



# NORTHERN REGION REVIEW



Environmental Legislative and Regulatory News

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## National Conference of State Legislatures Members Hear about DoD's Encroachment Issues

At the 2010 National Conference of State Legislators (NCSL) annual Legislative Summit, state legislators from across the nation with an interested in issues affecting military-community relations heard from Department of Defense (DoD) officials about the growing problems of incompatible land uses around DoD installations. The summit took place in Louisville, Kentucky July 24-28, 2010. At a session of NCSL's Military and Veterans Task Force, DoD representatives outlined the adverse impacts of incompatible land use and other encroachment issues on the ability of DoD installations to sustain their training, testing and missions and on the overall impact to military readiness. They also presented policy options for state legislators who want to help assure the sustainability of the installations in their communities and states.

Among the policy options DoD officials offered were: (1) providing funding to support the purchase of conservation, or other, easements, development rights and other real property interests to preserve undeveloped land near military installations as farmland, parkland or for some other conservation purpose compatible with military training and testing; (2) requiring disclosure statements as a part of the sale of residential property near military installations, advising buyers of the residence's proximity to a military installation and the potential for noise, unwanted light, dust etc.; (3) notification to military installations of proposals to change land use plans or rezone land in proximity to them, and an opportunity to participate in any related proceeding; (4) inclusion of a military installation representative on local land use planning commissions and boards as a non-voting member; and, (5) statutory requirements that local land use planning boards consider the impact of their plans on local military installations when developing or modifying their plans. The advantages and disadvantages of each option were also discussed; and existing state laws were provided as examples.

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## NEW ASSISTANT SECRETARY TAKES OATH



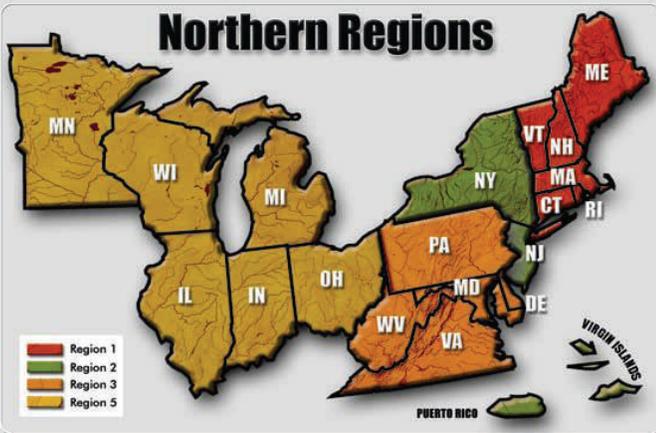
Under Secretary of the Army Joseph W. Westphal swears in Katherine Hammack as the Assistant Secretary of the Army for Installations and Environment as her mother, Mary Kate Dellett, participates in a ceremony held August 4, 2010 at the Pentagon.

Katherine Hammack is the primary advisor to the Secretary of the Army and Chief of Staff of the Army on all matters related to installation policy. She oversees energy security and management and is responsible for sustainability and environmental initiatives. Ms. Hammack said, "*Energy security and environmental sustainability are our responsibility to future generations.*"

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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/OREGA/>.

Under Secretary of the Army Joseph W. Westphal administered the oath of office to Ms. Hammack, who was nominated for her new position by President Barack Obama June 28, 2010.

*"I am deeply honored to have the opportunity to influence the quality of life of our Soldiers and their Families," Hammack said. "Our installations and the environment play such an important role and have such a significant impact on our Soldiers, Civilians and Families and their well-being."*

*"Energy security and environmental sustainability are our responsibility to future generations," Hammack said. "If our relations with the environment are balanced, so will our relations with our neighbors both at home and abroad."*

Ms. Hammack is also responsible for policy concerning resource management, base realignment and closure, Army family housing and safety and occupational health programs at installations. She has more than 30 years of experience in energy and sustainability advisory services.

She previously worked at Ernst & Young LLP, assisting clients with obtaining Leadership in Energy and Environmental Design (LEEDS), green building certification and identifying sustainability strategies.

For more information on the Office of the Assistant Secretary of the Army for Installations and Environment: <http://www.asaie.army.mil/Public/IE/>.

In another session of the task force, a representative of DoD presented the growing challenge DoD is facing with the siting of wind turbines. DoD has found that not only can poorly sited wind turbines be a navigational hazard for aviators, but that they can also interfere with DoD's long range radar and with microwaves. Legislators were told that DoD is currently developing policy on the subject of wind turbine siting and that the Secretary of Defense has designated the Deputy Under Secretary of Defense for Installations and Environment to be the single point of contact for all wind turbine encroachment issues. For more information please contact Bob Boonstoppel, [robert.boonstoppel@us.army.mil](mailto:robert.boonstoppel@us.army.mil).

