



# Northern Review

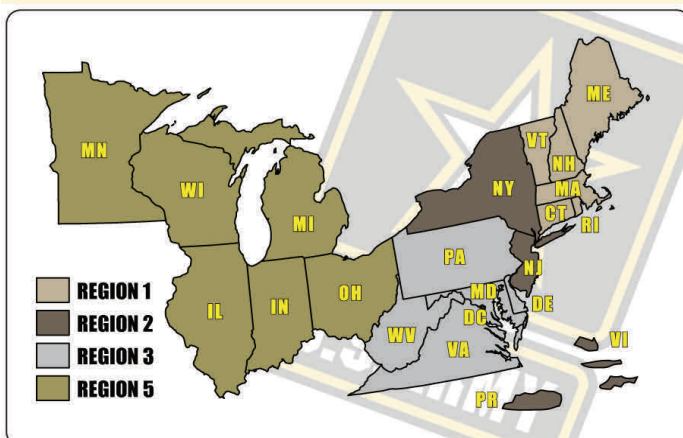
## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

June 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 Pawcatuck River Watershed TMDL. In MA approval of a SIP revision limiting emissions of VOCs and NO<sub>x</sub>. In NH, proposed amendment to pesticide regulations. In RI, legislation concerning USTs and updates to Statewide Bacteria TMDL.

### Region 2

In NJ, proposed legislations regarding training for pesticide applicators and certification of prescribed burn managers. In NY, bills concerning exposure to toxic substances, GHG emissions and reporting requirements, electronic transmittal of records, and state use of pesticides.

### Region 3

In DE, a new state energy conservation code regulation. In DC, emergency rule regarding soil erosion, sediment control, and stormwater management infractions. In MD, new laws establishing a Coast Smart Council, adjusting oil transfer fees and requirements, and increasing certain pesticide registration fees; new sewage management regulations and finalized amendments to metal parts and products coating rules, and water pollution permit regulations. In PA, proposed amendments to land recycling program administrative rules. In VA, proposed SIP revisions regarding NSR and the definition of non-road engines. In WV, new rules governing stormwater utilities.

### Region 5

In IL, finalized amendments to primary drinking water standards add flexibility to water testing. In IN, final amendments to on-site sewage systems regulations. In MI, proposed bills amending regulations for refined petroleum fund, hazardous waste fees, and transgenic / nonnative organisms. In MN, new laws for regulating the routing process for high-voltage transmission lines and regulating hazardous and toxic substances. In OH, final amendments to permit-to-install and radiation-generating equipment rules. In WI, new law amending rulemaking procedures.

### DOD Activity

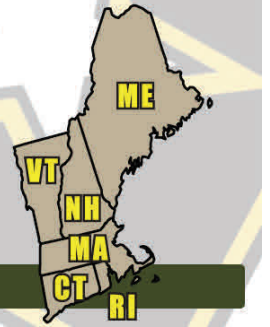
New Army Directives for mineral leasing and water rights.

### Federal Activity

Multiple agencies and organizations provide climate change resources; and USFWS and NMFS proposed amendments to critical habitat regulations.

# 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.



## Connecticut

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

### PROPOSED RULES

**PAWCATUCK RIVER WATERSHED TMDL FOR BACTERIA-IMPAIRED WATERS** The Connecticut Department of Energy and Environmental Protection (CDEEP) has [proposed](#) a Pawcatuck River Watershed Total Maximum Daily Load (TMDL) for Bacteria-Impaired Waters. The proposed TMDL listing includes 10 impaired water body segments and will be posted as an additional appendix to the previously approved Statewide TMDL for Bacteria-Impaired Waters. CDEEP has also proposed an update to the Statewide TMDL Core Document for Bacteria-Impaired Waters. The update creates a new section dealing with graphs and estuarine and marine fecal coliform loads that were inadvertently left out of the original document. The comment period closed on 9 JUN 14.



## Maine

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

### OTHER REGULATORY ACTIVITY

**DRAFT GENERAL PERMIT FOR ANTIFOULING PAINT-CONTAMINATED VESSEL WASH WATER** The Maine Department of Environmental Protection (MDEP) has [announced](#) that it intends to renew a [General Permit](#) (GP) Waste Discharge License for the discharge of antifouling paint-contaminated wash water. The GP covers discharges of water resulting from washing vessels coated with antifouling paint to certain classes of water. Coverage under the GP is contingent upon MDEP acceptance of a Notice of Intent (NOI) form from each applicant. The GP will be issued for a five-year term. Comments are due by 13 JUN 14.



## Massachusetts

Legislature convened 8 JAN 14 and adjourns 7 JAN 15.

### FEDERAL ACTIVITY

**APPROVAL OF REGULATIONS LIMITING EMISSIONS OF VOLATILE ORGANIC COMPOUNDS AND NITROGEN OXIDES** USEPA has issued a final rule approving State Implementation Plan (SIP) revisions submitted by the commonwealth of Massachusetts ([79 FR 30737](#)). The revisions consist of updates and amendments to existing air pollution control requirements for stationary sources of volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>). The final rule will become effective on 30 JUN 14.



## New Hampshire

Legislature convened 8 JAN 14 and adjourns sine die 30 JUN 14.

### FEDERAL ACTIVITY

**DECOMMISSIONING OF STAGE II VAPOR RECOVERY SYSTEMS** USEPA has issued a final rule approving a SIP revision submitted by the state of New Hampshire (**79 FR 30735**). The revision requires: (1) the decommissioning of Stage II vapor recovery systems at gasoline dispensing facilities by 22 DEC 15; and (2) a demonstration that the removal is consistent with the Clean Air Act (CAA) and USEPA guidance. The final rule also approves New Hampshire's revised vapor recovery regulation. The final rule will become effective on 30 JUN 14.

### PROPOSED RULES

**AMENDMENTS TO PESTICIDE REGULATIONS** The New Hampshire Pesticide Control Board has **proposed** a rule to readopt, with amendments, various sections of the pesticide regulations (Chapter Pes 700, 800, and 900). The rulemaking affects the requirements for the sale and limited use, disposal and storage, and record keeping and reporting of pesticides. The proposed rule replaces interim rules that are set to expire on 16 JUN 14.



## Rhode Island

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

### PROPOSED LEGISLATION

**HB 8150 AMENDMENTS TO UST REGULATIONS** HB 8150 provides that all underground storage tanks (USTs) and associated piping installed prior to 8 MAY 88 are permitted to remain in use until 22 DEC 20. The bill also states that five members of the UST Review Board constitutes a quorum. The bill was referred to the Environment and Natural Resources Committee.

**HB 8172 AMENDMENTS TO NATIONAL SECURITY INFRASTRUCTURE SUPPORT FUND** HB 8172 amends the National Security Infrastructure Support Fund regulations (Chapters 30-32) to create two distinct grant programs. The grant programs are the Military Facility Protection Program (MFPP) and the Defense Economy Community Reinvestment Program (DECRP). The MFPP will address emergent needs relating to mission sustainment, encroachment reduction or prevention, and base retention. The DECRP will assist defense-dependent municipalities to develop and implement alternative economic diversification strategies that repurpose surplus defense facilities and properties. The bill also establishes a National Security Infrastructure Support Fund Advisory Commission. The bill was referred to the Finance Committee.

### OTHER REGULATORY ACTIVITY

**UPDATES TO STATEWIDE TMDL FOR BACTERIA-IMPAIRED WATERS** The Rhode Island Department of Environmental Management (RIDEM) has **invited comment** on updates to the Rhode Island Statewide Bacteria TMDL, which consists of a core TMDL document and water body summaries. RIDEM has updated the TMDL to address bacteria impairments for six additional waters. Comments are due by 20 JUN 14.



## Vermont

Legislature convened 7 JAN 14 and adjourned sine die 9 MAY 14.

