



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

February 2016

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." To receive a copy of this electronic publication, [send a subscription request](#).

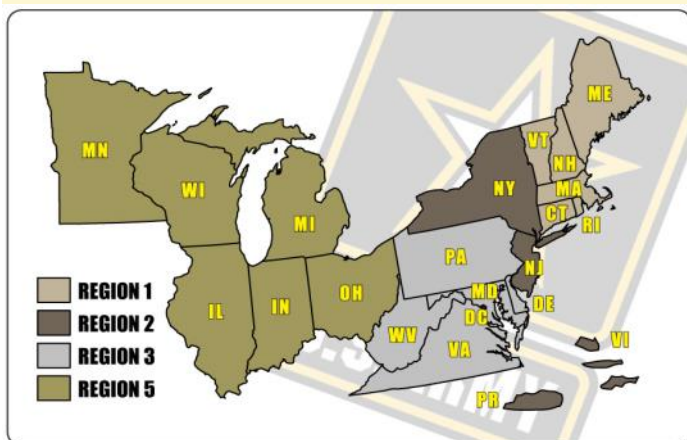


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WHAT'S IN THIS REVIEW?

Region 1

In CT, proposed amendments to municipal waste combustors regulations. In ME, final amendments to low sulfur fuel regulations. In MA, a proposed bill regarding a comprehensive energy policy and strategic plan, and the release of the *Annual List of Prospective Regulations*. In NH, proposed legislation restricting engine idling for certain vehicles.

Region 2

In NJ, proposed legislation concerning stormwater utilities; a joint application process for aquaculture projects; and expediting permits through the use of GPs. In NY, consideration of a clean energy standard and the release of the annual regulatory agenda.

Region 3

In MD, proposed bill concerning stormwater remediation fees, final amendments to disposal of controlled hazardous substances rules, and proposed AIM coatings rules. In VA, proposed bills concerning the repeal of tributary plan requirements, use of sediment reduction credits, and the *Virginia Erosion and Stormwater Management Act*; and final amendments to surface water management area rules. In WV, multiple bills introduced to promulgate WVDEP 2015 agency adopted rules.

Region 5

In IL, bill proposed for additional appropriations for the UST program, and proposed amendments to the air quality standards. In IN, proposed bill to revise the Voluntary Remediation Program. In MI, bill proposed to amend regulations for leaking UST. In OH, proposed adoption of the federal Revised Total Coliform Rule. In WI, bills proposed to update the definition of high capacity wells and change requirements for residual contamination after cleanup; proposed revisions to the hazardous waste management rules.

DOD Activity

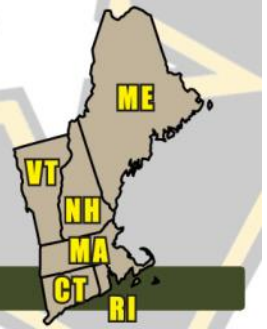
Release of DODI 5210.65, *Security Standards for Safeguarding Chemical Agents*, and an updated *Strategic Sustainability Performance Plan*.

Federal Activity

USEPA has released the Drinking Water Contaminant Candidate List and the 2014 Toxic Release Inventory; and proposed amendments to the GHG Reporting Rule and the NPDES MS4 permit rules.

Region 1

For more information or to comment on any state issues in Region 1, contact [Kevin Kennedy](#), Army Regional Program Coordinator, Region 1, (410) 278-6168.



Legislature convened 3 FEB 16 and adjourns sine die 4 MAY 16.

PROPOSED RULES

AMENDMENTS TO MUNICIPAL WASTE COMBUSTORS REGULATIONS The Connecticut Department of Energy and Environmental Protection (CDEEP) has [proposed](#) amendments to the municipal waste combustors regulations at 22a-174-38 of the Regulations of Connecticut State Agencies. The amendments address USEPA's reasonably available control technology (RACT) requirements for the 2008 ozone national ambient air quality standard (NAAQS). A public hearing is scheduled for 24 FEB 16 and comments are due 26 FEB 16.

OTHER REGULATORY ACTIVITY

REISSUE OF FOUR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMITS CDEEP has issued a [notice](#) announcing a tentative decision to reissue, without modifications, four separate general permits (GPs). CDEEP will reissue GPs for the: (1) discharge of water treatment wastewater; (2) discharge of minor non-contact cooling and heat pump water; (3) discharge of hydrostatic pressure testing wastewater; and (4) discharge of groundwater remediation wastewater directly to a surface water. The current GPs are set to expire on 29 MAR 16. The reissued GPs would become effective on 30 MAR 16 and expire on 29 MAR 17. Comments are due by 24 FEB 16.



Legislature convened 6 JAN 16 and adjourns sine die 20 APR 16.

FINAL RULES

AMENDMENTS TO LOW SULFUR FUEL REGULATIONS The Maine Department of Environmental Protection has [adopted](#) amendments to Chapter 106, [Low Sulfur Fuel Regulation](#). The amendments: (1) change the focus from the use of regulated fuels to the importation, sale, or distribution of those fuels; (2) change the transition date of sulfur content limits in residual oil from 1 JAN 18 to 1 JUL 18; and (3) establish that distillate fuel sulfur limits will transition directly to 0.0015% by weight content on 1 JUL 18. The amendments became effective on 12 JAN 16.



Legislature convened 6 JAN 16 and adjourns 31 JUL 16.

PROPOSED LEGISLATION

SB 2121 COMPREHENSIVE ENERGY POLICY AND STRATEGIC PLAN REQUIREMENTS SB 2121 requires the governor, during the first year of each new gubernatorial administration or the first year of a new gubernatorial term, to convene an Energy Planning Council. The bill tasks the Massachusetts Secretary of Energy and Environmental Affairs, in coordination with the Energy Planning Council, to develop and implement a written comprehensive energy policy for the commonwealth and a strategic plan for implementing the policy. The policy and plan are required to establish 2030 and 2040 emissions benchmarks. The bill also establishes: (1) criteria for council membership; (2) required components of the policy and plan; and (3) reporting requirements. The bill was referred to the Ways and Means Committee.

OTHER REGULATORY ACTIVITY

ANNUAL LIST OF PROSPECTIVE REGULATIONS The Massachusetts Executive Office of Energy and Environmental Affairs has issued its *Annual List of Prospective Regulations*. The list identifies regulations that are expected to be promulgated during the next 12-month period.



Legislature convened 6 JAN 16 and adjourns sine die 1 JUL 16.

PROPOSED LEGISLATION

HB 1243 PENALTIES FOR STORMWATER AND SEWAGE VIOLATIONS HB 1243 modifies the penalties for violations of municipal ordinances and bylaws concerning sewage or stormwater. The bill has passed the House.

HB 1358 REGULATION OF ENGINE IDLING FOR CERTAIN VEHICLES HB 1358 establishes time limits for idling involving specified motor vehicles. The bill restricts specific vehicles and construction equipment from idling for more than five consecutive minutes when the temperature is above 32 degrees Fahrenheit (°F). If the temperature is between minus 10 °F and 32 °F, the vehicles and construction equipment are restricted from idling for more than 15 consecutive minutes. The bill also identifies certain exemptions. The bill was referred to the Transportation Committee.

FINAL RULES

READOPTION OF NO_x BUDGET TRADING PROGRAM WITH AMENDMENTS The New Hampshire Department of Environmental Services has readopted, with amendments, the existing rules at Env-A 3200, *NO_x Budget Trading Program*. The program requires reductions in ozone-season emissions of oxides of nitrogen (NO_x), an ozone precursor, from NO_x budget sources. The amendments include: (1) allowances for new budget sources to convert allowances to discrete emissions reductions (DERs) at a one-to-one ratio, and to use the DERs as offsets against ozone-season NO_x emissions; (2) deletion of Env-A 3207.11, which requires Phase III and Phase IV (smaller) budget sources to transfer unused allowances; and (3) streamlining the permitting process by removing the requirement for the permit to reference the NO_x allowance tracking system compliance account and identify the authorized account representative. The existing rules were scheduled to expire in November 2015. The readoption became effective on 1 JAN 16.



