



# Northern Review

## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

March 2012

The **NORTHERN REGION REVIEW** provides current information on government affairs, energy and environment relevant to Department of Defense interests in the 22 states and territories in Federal Regions 1, 2, 3 and 5. The Review is intended to be a tool useful to DoD and Army leaders, planners, and program managers in carrying out their responsibilities including meeting legal criteria of ISO 14001. The Northern Region Review monitors and targets proposed and final regulations and legislation that may affect Army or DoD operations. Click here for information on the [Army's Regional Environmental and Energy Offices](#).

## What's In This Review?

### Region 1

Regionally: A final rule on the endangered status for the Atlantic Sturgeon in the Northern Region, and proposed regional haze approvals for RI, NH, and VT; in MA, a final rule on underground storage tank operator requirements; and in RI, a final rule amends the state's coastal resource management program.

### Region 2

Regionally: Impaired waters lists released; in NJ, a final natural resources rule, and a notice of adoption of annual fee report pertaining to waste water discharges; and in NY, a final rule on motor vehicle enhanced inspection and maintenance program.

### Region 3

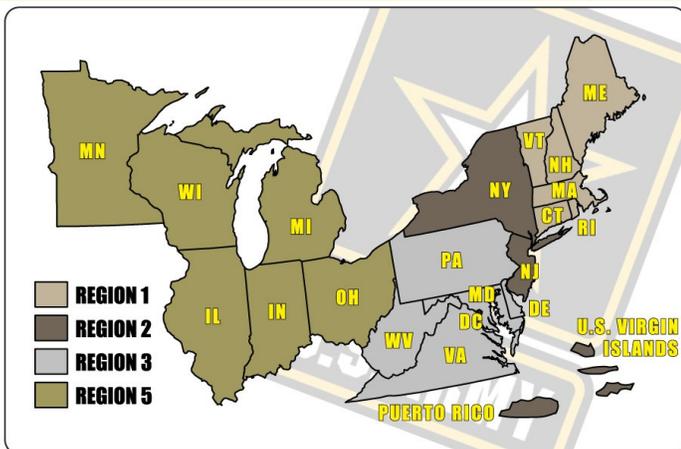
Regionally: A final rule for multi-state 8-hour ozone non-attainment area; in DC, a final rule on discharges to wastewater system; in MD, a final rule on buffer and critical area regulations; in VA, a final rule for federal conformity on stationary source emissions; and, PA releases its new regulatory agenda.

### Region 5

In IL, a proposed rule on hazardous waste management system; in IN, an emergency rule on new source review and prevention of significant deterioration; and an environmental omnibus bill is with the Governor for signature; in OH, a final rule on wastewater operator certification rules; and in WI, a rule on proposed pesticide use and control.

### Federal Activity

USEPA: Issues a new construction General Permit, is updating its UST requirements for tank maintenance and spill prevention, and released health assessment for perchloroethylene; CEQ: Provides final guidance on National Environmental Policy Act efficiencies. Army Corps of Engineers: Updates issuance of Clean Water Act nationwide permits.

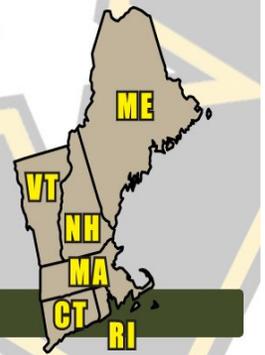


## Table of Contents

Region 1.....	2
Region 2.....	4
Region 3.....	5
Region 5.....	8
Federal Activity .....	13
Professional Development.....	16
Internet Resources .....	16
Staff Directory.....	16

# Region 1

For more information on any state issues in Region 1, contact [Bob Muhly](#), Army Regional Environmental Coordinator, Regions 1 & 2, (410) 436-6224.



## FINAL RULE ON ENDANGERED STATUS FOR ATLANTIC STURGEON IN THE NORTHERN REGION

The National Marine Fisheries Service (NMFS), and the National Oceanic and Atmospheric Administration (NOAA) issued a final rule that lists the Gulf of Maine (GOM) Distinct Population Segment (DPS) of Atlantic Sturgeon as a threatened species, the New York Bight (NYB), and the Chesapeake Bay DPSs of Atlantic Sturgeon as an endangered species [[77 FR 5880](#), 6 Feb 12]. NMFS proposed protective regulations for the GOM DPS in a separate rulemaking published in the Federal Register on 10 Jun 11. In this rulemaking, NMFS is soliciting information that may be relevant to the designation of critical habitat for all three DPSs in the Northeast Region. The final rule is effective on 6 Apr 12.

## PROPOSED REGIONAL HAZE APPROVALS FOR RI, NH, AND VT

USEPA New England issued three proposed rules that would grant approval to revisions to the Rhode Island State Implementation Plan (SIP) [[77 FR 11798](#), 28 Feb 12], the New Hampshire SIP [[77 FR 11809](#), 28 Feb 12], and the Vermont SIP [[77 FR 11914](#), 28 Feb 12], that addresses regional haze for the first planning period from 2008 through 2018. These revisions address the requirements of the Clean Air Act and USEPA's rules that require States to prevent any future, and remedy any existing, manmade impairment of visibility in mandatory Class I areas (also referred to as the "regional haze program"). States are required to assure reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. All comment periods are scheduled to close on 29 Mar 12.



## NEW GENERAL PERMIT FOR WATER RESOURCES CONSTRUCTION ACTIVITIES

The Connecticut Department of Energy & Environmental Protection (DEEP) released a [notice of intent](#) to issue a General Permit for Water Resources Construction Activities (DEP-IWRD-GP-13). This general permit will authorize minor activities that will have minimal environmental effects, individually and cumulatively, regulated by the Commissioner under Section 22a-45a (Inland Wetland & Watercourses), 22a-349a (Stream Channel Encroachment Line) and 22a-378a (a) (Water Diversion) of the General Statutes. This General Permit will replace the following general permits: General Permit for Habitat Conservation (DEP-IWRD-GP-03), General Permit for Lake, Pond and Basin Dredging (DEP-IWRD-GP-04), General Permit for Minor Grading (DEP-IWRD-GP-07), General Permit for Minor Structures (DEP-IWRD-GP-06), and General Permit for the placement of Utilities and Drainage (DEP-IWRD-GP-05). This general permit, authorization under 22a-45a is limited to any proposed regulated activity conducted by any department, agency or instrumentality of the state, except any local or regional board of education. The comment period closed on 10 Mar 12.

## PROPOSED GENERAL PERMIT FOR APPLICATION OF PESTICIDES TO WATERS OF THE STATE

Connecticut DEEP held a public [hearing](#) on the proposed General Permit for Point Source Discharges to the Water of the State from the Application of Pesticides. The hearing occurred on 6 Mar 12 and the comment period closed on 13 Mar 12.

## NEW BILL ON MAINTENANCE OF MILITARY FACILITIES

The Connecticut Select Committee on Veterans' Affairs introduced [HB 5173](#), an act concerning state military facilities which would clarify the authority of the Adjutant General regarding leasing of state military facilities. The act would also provide a non-lapsing account for use by the Military Department for the support of facility maintenance and renovation and eliminate the requirement to provide armories for each company of the Governor's Guards. On 16 Feb 12, the bill was referred to the Joint Committee on Veterans' Affairs. A hearing was held on 28 Feb 12.



