



# NORTHERN REGION REVIEW



Environmental Legislative and Regulatory News

MAY 2009 VOLUME XIV, No. 3

## Army within Northern Region Win Prestigious Military Environmental Honors

Two Army installations within the Northern Region earned Department of Defense Environmental Awards for fiscal 2008; Camp Ripley Maneuver and Training Center for natural resources conservation and Fort Drum for cultural resources management. These winners were selected from the FY08 Secretary of Army Environmental Award recipients that additionally included the following Northern Region components:

- ★ Camp Johnson, Vermont Army National Guard - Environmental Quality, Industrial Installation;
- ★ Combined Support Maintenance Shop, Michigan Army National Guard - Pollution Prevention, Non-industrial Installation; and
- ★ Major Laura McHugh, Pennsylvania Army National Guard - Sustainability, Individual.

### Camp Ripley Maneuver and Training Center, Minnesota Army National Guard, Natural Resources Conservation at a Large Installation.

The installation achieved a number of major natural resources conservation goals across its 53,000 acres and in adjacent communities which included enrolling 4,000 acres into the installation's Army Compatible Use Buffer (ACUB) and protecting an additional 18,000 acres in support of the buffer. Camp Ripley also developed new partnerships for ACUB funding and natural resources conservation management, and secured special legislation that returns state timber revenues to Camp Ripley for its reforestation and forest management program.



Mr. Tad Davis, Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health (DASA (ESOH)), presents the Secretary of the Army Environmental Award to Camp Ripley.  
Photo credit: Minnesota National Guard

### Fort Drum Cultural Resources Team, Fort Drum, New York Cultural Resources Management – Team/Individual

The successful effort in protecting and preserving archaeological sites in place, while still supporting their operational mission, won Fort Drum, N.Y. the Department of Defense award for Cultural Resources Management Team. Their practice of attempting to predict expansion and survey land ahead of schedule avoided archaeology-related delays to the nearly \$1 billion worth of new construction on Fort Drum in the past two years, an approach that helped the installation change its designs to avoid damaging six historically significant sites. Fort Drum is also the first Army installation to develop archaeological properties into training assets.

Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health (DASA (ESOH)), Mr. Tad Davis presented the Secretary of Army Environmental Awards to Camp Ripley and Michigan National Guard in ceremonies (pictured) held in Minnesota and Michigan respectively. Mr. Geoffrey Prosch, Principal Deputy Assistant Secretary of the Army for Installation and Environment presented Fort Drum with its award in April 2009.

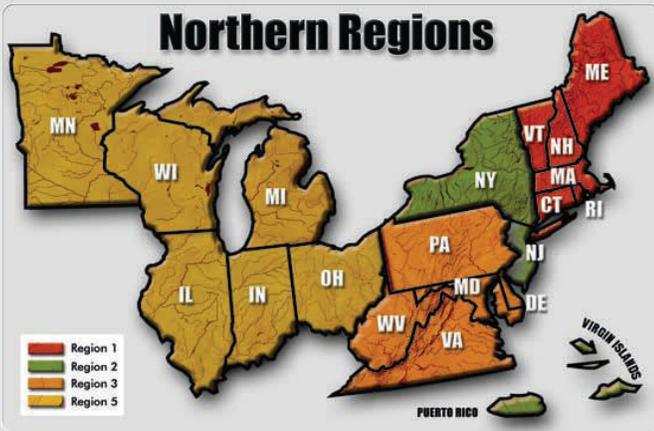


Michigan National Guard Combine Support Maintenance Shop receives SecArmy Environmental Award from DASA (ESOH).  
Photo credit: Michigan National Guard

For further details, please visit the [U.S. Army Environmental Command's awards page](#).

## Inside this Issue

<a href="#">Executive Office of the President</a> .....	2
<a href="#">DoD News</a> .....	3
<a href="#">Court Decisions</a> .....	3
<a href="#">US Environmental Protection Agency News</a> .....	3
<a href="#">Other Federal Agency News</a> .....	5
<a href="#">Region 1 News</a> .....	6
<a href="#">Region 2 News</a> .....	8
<a href="#">Region 3 News</a> .....	10
<a href="#">Region 5 News</a> .....	16
<a href="#">Professional Development</a> .....	19
<a href="#">Internet Resources</a> .....	23



*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>.



## **EXECUTIVE OFFICE OF THE PRESIDENT**

### **CHESAPEAKE BAY PROTECTION AND RESTORATION**

On 12 May 2009, President Obama enacted [Executive Order \(EO\) 13508](#), "Chesapeake Bay Protection and Restoration" [[74 FR 23097](#), May 15, 2009]. The EO establishes a Federal Leadership Committee (Committee), chaired by USEPA, to oversee the development and coordination of monitoring and restoration programs for the Chesapeake Bay. Some aspects which affect the DoD include: (1) Section 202 - reporting requirements to be drafted prior to 9 September 2009; (2) required yearly progress reports outlining the use of federal funding for Chesapeake Bay programs; (3) requires installations with federal land management responsibilities affecting 10 or more acres to implement USEPA guidance on land management; and (4) requires agencies to develop a plan for increasing public access to Chesapeake Bay resources and for protection of any historic, cultural, or ecological resource within the watershed.

### **PRESIDENTIAL MEMORANDUM ON THE ENDANGERED SPECIES ACT**

On March 3, 2009, President Obama issued a [memorandum](#) requesting that the Secretaries of the Interior and Commerce continue to follow prior longstanding consultation and concurrence practices involving the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) [[74 FR 9753](#), March 6, 2009]. The Obama Administration will review and potentially revise the final rule published December 16, 2008, addressing interagency consultation under the Endangered Species Act (ESA) ([73 FR 76272](#)).

### **PRESIDENTIAL MEMORANDUM ADDRESSING USE OF SCIENCE IN POLICYMAKING**

On March 9, 2009, President Obama issued a [memorandum](#) addressing the use of science in policymaking [[74 FR 10671](#), March 11, 2009]. The memo states that science and the scientific process must inform and guide decisions of the administration on a wide range of issues. The Director of the Office of Science and Technology Policy shall develop recommendations for Presidential action designed to guarantee scientific integrity throughout the executive branch. Each agency should have appropriate rules and procedures to ensure the integrity of the scientific process within the agency.



## DoD NEWS

**DOD INSTRUCTION FOR EMS** On April 15, 2009, DoD released [DoD Instruction \(DoDI\) 4715.17](#), “Environmental Management Systems.” The DoDI establishes policy, assigns responsibilities, and prescribes procedures for achieving conformance with Environmental Management Systems (EMS) pursuant to Executive Order 13423. The instruction states that the DoD’s policy will be to integrate EMS into missions, activities, functions, contracts, and installation support agreements as a business practice for improving overall performance. The DoDI applies to DoD Components and all DoD appropriate facilities and/or organizations worldwide, including installations; Government-owned, contractor-operated facilities; and DoD Components that are a host of or tenant on any DoD appropriate facility.

**DOD PERCHLORATE RELEASE MANAGEMENT POLICY MEMORANDUM** On April 22, 2009, the Office of the Deputy Under Secretary of Defense – Installations and Environment (ODUSD (I&E)) issued, by [memorandum](#), an updated Perchlorate Release Management Policy. The new policy addresses requirements for environmental restoration, drinking water and wastewater compliance, auditing, reporting, and funding. This policy supersedes the previous perchlorate policies issued by ODUSD(I&E). DoD-owned drinking water systems that are required to sample for inorganic analytes pursuant to regulatory requirements shall add perchlorate to their current analyte list for at least two sampling events if they have not done so already. For further information, contact Jayne Michaud at (703) 603-8847.

**NATIONWIDE PERMIT 46** US Army Corps of Engineers has issued a notice pertaining to the Nationwide Permit (NWP) 46 published in the Federal Register on March 12, 2007 [[74 FR 17456](#), April 15, 2009]. The notice clarifies circumstances under which NWP 46 requires pre-construction notifications. The clarification is relevant to Army discharges of dredged or fill material into non-tidal ditches that: (1) are constructed in uplands; (2) receive water from an area determined to be a water of the US prior to the construction of the ditch; (3) divert water to an area determined to be a water of the US prior to the construction of the ditch; and (4) are determined to be waters of the US. For further information, contact David Olson, US Army Corps of Engineers, (202) 761-4922, email: [david.d.olson@usace.army.mil](mailto:david.d.olson@usace.army.mil).



## Court Decision

**COURT OVERTURNS USEPA PM 2.5 STANDARD** On February 24, 2009, the U.S. Court of Appeals, District of Columbia Circuit, issued a [decision](#) overturning USEPA's 2006 standards for fine particulate matter (PM 2.5). In the same decision, the Court denied petitions for review of USEPA's standards for coarse particulate matter (PM 10). The Court remanded the annual National Ambient Air Quality Standards (NAAQS) to the USEPA for reconsideration, saying that USEPA failed adequately to explain why the standard should not be more stringent. For further information, contact USAEC at (410) 436-1231.



## US ENVIRONMENTAL PROTECTION AGENCY NEWS

### Air Quality

**STANDARDS OF PERFORMANCE FOR STATIONARY COMBUSTION TURBINES** USEPA has issued a direct final rule promulgating amendments to the sulfur dioxide (SO<sub>2</sub>) air emission standards for stationary combustion turbines that burn biogas (landfill gas, digester gas, etc.) [[74 FR 11858](#), March 20, 2009]. Without the amendments, owner/operators of new stationary combustion turbines containing low amounts of sulfur-containing compounds would be

required to install pretreatment facilities to remove the sulfur compounds prior to combustion or install post combustion controls to lower SO<sub>2</sub> emissions. This was not USEPA's intent. The amendments are relevant to Army owner/operators of new stationary combustions turbines associated with wastewater treatment or landfill gas. Barring adverse comment, the direct final rule becomes effective on May 19, 2009.

