



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

February 2014

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](#).

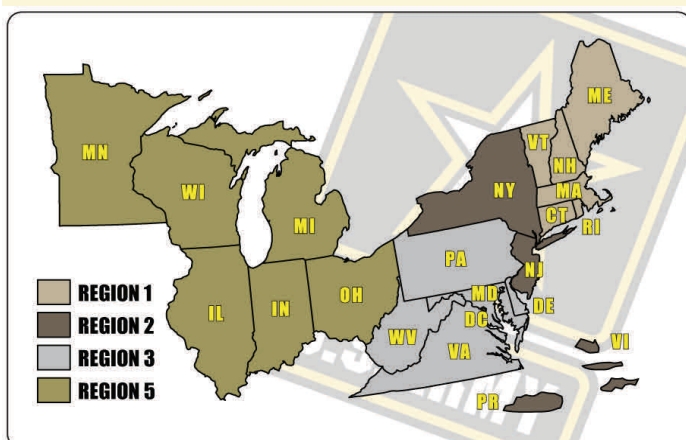


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What's In This Review?

Region 1

In CT, final amendments to the public drinking water quality standards. In ME, proposed bill concerning the implementation of the Lakes Assessment and Protection Program. In MA, annual lists of prospective regulations released. In NH, proposed amendments to the toxic air pollutants rules. In VT, proposed bills regarding GHG emissions limits and the quality of state waters.

Region 2

In NJ, proposed bills concerning water conservation, prescribed burning, Highlands Area permits and use issues, and dredging regulations; proposed GP for emergency generators burning distillate fuels and adjustments to the air contaminant emission fees. In NY, release of annual regulatory agenda and draft 2014 state energy plan.

Region 3

In DE, proposed amendments to the hazardous waste regulations. In MD, proposed bill to repeal the Watershed Protection and Restoration Program; final rules amending regulations for Chesapeake Bay restoration fund, forest management and conservation, and radiation protection. In VA, bill to remove permit requirements for transport of hazardous waste; final rules updating the stormwater management program and hazardous waste regulations. In WV, proposed bill to create programs for source water protection and industrial ASTs.

Region 5

In IL, final regulations regarding the repeal of Stage II vapor recovery programs and test methods. In IN, proposed legislation to create a license program for unmanned aerial systems, prohibit state standards from being more stringent than federal, and create a single POC for wetland work permits; proposed amendments to the electronic waste rules and the State Cleanup Program. In MN, release of the draft 2014 TMDL list and revisions to the statewide mercury TMDL. In OH, a draft rule to simplify EPCRA reporting. In WI, proposed bill amending the requirements for state economic impact analysis.

DOD Activity

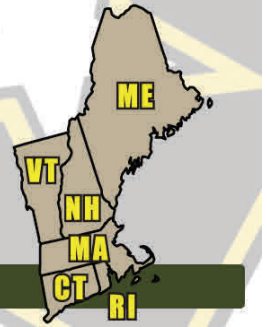
Report on DOD's efforts to meet renewable energy targets and a Department of Army high-level climate change vulnerability assessment.

Federal Activity

USEPA withdrawal and reproposal of new source performance standards for CO₂ emissions.

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 5 FEB 14 and adjourns sine die 4 JUN 14.

FEDERAL ACTIVITY

SIP REVISION FOR LOW EMISSION VEHICLE II PROGRAM USEPA has issued a proposed rule to approve a State Implementation Plan (SIP) revision submitted by the state of Connecticut ([79 FR 4308](#)). The SIP revision incorporates the: (1) California Low Emission Vehicle (LEV) II light-duty motor vehicle emission standards effective in model year 2008; (2) California LEV II medium-duty vehicle standards effective in model year 2009; and (3) greenhouse gas (GHG) emission standards for light-duty and medium-duty motor vehicles effective with model year 2009. The proposed rule also approves the removal of the definition and regulation of "composite motor vehicles" from the SIP-approved vehicle inspection and maintenance (I/M) program. Comments are due by 26 FEB 14.

FINAL RULES

AMENDMENTS TO THE PUBLIC DRINKING WATER QUALITY STANDARDS The Connecticut Department of Public Health has [adopted](#) amendments to the public drinking water quality standards at Section 19-13-B102. The amendments conform state rules with the new federal requirements in the: (1) Stage 2 Disinfectants and Disinfection Byproduct Rule; (2) Long Term 2 Enhanced Surface Water Treatment Rule; (3) Ground Water Rule; and (4) Lead and Copper Rule. The amendments allow the state to maintain primacy for implementation and enforcement of the federal Safe Drinking Water Act (SDWA). The amendments became effective on 14 JAN 14.

PROPOSED RULES

INTENT TO MODIFY THE GENERAL PERMIT FOR WATER RESOURCES CONSTRUCTION ACTIVITIES The Connecticut Department of Energy and Environmental Protection (CDEEP) has issued a [notice](#) of intent to modify the General Permit (GP) for Water Resources Construction Activities (DEP-IWRD-GP-13). The modifications reflect the 2013 passage of Public Acts 13-205 & 209. Public Act 13-205 repealed the Stream Channel Encroachment Line program; therefore, activities that occur within stream channel encroachment lines no longer require authorization from CDEEP. Public Act 13-209 eliminated the 60-day waiting period for GP applicants, and the requirement to submit information to CDEEP 25 days prior to the beginning of certain proposed activities. The comment period closed on 26 JAN 14.



Legislature convened 8 JAN 14 and adjourns sine die 18 JUN 14.

PROPOSED LEGISLATION

LD 1744 AN ACT TO PROTECT MAINE LAKES LD 1744 amends the Protection and Improvement of Waters regulations at 38 MRSA §410, §418, §444, and §450. The bill outline responsibilities of the Maine Department of Environmental Protection when implementing the Lakes Assessment and Protection Program. The bill also adds new regulatory sections titled: (1) restrictions on application of fertilizers, herbicides, pesticides, and soil amendments; (2) photographic record of shorelines to assist enforcement; and (3) training for municipalities. The bill was referred to the Environment and Natural Resources Committee.

PROPOSED RULES

INCORPORATION OF FEDERAL NSPS AND NESHAPS The Maine Department of Environmental Protection (MDEP) has **proposed** revisions to Ch. 143, New Source Performance Standards (NSPS) and Ch. 144, National Emission Standards for Hazardous Air Pollutants (NESHAP). The revisions incorporate by reference all new and amended federal NSPS and NESHAPS that have been added between 1 JUL 04 and 1 JUL 13. The comment period closed on 14 FEB 14.



Legislature convened 8 JAN 14 and adjourns 7 JAN 15.

OTHER REGULATORY ACTIVITY

ANNUAL LISTS OF PROSPECTIVE REGULATIONS The Executive Offices of **Energy and Environmental Affairs** and **Labor and Workforce Development** have both issued lists of regulations they expect their agencies to promulgate during the next 12 month period.



Legislature convened 8 JAN 14 and adjourns sine die 30 JUN 14.

PROPOSED RULES

AMENDMENTS TO THE TOXIC AIR POLLUTANT REGULATIONS The New Hampshire Department of Environmental Services (NHDES) has **proposed** the readoption with amendment of rules relating to regulated toxic air pollutants. NHDES is required, by state regulations, to annually update the list of regulated toxic air pollutants (RTAPs) and their ambient air limits (AALs). The updates are based on changes made to the list of chemical substances by the American Conference of Governmental Industrial Hygienists (ACGIH) and USEPA's Integrated Risk Information System (IRIS). The amendments incorporate ACGIH and IRIS updates, and make additional changes to the list of RTAPs along with other rules. The comment period closed on 10 FEB 14.