### PROPOSED CHANGES TO SITE REMEDIATION AND ENVIRONMENTAL COVENANTS

The Maine Department of Environmental Protection (DEP) has issued several proposed revisions to Environmental Covenant Templates and Subordination Agreements: Memorandum, Draft Environmental Covenant Template for the Voluntary Response Action Program (VRAP), Draft Environmental Covenant Template for the Resource Conservation Recovery Act (RCRA) Program, Draft Environmental Covenant Template for the Superfund or Uncontrolled Sites Program, and Draft Subordination Agreement Template for Easement. These templates and subordination agreements are used to apply Institutional Controls as part of risk mitigation at sites contaminated with hazardous substances. In order to ensure that the templates are useful and appropriately drafted, DEP is seeking comment on wording and format from interested parties. The comment period is scheduled to close on 23 Apr 12.



### FINAL RULE ON UNDERGROUND STORAGE TANK OPERATOR REQUIREMENTS

The Massachusetts Department of Environmental Protection (DEP) issued a final rule which creates a training program for underground storage tank system operators pursuant to federal grant guidelines. Operators are required to be trained internally and then take and pass a state administered examination. The final rule went into effect on 3 Feb 12.

### NEW BILL ON INSPECTION AND MAINTENANCE OF WATER STORAGE FACILITIES

The Massachusetts Joint Committee on State Administration and Regulatory Oversight introduced SB 2126. The bill stipulates the procedures for authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities used for drinking water or fire protection. The act amends Chapter 40 of the General Laws, by adding new definitions for "Governmental body", and excludes the Massachusetts Water Resources Authority, from the definition. The bill specifies contract payment terms and duration and provides equipment installation and replacement, studies, permitting, design and engineering, capital modification, capital repairs, painting, ordinary repairs and maintenance, and the furnishing of all related material, supplies and services required for a water storage facility. Finally, the bill provides for the management, maintenance and repair of and improvements to the facility. On 6 Feb 12, the bill was reported from the committee and referred to the Senate Committee on Ways and Means.



### FINAL RULE ON PREVENTION OF SIGNIFICANT DETERIORATION

USEPA issued a final rule approving revisions to the New Hampshire State Implementation Plan (SIP), submitted by the New Hampshire Department of Environmental Services (NH DES) to USEPA on 7 Feb 11 [77 FR 5700, 6 Feb 12]. The SIP revision modifies New Hampshire's Prevention of Significant Deterioration (PSD) program to establish appropriate emission thresholds for determining which new stationary sources and modification projects become subject to New Hampshire's PSD permitting requirements for their greenhouse gas (GHG) emissions. USEPA proposed approval of these regulatory revisions on 14 Jun 11, and received no comments. This action affects major stationary sources in New Hampshire that have GHG emissions above the thresholds established in the PSD regulations. This final rule became effective on 7 Mar 12.

### PROPOSED RULE ON AMBIENT AIR QUALITY STANDARDS

DES issued a proposed rule which would make changes to the State ambient air quality standards for particulate matter, sulfur dioxide, nitrogen dioxide, ozone, and lead to make them consistent with recently revised national ambient air quality standards, as required by the Clean Air Act. Specifically, DES is proposing the following substantive changes: Env-A 303, Ambient Air Quality Standards for Particulate Matter (PM), the annual primary and secondary standards for PM10 are revoked, and the 24-hour primary and secondary standards for PM2.5 are strengthened from 65 to 35 micrograms per cubic meter (µ/m3); Env-A 304, Ambient Air Quality Standards for Sulfur Dioxide, the 24-hour and annual primary standards are revoked; they are replaced by a more protective 1-hour primary standard of 75 parts per billion (ppb); Env-A 306, Ambient Air Quality Standards for Nitrogen Dioxide, a new 1-hour primary standard of 100 ppb is added; Env-A 307, Ambient Air

Quality Standards for Ozone, the 1-hour primary and secondary standards are revoked, and the 8-hour primary and secondary standards are strengthened from 0.08 to 0.075 parts per million (ppm); and Env-A 308, Ambient Air Quality Standards for Lead, the primary and secondary standards are strengthened from 1.5 to 0.15 µg/m<sup>3</sup>. A hearing is scheduled for 26 Mar 12 and the comment period closes on 5 Apr 12.



### **FINAL RULE AMENDS COASTAL RESOURCE MANAGEMENT PROGRAM**

The Rhode Island Coastal Resources Management Council issued a final rule that adopted changes to management plans, policies, procedures and regulations of the agency regarding planning and management of the coastal resources of the State. Changes involve sections that govern the treatment of sewage and stormwater **Adopted Rule - Section 300.6** and **Section 120**. The final rule became effective on 8 Mar 12.



### **FINAL RULE ON COMPLIANCE SCHEDULES IN WASTEWATER DISCHARGE PERMITS**

The Vermont Natural Resources Board issued a **final rule** which adopted amendments to allow for the inclusion of compliance schedules in discharge permits issued pursuant to Vermont's federally-delegated National Pollutant Discharge Elimination System (NPDES) Program. Schedules of compliance are allowed under the federal Clean Water Act and its implementing regulations (40 CFR 122.47). A compliance schedule gives a Permittee adequate time to comply with permit requirements based on new, newly interpreted or revised water quality standards. A compliance schedule requires compliance at the earliest possible time and includes interim requirements and dates for their achievement. The Secretary may include a schedule of compliance at the time of permit reissuance or modification when the Permittee cannot comply with the permit requirements or limitations, including water quality based effluent limitations. The final rule went into effect on 31 Dec 11.

## **Region 2**

For more information on any state issues in Region 2, contact [Bob Muhly](#), Army Regional Environmental Coordinator, Regions 1 & 2, (410) 436-6224.



### **REGION 2 IMPAIRED WATERS LISTS**

USEPA approved and **posted** the Region 2 States (NJ, NY, PR, and VI) Department of Environmental Protection's 2010 list of waters that are considered either impaired or threatened by pollutants. Each list helps establish priorities for addressing threats from water pollution. In addition, water pollution budgets were developed from each list and the budgets define the maximum amount of a pollutant that a water body can receive and still meet water quality standards. The Clean Water Act requires states to assess the quality of their waters and to report their findings to USEPA every two years. In 2010, new pollutants were included for waters in the basins of the Hudson River, the Passaic River, the Raritan River, the Delaware Bay, and others.



# New Jersey

**FINAL NATURAL RESOURCES RULE** The New Jersey Department of Environmental Protection (DEP) issued a [final rule](#) that adopts amendments to the definitions of wildlife status at N.J.A.C. 7:25-4.1, the list of endangered wildlife at N.J.A.C. 7:25-4.13, and the list of nongame wildlife at N.J.A.C. 7:25-4.17. These amendments change the set of status categories that are assigned to the list of nongame wildlife species at N.J.A.C. 7:25-4.17 to reflect the species' conservation status (the need for conservation action for the species), delete the definitions of several of the terms currently used to describe species status at N.J.A.C. 7:25-4.1 and replace them with new terms and definitions. In addition, the rule updates scientific (Latin) and common names of several species to reflect nomenclature changes adopted by various professional taxonomic organizations. Finally, DEP is adopting several amendments to the list of endangered wildlife at N.J.A.C. 7:25-4.13 and to the list and status of nongame wildlife at N.J.A.C. 7:25-4.17 to reclassify several species based upon the Department's analysis of the latest available information on the status of these species in the State. The final rule went into effect on 21 Feb 12 and the comment period closed on 19 Mar 11.

