



NORTHERN REGION REVIEW



Environmental Legislative and Regulatory News

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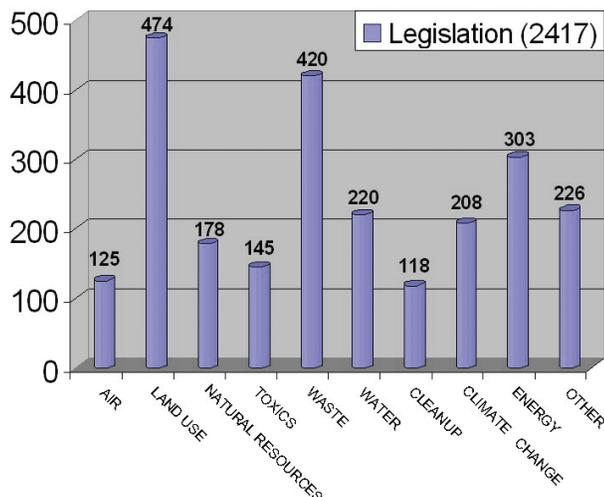
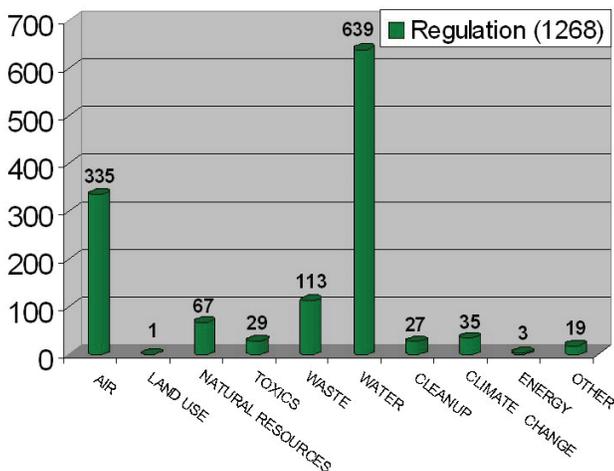
WHAT'S NEW FOR 2009...

The U.S. Army Regional Environmental Offices will be announcing an exciting change for the new year and beyond

Stay tuned for further details

2008 Legislative / Regulatory Wrap-Up

The Northern Office collectively reviewed over 3,600 regulatory and legislative proposals, summarized below, within the 22 states and territories comprising its area of operation. For further details, contact APGR-USAECNREOEnvironmentalSpecialist@conus.army.mil.



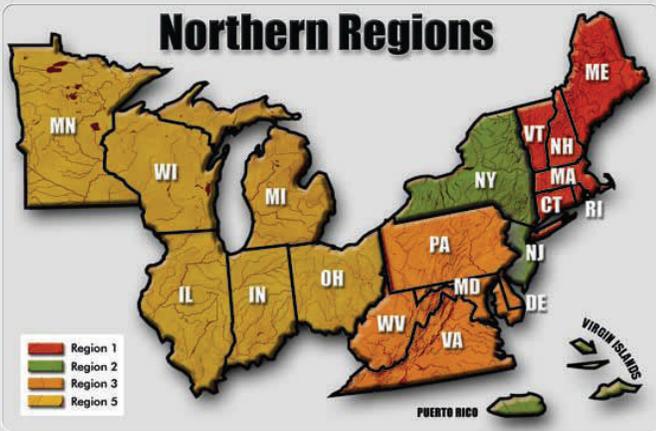
ENVIRONMENTALISTS PROVIDE WISH LIST TO PRESIDENT ELECT OBAMA

A consortium of environmental groups sent President-elect Barack Obama policy recommendations in a report titled, "[Transition to Green: Leading the way to a healthy environment, a green economy and a sustainable future.](#)" The report offers specific recommendations targeting the federal agency level. Key themes include climate and energy; land and habitat restoration; water supply conservation; soil conservation; aquatic resource protection; arctic conservation; among others.

Recommendations to DOD (Army) include: (1) reduce energy usage through conservation and researching, developing, and deploying renewable energy; (2) environmentally restore existing facilities and reform procurement practices to reduce the environmental footprint; and (3) account for environmental values in installation planning and management.

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This publication provides current information on environmental activities and events relevant to U.S. Army interests in the 22 states and territories in Federal Regions 1, 2, 3 and 5. The Review is intended to be a tool useful to Department of Defense and Army environmental decision makers, planners, and program managers in carrying out their responsibilities.

When used within the framework of ISO 14001, the Northern Region Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO 14001. Information in the Review is intended for general guidance, and the reader should refer to the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations.

HOW THE REGIONAL OFFICE WORKS FOR YOU

The Northern Region Review features proposed and final rules and legislation that may affect Army or DoD operations. The Army Northern Regional Environmental Office monitors these actions for you. If a proposed state action has: (1) critical mission impact; (2) conflicts with a federal requirement; and/or (3) a disproportionate effect on the Army or DoD, we coordinate with the potentially affected installations, commands, and/or other military Services to further assess the potential impact.

If action is needed on a proposed item, we work with Army or Service regulatory experts to communicate our position, coordinating with the affected installations and commands. Comments are combined from all parties in a single DoD package and formally submitted to the state.

Want to comment on a rule or bill in the Review? Please contact your Regional Environmental Coordinator listed in the Personnel Directory on the last page.

For further information on the Army's Regional Environmental Offices, visit <http://www.asaie.army.mil/Public/ESOH/reo>.



EXECUTIVE OFFICE OF THE PRESIDENT

WHITE HOUSE CLOSING THE CIRCLE AWARDS - REQUEST FOR NOMINATIONS The Office of the Federal Environmental Executive (OFEE) is accepting applications for the 2009 [White House Closing the Circle Awards](#). The program recognizes outstanding environmental stewardship achievements of federal employees and their facilities. The 2009 award categories are: Waste/Pollution Prevention; Recycling; Green Purchasing; Environmental Management Systems; High Performance/Sustainable Buildings; Electronics Stewardship; Alternative Fuel and Fuel Conservation in Transportation. Applications are due by January 30, 2009.



DoD NEWS

UPDATED DOD OCCUPATIONAL AND ENVIRONMENTAL HEALTH INSTRUCTION An updated version of DoD Instruction 6055.05, "[Occupational and Environmental Health](#)" has been released. The Instruction: (1) supersedes and cancels DoD Instruction (DoDI) 6055.5 "Industrial Hygiene and Occupational Health;" (2) expands risk management procedures to anticipate, recognize, evaluate, and control health hazards associated with occupational and environmental exposures to chemical, physical, and biological hazards in DoD workplaces, including military operations and deployments; (3) establishes industrial hygiene and occupational medical surveillance performance metrics; (4) creates the DoD Industrial Hygiene Working Group and the DoD Occupational Medicine Working Group; and (5) authorizes other publications related to and supporting occupational and environmental health.

DOD REHABILITATION TREATMENT MEASURES DoD has adopted the Advisory Council on Historic Preservation Program (ACHP) "Comment for DoD Rehabilitation Treatment Measures" [[73 FR 76346](#), December 16, 2008]. The comment provides DoD with an alternative way to comply with its responsibilities under the National Historic Preservation Act (NHPA) (36 CFR part 800 Section 106). The comment reduces compliance timeframes for routine repair and maintenance undertakings involving historic properties where DoD chooses to repair and maintain those resources under the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.



Court Decisions

CAIR REINSTATED PENDING USEPA REVISION The DC Circuit Court of Appeals has issued a [decision](#) to temporarily reinstate the [Clean Air Interstate Rule](#) (CAIR) while USEPA revises the cap and trade provisions. The CAIR rule, which was to take effect at the beginning of 2009, is reinstated until USEPA crafts a new program consistent with the court's determination. The decision determined that allowing utilities to freely trade sulfur-dioxide (SO₂) emissions credits, and bank early credits to use them in later years, violates the Title IV acid rain provisions of the Clean Air Act (CAA). The decision allows state programs based on CAIR to continue while USEPA revises the rule. CAIR requires 27 eastern states, Texas, and the District of Columbia to cut smog-forming nitrogen oxides (NO_x) beginning January 1, 2009 and/or reduce soot-producing SO₂ emissions starting January 2010. The process of revising the rule will likely require at least two or three years. A notice regarding the [July, 2008 court decision](#) vacating CAIR was published in the September *Northern Region Review*.

DC COURT REJECTS USEPA STARTUP SHUTDOWN MALFUNCTION EXEMPTION The DC Circuit Court of Appeals has issued a [decision](#) vacating a federal rule that allowed pollution limits at certain sites to exceed federal limits during startup, shutdown, and malfunction (SSM). The SSM rules are contained within the National Emission Standard for Hazardous Air Pollutants (NESHAP) General Provisions, 40 CFR Part 63, Subpart A. Due to appeal request deadlines the decision is not yet effective.



US ENVIRONMENTAL PROTECTION AGENCY NEWS

General

FALL 2008 SEMIANNUAL UNIFIED AGENDA USEPA has released the [Fall Semiannual Unified Agenda](#) [[73 FR 71424](#), November 24, 2008]. The agenda lists all regulations and major policies currently under development, under review, completed, or cancelled since the last agenda was released in Spring 2008.

Air Quality

NATIONAL AMBIENT AIR QUALITY STANDARDS FOR LEAD USEPA has issued a final rule reducing the National Ambient Air Quality Standards (NAAQS) for lead (Pb) [[73 FR 66963](#), November 12, 2008]. The primary standard level has been reduced to 0.15 [µg/m³], while the secondary standard has been revised to be identical in all respects to the new primary standard. The final rule also: (1) retains the current indicator of Pb in total suspended particles (Pb-TSP); (2) revises the averaging time to a rolling three-month period with a maximum (not-to-be-exceeded) form, evaluated over a three-year period; (3) revised data handling procedures, including allowance for the use of Pb-PM₁₀ data in certain circumstances; (4) revises the treatment of exceptional events, and ambient air monitoring and reporting requirements for Pb; (5) revises the emissions inventory reporting requirements; and (6) provides guidance on the approach for implementing the revised primary and secondary standards for Pb. Areas will be designated as attainment, non-attainment, or unclassifiable within two to three years of the final rule. Any areas designated non-attainment must then attain the standard within five years of the designation. For further information contact USAEC, at 410-436-7077.

