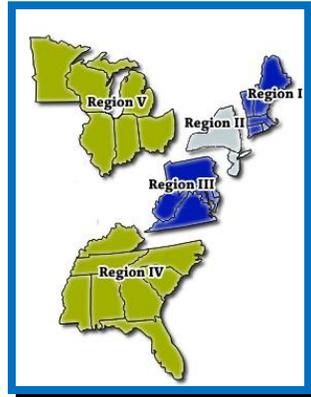




# REC UPDATE

Monthly environmental news for DoD facilities in Federal Regions 1-5



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## GENERAL INTEREST

### EO 13693 Implementation Instructions

The White House Council on Environmental Quality, Office of Federal Sustainability, has released new [implementing instructions](#), dated 10 June 2015, for Executive Order 13693 "Planning for Federal Sustainability in the Next Decade." These instructions provide Federal Executive departments and agencies with clarifying instructions for implementing [E.O. 13693](#).

### Proposed One Process/One Permit Program – Delaware River Basin Commission

The Delaware River Basin Commission (DRBC) has proposed [amendments](#) to its Administrative Manual Part III – Rules of Practice and Procedure (18 C.F.R. Part 401) to provide for DRBC and each of the parties to the *Delaware River Basin Compact* to coordinate and collaborate in the administration of a single process for the review and

adjudication of projects. The program, called “One Process/One Permit,” will allow DRBC and administrative agencies of the Signatory Parties participating in the Program, to incorporate the requirements and determinations of both DRBC and the Signatory Party agency into a single permit or other approval instrument.

## FEDERAL NEWS

**Notice: With regard to any regulation or legislation, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions, or comments.**

### AIR

#### **EPA Startup, Shutdown, or Malfunction Policy Applicable to State Implementation Plans**

The EPA has taken final action on a petition for rulemaking filed by the Sierra Club that concerns how provisions in EPA-approved SIPs treat excess emissions during periods of startup, shutdown or malfunction (SSM) ([80 FR 33839](#)). In addition, EPA is clarifying, restating, and revising its guidance concerning its interpretation of CAA requirements with respect to treatment in SIPs of excess emissions that occur during periods of SSM. EPA has issued a finding that certain SIP provisions in 36 states (applicable in 45 statewide and local jurisdictions) are substantially inadequate, and has issued a SIP call for those 36 states. The final action became applicable on 22 MAY 15 and the deadline for each state to submit its corrective SIP revision is 22 NOV 16.

#### **Aircraft Greenhouse Gas Emissions**

In response to a [petition](#), EPA [announced](#) a proposed finding that GHG emissions from aircraft pose a risk to human health. USEPA has issued an endangerment finding and advance notice of proposed rulemaking ([80 FR 37758](#)), which are the first steps in regulating emissions from the U.S. aviation industry. EPA intends to implement the carbon dioxide (CO<sub>2</sub>) emissions standard being developed by the International Civil Aviation Organization (ICAO). ICAO is scheduled to release its CO<sub>2</sub> standard in February 2016. USEPA’s proposed action does not apply to small piston-engine planes (the type of plane often used for recreational purposes) or to military aircraft. USEPA is seeking public input to inform future steps. For future information visit the [USEPA website](#).

### TANKS

#### **RCRA Underground Fuel Storage Tank Regulations - Revisions; Final Rule**

EPA has issued the final rule revising the underground storage tank regulations ([80 FR 41565-41683](#)). Changes include: secondary containment requirements for new and replaced tanks and piping; operator training requirements; periodic operation and maintenance requirements for UST systems; addressing UST systems deferred in the 1988 UST regulation; new release prevention and detection technologies; updating codes of practice, and updating state program approval requirements to incorporate these new changes. This final rule addresses UST systems deferred in the 1988 UST regulation by removing the deferral and regulating UST systems with field-constructed tanks, airport hydrant fuel distribution systems that meet the UST definition, and UST systems storing fuel solely for use by emergency power generators. Aboveground storage tanks associated

with UST systems with field-constructed tanks or with airport hydrant fuel distribution systems are partially excluded in this final UST regulation.

## WATER

### Final Multi-Sector General Permit for Industrial Discharges

EPA Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 have issued their final 2015 NPDES general permit for stormwater discharges from industrial activity, also referred to as the Multi-Sector General Permit (MSGP) ([80 FR 34403](#)). The permit replaces the existing permit that expired on 29 SEP 13. The new permit also provides coverage for industrial facilities in areas where EPA is the NPDES permitting authority in USEPA Regions 7 and 8. The MSGP consists of 44 separate regional EPA general permits that may vary from each other based on state or tribal certifications and water quality-based requirements. As with earlier permits, this permit authorizes the discharge of stormwater associated with industrial activities. Industrial dischargers have the option to instead seek coverage under an individual permit. An individual permit may be necessary if the discharger cannot meet the terms and conditions or eligibility requirements in this permit. The permit became effective on 4 JUN 15 and was issued for a period of five years. For more information, visit EPA [MSGP website](#).

### Electronic Reporting for 2015 MSGP

Facilities covered under the new 2015 federal EPA MSGP are required to [electronically submit](#) notices of intent (NOIs), annual reports, notices of termination (NOTs), discharge monitoring reports (DMRs), and no-exposure certifications unless the EPA Regional Office has granted the operator an electronic reporting waiver. Operators without an EPA-granted electronic reporting waiver must use: (1) [Net-MSGP](#) (the NPDES eReporting Tool for the MSGP) to electronically prepare and submit NOIs, annual reports, NOTs and no exposure certifications; and (2) [NetDMR](#) to electronically prepare and submit DMR monitoring reports. For more information visit the EPA [MSGP website](#).

### Definition of Waters of the U.S.

EPA and USACE have published a final rule defining the scope of waters protected under CWA ([80 FR 37053](#)). The final rule is considered to be a definitional rule that clarifies the scope of “waters of the United States” consistent with CWA, Supreme Court precedent, and science. It does not establish any regulatory requirements. Programs established by CWA, such as the section 402 NPDES permit program, the section 404 permit program for discharge of dredged or fill material, and the section 311 oil spill prevention and response programs, all rely on the definition of “waters of the United States.” The final rule will become effective on 28 AUG 15.

