



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

June 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](#).

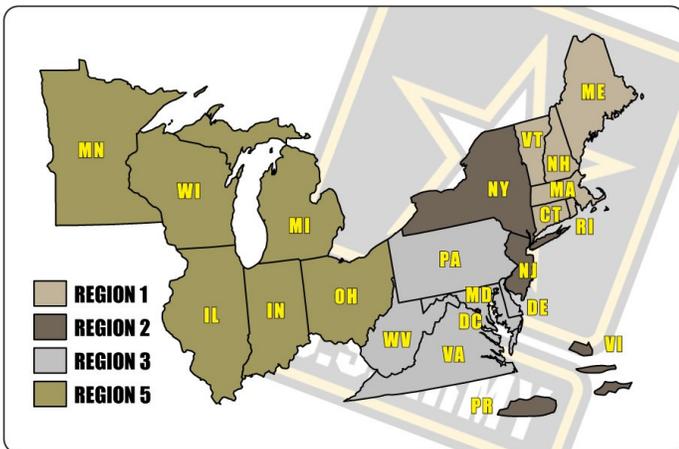


Table of Contents

Region 1.....	2
Region 2.....	4
Region 3.....	6
Region 5.....	11
DoD Activity.....	17
Federal Activity.....	17
Professional Development.....	21
How the Regional Offices Work for You.....	21

What's In This Review?

Region 1

In MA, a new bill on diesel emission reductions, and a new bill on wind siting requirements; in ME, a USEPA final rule approves air quality implementation plans for 1997 8-hour ozone standard; and, in VT, a new law on water quality testing requirements.

Region 2

In NJ, a final rule on site remediation of contaminated sites; in NY, a new bill on medical waste collection, and a final rule updates endangered species list; and, in ME, a proposed rule on UST operator training.

Region 3

In DE, a final rule on renewable energy portfolio standard; in MD, a new law increases water usage fees for Bay restoration fund, two new laws on energy portfolio standards, and a new law on statewide wetlands and waterways program fees; in PA, a new law reenacts borough code with respect to water; in VA, a USEPA notice on delegation of authority to Virginia to implement air standards; and, in WV, a final rule on hazardous waste management.

Region 5

Regionally, the establishment of a federal Great Lakes Advisory Board; in IL, air permit fees are increased, and final rule updates Safe Drinking Water Act; in IN, emergency new source review provisions and deferral of carbon dioxide emissions; in MN, new omnibus environmental law, and changes to Regulatory Agency rulemaking law; and, in OH, new laws on water withdrawals and renewable energy technologies, and a final rule on open burning.

DoD Activity

USACE: Release of wetland plant list.

Federal Activity

CEQ: Releases updated federal GHG guidance; USEPA: Final rules on water analysis and sampling procedures, and on airport deicing; and, DOE: Issues a draft guidebook on "Developing Large-Scale Renewable Energy Projects at Federal Facilities Using Private Capital."

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.



SEVERAL FINAL USEPA RULES GRANT APPROVAL TO REGIONAL HAZE PROGRAM

USEPA issued a series of final rules approving revisions to the states of Rhode Island [[77 FR 30214](#), 22 May 12], Vermont [[77 FR 30212](#), 22 May 12], Massachusetts [[77 FR 30932](#), 24 May 12] State Implementation Plans (SIP) that addresses regional haze for the first planning period from 2008 through 2018. The revisions address the requirements of the Clean Air Act (CAA) and USEPA's regulations that require States to prevent any future, and remedy any existing, manmade impairment of visibility in mandatory Class I Areas caused by emissions of air pollutants from numerous sources located over a wide geographic area (also referred to as the "regional haze program"). The comment period for the Massachusetts SIP closes on 25 Jun 12, and the other final rules become effective on 21 Jun 12.



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

STATE OF CONNECTICUT PROPOSED RULE

PROPOSED RULE ON WIND SITING

On 1 May 12, the Connecticut Siting Council issued a [proposed rule](#) relating to the siting of wind projects. The purpose of the proposed rule is to adopt regulations, in accordance with the provisions of Chapter 54 (also known as the Uniform Administrative Procedures Act) of the Connecticut General Statutes, concerning the siting of wind turbines. Such regulations include, but are not limited to, consideration of setback distances, shadow flicker, decommissioning of facilities, requirements for projects of different sizes, ice throw, blade throw, noise and impact on natural resources. The regulations also include a requirement for a public hearing for all wind turbine projects. The comment period closed on 31 May 12. Comments by DoD REC were submitted 31 May 12, requesting a provision be added requiring a notice of projects to the DoD Energy Clearinghouse.



Legislature convened 4 Jan 12 and adjourns 1 Jan 13.

COMMONWEALTH OF MASSACHUSETTS PROPOSED LEGISLATION

NEW BILL ON DIESEL EMISSION REDUCTIONS

On 4 Jan 12, House Bill [HB 2749](#) was referred to a joint hearing. The bill is referred to as, the "Diesel Emissions Reduction Act of 2009." The purpose of the bill is to require "Best Available Retrofit Technology" for achieving reductions in particulate matter emissions at the highest classification level for diesel emission control strategies that is applicable to the particular engine and application. The bill requires retrofitting existing diesel engines to achieve emission reductions. Regional Environmental Coordinators are coordinating implementation of DoD exemption language into the legislation.

NEW BILL ON WIND SITING REQUIREMENTS

On 23 May 12, House Bill [HB 4112](#), sponsored by the Joint Committee on Telecommunications, Utilities and Energy, was referred to the House Committee on Ways and Means. HB 4112 is also referred to as, "An Act relative to the development of wind siting standards." The standards for wind energy facilities include, but are not limited to lighting, setting appropriate setbacks from residences to prevent significant sound, health and safety impacts, performance

standards and appropriate setbacks to avoid impacts, and to the extent impacts cannot be avoided, to minimize or mitigate impacts to scenic or recreational areas of special federal, state or regional significance. The bill also specifies parameters for regional cultural facilities, historic resources, properties listed or eligible for listing in the National Register of Historic Places or the state register, priority or estimated habitats for plant and animal species listed in chapter 131A, and populations of bird and bat species that are considered by the Department of Fish and Game as being vulnerable to impacts from the operation of wind turbines.

COMMONWEALTH OF MASSACHUSETTS PROPOSED RULES

PROPOSED RULE ON INCORPORATING USEPA'S TAILORING RULE FOR GREENHOUSE GASES

On 11 May 12, the Massachusetts Department of Environmental Protection (MassDEP) issued a [proposed rule](#) that would amend 310 CMR 7.00: Appendix C Operating Permit and Compliance Program. DEP plans to amend the applicability section of its federally-required Title V Operating Permit program (310 CMR 7.00: Appendix C) by adding a new applicability threshold for greenhouse gas (GHG) emissions of 100 tons mass basis of GHG and 100,000 tons of carbon dioxide equivalent (CO₂e). The amendments will provide consistency between 310 CMR 7.00: Appendix C and the corresponding USEPA regulation, 40 CFR Part 70. Under these amendments, owners of existing facilities with GHG emissions greater than the threshold, but that already have Title V Operating Permits, will not need to revise their currently effective permits. However, when an owner applies to renew its Operating Permit (required every five years), the owner will need to include an estimate of the facility's GHG emissions in the renewal application. Owners of facilities that are not currently subject to the Operating Permit program, but trigger the GHG emissions applicability threshold will need to apply for an Operating Permit no later than one year from the effective date of the regulation or one year from becoming subject to the Operating Permit program. A hearing is scheduled for 19 Jun 12 and the comment period closes on 30 Jun 12.

COMMONWEALTH OF MASSACHUSETTS OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

2012 AIR MONITORING NETWORK PLAN

On 30 May 12, MassDEP issued a public comment period on the [Draft Massachusetts 2012 Air Monitoring Network Plan](#). This plan was prepared in accordance with Title 40 CFR Part 58.10. Each year, MassDEP is required to submit a Network Plan to the USEPA for review and approval. MassDEP operates a network of 27 ambient air quality monitoring stations in 19 communities located across the state. The Massachusetts monitoring network is part of a comprehensive program to provide information about air quality to the public and to determine compliance with National Ambient Air Quality Standards. This Network Plan reviews MassDEP's ambient air monitoring network to determine that the requirements of 40 CFR Part 58 Appendices A, C, D and E are met, describes which pollutants and other parameters MassDEP measures at its various ambient air monitoring stations, and discusses recent and planned changes to the network. The comment period closes on 29 Jun 12.



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

USEPA FINAL RULE APPROVES AIR QUALITY IMPLEMENTATION PLANS FOR 1997 8-HOUR OZONE STANDARD

USEPA issued a final rule approving the State Implementation Plan (SIP) revisions submitted by the State of Maine Department of Environmental Protection (DEP) [[77 FR 30216](#), 22 May 12]. These SIP revisions consist of a demonstration that Maine meets the requirements of reasonably available control technology (RACT) for oxides of nitrogen and volatile organic compounds (VOCs) set forth by the Clean Air Act (CAA) with respect to the 1997 8-hour ozone standard as well as several new and revised VOC regulations. The intended effect of this action is to approve Maine's RACT demonstration for satisfying the State's RACT SIP revision obligation as of 15 Sep 06, and to approve Maine's other submitted SIP regulations. The final rule becomes effective on 21 Jun 12.

