



# Northern Review

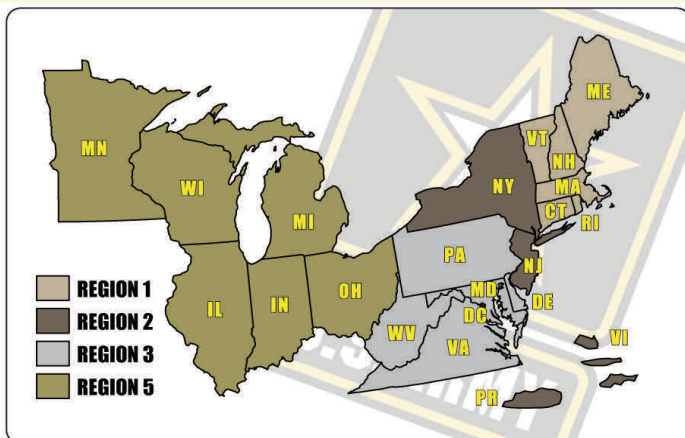
## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

September 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 MA, a new law requiring the development of a watershed permitting approach for nitrogen management and proposed legislation concerning municipal solid waste reduction and pesticide licensing and mosquito control regulations. In NH, proposed new rules on NPDES permit compliance schedules and inspection of hazardous waste tank systems.

### Region 2

In NJ, proposed fee increases for air permits, certifications, and operating permits. In NY, proposed amendments to chemical and petroleum bulk storage regulations, and used oil management requirements.

### Region 3

In DC, passage of the Sustainable DC Omnibus Act of 2013 and a draft 2014 Integrated Report on water bodies. In MD, finalized amendments capping radioactive material license fee increases and a draft 2014 Integrated Report of surface water quality. In PA, final amendments to Hearing Board practice and procedure rules. In VA, multiple USEPA final approvals for SIP revisions, and finalized amendments to the waterworks regulations and Chesapeake Bay Preservation Area Designation and Management regulations. In WV, amendments to hazardous waste management system regulations and renewable energy portfolio standards.

### Region 5

In IL, a new law regarding solid waste handling and recycling; proposed amendments to public water permit application fees, and emergency reporting requirements for extremely hazardous substances. In IN, finalized amendments to air pollution control and permitting rules, in-lieu fee mitigation, and water management regulations. In OH, draft amendments to the toxic air contaminants regulations. In MN, proposed air emission facility part 70 manufacturing general permit. In WI, USEPA finding of failure to submit a PSD SIP revision for PM2.5.

### DOD Activity

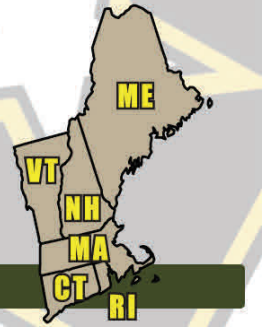
Final guidance on NEPA procedures for the Missile Defense Agency.

### Federal Activity

USEPA final rules on NPDES permits for cooling water intake facilities and minor NPDES program amendments. Several PHMSA rulemakings regarding specific HAZMAT transportation requirements.

# 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 8 JAN 14 and adjourned sine die 18 JUN 14.

## FEDERAL ACTIVITY

**SIP REVISIONS FOR VOC REGULATIONS** USEPA has issued a proposed rule to approve four State Implementation Plan (SIP) revisions submitted by the state of Maine ([79 FR 46384](#)). The SIP revisions establish Reasonably Available Control Technology (RACT) for two categories (miscellaneous industrial adhesives and flexible package printing) of volatile organic compound (VOC) sources. The revisions also revise two existing VOC RACT regulations (Petroleum Liquid Storage Vapor Controls and Bulk Terminal Petroleum Liquid Transfer Requirements) previously approved into Maine's SIP. The comment period closed on 8 SEP 14.



Legislature convened 8 JAN 14 and adjourns 7 JAN 15.

## FINAL LEGISLATION

**SB 2021 WATER RESOURCE MANAGEMENT AND PLANNING ACTIVITIES** SB 2021 (Chapter 259 of the Acts of 2014) requires the Massachusetts Department of Environmental Protection (MassDEP) to develop a watershed permitting approach to address nitrogen management measures. The bill requires MassDEP to report to the Joint Committee on Environment, Natural Resources and Agriculture, by 31 JUL 15, any statutory changes deemed necessary to fully implement the watershed permitting approach. The bill also appropriates money for various other water resource management and planning activities. A notice of the bill's Senate passage was published in the [March 2014 Northern Review](#). The bill was signed by the governor on 6 AUG 14 and it becomes effective on 5 NOV 14.

## PROPOSED LEGISLATION

**SB 2336 PERFORMANCE STANDARDS AND ACTION PLAN FOR MUNICIPAL SOLID WASTE REDUCTION** SB 2336 requires, by 1 JUL 15, the commissioner of MassDEP to establish performance standards for the reduction of municipal solid waste that align with the commonwealth's solid waste master plan and greenhouse gas reduction plan. The bill establishes criteria and timelines that need to be incorporated into the performance standards. The bill also requires the Secretary of Energy and Environmental Affairs, in consultation with other state departments, to develop a municipal solid waste standards action plan to assist municipalities in achieving the standards. The action plan is due by 1 OCT 15. The bill passed the Senate and was referred to the House Ways and Means Committee.