<b>UPCOMING OREGA-N MEETINGS</b>	
Annual Chesapeake Bay Meeting	August 25-26, 2010
Illinois Military Environmental & Sustainability Symposium	August 30, 2010
Wisconsin Military Environmental & Sustainability Symposium	September 1, 2010



## EXECUTIVE OFFICE OF THE PRESIDENT

**SECURITY OF BIOLOGICAL SELECT AGENTS AND TOXINS** On July 2, 2010, President Obama issued an Executive Order titled, "[Optimizing the Security of Biological Select Agents and Toxins in the United States](#)." The EO directs fundamental changes to the way highly hazardous pathogens and toxins in the United States are secured against misuse. The EO provides guidelines for: (1) the security of biological select agents and toxins (BSAT); (2) the creation of a Select Agent Program (SAP); and (3) the establishment of the Federal Experts Security Advisory Panel. The Security Advisory Panel is comprised of federal security and scientific experts that serve as the principal security advisory body that will advise the SAP, and will provide guidance and technical recommendations on BSAT, that include: (1) the designation of Tier 1 agents and toxins; (2) the reduction in the number of agents on the Select Agent List; (3) the establishment of appropriate practices to ensure reliability of personnel with access to Tier 1 agents and toxins at registered facilities; (4) best practices regarding physical security and personnel reliability; and (5) the revisions to the Select Agent Regulations (SAR). The EO directs HHS, USDA, DOJ, FBI, and other federal departments to institute a number of substantive changes to their implementation of the SAP/SAR within their existing statutory authorities to secure BSAT.

**EO ON THE STEWARDSHIP OF THE OCEAN, COASTS AND GREAT LAKES** On July 19, 2010, President Obama signed an [Executive Order](#) (EO) that establishes a National Policy for the Stewardship of the Ocean, Coasts, and Great Lakes. The EO adopts the [Final Recommendations of the Interagency Ocean Policy Task Force](#) and directs Federal agencies to take the appropriate steps to implement them. The EO: strengthens ocean governance and coordination, establishes guiding principles for ocean management, adopts a flexible framework for effective coastal, marine spatial planning, and authorizes the creation of a [National Ocean Council](#) (NOC). The NOC is designated to strengthen ocean governance and coordination across the Federal Government and implement the national policy. Some final recommendations of the EO are to: prioritize actions for the NOC to pursue, and to establish a Governance Coordinating Committee that will formally engage with state, tribal, and local authorities.

**GREENGOV PRESIDENTIAL AWARDS** The White House Council on Environmental Quality is calling for [nominations](#) for the 2010 GreenGov Presidential Awards. The GreenGov Presidential Awards recognize outstanding performance towards the goals of President Obama's [Executive Order 13514](#) on Federal Leadership in Environmental, Energy, and Economic Performance. Federal and military personnel, project teams, facilities, and programs are eligible and encouraged to nominate colleagues or themselves. Award categories include: Sustainability Hero Award; Green Innovation Award; Lean, Clean, and Green Award; Good Neighbor Award; Green Dream Team Award, and Building the Future Award. Nominations will be accepted online from June 29 - July 29. Winners will be recognized during the 2010 GreenGov Symposium, to be held in Washington, DC, October 5-7, 2010.

**GREENGOV SYMPOSIUM** The White House Council on Environmental Quality announced that it will hold the first [GreenGov](#) Symposium on October 5-7, 2010. The GreenGov Symposium is in response to President Obama's Executive Order 13514, [Federal Leadership in Environmental, Energy, and Economic Performance](#) signed on October 5, 2009. The Executive Order commits the Federal Government to leading by example in its operations, by requiring federal agencies to: set greenhouse gas reduction targets, increase energy efficiency, reduce fleet petroleum consumption, conserve water, reduce waste, support sustainable communities, and leverage federal purchasing power to promote environmentally-responsible products and technologies. Topics covered at the 2010 GreenGov Symposium will include: clean energy, water efficiency, getting to zero waste, greening the supply chain, and sustainable communities. The Symposium will bring leaders from federal, state and local governments, nonprofit, academic communities, and the private sector to identify opportunities around greening the Federal Government. The three day educational [event](#), will be hosted by the George Washington University on its Foggy Bottom campus in Washington, DC.

**DISPOSING OF EXCESS FEDERAL REAL ESTATE** On June 10, 2010, President Obama issued a Presidential [memorandum](#) directing executive departments and agencies to accelerate efforts to identify and eliminate excess federal properties. The memorandum supports the actions to measure and reduce resource use and greenhouse gas emissions in federal facilities, pursuant to Executive Order 13514. In addition to projected savings by DOD under BRAC, federal agencies are to identify \$3 billion in savings by 2012 and submit plans to OMB by August 30, 2010.



## DoD NEWS

**ELECTRICITY FROM RENEWABLE ENERGY SOURCES** DoD has issued an interim rule, that specifies contract requirements for the purchase of electricity from renewable energy sources. The interim rule titled, Defense Federal Acquisition Regulation Supplement; Multiyear Contract Authority for Electricity From Renewable Energy Sources, implements section 828 of the National Defense Authorization Act for fiscal year 2008 (DFARS Case 2008-D006), [[75 FR 34942](#), June 21, 2010]. Section 828 authorizes the Secretary of Defense to enter into a contract for a period not to exceed 10 years for the purchase of electricity from sources of renewable energy. In addition, the interim rule also specifies that, the contract period may exceed five years only if the head of the contracting activity determines that the proposed purchase of electricity under such contract is cost effective, based on cost benefit case analysis prepared by DoD. Comments on the interim rule are due on August 20, 2010.

