



# Northern Review

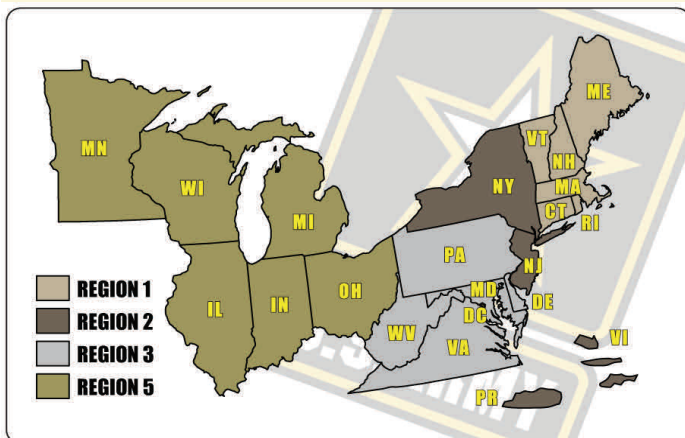
## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

May 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, amendments to the public drinking water quality standards. In ME, draft general permit for discharge of pesticides. In MA, proposed amendments to the water resources management program. In RI, proposed repeal of heavy-duty diesel engine standards. In VT, bill to create the Clean Water Legacy Fund and a draft 2014 List of Priority Waters.

### Region 2

In NJ, bill to amend the definition of "inherently beneficial use" for zoning variances. In NY, legislation to allow power purchase agreements and mandate energy reduction.

### Region 3

In MD, bill increasing water pollution control violation penalties; finalized amendments to the water quality standards and proposed regulations for the certification of state water quality labs. In PA, final updates to measurement methods for PM emissions and proposed additional RACT requirements for major sources of NO<sub>x</sub> and VOCs. In VA, new law assigning authority powers for Fort Monroe and multiple new TMDLs for the James River watershed. In WV, adoption of emission standards for HAPs, and multiple finalized amendments covering the transportation of hazardous waste rules and issuance of CWA federal permits.

### Region 5

In IL, bill to amend waste and water regulations and final updates to the water supply operator certification rules; proposed amendments to ambient air quality requirement, definitions of VOM and VOC, and allocation of water from Lake Michigan. In MI, USEPA approval of PSD program revisions. In MN, draft upper Mississippi River bacterial TMDL study and protection plan. In OH, new law regulating recycled water. In WI, new laws regarding tipping fees, motor vehicle air conditioners, and phosphorus water quality standards.

### DOD Activity

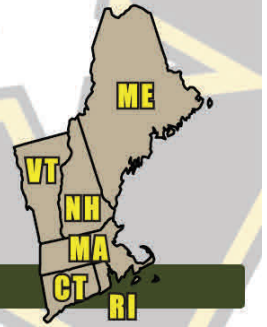
DOD announces 2014 Secretary of the Defense Environmental Award winners.

### Federal Activity

USEPA issues a strategic plan, finalizes rules on Tier 3 emission standards and revisions to VOC definition, and proposes protections for streams and wetlands. NMFS updates and clarifies species descriptions. NOAA releases 2013 State of the Climate Report.

# Region 1

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



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

## PROPOSED RULES

**AMENDMENTS TO PUBLIC DRINKING WATER QUALITY STANDARDS** The Connecticut Department of Public Health (CDOH) has [proposed](#) amendments to the Public Drinking Water Quality Standards (section 19-13-B102). The amendments require every community water system to be supported by an emergency generator or a CDOH approved alternative source of backup power. The amendment also requires community water systems to have emergency contingency and response plans to guide community water systems prior to, during, and after power outages. The comment period closed on 4 MAY 14.

## OTHER REGULATORY ACTIVITY

**PROPOSED RENEWAL OF GP FOR DISCHARGE OF STORMWATER ASSOCIATED WITH COMMERCIAL ACTIVITIES** The Connecticut Department of Energy & Environmental Protection (CDEEP) has issued a [notice of tentative determination](#) to renew the general permit (GP) for the discharge of stormwater associated with commercial activities for three years. The proposed GP requires registration (including re-registration for existing permittees) and the preparation and implementation of a Stormwater Management Plan. The plan must contain stormwater management measures to ensure that the discharge will not cause pollution. If approved the renewed GP would become effective on 1 MAY 14 and expire on 30 APR 17. The comment period closed on 3 MAY 14.



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

## OTHER REGULATORY ACTIVITY

**DRAFT GENERAL PERMIT FOR DISCHARGE OF PESTICIDES** The Maine Department of Environmental Protection (MDEP) has [drafted](#) a GP (MEG230000) for the incidental and unintended discharges of pesticides to surface waters of the state associated with pest control activities. The GP covers pesticides that are applied in compliance with federal labeling restrictions, state statute, and Maine Board of Pesticide Control rules and best management practices. The GP applies to Class GPA, AA, A, B, C, SA, SB, SC surface waters of the state, tributaries to Class GPA waters, and those waters having a drainage area of less than 10 square miles. The GP is being issued as a Maine Pollutant Discharge Elimination System (MPDES) permit. The comment period closed on 1 MAY 14.



Legislature convened 8 JAN 14 and adjourns 7 JAN 15.

## FEDERAL ACTIVITY

**APPROVAL OF SIP REVISIONS CONCERNING MULTIPLE AIR REGULATIONS** USEPA has issued a final rule approving several State Implementation Plan (SIP) revisions submitted by the commonwealth of Massachusetts ([79 FR 22774](#)).

The revisions: (1) add new monitoring, inspection, maintenance, and testing requirements for certain fossil fuel utilization facilities; (2) rename and clarify stationary source emission reporting requirements; and (3) establish compliance and certification standards for new boilers. The final rule approves the commonwealth's revised "Fossil Fuel Utilization Facility" and "Source Registration" regulations and the new "Industrial Performance Standards for Boilers" regulation. The final rule will become effective on 27 MAY 14.

## **PROPOSED LEGISLATION**

**HB 4006 UPDATE TO REGULATIONS GOVERNING CAPTURE OF FURBEARING ANIMALS** HB 4006 amends Inland Fisheries and Game and Other Natural Resources laws to further regulate the capturing of furbearing animals. The bill amends the process for issuing new emergency permits and the renewal of existing emergency permits. The bill was reported favorably by the Environment, Natural Resources and Agriculture Committee and referred to the Health Care Financing Committee.

**SB 2092 AMENDMENTS TO IRRIGATION SYSTEM REQUIREMENTS** SB 2092 amends the Massachusetts Water Management Act by adding requirements for specified irrigation systems. The bill instructs the Massachusetts Department of Environmental Protection (MassDEP) to create a requirement for irrigation systems to have functioning interruption devices that suspend operation during periods of sufficient moisture from rainwater. The bill was reported favorably by the Environment, Natural Resources and Agriculture Committee and referred to the Ways and Means Committee.

