



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

March 2015

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

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

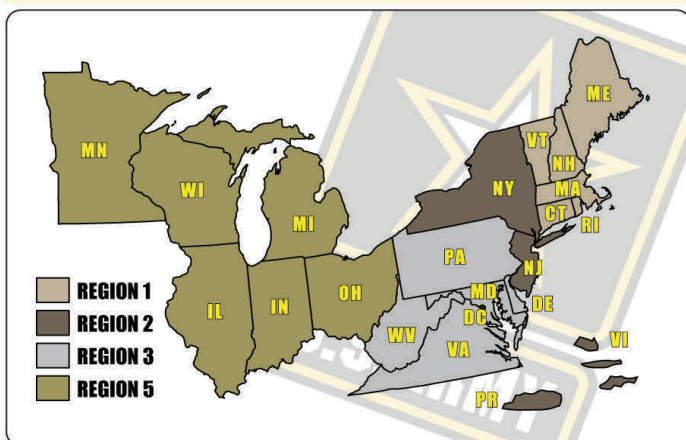


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What's In This Review?

Region 1

In CT, proposed amendments to T&E lists. In ME, proposed bill concerning solid waste handling, management, and disposal issues; final amendments to certification requirements for oil UST inspectors. In RI, final coastal resources management program updates.

Region 2

In NJ, two final amendments to application fees within coastal rules and air permit programs. In NY, a new law amending licensure requirements for mold assessment and remediation specialists, proposed bills concerning idling of heavy duty vehicles, hazardous substance storage, ban on disposal of spoils containing toxic pollutants within a marine district, and notice requirements for wetland area development.

Region 3

In DE, proposed amendments to sediment and stormwater technical document. In DC, final amendments to solid waste regulations, proposed amendments to water and sanitation rules and a draft stormwater management plan. In MD, an executive order for a state zero waste plan; proposed bills concerning water resources, protection, and restoration, and air quality rule revisions. In VA, final annual updates to hazardous waste transportation and management regulations, proposed revisions to GP for certain discharges in Chesapeake Bay watershed. In WV, proposed legislation and regulation regarding ASTs.

Region 5

In IL, proposed bills amending the PSD permitting program, exotic weed regulations, and state endangered species protection act. In IN, proposed bill for AST reporting and water threat minimization, final amendments to the electronic waste rules. In MN, proposed legislation concerning discharge of dredged and fill material into waters of the state, and the state pursues section 404 permit program authority. In OH, proposed Lake Erie water quality bill, final revisions to water quality standards. In WI, draft update to the state NPS Program Management Plan.

DOD Activity

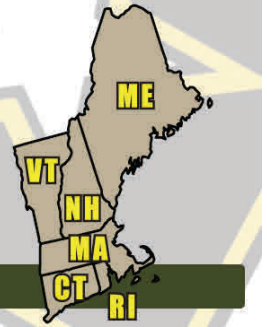
Release of Army Strategy 2025 and request for FY 2016 Legacy Program funding pre-proposals.

Federal Activity

USEPA final rules concerning mobile source rules and emissions inventory reporting. USFWS final rule reissuing regulatory protections for specific gray wolves.

Region 1

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



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

PROPOSED RULES

AMENDMENTS TO ENDANGERED, THREATENED, AND SPECIES OF SPECIAL CONCERN LIST The Connecticut Department of Energy and Environmental Protection (CDEEP) has **proposed** amendments to sections 26-306-4, 26-306-5, and 26-306-6 of the *Regulations of Connecticut State Agencies*. The proposed **amendments** update the lists of species that are endangered, threatened or of special concern. The CDEEP commissioner is required to review, at least every five years, the designation of species to determine whether species should be: (1) added or removed from the list; or (2) change the designation. A public hearing is scheduled for 31 MAR 15 and comments are due by 14 APR 15.



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

PROPOSED LEGISLATION

LD 313 SOLID WASTE HANDLING, MANAGEMENT, AND DISPOSAL ISSUES LD 313 implements recommendations from the Maine Department of Environmental Protection (MDEP) related to solid waste handling, management and disposal issues. Specifically, the bill enacts measures that: (1) provide incentives for the increased use of source reduction, reuse, recycling, and composting methods to help achieve the state-mandated recycling goal of 50%; (2) achieve economic stabilization of the three existing waste-to-energy facilities in the state by 1 JAN 16; (3) develop a plan to minimize the need for future expansion of landfill capacity; (4) identify additional strategies to increase the beneficial use of waste materials; and (5) develop other components of an overall comprehensive implementation plan necessary to better advance the goals of the state's solid waste management hierarchy. The bill was referred to the Environment and Natural Resources Committee.

FINAL RULES

CERTIFICATION OF UNDERGROUND OIL STORAGE TANK INSPECTORS MDEP has **adopted** amendments to Chapter 6, *Certification of Underground Oil Storage Tank Inspectors*. The current rule allows tank inspectors certified in another state to apply for reciprocity in Maine. One of the standards to qualify for reciprocity is that the applicant must be a resident of the state of Maine. The amendments eliminate the residency requirement. The amendments became effective on 15 FEB 15.

PROPOSED RULES

PROCESSING OF APPLICATIONS AND OTHER ADMINISTRATIVE MATTERS MDEP has **proposed** amendments to Chapter 2, *Rules Concerning the Processing of Applications and Other Administrative Matters*. The amendments facilitate the electronic submission of applications, appeals, and petitions; and eliminate the requirement to submit an original paper document within five working days of an electronic submission. Comments are due by 20 MAR 15.

SIP AMENDMENTS INCORPORATING LOW SULFUR FUEL RULE MDEP is **submitting** its current low sulfur fuel regulation, as amended 27 JUN 14, to USEPA for incorporation into the State Implementation Plan (SIP). Chapter 106, *Low Sulfur Fuel Regulation*, incorporates statutory requirements for the use of low-sulfur distillate and residual fuels that were enacted as part of Maine's effort to address federal visibility planning requirements at federal Class I areas such as Acadia National Park. Comments are due by 20 MAR 15.



Legislature convened 7 JAN 15 and adjourns sine die 30 JUN 15.

PROPOSED LEGISLATION

HB 281 EXOTIC AQUATIC SPECIES REGULATIONS HB 281 defines exotic aquatic species of wildlife and adds to the duties of the exotic aquatic weeds and species committee. The bill has passed the House.



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

FINAL RULES

COASTAL RESOURCES MANAGEMENT PROGRAM UPDATES The Rhode Island Coastal Resources Management Council has **adopted** amendments to the Coastal Resources Management Program. The amendments update: (1) Table 1 - Water Type 6 Matrix; (2) Section 110 - Applications for Category A and Category B Council Assents; and (3) Section 210.3 - Coastal Wetlands. A notice of the proposed revisions was published in the **November 2014 Northern Review**. The amendments became effective on 3 MAR 15.

Region 2

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



Legislature convened 13 JAN 15 and adjourns 12 JAN 16.

PROPOSED LEGISLATION

AB 4180 (SB 2691) ESTABLISHMENT OF MICROGRID PILOT PROGRAM AB 4180 requires the New Jersey Board of Public Utilities (NJBPU) to establish a microgrid pilot program. The program will equip public and private facilities, deemed critical, with microgrids so these facilities can continue to operate during a declared disaster or emergency. The bill also requires NJBPU to establish an application and approval process for the pilot, and a grant program to fund it. The bill was referred to the Telecommunications and Utilities Committee.

