



NORTHERN REGION REVIEW

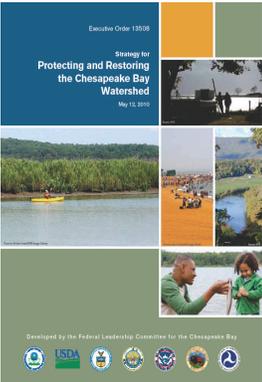


Environmental Legislative and Regulatory News

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New Federal Strategy for Chesapeake Launches Major Initiatives with Accountability

The new federal strategy for restoring and protecting the Chesapeake Bay watershed was released on May 12, 2010, and includes initiatives to use rigorous regulations to restore clean water, implement new conservation practices on 4 million acres of farms, conserve 2 million acres of undeveloped land, and restore oysters in 20 tributaries of the Bay. To increase accountability, federal agencies will establish milestones every two years for actions to make progress toward measurable environmental goals. These will support and complement the states' two-year milestones.



The *Strategy for Protecting and Restoring the Chesapeake Bay Watershed* was developed in accordance with the Executive Order issued by President Obama in May

2009, which declared the Chesapeake Bay a national treasure and ushered in a new era of federal leadership, action and accountability. The strategy is available at <http://executiveorder.chesapeakebay.net>.

Executive Order Background

On May 12, 2009, President Obama issued Executive Order 13508 on Chesapeake Bay Protection and Restoration. The purpose of the Executive Order is "to protect and restore the health, heritage, natural resources, and social and economic value of the nation's largest estuarine ecosystem and the natural sustainability of its watershed." To bring the full weight of the federal government to address the challenges, the Executive Order established the Federal Leadership Committee (FLC) for the Chesapeake Bay, chaired by the Administrator of the U.S. Environmental Protection Agency and including senior representatives from the Departments of Agriculture, Commerce, Defense, Homeland Security, Interior and Transportation. The FLC was charged with developing a new strategy for protection and restoration of the Chesapeake Bay.

Draft reports containing the initial recommendations were completed in September 2009 and refined through updates published in November 2009. The initiatives in the seven reports were blended into a Draft Strategy that was released in November 2009, and now form the core of the *Strategy for Protecting and Restoring the Chesapeake Bay Watershed*. The Strategy also outlines federal coordination with state activities, identifies goals for the environment, creates a process for reporting on progress, and explains how efforts will be adapted based on science and resources.

Aberdeen Proving Ground Earth Day / Arbor Day Celebration

Top officials from the Pentagon, the Corps of Engineers and the Environmental Protection Agency participated in the 16 April 2010 Earth and Arbor Day celebration at Aberdeen Proving Ground, Maryland.

Mr. Tad Davis, Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health, highlighted the daily environmental stewardship efforts of the Army with respect to the public resources entrusted to it. He also called attention to the July 2009 Army Chesapeake Bay Strategy, which sets the Army's direction and integrates conservation and protection efforts for the Chesapeake Bay into the Army's national defense activities.

Mr. Davis was joined by James B. Balocki, Chief, Environmental Community of Practice, Headquarters, U.S. Army Corps of Engineers, and Shawn M. Garvin, Regional Administrator, USEPA Region 3.

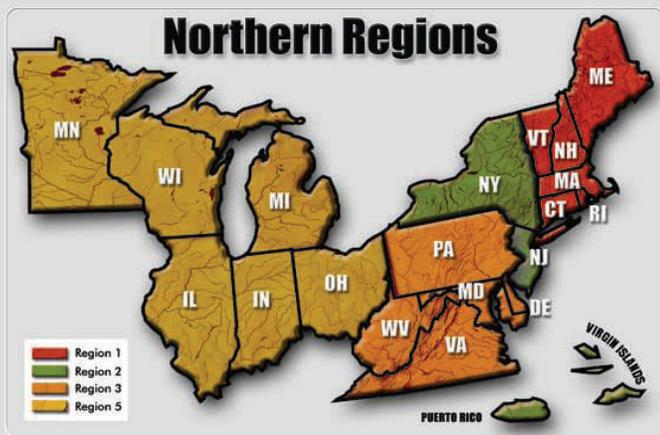


Left to right: CSM Rhodes APG, Mr. Shawn Garvin EPA, COL Ortiz APG, Mr. Tad Davis DASA-ESOH, Mr. Jim Balocki USACE HQ

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

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

HOW THE REGIONAL OFFICE WORKS FOR YOU

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

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

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

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

USEPA Releases Final Guidance on Federal Land Management

Chesapeake Bay Executive Order Section 502 called upon the Administrator of USEPA to publish guidance for federal land management in the Chesapeake Bay watershed. USEPA's objective in developing the guidance is to provide information that will allow federal agencies to lead by example. The guidance provides information and data on appropriate proven and cost-effective tools and practices for implementation on federal lands and at federal facilities. The guidance was released on May 12, 2010, and is available at <http://www.epa.gov/nps/chesbay502/>.

Army Chesapeake Bay Strategy

In July 2009, the Army released the *Army Chesapeake Bay Strategy*. The framework of the Army's strategy was designed to mirror the structure outlined in the Executive Order used by the FLC to develop the final strategy. The Army has worked closely with the Department of Defense and with FLC designees during the development of the *Strategy for Protecting and Restoring the Chesapeake Bay Watershed* to ensure compatibility.

Both the Army Strategy and the FLC Strategy have goals that focus on restoring water quality, restoring living resources, and restoration and conservation of habitats. The two strategies are also similar in that they require the development of an annual action plan to set targets toward Chesapeake Bay restoration in the upcoming year. Both also use an annual progress report to monitor and report on progress in meeting strategy goals, and make recommendations to adapt the strategy where necessary. A comparison of the goals from the strategies is provided below.

July 2009 Army Chesapeake Bay Strategy Goals

1. Contribute to restoring and sustaining the water quality of the Chesapeake Bay and its tributaries.
2. Restore and sustain living resources and healthy habitats on Army installations.
3. Support the implementation of ecosystem-based fisheries management, resources and healthy habitats.
4. Strengthen storm water management practices and maintain healthy watersheds.
5. Foster Chesapeake Bay stewardship.

Strategy for Protecting and Restoring the Chesapeake Bay Watershed -Essential Priorities

1. Restore Clean Water – Bay water quality, stream restoration, agriculture conservation, toxic contaminants.
2. Recover Habitats – Wetlands restoration, forest buffers, fish passage.
3. Sustain Fish & Wildlife – oysters, blue crab, brook trout, black ducks.
4. Conserve Land and Increase Public Access – land conservation and public access.

The *Strategy for Protecting and Restoring the Chesapeake Bay Watershed* has supporting strategies to the essential priorities above that include: Expand Citizen Stewardship, Develop Environmental Markets, Respond to Climate Change, and Strengthen Science.

For more information concerning these strategies, contact Vance Hobbs at 410-436-0482 or vance.hobbs@us.army.mil.



EXECUTIVE OFFICE OF THE PRESIDENT

PRESIDENT'S COUNCIL OF ADVISORS ON SCIENCE AND TECHNOLOGY On April 21, 2010, President Barack Obama issued Executive Order (EO) 13539, which established the President's Council of Advisors on Science and Technology (PCAST) [75 FR 21973, April 27, 2010]. PCAST is comprised of 21 council members, 20 of which will be individuals from sectors outside of the federal government. The new EO: (1) designates PCAST with responsibility for performing an assessment of the National Nanotechnology Initiative (NNI); (2) renames an advisory committee the President's Innovation and Technology Advisory Committee (PITAC); and (3) designates PITAC with responsibility for performing a review of the Networking and Information Technology Research and Development (NITRD) program.



DoD NEWS

DoD PLAN TO MINIMIZE USE OF HEXAVALENT CHROMIUM DoD has proposed amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) requirements for minimizing the use of hexavalent chromium (Cr⁶⁺) in defense weapon systems, subsystems, components, and other items [75 FR 18041, April 8, 2010]. Hexavalent chromium is a significant chemical in a range of DoD weapon systems and platforms, due to its corrosion protection properties. On April 8, 2009, the Under Secretary of Defense (Acquisition, Technology and Logistics) issued a memorandum establishing policy for the minimization of Cr⁶⁺ use throughout DoD. The proposed rule prohibits the delivery of items containing Cr⁶⁺ under DoD contracts unless an exception applies. The comment period closed on June 7, 2010.

ARMY PROPOSES NEW NRC AND ARA REGULATION The US Army has proposed revisions to the regulations concerning radiation sources on Army land [75 FR 19302, April 14, 2010]. The Army requires non-Army agencies (including their civilian contractors) to obtain an Army Radiation Permit (ARP) from the garrison commander to use, store or possess ionizing radiation sources on an Army installation. The purpose of the ARP is to protect the public, civilian employees and military personnel on an installation from potential exposure to radioactive sources. The US Army Safety Office, which is the proponent for the Army Radiation Safety Program, is revising the regulation to reflect the Nuclear Regulatory Commission (NRC) changes to licensing of Naturally-Occurring and Accelerator-Produced Radioactive Material (NARM). An ionizing radiation source means any source that, if held or owned by an Army organization, would require a specific NRC license or Army Radiation Authorization (ARA). The comment period closed on June 14, 2010.



US ENVIRONMENTAL PROTECTION AGENCY NEWS

General

SPRING 2010 SEMIANNUAL UNIFIED AGENDA USEPA has released the Spring Semiannual Unified Agenda [75 FR 21872, April 26, 2010]. The agenda lists all regulations and major policies currently under development, under review, completed, or cancelled since the last agenda was released in Fall 2009.

Air Quality

CO₂ REGULATION UNDER PSD PROGRAM USEPA has issued a final rule that revises the Agency's interpretation of when carbon dioxide CO₂ should be regulated under the Prevention of Significant Deterioration (PSD) program [75 FR 17003, April 2, 2010]. USEPA has refined its interpretation to establish that the PSD permitting requirements will not apply to a newly regulated pollutant until a regulatory requirement to control emissions of that pollutant "takes effect." In addition,

the final rule addresses several questions regarding the applicability of the PSD and Title V permitting programs to greenhouse gases (GHGs) upon the anticipated promulgation of USEPA regulations establishing limitations on emissions of GHGs from vehicles under Title II of the CAA. Collectively, these conclusions result in an USEPA determination that PSD and Title V permitting requirements will not apply to GHGs until at least January 2, 2011. The final rule also clarified that the interpretation of "subject to regulation" applies to Title V permitting as well. This final rule went into effect on March 29, 2010.

REVISIONS OF GENERAL CONFORMITY REGULATIONS USEPA has issued a final rule revising the General Conformity Regulations [[75 FR 17253](#), April 5, 2010]. The final rule facilitates federal agency compliance with conforming activities to State Implementation Plans (SIPs), thereby preventing violations of the National Ambient Air Quality Standards (NAAQS). The final rule establishes requirements that allow federal agencies expecting future expansion or modifications to negotiate a facility-wide emission budget with the applicable state air quality agencies. Actions taken that do not exceed these budgets conform to the SIP and do not need a conformity determination. This early reduction credit program will allow emissions of one precursor pollutant to be offset by the reduction of emissions of another precursor pollutant. The final rule also lists categories of actions that federal agencies can take to presume to conform. The final rule allows states to establish "presumed to conform" lists for actions in their state, thus removing the requirements for federal agencies to conduct conformity determinations for "regionally significant" actions. "Regionally significant" actions have emissions greater than 10 percent of the emissions inventory for a non-attainment area. The final rule becomes effective on July 6, 2010.