Legislature convened 7 JAN 14 and adjourns sine die 9 MAY 14.

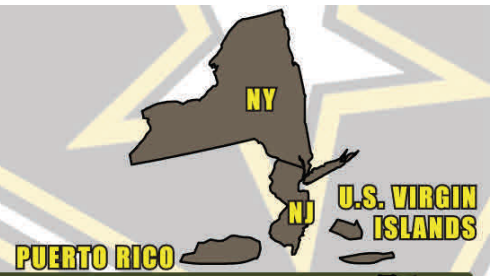
PROPOSED LEGISLATION

HB 557 GREENHOUSE GAS EMISSION LIMITS HB 557 changes GHG emission reduction goals to GHG emission limits and outlines requirements for the limits to be implemented. The bill requires state agencies to implement these GHG emission limits in their decision-making procedures with respect to the: (1) purchase and use of equipment and goods; (2) siting, construction, and maintenance of buildings; (3) assignment of personnel; and (4) planning, design, and operation of programs, services, and infrastructure, including regulatory programs. The bill was referred to the Natural Resources and Energy Committee.

HB 586 IMPROVING THE QUALITY OF STATE WATERS HB 586 adopts multiple amendments to the conservation and development of water quality regulations. The amendments include: (1) right-of-way pesticide permit requirements and prohibitions; (2) updating definitions; (3) permitting of discharges of regulated stormwater runoff; (4) establishing a Water Resources Preservation Program to fund activities or projects to improve water quality. The bill was referred to the Fish, Wildlife & Water Resources Committee.

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.



New Jersey

Legislature convened 14 JAN 14 and adjourns 12 JAN 16.

PROPOSED LEGISLATION

AB 656 WATER CONSERVATION REGULATIONS AB 656 establishes, in statute, a year-round odd-even lawn watering restriction. The bill also: (1) authorizes the New Jersey Department of Environmental Protection (NJDEP) to adopt water conservation regulations and to reduce the water supply application backlog; (2) requires installation of automatic rain sensor devices under certain circumstances; and (3) establishes exemptions from the watering restriction. The bill was referred to the Environment and Solid Waste Committee.

AB 1275 AUTHORIZATION OF PRESCRIBED BURNING AB 1275 authorizes the New Jersey Forest Fire Service, under certain conditions, to conduct prescribed burns on any area of land within the state that has been determined, by a designee, to be in reasonable danger of wildfire. The bill also establishes a certification program for prescribed burn managers and procedures for conducting prescribed burns. The bill was referred to the Agriculture and Natural Resources Committee.

AB 2117 ESTABLISHMENT OF THE NEW JERSEY COASTAL COMMISSION AB 2117 establishes a New Jersey Coastal Commission to create a regional approach to land use planning and environmental regulation in the coastal area located in the counties of Atlantic, Cape May, Middlesex, Monmouth, and Ocean. The bill transfers to the commission, from NJDEP, the primary authority within the coastal commission area for the issuance of permits, approvals or other authorizations. The bill was referred to the Environment and Solid Waste Committee.

AB 1373 BAN ON NEONICOTINOID PESTICIDES AB 1373 prohibits the use, sale, or distribution of any neonicotinoid pesticide. The bill defines a "neonicotinoid pesticide" as any pesticide containing a chemical belonging to the neonicotinoid class of chemicals, including: imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran, thiacloprid, and thiamethoxam. Neonicotinoid pesticides are suspected of having adverse effects on pollinating insects and may contribute to the disappearance of bee populations. The bill was referred the to Agriculture and Natural Resources Committee.

AR 48 NEW JERSEY PARTICIPATION IN RGGI AR 48 urges New Jersey's participation in Regional Greenhouse Gas Initiative (RGGI) because of its importance to national security and energy independence. The bill was referred to the Environment and Solid Waste Committee.

AB 1775 FOREST STEWARDSHIP PROGRAM AB 1775 directs NJDEP to establish a forest stewardship program for state-owned lands. The bill further requires NJDEP to identify state-owned forested lands that do not have a developed forest stewardship plan. NJDEP must then develop, adopt, and implement forest stewardship plans for those lands. The bill was referred to the Agriculture and Natural Resources Committee.

AB 1592 PRESERVE NEW JERSEY ACT OF 2013 AB 1592, cited as the "Preserve New Jersey Act of 2013," implements a constitutional dedication of sales tax revenue for open space, including flood prone areas, farmland, and historic preservation purposes. The bill dedicates \$200 million annually for the next 30 years, and specifies how the money will be used. The bill was referred to the Agriculture and Natural Resources Committee.

AB 1417 (SB 848) GOVERNMENTAL ENERGY RELIABILITY AND SAVINGS PUBLIC-PRIVATE PARTNERSHIP ACT AB 1417 permits private entities to propose, to governmental entities, certain energy-related projects at governmental facilities through a public-private partnership agreement. The bill also creates an "Energy P3 Unit" situated within the Board of Public Utilities that is responsible for the formulation and execution of a comprehensive state-wide policy for public-private partnership agreements. The bill was referred to the Telecommunications and Utilities Committee.

AB 1526 RENEWABLE ENERGY SYSTEMS REQUIREMENT AB 1526 requires that, where feasible, the construction of all new state buildings includes the installation of renewable energy systems powered by solar and geothermal energy sources. The bill was referred to the Telecommunications and Utilities Committee.

AB 392 (SB 1054) VARIANCES FROM THE HIGHLANDS REGIONAL MASTER PLAN AB 392 allows for certain variances, exemptions, and waivers under the "Highlands Water Protection and Planning Act." The bill authorizes the Highlands Water Protection and Planning Council to grant a variance from the Highlands regional master plan and other regulations, for specified reasons, provided that the resources of the Highlands Region would not be substantially impaired. The bill was referred to the Environment and Solid Waste Committee.

AB 395 (SB 1055) STATUTORY EXEMPTIONS TO THE HIGHLANDS WATER PROTECTION AND PLANNING ACT AB 395 revises certain statutory exemptions to the "Highlands Water Protection and Planning Act." The bill addresses issues in the application of the "grandfather" exemptions prescribed in the Highlands Act. The bill: (1) changes qualifying dates for certain land purchases for an exemption from the Highlands Act concerning specific kinds of construction; (2) updates definitions to eliminate confusion; (3) changes additional statutory deadline dates; and (4) requires the granting of certain exemptions under specified conditions. The bill was referred to the Environment and Solid Waste Committee.

AB 538 PROHIBITION ON IMPOSING CONDITIONS ON EXEMPT HIGHLANDS ACT PROJECTS AB 538 prohibits NJDEP from imposing conditions on projects, developments, or activities statutorily exempt from "Highlands Water Protection and Planning Act." The bill is retroactive to the effective date of the Highlands Act, 10 AUG 04. The bill was referred to the Environment and Solid Waste Committee.

AB 1771 HIGHLANDS CONSERVATION TRUST AB 1771 creates the Highlands Conservation Trust. The trust will acquire, hold, or convey to other governmental entities or nonprofit organizations, environmentally important, valuable, or sensitive lands located in the New Jersey Highlands Region. These lands will be permanently preserved and managed. The bill was referred to the Environment and Solid Waste Committee.