FINAL RULES

APPLICATION FEE AMENDMENTS WITHIN COASTAL, FRESHWATER WETLANDS, AND FLOOD HAZARD PERMITTING PROGRAMS The New Jersey Department of Environmental Protection (NJDEP) has **adopted** amendments, repeals, and new rules concerning permit application fees and determinations/approvals within the coastal rules (N.J.A.C. 7:7); freshwater

wetland rules (N.J.A.C. 7:7A); and the flood hazard rules (N.J.A.C. 7:13). The coastal, freshwater wetlands, and flood hazard permitting programs are all administered by the NJDEP's Division of Land Use Regulation. The proposed amendments, repeals, and new rules establish a simplified, cohesive fee structure across the three rule chapters, and incorporate a process to adjust fees in the future for each of the three permitting programs based on their respective projected annual budgets and projected fee revenues. A notice of the proposed rulemaking was published in the **October 2014 Northern Review**. The rulemaking became effective on 2 FEB 15.

FEE INCREASES FOR AIR PERMITS, CERTIFICATIONS, AND OPERATING PERMITS NJDEP has **adopted** amendments to the permitting fees charged for stationary sources of air pollution to address the current air permitting program deficit. The proposed fee increases are for minor facility permit applications and applications for significant modifications of major facilities. Additionally, NJDEP has increased the general permit registration fees for minor facilities and general operating permit registration fees for major facilities. A notice of the proposed rulemaking was published in the **September 2014 Northern Review**. The amendments became effective on 17 FEB 15.



Legislature convened 7 JAN 15 and adjourns 19 JUN 15.

FINAL LEGISLATION

SB 3667 (AB 5117) REQUIREMENTS FOR LICENSURE OF MOLD ASSESSMENT AND REMEDIATION SPECIALISTS SB 3667 requires the licensure of, and sets minimum work standards for, mold assessment and remediation specialists. The governor signed the bill on 29 JAN 15 and it becomes effective on 28 JUL 15.

PROPOSED LEGISLATION

AB 4543 PROHIBITION ON IDLING OF HEAVY-DUTY VEHICLES AB 4543 amends the vehicle and traffic law by adding a new subdivision that prohibits idling of heavy-duty vehicles for more than five minutes. The bill also establishes exceptions and penalties. The bill was referred to the Transportation Committee. **NOTE:** *As the DOD REC for Region 2, the Air Force will be submitting comments regarding the need for military tactical vehicles to idle during training and operations.*

AB 5711 (SB 2353) PROHIBITION ON IDLING OF HEAVY-DUTY VEHICLES AB 5711 amends the environmental conservation law, in relation to prohibiting idling by heavy-duty vehicles. The bill prohibits the idling of heavy-duty vehicles for more than three minutes. The bill defines a heavy-duty vehicle as those with a gross vehicle weight of more than 8,500 pounds. The bill was referred to the Environmental Conservation Committee. **NOTE:** *As the DOD REC for Region 2, the Air Force will be submitting comments regarding the need for military tactical vehicles to idle during training and operations.*

AB 4570 HAZARDOUS SUBSTANCE STORAGE FACILITY REQUIREMENTS AB 4570 amends the environmental conservation law, in relation to hazardous substance storage facilities. The bill requires any person storing a hazardous substance to furnish the New York State Department of Environmental Conservation (NYSDEC) with information on: (1) the storage facility; (2) repairs or replacements; (3) hazardous substances stored; (4) storage and handling practices; or (5) results of tests, monitoring, and inspections. The bill was referred to the Environmental Conservation Committee.

AB 4669 (SB 1037) REVIEW OF COMPLIANCE RECORD FOR PERMIT APPLICANTS AB 4669 amends the environmental conservation law, in relation to review of permit applicants on record of compliance. The bill authorizes NYSDEC to conduct an inquiry into an applicant's background as part of a permit application or review. NYSDEC would be authorized to revoke or deny permits to unsuitable persons based upon statutory criteria that includes past violations of the applicant or permit holder. The bill was referred to the Environmental Conservation Committee.

AB 4734 PROHIBITION ON DISPOSAL OF SPOILS CONTAINING TOXIC POLLUTANTS WITHIN A MARINE DISTRICT AB 4734 prohibits disposal of spoils containing toxic pollutants into the waters of the marine district. The bill defines marine district as the waters of the Atlantic Ocean within three nautical miles from the coast line and all other tidal waters within the state, except the Hudson River north of the south end of Manhattan Island. The bill was referred to the Environmental Conservation Committee.

AB 4756 REQUIREMENTS FOR RECYCLING OF C&D SITE WASTE AB 4756 amends the environmental conservation law, in relation to requiring contractors to recycle construction and demolition (C&D) site waste. The bill requires contractors to reuse or recycle at least: (1) 25% of C&D debris for projects that have been issued a permit with an application date within one year of the effective date of the bill; and (2) 50% of C&D debris for projects issued a permit with an application of more than one year after the effective date of the bill. The bill also identifies the types of projects subjected to the requirements, documentation requirements, and penalties. The bill was referred to the Environmental Conservation Committee.

AB 4813 PHASE-OUT OF CHLORINATED SOLVENTS AB 4813 provides for the gradual phase-out of the use, manufacture and sale of chlorinated solvents, with some exemptions. The bill also provides users and producers with technical and financial assistance to meet the schedule and develop alternatives. The bill was referred to the Environmental Conservation Committee.

AB 5128 (SB 3498) NOTICE REQUIREMENTS FOR DEVELOPMENT IN WETLAND AREAS AB 5128 requires notice to neighboring landowners within 1,000 feet of proposed development in wetland areas. The bill also requires a public hearing on a wetland application. The bill was referred to the Environmental Conservation Committee.

SB 3001 NEW YORK STATE CLIMATE CHANGE TASK FORCE SB 3001 establishes the New York State Climate Change Task Force. The bill establishes the task force's membership composition and its powers and duties. The bill was referred to the Environmental Conservation Committee.

SB 3098 EXPANDED PROVISIONS FOR PLASTIC BAG REDUCTION, REUSE, AND RECYCLING LAW SB 3098 expands the provisions of the New York state plastic bag reduction, reuse, and recycling law. The bill requires the collection and deposit of a five cent charge for each plastic bag provided by a retailer to its customers and a five cent charge on each piece of plastic film shipped to the state. The bill was referred to the Environmental Conservation Committee.

PROPOSED RULES

DRAFT LIST OF SPECIES OF GREATEST CONSERVATION NEED NYSDEC has **issued** a draft list of Species of Greatest Conservation Need (SGCN). NYSDEC collaborated with numerous species experts and conservation partners to develop revisions to the SGCN list, as part of an update to the State Wildlife Action Plan. The draft final list contains 372 SGCN, half of which are considered high priority for conservation action in the near term. An additional 111 species were categorized as Species of Potential Conservation Need. The comment period closed on 9 MAR 15.



Legislature convened 14 JAN 13 and adjourns 31 DEC 16.

FEDERAL ACTIVITY

TENTATIVE APPROVAL FOR PUBLIC WATER SYSTEM SUPERVISION PROGRAM REVISION USEPA has issued a tentative approval for a revision submitted by the commonwealth of Puerto Rico regarding its approved Public Water System Supervision Program (**80 FR 8868**). The revision adopts USEPA's National Primary Drinking Water Regulation revisions to the Total Coliform Rule. USEPA has determined that the revision is no less stringent than the corresponding federal regulations. Barring a request for a public hearing, the determination will become effective on 23 MAR 15.