EMISSION AND FUEL STANDARDS FOR MARINE ENGINES USEPA has issued a final rule promulgating emission standards for new marine diesel engines with per-cylinder displacement at or above 30 liters (Category 3 marine diesel engines) installed on US vessels [[75 FR 22895](#), April 30, 2010]. USEPA has also finalized a change to their diesel fuel program that will allow for the production and sale of 1,000 ppm sulfur fuel for use in Category 3 marine vessels. In addition, the new fuel requirements will generally forbid the production and sale of other fuels above 1,000 ppm sulfur for use in most US waters, unless alternative devices, procedures, or compliance methods are used to achieve equivalent emissions reductions. The final rule becomes effective on June 29, 2010.

DELAY IN EFFECTIVE DATE FOR PSD FINAL RULE USEPA is delaying the effective date of the final rule titled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation" [[75 FR 27643](#), May 18, 2010]. The [final rule](#) for "aggregation," which USEPA published in the Federal Register on January 15, 2009, is subject to a petition for review and has not become effective. The effective date, already delayed twice, is further delayed (indefinitely) until such time as the proceeding for judicial review of this document is completed. USEPA will publish a document in the Federal Register announcing the effective date once the delay is no longer necessary.

MANDATORY REPORTING OF FLUORINATED GHG USEPA has issued a proposed rule to revise and supplement previously proposed actions requiring the reporting of fluorinated GHG emissions from certain source categories. [[75 FR 18651](#), April 12, 2010]. Specifically, USEPA is requiring the reporting of fluorinated GHG emissions from electronics manufacturing, production of fluorinated gases, and use of electrical transmission and distribution equipment. The proposed rule would not require control of GHGs; rather, it requires that sources above certain threshold levels monitor and report emissions. Under the proposed rule, facilities not already reporting but required to report under this rule would begin data collection in 2011, following outlined methods, and would submit data to USEPA by March 31, 2012. Operators of military installations may classify such installations as more than a single facility based on distinct and independent functional groupings, within contiguous military properties. The comment period closed on June 11, 2010.

MANDATORY REPORTING OF CO₂ INJECTION AND GEOLOGIC SEQUESTRATION USEPA has issued a proposed rule that has new reporting requirements for CO₂ injection and geologic sequestration [[75 FR 18575](#), April 12, 2010]. The proposed rule does not require control of GHGs, rather it requires only monitoring and reporting of CO₂ injection and geologic sequestration. USEPA first proposed that suppliers of CO₂ be subject to mandatory GHG reporting requirements in April 2009 and finalized the rule for suppliers of CO₂ on October 30, 2009. These regulations would affect owners or operators of oil and gas extraction facilities using CO₂ enhanced oil and gas recovery and CO₂ geologic sequestration projects. The comment period closed on June 11, 2010.

NEW REVISIONS TO THE MANDATORY GHG REPORTING RULE USEPA has issued a proposed rule amending the previously issued Mandatory GHG Reporting Rule [[75 FR 18455](#), April 12, 2010]. The proposed rule would require reporters subject to the Mandatory GHG Reporting Rule to provide: (1) the name, address, and ownership status of their US parent company; (2) the primary and all other applicable North American Industry Classification System (NAICS) codes; and (3) an indication of whether or not any of their reported emissions are from a cogeneration unit site. The comment period closed on June 11, 2010.

NEW REQUIREMENTS FOR CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES USEPA has proposed amendments to the rule governing case-by-case emission limits for major sources of hazardous air pollutants under section 112(j) of the Clean Air Act (CAA) [[75 FR 15655](#), March 30, 2010]. The current section 112(j) rule does not specifically address how states must permit facilities when, a national standard has been vacated by the courts. The proposed amendments would clarify how and when a source would submit a Title V permit application or revision for case-by-case Maximum Achievable Control Technology (MACT). The proposed amendments would immediately affect major sources previously subject to the now-vacated National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Industrial, Commercial and Institutional Boilers and Process Heaters source category. Sources in this category would have to submit permit applications within 90 days after promulgation of the amendments. USEPA estimates that approximately 15,500 boilers at major sources would be affected by the proposed amendments. The comment period closed on April 29, 2010.

RECONSIDERATION OF NSR AGGREGATION AMENDMENTS USEPA has proposed to reconsider revoking the NSR Aggregation Amendments promulgated on January 15, 2009 [[75 FR 19567](#), April 15, 2010]. The amendments established a new interpretation of the existing NSR rules governing the modification of major sources by requiring sources and permitting authorities to combine emissions from nominally-separate activities at a major stationary source only when the activities are substantially related. The proposed reconsideration is in response to a petition from the Natural Resources Defense Council (NRDC) received on January 30, 2009. USEPA has also proposed extending the effective date of the stay by an additional six months. The comment period closed on May 17, 2010.

LEAD EMISSIONS FROM PISTON-ENGINE AIRCRAFT USEPA has issued an Advance Notice of Proposed Rulemaking (ANPR) describing and requesting comment on data for evaluating lead emissions, ambient concentrations and potential exposure to lead from the continued use of leaded aviation gas (AVGAS) in piston-engine powered aircraft [[75 FR 22439](#), April 28, 2010]. Emissions of lead from piston-engine aircraft using leaded AVGAS comprise approximately half of the national inventory of lead emitted to air. Lead is not added to jet fuel that is used in commercial aircraft, most military aircraft, or other turbine-engine powered aircraft. Most piston-engine aircraft fall into the categories of either general aviation (GA) or air taxi (AT). This rule making notice has a minimal expected impact on the military due to low use of this fuel by DoD. The comment period closed on June 28, 2010.

EPCRA REPORTING OF HYDROGEN SULFIDE USEPA has extended the comment period for its intent to lift the Administrative Stay on the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 toxic chemical release reporting requirements for Hydrogen Sulfide [[75 FR 19319](#), April 14, 2010]. USEPA is currently considering additional information that has become available since the stay was put in place regarding the human health and environmental effects of hydrogen sulfide. USEPA is making more time available for further evaluation. USEPA is not revisiting the original listing decision, which was accomplished by final rule on December 1, 1993. Instead, USEPA is proposing reasons for why the Administrative Stay of the reporting requirements should be lifted. After consideration of comments received, the Agency will issue another Federal Register document responding to the recent comments and proceed with action. The comment period was extended by 15 days, and scheduled to close on April 27, 2010. The new comment period has since closed on May 12, 2010. Potentially affected entities include: manufacturing facilities, solvent recovery, coal mining facilities, facilities that combust coal/oil for generating power for commercial distribution, petroleum bulk terminals and plants and federal facilities.

Toxic Substances

PROPOSED LEAD DUST WIPE TEST USEPA has proposed several revisions to the Lead Renovation, Repair, and Painting Program (RRP) rule [[75 FR 25037](#), May 6, 2010]. The rule established accreditation, training, certification, and recordkeeping requirements as well as work practice standards for persons performing renovations, in most pre-1978 housing and child-occupied facilities. The proposed revisions include additional requirements designed to ensure that lead-based paint hazards generated by renovation work are adequately cleaned after renovation work is finished, and the areas meet regulatory clearance levels before the work areas are re-occupied. The proposal would also require a demonstration, through dust wipe testing, that dust-lead levels remaining in the work area are below regulatory levels. Comments must be received by July 6, 2010.

PROPOSED SAFE LEAD PAINT WORK PRACTICES USEPA has issued an Advance Notice of Proposed Rulemaking announcing the Agency's intention to regulate the renovation, repair, and painting of public and commercial buildings under section 402(c)(3) of the Toxic Substances Control Act (TSCA) [[75 FR 24848](#), May 6, 2010]. USEPA intends to propose lead-safe work practices and other requirements for renovations on the exteriors of public and commercial buildings. Additionally USEPA will determine whether lead-based paint hazards are created by interior renovation, repair, and painting projects in public and commercial buildings. USEPA has been petitioned to lower the definition to 0.06 percent lead by weight. Comments are due by July 6, 2010.

Water Quality

CHESAPEAKE BAY EXECUTIVE ORDER FINAL STRATEGY USEPA has released the final strategy for restoration and protection of the Chesapeake Bay [[75 FR 26226](#), May 11, 2010]. The final strategy originates from EO 13508, Section. 203. The strategy titled, "[Strategy for Protecting and Restoring the Chesapeake Bay Watershed](#)," incorporates final revisions resulting from public comments and federal agency participation. This final strategy describes federal actions to protect and restore the health, heritage, natural resources, and social and economic value of the Chesapeake estuarine ecosystem and the natural sustainability of its watershed. The strategy defines ways to: (1) reduce point and nonpoint source storm water discharges from federal facilities and lands; and (2) set pollution load reduction goals for each state and the District of Columbia under the Chesapeake Bay Total Maximum Daily Load (TMDL) allocation. The Bay TMDL will involve six states and the District of Columbia, and impacts pollution sources throughout a 64,000-square-mile watershed. USEPA is also working on a Municipal Separate Storm Sewer Systems (MS4) permitting approach for the Chesapeake Bay Watershed, scheduled to be released by July 31, 2010.

REVIEW OF EXISTING DRINKING WATER STANDARDS USEPA has conducted a detailed review of 71 National Primary Drinking Water Regulations (NPDWRs) to identify needed regulatory revisions. [[75 FR 15499](#), March 29, 2010]. USEPA determined the following four NPDWRs are candidates for revision: (1) acrylamide; (2) epichlorohydrin; (3) tetrachloroethylene; and (4) trichloroethylene. USEPA collected comments on the candidate NPDWRs to assist with possible regulatory revisions. The comment period closed on May 27, 2010.

EPA AND OMB EVALUATING STORMWATER MANAGEMENT USEPA has submitted a request to the Office of Management and Budget (OMB) for new information collection authority to evaluate current stormwater management practices [[75 FR 25852](#), May 10, 2010]. USEPA is particularly interested in obtaining information on controls and best management practices (BMPs) that promote onsite stormwater retention at newly developed and redeveloped sites. USEPA intends to develop several distinct questionnaires. The questionnaires will collect information on the scope of current state, county and local stormwater programs and the storm water management practices or standards that are currently required for controlling long-term stormwater discharges from developed sites. The scope of the questionnaires will include stormwater program implementation such as jurisdiction, implementation, oversight, enforcement, maintenance and monitoring, as well as program requirements such as retrofit of existing development and performance standards, which will be directed to: (1) owners and developers of residential, commercial, industrial, and non-commercial sites; (2) owners and operators of MS4s, including transportation-related facilities; and (3) states and USEPA regions that are NPDES permitting authorities. The comment period closed on June 4, 2010.

OTHER FEDERAL AGENCY NEWS

DOE FEDERAL FLEET MANAGEMENT GUIDANCE RELEASED On April 29, 2010, the US Department of Energy (USDOE) released a [document](#) titled, "Guidance for Federal Agencies on E.O. 13514 Section 12 – Federal Fleet Management." The guidance specifies the federal fleet management requirements of EO 13514 for: (1) GHG Emission Reduction Targets; (2) Strategic Sustainability Performance Plan; (3) GHG Reporting and Accounting; and (4) Fleet Petroleum Reductions. Military Tactical Vehicle Fleets are exempted from the requirements, as are vehicles operated outside of the US, and certain contractor-owned vehicles contracted for less than 12 months. This guidance is important to the military because DoD has made improving energy efficiency a priority and has invested millions in energy efficiency projects.

