



# Northern Review

## of Legislative & Regulatory Actions

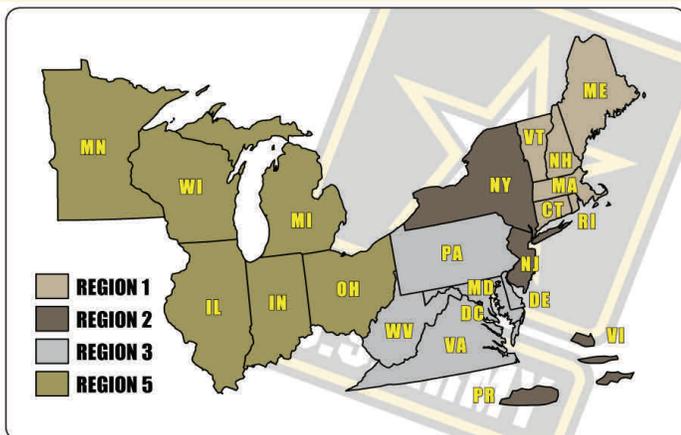


The U.S. Army Regional Environmental & Energy Office

February 2015

The *NORTHERN REVIEW* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the 22 states and territories in Federal Regions 1, 2, 3, and 5, the *Northern Review* gives early notice of legislative and regulatory activities relevant to DOD interests. The *Review* also helps installations meet ISO 14001 environmental management system requirements.

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## Table of Contents

<a href="#">Region 1</a>	<a href="#">2</a>
<a href="#">Region 2</a>	<a href="#">4</a>
<a href="#">Region 3</a>	<a href="#">6</a>
<a href="#">Region 5</a>	<a href="#">10</a>
<a href="#">Federal Activity</a>	<a href="#">14</a>
<a href="#">Professional Development</a>	<a href="#">17</a>
<a href="#">How the Regional Offices Work for You</a>	<a href="#">19</a>

## What's In This Review?

### Region 1

In ME, adopted amendments to the stormwater management regulations. In MA, updates to the toxic or hazardous substance list, and proposed new clean energy standard regulation. In NH, proposed bill authorizing municipalities to regulate stormwater.

### Region 2

In NJ, proposed bill to establish the Office of Sustainability, and 2012 List of Water Quality Limited Waters adopted. In NY, state regulatory agendas released, and proposed bills concerning emissions standards for small electric generating sources; GHG limits and reporting system; and operation restrictions for diesel powered electric generation systems. In PR, new law delegating authority to collect impact fees.

### Region 3

In MD, proposed bill to repeal watershed protection and restoration program requirements and new regulations for well construction. In PA, proposed legislation to establish water well construction standards and draft guidance on designation criteria for regulated small MS4s. In VA, final amendments to water quality management planning rules and PM2.5 nonattainment and maintenance areas. In WV, legislative approval for multiple WVDEP adopted regulations, and a bill requiring the development of a state air plan to control CO<sub>2</sub> emissions.

### Region 5

In IL, final amendments to hazardous waste rules and permit application fees for public waters. In IN, proposed bills concerning designation of local air pollution control agencies and the recovery of remedial action oversight costs. In MI, new laws amending transgenic and nonnative organism regulations, and environmental remediation regulations; and final revisions to air emission limitation and prohibitions regulations. In MN, bill proposing Camp Ripley sentinel landscape designation. In OH, proposed bill concerning agricultural pollution impacts and disposal of dredged material on the western basin of Lake Erie, and a draft GPs for small sanitary dischargers.

### Federal Activity

The President issues an EO establishing a Federal Flood Risk Management Standard. USEPA issues final rules for 2012 PM2.5 air quality designations, and recycling exclusion from hazardous waste rules.

# Region 1

For more information on any state issues in Region 1, contact [Patrick Timm](#), Army Regional Program Coordinator, Region 1, (410) 278-6139.



Legislature convened 3 DEC 14 and adjourns sine die 17 JUN 15.

## FINAL RULES

**AMENDMENTS TO STORMWATER MANAGEMENT REGULATIONS** The Maine Department of Environmental Protection (MDEP) has **adopted** amendments to the stormwater management regulations at Chapter 500. The amendments delete the routine technical provisions establishing a stormwater compensation fee and mitigation credit program. These provisions have been updated and incorporated into MDEP's new Chapter 501, *Stormwater Management Compensation Fees and Mitigation Credits* rule. A notice of the proposed amendments was published in the **October 2014 Northern Review**. The amendments became effective on 11 JAN 15.

## PROPOSED RULES

**AMENDMENTS TO SURFACE COATING FACILITIES** MDEP has **proposed** amendments to Chapter 129, *Surface Coating Facilities*. The amendments are based on USEPA Control Technique Guidelines (CTGs) and expand the types of coating operations regulated by Chapter 129 to include miscellaneous plastic parts and products. The amendments also provide for five major surface coating categories with numerous subcategories in each to further identify which coatings are subject to a specific emission limit. The emission limits are achieved by using low-volatile organic compound (VOC) coatings and add-on controls either alone or in combination. Once finalized, the amendments will be submitted to USEPA as a State Implementation Plan (SIP) revision. Comments are due by 17 FEB 15.



Legislature convened 7 JAN 15 and adjourns 18 NOV 15.

## FEDERAL ACTIVITY

**REOPENED COMMENT PERIOD FOR DRAFT NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM SMALL MS4s** USEPA has reopened the comment period for the draft Small Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) general permit for Massachusetts published on **30 SEP 14 (80 FR 1410)**. The draft NPDES general permit establishes Notice of Intent (NOI) requirements, prohibitions, and management practices for stormwater discharges from small MS4s. A notice of the draft general permit was published in the **October 2014 Northern Review**. Comments are due by 27 FEB 15.

## FINAL RULES

**TOXIC OR HAZARDOUS SUBSTANCES LIST UPDATES** The Massachusetts Executive Office of Energy and Environmental Affairs has **adopted** amendments to the Toxic or Hazardous Substances List (301 CMR 41.00). The amendments implement decisions made by the Administrative Council on Toxics Use Reduction during calendar year 2014. Specifically, the amendments designate 1-bromopropane, hydrogen fluoride, cyanide compounds, toluene diisocyanate (TDI), TDI mixer isomers, and dimethylformamide as "higher hazard substances." A notice of the proposed amendments was published in the **November 2014 Northern Review**. The amendments became effective on 16 JAN 15.

## **PROPOSED RULES**

**NEW CLEAN ENERGY STANDARD REGULATION** The Massachusetts Department of Environmental Protection (MassDEP) has **proposed** a new regulation, ***Clean Energy Standard*** (CES) (310 CMR 7.75). The new regulation increases the percentage of electricity sold to consumers in Massachusetts that is generated using clean energy. The CES requires retail electricity sellers to annually demonstrate the use of clean energy to generate a specified percentage of their electricity sales. For the purpose of implementing the CES, clean energy is defined based on a threshold level of greenhouse gas (GHG) emissions, regardless of the technology used to generate the electricity. MassDEP has also issued a **technical support document** regarding the CES. Three public meetings are scheduled for 10, 11, and 12 MAR 2015 and comments are due by 23 MAR 15.

## **OTHER REGULATORY ACTIVITY**

**ANNUAL LIST OF PROSPECTIVE REGULATIONS** The Massachusetts Executive Office of Energy and Environmental Affairs has **issued** a list of regulations expected to be promulgated during the next 12 month period.



**Legislature convened 7 JAN 15 and adjourns sine die 30 JUN 15.**

## **FEDERAL ACTIVITY**

**SIP REVISIONS TO STATE PSD PROGRAM** USEPA has issued a proposed rule to approve a SIP revision submitted by the state of New Hampshire (**80 FR 92860**). The SIP revision will ensure that the State Prevention of Significant Deterioration (PSD) Program is consistent with USEPA final rules governing: (1) New Source Review (NSR) Improvement Rule (31 DEC 02); (2) implementation of NSR for fine particulate matter (PM) (16 MAY 08); and (3) establishment of increments, Significant Impact Levels (SILs) and a Significant Monitoring Concentration (SMC) (20 OCT 10). Comments are due by 20 FEB 15.

