



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

August 2012

The **NORTHERN REGION REVIEW** provides current information on state and local environmental, energy, land use, and related legislative and regulatory activities 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](#).

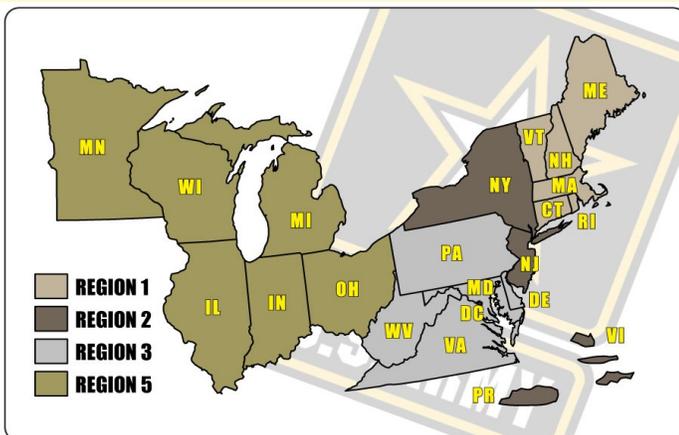


Table of Contents

Region 1	2
Region 2	5
Region 3	7
Region 5	10
Federal Activity	15
Professional Development	18
How the Regional Offices Work for You	18

What's In This Review?

Region 1

Regionally, approval of New England's Air Quality Implementation Plans; in CT, a notice on Modifications to the General Permit for the Discharge of Domestic Sewage; in MA, a renewable energy law; in ME, new motor vehicle emission standards for diesel truck owners, and a final rule on siting of oil storage facilities; and, in NH, attainment of air quality implementation plans, and proposed changes to hazardous waste rules.

Region 2

Regionally, a proposed rule to list a small seabird (the black-capped petrel) as endangered or threatened species; in NJ, a final rule on the deletion of the Fort Dix landfill superfund site, a new bill on energy siting, a final rule on Coastal Zone Management and energy facility use; and, in NY, an emergency rule on open fires, and a proposed rule on permitting of stationary air emission sources.

Region 3

In DE, final regulations governing public drinking water systems and proposed regulation for aquatic pesticide use; in DC, a final rule amends water/sewer service rates, and proposed modifications to municipal separate storm sewer system permit; in MD, proposed medical waste incinerator rule; in PA, a final rule on portable fuel containers; and, in VA, final rules on transportation conformity and water quality management planning.

Region 5

Regionally, a final rule on air quality regional haze implementation plans; in IL, aboveground storage tanks rules under development; in IN, a final rule grants redesignation to attainment for the annual PM 2.5 standard; in MI, a USEPA proposed rule on Detroit-Ann Arbor nonattainment area, and a new environmental law; in MN, a final rule on solid waste land disposal facility permits and proposed revisions to the waste discharge rules for the metropolitan disposal system; in OH, a USEPA final rule on regional haze air quality implementation plan; and, in WI, USEPA final rule grants attainment status for several areas.

Federal Activity

USEPA: Final rules on Title V greenhouse gas tailoring rule step 3, and on hazardous chemical inventory forms reporting revisions; a USEPA notice on draft human health risk assessment, and a perchlorate draft advisory report on maximum contaminant level.

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.



APPROVAL AND PROMULGATION OF NEW ENGLAND STATE AIR QUALITY IMPLEMENTATION PLANS

USEPA issued a proposed rule that approves most elements of submittals from the States of Connecticut, Maine, Massachusetts, and New Hampshire [[77 FR 43023](#), 23 Jul 12]. USEPA is also proposing to conditionally approve certain elements of these submittals, as well as disapprove a few elements of Massachusetts' submittals. The submittals outline how each state's State Implementation Plan (SIP) meets the requirements of Section 110(a) of the Clean Air Act (CAA) for both the 1997 and 2006 fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS). Section 110 (a) of the CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by the USEPA. These actions are being taken under the Clean Air Act. The comment period closes on 22 Aug 12.



Legislature convened 8 Feb 12 and adjourned sine die 9 May 12.

STATE OF CONNECTICUT OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

MODIFICATIONS TO THE GENERAL PERMIT FOR THE DISCHARGE OF DOMESTIC SEWAGE

On 2 Jul 12, the Connecticut Department of Energy and Environmental Protection (DEEP) issued a [Notice of Tentative Determination](#) to renew the General Permit for the Discharge of Domestic Sewage with several modifications. The original General Permit for the Discharge of Domestic Sewage expired on 11 Jun 12; however, the same terms and conditions of the General Permit for Domestic Sewage issued on 12 Jun 02 are still applicable. The DEEP is proposing to continue permit authorization by issuing this Notice for an additional ten year period, which includes the following modifications: Section 4(a): existing permittees are not required to submit renewal registration forms as part of this reissuance; Section 4(a): eliminated requirement that facilities with a flow greater than 50,000 gallons per day submit a registration; the registration fee has been increased to \$625.00 as specified in the Connecticut General Statutes (CGS) Section 22a-6f(e); Section 3(b)(2): any new pump station used to convey the discharge from a community sewage system to the Publically Owned Treatment Work shall be designed, constructed and operated to meet the technical guidance of the New England Interstate Water Pollution Control Commission [NEIWPC], also referred to as TR-16: Guides for Design of Wastewater Treatment Works, 2011 Edition and approved under CGS Section 22a-416. Finally, for discharges from a community sewage system, the permittee shall certify to the water pollution control authority and the building official of the municipality that a permit to discharge has been obtained as required by CGS Section 7-246f and include a copy of the registration filed pursuant to this general permit. The comment period closed on 1 Aug 12.



Legislature convened 4 Jan 12 and adjourned sine die 18 Apr 12.

STATE OF MAINE FINAL RULES

NEW MOTOR VEHICLE EMISSION STANDARDS FOR DIESEL TRUCK OWNERS

On 1 Aug 12, the Maine Department of Environmental Protection (DEP) issued a [final rule](#) concerning auxiliary power units (APU) for diesel trucks. Currently Chapter 127 requires APUs installed on heavy-duty diesel trucks to meet California APU standards. Diesel truck owners who need to have continuous power to their vehicle even when resting, use APUs rather than idle the main truck engine. The amendment allows for the installation of a Federal Tier IV certified

APU, a lower cost alternative to the California certified APU. The final rule becomes effective on 29 Aug 12.

FINAL RULE ON SITING OF OIL STORAGE FACILITIES

On 25 Jul 12, Maine DEP issued a [final rule](#) amending Chapter 692, Siting of Oil Storage Facilities. This regulation protects against contamination of drinking water supplies by setting restrictions on the siting of oil storage facilities. The department amended the chapter to specify the conditions under which a diesel fuel supply tank for refueling heavy equipment in a borrow pit may be installed in an area that is mapped as a "significant sand and gravel aquifer" by the Maine Geological Survey. This practice is prohibited under current rules. The chapter also amended the process for demonstrating that the proposed site of an oil storage facility was erroneously mapped as a significant aquifer and therefore is not subject to the siting restrictions of the rule. The final rule became effective on 25 Jul 12.

FINAL LAND USE RULE

On 25 Jul 12, the Maine Department of Conservation issued a [final rule](#) concerning Chapter 10, rules which establish land use standards for lands under the jurisdiction of the Land Use Regulation Commission. The intent of this rule-making is to reduce the regulatory burden on applicants and reduce staff time and paperwork for small projects with little or no impact. These rule changes will allow the construction of accessory structures less than 750 square feet in size in certain sub-districts without a permit subject to certain standards and conditions. The final rule became effective on 28 Jul 12.

STATE OF MAINE PROPOSED RULES

PROPOSED AIR QUALITY EMERGENCY EPISODES REGULATION

On 1 Aug 12, Maine DEP issued a [proposed rule](#) amending to Chapter 109, Emergency Episode Regulations, to incorporate the current federal Air Quality Index (AQI) thresholds for Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency action levels. The proposed amendments to Chapter 109 are required pursuant to Section 110(a)(2)(G) of the 1990 Clean Air Act Amendments and federal regulations which requires states to have the authority to address activities causing imminent danger to public health, including emergency episodes provisions in their State Implementation Plans (SIP). These amendments will be submitted to USEPA for incorporation in the Maine State Implementation Plan. Maine DEP has also issued a [fact sheet](#) on the proposed rule. The comment period closes on 31 Aug 12.