**PREDICTIVE EMISSIONS MONITORING** USEPA has issued a final rule promulgating Performance Specification (PS) 16 for predictive emissions monitoring systems (PEMS) [[74 FR 12575](#), March 25, 2009]. PS 16 provides testing requirements for assessing the acceptability of PEMS when they are initially installed. Currently, there are no federal rules requiring the use of PEMS; however, some sources have obtained USEPA approval to use PEMS as alternatives to continuous emissions monitoring systems (CEMS). Other sources may desire to use PEMS in cases where initial and operational costs are less than CEMS and process optimization for emissions control may be desirable. PS 16 will apply to any PEMS required in future rules in 40 CFR Parts 60, 61, or 63, and in cases where a source petitions USEPA and receives approval to use a PEMS in lieu of another emissions monitoring system. USEPA has also finalized minor technical amendments to testing and monitoring provisions. For further information, contact USAEC at (410) 436-1231.

**MANDATORY GREENHOUSE GAS REPORTING RULE** USEPA has issued a proposed rule regarding mandatory greenhouse gas (GHG) reporting [[74 FR 16447](#), April 10, 2009]. The proposed rule does not require control of GHG, rather it requires only that sources in regulated categories above threshold levels monitor and report emissions. The rule is targeted at large industrial, engine manufacturing, and power generation facilities, but any large facilities emitting 25,000 tons or more per year of carbon dioxide (CO<sub>2</sub>) equivalent GHG emissions will also have to report. The newly formed Army Air Quality Working Group, estimates 25 Army installations would be covered by the proposed rule assuming the threshold of 25,000 metric tons of CO<sub>2</sub> is finalized. Greater impact may come from states developing GHG reporting regulations that may be more stringent than federal requirements. Further information may be found at the USEPA [GHG website](#).

**PROPOSED PUBLIC ENDANGERMENT FINDING FOR GHG** USEPA has issued a proposed rule stating that GHGs endanger public health and welfare [[74 FR 18886](#), April 24, 2009]. The rule identifies all six GHGs: CO<sub>2</sub>, methane, nitrous oxide (NO<sub>x</sub>), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. In addition, USEPA stated that combined emissions of CO<sub>2</sub>, methane, NO<sub>x</sub>, and hydrofluorocarbons from new motor vehicles and new motor vehicle engines are contributing to air pollution that is endangering public health and welfare. For further information, contact USAEC at (410) 436-1231.

**PSD AND NSR AGGREGATION RULE** USEPA has proposed delaying the effective date for a previously issued [final rule](#) addressing "aggregation" under the Prevention of Significant Deterioration (PSD) and the non-attainment New Source Review (NSR) programs [[74 FR 11509](#), March 18, 2009]. The previous rule described when a source must combine nominally-separate physical changes and changes in the method of operation for the purpose of determining whether they are a single change resulting in a significant emissions increase. The proposed delay is in response to a petition received from the Natural Resources Defense Council (NRDC) for a USEPA rule reconsideration proceeding. The proposal seeks to delay the effective date of the rule from February 17, 2009 until May 18, 2009. For further information, contact USAEC at (410) 436-7077.

**NESHAP FOR STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES** USEPA has issued a proposed rule amending the Reciprocating Internal Combustion Engines (RICE) National Emission Standard for Hazardous Air Pollutants (NESHAP) [[74 FR 9697](#), March 5, 2009]. The amendment would impose emission limits or management practices for: (1) all units located at area HAP sources; (2) existing stationary RICE that have a site rating of less than or equal to 500 brake horsepower (HP) that are located at major HAP sources; and (3) existing stationary compression ignition (CI) engines greater than 500 brake HP that are located at major HAP sources. These units are not currently subject to the NESHAP. The proposal would also add emission limits during periods of startup and malfunction. Existing non-emergency engines greater than 500 HP located at either major or area sources will likely need to install a catalytic emission control or some other after treatment technology to comply. Most smaller units and large emergency units will not require after treatment. USEPA issued a notice announcing a comment extension for the RICE rule by 30 days until June 3, 2009 [[74 FR 17130](#), April 14, 2009]. For further information, contact USAEC at (410) 436-7077.

**REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE** USEPA has made available for public review and comment a planning document titled, "Carbon Monoxide National Ambient Air Quality Standards: Scope and Methods Plan for Health Risk and Exposure Assessment" [[74 FR 17490](#), April 15, 2009]. The document describes USEPA's planned approach for developing analyses as part of the review of the NAAQS for carbon monoxide (CO). USEPA has released the planning document to seek consultation with the Clean Air Scientific Advisory Committee (CASAC) and to solicit public comments. Comments are due on June 15, 2009. For further information, contact USAEC at (410) 436-1231.

**METHODS AND FORMATTING FOR SUBMITTING RISK MANAGEMENT PLANS** USEPA has issued a notice of availability providing information on the method and format for submitting risk management plans (RMPs) under the Chemical Accident Prevention regulations [[74 FR 17483](#), April 15, 2009]. The regulations require owners and operators of stationary sources subject to the regulations to submit RMPs on their processes in a method and format specified by USEPA. A new RMP submission method, called RMP\*eSubmit, should be used by facilities submitting their RMPs electronically beginning March 13, 2009. The new submission method is On-line via USEPA's [secure Web site](#).

**RISK AND EXPOSURE ASSESSMENT REPORT FOR SULFUR DIOXIDE** USEPA has released the "[Second Draft Risk and Exposure Assessment Report for Sulfur Dioxide](#)" [[74 FR 18573](#), April 23, 2009]. Air quality criteria has been established for sulfur oxides (SO<sub>x</sub>) and NAAQS have been established for sulfur dioxide (SO<sub>2</sub>). As part of the NAAQS review, USEPA has prepared an assessment of exposures and characterization of health risks associated with ambient SO<sub>2</sub>. The document contains a staff policy assessment that considers the evidence presented in the final Integrated Science Assessment (ISA) and the exposure and risk characterization results presented in the second draft document.

## Spill Prevention, Control, and Countermeasures

**DELAY OF EFFECTIVE DATE FOR SPCC REVISIONS** USEPA has delayed the effective date of the December 5, 2008, [final rule](#) that amended the Spill Prevention, Control, and Countermeasure (SPCC) regulations [[74 FR 14736](#), April 1, 2009]. The SPCC rule amendments clarify, tailor, and streamline requirements for facility owners / operators who are required to prepare and implement an SPCC Plan to prevent the discharge of oil into or upon navigable waters of the US or adjoining shorelines. The delay moves the effective date of the amendments to January 14, 2010.

## Toxic Substances

**TOXICS RELEASE INVENTORY FORM A ELIGIBILITY REVISIONS** USEPA has issued a final rule affecting facilities subject to Toxics Release Inventory (TRI) reporting [[74 FR 19001](#), April 27, 2009]. The final rule amends the eligibility criteria for submitting a Form A Certification Statement in lieu of the more detailed Form R. The final rule complies with the [Omnibus Appropriations Act of 2009](#) and applies to facilities that submit annual reports under section 313 of the Emergency Planning and Community Right-To-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act. For PBT chemicals, the final rule eliminates Form A eligibility for those chemicals listed at 40 CFR section 372.28. For non-PBT chemicals, the final rule reinstates the 500-pound annual reporting amount (the total of releases and other waste management) and 1 million pounds manufactured, processed, or otherwise used Form A eligibility threshold in effect prior to December 22, 2006. The final rule became effective on April 27, 2009.

## Water Quality

**LOW IMPACT DEVELOPMENT GUIDANCE** USEPA has assembled guidance on [Low Impact Development](#) (LID) and [Green Infrastructure](#). LID describes land planning and engineering design approaches that manage storm water runoff. LID emphasizes conservation and use of on-site natural features to protect water quality. This approach implements engineered small-scale hydrologic controls to replicate the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source. USEPA intends the term "green infrastructure" to generally refer to systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse storm water or runoff on the site where it is generated. Green infrastructure can be used at a wide range of landscape scales in place of, or in addition to, more traditional storm water control elements to support the principles of LID. For further information, contact USAEC at (410) 436-7076.

## OTHER FEDERAL AGENCY NEWS

**DOUBLE-CRESTED CORMORANT DEPREDATION ORDERS** USFWS has issued a final rule extending, for five years, the expiration dates for two existing depredation orders for double-crested cormorants [[74 FR 15394](#), April 6, 2009]. The extension will allow USFWS to continue to authorize take of double-crested cormorants without a permit under the terms and conditions of the depredation orders. The takes are authorized to protect aquaculture, fish hatcheries, fish resources, other birds, vegetation, and habitats. The final rule became effective on April 30, 2009.

**FIVE-YEAR REVIEWS OF NINE SPECIES** The US Fish and Wildlife Service (USFWS), initiated five-year reviews of two threatened species (prairie bush-clover and Mead's milkweed) and seven endangered species (Scioto madtom, purple cat's paw pearl mussel, winged mapleleaf (mussel), Tumbling Creek cavesnail, Karner blue butterfly, Mitchell's satyr butterfly, and Michigan monkey-flower) under the Endangered Species Act of 1973 (ESA) [[74 FR 11600](#), March 18, 2009].