**SB 2349 AMENDMENTS TO PESTICIDE LICENSING AND MOSQUITO CONTROL REGULATIONS** SB 2349 amends the regulations at chapter 132B of the General Laws, *Massachusetts Pesticide Control Act*. The bill: (1) adds a definition for a "Permitted catch basin applicator"; (2) amends regulations concerning the issuing, suspending, and revocation of certificates, licenses, and permits; and (3) updates adjudicatory hearing rules. The bill was reported favorably out of the Senate Ways and Means Committee.



# New Hampshire

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

## FEDERAL ACTIVITY

**SIP REVISIONS ESTABLISHING RACT FOR NO<sub>x</sub> AND VOCs** USEPA has issued a direct final rule approving SIP revisions submitted by the state of New Hampshire ([79 FR 49458](#)). The revisions contain an updated regulation establishing: (1) RACT for sources of nitrogen oxides (NO<sub>x</sub>); (2) four updated source-specific orders for either VOC or NO<sub>x</sub> RACT; and (3) a request to withdraw from the SIP a previously approved NO<sub>x</sub> RACT order. Barring adverse comment the direct final rule becomes effective on 20 OCT 14.

## PROPOSED RULES

**COMPLIANCE SCHEDULES IN NPDES PERMITS** The New Hampshire Department of Environmental Services (NHDES) has **proposed** a new water quality rule, Env-Wq 1703.01 - *Compliance Schedules in NPDES Permits*. The new rule explicitly authorizes a compliance schedule to be included in any National Pollutant Discharge Elimination System (NPDES) permit issued or renewed for a discharge to state surface waters. A public hearing is scheduled for 9 OCT 14 and comments are due by 17 OCT 14.

**HAZARDOUS WASTE WIPES AND TANKS REGULATORY AMENDMENTS** NHDES has **proposed** amendments to various state regulations regarding inspections of hazardous waste tank systems. Current state rules require all hazardous waste tank systems to be inspected for leaks and deterioration at least once each operating day, including weekends and holidays if the tank is storing any hazardous waste. As part of a Burden Reduction Initiative, USEPA provided flexibility for tank inspections by decreasing the inspection frequency to at least once per week if certain criteria were met. The proposed amendments adopt USEPA's provisions allowing weekly inspections instead of daily inspections. The amendments also reflect the new federal exclusions for solvent-contaminated wipes at 40 CFR 261.4(a)(26) and (b)(18). Those regulations establish management requirements for wipes, including accumulation time limits, labeling requirements, and containment requirements. The comment period closed on 12 SEP 14.

**VOLUNTARY CERTIFIED SALT APPLICATOR PROGRAM** NHDES has **proposed** new rules at Env-Wq 2200, *Voluntary Certified Salt Applicator Program*. Legislation was enacted during the 2013 legislative session that established a voluntary certified salt applicator program and authorized NHDES to adopt implementing rules. Interim rules were adopted in November 2013 and expired in April 2014. The proposed permanent rules include requirements for applying for initial and renewal certifications, reporting, criteria and procedures for revoking certifications, and obtaining approval for training programs. A public hearing is scheduled for 15 SEP 14 and comments are due by 26 SEP 14.

## Region 2

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



# New Jersey

Legislature convened 14 JAN 14 and adjourns 12 JAN 16.

## PROPOSED RULES

**FEE INCREASES FOR AIR PERMITS, CERTIFICATIONS, AND OPERATING PERMITS** The New Jersey Department of Environmental Protection (NJDEP) has **proposed** amending 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 proposed increasing the general permit registration fees for minor facilities and general operating permit registration fees for major facilities. A public hearing is scheduled for 22 SEP 14 and comments are due by 17 OCT 14.

## **OTHER REGULATORY ACTIVITY**

**SIP REVISION CONCERNING 8-HOUR OZONE NAAQS AND 8-HOUR CARBON MONOXIDE NAAQS** NJDEP has **requested comment** on a proposed SIP revision for attainment and maintenance of the 75 ppb 8-hour ozone National Ambient Air Quality Standards (NAAQS) and the 8-hour carbon monoxide (CO) NAAQS. In addition, the 2011 emission inventory is included in the revision for public review and comment. The proposed ozone SIP revision addresses the Clean Air Act (CAA) RACT obligations as they apply to states within the Ozone Transport Region (OTR) for the 75 ppb ozone standard. The proposed SIP revision includes a RACT assessment and New Jersey's commitments to propose rule revisions that will further reduce the emissions of NO<sub>x</sub> and VOC. The proposed CO maintenance plan for the New Jersey portion of the Northern New Jersey-New York-Long Island CO Maintenance Area will cover the period from 1 JAN 15 to 31 DEC 24, and includes changes to the air monitoring network for CO. Comments are due by 18 SEP 14.