PROPOSED RULE ON SURFACE COATING FACILITIES

On 1 Aug 12, Maine DEP issued a [proposed rule](#) amending Chapter 129, Surface Coating Facilities. The Clean Air Act (CAA) requires states to implement or update their regulations to require control technology on certain sources of volatile organic compound (VOC) emissions which contribute to the formation of ground-level ozone. This proposal amends the VOC limits for miscellaneous metal parts and products coating operations and expands the categories covered by the rule. In addition, miscellaneous plastic parts and products are covered by the proposed amendments. The compliance date for the rule is 1 Jan 14. This rule will be submitted to USEPA as a revision to Maine's State Implementation Plan. Maine DEP has also issued a [fact sheet](#) on the proposed rule. The comment period closes on 31 Aug 12.



Legislature convened 4 Jan 12 and adjourns 1 Jan 13.

COMMONWEALTH OF MASSACHUSETTS LEGISLATION SIGNED BY THE GOVERNOR

NEW RENEWABLE ENERGY LAW

On 3 Aug 12, Massachusetts Governor Patrick signed [SB 2395](#) into law. The energy legislation expands incentives and opportunities for developing wind, solar, hydro, and other renewable power generation to serve the state's electricity consumers. The measure also includes provisions to manage some of the drivers of energy cost increases.

COMMONWEALTH OF MASSACHUSETTS PROPOSED LEGISLATION

NEW BILL ON INSPECTION OF WATER STORAGE FACILITIES

On 30 Jul 12, Senate Bill [HB 4347](#) (Senate, SB 2126) was assigned to the Committee on Ways and Means. The legislation authorizes governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage which are defined as: below-ground facility or tank, standpipe, water tower or other building or structure used to store water for, without limitation, public drinking water supply and fire protection.



Legislature convened 4 Jan 12 and adjourned sine die 1 Jul 12.

ATTAINMENT OF AIR QUALITY IMPLEMENTATION PLANS

USEPA issued a proposed rule which makes four separate and independent determinations for two areas in New Hampshire [77 FR 42470, 19 Jul 12]. First, with respect to the Portsmouth-Dover-Rochester (referred to as the Portsmouth area) serious one-hour ozone nonattainment area, USEPA is proposing to determine that the area attained the one-hour National Ambient Air Quality Standard (NAAQS) for ozone, by the applicable deadline of 15 Nov 99. Second, USEPA is proposing to determine that the Portsmouth area attained the one-hour ozone standard in 1999, and continues to attain the standard. Third, USEPA is proposing to determine that the Manchester marginal one-hour ozone nonattainment area attained the one-hour NAAQS, by the applicable deadline of 15 Nov 93. Fourth, USEPA is proposing to determine, that the Manchester area has attained the one-hour ozone standard since 1993, and continues to attain the standard. The comment period closes on 20 Aug 12.

STATE OF NEW HAMPSHIRE PROPOSED RULES

PROPOSED CHANGES TO HAZARDOUS WASTE RULES

On 17 Jul 12, the New Hampshire Department of Environmental Service (DES) issued a proposed rule which amends several sections of the existing rules governing the generation, storage, treatment, transportation, and disposal of hazardous waste. The rule revises Section Env-Hw 100, Hazardous Waste Definitions and Env-Hw 300-1100, Hazardous Waste Amendments: Permits, Generators, Transporters, Facility Owners/Operators, Recycling, HW Cleanup Fund, and Universal Waste. The rule clarifies certain definitions, corrects out-dated citations, excludes additional materials from regulation as hazardous wastes, and aligns New Hampshire’s rules with recent federal requirements that have changed since the rules were last adopted. A hearing is scheduled for 30 Aug 12, and the comment period closes on 7 Sep 12.

PROPOSED UPDATES TO AIR RESOURCES DIVISION RULES

On 12 Jul 12, the New Hampshire DES issued a proposed rule that revises the rules that provide uniform procedures for air-related variance and waiver requests and public notices of hearings and public comment periods relative to the State Implementation Plan (SIP) and other matters. The rules supplement procedures established by RSA 541-A, “the New Hampshire Administrative Procedure Act” and Env-C 200, “Rules of Practice and Procedure.” The rules are proposed to be readopted with amendments at this time because they expired on 28 Jul 12. Revisions are proposed to clarify procedures for filing a petition for a variance including explicit requirements for variance petitions to be signed, requiring the notice published by DES to be in a newspaper of general daily circulation in the area in which the source is located and on the DES website. A hearing occurred on 7 Aug 12, and the comment deadline closed on 14 Aug 12.



Legislature convened 3 Jan 12 and adjourned sine die 22 Jun 12.

STATE OF RHODE ISLAND FINAL RULE

FINAL RULE ON RHODE ISLAND COASTAL RESOURCES MANAGEMENT PROGRAM

On 28 Jun 12, the Rhode Island Coastal Resources Management Council (CRMC) issued a final rule on the management plans, policies, procedures and regulations of the agency regarding construction of shoreline protection facilities, Section 300.70 of the Rhode Island Coastal Resources Management Program. The adopted changes define certain structures within CRMC, define setbacks as structural shoreline protection facilities, and provide specific requirements for federal consistency activities involving structural shoreline protection. When structural shoreline protection is proposed, the Council requires that the owner exhaust all reasonable and practical alternatives including, but not limited to, the relocation of the structure and nonstructural shoreline protection methods (see Section 300.7.E.1). The final rule became effective on 22 Jul 12.

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.



PROPOSED RULE TO LIST THE BLACK-CAPPED PETREL AS ENDANGERED OR THREATENED

The U.S. Fish and Wildlife Service (USFWS), issued a proposed rule notice on a 90-day finding which lists the black-capped petrel, *Pterodroma hasitata*, as endangered or threatened under the Endangered Species Act of 1973, the notice also designates critical habitat in U.S. waters and territories in the South Atlantic and Caribbean region [[77 FR 37367](#), 21 Jun 12]. In addition, the USFWS petition presents substantial scientific or commercial information indicating that listing of the black-capped petrel may be warranted. Through this notice, the USFWS is initiating a review on the status of the species to determine if listing the black-capped petrel is warranted. To ensure that this status review is comprehensive, USFWS is requesting scientific and commercial data and other information regarding this species. Based on the status review, USFWS will then issue a 12-month finding on the petition, which will address whether the petitioned action is warranted, as provided in Section 4(b)(3)(B) of the Act. See current known distribution of this bird [here](#). The comment deadline closes on 20 Aug 12.



Legislature convened 10 Jan 12 and adjourns 31 Dec 13.

FINAL RULE ON THE DELETION OF THE FORT DIX LANDFILL SUPERFUND SITE

USEPA Region 2 issued a final rule notice on the Deletion of the Fort Dix Landfill Superfund Site, located in Pemberton Township, New Jersey, from the National Priorities List (NPL) [[77 FR 43529](#), 25 Jul 12]. This direct final deletion is being published by USEPA with the concurrence of the State of New Jersey, through the NJ Department of Environmental Protection, because USEPA has determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund. The final rule becomes effective on 24 Sep 12, contingent on USEPA not receiving any adverse comment, otherwise it will be withdrawn.

STATE OF NEW JERSEY PROPOSED LEGISLATION

NEW BILL ON ENERGY SITING

On 30 Jul 12, New Jersey Assembly Bill [AB 3218](#) was introduced and referred to the Housing and Local Government Committee. The legislation modifies the definition of "inherently beneficial use" for purposes of zoning variance to discourage siting of wind and solar energy facilities on agricultural land and open space. This bill would modify the definition of "Inherently Beneficial Use" in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) so that wind and solar or photovoltaic energy facilities are only included if located on or above a parking lot, rooftop, or brownfield, and not within agricultural land or open space. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.