ACR 29 COASTAL LAKE RESTORATION PROJECTS ACR 29 urges the U.S. Congress and the U.S. Army Corps of Engineers to consider incorporating coastal lake restoration projects as part of the Hurricane Sandy recovery. The bill was referred to the Environment and Solid Waste Committee.

SB 304 BLUE ACRES FLOODPLAIN PROTECTION BOND ACT SB 304, cited as the "Blue Acres Floodplain Protection Bond Act of 2012," authorizes the issuance of \$100 million in state general obligation bonds to be used for blue acres projects. "Blue acres" refers to the acquisition, for recreation and conservation purposes, of lands that have been damaged by, or are prone to damage caused by storms or storm-related flooding, or that may buffer other lands from such damage. The bill was referred to the Environment and Energy Committee.

AB 247 ESTABLISHMENT OF A STUDY COMMISSION FOR THE WRECK POND WATERSHED AB 247 directs NJDEP, in conjunction with Monmouth County, to form a study commission to examine nonpoint source pollution and stormwater management issues in the Wreck Pond Watershed. The commission will consider actions to improve water quality, reduce flooding, and reduce or eliminate beach closures caused by Wreck Pond through restoration initiatives that improve the water quality of the pond. The bill requires NJDEP to submit a report to the Legislature on the commission's work. The bill was referred to the Environment and Solid Waste Committee.

AB 1593 WATER SUPPLY OPEN SPACE AND FARMLAND TRUST FUND ACCOUNT AB 1593 establishes a Water Supply, Open Space, and Farmland Trust Fund Account in the New Jersey Department of the Treasury. Moneys in the fund would be derived from: (1) a water consumption user fee imposed on the owner or operator of every public community water system; and (2) a water diversion user fee imposed on every person required to obtain a diversion permit or a water use registration. The trust fund will be used to support open space and farmland preservation projects. The bill was referred to the Agriculture and Natural Resources Committee.

AB 748 (SB 905) DREDGING OF WATERWAYS TO PROVIDE BOAT ACCESS TO LAGOON COMMUNITIES AB 748 requires NJDEP to assume responsibility for the dredging of waterways that provide boat access to lagoon communities in the state, whether officially designated as navigational channels or not. The bill also appropriates funding for the dredging. The bill was referred to the Environment and Solid Waste Committee.

AB 749 (SB 906) CREATION OF A NEW RESTORATIVE AND MAINTENANCE DREDGING ACCOUNT AB 749 creates a special dredging account, "The Community and Navigational Waterways Restorative and Maintenance Dredging Account," to be funded by sales tax revenue. The new dredging account will support the dredging of waterways in the state outside of the port region. The bill was referred to the Environment and Solid Waste Committee.

AB 750 (SB 904) FUNDING FOR DREDGING PROJECTS AND DISPOSAL AB 750 appropriates money to NJDEP for dredging projects and dredged material disposal projects related to navigational waterways. The bill also identifies which projects should be funded by the appropriations. The bill was referred to the Environment and Solid Waste Committee.

PROPOSED RULES

PROPOSED DRAFT GENERAL PERMIT FOR EMERGENCY GENERATORS BURNING DISTILLATE FUELS NJDEP has **invited comment** on a draft general permit for emergency generators burning distillate fuels (GP-005A). The GP will replace GP-005, Emergency Generators. GP-005A allows for the construction, installation, and operation of a single or multiple emergency generator(s) burning distillate fuels with a combined maximum rated heat input to the burning chamber of less than 100 million BTU per hour. GP-005A is substantially the same as GP-005, except for: (1) regulatory additions; (2) environmental protection enhancements; and (3) additional flexibilities. The comment period closed on 5 FEB 14. **NOTE:** The DOD REC for Region 2 submitted comments addressing DOD concerns regarding the draft GP.

OTHER REGULATORY ACTIVITY

ADJUSTMENTS TO AIR CONTAMINANT EMISSION FEES NJDEP has **announced** the annual percentage increase in the Consumer Price Index (CPI), which is used to calculate the annual emission fee for major facilities. The CPI percentage increase for fiscal year 2014 is 1.7 percent. The annual emission fee is calculated each year by applying the CPI adjustment to the base amount per ton of emissions. The fee was due to NJDEP by 31 JAN 14.



Legislature convened 8 JAN 14 and adjourns 7 JAN 15.

OTHER REGULATORY ACTIVITY

NEW YORK STATE REGULATORY AGENDAS The state of New York has issued its annual regulatory agenda for the upcoming year. As part of this, the **New York Department of Environmental Conservation** (NYDEC) and the **New York Department of Health** have both released their regulatory agendas. The agendas identify regulatory actions under consideration for submission as a Notice of Proposed Rulemaking from January through June 2014.

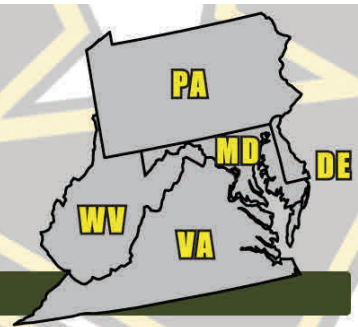
2014 DRAFT NEW YORK STATE ENERGY PLAN The New York Energy Planning Board has **announced** public hearings to receive public comment on the **2014 Draft New York State Energy Plan**. The draft plan is divided into two volumes, with the first volume providing 15 key initiatives to advance the state's energy future. The second volume addresses energy use, its sources and impacts, and provides details on the information used to develop the overarching vision and initiatives in the first volume. The plan contains actionable policy recommendations and analyses to guide the state's efforts to advance new energy technologies that foster an innovative clean energy economy. Hearings are scheduled for 19, 20, 25 FEB 14, and 3 and 6 MAR 14, with comments due by 31 MAR 14.

DRAFT RECOVERY PLAN FOR THE NORTHERN CRICKET FROG NYDEC has **invited comment** on a proposed **recovery plan** to increase the population of the endangered northern cricket frog. The northern cricket frog is one of New York State's two endangered amphibians and is limited to a small number of breeding populations in southeastern New York. The recovery plan provides a comprehensive review of the northern cricket frog and proposes a strategy for preventing the loss of this species from the state. Comments are due by 21 FEB 14.

DRAFT SPECIES MANAGEMENT PLANS FOR BLACK BEARS AND MUTE SWANS NYDEC has [invited comment](#) on draft species management plans for [black bears](#) and [mute swans](#). The black bears draft plan describes five primary goals that reflect the current priorities of bear managers and desires expressed by the public. The mute swan is a non-native, invasive species that causes a variety of problems; therefore, the draft management plan supports actions by NYDEC to eliminate free-ranging mute swans from New York by 2025, while allowing responsible ownership of these birds in captivity. Comments are due by 21 FEB 14.

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 14 JAN 14 and adjourns 30 JUN 14.

FEDERAL ACTIVITY

SIP REVISION FOR INFRASTRUCTURE REQUIREMENTS FOR THE 2010 SO₂ NAAQS USEPA has issued a final rule approving a SIP revision submitted by the state of Delaware addressing the infrastructure requirements for the 2010 sulfur dioxide (SO₂) National Ambient Air Quality Standards (NAAQS) ([79 FR 3506](#)). The revision addresses requirements of sections 110(a)(1) and (2) of the Clean Air Act (CAA) that provide basic program elements necessary to implement, maintain, and enforce the 2010 SO₂ NAAQS. The final rule will become effective on 21 FEB 14.