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 13 JAN 15 and adjourns 30 JUN 15.

PROPOSED RULES

AMENDMENTS TO SEDIMENT AND STORMWATER TECHNICAL DOCUMENT The Delaware Department of Natural Resources and Environmental Control's (DDNREC) Division of Watershed Stewardship has **proposed** amendments to the Sediment and Stormwater Technical Document. The articles amended include: (1) 2.05 - *Regulatory Interpretation and Variances*; (2) 2.05.1 - *Sediment and Stormwater Variance Request*; (3) 2.05.2 - *Sediment and Stormwater Variance Request (Expired Plans)*; (4) 3.02 - *Plan Review Process (Detailed Plans)*; (5) 3.02.0.1 - *Application for Sediment and Stormwater Management Plan Approval*; (6) 3.04 - *Post Construction Stormwater Management*; (7) 3.04.1 RPv, Cv, and Fv - *Compliance Check Flowcharts*; and (8) 3.06.2.A-1 - *Soil Investigation Procedures*. The comment period closed on 19 FEB 15.



Legislature convened 1 JAN 15 and adjourns 31 DEC 15.

FINAL LEGISLATION

B 641 WASTE MANAGEMENT MODERNIZATION AMENDMENT ACT OF 2014 B 641 amends DC's solid waste practices and regulations. The amendments include: (1) requirements for mandatory source separation of solid waste; (2) requirements for waste collectors to label waste containers; (3) establishment of an Office of Waste Diversion within the DC Department of Public Works (DPW) and a zero waste working group; (4) authorization for the mayor to impose waste reduction fees and collection fees; and (5) authorization of DPW to issue rules and establish penalties for violations of the provisions of the act. The bill passed congressional review and became effective on 26 FEB 15.

PROPOSED RULES

DRAFT STORMWATER MANAGEMENT PLAN The DC Department of the Environment (DDOE) has **invited comments** on a draft Stormwater Management Plan. The District's National Pollutant Discharge Elimination System (NPDES) permit for Municipal Separate Storm Sewer Systems (MS4s) requires the District to develop an updated Stormwater Management Program Plan. The plan describes the District's existing and new strategies, elements, initiatives, schedules, and programs to reduce the discharge of pollutants from stormwater runoff. Comments are due by 21 APR 15.

AMENDMENTS TO WATER AND SANITATION REGULATIONS The DC Water and Sewer Authority has **proposed** amendments to multiple sections of the water and sanitation regulations under Title 21 of the District of Columbia Municipal Regulations (DCMR). The amendments update the: (1) payment-in-lieu-of-taxes (PILOT) fee; (2) impervious surface area charge; (3) rates for water and sewer services; (4) customer assistance programs; and (5) water system replacement fee and relevant definitions. Comments are due by 22 MAR 15.



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

EXECUTIVE OFFICE

EXECUTIVE ORDER - ZERO WASTE PLAN FOR MARYLAND On 13 JAN 15, the governor **signed** Executive Order (EO) 01.01.2015.01 - *Zero Waste Plan for Maryland*. The EO establishes goals for the state government, including: (1) 85% waste diversion and 80% recycling by 2040; (2) a waste recycling rate of at least 65% by 2020; (3) diversion of at least 60% of its organic waste through recycling, composting, or anaerobic digestion by 2020; and (3) creation of a source reduction checklist for use by state agencies to track and encourage source reduction. The EO also addresses green purchasing guidelines and certain landfill requirements.

PROPOSED LEGISLATION

HB 326 WATER RESOURCES PLAN FOR MONOCACY RIVER WATERSHED HB 326 requires the Maryland Department of Environment (MDE) to engage with the Interstate Commission on the Potomac River Basin (ICPRB) for the development and implementation of a comprehensive water resources plan for the Maryland portion of the Monocacy River watershed. MDE must submit a report to specified legislative committees by December 31 each year on the status of the plan and the conclusions and recommendations of any study associated with the plan. The bill was referred to the Environment and Transportation Committee.

HB 773 WATERSHED PROTECTION AND RESTORATION PROGRAM EXEMPTION FOR BALTIMORE COUNTY HB 773 exempts Baltimore County from the requirement to establish a local stormwater remediation fee and a local watershed protection and restoration fund. The bill was referred to the Environment and Transportation Committee.

HB 60 STATE LAKES INVASIVE SPECIES ACT HB 60 authorizes the Maryland Department of Natural Resources (MDNR) to take certain actions and adopt regulations for the inspection and decontamination of vessels. The bill also: (1) prohibits a person from placing a vessel or having a vessel placed in a lake unless the person has taken certain actions; (2) establishes penalties for violations of the act; and (3) provides for the application of this act. The bill was referred to the Environment and Transportation Committee.

SB 42 (HB 874) WATERSHED PROTECTION AND RESTORATION PROGRAM REPEAL SB 42 repeals the law requiring certain counties and municipalities to establish a watershed protection and restoration program for collecting stormwater remediation fees, and a watershed protection and restoration fund. The bill was referred to Education, Health, and Environmental Affairs Committee. Multiple bills have been introduced with similar or the same requirements as SB 42, including: **SB 588**, **HB 481**, and **SB 863**.

SB 258 (HB 514) COMMISSION ON CLIMATE CHANGE SB 258 establishes the Commission on Climate Change within MDE. The commission will advise the governor and general assembly on ways to mitigate the causes of, prepare for, and adapt to the consequences of climate change. The bill provides for the membership, chair, and staff of the commission. The bill also requires the commission to convene specified working groups and develops required actions for each group to study. Finally, the bill requires various state agencies and units to review existing programs, recommend regulatory or other changes to support the state's greenhouse gas (GHG) reduction efforts, and report on specified items. The bill was reported favorably out of the Education, Health, and Environmental Affairs Committee with amendments.

SB 620 (HB 551) COMMUNITY CLEANUP AND GREENING ACT SB 620 prohibits a store from distributing plastic disposable carryout bags. A store may provide customers with disposable paper bags, but must charge a fee of 10 cents per paper bag. A store may retain a specified amount of the fee, but must remit any fee revenue not retained to the state comptroller. The bill also: (1) states that fee revenues remitted to the comptroller must be used for specified purposes; (2) establishes penalty provisions for violations; and (3) requires the Maryland Department of Labor, Licensing, and Regulation to adopt regulations to implement and enforce the bill. The bill was referred to the Education, Health, and Environmental Affairs and Finance Committee.

SB 684 (HB 982) MARYLAND REDEEMABLE BEVERAGE CONTAINER AND LITTER REDUCTION PROGRAM SB 684 establishes the Maryland Redeemable Beverage Container and Litter Reduction Program, which will include a five-cent beverage container deposit beginning 1 JAN 17. The bill provides for the accounting and use of unredeemed container deposits and other program revenues. Finally, the bill establishes a Maryland Recycling Advisory Committee and provides for legislative audits and oversight of the program. The bill was referred to the Environment and Transportation and Economic Matters Committee.

SB 693 (HB 987) AMENDMENTS TO AIR QUALITY REGULATIONS CONCERNING CUMULATIVE AIR IMPACT ANALYSIS SB 693 amends the state air quality regulations by adding specific requirements for Cumulative Air Impact Analysis. The bill prohibits MDE from issuing a specified air quality permit until certain requirements have been met. The bill amendments include: (1) prohibiting MDE from recommending specified licensing conditions until specified requirements have been met; and (2) requiring MDE to conduct a Cumulative Air Impact Analysis under specified circumstances. The bill was referred to the Education, Health, and Environmental Affairs Committee.