**NOTICE OF ADOPTION OF ANNUAL FEE REPORT** DEP issued a [notice of adoption](#) concerning the Fiscal Year 2012 New Jersey Pollutant Discharge Elimination System (NJPDDES) Annual Fee Report and Assessment of Fees. The final rule went into effect on 6 Feb 12. Publication of the notice marks the end of the FY 2012 budgeting and fee assessment process for the NJPDDES permit program.

**NEW BILL ON HIGHLANDS PRESERVATION EXCLUSION AREAS** On 6 Feb 12, New Jersey State Senator Oroho (R) introduced [SB 1363](#) which allows for exclusion of certain properties from Highlands preservation area. This bill would allow an owner of property located in the Highlands preservation area to request that the property be excluded from the preservation area under certain circumstances.



# New York

**FINAL RULE ON MOTOR VEHICLE ENHANCED INSPECTION AND MAINTENANCE PROGRAM** USEPA issued a final rule approving a proposed State Implementation Plan (SIP) revision submitted by the New York State Department of Environmental Conservation. This revision consists of changes to New York's motor vehicle enhanced inspection and maintenance program that would eliminate the transient emission short test program as it relates to the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone moderate nonattainment area [[77 FR 11742](#), 28 Feb 12]. The intended effect of this action is to maintain consistency between the State-adopted rules and the federally approved SIP. The final rule will become effective on 29 Mar 12.

## Region 3

For more information on any state issues in Region 3, contact [Amy Alton](#), Army Regional Environmental Coordinator, Region 3, (410) 436-7098.



**FINAL RULE FOR MULTI-STATE 8-HOUR OZONE NONATTAINMENT AREA** USEPA issued a final rule that approves and makes two determinations regarding the Washington, DC-MD-VA moderate 8-hour ozone nonattainment area (the Washington Area) [[77 FR 11739](#), 28 Feb 12]. First, USEPA is making a determination that the Washington Area attained the 1997 8-hour ozone national ambient air quality standard (NAAQS) by its 15 Jun 10 attainment date. Second, USEPA is making a clean data determination, finding that the Washington Area has attained the 1997 8-hour ozone NAAQS based on monitoring data for the 2007-2009 and 2008-2010 monitoring periods. In accordance with USEPA's applicable ozone implementation rule, this clean data determination suspends the requirement for the Washington Area to submit an attainment demonstration, reasonably available control measures, a reasonable further progress plan and contingency measures related to attainment of the 1997 8-hours ozone NAAQS. These require-

ments shall be suspended for so long as the area continues to attain the 1997 8-hour ozone NAAQS. The final rule will become effective on 29 March 12.



#### **REQUIREMENTS FOR PRECONSTRUCTION REVIEW**

The Delaware Department of Natural Resources and Environmental Control (DNREC) issued a [final rule](#) that amends to 7 DE Admin. Code 1125, "Requirements for Preconstruction Review: Sections 1.9 ("Definitions"), 2.0 ("Emissions Offset Provisions"), and 3.0 ("Prevention of Significant Deterioration of Air Quality [PSD])." The amendments are required by USEPA to allow new source review permitting of qualifying emission sources of particulate matter ("PM") with an aerodynamic diameter equal to or less than 2.5 micrometers (PM2.5) and of emission sources of two PM2.5 precursors, sulfur dioxide and/or nitrogen oxides, to conform to the requirements of the USEPA PM2.5 new source review permitting program, as shown in 73 FR 28321 and 75 FR 64864. The final rule went into effect on 11 Feb 12.



#### **FINAL RULE ON DISCHARGES TO WASTEWATER SYSTEM**

The District of Columbia Water and Sewer Authority (DC Water) issued a [final rule](#) [21 DCMR 1500 through 1518, 1599, 400, 402, 410] that amends the regulations that pertain to discharges to wastewater systems and contested water and sewer bills, and made the District's rules consistent with USEPA regulations. The amendments provide procedures for complying with the requirements of the Wastewater System Regulation Amendment Act of 1985. These regulations provide for the issuance of wastewater discharge permits, monitoring, compliance, and enforcement activities, reporting, and administrative review procedures. The rule identifies specific pollutants and categories of pollutants that are prohibited from user discharge into the District's wastewater system. The final rule went into effect on 10 Feb 12.

#### **DRAFT REPORT ON IMPAIRED WATERS**

The District Department of the Environment (DDE) issued a Draft 2012 District of Columbia [Integrated Report](#), and made it available for public comment. The federal Clean Water Act (CWA) requires the District of Columbia to assess the city's waters and publish an Integrated Report (Sections 305(b) and 303(d) of the federal CWA) biennially on the status of all waterbodies in the District. Waterbodies listed as impaired may require the development of total maximum daily loads. The comment period closed on 6 Mar 12.

#### **FINAL RULE ON REGIONAL HAZE STATE IMPLEMENTATION PLAN**

USEPA issued a final rule approving the District of Columbia Regional Haze Plan, a revision to the District of Columbia State Implementation Plan (SIP) addressing Clean Air Act (CAA) requirements and USEPA's rules for states to prevent and remedy future and existing anthropogenic impairment of visibility in mandatory Class I areas through a regional haze program [[77 FR 5191](#), 2 Feb 12]. USEPA is also approving this revision since it meets the infrastructure requirements relating to visibility protection for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) and the 1997 and 2006 fine particulate matter (PM2.5) NAAQS. This final rule went into effect on 5 Mar 12.



#### **FINAL RULE ON RECLASSIFICATION OF THE 8-HOUR OZONE NONATTAINMENT AREA**

USEPA issued a final rule which determines that the Baltimore moderate 8-hour ozone nonattainment area (the Baltimore Area) did not attain the 1997 8-hour ozone national ambient air quality standard (NAAQS) by its 15 Jun 11 attainment date [[77 FR 4901](#), 1 Feb 12]. The attainment date for moderate ozone nonattainment areas was 15 Jun 10. However, the Baltimore Area qualified for a 1-year extension of its attainment date and USEPA extended the area's attainment date to 15 Jun 11. As a result of this determination, the Baltimore Area is reclassified by operation of law as a serious 8-hour ozone nonattainment area for the 1997 8-hour ozone standard. Consequently, the State of Maryland must submit State Implementation Plan (SIP) revisions for the Baltimore Area to meet the Clean Air Act (CAA) requirements for serious ozone nonattainment areas. In this action, USEPA is setting the due date for the State of Maryland to submit the necessary SIP revisions to USEPA as no later than 30 Sep 12. The serious area attainment date

for the Baltimore Area is as expeditiously as practicable, but not later than 15 Jun 13. This final rule went into effect on 2 Mar 12.

**FINAL AIR QUALITY RULE ON VOLATILE ORGANIC COMPOUNDS** MDE issued a [final rule](#) [11-348-F] concerning volatile organic compounds (VOC) and federal conformity. The rule establishes methods, procedures, and requirements for the alternative testing of control devices under COMAR 26.11.19.02D; establishes the method required to determine composite vapor pressure of solvent cleaning material under COMAR 26.11.19.02E; establishes requirements for the handling of solvents and cleaning materials under COMAR 26.11.19.02I; updates COMAR 26.11.19.02G(1) to include references to specific VOC Reasonably Available Control Technology (RACT) regulations that had not been adopted at the time this generic RACT regulation was adopted; and updates COMAR 26.11.01.04 as required for the test methods that are referenced under COMAR 26.11.19.02. The final rule went into effect on 5 Mar 12.

