



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

April 2015

The *NORTHERN REVIEW* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the 22 states and territories in Federal Regions 1, 2, 3, and 5, the *Northern Review* gives early notice of legislative and regulatory activities relevant to DOD interests. The *Review* also helps installations meet ISO 14001 environmental management system requirements.

Find out more about the Army Regional Environmental and Energy Offices [here](#). Click [here](#) to browse back issues of the *Northern Review*. To read back issues of other Regional Office *Reviews*, click on a region of the REEO website's U.S. map and then select "Publications."

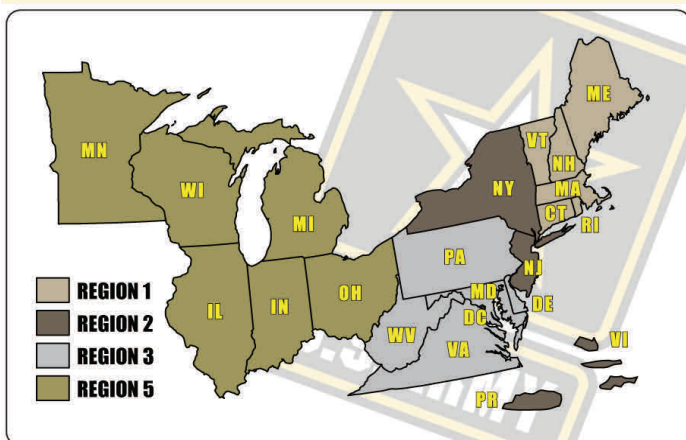


Table of Contents

Region 1	2
Region 2	4
Region 3	6
Region 5	11
DOD Activity	15
Federal Activity	16
Professional Development	18
How the Regional Offices Work for You	21

ITRC Celebrates 20 Years

An organization that began as a few state regulators willing to support new approaches to tough cleanup projects, the **Interstate Technology and Regulatory Council** begins its third decade with its original purpose intact: to bring innovation to the environmental marketplace.

ITRC is a state-led coalition of regulators, industry experts, academia, citizen stakeholders, and federal partners from all 50 states and the District of Columbia. Its mission is to develop resources and break down barriers to the acceptance of technically sound, innovative solutions to environmental challenges through a network of diverse professionals.

ITRC teams, led by state environmental agency staff, develop guidance documents and training courses. The products help state environmental agencies and others gain technical knowledge and develop consistent regulatory approaches for reviewing and approving specific technologies.

The Department of Defense is an active partner in ITRC teams—testing new approaches, training cleanup groups, assisting stakeholders during technology deployment, and tracking performance.

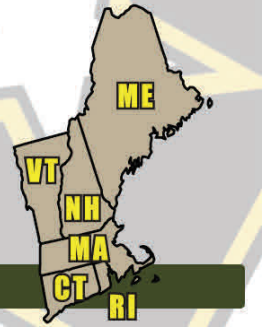
ITRC guidance documents and training provide users with a practical working knowledge of cleanup principles and best practices, help correct common misconceptions, and address regulatory concerns. Responding to requests from state regulators, for instance, ITRC established a team in 2009 to evaluate incremental sampling of soil as a new alternative to traditional soil sampling approaches that were often inconsistent. The team found incremental sampling to yield more consistent results than discrete sampling. Consistent sampling leads to more targeted and less costly cleanup efforts for the Army.

ITRC is a program of the Environmental Research Institute of the States (ERIS), a 501(c)(3) organization managed by the Environmental Council of the States (ECOS). ECOS is the national, nonprofit, nonpartisan association representing state and territorial environmental commissioners.

ITRC shares its anniversary with another agency whose mission to build partnerships with stakeholders remains intact after 20 years—the Army REEOs.

Region 1

For more information on any state issues in Region 1, contact [Patrick Timm](#), Army Regional Program Coordinator, Region 1, (410) 278-6139.



Legislature convened 7 JAN 15 and adjourns sine die 3 JUN 15.

FEDERAL ACTIVITY

SIP REVISION FOR STATE LOW EMISSION VEHICLE PROGRAM USEPA has issued a final rule approving a State Implementation Plan (SIP) revision submitted by the state of Connecticut (**80 FR 13768**). The revision contains regulations adopted by Connecticut, including: (1) California Low Emission Vehicle (LEV) II light-duty motor vehicle emission standards effective in model year 2008; (2) California LEV II medium-duty vehicle standards effective in model year 2009; and (3) greenhouse gas (GHG) emission standards for light-duty motor vehicles and medium-duty vehicles effective with model year 2009. The Connecticut LEV regulation submitted also includes a zero emission vehicle (ZEV) provision, as well as emission control label and environmental performance label requirements. The final rule becomes effective on 16 APR 15.

PROPOSED LEGISLATION

HB 5286 PROHIBITION OF IMPORT AND SALE OF COSMETICS THAT CONTAIN MICROBEADS HB 5286 prohibits the import and sale of personal cosmetic products that contain microbeads. The bill defines a microbead as any plastic component of a personal cosmetic product measured to be five millimeters or less in size. The purpose of the bill is to protect the state's water resources and aquatic species from pollution posed by microbeads. The bill has been filed with the Legislative Commissioners' Office.

SB 349 PHASE OUT OF SINGLE-USE PLASTIC AND PAPER BAGS SB 349 phases out the use of single-use carryout plastic and paper bags at certain retail stores. The bill also requires stores, by 1 OCT 19, to provide or sell only reusable bags. The bill outlines which retail establishments are affected, includes a timeline for the phase-out, and establishes fines for violations. The bill was reported favorable out of the Legislative Commissioners' Office and placed on the Senate calendar.

SB 869 STATE TIRE STEWARDSHIP PROGRAM SB 869 requires the Connecticut Department of Energy and Environmental Protection to obtain information on: (1) beneficial end uses of recycling tires rather than burning them; (2) effectiveness of establishing a tire hauler licensure or permit program; and (3) establishment of a tire stewardship program. The bill was reported favorable out of the Legislative Commissioners' Office and placed on the Senate calendar.



Legislature convened 3 DEC 14 and adjourns sine die 17 JUN 15.

PROPOSED LEGISLATION

LD 807 UPDATE TO STATE THREATENED AND ENDANGERED SPECIES LIST LD 807 amends Maine's Threatened and Endangered Species List. The bill changes the status of multiple species on the state endangered and threatened species list, along with adding and removing other species. The bill was referred to the Inland Fisheries and Wildlife Committee.

FINAL RULES

AMENDMENTS TO HAZARDOUS WASTE REGULATIONS The Maine Department of Environmental Protection has **adopted** revisions to the hazardous waste rules at **Chapters 850** and **858**. The revisions add paint waste as a new type of universal waste and move hazardous waste rules relating to universal waste from Chapter 850 into new Chapter 858. Other minor modifications were also made to both chapters. A notice of the proposed revisions was published in the **October 2014 Northern Review**. The revisions became effective on 11 MAR 15.

PROPOSED RULES

DESIGNATION OF AREAS OF CULTURAL OR SPECIAL SIGNIFICANCE The Maine Land Use Planning Commission has **proposed** amendments to Chapter 10, *Land Use Districts and Standards*, that allow the commission to designate areas of cultural, historical, or other special significance. In designating a proposed area, the commission would consider the unique cultural or historic characteristics of the proposed area that may benefit the public. Within a designated area, applicants could apply for a permit to reconstruct in place or expand legally existing, nonconforming structures, provided that the proposed reconstruction projects conform to the purpose of the designation. The **comment period** closed on 3 APR 15.



Legislature convened 7 JAN 15 and adjourns 18 NOV 15.

PROPOSED LEGISLATION

HB 671 PERFORMANCE STANDARDS FOR MUNICIPAL SOLID WASTE REDUCTION HB 671 requires the Massachusetts Department of Environmental Protection (MassDEP) to establish performance standards for the reduction of municipal solid waste in the state. The standards must assist in achieving the goals of the state solid waste master plan and GHG reduction plan. The bill sets reduction goals with timelines, reporting requirements, and the requirement for MassDEP to develop a municipal solid waste standards action plan. The bill was referred to the Environment, Natural Resources, and Agriculture Committee.



Legislature convened 6 JAN 15 and adjourns sine die 30 JUN 15.

FEDERAL ACTIVITY

SIP REVISION FOR TRANSPORTATION CONFORMITY DETERMINATION PROCEDURES USEPA has issued a direct final rule approving a SIP revision submitted by the state of Rhode Island (**80 FR 12561**). The revision includes a state regulation that establishes procedures for transportation conformity determinations. For the purposes of this SIP, conformity means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards (NAAQS). Barring adverse comment the direct final rule becomes effective on 11 MAY 15.

PROPOSED LEGISLATION

HB 5479 EXTENSION OF PERMANENT AIR QUALITY MONITORING ACT HB 5479 extends the sunset provision of the Permanent Air Quality Monitoring Act until 31 JUL 17. The bill allows the continuation of air monitoring required in this act. The bill has passed the House and was referred to the Senate Environment and Agriculture Committee.

