



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

July 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.

Find out more about the Army Regional Environmental and Energy Offices [here](#). Click [here](#) to browse back issues of the *Northern Review*. To read back issues of other Regional Office *Reviews*, click on a region of the website's U.S. map and then select "Publications."

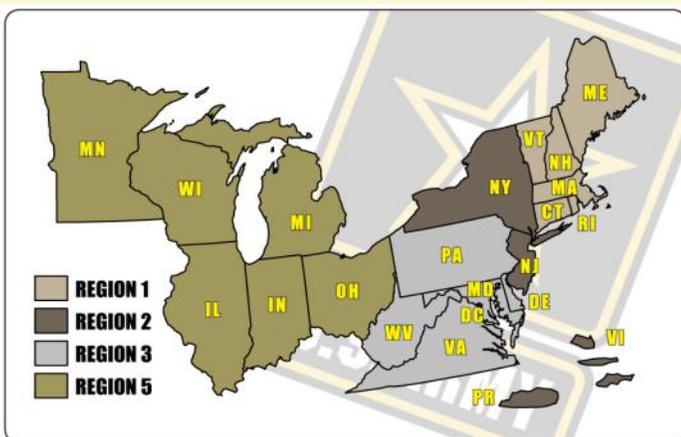


TABLE OF CONTENTS

Region 1	2
Region 2	5
Region 3	8
Region 5	11
DOD Activity	16
Federal Activity	16
Professional Development	19
Staff Directory	22

WHAT'S IN THIS REVIEW?

Region 1

In ME, new laws that amend the state threatened and endangered species list and authorize MDEP to adopt portions of the stormwater management rule. In MA, an emergency final rule establishing an aquatic nuisance control program. In NH, proposed amendments to the wetland mitigation rules. In VT, a new law amending the water quality standards.

Region 2

In NJ, final amendments that consolidate the Coastal Permit Program rules and the CZM rules. In NY, final amendments to the prevention and control of air contamination and air pollution rules.

Region 3

In MD, final rule promulgating composting facilities regulations and final amendments to the radiation management regulations. In PA, proposed bills that amend the Hazardous Material Emergency Planning and Response Act and authorize second class townships and boroughs to govern stormwater management facilities and assess fees. In VA, final amendments to New Source Review Permit Program rules and proposed amendments to the water quality standards. In WV, proposed new AST fee assessments rule.

Region 5

In IL, multiple final amendments to the Illinois List of Endangered and Threatened Fauna. In IN, final amendments to the hazardous waste rules. In MI, several new laws that extend the sunset of certain MDEQ fees. In MN, final amendments concerning permit duration for state disposal systems and solid waste management facilities and wastewater laboratory certification regulations and fees. In OH, final amendments to the water quality certification regulations and the Hemlock Woolly Adelgid quarantine rules; and consideration of new public water system harmful algal bloom rules. In WI, proposed incorporation of the Revised Total Coliform Rule.

DOD Activity

Army publishes the *Energy Security and Sustainability Strategy*.

Federal Activity

USEPA issues: a final MSGP for Industrial Discharges; a final rule defining Waters of the U.S.; final updated Ambient Water Quality Criteria; an update of its Startup, Shutdown, or Malfunction Policy applicable to SIPs; and two guides for assessing and mitigating vapor intrusion at contaminated sites. USFWS extends the comment period for the proposed Green Sea Turtle DPSS.

Region 1

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



Legislature convened 7 JAN 15 and adjourned sine die 3 JUN 15.

FEDERAL ACTIVITY

UPDATE OF STATE AMBIENT AIR QUALITY STANDARDS USEPA has issued a direct final rule approving a State Implementation Plan (SIP) revision submitted by the state of Connecticut ([80 FR 36242](#)). The revision updates state regulations containing ambient air quality standards (AAQS) to make them consistent with USEPA's national ambient air quality standards (NAAQS). Barring adverse comment the direct final rule becomes effective on 24 AUG 15.

OTHER REGULATORY ACTIVITY

GENERAL PERMITS FOR CERTAIN COASTAL ACTIVITIES The Connecticut Department of Energy and Environmental Protection (CDEEP) has given [notice](#) of intent to issue General Permits (GPs) for certain coastal activities. The GPs will cover activities undertaken waterward of the coastal jurisdiction line in state tidal, coastal or navigable waters and in tidal wetlands. In addition to authorizing new activities, the proposed GPs consolidate the activities currently authorized in existing GPs #DEEP-LIS-GP-001 through #DEEP-LIS-GP-015. Therefore, such existing authorizations would be superseded upon adoption of the proposed GPs. Comments are due by 27 JUL 15.

DRAFT ASSESSMENT AND STRATEGIES FOR ENHANCING COASTAL MANAGEMENT PROGRAM CDEEP's, Office of Long Island Sound Programs has [released](#) a draft assessment and strategies for enhancing the state's coastal management program during the 2016-2020 Enhancement Cycle. The assessment and strategies relate to nine coastal zone enhancement objectives specified in Section 309 of the federal Coastal Zone Management Act (CZMA) of 1996. The proposed strategies will enhance the state's ability to address the highest-priority objectives within the constraints of available federal funding and project eligibility under Section 309. The comment period closed on 30 JUN 15.

DRAFT GUIDANCE ON SELECTION OF ANALYTICAL METHODS TO CHARACTERIZE PETROLEUM RELEASES CDEEP has [invited comment](#) on a draft guidance, [Selection of Analytical Methods to Characterize Petroleum Releases Guidance Document](#). The guidance assists environmental professionals in the selection of appropriate analytical methods for characterizing petroleum releases. Comments are due by 24 JUL 15.



Legislature convened 3 DEC 14 and adjourned sine die 16 JUN 15.

FINAL LEGISLATION

LD 807 AMENDMENTS TO MAINE THREATENED AND ENDANGERED SPECIES LIST LD 807 (Public Law 121) amends Maine's Threatened and Endangered Species List. The bill changes the status of multiple species and adds the following new species to the list: (1) Cobblestone tiger beetle – endangered; (2) Frigga fritillary - endangered; (3) Little brown bat -

endangered; (4) Northern long-eared bat – endangered; (5) Eastern small-footed bat – threatened; and (6) Six-whorl vertigo – endangered. The bill was signed by the governor and becomes effective on 14 SEP 15.

LD 1427 AUTHORIZATION FOR MDEP TO PROMULGATE STORMWATER MANAGEMENT RULE LD 1427 (Public Law 22) authorizes the Maine Department of Environmental Protection (MDEP) to adopt portions of Rule Chapter 500, *Stormwater Management*. Chapter 500 is a provisionally adopted major substantive rule that was submitted for legislative review on 8 JAN 15. The bill also identifies specific rule amendments that MDEP must incorporate prior to final adoption. The bill became law without the governor’s signature and became effective on 9 JUN 15.

FINAL RULES

DESIGNATION OF PRIORITY CHEMICALS MDEP has [adopted](#) a new regulation, *Designation of Four Members of the Chemical Class Phthalates as Priority Chemicals* ([Chapter 888](#)). The new regulation designates four members of the chemical class phthalates as priority chemicals and requires reporting for certain product categories that contain one or more of these regulated phthalates. The regulation applies to manufacturers of specified product categories that contain intentionally added di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), or diethyl phthalate (DEP). A notice of the proposed regulation was published in the [August 2014 Northern Review](#). The regulations became effective on 22 JUN 15.