### PROPOSED RULES

**WASTEWATER TREATMENT FACILITY OPERATOR CERTIFICATION RULE** The Vermont Department of Environmental Conservation (VDEC) has **proposed** amendments to the Wastewater Treatment Facility Operator Certification (WTFOC) Rule. The WTFOC Rule provides minimum standards of experience and knowledge required of qualified personnel

employed to operate and maintain permitted facilities authorized to discharge to waters of the state. The [proposed amendments](#) update and clarify the rule, which was adopted in 1985. A public hearing is scheduled for 24 JUN 14 and comments are due by 1 JUL 14.

## 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.



### FEDERAL ACTIVITY

**RESCISSION OF ATTAINMENT OF 1997 8-HOUR OZONE NAAQS FOR NY-NJ-CT NONATTAINMENT AREA** USEPA has issued a proposed rule to rescind a [previously issued](#) determination of attainment for the 1997 8-hour ozone standard for the New York-New Jersey-Long Island, (NY-NJ-CT) ozone nonattainment area ([79 FR 27830](#)). The proposed rescission is based on recent data that shows the area has subsequently violated the 1997 8-hour ozone national ambient air quality standard (NAAQS). In addition, USEPA has proposed to call for SIP revisions from the states of New York, New Jersey and Connecticut. If finalized, the SIP call would require each state, within 18 months, to submit a revised attainment SIP for the 1997 8-hour ozone NAAQS for its portion of the NY-NJ-CT moderate nonattainment area. A notice of the original determination was published in the [July 2012 Northern Review](#). Comments are due by 16 JUN 14.



Legislature convened 14 JAN 14 and adjourns 12 JAN 16.

### PROPOSED LEGISLATION

**AB 3355 REQUIRED BEE TRAINING FOR PESTICIDE APPLICATORS** AB 3355 requires the commissioner of the New Jersey Department of Environmental Protection (NJDEP) to establish a basic training course for pesticide applicators and operators concerning the use of pesticides with respect to pollinating bees. Pollinating bees are important to New Jersey's working farms and the training is meant to avoid, reduce, or eliminate the impact pesticides have on pollinating bee populations. The bill was referred to the Environment and Solid Waste Committee.

**SB 2112 (AB 1275) CERTIFICATION PROGRAM FOR PRESCRIBED BURN MANAGERS** SB 2112 directs the NJDEP to develop and administer a program for the certification of prescribed burn managers. The program will allow landowners and lessees to conduct prescribed burns of forested and other undeveloped lands. The bill also establishes the procedures for conducting prescribed burns. SB 2112 authorizes NJDEP's Bureau of Forest Fire Management, under certain conditions, to conduct prescribed burns on any area of land within the state that is determined by the state fire warden or designee to be in reasonable danger of wildfire. The bill was referred to the Environment and Energy Committee.

**SR 73 OPPOSITION TO USACE SAND MINING PROJECT AT MANASQUAN RIDGE** Senate Resolution (SR) 73 opposes the U.S. Army Corps of Engineers' (USACE) sand mining project at the Manasquan Ridge near the Axel Carson Artificial Reef, New Jersey. USACE plans to conduct a storm damage reduction project off the coast of Ocean County, New Jersey. A portion of the plan calls for the USACE to conduct sand mining operations at the Manasquan Ridge near the Axel Carson Artificial Reef. NJDEP has identified both of these areas as "Prime Fishing Areas" and feels they will be negatively impacted by the operations. The resolution passed favorably out of the Environment and Energy Committee.



Legislature convened 8 JAN 14 and adjourns 7 JAN 15.

## **FEDERAL ACTIVITY**

**INFRASTRUCTURE SIP FOR 2010 NO<sub>2</sub> NAAQS** USEPA has issued a proposed rule to approve certain elements of a SIP revision submitted by the state of New York addressing the infrastructure requirements for the 2010 nitrogen dioxide (NO<sub>2</sub>) NAAQS ([79 FR 25066](#)). The revision addresses CAA sections 110(a)(1) and (2) requirements that provide basic program elements necessary to implement, maintain, and enforce the 2010 NO<sub>2</sub> NAAQS. The comment period closed on 2 JUN 14.

## **PROPOSED LEGISLATION**

**[AB 2397](#) [LIMITING EXPOSURE TO TOXIC SUBSTANCES AT CHILD DAY CARE CENTERS](#)** AB 2397 amends social services law and the environmental conservation law, in relation to integrated pest management procedures. The bill requires the adoption of integrated pest management techniques, environmental health and safety measures, and methods for limiting exposure to toxic substances at child day care and Head Start day care centers. The bill has passed favorably out of the Children and Families Committee.

**[AB 6327](#) [\(SB 7457\) GHG EMISSIONS AND REPORTING REQUIREMENTS](#)** AB 6327 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 limits on greenhouse gas (GHG) emissions and a GHG reporting system. The bill passed the Assembly and was referred to the Senate Environmental Conservation Committee. **NOTE:** *The DoD REC for Region 2 submitted comments regarding the potential impacts on military activities.*

**[AB 9813](#) [\(SB 6847\) TRANSMITTAL OF CERTAIN RECORDS BY ELECTRONIC MEANS](#)** AB 9813 authorizes state agencies to publish and transmit certain rulemaking notices by electronic means. The bill allows state agencies to submit notices to the state register by electronic means and authorizes the Legislative Administrative Regulations Review Commission to accept data transmitted by electronic means. The bill was referred to the Governmental Operations Committee.

**[AB 9890](#) [\(SB 191\) STATE PHASE OUT OF PESTICIDE USE](#)** AB 9890 amends the environmental conservation law in relation to the state phase-out of pesticide use. The bill implements a policy that will discontinue the use of pesticides by the state and adopt a pest control policy that substantially relies on non-chemical pest control policies. The bill was referred to Environmental Conservation Committee.

**[SB 7460](#) [\(AB 9814\) ESTABLISHMENT OF FUEL CELL INCENTIVE PROGRAM](#)** SB 7460 establishes a fuel cell incentive program to be managed by the New York State Energy Research and Development Authority (NYSERDA). The program's goal is to encourage the development of fuel cell generating systems. The bill was referred to the Energy and Telecommunications Committee.

**[SB 7632](#) [ALLOWANCES FOR NYSDEC TO CONDUCT ENVIRONMENTAL RESTORATION PROJECTS FOR MUNICIPALITIES](#)** SB 7632 amends multiple state laws in relation to environmental restoration projects. The bill allows NYSDEC, upon request, to undertake an environmental restoration project on behalf of a municipality request. The bill provides that the state and the municipality must enter into an agreement with certain terms and conditions. The bill was referred to the Environmental Conservation Committee.

## **PROPOSED RULES**

**REPEAL OF NO<sub>x</sub> CAP AND TRADE PROGRAM REGULATIONS** NYSDEC has [proposed](#) a rule to repeal multiple state regulations used to establish and implement the cap-and-trade programs set up to reduce NO<sub>x</sub> and emissions from major stationary sources (Subpart 227-3, Parts 237 and 238). These regulations have become obsolete and have been superseded by other state and federal regulations. The proposed rule also amends the general provisions regulations (Part 200) to remove all references to the repealed sections. A public hearing is scheduled for 27 JUN 14 and comments are due by 9 JUL 14.

**AMENDMENT TO "NONATTAINMENT AREA" DEFINITION** NYSDEC has proposed a rule to amend the state general provisions' definition of "nonattainment area" (6 NYCRR section 200.1). USEPA has finalized the redesignation of the New York portion of the New York-New Jersey-Long Island, NY-NJ-CT area from nonattainment to attainment for particulate matter of less than 2.5 micrometers (PM2.5). The proposed rule removes multiple counties from the list of areas indentified under the definition of "nonattainment area" for the PM2.5. NAAQS. The proposed rule keeps the state designation status for NAAQS up to date with the federal status. A public hearing is scheduled for 27 JUN 14 and comments are due by 9 JUL 14.



Legislature convened 14 JAN 13 and adjourns 31 DEC 16.

### PROPOSED LEGISLATION

**PC 1934 AUTHORITY FOR GRANTING SEPTIC TANK COMPLIANCE CERTIFICATIONS** PC 1934 amends the Permit Process Reform Act. The bill allows compliance certifications for septic tanks to be granted by the permit managers, the director of the Environmental Compliance Evaluation Division, or authorized professionals. PC 1394 is under consideration in the House Finance and Budget Committee.