DRAFT TOXICOLOGICAL PROFILE DEVELOPMENT RELEASED The Agency for Toxic Substances and Disease Registry (ATSDR) announced the list of proposed substances that are being evaluated for toxicological profile development [[75 FR 16153](#), March 31, 2010]. The listing consists of 240 substances. ATSDR is required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to prepare toxicological profiles for each substance included on the [Priority List](#) of Hazardous Substances. ATSDR also will consider the nomination of any additional, substances not on this list that may have public health implications.

FIVE-YEAR STATUS REVIEW FOR ROSEATE TERN The US Fish and Wildlife Service (USFWS) has issued a notice clarifying a previously published five-year status review for the roseate tern [[75 FR 17153](#), April 5, 2010]. The prior notice, published on [December 16, 2008](#), indicated that the status review encompassed only the northeastern population of the roseate tern (Connecticut, Maine, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, and Virginia). USFWS is conducting a status review of this species throughout the entire area where it is listed. The roseate tern is currently listed as endangered in the US along the Atlantic Coast south to North Carolina, Canada (in Newfoundland, Nova Scotia, and

Quebec), and Bermuda. The roseate tern is listed as threatened in the Western Hemisphere and adjacent oceans, including: Florida, Puerto Rico, and the Virgin Islands. Although the roseate tern is not currently recorded on site at any military installation, the roseate tern could potentially be present on any military installation in the vicinity of the regions listed.

Regional

NAAQS PROPOSED SIP EIGHT-HOUR OZONE USEPA has issued a proposed consent decree on SIP submittals for 1997 eight-hour ozone NAAQS [[75 FR 24946](#), May 6, 2010]. USEPA has agreed to take final action no later than April 29, 2011 on the SIP submittals for 1997 eight-hour ozone NAAQS. The consent decree agreement covers the following states: Maine, Rhode Island, Connecticut, New Hampshire, Wisconsin, Indiana, Michigan, and Ohio.

Region 1

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

DRAFT NPDES GENERAL PERMITS FOR MASSACHUSETTS AND NEW HAMPSHIRE USEPA-Region I has issued a notice of availability of the draft National Pollutant Discharge Elimination System (NPDES) general permits for remediation facility discharges to certain waters of the Commonwealth of Massachusetts and the State of New Hampshire [[75 FR 21625](#), April 26, 2010]. USEPA has proposed issuing two nearly identical general permits for the two states. The Remediation General Permit (RGP) would replace the existing RGP, which will expire on September 9, 2010. The draft RGP establishes notice of Intent (NOI) requirements, effluent limitations, standards, and prohibitions; and management practices for facilities with discharges from remediation activities. The comment period closed on May 26, 2010.



Maine

HAZARDOUS WASTE REDUCTION LAW On April 1, 2010, Maine Governor John Baldacci signed into law [LD 1423](#). The law amends the toxic use and hazardous waste reduction laws administered by the Maine Department of Environmental Protection (MEDEP). The amendments modernize the statewide toxics use, toxics release and hazardous waste reduction goals by establishing a goal of zero discharge by 2050 and charging the Pollution Prevention Advisory Committee with establishing a schedule and process for continual progress toward the goal. The new law also sets forth a procedure to add new facilities or new chemicals or classes of chemicals. Finally, the new law specifies that the hazardous category required fee payment date will be July 1, 2012. A facility subject to fees may not be assessed more than \$1,000 per year.

REGIONAL HAZE RULE On April 5, 2010, Maine Governor John Baldacci signed into law [LD 1662](#). The CAA and regional haze regulations require states with fuel-burning sources that are reasonably anticipated to cause or contribute to impairment of visibility in federally designated Class I areas implement reasonable measures to reduce visibility impairment within those areas. Chapter 604 addresses these impacts and satisfies federal requirements; the new law will, in concert with the Northeast and mid-Atlantic states, incrementally reduce the allowable sulfur content of liquid fossil fuels beginning in 2014 extending into 2018.

ENERGY INFRASTRUCTURE CORRIDORS AND ENERGY INFRASTRUCTURE BENEFITS FUND On April 15, 2010, Maine Governor John Baldacci signed into law [H.B. 1274](#). The law requires the creation of "statutory corridors" that are designated state-owned energy infrastructure corridors. The law defines "Energy infrastructure" to include: (1) electric transmission and distribution facilities; (2) generation interconnection transmission facilities; (3) natural gas transmission lines; (4) carbon dioxide pipelines; and (5) other energy transport pipelines or conduits, but does not include generation interconnection transmission facilities or energy generation facilities. The law requires: (1) a process for the state to use when entering into occupancy agreements for development of energy infrastructure within statutory corridors; (2) the establishment of an interagency review panel to oversee the use of the statutory corridors; (3) procedures for soliciting, accepting, and evaluating proposals for utilization; (4) statutory corridor approval standards for long-term use and best use criteria; (5) revenues generated from the use of state-owned land and assets within energy infrastructure corridors be

deposited into an energy infrastructure benefits fund; (6) revenue transfer into the Efficiency Maine Trust for use to ensure the steady transition to energy independence and security; and (7) the generation of annual reports to the Joint Standing Committee of the Legislature, which oversees the Maine Trust, regarding expenditure of funds from the energy infrastructure benefits fund. The bill amends the laws governing the repeal date for the energy infrastructure corridor laws, changing the date from July 30, 2011 to July 30, 2015. There are different effective dates for different sections of this rule.

STORMWATER AND SITE LOCATION RULE CHANGES PENDING MEDEP has issued a [draft proposed rule](#) on June 17, 2010 requesting permission from the Board of Environmental Protection (BEP) to post the proposed revisions to several chapters of the Site Location Rules and the Stormwater Management Rules. A hearing on the proposed rules is tentatively scheduled for August 5, 2010. The formal public comment period opened on June 17, 2010 and remains open until August 17, 2010.

NEW LABORATORY CERTIFICATION RULES The Maine Center for Disease Control and Prevention has issued a final rule, Maine Comprehensive and Limited Environmental Laboratory Certification Rules, that is a complete repeal and replacement and has several additions on comprehensive certification. The purpose of the Laboratory Certification Program rules is to establish quality guidelines for laboratory data received by the Department of Human Services and the Department of Environmental Protection. The amended rules establish new procedures for certifying laboratories by creating minimum criteria for laboratory operations, performance, and administration. The program is intended for the certification of all laboratories, including industrial, commercial, and government, which generate compliance data, perform quality testing and utilize quality control procedures. The final rule became effective on April 1, 2010.



Massachusetts

INTEGRATED LIST OF WATERS The Massachusetts Department of Environmental Protection (MassDEP) has developed a [TMDL Strategy](#) that: (1) prioritizes all listed water bodies; (2) establishes TMDLs for degraded waters; and (3) plans for implementation of Best Management Practices (BMPs) to clean up polluted water bodies. The Massachusetts Total Maximum Daily Load (TMDL) Strategy will be incorporated into the state's five-year planning and permitting cycle. The [Proposed Massachusetts Year 2010 Integrated List of Waters](#) document will be submitted to the USEPA in fulfillment of reporting requirements under 305(b) and 303(d) of the Clean Water Act (CWA). The 2010 List is based on new watershed assessments completed for the: Chicopee, French, Quinebaug, Nashua watersheds, and the Narragansett Bay, and Mount Hope Bay Coastal Drainage Areas. The comment period closed on June 11, 2010.



New Hampshire

GROUNDWATER MONITORING AND TREATMENT RULES New Hampshire Department of Environmental Services (NHDES) has issued a [proposed rule](#), which would amend the state Groundwater Monitoring and Treatment rules (Env-Dw 717.20, Env-Dw 717.21, and Env-Dw 1210.01). The proposed rule would implement 40 CFR 141 Subpart S (§§400-405), the federal Ground Water Rule. The proposed amendments to Env-Dw 717.20 and Env-Dw 717.21 would revise these rules to more clearly tie the rules together for all water systems. An amendment is being proposed to Env-Dw 1210.01, Sanitary Field Inspections, to reflect that three sections (Env-Dw 720. Sections, Env-Dw 720.07 through Env-720.09) do not apply to Privately-Owned Redistribution Systems (PORS). The proposal will make state rules comparable to the federal Safe Drinking Water Act rules. Adoption of a state equivalent was required for New Hampshire to retain primacy for the public drinking water program. The comment period closed June 17, 2010.

INSPECTION OF PWS AND PORS FACILITIES NHDES has issued a [proposed rule](#) to readopt, with amendments, the existing rules for inspecting public water systems and establishing criteria for significant deficiency (Env-Ws306 and Env-Ws303.05). The proposed rule would also consolidate the sections into Part Env-Dw 720. The amended sections implement federal sanitary survey regulations and portions of the federal Groundwater Rule. The proposed rule: (1) clarifies the responsibilities for public water systems (PWS) and, privately-owned redistribution systems (PORS), and the authority of NHDES for entry and inspection of PWS and PORS facilities; (2) revises the list of conditions identified during a sanitary survey that would constitute a significant deficiency; (3) identifies post sanitary survey inspection and, clarification requirements; (4) updates notification requirements; (5) establishes explicit timelines for consultation; (6) establishes correction requirements; and (7) identifies requirements for the submission of a correction action plan. A public hearing occurred June 7, 2010. The comment period closed on June 17, 2010.



Rhode Island

PROPOSED RHODE ISLAND RENEWABLE ENERGY TASK FORCE On May 5, 2010, the House passed Sub A on [H.B. 7996](#), which establishes a special legislative commission known as the Rhode Island Renewable Energy Task Force. The purpose of this commission is to: (1) review and identify the existing governmental agencies regulating renewable energy installations and development and project approvals, as well as renewable energy services, providers, developers and businesses in Rhode Island; (2) make recommendations to consolidate and harmonize the effort, authority, accountability and regulation between and among such agencies, departments, cities, towns and municipal organizations; and (3) identify and recommend the key goals for a state-wide renewable energy policy to be implemented through a strategic plan by the state. The Task Force will determine which specified agency will have jurisdiction and which agency will be accountable for the actions to be taken to implement each goal in the Renewable Energy strategic plan. The Task Force is to report back to the General Assembly from March 1, 2011 through June 30, 2011.



Vermont

RIVER CORRIDOR MANAGEMENT PROGRAM AND SHORE-LAND PROTECTION PROGRAM On May 13, 2010, Governor Jim Douglas signed into law [H.B. 763](#). The new law codifies and requires that the Agency of Natural Resources establish a River Corridor Management Program. As part of the river corridor management program, the Agency of Natural Resources is required to provide municipalities with maps delineating river corridors in order to encourage municipal adoption of river corridor or buffer by-laws. The law also requires the establishment of a Shore-land Protection Program and the state is required to offer financial incentives for the municipal adoption of river corridor, shore-land, or buffer bylaws. The ANR report on River Corridor, Shore-land, and buffer zoning is effective July 1, 2010.

