



# Northern Review

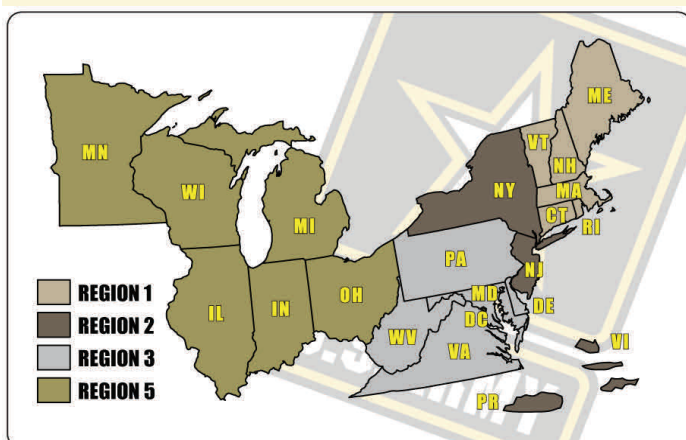
## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

December 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, a proposed general permit for in situ remediation. In ME, proposed amendments to the low sulfur fuel rule. In MA, proposed legislation for the creation of the Military Asset and Security Strategy Task Force. In RI, proposed amendments to the hazardous waste management regulations that pertain to paint.

### Region 2

In NJ, legislation introduced to allow for time extensions for remedial investigations. In NY, proposed approval for SIP revisions regarding the control of VOCs.

### Region 3

In DE, final amendments to the AST regulations. In DC, finalized amendments to the water quality standards as part of the triennial review. In MD, multiple proposed bills concerning forest conservation and management rules and amendments to the water appropriation or use regulations. In PA, proposed PM2.5 nonattainment area designations. In VA, the release of an updated state stormwater management handbook. In WV, USEPA approval for state hazardous waste management program revisions.

### Region 5

In IL, USEPA approval for SIP revisions that update the definition of VOM and VOC and multiple state rule adoptions updating state RCRA Subtitle C hazardous waste rules. In IN, the adoption of amendments to the air pollution control division regulations. In MI, final rules amending the hazardous waste management rules, state air mercury rules, and the permit to install air regulations. In MN, proposed amendments and triennial review of state water quality standards. In OH, multiple USEPA approvals regarding air regulations and the state adoption of amendments to the Bureau of Radiation Protection rules. In WI, federal approval for a SIP revision concerning the state Stage II vapor recovery program.

### DOD Activity

A new DOD-NRDC primer on siting renewable energy development.

### Federal Activity

The President issued EO 13653 - Preparing the U.S. for the Impacts of Climate Change. USFWS finalizes revisions to the List of Migratory Birds. USEPA releases its Draft FY 2014-2018 Strategic Plan.

# 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.**

## **OTHER REGULATORY ACTIVITY**

**PROPOSED ISSUANCE OF A GENERAL PERMIT FOR IN SITU REMEDIATION: CHEMICAL OXIDATION** The Connecticut Department of Energy and Environmental Protection (CDEEP) has given [notice](#) of the proposed issuance of a General Permit for In Situ Remediation: Chemical Oxidation. The proposed general permit authorizes the introduction of chemical oxidants and other necessary associated substances into the state's soil and groundwater to remediate pollution. The comment period closed on 12 DEC 13.

**TRIENNIAL REVIEW OF STATE WATER QUALITY STANDARDS** CDEEP has given [notice](#) of its intent to initiate the triennial review of the state's Water Quality Standards (WQS). The review will evaluate the need to update or revise the WQS in order to remain consistent with state and federal law. The review will also ensure that Connecticut's WQS continue to reflect the best available science and support sound water quality management policies to improve and protect the water resources of the state. The comment period closed on 16 DEC 13.



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

## **PROPOSED RULES**

**DRAFT GENERAL PERMITS FOR THE DISCHARGE OF WASTE SNOW** The Maine Department of Environmental Protection (MDEP) has [proposed](#) two new general permits for the discharge of snow. One of the general permits, [MEG200000](#), is for the discharge of waste snow to certain estuarine or marine waters of the state. The other, [MEG210000](#), is for the discharge of waste snow to groundwaters of the state. The proposed general permits will expedite the permitting process and contain terms and conditions to ensure water quality is protected. The comment period closed on 2 DEC 13.

**PROPOSED AMENDMENTS TO THE LOW SULFUR FUEL RULE** MDEP has [proposed amendments](#) to Ch. 106, Low Sulfur Fuel rule, to incorporate statutory requirements for the use of low-sulfur distillate and residual fuels. The statutory requirements were enacted as part of Maine's effort to address federal visibility planning requirements at federal Class I areas such as Acadia National Park. The requirements also provide a process whereby an affected source can apply for an "equivalent alternative sulfur reduction" on a case-by-case basis with MDEP and USEPA approval. The amendments will be submitted to USEPA for approval as a State Implementation Plan (SIP) revision. Comments are due 18 DEC 13.