USFWS has requested new information on each species that may have a bearing on its classification as endangered or threatened. Based on the results of the five-year reviews, USFWS will make a finding on whether these species are properly classified under ESA. There is potential impact on Army installations with the Karner blue butterfly being recorded onsite at New Hampshire State Military Reservation and Fort McCoy, Wisconsin.

**REGULATIONS FOR RENEWABLE ENERGY PROJECTS ON THE OUTER CONTINENTAL SHELF** The Minerals Management Service (MMS) has issued a final rule establishing the [Renewable Energy Program](#) [74 FR 19637, April 29, 2009]. The program will grant leases, easements, and rights-of-way (ROW) for renewable energy project activities on the Outer Continental Shelf (OCS), as well as certain previously unauthorized activities that involve the alternate use of existing facilities located on the OCS. The rule also establishes methods for sharing revenues generated by this program with nearby coastal states. MMS has added federal agencies to the list of entities qualified to hold a lease. After the proposed rule was published, MMS received inquiries from the Navy concerning the acquisition of areas of the OCS as set-asides for renewable energy development to meet requirements imposed by the Energy Independence and Security Act of 2007 and the Energy Policy Act of 2005 (EPA) that pertain to improved energy performance in the federal sector. By adding federal agencies to the qualification list, MMS could issue a lease to the Navy or other federal agency that would authorize OCS renewable energy development to provide electrical generation for its installations and facilities. The final rule becomes effective on June 29, 2009.

# 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](mailto: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

**POTABLE WATER TREATMENT FACILITY GENERAL PERMIT** USEPA New England has issued a notice announcing the availability of draft National Pollutant Discharge Elimination System (NPDES) [general permits](#) (GPs) [74 FR 19081, April 27, 2009]. The draft GPs are for potable water treatment facility (PWTF) discharges to certain waters of the Commonwealth of Massachusetts and the State of New Hampshire ([MAG640000](#) and [NHG640000](#)) and replace the previous PWTF GPs, which expired on November 15, 2005. The draft permits establish Notice of Intent (NOI) requirements, effluent limitations, standards, prohibitions, and management practices for facilities with discharges from potable water treatment facilities. Owners and/or operators of these facilities, including those currently authorized to discharge under the expired GPs, are required to submit an NOI to be covered by the PWTF GP to both USEPA New England and the appropriate state agency. Comments are due by May 27, 2009.



## Connecticut

**VEHICLE IDLING REGULATIONS** On April 29, 2009, [S.B. 792](#) was amended and passed the Senate. The bill would prohibit the idling, for more than three consecutive minutes, of any motor vehicle, except for certain exempted purposes. The floor amendments add a provision that states the operation of a motor vehicle in violation of the provisions does not constitute probable cause for a law enforcement official to conduct a search of such vehicle and its contents or of the operator's person. A similar bill, [S.B. 268](#), was also introduced on January 22, 2009, by Sen. Edward Meyer.



# Massachusetts

**CONCURRENT JURISDICTION OVER THE FORMER DEVEN MILITARY BASE** On March 6, 2009, Rep. Harold Naughton introduced [H.B. 1996](#). The bill would classify the articulated land comprising the former Devens military base as under concurrent jurisdiction with the US for use by the Federal Bureau of Prisons. The bill was referred to Joint Committee on Municipalities and Regional Government upon introduction.

**LOCAL ZONING REGULATIONS AT LAURENCE G. HANSCOM FIELD** On March 6, 2009, Rep. Jay Kaufman introduced [H.B. 3252](#). The bill provides that the development of any facility within Laurence G. Hanscom Field property for any purposes other than those directly related to the operation of aircraft shall be subject to the provision of chapter 30, chapter 40A, chapter 40C, chapter 41, and section 40 of chapter 131 of the Massachusetts General Laws. The bill was referred to Joint Committee on Telecommunications, Utilities and Energy upon introduction.

**VEHICLE IDLING REGULATIONS** On March 6, 2009, Rep. Paul Kujawski introduced [H.B. 3641](#), which would provide that no owner or operator of a vehicle shall cause or permit a vehicle to idle for more than five minutes in any 60 minute period. The bill would exempt military vehicles that idle while in an emergency or training mode. The bill was referred to Joint Committee on Transportation upon introduction.

**HAZARDOUS WASTE TRANSPORTATION LIABILITY** On March 12, 2009, Sen. Anthony Gallucio introduced [S.B. 1699](#). The bill would impose liability, on the owner or operator of a motor vehicle transporting any hazardous article or material, for damages to a person or property caused by the release of any such article or material. The bill would raise fines for violations. The bill was referred to Joint Committee on Judiciary upon introduction.

**UNIFORM REGISTRATION AND PERMITTING PROGRAM FOR HAZARDOUS MATERIAL TRANSPORT** On March 13, 2009, Rep. Anthony Petrucelli introduced [S.B. 1955](#). The bill would establish a uniform registration and permitting program for persons who transport hazardous material or hazardous waste by motor vehicle on the public highways under the Alliance for Uniform Hazmat Transportation Procedures. The bill was referred to the Joint Committee on Transportation upon introduction.

**HAZARDOUS WASTE TRANSPORTATION RESTRICTIONS** On March 12, 2009, Sen. Anthony Gallucio introduced [S.B. 945](#). The bill would authorize municipalities to ban the transport of certain hazardous materials on rotaries with the approval of the highway department. The bill was referred to Joint Committee on Public Safety and Homeland Security upon introduction and a hearing was held on April 16, 2009.

**GROUNDWATER DISCHARGE PERMIT PROGRAM** The Massachusetts Department of Environmental Protection (MassDEP) has amended several groundwater discharge permit program regulations (314 CMR 5.00) to streamline the permit process. The amendments: (1) authorize general permits for certain discharges that currently require individual permits; (2) establish a new process for evaluating hydrogeological reports; (3) add individual or general permits for storm water runoff from certain land uses; and (4) add new provisions for permitting seasonal discharges. In addition, an outdated list of specific effluent limits was eliminated and replaced with a requirement for dischargers to meet the standards in the drinking water regulations. In conjunction with the amendments, MassDEP has released several draft general permits. The draft permits cover: (1) small privately owned wastewater treatment facilities; (2) small publicly owned wastewater treatment facilities; (3) privately owned wastewater treatment facilities that treat wastewater from commercial carwashes; (4) storm water runoff from parking lots with high intensity use; and (5) open-loop geothermal well systems. The amendments became effective on March 20, 2009.

**AMENDMENTS TO AIR REGULATIONS FOR VOCs** MassDEP has adopted amendments to air pollution control regulations concerning VOCs. The amendments include: (1) *310 CMR 7.00, Definition of VOC* – addition of compound HFE-7300 to the list of exempt compounds in the current definition; (2) *310 CMR 7.03(16), Paint Spray Booths* - technical correction and deletion of a sentence to clarify the regulation's intent; (3) *310 CMR 7.18(8), Metal Solvent Cleaning* - impose a vapor pressure limit on cold cleaning solvents; and (4) *310 CMR 7.25(12), Consumer Products* – addition of an Alternative Compliance Plan (ACP) option to the existing consumer products regulations that allows manufacturers of consumer products to average VOC emissions among products to meet VOC limits. The amendments became effective on March 6, 2009.

**OIL SPILL PREVENTION AND RESPONSE REGULATIONS** MassDEP has issued [emergency Oil Spill Prevention and Response Regulations](#) at 314 CMR 19.00. The emergency regulations provide for a 24-hour notice of intent to transit, state pilot services, and rescue tug services, for tank vessels carrying 6,000 barrels or more of oil in Buzzards Bay. The emergency regulations became effective on February 12, 2009, and MassDEP intends to make the regulations permanent.



## New Hampshire

**INCORPORATION OF FEDERAL HAZARDOUS AIR STANDARDS** The New Hampshire Department of Environmental Services (NHDES) has issued a [proposed rule](#) to incorporate, by reference, federal updates to the state hazardous air pollution rules. In order to remain in compliance with federal standards, NHDES must update the state rules to incorporate federal changes. The proposed update incorporates New Source Performance Standards (NSPS) and NESHAPs from July 1, 2006 to July 1, 2008. In addition, NHDES has proposed to reinstate the NESHAP for municipal solid waste landfills, which was inadvertently omitted from later versions of Env-A 500 after it was adopted in 2004.

**MAJOR AND MINOR GROUNDWATER WITHDRAWAL RULES** NHDES has adopted [interim rules](#) pertaining to major and minor groundwater withdrawals, Env-Ws 387 and 388. The rules address the standards and procedures for groundwater withdrawals. The minor groundwater standards are for withdrawals of 57,600 to 144,000 gallons per day while the major groundwater standards are for withdrawals over 144,000 gallons per day. The interim rules were necessary because the current rules expired on May 12, 2009 and NHDES is in the process of readopting permanent rules. The interim rules expire on November 9, 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](mailto: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

**SOUTHERN NEW JERSEY ATTAINMENT OF ONE-HOUR OZONE STANDARD** USEPA has issued a final rule announcing the determination of attainment of the one-hour ozone standard for the Southern New Jersey Portion of the Philadelphia Metropolitan non-attainment area [[74 FR 15864](#), April 8, 2009]. Due to the determination, the Southern New Jersey portion is not subject to the imposition of penalty fees under section 185 of the federal Clean Air Act (CAA) and does not need to implement contingency measures. The final rule is not a redesignation of attainment for this area, only a fulfillment of a CAA obligation to determine if the area attained the ozone standard by its applicable attainment date of November 15, 2005. The final rule became effective on May 8, 2009.

