



# Northern Review

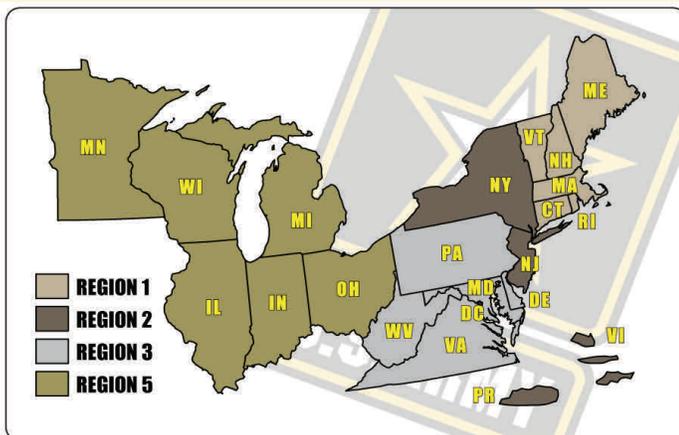
## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

November 2013

The **NORTHERN 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 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](#).



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## What's In This Review?

### Region 1

In ME, comments requested on bacterial TMDLs for three streams. In NH, multiple proposed readoptions with amendments to the solid and hazardous waste regulations. In RI, proposed amendments to the CO<sub>2</sub> Budget Trading Program. In VT, requested public involvement for the impaired waters list and the Lake Champlain phosphorous TMDL under development.

### Region 2

In NJ, a proposed bill to establish a State Dredging Task Force. In NY, legislation proposed to establish the Long Island Water Quality Commission. In PR, proposed bills to amend the Permit Process Reform Act and investigate dredging works in the Bay of Arroyo.

### Region 3

In DE, final revisions to air, solid waste, and asbestos regulations, along with heavy-duty diesel engine standards. In DC, a proposal to ban polystyrene containers, and an emergency rule amending the soil erosion/sediment control and stormwater management regulations. In MD, proposed revisions to the sewage sludge management requirements. In VA, fast-track regulations regarding air and pesticides regulations, and finalized amendments concerning water regulations.

### Region 5

In IL, final amendments to groundwater standards and the proposed adoption of new water supply operator certification regulations. In IN, a bill regarding the use of unmanned aerial vehicles that died upon adjournment, final amendments to air regulations, and proposed amendments to commercial on-site sewage system regulations. In MI, a new law revising the definitions of "release" and "hazardous substance." In MN, proposed amendments to multiple solid and hazardous waste regulations. In OH, final amendments to AIM coating rules and surface water treatment rule. In WI, a proposed bill for recycling of mercury-added thermostats.

### DOD Activity

The Army is partnering for Enhanced Mission Effectiveness.

### Federal Activity

USEPA final rule adding heating oils from biomass to RFS Program. USFWS proposes multiple T & E listings, along with the designation of critical habitat.

# Region 1

For more information on any state issues in Region 1, contact [Bob Muhly](#), Army Regional Environmental Coordinator, Regions 1 & 2, (410) 278-6140.



Legislature convened 5 DEC 12 and adjourned sine die 19 JUN 13.

## OTHER REGULATORY ACTIVITY

**BACTERIA TMDLS FOR THREE STREAMS** The Maine Department of Environmental Protection (MDEP) has [invited comment](#) on bacterial Total Maximum Daily Loads (TMDLs) for three streams to be added to the USEPA approved 2009 Maine Statewide Bacteria TMDL Report. In accordance with federal requirements, MDEP has prepared the *Maine Statewide Bacteria TMDL: 2013 Freshwater Addendum* report for waters that exceed state water quality bacteria standards. The TMDL report contains recent monitoring results and watershed specific information necessary to add bacteria TMDLs to the existing 2009 TMDL Report. Comments are due by 4 DEC 13.



Legislature convened 2 JAN 13 and adjourned sine die 30 JUN 13.

## PROPOSED RULES

**READOPTION WITH AMENDMENTS TO SOLID WASTE REGULATIONS** The New Hampshire Department of Environmental Services (NHDES) has [proposed](#) to readopt with amendments the solid waste regulations at Env-Sw 400 through Env-Sw 700. The proposed regulations affect entities that own, operate or apply for permits for: (1) solid waste collection, storage, and transfer facilities; (2) processing and treatment facilities; (3) composting facilities; and (4) incineration facilities. The current regulations expired on 28 OCT 13, but they remain in effect until the rulemaking is completed. Comments are due by 10 DEC 13.

**SOLID WASTE FACILITY OPERATOR TRAINING AND CERTIFICATION** NHDES has [proposed](#) to readopt with amendments the solid waste facility operator training and certification regulations at Env-Sw 1600. The regulations establish training and application requirements for the issuance of solid waste operator certification. The amendments restructure the program in recognition of current waste management practices, to provide clarity, and to address stakeholder concerns. The current rules expired on 28 OCT 13, but they remain in effect until the rulemaking is completed. Comments are due by 10 DEC 13.

**AMENDMENTS TO THE SOLID WASTE AND MUNICIPAL SOLID WASTE REGULATIONS** NHDES has [proposed](#) to readopt with amendments the solid waste and municipal solid waste regulations at Env-Sw 300 and Env-Sw 1200. The Env-Sw 300 regulations establish procedures and requirements for the application, issuance and modification of solid waste facility permits. The amendments allow electronic submission of applications and simplify existing requirements. The Env-Sw 1200 regulations establish the core requirements applicable to all facilities subject to a permit-by-notification. The amendments clarify facility siting requirements. The amendments also allow permits-by-notification for certain limited use asbestos waste storage and transfer facilities. The current rules expired on 28 OCT 13, but they remain in effect until the rulemaking is completed. Comments are due by 10 DEC 13.