## **PROPOSED LEGISLATION**

**SB 97 AUTHORIZATION FOR MUNICIPALITIES TO REGULATE STORMWATER** SB 97 authorizes municipalities to regulate stormwater in order to comply with federal and state laws and regulations. The bill has passed the Senate.

**SB 208 COMMITTEE TO STUDY LIMITING SULFUR CONTENT OF LIQUID FUELS** SB 208 establishes a committee to study limiting the sulfur content of liquid fuels. The bill outlines the committee's membership, duties, and reporting requirements. The bill was referred to the Energy and Natural Resources Committee.



**Legislature convened 7 JAN 15 and adjourns sine die 11 MAY 15.**

## **FINAL RULES**

**AMENDMENTS TO STAGE I VAPOR RECOVERY AT GASOLINE DISPENSING FACILITIES RULE** The Vermont Agency of Natural Resources has **adopted** amendments to the Air Pollution Control Regulations (APCR). The amendments: (1) clarify and provide additional flexibility to several definitions relating to gasoline storage and distribution; (2) clarify requirements in the existing Stage I vapor recovery regulation; and (3) improve the consistency of the APCR with federal requirements for gasoline dispensing facilities. The amendments help to maintain and enhance the reduction of gasoline vapor emissions containing VOCs and hazardous air contaminants (HACs) targeted by the existing Stage I regulation. A notice of the proposed amendments was published in the **October 2014 Northern Review**. The amendments took effect on 29 DEC 14.

# Region 2

For more information on any state issues in Region 2, contact [Patrick Timm](#), Army Regional Program Coordinator, Region 2, (410) 278-6139.



## New Jersey

Legislature convened 13 JAN 15 and adjourns 12 JAN 16.

### PROPOSED LEGISLATION

**SB 2660 (AB 4047) OFFICE OF SUSTAINABILITY ESTABLISHED** SB 2660 creates an Office of Sustainability in the New Jersey Department of the Treasury. The office will be responsible for developing and implementing environmental sustainability measures in all state buildings. The office also will coordinate with all owners of real property in which state agencies are located in an effort to implement environmental sustainability practices in those buildings. The bill was reported out from the Environment and Energy Committee and referred to the Budget and Appropriations Committee.

### FINAL RULES

**AMENDMENTS TO LIQUEFIED PETROLEUM GAS RULE** The New Jersey Department of Community Affairs has **adopted** amendments to the Liquefied Petroleum Gas (LPG) rule at N.J.A.C. 5:18-3.1. The amendments update the rule's National Fire Protection Association (NFPA) reference from the 2008 edition to the 2011 edition of NFPA 58. NFPA 58 is a consensus standard that represents the industry best practice for the installation and maintenance of LPG systems. The adoption included some modifications to NFPA 58. The amendments became effective on 5 JAN 15.

### PROPOSED RULES

**REGULATIONS OF NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD** The New Jersey Department of Environmental Protection (NJDEP) has **proposed** a new rule N.J.A.C. 7:26I, *Regulations of the New Jersey Site Remediation Professional Licensing Board*, to implement the Site Remediation Reform Act (SRRA). In 2009, the governor signed P.L. 2009, c. 60, which included the SRRA, along with related amendments to the Industrial Site Recovery Act. SRRA established a new process for remediating contaminated sites, to be overseen by a newly created Licensed Site Remediation Professional (LSRP). The SRRA also established the Site Remediation Professional Licensing Board (SRPLB), to implement licensing requirements for site remediation professionals and to oversee the licensing and performance of LSRPs. The proposed new rules will allow the board to carry out the mandates placed on it by SRRA. A public hearing is scheduled for 17 FEB 15 and comments are due by 6 MAR 15.

### 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 (FY) 2015 is 1.58%. The annual emissions fee is calculated each year by applying the CPI adjustment to the base amount per ton of emissions; therefore, the annual emission fee for FY 2015 is \$115.77. To calculate the fee due to NJDEP, a facility must multiply \$115.77 by the quantity of regulated air contaminant emissions emitted in tons during calendar year 2013. The fee was due to NJDEP by 31 JAN 15.

**2012 303(d) LIST OF WATER QUALITY LIMITED WATERS** NJDEP has **given notice** that an amendment to the Statewide Water Quality Management Plan (SWQMP) was adopted. The amendment establishes New Jersey's **2012 303(d) List of Water Quality Limited Waters** (303(d) List), which is now part of the SWQMP and replaces the 2010 303(d) List. The adopted amendment also establishes NJDEP's two-year schedule for development of total maximum

daily loads (TMDLs) for high priority waters on the 2012 303(d) List. The adoption of the 2012 303(d) List and two-year TMDL schedule satisfies New Jersey's requirements under Section 303(d) of the federal Clean Water Act (CWA).



**Legislature convened 7 JAN 15 and adjourns 19 JUN 15.**

## **PROPOSED LEGISLATION**

**AB 349 EMISSIONS STANDARDS FOR SMALL ELECTRIC GENERATING SOURCES** AB 349 directs the New York State Department of Environmental Conservation (NYSDEC) to promulgate emission standards for regulated air contaminants from small electric generating sources. The bill defines "small electric generating source" as any stationary source or combination of stationary sources that has the capacity or potential capacity to generate 10 or more kilowatts (kw) of electricity, emits a regulated air contaminant, and is not defined as a major air contamination source. The bill also provides for a permitting requirement and an alternative permitting mechanism involving a registration process. The bill was introduced and referred to the Environmental Conservation Committee.

**AB 410 OPERATION RESTRICTIONS FOR DIESEL POWERED ELECTRICAL GENERATION SYSTEMS** AB 410 restricts the operation of diesel powered electrical generation systems in areas identified as not meeting certain federal air quality standards for ozone. The bill exempts facilities that: (1) have capacity to generate less than 100 kw; (2) comply with NYSDEC emission standards for PM and nitrogen oxides (NO<sub>x</sub>); (3) are used solely for emergency backup during power outages; and (4) use cogeneration technology to utilize the waste heat. The bill was introduced and referred to the Environmental Conservation Committee.

**AB 3063 (SB 1525) ESTABLISHMENT OF AN ENVIRONMENTAL JUSTICE ADVISORY GROUP** AB 3063 creates a permanent environmental justice advisory group (EJAG) within NYSDEC, empowered to adopt model environmental justice policy applicable to state agencies. EJAG would also monitor agencies on compliance with such policies. The bill specifies responsibilities of state agencies and establishes an environmental justice interagency coordinating council. The bill was introduced and referred to the Environmental Conservation Committee.

**AB 3236 (SB 2282) TRICHLOROETHYLENE EXPOSURE PREVENTION** AB 3236 amends the public health law and the environmental conservation law in relation to trichloroethylene (TCE) exposure prevention. The bill directs the New York Department of Health to prescribe a maximum indoor air contaminant level for trichloroethylene. The bill was introduced and referred to the Health Committee.

**AB 3274 (SB 710) ESTABLISHMENT OF COMMISSION ON NEW YORK STATE HISTORY** AB 3274 establishes the Commission on New York State History and provides for its powers and duties. The commission is responsible for fully maximizing the protection, preservation, and promotion of the state's historical assets for the people of the state. The bill was introduced and referred to the Governmental Operations Committee.