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

#### **PROPOSED LEGISLATION**

**HB 3736 MILITARY ASSET AND SECURITY STRATEGY TASK FORCE** HB 3736 establishes, within the office of the governor, the Military Asset and Security Strategy Task Force that will be chaired by the governor. Task Force authorities would include: (1) engaging with representatives from the military, business community, and government surrounding each installation in order to enhance, expand, add or otherwise improve missions, programs, facilities, and operations on or affecting the military installation; (2) identifying initiatives that can be implemented to address or resolve operational or mission weaknesses at the military installations; and (3) advising the governor and executive and legislative branch officials regarding the ongoing efforts by DOD to close, realign, restructure, streamline, or otherwise take actions that would impact the military installations. The bill passed the House and was referred to the Senate Bonding, Capital Expenditures, and State Assets Committee.



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

#### **PROPOSED RULES**

**PROPOSED AMENDMENTS TO THE HAZARDOUS WASTE MANAGEMENT REGULATIONS** The Rhode Island Department of Environmental Management (RIDEM) has **proposed** amendments to the hazardous waste management regulations. The amendments comply with the legislative statute on paint waste by creating a framework to allow new categories of facilities to collect hazardous waste from conditionally exempt small quantity generators. The amendments also revise and delete some definitions of state-only waste that were considered confusing and difficult to apply. The comment period closed on 9 DEC 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 8 JAN 13 and adjourns sine die 31 DEC 13.

#### **PROPOSED LEGISLATION**

**SB 3075 TIME EXTENSION FOR REMEDIAL INVESTIGATIONS** SB 3075 allows the New Jersey Department of Environmental Protection (NJDEP) to grant, under certain circumstances, an extension of time for the completion of a remedial investigation. Current law requires NJDEP to assume direct oversight of a cleanup if the person responsible for conducting a remediation has failed to complete the remedial investigation within a given time period. The bill was referred to the Environment and Energy Committee.



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

### FEDERAL ACTIVITY

**SIP REVISIONS REGARDING THE CONTROL OF VOCs** USEPA has issued a proposed rule to approve a SIP revision for ozone submitted by the state of New York concerning the control of volatile organic compounds (VOCs) ([78 FR 69625](#)). The SIP revision consists of amendments to the state codes that approve control techniques that help attain and maintain the national ambient air quality standards (NAAQS) for ozone. Comments are due by 20 DEC 13.



Legislature convened 14 JAN 13 and adjourns sine die 31 DEC 16.

### PROPOSED LEGISLATION

**PS 842 GOVERNMENT ENERGY EFFICIENCY ACT** PS 842, known as the Government Energy Efficiency Act, establishes electric energy saving strategies for government agencies. The bill also repeals the previously enacted act to promote the efficiency of energy and water resources existing in the commonwealth of Puerto Rico and new buildings. The bill was referred to the Energy Affairs and Water Resources Committee.

## Region 3

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



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

### FINAL RULES

**AMENDMENTS TO THE ABOVEGROUND STORAGE TANK REGULATIONS** The Delaware Department of Natural Resources and Environmental Control (DDNREC) has [adopted](#) amendments to the Aboveground Storage Tanks (AST) regulations at Title 7, Del.C., Chapter 74A. The amendments: (1) extend the required time frame for notification to DDNREC for a retrofit or upgrade from 60 days to one year; (2) require DDNREC to provide a written response within 90 days of receiving a request for alternative technology approval; and (3) allow an owner or operator to request a one year extension of the DDNREC approval for an installation of a new AST. A notice of the proposed amendments was published in the August 2013 edition of the *Northern Review*. The amendments became effective on 11 DEC 13.



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

### FINAL LEGISLATION

**B 516 ANACOSTIA POLLUTION ACT OF 2013** B 516 was withdrawn on 6 Nov 13. The bill would have prohibited the sale, use, or provision of polystyrene containers for food services and encouraged the use of compostable or recyclable containers. A notice of the proposed bill was published in the November 2013 edition of the *Northern Review*.



## **PROPOSED LEGISLATION**

**B 573 SUSTAINABLE DC OMNIBUS ACT OF 2013** B 573, known as the "Sustainable DC Omnibus Act of 2013," addresses elements impacting energy conservation, environmental protection, and transportation enhancements. The environmental protection section deals with proposed: (1) proficiency requirements for radon contractors; (2) prohibition of polystyrene food containers; (3) environmental literacy initiatives; and (4) urban forestry requirements for tree replacement by land owners. The bill was retained by the DC Council and has not been referred to a committee.

## **FINAL RULES**

**TRIENNIAL WATER QUALITY STANDARDS REVISIONS** The DC Department of the Environment (DDOE) has **adopted** 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. A notice of the proposed amendments was published in the September 2013 edition of the *Northern Review*. The amendments became effective on 1 NOV 13.