**DOD ALTERNATIVE ENERGY MAPPING ACT** On June 10, 2010, in the House of Representatives Dean Heller, Republican of Nevada, introduced bill (H. R.5507), cited as the "Department of Defense Alternative Energy Mapping Act" [[CR H4386](#), June 10, 2010]. The proposed legislation would require the Secretary of Defense to identify areas on, military installations and certain other properties as acceptable, unacceptable, or un-assessed regarding their suitability for placement of geothermal, wind, solar photovoltaic, or solar thermal trough systems. This bill is in the first step in the legislative process. Introduced bills and resolutions first go to committees that deliberate, investigate, and revise them before they go to general debate. The DoD Alternative Energy Mapping Act was referred to the Committee on Armed Services on June 10, 2010.

**ROD ON ARMY GROWTH** On June 11, 2010, the Department of the Army announced an [updated Record of Decision \(ROD\)](#) for Army Growth and Force Structure Realignment. The updated ROD modifies the Army ROD made in December 2007, and details how the Army has modified growth and realignment decisions to better meet current operational mission requirements [[75 FR 34714](#), June 16, 2010]. Specifically, original growth decisions are being modified by this updated ROD in the following ways: Army growth is stopped at 45 active component BCTs instead of 48; one Infantry Brigade Combat Team (IBCT) has been established as the 43rd BCT at Fort Carson, CO; the 44th BCT has been activated at Fort Bliss, TX; and the 45th BCT was established at Fort Stewart, GA, as an IBCT. The Army is redirecting the IBCTs scheduled for 2011 at: Fort Bliss, TX; Fort Stewart, GA; or Fort Carson, CO, to combat support units at locations across the Army. A Heavy Brigade Combat Team (HBCT) (the 1st Brigade of the 1st Armored Division (1/1AD)) will be converted into a Stryker Brigade Combat Team (SBCT) beginning in 2011 at Fort Bliss, TX. The stationing of HBCTs currently assigned to Germany will be reassessed. The modifications to the original Grow the Army decision will better allow the Army to respond to security threats in an unpredictable global security environment.

**ARMY SDD POLICY UPDATE** On July 8, 2010, the Department of Army, Office of the Assistant Secretary of the Army Installations and Environment, issued a Memorandum on Sustainable Design and Development (SDD) [Policy update](#) (Environmental and Energy Performance). The purpose of the memorandum is to update sustainable design and development policy for Army facilities defined as any building installation structure or other property owned, operated by or leased to DoD. The memorandum incorporates and applies: [EPA Act 05](#), [EISA 07](#), [EO 13423](#) and [EO 13514](#), as the means for meeting energy efficiency, metering, solar hot water heating, storm water management, indoor and outdoor water consumption, measurement, verification, and LEED principles. The memorandum specifies the Army's commitment to sustainable design and development from construction, and [building](#) performance throughout the life-cycle of the facility.

**WINNERS OF THE SECRETARY OF DEFENSE ENVIRONMENTAL AWARDS** The Department of Defense has announced the winners of the 2010 Secretary of Defense Environmental Awards. For years, the Secretary of Defense has honored individuals, teams, and installations for their outstanding achievements to conserve and sustain the natural and cultural resources entrusted to the Department of Defense. A panel of judges has selected the following installations, teams, and individuals as the winners of this year's awards: The Fort Custer Training Center, Michigan Army National Guard for the Natural Resources Conservation-Small Installation Award; Camp Guernsey, Wyoming Army National Guard for the Cultural Resources Management-Installation Award; Marine Corps Base Hawaii, Hawaii, for the Environmental Quality-Nonindustrial Installation Award; Fleet Readiness Center Southwest, Calif., for the Sustainability-Industrial Installation Award; Hill Air Force Base, Utah, for the Environmental Restoration-Installation Award; Stephen Sieber, Eglin Air Force Base, Fla., for the Natural Resources Conservation-Individual/Team Award; Awni Almasri, Naval Support Activity Bahrain, Bahrain, for the Environmental Quality-Individual/Team Award; Regina Butler of the 45th Space Wing, restoration project manager at Patrick AFB, Fla., for the Environmental Restoration-Individual/Team Award; The Aeronautical Systems Center, 77th Aeronautical Systems Wing, Acquisition Environmental and Occupational Health Risk Management Branch at Wright-Patterson AFB, Ohio, for the Environmental Excellence in Weapons Systems Acquisition-Team Award. On June 2, 2010, the Undersecretary of Defense for Acquisition, Technology and Logistics, officiated at the ceremony honoring the winners at the Pentagon.



## US ENVIRONMENTAL PROTECTION AGENCY NEWS

### General

**DATA CENTERS AND ENERGY STAR LABEL** On June 7, 2010, USEPA [announced](#) that stand-alone data centers and buildings that house large data centers can now earn the [Energy Star label](#). To earn the label, data centers must be in the top 25 percent of their peers in energy efficiency using the "Power Usage Effectiveness" metric. A licensed professional must independently verify the energy performance of these buildings and sign and seal the application document that is sent to EPA for review and approval. Data centers can improve energy efficiency in many ways, such as purchasing Energy Star qualified servers and ensuring that all HVAC equipment functions properly.

**LAUNCH OF CADDIS WEB SITE** USEPA has announced the release of a draft web-site for a 30 day review and comment period [[75 FR 35457](#), June 22, 2010]. The draft web-site, "2010 Release of the Causal Analysis/Diagnosis Decision Information System ([CADDIS](#))," is an online system that guides users through evaluation of causes of biological impairment to aquatic systems using USEPA's Stressor Identification process. Features include: a step-by-step guide to conducting causal analysis; examples and applications; a library of conceptual models; an online application for collaborating on conceptual diagrams and using them to update and access a database of supporting literature, information on basic and advanced data analyses, downloadable software tools, and links to outside information sources. Comments were due July 22, 2010.

