



# Northern Review

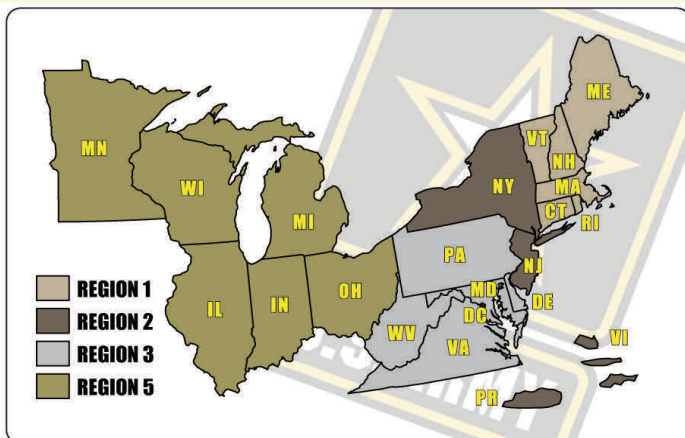
## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

August 2014

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 CT, proposed GP for discharge of stormwater from MS4s, and TMDL analysis for bacteria-impaired estuaries. In ME, proposed designation of priority chemicals and a draft NPS management program plan. In MA, a proposed bill to eliminate the toxics use fee requirement, and a semi-annual list of prospective regulations. In RI, a new law amending the National Security Infrastructure Support Fund.

### Region 2

In NJ, draft 2014 integrated water quality monitoring and assessment methods and proposed multi-pollutant infrastructure SIP revisions.

### Region 3

In MD, multiple USEPA approvals for SIP revisions. In PA, proposed revisions to the Alternative Energy Portfolio Standards Act and the release of the semi-annual regulatory agenda. In VA, two final GPs for discharges of stormwater from construction and industrial activities; and multiple final amendments to rules governing hazardous waste management, stormwater management, erosion and sediment control, and predatory and undesirable species. In WV, final amendments to air PSD permitting regulations.

### Region 5

In IL, new laws regarding "Responsible Operators in Charge" requirements and Dead Animal Disposal Act amendments. In IN, final amendments to ambient air quality standards for ozone and PM2.5, and proposed amendments to solid waste management regulations concerning restrictive covenants. In WI, new regulations protecting the Blanding turtle and final revisions to the air pollution control regulations.

### DOD Activity

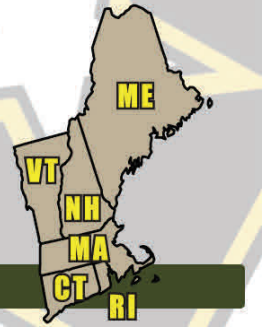
Green Infrastructure Collaborative announced between USEPA, DOD, and five other government agencies.

### Federal Activity

USEPA final SNURs under TSCA for 43 chemical substances, and proposed rules regarding emissions and standards of performance for municipal solid waste landfills. Multiple NOAA and FWS T&E notices regarding species listings, critical habitat, and administrative policies.

# 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.



## FEDERAL ACTIVITY

**GENERAL PERMITS FOR DISCHARGES FROM DEWATERING ACTIVITIES IN MASSACHUSETTS AND NEW HAMPSHIRE** USEPA has issued a notice of availability for draft National Pollution Discharge Elimination System (NPDES) general permits (GPs) for discharges from dewatering activities in the commonwealth of Massachusetts (MAG07000) and the state of New Hampshire (NHG07000) ([79 FR 41688](#)). The draft GPs govern the discharge of uncontaminated water from: (1) construction dewatering intrusion and/or stormwater accumulation from sites that disturb less than one acre of land; and (2) short and long term dewatering of foundation sumps. While the draft GPs are two distinct permits, USEPA has grouped them together in a single document and has provided a single [fact sheet](#). The GPs replace the previous dewatering permits that expired on 30 SEP 13. Comments are due by 18 AUG 14.



**Legislature convened 5 FEB 14 and adjourned sine die 4 JUN 14.**

## FEDERAL ACTIVITY

**SIP REVISIONS REGARDING REGIONAL HAZE PROGRAM REQUIREMENTS** USEPA has issued a final rule approving State Implementation Plan (SIP) revisions submitted by the state of Connecticut ([79 FR 39322](#)). The SIP revisions address Clean Air Act (CAA) and USEPA Regional Haze Program rule requirements for the first planning period from 2008 through 2018. The final rule became effective on 11 AUG 2014.

**SIP REVISIONS FOR VISIBLE AND PM EMISSIONS, RECORDKEEPING, AND MONITORING REGULATIONS** USEPA has issued a final rule approving SIP revisions submitted by the state of Connecticut ([79 FR 41427](#)). The SIP revisions amend the state's visible and particulate matter (PM) emissions, recordkeeping, and monitoring regulations. The revisions also establish and require limitations on visible and PM emissions for stationary sources and clarify reporting requirements for operation of air pollution control and monitoring equipment. The final rule becomes effective on 15 AUG 14.