REVISIONS TO NSPS AND EG FOR HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS USEPA has re-proposed revisions to the emission limits in the new source performance standards (NSPS) and emission guidelines (EG) for hospital/ medical/ infectious waste incinerators (HMIWI) in response to comments received and a 1999 Court remand [[73 FR 72961](#), December 1, 2008]. USEPA has also proposed a response to the required CAA five-year review, that would revise all of the emission limits in both the NSPS and EG. To address the Court's remand, USEPA recalculated the maximum achievable control technology (MACT) floors for existing and new HMIWI and developed new emission limits. The NSPS and EG require new and existing HMIWI to control emissions of hydrogen chloride, carbon monoxide, Pb, cadmium, mercury, particulate matter (PM), dioxins/furans, NO_x, and SO₂ to levels that reflect the degree of emission reduction based on MACT. A fact sheet may be found on the USEPA [website](#). Comments are due by February 17, 2009. For further information contact USAEC, at 410-436-7077.

POLLUTANTS COVERED BY THE FEDERAL PSD PERMIT PROGRAM USEPA has issued an interpretive [memorandum](#) addressing which pollutants are covered by federal Prevention of Significant Deterioration (PSD) permit program [73 FR 80300, December 31, 2008]. The memorandum excludes carbon dioxide from NSR. The memorandum contains USEPA's definitive interpretation of 40 CFR 52.21(b)(50) and resolves the current ambiguity. USEPA's interpretation of "regulated NSR pollutant" excludes pollutants that USEPA regulations only require monitoring or reporting as well as includes each pollutant subject to either a provision in the CAA or a regulation adopted by USEPA under the CAA that requires actual control of emissions of that pollutant. For further information contact USAEC, at 410-436-7077.

INTEGRATED SCIENCE ASSESSMENT FOR NOX AND SOX USEPA has released a final document titled "[Integrated Science Assessment for Oxides of Nitrogen and Sulfur—Ecological Criteria](#)" [73 FR 75716, December 12, 2008]. The National Center for Environmental Assessment prepared the document as part of the review of secondary NAAQS for NO_x and SO_x. USEPA's secondary NAAQS are based on ecological and welfare effects. For further information contact USAEC, at 410-436-7077.

FINAL RISK AND EXPOSURE ASSESSMENT REPORT FOR NOX USEPA has released a report titled "[Risk and Exposure Assessment to Support the Review of NO₂ Primary National Ambient Air Quality Standard: Final Report](#)" [73 FR 74485, December 8, 2008]. Nationally, anthropogenic sources including mobile and stationary sources account for approximately 87 percent of total NO_x emissions. Apart from these anthropogenic sources, there are also natural sources of NO_x including microbial activity in soils, lightning, and wildfires. The report does not indicate whether USEPA will reduce the primary NAAQS. USEPA plans a Notice of Proposed Rulemaking in May 2009, with a final action in December 2009. For further information contact USAEC, at 410-436-7077.

DRAFT INTEGRATED SCIENCE ASSESSMENT FOR PM USEPA has released a draft document titled, "[First External Review Draft Integrated Science Assessment for Particulate Matter](#)," as part of the PM NAAQS review [73 FR 77686, December 19, 2008]. The first external review draft document will be discussed at a public meeting for review by the Clean Air Scientific Advisory Committee (CASAC). Public comments received will be provided to the CASAC review panel. Comments are due by March 13, 2009. For further information contact USAEC, at 410-436-7077.

EPCRA

AMENDMENTS TO EMERGENCY PLANNING AND NOTIFICATION USEPA has issued a final rule promulgating amendments to the Emergency Planning Notification, Emergency Release Notification, and Hazardous Chemical Reporting regulations, back on June 8, 1998 [73 FR 65451, November 3, 2008]. The amendments include: (1) revisions on applying threshold quantity and the reporting of mixtures under the Emergency Planning and Community Right-to-Know Act (EPCRA) sections 311 and 312; (2) removal of the Tier I and II inventory forms and instructions from the Code of Federal Regulations (CFR); (3) codifies certain existing policies and interpretations in 40 CFR parts 355 and 370; (4) revisions to regulations in 40 CFR parts 355 and 370 that simplifies the language, using a question and answer format; (5) re-numbers and re-organizes each section in 40 CFR parts 355 and 370; and (6) adds tables in order to improve the clarity and understanding of certain reporting requirements. The final rule became effective on December 3, 2008. For further information contact USAEC, at 410-436-7068.

RCRA

EXPANSION OF RCRA COMPARABLE FUEL EXCLUSION USEPA issued a final rule establishing a new category of excluded fuel under the Resource Conservation and Recovery Act (RCRA) [73 FR 77953, December 19, 2008]. The newly excluded hazardous secondary materials are called "emission-comparable fuel" (ECF). ECF, when generated, is handled in such a way that it is not discarded in any phase of management, but rather is handled as a valuable commodity. The rule already provides exclusions for comparable fuels and synthesis gas. ECF meets all of the hazardous constituent specifications for comparable fuel, with the exception of those for oxygenates and hydrocarbons. The rule specifies ECF will be subject to its own set of conditions, some of which overlap with the comparable fuels exclusion conditions. The ECF exclusion will be conditioned on requirements including: (1) that emissions from industrial boilers burning ECF are comparable to emissions from industrial boilers burning fuel oil; and (2) that discard does not occur from tanks and containers storing ECF. The final rule becomes effective on January 20, 2009. For further information contact USAEC, at 410-436-7068.

SPCC

SPCC RULE AMENDMENTS USEPA issued a final rule amending the Spill Prevention, Control, and Countermeasures (SPCC) rule, to provide clarity and tailored requirements to particular industry sectors [73 FR 74235, December 5, 2008].

Among other changes, the final rule: (1) amends the definition of facility to clarify the existing flexibility associated with describing a facility's boundaries; (2) amends the facility diagram requirement to provide additional flexibility; (3) defines loading/unloading rack, to clarify the equipment subject to the provisions for facility tank car and tank truck loading/unloading racks, as well as amends the provisions for this equipment; (4) provides streamlined requirements for a subset of qualified facilities; (5) amends the general secondary containment requirement to provide more clarity; (6) exempts non-transportation-related tank trucks from the sized secondary containment requirements; (7) amends the security requirements; (8) amends the integrity testing requirements to allow greater flexibility in the use of industry standards; and (9) exempts underground oil storage tanks at nuclear power generation facilities. For further information contact USAEC, at 410-436-7068

REVISIONS TO THE DEFINITION OF NAVIGABLE WATERS FOR SPCC PURPOSES In response to a court decision, USEPA has issued a final rule modifying the definition of navigable waters for SPCC purposes at 40 CFR 112.2 [73 FR 71941, November 26, 2008]. The modification restores the less expansive definition of navigable waters published in 1973. USEPA has also released a [fact sheet](#) regarding the final rule. The final rule became effective on November 26, 2008. For further information contact USAEC, at 410-436-7068

Water Quality

GUIDANCE ON CLEAN WATER ACT (CWA) JURISDICTION USEPA and the Army Corps of Engineers (USACE) issued [revised guidance](#) on Clean Water Act (CWA) jurisdiction to ensure wetlands, streams, and other waters are better protected. The revised guidance replaces previous policy issued in June 2007, and clarifies a June 2006 Supreme Court decision regarding the scope of the agencies' jurisdiction under the CWA. Specifically, the revised guidance: (1) clarifies how to determine the reach of the Traditional Navigable Waters (TNWs); (2) clarifies the regulatory term "adjacent wetlands;" and (3) refines the concept of relevant reach. In addition, USACE has issued a [Regulatory Guidance Letter \(RGL\) 08-02](#) responding to public comments concerned with processing delays. For further information contact USAEC, at 410-436-7076.

EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR CONSTRUCTION SITE DISCHARGES USEPA has proposed a rule that would strengthen the existing program for construction site discharges [73 FR 72561, November 28, 2008]. The proposed rule would establish technology-based Effluent Limitations Guidelines (ELG) and NSPS for the Construction and Development (C&D) point source category. The proposed rule would also establish: (1) technology-based minimum requirements on a national basis and reduce the amount of sediment, total suspended solids (TSS), turbidity and other pollutants discharged from construction sites; (2) a set of non-numeric effluent limitations requiring dischargers to provide and maintain effective erosion control measures, sediment control measures, and other pollution prevention measures to minimize and control the discharge of pollutants in storm water and other wastewater from construction sites; and (3) a numeric effluent limit for turbidity in discharges from some C&D sites. For further information contact USAEC, at 410-436-7076.

STAGE 2 DISINFECTANTS AND DISINFECTION BYPRODUCTS RULE USEPA has issued a proposed rule to make a correction to the Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR) [73 FR 67456, November 14, 2008]. A requirement for groundwater systems serving 500-9,999 people was unintentionally excluded from the final rule. These public water systems (PWSs) should have been required to monitor for both total trihalomethanes (TTHM) and haloacetic acids (HAA5) concentrations at two locations. Due to the error, they were only required to monitor for either TTHM or HAA5 at two locations. For further information contact USAEC, at 410-436-7076.

OTHER FEDERAL AGENCY NEWS

SET 23 TOXICOLOGICAL PROFILES The Agency for Toxic Substances and Disease Registry (ATSDR) released a list of 80 proposed substances that will be evaluated for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Set 23 toxicological profile development [73 FR 73329, December 2, 2008]. Each year, ATSDR develops a list of priority substances that will be evaluated for toxicological profile development.

NEW HANDBOOK FOR CONSULTATION WITH INDIAN TRIBES The Advisory Council on Historic Preservation Program has released a new handbook from its Native American Program, "[Consultation with Indian Tribes in the Section 106 Process: A Handbook](#)." The handbook focuses on tribal consultations required by NHPA Section 106. The handbook is not a source for the full consultation requirements under the National Historic Preservation Act, but it does contain useful information for anyone involved in Section 106 consultations with Indian Tribes, including Cultural Resource Managers. Use of the handbook should be in conjunction with DoD and Army specific guidance contained in DoDI 4710.02, "DoD Interactions with Federally Recognized Tribes" and AR 200-1. For further information contact USAEC, at 410-436-1207.

HIGH PERFORMANCE AND SUSTAINABLE BUILDINGS GUIDANCE The Interagency Sustainability Working Group (ISWG) has released [guidance](#) to assist agencies in meeting the high performance and sustainable buildings goals of Executive Order (EO) 13423, section 2(f). The guidance: (1) updates the *Guiding Principles for Sustainable New Construction and Major Renovations*; (2) establishes a separate *Guiding Principles for Sustainable Existing Buildings*; (3) clarifies reporting guidelines for entering information on sustainability data element #25 in the Federal Real Property Profile (FRPP) database; and (4) explains how to calculate the percentage of buildings/square footage that are compliant with the guiding principles.