STATE OF MAINE PROPOSED RULES

PROPOSED RULE ON UST OPERATOR TRAINING

On 22 May 12, the Maine DEP issued a [proposed rule](#) and [fact sheet](#), which establishes training requirements for operators of underground oil storage facilities regulated under 38 MRSA §§ 561 through 570-L and underground hazardous substance storage facilities regulated under Rules For Underground Hazardous Substance Storage Facilities, 06-096 CMR Ch. 695. The training requirements specified in the proposed rule are modeled after guidelines provided by

USEPA (Grant Guidelines to States for Implementing the Operator Training Provision of the Energy Policy Act of 2005 (August 2007)). The proposed rule establishes three operator classes (A, B, and C) and sets out the specific training requirements for each class of operators. The rule requires certification to be renewed every 2 years unless there is a change in the leak detection system or a finding of non-compliance and, the rule provides that if facility operators choose to re-certify each year the operators will not be required to re-certify upon a finding of non-compliance. The rule also provides that third party training programs may be approved for use and identifies the content of third party training programs and a process for obtaining approval. Finally, the rule proposes that underground tank operators become trained by the federally established deadline of 8 Aug 12. Comments were submitted by the DoD REC prior to the comment deadline of 1 Jun 12, on behalf of all Services.

PROPOSED RULE ON INCORPORATION OF NATIONAL AMBIENT AIR QUALITY STANDARDS

On 23 May 12, Maine DEP issued a [proposed rule](#) that amends Ch. 110, Ambient Air Quality Standards, to explicitly incorporate the national ambient air quality standards (NAAQS) and ambient increments for prevention of significant deterioration (PSD). Although statute at 38 MRSA §584-A refers to the national ambient air quality standards as established by Section 109 of the CAA, Ch. 110 must be amended to reflect the current NAAQS since statute cannot incorporate by reference. In addition to the explicit establishment of the NAAQS, the proposed amendments will also update the ambient increments to establish an increment for PM2.5, and repeal the state standard for chromium (there is no NAAQS for chromium or chromium compounds). These amendments will be submitted to USEPA for incorporation in the Maine State Implementation Plan. The comment period closes on 22 Jun 12.



VT Legislature convened 3 Jan 12 and adjourned sine die 5 May 12.

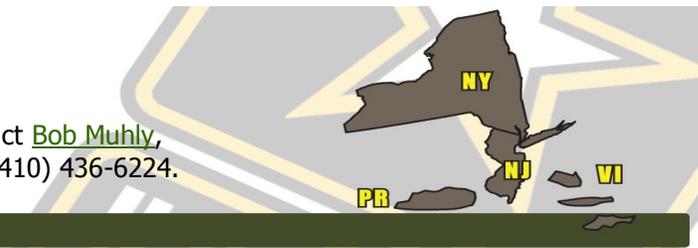
STATE OF VERMONT LEGISLATION SIGNED BY THE GOVERNOR

NEW LAW ON WATER QUALITY TESTING REQUIREMENTS

On 17 May 12, Governor Shumlin signed Senate Bill [SB 183](#) into law. This law requires a person who owns or controls a potable water supply to test, the groundwater source if it is not otherwise required by law to do so already. The groundwater needs to be tested for arsenic, lead, uranium, gross alpha radiation, total coliform bacteria, total nitrate and nitrite, fluoride, and manganese.

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.



USEPA FINAL RULE GRANTS APPROVAL TO REGIONAL HAZE PROGRAM

USEPA issued a final rule approving revisions to New York's [[77 FR 27162](#), 9 May 12] State Implementation Plans (SIP) that addresses regional haze for the first planning period from 2008 through 2018. The revisions address the requirements of the Clean Air Act (CAA) and USEPA's regulations that require States to prevent any future, and remedy any existing, manmade impairment of visibility in mandatory Class I Areas caused by emissions of air pollutants from numerous sources located over a wide geographic area (also referred to as the "regional haze program"). The New York rule had proposed SIP revisions addressing the requirements for best available retrofit technology controls for a number of sources. USEPA is providing a notice of availability of these materials. The comment period on USEPA's proposed action on the New York regional haze SIP closes on 18 Jun 12.



New Jersey

Legislature convened 10 Jan 12 and adjourns 31 Dec 13.

STATE OF NEW JERSEY PROPOSED LEGISLATION

NEW BILL ON ENERGY EFFICIENT LIGHT BULBS

On 10 May 12, Assemblyman Rumana introduced Assembly Bill [AB 2867](#). The legislation would require the state, whenever possible, to purchase and utilize energy efficient light bulbs when replacing incandescent and non-functioning light bulbs in State-owned buildings. The bill would further require the State's purchasing agents to purchase energy efficient light bulbs for use in State-Owned buildings to the maximum extent practicable. "Energy efficient light bulb" is defined in the bill to include: a compact fluorescent light bulb that uses gases and phosphor as the source of illumination; an LED light bulb that uses light-Emitting diodes (LEDs), rather than electrical filaments, plasma, or gas, as the source of illumination; and any other type of light bulb that meets or exceeds the energy efficiency standards promulgated pursuant to the federal 'Energy Independence and Security Act of 2007.' Moreover, due to the enactment of the "Energy Independence and Security Act of 2007", the federal government now requires the light bulb industry to comply with enhanced energy efficiency standards.

STATE OF NEW JERSEY FINAL RULE

FINAL RULE ON SITE REMEDIATION OF CONTAMINATED SITES

On 7 May 12, the New Jersey Department of Environmental Protection (NJDEP) issued a [final rule](#) that amends, repeals, and creates new final rules to implement P.L. 2009, Ch. 60 (the Act). The Act includes the Site Remediation Reform Act (SRRRA), N.J.S.A. 58:10C-1 et seq., and related amendments to the Industrial Site Recovery Act (ISRA), N.J.S.A. 13:1K-6 et seq., the Spill Compensation Control Act (Spill Act), N.J.S.A. 58:23-11 et seq., the Underground Storage of Hazardous Substances Act (UST Act), N.J.S.A. 58:10A-21 et seq., and the Brownfield and Contaminated Site Remediation Act (Brownfield Act), N.J.S.A. 58:10B-1 et seq. This NJ Rule adopts several policy changes regarding remediation sites, USTs, and discharges of petroleum and other hazardous substances. Several new requirements include but are not limited to: new UST closure procedures, steps to follow when the owner has identified a leak into a tanks' interstitial space, the requirement to prepare a Release Response Plan, and the requirement to hire a licensed site remediation professional to supervise the remediation of contaminated sites, including discharges from regulated USTs. The final rule went into effect on 7 May 12.

STATE OF NEW JERSEY OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

DRAFT GENERAL PERMIT FOR FUEL DISPENSING FACILITIES

On 21 May 12, the NJDEP's Air Quality Program issued a [notice](#) and comment period on a draft new general permit for Fuel Dispensing Facilities. This general permit will replace GP-004, Storage and Transfer of Service Station Fuels at Gasoline Dispensing Facilities, and GP-014, Stage 1 for Storage and Transfer of Service Station Fuels at Small Gasoline Distributors. Once GP-004A is issued final, GP-004 and GP-014 will no longer be available to new registrants. Gasoline dispensing facilities registered under GP-004 and/or GP-014 can continue to operate under those existing general permits until the registrant's current general permit expiration date. Prior to expiration, the registrant must register for GP-004A, as applicable, or apply for and receive approval for a source specific permit and certificate for continued operation of the equipment. The comment period closes on 20 Jun 12.



New York

Legislature convened 5 Jan 12 and adjourns 8 Jan 13.

STATE OF NEW YORK PROPOSED LEGISLATION

NEW BILL EXEMPTS CONTRACTORS FROM DIESEL EMISSION REQUIREMENTS

On 1 May 12, Assembly Bill [AB 6682](#) was held for consideration in the Environmental Conservation Committee. The legislation would exempt contractors from the provisions of the "Diesel Emissions Reduction Act of 2006." In addition the legislation would establish that heavy duty vehicles used on behalf of state agencies and regional public authorities by contractors do not need to be powered by ultra low sulfur diesel fuel or best available retrofit technology.

STATE OF NEW YORK FINAL RULE

FINAL RULE UPDATES ENDANGERED SPECIES LIST

On 23 May 12, the New York Department of Environmental Conservation (NYDEC) issued a **final rule** which protects endangered, threatened, rare and vulnerable plants by updating the plant lists. Many plants were removed from the lists due to an increase in their numbers, but many other plants were added to the lists because their populations have decreased. The final rule went into effect on 23 May 12.



Legislature convened 10 Jan 12 and adjourns 31 Dec 12.

