



NORTHERN REGION

REVIEW



Environmental Legislative and Regulatory News

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States Partner with USEPA on Environmental Challenges, Funding Woes

The Environmental Council of the States (ECOS) and EPA signed a Memorandum of Understanding (MOU) endorsing the use of organizational process improvement techniques during the recent ECOS Spring Meeting. The MOU promotes the application of Lean Six Sigma, Kaizen, Value Stream Mapping, and other tools in implementing the nation's environmental programs. Through continued use of these techniques, ECOS and EPA expect to make more cost-effective use of resources and better protect human health and the environment.

Thirty-nine state commissioners participated in the meeting, along with the senior leadership of EPA (the Deputy Administrator, several Assistant Administrators and 9 of the 10 Regional Administrators). Also, representatives of the four regional offices of the Army's Office of Regional Governmental and Environmental Affairs (OREGA) and Mr. Tad Davis, DASA (ESOH), attended.

EPA presented their priority initiatives and emphasized both transparency and accountability in implementation. EPA representatives indicated that new rules and more aggressive enforcement could be expected. They discussed initiatives including a new EPA strategic plan, planned EPA approaches to climate change and greenhouse gases, the Toxic Substances Control Act (TSCA) reform, emerging contaminant strategies, a revised Clean Water Act Enforcement Plan, other EPA enforcement goals, work-sharing between EPA and states, and the EPA budget.

ECOS members expressed their concern that the states are being asked to do more with fewer resources and less assistance from the Federal government. A survey conducted recently documents the loss of more than 2,100 state environmental agency positions in the current fiscal year due to budget cuts and reductions in or elimination of state programs. [See [March 2010 ECOS Green Report.](#)] EPA Deputy Administrator, Robert Perciasepe, told

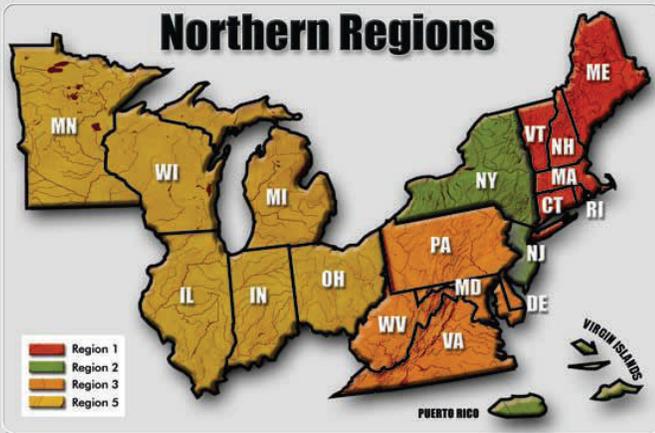
ECOS members EPA is aware of their plight and is dedicated to increasing Federal support for state environmental programs. He noted an increase in state funding in the FY11 EPA budget.

Mr. Davis, Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health to Attend Aberdeen Proving Ground Earth/Arbor Day Celebration

U.S. Army Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), Mr. Davis invited Mr. James Balocki, Chief, Environmental Community of Practice (U.S. Army Corps of Engineers), and Mr. Shawn Garvin, Regional Administrator, Environmental Protection Agency - Region 3, to participate in the Aberdeen Proving Ground Earth and Arbor Day celebration. The event occurred at the Aberdeen Proving Ground Top of the Bay facility on 16 April. More detailed information will be posted in next issue of the Northern Region Review. Contact: Vance Hobbs at 410-436-0482 or vance.hobbs@us.army.mil.

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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 of 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 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>.



EXECUTIVE OFFICE OF THE PRESIDENT

MULTIPLE DRAFT GUIDANCE COVERING THE NEPA PROCESS

The Council on Environmental Quality (CEQ) has issued several notices announcing the availability of draft guidance documents covering the National Environmental Policy Act (NEPA) process [75 FR 8046, 75 FR 8045, 75 FR 8046, February 23, 2010]. The documents are: (1) [NEPA Mitigation and Monitoring](#); (2) [Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act](#); and (3) [Consideration of the Effects of Climate Change and Greenhouse Gas Emissions](#). The draft guidance on mitigation and monitoring clarifies that the environmental impacts of a proposed action may be mitigated to the point when the agency may make a Finding of No Significant Impact (FONSI) determination, and thereby ease the NEPA review requirements. The draft guidance on categorical exclusions clarifies the rules for categorical exclusions and ensures that there is a concise public record when agencies apply them. The draft guidance on climate change and greenhouse gas (GHG) addresses when and how federal agencies must consider GHG emissions and climate change in their proposed actions. The guidance recommends that quantitative and qualitative assessment of GHG emissions of projects be included in the NEPA analysis whenever a proposed action would be reasonably anticipated to cause direct emissions of 25,000 metric tons Carbon Dioxide (CO₂) equivalent or more. CEQ requests comment on these draft guidance documents via the [website](#).

FEDERAL STRATEGY, ON CARBON CAPTURE AND STORAGE

On February 3, 2010, President Barack Obama issued a [Presidential Memorandum](#) establishing, a comprehensive Federal Strategy, on Carbon Capture and Storage (CCS). The memorandum establishes an Interagency Task Force on CCS. The memorandum also provides for continuing federal investment into rapid commercial development and deployment of clean coal technologies. The Task Force shall develop within 180 days a proposed plan to overcome the barriers to the widespread, cost-effective deployment of CCS within 10 years, with a goal of bringing five to 10 commercial demonstration projects online by 2016.



Court Decision

VACATED STARTUP, SHUTDOWN, AND MALFUNCTION EXEMPTION COURT DECISION STANDS

The US Supreme Court has declined to review a US Court of Appeals for the District of Columbia Circuit Court [ruling](#) that vacated the startup, shutdown,

malfunction (SSM) exemption in Title V permitting. The US Court of Appeals decision closed a loophole within the SSM exemption Title V permitting process. USEPA has now agreed to review the loophole. The issues surrounding this case are of interest to all Title V permit holders, because the case encompasses past and present SSM permit procedures. In addition the case references all the air quality issues that the USEPA has now agreed to reconsider.

LINE SITING AUTHORITY TO REMAIN LOCAL The US Supreme Court has declined to hear an appeal of the case of Piedmont Environmental Council vs. Federal Energy Regulatory Council (FERC). This decision lets stand the Fourth Circuit Court of Appeals ruling that FERC does not have authority to preempt state or local permitting decisions concerning the sites, construction or modification of electrical transmission lines. The lawsuit was in response to a final rule issued by FERC in December 2006 ([71 FR 69440](#)), in which it tried to assert authority over the permitting to site interstate electric transmission facilities. As a result of the Forth Circuit Court of Appeals' decision the states remain free to deny or approve electrical transmission application permits.



DoD NEWS

DOD GREENHOUSE GAS REDUCTION TARGETS FOR THE YEAR 2020 In response to Executive Order (EO) 13514, DoD [announced](#) a commitment to reduce GHG emissions from non-combat activities, by 34 percent, by 2020 from a 2008 baseline. EO [13514](#) expands the energy reduction and environmental requirements of EO [13423](#), which designated GHG management a priority for the federal government. The DoD target exempts tactical vehicles such as aircraft, ships and armored vehicles that directly support the war fighter. Reducing the energy demands of combat activities is a major focus of the DoD's energy security strategy. The President has announced that the federal government will reduce its GHG emissions by 28 percent by 2020, using a 2008 baseline.

USDA / NAVY MOU ON BIOFUEL DEVELOPMENT SIGNED On January 21, 2010, the US Navy and the US Department of Agriculture (USDA) signed a [Memorandum of Understanding](#) (MOU) to encourage the development of advanced biofuels and other renewable energy systems. The MOU complements USDA and the Navy and Marine Corps' existing renewable energy programs and efforts.



US ENVIRONMENTAL PROTECTION AGENCY NEWS

General

DRAFT GUIDANCE RELEASED ON REDUCING WATER POLLUTION TO CHESAPEAKE BAY On March 22, 2010, USEPA released [draft guidance](#) for federal lands management in the Chesapeake Bay watershed that describes the most effective tools and practices to reduce water pollution. In addition to federal lands, the guidance addresses a variety of nonpoint sources, including agricultural lands, urban and suburban areas, and septic systems. The draft guidance, which is required by the Chesapeake Bay Executive Order, provides federal land managers with a guide to implementing the best proven tools and practices to restore and protect the region's waterways and the Bay. The same techniques can be utilized by states, local governments, conservation districts, watershed organizations, developers, farmers and citizens in the Chesapeake Bay watershed. USEPA is accepting comments and will then revise the document for release with a strategy for Chesapeake Bay protection and restoration in May 2010. Comments are due by April 23, 2010.