NET METERING AND MILITARY INSTALLATION PERMIT REVIEW On June 4, 2010, Governor Jim Douglas signed into law [H.B. 781](#). The new law allows renewable energy plants installed by a military department or National Guard to qualify for net metering if the plant capacity is 2.2 megawatts or less. The new law: (1) requires the public Service Board to apply existing simplified permit review and interconnection procedures for net-metering systems of 150 kilowatts capacity or less, to all renewable energy plants that are at or under that capacity; (2) develops simplified permit review and interconnection procedures for all renewable energy plants that range from 150 kilowatts through 2.2 megawatts in capacity; (3) specifies that the Vermont Department of Environmental Conservation adopt and put into effect by February 1, 2011, alternative stormwater measures for high elevation renewable energy projects. The new law, except Section. 13, became effective upon signature. Section. 13 becomes effective on July 1, 2012.

Region 2

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

FIVE-YEAR STATUS REVIEWS OF 15 CARIBBEAN SPECIES USFWS has initiated five-year status reviews on 15 Caribbean Species, [[75 FR 18232](#), April 9, 2010]. The species under review are: (1) bariaco; (2) calyptanthus thomasiana; (3) cap[acute] rosa; (4) cook's holly; (5) chamaecrista glandulosa var. mirabilis; (6) chupacallos; (7) vahli's boxwood or diablito de tres cuernos; (8) erubia; (9) myrcia paganii; (10) nogal; (11) palo de nigua; (12) palo de Ram[acute]n; (13) uvillo; (14) Puerto Rican nightjar or guabairo; and (15) white-necked crow. Although the species listed are not currently recorded on site at any military installation, the listed species could potentially be present on any military installation in the vicinity of the regions listed. Comments were due on June 8, 2010; however, USFWS continually accepts new information about any listed species.



New York

CONDITIONAL NY RACT AND RACM SIP APPROVAL USEPA has issued a proposed rule to conditionally approve a portion of a New York SIP revision [[75 FR 23640](#), May 4, 2010]. The proposed rule would conditionally approve the reasonably available control technology (RACT) requirement, which applies to the entire State of New York, including the New York portion of the New York-Northern New Jersey-Long Island, NY,-NJ,-CT, and the Poughkeepsie eight-hour ozone moderate non-attainment areas. USEPA has also proposed a conditional approval of the reasonably available control measure (RACM) analysis, which applies to the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT eight-hour ozone moderate non-attainment area. The comment period closed on June 3, 2010.

PROPOSED HAZARDOUS SUBSTANCE RELEASE NOTIFICATION REQUIREMENTS On April 20, 2010, [S.B. 6751](#) was reported from the Senate Environmental Conservation Committee and transferred to the Finance Committee. The new law would amend the Environmental Conservation law by adding a new section (27-1310). The new section would provide that notification must be given when there is a release of a hazardous substance to property owners within 2500 feet of an inactive hazardous waste disposal site; the law is effective immediately after it is reported out of committee and it is passed by the full legislature.

CAP-AND-TRADE PROGRAMS AND STATIONARY SOURCE EMISSIONS The New York State Department of Environmental Conservation (NYDEC) has issued a [final rule](#) that repealed, amended and revised the state's cap and trade programs that help reduce NO_x and SO₂ emissions from major stationary sources (Part 204 is repealed; Parts 237 and 238 rendered inoperative). Specifically, the new rule (1) repeals 6 NYCRR Part 204, NO_x Budget Trading Program; (2) renders inoperative 6 NYCRR Part 237, Acid Deposition Reduction NO_x Budget Trading Program upon completion of the 2009-2010 control period; and (3) renders inoperative 6 NYCRR Part 238, Acid Deposition Reduction SO₂ Budget Trading Program upon completion of the 2010 control period. These rules have essentially been superseded by 6 NYCRR Part 243, CAIR NO_x Ozone Season Trading Program, 6 NYCRR Part 244, CAIR NO_x Annual Trading Program; and 6 Rule Making Activities NYS Register/October 28, 2009 (10 NYCRR Part 245), CAIR SO₂ Trading Program (the New York State CAIR rules). The final rule was adopted unchanged from the proposed rule. The final rule became effective on May 6, 2010.

ZERO EMISSION VEHICLE (ZEV) STANDARDS NYDEC has issued a [final rule](#) that amended and revised the existing [6 NYCRR Part 218 and Part 200](#). The final rule revised the existing Part 218 to reflect changes in line with the State of California's low emission vehicle (LEV) program that incorporated zero emission vehicle (ZEV) standards for light-and medium-duty vehicles. The intent of the final rule is to maintain identical standards with California for all vehicle weight classes, and to incorporate California's experimental permit procedures for on-road motor vehicles. NYDEC amended Sections 200.9, Referenced Material; 218-2.1(b), Prohibitions; 218-4.1, ZEV Percentages; and added a new Section 218-2.4, Research Authorizations. The final rule became effective on May 6, 2010.

BART REQUIREMENTS & HAZE RULES IN CLASS I AREAS NYDEC has issued a [final rule](#) (Part 249) restricting the emissions of visibility-impairing pollutants by requiring the installation of Best Available Retrofit Technology (BART) on a BART-eligible stationary source to reduce regional haze and restore natural visibility conditions to Federal Class I Areas. Although New York State contains no Class I areas, it has been identified as containing BART-eligible sources that cause or contribute to regional haze issues in such areas in downwind states. In concert with the USEPA Regional Haze rule and final BART rule, the NYDEC must promulgate the regulation to ensure adequate control of these areas. The regulation specifies the eligibility requirements by which stationary sources would be subject to BART, and details the five-factor analysis to be used by the NYDEC to determine the appropriate level of controls that would be installed. Each BART-eligible determination will be submitted to USEPA for approval as a SIP revision. The final rule became effective on May 6, 2010.



New Jersey

PENDING NEW JERSEY SIP REVISIONS USEPA has issued a proposed rule to approve a New Jersey SIP revision, which incorporates subchapters:10, 16 and, 19 and related amendments to Subchapter 21 Emission Statements [[75 FR 21197](#), April 23, 2010]. The amendments relate to the control of NO_x, SO₂, particulate matter and volatile organic compounds (VOCs) from stationary sources. The proposed SIP revision consists of control measures needed to meet the state's commitment to adopt additional RACT rules that address RACT requirements for the 1997 NAAQS for ozone. Additionally, the proposed SIP revision includes control measures that will help the state meet the NAAQS for fine particulates. The comment period closed on May 24, 2010.



Puerto Rico

HARLEQUIN BUTTERFLY NATIVE TO PUERTO RICO ENDANGERED USFWS has announced a 90-day finding on a petition to list the Harlequin Butterfly (*Atlantea tulita*), a butterfly endemic to Puerto Rico, as endangered under the Endangered Species Act of 1973 [[75 FR 21568](#), April 26, 2010]. USFWS will also designate critical habitat for the Harlequin Butterfly based on their review as endangered, and USFWS is now conducting a 12-month status review to determine if listing the Harlequin Butterfly is warranted. USFWS is seeking information on: (1) the species' biology, range, and population trends; (2) the factors that are the basis for making a listing determination; and (3) the potential effects global climate change may have on the Harlequin Butterfly or the habitat. Comments are due by June 25, 2010.

Region 3

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



Delaware

DELAWARE SIP REVISION APPROVAL USEPA has issued a final rule approving a Delaware SIP revision [[75 FR 17863](#), April 8, 2010]. The revision intends to meet the reasonable further progress (RFP) requirements of the CAA for the Delaware portion of the Philadelphia 1997 eight-hour ozone moderate non-attainment area. USEPA has also approved the RFP plan's motor vehicle emissions budgets, the 2002 base year emissions inventory, contingency measures, and the reasonably available control measures (RACM) analysis associated with this revision. The final rule became effective on May 10, 2010.

CONTROL OF VOLATILE ORGANIC COMPOUNDS The Delaware Department of Natural Resources and Environmental Control (DDNREC) has issued a [final rule](#) amending 7 DE Administrative Code 1124, Control of Volatile Organic Compound Emissions, by revising Sections 2.0, 12.0, 19.0, 20.0, and 22.0. The final rule conforms to USEPA Control Technique Guidelines for VOCs. The rule revisions will become part of an Ozone Non-Attainment Area SIP revision. The final rule became effective on April 11, 2010.

NEW HAPS FOR SURFACE COATING OPERATIONS DDNREC has issued a [final rule](#) amending Regulation 1138 by adding a new section, Section 13, that covers area source paint stripping operations that use chemical strippers containing methylene chloride. The purpose of this is to provide increased protection for Delaware citizens against a variety of potential adverse health effects linked to a long-term exposure to methylene chloride. Methylene chloride is classified as a probable human carcinogen by the USEPA. The final rule will provide greater consistency between Delaware's air toxics standards for these paint stripping operations and the recently promulgated federal standard (40 CFR Part 63, Subpart HHHHHH) on which this proposed amendment is heavily based. The final rule became effective on April 10, 2010.

STATEWIDE SOLID WASTE MANAGEMENT PLAN The Delaware Solid Waste Authority (DSWA) has issued an entirely new [Statewide Solid Waste Management Plan](#). The plan replaces the current state plan adopted in 1994, and is based on "Zero Waste" principles, which involves the design and management of products and processes to systematically reduce and eliminate the volume of waste and to maximize the conservation and recovery of resources. The final plan became effective on April 22, 2010.



NEW DIRECTOR OF DDOE Christophe A.G. Tulou was recently named the Director of the District of Columbia's Department of the Environment (DDOE). As the new Director of DDOE, Mr. Tulou will promote the Mayor's Green DC agenda and carry out the goal of making the District a global model for urban sustainability. According to the District of Columbia press release, he hopes to improve the quality of life for all residents, building on his expertise in the fields of science, policy and law.



TRIENNIAL WATER QUALITY STANDARDS The Maryland Department of the Environment (MDE) has issued a [final rule](#) amending the water quality standards as required by the [triennial review](#). The amendments made revisions to the water quality standards: (1) revised the assessment procedures for determining submerged aquatic vegetation (SAV) restoration goals; (2) added SAV restoration goals for previously omitted segments; (3) updated numeric toxics criteria tables; (4) permitted the use of the Biotic Ligand Model for determining site-specific copper criteria; (5) amended designated uses which reflect existing uses; (6) revised the intermittent stream regulation and associated definitions; and (7) added nutrient criteria for water supply reservoirs. The final rule became effective on April 19, 2010.

INTEGRATED WATER QUALITY REPORT MDE has released its 2010 draft [Integrated Report](#) (IR) of Surface Water Quality for public review and comment. Changes from the 2008 IR include: additional database reformatting to improve querying function, implementation of revised listing methodologies for bacteria, toxics, and biology; as well as better integration of the 305(b) report and 303(d) List. The changes are part of an on-going effort to improve Maryland's reporting and assessment activities required under the CWA. The 2010 IR identifies 37 new or further defined impaired waters listings that require development of a TMDL.