### Air Quality

**MANDATORY REPORTING OF GHG EMISSIONS** On June 28, 2010, USEPA issued the final rule for [Mandatory Reporting of Greenhouse Gases](#) from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills [[75 FR 39736](#), June 28, 2010]. This action amends the Greenhouse Gas Reporting Program (GHGRP) requirements in 40 CFR Part 98 finalizing the reporting for four source categories. With this final rule the Agency has taken action on all outstanding source categories and subparts from the April 2009 proposal for the GHGRP. [The Green House Gas Reporting Program](#) requires suppliers of fossil fuels or industrial GHGs and large direct emitters of greenhouse gases to report to USEPA. In summary, the final rule, and the larger rulemaking effort, will result in a national inventory of GHGs by state, industry, and source category. While control of GHGs is not required at this time, this rulemaking effort may be a first step toward the future enactment of GHG reduction legislation. USEPA is preparing to provide data to the public after the first annual GHG reports are submitted in March 2011. The final rule is effective on September 10, 2010.

**STRONGER NAAQS FOR SULFUR** USEPA has released the text of a final rule that establishes a new 1-hour primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide ([SO<sub>2</sub>](#)) [[75 FR 35520](#), June 22, 2010]. The new 1-hour standard was set at the level of 75 parts per billion (ppb) calculated as the three-year average of the 99th percentile of the annual distribution of daily maximum 1-hour average concentrations. With the establishment of the new 1-hour SO<sub>2</sub> standard, USEPA also revoked the two previous primary standards of 140 ppb (24-hour standard), and 30 ppb (annual standard) because they will not provide additional public health protection given a 1-hour standard at 75 ppb. USEPA's evaluation of scientific information and the risks posed by exposure to SO<sub>2</sub> indicate that the new standard will protect public health by reducing exposure to high short-term (5-minutes to 24-hour) concentrations of SO<sub>2</sub>, especially for children, the elderly, and people with asthma. The final rule addresses only the SO<sub>2</sub> primary standards, which are designed to protect public health. USEPA will address the secondary standard designed to protect the public welfare, including the environment as part of a separate review to be completed in 2012. USEPA expects to identify or designate areas not meeting the new standard by June 2012. This final rule is effective on August 23, 2010.

**PSD TITLE V GREENHOUSE GAS TAILORING RULE** USEPA has issued a final "tailoring" rule which addresses which stationary sources and modification projects become subject to permitting requirements for greenhouse gas (GHG) emissions under the Prevention of Significant Deterioration (PSD) and Title V programs of the Clean Air Act (CAA) [[75 FR 31513](#), June 3, 2010]. This rulemaking is necessary, because without it, PSD and Title V requirements would apply, as of January 2, 2011, at the 100 or 250 tons per year (TPY) levels provided under the CAA. Without the tailoring rule there would have been: an increase in the number of required permits, imposed undue costs on small sources, excessive permit burdens on title V authorities, and impaired function of the PSD program. USEPA is relieving these resource burdens by phasing in the applicability of these programs to GHG sources, starting with the largest GHG emitters. The PSD and Title V applicability thresholds being established are based on carbon dioxide equivalent (CO<sub>2e</sub>) for the aggregate sum of six greenhouse gases that constitute the pollutant that will be subject to regulation. These gases are: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous

oxide (N<sub>2</sub>O), hydro-fluorocarbons (HFCs), per-fluorocarbons (PFCs), and sulfur-hexafluoride (SF<sub>6</sub>). PSD and Title V applicability is based on the quantity that results when the mass emissions of each of these gases are multiplied by the Global Warming Potential (GWP) of that gas, and then summed for all six gases. The source's net GHG emissions increase must equal or exceed the applicable significance level on a CO<sub>2</sub>e basis and the statutory thresholds of 100 or 250 tpy on a mass basis in order for a source to be subject to the PSD modification requirements. This rule establishes two initial steps of the phase in. The rule also commits the agency to take certain actions on future steps. The final [PSD tailoring rule](#) went into effect on August 2, 2010.

**GHG CONFIDENTIALITY DETERMINATION** USEPA has issued a [proposed rule](#), the proposed confidentiality determination for the Mandatory Greenhouse Gas Reporting rule, and proposed rule amendment specifying procedures for handling Part 98 data [[75 FR 39094](#), July 7, 2010]. This action proposes to determine which data elements are to be reported under USEPA's Greenhouse Gas Reporting Program and which data elements would be publicly available and which would be kept confidential for each category. In addition, this action includes USEPA's proposed amendment to special rules governing certain information obtained under the Clean Air Act. The proposed amendment would authorize USEPA to release or withhold as confidential reporting elements in the Mandatory Greenhouse Gas Reporting Rule according to the determinations made in a final action without taking certain additional procedural steps currently required. This action also solicits comments on several key issues related to the proposed confidentiality determinations and amendment. Comments must be received on September 7, 2010.

**2011 RENEWABLE FUEL STANDARDS** On July 20, 2010, USEPA issued a proposed rule which would [regulate](#) annual Air Quality standards for cellulosic bio-fuel, biomass-based diesel, advanced bio-fuel, and [renewable fuels](#) that apply to all gasoline and diesel produced or imported in year 2011 [[75 FR 42237](#), July 20, 2010]. Entities potentially affected by this proposed rule are those involved with the production, distribution, and sale of transportation fuels, including gasoline and diesel fuel or renewable fuels such as ethanol and biodiesel. Comments must be received by August 19, 2010.