## OTHER REGULATORY ACTIVITY

**GENERAL PERMIT FOR DISCHARGE OF STORMWATER FROM MS4s** The Connecticut Department of Energy & Environmental Protection (CDEEP) has given [notice](#) of a tentative determination to renew, with modifications, the GP for discharges of stormwater from small municipal separate storm sewer systems (MS4s) into waters of the state. The proposed GP requires registration (including re-registration for existing permittees) and the preparation and implementation of a Stormwater Management Plan containing stormwater minimum control measures to ensure that the discharge will not cause pollution. The current general permit is set to expire on 8 JAN 15, but will remain in effect until 8 JAN 16, or final decision on the renewal of the general permit is made, whichever is earlier. Comments are due by 5 SEP 14.

**NOTICE OF INTENT TO ADOPT TMDL ANALYSIS FOR BACTERIA-IMPAIRED ESTUARIES** CDEEP has given [notice](#) of intent to adopt five Total Maximum Daily Load (TMDL) documents for 23 estuary segments in municipalities on the Connecticut shoreline. The municipalities are: East Lyme, Waterford, Old Saybrook, and Old Lyme. The TMDLs will be posted as additional appendices to the previously approved Statewide TMDL for Bacteria-Impaired Waters. Comments are due by 30 AUG 14.



Legislature convened 8 JAN 14 and adjourned sine die 18 JUN 14.

**FEDERAL ACTIVITY**

**APPROVAL OF NITROGEN OXIDES EXEMPTION REQUEST** USEPA has issued a final rule approving a nitrogen oxides (NO<sub>x</sub>) exemption request submitted by the state of Maine ([79 FR 43945](#)). The final rule approves the state’s exemption from NO<sub>x</sub> emission control requirements contained in CAA section 182(f) in relation to the 2008 8-hour ozone national ambient air quality standards (NAAQS). The request demonstrated that NO<sub>x</sub> emissions in Maine are not having a meaningful adverse impact on the ability of any nonattainment areas located in the Ozone Transport Region (OTR) to attain the ozone standards during times when elevated ozone levels are monitored. The final rule becomes effective on 28 AUG 14.

**PROPOSED RULES**

**DESIGNATION OF PRIORITY CHEMICALS** The Maine Department of Environmental Protection (MDEP) has [proposed](#) a new regulation, *Designation of Four Members of the Chemical Class Phthalates as Priority Chemicals* (Chapter 888). The proposed regulation designates four members of the chemical class phthalates as priority chemicals and requires reporting for certain product categories that contain one or more of these regulated phthalates. The proposed rule applies to manufacturers of specified product categories that contain intentionally added di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), or diethyl phthalate (DEP). The rule was proposed by a citizen petition that MDEP received in May 2014. Comments are due by 29 SEP 14.

**OTHER REGULATORY ACTIVITY**

**DRAFT MAINE NPS MANAGEMENT PROGRAM PLAN 2015 - 2019** MDEP has [invited comment](#) on the *Draft Maine Nonpoint Source (NPS) Management Program Plan 2015 - 2019*. MDEP coordinates the state of Maine’s NPS pollution control programs to protect lakes, rivers, streams and coastal waters threatened by NPS pollution and restore impaired waters. The plan describes NPS control programs and actions state agencies will take over the next five years to make progress in controlling NPS pollution. At the conclusion of the comment period MDEP will submit the plan to USEPA for approval. Comments are due by 20 AUG 14.



Legislature convened 8 JAN 14 and adjourns 7 JAN 15.

**PROPOSED LEGISLATION**

**HB 701 REMOVAL OF TOXICS USE FEE REQUIREMENT** HB 701 amends the Massachusetts Toxics Use Reduction Act. Current state law states that any toxic user required to file a report with USEPA pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) is also required to file a copy of that report with the Massachusetts Department of Environmental Protection (MassDEP) and pay a toxics use fee. The bill amends state laws at Section 19 of Chapter 21I to remove the requirement for, and assessment of, the toxics use fee. The bill is accompanied by study order [H4321](#) and has been referred to the Rules Committee.

**OTHER REGULATORY ACTIVITY**

**SEMI-ANNUAL LIST OF PROSPECTIVE REGULATIONS** The Massachusetts Executive Office of Energy and Environmental Affairs has [released](#) a list of regulations expected to be promulgated during the next six month period. As part of the list, MassDEP has planned multiple air and water regulations, along with underground storage tank (UST), natural resource, and wetland regulations.



Legislature convened 7 JAN 14 and adjourned sine die 30 JUN 14.

**FINAL LEGISLATION**

**SB 3088 AMENDMENTS TO NATIONAL SECURITY INFRASTRUCTURE SUPPORT FUND** SB 3088 amends the state general laws at Chapter 30-32, *National Security Infrastructure Support Fund*. The bill establishes two distinct grant programs to carry out the legislative intent of the fund. The grant programs are: (1) Military Facility Protection Program (MFPP); and (2) Defense Economy Community Reinvestment Program (DECRP). The MFPP addresses emergent needs related to mission sustainment, encroachment reduction or prevention, and base retention. The DECRP assists defense-dependent municipalities to develop and implement alternative economic diversification strategies that repurpose surplus defense facilities and properties. The bill was signed by the governor on 8 JUL 14 and became effective upon signature.

