



# REC Update



ENVIRONMENTAL NEWS FOR DoD FACILITIES IN FEDERAL REGIONS 1-5

November 2015



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## SPOTLIGHT

### First Kemp's Ridley Sea Turtle Nests at Dam Neck Annex

Two campers walking on NASO Dam Neck Annex beach discovered a sea turtle nesting. Analysis by the Virginia Aquarium Stranding Team and professionals from other partnering agencies determined they had a rare visitor – a Kemp's ridley sea turtle (*Lepidochelys kempii*). This was the farthest north the species had been known to nest.

Protection of the nest and hatchlings in accordance with the NASO Standard Operating Procedures, which address how to patrol for and respond to turtle crawls, nesting and/or strandings on installation beaches, helped 72 turtles make it to the ocean; a success rate of approximately 86%. While not the first Kemp's ridley to nest along the Atlantic coast, it was the first in Virginia and an unusual event for the species. All sea turtle species are federally listed under the Endangered Species Act (ESA) as threatened or endangered. The Kemp's ridley was listed as endangered in 1970. See the full story at:

[http://greenfleet.dodlive.mil/files/2015/10/Fall15\\_Sea\\_Turtle\\_Dam\\_Neck\\_Annex.pdf](http://greenfleet.dodlive.mil/files/2015/10/Fall15_Sea_Turtle_Dam_Neck_Annex.pdf)



#### **Deer Release at NCTAMSLANT DET Cutler**

NAVFAC MIDLANT PWD-Maine in partnership with Maine Department of Inland Fisheries and Wildlife released two yearling white-tail deer fawns at NCTAMSLANT DET Cutler on 29 September. The goal of the partnership is to determine if Cutler will work as an approved deer release site for rehabilitated deer from the surrounding county. The Cutler installation is strategically important for the Maine DIF&W Region C and the Downeast area of the State, particularly Washington County. Because of its size, fenced/secure operations, land management practices, and resident deer herd, Cutler is a model area based on the ideal qualifications for a release site. See the full story at:

<http://www.navfac.navy.mil/content/dam/navfac/NAVFAC%20Atlantic/NAVFAC%20Mid-Atlantic/PDFs/EV/REC/Good%20News%20Stories/Deer%20Release%20Good%20News%20Article%20at%20Cutler.pdf>



## GENERAL INTEREST

### **Cleanups at Federal Facilities Website**

This EPA [website](#) provides information about contaminated federal facility sites in specific communities, access to technical fact sheets and tools and resources to help government agencies and their contractors fulfill cleanup obligations.

### **Now Available: FEMP Annual GHG and Sustainability Data Report, Version 6.1 Workbook for FY 2015 Reporting**

This version of the workbook must be used for comprehensive reporting of fiscal year (FY) 2015 energy, costs, square footage, and associated operational data. The data report is an Excel workbook that collects agency-aggregated data that are necessary for calculating scope 1, 2, and 3 greenhouse gas emissions in the commonly used native units of energy consumption and fugitive emissions, as well as activity data for estimating scope 3 indirect emissions. It provides users with the summation of their calculated emissions, as well as the performance results for other energy and sustainability goals. The Annual Greenhouse Gas and Sustainability Data Report for FY 2015 is due on 29 JAN 16.

### **Map of State Rainwater Harvesting Regulations Available**

The Federal Energy Management Program (FEMP) created the [Alternative Water Map](#) to provide information about rainwater harvesting regulations throughout the United States. FEMP notes that the information in the map is only for state-wide regulations. Counties and cities across the U.S. may have specific regulations on rainwater harvesting. Therefore it is crucial to contact local authorities when considering implementation of rainwater harvesting systems.

### **Guide Available for Stormwater Pollution Prevention Plans for Construction Activities**

EPA has posted on this [website](#) guidance documents, templates and other useful resources to assist in developing Stormwater Pollution Prevention Plans for construction activities.

### **Downloadable Ground Water Rule Training**

If you are implementing the Ground Water Rule (GWR) and are interested in trainings, you may download and view a power point presentation from a previous EPA training and a GWR Factsheet from this [website](#).

### **Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR) Training**

EPA is offering [web-based training](#) on the compliance requirements of the Stage 2 DBPR. The objective is to help assist public water systems in complying with Stage 2 DBPR compliance requirements. The presentation details the compliance monitoring requirements, Stage 1 DBPR requirements and public notification and consumer confidence reporting of DBPR violations and data.

### **Training Module for the Long Term 2 Enhanced Surface Water Treatment Rule**

EPA is offering [web-based training](#) on implementation of the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). The training modules provide guidance and instruction to utility and laboratory personnel on LT2ESWTR sample collection and analysis.

**Endangered Species Protection Bulletins Available**

[Endangered Species Protection Bulletins](#) are a part of EPA's Endangered Species Protection Program. Bulletins set forth geographically specific pesticide use limitations for the protection of threatened and endangered (listed) species and their designated critical habitat.

**Terrestrial Habitat Map for the Northeast US and Atlantic Canada Available**

This Nature Conservancy website is a unique [interactive map](#), covering 13 U.S. states and 4 Canadian provinces. The map includes: complete coverage of the Northeast's 140 common and unique terrestrial habitats, from the serpentine ridges of the Gaspé Peninsula to the limestone barrens of western Virginia; information on each habitat's ecology, plants and animals, securement level, regional abundance, and predicted loss to development; base maps to explore how the Habitat Map overlays on satellite imagery or topographic maps; and scientifically rigorous datasets, reports, and an interactive web map.

