



Northern Review

of Legislative & Regulatory Actions

The U.S. Army Regional Environmental & Energy Office

April 2019

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. For installations that implement an environmental management system in accordance with ISO 14001 specifications, the content of the *Review* may help them identify emerging requirements.

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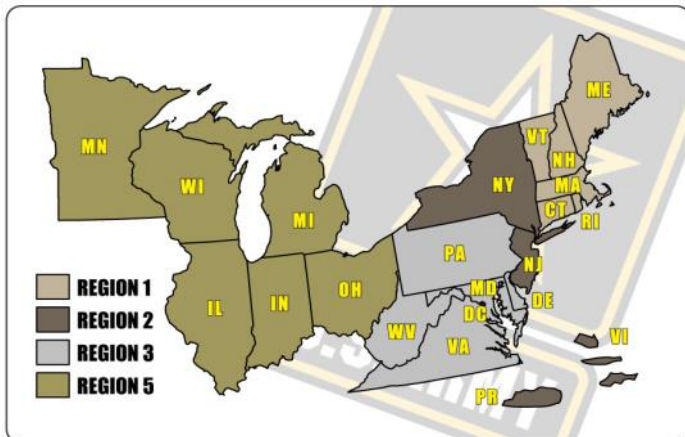


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2019 ARMY POSTURE STATEMENT

The Army Posture Statement is the Secretary of the Army and the Chief of Staff of the Army's written testimony to Congress on the state of the U.S. Army. The statement describes where the Army is and what the Army has done over the last year to support the National Defense Strategy.

The [2019 Army Posture Statement](#) explains the Army's budgetary needs to maintain its readiness, modernization, and reform initiatives in fiscal year 2020. It describes major elements of Army support to the Joint Force, ongoing modernization investments, and business reforms.

The Army has taken several measures to implement the National Defense Strategy:

- Readiness—Increased Army readiness and lethality by improving and expanding training, and by reorganizing to meet the challenges of great power competition.
- Modernization—Modernizing Army doctrine, equipment, and formations to extend its overmatch against near-peer competitors and adversaries as the character of war changes.
- Reform—Improving stewardship of taxpayer dollars by reforming its business practices to save money and reinvesting those savings into the Army modernization priorities.
- Allies and Partners—Strengthening America's network of allies and partners through combined training and security cooperation to build interoperability and trust.
- People and Values—Ensuring Soldiers and units are resilient and ready for combat while ensuring Army Families have what they need at home to thrive.

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: 9 JAN 19 THROUGH 8 JUN 19 (EST), SINE DIE
FEDERAL ACTIVITY

MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM CERTIFICATION. The U.S. Environmental Protection Agency (EPA) has issued a final rule approving State Implementation Plan (SIP) revisions submitted by the state of Connecticut ([84 FR 11884](#)). The SIP revisions are for the Greater Connecticut and the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, moderate ozone nonattainment areas under the 2008 Ozone National Ambient Air Quality Standard (NAAQS). The final rule approves the motor vehicle inspection and maintenance (I/M) program certifications contained within the revisions. The final rule becomes effective 29 APR 19.

PROPOSED LEGISLATION

HB 5910 LIMITING USE OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES IN CERTAIN PRODUCTS. HB 5910 limits the use of per- and polyfluoroalkyl substances (PFAS) in food packaging and firefighting foam. The bill establishes reporting requirements for the Connecticut Department of Health, and implementation timelines. The bill has been filed with the Legislative Commissioners' Office.

SB 47 PROHIBITION ON SALE AND USE OF CERTAIN PRODUCTS CONTAINING ASBESTOS. SB 47 prohibits the sale of goods and use of building materials containing asbestos. It prohibits introducing, or delivering for introduction, into commerce any item containing asbestos, except when the item is part of the sale or rental of real property. It also prohibits using any materials containing asbestos for building construction or repair. The bill was reported favorably out of the Legislative Commissioners' Office and placed on the Senate calendar.

OTHER REGULATORY ACTIVITY

DRAFT LONG ISLAND SOUND BLUE PLAN. The Connecticut Department of Energy and Environmental Protection (CDEEP) has [requested public comment](#) on the [draft Long Island Sound Blue Plan](#), the Long Island Sound Resource and Use Inventory, and other supporting documents. The Blue Plan is a marine spatial planning process for the Long Island Sound that was authorized by Connecticut Public Act 15-66. The draft document plans and accounts for both the existing human uses of the Sound and the habitats and natural resources needed for marine life to thrive in the Sound. Comments are due 21 JUN 19.

UPDATED SIGNIFICANT ENVIRONMENTAL HAZARD FORMS FOR SOIL AND DRINKING WATER. CDEEP has [issued](#) updated forms regarding notification of Significant Environmental Hazards (SEH) related to drinking water wells and soil. The forms are the preferred method of reporting follow-up actions on SEH conditions because they are designed to assist the environmental professional in providing a complete description of any continuing actions being taken to monitor, mitigate, or abate these types of SEH conditions. The updated forms were issued on 15 MAR 19.



LEGISLATIVE SESSION: 5 DEC 18 THROUGH 19 JUN 19 (EST), SINE DIE
PROPOSED LEGISLATION

LD 197 MORATORIUM ON LARGE-SCALE GROUNDWATER EXTRACTION. LD 197 imposes a two-year moratorium, beginning 1 NOV 19, on large-scale groundwater extraction. Specifically, the moratorium covers new contracts or agreements by a consumer-owned water utility, municipality, state agency, or other governmental entity involving the extraction of more than 75,000 gallons of groundwater during any week or more than 50,000 gallons of groundwater on any day. The bill also directs the commissioner of Maine Department of Environmental Protection (MDEP) to convene a working group to authorize a public trust for the state's groundwater. The bill was referred to the Environmental and Natural Resources Committee.

LD 1433 REDUCTION OF TOXIC CHEMICALS IN PACKAGING. LD 1433 prohibits the unnecessary addition of heavy metals, such as lead, mercury, cadmium, and hexavalent chromium, and other chemicals of concern, such as PFAS and phthalates, in packaging and packaging components. The bill was referred to the Environmental and Natural Resources Committee.

FINAL RULES

AMENDMENTS TO AMBIENT AIR QUALITY STANDARDS. MDEP has [adopted](#) (page 5) amendments to Chapter 110, *Ambient Air Quality Standards*. The amendments incorporate the current NAAQS for particulate matter (PM) and ozone, and update and align the state rules to provide consistency with the federal NAAQS. The amendments are required to satisfy the Clean Air Act (CAA) Section 110(a)(1) and (2) infrastructure requirements, and Prevention of Significant Deterioration (PSD) requirements. Once finalized, these amendments will be submitted to EPA for approval into Maine's SIP. The amendments became effective 27 MAR 19.

AMENDMENTS TO VISIBLE EMISSIONS REGULATION. MDEP has [adopted](#) revisions to Chapter 101, *Visible Emissions Regulation*. The revisions update language and requirements to bring the chapter in compliance with the SIP Call and CAA requirements. Chapter 101 was most recently updated in 2003. Since then, MDEP and EPA have identified several revisions that will provide greater clarity and flexibility to the regulated sources while accommodating real and unavoidable fluctuations in operations. A notice of the proposed amendments was published in the November 2018 *Northern Review*. The amendments became effective 10 MAR 19.



LEGISLATIVE SESSION: 2 JAN 19 THROUGH 7 JAN 21 (EST)
FEDERAL ACTIVITY

AIR PLAN APPROVAL. EPA has issued a final rule approving SIP revisions submitted by the commonwealth of Massachusetts ([84 FR 7299](#)). The revisions establish a 2011 base-year emissions inventory, an emissions statement certification, revisions to an existing stationary source registration program, and requirements to be undertaken during air pollution emergencies. These SIP revisions were submitted to meet CAA requirements with respect to EPA's 1997 Ozone, 2008 Ozone, and 2010 Sulfur Dioxide (SO₂) NAAQS. The final rule became effective 3 APR 19.