PROPOSED RULES

AMENDMENTS TO PESTICIDE RULES The Maine Board of Pesticide Control has [proposed](#) amendments to multiple pesticide rules. The amendments update: (1) [Chapter 31](#) - *Certification and Licensing Provisions/Commercial Applicators*; (2) [Chapter 34](#) - *Certification and Licensing Provisions/Pesticide Dealers*; and (3) [Chapter 35](#) - *Certification and Licensing Provisions/Spray Contracting Firms*. Updates include altering licensing periods and certification periods to align them both to three years, changing exam requirements, and clarifying types of applications for specific categories of pesticides. Comments are due by 24 JUL 15.



Legislature convened 7 JAN 15 and adjourns 18 NOV 15.

FINAL RULES

AQUATIC NUISANCE CONTROL PROGRAM The Massachusetts Department of Conservation and Recreation (MDCR) has [adopted](#) an emergency regulation regarding 302 CMR 18.00, *Aquatic Nuisance Control Program*. The regulation establishes an aquatic nuisance control program designed to suppress, eradicate, control, and otherwise reduce the risk of the spread of aquatic nuisances. This is accomplished by prohibitions regarding placement or transportation of aquatic nuisance species (ANS) or boats and related equipment containing ANS in inland waters of the commonwealth. The regulations also contains vessel and related equipment decontamination and inspection requirements. The emergency regulation became effective on 19 JUN 15 and will expire on 19 SEP 15.



Legislature convened 7 JAN 15 and adjourned sine die 30 JUN 15.

FINAL LEGISLATION

HB 281 EXOTIC AQUATIC SPECIES REGULATIONS HB 281 defines “exotic aquatic species of wildlife” and adds to the duties of the Exotic Aquatic Weeds and Species Committee. A notice of the bill’s House passage was published in the

[March 2015 Northern Review](#). The bill was signed by the governor on 26 JUN 15 and becomes effective on 25 AUG 15.

PROPOSED RULES

AMENDMENTS TO WETLANDS MITIGATION RULES The New Hampshire Department of Environmental Services (NHDES) has proposed two separate rulemakings that amend the wetland mitigation rules. NHDES has [proposed](#) new rules at Env-Wt 100, which contains the organizational rules and definitions for the state wetland rules. The amendments add definitions for certified wetland scientist, service area, and wetland enhancement to the regulations. NHDES has also [proposed](#) to readopt, with amendments, Env-Wt 800 (Compensatory Mitigation) and certain sections in Env-Wt 500 (Permit Procedure) relative to mitigation requirements. Env-Wt 800 and 500 were both due to expire on 20 JUN 15, but will remain effective during the rulemaking process. Comments are due on both rulemakings by 14 AUG 15.



Legislature convened 6 JAN 15 and adjourned sine die 25 JUN 15.

FEDERAL ACTIVITY

RHODE ISLAND LOW EMISSION VEHICLE PROGRAM USEPA has issued a proposed rule to approve a SIP revision submitted by the state of Rhode Island ([80 FR 31867](#)). The revision adopts the: (1) California Low Emission Vehicle (LEV) II light-duty motor vehicle emission standards effective in model year 2008; (2) California LEV II medium-duty vehicle standards effective in model year 2009; and (3) greenhouse gas (GHG) emission standards for light-duty motor vehicles and medium-duty vehicles effective with model year 2009. The Rhode Island LEV regulation submitted also includes a zero emission vehicle (ZEV) provision. The comment period closed on 6 JUL 15.

DECOMMISSIONING OF STAGE II VAPOR RECOVERY SYSTEMS AND AMENDING STAGE I VAPOR RECOVERY REQUIREMENTS USEPA has issued a final rule approving a SIP revision submitted by the state of Rhode Island ([80 FR 32469](#)). The revision includes regulatory amendments that allow gasoline dispensing facilities (GDFs) to decommission their Stage II vapor recovery systems as of 25 DEC 13, and a demonstration that such removal is consistent with the Clean Air Act (CAA) and USEPA guidance. The revision also includes regulatory amendments that strengthen Rhode Island's requirements for Stage I vapor recovery systems at GDFs. The final rule became effective on 9 JUL 15.



Legislature convened 7 JAN 15 and adjourned sine die 11 MAY 15.

FINAL LEGISLATION

[HB 35](#) AMENDMENTS TO WATER QUALITY STANDARDS HB 35 (Public Act 64) authorizes and prioritizes proactive measures designed to implement and meet the impending Total Maximum Daily Load (TMDL) plan for Lake Champlain along with plans for other state waters. The bill also provides mechanisms, staffing, and sustainable financing necessary for state waters to achieve and maintain compliance with the Vermont Water Quality Standards. A notice of the bill's House passage was published in the [May 2015 Northern Review](#). The bill was signed by the governor on 16 JUN 15; multiple effective dates are associated with various sections of the bill.

Region 2

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



New Jersey

Legislature convened 13 JAN 15 and adjourns 12 JAN 16.

PROPOSED LEGISLATION

[AB 1779](#) CLARIFICATION OF SEWAGE AND SEWAGE SLUDGE EXEMPTION FROM SCCA AB 1779 clarifies that domestic, commercial, or industrial wastewater, sewage, or sewage sludge released from a public sewer system or a public sewage treatment plant does not constitute a hazardous substance under the *Spill Compensation and Control Act (SCCA)*. Current law exempts sewage and sewage sludge from the definition of a hazardous substance under SCCA. This bill would clarify that exemption. The bill was passed favorably by the Assembly Environment and Solid Waste Committee.

[AB 2510 \(SB 567\)](#) REQUIREMENT FOR DROUGHT INTERCONNECTION PLANS AND SYSTEMS AB 2510 requires water purveyors to develop and implement drought interconnection plans and systems. The bill: (1) establishes a timeline and requirements for the plan; (2) requires each drought interconnection plan to be reviewed and approved by the New Jersey Department of Environmental Protection (NJDEP); and (3) establishes a timeline for the implementation of the drought approved interconnection systems. The bill was passed favorably, with amendments, by the Assembly Environment and Solid Waste Committee.

FINAL RULES

CONSOLIDATION OF COASTAL PERMIT PROGRAM AND COASTAL ZONE MANAGEMENT RULES NJDEP has [adopted](#) amendments, repeals, and new rules that consolidate the Coastal Permit Program Rules and the Coastal Zone Management (CZM) Rules into one chapter. The new chapter, *Coastal Zone Management Rules* (N.J.A.C. 7:7), establishes a comprehensive and streamlined set of rules governing land use in the coastal area. Through this adoption and an anticipated rulemakings to amend the Freshwater Wetlands Protection Act Rules and Flood Hazard Area Control Act Rules, NJDEP intends to align the rules governing the permitting processes of all three programs. This rulemaking addresses the alignment of the permitting process rules relating to emergency authorizations; pre-application conferences; application requirements; requirements for an applicant to provide public notice; application review; permit conditions and changes to issued permits; and requests for adjudicatory hearings. Further, this adoption amends various NJDEP rule standards regarding the use and development of the state's coastal resources, specifically those relating to dredging and dredged material management, marina development and expansion, and mitigation. The adoption became effective on 6 JUL 15.