**Environmental Conservation Online System (ECOS) Available**

ECOS provides a variety of reports related to FWS Threatened and Endangered Species. Use this site to identify locations of endangered/threatened species, species in your area, and the status of species [Information for Planning and Conservation](#) (IPaC). If you have a project that may affect USFWS trust resources, such as migratory birds, species proposed or listed under the Endangered Species Act, inter-jurisdiction fishes, specific marine mammals, wetlands, and Service National Wildlife Refuge lands, IPaC can help you determine what those impacts are likely to be and provide suggestions for addressing them.

## 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.*

### AIR

**Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units – Final Rule**

EPA is finalizing new source performance standards (NSPS) under CAA section 111(b) that, for the first time, will establish standards for emissions of carbon dioxide (CO<sub>2</sub>) for newly constructed, modified, and reconstructed affected fossil fuel-fired electric utility generating units (EGUs). This action establishes separate standards of performance for fossil fuel-fired electric utility steam generating units and fossil fuel-fired stationary combustion turbines. This action also addresses related permitting and reporting issues. This [final rule](#) became effective on 23 OCT 15.

**Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units – Final Rule**

EPA is establishing final emission guidelines for states to follow in developing plans to reduce greenhouse gas (GHG) emissions from existing fossil fuel-fired electric generating units (EGUs). Specifically, the EPA is

establishing: Carbon dioxide (CO<sub>2</sub>) emission performance rates representing the best system of emission reduction (BSER) for two subcategories of existing fossil fuel-fired EGUs--fossil fuel-fired electric utility steam generating units and stationary combustion turbines; state-specific CO<sub>2</sub> goals reflecting the CO<sub>2</sub> emission performance rates; and guidelines for the development, submittal and implementation of state plans that establish emission standards or other measures to implement the CO<sub>2</sub> emission performance rates, which may be accomplished by meeting the state goals. This [final rule](#) will continue progress already underway in the U.S. to reduce CO<sub>2</sub> emissions from the utility power sector. This final rule will become effective on 22 DEC 15.

### **National Ambient Air Quality Standards for Ozone – Final Rule**

EPA has formally published the [final rule](#) lowering ozone National Ambient Air Quality Standards (NAAQS) to 70 parts per billion (ppb), from the current standard of 75 ppb which was established in 2008. This final ruling by EPA includes:

- Revision of both the primary and secondary NAAQS for O<sub>3</sub> to provide requisite protection of public health and welfare, respectively. The EPA is revising the levels of both standards to 0.070 parts per million (ppm).
- Retaining their indicators (O<sub>3</sub>), forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours)
- Revisions in data handling conventions for O<sub>3</sub> and changes to the Air Quality Index (AQI)
- Revising regulations for the prevention of significant deterioration (PSD) program to add a transition provision for certain applications
- Establishing exceptional events schedules and providing information related to implementing the revised standards
- Revising the O<sub>3</sub> monitoring seasons, the Federal Reference Method (FRM) for monitoring O<sub>3</sub> in the ambient air, Federal Equivalent Method (FEM) analyzer performance requirements, and the Photochemical Assessment Monitoring Stations (PAMS) network.

Additional information is available at <http://www3.epa.gov/ozonepollution/actions.html>. This rule will become effective 28 DEC 15.

### **The 2016 Critical Use Exemption From the Phaseout of Methyl Bromide – Final Rule**

EPA is authorizing uses that qualify for the critical use exemption and the amount of methyl bromide that may be produced or imported for those uses for the 2016 control period. EPA is issuing this action under the authority of the Clean Air Act to reflect consensus decisions of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer at the Twenty-Sixth Meeting of the Parties in November 2014. This [rule](#) will become effective on 1 JAN 16.

### **Refrigerant Management Requirements – Proposed Rule**

In advance of formal publication, EPA has released the text of a [proposed rule](#) that would strengthen prohibitions against knowingly venting, releasing or disposing of ozone-depleting and substitute refrigerants. The proposal would update existing requirements under Clean Air Act Section 608 that currently apply to ozone-depleting (ODS) refrigerants and then extend some requirements to non-ozone-depleting substitute refrigerants, such as hydrofluorocarbons (HFCs). Major regulatory changes proposed include:

- lowering the leak rate threshold above which owner/operators of refrigeration and air-conditioning equipment normally containing 50+ lbs. of refrigerant must repair leaks: lowering from 35% to 20% for industrial process refrigeration (IPR) and commercial refrigeration equipment and lowering from 15% to 10% for comfort cooling equipment

- requiring regular leak inspections or continuous monitoring devices for refrigeration /AC systems: annual inspections for systems normally containing 50+ lbs. of refrigerant; quarterly inspections for systems normally containing 500+ lbs. of refrigerant
- prohibiting operation of systems normally containing 50+ lbs. of refrigerant that have leaked 75% or more of their full charge for two consecutive years
- requiring records of refrigerant recovered during system disposal from systems with a charge size from 5–50 lbs
- extending the requirements of the Refrigerant Management Program to cover substitute refrigerants, such as HFCs. Substitutes that have already been specifically exempted will continue to be exempted.

Comments will be accepted for 60 days following formal publication.

### **Comment Period Extended - Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources – Proposed Rule**

EPA is extending the comment period for the proposed rule titled, "[Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources,](#)" published on 8 SEP 15. EPA recently added a technical justification to the docket for the revision in the proposed rule regarding Subpart JJJJ of Part 60 (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines). Also added was background information to support the reasoning for soliciting comment about Method 7E stratification. EPA is extending the comment period to allow the public additional time to submit comments and supporting information on these and other aspects of the proposed rule. Comments are due by 9 DEC 15.

### **Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before 8 January 2014; Model Trading Rules; Amendments to Framework Regulations – Proposed Rule**

EPA is [proposing a federal plan](#) to implement the greenhouse gas (GHG) emission guidelines (EGs) for existing fossil fuel-fired electric generating units (EGUs) under the CAA. This proposal presents two approaches to a federal plan for states and other jurisdictions that do not submit an approvable plan to the EPA. The EPA is also proposing enhancements to the CAA section 111(d) framework regulations related to the process and timing for state plan submissions and EPA actions. The EPA intends to finalize both the rate-based and mass-based model trading rules in summer 2016. Comments must be received on or before 21 JAN 16.

