



# Northern Review

## of Legislative & Regulatory Actions

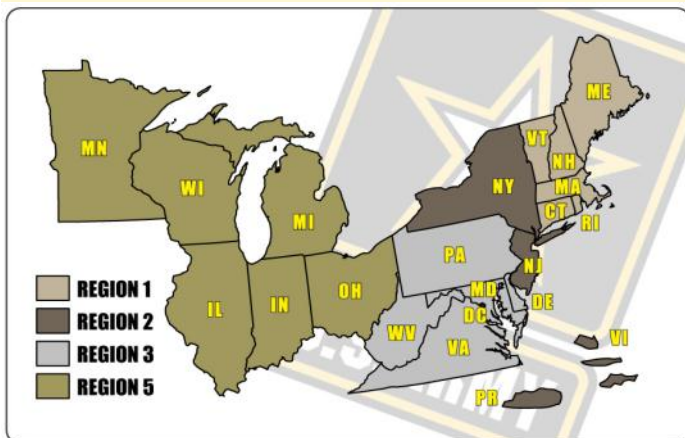


The U.S. Army Regional Environmental & Energy Office

January 2016

The *Northern Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the 22 states and territories in Federal Regions 1, 2, 3, and 5, the *Northern Review* gives early notice of legislative and regulatory activities relevant to DOD interests. The *Review* also helps installations meet ISO 14001 environmental management system requirements.

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## WHAT'S IN THIS REVIEW?

### Region 1

In CT, final amendments to public drinking water quality standards. In ME, a vision for assessment, restoration, and protection of state water resources. In NH, final amendments to wetland mitigation rules.

### Region 2

In NJ, proposed legislation allowing the military to participate in the land use planning process and shared service agreements with local units of government. In NY, proposed bill establishing the Energy Performance Benchmarking Program and a proposed rule to prevent the spread of aquatic invasive species.

### Region 3

In DC, final rules governing federal standards for HAPS and expansion of the polystyrene prohibition. In MD, final amendments to air quality regulations, and proposed rule to amend the *Bay Restoration Fund Implementation* regulations. In PA, proposed bill to create an online permit tracking and notification system. In VA, final rules amending regulations governing hazardous waste management, control and abatement of air pollution, hazardous materials transportation, and net energy metering; proposed review of waterworks and wastewater works regulations.

### Region 5

In IL, final rules amending regulations governing NO<sub>x</sub> emissions and sulfur limitations. In IN, proposed new NO<sub>x</sub> rules concerning non-EGUs and the repeal of NO<sub>x</sub> trading programs. In MI, new law amending the liquid industrial by-products requirements. In MN, final amendments to health risk limits for groundwater. In OH, final amendments to the building, mechanical, and residential codes. In WI, new law regarding exemptions from lead inspection requirements; final revisions to construction and operation permit programs and WDNR analysis and review procedures under the WI Environmental Policy Act.

### DOD Activity

Army NEPA assessments for solar renewable energy project development.

### Federal Activity

USEPA proposed amendments to Cross-State Air Pollution Rule and SDWA Unregulated Contaminant Monitoring Rule Revisions.

# Region 1

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



**Legislature convenes 3 FEB 16 and adjourns sine die 4 MAY 16.**

## ***FINAL RULES***

**AMENDMENTS TO PUBLIC DRINKING WATER QUALITY STANDARDS** The Connecticut Department of Public Health (CDOH) has [adopted](#) amendments to the public drinking water quality standards (section 19-13-B102). The amendments require every community water system to be supported by an emergency generator or a CDOH approved alternative source of backup power. The amendments also require community water systems to have emergency contingency and response plans to guide community water systems prior to, during, and after power outages. A notice of the proposed amendments was published in the [May 2014 Northern Review](#). The amendments became effective on 17 DEC 15.



**Legislature convened 6 JAN 16 and adjourns sine die 20 APR 16.**

## ***OTHER REGULATORY ACTIVITY***

**VISION FOR ASSESSMENT, RESTORATION, AND PROTECTION OF MAINE'S WATER RESOURCES** The Maine Department of Environmental Protection (MDEP) has [requested comment](#) on the "Vision for Assessment, Restoration, and Protection of Maine's Water Resources." The document sets out a long term vision for addressing impaired waters under MDEP's Clean Water Act (CWA), Section 303(d) program. Comments are due by 29 JAN 16.



**Legislature convened 6 JAN 16 and adjourns sine die 1 JUL 16.**

## ***FEDERAL ACTIVITY***

**INFRASTRUCTURE SIP REQUIREMENTS FOR OZONE, LEAD, AND NO<sub>2</sub>** USEPA has issued a final rule approving elements of State Implementation Plan (SIP) revisions submitted by the state of New Hampshire ([80 FR 78135](#)). The elements deal with Clean Air Act (CAA) infrastructure requirements for the 2008 lead, 2008 ozone, and 2010 nitrogen dioxide (NO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). USEPA has also: (1) converted conditional approvals for several infrastructure requirements for the 1997 and 2006 fine particle (PM<sub>2.5</sub>) NAAQS to full approval; (2) updated the classification for one of New Hampshire's air quality control regions for ozone; (3) granted a state's request for an exemption from the infrastructure SIP contingency plan obligation for ozone; and (4) conditionally approved certain elements relating to prevention of significant deterioration (PSD) requirements. The final rule becomes effective on 15 JAN 16.

