



# Northern Review

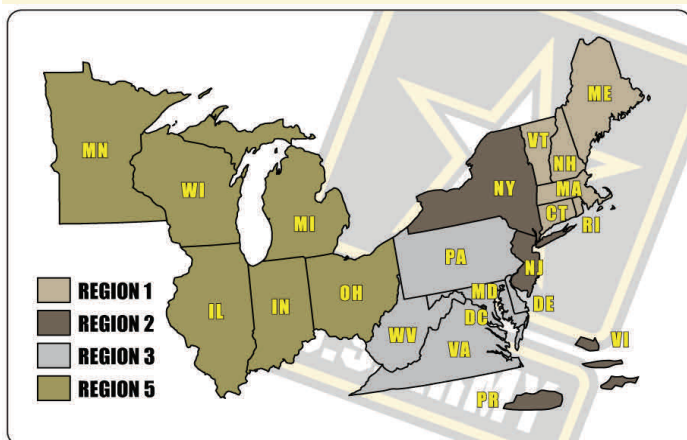
## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

September 2013

The **NORTHERN REVIEW** provides current information on state and local environmental, energy, land use, and related legislative and regulatory activities relevant to Department of Defense interests in the 22 states and territories in Federal Regions 1, 2, 3 and 5. The Review is intended to be a tool useful to DOD and Army leaders, planners, and program managers in carrying out their responsibilities including meeting legal criteria of ISO 14001. The Northern Review monitors and targets proposed and final regulations and legislation that may affect Army or DOD operations. Click here for information on the [Army's Regional Environmental and Energy Offices](#).



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## What's In This Review?

### Region 1

In CT, proposed amendments to the ambient air quality standards and TMDLs for 43 estuary segments. In MA, an increase in certain compliance and permit fees. In NH, proposed revisions to the public water system operation and maintenance requirements.

### Region 2

In NY, a draft conservation management plan for the Sauger perch and an expansion of the current emerald ash borer quarantine area.

### Region 3

In DE, new laws establishing a state Wetlands Advisory Committee and revised sediment and stormwater regulations; and adopted revisions to the sediment and stormwater regulations. In DC, a new Clean Rivers Impervious Surface Area Charge Incentive Program. In MD, finalized amendments to the air quality permits, approvals, and registration regulations. In VA, expansion of air quality regulations to reduce VOC emissions. In WV, amendments to the rules governing state certification of federal licenses and permits and new rules for the transportation of hazardous wastes on roads and highways.

### Region 5

In IL, new laws amending the infectious medical waste rules, wind energy systems rules, air permit renewal process rules, and creating the Lake Michigan Wind Energy Act; plus, finalized amendments to the air quality standards. In IN, new solid waste management regulations addressing spent lead acid batteries. In MI, the redesignation of the Detroit-Ann Arbor nonattainment area. In MN, updates to the T & E List. In OH, amendments to the open burning in unrestricted areas regulations. In WI, revisions to the investigation and cleanup of contaminated properties regulations, and a draft nutrient reduction strategy.

### DOD Activity

Call for nominations for the FY 2013 Secretary of the Army Environmental Awards, and Army's plans to expand Net Zero effort best practices.

### Federal Activity

USEPA finalizes 2010 primary SO<sub>2</sub> NAAQS air quality designations, revisions to the definition of VOCs, and electronic reporting of TRI data. USFWS finalizes revisions to the impact analyses of critical habitat rules.

# Region 1

For more information on any state issues in Region 1, contact [Bob Muhly](#), Army Regional Environmental Coordinator, Regions 1 & 2, (410) 278-6140.



**Legislature convened 9 JAN 13 and adjourned sine die 5 JUN 13.**

## **FEDERAL ACTIVITY**

**CONTROL OF VISIBLE EMISSIONS, RECORD KEEPING AND MONITORING REGULATIONS** USEPA has issued a proposed rule to approve State Implementation Plan (SIP) revisions submitted by the state of Connecticut ([78 FR 49701](#)). The revisions update Connecticut's visible and particulate-matter (PM) emissions, record keeping and monitoring regulations. The revised regulations establish and require limitations on visible and PM emissions for stationary sources, and clarify reporting requirements for the operation of air-pollution-control and monitoring equipment. Comments are due by 16 SEP 13.

## **PROPOSED RULES**

**AMENDMENTS TO THE AMBIENT AIR QUALITY STANDARDS** The Connecticut Department of Energy and Environmental Protection (CDEEP) has [proposed](#) amendments to the ambient air quality standards (AAQS) at the Regulations of Connecticut State Agencies (RCSA) section 22a-174-24. The amendments incorporate updated USEPA standards, bring state standards in line with federal standards, and correct regulatory references. The amendments also clarify that the AAQS are relevant to emissions from stationary sources regardless of whether the source is subject to an individual air quality permit or not. Upon adoption, the amended regulations will be submitted to USEPA as a SIP revision. Comments are due by 10 OCT 13.

**SULFUR CONTENT OF FUEL USED IN STATIONARY SOURCES OF AIR POLLUTION** CDEEP has [proposed](#) amending the regulations governing the sulfur content of fuel used in stationary sources of air pollution (RCSA 22a-174-19). The proposed amendments: (1) adopt a new section, 22a-174-19b, governing fuel sulfur content restrictions for distillate, residual, kerosene, and aviation fuels used in all non-mobile equipment for purposes other than heating; (2) eliminate less stringent fuel sulfur content restrictions (section 22a-174-19); and (3) remove outdated provisions in section 22a-174-19a, without changing the current requirements regulating sulfur dioxide (SO<sub>2</sub>) emissions from large electric generating units and industrial boilers. Upon adoption, the amended regulations will be submitted to USEPA as a SIP revision. Comments are due by 10 OCT 13.

## **OTHER REGULATORY ACTIVITY**

**TMDLS FOR 43 ESTUARY SEGMENTS** CDEEP has issued a [notice](#) that five Total Maximum Daily Load (TMDL) documents are proposed for 43 estuary segments in municipalities on the Connecticut shoreline. The affected municipalities include: Branford, East Haven, Guilford, Madison, Clinton, Westbrook, New London, Groton, and Stonington. The TMDLs will be posted as additional appendices to the previously approved Statewide TMDL for Bacteria-Impaired Waters. The comment period closed on 9 SEP 13.

**REISSUE OF GENERAL PERMIT FOR CONTAMINATED SOIL AND/OR SEDIMENT MANAGEMENT** CDEEP has issued a [notice of intent](#) to reissue, without modifications, the General Permit (GP) for Contaminated Soil and/or Sediment Management (Staging and Transfer). The existing GP expired on 11 SEP 13 and the new GP is effective for five years. Current, valid registrations under the existing GP have been extended to the date two years from the initial registration. Comments are due by 14 SEP 13.



Legislature convened 5 DEC 12 and adjourned sine die 19 JUN 13.

