



ENERGY, ENVIRONMENT AND GOVERNMENT AFFAIRS

NORTHERN REGION

REVIEW

OCTOBER EDITION

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ASSISTANT SECRETARY OF ARMY FOR INSTALLATIONS, ENERGY AND ENVIRONMENT

Effective October 1, 2010, the Secretary of the Army officially re-designated the title of the former Assistant Secretary of the Army (Installations and Environment)(ASA(I&E)), as the Assistant Secretary of the Army (Installations, Energy and Environment (ASA (IE&E)). The new ASA IE&E mission statement is to provide strategic direction for Army installations and facilities in all matters relating to infrastructure, energy and the environment, to support global Army missions in a cost effective, safe, and sustainable manner.

RELEASE OF DoD STRATEGIC SUSTAINABILITY PERFORMANCE PLAN FY 2010

On September 9, 2010, the Executive Office of the President announced the release of Federal Agency Strategic [Sustainability Performance Plans](#) called for in Executive Order 13514 Federal Leadership in Environmental, Energy and Economic Performance [[EO 13514](#), Oct. 5, 2009]. Under EO 13514, Federal agencies are required to submit their plans to the White House Council on Environmental Quality (CEQ) and the Office of Management and Budget (OMB). Also on September 9, 2010, the Office of the Deputy Under Secretary of Defense Installations and Environment, (DUSD I&E) released the DoD FY 2010 [Strategic Sustainability Performance Plan](#). The plan charts the path DoD Installations will take over the coming decade to improve sustainability across all aspects of the Department. It applies to all DoD mission and program areas, with the objective of incorporating sustainability principles into [See page 2](#)

NORTHERN REGIONAL ENVIRONMENTAL & GOVERNMENT AFFAIRS OFFICE - WORKING FOR YOU.

The NORTHERN REGION REVIEW 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 DoD and Army environmental decision makers, planners, and program managers in carrying out their responsibilities. The Northern Region Review monitors and targets proposed and final rules and legislation that may affect Army or DoD operations. For further information on the Army's Offices of Regional Environmental and Government Affairs, visit:

<http://www.asaie.army.mil/Public/ESOH/OREGA/>.

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DoD's daily operations. According to the plan, DoD priorities and significant efforts are to: (1) invest in fixed installations using a three part strategy to reduce energy demand, apply micro-grid technologies, and increase the supply of renewable energy; (2) enhance governance structures to ensure top level commitment and accountability; and (3) ensure that all DoD components are incorporating the concepts of sustainability into their doctrine, policies, and guidance documents. The plan's strategy for reaching DoD sustainability goals is to make bold committed efforts to reduce the Department's reliance on fossil fuels through energy efficiency and renewable energy. The [Strategic Sustainability Performance Plan Fact Sheet](#), highlights the following 8 goals: (1) the reduction in use of fossil fuels; (2) the improvement in water resource management; (3) the reduction of Greenhouse Gas (GHG) Emissions by 34% by 2020; (4) the reduction in Scope 3 GHGs 13.5% by 2020; (5) the minimization and optimal management of solid waste; (6) the minimization of chemicals that are of environmental concern; (7) the establishment and implementation of sustainability practices; (8) sustainability built into DoD Management Systems.



2ND ANNUAL ARMY CHESAPEAKE BAY MEETING

Army

Chesapeake Bay Army installations comprise over 220,000 acres in the Chesapeake Bay watershed. The Department of the Army's Chesapeake Bay Strategy ensures environmental stewardship obligations are being met by the Army's 19 installations in the Bay watershed as they execute daily military training and testing activities to meet their national defense mission. It does this by promoting stewardship, partnerships with governmental entities, non-governmental organizations, and communities to maximize Army resources and efforts. The Army Chesapeake Bay Strategy was co-signed in 2009 by the Army Secretariat and the U.S. Army Corps of Engineers and fully incorporates Executive Order 13508 *Chesapeake Bay Protection And Restoration*.

The Office of Regional Environmental and Government Affairs – Northern (OREGA- N) is designated as the lead to maintain the Army Chesapeake Bay Strategy in close coordination with the U.S. Army Corps of Engineers and Office of the Assistant Chief of Staff for Installation Management (OACSIM). These offices co-hosted the 2nd meeting in cooperation with Fort A.P. Hill in Virginia on 25-26 August 2010.

The Annual Army Chesapeake Bay meeting strengthens Army's environmental community of practice and serves to review installation progress in meeting the Army Strategy goals and objectives. This year's meeting was focused in four areas: Informational Sessions, Best Practices; Educational Sessions; Supporting the Army Strategy.

The information gained from the meeting will be used to build the 2011 *Annual Army Chesapeake Bay Progress Report*, which will report progress and adapt, as necessary, the Army's Strategy. For more information on the Army Chesapeake Bay Strategy, please contact Vance Hobbs, at 410-436-0482 or e-mail vance.hobbs@us.army.mil.

RELEASE OF DRAFT TMDL USEPA has issued a [draft Chesapeake Bay \(Bay\) TMDL](#) for nutrients and sediment for public review and comment, and issued an information notice regarding public meetings on the Draft TMDL being held within the watershed [[75 FR 57776](#), September 22, 2010]. In the Draft TMDL, USEPA is establishing the

standards for nutrients (nitrogen and phosphorus) and standards for sediment for each of the 92 segments in the tidal portion of the Chesapeake Bay. The standards are set at a level necessary to ensure attainment of water quality standards in each of these segments. USEPA will establish the final Bay TMDL by December 31, 2010. The 45 day comment period on the Draft TMDL closes on November 8, 2010.

RELEASE OF DRAFT PHASE-1 WIPS

In September 2010, the six watershed states and the District of Columbia submitted draft Phase 1 Watershed Implementation Plans (WIPs). Each Phase-1 WIP provides a series of proposed strategies for how each state intends to reduce nutrient and sediment pollution to help restore the Chesapeake Bay in accordance with the directions and guidance of USEPA. To view WIPs: [Delaware](#), [District of Columbia](#), [Maryland](#), [New York](#), [Pennsylvania](#), [Virginia](#), and [West Virginia](#).

USEPA OUTREACH ON TMDL

USEPA is sponsoring a series of webinars and public meetings this year to provide updates on the Bay TMDL. For more information follow the links below:

To view: [Past Webinars](#), or to follow the [Fall Public Meeting Schedule](#) please click on hyper link.

CHESAPEAKE BAY STORMWATER NETWORK TRAINING PARTNERSHIP WEBCAST

The Chesapeake Bay Stormwater [Training Partnership](#) was created to deliver targeted training on new tools and practices to improve the quality of stormwater runoff. The Partnership works with stormwater design professionals from local government and the private sector to understand and apply the latest stormwater management design and implementation strategies. The training program is tailored around new state stormwater regulations in DC, MD, VA and WV. The Partnership offers many convenient ways to learn and apply runoff reduction and environmental site design practices from development and redevelopment sites across the Chesapeake Bay watershed. The network provides a [webcast training calendar](#).

DRAFT REPORT ON CLIMATE RELEVANT DECISIONS IN THE CHESAPEAKE BAY

On September 13, 2010, USEPA released a [draft report](#) titled: A Method to Assess Climate Relevant Decisions Application in the Chesapeake Bay. In this notice, USEPA soliciting independent external peer review and public comment. This draft report presents a method to inventory and analyze environmental management decisions and their sensitivity to climatic change for the purpose of subsequent prioritization. The peer review and public comments will be accepted until November 1, 2010 and will be used to revise the draft report. A final report will be posted online.



DoD NEWS

DoD RELEASE OF NATURAL RESOURCES FUNDING MANUAL

The [Natural Resources Funding Manual](#) identifies funding resources for which DoD may apply, directly or through partnerships with local, state, or tribal governments; non-governmental organizations (NGOs); commercial organizations; or private landowners. It is intended to facilitate the search for funding sources, but is by no means a comprehensive list of all available resources. The funding sources presented are associated with land use, endangered species, habitat conservation, environmental quality and other forms of conservation.

