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## GENERAL INTEREST

### **Disposal and Reporting of Federal Electronic Assets**

The Government Services Administration (GSA) is proposing revisions to the Federal Management Regulation (FMR) Part 102-36, (41 CFR Part 102-36) to address end-of-life management of electronics and implement recommendations of the Interagency Task Force on electronics Stewardship report titled "National Strategy for Electronic Stewardship." This Task Force was formed to address the goals of the Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance.

The proposed regulations would add new definitions, including a definition for Federal Electronic Assets (FEA), and a definition for Certified Recycler to identify entities certified to safely refurbish and/or recycle used electronics. Any asset identified as non-functional FEA could only be transferred or sold to a certified recycler.

At this time, GSA has identified two electronics recycling standards to which recyclers may conform to in order to be considered a "certified recycler":

- the Responsible Recycling (R2) Standard (<http://www.r2solutions.org/r2practices/r2-standard/>) and
- the e-Stewards Standard (<http://e-stewards.org/certification-overview/e-stewards-standard/>).

Additional information regarding reuse, recycling, and refurbishment is available at:

<http://www.epa.gov/fec/publications.html#eol>.

In order to address these amendments, GSA requests comments regarding (1) the suitability and feasibility of bulk sale of functional Federal Electronic Assets (FEA) to certified recyclers only through public auction programs (not the general public as drafted in this proposed rule); (2) restricting disposal of FEA in landfills or through incineration; (3) what electronics recycling standards are in use or being developed; and, (4) criteria regarding the technical content and other aspects of the electronics recycling standards that recyclers conform to in order to be considered "certified recyclers" under this proposed rule.

Comments are due to GSA by 5 MAY 14. The proposed regulation can be accessed at <http://www.gpo.gov/fdsys/pkg/FR-2014-03-06/html/2014-04585.htm>.

## 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.**

### WATER

#### **EPA and Army Corps of Engineers Clarify protection for nation's Streams and Wetlands**

The U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Army Corps) have released a proposed rule to clarify protection under the Clean Water Act for streams and wetlands that form the foundation of the nation's water resources. The proposed rule will benefit businesses by increasing efficiency in determining coverage of the Clean Water Act. The agencies are launching a robust outreach effort over the next 90 days, holding discussions around the country and gathering input needed to shape a final rule.

The proposed rule clarifies protection for streams and wetlands. The proposed definitions of waters will apply to all Clean Water Act programs. It does not protect any new types of waters that have not historically been covered under the Clean Water Act and is consistent with the Supreme Court's more narrow reading of Clean Water Act jurisdiction.

The health of rivers, lakes, bays, and coastal waters depend on the streams and wetlands where they begin. Streams and wetlands provide many benefits to communities – they trap floodwaters, recharge groundwater supplies, remove pollution, and provide habitat for fish and wildlife. They are also economic drivers because of their role in fishing, hunting, agriculture, recreation, energy, and manufacturing.

About 60 percent of stream miles in the U.S only flow seasonally or after rain, but have a considerable impact on the downstream waters. And approximately 117 million people – one in three Americans – get drinking water from public systems that rely in part on these streams. These are important waterways for which EPA and the Army Corps is clarifying protection.

Specifically, the proposed rule clarifies that under the Clean Water Act and based on the science:

- Most seasonal and rain dependent streams are protected.
- Wetlands near rivers and streams are protected.
- Other types of waters may have more uncertain connections with downstream water and protection will be evaluated through a case specific analysis of whether the connection is or is not protecting similarly situated waters in certain geographic areas or adding to the categories of waters protected without case specific analysis.

The proposed rule preserves the Clean Water Act exemptions and exclusions for agriculture. Additionally, EPA and the Army Corps have coordinated with the U.S. Department of Agriculture (USDA) to develop an interpretive rule to ensure that 53 specific conservation practices that protect or improve water quality will not be subject to Section 404 dredged or fill permitting requirements. The agencies will work together to implement these new exemptions and periodically review, and update USDA's Natural Resources Conservation Service conservation practice standards and activities that would qualify under the exemption. Any agriculture activity that does not result in the discharge of a pollutant to waters of the U.S. still does not require a permit.

The proposed rule also helps states and tribes – according to a study by the Environmental Law Institute, 36 states have legal limitations on their ability to fully protect waters that aren't covered by the Clean Water Act.

The proposed rule is supported by the latest peer-reviewed science, including a draft scientific assessment by EPA, which presents a review and synthesis of more than 1,000 pieces of scientific literature. The rule will not be finalized until the final version of this scientific assessment is complete.

The proposed rule will be open for public comment for 90 days from publication in the Federal Register. The interpretive rule for agricultural activities is effective immediately.

More information, go to: [www.epa.gov/uswaters](http://www.epa.gov/uswaters).

## CHESAPEAKE BAY

### **Bioreactor Chips Away at Nitrogen Running off Farm Fields**

**By Rona Kobell \_ Bay Journal**

Several farmers in the Chesapeake Bay region are testing a new conservation practice that can reduce nitrogen coming off farm fields' drainage systems. The practice is called a bioreactor. Instead of surface water from the fields collecting in a drain or ditch and discharging to streams and rivers, the collected water flows through a pipe that takes it to a buried trench filled with wood chips. The wood chips are a substrate for bacteria that digest the nitrogen. Then, the denitrified water continues flowing out the other side of the wood chip "box." Thus, what ultimately runs off the farm fields has much less nitrogen in it.

The technology is designed to mimic the natural processes found in a small stream where vegetation and small organisms take up nitrogen in the water and then send cleaner water downstream. It also mimics some of the denitrification technologies used at sewage treatment plants and at digesters on dairy farms.

Research on the practice in the Midwest showed that bioreactors reduce the nitrogen flowing into waterways 30–50 percent in an average rainfall year. With the Chesapeake Bay watershed states under pressure to reduce pollution loads from agriculture, officials said the bioreactor could become a standard practice.

For more information, go to:

[http://www.bayjournal.com/article/bioreactor\\_chips\\_away\\_at\\_nitrogen\\_running\\_off\\_farm\\_fields](http://www.bayjournal.com/article/bioreactor_chips_away_at_nitrogen_running_off_farm_fields).

# REGION 1



## CONNECTICUT

**Note: The Connecticut General Assembly convenes on 8 JAN 14 and adjourns on 4 JUN 14.**

### **Proposed Legislation**

On 13 FEB 14, the Energy and Technology Committee introduced [CT HB 5118](#) pertaining to an Underground Damage Prevention Program. Its purpose is to update statutes relating to the “Call Before You Dig” Program to reflect current practices and technologies.

On 19 FEB 14, the General Law Committee introduced [CT HB 5262](#) which would amend the Pharmacy Practice Act and Department of Consumer Protection statutes regarding programs under the jurisdiction of the Department of Social Services, sterile compounding pharmacies, nonresident pharmacies, compounding pharmacies and counterfeit substances.

On 21 FEB 14, the Environment Committee introduced [CT HB 5307](#) pertaining to the use of booms for the retention of certain oils or petroleum and revising certain requirements for the registration of radioactive materials. Its purpose is to discontinue the use of booms to retain certain oils or petroleum and exempt fire departments from certain registration fees for chemical detectors that contain radioactive materials.

On 27 FEB 14, the Energy and Technology Committee introduced [CT HB 5414](#) pertaining to the development of Connecticut-based renewable energy sources. Its purpose is to determine how to continue the development of renewable energy sources in the state.

On 27 FEB 14, the Environment Committee introduced [CT HB 5424](#) pertaining to the responsibilities of the Water Planning Council. Its purpose is to facilitate the development of a State Water Plan and implement legislative recommendations of the Water Summit Working Group.

On 10 MAR 14, the Public Health Committee introduced [CT HB 5543](#) pertaining to water quality. Its purpose is to define a change in use as it relates to the use of land that may affect a public drinking water supply and to allow the Department of Public Health to issue licenses to certain water professionals.

On 7 FEB 14, Senator Williams introduced [CT SB 27](#) which would establish provisions concerning Connecticut's recycling and materials management strategy, which may include modernizing the state's solid waste management infrastructure, promotion of organic materials management, and the recycling of construction and demolition debris.

On 11 FEB 14, the Environment Committee introduced [CT SB 67](#) which would expand Connecticut's Bottle bill to include juices, teas and sports drinks. Its purpose is to expand Connecticut's Bottle Bill in order to include juices, teas and sports drinks.

On 27 FEB 14, the Environment Committee introduced [CT SB 312](#) pertaining to a Long Island Sound Resource and Use Inventory and a Long Island Sound Blue Plan. Its purpose is to establish a Long Island Sound Resource and Use Inventory and a Long Island Sound Blue Plan that will become part of the state's Coastal Management Program.

On 11 MAR 14, the Environment Committee introduced [CT SB 444](#) pertaining to the establishment of an "Important Bird Areas" Program. Its purpose is to establish an Important Bird Areas Program that will help identify such areas in the state and develop guidance for the conservation of such areas.

### **Proposed Rules**

[Ionizing Radiation Regulations](#) - The Department of Energy and Environmental Protection (DEEP) has proposed rulemaking to repeal and adopt regulations concerning the control and evaluation of ionizing radiation. These regulations have not been substantially updated since the early 1970's and as a result, evolving standards have become more protective of human health. These new regulations address the revised standards for exposure to ionizing radiation, as well as changing trends in diagnostic, and radiation therapy technologies. Additionally, these new regulations will be more consistent with other state and federal regulations.