USEPA RULEMAKING GATEWAY WEBSITE USEPA has initiated a [Rulemaking Gateway](#) website to increase transparency of their rulemaking plans and schedules. The site contains regulations USEPA considers significant. The site provides for Really Simple Syndication (RSS) feeds. RSS is a family of web feed formats used to publish frequently updated works.

Air Quality

USEPA TIMELINE FOR GHG REGULATION On February 22, 2010, USEPA Administrator Lisa Jackson issued a [letter](#) providing some insights into the timeline for the regulation of GHG. In the letter, the administrator outlines several of the decisions she has made for 2010-2011: (1) by April 2010 USEPA expects to take actions to ensure that no stationary source will be required to get a Clean Air Act (CAA) permit to cover its GHG emissions in calendar year 2010; (2) USEPA expects to phase in permit requirements and regulation of GHG emissions for large stationary sources during 2011; (3) until 2013, the threshold for permitting will be substantially higher than the 25,000 ton (annual CO₂ equivalent) limit that was originally proposed; and (4) USEPA does not intend to subject smaller (than 25,000 tons per year) sources to permitting for GHG emissions any sooner than 2016. The letter was in response to a letter sent to USEPA by eight US Senators asking about USEPA's plans for 2010. For further information, contact USAEC at (410) 436-1231.

MANDATORY REPORTING OF GHG USEPA has issued a direct final rule revising the general provisions within the Mandatory GHG Reporting Rule published on October 30, 2009 [[75 FR 12451](#), March 16, 2009]. The revisions do not change the requirements of the regulation for facilities and suppliers covered by the 2009 final rule. The revisions are minor changes that will allow the rule to accommodate the addition of new subparts in the future in a simple and clear manner. These changes include updating the language in the schedule for submitting reports and calibrating equipment to recognize that subparts that may be added in the future would have later deadlines. These revisions do not change the requirements for subparts included in the 2009 final rule. Barring adverse comment the direct final rule becomes effective May 17, 2010. For further information, contact USAEC at (410) 436-1231.

RECIPROCATING INTERNAL COMBUSTION ENGINES NESHAP USEPA has issued a final rule promulgating the national emission standards for hazardous air pollutants (NESHAP) for existing stationary compression ignition reciprocating internal combustion engines [[75 FR 9647](#), March 3, 2010]. The final rule covers: (1) engines located at area sources of hazardous air pollutant emissions (HAPs); (2) engines rating less than or equal to 500 brake horsepower (HP) that are located at major sources of HAPs; and (3) existing non-emergency stationary compression ignition engines greater than 500 brake horsepower that are located at major sources of HAPs. USEPA has established numerical emission standards for various size categories of engines based on carbon monoxide, as a surrogate for HAPs. Engines smaller than 100 HP are not subject to numeric standards. The final rule requires basic maintenance practices related to frequency of oil and air filter changes, and general inspections. In addition the final rule requires larger non-emergency stationary engines (300 HP and larger) to use low sulfur fuels (15 ppm sulfur or less). The final rule becomes effective on May 3, 2010. For further information, contact USAEC at (410) 436-1231.

PRIMARY NAAQS FOR NITROGEN DIOXIDE USEPA has issued a final rule that revises the primary nitrogen dioxide (NO₂) National Ambient Air Quality Standards (NAAQS), by establishing a new one-hour standard to supplement the existing annual standard [[75 FR 6473](#), February 9, 2010]. The new one-hour standard is set at 100 ppb, and is based on the three-year average of the 98th percentile of the yearly distribution of one-hour daily maximum concentrations. USEPA has also established requirements for an NO₂ monitoring network that will include monitors at locations where maximum NO₂ concentrations are expected to occur, including within 50 meters of major roadways, as well as monitors sited to measure area-wide NO₂ concentrations. The final rule became effective on April 12, 2010. For further information, contact USAEC at (410) 436-1231.

OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS DEADLINE EXTENSION USEPA has issued a final rule extending, by one year, the date by which they will make initial area designations of attainment of the 2008 ozone NAAQS that were issued in March 2008 [[75 FR 2935](#), January 19, 2009]. The new deadline for promulgation of the attainment determinations is March 12, 2011. USEPA has proposed to strengthen the eight-hour "primary" ozone standard to a level within the range of 0.060-0.070 parts per million (ppm). USEPA has also proposed to establish a distinct cumulative, seasonal "secondary" standard, within the range of 7-15 ppm-hours. Further information on the deadline extension can be found on USEPA's ground level ozone [webpage](#).

STAY FOR INCLUSION OF FUGITIVE EMISSIONS REQUIREMENTS WITHIN PSD PROGRAM USEPA has issued a proposed rule to place an additional 18-month stay of the inclusion of fugitive emissions requirements, in the federal Prevention of Significant Deterioration (PSD) program [[75 FR 6823](#), February 11, 2010]. The current stay expired on March 30, 2010. The additional stay will allow USEPA sufficient time to propose, take public comment on, and issue a final action concerning the inclusion of fugitive emissions in the federal PSD program. For further information, contact USAEC at (410) 436-1231.

PROPOSED RULE TO REPEAL GRANDFATHERING PM10 SURROGATE POLICY USEPA has issued a proposed rule to repeal the "grandfathering" provision for particulate matter less than 2.5 microns in diameter (PM_{2.5}) contained in

the federal PSD program and end the PM10 Surrogate Policy [[75 FR 6827](#), February 11, 2010]. The proposed rule would end USEPA's 1997 policy that allows sources and permitting authorities to use a demonstration of compliance with the PSD requirements for PM10 as a surrogate for meeting the PSD requirements for PM2.5. The proposal to repeal the grandfather provision rests primarily on the fact that the PM2.5 implementation issues that led to the adoption of the PM10 Surrogate Policy in 1997 have been largely resolved. For further information, contact USAEC at (410) 436-1231.

REVIEW NAAQS FOR PARTICULATE MATTER USEPA's Office of Air Quality Planning and Standards has released draft documents related to the review of the NAAQS for PM [[75 FR 4067](#), January 26, 2010]. The draft assessment documents convey the approaches taken to assess exposures to ambient PM and to characterize associated health risks or urban visibility impairment, as well as present the initial key results, observations, and related uncertainties. The draft documents include: (1) [Particulate Matter Urban-Focused Visibility Assessment–Second External Review Draft \(revisions issued March 4, 2010\)](#); (2) [Quantitative Health Risk Assessment for Particulate Matter–Second External Review Draft](#); and (3) [Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards–First External Review Draft](#). For further information, contact USAEC at (410) 436-1231.

Hazardous Waste

CLARIFICATION FOR RCRA HAZARDOUS WASTE REGULATIONS USEPA has issued a direct final rule making technical changes and clarifications to several parts of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations [[75 FR 12989](#), March 18, 2009]. Included among the 90 corrections are: (1) clarifying the meaning of a conditionally exempt small quantity generator and large quantity generator; (2) clarifying the marking requirement to display "hazardous waste" applies to both containers and tanks; (3) clarifying that satellite accumulation provisions for large quantity generators are also applicable to small quantity generators; and (4) clarifying procedures applicable when treatment, storage and disposal (TSD) facilities forward waste under a new manifest, or return all or part of a rejected load under a new manifest. Barring adverse comment the direct final becomes effective on June 16, 2010. For further information, contact USAEC at (410) 436- 1230.

Toxic Substances

DRAFT TOXICOLOGICAL REVIEW OF INORGANIC ARSENIC USEPA has issued a notice and request for comments on the draft document titled, "[Draft Toxicological Review of Inorganic Arsenic: In Support of the Summary Information on the Integrated Risk Information System \(IRIS\)](#)" [[75 FR 7477](#), February 19, 2010]. The draft document was prepared by the National Center for Environmental Assessment (NCEA) within USEPA's Office of Research and Development. IRIS is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to specific chemical substances found in the environment. The IRIS database contains information for more than 540 chemical substances that can be used to support the first two steps (hazard identification and dose-response evaluation) of the risk assessment process. Comments are due April 20, 2010. For further information, contact USAEC at (410) 436- 1230.