DoD AND DOE MOU ON CLEAN ENERGY AND STRENGTHENED ENERGY SECURITY

At a [White House Forum on Energy Security](#), on July 28, 2010, a [MOU](#) was signed by U.S. Deputy Secretary of Defense William Lynn, and U.S. Deputy Secretary of Energy Daniel Poneman. The MOU creates a more unified interagency federal agenda in the areas of: energy efficiency, renewable energy, water efficiency, fossil fuels, alternative fuels, efficient transportation technologies, fueling infrastructure, grid security, smart grid, storage, waste-to-energy, basic science research, mobile/deployable power, small modular reactor nuclear energy, and related areas. DoD aims to speed innovative energy and

conservation technologies from laboratories to military end users, by utilizing military installations as test beds to demonstrate and create a market for innovative energy efficiency and renewable energy technologies.

GAO REPORT ON DOD SUPERFUND CLEANUP The Government Accountability Office (GAO) released a report titled, Superfund Interagency Agreements and Improved Project Management Needed to Achieve Cleanup Progress at Key Defense Installations. The [GAO report](#) chronicles the current progress of DoD cleanup actions conducted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The GAO report has specific recommendations for both DoD and EPA.

FEDERAL ENVIRONMENTAL NEWS

AIR

NEW AUDIT-SAMPLE EMISSION TEST PROCEDURES USEPA has issued a final rule, which restructures the Stationary Source Audit Program, and amends the General Provisions by now allowing accredited air quality audit-sample providers the ability to supply stationary source audit samples [[75 FR 55635](#), September 13, 2010]. The rulemaking requires the testing sources to obtain and use these samples from the accredited providers instead of from USEPA, as is the current practice. All requirements pertaining to the audit samples have been moved to the General Provisions and have been deleted from the test methods. This action applies if: you operate a stationary source that is subject to applicable requirements to conduct compliance testing regulated by [[40 CFR parts 60, 61, and 63](#)], and if you are designated under source categories [[332410](#)] Industrial, Commercial, Institutional Steam Generating Units, [[332410](#)] Electric Generating Units, [[333611](#)] Stationary Gas Turbines, [[562213](#)], or Municipal Waste Combustors. To find appropriate audit sample, consult the [USEPA Website](#) to confirm a source that can supply an audit sample method. This final rule went into effect on October 5, 2010.

RELEASE OF DRAFT GUIDANCE ON NAAQS STANDARDS On September 22, 2010, USEPA released a preliminary [draft document](#), Policy Assessment for the Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur [[75 FR 57463](#)]. USEPA is soliciting public comment on the overall structure and conclusions regarding the key elements of the standards. Comments are due by November 12, 2010.

WATER

PENDING NEW SAMPLING TEST PROCEDURES IN WASTEWATER REGULATIONS USEPA has issued a proposed rule by which the agency intends to change the analysis and sampling test procedures in wastewater regulations [[75 FR 58024](#), September 23, 2010]. These changes will provide increased flexibility to the regulated community and laboratories in their selection of analytical methods for use in Clean Water Act programs. The changes include proposal of USEPA methods and methods published by voluntary consensus standard bodies, such as ASTM International and the Standard Methods Committee and updated versions of currently approved methods. The comment period for this proposed rule is open until November 22, 2010.

DRAFT GUIDANCE ON UNUSED PHARMACEUTICAL DISPOSAL USEPA has issued a [draft guidance document](#) entitled, "Best Management Practices for Unused Pharmaceuticals at Health Care Facilities" [[75 FR 54627](#), September 8, 2010]. USEPA has also issued a request for public comments on the draft guidance document. The guidance is targeted for: hospitals, medical clinics, doctors' offices, long-term care facilities and veterinary facilities. [Pharmaceuticals](#) are being discovered in our Nation's waters at very low concentrations. USEPA has been studying unused pharmaceutical disposal practices at health care facilities, prompted by the concern that large amounts of pharmaceuticals are being flushed or disposed of down the drain, ultimately ending up in rivers, streams and coastal waters. The comment period for this rulemaking is scheduled to close on November 8, 2010.

WEB-CONFERENCE ON COLIFORM USEPA has [announced revisions](#) to the 1989 Total Coliform Rule (TCR), a national primary drinking water regulation (NPDWR), and is in the process of re-evaluating the currently approved analytical methods for total coliform [[75 FR 40925](#), [75 FR 49930](#)]. USEPA is hosting a web-conference to solicit public input, the final

conference is on November 4, 2010. The following issues will be addressed during the web-conference: potential elements of a method re-evaluation study; setting method performance acceptance criteria; and revising the alternate test protocols.

RELEASE OF CANARY V. 4.1 AND PILOT PROGRAM On September 1, 2010, [CANARY](#) Version 4.1 was released. USEPA and USDOE jointly developed the water quality CANARY software under the [Water Security Initiative](#) program. CANARY evaluates standard water quality data (e.g., free chlorine, pH, total organic carbon) and over time uses calculus and statistical analysis to identify the onset of anomalous [water quality incidents](#). Data anomalies can provide an indication of contaminants such as chemical, biological, pesticides, metals and pathogens. Prior to CANARY software, historical statistical utility data was the method used to determine variations in water quality parameters. CANARY is a free software tool and is currently being piloted in the following cities: Cincinnati, New York, Los Angeles, Philadelphia, San Francisco and Singapore. Each utility will use data sets that are unique to each system. Based on data analysis performed by CANARY, the pilot utilities will be able to detect hazardous levels of contamination in their drinking water supply. This in turn will enable them to improve emergency response and consequence management plans.

NEW DRINKING WATER STRATEGY CONTAMINANTS AS GROUP(S) USEPA has issued a [new strategy](#) to regulate contaminants in drinking water as groups and has held a series of [webinars](#) and public meetings to engage stakeholders on approaches to regulating contaminants as groups and potential contaminant groups rather than one at a time [[75 FR 54872](#), September 9, 2010]. USEPA is identifying more precise methods for [addressing contaminants](#) in groups, in order to improve drinking water technology, and more effectively address potential health effects.

WATER NEEDS SURVEY & INFORMATION COLLECTION REQUEST USEPA has issued a notice of proposed collection and comment request to OMB [[75 FR 55324](#), September 10, 2010]. USEPA is preparing to release the 2011 Drinking Water Infrastructure Needs Survey and Assessment. The purpose of this information collection is to identify the infrastructure needs of public water systems for the 20-year period from January 2011 through December 2031. USEPA's Office of Ground Water and Drinking Water ([OGWDW](#)) will collect these data to comply with Sections [1452\(h\) and 1452\(i\)](#) (4) of the Safe Drinking Water Act. The survey data will be utilized for estimating infrastructure needs of PWS. The comment period closes on November 9, 2010.

INTERIM GUIDANCE ON ENVIRONMENTAL JUSTICE USEPA is releasing an interim guide on incorporating environmental justice into the Agency's process for developing rules and regulations. The [Interim Guidance on Considering Environmental Justice During the Development of an Action](#), is part of USEPA's efforts to advance environmental justice and to protect the health and safety of the historically underrepresented in the environmental decision-making process—minority, low-income, and indigenous populations, and tribes.

INTEGRATED CLIMATE AND LAND USE SCENARIOS GIS TOOL On September 8, 2010, USEPA announced the availability of a final Geographic Information System (GIS) tool and final user's guide titled, [ICLUS v1.3 User's Manual: Arc GIS Tools](#) and Datasets for Modeling U.S. Housing Density Growth" [[75 FR 54627](#), September 8, 2010] (EPA/600/R-09/143F). The tool and its documentation were prepared by the National Center for Environmental Assessment (NCEA) within USEPA's Office of Research and Development. The GIS tool can be used to modify land use scenarios for the United States. ICLUS stands for Integrated Climate and Land Use Scenarios, a project which is described in the 2009 USEPA Report. The ICLUS scenarios are broadly consistent with global-scale, peer-reviewed storylines of population growth and economic development, which are used by climate change modelers to develop projections of future climate.

NEW DOE REMEDIATION SITE DEPLETED URANIUM HEXAFLUORIDE On September 9, 2010, U.S. Deputy Secretary of Energy Daniel Poneman joined the state of Ohio and federal officials to mark the start up of operations at the [Depleted Uranium Hexafluoride](#) Conversion Facility in Piketon, Ohio. The Depleted Uranium Hexafluoride [Conversion Facility](#) will begin full operations once hot functional testing is completed on all process lines. Hot functional testing ensures the plant will work as intended using DUF 6 material and modifying the plant process in a test environment to prove functional performance and achieve optimal operational input. Depleted uranium hexafluoride is a byproduct of enriching uranium for U.S. civilian and military applications.