The following sections of the Regulations of Connecticut State Agencies (RCSA) will be repealed: 19-24-1 to 19-24-14 inclusive, and 19-25a-1 to 19-25d-11 inclusive. DEEP is proposing to adopt new regulatory sections for the control of ionizing radiation, as RCSA sections 22a-153-1 to 22a-153-9, inclusive. The new regulatory sections address the following areas: decommissioning criteria for license termination; the use of diagnostic and therapeutic quantities of radionuclide's; computed tomography x-ray systems; external beam radiation therapy machines; instructions and reports to workers; use of diagnostic x-ray imaging systems; industrial radiographic operations; and definitions appropriate to the new requirements.

[Notice of Intent to Modify General Permit for Water Resources Construction Activities for Compliance with 2013 Legislative Changes](#) - The Department of Energy and Environmental Protection has issued a notice of intent to modify the following general permit: General Permit for Water Resources Construction Activities (DEP-IWRD-GP-13).

The General Permit for Water Resources Construction Activities is being modified to reflect the passage of Public Acts 13-205 & 209. Public Act 13-205 effectively repeals the Stream Channel Encroachment Line program as of October 1, 2013 therefore activities that occur within Stream Channel Encroachment Lines no longer require authorization from the Department. Public Act 13-209 effectively eliminates the 60 day waiting period for general permit applicants and the submission of information to the Commissioner up to 25 days prior to the beginning of the proposed activity under 22a-45a(d) of the Connecticut General Statutes (Inland Wetland & Watercourses). For the purposes of this general permit, authorization under 22a-45a is limited to any proposed regulated activity conducted by any department, agency or instrumentality of the state, except any local or regional board of education.

### **Regulations**

[Emissions Controls for VOC Storage Tanks](#) - The Department of Energy and Environmental Protection has adopted amendments to 22a-174-20 concerning the abatement of air pollution. The amended section will be submitted to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan for air quality.

The rulemaking primarily enhances existing requirements concerned with the control of volatile organic compound (VOC) emissions from large aboveground storage tanks through revisions to section 22a-174-20 of the Regulations of Connecticut State Agencies. DEEP is proposing to:

- Remove the option of using an undomed floating roof tank to store VOCs, clarify inspection requirements and add requirements for roof landing events and degassing and cleaning operations;
- Require timely repair of leaks throughout the VOC storage and transfer facility;
  - revise the floating roof requirements for VOC and water separators to be consistent with the floating roof requirements for storage tanks; and
- Revise the leak control provisions for synthetic organic chemical and polymer manufacturing equipment by removing an outdated regulatory reference and clarifying the time limit for retesting.

This regulation passed and became effective on 7 MAR 14.

**Public Drinking Water Quality Standards** - The Department of Public Health has adopted amendments to Section 19-13-B102 to conform with the new federal requirements for maintaining State primacy of the implementation and the enforcement of the Safe Drinking Water Act (SDWA). This regulation passed and became effective on 14 JAN 14.



**MAINE**

**Note: The Maine General Assembly convenes on 7 JAN 14 and adjourns on 18 JUN 14.**

#### **Proposed Legislation**

On 23 DEC 13, Senator Saviello introduced [ME LD 1634](#) which would allow an earlier implementation date for an Architectural Paint Stewardship Program.

On 23 DEC 13, Senator Valentino introduced [ME LD 1644](#) which would allow municipalities to stabilize sand dunes affected by actions of the federal government.

On 23 DEC 13, Senator Cleveland introduced [ME LD 1647](#) which would make changes to the So-called Dig Safe law.

On 23 DEC 13, Senator Vitelli introduced [ME LD 1652](#) which would support solar energy development in Maine.

On 23 JAN 14, Representative McCabe introduced [ME LD 1744](#) which would protect Maine lakes by prohibiting a person from applying a fertilizer, herbicide, pesticide, soil-amending ingredient, or soil amendment within 25 feet of fresh surface waters.

On 18 MAR 14, Senator Thomas introduced [ME LD 1828](#) which would limit consent regarding land transfers to the federal government.

#### **Legislation**

On 27 FEB 14, Senator Boyle introduced [ME LD 1796](#) pertaining to a delay in implementing reformulated Gasoline requirements in Maine. This bill passed and became effective on 6 MAR 14.

#### **Proposed Rules**

**Incorporation of Federal NSPS and NESHAPS** - The Department of Environmental Protection has proposed revisions to Ch. 143, New Source Performance Standards (NSPS) and Ch. 144, National Emission Standards for Hazardous Air Pollutants (NESHAPS). The Clean Air Act offers states the option of accepting delegation for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) federal requirements for incorporation into the states regulatory programs to streamline the air emission licensing processes. Maine's State Implementation Plan (SIP) provides for partial or complete delegation of the EPA Administrator's authorities and responsibilities to implement and enforce the NSPS and NESHAPS. This rulemaking will incorporate by reference all new and amended NSPS and NESHAPS that have been added between July 1, 2004 and July 1, 2013 of which the Department has chosen to take delegation.

**Motor Vehicle Fuel Volatility Limit** - The Department of Environmental Protection has proposed amendments to Ch. 119 which reflect recent legislation that requires beginning May 1, 2014, retailers who sell gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox and Lincoln counties shall sell only reformulated gasoline (RFG) year round.

### **Regulations**

**Low Sulfur Fuel** - The Department of Environmental Protection has adopted amendments to its Ch. 106, Low Sulfur Fuel rule, to incorporate statutory requirements for the use of low-sulfur distillate and residual fuels which were enacted as part of Maine's effort to address federal visibility planning requirements at federal Class I areas. This regulation passed and became effective on 3 FEB 14.

**Rules for Underground Oil Storage Facilities** - The Department of Environmental Protection has adopted rule-making which amends current requirements in chapter 691 by providing additional options for conducting a site assessment at the time of the abandonment of an underground oil storage tank or facility, and updates installation, operation and maintenance requirements for underground storage facilities to be consistent with changes in industry and national standards of practice and changes in technology. This regulation passed and became effective on 7 JAN 14.



## **MASSACHUSETTS**

**Note: The Massachusetts General Court meets throughout the year.**

### **Proposed Legislation**

On 31 OCT 13, Representative Vieira introduced [MA HB 3767](#) which would authorize the establishment of the Mashpee Water and Sewer District which could affect the Massachusetts Military Reservation.

On 3 MAR 14, Representative Dempsey introduced [MA HB 3930](#) and on 23 JAN 14, the Senate Committee on Ways and Means introduced [MA SB 1988](#) which would encourage the improvement, expansion and development of military installations in the Commonwealth.

## **Legislation**

On 4 NOV 13, the House Committee on Ways and Means introduced [MA HB 3736](#) which would encourage the improvement, expansion and development of military installations in the Commonwealth. This bill passed and becomes effective on 13 JUN 14.

## **Proposed Rules**

[Certification and Licensing of Pesticide Applicators](#) - The Department of Agricultural Resources has proposed amendments to 333 CMR 10.00: Certification and Licensing of Pesticide Applicators. The purpose of 333 CMR 10.00 is to establish the standards, requirements and procedures for the certification and licensing of pesticide applicators.

[Stage I & II Amendments & Underground Storage Tank \(UST\) Regulations](#) - The Department of Environmental Protection (MassDEP) has proposed amendments to 310 CMR 7.00, 310 CMR 7.24, 310 CMR 80.01-80.02, 310 CMR 70.00, and 310 CMR 30.000, and a new regulation chapter, 310 CMR 80.00. MassDEP has proposed amendments to 310 CMR 7.24(3)-(6), 310 CMR 7.24 (9), and specific definitions in 310 CMR 7.00 to require regulated gasoline dispensing facilities to decommission their "Stage II" vapor recovery systems as allowed by a May 2012 rule issued by the U.S. Environmental Protection Agency (EPA). These amendments will also require certain gasoline dispensing facilities to implement enhanced "Stage I" vapor controls. The amendments to 310 CMR 7.24(3)-(6), 310 CMR 7.24 (9), and 310 CMR 7.00, which relate to Stage I and II requirements, will be submitted to EPA for inclusion in the Massachusetts Ozone State Implementation Plan. MassDEP has also proposed to establish a new regulation chapter (310 CMR 80.00) and to amend 310 CMR 30.000 (Hazardous Waste Management), 310 CMR 70.00 (Environmental Results Program) and 310 CMR 80.01-80.02 (UST Operator Training) to implement the underground storage tank (UST) program that was transferred from the Department of Fire Services (DFS) to MassDEP on 1 JUL 09, pursuant to section 7 of chapter 4 of the Acts of 2009.

## **Regulations**

[Ban on Disposal of Commercial Organic Material](#) - The Department of Environmental Protection (MassDEP) has adopted amendments to the waste ban regulations at 310 CMR 19.017 and related provisions in 310 CMR 19.000. The proposed add "commercial organic material" to the list of materials banned from disposal in 310 CMR 19.017, effective July 1, 2014. As defined, this would include food material and vegetative material from entities (excluding residences) that dispose of one ton or more of that material per week. This regulation passed and became effective on 31 JAN 14.

[Solid Waste Regulation Reform Amendments](#) - The Department of Environmental Protection has adopted rule amendments to streamline 310 CMR 19.000 by: 1) streamlining aspects of MassDEP permitting for transfer stations, certain post-closure uses at closed landfills, and management of "Special Wastes" 2) standardizing and expanding the solid waste program's use of third party inspections and reviews at solid waste management facilities; and 3) standardizing certain other program requirements that have traditionally been dealt with in facility permits. This regulation passed and became effective on 14 FEB 14.



## NEW HAMPSHIRE

**Note: The NH General Court convenes on 2 JAN 14 and adjourned on 30 JUN 14.**

### Proposed Legislation

On 11 DEC 13, Senator Rappaport introduced [NH SB 281](#) which would establish criteria for the siting of wind turbines in New Hampshire.

On 8 JAN 14, Senator Stiles introduced [NH SB 368](#) which would raise the maximum fine for violations of statutes and rules relating to lead paint remediation.