#### **FEDERAL ACTIVITY**

**PROPOSED APPROVAL FOR NITROGEN OXIDES EXEMPTION AND OZONE TRANSPORT REGION RESTRUCTURING** USEPA has issued a proposed rule to approve a request, from the state of Maine, for an exemption from the nitrogen oxides (NO<sub>x</sub>) emissions control requirements of the Clean Air Act (CAA) for the 2008 8-hour ozone national ambient air quality standards (NAAQS) (**78 FR 47253**). The proposed approval is based on a technical demonstration showing that Maine's NO<sub>x</sub> emissions are not having a significant adverse impact on the ability of any nonattainment area located in the Ozone Transport Region (OTR) to attain the ozone standards. Additionally, USEPA has also proposed approval for a state request for "limited opt-out" or "restructuring" of CAA OTR requirements pertaining to nonattainment New Source Review (NSR) permitting applicable to major new and modified stationary sources of volatile organic compounds (VOC). The comment period closed on 4 SEP 13.



Legislature convened 2 JAN 13 and adjourns sine die 31 DEC 13.

#### **FEDERAL ACTIVITY**

**REGULATIONS LIMITING EMISSIONS OF VOCs AND NO<sub>x</sub>** USEPA has issued a proposed rule to approve SIP revisions submitted by the commonwealth of Massachusetts (**78 FR 46552**). The revisions update existing air pollution control requirements for stationary sources of VOCs and NO<sub>x</sub>. The comment period closed on 3 SEP 13.

#### **FINAL RULES**

**TIMELY ACTION SCHEDULE AND FEE PROVISIONS** The Massachusetts Department of Environmental Protection (MassDEP) has **adopted** emergency regulations amending the timely action schedule and fee provisions at 310 CMR 4.00 et seq. MassDEP was required by the Fiscal Year 2014 General Appropriations Act, to promulgate emergency regulations that increase certain existing permit or compliance fees to reflect the increase in the consumer price index since 2004. The emergency regulations became effective on 8 AUG 13.

#### **OTHER REGULATORY ACTIVITY**

**DRAFT MASSACHUSETTS INFRASTRUCTURE SIPS** MassDEP has **released** three proposed Certifications of Compliance for the CAA Sections 110(a)(1) and (2) SIP requirement. MassDEP is required to submit a SIP that provides for the implementation of a new or revised NAAQS or certify that the existing SIP is adequate for this purpose. In the three certifications, MassDEP demonstrates that the existing Massachusetts SIP meets the basic or infrastructure requirements for the 2008 ozone NAAQS, 2010 nitrogen dioxide (NO<sub>2</sub>) NAAQS, and 2010 SO<sub>2</sub> NAAQS. The certifications will be submitted to USEPA for inclusion in the SIP. Comments are due by 16 SEP 13.



Legislature convened 2 JAN 13 and adjourned sine die 30 JUN 13.

#### **PROPOSED RULES**

**PUBLIC WATER SYSTEM GENERAL OPERATION AND MAINTENANCE REQUIREMENTS** The New Hampshire Department of Environmental Services (NHDES) has **proposed** the readoption, with amendments, of the Public Water System General Operation and Maintenance Requirements regulations (Env-Ws 360-361). These regulations establish operation and maintenance requirements for new and existing community, non-community, non-transient public water systems (PWS), and privately owned redistribution systems (PORS) to ensure compliance with drinking water standards. The proposed amendments: (1) update general operations and maintenance responsibilities for PWSs and PORS; (2) revise and

restructure the rules for clarity; and (3) redesignate the rules as "Env-Dw 503-504", as part of a larger ongoing redesignation of NHDES rules. Comments are due by 23 SEP 13.

**SEPTAGE MANAGEMENT REGULATIONS** NHDES has **proposed** the readoption, with amendments, of the Septage Management rules at Env-Wq 1600. The existing rules establish standards, criteria, and procedures for a permit system to manage the removal, transportation, and disposal of septage, including processing and treatment. The rules are scheduled to expire on 27 OCT 13. The proposed amendments: (1) change the soil sampling protocol requirements; and (2) remove a reference to a specific septage sampling methodology. Comments are due by 15 OCT 13.



**Legislature convened 1 JAN 13 and adjourned sine die 30 JUN 13.**

### **PROPOSED RULES**

**POLICIES OF THE OCEAN SPECIAL AREA MANAGEMENT PLAN** The Coastal Resources Management Council has **proposed** amendments to the Policies of the Ocean Special Area Management Plan regulations at Sections 860.2.1.3 and 1160.1.3. The amendments require the council, when making decisions regarding proposed offshore development, to consider the impact on the Rhode Island economy, including any economic impacts on other existing human uses. A hearing is scheduled for 24 SEP 13, but the comment period closed on 5 SEP 13.

## **Region 2**

For more information on any state issues in Region 2, contact **Bob Muhly**, Army Regional Environmental Coordinator, Regions 1 & 2, (410) 278-6140.



**Legislature convened 9 JAN 13 and adjourns sine die 31 DEC 13.**

### **PROPOSED LEGISLATION**

**SB 5927 CREATION OF PLASTIC BAG FEES** SB 5927 expands the provisions of the New York state plastic bag reduction, reuse and recycling law. The bill requires the collection and deposit of a five cent charge for each plastic bag provided by a retailer to its customers and a five cent charge on each piece of plastic film shipped to the state. The bill was referred to the Rules Committee.

### **OTHER REGULATORY ACTIVITY**

**DRAFT SAUGER CONSERVATION MANAGEMENT PLAN** The New York State Department of Environmental Conservation (NYSDEC) has **released** the **Draft Sauger Conservation Management Plan** for public review and comment. The sauger is a highly migratory fish that typically inhabit large, turbid rivers, lakes, and reservoirs. The goal of the plan is to establish and maintain self-sustaining sauger populations in all suitable waters of native watersheds by 2030. Comments are due by 15 SEP 13.

**EMERALD ASH BORER QUARANTINE** NYSDEC has **announced** that it is expanding and consolidating its existing quarantine districts in eastern and western New York into one quarantine district in order to limit the potential introduction of the invasive Emerald Ash Borer (EAB) to other areas of the state. The EAB is a non-indigenous destructive wood-boring insect native to Eastern Europe and Asia. This quarantine order rescinds and replaces the prior quarantine orders with one consolidated order. A notice of the prior emergency rule establishing the quarantine area was published in the May 2013 edition of the *Northern Review*.

# Region 3

For more information on any state issues in Region 3, contact [Patrick Timm](#), Acting Army Regional Environmental Coordinator, Region 3, (410) 278-6139.



**Legislature convened 8 JAN 13 and adjourned sine die 30 JUN 13.**

## **FEDERAL ACTIVITY**

**INFRASTRUCTURE REQUIREMENTS FOR THE 2010 NO<sub>2</sub> NAAQS** USEPA has issued a proposed rule to approve SIP revisions, submitted by the state of Delaware, addressing infrastructure requirements for the 2010 NO<sub>2</sub> NAAQS ([78 FR 49409](#)). The infrastructure requirements include basic program elements, regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. Comments are due by 13 SEP 13.

**INFRASTRUCTURE REQUIREMENTS FOR THE 2008 OZONE NAAQS** USEPA has issued a proposed rule to approve SIP revisions, submitted by the state of Delaware, addressing infrastructure requirements for the 2008 8-hour ozone NAAQS ([78 FR 53709](#)). The infrastructure requirements include basic program elements, regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. The rule proposes to approve portions of the state's submittal. Comments are due by 30 SEP 13.