**NEW STANDARDS AND EMISSION GUIDELINES FOR INCINERATION UNITS** USEPA has issued a proposed rule that would significantly limit most toxic pollutant emissions for incinerators [[75 FR 31937](#), June 4, 2010]. The proposed definition of a commercial and industrial solid waste incineration (CISWI) unit would capture additional units for regulation as incinerators. Categories captured would include energy recovery units (boilers that burn solid wastes), waste burning kilns, and burn-off ovens (e.g., ovens used to remove paint from parts or varnish from motors for re-winding). The comment period closed July 19, 2010

**BOILERS AND PROCESS HEATERS NESHAP MAJOR AND AREA SOURCES** USEPA has issued [proposed](#) emission standards for the following source categories: industrial, commercial, and Institutional boilers and process heaters located at major sources [[75 FR 32005](#)]; industrial, commercial, and institutional boilers located at area sources [[75 FR 31895](#)], and commercial and industrial solid waste [incineration](#) Units [[75 FR 31937](#)]. The Administrator also signed a proposal entitled "[Identification of Non-Hazardous Secondary Materials That Are Solid Waste](#)" [[75 FR 31843](#)]. USEPA has received a request to schedule additional public hearings for these four related rulemakings. USEPA extended the deadline for written comments on the proposed rules [[75 FR 32682](#)]. Comments must be received by August 23, 2010.

**PROTOCOL GAS VERIFICATION PROGRAM** USEPA has issued a proposed rule that amends both the Protocol Gas Verification Program (PGVP), and the minimum competency [requirements](#) for air emission testing (formerly air emission testing body requirements) of the Acid Rain Program [[75 FR 33391](#), June 11, 2010]. The intent of the amendments is to improve the accuracy of emissions data. Recent USEPA gas audit results indicate, that some gas cylinders used to calibrate continuous emission monitoring systems on stationary sources, fail to meet USEPA's performance specification requirements. Reviews of stack test reports in recent years indicate that some stack testers do not properly follow USEPA test methods and do not correctly calculate test method results. The comment period closed on July 12, 2010.

**PERFORMANCE STANDARDS FOR STATIONARY COMPRESSION IGNITION ENGINES** USEPA has issued a proposed rule for new stationary compression ignition internal combustion engines with displacement greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder [[75 FR 32611](#), June 8, 2010]. The proposed rule would make minor revisions to the standards of performance for new stationary spark ignition internal combustion engines to mirror certain revisions proposed for compression ignition engines, for the regulation of stationary internal combustion engines. The amendment depicts the first and second tier standards of particulate matter, NO<sub>x</sub> plus hydrocarbon, and hydrocarbons for different engine sizes. In addition, the action proposes revisions to the requirements for engines with displacement at or above 30 liters per cylinder to align more closely with recent standards for similar mobile source marine engines. The proposed standards go into effect in 2013. The comment period closed on August 9, 2010.

**NEW INTERSTATE TRANSPORT RULE** On July 6, 2010, USEPA issued a Notice of Proposed Rulemaking (NPR), the [proposed rule](#) referred to as the [air transport rule](#) would both identify and limit interstate transport of emissions of nitrogen oxides (NOx) and sulfur dioxide (SO<sub>2</sub>) within 32 states in the eastern United States that, affect the ability of downwind states to attain and maintain compliance with the 1997 and 2006 fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS) and the 1997 ozone NAAQS. The proposed air transport rule would improve air quality by requiring significant reductions in power plant emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxide (NOx) to meet state-by-state emission reductions by 2014. Both SO<sub>2</sub> and NOx react in the atmosphere to form fine particles and ground-level ozone (smog) and are transported long distances, making it difficult for other states to achieve national clean air standards. Along with local and state air pollution controls, the proposed rule is designed to help areas in the eastern United States meet existing national air quality health standards. The proposed rule, along with other state and USEPA actions, are projected to reduce SO<sub>2</sub> emissions by 71 percent over 2005 levels and are projected to reduce NOx emissions 52 percent. The proposed transport rule would: help improve visibility in state and national parks, would increase protection for ecosystems that are sensitive to pollution, and would replace the 2005 Clean Air Interstate Rule (CAIR). The U.S. Court of Appeals for the D.C. Circuit ordered USEPA to revise CAIR in 2008. The court allowed CAIR to remain in place temporarily until USEPA had a [replacement rule](#). To assure emissions reductions happen quickly, USEPA is proposing federal implementation plans, or FIPs, for each of the states covered by this rule. USEPA will hold three [public hearings](#) on its proposed Transport Rule, Aug. 16, Aug. 23, and Sep. 1, 2010. The comment period is scheduled to close on October 1, 2010.

**NAAQS PM 2.5 -10 REVIEW** USEPA has issued a Notification of a Public Meeting of the Clean Air Scientific Advisory Committee ([CASAC](#)) Particulate Matter Review Panel [[75 FR 32763](#), June 9, 2010] The Panel reviewed USEPA's policy assessment for the review of particulate matter National Ambient Air Quality Standards (NAAQS) [Second External Review Draft](#) (June 2010). USEPA is currently considering assessing the adequacy of the current suite of annual and 24-hour PM<sub>2.5</sub>, and primary 24-hour PM<sub>10</sub> standard meant to protect public health against short-term exposures to thoracic coarse particles and protect against long and short-term exposures to fine particles, the current suite of standards are being considered for revision. The [CASAC](#) meeting was held in Durham NC on July 26-27, 2010. The comment period closed on July 20, 2010.

