



# Northern Review

## of Legislative & Regulatory Actions

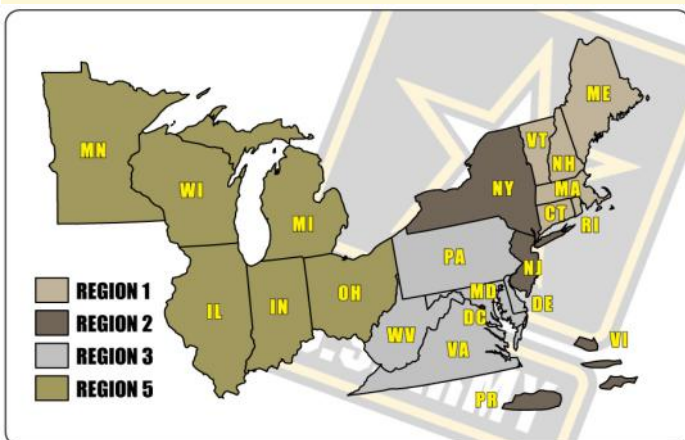


The U.S. Army Regional Environmental & Energy Office

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



## TABLE OF CONTENTS

Region 1 .....	2
Region 2 .....	6
Region 3 .....	7
Region 5 .....	12
DOD Activity .....	15
Federal Activity .....	15
Professional Development.....	19
Staff Directory .....	22

## WHAT'S IN THIS REVIEW?

### Region 1

In CT, final rule governing State I and State II Vapor Recovery. In ME, new law for retrofitting oil USTs and final stormwater management rule amendments. In NH, final legislation authorizing municipalities to regulate stormwater. In RI, new law amending the regulation of freshwater wetlands.

### Region 2

In NY, new law amending mold assessment and remediation specialists licensure requirements.

### Region 3

In DC, final amendments to water and sanitation rules. In MD, proposed amendments to water discharge limitations and permit regulations. In PA, final NPDES general permit for discharges from hydrostatic testing of tanks and pipelines and proposed rulemakings regarding the control of VOC emissions from multiple coating operations. In VA, finalized amendments to facility and AST regulations, daylighting of streams rules, and radiation protection regulations. In WV, emergency rule revising water quality standards for dissolved aluminum and selenium.

### Region 5

In IL, new laws governing the hazardous waste manifest requirements, mercury thermostat collection, and Exotic Weed Act; finalized amendments to water quality standards and radiation safety requirements. In MI, final revisions to emission limitation and prohibitions rules. In OH, final revisions to the Algal Bloom Response Strategy and proposed amendments to water use designations. In WI, new law eliminating construction permit requirements for stationary sources of GHG and final WPDES permit program revisions.

### DOD Activity

DOD and USFWS release guidance for streamlined review of INRMPS.

### Federal Activity

USEPA released *Report on the Environment* and finalized revisions to fuel UST regulations. USFWS announces it will conduct status reviews for 21 species.

# Region 1

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



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

## ***FEDERAL ACTIVITY***

**SIP REVISIONS REGARDING PSD AND NONATTAINMENT NEW SOURCE REVIEW** USEPA has issued a direct final rule to fully approve State Implementation Plan (SIP) revisions submitted by the state of Connecticut ([80 FR 43960](#)). The revisions relate to the regulation of fine particulate matter (PM<sub>2.5</sub>) emissions within the context of USEPA's Prevention of Significant Deterioration (PSD) regulations. USEPA has also approved clarifications to the applicability section of Connecticut's Nonattainment New Source Review (NNSR) regulations. These revisions will be part of Connecticut's major stationary source preconstruction permitting programs, and will align Connecticut's regulations with the federal PSD and NNSR regulations. Barring adverse comment, the direct final rule becomes effective on 22 SEP 15.

## ***FINAL RULES***

**DISPENSING OF GASOLINE/STAGE I AND STAGE II VAPOR RECOVERY** The Connecticut Department of Energy & Environmental Protection (CDEEP) has [adopted](#) a rule to amend, implement, and repeal certain regulations concerning the control of air pollution during the transfer and dispensing of gasoline. In 2013, the state legislature mandated the decommissioning of existing Stage II vapor recovery equipment and prohibited the installation of new Stage II vapor recovery equipment at gasoline dispensing facilities. The adopted rule removes Stage II vapor recovery requirements from Regulations of Connecticut State Agencies (RCSA) section 22a-174-30 to reflect the current status of the state's vapor recovery program. The rule also consolidates Stage I vapor recovery requirements to make them consistent with the federal requirements. The adopted changes will be submitted to USEPA as a SIP revision. A notice of the proposed rule was published in the [July 2014 Northern Review](#). The rule became effective on 8 JUL 15.

## ***OTHER REGULATORY ACTIVITY***

**SURVEY FOR ENVIRONMENTAL USE RESTRICTIONS - DRAFT DISCUSSION DOCUMENT** CDEEP has [requested comment](#) on a draft discussion document regarding surveys for environmental use restrictions. CDEEP is developing public discussion drafts of ideas for potential future regulatory amendments or new provisions, to accomplish the remediation of areas where hazardous substances have been released. The public discussion drafts provide more detail to the concepts set forth in the November 2012 cleanup transformation workgroup reports and the February 2013 cleanup transformation draft report. Comments are due by 30 OCT 15.



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

**FINAL LEGISLATION**

**LD 727 RETROFIT OF UNDERGROUND OIL STORAGE TANKS** LD 727 (Public Act: 361) requires the Maine Department of Environmental Protection’s (MDEP) Board of Environmental Protection to promulgate rules allowing people to retrofit single-walled underground oil storage tanks. The bill also requires site assessments when a tank is retrofitted in a certain manner. The bill became law without the governor’s signature and becomes effective on 15 OCT 15.

**FINAL RULES**

**AMENDMENTS TO STORMWATER MANAGEMENT RULE** MDEP has [adopted](#) amendments to Chapter 500, *Stormwater Management Rule*. The amendments provide greater flexibility and encourage the use of innovative stormwater designs that accommodate measures for addressing climate change, resiliency, and infrastructure adaptation. The amendments include: (1) revised treatment levels in the general standards that provide additional stormwater treatment options where the standard treatment requirements are impractical; (2) new voluntary Low Impact Development (LID) credit that reduces the volume of stormwater that must be treated if an applicant uses LID techniques; (3) new scaled treatment requirements for redevelopment projects; and (4) updated basic performance standard appendices that reflect current stormwater best management practices (BMPs). MDEP also adopted a number of minor revisions that provide clarity and consistency with other MDEP rules. The amendments became effective on 12 AUG 15.

**AMENDMENTS TO SURFACE COATING FACILITIES** MDEP has [adopted](#) amendments to Chapter 129, *Surface Coating Facilities*. The amendments are based on USEPA Control Technique Guidelines (CTGs) and expand the types of coating operations regulated by Chapter 129 to include miscellaneous plastic parts and products. The amendments also provide for five major surface coating categories with numerous subcategories in each to further identify which coatings are subject to a specific emission limit. The emission limits are achieved by using low-volatile organic compound (VOC) coatings and add-on controls either alone or in combination. The amendments will be submitted to USEPA as a SIP revision. A notice of the proposed rule was published in the [February 2015 Northern Review](#). The amendments became effective on 7 JUL 15.