Water Quality

ELG AND STANDARDS FOR THE C & D POINT SOURCE CATEGORY USEPA has issued a final rule correcting a compliance date in a previously issued final rule published on December 1, 2009, [74 FR 62995](#), due to a date calculation error [[75 FR 10438](#), March 8, 2010]. The December final rule established the Clean Water Act (CWA) technology-based Effluent Limitations Guidelines (ELG) and New Source Performance Standards (NSPS) for the Construction and Development (C&D) point source category. The current final rule clarifies that August 1, 2011, is the date by which discharges from construction sites that disturb 20 or more acres of land at one time must comply with the numeric effluent limitation and monitoring requirements. The final rule became effective on March 8, 2010. For further information, contact USAEC at (210) 295-2121.

2008 NPDES GENERAL PERMIT FOR CONSTRUCTION STORM WATER USEPA Regions 1-10 have modified the 2008 NPDES general permits for storm water discharges associated with construction activity in order to extend the expiration date by one year [[75 FR 4554](#), January 28, 2010]. The permits will now expire on June 30, 2011. Affected entities are construction site operators disturbing: (1) one or more acres land; or (2) less than one acre but part of a larger common plan development or sale if the larger common plan will ultimately disturb one acre or more, and performing the following activities: (a) building, developing and general contracting; and (b) heavy construction. For further information, contact USAEC at (210) 295-2121.

OTHER FEDERAL AGENCY NEWS

DRAFT ENVIRONMENTAL GOALS AND OUTCOMES RELEASED Federal agencies have released a document that includes a [draft vision](#) for a restored Chesapeake Bay watershed, environmental goals and measurable outcomes of planned actions. Since these elements were not included in the draft strategy released in November 2009, the federal agencies committed to release a goals framework for public review prior to issuance of the final strategy in May 2010. The document does not include all of the actions that were outlined in the draft strategy released in November 2009 or that will be included in the final strategy due in May. The draft vision, goals and measurable outcomes will be modified based on public feedback and a revised version will be paired with detailed actions in the final strategy to be released by May 12, 2010.

REVISED LIST OF MIGRATORY BIRDS US Fish and Wildlife Service (USFWS) has issued a final rule revising the List of Migratory Birds protected by the Migratory Bird Treaty Act (MBTA) [[75 FR 9281](#), March 1, 2010]. The final rule has added: (1) two species covered by the Japanese and Russian Conventions that were mistakenly omitted from previous lists; (2) 29 species of accidental or casual occurrence documented prior to April 1985, but not included in prior lists; (3) 65 species based on new distributional records in the US; (4) 24 species that occur naturally in the US only in Hawaii; (5) 28 species that occur naturally in the US only in the Pacific island territories of American Samoa, Baker and Howland Islands, Guam, or the Northern Mariana Islands; and (6) 38 species newly recognized as a result of taxonomic changes. A number of bird species were also removed from the list because they don't occur within the US. Other amendments involve changes or corrections to common and scientific names. The net increase species brings the total number of species protected by the MBTA to 1007. The final rule became effective on March 31, 2010. For further information, contact USAEC at (410) 436-6458.

FINDING ON A PETITION TO LIST 83 SPECIES OF CORALS AS THREATENED OR ENDANGERED The National Marine Fisheries Service (NMFS) has issued a notice announcing the findings regarding a [petition](#) to list 83 species of corals as threatened or endangered [[75 FR 6616](#), February 10, 2010]. NMFS has found that listing may be warranted for 82 species. NMFS has initiated status reviews of these 82 species of corals and solicited scientific and commercial information. NMFS found that the petition failed to present substantial scientific or commercial information indicating that the listing might be warranted for one species, *Oculina varicosa*. For further information, contact USAEC at (410) 436-6458.

PROPOSED LISTING FOR NINE DPS OF LOGGERHEAD SEA TURTLE The NMFS and USFWS have determined that the loggerhead sea turtle is composed of nine distinct population segments (DPSs) that qualify as "species" for listing as endangered or threatened [[75 FR 12597](#), March 16, 2010]. They have proposed to list two as threatened and seven as endangered. The notice also constitutes the 12-month findings on a petition to reclassify loggerhead turtles in the Northwest Atlantic as a DPS with endangered status and designate critical habitat. There is potential impact on Army installations. A recovery plan has been developed for the Northwest Atlantic population of the loggerhead. The basic range of the Northwest Atlantic population, which may soon become a DPS, is from Virginia throughout the southeastern states around the Gulf of Mexico to Texas, Caribbean, and Mexico. The recovery plan identifies five recovery units for this subpopulation. Comments are due to FWS or NMFS by June 14, 2010. For further information, contact USAEC at (410) 436-6458.

Regional

PROPOSED INCREASE IN WATER SUPPLY CHARGES The Delaware River Basin Commission has [proposed amendments](#) to the [Administrative Manual – Part III – Basin Regulations – Water Supply Charges](#) to revise the schedule of water charges. The proposed water rate increase will allow the commission to maintain net income to the Storage Fund and ensure financial stability when addressing future operating and maintenance costs. The proposed rates were calculated using the formula established by [Resolution No. 71-4](#). The consumptive use rate would be increased from \$60 to \$90 per million gallons effective on January 1, 2011 and from \$90 to \$120 per million gallons effective on January 1, 2012. The non-consumptive use rate would be increased from \$.60 to \$.90 per million gallons effective on January 1, 2011 and from \$.90 to \$1.20 per million gallons effective on January 1, 2012.

Region 1

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



New Hampshire

READOPTION OF AIR STANDARDS FOR NEW AND MODIFIED FACILITIES The New Hampshire Department of Environmental Services (NHDES) has readopted the [Chapter Env-A 500](#), with some amendments. The regulation incorporates, by reference, certain NSPS, NESHAP, and the NESHAP for specific source categories (also known as MACT, Maximum Achievable Control Technology). NHDES updates the regulation annually in order to adopt any new federal standards and incorporate any revisions to existing standards. From July 1, 2008 to July 1, 2009, USEPA made 11 amendments to the rules but promulgated no new standards. The readoption includes amendments to Env-A 502.01 to clarify the language and to change the edition of the Code of Federal Regulations (CFR) referenced in the regulation from July 1, 2008 to July 1, 2009. A notice of the proposed readoption was published in the February *Northern Region Review*. The readopted regulation became effective on January 23, 2010.

PUBLIC NOTICE REQUIREMENTS FOR PUBLIC WATER SYSTEMS NHDES has approved an [interim rule](#) that readopts drinking water rules regarding public notice requirements for a public drinking water system in violation of various requirements. The requirements include maximum contaminant levels (MCLs) for arsenic, nitrate, lead, total trihalomethanes, fecal coliform, and e. coli. The interim rule also describes the requirements for consumer confidence reports, which are annual reports supplied by community water systems to their customers to convey information on the quality of the water. The interim rule became effective on January 1, 2010.

AMENDMENTS TO THE DRINKING WATER QUALITY STANDARDS NHDES has issued a [proposed rule](#) to readopt the current drinking water quality standards at Env-Ws 310 and Env-Ws 312-316, with amendments. The amendments would reorganize the rules into a new subtitle and revise rule language to clarify requirements. The amendments would change requirements for the units of measure for MCLs and MCL goals for microbiological contaminants, radionuclides, radon, and other potential contaminants in public drinking water supplies.

LABORATORY ANALYTICAL METHODS, MONITORING, COMPLIANCE RULES NHDES has [proposed](#) to readopt, with amendments, the drinking water quality laboratory analytical methods rules (Env-Ws 310.02, 321, 324-327, 329, & 330). The rules establish monitoring and compliance requirements and laboratory analytical methods so that the state's drinking water program is equivalent to the federal program. The proposed amendments would: (1) clarify the sampling frequency for a variety of contaminants; (2) clarify the process and criteria for a water system to request sampling reductions; (3) clarify the actions required of water systems when contaminants are detected; (4) clarify the processes and criteria for obtaining approval of alternative laboratory methods and for establishing and revising a public water system's sampling schedule; (5) clarify the volatile organic compound (VOC) and synthetic organic chemical (SOC) monitoring waiver criteria and procedures. The rules would also be reorganized into the new subtitle for drinking water programs.

REPORTING DRINKING WATER MONITORING DATA NHDES has [proposed](#) to readopt, with amendments, the rules for reporting of drinking water monitoring data at Env-Ws 322. The rules establish the requirements, including timeframes, for public water systems (PWS) to report analytical results to NHDES. The proposed amendments would require that specific additional information be submitted to NHDES when samples are analyzed by a laboratory that is not under the PWS owner's ownership or control.