**DIESEL IDLING RULE REVISIONS** USEPA has issued a final rule approving a State Implementation Plan (SIP) revision submitted by New Jersey to revise the rules regarding the idling of diesel-powered vehicles [[74 FR 17781](#), April 17, 2009]. The revision changes the exceptions to and exemptions from the state's existing three-minute idling rule. The

final rule approves a control strategy that will help New Jersey achieve attainment of the NAAQS for ozone and fine particulate matter. The final rule became effective on May 18, 2009.

**RENEWABLE ENERGY** On March 31, 2009, Governor Jon Corzine signed into law [A.B. 2550](#). The new law permits the location of certain renewable energy facilities in areas zoned for industrial use. A renewable energy facility is defined as a facility that engages in the production of electric energy from solar technologies, photovoltaic technologies, or wind energy. The law provides that the permitted use exception for renewable energy facilities within industrial districts is limited to parcels of land comprising at least 20 contiguous acres that are owned by the same person or entity. The law became effective upon signature.

**CONTROL OF AIR POLLUTION BY VOCs AND NOx** The New Jersey Department of Environmental Protection (NJDEP) has [adopted](#) the following new rules and amendments: (1) Control and Prohibition of Air Pollution by Volatile Organic Compounds (N.J.A.C. 7:27-16); (2) Control and Prohibition of Air Pollution from Oxides of Nitrogen (N.J.A.C. 7:27-19); (3) Control and Prohibition of Particles from Combustion of Fuel (N.J.A.C. 7:27-4); (4) Sulfur in Solid Fuels (N.J.A.C. 7:27-10); and (5) Air Administrative Procedures and Penalties (N.J.A.C. 7:27A-3.10). The new rules and amendments will help New Jersey meet the federal 1997 eight-hour Ozone NAAQS by reducing VOC emissions and NOx emissions. The new rules and amendments also reduce SO<sub>2</sub> emissions, which will help the state meet the federal 1997 annual NAAQS for PM<sub>2.5</sub>. Source categories affected by the new rules and amendments include: (1) sources with alternative or facility specific maximum allowable NOx emission rates; (2) sources with alternative VOC emission limits; (3) asphalt used for paving; (4) boilers serving electric generating units; (5) sources subject to control technique guidelines (CTGs) for flat wood paneling coatings; (6) stationary combustion turbines and boilers serving electric generating units that operate on high electric demand days (HEDD); (7) industrial/commercial/institutional (ICI) boilers and other indirect heat exchangers; (8) municipal solid waste (MSW) incinerators; and (9) VOC stationary storage tanks. The new rules and amendments became effective on April 20, 2009, and operative on May 19, 2009. NJDEP will petition USEPA for final approval.

**MAXIMUM CONTAMINANT LEVEL FOR PERCHLORATE** NJDEP has proposed [amendments](#) to the New Jersey Safe Drinking Water Act (SDWA) rules at N.J.A.C. 7:10 to establish a maximum contaminant level (MCL) of five micrograms per liter (µg/l) for perchlorate. The proposed amendments specify monitoring, compliance, and public notification requirements for perchlorate. NJDEP has also proposed amendments to the Private Well Testing Act (PWTA) rules at N.J.A.C. 7:9E to include perchlorate. In addition, NJDEP has proposed to amend the Certification of Laboratories and Environmental Measurements regulations at N.J.A.C. 7:18. The proposed amendment to this chapter would establish an expedited notification process by which laboratories would inform their clients and the administrative authority within 24 hours of the sampling results when the perchlorate MCL is exceeded.

**AMENDMENTS TO THE FRESHWATER WETLAND PROTECTION ACT RULES** NJDEP has [proposed amendments](#) to the Freshwater Wetlands Protection Act (FWPA) rules. FWPA protects wetlands from development but authorizes disturbances under certain circumstances. FWPA rules also provide that a person proposing to engage in a regulated activity in a freshwater wetland or transition area may request from NJDEP Letter of Interpretation (LOI). The amendments would codify the determination process for LOIs. A LOI is NJDEP's official determination of whether there are any freshwater wetlands, transition areas, and/or state open waters present on a site or portion of a site. The LOI also identifies the boundaries of those areas and their resource value classification. Resource value classifications may change over time due to changing water quality, presence of endangered species, etc. The proposed amendments would establish criteria by which NJDEP would determine whether to require an applicant to comply with a new classification, if there was a classification change, within the term of the LOI. The determination would be based upon the degree of reliance an applicant has placed on the LOI. Comments are due by June 5, 2009.

**AMENDMENTS TO THE SURFACE WATER QUALITY STANDARDS** NJDEP has proposed to readopt, with [amendments](#), the Surface Water Quality Standards at N.J.A.C. 7:9B. The proposed amendments include: (1) revisions to the nutrient policies and phosphorus criteria; (2) inclusion of a new range of pH criteria applicable to southern coastal waters and new stream classification table for waters subject to the new pH criteria; (3) revised temperature criteria; (4) updated cyanide criterion; (5) a new policy encouraging reclaimed water for beneficial uses; and (6) a proposal to use the Integrated Water Quality Monitoring and Assessment Methods to identify impaired waters. Comments are due by June 16, 2009.

**INDUSTRIAL SITE RECOVERY ACT** NJDEP has proposed a [rule](#) to readopt the Industrial Site Recovery Act rules (ISRA), N.J.A.C. 7:26B. The ISRA was originally known as the Environmental Cleanup Responsibility Act, N.J.S.A. 13:1K-6 et seq. The act requires that the owners and operators of contaminated industrial establishments remediate the contamination to NJDEP's satisfaction prior to transferring or closing the industrial establishment. ISRA rules were scheduled to expire on February 24, 2009, but were extended by 180 days to August 24, 2009. Comments are due by June 5, 2009.

## MOTOR VEHICLE INSPECTION AND MAINTENANCE

NJDEP has proposed [new rules and amendments](#) to update the motor vehicle emission tests and standards for both gasoline and diesel vehicles. The proposed new and amended rules include: (1) Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles (N.J.A.C. 7:27-14); (2) Control and Prohibition of Air Pollution from Gasoline-Fueled Motor Vehicles (N.J.A.C. 7:27-15); (3) Air Administrative Procedures and Penalties (N.J.A.C. 7:27A); (4) Air Test Method 4: Testing Procedures for Diesel-Powered Motor Vehicles (N.J.A.C. 7:27B-4); and (5) Air Test Method 5: Testing procedures for Gasoline-Fueled motor Vehicles (N.J.A.C. 7:27B-5). The proposed rules are part of a new motor vehicle inspection and maintenance program developed by NJDEP, the Motor Vehicle Commission, and the Department of Treasury. Comments are due by June 19, 2009.

## AMENDMENTS TO THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN

The New Jersey Pinelands Commission (NJPC) has adopted [amendments](#) to its Comprehensive Management Plan (CMP) relating to cluster development and development transfer programs. The amendments provide specific standards for cluster development in the Forest and Rural Development Areas. The amendments include: (1) clustering requirements and standards; (2) the method for calculation of the permitted number of units in a cluster development, utilizing parcel size and permitted density; and (3) requirements that residential clusters in the Forest and Rural Development Areas be located on a parcel proximate to existing roads and existing development on adjacent or nearby parcels and buffered from adjoining or nearby nonresidential land uses. The amendments became effective on April 6, 2009.



## New York

### ASBESTOS PROJECT REQUIREMENTS

On April 7, 2009, Governor David Paterson signed into law [A.B. 157](#). The new law requires any contractor engaged in any asbestos project involving more than 260 linear feet, or more than 160 square feet of asbestos or asbestos material to notify both the USEPA and the New York Department of Environmental Conservation (NYDEC) ten days prior to the commencement of work on the project. The law became effective upon signature.

### GLOBAL WARMING POLLUTION CONTROL ACT

On May 5, 2009, [A.B. 7572](#) passed the Assembly and was introduced in the Senate. The bill would establish the "Global Warming Pollution Control Act." The Act would establish GHG limits and a GHG reporting system. The bill was referred to the Senate Environmental Conservation Committee upon introduction.

# 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](mailto: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 (ADJOURNED)
Pennsylvania	January 6	December 2010 TBD
Virginia	January 14	February 28 (ADJOURNED)
West Virginia	February 11	June 6



**RACT UNDER THE EIGHT-HOUR OZONE NAAQS** USEPA has proposed approval of a SIP revision submitted by the District of Columbia (DC) [[74 FR 12778](#), March 25, 2009]. The SIP revision demonstrates that DC meets the requirements of reasonably available control technology (RACT) for NOx and VOCs set forth by the CAA. The SIP revision also demonstrates that all requirements for RACT are met either through: (1) certification that previously adopted RACT controls under the one-hour ozone NAAQS continue to represent RACT for the eight-hour implementation purposes; and (2) a negative declaration demonstrating that no facilities exist in DC for the applicable control technology guideline (CTG) categories.

**IMPERVIOUS SURFACE BASED STORM WATER FEE** The DC Department of the Environment (DDOE) has proposed [amendments](#) to the water quality and pollution regulations (DCMR Title 21, Chapter 5). The amendments would convert the current storm water fee (flat fee or a volumetric fee) to a fee that attributes the cost of conveying storm water runoff to the quantity of storm water runoff generated from a property by use of impervious area as a surrogate metric. The metric, referred to as the Equivalent Residential Unit (ERU), is defined for billing purposes as 1,000 square feet and is based on a median area of a single family residential property. The conversion will result in the fee being based on the amount of impervious area on a given property. Property owners that use little potable water but have large impervious areas may see storm water fees increase.



