



NORTHERN REGION REVIEW



Environmental Legislative and Regulatory News

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ANNOUNCEMENT: New Name, Same Mission

The US Army's Regional Environmental Offices (REOs), established in 1995, have a new name to better reflect the nature of our work. The Northern REO is now the Office of Regional Environmental and Government Affairs – Northern (OREGA-Northern).

Our mission and organizational structure, however, have not changed. The OREGA continues as a unique Army asset that works collaboratively with state environmental and natural resource officials, state legislators, and regional federal environmental officials to maintain military readiness and sustainable operations. The OREGAs continue to report to Mr. Tad Davis, Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health).

Your Regional Environmental Coordinator (REC) has a new title as well. The RECs are now Regional Environmental and Government Affairs Coordinators (REGACs). The Senior REC is the Deputy Director, and the Chief is now the Director.

National Governors Association (NGA) Winter Meeting

The nation's governors assembled 21-23 February 2009, in DC, at their winter meeting to discuss economic challenges, improving American global competitiveness and quality of life, the next generation of energy and environmental sustainability. Although the economy and utilization of the recently passed economic stimulus package were at the forefront of meeting discussions, revitalizing America's infrastructure was the focal point of the meeting's plenary sessions. *Strengthening Our Infrastructure for a Sustainable Future* is the theme initiative of NGA Chair Pennsylvania Governor Edward Rendell. Governor Rendell's initiative was developed in concert over a year ago with California



Surrounded by fellow governors, NGA Chair Edward Rendell addresses the media at the NGA Annual meeting in Washington, DC.

Governor Arnold Schwarzenegger and New York City Mayor Michael Bloomberg. The American Society of Civil Engineers (ASCE) has stated that it will take an investment of \$2.2 trillion to bring America's infrastructure to acceptable levels. The economic stimulus package provides roughly \$115 billion to the states for

infrastructure improvements, what several governors referred to as a down payment in fixing a badly neglected national infrastructure exposing America to widespread traffic congestion, unsafe bridges, inadequate water supply, and an unreliable electrical grid. The next infusion of federal infrastructure financing will apparently come

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Customer Feedback Survey

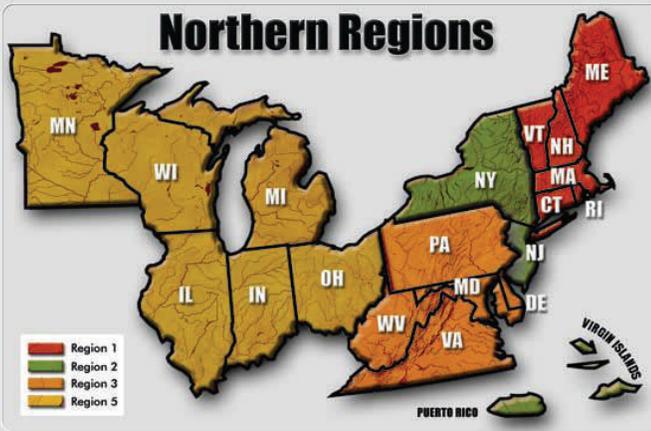
Please take a second to fill out the 2009 *Northern Region Review* Customer Survey. Your input is greatly appreciated and will help make the publication a more effective tool.

http://www.surveymonkey.com/s.aspx?sm=tJzovBhCSPCPwyQ7JqQyuA_3d_3d



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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 Office Regional Environmental and Government Affairs - Northern 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 and Government Affairs Coordinator listed in the Personnel Directory on the last page.

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

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from the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). The security and effectiveness of military installations and operations are highly dependent on a well maintained national infrastructure. It is possible that military installations could have some influence on how states set infrastructure priorities such as the upgrade schedules of electrical grids with "smart grid" technologies that will ultimately reduce energy user costs, increase energy reliability and efficiency, and enhance national security. More information on NGA is available at www.nga.com.



EXECUTIVE OFFICE OF THE PRESIDENT

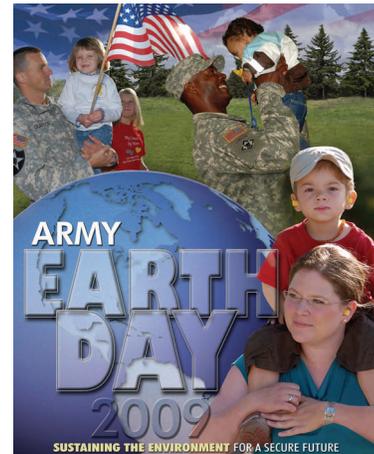
EXECUTIVE ORDER 13486 - STRENGTHENING LABORATORY BIOSECURITY IN THE U.S. On January 9, 2009, President George W. Bush issued [Executive Order \(EO\) 13486](#), addressing the security of laboratory facilities that possess biological select agents and toxins [74 FR 2289, January 14, 2009]. The EO established the Working Group on Strengthening the Biosecurity of the United States, co-chaired by the Secretaries of Defense and Health and Human Services. The working group has 180 days to prepare and present a report to Congress. The report may make recommendations for new legislation and regulations after assessing laws, regulations, guidance, and practices for federal and non-federal facilities.

NEW ADMINISTRATION HALTS IN-PROCESS REGULATIONS TO ALLOW FOR REVIEW On January 20, 2009, the White House Chief of Staff Rahm Emanuel issued a [memo](#), directing that no proposed or final regulation should be published in the Federal Register until it has received a review by a department or agency head serving the new administration. The review may be delegated, and exceptions may be granted by OMB. Regulations subject to statutory or judicial deadlines are exempted.

RECONSIDERATION OF STATE EXEMPTIONS FOR REGULATING CO2 FROM VEHICLES On January 26, 2009, President Obama issued a [memo](#) directing USEPA to reconsider previous denials of applications by states wanting to set their own limits on the amount of greenhouse gases (GHG) allowed in truck and car exhaust. California's standard, which requires a waiver from USEPA under the Clean Air Act (CAA), would require SUVs, minivans and cars starting in model year 2009 to reduce their emissions of GHG by 30 percent by 2016. Sixteen states and the District of Columbia already have adopted or are considering adopting California's standards.



DoD NEWS



2009 ARMY EARTH DAY MESSAGE The Army joins our Nation in recognizing Earth Day and the need for responsible stewardship of our environment and natural resources. Increasingly, the health and security of our Nation as well as global stability are impacted by our ability to safeguard and protect our environment.

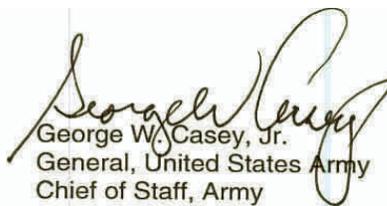
By leveraging the interdependence among mission, environment and community to establish and sustain necessary resources, we ensure that the Army simultaneously meets current as well as future mission requirements worldwide, safeguards human health, improves quality of life, while also enhancing the natural environment. Moreover, as a component of Army transformation, we are eliminating waste, driving innovation and promoting collaboration across the Army enterprise.

The Army has never failed to seize on an opportunity to lead. This commitment is no more apparent than in the Army's approach to environmental stewardship. In 2008, the Army released the federal government's first sustainability report outlining the accomplishments of our Soldiers, Families, Army Civilians and contractors in green construction, more efficient use of fuels, and expanded use of renewable and alternative energy sources. In January 2009, the Army signaled its commitment to reducing greenhouse gas emissions by introducing the first of what will be the largest acquisition of Neighborhood Electric Vehicles (NEV) in the United States.