## **WASTE**

### **Hazardous Waste Export-Import Revisions – Proposed Rule**

EPA signed the [Hazardous Waste Export-Import Revisions proposed rule](#) on 24 SEP 15, and it was published in the *Federal Register* on 19 OCT 15. EPA is proposing to amend existing regulations on export and import of hazardous wastes with the goal of:

- making existing export and import related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD)
- enabling electronic submittal of all export and import-related documents (e.g., export notices, export annual reports)
- enable electronic validation of consent in the Automated Export System (AES) for export shipments subject to RCRA export consent requirements prior to exit

The proposed rule would tighten requirements for exports of hazardous waste to ensure confirmations of receipt and completing recycling or disposal. The proposed rule would also require:

- the use of international movement documents for each international shipment of hazardous waste, including hazardous waste managed under [40 CFR Part 266](#) (e.g., spent lead acid batteries) and universal wastes managed under [40 CFR Part 273](#),
- electronic export annual reporting
- linking the consent to export with the exporter declaration to Customs and Border Protection (CBP) to better coordinate EPA's and CBP's oversight of individual export shipments of hazardous waste.

Comments on this proposal will be accepted until 18 DEC 15. Comments from DoD will be submitted.

## WATER

### **EPA/Army Corps Clean Water Rule Stayed**

On 9 OCT 15, the 6th Circuit Court of Appeals issued a [temporary stay](#) on the EPA/Army Corps of Engineers new Clean Water Rule that defines "waters of the US." In a split decision, the court decided the Rule that originally became effective on 28 AUG 15 deserves further judicial analysis and therefore will not go into effect until further action is taken by the court. The new Clean Water Rule defines navigable waters to include tributaries and wetlands and clarifies which waterways would be protected by the Clean Water Act of 1972. Eighteen states have joined the petition, contending that the changes represent an expansion of the agencies' regulatory jurisdiction and if enforced, would likely cause the states irreparable harm and create confusion over the limits of waters of the US.

### **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. Implementation will be in two phases:

- By 21 DEC 16, all NPDES Discharge Monitoring Reports (DMRs) must be submitted electronically.
- By 21 DEC 16, in the 42 states where EPA is the authorized NPDES biosolids program, all NPDES regulated entities that are required to submit a Sewage Sludge/Biosolids Annual Program Report must do so electronically.
- Authorized NPDES programs have five years (21 DEC 20) to begin electronically managing the remaining set of information in 40 CFR part 127 appendix A.

### **H.R. 3720: Water Advanced Technologies for Efficient Resource Use Act of 2015 – Proposed Rule**

The [Water Advanced Technologies for Efficient Resource Use Act of 2015](#) was introduced to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Armed Services, and Ways and Means for consideration. The proposed bill is intended to identify and promote water efficient products, buildings and landscapes, and services in order to 1) reduce water use; 2) reduce the strain on water, wastewater, and stormwater infrastructure; 3) conserve energy used to pump, heat, transport, and treat water; and 4) preserve water resources for future generations.

## TANKS/POL

### **Safety of Hazardous Liquid Pipelines- Proposed Rule**

Department of Transportation, Pipeline and Hazardous Materials Safety Administration, is [proposing changes to the hazardous liquid pipeline safety regulations](#) to further decrease risks and consequences of pipeline failures.

Proposed changes include:

- requiring inspections of pipelines in areas affected by extreme weather, natural disasters, or similar events
- requiring periodic inspections (every ten years using in-line inspection tools) for pipeline segments not in high consequence areas (HCAs)
- requiring that all new hazardous liquid pipelines be designed to include leak detection systems
- requiring that all hazardous liquid pipelines in high consequence areas and areas that could affect an HCA be made capable of accommodating in-line inspection tools (i.e., being piggable) within 20 years
- as with new pipelines, operators will be able to petition for exemptions from piggability requirements
- identifying certain categories of defects as requiring immediate repair; eliminating the 60-day and 180 day repair categories and establishing a consolidated 270-day repair category
- specifically adding seismicity of an area to the list of factors that must be considered in establishing assessment schedules, mitigative measures, etc.
- requiring operators to consider spatial relationships (using GIS) in order to integrate anomalous information from pipeline inspections, aerial patrols and other sources in pipeline integrity management programs.

Comments are due by 8 JAN 16.

## NATURAL RESOURCES

### **Injurious Wildlife Species; Listing 10 Freshwater Fish and 1 Crayfish – Proposed Rule**

Fish and Wildlife Service proposes to add to the list of injurious fish the following ten freshwater species: Crucian carp (*Carassius carassius*); Eurasian minnow (*Phoxinus phoxinus*); Prussian carp (*Carassius gibelio*); roach (*Rutilus rutilus*); stone moroko (*Pseudorasbora parva*); Nile perch (*Lates niloticus*); Amur sleeper (*Percottus glenii*); European perch (*Perca fluviatilis*); zander (*Sander lucioperca*); and wels catfish (*Silurus glanis*). In addition, the Service also proposes to add the freshwater crayfish species common yabby (*Cherax destructor*) to the list of injurious crustaceans. Each of these 11 species has a well-documented history of invasiveness outside of its native range, but not in the United States. These listings would prohibit the importation of any live animal, gamete, viable egg, or hybrid of these 10 fish and 1 crayfish into the United States, except as specifically authorized. These listings would also prohibit the interstate transportation of any live animal, gamete, viable egg, or hybrid of these 10 fish and 1 crayfish between the States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, except as specifically authorized. Comments are due by 29 DEC 15.