US Fish and Wildlife Service

INTERAGENCY CONSULTATION UNDER THE ENDANGERED SPECIES ACT US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) have issued a final rule addressing interagency cooperation under the Endangered Species Act (ESA) [[73 FR 76272](#), December 16, 2008]. The rule shifts the balance of decision-making authority from the reviewing agencies to the action agencies. The final rule clarifies several definitions, provides assistance as to when consultation under section 7 is necessary, and establishes time frames for the informal consultation process. Several environmental groups have filed suit in the US District Court in San Francisco to block the final rule. Unless overturned in court, the final rule becomes effective January 15, 2009. For further information contact USAEC, at 410-436-6458.

DEPREDAION ORDER FOR BLACKBIRDS, COWBIRDS, GRACKLES, CROWS, AND MAGPIES USFWS issued a proposed rule that would change the regulations governing control of depreddating blackbirds, cowbirds, grackles, crows, and magpies at 50 CFR 21.43 [[73 FR 74447](#), December 8, 2008]. Due to the long-term evidence of population declines throughout much of their ranges, USFWS has proposed to remove the Rusty Blackbird and the Mexican (Tamaulipas) Crow from the list of species that may be controlled under the depredation order. If the rule is finalized, a depredation permit would be necessary to conduct control actions to take either of these species. USFWS also proposed to add a requirement to use nontoxic shot or bullets when a firearm is used to control any species listed under the order, and to add a requirement to report on control actions taken under the order. Comments are due by March 9, 2009. These birds winter across the US, so there is a potential impact to Army installations. For further information contact USAEC, at 410-436-6458.

REVISION OF EXPIRATION DATES FOR DOUBLE-CRESTED CORMORANT DEPREDAION ORDERS USFWS has issued a proposed rule to extend the two existing depredation orders for double-crested cormorants in the CFR at 50 CFR 21.47 and 21.48 [[73 FR 74445](#), December 8, 2008]. The extension allows USFWS to continue to authorize take of double-crested cormorants without a permit under the terms and conditions of the depredation orders and gather data on the effects of double-crested cormorant control actions. If USFWS does not extend the depredation orders, any action to control depreddating double-crested cormorants would require a permit. USFWS has issued a [draft environmental assessment](#) to analyze the environmental impacts associated with the proposed extensions. Comments are due by January 22, 2009. If the depredation orders are not extended there is a potential impact for Army installations. For further information contact USAEC, at 410-436-6458.

REVIEW OF NATIVE SPECIES FOR ENDANGERED AND THREATENED LISTING USFWS has issued a Candidate Notice of Review (CNOR), which is an updated list of plant and animal species native to the US regarded as candidates for or have been proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under ESA [[73 FR 75175](#), December 10, 2008]. The CNOR summarizes the status and threats that have been evaluated in order to determine that species qualify as candidates and to assign a listing priority number (LPN) to each species, or to remove species from candidate status. Overall, this CNOR recognizes one new candidate, changes the LPN for 11 candidates, and removes two species from candidate status. There is potential impact on Army installations. The Red Knot listing priority dropped from six to three. The Red Knot has a distribution, during different seasons, that spans the Atlantic coast. USEPA will accept information on the CNOR at any time. For further information contact USAEC, at 410-436-6458.

Region 1

For more information on any state issues in Region 1, contact Bob Muhly, Army Regional Environmental Coordinator, Regions 1 & 2, (410) 436-6224, e-mail: Robert.Muhly@us.army.mil.



2009 State Legislative Session Calendars (Adjournment dates are subject to change)

State	Convenes	Adjourns
Connecticut	January 7	June 3
Maine	December 3, 2008	June 17
Massachusetts	January 7	TBD
New Hampshire	January 7	TBD
Rhode Island	January 6	June TBD
Vermont	January 7	TBD



Connecticut

AMENDMENTS TO THE LOW EMISSION VEHICLES II PROGRAM The Connecticut Department of Environmental Protection (CTDEP) has [proposed amendments](#) to the Low Emission Vehicles (LEV) II Program. The proposed amendments would allow Connecticut's LEV II Program to maintain consistency with the California regulations, as required under CAA Section 177, and exempt composite vehicles from emissions inspections. In particular, the amendments include the addition of environmental performance labeling for smog and greenhouse gas (GHG) index scores, updates to the zero emission vehicle (ZEV) requirements, and technical changes consistent with California's vehicle recall provisions.



Maine

NPDES PRELIMINARY RESIDUAL DESIGNATION OF CERTAIN STORM WATER DISCHARGES USEPA New England Regional Office issued a notice of availability of a preliminary determination regarding certain storm water discharges in the Long Creek watershed [[73 FR 80388](#), December 31, 2008]. The preliminary determination covers storm water discharges located in South Portland, Westbrook, Scarborough, and Portland, Maine that would be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage under CWA. USEPA New England Regional Office is seeking public comment on the nature and scope of the preliminary residual designation. After comments are received, USEPA intends to review the preliminary residual designation and decide whether to make any changes. Comments are due by February 17, 2009.

AMENDMENTS TO EMISSION STATEMENTS The Maine Department of Environmental Protection (MEDEP) has finalized [amendments](#) to Chapter 137, "Emission Statements." The chapter provides point sources with detailed information for developing their criteria pollutant, hazardous air pollutant (HAP), and GHG inventories. The amendments: (1) apply the emissions inventory reporting requirements solely to licensed facilities, excluding unlicensed facilities which once reported HAPs every three years; (2) require emissions reporting for thirteen HAPS from fuel burning equipment, regardless of their threshold emissions; (3) move the reporting date from July 1 to May 1 each year, beginning in 2010; (4) delete 29 HAPS from Appendix A that are neither CAA Sec. 112(b) Toxic Air Pollutants nor reportable to the National Emissions Inventory; (5) change the way polycyclic organic matter (POM) and chromium emissions are reported; and (6) amend Appendix B to reflect the originally intended list of hydrofluorocarbons and perfluorocarbons. Amendments became effective November 8, 2008.

AMENDMENTS TO WETLANDS AND WATERBODIES PROTECTION MEDEP has adopted [amendments](#) to the wetlands and waterbodies protection regulations. The amendments concern Section 5(A) of Chapter 310, an "avoidance"

standard. The amendments clarify the provisions concerning wetlands of special significance and add three additional categories of activities that may be considered for approval in wetlands of special significance. The first category is for activities to restore or enhance the wetlands of special significance. The second category concerns activities at least 250 feet from aquatic vegetation, emergent marsh vegetation, or open water that do not unreasonably adversely affect the functions and values enhanced or served by those features. The third category concerns certain activity on a pier, wharf, dock, or other structure in coastal wetlands, when: (1) the structure was built before June 30, 1990, and is still in existence on the date of the application and (2) the Commissioner of MEDEP has approved an alternative set of shoreland zoning standards pursuant to 38 MRSA §438-A(2).

AMENDMENTS TO THE SOLID WASTE MANAGEMENT RULES MEDEP has issued draft changes to the solid waste management rules. The changes include the creation of a new rule chapter, Composting Facilities (06-096 CMR 410) and revisions to General Provisions (06-096 CMR 400) and Processing Facilities (06-096 CMR 409). The revisions entail: (1) removing composting regulations from 06-096 CMR 409 and creating a composting facilities chapter at 06-096 CMR 410; (2) establishing transition provisions for licenses held by existing composting facilities that are now exempt from 06-096 CMR 410; and (3) adding new definitions to 06-096 CMR 400. The revisions would affect any entity that generates, composts, and disposes solid waste. MEDEP is reviewing comments, there is no timeline for the rulemaking.

SIGNIFICANT WILDLIFE HABITAT MEDEP proposed [amendments](#) to make minor changes to Chapter 335, Significant Wildlife Habitat (SWH). Chapter 335 applies to an activity that takes place in, on, or over a SWH, or adjacent to a SWH contained within a freshwater wetland, and requires MEDEP approval. The amendments would incorporate changes made necessary by recent legislation. The amendments would not set significant new policy, and it is a routine technical rulemaking. MEDEP is reviewing comments and there is no set timetable for approval.



Massachusetts

NPDES PRELIMINARY RESIDUAL DESIGNATION OF CERTAIN STORM WATER DISCHARGES USEPA New England Regional Office has issued a notice of the availability of a preliminary determination regarding certain storm water discharges in the Charles River watershed [[73 FR 78790](#), December 23, 2008]. The preliminary determination covers storm water discharges located in Bellingham, Milford, and Franklin, Massachusetts that would be required to obtain NPDES permit coverage under CWA. USEPA is seeking public comment on the nature and scope of the preliminary residual designation. After comments are received, USEPA intends to review the preliminary residual designation and decide whether to make any changes. Comments are due by February 6, 2009.

NOMINATION OF THE UPPER HOUSATONIC RIVER AS AN AREA OF CRITICAL ENVIRONMENTAL CONCERN The Massachusetts Executive Office of Energy and Environmental Affairs is considering the nomination of the Upper Housatonic River, in the cities and towns of Lee, Lenox, Pittsfield, and Washington, as an Area of Critical Environmental Concern (ACEC). The [ACEC program](#) currently includes 29 highly significant ecological areas covering about 255,000 acres in 74 cities and towns across Massachusetts. The purpose of the special state designation is to preserve, restore, and enhance an area's natural and cultural resources. Proposed projects within an ACEC that need state agency action, permits, or funding are subject to stricter environmental reviews to ensure that any adverse impacts to those resources are avoided or minimized. A public hearing will be scheduled for January 2009.

GHG REPORTING REGULATIONS The Massachusetts Department of Environmental Protection (MassDEP) has issued an [emergency regulation](#), regarding GHG reporting, that requires facilities to register with MassDEP by April 15, 2009. The emergency regulation was required to meet the January 1, 2009, deadline set by the Global Warming Solutions Act. Governor Patrick signed the act in August 2008. The act requires the reduction of GHG emissions by between 10 percent and 25 percent by 2020 and 80 percent by 2050. MassDEP will hold a public meeting January 22, 2009 to discuss aspects of the comprehensive regulation, including verification, voluntary reporting, and reporting to the regional registry. MassDEP will hold a public hearing on the emergency regulation on February 11, 2009. Comments are due by February 23, 2009. MassDEP intends to issue permanent regulations by June 2009.