COMMONWEALTH OF THE VIRGIN ISLANDS PROPOSED LEGISLATION

NEW BILL ON COASTAL ZONE MANAGEMENT

On 8 May 12, Senator Russell introduced Bill number **29-331**. The legislation would amend Title 12 Virgin Islands Code, Section 911(d) (2), relating to ratification of Coastal Zone Permits and ratifying the Governor's approval of Major Coastal Zone Permit No CZT-5-99(W) Modified. Title 12 Virgin Islands Code, Chapter 21, Section 911(e) provides that the Governor's approval is needed for any coastal zone permit or lease for the occupancy or development of trust lands, or other submerged or filled lands, must be ratified by the Legislature of the Virgin Islands.

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 adjourns 30 Jun 12.

STATE OF DELAWARE FINAL RULE

FINAL RULE ON RENEWABLE ENERGY PORTFOLIO STANDARD

On 17 Apr 12, the Delaware Public Service Commission issued a **final rule** that revises the Rules and Procedures to Implement the Renewable Energy Portfolio Standard (the "RPS Rules") to incorporate, and assure consistency with, the statutory changes made by a recently enacted law [78 Del. Laws Ch. 99, 7 Jul 11]. The new law revises several sections of the RPS Act to include the following: amending the definitions section of 26 Del. C. §352 to include definitions for "Qualified Fuel Cell Provider" and "Qualified Fuel Cell Provider Project"; transferring the responsibility for procuring renewable energy credits and solar renewable energy credits and any other required attributes necessary to comply with the RPS Act to Commission-regulated electric companies; establishing special provisions for Qualified Fuel Cell Providers with respect to recovery of certain costs; and creating special provisions for Commission-regulated electric companies to recover certain costs with respect to their purchase of the output from Qualified Fuel Cell Providers. The final rule became effective on 1 May 12.



Legislature convened 2 Jan 12 and adjourns 31 Dec 12.

DISTRICT OF COLUMBIA PROPOSED RULE

PROPOSED REVISIONS TO AIR QUALITY OPACITY REQUIREMENTS

On 11 May 12, the District of Columbia Department of the Environment issued a **proposed rule** that would amend 20 DCMR § 606 Revisions to Air Quality Opacity Requirements by providing an exception to the opacity standard of up to ten percent through a permitting process pursuant to 20 DCMR Chapter 2 or 3, in situations where the regulated entity can document that it is unable to reasonably attain compliance with the current zero percent opacity standard. In addition to such documentation, in order to obtain an alternative to the zero percent standard, the entity would be required to document compliance with all other particulate matter standards and show that the emissions from the subject source would not cause a violation of any National Ambient Air Quality Standard and that operation at the higher visible emissions level is not a sign of improper operation of the equipment. The comment period closed on 11 Jun 12.



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

STATE OF MARYLAND LEGISLATION SIGNED BY THE GOVERNOR

NEW LAW INCREASES WATER USAGE FEES FOR BAY RESTORATION FUND

On 2 May 12, Governor O'Malley signed House Bill **HB 446** into law (Public Law 150-2012). This legislation increases the Bay Restoration Fund Fee paid by users of specified wastewater facilities, on site disposal systems and sewage holding systems in an effort to pay for upgrades to the state's 67 major wastewater treatment plants, the fee goes into effect on 1 Jul 12. Public Law 150, also establishes an order of priority for funding from the Bay Restoration Fund after 2018 and after repayment of outstanding bonds.

NEW LAW ON STATEWIDE WETLANDS AND WATERWAYS PROGRAM FEES

On 22 May 12, Governor O'Malley signed House Bill **HB 1411** into law (Public Law 722-2012). The law addresses wetlands and waterways program fees to pay for the protection of the Chesapeake and Atlantic Coastal Bays. The law alters specified application fees for minor wetlands and waterways projects and makes major and minor modifications, prohibiting the DEP from requiring application fees for the installation of specified lifts or for specified maintenance, repair, or replacement under specified circumstances. The law prohibits the modification of specified fees without legislative enactment and requires the Board of Public Works to establish a minimum compensation rate for specified structures. This law streamlines the permit process, and will reduce instances when DoD would need to get a major project permit (and thus pay the related fees). The law became effective upon signature.

NEW LAW ON IMPERVIOUS SURFACE AREA FOR SOLAR PANELS

On 22 May 12, Governor O'Malley signed House Bill **HB 1117** into law (Public Law 702-2012). The law specifies that, for the purposes of issuing a permit or variance relating to zoning, construction, or stormwater for a project to install a solar panel, any calculation relating to the impervious surface of the project required by the State or local governing authority issuing the permit or variance may include only the foundation or base supporting the solar panel. The bill does not apply in the Chesapeake and Atlantic Coastal Bays Critical Area. Also see bill fiscal notes [here](#).

TWO NEW LAWS ON ENERGY PORTFOLIO STANDARDS

On 22 May 12, Governor O'Malley signed two pieces of energy legislation House Bill **HB 1187** (Public Law 584-2012) and **HB 1186** (Public law 557-2012), into law. Public Law 584, specifies renewable energy portfolio standards for solar energy and solar water heating systems by setting requirements that alter the percentage of Tier 1 renewable energy that must be derived from solar energy in the State's renewable energy portfolio standard in specified years and for authorizing the Public Service Commission, in consultation with the Maryland Energy Administration, to approve an equivalent certification for measurement for energy generated by specified solar water heating systems. Public Law 557, specifies that energy generated from a geothermal heating and cooling system is eligible for inclusion in meeting the renewable energy portfolio standard. Public Law 557 becomes effective on 1 Oct 12.

NEW LAW ON ASBESTOS WORKER PROTECTIONS

On 2 May 12, Governor O'Malley signed House Bill [HB 1262](#) into law (Public Law 279-2012). The law relates to asbestos worker protections. The law requires the Department of the Environment (DEP) to verify specified information before accrediting an individual to engage in an asbestos occupation. The law alters the circumstances under which a penalty may be imposed and increases the maximum penalty for a first offense to a fine not exceeding \$20,000, or for a second or subsequent offense, to a fine not exceeding \$25,000 or imprisonment not exceeding 2 years or both. It establishes the Asbestos Worker Protection Fund as a special, non-lapsing fund, and requires payment of specified penalties and fines into the Fund. Chapter 279 becomes effective on 1 Oct 12.

NEW LAW INCREASES LEAD TESTING REQUIREMENTS

On 2 May 12, Governor O'Malley signed House Bill [HB 644](#) into law (Public Law 387-2012). The law alters the application of the Reduction of Lead Risk in Housing law to apply to specified property constructed before 1978, and exempts specified properties built between specified dates from requirements relating to risk reduction standards. Public Law 387 also extends the current Maryland Lead Risk Reduction in Housing Law to include all rental properties built before 1978. The new law supplements the national safety standards set forth in the USEPA 2010 Renovation, Repair and Painting ([RRP](#)) rule. The RRP rule requires that all contractors that work in homes constructed prior to 1978 be fully trained in lead-safe work practices. HB 644 enhances the RRP rule by requiring post-renovation lead dust testing to ensure no toxic levels of lead dust are left behind.

NEW LAW REDUCES FEES FOR TRANSPORTERS HAULING CONTROLLED HAZARDOUS SUBSTANCES

On 2 May 12, Governor O'Malley signed House Bill [HB 114](#) into law (Public Law 176-2012). The law addresses certification of drivers of controlled hazardous substances. The law repeals a requirement that DEP certify specified drivers of controlled hazardous substance vehicles and also repeals a requirement that specified drivers of controlled hazardous substance vehicles carry a specified certificate. In addition, the law requires the repealing of requirements that specified drivers submit specified evidence and pay a specified fee, and alters the definition of "controlled hazardous substance vehicle driver." Finally, the law requires DEP to conduct a review and report on its findings on or before 15 Dec 12. The law became effective upon signature.

NEW LAW INCREASES COUNTY RECYCLING TARGETS

On 22 May 12, Governor O'Malley signed House Bill [HB 929](#) into law (Public Law 692-2012). The law increases the reduction through recycling targets, and sets specified dates by which specified counties must include an increase in recycling and waste diversion goals into the counties' recycling plans. In addition, the law requires the Secretary of the Environment to calculate a certain recycling rate for certain counties under certain circumstances. The law specifies a voluntary statewide recycling goal of 55% by 2020 and the voluntary statewide waste diversion goal of 60% by 2020. Finally, the law specifies requirements based on county population size and ability to meet criteria set out in county recycling plans.

NEW LAW ON SOLID WASTE DISPOSAL PENALTIES

On 2 May 12, Governor O'Malley signed House Bill [HB 419](#) into law (Public Law 231-2012). The law renames the Litter Control Law to the "Illegal Dumping and Litter Control Law." The law alters the agency authorized in Baltimore City to enforce specified provisions relating to illegal dumping and litter control through the use of surveillance systems. The law sets certain penalties for improper litter disposal based on the amount of litter, also requires a court to notify a person who is convicted of a certain litter disposal offense that the person's driver's license may be suspended, and requires a court to notify the Motor Vehicle Administration of a certain violation involving litter disposal.