**AMENDMENTS TO THE HAZARDOUS WASTE COORDINATOR CERTIFICATION PROGRAM** NHDES has [proposed](#) to readopt with amendments the hazardous waste coordinator certification program and the initial generator notification fee regulations found at Env-Hw 500 and Env-Hw 808.01. The amendments supplement the statutory requirements, clarify

operational requirements for generators, and clarify substantive and procedural requirements for coordinators to receive and maintain their certifications. In addition, the amendments incorporate the statutory fee requirement for initial notifications of hazardous waste activity, and the statutory exemption from the fee for political subdivisions. Comments are due by 15 NOV 13.



**Legislature convened 1 JAN 13 and adjourned sine die 30 JUN 13.**

### **FEDERAL ACTIVITY**

**SIP REVISIONS FOR THE REGULATION OF GHG UNDER THE PSD PROGRAM** USEPA has issued a proposed rule to fully approve certain revisions to the Rhode Island State Implementation Plan (SIP) relating to the regulation of greenhouse gases (GHGs) under the state Prevention of Significant Deterioration (PSD) preconstruction permitting program (**78 FR 63435**). USEPA has also proposed to fully approve the state's definition of "PM2.5," fine particulate matter, which is specific only to permitting. Some of the SIP revisions consist of definitions that also relate more broadly to the state PSD and nonattainment new source review (NSR) preconstruction permitting requirements. The proposed rule conditionally approves those definitions as they relate to the non-GHG pollutants. Comments are due by 25 NOV 13.

### **PROPOSED RULES**

**AMENDMENTS TO THE CO<sub>2</sub> BUDGET TRADING PROGRAM REGULATIONS** The Rhode Island Department of Environmental Management (RIDEM) has **proposed** amendments to Air Pollution Control Regulations No. 46 "CO<sub>2</sub> Budget Trading Program," and No. 47 "CO<sub>2</sub> Budget Trading Program Allowance Distribution." The amendments incorporate changes made to the Regional Greenhouse Gas Initiative (RGGI) Model Rule. Comments are due by 27 NOV 13.



**Legislature convened 9 JAN 13 and adjourned sine die 10 MAY 13.**

### **OTHER REGULATORY ACTIVITY**

**PUBLIC DATA SOLICITATION FOR 2014 IMPAIRED WATERS LIST** The Vermont Department of Environmental Conservation (VDEC) has **solicited** water quality data and information related to rivers, streams, lakes, ponds, and wetlands within Vermont to improve its data on the condition of individual state waters. In accordance with federal regulations, the state is required to report on the quality of its surface waters every two years, in the form of an impaired waters list. VDEC is currently working on the 2014 Impaired Waters List. The comment period closed on 8 NOV 13.

**LAKE CHAMPLAIN PHOSPHORUS TMDL** VDEC has **announced** a series of public meetings to discuss the new phosphorus TMDL that is under development by USEPA for the Lake Champlain Basin. The TMDL will place a cap on the maximum amount of phosphorus allowed to enter Lake Champlain and still meet Vermont's water quality standards. It will allocate that maximum amount to each river basin draining to Lake Champlain and among the various phosphorus sources. Public meetings are scheduled for 2 DEC 13, 3 DEC 13, 10 DEC 13, and 11 DEC 13.

# Region 2

For more information on any state issues in Region 2, contact [Bob Muhly](#), Army Regional Environmental Coordinator, Regions 1 & 2, (410) 278-6140.



## New Jersey

Legislature convened 8 JAN 13 and adjourns sine die 31 DEC 13.

### PROPOSED LEGISLATION

**SB 2992 CREATION OF THE STATE DREDGING TASK FORCE** SB 2992 creates a 11-member State Dredging Task Force to investigate current dredging policies and practices. The task force will review the current dredging policies and practices in New Jersey and other states. The task force will also: (1) examine new and innovative methods for disposal of dredged spoils; (2) recommend methods of disposal; (3) establish a cyclical schedule for dredging projects; and (4) suggest ways to establish and maintain a state dredging project priority list. The bill was referred to the Environment and Energy Committee.



## New York

Legislature convened 9 JAN 13 and adjourns sine die 31 DEC 13.

### PROPOSED LEGISLATION

**SB 5956 (AB 8163) LONG ISLAND WATER POLLUTION CONTROL ACT** SB 5956, "Long Island Water Pollution Control Act," establishes the Long Island Water Quality Commission. The bill requires the development of a Long Island Clean Water Quality and Protection Plan. The commission is tasked with providing input on the development and managing/overseeing the implementation of the plan. The bill was referred to the Rules Committee.



## Puerto Rico

Legislature convened 14 JAN 13 and adjourns sine die 31 DEC 16.

### PROPOSED LEGISLATION

**PC 1447 (PS 769) AMENDMENTS TO THE PERMIT PROCESS REFORM ACT** PC 1447 amends the Permit Process Reform Act by eliminating the Office of the Chief Permit Inspector, the Adjudicatory Board, and the Reviewing Board. The bill transfers all functions and authorized inspectors to the Permit Management Office, which shall be an entity independent from the Planning Board. The bill also: (1) provides that the Permit Management Office shall have the power to adjudicate discretionary determinations; (2) provides that the environmental impact declaration shall be reviewed apart from the requested permit; (3) eliminates the requirement of a bond to request the revocation of a permit or the paralyzation of works or of use; and (4) reinstates the application of the Uniform Administrative Procedure Act in the revision of final determinations. The bill was referred to the Socioeconomic Development and Planning Committee.

**RS 537 INVESTIGATION REGARDING DREDGING IN THE BAY OF ARROYO** RS 537 orders an investigation, by the Natural and Environmental Resources and Energy Affairs Committee, regarding the need to conduct dredging works in the Bay of Arroyo. The bill was referred to the Rules, Calendar and Internal Affairs Committee.

# Region 3

For more information on any state issues in Region 3, contact [Patrick Timm](#), Army Regional Program Coordinator, Region 3, (410) 278-6139.