NEW LEGISLATION ON STORAGE TANK DOMES

On 30 Jul 12, Assembly Concurrent Resolution [ACR 157](#) was sent to the Committee on Regulatory Oversight and Gaming. The legislation determines that the current Department of Environmental Protection (DEP) rules and regulations concerning requirement of domes on certain storage tanks are inconsistent with legislative intent. This concurrent resolution embodies the finding of the Legislature that the adopted regulations of the DEP at N.J.A.C.7:27-16.2 as they pertain to the requirement of equipping certain external floating-roof tanks with domes, are not consistent with the intent of the Legislature as expressed in the "Air Pollution Control Act (1954)," P.L.1954, c.212 (C.26:2C-1 et seq.). The concurrent resolution provides that the Commissioner of Environmental Protection will have 30-days to amend or withdraw the rules and regulations, or the Legislature may, by passage of another concurrent resolution, exercise its authority under the Constitution to invalidate the rules and regulations in whole or in part.

STATE OF NEW JERSEY FINAL RULES

FINAL RULE ON COASTAL ZONE MANAGEMENT AND ENERGY FACILITY USE

On 16 Jul 12, the New Jersey Department of Environmental Protection (NJ DEP) issued a [final rule](#) that readopts without change the specially adopted amendment to the energy facility use rule, N.J.A.C. 7:7E-7.4, that implements P.L. 2011, c. 20, which amended the Coastal Area Facility Review Act (CAFRA) at N.J.S.A. 13:19-10.1. In accordance with N.J.S.A. 13:19-10.1 as amended, the readopted provision allows for the construction of wind energy facilities on piers in certain circumstances. The final rule became effective on 19 Jul 12.

FINAL RULE ON UNIFORM CONSTRUCTION CODE PERTAINING TO PHOTOVOLTAIC SYSTEMS

On 16 Jul 12, the New Jersey Department of Community Affairs issued a [final rule](#) which amends Subchapters 2, 4, and 9 of the Uniform Construction Code rules, N.J.A.C. 5:23. The amendments pertain to updating the reference to the International Energy Conservation Code, requirements for the installation of a photovoltaic system and forms. The final rule became effective on 16 Jul 12.

STATE OF NEW JERSEY PROPOSED RULES

PROPOSED RULE ON SOIL EROSION AND SEDIMENT CONTROL

On 2 Jul 12, the New Jersey Department of Agriculture issued a [proposed rule](#) relating to soil erosion and sediment control and land disturbance activities. The Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-39 et seq., as amended, requires the approval of applications for development where more than 5,000 square feet of land surface area is disturbed. The approval is conditioned upon certification of a plan for soil erosion and sediment control by the local soil conservation district where the soil disturbance occurs. In addition, the Soil Restoration Act (P.L. 2010, c. 113) requires the development of standards to provide for cost-effective restoration of the optimal physical, chemical, and biological functions for specific soil types and intended land use. The proposed amendments establish revised and new Standards for Soil Erosion and Sediment Control (Standards) as the basis for design and installation of vegetative and engineering practices applicable to construction, mining, and other related land disturbance activities. The comment period closes on 31 Aug 12.

STATE OF NEW JERSEY OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

PINELANDS COMPREHENSIVE MANAGEMENT PLAN REVIEW

The New Jersey Pinelands Commission issued its fourth in-depth review of the [Pinelands Comprehensive Management Plan](#) (CMP), and is requesting the public's participation. The Commission will analyze its past actions and identify ways to strengthen the Plan through future amendments to the CMP, the rules that govern land-use, development and natural resource protection programs. Several Plan Review meetings are [scheduled](#). The comment period is open from 16 Jul 12 until 16 Sep 12.

NOTICE ON THE DRAFT 2012 STATE WATER QUALITY ASSESSMENT REPORT

On 2 Jul 12, NJ DEP issued a [notice](#) and requested comment on the draft Integrated Water Quality Monitoring and Assessment Report (Integrated Report). The Integrated Report identifies where regulatory and other actions have been successful in restoring water quality, where water quality improvement is needed, where high quality waters are threatened and/or need protection, and where further study and/or research is needed to address unresolved water quality issues, such as nutrient impacts on aquatic life uses. These results provide a sound scientific foundation to inform and prioritize the state's water regulatory and management programs. This state scale water quality information is required by the Clean Water Act to develop the overall national scale assessment of water quality. The comment period closed on 1 Aug 12.



Legislature convened 5 Jan 12 and adjourns 8 Jan 13.

STATE OF NEW YORK FINAL RULE **EMERGENCY RULE ON OPEN FIRES**

On 13 Jul 12, the New York Department of Environmental Conservation (DEC) adopted an [emergency rule making](#) relating to open fires to expand the high fire-risk burn ban period. The emergency rule became effective on 13 Jul 12 and expires on 10 Oct 12.

STATE OF NEW YORK PROPOSED RULE

PROPOSED RULE ON PERMITTING OF STATIONARY EMISSION SOURCES

On 1 Aug 12, the New York DEC issued a [proposed rule](#) concerning permitting and registration requirements for stationary emission sources. The purpose of this rule making is to comply with the 1990 Clean Air Act Amendments by establishing a comprehensive statewide air permit program. Hearings are scheduled for 19-20 Sep 12, and the comment period closes on 27 Sep 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.



Legislature convened 10 Jan 12 and adjourned sine die 30 Jun 12.

STATE OF DELAWARE FINAL RULES

FINAL REGULATIONS GOVERNING PUBLIC DRINKING WATER SYSTEMS

On 1 Jul 12, the Delaware Office of Drinking Water issued a [final rule](#) on Regulations Governing Public Drinking Water Systems. The rule adopts four USEPA regulations: the Long Term 2 Enhanced Surface Water Treatment Rule, the Stage 2 Disinfectant/Disinfection Byproducts Rule, the Ground Water Rule, and the Lead/Copper Rule Short Term Revisions, as well as makes technical corrections to previously adopted federal regulations. In addition, there are several changes to Delaware-specific requirements. The final rule became effective on 11 Jul 12.

STATE OF DELAWARE PROPOSED RULES

PROPOSED REGULATION FOR AQUATIC PESTICIDE USE

On 1 Jul 12, the Delaware Department of Natural Resources and Environmental Control (DNREC) issued a [proposed rule](#) which revises Section 9.0, General Permit Program, and adds Subsection 9.8, Regulations Governing the Discharges from the Application of Pesticides to Waters of the State. The Pesticide emergency regulations that were put in place on 1 Mar 12, are set to expire 31 Aug 12. The application of biological pesticides, and chemical pesticides with residuals to waters, are regulated under the provisions of the federal Clean Water Act and need a National Pollutant Discharge Elimination Program (NPDES) permit. Being an NPDES-delegated state (except for federal facilities) the State of Delaware through DNREC is required to issue its own NPDES permits and develop regulations that align with the federal Pesticide General Permit (PGP) issued on 31 Oct 11. The comment period closed on 30 Jul 12.



Legislature convened 2 Jan 12 and adjourns 31 Dec 12.

DISTRICT OF COLUMBIA FINAL RULES

FINAL RULE AMENDS WATER/SEWER SERVICE RATES

On 27 Jul 12, the District of Columbia Water and Sewer Authority issued a [final rule](#) which amends several water service fee rates. The fee for retail metered water service is currently \$3.24 and will increase to \$3.42 per one hundred cubic feet (1CCF) of water used; the fee for retail metered sewer service is currently \$3.96, and will increase to \$4.18, per 1CCF of water used; the fee for annual Clean Rivers Impervious Surface Area Charge is currently \$79.68 per Equivalent Residential Unit (ERU) and will increase to \$114.84 per ERU. In addition, the rule re-establishes a rate for groundwater sewer charge for unimproved real property under construction at \$2.33 per 1CCF; the rule establishes the rate for cooling water sewer charge and non-potable water source charge at the retail sanitary sewer service rate; revises the billing frequency for impervious only billing properties; increases the DC Fire Protection Service Fee to \$748 per public fire hydrant, per year; adds definitions for Cooling Water and Non-Potable Water Source; establishes

pretreatment permitting and industrial user annual compliance fees; increases the Right of Way Occupancy Fee Pass Through Charge from \$0.15 to \$0.16 per 1CCF of water used; and increases the Pilot Fee from \$0.49 per 1CCF of water used to \$0.50 per 1CCF of water used. The final rule becomes effective on 1 Oct 12.

