



REC Update



ENVIRONMENTAL NEWS FOR DOD FACILITIES IN FEDERAL REGIONS 1-5

October 2015



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GENERAL INTEREST

Emerging Contaminants and Federal Facility Contaminants of Concern Fact Sheets

EPA Published a collection of [technical fact sheets](#), which provide brief summaries of contaminants of concern that present unique issues and challenges to the environmental community and EPA at contaminated federal facility sites. Each fact sheet provides a brief summary of the contaminant, including physical and chemical properties, environmental and health impacts, existing federal and state guidelines, and detection and treatment methods. These fact sheets are intended for project managers and field personnel to use when addressing specific contaminants at cleanup sites and are updated annually to include timely information.

Third Edition of ISO 14001 "Environmental Management Systems"

The International Standards Organization (ISO) has released the third edition of ISO 14001:2015 "Environmental management systems -- Requirements with guidance for use" on 17 SEP 15. The [document](#) is available through both the ISO organization and ANSI.

ECHO Training for the Public

This one-hour [on demand webinar](#) provides an introduction to EPA's Enforcement and Compliance History Online (ECHO) website. ECHO is a regularly updated resource, available to both internal and external parties that allows users to access detailed information including, but not limited to, the compliance status, inspection history, and pollutant discharges at any specific EPA-regulated site. ECHO focuses on Clean Air Act stationary sources, Clean Water Act dischargers, Resource Conservation and Recovery Act hazardous waste handlers, and Safe Drinking Water Act public water system. Webinar participants will learn how to work with all of ECHO's features and will gain understanding of a valuable resource that can enhance their understanding of monitoring and enforcement of environmental regulations. Anyone who does work involving EPA-regulated sites will benefit from learning about ECHO and its various features.

EO 13693 Sustainable Acquisition Training

Get the latest on the Executive Order 13693 requirements for mandatory federal purchasing of biobased products in this [on demand webinar](#) provided by the US Department of Agriculture

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.

EPA's National Enforcement Initiatives for Fiscal Years 2017-2019 (Draft)

EPA is [soliciting public comment](#) and recommendations on national enforcement initiatives (NEI) for fiscal years 2017-2019. EPA selects these initiatives every three years in order to focus federal resources on the most important environmental problems where noncompliance is a significant contributing factor and where federal enforcement attention can make a difference. The current initiatives as well as potential new initiatives under consideration are described in the SUPPLEMENTARY INFORMATION section of this Federal Register Notice, with additional descriptions and data on current initiatives available [on EPA's web site](#). Comments must be received by 14 OCT 15.

AIR

Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources (Draft)

This [action](#) proposes technical and editorial corrections and revisions to regulations related to source testing of emissions. This proposed rule will make corrections and updates to testing provisions that contain inaccuracies and outdated procedures, and provide alternatives to existing testing regulations. These revisions will improve the quality of data and provide testers flexibility to use recently-approved alternative procedures. Many of these changes were suggested by testers and other end-users, and they will NOT impose new substantive requirements on source owners or operators. Public comments are due by 9 NOV 15.

WASTE

EPA Proposes Pharmaceutical Waste Rule

EPA is proposing to add management standards for hazardous waste pharmaceuticals in a new subpart P to 40 CFR part 266. [This rule](#) proposes a tailored, sector-specific set of regulations for the management of hazardous waste pharmaceuticals by healthcare facilities (including pharmacies) and reverse distributors. For both healthcare facilities and reverse distributors, EPA is proposing to prohibit facilities from disposing of hazardous waste pharmaceuticals down the toilet or drain. Additionally, EPA is proposing a conditional exemption for hazardous waste pharmaceuticals that are also DEA controlled substances. Once finalized, the proposed new standards will be the single mandatory approach allowed with respect to hazardous waste pharmaceuticals. Comments are due by 24 NOV 15.

Hazardous Waste Generator Rule Revisions Available for Review

EPA is proposing to revise the hazardous waste generator regulations under the Resource Conservation and Recovery Act (RCRA) to improve compliance and thereby enhance protection of human health and the environment. Specifically, EPA proposes to revise certain components of the [Hazardous Waste Generator Rule](#) regulatory program; address gaps in the regulations; provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner; reorganize the hazardous waste generator regulations to make them more user-friendly and thus improve their usability by the regulated community; and make technical corrections and conforming changes to address inadvertent errors, remove obsolete references to programs that no longer exist, and improve the readability of the regulations. Comments are due 24 NOV 15.