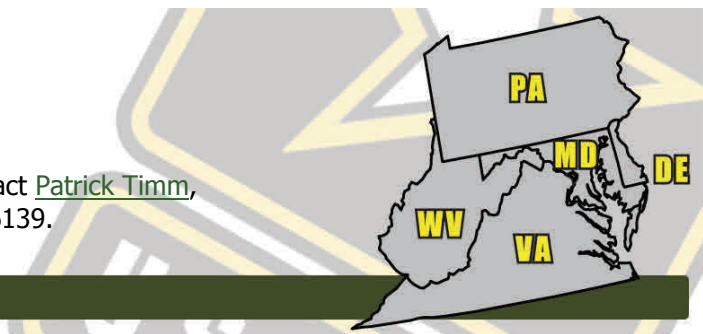
Legislature convened 14 JAN 13 and adjourns sine die NOV / DEC 14.

### PROPOSED LEGISLATION

**AMEND 969 AMENDMENTS TO RENEWABLE ENERGY REGULATIONS** AMEND 969 amends Bill Number 30-0347 regarding renewable energy. The amendments add two sections with revised definitions, and requirements for net metering and power purchase agreements. The amendment was adopted by the energy and environmental protection committee and inserted into Bill Number 30-0347.

## Region 3

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



### OTHER REGULATORY ACTIVITY

**2011 BASE YEAR EMISSIONS INVENTORY FOR WASHINGTON DC-MD-VA 2008 OZONE NAAQS NONATTAINMENT AREA** The state of Maryland, commonwealth of Virginia, District of Columbia (DC), and Metropolitan Washington Council of Governments have prepared the draft 2011 Base Year Emissions Inventory (Washington DC-MD-VA 2008 Ozone NAAQS Nonattainment Area). The document contains a detailed explanation of the 2011 base year emissions inventory for stationary, area, non-road, and mobile anthropogenic sources as well as biogenic sources in the Washington, DC-MD-VA 2008 ozone NAAQS nonattainment area. The inventory will be included as part of the region's SIP to meet the above NAAQS.



Legislature convened 14 JAN 14 and adjourns 30 JUN 14.

### **FEDERAL ACTIVITY**

**SIP REVISION FOR FIVE-YEAR HAZE PROGRESS REPORT** USEPA has issued a final rule approving a SIP revision submitted by the state of Delaware ([79 FR 25506](#)). The 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 SIP revision addresses requirements for the first regional haze implementation period. A notice of the proposed approval was published in the [March 2014 Northern Review](#). The final rule became effective on 4 JUN 14.

### **FINAL RULES**

**STATE ENERGY CONSERVATION CODE REGULATION** The Delaware Department of Natural Resources and Environmental Control (DDNREC) has [adopted](#) a new regulation related to the state energy conservation code regulations (7 DE Admin. Code 103). Delaware's Energy Conservation Code Act requires DDNREC to adopt the most recent and/or highest available version of the International Energy Conservation Code (IECC), and the latest American Society of Heating, Refrigerating and Air-Conditioning Engineers / Illuminating Engineering Society of North America (ASHRAE/IESNA) energy standards. The new regulation enables DDNREC to: (1) formally adopt the 2012 IECC and 2010 ASHRAE standards with amendments; and (2) set forth procedures for compliance certification and standards to be utilized by respective local governments. The adoption became effective on 11 MAY 14.

### **PROPOSED RULES**

**2011 BASE YEAR SIP EMISSION INVENTORY UNDER THE 2008 OZONE NAAQS** DDNREC has [proposed](#) a SIP revision, *Delaware 2011 Base Year SIP Emission Inventory under the 2008 NAAQS*. The state is federally required to submit, by July 2014, a SIP revision that compiles state 2011 emissions of VOC, NO<sub>x</sub>, and carbon monoxide (CO) from five source sectors. The sectors are stationary point sources, stationary non-point sources, on-road mobile sources, non-road mobile sources, and natural sources. A public hearing is scheduled for 26 JUN 14 and comments are due by 6 JUL 14.



Legislature convened 2 JAN 14 and adjourns 31 DEC 14.

### **FINAL RULES**

**SOIL EROSION, SEDIMENT CONTROL, AND STORMWATER MANAGEMENT INFRACTIONS** The DC Department of the Environment (DDOE) has [adopted](#) an emergency rule amending the soil Erosion and Sediment Control and Stormwater Management Infractions regulations (16 DCMR §§ 3200-3201). The emergency rule ensures the protection of DC waters by seeking compliance with DDOE's new stormwater management, soil erosion, and sediment control permitting regulations at sites currently undergoing construction. The emergency rule supersedes the prior emergency rulemaking and was adopted on 8 MAY 14, and it will expire on 5 SEP 14.



Legislature convened 8 JAN 14 and adjourned sine die 7 APR 14.

### **FEDERAL ACTIVITY**

**INFRASTRUCTURE SIP FOR 2008 8-HOUR OZONE NAAQS** USEPA has issued a proposed rule to approve a SIP revision submitted by the state of Maryland addressing the infrastructure requirements for the 2008 8-hour ozone NAAQS ([79 FR 25054](#)). The revision addresses CAA sections 110(a)(1) and (2) requirements that provide basic

program elements necessary to implement, maintain, and enforce the 2008 8-hour ozone NAAQS. The comment period closed on 2 JUN 14.

**INFRASTRUCTURE SIP FOR 2008 LEAD NAAQS** USEPA has issued a proposed rule to approve two SIP revisions submitted by the state of Maryland addressing the infrastructure requirements for the 2008 Lead NAAQS ([79 FR 25059](#)). The revisions addresses CAA sections 110(a)(1) and (2) requirements that provide basic program elements necessary to implement, maintain, and enforce the 2008 Lead NAAQS. The comment period closed on 2 JUN 14.

## **FINAL LEGISLATION**

**SB 615 ESTABLISHMENT OF THE COAST SMART COUNCIL** SB 615 (Public Act 415) establishes a Coast Smart Council in the Maryland Department of Natural Resources (MDNR). Among other things, the council must develop "Coast Smart" siting and design criteria, by 30 JUN 15, to address sea level rise and coastal flood impacts on capital projects. Beginning 1 JUL 15, if a state capital project includes the construction of a structure or the reconstruction of a structure with substantial damage, the structure must be constructed or reconstructed in compliance with Coast Smart siting and design criteria. The bill was signed by the governor on 5 MAY 14 and became effective on 1 JUN 15.

**SB 678 ADJUSTMENTS TO OIL TRANSFER FEES AND REQUIREMENTS** SB 678 (Public Act 325) increases the fee assessed on oil transferred into the state and adjusts the amount of that fee that is credited to the Oil Contaminated Site Environmental Cleanup Fund. The bill also requires the Maryland Secretary of the Environment to convene a workgroup to review and assess long-term funding needs of the state's oil pollution programs. The workgroup must report their findings and recommendations to specified legislative committees by 31 DEC 16. The bill was signed by the governor on 5 MAY 14 and will become effective on 1 JUL 14.

**SB 700 (HB 621) INCREASE FOR CERTAIN PESTICIDE REGISTRATION FEES** SB 700 (Public Act 546) increases the annual registration fee for pesticides and the terminal registration fee for discontinued pesticides from \$100 to \$110. The bill requires that a certain amount of the pesticide registration fees be used only for activities of the Maryland Department of Agriculture relating to the collection, analysis, and reporting of data on pesticide use in the state. The bill, and its companion bill, were signed by the governor on 15 MAY 14 and will become effective on 1 JUL 14. A notice of the bill's Senate passage was published in the [March 2013 Northern Review](#).