As we continue our efforts to minimize the Army "footprint" on Earth we ask every member of the Army team this Earth Day to re-dedicate to being good stewards of our environment to "Sustain the Mission—Secure the Future."

Army Green is Army Strong.


Kenneth O. Preston
Sergeant Major of the Army


George W. Casey, Jr.
General, United States Army
Chief of Staff, Army


Pete Geren
Secretary of the Army

SECRETARY OF THE ARMY ENVIRONMENTAL AWARDS WINNERS More than 50 nominations were received for the FY08 Secretary of the Army Environmental Awards program. Judging was completed in December and winners have been announced. The winners of the FY 2008 Secretary of the Army Environmental Awards are:

- Camp Johnson, Vermont Army National Guard - Environmental Quality, Industrial Installation;
- US Army Garrison Bamberg, Germany - Environmental Quality, Overseas Installation;
- Camp Navajo, Arizona Army National Guard - Cultural Resources Management, Installation;
- Fort Bragg, NC - Environmental Restoration, Installation;
- Camp Ripley Maneuver and Training Center, Minnesota Army National Guard - Natural Resources Conservation, Large Installation;
- Combined Support Maintenance Shop, Michigan Army National Guard - Pollution Prevention, Non-industrial Installation;
- Field Maintenance Shop #2 Pollution Prevention Team, North Carolina Army National Guard - Pollution Prevention, Team;
- Fort Drum, NY—Cultural Resources Management, Team/Individual;
- Fort Hood, TX - Sustainability, Installation; Fort Carson, CO— Sustainability, Team; and
- Major Laura McHugh, Pennsylvania Army National Guard - Sustainability, Individual.

Winners will represent the Army in the 2009 Secretary of Defense Environmental Awards competition.



Court Decision

STATE SITING AUTHORITY FOR POWER TRANSMISSION LINE CORRIDORS The US Fourth District Court of Appeals issued a [ruling](#) that curtails the Federal Energy Regulatory Commission's (FERC) authority to intervene in transmission line siting decisions at the state level. The court decision in part stated: "...we reverse FERC's expansive interpretation of the language in FPA § 216(b)(1)(C)(i) that grants FERC permitting jurisdiction when a state commission has withheld approval [of a permit application] for more than 1 year. The phrase does not include, as FERC held, the denial of an application." The lawsuit was the first of two filed by Piedmont Environmental Council against fast-tracking of transmission line siting through much of the US. The second lawsuit, which seeks to overturn the Department of Energy's designation of multi-state corridors for transmission line siting, is pending before the Ninth Circuit Court of Appeals in San Francisco.



US ENVIRONMENTAL PROTECTION AGENCY NEWS

General

COASTAL SENSITIVITY TO SEA LEVEL RISE REPORT USEPA, National Oceanic and Atmospheric Administration (NOAA), and the US Geological Survey (USGS) have released a report titled, "[Coastal Sensitivity to Sea-Level Rise: A Focus on the Mid-Atlantic Region](#)." The report discusses the impacts of sea level rise on the coast, coastal communities, and the habitats and species that depend on them. The report also examines multiple opportunities for governments and coastal communities to plan for and adapt to rising sea levels. The report is one of 21 climate change synthesis and assessment products commissioned by the [U.S. Climate Change Science Program](#) (CCSP). The program is responsible for coordinating and integrating the research of 13 federal agencies, including DoD, on climate and global change.

Air Quality

REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS USEPA has issued a final rule amending the definition of volatile organic compounds (VOCs) [[74 FR 3437](#), January 21, 2009]. The amendment excludes propylene carbonate and dimethyl carbonate in ozone State Implementation Plans (SIPs) and ozone controls for purposes of attaining the ozone national ambient air quality standard (NAAQS). These compounds have been excluded based on a determination that they make a negligible contribution to tropospheric ozone formation. Propylene carbonate and/or dimethyl carbonate are used in some paint stripping formulations. The final rule became effective on February 20, 2009. For further information, contact USAEC at (410) 436-7077.

NEW SOURCE REVIEW PROGRAM RULES USEPA has issued several separate rulemakings addressing the September 14, 2006, proposed rule for the New Source Review (NSR) Program. The 2006 proposed rule was to clarify three aspects of the NSR Program – aggregation, debottlenecking, and project netting as they pertain to determining NSR applicability for modified sources. On January 15, 2009, USEPA issued a [final rule](#) addressing the aggregation portion, which clarified that emissions should be combined when activities are substantially related. The final rule also adopted a rebuttable presumption that activities at a facility can be presumed not to be substantially related if they occur three or more years apart. USEPA has since issued a [notice of reconsideration](#) for the January final rule and [delayed its effective date](#) to May 18, 2009. The reconsideration is in response to a petition from the Natural Resources Defense Council (NRDC). Separately, USEPA has issued a [withdrawal](#) of the debottlenecking section of the September 2006 proposed rule. The withdrawal became effective on January 15, 2009. For further information, contact USAEC at (410) 436-7077.

NEW SOURCE PERFORMANCE STANDARDS FOR STEAM GENERATING UNITS USEPA has issued a final rule amending the new source performance standards for electric utility steam generating units and industrial-commercial-institutional steam generating units [[74 FR 5071](#), January 28, 2009]. The amendments include: (1) adding compliance alternatives for owners and operators of certain affected sources; (2) eliminating the opacity standard for certain facilities (i.e., facilities with a particulate matter (PM) limit of 0.030 lb/million British thermal units (MMBtu) or less) that voluntarily

use PM continuous emission monitors to demonstrate compliance, and (3) correcting technical and editorial errors. The final rule became effective on January 28, 2009. For further information, contact USAEC at (410) 436-7077.

IMPLEMENTATION OF VACATED PORTIONS OF THE EIGHT-HOUR OZONE NAAQS USEPA has proposed revisions to the implementation rule for the 1997 eight-hour ozone NAAQS [[44 FR 2936](#), January 16, 2009]. The revisions cover several of the limited portions of the rule vacated by the US Circuit Court of Appeals for the District of Columbia. The proposal addresses the classification system for the subset of initial eight-hour ozone non-attainment areas, which the implementation rule originally covered under CAA title I, part D, subpart 1. The proposal also addresses how one-hour ozone contingency measures that apply to “failure to attain or make reasonable progress toward attainment of the one-hour standard” should apply under the anti-backsliding provisions of the implementation rule. In addition, the proposal removes language relating to the vacated provisions of the rule that provided exemptions from the requirements of non-attainment NSR and CAA section 185 penalty fees under the one-hour standard. For further information, contact USAEC at (410) 436-7077.

Spill Prevention, Control and Countermeasures (SPCC)

SPCC REGULATIONS FOR NON-TRANSPORTATION RELATED ONSHORE FACILITIES USEPA has issued a final rule delaying the effective date of a previously issued final rule by sixty days [[74 FR 5900](#), February 3, 2009]. The [previous final rule](#), issued on December 5, 2008, amended Spill and Prevention, Control, and Countermeasures (SPCC) regulations covering Non-Transportation Related Onshore Facilities. The effective date has been moved from February 3, 2009 to April 4, 2009. USEPA has requested comment on the extension, its duration, and on the regulatory amendments contained in the final rule. A notice of the December 5, 2008, final rule was published in the January 2009 *Northern Region Review*. For further information, contact USAEC at (410) 436-7068.

