energy security and resilience metrics, report on energy security and resilience goals annually, and report on energy projects awarded during the reporting period and planned in the next two years;
- Section 315 directs DOD to fund a study conducted by ATSDR on the health implications of PFAS contamination in drinking water and to take certain actions after EPA sets a maximum contaminant level for PFAS in drinking water;
- Section 318 directs DOD to work with the National Oceanic and Atmospheric Administration (NOAA) to study the impact of wind farms on weather radar and military operations. The study, due to Congress in 2019, would focus on improving existing tools needed to validate mitigation options for weather radar; and
- Section 2827 clarifies that state-owned National Guard installations are military installations eligible for participation in military programs that limit encroachment under [10 USC 2684a\(a\)](#).

DEFENSE ENVIRONMENTAL PROGRAMS ANNUAL REPORT TO CONGRESS. The [Defense Environmental Programs Annual Report to Congress for Fiscal 2016](#) has been released. In fiscal 2016, DOD obligated approximately \$3.6 billion for its environmental programs. This includes \$1.6 billion for environmental restoration activities, \$1.8 billion for environmental quality activities, and \$189 million for environmental technology activities.

DOD ENERGY EFFICIENCY AND SUSTAINABILITY SCORECARD. DOD has released its sustainability [scorecard](#) and [data](#) for fiscal 2017. The scorecard uses the colors green, yellow, and red to illustrate DOD progress toward meeting various department goals for energy use intensity, efficiency, and renewable use; water efficiency; sustainable buildings; fleet management; and acquisition. The data for fiscal 2017 uses graphs to show progress over the years toward meeting goals. Information on other federal agency data, including data for USACE, which is reported separately from DOD, is available [here](#).

DOD STUDY—ACTIVE OPEN BURN/OPEN DETONATION SITES. DOD Office of Inspector General (OIG) has [announced](#) it will evaluate DOD compliance with relevant environmental and related laws, inter-agency and municipal agreements, and policy at sites where DOD conducts or conducted open burning of excess conventional ammunition and explosives at locations in the U.S. and its territories. OIG will also evaluate DOD oversight of contractors performing open burning at those sites. The project was initiated in response to congressional request.

LEAD-BASED PAINT IN MILITARY HOUSING. According to a [press release](#), U.S. Senators Tim Kaine (D-VA), David Purdue (R-GA), Mark Warner (D-VA), and Johnny Isakson (R-GA) sent a letter to the Secretary of the Army raising concerns about elevated levels of lead in housing on U.S. Army installations and its effect on the children of military families. The

letter asks for a detailed briefing about what the Army is doing to keep military families safe and what they need from Congress to address this problem.

Professional Development

DOD TRAINING SOURCES

2018 REPI WEBINAR SERIES (ONLINE). DOD's 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 Strategic Environmental Research and Development Program (SERDP) and Environmental Security Technology Certification Program (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.

NAVY AND ISEERB ENVIRONMENTAL TRAINING (CLASSROOM). Course topics in the Navy and 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

5-7 NOV 18, DENVER, CO: 2018 DESIGN AND CONSTRUCTION ISSUES AT HAZARDOUS WASTE SITES. The Society for American Military Engineers (SAME) and EPA are co-hosting the third symposium on design and construction issues at hazardous waste sites. The symposium in Denver, Colo., is designed to encourage dialogue and information sharing on design and construction issues relevant to hazardous waste sites in the western United States. The registration fee is waived for public agency/government employees.

WATER/WASTEWATER UTILITY ALL-HAZARDS BOOTCAMP TRAINING (ONLINE). Hosted by EPA, this training course is designed for water and wastewater employees responsible for emergency response and recovery activities. It also explains why and how to implement an all-hazards program, and will cover prevention and mitigation, preparedness, response, and recovery.

COOPERATIVE FEDERALISM WEBINAR (ONLINE). The Environmental Council of the States (ECOS) released a webinar, available on demand, highlighting ECOS' [paper](#) on Cooperative Federalism 2.0 and offering a deeper look into the EPA-state relationship.

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.

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). DOE'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 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 2019 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.

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) 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 presentations with slides and scripts. Each recorded session is approximately two hours long.

AVERT TUTORIAL (ONLINE). EPA launched its on-demand training on how to use its avoided emissions and generation tool (AVERT). AVERT estimates the potential of energy efficiency/renewable energy programs to displace electricity system-related SO₂, NO_x, and CO₂ emissions in the continental U.S. 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). The FEMP Training Search is 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 U.S. Video recordings with closed captioning are made available one to two weeks after each presentation.

BEST PRACTICES FOR COMPREHENSIVE WATER MANAGEMENT FOR FEDERAL FACILITIES TRAINING (ONLINE). The training is provided by FEMP and provides federal facility and energy managers with knowledge and skills to assist in meeting water-related legislative and executive order requirements. Participants develop skills in increasing water efficiency, and reducing water use through sound operations practices and water-efficient technologies. Water metering is covered, as well as life-cycle costing and establishing the overall economics for strategic water management.

UTILITY ENERGY PROJECT INCENTIVE FUNDS (ONLINE). This FEMP course teaches federal agency personnel about financing the capital costs of energy improvement projects from savings generated through energy efficiency measures funded by utilities, public benefit funds, and other resources. This training opportunity targets federal energy, environmental, and fleet professionals and is offered at no cost by leading experts. The training session is delivered live via satellite or through streaming media.

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

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

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How the Regional Offices Work for You

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

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

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

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