### **Petition to List the Thorny Skate as Threatened or Endangered Warranted – Notice & Request for Comments**

In response to a [petition](#), National Marine Fisheries Service (NMFS) will conduct a status review to consider listing of a "Northwest Atlantic Distinct Population Segment" (DPS) or "United States DPS" of thorny skate as threatened or endangered. The thorny skate occurs on both sides of the Atlantic ranging from western

Greenland to South Carolina, and in the eastern North Atlantic, from Iceland to the southwestern coasts of Ireland and England. Comments and information are due by 28 DEC 15.

## OTHER

### **H.R. 3655: EPA Pays Act – Proposed Rule**

[H.R. 3655](#) is a bill that would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to Federal Government liability and to require reimbursement to the Judgement Fund for certain claims, and for other purposes. This bill was referred to the Committee on Energy and Commerce, and the Committee on Transportation and Infrastructure for consideration.

### **DoD Environmental Laboratory Accreditation Program – Proposed Rulemaking**

DoD (Under Secretary of Defense for Acquisition, Technology, and Logistics) has announced a [proposed rule](#) that would establish policy, assign responsibilities, and provide procedures to be used by DoD personnel for the operation and management of the DoD Environmental Laboratory Accreditation Program (ELAP). The DoD ELAP provides a unified DoD program through which commercial environmental laboratories can voluntarily demonstrate competency and document conformance to the international quality systems standards as they are implemented by DoD. The DoD ELAP provides the standards for ensuring the quality, objectivity, utility, and integrity of definitive environmental testing data disseminated by DoD for the Defense Environmental Restoration Program (DERP). Past DoD laboratory assessment programs were specific to each DoD Component and limited to available resources. This created an overlap in assessments and fewer opportunities for laboratories to participate on DoD contracts. This rule proposes to establish a program to allow qualified laboratories to received third-party accreditation and become eligible to provide environmental sampling and testing services for DoD. It will be a voluntary program open to any qualified laboratories.

## 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.

### Rules

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



## 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.

### Rules

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



## 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

On 8 JUN 15, Senator Robert G. Smith introduced [NJ SB 2973](#), which is an Act concerning electronic waste recycling, amending and supplementing P.L.2007, c.347, and repealing various parts of the statutory law. Legislation was adopted in the Senate on 22 OCT 15.

### Proposed Legislation

On 19 OCT 15, Senator M. Teresa Ruiz introduced [NJ SB 3180](#), which would require registration, inspection, testing, cleaning, and disinfection of cooling towers to control outbreaks of Legionnaire's Disease.

**Proposed Rules/Other Regulatory Activity**

[Pollutant Discharge Elimination System, Treatment Works Approvals, Capacity Assurance Program, and Sewer Ban Program](#) - The Department of Environmental Protection has proposed amendments to the New Jersey Pollutant Discharge Elimination System (NJPDDES) rules with respect to the capacity assurance program (CAP) provisions that are part of the rules governing treatment works approvals (TWAs) at N.J.A.C. 7:14A-22. The Department is proposing amendments to the CAP rule to enhance the effectiveness of the capacity assurance program with respect to the roles and responsibilities of the various entities involved in addressing potential capacity shortfalls, the threshold at which the requirements are triggered, and the information gathered and evaluated as part of the capacity analysis. Public hearing is set for 2 DEC 15 and comments are due by 18 DEC 15.

**NEW YORK**

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

**Proposed Legislation**

On 9 OCT 15, Assemblyman Felix W. Ortiz introduced [NY AB 8472](#), which would direct the commissioner of environmental conservation to establish rules and regulations to reduce significantly high levels of global warming emissions; set stages for such reductions; establish a mandatory reporting system to track and monitor such levels.

**Final Rules**

[Notice of Adoption-Chemical Bulk Storage](#) - The Department of Environmental Conservation has adopted rulemaking to repeal Parts 595, 596, 597; add new Parts 596 and 597; and amend Parts 598 and 599 of Title 6 NYCRR. The purpose of this rule is to amend existing Chemical Bulk Storage rules to harmonize State regulations with EPA Federal rule (40 CFR 280). The regulation became effective 11 OCT 15.

[Emergency Rule-Protection Against Legionella Bacteria](#) – The Department of Health (NYDH) has adopted an emergency rule that adds a [Part 4](#) to the health regulations at Title 10 NYCRR. The new regulations establish requirements for cooling towers relating to: 1)registration, reporting and recordkeeping; 2)testing; 3)cleaning and disinfection; 4)maintenance; 5)inspection; and 6)certification of compliance. The regulations were adopted to address improper maintenance of cooling towers that can contribute to the growth and dissemination of Legionella bacteria, the causative agent of legionellosis. Additionally, the regulations require general hospitals and nursing homes to implement a Legionella sampling plan and take necessary responsive actions, as NYDH may deem appropriate. The emergency rule became effective on 17 AUG 15 and will expire on 14 NOV 15.

## 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.

#### Final Rules

[Amendments to Water and Sanitation Regulations](#) - The DC Water and Sewer Authority has adopted amendments to multiple sections of the water and sanitation regulations under Title 21 of the DC Municipal Regulations (DCMR). The amendments include: (1) increase in Right-of-Way Occupancy Fee Pass Through Charge and the Payment-in-Lieu of Taxes (PILOT) fee; (2) addition of “Water System Replacement Fee” and relevant definitions; (3) increase in rates for water and sewer services; (4) increase in Clean Rivers Impervious Surface Area Charge; and (5) changes to the Customer Assistance Programs. The rule became effective on 1 OCT 15.