NON-POINT SOURCE POLLUTION DISCHARGE ELIMINATION SYSTEM MODIFIED PERMIT MDE has reached a tentative determination to modify the General Discharge Permit for stormwater discharges associated with construction activity, MDR10 ([General Permit](#)). The permit is intended to protect water quality and to meet federal and state requirements under Code of Federal Regulations [40 CFR Part 122.26](#) and 40 CFR Part 450, as well as Code of Maryland Regulations (COMAR) [26.08.04.09A](#). All construction activity in Maryland disturbing one or more acres is covered under the required General Permit. Permittees currently under the general permit are covered under the modified permit when it becomes final. The proposed modified permit: (1) prohibits discharges that are prohibited by the federal effluent limitations guidelines, including but not limited to wastewater from washout of concrete without controls and wastewater from cleanout of other construction materials; (2) requires all new construction projects authorized under the general permit to implement the following controls meeting the federal effluent limitations guidelines: erosion and sediment controls, soil stabilization, dewatering, pollution prevention measures, and surface outlets, effective August 2, 2011; (3) requires all construction projects authorized under the general permit disturbing 20 or more acres of land at one time to comply with a daily average effluent limitation for turbidity of 280 Nephelometric turbidity units (NTU); and (4) effective February 2, 2014, all construction projects authorized under the general permit disturbing ten or more acres of land at one time must comply with a daily average effluent limitation for turbidity of 280 NTU. A public hearing will be held July 27, 2010 at MDE.

INDUSTRIAL CLEANING SOLVENTS MDE has adopted USEPA [Control Techniques Guidelines](#) (CTG) for industrial cleaning solvents. The regulation applies to facilities that emit 15 pounds or more per day (6.8 kg/day) of VOC. Regulation .09-1 sets the following VOC standard and requirements for mixing vessels (tanks), spray booths, and parts cleaners (excluding cold or vapor degreasing covered under Regulation .09), where VOC emissions from cleaning operations at a premises are 15 pounds or more per day (6.8 kg/day): (1) a person subject to the regulation may not use any VOC industrial solvent cleaning material that exceeds the vapor pressure 8 mm Hg at 20 °C (~ 0.152 psi) or 50 gram per liter VOC limit; and (2) exemptions of industrial categories that have specific requirements for cleaning solvents are also included in the regulation. The final rule became effective on April 19, 2010. A notice regarding this proposal was published in the February *Northern Region Review*.

RECYCLING PLAN FOR FLUORESCENT LIGHTS CONTAINING MERCURY On May 4, 2010, Governor O'Malley approved the Fluorescent and Compact Fluorescent Light [Recycling Plan](#). The law requires a county's recycling plan to address a strategy for collecting and recycling fluorescent and compact fluorescent lights that contain mercury. A county's recycling plan must be revised to reflect the new requirements by October 1, 2011. The strategy requirements become effective on October 1, 2011.

PHASE OUT OF DECABROMINATED DIPHENYL ETHER On May 4, 2010, Governor Martin O'Malley signed into law [S.B. 556](#). The law requires a phase-out of the manufacture, lease, sale, and distribution of products containing decaBDE in Maryland. On December 31, 2010, mattresses, upholstered furniture designed for residential use, or electrical or electronic equipment cannot be distributed in Maryland if the product contains decaBDE. Beginning December 31, 2012, any product, except transportation or military equipment or components thereof, cannot be sold in Maryland. These provisions will not apply to military equipment or components of transportation until December 31, 2013.

UST TRAINED FACILITY OPERATORS MDE has [adopted amendments](#) to its underground storage tank regulations that adopt federal grant guidelines (required by Section 9010 of the Solid Waste Disposal Act, enacted by the Underground Storage Tank Compliance Act, Section 1524 of the U.S. Energy Policy Act of 2005). The rules establish requirements for the training, certification, duties, and responsibilities of three classes of facility operators. The final rule became effective on April 19, 2010. A notice regarding the proposed rule was published in the February *Northern Region Review*.

OIL POLLUTION MDE has issued a [final rule](#) correcting a cross-reference and updating certain documents incorporated by reference. Specifically, this rulemaking incorporates by reference the National Fire Protection Association standards for flammable and combustible liquids. By referencing NFPA, MDE is adhering to the most recent industry standards. In addition the final rule addresses responsibility for oil discharge or threat of discharges for both fuel dispensing facilities and repair garages. The final rule became effective on April 5, 2010. A notice regarding this proposed rule was published in the February *Northern Region Review*.



Pennsylvania

PENNSYLVANIA INTEGRATED WATER QUALITY REPORT Pennsylvania Department of Environmental Protection (PADEP) has issued a notice of a draft report titled, "2010 Pennsylvania Integrated Water Quality Monitoring and Assessment Report" ([Integrated Report](#)). This draft Integrated Report satisfies the requirements of both sections 305(b) and 303(d) of the Clean Water Act (CWA). The report includes both a narrative description of the Commonwealth's water quality management programs (formerly the 305(b) Report) and various lists depicting the status of Commonwealth surface waters. The narrative report contains summaries of water quality management programs: including water quality standards, point source control and nonpoint source control. States are required under the CWA to identify waters that would still be impaired even after the appropriate technology has been applied to point sources and the required best management practices are in place for nonpoint sources. Water-bodies that do not meet water quality standards after this evaluation are placed on Category 5 of the Integrated Water-body list. For each water-body in category 5, the state or USEPA must develop a TMDL allocation. A TMDL is a calculation of the assimilative capacity of a water-body to handle point and nonpoint pollutant loads without violating water quality standards. The comment period on the draft Integrated Report was extended but closed on May 18, 2010.



Virginia

CHANGES TO WATER PERMIT FEES The State Water Control Board has issued an amendment on fees for permits and certificates. The major provisions of the permit are: (1) an increase in the base permit maintenance fee rate to allow the Virginia Department of Environmental Quality (VADEQ) to recover revenue lost from the general fund appropriations under Item [355](#) of House Bill 30, as amended and enacted by the 2010 General Assembly; (2) a predictable annual adjustment of the permit maintenance fees in order to cover changes in the direct costs for administration, compliance and enforcement of Virginia Pollutant Discharge Elimination System (VPDES) and the Virginia Pollution Abatement (VPA) permits; and (3) a cap on the amount of permit fees collected and an increase in the cap on the amount of permit maintenance fees due from certain public authorities with multiple facilities. The new fees take effect July 1, 2010.



West Virginia

DIESEL-POWERED MOTOR VEHICLE IDLING ACT On April 2, 2010, Governor Joe Manchin III signed into law [S.B. 183](#). The new law prohibits diesel-powered motor vehicles from excessive idling and establishes a misdemeanor offense for excessive idling. It provides for criminal penalties and enforcement by the West Virginia Department of Environmental Protection (WVDEP). Military vehicles are exempt when used for emergency or training purposes. The new law became effective on June 11, 2010.

LEGISLATIVE APPROVAL GRANTED TO BUNDLED 2009 AIR QUALITY REGULATIONS On April 2, 2010, Governor Joe Manchin III signed into law [SB 273](#), which approved West Virginia Department of Environmental Protection (WVDEP) regulations finalized in 2009. Once WVDEP approves regulations they are then reviewed by the Legislative Rule Making Review committee (LRMRC). If the Committee approves the regulation, it then will be bundled together and sent forward for consideration and approval by the state Legislature before it can become final and effective. Below is a list of some of the air quality bills that were recently approved and bundled into SB 273. There will be a public hearing on new proposed amendments to the final rules on July 12, 2010 and the comment period will close on July 12, 2010.

- [45 CSR 8](#) Ambient Air Quality Standards - WVDEP has issued a final rule that revises and updates the state air quality regulations. The rule establishes ambient air quality standards for sulfur oxides, particulate matter, carbon monoxide, ozone, nitrogen dioxide and lead. The amendment revises and updates state regulations to reflect USEPA revisions to the eight-hour primary and secondary ozone NAAQS. LRMRC approved in November 2008; effective on June 1, 2009. The final rule will be submitted to USEPA as a SIP revision.
- [45 CSR 14](#) Permits for Construction and Major Modification of Stationary Sources of Air Pollution for the Prevention of Significant Deterioration - WVDEP issued a final rule that incorporates the establishment of a state construction permit program consistent with the Federal Clean Air Act's Title I program and regulations at 40 CFR Section 51.166, including provisions for 8-hour ozone national ambient air quality standard implementation and new source review provisions for PM 2.5. The amendment (45 CSR 14 9, SB 267) will stand as a revision to the State Implementation Plan.
- [45 CSR 16](#) Standards of Performance for New Stationary Sources - WVDEP has approved a rule adopting national standards of performance for new stationary sources and other regulatory requirements promulgated by USEPA. The rule codifies general procedures and criteria to implement standards of performance for new stationary sources set forth in 40 CFR Part 60. Any person who constructs, modifies, reconstructs or operates an affected facility after the effective date of any NSPS under 40 CFR Part 60 must comply with the applicable NSPS and this rule. Revisions to this rule are necessary to maintain consistency with current federal regulations, and to fulfill the State's responsibilities under the CAA. The rule incorporates, by reference, the following new or revised NSPS standards promulgated as of June 1, 2009: (1) Stationary Spark-Ignition Internal Combustion Engines, Fossil Fuel-Fired Steam Generators and Industrial-Commercial-Institutional Steam Generating Units; (2) Stationary Combustion Turbines; (3) Non-road Spark Ignition Engines, (4) Alternative Work Practice To Detect Leaks From Equipment; (5) Petroleum Refineries and Performance Specification 16 for Predictive Emissions Monitoring Systems; (6) Amendments to Testing and Monitoring Provisions; and (7) Nonmetallic Mineral Processing Plants.
- [45 CSR 25](#) Control of Air Pollution from Hazardous Air Pollutants - WVDEP has approved a rule that adopts emission standards for the treatment, storage, and disposal of hazardous waste promulgated by USEPA pursuant to the Resource Conservation and Recovery Act (RCRA). The rule incorporates by reference the following provisions of 40CFR Parts 260, 261, 264, 265, 266 and 270 promulgated as of June 1, 2009: (1) Identification and Listing of Hazardous Waste; (2) Revisions to the Definition of Solid Waste; (3) Standards Applicable to Generators of Hazardous Waste; and (4) Expansion of RCRA Comparable Fuel Exclusion. Any person, who constructs, reconstructs, modifies, or operates any hazardous waste treatment, storage, or disposal facility must comply with the West Virginia Hazardous Waste Management System, the codified federal emission standards, and this rule.

Region 5

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

REDESIGNATION OF OHIO & INDIANA PORTIONS OF THE CINCINNATI-HAMILTON AREA TO ATTAINMENT FOR OZONE

USEPA issued a final rule approving the requests of Ohio and Indiana to redesignate the Ohio and Indiana portions of the Cincinnati-Hamilton, OH-KY-IN eight-hour ozone nonattainment area, "the Cincinnati-Hamilton area," to attainment for that standard [[75 FR 26118](#), May 11, 2010]. (USEPA will address the Kentucky portion of the Cincinnati-Hamilton area in a separate rulemaking action.) The Cincinnati-Hamilton area includes Butler, Clermont, Clinton, Hamilton, and Warren Counties in Ohio, Lawrenceburg Township in Dearborn County, Indiana, and Boone, Campbell, and Kenton Counties in Kentucky. USEPA is also approving, as revisions to the Ohio and Indiana SIPs, the States' plans for maintaining the eight-hour ozone NAAQS through 2020 in the area. USEPA is approving the 2002 base year emissions inventory submitted by IDEM on June 13, 2007, as meeting the base year emissions inventory requirement of the CAA for the Indiana portion of the Cincinnati-Hamilton area. USEPA is approving the 2005 base year emissions inventory submitted by Ohio USEPA as part of its redesignation request as meeting the base year emissions inventory requirements of the CAA for the Ohio portion of the Cincinnati-Hamilton area. Finally, USEPA finds adequate and is approving the States' 2015 and 2020 MVEBs for the Ohio and Indiana portion of the Cincinnati-Hamilton area. This final rule became effective on May 11, 2010.