WATER

NPDES Electronic Reporting Rule-Final Rule

In advance of formal publication in the Federal Register, EPA has released the [text of a final rule](#) that will require NPDES permit related reporting to be filed electronically. The rule requires that NPDES regulated entities electronically submit: Discharge Monitoring Reports (DMRs); Notices of Intent to discharge in compliance with a general permit; and Program reports including Municipal Separate Storm Sewer System (MS4) Program Reports [40 CFR 122.34(g)(3) and 122.42(c)], Pretreatment Program Reports [40 CFR 403.12(i)], Sewer Overflow/Bypass

Event Reports [40 CFR 122.41(l)(4), (l)(6) and (7), (m)(3)], and others. The final rule will be effective sixty days after publication in the Federal Register. EPA then intends to phase in the electronic reporting requirement over a five year period.

TANKS

Implementation Time Frames For 2015 UST Requirements

EPA has released a [brochure](#) which highlights the implementation time frames for the 2015 Underground Storage Tank requirements. Additionally, a document entitled [Questions and Answers About The 2015 UST Regulation As Of September 2015](#) was also released to help in further understanding the new requirements.

NATURAL RESOURCES

National Wetland Plant List (Draft)

The U.S. Army Corps of Engineers (Corps), as part of an interagency effort with the U.S. Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (FWS) and the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), is announcing the availability of the [draft National Wetland Plant List \(NWPL\) 2015](#) to solicit public comments. The NWPL is used to delineate wetlands for purposes of the Clean Water Act and the Wetland Conservation Provisions of the Food Security Act. The public will now be provided the opportunity to comment and vote on the proposed update of wetland indicator status ratings for 186 plants species in select Corps wetland regions. Comments must be submitted by 13 NOV 15.

REGION 1



CONNECTICUT

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

Legislation

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

Rules

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



MAINE

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

Legislation

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

Final Rules

Pesticide Rules - The Board of Pesticide Control has adopted amendments to 01-026 C.M.R. chapters 31, 34, and 35.

- Four amendments were made to Ch. 31, Certification and Licensing Provisions / Commercial Applicators to include: 1)Change the license period from two years to three; change the certification period from six years to three and align the licensing and certification periods; 2)Amend the description of Category 6B to clarify what types of applications are included; 3)Change the requirement for passing both the core and category exams within one year of each other to within three years ending on December 31 of the third year; and 4)Clarify that certified or licensed wastewater or drinking water operators are exempt from licensing only while applying pesticides to the wastewater or drinking water and not while performing other duties such as weed management.
- Two amendments were made to Ch. 34, Certification and Licensing Provisions / Pesticide Dealers to include: 1)Shorten the time period a person must wait before re-taking an exam they have failed to align with other licensing rules; and 2)Change the license period from one year to three; change the certification period from five years to three and align the licensing and certification periods.
- Two amendments were made to Ch. 35, Certification and Licensing Provisions / Spray Contracting Firms to include: 1)Remove the requirements for spotters and monitors for forest insect aerial spray programs; and 2)Change the license period from two years to three.

Bill passed and became effective 23 SEP 15.

Proposed Rules/Other Regulatory Activity

Low Sulfur Fuel Regulation - The Department of Environmental Protection has proposed amendments to Ch. 106, Low Sulfur Fuel Regulation, which are intended to accomplish three items. The first is to change the focus of Ch. 106 from the use of regulated fuels to the importation, sale or distribution of those fuels. Second the transition date of sulfur content limits in residual oil is moved from January 1, 2018 to July 1, 2018. And third distillate fuels sulfur limits will transition directly to 0.0015% by weight content on July 1, 2018. The Department plans to submit these amendments as a revision to the State Implementation Plan. The deadline for comments is 9 OCT 15.



MASSACHUSETTS

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

Legislation

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

Rules

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



NEW HAMPSHIRE

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

Legislation

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

Proposed Rules/Other Regulatory Activity

[Re-Opening of the Public Comment Period on Select Sections of the Draft MS4 NPDES General Permit](#)

The Director of the Office of Ecosystem Protection, EPA-New England, is reopening the public comment period for certain provisions of the draft National Pollutant Discharge Elimination System (NPDES) general permit for discharges from small Municipal Separate Storm Sewer Systems (MS4s) to certain waters of the State of New Hampshire, originally released as draft February 12, 2013. The reopened comment period applies to the following sections only: Section 2.1.1, Section 2.2 (including all subsections) and Section 2.3.6 (including all subsections), Appendix F (excluding attachments) and Appendix H (excluding attachments). Comment on the draft general permits must be received by 2 NOV 15.



RHODE ISLAND

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

Legislation

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

Rules

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



VERMONT

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

Legislation

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

Rules

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

REGION 2



NEW JERSEY

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

Legislation

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

Rules

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



NEW YORK

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

Legislation

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

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 convened 3 JAN 15 and adjourns 31 DEC 16.