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

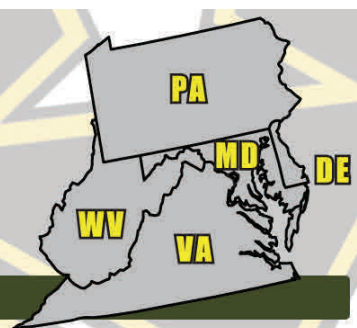
## **PROPOSED RULES**

**CHEMICAL BULK STORAGE REGULATORY AMENDMENTS** The New York Department of Environmental Conservation (NYSDEC) has **proposed** to repeal, amend, and add new rules to the resource management services regulations regarding chemical bulk storage. The proposal affects Title 6 NYCRR Parts 595 through 599 by amending the existing chemical bulk storage rule to be at least as stringent as USEPA 40 CFR 280 rules, and includes 2008 state statutory changes. Multiple public hearings are scheduled for October and comments are due by 5 OCT 14.

**PETROLEUM BULK STORAGE AND USED OIL MANAGEMENT** NYSDEC has **proposed** to repeal 6 NYCRR Parts 612 through 614 and replace them with a new 6 NYCRR Part 613 that regulates the handling and storage of petroleum in underground and aboveground storage tank systems. The new Part 613 harmonizes existing state requirements with overlapping federal requirements so that similar sets of regulatory requirements will govern petroleum bulk storage (PBS) facilities in the state. Additionally, the requirements for all new tank systems will be updated to reflect the technology and practices that are the current state of the art for the manufacture, installation, and maintenance of PBS tank systems. Multiple public hearings are scheduled for October and comments are due by 5 OCT 14.

# **Region 3**

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



## **FEDERAL ACTIVITY**

**PROPOSED ATTAINMENT DESIGNATION FOR DC-MD-VA 1997 PM2.5 NAAQS NON-ATTAINMENT AREA** USEPA has issued a proposed rule to approve requests from the District of Columbia (DC), the state of Maryland, and the commonwealth of Virginia to redesignate to attainment their respective portions of the Washington, DC-MD-VA nonattainment area for the 1997 annual fine particulate matter (PM2.5) NAAQS (**79 FR 45735**). USEPA has also proposed approval for respective SIP revisions incorporating the common maintenance plan submitted by the states and district to show maintenance of the 1997 annual PM2.5 NAAQS through 2025. The Washington Area maintenance plan includes motor vehicle emissions budgets (MVEBs) for PM2.5 and NO<sub>x</sub>, which would be approved for transportation conformity purposes. The comment period closed on 5 SEP 14.





Legislature convened 14 JAN 14 and adjourned 30 JUN 14.

### **FEDERAL ACTIVITY**

**ATTAINMENT FOR PHILADELPHIA-WILMINGTON NONATTAINMENT AREA** USEPA has issued a final rule approving the state of Delaware's requests to redesignate to attainment the Delaware portion of the Philadelphia-Wilmington, PA-NJ-DE nonattainment area for both the 1997 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS ([79 FR 45350](#)). USEPA has also approved, as SIP revisions, the associated maintenance plans and MVEBs to show maintenance for both standards through 2025. Additionally, USEPA has approved the 2007 emissions inventory for the 2006 24-hour PM<sub>2.5</sub> NAAQS. The final rule became effective on 4 SEP 14.



Legislature convened 2 JAN 14 and adjourns 31 DEC 14.

### **FINAL LEGISLATION**

**B 573 SUSTAINABLE DC OMNIBUS ACT OF 2013** B 573 ([Act Number A20-0385](#)), known as the Sustainable DC Omnibus Act of 2013, addresses multiple elements impacting energy conservation, environmental protection and transportation enhancements. The environmental protection section of the act covers proposed proficiency requirements for radon contractors, prohibition of polystyrene food containers, environmental literacy initiatives, and urban forestry requirements for tree replacement by land owners. The act also supports DC's building benchmarking program by making data on energy and water use more accessible to building owners through direct electronic reporting by utilities. The act was published as enacted in the DC Register on 8 AUG 14.

### **OTHER REGULATORY ACTIVITY**

**DRAFT 2014 DC INTEGRATED REPORT** The DC Department of the Environment (DDOE) has [released](#) for public comment the draft 2014 Integrated Report relating to the status of all water bodies in the district. Water bodies listed as impaired may require the development of total maximum daily loads (TMDLs). Comments are due by 22 SEP 14.



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

### **FINAL RULES**

**CAP ON RADIOACTIVE MATERIAL LICENSE FEE INCREASES** The Maryland Department of the Environment (MDE) has [adopted](#) amendments to Regulations .01 - .04 under COMAR 26.12.03, *State Radiation Control Fund*. The amendments place a cap on any consumer price index annual increase for certain categories of radioactive material license fees. Additionally, for one radioactive material license fee category (portable lead paint analyzers) the amendments decrease the amount of the annual fee. The amendments become effective on 1 JAN 15.