## **PROPOSED RULES**

**PROPOSED TIMELY ACTION SCHEDULE AND FEE PROVISION AMENDMENTS** MassDEP has **proposed amendments** to the Timely Action Schedule and Fee Provisions at 310 CMR 4.00. The proposed amendments: (1) add or delete permit fee categories; (2) adjust permit review schedules and fee rates; (3) clarify the applicability of fee categories; (4) update or correct citations to provide statutory and regulatory consistency; and (5) delete expired fee categories or text for the air quality, hazardous waste, solid waste, water supply, watershed management, water pollution control, wetlands and waterways, and waste site cleanup environmental programs. The comment period closed on 5 MAY 14.

**WATER RESOURCES MANAGEMENT PROGRAM REGULATIONS** MassDEP has **proposed** amendments to the water resources management program regulations at 310 CMR 36.00. The regulations establish enforceable standards, criteria and procedures to implement the Water Management Act (WMA). The proposed revisions incorporate key elements of the Executive Office of Energy and Environmental Affairs' Sustainable Water Management Initiative (SWMI) including: safe yield; baseline; stream flow criteria; permit review categories; and coldwater fish resources. In addition to incorporating key elements of SWMI, the proposed amendments clarify WMA permitting requirements and processes and add regulations for water supply emergencies. Comments are due by 10 JUN 14.



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

## **PROPOSED RULES**

**PROPOSED REPEAL OF HEAVY-DUTY DIESEL ENGINE STANDARDS** The Rhode Island Department of Environmental Management has **proposed** repealing air pollution control regulations No. 42 (Heavy-Duty Diesel Engine Standards) and No. 41 (Nitrogen Oxides (NO<sub>x</sub>) Budget Trading Program (NBP)). Regulation No. 42 established "clean" diesel engine standards in the state during a time when it appeared that applicable national standards might lapse. The national standards have stayed in effect and the regulation is no longer needed. Regulation No. 41 established the state NBP. USEPA has effectively replaced the state NBP program by adopting the federal Clean Air Interstate Rule (CAIR) therefore, the regulation is no longer needed. The comment period closed on 8 MAY 14.



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

**PROPOSED LEGISLATION**

**HJR 23 CLEANUP OF LAKE CHAMPLAIN** HJR 23 is a joint resolution addressing the 2011 USEPA revocation of Vermont’s portion of the Lake Champlain Total Maximum Daily Load (TMDL). The revocation was due to the lack of sufficient reasonable assurances that necessary reductions would be achieved from nonpoint sources of phosphorous. USEPA is currently developing a new TMDL to reduce the total loading of phosphorous into Lake Champlain from Vermont sources. The resolution requests that USEPA accept as “reasonable assurance” a proposed Vermont Department of Environmental Conservation (VDEC) Phase I Implementation Plan for the new TMDL. The resolution also requests funding from multiple specified sources for the implementation of the TMDL and the cleanup of state waters. The resolution passed the House and has been referred to the Senate Natural Resources and Energy Committee.

**SB 288 CREATION OF CLEAN WATER LEGACY FUND** SB 288 creates a special fund in the state treasury, *Clean Water Legacy Fund*, to support activities that improve the water quality of state waters. The bill also establishes a working group on water quality funding to review and recommend to the General Assembly a stable, reliable, and equitable source of financing to support actions that improve the water quality of the state’s surface waters. The bill was introduced and referred to the Natural Resources and Energy Committee.

**OTHER REGULATORY ACTIVITY**

**2014 303(D) LIST AND STATE PRIORITY WATERS LISTS** VDEC has **released** for public comment the draft 2014 List of Priority Waters that includes the draft 303(d) List of Impaired Waters. The draft 2014 303(d) List of Impaired Waters consists of a schedule for TMDL development and an interim list of previously listed impaired waters proposed for de-listing. The draft 2014 List of Priority Waters consists of the following: (1) impaired waters that do not need a TMDL; (2) impaired waters that have completed USEPA approved TMDLs; (3) waters altered by exotic species; and (4) waters altered by flow regulation. The comment period closed on 25 APR 14.

**DRAFT SOUTH LAKE CHAMPLAIN TACTICAL BASIN PLAN** VDEC has **released** the draft South Lake Champlain Tactical Basin Plan for public comment. The plan states the current condition of surface waters and aquatic habitat, problems occurring with water quality, and strategies to be taken by VDEC and partners to improve water quality. The goal of the action plan is to reduce the phosphorus load delivered to Southern Lake Champlain. A series of public meetings were held in April 2014 to gather comments.

# Region 2

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



Legislature convened 14 JAN 14 and adjourns 12 JAN 16.

**PROPOSED LEGISLATION**

**SB 1116 (AB 3101) AMENDMENT TO DEFINITION OF “INHERENTLY BENEFICIAL USE” FOR ZONING VARIANCES** SB 1116 amends the definition of “inherently beneficial use” in the Municipal Land Use Law for purposes of zoning variance. The change discourages the siting of wind and solar energy facilities on agricultural land and open space. The bill was introduced and referred to the Environment and Energy Committee.

**SB 1813 (AB 3123) REQUIREMENTS FOR PERIODIC REVIEW OF STATE AGENCY PERMITS** SB 1813 expands and strengthens state provisions that require each state agency to periodically review permits to identify those that are obsolete or that could be administered through an expedited procedure. The bill also requires the head of each state agency to conduct a periodic comprehensive written review of the agency's permits. The bill establishes required elements and timelines for the comprehensive written reviews. The bill was introduced and referred to the State Government, Wagering, Tourism and Historic Preservation Committee .



**Legislature convened 8 JAN 14 and adjourns 7 JAN 15.**

### **FEDERAL ACTIVITY**

**ATTAINMENT FOR 1997 ANNUAL AND 2006 24-HOUR PM2.5 NAAQS** USEPA has issued a final rule approving the state of New York's request to redesignate the New York portion of the NY-NJ-CT nonattainment area to attainment for the 1997 annual and the 2006 24-hour Fine Particle (PM2.5) National Ambient Air Quality Standards (NAAQS) (**79 FR 21857**). The final rule also approves related elements including 2007 comprehensive emissions inventories for ammonia (NH<sub>3</sub>), volatile organic compounds (VOC), NO<sub>x</sub>, PM10, direct PM2.5, sulfur dioxide (SO<sub>2</sub>), maintenance plans, and the accompanying motor vehicle emissions budgets (MVEBs). The final rule became effective on 18 APR 14.

### **PROPOSED LEGISLATION**

**AB 9335 ENVIRONMENTAL ASSESSMENT PROCESS FOR HISTORIC PRESERVATION PLANS** AB 9335 amends multiple state laws, including the environmental conservation law, to update the environmental assessment process for historic preservation plans. The bill addresses: (1) environmental impact statements; (2) dates for filing drafts of statewide comprehensive historic preservation plans; (3) funds available for historic preservation purposes; and (4) the New York state archaeological survey assistance fund. The bill was introduced and referred to the Environmental Conservation Committee.