## **FINAL RULES**

**AMENDMENTS TO METAL PARTS AND PRODUCTS COATING REGULATIONS** The Maryland Department of the Environment (MDE) has **adopted** amendments to Regulation .08 ([Metal Parts and Products Coating](#)) under COMAR 26.11.19, *VOCs from Specific Processes*. The amendments adopt the federal Control Techniques Guidelines (CTGs) requirements for metal parts and products. USEPA develops CTGs as guidance on control requirements for source categories. States can follow the CTGs or adopt more restrictive standards. The amendments include new standards for eight coating categories and requirements for application methods and work practices. The amendments became effective on 26 MAY 14. **NOTE:** *DoD Region 3 REC submitted recommended changes that were not included in the final rule. DOD continues to work with MDE to exempt certain MILSPEC coatings.*

**NEW SEWAGE SLUDGE MANAGEMENT REGULATIONS** MDE has **adopted** a rule that repeals existing regulations and adopts new regulations under COMAR 26.04.06, *Sewage Sludge Management*. The rule revises regulatory requirements for sewage sludge management and transfers septage requirements to MDE's Water Management Regulation under COMAR 26.04.02. A notice of the proposed rule was published in the [November 2013 Northern Review](#). The rule will become effective on 26 MAY 14.

**AMENDMENTS TO THE WATER POLLUTION PERMITS REGULATIONS** MDE has **proposed** amendments to the water pollution permit regulations regarding general discharge permits and fees (Regulations .09 and .09-1). The amendments update regulations to include additional related discharge categories of dewatering (such as aquifer testing, construction dewatering, and foundation drainage) and groundwater remediation. The amendments will protect the waters of the state, improve customer service, and increase efficiency. Comments are due by 16 JUN 14.





Legislature convened 7 JAN 14 and adjourns 30 NOV 14.

**FINAL RULES**

**FINAL NPDES GENERAL PERMIT FOR WET WEATHER OVERFLOW DISCHARGES FROM COMBINED SEWER SYSTEMS** The Pennsylvania Department of Environmental Protection (PADEP) has **announced** the availability of the final National Pollutant Discharge Elimination System (NPDES) General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (PAG-06). The final PAG-06 general permit provides NPDES permit coverage to satellite combined sewer systems with wet weather combined sewer overflow discharges to waters of the commonwealth. The final GP includes some changes in comparison to the draft PAG-06 that was proposed in November 2013. A notice of the draft PAG-06 was published in the **December 2013 Northern Review**. The final PAG-06 became effective on 1 JUN 14.

**PROPOSED RULES**

**AMENDMENTS TO LAND RECYCLING PROGRAM ADMINISTRATIVE REGULATIONS** The Pennsylvania Environmental Quality Board (PEQB) has **proposed** amendments to Chapter 250 related to the administration of the Land Recycling Program. The amendments update the statewide health standards based on current science, correct errors and omissions, and clarify how required remediator notification information should be provided to the Pennsylvania Department of Environmental Protection (PADEP). Comments are due by 14 JUN 14.

**PROPOSED REVISIONS TO INFRASTRUCTURE SIP FOR MULTIPLE NAAQS** PADEP has **proposed** SIP revisions to address USEPA Infrastructure SIP requirements for the: (1) 2008 8-Hour Ozone NAAQS; (2) 2010 1-Hour NO<sub>2</sub> NAAQS; (3) 2010 1-Hour sulfur dioxide (SO<sub>2</sub>) NAAQS; and (4) 2012 Annual PM<sub>2.5</sub> NAAQS. Additionally, PADEP has proposed a SIP revision addressing the State Air Board requirements of CAA section 128 for all NAAQS. PADEP is federally required to develop and submit to USEPA a plan that provides for the implementation, maintenance and enforcement of the NAAQS within a certain time period. The comment period closed on 6 JUN 14.

**OTHER REGULATORY ACTIVITY**

**2014-2015 ANNUAL AMBIENT AIR MONITORING NETWORK PLAN** PADEP **released** the *2014-2015 Annual Ambient Air Monitoring Network Plan*. PADEP is federally required to annually develop an air monitoring network plan. The plan, which is due to USEPA on 1 JUL 14, includes a statement of purpose for each monitor and evidence that siting and operation of each monitor meets federal requirements. The plan has been updated to address changes that have been made in the commonwealth's ambient air monitoring network and to identify changes that are anticipated to occur in the remainder of 2014 and in 2015. The comment period closed on 9 JUN 14.



Legislature convened 8 JAN 14 and adjourned 8 MAR 14.

**FEDERAL ACTIVITY**

**SIP REVISION FOR FIVE-YEAR HAZE PROGRESS REPORT** USEPA has issued a final rule approving a SIP revision submitted by the commonwealth of Virginia (**79 FR 25019**). The SIP revision addresses CAA and USEPA requirements for states to submit: (1) periodic reports describing progress being made toward regional haze RPGs; and (2) a determination of the adequacy of the state's existing regional haze SIP. The SIP revision addresses requirements for the first regional haze implementation period. A notice of the proposed approval was published in the **March 2014 Northern Review**. The final rule became effective on 2 JUN 14.

**PSD INFRASTRUCTURE REQUIREMENTS FOR 2008 OZONE AND 2010 NO<sub>2</sub> NAAQS** USEPA has issued a proposed rule to approve SIP revisions submitted by the commonwealth of Virginia (**79 FR 29142**). The commonwealth submitted two separate SIP revisions addressing CAA sections 110(a)(1) and (2) infrastructure requirements for the 2008 ozone and

2010 NO<sub>2</sub> NAAQS. The proposed rule approves the prevention of significant deterioration (PSD) portions of the CAA infrastructure requirements addressed by the revisions. Comments are due by 20 JUN 14.

## **PROPOSED RULES**

**SIP REVISION FOR NEW SOURCE REVIEW** The Virginia Department of Environmental Quality (VDEQ) has **invited comment** on a proposed commonwealth SIP revision. The proposed SIP revision modifies provisions in the PSD new source review (NSR) regulation relative to significant impact levels (SILs) and a significant monitoring concentration (SMC) for PM<sub>2.5</sub>. Comments are due by 16 JUN 14.

**SIP REVISION AMENDING THE "NON-ROAD ENGINE" DEFINITION** VDEQ has **invited comment** on a proposed commonwealth SIP revision. The proposed SIP revision amends the definition of "non-road engine" to be more consistent with the federal definition. Adopting the federal definition of "non-road engine," which groups portable engines and temporary engines together with other non-mobile engines, makes it unnecessary to issue minor NSR permits without meaningful additional emission control requirements for those engines. Amending the definition does not increase emissions or otherwise affect air quality. The comment period closed on 4 JUN 14.



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

## **FEDERAL ACTIVITY**

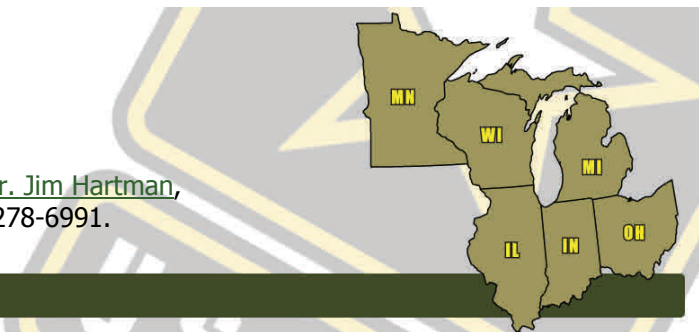
**INFRASTRUCTURE SIP FOR 2010 SO<sub>2</sub> NAAQS** USEPA has issued a proposed rule to approve portions of a SIP revision submitted by the state of West Virginia addressing the infrastructure requirements for the 2010 SO<sub>2</sub> NAAQS (**79 FR 27524**). The revision addresses CAA sections 110(a)(1) and (2) requirements that provide basic program elements necessary to implement, maintain, and enforce the 2010 SO<sub>2</sub> NAAQS. Comments are due by 13 JUN 14.

## **FINAL RULES**

**NEW RULES GOVERNING STORMWATER UTILITIES** The West Virginia Public Service Commission (WVPSC) has **adopted** rules governing stormwater utilities (150 C.S.R. 36) effective for all public service districts operating a stormwater utility. The new rules: (1) provide definitions; (2) require certain information to be provided to WVPSC and to customers; (3) set forth customer billing provisions, customer rights and moratorium provisions; (4) provide guidance for the utility facilities, service pipes and expansion of services; (5) provide safety requirements; and (6) provide rules for the creation or alteration of public service districts. A notice of the proposed rules was published in the **September 2013 Northern Review**. The rules will become effective on 5 JUL 13.