**PROPOSED RULES**

**TRIENNIAL UPDATE OF CHEMICALS OF HIGH CONCERN LIST** MDEP has [proposed](#) updates to the [Chemicals of High Concern list](#), published July 2012. MDEP is required to review and update, if needed, the list every three years. The update includes the removal of chemicals that have been designated as priority, and those that no longer meet the criteria established in statute for inclusion on the list. Comments are due by 28 AUG 15.

**OTHER REGULATORY ACTIVITY**

**DRAFT AIR EMISSION LICENSING PROGRAM AND RULE REVISIONS** MDEP has [released](#) preliminary draft revisions to the regulations in Chapters 100, 113, 115, and 140. The revisions would closely align Maine’s air emission licensing program and rules with USEPA’s New Source Review (NSR) program. USEPA has made changes to its NSR and Title V operating permit programs. Although MDEP has incorporated a number of these changes in past rulemakings, the department has drafted a comprehensive update that will incorporate the outstanding federal elements, and restructure MDEP’s air emission licensing rules to provide greater clarity and ease of use. Comments are due by 28 AUG 15.



Legislature convened 7 JAN 15 and adjourns 18 NOV 15.

**PROPOSED LEGISLATION**

**SB 1979 CLIMATE CHANGE COMPREHENSIVE ADAPTATION MANAGEMENT PLAN** SB 1979 requires the state Secretary of Energy and Environmental Affairs and the Secretary of Public Safety and Security, in consultation with other specified participants, to establish a comprehensive adaptation management plan in response to climate change. The plan should encourage and provide guidance to state agencies, state authorities, and regional planning agencies to proactively address the consequences of climate change. The plan should also provide a process for local and regional climate vulnerability assessment and adaptation strategy development. The bill requires that the plan be updated at least once every 10 years. The bill has passed the Senate and was referred to the House Ways and Means Committee.

**OTHER REGULATORY ACTIVITY**

**DRAFT MASSACHUSETTS 2015 AIR MONITORING NETWORK PLAN** The Massachusetts Department of Environmental Protection (MassDEP) has prepared a [Draft Massachusetts 2015 Air Monitoring Network Plan](#). Each year, MassDEP is required to submit a network plan to USEPA for review and approval. The draft plan reviews MassDEP’s ambient air monitoring network to determine that certain federal requirements are met; describes which pollutants and other parameters are measured at the various ambient air monitoring stations; and discusses recent and planned changes to the network. The comment period closed on 7 AUG 15.



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

**FEDERAL ACTIVITY**

**SIP REVISIONS CONCERNING INFRASTRUCTURE REQUIREMENTS** USEPA has issued a proposed rule to approve specific elements of SIP revisions submitted by the state of New Hampshire ([80 FR 42446](#)). The revisions address infrastructure requirements of the Clean Air Act (CAA) for the 2008 lead, 2008 8-hour ozone, 2010 nitrogen dioxide (NO<sub>2</sub>), and 2010 sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). USEPA has also proposed to: (1) convert conditional approvals for several infrastructure requirements for the 1997 and 2006 PM<sub>2.5</sub> NAAQS to full approval; (2) update the classifications for several New Hampshire air quality control regions for ozone and SO<sub>2</sub> based on recent air quality monitoring data collected by the state, and grant an exemption from the infrastructure SIP contingency plan obligation for ozone; and (3) conditionally approve certain elements of New Hampshire's revisions related to PSD requirements. Comments are due by 17 AUG 15.

**FINAL LEGISLATION**

**HB 364 FEES FOR SALT APPLICATOR CERTIFICATION PROGRAM AND PESTICIDE PRODUCT REGISTRATION** HB 364 (Public Act: 022) amends the regulations related to renewal fees administered by the Office of Professional licensing, the Salt Applicator Certification Program, and the pesticide product registration requirements. The bill: (1) authorizes the commissioner of the New Hampshire Department of Environmental Services (NHDES) to adopt rules that establish fees to cover the cost of the salt applicator certification program; (2) establishes a salt application fund; and (3) requires all fees collected to be deposited in the salt application fund. The bill also requires fees for pesticide product registration to be adopted by administrative rule and increases the percentage of such fees to be deposited into the integrated pest management fund. The bill was signed by the governor on 13 JUL 15 and retroactively became effective on 1 JUL 15.

**SB 97 AUTHORIZATION FOR MUNICIPALITIES TO REGULATE STORMWATER** SB 97 (Public Act: 0247) authorizes municipalities to regulate stormwater in order to comply with federal and state laws and regulations. The bill also authorizes planning boards to advise governing bodies as to whether proposed ordinances and bylaws regarding the maintenance and operation of stormwater systems comply with the master plan. A notice of the bill's Senate passage was published in the [February 2015 Northern Review](#). The bill was signed by the governor on 13 JUL 15 and becomes effective on 11 SEP 15.

## ***FINAL RULES***

**OWNER OR OPERATOR RECORDKEEPING AND REPORTING OBLIGATIONS FOR CERTAIN AIR EMISSIONS** NHDES has [readopted](#), with amendments, the rules at Env-A 900, *Owner or Operator Recordkeeping and Reporting Obligations*. The rules establish recordkeeping and reporting requirements for owners of stationary sources, area sources, and devices that are regulated under RSA 125-C and/or RSA 125-I. The amendments: (1) clarify existing requirements; (2) require identification of submitted reports; (3) reduce pollutants that must be tracked and reported for certain sources; (4) remove the requirement for Title V sources to report actual emissions and pay emissions fees from insignificant activities; (5) remove the automatic annual reporting requirement for sources subject to VOC reasonably available control technology (RACT); and (6) add a requirement for sources to maintain records of all parameter excursions and report all excursions that are not corrected within 48 hours. A notice of the proposed readoption was published in the [May 2015 Northern Review](#). The readoption became effective on 18 JUL 15.

## ***PROPOSED RULES***

**GROUNDWATER DISCHARGE PERMITS AND REGISTRATIONS** NHDES has [proposed](#) to readopt, with amendments, existing rules at Env-Wq 402, *Groundwater Discharge Permit and Registration*. The rules establish standards, criteria, and procedures for groundwater discharge permits, groundwater discharge registrations, and holding tank registrations to prevent pollution and protect groundwater. The amendments include: (1) clarification of language and structure of the existing rules; (2) requirement for applications to depict the boundary of the 100-year flood zone and identify the 100-year base flood elevation; (3) requirement for new and renewal applications to submit a vulnerability assessment for potential impacts from natural hazards; and (4) modification to the time period in which a renewal application must be filed. The rules were scheduled to expire on 26 JUL 15, but they will remain in effect throughout the rulemaking process. A public hearing is scheduled for 24 AUG 15 and comments are due by 4 SEP 15.