**SB 6949 SOLAR POWER PURCHASE AGREEMENTS** SB 6949 amends the state energy law to allow for solar power purchase agreements. The bill allows and identifies requirements for agencies, municipalities, or public authorities to enter into solar power purchase agreements of up to 25 years duration. The bill also allows and outlines requirements for the resell of any electricity generated by the solar powered electricity generating systems or equipment. A similar bill, **SB 6958**, authorizing power purchase agreements has also been introduced. Both bills were referred to the Energy and Telecommunications Committee.

**SB 7069 ENERGY REDUCTION MANDATES** SB 7069 amends the public authorities law by directing state agencies and public authorities to reduce their energy use. The bill also requires the agencies and authorities to prepare reports of their actions and achievements relating to energy efficiency and submit them to the New York Power Authority. The bill grants authority to the New York Power Authority to oversee the mandated energy reduction efforts in state and public authority owned and managed buildings. The bill was introduced and referred to the Energy and Telecommunications Committee.



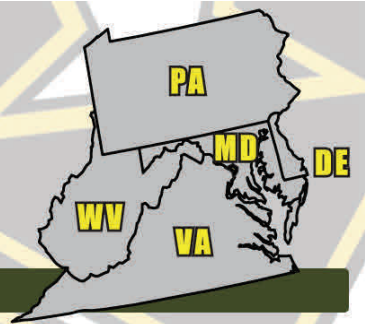
**Legislature convened 14 JAN 13 and adjourns 31 DEC 16.**

### **PROPOSED LEGISLATION**

**RC 944 INVESTIGATION OF UNDETONATED EXPLOSIVES IN PLAYA FLAMENCO** RC 944 requires the Puerto Rico legislative Committees on Agriculture, Natural Resources and Environmental Affairs to conduct an investigation regarding the Eastern Region Integrated Development and the existence of undetonated explosives in Playa Flamenco in Culebra. The bill was introduced and referred to the House Internal Affairs Committee.

# Region 3

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



**Legislature convened 14 JAN 14 and adjourns 30 JUN 14.**

## **FEDERAL ACTIVITY**

**INFRASTRUCTURE REQUIREMENTS FOR 2008 OZONE NAAQS** USEPA has issued a final rule approving a SIP revision submitted by the state of Delaware ([79 FR 18644](#)). The revision addresses Clean Air Act (CAA) section 110 (1) and (2) requirements, often referred to as the "infrastructure" SIP. Specifically the revision addresses the infrastructure requirements necessary to implement, maintain, and enforce the 2008 ozone NAAQS. The final rule became effective on 5 MAY 14.

**PROPOSED ATTAINMENT FOR 1997 ANNUAL AND 2006 24-HOUR PM2.5 NAAQS** USEPA has issued a proposed rule to approve the state of Delaware's requests to redesignate the Delaware portion of the Philadelphia-Wilmington, PA-NJ-DE nonattainment area to attainment for the 1997 annual and the 2006 24-hour PM2.5 NAAQS ([79 FR 20139](#)). The proposed rule also approves related elements including the 2007 emissions inventories for the 2006 24-hour PM2.5 NAAQS, maintenance plans, and the accompanying MVEBs. The proposed rule also addresses a number of additional issues, including the effects of two decisions of the U.S. Court of Appeals for DC. The decisions concern USEPA's Cross-State Air Pollution Rule and two final rules implementing the 1997 annual PM2.5 standard. The comment period closed on 12 MAY 14.

## **PROPOSED RULES**

**RACT SIP REVISION FOR 2008 OZONE NAAQS** The Delaware Department of Natural Resources and Environmental Control (DDNREC) has issued a [proposed](#) SIP revision, "Delaware Reasonably Available Control Technology (RACT) SIP under the 2008 Ozone NAAQS." The SIP revision was federally required and demonstrates that the state has implemented necessary RACT control measures for stationary emission sources of VOC and NO<sub>x</sub> for the implementation, maintenance, and enforcement of the 2008 ozone NAAQS. A public hearing is scheduled for 2 JUN 14.



**Legislature convened 2 JAN 14 and adjourns 31 DEC 14.**

## **FEDERAL ACTIVITY**

**NOTICE OF ADEQUACY FOR DC 1997 PM2.5 NAAQS NONATTAINMENT AREA MAINTENANCE PLAN MVEBs** USEPA has issued a notice of adequacy informing the public that the MVEBs in the DC portion of the Metropolitan Washington, DC, (DC-MD-VA) 1997 PM2.5 NAAQS Nonattainment Area Maintenance Plan are adequate for transportation conformity purposes ([79 FR 23972](#)). The plan was submitted as a SIP revision. The finding became effective on 14 MAY 14.

## **OTHER REGULATORY ACTIVITY**

**REVISIONS TO NO<sub>2</sub> AND SO<sub>2</sub> INFRASTRUCTURE SIPS** The District of Columbia Department of the Environment (DDOE) has released proposed revisions to the [NO<sub>2</sub> Infrastructure SIP](#) and the [SO<sub>2</sub> Infrastructure SIP](#). The revisions describe how DC is implementing the infrastructure elements of the 2010 NO<sub>2</sub> and SO<sub>2</sub> NAAQSs. The revisions will be

submitted to USEPA for approval. Once approved the revisions will provide a federally enforceable written confirmation of how DC will continue to comply with CAA requirements for NO<sub>2</sub> and SO<sub>2</sub>. Public hearings are scheduled for both SIP revisions on 19 MAY 14 and comments are due for both actions on the same day.



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

## **FEDERAL ACTIVITY**

**INFRASTRUCTURE REQUIREMENTS FOR 2010 NO<sub>2</sub> NAAQS** USEPA has issued a proposed rule to approve a SIP revision submitted by the state of Maryland ([79 FR 21173](#)). The revision addresses CAA section 110 (1) and (2) requirements, often referred to as the "infrastructure" SIP. Specifically the revision addresses the infrastructure requirements necessary to implement, maintain, and enforce the 2010 NO<sub>2</sub> NAAQS. Comments are due by 15 MAY 14.

**NOTICE OF ADEQUACY FOR 1997 PM<sub>2.5</sub> NAAQS MAINTENANCE PLAN MVEBS** USEPA has issued a notice of adequacy informing the public that the MVEBs in the Maryland portion of the Metropolitan Washington, DC, (DC-MD-VA) 1997 PM<sub>2.5</sub> NAAQS Nonattainment Area Maintenance Plan are adequate for transportation conformity purposes ([79 FR 23349](#)). The plan was submitted as a SIP revision. The finding became effective on 13 MAY 14.

## **FINAL LEGISLATION**

**[SB 259 \(HB 861\)](#) USE OF AGRICULTURAL EASEMENTS FOR THE GENERATION OF ELECTRICITY** SB 259 authorizes the Maryland Agricultural Land Preservation Foundation (MALPF) to approve the use of land subject to an agricultural easement for the generation of electricity by a facility under certain conditions. The bill requires MALPF to adopt implementing regulations and to report to specified legislative committees by a specified date on the implementation of the bill. The bill was signed by the governor on 5 MAY 14 and will become effective on 1 JUL 14.