DISTRICT OF COLUMBIA OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

PROPOSED MODIFICATIONS TO MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT

On 27 Jul 12, the Director of the District Department of the Environment (DDOE) issued a [notice](#) on USEPA's granting of a limited modification to the National Pollutant Discharge Elimination System (NPDES) Permit DC0000221 issued to the DDOE for discharges from its Municipal Separate Storm Sewer System (MS4), issued on 30 Sep 11. USEPA submitted the proposed draft MS4 Permit to DDOE for certification that the draft permit modifications will not violate the District's water quality standards. The proposed modifications are intended to provide additional public notice and input on the District's development of its Consolidated TMDL Implementation Plan, additional clarity and accountability for specific water quality-related outcomes, and clarity that the Government of the District of Columbia is the sole permittee. The comment period closes on 10 Sep 12.



Legislature convened 11 Jan 12 and adjourned sine die 9 Apr 12. Special session 14-15 May 12.

APPROVAL OF REGIONAL HAZE PLAN

USEPA issued a final rule which approves a revision to the Maryland State Implementation Plan (SIP), submitted by the Maryland Department of the Environment (MDE) on 13 Feb 12 [[77 FR 39938](#), 6 Jul 12]. This action is being taken in accordance with the requirements of the Clean Air Act and USEPA's rules for states to prevent any future, and remedy any existing, anthropogenic impairment of visibility in mandatory Class I areas through a regional haze program. USEPA is also approving this revision as meeting 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 (PM_{2.5}) NAAQS. The final rule became effective on 6 Aug 12.

STATE OF MARYLAND PROPOSED RULES

PROPOSED RULE ON CONTROL OF INCINERATORS

On 23 Jul 12, the Maryland Department of the Environment issued a [proposed rule](#) amending the Code of Maryland Regulations (COMAR) 26.11.08.08-2 "Control of Incinerators" and the 111(d) Plan pertaining to the compliance schedule for hospital, medical, infectious and medical waste incinerators. This amendment restores the permit to construct exemptions under COMAR 26.11.02.10 for applicable Maximum Achievable Control Technology area sources, which will be required to obtain a permit to construct. This rulemaking defines area sources that existed prior to the revision of the definition of National Emissions Standards for Hazardous Air Pollutant (NESHAP) "NESHAP source" under COMAR 26.11.01.01 that became effective on 5 Mar 12. Based on testing and analysis conducted by affected sources, flexibility in meeting the interim compliance dates is needed to better accomplish and optimize the required level of control and achieve compliance by 6 Oct 14. The proposed amendment allows a source to propose and follow an alternate plan and schedule for meeting the 6 Oct 14 compliance date. Comments are due, and a hearing is scheduled for 12 Sep 12.



Legislature convened 3 Jan 12 and adjourns 30 Nov 12.

USEPA GRANTS APPROVAL TO NEW SOURCE REVIEW REVISIONS

USEPA issued a final rule approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania [[77 FR 41276](#), 13 Jul 12]. These revisions pertain to Pennsylvania's nonattainment New Source Review (NSR) program, and incorporate preconstruction permitting regulations for fine particulate matter (PM_{2.5}) into the Pennsylvania SIP. USEPA is approving these revisions in accordance with the requirements of the Clean Air Act. The final rule became effective on 13 Aug 12.

FINAL RULE ON PORTABLE FUEL CONTAINERS

On 14 Jul 12, the Pennsylvania Department of Environmental Protection (PA DEP) issued a [final rule](#) to 25 PA Code Chapter 130, "Standards for Products." The purpose of this final rulemaking is to rescind the portable fuel container requirements in Chapter 130, Subchapter A for the sale, supply, offer for sale and manufacture of portable fuel containers and spouts for sale and for use in this Commonwealth on or after 1 Jan 03. In addition, the rule rescinds §§ 130.101—130.108, which were approved as a final-form rulemaking by the Board on 16 Jul 02. The portable fuel containers regulations are superseded by more stringent Federal regulations, applicable Nationwide, that were promulgated at [[72 FR 8428](#), 26 Feb 07]. Sections 59.600—59.699 of 40 CFR (relating to control of evaporative emissions from new and in-use portable fuel containers) apply to portable fuel, diesel and kerosene containers and spouts manufactured in or imported into the United States beginning 1 Jan 09. The final rule became effective on 14 Jul 12.

COMMONWEALTH OF PENNSYLVANIA PROPOSED RULES

PROPOSED RULE ON PARTICULATE MATTER EMISSIONS

On 7 Jul 12, PA DEP issued a [proposed rule](#) that would amend 25 PA Code Chapter 139, "Sampling and Testing," to update and clarify what sampling and testing methods used to demonstrate compliance with certain particulate matter (PM) emission limitations. The proposed amendments are to both § 139.12 9 (a) relating to emissions of particulate matter, and the amendment explains the process used for determining compliance with filterable PM emission standards, and to §§ 123.11—123.13 relating to combustion units, incinerators, and processes. The proposed amendments to § 139.12(b) and (c) explain the process used for determining compliance with filterable and condensable PM emission limitations. The proposed amendment to § 139.12(d) explain the compliance demonstration process. The proposed amendment to § 139.53 relating to filing monitoring reports, specifies where monitoring reports must be filed. In addition to these substantive changes, the proposed rulemaking would also amend 25 PA Code Chapter 121 "General Provisions," and add the definitions in § 121.1, relating to the definitions of "condensable particulate matter" and "filterable particulate matter." The board held three meetings on the proposed rule on 7, 9, & 10 Aug 12. The comment period closes on 10 Sep 12.

PROPOSED RULE ON TRIENNIAL REVIEW OF WATER QUALITY STANDARDS

On 7 Jul 12, PA DEP issued a [proposed rule](#) that would amend 25 PA Code Chapter 93, "Water Quality Standards." The water quality standards, which are generally codified in Chapter 93, are designed to implement Sections 5 and 402 of act and Section 303 of the Clean Water Act (CWA). This proposed rulemaking fulfills the Federally-required triennial review of water quality standards as mandated by the CWA (33 U.S.C.A. §§ 1251—1387). The water quality standards consist of the existing and designated uses of the surface waters of the Commonwealth, along with the specific numerical and narrative criteria necessary to achieve and maintain those uses, and an anti-degradation policy. The comment period closes on 21 Aug 12.

COMMONWEALTH OF PENNSYLVANIA OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

RELEASE OF REGULATORY AGENDA

On 7 Jul 12, the Pennsylvania State Administration issued the 33rd [regulatory agenda](#) of regulations under development or consideration. The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process. Since this is a notice on rules under development, there is no hearing or comment period scheduled.



Virginia

Legislature convened 11 Jan 12 and adjourned 10 Mar 12. Special session 21 Mar 12 - 2 May 12.

COMMONWEALTH OF VIRGINIA FINAL RULES

FINAL RULE ON TRANSPORTATION CONFORMITY

On 13 Jun 12, the Virginia Department of Environmental Quality (DEQ) issued a **final rule** relating to transportation conformity. USEPA promulgated amendments to the federal transportation regulation on 14 Mar 12 (77 FR 14979). Under 40 CFR 51.390, Virginia is required to submit to the USEPA a revision to the State Implementation Plan that establishes conformity criteria and procedures consistent with the transportation conformity regulation promulgated by USEPA at 40 CFR Part 93. In order to implement the federal transportation conformity requirements, the Virginia regulation must reflect the recent revisions made to the federal regulations. This regulation is amended to include the 2012 CFR revisions. The final rule became effective on 15 Jul 12.

