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GENERAL INTEREST

America's Navy – The Unsung Heroes of Nuclear Energy

By James Conca - Forbes

The United States has over 200 nuclear reactors producing power. You might be aware of the hundred or so commercial nuclear power reactors that produce almost 20% of our nation's electricity. But there are another hundred nuclear reactors that power 86 submarines and aircraft carriers, producing electricity, heat, fresh water and propulsion.

America's Nuclear Navy is one of the oldest and largest nuclear organizations in the world and has the best safety record of any industry. And no one ever discusses it. But Naval Commander Djamal Pullom did just that, during the National Nuclear Science Week event at the Pacific Science Center in Seattle, WA. Since the Navy is rather quiet about its phenomenal success, CDR Pullom's presentation unfolded like a cozy mystery.

America's Nuclear Navy presently has 86 nuclear powered submarines and aircraft carriers. All of them, and their predecessors over the last 60 years, have performed flawlessly, protecting America as well as their crews. Source: United States Navy.

The Nuclear Navy has logged over 5,400 reactor years of accident-free operations and travelled over 130 million miles on nuclear energy, enough to circle the earth 3,200 times. The nuclear reactors can run for many, many years without refueling. They operate all over the world, sometimes in hostile environments, with no maintenance support except their own crew. These reactors can ramp up from zero to full power in minutes, as fast as any natural gas-fired plant.

Thousands upon thousands of people have continuously lived, worked, eaten and slept within a stone's throw of a nuclear reactor for 60 years with no adverse effects at all. Annual radiation doses to Navy personnel have averaged only 0.005 rem/year (5 mrem/year; 0.05 mSv/year), a thousand times less than the Federal 5 rem/year allowed for radworkers.

From the time the Father of the Nuclear Navy, Admiral Rickover, developed and built the first ship of the nuclear navy, the USS Nautilus in 1954, to the present, no civilian or military personnel on these ships, which number over 22,000 thousand people at any one time today, has ever exceeded any Federal rad limit. And none of those more than a hundred thousand people has ever been harmed by the radiation from reactors or facilities with which they were so intimately in contact.

Seeing the Light: Shipboard LEDs

By Rear Adm. Kevin Slates – Navy Live Blog

If you visit USS Chafee (DDG 90), USS Preble (DDG 88) or USS Independence (LCS 2), you may notice that everything seems brighter within the ships' interior spaces compared to other ships. That's because on these platforms — and an ever-increasing number of surface ships and submarines — Naval Sea Systems Command has replaced conventional light bulbs with light emitting diode (LED) lights that produce better light quality. That means improved working conditions for sailors, which is a key benefit. LEDs will enable us to more easily see the details of our work, identify hazards, and perhaps avoid mishaps in previously dark areas of ships that will now be better illuminated.

While LEDs are more expensive to buy up front, they save money over the long term and provide other advantages. First, these lights last up to five times longer. That means your shipmates will spend up 80 percent less time on ladders and lifts changing out bulbs. An obvious side benefit is that we'll be able to stock fewer bulbs in our supply rooms, freeing up space for other vital equipment. In terms of focusing on the important

things we need to do at sea to make sure the ship and crew are mission-ready, that time saved on tedious maintenance activities will be a major advantage. Next, LED lights are more durable than regular bulbs, meaning they are less prone to failure due to vibration and temperature fluctuations. Unlike older bulbs, LEDs also contain no hazardous materials — and that means we won't be exposed to those chemicals when LED bulbs break, which improves safety. Finally, as a key benefit that's closely linked to CNO's tenets of warfighting first, operate forward, and be ready, LED lights use approximately 50 percent less energy than conventional florescent bulbs. This reduces ships' electrical load, extending our on-station time and taking a small bite out of our dependence on oilers at sea.

Be on the lookout for LED bulbs coming to a ship near you. If your ship or sub is among those that already have LEDs installed, let us and NAVSEA know how they're working out.

If you want more information about how energy affects our mission, check out the [Energy Warrior webpage](#) or download the free Energy Warrior app from your app store.

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.

HAZARDOUS MATERIALS

EPA Increases Access to Chemical Information

The EPA has posted additional data and added new functions to ChemView, a publicly-accessible, one-stop online tool to find information for chemicals regulated under the Toxic Substances Control Act (TSCA). The enhanced data functions include: improving the display and content for the Chemical Data Reporting information, adding a new link that displays the pollution prevention information generated as part of the Toxics Release Inventory program, and launching an administrative tool that will save EPA resources by streamlining the loading of future information.

The updated database now includes the following new information: 244 consent orders, an additional 1,205 Significant New Use Rules (SNURs) for new and existing chemicals, 16 additional chemicals with test rule data, and updates to the Safer Chemicals Ingredient List. This is the first time EPA has posted consent orders and new chemical SNURs to ChemView. With these additions, ChemView now contains information on almost 10,000 chemicals.

ChemView was launched in 2013 to increase the availability of information on chemicals as part of a commitment to strengthen the existing chemicals program and improve access to and usefulness of chemical data and information. The tool displays key health and safety information and uses data in a format that allows quick understanding, with links to more detailed information. Searches can be conducted by chemical name or Chemical Abstracts Service number, use, hazard effect, or regulatory action and has the flexibility to create tailored views of the information on individual chemicals.

Defense Logistics Agency PCBs Import Exemption Final Rule

On 29 SEPT 14, EPA granted DLA's petition seeking a one-year exemption to import PCBs that DOD currently owns in Japan for disposal in the United States. The effective date is 1 OCT 14. This decision to grant the petition allows DLA to "manufacture" (i.e., import) certain PCBs for disposal. Without an exemption granted by the EPA, DLA would not be allowed to import the PCB waste to the U.S. for proper disposal.

On 23 APR 13, DLA submitted a petition seeking a one-year exemption to import PCBs and PCB Items currently in storage at U.S. military installations in Japan. DLA estimates as much as 1,014,222 pounds of waste contaminated with PCBs could be generated in Japan through calendar year 2014. The material in Japan consists of transformers (drained and un-drained), large and small capacitors, voltage regulators, switches, electromagnets, circuit breakers, reclosers, electrical cable, electric light ballasts, used dielectric fluids containing PCBs, and PCB-contaminated soil and debris (e.g., rags, small parts, packaging materials). Ninety four percent of the waste is at PCB concentrations below 50 ppm.

DLA states in its petition that disposal of its PCBs and PCB Items in Japan is not an available disposal option due to Japanese regulatory restrictions.

EPA has concluded the amounts of PCBs available for import are small in comparison to domestic generation, and pose little threat of overwhelming domestic disposal capacity. EPA granted DLA similar authority in 2003

and 2007 to allow the import of up to 4,293,621 and 1,328,428 pounds of waste contaminated with PCBs, respectively.

Federal Register Citation, 79 FR 58266-58270:

<http://www.gpo.gov/fdsys/pkg/FR-2014-09-29/html/2014-23104.htm>

WATER

EPA Makes Preliminary Determination to Regulate Strontium in Drinking Water

The U.S. Environmental Protection Agency (EPA) has made a preliminary determination to regulate strontium in the nation's drinking water. Strontium is a naturally occurring element that, at elevated levels, can impact bone strength in people who do not consume enough calcium.

A regulatory determination is a formal decision on whether EPA should initiate a rulemaking process to regulate a specific contaminant. The Safe Drinking Water Act requires that every five years, EPA develop a contaminant candidate list and then make a regulatory determination for at least five contaminants on the list.

Based on available information, the agency has initially determined that strontium has adverse health effects. Strontium replaces calcium in bone, affecting skeletal development. Although strontium affects all life stages, infants, children, and adolescents are of particular concern because their bones are developing. Strontium has been detected in 99 percent of public water systems and at levels of concern in 7 percent of public water systems in the country.

Four other contaminants (dimethoate, 1,3-dinitrobenzene, terbufos, and terbufos sulfone) are either not found, or are found at low levels of occurrence in public water systems, thus requiring no regulation at this time.

These determinations are preliminary. EPA will evaluate public feedback following a 60-day public comment period and determine whether to issue a final determination to regulate strontium. If EPA makes such a determination, the Agency will begin the process of developing a proposed rule, with hopes of publishing the final regulatory determinations in 2015.

