



# Northern Review of Legislative & Regulatory Actions

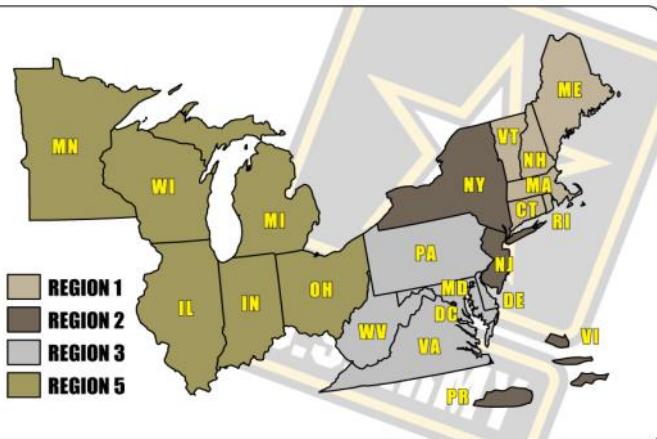
The U.S. Army Regional Environmental & Energy Office

October 2018

The *Northern Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the 22 states and territories in Federal Regions 1, 2, 3, and 5, the *Northern Review* gives early notice of legislative and regulatory activities relevant to DOD interests. For installations that implement an environmental management system in accordance with ISO 14001 specifications, the content of the *Review* may help them identify emerging requirements.

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## TABLE OF CONTENTS

Region 1 .....	2
Region 2 .....	4
Region 3 .....	5
Region 5 .....	8
Federal Activity .....	9
DOD Activity .....	10
Professional Development.....	12
Staff Directory .....	16

## ARMY RELEASES PFAS GUIDANCE

The Army has issued guidance for addressing release of per- and polyfluoroalkyl substances (PFAS).

A 4 SEP 18 memorandum, signed by the Chief of Army Environmental Programs in the Office of the Assistant Chief of Staff for Installation Management, provides "a consistent framework for addressing historic releases of perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), and any other PFAS on Army installations, with Army and DOD-approved regulatory standards or advisories applicable to Army facilities."

The guidance includes instructions for identifying the Army's inventory of sites where releases of PFAS may have occurred and for prioritizing sites for future investigations and response actions. It specifies that where an environmental regulator, federal land manager, or other stakeholder requests the Army to investigate known or suspected releases of PFAS on transferred property, such as BRAC property, the Army will evaluate the request on a site-specific basis.

In May 2016, the U.S. Environmental Protection Agency (EPA) issued a Lifetime Health Advisory (LHA) for PFOS and PFOA, singly or combined, of 70 parts per trillion (ppt) in drinking water. In addition to the EPA LHA, some states are issuing regulatory standards of their own in multiple media, not just for PFOS and PFOA but other PFAS as well.

Due to the evolving regulatory and legal environment surrounding PFAS, the guidance is subject to frequent updates.

Click [here](#) for more information about the Army's response to PFAS.

# Region 1

For more information or to comment on any state issues in Region 1, contact [Kevin Kennedy](#), Region 1 Program Coordinator, (410) 278-6168.



## Connecticut

**LEGISLATIVE SESSION: 7 FEB 18 THROUGH 9 MAY 18, SINE DIE**

### PROPOSED RULES

**LOW EMISSION VEHICLE PROGRAM GREENHOUSE GAS STANDARD UPDATE.** The Connecticut Department of Energy and Environmental Protection (CDEEP) has [proposed](#) amendments to the Connecticut greenhouse gas (GHG) vehicle emission standards from 2021 through 2025. Under the existing standards regulated entities are allowed to comply with the Connecticut requirements by showing compliance with the federal vehicle GHG standards, called "deem to comply." In August 2018, EPA proposed revisions to the federal 2021 through 2026 GHG National Program standards to cap those standards at 2020 compliance levels through 2026. CDEEP's proposed amendments retain the original standards by removing the "deem to comply" compliance path if the national program is altered by EPA. Without the "deem to comply" compliance path, regulated entities would be required to comply with Connecticut's standards for 2021-2025. The comment period closed 2 OCT 18.

**SIP UPDATES FOR 2015 OZONE NAAQS.** CDEEP has [proposed](#) updates to the [State Implementation Plan](#) (SIP). The updates address compliance with EPA's guidance for fulfilling requirements under section 110(A)(2)(D)(i)(I) of the Clean Air Act (CAA), also known as the Good Neighbor Provision, for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). Comments are due 18 OCT 18.



## Maine

**LEGISLATIVE SESSION: 3 JAN 18 THROUGH 2 MAY 18, SINE DIE**

### PROPOSED RULES

**REMEDIAL ACTION GUIDELINES FOR SITES CONTAMINATED WITH HAZARDOUS SUBSTANCES.** The Maine Department of Environmental Protection (MDEP) has [proposed](#) revisions to its guidance, "[Maine Remedial Action Guidelines \(RAGs\) for Sites Contaminated with Hazardous Substances](#)." This guidance is one approach that may be used to determine which contaminated sites pose a risk and therefore warrant clean-up. It may also be used to establish target clean-up levels and clear sites for reuse once remediation is completed. The last major changes were made to the RAGs in 2010. The proposed revisions include: (1) use of EPA's Region 3 risk calculation tool, Regional Screening Levels (RSLs), to develop the tables, rather than maintain a separate but similar calculator in Maine; (2) update state default exposure factors to EPA's current recommendations; (3) re-evaluate Maine exposure factors with updated data; and (4) add sediment and fish tissue guidelines. The comment period closed 8 OCT 18.