## FINAL RULES

**AMENDMENTS TO WETLANDS MITIGATION RULES** The New Hampshire Department of Environmental Services (NHDES) has adopted two separate rulemakings that amend the wetland mitigation rules. NHDES has [adopted](#) new rules at Env-Wt 100, which contain the organizational rules and definitions for the state wetland rules. The amendments add definitions for certified wetland scientist, service area, and wetland enhancement to the regulations. NHDES has also readopted, with amendments, [Env-Wt 800](#) (Compensatory Mitigation) and certain sections in [Env-Wt 500](#) (Permit Procedure) relative to mitigation requirements. A notice of both proposed amendments was published in the [July 2015 Northern Review](#). The amendments to Env-Wt 100 became effective on 23 DEC 15, while the amendments to Env-Wt 500 and 800 become effective on 1 FEB 16.

## Region 2

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



## New Jersey

**Legislature convened 12 JAN 16 and adjourns sine die 9 JAN 18.**

**NOTE:** The proposed legislation reported below was under consideration by the state legislature during its 2014 to 2015 legislative session, which ended at noon on 12 JAN 16. All business from the session still pending at noon on 12 JAN 16, including the proposed legislation below, expired with the end of the session. For the legislature to take up any of these legislative proposals in the new legislative session, the will have to be re-introduced.

### PROPOSED LEGISLATION

**[AB 4727](#) COORDINATION OF LAND USE PLANNING BETWEEN CIVILIAN AND MILITARY INTERESTS** AB 4727 amends the Municipal Land Use Law (MLUL) and the State Planning Act to incorporate recommendations set forth in the New Jersey Military Installation Growth and Development Task Force (MIGDTF) Report. The amendments update notice provisions to enhance the exchange of information between military installations and local governments concerning land use planning. The bill contains a provision requiring the land use plan element of municipal master plans to show existing and proposed locations of military facilities. The plans must also incorporate strategies to minimize undue encroachment upon military installations and conflicts between civilian land uses and military land uses. The bill was passed favorably out of the Military and Veterans' Affairs Committee.

**[AB 4897](#) SHARED SERVICES BETWEEN MILITARY INSTALLATIONS AND NEIGHBORING GOVERNMENTS** AB 4897 revises the definition of a "local unit" under the *Uniform Shared Services and Consolidation Act* to include federal military bases. The inclusion allows a federal military base to participate in a shared service agreement or a joint meeting with other local units of government. The bill implements a recommendation of the New Jersey MIGDTF Report to facilitate shared services between military installations and neighboring governments. The bill was favorably reported out of the Military and Veterans' Affairs Committee.

**[SB 2444](#) ([AB 4224](#)) REQUIREMENTS FOR SALE OF ELECTRICITY FROM CLASS I RENEWABLE ENERGY SOURCES** SB 2444 requires a certain percentage of the electricity sold in the state to be from Class I renewable energy sources. The bill establishes an implementation timeline with corresponding percentage requirements, including a specific percentage for solar energy. The bill passed the Senate and was referred to the Assembly Telecommunications and Utilities Committee.



Legislature convened 6 JAN 16 and adjourns 16 JUN 16.

### ***PROPOSED LEGISLATION***

**[SB 6261](#) SEQR REQUIREMENT FOR SITING OF MAJOR ELECTRIC GENERATING FACILITIES** SB 6261 amends the public service law, in relation to siting of major electric generating facilities. The bill requires an applicant for a certificate for the construction or operation of a major electric generating facility to prepare an environmental impact statement (EIS). The bill requires the EIS to undergo a State Environmental Quality Review (SEQR) prior to the issuance of a certificate. The bill was referred to the Energy and Telecommunications Committee.

**[SB 6278](#) STATE FOOD WASTE PREVENTION AND DIVERSION ACT** SB 6278 amends the environmental conservation law by adding the new Title 28, *State Food Waste Prevention and Diversion Act*. The new title requires food establishments operated or contracted by state agencies to take certain steps to reduce food waste sent for disposal. The bill was referred to the Environmental Conservation Committee.

**[SB 6289](#) ENERGY PERFORMANCE BENCH-MARKING PROGRAM** SB 6289 amends the public authorities law and the environmental conservation law to create the Energy Performance Bench-Marking Program. The bill establishes state agency responsibilities within the program and specifies timelines, energy reduction targets, guidelines, reporting requirements, and exemptions. The bill was referred to the Energy and Telecommunications Committee.

### ***PROPOSED RULES***

**AQUATIC INVASIVE SPECIES** The New York State Department of Environmental Conservation (NYSDEC) has [proposed](#) a rule that adds Part 576, *Aquatic Invasive Species Spread Prevention*, to Title 6 NYCRR. The new part requires that “reasonable precautions” are taken prior to placing watercraft into public waters to prevent the spread of aquatic invasive species. Comments are due by 30 JAN 16.

**EMISSION LIMITS FOR DISTRIBUTED GENERATION SOURCES** NYSDEC has [proposed](#) amendments and additional rules to establish emission limits for distributed generation (DG) sources. The amendments adopt 6 NYCRR Part 222, *Distributed Generation Sources*; and revise Part 200, *General Provisions*, and Subpart 227-2, *Reasonably Available Control Technology (RACT) for Nitrogen Oxides (NO<sub>x</sub>)*, to conform to the new Part 222. A DG source is defined as a stationary reciprocating or rotary internal combustion engine that feeds into the distribution grid or produces electricity for use at the host facility or both. A public hearing is scheduled for 8 FEB 16 and comments are due by 18 FEB 16.