## FEDERAL ACTIVITY

**CORRECTION TO AMENDATORY INSTRUCTIONS ON PREVIOUSLY ISSUED DIRECT FINAL RULE** USEPA has issued a direct final rule correcting a 6 JUN 13 direct final rule pertaining to the approval and promulgation of air quality implementation plans ([78 FR 60225](#)). The June rule related to the removal of over 50 rules in the Code of Federal Regulations (CFR) for Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia because they are unnecessary or obsolete. Errors in the amendatory instruction were identified and are being corrected by this direct final rule. The direct final rule became effective on 1 OCT 13.



**Legislature convened 8 JAN 13 and adjourned sine die 30 JUN 13.**

## FEDERAL ACTIVITY

**INFRASTRUCTURE REQUIREMENTS FOR THE 2010 NO<sub>2</sub> NAAQS** USEPA has issued a final rule approving a SIP revision submitted by the state of Delaware ([78 FR 63877](#)). The revision addresses Clean Air Act (CAA) section 110(1) and (2) requirements, often referred to as the "infrastructure" SIP. Specifically, the revision addresses the infrastructure requirements necessary to implement, maintain, and enforce the 2010 nitrogen dioxide (NO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS). The final rule will become effective on 25 NOV 13.

**INFRASTRUCTURE REQUIREMENTS FOR THE 2010 SULFUR DIOXIDE NAAQS** USEPA has issued a proposed rule to approve a SIP revision submitted by the state of Delaware ([78 FR 63437](#)). The revision addresses the CAA infrastructure requirements for the 2010 sulfur dioxide (SO<sub>2</sub>) NAAQS. The proposed rule approves portions of the revision. Comments are due by 25 NOV 13.

## FINAL RULES

**CORRECTION OF OUTDATED REGULATORY REFERENCES** The Delaware Department of Natural Resources and Environmental Control (DDNREC) has [adopted](#) revisions to 7 DE Admin. Code 1101. In 2008 Delaware's air regulations were recoded and established in 7 DE Admin. Code 1100. The regulatory language in 1101 was inadvertently not updated, and continues to reference the prior regulations. The adopted revisions correct the outdated references. The revisions became effective on 11 NOV 13.

**REPEAL OF HEAVY DUTY DIESEL ENGINE STANDARDS** DDNREC has [adopted](#) revisions that repeal 7 DE Admin. Code 1143. The provisions of this regulation apply to heavy-duty diesel engines produced for the 2005 and 2006 model years, and to new motor vehicles with a gross vehicle weight rating (GVWR) of greater than 14,000 pounds containing such engines that are sold, leased, offered for sale or lease, imported, delivered, rented acquired, or received in Delaware. The regulation was developed and adopted as a backstop to a then anticipated USEPA regulation. USEPA successfully adopted standards and the regulation is no longer needed. The repeal will be submitted to USEPA as a SIP revision. The repeal became effective on 11 NOV 13.

**AMENDMENTS TO THE SOLID WASTE REGULATIONS** DDNREC has [adopted](#) amendments to the solid waste regulations, including infectious waste, at 7 DE Admin. Code 1301. The amendments grant regulated parties the opportunity to propose alternative packaging methods for infectious waste under certain circumstances. The amendments also allow infectious waste package labeling to be consistent with federal Department of Transportation (DOT) requirements,

rather than applying inconsistent state and federal requirements. A notice of the proposed amendments was published in the August 2013 edition of the *Northern Review*. The amendments became effective on 11 NOV 13.

**STATE ASBESTOS CERTIFICATION AND TRAINING PROGRAM** The Delaware Office of Management and Budget (OMB) has **adopted** a regulation governing the state of Delaware's Asbestos Certification and Training Program. The regulation provides public notice regarding the manner in which the program will operate and be applied by OMB. The regulation requires that renovations or demolitions that disturb asbestos be conducted only by contractors, supervisors, and workers certified by OMB's Division of Facilities Management. The regulation became effective on 11 OCT 13.



**Legislature convened 2 JAN 13 and adjourns sine die 31 DEC 14.**

### **FEDERAL ACTIVITY**

**INFRASTRUCTURE REQUIREMENTS FOR THE 2008 LEAD NAAQS AND STATE BOARD REQUIREMENTS** USEPA has issued a direct final rule approving two SIP revisions submitted by the District of Columbia (**78 FR 62455**). The revisions address CAA infrastructure requirements for the 2008 lead (Pb) NAAQS and requirements in relation to state boards. USEPA has approved portions of the revisions. Barring adverse comment the direct final rule will become effective on 23 DEC 13.

### **PROPOSED LEGISLATION**

**B 516 ANACOSTIA POLLUTION ACT OF 2013** B 516 prohibits the sale, use, or provision of polystyrene containers for food services and encourages the use of compostable or recyclable containers. Through regulation, the mayor would define the range of compostable and recyclable materials that could be used for food services. The bill will prevent polystyrene containers, which cannot be recycled or composted, from polluting the Anacostia River and other waterways. The bill was referred to the Business, Consumer, and Regulatory Affairs Committee.

### **FINAL RULES**

**EROSION/SEDIMENT CONTROL AND STORMWATER MANAGEMENT INFRACTIONS REGULATIONS** The DC Department of the Environment (DDOE) has **adopted** an emergency rule amending Section 3646 (Soil Erosion and Sediment Control and Stormwater Management Infractions) of Chapter 36, Title 16 of the DC Municipal Regulations. The emergency rule ensures the protection of DC waters by seeking compliance with DDOE's new stormwater management and soil erosion and sediment control permitting regulations at sites currently undergoing construction. The emergency rule became effective on 23 SEP 13 and will expire on 22 JAN 14.