**SB 205 AND SB 933 ESTABLISHMENT OF GREENHOUSE GAS LIMITS AND REPORTING SYSTEM** SB 205 and SB 933 amend the environmental conservation law, in relation to global warming pollution control. The bills establish state GHG limits and a GHG reporting system. There are differences between the bills. SB 205 governs and requires reporting from "major GHG sources" and requires NYSDEC to start issuing an annual emission and progress report by 1 JAN 19. SB 933 governs "GHG sources" and requires the same annual reports to begin by 1 JAN 18. Both bills were introduced and referred to the Environmental Conservation Committee.

## **OTHER REGULATORY ACTIVITY**

**NEW YORK STATE REGULATORY AGENDAS** The state of New York has **issued** its regulatory agenda for the upcoming year. In conjunction, NYSDEC has released its regulatory agenda. The agenda identifies regulatory actions under consideration for submission as a Notice of Proposed Rulemaking from January through June 2015.



Legislature convened 14 JAN 13 and adjourns 31 DEC 16.

**FINAL LEGISLATION**

**PS 504 DELEGATION OF AUTHORITY TO COLLECT IMPACT FEES** PS 504 amends the Permit Process Reform Act. The bill allows impact fees to be collected directly by the individual territory agency that imposed the fee. Currently, the Permit Management Office collects impact fees imposed by multiple agencies. A notice of the bill’s introduction was published in the May 2013 Northern Review. The bill was signed by the governor on 22 DEC 14 and became effective on upon signature.

# 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 13 JAN 15 and adjourns 30 JUN 15.

**PROPOSED RULES**

**REVISIONS TO HAZARDOUS SUBSTANCE CLEANUP REGULATIONS** The Delaware Department of Natural Resources and Environmental Control has proposed changes to the Delaware Regulations Governing Hazardous Substance Cleanup. Revisions to the regulations include: (1) new regulations for “conditional no further action” determination; (2) updating the procedures for providing notice in land records; and (3) correcting typographical errors and definitions. Workshops regarding the revisions were held on 11 and 12 FEB 15.



Legislature convened 1 JAN 15 and adjourns 31 DEC 15.

**FEDERAL ACTIVITY**

**INFRASTRUCTURE SIPs FOR 2008 OZONE, 2010 NO<sub>2</sub>, AND 2010 SO<sub>2</sub> NAAQS** USEPA has issued a proposed rule to approve portions of three SIP revisions submitted by the District of Columbia (**80 FR 2865**). As federally required, DC submitted three separate SIP revisions to address Clean Air Act (CAA) sections 110(a)(1) and (2) infrastructure requirements for the 2008 ozone, 2010 nitrogen dioxide (NO<sub>2</sub>), and 2010 sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). One of the infrastructure submittals also included the “Revised Air Quality Emergency Plan for the District of Columbia” to satisfy USEPA’s requirements for air quality emergency episodes. The proposed rule approves the District’s Air Quality Emergency Plan, along with the three infrastructure SIP submissions, with the exception of the portions addressing transport of pollution and PSD permitting requirements. Comments are due by 20 FEB 15.



Legislature convened 14 JAN 15 and adjourns sine die 13 APR 15.

## **PROPOSED LEGISLATION**

**SB 36 REPEAL OF WATERSHED PROTECTION AND RESTORATION PROGRAM REQUIREMENTS** SB 36 repeals the law requiring certain counties and municipalities to establish a watershed protection and restoration program for collecting stormwater remediation fees, and a watershed protection and restoration fund. The bill was introduced and referred to the Education, Health, and Environmental Affairs Committee.

## **FINAL RULES**

**NEW REGULATIONS FOR WELL CONSTRUCTION** The Maryland Department of the Environment (MDE) has **replaced** the current well construction regulations (COMAR 26.04.04.01 through .13) with a new chapter COMAR 26.04.04.01 through .39. The new regulations include: (1) provisions allowing treatment for fecal coliform bacteria in carbonate rock areas; (2) regulation of hydrofracturing of wells; (3) regulation of the construction of geothermal wells; and (4) elimination of telescoped casing in new wells where aquifer drawdown could render such wells unusable for domestic water supplies. The new regulations also include provisions for notification prior to commencing well construction activities, establishment of a variance procedure, and language that clarifies requirements. A notice of the proposed regulations was published in the **October 2014 Northern Review**. The new regulations became effective on 15 JAN 15.

## **PROPOSED RULES**

**AMENDMENTS TO ACCREDITATION AND TRAINING FOR LEAD PAINT ABATEMENT SERVICES REGULATIONS** MDE has **proposed** amendments to COMAR 26.16.01 Regulations .01—.05 and .07—.20, *Accreditation and Training for Lead Paint Abatement Services*. The amendments incorporate accreditation and training standards consistent with the federal *Lead-Based Paint Renovation, Repair, and Painting Rule* (RRP) (40 CFR Part 745, Subpart E). The RRP addresses renovation, repair, and painting of residential and child-occupied facilities built before 1978. The amendments also extend the expiration date for various accreditations to perform lead paint abatement services from one or two years to three years, and changes the application fees for various types of accreditation. Comments are due by 23 FEB 15.

**AMENDMENTS TO DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES REGULATIONS** MDE has **proposed** amendments to the disposal of controlled hazardous substances regulations. The amendments incorporate various provisions that have been promulgated by USEPA, including rules concerning electronic recycling, dredged material, "delisted" hazardous waste, and universal waste. The proposed amendments update: (1) COMAR 26.13.01 - *Hazardous Waste Management System: General*; (2) COMAR 26.13.02 - *Identification and Listing of Hazardous Waste*; and (3) COMAR 26.13.10 - *Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities*. Comments are due by 23 FEB 15.

**AMENDMENTS TO RADIATION MANAGEMENT REGULATIONS** MDE has **proposed** amendments to the radiation management regulations at COMAR 26.12.01 (Radiation Protection) and COMAR 26.12.02 (Inspection and Certification). The amendments incorporate by reference: (1) one U.S. Nuclear Regulatory Commission regulation regarding requirements for distribution of byproduct material; (2) requirements for personnel monitoring and training for registered radiation machine service providers; (3) requirements for disposal of radioactive material sources unused for three years, and (4) miscellaneous corrections. On 19 DEC 14, MDE prematurely **adopted** the amendments, but has since **retracted** the adoption. The comment period closed on 1 DEC 14.

## **OTHER REGULATORY ACTIVITY**

**2015 STANDARD PERMIT APPLICATION TURNAROUND TIMES** MDE has **established**, in consultation with interested parties, standard turnaround times for all types of permit applications. MDE has made the following changes to the 2014 turnaround times for calendar year 2015: (1) Oil Operations Permits – increasing from 90 days to 180 days; (2) Oil Operations Permits for Oil Contaminated Soils – increasing 90 days to 180 days; and (3) Sewage Sludge Utilization Permits for Research Projects – increasing from 45 days to 120 days.



Legislature convened 6 JAN 15 and adjourns 31 DEC 15.

**PROPOSED LEGISLATION**

**HB 48 AND HB 81 ESTABLISHMENT OF WATER WELL CONSTRUCTION STANDARDS** HB 48 and HB 81 are similar bills that establish water well construction standards, including the decommissioning of abandoned wells. The bills direct Pennsylvania Department of Environmental Protection (PDEP) to adopt rules and regulations recommended by the National Groundwater Association to ensure that drinking water is protected from contamination resulting from poorly constructed water wells. The rules apply to water well drillers and owners. Both bills were introduced; HB 48 was referred to the Consumer Affairs Committee and HB 81 was referred to the Environmental Resources and Energy Committee.

**SB 301 CONSOLIDATION OF PROVISIONS FOR ADMINISTRATIVE PROCEDURES AND RULEMAKING** SB 301 amends Title 2 (Administrative Law and Procedure) of the Pennsylvania Consolidated Statutes by consolidating provisions on administrative procedure and rulemaking. The bill adds provisions to Title 2 relating to commonwealth documents, including: (1) filing of documents for publication in the Pennsylvania Bulletin and in the Pennsylvania Code; (2) Attorney General’s review for form and legality of all proposed regulations; (3) Office of the Budget’s preparation of fiscal notes for regulatory actions; and (4) Independent Regulatory Review Commission and regulatory review process. The bill was reported out of the Appropriations Committee.