# Region 3

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



Legislature convened 5 JAN 16 and adjourns TBD.

## ***FEDERAL ACTIVITY***

**SIP REVISION FOR INTERSTATE POLLUTION TRANSPORT REQUIREMENTS FOR 2010 NO<sub>2</sub> STANDARD** USEPA has issued a proposed rule to approve a SIP revision submitted by the District of Columbia ([80 FR 75845](#)). The revision addresses the infrastructure requirement for interstate transport pollution with respect to the 2010 NO<sub>2</sub> NAAQS. The comment period closed on 4 JAN 16.

## ***FINAL RULES***

**ADOPTION OF FEDERAL STANDARDS FOR HAZARDOUS AIR POLLUTANTS** The DC Department of Energy and Environment (DOEE) has [adopted](#) a rulemaking to add Chapter 14, *Air Toxics and Hazardous Air Pollutants*, to Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR). The new chapter includes 10 federal standards for certain source categories of hazardous air pollutants (HAP), including: (1) Perchloroethylene Dry Cleaning Facilities; (2) Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; (3) Stationary Reciprocating Internal Combustion Engines; (4) Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources; and (5) Area Source Plating and Polishing Operations. The rulemaking excludes portions of the federal rule permitting emergency generators (EGs) to participate in demand response programs. DOEE determined that EGs should only be permitted to operate in the event of a true emergency; i.e., a power outage or equipment failure. The rulemaking became effective on 18 DEC 15.

**EXPANDED POLYSTYRENE PROHIBITION** DOEE has [adopted](#) a rule to amend Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR). The rule adds a new Chapter 23, *Expanded Polystyrene Prohibition*, to establish standards for prohibiting expanded polystyrene food service products in DC. A notice of the proposed rule was published in the [September 2015 Northern Review](#). The rule became effective on 25 DEC 15.

## ***OTHER REGULATORY ACTIVITY***

**REGIONAL HAZE SIP FIVE-YEAR PROGRESS REPORT** DOEE has issued a [notice](#) of public hearing for the proposed DC Regional Haze SIP Five-Year Progress Report. The federal *Regional Haze Rule* requires states to review their regional haze SIPs every five years to determine whether the goals previously set are still reasonable, whether reasonable measures have been implemented to meet those goals, and what additional measures will be implemented in the next five to ten years. The proposed progress report fulfills these federal requirements. Once finalized the report will be submitted as a SIP revision to USEPA for review and approval. The public hearing is scheduled for 22 FEB 16.



Legislature convened 13 JAN 16 and adjourns sine die 11 APR 16.

## ***FEDERAL ACTIVITY***

**WITHDRAWAL OF PROPOSED DISAPPROVAL OF OZONE ATTAINMENT FOR BALTIMORE AREA** USEPA has withdrawn a proposed rule published on 8 MAY 09 ([74 FR 21594](#)). The 2009 proposed rule disapproved the ozone attainment demonstration portion of Maryland's 2007 comprehensive SIP revision request for the Baltimore Area ([80 FR 75845](#)). The withdrawal became effective on 4 DEC 15.

**NEGATIVE DECLARATION FOR AUTOMOBILE AND LIGHT-DUTY TRUCK ASSEMBLY COATINGS CTGS** USEPA has issued a final rule approving a SIP revision submitted by the state of Maryland ([80 FR 76861](#)). The revision pertains to a negative declaration for the *Automobile and Light-Duty Truck Assembly Coatings Control Techniques Guidelines* (CTGs). The final rule became effective on 11 JAN 16.

## ***FINAL RULES***

**AMENDMENT TO AIR QUALITY REGULATIONS** The Maryland Department of the Environment (MDE) has [adopted](#) amendments to the air quality regulations at COMAR 26.11.02, *Permits, Approvals, and Registration*. The amendments implement statutory requirements of SB 1065, Acts of 2009, which expanded standing for challenges to most of MDE's major permits and substituted direct judicial review for the previous contested case process for those same permits. The amendments also incorporate requirements of HB 554 and HB 95, Acts of 2013, which deal with the public participation process for sources subject to expanded public participation. A notice of the proposed amendments was published in the [October 2015 Northern Review](#). The amendments became effective on 10 DEC 15, and will be submitted as a SIP revision to USEPA for approval.

## ***PROPOSED RULES***

**BAY RESTORATION FUND IMPLEMENTATION** MDE has [proposed](#) a rule to amend Regulation .03 (Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding) under COMAR 26.03.13, *Bay Restoration Fund Implementation*. The rule amends the existing regulations to implement statutory changes created by SB 863 and SB 133, Acts of 2015. Changes include allowing up to \$60 million per year of the Bay Restoration Fund wastewater fees deposited to MDE to be used to provide grants to local governments for authorized wastewater related uses. Comments are due by 28 JAN 16.

## ***OTHER REGULATORY ACTIVITY***

**PROPOSED STANDARD PERMIT APPLICATION TURNAROUND TIMES** MDE has [requested comment](#) on proposed amendments to the standard turnaround times involving all types of permit applications for calendar year 2016. Proposed changes include applications involving: (1) radiation machine facility registration: dental and veterinary machines; (2) sewage sludge transportation; (3) water appropriation and use permit for less than 10,000 gallons per day; (4) non-tidal wetlands and waterway construction for minor projects; and (5) general permit for stormwater associated with construction activities. MDE reviews and adjusts these turnaround times annually to give permit applicants current information regarding the processing time. Comments are due by 20 JAN 16.