**Legislature convened 9 JAN 13 and adjourned sine die 8 APR 13.**

### **PROPOSED RULES**

**PROPOSED CHANGES TO THE SEWAGE SLUDGE MANAGEMENT REGULATIONS** The Maryland Department of the Environment (MDE) has **proposed** repealing existing regulations and adopting new regulations under COMAR 26.04.06, Sewage Sludge Management. The proposal revises regulatory requirements for sewage sludge management and transfers septage requirements to MDE's Water Management Regulation under COMAR 26.04.02. The comment period closed on 4 NOV 13.



Legislature convened 1 JAN 13 and adjourns sine die 31 DEC 13.

**OTHER REGULATORY ACTIVITY**

**CORRECTION TO A PREVIOUS FINAL T & E RULEMAKING** The Pennsylvania Fish and Boat Commission has issued a [notice of correction](#) for a final rule published as 42 Pa.B. 7684 (22 DEC 12). The 2012 rulemaking incorrectly stated, in the preamble, that the commission added the Chesapeake Logperch to the commonwealth's list of endangered species. The notice of correction states that the Chesapeake Logperch was actually added to the commonwealth's list of threatened species. A notice of final rule was published in the January 2013 edition of the *Northern Review*.



Legislature convened 9 JAN 13 and adjourned sine die 23 FEB 13.

**FEDERAL ACTIVITY**

**DELEGATION OF AUTHORITY LETTER FOR NESHAP AND NSPS PROGRAMS** USEPA has issued a notice acknowledging the commonwealth of Virginia's authority to implement and enforce National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) ([78 FR 63184](#)). USEPA sent a letter to the commonwealth on 13 MAR 13 acknowledging the authority and this notice makes a copy of that letter publicly available.

**SIP REVISIONS FOR PM2.5 AMBIENT AIR QUALITY STANDARDS** USEPA has issued a direct final rule approving SIP revisions submitted by the commonwealth of Virginia ([78 FR 63878](#)). The revisions add ambient air quality standards and associated reference conditions for PM2.5 that are consistent with the 2013 NAAQS for PM2.5. Barring adverse comment the direct final rule will become effective on 24 DEC 13.

**FINAL RULES**

**AMENDMENT FOR OPEN BURN EXEMPTIONS** The Virginia Waste Management Board has proposed a [fast track regulation](#) to amend the solid waste management regulations at 9VAC20-81 for open burn exemptions. The amendment is necessary due to the proposed changes to the state Air Pollution Control Board's open burning regulations. The amendment removes an exemption reference and replaces it with a list of the conditional exemptions for open burning of certain solid wastes for specific activities (e.g., firefighting training, confidential document destruction, forest management, etc.). Comments are due by 20 NOV 13 and the fast track regulation will become effective on 5 DEC 13.

**AMENDMENTS TO REGULATORY GENERAL DEFINITIONS** The Virginia State Air Pollution Control Board has issued a [fast-track regulation](#) amending 9VAC5-10-20, regarding general definitions. The amendments ensure that the definition of volatile organic compound (VOC) is up-to-date and scientifically accurate, as well as consistent with the overall federal requirements under which the regulations operate. Comments are due by 20 NOV 13 and the fast track regulation will become effective on 5 DEC 13.

**REGULATIONS FOR PESTICIDE CONTAINERS AND CONTAINMENT** The Virginia Department of Agriculture and Consumer Services has issued a [fast-track regulation](#) regarding 2VAC5-690, Regulations for Pesticide Containers and Containment Under Authority of Virginia Pesticide Control Act. The fast-track action creates new regulations to establish standards and requirements for pesticide containers, repackaging pesticides, and pesticide containment structures. The new regulations are equivalent to Part 165 of Title 40 of the Code of Federal Regulations, Pesticide Management and Disposal. Comments are due by 18 DEC 13 and the fast track regulation will become effective on 2 JAN 14.

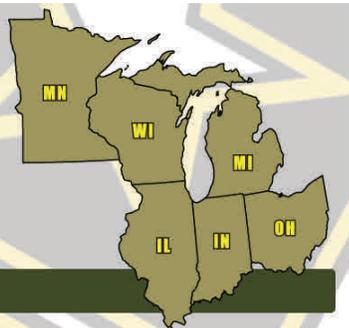
**VPDES GENERAL PERMIT FOR DISCHARGES RESULTING FROM THE APPLICATION OF PESTICIDES TO SURFACE WATERS** The Virginia Department of Environmental Quality (VDEQ) has [reissued](#), with amendments, the existing Virginia Pollutant Discharge Elimination System (VPDES) general permit that expires on 31 DEC 13. The existing general permit controls point source discharges of chemical pesticide residues and biological pesticides applied in or over, including near,

surface waters. The amendments include updates to the narrative technology and water quality based permit requirements, monitoring requirements, and special conditions. A notice of the proposed readoption was published in the April 2013 edition of the *Northern Review*. The readoption will become effective on 1 JAN 14.

**EASTERN VIRGINIA GROUNDWATER MANAGEMENT AREA EXPANSION TO CONTROL DECLINING GROUNDWATER** VDEQ has **adopted** amendments to **9VAC25-600**, the Eastern Virginia Groundwater Management Area regulation. The amendments include the following additional localities to the groundwater management area: the counties of Essex, Gloucester, King George, King and Queen, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland; and the areas of Arlington, Caroline, Fairfax, Prince William, Spotsylvania, and Stafford counties east of Interstate 95. The amendments allow the entire coastal plain aquifer system to be managed and maintained for a sustainable future supply of groundwater. A notice of the proposed amendments was published in the November 2012 edition of the *Northern Review*. The amendments will become effective on 1 JAN 14.

## Region 5

For more information on state issues in Region 5, contact [Dr. Jim Hartman](#), DOD Regional Environmental Coordinator, Region 5, (410) 278-6991.