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

## ***FEDERAL ACTIVITY***

**RACT REQUIREMENTS FOR VOC SOURCES FROM ADHESIVES AND SEALANTS** USEPA has issued a direct final rule approving a SIP revision submitted by the state of Rhode Island ([80 FR 43628](#)). The revision includes a state adopted regulation that establishes and requires RACT for VOC sources of emissions from miscellaneous adhesives and sealants. Barring adverse comment, the direct final rule becomes effective on 21 SEP 15.

## ***FINAL LEGISLATION***

**HB 5479 (SB 208) EXTENSION OF PERMANENT AIR QUALITY MONITORING ACT** HB 5479 (Public Act: 245) extends the sunset provision of the Permanent Air Quality Monitoring Act until 31 JUL 17. The bill allows the continuation of air monitoring required in this act. A notice of the bill's House passage was published in the [April 2015 Northern Review](#). The bill became effective without the governor's signature on 15 JUL 15.

**SB 737 REGULATION OF FRESHWATER WETLANDS** SB 737 (Public Act: 218) amends certain general law provisions relative to the regulation of freshwater wetlands. The bill establishes state standards for freshwater buffers and setbacks to be promulgated by the Rhode Island Department of Environmental Management and the Coastal Resources Management Council. A notice of the bill's introduction was published in the [April 2015 Northern Review](#). The bill was signed by the governor on 10 JUL 15 and became effective upon signature.



**Legislature convened 7 JAN 15 and adjourned sine die 16 MAY 15.**

### ***FEDERAL ACTIVITY***

**APPROVAL OF ELECTRONIC REPORTING FOR SPECIFIC USEPA-AUTHORIZED STATE PROGRAMS** USEPA has issued a notice approving the state of Vermont's request to revise specific USEPA-authorized state programs to allow electronic reporting ([80 FR 42101](#)). The approval became effective on 16 JUL 15.

## **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 7 JAN 15 and adjourned 25 JUN 15.**

### ***FEDERAL ACTIVITY***

**AIR QUALITY DESIGNATIONS FOR MULTIPLE NAAQS** USEPA has issued a final rule approving technical amendments that affect New York and West Virginia. The amendments address several minor errors in the regulatory text that established air quality designations for the 2006 24-hour PM2.5 NAAQS, 1997 annual PM2.5 NAAQS, and 1987 annual coarse particle (PM10) NAAQS ([80 FR 45067](#)). The final rule becomes effective on 28 AUG 15.

### ***FINAL LEGISLATION***

**AB 4759 (SB 3674) MOLD ASSESSMENT AND REMEDIATION SPECIALISTS LICENSURE REQUIREMENTS** AB 4759 (Public Act: 90) amends the labor law regarding the licensure of mold assessment and remediation specialists. The bill: (1) updates definitions; (2) sets minimum work standards for mold assessment and remediation specialists lists; (3) modifies the fees required to obtain a license for mold remediation or mold assessment; (4) allows for the modification of fees for mold remediation, mold assessment, and mold abatement; and (5) amends specified licensing requirement exemptions, to include property that is owned, managed, or remediated by a governmental unit or authority. The bill was signed by the governor on 25 JUL 15. It has multiple effective dates.



Legislature convened 14 JAN 13 and adjourns 31 DEC 16.

### ***FINAL LEGISLATION***

**RS 120 REPORT ON ENVIRONMENTAL CONCERNS AND THREATS TO NATURAL RESOURCES** RS 120 was introduced in 2013, requiring the Senate Committee on Natural and Environmental Resources to conduct research on various environmental problems and threats to the integrity of Puerto Rico’s natural resources; as well as energy production and transmission systems. The bill required the committee to submit a report outlining the findings. The first preliminary report was submitted to the legislature and approved on 13 APR 15.

## **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.



### ***FEDERAL ACTIVITY***

**2011 BASE YEAR EMISSIONS INVENTORIES FOR WASHINGTON DC-MD-VA NONATTAINMENT AREA** USEPA has issued a direct final rule approving the 2011 base year carbon monoxide (CO) emissions inventories submitted by the District of Columbia (DC), state of Maryland, and commonwealth of Virginia ([80 FR 43625](#)). The emissions inventories address the 2008 8-hour ozone NAAQS for the Washington, DC-MD-VA nonattainment area. Barring adverse comment, the direct final rule becomes effective on 21 SEP 15.



Legislature convened 1 JAN 15 and adjourns 31 DEC 15.

### ***FINAL RULES***

**AMENDMENTS TO WATER AND SANITATION REGULATIONS** The DC Water and Sewer Authority has [adopted](#) amendments to multiple sections of the water and sanitation regulations under Title 21 of the DC Municipal Regulations (DCMR). The amendments update the: (1) payment-in-lieu-of-taxes (PILOT) fee; (2) impervious surface area charge; (3) rates for water and sewer services; (4) customer assistance programs; and (5) water system replacement fee and relevant definitions. A notice of the proposed amendments was published in the [March 2015 Northern Review](#). The rule becomes effective on 1 OCT 15.

### ***PROPOSED RULES***

**NONROAD DIESEL EQUIPMENT ANTI-IDLING AMENDMENTS** The DC Department of the Environment (DDOE) has [proposed](#) amendments to DCMR Title 20 Chapter 9, *Air Quality – Motor Vehicular Pollutants, Lead, Odors, and Nuisance Pollutants*. The amendments reduce the time that certain nonroad diesel engines are allowed to idle to no more than three consecutive minutes. The amendments are modeled after a rule drafted by the Ozone Transport Commission (OTC). The amendments include an exemption for military equipment when it is being used during training exercises, and equipment used in emergency or public safety situations. Comments are due by 15 AUG 15.

**REVISIONS TO SULFUR CONTENT REQUIREMENTS FOR FUEL OIL** DDOE has [proposed](#) amendments to DCMR Title 20 Chapter 5, *Source Monitoring and Testing*, and Chapter 8, *Asbestos, Sulfur, Nitrogen Oxides and Lead*. The amendments reduce the sulfur content of commercially available "home heating" fuel oils used in oil-burning combustion units in DC. The amendments also ban the use of number five oil and heavier fuel oils, which are used in industrial, commercial, and institutional boilers. The amendments establish a timeline for the phase-out of specified fuels. The comment period closed on 2 AUG 15.



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

### ***FEDERAL ACTIVITY***

**SIP REVISION FOR MINOR NSR REQUIREMENTS** USEPA has issued a final rule approving a SIP revision submitted by the state of Maryland ([80 FR 38403](#)). The revision pertains to preconstruction permitting requirements under Maryland's minor NSR program. The final rule became effective on 5 AUG 15.

**SIP REVISION FOR MAJOR NONATTAINMENT NSR PROGRAM REQUIREMENTS** USEPA has issued a final rule approving a SIP revision submitted by the state of Maryland ([80 FR 39968](#)). The revision pertains to Maryland's major nonattainment NSR program, notably preconstruction permitting requirements for sources of PM2.5. The final rule became effective on 12 AUG 15.