FINAL RULE ON WATER QUALITY MANAGEMENT PLANNING

On 27 Jun 12, the Virginia DEQ issued a **final rule** which amends the state's Water Quality Management Planning Regulation (9 VAC 25-720). The amendment includes three Total Maximum Daily Load (TMDL) wasteload allocations and one TMDL modification. One amendment is to the Chowan River Basin (9 VAC 25-720-100.A). The TMDLs were developed in accordance with Federal Regulations (40 CFR § 130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The TMDLs were subject to the TMDL public participation process and the waste load allocations are adopted as part of 9 VAC 25-720 in accordance with Virginia's "Public Participation Procedures for Water Quality Management Planning." The final rule became effective on 15 Aug 12.

COMMONWEALTH OF VIRGINIA PROPOSED RULES

PROPOSED RULE ON ENDANGERED PLANT AND INSECT SPECIES

On 2 Jul 12, the Virginia Department of Agriculture and Consumer Services issued a **proposed rule** that amends the Rules for the Enforcement of the Endangered Plant and Insect Species Act. In addition, the amendment removes one plant species from listing, adds one plant species (Millboro Leatherflower) to the threatened list, adds two plant species (Valley Dolls Daisy and Virginia Quillwort) and adds one insect species (Thomas Cave Beetle) to the endangered list. The comment period closes on 31 Aug 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.



Illinois

Legislature convened 11 Jan 12 and adjourns 31 Dec 12

FINAL RULE ON AIR QUALITY REGIONAL HAZE IMPLEMENTATION PLANS

USEPA issued a final rule which approves revisions to the Illinois State Implementation Plan (SIP), submitted on 24 Jun 11, addressing regional haze for the first implementation period [[77 FR 39943](#), 6 Jul 12]. USEPA received comments disputing its proposed finding regarding best available retrofit technology, but USEPA continues to believe that Illinois' plan limits power plant emissions as well as would be achieved by directly requiring best available retrofit technology. USEPA has determined that the Illinois regional haze plan satisfactorily addresses Clean Air Act section 169A and Regional Haze Rule requirements for states to remedy any existing and prevent future anthropogenic impairment of visibility at mandatory Class I areas. USEPA is also approving two state rules and incorporating two permits into the SIP. The final rule became effective on 6 Aug 12.

STATE OF ILLINOIS OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

PART 160 ABOVEGROUND STORAGE TANKS RULES UNDER DEVELOPMENT

On 20 Jul 12, the Office of the State Fire Marshal issued a [Regulatory Agenda notice](#) (pg. 11649) concerning "Storage, Transportation, Sale and Use of Gasoline and Volatile Oils: Rules and Regulations/Relating to General Storage" [41 Ill. Adm. Code 160]. Part 160 rules primarily address the use of aboveground storage tanks (ASTs) for flammable or combustible liquids used for bulk storage (storage for other than dispensing purposes). The upcoming rulemaking will address and regulate areas where the current AST rules do not to include: indoor locations for ASTs; fire rated, fire insulated, doublewall or vaulted AST designs; requirements for reinstallation of previously used ASTs or piping; and corrosion prevention requirements for ASTs or piping for both above and below ground. In addition, the pending proposed rule will also regulate design or installation of either Stage I or Stage II vapor recovery procedures for ASTs; will specify the methods or types of secondary containment for ASTs portable containers; address intermediate bulk containers or retail storage of flammable/combustible liquids; and will also address fueling from a mobile cart/trailer. Since this is an Agenda notice on a rule under development, there is no hearing or comment period scheduled.

PART 180 ABOVEGROUND STORAGE TANKS RULES UNDER DEVELOPMENT

On 20 Jul 12, the Office of the State Fire Marshal issued a [Regulatory Agenda notice](#) (pg. 11651) announcing upcoming regulatory changes to 41 Ill. Adm. Code 180, "Storage, Transportation, Sale and Use of Gasoline and Volatile Oils," which are the rules governing aboveground storage tanks (ASTs). This pending rulemaking will be similar to a certain extent to the proposed changes to 41 Ill. Adm. Code 160. The upcoming rulemaking will add sections of rules and regulate in AST areas where the current AST rules do not. Since this is an Agenda notice on a rule under development, there is no hearing or comment period scheduled.

PUBLIC WATER SUPPLY OPERATIONS & PERMITTING RULES UNDER DEVELOPMENT

On 20 Jul 12, the Illinois EPA issued a [Regulatory Agenda notice](#) (pg. 11544) announcing upcoming regulatory changes to the existing rules in 35 Ill. Adm. Code 654, "Raw and Finished Water Quality and Quantity." The pending rulemaking will specify the requirements for public water supply operations and permits; provide updated information to owners, operators, and official custodians of public water supplies; and will address design, operational criteria and maintenance of public water supplies to facilitate the permitting process. Since this is an Agenda notice on a rule under development there is no hearing or comment period scheduled.

WASTEWATER OPERATOR CERTIFICATION RULES UNDER DEVELOPMENT

On 20 Jul 12, the Illinois EPA issued a [Regulatory Agenda notice](#) (pg. 1155) announcing upcoming regulatory changes to the qualifications needed by Wastewater Operators and the rulemaking will also modify the grouping of industrial wastewater treatment works. Since this is an Agenda notice on a rule under development there is no hearing or comment period scheduled.

RAW AND FINISHED WATER QUALITY AND QUANTITY RULES UNDER DEVELOPMENT

On 20 Jul 12, the Illinois EPA issued a [Regulatory Agenda notice](#) (pg. 11554) announcing upcoming regulatory changes to the current rules in 35 Ill. Adm. Code Part 654, "Raw and Finished Water Quality and Quantity." The amendments will generally benefit small municipalities by clarifying the requirements for operations and permits. The affected entities own or operate a "public water supply," as defined by Section 3.28 of the Act, have at least 15 service connections, and regularly serve an average of at least 25 individuals daily at least 60-days out of the year. This rulemaking will assist a public water supply in demonstrating compliance. Since this is an Agenda notice on a rule under development, there is no hearing or comment period scheduled.



Legislature convened 4 Jan 12 and adjourned sine die 10 Mar 12

STATE OF INDIANA FINAL RULE

FINAL RULE GRANTS REDESIGNATION TO ATTAINMENT FOR THE ANNUAL PM2.5 STANDARD

On 4 Jul 12, the Indiana Department of Environmental Management (IDEM) issued a [final rule](#) concerning the redesignation of northwest Indiana and southwest Indiana to attainment for the annual PM2.5 standard, including Lake County and Porter County (Indiana portion of the Greater Chicago area); and Dubois County, part of Gibson County including

Montgomery Township, part of Pike County including Washington Township, part of Spencer County including Ohio Township, Vanderburgh County and Warrick County (Evansville area). The final rule became effective on 7 Jul 12.

STATE OF INDIANA PROPOSED RULE

PROPOSED RULE ON PRIORITY RANKING SYSTEM FOR HAZARDOUS SUBSTANCE RESPONSE SITES AND ELECTRONIC WASTE

On 11 Jul 12, IDEM issued a **proposed rule** regarding amending the rules at **329 IAC 7.1** concerning the priority ranking system for hazardous substance response sites and electronic waste at 329 IAC 16. This rulemaking will make 329 IAC 7.1 and 329 IAC 16 consistent with the statute at IC 13-12-3-2 concerning risk-based remediation standards. A **hearing** is scheduled for 18 Sep 12.

STATE OF INDIANA OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

PROPOSED ADDITION OF RAYED BEAN MUSSEL TO ENDANGERED SPECIES LIST

On 11 Jul 12, the Indiana Natural Resources Commission issued a **notice of intent to adopt a rule**, that would amend several natural resource rules. Specifically, the rulemaking would amend Section 312 IAC 9-9-4, by adding the Rayed Bean as an endangered species of mussel. Since this is a notice on a rule under development, there is no hearing or comment period scheduled.



Legislature convened 11 Jan 12 and adjourns 31 Dec 12.