# 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**

**INFRASTRUCTURE SIP FOR 2008 LEAD NAAQS** USEPA has issued a proposed rule to: (1) approve elements of SIP revisions submitted by the states of Michigan and Wisconsin; and (2) approve some elements and disapprove other elements of SIP revisions submitted by the states of Illinois and Minnesota (**79 FR 27241**). The SIP revisions address CAA sections 110(a)(1) and (2) infrastructure requirements that provide basic program elements necessary to implement, maintain, and enforce the 2008 Lead NAAQS. Illinois and Minnesota already administer federally

promulgated regulations that address the proposed disapprovals described in the proposed rule; therefore, there is no practical effect on either of these states. The comment period closed on 12 JUN 14.



**Legislature convened 29 JAN 14 and adjourned 31 MAY 14.**

### **FEDERAL ACTIVITY**

**REVISION TO CHICAGO 8-HOUR OZONE MAINTENANCE PLAN** USEPA has issued a direct final rule approving a SIP revision submitted by the state of Illinois addressing the 1997 8-hour ozone maintenance plan for the Illinois portion of the Chicago-Gary-Lake County, IL-IN area ([79 FR 29324](#)). The SIP revision establishes new Motor Vehicle Emissions Budgets (MVEB) for VOC and NO<sub>x</sub> for the year 2025. USEPA has approved the allocation of a portion of the safety margin for VOC and NO<sub>x</sub> in the ozone maintenance plan to the 2025 MVEBs. Total year 2025 emissions of VOC and NO<sub>x</sub> for the area will remain below the attainment level required by the transportation conformity regulations. Barring adverse comment the direct final rule will become effective on 21 JUL 14.

### **FINAL RULES**

**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, related to the certification of laboratories analyzing drinking water samples. The amendments allow a drinking water supplier to use a laboratory certified or accredited by a sister state for source and drinking water chemical/physical analyses in order to demonstrate National Primary Drinking Water Regulations (NPDWRs) compliance. Prior to the amendments, state regulations required that the laboratories used must be certified and approved by either USEPA or Illinois. The amendments became effective on 21 APR 14.

**STANDARDS AND LIMITATIONS FOR CERTAIN SOURCES OF LEAD** IPCB has **adopted** a rule to meet the state's obligation to submit a SIP addressing federal requirements for sources of lead emissions causing exceedances of the lead NAAQS. The final rule requires nonferrous metal production facilities located in areas of Illinois designated nonattainment for the 2008 lead NAAQS to achieve the rule's numerical emission standards beginning 1 JAN 15. The rule also sets forth additional measures for reduction of fugitive emissions, testing, monitoring, recordkeeping, and reporting requirements for affected sources. The final rule became effective on 21 APR 14.



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

### **FINAL RULES**

**AMENDMENTS TO THE COMMERCIAL ON-SITE SEWAGE SYSTEMS REGULATIONS** The Indiana Department of Health (IDOH) has **adopted** amendments to the commercial on-site sewage systems regulations at 410 IAC 6-10.1-49, -61, -69, -72, -84, and -98. The amendments revise the: (1) requirement for ownership of a temporary sewage holding tank; (2) separation distance between an on-site sewage system and a lake or reservoir used as a public water supply; (3) requirement for the construction of septic tank baffles; (4) daily flow rating for septic tank outlet filters; (5) discharge rate for flood dosed systems; (6) volume of a dosing tank under certain conditions; and (7) requirement for removal of abandoned buried electric lines. The amendments will become effective on 17 MAY 14. IDOH has also **adopted** similar amendments to the residential on-site sewage system regulations that became effective on 9 MAY 14.



Legislature convened 8 JAN 14 and adjourns 31 DEC 14.

**PROPOSED LEGISLATION**

**SB 791 AMENDMENTS TO REFINED PETROLEUM FUND REGULATIONS** SB 791 amends Part 215 of the Natural Resources and Environmental Protection Act (NREPA), *Refined Petroleum Fund*. The bill revises the state's program for funding corrective actions to address releases from refined petroleum UST systems. The bill also creates the UST Authority and the UST Cleanup Fund. The UST Authority is designated as the administrator of the fund. The bill passed the Senate and was referred to the House Natural Resources Committee.

**SB 795 AMENDMENTS TO TRANSGENIC AND NONNATIVE ORGANISM REGULATIONS** SB795 amends NREPA Part 413, *Transgenic and Nonnative Organism*, to state that a vehicle, equipment, or other property used in a criminal violation of Part 413, or a permit issued under it, involving a prohibited aquatic species would be subject to seizure and forfeiture. Subject to specific exceptions, Part 413 prohibits a person from knowingly possessing or introducing a live organism that is a prohibited species. The definition of "prohibited species" includes certain aquatic plant, bird, crustacean, fish, insect, mammal, and mollusk species. The bill passed the Senate and was referred to the House Natural Resources Committee.

**SB 960 ELIMINATION OF SUNSET PROVISIONS FOR CERTAIN HAZARDOUS WASTE FEES** SB 960 amends NREPA Part 111 to eliminate sunset provisions for certain hazardous waste fees charged by the Michigan Department of Environmental Quality (MDEQ). These fees are scheduled to sunset on 1 OCT 14. The bill does not change any of the fee amounts. The fiscal year (FY) 2014-15 MDEQ budgets are predicated on the extension of the fees. The bill passed the Senate and was referred to the House Appropriations Committee.

**OTHER REGULATORY ACTIVITY**

**ANNUAL AMBIENT AIR QUALITY MONITORING NETWORK REVIEW** MDEQ has **invited comment** on the *Annual Ambient Air Quality Monitoring Network Review*. MDEQ uses the Network Review to plan ambient air quality monitoring activities. The report examines Michigan's ambient air monitoring network in operation during 2013-2014 and recommends changes based on monitor history, population distribution, and modifications to CAA monitoring requirements. Comments are due by 18 JUN 14.



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

**FINAL LEGISLATION**

**HF 655 (SF 455) REGULATING ROUTING PROCESS FOR HIGH-VOLTAGE TRANSMISSION LINES** HF 655 (Public Act 221) amends the electric power facility permitting regulations to prohibit the designation of a preferred route in the permitting process. Applicants seeking to construct a large electric power generating plant or a high-voltage transmission line must apply for a site or route permit. The application requires that at least two routes be proposed. The bill requires that neither of the two proposed routes be designated as a preferred route and that all proposed routes must be numbered and designated as alternatives. The bill was signed by the governor on 9 MAY 14 and became effective on 10 MAY 14. A notice of the bill's House committee passage was published in the **March 2013 Northern Review**.

**HF 2733 (SF 2191) OMNIBUS ENVIRONMENT AND NATURAL POLICY BILL** HF 2733 (Public Act 289) is an omnibus environment and natural policy bill. The bill includes regulatory amendments that modify the: (1) landfill cleanup program; (2) provisions related to environmental impact statements; (3) invasive species provisions; and (4) water law. The bill was signed by the governor on 21 MAY 14 and has various effective dates.

**SF 2192 (HF 2542) AMENDMENTS TO HAZARDOUS AND TOXIC SUBSTANCES REGULATIONS** SF 2192 (Public Act 277) amends multiple state regulations to: (1) prohibit and regulate certain lead and mercury products; (2) modify the ban

on formaldehyde in children's products; and (3) prohibit certain cleaning products containing triclosan. The bill was signed by the governor on 16 MAY 14 and has various effective dates.



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

## **FINAL RULES**

**PERMITS-TO-INSTALL NEW SOURCES AND PERMIT-TO-INSTALL AND OPERATE PROGRAM** The Ohio Environmental Protection Agency (OEPA) has **adopted** amendments to OAC Chapter 3745-31, *Permits-to-Install New Sources and Permit-to-Install and Operate Program*. The amendments incorporate USEPA requirements for: (1) implementation of the NSR program for PM<sub>2.5</sub>; and (2) establishing increments, significant impact levels, and a significant monitoring concentration for fine particulate pollution. A notice of the proposed amendments was published in the **February 2014 Northern Review**. The amendments became effective on 29 MAY 14.