### Proposed Rules

[Regulated Toxic Air Pollutants](#) - The Department of Environmental Services has proposed the readoption with amendment of rules relating to regulated toxic air pollutants.

Env-A 1400, Regulated Toxic Air Pollutants, implements the Air Toxic Control Act (Act), codified at RSA 125-I. The purpose of the Act is to prevent, control, abate, and limit the emissions of toxic air pollutants into the ambient air. The ambient air limits are intended to promote public health by reducing human exposure to toxic air pollutants.

As required by RSA 125-I:4, DES proposes changes to the list of regulated toxic air pollutants (RTAPs) and their ambient air limits (AALs) each year. These changes are based on updates made to the list of chemical substances by the American Conference of Governmental Industrial Hygienists (ACGIH) and the US EPA's Integrated Risk Information System (IRIS).

This year, ACGIH updates for both 2011 and 2012 are being incorporated. As a result of changes made by ACGIH, six chemical substances have been added, two substances have been deleted, and four substances have had their Occupational Exposure Limit (OEL) changed which results in a change to the AALs. As a result of changes made by IRIS, four chemical substances had their annual AAL changed. One substance had both the annual and 24-hour AAL changed since the reference concentration is greater than the calculated 24-hour AAL. In addition to the required annual updates, DES has made additional changes to the list of RTAPs and to other rules. These changes were made in order to incorporate the latest scientific data, to streamline the compliance determination and permitting process, and to allow DES and businesses to concentrate efforts on those toxic chemicals that pose the greatest health risk to the public. This year DES is also proposing the following changes:

- De-list eleven low toxic Class III RTAPs that are not expected to cause harmful health effects in the ambient air.
- De-list eight RTAPs where an AAL cannot be established due to insufficient data.
- Exempt the emission of RTAPs from certain major stationary sources that are subject to a federal standard, meet the requirements of the standard through the operation of pollution control equipment, and control RTAP emissions to the same degree of efficiency required to comply with the federal standard.
- Exempt automotive refinishing operations that are in compliance with 40 CFR Part 63, Subpart HHHHHH, have an exhaust stack that is vertical and unobstructed, and use less than 500 gallons per year of commercially available paints and coatings.
- Exempt petroleum remedial systems that have a maximum concentration of gasoline vapor in the exhaust gas of 500 parts per million by volume, have an exhaust stack that is vertical and unobstructed, and have a minimum exhaust velocity of 25 meters per second.

## **Regulations**

**Aboveground Petroleum Storage Facilities** - The Environmental Services Department has readopted with amendments rules governing aboveground petroleum storage facilities. The existing rules, Env-Wm 1402, implement portions of RSA 146-A "Oil Discharge or Spillage in Surface Water or Groundwater" by establishing requirements for the registration, design, installation, operation, maintenance, and monitoring of aboveground petroleum storage facilities. The existing rules are scheduled to expire on 28 MAY 13, and are readopted so as to continue the program. Pursuant to RSA 541-A:14-a, the existing rules will continue in effect until this rulemaking is completed, subject to the conditions specified therein. Amendments are being adopted that are intended to (1) substantially reorganize the rules to increase clarity and reduce redundancy; (2) redesignate the rules into the Env-Or (Oil and Remediation Programs) subtitle, and (3) make the following additional changes:

1. Exempt any small (≤330 gallons) aboveground storage tank (AST) system used only for on-premise heating located at an AST facility that is otherwise regulated from all requirements except those applicable to on-premise-use heating oil tanks specified in NFPA 31. (Currently, all AST systems at an AST facility that is regulated under Env-Wm 1402 must comply with all requirements.)
2. Delete the definitions for "new AST system" and "existing AST system". The distinguishing date in the definitions is 25 APR 1997, and calling a system that has been in place for 16 years "new" is confusing to the public and the regulated community. (For example, someone who buys an active AST facility that was installed in 2001 would not intuitively know that requirements for "new AST systems" apply to the systems at the recently purchased facility.) Further, the modifier "new" is not used consistently in the rules, since sometimes it applies to facilities that are being proposed (and so are "new" in the commonly-understood sense). To the extent a date-based distinction is still significant; it is now being made in the specific rules where it applies.
3. Revise the requirements regarding Spill Prevention Control, and Countermeasure (SPCC) Plans to conform to the statute that exempts "qualified facilities" (as defined in RSA 146-A) from having to have the SPCC Plan prepared or approved by a professional engineer.
4. Replace the exemption for oil transfer areas that were used prior to the 2005 rules to not have an impermeable surface with positive limiting barriers with a two-year compliance deadline. An exemption is proposed for political subdivisions that do not vote to fund compliance if the State does not provide funding.
5. Specify the information required to be recorded to document exterior and interior inspections and annual testing in greater detail.
6. Specify the information required to be submitted in an application for approval to construct or substantially modify an AST system in greater detail.
7. Expressly state the requirement for the Department to review an Application for Approval to Construct or Substantially Modify an AST system for completeness.

This regulation passed and became effective on 7 FEB 14.



## RHODE ISLAND

**Note: The RI General Assembly convenes on 7 JAN 14 and adjourns on 30 JUN 14.**

### Proposed Legislation

On 9 JAN 14, Representative Walsh introduced [RI HB 7033](#) and on 12 FEB 14, Senator Rumsey introduced [RI SB 2315](#) which would create a food residuals recycling program to establish a safe and environmentally sound method to dispose of food residuals.

On 13 FEB 14, Representative Walsh introduced [RI HB 7482](#) which would require certain large commercial food scrap generators to divert food residuals to composting facilities. This act is proposed to take effect on 1 JUL 14.

On 27 FEB 14, Representative McNamara introduced [RI HB 7644](#) which would require that protections related to the disposal of extremely hazardous wastes generated by the use of toxic, carcinogenic, mutagenic, or teratogenic chemotherapy drugs are implemented by pharmacists, physicians, healthcare providers, and insurers in the state of Rhode Island.

On 27 FEB 14, Representative Finn introduced [RI HB 7720](#) and on 27 FEB 14, Senator Rumsey introduced [RI SB 2434](#) which would require all commercial haulers desiring to transport solid waste within the state be licensed by the director of the department of business regulation. Licenses would be renewable every five (5) years. The Act would also provide penalties for violations of the Act.

On 27 FEB 14, Representative Ucci introduced [RI HJR 7656](#) which would create a special select commission to determine the future of solid waste management in Rhode Island (would create, by joint resolution, a commission to study all aspects of solid waste management for the purpose of determination of future management policy. The commission will report findings no later than 5 JAN 16.).

On 30 JAN 14, Senator Lombardo Walsh introduced [RI SB 2190](#) which would prohibit the disposal of any recyclable materials and/or recyclable waste in the central landfill per any rules or regulations promulgated by the Rhode Island resource recovery corporation.

On 12 FEB 14, Senator Sosnowski introduced [RI SB 2341](#) which would impose sales and use tax on the "Water Supply Protection Charge" previously imposed on water bills.

On 27 FEB 14, Senator Daponte introduced [RI SB 2441](#) which would modify the definition of construction and demolition (C&D) debris to include concrete when and if transported to a construction and demolition debris processing facility.

On 27 FEB 14, Senator Walaska introduced [RI SB 2520](#) which would require hospitals and pharmacies to provide sharps containers for public use.

On 27 FEB 14, Senator Goodwin introduced [RI SB 2562](#) which would amend the lead poisoning prevention act to provide for a longer licensing period, making the licensing process less labor intensive by eliminating the requirement for annual refresher courses. The act would clarify language used to distinguish licensure and certification.

### **Regulations**

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



## **VERMONT**

**Note: The Vermont General Assembly convenes on 7 JAN 14 and adjourns on 9 MAY 14.**

### **Proposed Legislation**

On 10 JAN 14, the Wildlife House Committee on Fish introduced [VT HB 586](#) relating to improving the quality of state waters.

On 21 JAN 14, Representative Klein introduced [VT HB 641](#) relating to the recycling of beverage cartons.

On 24 JAN 14, Representative Klein introduced [VT HB 695](#) to establishing a product stewardship program for primary batteries.

On 21 JAN 14, Representative Deen introduced [VT HB 649](#) relating to isolation distances for potable water supplies and wastewater systems.

On 31 JAN 14, Representative Sharpe introduced [VT HB 800](#) relating to the regulation of groundwater withdrawal.

On 31 JAN 14, Representative McCormack introduced [VT HB 806](#) relating to the recycling of construction and demolition waste.

On 7 JAN 14, Senator Rodgers introduced [VT SB 198](#) relating to radar-controlled obstruction lighting on wind turbines.

On 7 JAN 14, Senator Hartwell introduced [VT SB 201](#) relating to siting review by the public service board.

On 7 JAN 14, Senator Hartwell introduced [VT SB 202](#) relating to the energy efficiency charge.

On 7 JAN 14, Senator Hartwell introduced [VT SB 205](#) relating to disposable plastic carryout bags.

On 7 JAN 14, Senator Rodgers introduced [VT SB 229](#) relating to the collection of mandated recyclables.

On 7 JAN 14, Senator MacDonald introduced [VT SB 242](#) relating to authorizing the public service board to regulate materials recovery recycling facilities.

On 7 JAN 14, Senator Lyons introduced [VT SB 288](#) relating to water quality improvement.

On 7 JAN 14, Senator Hartwell introduced [VT SB 292](#) relating to siting of energy facilities.

### **Proposed Rules**

[Ambient Air Quality Standards](#) - The Agency of Natural Resources has proposed rulemaking to update Vermont's ambient air quality standards for particulate matter, oxides of nitrogen, sulfur dioxide, ozone, and lead to make them consistent with the National Ambient Air Quality Standards (NAAQS) which Vermont is required to meet under the federal Clean Air Act (CAA). Minor clarifying amendments are also proposed for the permitting regulations. A minor amendment is also proposed for used oil combustion, truing up the rule with Vermont Hazardous Waste Management Rules and setting a new throughput threshold. A minor amendment is also proposed to clarify that most sources less than five tons per year of emissions do not require a permit. The public comment period and hearing for this rule will also serve as the comment period and hearing under 40 C.F.R. § 51.102 for corresponding revisions to Vermont's State Implementation Plan (SIP) to comply with the CAA.