## Delaware

**"CLOSED-CYCLE" COOLING SYSTEMS** On March 24, 2009, Rep. William Oberle introduced [H.C.R. 7](#), which urges the Delaware Department of Natural Resources and Environmental Control (DDNREC) to require all facilities that operate in Delaware waters and utilize cooling water intake structures to implement "closed-cycle" cooling systems. The bill also urges DDNREC to declare that "closed cycle" cooling systems constitute the best technology available for water intake structures. The bill was referred to the House Natural Resources Committee upon introduction and was passed out of committee on May 7, 2009.

**REDUCTIONS OF VOCs FROM CONSUMER AND COMMERCIAL PRODUCTS** DDNREC has finalized two [regulations](#) designed to reduce emissions of VOC from various consumer products, and from certain industrial/commercial adhesives and sealants. Delaware is not in compliance with federal ground-level ozone air quality standards. These two regulations will reduce VOC emissions, and are part of DDNREC's plan to attain the federal ozone standard by 2009. The new sections are amendments of Regulation 1141 (formerly Regulation 41) "Limiting Emissions of Volatile Organic Compounds from Commercial and Consumer Products" and they include: (1) section 2.0 to cover 23 more products/product types of consumer products and (2) new section, 4.0, to Regulation 1141 to cover industrial/commercial adhesive and sealant products. The new section will regulate the VOC content in certain industrial or commercial adhesives and sealant compounds. The regulations became effective on April 11, 2009.

**AMENDMENTS TO THE DELAWARE SOLID WASTE AUTHORITY REGULATIONS** The Delaware Solid Waste Authority (DSWA) has adopted [amendments](#) to the Regulations of the Delaware Solid Waste Authority. The adopted amendments encompass numerous changes to the comprehensive regulations, which were last amended in 2001. The adopted regulations update the current regulations consistent with current practices and objectives. The amendments include: (1) changes to licensing requirements, including a new requirement of a license to haul dry waste; (2) contractors with certain governmental entities to use DSWA facilities for the disposal of certain waste; (3) a requirement for the filing of an annual registration statement by owners and operators of recycling programs and facilities; and (4) numerous textual and definitional changes to the current regulations. The amendments became effective on March 11, 2009.

**ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS** DDNREC has [drafted changes](#) to the regulations governing the design, installation, and operation of on-site wastewater treatment and disposal systems. Some of the changes will include: (1) greatly expanding the large systems (>2,500 gpd) section and incorporating the spray irrigations regulations into the document; (2) renumbering the document to adhere to state guidelines; and (3) reformatting the chapters to provide a better flow which coincides with the permitting process. Some minor revisions are planned for the small systems sections since these were updated as recently as April 2005.



**RACT REQUIREMENTS FOR VOCS** USEPA has issued a direct final rule approving Maryland SIP revisions. The revisions pertain to Maryland's major source VOC RACT regulation [[74 FR 12556](#), March 25, 2009]. The direct final rule converts the conditional limited approval status of Maryland's VOC RACT regulations to a full approval, based on USEPA approvals of all the case-by-case RACT determinations submitted by Maryland. Barring adverse comment, the direct final rule will become effective on May 26, 2009.

**BALTIMORE EIGHT-HOUR OZONE NON-ATTAINMENT AREA MOTOR VEHICLE EMISSION BUDGETS** USEPA has issued a notice of adequacy for the Motor Vehicle Emissions Budgets (MVEBs) in the Reasonable Further Progress (RFP) Plan submitted by Maryland as a SIP revision [[74 FR 13433](#), March 27, 2009]. USEPA determined that the budgets are adequate for transportation conformity purposes. Due to the determination, Maryland must use the MVEBs from the June 4, 2007 RFP Plan for future conformity determinations for the eight-hour ozone standard. The MVEBs became effective on April 13, 2009.

**“SMART, GREEN AND GROWING” LEGISLATIVE INITIATIVES** On May 7, 2009, Governor Martin O'Malley signed into law three bills associated with the state's "Smart, Green and Growing" [legislative initiatives](#). The bills signed are: (1) "The Smart and Sustainable Growth Act of 2008" ([S.B. 280](#), effective July 1, 2009) - requires a local jurisdiction to implement and follow a local comprehensive plan; (2) "Planning Visions" ([S.B. 273](#), effective October 1, 2009) - 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](#), effective June 1, 2009) - 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. A notice regarding the legislative initiatives and the proposed bills was published in the March *Northern Region Review*.

**DYED DIESEL FUEL VIOLATIONS** On May 7, 2009, Governor Martin O'Malley signed into law [H.B. 163](#). The new law establishes specified violations involving the use of dyed diesel fuel in the propulsion tanks of motor vehicles on state highways. The law becomes effective on October 1, 2009.

**GREENHOUSE GAS EMISSIONS REDUCTION ACT OF 2009** On May 7, 2009, Governor Martin O'Malley signed into law [H.B. 315](#), and its companion bill [S.B. 278](#). The new laws require the Maryland Department of the Environment (MDE) to publish and update an inventory of statewide GHG emissions for calendar year 2006. The laws also require the state to: (2) develop and adopt a specified plan, adopt specified regulations, and implement specified programs to reduce GHG emissions. A notice announcing the introduction of H.B. 315 was published in the March *Northern Region Review*. The laws becomes effective on October 1, 2009.

**CHESAPEAKE BAY NITROGEN REDUCTION ACT OF 2009** On May 7, 2009, Governor Martin O'Malley signed into law [S.B. 554](#). The new law states that a septic system for a newly constructed building or one installed as a replacement system within the Chesapeake and Atlantic Coastal Bays Critical Area must use the best available technology for nitrogen removal. The law requires MDE to assist homeowners in paying the cost difference between that system and a conventional system. The law also establishes penalties and enforcement mechanisms. The law becomes effective on October 1, 2009.

**WATER POLLUTION CONTROL LAW PENALTY REVISIONS** On May 7, 2009, Governor Martin O'Malley signed into law [S.B. 408](#), which requires MDE to adopt regulations providing performance improvement incentives for the owner/operator of specified wastewater systems. The new law requires that the incentives be in the form of reductions in specified penalties. The law also increases the penalties for violations of the water pollution control law. The law becomes effective on October 1, 2009.

**PERMITTING NOTIFICATION REQUIREMENT REVISIONS** On May 7, 2009, Governor Martin O'Malley signed into law [S.B. 47](#), which revises the permitting notification requirements. The new law mandates that when MDE requires notice of permit application for a facility, that notice must be sent by mail to residents within a two mile radius of the proposed facility. It also requires the notice to include: (1) name and address of applicant; (2) location and nature of the facility for which a permit has been sought; (3) reference to the applicable statutes; (4) time and place of any public hearing; and (5) description of where further information on the permit can be found. The law becomes effective on October 1, 2009.

**STORM WATER USER CHARGE** On April 13, 2009 [S.B. 672](#) failed upon adjournment. The bill would have required counties and municipalities to establish a storm water user fee to pay for storm water management cost and planning, and grants to encourage storm water abatement practices. A notice announcing the introduction of S.B. 672 was published in the March *Northern Region Review*.



## Pennsylvania

**APPROVAL OF TRANSPORTATION CONFORMITY REQUIREMENTS** USEPA has issued a direct final rule approving SIP revisions submitted by the Commonwealth of Pennsylvania [[74 FR 19451](#), April 29, 2009]. The revisions establish state transportation conformity requirements. Barring adverse comments, the direct final rule becomes effective on June 29, 2009.

**FINAL AUTHORIZATION OF STATE HAZARDOUS WASTE MANAGEMENT REVISIONS** USEPA has issued a immediate final rule authorizing revisions to the Pennsylvania hazardous waste program under the Resource Conservation and Recovery Act (RCRA) [[74 FR 19453](#), April 29, 2009]. Barring adverse comment, the final authorization becomes effective on June 29, 2009.

**MUNICIPAL WASTE PLANNING, RECYCLING, AND WASTE REDUCTION ACT AMENDMENTS** On March 24, 2009, Rep. Mario Scavello introduced [H.B. 1069](#), which would amend the 1988 Municipal Waste Planning, Recycling and Waste Reduction Act. The bill would allow a county or its designated agent to impose a recycling and waste management fee on municipal solid waste generated within its borders and received at resource recovery facilities or municipal waste landfills. The bill passed out of the Committee on Environmental Resources and Energy and was referred to the House Committee on Appropriations on May 6, 2009.

**SOLID WASTE MANAGEMENT ACT AMENDMENTS** On March 9, 2009, Rep. Marguerite Quinn introduced [H.B. 801](#), which would amend the 1980 Solid Waste Management Act. The bill would require, in the event of a release at a facility, that the owner or operator report the release to the 24-hour emergency response contact telephone number for the appropriate departmental regional office immediately upon discovering the release. The bill defines "release" to mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any substance causing pollution into the environment. The bill was referred to House Committee on Environmental Resources and Energy upon introduction.