**AMENDMENTS TO RADIATION-GENERATING EQUIPMENT RULES** The Ohio Department of Health (ODOH) has adopted amendments to O.A.C. 3701:1-66, *Radiation-Generating Equipment Rules*. The amendments modify: (1) **3701:1-66-01** by adding definitions for "c-arm fluoroscope," "cumulative air kerma," and "hybrid imaging system"; (2) **3701:1-66-02** by modifying wording for clarity; (3) **3701:1-66-05** by clarifying language, and addressing veterinary hand-held radiation-generating equipment; (4) **3701:1-66-07** by adding an allowance for individuals designated by a radiation expert to perform testing following repair or replacement; and (5) **3701:1-66-10** by adding language concerning conebeam CT units, micro-CT units and hybrid imaging systems. The amendments will become effective on 1 JUL 14.

## **OTHER REGULATORY ACTIVITY**

**DRAFT SIP FOR 2008 OZONE NAAQS EMISSIONS INVENTORY AND EMISSIONS STATEMENT PROGRAM** OEPA has **invited comment** on the draft SIP emissions inventory and emissions statement program requirements due to USEPA by 20 JUL 14. This SIP submittal will satisfy the attainment demonstration requirements for the 2008 ozone standard. Ohio's nonattainment areas under the 2008 ozone standard are all classified as "marginal." Under CAA, marginal areas have up to three years from designation to attain the NAAQS and are not required to submit a traditional attainment demonstration. Marginal areas are required to submit only the emissions inventory and an emissions statement program to satisfy the attainment demonstration requirements. A public hearing is scheduled for 24 JUN 14 and comments are due the same day.

**EARLY STAKEHOLDER OUTREACH FOR BENEFICIAL USE: THE "CO-PRODUCT" CONCEPT** OEPA has **invited** stakeholder input on a concept intended to distinguish between the beneficial use of an industrial by-product versus the production of a co-product. OEPA is working to develop rules and procedures for beneficial use of industrial by-products to replace the current Integrated Alternative Waste Management Project (IAWMP) and Land Application Management Plan (LAMP) processes. In the past, OEPA has been focused on the beneficial use of nonhazardous secondary materials or by-products and the circumstances of use under which they are no longer considered wastes. OEPA is now seeking comment on a new concept that views these secondary materials as products that could be sold in a commercially reasonable manner. The comment period closed on 6 JUN 14.



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

## **FEDERAL ACTIVITY**

**SIP REVISIONS TO PSD AND NNSR PROGRAMS** USEPA has issued a proposed rule to approve a SIP revision submitted by the state of Wisconsin (**79 FR 25063**). The SIP revision modifies the definition of "major modification" in Wisconsin's PSD and Nonattainment New Source Review (NNSR) programs. The changes made to the definition remove an NSR exemption for fuel changes as major modifications where the source was capable of accommodating the change

before 6 JAN 1975. Additionally, the SIP revision modifies Wisconsin's PSD program to identify precursors for ozone. The revisions allow state requirements to match federal requirements. The comment period closed on 2 JUN 14.

## **FINAL LEGISLATION**

**AB 730 AMENDMENTS TO RULEMAKING PROCEDURES** AB 730 (Wisconsin Act 295) creates new sections within the Wisconsin statutes related to rulemaking procedures and modifies and repeals various rules promulgated by the Wisconsin Department of Natural Resources (WDNR). The bill also adds additional requirements for certain rules processed by the Legislative Reference Bureau. The bill was signed by the governor on 16 APR 14 and certain requirements became effective on 18 APR 14, but other components of the bill will not become effective until 1 JAN 15.

## **OTHER REGULATORY ACTIVITY**

**REVISIONS TO PCB REMEDIATION GUIDANCE UNDER THE ONE CLEANUP PROGRAM MEMORANDUM OF AGREEMENT** WDNR has [invited comment](#) on revisions to the guidance, *PCB Remediation in Wisconsin under the One Cleanup Program Memorandum of Agreement*. The guidance was originally issued in June 2011 as internal and external implementation guidance for the *One Cleanup Program Memorandum of Agreement* with USEPA as related to PCB contaminated soil cleanups. This is the first major revision to the guidance since its initial issuance. The revisions account for: (1) WDNR's experience in implementation; (2) recent revisions to the ch. NR 700 rule series; (3) new information on USEPA risk-based approvals; and (4) updated information on building material management and sampling and analysis methods. Comments are due by 16 JUN 14.

# Department of Defense Activity

**ARMY DIRECTIVE FOR MINERAL LEASING** On 23 MAY 14, the Secretary of the Army signed [Army Directive 2014-13](#) (Minerals Leasing Policy). The directive establishes the Assistant Secretary of the Army, Installations, Energy, and Environment (ASA (IE&E)) as the approval authority for mineral leasing on Army military land and provides guidance for preparing installation-level mineral leasing plans. The directive tasks USACE with updating the applicable Army Regulation to incorporate the new policy elements.

**ARMY DIRECTIVE ON WATER RIGHTS** On 12 MAY 14, the Secretary of the Army issued new [Army Directive 2014-08](#) (Water Rights Policy for Army Installations in the United States). The policy directs all Army installations in the U.S. to identify, acquire, and preserve water rights for ground and surface water, consistent with mission requirements and mission sustainment. The directive requires the Office of the Assistant Chief of Staff for Installation Management (OACSIM) to report on the current state of the Army's water rights including an assessment of the sufficiency of existing water rights to meet mission requirements. OACSIM is required to issue implementing guidance to execute this policy within 180 days and incorporate the guidance into the next revision of Army Regulation (AR) 405-80 (Management of Title and Granting Use of Real Property) and 420-1 (Army Facilities Management).

**MDA TO DEVELOP NEPA PROCEDURES** The Missile Defense Agency (MDA) has issued proposed guidance to establish National Environmental Policy Act (NEPA) implementing procedures and categorical exclusions (CATEXs) specific to MDA projects and actions ([79 FR 26213](#)). As a DoD agency, MDA does not own real property. Because most MDA actions typically occur on host military service installations or ranges, or other federal agency properties, MDA historically relied upon host installation or federal agency NEPA implementation, including their implementing procedures and CATEXs. Under the proposed guidance, MDA (as a tenant) will work with the host agency/service to fulfill MDA and host implementing regulations or procedures for complying with NEPA and related EOs. The comment period closed on 6 JUN 14.

# Federal Activity

## AIR

**CONTINUOUS OPACITY MONITORING SYSTEMS** USEPA has issued a final rule addressing quality assurance/quality control (QA/QC) procedures (Procedure 3) for continuous opacity monitoring systems (COMS) ([79 FR 28439](#)). The final rule addresses COMS used to demonstrate continuous compliance with opacity standards specified in new source performance standards (NSPS). Procedure 3 establishes the minimum QA/QC requirements to verify and maintain an acceptable level of data quality. It is presented in general terms to allow permittees to develop a program that is most effective for their circumstances. The final rule will become effective on 12 NOV 14.

**DATA REQUIREMENTS RULE FOR THE 1-HOUR SO<sub>2</sub> PRIMARY NAAQS** Proposed rule requiring state and tribal air agencies to provide data that characterizes the current air quality in areas with large sources of SO<sub>2</sub> emissions ([79 FR 27445](#)). The data submission is only required if the areas do not have sufficient air quality monitoring in place to identify maximum 1-hour SO<sub>2</sub> concentrations. The proposed rule describes: (1) criteria for identifying the sources; and (2) required processes and timetables. The data developed by states in accordance with the proposed rule will be submitted to USEPA and used in future rounds of area designations for the 1-hour SO<sub>2</sub> NAAQS. Comments are due by 14 JUL 14.

**CROSS-STATE AIR POLLUTION** The Supreme Court has [upheld USEPA's Cross-State Air Pollution Rule](#), which replaced the Clean Air Interstate Rule (CAIR). The program encompasses 28 eastern states and requires upwind states to reduce emissions of pollutants to help downwind states come into attainment.