18.5 MILLION GALLON PER DAY DIVERSION REQUEST The Great Lakes states' ratified the Great Lakes-St. Lawrence River Basin Water Resources Compact to prevent harmful and unnecessary water diversions from the Great Lakes. The compact establishes strict standards and a regional approval process that must be met prior to new diversions from the lakes to communities outside the basin. The first request to divert water to a community outside the Great Lakes basin is the City of Waukesha, Wisconsin. Waukesha submitted their intention of applying for an 18.5 million gallon per day diversion of water from Lake Michigan to meet their current drinking water needs. The Great Lakes-St. Lawrence River Basin Water Resources Compact has specific standards for diversion; one standard criteria is that sufficient water conservation measures have been met. Concurrent [resolution MI H.C.R. 49](#) urges the Compact Council to scrutinize carefully the proposed diversion of water to Waukesha, Wisconsin. The Compact is expected to deliver their resolution sometime this summer.

HINE'S EMERALD DRAGONFLY DESIGNATED CRITICAL HABITAT IN REGION 5 USFWS has issued a final rule that would designate critical habitat for the Hine's emerald dragonfly (*Somatochlora hineana*) [[75 FR 21393](#), April 23, 2010]. The critical habitat units are located in Cook, DuPage, and Will Counties in Illinois; Alpena, Mackinac, and Presque Isle Counties in Michigan; Crawford, Dent, Iron, Phelps, Reynolds, Ripley, Washington, and Wayne Counties in Missouri; and Door and Ozaukee Counties in Wisconsin. The final rule became effective on May 24, 2010.

PRESTIGIOUS ASSIGNMENT FOR OREGA-N DIRECTOR Dr. Jim Hartman, Director, OREGA-N, has been asked to assume a one year temporary assignment to the US Army War College, Center for Strategic Leadership, in Carlisle, Pennsylvania. Dr. Hartman will serve as a Visiting Professor for Sustainability. The US Army War College is the Army's ultimate professional development institution that prepares selected military, civilian, and international leaders for the responsibilities of strategic leadership in a joint, interagency, intergovernmental, and multinational environment. During Dr. Hartman's absence, the Deputy Director, Mr. Vance Hobbs, will serve as the Acting Director of OREGA-N.



Illinois

NOX & VOC VEHICLE EMISSIONS BUDGETS USEPA published a notice of adequacy indicating that the NOx and VOC motor vehicle emissions budgets in the Chicago, Illinois ozone nonattainment area are adequate for use in transportation conformity determinations [[75 FR 26225](#), May 11, 2010]. The USEPA finding became effective on May 26, 2010.

REVISION AND CORRECTION TO ENDANGERED SPECIES OPERATION MANUAL The Illinois Department of Natural Resources (ILDNR) has proposed a rule revising the Illinois Endangered Species Protection Board's Policy and Operation Manual. The Department is proposing amendments to correct compliance criteria found in [520 ILCS 10/7](#) and Section 5.1.1 of the Illinois Policy and Operation Manual adopted on October 30, 2009. Board staff recently discovered there are spelling errors and incorrect generic placement of one species in a section that need to be corrected. This Part is being amended to correct the status for the mudpuppy salamander and the black-billed cuckoo from endangered to threatened. A public hearing occurred on June 2, 2010. The comment period closed June 21, 2010.



Indiana

REDESIGNATION OF LAKE & PORTER COUNTIES TO ATTAINMENT FOR OZONE USEPA issued a final rule approving a request from Indiana to redesignate Lake and Porter Counties (the Indiana portion of the Chicago-Gary-Lake County, Illinois-Indiana (IL-IN) eight-hour ozone nonattainment area) to attainment of the 1997 eight-hour ozone NAAQS [[75 FR 26113](#), May 11, 2010]. In addition, USEPA has approved, as a revision to the Indiana SIP, the State's plan for maintaining the 1997 eight-hour ozone NAAQS through 2020 in Lake and Porter Counties and in the Chicago-Gary-Lake County, IL-IN ozone nonattainment area. USEPA is also approving the 2002 VOC and NOx emission inventories for Lake and Porter Counties as a SIP revision. Finally, USEPA finds adequate and is approving the State's 2010 and 2020 VOC and NOx Motor Vehicle Emission Budgets (MVEBs) for Lake and Porter Counties. The final rule became effective on May 11, 2010.

PM 2.5 & NOX VEHICLE EMISSIONS BUDGET USEPA published a notice of adequacy indicating that the PM2.5 and NOx motor vehicle emissions budgets in the Indianapolis, Indiana PM2.5 attainment demonstration are adequate for use in transportation conformity determinations [[75 FR 24943](#), May 6, 2010]. The USEPA finding became effective on May 21, 2010.

LEAD NAAQS STANDARDS In this rulemaking, IDEM is proposing to amend [326 IAC 1-3-4](#) to incorporate by reference sections of the November 12, 2008, Federal Register, 73 FR 66964, issued by USEPA, to revise the primary and secondary NAAQS for lead. By incorporating the federal regulation to revise the primary and secondary NAAQS for lead, this rulemaking helps to ensure that state rules are consistent with federal regulations. The comment deadline ended on April 16, 2010.

SOLID WASTE LAND DISPOSAL FACILITIES IDEM has developed draft Disposal Requirements in a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in IC 13-14-9.5-1.1 do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program. IDEM is required to publish a list of these rules that have been effective for seven years and request comment, in a 30-day comment period, on any specific rule that should be reviewed through the regular rulemaking process. This proposed solid waste disposal rule re-adopts rules addressing records and standards for submitted information and electronic submission of information. The rule also defines terms related to solid waste land disposal facilities. The comment period closed on May 21, 2010. A public hearing will be held on July 20, 2010.

COMPLIANCE MONITORING FOR SULFUR DIOXIDE IDEM has developed [draft rule language](#) for amendments to [326 IAC 3](#) concerning compliance monitoring and [326 IAC 7-2](#) concerning sulfur dioxide compliance requirements. IDEM is soliciting public comment on the draft rule language and on the citations listed. The purpose of this rulemaking is to correct deficiencies identified by USEPA to obtain federal approval for incorporation of the rules into the SIP, to address certain testing requirements for peaking units, and to make various corrections and clarifications. In addition, the rule would add a new provision in [326 IAC 3-5-1\(c\)\(2\)\(A\)\(iv\)](#) that would allow the use of a continuous emission monitor (CEMs) for measuring particulate matter rather than continuous opacity monitoring system (COMS), if certain criteria are met and it is approved by IDEM. Further, IDEM has identified technical corrections and clarifications that are needed in existing rules in [326 IAC 3](#) and in [326 IAC 7](#) concerning emissions monitoring requirements. The comment deadline expired on June 2, 2010.



Michigan

APPROVAL OF SIP RELATING TO PSD PROGRAM USEPA has issued a direct final rule taking action to convert a conditional approval of specified provisions of the Michigan SIP to a full approval [[75 FR 14352](#), March 25, 2010]. The revisions affect major stationary sources in Michigan that are subject to or potentially subject to the PSD construction permit program. USEPA is converting its prior conditional approval to full approval because the Michigan Department of Environmental Quality (MDEQ) submitted corrections to the rules that satisfy the conditions listed in USEPA's conditional approval. As part of this direct final rule, USEPA is rescinding Michigan's delegation of authority for implementing the federal PSD regulations. This direct final rule is effective May 24, 2010.

MICHIGAN RENAISSANCE ZONE ACT On May 6, 2010, Governor Granholm signed into law [H.B. 5555](#). The law requires amendments to the Michigan Renaissance Zone Act to include more inclusive definitions of "renewable energy facility." The new law provides for the establishment of up to 15 renaissance zones for renewable energy facilities. The new law became effective on May 6, 2010.

AQUATIC INVASIVE SPECIES PREVENTION IN THE GREAT LAKES On March 24, 2010, Senate [Resolution MI S.R. 132](#) was adopted. Resolution MI S.R. 132 urges inclusion of an addendum to address aquatic invasive species in the Great Lakes Water Quality Agreement. The intent of Resolution MI S.R. 132 is to: (1) Protect the Great Lakes from aquatic invasive species and require the cooperation and coordination of U.S. and Canadian authorities; (2) Create an annex on aquatic invasive species to provide clear regional goals and objectives for prevention of new invasions and eradication of new invaders; and (3) Establish a framework for the states and provinces to work together in concert with the respective federal governments for the benefit of the entire region. The Great Lakes Water Quality Agreement between the United States and Canada has provided a bi-national vision for water quality in the Great Lakes with a common set of goals. The agreement has allowed the two countries to coordinate efforts on clean up, restoration and maintenance of water quality of this shared natural resource.



Minnesota

EXTENSION DEADLINES FOR ELECTRIC GENERATING UTILITIES On May 13, 2010, Governor Pawlenty signed [S.B. 3080](#), which authorizes the public utilities commission to grant extension deadlines for electric generating utilities installing certain pollution control equipment. The legislation allows the utility to have until July 1, 2015, to file its plans for reduction at the qualifying facility, and may have until December 31, 2018, to implement mercury emissions reduction at that unit. The law becomes effective on August 1, 2010.



Ohio

APPROVAL OF SIP REVISIONS RELATING TO GENERAL PROVISIONS USEPA published a direct final rule approving a request submitted by the Ohio Environmental Protection Agency (OEPA) on March 17, 2009, to revise the Ohio SIP [[75 FR 25797](#), May 10, 2010]. The State submitted revisions to rules that include the adoption of the federal definition and citation of the CAA, and clarifications for exemptions and new requirements for sources regulated under the Title V permitting program. This direct final rule will be effective July 9, 2010, unless USEPA receives adverse comments by June 9, 2010. If adverse comments are received, USEPA will publish a withdrawal of the direct final rule.

RECOMMENDED STANDARDS FOR WATER WORKS On April 8, 2010, OEPA [refiled](#) and proposed to amend three [plan approval rules](#), which establish requirements for plan drawings and procedures for Water Works plan approval or modification. The revisions include an update to the rule by reference to the 2007 version of the “Recommended Standards for Water Works,” and the addition of three new ones: “Planning and Design Criteria for Establishing Approved Capacity for: (1) Surface Water and Ground Water Supply Sources; (2) Drinking Water Treatment Plants (WTPs); and (3) Source/WTP Systems”; “Guidelines for Design of Small Public Water Systems”; and “Guidelines for Arsenic Removal Treatment for Small Public Drinking Water Systems.” Additionally, paragraph (E) of OAC rule 3745-91-03 was revised to clarify that a professional engineer signature is not always required on plans submitted to the agency. However, plans are required for the construction or installation of a public water system, or for any major modifications to a public water system. The final rule is effective May 20, 2010.