# 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.



Legislature convened 14 JAN 14 and adjourns 12 JAN 16.

**OTHER REGULATORY ACTIVITY**

**DRAFT 2014 INTEGRATED WATER QUALITY MONITORING AND ASSESSMENT METHODS** The New Jersey Department of Environmental Protection (NJDEP) has [requested comment](#) on the draft *2014 Integrated Water Quality Monitoring and Assessment Methods* document. The draft document describes data quality requirements and methods that NJDEP will use to evaluate surface water quality data, assess compliance with surface water quality standards, and support designated uses. The document also includes the rationale for placement of pollutants and assessment units on the 2014 303(d) List of Impaired Waters. The document satisfies the state's Clean Water Act (CWA) Section 303(d) requirement to provide a description of the methodology used to develop the statewide list of water quality limited waters. Comments are due by 20 AUG 14.

**PROPOSED MULTI-POLLUTANT INFRASTRUCTURE SIP REVISIONS** NJDEP has [released](#) proposed SIP revisions that address CAA section 110 (1) and (2) requirements, often referred to as the "infrastructure" SIP. Specifically, the proposed revisions address the infrastructure requirements necessary to implement, maintain, and enforce the NAAQS for lead, sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), fine and course particulate, carbon monoxide, and ozone. They also address the visibility and interstate transport infrastructure requirements for demonstrating that New Jersey has the authority and infrastructure to implement, maintain, and enforce an air quality management program that provides for attainment and maintenance of the NAAQS and visibility standards. The comment period closed on 23 JUL 14.

# 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 8 JAN 14 and adjourned sine die 7 APR 14.**

## **FEDERAL ACTIVITY**

**ADOPTION OF CALIFORNIA'S ADVANCED CLEAN CAR PROGRAM** USEPA has issued a direct final rule approving a SIP revision submitted by the state of Maryland ([79 FR 38787](#)). The SIP revision pertains to Maryland's incorporation by reference of the most recent amendments to California's Low Emission Vehicle (LEV) program. Maryland is updating its LEV Program regulation by adopting California's Advanced Clean Car Program. Barring adverse comment the direct final rule becomes effective on 8 SEP 14.

**INFRASTRUCTURE SIP FOR 2010 NO<sub>2</sub> NAAQS** USEPA has issued a final rule approving a SIP revision submitted by the state of Maryland ([79 FR 40664](#)). The revision addresses 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 NO<sub>2</sub> NAAQS. The final rule became effective on 13 AUG 14.

**INFRASTRUCTURE SIP FOR 2008 LEAD NAAQS** USEPA has issued a final rule approving two SIP revisions submitted by the state of Maryland addressing the infrastructure requirements for the 2008 Lead NAAQS ([79 FR 41437](#)). The revisions address CAA sections 110(a)(1) and (2) requirements that provide basic program elements necessary to implement, maintain, and enforce the 2008 Lead NAAQS. The final rule becomes effective on 15 AUG 14.

**NOTICE OF ADEQUACY FOR BALTIMORE 1997 PM<sub>2.5</sub> NAAQS NONATTAINMENT AREA MAINTENANCE PLAN MVEBS** USEPA has issued a notice of adequacy informing the public that the motor vehicle emissions budgets (MVEBs) in the Baltimore 1997 fine particulate (PM<sub>2.5</sub>) NAAQS nonattainment area maintenance plan, submitted as a SIP revision by the state, are adequate for transportation conformity purposes ([79 FR 44451](#)). As a result of USEPA's finding, the state of Maryland must use the 2017 and 2025 MVEBs from the Baltimore maintenance plan for future 1997 PM<sub>2.5</sub> NAAQS conformity determinations. The finding becomes effective on 15 AUG 14.



**Legislature convened 7 JAN 14 and adjourns 30 NOV 14.**

## **FEDERAL ACTIVITY**

**CONTROL OF FUEL OIL SULFUR LIMITS FOR COMBUSTION UNITS** USEPA has issued a final rule approving a SIP revision submitted by the commonwealth of Pennsylvania ([79 FR 39330](#)). The SIP revision implements low-sulfur fuel oil provisions that apply to the owners and/or operators of: (1) refineries; (2) pipelines; (3) terminals; (4) retail outlet fuel storage facilities and ultimate consumers; (5) commercial and industrial facilities; and (6) facilities with a unit burning regulated fuel oil to produce electricity and domestic home heaters. The final rule became effective on 10 JUL 14.

## **PROPOSED LEGISLATION**

**SB 684 LEASING OF STATE FOREST LAND FOR POWER DEVELOPMENT** SB 684 amends state regulations (P.L.458, No.250) regarding the leasing of state forest lands for power development purposes. The amendments add wind, solar, and

other renewable energy projects to the list of allowable types of power development for leasing of land. The bill has been re-referred to the Appropriations Committee.

## **PROPOSED RULES**

**ALTERNATIVE ENERGY PORTFOLIO STANDARDS ACT REVISIONS** The Pennsylvania Public Utility Commission has **proposed** revisions to the regulations pertaining to the net metering, interconnection, and portfolio standards provisions of the Alternative Energy Portfolio Standards Act. The proposed revisions also clarify certain issues of law, administrative procedure, and policy. The comment period closed on 4 AUG 14.