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

## **PROPOSED RULES**

**PROPOSED AMENDMENTS TO THE FOREST CONSERVATION REGULATIONS** The Maryland Department of Natural Resources (MDNR) has issued two separate proposals to amend the forest conservation regulations **.03 and .04** under COMAR 08.19.01 and the Model Forest Conservation Ordinance Regulation **.01** under COMAR 08.19.03. The amendments reflect recent statutory changes adopted during the 2013 state legislative session. The amendments: (1) add definitions for "priority funding area" and "stream restoration project"; (2) add exceptions for impervious areas, maintenance of stormwater management structures, and stream restoration projects; and (3) clarify the biennial review of local programs. The comment periods for both proposals closed on 16 DEC 13.

**PROPOSED AMENDMENTS TO THE FOREST MANAGEMENT PROGRAMS REGULATION** MDNR has **proposed** amendments to the Forest Management Programs Regulation **.04** under COMAR 08.07.03. The amendments reflect changes made to the statute during the 2013 state legislative session. The revisions replace references to "registered forester" with the term "licensed forester" and amend the eligibility criteria of silvicultural practices qualifying for income tax abatement. The comment period closed on 16 DEC 13.

**PROPOSED AMENDMENTS TO THE WATER APPROPRIATION OR USE REGULATIONS** The Maryland Department of the Environment (MDE) has **proposed** amendments to the water appropriation or use regulations at COMAR 26.17.06. The amendments adopt procedures pursuant to a 2008 change in Maryland laws by establishing procedures that allow certain water suppliers to have higher allocations than would be given under previous policies. The amendments state that when appropriating groundwater in Carroll, Frederick, or Washington counties, MDE may give priority to a public water system that provides water to: (1) a municipal corporation, not including those areas annexed after 1 JAN 00; or (2) a priority funding area established on or before 1 JAN 00. The comment period closed on 6 DEC 13.



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

## **PROPOSED RULES**

**DRAFT NPDES GENERAL PERMIT FOR WET WEATHER OVERFLOW DISCHARGES FROM COMBINED SEWER SYSTEMS** The Pennsylvania Department of Environmental Protection (PDEP) has **announced** the availability of the draft National Pollutant Discharge Elimination System (NPDES) General Permit for Wet Weather Overflow Discharges from Combined

Sewer Systems (PAG-06). The draft PAG-06 general permit provides NPDES permit coverage to satellite combined sewer systems with wet weather combined sewer overflow discharges to waters of the commonwealth. The draft does include some significant changes in comparison to the existing general permit. PDEP has extended the effective date of the existing PAG-06 to 5 SEP 14 and expects to finalize the new PAG-06 before then. The comment period closed on 2 DEC 13.

## **OTHER REGULATORY ACTIVITY**

**PROPOSED PM2.5 NONATTAINMENT AREA DESIGNATION RECOMMENDATIONS** PDEP has [requested comments](#) on proposed recommendations to USEPA for the designation of areas not meeting the revised annual health-based NAAQS for fine particulates (PM2.5). USEPA established the revised NAAQS for PM2.5 in December 2012, which lowered the 1997 annual standard from 15.0 micrograms per cubic meter (µg/m3) to 12.0 µg/m3. PDEP's preliminary recommendations are for the following areas to be designated nonattainment for the revised annual PM2.5 standard: (1) Greater Philadelphia Area (which includes Chester, Delaware, and Philadelphia counties); (2) Northampton County Area; (3) Lancaster County Area; (4) Cambria County Area; (5) Greater Pittsburgh Area (which includes Allegheny and Westmoreland counties); and (6) the Liberty/Clairton Area. The comment period closed on 18 NOV 13.



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

## **FEDERAL ACTIVITY**

**SIP REVISION TO REMOVE THE STATE NLEV PROGRAM REGULATION** USEPA has issued a direct final rule approving a SIP revision, submitted by the commonwealth of Virginia, removing the state's repealed regulation for the National Low Emission Vehicle (NLEV) program from the SIP ([78 FR 68365](#)). Virginia repealed its regulation in 2011, because the NLEV program was superseded by more stringent Federal Tier 2 passenger car and light-duty truck standards, which were promulgated by USEPA in 2000. The Federal Tier 2 vehicle standards, which were implemented on a phased-in basis between model years 2004 and 2006, marked the expiration of the NLEV program. Barring adverse comment the direct final rule will become effective on 13 JAN 14.

## **PROPOSED RULES**

**PROPOSED AMENDMENTS TO THE ONSITE SEWAGE SYSTEM PROFESSIONALS REGULATIONS** The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals has [proposed](#) amendments to 18VAC160-20 that change the definitions of "direct supervisor" and "direct supervision." The amendments allow licensees to supervise the work of unlicensed individuals who are not seeking licensure. The amendments also modify the requirements for applicants of an individual sewage system installer license to reflect current industry procedures consistent with the Virginia Department of Health. Comments are due by 14 FEB 14.