### **OTHER REGULATORY ACTIVITY**

**DRAFT 2014 INTEGRATED REPORT OF SURFACE WATER QUALITY** MDE has [requested comment](#) on the state's Draft 2014 Integrated Report (IR) of Surface Water Quality. MDE is federally required to assess the quality of state waters every two years and publish a list of waters not meeting the water quality standards. The list of impaired waters is included in the state's biennial IR of surface water quality. Waters identified in Category 5 of the IR are impaired and may require the development of TMDLs. Comments are due by 24 SEP 14.



Legislature convened 7 JAN 14 and adjourns 30 NOV 14.

## **FINAL RULES**

**AMENDMENTS TO PEHB PRACTICE AND PROCEDURE RULES** The Pennsylvania Environmental Hearing Board (PEHB) has **adopted** amendments to the practice and procedure rules at Chapter 1021. The amendments: (1) provide the regulated community, the Pennsylvania Department of Environmental Protection (PADEP), and other potential litigants with more specific guidance on how to represent their interests before PEHB; and (2) institute additional and modified rules of practice and procedure, including required electronic filing and service in nearly all matters before PEHB. The amendments became effective on 8 AUG 14.



Legislature convened 8 JAN 14 and adjourned 8 MAR 14.

## **FEDERAL ACTIVITY**

**EXCLUSION OF FIVE COMPOUNDS FROM DEFINITION OF VOC** USEPA has issued a direct final rule approving SIP revisions submitted by the commonwealth of Virginia (**79 FR 46184**). The SIP revisions add five compounds to the list of substances not considered to be VOC: (1) trans-1,3,3,3-tetrafluoropropene; (2) HCF<sub>2</sub>OCHF<sub>2</sub>H; (3) HCF<sub>2</sub>OCHF<sub>2</sub>OCHF<sub>2</sub>H; (4) HCF<sub>2</sub>OCHF<sub>2</sub>CF<sub>2</sub>OCHF<sub>2</sub>H; and (5) HCF<sub>2</sub>OCHF<sub>2</sub>OCHF<sub>2</sub>CF<sub>2</sub>OCHF<sub>2</sub>H. In 2012 and 2013, USEPA revised the definition of VOC contained in 40 CFR 51.100 to exclude these five substances. The state revisions allow the SIP to mirror the federal definition of VOC. Barring adverse comment the direct final rule becomes effective on 6 OCT 14.

**SIP REVISION REMOVING STAGE II VAPOR RECOVERY PROGRAM FROM MAINTENANCE PLANS** USEPA has issued a direct final rule approving a SIP revision submitted by the commonwealth of Virginia (**79 FR 46711**). The SIP revision removes the Stage II vapor recovery program from maintenance plans for the Richmond 1990 1-hour and Richmond-Petersburg 1997 8-hour ozone NAAQS maintenance areas. The revision also includes an analysis addressing the impact of the removal of Stage II from subject gasoline dispensing facilities (GDFs) in the Richmond Area. The analysis submitted by the commonwealth satisfies the requirements of CAA section 110(l). Barring adverse comment the direct final rule becomes effective on 10 OCT 14.

**CORRECTION OF RULE LANGUAGE IN 2011 INFRASTRUCTURE REQUIREMENTS FINAL RULE** USEPA has issued a final rule correcting errors in the rule language of a 2011 final rule pertaining to infrastructure requirements for the 1997 8-hour ozone and 1997 and 2006 PM<sub>2.5</sub> NAAQS (**79 FR 46351**). In the 2011 final rule, USEPA inadvertently failed to include amendatory language that would have added an entry to the USEPA-approved Virginia regulations table at 40 CFR 52.2420(c). The current final rule corrects that omission. The final rule became effective on 8 AUG 14.

## **FINAL RULES**

**STATUTORY CHANGES RELATED TO CHESAPEAKE BAY PRESERVATION ACT GENERAL PERFORMANCE CRITERIA** The Virginia Department of Environmental Quality (VDEQ) has **adopted** revisions to **9VAC25-830**, *Chesapeake Bay Preservation Area Designation and Management Regulations*. The revisions incorporate statutory changes made by legislation (HB 1173/SB 423, and HB 1217) passed during the 2014 General Assembly session. The statutory changes are related to the general performance criteria for localities subject to provisions of the Chesapeake Bay Preservation Act and regulation of Chesapeake Bay Preservation Act land-disturbing activities. The revisions became effective on 27 AUG 14.

**AMENDMENT TO WATERWORKS REGULATIONS** In two separate actions, the Virginia Department of Health (VDOH) has **adopted** amendments to **12VAC5-590**, *Waterworks Regulations*, and **12VAC5-600**, *Waterworks Operation Fee*. The amendments make state regulations consistent with corresponding federal regulations and allow VDOH to maintain primary enforcement responsibility for the Safe Drinking Water Act. The amendments incorporate the revised definition of "waterworks" passed by the 2014 General Assembly (2014 Acts of Assembly Chapter 0333) and align the state definition more closely to the corresponding federal definition of a public water system. The amendments also clarify

criteria used to determine if a water supply is to be regulated by the Virginia Department of Health as a waterworks. All of the amendments become effective on 10 OCT 14.

