



REC UPDATE



Monthly environmental news for DoD facilities in EPA Regions 1, 2 & 3

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GENERAL INTEREST

Departments of the Navy, Energy, and Agriculture Invest in Construction of Three Biorefineries to Produce Drop-In Biofuel for the Military

By US Navy Office of the Chief of Information

On 19 SEP 14, the Departments of Navy, Energy, and Agriculture announced that three companies have been awarded contracts to construct and commission biorefineries capable of producing "drop-in" biofuels to meet the transportation needs of the military and private sector. Made through the Department of Defense's (DOD) Defense Protection Act (DPA) of 1950, the awards will boost and diversify the domestic fuel supply base, make American warfighters less beholden to volatile oil markets, and strengthen national security.

In total, these projects will produce more than 100 million gallons of military grade fuel beginning in 2016 and 2017 at a price competitive with their petroleum counterparts.

The drop-in alternative fuels can be blended at a 50/50 ratio with traditional fossil fuels. This blend was successfully demonstrated during the Rim of the Pacific (RIMPAC) demonstration in 2012 for ships and planes, showing firsthand that this fuel can be utilized in Navy's warfighting platforms with no degradation to performance or mission. As these fuels become more available, the Department of the Navy will make advanced drop-in biofuel a regular part of its bulk fuel procurement, ushering in the "new normal" of Naval supremacy.

The companies receiving federal investments for the construction and commissioning of biorefineries are:

- Emerald Biofuels: To build an 82 million gallon per year refinery on the Gulf Coast using waste fats to create military grade fuel.
- Fulcrum BioEnergy: To build a 10 million gallon per year refinery in McCarran, Nevada, using municipal solid waste as its feedstock and the Fischer-Tropsch process to create fuel. On Sept. 4, USDA announced a \$105 million Biorefinery Assistance Program loan guarantee to Fulcrum BioEnergy for the construction of this facility.
- Red Rock Biofuels: To build a 12 million gallon per year refinery in Lakeview, Oregon, using woody biomass, or the by-products of forest management, as its feedstock and the Fischer-Tropsch process to create a refined product.

For more information, go to: http://www.navy.mil/submit/display.asp?story_id=83417.

FEDERAL NEWS

Notice: With regard to any regulation or legislation, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions, or comments.

HAZARDOUS MATERIALS

Hazardous Materials Regulations – Harmonization with International Standards

DOT, PHMSA is proposing various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These amendments are part of an ongoing biennial process to harmonize the Hazardous Materials Regulations (HMR; 49 CFR parts 171 to 180) with international standards. PHMSA wants to finalize the proposed amendments to the HMR by 1 JAN 15, the date most of the international standards take effect.

PHMSA proposes to incorporate by reference the latest editions of various international transport standards including the 2015-2016 Edition of the ICAO Technical Instructions, Amendment 37-14 of the IMDG Code, and the 18th Revised Edition of the UN Model Regulations. Additionally, they are proposing to update incorporation by reference of the Canadian Transportation of Dangerous Goods Regulations to include Amendment 8 (SOR/2011-239) published 9 NOV 11; Amendment 9 (SOR/2011-60) published 16 MAR 11; Amendment 10 (SOR/2011-210) published 12 OCT 11; and Amendment 11 (SOR/2012- 245) published 9 NOV 12.

The 18th Revised Edition of the UN Model Regulations, the 2015-2016 Edition of the ICAO Technical Instructions, and Amendment 37-14 to the IMDG Code amended various radioactive transportation requirements. PHMSA is not currently proposing to harmonize the HMR with most of the changes; any further domestic radioactive harmonization issues will be addressed in a future rulemaking.

PHMSA is proposing to amend the marking requirement for packages containing primary lithium batteries and cells that meet the exceptions in Sec. 173.185(c) in paragraph (b)(3). Packages meeting these exceptions currently are required to be marked with an indication that they contain lithium batteries, and that these lithium batteries are forbidden for transport aboard passenger aircraft. PHMSA is proposing to allow the message that these batteries are forbidden for transport aboard passenger aircraft to be expressed through the current marking or by using a CARGO AIRCRAFT ONLY label.

PHMSA proposes an additional number of changes. The full text provides the details at the link provided. Comments are due by 24 OCT 14.

<https://www.federalregister.gov/articles/2014/08/25/2014-19161/hazardous-materials-harmonization-with-international-standards-rrr>

WATER

Stormwater/LID Training Opportunity

This training will be hosted by the US 104th Fighter Wing, Mass Air National Guard, Westfield, MA. This is a practical, hands-on training specifically for Department of Defense facilities located in EPA Regions I, II, and III and speakers include the EPA, Mass Dept. of Environmental Protection, Rutgers University, and sustainable landscape architects. Registration is due by 6 OCT 14. For more information, go to:

<http://yosemite.epa.gov/r1/videolen.nsf/FedFacTraining>.

Water Quality Standards Academy Training Opportunity

The EPA Office of Science and Technology (OST) is hosting a Water Quality Standards Academy (WQSA). The training course will be held at the Washington Plaza Hotel at 10 Thomas Circle, NW, Washington DC on 8-12 DEC 14. The course is offered free of charge; however; you must apply to attend. Registration is due by 10 OCT 14 and can be completed at <http://www.horsleywitten.com/WQSA>. For more information, go to: <http://water.epa.gov/learn/training/standardsacademy/index.cfm>.

REGION 1



CONNECTICUT

Note: The Connecticut General Assembly convenes on 8 JAN 14 and adjourned on 7 MAY 14.

Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Proposed Rules

[Notice of Intent to Adopt Total Maximum Daily Load \(TMDL\) Analysis for Bacteria-Impaired Estuaries in Middlesex and New London Counties, Connecticut](#) - The Department of Energy and Environmental Protection has given notice that five Total Maximum Daily Load (TMDL) documents are proposed for 23 estuary segments in municipalities on the Connecticut shoreline. The included municipalities are: East Lyme, Waterford, Old Saybrook and Old Lyme. These TMDLs will be posted as additional appendices to the previously approved Statewide Total Maximum Daily Load (TMDL) for Bacteria-Impaired Waters.



MAINE

Note: The Maine General Assembly convenes on 7 JAN 14 and adjourned on 2 MAY 14.

Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Regulations

[Medicinal Nitroglycerin Containers](#) - The Department of Environmental Protection has adopted revisions to chapter 850 that would eliminate the requirement that medicinal nitroglycerin containers be triple rinsed in order to be considered an empty container. This regulation passed and became effective on 17 AUG 14.



MASSACHUSETTS

Note: The Massachusetts General Court meets throughout the year.

Proposed Legislation

On 31 JUL 14, the Senate Committee on Ways and Means introduced [MA SB 2336](#) which pertains to solid waste and sets recycling rates per capita.

Proposed Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



NEW HAMPSHIRE

Note: The NH General Court convenes on 2 JAN 14 and adjourned on 4 JUN 14.

Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Proposed Rules

[Hazardous Waste Wipes and Tanks](#) - The Department of Environmental Services has proposed amendments to various paragraphs of Env-Hw 401.03, Env-Hw 508.03, Env-Hw 509.02, Env-Hw 707.03, and Env-Hw 1110.04. Env-Hw 100 - 1100 implements RSA 147-A by establishing requirements for the generation, storage, treatment, transportation, and disposal of hazardous waste. Certain sections of the rules are proposed to be amended to incorporate new federal exclusions for solvent-contaminated wipes and to update state requirements for the inspection of hazardous waste storage tanks that are operated by hazardous waste generators, hazardous waste facilities, or handlers of universal waste pesticides. Specifically, the proposed revisions to Env-Hw 401.03(a)(11), (b)(28), (k) and (l) reflect the new federal exclusions for solvent-contaminated wipes at 40 CFR 261.4(a)(26) and (b)(18). Those regulations establish management requirements for wipes, including accumulation time limits, labeling requirements, and containment requirements. The proposed rules are more stringent than the federal rules in three areas. First, the proposed rules would require a generator to keep records of the name and address of each facility that has received the wipes for the prior three years and documentation that for the past three years wipes have been sent for cleaning or disposal within 180 days of generation. (EPA requires the generator to maintain information only about the facility currently receiving the wipes and documentation compliance with the 180- day time limit.) Second, the proposed rules prohibit the disposal of wipes in New Hampshire solid waste landfills but would allow disposal in New Hampshire solid waste combustion facilities (e.g., Wheelabrator in Penacook) and in solid waste landfills and combustion facilities in

other states that have adopted the federal exclusion. Third, the proposed rules prohibit the use of wipes to clean up spills of more than 12 fluid ounces, in order to prevent improper use of the exemption to avoid disposal of free liquids as hazardous waste.

The proposed exemption in Env-Hw 401.03(b)(29) would clarify that wipes contaminated with used oil (a listed waste in New Hampshire) are exempt from regulation provided no other listed wastes are present and the wipes do not exhibit a hazardous characteristic.

Current New Hampshire rules require all hazardous waste tank systems to be inspected for leaks and deterioration at least once each operating day, including weekends and holidays if the tank is storing any hazardous waste. As part of its Burden Reduction Initiative, EPA provided flexibility for tank inspections by decreasing the inspection frequency to at least once per week if the operator of the tank either uses leak detection equipment or has established workplace practices to ensure leaks are promptly identified. The proposed rules would adopt EPA's provisions allowing weekly inspections instead of daily inspections.

Site Evaluation Committee Organizational, Practice and Procedure, and Certificates of Site and Facility Rules - The Department of Environmental Services has requested public comment on a subject matter of possible rulemaking under active consideration prior to formally proposing rules in the rulemaking process.

The Site Evaluation Committee rules address the organizational structure and operation of the Committee, practice and procedure before the Committee, and the process for applications to and approval by the Committee of proposed energy facility projects. Legislation enacted in 2014 included substantial changes to the composition, organization, administration and funding of the Committee, and also requires the Committee to adopt specific rules regarding the siting of energy facilities, including criteria particular to the siting of wind energy facilities. See Senate Bill 245 and House Bill 1602 of 2014; see also Senate Bill 99 of 2013.

The Committee seeks input in the form of proposed specific rules language from a diverse group of stakeholders, including project developers, environmental advocates, regional organizations, municipal governments, and citizens groups. This input is expected to be helpful to the Committee in developing an initial proposal for re-adoption of its rules with the substantial amendments required by the recent legislation. Submissions by electronic mail are strongly preferred.



RHODE ISLAND

Note: The RI General Assembly convenes on 7 JAN 14 and adjourned on 21 JUN 14.

Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Proposed Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.

Environmental Clean-Up of Naval Station Newport Site Approved

By Richard Salit – Providence Journal

The EPA has approved nearly \$20 million in work to clean up the former Derecktor Shipyard in Middletown that is part of Naval Station Newport. The clean-up will be conducted, and paid for, by the Navy. The plans were reached in cooperation with the state Department of Environmental Management.

The work will take place at two areas, one onshore and one offshore. The offshore work, estimated at \$18.8 million, will involve dredging and disposing of approximately 27,646 cubic yards of contaminated material and capping a 83,574-square-foot area. The onshore site will address soil and groundwater contamination. It will involve adding a new layer of soil, repaving and restricting uses to industrial activities, all in an effort to prevent tainted materials from being exposed. The cost is estimated at \$2 million.

The Navy, under EPA and DEM oversight, will begin engineering design work, which is expected to take 15 months to complete. Construction is expected to begin in December 2015.

Block Island Wind Farm Fully Permitted

By Offshore Wind

Deepwater Wind has received the final federal approval needed to build the Block Island Wind Farm – a project that remains on-track to be the first U.S. offshore wind farm. The project's lead federal permitting agency, the U.S. Army Corps of Engineers (USACE), has granted its approval of the Block Island Wind Farm.

With USACE's permit, the Block Island Wind Farm has now been completely reviewed, and approved, by 11 state and federal agencies:

- U.S. Army Corps of Engineers
- Federal Aviation Administration
- U.S. Fish and Wildlife Service
- National Oceanic and Atmospheric Administration
- National Marine Fisheries Service
- U.S. Environmental Protection Agency
- U.S. Coast Guard
- Rhode Island Coastal Resources Management Council
- Rhode Island Department of Environmental Management
- Rhode Island State Historic Preservation Office

Deepwater Wind has begun the initial stages of construction on the 30-megawatt Block Island Wind Farm, which will be located about three miles off the coast of Block Island, R.I. Earlier this year, Deepwater Wind selected Alstom as its Block Island Wind Farm turbine supplier and long-term maintenance and service provider. Deepwater Wind received delivery of its 15 wind turbine blades from Alstom in Denmark.

Offshore construction is expected to begin during the summer 2015, with the wind farm in-service in 2016.



VERMONT

Note: The Vermont General Assembly convenes on 7 JAN 14 and adjourned on 10 MAY 14.

Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Regulations

No new environmental regulations of significant importance to DoD were identified during this reporting period.

REGION 2



NEW JERSEY

The New Jersey Legislature meets throughout the year.

Proposed Legislation

On 9 JUN 14, Senator Lesniak introduced [NJ SB 2166](#) which would require business concerns that provide grease recycling services to be registered with the Department of Environmental Protection (DEP), display a decal issued by the DEP, and maintain certain business records. The bill also establishes penalties for violations of the bill. Specifically, under the bill, no person or business concern may engage in grease recycling services unless the person is registered with the DEP and prominently displays a decal issued by the DEP. Each person, facility, and vehicle engaged in grease recycling activities must register with the DEP. To register, a person must submit an annual application, a registration fee as determined by the department, a surety bond or other debt instrument, and proof of motor vehicle insurance.