For more information, please visit: <http://water.epa.gov/scitech/drinkingwater/dws/ccl/ccl3.cfm>.

Effluent Limitation Guidelines and Standards for the Dental Category (Draft)

The EPA is proposing technology-based pretreatment standards under the CWA for discharges of pollutants into publicly owned treatment works (POTWs) from existing and new dental practices that discharge dental amalgam. Comments on this proposed rule must be received on or before 22 DEC 14. For more information, go to:

<https://www.fedcenter.gov/Articles/index.cfm?id=26766>.

CHESAPEAKE BAY

Study Says More Nutrient Reductions May Be Needed to Offset Filling of Conowingo Dam

The reservoir behind Conowingo Dam has filled, which likely means states will need to make additional nutrient and sediment reductions if Bay cleanup goals are to be met, according to a draft study.

The \$1.4 million study, released by the Army Corps of Engineers and the Maryland Department of the Environment, also concluded that dredging built-up sediment from behind the 100-foot-high Susquehanna River dam would have huge costs and provide little benefit.

A portion of the sediment washing down the Bay's largest tributary — and greatest source of pollution — has been trapped in the dam's 14-mile reservoir since it was constructed in 1928-29. Recent studies warned that the amount of pollution reaching the Bay would increase when the reservoir was filled, setting back Chesapeake cleanup efforts.

Anna Compton, a biologist with the Corps, said that between 2008 and 2011, only 13 percent of the sediment coming down from the Susquehanna originated from the reservoir. Even during Tropical Storm Lee in 2011, only about 20 percent of the 14.5 million tons of sediment were scoured from behind the dam, she said, while the rest was carried past the dam by the river without ever being deposited.

The study expresses doubt that dredging sediment from behind the dam is feasible. It estimated that removing 3 million cubic yards of sediment from the dam annually — a bit more than what comes down the river — would cost between \$48 million and \$267 million every year. Dredging also has a limited impact: benefits from removal would be short lived as the sediment is replaced each year by new material washed down the river, according to computer modeling done to support the study.

Because the greatest water quality impacts were associated with nutrients, not sediment, officials suggested it would be more effective and less costly to offset the dam's impact by implementing additional nutrient reductions than by removing sediment from behind the dam. For more information, go to:

http://www.bayjournal.com/article/study_says_more_nutrient_reductions_may_be_needed_to_offset_filling_of_c
[ono.](#)

REGION 1



CONNECTICUT

Note: The Connecticut General Assembly convenes on 8 JAN 14 and adjourned on 7 MAY 14.

Legislation

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

Proposed Rules

[Notice of Tentative Decision - Intent to Renew Four National Pollutant Discharge Elimination System](#)

General Permits - The Department of Energy & Environmental Protection has given notice of a tentative decision to renew for one year: the General Permit for the Discharge of Water Treatment Wastewater, the General Permit for the Discharge of Minor Non-contact Cooling and Heat Pump Water, the General Permit for the Discharge of Hydrostatic Pressure Testing Wastewater, and the General Permit for the Discharge of Groundwater Remediation Wastewater Directly to a Surface Water, under Section 22a-430b of the Connecticut General Statutes for discharges into waters of the state. The current general permits expire on 29 MAR 15. The renewed general permits would become effective 30 MAR 15 and expire 29 MAR 16. In accordance with applicable federal and state law, the Commissioner has made a tentative decision that continuance of the existing general permits would not cause pollution of the waters of the state. The one year extension allows work to continue on the development of two general permits that will encompass the discharges currently authorized by these four general permits. Renewal registrations for existing registrants under these four general permits would not be required for the one year extensions.

SUBASE Installs Rain Garden

By Kristina Young – The Dolphin (CT)

As part of an initiative to reduce the amount of storm water runoff and amount of water contamination, Naval Submarine Base New London (SUBASE) partnered with the EPA to install a rain garden along Grayling Ave, across from the base's Reunions Deli.

SUBASE Commanding Officer Capt. Carl Lahti joined Mike Brown, Public Works environmental division director, and representatives from the EPA, among others, to install a rain garden at SUBASE. "I'm proud of the environmental progress we've made here at SUBASE over the last 25 years," said Lahti. "I was keen about creating a rain garden at SUBASE partly because there are so many non-permeable surfaces where rainwater cannot filter through. Most importantly, SUBASE will benefit from having a rain garden — not only to help the environment, but to teach people about environmental responsibility."

Supported by University of Connecticut and Rutgers Cooperative Extension (RCE), EPA representatives assisted SUBASE in hosting the first Department of Defense (DoD) storm water rain garden installation and training. "This is the first one we've installed at a DoD facility and what we're trying to do is encourage the DoD to use the rain garden method and impact development as a way to manage storm water," said Anne Fenn, Federal Facility

Program Manager with the EPA Region I – New England. “We’re hoping that this is going to be replicated at other Navy facilities around the country.”

The purpose of a rain garden is to replace existing impervious surfaces with permeable materials, as well as capture and treat storm water before it gets discharged into rivers and streams.

For more information, go to:

<http://www.dolphin-news.com/articles/2014/10/02/news/doc542c1ce17fd23433554929.txt?viewmode=2>.



MAINE

Note: The Maine General Assembly convenes on 7 JAN 14 and adjourns on 2 MAY 14.

Legislation

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

Proposed Regulations

Certification of Underground Oil Storage Tank Inspectors - The Department of Environmental Protection has proposed amendments to Ch. 6, Certification of Underground Tank Inspectors rule to provide reciprocity for inspectors that are certified in another state.

Hazardous Wastes, Universal Wastes - The Department of Environmental Protection has proposed rulemaking regarding Ch. 850, Identification of Hazardous Wastes, Ch. 851, Standards for Generators of Hazardous Waste; Ch. 853, Licensing of Transporters of Hazardous Waste, Ch. 857, Hazardous Waste Manifest Requirements, and Ch. 858 (New), Universal Wastes. These amendments are being proposed under the Department’s prior authority under 38 MRSA §1319-O(1) and are intended to be consistent with applicable requirements of The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq. and regulations promulgated by the United States Environmental Protection Agency (EPA) thereunder. The universal waste rule is being proposed under the authority in 38 MRSA §1304 et seq. and is a routine technical amendment. The paint stewardship program is a routine technical rule proposed under 38 MRSA §2144, which requires development for a paint stewardship program.

Solid Waste Rule - The Department of Environmental Protection has proposed amendments to Ch. 401, 402, 403, 405, 410, and 419. LD 1483 directed the DEP to review its Solid Waste Rule and adopt routine technical rules to better incorporate the waste management hierarchy into the Rules. The DEP is proposing additional changes to Ch. 400 and 418 to carry out this Legislature’s directive. These amendments are meant to reflect these changes and maintain consistency throughout the Solid Waste.

These proposed changes include:

- Correcting citations to other Solid Waste and Hazardous Waste Rules to reflect other proposed amendments.
- Update references to the CFR to the most recent revision and append referenced language.
- Correct formatting and citation form for consistency throughout the Solid Waste Rules.
- Removing repetitive or reallocated language.

- Clarification of existing requirements.
- Reallocating general Solid Waste Definitions to Ch. 400.
- Delete references to deadlines and transition periods that have passed.

In addition the DEP proposes other minor format and organizational changes.

Solid Waste Rules General Provision - The Department of Environmental Protection has proposed amendments to Ch. 400 to reflect legislative changes regarding public benefit determinations, incorporate the waste management hierarchy into the general licensing criteria, streamline the process for beneficial use of “fully-hardened asphalt” and “wood pallets that are not pressure treated or visibly contaminated, and from which fasteners have been removed”, consolidate reporting dates of solid waste facilities, and minor format and organizational changes for consistency throughout the Solid Waste Rules.