PROPOSED RULES

AMENDMENTS TO FLOOD HAZARD AREA CONTROL ACT, CZM, AND SWM RULES NJDEP has [proposed](#) comprehensive changes to the Flood Hazard Area Control Act (FHACA) Rules at N.J.A.C. 7:13. The changes: (1) reduce unnecessary regulatory burden; (2) add appropriate flexibility; (3) provide better consistency with federal, local, and other state

requirements; (4) create additional permits-by-rule and general permits; and (5) address implementation issues identified since the repeal and re-adoption of the rules in November 2007. The proposed changes also amend the CZM rules (N.J.A.C. 7:7E) and the Stormwater Management (SWM) rules (N.J.A.C. 7:8). The amendments to the CZM and SWM rules provide consistency with the FHACA rules regarding development in flood hazard areas and the preservation of vegetation and habitat within and adjacent to surface waters. Comments are due by 31 JUL 15.

OTHER REGULATORY ACTIVITY

DRAFT INTERIM SPECIFIC GROUND WATER QUALITY CRITERION AND PQL FOR PERFLUORONONANOIC ACID NJDEP has [released](#) the draft *Interim Specific Ground Water Quality Criterion* (ISGWQC) and draft *Interim Practical Quantitation Limit* (PQL) for Perfluorononanoic Acid (PFNA). PFNA is a member of the class of chemicals called perfluorinated compounds (PFCs). These chemicals have many industrial and commercial uses, are chemically non-reactive, and do not degrade in the environment. The ISGWQC is intended to protect against chronic drinking water exposure and the interim PQL recommends 3 ng/L for PFNA in groundwater. The comment period closed on 1 MAY 15. **NOTE:** *As the DOD REC for Region 2, the Air Force submitted comments identifying DOD concerns with the drafts.*

DRAFT ISGWQC AND PQL FOR 1,4-DIOXANE AND OTHER CHEMICALS NJDEP has [released](#) the draft ISGWQC and draft interim PQLs for several chemicals. NJDEP has requested comments in staggered stages of three to four chemicals per stage. Chemicals covered within stage one drafts include: (1) 1,2,4-Trimethylbenzene; (2) 1,4-Dioxane; and (3) 1-Methylnaphthalene. The comment period closed for stage one chemicals on 1 JUN 15. **NOTE:** *As the DOD REC for Region 2, the Air Force submitted DOD comments on the revised draft ISGWQC for 1,4-Dioxane.*



Legislature convened 7 JAN 15 and adjourns 25 JUN 15.

FEDERAL ACTIVITY

INFRASTRUCTURE SIP FOR 2008 LEAD NAAQS USEPA has issued a final rule approving certain elements of a SIP revision submitted by the state of New York ([80 FR 30939](#)). The revision demonstrates that the state fully meets the infrastructure CAA requirements for the 2008 lead NAAQS. The CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by USEPA; it is commonly referred to as an infrastructure SIP. The final rule became effective on 1 JUL 15.

REVISION TO NEW YORK SIP FOR CARBON MONOXIDE USEPA has issued a final rule approving the SIP revision submitted by the state of New York ([80 FR 33418](#)). The revision consists of a change to New York's 15 NOV 92 Carbon Monoxide Attainment Demonstration. The revision removes a reference to a limited off-street parking program as it relates to the New York County portion of the New York-Northern New Jersey-Long Island carbon monoxide attainment area. The final rule became effective on 13 JUL 15.

PROPOSED LEGISLATION

SB 1879 (AB 2013) PROHIBITION ON USING PENTACHLOROPHENOL FOR TRANSMISSION UTILITY POLES SB 1879 prohibits the use of pentachlorophenol (PCP) with regard to new or existing transmission utility poles or facilities. PCP is a manufactured organic chemical that is used primarily as an industrial wood preservative. The bill specifies that the provisions of the bill only apply within counties with a population of one million or more that draw their primary source of drinking water for a majority of county residents from a designated sole source aquifer. The bill was amended and re-committed to the Environmental Conservation Committee.

SB 5418 EXTENSION OF MANDATED PUBLIC COMMENT PERIOD TIMEFRAME SB 5418 amends the state administrative procedure act and executive law in relation to the comment period for proposed rules. The bill extends the time period that a notice of proposed rulemaking must appear in the state register from 45 days to 60 days. The bill has passed the Senate and was referred to the Assembly Governmental Operations Committee.

FINAL RULES

AMENDMENTS TO PREVENTION AND CONTROL OF AIR CONTAMINATION AND AIR POLLUTION REGULATIONS The New York State Department of Environmental Conservation (NYSDEC) has [adopted](#) amendments to the prevention and control of air contamination and air pollution rules. The amendments repeal and replace 6 NYCRR Part 212 (Process Operations), which provides for streamlined and updated provisions, alignment of the provisions with NYSDEC's permitting regulations, and provides more regulatory certainty for the regulated community. The rulemaking also amends 6 NYCRR Part 200 (General Provisions) to establish consistent terminology. The amendments became effective on 13 JUN 15.

PROPOSED RULES

IMPLEMENTATION OF SEWAGE POLLUTION RIGHT TO KNOW ACT REQUIREMENTS NYSDEC has [proposed](#) amendments to 6 NYCRR Part 750 (State Pollutant Discharge Elimination System Permit) and Part 621 (Uniform Procedures). The amendments implement requirements of Environmental Conservation Law section 17-0826-a, known as the Sewage Pollution Right to Know (SPRTK) Act. The amendments employ SPRTK Act reporting, notification, and record keeping requirements for publicly owned treatment works and operators of publicly owned sewer systems regarding the discharge of untreated and partially treated sewage. Comments are due by 1 AUG 15.



Legislature convened 14 JAN 13 and adjourns 31 DEC 16.

PROPOSED LEGISLATION

RKS0048 FUNDING REQUEST TO STUDY EROSION DAMAGE ON PUERTO RICO'S COASTS AND BEACHES RKS0048 supports a request issued by the Puerto Rico Department of Natural and Environmental Resources to the U.S. Army Corps of Engineers (USACE) to fund a study of erosion damage on the coasts and beaches of Puerto Rico. RKS0048 has passed the Senate and was referred to the House Internal Affairs Committee.

Region 3

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



Legislature convened 13 JAN 15 and adjourned 30 JUN 15.

PROPOSED LEGISLATION

HB 195 PROHIBITION ON USE OF UNMANNED AIRCRAFT SYSTEM WITHIN CERTAIN AREAS HB 195 amends title 11 of the Delaware code relating to unmanned aircraft systems. The bill prohibits unmanned aircraft systems from flying over sporting events, concerts, automobile races, festivals, and events that have more than 5,000 people in attendance, and critical infrastructure in the state of Delaware. In the current bill language, military facilities are included within the definition of critical infrastructure. The bill also establishes exemptions and penalties. The bill has passed the House and was referred to the Senate Public Safety Committee.