Legislature convened 5 JAN 16 and adjourns sine die 12 MAY 16.

PROPOSED LEGISLATION

SB 191 SITING OF WIND GENERATION FACILITIES SB 191 requires the Vermont Public Service Board to defer to municipal and regional recommendations when making a siting determination for wind generation, unless there is a clear and convincing demonstration to the contrary. The bill was referred to the Finance Committee.

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) 278-6165.



Legislature convened 12 JAN 16 and adjourns 9 JAN 18.

PROPOSED LEGISLATION

AB 261 PROHIBITION OF MOTOR VEHICLE WHEEL WEIGHTS CONTAINING LEAD OR MERCURY AB 261 prohibits the installation and sale of wheel weights containing lead or mercury. The bill also prohibits the sale of new motor vehicles equipped with wheel weights containing lead or mercury. Wheel weights are fastened to automobile rims in order to balance tires, and thereby prevent uneven tire wear and ensure a smooth ride. These weights often fall off cars and end up in waterways via storm sewers. The bill was referred to the Environment and Solid Waste Committee.

AB 1354 CREATION OF STORMWATER UTILITIES FOR CERTAIN LOCAL GOVERNMENT ENTITIES AB 1354 authorizes certain local government entities to establish, provide, and maintain a stormwater utility for the purpose of creating a stormwater management system to manage stormwater runoff. The bill authorizes those entities to finance the stormwater utility system through the imposition of user fees. The bill also requires the New Jersey Department of Environmental Protection (NJDEP) to create a stormwater utility guidance manual for use by counties, municipalities and authorities seeking to establish stormwater management systems. The bill was referred to the Telecommunications and Utilities Committee. A similar bill was also introduced in the Senate, **SB 762**. The Senate bill was referred to the Environment and Energy Committee.

AB 1964 COOLING TOWER REQUIREMENTS TO PROTECT AGAINST LEGIONNAIRE'S DISEASE AB 1964 requires registration, inspection, testing, cleaning, and disinfection of cooling towers to control outbreaks of Legionnaire's disease caused by the Legionella bacteria. Cooling towers, which use a recirculated water system, are associated with outbreaks of Legionnaire's disease, a respiratory condition characterized by pneumonia-like symptoms. The bill requires the owner of a building at which a cooling tower is located to register the cooling tower with the New Jersey Department of Health prior to initial operation of the cooling tower or, in the case of a currently-existing cooling tower, within 30 days of the effective date of the bill. The bill was referred to the Health and Senior Services Committee.

SB 251 INSPECTION AND ABATEMENT OF MOLD HAZARDS SB 251 requires the New Jersey Department of Community Affairs (NJCA) to establish procedures for inspection and abatement of mold hazards in residential buildings and school

facilities. The bill also tasks NJDCA with establishing certification programs for mold inspectors and mold hazard abatement workers. The bill was referred to the Environment and Energy Committee.

SB 316 JOINT APPLICATION PROCESS FOR AQUACULTURE PROJECTS SB 316 requires the New Jersey Secretary of Agriculture and the NJDEP commissioner to establish, with the United States Army Corps of Engineers (USACE), a joint application process for aquaculture projects. These projects would require both state and federal permits, licenses, or approvals. This new process will help to facilitate approvals for aquaculture projects in the state. The bill also provides that for each year, for the first three years after the date of enactment of this bill, the Secretary of Agriculture is required to prepare and submit a report to the Legislature on the progress made toward establishing and implementing this cooperative effort. The bill was referred to the Economic Growth Committee.

SB 482 EXPEDITING PERMITTING THROUGH USE OF GENERAL PERMITS SB 482 directs every state agency to identify specific permits that may be expedited by the issuance of a GP. The bill implements one of the findings of the "Red Tape Review Commission Findings and Recommendations" report, issued in February 2012. The report recommended the NJDEP, as well as all other permit issuing departments and agencies, to expand the use of GPs and general operating permits. The bill was referred to the State Government, Wagering, Tourism & Historic Preservation Committee.

SB 771 SEPARATION AND RECYCLING REQUIREMENTS FOR FOOD WASTE SB 771 requires certain generators of solid waste to separate and recycle food waste, and amends the definition of "Class I renewable energy." The bill, beginning 1 JAN 17, requires certain large food waste generators to source separate food waste, and send the source separated food waste to an authorized recycling facility that has available capacity and will accept it. The bill also requires NJDEP to adopt regulations concerning: (1) record keeping and reporting requirements; (2) guidelines for businesses to follow; (3) a list of food waste products that must be source separated and recycled; (4) standards for the enclosed, on-site composting or anaerobic digestion of food waste; and (5) a list of actions businesses may take to reduce the amount of food waste they generate. The bill was referred to the Environment and Energy Committee.

FINAL RULES

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD REGULATIONS NJDEP has [adopted](#) 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). The SRRA was enacted in 2009 and 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 new rule allows the board to carry out the mandates placed on it by SRRA. A notice of the proposed rule was published in the [February 2015 Northern Review](#). The new rule became effective on 4 JAN 16.

OTHER REGULATORY ACTIVITY

FIVE-YEAR PROGRESS REPORT FOR REGIONAL HAZE SIP REVISION NJDEP has [released](#) the Regional Haze SIP five-year progress report for public review and comment. The progress report documents New Jersey's progress in reducing emissions within the state resulting in improved visibility levels. The report demonstrates that NJDEP is on track to meet New Jersey's 2018 visibility goal at its Class I area: the Brigantine Wilderness Area in the Edwin B. Forsythe National Wildlife Refuge. The components of the progress report meet USEPA's Regional Haze Rule requirements. Comments are due by 19 MAR 16.

ONLINE PORTAL FOR REMEDIAL INVESTIGATION FORM AND REPORT SUBMISSION NJDEP has [announced](#) that its online portal is now available for the electronic submission of the remedial investigation form and report. Beginning on 3 APR 16, the remedial investigation form and report will be required to be filed electronically through NJDEP [Online](#).



Legislature convened 6 JAN 16 and adjourns 16 JUN 16.

PROPOSED LEGISLATION

SB 172 PROHIBITION OF MERCURY-ADDED ROTATIONAL BALANCING PRODUCTS SB 172 prohibits the sale and use of wheel weights containing mercury. Wheel weights are aftermarket, rotational balancing products used in cars, trucks, and other rotational devices. The bill also establishes deadlines for compliance. SB 172 builds upon a 2010 law, which prohibited the sale and use of wheel weights containing lead. The bill was referred to the Environmental Conservation Committee. A similar bill has also been introduced, [SB 5322](#), but this bill contains different compliance deadlines.

AB 582 APPLICATION OF LAWN FERTILIZER TO WATERSHEDS AND DRAINAGE BASINS AB 582 prohibits the application of lawn fertilizers that are labeled as containing more than zero percent phosphorous to any watersheds and drainage basins in certain counties. The bill was referred to the Environmental Conservation Committee.

SB 996 LIMITS ON USE OF CERTAIN SUBSTANCES IN BRAKE FRICTION MATERIAL SB 996 limits the use of certain substances in brake friction material. Specifically, the bill establishes deadlines for restricting the use of specified levels of copper, asbestos, cadmium, chromium (VI), lead, and mercury in brake shoes and pads. The bill was referred to the Transportation Committee.

FINAL RULES

INCORPORATION BY REFERENCE OF FEDERAL NESHAP AND NSPS RULES The New York State Department of Environmental Conservation (NYSDEC) has [adopted](#) amendments to the prevention and control of air contamination and air pollution regulations at Part 200 of Title 6 NYCRR. The amendments incorporate by reference the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) rules. The amendments became effective on 4 FEB 16.