CORRECTION OF A PREVIOUSLY APPROVED SIP REVISION USEPA has issued a final rule that corrects an error in the preamble language of a previously issued final rule pertaining to USEPA's approval of a Delaware SIP revision ([79 FR 4820](#)). The previously issued final rule approved the attainment plan for the Philadelphia-Wilmington, PA-NJ-DE nonattainment area. USEPA inadvertently printed an incorrect column title on a table included in the final rule. The current final rule corrects that error. A notice of the previous final rule ([78 FR 76209](#)) was published in the January 2014 edition of the *Northern Review*. The final rule became effective on 30 JAN 14, but was applicable beginning on 16 JAN 14.

PROPOSED RULES

AMENDMENTS TO THE HAZARDOUS WASTE REGULATIONS The Delaware Department of Natural Resources and Environmental Control (DDNREC) has [proposed](#) amendments to the hazardous waste regulations at 7 DE Admin. Code 1302. The amendments add compliance self-certification provisions that will enable DDNREC to offer customized compliance assistance and verification to identified business sectors, providing selected hazardous waste generators regulatory guidance that is specific to their business needs. The comment period closed on 27 JAN 14.



Legislature convened 2 JAN 14 and adjourns 31 DEC 14.

PROPOSED LEGISLATION

B 634 AIR POLLUTION CONTROL AMENDMENT ACT OF 2014 B 634 amends and reorganizes the District of Columbia (DC) Air Pollution Control Act of 1984. The bill removes ambiguities and confusion between the act and the air quality regulations located in Chapter 1 of Title 20 in the District of Columbia Municipal Regulations (DCMR). The statutory amendments change the civil penalty, and clarify, but do not substantively change, the District's authority as it relates to

criminal and administrative penalties, procedures, right of inspection, right of entry, cease and desist orders, fees, and rulemaking. The bill was referred to the Transportation and the Environment Committee.

B 641 WASTE MANAGEMENT MODERNIZATION AMENDMENT ACT OF 2014 B 641 amends DC's solid waste practices and regulations. The amendments include: (1) requirements for mandatory source separation of solid waste; (2) requirements for waste collectors to label waste containers; (3) establishment of an Office of Waste Diversion within the DC Department of Public Works (DPW) and a zero waste working group; (4) authorization for the Mayor to impose waste reduction fees and collection fees; and (5) authorization of DPW to issue rules and establish penalties for violations of the provisions of the act. The bill was referred to the Transportation and the Environment Committee.



Legislature convened 8 JAN 14 and adjourns sine die 7 APR 14.

PROPOSED LEGISLATION

SB 464 (HB 50) REPEAL OF WATERSHED PROTECTION AND RESTORATION PROGRAM SB 464 repeals the requirement that, on or before 1 JUL 13, a county or municipality subject to a specified municipal stormwater permit adopt and implement laws or ordinances to establish a watershed protection and restoration program. The bill also repeals requirements that a county or municipality: (1) maintain or administer a local watershed protection and restoration fund; (2) establish and annually collect a stormwater remediation fee; and (3) establish certain policies and procedures to reduce a certain stormwater remediation fee to account for certain measures. **SB 5** and **HB 97** have also been introduced to repeal the same regulations. Both senate bills were referred to the Education, Health, and Environmental Affairs Committee; and the House bills were referred to the Environmental Matters Committee.

SB 56 (HB 240) MARYLAND RECYCLING AND LANDFILL DIVERSION TASK FORCE SB 56 establishes the Maryland Recycling and Landfill Diversion Task Force. The task force is required to establish the statewide recycling goal and a recycling and landfill diversion portfolio standard that will reduce the amount of solid waste being sent to landfills. SB 56 establishes the composition, responsibilities, and reporting requirements for the task force. The bill also requires each county and the Maryland Department of the Environment (MDE) to adopt a certain solid waste management hierarchy. The bill was referred to the Education, Health, and Environmental Affairs Committee.

SB 151 (HB 26) FISCAL IMPACT STATEMENT REQUIREMENTS SB 151 alters a provision of the Administrative Procedure Act by requiring an agency to submit a fiscal impact statement concurrently with a proposed regulation to the Joint Committee on Administrative, Executive, and Legislative Review (AELR) and the Department of Legislative Services (DLS). An agency is prohibited from adopting a proposed regulation until after the fiscal impact statement is submitted with the proposed regulation to the AELR Committee for preliminary review. The bill was referred to the Education, Health, and Environmental Affairs Committee.

SB 359 AMENDMENT TO THE DEFINITION OF "IMPERVIOUS SURFACE" SB 359 amends the definition of "impervious surface" as it relates to watershed protection and restoration programs. The amendment excludes from the definition gravel that is placed on top of a surface that allows stormwater to infiltrate into the ground. The bill was referred to the Education, Health, and Environmental Affairs Committee.

FINAL RULES

BAY RESTORATION FUND IMPLEMENTATION REGULATIONS MDE has **adopted** a new chapter, Bay Restoration Fund Implementation (COMAR 26.03.13), to the water supply, sewerage, solid waste, and pollution control planning and funding regulations. The regulations within the new chapter specify the procedures for implementing the Bay Restoration Fund. The fund is administered by the Maryland Water Quality Financing Administration, a unit of MDE, and is comprised of two sub-funds: (1) Wastewater Fund; and (2) Onsite Sewage Disposal System Fund. The regulations became effective on 3 FEB 14. **NOTE: DOD has determined that Maryland cannot collect payments into the Bay Restoration Fund from DOD facilities.**

AMENDMENTS TO THE RADIATION PROTECTION REGULATIONS MDE has **adopted** amendments to the control of ionizing radiation regulations at COMAR 26.12.01.01. The amendments incorporate Supplement 23, which includes: (1) two U.S.

Nuclear Regulatory Commission rules relating to improvement of radioactive material licensee decommissioning planning, and clarification of “construction” relative to radioactive material licensees; (2) deletion of any use of a C-arm fluoroscope by an untrained user; (3) documentation requirements for radiation machine preventive maintenance reports; (4) definition of a healing arts practitioner as related to radiation use; and (5) minor corrections. The amendments became effective on 6 JAN 14.

AMENDMENTS TO THE FOREST CONSERVATION REGULATIONS The Maryland Department of Natural Resources (MDNR) has **adopted** two separate rulemakings that 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. A notice of both proposed amendments was published in the December 2013 edition of the *Northern Review*. Both rulemakings became effective on 3 FEB 14.

AMENDMENTS TO THE FOREST MANAGEMENT PROGRAMS REGULATION MDNR has **adopted** 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. A notice of the proposed amendments was published in the December 2013 edition of the *Northern Review*. The amendments became effective on 3 FEB 14.

PROPOSED RULES

AMENDMENTS TO THE DEVELOPMENT IN THE CRITICAL AREA REGULATIONS The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has **proposed** a rule to amend and recodify certain provisions of the development in the critical area regulations (COMAR 27.01.02). The rule thematically organizes regulations concerning growth allocation. The commission has also proposed adopting new regulations to: (1) define applicable terms; (2) reiterate and consolidate existing statutory and regulatory provisions relating to growth allocation; and (3) capture the commission’s existing growth allocation policies. The comment period closed on 10 FEB 14.