HB 5671 RECYCLING PROGRAM FOR MERCURY-CONTAINING LAMPS HB 5671 requires manufacturers of mercury-containing lamps to establish and implement a state-wide collection for lamp recycling. The bill was referred to the Environment and Natural Resources Committee.

SB 737 REGULATION OF FRESHWATER WETLANDS SB 737 amends certain provisions of general laws relative to regulation of freshwater wetlands. The bill establishes state standards for freshwater buffers and setbacks to be promulgated by the Rhode Island Coastal Resources Management Council. The bill was referred to the Environment and Agriculture Committee.



Legislature convened 7 JAN 15 and adjourns sine die 11 MAY 15.

PROPOSED LEGISLATION

HB 248 REVISIONS TO AIR POLLUTION STATUTES HB 248 revises the state air pollution statutes. The revisions allow the Vermont Agency of Natural Resources to: (1) require the registration of certain emission sources that emit less than five tons per year; (2) make additional funds available for future programs to address emissions from wood-burning technologies; (3) require the disclosure of emission and monitoring data; (4) reduce the lead time required for submitting an operating permit renewal application; and (5) enforce rules adopted to carry out the Regional Greenhouse Gas Initiative. The bill has passed the House and was referred to the Senate Natural Resources and Energy Committee.

Region 2

For more information on any state issues in Region 2, contact [Patrick Timm](#), Army Regional Program Coordinator, Region 2, (410) 278-6139.



Legislature convened 13 JAN 15 and adjourns 12 JAN 16.

PROPOSED LEGISLATION

AB 3862 REQUIREMENTS FOR ENERGY-EFFICIENT OUTDOOR LIGHTING FIXTURES AB 3862 requires the state to install, replace, or maintain outdoor lighting fixtures that comply with design requirements intended to minimize wasted light and state funds. The bill does not require the state to replace outdoor lighting fixtures that function properly as of the bill's effective date, but only applies to the replacement of deficient outdoor lighting fixtures. Outdoor lighting fixtures located on a historic property or in a historic district are excluded from the requirements. The bill was reported out of the Telecommunications and Utilities Committee with amendments, and referred to the Appropriations Committee.

SB 579 (AB 1583) CREATION OF STORMWATER UTILITIES FOR CERTAIN LOCAL GOVERNMENT ENTITIES SB 579 authorizes certain local government entities to establish, provide, and maintain a stormwater utility for the purpose of creating a stormwater management system. The bill authorizes those entities to finance the creation, operation, and maintenance of the stormwater utility system through user fees or other charges for direct or indirect use or services of the stormwater management system. SB 579 also requires the New Jersey Department of Environmental Protection (NJDEP) to create a stormwater utility guidance manual to provide assistance to entities seeking to establish stormwater management systems. The bill has passed the Senate and was referred to the Assembly Appropriations Committee.

OTHER REGULATORY ACTIVITY

PUBLIC HEARING FOR FISCAL YEAR 2015 ANNUAL FEE REPORT AND ASSESSMENT OF FEES NJDEP has **announced** a public hearing on the Fiscal Year (FY) 2015 Annual Fee Report and Assessment of Fees for the New Jersey Pollutant Discharge Elimination System (NJPDES) program. The NJPDES program regulates wastewater discharges from public and privately owned wastewater management systems, including certain stormwater discharges as well as the disposal of residuals from treatment systems. The public hearing is scheduled for 15 APR 15.



Legislature convened 7 JAN 15 and adjourns 19 JUN 15.

PROPOSED LEGISLATION

AB 315 PROHIBITIONS ON IDLING OF PASSENGER VEHICLES AB 315 amends the environmental conservation law by adding a new section (19-0326) regarding idling of any passenger vehicle. The new section: (1) defines passenger vehicle and hybrid-electric vehicle; (2) prohibits the idling of passenger vehicles for more than three consecutive minutes; (3) establishes exceptions; and (4) establishes civil penalties for violations. The bill reported out of the Environmental Conservation Committee and was referred to the Codes Committee. **NOTE:** *As the DOD REC for Region 2, the Air Force will be submitting comments regarding the need for military tactical vehicles to idle during training and operations.*

AB 5802 (SB 1087) PRIVATE ENVIRONMENTAL LAW ENFORCEMENT ACT AB 5802 enacts the "Private Environmental Law Enforcement Act." The bill grants broad authorization for people to commence civil judicial actions to prevent or remedy environmental injury under certain titles of the environmental conservation law. AB 5802 provides that such action may be commenced against any person for any violation of an administrative or court order compelling an investigation or remediation of an inactive hazardous waste disposal site. The bill was referred to the Environmental Conservation Committee.

AB 4624 DISPOSAL OF SOURCE SEPARATED RECYCLABLES REQUIREMENTS AB 4624 amends the environmental conservation law and the general municipal law, in relation to disposal and source separation of recyclable materials. The bill clarifies the obligations of waste haulers regarding the handling of recyclable materials and specifies which materials are to be separated for recycling. The bill also prohibits transporters from commingling recyclables with other materials, and incinerators and landfills from accepting recyclables. The bill reported out of the Codes Committee and was referred to the Ways and Means Committee.

AB 5134 (SB 1541) ENVIRONMENTAL BENEFIT PROJECTS IN LIEU OF CIVIL PENALTIES AB 5134 makes provisions regarding environmental benefit projects in lieu of civil penalties, including establishing conditions for their acceptance and criteria for such projects. The bill also authorizes the attorney general to review and approve the settlement or administrative order. The bill reported out of the Environmental Conservation Committee and was referred to the Codes Committee.

AB 6072 ESTABLISHMENT OF GHG EMISSION LIMITS AND REPORTING SYSTEM AB 6072 amends the environmental conservation law, in relation to global warming pollution control. The bill requires the New York State Department of Environmental Conservation (NYSDEC) to promulgate rules and regulations establishing GHG limits and a GHG reporting system. The bill was reported out of the Ways and Means Committee.

OTHER REGULATORY ACTIVITY

REVISED DRAFT MUTE SWAN MANAGEMENT PLAN NYSDEC has **released** a revised draft mute swan management plan. The revisions are in response to public comments received on the first draft released in January 2014. The mute swan is a non-native, invasive species brought to North America in the late 1800s that competes with native wildlife for aquatic food plants and nesting areas. Comments are due by 24 APR 15.



Legislature convened 14 JAN 13 and adjourns 31 DEC 16.

PROPOSED LEGISLATION

PC 1578 AMENDMENTS TO DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES ORGANIZATION AND DUTIES PC 1578 amends the reorganization plan of the Puerto Rico Department of Natural and Environmental Resources. The bill also modifies the general duties of the secretary of PRDNER. The bill has passed the House and was referred to the Senate Natural and Environmental Resources 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.



Legislature convened 1 JAN 15 and adjourns 31 DEC 15.

FEDERAL ACTIVITY

NONATTAINMENT NEW SOURCE REVIEW PRECONSTRUCTION REQUIREMENTS USEPA has issued a final rule approving a SIP revision submitted by the District of Columbia (DC) ([80 FR 14310](#)). The revision pertains to DC's nonattainment New Source Review (NSR) program, notably provisions for Plantwide Applicability Limits (PALs) and preconstruction permitting requirements for major sources of fine particulate matter (PM_{2.5}). A notice of the proposed rule was published in the [January 2015 Northern Review](#). The final rule becomes effective on 20 APR 15.

FINAL RULES

AMENDMENTS TO PESTICIDE OPERATION REGULATIONS The DC Department of the Environment has [adopted](#) a rule to repeal Chapters 22 through 25 of Title 20 of the District of Columbia Municipal Regulations (DCMR), *Pesticide Operation Regulations*, and adopt new provisions in their place. The final rule implements provisions of the *Pesticide Education and Control Amendment Act of 2012* and amends and reorganizes DC's existing pesticide regulations. A notice of the proposed rules was published in the [July 2014 Northern Review](#). The rule became effective on 20 MAR 15.



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

FEDERAL ACTIVITY

ATTAINMENT DETERMINATION OF 2008 8-HOUR OZONE NAAQS FOR BALTIMORE MODERATE NONATTAINMENT AREA USEPA has issued a proposed rule determining that the Baltimore Moderate Nonattainment Area has attained the 2008 8-hour ozone NAAQS ([80 FR 14041](#)). The proposed determination is based upon complete, quality-assured, and certified ambient air monitoring data for the 2012-2014 monitoring period. If the proposal becomes final, the area will no longer be required to submit an attainment demonstration, reasonably available control measures (RACM), a reasonable further progress (RFP) plan, and contingency measures related to attainment of the 2008 8-hour ozone NAAQS as long as the area continues to attain. The proposed rule does not constitute a redesignation to attainment. Comments are due by 17 APR 15.