## **OTHER REGULATORY ACTIVITY**

**DEVELOPMENT OF ACCOTINK CREEK AND LONG BRANCH TMDLS** VDEQ has **requested comment** on the development of TMDLs for Accotink Creek and Long Branch in the Accotink Creek watershed in Fairfax County. These streams are listed on the 2012 303(d) TMDL Priority List and Report as impaired due to poor health of the benthic macroinvertebrate communities. Comments are due by 10 OCT 14.



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

## **FINAL RULES**

**AMENDMENTS TO ALTERNATIVE AND RENEWABLE ENERGY PORTFOLIO STANDARD RULES** The West Virginia Public Service Commission has **adopted** amendments to the alternative and renewable energy portfolio standards rules (150-34). The amendments allow for an alternate method to report generation data for facilities with a total rated system capacity of 10kW and provide standardized forms for three types of application filings. The amendments become effective on 26 SEP 14.

**AMENDMENTS TO HAZARDOUS WASTE MANAGEMENT SYSTEM REGULATIONS** The West Virginia Department of Environmental Protection (WVDEP) has **adopted** amendments to regulations at 33-20, *Hazardous Waste Management System*. The amendments incorporate by reference current federal hazardous waste regulations, including provisions that authorize the use of electronic manifests and the solvent contaminated wipe rule. The amendments have been filed with the Legislative Rule-Making Review Committee for their review and approval.

## **OTHER REGULATORY ACTIVITY**

**PROPOSED SIP REVISION REGARDING STATE BOARD ETHICS REQUIREMENTS** WVDEP has **requested comment** on a proposed **SIP revision** to comply with state board ethics requirements under CAA section 128 and CAA §§110(a)(2)(E) (ii). The proposed SIP revision demonstrates West Virginia's mechanism to comply with how state boards, bodies or heads of executive agencies that approve CAA permits or enforcement orders disclose any potential conflicts of interest. Comments are due by 15 SEP 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 adjourned 31 MAY 14.**

## **FINAL LEGISLATION**

**HB 5666 SOLID WASTE HAULING AND RECYCLING PROGRAM ACT** HB 5666 (Public Act: 98-1079) creates the Illinois Solid Waste Hauling and Recycling Program Act, which makes changes to waste and recycling rules and requirements. The act requires each hauler operating in a county or municipality to offer the collection of recyclable materials. The act

outlines contracting and license specifications, and reporting requirements. The bill was signed by the governor on 26 AUG 14 and became effective upon signature.

**SB 2966 URBAN FLOODING AWARENESS ACT** SB 2966 (Public Act: 98-0858) creates the Urban Flooding Awareness Act. The act requires the Illinois Department of Natural Resources (IDNR), in consultation with multiple local, state, and federal entities, to submit 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 was signed by the governor on 4 AUG 14 and became effective upon signature.

## **PROPOSED RULES**

**UPDATE TO EMERGENCY REPORTING REQUIREMENT EXEMPTIONS FOR EXTREMELY HAZARDOUS SUBSTANCES** The Illinois Emergency Management Agency (IEMA) has **proposed** amendments to 29 Ill. Adm. Code 430 - *Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance*. The amendments update the reporting requirement exemptions for extremely hazardous substances to match the federal emergency planning and notification requirements at 49 CFR 355.31. Comments are due by 29 SEP 14.

**ADJUSTMENT OF PERMIT APPLICATION FEES FOR PUBLIC WATERS** IDNR has **proposed** amendments to 17 Ill. Adm. Code 3704.55 - *Regulation of Public Waters*. The amendments correct the adjustment factor formula used to determine the annual escalation adjustment for permit application fees. Comments are due by 22 SEP 14.



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

## **FEDERAL ACTIVITY**

**SIP REVISION INCORPORATING PSD INCREMENTS** USEPA has issued a final rule approving part of a SIP revision submitted by the state of Indiana addressing USEPA's Prevention of Significant Deterioration (PSD) program requirements (**79 FR 46709**). The final rule incorporates federally promulgated PM2.5 increments for Class II areas (326 IAC 2-2-6(b)) into Indiana's SIP. The final rule became effective on 10 SEP 14.

## **FINAL RULES**

**UPDATE OF AIR POLLUTION CONTROL DIVISION REGULATIONS** The Indiana Department of Environmental Management (IDEM) has **adopted** revisions to the Air Pollution Control Division regulations. The revisions update sections: (1) 326 IAC 1-1-3 (*References to the Code of Federal Regulations (CFR)*) to reference the 1 JUL 13 CFR edition; (2) 326 IAC 11-6 (*Waste Management Plans*) to remove obsolete language; and (3) 326 IAC 20-95-1 (*Incorporation by Reference of Federal Standards*) to update a CFR reference. The revisions became effective on 31 AUG 14.

**UPDATE GLOBAL WARMING POTENTIALS REFERENCED IN STATE AIR PERMITTING RULES** IDEM has **adopted** amendments to the air permit review regulations at 326 IAC 2-2-1 and 326 IAC 2-7-1. The amendments eliminate discrepancies between the federal program and the state program by revising global warming potentials (GWPs) referenced in the greenhouse gas (GHG) tailoring rule revisions adopted by USEPA in November 2013 (**78 FR 71904**). A notice of the draft amendments was published in the **March 2004 Northern Review**. The amendments became effective on 31 AUG 14.