ENERGY NEWS

PENTAGON'S FIRST DIRECTOR OF OPERATIONAL ENERGY

Sharon E. Burke, was recently sworn in as the Pentagon's First Director of Operational Energy Plans and Programs. Her mission is to reduce the amount of energy needed in war zones, and decrease the risk to troops that transport and guard the military's fuel. "The job of this office is to make sure the troops get the energy they need to do their jobs," she said. Maintaining current energy levels in environments like Iraq and Afghanistan are unsustainable because current levels come with tremendous financial, security, and environmental costs. The focus is to find energy alternatives and efficiencies to meet the military's needs and give our deployed forces more options, more mission effectiveness.

NEW ENERGY SAVING TECHNOLOGY AND PILOT TESTING ON INSTALLATION

On September 23, 2010, the Office of Naval Research Global ([ONR Global](#)) [announced](#) that sustainability energy goals established by Secretary of the Navy, Ray Mabus, may have been sparked into a new era with the design of a new system that controls electrical flow for lighting, and yields a highly efficient platform and power savings. [The Magnetic Energy Recovery Switch](#) (MERS) harnesses and recycles residual magnetic power that is produced by electrical current. By using a device that controls the flow of electricity, light bulbs can now maximize their potential. A proposal to apply the experiment to the entire Hardy Barracks Installation will be completed by the end of October 2010, carrying the project into 2011.

RELEASE OF WIND TECHNOLOGIES REPORT

On August 04, 2010, the U.S. Department of Energy (DOE) released its "[2009 Wind Technologies Market Report](#)." This report, authored primarily by DOE's Lawrence Berkeley National Laboratory, provides a comprehensive overview of trends in the rapidly-evolving U.S. wind power market. Wind power capacity growth is distributed across much of the nation, with new wind farms constructed in 28 states in 2009. Market growth is spurring manufacturing investments in the United States; 7 of the 10 wind turbine manufacturers with the largest share of the U.S. market in 2009 have manufacturing facilities in the US, and 2 of the other 3 have plans to open U.S. facilities in the future.

RELEASE OF DRAFT DOE STRATEGIC WORK PLAN

On September 22, 2010, DOE Office of Energy Efficiency and Renewable Energy (EERE), issued a predecisional [draft strategic work plan report](#) that specifies the actions that the DOE Wind and Water Program will provide in support and creation of the development of a world-class offshore wind industry in the United States. The draft work plan draws conclusions from a companion report, Large-Scale Offshore Wind Energy for the United States: Assessment of Opportunities and Barriers (NREL 2010). The DOE [comment period](#) closes on October 29, 2010.

NREL ESTIMATE ON NATIONAL OFFSHORE WIND ENERGY POTENTIAL

The U.S. Department of Energy's [National Renewable Energy Laboratory \(NREL\)](#) announced the release of a new report that assesses the electricity generating potential of offshore wind resources in the United States. According to the [Assessment of Offshore Wind Energy Resources for the United States](#), 4,150 gigawatts of potential wind turbine nameplate capacity (maximum turbine capacity) from offshore wind resources are available in the United States. According to the U.S. Energy Information Administration, in 2008 the nation's total electric generating capacity from all sources was 1,010 gigawatts. NREL is the U.S. Department of Energy's primary national laboratory for renewable energy and energy efficiency research and development.

DOE ENERGY EFFICIENCY ENFORCEMENT EFFORT PROPOSED PENALTIES

On September 13, 2010, DOE announced 27 new proposed penalties against companies selling products in the United States without certifying that they [comply with energy efficiency](#) or water conservation standards. The [legally required certifications](#) help ensure that products sold in the U.S. deliver significant energy and cost savings to the American public. The 27 companies include manufacturers, importers, and private labelers of appliance, plumbing, and lighting products([Penalty Notices](#)).

ENERGY EFFICIENCY SUMMIT & RESOURCES

On September 14, 2010, more than 250 elected officials, industry leaders, scholars, and energy efficiency advocates from throughout the nation gathered on Capitol Hill to explore energy issues facing the United States at The [Alliance to Save Energy's 2010 Policy Summit](#). The Alliance to Save Energy is a coalition of prominent business, government, environmental and consumer leaders who promote the efficient and clean use of energy worldwide to benefit consumers, the environment, the economy and national security. Interesting energy efficiency resources click onto link [State Energy Efficiency Policy Database](#); [Efficiency Works 10 policy categories that can deliver big efficiency gains](#).



REGIONAL

For more information on regional issues, contact your Regional REC as identified in the OREGA-N Personnel Directory (Page 2).

SURFACE WATER AND GROUND WATER TECHNICAL GUIDANCE FOR GREAT LAKES

The Ohio Environmental Protection Agency has provided technical guidance, and water quality standards that have been adopted by the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers ([GLUMRB](#)). The states GLUMRB incorporates are: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania and Wisconsin, Ontario, Canada. Ohio EPA just issued three [final rules](#) and made revisions to the rules by reference to both the 2003 and 2007 versions of the "Recommended Standards for Water Works." The new plan approval rules establish requirements for plan drawings, procedures for plan approval, modification, and the addition of three new ones. The final rule specifies that plans are required for the construction or installation of a public water system, or for any major modifications to a public water system. The Ohio final rule is relevant to the Great Lakes-Upper Mississippi River Board because they followed the 2007 version of the "Recommended Standards for Water Works."



REGION 1

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

NEW RGP & NOI RULES FOR GROUND WATER DISCHARGES FOR WATERS IN MA & NH

USEPA-New England, has issued a final rule in which the agency has granted a Notice of Availability (NOA) of final NPDES General Permits MAG910000 and NHG910000. This rulemaking is the final National Pollutant Discharge Elimination System (NPDES) general permits for discharges from remediation activities to certain waters of the Commonwealth of Massachusetts (including both Commonwealth and Indian country lands) and the State of New Hampshire [[75 FR 54873](#), September 9, 2010]. These General Permits will replace the existing Remediation General Permits, which expired on September 9, 2010. The final General Permits establish Notice of Intent (NOI) requirements, effluent limitations, standards, prohibitions, and management practices for remediation facilities discharging treated contaminated groundwater. Owners and/or operators of facilities with remediation discharges, including those currently authorized to discharge under the expired General Permits, will be required to submit an NOI in order to be covered by the General Permits to both USEPA-New England and the appropriate state agency. After both USEPA and the State have reviewed the NOI, the facility will receive a written notification from USEPA of permit coverage and authorization to discharge under the General Permit. The eligibility requirements for coverage under the General Permits are discussed in detail under Part I.B.2., and Appendix V. The reader is strongly urged to review these sections to determine eligibility. An individual permit may be necessary if the discharger cannot meet the terms and conditions or eligibility requirements of the Remediation General Permit (RGP). The general permits went into effect on September 10, 2010 and expire in five years in 2015. Emission Summaries has been increased from 50% to 80%; and requirement has been added for each Permittee to perform annual calculations of actual emissions.



CONNECTICUT

ATTAINMENT REACHED FOR 1997 OZONE NAAQS

USEPA has issued a final rule in which the Agency has determined that the Greater Connecticut 8-hour ozone nonattainment area can now be reclassified as having reached attainment for the 1997 8-hour ozone standard based on three years of complete, quality-assured and certified ozone monitoring data from 2007-2009 as of June 15, 2010, [[75 FR 53219](#), August 31, 2010]. This rulemaking determination now suspends the compliance requirement for Connecticut to submit an attainment demonstration, a reasonable further progress plan, contingency measures under section 172(c)(9), and any other planning SIP related to attainment of the 1997 8-hour ozone NAAQS for this area, for so long as the area continues to attain the 1997 ozone standard. In addition, pursuant to CAA section 181(b)(2)(A), USEPA is determining that the Greater Connecticut 8-hour ozone nonattainment area has attained the 1997 8-hour ozone NAAQS by its applicable attainment date (June 15, 2010). The final rule became effective on September 30, 2010.