**AMENDMENTS TO SITING OF OIL STORAGE FACILITIES REGULATION.** MDEP has [proposed](#) amendments to Chapter 692, *Siting of Oil Storage Facilities*. The amendments provide flexibility to municipalities and businesses siting oil storage facilities, as long as certain criteria and design standards are met. The proposed amendments add variance language to allow for more areas to be developed without negatively impacting groundwater or drinking water. Additional municipalities and businesses would be able to site oil storage facilities including those that were previously proposed

and denied. These facilities would need to meet certain criteria and design standards to ensure that the risk of oil discharges and the likelihood of future groundwater contamination has been effectively minimized. Comments are due 15 OCT 18.



# New Hampshire

**LEGISLATIVE SESSION: 3 JAN 18 THROUGH 30 JUN 18, SINE DIE**

## FEDERAL ACTIVITY

**STATE AUTHORITY TO IMPLEMENT AND ENFORCE AMENDED ASBESTOS MANAGEMENT AND CONTROL RULE.** EPA has issued a final rule granting the New Hampshire Department of Environmental Services (NHDES) the authority to implement and enforce the amended *Asbestos Management and Control Rule* (AMCR) in place of the *National Emission Standard for Asbestos* (Asbestos NESHAP) as it applies to certain asbestos-related activities ([83 FR 48253](#)). NHDES's amended rule applies to all sources that otherwise would be regulated by the Asbestos NESHAP, with the exception of inactive waste disposal sites that ceased operation on or before 9 JUL 81. These inactive waste disposal sites are already regulated by state rules that were approved by EPA in 2013. This final rule makes the NHDES-amended AMCR federally enforceable. In addition, the final rule corrects clerical errors in EPA's regulations that incorporate by reference New Hampshire rules regulating inactive waste disposal sites. The final rule becomes effective 24 OCT 18.

**UPDATES TO ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM REGULATION.** EPA has issued a final rule approving a SIP revision submitted by the state of New Hampshire ([83 FR 48385](#)). The revision includes an amended regulation for the state's enhanced motor vehicle inspection and maintenance (I/M) program. New Hampshire continues to implement a test and repair network for an on-board diagnostic testing program. The submitted state regulation updates and clarifies the implementation of the state I/M program. The final rule approves the updated I/M program regulation into the New Hampshire SIP. The final rule becomes effective 25 OCT 18.

**TRANSPORT ELEMENT FOR 2010 SO<sub>2</sub> NAAQS.** EPA has issued a proposed rule to approve a SIP revision submitted by the state of New Hampshire ([83 FR 48765](#)). The revision addresses the interstate transport requirements of the CAA, referred to as the good neighbor provision, with respect to the 2010 Sulfur Dioxide (SO<sub>2</sub>) NAAQS. The proposed rule would approve New Hampshire's demonstration that the state is meeting its obligations regarding the transport of SO<sub>2</sub> emissions into other states. Comments are due 29 OCT 18.



# Vermont

**LEGISLATIVE SESSION: 3 JAN 18 THROUGH 4 MAY 18, SINE DIE**

## FEDERAL ACTIVITY

**INFRASTRUCTURE SIP REQUIREMENTS FOR PM<sub>2.5</sub> NAAQS.** EPA has issued a final rule approving a SIP revision submitted by the state of Vermont ([83 FR 45194](#)). The SIP revision addresses the infrastructure SIP requirements of the CAA, including the interstate transport provisions, for the 2012 Fine Particle (PM<sub>2.5</sub>) NAAQS. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's CAA responsibilities. The final rule became effective 9 OCT 18.

## FINAL RULE

**VOC AMENDMENTS TO VERMONT AIR POLLUTION CONTROL REGULATIONS.** The Vermont Department of Environmental Conservation (VDEC) has [adopted](#) amendments to the state [air pollution control regulations](#). The amendments address the control of emissions from sources of volatile organic compounds (VOCs), as prescribed by the CAA 2008 Ozone Standards and required to be included in Vermont's SIP. The amendments became effective 15 SEP 18.

## **PROPOSED RULES**

**AMENDMENTS TO LOW-EMISSION VEHICLE PROGRAM.** VDEC [proposed](#) amendments to the low emission vehicle (LEV) rules, which incorporate by reference California's motor vehicle emission standard regulations. Vermont first adopted California's vehicle emission standards in 1996, and VANR periodically amends its LEV rules to remain consistent with California's emission standards. California is amending its rules to clarify that vehicle manufacturers may not substitute compliance with federal GHG emissions standards in order to comply with California GHG emissions standards. VANR's proposed amendments incorporate this change into the state LEV rules. A public hearing is scheduled for 21 OCT 18 and comments are due 29 OCT 18.

**WASTEWATER AND POTABLE WATER SUPPLY RULES.** VDEC has [proposed](#) amendments to the wastewater system and potable water supply rules. The proposed amendments include requirements that permit applicants notify other landowners of pending applications; groundwater potable water sources be tested for water quality prior to use; and surface water can be used as a source for potable water supplies serving single-family residences. The amendments also: (1) consolidate the standards for potable water supplies into one rule; (2) establish new water quality sampling requirements; (3) expand the options for the design of wastewater systems to include technologies and practices that have been proven effective in the field; and (4) create additional permitting exemptions to reduce administrative burdens on the public. These rules were last updated in 2007. Comments are due 23 OCT 18. Multiple public hearings are scheduled for October and November 2018.