**LEAD EMISSIONS FROM PISTON-ENGINE AIRCRAFT** USEPA has [announced](#) a 60-day comment period extension for the Advance Notice of Proposed Rulemaking ([ANPR](#)) 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]. Most piston aircraft engines require 100LL and a suitable replacement fuel has not yet been developed for these engines. While there are similar engines that burn non-leaded fuels, aircraft are often purchased with engines that use 100LL because many airports only have 100LL. 100LL contains a maximum of 2 grams of lead per US gallon, or maximum 0.56 grams/liter and is the most commonly available and used aviation gasoline. 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. This rule making notice has a minimal expected impact on the military due to low use of this fuel by DoD. The new comment period was extended from June 28, 2010 to August 27, 2010.

## Toxic Substances

**PARTIAL WITHDRAWAL OF HAZARDOUS WASTE TECHNICAL CORRECTIONS RULE** USEPA has issued a stay and a withdrawal of four amendments from its previously released, direct final rule Hazardous Waste Technical Corrections and Clarifications Rule originally published in the Federal Register [[75 FR 12989](#), March 18, 2010]. As a result of adverse comments received, USEPA is withdrawing the following specific amendments [[75 FR 31716](#), June 4, 2010]: (1) the amendment to the entry "K107" in the table at 40 CFR 261.32(a); (2) the amendment to 40 CFR 262.34 (a); (3) the amendment to 40 CFR 262.34(a)(1)(iv)(B); (4) the amendment to 40 CFR 262.34(a)(2); (5) the amendment to 40 CFR 262.34(a)(5); (6) and the amendment at 40 CFR 266.20(b) The withdrawn amendments were withdrawn on June 4, 2010. The remaining amendments, published in the Federal Register [[75 FR 12989](#) on March 18, 2010] went into effect on June 16, 2010.

**IRIS HEALTH ASSESSMENT FOR FORMALDEHYDE** USEPA has [announced](#) a 90-day comment period and listening session for the external review draft, human health assessment titled, "Toxicological Review of Formaldehyde-Inhalation Assessment" [[75 FR 30825](#), June 2 2010]. USEPA will provide the National Academy of Sciences (NAS) independent scientific peer review committee the draft and received comments for its consideration. USEPA will consider all public comments on its draft and will use the guidance from the NAS as it completes its IRIS Health Assessment for Formaldehyde. USEPA is releasing this draft assessment solely for the purpose of pre-dissemination peer review. The public comment period and NAS scientific peer review are separate processes that provide opportunities for all interested parties to comment on the assessment. The public comment period began on June 2, 2010, and is scheduled to close on August 31, 2010.

**SAB REVIEW AND REANALYSIS OF DIOXIN TOXICITY** USEPA has issued a [notice](#) of a listening session scheduled for July 9, 2010, in [response](#) to the external review draft document entitled, “[EPA's Reanalysis of Key Issues Related to Dioxin Toxicity and Response to NAS Comments](#)”, [75 FR 282610, May 21, 2010]. The draft document responds to key recommendations and comments made in the National Academy of Sciences (NAS) 2006 report. USEPA is in the process of re-assessing the science on the effects of dioxin, and is incorporating new analyses on potential human effects from exposure to 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin (TCDD). The purpose of the listening session was to allow all interested parties to present scientific and technical comments on draft IRIS health assessments to USEPA during the public comment period and before the external peer review meeting. USEPA has forwarded the public comments and the draft document, to the Science Advisory Board (SAB) peer review panel. The SAB convened an expert panel, composed of scientists knowledgeable about the potential human health effects of tetra-chloro-dibenzo-p-dioxin (TCDD), on July 13-15, 2010. The public comment period for review of the draft assessment began on May 21, 2010, and has been extended until September 20, 2010.

**DRAFT GUIDANCE ON RMP** On June 22, 2010, USEPA released interim guidance under the [Risk Management Program \(RMP\)](#) that would provide greater transparency in the agency’s chemical safety inspections process. Under the interim guidance, USEPA inspectors will offer employees and employee representatives the opportunity to participate in chemical safety inspections. USEPA will request that state and local agencies adopt similar procedures under the Risk Management Program (RMP). The interim guidance pertains to inspections conducted by USEPA under the RMP. Through this program, USEPA seeks to reduce the risks to surrounding communities that arise from the management, use or storage of certain hazardous chemicals. Owners and operators of covered facilities must develop a risk management plan, which includes facility plans for the prevention and response to chemical accidents. Under the Clean Air Act, the [Chemical Accident Prevention Provisions](#) require facilities that produce, handle, process, distribute, or store certain chemicals to develop a risk management program, prepare a risk management plan, and submit the plan to USEPA. The final RMP guidance on inspections is expected to be issued by USEPA later this year.

**SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE** USEPA is proposing to amend the date by which certain facilities must prepare or amend their SPCC Plans, and implement those Plans [75 FR 45572, August 4, 2010]. The Agency is proposing to provide an additional year for certain facilities, with a new compliance date of November 10, 2011. Comments on this proposed rule must be received by August 18, 2010.