[Vermont Materials Management Plan: Moving from Solid Waste towards Sustainable Management](#) - The Agency of Natural Resources has proposed amendments to the previous solid waste management plan which was readopted in 2006. The rule includes significant changes to the structure and layout of the plan. This rule is based on five material specific chapters and a chapter addressing general planning needs. Each chapter contains tools of action, state goals, and performance standards. The state goals and performance standards establish deliverables for the planning period that include reporting, outreach and education, and convenience requirements. This rule includes revisions that incorporate recommendations from an ANR solid waste stakeholder group that convened in 2008.

## REGION 2



### NEW JERSEY

**The New Jersey Legislature meets throughout the year.**

#### **Proposed Legislation**

On 16 JAN 14, Assemblywoman McHose introduced [NJ AB 123](#) which would repeal the state law that established the State's offshore wind renewable energy certificate program.

On 16 JAN 14, Assemblyman Space introduced [NJ AB 133](#) which would create a quarterly reporting and fee payment cycle for hazardous waste transporters. Currently under the "Solid Waste Management Act," hazardous waste transporters are billed annually in the new State fiscal year based on shipments made in the previous calendar year. Under this bill, the Department of Environmental Protection (DEP) would establish the hazardous waste transporter fee at least 30 days before the beginning of each new quarterly reporting period. Transporters would pay the fee on a quarterly basis within 30 days after the end of each quarterly period, ending on March 31, June 30, September 30, and December 31. This quarterly schedule will improve the collection of fees by transporters and make the fee payment to the DEP more accurately reflect actual costs, rather than transporters being charged for manifests on a retroactive basis. This bill would provide the DEP with a more efficient system to collect hazardous waste transporter fees, while also providing a predictable, efficient, and business-friendly fee schedule for hazardous waste transporters.

On 16 JAN 14, Assemblyman Kean introduced [NJ AB 247](#) which would direct the Department of Environmental Protection (DEP), in conjunction with the County of Monmouth, to form a study commission to examine nonpoint source pollution and stormwater management issues in the southern area of Monmouth County, including from Howell Township to Wall Township. The study commission is to focus on nonpoint source pollution and stormwater management issues affecting the Wreck Pond Watershed and to consider actions to improve water quality, reduce flooding, and reduce or eliminate beach closures caused by Wreck Pond through restoration initiatives that improve the water quality of the pond. The bill requires the DEP to submit a report to the Legislature on the work of the study commission.

On 16 JAN 14, Assemblyman Bucco introduced [NJ AB 394](#) which would authorize Sunday bow hunting on federal military installations, subject to approval by that federal military installation. Upon the enactment of P.L.2009, c.48, bow hunting in New Jersey became permitted on Sundays "On a State wildlife management area or on private property."

On 16 JAN 14, Assemblyman Cryan introduced [NJ AB 656](#) which would establish, in statute, a year-Round odd-Even lawn watering restriction. The bill includes exemptions from the odd-Even lawn watering restriction for the following: · lawn watering by a commercial landscaper to water newly seeded or sodded grassed areas during normal seasonal working hours; · the testing of a customer's newly installed or newly repaired sprinkler system by a commercial enterprise engaged in the installation or repair of lawn irrigation systems; · lawn watering immediately following application by a commercial applicator of fertilizer, pesticide or herbicide; · lawn watering

to establish and maintain newly laid sod or newly seeded grass associated with new construction; and · lawn watering if it is necessary for the revegetation of land in order to prevent soil erosion following earth-Moving activities.

On 16 JAN 14, Assemblyman Mainor introduced [NJ AB 842](#) which would permit the superintendent of the State Police to authorize a municipal official designated by the governing body of a city of the first class (Newark and Jersey City) to, consistent with federal regulations, inspect the contents of hazardous material packages being transported within its jurisdiction prior to acceptance by the transporter, or at places of destination within its jurisdiction after acceptance by the consignee. This authority would also permit those cities to operate municipal weigh stations within their jurisdictions. This bill does not confer authority upon a municipal official to break cargo seals.

On 16 JAN 14, Assemblywoman Vainieri Huttle introduced [NJ AB 1079](#) and on 24 MAR 14, Senator Whelan introduced [NJ SB 1850](#) which would require a 10-Cent deposit on all plastic and glass bottles and aluminum cans (Other than refillable containers) less than 24 oz. and a 20-Cent deposit on such beverage containers over 24 oz. up to 3 liters. The proposal would include juice, sports drinks, and bottled waters as well as soda, wine and beer containers. All such containers would be identified by so-called smart bar coding technology.

On 16 JAN 14, Assemblywoman Stender introduced [NJ AB 1348](#) and on 30 JAN 14, Senator Turner introduced [NJ SB 1121](#) which would require public water systems to provide prompt public notice when a boil water notice is in effect. Under the bill, the owner or operator of the public water system would be required to notify the public of the boil water notice as soon as possible, but in no case later than 24 hours after the public water system learns of the emergency or other condition. In addition, beginning 90 days after the bill is enacted into law, a public water system would be required to notify its customers of a boil water notice via the preferred means of contact of each customer of the water system.

On 16 JAN 14, Assemblywoman Stender introduced [NJ AB 1353](#) and on 10 FEB 13, Assemblyman McGuckin introduced [NJ AB 2570](#) which would phase out the use of vaccines that contain mercury over a three-Year period. Specifically, beginning January 1, 2013, health care providers would be prohibited from administering an influenza vaccine that contains more than 0.5 micrograms of mercury per 0.25 milliliter dose for children under three years of age, and 1.0 microgram of mercury per 0.5 milliliter dose for persons over three years of age, and any other vaccine that contains more than a trace amount of mercury. Trace amount means a concentration of less than .0002%. Beginning January 1, 2014, health care providers are prohibited from administering vaccines that contain more than a trace amount of mercury. Beginning January 1, 2015, health care providers are prohibited from administering vaccines containing any mercury.

On 14 JAN 14, Senator Norcross introduced [NJ SB 848](#) and on 16 JAN 14, Assemblyman Chivukula introduced [NJ AB 1417](#) which would permit private entities to propose to governmental entities certain energy-related projects at governmental facilities through a public-Private partnership agreement. The bill leverages the expertise and financial resources of the private sector to foster the development of a broad array of energy-related projects, including cogeneration facilities that might not otherwise be pursued due to budgetary constraints.

On 16 JAN 14, Assemblywoman Spencer introduced [NJ AB 1593](#) and on 27 FEB 14, Senator Smith introduced [NJ SB 1483](#) which would establish a Water Supply Open Space and Farmland Trust Fund Account in the Department of the Treasury. Moneys in the fund would be derived from: (1) a water consumption user fee imposed on the owner or operator of every public community water system equal to forty cents per thousand gallons of water delivered to a consumer; and (2) a water diversion user fee imposed on every person required by law to obtain a diversion permit or a water use registration equal to forty cents per thousand gallons of water diverted for a consumptive use. The amount due from any person subject to one of these fees would not exceed

\$50,000 per year. The fees imposed and collected would be constitutionally dedicated for open space and farmland preservation purposes.

On 16 JAN 14, Assemblyman McKeon introduced [NJ AB 1753](#) which would establish a Water Supply Open Space, Farmland and Historic Preservation Trust Fund Account in the Department of the Treasury. Moneys in the fund would be derived from: (1) a water consumption user fee imposed on the owner or operator of every public community water system equal to forty cents per thousand gallons of water delivered to a consumer; and (2) a water diversion user fee imposed on every person required by law to obtain a diversion permit or a water use registration equal to forty cents per thousand gallons of water diverted for a consumptive use. The amount due from any person subject to one of these fees would not exceed \$50,000 per year. The fees imposed and collected would be constitutionally dedicated for open space, farmland and historic preservation purposes.

On 16 JAN 14, Assemblyman McKeon introduced [NJ AB 1760](#) which would establish a stormwater management system demonstration project in Ocean County. This bill would permit Ocean County, or the Ocean County Utilities Authority, to establish, provide and maintain a stormwater utility for the purpose of creating a stormwater management system to manage the stormwater runoff of the county. The bill would authorize Ocean County, or the Ocean County Utilities Authority, to finance the creation, operation, and maintenance of the stormwater utility system through the imposition of user fees and the issuance of bonds. The bill would also require the Department of Environmental Protection (DEP) to create a stormwater utility guidance manual to provide guidance to counties and authorities seeking to establish stormwater management systems.

### **Legislation**

On 10 JAN 12, Assemblywoman Schroeder introduced [NJ AB 266](#) which would require the inspection and fire department notification of all roof-mounted solar photovoltaic systems. This bill passed on 17 JAN 14.

### **Proposed Regulations**

[Consumer Price Index Percentage Adjustments to Air Contaminant Emission Fees](#) - The Department of Environmental Protection has published notice of the annual percentage increase in the Consumer Price Index (CPI) relative to the 1989 CPI and the resultant per-ton emission fee for fiscal year (FY) 2014.

#### **CPI Percentage Increase**

The CPI percentage increase is used to calculate the annual emission fee for major facilities. The CPI percentage increase is calculated each year using the procedure at N.J.A.C. 7:27-22.31(i). For FY 2014 (1 JUL 13 through 30 JUN 14), N.J.A.C. 7:27-22.31(i) specifies using the average monthly CPI (CPI-U) for the 12-month period beginning September 2012 through August 2013. Monthly CPI-U data is published by the U.S. Department of Labor. Following the procedures at N.J.A.C. 7:27-22.31(i), the CPI percentage increase for FY 2014 is 1.7 percent and the CPI has been calculated as 189.95 percent relative to the 1989 CPI.