ATTAINMENT DETERMINATION OF 1997 8-HOUR OZONE NAAQS FOR BALTIMORE SERIOUS NONATTAINMENT AREA USEPA has issued a proposed rule determining that the Baltimore Serious Nonattainment Area has attained the 1997 8-hour ozone NAAQS ([80 FR 15711](#)). The proposed determination is based upon complete, quality-assured, and certified ambient air monitoring data for the 2012-2014 monitoring period. If the proposal becomes final, the area will no longer be required to submit an attainment demonstration, RACM, an RFP plan, and contingency measures related to attainment of the 1997 8-hour ozone NAAQS as long as the area continues to attain. The proposed rule does not constitute a redesignation to attainment. Comments are due by 24 APR 15.

AMENDMENTS TO BIOMASS FUEL-BURNING EQUIPMENT STANDARDS REGULATIONS USEPA has issued a proposed rule to approve a SIP revision submitted by the state of Maryland ([80 FR 15709](#)). The revision pertains to a new state

regulation at COMAR 26.11.09.12, *Standards for Biomass Fuel-Burning Equipment Equal To or Greater Than 350,000 Btu/hr*. The new regulation establishes PM and nitrogen oxide (NO_x) emission limits and additional compliance, record keeping, and reporting requirements for biomass fuel-burning equipment. The revision also includes additional related amendments to existing regulations. Comments are due 24 APR 15.

NONATTAINMENT NEW SOURCE REVIEW PRECONSTRUCTION REQUIREMENTS USEPA has issued a proposed rule to approve a SIP revision submitted by the state of Maryland ([80 FR 15713](#)). The revision pertains to Maryland's nonattainment NSR program; notably, provisions for PALs and preconstruction permitting requirements for major sources of PM_{2.5}. Comments are due by 24 APR 15.

PROPOSED LEGISLATION

HB 509 STATUTE OF LIMITATIONS FOR ADMINISTRATIVE PENALTIES HB 509 establishes a five-year statute of limitations applicable to an action for an administrative penalty brought by the Maryland Department of the Environment (MDE). The statute of limitations would require MDE to bring an action for an administrative penalty for violation of any provision of the Environment Article, or any associated regulation, order, or permit, within five years of the date that MDE knew, or reasonably should have known, of the violation. The bill does not affect MDE's authority to use administrative orders or seek injunctive relief. The bill has passed the House and was referred to the Senate Education, Health, and Environmental Affairs Committee.



Legislature convened 6 JAN 15 and adjourns 31 DEC 15.

FEDERAL ACTIVITY

SIP REVISIONS TO PLAN APPROVAL AND OPERATING PERMIT FEE RULES USEPA has issued a direct final rule approving SIP revisions submitted by the commonwealth of Pennsylvania ([80 FR 16284](#)). The revision pertains to minor editorial revisions to Pennsylvania's existing plan approval and operating permit fee rules. Barring adverse comment the direct final rule becomes effective on 26 MAY 15.

UPDATES TO MVEBs AND GCBs FOR SCRANTON/WILKES-BARRE 1997 8-HOUR OZONE NAAQS MAINTENANCE AREA USEPA has issued a proposed rule to approve SIP revisions submitted by the commonwealth of Pennsylvania ([80 FR 12604](#)). The revisions consist of updates to the Motor Vehicle Emissions Budgets (MVEBs) and General Conformity Budgets (GCBs) for the Scranton/Wilkes-Barre 1997 8-Hour Ozone NAAQS Maintenance Area. In addition, the SIP revisions include updated point and area source inventories for NO_x. The proposal approves the GCBs, the updated MVEBs, and updates to point and area source inventories, and thereby makes them available for transportation conformity purposes. The comment period closed on 9 APR 15.

REVISIONS TO STATE TITLE V OPERATING PERMIT PROGRAM USEPA has issued a proposed rule to approve a revision to the Pennsylvania Title V Operating Permit Program submitted by the commonwealth of Pennsylvania ([80 FR 14037](#)). The revision amends the title V fee program that funds the operating permit program. These changes resulted in substantial revisions to Pennsylvania's Title V Operating Permit Program. Comments are due by 17 APR 15.

OTHER REGULATORY ACTIVITY

DRAFT NPDES GENERAL PERMIT FOR DISCHARGES FROM HYDROSTATIC TESTING OF TANKS AND PIPELINES The Pennsylvania Department of Environmental Protection (PDEP) has **announced** the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10). PAG-10 provides coverage to those who conduct hydrostatic testing and discharge the testing water to waters of the commonwealth that are not considered high quality or exceptional value. The existing PAG-10 has been administratively extended and will expire on 20 DEC 15. The draft PAG-10 proposes changes from the current general permit, including adjustments to the requirements for Notice of Intent (NOI), annual reporting, permit language, monitoring frequency, effluent limits, and submission of monitoring results. The proposed NOI fee for coverage under PAG-10 is \$500 per year. Comments are due by 20 APR 15.



Legislature convened 14 JAN 15 and adjourned 28 FEB 15.

FEDERAL ACTIVITY

INFRASTRUCTURE SIP FOR 2010 SO₂ NAAQS USEPA has issued a final rule approving a SIP revision submitted by the commonwealth of Virginia ([80 FR 11557](#)). 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 sulfur dioxide (SO₂) primary NAAQS. The final rule became effective on 3 APR 15.

RICHMOND VOC EMISSIONS CONTROL AREA PROVISIONS USEPA has issued a proposed rule to approve a SIP revision submitted by the commonwealth of Virginia ([80 FR 13510](#)). The SIP revision contains amendments that apply portable fuel containers, consumer and commercial products, architectural and industrial maintenance coatings, adhesives, adhesive primers, sealants, and sealant primer provisions to the Richmond Volatile Organic Compound (VOC) Emissions Control Area. The SIP revision also applies provisions to Virginia's regulation for existing stationary sources pertaining to mobile equipment repair and refinishing operations in the Richmond VOC Emissions Control Area. Comments are due by 15 APR 15.

FINAL LEGISLATION

HB 1723 UPDATE TO RADON TESTING STANDARDS AND CREDENTIALING HB 1723 updates and clarifies provisions governing the credentialing of individuals who conduct or offer to conduct radon screening, testing, or mitigation in the commonwealth. The bill also updates provisions governing the standards for radon testing. The bill was signed by the governor on 17 MAR 15 and becomes effective on 1 JUL 15.

HB 1867 MOLD REMEDIATION REQUIREMENTS FOR LANDLORDS HB 1867 requires a landlord to promptly remediate mold when there is visible evidence of mold in a dwelling unit. The landlord must comply with requirements for visible mold remediation and re-inspect the dwelling unit to confirm that there is no longer any visible evidence of mold in the unit. The bill also requires the landlord to make available to the tenant copies of any available written information related to the remediation of mold. A notice of the bill's House passage was published in the [February 2015 Northern Review](#). The bill was signed by the governor on 17 MAR 15 and becomes effective on 1 JUL 15.

HB 1871 WATER WELL SYSTEM PROVIDER REQUIREMENTS HB 1871 requires certified water well systems providers to register wells being constructed in groundwater management areas with the State Water Control Board (SWCB) within 30 days of the well's completion. The bill also requires the: (1) Virginia Department of Health (VDH) to annually provide the SWCB with a list of the wells that were permitted during the previous year; and (2) SWCB to annually provide VDH with a list of the wells that were registered during the previous year. The bill was signed by the governor on 23 MAR 15 and becomes effective on 1 JUL 15.

HB 1924 (SB 1341) ESTABLISHMENT OF EASTERN VIRGINIA GROUNDWATER MANAGEMENT ADVISORY COMMITTEE HB 1924 establishes the Eastern Virginia Groundwater Management Advisory Committee. The committee will assist the Virginia Department of Environmental Quality (VDEQ) in developing, revising, and implementing a management strategy for groundwater in the Eastern Virginia Groundwater Management Area. The bill prohibits the State Water Control Board and VDEQ from issuing draft permits that would require reductions in the volume of permitted groundwater withdrawals before 31 DEC 15. The bill was signed by the governor on 26 MAR 15 and becomes effective on 1 JUL 15.

SB 811 EVALUATION OF CHEMICAL STORAGE REGULATIONS SB 811 directs the director of VDEQ, the state health commissioner, and the state coordinator of emergency management to evaluate various existing laws and regulations to ensure that chemical storage is conducted in a manner that protects human health and the environment. The bill provides guidance regarding areas that are to be evaluated by the three agency heads. The bill was signed by the governor on 17 MAR 15 and becomes effective on 1 JUL 15.

SB 1099 CREATION OF VIRGINIA SOLAR ENERGY DEVELOPMENT AUTHORITY SB 1099 creates the Virginia Solar Energy Development Authority to facilitate, coordinate, and support the development of the solar energy industry and solar-

powered electric energy facilities in the commonwealth. The bill establishes member criteria, outlines the authority's duties, and identifies funding sources. The bill was signed by the governor on 10 MAR 15 and becomes effective on 1 JUL 15.