## **FINAL LEGISLATION**

**[SB 78](#) ESTABLISHMENT OF A WETLANDS ADVISORY COMMITTEE** SB 78 (Public Act: 147) establishes a wetlands advisory committee to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware. The committee will evaluate national best practices and standards, incentive-based programs, and review state and federal wetland permitting processes to identify opportunities to improve efficiency and eliminate redundancy. The committee will provide a final report of recommendations to the general assembly no later than 31 DEC 14. The bill also amends state regulations to: (1) expedite resolution of violations by allowing the use of administrative procedures and penalties to resolve wetland and subaqueous lands violations; and (2) allow the Secretary of the Delaware Department of Natural Resources and Environmental Control (DDNREC) to issue after-the-fact permits and assess administrative penalties as appropriate. The bill was signed by the governor on 31 JUL 13 and became effective upon signature.

**[SB 93](#) KENT COUNTY STORMWATER MAINTENANCE DISTRICT** SB 93 (Public Act: 149) creates a process for Kent County to establish a stormwater maintenance district and for the collection and use of stormwater maintenance fees. The bill was signed by the governor on 31 JUL 13 and became effective upon signature.

## **FINAL RULES**

**REVISED SEDIMENT AND STORMWATER REGULATIONS** DDNREC has [adopted](#) revisions to the Delaware sediment and stormwater regulations to address April 2005 recommendations of Governor Minner's Task Force on Surface Water Management. The revisions address stormwater volume management, conveyance adequacy, operation and maintenance of stormwater management facilities, and establish performance standards for sediment and stormwater practices. A notice of the proposed revisions was published in the April 2013 edition of the *Northern Review*. The revisions will become effective on 1 JAN 14.

## **OTHER REGULATORY ACTIVITY**

**REGIONAL HAZE 5-YEAR PERIODIC REPORT** DDNREC has **released** a proposed SIP revision titled, Regional Haze 5-Year Periodic Report. Delaware is required, by the federal Regional Haze Rule (RHR), to evaluate the progress made toward meeting the goals for each Class I federal area that the state significantly impacts. The proposed SIP revision serves as Delaware's 5-year periodic review per Section 308(g) RHR. The revision specifies that the Delaware 2008 Regional Haze SIP is sufficient for meeting the requirements outlined in the RHR, and concludes that no additional controls are necessary. The comment period closed on 6 SEP 13.



**Legislature convened 2 JAN 13 and adjourns sine die 31 DEC 14.**

### **FINAL RULES**

**CLEAN RIVERS IMPERVIOUS SURFACE AREA CHARGE INCENTIVE PROGRAM** The District of Columbia (DC) Water and Sewer Authority has **adopted** a rule regarding the implementation of the DC Clean Rivers Impervious Surface Area Charge (IAC) Incentive Program. The establishment of a three year pilot credit/discount program for the DC Clean Rivers IAC has been authorized with a four percent maximum incentive credit/discount, not to exceed an annual established budget allowance. The costs for the credits/discounts will be applied to the rate of the associated customer category. A notice of the proposed rule was published in the June 2013 edition of the *Northern Review*. The rule will become effective on 1 OCT 13.

### **PROPOSED RULES**

**TRIENNIAL WATER QUALITY STANDARDS REVISIONS** The DC Department of the Environment (DDOE) has **proposed** amendments to Chapter 11 (Water Quality Standards) of Title 21 (Water and Sanitation) of the DC Municipal Regulations (DCMR). The amendments are part of DDOE's Triennial Review of the District's water quality standards. The amendments include: (1) revising the aquatic life numeric criteria for Acrolein from 10.0 µg/L to 3.0 µg/L; and (2) establishing the aquatic life numeric water quality criteria for Carbaryl pesticide. Comments are due by 26 SEP 13.



**Legislature convened 9 JAN 13 and adjourned sine die 8 APR 13.**

### **FINAL RULES**

**AMENDMENTS TO AIR QUALITY PERMITS, APPROVALS, AND REGISTRATION REGULATIONS** The Maryland Department of the Environment (MDE) has **adopted** amendments to Regulations .17 and .19 under COMAR 26.11.02 - Permits, Approvals, and Registration. The amendments to COMAR 26.11.02.17: (1) clarify how fees are applied to Air Quality Permit to Construct (AQPC) source categories; (2) establish a new fee for an additional source category that requires an AQPC; and (3) raise the existing minimum fee for securing a standard AQPC from \$200 to \$500, for most sources. The proposed fee increases apply to sources requiring an individual AQPC. The fees will remain the same for small sources requiring an AQPC. The amendments to COMAR 26.11.02.19 raise the annual base fee from \$200 to \$5,000 for sources requiring a federal Title V Permit and from \$200 to \$500-\$1,000 for sources requiring a State Permit to Operate. The amendments became effective on 19 AUG 13.

## **OTHER REGULATORY ACTIVITY**

**TENTATIVE DETERMINATION TO REISSUE STATE AND NPDES GENERAL DISCHARGE PERMITS** MDE has issued a **Tentative Determination** to reissue two State and National Pollution Discharge Elimination System (NPDES) General Discharge Permits. The permits are: (1) General Permit (GP) for Discharges of Stormwater and Hydrostatic Test Water from Oil Terminals (MDG34); and (2) GP for Discharges of Treated Groundwater from Oil Contaminated Groundwater Sources (MDG91). Comments are due by 7 OCT 13.



**Legislature convened 1 JAN 13 and adjourns sine die 31 DEC 13.**

### **FINAL RULES**

**EXTENSION OF GP FOR WET WEATHER OVERFLOW DISCHARGES FROM COMBINED SEWER SYSTEMS** The Pennsylvania Department of Environmental Protection (PDEP) has **announced** the 12-month extension of the current NPDES GP for Wet Weather Overflow Discharges from Combined Sewer Systems (PAG-06). The current GP was scheduled to expire on 5 SEP 13, but it has been extended to 5 SEP 14. Persons operating under PAG-06 may continue to operate until 5 SEP 14, or the expiration date of coverage identified on the permit coverage approval page, whichever is later.



**Legislature convened 9 JAN 13 and adjourned sine die 23 FEB 13.**

### **FEDERAL ACTIVITY**

**INFRASTRUCTURE REQUIREMENTS FOR THE 2010 NO<sub>2</sub> NAAQS** USEPA has issued a proposed rule to approve a SIP revision submitted by the commonwealth of Virginia (**78 FR 47264**). The revision addresses the infrastructure requirements for the 2010 NO<sub>2</sub> NAAQS, including basic program elements, regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. The rule proposes to approve portions of the state's submittal. The comments period closed on 4 SEP 13.

### **FINAL RULES**

**CONSUMER AND COMMERCIAL PRODUCTS AIR QUALITY REGULATIONS** The Virginia State Air Pollution Control Board has **adopted** amendments to the consumer and commercial products regulations at 9VAC5-45 and the Existing Stationary Sources regulations at 9VAC5-40. The regulations require owners to limit emissions of air pollution from portable fuel containers, certain consumer products, architectural and industrial maintenance (AIM) coatings, adhesives and sealants, and mobile equipment repair and refinishing operations. The amendments extend the applicability of existing standards for the control of VOC emissions from these consumer and commercial products into the Richmond VOC Emissions Control Areas. The amendments allow Virginia to meet its obligation to implement control measures within the Richmond Ozone Maintenance Area. The amendments will become effective on 1 OCT 13.