PROPOSED RULES

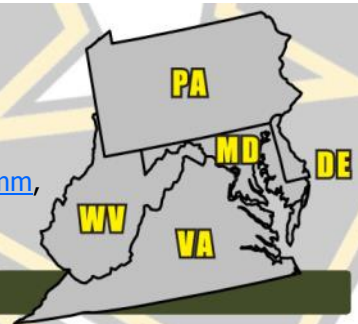
CONSIDERATION OF A CLEAN ENERGY STANDARD The New York Public Service Commission has [proposed](#) a rule considering a New York Department of Public Service Staff (NYDPSS) proposal for a Clean Energy Standard. The proposal includes a program design for a new Clean Energy Standard to support the state's environmental and clean energy goals; specifically: (1) 40 percent reduction in greenhouse gas (GHG) emissions from 1990 levels; (2) 50 percent of electricity generation coming from carbon-free renewables; and (3) 600 trillion Btu in energy efficiency gains, which equates to a 23 percent reduction from 2012 in energy consumption in buildings. NYDPSS's proposal provides funding to support renewable energy resources as well as nuclear and other types of facilities that do not emit GHG or other pollutants while generating electricity. Comments are due by 12 MAR 16.

OTHER REGULATORY ACTIVITY

ANNUAL REGULATORY AGENDA AND FIVE YEAR REVIEW OF RULES NYSDEC has [published](#) its annual Regulatory Agenda and Five Year Review of Rules. The agenda is a listing of the regulations that may be proposed for adoption or amendment within 2016. The review is an examination of NYSDEC rules adopted five years ago.

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) 278-6165.



Legislature convened 12 JAN 16 and adjourns 1 Jul 16.

FEDERAL ACTIVITY

CROSS-MEDIA ELECTRONIC REPORTING USEPA has approved the state of Delaware's request to revise its USEPA-authorized National Primary Drinking Water Regulations Implementation Program to allow electronic reporting ([81 FR 1946](#)). Barring a public hearing request the approval becomes effective on 16 FEB 16.



Legislature convened 13 JAN 16 and adjourns sine die 11 APR 16.

PROPOSED LEGISLATION

[HB 82](#) STORMWATER REMEDIATION FEE HB 82 requires the lessee or user of a publicly owned property to pay any stormwater remediation fee or excise tax established by the county or municipality where the property is located as if the lessee/user were the owner of the property. The requirement applies to property that is leased to or made available to the lessee: (1) by the federal government, the state, a county, a municipality, or an agency or instrumentality thereof; and (2) for use in connection with a business that is conducted for profit. Property owned by a public-private partnership is excluded from the bill's requirements. The bill was referred to the Environment and Transportation Committee.

[SB 57](#) ([HB 31](#)) COMMUNITY CLEANUP AND GREENING ACT OF 2016 SB 57 prohibits a store from distributing plastic disposable carryout bags free of charge to a customer at the point of sale. The bill also requires a store to charge and collect a certain fee for each paper disposable carryout bag provided to customers. The store is allowed to retain a certain amount of the fee under certain circumstances but must remit the rest to the state. The bill was referred to the Education, Health, and Environmental Affairs Committee.

[SB 141](#) AUTHORIZATION FOR ANNE ARUNDEL COUNTY TO EXPAND WATER OR WASTEWATER SERVICES SB 141 authorizes Anne Arundel County to establish, modify, or abolish special taxing districts for the purpose of providing or expanding water or wastewater services. The bill was referred to the Budget and Taxation Committee.

[SB 367](#) REDEEMABLE BEVERAGE CONTAINER RECYCLING REFUND AND LITTER REDUCTION ACT SB 367 establishes the Maryland Redeemable Beverage Container Recycling Refund and Litter Reduction Program. The bill requires the Maryland Environmental Service to develop, implement, and administer the program. The bill provides detailed requirements for the program, including funding, implementation timelines, and reporting requirements. The bill was referred to the Finance and Education, Health, and Environmental Affairs Committee.

FINAL RULES

AMENDMENTS TO DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES REGULATIONS The Maryland Department of the Environment (MDE) has [adopted](#) 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*. A notice of the proposed amendments was published in the [February 2015 Northern Review](#). The amendments became effective on 18 JAN 16.

PROPOSED RULES

NEW ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS REGULATIONS MDE has [proposed](#) new Regulations .01 - .08 under a new chapter, COMAR 26.11.39, *Architectural and Industrial Maintenance (AIM) Coatings*. The regulations establish volatile organic compound (VOC) content limits and standards for a variety of AIM coatings made available for sale and use in Maryland. The regulations apply to any person that manufacturers, blends, thins, supplies, sells, offers for sale, repackages for sale, or applies AIM coatings in Maryland. Once final, the regulations will be submitted as a SIP revision to USEPA for review and approval. A public hearing is scheduled for 22 FEB 16 and comments are due the same day.

AMENDMENTS TO LEAD POISONING SCREENING PROGRAM REGULATIONS The Maryland Department of Health and Mental Hygiene has [proposed](#) amendments to Regulations .02, and .04 - .06 under COMAR 10.11.04, *Lead Poisoning Screening Program*. The amendments will improve lead testing rates in Maryland and align regulations with new Centers for Disease Control and Prevention (CDC) guidelines. The amendments: (1) expand the definition of at-risk areas to include the entire state; (2) update lead poisoning blood testing requirements; (3) allow the submission of alternative blood lead analysis documentation for children under certain circumstances; and (4) change certain documentation reporting requirements. The comment period closed on 8 FEB 16.

AMENDMENTS TO THREATENED AND ENDANGERED SPECIES REGULATIONS The Maryland Department of Natural Resources (MDNR) has [proposed](#) amendments to COMAR 08.03.08, *Threatened and Endangered Species*. The amendments: (1) list 23 new species of animals and plants in need of conservation, or that are endangered, threatened or endangered extirpated; (2) reclassify 31 species that are currently listed as in need of conservation, threatened, endangered or endangered extirpated; (3) provide protection for 10 nongame mammal species that are not currently listed and for one mammal species that is proposed to be delisted; and (4) repeal and replace certain regulations due to the large number of proposed plant species’ common name changes. Comments are due by 22 FEB 16.



Legislature convened 13 JAN 16 and adjourns 12 MAR 16.

PROPOSED LEGISLATION

[HB 208](#) REPEAL OF TRIBUTARY PLAN REQUIREMENT HB 208 repeals § 2.2-219 of the Code of Virginia, relating to the development and implementation of tributary plans. The code is obsolete because tributary plans were replaced by watershed implementation plans. The bill passed the House and was referred to the Senate Agriculture, Conservation and Natural Resources Committee.

[HB 327](#) EXPEDITED PERMIT PROCESS FOR EMERGENCY BEACH RESTORATION HB 327 directs the Virginia Marine Resources Commission to develop an expedited process for issuing a permit for emergency sand restoration activities on

a publicly owned beach. To qualify for restoration, the beach must have been eroded by a discrete, identifiable weather event that was the subject of a local or state declaration of emergency. The bill exempts the permit process from certain provisions of the Administrative Process Act. The bill passed the House and was referred to the Senate Agriculture, Conservation and Natural Resources Committee.

HB 438 (SB 292) SEDIMENT REDUCTION CREDITS HB 438 authorizes Municipal Separate Storm Sewer Systems (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay Total Maximum Daily Load (TMDL). Currently, MS4s have similar authority for nitrogen and phosphorous; the bill adds a third pollutant, sediment. The bill passed the House and was referred to the Senate Agriculture, Conservation and Natural Resources Committee.