### Updated Ambient Water Quality Criteria

EPA has released final updated recommended ambient water quality criteria for 94 chemical pollutants ([80 FR 36986](#)). The updated criteria reflect the latest scientific information and implementation of existing EPA policies found in Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000). The criteria provide technical information for states and authorized tribes to establish water quality standards to protect human health under CWA. The [final 2015 recommendations](#) supersede EPA's previous recommendations.

### Cyanobacterial Toxins in Drinking Water

EPA has released [10-day health advisories](#) for two cyanobacterial toxins and health effect support documents for three cyanobacterial toxins ([80 FR 34637](#)). The health advisories provide states, drinking water utilities, and the public with information on health effects of microcystins and cylindrospermopsin, analytical methods to test

for cyanotoxins in water samples, and treatment technologies to remove cyanobacterial toxins in drinking water. Additionally, EPA released a support document for states and utilities to assist them as they consider whether and how to manage cyanobacterial toxins in drinking water. The [recommendations](#) in the support document are intended to assist public drinking water systems (PWSs) manage the risks from cyanobacterial toxins in drinking water, including information and a framework that PWSs can consider in their cyanotoxin risk management efforts. For more information, visit EPA's [website](#).

## OTHER

### EPA and NRC Semiannual Regulatory Agendas

EPA has published the 2015 spring edition of its semiannual [regulatory agenda](#) (80 FR 35081). The semiannual regulatory agenda contains regulations currently under development, reviews of existing regulations, and rules completed or canceled since the last agenda. The Nuclear Regulatory Commission (NRC) has also published its 2015 spring semiannual [regulatory agenda](#) (80 FR 35169).

## REGION 1



## CONNECTICUT

**Note: The Connecticut General Assembly convened on 7 JAN 15 and adjourned on 3 MAY 15.**

### Proposed Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

### Final Rules

[Dispensing of Gasoline/Stage I and Stage II Vapor Recovery](#) – The Department of Energy & Environmental Protection has adopted amendments and repealed certain regulations concerning control of air pollution during the transfer and dispensing of gasoline. Amendments pertain to the State Implementation Plan and the repeal of Stage II Vapor Recovery requirements. Regulation passed and became effective 8 JUL 15.

### Proposed Rules/Other Regulatory Activity

[Draft Guidance on Selection of Analytical Methods to Characterize Petroleum Releases](#) – The Department of Energy & Environmental Protection has invited comment on draft guidance, Selection of Analytical Methods to Characterize Petroleum Releases Guidance Document. The guidance assists environmental professionals in the selection of appropriate analytical methods for characterizing petroleum releases. Comments are due by 24 JUL 15.

[Notice of Decision – Update Threatened & Endangered Species List](#) - The Department of Energy & Environmental Protection has posted a Notice of Decision to Take Action on updating the State Threatened, Endangered and Species of Special Concern on 29 MAY 15.

**Notice of Intent – General Permits for Certain Coastal Activities** - The Department of Energy and Environmental Protection (CDEEP) has given notice of intent to issue General Permits (GPs) for certain coastal activities. The GPs will cover activities undertaken waterward of the coastal jurisdiction line in state tidal, coastal or navigable waters and in tidal wetlands. In addition to authorizing new activities, the proposed GPs consolidate the activities currently authorized in existing GPs #DEEP-LIS-GP-001 through #DEEP-LIS-GP-015. Therefore, such existing authorizations would be superseded upon adoption of the proposed GPs. Comments were due by 27 JUL 15.



## MAINE

**Note: The Maine General Assembly convened on 3 DEC 14 and adjourns on 16 JUN 16 (In Recess until 15 JUL 15).**

### **Legislation**

On 3 MAR 15, Senator Thomas B. Saviello introduced [ME LD 590](#), which exempts a fee for a paper or plastic single-use carry-out bag from tax. Bill passed; effective 9 JUNE 15.

On 10 MAR 15, Senator Thomas B. Saviello introduced [ME LD 807](#), which amends Maine's Threatened and Endangered Species list. Bill passed; signed by Governor 29 MAY 15.

On 24 MAR 15, Senator Thomas B. Saviello introduced [ME LD 1045](#), which creates financial incentives for collection and proper disposal of thermostats containing mercury. Bill passed; signed by Governor 16 MAY 15.

On 25 MAR 15, Representative Barry Hobbins introduced [ME LD 1088](#), which implements the recommendations of the Right To Know Advisory Committee regarding disclosure of public records. Bill passed; veto overridden on 23 JUN 15.

On 20 MAY 15, Senator Thomas B. Saviello introduced [ME LD 1427](#), which provides for final adoption by the Department of Environmental Protection of portions of Rule Chapter 500: Stormwater Management. Bill passed; effective 9 JUN 15.

### **Final Rules**

**Amendments to Surface Coating Facilities** – The Department of Environmental Protection has adopted amendments to Ch. 129, Surface Coating Facilities, which are based upon USEPA Control Technique Guidelines and expand the types of coating operations to include miscellaneous plastic parts and products. The amendments provide for five major surface coating categories with numerous subcategories in each to further identify which coatings are subject to a specific emission limit. The emission limits are achieved by using low-VOC coatings and add-on controls either alone or in combination. The regulation became effective on 8 JUL 15.

**Designation of Priority Chemicals** - The Department of Environmental Protection has adopted a new regulation, Designation of Four Members of the Chemical Class Phthalates as Priority Chemicals (Chapter 888). The new regulation designates four members of the chemical class phthalates as priority chemicals and requires reporting for certain product categories that contain one or more of these regulated phthalates. The regulation

applies to manufacturers of specified product categories that contain intentionally added di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), or diethyl phthalate (DEP). The regulation became effective on 22 JUN 15.

**Designation of Areas of Cultural or Special Significance** – The Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission has adopted amendments to Ch. 10, Land Use Districts and Standards, that allow the Commission to designate areas of cultural, historical, or other special significance. Within a designated area, applicants may apply for a permit to reconstruct in place or expand legally existing, nonconforming structures, provided that proposed reconstruction projects conform to the purpose of designation. The regulation became effective on 29 MAY 15.