Legislature convened 5 JAN 16 and adjourns 30 NOV 16.

**PROPOSED LEGISLATION**

**SB 1092 PERMIT TRACKING AND NOTIFICATION LAW** SB 1092 requires the Pennsylvania Department of Environmental Protection (PADEP) to create and maintain a secure online permit tracking system available to applicants for the status of permit applications. The bill also requires PADEP to issue certain electronic notifications to permit holders. The bill was referred to the Environmental Resources and Energy Committee.

**PROPOSED RULES**

**AMENDMENTS TO ENVIRONMENTAL HEARING BOARD PRACTICE AND PROCEDURE REGULATIONS** The Pennsylvania Environmental Hearing Board (PEHB) has [proposed](#) amendments to Chapter 1021, *Practice and Procedure*. The amendments: (1) provide the regulated community, PADEP, and other potential litigants with more specific guidance on how to represent their interests to PEHB; (2) clarify and improve practices and procedures; and (3) institute additional rules and modify current rules to require electronic filing and service in nearly all matters presented to PEHB. Comments are due by 18 JAN 16.



Legislature convened 13 JAN 16 and adjourns 12 MAR 16.

**FINAL RULES**

**ANNUAL UPDATE OF STATE HAZARDOUS WASTE MANAGEMENT REGULATIONS** The Virginia Department of Environmental Quality (VDEQ) has [adopted](#) amendments to 9VAC20-60, *Virginia Hazardous Waste Management Regulations*. The amendments update state regulatory citations and incorporate the latest Title 40 of the Code of Federal Regulations (CFR) to that as published on 1 JUL 15. As part of the regulatory action, the Virginia Waste Management Board has adopted USEPA's definition of solid waste as updated on 13 JAN 15. However, the amendments do not incorporate the conditional exclusion for hazardous secondary materials that are managed in land-based units. The amendments become effective on 27 JAN 16.

**FEDERAL AIR REGULATION DOCUMENTS INCORPORATED BY REFERENCE** VDEQ has [adopted](#) amendments to [9VAC5-60, Regulations for the Control and Abatement of Air Pollution](#). The amendments update state regulations that incorporate by reference USEPA National Emission Standards for Hazardous Air Pollutants (NESHAPs) and NESHAPs for source categories (also known as Maximum Achievable Control Technology Standards (MACT)) to reflect the CFR as published on 1 JUL 15. No new NESHAPs or MACTs are being incorporated; however, the date being incorporated by reference is being updated. The amendments become effective on 10 FEB 16.

**AMENDMENTS TO HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS** VDEQ has [adopted](#) a fast-track rulemaking that amends 9VAC20-110, *Regulations Governing the Transportation of Hazardous Materials*. Regulatory compliance for these regulations is performed by the Virginia State Police. The state police are provided grant funds through the federal government's Motor Carrier Safety Assistance Program (MCSAP) for their hazardous materials program. The amendments incorporate federal regulations for registration and recordkeeping requirements. Inclusion of the federal regulations is a condition under the MCSAP grant. The rulemaking became effective on 3 DEC 15.

**REGULATIONS GOVERNING NET ENERGY METERING** The Virginia State Corporation Commission has [adopted](#) amendments to the net energy metering regulations at, 20VAC5-315-20, 20VAC5-315-30, 20VAC5-315-40, and 20VAC5-

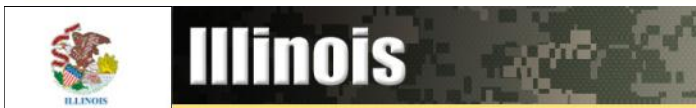
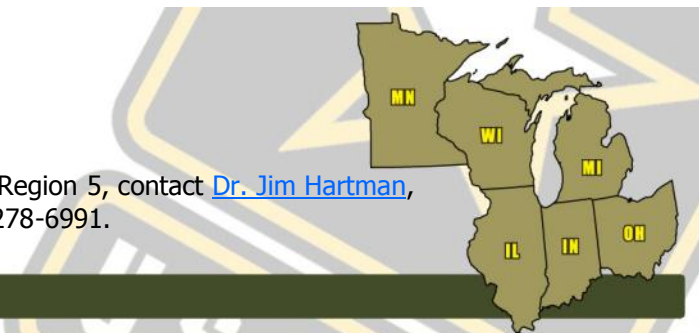
315-70. The amendments incorporate changes mandated by state legislation passed in 2015 and include: (1) increasing the capacity limit for participation by nonresidential customers in the net energy metering program; (2) eliminating the authorization for electric utilities to allow a higher capacity limit for nonresidential customers than set forth in the statute; (3) requiring any eligible customer-generator seeking to participate in net energy metering to notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The amendments became effective on 28 DEC 15.

## ***PROPOSED RULES***

**GENERAL REVIEW OF WATERWORKS AND WASTEWATER WORKS REGULATIONS** The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, has [proposed](#) a general review of its regulations at 18VAC160-20, 18VAC160-30, and 18VAC160-40. The regulations have not undergone a thorough review since 2009. The review will ensure the regulations: (1) complement current standards and practices of the profession and ancillary agencies involved in the regulation of waterworks, wastewater works, and onsite sewage systems; (2) provide minimal burdens on regulants while still protecting the public's health and safety; and (3) reflect current procedures and policies of the Virginia Department of Professional and Occupational Regulation. A public hearing is scheduled for 28 JAN 16 and comments are due by 12 FEB 16.