SB 1284 CHESAPEAKE BAY WATERSHED IMPLEMENTATION PLANS SB 1284 replaces the tributary strategies for cleaning up the Chesapeake Bay and its tributaries with Watershed Implementation Plans (WIPs) developed pursuant to the Chesapeake Bay Total Maximum Daily Load (TMDL). The tributary strategies were last updated in 2003-2004. The bill authorizes the secretary of Natural Resources to oversee the development and implementation of the WIPs. The bill was signed by the governor on 19 MAR 15 and becomes effective on 1 JUL 15.

SB 1314 (HB 1915) NORTHERN VIRGINIA TRANSPORTATION AUTHORITY REGIONAL PLAN SB 1314 requires the Northern Virginia Transportation Authority's (NVRTA) regional transportation plan to make reducing congestion in Planning District 8 its primary objective. Planning District 8 is comprised of Arlington, Fairfax, Loudoun, and Prince William counties, and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The bill requires each locality embraced by the authority to annually report any land use or transportation elements of its comprehensive plan that are not consistent with the regional transportation plan. The bill was signed by the governor on 23 MAR 15 and becomes effective on 1 JUL 15.

FINAL RULES

REVISION TO DEFINITION OF VOC VDEQ has proposed a **fast-track regulation** to revise the definition of VOC found within the State Air Pollution Control Board general definitions regulation at **9VAC5-10**. The revised definition is in response to USEPA adding trans 1-chloro-3,3,3-trifluoroprop-1-ene and 2,3,3,3-tetrafluoropropene to the list of compounds excluded from the definition of VOC. The state definition needed to be revised to remain consistent with the federal definition. The revision became effective on 12 MAR 15.

AMENDMENTS TO LEAD-BASED PAINT ACTIVITIES REGULATIONS The Virginia Board for Asbestos, Lead, and Home Inspectors has **adopted** amendments to the lead-based paint activities regulations at **18VAC15-30**. The amendments allow a licensee or an accredited lead training provider to renew a license or accredited lead training program up to 12 months after the expiration of the license or accreditation without penalty of reapplying as a new applicant. The amendment also requires only one unique number for certificates of completion issued at the conclusion of training programs by accredited lead training providers. The amendments become effective on 1 MAY 15.

BOARD FOR ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS INCREASE LICENSING FEES The Virginia Board for Asbestos, Lead, Mold, and Home Inspectors has **adopted** amendments to the asbestos licensing regulations at **18VAC15-20**. The amendments increase fees to ensure that revenues are sufficient to cover the board's ongoing operating expenses. The board has incurred an increase in costs for enforcement activities, information systems development costs, and application processing and customer support services. Without the proposed fee increases, the board will incur a deficit by the end of the 2012-2014 biennium. The amendments become effective on 1 MAY 15.

OTHER REGULATORY ACTIVITY

TMDLS AND IPS FOR UPPER ROANOKE RIVER, NORTH FORK ROANOKE RIVER, SOUTH FORK ROANOKE RIVER AND TRIBUTARIES VDEQ has **invited comment** on the development of an Implementation Plan (IP) for bacteria and sediment TMDLs on the main stem Upper Roanoke River and tributaries. The portions of the Roanoke River watershed affected are located in the counties of Bedford, Botetourt, Floyd, Franklin, Craig, Montgomery, and Roanoke; and the cities of Roanoke and Salem. In addition, VDEQ has requested comments on the development of a TMDL IP for the North Fork and South Fork Roanoke Rivers and tributaries. These streams were listed as impaired on Virginia's 303(d) TMDL Priority List and Report due to violations of the state's water quality standard for bacteria. The stream segments affected are located in Montgomery County, Roanoke County and/or Floyd County. A public meeting is scheduled for 30 APR 15 and comments are due by 1 JUN 15.



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

FEDERAL ACTIVITY

APPROVAL FOR STATE BOARD REQUIREMENTS AND MULTIPLE INFRASTRUCTURE REQUIREMENTS USEPA has issued a direct final rule approving SIP revisions submitted by the state of West Virginia ([80 FR 12345](#)). The SIP revisions address state board requirements for all NAAQS criteria pollutants and multiple infrastructure elements. Specifically, the rule approves related infrastructure elements from the following previously submitted SIP revisions: (1) 2008 ozone NAAQS (21 FEB 12); (2) 2010 NO₂ NAAQS (13 DEC 12); and (3) 2010 SO₂ NAAQS (1 JUL 13). Barring adverse comment the direct final rule becomes effective on 8 MAY 15.

SIP REVISION SUPPLEMENTAL FOR FIVE-YEAR HAZE PROGRESS REPORT USEPA has issued a supplemental to a previously issued proposed rule ([79 FR 14460](#)) to approve a SIP revision submitted by the state of West Virginia ([80 FR 12607](#)). West Virginia's SIP revision addresses CAA and USEPA requirements for states to submit: (1) periodic reports describing progress being made toward regional haze reasonable progress goals (RPGs); and (2) a determination of the adequacy of the state's existing regional haze SIP. The supplemental addresses the potential effects of U.S. Supreme Court and DC Circuit Court decisions regarding USEPA's Cross-State Air Pollution Rule. The comment period closed on 9 APR 15.

SIP REVISION FOR PSD PERMIT PROGRAM USEPA has issued a proposed rule to conditionally approve two SIP revisions submitted by the state of West Virginia ([80 FR 16612](#)). The revisions pertain to West Virginia's Prevention of Significant Deterioration (PSD) permit program and include provisions for preconstruction permitting requirements for major PM_{2.5} sources. Comments are due by 29 APR 15.

FINAL LEGISLATION

[SB 423 \(HB 2574\)](#) AMENDMENTS TO ABOVEGROUND STORAGE TANK ACT SB 423 amends the Aboveground Storage Tank (AST) Act. The bill amendments include: (1) requiring a state inventory of ASTs; (2) registration requirements; (3) authorizing certain fees; (4) requiring the development of a regulatory program for ASTs; (5) requiring inspection and certification of tanks; and (6) creating certain exemptions from the regulations. A notice of the bill's Senate passage was published in the [March 2015 Northern Review](#). The bill was signed by the governor on 27 March 15 and becomes effective on 12 JUN 15.

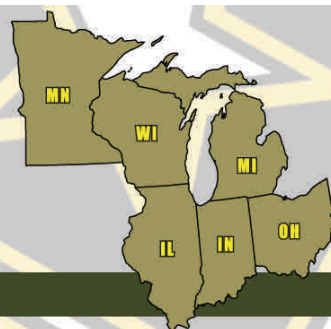
[HB 2004 \(SB 4\)](#) DEVELOPMENT OF A STATE AIR PLAN HB 2004 amends and reenacts the air pollution control regulation at §22-5-20, *Regulating Carbon Dioxide Emissions from Existing Fossil Fuel-fired Electric Generating Units*. The bill amendments relate to the development of a state plan under CAA Section 111 (d). The bill requires the West Virginia Department of Environmental Protection (WVDEP) to study the feasibility of a state plan and submit a report to the Legislature with their findings. The bill also directs WVDEP, in consultation with appropriate agencies, to develop a proposed state plan. The plan must then be submitted to the Legislature for review and approval prior to submission of the plan to USEPA. A notice of the bill's House passage was published in the [February 2015 Northern Review](#). The bill was signed by the governor on 3 MAR 15 but it became effective upon passage of both the House and Senate on 19 FEB 15.

[HB 2283](#) APPROVAL OF STATE REGULATORY AGENCY RULES HB 2283 incorporates multiple previously introduced bills concerning the promulgation of WVDEP regulations that were adopted during 2014. Under West Virginia law, all regulations adopted by state regulatory agencies must be approved by the Legislature before they can be promulgated. The bills that have been incorporated into HB 2283 include: [HB 2282](#), [HB 2284](#), [HB 2285](#), [HB 2286](#), [HB 2288](#), [HB 2289](#), and [HB 2363](#). Notices regarding the introduction of these bills were published in the [February 2015 Northern Review](#). This bill authorizes promulgation of the following WVDEP regulations: (1) *Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality* ([45 CSR 14](#)) filed in the State Register on 23 JUL 14; (2) *Standards of Performance for New Stationary Sources* ([45 CSR 16](#)) filed in the State Register on 23 JUL 14; (3) *Control of Air Pollution from Hazardous Waste Treatment, Storage or Disposal Facilities* ([45 CSR 25](#)) filed in the State Register on 23 JUL 14; (4) *Requirements for Operating Permits* ([45 CSR 30](#)) filed in the State Register on 23 JUL 14; (5) *Emission Standards for Hazardous Air Pollutants* ([45 CSR 34](#)) filed in the State

Register on 25 JUL 14; (6) *Hazardous Waste Management System* ([33 CSR 20](#)) filed in the State Register on 30 JUL 14; (7) *Requirements Governing Water Quality Standards* ([47 CSR 2](#)) filed in the State Register on 1 AUG 14; and (8) *Solid Waste Management* ([33 CSR 1](#)) filed in the State Register on 22 OCT 14. SB 2283 was signed by the governor on 31 MAR 15 but it became effective upon passage of both the House and Senate on 12 MAR 15.

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 14 JAN 15 and adjourns 31 MAY 15.