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

FEDERAL ACTIVITY

ATTAINMENT OF 2008-HOUR OZONE NAAQS FOR BALTIMORE MODERATE NONATTAINMENT AREA USEPA has issued a final rule determining that the Baltimore Moderate Nonattainment Area has attained the 2008 8-hour ozone NAAQS ([80 FR 30941](#)). The determination is based upon ambient air quality monitoring data for the 2012-2014 monitoring period. Additionally, as a result of the determination, USEPA has suspended requirements for the area to submit an attainment demonstration and associated reasonably available control measures (RACMs), reasonable further progress plans (RFPs), contingency measures, and other SIP revisions related to attainment of the 2008 8-hour ozone standard for as long as the area continues to attain. The final rule became effective on 1 JUL 15.

BIOMASS FUEL-BURNING EQUIPMENT STANDARDS USEPA has issued a final rule approving a SIP revision submitted by the state of Maryland ([80 FR 32472](#)). The revision pertains to a new regulation for biomass fuel-burning equipment and related amendments to existing regulations. The final rule became effective on 9 JUL 15.

FINAL RULES

CREATION OF COMPOSTING FACILITIES REGULATIONS The Maryland Department of the Environment (MDE) has [adopted](#) a new regulatory chapter, [COMAR 26.04.11](#) - *Composting Facilities*. The new chapter establishes a regulatory program structure and requirements for composting facilities. The new chapter establishes: (1) composting facility "tiers" based on feedstock types and sizes; (2) different types of composting facility permits, along with permit exemptions; (3) siting, design, and operational requirements for facilities; (4) processes for the approval of variances, pilot programs, and research activities; (5) procedures for enforcement; (6) timeframe and procedure for existing composting facilities to come into compliance with the requirements; and (7) recordkeeping and reporting requirements. A notice of the proposed rule was published in the [January 2015 Northern Review](#). The new chapter became effective on 1 JUL 15.

AMENDMENTS TO RADIATION MANAGEMENT REGULATIONS MDE has [adopted](#) 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. A notice of the rule's prior adoption and retraction was published in the [February 2015 Northern Review](#). The new chapter became effective on 22 JUN 15.



Legislature convened 6 JAN 15 and adjourns 31 DEC 15.

FEDERAL ACTIVITY

UPDATE OF MVEBS FOR SCRANTON/WILKES-BARRE 1997 8-HOUR OZONE NAAQS MAINTENANCE AREA USEPA has issued a final rule approving SIP revisions submitted by the commonwealth of Pennsylvania ([80 FR 34063](#)). The revisions consist of an update to the nitrogen oxides (NO_x) motor vehicle emissions budgets (MVEBs) for the Scranton/Wilkes-Barre 1997 8-hour ozone NAAQS maintenance area. The SIP revisions also include updated point and area source inventories for NO_x. The final rule became effective on 15 JUL 15.

PROPOSED LEGISLATION

[HB 677](#) AMENDMENTS TO HAZARDOUS MATERIAL EMERGENCY PLANNING AND RESPONSE ACT REQUIREMENTS HB 677 amends the *Hazardous Material Emergency Planning and Response Act*, to expand local emergency planning committee membership and increase emergency reporting requirements. The bill requires the inclusion of a 911 coordinator on any local emergency planning committee. The bill also adds the county emergency management coordinator and 911 coordinator to the list of individuals and agencies that receive notification after an extremely hazardous substance arrives at a site or facility. The bill has been recommitted to the Rules Committee.

[HB 1325](#) AUTHORIZATIONS TO GOVERN STORMWATER MANAGEMENT FACILITIES AND ASSESS FEES HB 1325 amends the *Second Class Township Code* to allow a second class township to assess reasonable and uniform fees for stormwater management activities and facilities without the need to establish a municipal authority. The bill allows a second class township to assess the fee based in whole or in part on property characteristics, which may include installation and maintenance of best management practices approved and inspected by the township. Finally, the bill authorizes a town board of supervisors to enact and enforce ordinances to govern and regulate the planning, management, implementation, construction and maintenance of stormwater facilities. A similar bill, [HB 1394](#), has also been introduced, which amends Title 8, *Boroughs and Incorporated Towns*, of the Pennsylvania Consolidated Statutes. HB 1394 grants the same authorizations to boroughs. Both bills were introduced and referred to the Local Government Committee.

OTHER REGULATORY ACTIVITY

DRAFT NONPOINT SOURCE MANAGEMENT PLAN - 2014 UPDATE The Pennsylvania Department of Environmental Protection (PDEP) has [requested comment](#) on the draft *Nonpoint Source Management Plan - 2014 Update*. The management plan includes a narrative description of significant efforts taking place in the commonwealth to address nonpoint source pollution, and milestones set to demonstrate progress. The management plan has been developed to be consistent with USEPA guidance outlining the required elements of these program updates. Comments are due by 20 JUL 15.



Legislature convened 14 JAN 15 and adjourned 27 FEB 15.

FEDERAL ACTIVITY

ADDITION OF PAL PROVISIONS FOR GHGS TO STATE PSD PROGRAM USEPA has issued a proposed rule to approve a SIP revision submitted for the commonwealth of Virginia ([80 FR 32078](#)). The revision adds Plantwide Applicability Limit (PAL) provisions for GHGs to Virginia's Prevention of Significant Deterioration (PSD) program. The comment period closed on 6 JUL 15.

FINAL RULES

AMENDMENTS TO ONSITE SEWAGE SYSTEMS PROFESSIONALS REGULATIONS The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals has [adopted](#) amendments to the qualifications for licensure requirements at 18VAC160-20, in regard to onsite sewage system installers. The current regulations require an applicant for a conventional onsite sewage system installer license who is applying for waiver of the examination to provide documentation of experience from a list of specific professionals. The amendments eliminate the need to provide documentation by specific professionals, thereby allowing more latitude to consider applicants that have the required experience but have not worked with one of the specified professionals. A notice of the proposed amendments was published in the [January 2014 Northern Review](#). The amendments become effective on 1 AUG 15.

AMENDMENTS TO BOARD FOR ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS REGULATIONS The Virginia Board for Asbestos, Lead, Mold, and Home Inspectors has adopted three separate rulemakings to amend 18VAC15-30 (Virginia Lead-Based Paint Activities Regulations) and 18VAC15-40 (Virginia Certified Home Inspectors Regulations). The [first amendment to 18VAC15-30](#) increases application and renewal fees paid by licensees, certificate holders, and registrants subject to the board's authority. The [second amendment to 18VAC15-30](#): (1) clarifies training requirements upon entry and renewal of an individual or training provider license; (2) removes the requirement that the lead license expiration date corresponds with the lead training expiration date; and (3) changes the time frame that accredited lead training providers must certify continued compliance to 24 months. The [amendment to 18VAC15-40](#) increases fees for obtaining and maintaining certification as a home inspector. All three rulemakings become effective on 1 AUG 15.

REVISIONS TO NEW SOURCE REVIEW PERMIT PROGRAM RULES The Virginia Department of Environmental Quality (VDEQ) has issued a [fast-track regulation](#) amending the state air pollution control board regulations at 9VAC5-80 (Permits for Stationary Sources) and 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation). The amendments make certain elements of the Major New Source Review (NSR) Program consistent with USEPA regulations. Specifically, the amendments update the: (1) definition of "baseline actual emissions" to allow the use of a 10-year look-back period rather than the current five-year period; (2) definition of "baseline actual emissions" to allow the use of different look-back periods for different regulated NSR pollutants; (3) PAL requirements; and (4) definitions of "emissions unit" and "replacement unit." Barring adverse comment the fast-track regulation becomes effective on 13 AUG 15.