## **Region 2**

For more information or to comment on any state issues in Region 2, contact [Patrick Timm](#), Army Regional Environmental Coordinator, Region 2, (410) 278-6165.



## **New Jersey**

**LEGISLATIVE SESSION: 9 JAN 18 THROUGH 7 JAN 19**

### **FEDERAL ACTIVITY**

**ADEQUACY STATUS OF MVEBS FOR NY-NJ-CT 2008 8-HOUR OZONE NONATTAINMENT AREA.** EPA has issued a notice finding that the 2017 motor vehicle emissions budgets (MVEBs) for VOCs and nitrogen oxides (NO<sub>x</sub>) are adequate for transportation conformity purposes for the New Jersey portions of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone nonattainment area ([83 FR 48384](#)). As a result of this finding, the North Jersey Transportation Planning Authority must use these budgets in future transportation conformity determinations. The budgets are contained in New Jersey's 22 DEC 17, SIP submittal for the 2008 8-hour Ozone NAAQS and are associated with the reasonable further progress milestone demonstration. The finding became effective 10 OCT 18.

### **PROPOSED LEGISLATION**

**AB 4416 PROHIBITION ON SALE OR DISTRIBUTION OF PRODUCTS CONTAINING ASBESTOS.** AB 4416 prohibits the sale, offering for sale, or distribution of products containing asbestos in New Jersey. The bill grants the New Jersey Department of Environmental Protection (NJDEP) authority to enter, under certain conditions, any retail establishment in order to determine compliance. The bill also establishes penalties for violations of the bill's requirements, and allows NJDEP to seek an injunction against a violator. The bill was referred to the Environment and Solid Waste Committee.

**AB 4417 (SB 3013) REVISIONS TO 2050 LIMIT ON STATEWIDE GHG EMISSIONS.** AB 4417 requires the state to limit the level of statewide GHG emissions, and GHG emissions from electricity generated outside the state but consumed in the state, to 13 million metric tons (MMT) carbon dioxide (CO<sub>2</sub>) equivalent by 2050. Currently, the state's GHG emissions reduction program is required to: (1) by 2020, limit these levels to the 1990 level or below, which is 123 MMT CO<sub>2</sub> equivalent; and (2) by 2050, further reduce those emissions to 80 percent below the 2006 level, which is 26 MMT CO<sub>2</sub> equivalent. New Jersey reached the 2020 reduction goal or "2020 limit" in 2012, eight years ahead of schedule. This bill would require further reductions for the 2050 limit. The bill was referred to the Environment and Solid Waste Committee.

## **FINAL RULE**

**AMENDMENTS TO STATE SAFE DRINKING WATER ACT REGULATIONS.** NJDEP has adopted amendments to N.J.A.C. 7:10, *Safe Drinking Water Act* (SDWA). The amendments establish, as recommended by the New Jersey Safe Drinking Water Quality Institute, a maximum contaminant level (MCL) for perfluorononanoic acid (PFNA) of 0.013 parts per billion (ppb) and an MCL for 1,2,3-trichloropropane (1,2,3-TCP) of 0.030 ppb. The amendments require public community and public nontransient noncommunity water systems to monitor for these contaminants beginning in first quarter of 2019. In addition, the amendments set forth requirements addressing information to be included in the consumer confidence report that public community water systems issue each year regarding the quality of the water delivered to their customers. The amendments became effective 4 SEP 18.



**LEGISLATIVE SESSION: 3 JAN 18 THROUGH 2 JAN 19 (EST)**

## **PROPOSED LEGISLATION**

**AB 11325 ESTABLISHMENT OF MCL FOR 1, 4-DIOXANE.** AB 11325 amends the public health law and the environmental conservation law in relation to 1,4-dioxane levels. The bill requires the New York State Departments of Health and Environmental Conservation to establish an MCL of 0.35 ppb for the presence of 1,4-dioxane in public supplies of potable water, groundwater, and runoff water from a wastewater treatment plant or water supply treatment plant. The bill was referred to the Health Committee.

## **Region 3**

For more information or to comment on any state issues in Region 3, contact [Patrick Timm](#), Army Regional Environmental Coordinator, Region 3, (410) 278-6165.



**LEGISLATIVE SESSION: 9 JAN 18 THROUGH 1 JUL 18 (EST)**

## **PROPOSED RULE**

**REVISIONS TO SEDIMENT AND STORMWATER REGULATIONS.** The Delaware Department of Natural Resources and Environmental Control (DDNREC) has proposed revisions to Regulation No. 5101, *Sediment and Stormwater Regulations*. The revisions result from a 2015 court decision, which found that DDNREC could not rely on technical and advisory supporting materials that had not been formally adopted as regulations pursuant to the Administrative

Procedures Act, in reviewing plans and issuing permits. Therefore, the proposed revisions incorporate the required elements in the regulations. Comments are due 25 OCT 18.

## **OTHER REGULATORY ACTIVITY**

**SEDIMENT AND STORMWATER GUIDANCE.** DDNREC has [requested public comment](#) regarding draft guidance documents, including the [Delaware Erosion and Sediment Control Handbook](#) and the [Delaware Standards and Specifications for Post-Construction Stormwater BMPs](#). These documents support Regulation No. 5101, *Sediment and Stormwater Regulations*. The comment period closed 16 SEP 18.

**2018 DRAFT INTEGRATED REPORT.** DDNREC has [requested public comment](#) regarding the [Draft State of Delaware 2018 Combined Watershed Assessment Report \(305\(b\)\) and Determination for the Clean Water Act Section 303\(d\) List of Waters Needing TMDLs](#). The federal Clean Water Act (CWA) requires states and other entities to prepare and submit a Watershed Assessment Report to EPA every two years. The comment period closed 4 OCT 18.