## **OTHER REGULATORY ACTIVITY**

**SEMI-ANNUAL REGULATORY AGENDA** The Pennsylvania Governor's Office has **issued** the semi-annual regulatory agenda. All agencies under the jurisdiction of the governor are required to submit for publication an agenda of regulations under development or consideration. Agendas are published every year on the first Saturdays in February and July. The Pennsylvania Department of Environmental Protection has listed 26 regulatory actions.



**Legislature convened 8 JAN 14 and adjourned 8 MAR 14.**

## **FINAL RULES**

**AMENDMENTS TO HAZARDOUS WASTE MANAGEMENT REGULATIONS** The Virginia Department of Environmental Quality (VDEQ) has **adopted** amendments to 9VAC20-60, *Virginia Hazardous Waste Management Regulations*. The amendments conform the regulation to changes in the Code of Virginia enacted by Chapter 139 of the 2014 Acts of Assembly. The amendments: (1) remove the requirement for hazardous waste transporters to obtain a hazardous waste transporter permit from the commonwealth of Virginia; (2) clarify that it is a requirement to obtain an USEPA identification number, either from USEPA or an authorized state; and (3) make other associated changes. The amendments become effective on 27 AUG 14

**STORMWATER MANAGEMENT PROGRAM REVISIONS** VDEQ has **adopted** revisions to **9VAC25-870**, *Virginia Stormwater Management Program (VSMP) Regulations*. The revisions incorporate statutory changes made by HB 1173 and SB 423 during the 2014 General Assembly session. The revisions: (1) provide for the use of an "agreement in lieu of a stormwater management plan"; (2) clarify the roles and responsibilities of the VSMP authority, locality, and VDEQ; and (3) provide for VDEQ to regulate Chesapeake Bay Preservation Act land disturbing activities by federal and state agencies. The revisions became effective on 1 JUL 14.

**REVISIONS TO EROSION AND SEDIMENT CONTROL REGULATIONS** VDEQ has **adopted** revisions to **9VAC25-840-65**, *Erosion and Sediment Control Regulations*. The revisions incorporate statutory changes made by HB 1173 and SB 423 during the 2014 General Assembly session. The revisions amend reporting requirements under the erosion and sediment control regulations. Specifically, the revisions require each Virginia Erosion and Sediment Control Program (VESCP) authority to report to VDEQ, at least monthly, a listing of each land-disturbing activity for which a plan has been approved. The revisions became effective on 1 JUL 14.

**AMENDMENTS TO PREDATORY AND UNDESIRABLE SPECIES LIST REGULATIONS** The Virginia Department of Conservation and Natural Resources (VDCNR) has **adopted** amendments to 4VAC15-30-40, *Importation Requirements, Possession and Sale of Nonnative (Exotic) Animals*. The amendments: (1) add certain nonnative species of animals currently included on the federal list of endangered and threatened species to the predatory and undesirable species list (PUSL); (2) add the oriental weatherfish to the PUSL; (3) update PUSL taxonomic references; and (4) repeal an exception for certain animals from the requirement that all individuals in possession of animals included on the PUSL apply for a VDCNR permit to exhibit wild animals in Virginia. The amendments became effective on 1 AUG 14.

**GENERAL PERMIT FOR DISCHARGES OF STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY** VDEQ has **reissued** with amendments 9VAC25-151, *General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater Associated with Industrial Activity*. The amendments are based on USEPA's 2008 final Multi-Sector General

Permit (MSGP). The GP establishes permit conditions and monitoring requirements for point source discharges of stormwater associated with industrial activity to surface waters. Changes were also made to clarify and update permit requirements. A notice of the proposed GP was published in the [July 2013 Northern Review](#). The reissued GP became effective on 1 JUL 14.

**GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES** VDCR has [reissued](#) with amendments 9VAC25-880, *General Permit for Discharges of Stormwater from Construction Activities*. The GP authorizes discharges of stormwater from regulated construction activities to surface waters within the commonwealth and includes enhanced criteria for impaired and exceptional waters. The GP also establishes stormwater pollution prevention plan (SWPPP) requirements and special conditions for construction activities with stormwater discharges to surface waters. The GP amendments update and reorganize to provide clarity and consistency with other general VPDES permits, the VSMP Regulations (9VAC25-870), and USEPA's final 2012 construction GP. A notice of the proposed GP was published in the [April 2013 Northern Review](#). The reissued GP became effective on 1 JUL 14.