PROPOSED RULES

TRIENNIAL REVIEW OF WATER QUALITY STANDARDS VDEQ's State Water Control Board has [proposed](#) amended numerical and narrative criteria, use designations, and other policies contained in the water quality standards at 9VAC25-260. The amendments fulfill the federally required triennial review of water quality standards as mandated by the Clean Water Act (CWA). Proposed amendments include: (1) updated definitions; (2) more stringent ammonia limits for municipal dischargers to comply with revised ammonia criteria; (3) more stringent cadmium criteria; (4) more stringent lead criteria; (5) updated human health criteria parameters; (6) reclassification of 24 waters from Class III (non-tidal

free flowing waters) to Class VII (swamp waters); and (7) deletion of the manganese criterion for public water supplies. Comments are due by 28 AUG 15.



Legislature convened 14 JAN 15 and adjourned sine die 14 MAR 15.

FEDERAL ACTIVITY

REGIONAL HAZE FIVE-YEAR PROGRESS REPORT SIP USEPA has issued a final rule approving a SIP revision submitted by the state of West Virginia ([80 FR 32019](#)). The revision fulfills the state's federal requirements to address the regional haze progress report and adequacy determination requirements for the first implementation period. The final rule became effective on 6 JUL 15.

PROPOSED RULES

ABOVEGROUND STORAGE TANK FEE ASSESSMENTS RULE The West Virginia Department of Environmental Protection (WVDEP) has [reproposed](#) a new rule at 47CSR64, *Aboveground Storage Tank (AST) Fee Assessments*. The rule establishes schedules of registration fees, annual operation fees, and annual response fees for ASTs governed by the AST Act, W. Va. Code § 22-30-1, et seq. The rule applies to any person who is subject to regulation by that AST Act. WVDEP originally proposed the rule in February 2015, but the proposal [expired](#) because it wasn't filed with the Legislative Rule Making Review Committee within 90 days of the comment period's conclusion. WVDEP was required to repropose the rule. Comments are due by 30 JUL 15.

Region 5

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



Legislature convened 14 JAN 15 and adjourned 31 MAY 15.

FEDERAL ACTIVITY

DISAPPROVAL OF STATE BOARD INFRASTRUCTURE SIP REQUIREMENTS FOR 2006 PM2.5 AND 2008 OZONE NAAQS USEPA has issued a proposed rule to disapprove a portion of the SIP revisions submitted by the state of Illinois ([80 FR 33458](#)). The revisions concern infrastructure requirements of CAA section 110 for the 2006 fine particulate matter (PM2.5) and 2008 ozone NAAQS. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. The proposed rule specifically disapproves the infrastructure requirements concerning state board requirements. The comment period closed on 13 JUL 15.

FINAL RULES

AMENDMENTS TO ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA The Illinois Department of Natural Resources has adopted two separate rulemakings to amend 17 Ill. Adm. [Code 1010](#) and [Code 1050](#), *Illinois List of Endangered and Threatened Fauna*. Both rulemakings add new text regarding species and subspecies designated as federally endangered or threatened to make users of the list aware of protections afforded federally designated species under the Illinois Endangered Species Protection Act. Also, changes have been made to the species listed. A notice of both proposed rulemakings was published in the [March 2015 Northern Review](#). Both rulemakings became effective on 19 MAY 15.

PROPOSED RULES

MANAGEMENT OF USED AND WASTE TIRES The Illinois Pollution Control Board (IPCB) has issued a [second notice](#) of the [proposed amendments](#) to 35 Ill. Adm. Code 848, *Management of Used and Waste Tires*. The amendments protect the state's residents from threats resulting from the inappropriate and illegal disposal of used and waste tires. Certain amendments are the result of PA 98-656, which directed the Illinois Environmental Protection Agency to revise sections of code 848 within a specified time period. Comments are due by 24 JUL 15.



Legislature convened 13 JAN 15 and adjourned sine die 29 APR 15.

FINAL RULES

UPDATES TO HAZARDOUS WASTE RULES The Indiana Department of Environmental Management (IDEM) has [adopted](#) amendments to the hazardous waste rules at 329 IAC 3.1. The amendments incorporate by reference federal changes and allow the state to maintain equivalency with federal requirements. Included in the amendments is language regarding required wording for labels on containers that hold solvent contaminated wipes. A notice of the draft rule language was published in the [August 2014 Northern Review](#). The amendments became effective on 3 JUL 15.

OTHER REGULATORY ACTIVITY

CONTAINED-IN DETERMINATION POLICY IDEM has issued a [notice](#) regarding a non-rule policy (NRP) document, *Contained-in Determination Policy*. The NRP document provides guidance and clarification regarding the application of Resource Conservation and Recovery Act (RCRA) hazardous waste regulations to environmental media. The scope of the document applies to environmental media (soil and groundwater) that is not characteristically hazardous but is subject to RCRA regulation because it contains listed hazardous waste at concentrations below specific remediation closure guide (RCG) screening levels. Listed hazardous waste refers to solid wastes that have been determined to be hazardous waste by USEPA based upon the specific process generating the waste or the specific source of the waste. The notice was issued on 10 JUN 15.

UNCONTAMINATED SOIL POLICY IDEM has issued a [notice](#) regarding a NRP document, *Uncontaminated Soil Policy*. The solid waste rules at 329 IAC 10-3-1(1) and 329 IAC 11-3-1(1) exclude the disposal of uncontaminated dirt from regulation, and instead consider contaminated soil to be a solid waste. The rules and laws do not define "uncontaminated," so IDEM's policy has been to interpret the presence of any non-natural constituent in a soil as being a contaminant. The NRP document designates how soils that do not include waste streams that are regulated by 329 IAC 10 and that contain human introduced constituents below RCG residential screening levels can be managed when excavated. The NPD document provides consistent standards for excavated soil remaining on-site, reused on-site, or taken offsite for reuse or disposal. The notice was issued on 10 JUN 15.



Legislature convened 14 JAN 14 and adjourns 31 DEC 15.

FEDERAL ACTIVITY

INFRASTRUCTURE SIP REQUIREMENTS FOR 2008 OZONE, 2010 NO₂, 2010 SO₂, AND 2012 PM2.5 NAAQS USEPA has issued a proposed rule to approve elements of SIP revisions submitted by the state of Michigan ([80 FR 36306](#)). The revisions concern the infrastructure requirements of CAA section 110 for the 2008 ozone, 2010 nitrogen dioxide (NO₂), 2010 sulfur dioxide (SO₂), and 2012 PM2.5 NAAQS. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. USEPA has also proposed approval for a submission from Michigan addressing the state board requirements under CAA section 128. Comments are due by 24 JUL 15.