Water Quality

INTERIM HEALTH ADVISORY FOR PERCHLORATE IN DRINKING WATER USEPA has issued an [interim health advisory](#) recommending that levels of perchlorate in drinking water not exceed 15 micrograms per liter (µg/L). USEPA has also recommended that USEPA regions consider using the interim health advisory level of 15 µg/L as a preliminary remediation goal instead of the previously recommended value of 24.5 ppb (or µg/L). Additionally, USEPA has indicated they will seek advice from the National Academy of Sciences before making a final determination on whether to issue a national regulation for perchlorate in drinking water. For further information, contact USAEC at (410) 436-7076.

TOTAL COLIFORM RULE AGREEMENT IN PRINCIPLE USEPA has issued a notice announcing the Total Coliform Rule (TCR) [Agreement In Principle](#), which sets both health goals and legal limits for the presence of microbial indicators in drinking water such as total coliform [[74 FR 1683](#), January 13, 2009]. The Agreement In Principle was reached with the [Total Coliform Rule/Distribution System Advisory Committee](#), whose purpose it is to advise and make recommendations to USEPA on revisions to the TCR. The committee also advises on what information about distribution systems is needed to better understand the public health impact from the degradation of drinking water quality in distribution systems. The recommendations can be divided into two main topics: (1) recommendations on how USEPA should revise the TCR while maintaining or improving public health protection; and (2) concerns on what data should be collected, research conducted, and/or risk management strategies evaluated to better inform distribution system contaminant occurrence and associated public health risks. For further information contact, USAEC at (410) 436-7076.

Region 1

For more information on any state issues in Region 1, contact Bob Muhly, Army Regional Environmental and Government Affairs 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 |



Maine

LAND USE AND WIND POWER DEVELOPMENT The Maine Department of Conservation's Land Use Regulation Commission has [adopted regulations](#) regarding land use and wind power development. In the Maine 2008 legislative session, "An Act to Implement Recommendations of the Governor's Task Force on Wind Power Development," was passed as emergency legislation, which became effective on April 18, 2008. That act required the commission to complete certain actions, that included: (1) identifying specific places within the commission's jurisdiction as an "expedited permitting area" and (2) identifying "expedited wind energy development" as a permitted use in all commission zoning subdistricts. Back in May 2007, Governor Baldacci issued EO 31 FY06/07, which established the Governor's Task Force on Wind Power Development. The Task Force's three primary objectives are to: (1) make Maine a leader in wind power development; (2) protect Maine's quality of place and natural resources; and (3) maximize the tangible benefits Maine people receive from wind power development. A notice of the proposed regulations was published in the July 2008 *Northern Region Review*. The regulations became effective on January 20, 2009.

CONTROL OF VOCs FROM ADHESIVES AND SEALANTS The Maine Department of Environmental Protection (MEDEP) has [proposed](#) adopting rules that address VOC emissions from adhesives, sealants, adhesive primers, and sealant primers. The proposed rules would place VOC limits on approximately 40 categories of products and would include work practice requirements for those using the regulated products for compensation. A hearing is scheduled for March 19, 2009, with comments due March 30, 2009.



Massachusetts

JURISDICTION OVER THE FORMER DEVENS MILITARY BASE On February 2, 2009, Rep. Harold Naughton pre-filed H.D. 2556. The bill would grant the towns of Harvard and Ayer concurrent jurisdiction over the former Devens military base. The text of the bill is not available. A new bill number will be assigned once the bill receives text and is formally introduced. Full text will likely be made available over the course of the next two months.

IMPLEMENTATION OF THE FEDERAL GROUND WATER RULE The Massachusetts Department of Environmental Protection (MassDEP) is [discussing](#) the implementation of USEPA's [Ground Water Rule](#) (GWR) published on November 8, 2006. The rule provides for increased protection against microbial pathogens in public water systems that use ground water sources. The GWR applies to public water systems that serve ground water. The GWR also applies to any system that mixes surface and ground water if the ground water is added directly to the distribution system and provided to consumers without treatment. The GWR requires that states comply by December 1, 2009.



New Hampshire

2009 MOTOR VEHICLE EMISSIONS BUDGET USEPA has issued a direct final rule approving a New Hampshire SIP revision [[74 FR 8863](#), February 27, 2009]. The revision contains eight-hour ozone transportation conformity emission budgets for the Boston-Manchester-Portsmouth (SE), New Hampshire, eight-hour ozone non-attainment area. Barring adverse comment, the direct final rule will become effective on April 28, 2009.

CLIMATE CHANGE ACTION PLAN The New Hampshire Department of Environmental Services (NHDES) is drafting the final Climate Change Action Plan. In December 2007, Governor John Lynch issued EO 2007-3, which established a [Climate Change Policy Task Force](#) and charged the task force with developing a Climate Change Action Plan for the state. NHDES is designated as the lead agency for the task force. As part of the process to formulate the action plan, NHDES has formed a number of technical and policy working groups to assist in the development of specific actions for consideration by the task force. The plan is expected to be published in March 2009.

AMENDMENTS TO THE TEMPORARY PERMIT RULES NHDES has proposed [amendments](#) to the statewide permit system rules. The existing rules identify what activities require a temporary permit under RSA 125-C, relative to control of air emissions, including nitrogen oxides (NO_x) emitting generation sources as defined in Env-A 3702. The proposed amendments: (1) clarify that temporary permits are required for NO_x budget sources as defined in Env-A 3203 and carbon dioxide (CO₂) budget sources as defined in Env-A 4602 and (2) clarify the language relative to NO_x emitting generation sources.

AMENDMENTS TO THE TESTING AND MONITORING RULES NHDES has proposed [amendments](#) to testing and monitoring requirement rules. The existing rules identify the applicability of the testing and monitoring requirements specified in Env-A 800. The proposed amendments clarify that the owner or operator of a source subject to Env-A 2900, Multiple Pollutant Annual Budget Trading and Banking Program, must comply with the testing and monitoring requirements specified in Env-A 800 and in Env-A. The amendments also state that the owner or operator of a source subject to Env-A 4600, CO₂ Budget Trading Program, must comply with the testing and monitoring requirements specified in Env-A 800 and in Env-A 4600.

CONTROL OF ABOVEGROUND PETROLEUM STORAGE FACILITIES NHDES has adopted [amendments](#) to the oil and remediation rules pertaining to aboveground storage tanks (ASTs). The rules establish requirements for the registration, design, installation, operation, maintenance, and monitoring of aboveground petroleum storage facilities. The amendments help to minimize contamination of state waters and land due to the improper storage and handling of motor fuels, heating oils, lubricating oils, insulating oils, used oils, other petroleum products, and petroleum-contaminated liquids. The amendments became effective on January 20, 2009.



Rhode Island

AMENDMENTS TO OPERATING PERMITS REGULATION The Rhode Island Department of Environmental Management (RIDEM) has proposed [amendments](#) to Air Pollution Control (APC) Regulation No. 29 titled, "Operating Permits." The regulation requires that all major sources, subject to APC Regulation No. 29, obtain an operating permit. The regulation does contain provisions to allow sources to apply for an emissions cap if they meet certain criteria. APC Regulation No. 29 currently states that emission caps are issued for a term not to exceed five years and require sources to submit a renewal application six months prior to permit expiration. The proposed amendments would allow emission caps to no longer expire and therefore, sources would not be required to renew their emission cap. Emission caps would remain in effect unless they were terminated by RIDEM. Sources with emission caps would continue to pay an annual compliance/assurance fee. Comments are due by March 23, 2009.