## **Pennsylvania**

**LEGISLATIVE SESSION: 2 JAN 18 THROUGH 30 NOV 18**

### **PROPOSED LEGISLATION**

**HB 2643 ADDITION OF PFOS AND PFOA HALS TO HSCA DEFINITION OF HAZARDOUS SUBSTANCE.** HB 2643 amends the *Hazardous Sites Cleanup Act* (HSCA), which provides the Pennsylvania Department of Environmental Protection (PADEP) with the funding and authority to conduct cleanup actions at sites where hazardous substances have been released. The HSCA defines what substances are considered hazardous enough to clean-up. Currently, the HSCA does not include the contaminants PFOA and PFOS. The bill amends the definition of hazardous substance to include the health advisory levels (HALs) for PFOA and PFOS published by EPA. The bill was referred to the Environmental Resources and Energy Committee.

**SB 1242 UPDATING ENVIRONMENTAL STANDARDS FOR DRINKING WATER.** SB 1242 amends the *Pennsylvania Safe Drinking Water Act*. The bill requires PADEP to adopt MCLs for PFOA of five ppt and PFOS of five ppt. The bill was referred to the Environmental Resources and Energy Committee.

### **FINAL RULE**

**AMENDMENT TO U.S. NUCLEAR REGULATORY COMMISSION CONSISTENCY RULE.** The Pennsylvania Environmental Quality Board (PEQB) has [adopted](#) amendments to Chapters 215, 217, 230, and 232 relating to the U.S. Nuclear Regulatory Commission (NRC) Consistency Rule. The amendments were necessary for the commonwealth's radioactive materials program to remain compatible with NRC's program. The amendments became effective 15 SEP 18.



## **Virginia**

**LEGISLATIVE SESSION: 10 JAN 18 THROUGH 10 MAR 18**

### **FEDERAL ACTIVITY**

**NONATTAINMENT NEW SOURCE REVIEW REQUIREMENTS FOR 2008 8-HOUR OZONE STANDARD.** EPA has issued a final rule approving a SIP revision submitted by the commonwealth of Virginia ([83 FR 45351](#)). The revision is in response to EPA's 3 FEB 17 Findings of Failure to Submit for various requirements relating to the 2008 8-hour Ozone NAAQS. The SIP revision is specific to nonattainment new source review (NNSR) requirements. The final rule became effective 9 OCT 18.

## **FINAL RULES**

**VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT (GP) FOR DISCHARGES OF STORMWATER FROM SMALL MS4s.** The Virginia Department of Environmental Quality (VDEQ) has reissued with amendments [9 VAC 25-890](#), *General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems* (VAR04). The GP establishes appropriate and necessary permitting requirements for discharges from small municipal separate stormwater systems (MS4s) located within the census urbanized areas to discharge stormwater to waters of the state. The amendments include: (1) revisions to the permit in accordance with EPA's small MS4 federal regulations (Small MS4 Remand Rule) promulgated 9 JAN 17; (2) streamlining requirements for construction site stormwater runoff control and post-construction stormwater management for new development and development on prior developed lands; (3) revisions to existing and new source load reductions to be implemented during the permit term for those permittees discharging to the Chesapeake Bay watershed; and (4) defining maintenance and inspection requirements. The existing GP was scheduled to expire 30 JUN 18. The reissue becomes effective 1 NOV 18.

**AMENDMENTS TO ONSITE SEWAGE SYSTEM PROFESSIONALS LICENSING REGULATIONS.** The Virginia Department of Professional and Occupational Regulation has adopted amendments to [18 VAC 15-40](#), *Onsite Sewage System Professionals Licensing Regulations*. The amendments update the definition of "maintenance" in the regulations to reflect the current statutory definition. The amendments became effective 19 SEP 18.



## **West Virginia**

**LEGISLATIVE SESSION: 10 JAN 18 THROUGH 10 MAR 18, SINE DIE**

### **FEDERAL ACTIVITY**

**REGIONAL HAZE PLAN AND VISIBILITY REQUIREMENTS FOR 2010 SO<sub>2</sub> AND 2012 PM<sub>2.5</sub> STANDARDS.** EPA has issued a final rule approving a SIP revision submitted by the state of West Virginia ([83 FR 48249](#)). The SIP revision changes West Virginia's reliance on the Clean Air Interstate Rule (CAIR) to reliance on the Cross-State Air Pollution Rule (CSAPR) in order to address certain regional haze requirements and the visibility protection requirements for the 2010 SO<sub>2</sub> NAAQS. EPA has approved the SIP revision and consequently converted the prior limited approval/limited disapproval of West Virginia's regional haze SIP revision to a full approval, and has withdrawn the corresponding federal implementation plan provisions. Based on the full approval of West Virginia's regional haze program, EPA has also approved the portions of West Virginia's infrastructure SIP revisions for the 2010 SO<sub>2</sub> and 2012 PM<sub>2.5</sub> NAAQS addressing visibility protection requirements. The final rule becomes effective 24 OCT 18.