**[SB 564 \(HB 834\)](#) INCREASES IN MONETARY PENALTIES FOR WATER POLLUTION CONTROL VIOLATIONS** SB 564 increases the maximum administrative penalty, from \$5,000 to \$10,000, for each violation of certain water pollution control laws. The bill also increases, from \$50,000 to \$100,000, the maximum total penalty that may be imposed on a person for such violations. A notice of the bill's Senate passage was published in the [March 2014 Northern Review](#). The bill and its companion bill, SB 564, were signed by the governor on 8 APR 14 and will become effective on 1 OCT 14.

**[SB 985](#) GREEN BANKS AND CLEAN BANK FINANCING STUDY** SB 985 requires the Maryland Clean Energy Center (MCEC), in collaboration with the Maryland Energy Administration (MEA), to conduct a study and make recommendations related to green banks and clean bank financing initiatives. The recommendations must include aspects of implementation and funding. The bill identifies consultation requirements and timelines for the studies. MCEC is required to submit an interim and final report on its findings and recommendations to the Senate Finance Committee and the House Economic Matters Committee. The bill was signed by the governor on 5 MAY 14 and will become effective on 1 JUL 14.

## **FINAL RULES**

**UPDATES TO WATER QUALITY STANDARDS** MDE has [adopted](#) a rule to amend the water quality standards as a result of the triennial review process. The review revealed several necessary amendments to the water quality standards, including: (1) correcting an error in the description of Water Quality Standards; (2) updating numeric toxics criteria; (3) updating the list of "Tier II" waters; (4) updating designated uses to reflect existing uses; and (5) standardizing the coordinate system for describing locations of water bodies. A notice of the proposed rule was published in the [January 2014 Northern Review](#). The adoption became effective on 28 APR 14.

## **PROPOSED RULES**

**CERTIFICATION OF STATE WATER QUALITY LABORATORIES** The Maryland Department of the Environment (MDE) has [proposed](#) to repeal existing Regulations .01 - .16 and adopt new Regulations .01 - .18 under COMAR 26.08.05, *Certification of State Water Quality Laboratories*. The proposal: (1) corrects technical references and agency designation; (2) modifies the timeline for the submission of annual renewal applications for certification; (3) assesses a

penalty for late renewal applications; and (4) clarifies the education and experience requirements for laboratory personnel who are employed at laboratories that analyze drinking water pursuant to the Safe Drinking Water Act (SDWA). The comment period closed on 5 MAY 14.



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

### **FEDERAL ACTIVITY**

**INFRASTRUCTURE REQUIREMENTS FOR 2008 LEAD (Pb) NAAQS** USEPA has issued a final rule approving a SIP revision submitted by the commonwealth of Pennsylvania ([79 FR 19009](#)). The revision addresses CAA section 110 (1) and (2) requirements, often referred to as the "infrastructure" SIP. Specifically the revision addresses the infrastructure requirements necessary to implement, maintain, and enforce the 2008 lead (Pb) NAAQS. The comment period closed on 7 May 14.

### **FINAL RULES**

**MEASUREMENT AND REPORTING OF CONDENSABLE PM EMISSIONS** The Pennsylvania Department of Environmental Protection (PDEP) has [adopted](#) amendments to Chapter 139 that update and clarify what sampling and testing methods are used to demonstrate compliance with certain PM emission limitations. The amendments also amend Chapter 121 to add terms and definitions for "condensable particulate matter" and "filterable particulate matter." A notice of the proposed amendments was published in the [August 2012 Northern Review](#). The amendments became effective on 12 APR 14.

### **PROPOSED RULES**

**ADDITIONAL RACT REQUIREMENTS FOR MAJOR SOURCES OF NO<sub>x</sub> AND VOCs** The Pennsylvania Environmental Quality Board (PEQB) has [proposed](#) amendments to the air regulations at Chapters 121 and 129, relating to general provisions and standards for sources. The proposed amendments update Chapter 129 to adopt presumptive RACT requirements emission limitations for certain major stationary sources of NO<sub>x</sub> and VOC emissions. The amendments also update definitions in Chapter 121 to support the proposed amendments to Chapter 129. Once approved, the amendments will be submitted to USEPA as a SIP revision. Comments are due by 30 JUN 14.

### **OTHER REGULATORY ACTIVITY**

**2014 DRAFT INTEGRATED WATER QUALITY MONITORING AND ASSESSMENT REPORT** PDEP has [released](#) for public comment the draft 2014 Integrated Water Quality Monitoring and Assessment Report. The report includes a narrative description of the commonwealth's water quality management programs (formerly the 305(b) Report) and various lists depicting the status of commonwealth surface waters as required by the federal Clean Water Act (CWA). The report also includes a five-part list that collectively summarizes the designated use attainment status of commonwealth surface waters. Comments are due by 10 JUN 14.



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

### **FEDERAL ACTIVITY**

**NOTICE OF ADEQUACY FOR 1997 PM<sub>2.5</sub> NAAQS MAINTENANCE PLAN MVEBS** USEPA has issued a notice of adequacy informing the public that the MVEBs in the Virginia portion of the Metropolitan Washington, DC, (DC-MD-VA) 1997 PM<sub>2.5</sub> NAAQS Nonattainment Area Maintenance Plan are adequate for transportation conformity purposes ([79 FR 23350](#)). The plan was submitted as a SIP revision. The finding became effective on 13 MAY 14.



## **FINAL LEGISLATION**

**SB 166 (HB 1180) REMOVAL OF CERTAIN FORT MONROE AUTHORITY POWERS** SB 166 removes the ability of the Fort Monroe Authority (FMA) to exercise the powers of the commonwealth over its area of operation, which consists of land acquired or to be acquired from the federal government by FMA or the commonwealth. The bill allows FMA to continue to serve as the commonwealth's management agent in such matters. The bill also authorizes the FMA Board of Trustees to: (1) impose civil penalties for violations of regulations concerning the use of, access to, and visitation of property under its control; and (2) enter into agreements for the ownership and operation of utility services. The bill and its companion bill were signed by the governor on 6 APR 14 and they will become effective on 1 JUL 14. A notice of the Senate bill's passage was published in the [February 2014 Northern Review](#). **NOTE:** *In December 2013, the governor approved the Fort Monroe Master Plan focusing on a mixed use concept that combines adaptive reuse with new construction and open space.*

## **FINAL RULES**

**FOUR NEW TMDL WASTE LOAD ALLOCATIONS IN JAMES RIVER WATERSHED** The Virginia Department of Environmental Quality's State Water Control Board (VSWCB) has [adopted](#) amendments to the state's Water Quality Management Planning Regulation (9 VAC 25-720). The amendments include [four TMDL](#) waste load allocations within the James River Basin. The amendments will become effective on 4 JUN 14.

## **OTHER REGULATORY ACTIVITY**

**WATER QUALITY MANAGEMENT PLANNING REGULATION AMENDMENT** VSWCB is [considering amending](#) the water quality management planning regulation (9VAC25-720). The amendment would adopt 14 TMDL waste load allocations affecting the James River Basin, Big Sandy River Basin, Roanoke River Basin, and the Chowan River - Dismal Swamp Basin. Comments are due by 21 MAY 14.