HB 448 (SB 314) NUTRIENT OFFSET CREDITS HB 448 allows a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits under certain conditions. The credits must be acquired on land located in the same tributary as the facility, on which best management practices (BMPs) have been implemented. The BMPs must achieve reductions greater than those currently required by federal or state law or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill provides that any such acquisition is subject to approval by the Virginia State Water Control Board (VSWCB). The bill also enables an applicant under the Watershed General Permit to join the Virginia Nutrient Credit Exchange Association. The bill was referred to the Agriculture, Chesapeake and Natural Resources Committee.

HB 787 NUTRIENT CREDITS FOR CONSTRUCTION ACTIVITIES HB 787 allows an entity applying for a stormwater permit to acquire nutrient credits for construction activities from credit providers located outside the tributary where the construction activity is occurring. Currently, the acquisition of such credits is generally limited to the same or adjacent eight-digit hydrologic code as defined by the U.S. Geological Survey. The bill was referred to the Agriculture, Chesapeake and Natural Resources Committee.

HB 813 JURISDICTION OVER OFFSHORE WATERS AND SUBMERGED LANDS HB 813 updates the description of the offshore waters over which the commonwealth has jurisdiction. In place of a reference to certain seas claimed in the Virginia Constitution of 1776, the bill provides for jurisdiction over offshore waters for a distance of three geographical miles as determined by metes and bounds surveys. The bill also directs the Virginia Secretary of Natural Resources to conduct surveys of the three-mile boundary and to request that the Virginia Attorney General file the surveys in the United States Supreme Court. The bill passed the House and was referred to the Senate Agriculture, Conservation and Natural Resources Committee.

HB 977 NOTIFICATION REQUIREMENTS FOR UNLAWFUL DISCHARGE OF HARMFUL SUBSTANCE INTO WATERS HB 977 requires any person who unlawfully discharges any harmful substance into state waters to notify VSWCB, the Virginia Department of Environmental Quality (VDEQ), or the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice. The bill also requires that written notice follow to VSWCB, in addition to VDEQ, and specifies that the required report of potentially harmful discharges by VSWCB or VDEQ to local newspapers, television stations, and radio stations be provided to such media outlets as soon as practicable after receiving it. The bill was recommended for passage, with amendments, from the Agriculture, Chesapeake and Natural Resources Committee's Chesapeake subcommittee.

HB 1250 (SB 673) VIRGINIA EROSION AND STORMWATER MANAGEMENT ACT HB 1250 combines existing statutory programs relating to soil erosion and stormwater management, directing VSWCB to permit, regulate, and control both erosion and stormwater runoff. The bill requires any locality that operates a MS4 or a Virginia Stormwater Management Program (VSMP) to adopt a Virginia Erosion and Stormwater Management Program (VESMP). The program will regulate any land-disturbing activity that disturbs an area of 10,000 square feet or more, or 2,500 square feet or more if in a Chesapeake Bay Preservation Area. The bill also directs certain charges or penalties to the Stormwater Local Assistance Fund, which provides matching grants to local governments for stormwater BMPs. Finally, the bill directs VDEQ to

evaluate fees related to the consolidated VESMP and directs VSWCB to adopt regulations to implement the requirements of the bill. The bill was referred to the Agriculture, Chesapeake and Natural Resources Committee.

SJR 84 VDRPT TO STUDY PUBLIC TRANSPORTATION SERVICES TO MARINE CORPS BASE QUANTICO SJR 84 requests that the Virginia Department of Rail and Public Transportation (VDRPT) evaluate the level of study necessary to identify and advance public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico. The evaluation should include the feasibility of extending the Blue Line and other multimodal options. Following the evaluation, VDRPT should proceed to the recommended level of study for improved public transportation services along the U.S. Route 1 corridor. VDRPT will report its findings and recommendations on the first day of the 2017 and 2018 Regular Sessions of the Virginia General Assembly.

FINAL RULES

REPEAL OF BEACH VITEX QUARANTINE The Virginia Department of Agriculture and Consumer Services has [repealed](#) 2 VAC 5-316, *Rules and Regulations for Enforcement of the Virginia Pest Law - Beach Vitex Quarantine*, which was established in 2010. This regulation established a Beach Vitex quarantine throughout the entire commonwealth. In 2015, the Beach Vitex was classified as a Tier 1 noxious weed within a newly created 2 VAC 5-317 regulation. The classification within the 2015 regulation has now made the older 2 VAC 5-316 regulation redundant and no longer necessary. The repeal became effective on 6 JAN 16.

AMENDMENTS TO SURFACE WATER MANAGEMENT AREA REGULATION VDEQ has issued a [fast-track regulation](#) to amend 9VAC25-220, *Surface Water Management Area Regulation*. The amendments update citations and make the regulation consistent with state statute. The update was necessary to provide a mechanism to protect beneficial uses of the commonwealth's water resources during periods of drought. Barring adverse comment the fast-track regulation becomes effective on 25 FEB 16.

AMENDMENTS TO RADIATION PROTECTION REGULATIONS The Virginia Department of Health (VDOH) has [adopted](#) amendments to 12VAC5-481-451, *Increased controls and fingerprinting*. The amendments make the section compatible with the U.S. Nuclear Regulatory Commission's (NRC) Code of Federal Regulations (CFR) Title 10, Part 37, *Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material*. The NRC created 10 CFR Part 37 on 19 MAR 13, and Agreement States are required to implement compatible regulations by 16 MAR 16. The amendments become effective on 9 MAR 16.

PROPOSED RULES

STATE LIST OF ENDANGERED AND THREATENED SPECIES UPDATES The Virginia Department of Game and Inland Fisheries (VDGIF) has [proposed](#) amendments to 4VAC15-20 updating the state list of endangered and threatened species. The amendments: (1) update the date reference to the federal list of endangered and threatened wildlife species; (2) add the little brown bat and the tri-colored bat as endangered species; (3) remove the state-threatened Upland sandpiper and Dismal swamp southeastern shrew to reflect their status in Virginia more accurately; and (4) describe certain activities in which incidental take of the little brown bat and the tri-colored bat may occur without a VDGIF permit, provided certain criteria are met.

VPDES PERMIT FOR VEHICLE WASH FACILITIES AND LAUNDRY FACILITIES VDEQ has [proposed](#) to amend and reissue 9VAC25-194, *General Permit for Vehicle Wash Facilities and Laundry Facilities*. The GP establishes limitations and monitoring requirements for point source discharge of treated wastewaters from car wash facilities to surface waters. The amendment is required for existing and new vehicle wash and laundry permittees to be covered under the GP. The GP is scheduled to expire on 15 OCT 17. Comments are due by 24 FEB 16.



Legislature convened 13 JAN 16 and adjourns sine die 12 MAR 16.

FEDERAL ACTIVITY

SIP REVISION FOR PSD PROGRAM AND INFRASTRUCTURE PROGRAM ELEMENTS FOR NAAQS USEPA has issued a proposed rule to approve a SIP revision submitted by the state of West Virginia ([81 FR 1133](#)). The revision updates the state's Prevention of Significant Deterioration (PSD) permit program regulations for preconstruction permitting requirements for major sources. The revision addresses fine particulate (PM_{2.5}) emissions in order to satisfy obligations from an earlier USEPA final conditional approval. The proposed rule also addresses infrastructure program elements specified in the Clean Air Act (CAA) section 110(a)(2) necessary to implement, maintain, and enforce the NAAQS. The comment period closed on 10 FEB 16.

PROPOSED LEGISLATION

[HB 2269](#) STATE LAWS NO MORE STRINGENT THAN CORRESPONDING FEDERAL LAWS HB 2269 requires rules promulgated by West Virginia's Department of Environmental Protection (WVDEP), Department of Health and Human Resources, Division of Natural Resources, and Department of Commerce to be no more stringent than corresponding federal laws. The bill was referred to the Judiciary Committee.

[HB 2979](#) COUNTY SOLID WASTE ASSESSMENT FEES HB 2979 clarifies that the county or regional solid waste authority may impose and collect an additional solid waste assessment fee in the county or region where the waste originates. The bill was referred to the Political Subdivisions Committee.