Legislation

On 8 MAY 14, Assemblyman Singleton introduced [NJ AR 110](#) which is an Assembly Resolution calling on the Congress of the United States to exclude Joint Base McGuire-Dix-Lakehurst and Picatinny Arsenal when considering future defense department budget cuts. This Resolution was approved by the Assembly on 26 JUN 14.

On 28 APR 14, Senator Beach introduced [NJ SR 65](#) which is a Senate Resolution calling on the Congress of the United States to exclude Joint Base McGuire-Dix-Lakehurst when considering future defense department budget cuts. This Resolution was approved by the Senate on 26 JUN 14.

On 27 FEB 14, Senator Smith introduced [NJ SCR 84](#) which would ensure stable funding for some of the State's environmental programs. The Constitution now dedicates four percent of the money collected from the Corporation Business Tax to help pay for some environmental programs. This amendment raises the amount from four percent to six percent beginning on 1 JUL 19. It also changes the amounts allocated to some of the programs funded by the existing dedication beginning on 1 JUL 15. The money from the new dedication would be used: (1) to preserve and care for open space (Green Acres), farmland, historic sites, and flood-prone areas (Blue Acres); (2) to improve water quality; (3) to pay for polluted site cleanups; and (4) for underground tank removal and cleanup. Lastly, the amendment requires that money received from leases and certain other uses of State-Owned preserved open space be used to pay for open space, farmland, and historic preservation. This Resolution was approved on 4 AUG 14.

Proposed Rules

[Fees for Permits and Certificates for Minor Facilities \(and Major Facilities without an Operating Permit\), and Operating Permits](#) - The Department of Environmental Protection has proposed amendments to N.J.A.C. 7:27-8.6 and 22.31 to amend the fees that it charges for permitting stationary sources of air pollution, since the revenue that the Department receives from the existing fees is less than the costs of the services the Department

performs (permitting, enforcement, and planning). By addressing the air permitting program deficit, the Department will be better able to serve the regulated community and better protect the quality of air in the State. The Department is proposing to raise fees for permit applications for minor facilities, as regulated by N.J.A.C. 7:27-8, and fees for applications for significant modifications of major facilities, as regulated by N.J.A.C. 7:27-22. Additionally, the Department is proposing to increase the general permit registration fees for minor facilities and general operating permit registration fees for major facilities. Generally speaking, a major facility is one with the potential to emit one or more air contaminants in an amount equal to or exceeding the applicable major facility threshold levels set forth at N.J.A.C. 7:27-22.2(a). Major facilities include, for example, refineries, pharmaceutical companies, manufacturing operations, and power plants. These facilities are subject to Title V of the Federal Clean Air Act (42 U.S.C. §§ 7661-7661f). A minor facility is one that does not meet the definition of a major source at N.J.A.C. 7:27-22.2(a) and that has the potential to emit one or more air contaminants in an amount less than the applicable major facility threshold levels. Minor facilities include, for example, small manufacturing operations, dry cleaners, and gas stations.

New NJ DEP Deputy Commissioner Named

NJ Department of Environmental Protection (DEP) Commissioner Bob Martin has named David L. Glass to serve as the Department's new Deputy Commissioner. Glass takes over from Michele N. Siekerka, who recently accepted the position of president of the New Jersey Business and Industry Association. He will start his new duties on October 1.



NEW YORK

The New York State Legislature meets throughout the year.

Proposed Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Proposed Rules

Chemical Bulk Storage - The Department of Environmental Conservation has proposed rulemaking to repeal Parts 595, 596, 597; add new Parts 596 and 597; and amend Parts 598 and 599 of Title 6 NYCRR. The purpose of this rule making is to amend the existing chemical bulk storage rule to be at least as stringent as EPA Federal rule (40 CFR 280) and include NYS 2008 statutory changes.

Petroleum Bulk Storage (PBS) and Used Oil Management - The Department of Environmental Conservation has proposed rulemaking to repeal 6 NYCRR Parts 612 through 614 and replace them with a new 6 NYCRR Part 613, which will regulate the handling and storage of petroleum in underground and aboveground storage tank systems.

Promulgation of the new Part 613 will harmonize existing State requirements (found at current Parts 612, 613, and 614 to be repealed) with overlapping federal requirements (found at 40 CFR Part 280) so that similar sets of regulatory requirements will govern petroleum bulk storage (PBS) facilities in the State. Additionally, the requirements for all new tank systems will be updated to reflect the technology and practices that are the current

state of the art for the manufacture, installation, and maintenance of PBS tank systems. The provisions of Subpart 374-2 and section 370.1(e)(2) must be revised in order to (1) address changes to definitions and cross-references being made in proposed Part 613; and (2) account for changes made to the corresponding federal regulation, 40 CFR Part 279.

Regulations

Amend 6 NYCRR Section 200.1 by Modifying the Definition of “Nonattainment Area” in Section 200.1(av)

- The Department of Environmental Conservation has adopted rule making to amend 6 NYCRR section 200.1 by modifying the definition of “nonattainment area” in section 200.1(av). The purpose of this rule making is to remove reference to PM2.5 nonattainment area pursuant to EPA's redesignation action. Reserve section 200.1(av)(2). This regulation passed and became effective on 17 SEP 14.

Firewood (all Hardwood Species), Nursery Stock, Logs, Green Lumber, Stumps, Roots, Branches and Debris of Half an Inch or More

- The Department of Agriculture and Markets has adopted amendments to Part 139 of Title 1 NYCRR. The purpose of this rule making is to modify the Asian Long Horned Beetle quarantine to prevent the further spread of the beetle to other areas. This regulation passed and became effective on 13 AUG 14.

REGION 3



DISTRICT OF COLUMBIA

Note: The Council of the District of Columbia meets twice per month throughout the year.

Proposed Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Proposed Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



DELAWARE

Note: The Delaware General Assembly convenes on 12 JAN 14 and adjourned on 30 JUN 14.

Proposed Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Regulations

[Regulation Governing Administrative Rulemaking Procedures](#) - The Registrar of Regulations has adopted the Regulation Governing Administrative Rulemaking Procedures. The purpose of the regulation is to provide procedures for the filing of regulations under the Administrative Procedures Act, 29 Del.C. Ch. 101, and for publication in the Delaware Register of Regulations and the Administrative Code. This regulation passed and became effective on 11 AUG 14.



MARYLAND

Note: The Maryland General Assembly convenes on 8 JAN 14 and adjourned on 7 APR 14.

Proposed Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Proposed Rules

Maryland's Draft 2014 Integrated Report of Surface Water Quality - The Department of the Environment has announced an informational public meeting on Maryland's Draft 2014 Integrated Report (IR) of Surface Water Quality. The Federal Clean Water Act requires that States assess the quality of their waters every two years and publish a list of waters not meeting the water quality standards set for them. This list of impaired waters is included in the State's biennial Integrated Report of Surface Water Quality. Waters identified in Category 5 of the IR are impaired and may require the development of Total Maximum Daily Loads (TMDLs).