**SIP REVISIONS UPDATING LEV PROGRAM RULES** USEPA has issued a direct final rule approving two SIP revisions submitted by the state of Maryland ([80 FR 40917](#)). The revisions amend Maryland's Clean Car Program to incorporate updates that California has made to its Low Emission Vehicle (LEV) program rules. Barring adverse comment, the direct final rule becomes effective on 14 SEP 15.

**SIP REVISIONS REGARDING CTGS FOR MISCELLANEOUS METAL PARTS COATINGS** USEPA has issued a proposed rule to approve a SIP revision submitted by the state of Maryland ([80 FR 42459](#)). The revision includes amendments to Maryland's regulation for the control of VOC and meets the requirement to adopt RACT for sources covered by USEPA's CTG standards for coatings for metal furniture and miscellaneous metal parts. The amendments will reduce emissions of VOC from these source categories and help Maryland attain and maintain the ozone NAAQS. Comments are due by 17 AUG 15.

### ***PROPOSED RULES***

**AMENDMENTS TO DISCHARGE LIMITATIONS AND PERMIT REGULATIONS** The Maryland Department of the Environment (MDE) has [proposed](#) a rulemaking to amend regulations at COMAR 26.08.03, *Discharge Limitations*, and COMAR 26.08.04, *Permits*. The current regulations require a state discharge permit for discharges of water greater than 10,000 gallons per day regardless of whether there is a discharge of pollutants. The existing requirement is more stringent than federal requirements for discharges to waters of the U.S. The amendments allow for a determination of whether a discharge permit is required without imposing an arbitrary flow volume as a basis for making the determination. The comment period closed on 10 AUG 15.





Legislature convened 6 JAN 15 and adjourns 31 DEC 15.

**FEDERAL ACTIVITY**

**TITLE V OPERATING PERMIT PROGRAM REVISION** USEPA has issued a final rule approving a Title V Operating Permit Program revision submitted by the commonwealth of Pennsylvania ([80 FR 40922](#)). The revision amends the Title V fee program that funds the operating permit program. The revision increases Pennsylvania's annual emission fees to \$85 per ton of emissions for emissions from Title V sources of up to 4,000 tons of each regulated pollutant. The final rule became effective on 13 AUG 15.

**PROPOSED LEGISLATION**

**SB 307 USE OF INDEPENDENT COUNSEL FOR EQB MATTERS** SB 307 amends Administrative Code, Section 471, dealing with the Pennsylvania Environmental Quality Board (EQB). The bill adds a subsection that allows the board to have an independent counsel to assist in the review of proposed and final rulemakings, and all other matters before the board. All communication between the independent counsel and a board member or the board shall be considered privileged. The independent counsel will be appointed by the Pennsylvania Department of Environmental Protection (PADEP). The bill has passed the Senate and is under consideration in the House.

**FINAL RULES**

**NPDES GENERAL PERMIT FOR DISCHARGES FROM HYDROSTATIC TESTING OF TANKS AND PIPELINES** PADEP has [announced](#) the availability of the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10). PAG-10 provides coverage to those who conduct hydrostatic testing and discharge the testing water to waters of the commonwealth that are not considered high quality or exceptional value. The new PAG-10 differs from the previous permit in relation to the requirements for Notice of Intent (NOI), annual reporting, permit language, monitoring frequency, effluent limits, and submission of monitoring results. A notice of the draft permit was published in the [April 2015 Northern Review](#). The new PAG-10 permit became effective on 11 JUL 15.

**PROPOSED RULES**

**CONTROL OF VOC EMISSIONS FROM VEHICLE COATING OPERATIONS** The Pennsylvania EQB has [proposed](#) a rulemaking to adopt VOC emission limitations and requirements consistent with the standards and recommendations in the USEPA 2008 Automobile and Light-Duty Truck Assembly Coatings CTG. The rulemaking amends Chapter 129 by adding § 129.52e, which adopts RACT requirements and emission limitations for stationary sources of VOC emissions from automobile and light-duty truck assembly coating operations and heavier vehicle coating operations. The coating operations include primer, primer-surfacer, topcoat, and final repair coating materials, as well as additional coatings applied during the vehicle assembly process and related cleaning activities. Public hearings are scheduled for 8, 9, and 10 SEP 15 and comments are due by 13 OCT 15.

**CONTROL OF VOC EMISSIONS FROM MISCELLANEOUS METAL AND PLASTIC PARTS SURFACE COATING PROCESSES** The Pennsylvania EQB has [proposed](#) a rulemaking to amend Chapter 129 by adding § 129.52d, which adopts RACT requirements and RACT emission limitations for stationary sources of VOC emissions from miscellaneous metal parts surface coating processes and miscellaneous plastic parts surface coating processes. These processes include surface coating of automotive and transportation plastic parts, business machine plastic parts, pleasure craft, and bodies or body parts for new heavier vehicles. Public hearings are scheduled for 8, 9, and 10 SEP 15 and comments are due by 13 OCT 15.



Legislature convened 14 JAN 15 and adjourned 27 FEB 15.

**FEDERAL ACTIVITY**

**UPDATE OF DELEGATION OF AUTHORITY FOR NESHAP AND NSPS PROGRAMS** USEPA has issued a notice acknowledging the commonwealth of Virginia’s authority to implement and enforce National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) has been updated, as provided for under previously approved delegation mechanisms ([80 FR 38446](#)). USEPA sent a letter to the commonwealth on 7 MAY 15 acknowledging the update and this notice makes a copy of that letter publicly available.

**REVISION TO DEFINITION OF VOCs** USEPA has issued a direct final rule approving a SIP revision submitted by the commonwealth of Virginia ([80 FR 42044](#)). The revision adds two compounds to the list of substances not considered to be VOCs: (1) trans 1-chloro-3,3,3-trifluoroprop-1-ene; and (2) 2,3,3,3-tetrafluoropropene. Barring adverse comment, the direct final rule becomes effective on 14 SEP 15.

**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER 45: EXTENSION OF CLIMATE CHANGE AND RESILIENCY UPDATE COMMISSION** On 1 JUL 15, the governor of Virginia signed [Executive Order \(EO\) Number 45](#) to extend work of the Governor's Climate Change and Resiliency Update Commission. The Governor's Commission on Climate Change was initially established in 2008, and it issued a final report that outlined the impact that changing weather conditions have on Virginia's built environment, natural systems, and the health of its citizens. In 2014, the commission was convened again by EO 19 and tasked to review, update, and prioritize the recommendations of the 2008 report. EO 45 extends the commission’s work for an additional year. The commission is required to submit a report with its updated recommendations by 30 SEP 15.

**FINAL RULES**

**FACILITY AND ABOVEGROUND STORAGE TANK REGULATION** The Virginia Department of Environmental Quality (VDEQ) has [adopted](#) revisions to the facility and aboveground storage tank (AST) regulations at [9VAC25-91](#). The revisions clarify the applicability of the AST regulations and remove the requirement for registration fees to be paid. The pollution prevention requirement, Section 130, has been re-organized to make the regulations easier to understand. The revisions also incorporate new performance standards for certain ASTs located in the City of Fairfax as mandated by Chapter 884 of the 2011 Acts of Assembly. A notice of the proposed revisions was published in the [August 2013 Northern Review](#). The revisions become effective on 1 NOV 15.