Legislature convened 6 JAN 15 and adjourns 31 DEC 15.

FEDERAL ACTIVITY

CORRECTION OF FINAL RULE FOR REDESIGNATION OF HARRISBURG-LEBANON-CARLISLE-YORK NONATTAINMENT AREAS USEPA has issued a final rule to correct text errors in a final rule issued on 8 DEC 14 (**80 FR 7540**). The December 2014 final rule (**79 FR 72552**) granted approval for the commonwealth of Pennsylvania's request to redesignate the Harrisburg-Lebanon-Carlisle and York nonattainment areas to attainment for the 1997 annual and 24-hour PM_{2.5} National Ambient Air Quality Standards (NAAQS) nonattainment area. A notice of the December final rule was published in the **January 2015 Northern Review**. The final rule became effective on 11 FEB 15.

MULTIPLE SIP REVISIONS FOR NAAQS INFRASTRUCTURE REQUIREMENTS USEPA has issued a proposed rule to approve portions of four SIP revision submittals from the commonwealth of Pennsylvania (**80 FR 6672**). The four SIP revisions address the infrastructure requirements for the 2008 ozone, 2010 nitrogen dioxide (NO₂), 2010 sulfur dioxide (SO₂), and 2012 fine particulate matter (PM_{2.5}) NAAQS. The proposed rule approves all four submissions with the exception of certain portions addressing visibility protection. The comment period closed on 9 MAR 15.

REDESIGNATION OF PHILADELPHIA-WILMINGTON, PA-NJ-DE NONATTAINMENT AREA USEPA has issued a proposed rule to approve the commonwealth of Pennsylvania's request to redesignate the Pennsylvania portion of the Philadelphia-Wilmington, PA-NJ-DE nonattainment area to attainment for both the 1997 annual and the 2006 24-hour PM_{2.5} NAAQS (**80 FR 8254**). USEPA has also proposed approval for the associated maintenance plans to show maintenance through 2025 and the motor vehicle emissions budgets (MVEBs). The proposed rule also addresses effects of several decisions of the D.C. Circuit Court and the U.S. Supreme Court. Comments are due by 19 MAR 15.

PROPOSED LEGISLATION

HB 270 COMBUSTIBLE AND FLAMMABLE LIQUIDS ACT HB 270 requires the implementation of alternate generated power sources for Pennsylvania's gas stations. The bill requires gas stations, by 1 JAN 16, to be able to operate by means of an alternate generated power source for 72 hours for all dispensing devices and equipment, life-safety systems, and payment-acceptance equipment. The power source must be available within 36 hours of a declared disaster emergency. Additionally, any retail service station constructed or substantially renovated after 1 JAN 16 must be prewired with an alternate power source. The bill was referred to the Transportation Committee.



Legislature convened 14 JAN 15 and adjourned 28 FEB 15.

FINAL RULES

ANNUAL UPDATE OF HAZARDOUS WASTE REGULATIONS The Virginia Department of Environmental Quality (VDEQ) has **adopted** amendments to the Virginia Hazardous Waste Management Regulations at **9VAC20-60**, which include citations and requirements from the federal Code of Federal Regulations (CFR) Title 40. The amendments bring these citations up to date with the latest Title 40 of the CFR as published on 1 JUL 14. The amendments include adopting USEPA’s Hazardous Waste Electronic Manifest Rule, excluding the subdivisions that impose a possible fee. USEPA has indicated they will promulgate a subsequent rule to provide the user fee schedule and compliance date for use of the e-manifest system. The amendments become effective on 8 APR 15.

ANNUAL UPDATE TO TRANSPORTATION OF HAZARDOUS MATERIALS REGULATIONS VDEQ has **adopted** amendments to **9VAC20-110**, *Virginia's Regulations Governing the Transportation of Hazardous Materials*, which incorporate by reference certain federal regulations from CFR Title 49. The amendments bring these regulations up to date with the latest CFR Title 49 as published on 1 OCT 14. The amendments become effective on 8 APR 15.

PROPOSED RULES

AMENDMENTS TO GP FOR CERTAIN DISCHARGES IN CHESAPEAKE BAY WATERSHED VDEQ has **proposed** amendments to **9VAC25-820**, *General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia*. The proposed action would amend and reissue the existing general permit (GP) that expires on 31 DEC 16. The GP governs facilities holding individual VPDES permits that discharge or propose to discharge total nitrogen or total phosphorus to the Chesapeake Bay or its tributaries. The facilities are authorized to discharge to surface waters and exchange credits for total nitrogen, total phosphorus, or both. Comments are due by 25 MAR 15.

OTHER REGULATORY ACTIVITY

DEVELOPMENT OF A WATERSHED PLAN FOR THE MATTAPONI RIVER VDEQ has issued a **notice** requesting comments on the development of a watershed plan for the Mattaponi River. VDEQ is required under federal and state law to develop Total Maximum Daily Loads (TMDLs) for pollutants responsible for each impaired waterway contained in Virginia’s 303 (d) TMDL priority list and report. State law also requires implementation plans for areas with TMDLs. The notice provides a list of stream segments that are listed as impaired within the Mattaponi River watershed for recreation use due to exceedances of bacteria. The watershed plan will address the bacteria impairments for these segments. A public meeting is scheduled for 18 MAR 15 and comments are due by 17 APR 15.



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

FEDERAL ACTIVITY

SIP REVISIONS FOR STATE NSR PROGRAM USEPA has issued a proposed rule to approve four SIP revisions submitted by the state of West Virginia (**80 FR 6491**). The SIP revisions pertain to West Virginia's nonattainment New Source Review (NSR) program; notably, provisions for preconstruction permitting requirements for major sources of PM2.5 and NSR reform. The proposed rule does not approve certain revisions related to ethanol production facilities. The comment period closed on 9 MAR 15.

PROPOSED LEGISLATION

SB 423 AMENDMENTS TO ABOVEGROUND STORAGE TANK ACT SB 423 amends the Aboveground Storage Tank (AST) Act. The bill amendments include: (1) requiring a state inventory of ASTs; (2) registration requirements; (3) authorizing

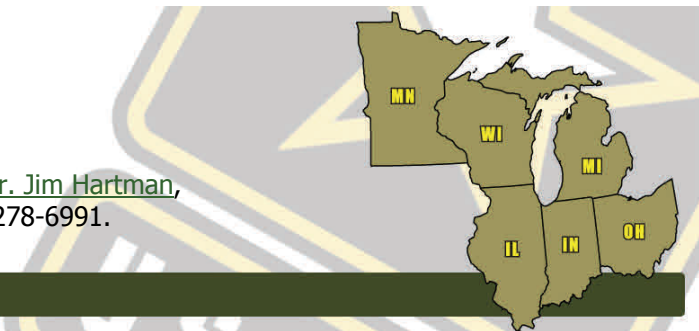
certain fees; (4) requiring the development of a regulatory program for ASTs; (5) requiring inspection and certification of tanks; and (6) creating certain exemptions from regulation. The bill has passed the Senate and was referred to the House Judiciary Committee.

PROPOSED RULES

NEW RULE FOR AST FEE ASSESSMENTS The West Virginia Department of Environmental Protection (WVDEP) has **proposed** a new rule, *Aboveground Storage Tank Fee Assessments* (47-64). The new rule establishes schedules of registration fees, annual operation fees, and annual response fees for ASTs governed by the AST act, W. Va. Code § 22-30-1, et seq. The comment period ended on 10 MAR 15.