Maine

VAPOR INTRUSION GUIDANCE The Maine Department of Environmental Protection (MEDEP) has finalized a new [Vapor Intrusion Guidance document](#). The new guidance presents the MEDEP's process for evaluating a site's potential for vapor intrusion and is intended for third parties conducting and reporting on a vapor investigation in Maine. The document includes and references techniques to collect and analyze samples from soil gas, slab gas, indoor air and ambient air. The guidance also presents risk based target levels in indoor air and soil gas to determine whether additional investigation and/or mitigation is necessary. The new guidance became effective on January 13, 2010.

NUTRIENT CRITERIA FOR SURFACE WATERS MEDEP has issued a [proposed rule](#) to adopt [Ch. 583](#), Use Attainment Evaluation Using Nutrient Criteria for Surface Waters. Chapter 583 establishes nutrient criteria for Class AA, A, B, C, and GPA surface waters of Maine. Methods described in Chapter 583 will be used to make decisions about attainment of classification and water quality standards. MEDEP will use a set decision framework to determine whether phosphorus or another nutrient has caused or contributed to the impairment of a designated use. The decision framework uses a variety of nutrient indicators, including total phosphorus concentrations and environmental responses of nutrient enrichment. The rule describes the total phosphorus criteria for each class, as well as the appropriate environmental response criteria for each class. The criteria and decision framework are also used in evaluations of existing uses for anti-degradation purposes pursuant 38 M.R.S.A. § 464(4)(F). USEPA requires states to adopt nutrient criteria for surface waters.

ESSENTIAL HABITAT FOR PIPING PLOVER AND LEAST TERN The Maine Department of Inland Fisheries and Wildlife (MEDIFW) has [proposed](#) the readoption of designated areas as Essential Habitat for Piping Plover and Least Tern nesting, feeding, and brood rearing in the towns of Cape Elizabeth and Old Orchard Beach. In July 2009, MEDIFW proposed the designation of these areas and the proposal was adopted by the Commissioner and consented to by the Advisory Council in the Fall of 2009. However, the filing deadline was missed and therefore, it needs to be re-adopted.



Massachusetts

NPDES GENERAL PERMITS FOR MS4S USEPA Region 1 has issued a Notice of Availability of [Draft NPDES General Permits](#) for discharges from small municipal separate storm sewer systems (MS4s) to certain waters in Massachusetts [[75 FR 5788](#), February 4, 2010]. The notice incorporates Notice of Intent (NOI) requirements, prohibitions, and management practices. MS4s include systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospital, and highways. The term does not include separate storm sewers in very discrete areas, such as individual buildings. USEPA has proposed to issue the following three general permits: (1) Traditional Cities and Towns; (2) Non-Traditional State/Federal Owned Systems; and (3) Non-Traditional Transportation Systems. Owner and/or operators of small MS4s that discharge storm water will be required to submit a NOI to USEPA Region 1 to be covered by the general permits.



Rhode Island

PROPOSED DETERMINATION OF ATTAINMENT OF EIGHT-HOUR OZONE STANDARD USEPA has issued a proposed rule to determine that the Providence moderate 1997 eight-hour ozone non-attainment area (all of Rhode Island) has attained the 1997 eight-hour NAAQS for ozone [[75 FR 8571](#), February 25, 2010]. The determination is based upon complete, quality-assured, certified ambient air monitoring data that shows the area has monitored attainment of the eight-hour ozone NAAQS for the 2006-2008 monitoring period. In addition, preliminary ozone data for 2009 show the area continues to attain the 1997 eight-hour ozone NAAQS. If the proposed rule is finalized, under the provisions of USEPA's ozone implementation rule, the requirements for this area to submit an attainment demonstration, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the 1997 eight-hour ozone NAAQS shall be suspended.



Vermont

AVAILABILITY OF USEPA COMMENTS ON DRAFT EIS USEPA has released comments on the submitted draft Environmental Impact Statement (EIS) for the 158th Fighter Wing Vermont Air National Guard [[75 FR 2541](#), January 15, 2010]. The draft EIS covers the proposed project "Realignment of National Guard Avenue and Main Gate Construction, Burlington International Airport in South Burlington, VT." [EIS No. 20090360, ERP No. D-NGB-B11026-VT]. USEPA has no objections to the proposed project, but has requested that the National Guard Bureau consider the use of Low Impact Development options.

PROPOSED AMENDMENTS TO WETLAND RULES The Vermont Natural Resources Board (VTNRB) has [proposed amendments](#) to the wetland rules at Vt. Code R. 12 004 056. The amendments would: (1) provide a statewide update to the Vermont Significant Wetland Inventory; (2) protect significant wetlands not yet on the wetland inventory maps; and (3) establish buffer zones. Further, the amendments would reclassify a wetland in Calais, Vermont (the "Calais Poor Fen") as a Class I significant wetland, or in the alternative, as a Class II significant wetland.

Region 2

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



New Jersey

COVENANT NOT TO SUE REGARDING REMEDIAITON On January 17, 2010, Governor Chris Christie signed into law [A.B. 4265](#). The new law requires that whenever the New Jersey Department of Environmental Protection (NJDEP) issues a No Further Action Letter pursuant to a remediation, it shall also issue to the person performing the remediation a covenant not to sue with respect to the real property upon which the remediation has been conducted. The new law took effect upon signature and is retroactive to October 16, 2009.

GARDEN STATE GREEN ACRES PRESERVATION TRUST FUND On January 12, 2010, Rep. David Wolfe introduced [A.B. 1298](#). The bill allocates at least \$100 million dollars from the Garden State Green Acres Preservation Trust Fund for coastal and inland Blue Acres land acquisition projects in flood-prone areas. The bill was referred to the Assembly Agriculture and Natural Resources Committee upon introduction.

STORAGE OF UNUSUALLY HAZARDOUS SUBSTANCES On January 12, 2010, Rep. Peter Biondi introduced [A.B. 133](#). The bill requires recipients of certain unusually hazardous substances to notify local fire officials of anticipated storage time of such substances in their communities. The bill was referred to the Assembly Environment and Solid Waste Committee upon introduction.

APPROVAL PROCESS FOR COMPREHENSIVE MANAGEMENT PLAN REVISIONS On March 4, 2010, Rep. Nelson Albano introduced [A.B. 2424](#). The bill permits members of the Pinelands Commission to approve revisions to the comprehensive management plan. The bill was referred to the Assembly Environment and Solid Waste Committee upon introduction.

CERTIFICATION OF REMEDIAITON On February 4, 2010, Sen. Anthony Bucco introduced [S.B. 1095](#). The bill authorizes the submission of certification of remediation at unregulated heating oil tank sites by certain persons. The bill also requires the use of contractors by the NJDEP to review site remediation submissions. The bill was referred to the Senate Environment and Energy Committee upon introduction.

NOTICE OF EXTENSION / REOPENING OF COMMENT PERIODS FOR MULTIPLE PROPOSED RULES NJDEP has [extended or reopened the public comment periods](#) on pending proposals suspended under [Executive Order No. 1](#) issued by Governor Christie on January 20, 2010. Additional comments will assist in current reviews being conducted by NJDEP and

the Red Tape Review Group, established under [Executive Order No. 3](#) issued by Governor Christie on January 20, 2010. The affected pending proposals include: (1) Safe Drinking Water Act Rules; Private Well Testing Act Rules; and Regulations Governing the Certification of Laboratories and Environmental Measurements - Maximum Contaminant Level (MCL) for Perchlorate ([41 N.J.R. 1128\(a\); March 16, 2009](#)); (2) Coastal Permit Program Rules; Coastal Zone Management Rules; Flood Hazard Area Control Act Rules - Wind and Solar Energy ([41 N.J.R. 3168\(a\); September 8, 2009](#)); (3) Water Pollution Control Act Rules - Readoption ([41 N.J.R. 3776\(a\); October 5, 2009](#)); (4) Safe Drinking Water Act Rules - Readoption ([41 N.J.R. 4381\(a\); December 7, 2009](#)); (5) Underground Storage Tanks - Readoption ([41 N.J.R. 4384\(a\); December 7, 2009](#)); (6) Safe Drinking Water Act Rules - Environmental Enforcement Enhancement Act amendments and Permit Efficiency Review Task Force amendments ([42 N.J.R. 17\(a\); January 4, 2010](#)). The comment periods closed March 15, 2010.