**AMENDMENTS TO WIND PERMIT BY RULE REGULATIONS** VDEQ has issued a [fast-track regulation](#) to amend 9VAC15-40, *Small Renewable Energy Projects (Wind) Permit by Rule*. The amendments are a result of a periodic review and are required for consistency between the other permit by rule (PBR) regulations (solar and combustion). The technical changes to the wind PBR include: (1) adding language regarding payment of fees for small renewable wind energy projects; (2) clarification that wind projects fewer than five megawatts (MW) are considered covered by the wind PBR; and (3) update definitions and correct citations in the sections dealing with Internet resources and documents incorporated by reference. The fast-track regulation became effective on 15 JUL 15.

**AMENDMENTS TO ADDRESS DAYLIGHTING OF STREAMS** VDEQ has [adopted](#) amendments to 9VAC25-830, *Chesapeake Bay Preservation Area Designation and Management Regulations*. The amendments implement requirements of HB 2067, which was passed by the 2015 General Assembly, related to daylighting of streams. The new law requires the Virginia State Water Control Board (VSWCB), when developing the criteria for a Chesapeake Bay Preservation Act Resource Protection Area (RPA), to not make it mandatory for a daylighted stream to become an RPA. The bill requires any

locality that does not designate an RPA adjacent to a daylighted stream to use a water quality impact assessment to ensure that development adjacent to the stream does not result in stream degradation. The bill defines a daylighted stream as a stream that has been previously diverted into a culvert, pipe, or other underground drainage system and is redirected into an aboveground channel using natural channel design concepts. The amendments become effective on 26 AUG 15

**AMENDMENTS TO RADIATION PROTECTION REGULATIONS** The Virginia Department of Health has [adopted](#) amendments to the state radiation protection regulations at 12VAC5-481. The amendments: (1) reflect changes to federal regulations; (2) reflect new x-ray modalities in the medical field; (3) reduce the frequency of required inspections for lower-risk equipment; (4) update definitions; and (5) make minor grammatical and clarifying changes. A notice of the proposed amendments was published in the [March 2014 Northern Review](#). The amendments become effective on 27 AUG 15.

## ***OTHER REGULATORY ACTIVITY***

**DRAFT LIST OF IMPAIRED WATERS** VDEQ has [requested comment](#) on the draft list of impaired waters prioritized for total maximum daily load (TMDL) or TMDL alternative development throughout 2016-2022. The TMDLs or TMDL alternatives are reports that outline necessary reductions in pollutant or pollution loads in order to restore water quality. Comments are due by 26 AUG 15.

**AMENDMENT OF WATER QUALITY MANAGEMENT PLANNING REGULATION** VSWCB is [considering approval](#) of amendments to 9VAC25-720, *Water Quality Management Planning Regulation*. The amendments adopt 12 TMDL wasteload allocations for the James River Basin and the Potomac-Shenandoah River Basin. The TMDLs have been reviewed by USEPA for required elements; however they remain in draft form awaiting VSWCB approval. The comment period closed on 12 AUG 15.



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

## ***FEDERAL ACTIVITY***

**AIR QUALITY DESIGNATIONS FOR MULTIPLE NAAQS** USEPA has issued a final rule approving technical amendments that address several minor errors in the regulatory text that established air quality designations for the 2006 24-hour PM2.5 NAAQS, 1997 annual PM2.5 NAAQS, and 1987 annual PM10 NAAQS ([80 FR 45067](#)). The states to which these amendments apply are New York and West Virginia. The technical amendments become effective on 28 AUG 15.

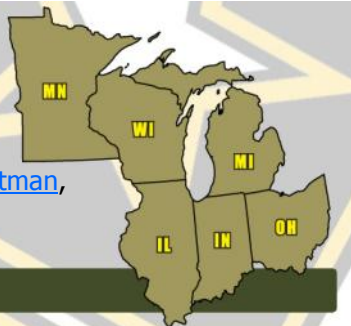
**CROSS-MEDIA ELECTRONIC REPORTING** USEPA has approved the state of West Virginia's request to revise its USEPA-authorized National Primary Drinking Water Regulations Implementation Program to allow electronic reporting ([80 FR 42100](#)). The approval became effective on 17 AUG 15.

## ***FINAL RULES***

**REQUIREMENTS GOVERNING WATER QUALITY STANDARDS** The West Virginia Department of Environmental Protection (WVDEP) has [adopted](#) an emergency rule to revise the dissolved aluminum criteria and the selenium criteria within the water quality standards (47CSR2). The revisions were mandated by laws passed in 2012 (SB 562) and 2015 (SB357). The emergency rule became effective on 10 AUG 15 and will expire on 10 NOV 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.



## Illinois

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

### ***FINAL LEGISLATION***

**[HB 1015 HAZARDOUS WASTE MANIFEST REQUIREMENTS](#)** HB 1015 (Public Act 99-0055) removes the requirement for generators and transporters of hazardous waste and facilities accepting hazardous waste to submit copies of hazardous waste manifests to the Illinois Environmental Protection Agency (IEPA), except when required by federal law. The bill also provides that this provision does not preclude IEPA from collecting specified fees. 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 JUL 15 and became effective upon signature.

**[HB 3560 ESTABLISHMENT OF UTILIZATION OF RENEWABLE ENERGY ON STATE-OWNED PROPERTIES TASK FORCE](#)** HB 3560 (Public Act 99-0155) amends the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997. The bill creates the Utilization of Renewable Energy on State-Owned Properties Task Force. The bill requires the task force to consider the economics and feasibility of installing and maintaining renewable energy facilities on state-owned property and the impact and benefits to the community and the state. The bill establishes membership criteria, timelines, and reporting requirements for the task force. A notice of the bill's House passage was published in the [May 2015 Northern Review](#). The bill was signed by the governor on 28 JUL 15 and became effective upon signature.

**[HB 3624 \(SB 1673\) EXTENSION FOR PROVISIONS OF USEPA FAST TRACK RULEMAKINGS](#)** HB 3624 (Public Act 99-0197) amends the regulations at 415 ILCS 5/28.5, *Clean Air Act Rules; Fast-Track*. The bill extends the regulations' applicability date for USEPA fast-track rulemakings from 31 DEC 14 to 31 DEC 19. A notice of the bill's House committee passage was published in the [April 2015 Northern Review](#). The bill was signed by the governor on 30 JUL 15 and became effective upon signature.

**[SB 679 AMENDMENTS TO MERCURY THERMOSTAT COLLECTION ACT](#)** SB 679 (Public Act 99-0122) amends the Mercury Thermostat Collection Act. The bill requires mercury thermostat collection programs to also collect loose mercury ampoules. The bill requires annual reports to include an accounting of loose mercury ampoules collected and managed under the act; and adds definitions for "loose mercury ampoules" and "commercial build." The bill also provides, beginning 1 JAN 16, that no person can demolish a commercial building unless: (1) all mercury thermostats have been removed from the building; and (2) arrangements have been made for the thermostats to be delivered to a collection site established under this act. The bill was signed by the governor on 23 JUL 15 and became effective upon signature.