#### **Proposed Rules/Other Regulatory Activity**

**Amendments to Pesticide Rules** - The Maine Board of Pesticide Control has proposed amendments to multiple pesticide rules. The amendments update: (1) Chapter 31 - Certification and Licensing Provisions/Commercial Applicators; (2) Chapter 34 - Certification and Licensing Provisions/Pesticide Dealers; and (3) Chapter 35 - Certification and Licensing Provisions/Spray Contracting Firms. Updates include altering licensing periods and certification periods to align them both to three years, changing exam requirements, and clarifying types of applications for specific categories of pesticides. Comments were due by 24 JUL 15.



## **MASSACHUSETTS**

**Note: The Massachusetts General Court convened 7 JAN 15 and adjourns 4 JAN 17.**

#### **Proposed Legislation**

On 20 JAN 15, Representative Paul McMurtry introduced [MA HB 3420](#), which would reduce solid waste disposal rates and provide universal recycling access.

On 15 APR 15, Senator Marc R. Pacheco introduced [MA SB 1866](#), which would require MA DOT to promulgate regulations to develop and implement a clean fuel standard that would reduce the carbon intensity of transportation fuels.

#### **Final Rules**

**Emergency Regulation – Aquatic Nuisance Control Program** - The Department of Conservation and Recreation (MDCR) has adopted an emergency regulation regarding 302 CMR 18.00, Aquatic Nuisance Control Program. The regulation establishes an aquatic nuisance control program designed to suppress, eradicate, control, and otherwise reduce the risk of the spread of aquatic nuisances. This is accomplished by prohibitions regarding placement or transportation of aquatic nuisance species (ANS) or boats and related equipment containing ANS in inland waters of the commonwealth. The regulations also contains vessel and related equipment decontamination and inspection requirements. The emergency regulation became effective on 19 JUN 15 and will expire on 19 SEP 15.



## NEW HAMPSHIRE

**Note: The NH General Court convened on 7 JAN 15 and adjourns on 13 SEP 15.**

### Legislation

On 8 JAN 15 Senator Jeb Bradley introduced [NH SB 208](#), which establishes a committee to study limiting the sulfur content of liquid fuels. Bill passed; effective 7 MAY 15.

### Proposed Legislation

On 8 JAN 15 Representative Patrick Abrami introduced [NH HB 364](#), which would authorize adoption of rules establishing fees for Salt Applicator program and require fees for pesticide product registration.

On 8 JAN 15 Representative Regina Birdsell introduced [NH SB 97](#), which would allow municipalities to adopt ordinances and bylaws for proper maintenance and operation of the stormwater system or stormwater utility and any appurtenant structures, and to promote flood control and erosion control, water quality management, ecological preservation, management of annual pollutant load contained in stormwater discharge, and municipal compliance with applicable state and federal stormwater laws and regulations.

### Final Rules

[Contaminated Site Management](#) – The Department of Environmental Services has readopted site remediation rules with amendments with the purpose of establishing (a) Procedures and requirements for the investigation, management, and remediation of contamination from the discharge of regulated contaminants that adversely affect human health or the environment resulting from human operations or activities; (b) Procedures to obtain a groundwater management permit as required by RSA 485-C; (c) Procedures to restrict future property use pursuant to RSA 147-F:15; (d) Procedures and requirements for notification of, and emergency and initial response actions in response to, a discharge of a regulated contaminant; and (e) Procedures for determining fees for expedited reviews of environmental site assessment reports pursuant to RSA 485:3-b, I. Regulation became effective 1 JUN 15.

[Groundwater Release Detection Permits](#) - The Department of Environmental Services has adopted rulemaking regarding CHAPTER Env-Or 700 - Groundwater Release Detection Permits. The purpose of these rules is to implement RSA 485-C:13 relative to groundwater release detection permits by establishing procedures and requirements for obtaining a permit to monitor groundwater for the early detection of any impact associated with the activities listed in RSA 485-C:13, II and III. Regulation became effective 1 JUN 15.

[Required Best Management Practices for Groundwater Protection](#) - The Department of Environmental Services has adopted rulemaking to readopt, with amendment, existing rules, establishing BMPs for groundwater protection to prevent release of regulated substances that could contaminate drinking water due to poor material handling, storage, or transfer activities. Regulation became effective 19 MAY 15.

### Proposed Rules/Other Regulatory Activity

[Notice of Proposed Rules – Amendments to Wetlands Mitigation Rules](#) - The Department of Environmental Services (NHDES) has proposed two separate rulemakings that amend the wetland mitigation rules. NHDES has proposed new rules at Env-Wt 100, which contains the organizational rules and definitions for the state wetland

rules. The amendments add definitions for certified wetland scientist, service area, and wetland enhancement to the regulations. NHDES has also proposed to readopt, with amendments, Env-Wt 800 (Compensatory Mitigation) and certain sections in Env-Wt 500 (Permit Procedure) relative to mitigation requirements. Env-Wt 800 and 500 were both due to expire on 20 JUN 15, but will remain effective during the rulemaking process. Comments are due on both rulemakings by 14 AUG 15.



## RHODE ISLAND

**Note: The RI General Assembly convened on 6 JAN 15 and adjourned on 25 JUN 15.**

### Legislation

On 3 MAR 15 Senator Dominick J. Ruggerio introduced [RI SB 539](#), which clarifies the definition of "Mattress" in the "Responsible recycling, reuse, and disposal of mattresses chapter". Bill passed; effective 25 JUN 15.

### Proposed Legislation

On 16 JUN 15 Senator Dominick J. Ruggerio introduced [RI SB 997](#), which would allow for the assessment of a toll on large commercial trucks.

### Final Rules

[Amendment of Stormwater Design and Installation Standards Manual](#) - The Department of Environmental Management has adopted updates to the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM). The changes include (1) a revision of Minimum Standard 10 to be consistent with the Performance Criteria for Soil Erosion and Sedimentation Control Measures already adopted into the 2013 RIPDES Construction GP and the 2014 RI SESC Handbook and (2) the application checklist in Appendix A is being deleted. Regulation became effective 3 JUN 15.