**PETROLEUM UNDERGROUND STORAGE TANK FINANCIAL RESPONSIBILITY REQUIREMENTS** The Virginia Department of Environmental Quality's (VDEQ) State Water Control Board has **issued** a fast track proposed regulation that amends the petroleum underground storage tank (UST) financial responsibility requirements under 9VAC25-590. The amendment adds a certificate of deposit (CD) as an acceptable mechanism to demonstrate financial responsibility for owners/operators of USTs. Comments are due by 25 SEP 13, and the amendment will become effective on 10 OCT 13.



**Legislature convened 9 JAN 13 and adjourned sine die 14 APR 13.**

### **FINAL RULES**

**REGULATIONS FOR STATE CERTIFICATION OF ACTIVITIES REQUIRING FEDERAL LICENSES AND PERMITS** The West Virginia Department of Environmental Protection (WVDEP) has **approved** amendments to the rule governing the state processes and conditions for granting Clean Water Act (CWA) Section 401 certification of federal permits. Federal permits covered under this rule include: (1) Section 404 permits for filling a water of the U.S.; (2) Section 10 permits for navigable water impacts; and (3) Federal Energy Regulatory Commission (FERC) licenses for hydropower operations. The amendments reflect the newer federal mitigation process, adjust the certification fee for inflation, and provide clarity relative to Section 10 and FERC certifications. The approved amendments have been filled with the Legislative Rule-making Review Committee.

**TRANSPORTATION OF HAZARDOUS WASTES ON ROADS AND HIGHWAYS** The West Virginia Department of Transportation (WVDOT) has **approved** general rules (Series 7) for the transportation of hazardous wastes by vehicle on the roads and highways of West Virginia. The rules are applicable if the transport requires a manifest under Section 6 of the rules of WVDEP implementing the Hazardous Waste Management Act. The rules are necessary to comply with time limitations established by changes to federal statute, 40 CFR and 49 CFR and to reflect the effective date of 33 CSR 20, Hazardous Waste Management Rule. The rules have been filed with the Legislative Rule-making Review Committee.

## **PROPOSED RULES**

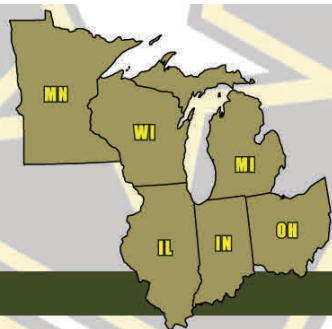
**RULES GOVERNING STORMWATER UTILITIES** The West Virginia Public Service Commission (WVPSC) has **proposed** rules governing stormwater utilities (150 C.S.R. 36) effective for all public service districts operating a stormwater utility. The new rules: (1) provide definitions; (2) require certain information be provided to WVPSC and to customers; (3) set forth customer billing provisions, customer rights and moratorium provisions; (4) provide guidance for the utility facilities, service pipes and expansion of services; (5) provide safety requirements; and (6) provide rules for the creation or alteration of public service districts. Comments are due by 20 SEP 13.

## **OTHER REGULATORY ACTIVITY**

**MONONGAHELA WATERSHED DRAFT TMDL** WVDEP has invited comment on a **draft TMDL** report for the Monongahela Watershed. The report includes TMDLs for 153 impaired streams in the Monongahela River Watershed. Comments are due by 16 SEP 13.

# Region 5

For more information on state issues in Region 5, contact [Dr. Jim Hartman](#), DOD Regional Environmental Coordinator, Region 5, (410) 278-6991.



**Legislature convened 9 JAN 13 and adjourned 31 MAY 13.**

## **FEDERAL ACTIVITY**

**PROPOSED REDESIGNATION OF THE CHICAGO-GARY-LAKE COUNTY NONATTAINMENT AREA** USEPA has issued a proposed rule to approve a SIP revision, submitted by the state of Illinois, to redesignate the Chicago-Gary-Lake County nonattainment area to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS (**78 FR 48103**). The proposed rule also approves the related elements including comprehensive emissions inventories for ammonia, VOC, NO<sub>x</sub>, primary PM<sub>2.5</sub>, and SO<sub>2</sub>, maintenance plans, and the accompanying motor vehicle budgets. The comment period closed on 6 SEP 13.

## **FINAL LEGISLATION**

**HB 702 REMOVAL OF SHARPS FROM THE DEFINITION OF POTENTIALLY INFECTIOUS MEDICAL WASTE** HB 702 (Public Act: 98-0366) amends the Environmental Protection Act by updating the potentially infectious medical waste regulations at Section 3.360. The bill exempts sharps from the definition of "potentially infectious medical waste" if they: (1) have had their infectious potential eliminated through treatment at a facility that is permitted for the treatment of potentially infectious medical waste; (2) are certified by the treatment facility as non-special waste; and (3) are packaged at the treatment facility in accordance with Illinois Pollution Control Board rules for potentially infectious medical waste. The bill was signed by the governor on 16 AUG 13 and will become effective on 1 JAN 14.

**HB 1201 NEW WIND ENERGY SYSTEMS REGULATIONS** HB 1201 (Public Act: 98-0204) amends the Illinois Municipal Code by adding a new Wind Energy Systems Section (Section 11-42-15). The bill provides that a municipality may

prohibit any electric generating wind device from locating within its corporate limits, provided that the regulation is not inconsistent with another municipality's zoning regulation. There is an exception for electric generating wind devices with a nameplate generating capacity of less than 100 kilowatts that are used primarily by an end user. The bill also stipulates that the new section only applies to electric generating wind devices permitted after the effective date of the bill. The bill was signed by the governor on 9 AUG 13 and became effective upon signature.

**HB 2695 STATE PURCHASING REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES** HB 2695 (Public Act: 98-0442) amends the Illinois Procurement Code, the Illinois Highway Code, and the Toll Highway Act. The bill stipulates that on and after 1 JAN 16, 25 percent of all vehicles purchased with state funds shall be vehicles fueled by electricity, compressed natural gas, liquid petroleum gas, or liquid natural gas. The bill also states that the Illinois Department of Transportation may adopt rules regarding the type, place of erection, user fees, and maintenance of charging stations. The bill was signed by the governor on 16 AUG 13 and will become effective on 1 JAN 14.

**HB 2753 LAKE MICHIGAN WIND ENERGY ACT** HB 2753 (Public Act: 98-0447) creates the Lake Michigan Wind Energy Act. The bill requires the Illinois Department of Natural Resources (IDNR) to develop a detailed offshore wind energy siting matrix for the public trust lands of Lake Michigan. The bill: (1) authorizes IDNR, after finalizing the offshore wind energy siting matrix, to grant offshore wind energy development site assessment permits and leases; (2) authorizes IDNR to convert site assessment leases to construction and operation leases; and (3) creates the Offshore Wind Energy Economic Development Policy Task Force. The Task Force must analyze and evaluate policy and economic options to facilitate the development of offshore wind energy and propose an appropriate Illinois mechanism for purchasing and selling power from offshore wind energy projects. A notice of the bill was published in the March 2013 edition of the *Northern Review*. The bill was signed by the governor on 16 AUG 13 and became effective upon signature.