Region 2

For more information on any state issues in Region 2, contact Bob Muhly, Army Regional Environmental and Government Affairs 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 |
| Virgin Islands | January 12 | Meets throughout year |



New Jersey

SIP REVISIONS FOR EIGHT-HOUR OZONE NAAQS USEPA has proposed a rule to approve portions of two SIP revisions submitted by New Jersey [[74 FR 2945](#), January 16, 2009]. The revisions intend to meet several CAA requirements for attaining the 0.08 ppm eight-hour ozone NAAQS. USEPA has proposed approval of: (1) 2008 reasonable further progress plan and associated 2008 ozone projection year emission inventories; (2) contingency measures for the 2008 reasonable further progress plan; (3) 2008 conformity budgets used for planning purposes; and (4) reasonably available control measure analysis. In addition, USEPA has proposed a conditional approval of New Jersey's efforts to meet the reasonably available control technology requirement. The approval of these programs would further achieve emission reductions that will be critical to attainment of the NAAQS for ozone in New Jersey's two non-attainment areas.

LICENSED SITE PROFESSIONAL PROGRAM WITHIN CLEANUP PROGRAM On February 26, 2009, a joint hearing was held with the Senate Environment Committee and the Assembly Environment and Solid Waste Committee concerning [A.B. 2962](#). The bill passed committee as a substitute. The bill would establish a program for the licensing of site remediation professionals and make change to the laws concerning the remediation of contaminated sites. The bill would require any person who initiates a remediation of a contaminated site at least 180 days after the date of enactment of the bill must hire a licensed site remediation professional to perform the remediation. The New Jersey Department of Environmental Protection (NJDEP) would be required to establish mandatory remediation time frames, and expedited site specific time frames when necessary. NJDEP would also be required to inspect all documents submitted by a licensed site remediation professional concerning a remediation. The bill will be scheduled for consideration on the Assembly floor. The companion bill, [S.B. 1897](#), was amended with identical language and awaits floor action in the Senate.

ADOPTION OF BOILERS AND HEATER GENERAL PERMITS NJDEP has [adopted](#) two new General Permits. The newly adopted General Permits, [GP-017](#) (for Boilers and/or Heaters, Each Less Than 5 million BTU/Hr) and [GP-018](#) (for Boilers and/or Heaters, Each Less Than 10 million BTU/hr) replace GP-006 and GP-006A respectively. Both permits are applicable to boiler(s) and/or heater(s) burning natural gas, propane, kerosene, B5 biodiesel or No. 2 fuel oil. NJDEP will no longer be issuing or renewing General Permits 006 and 006A as of April 2, 2009. A facility may continue to operate boilers and/or heaters under the current General Permit 006 or 006A as long as they are in compliance with N.J.A.C. 7:27-19 rule changes, until the first of the following events occur: (1) replacement or modification of the boilers and/or heaters registered in the current General Permit 006 or 006A; or (2) expiration of the current General Permit 006 or 006A.

GLOBAL WARMING SOLUTIONS FUND RULES NJDEP has [proposed rules](#) that would amend the Global Warming Solutions Fund Act Rules. New Jersey is a member of the Regional Greenhouse Gas Initiative (RGGI), and as such some state facilities will be participating in auctions to purchase allowances for CO₂ emissions. The act dictates how the state's proceeds from the auction must be disbursed. The act directs NJDEP, in consultation with the Economic Development Authority (EDA) and the Board of Public Utilities (BPU), to adopt rules establishing a priority ranking system to be used to assist those agencies in their allocation of funds to eligible program areas or projects. Under the proposed rules, each agency will first identify eligible program areas that it wishes to provide assistance from the Fund. The proposed rules then provide for the application of a points based ranking system to be used to rank the individual projects (if any) within each

eligible program area. The Act allocates 60 percent of the Fund to the EDA to be used, in part, for efficient electric generation facilities that are state-of-the-art. The proposed rules identify criteria for determining whether an electric generation facility is state-of-the-art. The proposed rules also establish the procedure by which local government agencies will apply for grant funding. The program under which NJDEP will distribute these funds is the Local Government Greenhouse Gas Reduction Program. A hearing is scheduled for March 23, 2009 and comments are due by April 14, 2009.

AMENDMENTS TO THE SOLID WASTE MANAGEMENT AND RECYCLING RULES NJDEP has adopted [amendments](#) to the solid waste management rules regarding recycling. The amendments reflect current recycling technologies, increase administrative flexibility and ensure consistency. Specifically, the amendments: (1) revise references to “mercury containing devices” and “thermostats” to ensure consistency with the federal universal waste rule; (2) make various clarifying revisions to the recycling rules regarding composting, yard waste, and used oil; (3) recodify the penalty provisions of the solid waste rules regarding recycling facilities in a new subchapter; (4) add a new subchapter codifying standards for generators of source separated recyclable materials; (5) combine all requirements placed on municipal governing bodies involved in municipal recycling into one chapter ; and (6) add a new subchapter codifying the recycling standards for the state's 22 solid waste management districts. The amendments became effective on February 2, 2009.



New York

PUBLIC DISCLOSURE OF SCHOOL CHEMICAL USAGE On February 4, 2009, the Education Committee passed [A.B. 1860](#) and referred it to Assembly Codes Committee. The bill would direct all public and private schools to provide for public access to information on the storage, use, and application of solvents, pesticides, laboratory chemicals, and fertilizers.

GREENHOUSE GAS REPORTING On January 27, 2009, Assemblyman Robert Sweeney introduced [A.B. 3419](#), which would require state agencies to report on GHG emissions as a result of their operations. The bill was referred to the Assembly Environmental Conservation Committee upon introduction.

HAZARDOUS WASTE REPORTING On January 27, 2009, Assemblywoman Barbara Clark introduced [A.B. 3435](#). The bill would require any person storing a hazardous substance to furnish the New York Department of Environmental Conservation (NYDEC) with information on the storage facility, repairs or replacements, hazardous substances stored, storage and handling practices, or results of tests, monitoring, and inspections. The bill was referred to the Assembly Environmental Conservation Committee upon introduction.

REQUIREMENTS FOR NEW MAJOR FACILITIES AND MAJOR MODIFICATIONS TO EXISTING FACILITIES NYDEC has adopted [amendments](#) that update the requirements for proposed new major facilities and major modifications to existing facilities. The amendments allow NYDEC to comply with the 2002 federal NSR Rule as amended in December 2007. The amendments affect NYCCR Title 6, Parts 200 (General Provisions), 201 (Permits and Registrations), and 231 (New Source Review in Nonattainment Areas and Ozone Transport Regions). The amendments include: (1) addition of a definition for Routine Maintenance, Repair, or Replacement (RMRR); (2) clarification that NYDEC is no longer delegated responsibility for implementation of the Federal Prevention of Significant Deterioration (PSD) Program; (3) revision of the definition for “major stationary source or major source;” and (4) changing the basis of applicability for modifications and emission reduction credits (ERCs) from an “Emission Unit” basis to an “Emission Source” basis. The amendments also establish a new method for determining baseline actual emissions. Baseline actual emissions will be determined by using any 24 consecutive month period of emissions in the previous five years. All facilities (no separate baseline period for electric utility steam generating units) will be required to determine their baseline actual emissions using this method. This action amends the [rule](#) that was previously filed with the Secretary of State on January 20, 2009. The amendments became effective on March 5, 2009.