#### **Air Contaminant Emission Fee**

An annual emission fee must be paid by each major facility subject to N.J.A.C. 7:27-22. The annual emission fee is calculated each year according to N.J.A.C. 7:27-22.31(b), which applies the CPI adjustment to the base amount per ton of emissions. This base amount is \$ 60.00 per ton (N.J.S.A. 26:2C-9.5.d(1)(a)). Applying the CPI adjustment since 1989 to the base amount of \$ 60.00 per ton results in an annual emission fee for FY 2014 of \$ 113.97. Therefore, a facility subject to this fee must multiply \$ 113.97 times the quantity of regulated air contaminant emissions emitted in tons during calendar year 2012 (1 JAN 12 through 31 DEC 12). The result is the fee the facility must submit to the Department by 31 JAN 14, for FY 2014.

Invoices will be mailed to major facilities based on emissions reported in the Emission Statement submitted for calendar year 2012. Even if a major facility has not submitted an Emission Statement or received an invoice, it is obligated to pay emission fees by 31 JAN 14.

**Fiscal Year 2014 Annual Fee Report and Assessment of Fees** - The Department of Environmental Protection has announced a public hearing on the Fiscal Year (FY) FY 2014 Annual Fee Report and Assessment of Fees for the New Jersey Pollutant Discharge Elimination System (NJPDES) program. The NJPDES program regulates the operational wastewater discharges from public and privately owned wastewater management systems, including certain stormwater discharges.

**Notice of Availability of Annual TCPA Fee Schedule Report for Fiscal Year (FY) 2014** - The Department of Environmental Protection has given notice that it is adjusting fees to owners and operators of facilities covered under the Toxic Catastrophe Prevention Act (TCPA).

**Proposed Draft General Permit (GP-005A) - Emergency Generator(s) Burning Distillate Fuels** - The Department of Environmental Protection's Air Quality Program has invited comment on a draft general permit for emergency generators burning distillate fuels. General permit GP-005A will replace GP-005, Emergency Generator(s). Once GP-005A is issued final, GP-005 will no longer be available to new registrants. Emergency generators registered under GP-005 can continue to operate under the existing general permit until:

- The emergency generator is replaced or modified, before which time the registrant must register for and receive approval for a source-specific permit and certificate, or GP-005A, prior to operation of the new or modified equipment, as applicable; or
- The registrant's current general permit expiration date, before which time the registrant must register for authorization under GP-005A, or apply for and receive approval for a source specific permit and certificate, for continued operation of the emergency generator, as applicable.

A general permit is a pre-approved permit to construct and certificate to operate, issued pursuant to N.J.A.C. 7:27-8.8, for one or more types of similar sources at a facility. A facility with a qualifying source can accept and operate under a general permit, rather than submit a source-specific permit application, which would require case-by-case processing by the Department.

GP 005A allows for the construction, installation, and operation of a single or multiple emergency generator(s) burning distillate fuel(s) with a combined maximum rated heat input to the burning chamber of less than 100 million BTU per hour (MMBTU/hr).

GP-005A is substantially the same as GP-005, except as set forth below.

Regulatory additions:

- GP-005A includes new source performance standards for stationary compression ignition internal combustion engines, 40 CFR Part 60 (NSPS IIII) requirements, as amended on January 31, 2013; and
- GP-005A includes the national emissions standards for hazardous air pollutants, 40 CFR Part 63, Subpart ZZZZ (NESHAP Subpart ZZZZ) requirements for maintenance of emergency generators.

Environmental protection enhancements:

- GP-005A requires ultra-low sulfur fuel (less than 15 ppm sulfur);
- GP-005A requires routine maintenance:
  - Change oil and filter every 500 hours of operation or annually, whichever comes first;
  - Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; and
  - Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first;
- GP-005A requires the engine's time spent at idle during startup time be minimized to a period needed for appropriate and safe loading of the engine; and

- GP-005A requires that the engine, control, and monitoring equipment be operated and maintained in a manner consistent with safety and good air pollution control practices for minimizing emissions.

Additional flexibilities:

- GP-005A allows the maximum rated heat input of less than 100 MMBTU/hr for single or multiple emergency generators, which is an increase from a maximum rated heat input of 80 million BTU per hour in GP-005;
- GP-005A allows the flexibility of moving emergency generators to different locations, including to major facilities, during emergency use; and
- GP-005A allows calculation of PTE based on the hours requested for testing and maintenance in the registration form.

Additional limitations:

- GP-005A allows the registration of emergency generators burning only diesel, No. 2 fuel oil and kerosene; excluding natural gas or propane; and
- Each facility will be limited to one GP-005A.



## NEW YORK

**The New York State Legislature meets throughout the year.**

### **Proposed Legislation**

On 9 JAN 14, Assemblyman Thiele introduced [NY AB 8374](#) which would prohibit the use of the chemical Methoprene, trade name ALTOSID, as a pesticide.

On 30 JAN 14, Senator Maziarz introduced [NY SB 6499](#) and on 27 FEB 14, Assemblyman Moya introduced [NY AB 8888](#) which would establish that electric generating facilities that use biomass for more than 50% of its annual heat input are not required to obtain carbon dioxide allowances for carbon dioxide emissions attributable to the burning of biomass under the carbon dioxide budget trading program.

On 19 MAR 14, Assemblywoman Russell introduced [NY AB 9132](#) which would authorize Directors of Soil and Water Conservation Districts to implement preventative and control measures for the spread of invasive species.

On 20 MAR 14, Assemblywoman Rosenthal introduced [NY AB 9143](#) which would prohibit mercury-added rotational balancing products.

On 16 JAN 14, Assemblyman Englebright introduced [NY AB 8464](#) which would prohibits the disposal in a solid waste facility of lamps containing mercury and requires manufacturers to establish collection and recycling programs.

### **Legislation**

On 8 JAN 14, Senator Grisanti introduced [NY SB 6165](#) relating to the repair of damaged pesticide containers, in relation to the effectiveness thereof. This bill passed and became effective on 17 MAR 14.

### **Proposed Rules**

[2014 Draft New York State Energy Plan](#) - The Energy Planning Board has announced public hearings to receive public comment on the 2014 Draft New York State Energy Plan.

Draft Species Management Plans for Black Bears and Mute Swans - The Department of Environmental Conservation (DEC) has invited comment on draft species management plans for black bears and mute swans.

DEC's draft plan describes five primary goals that reflect the current priorities of bear managers and desires expressed by the public:

- Maintain bear populations at levels acceptable to the public;
- Promote and enhance bear hunting as an important management tool;
- Minimize the frequency and severity of human-bear conflicts;
- Foster understanding and communication about bear ecology, management, and conflict avoidance; and
- Ensure the necessary resources are available to support effective management of black bears in New York.

The mute swan is a non-native, invasive species brought to North America from Eurasia for ornamental purposes in the late 1800s. Mute swans are most numerous on Long Island and in the lower Hudson Valley, but have expanded their range in recent years, especially around Lake Ontario. Mute swans can cause a variety of problems, including exhibiting aggressive behavior towards people, destruction of submerged aquatic vegetation, displacement of native wildlife species, degradation of water quality and potential hazards to aviation.

This draft management plan supports actions by DEC to eliminate free-ranging mute swans from New York by 2025 while allowing responsible ownership of these birds in captivity. DEC recently proposed listing the mute swan as a "prohibited species" under new Invasive Species regulations which would prohibit the sale, importation, transport, or introduction of this species in New York.

The plan also describes the current and desired future status of bear populations in various geographic regions of New York.

Many of the strategies identified in the plan are already occurring; others reflect new work to be more fully developed during the next 10 years. The plan includes proposals to expand bear hunting opportunities in many wildlife management units, especially in the Catskills and western Hudson Valley where in recent years human-bear conflicts have become more common and pose a serious threat to human safety and property.

### **Cuts May Shut Down Naval Reactor**

**By Lucian McCarty – Saratogian News (NY)**

Federal budget cuts to military spending mean that one of the Naval Nuclear Propulsion Training Unit's two nuclear reactors might be shut down, reducing site staff by a third and the students at the training site in half. Knolls Atomic Power Laboratory provides training to all of the sailors who operate the 97 nuclear reactors in the Navy's aircraft carriers and submarines, according to Gene Terwilliger, spokesperson for Bechtel Marine Propulsion Corp., the company under contract with the Department of Energy and the Navy to operate KAPL. The Federal Consolidated Appropriations Act, which covers spending for the federal government, included a

\$151 million cut to NNPP's funding. Terwilliger said if \$24 million of the funding is not restored, it will mean shutting down one of the reactors in 2015 until the money could be secured.

## REGION 3



## DISTRICT OF COLUMBIA

**Note: The Council of the District of Columbia meets twice per month throughout the year.**

### Proposed Legislation

On 6 JAN 14, Councilmember Mendelson introduced [DC B 634](#) which would amend the District of Columbia Air Pollution Control Act of 1984 to modify and clarify the authority of the Mayor to establish a comprehensive program for the control and prevention of air pollution in the District of Columbia and to take actions to safeguard and preserve air quality in the District.

On 7 JAN 14, Councilmember Cheh introduced [DC B 641](#) which would modify DC solid waste practices and regulations and add new sorting and marking requirements.

### Proposed Rules

[Community Involvement Plan for the Anacostia River Study Area](#) - The Department of the Environment has invited the public to present its views and comments on the Community Involvement Plan (CIP) for the Anacostia River Study Area.