**IN-LIEU FEE MITIGATION** The Indiana Natural Resources Commission (INRC) has **adopted** new regulations (**312 IAC 9.5**) that establish an option for an in-lieu fee to mitigate the adverse impacts to fish, wildlife, or botanical resources from activities authorized by certain permits. The regulations allow an applicant for certain IDNR permits to provide payment to the Indiana Natural Resources Foundation to mitigate for impacts that result from the project. A notice of the proposed regulations was published in the **April 2014 Northern Review**. The new regulations become effective on 21 SEP 14.

**AMENDMENTS TO GREAT LAKES BASIN OF INDIANA WATER MANAGEMENT REGULATIONS** INRC has **adopted** a final rule impacting the Great Lakes Basin (GLB) of Indiana under the Great Lakes-St. Lawrence River Basin Water Resources



Compact. The final rule adds non-code provisions to amend the GLB Indiana water management regulations at 312 IAC 6.2. The rule also assists with the implementation of the Compact's Article 4 "Water Management and Regulation" (IC 14-25-15-1) pertaining to: (1) registration and permitting of water withdrawal facilities; (2) a voluntary conservation and efficiency program for water withdrawal facilities; and (3) mandatory conservation and efficiency programs for new and increased withdrawals, diversions, and consumptive uses. A notice of the emergency rule was published in the [January 2014 Northern Review](#). The final rule became effective on 1 SEP 14.

## **PROPOSED RULES**

**REPEAL OF MULTIPLE HAZARDOUS WASTE LAND DISPOSAL TAX REGULATIONS** The Indiana Department of Revenue has [proposed](#) the repeal of multiple state regulations concerning the hazardous waste land disposal tax. A [public hearing](#) is scheduled for 30 SEP 14.

## **OTHER REGULATORY ACTIVITY**

**FLOODWAY HABITAT MITIGATION INFORMATION BULLETIN** INRC has issued an [information bulletin](#) to provide guidance regarding floodway habitat mitigation. Specifically, the guidance is related to compensatory mitigation associated with an application to the Indiana Department of Natural Resources for a permit under the "Flood Control Act" or under the "Navigable Waters Act." The bulletin assists license applicants with understanding when mitigation is needed and, if so, the type of mitigation that is needed. The bulletin assists IDNR with making licensure determinations.



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

## **OTHER REGULATORY ACTIVITY**

**EARLY STAKEHOLDER FACT SHEET FOR AMENDMENTS TO GENERAL NPDES PERMIT RULES** The Ohio Environmental Protection Agency (OEPA) has prepared an [early stakeholder outreach fact sheet](#) regarding possible amendments to the General NPDES Permit Rules (OAC Chapter 3745-38). OEPA is conducting the five year review of the NPDES rules and initial changes being considered include: (1) update of references, cross references, and citations; (2) update of definitions; (3) inclusion of language from 40 C.F.R. Part 122.28 for greater consistency and clarity; and (4) review of rule requirements to provide for the electronic submission of forms in the future. Comments are due by 22 SEP 14.

**DRAFT AMENDMENTS TO TOXIC AIR CONTAMINANTS REGULATIONS** OEPA has [requested comment](#) on [draft amendments](#) to the rules at Ohio Administrative Code (OAC) Chapter 3745-114, *Toxic Air Contaminants*. OAC Chapter 3745-114 contains a list of compounds, that when emitted by a facility, may be cause for the OEPA director to require a permit-to-install. As part of a required five year review, OEPA has reviewed the toxic air contaminants rules and drafted amendments that add compounds to the toxic air contaminants list. Comments are due by 19 SEP 14.



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

## **PROPOSED RULES**

**PROPOSED AIR EMISSION FACILITY PART 70 MANUFACTURING GENERAL PERMIT** The Minnesota Pollution Control Agency (MPCA) has [proposed](#) issuing a federal general permit governing certain manufacturing sources located in Minnesota. The general permit applies to new and existing sources. The stationary sources eligible for coverage are major sources as defined in Minnesota Rules 7007.0200 and include: abrasive blasting; adhesive; bag houses; boilers; burn-off ovens; casting; catalytic or thermal afterburners; cleaning (including acid cleaning, degreasers, general cleanup with solvents); dip tanks; fabric filters; fuel storage; furnaces; injection molding; internal combustion engines (generators); and others. The comment period closed on 3 SEP 14.



Legislature convened 14 JAN 14 and adjourns 4 JAN 15.

**FEDERAL ACTIVITY**

**FINDING OF FAILURE TO SUBMIT A PSD SIP REVISION FOR PM2.5** USEPA has issued a final rule finding that the state of Wisconsin has not made the necessary PSD SIP submission to address PSD permitting of PM2.5 emissions, as required by CAA (79 FR 46703). Specifically, USEPA has determined that Wisconsin has not submitted a SIP revision to address the PM2.5 PSD increments and implementing regulations as promulgated by USEPA on 20 OCT 10, by the required deadline. USEPA is federally required to promulgate a Federal Implementation Plan (FIP) to address the outstanding PSD SIP elements by 11 AUG 16. The final rule became effective on 11 AUG 14.