**OTHER REGULATORY ACTIVITY**

**DRAFT GUIDANCE DOCUMENT ON DESIGNATION CRITERIA FOR REGULATED SMALL MS4s** PDEP has **issued** a draft technical guidance document, *Designation Criteria for Regulated Small Municipal Separate Storm Sewer Systems (MS4)*. This document identifies criteria that PDEP uses in designating regulated small MS4s. It describes in detail: (1) automatic designation; (2) designation by PDEP with a required evaluation; (3) designation by interconnection; (4) designation by petition; and (5) designation of “nontraditional MS4s.” The comment period closed on 2 FEB 15.



Legislature convened 14 JAN 15 and adjourns 28 FEB 15.

**FEDERAL ACTIVITY**

**REVISIONS TO STATE PUBLIC WATER SYSTEM SUPERVISION PROGRAM** USEPA has issued a notice of tentative approval and solicitation of comment for proposed changes to the commonwealth of Virginia’s Public Water System Supervision Program (**80 FR 887**). The commonwealth has adopted the *Lead and Copper Rule Short Term Revisions* to reduce potential reproductive and developmental health risks from lead. USEPA has determined that the revisions are no less stringent than the corresponding federal regulations and has issued a tentative approval. The comment period closed on 6 FEB 14.

**PROPOSED LEGISLATION**

**HB 1867 MOLD REMEDIATION REQUIREMENTS FOR LANDLORDS** HB 1867 requires a landlord to promptly remediate mold when there is visible evidence of mold in a dwelling unit. The landlord must comply with requirements for visible mold remediation and re-inspect the dwelling unit to confirm that there is no longer any visible evidence of mold in the unit. The bill also requires the landlord to make available to the tenant copies of any available written information related to the remediation of mold. The bill passed the House and was referred to the Senate General Laws and Technology Committee.

## **FINAL RULES**

**AMENDMENTS TO WATER QUALITY MANAGEMENT PLANNING REGULATIONS** The Virginia Department of Environmental Quality (VDEQ) has **adopted** amendments to the water quality management planning regulations at 9VAC25-720. The **amendments** implement requirements of Chapter 202 of the 2014 Acts of Assembly. This required a comprehensive listing of all TMDL waste load allocations (WLAs) adopted or approved by the State Water Control Board prior to 1 JUL 14 be added to 9VAC25-720. Therefore, the amendments add WLAs to the various river basin sections of the regulation. The amendments become effective on 11 MAR 15.

**INCORPORATION OF FEDERAL REGULATIONS INTO STATE HAP SOURCES REGULATION** VDEQ has **adopted** amendments to 9VAC5-60 (Hazardous Air Pollutant (HAP) Sources) and 9VAC5-50 (New and Modified Stationary Sources). The **amendments** incorporate by reference certain federal regulations to reflect the Code of Federal Regulations (CFR) as published on 1 JUL 14. Specifically, the amendments incorporate the date of the most current CFR into the state regulations regarding New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants (NESHAPs), and Maximum Achievable Control Technology (MACT). The amendments become effective on 11 MAR 15.

**AMENDMENTS TO PM2.5 NONATTAINMENT AND MAINTENANCE AREAS** VDEQ has **adopted** amendments to the State Air Pollution Control Board general provision regulations at 9VAC5-20. The **amendments**: (1) revise the list of maintenance areas to include northern Virginia for PM2.5; and (2) revise the list of nonattainment areas to remove northern Virginia for PM2.5. These changes reflect the 6 OCT 14 USEPA approval of a state request that localities in northern Virginia (counties of Arlington, Fairfax, Loudoun, and Prince William; and cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park) that were designated as nonattainment for fine particulate matter (PM2.5) be redesignated to attainment/maintenance. The amendments become effective on 11 MAR 15.

**AMENDMENTS TO DEPARTMENT GAME AND INLAND FISHERIES GENERAL DEFINITIONS** The Virginia Department of Game and Inland Fisheries has **adopted** amendments to 4VAC15-20-50, *Definitions and Miscellaneous: In General*. The amendments: (1) update the referenced year of the department's "List of Native and Naturalized Fauna of Virginia"; and (2) exempt free-roaming or wild swine from the definition of domestic animals. The amendments became effective on 1 JAN 15.



**Legislature convened 14 JAN 15 and adjourns sine die 14 MAR 15.**

## **PROPOSED LEGISLATION**

**HB 2004 (SB 4) DEVELOPMENT OF A STATE AIR PLAN** HB 2004 amends and reenacts the air pollution control regulation at §22-5-20, *Regulating carbon dioxide emissions from existing fossil fuel-fired electric generating units*. The bill amendments relate to the development of a state plan under CAA Section 111 (d). The bill requires the West Virginia Department of Environmental Protection (WVDEP) to study the feasibility of a state plan and submit a report to the Legislature with their findings. The bill also directs WVDEP, in consultation with appropriate agencies, to develop a proposed state plan. The plan must then be submitted to the Legislature for review and approval prior to submission of the plan to USEPA. The bill has passed the House and was sent to the Senate.

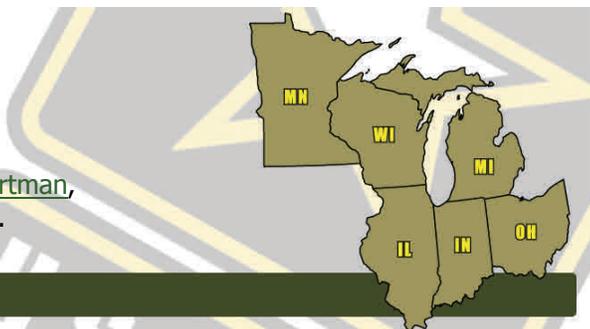
**APPROVAL OF STATE REGULATORY AGENCY RULES** A series of bills has been introduced in the West Virginia House and Senate to promulgate WVDEP and West Virginia Commissioner of Agriculture (WVCA) regulations that were adopted during 2014. Under West Virginia law, all regulations adopted by state regulatory agencies must be approved by the Legislature before they can be promulgated. The bills are:

- **HB 2282 (SB 164)** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 23 JUL 14, *Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality* (**45 CSR 14**)
- **HB 2283 (SB 163)** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 23 JUL 14, *Standards of Performance for New Stationary Sources* (**45 CSR 16**).

- **HB 2284 (SB 162)** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 23 JUL 14, *Control of Air Pollution from Hazardous Waste Treatment, Storage or Disposal Facilities* (**45 CSR 25**).
- **HB 2285 (SB 169)** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 23 JUL 14, *Requirements for Operating Permits* (**45 CSR 30**).
- **HB 2286 (SB 168)** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 25 JUL 14, *Emission Standards for Hazardous Air Pollutants* (**45 CSR 34**).
- **HB 2288 (SB 161)**- Authorizes promulgation of the WVDEP regulation, filed in the State Register on 30 JUL 14, *Hazardous Waste Management System* (**33 CSR 20**).
- **HB 2289 (SB 167)**- Authorizes promulgation of the WVDEP regulation, filed in the State Register on 1 AUG 14, *Requirements Governing Water Quality Standards* (**47 CSR 2**).
- **HB 2308 (SB 213)** - Authorizes promulgation of the WVCA regulation, filed in the State Register on 30 OCT 14, *Fee Structure for the Pesticide Control Act of 1990* (61 CSR 12).
- **HB 2363 (SB 165)** - Authorizes promulgation of the WVDEP regulation, with amendments, filed in the State Register on 22 OCT 14, *Solid Waste Management* (**33 CSR 1**).