RECISSION OF Hg BUDGET TRADING PROGRAM OEPA has issued a [final rule](#) that proposes to rescind Ohio’s mercury (Hg) budget trading program. OEPA is proposing that all the rules of chapter 3745-108 be rescinded in preparation for future federal rules regulating mercury emissions. The original federal Clean Air Mercury rule (CAMR) was vacated by US federal court in February 2008, rendering Ohio’s CAMR rule, which was effective May 2007, The final rule went into effect on April 19, 2010.

UPDATED ENDANGERED AND THREATENED SPECIES LIST Ohio Department of Natural Resources/Division of Endangered Species has issued a [proposed rule](#) amending the list of 250 of Ohio’s endangered and threatened species. The amendment both adds and deletes several endangered and threatened plant species. The list has been updated to reflect both the Latin name and common name. The comment deadline closed on May 3, 2010.

OHIO’S HAZARDOUS WASTE RULES On April 14, 2010, a number of hazardous waste rules were proposed. This [rules package](#), referenced as “Set J”, contains 213 rules and includes amended, new rescinded, and no-change rules submitted for their 5-year review under ORC119.032. Several federally-based subjects, and a few state-initiated subjects, are addressed in this rule-making. The public notice provides the list of rules and the Federal Register dates of RCRA rule changes addressed in these state rules. Several of these proposed Ohio rules are amended to address cross-referencing requirements within rules, and to correct typographical errors and rule structure errors. This proposal includes corrections and clarifications that are not directly included in the federal hazardous waste rules, but which are necessary to the Ohio rules to maintain internal consistency. Several rules contain state-initiated amendments designed to clarify requirements regarding recycled materials. Many of these rules were also reviewed and amended pursuant to Ohio Revised /code (ORC) section 119.032, which requires Ohio EPA to review certain rules every five years. A public hearing was held on May 20, 2010; the comment period closed on May 20,2010.

OHIO’S SEWAGE SLUDGE/BIOSOLIDS RULES OEPA is proposing to rescind all 7 currently effective sewage sludge/bio-solids rules in chapter 3745-40 and to replace them with 12 new rules. The increase in the number of rules is to provide the reader with shorter rules, making information easier to find. Overall the technical changes being proposed include a balance of “more stringent” and “less stringent” requirements, all of which are designed to be protective of public health and the environment. OEPA has a [fact sheet](#) for more information on the proposed changes. A public hearing was held on June 7, 2010; the comment period closed on June 7, 2010.



Wisconsin

APPROVAL OF PM SIP USEPA published a direct final rule [\[75 FR 17865\]](#) on April 8, 2010, approving the revisions to the Wisconsin State SIP as requested by the state on September 11, 2009. Wisconsin updated its state ambient air quality standards rules to match the current federal standards. The updates were made to the particulate matter standards by adding fine particulate standards and revoking the state’s coarse particulate standards. This direct final rule was effective June 7, 2010.

NOX & VOC VEHICLE EMISSIONS BUDGETS USEPA published a notice of adequacy [\[75 FR 24945\]](#) on May 6, 2010, indicating that the NOx and VOC motor vehicle emissions budgets in the Milwaukee-Racine area, Door County, Manitowoc County, and Sheboygan County, Wisconsin ozone nonattainment areas are adequate for use in transportation conformity determinations. The USEPA finding is effective May 21, 2010.

ADDITION TO IMPAIRED WATERS LISTING USEPA published a notice and request for comments [\[75 FR 22589\]](#) on April 29, 2010, announcing its decision to place Musky Bay on Wisconsin’s 303(d) Impaired Waters list. The deadline for comments was June 1, 2010

REDESIGNATION OF THE MANITOWOC COUNTY & DOOR COUNTY AREAS TO ATTAINMENT FOR OZONE

USEPA published a proposed rule [\[75 FR 22047\]](#) on April 27, 2010, to approve Wisconsin's requests to redesignate the Manitowoc County and Door County, Wisconsin nonattainment areas to attainment for the 1997 8-hour ozone standard. USEPA is also proposing to approve, as revisions to the Wisconsin SIP the State's plans for maintaining the 8-hour ozone NAAQS through 2020. USEPA is proposing to approve the 2005 base year emissions inventories for the Manitowoc County and Door County as meeting the base year emissions inventory requirement of the CAA. Finally, USEPA finds adequate and is proposing to approve the state's 2012 and 2020 Motor Vehicle Emission Budgets (MVEBs) for the Manitowoc County and Door County areas. The comment deadline was May 27, 2010.

APPROVAL OF SIP RELATING TO NOX RACT USEPA published a proposed rule [\[75 FR 14116\]](#) on March 24, 2010, proposing to approve revisions to the Wisconsin SIP submitted on June 12, 2007 and on September 14, 2009. These revisions incorporate provisions related to the implementation of nitrogen oxides (NOx) Reasonably Available Control Technology (RACT) for major sources in the Milwaukee-Racine and Sheboygan ozone nonattainment areas. USEPA is also proposing to approve other miscellaneous rule changes that affect NOx regulations previously adopted and approved into the SIP. The comment deadline was April 23, 2010.

VEHICLE EMISSIONS INSPECTIONS ACT On April 21, 2010, Governor Doyle signed 2009 Wisconsin [Act 228](#) authorizing the Wisconsin Department of Transportation (WisDOT) to contract with private auto service garages or dealers to perform vehicle emissions inspections. The new law requires the vendor to comply with all of WisDOT's requirements under the I/M program and allows the use of a subcontractor as long as program requirements are respected. This Act is effective May 5, 2010.

WETLANDS RESTORATION PERMIT ACT On May 18, 2010, Governor Doyle signed into law [S.B. 661](#) authorizing the Wisconsin Department of Natural Resources (WDNR) to develop an expedited permit review and approval process for wetland restoration projects sponsored by the Natural Resources Conservation Service (NRCS) and the US Fish and Wildlife Services (FWS). The law authorizes WDNR to issue a general permit for wetland restoration projects sponsored by a Federal agency in lieu of issuing individual permits. This Act is effective May 18, 2010.

PROTECTION OF VISIBILITY BY APPLICATION OF BART WDNR has issued a [proposed rule](#) that amends previous Best Available Retrofit Technology (BART) rules for certain major stationary sources that adversely affect visibility. The proposed rule would also extend the compliance date under BART. The rules for BART currently require the owner or operator of a source to have controls in place and operating "as expeditiously as practicable" but no later than December 31, 2013. WDNR has proposed to extend the final allowed compliance date to December 31, 2015. The extended compliance date provides additional time for sources that are undergoing significant installations of control equipment, particularly in the case of a source implementing controls for multiple pollutants or emissions units. WDNR has also proposed clarification and additional flexibility to the averaging provisions in the rule. The comment period deadline ended on May 7, 2010.

HAZARDOUS WASTE GENERATOR SIZE DEFINITION This [emergency rule](#) relates to hazardous waste management. Specifically, it adds a definition of "large quantity generator" and revises the definition of "small quantity generator." Under current hazardous waste rules, standards are set for large quantity and small quantity hazardous waste generators, so their status is functionally described, but there are no specific, comprehensive definitions of these terms. There was no published proposal; the Emergency Rule Adoption was on March 31, 2010; the effective date of the emergency rule is March 17, 2010. The expiration date of the emergency rule is July 1, 2011.

MUNICIPAL SEWERAGE SYSTEM PLAN REVIEW MODIFICATIONS WDNR has issued a statement of scope of [proposed rule](#) that revises rules relating to sewerage system plan review modifications and revises the rules for improved effectiveness and efficiency. Chapter NR 108 contains the definition of a "Reviewable Project" and the requirements and procedures for plan submittals. The code is being revised to specify: updates in the steps of review procedures; updates in format and content; and updates in project types that will be subject to plan review. The rule revisions would affect owners and "private sewage systems" and primarily municipalities but any other non-municipally owned sewerage system that treats non-industrial wastewater is also subject to ch. NR 110 and would be affected. This rule was proposed on April 29, 2010. The rule is currently in the scheduling and rule development stage; no comment period has been announced as yet.

GENERAL POLLUTANT DISCHARGE ELIMINATION REQUIREMENTS WDNR has issued a [proposed rule](#) that revises Chapter NR 211, to conform to changes in federal pretreatment standards; establishes wastewater pretreatment standards; and new requirements for industrial users of publicly owned treatment works (POTWs). The proposed revisions will allow for reductions in sampling and inspection frequencies at certain smaller industries with good compliance records, waive monitoring requirements for pollutants that are not present, and allow for greater flexibility in sampling procedures. This rule was proposed on April 29, 2010.

RULES FOR IMPLEMENTATION OF THE GREAT LAKES COMPACT To implement the Great Lakes Compact and associated statewide water use regulations, WDMR has published three [proposed rules](#) covering Water Conservation and Water Use Efficiency, Water Use Registration, and Reporting and Water Use Fees. The Water Conservation and Water Use Efficiency proposed rule clarifies and further defines requirements for water conservation and water use efficiency for water withdrawals within the Great Lakes Basin, diversions of water from the Great Lakes Basin and water withdrawals statewide with high (>2 million gallons per day) water loss. The Water Use Registration and Reporting rule provides specific processes and methods for measuring, registering, and reporting withdrawals and diversions from the Great Lakes Basin. The Water Use Fees rule implements a Great Lakes basin-specific fee on persons who withdraw more than 50 million gallons of water per year in addition to the state statute that sets a base fee of \$125 annually for anyone with a water supply system (e.g. well or surface water withdrawal) with the capacity to withdraw an average of 100,000 gallons per day in any 30-day period. A fact sheet provides a summary of each of these proposed rules. Public hearings are scheduled for June 28 - June 30; the comment period ends on July 7, 2010

PETROLEUM PRODUCTS STANDARDS AND SAMPLING RULES The Wisconsin Department of Commerce has issued a [proposed rule](#) that revises and updates the rules to include the latest revisions of several current American Society for Testing and Materials (ASTM) International standards. The proposed rule also clarifies administration and enforcement by the Department's inspectors. The proposed rule revisions do not directly address air-quality-based issues and retain the current Wisconsin requirements that permit higher maximum sulfur levels in diesel fuel and automotive gasoline. The comment deadline closed on March 3, 2010.

TRANSFER OF STORMWATER DISCHARGE PERMIT PROGRAM WDNR has issued a statement of scope [proposed rule](#) that would revise the stormwater discharge permits program to address the transfer of regulating construction sites from the Department of Commerce to the Department of Natural Resources as directed by 2009 Wisconsin Act 28, adjust the permit fees, clarify language, and update certain provisions. With this change, all erosion control and stormwater management regulation is the responsibility of the DNR. This notice was proposed on March 31, 2010.

PHOSPHORUS WATER QUALITY STANDARDS WDNR has issued a [proposed rule](#) on phosphorus and water quality standards. The rulemaking has two parts: The first is a set of phosphorus water quality standards criteria for rivers, streams, various types of lakes, reservoirs and the Great Lakes; the second covers procedures for determining and incorporating phosphorus water quality based effluent limitations into Wisconsin Discharge Pollutant Elimination System (WPDES) permits. The proposed rule establishes phosphorus water quality criteria of 100 ug/l (parts per billion) for rivers specifically identified in the rule and of 75 ug/l for smaller streams and rivers. No criteria are proposed at this time for ephemeral streams or streams listed as limited aquatic life waters. Both of the criteria are intended to prevent in-stream algae and other plant growth to the extent that is detrimental to fish and aquatic life. This rule was proposed on March 31, 2010; hearings occurred on April, 15, 20, 21, and 27, 2010. The comment deadline closed on April 20, 2010.