[Standards for the Management of Hazardous Waste and Used Oil](#) – The Department of the Environment has adopted amendments to Chapter 42 (Hazardous Waste Management- Standards for the Management of Hazardous Waste and Used Oil) of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR). In an effort to reduce excess regulation, the Department repealed the extraneous regulations in this final rulemaking so that District-specific regulations are clearer. The final rules allow the Department to more effectively regulate hazardous waste in a manner consistent with federal law. Regulation became effective 23 OCT 15.

#### Proposed Rules/Other Regulatory Activity

[Fees for Stormwater Management, and Soil Erosion and Sediment Control](#) – The Department of Energy and 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). These amendments update the fee for the District Stormwater Management Guidebook and 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. Comments are due by 22 NOV 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.

### Final Rules

[Sediment and Stormwater Regulations-Emergency Regulation](#) – A recent ruling by the Delaware Superior Court on 7 OCT 15 invalidated the 2013 and 2014 version of the Delaware Sediment & Stormwater Regulations. The Department of Natural Resources and Environmental Control appealed this ruling on 9 OCT 15. While awaiting determination of the appeal, the Department has adopted interim emergency sediment and stormwater management regulations to resolve the regulatory vacuum left by the Superior Court decision. Regulation became effective 16 OCT 15 and shall remain in effect for 120 days.

[Regulations Governing Solid Waste](#) - The Department of Natural Resources and Environmental Control proposed amendments to Delaware's Regulations Governing Solid Waste and Delaware's Regulations Governing Hazardous Waste. The amendments' purpose is to provide greater environmental protection and reduce human health risks. Regulation passed and becomes effective 21 NOV 15.

[Scrap Tire Facility Management](#) - The Department of Natural Resources and Environmental Control, Solid and Hazardous Waste Management Section (SHWMS), has adopted rulemaking to add Section 13 to Delaware's Regulations Governing Solid Waste. These amendments enable the SHWMS to have oversight on the management of scrap tires, including limiting the amount of tires allowed to be accumulated in one area, providing environmental and human health protection via siting restrictions and mosquito control, and providing a mechanism of financial responsibility so that the cost of scrap tire removal falls on the scrap tire generator as opposed to Delaware's public. Regulation passed and becomes effective 1 JAN 16.



## 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.

### Proposed Rules/Other Regulatory Activity

[Notice of Proposed Action: Permits](#) - The Department of the Environment has proposed rulemaking to amend [Regulation .09-1](#) under COMAR 26.08.04 Permits. The purpose of this action is to eliminate annual fees related to certain general discharge permits issued by the Oil Control Program. The amendments address the Notice of Intent coverage under General Discharge Permits for Storm Water and Hydrostatic Test Water from an Oil

Terminal and Treated Groundwater. The annual fee of \$120 is being eliminated for coverage under both General Discharge Permits. Comments are due by 16 NOV 15.

[Notice of Proposed Action: Underground Storage System Technician, Remover, and Inspector Certification](#) - The Department of the Environment has proposed rulemaking to amend Regulations .02—.05, .09, and .12 under COMAR 26.10.06 Underground Storage System Technician, Remover, and Inspector Certification. The purpose of this action is to eliminate fees associated with certain certifications issued through the Oil Control Program. The amendments address the following topics: 1)MDE Certified Underground Storage System Technician-the \$200 application fee is being eliminated; 2)MDE Certified Underground Storage System Heating Oil Technician-the \$100 application fee is being eliminated; 3)MDE Certified Underground Storage System Remover-the \$150 application fee is being eliminated; 4)MDE Certified Underground Storage System Inspector-the \$300 application fee is being eliminated; and 5)Retesting Fees-the retesting fee (equivalent to the application fee) is being eliminated for all four certification categories. Comments are due by 16 NOV 15.



## PENNSYLVANIA

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

### Legislation

On 24 JUN 15, Senator John C. Rafferty introduced [PA SB 925](#), which is an Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in commercial drivers, further providing for definitions, for employer responsibilities, for commercial driver's license (CDL) qualification standards, for nonresident CDL, for commercial driver's license and for disqualification. Bill passed and will become effective 22 DEC 15.

### Proposed Legislation

On 7 OCT 15, Senator Andrew E. Dinniman introduced [PA SB 990](#), which would add bamboo to the list of noxious weeds, permitting control and eradication of unwanted populations.

On 21 OCT 15, Senator Judith Schwank introduced [PA SB 1041](#), 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; and, in enforcement and remedies, further providing for affirmative defense.

On 29 OCT 15, Representative Thomas P. Murt introduced [PA HB 1672](#), which is an Act providing for enforceability of certain indemnity provisions in snow plow and de-icing services contracts. This legislation would nullify indemnity clauses ("hold harmless" agreements) in snow removal contracts. This would place liability for any expenses, damages or losses with the party at fault.

### Final Rules

[Amendments to State Endangered Species List](#) - The Game Commission has adopted amendments to § 133.41, related to the classification of mammals. The amendments remove the Delmarva fox squirrel from the state endangered species list and update the common name of the Eastern woodrat to the Allegheny woodrat. Regulation became effective 7 NOV 15.

**Proposed Rules/Other Regulatory Activity**

[NPDES General Permit for Stormwater Discharges Associated with Industrial Activity \(PAG-03\)](#) – The Department of Environmental Protection (Department) has announced the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Industrial Activity (PAG-03). The PAG-03 General Permit is intended to provide NPDES permit coverage to persons discharging stormwater associated with industrial activity to waters of the Commonwealth that are not considered High Quality or Exceptional Value. The existing PAG-03 General Permit in effect at this time will expire on 5 DEC 15. The draft General Permit includes proposed changes to include alignment with US EPA's 2015 National multisector general permit, reorganization of appendices, new eligibility criteria, proposed pollutant benchmark concentrations, new visual inspection requirements, standardized monitoring frequency, annual report requirement and No Exposure Certification approval requirements. Comments are requested by 16 NOV 15.