## VERMONT

**Note: The Vermont General Assembly convened on 7 JAN 15 and adjourns on 9 MAY 16.**

### Legislation

On 21 JAN 15 Representative David L. Deen introduced [VT HB 35](#), which attempts to improve the quality of state waters and authorizes proactive measures designed to implement and meet TMDLs. Bill passed; signed 16 JUN 15.

### Final Rules

[Amendment of Endangered and Threatened Species Rule](#) - The Agency of Natural Resources has adopted rulemaking to amend Vermont's threatened and endangered species list by adding 1 amphibian, 1 bird, 3 bees, and 3 plants. Rule was adopted 1 MAY 15.

## REGION 2



### NEW JERSEY

The New Jersey Legislature convened 14 JAN 15 and adjourns 12 JAN 16.

#### Proposed Legislation

On 7 MAY 15 Assemblyman Bob Andrzejczak introduced [NJ AB 4380](#), which would establish a multi-Species depredation permit for the taking, capturing, and transportation of wildlife which is creating a hazard to public safety or causing damage to crops or livestock.

On 29 JUN 15 Assemblyman Timothy Eustace introduced [NJ AB 4642](#), which would increase taxes on transfers of hazardous substances to fund local government emergency preparedness and response to certain spills.

On 15 JUN 15 Assemblyman Sam Fiocchi introduced [NJ AR 249](#), which would lift the ban on cold weather dredging.

On 7 MAY 15 Senator Anthony R. Bucco introduced [NJ SB 2834](#), which would prohibit municipalities from charging an annual fee for stormwater permits and inspections.

On 14 MAY 15 Senator Loretta Weinberg introduced [NJ SB 2927](#), which would establish Reward Rebate Program to encourage property owners to implement Best Management Practices to conserve water and reduce stormwater runoff.

On 8 JUN 15 Senator Robert G. Smith introduced [NJ SB 2973](#), which would revise electronic waste recycling laws.

On 11 JUN 15 Senator Jeff Van Drew introduced [NJ SB 3012](#), which would establish a one-year long multi-species depredation permit for taking, capturing, and transportation of wildlife deemed to create a hazard to public safety or causing damage to crops or livestock.

On 11 JUN 15 Senator Robert G. Smith introduced [NJ SB 3014](#), which would remove a cap on taxes on transfers of hazardous substances.

#### Final Rules

[Consolidation of Coastal Permit Program and Coastal Zone Management Rules](#) – The Department of Environmental Protection has adopted amendments, repeals, and new rules that consolidate the Coastal Permit Program Rules and the Coastal Zone Management (CZM) Rules into one chapter. The new chapter, Coastal Zone Management Rules (N.J.A.C. 7:7), establishes a comprehensive and streamlined set of rules governing land use in the coastal area. Through this adoption and an anticipated rulemakings to amend the Freshwater Wetlands Protection Act Rules and Flood Hazard Area Control Act Rules, NJDEP intends to align the rules governing the

permitting processes of all three programs. This rulemaking addresses the alignment of the permitting process rules relating to emergency authorizations; pre-application conferences; application requirements; requirements for an applicant to provide public notice; application review; permit conditions and changes to issued permits; and requests for adjudicatory hearings. Further, this adoption amends various NJDEP rule standards regarding the use and development of the state's coastal resources, specifically those relating to dredging and dredged material management, marina development and expansion, and mitigation. The adoption became effective on 6 JUL 15.

### **Proposed Rules/Other Regulatory Activity**

#### **Rule Proposal – Amendments to Flood Hazard Area Control Act, Coastal Zone Management & Stormwater Management Rules**

- The Department of Environmental Protection has proposed comprehensive changes to the Flood Hazard Area Control Act (FHACA) Rules at N.J.A.C. 7:13. The changes: (1) reduce unnecessary regulatory burden; (2) add appropriate flexibility; (3) provide better consistency with federal, local, and other state requirements; (4) create additional permits-by-rule and general permits; and (5) address implementation issues identified since the repeal and re-adoption of the rules in November 2007. The proposed changes also amend the CZM rules (N.J.A.C. 7:7E) and the Stormwater Management (SWM) rules (N.J.A.C. 7:8). The amendments to the CZM and SWM rules provide consistency with the FHACA rules regarding development in flood hazard areas and the preservation of vegetation and habitat within and adjacent to surface waters.



## **NEW YORK**

**The New York State Legislature convened 7 JAN 15 and adjourns 4 JAN 17 (In Recess until 6 JAN 16).**

### **Proposed Legislation**

On 27 MAY 15 Assemblymember James F. Brennan introduced [NY AB 7787](#), which would require notification to the NY Department of Public Service of any incident involving damage to any underground utility.

On 29 MAY 15 Assemblymember Brian P. Kavanagh introduced [NY AB 7905](#), which would enact the state and local government food waste reduction act requiring facilities generating excess food waste to take measures to minimize such waste.

On 11 JUN 15 Assemblywoman Rodneyse Richotte introduced [NY AB 8194](#), which would establish an emergency repair program to address structural/health issues and bill the property owner for the repairs.

On 12 MAY 15 Senator Tony Avella introduced [NY SB 5271](#), which would enact the Natural Disaster Preparedness and Mitigation Act providing for enhanced disaster preparedness and recovery from disasters.

On 14 MAY 15 Senator Leroy Comrie introduced [NY SB 5411](#), which would establish a computerized database containing information concerning the storage, handling, and emergency responses for hazardous substances.

On 18 MAY 15 Senator Martin J. Golden introduced [NY SB 5600](#), which relates to the recycling of rechargeable batteries.

**Final Rules**

**[Amendments to Prevention and Control of Air Contamination and Air Pollution Regulations](#)** - The Department of Environmental Conservation (NYSDEC) has adopted amendments to the prevention and control of air contamination and air pollution rules. The amendments repeal and replace 6 NYCRR Part 212 (Process Operations), which provides for streamlined and updated provisions, alignment of the provisions with NYSDEC's permitting regulations, and provides more regulatory certainty for the regulated community. The rulemaking also amends 6 NYCRR Part 200 (General Provisions) to establish consistent terminology. The amendments became effective on 13 JUN 15.