Regulations

Implementation of the Offshore Wind Energy Act of 2013 - The Public Service Commission has adopted rulemaking to:

1. Amend Regulation .02 under COMAR 20.51.01 General Provisions;
2. Amend Regulations .02 and .08 under COMAR 20.51.02 Administrative Provisions;
3. Amend Regulation .05 under COMAR 20.51.03 Electricity Supplier License Requirements;
4. Amend Regulations .03, .05, and .06 under COMAR 20.61.01 General;
5. Amend Regulations .01 and .02 under COMAR 20.61.04 Consumer Protection, Reporting, and Enforcement; and
6. Adopt new Regulations .01—.20 under a new chapter, COMAR 20.61.06 Offshore Wind.

The purpose of this action is to implement the Offshore Wind Energy Act of 2013. The regulations establish a process for the Commission to receive and evaluate offshore wind project applications. The regulations also establish an escrow account to facilitate the transfer of funds among electricity suppliers, retail electric customers, and a project owner. This regulation passed and became effective on 15 SEP 14.

Licensed Tree Experts - The Department of Natural Resources has adopted rulemaking to amend Regulation .02 under COMAR 08.07.07 Licensed Tree Experts. The purpose of this action is to amend the Incorporation by Reference regulation to reflect the most current versions of the existing incorporated documents. This regulation passed and became effective on 15 SEP 14.

Radiation Protection - The Department of the Environment has adopted amendments to Regulation .01 under COMAR 26.12.01 Radiation Protection. The purpose of this action is to update COMAR 26.12.01.01 Incorporation by Reference to incorporate Supplement 24, which includes:

- Two U.S. Nuclear Regulatory Commission rules relating to general radioactive materials licenses and technical regulation corrections;
- A change to the schedule for application for radioactive material license;
- A requirement for thyroid shielding when an x-ray beam may strike a patient's thyroid gland;
- Requirements for use by veterinarians of hand-held radiation machines; and
- Minor changes and corrections.

This regulation passed and became effective on 15 SEP 14.

Waterworks and Waste Systems Operators - The Department of the Environment has adopted rulemaking to amend Regulations .01, .02, .05—.10, .12, .13, and .16 under COMAR 26.06.01 General Regulations. The purpose of this action is to amend the current State regulations. These actions are taken to 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, increase the certification and examination fees, and to address technical errors in the regulations. The regulations were last revised in 2001; the amendments to the regulations address the following issues:

- To provide consistency between other State operator certification programs, Maryland’s “Temporary” certificate holders will be identified as “Operators-In-Training”.
- In COMAR 26.06.01.05, the regulations have been revised to clarify which individuals are required to be certified as operators.
- As of 2009, there are no operators who hold limited certificates. All references to limited certificates have been removed from the regulations.
- The Annotated Code, Environment Article 12-402 was revised during the FY2012 Legislative Session for the purpose of authorizing certain waterworks, wastewater works, and industrial wastewater works to be under the supervision of a certified operator instead of a certified superintendent under certain circumstances; and generally relating to the supervision of a waterworks, a wastewater works, and an industrial wastewater works. This change is incorporated in the regulations.

This regulation passed and becomes effective on 1 OCT 14.



PENNSYLVANIA

Note: The Pennsylvania General Assembly meets throughout the year.

Proposed Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Proposed Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



VIRGINIA

The Virginia General Assembly convenes on 8 JAN 14 and adjourned on 8 MAR 14.

Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Proposed Rules

Accotink Creek & Long Branch TMDLs - The Department of Environmental Quality has invited written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for Accotink Creek and Long Branch in the Accotink Creek watershed in Fairfax County. These streams are listed on the 2012 303(d) TMDL Priority List and Report as impaired due to violations of the State's water quality standards for the aquatic life use due to poor health of the benthic macroinvertebrate communities.

Incorporation of Recent Policy and Guidance Specific to the Virginia Water Protection Permit Program -

The Department of Environmental Quality's State Water Control Board has proposed revisions to 9VAC25-660 to reissue the Virginia Water Protection General Permit for Impacts Less Than One-Half Acre which expires in 2016 and allow for revisions to correct several administrative procedures; to clarify certain definitions; to revise application and permitting requirements to reflect current guidance and policies; to incorporate certain federal regulatory provisions relative to the program; to increase efficiency; and to make the general permit regulation more relevant and useful. Because the Virginia Water Protection Permit Program Regulation 9VAC25-210-10 et seq. provides authority for this general permit regulation, applicable revisions to that program regulation must also be reflected herein.

Water and Wastewater Infrastructure Service Charge - The State Corporation Commission has proposed rules to permit Virginia water and wastewater utilities to apply for commission approval of a water and wastewater infrastructure service charge (WWISC) to recover the costs of replacing aging infrastructure and address primary and secondary water quality by prioritizing the highest risk facilities and replacing these on an accelerated basis. The proposed rules establish (i) the parameters for utilities to apply for a WWISC; (ii) the WWISC plan for investing funds collected from ratepayers; and (iii) the WWISC rider, which is a mechanism for collecting charges from customers. The proposed rules also require eligible utilities to file with the commission an annual reconciliation to reconcile the difference between the recognized eligible infrastructure costs and the amounts recovered under the WWISC rider.

Waterworks Definitions - The Department of Health has adopted amendments to 12VAC5-590, Waterworks Regulations. To maintain primacy (primary enforcement responsibility) to enforce the federal Safe Drinking Water Act in Virginia, the Environmental Protection Agency requires the Virginia Department of Health to adopt state regulations that do not differ materially from the corresponding federal regulations (40 Code of Federal Regulations § 142.10). The 2014 General Assembly (CHAP0333) revised the definition of a waterworks in §§ 32.1-167 and 32.1-169 of the Code of Virginia to more closely match the corresponding federal definition of a public water system. The amended regulations incorporate those changes, while also serving to clarify the criteria to determine if a water supply is to be regulated by the Virginia Department of Health as a waterworks.

Regulations

Amendments to Eliminate the Hazardous Waste Transporter Permit Requirement in Response to Chapter 139 of the 2014 Acts of Assembly - The Department of Environmental Quality has adopted amendments to

9VAC20-60 which conform the regulation to changes in the Code of Virginia enacted by Chapter 139 of the 2014 Acts of Assembly. The amendments remove the requirement that hazardous waste transporters obtain a hazardous waste transporter permit from the Commonwealth of Virginia; clarify that a federal Environmental Protection Agency identification number, obtained either from the EPA or authorized state, is required; and make other associated changes. This regulation passed and became effective on 27 AUG 14.

Convening the Governor's Climate Change and Resiliency Update Commission - The Office of the Governor has issued Executive Order Number 19 to convene the Governor's Climate Change and Resiliency Update Commission ("Commission") to review, update, and prioritize the recommendations of the 2008 Climate Change Action Plan. Moreover, the updated report will work to identify sources of revenue to fund the implementation of these recommendations. This Executive Order was issued on 28 JUL 14.