FINAL LEGISLATION

HB 4441 SUNSET EXTENSION FOR MULTIPLE FEES HB 4441 (Public Act 82 of 2015) amends the Natural Resources and Environmental Protection Act (NREPA) to delay the sunset on eight types of fees collected by the Michigan Department of Environmental Quality (MDEQ). The bill affects the fees for: (1) floodplain permits; (2) stormwater discharge permits; (3) surface water discharge permits; (4) ground water discharge permits; (5) expedited sewer permits; (6) solid waste surcharge (tipping fees); (7) electronic device manufacturer registration; and (8) electronic device recycler registration. The fees are scheduled to sunset on 1 OCT 15. Except for the ground water discharge permit fees, which are extended until 31 DEC 15, the bill delays the sunset until 1 OCT 19. A notice of the bill's House passage was published in the [May 2015 Northern Review](#). The bill was signed by the governor on 16 JUN 15 and becomes effective on 1 OCT 15.

HB 4448 SUNSET EXTENSION FOR MULTIPLE WATER RESOURCE DIVISION FEES HB 4448 (Public Act 76 of 2015) amends the NREPA to delay the sunset on five types of fees collected by the MDEQ's Water Resources Division. The bill affects the fees for: (1) Part 301 - *Inland Lakes and Streams Permits*; (2) pre-application meetings; (3) ordinary high water mark service; (4) Part 323 - *Shorelands Protection and Management Permits*; and (5) Part 325 - *Great Lakes Submerged Land Permits*. The fees are scheduled to sunset on 1 OCT 15. The bill extends the sunset date to 1 OCT 19. A notice of the bill's House passage was published in the [May 2015 Northern Review](#). The bill was signed by the governor on 10 JUN 15 and becomes effective on 1 OCT 15.

HB 4449 SUNSET EXTENSION FOR AIR POLLUTION CONTROL RENEWABLE OPERATING PERMIT PROGRAM FEES HB 4449 (Public Act 60 of 2015) amends NREPA Part 55 (Air Pollution Control), which is the statutory basis for MDEQ Air Quality Division's Renewable Operating Permit (ROP) program. The bill delays the sunset on the ROP program fees, which are scheduled to sunset on 1 OCT 15. The bill extends the sunset date to 1 OCT 19. The bill also adjusts and increases annual ROP fees for major source facilities. Finally, the bill makes a technical change to the requirements of an Emissions Control Fund report. The bill was signed by the governor on 10 JUN 15 and becomes effective on 1 OCT 15.



Legislature convened 6 JAN 15 and adjourned sine die 18 MAY 15.

FEDERAL ACTIVITY

INFRASTRUCTURE SIP REQUIREMENTS FOR 2008 OZONE, 2010 NO₂, 2010 SO₂, AND 2012 PM2.5 NAAQS USEPA has issued a proposed rule to approve and disapprove certain elements of SIP revisions submitted by the state of Minnesota ([80 FR 36743](#)). The rule proposes that Minnesota has met the infrastructure SIP requirements of CAA section 110(a)(2)

(A) with respect to the 2008 ozone, 2010 NO₂, 2010 SO₂, and 2012 PM_{2.5} NAAQS. The proposed rule disapproves certain elements related to PSD requirements. Minnesota already administers federally promulgated regulations that address the proposed disapprovals. Comments are due by 27 JUL 15.

FINAL RULES

DURATION OF STATE DISPOSAL SYSTEM PERMITS AND SOLID WASTE MANAGEMENT FACILITY PERMITS The Minnesota Pollution Control Agency (MPCA) has [adopted](#) amendments to Chapter 7001 concerning the duration of permits for state disposal systems and solid waste management facilities. The amendments change the duration of certain permits to a maximum of 10 years, rather than the existing five-year term. The Minnesota Legislature directed MPCA, during its 2014 regular session, to conduct this rulemaking. A notice of the proposed amendments was published in the [June 2015 Northern Review](#). The amendments became effective on 6 JUL 15.

AMENDMENTS TO WASTEWATER LABORATORY CERTIFICATION REGULATIONS MPCA has [adopted](#) amendments to the wastewater laboratory certification and certification fees [regulations](#). The amendments update MPCA's wastewater laboratory certification program and establish a formula for the calculation of fees applicable to laboratories certified by MPCA. Participation in MPCA's certification program is optional and limited to laboratories performing water or wastewater analytical work to determine compliance with National Pollutant Discharge Elimination System (NPDES)/ State Disposal System permits, or in support of other MPCA regulatory documents. A notice of the proposed amendments was published in the [January 2015 Northern Review](#). The amendments became effective on 22 JUN 15.

OTHER REGULATORY ACTIVITY

DRAFT WRAPS REPORT AND TMDLS FOR VERMILLION RIVER WATERSHED MPCA has [requested comments](#) on the Watershed Restoration and Protection Strategies (WRAPS) Report and Total Maximum Daily Loads (TMDLs) for the Vermillion River Watershed. The Vermillion River watershed is a subwatershed in the Mississippi River – Lake Pepin Major Watershed and covers approximately 364 square miles in Scott, Dakota and Goodhue counties. The WRAPS report includes the: (1) physical, chemical, and biological assessment of the water quality in the watershed; (2) identification of impairments and water bodies needing protection; and (3) identification of biotic stressors and sources of point and nonpoint pollution. Comments are due by 29 JUL 15.



Legislature convened 5 JAN 15 and adjourns 31 DEC 15.

FEDERAL ACTIVITY

IMPLEMENTATION OF PM_{2.5} NSR AND PSD PROGRAM USEPA has issued a direct final rule approving SIP revisions submitted by the state of Ohio ([80 FR 36477](#)). The revisions implement specific USEPA PM_{2.5} regulations (NSR and PSD Program) by establishing definitions, defining PM_{2.5} increment levels, and setting PM_{2.5} class 1 variances. The revisions also incorporate changes made to definitions clarifying terminology consistent with federal regulations, add federal land manager notification requirements, and incorporate minor organizational or typographical changes. Barring adverse comment the direct final rule becomes effective on 24 AUG 15.

FINAL RULES

QUARANTINE OF HEMLOCK WOOLY ADELGID The Ohio Department of Agriculture (ODOA) has adopted amendments to Ohio Administrative Code (OAC) [901:5-48-01](#), [-02](#), [-03](#), and [-04](#). The rules contained in this chapter establish a quarantine for the Hemlock Woolly Adelgid (HWA) to prevent its artificial spread in the state of Ohio. HWA is a small,

aphid-like insect native to Asia that threatens eastern hemlock and Carolina hemlock trees in the eastern U.S. The amendments: (1) provide a web link where interested individuals may view the regulated areas; (2) correct grammatical mistakes; and (3) add Hemlock branches to the regulated articles. A notice of the proposed amendments was published in the [May 2015 Northern Review](#). The amendments became effective on 29 JUN 15.

AMENDMENTS TO SECTION 401 WATER QUALITY CERTIFICATION REGULATIONS The Ohio Environmental Protection Agency (OEPA) has [adopted](#) amendments to the Section 401 Water Quality Certification (WQC) regulations at OAC [3745-32-05](#). The amendments provide the director of OEPA with the ability to prohibit open lake disposal of dredged material from harbor or navigation maintenance activities in Lake Erie if the: (1) dredge material could result in higher levels of a chemical in fish that bioaccumulates throughout the food chain, such as PCBs; or (2) disposal of dredge material would violate any international treaties or compacts. A notice of the proposed amendments was published in the [April 2015 Northern Review](#). The amendments became effective on 11 JUN 15.