PROPOSED RULES

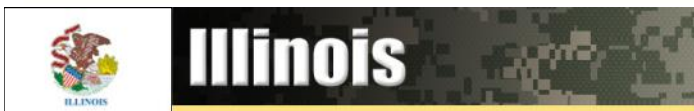
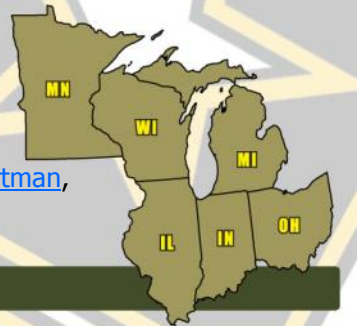
APPROVAL OF STATE REGULATORY AGENCY RULES A series of bills has been introduced in the West Virginia House and Senate to promulgate WVDEP and West Virginia Department of Health and Human Resources (WVDHHR) regulations that were adopted during 2015. Under West Virginia law, all regulations adopted by state regulatory agencies must be approved by the Legislature before they can be promulgated. The bills are:

- **[HB 4049](#) ([SB 172](#))** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 24 JUL 15, *Standards of Performance for New Stationary Sources* ([45 CSR 16](#)).
- **[HB 4052](#) ([SB 175](#))** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 24 JUL 15, *Emission Standards for Hazardous Air Pollutants* ([45 CSR 34](#)).
- **[HB 4053](#) ([SB 176](#))** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 24 JUL 15, *Control of Annual Nitrogen Oxide Emissions* ([45 CSR 39](#)).
- **[HB 4054](#) ([SB 177](#))** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 24 JUL 15, *Control of Ozone Season Nitrogen Oxides Emissions* ([45 CSR 40](#)).
- **[HB 4055](#) ([SB 178](#))** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 24 JUL 15, *Control of Annual Sulfur Dioxide Emissions* ([45 CSR 41](#)).
- **[HB 4057](#) ([SB 183](#))** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 27 JUL 15, *Administrative Proceedings and Civil Penalty Assessment* ([47 CSR 30B](#)).
- **[HB 4058](#) ([SB 184](#))** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 31 JUL 15, *Above ground Storage Tank Fee Assessments* ([47 CSR 64](#)).
- **[HB 4059](#) ([SB 185](#))** - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 31 JUL 15, *Above Ground Storage Tank Administrative Proceedings and Civil Penalty Assessment* ([47 CSR 65](#)).

- [HB 4103](#) ([SB 180](#)) - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 31 JUL 15 and refiled on 24 NOV 15, *Requirements Governing Water Quality Standards* ([47 CSR 2](#)).
- [HB 4104](#) ([SB 181](#)) - Authorizes promulgation of the WVDEP regulation, filed in the State Register on 31 JUL 15 and refiled on 24 NOV 15, *Above Ground Storage Tanks* ([47 CSR 63](#)).
- [HB 4113](#) ([SB 188](#)) - Authorizes promulgation of the WVDHHR regulation, filed in the State Register on 27 JUL 15 and refiled on 23 SEP 15, *Infectious Medical Waste* ([64 CSR 56](#)).

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 13 JAN 16 and adjourns 31 MAY 16.

PROPOSED LEGISLATION

[HB 4466](#) ADDITIONAL APPROPRIATIONS FOR UST PROGRAM HB 4466 appropriates money from the Underground Storage Tank (UST) Fund to the Illinois Environmental Protection Agency (IEPA). The money is to be used for case processing of leaking UST permit and claims appeals, contracts for site remediation, and reimbursements to eligible owners/operators of leaking USTs. The bill also appropriates money from USEPA Fund to IEPA for the UST program. The bill was referred to the Rules Committee.

PROPOSED RULES

AMENDMENTS TO AIR QUALITY STANDARDS The Illinois Pollution Control Board (IPCB) has [proposed](#) amendments to 35 Ill. Adm. Code 243, *Air Quality Standards*. The amendments update the state ambient air quality requirements to correspond with amendments to the federal NAAQS that USEPA adopted during the period 1 JAN 15 through 30 JUN 15. The proposal also includes later USEPA amendments adopted on 26 AUG 15, 26 OCT 15, and 19 NOV 15. A public hearing is scheduled for 18 FEB 16 and comments are due the same day.

PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL The Illinois Emergency Management Agency (IEMA) has [proposed](#) a new regulation at 32 Ill. Adm. Code 337, *Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material*. Post 11 SEP 01, the U.S. Nuclear Regulatory Commission's (USNRC) and IEMA issued a combination of legally binding orders and license amendments to radioactive material licensees to ensure that radioactive materials were protected from criminal activities. The new regulation codifies these previous measures and formally establishes security requirements for licensees that use and/or transport category 1 and 2 quantities of radioactive material. Comments are due by 18 FEB 16.



Legislature convened 5 JAN 16 and adjourns sine die 14 MAR 16.

PROPOSED LEGISLATION

HB 1299 VOLUNTARY REMEDIATION PROGRAM HB 1299 revises the law concerning voluntary remediation of hazardous substances and petroleum. The bill: (1) authorizes the Indiana Department of Environmental Management (IDEM) to reject an application for participation in the Voluntary Remediation Program under certain circumstances; (2) establishes requirements and deadlines for voluntary remediation investigation plans and voluntary remediation work plans; (3) outlines requirements for voluntary remediation agreements between IDEM and applicants; (4) recognizes circumstances under which the IDEM commissioner can terminate an applicant's participation in the program; and (5) states that a civil or administrative action against an applicant is not barred after the applicant and IDEM enter into a voluntary remediation agreement. The bill has passed the House and was referred to the Senate.

HB 1300 ENVIRONMENTAL MANAGEMENT MATTERS HB 1300 amends multiple environmental regulations at Indiana Code (IC) Title 13, *Environment*. The amendments update regulations governing: (1) definitions; (2) powers and duties of IDEM and boards; (3) water pollution control; (4) solid waste management; (5) regional water, sewage, and solid waste districts; and (6) enforcement and legal actions. Specifically, the bill deals with the requirement to promulgate rules concerning land application of solid waste and industrial waste products, NPDES permit application requirements, and annual reporting requirements for IDEM concerning electronic waste and recycling. The bill passed the House and was referred to the Senate.

HB 1368 REPEAL OF INDIANA OCCUPATIONAL SAFETY AND HEALTH ACT HB 1368 repeals, effective 1 JAN 17, the Indiana Occupational Safety and Health Act (IOSHA), except for provisions concerning the INSafe program. The bill also states that the powers and duties of the Indiana Department of labor under IOSHA (except for those concerning the INSafe program) will be assumed by the U.S. Department of Labor. The bill was referred to the Government and Regulatory Reform Committee.



Legislature convened 13 JAN 16 and adjourns 31 DEC 16.

PROPOSED LEGISLATION

SB 717 AMENDMENTS REGULATIONS FOR LEAKING USTs SB 717 amends Part 213, *Leaking Underground Storage Tanks*, of the Natural Resources and Environmental Protection Act. The amendments include: (1) excusing a property owner or operator from compliance with a 45-day deadline for conducting a baseline environmental assessment, required for an exemption from liability for a release, if the Michigan Department of Environmental Quality (MDEQ) determined that the failure to comply was inconsequential; (2) providing that, if a closure report relied on an alternate mechanism and the conditions of that mechanism were changed in the future, the owner or operator would be liable for additional corrective action activities necessary to address any increased risk of exposure to contamination; and (3) requiring a qualified UST consultant to have experience with the American Society for Testing and Materials Standard Guide for risk-based corrective action applied at petroleum release sites. The bill was referred to the Natural Resources Committee.



Legislature convened 8 MAR 16 and adjourned sine die 23 MAY 16.