Incorporation of Statutory Changes Related to Chesapeake Bay Preservation Act General Performance Criteria - The Department of Environmental Quality has adopted revisions to 9VAC25-830, Chesapeake Bay Preservation Area Designation and Management Regulations. The purpose of this regulatory action is to incorporate statutory changes made to § 62.1-44.15:34 A by HB 1173/SB 423 and HB 1217 during the 2014 General Assembly session related to the general performance criteria for localities subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and the regulation of Chesapeake Bay Preservation Act land-disturbing activities in accordance with § 62.1-44.15:28. This regulation passed and became effective on 27 AUG 14.

Incorporation of Statutory Changes Related to Reporting Requirements - The Department of Environmental Quality has adopted revisions to 9VAC25-840-65, Erosion and Sediment Control Regulations. The purpose of this regulatory action is to incorporate statutory changes made to § 62.1-44.15:34 A by HB 1173 and SB 423 during the 2014 General Assembly session related to the schedule for reporting of approvals pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:52 et seq.) to begin land disturbance of one acre or greater to the Department at least monthly. This regulation passed and became effective on 1 JUL 14.

List of Predatory and Undesirable Species - The Department of Conservation and Natural Resources has adopted amendments to 4VAC15-30 which (i) add certain nonnative species of animals currently included on the federal list of endangered and threatened species to the list of predatory and undesirable species; (ii) add the oriental weatherfish to the list of predatory and undesirable species, (iii) update taxonomic references in the list of predatory and undesirable species, and (iv) repeal an exception for certain animals from the requirement that all individuals in possession of animals included on the list of predatory and undesirable species apply for a department permit to exhibit wild animals in Virginia. This regulation passed and became effective on 1 AUG 14.

Waterworks Operation Fee - Waterworks Definition - The Department of Health has adopted amendments to 12VAC5-600, Waterworks Operation Fee. To maintain primacy (primary enforcement responsibility) to enforce the federal Safe Drinking Water Act in Virginia, the Environmental Protection Agency requires the Virginia Department of Health to adopt state regulations that do not differ materially from the corresponding federal regulations (40 Code of Federal Regulations § 142.10). The 2014 General Assembly (CHAP0333) revised the definition of a waterworks in §§ 32.1-167 and 32.1-169 of the Code of Virginia to more closely match the corresponding federal definition of a public water system. The amended regulations incorporate those changes, while also serving to clarify the criteria to determine if a water supply is to be regulated by the Virginia Department of Health as a waterworks. This regulation passed and becomes effective on 10 OCT 14.



WEST VIRGINIA

The West Virginia Legislature convenes on 8 JAN 14 and adjourned on 14 MAR 14.

Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Proposed Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.

REGION 4



NORTH CAROLINA

Note: The North Carolina General Assembly convenes on 13 MAY 14 and adjourns on 1 AUG 14.

Legislation

On 4 MAR 13, Senator Jackson introduced [NC SB 163](#) which would designate reclaimed water as a source water under certain conditions. This bill passed and became effective on 6 AUG 14.

On 26 JUN 14, Senator Brock introduced [NC SB 883](#) which would disapprove the mitigation program requirements for protection and maintenance of riparian buffers rule adopted by the environmental management commission, direct the environmental management commission to adopt a new mitigation program requirements for protection and maintenance of riparian buffers rule, and amend wastewater disposal system requirements. This bill passed and became effective on 1 AUG 14.

Proposed Rules

[Definition of "Gravel"](#) - The Department of Environment and Natural Resources, Environmental Management Commission, has proposed amendments to Rule 15A NCAC 02H .1002. The purpose of this rule change is threefold.

- First, some of the proposed changes to Rule 15A NCAC 02H .1002 are necessary in order to align the Rule with recent changes to G.S. 143-214.7. Section 51.(d) of North Carolina Session Law 2013-413 amended G.S. 143-214.7 such that "gravel" was excluded from the definition of "built-upon area." The proposed rulemaking incorporates the amendments to G.S. 143-214.7 into Rule 15A NCAC 02H .1002.
- Second, the amendments to G.S. 143-214.7 excluded "gravel" from the definition of "built-upon area," but they did not provide a definition of the term "gravel." This proposed rulemaking defines the term "gravel" and includes other changes that are technical in nature, such as renumbering and alphabetizing the definitions. All of these changes provide clarity to the regulated community on the implementation of stormwater rules that are required by G.S. 143-214.7.
- Third, the proposed rulemaking will replace a temporary rule that was adopted pursuant to G.S. 150B-21.1 and published in the North Carolina Register on 5 APR 14. The temporary rule will expire unless a permanent rule is adopted by the Environmental Management Commission and submitted to the Rules Review Commission by 10 JAN 15. The text, purpose, and justification of the proposed rule are identical to those of the temporary rule.

[Revise Permit Term to Reflect S.L. 2013-413](#) - The Department of Environment and Natural Resources has proposed an amendment to Rule 15A NCAC 02Q .0308, Final Action on Permit Applications, which revises the permit term for non-Title V air quality permits from five years to eight years to reflect Session Law 2013-413.

REGION 5



ILLINOIS

Note: The Illinois General Assembly meets throughout the year.

Proposed Legislation

On 4 FEB 13, Representative Sosnowski introduced [IL HB 1260](#) and [IL HB 4531](#) which would amend the Notice by Publication Act. It would allow a governmental unit that is required to provide notice by publication in a newspaper by law, order of court, or contract to publish the notice on an official government website instead of in a newspaper. It also provides conditions concerning the availability and format of the notice webpage. Finally, it would repeal a section concerning the placement of published notices on a statewide website and makes corresponding changes throughout the Act and in the Newspaper Legal Notice Act.

On 5 FEB 13, Representative Gabel introduced [IL HB 1289](#) which would amend the Illinois Vehicle Code by making a technical change in a section regarding excessive idling.

On 26 FEB 13, Representative Hays introduced [IL HB 3313](#) which would authorize the state to lease state-owned property for the use of wind farms or electric-generating wind devices, including all associated transmission lines, substations, and other equipment related to the generation of electricity from wind energy devices, provided that the wind farm and electric-generating wind devices comply with any requirements the applicable county or municipality has established under the Counties Code or Illinois Municipal Code.

On 28 JAN 13, Representative Drury introduced [IL HB 4318](#) which would amend the Property Tax Code. In provisions concerning PPV leases, provides that the current method of classifying and valuing PPV leases expires on the earlier of (i) January 1, 2056 or (ii) January 1 of the calendar year in which the particular PPV lease terminates (now, January 1, 2016). It also states that, for naval training facilities, naval bases, and naval support facilities, "net operating income" means all revenues received minus the lesser of (i) 42% of all revenues or (ii) actual expenses before interest, taxes, depreciation, and amortization (now, all revenues received minus the lesser of (i) 62% of all revenues or (ii) actual expenses before interest, taxes, depreciation, and amortization).