PROPOSED RULES

AMENDMENTS TO BENEFICIAL USE DESIGNATION RULES OEPA has [proposed](#) amendments to five rules that address beneficial use designations. The OAC rules affected are: (1) 3745-1-14 - *Ashtabula River*; (2) 3745-1-15 - *Little Beaver Creek*; (3) 3745-1-16 - *Southeast Ohio tributaries*; (4) 3745-1-18 - *Little Miami River*; and (5) 3745-1-27 - *Black River*. OEPA is required by state and federal law to periodically update rules to reflect the latest scientific information. OEPA has also provided a [fact sheet](#). A notice of the draft amendments was published in the [April 2015 Northern Review](#). The comment period closed on 1 JUL 15.

OTHER REGULATORY ACTIVITY

PUBLIC WATER SYSTEM HARMFUL ALGAL BLOOM RULES OEPA's Division of Drinking and Ground Waters (DDAGW) has [announced](#) that it is considering adopting new rules to establish monitoring and reporting requirements for public water systems (PWS) that are susceptible to harmful algal blooms (HABs) in their source waters. Ohio Senate Bill 1, recently passed by the Ohio legislature, enacted Ohio Revised Code section 3745.50(C), which requires the director of OEPA to develop and implement protocols and actions for cyanotoxin testing in public water systems. DDAGW is considering requiring all public water systems that use surface water as a source to sample and analyze for cyanotoxins and report the data to OEPA. The comment period ended 30 JUN 15.



Legislature convened 7 JAN 15 and adjourns 31 DEC 15.

PROPOSED RULES

INCORPORATION OF REVISED TOTAL COLIFORM RULE The Wisconsin Department of Natural Resources (WDNR) has [proposed](#) revisions to Chapter NR 809, *Safe Drinking Water*. The proposal was triggered by USEPA adopting changes to the Total Coliform Rule portion of the federal Safe Drinking Water Act (SDWA) on 13 FEB 13. These changes are referred to as the Revised Total Coliform Rule (RTCR). WDNR is incorporating provisions of the RTCR in order to maintain primacy to administer the provisions of the SDWA. Comments are due by 22 JUL 15.

Department of Defense Activity

ARMY STRATEGIC ROADMAP TO FUTURE ENERGY SECURITY AND SUSTAINABILITY The U.S. Army has published its strategic roadmap to future energy security and sustainability, [Energy Security and Sustainability \(ES2\) Strategy](#). The ES2 strategy will foster a more adaptable and resilient force, prepared for a future defined by complexity, uncertainty and rapid change. The strategy also expands on and replaces the 2009 Army Energy Security Implementation Strategy by including operational energy and sustainability while strengthening the focus on resource management.

FUNDING FOR COMMUNITY PLANNING ASSISTANCE REGARDING SITING OF ENERGY PROJECTS DOD's Office of Economic Adjustment has announced an opportunity to request funding for community planning assistance to help prevent the siting of energy projects from adversely affecting DOD's test, training, and military operations ([80 FR 18219](#)). Commercial development of energy projects may affect DOD activities and military readiness, especially when located near installations, ranges, or on lands beneath designated military training routes or special use airspace. State, tribal, and local governments can support effective collaboration, early engagement and dialogue between DOD and energy developers to ensure proposed energy projects may proceed without compromising the DOD missions. The announcement includes proposal submission requirements, instructions, eligibility requirements, and selection criteria that will be used to evaluate proposals.

Federal Activity

AIR

UPDATE OF USEPA STARTUP, SHUTDOWN, OR MALFUNCTION POLICY APPLICABLE TO SIPs USEPA has taken final action on a petition for rulemaking filed by the Sierra Club that concerns how provisions in USEPA-approved SIPs treat excess emissions during periods of startup, shutdown or malfunction (SSM) ([80 FR 33839](#)). In addition, USEPA is clarifying, restating, and revising its guidance concerning its interpretation of CAA requirements with respect to treatment in SIPs of excess emissions that occur during periods of SSM. USEPA has issued a finding that certain SIP provisions in 36 states (applicable in 45 statewide and local jurisdictions) are substantially inadequate, and has issued a SIP call for those 36 states. The final action became applicable on 22 MAY 15 and the deadline for each state to submit its corrective SIP revision is 22 NOV 16.

AIRCRAFT GHG EMISSIONS In response to a [petition](#), USEPA [announced](#) a proposed finding that GHG emissions from aircraft pose a risk to human health. USEPA has issued an endangerment finding and advance notice of proposed rulemaking ([80 FR 37758](#)), which are the first steps in regulating emissions from the U.S. aviation industry. USEPA intends to implement the carbon dioxide (CO₂) emissions standard being developed by the International Civil Aviation Organization (ICAO). ICAO is scheduled to release its CO₂ standard in February 2016. USEPA's proposed action does not apply to small piston-engine planes (the type of plane often used for recreational purposes) or to military aircraft. USEPA is seeking public input to inform future steps. For future information visit the USEPA [website](#).

CLIMATE CHANGE

GLOBAL CLIMATE LEADERSHIP MEMORANDUM OF UNDERSTANDING On 10 MAY 15, the governors of California, Oregon, Washington, and Vermont and leaders of eight other international states and provinces collectively signed the [Global Climate Leadership Memorandum of Understanding](#) (MOU), also known as "Under 2 MOU." The MOU promotes actions intended to limit the global increase in average temperature to below two degrees Celsius. Under the MOU, each state

or province commits to either reduce GHG emissions by 80 to 95% below 1990 levels by 2050 or achieve a per capita annual GHG emissions target of less than two metric tons of carbon dioxide equivalent by 2050. For further information, visit the Under 2 MOU [website](#).

ENERGY

ENERGY EFFICIENCY IMPROVEMENTS IN 2015 IECC The U.S. Department of Energy (USDOE) has issued a notice of determination stating that the 2015 edition of the International Energy Conservation Code (IECC) would improve energy efficiency in buildings relative to the 2012 edition for residential structures ([80 FR 33250](#)). This affirmative determination requires each state to certify that it has reviewed the provisions of its residential building code regarding energy efficiency, and made a determination as to whether to update its code to meet or exceed the 2015 IECC. Additionally, the notice provides guidance to states on processes and associated certifications. Certification statements provided by states must be submitted by 12 JUN 17.

NATURAL RESOURCES

EXTENTION OF COMMENT PERIOD FOR GREEN SEA TURTLE DPSs The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) have extended the public comment period on their [23 MAR 15](#) proposed rule ([80 FR 34594](#)). The rule proposed to replace the existing range-wide listing for the green sea turtle and, in its place, list eight distinct population segments (DPSs) as threatened and three as endangered. The agencies propose to apply existing protective regulations to the eight turtle DPSs. Specifically, the agencies are seeking information and comment on whether each of the 11 proposed green turtle DPSs qualify as DPSs, whether listing of each DPS is warranted, and if so, whether they should be classified as threatened or endangered.