DETAILED SUMMARY: The purpose of this proposed amendment to Ch. 400 is to:

- Make the rule consistent with legislation enacted over the past few years concerning determinations of public benefit for solid waste disposal facilities;
- Incorporate a general licensing standard for solid waste facilities requiring that the practices of these facilities are consistent with the State’s solid waste management hierarchy, as required by PL 2013 ch. 458;
- Incorporate an exemption from solid waste licensing requirements for “aged, fully-hardened asphalt” by including it in the existing definition of “inert fill”;
- Incorporate an exemption from solid waste licensing requirements for “wood pallets that are not pressure treated or visibly contaminated, and from which fasteners have been removed” by including them in the definition of “wood wastes”;
- Change the due date for annual reports submitted by solid waste transfer stations and storage facilities in order to make the date consistent with that of solid waste disposal facilities; this change will facilitate the DEP’s data gathering and reporting efforts;
- Revise definitions of Types IA, B, and C residuals to make them consistent with proposed revisions to Ch. 418;

The DEP also proposes minor changes to maintain consistency throughout the Solid Waste rules, update citations, correct formatting, and clarify existing language.

Stormwater Management - The Department of Environmental Protection has proposed amendments to its Ch. 500 stormwater management rules that will provide greater flexibility while encouraging the use of innovative stormwater designs that will accommodate measures for addressing climate change, resiliency, and adaptation in our infrastructure. Elements of the proposal include:

- 1) Treatment levels in the general standards have been revised to provide additional stormwater treatment options where the standard treatment requirements are impractical or cannot be met;
- 2) A new voluntary Low Impact Development (LID) credit will be established that reduces the volume of stormwater that must be treated if an applicant uses LID techniques;
- 3) New treatment levels have been created for redevelopment projects, through the use of scaled treatment requirements based on stormwater impact changes; and
- 4) The appendices, which provide basic performance standards for a variety of stormwater management and associated activities, have been updated to reflect current stormwater best management practices.

The Department is also proposing a number of minor revisions to the rule that will provide greater clarity and consistency with other Department rules.

Stormwater Management Compensation Fees and Mitigation Credit - The Department of Environmental Protection has proposed new Ch. 501 specifically addressing stormwater compensation fees and mitigation credits. The Ch. 501, Stormwater Management Compensation Fees and Mitigation Credit rule, will establish a

program allowing applicants to undertake a compensation project, or pay a compensation fee in lieu of meeting certain stormwater control requirements. While these provisions were formerly included in Ch. 500 of the Department's rules, the Department is now proposing to update and establish these requirements as a separate rule.

Regulations

Rules of the Former Oil and Solid Fuel Board and Propane and Natural Gas Board - The Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), Maine Fuel Board has proposed rule-making which repeals and replaces the rules of the former Oil and Solid Fuel Board and Propane and Natural Gas Board. This regulation passed and became effective on 27 SEPT 14.

Coastal Sand Dune Rules - The Department of Environmental Protection has adopted amendments to repeal and replace existing provisions allowing reconstruction of an existing structure in a frontal dune if the dune is protected by a seawall and other conditions are met, to conform to the direction of PL 2013 ch. 277. The standard conditions in the rules will also be amended to correct an inconsistency with Resolves 2011 ch. 46. This regulation passed and became effective on 26 OCT 14.



MASSACHUSETTS

Note: The Massachusetts General Court meets throughout the year.

Legislation

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

Proposed Rules

Massachusetts Endangered Species Act - The Division of Fisheries & Wildlife has proposed amendments to 321 CMR 10.90 and 321 CMR 10.91 regarding the list of species of animals and plants protected by the Massachusetts Endangered Species Act.

Toxic or Hazardous Substances List - The Executive Office of Energy and Environmental Affairs has proposed amendments to 301 CMR 41.00 - Toxic or Hazardous Substances List. These regulations implement changes to the list of chemicals made by the Administrative Council on Toxic Use Reduction during calendar year 2014, pursuant to the statutory amendments to the Toxic Use Reduction Act (TURA, Chapter 211) made in 2006. Specifically, the Council voted to designate 1-Bromopropane (n-Propyl Bromide (CAS 106-94-5)), Hydrogen Fluoride (CAS 7764-39-3), Cyanide Compounds (TURA #1016), Toluene Diisocyanate (listed as CAS: 2,4-TDI [584]-84-90; 2,6-TDI [91-08-7]; and TDI mixer isomers [26471-62-5]), and Dimethylformamide (CAS 68-12-2) as Higher Hazard Substances.

Regulations

Water Resources Management Program Regulations - The Environmental Protection (MassDEP) has adopted amendments to the Water Resources Management Program Regulations (310 CMR 36.00) promulgated under the

Massachusetts Water Management Act (M.G.L. c. 21G). Water Resources Management Program regulations establish enforceable standards, criteria and procedures (including permit procedures) to implement the Water Management Act (WMA) in order to comprehensively manage water withdrawals through the Commonwealth to ensure an appropriate balance among competing water needs and the preservation of water resources. Water withdrawers typically requiring a WMA permit include public water suppliers, 18-hole golf courses, cranberry growers, ski areas, sand and gravel facilities, fish hatcheries, and agricultural and industrial users. WMA permitting requirements apply to approximately 190 public water supply systems and an additional 140 other users with permits. This regulation passed and became effective on 7 NOV 14.



NEW HAMPSHIRE

Note: The NH General Court convenes on 2 JAN 14 and adjourned on 4 JUN 14.

Legislation

In 2014, Representative Cali-Pitts introduced NH LSR 97 which pertains to hazardous materials incident reporting.

In 2014, Representative Cushing introduced NH LSR 98 which pertains to a performance audit of the Air and Water Pollution Control Facilities Program.

Regulations

[Asbestos Management and Control Amendments](#) - The Department of Environmental Services has adopted rulemaking regarding Env-A 1800 which implements RSA 141-E by establishing asbestos abatement standards and notification, recordkeeping, and fee requirements. It also incorporates by reference most of 40 CFR 61, Subpart M, the national emission standard for asbestos. EPA has delegated its authority to implement the federal standard to DES, pursuant to section 112 of the Clean Air Act. The adopted amendments to Env-A 1800 would:

- (1) Amend the definition of “facility” in Env-A 1802.31 to include “utility infrastructure”;
- (2) Add a definition of “utility infrastructure” (Env-A 1802.56);
- (3) Delete the requirement for a social security number from Env-A 1804.03(a);
- (4) Require abated Regulated Asbestos- Containing Material (RACM) to be removed from a worksite within 30-days of completion of abatement work (Env-A 1805.08(a));
- (5) Clarify certain transportation/disposal requirements (Env-A 1805.08);
- (6) Clarify the rules regarding training provider approval (Env-A 1809.06 intro);
- (7) Increase the number of workers in training allowed at a work-site from 2 to 5 times the number of certified workers (Env-A 1811.08(c)); and
- (8) Allow certain “other work” experience to count toward Asbestos Disposal Site (ADS) Experienced Worker certification (Env-A 1812.08).

Other changes were made to clarify the rules. This regulation passed and became effective on 18 OCT 14.

[Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities](#) - The Department of Environmental Services has adopted the readoption with amendments of Env-Wq 700. The

existing rules establish the design and construction standards for sewerage and wastewater treatment facilities. Since these rules are scheduled to expire on 25 MAR 14, the Department is readopting the rules. The existing rules will remain in effect until this rulemaking is completed pursuant to RSA 541-A:14-a, I, subject to the conditions noted therein. As part of the reoption, the Department is adopting amendments that are intended to clarify existing requirements, move statutory definitions to an appendix, and reflect technology changes that have occurred since the rules were last adopted in 2006. This regulation passed and became effective on 15 OCT 14.

Voluntary Certified Salt Applicator Program - The Department of Environmental Services has adopted Env-Wq 2200, Voluntary Certified Salt Applicator Program. RSA 489-C, enacted in the 2013 legislative session, established a voluntary certified salt applicator program and authorized the Department to adopt rules to fully implement the statutory provisions. The Department adopted interim rules for the 2013-14 winter season (effective 1 NOV 13 and expired 30 APR 14) and is now adopting regular rules. (The program has not been active over the summer.) The rules include requirements for applying for initial and renewal certifications, reporting, criteria and procedures for revoking certifications, and obtaining approval for training programs. This regulation passed and became effective on 18 OCT 14.



RHODE ISLAND

Note: The RI General Assembly convenes on 7 JAN 14 and adjourned on 21 JUN 14.