**SB 1704 AMENDMENTS TO THE AIR PERMIT RENEWAL PROCESS** SB 1704 (Public Act: 98-0284) amends Sections 9.1 and 39 of the Environmental Protection Act and provides that all terms and conditions of certain air permits remain in effect until final administrative actions are taken on a renewal application. The bill impacts air permits containing federally enforceable conditions. The bill also deletes language allowing permit terms and conditions to remain in effect as long as the Illinois Environmental Protection Agency (IEPA) received a complete renewal application 90 days prior to permit expiration. The bill was approved by the governor on 9 AUG 13 and became effective upon signature. **Note:** *As reported in the April 2013 Northern Review, the draft bill originally included new air permit fees, however, these fees were deleted in the final bill.*

**SB 2226 MATERIAL DISPOSAL RESTRICTIONS AT CERTAIN SANITARY LANDFILLS** SB 2226 (Public Act: 98-0542) adds requirements for and restricts disposal of asphalt shingles in sanitary landfills located within a 25-mile radius of an asphalt roofing shingle recycling facility. The bill includes a provision for automatic repeal on 1 FEB 18. The bill was signed by the governor on 23 AUG 13 and will become effective on 1 JAN 14. **NOTE:** *as reported in the April 2013 Northern Review, this bill originally included restrictions for disposal of other recyclable materials but, after significant amendments, the final bill addressed only asphalt shingles.*

## **FINAL RULES**

**AIR QUALITY STANDARDS AMENDMENTS** The Illinois Pollution Control Board (IPCB) has **adopted** amendments to the air quality standards at 35 Ill. Adm. Code 243. The amendments update the Illinois ambient air quality regulations to include all current federal NAAQS as adopted and amended by USEPA through 31 DEC 12. The amendments became effective on 29 JUL 13.

**TECHNICAL REQUIREMENTS FOR USTs SUPPLYING EMERGENCY POWER GENERATORS** The Illinois Office of the State Fire Marshal (OSFM) has **adopted** amendments to 41 Ill. Adm. Code 175: Technical Requirements for USTs and the Storage, Transportation, Sale, and Use of Petroleum and Other Regulated Substances. The amendments require an UST owner and operator to substitute a local alarm for fuel shutoff or flow restriction upon the detection of a release at USTs supplying emergency power generators. The amendments were adopted as an emergency rule, effective 4 APR 13. The emergency rule is being replaced by this permanent adoption of the amendments. A notice of the emergency rule was published in the May 2013 edition of the *Northern Review*. The permanent amendments became effective on 1 AUG 13.



Legislature convened 7 JAN 13 and adjourned sine die 29 APR 13.

### **FEDERAL ACTIVITY**

**INFRASTRUCTURE REQUIREMENTS FOR THE 2008 LEAD AND OZONE NAAQS AND PSD** USEPA has issued a proposed rule to approve elements of SIP revisions submitted by the state of Indiana ([78 FR 50360](#)). The revisions address infrastructure requirements of CAA sections 110(a)(1) and (2) for the 2008 lead and 2008 8-hour ground level ozone NAAQS. The infrastructure requirements include basic program elements, regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. USEPA has also proposed to approve portions of the revisions addressing requirements for the prevention of significant deterioration (PSD) program. Lastly, USEPA has proposed approval for a revision addressing the state board requirements under CAA section 128. Comments are due by 18 SEP 13.

### **FINAL RULES**

**EMERGENCY AIR ATTAINMENT STATUS DESIGNATIONS** The Indiana Department of Environmental Management (IDEM) has [adopted](#) an emergency rule that temporarily amends the Air Pollution Control Division regulations at 326 IAC 1-4. The rule adds the federal designation for Central Indiana, including Hamilton, Hendricks, Johnson, Marion, and Morgan counties, to attainment for the 1997 PM<sub>2.5</sub> annual standard. The emergency rule became effective on 14 AUG 13 and will expire on 12 NOV 13.

**TEMPORARY STORAGE OF SPENT LEAD ACID BATTERIES** IDEM has [adopted](#) a rule amending and adding new sections to the Solid Waste Management Division regulations at 329 IAC 3.1. The rule adopts requirements for the management of spent lead acid batteries, including transportation and storage, by retailers, wholesalers, manufacturers, auto salvage yards, other storage facilities, and reclamation facilities. A notice of the proposed rule was published in the June 2012 edition of the *Northern Review*. The rule became effective on 14 AUG 13.

### **OTHER REGULATORY ACTIVITY**

**NAAQS FOR OZONE AND PM<sub>2.5</sub>** IDEM has [released](#) a Findings and Determination of the Commissioner and draft rule language for amendments to Indiana's rules (326 IAC 1-3-4). The amendments concern the NAAQS for the 2008 8-hour ozone standard, and the 2012 annual PM<sub>2.5</sub> standard. Comments are due by 20 SEP 13.



Legislature convened 9 JAN 13 and adjourns sine die 31 DEC 13.

### **FEDERAL ACTIVITY**

**DETROIT-ANN ARBOR AREA REDESIGNATED TO ATTAINMENT FOR 1997 ANNUAL AND 2006 24-HOUR PM<sub>2.5</sub> NAAQS** USEPA has issued a final rule approving a SIP revision, submitted by the state of Michigan, to redesignate the Detroit-Ann Arbor nonattainment area to attainment for the 1997 annual and 2006 24-hour NAAQS for PM<sub>2.5</sub> ([78 FR 53272](#)). The nonattainment area includes Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne counties. USEPA has also approved the: (1) state's plan for maintaining the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS in the area through 2023; and (2) NO<sub>x</sub> and PM<sub>2.5</sub> Motor Vehicle Emission Budgets (MVEBs) for 2023. The final rule became effective on 29 AUG 13.

**AMENDMENTS TO PREVIOUS PROPOSAL REGARDING SIP REVISIONS** USEPA has issued a proposed rule amending a previously issued proposed rule (6 FEB 13) that approved revisions to the state of Michigan's CAA SIP ([78 FR 50369](#)). The revisions included updates to Michigan rules at Part 1 (Definitions), Part 2 (Air Use Approval) and Part 19 (New Source Review for Sources Impacting Nonattainment Areas). The newly proposed rule revises the February 2013 rule by announcing that USEPA will not take action on the changes to Part 2, Air Use Approval rules. The newly proposed rule also rescinds state rule 336.1220 from the SIP. Michigan requested to rescind this portion of the rule as part of the

revisions to Part 19. The rescission will eliminate having differing nonattainment rules in the state SIP. Comments are due by 18 SEP 13.



**Legislature convened 8 JAN 13 and adjourned sine die 20 MAY 13.**

## **FINAL RULES**

**UPDATES TO THE LIST OF ENDANGERED, THREATENED, AND SPECIAL CONCERN SPECIES** The Minnesota Department of Natural Resources (MDNR) has [adopted](#) rules updating the state's List of Endangered, Threatened, and Special Concern Species in Minnesota Rules, chapter 6134. The rules were last updated in 1996. A notice of the proposed rules was published in the January 2013 edition of the *Northern Review*. The rules became effective on 19 AUG 13.