## Region 5

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



**Legislature convened 14 JAN 15 and adjourns 31 MAY 15.**

### **FINAL LEGISLATION**

**HB 4226 VETOED BILL CONCERNING TAKING OF BOBCATS** On 12 JAN 15, the governor vetoed HB 4226, which amended the Wildlife Code by removing the prohibition on taking bobcats in the state. The bill had established parameters for when, how, and how many bobcats could be taken and the requirements for registration.

### **FINAL RULES**

**MULTIPLE AMENDMENTS TO HAZARDOUS WASTE RULES** The Illinois Pollution Control Board (IPCB) has adopted multiple separate amendments that update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA during the period 1 JAN 14 through 30 JUN 14. The amendments update: (1) **35 Ill. Adm. Code 720** - *Hazardous Waste Management System: General*; (2) **35 Ill. Adm. Code 721** - *Identification and Listing of Hazardous Waste*; (3) **35 Ill. Adm. Code 725** - *Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities*; (4) **35 Ill. Adm. Code 722** - *Standards Applicable to Generators of Hazardous Waste*; (5) **35 Ill. Adm. Code 723** - *Standards Applicable to Transporters of Hazardous Waste*; and (6) **35 Ill. Adm. Code 724** - *Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities*. All of the amendments became effective on 12 JAN 15.

**ADJUSTMENT OF PERMIT APPLICATION FEES FOR PUBLIC WATERS** The Illinois Department of Natural Resources has **adopted** amendments to 17 Ill. Adm. Code 3704.55 - *Regulation of Public Waters*. The amendments correct the adjustment factor formula used to determine the annual escalation adjustment for permit application fees. A notice of the proposed amendments was published in the **September 2014 Northern Review**. The amendments became effective on 31 DEC 14.



Legislature convened 13 JAN 15 and adjourns sine die 15 APR 15.

## **FEDERAL ACTIVITY**

**PROPOSED REVISIONS TO STATE MINOR NSR CONSTRUCTION PERMIT RULE** USEPA has issued a proposed rule to approve revisions to Indiana's minor NSR construction permit rule ([80 FR 201](#)). The rule applies to construction of new units or modifications of existing units at sources subject to Title V and federal enforceable state operating permit (FESOP) requirements. The rule will replace the previous SIP minor source construction permit rule for Indiana. The comment period closed on 4 FEB 15.

## **PROPOSED LEGISLATION**

**SB 14 AUTHORIZATION TO DESIGNATE LOCAL AIR POLLUTION CONTROL AGENCIES** SB 14 authorizes a county, city, or town to establish or designate an agency to act as a local air pollution control agency. The commissioner of the Indiana Department of Environmental Management (IDEM) is required to enter into a contract with the designated local air pollution control agency. The contract must: (1) require IDEM to advise, cooperate with, and provide technical assistance to the air pollution control agency; (2) authorize the air pollution control agency to undertake air pollution control activities on behalf of IDEM or in enforcement of ordinances of the county, city, or town; and (3) provide for the payment of fair monetary compensation for the air pollution control activities performed by the air pollution control agency. The bill was referred to the Environmental Affairs Committee.

**SB 311 RECOVERY OF REMEDIAL ACTION OVERSIGHT COSTS** SB 3111 amends the definitions for "remedial action," "removal," and "response" to state that those definitions apply to the law concerning releases of petroleum. The bill allows the IDEM commissioner to obtain reimbursement of oversight costs incurred by IDEM in reviewing the removal and remedial action undertaken by the potentially responsible person. The reimbursement is allowed when the IDEM commissioner has entered into an agreement with the potentially responsible person concerning the removal and remedial action at a contaminated site. The bill passed the Senate and was sent to the House. **Note:** *Current law allows IDEM to recover costs for oversight and administrative activities on contaminated properties not related to petroleum.*



Legislature convened 14 JAN 14 and adjourns 31 DEC 15.

## **FINAL LEGISLATION**

**SB 795 Amendments to Transgenic and Nonnative Organism Regulations** SB 795 amends the Natural Resources and Environmental Protection Act (NREPA) Part 413, *Transgenic and Nonnative Organism*. The bill: (1) adds and modifies definitions; and (2) amends powers and duties of certain state and local agencies, commissions, and officials in relation to species listings, issuing orders, and coordination. The bill also states that a vehicle, equipment, or other property used in a criminal violation of Part 413, or a permit issued under it, involving a prohibited aquatic species would be subject to seizure and forfeiture. Finally, subject to specific exceptions, the bill prohibits a person from knowingly possessing or introducing a live organism that is a prohibited species. The definition of "prohibited species" includes certain aquatic plant, bird, crustacean, fish, insect, mammal, and mollusk species. A notice of the bill's Senate passage was published in the [June 2014 Northern Review](#). The bill was substituted since the previous notice was published. The bill was signed by the governor on 10 JAN 15 and becomes effective on 15 APR 15.

**SB 891 AMENDMENTS TO ENVIRONMENTAL REMEDIATION REGULATIONS** SB 891 amends NREPA Part 201 (Environmental Remediation) by changing clean-up and remediation requirements for owners of sites where hazardous or potentially hazardous substances have been released. The bill's regulatory amendments include: (1) addition and revision of definitions; (2) updating provisions related to the implementation of land or resource use restrictions; (3) allowing Michigan Department of Environmental Quality (MDEQ) to approve site-specific criteria in certain instances; (4) measures to address the release of hazardous substances that do not have generic cleanup criterion; and (5) addition, revision, and deletion of multiple other provisions. A notice of the bill's senate passage was published in the [July 2014](#)

**Northern Review.** The bill was substituted since the notice was published. The bill was signed by the governor on 10 JAN 15 and became effective on 15 JAN 15.

## **PROPOSED LEGISLATION**

**HB 4057 ADDITIONAL REQUIREMENTS FOR CERTAIN AIR QUALITY PERMIT APPLICATIONS** HB 4057 amends NREPA by adding application requirements for new or renewal air quality permits within certain areas. The bill requires that an applicant pay for and provide a report on cumulative pollution levels and effects. The geographic area covered is identified through air dispersion modeling of criteria pollutants and toxic air contaminants. The report, modeling protocols, and results are subject to MDEQ review and approval. The bill also outlines additional MDEQ requirements regarding approval of permits, including public meetings and criteria. The bill was referred to the Energy Policy Committee.

## **PROPOSED RULES**

**REVISIONS TO EMISSION LIMITATION AND PROHIBITIONS REGULATIONS** MDEQ has **proposed** revisions to Air Quality Division (AQD) Part 9 regulation, *Emission Limitations and Prohibitions – Miscellaneous*. The revisions: (1) adopt by reference specific federal regulations and industry testing methods; (2) update some adoption by reference language; (3) move all adoptions by reference in the AQD rules to R 336.1902 to make the rules easier to use; and (4) remove obsolete compliance dates. The comment period closed on 26 JAN 15.



**Legislature convened 6 JAN 15 and adjourns sine die 18 MAY 15.**

## **PROPOSED LEGISLATION**

**HF 345 PERMITTING EFFICIENCY REQUIREMENTS MODIFIED** HF 345 modifies permitting efficiency requirements within the Minnesota Department of Natural Resources (section 84.027) and the Pollution Control Agency (PCA) (section 116.03) regulations. The bill reduces the goal for issuing or denying environmental and resources management permits from 90 to 45 days for Tier 1 permits. Under PCA regulations a "Tier 1 permit" is a permit that does not require individualized actions or public comment periods. The bill was introduced and referred to the Environment and Natural Resources Policy and Finance Committee

**SF 74 (HF 283) CAMP RIPLEY SENTINEL LANDSCAPE DESIGNATION** SF 74 requires certain lands around Camp Ripley to be designated and contained in a sentinel landscape. The bill also requires the adjutant general, by 1 MAR 16, to establish a coordinating committee and specifies committee membership. Finally, the bill requires, by 16 JAN 17, the adjutant general with the assistance of the committee to produce a report summarizing the committee's efforts to encourage landowners within the Camp Ripley sentinel landscape to voluntarily participate in and begin or continue land uses compatible with Camp Ripley's military mission. The bill was introduced and referred to the State and Local Government Committee.