**Legislature convened 8 JAN 14 and adjourned sine die 8 MAR 14.**

## **FEDERAL ACTIVITY**

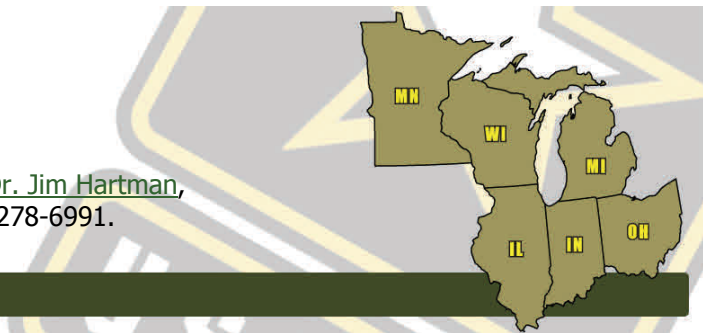
**AMENDMENTS TO MINOR NSR PROGRAM PERMITTING PROCESS** USEPA has issued a final rule approving a SIP revision submitted by the state of West Virginia ([79 FR 42211](#)). The revision expedites the processing of certain preconstruction permits issued under West Virginia's minor New Source Review (NSR) Program. Notably, the revision allows, in certain circumstances, construction prior to obtaining a permit, and allows equipment and materials to be delivered and stored onsite prior to permit issuance. The final rule becomes effective on 20 AUG 14.

## **FINAL RULES**

**AMENDMENTS TO AIR PSD PERMITTING REGULATIONS** WVDEP has [adopted](#) amendments to 45CSR14, *Permits for Construction and Major Modifications of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality*. The amendments establish a state construction permit program consistent with CAA's Title I program and implementing regulations at 40 CFR §54.166. A notice of the proposed amendment was published in the [July 2014 Northern Review](#). The amendments have been filed with the Legislative Rule-Making Review Committee for their review and approval.

# Region 5

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



## **FEDERAL ACTIVITY**

**APPROVAL OF MULTI-STATE INFRASTRUCTURE SIP REVISIONS FOR 2008 LEAD NAAQS REQUIREMENTS** USEPA has issued a final rule approving elements of SIP submissions from Michigan, Wisconsin, Illinois, and Minnesota regarding the infrastructure requirements of CAA section 110 for the 2008 lead NAAQS ([79 FR 41439](#)). The final rule also disapproves certain elements of the Illinois and Minnesota submissions. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's CAA responsibilities. Illinois and Minnesota already administer federally promulgated regulations that address the final disapprovals described in the final rule. Therefore, the two states are not obligated to submit new or additional regulations to USEPA. The final rule becomes effective on 15 AUG 14.



Legislature convened 29 JAN 14 and adjourned 31 MAY 14.

**FINAL LEGISLATION**

**SB 2770 ESTABLISHMENT OF "RESPONSIBLE OPERATORS IN CHARGE" REQUIREMENTS** SB 2770 (Public Act 98-0856) amends the Public Water Supply Operations Act by establishing requirements for "Responsible Operators in Charge" (ROC). The bill requires every community water supply in Illinois, with specified exemptions, to have on its operational staff, either: (1) one ROC who directly supervises both the treatment and distribution facilities of the community water supply; or (2) one ROC who directly supervises the treatment facilities of the community water supply and one ROC who directly supervises the distribution facilities of the community water supply. The bill defines ROC and establishes duties for the position. A notice of the bill's Senate passage was published in the [March 2014 Northern Review](#). The bill was signed by the governor on 4 AUG 14 and became effective upon signature.

**HB 4505 DEAD ANIMAL DISPOSAL ACT AMENDMENTS** HB 4505 (Public Act:98-0785) amends the Illinois Dead Animal Disposal Act. The bill: (1) defines "grease and oil collector" and "grease and oil processor"; (2) makes a grease and oil processor license a Class "H" license; (3) establishes application and renewal fees for a Class "H" license; (4) establishes transportation and recordkeeping requirements for used cooking grease and cooking oil; and (5) grants the Illinois Department of Agriculture the authority to regulate the collection and processing of used cooking grease and cooking oil. The bill was signed by the governor on 25 JUL 14 and becomes effective on 1 JAN 15.



Legislature convened 13 JAN 14 and adjourned sine die 14 MAR 14.

**FEDERAL ACTIVITY**

**SIP REVISION FOR PM2.5 NSR AND PSD PROGRAM REQUIREMENTS** USEPA has issued a final rule approving portions of a SIP revision submitted by the state of Indiana ([79 FR 37646](#)). The revision addresses NSR and prevention of significant deterioration (PSD) program requirements with respect to PM2.5 and ozone precursors. The final rule became effective on 1 AUG 14.

**SIP REVISIONS FOR SOLVENT DEGREASING OPERATIONS RULE** USEPA has issued a direct final rule approving SIP revisions submitted by the state of Indiana to revise the state solvent degreasing operation rule ([79 FR 43260](#)). The revision: (1) extends vapor pressure limitations (previously applying to four counties) state-wide; (2) adds exemptions; (3) streamlines the rule by repealing and consolidating certain provisions; and (4) revises the definition for "cold cleaner degreaser." Barring adverse comment the direct final rule becomes effective on 23 SEP 14.

**FINAL RULES**

**NAAQS FOR OZONE AND PM2.5** The Indiana Department of Environmental Management (IDEM) has [adopted](#) amendments to Indiana's ambient air quality standards at 326 IAC 1-3-4. The amendments concern the NAAQS for the 2008 8-hour ozone standard, and the 2012 annual PM2.5 standard. The amendments are a direct adoption of federal requirements. A notice of the draft rule was published in the [September 2013 Northern Review](#). The amendments became effective on 7 AUG 14.