PROFESSIONAL DEVELOPMENT

WHAT	WHEN	WHERE	DETAILS
<u>2010 DoD Explosive Safety Board Seminar</u>	July 13 - 15	Portland, OR	A seminar designed to join leading explosives safety experts from the military, government agencies and academia. The three-day seminar will include technical sessions, roundtable discussions, and an exhibit hall.
<u>ERCC Web Academy – Recycling and Solid Waste Management Educational Webinar Series</u>	July 15 Aug 19 Sept 16 Oct 21	WEBCAST	The USEPA's Resource Conservation Challenge (RCC) Web Academy series provides information through a second year of webinars on a variety of topics. The format for the calls will be a formal presentation followed by a question and answer session and discussion time.
<u>ASME CONFERENCE</u>	JULY 13-14	CHICAGO, IL	This conference is for technical professionals that design, build, operate, overhaul and maintain power plants, or do power plant and equipment R&D.
<u>Ben MAP Class</u> <u>CMAQ Class</u>	July 19 - 21 22 - 23	Chapel Hill, NC	An introductory overview course in Environmental Benefits Mapping and Analysis (BenMAP). This course is comprised of both lectures and hands-on labs. Topics include: BenMAP, One-step Analyses, Introduction to Creating Grids, Health Incidence Estimation, Aggregation, Pooling, and Valuation.
<u>Modeling and Simulation for Defense</u>	August 3 - 4	Orlando, FL	Simulation technology allows for the military to understand all possible scenarios and outcomes before stepping foot onto the battlefield. With an increasing number of troops overseas, the need for situational training has become greater and greater.
<u>Storm Con: The North American Water Quality Conference and Expo</u>	August 1-5	San Antonio, TX	Professional conference and exposition focusing on storm-water program management innovations, BMPs performance case studies, research, technology, and services.
<u>Endangered Species Recovery Planning and Implementation Training Course</u>	August 2 - 6	Shepherdstown, WV	Hosted by Department of the Interior (DOI) the course covers the technical, policy, and practical aspects of recovery planning and implementation for threatened and endangered species. Topics covered include: statutory framework, purpose and steps of recovery plan development, policies and guidance relevant to recovery, the relationship of recovery to all parts of the ESA, five-year reviews, conservation tools such as decision analysis and adaptive management to recovery efforts, and monitoring.
<u>GovEnergy Conference and Energy Management Training</u>	August 15 - 18	Dallas, TX	The GovEnergy conference is for federal employees and energy industry professionals focusing on energy efficiency, renewable energy, water efficiency, and greenhouse gas management within the federal sector. Participants will attend training sessions, discover financial and technical resources, explore energy-saving technologies, and meet energy experts.

WHAT	WHEN	WHERE	DETAILS
Innovations in Watershed Management Under Land Use and Climate Change	August 23-27	Madison, WI	This conference will highlight innovative approaches for managing water resources under climate and land use change. Relevant topics include hydrologic measurement and modeling, integrated and/or adaptive water management, aquatic ecosystem restoration, risk-based design,
The Laboratories for the 21st Century	September 28-30	Albuquerque, New Mexico	The Laboratories for the 21st Century (Labs21®) Annual Conference is sponsored by the U.S. Environmental Protection Agency (EPA), the U.S. Department of Energy (DOE), and the International Institute for Sustainable Laboratories (I ² SL). The event is the largest gathering of sustainable laboratory professionals in the nation
International Water Assoc. (IWA) World Water Congress and Exhibition	September 19-24	Montréal, Canada	Biennial event allowing world-leading water professionals to meet, exchange ideas, explore the state of the art and debate the key issues underlying the science and practice of water.
The Water Environment Federation WEFTEC 2010	October 2 - 6	New Orleans, Louisiana	Conference offers water quality education and training focusing on water quality developments research, regulations, solutions, and cutting-edge technologies
9th Annual Community Modeling and Analysis System (CMAS) CMAS Conference	October 11-13	Friday Center, UNC-Chapel Hill	CMAS is an approach to the development, application, and analysis of environmental models that leverages the complementary talents and resources of the modeling community.
Remote Sensing Data Usage in Air Quality Assessments Class SMOKE Class	October 18 -20 25-27	Chapel Hill, NC	CMAS, with support from NASA, is now offering a course titled, "Remote Sensing Data Usage in Air Quality Assessments" , to be taught by two NASA-sponsored instructors with support from CMAS staff. The 2,5 day course will cover the use of aerosol and trace gas related products from the satellite Modis and Omni instruments and Aeronet (ground based lidar network) in air Quality studies.
California Storm Water Quality Association (CASQA) Conference	November 1 - 3	Mission hills, CA	A storm-water conference with the following credit seminars: Sustainable Mandates: Managing Feasibility and Compliance, Municipal storm-water 101: Phase II program fundamentals, Legal framework past, present and near future, General Construction Permit: Implementation.
5th National Conference on Coastal and Estuarine Habitat Restoration	November 13 -17	Galveston Island, TX	Hosted by <i>Restore America's Estuaries</i> , the conference theme is, "Preparing for Climate Change." The conference brings together the coastal habitat restoration community and a group of diverse stakeholders from across the country, including top representatives from federal, state, and local governments; corporations and businesses; and education—all united in the search for solutions to the needs of our coastal ecosystems.
TMDL 2010: Watershed Management to Improve Water Quality	November 14 -17	Baltimore, MD	Sponsored by the American Society of Agricultural and Biological Engineers (ASABE). This fifth in a series of conferences focusing on watershed management and TMDLs. The purpose of the conference is to report on ongoing research and outreach efforts related to TMDL development and implementation of watershed management

WHAT	WHEN	WHERE	DETAILS
USEPA Workshop for Federal Labs	Various Times	Various Locations	USEPA hosts free two-day workshops for the federal laboratory community on “Improving Environmental Compliance and Environment Management Systems at Federal Labs.” The workshops focus on federal facility lab requirements under various environmental statutes, regulations, and Executive Orders as well as environmental management systems and pollution prevention strategies.
The Conservation Leadership Network Training Courses	Various Times	Various Locations	Hosted by the 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.
Go Learn	Anytime	Online	GoLearn.gov provides government employees and military personnel with web-based learning and development courses, as well as many other products and services. Recent course addition includes, working effectively with Tribal governments. Site registration is required, including a nominal fee for federal users.
USEPA Watershed Academy Web	Anytime	Online	USEPA online training website offers a variety of self-paced training modules that represent a basic and broad introduction to the watershed management field. Modules vary in time to complete, from half hour to two hours.
USEPA and ITRC Training Website	Multiple Dates	Multiple Locations	USEPA, in partnership with the Interstate Technology Regulatory Council (ITRC) provides a range of training relevant to hazardous waste remediation, site characterization, risk assessment, emergency response, site/incident management, counter-terrorism, and the community's role in site management and cleanup. The website includes training schedules for courses - both classroom and Internet-based.
NPDES Training and Workshops	Various Times	Various Locations	The NPDES permitting program offers training courses, workshops, and webcasts to explain the regulatory framework and technical considerations of the NPDES permitting program. The courses are designed for permit writers, dischargers, USEPA officials, and other interested parties.
USEPA Watershed Assessment Tools Training	Various Times	Various Locations	USEPA offers training on various watershed modeling or aquatic toxicity simulation tools such as BASINS, AQUATOX, and others.
Virginia Tech Center for TMDL and Watershed Studies	Anytime	Online	The VT TMDL Center has conducted various workshops relating to TMDL development and modeling. The online module presents information from some of the workshops. The site also serves as a clearinghouse for TMDL information. Online module: Fate and Transport of Fecal Bacteria in the Environment.

WHAT	WHEN	WHERE	DETAILS
USEPA Online EMS Training Course	Any Time	Online	The course provides an overview of how environmental management systems (EMS) can support facility programs. The course takes about one hour to complete.
Qualified Recycling Program Course	Various Times	Various Locations	The course provides training on how to identify and market recyclable materials. The course is for any person or organization that generates recyclable materials, is associated with an installation recycling program or DoD precious-metals recovery program, or works for a Defense Reutilization and Marketing Office.
ERCC Web Academy – Recycling and Solid Waste Management Educational Webinar Series	15 July 19 Aug 16 Sept 21 Oct	Webcast	The USEPA's Resource Conservation Challenge (RCC) Web Academy series provides information through a second year of webinars on a variety of topics. The format for the calls will be a formal presentation followed by a question and answer session and discussion time.
US Army Corps of Engineers Training Program	Various Times	Various Locations	USACE Fiscal Year 2010 training program is now available and open for registration. For further information, contact USACE, (402) 697-2559, or register online.
Naval Civil Engineer Corps Officers School (CECOS) Training Courses	Various Times	Various Locations	During FY 2010, CECOS will offer courses with 260 individual course offerings. The Mobile Training Teams will be conducting over 80 percent of the courses. Courses: 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.
Army Podcast Service	Various Times	Online	The Army offers free pod-casts including an environmental series, an Army Corps of Engineers series, and many more. The podcasts are available through a free subscription service. It is not necessary to own an iPod in order to view or listen to a podcast.
DOI Learn	Any Time	Online	DOI Learn houses natural resource courses and training offered by all organizations within the Department of Interior, to include the National Park System, Fish and Wildlife Service, Bureau of Land Management.
Defense Acquisition University (DAU)	Any Time	Online	DAU developed on-line resources available for the DoD, AT,& L workforce, industry partners, and other Federal, state, and local government organizations. The on-line resources provide the ability to apply for a course, take a continuous learning module for continuous learning credit, research policy and other documents, link to related learning and knowledge content, ask a professor a question, contribute knowledge.

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Internet Resources

FEDERAL SOURCES

USAEC <http://aec.army.mil/>
USEPA <http://www.epa.gov/>
Region 1 <http://www.epa.gov/region01/>
Region 2 <http://www.epa.gov/region02/>
Region 3 <http://www.epa.gov/region03/>
Region 5 <http://www.epa.gov/region5/>
USDA <http://www.usda.gov/>
DOI <http://www.doi.gov>
Federal Register
<http://www.gpoaccess.gov/fr/index.html>
Code of Federal Regulations
<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>

STATE / TERRITORY SOURCES

Connecticut <http://www.state.ct.us/>
Delaware <http://www.state.de.us/>
District of Columbia <http://www.dc.gov/>

Illinois <http://www.illinois.gov/>
Indiana <http://www.state.in.us/>
Maine <http://www.maine.gov/>
Maryland <http://www.maryland.gov/>
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New York <http://www.state.ny.us/>
Ohio <http://www.ohio.gov/>
Pennsylvania <http://www.state.pa.us/>
Puerto Rico <http://www.gobierno.pr/>
Rhode Island <http://www.state.ri.us/>
Vermont <http://vermont.gov/>
Virgin Islands <http://www.usvi.org/>
Virginia <http://www.myvirginia.org/>
West Virginia <http://www.wv.gov/>
Wisconsin <http://www.wisconsin.gov/>

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