FEDERAL ACTIVITY

SIP REVISION AMENDING STATE GASOLINE VAPOR RECOVERY REQUIREMENTS USEPA has issued a final rule approving a SIP revision submitted by the state of Illinois, concerning the state's gasoline vapor recovery requirements ([80 FR 13248](#)). The revision phases out the Stage II vapor recovery program requirements in the Illinois portion of the Chicago ozone nonattainment area as a component of the Illinois ozone SIP. The SIP revision also includes amendments to the state's permitting regulations applicable to storage tanks and fuel dispensing, including repealing the Stage I vapor recovery registration provisions. The final rule becomes effective on 13 APR 15.

SOLE SOURCE AQUIFER DESIGNATION OF MAHOMET AQUIFER SYSTEM IN EAST-CENTRAL ILLINOIS In response to a petition by a coalition of municipalities in east-central Illinois, USEPA has issued a notice of final determination regarding the Mahomet Aquifer ([80 FR 14370](#)). USEPA has determined that a portion of the Mahomet Aquifer System in east-central Illinois is a sole or principal source of drinking water and if contaminated, would create a significant hazard to public health. As a result of this determination, all projects receiving federal financial assistance are subject to review by USEPA regarding whether the project may contaminate the designated aquifer system through a recharge zone so as to create a significant hazard to public health. The determination became effective 19 MAR 15.

PROPOSED LEGISLATION

HB 3341 CLARIFICATION OF STATIONARY SOURCE DEFINITION HB 3341 amends the CAA permit program regulations at 415 ILCS 5/39.5. The bill clarifies that "stationary source" means generally any source of air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes, or from a non-road engine or non-road vehicle as defined in CAA Section 216. The bill has passed the Environment Committee.

HB 3624 (SB 1673) EXTENSION OF PROVISIONS FOR USEPA FAST TRACK RULEMAKINGS HB 3624 amends the regulations at 415 ILCS 5/28.5, *Clean Air Act Rules; Fast-Track*. The bill extends the regulations' applicability date for USEPA fast-track rulemakings from 31 DEC 14 to 31 DEC 19. The bill has passed the Environment Committee.

FINAL RULES

UPDATE OF PRIMARY DRINKING WATER STANDARDS The Illinois Pollution Control Board (IPCB) has [adopted](#) amendments to the primary drinking water standards at 35 Ill. Adm. Code 611. The amendments update the Illinois Safe Drinking Water Act rules to correspond with USEPA amendments adopted during 1 JAN 14 through 30 JUN 14. A notice of the proposed amendments was published in the [January 2015 Northern Review](#). The amendments became effective on 24 FEB 15.

STANDARDS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS IPCB has **adopted** amendments to 35 Ill. Adm. Code 1600, *Standards and Requirements for Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination*. The amendments conform the right to know rules (Part 1600) to recent statutory and regulatory actions. The recent actions created a gap between certain Tiered Approach to Corrective Action Objectives (TACO) rules and Part 1600. Specifically, the amendments require notice to specified members of the public if: (1) measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier I remediation objectives; or (2) measured offsite groundwater contamination from volatile chemicals poses a threat of indoor inhalation exposure above the appropriate Tier I remediation objectives. A notice of the proposed amendments was published in the **January 2015 Northern Review**. The amendments became effective on 26 FEB 15.

WATER WELL CONSTRUCTION CODE AMENDMENTS The Illinois Department of Public Health (IDOH) has **adopted** amendments to the Water Well Code at 77 Ill. Adm. Code 920. The amendments reflect an agreement between IDOH and the closed loop and water well drilling industries regarding the setback requirements between closed loop wells, water wells, and sources of contamination, specifically sewers. The amendments became effective on 2 MAR 15.



Legislature convened 13 JAN 15 and adjourns sine die 15 APR 15.

FEDERAL ACTIVITY

SIP REVISION FOR STATE NEW SOURCE REVIEW CONSTRUCTION PERMIT RULE USEPA has issued a final rule approving revisions to Indiana's minor NSR construction permit rule (**80 FR 13493**). The rule applies to construction of new units or modifications of existing units at sources subject to title V and federally enforceable state operating permit requirements. The rule replaces the previous SIP minor source construction permit rule for Indiana. The final rule becomes effective on 15 APR 15.

FINAL RULES

STAGE II GASOLINE VAPOR RECOVERY SYSTEM REQUIREMENTS The Indiana Department of Environmental Management has **adopted** amendments to the rules at 326 IAC 2-11-2 and 326 IAC 8-4-6, concerning Stage II gasoline vapor recovery system requirements. The amendments remove stage II vapor recovery requirements in the former serious ozone nonattainment areas (Clark and Floyd counties) and severe ozone nonattainment areas (Lake and Porter counties). A notice of the proposed amendments was published in the **January 2013 Northern Review**. The amendments became effective on 7 MAR 15.



Legislature convened 14 JAN 14 and adjourns 31 DEC 15.

PROPOSED LEGISLATION

HB 4290 AMENDMENTS TO NATURAL RESOURCE MANAGEMENT REGULATIONS HB 4290 amends the Natural Resources and Environmental Protection Act by revising the natural resource management rules. The bill: (1) removes the American lotus from the protected species list; (2) revises the definition of a "plant"; and (3) requires a person who cuts, removes, or transports a plant to produce a bill of sale or other evidence of ownership of the plant upon demand of a law enforcement officer. The bill was referred to the Natural Resources Committee.



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

PROPOSED LEGISLATION

HF 1356 ALTERNATIVE WETLAND MITIGATION OPTIONS HB 1356 establishes alternative wetland mitigation options in greater than 80 percent areas. The alternative wetland mitigation options include: (1) restoration or protection of riparian corridors or streams; (2) hydrologic stabilization of altered waterways; (3) peatland hydrology restoration; and (4) completion of a water quality or other environmental improvement project contained in a comprehensive plan, local water management plan, watershed management plan approved and adopted according to specific state regulations, or a comprehensive watershed management plan. The bill was referred to the Environment and Natural Resources Policy and Finance Committee.

HF 1494 (SF 1378) REVISIONS TO GROUNDWATER APPROPRIATION PERMIT REQUIREMENTS HF 1494 amends state laws to allow groundwater appropriations that will have substantial negative impacts to surface waters, that can be proven, to be subject to applicable provisions within the surface water appropriations regulations (section 103G.285). The bill was referred to Environment and Natural Resources Policy and Finance Committee.

HF 1819 RIPARIAN BUFFER REQUIRMENTS HF 1819 amends state law to provide for riparian buffers. The bill defines "buffer" as an area consisting of perennial vegetation adjacent to water resources that protects water resources from runoff pollution; stabilizes soils, shores, and banks; and provides aquatic and wildlife habitat. The bill also establishes: (1) buffers requirements; (2) alternative practices; (3) exemptions; (4) local implementation; (5) authority to issue penalty orders; and (6) financial assistance. Finally, the bill requires the commissioner of natural resources to establish and maintain an inventory map of each county that shows the waters that are subject to the buffer requirement. The bill was referred to the Environment and Natural Resources Policy and Finance Committee. Other very similar bills have also been introduced, including **HF 1534** and **SF 1537**.

SF 1225 (HF 690) FUNDING FOR A FEASIBILITY STUDY OF CWA SECTION 404 PERMIT PROGRAM SF 1225 appropriates money for a feasibility study of the federal Clean Water Act (CWA) section 404 permit program. The appropriation will come from the general fund and be given to the Board of Water and Soil Resources and the commissioner of natural resources to study the feasibility of the state assuming administration of the CWA section 404 permit program. The bill requires the U.S. Army Corps of Engineers, St. Paul District, and USEPA to be consulted during the development of the study. The bill requires the board and commissioner, by 15 JAN 17, to provide the study to the legislative policy and finance committees and divisions with jurisdiction over environment and natural resources. The bill has been amended and passed two committees, it was re-referred to the Finance Committee.

SF 1415 (HF 1420) PUBLIC UTILITY SOLAR PROJECT FOR NATIONAL GUARD FACILITY IN MORRISON COUNTY SF 1415 identifies the factors to be considered when approving solar photovoltaic modules for the public utility solar project involving the Minnesota Army National Guard at a military and civilian training facility in Morrison County. The bill was amended and passed the Environment Committee, it was re-referred to the Finance Committee.

FINAL RULES

AMENDMENTS TO WATER QUALITY STANDARDS The Minnesota Pollution Control Agency (MPCA) has **adopted** amendments to the water quality standards (WQS) regulations in *Minnesota Rules*, chapters 7050 (Water Quality Standards for Protection of Waters of the State) and 7052 (Lake Superior Basin Water Standards). The amendments include: (1) addition of more appropriate intake rates and early life-stage protections for infants and children; (2) evaluation of acute to long-term adverse effects and toxicological values; (3) inclusion of new approaches for assessing chemical break-down products and mixtures; and (4) implementation of new methods for WQS applicable in fish tissue to better address bioaccumulative chemicals. The amendments also clarify how E. coli numeric WQS, already established under the federal Beaches Environmental Assessment and Coastal Health (BEACH) Act, apply in Lake Superior. A notice of the proposed amendments was published in the **July 2014 Northern Review**. The amendments became effective on 23 MAR 15.