FINAL RULES

UPDATE TO OCCUPATIONAL SAFETY AND HEALTH STANDARDS The Minnesota Department of Labor and Industry's, Occupational Safety and Health Division has [adopted](#) revisions to the occupational safety and health standards. The revisions adopt the 4 MAY 15 federal Occupational Safety and Health Administration (OSHA) final rule, *Confined Spaces in Construction* ([80 FR 25365](#)). The revisions also update a National Fire Protection Association (NFPA) reference that occurs in *Minnesota Rules* 5205.0030, 5207.0100, and 5207.1000. A notice of the proposed revisions was published in the [November 2015 Northern Review](#). The revisions became effective on 11 JAN 16.



Legislature convened 20 JAN 16 and adjourns 16 DEC 16.

PROPOSED RULES

ADOPTION OF FEDERAL REVISED TOTAL COLIFORM RULE The Ohio Environmental Protection Agency's (OEPA) Division of Drinking and Ground Waters (DDAGW) has [proposed](#) new and amended rules in Chapters 3745-81 and 3745-96 of the Ohio Administrative Code (OAC). The new and amended content of these rules adopt relevant portions of USEPA's Revised Total Coliform Rule (RTCR) under the Safe Drinking Water Act (SDWA). The proposed new rules and amendments are, in part, a result of the state five-year rule review requirements and are also needed to maintain primary enforcement authority for SDWA. A public hearing is scheduled for 18 FEB 16 and comments are due the same day.

OTHER REGULATORY ACTIVITY

REGIONAL HAZE FIVE-YEAR PROGRESS REPORT OEPA has [announced](#) its submission of the *Ohio Regional Haze Five-year Progress Report* to USEPA. The report was submitted in accordance with the federal Regional Haze Rule requirements. The report discusses the progress that is being made and the adequacy of the Ohio Regional Haze SIP in reducing Ohio's impact on neighboring Class I areas. OEPA believes that the current SIP continues to be sufficient and has submitted a negative declaration to USEPA that further revision of the existing SIP is not needed at this time. A public hearing is scheduled for 25 FEB 16 and comments are due the same day.



Legislature convened 12 JAN 16 and adjourns 7 APR 16.

FEDERAL ACTIVITY

SIP REVISIONS CONCERNING STATE BOARD REQUIREMENTS USEPA has issued a final rule approving SIP revisions submitted by the state of Wisconsin regarding the state board requirements under CAA section 128 ([81 FR 3334](#)). USEPA has also approved elements of the SIP revisions regarding infrastructure requirements of section 110, relating to state boards for the 1997 ozone, 1997 PM_{2.5}, 2006 PM_{2.5}, 2008 lead, 2008 ozone, 2010 nitrogen dioxide (NO₂), and 2010 sulfur dioxide (SO₂) NAAQS. This final rule becomes effective on 22 FEB 16.

PROPOSED LEGISLATION

[AB 327](#) UPDATE TO DEFINITION OF HIGH CAPACITY WELL AB 327 revises the definition of a “high capacity well” to remove wells of any capacity used primarily for fire protection purposes or used primarily to provide water to a single family or multifamily residence. These residential and fire protection wells would no longer be subject to water use reporting requirements, the initial \$500 application review fee, or an annual \$125 water use fee. The bill was referred to the Rules Committee.

[AB 637](#) ([SB 469](#)) CONTROL OF NON-POINT SOURCE WATER POLLUTION IN CERTAIN AREAS WITH CARBONATE BEDROCK AB 637 requires the Wisconsin Department of Natural Resources (WDNR), in consultation with the Department of Agriculture, Trade and Consumer Protection (DATCP), to promulgate rules that limit pollution of groundwater caused by the spreading of waste on land. Under the bill, the rules apply to certain areas with carbonate bedrock that are susceptible to groundwater contamination caused by the spreading of waste and that are not sufficiently protected by the current rules concerning nonpoint source water pollution. The bill also requires WDNR to identify areas in the state that exhibit these specific carbonate bedrock characteristics. The bill was referred to the Environment and Forestry Committee.

[AB 701](#) ([SB 545](#)) REQUIREMENTS FOR RESIDUAL CONTAMINATION AFTER CLEANUP AB 701 changes the requirements that apply if residual contamination remains on a property after a hazardous substance cleanup is completed. The bill also creates requirements for obtaining a liability exemption relating to contaminated sediment. The bill was referred to the Rules Committee.

[AB 735](#) ([SB 567](#)) REVIEW OF WATER QUALITY STANDARDS AND VARIANCES AB 735 requires WDNR to conduct regular reviews of water quality standards and variances to water quality standards. Specifically, the bill requires WDNR to review: (1) water quality standards and variances every three years; and (2) interim effluent limitations under the statewide phosphorus variance every five years. WDNR must determine whether the standards and variances should be modified or new standards and variances should be adopted. The bill also establishes public hearing requirements that must be met during the review process. The bill was referred to the Rules Committee.

PROPOSED RULES

REVISIONS TO HAZARDOUS WASTE MANAGEMENT REGULATIONS WDNR has [proposed](#) revisions to the hazardous waste management regulations at chapters NR 660 - 666, 668, 670, 673, and 679. The amendments update and correct current rules that regulate the generation, transportation, recycling, treatment, storage, and disposal of hazardous waste, universal waste, and used oil. The revisions adopt changes to federal hazardous waste regulations promulgated by USEPA between 2002 and 2006. Two USEPA rules included in this package were promulgated after 2006; one affecting academic labs and the other affecting generators of solvent-contaminated wipes. The revisions are necessary to maintain authorization to administer the federal hazardous waste program in Wisconsin. The comment period closed on 1 FEB 16.

Department of Defense Activity

MICHAEL F. MCGHEE TO LEAD DOD'S OFFICE OF ENERGY INITIATIVES' RENEWABLE ENERGY EFFORTS The Assistant Secretary of the Army for Installations, Energy and Environment, the Honorable Katherine Hammack, [announced](#) Mr. Michael McGhee as the new executive director of the U.S. Army Office of Energy Initiatives ([OEI](#)). McGhee previously served as the Acting Deputy Assistant Secretary (DAS) of the Air Force for Energy, Environment, Safety and Occupational Health (EESOH) for two years and was the Principal Director for Policy to the DAS-EESOH in the Pentagon for the past 10 years.

CHEMICAL AGENT SECURITY DOD has reissued Department of Defense Instruction (DODI) [5210.65](#), *Security Standards for Safeguarding Chemical Agents*. The DODI establishes policy, assigns responsibilities, and provides procedures for execution of the DOD Chemical Agent Security Program and the physical security, information security, and personnel reliability for Schedule 1 chemicals (i.e., chemical agents) in DOD possession. The DODI applies to the: (1) Office of the Secretary of Defense; (2) Military Departments; (3) Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff; (4) Combatant Commands; (5) Office of the Inspector General of the DOD; (6) Defense Agencies; (7) DOD Field Activities; and (8) all other organizational entities within the DOD that possess chemical agents used for research, medical, pharmaceutical, training, or protective purposes. It does not apply to recovered chemical warfare materiel or chemical agent samples, wastes, or material recovered from former destruction, storage, or production facilities. The DODI became effective on 19 JAN 16.

DOD DIRECTIVE 4715.21 - CLIMATE CHANGE ADAPTATION AND RESILIENCE DOD (Under Secretary of Defense for Acquisition, Technology, and Logistics) has issued [DOD Directive 4715.21](#), *Climate Change Adaptation and Resilience*. The policy section states that DOD must be able to adapt to current and future operations and address the impacts of climate change in order to maintain an effective and efficient U.S. military. Mission planning and execution must include: (1) identification and assessment of the effects of climate change on the DOD mission; (2) taking those effects into consideration when developing plans and implementing procedures; and (3) anticipating and managing any risks that develop as a result of climate change to build resilience. The directive also identifies roles and responsibilities.