**[SB 681 EXOTIC WEED ACT](#)** SB 681 (Public Act 99-0081) amends the Illinois Exotic Weed Act by adding multiple species. The bill designates the following as exotic weeds: (1) four species of exotic bush honeysuckle; (2) three species of exotic olive; (3) salt cedar (all members of the Tamarix genus); (4) poison hemlock; (5) giant hogweed; (6) oriental bittersweet; (7) lesser celandine; (8) teasel (all members of the Dipsacus genus); and (9) Japanese, giant, and bohemian knotweed. A notice of the bill's introduction was published in the [March 2015 Northern Review](#). The bill was signed by the governor on 20 JUL 15 and becomes effective on 1 JAN 16.

## ***FINAL RULES***

**WATER QUALITY STANDARDS FOR CHICAGO AREA WATERWAYS SYSTEM AND LOWER DES PLAINES RIVER** The Illinois Pollution Control Board has adopted three separate rulemakings to amend water quality standards for the Chicago Area Waterways System and the Lower Des Plaines River. The regulations being amended are: (1) Permits ([35 Ill. Adm. Code 309](#)); (2) Water Quality Standards ([35 Ill. Adm. Code 302](#)); and (3) Water Use Designations and Site-Specific Water Quality Standards ([35 Ill. Adm. Code 303](#)). The amendments are necessary to meet the aquatic life uses for these waterways. A notice concerning all three rulemakings was published in the [November 2014 Northern Review](#). The permit amendments became effective on 26 JUN 15, while the other amendments became effective on 1 JUL 15.

**RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS** The Illinois Emergency Management Agency (IEMA) has [adopted](#) an amendment to the radiation safety requirements for industrial radiographic operations regulations at 32 Ill. Adm. Code 350.1000. The amendment provides a reference for the American National Standards Institute as federally required. The amendment is considered Compatibility B by the U.S. Nuclear Regulatory Commission and IEMA was required to adopt it by 6 AUG 15 in order to maintain its "Agreement State" status. A notice of the proposed amendment was published in the [June 2015 Northern Review](#). The amendment became effective on 1 JUL 15.



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

## ***FEDERAL ACTIVITY***

**SIP REVISIONS CONCERNING THE LEAD RULE** USEPA has issued a direct final rule approving a SIP revision submitted by the state of Indiana ([80 FR 42393](#)). The revision updates Indiana's lead rule at Title 326 of the Indiana Administrative Code (IAC), Article 15. It also amends 326 IAC Article 20, to incorporate some of the provisions of USEPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) for secondary lead smelters. IDEM made the revisions to increase the stringency and clarity of Indiana's lead SIP rules. Barring adverse comment, the direct final rule becomes effective on 15 SEP 15.



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

## ***FINAL RULES***

**REVISIONS TO EMISSION LIMITATION AND PROHIBITIONS REGULATIONS** The Michigan Department of Environmental Quality has [adopted](#) revisions to Air Quality Division (AQD) Part 9 regulation, *Emission Limitations and Prohibitions – Miscellaneous*. The revisions: (1) adopt by reference specific federal regulations and industry testing methods; (2) update some adoption by reference language; (3) move all adoptions by reference in the AQD rules to R 336.1902 to make the rules easier to use; and (4) remove obsolete compliance dates. A notice of the proposed revisions was published in the [February 2015 Northern Review](#). The rule became effective on 20 MAY 15.



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

### ***OTHER REGULATORY ACTIVITY***

**DRAFT SOIL REFERENCE VALUES AND BACKGROUND THRESHOLD VALUES** The Minnesota Pollution Control Agency's Voluntary Investigation and Cleanup (VIC), Resource Conservation and Recovery Act (RCRA), and Superfund programs have [requested comments](#) on documents related to the June 2015 draft soil reference values (SRVs) and background threshold values (BTVs). The documents include: (1) revised SRV technical support; (2) two revised remediation SRV spreadsheets; (3) SRV spreadsheet: SRVs applicable to all sites in Minnesota; (4) SRV Spreadsheet - Site Specific: calculates site specific SRVs; and (5) BTV evaluation. Comments are due by 30 SEP 15.



Legislature convened 5 JAN 15 and adjourns 31 DEC 15.

### ***FINAL RULES***

**REVISIONS TO PUBLIC WATER SYSTEM HARMFUL ALGAL BLOOM RESPONSE STRATEGY AND POLICY** The Ohio Environmental Protection Agency's (OEPA) Division of Drinking and Ground Waters (DDAGW), has [revised](#) the *Public Water System Harmful Algal Bloom Response Strategy*. DDAGW has also rescinded the policy, *Responding to Cyanotoxin Detections in Finished Water Samples at Public Water Systems* (WQ-18-002). OEPA is currently in the process of drafting expedited cyanotoxin monitoring, reporting and laboratory certification rules. Major revisions to the strategy include: (1) adoption of USEPA health advisories for microcystins and cylindrospermopsin; (2) a new section on acceptable analytical methods; (3) a new section on responding to finished water cyanotoxin detections; (4) updated sample collection and handling instructions; and (5) inclusion of an appendix, containing a harmful algal bloom contingency plan checklist. OEPA has finalized these documents, but will accept comments to be considered as part of the expedited cyanotoxin rulemaking process.

### ***PROPOSED RULES***

**AMENDMENTS TO GENERAL NPDES PERMIT RULES** OEPA has [proposed](#) amendments to Ohio Administrative Code (OAC) 3745-38-01 and 3745-38-02 relating to requirements applicable to entities seeking NPDES general permit coverage. The amendments are a result of a required five-year rule review. OEPA determined this chapter needed to be amended to improve consistency with other rules, statute and federal requirements. Minor updates to references and citations are also proposed. The comment period closed on 11 AUG 15.

**STORMWATER PROGRAM APPLICABILITY OF RULES OF PROCEDURE AND DEFINITIONS** OEPA has [proposed](#) amendments to OAC 3745-39-01, *Applicability of rules of procedure and definitions*. The amendments make minor updates to the stormwater program regulations for small municipal separate storm sewer systems (MS4s). The comment period closed on 11 AUG 15.

**AMENDMENTS TO WATER USE DESIGNATIONS AND STATEWIDE CRITERIA** OEPA has [proposed](#) amendments to OAC 3745-1-07 relating to definitions of water quality standards use designations and statewide numeric criteria to support those uses. The amendments update Ohio's recreational water quality criteria to incorporate USEPA's revised 2012 national recommendations. The comment period closed on 11 AUG 15.



Legislature convened 7 JAN 15 and adjourns 31 DEC 15.

## ***FINAL LEGISLATION***

**SB 144 CONSTRUCTION PERMIT REQUIREMENTS FOR STATIONARY SOURCES OF GHG** SB 144 (Public Act: 33) eliminates a rule promulgated by the Wisconsin Department of Natural Resources (WDNR), relating to construction permit requirements for stationary sources that emit greenhouse gases (GHG). The rule is no longer valid due to a recent U.S. Supreme Court decision. A notice of the bill's introduction was published in the [April 2015 Northern Review](#). The bill was signed by the governor on 10 JUL 15 and became effective upon signature.