Legislature convened 5 JAN 15 and adjourns 31 DEC 15.

FEDERAL ACTIVITY

TRANSPORTATION CONFORMITY SIP REVISION USEPA has issued a direct final rule approving a revision to Ohio's transportation conformity SIP ([80 FR 11133](#)). The revision brings Ohio's transportation conformity SIP into compliance with the requirements of the federal Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU). Barring adverse comment the direct final rule becomes effective on 1 MAY 15.

FINAL LEGISLATION

SB 1 AGRICULTURAL POLLUTION ABATEMENT PROGRAM SB 1 makes a number of changes to laws pertaining to agriculture and soil and water resources in support of a healthier Lake Erie. The changes include: (1) transfer of administration and enforcement of the Agricultural Pollution Abatement Program from the Ohio Department of Natural Resources to the Ohio Department of Agriculture; (2) new fertilizer and manure application requirements; (3) creation of an Office of Harmful Algae Management and Response in the Ohio Environmental Protection Agency; and (4) establishment of new requirements for disposal of dredged material, nutrient loading, phosphorous testing by publicly owned treatment works, and household sewage treatment systems. A notice of the bill's introduction was published in the [February 2015 Northern Review](#). The bill was signed by the governor on 2 APR 15 and becomes effective on 1 JUL 15.

PROPOSED LEGISLATION

SB 114 PUBLIC WATER SYSTEMS—MICROCYSTIN LEVEL REQUIREMENTS AND PROCEDURES SB 114 amends the state drinking water regulation at Chapter 6109 by adding a new section 6109.25. The new section establishes requirements and procedures pertaining to levels of microcystin in public water systems. The bill was referred to the Health and Human Services Committee.

FINAL RULES

ADJUSTMENT OF UST ANNUAL PER-TANK FEE The Ohio Petroleum Underground Storage Tank Release Compensation Board has [adopted](#) an amendment to the annual petroleum underground storage tank (UST) financial assurance fee, certification of compliance, and financial responsibility regulations at 3737-1-04. These regulations prescribe the annual requirements of petroleum UST owners and operators for establishing coverage with the Financial Assurance Fund, including the payment of an annual per-tank fee. The amendment updates the regulations to reduce the annual fee from \$500 per tank to \$400 per tank. A notice of the proposed amendment was published in the [February 2015 Northern Review](#). The amendment became effective on 1 APR 15.

PROPOSED RULES

AMENDMENTS TO SECTION 401 WATER QUALITY CERTIFICATION REGULATIONS The Ohio Environmental Protection Agency (OEPA) has [proposed](#) amendments to the Section 401 Water Quality Certification (WQC) regulations at [3745-32-05](#). The amendments provide the director of OEPA with the ability to prohibit open lake disposal of dredged material from harbor or navigation maintenance activities in Lake Erie if the: (1) dredge material could result in higher levels of a chemical in fish that bioaccumulates throughout the food chain, such as PCBs; or (2) disposal of dredge material would violate any international treaties or compacts. A public hearing is scheduled for 5 MAY 15 and comments are due the same day.

OTHER REGULATORY ACTIVITY

CONSIDERATION OF NEW APPROVAL CRITERIA FOR TREATMENT TECHNOLOGIES AND GENERAL PLANNING RULES OEPA Division of Drinking and Ground Waters (DDAGW) is [considering](#) drafting new rules at Chapters 3745-83 and 3745-91 of the Ohio Administrative Code (OAC). The new rules would complement existing requirements, including operational practices for public water systems (PWS) that govern: (1) optimal water quality; (2) disinfection requirements; (3)

approval of chemicals being used; (4) minimum pressure requirements; (5) operational analyses; and (6) reporting requirements. In addition, the new rules would complement required material for PWS plan approval, whether for a new system or modification of an existing system. Comments are due by 20 APR 15.

CONSIDERATION OF DRAFT AMENDMENTS TO BENEFICIAL USE DESIGNATION RULES OEPA is **considering** drafting amendments to five rules that address beneficial use designations. The rules affected are: (1) 3745-1-14 - *Ashtabula River*; (2) 3745-1-15 - *Little Beaver Creek*; (3) 3745-1-16 - *Southeast Ohio tributaries*; (4) 3745-1-18 - *Little Miami River*; and (5) 3745-1-27 - *Black River*. OEPA is required, by state and federal law, to periodically update rules to reflect the latest scientific information. Three broad types of changes are being considered: (1) changing beneficial use designations for specific water bodies; (2) adding water bodies that are currently undesignated to the rules; and (3) verifying existing beneficial use designations already listed in the rules. Comments are due by 13 APR 15.



Legislature convened 7 JAN 15 and adjourns 31 DEC 15.

PROPOSED LEGISLATION

AB 105 (SB 72) GROUNDWATER MANAGEMENT AREAS AB 105 establishes standards and a process for designating areas in the state as groundwater management areas (GMAs). The bill creates a subcommittee of the Groundwater Coordination Council to examine areas of the state that may qualify as GMAs and to recommend to the Wisconsin Department of Natural Resources (WDNR) that a qualifying area be designated as a GMA. The bill authorizes WDNR to promulgate a rule to designate an area as a GMA, and also requires WDNR to develop and adopt a groundwater management plan for the GMA. Finally, the bill establishes additional requirements for WDNR regarding high capacity well approvals. The bill was referred to the Environment and Forestry Committee.

OTHER REGULATORY ACTIVITY

STATEMENT OF SCOPE FOR MOUNTAIN PINE BEETLE REGULATIONS The Wisconsin Department of Agriculture, Trade and Consumer Protection has issued a **Statement of Scope** for revisions to the Plant Inspection and Pest Control regulations at Chapter ATCP 21. The revisions would modify current plant pest control rules related to the import of plants and plant products that may introduce a pest known as the Mountain Pine Beetle into Wisconsin. The revisions could include the establishment of a quarantine and also allow for certain exemptions under specified circumstances. The Statement of Scope was approved by the governor on 26 FEB 15.

Department of Defense Activity

2015 DOD READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM CHALLENGE DOD's Readiness and Environmental Protection Integration (REPI) Program has issued a **request for proposals** for its 2015 REPI Challenge. The REPI Challenge was established in 2012 as a competitive process to seek projects that would facilitate land transactions at DOD installations to limit incompatible development, as well as relieve current or anticipated environmental restrictions on military testing, training, or operations through innovative partnerships and financing. The deadline for submissions is 29 MAY 15. Up to \$8 million will be available for the 2015 REPI Challenge.

COMMISSION ON FUTURE OF THE ARMY DOD has announced the establishment of the National Commission on the Future of the Army (**80 FR 15994**). The commission will study the structure of the Army and policy assumptions to: (1) make an assessment of the size and force structure of the active component and the reserve components of the Army; and (2) make recommendations on modifications, if any, of the structure of the Army related to current and anticipated mission requirements at acceptable levels of national risk and in a manner consistent with available resources and anticipated future resources. The commission will also conduct a study of a transfer of Army National Guard AH-64 Apache aircraft from the Army National Guard to the regular Army.

REAL PROPERTY FOOTPRINT REDUCTION PLANS The Office of Management and Budget (OMB) issued a memorandum directing federal agencies to develop plans to reduce their real property footprint over the next five years. The memo, titled [National Strategy for the Efficient Use of Real Property: Reducing the Federal Portfolio through Improved Space Utilization, Consolidation and Disposal](#), is a follow-on to the agency's [Freeze the Footprint](#) policy issued in 2013. Overall, the new policy calls for agencies to establish an annual target for reducing space and to adopt design standards for office space acquired in the future. For the Pentagon, the policy means reducing excess space without relying on a base closure and realignment round to shed a portion of its real estate portfolio. For more information, visit the OMB [website](#).

Federal Activity

AIR

STATE IMPLEMENTATION OF 2008 NAAQS FOR OZONE USEPA has issued a final rule addressing SIP requirements for the 2008 ozone NAAQS promulgated in 2008 ([80 FR 12263](#)). The final rule addresses a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress, reasonably available control technology (RACT), RACM, major NSR, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. Other issues also addressed in the final rule are the revocation of the 1997 ozone NAAQS and anti-backsliding requirements that apply when the 1997 ozone NAAQS are revoked. If the primary or secondary ozone NAAQS are revised in the future, USEPA expects that this final rule will help facilitate implementation of any new standards. The final rule became effective on 6 APR 15.

ELECTRONIC REPORTING USEPA has issued a proposed rule to revise 40 CFR Part 60, *General Provisions*, and various new source performance standards (NSPS) regulatory subparts ([80 FR 15099](#)). The revisions require affected facilities to electronically submit specified air emissions data reports to USEPA, and allow affected facilities to maintain electronic records of these reports. Comments are due 19 MAY 15.