On 14 FEB 14, Representative Gabel introduced [IL HB 5559](#) which states that the State Emergency Response Commission (SERC) shall by rule establish a schedule of annual fees that are due from any facility required to submit an inventory form. It also states that the rules shall establish procedures for collection and management of the fees and may include penalties for late filing of forms. It also states that the rules may provide an exemption for State, county/municipal entities, special districts, and other public bodies or political subdivision that the Illinois Emergency Management Agency deems appropriate. The fees collected by the SERC shall be deposited into the Emergency Planning and Training Fund and shall be used by the SERC, pursuant to appropriation, for its activities arising under the Act and a specified provision of the federal Superfund Amendments and Reauthorization Act of 1986. It states that the SERC may make grants to local emergency planning committees to facilitate the disclosure of information about hazardous substances and that, before implementing a grant program, the SERC shall adopt rules governing grant eligibility, application, and administration. It further states

that all such fees shall be nonrefundable. It eliminates provisions concerning tier I inventory forms, and makes changes concerning tier II inventory forms and makes other changes. Finally it states that the State Emergency Response Commission shall (was previously, "may") make grants to local emergency planning committees to facilitate the disclosure of information about hazardous substances.

On 24 JAN 13, Senator Steans introduced [IL SB 1158](#) which would authorize the Secretary of State to collect annual user fees from any individual, partnership, association, corporation, or agency of the United States government that registers any combination of 10 or more of the specified types of motor vehicles in the State of Illinois (now, those fees are collected only if one of those entities registers 10 or more of the specified types of vehicles in specific portions of the Chicago metropolitan area). It would increase the amount of the fee from \$20 to \$40.

Legislation

On 3 FEB 14, Representative Mautino introduced [IL HB 4505](#) which would defines "grease and oil collector" and "grease and oil processor". It also states that a grease and oil processor license is a Class "H" license and that an application for an original Class "H" license and for the annual renewal of a Class "H" license shall be accompanied by a fee. Further provides that no person shall operate a vehicle used to transport used cooking grease or oil without a vehicle permit issued by the Department of Agriculture of the State of Illinois. It also requires owners or operators of vehicles not owned by grease and oil processors to secure a permit through the licensed grease and oil processor to whom the used cooking grease and oil will be delivered. It also requires that all permittees record each collection of used cooking grease and oil, give a receipt to every person from whom the permittee collects used cooking grease and oil, and that the permittee retain a copy of all such receipts until the used cooking grease and oil is delivered to its destination. It also gives the Department authority to regulate the collection and processing of used cooking grease and oil. Finally, it removes a provision prohibiting the transportation of used cooking grease and oil into another state without a reciprocal agreement with the other state. This bill passed and became effective on 1 JUN 14.

Proposed Rules

[Collection of Out-of-Service Mercury Thermostats](#) - The Environmental Protection Agency has proposed 35 Ill. Adm. Code 190 - Collection of Out-of-Service Mercury Thermostats. Section 25(c) of the Mercury Thermostat Collection Act requires the Agency to establish collection goals for calendar years 2015 through 2020 for mercury thermostat collection programs established by thermostat manufacturers. Section 190 of Title 35 of the Illinois Administrative Code will establish those collection goals.

[Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance](#) - The Emergency Management Agency has proposed amendments to 29 Ill. Adm. Code 430 - Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance. The Agency is updating the reporting requirement exemptions for extremely hazardous substances to match the federal requirements in 49 CFR 355.31 (1 JAN 14).

[The Illinois Register of Historic Places](#) - The Historic Preservation Agency has proposed the repeal of 17 Ill. Adm. Code 4140 which establishes the processes by which a place may be added to or removed from the Illinois Register of Historic Places. The Illinois Register of Historic Places program was repealed from the Illinois Historic Preservation Act by PA 97-785.

[Underground Storage Tanks](#) - The Pollution Control Board has announced it will propose amendments to the Illinois Underground Storage Tanks regulations.

Regulations

Air Quality Standards - The Pollution Control Board has adopted amendments relating to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. These amendments update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the period 1 JUL 13 through 31 DEC 13. The Federal NAAQS are codified at 40 C.F.R. 50. This regulation passed and became effective on 9 JUN 14.

Annual Testing Fees for Analytical Services - The Environmental Protection Agency has adopted rulemaking that will update the Illinois EPA's drinking water analysis program (Program) at 35 Ill. Adm. Code 691 in response to changes made to Section 17.7 of the Environmental Protection Act (415 ILCS 5/17.7) by PA 97-220. Pursuant to Section 17.7, the Agency shall base its annual fee determination on actual and anticipated costs for testing. In addition, this rulemaking will update the language regarding the Program's notification and participation process. This regulation passed and became effective on 20 JUN 14.

Testing Fees for Analytical Services - The Illinois EPA has adopted rulemaking to update the Illinois Environmental Protection Agency's (Illinois EPA) drinking water analysis program (Program) at 35 Ill. Adm. Code 691 in response to changes made to Section 17.7 of the Illinois Environmental Protection Act (415 ILCS 5/17.7) by P.A. 097-0220. Pursuant to Section 17.7, the Agency shall base its annual fee determination on actual and anticipated costs for testing. In addition, 35 Ill. Adm. Code 691 also establishes Program participation and non-participation procedures. At present, 35 Ill. Adm. Code 691 provides for a 3-year participation period in the Program. This rulemaking reduces the 3-year period to a 1-year participation period to correspond with the State's fiscal year. While community water supplies (CWS) are still provided the option to not participate in the Program, this rulemaking clarifies each CWS must notify the Agency of its intent to participate or not participate in the Program. Finally, this rulemaking reinforces if a CWS does not participate in the Program or does not pay the required fees, the Agency, as provided by statute, does not have the duty to analyze any drinking water samples. This regulation passed and became effective on 20 JUN 14.



INDIANA

Note: The Indiana General Assembly convened on 7 JAN 14 and adjourned on 13 MAR 14.

Legislation

On 7 JAN 14, Representative Bessmer introduced **IN HB 1052** which would expand, for purposes of the limitations on planning and zoning that affect the Crane military base, the definition of military base to include the Glendora Lake Test Facility in Sullivan County at which the Crane military base conducts affiliated operations. This bill passed and became effective on 1 JUL 14.