**Proposed Rules/Other Regulatory Activity**

**[Proposed Rule Making – Implementation of Environmental Conservation Law](#)**-NYSDEC has proposed amendments to 6 NYCRR Part 750 (State Pollutant Discharge Elimination System Permit) and Part 621 (Uniform Procedures). The amendments implement requirements of Environmental Conservation Law section 17-0826-a, known as the Sewage Pollution Right to Know (SPRTK) Act. The amendments employ SPRTK Act reporting, notification, and record keeping requirements for publicly owned treatment works and operators of publicly owned sewer systems regarding the discharge of untreated and partially treated sewage. Comments were due by 1 AUG 15.

## REGION 3



### DISTRICT OF COLUMBIA

**Note: The Council of the District of Columbia convened 3 JAN 15 and adjourns 31 DEC 16.**

**Proposed Legislation**

On 2 JUL 15, Councilmember Mary Cheh introduced [DC B 318](#) which would increase fees for both permitted and unlawful tree removal and expand Tree Fund to include plantings on school, park or other District owned lands.

**Proposed Rules/Other Regulatory Activity**

**[Draft MS4 TMDL Implementation Plan](#)** - The District Department of the Environment is soliciting comments on a draft Municipal Separate Storm Sewer System (MS4) Permit Consolidated Total Maximum Daily Load (TMDL) Implementation Plan. Section 4.10.3 of the National Pollutant Discharge Elimination System permit for the District's Municipal Separate Storm Sewer System directs the District to develop a Consolidated TMDL Implementation Plan, and to make this plan available for public review and comment. Comments are due by 13 AUG 15.

**[Draft MS4 Revised Monitoring Plan](#)** - The District Department of the Environment is soliciting comments on a draft Municipal Separate Storm Sewer System (MS4) Permit Revised Monitoring Plan. Section 5.1 of the National Pollutant Discharge Elimination System permit for the District's Municipal Separate Storm Sewer System directs the District to develop a plan for a Revised Monitoring Program and to make this schedule available for public review and comment. Comments are due by 6 AUG 15.



## DELAWARE

**Note: The Delaware General Assembly convened on 13 JAN 15 and adjourns on 30 JUN 16 (In Recess until 11 JAN 16).**

### Proposed Legislation

On 16 JUN 15, Representative John L. Mitchell introduced [DE HB 195](#), which would prohibit operation of drones or unmanned aircraft system to fly over any sporting event, concert, automobile race, festival or event at which more than 5000 people are in attendance, or critical infrastructure in the State of Delaware, including military facilities, except for law enforcement purposes or if written permission is granted by the property owner.

On 16 JUN 15, Representative Deborah Hudson introduced [DE HB 202](#) which would add requirements for retail facilities to charge for issuing single use plastic bags and implementation of recycling programs.

### Final Rules

[Amendments to Regulations Governing Hazardous Waste](#) - The Department of Natural Resources and Environmental Control (DDNREC) has **adopted** amendments to 7 DE Admin. Code 1302, Delaware's Regulations Governing Hazardous Waste. The amendments clarify existing regulatory language and adopt the federal e-manifest rule. The e-manifest rule seeks to facilitate the electronic transmission of the uniform manifest form and make the use of the uniform manifest more cost-effective and convenient for users. The amendments became effective on 21 MAY 15.

### Proposed Rules/Other Regulatory Activity

[Revisions to Radiation Control Regulations](#) - The Delaware Division of Public Health has proposed revisions to two sets of state radiation control regulations at 16 DE Admin. Code 4465. The two regulations being revised are: (1) 4465 Part D - Standards for Protection Against Radiation; and (2) 4465 Part J - Notices, Instructions and Reports to Workers; Inspections. The revisions update the requirements by bringing them in line with current healthcare standards and aligning them more closely with current state administrative codes and federal requirements.



## MARYLAND

**Note: The Maryland General Assembly convened on 14 JAN 15 and adjourned on 13 APR 15.**

### Legislation

On 11 FEB 15, Delegate Herb McMillan introduced [MD HB 509](#), which establishes a Statute of Limitations for administrative penalties for certain violations of environmental law. Bill passed 12 MAY 15; effective 1 OCT 15.

On 11 FEB 15, Delegate Dana M. Stein introduced [MD HB 514](#), which establishes the Commission on Climate Change in MDE to advise the Governor and General Assembly on ways to mitigate the causes of, prepare for,

and adapt to the consequences of climate change and establish the membership and management of the Commission. Bill passed; effective 1 JUN 15.

On 13 FEB 15, Delegate Dana M. Stein introduced [MD HB 860](#), which creates a program for inspection and decontamination of boats for invasive species and prohibits infected boats from certain waters. Bill passed; effective 1 OCT 15.

On 6 FEB 15, Senator Nathaniel J. McFadden introduced [MD SB 601](#), which establishes the African American Heritage Preservation Program. Bill passed; effective 1 JUN 15.

On 25 FEB 15, Senator Thomas V. Miller introduced [MD SB 863](#), which amends recently passed stormwater laws. One of the highlights of this bill include provision for state property to be subject to county stormwater fees. Bill passed; effective 1 JUL 15.

### **Final Rules**

**Creation of Composting Facilities Regulations** - The Department of the Environment (MDE) has adopted a new regulatory chapter, COMAR 26.04.11 - Composting Facilities. The new chapter establishes a regulatory program structure and requirements for composting facilities. The new chapter establishes: (1) composting facility “tiers” based on feedstock types and sizes; (2) different types of composting facility permits, along with permit exemptions; (3) siting, design, and operational requirements for facilities; (4) processes for the approval of variances, pilot programs, and research activities; (5) procedures for enforcement; (6) timeframe and procedure for existing composting facilities to come into compliance with the requirements; and (7) recordkeeping and reporting requirements. The new chapter became effective on 1 JUL 15.

**Amendments to Radiation Management Regulations** - The Department of the Environment has adopted amendments to the radiation management regulations at COMAR 26.12.01 (Radiation Protection) and COMAR 26.12.02 (Inspection and Certification). The amendments incorporate by reference: (1) one U.S. Nuclear Regulatory Commission regulation regarding requirements for distribution of byproduct material; (2) requirements for personnel monitoring and training for registered radiation machine service providers; (3) requirements for disposal of radioactive material sources unused for three years, and (4) miscellaneous corrections. The new chapter became effective on 22 JUN 15.