USEPA PROPOSED RULE ON DETROIT-ANN ARBOR NONATTAINMENT AREA

USEPA issued a proposed rule which makes three determinations under the Clean Air Act (CAA) regarding the fine particle (PM_{2.5}) nonattainment area of Detroit-Ann Arbor, Michigan (Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties or Detroit-Ann Arbor area). USEPA is proposing to determine that the Detroit-Ann Arbor area has attained both the 1997 annual PM_{2.5} National Ambient Air Quality Standard (NAAQS) and the 2006 24-hour PM_{2.5} NAAQS [**77 FR 39659**, 5 Jul 12]. These proposed determinations of attainment are based upon complete, quality-assured, and certified ambient air monitoring data for 2009-2011 showing that the area has maintained attainment of the 1997 annual and 2006 24-hour PM_{2.5} NAAQS. Preliminary data available for 2012 indicate that the area continues in attainment of the 1997 annual and the 2006 24-hour PM_{2.5} NAAQS. If these proposed determinations are made final, the requirements for the Detroit-Ann Arbor area to submit an attainment demonstration, associated reasonably available control measures (RACM) to include reasonably available control technology (RACT), a reasonable further progress (RFP) plan, contingency measures, and other planning State Implementation Plan (SIP) revisions related to attainment of the 1997 annual and the 2006 24-hour PM_{2.5} NAAQS will be suspended for so long as the area continues to attain the respective PM_{2.5} NAAQS. USEPA is also proposing to determine, based on complete, quality-assured and certified monitoring data for the 2007-2010 monitoring period, that the Detroit-Ann Arbor area had attained the 1997 annual PM_{2.5} NAAQS by the applicable attainment date of 5 Apr 10. The comment period closed on 6 Aug 12.

STATE OF MICHIGAN FINAL LEGISLATION

NEW ENVIRONMENTAL LAW

On 18 Jul 12, Governor Snyder signed **SB1090** into law. The law was re-titled Public Act 190 of 2012 with immediate effect. The law amends Section 20120e (MCL 324.20120e), consolidates, and classifies laws relating to the environment and natural resources of the state; regulates the discharge of certain substances into the environment; regulates the use of certain lands, waters, and other natural resources of the state; prescribes the powers and duties of certain state and local agencies and officials; provides for certain charges, fees, assessments, and donations; provides certain appropriations; prescribes penalties and provide remedies; and repeals acts and parts of acts.

STATE OF MICHIGAN PROPOSED RULES

PROPOSED AIR POLLUTION CONTROL RULES

On 1 Aug 12, the Michigan Department of Environmental Quality (DEQ) issued a **proposed rule** revising the Air Pollution Control Rules. The proposed rule modifies the existing definition in Air Pollution Control Rule R 336.1119 (e) "Significant", to add a significance threshold for the new PM_{2.5} pollutant, and amends the existing definition in R 336.1122 (f) "Volatile Organic Compound," by adding to the list of compounds with negligible reactivity. A hearing occurred, and the comment period closed on, 9 Aug 12.

PROPOSED RULE ON FEDERAL CONFORMITY AND NEW SOURCE REVIEW

On 1 Aug 12, the Michigan DEQ issued a [proposed rule](#) that makes revisions to Air Pollution Control Rules Part 19 to modify existing language in Air Pollution Control Rules R 336.2901, R 336.2903, and R 336.2908 to be consistent with the federal requirements for the New Source Review permitting program, and Title 40 of the Code of Federal Regulations, Section 51.165. A hearing occurred and the comment period closed on 9 Aug 12.

STATE OF MICHIGAN OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

NOTICE ON DRAFT RED CEDAR RIVER AND GRAND RIVER E. COLI TMDL

On 2 Jul 12, the Michigan DEQ issued a [notice](#) on the draft pathogen Total Maximum Daily Load (TMDL) for portions of the Red Cedar River and Grand River, including Sycamore, Sullivan, Squaw, and Doan Creeks available for comment. These water bodies are located in Ingham, Eaton, Clinton, Jackson, and Livingston Counties, and were included on Michigan's Year 2012 Section 303(d) list due to elevated E. coli levels. The TMDL is being developed to identify the pathogen reductions necessary to meet water quality standards. The comment period closed on 2 Aug 12.



Legislature convened 24 Jan 12 and adjourned sine die 21 May 12.

STATE OF MINNESOTA FINAL RULES

FINAL RULE ON SOLID WASTE LAND DISPOSAL FACILITY PERMITS

On 30 Jul 12, the Minnesota Pollution Control Agency (PCA) issued a [final rule](#) relating to solid waste land disposal facility permits. The rule adopted changes to Subpart 1 of 7001.3500 A., which states, "A solid waste land disposal facility permit is effective for ten years unless the approved closure plan submitted under part 7035.2625 indicates that the capacity of the facility will be reached in less than ten years, in which case the permit term is based on the estimated year of closure according to part 7035.2625." The final rule became effective on 30 Aug 12.

STATE OF MINNESOTA PROPOSED RULES

PROPOSED RULES ON GREENHOUSE GAS PERMIT REQUIREMENTS

On 9 Jul 12, the Minnesota PCA issued a [proposed rule](#) amending the Minnesota State air pollution control rules, Chapters 7005, 7007, and 7011, that were first adopted temporarily in January 2011. These rules implemented and promulgated regulations under the federal Clean Air Act, the USEPA regulations required air permits to address the emission of "greenhouse gas" (GHG) emissions. The PCA's air permitting programs require federal approval and the Agency must ultimately maintain alignment of its air permitting programs with the corresponding federal programs. For program consistency, the Agency proposes adopting the GHG amendments. The proposed amendments also limit applicability of the GHG permit requirements to larger sources. Without the increased GHG thresholds in these proposed rules, many small sources such as residences, hospitals, schools or restaurants would require a GHG permit. The comment period closes on 20 Aug 12.

STATE OF MINNESOTA OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

NOTICE ON DESIGNATION OF INFESTED WATERS

On 30 Jul 12, the Minnesota Commissioner of the Department of Natural Resources issued an [order](#) which makes modifications to the list of waters that are currently designated as infested with aquatic invasive species.

NOTICE ON RULES GOVERNING HEALTH RISK LIMITS FOR GROUNDWATER

On 9 Jul 12, the Minnesota Department of Health (MDH) issued an [advanced notice](#) and requested comments on possible amendments to rules governing Health Risk Limits (HRLs) for Groundwater. The amendments will add new HRL values or replace outdated HRL values for groundwater contaminants to the existing Health Risk Limit Tables (parts 4717.7860 and 4717.7500) in the existing rule. There are currently 12 chemicals with values under consideration for rule amendment. MDH has not yet prepared a draft of the proposed amendments. A public [meeting](#) is scheduled for 28 Aug 12.

PROPOSED REVISIONS TO MINNESOTA WASTEWATER DISCHARGE RULES

On 9 Jul 12, the Minnesota Metropolitan Council issued an [Advanced Notice](#) to provide background information and receive public input related to proposed revisions to the Waste Discharge Rules (WDR) for the Metropolitan Disposal

System (regional wastewater collection and treatment system). The Metropolitan Council board may modify the Local Pretreatment Standards and Prohibited Waste Discharges in the WDR. The WDR specify standards and requirements which must be met by affected persons, including permittees and customer communities. The revisions now proposed involve three main categories, requirements involving "customer communities," which are the cities and townships served by the Metropolitan Disposal System (MDS). The proposals generally serve to codify existing requirements or procedures, revisions required by the Minnesota Pollution Control Agency, resulting from the adoption of "Minnesota Pretreatment Rules" in 2008 (Minnesota Rules, Chapter 7049) other additions, updates and improvements. A meeting is scheduled for 27 Sep 12, and the comment period closes on 8 Oct 12.



Legislature convened 3 Jan 12 and adjourns 31 Dec 12.

USEPA FINAL RULE ON REGIONAL HAZE AIR QUALITY IMPLEMENTATION PLAN

USEPA issued a final rule which grants limited approval of revisions to the Ohio State Implementation Plan (SIP), submitted on 11 Mar 11, addressing regional haze for the first implementation period that ends in 2018 [[77 FR 39177](#), 2 Jul 12]. This action is being taken in accordance with the requirements of the Clean Air Act (CAA) 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. The final rule became effective on 1 Aug 12.