SIP REQUIREMENTS FOR NONATTAINMENT AREAS OF PM2.5 NAAQS USEPA has issued a proposed rule establishing requirements that state, local, and tribal air agencies would have to meet as they implement the current and future NAAQS for PM2.5 ([80 FR 15339](#)). Specifically, the proposed rule provides details on how USEPA proposes air agencies meet the statutory SIP requirements that apply to areas designated nonattainment for any PM2.5 NAAQS, such as: (1) general requirements for attainment plan due dates and attainment dates; (2) emissions inventories; (3) attainment demonstrations; (4) provisions for demonstrating reasonable further progress; (5) quantitative milestones; (6) contingency measures; and (7) nonattainment NSR permitting programs. The proposed rule clarifies specific attainment planning requirements that would apply to PM2.5 NAAQS nonattainment areas based on moderate or serious classification, and the process for reclassifying moderate areas to serious. Also in the rule, USEPA has proposed to revoke the 1997 primary annual standard due to USEPA's 2012 revision. Comments are due by 22 MAY 15.

OFF-SITE WASTE AND RECOVERY OPERATIONS USEPA has issued a final rule regarding its residual risk and technology review (RTR) conducted for the Off-Site Waste and Recovery Operations (OSWRO) for source categories regulated under national emission standards for hazardous air pollutants (NESHAP) ([80 FR 14247](#)). In addition, USEPA adopted final amendments that make corrections and clarifications to regulatory provisions related to emissions during periods of startup, shutdown and malfunction (SSM), add requirements for reporting of performance testing through the electronic reporting tool, and revise routine maintenance provisions. Other amendments clarify provisions pertaining to open-ended valves and lines, add monitoring requirements for pressure relief devices, clarify provisions for some performance test methods and procedures, and make housekeeping corrections. The revisions increase the level of emissions control and environmental protection provided by the OSWRO NESHAP. The final rule was effective 18 MAR 15. For more information, visit the USEPA OSWRO NESHAP [website](#).

COAL- AND OIL-FIRED ELECTRIC STEAM GENERATING UNITS USEPA has issued a final rule amending reporting requirements in the NESHAP: Coal- and Oil-Fired Electric Steam Generating Units (also referred to as the Mercury and Air Toxics Standards (MATS)) rule ([80 FR 15510](#)). The final rule temporarily requires affected owners to submit certain

required emissions and compliance reports to USEPA through the Emissions Collection and Monitoring Plan System Client Tool in lieu of the Compliance and Emissions Data Reporting Interface. The final rule is effective 24 MAR 15.

ENERGY

FEMP 2015 FUNDING OPPORTUNITY ANNOUNCEMENT On 6 MAR 15, the U.S. Department of Energy's (DOE) Federal Energy Management Program (FEMP) issued a Funding Opportunity Announcement (FOA) titled, "**Assisting Federal Facilities with Energy Conservation Technologies (AFFECT), FY 2015**." The FOA will provide grants to federal agencies to help fund renewable energy projects that are incorporated into a privately financed performance contract, such as an energy savings performance contract or utility energy service contract, or as part of a renewable energy power purchase agreement. Applications for renewable energy projects financed through appropriations will also be considered. The anticipated total funding level for AFFECT is \$2.85 million, with anticipated funding to be between approximately \$50,000 and \$1 million per award.

GREEN THE BUILDING TOOL The General Services Administration (GSA) released an innovative **green building learning simulation** as a part of its Sustainable Facilities Tool (**SFTool**). The Green the Building simulation places users in the role of a resource-constrained decision-maker, charged with greening buildings through strategic energy, waste, water, and occupant satisfaction improvements. Users choose technologies, implement best practices, support behavior changes, and plan carefully to create buildings that conserve resources, reduce waste, save money, and keep occupants happy and healthy. Embedded links provide background and explanations.

NATURAL RESOURCES

ELKHORN AND STAGHORN CORALS The National Marine Fisheries Service (NMFS) has adopted a **Final Endangered Species Act Recovery Plan** for elkhorn and staghorn coral (**80 FR 12146**). The plan is designed to rebuild and assure the long-term viability of elkhorn and staghorn coral populations, allowing for the species to be removed from the federal list of endangered and threatened species. The recovery approach includes research and monitoring to identify, reduce, or eliminate threats.

AQUATIC INVASIVE SPECIES: SNAKEHEAD CONTROL AND MANAGEMENT PLAN The Fish and Wildlife Service (FWS) has released the draft **National Control and Management Plan for Members of the Snakehead Family** for public comment (**80 FR 13886**). The goal of the plan is to use the best available science and management practices to prevent the introduction of snakehead into new areas, contain (and where possible eradicate) newly established and localized populations, and minimize impacts in areas where they are established and eradication is not feasible. Comments are due 16 APR 15.

WASTE

LOW-LEVEL RADIOACTIVE WASTE REGULATORY PROGRAM The Nuclear Regulatory Commission (NRC) has requested comment on a draft list of prioritized low-level radioactive waste (LLW) tasks NRC will conduct to improve the low-level radioactive waste regulatory program (**80 FR 13451**). The commission developed the list of tasks based upon updates to an assessment it performed in 2007. Comments are due 13 APR 15.

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITIES NRC has issued a proposed rule to amend regulations governing LLW disposal facilities (**80 FR 16081**). The proposed amendments would: (1) require new and revised site-specific technical analyses; (2) permit the development of site-specific criteria for LLW acceptance based on the results of these analyses; (3) facilitate implementation; and (4) better align the requirements with current health and safety standards. The proposed rule affects LLW disposal licensees or license applicants that are regulated by the NRC or the Agreement States. Comments are due 26 MAY 15.

WATER

WATERSHED APPROACH HANDBOOK The Environmental Law Institute and The Nature Conservancy, with funding from USEPA, have released the **Watershed Approach Handbook**. The handbook is intended to advance the use of a watershed approach in selection, design, and siting of wetland and stream restoration/protection projects. Using a watershed approach can help ensure that projects contribute to goals of improved water quality, increased flood

mitigation, and improved quality and quantity of habitat that result from ecologically successful and sustainable restoration projects.

HYDRAULIC FRACTURING ON FEDERAL AND INDIAN LANDS The Bureau of Land Management (BLM) has issued a final rule establishing application procedures and standards for hydraulic fracturing for oil and gas development on federal and Indian lands ([80 FR 16127](#)). The final rule becomes effective on 24 JUN 15.

SPCC CHECKLIST [FedCenter.gov](#) has published the [checklist](#) used by USEPA inspectors when conducting inspections of facility compliance with the Spill Prevention, Control, and Countermeasure (SPCC) rule at Title 40 Code of Federal Regulation (CFR) Part 112. The checklist is a required tool to help federal inspectors record observations for site inspection and review of the SPCC Plan. The checklist must be completed in order for an inspection to count toward an agency measure. The completed checklist and supporting documentation serve as the inspection report. It addresses requirements for onshore facilities including Tier II Qualified Facilities that meet the eligibility criteria set forth in [§112.3 \(g\)\(2\)](#). For more information, refer to [40 CFR Part 112](#).

PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX USEPA has scheduled a public meeting and webinar to obtain input on potential revisions to regulations for the Prohibition on Use of Lead Pipes, Solder, and Flux ([80 FR 17020](#)). The Safe Drinking Water Act (SDWA) prohibits the use or introduction into commerce of pipes, pipe or plumbing fittings or fixtures, solder, and flux that are not lead free. The revisions are necessary due to SDWA amendments enacted by Congress in the *Reduction of Lead in Drinking Water Act of 2011* and the *Community Fire Safety Act of 2013*. The public meeting is scheduled for 14 APR 15.

OTHER

RETROSPECTIVE REVIEW: IMPROVING USEPA REGULATIONS USEPA has requested public comment on its periodic retrospective review of agency regulations ([80 FR 12372](#)). USEPA is seeking to identify how it can promote regulatory modernization through business-process streamlining, facilitated by improved technology. The comment period closed on 8 APR 15.

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 is not a government endorsement of the training or conferences.

NATIONAL VENUES

10-15 APR, ARLINGTON, VA: [MILITARY AND GOVERNMENT MICROGRIDS SUMMIT](#) The summit will provide a platform for military, government, and utility policy makers and procurement managers to share business and technical wants, needs and requirements for new microgrid projects with renewable energy developers, energy services companies, system integrators, contractors, energy storage companies, microgrid enabling technology companies, and financiers.

(NEW) 11-14 MAY, WASHINGTON DC: [BLUE VISION SUMMIT](#) Summit themes include responding to impacts from climate change, overfishing, offshore oil and plastic pollution. The intent is to make healthy seas and the healthy economies and communities they support become a national public policy priority.

12-13 MAY, COLLEGE PARK, MD: [SUSTAINABLE MATERIALS MANAGEMENT \(SMM\) SUMMIT](#) The one-and-a-half day summit will bring together innovative thinkers and practitioners working on issues around how natural resources are extracted, used, and then managed after initial end-of-life. The summit includes leaders in source reduction, reuse, composting, and recycling. The National Recycling Coalition will begin to develop a SMM National Plan based on a facilitated dialogue among a broad spectrum of stakeholders. The intent is to identify deeper collaborative connections for actions and activities in the future among progressive businesses, federal, regional, state, and local governments, reuse and recycling organizations, trade and industry groups, and other nonprofits.