NEW LAW ON NOTIFICATION REQUIREMENTS FOR TEMPORARY DEWATERING DEVICES AND WELL DRILLING

On 2 May 12, Governor O'Malley signed House Bill [HB 994](#) into law (Public Law 333-2012). The law requires notification to municipalities for the installation of temporary dewatering devices and well drilling. The law requires a person that installs a temporary dewatering device to notify a municipality under certain circumstances and requires a well driller, when applying for a permit to drill a well, notify a municipality under certain circumstances. If a MDE permit is not required for installing a temporary dewatering device or well, the well driller must notify a municipality if the well will be drilled inside the municipality's corporate boundary line or if the well will be drilled 1 mile or less outside the municipality's corporate boundary line.



Legislature convened 3 Jan 12 and adjourns 30 Nov 12.

NEW LAW REENACTS BOROUGH CODE

On 17 May 12, House Bill [HB 1702](#) was signed by Governor Corbett into law as Act 43-2012. The new law re-enacts and amends the act of 1 Feb 66, known as The Borough Code. The legislation pertains to powers of boroughs with respect to water, would allow a Borough Council by ordinance to make regulations prohibiting discharge of stormwater into a sanitary or combined sewer system. The law becomes effective on 16 Jul 12.



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

USEPA NOTICE ON DELEGATION OF AUTHORITY TO VIRGINIA

On 5 Mar 12, USEPA sent the Commonwealth of Virginia a letter acknowledging that Virginia's delegation of authority to implement and enforce National Additional or Revised National Emissions Standards for Hazardous Air Pollutants and New Source Performance Standards had been updated, as provided for under previously approved delegation mechanisms [[77 FR 28875](#), 16 May 12]. USEPA issued a Federal Register notice to inform regulated facilities and the public of Virginia's updated delegation of authority.

COMMONWEALTH OF VIRGINIA FINAL RULES

PERMIT UPDATES FOR CAR WASH FACILITIES & LAUNDRIES

On 7 May 12, the Virginia Department of Environmental Quality (DEQ) issued a [final rule](#) that replaces and updates VAG75 (the VPDES car wash general permit) which expires 16 Oct 12 and combines into this permit VAG72 (the VPDES coin-operated laundry general permit). The general permit establishes limitations and monitoring requirements for point source discharge of treated wastewaters from vehicle wash facilities and laundry facilities to surface waters. Substantive changes made include: three reasons authorization to discharge cannot be granted (if the discharge violates the antidegradation policy in the Water Quality Standards at 9VAC25-260-30, if the discharge is not consistent with the assumptions and requirements of an approved TMDL and if central wastewater treatment facilities are reasonably available), language to allow for 'administrative continuances' of coverage, effluent limits pages for laundries and combined laundry and vehicle wash facilities, and six new special conditions. The final rule becomes effective on 16 Oct 12.

FINAL RULE FOR SMALL SOLAR ENERGY PROJECTS

On 3 Apr 12, DEQ issued a [final rule](#) that implements 2009 state legislation requiring the DEQ to develop one or more permits by rule for solar renewable energy projects with rated capacity not exceeding 100 megawatts. By means of this legislation, the General Assembly moved permitting authority for these projects from the State Corporation Commission to DEQ. By requiring a "permit by rule," the legislature is mandating that permit requirements be set forth "up front" within the regulation, rather than being developed on a case-by-case basis. The legislation mandates that the permit by rule include conditions and standards necessary to protect the Commonwealth's natural resources. The rule establishes requirements for potential environmental impacts analyses, mitigation plans, facility site planning, public participation, permit fees, inter-agency consultations, compliance and enforcement. The legislation requires DEQ to determine if multiple permits by rule are necessary to address all the renewable energy media. This final rule constitutes DEQ's permit by rule for solar energy projects.

COMMONWEALTH OF VIRGINIA PROPOSED RULES

PROPOSED AMENDMENTS ESTABLISHING FEES TO FUND TITLE V PERMIT PROGRAM

On 11 May 12, the DEQ issued a [proposed rule](#), and [fact sheet](#) on draft final amendments to the regulations establishing fees for funding the Title V permit programs. The 2012-14 budget bill (item 365, subsection B) includes a requirement that the State Air Pollution Control Board adopt regulations adjusting permit program emissions fees and establishing permit application processing fees and permit maintenance fees sufficient to ensure that revenue covers total direct and indirect program costs. All of the fees are to be adjusted annually by the Consumer Price Index. Other

provisions in the bill require that all emission fees are to be collected annually, the initial adjustment of emission fees shall not exceed 30 percent of current fee rates; permit application fees are not to be credited toward the amount of emission fees owed; regulations adopted to implement the provisions of this item are to be exempt from the Administrative Process Act, and the regulations are to be effective no later than 1 Jul 12. The comment period closed 25 May 12.

PROPOSED LICENSING FEE INCREASES

On 16 Apr 12, the Virginia Board for Asbestos, Lead, Mold, and Home Inspectors issued a **proposed rule** that would amend 18VAC15-30, Virginia Lead-Based Paint Activities Regulations. The purpose of the proposed action is to adjust licensing fees for regulants of the Board for Asbestos, Lead, Mold, and Home Inspectors. The board must establish fees adequate to support the costs of the board's operations and a proportionate share of the department's operations. DoD costs for lead and asbestos abatement can be expected to increase as a result of this requirement. The comment period closed on 6 Jun 12. The final rule becomes effective on 18 Jul 12.



Legislature convened 11 Jan 12 and adjourned sine die 16 Mar 12.

STATE OF WEST VIRGINIA FINAL RULES

FINAL AMENDMENTS TO WEST VIRGINIA'S AMBIENT AIR QUALITY STANDARDS

On 1 May 12, the West Virginia Department of Environmental Protection (WVDEP) issued a **final rule** that adopts amendments to Rule 45-8, pertaining to ambient air quality standards. These amendments incorporate by reference the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide, particulate matter, carbon monoxide, ozone, nitrogen dioxide, and lead. The Department will submit final rule 45-8 as a revision to the State Implementation Plan. The final rule became effective on 1 Jun 12.

FINAL RULE ON CONTROL OF AIR POLLUTION FROM HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

On 1 May 12, WVDEP issued a **final rule** (45-25), which makes revisions to rules concerning control of air pollution from hazardous waste treatment, storage and disposal facilities, in order to incorporate annual reference updates. The rule establishes and adopts a program of regulation over air emissions and emission standards for treatment, storage and disposal of hazardous waste as required under USEPA pursuant to the Resource Conservation and Recovery Act as amended. The rule updates by reference and updates other test methods. The final rule became effective on 1 Jun 12.

FINAL RULE ON EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

On 1 May 12, WVDEP issued a **final rule** (45-34) which makes amendments to emission standards for hazardous air pollutants. The revised rule incorporates by reference the source categories of new or revised NESHAP standards promulgated by USEPA as of 1 Jun 11 for non-major area sources. The final rule became effective on 1 Jun 12.

FINAL RULE ON HAZARDOUS WASTE MANAGEMENT SYSTEM

On 1 May 12, WVDEP issued a **final rule** (33-20) regulating the generation, treatment, storage and disposal of hazardous waste. The rule also authorizes the regulation of hazardous waste transported via rail by the Public Service Commission (PSC) and via roads and highways by the Department of Highways. The rule adopts and incorporates by reference the federal regulations set forth in 40 CFR Parts 124, and 260 through 279 that are in effect as of 16 Jun 10. The State is adopting changes as noted in EPA state authorization checklist 210 the "Standardized Permit" from 40 CFR Part 124 and Part 124, Subpart G. The State is also adopting changes from checklist 207 the regulation of hazardous waste transportation from 40 CFR Parts 263.20 and 263.21. The final rule became effective on 1 Jun 12.

FINAL RULE ON NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM

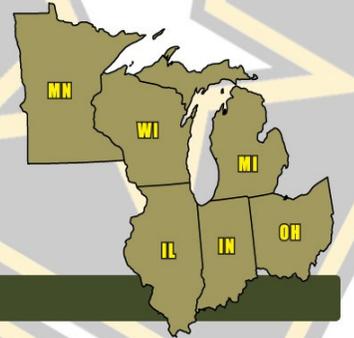
On 1 May 12, WVDEP Secretary of State published a notice of a **final rule** (47-10) which amended the requirements of the West Virginia National Pollutant Discharge Elimination System (NPDES) Program, 47 CSR 10. This rule as authorized by the West Virginia Legislature on 16 Mar 12, had been filed with the legislation as a final rule in July 2011. The final rule becomes effective on 2 Jul 12.

FINAL RULE DEFINES COVERED ELECTRONICS DEVICE IN SOLID WASTE RULES

On 1 May 12, the West Virginia Legislature authorized a [final rule](#) (33-01) which amends the Solid Waste Management Rules at 33 CSR 01. The revisions of this rule add the definition of "covered electronic devices" to the list of defined terms and add covered electronic devices as unacceptable waste banned from disposal in the State's landfills. These revisions are necessary due to the passage of Senate Bill 298 on 12 Mar 10, which amended and reenacted W. Va. Code § 22-15A-25 ban of certain electronic devices from landfill disposal. The rule defines "Covered Electronic Device," to mean either a television, computer or video display device with a screen that is greater than four inches measured diagonally. "Covered Electronic Device" does not include a video display device that is part of a motor vehicle or that is contained within a household appliance or commercial, industrial or medical equipment. The final rule became effective on 1 Jun 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.