## CLIMATE CHANGE

**NATIONAL CLIMATE ASSESSMENT REPORT** The U.S. Global Change Research Program has released the [National Climate Assessment Report](#), which summarizes the impacts of climate change on the U.S., now and in the future. By focusing on local impact rather than national averages, the report concludes that the evidence of human-induced climate change continues to strengthen and that impacts are increasing across the country.

**DIRECTORY OF REGIONAL CLIMATE CHANGE ADAPTATION PROGRAMS** USEPA has released a [directory](#) of regional climate change adaptation programs of federal natural resources agencies. The directory was developed as a tool for USEPA regional offices to use to strengthen coordination with the regional programs developed by other federal natural resources agencies to assist in preparing for climate change. It may also help federal agencies, states, tribes, local governments, and other stakeholders be informed about federal agency resources that are deployed on a regional basis and to facilitate coordination among federal agencies at the regional level.

**CLIMATE-SMART CONSERVATION** The National Wildlife Federation has collaborated with multiple federal and state agencies, including USACE, and nonprofit organizations, to produce [Climate-Smart Conservation: Putting Adaptation Principles into Practice](#). The guide examines how climate change is affecting the nation's wildlife and habitats. The guide addresses how natural resource managers will need to prepare for and adapt to changes. It also offers practical steps for crafting conservation actions to enhance the resilience of the natural ecosystems.

**STATE POLICY UPDATE 2012-2014** The National Conference of State Legislatures has released [Climate Change: State Policy Update 2012-2014](#). The update lists state legislative activity from 2012 through 2014, including trends such as climate action plans, responses to USEPA regulations, cap and trade, and carbon capture and sequestration.

## ENERGY

**WHITE HOUSE ENERGY REPORT** The White House has released an energy strategy report, [The All-Of-The-Above Energy Strategy As A Path To Sustainable Economic Growth](#). The strategy has three key elements: (1) to support economic growth and job creation; (2) to enhance energy security; and (3) to deploy low-carbon energy technologies and lay the foundation for a clean energy future. The report lays out these three elements and takes stock of the progress that has been made to date and the work that remains to be done. For more information, visit the White House Council of Economic Advisors [website](#).

**ENERGY OUTLOOK 2014** The U.S. Energy Information Administration (EIA) released its annual projection of energy trends in the U.S., [Annual Energy Outlook 2014](#). The outlook presents long-term annual projections of energy supply, demand, and prices focused on the U.S. through 2040. Projects are generally based on federal, state, and local laws and regulations in effect at the end of October 2013. The projections focus on the factors that shape the U.S. energy system over the long term. Under the assumption that current laws and regulations remain unchanged throughout the projections, the report provides the basis for examination and discussion of energy production, consumption, technology, and market trends and the direction they may take in the future. It can also serve as a starting point for analysis of potential changes in energy policies. For more information, visit EIA's [Energy Outlook website](#).

**TECHNOLOGY PERFORMANCE EXCHANGE WEBSITE** The U.S. Department of Energy's (USDOE), National Renewable Energy Lab (NREL) has launched the [Technology Performance Exchange](#) to serve as an information clearinghouse for energy saving and renewable energy products. The website gathers performance data at the model number level, from third party or USDOE testing. The site currently covers a limited number of categories including electric lighting, HVAC (boilers, heat pumps, and packaged unit equipment), photovoltaic systems, and heat pump based tank water heaters.

## **NATURAL RESOURCES**

**DESIGNATING AND REVISING CRITICAL HABITAT** The Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) have issued a proposed rule to amend service rules concerning procedures and criteria used for designating and revising critical habitat for species listed as threatened or endangered ([79 FR 27066](#)). The proposed amendments make minor edits to the scope and purpose, add and remove definitions, and clarify criteria for designating critical habitat. The proposed rule is one of three related Federal Register notices concerning modifications to the critical habitat regulations and policy. Comments are due by 11 JUL 14.

**DEFINITION OF DESTRUCTION OR ADVERSE MODIFICATION OF CRITICAL HABITAT** The FWS and NMFS have issued a proposed rule amending the definition of "destruction or adverse modification" in service rules implementing the Endangered Species Act (ESA) ([79 FR 27060](#)). The proposed rule is in response to recent court decisions (U.S. Court of Appeals for the Fifth (2001) and Ninth (2004) Circuits) that invalidated the services' definition. The services have proposed to replace the invalidated definition with one that is consistent with the ESA and circuit court opinions. Comments are due by 11 JUL 14.

**POLICY FOR CRITICAL HABITAT EXCLUSIONS** The FWS and NMFS have issued a [draft policy](#) on exclusions from critical habitat under ESA ([79 FR 27051](#)). The draft policy provides the services' position on what they consider during the exclusion process. In particular, the policy specifies how the services evaluate whether DoD Integrated Natural Resource Management Plans (INRMPs) provide a benefit to a species when designating critical habitat for that species. The policy complements the proposed revisions to Title 50 Code of Federal Regulation, Part 424 (50 CFR 424) and provides for a simplified exclusion process. Comments are due by 11 JUL 14.

**REOPENING OF COMMENT PERIOD FOR THE PROPOSED DESIGNATION OF CRITICAL HABITAT FOR NEOSHO MUCKET AND RABBITSFOOT** USFWS has reopened the public comment period on the [16 OCT 12](#), proposed designation of critical habitat for the Neosho mucket and rabbitsfoot mussels ([79 FR 27547](#)). The reopening of the comment period allows all interested parties an opportunity to comment on the proposed designation of critical habitat, draft environmental assessment, and draft economic analysis. The rabbitsfoot is a freshwater mussel found in rivers and streams in Alabama, Arkansas, Georgia, Kansas, Kentucky, Illinois, Indiana, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, and West Virginia. The Neosho Mucket is a freshwater mussel found in rivers and streams in Arkansas, Kansas, Missouri, and Oklahoma. Comments are due by 14 JUL 14.

**COMMENT EXTENSION FOR PROPOSED RUFAS RED KNOT THREATENED DESIGNATION** USFWS has issued a proposed rule extending the public comment period on the [30 SEP 13](#), proposal to list the Rufa Red Knot as a threatened species under ESA ([79 FR 27548](#)). The Rufa Red Knot is a bird that breeds in the middle and high Arctic areas of northern Canada. During migration, the Delaware Bay in the Eastern U.S. becomes the most important staging area for this subspecies, but the Rufa also appears along the coastlines of New Jersey, New York, and Massachusetts. Comments are due by 15 JUN 14.



## **HAZARDOUS MATERIALS**

**TOXICOLOGICAL PROFILES: PROPOSED SUBSTANCES TO BE EVALUATED** The Agency for Toxic Substances and Disease Registry (ATSDR) has initiated the development of its 28th set of toxicological profiles and has solicited nominations for substances to evaluate ([79 FR 29446](#)). Nominations may be from the [list of substances](#) commonly found at National Priorities List sites or any other substances that may have public health implications. Chemical substance nominations are due by 20 JUN 14.

## **WASTE**

**LOW-LEVEL RADIOACTIVE WASTE** The Nuclear Regulatory Commission (NRC) is conducting an update to the Strategic Assessment of its Low-Level Radioactive Waste (LLRW) regulatory program ([79 FR 27772](#)). The update proposes revisions to the alternative future disposal scenarios specified in the 2007 Strategic Assessment. NRC has requested input on several general areas such as extended storage of LLRW, on-site disposal of LLRW, and disposal options for low-activity waste/very low-level waste. Comments are due by 14 JUL 14. Concurrent with this update, NRC is also in the process of finalizing a procedure for the review of low-activity waste disposal in Resource Conservation and Recovery Act (RCRA) facilities not licensed by NRC and revising 10 CFR Part 61.

## **WATER**

**WATER QUALITY CRITERIA** USEPA has issued a notice of availability for the updated draft national recommended water quality criteria for 94 chemical pollutants ([79 FR 27303](#)). The recommended water quality criteria provide technical information for states and authorized tribes to establish water quality standards under the Clean Water Act (CWA). A fact sheet and a summary of updated input parameters used to derive the updated criteria were prepared to assist reviewers. In addition, USEPA developed chemical-specific support documents for each of the 94 chemical pollutants. Comments are due 14 JUL 14.