PROPOSED AMENDMENTS TO THE WATERWORKS AND WASTE SYSTEMS OPERATORS REGULATIONS MDE has **proposed** amendments to the waterworks and waste systems operators regulations at COMAR 26.06.01. The amendments: (1) address findings from the Office of Legislative Auditors as presented in the October 2009 report, *Sunset Review Evaluation of the State Board of Waterworks and Waste Systems Operators*; (2) increase the certification and examination fees; and (3) address technical errors in the regulations. The regulations were last revised in 2001. Comments are due by 24 FEB 14.



Legislature convened 7 JAN 14 and adjourns 30 NOV 14.

OTHER REGULATORY ACTIVITY

REDESIGNATION REQUESTS AND MAINTENANCE PLANS FOR CUMBERLAND, DAUPHIN, LEBANON, AND YORK COUNTIES The Pennsylvania Department of Environmental Protection has **invited comment** on proposed SIP revisions. The SIP revisions consist of three redesignation requests and maintenance plans for Cumberland, Dauphin, Lebanon, and York counties. The requests and proposed revisions contain the 2007 comprehensive inventory and maintenance plans demonstrating that the areas can maintain the 1997 and 2006 fine particulate matter (PM_{2.5}) health-based NAAQS for the next 10 years as required by the CAA. Upon USEPA approval, the maintenance plans will also establish new motor vehicle emission budgets (MVEBs) for transportation conformity purposes. Comments are due by 28 FEB 14.



Legislature convened 8 JAN 14 and adjourns 8 MAR 14.

PROPOSED LEGISLATION

HB 856 REMOVAL OF PERMIT REQUIREMENT FOR THE TRANSPORT OF HAZARDOUS WASTE HB 856 removes the requirement to have a Virginia Department of Environmental Quality (VDEQ) permit to transport hazardous waste. The bill passed the House and was referred to the Senate Agriculture, Chesapeake and Natural Resources Committee.

SB 569 EXPEDITED REVIEW PROCESS FOR LIVING SHORELINE PROJECTS SB 569 requires that general permit regulations for living shoreline projects include an expedited review process. The bill allows construction of such projects under the local wetlands and coastal primary sand dunes ordinances. A living shoreline is a shoreline management practice that: (1) provides erosion control and water quality benefits; (2) protects, restores, or enhances natural shoreline habitat; and (3) maintains coastal processes through the strategic placement of plants, stone, and fill. The bill passed the Senate and was referred to the House Agriculture, Chesapeake and Natural Resources Committee.

HB 265 MULTISTATE COMPACT TO REGULATE NON-NAVIGABLE WATERS HB 265 establishes a multistate compact that allows a member of the compact to regulate non-navigable waters located wholly within its state. The bill defines non-navigable waters as any river, creek, stream, branch, or accumulation of water resulting from precipitation, storms, or other natural occurrences that is: (1) located wholly within a member state; and (2) isolated from any other body of water by not being fed or replenished by a perennial stream. The bill was referred to the Privileges and Elections Committee.

SB 166 (HB 1180) REMOVAL OF CERTAIN FORT MONROE AUTHORITY POWERS SB 166 removes the ability of the Fort Monroe Authority (FMA) to exercise the powers of the commonwealth over its area of operation, which consists of land acquired or to be acquired from the federal government by FMA or the commonwealth. The bill allows FMA to continue to serve as the commonwealth's management agent in such matters. The bill also authorizes the FMA Board of Trustees to: (1) impose civil penalties for violations of regulations concerning the use of, access to, and visitation of property under its control; and (2) enter into agreements for the ownership and operation of utility services. The bill passed the Senate and was referred to the House General Laws Committee. **NOTE:** *In December 2013, the governor approved the Fort Monroe Master Plan focusing on a mixed use concept that combines adaptive reuse with new construction and open space.*

HB 390 PLACEMENT OF MATERIAL ON STATE-OWNED BOTTOMLANDS HB 390 states that, under specified circumstances, when sand or other material is placed on state-owned bottomlands seaward of the mean low-water mark it will be deemed accretion. The material must have been placed to provide: (1) beach nourishment; (2) storm protection; or (3) as a result of a dredging project. The public has right-of-use and maintenance of the area as previously existed on the adjacent land above the mean low-water mark. The bill passed the House and was referred to the Senate Agriculture, Conservation and Natural Resources Committee.

FINAL RULES

ANNUAL UPDATES TO THE HAZARDOUS WASTE REGULATIONS VDEQ has adopted multiple annual updates to the Virginia hazardous waste regulations at **9VAC20-110** and **9VAC20-60**. These are annual updates to state regulations to bring them up to date with federal regulations published in the Code of Federal Regulations (CFR). The update to 9VAC20-110, *Regulations Governing the Transportation of Hazardous Materials*, incorporates by reference federal regulatory text at CFR Title 49 as published on 1 OCT 13. The update to 9VAC20-60, *Hazardous Waste Management Regulations*, incorporates federal regulatory text at CFR Title 40 as published on 1 JUL 13. In addition, the 9VAC20-60 amendments also include the conditional exclusions for solvent contaminated wipes as published in the Federal Register on 31 JUL 13 (**78 FR 46448**). Both updates will become effective on 12 MAR 14.

AMENDMENTS TO THE VIRGINIA STORMWATER MANAGEMENT PROGRAM VDEQ has **adopted** amendments to the regulations at 9VAC25-870, *Virginia Stormwater Management Program* (VSMP). The amendments: (1) clarify existing requirements regarding time limits on applicability of approved design criteria and grandfathering; (2) allow a stormwater management plan, for a land-disturbing activity, to apply the stormwater management technical criteria to

the entire development; (3) allow VDEQ to enter into agreements with a VSMP authority to collect the total fee to be paid by an applicant and transmit the appropriate portion of the fee to VDEQ; (4) clarify fee language; and (5) clarify that the fees for modification or transfer of construction GP coverage do not apply until assessed by a VSMP authority. The amendments will become effective on 26 FEB 14.

AMENDMENT TO THE DEFINITION OF A MINOR NSR NONROAD ENGINE VDEQ has proposed a [fast track regulation](#) amending Article 6 of 9VAC5-80, *Permits for Stationary Sources*. The proposal revises the definition of “nonroad engine” as it affects minor new source review (NSR) permit requirements, and makes the state definition consistent with the federal definition at [40CFR § 89.2](#). Comments are due by 12 MAR 14. The fast track regulation will become effective on 27 MAR 14.

PROPOSED RULES

PROPOSED NORTHERN VIRGINIA AIR QUALITY PLAN VDEQ has invited public comment on a [proposed](#) plan to attain and maintain the ozone NAAQS in the Northern Virginia portion of the Metropolitan Washington, D.C., Ozone Nonattainment Area. The plan amends the ozone attainment and maintenance plans for the portions of Virginia that are part of the Ozone Transport Region (OTR) to no longer require Stage II vapor recovery systems (VRS) after 31 DEC 13. Localities affected by the plan are: Stafford, Arlington, Fairfax, Loudoun, and Prince William counties; and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. Comments are due by 14 MAR 14.