ESTABLISHMENT OF A FEDERAL GREAT LAKES ADVISORY BOARD

USEPA issued a Federal Register notice on establishing a Great Lakes Advisory Board (GLAB) [[77 FR 32089](#), 31 May 12]. The purpose of the GLAB is to provide advice to the Administrator in her capacity as Chair of the Inter-Agency Task Force established per Executive Order 13340 (18 May 04), on matters related to Great Lakes restoration and protection. The major objectives will be to provide advice and recommendations on Great Lakes protection and restoration policy, and long term goals and objectives for annual priorities to protect and restore the Great Lakes that may be used to help inform budget decisions. USEPA has determined that this federal advisory committee is in the public interest and will assist the USEPA in performing its duties and responsibilities.



Illinois

Legislature convened 11 Jan 12 and adjourns 31 Dec 12

WITHDRAWAL OF A SIP REVISION FINAL RULE

USEPA issued a notice in which the Agency has withdrawn a final rule regarding small container exemptions from Volatile Organic Compounds coating rules, due to the receipt of an adverse comment. USEPA is withdrawing the 16 Apr 12, direct final rule approving a revision to the Illinois State Implementation Plan [[77 FR 31727](#), 30 May 12]. USEPA will address the comment in a subsequent final action based upon the proposed rulemaking action, also published on 16 Apr 12. USEPA will not institute a second comment period on this action.

STATE OF ILLINOIS FINAL RULES

FINAL RULE ON AIR POLLUTION SITE FEES

On 4 May 12, the Illinois Environmental Protection Agency (ILEPA) issued a [final rule](#) which amends the regulations for the procedures on Collection of Air Pollution Site Fees to allow greater fees and to exclude greenhouse gas emissions from the fee structure. The final rule became effective on 20 Apr 12.

FINAL RULE ON UPDATES TO SAFE DRINKING WATER ACT REGULATIONS

On 11 May 12, ILEPA issued a [final rule](#) that amends and updates the Illinois Safe Drinking Water Act rules to correspond with amendments adopted by the USEPA that appeared in the Federal Register during the period of 1 Jan 11, through 30 Jun 11. The final rule became effective on 25 Apr 12.

STATE OF ILLINOIS PROPOSED RULE

PROPOSED RULE ON VAPOR INTRUSION AND ADDITIONS TO TACO RULES

The Illinois Pollution Control Board (IPCB) issued a [proposed rule](#) that amends the Tiered Approach to Corrective Action Objectives (TACO) rules (35 Ill. Adm. Code 742). The first-notice amendments include the addition of a new exposure route under TACO, the indoor inhalation exposure route. TACO is used at sites being remediated under any one of several regulatory programs: Leaking Underground Storage Tank (UST) Program, Site Remediation Program (SRP), and Resource Conservation and Recovery Act (RCRA) Part B Permits and Closure Plans. The Board also proposed adding 13 chemicals to the TACO tables based upon the Board's pending rulemaking on groundwater quality standards, Proposed Amendments to Groundwater Quality Standards (35 Ill. Adm. Code 620), R08-18. Further, the first-notice amendments to TACO update physical and chemical parameters and revise toxicity values in accordance with the new USEPA hierarchy for selecting human health toxicity values. Also see Illinois Environmental Protection Agency (ILEPA) TACO home page [here](#). The comment period closes on 2 Jul 12.



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

STATE OF INDIANA EMERGENCY & FINAL RULES

EMERGENCY NEW SOURCE REVIEW PROVISIONS AND DEFERRAL OF CARBON DIOXIDE EMISSIONS

On 9 May 12, the Indiana Department of Environmental Management (IDEM), Air Pollution Control Board adopted an [emergency rule extension](#) concerning new source review (NSR) provisions for particulate matter less than 2.5 microns (PM2.5), and deferral of carbon dioxide (CO2) emissions from bioenergy and other biogenic sources under the prevention of significant deterioration (PSD) and Title V Program. The Emergency Rule became effective on 3 May 12, (after the last one expired the day prior) and it expires on 1 Aug 12.

STATE OF INDIANA PROPOSED RULES

PROPOSED RULE ON ADOPTING NEW RULES FOR NPDES GENERAL PERMITS

On 2 May 12, the IDEM issued a [proposed rule](#) concerning National Pollutant Discharge Elimination System (NPDES) general permits governed by 40 CFR 122 and general permits administered by the USEPA. Indiana's NPDES general permits are "permits by rule" and are effectively issued by the board, this creates a conflict of interest that requires revision of Indiana's NPDES program. USEPA recommended that the authority for issuing NPDES general permits be transferred from the board to IDEM. The second comment period closed on 1 Jun 12.

READOPTON OF RECORDKEEPING AND PUBLIC WATER SUPPLY RULES

On 23 May 12, the Indiana Water Pollution Control Board issued a [proposed rule](#) that readopts the rules that are set to expire on 1 Jan 13. Rules in Article 8 (Public Water Supply) and Article 12.1 (Public Records; Confidential Information; Confidentiality Agreements) are proposed for readoption. The comment period closes on 22 Jun 12.

PROPOSED READOPTON OF SOLID WASTE RULE

On 2 May 12, IDEM issued a [proposed rule readoption](#) of 329 IAC 10-11-6.5 - certain rules described in IC 13-14-9.5 -1.1 do not expire after seven years. These types of rules are rules required to either receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law, and rules required to begin or continue receiving federal funding for implementation or operation of a program. IDEM is required to publish a list of these rules that have been effective for seven years and request comment, in a 30-day comment period, on any specific rule that should be reviewed through the regular rulemaking process under IC 13-14-9. The comment period closed on 1 Jun 12, and a hearing is scheduled for 17 Jul 12.

PROPOSED RULE ON TEMPORARY STORAGE OF SPENT LEAD ACID BATTERIES

On 20 Apr 12, IDEM issued a [proposed rule](#) and amendments to rules in 329 IAC 3.1 concerning temporary storage of spent lead acid batteries. This rulemaking proposes requirements for the management of spent lead acid batteries, including transportation and storage, by retailers, wholesalers, manufacturers, auto salvage yards, other storage facilities, and reclamation facilities. IDEM has held two comment periods on this proposed rule and is addressing previous comments in this rulemaking. There currently is no open comment period.



Legislature convened 11 Jan 12 and adjourns 31 Dec 12.

STATE OF MICHIGAN PROPOSED LEGISLATION

SEVERAL BILLS CREATE A CLEAN CORPORATE CITIZEN PROGRAM

Four Michigan Senate Bills, (SB) [939](#), [940](#), [941](#), and [942](#) were recently passed by the Senate and sent to the House. These bills are tie-barred, meaning that the entire series of bills must be signed by the Governor for any of the bills to become law. The legislation supports the creation and implementation of a clean corporate citizen (C3) program. SB 939 would add Part 14 to the Natural Resources and Environmental Protection Act (NREPA) creating the (C3) program. Senate Bill 940 would amend the Management and Budget Act to giving C3 facilities preference in State purchasing decisions. Senate Bills 941 and 942 would amend the Public Health Code and the Safe Drinking Water Act, respectively, to provide that Parts 135 (Radiation Control) and 138 (Medical Waste) of the Health Code and the Safe Drinking Water Act would be subject to the proposed Part 14 of NREPA.

STATE OF MICHIGAN OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

DEQ SEEKS INPUT ON AIR QUALITY MONITORING DOCUMENT

On 14 May 12, the Michigan Department of Environmental Quality (MDEQ) issued a press release on its [Draft 2013 Michigan Ambient Air Monitoring Network Review Document](#). Annually, the Network Review is the principle tool used by staff of the DEQ's Air Quality Division to plan ambient air quality monitoring activities. The Network Review examines Michigan's ambient air monitoring network in operation during 2011-2012 and recommends changes based on monitor history, population distribution, and modifications to the federal monitoring requirements under the Clean Air Act. The comment period closes on 15 Jun 12.

NOTICE ON DRAFT TOTAL MAXIMUM DAILY LOAD

On 21 May 12, the MDEQ Water Resources Division issued a [notice](#) on the Draft Little Portage Creek pathogen Total Maximum Daily Load (TMDL) and made the document available for comment. This water body is located in Kalamazoo, St. Joseph, and Calhoun Counties, and was included on Michigan's Year 2010 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 closes on 21 Jun 12.