[Draft Remedial Investigation of Anacostia River Sediments: Work Plan](#) - The Department of the Environment has released for public comment, the draft work plan titled "Remedial Investigation of Anacostia River Sediments". This work plan will serve as the primary planning document to guide current remediation efforts in the District. It also proposes a comprehensive evaluation plan to both assess the degree of contamination found in sediments within the tidal portion of the river and remedy or clean up these environmental contaminants.

[Draft Stormwater Retrofit Plan](#) – The Department of the Environment has invited comment on a draft Stormwater Retrofit Plan. Section 4.1.5.1 of the National Pollutant Discharge Elimination System Permit for the District's Municipal Separate Storm Sewer System (NPDES Permit No. DC 0000221) directs the District to develop a program that establishes performance metrics for retrofit projects. In accordance with this requirement, the Department has developed a draft Stormwater Retrofit Plan.



## DELAWARE

**Note: The Delaware General Assembly convenes on 12 JAN 14 and adjourns on 30 JUN 14.**

### Legislation

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

### Proposed Rules

**Radiation Control Regulations** – The Office of Radiation Control, Health Systems Protection Section, Division of Public Health, Department of Health and Social Services, has proposed revisions to three State of Delaware Radiation Control Regulations. Due to the extensive number of amendments the Division has concluded that this set of three current regulations should be repealed and replaced in their entirety with the proposed regulations being published. The purpose of the amendments is to update the requirements so that they are in concert with current healthcare standards and to align them more closely with current state administrative code and federal requirements.

**Regulations Governing Hazardous Waste** - The Department of Natural Resources and Environmental Control has proposed amendments to 7 DE Admin Code 1302 to add compliance self-certification provisions to Delaware's Regulations Governing Hazardous Waste. This amendment will enable the SHWMS to offer customized compliance assistance and verification to identified business sectors, providing these selected hazardous waste generators regulatory guidance that is specific to their business needs.

**Updates to Technical Document** - The Department of Natural Resources and Environmental Control has (DNREC) Division of Watershed Stewardship has invited comment on revisions to 3.02.1.1 Stormwater Assessment Study Checklist and 3.02.1.3 Stormwater Assessment Report contained in the Sediment and Stormwater Technical Document. Revisions were made to update contact information, web links, and assessment criteria.



## MARYLAND

**Note: The Maryland General Assembly convenes on 8 JAN 14 and adjourns on 8 APR 14.**

### Legislation

On 17 JAN 14, Delegate Lafferty introduced **MD HB 240** which would authorize each county and the Department of the Environment to adopt a certain solid waste management hierarchy; declare the intent of the General Assembly that the State undertake certain actions relating to recycling and landfill disposal rates; establish the Maryland Recycling and Landfill Diversion Task Force; provide for the composition, co-chairs, and staffing of the Task Force; prohibit a member of the Task Force from receiving certain compensation, but authorize the reimbursement of certain expenses; require the Task Force to determine the aspirational statewide

recycling goal and a recycling and landfill diversion portfolio standard that will reduce the amount of solid waste being sent to landfills; specify certain duties of the Task Force; require the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before certain dates; provide for the termination of the Task Force; specify certain findings of the General Assembly; make conforming changes; and generally relate to the establishment of a recycling and landfill diversion portfolio standard and the establishment of the Maryland Recycling and Landfill Diversion Task Force.

On 30 JAN 14, the Environmental Matters Committee introduced [MD HB 615](#) which would establish a Coast Smart Council in the Department of Natural Resources; provide for the membership, chair, and staffing of the Council; establish the membership term for certain members of the Council; prohibit certain members of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; and provide for the duties and powers of the Council.

On 30 JAN 14, Delegate Lafferty introduced [MD HB 621](#) which would increase certain pesticide registration fees; provide that at least a certain amount of certain pesticide registration fees may be used only for activities of the Department of Agriculture relating to the collection, analysis, and reporting of data on pesticide use in the State; specify that money expended from the State Chemist Fund for a certain purpose is supplemental to and not intended to take the place of certain other funding; and generally relating to pesticide registration fees.

On 31 JAN 14, Delegate Carr introduced [MD HB 718](#) which would authorize a county to impose, by law, a certain fee on a store for the use of disposable carryout bags; require a store to charge and collect a certain fee for each disposable carryout bag the store provides to a customer under certain circumstances and in accordance with certain requirements; provide that the sales and use tax does not apply to a certain amount of money retained by a store under certain circumstances; require the operator of a store to remit a certain amount of money to a county; require a county to use money from certain fees for certain purposes; provide for a delayed effective date; defining certain terms; and generally relating to carryout bags and community cleanup and greening efforts.

On 5 FEB 14, Delegate Frush introduced [MD HB 834](#) which would increase a certain penalty for certain violations of the water pollution control law; and generally relating to water pollution control.

On 5 FEB 14, Delegate Fraser-Hidalgo introduced [MD HB 861](#) which would require, on written request of a landowner in an application to purchase an easement, an easement to authorize the landowner to use the land subject to the easement for renewable energy generation under certain circumstances; require, on written request of a landowner, authorizing a written request of a landowner to be approved by the Maryland Agricultural Land Preservation Foundation to amend an easement to authorize the landowner to use the land subject to the easement for renewable energy generation under certain circumstances; alter the composition of the Maryland Agricultural Land Preservation Fund; prohibit the Foundation from approving the use of land subject to an easement for renewable energy generation after a certain date; prohibit the installation of certain wind turbines exceeding certain heights in certain areas of the State; require a facility owner to remit a certain percentage of a certain lease payment to the Maryland Agricultural Land Preservation Fund; authorize the Foundation to charge certain costs to cover certain expenses; require the Foundation to adopt certain regulations; provide for the application of this Act; declare the intent of the General Assembly; require the Foundation to make a certain report to certain committees of the General Assembly by a certain date; define a certain term certain terms; and generally relating to use of land under an easement held by the Maryland Agricultural Land Preservation Foundation.

On 5 FEB 14, Delegate Stein introduced [MD HB 888](#) which would alter the application of certain provisions of law relating to reducing lead risk in housing to apply to certain property constructed before a certain date; require certain owners to register certain properties built between certain dates in a certain manner; provide certain civil penalties for certain registration violations; provide a certain registration fee for certain properties built between

certain dates; repeal certain obsolete language; alter a certain definition; and generally relating to reducing lead risk in housing.

On 17 JAN 14, Delegate Lafferty introduced [MD HB 240](#) which would

### **Proposed Rules**

[Chesapeake Bay Watershed Agreement Open for Public Comment](#) - The Department of Natural Resources has announced that the draft of the new Chesapeake Bay Watershed Agreement has been released for public comment. The draft Agreement outlines a new plan for collaboration across the Bay's political boundaries and clarifies the Bay Program's vision and values. It establishes a series of interrelated goals and outcomes that will achieve results to protect and restore the Bay, its tributaries and the lands that surround them, as well as the health of the more than 17 million people who live here. The comment period closed on 17 MAR 14.

[Development in the Critical Area](#) - The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has proposed to recodify existing Regulation .01 to be Regulation .01-1, adopt new Regulations .01, .06, .06-3, and .06-4, amend and recodify existing Regulations .05-1 and .05-2 to be Regulations .06-1 and .06-2, and repeal existing Regulation .06 under COMAR 27.01.02 Development in the Critical Area.

The purpose of this action is to amend and recodify certain provisions of COMAR 27.01.02 so as to create thematically organized regulations concerning growth allocation. The Commission also proposes a new regulation defining a term applicable to this chapter, regulations which reiterate and consolidate existing statutory and regulatory provisions relating to growth allocation, and a regulation that captures the Commission's existing growth allocation policies.

[Transportation of Hazardous Materials](#) - The Transportation Authority has proposed to amend Regulations .01, .02, .05, and .06 under COMAR 11.07.01 Transportation of Hazardous Materials. The purpose of this action is to amend existing regulations to clarify the process of transporting hazardous materials.

[Waterworks and Waste Systems Operators](#) - The Department of the Environment has proposed to amend Regulations .01, .02, .05—, .10, .12, .13, and .16 under COMAR 26.06.01 General Regulations. The purpose of this action is to amend the current State regulations. These actions are taken to address findings from the Office of Legislative Auditors as presented in the October 2009 report, Sunset Review Evaluation of the State Board Of Waterworks and Waste Systems Operators, increase the certification and examination fees, and to address technical errors in the regulations. The regulations were last revised in 2001; the amendments to the regulations address the following issues:

- To provide consistency between other State operator certification programs, Maryland's "Temporary" certificate holders will be identified as "Operators-In-Training".
- In COMAR 26.06.01.05, the regulations have been revised to clarify which individuals are required to be certified as operators.
- As of 2009, there are no operators who hold limited certificates. All references to limited certificates have been removed from the regulations.
- The Annotated Code, Environment Article 12-402 was revised during the FY2012 Legislative Session for the purpose of authorizing certain waterworks, wastewater works, and industrial wastewater works to be under the supervision of a certified operator instead of a certified superintendent under certain circumstances; and generally relating to the supervision of a waterworks, a wastewater works, and an industrial wastewater works. This change is incorporated in the regulations.

### **Regulations**

[Forest Management Programs](#) - The Department of Natural Resources has adopted revisions to Regulation .04 under COMAR 08.07.03 Forest Management Programs. The purpose of this action is to reflect the changes to the

statute during the 2013 legislative session by updating the references to registered forester to the term of licensed forester and by amending the eligibility criteria of silvicultural practices qualifying for income tax abatement. This regulation passed and became effective on 3 FEB 14.

**Habitat Protection Areas in the Critical Area** - The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has adopted rulemaking to amend the applicability language to require an applicant proposing a shore erosion control project to submit to the Maryland Department of the Environment (MDE) a buffer management plan when a lot is in a mapped modified buffer area (MBA). The recently updated MDE regulations require a buffer management plan to be submitted at the time of application to MDE for non-MBA lots. This amendment includes MBA lots. The amendments also clarify that expansion of a 200-foot buffer is required when it is adjacent to contiguous sensitive areas such as steep slopes, hydric soils, and highly erodible soils. This regulation passed and became effective on 6 JAN 14.