## **OTHER REGULATORY ACTIVITY**

**PROPOSED GP FOR DISPOSAL OF UNCONTAMINATED CONCRETE** The Minnesota Pollution Control Agency (MPCA) has issued a [notice of intent](#) to solicit outside information and opinion on a proposed GP for disposal of uncontaminated concrete. To be eligible for coverage under this GP, the uncontaminated concrete must originate on the site where the disposal is to occur. The GP would be effective for five years, and outlines coverage criteria and application processes. The preliminary determination to issue the GP is tentative. The comment period closed on 11 SEP 13.

**DRAFT 2013 REVISIONS TO THE STATE NONPOINT SOURCE MANAGEMENT PROGRAM PLAN** MPCA has [requested](#) public comment on the Draft 2013 Revisions to the MN Nonpoint Source Management Program Plan (NPSMPP). The NPSMPP contains strategies to help protect and improve the quality of Minnesota's water resources by identifying activities to reduce nonpoint sources of water pollution. Updating the NPSMPP every five years is a requirement for Minnesota to remain eligible to receive federal CWA Section 319 funds for protection of surface and ground waters. MPCA is implementing a four-year, phased approach for revisions. The first phase includes the amended portions identified in the draft. Comments are due by 17 SEP 13.

**POSSIBLE AMENDMENTS TO COGENERATION AND SMALL POWER PRODUCTION RULES** The Minnesota Public Utilities Commission (MPUC) has [invited comments](#) on possible amendments to the cogeneration and small power production rules. MPUC is considering rule amendments to incorporate recent statutory changes affecting cogeneration and small power production. Comments are due by 30 SEP 13.



**Legislature convened 7 JAN 13 and adjourns 31 DEC 13.**

## **FEDERAL ACTIVITY**

**PROPOSED REDESIGNATION OF THE CANTON-MASSILLON NONATTAINMENT AREA** USEPA has issued a proposed rule to approve a SIP revision, submitted by the state of Ohio, to redesignate the Canton-Massillon nonattainment area (Stark County) to attainment for the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS ([78 FR 48087](#)). The proposed rule also approves the: (1) plan for maintaining the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS through 2025; (2) 2005 and 2008 emissions inventories; and (3) MVEBs for 2015 and 2025. The comment period closed on 6 SEP 13.

## **FINAL RULES**

**OPEN BURNING - AIR CURTAIN BURNERS** The Ohio Environmental Protection Agency (OEPA) has [adopted](#) amendments to the open burning in unrestricted areas regulations at Ohio Administrative Code (OAC) rules [3745-19-01](#) and [3745-19-04](#). The amendments add language to allow the use of air curtain burners for the disposal of land clearing wastes via open burning. A notice of the proposed amendments was published in the July 2013 edition of the *Northern Review*. The amendments became effective on 18 AUG 13.

## **PROPOSED RULES**

**ARCHITECTURAL AND INDUSTRIAL MAINTENANCE (AIM) COATINGS RULES** The Ohio Environmental Protection Agency (OEPA) has **proposed** amendments to AIM Coatings rules at **3745-113-01, -02, -03, -04, -05, and -06**. The amendments: (1) align the state rules with federal requirements; (2) correct minor typographical errors; (3) fulfill the formatting requirements of the Legislative Services Commission (LSC); and (4) add and update citation information on materials referenced in these rules. One specific amendment is also being made regarding the automatic annual reporting requirements in 3745-113-05. The comment period closed on 9 SEP 13.



**Legislature convened 7 JAN 13 and adjourns 31 DEC 13.**

## **FEDERAL ACTIVITY**

**APPROVAL OF SIP REVISIONS CONCERNING THE PERMIT EXEMPTION RULE** USEPA has issued a final rule approving SIP revisions, submitted by the state of Wisconsin, exempting certain sources of air pollution from construction permit requirements (**78 FR 46520**). Sources with actual emissions of under 10 tons per year (tpy) of each criteria pollutant (PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO, VOCs, and less than 0.5 tpy of lead) and that are not subject to federal air pollution requirements for HAPs under CAA section 111 or 112 will be eligible for the exemption. The revisions also exempt construction or modification projects that emit less than 1,666 pounds of criteria pollutants per month and less than 10 pounds of lead per month, both averaged over a 12 consecutive month period, from construction permitting requirements. The final rule became effective on 3 SEP 13.

**CORRECTION OF PREVIOUS FINAL RULE REGARDING AMENDATORY INSTRUCTIONS** USEPA has issued a final rule correcting a previously published final rule issued on 25 JUL 13 (**78 FR 52087**). The July 2013 final rule disapproved a Wisconsin SIP revision pertaining to permitting requirements for PM<sub>2.5</sub>. An error in the amendatory instruction has been identified and is being corrected by this final rule. The final rule became effective on 26 AUG 13.

## **FINAL RULES**

**QUARANTINE OF SAUK COUNTY FOR EMERALD ASH BORER** The Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) has **adopted** an emergency rule amending section ATCP 21.17 (1) (b) and creating section ATCP 21.17 (1) (d), relating to the quarantine of Sauk County for emerald ash borer (EAB). The EAB is a non-indigenous destructive wood-boring insect native to Eastern Europe and Asia. On 11 JUL 13, the U.S. Department of Agriculture (USDA) positively identified EAB in Sauk County at Mirror Lake State Park. It is anticipated that the USDA will declare quarantine for Sauk County, but that could take up to six to eight weeks to happen. WDATCP has adopted the rule as a temporary emergency rule, pending completion of federal quarantine regulations. WDATCP does not anticipate completing a permanent rule. The emergency rule was approved by the governor on 15 JUL 13, and is effective from 14 AUG 13 through 10 JAN 14.

**INVESTIGATION AND CLEANUP OF BROWNFIELDS AND OTHER CONTAMINATED PROPERTIES** WDNR has **adopted** revisions to the rules governing investigation and cleanup of brownfields and other contaminated properties (NR 169, 700 to 754). The revisions include: (1) consolidation of the NR 718 provisions on managing contaminated soil; (2) revisions to NR 720 to account for USEPA's updated methodology for calculating site specific soil cleanup standards; (3) revisions to NR 722 on remedy selection to require an evaluation of sustainability; (4) simplification of the case closure requirements by splitting NR 726 into three separate rules; and (5) increasing the fees in NR 749 to account for increased costs since the rule was originally promulgated in 1998. The projected effective date is 1 OCT 13 or 1 NOV 13.

## **OTHER REGULATORY ACTIVITY**

**DRAFT NUTRIENT REDUCTION STRATEGY** The Wisconsin Department of Natural Resources (WDNR) has **invited** public comment on its strategy to cut nutrient pollution. Wisconsin's Nutrient Strategy was developed in response to USEPA's call for each state contributing to the Gulf of Mexico dead zone to develop a nutrient-reduction framework. The draft strategy aims to address nutrient-related surface water problems in Wisconsin lakes and streams. The draft strategy concludes that no new regulations for phosphorus are necessary for Wisconsin to meet the dead zone goal of reducing

nutrient contributions to the Mississippi River by 45 percent, using 1995 as the base year. To reach that target, however, Wisconsin must continue to implement existing requirements. Comments are due by 18 SEP 13.