Puerto Rico

AMENDMENTS TO THE WEAPONS LAW On February 13, 2009, Rep. Héctor Torres introduced PR P.C. 1166, which would amend the Weapons Law. The bill would establish a rule for the disposal of empty shell casings at any target shooting range, firing range, and gun shop. The bill would also declare empty shell casings as pyrotechnic material and ammunitions paraphernalia. The bill was referred to the House Committee on Judiciary and Ethic Affairs upon introduction.



Virgin Islands

REVISIONS TO WATER QUALITY STANDARDS The Virgin Islands Division of Environmental Protection (VIDEP) has [proposed revisions](#) to the Water Quality Standards (WQS). VIDEP intends to revise the WQS, as required by Section 303(c) of the Clean Water Act (CWA), to protect public health and welfare and enhance the quality of water. The WQS define the appropriate physical, chemical, biological, and ecological limits to support designated uses within the US Virgin Islands. The WQS provide the framework for protecting maintaining and improving water quality.

Region 3

For more information on any state issues in Region 3, contact the Army Regional Environmental and Government Affairs 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 |

DC, MARYLAND, VIRGINIA AREA ATTAINMENT FOR PM 2.5 USEPA issued a final rule determining that the Metropolitan Washington, DC-MD-VA area has achieved attainment for the 1997 fine particle (PM2.5) NAAQS [[74 FR 1146](#), January 12, 2009]. The final rule became effective on January 12, 2009.



Delaware

REVISIONS TO THE DELAWARE SEDIMENT AND STORM WATER REGULATIONS The Delaware Department of Natural Resources and Environmental Control (DDNREC) has issued the [first working draft](#) of revisions to the Delaware Sediment and Stormwater Regulations. The revisions address the [recommendations](#) made to the Governor by the Task Force on Surface Water Management. The task force recommended that the regulations be updated to establish performance standards for sediment and stormwater practices, operations and maintenance, and appropriate bonding. In addition, the task force recommended that design and engineering standards be strengthened, with minimum standards to address volume management, conveyance adequacy, pollutant loadings, floodplain management and operation and maintenance of structures and management areas. Further information regarding revisions to the sediment and stormwater regulations may be found on the DDNREC [website](#).



District of Columbia

COMPREHENSIVE STORMWATER MANAGEMENT ENHANCEMENT AMENDMENT ACT OF 2008 On January 23, 2009, Mayor Adrian Fenty signed DC B17 980, the "[Comprehensive Stormwater Management Enhancement Amendment Act of 2008](#)." The bill establishes within the District Department of the Environment (DDOE) a Stormwater Administration responsible for monitoring and coordinating the activities of all District agencies, which are required to maintain compliance with the Stormwater 1 Permit. The bill institutes, within one year of its effective date, an Environmental Management System (EMS) to inventory, track, and report on pollution prevention and stormwater management activities. The EMS will also hold the Stormwater Agencies accountable for progress toward meeting the performance standards and obligations. The bill also requires the Mayor to establish a Stormwater User Fee Discount Program that would allow property owners who implement measures to manage stormwater runoff from their properties to receive a discount on the stormwater user fee. On February 4, 2009, the bill was transmitted to Congress for approval. The projected law date is March 26, 2009. A notice of the proposed bill was published in the November 2008 *Northern Region Review*.

INTERIM GROUND WATER POLICY DDOE has issued an [interim ground water policy](#) clarifying its approach to ground water protection. The policy: (1) charges the DDOE Water Quality Division with the task of refining a comprehensive strategy for protecting the District's ground water; (2) focuses on applying the ground water criteria in 20 DCMR 7201.2 during the Environmental Impact Statement Form (EISF) process; and (3) clarifies the scope of DDOE's review under the EISF regulations. DDOE is accepting input, comments, and suggestions on any aspect of this document. If, through the experience of implementing the policy, or through comments from the public, DDOE decides to change the strategies in the interim policy, staff will modify the document and re-issue a revised policy. The interim policy became effective on January 23, 2009.



Maryland

USEPA APPROVAL OF MARYLAND'S 2008 INTEGRATED REPORT On September 8, 2008, USEPA [approved](#) the Maryland 2008 Integrated Report of impaired waters. The CWA requires that states assess the quality of their waters every two years and publish a list of those waters not meeting the water quality standards set for them. The List of Impaired Waters is included in the state's biennial Integrated Report (IR). Impaired waters identified in Category 5 of the IR may require the development of Total Maximum Daily Loads (TMDLs).

"SMART, GREEN AND GROWING" LEGISLATIVE INITIATIVES On January 12, 2009, Governor Martin O'Malley unveiled his "Smart, Green and Growing" [legislative initiatives](#) as part of the administration's agenda for the 2009 session of the Maryland General Assembly. Many of the initiatives stem from the Task Force on the Future for Growth and Development in Maryland, which was created by H.B. 773 during the 2007 legislative session and recently issued recommendations. The task force will continue meeting until December 2010. Governor O'Malley announced six initiatives

including: (1) "The Smart and Sustainable Growth Act of 2008" ([S.B. 280](#)) - requires a local jurisdiction to implement and follow a local comprehensive plan; (2) "Planning Visions" ([S.B. 273](#)) - intends to carry out a key recommendation of the Task Force on the Future for Growth and Development by modernizing the "Eight Visions" first adopted in the 1992 Economic Growth, Resource Protection, and Planning Act; and (3) "Smart Growth Measures and Markers" ([S.B. 276](#)) - directs the Maryland Department of Planning to develop measures or markers for Smart and Sustainable Growth in conjunction with the Task Force on the Future for Growth and Development.

GHG INVENTORY AND REDUCTION On January 29, 2009, Del. Michael Busch introduced [H.B. 315](#), which would require the Maryland Department of the Environment (MDE) to publish and update an inventory of statewide GHG emissions for calendar year 2006. The bill would also require the state to reduce statewide GHG emissions by 25 percent from 2006 levels by 2020. Maryland would be required to develop and adopt a specified plan, adopt specified regulations, and implement specified programs to reduce GHG emissions.

STORMWATER USER CHARGE On February 6, 2009, Sen. Jamin Raskin introduced [S.B. 672](#), which would require each county or municipality to establish a stormwater user charge. The bill would establish the purpose of a stormwater user charge and require a county or municipality to: (1) collect a stormwater user charge and use it to fund specified stormwater management activities; (2) set the amount of a residential stormwater user charge in a specified manner; (3) set the amount of a commercial stormwater user charge in a specified manner.

GENERAL FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY On December 31, 2008, MDE received a legal challenge to the "final determination" for the new general permit ([MDR10](#)) for stormwater related to construction activities disturbing one or more acres. Because the proposed general permit is being challenged, it did not become effective on January 1, 2009, as proposed. In addition, the interim general permit that was in effect expired on December 31, 2008. Therefore, developers of new construction projects disturbing one acre of land or greater shall be required to apply for an individual permit for the discharge of stormwater associated with construction activities. The process for doing so, as well as required forms, are available the MDE [website](#). A notice on the MDR10 final determination was published in the November 2008 *Northern Region Review*.