## **OTHER REGULATORY ACTIVITY**

**VIRGINIA STORMWATER MANAGEMENT HANDBOOK** The Virginia State Water Control Board has [released](#) the final draft of the [Virginia Stormwater Management Handbook, 2<sup>nd</sup> Edition](#). The handbook was developed to provide guidance pertaining to modified Virginia Stormwater Management Program Permit Regulations adopted in October 2011 and required to be implemented beginning on 1 JUL 14. The handbook addresses new topics, has more and better graphics, and up-to-date site design examples, among other new elements. The comment period closed on 23 OCT 13.



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

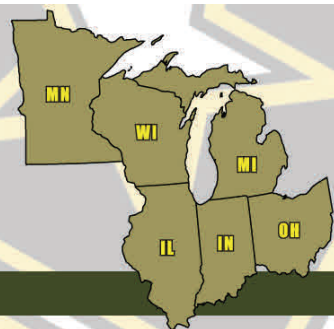
### FEDERAL ACTIVITY

**FINAL AUTHORIZATION OF STATE HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS** USEPA has issued an immediate final rule granting final authorization of revisions to the state of West Virginia's hazardous waste program under the Resource Conservation and Recovery Act (RCRA) ([78 FR 70225](#)). The revisions include various regulations that are equivalent to revisions to the federal hazardous waste program, as published in the Code of Federal Regulations (CFR) as of 16 JUN 10. The revisions also include an approval for the state's use of the cleanup standards in its Voluntary Remediation Program (VRP) at RCRA corrective action sites. Barring adverse comment the immediate final rule will become effective on 24 JAN 14.

**INFRASTRUCTURE REQUIREMENTS FOR THE 2010 NO<sub>2</sub> NAAQS** USEPA has issued a proposed rule to approve a SIP revision submitted by the state of West Virginia ([78 FR 65593](#)). The revision addresses Clean Air Act (CAA) section 110 (1) and (2) requirements, often referred to as the "infrastructure" SIP. Specifically, the revision addresses the infrastructure requirements necessary to implement, maintain, and enforce the 2010 nitrogen dioxide (NO<sub>2</sub>) NAAQS. The comment period closed on 2 DEC 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

**SIP REVISION UPDATING THE DEFINITION OF VOM AND VOC** USEPA has issued a direct final rule approving a SIP revision, submitted by the state of Illinois, updating the definition of "volatile organic material" (VOM) or VOC ([78 FR 70497](#)). The revision add trans-1,3,3,3-tetra-fluoropropene (HFO-1234ze) to the list of compounds excluded from the definition of VOM or VOC. The revision is based on USEPA's 2012 rulemaking that added HFO-1234ze to the list of chemical compounds that are excluded from the federal definition of VOC because of their negligible contribution to the formation of tropospheric ozone. Barring adverse comment the direct final rule will become effective on 27 JAN 14.

**PROPOSED SIP REVISION AMENDING THE STATE VEHICLE I/M PROGRAM** USEPA has issued a proposed rule to approve a SIP revision, submitted by the state of Illinois, concerning the state's vehicle inspection and maintenance (I/M) program in the Chicago and Metro-East St. Louis ozone nonattainment areas ([78 FR 68378](#)). The revision amends I/M program requirements in the active control measures portion of the ozone SIP to reflect changes that have been implemented at the state level since USEPA fully approved the I/M program in 1999. The revision also includes a demonstration under CAA section 110(l) addressing lost emission reductions associated with the program changes. The comment period closed on 16 DEC 13.

### FINAL RULES

**UPDATE OF STATE RCRA SUBTITLE C HAZARDOUS WASTE REGULATIONS** The Illinois Pollution Control Board has adopted multiple rules to update the Illinois RCRA Subtitle C hazardous waste rules. The regulations being updated include 35 Ill.

Adm. Code [703](#), [704](#), [720](#), [722](#), [724](#), [725](#), [726](#), [727](#), [728](#) and [739](#), which are all covered by separate notices. The amendments incorporate USEPA suggested corrections to various provisions and further update the edition of the CFR provisions that are incorporated by reference. A notice of the proposed rules was published in the August 2013 edition of the *Northern Review*. All of the adopted rules became effective on 24 OCT 13.



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

## **FEDERAL ACTIVITY**

**SIP REVISIONS FOR THE STATE PM2.5 NSR AND PSD PROGRAM** USEPA has issued a proposed rule to approve SIP revisions, submitted by the state of Indiana, implementing the New Source Review (NSR) and Prevention of Significant Deterioration (PSD) programs ([78 FR 65590](#)). The revisions establish definitions related to PM2.5, define PM2.5 increment levels, and set PM2.5 class 1 variances. The revisions also incorporate definitions and regulations that recognize nitrogen oxides (NO<sub>x</sub>) as an ozone precursor. The comment period closed on 2 DEC 13.