HAZARDOUS WASTE REGULATIONS AMENDMENTS MassDEP has [proposed amendments](#) to various hazardous waste regulations. The amendments would: (1) revise the definitions of oil and used waste oil to clarify the inclusion of petroleum distillates such as certain high flashpoint cleaner solvents; (2) add a definition of crime involving moral turpitude; (3) correct the definitions of manifest and manifest tracking number; (4) adopt the revised mixture and derived-from rules (40 CFR 261.3(g)(1)) as related to medicinal nitroglycerine in finished dosage form; (5) clarify that shipments of regulated recyclable material sent off the site of generation by a generator must go directly to an appropriate, authorized

facility; (6) remove the reference to the National Fire Protection's Code 704 from provisions concerning signage requirements for accumulation areas; (7) clarify that off-specification used oil cannot be shed to a B(3) facility that is only permitted to accept specification used oil fuel; (8) clarify that a marketer may ship to another marketer or to a burner; and (9) clarify that a generator of specification used oil fuel shipped using a marketer/transporter does not need a Class A permit. Public hearings were held in December 2008.

CHP SYSTEMS REQUIREMENTS FOR STATIONARY ENGINES AND COMBUSTION TURBINES MassDEP has adopted [amendments](#) to the air pollution control regulations to encourage facilities that are considering installation of electricity generating engines or combustion turbines to install combined heat and power (CHP) systems. The amendments allow facilities to receive emission credits for installing CHP systems. The facilities will receive credits for emissions that would have occurred if a new or replacement boiler was installed. A notice of the proposed amendments was published in the May 2008 *Northern Region Review*. The amendments become effective on January 17, 2009.

SEMI-ANNUAL PROGRAM FEE CHANGES MassDEP has [proposed amendments](#) to the permit or annual compliance fee categories for several environmental programs. The programs covered within the amendments include: (1) water pollution control title 5; (2) water supply; (3) watershed management; (4) wetlands and waterways; (5) environmental laboratory certification; (6) air quality; (7) hazardous waste; (8) solid waste; and (9) mercury management. The amendments would also implement fee changes required by statutory amendments to the Waste Site Cleanup program, Chapter 21E. MassDEP will hold public hearings on the proposed amendments on January 16, and 20, 2009. Comments are due on January 30, 2009.

AMENDMENTS TO NOX ALLOWANCE TRADING PROGRAM AND CAIR MassDEP has [proposed amendments](#) to 310 CMR 7.28 and 7.32 to reinstate the NOx Allowance Trading Program and rescind the Massachusetts CAIR. The Massachusetts CAIR was scheduled to replace the NOx Allowance Trading Program as of January 1, 2009. In July 2008, the DC Circuit Court of Appeals vacated the federal CAIR. The proposed amendments are a result of the court's decision. If finalized, the amendments will be submitted to the USEPA as Massachusetts SIP revision. A public hearing was held in December 2008.

AMENDMENTS TO VOCs REGULATIONS MassDEP has proposed amendments to air pollution control regulations concerning volatile organic compounds (VOCs) for [Consumer Products](#) & [Solvent Metal Degreasing](#). The proposed amendments involve: (1) Definition of VOC (310 CMR 7.00) – addition of the compound HFE-7300 to the list of exempt compounds; (2) Paint Spray Booths (310 CMR 7.03(16)) - technical correction and the deletion of a sentence to clarify the regulation's intent; (3) Metal Solvent Cleaning (310 CMR 7.18(8)) - imposition of a vapor pressure limit on cold cleaning solvents; and (4) Consumer Products (310 CMR 7.25(12)) - addition of an Alternative Compliance Plan (ACP) option to the existing consumer products regulations that allows manufacturers of consumer products to average VOC emissions among products to meet VOC limits. The VOC definition change will eliminate, for any facility that uses HFE-7300, the requirement to count HFE-7300 as a VOC in determining whether the facility meets its regulatory VOC obligations.

MERCURY MANAGEMENT ACT MassDEP [proposed regulations](#) to implement portions of the Mercury Management Act. The amendments would: (1) implement prohibitions on the disposal of products containing mercury and the collection of solid waste containing them; (2) ban the sale of certain products containing mercury; and (3) create labeling requirements for products containing mercury. The first set of regulations to implement the Act were promulgated in 2007. Public hearings were held in November 2008.

SOLID WASTE MASTER PLAN MassDEP is discussing [updates](#) to the [Solid Waste Master Plan](#), a blueprint for managing solid waste generated, reused, recycled, recovered, and disposed of in the Commonwealth. Dramatic increases in energy costs, heightened concerns about climate change, renewed interest in more efficient use of waste as second-hand materials, and diminishing public resources are prompting MassDEP to reexamine solid waste management. The Solid Waste Master Plan provides a framework for improving the overall environmental performance of the solid waste management system. Public hearing were scheduled for January 8, and 13, 2009.

AMENDMENTS TO THE LOW-LEVEL RADIOACTIVE WASTE FUND REGULATION The Massachusetts Department of Public Health has [proposed amendments](#) to 345 CMR 4.00, Low-Level Radioactive Waste Management Fund. The amendments would increase the fees assessed against persons licensed to possess radioactive materials. The amendments are necessary to maintain adequate funding for the Low-Level Radioactive Waste Management Program. A public hearing was held in November 2008.



New Hampshire

AMENDMENTS TO SHORELAND PROTECTION REGULATIONS NHDES has adopted [amendments](#) to the Shoreland Protection Regulations, Env - Wq Rule 1400, that implement the Comprehensive Shoreland Protection Act (CSPA). CSPA protects the state's surface waters by placing certain restrictions on activities conducted within 250 feet of the water's edge. In response to legislation in 2007 and 2008, the rules were amended on an interim basis effective July 1, 2008. This adoption reinstates the interim amendments as regular rules. This adoption also: (1) adds language to establish a longer-term permit for maintenance and repair of public benefit infrastructure; (2) revises existing definitions and adds new definitions to clarify what activities do and do not need a permit; (3) clarifies the statutory exemptions from the statute vs. obtaining a permit vs. paying the permit fee; (4) clarifies the difference between activities that do not need a permit because they are not construction, excavation, or filling and those that are exempt because they are de minimis construction, excavation, or filling; and (5) adds a permit-by-notification for contaminated site remediation activities conducted pursuant to an approval obtained from NHDES under Env-Or 600. Any individual or entity that owns property within the protected shoreland and wishes to develop or redevelop the property will be affected by these amendments. The amendments were adopted on December 19, 2008.

AMENDMENTS TO HAZARDOUS WASTE REGULATIONS The New Hampshire Department of Environmental Services (NHDES) has proposed to readopt the hazardous waste regulations with minor [amendments](#). The regulations establish requirements for the generation, storage, treatment, transportation, and disposal of hazardous waste. The amendment would alter the organization, definitions, and procedures within the hazardous waste regulations. The amendments would also change the regulations relative to permits, including exemptions, types of permits, application requirements, procedures, and criteria. The regulations affect any individual or entity that generates, stores, treats, transports, or disposes of hazardous waste. NHDES is reviewing comments, there is no timeline for the rulemaking.

AMENDMENTS TO CERTIFICATION OF WATER WORKS OPERATORS NHDES has [proposed rules](#) concerning the certification of water works operators regulations. The proposed rules would adopt the current interim rules, with amendments. The existing interim rules, Env-Ws 367: (1) establish the requirements to obtain and renew a certification; (2) provide the criteria and procedures for suspending, revoking, or refusing to renew a certification; and (3) establish the process that determines the complexity of treatment plants and distribution systems, which in turn determines what grade of operator is required. The interim rules were adopted in order to ensure that they remain in effect while regular rules are adopted. The interim rules will expire on April 30, 2009.



Rhode Island

AMENDMENTS TO EMISSIONS CONTROL REGULATIONS FOR ORGANIC SOLVENT CLEANERS The Rhode Island Department of Environmental Management (RIDEM) has finalized [amendments](#) to Regulation No. 36, Control of Emissions from Organic Solvent Cleaning. The amendments: (1) exempt cold cleaners using solvents containing five percent or less VOCs and volatile HAPs; (2) clarify work practice and reporting requirements; (3) regulate vapor cleaners using trans 1,2-dichloroethylene or n-propyl bromide; (4) adopt federal facility-wide emissions limits; and (5) establish a vapor pressure limit for solvents used for cold cleaning. The amendments became effective on October 9, 2008.

AIR QUALITY REGULATION REVISIONS RIDEM has finalized revisions to various air quality regulations and guidelines. The revisions amended, [Regulation No. 22](#), Air Toxics, with updates to several acceptable ambient levels and minimum quantity thresholds. The updates: (1) add an additional substance, n-propyl bromide, to the list of regulated air toxics; (2) exempt existing fuel burning sources (including those burning biodiesel), as well as water pollution control systems and small organic solvent cleaning sources; and (3) clarify reporting requirements. The minimum quantities listed in [Regulation No. 9](#), "Air Pollution Control Permits", were revised to be consistent with those in Regulation No. 22. Two guidelines referenced in Regulation No. 22, the "[Rhode Island Air Toxics Guideline](#)" and the "[Rhode Island Guideline for Air Quality Modeling for Air Toxics Sources](#)," were also be updated. The revisions became effective on October 9, 2008.

Region 2

For more information on any state issues in Region 2, contact Bob Muhly, Army Regional Environmental Coordinator, Regions 1 & 2, (410) 436-6224, e-mail: Robert.Muhly@us.army.mil.



2009 State Legislative Session Calendars (Adjournment dates are subject to change)

State	Convenes	Adjourns
New Jersey	January 13	TBD
New York	January 7	December 31
Puerto Rico	January 2	2013 TBD

CRITICAL HABITAT FOR THREATENED ELKHORN AND STAGHORN CORALS The National Marine Fisheries Service (NMFS), has issued a final rule designating critical habitat for elkhorn and staghorn corals, which were listed as threatened under the Endangered Species Act (ESA) [[73 FR 72209](#), November 26, 2008]. Areas that were designated include marine habitat within: (1) a Puerto Rico area, 1,383 square miles; (2) a St. John/St. Thomas area, 121 square miles; and (3) a St. Croix area, 126 square miles. NMFS has excluded one military site, comprising approximately 5.5 square miles (14.3 sq km), because of national security impacts. There is no anticipated impact on Army installations. The final rule became effective on December 26, 2008.



New Jersey

NOX BUDGET AND ALLOWANCE TRADING PROGRAM USEPA issued a proposed rule to approve a New Jersey State Implementation Plan (SIP) revision [[73 FR 78258](#), December 22, 2008]. The proposed SIP revision includes a regulation that allows for the continuation of New Jersey's statewide NOx budget and NOx allowance trading program beyond the year 2008. The state program began in 2003 for large electric generating units and industrial sources. The proposed SIP revision would allow the continuation of the state program to reduce emissions of NOx in order to help attain the NAAQS for ozone. Comments are due by January 21, 2009.