Legislation

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

Regulations

Groundwater Discharge Rules - The Department of Environmental Management has adopted amendments to the Rules for the Discharge of Non-Sanitary Wastewater or Other Fluids to or Below the Ground Surface. The purpose of the amended rules is to improve direction to applicants and consultants and reduce and simplify the application and notification processes. The amendments will not result in any significant change to how RIDEM currently regulates non-sanitary discharges to groundwater but will make the requirements easier to understand for rule compliance purposes. The title of the Rules for the Discharge of Non-Sanitary Wastewater and Other Fluid to or Below the Ground Surface has been changed to the Groundwater Discharge Rules. Where possible, existing text has been rearranged throughout the document to ensure consistent language, proper sequencing, coordination with preceding sections, simplification for applicant understanding of the application processes and improved links for application requirements. Greater clarification of the review processes has also been provided in the text for sections relating to the classes of underground well types, discharge types regulated, unauthorized discharges, unacceptable applications, termination of approvals, permit tolling and approvals issued prior to the 2012 rules. Other amendments include a transition from application submittals to notification requirements to allow the Department to respond quicker to facilities with continual monitoring requirements, ensure that approvals are not expired prematurely or unnecessarily and provide a streamlined process for closure of discharge systems at facilities operating under RIDEM approval. This regulation passed and becomes effective on 19 NOV 14.

[Rules and Regulations for Non-Utility Scale Renewable Energy Projects](#) - The Office of Energy Resources has adopted rulemaking to repeal the “Rules and Regulations for Non-Utility Scale Renewable Energy Projects”, which are outdated and should have been previously repealed. However, this was inadvertently overlooked. This regulation passed and became effective on 28 OCT 14.



VERMONT

Note: The Vermont General Assembly convenes on 7 JAN 14 and adjourned on 10 MAY 14.

Legislation

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

Regulations

[Wastewater Treatment Facility Operator Certification Rule](#) - The Department of Environmental Conservation has adopted revisions to the Wastewater Treatment Facility Operator Certification Rule which provides minimum standards of experience and knowledge required of qualified personnel employed to operate and maintain permitted facilities authorized to discharge to waters of the state. The existing Rule was adopted in 1985. The rule amendments serve to update and clarify the Rule. This regulation passed and became effective on 25 SEPT 14.

[Vermont Water Quality Standards](#) - The Agency of Natural Resources has adopted amendments to the Vermont Water Quality Standards Rule which consist of four components: 1) housekeeping changes associated with the transfer of rulemaking authority from the Natural Resources Board (NRB) to the Agency of Natural Resources (ANR) (e.g. replacing references to the NRB with references to ANR), pursuant to Act 138 of 2012, Sections 20-28; 2) revisions to the E. coli criteria for the protection of waters for swimming for consistency with the U.S. Environmental Protection Agency's (EPA) guidance under Section 304(a) of the federal Clean Water Act (CWA); 3) numerous technical revisions to toxic substances criteria contained within "Appendix C" of the current Rule, including the addition of criteria for chloride (de-icing salt) for consistency with EPA's guidance under Section 304(a) of the CWA; and 4) the addition of new phosphorus criteria framework for lakes and ponds and wadeable streams to comply with EPA's National Strategy for the Development of Regional Nutrient Criteria promulgated under Section 304(a) of the CWA. This regulation passed and became effective on 30 OCT 14.

REGION 2



NEW JERSEY

The New Jersey Legislature meets throughout the year.

Proposed Legislation

On 16 JAN 14, Assemblyman Dancer introduced [NJ AB 1275](#) and on 19 MAY 14, Senator Beach introduced [NJ SB 2112](#) which would authorize prescribed burning in certain circumstances.

On 8 MAY 14, Assemblyman Diegnan introduced [NJ AB 3083](#) which would prohibit the manufacture, sale or promotion of personal care products containing microbeads and supplementing Title 58 of the Revised Statutes.

On 16 JAN 14, Assemblywoman Angelini introduced [NJ AB 709](#) and on 22 SEPT 14, Senator Whelan introduced [NJ SB 2370](#) which would require pharmacies and prescribers to notify patients about how to ensure proper and safe disposal of unused prescription drugs. The Act concerns the disposal of unused prescription drugs, amending P.L.1991, c.187, and supplementing P.L.2003, c.280 (C.45:14-40 et seq.).

On 16 OCT 14, Senator Madden introduced [NJ SB 2511](#) which would remove anhydrous ammonia as a substance regulated by the “Toxic Catastrophe Prevention Act” (TCPA). The bill also exempts from State Department of Labor and Workforce Development licensing requirements, persons in charge of, or operators of, any refrigerating plant utilizing anhydrous ammonia. In 1986, when the TCPA was signed into law, there were no federal laws or regulations governing the use of anhydrous ammonia for refrigeration purposes. The law itself does not specifically identify ammonia as a substance covered under the law, though the Department of Environmental Protection (DEP) includes ammonia on the “extraordinarily hazardous substance list” established pursuant to the TCPA. This bill would eliminate the unnecessary State regulation of ammonia refrigeration operations, with the understanding that the federal regulatory and enforcement framework is better suited to protect the public and environment from any potential harm caused by anhydrous ammonia refrigeration operations in the State. Anhydrous ammonia would still be regulated under the TCPA if it is used for purposes other than refrigeration.

Proposed Rules

Coastal Permit Program Rules, Freshwater Wetlands Protection Act Rules, and Flood Hazard Area Control Act Rules - Application Fees

- The Department of Environmental Protection has proposed rulemaking to amend current rules and repeal and adopt new rules concerning fees for applications for permits and determinations or approvals in the Coastal Permit Program Rules (coastal rules) at N.J.A.C. 7:7, the Freshwater Wetlands Protection Act Rules (freshwater wetlands rules) at N.J.A.C. 7:7A, and the Flood Hazard Area Control Act Rules (flood hazard rules) at N.J.A.C. 7:13. The coastal, freshwater wetlands, and flood hazard permitting programs are all administered by the Division of Land Use Regulation. The proposed amendments and new rules establish a simplified, cohesive fee structure across the three chapters of rules, and incorporate a process to adjust fees in the future for each of the three permitting programs based on their respective projected annual budgets and projected fee revenues. The fee adjustment for each program would be accomplished through publication in the

New Jersey Register of a public notice of a fee report and administrative changes to the fee amounts. The proposed amendments and new rules also make uniform the fees for certain permits and determinations that are common to all three programs, which will enhance the Department's ability to implement electronic permitting in the future.

Pinelands Comprehensive Management Plan - The Department of Environmental Protection's Pinelands Commission has adopted to amend Subchapters 2, Interpretations and Definitions; 4, Development Review; 5, Minimum Standards for Land Uses and Intensities; 6, Management Programs and Minimum Standards; and 10, Pilot Programs, of the Pinelands Comprehensive Management Plan (CMP). The Pinelands CMP has been guiding land use and development activities in the Pinelands since it took effect on 14 JAN 1981. Since that time, the CMP has been amended a number of times, most recently in January of 2012 through a set of amendments relating to solar energy facilities (see 44 N.J.R. 72(a)).

The amendments now being adopted by the Commission relate to application requirements and procedures, the duration of Letters of Interpretation, the allocation of Pinelands Development Credits, and the Pilot Program for Alternate Design Wastewater Treatment Systems. They are intended to codify current Commission practice, clarify existing standards and requirements, increase the efficiency of the Commission and its staff, eliminate unnecessary application requirements, correct typographical errors in the regulations, provide an extended time period within which the installation of certain alternate design wastewater treatment systems will be permitted, and remove from the Alternate Design Wastewater Treatment Systems Pilot Program a particular technology that has been unable to demonstrated compliance with CMP standards. This regulation passed and became effective on 2 SEPT 14.



NEW YORK

The New York State Legislature meets throughout the year.

Proposed Legislation

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

Proposed Rules

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

REGION 3



DISTRICT OF COLUMBIA

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

Legislation

On 26 JUN 13, Councilmember McDuffie introduced [DC B 368](#) which would establish the Air Quality Amendment Act of 2013 to: 1) establish a procedure for receiving, monitoring, and responding to air quality complaints; and 2) increase the maximum penalties for emissions; and 3) set forth criteria for determining whether a particular emission interferes with the reasonable enjoyment of life and property. This bill passed and became effective on 9 SEPT 14.