## **FINAL RULES**

**FEDERAL DESIGNATIONS FOR AIR STANDARDS** The Indiana Department of Environmental Management (IDEM) has [adopted](#) a rule to amend the air pollution control division regulations at 326 IAC 1-4. The rule adds federal designations for the 1997 annual standard for PM2.5, the 2006 24-hour PM2.5 standard, and the 2008 8-hour ozone standard. The rule also grants redesignations to attainment of the 1997 annual PM2.5 standard for Hamilton, Hendricks, Johnson, Marion, and Morgan counties. A notice of the proposed rule was published in the June 2013 edition of the *Northern Review*. The rule became effective on 24 NOV 13.

## **PROPOSED RULES**

**REVIEW OF STATE WATER QUALITY STANDARDS** IDEM has issued a [notice](#) announcing a review of the state water quality standards. The federal Clean Water Act (CWA) requires states to periodically review and update their water quality standards as appropriate. Currently, IDEM has proposals and plans for rulemakings affecting the standards or use designations for the following: (1) nutrients, specifically total phosphorus, in lakes and reservoirs; (2) special designations and exceptional use waters; (3) site-specific modification procedure for copper criteria with regard to the Town of Kendallville; and (4) revision of the aquatic life ambient water quality criteria (WQC) and human health WQC for metals. IDEM is seeking feedback on any aspect of Indiana's water quality standards contained in Title 327 of the Indiana Administrative Code (IAC), Article 2. Comments are due by 20 DEC 13.



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

## **FINAL RULES**

**AMENDMENTS TO THE HAZARDOUS WASTE MANAGEMENT RULES** The Michigan Department of Environmental Quality (MDEQ) has [adopted](#) amendments to the hazardous waste management rules. The amendments improve the overall quality of the rules and reduce regulatory barriers by providing streamlined and flexible requirements. The amendments were necessary for MDEQ to maintain its federal authorization from USEPA. A notice of the proposed amendments was published in the May 2013 edition of the *Northern Review*. The amendments became effective on 5 NOV 13.

**AMENDMENTS TO THE STATE AIR MERCURY RULES** MDEQ has [adopted](#) revisions to the Michigan Mercury Rules (MMR) at R 336.2501 through R 336.2514. The revisions: (1) align requirements and compliance dates in the MMR with those in the federal Mercury and Air Toxics Standards (MATS); (2) reduce additional regulatory burdens; and (3) ensure that affected sources will be subject to the MMR if the MATS is overturned or not in effect due to current litigation. A notice of the proposed revisions was published in the July 2013 edition of the *Northern Review*. The revisions became effective on 28 OCT 13.



**REVISIONS TO THE PERMIT TO INSTALL AIR REGULATIONS** MDEQ has **adopted** revisions to the permit-to-install regulations at R 336.1201 (Rule 201(4)) and R 336.1206 (Rule 206). The revisions to Rule 201(4) put a hold on the 18-month construction window if the permit issuance has been appealed. The revisions to Rule 206 require the Air Quality Division to act on all permit-to-install applications within 180 days of receipt, unless public participation is required, in which case a 240-day deadline will be required. A notice of the proposed revisions was published in the June 2013 edition of the *Northern Review*. The revisions became effective on 28 OCT 13.

## **PROPOSED RULES**

**ALIGNMENT WITH FEDERAL MERCURY AND AIR TOXICS STANDARDS RULES** MDEQ has **proposed** revisions to the Continuous Emission Monitoring regulations. The revisions address requirements contained in the state administrative rules and revisions to Michigan's SIP under CAA. The revisions align requirements in the state rules with those in the federal Mercury and Air Toxics Standards with respect to continuous emissions monitoring. Affected sources will now be able to follow one method of compliance rather than complying with two different state and federal methods. The comment period closed on 2 DEC 13.

**PROPOSED REVISIONS TO THE CLEANUP CRITERIA ADMINISTRATIVE RULES** MDEQ has **proposed** revisions to the environmental remediation regulations at Part 201 of the Natural Resources and Environmental Protection Act (NREPA), in relation to cleanup criteria requirements for response activity. The revisions implement December 2012 amendments to NREPA, which also require MDEQ to evaluate and revise the cleanup criteria by 31 DEC 13. The comment period closed on 13 NOV 13.



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

## **PROPOSED RULES**

**PROPOSED AMENDMENTS TO THE WATER QUALITY STANDARDS** The Minnesota Pollution Control Agency (MPCA) has **proposed** amendments to the water quality standards at Minnesota Rules parts 7050 and 7053. The proposed amendments establish new water quality standards for eutrophication in rivers, streams, Mississippi River pools and Lake Pepin and revise the existing water quality standard for turbidity to a standard of total suspended solids. The amendments also make a number of minor, supporting changes and clarifications to existing rules. A public hearing is scheduled for 8 JAN 13.

## **OTHER REGULATORY ACTIVITY**

**2014 DRAFT IMPAIRED WATERS LIST** MPCA has **announced** the availability of the draft 2014 Impaired Waters List. Most of the changes to the list are a result of intensive monitoring conducted in 18 watersheds around the state in 2012 and 2013, as well as statewide assessments for bacteria in large rivers and for pesticides and nitrates in drinking water. The MPCA conducts intensive monitoring in eight to nine of the state's 81 major watersheds each year, a process that will enable every watershed in the state to be monitored by 2018. The comment period opens on 2 JAN 14 and will close on 31 JAN 14.