STATE OF OHIO PROPOSED RULES

PROPOSED CHANGES TO WATER QUALITY TRADING PROGRAM RULES

On 17 Jul 12, Ohio EPA (OH EPA) issued a [proposed rule](#) amending sections of Ohio Administrative Code (OAC) Chapter 3745-5, which provides the administrative requirements for the development and implementation of water quality trading programs in Ohio. Section 119.032 of the Revised Code requires OH EPA to review its rules every five years to determine whether they should be changed. The Agency has reviewed the water quality trading rules and had identified needed changes. The following three rules in this chapter, OAC 3745-5-07, "Requirements for Water Quality Credits," 3745-5-08, "Water Quality Credits and Pollutant Loading Calculations" and 3745-5-10, "Water Quality Trading Ratios," are being filed concurrently with no changes. A hearing is scheduled for, and the comment period closes on 21 Aug 12.

STATE OF OHIO OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

STAKEHOLDER OUTREACH FOR ASBESTOS EMISSIONS CONTROL RULES

On 12 Jul 12, the OH EPA issued a [Stakeholder input request](#) on potential rule amendments concerning the requirements for the control of emissions of asbestos. These rules regulate the proper handling procedures for asbestos containing materials from demolitions, renovations, manufacturing, fabricating, waste conversion processes and landfill disposal facilities. These rules remain consistent with the federal rules at 40 CFR Part 61, Subpart M. OH EPA is considering modifying the definition of "facility" in paragraph (B)(18) of OAC rule 3745-20-01. This change would be necessary for clarification that residential exempt structures are not considered facilities. OH EPA is asking for input from potential affected parties regarding this change. The comment period closed on 13 Aug 12.

PENDING PROPOSED RULES ON THE WASTEWATER DISCHARGE PERMITS PROGRAM

The OH EPA issued a notice on early [Stakeholder outreach](#) and has requested comments from stakeholders who may be impacted by revisions to the Permits Program Rules (OAC 3745-33-04 & 3745-36-03). Ohio Administrative Code (OAC) rule 3745-33, contains the administrative and technical requirements for writing and obtaining wastewater discharge permits under the National Pollutant Discharge Elimination System (NPDES) permit program. OAC Chapter 3745-36 contains the administrative requirements for permitting industrial wastewater discharges into publicly owned treatment works. The rules in this chapter are known as the Indirect Discharge Permit (IDP) rules. OH EPA is reviewing two existing rules language in paragraph (C)(2) of rule 3745-33-04 and paragraph (G)(2) of rule 3745-36-03 will be modified to be consistent with the revisions in [Senate Bill 294](#) to ORC 6111.03(J)(7), which provides the Director with the discretion to renew or deny permittee's permit renewal request based on compliance with the expired permit. The comment period closed on 31 Jul 12.

WI Legislature convened 10 Jan 12 and adjourns 31 Dec 12.

USEPA FINAL RULE GRANTS AIR ATTAINMENT STATUS FOR SEVERAL AREAS

USEPA issued a final rule which approves a request from the Wisconsin Department of Natural Resources (WDNR) to redesignate the Milwaukee-Racine area to attainment for the 1997 8-hour National Ambient Air Quality Standard (NAAQS or standard) [[77 FR 45252](#), 31 Jul 12]. The Milwaukee-Racine area includes Milwaukee, Ozaukee, Racine, Washington, Waukesha, and Kenosha Counties. The WDNR submittals also requested the redesignation of the Sheboygan area (Sheboygan County) to attainment for the 1997 8-hour ozone NAAQS. USEPA proposed to approve the redesignation of both areas. USEPA is not taking final action on the Sheboygan redesignation request at this time because the area has violated the 1997 standard. In addition to approving the redesignation of the Milwaukee-Racine area, USEPA is taking several other related actions. USEPA is approving, as a revision to the Wisconsin State Implementation Plan (SIP), the State's plan for maintaining the 1997 8-hour ozone standard through 2022 in the Milwaukee-Racine area. USEPA is approving the 2005 emissions inventories for the Milwaukee-Racine and Sheboygan areas as meeting the comprehensive emissions inventory requirement of the Clean Air Act (CAA). Finally, USEPA finds adequate and is approving the State's 2015 and 2022 Motor Vehicle Emission Budgets (MVEBs) for the Milwaukee-Racine area. This final rule became effective 31 Jul 12.

STATE OF WISCONSIN OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION PROPOSED SCOPE STATEMENT FOR SITE-SPECIFIC NUMERIC PHOSPHORUS WATER QUALITY CRITERIA

On 15 Jul 12, the Wisconsin Department of Natural Resources issued a [Scope Statement](#) which proposes the creation of Chapter NR 119 which pertains to the development of site-specific numeric phosphorus water quality criteria for lakes, reservoirs, and streams. It attempts to specify methodology and procedures to derive site-specific numeric phosphorus criteria. Since this is a notice, there is no hearing or comment period scheduled.

Federal Activity

AIR

FINAL RULE ON TITLE V GREENHOUSE GAS TAILORING RULE STEP 3

USEPA issued a final rule promulgating the third step (Step 3) of a phase-in approach to permitting sources of greenhouse gas (GHG) emissions that was initiated in the GHG Tailoring Rule [[77 FR 41051](#), 12 Jul 12]. This rule completes Step 3 by determining not to lower the current Prevention of Significant Deterioration (PSD) and Title V applicability thresholds for GHG-emitting sources established in the Tailoring Rule for Steps 1 and 2. In addition, USEPA is also promulgating regulatory revisions for better implementation of the federal program for establishing plant wide applicability limitations for GHG emissions, which will improve the administration of the GHG PSD permitting programs. The final rule became effective on 13 Aug 12.

COAL AND OIL- FIRED ELECTRIC UTILITY STEAM GENERATING UNITS

USEPA issued a final rule and a partial stay regarding the effectiveness of the national new source emission standards for hazardous air pollutants (NESHAP) from coal and oil-fired electric utility steam generating units which were published on 16 Feb 12 [[77 FR 45967](#), 2 Aug 12]. On 20 Jul 12, USEPA issued a letter, stating its intent to grant the petitions for reconsideration on certain new source issues related to the emission standards issued under CAA 112, including measurement issues related to mercury, and the data set to which the variability calculation was applied when establishing the new source standards for particulate matter and hydrochloric acid. This action is stayed until 2 Nov 12.

EXTENDED DEADLINE STANDARD SULFUR DIOXIDE

USEPA issued a notice on extending by up to 1 year the deadline for promulgating initial area designations for the primary sulfur dioxide (SO₂) national ambient air quality standard (NAAQS) that was promulgated in June 2010. Since USEPA currently has insufficient information to make area designations by June 2012 [[77 FR 46295](#), 3 Aug 12]. The

new deadline for the USEPA to promulgate designations for the 2010 primary SO₂ NAAQS is 3 Jun 13. See fact sheet [here](#).

CLIMATE CHANGE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION RELEASES CLIMATE REPORT

On 10 Jul 12, NOAA released the "[2011 State of the Climate Report](#)," - a peer reviewed paper compiled by 378 scientists from 48 countries around the world. This report looks at the extreme weather events that occurred in 2011 and also analyzes global climate indicators and monitoring stations and instruments used on land, sea, ice, and sky. The report states that 2011 was the coolest year on record since 2008, but it remained above the 30-year average (1981-2010). La Nina, the cool phase of the El Nino-Southern Oscillation, was the major cooling factor globally in 2011. At the same time, the influence of human-caused global warming on the climate system continues to grow.