Proposed Rules

[Draft 2014 District of Columbia Integrated Report](#) - The Department of the Environment has released for public comment, the draft Integrated Report relating to the status of all waterbodies in the District. Waterbodies listed as impaired may require the development of total maximum daily loads.

[Fees for Stormwater Management, and Soil Erosion and Sediment Control](#) - The Department of the Environment has proposed amendments to Chapter 5 (Water Quality and Pollution) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR). The Stormwater Management, and Soil Erosion and Sediment Control Regulations were published as final in the D.C. Register on 19 JUL 13 at 60 DCR 10640, after several proposed rulemakings and extensive public participation. These amendments update existing fees that the Department adjusts annually for inflation, using the Urban Consumer Price Index published by the United States Bureau of Labor Statistics, as required by 21 DCMR § 501.1. All fees are rounded to the nearest cent. Adjustments in future years will be applied to the adjusted value of the prior year rather than the rounded value.



DELAWARE

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

Legislation

On 29 MAY 14, Representative Heffernan introduced [DE HB 367](#) which would make a number of revisions, additions, and technical clarification to title 7 relating to Delaware's petroleum and hazardous substances underground storage tank program in order to ensure the protection of public health and the environment, including drinking water. The act revises the purpose section to include the purpose that contaminated soil and groundwater should be remediated and that the costs of remediation should be fairly apportioned among the responsible parties, associated with the facility and underground storage tanks. These responsible parties presumably benefited or could have benefited from such associations. The act retains the current liability of responsible parties to remediate pollution from retail gasoline stations, and provides for new liability standards commencing on 1 JAN 16 which borrows elements from Delaware's hazardous substances cleanup act, chapter 91 of title 7. The act clarifies the department's responsibility to assume control of a release situation and resulting cost recovery, and also expressly provides for contribution from other responsible parties. It also provides liability protections for lenders who foreclose on properties that contain underground storage tanks and explains what lenders need to do to maintain this liability protection. The act makes it expressly clear in the definition of 'facility' that a facility remains a facility under chapter 74, after any removal of tanks from the facility, and remains subject to remediation and other continuing requirements. The act also clarifies the authority of the department to access property and use hazardous substance cleanup funds to confirm suspected releases from underground storage tanks, and to investigate and clean up releases of petroleum and other hazardous substances resulting from leaking underground storage tanks. Further, the act amends the financial responsibility statutory language to be consistent with existing federal requirements. Finally, in order to protect public health and the environment, the act clarifies that, when site conditions warrant it, the department may require that an environmental covenant be placed on a property as part of a risk based environmental cleanup of contamination resulting from a release from an underground or aboveground storage tank. This bill passed and became effective on 6 OCT 14.

On 29 MAY 14, Representative Heffernan introduced [DE HB 374](#) which would extend the Clean Air Act Title V Operating Permit Program annual fees for facilities in Delaware. This bill was developed through the title v operating permit program advisory committee. The existing statutory authorization expires on 31 DEC 14. Fees are based on the number of staff hours spent on permitting, compliance, and enforcement for each facility and the facility's air emissions. This bill authorizes the department of natural resources and environmental control to collect annual fees for calendar years 2015 through 2017 at which point the authority sunsets. Finally, this bill specifies that the title v operating permit program advisory committee will aid in the development of a management system review of the title v air permitting scope, funding, and revenue generation process, which will be performed by an independent third party. The goal of this review is to ensure the efficient use of the annual fees collected and a fair, balanced, and sustainable title v operating permit program. This bill passed and became effective on 11 SEPT 14.

Regulations

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



MARYLAND

Note: The Maryland General Assembly convenes on 8 JAN 14 and adjourned on 7 APR 14.

Proposed Legislation

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

Proposed Rules

[Maryland's Draft 2014 Integrated Report of Surface Water Quality](#) - The Department of the Environment has announced

Regulations

[Motor Fuel Inspection](#) - The Comptroller of the Treasury has adopted rulemaking to amend Regulation .04 under COMAR 03.03.05 Motor Fuel Inspection. The purpose of this action is to lower the maximum sulfur content of No. 1 and No. 2 fuel oils to better reflect current, environmentally driven industry initiatives. This action will have minimal cost impacts on fuel oil users and may provide co-benefits such as potential cost savings from reduced maintenance of existing heating systems, the introduction of new, more efficient heating systems, and improved air quality, both locally and regionally. This action will also help Maryland meet its obligations under the Federal Clean Air Act and Regional Haze rules, which require States that contribute to visibility impairment to implement mitigation strategies. This regulation passed and became effective on 13 OCT 14.

[State Radiation Control Fund](#) - The Department of the Environment has adopted amendments to Regulations .01 - .04 under COMAR 26.12.03 State Radiation Control Fund. The purpose of this action is to cap any Consumer Price Index annual increase for certain categories of radioactive material license fees to no greater than that published by the Department of Labor, rounded to the nearest higher one dollar. Additionally, for one radioactive material license fee category, this action will decrease the amount of the annual fee. This regulation passed and becomes effective on 1 JAN 15.

[Water Pollution Permits](#) - The Department of the Environment has adopted amendments to Regulations .09 and .09-1 under COMAR 26.08.04 Permits. The purpose of this action is to update regulations to include additional related discharge categories of dewatering (such as aquifer testing, construction dewatering, and foundation drainage) and groundwater remediation in order to protect the waters of the State, improve customer service, and increase efficiency. This regulation passed and became effective on 29 SEPT 14.



PENNSYLVANIA

Note: The Pennsylvania General Assembly meets throughout the year.

Proposed Legislation

On 11 SEPT 14, Senator Rafferty introduced [PA SB 1465](#) which would provide for protection of existing riparian buffers, for restoration of impaired riparian buffers, for exemptions, for municipal authority, for powers and duties of department, for property inspections, for delegation to a municipality, for municipal action appeals, for penalties, civil action and liability for costs and for effect on other Commonwealth laws or regulations and municipal ordinances.

Legislation

On 20 JUN 13, Representative Hahn introduced [PA HB 1565](#) which would amend P.L.1987, No.394 (known as The Clean Streams Law) further providing for potential pollution. This bill passed and becomes effective on 22 DEC 14.

Proposed Rules

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

Senate, House GOP have New Leadership for New Legislative Session

Senate and House Republicans will have new leadership when the new legislative session begins in January as a result of caucus elections. Ironically, the Senate and House Democrats were the ones not to change their top leadership. After the leadership elections, both the Senate and House adjourned sine die and ended the 2013-14 legislative session.

Sen. Jake Corman (R-Centre) is the new Senate Majority Leader, replacing Sen. Dominic Pileggi (R-Delaware), in a contested race. Sen. Pat Browne (R-Lehigh) becomes the new Majority Appropriations Committee Chair, replacing Sen. Corman, and Sen. John Gordner (R-Columbia) was elected Majority Whip replacing Sen. Browne. Sen. Joe Scarnati (R-Jefferson) was re-elected as President Pro Tempore of the Senate.

Rep. David Reed (R-Indiana) won a contested election as the new House Majority Leader, replacing Rep. Mike Turzai (R-Allegheny), who was elected Speaker of the House replacing the retiring Sam Smith. Rep. Bryan Cutler (R-Lancaster), replaces Rep. Stan Saylor (R-York) as Majority Whip. Rep. Bill Adolph (R-Delaware) was re-elected as Majority Appropriations Chair.

Senate Democrats will have largely the same team: Sen. Jay Costa (D-Allegheny) was re-elected as Minority Leader, Sen. Vincent Hughes (D-Philadelphia) is Minority Chair of the Appropriations Committee and Sen. Anthony Williams (D-Philadelphia) is Minority Whip.

House Democrats re-elected Rep. Frank Dermody (D-Allegheny) House Minority Leader in a contested race. Rep. Joe Markosek (D-Allegheny) was re-elected as Minority Appropriations Committee Chair and Rep. Mike Hanna (D-Clinton) was re-elected as Minority Whip.