PROPOSED WATER QUALITY MANAGEMENT PLANNING ACTIONS The Virginia State Water Control Board is [seeking comment](#) on the proposed approval of five total maximum daily load (TMDL) reports, and granting authorization to include the TMDL reports in the appropriate Water Quality Management Plans. The approvals and authorization are part of the state’s plan for meeting pollutant reductions necessary for attainment of water quality goals in impaired water bodies. The comment period closed on 13 FEB 14.

OTHER REGULATORY ACTIVITY

CHESAPEAKE BAY RESTORATION AND STATE-WIDE NONPOINT SOURCE MANAGEMENT PLAN MEETING VDEQ has [announced](#) a public meeting to present and discuss preliminary milestones for Chesapeake Bay Restoration and the State-Wide Nonpoint Source (NPS) Management Plan. The morning session will focus on Chesapeake Bay milestone development and the afternoon session will focus on NPS Management Plan development and milestones. The meeting is scheduled for 25 FEB 14, and comments are due by 26 MAR 14.



Legislature convened 8 JAN 14 and adjourns sine die 8 MAR 14.

FEDERAL ACTIVITY

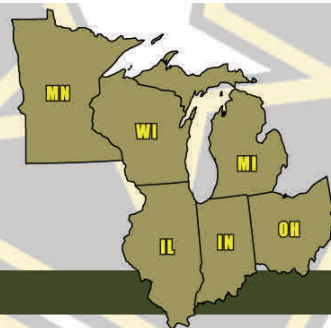
SIP REVISION FOR INFRASTRUCTURE REQUIREMENTS FOR THE 2010 NO₂ NAAQS USEPA has issued a final rule approving a SIP revision submitted by the state of West Virginia addressing the infrastructure requirements for the 2010 nitrogen dioxide (NO₂) NAAQS ([79 FR 3504](#)). The revision addresses CAA sections 110(a)(1) and (2) requirements that provide basic program elements necessary to implement, maintain, and enforce the 2010 NO₂ NAAQS. The final rule will become effective on 21 FEB 14.

PROPOSED LEGISLATION

HB 4258 (SB 417) CREATION OF A SOURCE WATER PROTECTION PROGRAM AND INDUSTRIAL AST PROGRAM HB 4258 creates a source water protection program and an industrial aboveground storage tank (AST) program to protect source water supplies and systems. The bill also requires public water systems to remit an annual fee and submit a source water protection plan for joint approval by the state Secretaries of the Departments of Environmental Protection and Health and Human Resources every three years. The bill was referred to the Judiciary Committee.

Region 5

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



Illinois

Legislature convened 29 JAN 14 and adjourns 31 MAY 14.

FINAL RULES

REPEAL OF STAGE II VAPOR RECOVERY TEST METHODS AND GUIDANCE DOCUMENT FOR THE METRO-EAST AREA The Illinois Pollution Control Board (IPCB) has **adopted** rules that repeal Stage II vapor recovery test methods and a Stage II vapor recovery guidance document. The repeal was necessary because the Stage II vapor recovery rule/program in the Metro-East nonattainment area was repealed in 1994. In addition, the rules repeal the Stage I vapor recovery registration provision (35 Ill. Adm. Code 219.583(e)) due to overlapping federal notification requirements and other state tracking systems for gasoline dispensing operations. The available permit exemption provided by the Stage I registration provision will be relocated to 35 Ill. Adm. Code 201 and will not require registration. The rules became effective on 23 DEC 13.

REPEAL OF THE REQUIREMENT TO INSTALL A VAPOR COLLECTION AND CONTROL SYSTEM IPCB has **adopted** amendments that phase out the Stage II vapor recovery program applicable in the Chicago nonattainment area. As amended, beginning 1 JAN 14, new gasoline dispensing operations are not subject to the Stage II vapor recovery equipment requirement of the IPCB rules. Also, beginning 1 JAN 14, existing affected gasoline dispensing operations may begin decommissioning Stage II vapor recovery equipment, but must complete decommissioning of all Stage II vapor recovery equipment no later than 31 DEC 16. Additionally, the amendment requires the submission of decommissioning notifications, checklists, and certifications, and establishes recordkeeping requirements. The amendments became effective on 23 DEC 13.

PROPOSED RULES

PROPOSED REPEAL OF TWO ILLINOIS REGISTER OF HISTORIC PLACES REGULATIONS The Illinois Historic Preservation Agency has issued two separate notices proposing to repeal the regulations that establish the criteria (**17 Ill. Adm. Code 4120**) and the processes (**17 Ill. Adm. Code 4140**) by which a place may be added to or removed from the Illinois Register of Historic Places (IRHP). The rulemakings are in response to the IRHP program being repealed from the Illinois Historic Preservation Act by PA 97-785, effective 13 JUL 12. Comments are due on both notices by 17 FEB 14.



Indiana

Legislature convened 13 JAN 14 and adjourns sine die 14 MAR 14.

FEDERAL ACTIVITY

APPROVAL OF STATE CONSTRUCTION PERMIT RULE PROVISIONS USEPA has issued a final rule approving provisions of Indiana's construction permit rule for sources subject to the state operating permit program regulations (**79 FR 3120**). These provisions authorize the state to incorporate terms from federal consent decrees and federal district court orders into certain construction permits. USEPA has also approved the public notice requirements for these permit actions. These rules will help streamline the process for making federal consent decree and federal district court order requirements permanent and federally enforceable. The final rule will become effective on 18 FEB 14.

PROPOSED LEGISLATION

SB 336 LICENSE PROGRAM FOR THE OPERATION OF UNMANNED AERIAL SYSTEMS SB 336 requires the Division of Preparedness and Training within the Indiana Department of Homeland Security to develop and administer a program to license persons who operate unmanned aerial systems. The bill provides that a person who operates an unmanned aerial system without a license commits a Class C infraction. The bill was introduced and referred to the Homeland Security, Transportation, and Veterans Affairs Committee.

HB 1052 AMENDMENTS TO THE DEFINITION OF "MILITARY BASE" HB 1052 expands the definition of "military base" to include the Glendora Lake Test Facility in Sullivan County at which the Crane military base conducts affiliated operations. The amended definition extends restrictions on zoning associated with Crane military base to the Glendora Lake Test Facility. The bill passed the House and has been referred to the Senate.

HB 1143 PROHIBITION OF STATE STANDARDS THAT ARE MORE STRINGENT THAN FEDERAL STANDARDS HB 1143 amends the Indiana code concerning environmental law (IC 13-13; IC 13-14; IC 13-22). The bill prohibits the Environmental Rules Board (ERB) from adopting a rule or standard that is more stringent than the corresponding regulation or standard established under federal law. The bill also makes corresponding changes in the law concerning the adoption of environmental rules. The bill has passed the House and was referred to the Senate Environmental Affairs Committee.

HB 1217 SINGLE POINT OF CONTACT FOR WETLAND WORK PERMITS HB 1217 requires the Indiana Department of Natural Resources (IDNR) and the Indiana Department of Environmental Management (IDEM) to develop and implement a program under which the agencies will jointly accept and process applications for certain certifications and permits. The jointly processed applications would include: (1) water quality certifications from IDEM under Section 401 of the federal Clean Water Act (CWA); (2) permits from IDEM for wetland activity in a state regulated wetland; and (3) permits from the IDNR director for a structure, obstruction, deposit, or excavation in a floodway. The bill has passed the House and was referred to the Senate Environmental Affairs Committee.