**Legislature convened 9 JAN 13 and adjourned 31 MAY 13.**

### **FEDERAL ACTIVITY**

**REDESIGNATION OF THE CHICAGO AREA TO ATTAINMENT OF THE 1997 ANNUAL PM2.5 STANDARD** USEPA has issued a final rule taking several related actions under the CAA affecting the Chicago area and the state of Illinois for the 1997 annual PM2.5 NAAQS (**78 FR 60704**). USEPA has: (1) determined that the Chicago-Gary-Lake County, IL-IN area has attained the 1997 annual PM2.5 standard based on 2007-2012 data; (2) redesignated the Chicago area to attainment of the 1997 annual PM2.5 standard; (3) approved the state's plan for maintaining the 1997 annual PM2.5 standard in the area through 2025; (4) approved Illinois' comprehensive 2002 NO<sub>x</sub>, SO<sub>2</sub>, VOC, ammonia, and primary PM2.5 emission inventories for the Chicago area; and (5) approved Illinois' 2008 and 2025 NO<sub>x</sub> and primary PM2.5 Motor Vehicle Emission Budgets (MVEBs) for the Chicago area and found them to be adequate for use in transportation conformity determinations. The final rule became effective on 2 OCT 13.

### **FINAL RULES**

**AMENDMENT TO THE GROUNDWATER QUALITY STANDARDS** The Illinois Pollution Control Board (IPCB) has **adopted** amendments to 35 Ill. Adm. Code 620.420 relating to groundwater quality. The amendments provide technical corrections to the groundwater quality standards (GQS) amendments that were adopted in October 2012. The technical corrections amend the lists of organic chemicals and corresponding concentrations and provide that the concentrations must not be exceeded in Class II general resource groundwater. A notice of the proposed amendments was published in the June 2013 edition of the *Northern Review*. The amendments became effective on 7 OCT 13.

### **PROPOSED RULES**

**WATER SUPPLY OPERATOR CERTIFICATION REGULATIONS** The Illinois Environmental Protection Agency (IEPA) has **proposed** a rule to repeal 35 Ill. Adm. Code Part 680, and adopt a new Part 681 to establish regulations for water supply operator certification. The requirements in Part 680 will be carried over to Part 681 with some changes, including renewal training requirements. Comments are due by 25 NOV 13.



Legislature convened 7 JAN 13 and adjourned sine die 29 APR 13.

## **FEDERAL ACTIVITY**

**SIP REVISIONS UPDATING STATE AIR MONITORING RULES** USEPA has issued a direct final rule approving SIP revisions submitted by the state of Indiana to update the state's monitoring rules ([78 FR 63093](#)). The monitoring rules will be used to determine whether various source categories are in compliance with the applicable emission limits. USEPA has also approved supplemental revisions submitted by the state on 6 SEP 13. The supplemental revisions amend the existing monitoring and SO<sub>2</sub> control requirements in the Indiana SIP. Barring adverse comment the direct final rule will become effective on 23 DEC 13.

## **FINAL LEGISLATION**

**SB 20 USE OF UNMANNED AERIAL VEHICLES** SB 20 died upon adjournment. The bill would have made it a Class D felony for a person (including a law enforcement officer) to knowingly or intentionally use an unmanned aerial vehicle to monitor a person, property, or thing without the written consent of the monitored subject. The bill also established that: (1) images or communications obtained through the use of an unmanned aerial vehicle would not be admissible as evidence; (2) it would be a Class A misdemeanor for a person to possess an image or communication obtained through the use of an unmanned aerial vehicle; and (3) public money could not be used to purchase an unmanned aerial vehicle.

## **FINAL RULES**

**FEDERAL NONATTAINMENT DESIGNATIONS FOR THE 2010 SO<sub>2</sub> PRIMARY STANDARD** The Indiana Department of Environmental Management (IDEM) has [adopted](#) an emergency rule that temporarily amends the Air Pollution Control Division regulations at 326 IAC 1-4. The rule adds the federal nonattainment designations for the 2010 SO<sub>2</sub> primary standard for: (1) Veale Township in Daviess County; (2) Center Township, Perry Township, and Wayne Township in Marion County; (3) Clay Township and Washington Township in Morgan County; (4) Washington Township in Pike County; and (5) Fayette Township and Harrison Township in Vigo County. The emergency rule became effective on 15 OCT 13 and it expires on 13 JAN 14.

**MINOR NEW SOURCE REVIEW REQUIREMENTS** IDEM has [adopted](#) amendments to the state air permitting regulations at 326 IAC 2-7 and 326 IAC 2-8. The amendments cover minor NSR requirements for Title V and federally enforceable state operating permit sources. A notice of the proposed amendments was published in the March 2013 edition of the *Northern Review*. The amendments became effective on 26 OCT 13.

## **PROPOSED RULES**

**PROPOSED AMENDMENTS TO THE COMMERCIAL ON-SITE SEWAGE SYSTEMS REGULATIONS** The Indiana Department of Health (IDOH) has [proposed](#) amendments to the commercial on-site sewage systems regulations at 410 IAC 6-10.1-49, -61, -69, -72, -84, and -98. The amendments revise the: (1) requirement for ownership of a temporary sewage holding tank; (2) separation distance between an on-site sewage system and a lake or reservoir used as a public water supply; (3) requirement for the construction of septic tank baffles; (4) daily flow rating for septic tank outlet filters; (5) discharge rate for flood dosed systems; (6) volume of a dosing tank under certain conditions; and (7) the requirement for removal of abandoned buried electric lines. A [public hearing](#) will be held on 21 NOV 13.



Legislature convened 9 JAN 13 and adjourns sine die 31 DEC 13.

**FEDERAL ACTIVITY**

**REQUEST FOR COMMENTS ON PROPOSED REVISIONS TO MICHIGAN’S CWA PROGRAM** USEPA has issued a notice and request for comments on proposed revisions to Michigan's Clean Water Act (CWA) Section 404 permitting program resulting from the recent enactment of Michigan Public Act 98 ([78 FR 63185](#)). PA 98 amended the wetland and the inland lakes and streams regulations that were identified by USEPA as not complying with CWA requirements. PA 98 also included: (1) changes to the definition of contiguous wetlands regulated by the state Section 404 program; (2) the addition of new permitting exemptions; and (3) changes to the requirements for mitigating the effects of filling wetlands and other waters of the U.S. A public hearing is scheduled for 11 DEC 13 and comments are due by 18 DEC 13.