New York

PROPOSED APPROVAL FOR REVISIONS OF OZONE SIP USEPA has issued a proposed rule to approve a revision to the New York SIP for ozone concerning the control of VOCs [[75 FR 9373](#), March 2, 2010]. The proposed SIP revision consists of amendments to Title 6 of the New York Codes, Rules and Regulations Part 235, "Consumer Products" and Part 239, "Portable Fuel Container Spillage Control." The proposed rule would approve control strategies, required by CAA, which will result in emission reductions that will help achieve attainment of the NAAQS for ozone.

NOTIFICATION REQUIREMENTS FOR EXCEEDENCE OF EMISSIONS LIMITS On February 24, 2010, [A.B. 4190](#) passed the Assembly and was sent to the Senate. The bill would amend Section 19-0311 of the Environmental Conservation Law relating to the operating permit program for sources of air emissions. The bill would require the owner or operator of a source to provide notification within 24 hours to the New York Department of Environmental Conservation (NYDEC) and the public in instances where the source has exceeded emissions limits for a second or subsequent time. Upon notification, NYDEC would be required to solicit a study from the New York Department of Health (NYDOH) identifying the health implications of such emissions. The study would have to be completed within 90 days of the original notification and would be made available to the public. Additionally, NYDOH would be required to prepare such a study in the event that the source applies for higher emissions limits than allowed under the original permit. Finally, the bill would provide that in cases where a settlement of air operating permit violations includes an environmental benefit project, such project should be undertaken within the municipality where the violation occurred. The bill was referred to the Senate Environmental Conservation Committee.

AMENDMENTS TO THE EMISSIONS VERIFICATION REGULATIONS NYDEC has proposed to revise 6 NYCRR Part 202, Emissions Verification. The revisions would make some minor language changes to the regulations governing Emissions Testing, Sampling, and Analytical Determinations (202-1) and Emission Statements (202-2). The revisions detail the applicability, acceptable procedures, required contents and record keeping for testing and reporting of emissions. Within 202-2, NYDES has proposed to clarify language and include the reporting of GHGs as part of the existing annual emission statement process. The reporting is not a mandate on local governments. It applies to any entity that owns or operates a subject source.

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.



Delaware

ENERGY PERFORMANCE CONTRACTING ACT / DELAWARE ENERGY ACT On February 1, 2010, Governor Jack Markell signed into law [S.B. 189](#), which amends Chapters 69 and 80 Title 29 of the Delaware Code relating to the Energy Performance Contracting Act and the Delaware Energy Act. The amendments make clear that contracts involving the Delaware's Sustainable Energy Utility (SEU) to which the state, state agencies, local governments, or school districts are parties, do not create a tax supported obligation, bond, or Note of the State, state agency, or local government. This new law may potentially serve as a nationwide model.

AMENDMENTS TO THE SOLID WASTE REGULATIONS The Delaware Department of Natural Resources and Environmental Control (DDNREC) has finalized a [rule](#) that includes four amendments that update and enhance various sections of the state solid waste regulations. The amendments: (1) strike one redundant requirement for siting new industrial landfill cells in section 6.1.3.8; (2) update an exclusion for temporary debris from the Delaware Emergency Management Agency at Transfer Stations in section 10.1.2.6; (3) update and clarify Financial Assurance Criteria in section 4.1.11; and (4) clarify one exception for transporters in section 7.2.1. The rule became effective February 21, 2010.



Maryland

CHESAPEAKE BAY TMDL MARYLAND WEBINAR On May 4, 2010, USEPA is hosting an online update Chesapeake Bay Total Maximum Daily Load (TMDL) - a strict "pollution diet" to restore local waters and the Chesapeake Bay. Get the latest information, a preview of upcoming developments, and a report from the State of Maryland focusing on local government aspects of the Bay TMDL and Maryland's Watershed Implementation Planning process. For further information, visit <https://www2.gotomeeting.com/register/456390459>.

DEVELOPMENT IN THE CRITICAL AREA The Maryland Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (CACCACB) has finalized a [rule](#) that clarifies and updates at COMAR 27.01.01.01 thru .09. The rule updates sections of COMAR to make them consistent with new terminology in Natural Resources Article, Annotated Code of Maryland, and inserts existing development standards language into all applicable sections to ensure consistency. The rule also amends approved development standards in intensely developed areas by: (1) prohibiting the location of a road, bridge or utility in a critical area designated as a habitat protection area; (2) adding requirements for maximum erosion protection, minimal negative impact on wildlife, maintenance of hydrologic processes and retention of the tree canopy and stream water temperature; and (3) prohibiting any development that would cross a stream or increase flood frequency. The new rule became effective on March 8, 2010.

CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT CACCACB has issued a [final rule](#) amending the Criteria for Local Critical Area Program Development regulations. The rule effects the General Provisions (COMAR 27.01.01), Forest and Woodland Protection (COMAR 27.01.05), and Habitat Protection Areas in the Critical Area (COMAR 27.01.09) sections of the regulations. The rule amendments include: (1) new and updated definitions that are pertinent to Critical Area Programs; (2) new standards for delineation of, and activity in, the buffer area; (3) new procedures for measuring the mandatory 100-foot buffer as well as expansion requirements; (4) new mitigation rates for authorized activities in the buffer that will facilitate a standardized mitigation ratio across the varying local jurisdictions; (5) timetables and standards for buffer establishment; (6) establishment of mitigation ratios, planting materials, and planting standards that will apply across the Critical Area; and (7) authorization of local jurisdictions to receive a fee in lieu of planting, along with specifications on how money collected may be spent. The final rule became effective on March 8, 2009.

AMENDMENTS TO THE AIR QUALITY AND EMISSIONS REGULATIONS The Maryland Department of the Environment (MDE) has issued a [proposed rule](#) to amend the regulations covering the control of fuel-burning equipment, stationary internal combustion engines, and certain fuel-burning installations (COMAR 26.11.09.05). The proposed rule would: (1) add new definitions for “Capacity factor” and “Operating time”; (2) expand the regulation to include revised procedures for demonstrating compliance with visible emissions (VE) requirements for sources that are required to install Continuous Opacity Monitor (COMs); (3) add procedures that under certain conditions, allow fuel burning equipment with flue gas desulfurization (FGD) units to replace COMs with Continuous Emission Monitor (CEMs) for PM; and (4) add enforcement procedures for COMs for fuel burning equipment. The proposed rule would also amend the General Administrative Provisions at COMAR 26.11.01. The amendments would: (1) clarify the definition of CEM and add a definition for COM; (2) clarify that submission of test results, reports, or other information to MDE must be submitted to the Program Manager of the Air Quality Compliance Program and that all records and documentation must be maintained on-site and made available MDE upon request; (3) clarify which requirements are for COMs and CEMs; and (4) discontinue the use of Technical Memorandum 90-01 “Continuous Emission Monitoring (CEM) Policies and Procedures” for the fuel burning equipment except for Part II “Quality Assurance Requirements for Continuous Opacity Monitoring Systems.” If the proposed rule is finalized, the action will be submitted to USEPA for approval as part of Maryland's State Implementation Plan (SIP). The comment period closed on March 3, 2010.

GUIDELINES FOR DISCHARGE TO GROUNDWATER MDE has issued a [proposed rule](#) to amend the Guidelines for Discharge to Ground Waters at COMAR 26.08.02. The proposed rule would update MDE's Land Treatment Guidelines to include irrigation of Class III treated wastewater effluent onto non-restricted public access areas in promoting water reuse. The rule would also add statements to clarify content of the existing Guidelines. The comment period closed March 1, 2010.



Pennsylvania

PROPOSED AMENDMENTS TO THE NEW SOURCE REVIEW The Pennsylvania Department of Environmental Protection (PADEP) has issued a [proposed rule](#) to amend the New Source Review (NSR) regulations. The proposed rule would amend the existing non-attainment NSR requirements in Chapter 127, Subchapter E (relating to new source review), to incorporate recently promulgated federal requirements for PM_{2.5} and PM_{2.5} precursors. The proposal would add requirements to § 127.203a (relating to applicability determination) and other sections of Subchapter E to expand the applicability of the non-attainment NSR program to include emissions of PM_{2.5} and sulfur dioxide (SO₂) and nitrogen oxide (NO_x) precursors. USEPA has determined that there is considerable uncertainty related to ammonia as a precursor for PM_{2.5}, therefore, the proposal does not require ammonia to be regulated as a PM_{2.5} precursor. The proposed rule applies to construction of major stationary sources and major modifications at major stationary sources. The comment period closed on April 12, 2010.