HIGH OCCUPANCY VEHICLE LANES. EPA has issued a final rule to approve a SIP revision submitted by the commonwealth of Massachusetts ([84 FR 10264](#)). The revision allows the Massachusetts Department of Transportation to construct and operate specified transit facilities and high occupancy vehicle lanes. This action should reduce vehicle miles traveled and

traffic congestion in the Boston Metropolitan Area. Massachusetts has adopted these revisions to reduce emissions of volatile organic compounds (VOCs), PM, and nitrogen oxides (NO_x). The final rule becomes effective 19 APR 19.

REGIONAL HAZE PROGRESS REPORT. EPA has issued a final rule to approve a SIP revision submitted by the commonwealth of Massachusetts ([84 FR 11885](#)). 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. EPA has issued a determination that the state's regional haze plan is adequate to meet these RPGs for the first implementation period through 2018 and requires no substantive revision at this time. The final rule becomes effective 29 APR 19.



LEGISLATIVE SESSION: 2 JAN 19 THROUGH 30 JUN 19 (EST), SINE DIE
FEDERAL ACTIVITY

STATE HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS. EPA has issued a proposed rule to authorize changes to the state of New Hampshire's hazardous waste program under the Resource Conservation and Recovery Act (RCRA) ([84 FR 7010](#)). The state applied to EPA for final authorization of the changes, and EPA determined that the changes satisfy all requirements needed for final authorization. The comment period closed 1 APR 19.

PROPOSED LEGISLATION

HB 614 PENALTIES AND FINES FOR AIR AND WATER POLLUTION. HB 614 increases penalties and fines for air and water pollution. The bill increases the maximum administrative fine that the commissioner of the New Hampshire Department of Environmental Services (NHDES) can impose for certain air and water pollution violations from \$2,000 to \$4,000. The bill also increases the maximum civil forfeiture penalty from \$25,000 to \$50,000 for each violation, and for each day of a continuing violation. The bill passed the House and was referred to the Senate Energy and Natural Resources Committee.

FINAL RULE

AMENDMENTS TO WINNIPESAUKEE RIVER BASIN PROGRAM RULES. NHDES has [adopted](#) amendments to Chapter Env-Wq 1200, *Winnepesaukee River Basin Program*. The amendments revise sewer use rules, requirements for discharges to a publicly owned treatment works, charges and billing procedures, industrial pretreatment requirements, commercial discharge requirements, prohibited discharges, and provisions relating to enforcement and notice of violations. The amendments became effective 19 MAR 19.



LEGISLATIVE SESSION: 9 JAN 19 THROUGH 12 MAY 20 (EST), SINE DIE
PROPOSED LEGISLATION

SB 30 REGULATION OF HYDROFLUOROCARBONS. SB 30 regulates the use of hydrofluorocarbons (HFCs). The bill requires, by 1 JUL 20, the secretary of the Vermont Agency of Natural Resources (VANR) to promulgate rules that implement requirements of the bill. The rules must establish a schedule to phase down the use of hydrofluorocarbons to meet the goal of a 40 percent reduction from the 2013 level of use by 2030. The bill also requires the secretary of VANR to submit a report on the rulemaking progress. The bill passed the Senate and was referred to the House Natural Resources, Fish, and Wildlife Committee.

SB 37 LIABILITY FOR TOXIC SUBSTANCE RELEASE. SB 37 holds any person who releases a toxic substance strictly, jointly, and severally liable for any harm resulting from the release. The bill also establishes a private right of action for medical monitoring damages incurred due to exposure to a toxic substance. The bill passed the Senate and was referred to the House Judiciary Committee.

FINAL RULE

STORMWATER PERMITTING RULE. VANR has [adopted](#) a rulemaking that updates and combines all the stormwater rules, except the Vermont Stormwater Management Manual, into one comprehensive rule, [Stormwater Permitting 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, 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. A notice of the proposed rulemaking was published in the September 2018 *Northern Review*. The rule became effective 15 MAR 19. Due to the adoption of the *Stormwater Permitting Rule*, VANR has repealed the previous Stormwater Management Rule, effective 15 MAR 19.

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.



LEGISLATIVE SESSION: 9 JAN 18 THROUGH 7 JAN 20

FINAL LEGISLATION

SB 1073 ALLOWANCE OF CERTAIN AUTHORITIES TO ESTABLISH STORMWATER UTILITIES. SB 1073 (Public Act: 42) authorizes municipalities, counties, and certain authorities to establish stormwater utilities. The bill permits municipalities and counties to finance the creation, operation, and maintenance of stormwater utilities through the imposition of user fees and the issuance of bonds. The bill also requires the New Jersey Department of Environmental Protection (NJDEP) to create a stormwater utility guidance manual to provide guidance to municipalities, counties, and authorities seeking to establish stormwater utilities. The bill was signed by the governor 18 MAR 19 and becomes effective 1 JUN 19.

PROPOSED LEGISLATION

AB 4550 (SB 3135) NEW JERSEY MILITARY ADVISORY BOARD. AB 4550 establishes the New Jersey Military Advisory Board within the New Jersey Department of State. The board will consist of 11 members and will act as a liaison between the executive branch, state and federal legislative branches, and the U.S. Armed Forces. The board's duty is to remain informed and engaged in the events and activities dealing with the military installations within the state, and their tenants, if applicable. The board will issue a report annually that will include a summary of the work performed by the board during the prior year, a detailed discussion of the board's policy recommendations, and a listing of any relevant pending legislation that the board believes should be enacted by the Legislature. The bill passed the Assembly and will be sent to the Senate.

AB 4772 (SB 3391) LEAD EDUCATION, ACCOUNTABILITY, AND DISCLOSURE ACT. AB 4772 requires public water systems to provide customers with certain information regarding lead in drinking water. The bill also requires NJDEP to develop three types of public notices about lead in drinking water and to publish them in the New Jersey Register. The bill was referred to the Appropriations Committee.

PROPOSED RULES

MCLs, GWQS, AND RELATED REQUIREMENTS FOR PFOA AND PFOS. NJDEP has [proposed](#) amendments to [multiple state regulations](#) regarding perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). The proposed amendments include:

- N.J.A.C. 7:10—*Safe Drinking Water Act Rules*: Establish, as recommended by the New Jersey Drinking Water Quality Institute, a maximum contaminant level (MCL) for PFOA of 0.014 micrograms per liter ($[\mu\text{g}/\text{l}]$) and an MCL for PFOS of 0.013 $[\mu\text{g}/\text{l}]$. PFOA and PFOS are part of a larger class of substances referred to as PFAS, which have been detected in drinking water supplies in New Jersey.
- N.J.A.C. 7:9E—*Private Well Testing Act Rules*: Require testing of private wells subject to sale or lease and to amend the Safe Drinking Water Act rules to require testing of newly constructed wells for public noncommunity water systems and nonpublic water systems for perfluorononanoic acid (PFNA), PFOA, and PFOS.
- N.J.A.C. 7:9C—*Ground Water Quality Standards*: Establish a specific ground water quality standard for PFOA of 0.014 $[\mu\text{g}/\text{l}]$ and a specific ground water quality standard for PFOS of 0.013 $[\mu\text{g}/\text{l}]$.
- N.J.A.C. 7:14A—*New Jersey Pollutant Discharge Elimination System Rules*: Add PFNA, PFOA, and PFOS to the permit application testing requirements/pollutant listings and the requirements for discharges to groundwater.
- N.J.A.C. 7:1E—*Discharges of Petroleum and Other Hazardous Substances Rules*: (1) Add PFOA and PFOS to the List of Hazardous Substances. PFOA and PFOS may be stored in multiple forms; therefore, the listing will reference these forms, which include acids, anions, salts, and esters. (2) Add PFNA's anionic form, salts, and esters to the List of Hazardous Substances.

A public hearing is scheduled for 15 MAY 19 and comments are due 31 MAY 19.