REISSUANCE OF GENERAL PERMIT FOR RECYCLING FACILITIES

On August 16, 2010, the Connecticut Department of Environmental Protection (DEP) reissued its [General Permit](#) to Construct and Operate Certain Recycling Facilities. The revisions specify, several additions of new waste stream categories and clarify source recycling requirements such as: (1) mercury containing equipment and applicable management and storage conditions; (2) “paint and stains” source category, (3) food source category; (4) mattresses source category. Specifically the general permit: (1) new clarifications of certain facility site plan and reporting requirements; (2) new reorganization of operation and storage general conditions; (3) references to regulatory requirements; (4) inclusion of requirements for the management of universal wastes; and (5) covered Electronic Devices (CEDs) requirements. The General Permit for Recycling Facilities expires on August 15, 2015.

GENERAL PERMIT TO LIMIT POTENTIAL TO EMIT

On August 18, 2010, the Connecticut Commissioner of Environmental Protection, gave a notice of intent to issue: a General Permit to Limit Potential to Emit from Major Stationary Sources of Air Pollution (GPLPE), and to revise the State Implementation Plan (SIP) for air quality. The proposed general permit contains new amendments from those of the General Permit to Limit Potential to Emit that is currently in effect. This proposed general permit will be submitted to USEPA for their review and approval as a revision to the SIP as required by the Clean Air Act Amendments of 1990 (CAA). The proposed general permit will limit emissions from major stationary sources pursuant to a federally enforceable state operating permit (FESOP) program by including federally enforceable permit restrictions on potential emissions for major stationary sources. The limitations contained in the FESOP are in accordance with [[54 FR 2724](#), June 28, 1989]. The proposed general permit limits the actual emissions of any regulated air pollutant to levels less than the applicable major source thresholds. Noteworthy revisions to the GPLPE include: inclusion of definitions for GHG and CO₂e, as well as GHG emission limitations of 100,000 tons on a CO₂e basis; the threshold for submitting Emission Summaries has been increased from 50% to 80%; and requirement has been added for each Permittee to perform annual calculations of actual emissions. See [A Draft GPLPE 2006 TD Report with new tracked changes 8/11/2010\(PDF\)](#).

DEP PROPOSES REGULATIONS ON TOXIC SPILLS

On August 24, 2010, the Connecticut Department of Environmental Protection issued a proposed rule in which the Department established procedures for the Reporting of Toxic Spill Releases. Also on the same date DEP issued a [News Release](#) announcing DEP’s intent to adopt these spill reporting regulations, known as the Regulations concerning the Reporting of Release. The proposed regulations specify what substances constitute a hazard, minimum amounts that would trigger a report, and the locations – for example, catch basins and storm drains – that would be cause for public concern. The proposed rules define those releases considered to be reportable releases under CGS Section 22a-450 and [establishes procedures and requirements](#) for notifying the Department of essential information. The proposed rules mitigate the following: (1) promote a more timely intervention and mitigation of releases, (2) improve the quality of information reported, (3) enhance DEP’s Emergency Response Program by allowing the DEP to concentrate its limited resources to releases of materials that may pose a serious and immediate threat to human health, public safety and environmentally sensitive areas; and (4) provide the regulated community with greater clarity on what, when and how to report. On September 22, 2010 DEP gave a [power point presentation](#) on the proposed rule. A [hearing](#) occurred on October 5, 2010.



MAINE

DRAFT INTEGRATED WATER QUALITY MONITORING AND ASSESSMENT REPORT The Maine Department of Environmental Protection (MEDEP) has issued its draft 2010 Integrated Water Quality Monitoring and Assessment Report. The [report](#) will be submitted to USEPA as required under Sections 305(b) and 303(d) of the Clean Water Act, and in fulfillment of the reporting requirements of 38 M.R.S.A. Section 464.3.A of the State of Maine's Water Classification Program. Each even-year cycle MDEP first posts a draft Integrated Report for public comment. The final version with responses to comments is posted after it has received final approval from USEPA. MEDEP advises readers pay attention to the categories and listing methods required by the USEPA for the surface water assessments in this report (see Chapter 4).

MAINE ISSUES INTERIM GUIDELINES FOR TANK OIL DISCHARGES MEDEP has issued [guidelines](#) for oil and petroleum discharges at, or suspected to be from, existing or former underground or above ground oil storage facilities. The purpose of these guidelines is to convey MEDEP's expectations of the regulated community to report evidence of petroleum contamination based on soil and ground water sampling and analytical results conducted in the course of environmental site assessments at underground and above ground oil storage facilities. This guidance is specifically intended for use in understanding when to notify MEDEP of analytical results from Volatile Petroleum Hydrocarbon and Extractable Petroleum Hydrocarbon laboratory methods. The most important new features of the guidelines are (1) the DEP's statement that discovery of any parameter indicative of oil found in groundwater at or above the practical quantification limit may be a reportable event, and (2) for soils, a statement that reporting is triggered by the measurement of any of 23 chemicals and EPH/ VPH parameters above the very low levels supplied in the March 2010 draft interim guidelines. The June 2010 notification guidelines also provide two-hour timeframes for reporting certain types of discharges under certain circumstances, and 24-hour timeframes for other types of discharges. It appears that the identification of new compounds and low concentrations may trigger additional reporting when those materials are discovered. For further guidance on [MEDEP Petroleum cleanup requirements](#) click on hyperlink.



NEW HAMPSHIRE

DES UPDATES CEMS AND MONITORING PROCEDURES Environmental Services (DES) has issued a final proposal to readopt with [updated text](#) to the rules, found in (Env-A 800). The existing rules, establish minimum air quality testing and monitoring procedures, calculation procedures, standards and requirements in order to determine an air pollution source's compliance with applicable state and federal statutes and rules. The existing rules are scheduled to expire on October 31, 2010. The DES is proposing to readopt the rules with amendments that will clarify and update the changes to the continuous emissions monitoring (CEM) rule and explain in more detail very technical requirements. The new rules apply to an owner or operator of a source that is required to monitor or test its air emissions. These rules are the minimum necessary to meet the requirements specified in state and federal statutes and regulations. The final rule becomes effective on October 31, 2010.

PROPOSED UPDATES VOC RULES UNDER RACT On September 1, 2010, DES issued a [final proposal](#) to readopt and [update the rules](#) governing volatile organic compound (VOC) emissions from stationary sources. Since New Hampshire has areas that do not meet the National Ambient Air Quality Standard for ozone, the federal Clean Air Act requires New Hampshire to control VOCs using "Reasonably Available Control Technology" or "RACT." As part of the rulemaking, Part Env-A 1204 will be renumbered as Chapter Env-A 1200, and many existing requirements will be clarified. The amendments also will incorporate 9 of the 11 Control Techniques Guidelines (CTGs) issued in 2006-2008 by the USEPA to reduce ozone in non-attainment areas. The revised VOC RACT rules will govern more sources than the existing VOC RACT program.

PROPOSED REVISIONS TO THE STATEWIDE AIR PERMIT SYSTEM On September, 17 2010, the New Hampshire Department of Environmental Services (DES) issued the [final proposed](#) text of the Revisions to the Statewide Air Permit System [Env-A 101](#) and [Env-A 600](#). The proposed rules are related to the new federal GHG thresholds that USEPA issued in June 2010. The federal rule sets thresholds for GHG emissions that trigger the need for a permit under the New

Source Review ([NSR](#))/ Prevention of Significant Deterioration (PSD) or Title V programs, both for new sources and for major modifications of existing sources. The federal requirements include only the largest emitters of GHGs, such as power plants. The GHG thresholds now trigger PSD and Title V permitting requirements within a 100,000 tons per year (tpy) of carbon dioxide equivalent emissions (CO₂e) standard. For existing major PSD sources making modifications, any change resulting in a net increase of 75,000 tpy, CO₂e will also trigger the PSD permitting requirements. DES is amending ENV-A101 and Env- A600 to ensure that small sources do not become subject to the GHG requirements and that the existing universe of major sources in New Hampshire does not change significantly. The final amendments to [Env-A 600](#) became effective on October 1, 2010. The comment period for Env-100 closes on November 8, 2010.