**TRIENNIAL REVIEW OF WATER QUALITY STANDARDS** MPCA has **announced** that it is conducting a Triennial Standards Review (TSR) of the state water quality standards to gather input on the need for amendments and revisions to the rules. MPCA is required by CWA to conduct the TSR every three years and amend and update rules if necessary. MPCA has requested information and opinions from the public on any subject matter contained in Minnesota Rules chapters 7050 and 7052. Comments are due by 25 JAN 14.



Legislature convened 7 JAN 13 and adjourns 31 DEC 13.

## **FEDERAL ACTIVITY**

**REDESIGNATION OF THE BELLEFONTAINE NONATTAINMENT AREA TO ATTAINMENT OF THE 2008 LEAD STANDARD** USEPA has issued a direct final rule determining that the Bellefontaine nonattainment area has attained the 2008 lead NAAQS ([78 FR 66280](#)). The determination of attainment is based upon complete, quality-assured and certified ambient air monitoring data for the 2010-2012 design period. Additionally, USEPA has suspended the requirements for the area to submit an attainment demonstration, together with reasonably available control measures (RACM), a reasonable further progress (RFP) plan, and contingency measures. Barring adverse comment the direct final rule will become effective on 6 JAN 14.

**NO<sub>x</sub> SIP CALL RULE REVISIONS** USEPA has issued a direct final rule approving revisions to Ohio OAC 3745-14, the chapter containing state rules for the NO<sub>x</sub> SIP Call ([78 FR 68367](#)). The revisions allow Ohio's Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program rules to supersede Ohio's NO<sub>x</sub> SIP Call Budget Trading Program rules, but leave other requirements of the NO<sub>x</sub> SIP Call in place for units not covered by CAIR. Barring adverse comment the direct final rule will become effective on 13 JAN 14.

**SO<sub>2</sub> AIR QUALITY RULE REVISIONS** USEPA has issued a direct final rule approving revisions submitted by the state of Ohio to the state SO<sub>2</sub> regulations at OAC 3745-18 ([78 FR 69299](#)). The revisions update facility information and remove SO<sub>2</sub> requirements for shutdown facilities throughout the SIP. The revisions improve the clarity of the rule without affecting the stringency; therefore, USEPA approved all of the submitted revisions except for specific paragraphs in OAC 3745-18-04. Barring adverse comment the direct final rule will become effective on 21 JAN 14.

**REDESIGNATION OF THE COLUMBUS AREA TO ATTAINMENT OF THE 1997 ANNUAL STANDARD FOR PM<sub>2.5</sub>** USEPA has issued a final rule taking several actions under CAA affecting the Columbus area and the state of Ohio for the 1997 annual PM<sub>2.5</sub> NAAQS ([78 FR 66845](#)). USEPA has: (1) redesignated the Columbus area to attainment of the 1997 annual PM<sub>2.5</sub> standard based on 2007-2012 data; (2) approved the state's plan for maintaining the 1997 annual PM<sub>2.5</sub> standard in the area through 2023; (3) approved Ohio's comprehensive 2005 NO<sub>x</sub>, SO<sub>2</sub>, and primary PM<sub>2.5</sub> and 2007 VOC and ammonia emission inventories; and (4) approved the 2015 and 2022 NO<sub>x</sub> and PM<sub>2.5</sub> Motor Vehicle Emission Budgets (MVEBs) for the area and found them to be adequate for use in transportation conformity determinations. The Columbus area includes Coshocton (Franklin Township only), Delaware, Licking, Fairfield, and Franklin counties. The final rule became effective on 7 NOV 13.

## **FINAL RULES**

**AMENDMENTS TO THE BUREAU OF RADIATION PROTECTION RULES** The Ohio Department of Health (ODOH) has adopted amendments to the Bureau of Radiation Protection rules to keep them current with federal regulations. The rules being amended include: (1) General Radiation Protection Standards for Sources of Radiation (O.A.C. [3701:1-38-10](#), [-14](#), [-21](#), [-22](#), [-25](#)); (2) Radiation Protection Requirements (O.A.C. [3701:1-40-16](#), [-17](#)); (3) Source Material Licensure (O.A.C. [3701:1-44-14](#), [-18](#), [-25](#)); (4) Source Material (O.A.C. [3701:1-56-05](#), [-19](#)); and (5) Medical Use of Radioactive Materials (O.A.C. [3701:1-58-09](#)). Additionally, some rules are being amended in order to meet five-year review requirements. A notice of the proposed amendments was published in the October 2013 edition of the *Northern Review*. The amendments became effective on 14 NOV 13.