AMENDMENTS TO SURFACE WATER QUALITY STANDARDS. NJDEP has [proposed](#) amendments to the Surface Water Quality Standards, [N.J.A.C. 7:9B](#), to upgrade 749 river miles to the Category One (C1) antidegradation designation based on exceptional ecological significance and exceptional fisheries resource. The upgrade based on exceptional ecological significance protects water bodies with suitable habitat verified by NJDEP to support specified endangered and threatened species and exceptional aquatic community. NJDEP has additionally proposed to reclassify waters based on trout sampling data and to make other administrative changes to correct or clarify rule language. Comments are due 3 MAY 19.



LEGISLATIVE SESSION: 9 JAN 19 THROUGH 6 JAN 21 (EST)

PROPOSED LEGISLATION

AB 3658 AUTHORITY OVER FRESHWATER WETLANDS. AB 3658 amends the environmental conservation law, in relation to freshwater wetlands. The bill provides the New York State Department of Environmental Conservation (NYSDEC) with regulatory authority over freshwater wetlands of one acre or more in size and other wetlands of significant local importance. The bill was referred to the Ways and Means Committee.

SB 2842 (AB 5153) ELECTRONIC TRANSMISSION OF CERTAIN RULEMAKING NOTICES. SB 2842 authorizes state agencies to publish and transmit certain rulemaking notices by electronic means. The bill was referred to the Governmental Operations Committee.

SB 4180 CLIMATE ACTION COUNCIL. SB 4180 creates a Climate Action Council to set greenhouse gas emission reduction goals. The bill also codifies Executive Order No. 24, *Establishing a Goal to Reduce Greenhouse Gas Emissions Eighty Percent by the Year 2050 and Preparing a Climate Action Plan*, issued by Governor David A. Paterson in 2009. The bill was referred to the Environmental Conservation Committee.

PROPOSED RULES

AIR EMISSIONS REGULATION OF CLEANING SOLUTIONS CONTAINING VOCs. NYSDEC has [proposed](#) (page 2) amendments to Part 226 (Solvent Metal Cleaning Processes) and Part 221 (Permits and Registrations) of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR). The amendments to Part 226 reflect changes to the Ozone Transport Commission's model rule for solvent degreasing and incorporate federal Control Techniques Guidelines establishing Reasonably Available Control Technology (RACT) for VOCs emitted by industrial cleaning solvents. The amendments to Part 221 make corresponding changes to remove potential confusion with the proposed Part 226 revisions. Public hearings are scheduled for 22 and 24 MAY 19 and comments are due 29 MAY 19.

REGULATION OF VOCs IN AIM COATINGS. NYSDEC has [proposed](#) (page 4) amendments to air resources regulations at 6 NYCRR 200 (General Provisions) and 6 NYCRR 205 (Architectural and Industrial Maintenance (AIM) Coatings). The amendments set new and lower VOC limits for certain coating categories and update categories and methods. Public hearings are scheduled for 6 and 14 MAY 19 and comments are due 20 MAY 19.

Region 3

For more information or to comment on any state issues in Region 3, contact [Patrick Timm](#), Army Regional Environmental Coordinator, Region 3, (410) 278-6165.



LEGISLATIVE SESSION: 8 JAN 19 THROUGH 30 JUN 20 (EST)

OTHER REGULATORY ACTIVITY

UNDERGROUND STORAGE TANK (UST) SYSTEMS. The Delaware Department of Natural Resources and Environmental Control (DNREC) has [announced](#) that they will conduct a public workshop to publicly introduce their current efforts on revising several regulations. The regulations are: (1) [7 DE Admin. Code 1124](#) Section 26—*Gasoline Dispensing Facility Stage I Vapor Recovery*, and Section 36—*Vapor Emission Control at Gasoline Dispensing Facilities*; and (2) [7 DE Admin. Code 1351](#)—*Underground Storage Tank Systems*. The objectives of revising 7 DE Admin. Code 1124 Section 26 and Section 36 are to phase out Stage II vapor recovery systems at Delaware Gasoline Dispensing Facilities (GDFs); and to set up effective controls on vapor emission from GDFs' gasoline USTs after phasing out Stage II. The objective of revising 7 DE Admin. Code 1351 is to reflect advances in UST system technology and changes required due to promulgation of new federal UST regulations. The workshop is scheduled for 16 APR 19.



LEGISLATIVE SESSION: 2 JAN 19 THROUGH 31 DEC 20 (EST)

FEDERAL ACTIVITY

CORRECTIONS AND EMISSIONS STATEMENTS CERTIFICATION FOR 2008 OZONE NAAQS. EPA has issued a proposed rule to approve two SIP revisions submitted by the District of Columbia ([84 FR 7858](#)). The SIP revisions include a statement certifying that the District's existing SIP-approved emissions statements program satisfies CAA requirements for the 2008 Ozone NAAQS. Upon review, EPA found minor discrepancies between the SIP-approved provisions, and the current edition of the District of Columbia Municipal Regulations (DCMR). To correct these discrepancies and update the District's SIP, DC formally submitted a revised edition of the sections of the DCMR. EPA has proposed to approve the District's SIP with the current edition of these SIP-approved provisions. EPA has also proposed to approve the District's emissions statements program certification for the 2008 Ozone NAAQS. The comment period closed 4 APR 19.

NNSR REQUIREMENTS FOR 2008 OZONE NAAQS. EPA has issued a proposed rule to approve a SIP revision submitted by the District of Columbia ([84 FR 9995](#)). The revision is 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 is specific to nonattainment new source review (NNSR) requirements. Comments are due 18 APR 19.



LEGISLATIVE SESSION: 9 JAN 19 THROUGH 10 APR 19 (EST), SINE DIE

FEDERAL ACTIVITY

BASIC I/M PROGRAM CERTIFICATION FOR BALTIMORE NONATTAINMENT AREA FOR 2008 OZONE NAAQS. EPA has issued a proposed rule to approve a SIP revision submitted by the state of Maryland ([84 FR 9993](#)). The SIP revision addresses CAA requirements for the enactment of a vehicle emissions I/M program in the Baltimore area. Ambient air quality in this area has been classified by EPA as "Moderate" or higher nonattainment of federal Ozone NAAQS established in 2008. As required by CAA, the state must demonstrate that they have adopted a basic I/M program, or that the existing program meets all applicable federal requirements for a basic I/M program. Comments are due 18 APR 19.

PROPOSED LEGISLATION

HB 1233 REDUCTION OF LEAD RISK IN HOUSING. HB 1233 reduces the elevated blood lead level that initiates certain case management, notification, and lead risk reduction requirements in owner-occupied and affected properties. The bill requires the Maryland Department of Environment, by 1 JUL 20, to adopt regulations for conducting environmental investigations to determine lead hazards, as specified, and include a summary of the results of any environmental investigation conducted pursuant to the bill in its annual report on statewide childhood blood lead testing. The bill also modifies provisions regarding when an affected property owner is required to satisfy the modified risk reduction standard. The bill passed the House and was sent to the Senate Judicial Proceedings Committee.



LEGISLATIVE SESSION: 1 JAN 19 THROUGH 30 NOV 19

FEDERAL ACTIVITY

COMMERCIAL FUEL OIL SULFUR LIMITS FOR COMBUSTION UNITS IN PHILADELPHIA COUNTY. EPA has issued a proposed rule to approve a SIP revision submitted by the commonwealth of Pennsylvania ([84 FR 9991](#)). The revision updates Philadelphia County's portion of the Pennsylvania SIP, which includes regulations concerning sulfur content in fuel oil. Specifically, the revision implements lower sulfur fuel oil provisions in Philadelphia County, which will reduce the amount of sulfur in commercial fuel oils used in combustion units. This reduction will aid in reducing sulfates that cause decreased visibility. Comments are due 18 APR 19.