PROPOSED AMENDMENTS TO THE NPDES REGULATIONS PADEP has issued a [proposed rule](#) to amend the National Pollutant Discharge Elimination System (NPDES) permitting, monitoring, and compliance regulations (25 PA. CODE CHS. 92 and 92a). The proposed rule would clarify the process used to issue NPDES permits for point source discharges of treated wastewater and storm water. The rule would also add and reorganize treatment requirements to standardize the approach to discharges of treated sewage and industrial wastewater. Further, the rule implements a new NPDES fee structure to cover the cost of the administration of the NPDES program. The existing \$500 application fee, payable every five years would be replaced by a sliding scale of application fees and annual fees based primarily on the size of the point source discharge. The proposed rule also includes new provisions designed to keep the program current with changes at the federal level. Some of these provisions are needed to ensure continued federal approval of Pennsylvania's program by USEPA. These new provisions include requirements related to: (1) Storm Water Phase II Final Rule requirements (MS4s and small construction activities); (2) cooling water intake structures; and (3) NPDES provisions for applications of pesticides. The comment period closed on March 15, 2010.

UNIFORM ENVIRONMENTAL COVENANTS ACT PADEP has issued a [proposed rule](#) to add Chapter 253, relating to Administration of the Uniform Environmental Covenants Act (UECA) (25 PA. Code Ch. 253). The proposed rule would supplement the UECA and tie the statute together with the Commonwealth's existing risk-based corrective action programs. The rule would also provide a straightforward step-by-step outline of when environmental covenants are required to be used, how they are created, what they must contain and when they must be submitted PADEP. The Region 3 DoD REC provided formal comment on the proposed rule.



SIP REVISIONS OPACITY SOURCE SURVEILLANCE METHODS USEPA issued a direct final rule approving Virginia SIP revisions [[75 FR 8249](#), February 24, 2010]. The revisions update methods for determining compliance with opacity standards for existing, new and modified stationary sources. Barring adverse comment the direct final rule becomes effective on April 26, 2010.

REVISIONS TO THE DEFINITION OF VOC USEPA has issued a direct final rule approving Virginia SIP revisions [[75 FR 8493](#), February 25, 2010]. The revisions amend the wording of 22 definitions, including the definition of VOC. The definition of VOC was amended to add the organic compound (1)1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300) to the list of excluded compounds. Barring adverse comment the direct final rule becomes effective on April 26, 2010.

APPROVAL FOR REVISION TO THE CAIR SULFUR DIOXIDE TRADING PROGRAM USEPA has issued a final rule approving a Virginia SIP revision [[75 FR 11738](#), March 12, 2010]. The revision pertains to the timing for the first phase of the SO₂ trading budget under the Commonwealth's approved regulations that implement the requirements of the Clean Air Interstate Rule (CAIR). The final rule will change the start date of Virginia's CAIR SO₂ trading budget from the control period in 2009 to the control period in 2010 in accordance with CAA requirements. The final rule became effective on April 12, 2010.

RECYCLING OF THERMOSTATES CONTAINING MERCURY On February 26, 2010, Governor Bob McDonnell signed into law [H.B. 326](#), which requires the Virginia Waste Management Board to adopt regulations to encourage the recycling of thermostats containing mercury. The new law also authorizes localities to prohibit the disposal of mercury thermostats in any privately operated landfill within its jurisdiction, so long as the locality has implemented a recycling program that is capable of handling all of the mercury thermostats within the jurisdiction. The new law becomes effective on July 1, 2010.

STORM WATER MANAGEMENT REGULATIONS On March 11, 2010, Governor Bob McDonnell signed into law [H.B. 1220](#). The new law extends the effective date of the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The new law states that the regulation shall become effective within 280 days after the establishment by USEPA of a Chesapeake Bay-wide TMDL but in any event no later than December 1, 2011. The new law also states that the Virginia Soil and Water Conservation Board shall convene an advisory panel of stakeholders to review the regulation and to make recommendations to the Board on revisions to the regulations necessary to, among other things, comply with the TMDL. The new law becomes effective on July 1, 2010.

LAND CONSERVATION PRACTICES On March 13, 2010, Governor Bob McDonnell signed into law [S.B. 346](#). The new law requires the Secretaries of Agriculture and Forestry and Natural Resources to develop a strategy for a database of acreage maintained pursuant to land conservation and on-site best management practices. To the extent possible or appropriate, the database shall: (1) be uniform in content and format to applications in the other states of the Chesapeake Bay watershed; (2) maintain the confidentiality of information; and (3) use existing methods of data collection. Due to an added emergency clause, the new law became effective upon signature.

NEW VOC REGULATIONS FOR CONSUMER AND COMMERCIAL PRODUCTS VADEQ has issued a [final rule](#) establishing a new chapter (9VAC5-45) for the control of VOC emissions from various consumer and commercial products in the Northern Virginia and Fredericksburg VOC Emissions Control Areas (Revision D06). The new chapter consists of two parts. The first part of the new chapter contains general requirements pertaining to all of the types of consumer and commercial products regulated. The second part is composed of articles that contain VOC content and emission standards for individual types of consumer products. The second part also contains the control technology, testing, monitoring, administrative, recordkeeping and reporting requirements necessary to determine compliance with each of the applicable standards. The new chapter includes: (1) two articles that control VOC emissions from portable fuel containers and spouts; (2) two articles that control VOC emissions from certain types of consumer products; (3) one article for the control of VOC emissions from architectural and industrial maintenance coatings; and (4) one article that controls VOC emissions from adhesives, adhesive primers, sealants and sealant primers. The final rule became effective on March 17, 2010. VADEQ has also [proposed](#) establishing a new chapter (9VAC5-45) for the control of VOC emissions from various consumer and commercial products in the Richmond VOC Emissions Control Areas (Revision J07). The new chapter would incorporate all of the changes implemented by Revision D06, with some additions.

WATER QUALITY DESIGN CRITERIA FOR DEVELOPMENT WITHIN CHESAPEAKE BAY WATERSHED The Virginia Department of Conservation and Recreation (VDCR) has issued a [Notice of Intended Regulatory Action](#) regarding

amendments to the storm water permit regulations. The proposal would establish water quality design criteria for new development activities within the Chesapeake Bay Watershed that are consistent with the pollutant loadings called for in the USEPA-approved Virginia TMDL Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL. The proposal also considers compliance methodologies and mechanisms associated with any new design criteria. The comment period closed on March 4, 2010. The amendments are effective on July 1, 2010.



West Virginia

AUTHORIZATION TO ISSUE NPDES PERMITS On April 1, 2010, Governor Joe Manchin signed into law [H.B. 4277](#). The new law authorizes the Secretary of the West Virginia Department of Environmental Protection (WVDEP) to issue NPDES permits. The new law becomes effective on June 11, 2010.

Region 5

For more information on any state issues in Region 5, contact Cathy O'Connell, Army Regional Environmental Coordinator, Region 5, (410) 436-4044, e-mail: Cathy.Oconnell@us.army.mil.

INDIANA AND OHIO PORTIONS OF THE CINCINNATI-HAMILTON NON-ATTAINMENT AREA USEPA has issued a proposed rule to approve requests from Ohio and Indiana to redesignate the Ohio and Indiana portions of the Cincinnati-Hamilton, OH-KY-IN eight-hour ozone non-attainment area, "the Cincinnati-Hamilton area," to attainment [[75 FR 8871](#), February 26, 2010]. The proposed rule involves several related actions. USEPA has proposed determining that the Cincinnati-Hamilton area has attained the eight-hour ozone NAAQS. The Cincinnati-Hamilton area includes Butler, Clermont, Clinton, Hamilton, and Warren Counties in Ohio; and Lawrenceburg Township in Dearborn County, Indiana. The determination is based on three years of complete, quality-assured ambient air quality monitoring data for the 2007-2009 ozone seasons. USEPA has also proposed approving, as revisions to the Ohio and Indiana SIPs, the states' plans for maintaining the eight-hour ozone NAAQS through 2020 in the area. Finally, the proposed rule would also approve: (1) the Indiana 2002 base year emissions inventory; (2) the Ohio 2005 base year emissions inventory; (3) the Indiana and Ohio 2015 and 2020 Motor Vehicle Emission Budgets (MVEBs) for the Ohio and Indiana portion of the Cincinnati-Hamilton area.