**Legislature convened 5 JAN 15 and adjourns 31 DEC 15.**

## **PROPOSED LEGISLATION**

**SB 1 AGRICULTURAL POLLUTION ABATEMENT PROGRAM** SB 1 makes a number of changes to laws pertaining to agriculture and soil and water resources in support of a healthier Lake Erie. Proposed changes include: (1) transfer of administration and enforcement of the Agricultural Pollution Abatement Program from the Ohio Department of Natural Resources to the Ohio Department of Agriculture; (2) new fertilizer and manure application requirements; (3) creation

of an Office of Harmful Algae Management and Response in the Ohio Environmental Protection Agency; and (4) establishment of new requirements for disposal of dredged material, nutrient loading, phosphorous testing by publicly owned treatment works, and household sewage treatment systems. SB 1 declares an emergency and would become effective immediately upon signature by the governor. SB 1 was introduced and referred to the Agricultural Committee.

## **PROPOSED RULES**

**ADJUSTMENT OF UST ANNUAL PER-TANK FEE** The Ohio Petroleum Underground Storage Tank Release Compensation Board has **proposed** an amendment to the annual petroleum underground storage tank (UST) financial assurance fee, certification of compliance, and financial responsibility regulations at 3737-1-04. These regulations prescribe the annual requirements of petroleum UST owners and operators for establishing coverage with the Financial Assurance Fund, including the payment of an annual per-tank fee. The proposed amendments update the regulations to reduce the annual fee from \$500 per tank to \$400 per tank. The comment period closed on 10 FEB 15.

**REVISIONS TO ANALYTICAL TECHNIQUES AND LABORATORY CERTIFICATION REGULATIONS** The Ohio Environmental Protection Agency (OEPA) has **proposed** revisions to the primary drinking water analytical techniques rule (3745-81-27) and the laboratory certification rules (3745-89-11). The proposed revisions are a result of the five-year rule review requirement. Proposed revisions to Rule 3745-81-27 include the addition of specifics of approved analytical methods for microbiological analyses to provide emphasis as well as prepare for the upcoming revised total coliform rule changes. Rule 3745-89-11 is being rescinded and replaced as new due to the amount of changes in information for certified laboratories that do testing for the Long Term 2 Enhanced Surface Water Treatment Rule. The comment period closed on 11 FEB 15.

## **OTHER REGULATORY ACTIVITY**

**DRAFT GENERAL PERMIT FOR SMALL SANITARY DISCHARGERS** OEPA's Division of Surface Water has **issued** a draft general NPDES permit for small discharges of sanitary wastewater (25,000 gallons per day or less). The draft permit represents a renewal of the small sanitary permit issued in 2010. Applicants under this permit include sanitary systems from public, industrial, and commercial facilities. Key parameters limited in this permit are dissolved oxygen, carbonaceous biochemical oxygen demand, total suspended solids, ammonia, escherichia coli, fecal coliform, and residual chlorine. Comments are due by 1 MAR 15.

**DRAFT GENERAL PERMIT FOR SMALL SANITARY DISCHARGES THAT CANNOT MEET BADCT STANDARDS** OEPA's Division of Surface Water has **issued** a draft general NPDES permit for small discharges of sanitary wastewater (25,000 gallons per day or less) that cannot meet Best Available Demonstrated Control Technology (BADCT) treatment standards. This new permit covers existing sanitary treatment discharges that are not currently meeting BADCT treatment standards. The permit includes a compliance schedule requiring operators to upgrade their treatment systems to meet BADCT standards within 18 months of obtaining coverage under the permit. The BADCT standards apply to the following parameters: dissolved oxygen, carbonaceous biochemical oxygen demand, total suspended solids, ammonia, escherichia coli, fecal coliform, and residual chlorine. Comments are due by 1 MAR 15.



**Legislature convened 7 JAN 15 and adjourns 31 DEC 15.**

## **PROPOSED RULES**

**PHOSPHORUS IMPLEMENTATION GUIDANCE** The Wisconsin Department of Natural Resources (WDNR) has **proposed** program guidance that updates the state's *Guidance for Implementing Phosphorus Water Quality Standards for Point Source Discharges*. The document provides guidance primarily to WDNR staff, but it may also be useful to Wisconsin Pollution Discharge Elimination System (WPDES) permittees and their associates on how to implement specific state procedures to ensure the protection of surface waters receiving effluent discharges containing phosphorus. The comment period closed on 28 JAN 15.

# Federal Activity

## AIR

**2012 PM2.5 AIR QUALITY DESIGNATIONS** USEPA has issued a final rule establishing air quality designations for most areas of the U.S. for the 2012 PM2.5 primary NAAQS of 12 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) based on a three-year average ([80 FR 2205](#)). USEPA classified areas as: (1) attainment; (2) nonattainment (moderate); (3) unclassifiable/attainment where data is insufficient to make a determination but forthcoming data will likely allow a determination to be made; or (4) unclassifiable where data is insufficient to determine whether the area is meeting NAAQS or contributing to a nearby violation. The final rule becomes effective on 15 APR 15. For more information, visit [USEPA's website](#).

**LABORATORY ODS USE EXEMPTION EXTENDED** USEPA has issued a final rule extending the laboratory and analytical use exemption for the production and import of class I ozone-depleting substances (ODS) through 31 DEC 21 ([80 FR 3885](#)). The exemption allows the production and import of controlled substances in the U.S. for laboratory and analytical uses that have not already been identified by USEPA as nonessential. The final rule became effective on 26 JAN 15.

**NAAQS FOR LEAD** USEPA has issued a proposed rule to retain the primary and secondary NAAQS for lead ([80 FR 277](#)). USEPA has concluded that available evidence supports retaining the current primary and secondary standards of  $0.15 \mu\text{g}/\text{m}^3$  (based on a three-month average) without revision. USEPA has prepared a [fact sheet](#) regarding the proposed rule. Comments are due by 6 APR 15.

**NESHAP FOR MAJOR SOURCES: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS** USEPA has issued a proposed rule to reconsider its final [31 JAN 13](#) NESHAP from new and existing industrial, commercial, and institutional boilers and process heaters at major sources ([80 FR 3089](#)). USEPA is seeking comment on three issues raised in the petitions for reconsideration. In addition, USEPA has proposed amendments and technical corrections to the final rule to clarify definitions, references, applicability, and compliance issues. The agency also has proposed to delete rule provisions for an affirmative defense for malfunction in response to a recent court decision on the issue. Comments are due by 9 MAR 15.

**AREA SOURCE BOILER RULE** USEPA is reconsidering its final [1 FEB 13](#) NESHAP for Area Sources: Industrial, Commercial, and Institutional Boilers (Area Source Boilers Rule) ([80 FR 2871](#)). USEPA is seeking comment on five issues raised in the petitions for reconsideration. In addition, USEPA has proposed a limited number of technical corrections and amendments to the final rule to correct inadvertent errors and to clarify certain applicability and implementation issues. The agency also has proposed to delete rule provisions for an affirmative defense for malfunction in response to a recent court decision on the issue. Comments are due by 9 MAR 15.

**NSPS AND EG FOR EXISTING SOURCES: COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS** USEPA is reconsidering its final [7 FEB 13](#) NSPS and emission guidelines (EG) for commercial and industrial solid waste incineration (CISWI) units ([80 FR 3017](#)). USEPA is seeking comment on four issues raised in the petitions for reconsideration. In addition, USEPA identified regulatory provisions that require clarification and editorial correction to address inconsistencies and errors. The proposed amendments provide additional clarity and improve the implementation of the February 2013 final CISWI standards. Comments are due by 9 MAR 15.