## Water Quality

**NEW ALTERNATIVE TESTING METHODS UNDER SDWA** USEPA has issued a final rule which approves alternative testing methods for use in measuring the levels of contaminants in drinking water and facilitates compliance with national primary drinking water regulations [75 FR 32295, June 8, 2010]. The Safe Drinking Water Act ([SDWA](#)) authorizes USEPA to approve the use of alternative testing methods through publication in the Federal Register. USEPA is using this streamlined authority to make 12 additional methods available for analyzing drinking water samples required by regulation. This [expedited approach](#) provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection. The final rule went into effect on, June 8, 2010.

**REVISED TOTAL COLIFORM RULE** USEPA has issued a proposed rule, the Revised Total Coliform Rule (RTCR), that makes [revisions to the 1989 Total Coliform Rule \(TCR\)](#), a National Primary Drinking Water Regulation (NPDWR) [75 FR 40925, July 14, 2010]. The purpose of the [RTCR](#) is to protect public health by ensuring the integrity of the drinking water distribution system and monitoring for the presence of microbial contamination. USEPA plans to hold meetings and [webcasts](#) regarding distribution system requirements that strengthen the TCR by addressing contamination issues. USEPA anticipates greater public health protection under the proposed revised requirements, which are based on recommendations by a federal advisory committee. The proposed revisions to the TCR will: require public water systems that are vulnerable to microbial contamination to identify and fix problems, and establish criteria for systems to qualify for and stay on reduced monitoring, thereby providing incentives for improved water system operation. As with the current TCR, the proposed RTCR applies to all public water systems. Comments must be received by September 13, 2010.

**NEW ANALYTICAL TEST METHODS FOR MPDES PERMITS** USEPA is proposing minor amendments to its Clean Water Act (CWA) regulations to codify that under the National Pollutant Discharge Elimination System ([NPDES](#)) program, only “sufficiently sensitive” analytical test methods (those that are capable of detecting and measuring the pollutants at, or below, the respective water quality criteria or permit limits) can be used when completing an NPDES permit application and when performing sampling and analysis pursuant to monitoring requirements in an NPDES permit [75 FR 35712, June 23, 2010]. The proposed amendment would codify existing USEPA guidance on the use of sufficiently sensitive analytical methods with respect to measurement of mercury and extend the approach outlined in that guidance to the NPDES program more generally. Specifically, USEPA is proposing to clarify the existing NPDES application, compliance monitoring, and

analytical methods regulations. The amendments in this proposed rulemaking affect only chemical specific methods; they do not apply to the Whole Effluent Toxicity ([WET](#)) methods or their use. The comment period closed on August 9, 2010.

**NPDES PERMIT FOR POINT SOURCE DISCHARGES** On June 2, 2010, USEPA announced a [Notice of a draft National Pollutant Discharge Elimination System \(NPDES\) permit](#) for point source discharges from the application of pesticides to waters of the United States. The permit covers pesticide application for: mosquito and other flying insect pest control, in or above standing or flowing water, aquatic weed and algae control. This permit is also known as the Pesticides General Permit (PGP) was developed in response to a decision by the Sixth Circuit Court of Appeals ([National Cotton Council, et al. v. EPA](#)). The court vacated USEPA's 2006 rule that said NPDES permits were not required for applications of pesticides to U.S. waters. As a result of the Court's decision, discharges to waters of the U.S. from the application of pesticides will require NPDES permits when the court's mandate takes effect, on April 9, 2011.

**COMMENT EXTENSION FOR DRINKING WATER SIX YEAR REVIEW-2** USEPA has issued a notice of a 30-day extension, of the comment period, for the Six-Year Review-2 of the National [Primary Drinking Water Regulations \[75 FR 30401, June 1, 2010\]](#). The Safe Drinking Water Act (SDWA) requires USEPA to conduct a periodic review of existing National Primary Drinking Water Regulations to determine which, need to be revised. The purpose of the [review](#), known as the [Six-Year Review-2](#), is to identify those standards requiring revision to improve or strengthen public health protection. USEPA published its detailed review in March 2010 [[75 FR 15500, March 29, 2010](#)]. The four compounds identified as candidates for regulatory revision are: acryl-amide, epi-chloro-hydrin, and the groundwater contaminants tetra-chloro-ethene (PCE), and tri-chloro-ethene ([TCE](#)). The Six-Year Review-2 suggests that stricter limits may be required for the compounds. Lowering of the MCLs for PCE and TCE would not only affect public drinking water supplies, but would require significant changes in groundwater monitoring programs. USEPA established a 60-day comment period in the initial publication. The extended comment period closed on July 1, 2010.

**NPDES PERMIT FOR MUNICIPAL SANITARY SEWER COLLECTION SYSTEMS** USEPA has issued a notice of several [public listening sessions](#), for gathering information on: [[75 FR 30395, June 1, 2010](#)], (1) the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule [[75 FR 38068, July 1](#)]; (2) the framework for regulating municipal satellite collection systems under the NPDES permit program; (3) the appropriate role of NPDES permits in addressing unauthorized discharges under exceptional circumstances; (4) meeting of standard permit conditions related to: reporting, public notification, and recordkeeping.; and (5) Capacity, Management, Operation and Maintenance (CMOM) requirements and prohibition along with other standard permit conditions throughout municipal collection systems. The comment period closed on August 2, 2010.