### **Proposed Rules/Other Regulatory Activity**

**Notice of Proposed Action – Discharge Limitations and Permits** - The Department of the Environment has proposed amendments to modify two existing regulations that automatically require a State discharge permit for discharges of water greater than 10,000 gallons per day regardless of whether there is a discharge of pollutants. Comments due 10 AUG 15.

**Notice of Proposed Action – Radiation Protection** – The Department of Environment proposed amendments to update COMAR 26.12.01.01, Incorporation by Reference, to include (a)one U.S. Nuclear Regulatory Commission regulation establishing additional security requirements for use and transport of risk significant quantities of radioactive material, (b)prohibition of use of a radiation machine prior to facility registration, and (c)miscellaneous corrections.



## PENNSYLVANIA

**Note: The Pennsylvania General Assembly convened 6 JAN 15 and adjourns 30 NOV 16.**

### **Proposed Legislation**

On 4 MAY 15 Representative David Zimmerman introduced [PA HB 1103](#), which would amend the Storm Water Management Act, further providing for definitions and for effect of watershed storm water plans.

On 6 JUL 15 Representative Brian Sims introduced [PA HB 1431](#) which would provide for a fee of two cents on each nonreusable plastic bag used by purchasers of consumer goods at retail establishments that have annual gross sales in excess of \$1 million.

On 15 MAY 15 Senator John N. Wozniak introduced [PA SB 780](#) which pertains to setting and collection of sewer fees.

### **Proposed Rules/Other Regulatory Activity**

[Notice – Draft NPDES General Permit for Stormwater Discharges from MS4s](#) – The Department of Environmental Protection (Department) has announced the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (PAG-13).

[Notice – Draft Nonpoint Source Management Plan – 2014 Update](#) - The Department of Environmental Protection (PDEP) has requested comment on the draft Nonpoint Source Management Plan - 2014 Update. The management plan includes a narrative description of significant efforts taking place in the commonwealth to address nonpoint source pollution, and milestones set to demonstrate progress. The management plan has been developed to be consistent with USEPA guidance outlining the required elements of these program updates. Comments were due by 20 JUL 15.

[Notice – Draft Program Assessment and Strategy under CZMA](#) - The Coastal Resources Management Program has developed a draft Section 309 Assessment and Strategy in accordance with section 309 of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1456b), as amended in 1990 and 1996. This assessment is part of a voluntary coastal zone enhancement grants program (program) that encourages states and territories to develop program changes in one or more of the following nine coastal enhancement areas: coastal wetlands; coastal hazards; public access; marine debris; cumulative and secondary impacts; special area management planning; ocean/Great Lakes resources; energy and government facility siting and activities; and aquaculture. The draft Section 309 Assessment and Strategy is available on the Department of Environmental Protection's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Coastal Zone).



## VIRGINIA

The Virginia General Assembly convened 14 JAN 15 and adjourned 27 FEB 15.

### Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

### Final Rules

[Amendments to WQMP](#) - The State Water Control Board has proposed fast-track amendments to sections 50, 60, 70, 110 and 120 of 9VAC25-720, Water Quality Management Planning Regulation (WQMP; 9 VAC 25-720). Amendments (1)delete obsolete footnotes; (2)where appropriate, maintain basin Total WLAs by placing WLA balances resulting from self-enacting footnotes into an Unallocated Reserve; (3)revise TN and/or TP Waste Load Allocations for several facilities (no DOD facilities); (4)make expression of WLAs consistent for all facilities served by combined sewer systems; and (5)make technical “housekeeping” revisions. Regulation became effective 30 JUL 15.

[Amendments to Address Daylighting of Streams](#) - The Department of Environmental Quality (VDEQ) has adopted amendments to 9VAC25-830, Chesapeake Bay Preservation Area Designation and Management Regulations. The 2015 General Assembly passed legislation to amend and reenact §§ 62.1-44.15:68 and 62.1-44.15:72 of the Code of Virginia, relating to daylighting of streams. The amendments provide that the State Water Control Board (SWCB), when developing the criteria for a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Act, shall not require that a daylighted stream become an RPA. The bill defines a daylighted stream as a stream that has been previously diverted into a culvert, pipe, or other underground drainage system and is redirected into an aboveground channel using natural channel design concepts. The regulation becomes effective 26 AUG 15.

[Amendments to Onsite Sewage Systems Professionals Regulations](#) - The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals has adopted amendments to the qualifications for licensure requirements at 18VAC160-20, in regard to onsite sewage system installers. The current regulations require an applicant for a conventional onsite sewage system installer license who is applying for waiver of the examination to provide documentation of experience from a list of specific professionals. The amendments eliminate the need to provide documentation by specific professionals, thereby allowing more latitude to consider applicants that have the required experience but have not worked with one of the specified professionals. The amendments became effective on 1 AUG 15.

[Update to Definition of Volatile Organic Compound](#) - The VDEQ has adopted fast-track amendments to the general definitions of 9VAC5-10, Regulations for the Control and Abatement of Air Pollution. The amendments do not impose regulatory requirements, but do provide support to other provisions of the regulations. EPA has revised the definition of volatile organic compound (VOC) to add 2-amino-2-methyl-1-propanol (also known as AMP) to the list of substances excluded from the definition of VOC. The amendments update the state definition to be consistent with the federal definition. Regulation became effective on 30 JUL 15.

[Emission Standards for VOCs from Petroleum Liquid Storage and Transfer Operations](#) – The VDEQ has proposed revisions to 9VAC5-40, Existing Stationary Sources. Section 182 (b)(3) of the federal Clean Air Act

required the implementation of Stage II vapor recovery in ozone nonattainment and maintenance areas, including northern Virginia and Richmond. VDEQ has determined that Stage II is no longer needed thus removing vapor recovery requirements. Regulation became effective 30 JUL 15.