These are the complete results:

House

House Speaker-Designee: Mike Turzai (R-Allegheny), formerly House Majority Leader

Republicans

Majority Leader: David Reed (R-Indiana), formerly Chair of GOP Policy Committee

Majority Whip: Bryan Cutler (R-Lancaster), was Stan Saylor (R-York)

Appropriations Chair: Bill Adolph (R-Delaware), re-elected

Caucus Chair: Sandra Major (R-Susquehanna), re-elected

Policy Committee Chair: Kerry Benninghoff (R-Mifflin), was David Reed (R-Indiana)

Caucus Administrator: Brian Ellis (R-Butler) was Richard Stevenson (R-Mercer) retiring

Caucus Secretary: Donna Oberlander (R-Armstrong), was Mike Vereb (R-Montgomery)

Democrats

Minority Leader: Frank Dermody (D-Allegheny), re-elected

Minority Whip: Mike Hanna (D-Clinton), re-elected

Appropriations Chair: Joe Markosek (D-Allegheny), re-elected

Caucus Chair: Dan Frankel (D-Allegheny), re-elected

Policy Committee Chair: Mike Sturla (D-Lancaster), re-elected

Caucus Administrator: Neal Goodman (D-Schuylkill), re-elected

Caucus Secretary: Rosita Youngblood (D-Philadelphia), was Ron Waters (D-Philadelphia)

Senate

Interim President Pro Tempore: Joe Scarnati (R-Jefferson), re-elected

Republicans

Majority Leader: Jake Corman (R-Centre), was Dominic Pileggi (R-Delaware)

Majority Whip: John Gordner (R-Columbia), was Pat Browne (R-Lehigh)

Appropriations Chair: Pat Browne (R-Lehigh), was Jake Corman (R-Centre)

Caucus Chair: Bob Mensch (R-Montgomery), was John Gordner (R-Columbia)

Policy Committee Chair: David Argall (R-Schuylkill), was Ted Erickson (R-Delaware) retiring

Caucus Administrator: Chuck McIlhinney (R-Bucks), was Richard Alloway (R-Franklin)

Caucus Secretary: Richard Alloway (R-Franklin), was Robert Robbins (R-Mercer) retiring

Democrats

Minority Leader: Jay Costa (D-Allegheny), re-elected

Minority Whip: Anthony Williams (D-Philadelphia), re-elected

Appropriations Chair: Vincent Hughes (D-Philadelphia), re-elected

Caucus Chair: Wayne Fontana (D-Allegheny), was Richard Kasunic (D-Somerset) retiring

Policy Committee Chair: Lisa Boscola (D-Lehigh), re-elected

Caucus Administrator: John Yudichak (D-Luzerne) was Wayne Fontana (D-Allegheny)

Caucus Secretary: Larry Farnese (D-Philadelphia), was Christine Tartaglione (D-Philadelphia)



VIRGINIA

The Virginia General Assembly convenes on 8 JAN 14 and adjourned on 8 MAR 14.

Legislation

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

Proposed Rules

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

Hampton Roads Military bases Brace for Climate Change and Sea-Level Rise

By Ali Rockett – Military.com

When Hurricane Isabel raged through Hampton Roads in 2003, tidal levels rose 7.9 feet, putting most of Langley Air Force Base underwater. As the waters receded, the damage was immense. Two hundred facilities on the base were affected. Recovery efforts cost \$166 million.

Every major storm since has done less damage, not because they were less powerful storms -- Hurricane Irene in 2011 brought 7.6 feet of water on base and tides rose 6.8 feet during Hurricane Sandy two years ago -- but because base engineers have taken steps to address the rising tides and sea-level changes that many scientists are attributing to climate change.

The Department of Defense recently released a Climate Change Adaptation Roadmap which recognized Hampton Roads as the largest concentration of U.S. military sites in the world and an area that is frequently inundated with flood waters. The map lays out plans to assess U.S. military bases worldwide for potential climate change impacts and to address those issues.

The department has already started work here to address a projected 1.5- to 2-foot sea-level rise over the next 20 to 50 years. Locally, Isabel was a wake-up call, said Lt. Col. Anthony Figiera, Commander of the 633rd Civil Engineering Squadron. So, Langley Air Force Base has been proactive in bracing for changes in climate conditions. Generators, electrical systems, and air-conditioning units were elevated above sea level, adding additional height for the increase brought on by climate change or natural disasters. Metal brackets have been installed at doorways where high water is frequent. A door dam, or metal sheet, slides into the brackets to block water.

Over 10 years, the base has spent about \$1 million to implement some of these preventive measures, Figiera said. The squadron also oversees engineering efforts at Fort Eustis, but its location inside the Peninsula shields it from flooding as frequently as Langley. Figiera said any new construction is required to be at least 10 feet about sea level. In 2005, a pumping station was built that pushes water from flooded areas on base to the bay through a vacuum sewer system.

The Navy is rebuilding two piers several feet higher across the Elizabeth River at Craney Island in Portsmouth. Tom Kreidel, spokesman for Naval Facilities Engineering Command Mid-Atlantic headquartered in Norfolk, said several two-level piers have been constructed on Naval Station Norfolk. The two-level piers hold electrical lines higher, improving survivability and accessibility.

These service branches, as well as the Coast Guard and the Army Corps of Engineers, are working with local governments, industry and educational institutions to determine how to best address climate issues. This year, a pilot project was launched to look at preparedness and resiliency, including infrastructure and land-use planning.

According to Old Dominion University's Center for Sea Level Rise, this collaborative effort will serve as a template for other areas affected by sea-level rise across the U.S.

Secretary of Defense Chuck Hagel called climate change a "threat multiplier" in the road map. "A changing climate will have real impacts on our military and the way it executes its missions," Hagel said in the road map's foreword. "The military could be called upon more often to support civil authorities and provide humanitarian assistance and disaster relief in the face of more frequent and more intense natural disasters. Our supply chains could be impacted and we will need to ensure our critical equipment works under more extreme weather conditions."

In the past, guidance from the Pentagon has only said that climate change should be "considered" in infrastructure and readiness planning. Now, it is being emphasized. Kreidel said the command began an installation vulnerability assessment earlier this year. It will look at infrastructure on individual bases and their ability to withstand coastal storm hazards.

According to the ODU Center for Sea Level Rise, sea levels have risen 14 inches since 1930. That's a rate of more than five millimeters per year and is accelerating, Kreidel said. Some calculations show it will rise a foot by 2030 and 2 feet by 2050. By 2100, it could rise 7.5 feet.

Currently, the area experiences a "major" storm or flood event about every 10 years, Figiera said. Because of climate change and sea-level rise, the region will experience those significant floods more frequently. "Floods are going to happen here," Figiera said. "We're not going to stop flood waters. Our job is to make sure we can recover as quickly as possible and as cheaply as possible."



WEST VIRGINIA

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

Legislation

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

Proposed Rules

Public Water Systems - The Bureau for Public Health has proposed amendments to 64-3 to address changes in the federal safe drinking water regulations and to comply with SB 373, adopted during the 2014 legislative session, by outlining the requirements for public water utilities to submit Source Water Protection Plans (SWPP) to the Department of Health and Human Resources (DHHR), Bureau of Public Health (BPH), for review and approval.

Regulations

Initial Inspection, Certification and Spill Prevention Response Plan Requirements - The Division of Water and Waste Management has adopted amendments to 47-62, Initial Inspection, Certification and Spill Prevention Response Plan Requirements. This Interpretive Rule provides guidance and clarification for complying with the initial inspection and certification requirements set forth in the Aboveground Storage Tank Act at W. Va. Code §

22-30-6 and the requirements for submitting Spill Prevention Response Plans set forth in the Act at W. Va. Code § 22-30-9. This regulation passed and became effective on 20 NOV 14.

REGION 4



NORTH CAROLINA

Note: The North Carolina General Assembly convenes on 13 MAY 14 and adjourns on 1 AUG 14.