LICENSED SITE PROFESSIONAL PROGRAM WITHIN CLEANUP PROGRAM On December 8, 2008, the Assembly Environment and Solid Waste Committee held a hearing on [A.B. 2962](#). The bill: (1) establishes a licensed site professional program within the New Jersey Department of Environmental Protection (NJDEP); (2) provides that any submissions concerning the remediation of a contaminated site shall be signed and certified by a licensed site professional, or by a certified subsurface evaluator; (3) establishes criteria for a ranking system for contaminated sites and provides for varying levels of oversight depending on the ranking of the site; (4) allows NJDEP to audit a licensed site professional at least once during the three year licensing period and provides for the audit of cases; (5) modifies the "Brownfield and Contaminated Site Remediation Act" to change the oversight requirements for persons who clean up contaminated sites and the requirements for the establishment of a remediation funding source; (6) imposes a one percent annual surcharge on persons responsible for conducting a remediation and requires the payment of a surcharge of five percent of the total cost of the remedial action when a limited restricted use or a restricted use remedial action is implemented. The committee heard testimony on the [NJDEP proposed substitute](#) for this bill, but took no action on the bill.

CERTIFICATION PROGRAM FOR UNREGULATED HEATING OIL TANK SYSTEMS NJDEP has issued a final rule readopting [amendments](#) to Subchapter 16 of the Underground Storage Tank (UST) rules (N.J.A.C 7:14B). Subchapter 16 provides the requirements that an individual or business firm must meet in order to be certified to provide services on unregulated heating oil USTs. The amendments include a new section concerning the professional business practices that a party must meet in order to be certified. The final rule became effective on November 3, 2008.

VOC EMISSION REDUCTIONS NJDEP has adopted [new rules and amendments](#) that reduce the emissions of VOCs from a variety of commercial and consumer products. The amendments add emission limits for a number of new consumer product categories, impose a more restrictive limit for other categories, and expand the prohibition of certain

toxics to other automotive and consumer product categories. The amendments also replace NJDEP's performance standards for portable fuel containers with a requirement that the containers be certified by the California Air Resources Board (CARB). The new rules also regulate VOCs from adhesives and sealants, with alternative compliance options, and require the reporting of tertiary butyl acetate emissions. NJDEP also amended the definition of VOCs to incorporate by reference the USEPA definition. The new rules and amendments became effective on December 1, 2008.

REPEAL OF THE NOX BUDGET PROGRAM NJDEP has proposed a [rule](#) to repeal the expiration of the NOx Budget Program (N.J.A.C. 7:27-31.23). CAIR was to replace the NOx Budget Program on January 1, 2009. However, the federal CAIR program was vacated by a July 2008 DC Circuit Court of Appeals decision, along with the Federal Implementation Plan (FIP). Accordingly, NJDEP has proposed to repeal the December 31, 2008 expiration of the NOx Budget Program, so that the NOx Budget Program will remain applicable during the 2009 ozone season, which begins May 1, 2009.



New York

CREATION AND IMPLEMENTATION OF A STATE ENERGY PLAN In April 2008, Governor David Paterson issued [Executive Order \(EO\) No. 2](#) that established a State Energy Planning Board and authorized the creation and [implementation of a state energy plan](#). EO No. 2 directs the board to include the following in the Energy Plan: (1) a statement of long-range energy policy objectives and strategies appropriate to increase energy supply and reduce energy demand; (2) an inventory of ghg emissions, and strategies for facilitating and accelerating the use of low carbon energy sources and/or carbon mitigation measures; (3) recommendations for administrative and legislative actions to implement the policies, objectives, and strategies set forth in the Energy Plan; and (4) recommendations for the study of additional issues and/or for further study of issues addressed in the Energy Plan. The Board is authorized to issue a new Energy Plan at least every three years. The draft plan is scheduled to be released March 31, 2009. Public hearings are expected to be held in March or April 2009. Public comments on the draft are due May 15, 2009. The final Energy Plan is expected to be released June 30, 2009.

OFFICE OF CLIMATE CHANGE The [New York State Office of Climate Change](#) (OCC) has been created to lead the development of programs and policies that mitigate GHG emissions and help New York communities and individuals adapt to climate change. The OCC aims to ensure that New York develops the full suite of responses needed for significant emission reductions and for successful adaptation to changing temperatures, sea levels, precipitation, and other climate factors. These responses include: (1) mitigation programs to reduce GHG emissions; (2) emissions inventory and assessment; (3) evaluations of the feasibility and benefits of alternatives to fossil-fuel technology and of other mitigation and adaptation approaches; (4) partnerships for shared solutions that save money for governments, institutions, businesses, and individuals; and (5) information about expected climate change impacts to help communities, organizations, and individuals determine what local adaptations will be needed. The OCC is working on regulatory performance standards for new stationary sources that will have large, long-term GHG emissions including electric power plants, very large boilers, and gasification systems.

NESHAP UPDATE The New York Department of Environmental Conservation (NYDEC) has proposed a [rule](#) to update 6 NYCRR 200.10, Table 4, to incorporate by reference new and amended NESHAP regulations. The rule would include NESHAPs as printed in the July 1, 2007 CFR. The state will implement and enforce all requirements under Section 112 for NESHAPs. NYDEC is reviewing comments; there is no timeline for the rulemaking.

AMENDMENTS TO THE DESIGN REQUIREMENTS FOR PORTABLE FUEL CONTAINERS NYDEC has issued a [proposed regulation](#) to allow manufacturers more flexibility in designing portable fuel containers. NYDEC has proposed to amend Part 239, Portable Fuel Container Spillage Control and Part 200, General Provisions. These regulations would require portable fuel containers, which are distributed in the State of New York, to comply with the federal standard described in 40 CFR Part 59. The proposed amendments outline a different compliance test procedure that would maintain lower VOC emissions while allowing manufacturers more flexibility in the design of the containers. NYDEC is reviewing comments, there is no timeline for the rulemaking.

DRAFT PROGRAM POLICY FOR ABOVE GROUND STORAGE TANKS NYDEC prepared a [draft program policy](#) regarding guidelines for inspecting and certifying secondary containment systems of above ground petroleum storage tanks at major oil storage facilities (MOSF). The program policy provides guidance on the design and construction of secondary containment systems and the evaluation of those systems. The guidance would assist operators in complying with the associated MOSF license conditions and underlying statutory and regulatory requirements. In addition, the guidance would ensure that compliance reviews of secondary containment systems by regional MOSF licensing staff are

conducted uniformly in each of the nine NYDEC regions. NYDEC is reviewing comments.

AMENDMENTS TO THE SPDES PROGRAM FEE RULES AND PERMIT REGULATIONS NYDEC is discussing several minor and non-substantive technical amendments to the State Pollutant Discharge Elimination System (SPDES) regulations as a result of a five year review. The amendments would incorporate new federal criteria and standards as well as make minor administrative revisions. NYDEP is working to develop the draft amendments, and the drafts may not be available until late 2009 or 2010.

Region 3

For more information on any state issues in Region 3, contact the Army Regional Environmental Coordinator, Region 3, (Vacant) (410) 436-1275, e-mail: APGR-USAECNREORegionalCounsel@conus.army.mil.



2009 State Legislative Session Calendars (Adjournment dates are subject to change)

State	Convenes	Adjourns
Delaware	January 13	June 30
District of Columbia	January 2	TBD
Maryland	January 14	April 13
Pennsylvania	January 6	December TBD
Virginia	January 14	February 28
West Virginia	February 11	April 11

POLLUTION CAPS FOR THE CHESAPEAKE BAY USEPA renewed outlined plans for setting pollution caps needed to meet water quality standards throughout the Bay's watershed. The Bay-wide total maximum daily load (TMDL) is scheduled to be completed in December 2010 and will identify pollutant caps by major river basin in the 64,000-square-mile Bay watershed. The TMDL will allocate loadings of nitrogen, phosphorus, and sediment to all jurisdictions in the watershed, including New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. USEPA Region 3 will work closely with modeling and water quality experts at the Chesapeake Bay Program in developing the TMDL and will engage the states in the process through the Bay Program's committee structure. USEPA will also work with states to develop accompanying implementation plans that identify specific actions needed to satisfy the caps. The states will provide commitments every two years for the necessary actions. Further information about TMDLs may be found on the USEPA [website](#).

UPDATE TO FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET USEPA released an update to the [Federal Facilities Hazardous Waste Compliance Docket](#). The docket lists federal facilities that manage hazardous waste and/or have or can release hazardous waste. The docket is updated every six months. Each newly listed facility must be evaluated for possible contamination within a reasonable time. The update includes: (1) additions of - Aberdeen Proving Ground (Michaelsville Landfill), Aberdeen, MD, and Letterkenny Army Depot (PDO Area), Franklin County, PA; (2) deletions of - Langley Air Force Base, VA, and Yorktown Reserve Training Center, Yorktown, VA; and (3) corrections to - Letterkenny Army Depot (SE Area), Chambersburg, PA.



Delaware

CONTROL OF STATIONARY COMBUSTION TURBINE ELECTRIC GENERATING UNIT EMISSIONS USEPA has issued a final rule approving a Delaware SIP revision [[73 FR 66554](#), November 10, 2008]. The revision pertains to controlling NOx emissions from stationary combustion turbine electric generating units. The final rule became effective on December 10, 2008.

REVISIONS TO THE REGULATIONS GOVERNING HAZARDOUS WASTE The Delaware Department of Natural Resources and Environmental Control (DDNREC) has adopted [amendments](#) to the hazardous waste regulations. USEPA requires Delaware to maintain a program that is equivalent and no less stringent than the federal program. To accomplish this, DDNREC annually proposes to revise its hazardous waste regulations to reflect non-optional changes made to the federal requirements. Additionally, DDNREC has adopted optional federal regulations and miscellaneous changes to correct errors and add consistency or clarification. Many of the changes are in effect at the federal level. Delaware adopted amendments regarding the following federal regulations: (1) Headworks Exemption; (2) Cathode Ray Tubes (CRTs); and (3) International Agreements. The amendments also include miscellaneous state changes: (1) Uniform Manifest Rule corrections; (2) Exception Report Recordkeeping; and (3) Manifest Printing. The amendments became effective on December 21, 2008.