HB 1082 BACKFLOW PREVENTION AND PLUMBING REGULATIONS HB 1082 amends multiple Indiana codes concerning plumbing (IC 13-11-2; IC 13-18-24; IC 25-28.5). The bill requires ERB to adopt multiple rules, including: (1) requiring the periodic testing of backflow prevention devices in premises that receive water from public water systems and contain at least four dwelling units; (2) establishing procedures for testing; and (3) recordkeeping requirements. The bill also establishes the plumbing compliance fund for purposes of enforcement. The bill was referred to the Employment, Labor and Pensions Committee.

PROPOSED RULES

PRIORITY RANKING, INVESTIGATION, REMOVAL, AND REMEDIAL ACTION AT HAZARDOUS SUBSTANCES RESPONSE SITES IDEM has requested public comment on **proposed** amendments to rules governing priority ranking, investigation, removal, and remedial action at hazardous substances response sites (329 IAC 7.1). The amendments establish standards and program procedures for the management of sites that are referred to the State Cleanup Program. Comments are due by 21 FEB 14.

PROPOSED AMENDMENTS TO THE ELECTRONIC WASTE RULES IDEM has requested public comment on **proposed** amendments to the electronic waste rules at 329 IAC 16. Electronic waste, or e-waste, includes discarded computers, mobile phones, television sets, refrigerators, and other electronic components. These discarded electronics can be recycled or used for scrap metal or parts. The amendments simplify mapping and labeling requirements to allow regulatory flexibility for e-waste recycling and disposal facilities. The amendments streamline and reduce the cost of maintaining financial assurance by eliminating the standby trust requirement for surety bonds and allow for other financial assurance mechanisms to be used. Comments are due by 21 FEB 14.

OTHER REGULATORY ACTIVITY

NESHAP FOR COAL-FIRED AND OIL-FIRED ELECTRIC UTILITY STEAM GENERATING UNITS IDEM has developed **draft language** for a new rule at 326 IAC 20-89 concerning the NESHAP for coal-fired and oil-fired electric utility steam generating units. The draft language incorporates by reference 40 CFR 63, Subpart UUUUU, referred to as the "Utility NESHAP" into state rule. The draft language also repeals 326 IAC 24-4 concerning the Clean Air Mercury Rule. A **public hearing** is scheduled for 9 APR 14.



Legislature convened 8 JAN 14 and adjourns 31 DEC 14.

FEDERAL ACTIVITY

SIP REVISION REPEALING THE OBSOLETE TSP RULE USEPA has issued a direct final rule approving a SIP revision submitted by the state of Wisconsin ([79 FR 5291](#)). The revision repeals an obsolete Total Suspended Particulate Matter (TSP) rule to align the state's air quality standards with the current NAAQS. The direct final rule makes no substantive changes to the SIP and imposes no new requirements. Barring adverse comment the direct final rule will become effective on 1 APR 14.



Legislature convenes 25 FEB 14 and adjourns sine die 19 MAY 14.

OTHER REGULATORY ACTIVITY

RELEASE OF DRAFT 2014 TMDL LIST AND REVISIONS TO STATEWIDE MERCURY TMDL The Minnesota Pollution Control Agency has issued a [joint notice](#) releasing the: (1) draft 2014 TMDL list of impaired waters for stream segments and lakes which have impaired uses and the guidance manual; and (2) revisions to Appendix A of the Statewide Mercury TMDL. The comment periods for both actions closed on 11 FEB 14.



Legislature convened 6 JAN 14 and adjourns 31 DEC 14.

FINAL RULES

AMENDMENTS TO ALLOW THE DECOMMISSIONING OF STAGE II VAPOR RECOVERY SYSTEMS The Ohio Environmental Protection Agency (OEPA) has [adopted](#) amendments to Ohio Administrative Code (OAC) Rule [3745-21-09](#), "Control of Emissions of Volatile Organic Compounds from Stationary Sources." The amendments are in response to a 2012 USEPA final rule ([77 FR 28772](#)), which determined that onboard refueling vapor recovery (ORVR) systems are in widespread use throughout the motor vehicle fleet for purposes of controlling motor vehicle refueling emissions. Due to this finding, OEPA determined the amendments were necessary to allow existing gasoline dispensing facilities to decommission their stage II systems. The amendments became effective on 17 JAN 14.

PROPOSED RULES

PERMITS-TO-INSTALL NEW SOURCES AND PERMIT-TO-INSTALL AND OPERATE PROGRAM OEPA has [proposed](#) amendments to OAC Chapter 3745-31, "Permits-to-Install New Sources and Permit-to-Install and Operate Program." The proposed amendments incorporate USEPA requirements for: (1) implementation of the NSR program for PM_{2.5}; and (2) establishing increments, significant impact levels, and a significant monitoring concentration for fine particulate pollution. Comments are due by 18 FEB 14.

OTHER REGULATORY ACTIVITY

DRAFT FACILITY EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORM RULE OEPA has [invited comment](#) on draft rule amendment language that incorporates new data elements and revises some existing data elements on the Emergency and Hazardous Chemical Inventory Form under the Emergency Planning and Community Right-to-Know Act (EPCRA). The changes align state and federal rules to ensure the program is equivalent in scope, content, and coverage. The amendments make reporting easier for facilities and make the form more user-friendly for state and local planners and responders. Comments are due by 17 FEB 14.

Legislature convened 14 JAN 14 and adjourns 4 JAN 15.

PROPOSED LEGISLATION

AB 597 REQUIREMENTS FOR STATE AGENCY ECONOMIC IMPACT ANALYSIS AB 597 amends the requirements for state agency economic impact analysis. Under current law, before a state agency may submit a proposed administrative rule to the Legislative Council Staff for review, the agency must prepare an economic impact analysis for the proposed rule. The bill requires the economic impact analysis to include an assessment of the proposed rule's impact on public health and the environment. The bill was referred to the Public Safety and Homeland Security Committee.

Department of Defense Activity

REPORT ON DOD'S EFFORTS TO MEET RENEWABLE ENERGY TARGETS The Pew Charitable Trusts has released a report, "**Power Surge: How the Department of Defense Leverages Private Resources to Enhance Energy Security and Save Money on U.S. Military Bases.**" According to the report, DOD's reliance on clean energy technologies is accelerating across installations, keeping it on track to meet its goal of deploying three gigawatts of renewable energy by 2025. The number of renewable energy projects across DOD rose 54 percent from 454 in fiscal 2010 to 700 in FY 2012.

DEPARTMENT OF ARMY HIGH-LEVEL CLIMATE CHANGE VULNERABILITY ASSESSMENT The U.S. Army Corps of Engineers (USACE) Engineer Research and Development Center (USACE ERDC) has completed a **report** presenting the results of a high-level climate change vulnerability assessment for U.S. Army installations. The report was funded by the Office of the Assistant Secretary of the Army for Installations, Energy and Environment (OASA (IE&E)). The report also includes an adaptation planning framework that is consistent with White House Council on Environmental Quality (CEQ) guidance.

CLIMATE CHANGE AND WATER INFRASTRUCTURE The Government Accountability Office (GAO) has issued a report, "**Federal Efforts Under Way to Assess Water Infrastructure Vulnerabilities and Address Adaptation Challenges.**" that reviews Federal Bureau of Reclamation and USACE efforts to assess and respond to potential effects of climate change on water infrastructure (GAO-14-23). GAO analyzed the agencies' climate change adaptation guidance and planning documents, and interviewed agency officials and other key stakeholders, including water users, environmental groups, and researchers. GAO is not making any recommendations in the report.