# Region 5

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



**Legislature convened 13 JAN 16 and adjourns 31 MAY 16.**

## ***FEDERAL ACTIVITY***

**CROSS-MEDIA ELECTRONIC REPORTING** USEPA has approved the state of Illinois' request to revise its USEPA-authorized National Pollutant Discharge Elimination System (NPDES) program to allow electronic reporting ([80 FR 76467](#)). The approval became effective on 9 DEC 15.

## ***FINAL RULES***

**AMENDMENTS TO NO<sub>x</sub> EMISSIONS REGULATIONS** The Illinois Pollution Control Board (IPCB) has [adopted](#) amendments to the NO<sub>x</sub> emissions regulations at 35 Ill. Adm. Code 217. The amendments exempt electric generating units subject to the combined pollutant standard from the NO<sub>x</sub> emission limitations in Subpart M of Part 217, regardless of the type of fuel combusted. IPCB has also proposed an alternate testing deadline regarding the initial performance testing provisions in Section 217.394(a)(3). A notice of the proposed amendments was published in the [June 2015 Northern Review](#). The rule became effective on 7 DEC 15.

**AMENDMENTS TO SULFUR LIMITATION REGULATIONS** IPCB has [adopted](#) amendments to the air pollution regulations at 35 Ill. Adm. Code 214, regarding sulfur limitations. The amendments satisfy the state's obligation to submit a SIP to USEPA that addresses CAA requirements for areas designated as nonattainment with respect to the sulfur dioxide (SO<sub>2</sub>) NAAQS. The amendments became effective on 7 DEC 15.





Legislature convened 5 JAN 16 and adjourns sine die 14 MAR 16.

### ***PROPOSED RULES***

**NEW NO<sub>x</sub> REGULATIONS CONCERNING NON-EGUS AND REPEAL OF NO<sub>x</sub> TRADING PROGRAMS** The Indiana Department of Environmental Management has [proposed](#) new regulations to the NO<sub>x</sub> rules at 326 IAC 10. The new regulations apply to NO<sub>x</sub> emissions for the ozone season from large industrial boilers, also known as non-electric generating units (non-EGUs). The regulations: (1) repeal the NO<sub>x</sub> budget trading program and corresponding Clean Air Interstate Rule (CAIR) sections; and (2) amend the CAIR reference in the Regional Haze rule at 326 IAC 26-1-5. The comment period closed on 8 JAN 16.



Legislature convened 13 JAN 16 and adjourns 31 DEC 16.

### ***FINAL LEGISLATION***

**SB 400 REQUIREMENTS FOR LIQUID INDUSTRIAL BY-PRODUCTS** SB 400 (Public Act 224 of 2015) amends Part 121, *Liquid Industrial Wastes*, of the Natural Resources and Environmental Protection Act (NREPA). The bill: (1) changes the title of Part 121 to "Liquid Industrial By-Products," and updates references to liquid industrial by-products throughout the regulation; (2) requires a generator to label or mark containers and tanks of by-product to identify their contents; (3) refers to a shipping document rather than a manifest in record-keeping requirements for shipments of liquid industrial by-product, and revises the document's requirements; (4) allows certain required records and documents to be maintained in an electronic format; (5) outlines requirements for owners to maintain an emergency response plan and training records, and provide an annual report to the Michigan Department Environmental Quality; and (6) establishes civil fines and penalties. The bill was signed by the governor on 17 DEC 15 and became effective upon signature.



Legislature convenes 8 MAR 16 and adjourns sine die 23 MAY 16.

### ***FEDERAL ACTIVITY***

**SIP REVISION FOR CO TRANSPORTATION CONFORMITY CRITERIA AND PROCEDURES** USEPA has issued a direct final rule approving a SIP revision for carbon monoxide (CO), submitted by the state of Minnesota ([80 FR 76863](#)). The revision establishes transportation conformity criteria and procedures related to interagency consultation, and enforceability of certain transportation-related control and mitigation measures. Barring adverse comment the direct final rule becomes effective on 9 FEB 16.

### ***FINAL RULES***

**AMENDMENTS TO HEALTH RISK LIMITS FOR GROUNDWATER** The Minnesota Department of Health (MDH) has [adopted](#) amendments to the health risk limits (HRLs) for groundwater, Minnesota Rules, Chapter 4717, Parts 7500, 7850, 7860, and 7865. The amendments add or replace HRL values with guidance values developed by MDH between 2012 and 2014. The amendments also: (1) add new health-based guidance values for eight chemicals; (2) repeal outdated HRL values for six chemicals and replace them with new HRL values; and (3) delete outdated subparts for three chemicals. A

notice of the proposed amendments was published in the [September 2015 Northern Review](#). The amendments became effective on 28 DEC 15.



**Legislature convenes 20 JAN 16 and adjourns 16 DEC 16.**

### ***FINAL RULES***

**AMENDMENTS TO OHIO'S BUILDING, MECHANICAL, AND RESIDENTIAL CODES** The Ohio Board of Building Standards has adopted three separate rulemakings containing multiple amendments to Ohio's Building Code, Mechanical Code, and Residential Code. The Building Code amendments affect Ohio Administrative Code (OAC) Chapters [4101:1-1](#); [-2](#); [-3](#); [-4](#); [-5](#); [-7](#); [-9](#); [-27](#); [-29](#); [-31](#); [-35](#). Changes include updating the definition of aboveground storage tanks (ASTs); design guidance for stationary generators and associated fuel supplies; and National Fire Protection Association (NFPA) references. The Mechanical Code amendments affect OAC Chapters [4101:2-2](#); [-3](#); [-5](#); [-9](#); [-13](#); [-15](#). Changes include updating the definition for ASTs; design guidance for certain fuel tanks, piping, and generators; and NFPA references. The Residential Code amendments affect OAC Chapters [4101:8-1](#); [-2](#); [-3](#); [-4](#); [-5](#); [-19](#); [-22](#); [-24](#); [-34](#); [-44](#). Changes include adding diesel oil to the scope of AST requirements; adding regulated underground storage of fuel oil requirements; and updating NFPA references. All three rulemakings became effective on 1 JAN 16.