**NPDES PROGRAM REVISIONS.** EPA has issued a notice requesting public comment regarding revisions to West Virginia's authorized National Pollutant Discharge Elimination System (NPDES) program ([83 FR 46945](#)). The revisions consist of amendments to the West Virginia Water Pollution Control Act codified in 2015 Senate Bill 357 and to West Virginia's Code of State Regulations codified as 2015 House Bill 2283. EPA has determined that the submitted revisions constitute a substantial revision to West Virginia's authorized NPDES program. SB 357 amended state code to prohibit the incorporation or enforcement of water quality standards either expressly or by reference as effluent standards or limitations in West Virginia NPDES permits. HB 2283 revised W. Va. CSR 40-30-5f to delete the following language: "The discharge or discharges covered by a WV/NPDES permit are to be of such quality so as to not cause a violation of applicable water quality standards promulgated by 47 C.S.R. 2." Comments are due 17 OCT 18.

**SIP REVISION FOR PSD PROVISIONS.** EPA has issued a final rule to approve a SIP revision submitted by the state of West Virginia ([83 FR 48719](#)). The revision addresses West Virginia's Prevention of Significant Deterioration (PSD) provisions relating to the regulation of GHG. The final rule becomes effective 29 OCT 18.

# Region 5

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



## Minnesota

**LEGISLATIVE SESSION: 20 FEB 18 THROUGH 21 MAY 18 (EST), SINE DIE**

### FEDERAL ACTIVITY

**CISWI AND OSWI NEGATIVE DECLARATIONS FOR DESIGNATED FACILITIES AND POLLUTANTS.** EPA has issued a proposed rule to notify the public that it has received negative declarations from Minnesota pertaining to the presence of Commercial and Industrial Solid Waste Incineration (CISWI) units and Other Solid Waste Incineration (OSWI) units in the state ([83 FR 48777](#)). The Minnesota Pollution Control Agency (MPCA) submitted its CISWI negative declaration 3 FEB 17, and its OSWI negative declaration 21 JUN 17. MPCA notified EPA in its negative declaration letters that there are no CISWI or OSWI units subject to the requirements of the CAA currently operating in Minnesota. Comments are due 29 OCT 18.



**LEGISLATIVE SESSION: 2 JAN 18 THROUGH 31 DEC 18 (EST)**

### FEDERAL ACTIVITY

**2012 PM<sub>2.5</sub> NAAQS FOR CLEVELAND NONATTAINMENT AREA.** EPA has issued a final rule to approve a SIP revision submitted by the state of Ohio ([83 FR 45193](#)). The SIP revision addresses the 2012 PM<sub>2.5</sub> NAAQS for the Cleveland nonattainment area. The final rule became effective 9 OCT 18.



**LEGISLATIVE SESSION: 16 JAN 18 THROUGH 7 JAN 19 (EST)**

### FEDERAL ACTIVITY

**2017 REVISIONS TO NR 400 AND 406.** EPA has issued a final rule approving certain SIP revisions submitted by the state of Wisconsin ([83 FR 45348](#)). The revisions relate to changes in Wisconsin's construction permit rules (NR 406) as well as the change in the definition for "emergency electric generators" in NR 400, to align them with federal requirements. The final rule became effective 9 OCT 18.

**SIP REVISION ADDRESSING PM<sub>2.5</sub> NAAQS.** EPA has issued a final rule approving a SIP revision submitted by the state of Wisconsin addressing PM<sub>2.5</sub> ([83 FR 46882](#)). Wisconsin updated its ambient air quality standards for PM<sub>2.5</sub> to be consistent with EPA's 2012 revision to the PM<sub>2.5</sub> NAAQS. Wisconsin also revised its incorporation-by-reference rule to update references to the EPA monitoring methods. The final rule becomes effective 17 OCT 18.

# Federal Activity

## AIR

**SIPs—EMISSIONS MONITORING PROVISIONS FOR NITROGEN OXIDES.** EPA has issued a proposed rule to update the regulations that were originally promulgated in 1998 to implement the NO<sub>x</sub> SIP Call ([83 FR 48751](#)). In place of the current requirement for states to include provisions in their SIPs under which certain emissions sources must monitor their mass emissions of NO<sub>x</sub> according to [40 CFR part 75](#), the proposed amendments would allow states to include alternate forms of monitoring requirements in their SIPs. The amendments would also rescind the findings of interstate pollution transport obligations with respect to the 1997 8-hour Ozone NAAQS under the NO<sub>x</sub> SIP Call that have been stayed by EPA since 2000. Other revisions would remove additional obsolete provisions and clarify the remaining regulations but would not substantively alter any current regulatory requirements.

## ENERGY

**OIL AND GAS RESOURCES.** The U.S. Forest Service has issued an advance notice of proposed rulemaking regarding revisions to the contents of its Oil and Gas Resources regulations ([83 FR 46458](#)). This advance notice is intended to give the public the opportunity to comment on key issues regarding implementation of the existing regulations or to bring other issues of concern to the Forest Service's attention. Comments will help the Forest Service determine the next steps in addressing the oil and gas regulations.

**NEW TEMPLATE FOR ENERGY SAVINGS PERFORMANCE CONTRACT SALES AGREEMENT.** The U.S. Department of Energy (DOE) Federal Energy Management Program (FEMP) [announced](#) it has released a new editable request for proposals (RFP) template to the Energy Savings Performance Contract Energy Sales Agreement (ESPC ESA) Toolkit. This new template provides standard RFP language with prompts for entering project-specific details. Download the editable RFP template from the [ESPC ESA Toolkit](#). ESPC ESAs allow federal agencies to utilize the ESPC long-term multiyear contracting authority to implement cost-saving renewable energy conservation measures.