PROPOSED LEGISLATION

HB 674 MCLS FOR CERTAIN CHEMICALS. HB 674 amends the *Pennsylvania Safe Drinking Water Act*, providing for MCLs for certain chemicals. The bill requires the Pennsylvania Environmental Quality Board (PEQB) to adopt MCLs for "perfluorooctane" of five parts per trillion (ppt) and PFOA of five ppt. The bill was referred to the Environmental Resources and Energy Committee.

HB 675 ADDITION OF PFOS AND PFOA TO HAZARDOUS SUBSTANCE DEFINITION. HB 675 amends the state *Hazardous Sites Cleanup Act* by amending the definition of "hazardous substance." The bill includes PFOA and PFOS at the EPA health advisory level to the definition. The bill was referred to the Environmental Resources and Energy Committee.

FINAL RULE

WILDLIFE CLASSIFICATION—BIRDS AND MAMMALS. The Pennsylvania Game Commission has [adopted](#) amendments to 58 PA. Code, Chapter 133, relating to classification of birds and mammals. The amendments adjust the commonwealth's threatened and endangered species list for the peregrine falcon, piping plover, red knot, northern long-eared bat, little brown bat, and tri-colored bat. The amendments became effective 23 MAR 19.

PROPOSED RULES

CONTROL OF PM_{2.5} IN NONATTAINMENT NEW SOURCE REVIEW PROGRAM. PEQB has [proposed](#) amendments to Chapters 121 (general provisions); and 127, Subchapters E (new source review) and H (general plan approvals and operating permits). The amendments incorporate recently promulgated federal requirements for the regulation of VOC and ammonia as precursor emissions to the formation of fine particulate matter (PM_{2.5}). The proposed amendments also revise the application submission options for the use of general plan approvals and operating permits for portable sources. Comments are due 20 MAY 19.

AIR QUALITY FEE SCHEDULE AMENDMENTS. The Pennsylvania Department of Environmental Protection (PADEP) has [proposed](#) a rulemaking that amends existing and adds new requirements and fee schedules under 25 Pa. Code Chapter 127, Subchapter I (plan approval and operating permit fees). The updated fee schedule will ensure that the fees are sufficient to cover the costs of administering the plan approval application and operating permit process. The amendments increase fees for plan approval applications and for both Title V and Non Title V operating permits, as well as for the annual operating permit administration fee for both Title V and Non-Title V sources. The annual operating permit administration fee is proposed to be replaced with an annual operating permit maintenance fee that would be due on or before 31 DEC of each year. Comments are due 17 JUN 19.

WATER QUALITY MANAGEMENT (WQM) AND NPDES PERMIT APPLICATION AND ANNUAL FEES. PEQB has [proposed](#) amendments to [Chapters 91 and 92a](#). Chapter 91 establishes a WQM program for sewage and industrial waste

construction projects, discharges to groundwater through the land application of sewage and industrial wastes, and the use of pesticides in surface waters. Chapter 92a establishes a permit, monitoring, and compliance program for discharges to surface waters of the commonwealth under the Clean Streams Law, consistent with the NPDES permitting requirements of section 402 of the federal Clean Water Act (CWA). The amendments establish new fee schedules for WQM permit applications, NPDES permit applications, and NPDES annual fees; and make clarifications. A public hearing is scheduled for 1 MAY 19 and comments are due 14 MAY 19.

WATER QUALITY STANDARDS—CLASS A STREAM REDESIGNATION. PEQB has [proposed](#) to amend 25 Pa. Code, Chapter 93, relating to water quality standards. The amendments update the designated uses so that the surface waters of the commonwealth are afforded the appropriate level of protection. The amendments also consolidate and reformat portions of several drainage lists to address the continual changes and updates occurring to the National Hydrography Dataset flowline. The proposed 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. A public hearing is scheduled for 26 APR 19 and comments are due 7 MAY 19.



LEGISLATIVE SESSION: 9 JAN 19 THROUGH 23 FEB 19 (EST)

FINAL LEGISLATION

HB 1636 RESTRICTIONS ON USE OF UNMANNED AIRCRAFT SYSTEMS. HB 1636 (Public Act: 612) provides that any person who knowingly and intentionally causes an unmanned aircraft system (UAS) to take off or land in violation of current Federal Aviation Administration Special Security Instructions or UAS Security Sensitive Airspace Restrictions is guilty of a Class 1 misdemeanor. A notice of the bill's House passage was published in the February 2019 *Northern Review*. The bill was signed by the governor 19 MAR 19 and becomes effective 1 JUL 19.

HB 2403 EVALUATING PERMIT IMPACTS TO WETLANDS ON CASE-BY-CASE BASIS. HB 2403 (Public Act: 545) requires the State Water Control Board to evaluate Virginia Water Protection Permits mitigation options for impacts to wetlands on a case-by-case basis. The evaluation must consider which option is practicable and ecologically and environmentally preferable; including, in terms of replacement of acreage and functions, which option has the greatest likelihood of success and avoidance of temporal loss of acreage and function. The bill was signed by the governor 18 MAR 19 and becomes effective 1 JUL 19.

HB 2762 FIREFIGHTING FOAM MANAGEMENT. HB 2762 (Public Act: 838) prohibits, beginning 1 JUL 21, the use for training purposes or for testing, with some exceptions, of a class B firefighting foam that contains intentionally added PFAS chemicals, as defined by the bill. A notice of the bill's House passage was published in the February 2019 *Northern Review*. The bill was signed by the governor 3 APR 19 and becomes effective 1 JUL 19.

SB 1414 CREATION OF ADVISORY BOARD AND LAB TO MONITOR SWIFT PROJECT. SB 1414 (Public Act: 58) creates an advisory board and a laboratory to monitor the effects of the Sustainable Water Infrastructure for Tomorrow (SWIFT) Project being undertaken by the Hampton Roads Sanitation District. The advisory board (Potomac Aquifer Recharge Oversight Committee) is directed to ensure that the SWIFT Project is monitored independently. The laboratory (Potomac Aquifer Recharge Monitoring Laboratory) is tasked with monitoring the impact of the SWIFT Project on the Potomac Aquifer, managing testing data, and conducting water sampling and analysis. The bill also authorizes both the commissioner of the Virginia Department of Health and the Virginia State Water Control Board to issue emergency orders to halt injection or make any change to any facility of the SWIFT Project. The bill was signed by the governor 19 FEB 19 and becomes effective 1 JUL 19.

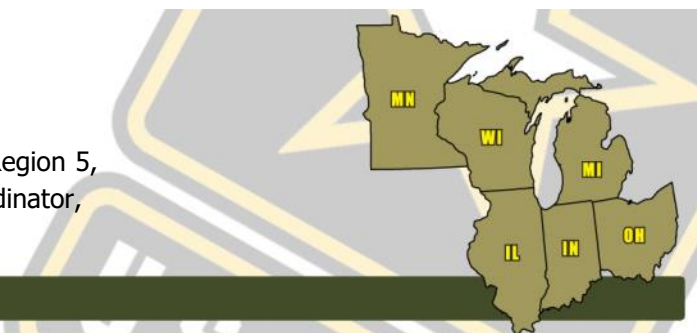
SB 1769 REQUIREMENTS FOR NET ENERGY METERING. SB 1769 (Public Act: 763) establishes requirements for net energy metering by electric cooperatives effective 1 JUL 19, or the effective date of implementing regulations by the Virginia State Corporation Commission, whichever is earlier. The bill was signed by the governor 21 MAR 19 and becomes effective 1 JUL 19.

FINAL RULE

VPDES GENERAL PERMIT FOR DISCHARGES RESULTING FROM APPLICATION OF PESTICIDES TO SURFACE WATERS. The Virginia Department of Environmental Quality has [reissued](#) with amendments a Virginia Pollutant Discharge Elimination System (VPDES) general permit (GP) for discharges from pesticides applied to surface waters to control pests or applied to control pests that are present in or over, including near, surface waters. The GP contains effluent limitations, monitoring requirements, and special conditions for discharges of pesticides to surface waters. The amendments change the effective dates, update definitions, provide clarification, and make minor changes to the duty to reapply and the transfer of permit coverage. No substantive changes are made to the existing regulation. The GP became effective 1 MAR 19.