**FINAL LEGISLATION**

**SB 351 AMENDMENTS TO THE DEFINITIONS OF “RELEASE” AND “HAZARDOUS SUBSTANCE”** SB 351 (Public Act 141 of 2013) amends Part 201 (Environmental Remediation) of the Michigan Natural Resources and Environmental Protection Act. The bill revises exceptions to the definitions of "release" and "hazardous substance" for substances applied according to generally accepted agricultural and management practices, by specifying "at the time of the application." The bill was signed by the governor on 22 OCT 13 and became effective upon signature.



Legislature convened 8 JAN 13 and adjourned sine die 20 MAY 13.

**OTHER REGULATORY ACTIVITY**

**PROPOSED AMENDMENTS TO MULTIPLE SOLID AND HAZARDOUS WASTE REGULATIONS** The Minnesota Pollution Control Agency (MPCA) has **invited comments** on planned amendments to multiple Minnesota Rules. The amendments revise Chapters: (1) 7000 - Procedural Rules; (2) 7001 - Permits and Certifications; (3) 7035 - Solid Waste; (4) 7045 - Hazardous Waste; (5) 9210 - Solid Waste Grants and Loans Program; and (6) 9215 - Solid Waste Planning - Certificate of Need. The amendments can be generally classified as “housekeeping” updates. Comments are due by 22 NOV 13.



Legislature convened 7 JAN 13 and adjourns 31 DEC 13.

**FEDERAL ACTIVITY**

**1997 8-HOUR OZONE MAINTENANCE PLAN REVISION TO APPROVED MVEBS FOR MULTIPLE AREAS** USEPA has issued a direct final rule approving SIP revisions submitted by the state of Ohio ([78 FR 63388](#)). The rule approves revisions to the 1997 8-hour ozone maintenance air quality SIP for the Dayton-Springfield area, the Toledo area, and the Ohio portions of the Parkersburg-Marietta and Steubenville-Weirton, WV-OH areas. The revisions replace on-road emissions inventories and MVEBs with inventories and budgets developed using USEPA's Motor Vehicle Emissions Simulator (MOVES) emissions model. Barring adverse comment the direct final rule will become effective on 23 DEC 13.

**FINAL RULES**

**ARCHITECTURAL AND INDUSTRIAL MAINTENANCE (AIM) COATINGS RULES** The Ohio Environmental Protection Agency (OEPA) has **adopted** amendments to the AIM Coatings rules at [3745-113-01](#), [-02](#), [-03](#), [-04](#), [-05](#), and [-06](#). The amendments: (1) align the state rules with federal requirements; (2) correct minor typographical errors; (3) fulfill the formatting requirements of the Legislative Services Commission (LSC); and (4) add and update citation information on materials referenced in these rules. One specific amendment is also being made regarding the automatic annual

reporting requirements in 3745-113-05. A notice of the proposed amendments was published in the September 2013 edition of the *Northern Review*. The amendments became effective on 18 OCT 13.

**REVISIONS TO THE SURFACE WATER TREATMENT RULE** OEPA has **adopted** revisions to the surface water treatment rules at OAC **3745-81-65, -66, -71, -72, -73, -74, -75, -79**. These rules have been reviewed pursuant to the five year rule requirements set forth in ORC 119.032. The revisions include: (1) defining an uncovered water storage facility; (2) corrections and clarifications required for OEPA to maintain primary enforcement authority; (3) aligning source designation provisions with changes, proposed separately, to OAC 3745-81-01 and 3745-81-76; and (4) clarifications to address the demonstration of alternative technologies, monitoring requirements for systems using grab sampling, and monitoring disinfectant residuals. A notice of the proposed amendments was published in the August 2013 edition of the *Northern Review*. The amendments became effective on 5 OCT 13.

## **PROPOSED RULES**

**AMENDMENTS TO THE RADIATION-GENERATING EQUIPMENT RULES** The Ohio Department of Health (ODOH) has **proposed** amendments to O.A.C. 3701:1-66, Radiation-generating Equipment Rules. The amendments modify: (1) **3701:1-66-04** to making the language less ambiguous and specifying that the Quality Assurance Committee shall consist of members with specified professional certifications or expertise; (2) **3701:1-66-06** by reorganizing language for topic clarity, adding language to address Cone-Beam Computed Tomography equipment, and removing the requirement for ring badges for hand-held units; (3) **3701:1-66-08** by removing requirements already addressed by federal standards, and modifying language for clarity; and (4) **3701:1-66-11** by updating a Code of Federal Regulations reference. Comments are due by 14 NOV 13.



**Legislature convened 7 JAN 13 and adjourns 31 DEC 13.**

## **PROPOSED LEGISLATION**

**AB 424 RECYCLING THERMOSTATS CONTAINING MERCURY** AB 424 requires a manufacturer that sells or sold thermostats that contain mercury (mercury-added thermostats) in Wisconsin to implement a recycling plan approved by the Wisconsin Department of Natural Resources (WDNR) for collecting and recycling mercury-added thermostats. The plan must contain provisions for education and outreach, for ensuring that collection and recycling are conducted in accordance with WDNR's rules, for the furnishing of containers to wholesalers and collectors, and for financial incentives for the return of mercury-added thermostats. The bill also imposes annual reporting requirements on manufacturers. The bill was referred to the Environment and Forestry Committee.