**FINAL RULE UPDATES REFERENCES IN AIR QUALITY REGULATIONS** The Maryland Department of the Environment (MDE) issued a [final rule](#) [11-346-F] that adopts regulatory actions to update the definition of National Emission Standards for Hazardous Air Pollutants source (NESHAP source) under COMAR 26.11.01B(21)(b), update the definition of New Source Performance Standard source (NSPS source) under COMAR 26.11.01B(23), and update a cross reference to the NSPS definition in COMAR 26.11.06.12. The definitions are being updated by directly incorporating by reference the federal definitions under 40 CFR Parts 63 and 60, as amended, respectively. This action removes the NESHAP and NSPS industrial category/sector lists under 26.11.01.01C and D and instead directly references the industrial category/sector standards under 40 CFR Parts 63 and 60. The final rule went into effect on 5 Mar 12.

**FINAL RULE ON BUFFER AND CRITICAL AREA REGULATIONS** The Maryland Critical Area Commission for the Chesapeake and Atlantic Coastal Bays issued a [final rule](#) amending the implementation of the buffer regulations made in March 2010. The amendments will lower the cost of implementation of buffer management plans, reduce the cost and amount of buffer mitigation by changing the calculation method to the area of canopy coverage removed, provide flexibility to allow a greater percentage of shrubs and herbaceous plantings, and clarify that septic systems require a 1:1 mitigation rather than 3:1 mitigation. Additionally, the final rule will include storm damage under a simplified buffer management plan. Finally, the rule clarifies the terms "permanent disturbance", and "temporary disturbance." The final rule went into effect on 5 Mar 12.

**DRAFT REPORT ON IMPAIRED WATERS** MDE issued a [notice](#) on the Draft 2012 Integrated Report for public review and comment. The federal Clean Water Act requires that states assess the quality of their waters every 2-years and publish a list of waters not meeting the water quality standards set for them. This list of impaired waters is included in the State's biennial Integrated Report (IR). Waters identified in Category 5 of the IR are impaired and may require the development of total maximum daily loads. MDE conducted a public meeting on 12 Mar 12 and the comment period closes on 26 Mar 12.



**NEW REGULATORY AGENDA** On 11 Feb 12, the Pennsylvania Governor's Office published a [regulatory agenda](#) of rules currently under development. The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity and serves to increase public participation in the regulatory process.



**FINAL RULE FOR FEDERAL CONFORMITY ON STATIONARY SOURCE EMISSIONS** The Virginia Department of Environmental Quality (DEQ) issued a [final rule](#) that adopts amendments which update state regulations that incorporate by reference certain federal regulations. The following new standards in the federal regulations are being incorporated into the regulations by reference one New Source Performance Standard is being incorporated Sewage Sludge Incineration Units (Subpart LLLL, 40 CFR 63.4760-4925). The date of the Code of Federal Regulations book being incorporated by reference is also being updated to the latest version 1 Jul 11. In addition, no new national emissions standards for hazardous air pollutants are being incorporated; two maximum achievable control

technologies are being incorporated: Aluminum, Copper, and Other Nonferrous Foundries, Area Sources (Subpart ZZZZZZ, 40 CFR 63.11544-11558); and Gold Mine Ore Processing and Production Area Sources (Subpart EEEEEEE, 40 CFR 63.11640-11653) are all being updated to the latest version of the Code of Federal Regulations 1 Jul 11. The final rule went into effect on 15 Feb 12.

# Region 5

For more information on any state issues in Region 5, contact [Dr. Jim Hartman](#), DoD Regional Environmental Coordinator, Region 5, (410) 436-7096.



## USEPA'S REVISED RESPONSES TO DESIGNATION RECOMMENDATIONS FROM ILLINOIS, INDIANA, AND WISCONSIN FOR THE 2008 OZONE STANDARDS

USEPA issued a notice of availability and is reopening the public comment period on the 2008 Ozone National Ambient Air Quality Standards for the limited purpose of inviting comment on the USEPA's revised responses to the ozone designation recommendations from the states of Illinois, Indiana and Wisconsin [[77 FR 8211](#), 14 Feb 12]. USEPA sent the revised responses to these states on 31 Jan 12. USEPA posted the revised responses to Illinois, Indiana, and Wisconsin on the USEPA's ozone designations [Web site](#) and is reopening the public comment period. USEPA intends to make final designation determinations for the 2008 ozone standards in Spring 2012. The comment period closed on 15 Mar 12.



**AMENDED DEFINITION FOR POLLUTION CONTROL FACILITY** The Illinois Pollution Control Board issued a [proposed rule](#) amending the definition of "pollution control facility" in Section 101.202 of its procedural rules to make it consistent with recent Public Acts amending the statutory definition. The comment period closes on 2 Apr 12.

**PROPOSED RULE ON HAZARDOUS WASTE MANAGEMENT SYSTEM** The Illinois Environmental Protection Agency (IEPA) issued a [proposed rule](#) that amends the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by the USEPA that appeared in the Federal Register during the period 1 Jan 11 through 30 Jun 11. Specifically, the amendment to Part 720 implements segments of various federal requirements by updating the incorporations by reference of numerous federal requirements to include amendments to those requirements. The comment period closes on 19 Mar 12.

**EXTENSION OF SUNSET DATE FOR UNDERGROUND STORAGE TANK TAX AND THE ENVIRONMENTAL IMPACT FEE** The Illinois Department of Revenue issued a [proposed rule](#) which implements the provisions of PA 96-161, which extended the sunset date for the Leaking Underground Storage Tank (UST) Tax and the Environmental Impact Fee to 1 Jan 25. The second comment period closes on 29 Mar 12.

**PROPOSED RULE ON UNDERGROUND STORAGE TANKS** IEPA initiated a [proposed rulemaking](#) by filing a proposal intended to update the Board's underground storage tank (UST) regulations to reflect the adoption of Public Act 96-908. Public Act 96-908 enacted a number of amendments to Title XVI of the Environmental Protection Act (Act), which addresses USTs. In the Statement of Reasons filed with its original rulemaking proposal, IEPA noted that Part 732 applies to UST releases reported on or after 23 Sep 94, but prior to 24 Jun 02. IEPA states that, with adoption of Public Act 96-908, all releases subject to Title XVI of the Act that are closed on or after 8 Jun 10, are subject to Part 734 of the Board's UST rules. See 415 ILCS 5/57.13 (2010). IEPA is stipulating in this rulemaking that the change to Part 732 is no longer necessary and should be repealed. The second comment period closed on 8 Mar 12.

## **NEW BILL ON PREVENTION OF AQUATIC LIFE TRANSPORT**

State [HB 3888](#) concerning "Boats-Aquatic Life Transport" was passed by the House on 28 Feb 2012 and sent to the Senate. The bill amends the Boat Registration and Safety Act by stipulating that no person may place or operate a vehicle, seaplane, watercraft, or other object of any kind in waters of the State if it has any aquatic plants or aquatic animals attached to the exterior of the vehicle, seaplane, watercraft, or other object. The bill also stipulates that no person may take off with a seaplane, or transport or operate a vehicle, watercraft, or other object of any kind on a highway with aquatic plants or aquatic animals attached to the exterior of the seaplane, vehicle, watercraft, or other object. The bill provides exceptions and also stipulates that a person must comply with instructions given by a law enforcement officer who has reason to believe that the person is in violation of the new provisions. Finally, the bill stipulates that the Department of Natural Resources shall produce and make copies available of a notice containing a summary of the new provisions and owners of boat access sites must also post and maintain a copy of the notice. The bill was referred to Assignments in the Senate on 29 Feb 12.