REGION 2

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



NEW YORK

NEW RULES & LOWER VOC CONTENT LIMITS FOR INDUSTRIAL ADHESIVES AND SEALANTS On September 30, 2010, the NY Department of Environmental Conservation (NYDEC) issued a [final rule](#) which amended the Volatile Organic Chemical (VOC) emission limits, product procedures and use requirements for Commercial and Industrial Adhesives and Sealants. Specifically this rule amends parts of 200 and 228 of Title 6 NYCRR and creates more stringent emission and product content limits for adhesives and sealants, which are necessary for NY's SIP to meet the 2008 ozone NAAQS {See: [EPA 2010 Air Trends Report Ozone](#)}. Through this rulemaking NYDEC intends to lower levels of ozone in New York State. Facilities using less than 55 gallons of noncompliant commercial or industrial adhesives, sealants, primers and cleanup solvents in a 12-month period are exempt from the product VOC content requirements of the final rule. This final rule incorporates USEPA recommendations on control technique guidance for this spectrum of chemicals. It is advised that the procedures for this rule are important and should be reviewed by primary users. For best procedure and practices see 2008 EPA Report: [Control Techniques Guidelines for Miscellaneous Industrial Adhesives](#). The final rule went into effect on September 30, 2010. The final rule State Sale /State Manufacture new VOC content limit compliance date is December 30, 2010. The final rule use allotment extension expired on September 30, 2011.

NEW YORK STATE HAZARDOUS WASTE MANAGEMENT PROGRAM USEPA has issued a proposed rule in which USEPA has authorized revisions to the New York states Hazardous Waste Management Program. The changes became effective on October 4, 2010 [[75 FR 45489](#), August 3,2010]. Some provisions in the state program are "broader in scope" than federal USEPA hazardous waste regulations. Some of these include: (1) [Part 364](#) which-sets forth additional transporter requirements including permit and liability requirements; (2) the transporter permit and liability requirements are broader in scope than the Federal program; (3) New York did not adopt an analog to 40 CFR 261.4(g) that excludes certain dredged materials from the State definition of hazardous waste. Instead, the State subjects these materials to full regulation as hazardous wastes; (4) [373-4](#), New York implements a Household Hazardous Waste program, whereas the Federal program excludes household waste from regulation as hazardous waste at 261.4 (b)(1); (5) PCB waste is regulated as a state-only hazardous waste in sections 372.1(e)(9), 376.1(g)(1)(i), and 376.4(f). PCB wastes are regulated under the Federal Toxic Substances Control Act (TSCA) at 40 CFR part 761 rather than under the Federal RCRA program.

DRAFT GUIDANCE ON PETROLEUM BULK STORAGE AND UST The New York Department of Environmental Conservation (DEC) has [issued](#) a new program policy by which DEC has created a handbook that provides guid-

ance for Division of Environmental Remediation (DER) staff on how to conduct an inspection at a Petroleum Bulk Storage (PBS) facility, in accordance with the PBS regulations (6 NYCRR Parts 612-614). The handbook entitled, [Petroleum Bulk Storage \(PBS\) Inspection Handbook \(PDF\)](#), addresses inspections for both underground and aboveground storage tanks at New York PBS facilities and also incorporates USEPA federal Underground Storage Tank regulations (UST), (40 CFR 280). The comment period on this proposed new program policy is open until, November 3, 2010.



NEW JERSEY

STATE IMPLEMENTATION PLAN REVISIONS

USEPA has issued a final rule in which the agency is granting permission to the State of New Jersey to incorporate changes into the State Implementation Plan (SIP). In this rulemaking USEPA is responding to the State's SIP revision request. NJ will incorporate several amendments into their SIP plan [subchapters: 4, 10, 16, 19, 21] [[75 FR 45483](#), August 3, 2010]. This SIP revision consists of control measures needed to meet the State's commitment to adopt additional reasonably available control technology (RACT) rules that address RACT requirements for the 1997 National Ambient Air Quality Standards (NAAQS) for ozone. Additionally, the SIP revision includes control measures that will help the State meet the national ambient air quality standards for fine particles. The intended effect of this action is to approve the State control strategy, which will result in emission reductions that will help achieve attainment of the national ambient air quality standards for ozone and fine particles required by the Clean Air Act (CAA). The final rule went into effect on September 2, 2010.

NEW COASTAL PERMIT PROGRAM RULES ON WIND SITING

On September 7, 2010, the New Jersey Department of Environmental Protection (DEP) adopted several amendments and adopted several rules pertaining to [Coastal Permit Program rules](#) by: (1) adding a new permit-by-rule and two new coastal general permits for the construction of wind turbines on land; (2) adding a new permit-by-rule for the construction of solar panels; (3) specifying the zoning criteria for construction non permit requirements for a wind turbine or solar panel. Specifically in this rulemaking, the Department adopted amendments to the Coastal Zone Management rules, [N.J.A.C. 7:7E] to facilitate the construction of wind turbines in the coastal zone in appropriate locations, and also identified non-appropriate locations. To see [GIS map](#) of wind turbines follow hyper-link. In addition, the Department amended the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), by adding a new permit-by-rule for the construction of wind turbines on land. DEP adopted the following new rules: [N.J.A.C. 7:7-7.30 and 7.31] and adopted the following amendments: [N.J.A.C. 7:7-1.3, 2.1, 2.3, 4.2 / 7.2; 7:7E-3.38, 3.49, 3C.2, 7.4, 7.14/ 8.12; and 7:13-7.1 and 7.2]. See comment # 269, pg.187 for NJ wind turbine [impact on military](#). The new Coastal Permit Program final rules went into effect on September 7, 2010.



REGION 3

For more information on any state issues in Region 3, contact Amy Alton, Army Regional Environmental Coordinator, Region 3, (410) 436-7098, e-mail: Amy.Alton@us.army.mil.



DISTRICT OF COLUMBIA

PROPOSED REGIONAL HAZE STATE IMPLEMENTATION PLAN

The District Department of the Environment (DDOE) held a [pubic hearing](#) on August 30, 2010 on the District's proposed [Regional Haze](#) State Implementation Plan (SIP). The District is currently under a Federal Implementation Plan (FIP) deadline to submit its Regional Haze SIP to USEPA by January 15, 2011. The main SIP document is available on-line at <http://ddoe.dc.gov/ddoe>. The Regional Haze Rule requires states and the District to address regional haze in Federally-designated Class I areas, which include national parks and

wilderness areas. As a member of the Mid-Atlantic/Northeast Visibility Union ([MANE-VU](#)), the District participated in a regional process to develop a long-term strategy to ensure that reasonable progress is made to eliminate visibility degradation by 2064.



MARYLAND

EROSION AND SEDIMENT CONTROL STANDARDS

Maryland Department of the Environment (MDE)

issued a [proposed rule](#) which repeals existing regulations (.02-.10); amends regulations (.01 and .11); and adopts new regulations (.02-.10) under COMAR (26.17.01) Erosion and Sediment Control. The intent of this action is to update the existing regulations and revise the handbook "1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control," incorporated by reference in the current regulations. A public hearing occurred on September 27, 2010. The comment deadline ended on October 11, 2010.



PENNSYLVANIA

NEW NPDES PERMIT FEE STRUCTURE

The Pennsylvania Environmental Quality Board (EQB) issued a final

rule pertaining to National Pollutant Discharge Elimination System (NPDES) Permitting, Monitoring, and Compliance [[40 Pa.B. 5106](#)]. The [rule](#) addresses the process used to issue NPDES permits for point source discharges of sewage and industrial wastewater as well as clarifies treatment requirements for discharges of treated sewage and industrial wastewater. Additionally, the rule implements a new NPDES fee structure to cover the cost of administering the NPDES program. The existing \$500 application fee, payable every 5 years, would be replaced by a sliding scale of application fees and annual fees based primarily on the size of the point source discharge. Provisions designed to keep the program current with changes at the Federal level were added. Some of these provisions were needed to ensure continued Federal approval of Pennsylvania's program by USEPA. These new provisions include requirements related to (1) stormwater Phase II Final Rule requirements (MS4s and small construction activities); (2) cooling water intake structures; and (3) NPDES provisions for applications of pesticides. The final rule became [effective](#) on September 4, 2010.

EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT

On August 21,

2010, PA EQB issued a [final-form rulemaking](#) [40 Pa.B. 4861] which amended Chapter (102) relating to erosion and sediment control and stormwater management. The rulemaking (1) incorporates the Federal Clean Water Act "Phase II" National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with construction activities; (2) codifies post construction stormwater management (PCSM) requirements, including long-term operation and maintenance requirements of PCSM best management practices; (3) includes specific anti-degradation implementation provisions; (4) updates agricultural planning and implementation requirements; (5) updates erosion and sediment control requirements; and (6) establishes riparian buffer and riparian forest buffer provisions. The rule becomes final and effective on November 19, 2010.

TIGHTER STANDARDS FOR TOTAL DISSOLVED SOLIDS

PA EQB has issued a [final-form rulemaking](#)

relating to wastewater treatment requirements. The rule includes the elimination of a redundant provision and the establishment of new treatment requirements for new and expanding mass loadings of Total Dissolved Solids (TDS). The new effluent standards are a direct result of recent water quality analyses within the major Pennsylvania watersheds indicating that many PA water sources have limited ability to assimilate additional TDS loads. This rulemaking is EQB's pre-emptive response to prospective increases in TDS pollution related to natural fracturing, and gas drilling production. A new section was incorporated into this final rule, § 95.10(a) [Effluent Standards for New Sources of Wastewaters Containing High Total Dissolved Solids Concentrations](#). The final rule became effective and enforceable by the August 21, 2010 issue of PA Register.

WASTEWATER OPERATOR CERTIFICATION REGULATIONS

PA EQB has issued a final-form

rulemaking to implement provisions of the Water and Wastewater Systems Operators' Certification Act, which was passed by the state legislature in 2002. The act restructured Pennsylvania's Operator Certification Program to meet federal guidelines. In addition, the act: (1) applied the federal requirements for an Operator Certification Program to wastewater treatment system

operators; (2) required completion of system security training for all certified operators; and (3) the submittal of a criminal history report from the Pennsylvania State Police as a requirement for certification. The proposed rulemaking deletes Title 25, Chapter 301, 303, and 305 and creates a new Chapter 302. The rule became final and effective on September 18, 2010.



VIRGINIA

UNDERGROUND STORAGE TANKS

Virginia Water Control Board and Virginia Department of Environmental Quality (VA DEQ) issued a [final rule](#) regarding technical standards and corrective action requirements for Underground Storage Tanks (USTs). The rule (1) requires secondary containment for new and replaced USTs within 1,000 feet of a public water supply or potable well; (2) implements a delivery prohibition program which provides added incentive for UST owner/operators to maintain compliant tank systems; (3) clarifies when a deliverer is responsible for delivering to an ineligible tank; (4) added a new requirement to section [9VAC25-580-370], for certain operators to be on site within 24 hours; and (5) outlines specific requirements for the retention of training records. Follow hyperlink for [quick access to UST guidelines](#). The proposed rule was published in the February 2010 Northern Region Review. The VA UST final rule went into effect on September 15, 2010.



WEST VIRGINIA

UPDATED GROUNDWATER STANDARDS

WVDEP has issued a [final rule](#), regarding the requirements governing groundwater quality standards (47CSR12). In this rulemaking, WVDEP updates the established minimum standards of purity and quality for groundwater located within the state. The proposed revisions reflect updates/additions made to USEPA's 2009 Edition of the Drinking Water Standards and Health Advisories. The final rule became effective on September 13, 2010.



REGION 5

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

REGION V ADDRESS TECHNICAL CORRECTION

On September 10, 2010, USEPA issued a [final rule](#) that corrects the addresses for USEPA Region 5 state and local agencies in USEPA regulations. Certain USEPA air pollution control regulations requiring submittal of notifications, reports and other documents to the USEPA Regional office must also be submitted to the appropriate authorized state or local agency. This technical amendment updates and corrects the addresses for submitting such information to the EPA Region 5 state and local agency offices. This action is effective September 10, 2010.

MIDWEST CLEAN DIESEL INITIATIVE

On Sept 7, 2010 USEPA Region 5's [Midwest Clean Diesel Initiative](#) awarded a \$977,242 [grant](#) to [Minnesota Environmental Initiative](#). The grant was awarded as part of USEPA's ongoing efforts in the [National Clean Diesel Campaign](#). This project will help reduce exposure to diesel emissions. Work conducted through this grant includes installation of more than 230 engine and exhaust retrofit technologies, such as diesel oxidation catalysts and diesel particulate filters on equipment across Minnesota. Midwest clean diesel initiative is a collaboration of federal, state and local agencies, along with communities, non-profit organizations and private companies working together to reduce emissions from diesel engines in the Midwest. [USEPA's new diesel engine standards](#) will significantly reduce emissions from newly manufactured engines and these [grants](#) will lower emissions from the diesel engines already in use through clean innovative technology.



ILLINOIS

NEW CERTIFICATION AND OPERATION REQUIREMENTS FOR ENVIRONMENTAL LABORATORIES

On August 27, 2010, the Illinois Department of Public Health (DPH) [published proposed rules](#) that establish new analytical methods and update versions of previously adopted analytical methods for the testing of microbiological contaminants in drinking water. The proposed amendments not only reflect changes adopted by USEPA, specifically in this rulemaking DPH has added, amended, and clarified rules pertaining to the Certification and Operation of Environmental Laboratories. The new requirements address and also have been reorganized in an effort to enhance readability. The requirement that all certified laboratories must be certified for the heterotropic plate count procedure has been dropped. In its place are other standardized water quality analytical methods and specific Lab facility protocols. Essentially DPH, in this rulemaking is incorporating the requirements found in the: [USEPA Manual](#) for Certification of Laboratories Analyzing Drinking Water, 5th Edition, January 2005.

RADIATION PROTECTION ACT

On July 14, 2010, Illinois Governor Pat Quinn, signed into law [Public Act 96-1041](#). The law amends the Regulatory Sunset Act and extends the repeal date of the Radiation Protection Act of 1980 from January 1, 2011 to January 1, 2021. The Act also changes the definition of, “by-product material” to include certain sources of radium-266 and two other types of radioactive materials. In addition the Act removes the provision that authorizes the Illinois Emergency Management Agency to establish certain fees and another provision that divided radiation installations into classes. The law provides that radiation installations shall be inspected according to frequencies based upon associated radiation hazards. The law was effective on signature on, July 14, 2010.



INDIANA

AIR POLLUTION STANDARDS UPDATE BY REFERENCE TO CFR 2009

The Indiana Department of Environmental Management (IDEM) has issued a [final rule](#) that relates to air pollution standards. Specifically the rulemaking amends: [326 IAC 1-1-3](#) by updating references to the Code of Federal Regulations (CFR) 2009 edition, and also updating regulations: (1) [326 IAC 1-2-48](#) which applies to non-photo-chemically reactive hydrocarbons; (2) [326 IAC 19-2-1](#) applies to transportation plans; and (3) [326 IAC 20-28](#) applies to all hazardous waste combustors, by updating citations to the Federal Register that are incorporated by reference this rulemaking helps to ensure that state rules are consistent with federal regulations. The rulemaking will be effective on October 30, 2010.



OHIO

NEW TANK INSPECTION RULES

On September 5, 2010, Ohio EPA's [final rule](#) relating to tank inspections became effective. The new rules require owners or operators develop and follow a schedule and procedure for inspecting overfill controls. Monitoring and leak detection equipment data must be inspected at least once each operating day to ensure that the tank system is being operated according to its design. In addition, the owner or operator must inspect at least once each operating day the above ground portions of the tank system, if any, to detect corrosion or releases; the construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system to detect erosion or signs of releases; and establish a recordkeeping and reporting system.

“SET J” FINAL RULES

On July 23, 2010, Ohio EPA finalized 196 hazardous waste management rules known as the “Set J” rules. These rules became effective on September 5, 2010. A table listing all the rules is available [here](#). The majority of the rules are not substantively changed from earlier rules; however, new rules covering the recycling of cathode ray tubes and tank inspections, for example, are included in the new “Set J” final rules.