**PHOTOVOLTAIC-PLUS-STORAGE AT FEDERAL BUILDINGS AND CAMPUSES.** In August, FEMP released a flyer, [Considerations for Implementing Photovoltaic \(PV\) plus Storage Systems at Federal Buildings and Campuses](#) (DOE/GO-102018-5114). The two-page flyer, which explains why PV-plus-storage systems are more complicated than PV alone, provides contact information for those seeking to learn more about implementing PV-plus-storage systems, and for assistance with federal PV-plus-storage projects.

## NATURAL RESOURCES

**NATIONAL HANDBOOK OF CONSERVATION PRACTICES.** The Natural Resources Conservation Service (NRCS) intends to issue a series of revised conservation practice standards in the National Handbook of Conservation Practices ([83 FR 45090](#)). The standards include Combustion System Improvement (Code 372); Dust Control on Unpaved Roads and Surfaces (Code 373); Integrated Pest Management (Code 595); Nutrient Management (Code 590); Pesticide Mitigation (Code 594); Subsurface Drain (Code 606); Waste Facility Closure (Code 360); and Wildlife Habitat Planting (Code 420). NRCS state conservationists who choose to adopt these practices in their states will incorporate them into Section IV of their respective electronic field office technical guide. These practices may be used in conservation systems that treat highly erodible land or on land determined to be a wetland.

**SOIL HEALTH INDICATOR MEASUREMENTS.** NRCS intends to issue a technical note on a group of recommended standard methods for soil health indicators selected by a collaborative multi-organizational effort ([83 FR 46703](#)). Soil health is defined as the capacity of the soil to function as a vital living ecosystem to sustain plants, animals, and humans. The recommended methods proposed met several criteria including indicator effectiveness with respect to management sensitivity and process interpretability, ease of use, cost effectiveness, measurement repeatability, and ability to be used for agricultural management decisions.

## **TOXICS**

**SIGNIFICANT NEW USE RULES FOR 28 CHEMICALS.** EPA has issued a direct final rule promulgating significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 28 chemical substances that were the subject of premanufacture notices ([83 FR 47004](#)). The chemical substances are subject to consent orders issued by EPA pursuant to section 5(e) of TSCA. This action requires persons who intend to manufacture, import, or process any of the chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the intended use within the applicable review period. Persons may not commence manufacture, importing, or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination. Barring adverse comment the direct final rule becomes effective 16 NOV 18.

**WITHDRAWAL—SIGNIFICANT NEW USE RULES.** Due to adverse comment, EPA has withdrawn the [1 AUG 18](#) direct final rule that promulgated SNURs under TSCA for 145 chemical substances that were the subjects of premanufacture notices ([83 FR 48546](#)). The withdrawal became effective 26 SEP 18.

**SENATE HEARING ON PFAS.** In September, a subcommittee of the Senate Committee on Homeland Security and Governmental Affairs held a hearing on PFAS. The subcommittee heard testimony from Maureen Sullivan, Deputy Assistant Secretary of Defense for Environment; and Peter Grevatt, director of EPA's Office of Ground Water and Drinking Water, on what the federal government is doing about the chemicals that have shown up in drinking water in many states. Video of the hearing and PDFs of witness testimony are available [here](#).

## **WATER**

**COURT RULING— POLLUTION MOVING THROUGH GROUNDWATER NOT A POINT SOURCE.** In two court cases in September, the 6th U.S. Circuit Court of Appeals [found](#) the CWA does not apply to coal ash pollution that first enters groundwater before finding its way to federally regulated bodies of water. According to the panel of judges, the CWA does not cover pollution that moves through groundwater, which is historically subject to state-level regulation. The court rejected arguments that either the coal ash ponds or the groundwater itself qualifies as a point source under the CWA. The act defines a point source as a "discernible, confined, and discrete conveyance." The parties have 14 and 45 days in the two cases to ask the court to reconsider.

# **Department of Defense Activity**

**INVESTIGATION-DERIVED WASTES—PFAS.** DOD's Strategic Environmental Research and Development Program (SERDP) and Environmental Security Technology Certification Program (ESTCP) are funding a suite of projects to develop technologies capable of more cost effective, on-site treatment of investigation-derived waste from PFAS. Selected projects are one-year, proof-of-concept approaches. To learn more, click [here](#).

**GAO REPORT—STATUS OF EFFORTS TO ADDRESS CONTAMINANTS IN FIREFIGHTING FOAM.** The U.S. Government Accountability Office (GAO) issued a report on the status of DOD efforts to address drinking water contaminants used in firefighting foam ([GAO-18-700T](#)). The report is an update of a 2017 report ([GAO-18-78](#)), which described steps DOD had taken in response to the health advisory EPA issued for PFOS and PFOA in drinking water.

**DOD INTERACTIONS WITH FEDERALLY RECOGNIZED TRIBES.** DOD has reissued [Department of Defense Instruction \(DODI\) 4710.02](#), DOD Interactions with Federally Recognized Tribes. The DODI assigns responsibilities, provides guidance on consultation with federally recognized tribes, and describes actions installations must take regarding compliance and reporting associated with the Native American Graves Protection and Repatriation Act of 1990. The DODI was effective 24 SEP 18.

## **GUIDANCE NEEDED TO DEVELOP METRICS AND IMPLEMENT CYBERSECURITY REQUIREMENTS FOR DOD UTILITIES**

**PRIVATIZATION CONTRACTS.** GAO has issued a [report](#) reviewing benefits to DOD that are claimed for utilities privatization efforts. Generally GAO found that data has not been sufficiently tracked to establish benefits of utilities privatization. Recommendations include:

- DOD (Energy, Installations, and Environment, in consultation with the military departments) should issue guidance requiring the military departments and Defense Logistics Agency to develop and implement performance metrics and measurable performance standards to track utilities privatization contract performance for future and current utilities privatization contracts.
- DOD (Energy, Installations, and Environment) should issue procedures to determine what constitutes covered defense information and what, if any, of this information is provided to or developed by the contractor in the performance of utilities privatization contracts; and take appropriate steps to protect such information.