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: 9 JAN 19 THROUGH 6 JAN 21 (EST)

FEDERAL ACTIVITY

REDESIGNATION OF ILLINOIS PORTION OF ST. LOUIS AREA TO ATTAINMENT OF 1997 PM_{2.5} ANNUAL STANDARD. EPA has issued a proposed rule to redesignate the Illinois portion of the St. Louis, MO-IL, nonattainment area to attainment for the 1997 PM_{2.5} annual NAAQS ([84 FR 10461](#)). The Illinois portion of the St. Louis area includes Madison, Monroe, and St. Clair counties, and Baldwin Township in Randolph County. EPA has determined that the St. Louis area is attaining the annual 1997 PM_{2.5} standard based on the most recent three years of certified air quality data. EPA has also proposed to approve a SIP revision for maintaining the 1997 annual PM_{2.5} NAAQS through 2030. Illinois' maintenance plan submission includes an updated emission inventory, which includes emission inventories for PM_{2.5}, NO_x, VOCs, and ammonia. The maintenance plan submission also includes motor vehicle emission budgets (MVEBs) for the mobile source contribution of PM_{2.5} and NO_x to the St. Louis PM_{2.5} area for transportation conformity purposes. EPA has proposed to approve and update both the emissions inventory and MVEBs. Comments are due 22 APR 19.

PROPOSED LEGISLATION

SB 1532 (HB 3445) REDUCTION OF LEAD SERVICE LINES ACT. SB 1532 creates the *Reduction of Lead Service Lines Act*. The bill requires owners and operators of community water supplies to: (1) create a comprehensive lead service line inventory; (2) provide notice to occupants of potentially affected residences and buildings of construction or repair work on water mains, lead service lines, or water meters; (3) prohibit partial lead service line replacements; and (4) create a lead service line replacement program. The bill was passed favorably out of the Environment and Conservation Committee.

SB 1847 NOTIFICATION REQUIREMENTS FOR NEW FACILITIES REQUIRING A PERMIT. SB 1847 amends the Environmental Protection Act by adding Section 9.12a, *Notice*. The bill requires the Illinois Environmental Protection Agency to meet certain notification requirements when a permit for a new facility is required. The bill passed the Senate and was referred to the House Rules Committee.

PROPOSED RULE

STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE. The Illinois Pollution Control Board has proposed amendments to [35 Ill. Adm. Code 723](#) (page 229), *Standards Applicable to Transporters of Hazardous Waste*. These amendments are a single segment of the docket [R19-11](#) rulemaking that also affects 35 Ill. Adm. Code [703](#), [720](#), [721](#), [722](#), [724](#), [725](#), [727](#), [733](#), and [739](#). The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by EPA from 1 JUL 81 through 31 DEC 18. The Code 723 amendments standardize the use of EPA Form 8700-12, which is the Site Identification Form. Comments are due 15 APR 19.



LEGISLATIVE SESSION: 3 JAN 19 THROUGH 21 APR 19, SINE DIE

FEDERAL ACTIVITY

ATTAINMENT PLAN FOR INDIANAPOLIS AND TERRE HAUTE SO₂ NONATTAINMENT AREAS. EPA has issued a final rule to approve a SIP revision submitted by the state of Indiana ([84 FR 10692](#)). The SIP revision addresses attainment of the 2010 SO₂ NAAQS for the Indianapolis (Marion County) 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 reasonable further progress toward attainment of the NAAQS; (2) reasonably available control measures and RACT; (3) emission inventories, and (4) contingency measures. The final rule becomes effective 22 APR 19.

VOLATILE ORGANIC LIQUID STORAGE TANK RULES. EPA has issued a proposed rule to approve SIP revisions submitted by the state of Indiana ([84 FR 8491](#)). The revisions address amendments to the Indiana Administrative Code rule titled "Volatile Organic Liquid Storage Vessels." This rule has been amended to: (1) allow sources to use an alternative inspection method to demonstrate compliance; (2) address an inconsistency in the language regarding the calculation of maximum true vapor pressure; (3) exempt sources complying with the National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements for storage tanks equipped with floating roofs; and (4) clarify language, update references, correct certain errors, and address standard language and style changes that have occurred since the rule was last revised. The comment period closed 8 APR 19.

PROPOSED LEGISLATION

SB 477 STORMWATER FEE EXEMPTIONS. SB 477 exempts certain properties from stormwater fee assessments. The bill states that municipal, county, or city departments that manage stormwater cannot assess or collect user fees for the operation and maintenance of a stormwater system with respect to: (1) property where religious services are held regularly; (2) property that belongs to a school corporation and is used for educational purposes; or (3) property that is assessed as agricultural land for property tax purposes. The bill was referred to the Utilities Committee.

OTHER REGULATORY ACTIVITY

NPDES GENERAL PERMITS. The Indiana Department of Environmental Management has [requested public comment](#) on draft rulemaking regarding NPDES General Permits. The draft rulemaking converts three existing general permits from permit-by-rule to administratively issued general permits: (1) Rule 5—*Stormwater Run-Off Associated with Construction*

Activity; (2) Rule 13—*Stormwater Run-Off Associated with Municipal Separate Storm Sewer System Conveyances*; and (3) Rule 14—*On-Site Residential Sewage Discharging Disposal Systems within the Allen County On-Site Waste Management District*. The conversion from permit-by-rule general permits to administratively issued general permits is intended to resolve issues raised by EPA. Comments are due 26 APR 19.



LEGISLATIVE SESSION: 9 JAN 19 THROUGH 31 DEC 20 (EST)

FEDERAL ACTIVITY

RESCISSION OF STATE AIR RULE. EPA has issued a final rule to approve the rescission of state rule 221 from the Michigan SIP ([84 FR 8610](#)). Rule 221 fell under Michigan's Part 2, *Air Use Approval*, rules and exempted sources that had significant net emission increases of SO₂, PM, and carbon monoxide (CO) from offset requirements. Michigan rescinded this rule in 1990. The final rule became effective 10 APR 19.

REVISIONS TO PART 1 GENERAL PROVISIONS RULES. EPA has issued a final rule to approve a SIP revision submitted by the state of Michigan ([84 FR 8809](#)). The SIP revision incorporates several amendments to Michigan's Air Pollution Control Rules in Part 1, *General Provisions*. The revisions include administrative changes to the existing rule. The final rule became effective 11 APR 19.

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 Michigan ([84 FR 8812](#)). The SIP revision addresses infrastructure requirements of CAA section 110 for the 2012 annual PM_{2.5} NAAQS. The revision pertains specifically to infrastructure requirements concerning interstate transport provisions. The final rule became effective 11 APR 19.

PERMIT TO INSTALL PUBLIC HEARING PROVISIONS. EPA has issued a proposed rule to approve certain SIP revisions submitted by the state of Michigan ([84 FR 11464](#)). The revisions address changes to the Permit to Install requirements for public participation of permitting actions. Additionally, the action contains changes to the rule which address permit emission limits that are enforceable as a practical matter. Comments are due 26 APR 19.

PROPOSED LEGISLATION

HB 4212 (SB 116) REMEDIAL ACTION CLEANUP CRITERIA. HB 4212 amends the state *Natural Resources and Environmental Protection Act* regarding cleanup standards. The bill requires, to the extent technically feasible, that remedial action taken on all or a portion of contamination at a facility meet the cleanup criteria for unrestricted residential use and restore any affected aquifer to state drinking water standards. If the unrestricted residential use criteria is technically infeasible, the remedial action must meet the technically feasible cleanup category with the most stringent cleanup criteria. The bill was referred to the Natural Resources and Outdoor Recreation Committee.