**PROPOSED RULES**

**RESTRICTIVE COVENANT REVISIONS TO SOLID WASTE MANAGEMENT REGULATIONS** IDEM has [proposed](#) amendments to the solid waste management division regulations at 329 IAC 1. The amendments concern requests for restrictive covenant modifications and associated cost recovery measures for specified types of remediation projects, including releases from: (1) USTs; (2) petroleum from a petroleum facility; and (3) sites listed in CERCLIS. Also included are remediation projects involving hazardous substances or petroleum conducted under the state voluntary remediation program. Comments are due by 15 AUG 14.



## **OTHER REGULATORY ACTIVITY**

**DRAFT HAZARDOUS WASTE UPDATES** IDEM has **requested comment** on draft rule language for amendments to the state hazardous waste rules at 329 IAC 3.1. The draft amendments incorporate by reference federal changes and allow the state to maintain equivalency with federal requirements. Included in the draft amendments is language regarding required wording for labels on containers that hold solvent contaminated wipes. The suggested language is more stringent than the federal rule as it allows for more descriptive language for labeling containers. Comments are due by 22 AUG 14.



**Legislature convened 25 FEB 14 and adjourned sine die 19 MAY 14.**

## **OTHER REGULATORY ACTIVITY**

**DRAFT CROW WING RIVER WATERSHED TMDL STUDY** The Minnesota Pollution Control Agency (MPCA) has issued a **notice of availability** for the *Draft Crow Wing River Watershed TMDL Study*. The TMDL study addresses: (1) aquatic recreation use impairments due to eutrophication (phosphorus) in seven lakes; (2) aquatic recreation use impairments due to E. coli in 10 streams; and (3) aquatic life use impairments due to dissolved oxygen and/or biological indicators in three streams. Counties that fall within the watershed are: Becker, Cass, Clearwater, Crow Wing, Hubbard, Morrison, Otter Tail, Todd, and Wadena. The findings from the TMDL Study will be used to aid the selection of implementation activities as part of the Crow Wing River Watershed Restoration and Protection Strategy (WRAPS) process. Following the comments, MPCA will revise the draft TMDL study and submit it to USEPA for approval. The comment period closed on 12 AUG 14.



**Legislature convened 6 JAN 14 and adjourns 31 DEC 14.**

## **OTHER REGULATORY ACTIVITY**

**DRAFT SCIOTO RIVER (UPPER) WATERSHED TMDL REPORT** The Ohio Environmental Protection Agency (OEPA) has **released** the *Draft Scioto River (upper) Watershed TMDL Report*. The report addresses impairments in the upper Scioto River watershed that appear on the Ohio 2012 303(d) list. The impaired waters are located in Allen, Auglaize, Crawford, Delaware, Hardin, Logan, Marion, and Union counties. The comment period closed on 4 AUG 14.



**Legislature convened 14 JAN 14 and adjourns 4 JAN 15.**

## **FINAL RULES**

**NEW REGULATIONS PROTECTING BLANDING TURTLE** The Wisconsin Department of Natural Resources (WDNR) has **adopted** an emergency rule creating new regulations related to the addition of the Blanding's turtle to the state's protected wild animal list, possession exemptions, and turtle seasons and limits. The new regulations protect Blanding turtles from the threat of harvest and collection. The Blanding's turtle was delisted from the state threatened species list on 1 JAN 14 per administrative rule ER-27-11. Although the Blanding's turtle no longer meets the scientific criteria for listing, WDNR feels the population is vulnerable to harvest and collection and needs to be protected. The emergency rule became effective on 13 JUL 14 and will expire on 9 DEC 14.

**CONSISTENCY WITH FEDERAL REQUIREMENTS AND DEFINITIONS** WDNR has **adopted** revisions to air pollution control regulations. The **revisions** update Chapters NR 405 (*PSD*) and NR 408 (*Construction permits for direct major sources in nonattainment areas*) to maintain consistency with federal NSR requirements and definitions. The revisions also repeal

sections of Chapters NR 400 (*Definitions*) and NR 410 (*Air permit, emission and inspection fees*) that are now obsolete. The revisions became effective on 1 AUG 14.

# Department of Defense Activity

**GREEN INFRASTRUCTURE COLLABORATIVE** USEPA has announced a Green Infrastructure Collaborative with the support of six other government agencies, including DOD. A [letter](#) regarding support for the collaborative is available. DOD commitments include: (1) removing site building pads for all demolition projects that are not for replacement structures to further increase pervious surfaces; (2) updating the *Unified Facilities Criteria on Landscape Architecture* (3-201-02) to clarify guidance on green infrastructure; and (3) developing guidance on operation and maintenance of green infrastructure on military bases, and training and awareness on green infrastructure tools and implementation.

## Federal Activity

### AIR

**REQUEST FOR METHYL BROMIDE CRITICAL USE EXEMPTION APPLICATIONS FOR 2017** USEPA has provided notice of the process for submitting applications for critical use exemptions for 2017 ([79 FR 38887](#)). Critical use exemptions are exceptions to the phase-out of production and import of methyl bromide, a controlled class I ozone-depleting substance. They must be authorized by the *Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer* and in accordance with CAA. Applications are due by 30 SEP 14.