**STATE SAFE DRINKING WATER ACT AMENDMENTS** On March 9, 2009, Rep. Marguerite Quinn introduced [H.B. 802](#), which would amend the Pennsylvania Safe Drinking Water Act. The bill would prohibit the Pennsylvania Department of Environmental Resources Protection (DERP) from issuing a permit or approval for any facility, discharge, or other activity within a critical zone unless the applicant demonstrates that the activity will not degrade the existing water quality of the critical zone. The bill would require DERP to establish the form and content of a surface water intake protection ordinance to enumerate the land uses to be regulated in the critical zone. Critical zone is defined as the area extending from one-quarter mile downstream of a drinking water intake for a community water system to 25 miles upstream from the intake, including an area one-quarter mile inland from the bank of the surface water body. The bill was referred to House Committee on Environmental Resources and Energy upon introduction.

**WASTEWATER OPERATOR CERTIFICATION REGULATIONS** PADEP has issued a [proposed rule](#) to implement provisions of the Water and Wastewater Systems Operators' Certification Act, which was passed by the state legislature in 2002. The act restructured Pennsylvania's Operator Certification Program to meet federal guidelines. In addition, the act: (1) applied the federal requirements for an Operator Certification Program to wastewater treatment system operators; (2) required completion of system security training for all certified operators; and (3) the submittal of a criminal history report from the Pennsylvania State Police as a requirement for certification. The proposed rulemaking deletes Title 25, Chapter 301, 303, and 305 and creates a new Chapter 302.

**REVISED POLICY GUIDANCE FOR CEMS ON COMBUSTION UNITS** PADEP has revised the Enforcement Policy, "Continuous Emission Monitoring Systems (CEMS) and Coal Sampling/Analysis Systems," which has been in effect since July 1985. The revised title of the guidance is "[Compliance Assurance Policy for CEMS on Combustion Units](#)" (273-4000-005). The scope of the guidance has been expanded to apply to all averaging periods, air contaminants, and parameters for all combustion units subject to Continuous Source Monitoring requirements. The revised guidance incorporates provisions of the March 1992 Interim Continuous Source Monitoring Systems (CSMS) Penalty Guidelines - Hourly Based

Emission Standards. Penalty provisions are revised to reflect improvements in source performance relative to emissions since 1985. The revised guidance became effective on April 1, 2009.

**IMPLEMENTATION GUIDANCE FOR TEMPERATURE CRITERIA FOR NPDES PERMITS** PADEP has adopted an implementation guidance document titled, "[Implementation Guidance Temperature Criteria](#)" (391-2000-017). The guidance describes methods to produce thermal effluent limits consistent with applicable criteria and the protection of aquatic life and any other applicable uses. The guidance details procedures for calculating thermal effluent limits for NPDES permits. Temperature criteria are usually of concern in establishing effluent limits for thermal dischargers from power generating facilities and other industries which use cooling water, but this guidance also applies to any source where PADEP determines that temperature limits are necessary to achieve water quality standards. The guidance became effective on April 11, 2009.

**PROPOSED DESIGNATIONS FOR THE 2008 EIGHT-HOUR OZONE STANDARD** PADEP has [proposed designation recommendations](#) for the 2008 eight-hour ozone standard. In March 2008, USEPA promulgated a revised eight-hour NAAQS. The governor of each state must now submit designation recommendations to USEPA in accordance with Section 107(d) of the CAA. Pennsylvania's designation recommendations are based on air quality monitoring data for 2006-2008, demographic information and other criteria, as recommended by USEPA. The recommendations are: (1) *Single-County Non-Attainment Areas* - Erie, Greene, Indiana, Lancaster, Berks and Monroe Counties; (2) *Multi-County Non-Attainment Area* - Allegheny, Armstrong, Beaver, Butler, Washington, Fayette and Westmoreland Counties; (3) *Multi-County Non-Attainment Area* - Adams and York Counties; (4) *Multi-County Non-Attainment Area* - Cumberland, Perry, Dauphin and Lebanon Counties; (5) *Multi-County Non-Attainment Area* - Carbon, Lehigh and Northampton Counties; (6) *Multi-County Interstate Non-Attainment Area* - Bucks, Chester, Delaware, Montgomery and Philadelphia counties; and (7) *Non-Attainment Area (most likely part of an interstate area)* - Mercer County. The remainder of the Commonwealth would be designated as attainment. USEPA expects to make final designations in March 2010.

**STORAGE TANK AND SPILL PREVENTION PROGRAM** PADEP has proposed [amendments](#) to Chapter 245, which relates to the administration of the storage tank and spill prevention program. The proposal includes comprehensive underground storage tank (UST) operator training requirements. The proposed operator training provisions are consistent with federal requirements for UST operators contained in the Federal Energy Policy Act of 2005. The proposal also includes corrections and clarifications to existing regulations. The proposal includes: (1) *Subsection (a)* - general requirements for trained operators; (2) *Subsection (b)* - descriptions of the classes of storage tank operators to be trained; (3) *Subsection (c)* - required and acceptable forms of training for each class of operator; (4) *Subsection (d)* - deadlines for new and existing operators to meet the training requirements; and (5) *Subsection (e)* - documentation requirements. Comments were due in April and are currently under review. There is no timetable for future development at the moment.

**REVISIONS TO THE GENERAL NPDES PERMIT FOR STORMWATER DISCHARGES FROM MS4S** PADEP has [proposed revisions](#) to the NPDES General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s) (PAG-13, 2003 issuance) and renewal for another five years. The current PAG-13 permit was previously extended and is scheduled to expire on March 9, 2010. The PAG-13 permit will continue to be in force until formal revision of the PAG-13 2009 amendment is published as final in the Pennsylvania Bulletin. Revisions have been made to the draft PAG-13 permit to provide clarity and to reflect programmatic changes. Changes include provisions to facilitate the compliance of storm water ordinance requirements included in the 2003 MS4 permit and an additional requirement of a storm water TMDL plan for impaired waters with an approved TMDL. PADEP has also proposed increasing the PAG-13 permit filing fee from \$100 to \$250, payable to the Commonwealth of Pennsylvania Clean Water Fund.

**CLIMATE IMPACT ASSESSMENT REPORT** PADEP is requesting comments on the draft report, "[Pennsylvania Climate Impacts Assessment](#)." The report is required by the Pennsylvania Climate Change Act of 2008 (P. L. 935, Act 70). The report presents an assessment of the consequences of projected global climate change for Pennsylvania.



Virginia

**APPROVAL OF OPEN BURNING REGULATION AMENDMENTS** USEPA has issued a final rule approving a SIP revision submitted by the Commonwealth of Virginia [[74 FR 11661](#), March 19, 2009]. The SIP revision pertains to the amendments of Virginia's open burning regulation. The final rule became effective on April 20, 2009.

**NORTHERN VIRGINIA RACT UNDER EIGHT-HOUR OZONE NAAQS** USEPA has issued a proposed rule to approve a SIP revision submitted by the Commonwealth of Virginia. The SIP revision demonstrates that the Virginia portion of the Washington, DC-MD-VA area meets the requirements of RACT for NO<sub>x</sub> and VOCs set forth by CAA. The Virginia portion contains the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William. The SIP revision also demonstrates that all requirements for RACT are met either through: (1) certification that previously adopted RACT controls under the one-hour ozone NAAQS continue to represent RACT for the eight-hour implementation purposes; and (2) a negative declaration demonstrating that no facilities exist in Virginia portion of the Washington, DC-MD-VA area for certain control technology guideline (CTG) categories; and (3) a new RACT determination for a specific source.

**WETLANDS MITIGATION** On March 27, 2009, Governor Tim Kaine signed into law [H.B. 1595](#). The new law authorizes the Middle Peninsula Chesapeake Bay Public Access Authority to receive and expend funds in order to restore or create tidal wetlands within the region that the authority serves. If wetlands credits result from the restoration or creation of such projects, the credits can only be used by the Authority's member jurisdictions. The new law becomes effective on July 1, 2009.

**WASTE WATER LOAD AND NUTRIENT ALLOCATIONS** On March 27, 2009, Governor Tim Kaine signed into law [H.B. 2074](#), which establishes an expedited process for the State Water Control Board to review petitions from certain wastewater treatment facilities to maintain nutrient allocations based upon a higher design flow. The board is authorized to accept these petitions through July 10, 2009. The board, in reviewing the petitions, would determine whether to grant each petitioning facility an extension to December 31, 2015, to obtain a certificate at a higher design flow. The current deadline is December 31, 2010. Whether the facilities are granted or denied the extension, each facility would still have to comply with its currently applicable nutrient allocations by January 1, 2011, whether by obtaining point source nutrient credits or by some other means. This bill is identical to [S.B. 1022](#), which was signed by Governor Kaine on March 30, 2009. Both laws become effective on July 1, 2009.

**STORMWATER OFFSETS** On March 27, 2009, Governor Tim Kaine signed into law [H.B. 2168](#). The new law authorizes permit-issuing authorities to allow storm water permit holders to comply with non-point nutrient runoff water quality criteria via two ways. The first way would allow the permit holder to acquire offsite non-point nutrient offsets that have been certified under the Chesapeake Bay Nutrient Exchange Program. The second way would be through water quality measures contained in a regional storm water management plan. The new law stipulates that the offsets must be in the same tributary as the permitted activity. The law requires an offset broker to pay the permit-issuing authority a fee equal to six percent of the amount paid by the permittee for the offsets. The new law becomes effective on July 1, 2009.

**STORM WATER MANAGEMENT EMERGING TECHNOLOGY** On March 30, 2009, Governor Tim Kaine signed into law [S.B. 1114](#). The new law directs the Virginia Soil and Water Conservation Board to adopt regulations that provide for the evaluation and potential inclusion of emerging storm water control technologies that prove effective in reducing non-point source pollution. The law becomes effective on July 1, 2009.