PROPOSED GENERAL PERMIT AND MINOR PROJECT CATEGORIES FOR ACTIVITIES IN INLAND LAKES AND STREAMS, WETLANDS, AND THE GREAT LAKES

On 21 Jun 12, the MDEQ, Water Resources Division, issued a [notice](#) on a proposed new General Permit (GP) and Minor Project (MP) categories, pursuant to Part 301, Inland Lakes and Streams, Part 303, Wetlands Protection, and Part 325, Great Lakes Submerged Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. These categories are for activities that are similar in nature, will cause only minimal adverse effects when performed separately, and will have only minimal cumulative adverse effects on the environment. The intent of these categories is to allow better coordination between applicable statutes and to provide clarity on the requirements needed to be met for each category. Permit applications made for these types of activities may be processed in an accelerated manner without the issuance of an individual public notice or public hearing. GP and MP categories are issued for a five-year period. The purpose of this public notice is to provide an opportunity for public review and comment prior to issuance of the GP and MP categories. The comment period closes on 21 Jun 12.

PROPOSED VESSEL GENERAL PERMIT AND SMALL VESSEL GENERAL PERMIT

MDEQ is proposing to issue a Section 401 Water Quality Certification to the USEPA for discharges from vessels covered by two USEPA proposed National Pollutant Discharge Elimination Permits. Earlier this year, USEPA requested the MDEQ make a determination regarding certification under Section 401 of the federal Clean Water Act for the draft National Pollutant Discharge Elimination System Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels (VGP), and the Small Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels Less than 79 Feet (sVGP). The USEPA requested that any condition (s) more stringent than those contained in the draft permits that are necessary to meet the requirements of state law be included in the certification. The [proposed certification](#) contains conditions to ensure discharges from covered vessels, including but not limited to ballast water, comply with Michigan Water Quality Standards and other appropriate requirements of state law. The comment period closed on 4 Jun 12.

VAPOR INTRUSION GUIDANCE DOCUMENT FOR PUBLIC COMMENT

On 8 May 12, MDEQ released for public comment a May 2012 Peer Review Draft titled, "[Guidance Document for the Vapor Intrusion Pathway](#)." Vapor intrusion of substances into indoor air at contaminated sites is a widely recognized human health hazard. The identification and assessment of the vapor intrusion pathway is critical for implementing response activities protective of public health that can be relied upon. This guidance document reflects MDEQ's recommendations for adequately addressing the vapor intrusion pathway designed to achieve a protective result. The comment period closes on 1 Aug 12.



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

STATE OF MINNESOTA EXECUTIVE ORDERS

EXECUTIVE ORDER AND STRENGTHENS IMPLEMENTATION OF THE STATE'S WETLANDS POLICY

On 3 May 12, Governor Dayton signed an [executive order](#) (12-04) which supports and strengthens implementation of the state's wetlands policy. The Governor has ordered the Board of Water and Soil Resources, in cooperation with the Department of Natural Resources, the Department of Transportation, the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Agriculture, and with the invited participation of stakeholders, by 15 Dec 12, to maintain No Net Loss of Wetland as a State goal under the Wetland Conservation Act and to further advance the long-term protection and enhancement of Minnesota's wetland resources. Some objectives of the executive order include: evaluate and develop recommendations to improve current wetland protection, restoration, and mitigation provisions including, but not limited to de minimis exemption allowances and flexibility options allowable with Board-approved Comprehensive Wetland Management Plans according to Minnesota Statutes, Section 103G.2243; aligning pre-settlement wetland zones on watershed boundaries; consistent review, approval, and implementation for projects subject to wetland replacement requirements; the adequacy of funding mechanisms to cover costs of inspection, monitoring and oversight of wetland bank sites; and the costs and benefits of wetland mitigation targeted to specific watershed.

STATE OF MINNESOTA LEGISLATION SIGNED BY THE GOVERNOR

NEW OMNIBUS ENVIRONMENTAL LAW

On 3 May 12, Governor Dayton signed House Bill [HB 2164](#) into law. The law is an Omnibus environment and natural resources law which sets the requirements for certain advisory inspections. It modifies the following: aquatic invasive species provisions, enforcement provisions, eliminates certain reporting plans, the La Salle Lake State Recreation Area administration, water law, local standard provisions for subsurface sewage treatment systems, waste management provisions, certain environmental review requirements, and certain environmental laws. Finally, the law authorizes and clarifies the use of general permits, and makes numerous subdivision changes. Various subsection of the law go into effect in July 2012 whereas most sections of the law went into effect on 4 May 12.

CHANGES TO REGULATORY AGENCY RULEMAKING LAW

On 27 Apr 12, Governor Dayton signed Senate File [SF 1922](#) into law. This new law contains 11 changes related to legislative procedure and regulatory agency rulemaking. The law modifies notices to the legislature and requirements for statements of need and reasonableness; requires certain reports; and amends Minnesota Statutes 2010, Sections (14.116;14.131).The provisions of the new law become effective on 1 Aug 12.

STATE OF MINNESOTA OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

RELEASE OF 2013 AIR MONITORING NETWORK PLAN

MPCA issued a [notice](#) on the "2013 Air Monitoring Network Plan for Minnesota." The plan is now available for public review and comment. The purpose of this annual report is to demonstrate compliance with air monitoring network regulations, to describe proposed changes for the upcoming year, and to provide specific information on each of Minnesota's existing and proposed air quality monitoring sites. Details regarding the location of individual sites, monitoring objectives, and proposed changes are provided. Data for several pollutants are summarized to show current conditions relative to State and Federal air quality standards. The plan also provides an overview of the various air quality monitoring networks operating in Minnesota. The comment period closes on 22 Jun 12.

DRAFT SECTION 401 CONDITIONAL WATER QUALITY CERTIFICATION

The MPCA issued a Draft Clean Water Act (CWA) Section 401 Conditional Water Quality Certification that the MPCA proposes to issue for the USEPA proposed 2013 National Pollutant Discharge Elimination System (NPDES) General Permit for Commercial and Large Recreational Vessels (referred to as VGP2). As proposed by USEPA in November 2011 and as further detailed in the permit, the VGP2 is applicable for all discharges from commercial and large recreational vessels within waters of the State of Minnesota. The VGP2 would regulate ballast water discharges, to prevent the introduction and spread of aquatic invasive species, and it would also regulate 26 other types of vessel discharges. Follow link to see a copy of the EPA's proposed VGP2 [here](#). Upon issuance, the USEPA's VGP2 would replace the USEPA's NPDES General Permit for Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels issued in 2008.



Legislature convened 3 Jan 12 and adjourns 31 Dec 12.

PROPOSED SIP APPROVAL FOR VOC RULES

USEPA issued a proposed rule approving several volatile organic compound (VOC) rules for the State of Ohio's State Implementation Plan (SIP) [[77 FR 31265](#), 25 May 12]. On 1 Jun 11, the Ohio Environmental Protection Agency (Ohio EPA) submitted several VOC rules for inclusion in its State Implementation Plan (SIP). These rules, which include the source categories covered by the Control Technique Guideline (CTG) documents issued in 2008, as well as several other miscellaneous rule revisions, will help Ohio's effort to attain the 2008 ozone standard. These rules are approvable because they are consistent with the CTG documents issued by USEPA in 2008, and satisfy the reasonably available control technology requirements of the Clean Air Act. The comment period closes on 25 Jun 12.

STATE OF OHIO LEGISLATION SIGNED BY THE GOVERNOR

NEW OMNIBUS ENVIRONMENTAL LAW

On 5 Jun 12, Governor Kasich signed Senate Bill [SB 294](#) into law. The new law amends, repeals and adds several sections to environmental laws. The omnibus bill addresses: hazardous material, spill planning and response, administrative procedures, pollution prevention; natural resources; permitting, recordkeeping reporting, wetlands, toxic substances, asbestos, construction and demolition waste, municipal solid waste; source water protection; and watershed management. The law became effective upon signature.

NEW LAW ON WATER USE PERMITS AND WITHDRAWALS

On 4 Jun 12, Governor Kasich signed House Bill [HB 473](#) into law. The law makes updates to Lake Erie-water use permits and also makes amendments to the Great Lakes-St. Lawrence River Basin Compact. The legislation repeals section 1522.07 of the Ohio Revised Code to establish a program for the issuance of permits for the withdrawal and consumptive use of waters from the Lake Erie basin and establishes other requirements related to the implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

NEW LAW ON RENEWABLE ENERGY TECHNOLOGIES

On 13 Apr 12, Governor Kasich signed Senate Bill [SB 289](#) into law. The new law amends several Sections (3706.25 and 4928.01) of the Ohio Revised Code to include cogeneration technology using waste or byproduct gas from an air contaminant source as a renewable energy resource. The law broadens the definition of "renewable energy resource," for purposes of the alternative energy resource requirements and advanced energy projects. Specifically, the bill provides that "renewable energy resource" also includes energy produced by cogeneration technology that is placed into service on or before 31 Dec 15, and for which more than 90% of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in Ohio. The law becomes effective on 16 Jul 12.

STATE OF OHIO PROPOSED LEGISLATION

NEW OMNIBUS ENVIRONMENTAL BILL

As of 11 Jun 12, Ohio House Bill [HB 487](#) is pending Governor Kasich's signature. The omnibus bill includes: Title V Clean Air Act & Permits; Energy Efficient Buildings and Standards; General Administrative Procedures and Enforcement; Hazardous Material; Taxes and Fees; Natural Resources; Permitting/Recordkeeping/Reporting; Water; and Municipal Wastewater.