Region 5

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



Legislature convened 14 JAN 15 and adjourns 31 MAY 15.

FEDERAL ACTIVITY

SIP REVISION AMENDING DEFINITION OF VOM AND VOC USEPA has issued a direct final rule approving SIP revisions submitted by the state of Illinois (**80 FR 9202**). The revisions amend the Illinois Administrative Code (IAC) by updating the definition of volatile organic material (VOM) and volatile organic compound (VOC) to add five compounds to the list of exempted compounds. These revisions are based on USEPA rulemakings in 2013 that added these compounds to the list of chemical compounds that are excluded from the federal definition of VOC. Barring adverse comment the direct final rule becomes effective on 21 APR 15.

PROPOSED LEGISLATION

SB 48 WILDLIFE GOOD SAMARITAN ACT SB 48 creates a new section (520 ILCS 10/3.5) within the Illinois Endangered Species Protection Act. The new section allows for the removal of an endangered animal from its habitat if it is imminently necessary to avoid serious injury, additional injury, or death of the animal. The bill requires a person who removes an animal under this section to immediately take the endangered animal to an animal shelter. Both the person removing the animal and the animal shelter are required to report the removal to the Illinois Department of Natural Resources (IDNR) within 24 hours. The bill has been introduced.

SB 681 EXOTIC WEED ACT SB 681 amends the Illinois Exotic Weed Act by adding multiple species. The bill designates the following as exotic weeds: (1) four species of exotic bush honeysuckle; (2) three species of exotic olive; (3) salt cedar (all members of the Tamarix genus); (4) poison hemlock; (5) giant hogweed; (6) oriental bittersweet; (7) lesser celandine; (8) teasel (all members of the Dipsacus genus); and (9) japanese, giant, and bohemian knotweed. The bill was introduced.

SB 1672 AMENDMENTS TO PSD PERMITTING PROGRAM REGULATIONS SB 1672 amends the Environmental Protection Act regarding air pollution control. The bill requires the Illinois Pollution Control Board (IPCB) to adopt rules establishing permit programs that meet requirements for CAA Sections 165 and 173 (New Source Review (NSR)/Prevention of Significant Deterioration (PSD)). The bill requires the permit programs to satisfy the requirements of, but not impose restrictions greater than, the provisions of specified federal regulations. Current law doesn't require IPCB to adopt the rules and there is no provision restricting the requirements from being stricter than federal regulations. The bill was referred to the Assignments Committee.

FINAL RULES

REGULATIONS REGARDING ELECTRONIC FILINGS IPCB has adopted two separate rulemakings to amend and codify procedural standards for remarks by members of the public at IPCB open meetings and to permit, with certain limited exceptions, electronic filing in all IPCB proceedings. The first proposed rulemaking amends **35 Ill. Adm. Code 130**, *Identification and Protection of Trade Secrets and Other Non-Disclosable Information*, to prohibit electronic filing of documents containing trade secrets or other non-disclosable information and require such documents to be filed in paper. The second rulemaking amends **35 Ill. Adm. Code 102**, *Regulatory and Informational Hearings and Proceedings*, related to electronic filing and service by email of rulemaking proposals and other documents filed with IPCB in rulemaking proceedings. A notice of the proposed rulemakings was published in the **July 2014 Northern Review**. Both adopted rules became effective on 27 JAN 15.

PROPOSED RULES

AMENDMENTS TO ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA IDNR has proposed two separate rulemakings to amend 17 Ill. Adm. **Code 1010** and **Code 1050**, *Illinois List of Endangered and Threatened Fauna*. Both rulemakings add new text regarding species and subspecies designated as federally endangered or threatened to make users of the list aware of protections afforded federally designated species under the Illinois Endangered Species Protection Act. Comments are due for both rulemakings by 6 APR 15.



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

FEDERAL ACTIVITY

APPROVAL OF STATE PLAN FOR DESIGNATED FACILITIES AND POLLUTANTS FROM OSWI UNITS USEPA has issued direct final rule approving Indiana's state plan to control air pollutants from Other Solid Waste Incineration (OSWI) units (**80 FR 10357**). The plan is consistent with emission guidelines (EG) promulgated by USEPA on 16 DEC 05. USEPA finds that the plan meets applicable Clean Air Act (CAA) requirements for OSWI units for which construction commenced on or before 4 DEC 04. Once effective, the approval also makes the state plan federally enforceable. Barring adverse comment the direct final rule becomes effective on 30 MAR 15.

PROPOSED LEGISLATION

HB 1185 PROHIBITION FOR MANUFACTURE AND SALE OF PRODUCTS CONTAINING SYNTHETIC PLASTIC MICROBEADS HB 1185 establishes a time line to phase out the legal manufacture and/or sale of personal care products that contain synthetic plastic microbeads. The bill defines synthetic plastic microbeads as solid plastic particles that are: (1) less than five millimeters in their largest dimension; (2) not biodegradable; and (3) intentionally added to a personal care product that is used to exfoliate or cleanse and subsequently is rinsed off the human body or a part of the human body. The bill also establishes specified exemptions and penalties. The bill passed the House and was referred to the Senate Commerce and Technology Committee.

HB 1350 AMENDMENTS TO ENVIRONMENTAL VARIANCE RULES AND OTHER MATTERS HB 1350 amends multiple state environmental regulations. The bill amends variance regulations within the environmental rules by adding requirements and restrictions for when a variance is requested or renewed. The bill also amends state regulations regarding: (1) electronic submission of information or documents; (2) certification examinations for certain water treatment and distribution system operators; (3) provision of certain notices; (4) in lieu fee mitigation program; (5) remittance of fees; and (6) duplicative reporting requirements. The bill passed the House and was referred to the Senate Environmental Affairs Committee.

SB 312 TANK REPORTING AND WATER THREAT MINIMIZATION SB 312 requires the owner or operator of an AST that is designed to contain more than 660 gallons of liquid to report certain information about the AST to the Indiana Department of Environmental Management (IDEM) before 1 JAN 16. The bill also: (1) establishes certain exceptions from the reporting requirement; (2) requires a person who is responsible for operation of a public water system that

uses surface water as a source of drinking water to develop and submit to IDEM a surface water quality threat minimization and response (SWQTMR) plan; and (3) requires the environmental rules board to adopt rules concerning the reporting requirement and the SWQTMR plans. The bill passed the Senate and was referred to the House.

FINAL RULES

AMENDMENTS TO ELECTRONIC WASTE RULES IDEM has **adopted** amendments to the electronic waste rules at 329 IAC 16. Electronic waste includes discarded computers, mobile phones, television sets, refrigerators, and other electronic components. These discarded electronics can be recycled or used for scrap metal or parts. The amendments simplify mapping and labeling requirements to allow regulatory flexibility for electronic waste recycling and disposal facilities. The amendments streamline and reduce the cost of maintaining financial assurance by eliminating the standby trust requirement for surety bonds and allow for other financial assurance mechanisms to be used. A notice of the proposed amendments was published in the **February 2014 Northern Review**. The amendments became effective on 22 FEB 15.