## **OTHER REGULATORY ACTIVITY**

**ADDITION OF THE BLANDING'S TURTLE TO THE STATE PROTECTED WILD ANIMAL LIST** WDNR has **issued** a scope statement relating to the addition of the Blanding's turtle to the state's Protected Wild Animal List, possession exemptions for native amphibians and reptiles, and turtle seasons and limits. The scope statement proposes an emergency and permanent rule to protect Blanding's turtles from the threat of harvest and collection once they are removed from the Wisconsin Threatened Species List. The Blanding's turtle is proposed for delisting from the threatened list per administrative rule ER-27-11, which is expected to take effect as early as December 2013. The statement of scope was approved by the governor on 20 SEP 13.

# Department of Defense Activity

**PARTNERING FOR ENHANCED MISSION EFFECTIVENESS VIDEO** The U.S. Army is partnering with the private sector, other agencies, government and local communities for what Army leadership calls Enhanced Mission Effectiveness. "Our mission capabilities are enhanced and our costs reduced when we focus on our core competencies, and rely on the expertise and experience of our partners for non-core functions and services such as housing, lodging, and utilities. This 'win-win' approach keeps us Army Strong," said Hon. Katherine Hammack, assistant secretary of the Army, Installations, Energy and Environment. See related video - [Partnering for Enhanced Mission Effectiveness](#).

## Federal Activity

### CLIMATE CHANGE

**SENSITIVITY OF STREAM FLOW, NUTRIENT, AND SEDIMENT LOADS TO POTENTIAL CLIMATE CHANGE** USEPA has [issued](#) a final report titled, Watershed Modeling to Assess the Sensitivity of Streamflow, Nutrient, and Sediment Loads to Potential Climate Change and Urban Development in 20 U.S. Watersheds. The watershed modeling was conducted in 20 large, U.S. watersheds to assess the sensitivity of streamflow, nutrient (nitrogen and phosphorus), and sediment loading to a range of plausible mid-21st century climate change and urban development scenarios in different regions of the nation. The final report describes the structure—including methods, models, scenarios, and results—of this effort.

### CULTURAL RESOURCES

**PROPOSED RULE FOR DISPOSITION OF UNCLAIMED HUMAN REMAINS ON FEDERAL LANDS** The National Park Service (NPS) has issued a rule proposing procedures for the disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony discovered on federal lands after 16 NOV 90 ([78 FR 64436](#)). The rule would implement section 3 (b) of the Native American Graves Protection and Repatriation Act of 1990. Comments are due by 30 DEC 13.

### ENERGY

**HEATING OILS FROM BIOMASS ADDED TO RENEWABLE FUEL STANDARD PROGRAM** USEPA has issued a final rule adding heating oils derived from biomass to the list of fuels that count toward federal volume requirements for the Renewable Fuel Standard (RFS) program ([78 FR 62462](#)). The final rule expands the scope of the program by amending the definition of heating oil and adding so-called "fuel oils" from qualifying renewable substances that warm houses, office buildings, and other residential and workplace facilities. The final rule will become effective on 23 DEC 13.

**U.S. ENERGY-RELATED CARBON DIOXIDE EMISSIONS, 2012 REPORT** The Department of Energy (DOE) has released a report on U.S. energy-related CO<sub>2</sub> emissions. The report's conclusions indicate: (1) the 2012 downturn means that emissions are at their lowest level since 1994 and over 12 percent below the recent 2007 peak; (2) after 1990, only the recession year of 2009 saw a larger percentage emissions decrease than 2012; and (3) energy-related carbon dioxide emissions have declined in five out of the last seven years. The full report is available on the [Energy Information Administration website](#).

### HAZARDOUS MATERIALS

**ENHANCED ENFORCEMENT PROCEDURES - RESUMPTION OF TRANSPORTATION** The Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued a final rule related to the Department of Transportation's enhanced inspection, investigation, and enforcement authority ([78 FR 60755](#)). Specifically, the final rule amends the package opening provision to include procedures for an agent of the Secretary of Transportation to open packages of perishable

hazardous materials and to provide notification to the responsible party that an agent has exercised a safety inspection or investigation authority. The final rule became effective on 1 NOV 13.

**UPDATE TO TEST METHODS FOR EVALUATING SOLID WASTE** USEPA has issued a notice of the availability of "Update V" to the Third Edition of USEPA publication [SW-846](#), "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" ([78 FR 63185](#)). Update V contains 23 new and revised analytical methods for monitoring or complying with hazardous and non-hazardous waste regulations. Comments are due by 21 JAN 14.

## **NATURAL RESOURCES**

**NORTHWEST ATLANTIC OCEAN AND NORTH PACIFIC OCEAN LOGGERHEAD SEA TURTLES** The National Marine Fisheries Service (NMFS) has reopened the comment period for the proposed rule to designate critical habitat for the Northwest Atlantic Ocean Loggerhead Sea Turtle Distinct Population Segment (DPS) and proposed determination regarding critical habitat for the North Pacific Ocean Loggerhead DPS ([78 FR 59907](#)). The proposed rule, list of references and supporting documents, including the biological report, the draft Economic Analysis and the Initial Regulatory Flexibility Act (IRFA) analysis, are available at the [NMFS website](#). A notice of the proposed rule was published in the August 2013 edition of the *Northern Review*. Comments are due by 29 NOV 13.

**EASTERN SMALL-FOOTED BAT AND THE NORTHERN LONG-EARED BAT** The U.S. Fish and Wildlife Service (USFWS) has issued a proposed rule announcing a 12-month finding on a petition to list the eastern small-footed bat as an endangered or threatened species ([78 FR 61045](#)). USFWS found that listing the eastern small-footed bat is not warranted but listing the northern long-eared bat is warranted. Accordingly, FWS proposed listing the northern long-eared bat as an endangered species throughout its range. FWS also determined that critical habitat for the northern long-eared bat is not determinable at this time. The northern long-eared bat ranges reaches from Maine west to Montana, south to eastern Kansas, eastern Oklahoma, Arkansas, and east to Florida. Comments are due by 2 DEC 13.