**MID-ATLANTIC OFFSHORE WIND ENERGY INFRASTRUCTURE DEVELOPMENT COMPACT** On March 27, 2009, Governor Tim Kaine signed into law [S.B. 1349](#), which establishes the Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact. Under the new law, the party states to the compact will be Virginia, Delaware, Maryland, New Jersey, and New York. The purposes of the compact are to: (1) study, develop, and promote coordinated research and planning of the design, construction, utility interconnection, financing, and operation of offshore wind energy infrastructure and operations directly adjacent to the shores of the party states; (2) coordinate federal, state, and local government efforts; and (3) seek funding. The compact provides for a board with five representatives from each party state, three of whom are to be appointed by the Governor, one by the Speaker of the House, and one by the Senate. The law becomes effective on July 1, 2009.

**REGULATION OF STORM WATER** On March 30, 2009, Governor Tim Kaine signed into law [S.B. 982](#). The new law requires localities to provide full or partial waivers of charges to any person who develops, redevelops, or retrofits outfalls, discharges, or property so that there is a permanent reduction in post-development storm water flow and pollutant loading. The person must have obtained a storm water permit from either the VA Department of Conservation and Recreation or the VA Department of Environmental Quality to be eligible for the waivers. The law becomes effective on July 1, 2009.

**VIRGINIA STORM WATER MANAGEMENT PERMIT (VSMP) REGULATIONS** The Virginia Soil and Water Conservation Board has approved and finalized amendments to 4 VAC 50-60, titled "[Virginia Storm Water Management Permit \(VSMP\) Regulations](#)." The amendments were necessary in order to develop a new general permit for storm water discharges from construction activities. Regulations require that VSMP permits be effective for a fixed term not to exceed

five years. The existing five-year general permit was issued on July 1, 2004, thus necessitating the promulgation of a new general permit by the June 30, 2009 expiration date. The final permit becomes effective on July 1, 2009. Additional amendments to 4 VAC 50-60-1150 (permit application/registration statement) and Form DCR199-146 became effective on May 13, 2009.



## West Virginia

**GENERAL PERMIT FOR STORM WATER DISCHARGES FROM SMALL MS4S** The West Virginia Department of Environmental Protection (WVDEP) has reissued the state NPDES general water pollution control permit for storm water discharges from small MS4s for a five-year term. The permit will replace the existing small MS4s General Permit No. WV0116025, which expired on March 6, 2008 and was extended to September 30, 2008.

# 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](mailto:Tony.Nesky@us.army.mil).



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

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

**ESTABLISHMENT OF DPS FOR THE WGL POPULATIONS OF GRAY WOLVES** USFWS has issued a final rule identifying the Western Great Lakes (WGL) Populations of Gray Wolves as a Distinct Population Segment (DPS) and revising the List of Endangered and Threatened Wildlife [74 FR 15069, April 2, 2009]. The geographic extent of the DPS includes: (1) all of Minnesota, Wisconsin, and Michigan; (2) eastern half of North Dakota and South Dakota; (3) northern half of Iowa; (4) northern portions of Illinois and Indiana; and (5) northwestern portion of Ohio. USFWS revised the List of Endangered and Threatened Wildlife established by removing gray wolves within the WGL DPS. The removal is based on data indicating that the DPS no longer meets the definitions of threatened or endangered under ESA. The final rule removes the DPS from the lists of Threatened and Endangered Wildlife, removes the currently designated critical habitat for the gray wolf in Minnesota and Michigan, and removes the current special regulations for gray wolves in Minnesota.



## Indiana

**PERMIT REQUIREMENTS** On May 6, 2009, Governor Mitch Daniels signed into law [H.B. 1162](#). The new law requires obtaining all approvals from local governments (counties, cities, or towns) before commencing construction, installation or operation of facilities, equipment, or devices under an Indiana Department of Environmental Management (IDEM) permit. The law requires IDEM to consider and give effect to environmental restrictive covenants in evaluating risk based remediation proposals. IDEM must also make every reasonable effort to identify the pollutant under consideration when establishing total maximum daily load (TMDL) for a surface water. The law specifies the categories of regulation for all

waters of the state, and establishes the factors the IDEM commissioner must consider in determining whether a proposed discharge is socially or economically necessary under anti-degradation standards and implementation procedures. The new law became effective upon signature.



## Michigan

**MICHIGAN GREAT LAKES WIND COUNCIL** In February 2009, Governor Jennifer Granholm issued [Executive Order 2009-1](#), which created the [Great Lakes Wind Council](#). The council is an advisory body within the Department of Energy, Labor, and Economic Growth that provides citizens with a public forum on the siting of wind energy systems. The Wind Council is tasked with identifying criteria for excluding areas from wind farms. The council has until September 1, 2009 to deliver a report to the governor.

**MICHIGAN CLIMATE ACTION PLAN** In March 2009, the Michigan Climate Action Council (MCAC) issued its final [Climate Action Strategy](#). Governor Jennifer Granholm established the MCAC in November 2007 to recommend policy options for mitigating climate change. The strategy contains 54 policy recommendations to reduce GHG to a level 20 percent below 2005 emissions by 2020, and a level 80 percent below 2005 emissions by 2050. The recommendations include development of GHG inventories, stricter building codes, net metering for distributed generation, and joining the Chicago Climate Exchange. The Strategy also supports a national cap and trade program and the enactment of national legislation by 2010 that will drive immediate reduction in GHG emissions.

**AMENDMENTS TO THE ENDANGERED AND THREATENED SPECIES LISTS** The Michigan Department of Natural Resources (MDNR) has finalized [amendments](#) to the list of Endangered and Threatened Species. The amendments include the addition of: (1) mollusks on the Endangered and Threatened Lists; (2) insects on the Endangered List; (3) fish on the Endangered list and the addition of species to the list if they are rediscovered in the state; (4) amphibians on the Endangered and Threatened lists; (5) reptiles on the Endangered list; (6) birds on the Endangered and Threatened lists and the addition of species to the list if they are rediscovered in the state; (7) mammals on the Endangered and Threatened lists; and (8) plants on the Endangered and Threatened lists and the addition of species to the list if they are rediscovered in the state. The amendments became effective on April 9, 2009.



## Minnesota

**GREENHOUSE GAS EMISSIONS REGISTRY** On April 1, 2009, [H.F. 774](#) was passed by the House Finance Committee and re-referred to the Environment and Natural Resources Finance Division. The bill would establish a GHG emissions registry and require the commissioner of the Minnesota Pollution Control Agency to establish a system for reporting and maintaining an inventory of GHG emissions. The bill has a Senate companion bill, [S.F. 444](#).

**AMENDMENTS TO RULES GOVERNING RADIOACTIVE MATERIALS** The Minnesota Department of Health (MNDH) has finalized [amendments](#) to the [radioactive materials regulations](#). The amendments incorporate changes made to the federal regulations. The final amendments incorporate updates to the following federal regulations: (1) National Source Tracking of Sealed Sources; (2) National Source Tracking of Sealed Sources, Revised Compliance Dates; (3) Medical Use of Byproduct Material – Minor Corrections and Clarifications; (4) Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements; (5) Requirements for Expanded Definition of Byproduct Material; and (6) Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent. MNDH has adopted additional amendments to: (1) specify survey meter calibrations at a 12-month frequency instead of the current non-specific “periodically”; (2) put into rule leak test requirements for sealed sources; (3) move the decay in storage requirements from the medical section to a general section, making them applicable to all licensees; (4) specify dose calibrator testing requirements including frequency; and (5) clarify the amendment requirements to add a medical use authorized user. The rules apply to all persons who own, receive, possess, use, transfer, acquire, or dispose of any radioactive material. The amendments became effective on February 29, 2009.



**REQUIREMENTS FOR PUBLIC WATER SYSTEM LICENSES** The Ohio Environmental Protection Agency (OEPA) has adopted revisions to Chapter 84 of the Ohio Administrative Code (OAC), which sets forth the requirements for public water system licenses. The revisions rescind rule [OAC 3745-84-01](#) and replaced it with new rules [3745-84-01](#), [-02](#), [-03](#), [-04](#), [-05](#), and [-06](#). The new rules establish situations and procedures for conditioning, suspending, revoking, or denying a license to operate. License applicants will be required to supply information with regard to the legal owner, lessee, financial contact, and operator of record. The rules also establish requirements to notify the public of the water system's license status by displaying the license on site and for notification of their license status to be in the consumer confidence report. The new rules became effective on April 1, 2009.

**AIR REGULATION AMENDMENTS** OEPA has adopted new and amended rules, and rescinded rules to OAC Chapter [3745-21](#), "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards." The adopted rules are based on control technology guidelines (CTGs) issued by USEPA in 2006 and 2007. The CTG-based rules are intended to address federal requirements, and along with the other rules in this submittal assist in achieving and maintaining the ozone NAAQS. The new rules apply to the eight "moderate" non-attainment counties located in the Cleveland/Akron, Ohio metropolitan area (i.e., Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit County). The rules became effective on April 2, 2009.