### ***PROPOSED RULES***

**PERMITS-TO-INSTALL NEW SOURCES AND PERMIT-TO-INSTALL AND OPERATE PROGRAM** The Ohio Environmental Protection Agency's (OEPA) Division of Air Pollution Control has [proposed](#) amendments to OAC [Chapter 3745-31](#), *Permits-to-Install New Sources and Permit-to-Install and Operate Program*. The amendments primarily provide clarity and align language with corresponding federal regulations. The comment period closed on 7 JAN 16.

### ***OTHER REGULATORY ACTIVITY***

**DRAFT RENEWAL OF GENERAL NPDES PERMIT FOR NON-CONTACT COOLING WATER** OEPA's Division of Surface Water (DSW) has [issued](#) a draft renewal of the general NPDES permit for non-contact cooling water permit ([OHN000005](#)). Facilities with a discharge of less than five percent of the critical low flow of the receiving stream are eligible for coverage under this permit. The most significant addition to the draft is allowing new discharges to be covered under the permit, which subjects the permit to the requirements of anti-degradation. A [fact sheet](#) is available for the draft permit. The comment period closed on 12 JAN 16.



**Legislature convened 12 JAN 16 and adjourns 7 APR 16.**

### ***FEDERAL ACTIVITY***

**DISAPPROVAL OF INFRASTRUCTURE SIP REGARDING PROVISIONS FOR NO<sub>x</sub> AS PRECURSOR TO OZONE** USEPA has issued a final rule disapproving elements of a SIP revision submitted by the state of Wisconsin regarding the CAA infrastructure requirements for the 2006 PM<sub>2.5</sub> NAAQS ([80 FR 76637](#)). The final rule pertains specifically to certain infrastructure requirements that may be satisfied if a state has a fully approved PSD permitting program that incorporates all required program requirements, including the requirement to correctly address NO<sub>x</sub> as a precursor to ozone. The final rule became effective on 11 JAN 16.

## ***FINAL LEGISLATION***

**[SB 178](#) EXEMPTION FROM LEAD INSPECTION REQUIREMENTS** SB 178 (2015 Wisconsin Act 122) creates an exemption from lead inspection requirements for lead sampling or testing done in certain renovations. Previously, the Wisconsin Department of Health Services (WDHS) required all lead inspectors to be certified for lead investigation when testing for the presence of lead-bearing paint. The new law states that if the presence of lead-bearing paint or a lead hazard is assumed and the renovation is performed in a lead-safe manner, any person who performs the sampling or testing of a surface in the premises relating to the renovation is not required to comply with any requirements established by the WDHS for a lead inspection. The bill was signed by the governor on 16 DEC 15 and became effective on 18 DEC 15.

## ***FINAL RULES***

**REVISIONS TO CONSTRUCTION AND OPERATION PERMIT PROGRAMS** The Wisconsin Department of Natural Resources (WDNR) has [adopted](#) revisions to Chapters. NR 400, 406, 407, and 445, of the Wisconsin Administrative Code, concerning the construction and operation permit programs. The revisions simplify and increase the operational efficiency of the air permit process, while remaining consistent with CAA and retaining approvability by USEPA. The revisions will be submitted to USEPA for approval and incorporation into Wisconsin's SIP. A notice announcing the governor's approval of the statement of scope was published in the [February 2013 Northern Review](#). The revisions became effective on 1 DEC 15.

**ENVIRONMENTAL ANALYSIS AND REVIEW PROCEDURES** WDNR has [adopted](#) revisions to Chapter NR 150, relating to the department's environmental analysis and review procedures under the Wisconsin Environmental Policy Act (WEPA). The revisions clarify that emergency rules are "minor actions," requiring no additional environmental analysis, and that the process for developing permanent rules is an "equivalent analysis action." The revisions also include: (1) clarification of procedures for WEPA compliance determinations and publication requirements; (2) clarification of strategic analysis requirements; and (3) expansion of the list of minor actions not requiring additional environmental analysis. The revisions become effective on 1 FEB 16.

# **Department of Defense Activity**

**DOD AND FWS COLLABORATE TO REPORT ON ENDANGERED SPECIES CONSERVATION PROJECTS** The DOD and U.S. Fish and Wildlife Service (FWS) have collaborated to produce the [Fall 2015 Wildlife Stewardship and National Defense issue of the Endangered Species Bulletin](#). The interactive issue focuses on DOD projects that sustain the military mission while protecting and managing endangered, threatened, and candidate species.

**NEPA ASSESSMENTS FOR SOLAR RENEWABLE ENERGY PROJECT DEVELOPMENT** The Army has announced it will perform programmatic National Environmental Policy Act (NEPA) assessments on Army installations in the continental U.S., including Active, Guard, and Reserve components. The U.S. Army Environmental Command (USAEC) will conduct the NEPA assessments for solar photovoltaic technologies and related storage, ancillary service capabilities, interconnection, and transmission and distribution requirements. The effort will outline high-level environmental conditions and issues, enable a streamlined NEPA process for individual projects, and support the Council on Environmental Quality's guidance encouraging programmatic analysis.