Legislation

On 14 MAY 14, Senator Apodaca introduced [NC SB 729](#) which would (1) prohibit recovery of costs related to unlawful discharges from coal combustion residuals surface impoundments; (2) establish a moratorium on certain rate cases; (3) create the coal ash management commission to review and approve coal combustion residuals surface impoundments classifications and closure plans and otherwise study and make recommendations on laws governing management of coal combustion residuals; (4) require expedited review by the department of environment and natural resources of any permit necessary to conduct activities required by this act; and do other things. This bill became law without the Governor's signature on 20 Sept 14.

Proposed Rules

[Eastern and Hairy-tailed Moles](#) - The Department of Agriculture and Consumer Services has proposed the rule cited as 02 NCAC 09L .0707. The proposed rule declares the Eastern and Hairy-tailed Moles as pests as provided by law. In addition, the rule prescribes places pesticide registered by the NC Pesticide Board may be applied in controlling the moles listed above, and the manner in which pesticides are to be applied to minimize hazards to nontarget species, including the Star Nosed Mole (*Condylura cristata parva*), carrying out G.S. 113-300.2(g).

[Toxics Clerical Revisions](#) - The Environmental Management Commission has proposed rulemaking to amend the rule cited as 15A NCAC 02Q .0711. Rule amendments to the air toxics permitting requirements incorporating Session Law 2012-91 were approved in the March 2014 EMC meeting. One of the amendments was to Rule 15A NCAC 02Q .0711, Emission Rates Requiring a Permit, which added an additional set of toxic air pollutant permitting emission rates (TPER) that would apply to those situations where air pollutant emission release points at a given facility are non-obstructed and vertically oriented. Staff has identified clerical issues in the spreadsheet used to calculate the TPER values that was transferred into the table in Paragraph (b) of the rule. The rule is proposed to be revised to reflect the TPER values for three pollutants in the appropriate columns as follows. The value of 2.0 lb/hr for ethylene glycol monoethyl ether is to be reflected in the acute systemic column instead of the acute irritant column. For two pollutants the TPER values were inadvertently left out. The value of 31.59 lb/hr for methyl isobutyl ketone is to be reflected in the column for acute irritants and the value of 197.96 lb/day for toluene in the column for chronic toxicants. Rule 15A NCAC 02Q .0711 is proposed to be revised to update the TPERs in Paragraph (b) for these three toxic air pollutants.

Regulations

[General Permit for Construction of Mitigation Banks and In-Lieu Fee Mitigation Projects](#) - The Department of Environment and Natural Resources, Coastal Resources Commission, has adopted amendments to the rules cited as 15A NCAC 07H .2601, .2602, .2604, and 2605. 7H .2600 defines specific development requirements for the construction of wetland, stream and buffer mitigation sites by the NC Ecosystem Enhancement Program (NCEEP) or the NC Wetlands Restoration Program (NCWRP). The Coastal Resources Commission is amending

its administrative rules to expand this General Permit to include all mitigation bank and in-lieu fee projects, and not only those related to the NCEEP and/or the NCWRP. This regulation passed and became effective on 1 OCT 14.

REGION 5



ILLINOIS

Note: The Illinois General Assembly meets throughout the year.

Legislation

On 14 FEB 14, Representative DeLuca introduced [IL HB 5666](#) which would create the Illinois Solid Waste Hauling and Recycling Program Act and make changes to waste and recycling rules and requirements. This bill passed and became effective on 26 AUG 14.

On 7 FEB 14, Senator Holmes introduced [IL SB 3049](#) which would amend the Wildlife Code to add the Gray wolf, American black bear, and cougar to the list of protected species under the Act. It also provides that an owner or tenant whose person or property is in imminent danger from a gray wolf, American black bear, or cougar may take the animal without restriction. It further provides that an owner or tenant whose property is threatened, but not imminently threatened, by a gray wolf, American black bear, or cougar may apply to the Department of Natural Resources for a nuisance permit that shall allow the owner, tenant, or their designated agent to take the animal. This bill passed and becomes effective on 1 JAN 15.

Proposed Rules

[Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities](#) - The Pollution Control Board has announced it propose amendments to update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

[Operation of the Hazardous Waste Fee System](#) - The Environmental Protection Agency is considering an amendment to Section 855.104 to remove the requirement for non-hazardous special waste manifests to be sent to the Agency.

[Solid Waste Disposal: General Provisions](#) - The Pollution Control Board has proposed amendments to 35 Ill. Adm. Code 810 - Solid Waste Disposal: General Provisions. The Board reserved this docket to update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following: R15-8 Federal RCRA Subtitle D MSWLF amendments that occurred during the period 1 JAN 14 through 30 JUN 14.

[Testing Fees for Analytical Services](#) - The Illinois Environmental Protection Agency (Agency) is considering amendments to the permitting requirements for the construction of simple pH adjustment pretreatment systems, cooling towers, oil/water separators and lifetime operating permits for all pretreatment systems and discharges.

Regulations

Accreditation of Environmental Laboratories – Update - The Environmental Protection Agency has adopted amendments to 35 Ill. Adm. Code 186 that will replace the incorporation by reference of The National Environmental Laboratory Accreditation Conference (NELAC) Standard with the TNI Standard. The 2009 TNI Standard has significant improvements over the current 2003 NELAC Standard:

- The TNI Standard removes outdated language found in the 2003 Standard;
- The TNI Standard has improved clarity on technical requirements;
- The TNI Standard is a true nation consensus standard;
- The TNI Standard has removed requirements that are non-essential for data quality;
- The TNI Standard has a volume/modular organization verses the chapter organization found in the 2003 Standard; and
- The TNI Standard is consistent with the 2005 version of the ISO/IEC 17025 International Standard, “General Requirements for the Competence of Testing and Calibration of Laboratories”.

This regulation passed and became effective on 1 SEPT 14.



INDIANA

Note: The Indiana General Assembly convened on 7 JAN 14 and adjourned on 13 MAR 14.

Legislation

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

Proposed Rules

Aquatic Life and Human Health Ambient Water Quality Criteria for Metals - The Department of Environmental Management has proposed amendments to revise Indiana's Aquatic Life and Human Health Ambient Water Quality Criteria for metals. Revisions to criteria reflect updates to National Recommended Water Quality Criteria (NRWQC) at Section 304(a) of the Clean Water Act (CWA). This review is being conducted to evaluate the need to update or revise these criteria in order to remain consistent with state and federal laws and to ensure that Indiana's WQC for metals continue to reflect the best available science and support sound water quality management policies to improve and protect the water resources of the state. Based on the latest scientific knowledge, updated aquatic life and human health ambient WQC for metals may become more or less stringent than current criteria.

Electronic Waste - The Department of Environmental Management (IDEM) has proposed amendments to 329 IAC 16-1-1, 329 IAC 16-2-26, 329 IAC 16-3-1, 329 IAC 16-5-1, 329 IAC 16-6-1, 329 IAC 16-7-1, 329 IAC 16-10-1, and 329 IAC 16-11-1, and adds 329 IAC 16-11-2, 329 IAC 16-11-3, 329 IAC 16-11-4, and 329 IAC 16-11-5 concerning the management of electronic waste.

Hazardous Waste Updates - The Department of Environmental Management (IDEM) has developed draft rule language for amendments to the hazardous waste rules at 329 IAC 3.1. The purpose of this notice is to seek public comment on the draft rule, including suggestions for specific language to be included in the rule. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

Priority Ranking, Investigation, Removal, and Remedial Action at Hazardous Substances Response Sites - The Department of Environmental Management (IDEM) has solicited public comment on amendments to rules at 329 IAC 7.1 concerning priority ranking, investigation, removal, and remedial action at hazardous substances response sites. The State Cleanup Program (SCP) was created in 1989 to manage the investigation, removal, and remedial action at contaminated sites that are not included in the federal Superfund Program and do not fit the criteria for the Leaking Underground Storage Tank Program. The SCP oversees investigation, removal, and remedial action at sites contaminated with hazardous substances, as well as petroleum releases at petroleum facilities. The Hazardous Substances Response Trust Fund, which derives its revenue primarily from a tax on the disposal of hazardous waste and recovery of IDEM oversight costs, provides the funding for the SCP. This rulemaking will address the following issues:

- Stages of site investigation, removal, and remedial action; for example, "initial site investigation", "further site investigation", and "remedial work plan". These are currently described in IDEM's Remediation Program Guide.
- Information required from responsible persons in the Special Notice letter and the initial site investigation report.
- Circumstances under which further site investigation information is required.
- Remediation work plan and remedial action report requirements.
- Oversight costs that IDEM will seek to recover from responsible persons and the cost recovery process.
- The enforcement process for responsible persons who are not in compliance with SCP requirements.
- The applicability of the immediate removal and independent closure processes.
- The closure process.
- Post-closure requirements and activities, as needed.