LITTLE GUNPOWDER FALLS WATERSHED TMDL MDE has completed a [draft Total Maximum Daily Load](#) (TMDL) addressing nutrients in the Little Gunpowder Falls Basin in Baltimore and Harford Counties. Barring the receipt of contradictory data, the draft TMDL will be used to support a nutrients listing change for Little Gunpowder Falls from Category 5 to Category 1. MDE will submit the listing change when the state proposes the Maryland's 303(d) List revision for public review. Although Little Gunpowder Falls does not display signs of impairment due to nutrients, the state reserves the right to require additional pollution controls in the Little Gunpowder Falls watershed if evidence suggests that nutrients from sources in the basin are contributing to downstream water quality problems. Aberdeen Proving Ground is located in Harford County.



Pennsylvania

NUTRIENT REDUCTION COMPLIANCE SCHEDULE FOR WASTEWATER TREATMENT FACILITIES On January 30, 2009, Rep. Scott Perry introduced [H.B. 112](#), which would establish a multi-phased nutrient reduction compliance schedule for wastewater treatment facilities required to reduce nutrient levels within the Chesapeake Bay watershed. The bill would also establish the Nutrient Reduction Credit Trading Program to help wastewater treatment facilities meet the nutrient reduction requirements. The bill was referred to House Environmental Resources and Energy Committee upon introduction.

ADOPTION OF STATE WATER PLAN The Pennsylvania Department of Environmental Protection (PADEP) [adopted](#) the [State Water Plan](#), which is mandated by 27 Pa.C.S. Chapter 31. Under the State Water Plan, PADEP establishes a water resources technical assistance center whose mission includes a statewide conservation program, guidelines for voluntary water use reduction plans, establish conservation goals, in addition to other water conservation items.

UPDATE TO REVISION 8 OF THE CONTINUOUS SOURCE MONITORING MANUAL PADEP has issued a final technical guidance document titled, "[Applicability Determination and Implementation Procedures for Continuous Source Monitoring Manual Revision No. 8.](#)" The guidance document supersedes the previous guidance finalized and published on December 27, 2006. The technical guidance document lays out the procedures and schedule that owners/operators of

affected facilities must follow to comply with Revision No. 8 of the Continuous Source Monitoring Manual. The document applies to the owners/operators of monitored sources that must comply with the requirements of 25 Pa. Code § 139.102 (3). The document contains requirements relative to monitoring system design and performance, testing, recordkeeping, reporting, and quality assurance for affected industrial and utility sources which are required to continuously monitor emissions of pollutants or operational parameters. The final guidance became effective on January 10, 2009.

NPDES PERMIT FOR DISCHARGES FROM SMALL FLOW TREATMENT FACILITIES PADEP has [reissued](#), with revisions, the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Small Flow Treatment Facilities (PAG-4). The general permit will continue to exclude discharges into waters designated as “special protection” under 25 Pa. Code Chapter 93 (relating to water quality standards). The aforementioned discharges are required to be covered through an individual permit. In the revised general permit, the Annual Maintenance Report submission date is changed from May 31 to June 30 of each year. In addition, the conditions for use of the general permit, as included in the Notice of Intent, are modified to be consistent with conditions for use included in the permit document. Finally, several definitions were added to the revised general permit for clarity. The reissued permit took effect on February 5, 2009, and will expire on February 4, 2014.

REUSE OF TREATED WASTEWATER GUIDANCE MANUAL PADEP has released a draft technical document entitled, “[Reuse of Treated Wastewater Guidance Manual](#).” The manual provides guidance to domestic sewage treatment plant operators and other parties who are interested in implementing a beneficial wastewater reuse project. It contains information on the design, operation and maintenance requirements for wastewater systems discharging treated water for beneficial reuse. PADEP is reviewing comments and no timetable is available for future development.

LEHIGH RIVER WATERSHED TMDL PADEP has developed a [draft Total Maximum Daily Load](#) (TMDL) for Aluminum, Iron, Manganese and pH in the Lehigh River Watershed in Carbon, Luzerne and Schuylkill Counties. The primary pollutant source for the watershed is abandoned mine workings. The TMDL consists of load allocations, which are made to non-point sources of pollution and waste load allocations, which are made to permitted point sources. The TMDL sets allowable loading rates for metals, sediment, and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data between 2005 and 2008. Scranton Army Ammunition Plant is located in Luzerne County.

REVISIONS TO SAFE DRINKING WATER REGULATIONS PADEP has adopted [amendments](#) to 25 Pa. Code, Chapter 109 (relating to Safe Drinking Water). The amendments alter PADEP’s Safe Drinking Water regulations to: (1) incorporate necessary federal requirements needed to obtain and/or maintain primacy for the Phase II/IIB/V, Arsenic, Filter Backwash Recycling (FBRR), Lead and Copper (LCR), and Radionuclide (RAD) rules; (2) amend several sections to improve data quality; (3) coordinate efforts with several other drinking water regulatory packages, including Operator Certification and Environmental Laboratory Accreditation; and (4) clarify several existing requirements in order to improve compliance. The Environmental Quality Board [adopted](#) the amendments at the January 20, 2009 meeting. The rulemaking is pending executive review and will become effective upon publication in the Pennsylvania Bulletin.



West Virginia

SIP REVISIONS FOR AMBIENT AIR QUALITY STANDARDS USEPA has issued a final rule approving a SIP revision submitted by the State of West Virginia [[73 FR 6552](#), February 10, 2009]. The revision establishes and requires ambient air quality standards for sulfur oxides, PM, carbon monoxide, ozone, NO_x, and lead equivalent to the national primary and secondary ambient air quality standards. The final rule became effective on March 12, 2009.

ASSESSMENT OF CIVIL AND ADMINISTRATIVE PENALTIES The West Virginia Department of Environmental Protection (WVDEP) has approved [amendments](#) to the Assessment of Civil and Administrative Penalties for Ground Water rule (47 CSR 56). The rule defines the process for administering Civil Administrative Penalties (CAPS) under the authority of the state’s Ground Water Protection Act. The amendments clarify and improve the existing rule with: (1) technical cleanup; (2) adding consideration for ability to pay; (3) consideration of unique factors; (4) clarifying penalty amounts; and (5) providing examples in ratings for potential harm and adding facility types not reflected in the existing rule. The Legislative Rule Making Review Committee modified the rule with certain amendments and approved the rule on November 16, 2008. The amendments will be considered for approval by the 2009 Legislature.

Region 5

For more information on any state issues in Region 5, contact Tony Nesky, Army Regional Environmental and Government Affairs 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 |



Illinois

ENVIRONMENTAL AND HEALTH IMPACT STUDY OF AIRPORTS On January 23, 2009, Rep. Rosemary Mulligan introduced [H.B. 322](#), which would amend the Environmental Protection Act. The bill would require the Illinois Environmental Protection Agency (ILEPA), in consultation with the Illinois Department of Public Health, to conduct a study describing the adverse environmental and human health impacts caused by runways and air traffic at airports in the state. The bill would also require ILEPA, when conducting this study, to pay particular attention to the impact of air pollution, noise pollution, the emission of gases and fluids by aircraft, and similar factors on the health of persons who live near airports in the state. ILEPA would be required to deliver a written report of its findings to the General Assembly by no later than December 31, 2009.