Maryland

IMPLEMENTING AIR QUALITY PERMIT FEE INCREASES The Maryland Department of the Environment (MDE) has finalized [amendments](#) to the air quality permits, approvals, and registration regulation (COMAR 26.11.02). The amendments implement the permit fee increases provided by [Senate Bill 442](#) "Clean Air Permit Fees," which was signed into law in April 2008. Specifically, the amendments: (1) increase the air quality emissions-based permit fee from \$41.96 per ton to \$50 per ton; (2) increase the maximum fee for a single source from \$335,559 to \$500,000, for calendar years 2008 and 2009 as of October 1, 2008 and repeals the facility cap beginning in 2010; (3) modify the definition of regulated emissions to clarify that carbon dioxide emissions will be excluded when calculating fees, and to remove the 4000 tons per year limit on any single pollutant; and (4) insure that the intent of the legislation is followed by having the largest sources pay for their emissions in the same year they are generated starting in 2010. MDE will submit the amendments to USEPA for approval as a revision to Maryland's Title V Program. The amendments became effective on October 1, 2008.

AMENDMENTS TO UNDERGROUND STORAGE TANK REGULATIONS MDE has finalized [amendments](#) to the UST regulations. Most of the amendments are state-specific, however some satisfy UST Compliance Act requirements. Specifically, delivery prohibition, secondary containment, and the inspection guidelines are addressed in the regulatory language. The amendments became effective on January 12, 2009.

IMPLEMENTATION OF THE STORM WATER MANAGEMENT ACT OF 2007 MDE issued a [proposed rule](#) to develop implementation regulations for environmental site design (ESD), as required by the Storm Water Management Act of 2007. MDE has revised the regulatory adoption schedule for the storm water rule as a result of receiving significant comments regarding the draft policies that include the Chapter 5 rewrite, comprehensive plan review, redevelopment, and ESD sizing. MDE is currently reviewing comments.

NOX EMISSION REQUIREMENTS FOR STATIONARY INTERNAL COMBUSTION ENGINES MDE has proposed a rule to establish NOx emission requirements for stationary internal combustion engines (ICEs) that are used as emergency generators or load shaving units as defined in COMAR 26.11.09.01. The amendments would achieve a reduction of NOx emissions during the ozone season while allowing some degree of flexibility necessary to maintain electric system reliability. The proposed rule would: (1) prohibit emergency generators from testing between 12:01 a.m. to 2 p.m. on high ozone days; (2) require existing load shaving units to control NOx emissions, install new engines that meet NSPS, or limit operation to a total of 10 hours during any ozone season; (3) require new load shaving units to meet NSPS or to install controls to meet applicable NOx emission standards; (4) allow groups of small generators to request alternative compliance methods; and (5) provide an alternative compliance option for load shaving units that involves the purchase of NOx allowances to be retired.

UPDATING STATE SOIL EROSION AND SEDIMENT CONTROL STANDARDS MDE is initiating a comprehensive review of the state's erosion and sediment control standards in early 2009. MDE will develop proposed modifications to the "[Maryland Standards and Specifications for Soil Erosion and Sediment Control](#)" by May 30, 2010. Areas to be evaluated will include: (1) environmental site design requirements, (2) the use of flocculants, new stabilization standards, (3) new standards for BMPs, and (4) new technology. MDE will continue to research and investigate the area of using turbidity as a trigger for identifying excessive pollutants (e.g., sediment) and evaluate the current turbidity water quality standard. MDE will: (1) establish a technical review workgroup, (2) facilitate monthly stakeholder workgroup meetings to review new erosion/sediment standards and specifications, (3) draft amended regulations, (4) release standards and regulations for public comment, and (5) promulgate new regulations. MDE anticipates an 18 month timeline to review and update the state's erosion and sediment control standards and specifications.



Pennsylvania

REVISIONS TO HAZARDOUS AND SOLID WASTE REGULATION The Pennsylvania Department of Environmental Protection (PADEP) has approved [amendments](#) to the hazardous waste regulations. Amendments include: (1) revising the waste oil definition, incorporate source reduction strategy improvement; (2) updating financial assurance requirements for bonding and insurance; (3) expanding the universal waste and permit-by-rule exemptions; (4) adding a new manifest processing fee; (5) increasing the hazardous waste transporter and transportation fees; and (6) increasing hazardous waste permit application and administration fees.

REVISIONS TO CONSUMER PRODUCT REGULATION PADEP has finalized [revisions](#) to the consumer product regulation to add additional categories of regulated products. The revisions: (1) reduce VOC and HAP emissions; (2) add VOC content limits for 11 additional categories of consumer products to the existing consumer products regulation; and (3) revise the VOC content limits for the contact adhesive category that is currently regulated under Chapter 130. There are no federal limits for some of the consumer products that are part of the revisions. The additional VOC emission reductions resulting from the amendments are necessary for the Commonwealth to achieve and maintain the health-based eight-hour NAAQS for ozone. The revisions became effective on October 11, 2008.

STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION (PAG-2) PADEP has [extended](#) the expiration date of the current NPDES General Permit for Storm Water Discharges Associated with Construction Activities (PAG-2) for an additional six months. The existing PAG-2 permit documents will continue to be available from the PADEP's regional offices and local county conservation districts until they are replaced or updated. The extension became effective on December 8, 2008 and expires on June 7, 2009.

TRIENNIAL REVIEW OF WATER QUALITY STANDARDS PADEP is conducting the Triennial Review of Water Quality Standards and has proposed a rule to amend its water quality standards. The water quality criteria and standards in Chapter 93 and 16 would be revised to reflect the latest scientific information and federal guidelines for criteria development. The amendments would also merge portions of chapter 16 into the regulations in Chapter 93. On November 20, 2008, the Independent Regulatory Review Commission issued a [notice of disapproval](#) stating that the economic and fiscal impact of imposing this water quality criterion on the regulated community has not been sufficiently addressed. Specifically the rule didn't fully demonstrate the impact of the consumption of Molybdenum (Mo) on the public health. There is no timetable for future development.

PROPOSED AMENDMENTS TO THE STATE LISTS OF ENDANGERED AND THREATENED SPECIES The Pennsylvania Fish and Boat Commission (PAFBC) [proposed amendments](#) to add the Salamander Mussel, Rabbitsfoot, and Snuffbox to the List of Endangered Species, and to add the Sheepnose and Rayed-bean to the List of Threatened Species. Salamander mussels occur in sand or silt under large, flat stones in swift current in streams and rivers. The Rabbitsfoot is a freshwater mussel that inhabits small to medium-sized streams and some larger rivers. The Snuffbox is found in small to medium-sized creeks to larger rivers and lakes. The snuffbox is also proposed as a candidate at the federal level. The Sheepnose is primarily a larger-stream species. The proposed rule was published December 6, 2008.



Virginia

20th ANNUAL ENVIRONMENT VIRGINIA SYMPOSIUM The Virginia Department of Environmental Quality (VADEQ), along with others, is hosting the [symposium](#) that will be held at the Virginia Military Institute, on March 31 - April 2, 2009. This year's theme is "Sustainability—The Nexus of Economic Prosperity and Environmental Stewardship." The program topics include: new federal environmental priorities; next steps to restoring the Chesapeake Bay; land conservation and sustainable land-use; ensuring adequate water supply; and the governor's climate change commission recommendations.

TRIENNIAL REVIEW OF THE WATER QUALITY STANDARDS VADEQ approved [amendments](#) to the water quality standards for Virginia's waters as part of the triennial review. The amendments: (1) update and amend the water quality standards based on new scientific information; (2) improve permitting, monitoring, and assessment programs; and (3) fulfill the legal mandates for a three-year review of the standards. The amendments are under review by the governor and will become final once they are published in the Virginia Register.

INDUSTRIAL ACTIVITY STORM WATER GENERAL PERMIT VADEQ has proposed [amendments](#) for the reissuance of the existing industrial activity storm water general permit, which expires June 30, 2009. The general permit regulation governs the discharge of storm water from facilities with regulated industrial activities to surface waters. The permit is generally modeled after USEPA's proposed 2006 Multi-Sector General Permit.

2008 WATER QUALITY ASSESSMENT INTEGRATED REPORT VADEQ finalized and released the [2008 Water Quality Assessment Integrated Report](#). The report combines both the 305(b) Water Quality Assessment Report and the 303(d) List of Impaired Waters. Both are required by the CWA and the Virginia Water Quality Monitoring Information and Restoration Act. The report is a summary of the water quality conditions in Virginia from January 1, 2001, to December 31, 2006. VADEQ develops and submits the report to USEPA every even-numbered year.

ADOPTION OF LT2 RULE AND STAGE 2 DBP RULE The Virginia Department of Health (VADH) has finalized [amendments](#) that adopt federal drinking water rules. The amendments adopt USEPA's Long Term 2 Surface Water Treatment Rule (LT2 rule) and the Stage 2 Disinfectants and Disinfection Byproduct Rule (Stage 2 DBP rule). The regulations will supplement existing regulations by targeting additional Cryptosporidium treatment requirements to higher risk waterworks. The amendments became effective on November 1, 2008.



West Virginia

PROCEDURES FOR STATIONARY SOURCE REPORTING West Virginia Department of Environmental Protection (WVDEP) approved a [rule](#) amending 45 CSR 13. The rule sets forth: (1) procedures for stationary source reporting; (2) criteria for obtaining a permit to construct and operate a new stationary source, that is not a major stationary source; and (3) criteria for modifying a non-major stationary source. The rule also establishes the requirements for obtaining an administrative update to an existing permit, temporary permit, or a general permit, and for filing notifications and maintaining records of changes not otherwise subject to the permit requirements of the rule. The rule will undergo review by the Legislative Rule Making Review Committee (LRMRC) before being considered by the 2009 Legislature.

INCORPORATION OF FEDERAL NESHAPS WVDEP has approved a [rule](#) that establishes and adopts NESHAP and other regulatory requirements promulgated by USEPA pursuant to CAA section 112. The rule codifies general procedures and criteria to implement emission standards for stationary sources that emit, or have the potential to emit, one or more hazardous air pollutants, or one or more of the eight substances listed as hazardous air pollutants in 40 CFR 61.01(a). The rule was approved by the LRMRC and will be considered by the 2009 Legislature.

INCORPORATION OF FEDERAL STANDARDS INTO HAZARDOUS WASTE MANAGEMENT SYSTEM WVDEP approved a [rule](#) regulating the generation, treatment, storage, and disposal of hazardous waste. The rule for 2009 adopts and incorporates, by reference, the federal regulations set forth in 40 CFR parts 260-279 effective as of June 1, 2008. The rule also allows hazardous waste recyclers to stage recyclable materials for three days prior to recycling. LRMRC modified and approved the rule. The rule will be considered by the 2009 Legislature.