## ***FINAL RULES***

**WPDES PERMIT PROGRAM REVISIONS** The Wisconsin Natural Resources Board has [adopted](#) revisions to Chapters NR 200, 201, 203, and 205 regarding the administration of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit program. The revisions ensure consistency with federal regulations related to processing of permits and other related permit issues. A notice of the proposed revisions was published in the [April 2014 Northern Review](#). The revisions became effective on 1 AUG 15.

# Department of Defense Activity

**NATIONAL SECURITY IMPLICATIONS OF CLIMATE-RELATED RISKS AND A CHANGING CLIMATE** DOD has released a report, requested by the Senate Appropriations Committee, titled, "[National Security Implications of Climate-Related Risks and a Changing Climate](#)." The report states that global climate change will have wide-ranging implications for U.S. national security interests over the foreseeable future because it will aggravate existing problems—such as poverty, social tensions, environmental degradation, ineffectual leadership, and weak political institutions—that threaten domestic stability in a number of countries.

**GUIDELINES FOR STREAMLINED REVIEW OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN** DOD and the U.S. Fish and Wildlife Service (USFWS) have jointly released, [Guidelines for Streamlined Review of Integrated Natural Resources Management Plan](#) (INMRP) Updates (July 2015). The guidelines clarify and describe the process for reviewing and concurring on updates to existing INRMPS. The new process will: (1) facilitate faster review and approval of INRMPS requiring updates; (2) reduce the number of non-complaint INRMPS; and (3) improve coordination and collaboration among installation personnel and USFWS regional reviewers. The USFWS also finalized its own internal guidelines in the [U.S. Fish and Wildlife Service Guidelines for Coordination on Integrated Natural Resource Management Plans \(June 2015\)](#). Their guidelines also reflect this new streamlined process for reviewing INMRP updates.

# Federal Activity

## ***AIR***

**PROPOSED CONSENT DECREE: NESHAP FOR POTW SOURCE CATEGORY** USEPA has issued a notice of a proposed consent decree, in response to a lawsuit, providing that USEPA would review, and revise if necessary, the NESHAP for

publicly owned treatment works (POTW) source category under 40 CFR Part 63 Subpart VV ([80 FR 38444](#)). In addition, the proposed consent decree also establishes deadlines for USEPA to take proposed and final action for meeting obligations under the applicable CAA provisions.

**SNAP DETERMINATIONS** USEPA announced a determination of acceptability expanding the list of acceptable substitutes pursuant to the federal significant new alternatives policy (SNAP) program ([80 FR 42053](#)). This action lists acceptable additional substitutes for use in the refrigeration and air conditioning, foam blowing, solvent cleaning, aerosols, and adhesives, coatings, and inks sectors. The final rule became effective on 16 JUL 15.

**SNAP: CHANGE OF LISTING STATUS** USEPA has issued a final rule changing the listing status of certain substitutes under the SNAP program ([80 FR 42869](#)). The final rule changes the listing status from acceptable to unacceptable, acceptable subject to use conditions, or acceptable subject to narrowed use limits for a number of hydrofluorocarbons in various end-uses in the aerosols, refrigeration and air conditioning, and foam blowing sectors. The final rule becomes effective on 19 AUG 15.

**INADEQUATE SIPS** USEPA has issued a final rule determining that 24 states failed to submit infrastructure SIPs to satisfy certain CAA requirements with respect to the 2008 8-hour ozone NAAQS ([80 FR 39961](#)). Specifically, these requirements pertain to significant contribution to nonattainment, or interference with maintenance, of the 2008 8-hour ozone NAAQS in other states. USEPA will promulgate a Federal Implementation Plan if the state fails to submit the required infrastructure SIP in a timely manner. States that failed to make timely interstate transport SIP submittals include: Maine, Massachusetts, New Hampshire, Vermont, Pennsylvania, Virginia, West Virginia, Illinois, Michigan, and Minnesota. The final rule became effective on 12 AUG 15.

**DISPERSION MODELING SYSTEM AND OZONE AND FINE PARTICULATE MATTER** USEPA has issued a proposed rule to revise the guideline on [Air Quality Models](#) ([80 FR 45339](#)). The guideline has been incorporated into USEPA's regulations to specify models to be used in the PSD program. It provides USEPA preferred models and other recommended techniques, as well as guidance for their use in predicting ambient concentrations of air pollutants.

## ***ENERGY***

**FEDERAL BUILDING METERING IMPLEMENTATION PLAN TEMPLATE** The U.S. Department of Energy's (USDOE) Federal Energy Management Program (FEMP) developed a [template](#) to assist agencies in complying with its November 2014 [Federal Building Metering Guidance](#). The guidance defines what is appropriate to meter, provides metering prioritization recommendations for those agencies with limited resources, and requires that a metering implementation plan be submitted to USDOE describing the agency's five-year plan. Metering implementation plans are due November 2015.

**ELECTRIC GRID SELF-ASSESSMENT TOOL FOR DISTRIBUTION SYSTEMS** USDOE's Office of Electricity Delivery and Energy Reliability issued a request for information (RFI) on the design and implementation of a proposed tool to aid in understanding the relative resilience level of electric grid distributions systems ([80 FR 37606](#)). USDOE is developing an interactive self-assessment tool to understand the relative resilience level of national electric grid distribution systems to extreme weather events. The department anticipates that an interactive tool could be used by distribution utilities to identify opportunities for enhancing resilience with new technologies and/or procedures to support investment planning and related tariff filings.

## ***NATURAL RESOURCES***

**STATUS REVIEWS FOR MULTIPLE SPECIES** The U.S. Fish and Wildlife Service (USFWS) has announced that it will conduct status reviews for 21 species ([80 FR 37568](#)). The agency had received petitions to list 30 species and reclassify one species. The agency will conduct status reviews for the alligator snapping turtle, Apalachicola kingsnake, Arizona toad,



Blanding's turtle, Cascade Caverns salamander, Cascades frog, Cedar Key mole skink, foothill yellow-legged frog, gopher frog, green salamander, Illinois chorus frog, Kern Canyon slender salamander, Key ringneck snake, Oregon slender salamander, Relictual slender salamander, Rim Rock crowned snake, Rio Grande cooter, silvery phacelia, Southern hog-nosed snake, spotted turtle, and the Western spadefoot toad.

**UNMANNED VEHICLE SYSTEMS TO PROTECTED SPECIES** The National Marine Fisheries Service (NMFS) has prepared a draft Programmatic Environmental Assessment (PEA) that evaluates the potential environmental impacts of scientific research or enhancement activities involving unmanned aircraft systems (UAS) for monitoring protected species ([80 FR 39077](#)). The objectives of using UAS for research and enhancement may include determining the abundance, distribution, movement patterns, behavior, health and fitness, and stock structure of protected species (i.e., marine mammals and sea turtles) found in U.S. territorial and international waters and coastal areas. The draft PEA assesses impacts of UAS on protected species to support issuance of future permits and permit amendments.