**DESIGNATION OF CRITICAL HABITAT FOR DAKOTA SKIPPER AND POWESHIEK SKIPPERLING** USFWS has issued a proposed rule to designate critical habitat for the Dakota skipper and Poweshiek skipperling butterflies ([78 FR 63625](#)). In total, approximately 39,035 acres have been proposed as critical habitat for both species combined, with approximately 14,931 acres of the proposed critical habitat being common to both species. States where critical habitat has been proposed include Minnesota, North Dakota, South Dakota, Iowa, and Michigan. Separately USFWS has proposed to list the Dakota skipper as threatened and the Poweshiek skipperling as endangered. Additional information is available on the [FWS website](#). Comments are due by 23 DEC 13.

**PROPOSED T & E STATUS AND DESIGNATED CRITICAL HABITAT FOR THREE CARIBBEAN PLANTS** USFWS has issued a proposed rule to list *Agave eggersiana* and *Gonocalyx concolor* as endangered species, and *Varronia rupicola* as a threatened species under the Endangered Species Act ([78 FR 62560](#)). These three plants are endemic to the Caribbean. USFWS has also issued a proposed rule to designate critical habitat for these three Caribbean plants ([78 FR 62529](#)). Comments are due on both proposed rules by 23 DEC 13. **NOTE:** *These proposed rules have the potential to affect Army interests located in St. Croix, Virgin Islands, Puerto Rico, Los Indios, Yauco, Guanica, Vieques, and Penuelas.*

## **OTHER**

**FEDERAL GREEN CHALLENGE FY2014 ENROLLMENT OPEN NOW** The Federal Green Challenge is a national effort under USEPA's [Sustainable Materials Management Program](#), challenging USEPA and other federal agencies throughout the country to lead by example in reducing the federal government's environmental impact. For more details and information on how your office or facility can become a FY2014 participating member, visit the [Federal Green Challenge website](#).

**ECHO 2.0 BETA LAUNCHED** USEPA has updated its [Enforcement and Compliance History Online \(ECHO\) website](#) to be more user friendly and flexible. The updated ECHO website can be used to search for facilities and assess their compliance with environmental regulations, investigate pollution sources, examine and create enforcement-related maps, or explore your state's performance. The legacy ECHO website is scheduled to be retired on 27 NOV 13.

# Professional Development

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

Please note: Listing of commercial sponsored training and conferences should not be interpreted as a government endorsement of those training or conferences.

## **TRAINING—ONLINE**

**DOD MASTER PLANNING INSTITUTE (DODMPI) 2014 COURSE SCHEDULE** DODMPI offers master planning courses that teach the practice of installation planning. These courses present a planning curriculum that provides the DOD planning community with a breadth of understanding of the base planning process. DODMPI has an extensive course schedule planned for 2014.

**UTILITY ENERGY PROJECT INCENTIVE FUNDS** This Federal Energy Management Program (FEMP) course teaches federal agencies about financing the capital costs of energy improvement projects from savings generated through energy efficiency measures funded by utilities, public benefit funds, and other resources. This training opportunity targets federal energy, environmental, and fleet professionals and is offered at no cost by leading experts. The training session is delivered live via satellite or through streaming media.

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER** - FedCenter.gov is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information in the following areas: program development; federal and state regulatory requirements for various facility activities; regulatory watch for information on new or changed laws or regulations; P2 opportunities and best management practices; USEPA enforcement notices; links to state environmental programs; access to environmental assistance; environmental conferences, meetings, training, and workshop information; applicable laws and Executive Orders; and industry sector-specific newsletters.

**MILITARY MUNITIONS SUPPORT SERVICES SERIES** This new series of monthly webinars sponsored by EPA's Contaminated Sites Clean-Up Information (CLU-IN) program supports the Military Munitions Support Services (M2S2) community.

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS** The U.S. Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules is provided by the U.S. Army Environmental Command.

**USACE PROSPECT Training** USACE announces its FY14 Proponent-Sponsored Engineer Corps Training (PROSPECT) training program. Please see the [Course Catalog](#) and [List of Classes and schedule](#) for details. Courses are open to all federal employees, state, county and city employees and contractors. There are different registration processes for each entity.

**ARMY PODCAST SERVICE** The Army offers free podcasts on a wide variety of topics, including an environmental series, an Army Corps of Engineers series, and many more. The podcasts are available through a free subscription service. (It is not necessary to own an iPod in order to view or listen to a podcast.)

**NAVY AND ISEERB ENVIRONMENTAL TRAINING FY14** The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule for FY14 is available. Course topics include environmental overview and management; law planning and sustainability; pollution prevention; restoration; conservation; supplemental and Internet/computer-based training, and more.

**AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING FY14** The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government. Fees vary according to personnel status (i.e., active duty Air Force/civilian, other U.S. government employee, contractor).

**NPDES TRAINING COURSES AND WORKSHOPS** Training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES Permit program. They are designed for permit writers, dischargers, USEPA officials and other interested parties.

**READINESS AND ENVIRONMENTAL PROTECTION INITIATIVE – WEBINAR SERIES** The REPI Webinar Series is presented by DOD in partnership with the **Land Trust Alliance**. This online series covers best practices, tutorials and knowledge sharing on REPI partnerships that support military mission and accelerate the pace and rate of conservation. All webinars begin at 1:00 p.m. Eastern unless otherwise noted. For detailed webinar descriptions please visit the **REPI website**.

**USEPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY** Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs. Hear from experts around the country on how to make your program more successful. The format is a formal presentation followed by a question and answer session.

**USEPA WATERSHED ACADEMY WEBCAST SERIES** USEPA's Watershed Academy is sponsoring free webcast seminars for local watershed organizations, municipal leaders, and others. To access a webcast, simultaneously log on to the web and/or participate by phone conference lines in live training conducted by expert instructors. Archived training sessions are also available by streaming audio.

### **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 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: [leanne.l.dickens.ctr@mail.mil](mailto:leanne.l.dickens.ctr@mail.mil) Phone : 410-278-6143**