Legislation

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

Proposed Rules/Other Regulatory Activity

[Notice of Proposed Rule - Wildlife Protection](#) – The Department of Energy and Environment has proposed rulemaking to amend Chapter 15 (Fish and Wildlife) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations. The purpose of this rulemaking is to license individuals and register companies performing wildlife control activities, to create qualifications and conditions for licensure and registration, to set restrictions on the capture, handling, and transport of wildlife, to set restrictions on euthanasia of wildlife, to establish control requirements for specified species, to require the compilation of service records and annual reporting, to create standards for suspension of licensure and registration, and to establish fees for licensure. The rules also clarify that the definition of wildlife excludes Norway rats, roof rats, house mice, and moles, as well as fish. Public comments are due by 18 OCT 15.



DELAWARE

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

Legislation

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

Rules

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



MARYLAND

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

Legislation

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

Final Rules

[Discharge Limitations and Permits](#) - The Department of the Environment has adopted rulemaking to amend: (1) Regulation .01 under COMAR 26.08.03 Discharge Limitations; and (2) Regulation .01 under COMAR 26.08.04 Permits. The purpose of this action is to modify two existing regulations that automatically require a State discharge permit for discharges of water greater than 10,000 gallons per day regardless of whether there is a discharge of pollutants. The existing requirement is more stringent than federal requirements for discharges to waters of the United States. Consequently, the revised regulations will allow determination of whether a discharge permit is required in a manner that will no longer impose an arbitrary flow volume as a basis for making a permit determination. Regulation [became effective](#) 28 SEP 15.

[Radiation Protection](#) - The Department of the Environment has adopted rulemaking to update COMAR 26.12.01.01, Incorporation by Reference, to include (a) one U.S. Nuclear Regulatory Commission regulation establishing additional security requirements for use and transport of risk significant quantities of radioactive material, (b) prohibition of use of a radiation machine prior to facility registration, and (c) miscellaneous corrections. This update mirrors federal regulations. Regulation became effective 14 SEP 15.



PENNSYLVANIA

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

Legislation

On 8 SEP 15, Representative Jack Rader introduced [PA HB 1533](#), which is an Act amending the act of 28 JUL 88 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling and waste reduction, further providing for municipal implementation of recycling programs. The amendment changes the current mandatory recycling program requirement for all municipalities with a population over 10,000 to those with a population over 10,000 that have a population density greater than 500 people per square mile. This act will take effect by 9 NOV 15.

Rules

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



VIRGINIA

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

Legislation

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

Final Rules

[Certified Lead Contractors Notification, Lead Project Permits and Permit Fees](#) – The Department of Labor and Industry, Safety and Health Codes Board has adopted amendments to 16VAC25-35 to remove the \$2,000 minimum contract price provision required of lead contractors to file a lead project notification with the Department, as provided in Paragraph A. of 16VAC25-35-30 of the Regulation. This change requires that licensed lead contractors submit written notification for all lead projects, as defined in 16VAC25-35-10, regardless of the contract price for the lead project. This change was made to conform regulatory language with that of the EPAs Notification Requirements for Lead-Based Paint Abatement Activities and Training, 40 CFR 745.227(e)(4)(i)-(ix). The regulation becomes effective 19 NOV 15.

[Accreditation for Commercial Environmental Laboratories](#) - The Department of General Services has adopted amendments to 1VAC30-46, Accreditation for Commercial Environmental Laboratories. The amendments (i) replace the 2003 National Environmental Laboratory Accreditation Conference (NELAC) Standards used to accredit commercial environmental laboratories with the 2009 The NELAC Institute (TNI) Standards; (ii) restructure and increase fees; (iii) revise the process used to accredit laboratories, eliminating requirements relating to the initial accreditation period and streamlining the process to renew accreditation; (iv) add a provision on suspension of accreditation; and (v) eliminate obsolete language and amend text for clarity. Final regulations were published 7 SEP 15 and become effective 1 NOV 15.

[Living Shoreline Group 1 General Permit](#) - The Marine Resources Commission has adopted rulemaking regarding 4VAC20-1300, Living Shoreline Group 1 General Permit for Certain Living Shoreline Treatments Involving Tidal Wetlands. This regulation establishes a general permit that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines. The regulation provides for the permitting processes for living shoreline treatments by establishing procedures and qualifications for the general permit and sets forth specific criteria and permit conditions. The regulation passed and became effective 1 SEP 15.

Proposed Rules/Other Regulatory Activity

[Notice of Intended Amendments to 2VAC5-670](#) - Clarify Current Requirements and Address Federal Requirements - The Department of Agriculture and Consumer Services has proposed amendments to 2VAC5-670, Rules and Regulations for Enforcement of the Virginia Pesticide Law, to update the regulation and align it with current agency practices and federal requirements. The proposed amendments are intended to improve the clarity of the regulations and further promote compliance. Comment deadline is 4 NOV 15.