**Amendments to Board for Asbestos, Lead, Mold, and Home Inspectors Regulations** - The Virginia Board for Asbestos, Lead, Mold, and Home Inspectors has adopted three separate rulemakings to amend [18VAC15-30](#) (Virginia Lead-Based Paint Activities Regulations) and [18VAC15-40](#) (Virginia Certified Home Inspectors Regulations). The first amendment to 18VAC15-30 increases application and renewal fees paid by licensees, certificate holders, and registrants subject to the board's authority. The second amendment to 18VAC15-30: (1) clarifies training requirements upon entry and renewal of an individual or training provider license; (2) removes the requirement that the lead license expiration date corresponds with the lead training expiration date; and (3) changes the time frame that accredited lead training providers must certify continued compliance to 24 months. The amendment to 18VAC15-40 increases fees for obtaining and maintaining certification as a home inspector. All three rulemakings became effective on 1 AUG 15.

**Revisions to New Source Review Permit Program Rules** - The VDEQ has issued a fast-track regulation amending the state air pollution control board regulations at 9VAC5-80 (Permits for Stationary Sources) and 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation). The amendments make certain elements of the Major New Source Review (NSR) Program consistent with EPA regulations. Specifically, the amendments update the: (1) definition of "baseline actual emissions" to allow the use of a 10-year look-back period rather than the current five-year period; (2) definition of "baseline actual emissions" to allow the use of different look-back periods for different regulated NSR pollutants; (3) PAL requirements; and (4) definitions of "emissions unit" and "replacement unit." Barring adverse comment the fast-track regulation becomes effective on 13 AUG 15.

**TMDL Waste Load Allocations for Multiple River Basins** - The VDEQ has adopted amendments to the water quality management planning regulations at 9 VAC 25-720. The amendments include: (1) two new TMDL waste load allocations in the James River Basin; (2) 12 new TMDL waste load allocations in the Roanoke River Basin; (3) seven new TMDL waste load allocations in the Chowan River – Dismal Swamp River Basin; (4) five new TMDL waste load allocations in the Chesapeake Bay – Small Coastal – Eastern Shore River Basin; and (5) 10 new waste load allocations for the York River Basin. The regulation became effective on 3 JUN 15.



## WEST VIRGINIA

The West Virginia Legislature convened on 14 JAN 15 and adjourned on 18 MAR 15.

### Legislation

On 5 FEB 15 Delegate Bob Ashley introduced [WV HB 2625](#), which extends the current Hazardous Waste Management fee until 30 JUN 20. Bill passed; effective 10 JUN 15.

On 5 FEB 15 Senator Mike Hall introduced [WV SB 423](#), which amends the AST law by requiring an inventory of ASTs in the state, requiring registration, authorizing certain fees, requiring development of a regulatory program for the tanks, and requiring inspection and certification of the tanks. Bill passed; effective 13 JUN 15.

**Final Rules**

[Requirements Governing Water Quality Standards](#) – The Department of Environmental Protection has adopted an emergency rule to revise the dissolved aluminum aquatic life criteria and the selenium aquatic life criteria in 47CSR2.ertains to the amount of dissolved aluminum and selenium in water. This Emergency Rule becomes effective 10 AUG 15 and expires on 10 NOV 16.

**Proposed Rules/Other Regulatory Activity**

**Notice of Proposed Rules – Aboveground Storage Tanks** - The Department of Environmental Protection has proposed [47-63](#) Aboveground Storage Tank (AST) Administrative Proceedings and Civil Penalty Assessment, [47-64](#) AST Fee Assessments, and [47-65](#) which establishes a regulatory program for ASTs . This rule proposals establish: (1) a regulatory program for ASTs within the state of West Virginia; (2) schedules of registration fees, annual operation fees, and annual response fees for ASTs governed by the AST Act; and (3) a mechanism for the administrative resolution of violations of the AST Act and Rules through consent Orders and agreements as an alternative to instituting civil actions.

[Standards of Performance for New Stationary Sources](#) - The Department of Environmental Protection has proposed amendments to 45CSR16 which incorporates by reference the national standards of performance for new stationary sources and other regulatory requirements promulgated by the EPA.

## REGION 4



### KENTUCKY

**Note: The Kentucky General Assembly convened on 6 JAN 15 and adjourned on 25 APR 15.**

**Legislation**

No new environmental legislation of significant importance to DoD was identified during this reporting period.

**Proposed Rules**

No new environmental regulations of significant importance to DoD were identified during this reporting period.



## NORTH CAROLINA

**Note: The North Carolina General Assembly convened on 14 JAN 15 and adjourns on 1 JUL 16.**

### Legislation

On 24 MAR 15 Senator Robert Rucho introduced [NC SB 372](#), which provides a safe harbor for renewable energy projects that are substantially completed by January 1, 2016, by extending the tax credit for renewable energy property one year for those projects. Bill passed; effective 30 APR 15.

### Final Rules

[Amendment of Protection of Endangered/Threatened/Special Concern Regulation](#) - The Department of Environment and Natural Resources has adopted amendments which include designation of the red wolf (*Canis rufus*) as state-listed threatened and regulation of coyote hunting in several counties. The regulation was adopted 15 MAY 15.

[Amendment of Underground Storage Tank Regulations](#) – The Department of Environment and Natural Resources has adopted rulemaking to amend the rules cited as 15A NCAC 02N .0304 and .0903-.0904. The rule changes are necessary to comply with a directive from the North Carolina General Assembly to amend certain secondary containment requirements. The amendments include allowance for a variance from the secondary containment requirement and addition of a requirement for particular tanks to be installed with a corrosion protection system. The regulation became effective 1 JUN 15.

## REGION 5



## ILLINOIS

**Note: The Illinois General Assembly convened on 14 JAN 15 and adjourns on 30 MAY 16.**

### Proposed Legislation

No new environmental legislation of significant importance to DoD was identified during this reporting period.

### Final Rules

[Amendments to List of Endangered & Threatened Fauna](#) - The Department of Natural Resources has adopted two separate rulemakings to amend 17 Ill. Adm. [Code 1010](#) and [Code 1050](#), Illinois List of Endangered and Threatened Fauna. Both rulemakings add new text regarding species and subspecies designated as federally endangered or threatened to make users of the list aware of protections afforded federally designated species

under the Illinois Endangered Species Protection Act. Also, changes have been made to the species listed. Both rulemakings became effective on 19 MAY 15.