UNION OF CONCERNED SCIENTISTS RELEASE MIDWEST CLIMATE REPORT

In July 2012, the Union of Concerned Scientists released a report titled, "[Heat in the Heartland: 60 Years of Warming in the Midwest](#)." The report looked at weather trends in five major urban areas: Chicago, Cincinnati, Detroit, Minneapolis, and St. Louis, as well as five smaller nearby cities. The results from the analysis: Hot summer weather and heat waves have been increasing in cities in the nation's heartland over the last six decades on average. The report documents this trend, explores its health implications, and looks at what the largest cities are doing to adapt to these changes and protect their residents.

ENERGY

NATIONAL GOVERNORS ASSOCIATION PAPER AND REPORT ON RENEWABLE ENERGY

On 30 Jul 12, the National Governors Association released a [paper](#) saying that states can pursue several policies that reduce energy consumption and increase renewable energy production despite budgetary constraints. The report, "[Ten Trends to Track: State Policy Innovations to Advance Energy Efficiency and Renewable Energy](#)," recommends establishing incentives for utilities to create energy efficiency programs, removing bureaucratic barriers like permitting requirements for residential renewable energy installations, on-bill financing, and net metering.

HAZARDOUS CHEMICALS

FINAL RULE ON REPORTING REVISIONS OF HAZARDOUS CHEMICAL INVENTORY FORMS

USEPA issued a final rule which revises some existing data elements on the Emergency and Hazardous Chemical Inventory Forms (Tier I and Tier II) under Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA) [[77 FR 41300](#), 13 Jul 12]. State and local implementing agencies requested that USEPA add the new data elements since the additional information would be useful to develop or modify their community emergency response plans. USEPA is also revising some existing data elements in the chemical reporting section of the Tier II inventory form to make reporting easier for facilities and make the form more user-friendly for state and local officials. This final rule becomes effective 1 Jan 14.

USEPA ACTIONS ON POLYBROMINATED DIPHENYL ETHER (PBDE) FLAME RETARDANTS

On 1 Jun 12, USEPA [released](#) a Toxic Substances Control Act ([TSCA](#)) [work plan of 18 chemicals](#) which the agency intends to review and use to develop risk assessments in 2013 and 2014, including three flame retardant chemicals. USEPA is currently developing a strategy, scheduled for completion by the end of this year that will address a broader set of flame retardant chemicals. This effort will aid the agency in focusing risk assessments on those flame retardant chemicals that pose the greatest potential concerns. USEPA anticipates initiating the risk assessments on this category of chemicals in 2013. On 2 Apr 12, USEPA proposed actions under TSCA that will require manufacturers, importers, and processors of polybrominated diphenyl ether (PBDE) flame retardants to submit information to the agency for review before initiating any new uses of PBDEs after 31 Dec 13 [[77 FR 19861](#), 2 Apr 12]. Those who continue to manufacture, import, or process after 31 Dec 13, would be subject to a testing requirement under TSCA. USEPA's comment period closed on 31 Jul 12.

REPORTS

NOTICE ON DRAFT HUMAN HEALTH RISK ASSESSMENT

USEPA Office of the Science Advisor (OSA) issued a notice of availability and announced a 60-day public comment period for the external review [draft](#) of "A Framework for Human Health Risk Assessment to Inform Decision Making." This document was developed as part of an agency wide program by the USEPA Risk Assessment Forum [[77 FR 44613](#), 30 Jul 12]. The comment period closes on 28 Sep 12 and it will be shared with the external peer review panel for their consideration. Comments received after the close of the comment period may be considered by the agency when it finalizes the document.

WATER

USEPA RELEASES ENFORCEMENT FACT SHEETS ON STORMWATER PERMITS

In July 2012, USEPA released a series of [six fact sheets](#) on incorporating green infrastructure measures into National Pollutant Discharge Elimination System wet weather programs. The series builds upon existing USEPA authority, guidance, and agreements to describe how USEPA and state permitting and enforcement professionals can work with permittees to include green infrastructure measures as part of control programs. The six fact sheets and four supplements address stormwater permits, Total Maximum Daily Loads, combined sewer overflow long-term control plans, and enforcement actions. Fact sheet number four specifically addresses how green infrastructure can be integrated into stormwater permits to maintain more natural flow regimes.

PERCHLORATE DRAFT ADVISORY REPORT ON MAXIMUM CONTAMINANT LEVEL AND TELECONFERENCE

In 2011, USEPA announced its decision [[76 FR 7762](#), 11 Feb 12] to [regulate perchlorate](#) under the Safe Drinking Water Act (SDWA) no later than February 2013. SDWA requires USEPA to request comments from the Science Advisory Board (SAB) prior to proposal of a maximum contaminant level goal (MCLG) and national primary drinking water regulation. The USEPA SAB Staff Office issued a Federal Register notice on a follow-up public teleconference of the SAB Perchlorate Advisory Panel to conduct an advisory activity related to the development of a MCLG for perchlorate. A teleconference will be held on 25 Sep 12 [[77 FR 31847](#), 30 May 12]. See USEPA perchlorate related documents [here](#).

Professional Development

For a full listing of Professional Development opportunities please visit the REEO-N [website](#).

ARIZONA STATE GRADUATE CERTIFICATE IN GLOBAL SUSTAINABILITY LEADERSHIP

The ASU online Graduate Certificate in Global Sustainability Leadership was created to help the Army continue its leadership in sustainability policy, per Executive Order 13514 from the President. The Army National Guard funded the development of the program and provided subject matter experts to work with ASU faculty in designing the curriculum. For more information go to sustainabilityonline.asu.edu.

POWERPOINT ON STORMWATER CHALLENGES AT FEDERAL FACILITIES

On 14 Jun 12, USEPA released a web based power point presentation titled, "[Ask the Inspector-Your Storm Water Challenges at Federal Facilities](#)." The presentation covers specific regulatory areas identified by compliance inspectors as problems or concerns affecting the Federal sector. This presentation provides an overview for anyone working with stormwater issues.

ONLINE TRAINING FOR TOXICS RELEASE INVENTORY REPORTING

On 15 Jun 12, USEPA posted several [online training modules](#) and is offering an online webinar titled, "Showcasing Sustainability in Your TRI Report." The modules are for people involved with Toxics Release Inventory (TRI) reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). The webinar addresses TRI P2 reporting requirements, tips for completing the P2 section of the Form R, a discussion of how USEPA uses the P2 information collected under TRI, and perspectives on TRI and sustainability from USEPA's Pollution Prevention Program.

WEBINAR ON REDUCING FEDERAL TRANSPORTATION FOOTPRINT

On 30 Aug 12, a General Services Administration [webinar](#) will focus on transportation, federal fleet management, work travel/meetings, and commuting. Hear an overview of fleet options and resources for federal agencies from GSA. Also, learn about calculation tools to help measure the impact of federal travel as well as other tools. This webinar is a part of the Federal Green Challenge Webinar Series.

3rd Annual GreenGov Symposium

The third [Annual GreenGov Symposium](#) will be held in Washington, DC on 24-26 Sep 12, at the Marriott Wardman Park Hotel. The Symposium aims to bring together leaders from government, the private sector, non-profits and academia to identify opportunities to create jobs, grow clean energy industries, and curb pollution by incorporating sustainable practices into the Federal Government's operations.

How the Regional Offices Work for You

The U.S. Army Regional Environmental and Energy Office-Northern (REEO-N) monitors the following actions on your behalf. If a proposed state legislative or regulatory action has: (1) critical mission impact; (2) conflicts with a federal requirement; and/or (3) a disproportionate effect on the Army or DoD, we coordinate with the potentially affected installations, commands, and/or other military Services to further assess the potential impact. If action is needed on a proposed measure, we work with Army or Service regulatory experts to communicate DA/DoD position, coordinating with the affected installations and commands. Comments are combined from all parties in a single DoD/Army package and formally submitted to the state.

For further information visit the [Army's Regional Environmental and Energy Offices' website](#).

Do you want to comment on a rule or bill in the Review? Please contact your Regional Environmental Coordinator listed in each respective regional section of the Northern Region Review.

Archived issues of the Review can be found on the REEO-N [website](#)
To be added to the distribution list call or email the REEO-N Regulatory Affairs Specialist
email: charlene.c.beirsto.ctr@mail.mil Phone : 410-436-7248