NEW DISPOSAL RULES ON CATHODE RAY TUBES

On September 5, 2010, Ohio EPA issued a [final rule](#) relating to the waste disposal of broken cathode ray tubes (CRTs). Specifically, this rulemaking provides conditional exclusions for: (1) used, broken CRTs; (2) processed CRT glass undergoing recycling; (3) a conditional exclusion for used, intact CRTs exported for recycling; and (4) notification and recordkeeping requirements for used, intact CRTs exported for reuse. The final rule went into effect on September 5, 2010

GROUND WATER RULE

On August 16, 2010, the Ohio EPA issued 16 [proposed rules](#) to adopt the federal Ground Water Rule (GWR). The purpose of the rules is to provide increased protection against microbial pathogens. The rules establish a risk-targeted approach, identifying ground water systems that are susceptible to fecal contamination rather than requiring disinfection for all ground water systems. The rules require ground water systems at risk to take corrective action to reduce cases of illnesses and deaths due to exposure to microbial pathogens. The 16 proposed rules are:

3745-9-08 (Amend) Well disinfection.

[3745-81-01](#) (Amend) Definitions.

[3745-81-27](#) (Amend) Analytical techniques.

[3745-81-32](#) (Amend) Public notification.

[3745-81-41](#) (New) Ground water rule - general requirements and applicability.

[3745-81-42](#) (New) Ground water rule - ground water source microbial monitoring and analytical methods.

[3745-81-43](#) (New) Ground water rule - treatment technique requirements for ground water systems.

[3745-81-44](#) (New) Ground water rule - treatment technique violations for ground water systems.

[3745-81-45](#) (New) Ground water rule - reporting and recordkeeping for ground water systems.

[3745-81-60](#) (Amend) Sanitary surveys.

[3745-81-72](#) (Amend) Disinfection of water from surface water sources.

[3745-81-76](#) (Amend) Source water designation.

[3745-89-03](#) (Amend) Procedure for laboratory approval.

[3745-89-08](#) (Amend) Reporting of analytical results.

[3745-96-02](#) (Amend) Required report content.

[3745-96-03](#) (Amend) Required additional health information.

Rules 3745-81- (41, 42, 43, 44, 45 (in green)) become effective on October 31, 2010.



COMPACT

On August 23, 2010, the Wisconsin Natural Resources Board submitted final proposed rules for adoption to the Legislature that amend rules relating to the Great Lakes-St. Lawrence River Basin Water Resources Compact. The final proposed rules cover six new administrative rules related to large water withdrawals statewide to implement the Great Lakes Compact and related legislation. The final proposed rules include requirements to implement [water use registration and reporting](#), [water use fees](#), and [water conservation and water use efficiency](#). A [fact sheet](#) prepared by the Wisconsin Department of Natural Resources explains the proposed rules. The Senate Committee on the Environment held a public hearing on these rules on September 29, 2010.

EXCLUSION OF DIMETHYL CARBONATE AND PROPYLENE CARBONATE

The Wisconsin Department of Natural Resources (WDNR) has issued a [final rule](#) that revises NR 400.02 (162) (a), by adding dimethyl carbonate and propylene carbonate to the list of excluded compounds. USEPA has determined that these two compounds make a negligible contribution to tropospheric ozone formation. and recently excluded these two compounds from its regulatory definition of VOC [74 FR 3437, January 21, 2009]. The proposed revision of NR 400.02 (162) (a), would bring WI in compliance with the federal action. The rule was adopted by the WDNR on June 3, 2010 .

CHAPTER PSC 128 WIND ENERGY SYSTEMS

On September 1, 2010, the WI Public Service Commission (the Commission) issued an [announcement](#) to create [ch. PSC 128] relating to the siting of wind energy systems [[Docket 1-AC-231](#)]. This proposed administrative rules govern the siting of wind turbines in Wisconsin. The rules were drafted in response to 2009 Wisconsin Act 40, recently-enacted legislation directing the Commission to promulgate rules that specify the restrictions

local units of government may impose on the installation or use of wind energy systems. The rules specify how a political subdivision can establish setback requirements, noise and shadow flicker standards, and mechanisms that give non-participating landowners a stake in wind energy projects sited in their area. The rules include *Notice Requirements*. At least 90 days before filing an application, the wind energy system owner must give notice to community stakeholders including the office of the Deputy Undersecretary of the U.S. Department of Defense. On September 2, 2010, ch. PSC 128] was referred to the committee on: Commerce, Utilities, Energy, and Rail. A public hearing occurred on September 30, 2010.

NEW HAZARDOUS WASTE SIZE DEFINITIONS On September 1, 2010, The Wisconsin Natural Resources Board issued a [final rule](#) in which the Board made amendments to NR 660.10 (107) section I. The changes specify new definitions for: "Large quantity generator" and "Small quantity generator. This final rule went into effect on September 1, 2010.

NEW PERFORMANCE STANDARDS CHAPTER NR 151, RUNOFF MANAGEMENT On September 24, 2010, The WI Department of Natural Resource issued a final rule which sets new performance standards for non-point source (stormwater) management. The regulation proposes to amend rules relating to runoff management and a targeted runoff management grant program. The performance standard requiring agricultural operations to reduce discharges to surface waters to meet the load requirements of approved TMDLs and targeted performance standards set for the TMDL area will help the state to control nonpoint source pollutants to achieve federally required and approved TMDLs. See- [Chapter NR 151](#), Runoff Management. To see a general [overview of Wisconsin's runoff rules](#) follow link.

COMPLIANCE WITH USEPA PM 2.5. On July 12, 2010, the Wisconsin Department of Natural Resources (DNR) issued [final proposed rules](#) for adoption by the Legislature. The [proposed rules](#) amend sections of the [NR 400, 404 to 408, and 484] Wisconsin. Adm. Code , which incorporates recent federally mandated changes to the major source permitting program, and includes particulate matter less than 2.5 microns in diameter as a pollutant. Currently, PM2.5 is not regulated under the new source review program in PM2.5 air quality attainment areas. Under federal law and this proposed rule, [PM2.5](#) will be regulated for all emission sources, with a permitting threshold at levels comparable to those previously set for larger particulate matter (PM) and ([PM10](#)). PM2.5 is proposed to be included as a pollutant used to determine whether a facility is a major source of air pollution. Additionally, increases in PM2.5 emissions will potentially trigger the need to obtain an air pollution control construction permit, including requirements to control emissions to levels which represent best available control technology or lowest achievable emission rate. The Department is required to update the state new source review rules to keep them consistent with the federal rules to retain USEPA approval of Wisconsin's new source review program. This rulemaking also incorporates the federal "tailoring" rule for regulating greenhouse gas (GHG) emissions under the existing major source permitting rules. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 11, 2010.

PROPOSED RULES FOR WITHDRAWALS OF WATERS FROM THE GREAT LAKES BASIN The Wisconsin Department of Natural Resources (DNR) has issued a [proposed rule](#): "Water Use Registration and Reporting, relating to implementation of the Great Lakes Compact" (NR 856, CR 10-059) which rescinds a portion of an existing rule related to registration of water withdrawals, and creates a new rule that clarifies and further defines new statewide registration and reporting requirements, for withdrawals from waters of the state, including the Great Lakes Basin. As of October 10, 2010, the proposed final rules have been submitted to each house of the legislature and are pending approval.

DNR FORMS CONSERVATION ADVISORY GROUP The Wisconsin Department of Natural Resources (DNR) has formed an advisory committee to assist with developing the State's new water conservation and efficiency rules. The rules are required under Wisconsin 2007 [Act 227](#), which implements the Great Lakes – St. Lawrence River Basin Water Resources [Compact](#). The rules will specify mandatory or voluntary water conservation measures that are required for new and increased water withdrawals statewide. Regulated water users include agriculture, industry, commercial, power production, and Public Water Systems (PWS).