PROPOSED RULES

SOURCE SPECIFIC UPDATES TO PARTICULATE MATTER EMISSION LIMITATIONS IDEM has **proposed** updates to the Air Pollution Control Division regulations at 326 IAC 6.5 and 326 IAC 6.8. The amendments update source specific particulate matter (PM) emission limitations. The rulemaking was necessary because some information contained within the rules had become inaccurate or obsolete. Once finalized, the updates will be submitted to USEPA as a SIP revision. The comment period closed on 11 MAR 15.



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

PROPOSED LEGISLATION

HF 690 (SF 1225) SECTION 404 PERMIT PROGRAM FEASIBILITY STUDY HF 690 provides funding for a feasibility study regarding state assumption of the section 404 permit program under the federal Clean Water Act (CWA). Section 404 governs dredge and fill activities in certain waters and is currently administered in Minnesota by the U.S. Army Corps of Engineers. States may assume administration of the section 404 program provided certain conditions are met and the state receives approval by USEPA. The bill was introduced and referred to the Environment and Natural Resources Policy and Finance Committee.

HF 833 (SF 1226) REGULATION FOR DISCHARGE OF DREDGED AND FILL MATERIAL INTO WATERS OF THE STATE HF 833 amends state law to require the Minnesota Pollution Control Agency (MPCA) to adopt or amend rules establishing a program for regulating the discharge of dredged and fill material into the waters of the state. These rules are necessary to obtain approval from USEPA to administer, in whole or part, the permitting and wetland banking programs under CWA section 1.15404. The bill was referred to the Environment and Natural Resources Policy and Finance Committee.

HF 184 (SF 235) REPEAL OF INVASIVE SPECIES PREVENTION PROGRAM REQUIREMENTS HF 184 repeals a law passed in 2012 that established new aquatic invasive species (AIS) training and trailer requirements. The law is set to go into effect on 1 JUL 15. The law being repealed would require a person trailering a boat or other water related equipment in the state to obtain an AIS trailer decal from the Minnesota Department of Natural Resources (MDNR). A person would have to successfully complete a training course in order to receive the decal. Violators of certain AIS laws would also be required to complete the training. The bill repealing the law was referred to the Environment and Natural Resources Policy and Finance Committee.

HF 1065 (SF 669) MODIFICATION TO AIS TRAINING AND TRAILER DECAL REQUIREMENTS HF 1065 modifies a law passed in 2012 that established new AIS training and trailer decal requirements set to go into effect 1 JUL 15. The modifications include: (1) delaying the law's implementation; (2) narrowing the applicability of the requirements; (3) providing certain exemptions; (4) prohibiting a fee for the training course or decal from being charged; and (5) establishing a civil penalty for violations of the law. The bill was referred to the Environment and Natural Resources Policy and Finance Committee.

PROPOSED RULES

UPDATE OF STATE SUPERFUND PRIORITY LIST MPCA has **proposed** deletions from the state Superfund list. The list identifies releases or threatened releases of hazardous substances, pollutants, or contaminants for which MPCA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA). MPCA has proposed deleting portions of the following sites from the Superfund list: (1) Naval Industrial Reserve Ordinance Plant (NIROP), Fridley, Anoka County; and (2) Superior Plating, Minneapolis, Hennepin County. Comments are due by 19 MAR 15.



Legislature convened 5 JAN 15 and adjourns 31 DEC 15.

FEDERAL ACTIVITY

PSD INFRASTRUCTURE SIP REQUIREMENTS FOR 2008 LEAD, 2008 OZONE, 2010 NO₂, AND 2010 SO₂ NAAQS USEPA has issued a direct final rule approving elements of a SIP revision submitted by the state of Ohio (**80 FR 10591**). The revision incorporates Prevention of Significant Deterioration (PSD) infrastructure requirements of Clean Air Act (CAA) section 110 for the 2008 lead, 2008 ozone, 2010 nitrogen dioxide (NO₂), and 2010 sulfur dioxide (SO₂) NAAQS. 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 responsibilities under CAA. Barring adverse comment the direct final rule becomes effective on 28 APR 15.

PROPOSED LEGISLATION

HB 61 LAKE ERIE WATER QUALITY HB 61 makes multiple changes to laws pertaining to agriculture, soil, and water resources in support of Lake Erie water quality. The bill: (1) prohibits the application of fertilizer or manure in Lake Erie's western basin on frozen ground or saturated soil and during certain weather conditions; (2) requires publicly owned treatment works either to monitor monthly total and dissolved phosphorous or to prepare optimization studies that evaluate their ability to reduce phosphorous; and (3) prohibit a person, beginning 1 JUL 20, from depositing dredged material in Ohio's portion of Lake Erie and its direct tributaries that resulted from harbor or navigation maintenance activities unless authorized to do so by the director of the Ohio Environmental Protection (OEPA). The bill unanimously passed the House and was sent to the Senate where it will be referred to the Agricultural Committee. **NOTE: SB 1, "Clean Lake Erie Act of 2015," was unanimously passed by the Senate on 18 Feb 15 and it crossed over to the House and was referred to the Agriculture and Rural Development Committee.**

FINAL RULES

PRIMARY DRINKING WATER STANDARDS AND PLAN APPROVAL OEPA's Division of Drinking and Ground Waters has **adopted** revisions to the water quality standards at OAC 3745-91-03 (Plans Approval) and OAC 3745-81 (Primary Drinking Water Rules). The amendments are, in part, a result of the five-year rule review and are mostly minor. The revisions at OAC 3745-91-03 clarify requirements, while the revisions to OAC 3745-81 rescind certain primary drinking water rules because the Stage 1 Disinfectant and Disinfection Byproduct (D/DBP) requirements have been replaced with Stage 2 D/DBP requirements. A notice of the proposed revisions was published in the **December 2014 Northern Review**. The amendments became effective on 23 FEB 15.

PROPOSED RULES

BOARD OF PHARMACY RULE REVISIONS The Ohio Board of Pharmacy has **proposed** new rules for unused medications. The new rules: (1) 4729-8-01 - add definitions for a new Ohio Administrative Code (OAC) section that closely mirrors recently adopted federal rules that permit registrants to collect unwanted and unused prescription drugs from ultimate users for disposal; (2) 4729-8-02 - authorize approved collectors, other than law enforcement agencies, to collect unwanted and unused prescription drugs from ultimate users via specific methods; (3) 4729-8-03 - provide requirements for law enforcement agencies to collect unwanted and unused prescription drugs from ultimate users via specific methods; and (4) 4729-8-04 - provide procedures for the destruction of drugs collected pursuant to Chapter 8. The comment period closed on 3 FEB 15.

AMENDMENTS TO MUNICIPAL SOLID WASTE FEE RULES OEPA has **proposed** amendments to the municipal solid waste fee rules at 3745-502-01 and 3745-502-02. These rules address regulations and definitions regarding the collection and remitting of fees assessed on the disposal of solid waste in Ohio. The amendments fulfill the state five-year rule review requirements. The amendments also correct inaccurate dates and clarify that OAC Chapter 3745-502 is not applicable to construction and demolition debris facilities. A public hearing is scheduled for 16 MAR 15 and comments are due the same day.

OTHER REGULATORY ACTIVITY

DRAFT GENERAL PERMITS RULE REVISIONS OEPA's Division of Surface Water has **drafted** revisions to the Ohio NPDES General Permit program rules in **OAC Chapter 3745-38**. The revisions include updates to improve consistency with other rules, law, and federal requirements. Minor updates to references and citations are also made. The comment period closed on 11 MAR 15.



Legislature convened 7 JAN 15 and adjourns 31 DEC 15.