PRIMARY DRINKING WATER STANDARDS The Illinois Pollution Control Board (ILPCB) has issued a [final rule](#) updating the Illinois Safe Drinking Water Act (SDWA) rules to correspond with USEPA amendments. The amendments modify the lead and copper rule to strengthen its implementation in the areas of monitoring, treatment processes, public education, customer awareness, and lead service line replacement. The amendments also reflect numerous alternative test methods approved for analysis of contaminants in drinking water. The final rule became effective on December 30, 2008.

HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES STANDARDS ILPCB has adopted separate [amendments](#) to 35 Ill. Adm. Code 724 and 725. Both amendments revise segments of the hazardous waste management standards to implement the federal revisions to the Hazardous Waste Combustor Rule. The Code 725 amendments also correct amendments adopted in prior update dockets (R07-5 and R07-14), USEPA RCRA Subtitle C Update amendments. The amendments are in response to USEPA comments submitted after the state adoption. The amendments became effective on December 30, 2008.

LAND DISPOSAL RESTRICTIONS ILPCB has adopted [amendments](#) to 35 Ill. Adm. Code 728, which correct amendments adopted in prior update dockets (R07-5 and R07-14), USEPA RCRA Subtitle C Update amendments. The amendments are in response to USEPA comments submitted after the state adoption. The amendments became effective on December 30, 2008.

PRETREATMENT PROGRAMS ILPCB has adopted [amendments](#) to 35 Ill. Adm. Code 310 as part of rulemaking docket R08-5. The amendments implement segments of the USEPA amendments of March 12, 2007, analytical methods provisions in 40 C.F.R. 136, 430, and 465. The amendments became effective on November 26, 2008.

REVOCATION PROCEDURES FOR CONSERVATION OFFENSES The Illinois Department of Natural Resources (ILDNR) has issued a [final rule](#) revising the revocation procedures for conservation offenses. The final rule: (1) modifies language pertaining to points to incorporate changes within the Wildlife Code; (2) modifies language pertaining to computation of the suspension period; (3) modifies procedures to provide that suspension will be imposed on a quarterly basis; (4) adds a new Section to explain how privileges are reinstated; and (5) adds a new Section containing information on suspension of operating privileges. The final rule became effective on October 24, 2008.



Indiana

AMENDMENT TO THE LAKE DEFINITION The Indiana Natural Resources Commission (INRC) has issued a [final rule](#) amending 312 IAC 1-1-21, which defines “lake” for rules in 312 IAC. The final rule coordinates this definition with the IC 14-26-2, “Lakes Preservation Act” definition. The amended definition: (1) includes bays and coves except for a determination of a “small lake” under IC 14-8-2-259; (2) clarifies the inclusion of channels in a “public freshwater lake”; and (3) specifies that determinations are based upon the highest legal elevation, if a lake has more than one legal elevation. The final rule became effective on December 5, 2008.

GREAT LAKES BASIN WATER MANAGEMENT INRC has adopted a [final rule](#) that amends 312 IAC 6.2, which addresses Great Lakes Basin Water Management. The final rule assists with the implementation of P.L.4-2008 and the effectuation of the Great Lakes-St. Lawrence Water Basin Water Resources Compact. The final rule became effective on February 1, 2009.



Michigan

PROPOSED ALTERNATIVE ENERGY GOALS On February 3, 2009, Michigan Governor Jennifer Granholm issued the “[State of the State](#)” address, in which she set goals to reduce the state’s dependence on fossil fuels for generating electricity by 45 percent by 2020. Governor Granholm envisions that the reduction can be achieved through a combination of energy efficiency measures and increased use of renewable fuels. The plan requires legislation enabling consumers to sell the electricity generated from solar panels and wind turbines back to utilities, as well as rate and regulatory changes from the Public Service Commission. The governor has also proposed to reduce the number of departments from eighteen to eight, and to return enforcement of wetlands regulations to the federal government.



Minnesota

AMENDMENTS TO ENVIRONMENTAL REVIEW PROGRAM RULES The Minnesota Environmental Quality Board (MNEQB) is moving forward with [Phase 2 amendments](#) to the Environmental Review Program rules in Chapter 4410. Phase 2 amendments include: (1) new mandatory Environmental Assessment Worksheet (EAW), Environmental Impact Statement (EIS), and exemption categories that would apply to certain projects located in the shoreland areas of lake and rivers; (2) amendments to how the rules handle treatment of “cumulative potential effects” in EAWs, EIS, and Alternative Areawide Urban Reviews (AUARs) in response to a 2006 Minnesota Supreme Court decision; (3) amendments to the AUAR process with respect to how specific individual projects are treated or how they affect the review; and (4) a new mandatory EIS category for releases of genetically-engineered wild rice, in response to a legislative directive in the 2007 session.

PETROLEUM REMEDIATION PROGRAM MNPCA has drafted several new and revised [guidance documents](#) concerning the [Petroleum Remediation Program](#). The program is designed to protect human health and the environment by evaluating, minimizing, and correcting petroleum contamination impacts to soil and water caused by leaking storage tank systems. The final documents are pending publication.



Ohio

AMENDMENTS TO THE HAZARDOUS WASTE RULES The Ohio Environmental Protection Agency (OEPA) has adopted [amendments](#) to the Hazardous Waste Rules Set I-b: A and Set I-b: B. The amendments allow the state to maintain consistency with USEPA RCRA regulations. Specifically, the rules being amended include: (1) national emissions standards for hazardous waste air pollutants, RCRA portion only; (2) recycled used oil management standards; (3) dye and pigment production wastes; (4) manifest system rules; and (5) wastewater treatment exemption for hazardous waste mixtures. The amendments affect Set I-b rules, which contains over 100 rules. The rule sections being amended include: (1) definitions and computation of time; (2) hazardous waste recycling activities; (3) hazardous waste permits; (4) emissions from boilers and industrial furnaces burning hazardous waste; (5) generator standards; (6) handling of hazardous waste and the manifest system; (7) manifest system, recordkeeping and reporting; (8) financial responsibility; and (9) requirements for reclaimed spent lead-acid batteries. The amendments became effective on February 16, 2009.



Wisconsin

WATER USE EFFICIENCY AND CONSERVATION OBJECTIVES FOR THE GREAT LAKES The Wisconsin Department of Natural Resource (WIDNR) has submitted a [final report](#) to the Great Lakes - St. Lawrence River Water Resources Regional Body. The final report covers use efficiency and conservation objectives for the Wisconsin portion of the Great Lakes that were developed by WIDNR, in conjunction with the Department of Commerce (DOC), and Public Service Commission (PSC).

REDESIGNATION OF MILWAUKEE-RACINE SEVERE OZONE NON-ATTAINMENT AREA WIDNR has [redesignated](#) the Milwaukee-Racine severe ozone non-attainment area to attainment of the one-hour ambient air quality standard for ozone. The area includes Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties. The redesignation alters the permitting requirements for new sources of VOCs and raises the major source threshold. The redesignation also renders the fees under NR 410.06, Wis. Adm. Code, (Severe ozone nonattainment area major source fee) inapplicable to these counties. All other aspects of Wisconsin's ozone control program and the related air quality management program commitments in the area remain as currently adopted and approved by the USEPA. WIDNR approved the redesignation on February 10, 2009.