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

## **FEDERAL ACTIVITY**

**INFRASTRUCTURE REQUIREMENTS FOR THE 2008 OZONE NAAQS** USEPA has issued a final rule approving a SIP revision submitted by the state of West Virginia ([79 FR 19001](#)). The revision addresses CAA section 110 (1) and (2) requirements, often referred to as the "infrastructure" SIP. Specifically the revision addresses the infrastructure requirements necessary to implement, maintain, and enforce the 2008 Ozone NAAQS. The final rule became effective on 7 May 14.

## **FINAL RULES**

**CONTROL OF AIR POLLUTION FROM HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES** The West Virginia Department of Environmental Protection (WVDEP) has [adopted](#) amendments to emission standards for the treatment, storage, and disposal of hazardous waste. The amendments were necessary to: (1) maintain primary enforcement authority for the RCRA Hazardous Waste Management System; (2) stay consistent with the current federal regulations; and (3) fulfill the states responsibilities under the CAA. The Legislative Rule-making Review Committee has approved the amendments and they will become effective on 1 JUN 14.

**EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS** WVDEP has [adopted](#) amendments to the emission standards for hazardous air pollutants (HAPs) in order to maintain primary enforcement authority for National Emissions Standards for Hazardous Air Pollutants (NESHAPs) promulgated by USEPA as of 1 JUN 13. The amendments incorporate by reference the source categories of new or revised NESHAPs for major sources, including: (1) Industrial, Commercial, and Institutional Boilers and Process Heaters; (2) Coal and Oil-Fired Electric Utility Steam Generating Unit; and (3) Reciprocating Internal Combustion Engines. The amendments also incorporate by reference multiple source categories of NESHAPs for non-major area sources. The Legislative Rule-making Review Committee has approved the amendments and they will become effective on 1 JUN 14.

**REGULATIONS FOR STATE CERTIFICATION OF ACTIVITIES REQUIRING FEDERAL LICENSES AND PERMITS** The West Virginia Department of Environmental Protection (WVDEP) has **adopted** amendments to the rule governing the state processes and conditions for granting CWA Section 401 certification of federal permits. Federal permits covered under this rule include: (1) USACE Section 404 permits; (2) Section 10 of the Rivers and Harbors Act of 1899 permits; and (3) Federal Energy Regulatory Commission (FERC) licenses for hydropower operations. The amendments reflect the newer federal mitigation process, adjust the certification fee for inflation, and provide clarity relative to Section 10 and FERC certifications. A notice of WVDEP's approval of the amendments was published in the **September 2013 Northern Review**. The Legislative Rule-making Review Committee has approved the amendments and they became effective on 1 MAY 14.

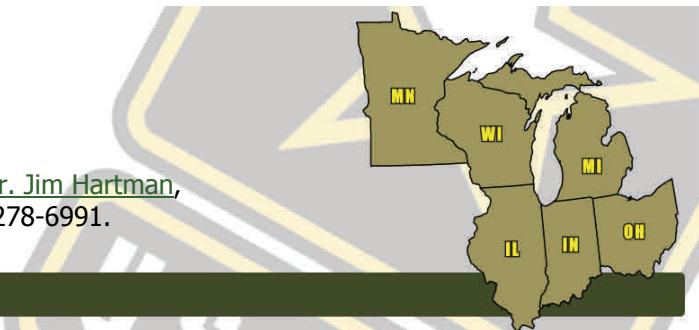
**STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES** WVDEP has **adopted** amendments to the standards of performance for new stationary sources regulations. The amendments enable the state to maintain primary enforcement authority for the New Source Performance Standards (NSPS) promulgated by USEPA as of 1 JUN 13. The amendments include annual incorporation by reference updates, along with associated reference methods, performance specifications and other test methods that are appended to the standards. The Legislative Rule-making Review Committee has approved the amendments and will become effective on 1 JUN 14.

**TRANSPORTATION OF HAZARDOUS WASTES ON ROADS AND HIGHWAYS** The West Virginia Department of Transportation (WVDOT) has **adopted** general rules (Series 7) for the transportation of hazardous wastes by vehicle on the roads and highways of West Virginia. The rules are applicable if the transport requires a manifest under Section 6 of the rules of WVDEP implementing the Hazardous Waste Management Act. The rules are necessary to comply with time limitations established by changes to federal statute, 40 CFR and 49 CFR and to reflect the effective date of 33 CSR 20, Hazardous Waste Management Rule. A notice of WVDEP's approval of the amendments was published in the **September 2013 Northern Review**. The Legislative Rule-making Review Committee has approved the amendments and they became effective on 28 APR 14.

**TRIENNIAL REVIEW OF WATER QUALITY STANDARDS** WVDEP completed the federally required triennial review of the state's water quality standards and **adopted** numerous statewide revisions. The revisions include a change to the dissolved aluminum, human health beryllium, and recreational criteria for bacteria. Numerous site specific revisions also are proposed, including the removal of expired or outdated criteria. A notice of the proposed revisions was published in the **July 2013 Northern Review**. The Legislative Rule-making Review Committee has approved the amendments and they will become effective on 21 JUN 14.

## Region 5

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



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

### **FEDERAL ACTIVITY**

**10-YEAR FEDERALLY ENFORCEABLE STATE OPERATING PERMITS** USEPA has issued a direct final rule approving a SIP revision submitted by the state of Illinois (**79 FR 18997**). The revision extends the term for an initial permit or renewal of a Federally Enforceable State Operating Permit (FESOP) from five years to ten years. FESOPs apply to non-major sources that obtain enforceable limits to avoid being subject to certain CAA requirements, including the Title V operating permit program. Barring adverse comment the direct final rule will become effective on 6 JUN 14.

## **PROPOSED LEGISLATION**

**HB 5401 AMENDMENTS TO WASTE AND WATER REGULATIONS** HB 5401 amends multiple regulations including solid waste, hazardous waste, waste water, and drinking water. The bill repeals the Hazardous Waste Occupational Licensing Fund and provides that all fees collected by the Illinois Environmental Protection Agency (IEPA) for the fund be deposited into the Environmental Protection Permit and Inspection Fund, which the bill establishes. The bill also amends the Public Water Supply Operations Act by updating multiple definitions and granting IEPA authority to adopt rules that classify or reclassify community water supplies into specified categories. The bill also amends the Illinois Lake Management Program Act. The bill has passed the House and was referred to the Senate Assignments Committee.

**SB 2966 URBAN FLOODING AWARENESS ACT** SB 2966 creates the Urban Flooding Awareness Act. The act requires the Illinois Department of Natural Resources (IDNR) to consult with multiple agencies to produce a report that reviews and evaluates the latest available research, laws, regulations, policies, procedures, and institutional knowledge concerning issues of urban flooding. The report is due to the general assembly and the governor by 30 JUN 15. The bill passed the Senate and was referred to the House Environment Committee.