**Wildlife Damage Control Permit** - The Department of the Natural Resources has adopted amendments to Regulation .24 under COMAR 08.03.15 Wildlife Damage Control Permit. The purpose of this action is to allow beaver trapped under the authority of a Wildlife Damage Control Permit to be transported and released on a wildlife management area or other areas with written permission from the landowner or managing authority, within the same or adjacent county in which the beaver was trapped. Current regulation requires beaver trapped under the authority of a Wildlife Damage Control Permit to be either released on the site of capture or killed. This regulation passed and became effective on 17 MAR 14.

### **DBill to Protect PaxRiver Could Scuttle Eastern Shore Wind Project**

#### **By Timothy Wheeler – Renewable Biz (CO)**

Legislation that could kill a \$200 million wind energy project on the Eastern Shore is moving through the General Assembly, pushed by Southern Maryland lawmakers who contend the 600-foot tall turbines threaten their region's most important job generator, Naval Air Station Patuxent River.

But renewable-energy advocates are crying foul. They point out that the project's developer already has reached a deal with the Navy to curtail the turbines' operations so they wouldn't affect the air base. And they say the measure would derail a project that would bring much-needed revenue to one of Maryland's poorest counties and could cripple the state's efforts to get more electricity from wind.

It's a clash that pits one region of the state against another-- and puts some of Maryland's most powerful politicians on opposite sides of the issue.

A bill has cleared the House of Delegates that would block for 15 months any project with commercial-scale turbines within 56 miles of the naval air station. The no-build zone stretches across the Chesapeake to encompass the site of the proposed Great Bay wind project in Somerset County.

The O'Malley administration, allied with environmental advocates for renewable energy, opposes the moratorium -- which would freeze commercial wind development in a significant portion of the state. But two of the state's most powerful elected officials in Washington, Sen. Barbara A. Mikulski and Rep. Steny Hoyer, back the delay.

Southern Maryland lawmakers say more time is needed to complete a study of whether there's a way to mitigate the impacts of spinning turbines on a sensitive radar system used at the naval air station in St. Mary's County. It tests the way aircraft appear to enemy radar.

Del. John Bohanan, a St. Mary's County Democrat, said the region's representatives aren't against wind energy but are simply trying to protect what he called "our economic engine." Patuxent naval air station and the military contractors that serve it generate billions of dollars annually in commerce throughout the state, he said.



## PENNSYLVANIA

**Note: The Pennsylvania General Assembly meets throughout the year.**

### **Proposed Legislation**

On 10 JUL 13, Representative Baker introduced [PA HB 1607](#) which pertains to providing for definitions, for duties of facility owners, the One Call System, other parties, designers, excavators and project owners and for penalties; providing for enforcement, compliance and penalties; and further providing for expiration.

On 21 OCT 13, Representative Gillespie introduced [PA HB 1781](#) which pertains to the conversion of interstates in this Commonwealth to toll roads and for studies on the impact of conversion on associated highways and local roads.

On 19 FEB 14, Senator Yudichak introduced [PA SB 1254](#) which would amend the Plumbing System Lead Ban and Notification Act.

On 6 FEB 13, Representative Kortz introduced [PA HB 540](#) which pertains to the collection and disposal of leftover and expired medicines and for penalties.

On 8 APR 13, Representative Gabler introduced [PA HB 1137](#) known as the Storm Water Management Act, further providing for failure of municipalities to adopt implementing ordinances.

### **Proposed Rules**

[Proposed Revision to Remove the Repealed Pennsylvania Portable Fuel Container Regulation from Pennsylvania's State Implementation Plan](#) - The Department of Environmental Protection has proposed a revision to remove the repeal Pennsylvania portable fuel container regulation from Pennsylvania's State Implementation Plan. The Environmental Quality Board amended 25 Pa. Code Chapter 130 (relating to standards for products) with a final-omitted rulemaking process that rescinded Subchapter A, regarding portable fuel containers (PFC). The PFC regulation controlled volatile organic compound emissions from gasoline containers; the rescission of the regulation became effective on July 14, 2012, upon publication at 42 Pa.B. 4463 (July 14, 2012). The Commonwealth's PFC regulation was codified in 25 Pa. Code Chapter 130, Subchapter A, as set forth in sections 130.101—130.108, published 32 Pa.B. 4819 (October 5, 2002). The United States Environmental Protection Agency approved the PFC regulation as a revision to Pennsylvania's State Implementation Plan (SIP) on December 8, 2004 (69 FR 70893). The SIP approval is codified at 40 CFR 52.2063(c)(229) (relating to original identification of plan section).

The PFC rule reduced emissions of volatile organic compounds by requiring portable gasoline containers to be designed to reduce emissions while in use and in storage. The Commonwealth's rule required containers to have automatic shutoff spouts to reduce storage and to be designed in a way that reduced evaporation of stored gasoline. The Commonwealth's PFC regulation became less stringent than Federal standards when a Federal rule was promulgated on February 26, 2007. The Federal rule is more stringent because it requires PFC manufacturers to make design changes that reduce emissions, it applies to types of fuel containers other than gasoline, and it applies nationwide which reduces the chance for cross-border sales.

## Regulations

[Removal of the Bald Eagle from the Endangered and Threatened Species List](#) – This regulation passed and became effective on 15 MAR 14.



## **VIRGINIA**

**The Virginia Legislature convenes on 8 JAN 14 and adjourns on 8 MAR 14.**

## Proposed Legislation

On 23 DEC 13, Delegate Farrell introduced [VA HB 179](#) which would require employers to provide each licensed asbestos worker with a written notice containing the following information:

- i. A statement that the worker has the right to work in a safe environment,
- ii. A summary of basic safety rules for handling asbestos, and
- iii. Information on how to file a complaint with the Board for Asbestos, Lead, and Home Inspectors.

In addition, the bill empowers the Board to summarily suspend the license of an asbestos contractor if the Board finds that the asbestos contractor's conduct poses a substantial danger to the public health or safety and authorizes the Board to suspend, revoke, or deny renewal of an existing license of any asbestos contractor who is shown to have a substantial identity of interest with an asbestos contractor whose license has been revoked.

On 17 JAN 14, Delegate Jones introduced [VA HB 1253](#) which would create the Hampton Roads Transportation Accountability Commission which is comprised of the chief elected officers of the governing bodies of the 14 localities in Planning District 23, two senators, three delegates, and four non-voting ex officio members. The bill also moves the responsibility for approval of projects and the priority of such projects pursuant to the Hampton Roads Transportation Fund from the Hampton Roads Transportation Planning Organization to the Hampton Roads Transportation Accountability Commission.

## Legislation

On 3 JAN 14, Delegate Stolle introduced [VA HB 390](#) and on 3 JAN 14, Senator McWaters introduced [VA SB 209](#) which provide that when sand or other material is placed on state-owned bottomlands seaward of the mean low-water mark in order to provide beach nourishment or storm protection or as a result of a dredging project, the deposited material shall be deemed accretion. The public has a right of use and maintenance of the area as previously existed on the adjacent land above the mean low-water mark. The bill affects sand placement projects of the specified type beginning 1 Jan 09. VA HB 390 passed and becomes effective on 1 JUL 14. VA SB 209 was approved by the Governor on 3 MAR 14.

On 8 JAN 14, Delegate Fariss introduced [VA HB 856](#) which removes the requirement that a permit is required from the Department of Environmental Quality to transport hazardous waste. The federal government currently regulates the transporting of hazardous waste. This bill passed and becomes effective on 1 JUL 14.

On 8 JAN 14, Delegate Knight introduced [VA HB 911](#) which requires regulations for the issuance of general permits for living shoreline projects to include an expedited review process. The bill allows construction of such

projects under the local wetlands and coastal primary sand dunes ordinances. A living shoreline is a shoreline management practice that provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, and fill. This bill passed and becomes effective on 1 JUL 14.

On 10 DEC 13, Delegate Stolle introduced [VA HJR 16](#) which would establish an 11-member joint subcommittee to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding. The joint subcommittee is charged with recommending short- and long-term strategies for minimizing the impact of recurrent flooding. Its report is to be submitted by 1 NOV 15. This Resolution was approved on 4 MAR 14.

### **Proposed Rules**

[Northern Virginia Air Quality Plan, Stage II](#) - The Department of Environmental Quality (DEQ) has proposed a plan to attain and maintain the national ambient air quality standard (NAAQS) for ozone in the northern Virginia portion of the Metropolitan Washington, D.C. Ozone Nonattainment Area. The Commonwealth intends to submit the plan as a revision to the Commonwealth of Virginia State Implementation Plan (SIP) in accordance with the requirements of §110(a) of the federal Clean Air Act. The SIP is the plan developed by the Commonwealth in order to fulfill its responsibilities under the Act to attain and maintain the ambient air quality standards promulgated by the U.S. Environmental Protection Agency (EPA).

Description of proposal: The purpose of this SIP revision is to amend the ozone attainment and maintenance plans for the portions of Virginia that are part of the Ozone Transport Region (OTR) such that Stage II vapor recovery systems (VRS) are no longer required after 31 DEC 13. Since the original development of these plans, EPA has determined that onboard refueling vapor recovery (ORVR) is in widespread use and therefore no longer needed for ozone control in OTR localities that can further demonstrate that the removal of Stage II will not interfere with maintenance of the ozone NAAQS. The Commonwealth has determined that Stage II is no longer needed in the area's plans and that removing this control requirement does not interfere with maintenance of any ozone NAAQS.