**EMISSIONS REDUCTION CREDIT TRADE AND BANKING PROGRAM** OEPA has adopted new regulations for [OAC 3745-111](#), "[ERC Trade and Banking Program](#)." The purpose of the Emission Reduction Credit (ERC) trade and banking program is to have an official method for Ohio companies to register un-verified and verified ERCs into an OEPA ERC banking system for future internal use or to trade for the purpose of offsets. Currently, OEPA conducts ERC verification on a case-by-case basis only at the time a major facility needs to use ERCs for emission offsets. OEPA anticipates that these new rules will reduce the risk in finding emission offsets at the time of need by creating a clear registration and banking system in addition to publishing available ERCs on the Agency's website. The new regulations became effective on January 8, 2009.

**AMENDMENTS TO RULES RELATED TO PESTICIDE DEFINITIONS AND RECORD KEEPING** The Ohio Department of Agriculture (ODA) has adopted amendments to administrative rules [901:5-11-01](#) and [901:5-11-10](#). These rules relate to pesticide definitions and record keeping. Rules 901:5-11-01 and 10 are being filed to comply with five year review requirements. Language has been updated to correspond with changes in ODA policy and pesticide technologies and to clarify portions of the rules that were less clear. The amendments became effective on April 3, 2009.

**EXTENSION OF TIME FOR FILINGS** As part of the five year review process, the Ohio Environmental Review Appeals Commission (OERAC) has readopted and refiled Rule [3746-5-09](#). The rule extends the time for filings with the Commission. No changes were made to the rule. The rule must next be reviewed no later than March 9, 2012.



**STATE HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS** In two separate final rules USEPA has granted Wisconsin final authorization of revisions to its hazardous waste program under RCRA [[74 FR 17423](#), April 15, 2009], [[74 FR 17785](#), April 17, 2009]. The revisions were required to allow the state program to maintain consistency with the federal program. The April 15 final rule authorizes the renumbering and revision of Wisconsin's previously authorized regulations. The April 17 final rule authorizes revisions to multiple regulations, including: (1) Technical Amendments to the Universal Treatment Standards and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Waste; (2) Hazardous Waste Management System; and (3) Land Disposal Restrictions Phase III-Decharacterized Wastewaters. The final rules became effective upon publication in the Federal Register.

**HAZARDOUS MATERIAL FEE INCREASES** The Wisconsin Department of Military Affairs (WIDMA) approved [amendments](#) that increase fees for facilities that house hazardous chemicals, hazardous materials, and extremely hazardous substances. The fees are used to fund the EPCRA Program. The increase in fees will ensure that there is adequate funding for grants to counties and funding for state activities to support counties with planning and response to chemical emergencies. The fee increase became effective on May 1, 2009.

## PROFESSIONAL DEVELOPMENT

WHAT	WHEN	WHERE	DETAILS
<a href="#"><u>2009 Federal Environmental Symposia</u></a>	West 6/2 - 6/4/09  East 6/16 - 6/18/09	<b>Grand Mound, WA</b>  <b>Bethesda, MD</b>	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.
<a href="#"><u>IMCOM 2009 Installation Management Institute (IMI)</u></a>	6/8 - 6/12/09	<b>San Antonio, TX</b>	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.
<a href="#"><u>National Association of Resource Conservation and Development Councils National Conference</u></a>	6/14 - 6/18/09	<b>Albuquerque, NM</b>	Hosted by the National Association RC&D the fifth triennial conference will feature several training tracks. The tracks include: RC&D; Financial Management; Working with Partners; Energy; Natural Resources; Key Issues; and USDA Forest Service.
<a href="#"><u>ESPC Comprehensive Workshop</u></a>	6/16 - 6/18/09 7/14 - 7/16/09	<b>Denver, CO</b> <b>Charlotte, NC</b>	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.
<a href="#"><u>Air and Water Management's Annual Conference and Exhibition</u></a>	6/16 - 6/19/09	<b>Detroit, MI</b>	Hosted by the Air and Water Management Association, the conference will feature a technical program with over 500 speakers, hundreds of exhibitors displaying the newest products and services, networking events, and professional development courses taught by leading instructors. Due to the conference location, this year's technical program will feature a variety of sessions that examine environmental issues that are relevant to the Michigan/Great Lakes region.
<a href="#"><u>30th Annual Society For Wetland Scientist Conference</u></a>	6/21 - 6/26/09	<b>Madison, WI</b>	The conference is hosted by the North Central Chapter of the Society of Wetland Scientists, with the deliberately broad and inclusive theme of Wetland Connections. The connections theme also portrays this year's joint meeting of three groups that collectively represent the surprising breadth of wetland endeavors.

WHAT	WHEN	WHERE	DETAILS
<a href="#">Sustainable Range Program (SRP) Workshop</a>	7/6 - 7/10/09	<b>Indianapolis, IN</b>	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.
<a href="#">National Resources Law Class</a>	8/5 - 8/7/09	<b>Shepardstown, WV</b>	Offered through DOI LEARN, this course provides an overview of the major federal conservation laws of interest to natural resource professionals. Sessions include information on case laws that are specific to federal species and habitat protection, pollution control, and trust responsibilities. Discussions include a historical overview of the development of wildlife and natural resource laws, legal authorities, and development in the courts as well as current legal issues.
<a href="#">GovEnergy 2009</a>	8/9 - 8/12/09	<b>Providence, RI</b>	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.
<a href="#">Sustaining Military Readiness Conference</a>	8/9 - 8/14/09	<b>Phoenix, AZ</b>	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.
<a href="#">UXO/Countermine/Range Forum 2009</a>	8/24 - 8/27/09	<b>Orlando, FL</b>	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.
<a href="#">The Conservation Leadership Network Training Courses</a>	Various Times	<b>Various Locations</b>	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.

WHAT	WHEN	WHERE	DETAILS
<a href="#">GoLearn</a>	Anytime	<b>Online</b>	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.
<a href="#">Army Podcast Service</a>	Free subscription service	<b>Online</b>	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.
<a href="#">US Army Corps of Engineers Training Program</a>	Various Times	<b>Various Locations</b>	USACE Fiscal Year 2009 training program is now available and open for registration. For further information, contact USACE, (402) 697-2559, or <a href="#">register</a> online.
<a href="#">Naval Civil Engineer Corps Officers School (CECOS) Training Courses</a>	Various Times	<b>Various Locations</b>	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.
<a href="#">USEPA Watershed Academy Web</a>	Anytime	<b>Online</b>	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.
<a href="#">USEPA Workshop for Federal Labs</a>	Various Times	<b>Various Locations</b>	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.

WHAT	WHEN	WHERE	DETAILS
<a href="#">USEPA and ITRC Training Website</a>	Multiple Dates	<b>Multiple Locations</b>	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.
<a href="#">NPDES Training and Workshops</a>	Various Times	<b>Various Locations</b>	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.
<a href="#">USEPA Mold Web Course</a>	Any Time	<b>Online</b>	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."
<a href="#">USEPA Watershed Assessment Tools Training</a>	Various Times	<b>Various Locations</b>	USEPA offers training on various watershed modeling or aquatic toxicity simulation tools such as BASINS, AQUATOX, and others.
<a href="#">USEPA Online EMS Training Course</a>	Any Time	<b>Online</b>	The course provides an overview of how environmental management systems (EMS) can support facility programs. The course takes about one hour to complete.
<a href="#">Qualified Recycling Program Course</a>	Various Times	<b>Various Locations</b>	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](#).

# Personnel Directory

## Jim Hartman

Director & DOD REC Region 5

410-436-7096

[james.hartman1@us.army.mil](mailto:james.hartman1@us.army.mil)

## Vance Hobbs

Deputy Director

410-436-0482

[vance.hobbs@us.army.mil](mailto:vance.hobbs@us.army.mil)

## Counsel

410-436-1275

[APGR-USAECNREORegionalCounsel@conus.army.mil](mailto:APGR-USAECNREORegionalCounsel@conus.army.mil)

## Bob Muhly

Army REGAC - Regions 1&2

410-436-6224

[robert.muhly@us.army.mil](mailto:robert.muhly@us.army.mil)

## Vacant

Army REGAC - Region 3

410-436-1275

[APGR-USAECNREORegionalCounsel@conus.army.mil](mailto:APGR-USAECNREORegionalCounsel@conus.army.mil)

## Tony Nesky

Army REGAC - Region 5

410-436-7248

[tony.nesky@us.army.mil](mailto:tony.nesky@us.army.mil)

(Home International)

## Project Manager

410-436-7098

[APGR-USAECNREOProjectManager@conus.army.mil](mailto:APGR-USAECNREOProjectManager@conus.army.mil)

(Home International)



# 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/>

## Regulatory Affairs Specialist

410-436-4044

[APGR-USAECNREOEnvironmentalSpecialist@conus.army.mil](mailto:APGR-USAECNREOEnvironmentalSpecialist@conus.army.mil)

(Home International)

## Administrative Assistant

410-436-7097

[APGR-USAECNREOAdministrativeAssistant@conus.army.mil](mailto:APGR-USAECNREOAdministrativeAssistant@conus.army.mil)

(Home International)

## General Office Number

410-436-7097

## Fax Number

410-436-7110

The *Northern Region Review* is a publication of the U.S. Army Office of Regional Environmental and Government Affairs - Northern. OREGA-N welcomes your comments.

Commercial: 410-436-4044

Fax: 410-436-7110

DSN: 584-

To be added to the distribution list and/or to receive back issues of the *Northern Region Review*, call or email the OREGA-N Regulatory Affairs Specialist at 410-436-4044, [APGR-USAECNREOEnvironmentalSpecialist@conus.army.mil](mailto:APGR-USAECNREOEnvironmentalSpecialist@conus.army.mil) or visit <http://www.asaie.army.mil/Public/ESOH/reo>.