## **FINAL RULES**

**AMENDMENTS TO WATER SUPPLY OPERATOR CERTIFICATION REGULATIONS** IEPA has finalized the **repeal** of 35 Ill. Adm. Code Part 680 of the water supply operator certification regulations, and **adopted** a new Part 681. The requirements in Part 680 are carried over to Part 681 with some changes, including renewal training requirements. A notice of the proposed rulemaking was published in the **November 2013 Northern Review**. Both the repeal and the adoption became effective on 1 APR 14.

## **PROPOSED RULES**

**UPDATE OF STATE AMBIENT AIR QUALITY REQUIREMENTS** The Illinois Pollution Control Board (IPCB) has **proposed** amendments to the state air pollution control rules at 35 Ill. Adm. Code 243. The amendments update the ambient air quality requirements to correspond with amendments to the federal NAAQS that USEPA adopted during 1 JUL 13 through 31 DEC 13. Comments are due by 26 MAY 14.

**ALLOCATION OF WATER FROM LAKE MICHIGAN** IDNR has **proposed** amendments to 17 Ill. Adm. Code 3730, *Allocation of Water from Lake Michigan*. The amendments update IDNR's water conservation requirements to reflect current best management practices and technologies, which are required under state law and the U.S. Supreme Court Decree governing Illinois' diversion. The proposal also supports Illinois' water conservation program required under the Great Lakes/St. Lawrence River Basin Water Resources Compact. The comment period closed on 12 MAY 14.

**UPDATE TO DEFINITIONS OF VOM AND VOC** IPCB has **proposed** amendments to the air pollution control rules (35 Ill. Adm. Code 211.7150) relating to the listings of compounds exempted from the state definition of "volatile organic material" (VOM) or VOC. The amendments update the definitions to correspond with amendments to the federal definition of VOC at 40 C.F.R. 51.100(s) that USEPA adopted during 1 JUL 13 through 31 DEC 13. Comments are due by 26 MAY 14.



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

## **FEDERAL ACTIVITY**

**PROPOSED SIP REVISIONS CONCERNING PM LIMITATIONS FOR COATING OPERATIONS** USEPA has issued a proposed rule to approve a SIP revision submitted by the state of Indiana (**79 FR 21421**). The revision amends PM rules concerning emission control requirements for coating operations and includes exemptions from certain coating operations that produce minimal PM emissions. USEPA has also proposed to take no action on one section submitted by Indiana, as it pertains to a definition in an unapproved portion of Indiana's Title V regulations. Comments are due by 16 MAY 14.



Legislature convened 8 JAN 14 and adjourns 31 DEC 14.

**FEDERAL ACTIVITY**

**REVISIONS TO PREVENTION OF SIGNIFICANT DETERIORATION RULES FOR PM2.5** USEPA has issued a direct final rule approving revisions to Michigan's Prevention of Significant Deterioration (PSD) Program rules and definitions (**79 FR 18802**). The revised rules address the federal requirements for significant emission levels, and definitions for PM2.5. Barring adverse comment the direct final rule will become effective on 3 JUN 14.

**OTHER REGULATORY ACTIVITY**

**INFRASTRUCTURE SIP REVISIONS FOR MULTIPLE NAAQS** The Michigan Department of Environmental Quality has **proposed** revisions to the Michigan Infrastructure SIP for the 2008 Ozone; 2010 SO<sub>2</sub>; and 2010 NO<sub>2</sub>, and 2012 PM2.5 NAAQSs. The revisions demonstrate that MDEQ has the resources and authorities to implement and complete the requirements set forth in CAA Section 110 for each of the NAAQS. MDEQ also intends to revise the Michigan Infrastructure SIP to include Michigan Civil Service Rule 2-8.3(a)(1). The comment period closed on 7 MAY 14.



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

**PROPOSED RULES**

**RADON GAS MITIGATION CONTROL METHODS FOR RESIDENTIAL BUILDINGS** The Minnesota Department of Labor and Industry has **proposed** amendments to the radon gas mitigation control methods rules regarding residential buildings and the Minnesota Residential Energy Code. The proposed amendments include provisions about applicability, definitions, specific system requirements, and requirements for the active radon gas control method option. The Minnesota Residential Energy Code adopts, with amendments, specific residential energy code chapters of the International Energy Conservation Code. The comment period closed on 8 MAY 14.

**OTHER REGULATORY ACTIVITY**

**DRAFT UPPER MISSISSIPPI RIVER BACTERIA TMDL STUDY AND PROTECTION PLAN** The Minnesota Pollution Control Agency (MPCA) has **released** the draft Upper Mississippi River Bacteria TMDL Study and Protection Plan. The draft plan describes bacteria reductions needed for 22 stream reaches to meet state water quality standards. Stream reaches were listed on the 303(d) list of impaired waters in 2008, 2012, and 2014. To meet the water quality standard, bacteria will need to be reduced by 0% to 97% for stream reaches depending on the stream flow regime. The comment period closed on 6 MAY 14.



Legislature convened 6 JAN 14 and adjourns 31 DEC 14.

**FEDERAL ACTIVITY**

**INFRASTRUCTURE SIP STATE BOARD REQUIREMENTS FOR THE 2006 24-HOUR PM2.5 NAAQS** USEPA has issued a final rule to approve elements of SIP revisions submitted by the state of Ohio (**79 FR 18999**). The revisions address CAA section 110 (1) and (2) requirements, often referred to as the "infrastructure" SIP, for the 2006 PM2.5 NAAQS. Specifically, the final rule approves portions of the SIP revisions intended to meet the applicable state board requirements obligated by CAA section 128. The final rule became effective on 7 MAY 14.

**TENTATIVE APPROVAL FOR STATE PUBLIC WATER SYSTEM SUPERVISION PROGRAM** USEPA has issued a notice of tentative approval for revisions to the state of Ohio's public water system supervision program ([79 FR 22671](#)). The revisions amend two state rules to comply with the National Primary Drinking Water Regulations, including the Long-Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) and the Lead and Copper Rule Short-Term Revisions and Clarifications. USEPA intends to approve the revisions, thereby granting Ohio primary enforcement responsibility for the regulations. A request for a public hearing must be submitted by 23 MAY 14.

## **FINAL LEGISLATION**

**SB 179 REGULATION OF RECYCLED WATER** SB 179 amends the public health regulation (section 3701.344) to include recycled water as a private water system for purposes of regulation by the Ohio Department of Health (ODOH) and boards of health. The bill defines "private water system" as any water system for the provision of water for human consumption that has fewer than 15 service connections and does not regularly serve an average of at least 25 individuals daily at least 60 days out of the year. The bill grants authority to the ODOH Director to define "recycled water." The bill was signed by the governor on 10 APR 14 and will become effective on 10 JUL 14.



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

## **FEDERAL ACTIVITY**

**REDESIGNATION OF MILWAUKEE-RACINE 2006 24-HOUR PM2.5 NONATTAINMENT AREA** USEPA has issued a final rule approving the state of Wisconsin's request to redesignate the Milwaukee-Racine nonattainment area (Milwaukee, Racine and Waukesha Counties) to attainment for the 2006 24-hour PM2.5 NAAQS ([79 FR 22415](#)). The final rule also approves the related elements including comprehensive emissions inventories for ammonia, VOC, NO<sub>x</sub>, primary PM2.5, and SO<sub>2</sub>; maintenance plans; and the accompanying MVEBs. The final rule became effective on 22 APR 14.