# Department of Defense Activity

**NEPA PROCEDURES FOR MDA** The Missile Defense Agency (MDA) has released **final guidance** outlining procedures for implementing National Environmental Policy Act (NEPA) requirements (79 FR 46410). MDA is responsible for developing, testing, and fielding an integrated, layered, ballistic missile defense system. As a DOD agency, MDA does not own real property. Because most MDA actions typically occur on host military installations, ranges, or other federal agency property, MDA has historically relied upon host installation or federal agency NEPA implementation, including host implementing procedures and categorical exclusions (CATEXs) to address environmental impacts of MDA actions. As a result of consultation with the Council on Environmental Quality (CEQ) and a CEQ guidance document **Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act** (2010), MDA determined the need to establish NEPA implementing procedures and CATEXs specific to MDA projects and actions. The final guidance document became effective on 8 AUG 14.

# Federal Activity

## AIR

**NESHAP/NSPS FOR INTERNAL ENGINES** USEPA has issued a notice of final decision affirming that the agency will not make any changes to the **30 JAN 13** final National Emission Standards for Hazardous Air Pollutants (NESHAP) for stationary reciprocating internal combustion engines and its New Source Performance Standards (NSPS) for stationary internal combustion engines (79 FR 48072). After the 2013 final rule adoption, USEPA received three petitions for reconsideration and subsequently requested public comment on the petitions. USEPA has determined that it will not propose any changes to the regulations. The notice became effective 15 AUG 14.

**LISTING STATUS FOR CERTAIN OZONE DEPLETING SUBSTANCES** USEPA has issued a proposed rule to change the status of certain substitutes previously found acceptable under the Significant New Alternatives Policy (SNAP) program (79 FR 46125). USEPA has proposed to downgrade, to unacceptable, existing listings of certain hydrofluorocarbons (HFCs) and HFC blends in aerosol, foam blowing, and air conditioning and refrigerant end-uses. The downgrade would apply to HFC/HFC blends where other alternatives are available or potentially available that pose overall lower risk. The proposed rule also downgrades, to unacceptable, the status of certain HFCs being phased out of production. Comments are due by 6 OCT 14.

**INFORMATION REQUEST REGARDING RISK MANAGEMENT PROGRAMS** In response to **Executive Order 13650** "Improving Chemical Facility Safety and Security," USEPA has requested information relevant to potential revisions to the Risk Management Program (RMP) under CAA (79 FR 44603). USEPA would like information and data on: (1) specific

regulatory elements and process safety management approaches; (2) public and environmental health and safety risks they address; and (3) costs and burdens incurred. Comments and additional material are due by 29 OCT 14.

## **CLIMATE CHANGE**

**2014 NATIONAL CLIMATE ASSESSMENT** The U.S. Global Change Research Program released the 2014 National Climate Assessment. The report provides an in-depth look at climate change impacts on the U.S. It details the multitude of ways climate change is already affecting and will increasingly affect the lives of Americans. For more information, to download a copy of the assessment, or view assessment highlights, visit the [National Climate Assessment website](#).

**CLIMATE READY ESTUARIES WEBSITE** USEPA's Climate Ready Estuaries Program has redesigned its [website](#). The program works with the National Estuary Program and coastal management community on assessing climate change vulnerabilities and developing adaptation strategies. Resources are now easier to find and web pages are searchable. New features include interactive maps of Climate Ready Estuary projects, information about king tides, and more.

## **ENERGY**

**FEMP TECHNICAL ASSISTANCE PORTAL** The Department of Energy's (DOE's) Federal Energy Management Program (FEMP) [launched](#) a new [Technical Assistance Portal](#). The portal allows federal agencies to submit and track requests for assistance in meeting their renewable energy and energy efficiency related goals. During the first phase, portal assistance is geared toward renewable energy projects. Other project types will be included in later phases. Agencies can use the portal to submit requests for assistance with the planning and implementation phases of projects and track the status of their requests throughout the process. The portal enables FEMP to better monitor technical assistance requests from federal agencies, while providing information on training and opportunities for financial assistance.

## **ENFORCEMENT**

**ENFORCEMENT AND COMPLIANCE AT FEDERAL FACILITIES** USEPA's Office of Enforcement and Compliance Assurance has updated the [Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities](#). The new web-based version of the guide revises and updates information and resources needed by field-level personnel to comply with federal environmental requirements and provides an understanding of the enforcement and compliance processes used by USEPA at federal facilities. The new site provides links to sections on major environmental statutes and Executive Orders. Additionally, links to cross-cutting areas include a [section on military munitions](#).

## **HAZARDOUS MATERIALS**

**LITHIUM BATTERY TRANSPORT** The Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued a final rule modifying requirements for the transportation of lithium cells and batteries ([79 FR 46011](#)). The final rule revises hazard communication and packaging provisions for lithium batteries and harmonizes the Hazardous Materials Regulations (HMR) with international standards. The rule: (1) adopts separate shipping descriptions for lithium-metal batteries and lithium-ion batteries; (2) revises shipping standards for small and medium lithium batteries contained within equipment; (3) revises transport requirements for lithium batteries destined for disposal or recycling; and (4) adopts new standards for shipment of damaged lithium batteries. The final rule became effective on 6 AUG 14.