**DEPUTY ASSISTANT SECRETARIES PARTICIPATE IN TRI-SERVICE ENERGY ROUNDTABLE.** All three military services shared their perspectives on energy resilience and how to work with industry to accomplish energy resilience objectives at the Department of Energy's [Energy Exchange](#) in August. Panelists joining an energy roundtable included Deputy Assistant Secretary of Defense Lisa Jung, Deputy Assistant Secretary of the Navy Jim Balocki, Deputy Assistant Secretary of the Air Force Mark Correll, and acting Deputy Assistant Secretary of the Army for Energy and Sustainability J.E. Surash. The 2018 Energy Exchange presented a national-level opportunity to expand knowledge, training, broaden practices, and gain insight on various challenges facing the DOD and the industry related to energy security, resilience, and efficiency. Additional information can be found [here](#).

**ENERGY ACTION MONTH—ENERGY RESILIENCE ENABLES ARMY READINESS.** [October is Energy Action Month](#). The Army's theme in 2018 is "Energy Resilience Enables Army Readiness." Energy resilience is essential for a responsive Army Force posture and it begins at installations and community-based Army National Guard and Army Reserve Centers. These locations are the foundation of the Army. Through diligent energy management, installations organize, train, equip, mobilize, deploy, and sustain operations. During the month of October, it is everyone's responsibility to become energy informed and aware, and to apply this knowledge throughout the year. Additional information on the Army's Energy and Sustainability programs can be found [here](#).

**ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM UPDATES.** The U.S. Army Engineering and Support Center, Huntsville, [announced](#) it has updated the validation process for the Energy Resilience and Conservation Investment Program (ERCIP). The new proposal submission procedure requires more comprehensive outlines for scopes of work, and answers to questions regarding impact if the project is not approved, mission-critical assets the project will support, and alternatives reviewed to meet project requirements. The new process also more clearly delineates the roles and responsibilities of the participants. For more information, click [here](#).

**GUIDANCE FOR PROCESSING REQUESTS TO ALTER USACE CIVIL WORKS PROJECTS.** USACE has issued Engineer [Circular \(EC\) 1165-2-220](#), Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to Section 408. The agency policy document provides the policies and procedures related to how USACE will process requests to alter a USACE Civil Works project under Section 14 of the Rivers and Harbors Act of 1899 (more commonly referred to as Section 408). The EC was applicable beginning 10 SEP 18.

# Professional Development

## DOD TRAINING SOURCES

**US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM).** USACE announces course availability for the Fiscal 2019 PROSPECT (i.e., [Proponent-Sponsored Engineer Corps Training](#)) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and [schedule](#) for details. Environmental courses include, but are not limited to:

- CERCLA/RCRA Process (Course Control Number (CCN) [356](#))
- Environmental Laws and Regulations (CCN [170](#))
- Environmental Regulations Practical Application Course (CCN [398](#))
- Environmental Remediation Technologies (CCN [395](#))
- Hazardous Waste Manifesting/DOT Certification (CCN [223](#))
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN [429](#))
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Radioactive Waste Transport (CCN [441](#))
- The Complete RCRA Course (Hazardous Waste Generation, Management, and Corrective Action) (CCN [226](#))

**REPI WEBINAR SERIES (ONLINE).** DOD's Readiness and Environmental Protection Integration (REPI) Program webinars showcase best practices, tutorials, and knowledge sharing on REPI partnerships that support military missions and accelerate the pace and rate of conservation. Unless otherwise noted, all webinars begin at 1:00 pm Eastern.

**SERDP AND ESTCP WEBINAR SERIES (ONLINE).** The DOD environmental research and development funding programs, Strategic Environmental Research and Development Program (SERDP) and Environmental Security Technology Certification Program (ESTCP), launched a webinar series to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Webinars are offered every two weeks. Most webinars feature two 30-minute presentations and interactive question and answer sessions, on topics targeted for DOD and DOE audiences.

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

**NAVY AND ISEERB ENVIRONMENTAL TRAINING (CLASSROOM).** Course topics in the Navy and ISEERB Environmental Training schedule include environmental management, basic and advanced environmental law, sustainability, pollution prevention, restoration, conservation, supplemental and internet/computer-based training.

**AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING (CLASSROOM/ONLINE).** 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).

## **FEDERAL TRAINING SOURCES**

**5-7 NOV 18, DENVER, CO: 2018 DESIGN AND CONSTRUCTION ISSUES AT HAZARDOUS WASTE SITES.** The Society for American Military Engineers (SAME) and EPA are co-hosting the third symposium on design and construction issues at hazardous waste sites. The symposium in Denver, Colo., is designed to encourage dialogue and information sharing on design and construction issues relevant to hazardous waste sites in the western United States. The registration fee is waived for public agency/government employees.

**(NEW) EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY (ONLINE).** Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of live and archived webinars. Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

**(NEW) SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES (ONLINE).** The two-hour course provides staff involved in specifying and purchasing with a thorough introduction to compliance requirements, processes, and tools for procuring sustainable products and services. Participants will receive specific guidance in how to meet executive order and Federal Acquisition Regulation requirements and understand how sustainable acquisition benefits their agency, community, and the environment.