[Notice of Public Comment Period Regarding the Clean Power Plan](#) – The Department of Environmental Quality (DEQ) has announced an informal public comment period on the U.S. Environmental Protection Agency (EPA) Clean Power Plan. The plan has been established to cut carbon emissions (greenhouse gases) from existing power plants that generate electricity from fossil fuels. These new EPA rules may have a significant impact on the Commonwealth. Therefore, prior to taking any formal action, DEQ is gathering general input from the public to help inform the Commonwealth's review and implementation of EPA's final rules for existing power plants. The public comment deadline is 13 OCT 15.



WEST VIRGINIA

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

Legislation

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

Proposed Rules/Other Regulatory Activity

[Proposed SIP Revision for Fine Particulate Matter Requirements](#) - The Department of Environmental Protection (DEP) has announced an opportunity for public comment on a proposed West Virginia State Implementation Plan revision for Clean Air Act §110(a)(2)(A)-(M) *Requirements for Fine Particulate Matter* with regard to the 2012 primary annual particulate matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS). DEP is seeking comments on whether the document adequately demonstrates West Virginia's compliance with the pertinent federal CAA mandates related to these SIP infrastructure elements. A public hearing will take place 27 OCT 15 at the DEP headquarters and all public comments must be submitted by the end of the hearing.

REGION 4



NORTH CAROLINA

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

Legislation

On 23 FEB 15, Representative Joseph Nelson Dollar introduced [NC HB 97](#), which is an Act to make base budget appropriations for current operations of state departments, institutions, and agencies, and for other purposes. This bill includes some provisions regarding wetlands regulations, CWA 404 application funding, and waives cost share requirements for dredging projects. Additionally, it renamed NC Department of Environment and Natural Resources to NC Department of Environmental Quality and consolidates two programs (the Clean Water Management Trust Fund and Natural Heritage Program) to what is now called the Department of Natural and Cultural Resources. Bill passed and became effective 18 SEP 15.

Final Rules

[Hazardous Waste Program Revisions](#) - EPA has authorized changes to the hazardous waste program of the State of North Carolina, determining that Carolina's hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the Federal program. Changes include: Conditional Exclusions for Solvent Contaminated Wipes, Hazardous Waste Technical Corrections and Clarifications, and removal of Saccharin and its salts from the Lists of Hazardous wastes. This final authorization will become effective 23 OCT 15.

REGION 5



ILLINOIS

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

Proposed Legislation

On 14 JAN 15, Representative Elaine Nekritz introduced [IL HB 4299](#), which amends the Environmental Protection Act providing that, no person may knowingly dispose of a used oil filter in a manner that is intended for collection and disposal at a landfill. On 24 SEP 15, this proposed legislation was referred to the Rules Committee.

Final Rules

[Management of Used and Waste Tires](#) - The Illinois Environmental Protection Agency has adopted amendments to 35 Ill. Adm. Code 848 - Management of Used and Waste Tires. The rulemaking is intended to protect the State's residents from threats resulting from the inappropriate and illegal disposal of used and waste tires. Certain amendments are the result of PA 98-656, which directed the Illinois Environmental Protection Agency to revise sections of code 848 within a specified time period. The regulation passed and became effective 8 SEP 15.

[Pretreatment Programs](#) - The Pollution Control Board has adopted amendments to 35 Ill. Adm. Code 310.107 - Pretreatment Programs. This proceeding updates the Illinois wastewater pretreatment rules to correspond with Clean Water Act (CWA) amendments adopted by USEPA on 19 AUG 14. While the 2014 amendments do not directly relate to wastewater pretreatment, they affected a segment of the NPDES requirements that is incorporated by reference in the Illinois wastewater pretreatment requirements. The amendments are necessary to update the incorporation by reference and ensure that state regulations require the use of a "sufficiently sensitive" analytical method for parameter analyses and remain consistent with federal requirements. The regulation passed and became effective 24 AUG 15. A Notice of Adopted Amendment was published 4 SEP 15.



INDIANA

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

Legislation

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

Rules

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



MICHIGAN

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

Legislation

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

Rules

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



OHIO

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

Legislation

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

Final Rules

[Storm Water Program Applicability of Rules of Procedure and Definitions](#) – The Environmental Protection Agency has adopted amendments to Ohio Administrative Code 3745-39-01 in order to make minor updates to the storm water program regulations for small municipal separate storm sewer systems (MS4s) that were identified during the 5-year rule review. The regulation passed and becomes effective 1 NOV 15.



WISCONSIN

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

Legislation

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

Rules

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

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