STATE EXECUTIVE ACTIVITY

EXECUTIVE REORGANIZATION OF DEPARTMENT OF ENVIRONMENTAL QUALITY. Michigan Governor Gretchen Whitmer has [issued](#) (page 54) Executive Order (EO) 2019-06, which restructures the state Department of Environmental Quality as the Department of Environment, Great Lakes, and Energy. The EO also creates new offices within the department, including the Office of the Clean Water Public Advocate, Office of the Environmental Justice Public Advocate, and Interagency Environmental Justice Response Team. The EO was issued on 15 MAR 19 and becomes effective 22 APR 19.



LEGISLATIVE SESSION: 8 JAN 19 THROUGH 21 MAY 19 (EST), SINE DIE

FEDERAL ACTIVITY

CISWI AND OSWI NEGATIVE DECLARATIONS FOR DESIGNATED FACILITIES AND POLLUTANTS. EPA has issued a final rule to notify the public that it has received negative declarations from Minnesota pertaining to the presence of Commercial and Industrial Solid Waste Incineration (CISWI) units and Other Solid Waste Incineration (OSWI) units in the state ([84 FR 8001](#)). The Minnesota Pollution Control Agency (MPCA) submitted its CISWI negative declaration 3 FEB 17, and its OSWI negative declaration 21 JUN 17. MPCA notified EPA in its negative declaration letters that there are no CISWI or OSWI units subject to the requirements of the CAA currently operating in Minnesota. The final rule became effective 5 APR 19.

PROPOSED LEGISLATION

HB 1239 REQUIREMENTS FOR TESTING AND PROTECTION OF SURFACE WATER. HB 1239 directs the Minnesota commissioner of the Department of Health to test for contaminants in surface water used as drinking water. The bill directs the commissioner to identify and implement source water protection strategies, and adopt health risk limits for certain substances. The bill also establishes reporting requirements for money appropriations. The bill was referred to the Ways and Means Committee.

HB 2276 (SB 2075) PROHIBITION ON TRICHLOROETHYLENE IN CERTAIN PRODUCTS. HB 2276 states that beginning 1 JAN 20, a person may not use trichloroethylene as a vapor degreaser, an intermediate chemical to produce other chemicals, a refrigerant, or an extraction solvent, or in any other manufacturing or cleaning process or use. The bill also prohibits a person from replacing trichloroethylene with a chemical identified as a chemical of high concern. The bill passed the House and was referred to the Senate Rules and Administration Committee.

HB 2513 CLASS 3 AND 4 WATER QUALITY STANDARDS. HB 2513 requires the commissioner of MPCA, by 1 JUL 20, to complete a rulemaking that amends or repeals the class 3 and class 4 water quality standards in Minnesota Rules, parts 7050.0223 and 7050.0224, subparts 2 to 4. The required rulemaking must be limited in scope to amending the water quality standards for agricultural, industrial, and wildlife beneficial use classifications. The bill also establishes actions that must be taken prior to completing the rulemaking. The bill was referred to the Environment and Natural Resources Policy Committee.

HB 2595 REGULATING PFAS USE IN FOOD PACKAGING. HB 2595 prohibits a person from manufacturing, knowingly selling, offering for sale, distributing for sale, or distributing for use in Minnesota food packaging to which PFAS have been intentionally added in any amount. The bill was referred to the Commerce Committee.

OTHER REGULATORY ACTIVITY

RULES GOVERNING WATER QUALITY STANDARDS—USE CLASSIFICATIONS 3 AND 4. MPCA has [requested public comments](#) (page 7) on planned amendments to water rules, *Minnesota Rules*, chapters 7050 and 7053. This rulemaking is referred to as the Water Quality Standards—Use Classifications 3 and 4 rule. Chapters 7050 and 7053 govern water quality standards for industrial (Class 3), and agricultural and wildlife (Class 4) usage. MPCA classifies water bodies according to the multitude of ways that waters are used, and sets water quality standards that protect Minnesota’s waters based on those beneficial uses. The amendments would update Class 3 and 4 water quality standards as well as the ways MPCA applies them. Comments are due 22 APR 19.



LEGISLATIVE SESSION: 7 JAN 19 THROUGH 31 DEC 20 (EST)

FEDERAL ACTIVITY

SIP REVISION FOR STATE AIR PERMITTING RULES. EPA has issued a final rule to approve a SIP revision submitted by the state of Ohio ([84 FR 8257](#)). The revision incorporates the air permitting rules at Ohio Administrative Code (OAC) 3745-31 into the SIP. These revisions represent minor changes to the air permitting rules that the Ohio Environmental Protection Agency (OEPA) adopted in 2016. The final rule became effective 8 APR 19.

REDESIGNATION OF LAKE COUNTY SO₂ NONATTAINMENT AREA. EPA has issued a proposed rule to redesignate the Lake County SO₂ nonattainment area from nonattainment to attainment ([84 FR 8492](#)). EPA has also proposed to approve Ohio's maintenance plan. EPA has approved Ohio's SIP for Lake County, and the air quality in the area is meeting the SO₂ standard. The comment period closed 8 APR 19.

OTHER REGULATORY ACTIVITY

EARLY STAKEHOLDER OUTREACH—BENEFICIAL USE DESIGNATION RULES. OEPA has [requested public comment](#), as part of the early stakeholder outreach rulemaking stage, on potential amendments to the Beneficial Use Designation rules in OAC Chapter 3745-1. OEPA is considering amendments to the following four rules: (1) 3745-1-11—Maumee River drainage basin; (2) 3745-1-12—Sandusky River drainage basin; (3) 3745-1-19—Huron River drainage basin; and (4) 3745-1-23—Portage River drainage basin. The comment period closed 8 APR 19.



LEGISLATIVE SESSION: 7 JAN 19 THROUGH TBD

PROPOSED LEGISLATION

AB 85 (SB 109) GROUNDWATER QUALITY STANDARDS FOR PFOA AND PFOS. AB 85 requires the Wisconsin Department of Health Services to establish state health-based groundwater quality standards for PFOA and PFOS. The bill was referred to the Environment Committee.

SB 91 (AB 113) TRADING WATER POLLUTION CREDITS THROUGH A CENTRAL CLEARINGHOUSE. SB 91 retains the existing water pollution credit trading program but adds two new options for facilitating trades through the program. Specifically, the bill authorizes trades to be facilitated by a third party or a clearinghouse operating under a contract negotiated by the Wisconsin Department of Administration. The bill sets forth requirements for the contract and duties of the clearinghouse. The bill also establishes a minimum credit trading ratio of 1.2 to 1 for trades through the clearinghouse and directs the Wisconsin Department of Natural Resources (WDNR) to allow clearinghouse-facilitated trades to be made over the largest geographic area allowed under state and federal law. The bill was reported favorably out of the Natural Resources and Energy Committee.

PROPOSED RULE

AMENDMENTS TO AIR PROGRAM PERMIT PROCESSES. WDNR has [proposed](#) amendments to the air pollution control rules in Chapters NR 400, 406 and 407. The [amendments](#) increase the operational efficiency for, and simplify, the air permitting process. A [public hearing](#) is scheduled for 17 APR 19 and comments are due 24 APR 19.

Federal Activity

AIR

REVIEW OF PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARDS FOR SULFUR OXIDES. EPA has issued a final rule announcing that based on its review of the air quality criteria addressing human health effects and the primary NAAQS for sulfur oxides (SO_x), EPA is retaining the current standard, without revision ([84 FR 9866](#)). The final rule becomes effective 17 APR 19.

EMISSIONS MONITORING PROVISIONS IN STATE IMPLEMENTATION PLANS. EPA revised some of the regulations that provide covered states greater flexibility concerning the form of the NO_x emissions monitoring requirements that the states must include in their SIPs for certain emissions sources ([84 FR 8422](#)). In this action, EPA revised rules that were originally promulgated in 1998 to implement the [NO_x SIP Call](#). Other revisions remove obsolete provisions and clarify the remaining regulations. This action amends existing regulatory requirements applicable to the SIPs of Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. The final rule was effective 8 MAR 19.