# Federal Activity

## **AIR**

**CROSS-STATE AIR POLLUTION RULE UPDATE FOR 2008 OZONE STANDARDS** USEPA has issued a proposed rule to update, for electricity generating units (EGUs), the Cross-State Air Pollution Rule (CSAPR) to address interstate emission transport with respect to the 2008 ozone standards ([80 FR 75705](#)). The ozone season emissions of NO<sub>x</sub> in 23 eastern states affect the ability of downwind states to attain and maintain the 2008 ozone NAAQS. The emissions can be transported downwind as NO<sub>x</sub> or, after transformation in the atmosphere, as ozone. For the 23 eastern states, USEPA has proposed to issue Federal Implementation Plans (FIPs) that update the existing CSAPR NO<sub>x</sub> ozone-season emissions budgets for EGUs and implement these budgets via the CSAPR NO<sub>x</sub> ozone-season allowance trading program. USEPA would finalize a FIP for any state that does not have an approved SIP addressing its contribution by the date the rule is finalized.

## **ENERGY**

**ENERGY CONSERVATION STANDARDS FOR HIGH-INTENSITY DISCHARGE LAMPS** The U.S. Department of Energy (DOE) has issued a final determination that energy conservation standards for high-intensity discharge (HID) lamps do not meet the criteria of being technologically feasible, economically justified, and resulting in significant energy savings ([80 FR 76355](#)). Specifically, DOE has concluded that standards for high-pressure sodium (HPS) lamps are not technologically feasible, and that standards for mercury vapor (MV) and metal halide (MH) lamps are not economically justified. The HPS, MV, and MH lamps are subcategories of HID lamps. DOE's determination is based on analysis of several efficacy levels as a means of conserving energy. The final determination became effective on 9 DEC 15.

**BIOGAS OPPORTUNITIES ROADMAP PROGRESS REPORT** DOE and USEPA have jointly [released](#) the *Biogas Opportunities Roadmap Progress Report*, updating the federal government's progress to reduce methane emissions through biogas systems since the Biogas Opportunities Roadmap was completed in July 2014. The report highlights actions taken, outlines challenges and opportunities, and identifies next steps to the growth of the biogas industry. The 2014 roadmap identified more than 2,000 sites across the United States that produce biogas, as well as the potential for an additional 11,000 biogas systems.

## **NATURAL RESOURCES**

**MIGRATORY BIRD HUNTING REGULATIONS** FWS has issued a proposed rule to establish 2016-17 hunting regulations for certain migratory game birds ([80 FR 77087](#)). FWS annually prescribes outer frameworks for dates and times when hunting may occur and the number of birds that may be taken and possessed in hunting seasons. The frameworks allow state selections of seasons and limits and recreational harvest at levels compatible with population and habitat conditions.

## **WASTE**

**NAME CHANGE FOR OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE** USEPA has issued a final rule to change the name of the agency's Office of Solid Waste and Emergency Response (OSWER) to the Office of Land and Emergency Management (OLEM) ([80 FR 77575](#)). The new name more accurately reflects the nature of the work that the office does to protect human health and the environment. In addition, technical corrections were made to more accurately state the laws implemented by OLEM, and to reflect prior organizational changes. The final rule became effective on 15 DEC 15.

## ***WATER***

**UNREGULATED CONTAMINANT MONITORING RULE REVISIONS** USEPA has issued a proposed rule providing the fourth revision to the Unregulated Contaminant Monitoring Rule (UCMR) ([80 FR 76897](#)). The UCMR is a Safe Drinking Water Act (SDWA) rule that requires public water systems to monitor for contaminants that may be present in tap water but are not yet subject to USEPA's drinking water standards set under SDWA. The proposal identifies 11 analytical methods to support water system monitoring for a total of 30 chemical contaminants/groups. The rule, revised every five years as required by SDWA, provides USEPA and other interested parties with scientifically valid data on the national occurrence of selected contaminants in drinking water, such as cyanotoxins associated with harmful algal blooms. The data set is one of the primary sources of information on occurrence, levels of exposure, and population exposure USEPA uses to develop regulatory decisions for emerging contaminants in the public drinking water supply.

**WATER INNOVATION STRATEGY** The President has [announced](#) a new public-private water innovation strategy. The strategy includes an aggressive two-part approach led by federal agencies to address the impacts of climate change on the use and supply of the nation's water resources and calls on the private sector to help scale-up research and investment in water efficiency solutions. The strategy establishes goals, including: (1) promoting and investing in breakthrough research and development that will reduce the price and energy costs of new water supply technology; and (2) boosting water sustainability through the greater utilization of water-efficient and water reuse technologies.

## ***OTHER***

**2015 SEMIANNUAL REGULATORY AGENDA** USEPA has published its Fall 2015 semiannual regulatory flexibility agenda and semiannual regulatory agenda ([80 FR 78023](#)). The regulatory agenda provides updates on: (1) regulations and major policies currently under development; (2) reviews of existing regulations and major policies; and (3) rules and major policy makings completed or canceled since the last agenda.