QUADRENNIAL ENERGY REVIEW The President has issued a **memorandum** to federal agencies initiating a Quadrennial Energy Review, to be focused initially on the nation's infrastructure for transporting, transmitting, and delivering energy (**79 FR 2575**). The Energy Review task force is co-chaired by the Director of the Office of Science and Technology Policy and the Director of the Domestic Policy Council; membership includes DOD, USACE, and other federal agencies. The task force will: gather ideas and advice; conduct outreach to engage with others; coordinate agency and other federal efforts; and submit a Quadrennial Energy Review Report to the President every four years, beginning with the first report on 31 JAN 15.

SUNKEN AND TERRESTRIAL MILITARY CRAFT The U.S. Department of the Navy (DON) has issued a proposed rule to revise its regulations pursuant to the Sunken Military Craft Act (SMCA), along with revised application guidelines for research permits on terrestrial military craft under Navy jurisdiction (**79 FR 620**). The proposed rule replaces current regulations and establishes a single permitting process for members of the public wishing to engage in activities that disturb, remove, or injure DON sunken and terrestrial military craft for archaeological, historical, or educational purposes. SMCA prohibitions do not apply to actions taken by, or at the direction of, the United States. The term "sunken military craft" includes all sunken warships, all naval auxiliaries, and other vessels owned or operated by a government or military noncommercial service when the vessel sank. The term also includes all sunken military aircraft or spacecraft owned or operated by a government when the craft sank. Comments are due 7 MAR 14.

Federal Activity

AIR

NEW STATIONARY SOURCES EMISSIONS Due to the receipt of comments, USEPA has issued a withdrawal of the proposed rule, published on [13 APR 12](#), for new source performance standards for emissions of carbon dioxide (CO₂) ([79 FR 1352](#)). The proposed rule covered new affected fossil fuel-fired electric utility generating units (EGUs). USEPA has simultaneously proposed new standards of performance for fossil fuel-fired EGUs and stationary combustion turbines ([79 FR 1430](#)). The action establishes separate standards for fossil fuel-fired EGUs (utility boilers and Integrated Gasification Combined Cycle [IGCC] units) and natural gas-fired stationary combustion turbines. The proposed standards reflect separate determinations of the best system of emission reduction (BSER) adequately demonstrated for utility boilers and IGCC units and for natural gas-fired stationary combustion turbines. The April 2012 proposal relied on a single standard and BSER determination for all new fossil fuel-fired units. Comments are due 10 MAR 14.

AREA SOURCE BOILER RULE VIDEO SERIES A new [USEPA video series](#) explaining the Area Source Boiler Rule (ASBR), a CAA rule, recently became available. The series consists of modules regarding: (1) an overview of rule applicability, including specific rule requirements and compliance dates; (2) how to conduct an energy assessment; (3) how to conduct a boiler tune-up; and (4) recordkeeping and reporting requirements of the rule. Area sources are commercial, institutional, or industrial facilities that emit or have the potential to emit less than 10 tons per year [tpy] of a single hazardous air pollutant (HAP), or less than 25 tpy combined HAPs. The ASBR affects boilers at these facilities that burn coal, oil or other liquid fuel, biomass, and non-waste materials. ASBR deadlines include: (1) 21 MAR 14 - deadline for completing the initial tune-up for existing boilers; and (2) 19 JUL 14 - deadline for submitting the notification of compliance status for tune-ups.

HAZARDOUS MATERIALS

CARBON DIOXIDE STREAMS IN GEOLOGIC SEQUESTRATION USEPA has issued a final rule revising regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA) to conditionally exclude hazardous CO₂ streams from the definition of hazardous waste if certain conditions are met ([79 FR 350](#)). In order to be excluded, the hazardous CO₂ streams must be captured from emission sources and injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet other conditions. This final rule will become effective on 4 MAR 14.

NATURAL RESOURCES

DRAFT GUIDANCE FOR ASSESSING THE EFFECTS OF ANTHROPOGENIC SOUND ON MARINE MAMMALS The National Marine Fisheries Service (NMFS) has released [draft guidance](#) for assessing the effects of anthropogenic sound on marine mammal species. The guidance provides updated thresholds above which individual marine mammals are predicted to experience changes in hearing sensitivity (temporary or permanent) for all underwater anthropogenic sound sources.

WATER

COMMUNITY FIRE SAFETY ACT The [Community Fire Safety Act of 2013](#) has been enacted, by the U.S. Congress, as Public Law No: 113-64. The law amends the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux.

GAO REPORT ON THE USE OF TMDLS TO MEET WATER QUALITY STANDARDS The Government Accountability Office (GAO) has released a report reviewing USEPA's use of TMDLs to meet CWA water quality standards ([GAO-14-80](#)). GAO recommends that USEPA issue new regulations for TMDL development, adding key features related to nonpoint source pollution. Further, GAO recommends Congress should consider revising the CWA approach to addressing nonpoint source pollution.

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 the training or conferences.

NATIONAL CONFERENCES

(NEW) 6-10 APR, NEW ORLEANS, LA: [BIODIVERSITY WITHOUT BOUNDARIES 2014: THE NATURESERVE CONSERVATION & NATURAL HERITAGE CONFERENCE](#) The conference will emphasize education, working sessions, and networking. Join industry leaders in discussing how to continue to provide the scientific basis for effective conservation.

(NEW) 23-25 APR, ORLANDO, FL: [NATIONAL INSTITUTE FOR STORAGE TANK MANAGEMENT \(NISTM\) INTERNATIONAL ABOVEGROUND STORAGE TANK CONFERENCE](#) This international conference provides educational opportunities, resources, and training seminars about the operation, regulation, and management of aboveground storage tanks. Conference sessions help independent, major terminal operators, manufacturers, and suppliers. Other industries with storage tanks that will benefit attending the conference include pipeline, aviation, chemical, electric power general, manufacturing and the military.

TRAINING—ONLINE

(NEW) [DRIVING BIOPREFERRED® WITH THE PRESIDENTIAL MEMORANDUM](#) The 21 FEB 12 Presidential Memorandum, [Driving Innovation and Creating Jobs in Rural America through Biobased and Sustainable Product Procurement](#), raises the bar for biobased purchasing in the federal sector. Find out what the memo means for your agency. Gain insight from top experts who will share the latest information on: goals and priorities that underpin the urgency of federal efforts, new requirements that accelerate biobased procurement preferences, and tips for reporting biobased purchasing on the Office of Management and Budget Agency Scorecard.

(NEW) [USEPA WEBINARS ON GHG REPORTING](#) USEPA is hosting a series of webinars concerning GHG reporting. The series includes: (1) 19 FEB 14 - GHG Reporting for Municipal Solid Waste Landfills (subpart HH) and Industrial Waste Landfills; and (2) 20 FEB 14 - Updates to reporting GHG data for Reporting Year 2013. The website also provides training presentations and a tutorial on general provisions (subpart A), stationary combustion (subpart C), electricity generation (subpart D) and municipal landfills (subpart HH) sections of the GHG Reporting Program Part 98. For additional information, and to register for the webinars visit USEPA's GHG Reporting Program [website](#).

[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 2014 course schedule.

[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 INTEGRATION – 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 Phone : 410-278-6143**