CLEAN AIR ACT CITIZEN SUIT—PROPOSED CONSENT DECREE. EPA issued notice of a proposed consent decree that would establish deadlines for EPA to review and revise if necessary the Furnaces and Bulk Gasoline NSPS at least every eight years; and to review and revise if necessary the Major Source Bulk Gasoline, Area Source Bulk Gasoline, Foundries, and Wood Preserving NESHAP no less often than every eight years under CAA section 112(d)(6) ([84 FR 7895](#)). The proposed consent decree would resolve a lawsuit filed by Our Children's Earth Foundation seeking to compel EPA to take action under the CAA to review the existing New Source Performance Standards (NSPS) and NESHAP governing several source categories. Comments were due 4 APR 19.

NEW EQUIVALENT METHOD FOR OZONE MEASUREMENT. EPA has designated one new equivalent method for measuring concentrations of ozone in ambient air ([84 FR 11973](#)). The new equivalent method for ozone is an automated method (analyzer) utilizing the measurement principle based on UV photometry. A list of all reference or equivalent methods previously designated by EPA is available [here](#).

ENERGY

ETHANOL-GASOLINE BLENDS. EPA has issued a proposed rule to allow gasoline blended with up to 15 percent ethanol (E15) to take advantage of the 1-psi Reid Vapor Pressure (RVP) waiver for the summer months. Historically, the waiver has been applied only to gasoline blended with 10 percent ethanol (E10) ([84 FR 10584](#)). Under the proposed rule, E15 could be sold year-round without additional RVP control, rather than just eight months of the year. EPA is also proposing regulatory changes to modify elements of the renewable identification number compliance system under the Renewable Fuel Standard program. A public hearing was held 29 MAR 19 and comments are due 29 APR 19. For more information, click [here](#).

AVERAGE USE CYCLES OR PERIODS OF USE IN DOE TEST PROCEDURES. The U.S. Department of Energy (DOE) has requested information to better understand the average use cycles or periods of use for products covered by DOE energy efficiency standards ([84 FR 9721](#)). DOE is considering whether test procedures for consumer appliances and industrial equipment could be improved to produce results that are more representative of average use cycles or periods of use. DOE's test procedures are required to be reasonably designed to produce test results that measure energy efficiency, energy use, water use, or estimated annual operating cost of covered products or equipment during a representative average use cycle or period of use, and they cannot be unduly burdensome to conduct. Comments are due 17 MAY 19.

HAZARDOUS MATERIALS

NEW MAILING STANDARDS FOR MAILPIECES CONTAINING LIQUIDS. The U.S. Postal Service has issued a final rule revising the Domestic Mail Manual, and 39 CFR Part 111, to clarify and supplement the mailing standards for mailpieces containing liquids ([84 FR 9716](#)). Current mailing standards require triple packaging only for “breakable” primary containers over four ounces. The revision requires mailers of all liquids in nonmetal containers and certain metal containers to provide triple packaging, including absorbent cushioning materials, sealed secondary packaging, and a strong outer mailing container. Breakable containers include those made of glass, plastic, porcelain, and earthenware. Metal containers with pull-tabs or friction-top closures, having a capacity of more than four fluid ounces, must be triple-packaged. The final rule became effective 28 MAR 19.

NATURAL RESOURCES

NATIONAL CONSERVATION PRACTICE STANDARDS. The Natural Resource Conservation Service will review the national conservation practice standards in the National Handbook of Conservation Practices and is requesting comments from the public about how to improve conservation practice standards ([84 FR 8663](#)). Comments are due 25 APR 19.

S. 47 JOHN D. DINGELL, JR. CONSERVATION, MANAGEMENT, AND RECREATION ACT. This bill addresses provisions regarding various programs, projects, activities, and studies for the management and conservation of natural resources on federal lands, including multiple land withdrawals, conveyances, and boundary adjustments. The bill also provides for a desert tortoise conservation center, wildlife habitat and conservation, and endangered fish recovery programs. The bill became law 12 MAR 19.

THREATENED AND ENDANGERED SPECIES

GRAY WOLF. The U.S. Fish and Wildlife Service (FWS) is proposing to remove the [gray wolf](#) (*Canis lupus*) from the List of Endangered and Threatened Wildlife ([84 FR 9648](#)). The gray wolf is currently listed as endangered (threatened in Minnesota) in the contiguous United States and Mexico. The proposed removal is based on recovery of the species. The proposed rule does not have any effect on the separate listing of the Mexican wolf (*Canis lupus baileyi*) as endangered. Comments are due 14 MAY 19.

TOXICS

HEXAVALENT CHROMIUM. EPA released the *Systematic Review Protocol for the Hexavalent Chromium (Cr(VI)) Integrated Risk Assessment Protocol (IRIS) Assessment* ([84 FR 9516](#)). The document communicates the rationale for conducting the assessment of Cr(VI), describes screening criteria to identify relevant literature, outlines the approach for evaluating study quality, and describes the process of evidence synthesis/integration and dose-response methods. The protocol includes the list of studies currently considered in the IRIS assessment. A public science webinar is scheduled for 24 APR 19. Comments on the IRIS assessment are due 29 APR 19. For more information about the Cr(VI) IRIS assessment, click [here](#).

CONSUMER SALE OF PAINT REMOVERS WITH METHYLENE CHLORIDE BANNED. EPA issued a final rule prohibiting the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use ([84 FR 11420](#)). EPA has taken this action because of fatalities that have resulted from exposure to the chemical. Paint removal products containing methylene chloride may not be sold at any retail or distribution establishments that have consumer sales, including e-commerce sales. Those prohibitions start 180 days after the effective date of the final rule, which provides time for establishments selling this chemical to consumers to come into compliance with EPA’s ban. EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep basic records. In a related matter, EPA is also soliciting public input for a future rulemaking that could establish a training, certification, and limited access program for methylene chloride for commercial uses ([84](#)

[FR 11466](#)). EPA is asking for input on the key elements required for such a program; comments are due 28 MAY 19. The final rule becomes effective 28 MAY 19.

2017 TOXIC RELEASE INVENTORY. EPA has made available the 2017 Toxics Release Inventory data and analyses. EPA notes significant reductions in the 10-year period from 2007 to 2017, adding that "Almost every sector reduced its releases to air, with the largest reduction coming from the electric utilities sector." An executive summary, full report, and summary data are available [here](#).

SIGNIFICANT NEW USE RULES ON CERTAIN CHEMICAL SUBSTANCES. EPA has issued proposed significant new use rules under the Toxic Substances Control Act (TSCA) for 28 chemical substances that were the subject of premanufacture notices ([84 FR 9999](#)). The chemical substances are subject to consent orders issued by EPA pursuant to section 5(e) of TSCA. This action would require persons who intend to manufacture, import, or process any chemical substances for an activity that is proposed as a significant new use 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. Comments are due 3 MAY 19.

INITIATION OF PRIORITIZATION UNDER TSCA. EPA, as required under TSCA and related implementing regulations, has initiated the prioritization process for 20 chemical substances as candidates for designation as High Priority Substances for risk evaluation, and for 20 chemical substances as candidates for designation as Low Priority Substances for risk evaluation ([84 FR 10491](#)). The Federal Register notice provides the identity of the chemical substances being initiated for prioritization, a general explanation of why EPA chose these chemical substances, and information on the data sources EPA plans to use to support the designation. Comments are due 19 JUN 19.

GAO REPORT—TSCA ASSESSMENTS. The Government Accountability Office (GAO) issued the report, *Status of EPA's Efforts to Produce Assessments and Implement the Toxic Substances Control Act* ([GAO-19-270](#)). The report describes the extent to which EPA's IRIS program has addressed identified challenges and made progress toward producing chemical assessments, and implementing TSCA. GAO found that EPA made improvements in timeliness and transparency of its assessment process until May 2018, when progress stalled.