## **NEW BILL ON PROCUREMENT PLAN FOR RENEWABLE ENERGY**

Illinois State Representative Phelps (D), introduced [HB 4572](#), also referred to as the, "Power Agency-Procurement Plan." The bill would amend the Illinois Power Agency Act, by removing a provision that no later than 30 Jun 11, the Illinois Commerce Commission shall review the limitation on the amount of renewable energy resources procured and report to the General Assembly its findings. The bill provides that if any procurement plan includes provisions for procurement events that contractually obligate a utility to purchase less than 100% of the required renewable energy resources for one or more future planning years, then the procurement plan is required to identify how the annual spending limitation imposed shall be distributed between procurement events. Referred to Rules Committee of the House.

## **NEW BILL ON WIND FARMS-RENEWABLE ENERGY SET BACK PROVISIONS**

Illinois State Representative Sosnowski (R) introduced [HB 5814](#) concerning Wind Farms-Renewable Energy. The bill amends the Illinois Municipal Code, adds Amendment 1 which adds Section 11-42-15, provides that in provisions concerning powers over certain businesses, that for renewable energy systems other than those used exclusively by an end user, a municipality may prohibit any renewable energy system device from locating less than 1,000 feet from a residential area, provided that the regulation is not inconsistent with another municipality's zoning regulation. The bill was assigned to the Cities and Villages Committee.

## **ATTAINMENT REACHED FOR ST LOUIS & ILLINOIS AREA**

USEPA issued a proposed rule that would determine, pursuant to the Clean Air Act, that the bi-state St. Louis ozone nonattainment area ("St. Louis area") attained the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) by the applicable attainment date of 15 Jun 10 [[77 FR 5210](#), 2 Feb 12]. This proposed determination is based upon complete, quality-assured, and certified ambient air quality data from the 2007-2009 monitoring period which show that the St. Louis area has monitored attainment of the 1997 8-hour ozone NAAQS as of the applicable date. The comment period closed on 5 Mar 12.

## **ATTAINMENT REACHED FOR THE 1997 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD**

USEPA issued a proposed rule that would approve a request from Illinois to redesignate the Illinois portion of the Chicago-Gary-Lake County, Illinois-Indiana ozone nonattainment area (the Greater Chicago area) to attainment of the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS or standard) because the request meets the statutory requirements for redesignation under the Clean Air Act (CAA) [[77 FR 6743](#), 9 Feb 12]. The Illinois portion of the Greater Chicago area includes Cook, DuPage, Kane, Lake, McHenry, and Will Counties and portions of Grundy (Aux Sable and Goose Lake Townships) and Kendall (Oswego Township) Counties. The Illinois Environmental Protection Agency (IEPA) submitted this request on 23 Jul 09, and supplemented its request in a submittal on 16 Sep 11. USEPA is proposing to approve, as a revision of the Illinois State Implementation Plan (SIP), the State's plan for maintaining the 1997 8-hour ozone standard through 2025 in the Illinois portion of the Greater Chicago area. USEPA is proposing to approve 2002 Volatile Organic Compound (VOC) and Nitrogen Oxides (NOX) emission inventories for the Illinois portion of the Greater Chicago area as a revision of the Illinois SIP because the emission inventories meet the requirements of section 182(a) of the CAA. Finally, USEPA proposes to approve the State's 2008 and 2025 VOC and NOX Motor Vehicle Emission Budgets for the Illinois portion of the Greater Chicago area. The comment period closed on 12 Mar 12



### **EMERGENCY AIR RULE**

The Indiana Department of Environmental Management (IDEM), Air Pollution Control Board issued an [emergency rule](#) concerning new source review provisions for particulate matter less than 2.5 microns and deferral of carbon dioxide emissions from bioenergy and other biogenic sources under the prevention of significant deterioration and Title V Program. The emergency rules went into effect on 2 Feb 12 and are scheduled to expire on 2 May 12.

### **IMPAIRED WATERS DRAFT LIST**

IDEM Office of Water Quality issued a [notice](#) and is soliciting public comment for the development of its draft 2012 303(d) List of Impaired Waters and the Consolidated Assessment and Listing Methodology used to develop it. The draft 303(d) list will be submitted to USEPA on 1 Apr 12. A meeting is scheduled for 11 Apr 12, and the comment period is scheduled to close on 8 May 12.

### **PROPOSED RULE ON NATURAL RESOURCES**

The Indiana Natural Resources Commission issued a [proposed rule](#) which amends 312 IAC 18-1-13 to update the definition of "pest or pathogen" to be consistent with the statutory definition. Additionally, it amends 312 IAC 18-2-2 to allow the director to establish and modify boundaries of a quarantined area for a pest or pathogen consistently with amendments made to IC 14-24-4-2, and adds 312 IAC 18-3-22 to produce seedlings, used in reforestation, afforestation, or another natural resources purpose, that are free of pests or pathogens. A hearing was held on 6 Mar 12.

### **PROPOSED RULES ON UNDERGROUND STORAGE TANKS AND SYSTEM OPERATORS**

IDEM issued [proposed rules](#) concerning training of operators who operate and maintain regulated underground storage tank (UST) systems. On 8 Aug 07, the USEPA published operator training grant guidelines in the Federal Register (72 FR 44523) for states that receive UST funds from USEPA. USEPA developed these grant guidelines as required by the operator training provision in Section 9010 of Subtitle I of the Solid Waste Disposal Act (SWDA), 42 U.S.C. 6901 et seq., enacted by the Underground Storage Compliance Act, part of the Energy Policy Act of 2005. Section 1524 of the Energy Policy Act of 2005 amends Subtitle I of the SWDA of 1965 by adding Section 9010, Operator Training. This rulemaking will make the state rules correspond to the federal rules. The comment period closed on 2 Mar 12 and a hearing is scheduled for 20 Mar 12.

### **NEW OMNIBUS ENVIRONMENTAL BILL**

Indiana State Senator Gard (R) introduced [SB 131](#) covering a wide variety of environmental waste topics, and the bill continues to progress through the Indiana Legislature. Some of the key language in the bill would allow the Indiana Department of Environmental Management (IDEM) to issue septic tank waste management permits that incorporate approval of a land application site, establish certain waste source reduction goals, make changes to waste tire management requirements, and require recyclers to provide a list of collectors from which they received covered electronic devices. SB 131 would also require IDEM to provide information on a property's restrictive covenants and include environmental defects on a property transfer disclosure form, add additional oversight of and requirements for solid waste management districts. The bill has passed both houses of the General Assembly and will now go to the Governor for signature.



### **NEW BILLS FOR CLEANUP OF UNDERGROUND STORAGE TANKS**

Senate Bills [528-533](#) are a package of bills that would alter the procedure for the cleanup of contamination caused by leaking underground storage tanks (LUST). These bills cover a wide range of topics including but not limited to: LUST cleanup procedures and requirements, process for appeals, assessment and closure reporting, definitions, civil actions seeking declaratory judgment on liability, and prohibitions on Michigan Department of Environmental Quality rule making. All of the bills are tie-barred, meaning none can take effect unless all of them are signed into law.