## **PROPOSED RULES**

**PROPOSED NONATTAINMENT AREAS FOR THE 2012 ANNUAL PM<sub>2.5</sub> STANDARD** The Ohio Environmental Protection Agency (OEPA) has [invited comment](#) regarding the extent of Ohio's nonattainment areas for the revised annual PM<sub>2.5</sub> NAAQS. USEPA established the revised NAAQS for PM<sub>2.5</sub> in December 2012, which lowered the 1997 annual standard from 15.0 micrograms per cubic meter (µg/m<sup>3</sup>) to 12.0 µg/m<sup>3</sup>. The comments received will be used to formulate the state's formal recommendation proposal to USEPA. OEPA's preliminary recommendations are for the following counties to be designated nonattainment for the revised annual PM<sub>2.5</sub> standard: Cuyahoga, Stark, Jefferson, Butler, Clermont,

and Hamilton. The remainder of the state is recommended as unclassifiable/attainment. The comment period closed on 5 DEC 13.



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

## **FEDERAL ACTIVITY**

**SIP REVISION REMOVING STAGE II VAPOR RECOVERY REQUIREMENTS FOR SOUTHEAST WISCONSIN** USEPA has issued a final rule approving a SIP revision submitted by the state of Wisconsin, concerning the state's Stage II vapor recovery program in southeast Wisconsin ([78 FR 65875](#)). The revision removes Stage II requirements as a component of the Wisconsin ozone SIP. The revision also includes a demonstration under CAA section 110(l) that addresses emissions impacts associated with the removal of the program. The final rule became effective on 4 DEC 13.

## **OTHER REGULATORY ACTIVITY**

**EXOTIC PLANT PESTS EMERGENCY RULE** The Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) has [announced](#) that the governor has approved the Statement of Scope for an emergency rule relating to exotic plant pests. The approval allows WDATCP to draft an emergency rule creating county/multi-county or township/multi-township quarantines in which an exotic pest is detected. The emergency rule will provide an exemption for items that have been inspected and certified by a pest control official. Any emergency rule authorized by the scope statement will be submitted to the Governor for approval.

# **Department of Defense Activity**

**NEW DOD-NRDC PRIMER ON SITING RENEWABLE ENERGY DEVELOPMENT** The Natural Resources Defense Council (NRDC) and DOD released a joint renewable energy siting primer called "[Working with the Department of Defense: Siting Renewable Energy Development](#)." The new siting guide provides a range of factors, siting considerations and information that renewable energy developers and other stakeholders should keep in mind when working with DOD on siting renewable energy projects. The guide aims to assist renewable energy developers and other stakeholders to screen wind and solar projects for success at the very beginning of the siting process by avoiding or mitigating potential conflicts with defense missions or environmental concerns.

# **Federal Activity**

## **CLIMATE CHANGE**

**EXECUTIVE ORDER - PREPARING THE UNITED STATES FOR THE IMPACTS OF CLIMATE CHANGE** On 1 NOV 13, President Obama signed [Executive Order \(EO\) 13653](#) "Preparing the United States for the Impacts of Climate Change." The EO requires: (1) the heads of multiple federal agencies, including DOD, within nine months to complete an inventory and assessment of proposed and completed changes to their land- and water-related policies, programs, and regulations necessary to make the Nation's watersheds, natural resources, and ecosystems more resilient in the face of a changing climate, including emphasis on carbon sequestration; (2) agencies to continue to update their Climate Adaptation Plans, in particular addressing any risks to the agency's mission or ability to operate; (3) the establishment of an interagency Council on Climate Preparedness and Resilience, that supersedes the Interagency Climate Change Adaptation Task Force; (4) the establishment, for 18 months, of a State, Local, and Tribal Leaders Task Force; and (5) other provisions regarding open data and tools relevant to climate issues and decision-making.

**DRAFT USEPA CLIMATE CHANGE ADAPTATION IMPLEMENTATION PLANS** USEPA has issued a notice seeking comments on its draft [Climate Change Adaptation Implementation Plans](#), including one plan for each of the ten USEPA regions and seven National Programs ([78 FR 65980](#)). The draft implementation plans provide a road map for USEPA to address future changes in climate and to incorporate considerations of climate change into its mission-driven activities. Comments are due by 3 JAN 14.

## **ENERGY**

**FEMP ANNOUNCES AFFECT GRANT PROGRAM FOR RENEWABLE ENERGY AT FEDERAL FACILITIES** The Department of Energy's Federal Energy Management Program (FEMP) has issued a Funding Opportunity Announcement, "Assisting Federal Facilities with Energy Conservation Technologies (AFFECT)." The AFFECT funding opportunity will provide direct funding to federal agencies for the development of combined heat and power or renewable energy capital projects at agency facilities. The anticipated total funding is \$5 million, with anticipated funding per award to be between approximately \$50,000 and \$1 million. Additional information is available on the [FEMP website](#).