## Department of Defense Activity

**SECRETARY OF THE ARMY ENVIRONMENTAL AWARD NOMINATIONS DUE 15 NOV 13** The Department of the Army has published a [call for nominations](#) for the FY 2013 Secretary of the Army Environmental Awards, due 15 NOV 13. The Secretary of the Army Environmental Awards Program recognizes outstanding performance and excellence in environmental stewardship and sustainability by Army installations, teams, and individuals. The awards emphasize innovation and accomplishments in sustainable practice, installation environmental management, and community enhancement. Army award winners will represent the Army in the 2014 Secretary of Defense Environmental Awards competition.

**ARMY TO EXPAND NET ZERO EFFORT BEST PRACTICES** The Army has issued a [progress report on their "Net Zero" initiative](#), and states that policy will be issued to expand to all permanent Army installations the application of best practices identified by the effort. The initiative addresses energy, water, and waste and involves efforts at 17 pilot installations. Overall installation goals are, to the extent practicable: (1) produce as much energy on-site as an installation uses annually; (2) limit the consumption of freshwater and return water back to the same watershed so as not to deplete the groundwater and surface water resources; and (3) reduce, reuse, and recover solid waste streams by converting them to resource values with the goal of zero solid waste to landfill.

**UPDATE TO BIOBASED REPORTING REQUIREMENTS** DoD, GSA, and NASA issued a final rule ([78 FR 46794](#)) amending the Federal Acquisition Regulation to revise the biobased reporting clause to require the contractor to submit the annual biobased report to a new [government-wide website](#) instead of the agency environmental point of contact. The new website is to be used for the annual biobased reports that are due 31 OCT 13, and is intended to be the permanent site for reporting this information. The new website allows contractors to submit a report on a contract-by-contract basis at any time throughout the year, improving consistency in reporting across federal agencies with the goal of increasing federal procurement of biobased products. The new website also generates a government-wide report for agency use. In addition, the new website includes instructions on how to complete the report and frequently asked questions. This final rule became effective 3 SEP 13.

## Federal Activity

### AIR

**USEPA ANNUAL CLEAN AIR EXCELLENCE AWARDS** USEPA is accepting applications for the 2014 [Clean Air Excellence Awards](#). The awards recognize and honor outstanding innovative efforts to help make progress in achieving cleaner air. The competition is open to both individuals and organizations in both private and government sectors. Award-winning entries must directly or indirectly reduce pollutant emissions, demonstrate innovation, offer sustainable outcomes, and provide a model for others to follow. There are five categories in which a program, project, or technology may be entered: [Clean Air Technology](#), [Community Action](#), [Education/Outreach](#), [Regulatory/Policy Innovations](#), and [Transportation Efficiency Innovations](#). Applications are due by 27 SEP 13.

**2010 SULFUR DIOXIDE (SO<sub>2</sub>) PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD** USEPA has issued a final rule establishing air quality designations for certain areas in the United States for the 2010 primary Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS) ([78 FR 47191](#)). The final rule identifies areas that do not meet the 2010 SO<sub>2</sub> NAAQS and areas that contribute to SO<sub>2</sub> air pollution in a nearby area that does not meet the SO<sub>2</sub> NAAQS. The final rule designates, as nonattainment, most areas in locations where existing monitoring data from 2009-2011 indicate violations of the 1-hour SO<sub>2</sub> standard. The final rule will become effective on 4 OCT 13.

**REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS** USEPA has issued a final rule revising the regulatory definition of volatile organic compounds (VOCs) for the purpose of preparing SIPs to attain the NAAQS for ozone under title I of the CAA ([78 FR 53029](#)). The final rule adds trans 1-chloro-3,3,3-trifluoroprop-1-ene (also known as Solstice<sup>TM</sup> 1233zd(E)) to the list of compounds excluded from the regulatory definition of VOCs on the basis that this compound makes a negligible contribution to tropospheric ozone formation. The final rule will become effective on 27 SEP 13.

## **ENERGY**

**2013 RENEWABLE FUEL STANDARDS** USEPA has issued a final rule setting the annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and renewable fuels that apply to all motor vehicle gasoline and diesel produced or imported in 2013 ([78 FR 49793](#)). This final rule became effective on 15 AUG 13.

## **NATURAL RESOURCES**

**REVISIONS TO THE REGULATIONS FOR IMPACT ANALYSES OF CRITICAL HABITAT** The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) have issued a final rule revising the regulations pertaining to impact analyses conducted for designations of critical habitat under the Endangered Species Act ([78 FR 53058](#)). The revisions are being finalized as directed by the [President's memorandum](#) of 28 FEB 12, which directed the agencies to take prompt steps to revise their regulations to provide that the economic analysis be completed and made available for public comment at the time of publication of a proposed rule to designate critical habitat. This final rule will become effective on 30 OCT 13.

**INITIATION OF A 5-YEAR REVIEW OF NINE NORTHEASTERN SPECIES** USFWS has initiated [five-year reviews](#) for nine northeastern species ([78 FR 50439](#)). The reviews will include the following endangered species: Peter's Mountain mallow, Jesup's milk-vetch, James spiny mussel, sandplain gerardia, harperella, American chaffseed, and rough rabbitsfoot. USFWS will also review the threatened northeastern beach tiger beetle and Virginia spiraea. USFWS has requested the submission of any information that has become available since the previous five-year review for each species. Comments and information are due by 3 OCT 13.

## **HAZARDOUS MATERIALS**

**ELECTRONIC REPORTING OF TOXICS RELEASE INVENTORY DATA** USEPA has issued a final rule requiring facilities to report non-trade-secret Toxics Release Inventory (TRI) forms to USEPA using electronic software provided by the Agency ([78 FR 52860](#)). The only exception to the electronic reporting requirement is for the few facilities that submit trade secret TRI information, which will continue to submit their trade secret reporting forms and substantiation forms in hard copy. The rule also requires facilities to submit electronically any revisions or withdrawals of previously submitted TRI reporting forms. USEPA will no longer accept submissions, revisions, or withdrawals of TRI reporting forms submitted for reporting years prior to 1991. The final rule will become effective on 21 JAN 14.

**ENHANCED PROCESS FOR DEVELOPING IRIS HEALTH ASSESSMENTS** USEPA has announced enhancements to the [Integrated Risk Information System \(IRIS\)](#) assessment development process. These enhancements improve productivity and scientific quality in IRIS assessments and help USEPA meet the goal of producing IRIS assessments in a timely and transparent manner. Program enhancements include: (1) a public problem formulation meeting before beginning to develop an IRIS assessment; (2) release of preliminary materials early in the assessment development process with a public meeting to hear comments on the materials; (3) flexibility to revise draft assessments as needed after hearing the public's comments prior to peer review; (4) stopping rules for incorporating new data and raising scientific issues; and (5) strengthened practices for peer review.

**PUBLIC ENGAGEMENT ON THE DEVELOPMENT OF IRIS ASSESSMENTS FOR ETBE, RDX, AND MORE** In accordance with the recently announced enhancements of the IRIS Program, USEPA has announced a series of public meetings for calendar years 2013 and 2014 to obtain public input in the process of developing an IRIS assessment. USEPA has also announced the availability of preliminary materials for three chemicals, tert-butyl alcohol (tert-butanol), ethyl-tert-butyl ether (ETBE), and hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX), which will be discussed at the first public meeting scheduled for 23-24 OCT 13. The preliminary materials for all three chemicals are posted on the [IRIS website](#).