**RELEASE OF DRAFT TOTAL SUSPENDED SOLIDS TOTAL MAXIMUM DAILY LOAD REPORT**

The Minnesota Pollution Control Agency (MPCA) issued a [notice](#) requesting comments on the draft South Metro Mississippi Total Suspended Solids Total Maximum Daily Load (TMDL) Report. Following the comments, the MPCA will revise the draft TMDL Report and submit it to USEPA for approval. The comment period closes on 27 Apr 12.

**NEW BILL ON ENVIRONMENTAL PERMITTING**

On 8 Feb 12, Minnesota State Representative Fabian (R) introduced [HF 2095](#) concerning environmental permitting efficiency. The bill modified environmental review requirements, to expedite environmental permit approval. The bill is similar to SF 1567, as the latter relates to permits and permit reviews.

**NEW OMNIBUS BILL ON PERMIT EFFICIENCY**

On 26 Jan 12, Minnesota State Senator Ingebrigtsen introduced [SF 1567](#) concerning environmental permit efficiency, environmental review modifications, conservation rate structure requirement elimination, appropriation, and amends several Sections of Minnesota Statutes 2010. Under the environmental review modification portion of the bill, the Department of Natural Resources (DNR) and MPCA would be required to update permitting efficiency and establish an irrevocability or suspensions of DNR permits, eliminating the conservation rate structure requirement for public waters, designating the Department of Employment and Economic Development Commissioner as the environmental permits coordinator and allowing the coordinator to assess project proposers and appropriating assessment funds to the affected state agency. Under the Environmental Review portion of the bill, environmental review requirements for cellulosic biofuel facilities must be coordinated by several state agencies and submitted to the Legislative Coordinating Commission. On 8 Mar 12, the bill passed in the Senate and was received by the House on 12 March 12.



**RULEMAKING PLAN FOR DRINKING AND GROUND WATER**

The Ohio Environmental Protection Agency (OEPA), Division of Drinking and Ground Waters issued a [notice](#) on publishing its 2012-2013 Rulemaking Plan. The document identifies rulemaking actions that the division is planning in order to satisfy the five-year rule review requirements of Section 119.032 of the Ohio Revised Code, and to adopt federal regulations. The rules in this plan cover clarifications to the definition of a public water system, surface water treatment requirements, the total coliform rule, backflow prevention and cross-connection control, plan approval, operator certification, consumer confidence reports, laboratory certification and underground injection control requirements. The comment period closed on 2 Mar 12.

**DRAFT AMENDMENTS ON FEDERAL CONFORMITY FOR AMBIENT AIR QUALITY STANDARDS**

Ohio EPA, Division of Air Pollution Control, issued draft amendments which would amend the Ohio Administrative Code (Rules [3745-25-01](#) and [3745-25-02](#)). These rules contain the ambient air quality standard applicable to the State of Ohio and definitions used throughout the chapter. The primary reason for amending these rules is to update Ohio's ambient air quality standards to make them equivalent to their federal counterparts. Upon adoption of the new standards, these rules will be submitted to USEPA as a part of Ohio's State Implementation Plan as required by the Clean Air Act. The comment period closed on 7 Mar 12.

**FINAL RULE ON WASTEWATER OPERATOR CERTIFICATION RULES**

Ohio EPA issued a final rule which makes revisions to the water and wastewater operator certification rules in Chapter 3745-7-[1](#), [2](#), [3](#), [4](#), [5](#), [6](#), [7](#), [8](#), [9](#), [12](#), [13](#), [15](#), and [18](#) of the Ohio Administrative Code (OAC). The amendments to the OAC are, in part, a result of the five-year rule review requirements of Section 119.032 of the Revised Code. The amendments to the water and wastewater operator certification rules add new definitions, establish limits for use of provisions allowing for operators of lower levels of classifications and other changes. The final rule went into effect on 23 Feb 12.



### **PROPOSED RULE ON PESTICIDE USE AND CONTROL**

The Wisconsin Department of Agriculture, Trade and Consumer Protection issued a [proposed rule](#) that makes revisions to Chapter ATCP 29, relating to pesticide use and control. The purpose of the rulemaking is to update and clarify current rules regulating the distribution and use of pesticides, the licensing and certification of pesticide applicators, and the registration of pesticide products. The comment period closes on 30 Mar 12.

### **NEW BILL ON ENVIRONMENTAL CONTAMINATION CLEANUP LIABILITY**

Wisconsin State Representative Petrowski (R) introduced [AB 333](#) concerning site remediation and hazardous cleanup. The bill would amend or repeal specific state statutes concerning site remediation and hazardous cleanup and the liability for environmental contamination on property on which a cleanup was conducted. Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable. Among other changes, AB 333 would modify the requirements for qualifying for and obtaining an exemption from restoration responsibilities and strengthen DNR's authority to remove an entity's liability exemption if they fail to make reasonable progress toward completing environmental investigations or provide required information.

### **NEW BILL ON DISPOSAL OF OIL ABSORBENT MATERIAL**

Wisconsin State Representative Steineke (R) introduced [AB 383](#) concerning the disposal of oil absorbent materials. Current law prohibits the disposal of certain materials in solid waste disposal facilities, such as landfills. The law prohibits the disposal of oil absorbent materials that contain waste oil in a solid waste disposal facility, except that the prohibition does not apply to the disposal of less than one gallon of oil absorbent materials that contain waste oil resulting from a non-routine spill. This bill replaces the general prohibition on disposing of oil absorbent materials that contain waste oil in a solid waste disposal facility with a narrower prohibition. Under this bill, a person may not dispose of oil absorbent materials that contain waste oil in a solid waste disposal facility. A recent amendment to this bill adds [AB 333-AA1] waste oil has been drained so that no visible signs of free-flowing oil remain in or on the oil absorbent materials. The bill has passed both houses and awaits the Governor's signature.

### **NEW BILL BIOGENIC GREENHOUSE GAS EMISSIONS**

Wisconsin State Representative Klenke (R) introduced [AB 467](#) concerning consideration of certain greenhouse gas emissions in determining requirements applicable to a stationary source of air pollution. The bill has passed both the House and Senate with amendment AB 467-SA1. The federal Clean Air Act (CAA) allows the USEPA to authorize a state to administer the act if the state's air pollution control program is at least as stringent as the CAA. Currently, USEPA delegates the authority to administer the federal CAA in Wisconsin to the Department of Natural Resources (DNR). Assembly Bill 467 would bring Wisconsin law into conformance with USEPA regulations relating to the treatment of certain Biogenic greenhouse gas emissions. Also see [supporting documents](#).

### **LAW UPDATED ON THE REGULATION OF INDIRECT SOURCES OF AIR POLLUTION**

The Joint Committee for Review of Administrative Rules introduced [SB 111](#) concerning the regulation of indirect sources of air pollution and the suspension of a rule promulgated by the Department of Natural Resources (companion bill [AB 159](#) has been tabled). Under current law, the DNR issues permits for certain stationary sources of air pollution. The current definition of "stationary source" includes facilities that indirectly emit air pollution. DNR has promulgated rules that require permits for certain indirect sources of air pollution, including certain parking lots and highways. Some of the requirements that apply to other stationary sources do not apply to indirect sources. This prohibits DNR from requiring air pollution control permits for indirect sources such as carbon monoxide pollution. The suspended rule required air pollution control permits for indirect sources. The bill had been signed by Governor Walker and is designated "2011 Wisconsin Act 121."