## **FINAL LEGISLATION**

**AB 444 Exemption from Tipping Fees** AB 444 creates new exemptions from the groundwater, well compensation, solid waste facility siting board, recycling, and environmental repair tipping fees. Tipping fees are imposed on generators of solid waste based on the tonnage of solid waste disposed of at solid waste disposal facilities. The fees are collected by landfill operators who then pay the fees to the Wisconsin Department of Natural Resources (WDNR). The bill was signed by the governor on 16 APR 14 and will become effective on 1 JAN 15. A notice of the bill Assembly Committee passage was published in the [March 2014 Northern Review](#).

**AB 695 REGULATION OF MOTOR VEHICLE AIR CONDITIONERS** AB 695 eliminates the Wisconsin Department of Agriculture, Trade and Consumer Protection's duty to establish qualifications for persons who use equipment for removing or recycling ozone-depleting refrigerants (ODRs) from motor vehicle air conditioners. The bill also outlines new requirements for training and certification, selling ODRs, and transferring unreclaimed ODRs. The bill was signed by the governor on 16 APR 14 and it became effective on 18 APR 14. A notice of the bill's Assembly passage was published in the [March 2014 Northern Review](#).

**SB 547 IMPLEMENTATION OF PHOSPHORUS WATER QUALITY STANDARD** SB 547 amends the pollution discharge elimination regulations governing the review of permits, decisions, terms and conditions. The bill addresses implementation of the phosphorus water quality standard in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit program. SB 547 authorizes adaptive management for both phosphorus and total suspended solids, and extends the time period for adaptive management to four permit terms. The bill also creates a statewide variance to phosphorus water quality based effluent limitations and interim compliance steps to demonstrate progress toward compliance under the statewide variance. The bill was signed by the governor on 23 APR 14 and it became effective on 25 APR 14.

# Department of Defense Activity

**2014 SECRETARY OF DEFENSE ENVIRONMENTAL AWARDS** DOD has [announced](#) the winners of the 2014 Secretary of Defense Environmental Awards. Winners within the REEO-N area of responsibility are: (1) *Environmental Quality, Individual/Team award* - Environmental Quality Team, Minnesota National Guard; and (2) *Environmental Excellence in Weapon System Acquisition, Large Program Individual/Team award* - Air Force Life Cycle Management Center F-35 Environmental, Safety and Occupational Health Support Team, Wright-Patterson Air Force Base, Ohio. For more information on the DOD environmental awards program, please visit the award's [Denix webpage](#).

**DFARS: PHOTOVOLTAIC DEVICES** DOD has issued a final rule that adopts, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify rules of origin for photovoltaic devices used under DOD contracts ([79 FR 22041](#)). The final rule became effective on 21 APR 14.

**DODI FOR ENERGY POLICY** Department of Defense Instruction (DODI) 4180.01, [DoD Energy Policy](#), was reissued on 16 Apr 14. The DODI establishes policy and guidance and assigns responsibilities for energy planning, use, and management for DOD. The DODI also provides for the establishment of DOD energy boards and councils.

**ONLINE SUSTAINABLE PRODUCTS CENTER** DOD has launched an online [Sustainable Products Center](#) (SPC) to integrate information on sustainable products, including demonstration results, success stories, technical data, lessons learned, and data on the new sustainable alternatives. The website, hosted on the Defense Environmental Network and Information Exchange (DENIX), will also serve as a forum where DOD personnel may submit questions regarding sustainable procurement and share success stories. The SPC Team will conduct outreach activities to include site visits to various military installations in order to collect information on areas of need for sustainable alternatives.

## Federal Activity

### AIR

**MOTOR VEHICLE TIER 3 EMISSION STANDARDS** USEPA has issued a final rule promulgating new standards for vehicle emissions and gasoline sulfur content ([79 FR 23413](#)). USEPA, which considers the vehicle and its fuel as an integrated system, refers to this program as Tier 3 vehicle and fuel standards. The final rule reduces the sulfur content of gasoline beginning in 2017. The gasoline sulfur standard will make emission control systems more effective for new and existing vehicles and will enable more stringent vehicle emission standards, reducing tailpipe and evaporative emissions. This will result in emissions reductions for NO<sub>x</sub>, VOC, PM<sub>2.5</sub>, carbon monoxide, and air toxics. The final rule will become effective on 27 JUN 14.

**VOLATILE ORGANIC COMPOUNDS** USEPA has issued a direct final rule to revise the regulatory definition of VOCs under CAA ([79 FR 17037](#)). The direct final rule adds 2-amino-2-methyl-1-propanol (also known as AMP) to the list of compounds excluded from the regulatory definition of VOCs because the compound makes a negligible contribution to tropospheric ozone formation. AMP is used in a variety of applications including the manufacture or use of pigments in water-based coatings, as an additive in metalworking fluids, and as an intermediate in chemical synthesis. Barring adverse comment the direct final rule will become effective on 25 JUN 14.

### CLIMATE CHANGE

**STATE OF THE CLIMATE REPORT** The National Oceanic and Atmospheric Administration's National Climatic Data Center has released a [State of the Climate report for 2013](#), a collection of monthly summaries recapping climate-related occurrences on both a global and national scale. Monthly state of the climate summaries are [available](#).

**REDUCTION IN METHANE EMISSIONS** The White House has released a [Strategy to Reduce Methane Emissions](#). Methane represents nearly 9% of all U.S. greenhouse gas (GHG) emissions. The strategy summarizes the sources of

methane emissions, commits to new steps to cut emissions of the potent GHG, and outlines the Administration's efforts to improve methane measurement.

**EMISSION FACTORS FOR GHG INVENTORIES** USEPA has released an April 2014 update to its [GHG Emission Factors Hub](#). The GHG Emission Factors Hub is a [document](#) designed to provide organizations with a regularly updated and easy-to-use set of default emission factors for organizational GHG reporting. It includes updated emission factors collated from both USEPA's GHG Reporting Program and Climate Leaders technical guidance. The new update of the Emission Factors Hub includes updates to emission factors for stationary and mobile combustion sources, new electricity emission factors from USEPA's Emissions & Generation Resource Integrated Database (eGRID), and Global Warming Potentials (GWPs) from the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report.

## **ENERGY**

**SMART GRID INTEROPERABILITY** The National Institute of Standards and Technology (NIST) has requested comment on a draft NIST Framework and Roadmap for Smart Grid Interoperability Standards, Release 3.0 ([79 FR 21210](#)). The document builds on two previously released frameworks and roadmaps, and incorporates advances in smart grid infrastructure, such as widespread deployment of wireless-communication power meters, the availability of customer energy usage data through the [Green Button initiative](#), and remote sensing for determining real-time transmission and distribution status. Release 3.0 also includes protocols for electric vehicle charging. Comments are due 30 MAY 14.