## **REMEDIATION**

**STANDARDS AND PRACTICES FOR ALL APPROPRIATE INQUIRIES UNDER CERCLA** USEPA has issued a direct final rule that amends the standards and practices for all appropriate inquiries (under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)) to recognize and reference ASTM International's updated standard E1527-13, **Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (78 FR 49690)**. Barring adverse comment the direct final rule will become effective on 13 NOV 13.

## **WATER**

**NPDES ELECTRONIC REPORTING RULE** USEPA has issued a proposed rule to require electronic reporting for current paper-based National Pollution Discharge Elimination System (NPDES) reports, by use of already existing online reporting methods (**78 FR 46005**). States, territories, and tribes would also have to use online systems, but would be relieved of some existing reporting requirements. Reporting would cover multiple regulatory areas including: (1) discharge monitoring reports; (2) reporting related to small Municipal Separate Storm Sewer Systems (MS4s); (3) general permits (applicable to state NPDES programs); and (4) annual publicly owned treatment works reports. Comments are due by 28 OCT 13.

**WATER EFFICIENCY AND MANAGEMENT PROVISIONS OF EO 13514 AND 13423** The Council on Environmental Quality (CEQ) recently released **new implementing instructions** addressing the water efficiency and reporting provisions of **Executive Orders 13514 and 13423**. These new instructions supersede previous water efficiency implementation guidance. The guidance: (1) reiterates that use-reduction goals apply at the agency level, rather than the level of installations or facilities; (2) recommends agencies focus on the largest and most feasible opportunities and target reductions in areas where water scarcity is greater; (3) provides guidelines for reporting in conjunction with the Annual Greenhouse Gas (GHG) and Sustainability Data Report, and in agency Strategic Sustainability Performance Plans as appropriate; (4) reiterates use reduction goals of 26 percent for potable water, and 20 percent for industrial, landscaping and agricultural (ILA) water by 2020, against a 2007 baseline for potable water and a 2010 baseline for ILA water; (5) indicates which waters are covered or exempted from goals and reporting; (6) notes that agencies must consult local health and safety codes for gray water reuse requirements; and (7) discusses other water re-use and efficiency considerations and links to other guidance material.

**PRELIMINARY 2012 EFFLUENT GUIDELINES PROGRAM PLAN** USEPA has issued a notice of availability for the **Preliminary 2012 Effluent Guidelines Program Plan** and the **2011 Annual Effluent Guidelines Review Report (78 FR 48159)**. USEPA did not identify any industry category for new or revised effluent guidelines in the Preliminary 2012 Plan. Comments are due by 7 OCT 13.

# Professional Development

**For a full listing of Professional Development opportunities please visit the REEO-N [website](#).**

Please note: Listing of commercial sponsored training and conferences should not be interpreted as a government endorsement of those training or conferences.

## **TRAINING—ONLINE**

**22 OCT 13, INTRODUCTION TO UTILITY ENERGY SERVICE CONTRACTS (UESC)** This **Federal Energy Management Program** (FEMP) **UESC Webinar** provides attendees with an overview of the contracting options and services available from their local utility companies to engineer, finance, and install cost-effective energy and water savings projects. Participants are walked through the typical project process from the audit phase to commissioning the equipment. This webinar introduces participants to UESCs and helps them determine if this alternative financing opportunity is right for them.

**UTILITY ENERGY PROJECT INCENTIVE FUNDS** This FEMP course teaches federal agencies 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 at your desktop.

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER** - 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 in the following areas: program development; federal and state regulatory requirements for various facility activities; regulatory watch for information on new or changed laws or regulations; P2 opportunities and best management practices; USEPA enforcement notices; links to state environmental programs; access to environmental assistance; environmental conferences, meetings, training, and workshop information; applicable laws and Executive Orders; and industry sector-specific newsletters.

**NATIONAL CONFERENCE OF STATE LEGISLATURES (NCSL) E-LEARNING** NCSL e-Learning features experts on public policy issues and provides professional development opportunities for its members, state legislators, state legislative staff, and the public. Visit the **Multimedia Library** for a collection of video and audio files from previous NCSL meetings and webinars.

**MILITARY MUNITIONS SUPPORT SERVICES SERIES** This new series of monthly webinars sponsored by EPA's Contaminated Sites Clean-Up Information (CLU-IN) program supports the Military Munitions Support Services (M2S2) community.

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS** The U.S. Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules is provided by the U.S. Army Environmental Command.

**USACE PROSPECT TRAINING** USACE announces its FY13 PROSPECT training program. Please see the **Course Catalog (a.k.a. Purple Book)** and **List of Classes and schedule** for details. Courses are open to all federal employees, state, county and city employees and contractors. There are different registration processes for each entity.

**ARMY PODCAST SERVICE** The Army offers free podcasts on a wide variety of topics, including an environmental series, an Army Corps of Engineers series, and many more. The podcasts are available through a free subscription service. (It is not necessary to own an iPod in order to view or listen to a podcast.)

**NAVY AND ISEERB ENVIRONMENTAL TRAINING FY13** The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY13 is available. Course topics include environmental overview and management; law planning and sustainability; pollution prevention; restoration; conservation; supplemental and Internet/computer-based training, and more.

**AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING FY13** 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).

**NPDES TRAINING COURSES AND WORKSHOPS** Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES Permit program. They are designed for permit writers, dischargers, USEPA officials and other interested parties.

**READINESS AND ENVIRONMENTAL PROTECTION INITIATIVE – WEBINAR SERIES** The REPI Webinar Series is presented by DOD in partnership with the **Land Trust Alliance**. This online series covers best practices, tutorials and knowledge sharing on REPI partnerships that support military mission and accelerate the pace and rate of conservation. All webinars begin at 1:00 p.m. Eastern unless otherwise noted. For detailed webinar descriptions please visit the **REPI website**.

**USEPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY** Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs. Hear from experts around the country on how to make your program more successful. The format is a formal presentation followed by a question and answer session.

**USEPA WATERSHED ACADEMY WEBCAST SERIES** USEPA'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 conference lines in live training conducted by expert instructors. Archived training sessions are also available by streaming audio.

### **How the Regional Offices Work for You**

The U.S. Army Regional Environmental and Energy Office-Northern (REEO-N) monitors the following actions on your behalf. If a proposed state legislative or regulatory action has: (1) critical mission impact; (2) conflicts with a federal requirement; and/or (3) a disproportionate effect on the Army or DOD, we coordinate with the potentially affected installations, commands, and/or other military Services to further assess the potential impact. If action is needed on a proposed measure, we work with Army or Service regulatory experts to communicate DA/DOD position, coordinating with the affected installations and commands. Comments are combined from all parties in a single DOD/Army package and formally submitted to the state.

For further information visit the **Army's Regional Environmental and Energy Offices' website**.

Do you want to comment on a rule or bill in the Review? Please contact your Regional Environmental Coordinator listed in each respective regional section of the Northern Review.

**Archived issues of the Review can be found on the REEO-N website  
To be added to the distribution list call or email the REEO-N Regulatory Affairs Specialist  
email: [leanne.l.dickens.ctr@mail.mil](mailto:leanne.l.dickens.ctr@mail.mil) Phone : 410-278-6143**