### **NEW PUBLIC SERVICE COMMISSION OMNIBUS BILL**

Wisconsin State Senator Zipperer (R) introduced [SB 428](#) relating to Commissioners of the Public Service Commission (PSC); Notices, Orders, and Determinations of the Commission; Certificates of Authority Issued by the Commission; Approval of Contracts by the Commission; Electricity Sales from Certain Wholesale Merchant Plants; Public Utility Removal of Certain Electric Service Lines; Renewable Resource Credits; Tampering or Interfering with Utility Equipment; Granting Rule-Making Authority; and Providing Penalties. The bill has passed both houses and is awaiting the Governor's signature.

## **ATTAINMENT REACHED FOR 1997 8-HOUR OZONE STANDARD**

USEPA issued a proposed rule that would approve requests from the Wisconsin Department of Natural Resources (WDNR) to redesignate the Milwaukee Racine and Sheboygan areas to attainment for the 1997 8-hour ozone standard, because the requests meet the statutory requirements for redesignation under the Clean Air Act (CAA or Act) [[77 FR 6727](#), 9 Feb 12]. The Milwaukee-Racine area includes Milwaukee, Ozaukee, Racine, Washington, Waukesha, and Kenosha Counties. The Sheboygan area includes Sheboygan County. WDNR submitted these requests on 11 Sep 09, and supplemented the submittal on 16 Nov 11. This proposed approval also involves several related actions. USEPA is proposing to approve, as revisions to the Wisconsin State Implementation Plan (SIP), the state's plans for maintaining the 1997 8-hour ozone National Ambient Air Quality Standard through 2022 in the above-mentioned areas. USEPA is also proposing to approve the 2005 comprehensive emissions inventories for the Milwaukee-Racine and Sheboygan areas as meeting the requirements of the CAA. Finally, USEPA finds adequate and is proposing to approve the state's 2015 and 2022 Motor Vehicle Emission Budgets (MVEBs) for the Milwaukee-Racine and Sheboygan areas. The comment period closed on 12 Mar 12.

## **APPROVAL IMPLEMENTATION PLANS ON VOC EMISSION CONTROL MEASURES**

USEPA issued a proposed rule that would grant approval to the implementation plans for the Wisconsin Volatile Organic Compound Emission Control Measures for Milwaukee and Sheboygan Ozone Nonattainment Areas [[77 FR 10424](#), 22 Feb 12]. WDNR submitted several volatile organic compound (VOC) rules for approval into its State Implementation Plan (SIP). The purpose of these rules are to satisfy the Clean Air Act's requirement that states revise their SIPs to include reasonably available control technology (RACT) for sources of VOC emissions in moderate ozone nonattainment areas. Wisconsin's VOC rules provide RACT requirements for the Milwaukee-Racine and Sheboygan 8-hour ozone nonattainment areas. These rules are approvable because they are consistent with the Control Technique Guideline (CTG) documents issued by USEPA in 2006 and 2007 and satisfy the RACT requirements of the Act. The comment period closes 23 Mar 12.

# **Federal Activity**

## ***AIR***

### **FINAL RULE IMPACTS FOSSIL FUEL ELECTRIC STEAM GENERATING UNITS**

USEPA issued a final rule that was proposed on 3 May 11, [[76 FR 24976](#)] the national emission standards for hazardous air pollutants (NESHAP) from coal and oil-fired electric utility steam generating units (EGUs) and standards of performance for fossil-fuel-fired electric utility, industrial-commercial-institutional, and small industrial-commercial-institutional steam generating units [[77 FR 9304](#), 16 Feb 12]. USEPA is amending new source performance standards (NSPS) after analysis of the public comments received. The rule finalizes several minor amendments, technical clarifications, and corrections to existing NSPS provisions for fossil fuel-fired EGUs and large and small industrial-commercial-institutional steam generating units. It establishes NESHAP that will require coal and oil-fired EGUs to meet hazardous air pollutant (HAP) standards reflecting the application of the maximum achievable control technology. Potentially affected entities include fossil fuel-fired electric utility steam generating units and industrial, commercial or institutional steam generating units owned by the federal government. This final rule is effective on 16 Apr 12.

### **USEPA COMPLETES 2010 NITROGEN DIOXIDE STANDARD DESIGNATIONS**

On 17 Feb 12, USEPA issued a Federal Register notice based on the most recent air quality monitoring data (2008-2010), the Agency determined that no area in the country is violating the 2010 national air quality standards for nitrogen dioxide [[77 FR 9532](#), 17 Feb 12].

## ***ENERGY***

### **COMMENTS REQUESTED TO EXPEDITE PERMITTING OF ELECTRIC TRANSMISSION LINES**

Department of Energy's Office of Electricity Delivery and Energy Reliability is requesting information on permitting of transmission lines. On 31 Aug 11, President Obama issued a memorandum titled, "Speeding Infrastructure Development Through More Efficient and Effective Permitting and Environmental Review." The memorandum directed agencies to take steps to coordinate and expedite permitting and review [[77 FR 11517](#), 27 Feb 12]. On 5 Oct 11, the Administration announced the creation of a Rapid Response Team for Transmission. DOE poses several questions related to

timelines for obtaining regulatory permits for transmission projects, posing the question if delays in transmission project permitting are hampering development of energy generation projects, and what the target timelines for transmission project permitting will be. The comment period closes on 28 Mar 12.

## **DRAFT REPORT ON INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS: 1990-2010**

USEPA issued a [draft report](#) titled, "Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2010," which contains annual emissions summarized by source category and sector. The inventory contains estimates of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), and sulfur hexafluoride (SF<sub>6</sub>) emissions. The comment period on the draft report closes on 28 Mar 12.

## ***HAZARDOUS CHEMICALS***

### **USEPA RELEASES FINAL HEALTH ASSESSMENT FOR TETRACHLOROETHYLENE**

USEPA issued a notice on the final IRIS Toxicological Review and [IRIS Summary](#) for Tetrachloroethylene (Perchloroethylene), and the Interagency review draft, the Interagency review comments, and USEPA's response to major Interagency comments. This health assessment provides estimates for both cancer and non-cancer effects associated with exposure to perchloroethylene over a lifetime. The Toxicological Review provides scientific support and rationale for the hazard and dose-response assessment in IRIS pertaining to chronic exposure to perchloroethylene. The Reference Dosage (RfD) of 0.006 mg/kg-day for chronic oral exposure replaces the previous RfD of 0.01 mg/kg-day entered on the IRIS database on 1 Mar 88. Perchloroethylene is a chemical that has been used by the Military as a weapons cleaning solvent.

## ***NEPA***

### **FINAL GUIDANCE ON NATIONAL ENVIRONMENTAL POLICY ACT EFFICIENCIES**

On 6 Mar 12, the President's Council on Environmental Quality (CEQ) released [final guidance](#) for Federal agencies on improving the efficiency and timeliness of their environmental reviews under the National Environmental Policy Act (NEPA). NEPA Regulations provide for a number of techniques for preparing efficient and timely environmental reviews. The guidance highlights and clarifies these opportunities to encourage efficiency, thorough environmental reviews and help streamline the process and facilitate more informed Federal decisions. The guidance is part of CEQ's broader effort to modernize and reinvigorate Federal agency implementation of NEPA; it also supports the goals of President Obama's 31 Aug 11 Memorandum on "Speeding Infrastructure Development through More Efficient and Effective Permitting and Environmental Review." Currently, CEQ's NEPA regulations describe efficiencies that can be applied when preparing Environmental Impact Statements, the most intensive type of NEPA environmental review. The guidance clarifies that these efficiencies can and should be applied to all types of environmental reviews, including Environmental Assessments. The guidance also outlines principles for agencies to follow when performing NEPA environmental reviews.