AMENDMENTS TO THE HAZARDOUS WASTE MANAGEMENT FEE WVDEP approved [amendments](#) to the Hazardous Waste Management Fee rule (33 CSR 24). The proposed amendment will increase the fees and stabilize the fee collection to adequately sustain the current Hazardous Waste Management Program. LRMRC modified and approved the rule. The rule will be considered by the 2009 Legislature.

Region 5

For more information on any state issues in Region 5, contact Tony Nesky, Army Regional Environmental Coordinator, Region 5, (410) 436-7248, e-mail: Tony.Nesky@us.army.mil.



2009 State Legislative Session Calendars (Adjournment dates are subject to change)

State	Convenes	Adjourns
Illinois	January 14	TBD
Indiana	January 7	April 29
Michigan	January 14	TBD
Minnesota	January 6	May 18
Ohio	January 5	December 2010 TBD
Wisconsin	January 5	January 2011 TBD

REINSTATEMENT OF REGULATORY PROTECTIONS FOR THE GRAY WOLF USFWS issued a final rule, to comply with court orders which reinstate the regulatory protections for the Gray Wolf under ESA in the western Great Lakes and the northern Rocky Mountains [[73 FR 75356](#), December 11, 2008]. As of the filing of the respective court orders, any and all wolves in the northern Rocky Mountains and western Great Lakes, except in Minnesota, are listed as an endangered species under ESA. Any and all wolves in Minnesota are listed as a threatened species under ESA. The final rule became effective on December 11, 2008.



Illinois

ILLINOIS PM 2.5 NON-ATTAINMENT AREAS On December 22, 2008, USEPA designated the following areas in Illinois as non-attainment for fine particulate matter (PM2.5): (1) Chicago-Gary-Lake County, IL-IN: Counties of Cook, DuPage, Grundy (partial), Kane, Kendall (partial), Lake, McHenry, and Will; (2) Davenport-Moline-Rock Island, IA-IL: Rock Island County (partial); (3) Paducah-Mayfield, KY-IL: Massac County (partial); (4) St. Louis, MO-IL: Counties of Madison, Monroe, Randolph (partial), and St. Clair. USEPA has sent a [Federal Register notice](#) forward for publication. The designation will become effective 90 days after publication in the Federal Register.

SEWER DISCHARGE CRITERIA The Illinois Pollution Control Board (IPCB) has adopted [amendments](#) to the wastewater pretreatment regulations. The amendments involved in the consolidated docket incorporate revisions into the Illinois wastewater pretreatment regulations in response to a USEPA action that occurred during the identical-in-substance update period of January 1, 2007 through June 30, 2007. In March 2007, USEPA adopted amendments relating to analytical methods approved under the wastewater pretreatment and drinking water programs. The amendments include the wastewater pretreatment segments the USEPA amendments. The amendments became effective on November 26, 2008.

PERMIT FEES FOR INSTALLING OR EXTENDING SEWERS The Illinois Environmental Protection Agency (ILEPA) is drafting amendments to the permit fee regulations for installing or extending sewers. The amendments would update the procedures ILEPA uses to collect permit fees under Part 320 and the amounts of those fees. ILEPA plans to modify the rules to reflect an increase in the fees (existing fees were doubled) and to include new fees for industrial activities. The amendments are expected to be ready for public review in spring 2009. Information on the current regulations may be found on the ILEPA [website](#).



Indiana

INDIANA PM 2.5 NON-ATTAINMENT AREAS On December 22, 2008, USEPA designated the following areas in Indiana as non-attainment for fine particulate matter (PM_{2.5}): (1) Chicago-Gary-Lake County, IL-IN: Counties of Lake and Porter; (2) Cincinnati-Hamilton, OH-KY-IN: Dearborn County (partial); (3) Evansville, IN: Counties of Gibson (partial), Pike (partial), Spencer (partial), Vanderburgh, Warrick; (4) Indianapolis, IN: Counties of Hamilton, Johnson, Marion, Morgan; (5) Lafayette-Frankfort, IN: Tippecanoe County; (6) Louisville, KY-IN: Clark, Floyd, Jefferson (partial); and (7) Vincennes, IN: Knox County. USEPA has sent a [Federal Register notice](#) forward for publication. The designation will become effective 90 days after publication in the Federal Register.

WATER QUALITY STANDARDS FOR ARSENIC The Indiana Department of Environmental Management (IDEM) issued a [final rule](#) on the numeric criteria for arsenic in the ground water quality standards. The federal maximum contaminant level (MCL) for arsenic was reduced from 0.05 mg/L to 0.010 mg/L in January, 2006, and IDEM is reducing the numeric criteria for arsenic in response. The final rule became effective on December 24, 2008.



Michigan

MICHIGAN PM 2.5 NON-ATTAINMENT AREAS On December 22, 2008, USEPA designated the following areas in Michigan as non-attainment for fine particulate matter (PM_{2.5}): (1) Detroit-Ann Arbor, MI: Counties of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, Wayne; and (2) Grand Rapids, MI: Counties of Kent and Ottawa. USEPA has sent a [Federal Register notice](#) forward for publication. The designation will become effective 90 days after publication in the Federal Register.

2008 NON-POINT SOURCE (NPS) PROGRAM PLAN UPDATE The Michigan Department of Environmental Quality (MIDEQ) has completed the [2008 update](#) to the Non-Point Source (NPS) Program Plan. The plan will improve and protect the waters of the state from impacts of NPS pollution and achieve and maintain water quality standards, including meeting designated uses. Specific long-term goals contained in the plan include: (1) restoration of impaired waters; (2) protection of high quality waters; and (3) the elimination or reduction of NPS pollution.



Minnesota

PRETREATMENT OF WASTEWATER The Minnesota Pollution Control Agency (MPCA) adopted [new rules](#) concerning pretreatment of wastewater from industrial users (IUs). The new rules are required by federal regulations and include the following items: (1) requirements for publicly owned treatment works (POTWs) to control IUs; (2) prohibitions and limitations applicable to IUs of POTWs; and (3) reporting requirements for IUs and POTWs. The new rules do not substantively change how MPCA operates the pretreatment program. MPCA adopted the federal pretreatment regulations which already apply to POTWs and IUs and incorporated them into MPCA pretreatment procedures. MPCA also adopted amendments to rules concerning water quality permitting. The amendments add pretreatment related modifications to the lists of reasons to modify POTW permits. The new rules became effective on October 27, 2008.



Ohio

OHIO PM 2.5 NON-ATTAINMENT AREAS On December 22, 2008, USEPA designated the following areas in Ohio as non-attainment for fine particulate matter (PM_{2.5}): (1) Canton-Massillon, OH: Stark County; (2) Cincinnati-Hamilton, OH-KY-IN: Counties of Butler, Clermont, Hamilton, and Warren; (3) Cleveland-Akron-Lorain, OH: Counties of Cuyahoga, Lake, Lorain, Medina, Portage, and Summit; (4) Columbus, OH: Counties of Coshocton (partial), Delaware, Fairfield, Franklin, and Licking; (5) Dayton-Springfield, OH: Counties of Clark, Greene and Montgomery; (6) Huntington-Ashland, WV-KY-OH:

Adams (partial), Gallia (partial), Lawrence, and Scioto; (7) Parkersburg-Marietta, WV-OH: Washington County; (8) Steubenville-Weirton, OH-WV: Jefferson County; and (9) Youngstown, OH: Counties of Mahoning and Trumbull. USEPA has sent a [Federal Register notice](#) forward for publication. The designation will become effective 90 days after publication in the Federal Register.

ANALYTICAL TECHNIQUES RULE The Ohio Environmental Protection Agency's (OEPA) [finalized revisions](#) to the primary drinking water standards. The revisions incorporate a March 2007 USEPA rule that includes newly approved methods, standardized methods, and a clarification of method requirements. The revisions also include minor modifications to the definitions rule (3745-89-01 OAC) to ensure consistency between these two rules. The revisions became effective October 13, 2008.



Wisconsin

WISCONSIN PM 2.5 NON-ATTAINMENT AREAS On December 22, 2008, USEPA designated the following areas in Wisconsin as non-attainment for fine particulate matter (PM_{2.5}): (1) Green Bay, WI: Brown; (2) Madison-Baraboo, WI: Counties of Columbia (partial) and Dane; and (3) Milwaukee-Racine, WI: Counties of Milwaukee, Racine, and Waukesha. USEPA has sent a [Federal Register notice](#) forward for publication. The designation will become effective 90 days after publication in the Federal Register.

NSR REFORM "LINKAGE" RULE USEPA issued a final rule approving a Wisconsin SIP revision [[73 FR 76558](#), December 17, 2008]. The revision makes changes to the minor NSR construction permit program and permit fees schedule, through rule AM-32-04b. Rule AM-32-04b incorporates some of the new elements of the federal NSR Reform Rule for sources that meet certain provisions within the new major NSR permitting requirements. Rule AM-32-04b has been created to accompany Wisconsin's NSR Reform rules and is necessary to effectively implement them. The Wisconsin Department of Natural Resources (WDNR) has also established a new fee schedule that will apply to facilities that meet the criteria in rule AM-32-04b. The final rule becomes effective on January 16, 2009.

NSR REFORM REGULATIONS USEPA issued a final rule approving certain revisions to Wisconsin's prevention of significant deterioration (PSD) and non-attainment new source review (NANSR) construction permit programs [[73 FR 76560](#), December 17, 2008]. WDNR sought approval of rule AM-06-04 to implement the NSR Reform provisions that were not vacated by a previous court ruling. The final rule affects major stationary sources in Wisconsin subject to or potentially subject to the PSD and NANSR construction permit programs. USEPA proposed approval of these rules on April 20, 2007 and received adverse comments. The final rule responds to those comments and becomes effective January 16, 2009.

SURFACE WATER QUALITY CRITERIA AND SECONDARY VALUES FOR TOXIC SUBSTANCES WDNR has adopted [updates](#) to the water quality criteria for 18 toxic substances to maintain consistency with federal criteria. The criteria for copper, endrin, nickel, and selenium were updated because USEPA objected to the state's criteria for those substances in the Great Lakes Basin. The criteria for 14 other substances were updated due to USEPA updates to the federal criteria for those substances. Updates became effective on December 1, 2008.