WHAT	WHEN	WHERE	DETAILS
<u>2010 National Training Conference on the Toxics Release Inventory (TRI) and Environmental Conditions in Communities</u>	<p>November 1 - 4</p>	<p>Washington, DC</p>	<p>This year's conference expands on previous TRI National Training conferences to include sessions on sources of other environmental data and on conditions and trends in ecological and human health that collectively help to support environmentally-related decision making in communities.</p>
<u>California Storm Water Quality Association (CASQA) Conference</u>	<p>November 1 - 3</p>	<p>Mission Hills, CA</p>	<p>A storm-water conference with the following credit seminars: Sustainable Mandates: Managing Feasibility and Compliance, Municipal storm-water 101: Phase II program fundamentals, Legal framework past, present and near future, General Construction Permit Implementation.</p>
<u>American Water Summit 2010 New Environment, New Directions</u>	<p>November 3 - 4</p>	<p>Washington, DC</p>	<p>This conference brings together water and money to discuss and evaluate new directions, map out a more productive future for the American water industry as well as meeting and exchanging views with many of the country's leading water authorities.</p>
<u>The 2010 State-EPA Innovation Symposium</u>	<p>November 1 - 3</p>	<p>Monona Terrace, Madison, Wisconsin</p>	<p>USEPA and its State partners are teaming up to bring you this important event for government environmental practitioners. Symposium participants will have an opportunity to network, to learn, and to dialogue about what changes in climate and moves toward more sustainable business practices mean for the work of environmental agency personnel. The Making of a Greener Economy: Emerging Issues and What They Mean for Our Work.</p>
<u>North American Lake Management Society (NALMS) 30th International Symposium</u>	<p>NOVEMBER 3-5</p>	<p>OKLAHOMA CITY, OK</p>	<p>Topics addressed at this conference will include: TMDLs; management and protection of shoreline development; harmful algal blooms; carbon sequestration; watershed planning, and invasive species.</p>

WHAT	WHEN	WHERE	DETAILS
<u>5th National Conference on Coastal and Estuarine Habitat Restoration</u>	NOVEMBER 13 -17	GALVESTON ISLAND, TX	Hosted by Restore America's Estuaries, the conference theme is, "Preparing for Climate Change." The conference brings together the coastal habitat restoration community and a group of diverse stakeholders from across the country, including top representatives from federal, state, and local governments; corporations and businesses; and education—all united in the search for solutions to the needs of our coastal ecosystems.
<u>TMDL 2010: Watershed Management to Improve Water Quality</u>	NOVEMBER 14 -17	BALTIMORE, MD	Sponsored by the American Society of Agricultural and Biological Engineers (ASABE). This fifth in a series of conferences focusing on watershed management and TMDLs. The purpose of the conference is to report on ongoing research and outreach efforts related to TMDL development and implementation of watershed management
<u>The 27th Army Science Conference (ASC)</u>	NOVEMBER 29 -2	ORLANDO, FL	The goals of the 27th ASC are to enable Army and DoD leaders, Congress and the public to understand the scope of the Army's science and technology (S&T) activities in support of the Army and the Nation, and to strategically communicate the S&T community's efforts to rapidly develop technologies that will enhance the capabilities of the Current Force while enabling the Future Force.
<u>E3 2010: The Midwest's Premier Energy, Economic and Environmental Conference</u>	NOVEMBER 30 -1	ST. PAUL, MN	Day 1 is the actual conference; day 2 is Wind Energy Workshop. Conference themes include renewable fuels and products, renewable electricity, as well as conservation and energy efficiency.
<u>ACES, A Community on Ecosystem Services</u>	DECEMBER 6-9	PHOENIX, AZ	The primary objective of ACES is to provide an open forum to discuss the latest and most innovative methods, tools, and processes for assessing ecosystem services while facilitating their effective use in planning and decision making.



Internet Resources

STATE / TERRITORY RESOURCES

REGULATORY SOURCES	LEGISLATIVE RESOURCES
CT Department of Environmental Protection..... http://www.ct.gov/dep	CT General Assembly http://www.cga.ct.gov
DE Department of Natural Resources and Environmental Control .. http://www.dnrec.delaware.gov	DE General Assembly http://legis.delaware.gov
DC Department of Environment http://ddoe.dc.gov/ddoe	DC City Council..... http://www.dccouncil.washington.dc.us
IL Environmental Protection Agency..... http://www.epa.state.il.us	IL General Assembly..... http://www.ilga.gov
IN Department of Environmental Management http://www.state.in.us/idem	IN General Assembly..... http://www.in.gov/legislative
ME Department of Environmental Protection http://www.state.me.us/dep	ME State Legislature http://www.maine.gov/legis
MD Department of Environment http://www.mde.state.md.us	MD General Assembly... http://mlis.state.md.us
MA Department of Environmental Protection..... http://www.mass.gov/dep	MA General Court http://www.mass.gov/legis/legis.htm
MI Department of Environmental Quality http://www.michigan.gov/deg	MI Legislature http://www.legislature.mi.gov
MN Pollution Control Agency http://www.pca.state.mn.us	MN State Legislature..... http://www.leg.state.mn.us
NH Department of Environmental Services http://des.nh.gov	NH General Court..... http://gencourt.state.nh.us
NJ Department of Environmental Protection..... http://www.state.nj.us/dep	NJ Legislature..... http://www.njleg.state.nj.us
NY Department of Environmental Conservation..... http://www.dec.ny.gov	NY Assembly http://assembly.state.ny.us
OH Environmental Protection Agency http://www.epa.state.oh.us	NY Senate..... http://assembly.state.ny.us
PA Department of Environmental Protection http://www.depweb.state.pa.us/dep	OH General Assembly http://www.legislature.state.oh.us
PR Department of Natural and Environmental Resources http://www.gobierno.pr	PA General Assembly http://www.legis.state.pa.us
RI Department of Environmental Management..... http://www.dem.ri.gov	PR Government..... http://welcome.topuertorico.org/government.shtml
VT Agency of Natural Resources http://www.anr.state.vt.us	RI General Assembly http://www.rilin.state.ri.us
VI Department of Planning and Natural Resources http://www.dpnr.gov.vi	VT Legislature..... http://www.leg.state.vt.us
VA Department of Environmental Quality http://www.deq.state.va.us	VI Legislature http://www.senate.gov.vi
WV Department of Environmental Protection..... http://www.wvdep.org	VA General Assembly..... http://legis.state.va.us
WI Department of Natural Resources..... http://www.dnr.state.wi.us	WV Legislature http://www.legis.state.wv.us
	WI State Legislature http://www.legis.wisconsin.gov/senhome.htm

OTHER RESOURCES

MILITARY RESOURCES	OTHER FEDERAL AGENCY RESOURCES
<u>DoD</u>	US Government http://www.USA.gov
DoD Defense Link http://www.defenselink.com	US Environmental Protection Agency http://www.epa.gov
National Defense Center for Environmental Excellence http://www.ndcee.ctc.com	Region 1..... http://www.epa.gov/region01
Joint Services P2 and Sustainability Technical Library http://205.153.241.230/	Region 2..... http://www.epa.gov/region02
<u>ARMY</u>	Region 3..... http://www.epa.gov/region03
Army Knowledge Online https://www.us.army.mil	Region 5..... http://www.epa.gov/region5
Assistant Secretary of the Army for Installations, Energy and Environment http://www.asaie.army.mil/Public/IE	US Department of Agriculture http://www.usda.gov
Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health http://www.asaie.army.mil/Public/ESOH/1ESOH	National Resource Conservation Service http://www.nrcs.usda.gov
US Army Environmental Command http://aec.army.mil	US Department of Interior http://www.doi.gov
US Army Sustainability..... http://www.sustainability.army.mil	Bureau of Land Management Eastern States http://www.blm.gov/es/st/en.html
Army Sustainable Range Program..... https://srp.army.mil	US Geological Survey http://www.usgs.gov
Army Environmental Policy Institute http://www.aepi.army.mil	US Fish and Wildlife Service..... http://www.fws.gov
Army Corps of Engineers http://www.usace.army.mil	Midwest Region (all Reg. 5 States) http://www.fws.gov/midwest
North Atlantic Division..... http://www.nad.usace.army.mil	Northeast Region (all Reg. 1, 2, 3 States).... http://www.fws.gov/northeast
Great Lakes and Ohio River Division http://www.lrd.usace.army.mil	National Park Service..... http://www.nps.gov
	Bureau of Indian Affairs..... http://www.bia.gov
	US Department of Energy http://www.energy.gov
	Office of Environmental Management http://www.em.doe.gov
	Federal Register http://www.gpoaccess.gov/fr/index.html