OTHER REGULATORY ACTIVITY

GUIDANCE DOCUMENT FOR AVERAGING SOIL-CONTAMINANT CONCENTRATION DATA The Wisconsin Department of Natural Resources (WDNR) has **issued** a draft guidance document, *Averaging Soil-Contaminant Concentration Data* (RR -991). The document helps responsible parties and consultants understand the data analysis that WDNR recommends when performing soil averaging. The comment period closed on 9 MAR 15.

STATE NONPOINT SOURCE PROGRAM MANAGEMENT PLAN FOR FFY 2016-2020 WDNR has **issued** a draft update to Wisconsin's NPS Program Management Plan. The draft management plan outlines the state of Wisconsin's approach to addressing water quality impacts from nonpoint sources (NPS) of pollution. This update covers the projected management activities and efforts from federal fiscal years (FFY) 2016 through 2020. The management plan must meet CWA requirements to ensure Wisconsin's eligibility for Section 319 (federal NPS Program) funding. The management plan document was last updated in June 2011. The comment period closed on 13 MAR 15.

Department of Defense Activity

ARMY STRATEGY 2025 The Office of the Assistant Secretary of the Army for Installations, Energy and Environment (**OASA (IE&E)**) released the **Army's vision and strategy** to help meet future challenges and to succeed in future operating environments. The strategy serves to guide and shape the Army's future and current actions related to installations, energy and environment, as well as provide a strategic roadmap to achieve its vision. It covers fiscal years (FY) 2016-2025.

DOD POLICY: POLLINATOR FRIENDLY MANAGEMENT The Office of the Under Secretary of Defense has issued a **memorandum** expanding DOD policy to use best management practices to protect pollinators (e.g., bees, birds, bats, butterflies, and moths). In accordance with **DOD Instruction 4150.07** (DOD Pest Management Program) and **DOD Instruction 4715.03** (Natural Resources Conservation Program) it is DOD policy to use native landscaping and minimize the use of pesticides and herbicides in sensitive habitats. Further, it is DOD policy for Military Departments to coordinate, when appropriate and to the extent feasible, with other agencies and nongovernmental organizations on habitat and pollinator issues.

FY 2016 LEGACY PROGRAM FUNDING OASA (IE&E) has released a **request for pre-proposals** (RFP) for FY 2016 Legacy Program funding. A Legacy project may involve regional ecosystem management initiatives, habitat preservation efforts, archaeological investigations, invasive species control, Native American consultations, and/or monitoring and predicting migratory patterns of birds and animals. Three principles guide the Legacy program: stewardship, leadership,

and partnership. Only proposals submitted via the [DOD Legacy Tracker website](#) and coordinated with appropriate installation and headquarters personnel will be eligible for funding. Pre-proposals are due 3 APR 16.

Federal Activity

AIR

MOBILE SOURCE REGULATIONS USEPA has issued a direct final rule approving technical amendments to various mobile source regulations ([80 FR 9077](#)). The rulemaking: (1) corrects and clarifies Tier 3 motor vehicle and fuel standards; (2) revises test procedures and compliance provisions for certain nonroad spark-ignition engines (and corresponding nonroad equipment); (3) clarifies design-permissible approaches for portable fuel containers meeting evaporative emission standards; (4) aligns state requirements for marine vessels with diesel engines with International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI; and (5) corrects errors in the Voluntary Quality Assurance Program rulemaking. Barring adverse comment the direct final rule becomes effective on 5 MAY 15.

EMISSIONS INVENTORY REPORTING: LEAD, FIRES, MOBILE SOURCES USEPA has issued a final rule adopting amendments to emissions inventory requirements for a variety of sources ([80 FR 8787](#)). The final rule: (1) lowers the threshold for reporting lead emissions sources to five tons per year of actual emissions; (2) eliminates the requirement for reporting emissions from wildfires and prescribed fires; and (3) replaces a requirement for reporting mobile source emissions with a requirement for reporting input parameters (used to run the USEPA models that generate emissions estimates). The final rule became effective on 19 FEB 15.

MATS AND UTILITY NSPS USEPA has issued a proposed rule to make clarifications and revisions to its 16 FEB 12 final Mercury and Air Toxics Standards (MATS) and Utility New Source Performance Standards (NSPS) ([80 FR 8441](#)). The revisions align regulatory text with the preamble and make corrections and clarifications. In response to a recent court decision, USEPA has also proposed removing rule provisions that established an affirmative defense for malfunction events. Comments are due by 3 APR 15.

USEPA TO TAKE ACTION ON OZONE SIPs Under the terms of a proposed consent decree, USEPA would be required to take final action (approve, disapprove, conditionally approve, or approve in part and disapprove in part) certain SIPs addressing the 2008 NAAQS for ozone ([80 FR 6513](#)). To view the proposed dates by which USEPA must take final action for SIP submittals for Connecticut, Illinois, Indiana, Maryland, New Hampshire, Ohio, Rhode Island, and West Virginia [click here](#) and scroll to the supplementary information section. The comment period closed on 9 MAR 15.

N-PROPYL BROMIDE In response to requests received, USEPA is initiating a technical review on adding the solvent n-Propyl bromide to the list of hazardous air pollutants ([80 FR 6676](#)). Industrial uses of n-Propyl bromide include: cleaning of metal surfaces; removal of soldering residues from electronic circuit boards; solvent use in the aviation industry for maintenance; solvent for adhesives; replacement for perchloroethylene as a dry cleaning solvent; synthetic fiber production; and asphalt production. The comment period closed on 9 MAR 15.

GREENHOUSE GAS EMISSIONS AND SINKS USEPA has released the [draft 1990-2013 Greenhouse Gas Emissions Inventory](#) for public comment ([80 FR 9718](#)). The document summarizes annual U.S. emissions for the period of time from 1990 through 2013 and presents the data by source category and sector. Comments are due by 26 MAR 15.

RADIONUCLIDES USEPA has announced the availability of Version 4 of the CAP88-PC model, which may be used to demonstrate compliance with the NESHAP applicable to radionuclides ([80 FR 7461](#)). Version 4 has many changes and improvements from previous versions.

CLIMATE CHANGE

CLIMATE ACTION PLAN TOOLKIT As part of President Obama's Climate Action Plan [Virtual Climate Resilience Toolkit](#), USEPA has released the Climate Adjustment Tool for USEPA's Stormwater Management Model – a widely used, downloadable online stormwater simulation model. The Climate Adjustment Tool allows engineers and planners to

evaluate performance of water infrastructure while considering future climate change projections, such as more frequent high-intensity storms and changes in evaporation rates of seasonal precipitation, to determine benefits of resiliency decisions to reduce local economic burden and protect communities.

NATURAL RESOURCES

REGULATORY PROTECTIONS FOR GRAY WOLF IN WYOMING AND WESTERN GREAT LAKES The U.S. Fish and Wildlife Service (USFWS) has issued a final rule to reinstate several previously issued final rules regarding regulatory protections under the Endangered Species Act (ESA) for the gray wolf in Wyoming and the Western Great Lakes (**80 FR 9218**). The final rule is in response to two court orders. First, the final rule reinstates the 2 APR 09 (**74 FR 15123**) final rule regulating the gray wolf in the state of Wyoming as a nonessential experimental population. Secondly, the final rule reinstates the 9 MAR 78 (43 FR 9607) final rule as it relates to gray wolves in the western Great Lakes including: (1) endangered status for gray wolves in all of Wisconsin and Michigan, the eastern half of North Dakota and South Dakota, the northern half of Iowa, the northern portions of Illinois and Indiana, and the northwestern portion of Ohio; (2) threatened status for gray wolves in Minnesota; and (3) critical habitat for gray wolves in Minnesota and Michigan. The final rule became effective on 20 FEB 15.