**NPDES INVENTORY SEARCH TOOL** USEPA has upgraded its National Pollutant Discharge Elimination System (NPDES) General Permit Inventory [search tool](#) by adding stormwater general permits. The tool allows users to search for NPDES general permits by permit number, permit name, state, USEPA Region, date issued, date expired, or permit category. Search results display basic permit information and a link to electronic permit documents when available. The dataset currently contains over 700 general permits.

**PUBLIC MEETING AND WEBINAR: UCRM 4** USEPA has scheduled a public meeting and webinar to discuss the approach to the fourth Unregulated Contaminant Monitoring Rule (UCMR 4) for public drinking water systems ([79 FR 30787](#)). USEPA will present information concerning the status of the agency's efforts in the areas of analyte selection, analytical methods, sampling design, determination of minimum reporting levels and other possible revisions relative to the current rule. The public meeting and webinar will be held on 25 JUN 14. To register to attend the meeting in person or online, send an email to the [Cadmus Group](#) by 18 JUN 14.

## **OTHER**

**ENVIROATLAS** USEPA has released [EnviroAtlas](#), a web-based interactive tool integrating more than 300 separate data layers, designed to help users understand the ecosystem impacts of a decision, such as siting a new road or city park. EnviroAtlas uses seven broad categories to organize its information and data on ecosystem services: clean air, clean and plentiful water, natural hazard mitigation, climate stabilization, recreation, culture and aesthetics, food, fuel and materials, and biodiversity conservation. It develops and incorporates data from federal, state, community, and non-governmental organizations.

# 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

**(NEW) 17 JUN 14, ALEXANDRIA, VA: [2014 NATIONAL UNDERGROUND STORAGE TANK \(UST\) PROGRAM](#)** The conference will focus on environmental protection issues, equipment, and technology for storage tank owners; equipment manufacturers; petroleum cleanup consultants; industry professionals; and federal, state, and local government UST regulators.

## TRAINING

**(NEW) 23-27 JUN 14, SHEPHERDSTOWN, WV: [MITIGATION BANKING AND IN-LIEU FEE PROGRAM INTERAGENCY REVIEW TEAMS](#)** The week-long training for federal and state regulators who serve on mitigation bank and in-lieu fee program Interagency Review Teams (IRTs) will provide a thorough grounding in the relevant federal policy guiding review, establishment, and management of mitigation banks and in-lieu fee programs. The class will build IRT expertise at the individual and team levels. Skills will be developed through a combination of presentations and exercises that rely upon existing federal policies, case studies of existing interagency review efforts, and hearing from experienced members of interagency review teams. Participants will leave with expertise on how to effectively and efficiently review and oversee establishment and operation of mitigation banks and in-lieu fee programs.

## TRAINING—ONLINE

**(NEW) 17 JUN 14, ONLINE: [GREEN & SUSTAINABLE REMEDIATION \(GSR\)](#)** Beyond basic GSR principles and definitions, participants will learn potential benefits of incorporating GSR into projects, when and how to incorporate GSR within a project's life cycle, and how to perform a GSR evaluation using appropriate tools. A variety of case studies will demonstrate the application and results of GSR.

**(NEW) 19 JUN 14, ONLINE: [MANAGING TROUBLESOME INVASIVE SPECIES IN EASTERN FORESTS](#)** Participate to learn about management of several key invasive grasses in eastern U.S. forests including bamboo, miscanthus, arundo, stiltgrass, cogongrass, phragmites, and others. Learn about invasives' biology, tools for management, what works, and what doesn't. Discuss how invasive grass reproductive strategies drive management options and how to maximize control efforts.

**(NEW) 19 JUN 14, ONLINE: [GREEN BUILDING & INTEGRATED PEST MANAGEMENT](#)** The webinar is designed for local governments, highlighting case studies from communities working toward resource efficiency, energy conservation, and economic savings. As funding for the Greening Local Government project came from an USEPA Region 8 grant, the case studies come from states in that geographic region. However, the 2014 Greening Local Government webinar series is applicable and open to local governments across the nation.

**(NEW) 30 JUN 14, ONLINE: [OVERVIEW OF THE SITE ASSESSMENT PROCESS UNDER CERCLA](#)** The first in the Preliminary Assessment and Site Inspection Webinar Series (PA/SI), this introductory module provides an overview of key provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and response process established by the National Oil and Hazardous Substances Pollution Contingency Plan. It provides an overview of the purpose, scope, and requirements for performing a remedial PA and remedial SI at sites regulated by CERCLA. The course is open to USEPA, federal, state, tribal, and contractor personnel who support site investigation programs.

**(NEW) 2 JUL 14, ONLINE: [BASICS OF PERFORMING SITE ASSESSMENTS AND CONDUCTING THE PA](#)** The second module of the PA/SI Webinar Series, this module provides an overview of the basics of performing site assessments including the purpose and scope of the different steps in the site assessment process, and roles and responsibilities of the different parties involved. It identifies and explains procedures for performing a remedial PA.

**(NEW) 7 JUL 14, ONLINE: [SITE EVALUATION AND SCORING SITE SOURCES](#)** The third module of the PA/SI Webinar Series, this module focuses on specific elements of the scoring process that participants must understand to successfully apply the scoring model to a PA.

**(NEW) 9 JUL 14, ONLINE: [PA SCORING EXERCISE: GROUNDWATER MIGRATION PATHWAY](#)** The fourth module of the PA/SI Webinar Series, this module reviews the groundwater migration pathway. Participants review appropriate site information and the instructors lead them through inputting the information into the Quickscore software.

**(NEW) 11 JUL 14, ONLINE: [PA SCORING EXERCISE: SURFACE WATER MIGRATION PATHWAY](#)** The fifth module of the PA/SI Webinar Series, this module reviews the surface water migration pathway. Participants review appropriate site information and the instructors lead them through inputting the information into the Quickscore software. PA/SI is an intermediate training course designed for personnel who are required to compile, draft and review PA, SI and Hazard Ranking System (HRS) documentation records and packages submitted for sites proposed for the National Priorities List (NPL).

**(NEW) 14 JUL 14, ONLINE: [PA SCORING EXERCISE: SOIL EXPOSURE AND AIR MIGRATION PATHWAYS](#)** The sixth module of the PA/SI Webinar Series, this module reviews the soil exposure and the air migration pathways. Participants review appropriate site information and the instructors lead them through inputting the information into the Quickscore software.

**(NEW) 21 JUL 14, ONLINE: [CONDUCTING THE SI, OVERVIEW OF SI STRATEGIES, AND SITE SOURCES](#)** The seventh module of the PA/SI Webinar Series identifies step-by-step activities for conducting a remedial SI, including discussion of health and safety considerations for field activities, establishing data quality objectives, and developing sampling strategies to obtain data for HRS scoring, validating data, and preparing the final report to document the decision-making process. It provides an overview on how to develop SI sampling strategies that consider and address needs of the HRS. In particular it reviews SI sampling strategies for sources as well as general considerations.

**(NEW) 28 JUL 14, ONLINE: [SI SAMPLING STRATEGIES FOR GROUNDWATER AND SURFACE WATER](#)** The eighth module of the PA/SI Webinar Series, this module provides an overview of SI sampling strategies for groundwater and surface water migration pathways.

**(NEW) 30 JUL 14, ONLINE: [SI SAMPLING STRATEGIES FOR SOIL AND AIR](#)** The ninth and final module of the PA/SI Webinar Series, this module provides an overview of SI sampling strategies for soil exposure and air migration pathways.

**5 AUG 14, ONLINE: [ECOLOGICALLY SOUND MOSQUITO MANAGEMENT IN WETLANDS](#)** Learn techniques and strategies to address mosquito control while retaining important wetland functions.

**(NEW) [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 and maintenance 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. For additional information and to register for the webinars visit USEPA's GHG Reporting Program [website](#).

**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 (AEC) website.

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

**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 Interservice Environmental Education Review Board (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**