REMEDIATION

VAPOR INTRUSION GUIDELINES USEPA has released two technical guides for assessing and mitigating vapor intrusion at contaminated sites around the country. The first guide, [Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air](#), applies to all sites being investigated under various cleanup programs, including Superfund sites, RCRA corrective action sites, brownfields, and state-led sites pursuant to the Superfund law. The second guide, [Technical Guide for Addressing Petroleum Vapor Intrusion at Leaking Underground Storage Tank Sites](#), generally addresses releases of petroleum hydrocarbons from underground storage tanks. For further information, visit the USEPA [website](#).

SUSTAINABILITY

PLANNING FOR FEDERAL SUSTAINABILITY IN THE NEXT DECADE: IMPLEMENTING INSTRUCTIONS The White House Council on Environmental Quality issued a [guidance document](#), *Implementing Instructions for Executive Order 13693 Planning for Federal Sustainability in the Next Decade*. The guidance revokes and supersedes the *Instructions for Implementing Executive Order (EO) 13423* issued on 29 MAR 07. The document summarizes current requirements, occasionally contrasting previous requirements, and provides links to additional reference material covering all EO subject sections.

GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL PROCUREMENT The U.S. Department of Agriculture (USDOA) has issued a final rule amending its regulations on designating biobased products for federal procurement ([80 FR 34023](#)). The final rule reflects changes imposed by the 2014 Farm Bill. The amendments require each federal agency, no later than 15 JUN 16, to establish a targeted biobased-only procurement requirement under which the procuring agency will issue a certain number of biobased-only contracts. The final rule becomes effective on 15 JUL 15.

WATER

FINAL MSGP FOR INDUSTRIAL DISCHARGES USEPA Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 have issued their final 2015 NPDES general permit for stormwater discharges from industrial activity, also referred to as the Multi-Sector General Permit (MSGP) ([80 FR 34403](#)). The permit replaces the existing permit that expired on 29 SEP 13. The new permit also provides coverage for industrial facilities in areas where USEPA is the NPDES permitting authority in USEPA Regions 7 and 8. The MSGP consists of 44 separate regional USEPA general permits that may vary from each other based on state or tribal certifications and water quality-based requirements. As with earlier permits, this permit authorizes the discharge of stormwater associated with industrial activities. Industrial dischargers have the option to instead seek coverage under an individual permit. An individual permit may be necessary if the discharger cannot meet the terms and conditions or eligibility requirements in this permit. The permit became effective on 4 JUN 15 and was issued for a period of five years. For more information, visit USEPA's [MSGP website](#).

ELECTRONIC REPORTING REQUIREMENT FOR 2015 MSGP Facilities covered under the new 2015 federal USEPA MSGP are required to [electronically submit](#) notices of intent (NOIs), annual reports, notices of termination (NOTs), discharge monitoring reports (DMRs), and no-exposure certifications unless the USEPA Regional Office has granted the operator an electronic reporting waiver. Operators without an USEPA-granted electronic reporting waiver must use: (1) [NeT-MSGP](#) (the NPDES eReporting Tool for the MSGP) to electronically prepare and submit NOIs, annual reports, NOTs and no exposure certifications; and (2) [NetDMR](#) to electronically prepare and submit DMR monitoring reports. For more information visit the USEPA MSGP [website](#).

DEFINITION OF WATERS OF THE U.S. USEPA and USACE have published a final rule defining the scope of waters protected under CWA ([80 FR 37053](#)). The final rule is considered to be a definitional rule that clarifies the scope of "waters of the United States" consistent with CWA, Supreme Court precedent, and science. It does not establish any regulatory requirements. Programs established by CWA, such as the section 402 NPDES permit program, the section 404 permit program for discharge of dredged or fill material, and the section 311 oil spill prevention and response programs, all rely on the definition of "waters of the United States." The final rule become effective on 28 AUG 15.

UPDATED AMBIENT WATER QUALITY CRITERIA USEPA has released final updated recommended ambient water quality criteria for 94 chemical pollutants ([80 FR 36986](#)). The updated criteria reflect the latest scientific information and implementation of existing USEPA policies found in *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (2000). The criteria provide technical information for states and authorized tribes to establish water quality standards to protect human health under CWA. The [final 2015 recommendations](#) supersede USEPA's previous recommendations.

CYANOBACTERIAL TOXINS IN DRINKING WATER USEPA has released [10-day health advisories](#) for two cyanobacterial toxins and health effect support documents for three cyanobacterial toxins ([80 FR 34637](#)). The health advisories provide states, drinking water utilities, and the public with information on health effects of microcystins and cylindrospermopsin, analytical methods to test for cyanotoxins in water samples, and treatment technologies to remove cyanobacterial toxins in drinking water. Additionally, USEPA released a support document for states and utilities to assist them as they consider whether and how to manage cyanobacterial toxins in drinking water. The [recommendations](#) in the support document are intended to assist public drinking water systems (PWSs) manage the risks from cyanobacterial toxins in drinking water, including information and a framework that PWSs can consider in their cyanotoxin risk management efforts. For more information, visit USEPA's [website](#).

OTHER

USEPA AND NRC SEMIANNUAL REGULATORY AGENDAS USEPA has published the 2015 spring edition of its semiannual [regulatory agenda](#) ([80 FR 35081](#)). The semiannual regulatory agenda contains regulations currently under development,

reviews of existing regulations, and rules completed or canceled since the last agenda. The Nuclear Regulatory Commission (NRC) has also published its 2015 spring semiannual [regulatory agenda](#) (80 FR 35169).

Professional Development

Please note: Listing of commercial sponsored training and conferences is not a government endorsement of the training or conferences.

TRAINING - ONLINE

[ENERGY MANAGEMENT BASIC TRAINING- TOOLS AND RESOURCES FOR RESULTS](#) This course will provide civilian and military personnel with a concise overview of federal energy management, and the most current tools and resources for success. The instructors for this seminar will be Randall Smidt, Army Program Manager for Alternative Financing, and Thomas B. Delaney, Jr., PE, Army Energy Conservation Investment Program Manager. Both instructors serve within the Army's Facilities Policy Division of the Office of the Assistant Chief of Staff for Installation Management.

[INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL \(ITRC\) TRAINING](#) ITRC is a state-led coalition of regulators, industry experts, academia, citizen stakeholders, and federal partners from all 50 states and the District of Columbia that supports new approaches to tough cleanup projects. ITRC offers Internet-based training and hosts nationwide classroom training. Topics span the full spectrum of remediation subjects. The Internet-based training is supported by ITRC technical and regulatory guidance documents and is hosted with USEPA's Technology Innovation and Field Services Division (TIFSD). For a listing of current classes and to register, visit [USEPA's Clu-In Web page](#). The nationwide classroom training courses are often provided with an ITRC member state and provide participants with face-to-face training, hands-on problem solving, and engaging real world site applications. Visit the [ITRC training website](#) for specific training topics and scheduled events.

[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 (waste load 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 SO₂, NO_x, and CO₂ 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 p.m. Eastern 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 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.

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) announces course availability for the FY16 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.

Staff Directory

Director/DOD Region 5 REC	(410) 278-6991
Regional Counsel	(410) 278-6167
Regions 1 & 5 Army REC	(410) 278-6139
Regions 2 & 3 Army REC	(410) 278-6139
Regulatory Affairs Specialist	(410) 278-6143

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 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](#).