# **Professional Development**

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

## ***NATIONAL VENUES***

**7-10 MAR, PROVIDENCE, RI:** [SUSTAINABLE WATER MANAGEMENT CONFERENCE](#) Hosted by the American Water Works Association, the conference presents solutions for balancing the benefits of conservation with costs, managing water resources, sustainable utilities and infrastructure, urban planning and design, energy efficiency, water conservation, stormwater and reuse.

**8-10 MAR, BOSTON, MA:** [BUILDINGENERGY BOSTON CONFERENCE AND TRADE SHOW](#) Hosted by the Northeast Sustainable Energy Association, the conference is a gathering for sustainable design, green building, and renewable energy professionals.

**15-16 MAR, ARLINGTON, VA:** [6TH DEFENSE RENEWABLES SUMMIT](#) The summit brings DOD, Air Force, Army and Navy decision-makers together with renewable energy developers, utilities, system integrators, financiers, cybersecurity, energy storage, smartgrid and telecom experts to meet the renewable energy goals and security needs of the DOD.

**4-6 APR, BALTIMORE, MD:** [EASTERN REGIONAL CLIMATE PREPAREDNESS CONFERENCE](#) Hosted by the Center for Climate Preparedness and Community Resilience, in partnership with USEPA, the conference is designed to build capacity for local decision makers from throughout the Eastern United States.

**11-14 APR, CHICAGO, IL:** [NATIONAL ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS ANNUAL CONFERENCE](#) The National Association of Environmental Professionals is hosting its annual conference and offering a wide variety of training classes and workshops.

**17-22 APR, MINNEAPOLIS, MN:** [INTERSTATE TECHNOLOGY & REGULATORY COUNCIL \(ITRC\) SPRING CONFERENCE](#) Save the date and stay tuned for details about the 2016 ITRC Annual Meeting.

**20-22 APR, PHILADELPHIA, PA:** [DESIGN & CONSTRUCTION ISSUES AT HAZARDOUS WASTE SITES SYMPOSIUM](#) The event is co-sponsored by the Society of American Military Engineers (SAME) and USEPA. The registration fee is waived for government employees.

**20-25 AUG, INDIANAPOLIS, IN:** [ANNUAL STORMWATER CONFERENCE \(STORM-CON\) AND EXPO](#) Annual surface water quality conference brings together public works directors, stormwater professionals, private sector, contractors, engineers, and government representatives. The multi-disciplinary conference is designed for all who have a stake in stormwater management, non-point source pollution and urban water systems.

## ***TRAINING - ONLINE***

[2015 SMALL DRINKING WATER AND WASTEWATER SYSTEMS WEBINAR SERIES](#) USEPA's Office of Research Development and Office of Water are hosting a monthly webinar series to communicate USEPA's current small systems research along with agency priorities. The site also includes an archive of past webinars.

[ENERGY MANAGEMENT BASIC TRAINING- TOOLS AND RESOURCES FOR RESULTS](#) This course provides civilian and military personnel with a concise overview of federal energy management, and the most current tools and resources for success. The instructors for this seminar are Randall Smidt, Army Program Manager for Alternative Financing, and Thomas B. Delaney, Jr., PE, Army Energy Conservation Investment Program Manager. Both instructors serve within the Army's Facilities Policy Division of the Office of the Assistant Chief of Staff for Installation Management.

[USACE PROSPECT TRAINING](#) U.S. Army Corps of Engineers (USACE) announces course availability for the FY16 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to all federal, state, county and city employees, and contractors. There are different registration processes for each entity. Please refer to the [Course Catalog](#) and [List of Classes and schedule](#) for details. Environmental courses include: Environmental Regulations Practical Application Course (Course Control Number (CCN) 398); CERCLA/RCRA Process (CCN 356); Hazardous Waste Manifesting & DOT Certification (CCN 223); Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429); Radioactive Waste Transport (CCN 441); Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141); Environmental Remediation Technologies (CCN 395); and Environmental Laws and Regulations (CCN 170).

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

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

**[USEPA TMDLS AND NPDES PERMITTING WEB-BASED TRAINING MODULES](#)** USEPA has developed three web-based training modules on topics related to TMDLs and NPDES permitting. The presentations are intended for TMDL developers and NPDES permitting staff to gain a better understanding of TMDL implementation through NPDES permits. Each module is offered as a recorded presentation that enables participants to review the material on demand in a self-paced environment. The modules are also available as unrecorded PowerPoint presentations with slides and scripts. Each recorded session is approximately two hours long. The modules are: (1) Understanding TMDLs: A Primer for NPDES Permit Writers; (2) Understanding WLA (waste load allocation) Implementation in Permits: A Primer for TMDL Developers; and (3) Understanding TMDLs with Stormwater Sources and the NPDES Stormwater Permitting Process.

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

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

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

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

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

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

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

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

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

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

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

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

**[ARMY PODCAST SERVICE](#)** The Army offers free podcasts on a wide variety of topics, including an environmental series, an USACE series, and many more. The podcasts are available through a free subscription service.

**[NAVY AND ISEERB ENVIRONMENTAL TRAINING FY16](#)** Course topics in the Navy and the ISEERB Environmental Training schedule include environmental overview and management, law planning and sustainability, pollution prevention, restoration, conservation, supplemental and Internet/computer-based training, and more.

**[AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING FY16](#)** The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government. Fees vary according to personnel status (i.e., active duty Air Force/civilian, other U.S. government employee, contractor).

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

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



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## How the Regional Offices Work for You

**The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.** The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are protected.

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

To be added to the *Northern Review* distribution list, email [Leanne Dickens](mailto:Leanne.Dickens).