Localities affected: Counties of Stafford, Arlington, Fairfax, Loudoun, and Prince William, and cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

### **Regulations**

[Annual Update 2013](#) - The Department of Environmental Quality has adopted amendments to Virginia's Regulations Governing the Transportation of Hazardous Materials under 9VAC20-110, which incorporate by reference certain federal regulations from Title 49 of the Code of Federal Regulations (CFR). This amendment will bring these regulations up to date with the latest update to Title 49 of the CFR as published on 1 OCT 13. Each year the U.S. Department of Transportation (U.S. DOT) makes several changes to the federal rules regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9VAC20-110-110, which specifies the date of the federal regulations that are incorporated into Virginia regulations. For the ease of use by the regulated community, this date is always October 1; however, the text is amended to change the year, thus incorporating federal changes from October 1 of the previously incorporated year through September 30 of the newly specified year. This amendment covers one year, from 1 OCT 12 through 30 SEPT 13.

[Clarity and Consistency Amendments](#) - The Department of Environmental Quality has proposed amendments to 9VAC25-870, Virginia Stormwater Management Program (VSMP). In this regulatory action the VSMP Regulations have been amended to include (i) clarification of existing requirements regarding time limits on

applicability of approved design criteria and grandfathering; (ii) addition of provisions for a stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria to the entire residential, commercial, or industrial development; (iii) addition of provisions that would allow the Department to enter into agreements with a VSMP authority to collect the total fee to be paid by an applicant and transmit the Department portion of the fee to the Department; (iv) clarification of the fee language, including clarification that the total fee to be paid by an applicant applies to an operator seeking new or continued coverage under the 2014 Construction General Permit; and (vii) clarification that the fees for modification or transfer of Construction General Permit coverage does not apply until assessed by VSMP authority. This regulation passed and became effective on 26 FEB 14.

**Definition of Volatile Organic Compound** - The Department of Environmental Quality has proposed a fast track regulation regarding 9VAC5-10, the definition of Volatile Organic Compound. The U.S. Environmental Protection Agency (EPA) has revised the definition of volatile organic compound (VOC) to add several substances that have been demonstrated to be less reactive to the list of substances that are not considered to be VOCs: HCF<sub>2</sub>OCF<sub>2</sub>H (HFE-134); HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>H (HFE-236cal2); HCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (HFE-338pcc13); and HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)). A correction has also been made to 1,1,1,2,2,3,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300). The state definition must now be revised accordingly. This regulation passed and became effective on 27 MAR 14.

**Minor NSR Nonroad Engine Definition** - The Department of Environmental Quality has proposed a fast track regulation regarding 9VAC5-80, the definition of Minor NSR Nonroad Engine. Article 6 of 9VAC5-80 (Permits for Stationary Sources) establishes a minor new source review (NSR) permit program for any stationary source that is not a major stationary source subject to either prevention of significant deterioration (PSD) or nonattainment new source review requirements. Unless the new source or project is exempt, owners are required to obtain a permit prior to beginning construction of a new facility or expanding an existing one. It establishes permit application, application review, and public participation requirements; standards for granting permits and general permits; exemptions for small new facilities and projects; and procedures for amending, combining, reopening, transferring, invalidating, suspending, revoking and enforcing permits. This amendment revises the definition of "nonroad engine" as it affects minor NSR permit requirements. This regulation passed and becomes effective on 27 MAR 14.

**Permits for Stationary Sources of Pollutants Subject to Regulation** - The Department of Environmental Quality has proposed a fast track regulation to revise 9VAC5-85, Permits for Stationary Sources of Pollutants Subject to Regulation. On July 12, 2012 (77 FR 41051), the U.S. Environmental Protection Agency (EPA) promulgated final amendments to its regulations for permitting of greenhouse gases (GHGs). The purpose of these amendments is to provide for the more streamlined implementation of the federal program for establishing plantwide applicability limits (PALs) for GHG emissions. A PAL establishes a site-specific plantwide emission level for a pollutant that allows the source to make changes at the facility without triggering the requirements of the prevention of significant deterioration (PSD) program, provided that emissions do not exceed the PAL level. Such PALs are already available under the federal PSD program for non-GHG pollutants and for GHGs on a mass basis, and EPA has revised the PAL regulations to allow for GHG PALs to be established on a carbon dioxide equivalent (CO<sub>2</sub>e) emissions basis as well. EPA also revised its regulations to allow a GHG-only source to submit an application for a CO<sub>2</sub>e-based GHG PAL while also maintaining its minor source status. Because these actions could streamline PSD permitting, it would be beneficial to implement them in Virginia. This regulation passed and became effective on 13 MAR 14.

**Regulations for the Certification of Laboratories Analyzing Drinking Water** - The Department of General Services has adopted rulemaking which repeals 1VAC30-40 and replaces 1VAC30-40 with 1VAC30-41. 1VAC30-40 is repealed because the required revisions to 1VAC30-40 are extensive. This adopted action updates the drinking water laboratory certification regulation to incorporate by reference the most recent federal guidance

used to certify drinking water laboratories, the Environmental Protection Agency's (EPA's) Manual for the Certification of Laboratories Analyzing Drinking Water, Fifth Edition (January 2005) and Supplement 1 to the Fifth Edition (June 2008). Drinking water laboratories are required to meet this federal guidance. The adopted action revises the fee provisions. Local, state and federal laboratories as well as private or commercial laboratories will be required to pay fees under the adopted regulation. DCLS currently waives fees for public laboratories. Requiring all laboratories seeking certification for drinking water to pay a fee creates a more equitable fee system for the program. The final regulation revises references to federal and Virginia Department of Health requirements, and adds clarity to the provisions where needed. This regulation passed and becomes effective on 1 MAY 14.

**Virginia Pollutant Discharge Elimination System** - The Department of Environmental Quality's State Water Control Board has adopted amendments to the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) to reflect recent changes to 40 CFR 122.26, to 40 CFR Parts 449 and 451, and to the Code of Virginia §§ 54.1-2301 and 62.1-44.5 and to update the regulation to allow the use of the latest versions of federal effluent guidelines. This regulation passed and became effective on 26 FEB 14.

**Virginia Stormwater Management Program (VSMP) Permit Regulations** - The Department of Environmental Quality has adopted a regulatory action which amends and reissues the General VPDES Permit for Discharges of Stormwater from Construction Activities (general permit), 9VAC25-880. This action to update and reissue the general permit is authorized under the federal Clean Water Act (33 USC §1251 et seq.) and the Stormwater Management Act (§62.1-44.15:24 et seq. of the Code of Virginia), which require that state permits be effective for a fixed term not to exceed five years. The existing five-year general permit became effective on July 1, 2009; thus necessitating the promulgation of a new general permit before the June 30, 2014 expiration date. This general permit establishes stormwater pollution prevention plan (SWPPP) requirements and special conditions for construction activities with stormwater discharges to surface waters, and the general permit conditions are set to protect the water quality of the receiving waters. In this regulatory action the general permit regulation has been amended and reorganized for clarity and consistency with other general VPDES permits issued by the State Water Control Board, the VSMP Regulations, 9VAC25-870, and EPA's final 2012 construction general permit (CGP). Several new definitions have been added to the regulation for clarity and consistency with the VSMP Regulations and EPA's final 2012 CGP. In addition, the general permit regulation has been amended to authorize discharges from emergency-related construction activities as well as authorize discharges from single-family residences separately built disturbing less than one (1) acre and part of a larger common plan of development or sale without the submission of a registration statement or general permit fee. The regulation has also been revised to incorporate administrative continuance provisions for existing construction activities currently covered under the 2009 CGP. The regulation has been modified to include updated provisions for discharges to impaired waters, surface waters with an applicable approved TMDL, and exceptional waters for consistency with EPA's final 2012 CGP. The stormwater pollution prevention plan (SWPPP) requirements of the regulation have been revised to incorporate the federal effluent limitation guidelines for the Construction and Development Point Source Category, 40 Code of Federal Regulations (CFR) Part 450, and for consistency with the VSMP Regulations and EPA's final 2012 CGP. These revisions include clarifying and updating the existing SWPPP requirements for erosion and sediment control plans, stormwater management plans, and pollution prevention plans. The existing SWPPP requirements for amendments/modifications/updates, notification, availability, implementation, inspections, and corrective actions have been amended for added clarity and consistency with EPA's final 2012 CGP. This regulation passed and becomes effective on 1 JUL 14.



## **WEST VIRGINIA**

**The West Virginia Legislature convenes on 8 JAN 14 and adjourned on 14 MAR 14.**

### **Proposed Legislation**

The West Virginia Legislature is out of session.

### **Proposed Rules**

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

## REGION 4



### NORTH CAROLINA

**Note: The NC General Assembly convenes on 13 MAY 14 and adjourns on 1 JUL 14.**

#### **Legislation**

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

#### **Proposed Rules**

**2014 303(d) List** - The Department of Environment and Natural Resources, Division of Water Resources has released the draft 2014 303(d) list and is requesting public comment. Every two years, states are required by Section 303(d) of the federal Clean Water Act to list those streams, rivers and other bodies of water that do not meet water quality standards and require development of a Total Maximum Daily Load (TMDL). States must report this list to the US Environmental Protection Agency (EPA) every even numbered year.

**NCG590000 - General Permit for Water Treatment Plant Discharge** - The Department of Environment and Natural Resources has invited comment on draft NPDES General Permit No. NCG590000 for the discharge of filter backwash, sedimentation washdown, and decant water from water treatment plants (or other similar activities).

#### **Regulations**

**Executive Order No. 34: Commitment to Protecting North Carolina Military Installations** - The Office of the Governor has issued Executive Order No. 34: Commitment to Protecting North Carolina Military Installations. This Executive order was issued on 2 JAN 14.

# MEET THE REC

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