## **HAZARDOUS MATERIALS**

**ADDITION OF ORTHO-NITROTOLUENE TO EPCRA REPORTING** USEPA has issued a final rule added ortho-nitrotoluene to the list of toxic chemicals subject to reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) ([78 FR 66848](#)). Ortho-nitrotoluene has been classified by the National Toxicology Program as "reasonably anticipated to be a human carcinogen." Ortho-nitrotoluene is primarily used to synthesize agricultural and rubber chemicals; azo and sulfur dyes; and dyes for cotton, wool, silk, leather, and paper. The reporting requirement applies to facilities that manufacture, import, process, or otherwise use ortho-nitrotoluene in excess of the reporting threshold quantity. The final rule became effective on 29 NOV 13 and applies for the reporting year beginning 1 JAN 14.

## **NATURAL RESOURCES**

**REVISED LIST OF MIGRATORY BIRDS** The U.S. Fish and Wildlife Service (USFWS) has issued a final rule revising the List of Migratory Birds ([78 FR 65843](#)). The final rule adds 23 species and removes four species based on new taxonomy and new evidence of occurrence in the United States or U.S. territories. The final rule became effective on 2 DEC 13.

**DEFINITION OF HYBRID MIGRATORY BIRD** USFWS has issued a final rule revising the definition of "hybrid," as it relates to birds protected under the Migratory Bird Treaty Act (MBTA), making it clear that it applies to all offspring of any listed species ([78 FR 65576](#)). The former definition specified that only hybrids of two species protected under the MBTA were protected. The final rule became effective on 2 DEC 13.

**GULF OF MAINE DISTINCT POPULATION SEGMENT OF ATLANTIC STURGEON** The National Marine Fisheries Service (NMFS) has issued an interim final rule to conserve the Gulf of Maine Distinct Population Segment (DPS) of Atlantic sturgeon ([78 FR 69310](#)). NMFS wants to protect the species from: (1) direct forms of take, such as physical injury or killing, whether incidental or intentional; (2) indirect forms of take, such as harm from habitat degradation. The sturgeon's marine range, including coastal bays and estuaries, of the Gulf of Maine Atlantic sturgeon DPS extends from Hamilton Inlet, Labrador, Canada, to Cape Canaveral, FL, and overlaps with the marine range of Atlantic sturgeon that originate from the other four Atlantic sturgeon DPSs. The interim final rule will become effective on 19 DEC 13.

**ANNUAL REVIEW OF LISTINGS, SPECIES ENDANGERED OR THREATENED** USFWS has released a Candidate Notice of Review (CNOR) that presents an updated yearly list of plant and animal species as candidates for addition to the Lists of Endangered and Threatened Wildlife and Plants ([78 FR 70103](#)). Overall, the CNOR: (1) recognizes no new candidates; (2) changes the listing priority number for three candidates; and (3) removes three species from candidate status. USFWS will accept information on any of the species in the CNOR at any time.

## **REMEDIATION**

**AMENDMENT TO STANDARDS AND PRACTICES FOR ALL APPROPRIATE INQUIRIES WITHDRAWN** Due to the receipt of adverse comment, USEPA has withdrawn the direct final rule for the Amendment to Standards and Practices for All Appropriate Inquiries that was published on 15 AUG 13 ([78 FR 64403](#)). The Amendment would have recognized and referenced ASTM International's updated standard E1527-13, [Standard Practice for Environmental Site](#)



**Assessments: Phase I Environmental Site Assessment Process.** A notice of the direct final rule was published in the September 2013 edition of the *Northern Review*. The withdrawal became effective on 29 OCT 13.

## **OTHER**

**USEPA DRAFT FY 2014-2018 STRATEGIC PLAN** USEPA has released for comment its Draft FY 2014-2018 Strategic Plan (**78 FR 69412**). USEPA has made revisions to the existing plan that advance efforts to address changing climate, protect water and land resources, and advance chemical safety. USEPA has proposed new FY 2014-2015 Agency Priority Goals, which include: (1) continuing emphasis on use of information technologies to optimize business processes and increase transparency; (2) promoting use of safer chemicals in commerce; (3) continuing evaluation of pesticide and commercial chemical risks; (4) enhancing nonpoint source program to address the nation's largest sources of water pollution; and (5) advancing sustainability by selecting sustainability indicators covering energy use, water use, and materials use and preparing to pilot them within and across USEPA programs. USEPA anticipates the final Strategic Plan will be submitted to Congress in February 2014. Comments are due by 3 JAN 14.

# 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**

**DOD MASTER PLANNING INSTITUTE (DODMPI) 2014 COURSE SCHEDULE** DODMPI offers master planning courses that teach the practice of installation planning. These courses present a planning curriculum that provides the DOD planning community with a breadth of understanding of the base planning process. DODMPI has an extensive course schedule planned for 2014.

**UTILITY ENERGY PROJECT INCENTIVE FUNDS** This Federal Energy Management Program (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.

**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.

**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 FY14 Proponent-Sponsored Engineer Corps Training (PROSPECT) training program. Please see the **Course Catalog** 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 FY14** The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY14 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 FY14** 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**