#### **Proposed Rules/Other Regulatory Activity**

**[Notice of Proposed Amendments – Primary Drinking Water Standards](#)** - The Pollution Control Board has proposed amendments to 35 Ill. Adm. Code 611 which update the current fluoride standard to reflect the recent recommendation by the United States Department of Health and Human Services. The Board will accept written public comments on this proposal at least until 10 AUG 15.



## INDIANA

**Note: The Indiana General Assembly convened on 6 JAN 15 and adjourned on 29 APR 15.**

#### **Legislation**

On 8 JAN 15, Senator Ed Charbonneau introduced **[IN SB 312](#)** which requires the owner or operator of an above ground storage tank (AST) that is designed to contain more than 660 gallons of liquid to report certain information about the AST to the department of environmental management (department) before January 1, 2016. Additionally, it requires public water system using surface water as a source of drinking water to develop and maintain a surface water threat minimization and response plan. Bill passed; effective 1 JUL 15.

#### **Final Rules**

**[Updates to Hazardous Waste Rules](#)** - The Department of Environmental Management (IDEM) has adopted amendments to the hazardous waste rules at 329 IAC 3.1. The amendments incorporate by reference federal changes and allow the state to maintain equivalency with federal requirements. Included in the amendments is language regarding required wording for labels on containers that hold solvent contaminated wipes. A notice of the draft rule language was published in the August 2014 Northern Review. The amendments became effective on 3 JUL 15.

**[Source Specific Updates to the Particulate Matter Emission Limitations](#)** – The Department of Environmental Management has adopted amendments to Title 326 concerning source specific particulate matter emission limitations. The amendments became effective 29 MAY 15.

#### **Proposed Rules/Other Regulatory Activity**

**[“Contained-in Determination” Policy Document Established](#)** – The Department of Environmental Management has issued a notice regarding a non-rule policy (NRP) document, Contained-in Determination Policy. The NRP document provides guidance and clarification regarding the application of Resource Conservation and Recovery Act (RCRA) hazardous waste regulations to environmental media. The scope of the document applies to environmental media (soil and groundwater) that is not characteristically hazardous but is subject to RCRA regulation because it contains listed hazardous waste at concentrations below specific remediation closure guide (RCG) screening levels.



## MICHIGAN

**Note: The Michigan Legislature meets convened 14 JAN 15 and adjourns 31 DEC 16.**

### Legislation

On 14 APR 15, Representative Sarah Roberts introduced [MI HB 4441](#), which primarily extends dates pertaining to permits and fees. Bill passed; effective 16 JUN 15.

### Proposed Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



## OHIO

**Note: The Ohio General Assembly meets convened 5 JAN 15 and adjourns 31 DEC 16.**

### Legislation

On 11 FEB 15 Representative Ryan Smith introduced [Ohio HB 64](#), which pertains to water conservation mandates. Bill passed; effective 30 JUN 15.

### Final Rules

[Quarantine of Hemlock Woolly Adelgid](#) - The Department of Agriculture (ODOA) has adopted amendments to Ohio Administrative Code (OAC) 901:5-48-01, -02, -03, and -04. The rules contained in this chapter establish quarantine for the Hemlock Woolly Adelgid (HWA) to prevent its artificial spread in the state of Ohio. The amendments: (1) provide a web link where interested individuals may view the regulated areas; (2) correct grammatical mistakes; and (3) add Hemlock branches to the regulated articles. The amendments became effective on 29 JUN 15.

[Amendments to Section 401 Water Quality Certification Regulations](#) - The Ohio Environmental Protection Agency (OEPA) has adopted amendments to the Section 401 Water Quality Certification (WQC) regulations at OAC 3745-32-05. The amendments provide the director of OEPA with the ability to prohibit open lake disposal of dredged material from harbor or navigation maintenance activities in Lake Erie if the: (1) dredge material could result in higher levels of a chemical in fish that bioaccumulates throughout the food chain, such as PCBs; or (2) disposal of dredge material would violate any international treaties or compacts. The amendments became effective on 11 JUN 15.

### Proposed Rules/Other Regulatory Activity

[Proposed Amendments to NPDES General Permits](#) - The OEPA has proposed amendments to 3745-38-01 and 3745-38-02 relating to requirements applicable to entities seeking general permit coverage. Public comments are due by 11 AUG 15.

[Proposed Amendments to Storm Water Program Regulations](#) – The OEPA has proposed amendments to 3745-39-01 in order to make minor updates to the storm water program regulations for small municipal separate storm sewer systems (MS4s). The purpose of this rule making is to make minor updates identified during the five year rule review. The following two rules in this chapter are being filed concurrently with no changes: OAC 3745-39-02 and 3745-39-03. Public comments are due by 11 AUG 15.



**WISCONSIN**

**Note: The Wisconsin Legislature convened 5 JAN 15 and adjourns 4 JAN 17.**

#### **Legislation**

On 1 MAY 15 Senator Terry Moulton introduced [WI SB 144](#), which relates to construction permit requirements for stationary sources that emit greenhouse gases. Bill passed; effective 3 JUL 15.

#### **Final Rules**

[Pollutant Discharge Elimination System Permit](#) - The Department of Natural Resources (WDNR) has adopted revisions to Chapters NR 200, 201, 203, and 205, relating to the administration of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit. The purpose of the amendments is to ensure that the state's regulations are consistent with federal regulations and establish clear regulatory requirements for the processing of WPDES permits. Regulation became effective 1 AUG 15.

#### **Proposed Rules/Other Regulatory Activity**

[Incorporation of Revised Total coliform Rule](#) - The WDNR has proposed revisions to Chapter NR 809, Safe Drinking Water. The proposal was triggered by USEPA adopting changes to the Total Coliform Rule portion of the federal Safe Drinking Water Act (SDWA) on 13 FEB 13. These changes are referred to as the Revised Total Coliform Rule (RTCR). WDNR is incorporating provisions of the RTCR in order to maintain primacy to administer the provisions of the SDWA.

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