TECHNICAL SUPPORT DOCUMENT FOR NON-ATTAINMENT DESIGNATION OPTIONS WIDNR has released the draft 2008 Daily Ozone Standard Non-attainment Designation Options Technical Support Document for the revised federal ozone standard. The revised federal ozone standard became effective on May 27, 2008. Any area that does not meet the primary or secondary standard for ozone, or that contributes to ambient air quality in a nearby area that does not meet one of those standards, can be designated as a non-attainment area. The non-attainment options in the draft document are based on guidance provided by USEPA, which makes the final designations. The counties of Door, Kenosha, and Sheboygan exceeded the 2008 ozone standard based on ozone monitoring data from 2006 through 2008. The ozone design values for these three counties are 0.080 ppm, 0.078 ppm, and 0.082 ppm, respectively. The draft document analyzes each of the nine factors specified by the USEPA for these three counties and other nearby counties that may contribute to the measured exceedances of the 2008 ozone standard. The three non-attainment designation options are as follows: (1) Brown, Door, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha Counties; (2) Door, Kenosha, and Sheboygan Counties; and (3) no nonattainment counties. The governor is required to make non-attainment designation recommendations for the 2008 ozone standard to USEPA no later than March 12, 2009.

PROFESSIONAL DEVELOPMENT

| WHAT | WHEN | WHERE | DETAILS |
|---|---------------|--------------------------|---|
| <u>2009 TRI National Training Conference</u> | 3/30 - 4/2/09 | Bethesda, MD | USEPA, in cooperation with the Environmental Council of States, hosts the conference to provide stakeholders an opportunity for insight into the 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>2009 National Association of Environmental Professionals Annual Conference</u> | 5/2 - 5/6/09 | Scottsdale, AZ | The theme for the 2009 annual conference is, “Making Sustainability Happen: Goals, Practices, and Challenges.” The conference addresses issues such as: brownfields, environmental stewardship, sustainability and planning, land and watershed management, and homeland/environmental security. Papers are now being accepted for the 2009 Conference. |
| <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>National Environmental Partnership Summit</u> | 5/4/ - 5/7/09 | San Francisco, CA | Summit organizers include USEPA and the National Pollution Prevention Roundtable. The theme of the 2009 Summit is, “Harnessing the Power of Collaboration.” The summit will focus on pollution prevention and environmental assistance, research and new clean technologies, regulatory updates, resource efficiency, and community engagement success stories, with sustainability as an underlying common thread in all tracks. |
| <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. |

| WHAT | WHEN | WHERE | DETAILS |
|--|--|---|--|
| <u>ESPC Comprehensive Workshop</u> | 5/5 - 5/7/09 6/16 - 6/18/09 7/14 - 7/16/09 | Las Vegas, NV Denver, CO Charlotte, NC | Limited to federal employees, the ESPC (Energy Savings Performance Contract) Comprehensive Workshop is a three-day workshop that outlines how to implement energy and water projects through ESPCs. |
| <u>2009 Quality Management Conference</u> | 5/12 - 5/14/09 | San Antonio, TX | Hosted by USEPA the 2009 conference continues a 28-year tradition of addressing environmental issues through the exploration of advancements in environmental quality systems management. The theme of this year's conference is "Quality...a River Flowing with Opportunities." Registration is free. |
| <u>Joint Engineer Training Conference (JETC) and Expo 2009</u> | 5/12 - 5/15/09 | Salt Lake City, UT | Hosted by the Society of American Military Engineers (SAME) JETC 09 focuses on environmental and facility management professionals. JETC 09 will feature six technical tracks addressing Contingency Operations, Installation Management, Design and Construction, Water Resources, Environment, and Professional Development. |
| <u>2009 Federal Environmental Symposia</u> | West 6/2 - 6/4/09 East 6/16 - 6/18/09 | Grand Mound, WA Bethesda, MD | Hosted by the Office of the Federal Environmental Executive, the 2009 Federal Environmental Symposia (FES) will again be held at both East and West venues. This year's theme for the Symposia – Progress and Transition – has two goals that focus on agencies' sustainability accomplishments of the past year and on additional sustainability initiatives and directions that should be evident in the first few months of the new Administration. |
| <u>IMCOM 2009 Installation Management Institute (IMI)</u> | 6/8 - 6/12/09 | San Antonio, TX | The Army Environmental Training Symposium is offered within the annual IMCOM IMI. These events are intended to educate the installation management workforce with the tools, techniques, and tips needed to successfully accomplish new installation management training initiatives. The environmental sessions focus on program updates, current issues, and hot topics in a variety of media areas and across the Army's environmental realm of responsibility. IMI Website requires AKO login. |
| <u>Sustainable Range Program (SRP) Workshop</u> | 7/6 - 7/10/09 | Indianapolis, IN | The SRP Workshop is a forum for the exchange of scientific technologies, ideas, experiences, and lessons learned that relate to the application of sustainable management of military training and testing lands. The workshop will include discussions and topics relevant to the overall SRP community, and separate breakouts focused on Integrated Training Area Management (ITAM) and Range and Training Land Program (RTLTP). Workshop website requires AKO login. |
| <u>GovEnergy 2009</u> | 8/9 - 8/12/09 | Providence, RI | GovEnergy is sponsored by several government agencies including, DoD and USEPA. The workshop provides a forum to assist federal agencies reduce their energy use and costs while meeting federal agency mandates as outlined in Energy Policy Act of 2005, Executive Order 13423, EISA 2007, and additional federal guidance. |

| WHAT | WHEN | WHERE | DETAILS |
|---|---------------------------|--------------------------|--|
| Sustaining Military Readiness Conference | 8/9 - 8/14/09 | Phoenix, AZ | DoD personnel and stakeholders in readiness, sustainability, compatible land use, and conservation management are invited to join the DoD Legacy Resource Management Program, along with others, to: exchange lessons learned from the public and private sectors; share results of sustainability programs and projects; and participate in a broad spectrum of informative training workshops. |
| UXO/Countermine/Range Forum 2009 | 8/24 - 8/27/09 | Orlando, FL | Hosted by DoD, the conference theme is, "21st Century Explosive Hazard Challenges: Technology Solutions and Partnerships for Full Spectrum Operations." The conference is an open forum to examine a broad spectrum of practical approaches and solutions to the challenges before those involved in policy, programs, technology development, and international initiatives associated with the defense industry. |
| The Conservation Leadership Network Training Courses | Various Times | Various Locations | Hosted by the The Conservation Fund the courses are designed to foster collaboration and to replicate real world scenarios. The courses are applicable for individuals from a variety of disciplines and sectors, with responsibilities that scale the national, regional, and local levels. Examples of courses include; Strategic Conservation Planning Using the Green Infrastructure Approach, and Balancing Nature and Commerce in Communities that Neighbor Public Lands. |
| GoLearn | Anytime | Online | GoLearn.gov provides government employees and military personnel with web-based learning and development courses, as well as many other products and services. Recent course addition includes, Working effectively with Tribal governments. Site Registration is required, including a nominal fee for federal users. |
| Army Podcast Service | 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. |
| US Army Corps of Engineers Training Program | 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 register online. |
| Naval Civil Engineer Corps Officers School (CECOS) Training Courses | 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 Watershed Academy Web | Anytime | Online | USEPA online training website offers a variety of self-paced training modules that represent a basic and broad introduction to the watershed management field. Modules vary in time to complete, from 1/2 hour to 2 hours. |
| 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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