## **NATURAL RESOURCES**

**FIVE-YEAR REVIEWS** The U.S. Fish and Wildlife Service (USFWS) has initiated five-year status reviews of 33 southeastern U.S. species, 25 of which are currently listed as endangered and eight as threatened ([79 FR 16366](#)). The status reviews are conducted to ensure that the classification of species is accurate based on the best scientific and commercial data available at the time of the review. [Additional information](#) on the status review announcement, including USFWS contacts for specific species, is available. Comments are due by 27 MAY 14.

**NMFS RULE CLARIFICATIONS AND UPDATES** The National Marine Fisheries Service (NMFS) has issued a final rule to update and clarify the descriptions of species under NMFS' jurisdiction that are currently listed as threatened or endangered ([79 FR 20802](#)). The final rule makes format changes to lists of threatened and endangered species, revises regulatory language explaining the lists, and corrects regulatory text. The final rule does not add or remove any species to or from threatened or endangered species lists, change the status of any listed species, or add/revise designated critical habitat. The final rule became effective on 14 APR 14.

## **TOXICS**

**IRIS ASSESSMENTS: ARSENIC AND CrVI** USEPA has [released](#) preliminary materials associated with Integrated Risk Information System (IRIS) assessments for inorganic arsenic (iAs) and hexavalent chromium (CrVI) for public comment. USEPA intends to produce an assessment of CrVI that considers risks from both inhalation and ingestion, and accounts for a modeling effort to understand how CrVI reduces to a less toxic form of the metal inside the body. For more information, visit the [IRIS website](#).

**PROPOSED EXPANSION OF NON-WASTE FUEL LIST** USEPA has issued a proposed rule to expand the list of materials it designates as "non-hazardous secondary materials" (NHSM), a designation that allows their combustion in lightly regulated boilers rather than more strictly regulated incinerators ([79 FR 21005](#)). USEPA has proposed adding certain construction and demolition wood, paper recycling residuals, and preservative-treated wood to the list of materials defined as "non-wastes" under the NHSM rule. Defining the material as non-waste allows them to be subject to USEPA's boiler maximum achievable control technology air toxics rule instead of the emissions rule for commercial, industrial and solid waste incinerators. The newly designated NHSM would be subject to a suite of best management practices and sorting technologies. Comments are due by 13 JUN 14.

## **WATER**

**PROTECTION FOR STREAMS AND WETLANDS** USEPA and the Army Corps of Engineers (USACE) have jointly issued a proposed rule to clarify protection under the Clean Water Act (CWA) for streams and wetlands ([79 FR 22187](#)). The

proposed definitions of waters will apply to all CWA programs. The rule does not protect any new types of waters that have not historically been covered under the CWA and is consistent with the Supreme Court's more narrow reading of CWA jurisdiction. USEPA has also [provided](#) detailed explanations of the impact of the proposed rule. Comments are due by 21 JUL 14.

**EXEMPTION FROM SECTION 404 PERMITTING FOR CERTAIN AGRICULTURAL CONSERVATION PRACTICES** USEPA and USACE have released for public comment an interpretive rule that addresses the permit exemption for discharges of dredged or fill material associated with certain agricultural conservation practices ([79 FR 22275](#)). The exempted practices are based on Natural Resources Conservation Service (NRCS) conservation practice standards that are designed and implemented to protect and enhance water quality. Although the interpretive rule is currently in effect, the agencies welcome public input. In addition, USEPA, USACE, and the Department of Agriculture signed a [Memorandum of Understanding](#) (MOU) in March 2014 describing how the three agencies will work together to implement the interpretive rule, protect and enhance water quality, and ensure consistency and predictability for the public. Comments are due 5 JUN 14.

## **OTHER**

**USEPA STRATEGIC PLAN** USEPA has issued its fiscal year (FY) [2014 to 2018 Strategic Plan](#) that provides a blueprint for advancing its mission to protect public health and the environment across the country. The plan envisions a new era of partnerships with state and local governments, tribes, federal agencies, businesses, and industry leaders to achieve environmental benefits in a pragmatic, collaborative way.

**40 CFR FOR iPad** The complete text of Title 40, Code of Federal Regulation (40 CFR) is [available](#) for iPhones and iPads. The fee-based app features: offline access; tables and images; custom bookmarks, highlighting and notes; full text and advanced search options; and sharing options.

# 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.

## **TRAINING**

**19-21 MAY, ARLINGTON, VA: [4<sup>TH</sup> DEFENSE RENEWABLE ENERGY SUMMIT](#)** This event brings together military decision-makers with renewable energy developers and leading financiers to facilitate the formation of this new market. The summit will explore how viable and financeable projects can be developed to the profit of all. It will provide the latest on the emerging guidelines and processes for a new market that melds the complexity of federal acquisitions with the risk allocation methods of project finance, as well as practical experience gained on pioneering projects.

**20-21 MAY, WASHINGTON, DC: 2014 [ENERGY EFFICIENCY GLOBAL FORUM](#)** The forum is a gathering of global energy leaders. Visit the website for further information.

## **TRAINING—ONLINE**

**28 MAY, ONLINE: [CLIMATE READY WATER UTILITIES: FINANCING ADAPTATION](#)** An introduction to how utilities around the country are effectively financing and implementing adaptation strategies. This session will feature different utility case studies.

**5 JUN, ONLINE: [ENERGY EFFICIENCY EXPERT EVALUATIONS: A CUSTOMIZED ASSESSMENT APPROACH](#)** This seminar provides a step-by-step method to conduct an energy efficiency expert evaluation, a customized process to meet site-specific energy goals. This approach combines the most effective features of an energy audit and retro-commissioning,



while avoiding the limitations of each. Learn about a multi-disciplinary process to streamline site visit planning and on-site discovery, recommend corrective measures, establish a "Master List of Findings," and complete the project handoff.

**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**.

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

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

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

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

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

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

### **How the Regional Offices Work for You**

The U.S. Army Regional Environmental and Energy Office-Northern (REEO-N) monitors the following actions on your behalf. If a proposed state legislative or regulatory action has: (1) critical mission impact; (2) conflicts with a federal requirement; and/or (3) a disproportionate effect on the Army or DOD, we coordinate with the potentially affected installations, commands, and/or other military Services to further assess the potential impact. If action is needed on a proposed measure, we work with Army or Service regulatory experts to communicate DA/DOD position, coordinating with the affected installations and commands. Comments are combined from all parties in a single DOD/Army package and formally submitted to the state.

For further information visit the **Army's Regional Environmental and Energy Offices' website**.

Do you want to comment on a rule or bill in the Review? Please contact your Regional Environmental Coordinator listed in each respective regional section of the Northern Review.

**Archived issues of the Review can be found on the REEO-N website  
To be added to the distribution list call or email the REEO-N Regulatory Affairs Specialist  
email: [leanne.l.dickens.ctr@mail.mil](mailto:leanne.l.dickens.ctr@mail.mil) Phone : 410-278-6143**