DECONTAMINATION OF EQUIPMENT TO CONTROL INVASIVE SPECIES AND VIRUSES WDNR has adopted [permanent rules](#) to establish new exemption and general permit criteria to require decontamination of equipment used for construction or maintenance activities in or adjacent to waterways. The rules require any person conducting an exempt or general permit activity to: (1) inspect and remove aquatic plants, animals, and mud from equipment; (2) drain all water from equipment; (3) dispose of aquatic plants and animals in the trash; and (4) disinfect equipment by using one of the listed options. The rules became effective on December 1, 2008.

GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT WDNR released a [Scope Statement](#) discussing a possible rulemaking related to the Great Lakes-St. Lawrence River Basin Water Resources Compact. In May 2008, Governor Doyle signed legislation to ratify the compact. The rules being considered would include provisions concerning the following items: (1) statewide registration and reporting of water withdrawals; (2) calculating water loss from consumptive uses; (3) the development of water withdrawal baselines in the Great Lakes Basin and for existing transfers of water out of the Great Lakes Basin; (4) management of water withdrawals in the Great Lakes Basin, including a water use permit program and decision making standards for new and increased withdrawals; (5) management of transfers of water from the Great Lakes Basin to outside of the Great Lakes Basin, including the application requirements and review criteria; (6) a tiered statewide water conservation program; (7) statewide water supply service area planning for municipalities serving populations greater than 10,000 people; and (8) a statewide water use report.

AMENDMENTS TO FEES CHARGED BY THE SAFETY AND BUILDING DIVISION The Wisconsin Department of Commerce (WDC) adopted [amendments](#) to the fees charged by the Safety and Buildings Division. The amendments include fee increases for the following program areas: (1) boilers, gas systems, and mechanical refrigeration; (2) commercial buildings; (3) elevators and lifting devices; (4) plumbing systems plan review; (5) private onsite wastewater treatment system plan and product review; (6) soil erosion/storm water management; (7) one- and two-family dwellings and manufactured homes/housing; (8) rental weatherization; and (9) licenses, certifications, and registrations. The amendments also include fee increases for miscellaneous fees. The amendments became effective December 1, 2008.

PROFESSIONAL DEVELOPMENT

WHAT	WHEN	WHERE	DETAILS
5th International Conference on Remediation of Contaminated Sediments	2/2 - 2/5/09	Jacksonville, FL	Hosted by Battelle, the conference will address the challenges of effectively combining scientific and engineering advances with assessment and management frameworks and governing policies and regulations to achieve effective environmental protection goals.
Association of Defense Communities 2009 Winter Forum	2/9 - 2/11/09	San Antonio, TX	The Association of Defense Communities (ADC) unites the diverse interests of communities, state governments, the private sector and the military on issues of base closure and realignment, community military partnerships, defense real estate, mission growth, mission sustainment, military privatization, and base redevelopment. The 2009 winter forum includes 3 mobile workshops.
2009 ESRI Federal Users Conference	2/18 - 2/20/09	Washington, DC	At the conference, participants will discover more about how GIS works and what it can do for your team and agency. Topics discussed will include compliance, accountability, and visualizing patterns and trends. Participants include federal, state, local government, along with private industry.
Remediation Technology Summit	3/3 - 3/5/09	Atlanta, GA	Presented by Georgia Tech, the summit will cover the latest developments within the environmental science and remediation field.
2009 Army Cleanup Workshop	3/9/ - 3/13/09	San Antonio, TX	Presented by the US Army Environmental Command, the workshop provides an opportunity to discuss current environmental program topics, answer questions, encourage comments and discussion, and resolve issues. The Workshop has proven to be a venue for information exchange and provides attendees with the tools to support the DoD readiness mission through environmental stewardship. Breakout sessions will offer the latest tools and guidance for specific program areas to include the Military Munitions Response Program.
24th International Conference on Solid Waste Technology and Management	3/15 - 3/18/09	Philadelphia, PA	The conference is hosted by the Civil Engineering Department of Widener University and the Journal of Solid Waste Technology and Management. Researchers, educators, government officials, consultants, managers, community leaders, and others will attend the conference. Topics to be covered include landfills, recycling, regulations, integrated waste management, case studies, and environmental impacts.

WHAT	WHEN	WHERE	DETAILS
<u>National Military Fish and Wildlife Association Annual Meeting</u>	3/16 - 3/21/09	Washington, DC	The National Military Fish and Wildlife Association is dedicated to providing sustainable natural resource management on more than 25 million acres of Department of Defense lands in support of the military mission.
<u>2009 TRI National Training Conference</u>	3/30 - 4/2/09	Bethesda, MD	USEPA, in cooperation with the Environmental Council of States, host the conference to provide stakeholders an opportunity for insight into Toxic Release Inventory (TRI).
<u>1st Annual International Water Efficiency Conference</u>	3/30 - 4/2/09	Newport Beach, CA	The conference will cover the latest water efficiency and conservation techniques, performance case studies, research, technology, and services—in an unparalleled education and training setting for anyone involved in water resource management and conservation. There will be four tracks addressing the most relevant water efficiency and conservation topics with more than 96 individual presentations.
<u>2009 Water Security Congress</u>	4/8 - 4/10/09	Washington, DC	Call for papers now open. The 2009 Water Security Congress presents most current information on water security and how to address new and emerging challenges faced by the industry.
<u>National Environment, Energy and Sustainability Symposium and Exhibition (formerly JSEM)</u>	5/4 - 5/7/09	Denver, CO	The National Defense Industrial Association (NDIA) is hosting the 2009 expanded symposium. The symposium, formerly known as JSEM, recognizes the convergence of the three title topics. NDIA is trying different approaches to broaden the participation of all defense agencies/services as well as other federal, state, and other government organizations through general, plenary, and technical session content.
<u>10th Annual International In Situ and On-Site Bioremediation Symposium</u>	5/5 - 5/9/09	Baltimore, MD	Presented by Battelle, the symposium will integrate recent developments in risk assessment, fundamental research, and innovative engineering applications for both traditional and emerging contaminants.
<u>Army Podcast Service</u>	Free subscription service	Online	The US Army offers podcasts on a wide variety of topics, including an environmental series and an Army Corps of Engineers series. The podcasts are available through a free subscription service. The podcasts are media files, typically audio or video, that can be downloaded to a computer.
<u>US Army Corps of Engineers Training Program</u>	Various Times	Various Locations	USACE Fiscal Year 2009 training program is now available and open for registration. For further information, contact USACE, (402) 697-2559, or <u>register</u> online.
<u>Naval Civil Engineer Corps Officers School (CECOS) Training Courses</u>	Various Times	Various Locations	During FY 2009, CECOS will offer 57 different courses with 260 individual course offerings. The Mobile Training Teams will be conducting over 80 percent of the courses. Courses being offered include: facilities energy management; environmental compliance assessment; DoD conservation law enforcement program; introduction to cultural resource management laws and regulations; historic preservation law and Section 106 compliance; natural resource conservation; and basic and advanced environmental law.

WHAT	WHEN	WHERE	DETAILS
USEPA Workshop for Federal Labs	Various Times	Various Locations	USEPA hosts free two-day workshops for the federal laboratory community on “Improving Environmental Compliance and Environment Management Systems at Federal Labs.” The workshops focus on federal facility lab requirements under various environmental statutes, regulations, and Executive Orders as well as environmental management systems and pollution prevention strategies.
USEPA and ITRC Training Website	Multiple Dates	Multiple Locations	USEPA, in partnership with the Interstate Technology Regulatory Council (ITRC) provides a range of training relevant to hazardous waste remediation, site characterization, risk assessment, emergency response, site/incident management, counter-terrorism, and the community’s role in site management and cleanup. The website includes training schedules for deliveries of many courses - both classroom and Internet-based.
NPDES Training and Workshops	Various Times	Various Locations	The NPDES permitting program offers training courses, workshops, and webcasts to explain the regulatory framework and technical considerations of the NPDES permitting program. The courses are designed for permit writers, dischargers, USEPA officials, and other interested parties.
USEPA Mold Web Course	Any Time	Online	The web course contains information on mold prevention and remediation, and is designed primarily for environmental and public health professionals. It is based on the USEPA voluntary guidance document, “Mold Remediation in Schools and Commercial Buildings.”
USEPA Watershed Assessment Tools Training	Various Times	Various Locations	USEPA offers training on various watershed modeling or aquatic toxicity simulation tools such as BASINS, AQUATOX, and others.
USEPA Online EMS Training Course	Any Time	Online	The course provides an overview of how environmental management systems (EMS) can support facility programs. The course takes about one hour to complete.
Qualified Recycling Program Course	Various Times	Various Locations	The course provides training on how to identify and market recyclable materials. The course is for any person or organization that generates recyclable materials, is associated with an installation recycling program or DoD precious-metals recovery program, or works for a Defense Reutilization and Marketing Office.

CONFERENCE AND TRAINING INFORMATION ON DENIX Visit the DENIX web page dedicated to [conferences and training](#).

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Internet Resources

FEDERAL SOURCES

USAEC <http://aec.army.mil/>

USEPA <http://www.epa.gov/>

Region 1 <http://www.epa.gov/region01/>

Region 2 <http://www.epa.gov/region02/>

Region 3 <http://www.epa.gov/region03/>

Region 5 <http://www.epa.gov/region5/>

USDA <http://www.usda.gov/>

DOI <http://www.doi.gov>

Federal Register
<http://www.gpoaccess.gov/fr/index.html>

Code of Federal Regulations
<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>

STATE / TERRITORY SOURCES

Connecticut <http://www.state.ct.us/>

Delaware <http://www.state.de.us/>

District of Columbia <http://www.dc.gov/>

Illinois <http://www.illinois.gov/>

Indiana <http://www.state.in.us/>

Maine <http://www.maine.gov/>

Maryland <http://www.maryland.gov/>

Mass. <http://www.mass.gov/>

Michigan <http://www.michigan.gov/>

Minnesota <http://www.state.mn.us/>

New Hampshire <http://www.nh.gov/>

New Jersey <http://www.state.nj.us/>

New York <http://www.state.ny.us/>

Ohio <http://www.ohio.gov/>

Pennsylvania <http://www.state.pa.us/>

Puerto Rico <http://www.gobierno.pr/>

Rhode Island <http://www.state.ri.us/>

Vermont <http://vermont.gov/>

Virgin Islands <http://www.usvi.org/>

Virginia <http://www.myvirginia.org/>

West Virginia <http://www.wv.gov/>

Wisconsin <http://www.wisconsin.gov/>

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