LITHIUM BATTERY AIR TRANSPORT. The Pipeline and Hazardous Materials Safety Administration issued an interim final rule (IFR) revising the Hazardous Materials Regulations for lithium cells and batteries transported by aircraft ([84 FR 80016](#)). The IFR prohibits the transport of lithium-ion cells and batteries as cargo on passenger aircraft; requires lithium-ion cells and batteries to be shipped at not more than a 30 percent state of charge aboard cargo-only aircraft when not packed with or contained in equipment; and limits the use of alternative provisions for small lithium cell or battery shipments to one package per consignment. The IFR does not restrict passengers or crew members from bringing personal items or electronic devices containing lithium cells or batteries aboard aircraft or restrict cargo-only aircraft from transporting lithium-ion cells or batteries at a state of charge exceeding 30 percent when packed with or contained in equipment or devices. The interim final rule was effective 6 MAR 19. Comments are due 6 MAY 19.

HR 535. The PFAS Action Act of 2019 would require EPA to designate PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Introduced.

HR 7284. The PFAS Detection Act of 2018 would require the U.S. Geological Survey to perform a nationwide survey of perfluorinated compounds in estuaries, lakes, streams, springs, wells, wetlands, rivers, aquifers, air, and soil using a performance standard developed in accordance with the act. Introduced.

WASTE

LIQUIDS MANAGEMENT AT MUNICIPAL SOLID WASTE LANDFILLS—COMMENT PERIOD EXTENDED. In December 2018, EPA issued an [advance notice of proposed rulemaking](#) to solicit comment on potential revisions to the criteria for municipal

solid waste landfills and associated issues related to advances in liquids management. The comment period has been extended to 10 MAY 19 ([84 FR 8496](#)).

Department of Defense Activity

SUPPLY CHAIN MATERIEL MANAGEMENT POLICY. [DOD Instruction \(DODI\) 4140.01](#), DOD Supply Chain Materiel Management Policy, was released effective 6 MAR 19. The DODI establishes policy and assigns responsibilities for management of materiel across the DOD supply chain.

REASSIGNMENT OF ARMY INSTALLATION MANAGEMENT COMMAND. Effective 1 MAR 19, Army Installation Management Command (IMCOM) together with its subordinate element (U.S. Army Environmental Command) authorities, responsibilities, personnel, and resources (including funding and equipment) is discontinued as a direct reporting unit to the Chief of Staff, Army, and is reassigned as a major subordinate command of U.S. Army Materiel Command ([GO 2019-13](#)).

Professional Development

DOD TRAINING SOURCES

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM). USACE announces course availability for the Fiscal 2019 PROSPECT (i.e., [Proponent-Sponsored Engineer Corps Training](#)) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and [schedule](#) for details. Environmental courses include, but are not limited to:

- CERCLA/RCRA Process (Course Control Number (CCN) [356](#))
- Environmental Laws and Regulations (CCN [170](#))
- Environmental Regulations Practical Application Course (CCN [398](#))
- Environmental Remediation Technologies (CCN [395](#))
- Hazardous Waste Manifesting/DOT Certification (CCN [223](#))
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN [429](#))
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Radioactive Waste Transport (CCN [441](#))
- The Complete RCRA Course (Hazardous Waste Generation, Management, and Corrective Action) (CCN [226](#))

2019 REPI WEBINAR SERIES (ONLINE). DOD's Readiness and Environmental Protection Integration (REPI) Program announced the [2019 REPI Webinar Series schedule](#). The webinars showcase best practices and lessons learned from REPI partnerships nationwide that support military missions and accelerate the pace of conservation. Unless otherwise noted, all webinars begin at 1:00 p.m. Eastern Time.

- 5 JUN 19: [Leveraging the New REPI Installation Resiliency Authority](#)
- 10 JUL 19: [How to Obtain Regulatory Relief for Endangered Species without Purchasing a Real Estate Interest](#)
- 28 AUG 19: [REPI and the National Defense Strategy: Rebuilding Readiness by Protecting Key Capabilities](#)
- 9 OCT 19: [Measuring Impacts: Developing Mission Benefit Metrics](#)

- 27 NOV 19: [REPI and the Farm Bill](#)
- 8 JAN 20: [How to Introduce Local Businesses into your REPI Partnership](#)

(NEW) AIR FORCE REGIONAL ENVIRONMENTAL SUMMITS. The Air Force invites attendees to their Regional Environmental Restoration Summits to join the environmental restoration conversation with regulatory partners in EPA Regions 1, 2, 3, 4, and 5. Upcoming Air Force Summits are as follows:

- 22-23 MAY 19: Western Summit, Phoenix, Arizona
- 26-27 JUN 19: Central Summit, New Orleans, Louisiana
- 24-25 JUL 19: Eastern Summit, Chicago, Illinois

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

19-23 MAY 19, BALTIMORE, MARYLAND: 2019 NAEP ANNUAL CONFERENCE. The National Association of Environmental Professionals (NAEP) is hosting the 2019 annual conference. This year's theme is *The Environmental Landscape in the Age of Infrastructure Modernization*. The conference will bring environmental professionals from across the U.S. to learn about new projects, share technical knowledge, and network with other industry professionals. The 2019 schedule features several tracks, including: National Environmental Policy Act (NEPA) Practice, Infrastructure Upgrades and the Environment, Remediation, Planning and Permitting, Cultural and Historic Resources, Chesapeake Bay, Living Shorelines, and International Environmental Management.

21-22 MAY 19, CHAMPAIGN, ILLINOIS: 2019 EMERGING CONTAMINANTS IN THE ENVIRONMENT CONFERENCE. The Illinois Sustainable Technology Center and the Illinois-Indiana Sea Grant are cohosting the conference. The conference will expand beyond the aquatic environment to also include air and soil studies along with effects on human and animal health. The conference will feature presentations on the latest in emerging contaminant research, policies, and outreach.

STATE ENVIRONMENTAL JUSTICE TRAINING WEBINAR SERIES. EPA has launched a new State Environmental Justice Training Webinar series. This initiative is a strategic investment by EPA to build long-term capacity for environmental justice practitioners working at the state level. Registration is required and free of charge.

QUALITY CONSIDERATIONS FOR MUNITIONS RESPONSE SITES (ONLINE). The Interstate Technology and Regulatory Council (ITRC) has released an on-demand training video that provides a 30-minute introductory overview of ITRC's [Quality Considerations for Multiple Aspects of Munitions Response Sites](#) guidance document. The training explains the decision logic used throughout a munitions response (MR) project and assists in developing the quality assurance and quality control activities that ensure quality data and confidence in decisions. The training provides an overview of the MR process and identifies specific quality considerations at critical decision points for MR projects.

EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY (ONLINE). Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of live and archived webinars. Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES (ONLINE). The two-hour course provides staff involved in specifying and purchasing with a thorough introduction to compliance requirements, processes, and tools for procuring sustainable products and services. Participants will receive specific guidance in how to meet executive order and Federal Acquisition Regulation requirements and understand how sustainable acquisition benefits their agency, community, and the environment.

SUSTAINABLE ACQUISITION TRAINING RESOURCES (ONLINE). The interagency federal Sustainable Acquisition & Materials Management Practices Workgroup compiled a spreadsheet of sustainable acquisition training resources developed or hosted by federal agencies that are available to government employees, businesses, and non-governmental organizations.

FEMP eTRAINING COURSES (ONLINE). DOE's Federal Energy Management Program (FEMP) offers interactive, eTraining courses to help federal agencies develop core competencies and comply with energy efficiency, renewable energy, water management, and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide to host these comprehensive, FEMP-developed eTraining courses.

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 (FWS).

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 serve within the Army's Facilities Policy Division of the Office of the Assistant Chief of Staff for Installation Management.

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 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. The ITRC PFAS team has planned a series of training events led by experts from state and federal agencies, academia, and private industry. Upcoming event locations include Baltimore (15 APR 19) and St. Louis (10 MAY 19). Information on the PFAS training can be found [here](#).

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.

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.

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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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