(NEW) 19-21 MAY, BATTLE CREEK, MI: [National Tribal Forum \(NTF\) for Air Quality](#) The NTF provides environmental professionals from tribes, USEPA, and other organizations an opportunity to meet and discuss current policies, regulatory initiatives, funding, and technical topics in air quality.

(NEW) 19-21 JUN, CUSTER, WI: [THE ENERGY FAIR](#) The fair brings over 15,000 attendees together to learn the latest and greatest in clean energy and sustainability, connect with others, and take action toward a more sustainable future. It is the nation's longest running energy education event of its kind.

TRAINING—ONLINE

5 MAY-2 JUN, ONLINE: [INTRODUCTION TO REMOTE SENSING FOR CONSERVATION MANAGEMENT](#) The five-part webinar series will provide land management professionals an overview of remote sensing, details on how to access and visualize relevant NASA Earth science data, and how to use these data for conservation and biodiversity issues. Satellite sensors, aircraft platforms, and access tools will be discussed and demonstrated as applied to habitat monitoring, animal movement, and near-real time monitoring. This training is free and will consist of five one-hour sessions on May 5, 12, 19, 26, and June 2.

(NEW) [INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL \(ITRC\) TRAINING](#) ITRC is a state-led coalition of regulators, industry experts, academia, citizen stakeholders, and federal partners from all 50 states and the District of Columbia that supports new approaches to tough cleanup projects. ITRC offers Internet-based training and hosts nationwide classroom training. Topics span the full spectrum of remediation subjects. The Internet-based training is supported by ITRC technical and regulatory guidance documents and is hosted with USEPA's Technology Innovation and Field Services Division (TIFSD). For a listing of current classes and to register, visit [USEPA's Clu-In Web page](#). The nationwide classroom training courses are often provided with an ITRC member state and provide participants with face-to-face training, hands-on problem solving, and engaging real world site applications. Visit the [ITRC training website](#) for specific training topics and scheduled events.

[USEPA TMDLs AND NPDES PERMITTING WEB-BASED TRAINING MODULES](#) USEPA has developed three web-based training modules on topics related to TMDLs and NPDES permitting. The presentations are intended for TMDL developers and NPDES permitting staff to gain a better understanding of TMDL implementation through NPDES permits. Each module is offered as a recorded presentation that enables participants to review the material on demand in a self-paced environment. The modules are also available as unrecorded PowerPoint presentations with slides and scripts. Each recorded session is approximately two hours long. The modules are: (1) Understanding TMDLs: A Primer for NPDES Permit Writers; (2) Understanding WLA (waste load allocation) Implementation in Permits: A Primer for TMDL Developers; and (3) Understanding TMDLs with Stormwater Sources and the NPDES Stormwater Permitting Process.

[AVERT TUTORIAL](#) USEPA launched its new on-demand training on how to use its Avoided Emissions and generation tool (AVERT). AVERT estimates the potential of energy efficiency/renewable energy programs to displace electricity system-related SO₂, NO_x, and CO₂ emissions in the continental United States. The tool can be used to evaluate county, state and regional level emissions displaced by energy efficiency and renewable energy programs without the need of specialized resources or electricity system expertise.

[FEMP TRAINING SEARCH TOOL](#) The Federal Energy Management Program (FEMP) has launched FEMP Training Search, a web tool that lists free training opportunities to help agencies meet federal energy, water, and sustainability laws and requirements. The new search tool provides options to easily find and select training offerings by topic area, topic series, course format and type, and by level of difficulty—introductory (101), intermediate (201), and advanced (301).

[SERDP AND ESTCP WEBINAR SERIES](#) The DOD environmental research and development funding programs SERDP and ESTCP are launching a webinar series to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars feature two 30-minute presentations and interactive question and answer sessions, on topics targeted for DOD and USDOE audiences.

[AIR FORCE INSTITUTE OF TECHNOLOGY \(AFIT\) TRAINING COURSE, \[QUALIFIED RECYCLING PROGRAM MANAGEMENT\]\(#\)](#) This Interservice Environmental Education Review Board (ISEERB) designated course emphasizes principles and techniques to assist students in implementing a sound Qualified Recycling Program (QRP). The course focuses on learning what products can be recycled, products prohibited from recycling, QRP regulations, necessary processing

equipment, collection and sorting methods to maximize returns, working with your Defense Reutilization and Marketing Office, establishing contracts, recording transactions, DOD recordkeeping, and estimating future budgets.

ENERGY STAR WEBCASTS Energy Star is hosting a series of webcasts covering various topics including Federal Guiding Principles Checklist, Portfolio Manager 101, and Portfolio Manager 201.

CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES The National Climate Change and Wildlife Science Center is partnering with the National Conservation Training Center to offer the webinar series to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife, and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation.

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

USEPA RCRA TRAINING Resource Conservation and Recovery Act (RCRA) related online courses, seminars, webinars, podcasts, and videos are posted throughout USEPA's waste website. Introductory and advanced courses are included for federal and state regulators, the regulated community, organizations, associations, and consumers interested in environmental laws, regulations, and implementation. Topics include general RCRA, RCRA corrective action, Environmental Management Systems (EMS), e-waste, groundwater characterization and cleanup, land revitalization, land disposal restrictions, sustainable materials management web academy, and RCRA permitting.

BEST PRACTICES FOR COMPREHENSIVE WATER MANAGEMENT FOR FEDERAL FACILITIES TRAINING The training is provided by USDOE's FEMP and provides federal facility and energy managers with knowledge and skills to assist in meeting water-related legislative and executive order requirements. Participants develop skills in increasing water efficiency, and reducing water use through sound operations practices and water-efficient technologies. Water metering is covered, as well as life cycle costing and establishing the overall economics for strategic water management.

DRIVING BIOPREFERRED® WITH THE PRESIDENTIAL MEMORANDUM The 21 FEB 12 Presidential Memorandum, **Driving Innovation and Creating Jobs in Rural America through Biobased and Sustainable Product Procurement**, raises the bar for biobased purchasing in the federal sector. Find out what the memo means for your agency. Gain insight from top experts who share the latest information on goals and priorities that underpin the urgency of federal efforts, new requirements that accelerate biobased procurement preferences, and tips for reporting biobased purchasing on the Office of Management and Budget Agency Scorecard.

USEPA TRAINING PRESENTATIONS ON GHG REPORTING USEPA provides training presentations and a tutorial on general provisions (subpart A), stationary combustion (subpart C), electricity generation (subpart D), and municipal landfills (subpart HH) sections of the GHG Reporting Program Part 98.

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS The Army offers numerous environmental training courses. Information on training providers and fiscal year class schedules are available on the U.S. Army Environmental Command (USAEC) website.

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

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER FedCenter.gov is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information in the following areas: program development; federal and state regulatory requirements for various facility activities; regulatory watch for information on new or changed laws or regulations; pollution prevention (P2) opportunities and best management practices; USEPA enforcement notices; links to state environmental programs; access to environmental assistance; environmental

conferences, meetings, training, and workshop information; applicable laws and Executive Orders; and industry sector-specific newsletters.

MILITARY MUNITIONS SUPPORT SERVICES SERIES A series of monthly webinars sponsored by USEPA's Contaminated Sites Clean-Up Information program supports the Military Munitions Support Services community.

USACE PROSPECT TRAINING U.S. Army Corps of Engineers (USACE) announces course availability for the FY15 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to all federal, state, county and city employees and contractors. There are different registration processes for each entity. Please refer to the **Course Catalog** and **List of Classes and schedule** for details. Environmental courses include: Environmental Regulations Practical Application Course (Course Control Number (CCN) 398); CERCLA/RCRA Process (CCN 356); Hazardous Waste Manifesting & DOT Certification (CCN 223); Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429); Radioactive Waste Transport (CCN 441); Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141); Environmental Remediation Technologies (CCN 395); and Environmental Laws and Regulations (CCN 170).

ARMY PODCAST SERVICE The Army offers free podcasts on a wide variety of topics, including an environmental series, an USACE series, and many more. The podcasts are available through a free subscription service.

NAVY AND ISEERB ENVIRONMENTAL TRAINING FY15 The Navy and the ISEERB Environmental Training schedule for FY15 is available. Course topics include environmental overview and management, law planning and sustainability, pollution prevention, restoration, conservation, supplemental and Internet/computer-based training, and more.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING FY15 The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government. Fees vary according to personnel status (i.e., active duty Air Force/civilian, other U.S. government employee, contractor).

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

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

How the Regional Offices Work for You

The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations. The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are protected.

To comment on an item in the *Northern Review*, please contact the Regional Environmental Coordinator listed at the top of each region's section.

To be added to the *Northern Review* distribution list, call or email **Leanne Dickens**, 410-278-6143.