Roster of Indiana Animals, Insects, and Plants that Are Extirpated, Endangered, Threatened, or Rare (Also Described as Special Concern) - The Natural Resources Commission has issued Information Bulletin #2 (Sixth Amendment) which contains a roster of animals, insects, and plants considered in Indiana by the Department of Natural Resources to be extirpated, endangered, threatened, or rare (also described as special concern). The roster is intended to help identify these animals and plants, and the hope is that a better understanding of the fragility of these species will promote intelligent land use decisions. This roster may also be cross-referenced in rules and other documents directed to land use management. Inclusion of an animal or plant on the roster is determined based on the best current information available. Adjustments to the listing will be required as additional data becomes available to the department and as the conditions of species change. For this reason, adjustments will be needed periodically to this roster, and those adjustments will be set forth in later editions of the roster.

Stage II Gasoline Vapor Recovery System Requirements - The Department of Environmental Management (IDEM) has proposed amendments to 326 IAC 2-11-2, 326 IAC 8-4-1, and 326 IAC 8-4-6 concerning stage II vapor recovery system requirements. IDEM conducted an emissions inventory analysis to develop a revision to the State Implementation Plan to remove stage II vapor recovery requirements in the former serious ozone nonattainment areas (Clark County and Floyd County) and severe ozone nonattainment areas (Lake County and Porter County). IDEM's widespread use analysis determined that emission reductions could still be met if Indiana's stage II vapor recovery requirements were eliminated in 2016; therefore, the draft rule language in the Second Notice of Comment Period indicated the effective date of the removal of stage II vapor recovery

requirements would be 1 APR 16, which is the beginning of the ozone season in Indiana. Because IDEM began phasing the program out in 2013 through a nonrule policy document for new and modified facilities, IDEM revised the draft rule language presented to the Environmental Rules Board on 10 SEPT 14 to make the removal of the requirements effective on the effective date of the rule. IDEM seeks comments on changing the effective date of the removal of stage II vapor recovery requirements from 1 APR 16 to the effective date of the rule, which is expected to be in spring of 2015.

Regulations

National Emission Standard for Hazardous Air Pollutants from Coal-Fired and Oil-Fired Electric Utility Steam Generating Units - The Department of Environmental Management has adopted a new rule at 326 IAC 20-89 concerning the national emission standard for hazardous air pollutants (NESHAP) for coal-fired and oil-fired electric utility steam generating units and the repeal of 326 IAC 24-4 concerning the Clean Air Mercury Rule (CAMR). This regulation passed and became effective on 19 OCT 14.

New Fee Rule - The Natural Resources Commission has adopted the addition of 312 IAC 9.5 to establish an option for an in-lieu fee to mitigate adverse impacts to fish, wildlife, or botanical resources for activities authorized by a permit under IC 14-26-2, IC 14-28-1, or IC 14-29-1. This regulation passed and became effective on 21 SEPT 14.



KENTUCKY

Note: The Kentucky General Assembly convened on 7 JAN 14 and adjourned on 15 APR 14.

Legislation

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

Proposed Rules

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



MICHIGAN

Note: The Michigan Legislature meets throughout the year.

Legislation

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

Proposed Rules

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



Note: The Ohio General Assembly meets throughout the year.

Legislation

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

Proposed Rules

Solid Waste Incinerator and Scrap Tire Rules - The Environmental Protection Agency has proposed amendments to 3745-27-52, 3745-27-78, and 3745-27-79 which address solid waste incinerator and scrap tire regulations. The purpose of this rule making is to correct minor reference errors contained in these rules.



Note: The Wisconsin Legislature meets throughout the year.

Legislation

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

Regulations

Property Transfer Well Inspections, Licensing of Well Filling and Sealing Contractors, Registration of Water Well Drilling Rig Operators, and Citations for Licensing and Well and Pump Code Violations - The Department of Natural Resources has adopted amendments to chs. NR 146 and NR 812, Wis. Adm. Code, to create specific requirements for property transfer well inspections to help protect sources of drinking water as well the health of consumers. The adopted rules do not require inspections of wells at time of property transfer, but sets uniform minimum standards if an inspection is performed. The adopted rule changes will reduce the amount of time staff currently spend answering questions and writing variances because several requirements for existing wells have been simplified and/or eliminated. Inspection forms and laboratory reports will not be submitted to the department.

The adopted rules make other changes in Chs. NR 146 and 812 to conform the provisions of the rules to existing statutes. Specifically, the rule order includes provisions in Ch. NR 146 for:

1. The qualifications and training for a registered water well drilling rig operator to become a licensed water well driller.
2. The requirements for department issuance of citations related to water well drilling and pump installing.
3. The qualifications for performing property transfer well inspections and well filling and sealing.

The adopted order includes provisions in Ch. NR 812 for:

1. Procedures and requirements property transfer well inspections.
2. Well filling and sealing procedures.
3. Eliminating some separation distance requirements that are no longer considered a health hazard for wells.
4. Citation procedures.

This regulation passed and became effective on 1 OCT 14.

Requirements for Heat Exchange Drilling - The Department of Natural Resources has adopted revisions to Chapters NR 146 and 812, relating to geothermal licensing. The adopted rule creates the specific requirement for heat exchange drilling to help protect sources of drinking water as well as consumers while enhancing the availability of alternate sources of energy for heating and cooling. The Department will issue a single drilling license with authorizations available for either water well or heat exchange drilling or both. Construction requirements for heat exchange drilling will be proposed in the rule. The adopted order includes provisions in Ch. NR 146 for obtaining and maintaining authorization to construct heat exchange drillholes, including:

1. Sets a minimum length and type of drillhole that a person must have constructed in order to demonstrate eligibility to test for the drilling license and heat exchange authorization;
2. Requires continuing education in order to maintain a drilling license and heat exchange authorization;
3. Identifies knowledge that will be the basis for written testing.

The adopted order includes provisions in ch. NR 812; setting specifications for heat exchange drillholes that are approvable with notification and will not automatically require individual application and review. Specifications include:

1. Number and depth of drillholes;
2. Setbacks from contamination sources or water supply wells;
3. Equipment;
4. Drilling and sealing aids;
5. Reporting and consultation procedures; and
6. Abandonment procedures.

This regulation passed and became effective on 1 OCT 14.

Wisconsin's Shoreland Management Program - The Department of Natural Resources has adopted revisions to Ch. NR 115, Wis. Adm. Code, relating to the shoreland zoning standards under Wisconsin's Shoreland Protection Program. The adopted rule revisions clarify and modify certain sections of the code to address concerns, expressed by some counties, current standards are unclear or burdensome to implement. This regulation passed and became effective on 1 OCT 14.

TRAINING

Adopting LED Technology: What Federal Facility Managers Need to Know

(Web-based, On Demand) This FEMP course will provide an overview of the current status of LED technology as it relates to maturing applications, cautions, control options, and tools and resources to federal facility managers who make informed decisions. For more information, go to:

https://www.fedcenter.gov/kd/go.cfm?destination=ShowItem&item_id=26855.

Planning for Cultural Resource Special Environmental Concerns and Making the NEPA Finding

(Web-based) On Demand) This webinar will assist USDA NRCS conservation planners, partners, and technical service providers to understand the importance of Cultural Resources and how to properly analyze and document existing conditions and the effects of planned conservation actions; and to properly document the NEPA finding. Primary topics include: legal foundations, information/data sources, tools, mitigation measures, and documentation requirements including examples. For more information, go to:

<https://www.fedcenter.gov/Events/index.cfm?id=26798>.

MEET THE REC

STAFF

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