Illinois

CHANGES TO THE STATE DEFINITION OF VOM AND VOC The Illinois Pollution Control Board (ILPCB) has finalized a [rule](#) amending the list of compounds exempted from the State definition of volatile organic material (VOM) or VOC (35 Ill. Adm. Code 211.7150). The amendments update the state definition to correspond with amendments to the federal definition of VOC at 40 CFR 51.100(s) the USEPA adopted during the period of January 1, 2009 through June 30, 2009. During that period, USEPA amended the federal definition of VOC by adding two compounds to the list of chemical species that are exempt from the federal definition of VOC and, accordingly, are exempt from regulation for control of ozone precursors. Those compounds are propylene carbonate (PC) and dimethyl carbonate (DMC). The final rule became effective on January 11, 2010.

VOM EMISSIONS IN OZONE NON-ATTAINMENT AREAS ILPCB has issued multiple proposed rules that would satisfy Illinois' obligation to submit SIPs addressing CAA requirements for sources of VOM emissions in ozone non-attainment areas. The proposed rules concern several product categories, including emissions from storage and loading operations, solvent cleaning, air oxidation processes, asphalt and paving operations, gasoline dispensing operations, and marine terminals. The regulatory sections that would be amended are: (1) [Definitions and General Provisions](#) (35 Ill. Adm. Code 211) - adding twenty-three new definitions; (2) [Organic Material Emission Standards and Limitations for the Chicago Area](#) (35 Ill. Adm. Code 218); and (3) [Organic Material Emission Standards and Limitations for the Metro East Area](#) (35 Ill. Adm. Code 219).



Indiana

APPROVAL AND PROMULGATION OF AIR QUALITY IMPLEMENTATION PLANS USEPA has issued a final rule affecting the Indiana portion (Lake and Porter Counties) of the Chicago-Gary-Lake County, Illinois-Indiana (IL-IN) 1997 eight-hour ozone non-attainment area [[75 FR 12087](#), March 12, 2010]. USEPA has made the determination that this area has attained the 1997 eight-hour ozone NAAQS. In addition, the final rule approves a request from the state of Indiana to exempt sources of NO_x in Lake and Porter Counties from CAA Reasonably Available Control Technology (RACT) requirements. The final rule became effective on April 12, 2010.

VOC AUTOMOBILE REFINISHING RULES FOR INDIANA USEPA has issued a proposed rule to approve amendments to Indiana's automobile refinishing rule for inclusion into its SIP [[75 FR 2090](#), January 14, 2010]. The amendments extend the applicability of Indiana's approved VOC automobile refinishing rules to all persons in Indiana who sell or manufacture automobile refinishing coatings or who refinish motor vehicles. The amendments should result in additional VOC emission reductions throughout Indiana.

UPDATING REFERENCES TO THE CODE OF FEDERAL REGULATIONS The Indiana Department of Environmental Management (IDEM) has proposed a [rule](#) to amend the air pollution standards. The proposed rule would update state air regulation references to the CFR from the 2008 edition to the 2009 edition. The proposed rule would also amend 326 IAC 1-2-48, 326 IAC 19-2-1, and 326 IAC 20-28 by updating citations to federal standards that are incorporated by reference. These include the federal regulations for the asbestos and lead programs. The comment period closed April 2, 2010.

AMENDMENTS TO UST OPERATOR TRAINING REQUIREMENTS IDEM has [proposed new rules](#) at [329 IAC 9-9](#) concerning training of operators who operate and maintain regulated underground storage tank (UST) systems. The proposed rule would establish three distinct classes of UST operators identified as Class A, Class B, and Class C. The rules would describe how Indiana will train each class of operator in certain subjects and develop a training schedule for the operators. The training requirements would be developed in cooperation with UST owners and operators. The rules would also take into consideration training programs previously implemented by owners and operators. The rules would apply to owners and operators of USTs; therefore, all of the training requirements will be appropriately communicated to UST owners and operators. Once Indiana has met the requirements for operator training, it must submit to USEPA a certification indicating that the state meets the requirements in the USEPA guidelines. The comment period closed on March 19, 2010.



Michigan

FULL APPROVAL FOR PSD CONSTRUCTION PERMIT PROGRAM REVISIONS USEPA has issued a direct final rule that converts a conditional approval of specified revisions of the Michigan SIP to a full approval [[75 FR 14352](#), March 25, 2010]. The revisions consist of requirements of the PSD construction permit program under the CAA. This program affects major stationary sources in Michigan that are subject to or potentially subject to the PSD construction permit program. USEPA has converted its prior conditional approval to full approval because the Michigan Department of Environmental Quality (MDEQ) submitted corrections to the rules that satisfy the conditions listed in USEPA's conditional approval. As part of the direct final rule, USEPA has rescinded Michigan's delegation of authority for implementing the federal PSD regulations. Barring adverse comment the direct final rule becomes effective on May 24, 2010.



Ohio

APPROVAL OF SIP REVISIONS FOR NEW SOURCE REVIEW RULES USEPA has issued a final rule approving revisions to the PSD and non-attainment NSR construction permit programs to the Ohio SIP [[75 FR 8496](#), February 25, 2010]. The Ohio Environmental Protection Agency (OEPA) requested approval of its rules to implement the NSR Reform provisions that were not vacated by the US Court of Appeals for the District of Columbia decision. The final rule affects major stationary sources in Ohio that are subject to or potentially subject to the PSD and NSR construction permit programs. The final rule became effective on March 29, 2010.

REVISIONS TO DRINKING WATER RULES REGARDING LT2 RULE OEPA has finalized new and revised rules within the Primary Drinking Water Rules (Chapter 3745-81). The rules regulate all public water systems that use surface water or groundwater under the direct influence of surface water (GWUDI) sources. The revisions include inserting Long Term 2 Enhanced Surface Water Treatment Rule (LT2) language in the following Ohio Administrative Code (OAC) rules: (1) Analytical techniques ([3745-81-27](#)); (2) Public notification ([3745-81-32](#)); (3) Sanitary surveys ([3745-81-60](#)); (4) General requirements for filtration and disinfection of surface water sources ([3745-81-71](#)); (5) Disinfection of water from surface water sources ([3745-81-72](#)); (6) Filtration of water from surface water sources ([3745-81-73](#)); and (7) Water source designation ([3745-81-76](#)). New LT2 rules were also finalized, including: (1) General requirements of the LT2 ([3745-81-64](#)); (2) Source monitoring requirements ([3745-81-65](#)); (3) Source monitoring results and grandfathered data ([3745-81-66](#)); (4) LT2 bin classification and treatment technique requirements ([3745-81-67](#)); (5) Microbial toolbox options for meeting Cryptosporidium treatment requirements ([3745-81-68](#)); (6) Reporting and recordkeeping requirements for LT2 only ([3745-81-69](#)); and (7) Approved laboratories for the LT2 ([3745-89-11](#)). The LT2 rules supplement existing regulations by targeting additional Cryptosporidium treatment requirements to higher risk public water systems. The rules also contain provisions to ensure public water systems maintain microbial protection when they take steps to decrease the formation of disinfection byproducts that result from chemical water treatment. The revised and new rules became effective on January 8, 2010.

REVISIONS TO DRINKING WATER CONTAMINATION RULES OEPA has issued a final rule amending the Primary Drinking Water Rules at Chapter 3745-81. The final rule revises the designation of vulnerability to beta/photon radioactivity contamination from sources identified within a one mile radius to those within the source water assessment and protection (SWAP) area. The rule makes corrections required by USEPA for primacy and eliminates reference to past dates and update addresses. In addition, the rule makes minor editorial changes to the sections on MCLs for inorganic contaminants and on the use of bottled water and point-of-use or point-of-entry treatment devices. The final rule affects the following OAC rules: (1) MCLs and best available technologies for inorganic contaminants ([3745-81-11](#)); (2) Use of bottled water and point-of-use or point-of-entry treatment devices ([3745-81-19](#)); and (3) Radionuclide monitoring requirements ([3745-81-26](#)). The final rule became effective on February 22, 2010.