STRATEGIC SUSTAINABILITY PERFORMANCE PLAN UPDATE DOD has released the [FY 2015 update](#) to its Strategic Sustainability Performance Plan, which was first released in [2010](#). The update establishes how DOD will advance its mission by ensuring the longevity of critical resources; minimizing long-term costs; addressing environmental, safety, and occupational health considerations; and advancing technologies and practices that further the department's sustainability goals through 2025 and beyond.

Federal Activity

AIR

INTEGRATED SCIENCE ASSESSMENT FOR NITROGEN OXIDES: HEALTH CRITERIA USEPA has released the final [Integrated Science Assessment for Oxides of Nitrogen-Health Criteria](#) ([81 FR 4910](#)). The document was prepared as part of the review of the primary (health-based) NAAQS for NO₂. The agency is developing a separate assessment and conducting a separate review for the secondary (welfare-based) NAAQS for NO₂, in conjunction with a review of the secondary NAAQS for SO₂. For more information, click [here](#).

CLIMATE CHANGE

GHG REPORTING RULE USEPA has issued a proposed rule amending the Greenhouse Gas (GHG) Reporting rule ([81 FR 2535](#)). The amendments streamline and improve rule implementation, improve the quality and consistency of data collected under the rule, and clarify or provide minor updates to certain provisions that have been the subject of questions from reporting entities. Comments are due 29 FEB 16.

ENERGY

SUPREME COURT VALIDATES DEMAND RESPONSE ENERGY MARKET On 26 JAN 16, the Supreme Court issued a ruling in the case, [FERC v. Electric Power Supply Association](#). The opinion states that demand response can participate in wholesale electricity markets, based on rules structured by the Federal Energy Regulatory Commission (FERC). Demand response is a loosely defined term that describes any way of deploying timely reductions in energy demand in response to changing grid conditions. In unregulated energy markets, companies that organize these reductions are called "demand response aggregators." They are like power generators, only they sell not-power, or "negawatts." The [ruling](#) is expected to give demand response support, which in turn is expected to reduce carbon emissions and the price of electricity.

AUTOMOTIVE ALTERNATIVE FUEL RATINGS, CERTIFICATION, AND DISPENSER LABELING The Federal Trade Commission (FTC) has issued a final rule adopting rating, certification, and labeling requirements for certain ethanol-gasoline blends ([81 FR 2053](#)). The amendments require that entities rate all ethanol fuels to provide useful information to consumers about ethanol concentration and suitability for their cars and engines. Retailers must post such information on fuel dispensers. The final rule also specifies exact fuel dispenser label requirements, dependent on the amount of ethanol present in the fuel being dispensed. The final rule becomes effective on 14 JUL 16.

NATURAL RESOURCES

NATIONAL COASTAL CONDITION ASSESSMENT USEPA has released the final [National Coastal Condition Assessment 2010](#) ([81 FR 3409](#)). The assessment describes the results of a nationwide coastal probabilistic survey that was conducted in the summer of 2010 by USEPA and its state, tribal, and federal partners. Results include estimates of coastal area with good, fair, and poor biological quality, water quality, sediment quality, and ecological fish tissue quality. Results are presented nationally and regionally for the Northeast, Southeast, Gulf of Mexico, West, and Great Lakes coasts.

NORTHERN LONG-EARED BAT CONSERVATION USFWS has issued a final rule that establishes necessary measures to provide for the conservation of the northern long-eared bat ([81 FR 1900](#)). The rule prohibits purposeful take of northern long-eared bats throughout the species' range, except in instances of removal of the bats from human structures, defense of human life (including public health monitoring), removal of hazardous trees for protection of human life and property, and authorized capture and handling of northern long-eared bats by individuals by permit. The northern long-eared bat ranges from Alaska down to northern Florida, but is absent from western United States. The final rule becomes effective on 16 FEB 16.

ALL SALAMANDERS ADDED TO LIST OF INJURIOUS AMPHIBIANS USFWS has issued an interim rule adding all 201 species of salamanders to the list of injurious amphibians ([81 FR 1534](#)). The interim rule prohibits, except by permit, both the importation into the U.S. and the interstate transportation of any live or dead specimen of the 20 genera of salamanders. The rule will protect against the establishment and spread of the chytrid fungus into ecosystems of the United States. The interim rule became effective on 28 JAN 16.

STATUS REVIEWS FOR 11 SPECIES In response to petitions to list, reclassify, or delist certain species, USFWS has announced it will conduct status reviews for 11 species ([81 FR 1368](#)). The species under review are: (1) four species of skink in the Virgin Islands; (2) three species of skink from Puerto Rico; (3) Great Basin silverspot butterfly in New

Mexico; (4) Narrow-foot diving beetle in Wyoming; (5) Scotts beetle in Kansas; and (6) Northern Rockies population of fisher. Skinks are rare lizards that are on the edge of extinction due to introduced predators and habitat destruction.

WHITE TIPPED SHARK The National Marine Fisheries Service (NMFS) has announced that it will conduct a status review of the oceanic [white-tipped shark](#) to determine if listing is warranted ([81 FR 1376](#)). The shark is a large, highly migratory oceanic species of shark, and is one of the most widespread shark, found throughout the world in epipelagic tropical and subtropical waters. In the Western Atlantic, oceanic whitetips occur from Maine to Argentina, including the Caribbean and Gulf of Mexico. Oceanic whitetips are also found throughout the western, central, and eastern Pacific.

NORTH ATLANTIC RIGHT WHALE NMFS has issued a final rule expanding critical habitat for the endangered [North Atlantic right whales](#) to cover its northeast feeding areas in the Gulf of Maine/Georges Bank region and southeast calving grounds from North Carolina to Florida ([81 FR 4837](#)). The final rule does not exclude any particular area from the final critical habitat. For more information, click [here](#). To view a report prepared under Endangered Species Act (ESA) Section 4(b)(2), click [here](#).

HAZARDOUS MATERIALS

SAFE TRANSPORTATION OF BULK EXPLOSIVES The U.S. Department of Transportation has issued a final rule amending the Hazardous Materials Regulations ([80 FR 79423](#)). The amendments establish standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for commercial blasting operations. The final rule became effective on 20 JAN 16.

PESTICIDES

IMIDACLOPRID: DRAFT POLLINATOR ECOLOGICAL RISK ASSESSMENT USEPA [announced](#) the availability of its draft pollinator-only ecological risk assessment for the registration review of the neonicotinoid pesticide imidacloprid ([81 FR 2212](#)). As part of the registration review process, USEPA completed a comprehensive draft pollinator-only ecological risk assessment for all registered agricultural uses of imidacloprid, with focus on agricultural crops that are attractive to pollinators.

TOXICS

2014 TOXIC RELEASE INVENTORY USEPA has posted the [2014 Toxic Release Inventory \(TRI\) Data](#) online. The data show a six percent decrease in total disposal or other releases to the environment from 2013 to 2014. Air releases from industrial facilities decreased by four percent during this period, mainly due to decreases from chemical manufacturing facilities and electric utilities. To view a press release about the inventory report, click [here](#).

LEAD PAINT TEST KITS USEPA has requested comment on lead test kits and other field testing options to determine the absence of lead-based paint by virtue of a negative result ([80 FR 79335](#)). The 2008 Lead Renovation, Repair, and Painting rule (RRP) established negative response and positive response criteria for lead test kits recognized by USEPA. No lead test kit has been developed that meets the positive response criterion.

SELECT AGENTS AND TOXINS - BIENNIAL REVIEW OF LISTS The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) has issued a proposed rule to amend and republish the list of select agents and toxins that have the potential to pose a severe threat to animal or plant health or animal or plant products ([81 FR 2762](#)). The amendments delete five agents, add additional biocontainment and biosafety language, and add definitions for inactivation and kill curve. Separately, the Health and Human Services, Centers for Disease Control and Prevention has also proposed to add definitions for inactivation and kill curve, and to delete six agents from the list of agents that pose a threat to public health and safety ([81 FR 2805](#)). Some agents overlap between the two lists. In the proposed

language, select agents can include waste generated during the delivery of patient care of a patient infected with a select agent.