**INTEGRATED SCIENCE ASSESSMENT: NO<sub>2</sub>** USEPA has released for public comment the [draft integrated science assessment](#) prepared as part of the review of the primary (health-based) NAAQS for NO<sub>2</sub> ([80 FR 5110](#)). The document provides the scientific basis for USEPA decisions on adequacy of the current NAAQS and appropriateness of possible alternative standards. Comments are due by 31 MAR 15.

## COMPLIANCE

**E-ENTERPRISE FOR ENVIRONMENT PORTAL** In an effort to reduce regulatory burden and optimize information technology resources across government entities, USEPA is developing a website that would function as a point of access to

information and tools ([80 FR 3962](#)). The focus of the "E-Enterprise for the Environment" portal is to provide smart tools to help regulated entities understand their environmental obligations and associated permitting and reporting requirements. The portal would also be used to streamline preparation and submittal of information. USEPA is seeking comment on the value of establishing a portal, the functions that it should provide, and whether the name "portal" effectively characterizes the effort. Webinars are scheduled for 19 and 23 FEB and 5 MAR 15. Comments are due by 26 APR 15. For more information, visit USEPA's E-Enterprise Portal [website](#).

## **ENERGY**

**DEFINITION OF ZERO ENERGY BUILDINGS** The Department of Energy (DOE) is seeking to develop a [common definition for zero energy buildings](#) (ZEBs) and is requesting public comment and information related to zero energy definitions, nomenclature, and implementation guidelines ([80 FR 499](#)). DOE expects to use the definitions and guidelines in projects that provide guidance on the design or operation of zero energy buildings, and in any DOE programs that recognize or track zero energy buildings. Comments are due by 20 FEB 15.

**RENEWABLE ENERGY AND ENERGY EFFICIENCY BUSINESS DIRECTORY** The Departments of State, Commerce, and Energy are launching the pilot phase of an interactive directory of renewable energy and energy efficiency solutions ([80 FR 3219](#)). They are developing an interactive application (app) to serve as a mobile business directory for U.S. clean energy exporters. The app will showcase an array of clean energy goods and services, including renewable energy equipment (solar, wind, geothermal), biofuels, fuel cell power, smart grid technologies, energy efficiency solutions, and U.S.-based services critical to the deployment of clean energy supplies.

## **NATURAL RESOURCES**

**ENHANCING COORDINATION OF NATIONAL EFFORTS IN THE ARCTIC** President Obama has issued [EO 13689](#), *Enhancing Coordination of National Efforts in the Arctic*. The EO establishes an Arctic executive steering committee tasked to provide guidance to executive departments and agencies and enhance coordination of federal Arctic policies. The steering committee is required to establish a working group tasked to identify potential areas of overlap and duplication between and within agencies, with respect to implementation of Arctic policy and strategic priorities. The working group will develop recommendations to increase coordination, reduce duplication of effort, and address potential gaps in implementation. The Deputy Secretary (or equivalent) of Defense is assigned membership to the steering committee.

**FEDERAL RESOURCE MANAGEMENT AND ECOSYSTEM SERVICES GUIDEBOOK** The [Federal Resource Management Ecosystem Services Guidebook](#) is a website that serves as a training manual to streamline the management of ecosystem services. With the guidebook, resource managers can create clear, workable plans that prioritize the work needed to establish and maintain resilient communities. It discusses ways ecosystem services are and can be integrated into federal resource management, provides answers to frequently asked questions, and other guidance. The website has a section on how federal agencies are using it and tools for stakeholder engagement, ecological assessment, integrating social measures, monetary valuation, and multi-criteria evaluation.

**STRATEGIC GROWTH POLICY FOR NATIONAL WILDLIFE REFUGE SYSTEM** The Fish and Wildlife Service (USFWS) has finalized a [policy](#) to implement a strategic approach to the growth of the National Wildlife Refuge System ([80 FR 2119](#)). The policy prioritizes acquisitions within existing refuge boundaries, expansion of existing refuges, and establishment of new refuges. It focuses protection measures on priority conservation features to make the most of limited resources. The policy identifies threatened and endangered species, migratory birds of conservation concern, and waterfowl. The policy became effective on 4 SEP 14.

**NORTHERN LONG EARED BAT** USFWS has issued a proposed rule to create a species-specific rule under section 4(d) of the Endangered Species Act (ESA) to conserve the [northern long-eared bat](#), should the service determine the species warrants listing as threatened ([80 FR 2371](#)). A species-specific rule modifies the standard protections for threatened species with tailored prohibitions and exceptions. In addition, USFWS reopened the public comment period on its [2 OCT 13](#) proposal to list the northern long-eared bat as an endangered species. Overall, the species is found in 38 eastern, midwestern, and southern states. [Comments](#) are due 17 MAR 15.

## NEPA

**NEPANODE** [NEPANode](#) is a geospatial and document management system made freely available to federal staff and contractors working to implement the National Environmental Policy Act (NEPA) and related environmental review and permitting processes. It is a pilot effort to provide a shared service for NEPA staff hosted on the cloud and using only free and open source software.

## TOXICS

**TOXICS RELEASE INVENTORY** USEPA released the [2013 Toxics Release Inventory \(TRI\) National Analysis](#) report. The TRI report is available in a new interactive format that features analyses and interactive maps showing data at state, county, city, and zip code levels.

## WASTE

**RECYCLING: EXCLUSION FROM HAZARDOUS WASTE RULES** USEPA has issued a final rule revising several recycling-related provisions associated with the definition of a solid waste ([80 FR 1693](#)). The revisions ensure that recycling regulations encourage reclamation in a way that does not result in increased risk to human health and the environment. The revisions allow certain materials that would otherwise need to be managed as a hazardous waste to be recycled, as long as certain conditions are met. Under the exclusion, a facility that recycles the newly excluded materials must send the material to a "verified recycler" that has obtained a variance from USEPA or the authorized state. The revisions also add requirements for storage of recyclable materials, recordkeeping, and emergency preparedness and response. The final rule becomes effective on 13 JUL 15.

## WATER

**FLOOD RISK MANAGEMENT** In January 2015, President Barack Obama issued an [Executive Order](#) (EO) establishing a [Federal Flood Risk Management Standard](#) for new and rebuilt federally funded structures in and around floodplains. The standard, published by the Federal Emergency Management Agency (FEMA), ensures that projects are built in floodplains only where there are no practical alternatives. The standard requires projects to consider risks, changes in climate, and vulnerability in order to ensure projects that are built in floodplains last as long as intended. The standard gives agencies the flexibility to select one of three approaches for establishing the flood elevation and hazard area. In addition, FEMA also issued [draft flood risk management standard implementing guidelines](#). The guidelines will be used by federal agencies (including military departments) to develop their own agency-specific guidelines and procedures in order to comply with requirements in the standard. The White House Council on Environmental Quality has also released a [fact sheet](#).

**SPILL RESPONSE** USEPA has issued a proposed rule to amend regulations governing the use of dispersants, certain chemical and biological agents, and other spill mitigating substances when responding to oil discharges into waters of the U.S. ([80 FR 3379](#)). The proposal includes amendments to requirements for notifications, monitoring, and data reporting. The proposed amendments establish monitoring requirements for underwater application of dispersants, dispersants used for an extended period of time, and dispersants used in cases of major oil discharges. The amendments ensure that On-Scene Coordinators, Regional Response Teams, and Area Committees have sufficient information to support agent preauthorization or authorization of use decisions. A [fact sheet](#) is available. Comments are due by 22 APR 15.