On 14 JAN 14, Representative Wolkins introduced **IN HB 1342** which states that the hazardous waste disposal fee (which replaces the hazardous waste disposal tax), the fee on the disposal or incineration of solid waste, and the annual registration fee paid by owners of underground storage tanks shall be collected by the department of environmental management instead of the department of state revenue. It also states that 75% of the revenue from the hazardous waste disposal fee shall be deposited in the hazardous substance response fund and 25% shall be paid over to the county in which the hazardous waste is disposed of. It provides that: (1) 50% of the registration fees paid in ... connection with underground petroleum storage tanks and deposited in the petroleum trust fund

shall be used to pay for corrective actions that involve releases of regulated substances from underground storage tanks that are not eligible to receive funds from the underground petroleum storage tank excess liability trust; and (2) not more than 11% of the funds expended for the corrective actions may be used to pay for administrative and personnel expenses incurred in carrying out the corrective actions. It allows the commissioner of the department of environmental management, under certain circumstances, to authorize the modification of a restrictive covenant that the owner of a property contaminated with a hazardous substance has been required to execute and record. Finally, it provides for the administrative and personnel expenses incurred by the state in evaluating a proposed modification of a restrictive covenant to be paid from the hazardous substances response trust fund, and requires the environmental rules board to adopt rules providing for the recovery of those expenses by the state. It also removes references to the solid waste management board, which was abolished on 1 JAN 13. This bill passed and became effective on 1 JUL 14.

On 9 JAN 14, Senator Charbonneau introduced [IN SB 217](#) which states that if an underground storage tank consists of a single tank in which there are separate compartments, a separate annual registration fee shall be paid for each compartment within the single tank. It further requires the owner of an underground storage tank to pay an annual registration fee for a calendar year if the underground storage tank is not closed before 1 JAN of that year. It also requires the Department of Environmental Management (instead of the Department of State Revenue) to collect the annual registration fee. It also states that: (1) for purposes of determining eligibility for payment of a tank owner's liability from ... the underground petroleum storage tank excess liability trust fund, only registration fees paid in 1991 or later shall be considered; (2) for the period preceding July 1, 2014, the payment of a single annual fee of \$90 for a tank containing separate compartments shall be deemed to satisfy the annual fee requirements; and (3) IDEM is not required to pay any refunds to a tank owner that, before July 1, 2014, paid a separate registration fee for each compartment within a tank. Finally, it states that a county surveyor planning to perform a regulated drain reconstruction or maintenance project shall request a review of the project but is not required to request an onsite field review. This bill passed and became effective on 1 JUL 14.

On 13 JAN 14, Senator Hershman introduced [IN SB 260](#) which would authorize units of local government to expend money: (1) in direct support of an active military base located within the unit or an entity located in the territory or facilities of a military base or former military base (or territory or facilities of the United States Department of Defense) that are scheduled for closing or are completely or partially inactive or closed; and (2) in support of any other entity that provides services or direct support to such an active military base or such an entity. It would also provide that redevelopment commissions, military base reuse authorities, and military base development authorities may, ... subject to prior approval by the unit's fiscal body, expend money and provide financial assistance (including grants and loans) to such active military bases and to such entities. It would also provide that the fiscal body of the unit that established such a commission or authority must separately approve each grant, loan, or other expenditure for financial assistance provided by the commission or authority under these provisions. Finally, it would provide that the terms of any loan made under these provisions by a commission or authority may be changed only if the change is approved by the fiscal body of the unit that established the commission or authority. This bill passed and became effective on 1 JUL 14.

Proposed Rules

[Floodway Habitat Mitigation](#) - The Natural Resources Commission has issued an information bulletin to provide guidance of compensatory mitigation associated with an application to the Department of Natural Resources for a permit under the "Flood Control Act" or under the "Navigable Waters Act". The bulletin assists license applicants with understanding when mitigation is needed and, if so, the type of mitigation that is needed. The bulletin assists the DNR with making licensure determinations.

[Hazardous Waste Land Disposal Tax](#) - The Department of Revenue has proposed rulemaking which repeals 45 IAC 11-1-1, 45 IAC 11-1-2, 45 IAC 11-1-7, 45 IAC 11-1-8, 45 IAC 11-1-9, 45 IAC 11-1-10, 45 IAC 11-2-1, 45

IAC 11-2-2, 45 IAC 11-2-4, 45 IAC 11-2-5, 45 IAC 11-2-6, 45 IAC 11-2-7, 45 IAC 11-2-8, 45 IAC 11-3-1, and 45 IAC 11-3-2 concerning hazardous waste land disposal tax.

New Fee Rule - The Natural Resources Commission has adopted the addition of 312 IAC 9.5 to establish an option for an in-lieu fee to mitigate adverse impacts to fish, wildlife, or botanical resources for activities authorized by a permit under IC 14-26-2, IC 14-28-1, or IC 14-29-1.

Regulations

Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard (NAAQS) - The Department of Environmental Management (IDEM) has adopted amendments to 326 IAC 1-4 to add federal designations for the 2010 sulfur dioxide (SO₂) primary standard. This regulation passed and became effective on 13 JUN 14.

Global Warming Potentials Referenced in Air Permitting Rules - The Department of Environmental Management (IDEM) has adopted amendments to 326 IAC 2-2-1 and 326 IAC 2-7-1 concerning global warming potentials referenced in the Greenhouse Gas Tailoring Rule requirements for prevention of significant deterioration and Title V as published in the Federal Register by the United States Environmental Protection Agency (U. S. EPA) on November 29, 2013 (78 FR 71904). This regulation passed and became effective on 31 AUG 14.

Water Management and Regulation under the Great Lakes-St. Lawrence River Basin Water Resources Compact - The Natural Resources Commission has adopted rulemaking which amends 312 IAC 6.2-1 and adds 312 IAC 6.2-2 to assist with implementation of Article 4 of IC 14-25-15-1 pertaining to water management and regulation under the Great Lakes-St. Lawrence River Basin Water Resources Compact to address registration and permitting of water withdrawal facilities; provide a voluntary conservation and efficiency program for water withdrawal facilities; provide mandatory conservation and efficiency programs for new and increased withdrawals, diversions, and consumptive uses; and otherwise comply with IC 14-25-15. This regulation passed and became effective on 1 SEP 14.



KENTUCKY

Note: The Kentucky General Assembly convened on 7 JAN 14 and adjourned on 15 APR 14.

Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

Proposed Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



MICHIGAN

Note: The Michigan Legislature meets throughout the year.

Proposed Legislation

On 27 MAR 14, Senator Casperson introduced [MI SB 891](#) which pertains to environmental protection and site cleanups.

Legislation

On 11 MAR 14, Representative Schmidt introduced [MI HB 5400](#) which pertains to solid waste, low-hazard industrial waste, beneficial use by-products, and inert materials. This bill passed and became effective on 17 JUN 14.

Proposed Rules

[Draft Groundwater/Surface Water Interface Pathway Compliance Options Reference](#) - The Department of Environmental Quality (MDEQ), Remediation and Redevelopment Division (RRD) has announced the publication of the DRAFT Groundwater/Surface Water Interface Pathway Compliance Options Resource Material document. This is a resource document for MDEQ staff and contractors to provide information on options for achieving compliance with the Cleanup Criteria Requirements for Response Activity to address the groundwater/surface water (GSI) pathway.



OHIO

Note: The Ohio General Assembly meets throughout the year.