## ***RCRA***

### **REGULATORY REVISIONS FOR UNDERGROUND STORAGE TANKS**

USEPA has extended the comment period on the proposed revisions to the UST regulations at 40 CFR Part 280 and 281, last revised in 1988. These changes establish federal requirements that are similar to key portions of the Energy Policy Act of 2005 and also update certain 1988 UST regulations [[77 FR 8757](#), 15 Feb 12]. The proposed revisions include: adding secondary containment requirements for new and replaced tanks and piping; adding operator training requirements for UST system owners and operators; adding periodic operation and maintenance requirements for UST systems; adding new release prevention and detection technologies; and adding updates to state program approval requirements to incorporate these new changes. The comment period closes on 16 Apr 12.

## ***WATER***

### **USACE REISSUANCE OF NATIONWIDE PERMITS**

The U.S. Army Corps of Engineers (USACE) issued a final notice on existing and some new nationwide permits (NWP) for work in streams, wetlands and other waters per the Clean Water Act Section 404 and Section 10 of the Rivers and Harbors Act of 1899 [[77 FR 10184](#), 21 Feb 12]. USACE has reissued 48 of the 49 existing nationwide permits. The reissued permits are necessary to replace existing permits, which expire on 18 Mar 12. The NWPs issued will become effective on 19 Mar 12. New nationwide permits include: NWP 51 covering Land Based Renewable Energy General Facilities including facility construction, expansion or modification, including attendant features, and NWP 52 covering Water Based Renewable Energy Generation Pilot Pro-

jects including water based wind or hydrokinetic proposals. Renewable energy facilities on both land and water may also continue to make full use of existing general permits to the full extent that they have previously done so.

**NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES**

USEPA issued a final 2012 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from large and small construction activities [[77 FR 12286](#), 29 Feb 12]. This construction general permit includes: new requirements that implement the technology-based effluent limitation guidelines and new source performance standards, which were issued by USEPA for the construction and development industry on 1 Dec 09. USEPA is issuing this construction general permit for five (5) years, during which time the permit will provide coverage to eligible existing and new construction projects in all areas of the country where USEPA is the NPDES permitting authority, in the Northern Region, Massachusetts, New Hampshire, Puerto Rico, and Washington, DC. The permit became effective on 16 Feb 12. Follow link to see [fact sheet](#) and webinar information.

# Professional Development

For a full listing of Professional Development opportunities please visit the REEO-N website at:  
[www.asaie.army.mil/Public/ESOH/.REEO/Northern/proDevelopment.html](http://www.asaie.army.mil/Public/ESOH/.REEO/Northern/proDevelopment.html).

## Internet Resources

### STATE REGULATORY / LEGISLATIVE SOURCES

Connecticut:	<a href="#">DEP</a> / <a href="#">General Assembly</a>	New Jersey:	<a href="#">DEP</a> / <a href="#">State Legislature</a>
Delaware:	<a href="#">DNREC</a> / <a href="#">General Assembly</a>	New York:	<a href="#">DEC</a> / <a href="#">Assembly</a> / <a href="#">Senate</a>
District of Columbia:	<a href="#">DDOE</a> / <a href="#">City Council</a>	Ohio:	<a href="#">EPA</a> / <a href="#">General Assembly</a>
Illinois:	<a href="#">EPA</a> / <a href="#">General Assembly</a>	Pennsylvania:	<a href="#">DEP</a> / <a href="#">General Assembly</a>
Indiana:	<a href="#">DEM</a> / <a href="#">General Assembly</a>	Puerto Rico:	<a href="#">DNER</a> / <a href="#">Government</a>
Maine:	<a href="#">DEP</a> / <a href="#">State Legislature</a>	Rhode Island:	<a href="#">DEM</a> / <a href="#">General Assembly</a>
Maryland:	<a href="#">MDE</a> / <a href="#">General Assembly</a>	Vermont:	<a href="#">ANR</a> / <a href="#">State Legislature</a>
Massachusetts:	<a href="#">DEP</a> / <a href="#">General Court</a>	Virgin Islands:	<a href="#">DPNR</a> / <a href="#">Legislature</a>
Michigan:	<a href="#">DEQ</a> / <a href="#">State Legislature</a>	Virginia:	<a href="#">DEQ</a> / <a href="#">General Assembly</a>
Minnesota:	<a href="#">PCA</a> / <a href="#">State Legislature</a>	West Virginia:	<a href="#">DEP</a> / <a href="#">State Legislature</a>
New Hampshire:	<a href="#">DES</a> / <a href="#">General Court</a>	Wisconsin:	<a href="#">DNR</a> / <a href="#">State Legislature</a>

## Staff Directory

<p><b>Dr. James Hartman</b>            Director &amp; DoD REC Region 5            410-436-7096  <a href="mailto:james.r.hartman32.civ@mail.mil">james.r.hartman32.civ@mail.mil</a></p> <p><b>Vance Hobbs</b>            Deputy Director            410-436-0482  <a href="mailto:vance.g.hobbs.civ@mail.mil">vance.g.hobbs.civ@mail.mil</a></p> <p><b>Robert Boonstoppel</b>            Regional Counsel            410-436-1275  <a href="mailto:robert.i.boonstoppel.civ@mail.mil">robert.i.boonstoppel.civ@mail.mil</a></p>	<p><b>Bob Muhly</b>            Army REC - Regions 1 &amp; 2            410-436-6224  <a href="mailto:robert.l.muhly.civ@mail.mil">robert.l.muhly.civ@mail.mil</a></p> <p><b>Amy Alton</b>            Army REC - Region 3            410-436-7098  <a href="mailto:amy.i.alton.civ@mail.mil">amy.i.alton.civ@mail.mil</a></p> <p><b>Patrick Timm</b>            Army REC - Region 5            410-436-4044  <a href="mailto:patrick.a.timm.ctr@mail.mil">patrick.a.timm.ctr@mail.mil</a>  <i>(Horne Engineering)</i></p>	<p><b>Tom Frendak</b>            Project Manager            410-436-7616  <a href="mailto:thomas.m.frendak.ctr@mail.mil">thomas.m.frendak.ctr@mail.mil</a>  <i>(Horne Engineering)</i></p> <p><b>Charlene Beairsto</b>            Regulatory Affairs Specialist            410-436-7248  <a href="mailto:charlene.c.beairsto.ctr@mail.mil">charlene.c.beairsto.ctr@mail.mil</a>  <i>(Horne Engineering)</i></p> <p><b>Tanya Christley</b>            Administrative Assistant            410-436-7097  <a href="mailto:tanya.m.christley.ctr@mail.mil">tanya.m.christley.ctr@mail.mil</a>  <i>(Horne Engineering)</i></p>
--	--	---

Back issues of the Review can be found on the REEO-N website at:  
[www.asaie.army.mil/Public/ESOH/REEO/Northern/publications.html](http://www.asaie.army.mil/Public/ESOH/REEO/Northern/publications.html)

To be added to the distribution list call or email the REEO-N Regulatory Affairs Specialist at  
 email: [charlene.c.beairsto.ctr@mail.mil](mailto:charlene.c.beairsto.ctr@mail.mil) Phone : 410-436-7248