[Draft Program Assessment and Strategy under Section 309 of the Coastal Zone Management Act](#) – The Coastal Resources Management Program has developed a draft Section 309 Assessment and Strategy in accordance with section 309 of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1456b), as amended in 1990 and 1996. This assessment is part of a voluntary coastal zone enhancement grants program that encourages states and territories to develop program changes in one or more of the following nine coastal enhancement areas: coastal wetlands; coastal hazards; public access; marine debris; cumulative and secondary impacts; special area management planning; ocean/Great Lakes resources; energy and government facility siting and activities; and aquaculture. Under this program, the United States Secretary of Commerce is authorized to make awards to states and territories to develop and submit for Federal approval program changes that support attainment of the objectives of one or more of the enhancement areas. The National Oceanic and Atmospheric Administration approved the Commonwealth's final Section 309 Assessment and Strategy on 25 SEP 15. Implementation of the new strategy will begin 1 OCT 16.

**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**

[Evaluation Criteria and Procedures for Nominations of Property to the National Register or for Designation as a National Historic Landmark](#) - The Board of Historic Resources has adopted emergency amendments to 17VAC10-20 to address the owner objection process to properties nominated for designation by the State Review Board for inclusion in the National Register of Historic Places or designation as a National Historic Landmark. An emergency exists because the process for property owners objecting to a designation to the National Register of Historic Places or a designation as a National Historic Landmark is unclear. The amendments to the existing regulations add clarifying language that written notification of the nomination and written notification of the public hearing will be sent to property owners as shown on "current" real estate tax assessments books. In addition, property owners who wish to object to a designation must submit their formal objection seven business days prior to the board meeting. The emergency regulation became effective 14 SEP 15 and expire 14 MAR 17.

[Amendment of Exam Fee Cap for Third-Party Lead Exam](#) - The Department of Professional and Occupational Regulation, Board for Asbestos, Lead, and Home Inspectors has adopted amendments to 18VAC15-30-161.C to remove the lead licensure examination fee cap and provide that examination fees are established through competitive negotiation pursuant to the Virginia Public Procurement Act. Regulation became effective 1 NOV 15.

[Existing Stationary Sources](#) – The Department of Environmental Quality has adopted amendments to 9VAC5-40-7400 and 9VAC5-40-7420. This action adds new requirements for the case-by-case determination of reasonably available control technology (RACT) needed in order to meet the U.S. Environmental Protection Agency (EPA) 0.075 parts per million (ppm) National Ambient Air Quality Standard (NAAQS) for ozone. On March 6, 2015, EPA amended Subpart X of 40 CFR Part 51, which covers the implementation of the 2008 eight-hour ozone standard (80 FR 12264). The Northern Virginia Ozone Nonattainment Area, which corresponds to the Northern Virginia Volatile Organic Compound (VOC) and Nitrogen Oxides (NO<sub>x</sub>) Emissions Control Areas and which is part of the Ozone Transport Region (OTR), must meet the RACT requirements of 40 CFR 51.1116. This section of the EPA rule specifies dates by when RACT must be implemented in the OTR. The state regulations must be consistent with the federal regulations in order for the state to implement RACT. Regulation becomes effective 2 DEC 15.

[Total Maximum Daily Load Actions](#) - The Department of Environmental Quality has adopted amendments to the state's Water Quality Management Planning Regulation (9 VAC 25-720) which include nine new Total Maximum Daily Loads (TMDL) waste load allocations in the Potomac-Shenandoah River Basin (9 VAC 25-720-50.A) and three new TMDL waste load allocations in the James River Basin (9 VAC 25-720-60.A). Final rule becomes effective 2 DEC 15.

[Regulations Governing the Transportation of Hazardous Materials](#) – The Department of Environmental Quality has adopted fast-track rulemaking regarding Virginia's Regulations Governing the Transportation of Hazardous Materials under 9VAC20-110, which incorporate by reference certain federal regulations from Title 49 of the Code of Federal Regulations (49 CFR). The Virginia State Police is provided grant funds through the federal government's Motor Carrier Safety Assistance Program (MCSAP) for its hazardous materials program. A program audit by the U.S. Department of Transportation's Federal Motor Carrier Safety Administration noted that 9VAC20-110 did not include the requirements of Subpart F of 49 CFR Part 107, which is a condition for the grant. Therefore, an amendment to 9VAC20-110-110 to add Subpart F to the list of federal regulations incorporated by reference is necessary. This amendment will provide the Virginia State Police with the ability to ensure cargo tanks used to transport hazardous material are properly registered in accordance with federal requirements and will also meet the conditions for the MCSAP grant and will provide a beneficial impact for the public's safety. Public comments are requested by 18 NOV 15. Effective date of the regulation is 3 DEC 15.

[Amendments Related to Industrial Wastes to Address 2015 Legislation-Fees for Local Monitoring and Testing](#) - The Department of Environmental Quality has adopted amendments to 9VAC25-20, 9VAC25-31, and 9VAC25-32 relating to 2015 House Bill 1364 and Senate Bill 1413 which contained language to allow localities to adopt ordinances establishing a local monitoring program to test and monitor the land application of solid and semisolid industrial waste. The Bills also required the State Water Control Board to adopt regulations imposing a fee of \$5.00 per dry ton on the generators of solid or semisolid industrial waste land applied and establish necessary procedures for managing the funds. The Fees for Permits and Certificates regulation (9VAC25-20) is being revised to incorporate a fee of \$5.00, beginning 1 JAN 16, on each dry ton of solid or semisolid industrial waste that is land applied, and establishes procedures for collecting the fees; depositing them into the sludge management fund and dispersing them to localities for the monitoring and testing of solid or semisolid industrial wastes. The VPDES Permit Regulation and the VPA Permit Regulation are being revised to modify definitions

and include new definitions specific to industrial wastes and address local enforcement regarding the land application of industrial wastes. Regulation passed and becomes effective 1 JAN 16.