**ACOUSTIC THRESHOLD LEVELS FOR ONSET OF PERMANENT/TEMPORARY THRESHOLD SHIFTS IN MARINE MAMMALS** NMFS has announced the availability of a revised version of [draft guidance](#) for assessing the effects of anthropogenic sound on marine mammal species under the National Oceanic and Atmospheric Administration's jurisdiction ([80 FR 45642](#)). The guidance provides updated received levels, or thresholds, above which individual marine mammals are predicted to experience changes in their hearing sensitivity (either temporary or permanent) for all underwater anthropogenic sound sources.

## ***HAZARDOUS MATERIALS***

**PIPELINE DAMAGE PREVENTION PROGRAMS** The Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a final rule intended to strengthen state programs to enforce damage prevention programs ([80 FR 43835](#)). Pursuant to the PIPES (Pipeline Inspection, Protection, Enforcement & Safety) Act of 2006, the final rule amends federal pipeline safety regulations to establish: (1) criteria and procedures PHMSA will use to determine the adequacy of state pipeline excavation damage prevention law enforcement programs; (2) an administrative process for states to contest notices of inadequacy from PHMSA should they elect to do so; (3) the federal requirements PHMSA will enforce against excavators for violations in states with inadequate excavation damage prevention law enforcement programs; and (4) the adjudication process for administrative enforcement proceedings against excavators where federal authority is exercised.

**REVISIONS TO UNDERGROUND FUEL STORAGE TANK REGULATIONS** USEPA has issued the final rule revising the underground storage tank (UST) regulations ([80 FR 41565](#)). Changes include: (1) secondary containment requirements for new and replaced tanks and piping; (2) operator training requirements; (3) periodic operation and maintenance requirements for UST systems; (4) addressing UST systems deferred in the 1988 UST regulation; (5) new release prevention and detection technologies; (6) updating codes of practice; and (7) updating state program approval requirements to incorporate these new changes. The final rule addresses UST systems deferred in the 1988 UST regulation by removing the deferral and regulating UST systems with field-constructed tanks, airport hydrant fuel distribution systems that meet the UST definition, and UST systems storing fuel solely for use by emergency power generators. Aboveground storage tanks associated with UST systems with field-constructed tanks or with airport hydrant fuel distribution systems are partially excluded in this final UST regulation. The final rule becomes effective on 13 OCT 15.

## ***OTHER***

**REPORT ON THE ENVIRONMENT** USEPA announced the release of the final web-based [Report on the Environment](#) ([80 FR 44104](#)). The report is a comprehensive source of scientific indicators that describe the status and trends in the nation's environment and human health condition. The indicators help to answer important questions for USEPA about the current status and historical trends in U.S. air, water, land, human health, and ecological condition at the national and

regional levels. These indicators are based on data collected by USEPA, other federal and state agencies, and non-governmental organizations. The Report on the Environment provides status and trends; it does not analyze or diagnose the reasons for, and relationships between, trends in stressors and environmental and health outcomes.

## **WASTE**

**FINAL CLARIFICATIONS TO COAL ASH DISPOSAL RULE** USEPA has issued clarifications to its [April 2015 final rule](#) regulating the disposal of coal combustion residuals (CCR) as solid waste under RCRA Subtitle D ([80 FR 37988](#)). The rulemaking clarifies that the April final rule is effective 19 OCT 15. A notice of the April final rule was published in the [May 2015 Northern Review](#).

## **WATER**

**TECHNICAL QUESTIONS AND ANSWERS FOR IMPLEMENTATION OF CLEAN WATER RULE** The U.S. Army Corps of Engineers and USEPA have jointly prepared a [list of questions and answers](#) (Q&As) concerning the implementation of the *Clean Water Rule: Definition of "Waters of the United States"* ([80 FR 37053](#)). The final rule becomes effective on 28 AUG 15 and the agencies will periodically update the Q&As as the implementation progresses. The Q&As is a tool to help in the understanding of the scope and requirements of the final rule.

**FINAL UPDATED AMBIENT WATER QUALITY CRITERIA** USEPA has released the final updated recommended ambient water quality criteria for 94 chemical pollutants ([80 FR 36986](#)). The 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). USEPA's final criteria documents for the 94 chemical pollutants, the response to views from the public on the draft criteria, and supporting information are available on the USEPA [website](#).

**WATER QUALITY: SELENIUM IN FRESHWATER** USEPA is opening the comment period for the *Draft Aquatic Life Ambient Water Quality Criterion for Selenium--Freshwater 2015* ([80 FR 44350](#)). Upon finalization, the updated selenium criterion would supersede USEPA's previous 304(a) freshwater criteria for selenium.

**ENHANCED DMR POLLUTANT LOADING TOOL** USEPA has [released](#) an enhancement to the Toxic Release Inventory (TRI) and Discharge Monitoring Report (DMR) Comparison Dashboard. The enhanced tool uses DMR data from the Integrated Compliance Information System-NPDES to calculate pollutant discharge amounts.

**NATIONAL HANDBOOK OF CONSERVATION PRACTICES** The Natural Resources Conservation Service (NRCS) issued a series of revised conservation practice standards in the National Handbook of Conservation Practices ([80 FR 43057](#)). These standards include: Channel Bed Stabilization (Code 584); Karst Sinkhole Treatment (Code 527); Open Channel (Code 582); Pond (Code 378); Surface Drain; Field Ditch (Code 607); Surface Drain, Main or Lateral (Code 608); Vertical Drain (Code 630); and Waste Hauling (Code 321). NRCS state conservationists who choose to adopt these practices for use within their states will incorporate them into section IV of their respective electronic Field Office Technical Guide. The revised conservation practice standards were effective 21 JUL 15.

# Professional Development

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

## ***TRAINING - ONLINE***

**NEW [2015 SMALL WATER AND 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.

- 29 SEP 15: UV Disinfections Systems: Treatment of Groundwater for Small/Medium Sized Water Utilities
- 27 OCT 15: Decentralized High-Rate Wastewater Treatment of Peak Wet Weather Flows
- 24 NOV 15: Treatability Databases, Cost Models, and other Tools for Water Systems
- 15 DEC 15: Reduction of Lead in Drinking Water

**[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 SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions in the continental United States. The tool can be used to evaluate county, state and regional level emissions displaced by energy efficiency and renewable energy programs without the need of specialized resources or electricity system expertise.

**[FEMP TRAINING SEARCH TOOL](#)** The Federal Energy Management Program (FEMP) has launched FEMP Training Search, a web tool that lists free training opportunities to help agencies meet federal energy, water, and sustainability laws and

requirements. The new search tool provides options to easily find and select training offerings by topic area, topic series, course format and type, and by level of difficulty—introductory (101), intermediate (201), and advanced (301).

**[SERDP AND ESTCP WEBINAR SERIES](#)** The DOD environmental research and development funding programs SERDP and ESTCP are launching a webinar series to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 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) 278-6168
Regions 2 & 3 Army REC	(410) 278-6165
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](mailto:Leanne.Dickens).