**DEFINITION OF WATERS OF THE U.S.: CONNECTIVITY REPORT** USEPA has released a final report, [Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence](#) ([80 FR 2100](#)). The report summarizes current understanding about the connectivity and mechanisms by which streams and wetlands affect the physical, chemical, and biological integrity of downstream waters. The report informs development of a [rule](#) proposed by USEPA and the U.S. Army Corps of Engineers (USACE) intended to clarify the definition of the term "waters of the United States" under CWA. The report addresses three main issues related to connectivity: the physical, chemical, and biological connections to, and effects of: (1) ephemeral, intermittent, and perennial streams on downstream waters; (2) riparian or floodplain wetlands and open-waters on downstream waters; and (3) wetlands and open-waters in non-floodplain settings on downstream waters. For more information, visit [USEPA's website](#).

# 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 is not a government endorsement of the training or conferences.

## **NATIONAL CONFERENCES**

**(NEW) 10-15 APR, ARLINGTON, VA: [MILITARY AND GOVERNMENT MICROGRIDS SUMMIT](#)** The summit will provide a platform for military, government, and utility policy makers and procurement managers to share business and technical wants, needs and requirements for new microgrid projects with renewable energy developers, energy services companies, system integrators, Engineering, Procurement and Construction contractors, energy storage companies, microgrid enabling technology companies, and financiers.

**(NEW) 12-13 MAY, COLLEGE PARK, MD: [SUSTAINABLE MATERIALS MANAGEMENT \(SMM\) SUMMIT](#)** The one-and-a-half day summit will bring together innovative thinkers and practitioners working on issues around how natural resources are extracted, used, and then managed after initial end-of-life. The summit includes leaders in source reduction, reuse, composting, and recycling. The National Recycling Coalition will begin to develop a SMM National Plan based on a facilitated dialogue among a broad spectrum of stakeholders. The intent is to identify deeper collaborative connections for actions and activities in the future among progressive businesses, federal, regional, state, and local governments, reuse and recycling organizations, trade and industry groups, and other nonprofits.

## **TRAINING—ONLINE**

**[USEPA TMDLs AND NPDES PERMITTING WEB-BASED TRAINING MODULES](#)** USEPA has developed three web-based training modules on topics related to TMDLs and NPDES permitting. The presentations are intended for TMDL developers and NPDES permitting staff to gain a better understanding of TMDL implementation through NPDES permits. Each module is offered as a recorded presentation that enables participants to review the material on demand in a self-paced environment. The modules are also available as unrecorded PowerPoint presentations with slides and scripts. Each recorded session is approximately two hours long. The modules are: (1) Understanding TMDLs: A Primer for NPDES Permit Writers; (2) Understanding WLA (wasteload allocation) Implementation in Permits: A Primer for TMDL Developers; and (3) Understanding TMDLs with Stormwater Sources and the NPDES Stormwater Permitting Process.

**[AVERT TUTORIAL](#)** USEPA launched its new on-demand training on how to use its Avoided Emissions and generation tool (AVERT). AVERT estimates the potential of energy efficiency/renewable energy programs to displace electricity system-related SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions in the continental United States. The tool can be used to evaluate county, state and regional level emissions displaced by energy efficiency and renewable energy programs without the need of specialized resources or electricity system expertise.

**[FEMP TRAINING SEARCH TOOL](#)** The Federal Energy Management Program (FEMP) has launched FEMP Training Search, a web tool that lists free training opportunities to help agencies meet federal energy, water, and sustainability laws and requirements. The new search tool provides options to easily find and select training offerings by topic area, topic series, course format and type, and by level of difficulty—introductory (101), intermediate (201), and advanced (301).

**[SERDP AND ESTCP WEBINAR SERIES](#)** The DOD environmental research and development funding programs SERDP and ESTCP are launching a webinar series to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 PM ET (9:00 AM PT) for 90 minutes. Most webinars feature two 30-minute presentations and interactive question and answer sessions, on topics targeted for DOD and USDOE audiences.

**[AIR FORCE INSTITUTE OF TECHNOLOGY \(AFIT\) TRAINING COURSE, \[QUALIFIED RECYCLING PROGRAM MANAGEMENT\]\(#\)](#)** This Interservice Environmental Education Review Board (ISEERB) designated course emphasizes principles and techniques to assist students in implementing a sound Qualified Recycling Program (QRP). The course focuses on learning what products can be recycled, products prohibited from recycling, QRP regulations, necessary processing

equipment, collection and sorting methods to maximize returns, working with your Defense Reutilization and Marketing Office, establishing contracts, recording transactions, DOD recordkeeping, and estimating future budgets.

**ENERGY STAR WEBCASTS** Energy Star is hosting a series of webcasts covering various topics including Federal Guiding Principles Checklist, Portfolio Manager 101, and Portfolio Manager 201.

**CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES** The National Climate Change and Wildlife Science Center is partnering with the National Conservation Training Center to offer the webinar series to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife, and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation.

**READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION (REPI) PROGRAM 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.

**USEPA RCRA TRAINING** Resource Conservation and Recovery Act (RCRA) related online courses, seminars, webinars, podcasts, and videos are posted throughout USEPA's waste website. Introductory and advanced courses are included for federal and state regulators, the regulated community, organizations, associations, and consumers interested in environmental laws, regulations, and implementation. Topics include general RCRA, RCRA corrective action, Environmental Management Systems (EMS), e-waste, groundwater characterization and cleanup, land revitalization, land disposal restrictions, sustainable materials management web academy, and RCRA permitting.

**BEST PRACTICES FOR COMPREHENSIVE WATER MANAGEMENT FOR FEDERAL FACILITIES TRAINING** The training is provided by USDOE's FEMP and provides federal facility and energy managers with knowledge and skills to assist in meeting water-related legislative and executive order requirements. Participants develop skills in increasing water efficiency, and reducing water use through sound operations practices and water-efficient technologies. Water metering is covered, as well as life cycle costing and establishing the overall economics for strategic water management.

**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 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.

**USEPA TRAINING PRESENTATIONS ON GHG REPORTING** USEPA 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.

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS** The Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules are available on the U.S. Army Environmental Command (USAEC) website.

**UTILITY ENERGY PROJECT INCENTIVE FUNDS** This FEMP course teaches federal agencies about financing the capital costs of energy improvement projects from savings generated through energy efficiency measures funded by utilities, public benefit funds, and other resources. This training opportunity targets federal energy, environmental, and fleet professionals and is offered at no cost by leading experts. The training session is delivered live via satellite or through streaming media.

**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; pollution prevention (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** A series of monthly webinars sponsored by USEPA's Contaminated Sites Clean-Up Information program supports the Military Munitions Support Services community.

**USACE PROSPECT TRAINING** U.S. Army Corps of Engineers (USACE) has announces course availability for the FY15 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to all federal, state, county and city employees and contractors. There are different registration processes for each entity. Please refer to the **Course Catalog** and **List of Classes and schedule** for details. Environmental courses include: Environmental Regulations Practical Application Course (Course Control Number (CCN) 398); CERCLA/RCRA Process (CCN 356); Hazardous Waste Manifesting & DOT Certification (CCN 223); Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429); Radioactive Waste Transport (CCN 441); Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141); Environmental Remediation Technologies (CCN 395); and Environmental Laws and Regulations (CCN 170).

**ARMY PODCAST SERVICE** The Army offers free podcasts on a wide variety of topics, including an environmental series, an USACE series, and many more. The podcasts are available through a free subscription service.

**NAVY AND ISEERB ENVIRONMENTAL TRAINING FY15** The Navy and the ISEERB Environmental Training schedule for FY15 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 FY15** 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.

**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 Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.** The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are protected.

To comment on an item in the *Northern Review*, please contact the Regional Environmental Coordinator listed at the top of each region's section.

To be added to the *Northern Review* distribution list, call or email **Leanne Dickens**, 410-278-6143.