STATE OF OHIO FINAL RULES

FINAL RULE ON OPEN BURNING

On 17 May 12, the Ohio EPA, Division of Air Pollution Control issued a final rule that makes several amendments to rules concerning open burning. The Division is not recommending any changes to the scope or intent of the rules and most of the amendments are minor in nature, primarily for clarification, formatting and typographical corrections. One new purpose for open burning was added to OAC rules 3745-19-03 and 3745-19-04. The following rules were amended: **3745-19-01, -02,-03, -04, -05, -06**. The final rule went into effect on 27 May 12.

STATE OF OHIO OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

NPDES PERMITS FOR DISCHARGES FROM THE OPERATION OF VESSELS

On 9 May 12, the Ohio EPA issued a [notice](#) on two draft Section 401 Certifications for the U.S. EPA's Vessel General NPDES permits. The USEPA has issued draft general National Pollutant Discharge Elimination System (NPDES) Permits for discharges from the operation of vessels. The permits would cover vessels nationwide, and covers and regulates a wide variety of discharges from vessels, including ballast water, bilge water and gray water discharged from vessels. Sanitary wastewater discharges are exempt from the Clean Water Act, but are covered by U.S. Coast Guard regulations. All federal actions that could affect water quality in a state must obtain a certification from the state that the action meets state water quality standards. The issue affecting Ohio waters is the ballast water discharge and whether that discharge meets Ohio Water Quality Standards. Because the certifications authorize new vessel discharges, the discharges from the vessels covered by the draft certifications, if approved, would result in degradation to, or lowering of, the water quality of various bodies of water throughout the State of Ohio. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1, will not be exceeded. See fact sheet [here](#). A hearing and comments are due by 25 Jun 12.

RELEASE OF TOTAL MAXIMUM DAILY LOAD REPORT

On 9 May 12, the Ohio EPA issued a [notice](#) on the Maumee River (lower) Tributaries and Lake Erie Tributaries Watershed Total Maximum Daily Load Report (TMDL) document. Ohio EPA developed the document in fulfillment of Section 303(d) of the Clean Water Act, which requires the identification of impaired waterbodies for which technology-based effluent limitations are not stringent enough to achieve applicable water quality standards and to develop TMDL for such waters. The impaired waters are located in Ottawa, Lucas, Wood counties. The comment period closed on 11 Jun 12.



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

COMMENT PERIOD EXTENSION ON PROPOSED ATTAINMENT DETERMINATION

USEPA issued a proposed rule and is extending the comment period for the rule published 24 Apr 12 (77 FR 24436) [[77 FR 30453](#), 23 May 12]. On 24 Apr 12, USEPA proposed to approve a determination of attainment for the Milwaukee-Racine, Wisconsin area for the 2006 24-hour fine particle National Ambient Air Quality Standard submitted by the State of Wisconsin on 7 Mar 11. USEPA is extending the comment period for 30-days until 25 Jun 12.

Department of Defense Activity

DOD RELEASES NEW GUIDANCE ON HEXAVALENT CHROMIUM, AND CADMIUM OPERATIONS

On 18 Apr 12, DoD issued [Directive-Type Memorandum \(DTM\) 12-003](#), Control and Management of Surface Accumulations from Lead, Hexavalent Chromium, and Cadmium Operations. The directive implements Title 29, Code of Federal Regulation 1910 (29 CFR 1910), and applies to all DoD components. The directive expires on 15 Oct 12, but shall be incorporated into DoD Instruction 6055.1 (DoD Safety and Occupational Health (SOH) Program, 19 Aug 98).

USACE RELEASES WETLAND PLANT LIST

The U.S. Army Corps of Engineers (USACE) released the final [2012 National Wetland Plant List \(NWPL\)](#). The NWPL is used to determine whether the hydrophilic vegetation parameter is met when conducting wetland determinations under the Clean Water Act (CWA) and the Wetland Conservation Provisions of the Food Security Act [[77 FR 27210](#), 9 May 12]. The wetland plant list used for CWA purposes was first published by the USFWS in 1988 and contained 6,728 species. The latest list contains 8,200 species. The majority of the increased number of species is a result of new taxonomic interpretations. The new list also includes changes in plant indicator status for 807 species, or 12 percent of the previous list. The list became effective on 1 Jun 12.

Federal Activity

AIR

FINAL RULE ON 1997 OZONE NAAQS

USEPA issued a final rule that revises the rules for implementing the 1997 8-hour ozone national ambient air quality standards (NAAQS) to address certain limited portions of the rules vacated by the U.S. Court of Appeals for the District of Columbia Circuit [[77 FR 28424](#), 14 May 12]. This final rule assigns Clean Air Act classifications and associated state planning and control requirements to selected ozone nonattainment area. This rule also reinstates the 1-hour contingency measures as applicable requirements that must be retained until the area attains the 1997 8-hour ozone standard. Finally, this rule deletes an obsolete provision that stayed the USEPA's authority to revoke the 1-hour ozone standard pending the Agency's issuance of a final rule that revises or reinstates its revocation authority and considers and addresses certain other issues. The final rule became effective on 13 Jun 12.

FINAL RULE ON AIR QUALITY DESIGNATIONS FOR 2008 OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS

USEPA issued a final rule that establishes initial air quality designations for most areas in the U.S., including areas of Indian country, for the 2008 primary and secondary NAAQS for ozone. USEPA is designating areas as either nonattainment, unclassifiable, or unclassifiable/attainment. Areas designated as nonattainment are also being classified by operation of law according to the severity of their air quality problems [[77 FR 30088](#), 21 May 12]. The classification categories are Marginal, Moderate, Serious, Severe, and Extreme. USEPA is establishing the air quality thresholds that define the classifications in a separate rule titled, "Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation." The final rule becomes effective on 20 Jul 12.

FINAL RULE ON 2008 OZONE ATTAINMENT

USEPA issued a final rule which establishes the air quality thresholds that define the classifications assigned to all nonattainment areas for the 2008 ozone national ambient air quality standards (NAAQS) which were promulgated on 12 Mar 08 [[77 FR 30160](#), 21 May 12]. USEPA is also granting reclassification for selected nonattainment areas that voluntarily reclassified under the 1997 ozone NAAQS. USEPA's final designations are based on air quality monitoring data, recommendations submitted by the states and tribes, and other technical information. USEPA classifies nonattainment areas based on the severity of their ozone problem. This rule also establishes December 31 of each relevant calendar year as the attainment date for all nonattainment area classification categories. Finally, this rule provides for the revocation of the 1997 ozone NAAQS for transportation conformity purposes to occur 1 year after the

effective date of designations for the 2008 ozone NAAQS. This final rule is effective on 20 Jul 12. To see state status, see national ozone attainment map [here](#).

PROPOSED RULE ON RECIPROCATING INTERNAL COMBUSTION ENGINES

USEPA issued a proposed rule that amends the National Emission Standards for Hazardous Air Pollutants (NESHAPS) for stationary Reciprocating Internal Combustion Engines (RICE) under Section 112 of the Clean Air Act [[77 FR 33812](#), 7 Jun 12]. The proposed amendments include alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary RICE, management practices for a subset of existing spark ignition stationary RICE in sparsely populated areas and alternative monitoring and compliance options for the same engines in populated areas. USEPA is also proposing to include a limited temporary allowance for existing stationary emergency area source engines to be used for peak shaving and non-emergency demand response. The proposed amendments also correct minor mistakes in the pre-existing regulations. The comment period closes on 23 Jul 12.

COMMENT PERIOD EXTENSION FOR STATIONARY SOURCES FOR ELECTRIC UTILITY GENERATING UNITS

USEPA published in the Federal Register on 13 Apr 12, the proposed rule, "Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units." USEPA is extending the comment period for this rulemaking until 25 Jun 12 [[77 FR 26476](#), 4 May 12].

FINAL DETERMINATIONS FOR STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES, NESHAPS, AND THE STRATOSPHERIC OZONE PROTECTION PROGRAM

USEPA issued a notice announcing final applicability determinations, for alternative monitoring decisions, and regulatory interpretations that USEPA has made under the New Source Performance Standards (NSPS); the National Emission Standards for Hazardous Air Pollutants (NESHAP); and the Stratospheric Ozone Protection Program [[77 FR 30283](#), 22 May 12]. A source owner or operator may request a determination of whether certain intended actions constitute the commencement of construction, reconstruction, or modification. USEPA's written responses to these inquiries are commonly referred to as applicability determinations. In this Federal Register Notice USEPA specifies 44 applicability determinations.

WITHDRAWAL OF DIRECT FINAL RULE

USEPA issued "Revisions to Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone" as a direct final rule [[77 FR 28785](#), 16 May 12]. Because USEPA received adverse comments on this action, the Agency is withdrawing the direct final rule, found in the following Federal Register notice [77 FR 10342, 21 Feb 12].