**HAZMAT TRANSPORT REVERSE SHIPMENTS** PHMSA has issued a proposed rule to revise the HMRs applicable to return shipments of certain hazardous materials by motor vehicle ([79 FR 46748](#)). The proposed revisions define "reverse logistics" for HAZMAT returned to or between a vendor, distributor, or manufacturer for credit, replacement, or similar reason. The revisions also provide an exception for materials transported in a manner that meets the definition of reverse logistics. In addition to providing a new reverse logistics exception, the revisions also expand an existing exception for reverse logistics shipments of used automobile batteries that are being shipped from a retail facility to a recycling center. Comments are due 10 OCT 14.

**HAZMAT TRANSPORT ALIGNMENT WITH INTERNATIONAL STANDARDS** PHMSA has issued a proposed rule to amend the HMRs to maintain alignment with international standards ([79 FR 50741](#)). The amendments make changes to proper

shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Comments are due 24 OCT 14.

## **NATURAL RESOURCES**

**NEPA PROGRAMMATIC REVIEW GUIDANCE** The White House Council on Environmental Quality (CEQ) published **draft guidance** on when and how federal agencies can effectively use NEPA programmatic reviews (**79 FR 50578**). The guidance is designed to assist with understanding the environmental impacts from proposed large-scope federal actions and activities and facilitate agency compliance with NEPA by clarifying when an agency may prepare a programmatic, broad-scale review. The guidance also addresses how agencies can prepare such reviews to ensure they are timely, informative, and useful for advancing decision-making. Comments are due 9 OCT 14. For more information visit the **CEQ website**.

## **SUSTAINABILITY**

**FEDERAL FISCAL YEAR 2013 SUSTAINABILITY SCORECARDS** As part of a progress update on the status of federal agency impacts on GHGs, the **FY13 Office of Management and Budget Sustainability/Energy Scorecards** have been released.

## **TOXICS**

**LEAD EXPOSURE DUE TO RENOVATION, REPAIR AND PAINTING IN PUBLIC AND COMMERCIAL BUILDINGS** USEPA is currently in the process of determining whether or not lead-based paint hazards are created by renovation, repair, and painting (RRP) activities in public and commercial buildings (P&CBs) (**79 FR 45796**). The agency developed several documents that describe a proposed methodology for estimating exposures and incremental health effects created by renovations of P&CBs and is making the documents available for public review. Comments are due 22 SEP 14.

## **WATER**

**NPDES COOLING WATER INTAKE** USEPA has issued a final rule to reduce impingement and entrainment of fish and other aquatic organisms at cooling water intake structures used by certain existing power generation and manufacturing facilities for the withdrawal of cooling water (**79 FR 48299**). The final rule establishes requirements for existing power generating, manufacturing, and industrial facilities that are designed to withdraw more than two million gallons per day (mgd) from waters of the U.S. and use at least 25% of the water exclusively for cooling purposes. The requirements, which will be implemented through NPDES permits, apply to the location, design, construction, and capacity of cooling water intake structures at regulated facilities. For each permit, USEPA will establish site specific "best technology available" standards for entrainment. The final rule becomes effective on 14 OCT 14.

**NPDES PERMIT APPLICATIONS: TEST METHODS** USEPA has issued a final rule promulgating minor NPDES program amendments to specify that applicants must use "sufficiently sensitive" analytical test methods when completing an NPDES permit application (**79 FR 49001**). The amendments also clarify that USEPA may prescribe that only "sufficiently sensitive" methods be used for analyses of pollutants or pollutant parameters under the NPDES permit. The final rule becomes effective on 18 SEP 14.



# Professional Development

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

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

## CONFERENCES

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

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

## TRAINING—ONLINE

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

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

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

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

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

**[BEST PRACTICES FOR COMPREHENSIVE WATER MANAGEMENT FOR FEDERAL FACILITIES TRAINING](#)** The training is provided by USDOE's Federal Energy Management Program and provides federal facility and energy managers with knowledge and skills to assist in meeting water-related legislative and executive order requirements. Participants

develop skills in increasing water efficiency, and reducing water use through sound operations practices and water-efficient technologies. Water metering is covered, as well as life cycle costing and establishing the overall economics for strategic water management.

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

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

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

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

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

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

**USACE PROSPECT TRAINING** USACE has announced its FY15 Proponent-Sponsored Engineer Corps Training PROSPECT) training program. Please see the **Course Catalog** and **List of Classes and schedule** for details. Courses are open to all federal employees, state, county and city employees and contractors. There are different registration processes for each entity.

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

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

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

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

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

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

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

For further information visit the **[Army's Regional Environmental and Energy Offices' website](#)**.

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

**Archived issues of the Review can be found on the REEO-N [website](#)  
To be added to the distribution list call or email the REEO-N Regulatory Affairs Specialist  
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