**EMISSION GUIDELINES, COMPLIANCE TIMES FOR MUNICIPAL SOLID WASTE LANDFILLS** USEPA has issued an advanced notice of proposed rulemaking that requests comment on methods to reduce emissions from existing municipal solid waste (MSW) landfills ([79 FR 41771](#)). MSW landfill emissions are commonly referred to as "landfill gas" or "LFG" and contain methane, carbon dioxide (CO<sub>2</sub>), and nonmethane organic compounds (NMOC). Some existing landfills are subject to control requirements in either the landfill new source performance standards (NSPS) or the federal or state plans implementing LFG guidelines. USEPA believes these guidelines merit review to determine potential for additional reductions in LFG emissions. Comments are due by 15 SEP 2014.

**UPDATE OF STANDARDS OF PERFORMANCE FOR MUNICIPAL SOLID WASTE LANDFILLS** USEPA has issued a proposed rule adding a new subpart, 40 CFR part 60, subpart XXX that updates the *Standards of Performance for Municipal Solid Waste Landfills* (MSWLs) ([79 FR 41795](#)). USEPA is required to review and, if appropriate, revise standards of performance at least every eight years. USEPA's review of the standards for MSWLs applies to landfills that commence construction, reconstruction, or modification after 17 JUL 14. The proposed standards reflect changes to the population of landfills and an analysis of the timing and methods for reducing emissions. The proposed standards also address other regulatory issues including the definition of landfill gas treatment systems. Comments are due by 15 SEP 14.

**NESHAP FOR OFF-SITE WASTE AND RECOVERY OPERATIONS** USEPA has issued a proposed rule to amend the national emission standards for hazardous air pollutants (NESHAP) for off-site waste and recovery operations ([79 FR 37849](#)). The proposed rule: (1) amends leak detection and repair requirements for certain tanks; (2) revises regulatory provisions pertaining to emissions during startup, shutdown, and malfunction; (3) adds electronic reporting requirements; (4) revises routine maintenance provisions; and (5) adds monitoring requirements. Comments are due 18 AUG 14.

### CLIMATE CHANGE

**GHG REPORTING PROGRAM: ADDITION OF GLOBAL WARMING POTENTIALS** USEPA has proposed a rule to add chemical-specific and default global warming potentials (GWPs) for a number of fluorinated greenhouse gases (GHGs) and

fluorinated heat transfer fluids to the general provisions of the GHG reporting rule ([79 FR 44332](#)). The proposed changes would increase the completeness and accuracy of the CO<sub>2</sub>-equivalent emissions calculated and reported by suppliers and emitters of fluorinated GHGs and fluorinated heat transfer fluids. In addition, USEPA has proposed conforming changes to the provisions for the Electronics Manufacturing and Fluorinated Gas Production source categories. Comments are due 2 SEP 14.

## **ENERGY**

**WIND ENERGY BAT, EAGLE IMPACT MINIMIZATION TECHNOLOGIES** The Department of Energy (DOE) has requested comment regarding a [potential funding opportunity](#) to advance the readiness of technologies intended to reduce mortality of bats, eagles, or other wildlife at operational wind turbines or wind facilities. ([79 FR 36793](#)). In particular, DOE has requested input on the: (1) current state of wildlife impact minimization technologies; (2) conditions under which technology vendors or developers would consider participating in a demonstration and validation campaign; and (3) conditions under which wind farm owner/operators would consider participating in a campaign to demonstrate, field-test, and validate such technologies. The comment period for the Request for Information (RFI) closed on 25 JUL 14, but the full application submission deadline for the funding has not been determined yet.

## **NATURAL RESOURCES**

**THREATENED AND ENDANGERED STATUS FOR DPS OF SCALLOPED HAMMERHEAD SHARKS** The National Oceanic and Atmospheric Administration (NOAA) has issued a final rule listing the Central and Southwest Atlantic Distinct Population Segment (DPS) and the Indo-West Pacific DPS of scalloped hammerhead shark as threatened species under the Endangered Species Act (ESA) ([79 FR 38213](#)). The final rule also lists the Eastern Atlantic DPS and Eastern Pacific DPS of scalloped hammerhead sharks as endangered species under ESA. NOAA intends to consider critical habitat for the Central and Southwest Atlantic, Indo-West Pacific, and Eastern Pacific DPSs in a separate rulemaking. The final rule becomes effective on 2 SEP 14. **NOTE:** *This rule has potential impact to Army Installations or the DOD lands residing in areas adjacent to warm temperate and tropical seas in the Atlantic, Pacific, and Indian Oceans between 46°N and 36°S.*

**CRITICAL HABITAT FOR NORTHWEST ATLANTIC OCEAN DPS OF LOGGERHEAD SEA TURTLE** The Fish and Wildlife Service (FWS) has issued a final rule designating specific areas in the terrestrial environment of the U.S. Atlantic and Gulf of Mexico coasts as critical habitat for the Northwest Atlantic Ocean DPS of the loggerhead sea turtle under ESA ([79 FR 39755](#)). In total, approximately 685 miles fall within the boundaries of the critical habitat designation. The final rule became effective on 11 AUG 14.