#### **Proposed Rules/Other Regulatory Activity**

[Evaluation Criteria and Procedures for Designations By the Board of Historic Resources](#) – The Board of Historic Resources has announced that it intends to consider amending 17VAC5-30, Evaluation Criteria and Procedures for Designations By the Board of Historic Resources. The purpose of the proposed action is to address the owner objection process to properties nominated for designation by the Board of Historic Resources for inclusion in the Virginia Landmarks Register. The amendments will add clarifying language that written notification of the nomination and written notification of the public hearing will be sent to property owners as shown on current real estate tax assessments books.

[Total Maximum Daily Load Development](#) – The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for the Mattaponi River and tributaries. Several stream segments are listed on the 303(d) TMDL Priority List and Report as impaired for the recreation use due to exceedances of the State's water quality standards for bacteria. Section 303(d) of the Clean Water Act and §62.1-44.19:7.C of the State Water Control Law requires the DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report, and Virginia state law requires implementation plans for areas with TMDLs. Public meetings are scheduled for 4 NOV 15 in Spotsylvania and 9 NOV 15 in Bowling Green. Public comment period will run from 4 NOV 15 through 8 DEC 15.

[Hazardous Waste Management Regulations Amendment 18 – Mercury-Containing Lamp Crushing](#) - The Virginia Department of Environmental Quality (VADEQ) published its proposed regulatory action, Amendment 18 – Mercury-Containing Lamp Crushing regulations on 2 NOV 15, in the Virginia Register. The Virginia Hazardous Waste Management Regulations, 9VAC20-60, provide the standards for the definition and management of hazardous waste. These regulations incorporate by reference the federal hazardous waste management regulations as promulgated by the Environmental Protection Agency (EPA). In July 1999 (64 FR 36466), EPA added hazardous waste lamps containing mercury to the list of universal waste regulated under the Resource Conservation and Recovery Act (RCRA). The purpose of the universal waste sections contained in the regulations is to streamline and encourage recycling. Currently, in Virginia, mercury-containing lamps are managed in accordance with the universal waste sections of 9VAC20-60 and crushing of these lamps for size reduction is allowed; however, the federal universal waste regulations do not allow crushing. In order to obtain approval for a state-equivalent program, Virginia submitted a request to EPA for the universal waste lamp requirements in 9VAC20-60 which include lamp crushing.

In order to obtain EPA's authorization for Virginia's universal waste program for mercury-containing lamps, this amendment revises 9VAC20-60 as follows:

- Revises and adds additional requirements for mercury-containing lamp recycling facilities including testing, operational, closure and recordkeeping criteria, and if applicable, financial assurance requirements; and,
- Revises and adds requirements for small and large quantity handlers and destination facilities that manage mercury containing lamps.

The primary purpose of this regulatory action is to develop a set of performance standards and requirements that will allow for the crushing of mercury-containing lamps (fluorescent bulbs) in a manner that is protective of human health and the environment. Crushing of mercury-containing lamps has several benefits for businesses and will help to encourage recycling by making it more economical as compared to recycling intact lamps. The

regulatory action is needed in order to obtain Federal authorization for lamp crushing. Under federal rules, crushing is not allowed, but states can demonstrate that they have regulatory requirements and controls in place that provide the same level of protection. Currently, businesses in Virginia that are crushing mercury containing lamps may not comply with the Federal requirement and risk possible enforcement action by the EPA. Comments may be submitted to VADEQ until 4 JAN 16. Comments will be submitted on behalf of DoD.

[Non-Medical X-Ray Device Registration and Inspection Fee Schedule](#) – The Department of Health has proposed rulemaking to amend 12VAC5-490, Radiation Protection Fee Schedule. Specifically, this amendment updates registration fees for equipment inspected every three years; adds 3 categories and associated fees for the registration of non-medical X-ray equipment; and adds 3 categories and associated fees for the inspection of non-medical X-ray equipment. Comments are due by 16 DEC 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.

### Final Rules

[Standards of Performance for New Stationary Sources](#) – The Department of Environmental Protection has proposed amendments to 45CSR16 which incorporates by reference the national standards of performance for new stationary sources and other regulatory requirements promulgated by the EPA pursuant to 111(b) of the federal Clean Air Act, as amended (CAA). This rule codifies general procedures and criteria to implement standards of performance for new stationary sources set forth in 40 CFR Part 60. Notice of Action taken by the Legislative Rule-Making Review Committee (LRMRC) was published 23 OCT 15.

## REGION 4



### NORTH CAROLINA

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

#### **Legislation**

On 14 APR 15, Representative Patricia McElraft introduced [NC HB 765](#), which is an act to provide further regulatory relief to the citizens of North Carolina by providing for various administrative reforms, by eliminating certain unnecessary or outdated statutes and regulations and modernizing or simplifying cumbersome or outdated regulations, and by making various other statutory changes. Bill passed on 22 OCT 15.

#### **Proposed Rules/Other Regulatory Activity**

[Proposed Development Line Procedures and Amendments to the General Use Standards for Ocean Hazard Areas and Static Vegetation Line Exception Procedures](#) - The Coastal Management Division (CRC) has proposed rulemaking regarding 15A NCAC 07H .0305, 15A NCAC 07H .0306, 15A NCAC 07J .1201, and 15A NCAC 07J .1301 - .1303. The CRC requires that oceanfront development be set back from a defined reference line that is generally either the oceanward edge of natural vegetation, or a surveyed line for communities that have completed large beach nourishment projects. The CRC is proposing amendments to create another reference line called a Development Line that would allow a local government to delineate the most oceanward location for new development. The CRC is also amending their existing rules governing Static Line Exception Procedures. The intent of these amendments is to provide local governments with additional flexibility in managing oceanfront development. Public hearing is scheduled for 18 NOV 15 and comments are due 2 JAN 16.