AMENDMENTS TO THE TITLE V PERMIT RULES OEPA has issued a final rule amending OAC chapter 3745-77, "Title V Permit Rules." The amendments incorporate many improvements that help implementation of the chapter, such as supporting transition out of Title V. The amendments also update the chapter to reflect certain federal updates to 40 CFR Part 70 that have been made since the previous review of the rules. The amendments affect the following OAC rules: (1) Definitions ([3745-77-01](#)); (2) Prohibition and Applicability ([3745-77-02](#)); (3) Content of a Permit Application ([3745-77-03](#)); (4) Transition and Application Filing Dates ([3745-77-04](#): [Appendix A](#), [Appendix B](#), and [Appendix C](#)); (5) Application completeness determination ([3745-77-05](#)); (6) Application Shield ([3745-77-06](#)); (7) Permit Content ([3745-77-07](#)); (8) Permit issuance, modifications, revisions, revocations and reopening ([3745-77-08](#)); (9) Permit review by the Administrator and affected states ([3745-77-09](#)); and (10) State Law Applicability ([3745-77-10](#)). The final rule became effective on February 14, 2010.

INCREASE IN FEES FOR PRIVATE WATER SYSTEMS The Ohio Department of Health (OHDH) has issued a [final rule](#) raising the fees for private water systems. A new installation permit was raised from \$50 to \$74. The annual registration fee for a private water systems contractor was raised from \$145 to \$250. The final rule became effective on January 25, 2010.

PROPOSED AMENDMENTS TO THE GENERAL NPDES PERMIT REQUIREMENTS OEPA has issued a [proposed rule](#) to amend the general NPDES permit requirements (OAC 3745-38-01 thru -12). The amendments would rescind previously proposed rules regarding general permits. The proposed rule would provide that the director may issue a general NPDES permit without application in accordance with the following: (1) **Areas** - the general NPDES permit shall be written to cover a category of discharges by persons conducting similar activities within a geographic area, except those covered by an individual NPDES permit; and (2) **Sources** - the general NPDES permit may be written to regulate, any of the following: (a) storm water point sources; (b) water-borne wastes resulting from coal mining and reclamation activities; (c) sewage sludge point sources; or (d) other categories of point sources shown to have similar discharge characteristics. The proposed rule also permits the director to require application for an individual NPDES permit under specified circumstances, such as for significant polluters.



AMENDMENTS TO THE COUNTY SHORELAND ZONING ORDINANCES The Wisconsin Department of Natural Resources (WDNR) has finalized [amendments](#) to the County Shoreland Zoning Ordinances . The amendments: (1) change vegetation management in the first 35-feet of shoreline and change the regulation of structures within the shoreline setback; (2) establish impervious surface standards, and remove the 50 percent rule for non-conforming structures; (3) allow counties to regulate a structure based on its impact to the resource, not how the structure was built; and (4) add mitigation requirements. The amendments became effective on February 1, 2010.

PROPOSED AMENDMENTS TO NON-POINT SOURCE MANAGEMENT REGULATIONS WDNR has issued a [proposed rule](#) that would amend the rules relating to runoff management and a targeted runoff management grant program (NR 151, 153, 155). It would also amend rules concerning both urban non-point source water pollution abatement and storm water management grant programs. Specifically, the rule would add new and modifies existing performance standards that address nonpoint source pollution from both agricultural and non-agricultural sources, including transportation. The rule would also change the non-agricultural performance standards that address construction site erosion control, post-construction storm water management and developed urban areas. Comment period ended March 12, 2010.

PROPOSED REVISIONS TO THE AIR POLLUTION PERMIT REGULATIONS WDNR has issued a [proposed rule](#) to amend the air pollution permit regulations (NR 400, 405, 408). Specifically, the rule would incorporate federally mandated changes to the major source air permitting program to include PM2.5 as an air pollutant. The proposed rule would also incorporate the federal “tailoring” rule for regulating GHG emissions under the existing major source permitting rules. Further, this rule amendment establishes rules and procedures for evaluating sources that may impact the Forest County Potawatomi (FCP) Class I area.

PROFESSIONAL DEVELOPMENT

WHAT	WHEN	WHERE	DETAILS
<u>Hazardous Waste Operations & Emergency Response (HAZWOPER)</u>	4/20/10	Washington, DC	Hosted by DOI the training is for federal employees with HAZWOPER training who need an 8-hour refresher. The course will review key elements of a safe and effective emergency planning program. Topics covered by the course include: (1) learning practical aspects of selecting personal protective equipment (PPE) and spill-control supplies; (2) review of environmental regulations and the National Incident Management System (NIMS) as they apply to federal agencies and facilities; (3) implementation of the agency's Emergency Response Plan (ERP) or Spill Prevention
<u>National Water Monitoring Council Seventh National Monitoring Conference</u>	4/25 - 4/29/10	Denver, Co	The conference will focus on all aspects of water quality and quantity monitoring for improved understanding, protection, and restoration of natural resources and communities.
<u>National Association of Environmental Professionals NAEP Spring Conference</u>	4/27 - 4/30/10	Atlanta, GA	The theme for the 35th Annual conference, is "Tracking Changes: 40 years of Implementing NEPA and Improving the Environment." Technical tracks being offered at the conference, include: (1) Air Resources/Climate; (2) Energy/Renewable Energy; (3) Land & Watershed Management ; (4) NEPA; (5) Sustainability; and (6) Wetlands Restoration/ Mitigation.
<u>Society of American Military Engineers Joint Training Conference</u>	5/4 - 5/7/10	Atlanta, GA	The Conference will feature six technical tracks addressing issues affecting Contingency Operations, Installation Management, Design and Construction, Water Resources, Environment, and Professional Development.
<u>Federal Greenhouse Gas Accounting and Reporting</u>	5/6/10	Online	The session provides an update on new GHG regulatory requirements and guidance, as well as strategies, models, and technology tools to measure GHG emissions.
<u>American Society of Mechanical Engineers ASME 2010 4th International Conference on Energy Sustainability</u>	5/17 - 5/22/10	Phoenix, AZ	The ASME Conference will emphasize solar energy, energy efficiency, renewable energy and advanced energy technologies. The conference will consist of plenary talks, invited talks, panel discussions, workshops, tutorials, technical sessions, poster presentations, and exhibitions.
<u>7th International Conference Remediation of Chlorinated and Recalcitrant Compounds</u>	5/24 - 5/27/10	Monterey, CA	The conference is organized and presented by Battelle. The conference focuses on innovative application of new and existing technologies and approaches for characterizing, treating, and monitoring chlorinated and other recalcitrant compounds in various environmental media. Abstracts are due by July 31, 2009.

WHAT	WHEN	WHERE	DETAILS
2010 NDIA Environment, Energy & Sustainability Symposium & Exhibition	6/14 - 6/17/10	Denver, CO	The symposium is hosted by the National Defense Industrial Association (NDIA). For the 2010 symposium, NDIA is inviting administration senior leaders from the White House, DoD, DoE, USEPA, and the Services to present their organizations' goals for the next three years. The Services will emphasize their leadership initiatives, program, and budget changes in order to provide attendees with policy updates and technical training. Abstracts are due by December 1, 2009.
2010 DoD Explosive Safety Board Seminar	7/13 - 7/15/10	Portland, OR	A seminar designed to join leading explosives safety experts from the military, government agencies and academia. The three-day seminar will include technical sessions, roundtable discussions, and an exhibit hall.
Endangered Species Recovery Planning and Implementation Training Course	8/2 - 8/6/10	Shepherdstown, WV	Hosted by Department of the Interior (DOI) the course covers the technical, policy, and practical aspects of recovery planning and implementation for threatened and endangered species. Topics covered include: statutory framework, purpose and steps of recovery plan development, policies and guidance relevant to recovery, the relationship of recovery to all parts of the ESA, five-year reviews, the application of conservation tools such as decision analysis and adaptive management to recovery efforts, and monitoring. Case studies and exercises are included to reinforce lecture sessions.
5th National Conference on Coastal and Estuarine Habitat Restoration	11/13 - 11/17/10	Galveston Island, TX	Hosted by <i>Restore America's Estuaries</i> , 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.
US Army Corps of Engineers Training Program	Various Times	Various Locations	USACE Fiscal Year 2010 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 2010, 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 to advanced environmental law.

WHAT	WHEN	WHERE	DETAILS
USEPA Workshop for Federal Labs	Various Times	Various Locations	USEPA hosts free two-day workshops for the federal laboratory community on “Improving Environmental Compliance and Environment Management Systems at Federal Labs.” The workshops focus on federal facility lab requirements under various environmental statutes, regulations, and Executive Orders as well as environmental management systems and pollution prevention strategies.
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.
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 half hour to two hours.
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 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 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.

WHAT	WHEN	WHERE	DETAILS
<u>USEPA Online EMS Training Course</u>	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.
<u>Qualified Recycling Program Course</u>	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.

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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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