**(NEW) SUSTAINABLE ACQUISITION TRAINING RESOURCES (ONLINE).** The interagency federal Sustainable Acquisition & Materials Management Practices Workgroup compiled a spreadsheet of sustainable acquisition training resources developed or hosted by federal agencies that are available to government employees, businesses, and non-governmental organizations.

**(NEW) FEMP eTRAINING COURSES (ONLINE).** FEMP offers interactive, eTraining courses to help federal agencies develop core competencies and comply with energy efficiency, renewable energy, water management, and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide to host these comprehensive, FEMP-developed eTraining courses.

**WATER/WASTEWATER UTILITY ALL-HAZARDS BOOTCAMP TRAINING (ONLINE).** Hosted by EPA, this training course is designed for water and wastewater employees responsible for emergency response and recovery activities. It also explains why and how to implement an all-hazards program, and will cover prevention and mitigation, preparedness, response, and recovery.

**COOPERATIVE FEDERALISM WEBINAR (ONLINE).** The Environmental Council of the States (ECOS) released a webinar, available on demand, highlighting ECOS' [paper](#) on Cooperative Federalism 2.0 and offering a deeper look into the EPA-state relationship.

**NATIONAL CONSERVATION TRAINING CENTER WEBINAR SERIES (ONLINE).** This webinar series is produced by a partnership between the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service.

**INTERAGENCY CONSULTATION FOR ENDANGERED SPECIES (CLASSROOM).** Hosted by FWS, participants acquire basic information on conducting interagency consultation under Section 7 of the Endangered Species Act. Key information needs and procedures are addressed, with a focus on the information needs related to biological assessments and biological opinions. Lectures and discussion emphasize interagency exchange of information and solutions to support species conservation. Action-agency biologists and consultants are welcome to attend.

**GUIDING PRINCIPLES FOR SUSTAINABLE BUILDINGS (ONLINE).** DOE's Federal Energy Management Program (FEMP) is offering a five-course training series that provides updated guidance for complying with the 2016 Guiding Principles for Sustainable Federal Buildings. The series is web-based and offered on demand.

**SMALL DRINKING WATER AND WASTEWATER SYSTEMS WEBINAR SERIES (ONLINE).** EPA's Office of Research Development and Office of Water are hosting a monthly webinar series to communicate EPA's current small systems research along with agency priorities. The site also includes an archive of past webinars.

**ENERGY MANAGEMENT BASIC TRAINING: TOOLS AND RESOURCES FOR RESULTS (ONLINE).** FEMP offers this course to provide civilian and military personnel with a concise overview of federal energy management, and the most current tools and resources for success. The instructors serve within the Army's Facilities Policy Division of the Office of the Assistant Chief of Staff for Installation Management.

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE).** 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, such as: (1) program development (e.g., environmental management systems, green procurement program); (2) federal and state regulatory requirements for various facility activities; (3) access to [environmental assistance](#); (4) free [FedCenter-sponsored courses](#); (5) applicable laws and Executive Orders; and (6) [Partnerships](#). FedCenter also provides member assistance services such as collaboration tools for workgroups, environmental reporting tools, and daily newsletter and subscription services.

**INTERSTATE TECHNOLOGY AND REGULATORY COUNCIL (ITRC) TRAINING (CLASSROOM/ONLINE).** ITRC is a state-led coalition of regulators, industry experts, academia, citizen stakeholders, and federal partners from all 50 states and the District of Columbia that supports new approaches to cleanup projects. ITRC offers internet-based training and hosts nationwide classroom training. Topics span the full spectrum of remediation and compliance subjects. The internet-based training is supported by ITRC technical and regulatory guidance documents and is hosted with EPA's Technology Innovation and Field Services Division. For a listing of current classes and to register, visit [EPA's Clu-In Web page](#). The nationwide classroom training courses are often provided with an ITRC member state and provide participants with face-to-face training, hands-on problem solving, and engaging real-world site applications. Visit the [ITRC training website](#) for specific training topics and scheduled events.

**EPA TMDLs AND NPDES PERMITTING WEB-BASED TRAINING MODULES (ONLINE).** EPA has developed three web-based training modules on topics related to total maximum daily loads (TMDLs) and NPDES permitting. The presentations are intended for TMDL developers and NPDES permitting staff to gain a better understanding of TMDL implementation through NPDES permits. Each module is offered as a recorded presentation that enables participants to review the material on demand in a self-paced environment. The modules are also available as unrecorded presentations with slides and scripts. Each recorded session is approximately two hours long.

**AVERT TUTORIAL (ONLINE).** EPA launched its on-demand training on how to use its avoided emissions and generation tool (AVERT). AVERT estimates the potential of energy efficiency/renewable energy programs to displace electricity system-related SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions in the continental U.S. The tool can be used to evaluate county-, state-, and regional-level emissions displaced by energy efficiency and renewable energy programs without the need of specialized resources or electricity system expertise.

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

**CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES (ONLINE).** The U.S. Geological Survey's 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 U.S. Video recordings with closed captioning are made available one to two weeks after each presentation.

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

**UTILITY ENERGY PROJECT INCENTIVE FUNDS (ONLINE).** This FEMP course teaches federal agency personnel 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.

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

**EPA WATERSHED ACADEMY WEBCAST SERIES (ONLINE).** EPA'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 in live training conducted by expert instructors. Archived training sessions are also available by streaming audio.

# Staff Directory

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## How the Regional Offices Work for You

**The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.**

The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are represented.

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

To be added to the *Northern Review* distribution list, email the [Regulatory Affairs Specialist](#).