FOOD WRAPPER CHEMICALS BANNED The U.S. Food and Drug Administration (FDA) has issued a final rule that no longer allows three specific perfluoroalkyl ethyl substances on food wrappers ([81 FR 5](#)). The rulemaking was in response to a petition. The final rule became effective on 4 JAN 16.

GUIDELINES FOR HUMAN EXPOSURE ASSESSMENT USEPA has released draft updates to the [Guidelines for Human Exposure Assessment](#) ([81 FR 774](#)). The current guidance document was published in 1992. Since its publication, the field of exposure science has undergone significant transformation in methods and approaches, which USEPA has incorporated into its policies and practices to better align with the current state-of-the-science.

WATER

DRINKING WATER CONTAMINANT CANDIDATE LIST - USEPA CONSIDERING WHETHER TO REGULATE STRONTIUM USEPA has issued final regulatory determinations not to issue national primary drinking water regulations for four of the 116 contaminants listed on the Third Contaminant Candidate List ([81 FR 13](#)). The four contaminants are: dimethoate; 1,3-dinitrobenzene; terbufos; and terbufos sulfone. However, USEPA has decided to delay issuing a final regulatory determination on strontium. USEPA is considering whether to begin the process to propose and promulgate a national primary drinking water regulation for the unregulated contaminant strontium.

OBAMA VETOES RESOLUTION SEEKING TO OVERTURN CLEAN WATER RULE President Obama has [vetoed](#) a congressional resolution that would have overturned the USEPA/USACE Clean Water Rule (definition of Waters of the United States).

PUBLIC-PRIVATE INNOVATION STRATEGY TO BUILD A SUSTAINABLE WATER FUTURE The Obama Administration has [announced](#) a new public-private water innovation strategy. This strategy includes an aggressive two-part approach led by federal agencies to address the impacts of climate change on the use and supply of the nation's water resources and calls on private sector and other stakeholder groups to help significantly scale up research and investment in water efficiency solutions. To kick-start the strategy, the administration: (1) released a [new report](#) that lays out the water innovation strategy in greater detail and proposes strategies for addressing challenges in the decades ahead; (2) launched a new [Center for Natural Resources Investment](#) at the U.S. Department of the Interior (DOI); and (3) launched a [new tool](#) at DOI to shed light on the ongoing drought in the Colorado River basin.

NPDES MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERAL PERMIT REMAND USEPA has issued a proposed rule to change the regulations governing small MS4 permits in response to a remand from the U.S. Court of Appeals for the Ninth Circuit ([81 FR 415](#)). The court determined that the regulations for providing coverage under small MS4 GPs did not provide for adequate public notice. Additionally, the court found that USEPA failed to require permitting authority review of BMPs to be used at a particular MS4 to ensure that the small MS4 permittee reduces pollutants in the discharge from their systems to the "maximum extent practicable" as required by the Clean Water Act. The proposed rule revises the small MS4 regulations to ensure that the permitting authority: (1) determines the adequacy of BMPs and other requirements; and (2) provides public notice and the opportunity to request a public hearing on the requirements for each MS4. The proposal does not establish any new substantive requirements for small MS4s.

PESTICIDE GENERAL PERMIT All 10 USEPA regions have proposed the draft 2016 NPDES Pesticide General Permit (PGP) ([81 FR 4289](#)). The draft PGP covers point source discharges from the application of pesticides to waters of the United States. Once finalized, the draft 2016 PGP will replace the existing permit that expires 31 OCT 16. The draft has the same conditions and requirements as the 2011 PGP. USEPA has proposed to issue the permit in all areas of the country where USEPA has the permitting authority. For more information, click [here](#).

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN USEPA has issued a proposed rule to revise the [National Oil and Hazardous Substances Pollution Contingency Plan \(81 FR 3982\)](#). The revisions align the plan with the U.S. Department of Homeland Security's (DHS) [National Response Framework](#) and [National Incident Management System](#). The revisions also update the descriptions of federal agency organizational structures and capabilities, and how they operate and recognize the establishment of DHS.

Professional Development

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

NATIONAL VENUES

7-10 MAR, PROVIDENCE, RI: [SUSTAINABLE WATER MANAGEMENT CONFERENCE](#) Hosted by the American Water Works Association, the conference presents solutions for balancing the benefits of conservation with costs, managing water resources, sustainable utilities and infrastructure, urban planning and design, energy efficiency, water conservation, stormwater and reuse.

8-10 MAR, BOSTON, MA: [BUILDINGENERGY BOSTON CONFERENCE AND TRADE SHOW](#) Hosted by the Northeast Sustainable Energy Association, the conference is a gathering for sustainable design, green building, and renewable energy professionals.

15-16 MAR, ARLINGTON, VA: [6TH DEFENSE RENEWABLES SUMMIT](#) The summit brings DOD, Air Force, Army and Navy decision-makers together with renewable energy developers, utilities, system integrators, financiers, cybersecurity, energy storage, smartgrid and telecom experts to meet the renewable energy goals and security needs of the DOD.

4-6 APR, BALTIMORE, MD: [EASTERN REGIONAL CLIMATE PREPAREDNESS CONFERENCE](#) Hosted by the Center for Climate Preparedness and Community Resilience, in partnership with USEPA, the conference is designed to build capacity for local decision makers from throughout the Eastern United States.

11-14 APR, CHICAGO, IL: [NATIONAL ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS ANNUAL CONFERENCE](#) The National Association of Environmental Professionals is hosting its annual conference and offering a wide variety of training classes and workshops.

17-22 APR, MINNEAPOLIS, MN: [INTERSTATE TECHNOLOGY & REGULATORY COUNCIL \(ITRC\) SPRING CONFERENCE](#) Save the date and stay tuned for details about the 2016 ITRC Annual Meeting.

20-22 APR, PHILADELPHIA, PA: [DESIGN & CONSTRUCTION ISSUES AT HAZARDOUS WASTE SITES SYMPOSIUM](#) The event is co-sponsored by the Society of American Military Engineers (SAME) and USEPA. The registration fee is waived for government employees.

20-25 AUG, INDIANAPOLIS, IN: [ANNUAL STORMWATER CONFERENCE \(STORM-CON\) AND EXPO](#) Annual surface water quality conference brings together public works directors, stormwater professionals, private sector, contractors, engineers, and government representatives. The multi-disciplinary conference is designed for all who have a stake in stormwater management, non-point source pollution, and urban water systems.

TRAINING - ONLINE

(NEW) REPI WEBINAR SERIES DOD's Readiness and Environmental Protection Integration (REPI) program [announced](#) a series of webinars scheduled for 2016. All webinars start at 1:00 p.m. Eastern, unless otherwise noted. For detailed webinar descriptions and connection instructions, including links to past webinars, visit www.REPI.mil.

2015 SMALL DRINKING WATER AND WASTEWATER SYSTEMS WEBINAR SERIES USEPA's Office of Research Development and Office of Water are hosting a monthly webinar series to communicate USEPA's current small systems research along with agency priorities. The site also includes an archive of past webinars.

ENERGY MANAGEMENT BASIC TRAINING- TOOLS AND RESOURCES FOR RESULTS This course provides 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 are 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.

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).

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.

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 cleanup projects. ITRC offers Internet-based training and hosts nationwide classroom training. Topics span the full spectrum of remediation and compliance 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 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. Webinars are offered every two weeks. Most webinars feature two 30-minute presentations and interactive question and answer sessions, on topics targeted for DOD and DOE 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.

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. 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.

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.

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 FY16 Course topics in the Navy and the ISEERB Environmental Training schedule 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 FY16 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.

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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 items 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, email [Leanne Dickens](#).