**ENDANGERED AND THREATENED WILDLIFE** NMFS has issued a final rule amending the List of Endangered and Threatened Wildlife (50 CFR Part 17) by adding several marine taxa, removing one species, and revising multiple species' entries ([79 FR 42687](#)). The amendments are based on previously published determinations and include: listing 16 additional species, delisting one species, critical habitat for three species, updating 42 species' entries for easier identification and to obtain current descriptions, and correcting 53 species' entries. The final rule became effective on 23 JUL 14.

**INTERPRETATION OF ESA "SIGNIFICANT PORTION OF ITS RANGE"** USFWS and the National Marine Fisheries Service (NMFS) have announced a policy that provides interpretation of the phrase "significant portion of its range" (SPR) in ESA definitions of "endangered species" and "threatened species" ([79 FR 37577](#)). The policy states: (1) if a species is found to be endangered or threatened throughout a SPR, the entire species is listed as endangered or threatened, respectively, and ESA protections apply to all individuals of the species wherever found; (2) a portion of the range of a species is "significant" if the species is not currently endangered or threatened throughout all of its range, but the portion's contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range; (3) the range of a species is considered to be the general geographical area within which that species can be found at the time USFWS or NMFS makes any particular status determination; and (4) if a vertebrate species is endangered or threatened throughout an SPR, and the population in that significant portion is a valid DPS, USFWS and NMFS will list the DPS rather than the entire taxonomic species or subspecies. The policy became effective on 31 JUL 14.

**VOLUNTARY PRE-LISTING CONSERVATION ACTIONS** USFWS has announced a draft policy on crediting voluntary conservation actions taken for species prior to their listing under ESA ([79 FR 42525](#)). The proposed policy seeks to

give landowners, government agencies, and others incentives to carry out voluntary conservation actions for non-listed species. The policy would allow the benefits to the species from a voluntary conservation action undertaken prior to ESA listing to be used either: (1) by the person who undertook such action or by a third party; or (2) to mitigate or to serve as a compensatory measure for the detrimental effects of another action undertaken after listing. Comments are due by 22 SEP 14.

## **HAZARDOUS MATERIALS**

**SAFE TRANSPORTATION OF BULK EXPLOSIVES** The Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued a proposed rule to amend the hazardous materials regulations by establishing standards for safe transportation of bulk explosives ([79 FR 41185](#)). The proposed rule requirements mirror most provisions contained in nine widely used special permits with established safety records. The requirements authorize transportation of certain explosives, ammonium nitrates, ammonium nitrate emulsions, and other specific hazardous materials in bulk packaging, which are not otherwise authorized under the regulations. Comments are due by 15 SEP 14.

**HAZMAT TRANSPORT: RADIOACTIVE MATERIALS** PHMSA, in coordination with the Nuclear Regulatory Commission (NRC), has issued a final rule amending regulations for the transport of Class 7 (radioactive) materials ([79 FR 40598](#)). The amendments align definitions with those found in the International Atomic Energy Agency (IAEA) publication [TS-R-1](#). PHMSA has also included more detailed language describing information required to be included as part of the Type A package documentation. The final rule becomes effective on 1 OCT 14.

## **TOXICS**

**SIGNIFICANT NEW USE RULES ON CERTAIN CHEMICAL SUBSTANCES** USEPA has issued a direct final rule promulgating significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 43 chemical substances that were the subject of premanufacture notices ([79 FR 39267](#)). Six of these chemical substances are subject to TSCA section 5 (e) consent orders issued by USEPA. The direct final rule requires persons who intend to manufacture (including import) or process any of the 43 chemical substances for an activity designated as a significant new use by this rule to notify USEPA at least 90 days before commencing that activity. Required notification will provide USEPA an opportunity to evaluate intended use and, if necessary, prohibit or limit that activity before it occurs. Barring adverse comment the direct final rule becomes effective 8 SEP 14.

# 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.

## **CONFERENCES**

**23 SEP, WASHINGTON, DC: [ENERGY 2030](#)** The summit will foster a discussion on what the federal government can do to help spur energy productivity at the state and local level. Featuring keynote addresses from congressional members and timely discussions from leaders in energy efficiency, the summit will showcase work being done at the state, local, and federal levels, and highlight the support that has been generated across the nation for the Energy 2030 goal of doubling energy productivity in the US by 2030.

**7-9 OCT, PHILADELPHIA, PA: [NATIONAL CONFERENCE ON SUSTAINABILITY, BROWNFIELDS AND PROPERTY TRANSACTIONS](#)** This conference will provide an opportunity to stay up-to-date on brownfields redevelopment, sustainability and property transactions that minimize environmental risk. The conference will attract professionals in brownfields redevelopment and sustainability, including local government professionals, private sector developers, finance experts, and environmental consultants. Attendees will be able to hear from and talk with brownfields team leaders and federal agency officials.

## **TRAINING—ONLINE**

**(NEW) 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. 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 DRMO, 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 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** 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 Federal Energy Management Program 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 will 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 US Army Environmental Command (USAEC) website.

**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** 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** USACE announces its FY15 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.

**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 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**