NORTH ATLANTIC RIGHT WHALES The National Marine Fisheries Service (NMFS) has issued a proposed rule to replace the critical habitat for right whales in the North Atlantic with two new areas (**80 FR 9313**). Areas under consideration as critical habitat include approximately 29,945 square nautical miles of marine habitat in the Gulf of Maine and Georges Bank region (Unit 1) and off the southeast coast (Unit 2). The proposed rule, maps, fact sheets, references, and other materials relating to the proposed rule are available on the National Oceanic and Atmospheric Administration [website](#). Activities listed in NMFS's "**Section 4(b)(2) Report**" that may trigger a Section 7 consultation include military operations, such as training and testing. Comments are due by 21 APR 15.

CEQ GUIDANCE FOR NEPA REVIEWS The White House Council on Environmental Quality (CEQ) has extended the public comment period on its 24 DEC 14 proposed guidance for conducting National Environmental Policy Act (NEPA) reviews (**80 FR 9443**). The revised draft guidance discusses how NEPA analysis and documentation should address GHG emissions and the impacts of climate change. Comments are due 25 MAR 15. For more information [read CEQ's overview](#) of the proposal.

TOXICS

TOXICOLOGICAL PROFILES The Agency for Toxic Substances and Disease Registry (ATSDR) issued a notice announcing the development of Set 28 Toxicological Profiles (**80 FR 7870**). Set 28 Toxicological Profiles consists of one updated profile and three new profiles. The updated profile is for antimony, and the three new profiles are for glyphosate, silica, and 2,4, Dichlorophenoxyacetic acid. Drafts should be released for comment by 17 OCT 15. Separately, ATSDR has released [final toxicological profiles](#) for toxaphene and trichlorobenzenes (**80 FR 6971**).

WATER

WATER RESOURCE NEEDS The US Army Corps of Engineers (USACE) Civil Works Program Strategic Plan for 2014-2018, "[Sustainable Solutions to America's Water Resource Needs](#)," is now available. The strategic plan builds on the watershed-based systems approach introduced in the Civil Works 2004-2009 Strategic Plan by furthering integrated water resources management as the overarching strategic pillar. For more than 230 years, USACE has been a leader in developing the nation's water resources and related activities to include harbors and waterways.

CONSERVATION PRACTICES USEPA and USACE issued a [memorandum of understanding](#) withdrawing their 2014 [interpretive rule](#) on exemptions to permitting for certain agricultural conservation practices under the CWA. The interpretive rule outlined which conservation activities provided farmers with an exemption from permitting under the CWA [Section 404\(f\)\(1\)\(A\)](#). Congress requested that USEPA and USACE withdraw the interpretive rule in its continuing resolution "[Cromnibus](#)" [funding legislation](#) (page 445), passed in December 2014. The withdrawal was effective 29 JAN 15.

DRAFT FOURTH CONTAMINANT CANDIDATE LIST USEPA has issued a notice seeking comment on a draft fourth Contaminant Candidate List (CCL 4) of contaminants not currently subject to national primary drinking water regulations

([80 FR 6076](#)). The contaminants are known or anticipated to occur in public water systems and may require regulation under the Safe Drinking Water Act (SDWA). The Draft CCL 4 includes 100 chemicals or chemical groups and 12 microbial contaminants. [Additional information](#) and a [fact sheet](#) are available. USEPA seeks comment on the Draft CCL 4 and on improvements to the selection process for future CCLs. Comments are due 6 APR 15.

WASTEWATER EFFLUENT ANALYSIS USEPA has issued a proposed rule to update methods to analyze the chemical, physical, and biological components of wastewater and other environmental samples required under the CWA ([80 FR 8955](#)). The updates are intended to increase flexibility for the regulated community, improve data quality, and update CWA methods to keep current with technology advances and analytical methods science. The last update was in 2012. Comments are due by 20 APR 15.

SPILL RESPONSE EXERCISE PROGRAM The US Coast Guard and cooperating agencies released updated draft Preparedness for Response Exercise Program Guidelines addressing oil spill response exercises ([80 FR 10704](#)). The updated guidance aligns definitions and terminology with other national-level exercise programs, includes guidance for exercises for non-tank vessels, and specifically identifies oil spill surveillance and tracking systems as a type of response equipment to be exercised during internal equipment deployment exercises. Comments are due by 28 APR 15.

OTHER

ENERGY AND WATER MANAGEMENT AWARDS CALL FOR NOMINATIONS Each year the Federal Energy Management Program (FEMP), in conjunction with the Federal Interagency Energy Management Task Force, sponsors the Federal Energy and Water Management Awards to highlight and honor outstanding federal agency achievements in energy, water, and fleet management. [Nomination criteria](#) are available. FEMP is also offering a one-hour informational [webinar](#) on 19 MAR 15 that will provide an overview of the 2015 awards criteria and eligibility requirements and tips on how to prepare nomination narratives. All final nominations must be submitted through the [nomination site](#) by 30 APR 2015.

Professional Development

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

Please note: Listing of commercial sponsored training and conferences is not a government endorsement of the training or conferences.

NATIONAL CONFERENCES

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

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

TRAINING—ONLINE

24 MAR, ONLINE: INVASIVE PLANT BEST MANAGEMENT PRACTICES BMPs help identify effective and realistic practices that may be integrated into any behavior. Learn how to create BMPs that help identify and minimize the spread of invasive species.

24 MAR, ONLINE: COASTAL AREA RESTORATION Participate in this training session to learn more about the selection of coastal adapted plant species, innovative uses of these plants, and opportunities for growing alternative specialty crops on marginal lands in coastal areas.

26 MAR, ONLINE: STREAM CHANNEL REPAIR AND RESTORATION FOLLOWING EXTREME FLOODING DAMAGE, PART 2 - DESIGN AND IMPLEMENTATION Join this webinar to learn about treatment options and considerations when repairing and restoring stream channels damaged by extreme flooding.

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

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

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

SERDP AND ESTCP WEBINAR SERIES The DOD environmental research and development funding programs SERDP and ESTCP are launching a webinar series to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 PM ET (9:00 AM PT) for 90 minutes. Most webinars feature two 30-minute presentations and interactive question and answer sessions, on topics targeted for DOD and USDOE audiences.

AIR FORCE INSTITUTE OF TECHNOLOGY (AFIT) TRAINING COURSE, QUALIFIED RECYCLING PROGRAM MANAGEMENT This Interservice Environmental Education Review Board (ISEERB) designated course emphasizes principles and techniques to assist students in implementing a sound Qualified Recycling Program (QRP). The course focuses on learning what products can be recycled, products prohibited from recycling, QRP regulations, necessary processing equipment, collection and sorting methods to maximize returns, working with your Defense Reutilization and Marketing Office, establishing contracts, recording transactions, DOD recordkeeping, and estimating future budgets.

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

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

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

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

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

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

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

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

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

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

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

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

Course (CCN 429); Radioactive Waste Transport (CCN 441); Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141); Environmental Remediation Technologies (CCN 395); and Environmental Laws and Regulations (CCN 170).

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

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

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

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

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

How the Regional Offices Work for You

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

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

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