[Proposed Rule: Streamlining of Permit Exemption Rules](#) - The Department of Environment and Natural Resources has proposed rulemaking to adopt, amend and repeal rules under 15A NCAC 02Q. Rule 15A NCAC 02Q .0102, Activities Exempted From Permit Requirements, would be amended to simplify the rule to make it easier to understand and to add new exemptions. Facilities with actual emissions less than five tons per year of each specified pollutant and total aggregate actual emissions of 10 tons per year would be exempt from permitting. Facilities that are not exempt and have total aggregate actual emissions less than 25 tons per year would be eligible for registration instead of obtaining a permit. Rule 15A NCAC 02Q .0302, Facilities Not Likely To Contravene Demonstration, would be repealed since the rule is duplicative of the requirements contained in the revised Rule 15A NCAC 02Q .0102. Rule 15A NCAC 02Q .0318, Changes Not Requiring Permit Revisions, would be adopted to allow facilities to make minor changes without first modifying their permit. Additionally, Rule 15A NCAC 02Q .0903, Emergency Generators And Stationary Reciprocating Internal Combustion Engines, would be amended to add an exemption from permitting for stationary reciprocating internal combustion engines if the engine is the only source of emissions at the facility. Public hearing is scheduled for 4 NOV 15 and comments are due by 30 NOV 15.

## REGION 5



### ILLINOIS

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

#### Legislation

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

#### Proposed Rules/Other Regulatory Activity

[Certification and Operation of Environmental Laboratories](#) - The Department of Public Health (IDOH) has proposed amendments to 77 Ill. Adm. Code 465, Certification and Operation of Environmental Laboratories. The amendments would allow laboratories that test drinking water to use additional vendors as proficiency test providers for microbiology drinking water. Laboratories will not be required to use the vendors, but may use a vendor the laboratory determines will best benefit the laboratory operation. Currently, there is only one acceptable testing method and only vendors accredited by the American Association for Laboratory Accreditation may be used. The rulemaking also adds certification for the "TECTA EC/TC Automated Microbiology System" as an alternate test procedure for detecting coliform and E. coli in water samples. Comments are due by 11 NOV 15.

[Primary Drinking Water Standards](#) - The Pollution Control Board has proposed amendments to 35 Ill. Adm. Code 611, Primary Drinking Water Standards. The amendments update the current fluoride standard to reflect the recent recommendation by the United States Department of Health and Human Services. Comments are due by 14 NOV 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.

#### Final Rules

[Sulfur Dioxide \(SO<sub>2</sub>\) Emission Limitations and Monitoring](#) – The Department of Environmental Management has adopted rulemaking which amends 326 IAC 7-2-1, 326 IAC 7-4-2, 326 IAC 7-4-3, and 326 IAC 7-4-11 concerning sulfur dioxide (SO<sub>2</sub>) emission limitations. The amendments add sections concerning the new 1-hour SO<sub>2</sub> National Ambient Air Quality Standard (NAAQS) and repeal other sections. This rule is substantively different from the draft rule published on 10 SEP 14. Regulation passed and became partially effective 2 OCT 15 with additional portions scheduled to become effective 4 OCT 17.

[Emergency Rule: Reporting Form for Above Ground Storage Tanks](#) – The Department of Environmental Management has adopted an emergency rule which temporarily adds provisions for the completion of a reporting form for above ground storage tanks in accordance with IC 13-18-5.5-10(d). Emergency rule became effective 15 OCT 15 and expire on 13 JAN 16.

[New Rules Concerning NPDES General Permits](#) – On 9 OCT 15, the Department of Environmental Management adopted amendments to 327 IAC 5 and 327 IAC 15, to transfer authority to issue NPDES general permits from the Water Pollution Control Division to the commissioner to comply with the Clean Water Act (33 U.S.C. 1251 et seq.). This rulemaking also updates requirements to meet current federal standards and maintain the existing permit by rule general permits for those categories for which the U.S. EPA has not yet approved the administratively issued general permits. Regulation passed and becomes effective 8 NOV 15.

#### **Proposed Rules/Other Regulatory Activity**

[Roster of Indiana Animals, Insects, and Plants Bulletin](#) - The Natural Resources Commission has issued Information Bulletin #2 (Seventh Amendment) regarding the Roster of Indiana Animals, Insects, and Plants that are Extirpated, Endangered, Threatened, or Rare (also described as Special Concern). In this amendment, the ruffed grouse and the rufa red knot were added to the species of special concern for birds. The name of the northern cavefish is changed to the Hoosier cavefish. Scientific names are modified to accurately reflect the current, published scientific names for each species. A few changes have also been made to the listing of extirpated and endangered vascular plants.



## **MICHIGAN**

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

#### **Proposed Legislation**

On 8 OCT 15, Senator Mike Green introduced [MI SB 552](#), which is a bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," to extend the date the department may levy and collect an annual groundwater discharge permit fee from facilities/municipalities that discharge wastewater to the ground or groundwater. The new date would be extended to 30 SEP 16.

#### **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**

[NPDES General Permits](#) – The Environmental Protection Agency has adopted amendments to 3745-38-01 and 3745-38-02 relating to requirements applicable to entities seeking general permit coverage. The amendments align the regulation with updated federal standards. Regulation passed and becomes effective 1 DEC 15.

[Open Burning Rules](#) – The Environmental Protection Agency, Division of Air Pollution Control has adopted amendments to OAC Rules 3745-19-03 and 3745-19-04 - Open Burning in Restricted and Unrestricted Areas. The rule amendments are intended to clarify that the use of open burning for Prairie Management is a recognized, permissible reason for conducting open burning. Regulation becomes effective 10 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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