PROPOSED RULE ON GHG REPORTING

USEPA issued a proposed rule that would amend specific provisions of the GHG Reporting Rule to provide greater clarity and flexibility to facilities subject to reporting emissions from certain source categories [[77 FR 29935](#), 21 May 12]. These source categories will report GHG data for the first time in September 2012, and the category "Solid waste landfills" is among those listed as impacted. USEPA is proposing one technical amendment for Industrial Waste Landfills to address questions received about applicability of the subpart to industrial waste landfills that receive only inert wastes. The comment period closes on 20 Jun 12.

CLIMATE CHANGE

CEQ RELEASES UPDATED FEDERAL GHG GUIDANCE

On 4 Jun 12, The Council on Environmental Quality released an updated version of the "[Federal Greenhouse Gas Accounting and Reporting Guidance](#)" based on recommendations from an interagency work group co-chaired by the Department of Energy's (DOE's) Federal Energy Management Program (FEMP), the Department of Defense (DOD), and the Environmental Protection Agency (USEPA). Section 9 of Executive Order (EO) 13514 directed DOE's FEMP, in coordination with the USEPA, DoD, General Services Administration, Department of the Interior, Department of Commerce, and other agencies as appropriate to develop recommended Federal GHG reporting and accounting procedures. E.O. 13514 also requires agencies to establish and report percentage reduction targets for agency-wide reductions of Scope 1, 2, and 3 GHG emissions relative to an FY 2008 baseline. This guidance is accompanied by a separate [Technical Support Document](#) for Federal GHG Accounting and Reporting, which provides detailed information on inventory reporting requirements and calculation methodologies.

ENERGY

DEVELOPING LARGE-SCALE RENEWABLE ENERGY PROJECTS AT FEDERAL FACILITIES USING PRIVATE CAPITAL

The Department of Energy (DOE) issued a Federal Register notice [[77 FR 32621](#), 4 Jun 12] on a draft guidebook entitled, "[Federal Renewable Energy Guide: Developing Large-Scale Renewable Energy Projects at Federal Facilities Using Private Capital](#)." DOE will consider comments and recommendations on the draft guidebook until 2 Jul 12

HAZARDOUS MATERIALS

PROPOSED CHANGES TO HAZARDOUS MATERIALS RULES

The Pipelines and Hazardous Materials Safety Administration (PHMSA) issued a notice of proposed rulemaking that makes miscellaneous amendments to the Hazardous Materials Regulations to update and clarify certain regulatory requirements [[77 FR 24885](#), 26 Apr 12]. These proposed amendments are designed to promote safer transportation practices; eliminate unnecessary regulatory requirements; address a petition for rulemaking; incorporate a special permit into the Hazardous Materials Regulations; facilitate international commerce; and simplify the regulations. Among other provisions, PHMSA is proposing to update various entries in the Hazardous Materials Table and corresponding special provisions, clarify the lab pack requirements for temperature-controlled materials, and revise the training requirements to require that a hazardous material employer must make hazardous materials employee training records available upon request to an authorized official of the Department of Transportation or the Department of Homeland Security. The comment period closes on 25 Jun 12.

USEPA PROPOSES REVISIONS TO THE CATHODE RAY TUBE RULE

USEPA issued a proposed rule that changes the notification requirements for Cathode Ray Tubes (CRTs) exported for reuse or recycling [[77 FR 15336](#), 8 Mar 12]. The proposed revisions to the CRT rule are to clarify existing requirements for export of CRTs and provide additional information for the USEPA to better manage the exported materials. Currently CRTs exported for recycling require notification to USEPA 60-days before shipment occurs. The glass component of the CRT may contain a sufficient concentration of lead in order to be classified as a hazardous waste, if the CRT is to be disposed (not recycled). The CRT is an e-waste with specific disposal, recycling and reuse regulations promulgated on 26 Jul 06. Recycling of both broken and unbroken CRTs in accordance with the CRT rule provides a beneficial reuse and avoids disposal as a hazardous waste. Follow link to see USEPA page on CRT information [here](#). The comment period closed on 14 May 12.

NATURAL RESOURCES

NOAA INVITES COMMENT ON CORAL STATUS REVIEW AND DRAFT MANAGEMENT REPORTS

The National Marine Fisheries Service (NMFS), and the National Oceanic and Atmospheric Administration (NOAA), issued a notice of availability on a petition to list 83 Species of Coral as Threatened or Endangered under the Endangered Species Act (ESA) [[77 FR 22749](#), 17 Apr 12]. Through this petition NMFS, is requesting information on a "[Status Review Report](#)" and a "[Draft Management Report](#)" that NMFS and NOAA prepared in response to a petition from the Center for Biological Diversity to list these species. The Status Review Report examines the biology of, threats to, and extinction risk of 82 coral species, while the draft Management Report describes existing regulatory mechanisms and ongoing conservation efforts to manage and conserve these species throughout the Caribbean and Indo-Pacific. Also see NOAA page concerning coral [here](#). The comment period closes on 31 Jul 12.

WATER

FINAL RULE ON WATER ANALYSIS AND SAMPLING PROCEDURES

USEPA issued a final rule referred to as the Methods Update Rule which incorporates several water contaminant testing methods into its Clean Water Act (CWA) regulations, but deferred or rejected inclusion of other methods based on stakeholder comments and questions about the methods' viability [[77 FR 29758](#), 18 May 12]. The changes adopted in this final rule fall into the following categories new and revised USEPA methods and new and revised methods published by voluntary consensus standard bodies, such as the American Society for Testing and Materials International, and the Standard Methods Committee, updated versions of currently approved methods, methods reviewed under the alternate test procedures program, clarifications to the process for USEPA approval for use of alternate procedures for nationwide and Regional use, minimum quality control requirements to improve consistency across method versions, corrections to

previously approved methods, and revisions to sample collection, preservation, and holding time requirements. Finally, USEPA made changes to three effluent guideline regulations. The final rule becomes effective on 18 Jun 12.

FINAL NATIONAL RECOMMENDED AMBIENT WATER QUALITY CRITERIA FOR CARBARYL

USEPA issued a Notice of Availability of Final Criteria which makes national recommended water quality criteria for the protection of aquatic life from effects of carbaryl (1-naphthyl methylcarbamate) a chemical used chiefly as an insecticide [[77 FR 30281](#), 22 May 12]. USEPA's recommended Section 304(a) water quality criteria provides guidance to States and authorized Tribes in adopting water quality standards for protecting aquatic life and human health, along with technical information, but by themselves have no binding legal effect.

FINAL RULE ON AIRPORT DEICING

USEPA issued a final rule promulgating technology-based effluent limitations guidelines (ELGs) and new source performance standards (NSPS) under the CWA for discharges from airport deicing operations [[77 FR 29168](#), 16 May 12]. Requirements generally apply to wastewater associated with the deicing of airfield pavement at primary airports. The rule requires all such airports to comply with requirements based on substitution of less toxic pavement deicers that do not contain urea. The rule also establishes NSPS for wastewater discharges associated with aircraft deicing for a subset of new airports. These airports must also meet requirements based on collection of deicing fluid and treatment of the collected fluid. The ELGs and NSPS will be incorporated into National Pollutant Discharge Elimination System (NPDES) permits issued by the permitting authority. This final rule became effective 15 May 12.

Professional Development

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

American Water Resources Association's 2012 Summer Specialty Conferences

The [American Water Resources Association's 2012 Summer Specialty Conferences](#) will be held in Denver CO, on 25-27 Jun 12, at the Sheraton Denver Downtown. This year's Summer Program will address two critical issues related to water resources and human and environmental health: Contaminants of Emerging Concern in Water Resources II: Research, Engineering, and Community Action; and Riparian Ecosystems IV: Advancing Science, Economics and Policy.

Geotechnology & Energy Conference

The 12th [International Symposium for Environmental Geotechnology, Energy, and Global Sustainable Development](#) will be held in Los Angeles, CA on 27-29 Jun 12, at the California State University Los Angeles' Golden Eagle Building. The objective of the symposium is to apply technical and social science knowledge from a diversity of disciplines to address critical issues in sustainable development.

Wetland Plant Identification (Classroom)

The [Wetland Plant Identification](#) course will be held in Shepherdstown, WV on 9-13 Jul 12, at the National Conservation Training Center. The course is presented by the US Fish and Wildlife Service and is designed to improve the ability of field staff to identify wetland plants using botanical manuals and floras. The class consists of several one-day sessions on the following groups: woody plants, including winter condition; herbaceous dicots; and grasses, sedges and rushes, and other monocots. Lectures discuss morphology, terminology and identification. Plants representative of that day's topics are collected daily in the field and keyed-out in the classroom, in both directed and individual keying exercises.

GovEnergy Training Workshop

[GovEnergy Training Workshop](#) will be held in St Louis, MO on 19-22 Aug 12, at Americas Center. GovEnergy provides training to the federal energy management community by offering educational resources, networking opportunities and a trade show. GovEnergy is designed to help federal employees work smarter to better meet their sustainability, energy security, and energy assurance goals.

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 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.bearsto.ctr@mail.mil Phone : 410-436-7248