Legislation

On 17 SEP 13, Senator Manning introduced [OH SB 192](#) which would grant the Director of Agriculture exclusive authority to regulate invasive plant species. This bill passed and became effective on 4 SEP 14.

Proposed Rules

[Asbestos Hazard Abatement Professions](#) - The Department of Health has proposed amendments to O.A.C. 3701-34-01 and 3701-34-03 to 3701-34-11 – Asbestos Hazard Abatement Professions. The asbestos hazard abatement rules establish the requirements for asbestos related occupations. The rules also ensure that the public receives safe and proper asbestos abatement, detection, and analytical services by requiring those services be provided by trained and licensed personnel. Major amendments require:

- 1) A copy of the building inspection report prepared by an asbestos evaluation specialist be maintained at each worksite;
- 2) Each worker to possess a copy of a valid certification, respirator fit test and physician's written opinion at all times while at a project site; and
- 3) The submission of a course completion certificate number with the name of each trainee.

Emergency Episode Rules - The Environmental Protection Agency has proposed amended rules in Ohio Administrative Code (OAC) chapter 3745-25, "Emergency Episodes and Ambient Air Quality" to the Joint committee on Agency Rule Review (JCARR). These rules establish the ambient air quality standards and emergency episode standards which the state of Ohio will use to attain and maintain the national ambient air quality standard (NAAQS) as required under Section 110 of the Clean Air Act (CAA).

The amended rules include various minor fixes to correct typos and update formatting to comply with Legislative Services Commission (LSC) conventions that were made along with necessary updates to reflect newly enacted national ambient air quality standards (NAAQS). These minor changes were made after a review to fulfill the requirements of ORC 119.032 (5-year review).

General NPDES Permit Rules - The Environmental Protection Agency has prepared an early stakeholder outreach fact sheet for General NPDES Permit Rules (OAC Chapter 3745-38).

The Agency is conducting the five year review of the two existing rules in OAC Chapter 3745-38. Initial changes the Agency is considering include:

3745-38-01

- Update of references and citations;
- Update of definitions for "applicable water quality standards," "applicable effluent standards and limitations," "discharge" and "discharge of a pollutant or pollutants" to be consistent with OAC 3745-33-01;
- Update of definitions for "person" and "waters of the state" to be consistent with Ohio Revised Code 6111.01; and
- Inclusion of a definition for the new term "40 C.F.R."

3745-38-02

- Update of references and cross references with other rules;
- Inclusion of language from 40 C.F.R. Part 122.28 for greater consistency and clarity; and
- Review of rule requirements to provide for the electronic submission of forms in the future.

Low Reid Vapor Pressure Fuel Requirements Rules - The Environmental Protection Agency has requested stakeholder input on the potential amendment of Ohio Administrative Code (OAC) Chapter 3745-72, "Low Reid Vapor Pressure (RVP) Fuel Requirements." The rules in this chapter contain the requirements for the use of low RVP fuels in the Cincinnati/Dayton/Springfield during the annual ozone season, from 1 JUN through 15 SEP. Prior to proceeding with this rulemaking, Ohio EPA is asking for input/suggestions on these rules from potentially affected parties.

Toxic Air Contaminants - The Environmental Protection Agency, Division of Air Pollution Control (DAPC) has reviewed the rule contained in Ohio Administrative Code (OAC) Chapter 3745-114, "Toxic Air Contaminants." Their review indicates that this rule remains necessary and is in need of amendments. The rule in Ohio Administrative Code (OAC) Chapter 3745-114 contains a list compounds which, when emitted by a facility, may be cause for the director of Ohio EPA to require a permit-to-install under OAC chapter 3745-31. Pursuant to a court decision by the 10th appellate district and the requirements of ORC 119.032, Ohio EPA has reviewed OAC rule 3745-114-01 and finds the need to add compounds to the list of toxic air contaminants contained in the rule.

NPDES Statewide Small Municipal Separate Storm Sewer Systems (MS4) General Permit Renewal - The Environmental Protection Agency has invited comment on a draft general permit renewal for the statewide regulation of Small Municipal Separate Storm Sewer Systems (MS4) to discharge storm water. The draft permit will be issued as a final action unless the Director revises the draft after consideration of the record of a public hearing or written comments, or upon disapproval by the Administrator of the U.S. Environmental Protection Agency. Any person may submit comments on the draft permit and administrative record. The general permit for

Small Municipal Separate Storm Sewer Systems (MS4) allows the discharge of storm water (Permit No. OHQ000003) and is the third generation of this general permit. This permit would afford coverage to all small MS4s required to obtain NPDES permit coverage to discharge throughout the State of Ohio. The permit identifies who can be covered, how an entity obtains coverage and how a permittee terminates coverage. The permit contains requirements for permittees to develop and implement a Storm Water Management Program (SWMP). The SWMP provides what best management practices (BMPs) the MS4 has selected to address the six minimum control measures in the permit, why those particular BMPs were selected by the MS4 in light of local water quality issues, and milestones for BMP implementation.

Regulations

Facility Emergency and Hazardous Chemical Inventory Form Rule - The Environmental Protection Agency, Division of Air Pollution Control has adopted amendments to Ohio Administrative Code (OAC) Rule 3750-30-20 "Facility emergency and hazardous chemical inventory form". The amended rule language 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. The changes shall align the state rule with federal rule to ensure program being equivalent in scope, content and coverage. Intent of amended changes is to make reporting easier for facilities and make the form more user-friendly for state and local planners and responders. This regulation passed and became effective on 12 SEP 14.

License to Operate (LTO) Rules - The Environmental Protection Agency has adopted revisions to the license to operate rules found in Chapter 3745-84 of the Ohio Administrative Code (OAC). These rules have been reviewed pursuant to the five year rule requirements set forth in ORC 119.032. Revisions to these rules include the addition of the definition of "license to operate" as well as clarification of other definitions; adjusting terminology to match definition changes; clarification of how the director acts on LTO applications; public notice requirements; clarification of how fees are determined; and, allowing access to the public water system. This regulation passed and became effective on 1 JUL 14.



WISCONSIN

Note: The Wisconsin Legislature meets throughout the year.

Legislation

On 17 SEP 13, Senator Manning introduced **OH SB 192** which would grant the Director of Agriculture exclusive authority to regulate invasive plant species. This bill passed and became effective on 4 SEP 14.

Regulations

Consistency with Federal Requirements and Definitions - The Department of Natural Resources has adopted revisions to Chapters NR 405 and 408 to maintain consistency with federal permit guidelines and to Chapters NR 400 and 410 consistent with the repeal of Chapter NR 411 for indirect source permits. The objective of this rule package is to revise language in chs. NR 405 and 408 to maintain consistency with federal requirements and definitions. Additionally, sections of chs. NR 400 and 410 need to be repealed due to the repeal of ch. NR 411. This regulation passed and became effective on 1 AUG 14.

MEET THE REC

STAFF

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