**WEB-DIALOGUE AND NATIONAL STRATEGY ON DRINKING WATER PROTECTION** USEPA announced a [new strategy](#) to expand public health protection for drinking water in March 2010. On July 28-29, 2010, USEPA held a web dialogue that provided the public and stakeholders a forum to exchange information and share ideas on approaches that should be considered when developing a framework for addressing contaminants as groups. USEPA is initiating a national conversation and [web dialogue](#) to identify better ways to address contaminants in groups, instead of the current way of targeting contaminants one at a time. USEPA specifically wants to improve drinking water technology, and more effectively address potential risks. USEPA will engage the public, stakeholders, including utilities, rural communities, and states, in developing the new approach. Over the next few months, USEPA will hold public meetings, web casts, and will post on the [USEPA's website](#) to seek input. USEPA will also seek advice from the National Drinking Water Advisory Council and consult with the Science Advisory Board's Drinking Water Committee.

**USEPA'S GREEN POWER PARTNERSHIP** On August 2, 2010, USEPA released its entire list of top 50 Green Power Partners. [USEPA's Green Power Partnership](#) works with more than 1,200 partner organizations to voluntarily purchase green power to reduce the environmental impacts of conventional electricity use. Overall, USEPA's Green Power Partners are using more than 17 billion kWh of green power annually, equivalent to the CO2 emissions from electricity use of more than 1.5 million average American homes. Green power is generated from renewable resources such as: solar, wind, geothermal, biomass, biogas, and low-impact hydropower. Green power resources produce electricity with an environmental profile superior to conventional power technologies and produce no net increase to greenhouse gas emissions. Purchases of green power also help accelerate the development of new renewable energy capacity nationwide.

## **OTHER FEDERAL AGENCY NEWS**

**DOE ENERGY CONSERVATION STANDARDS FOR HIGH INTENSITY DISCHARGE LAMPS** On June 30, 2010, DOE issued a notice and [final determination](#) that revises the energy conservation standards for High Intensity Discharge Lamps (including mercury vapor, metal halide, and high-pressure sodium). This final determination initiates the process and establishes test procedures and potential energy conservation standards for High Intensity Discharge Lamps (HID). DOE

limited its analyses to HID technologies. DOE received comments in response to its previous draft reports regarding alternative non-HID technologies. DOE will consider the effects of non-HID lamp technologies (e.g., the penetration of a Light-Emitting Diode (LED) products in the HID lighting market, and their effects on future HID lamp shipments) as part of the future energy conservation standards rulemaking. This rule went into effect on August 2, 2010.

**DOT REQUIREMENTS FOR SAFE TRANSPORT OF RADIOACTIVE MATERIAL** DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued a notice and is [requesting comments](#) on proposed revisions to a draft revision of the International Atomic Energy Agency's (IAEA) Regulations for the Safe Transport of Radioactive Material (TS-R-1), scheduled for publication in 2012, [[75 FR 38168](#), July 1, 2010]. Comments are being solicited only on the [changes](#) made between the published [2009 edition](#) and the draft 2012 edition. PHMSA and the U.S. Nuclear Regulatory Commission (NRC) will jointly be submitting comments on the draft document to the IAEA. Comments must be received on or before October 29, 2010.

**FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS ACT** On July 7, 2010, President Obama signed into law, Public Law 111-1999, [Formaldehyde Standards for Composite Wood Products Act](#), that limits formaldehyde emissions allowed from certain composite wood products. The new law amends the 1976 Toxic Substances Control Act (TSCA) by requiring the USEPA to implement formaldehyde emission standards originally established by the California Air Resources Board ([CARB](#)) by 2013. The law requires the USEPA Administrator, by July 1, 2011, in coordination with the Commissioner of Customs and Border Protection (CBP) and other appropriate federal agencies, to revise regulations promulgated under TSCA concerning import certification of any chemical substance, mixture, or article containing formaldehyde to ensure compliance with the Act. The new federal law aims to protect consumers by restricting formaldehyde emissions from composite wood products, hardwood plywood, medium-density fiberboard, and particle board, as well as finished goods that are made from composite wood products sold, supplied, or manufactured in the U.S., including those imported from foreign markets. There is an exclusion for 'hardwood plywood' which does not include military-specified plywood.

**SUSTAINABLE DESIGN STANDARDS** The Department of Energy (DOE) has issued a Notice of Availability of Proposed Rulemaking (NOPR), and has extended the comment period for the proposed rule addressing the application of sustainable design principles that specify the: siting, design, use of water conservation technologies, solar water heating in new construction, and major renovations of federal buildings [[75 FR 34657](#), June 16, 2010]. The proposed rule addresses federal, commercial, and multi-family high-rise buildings, in new [[10 CFR Part 33](#)], and federal low-rise residential buildings [[10 CFR 435 subpart A](#)]. The rulemaking provides criteria for choosing a certification system and level (such as LEED Silver) for green buildings. DOE is considering requirements for the continuing certification of buildings, post occupancy, to demonstrate continued environmental benefits and energy savings. These initial and continuing certification requirements would be required only for construction or renovation exceeding \$2,500,000, and to certain GSA buildings. Comments were due by August 12, 2010.

**ESTUARY HABITAT RESTORATION COUNCIL REQUEST FOR INPUT ON STRATEGY** On June 21, 2010, NOAA, issued a notice of the Estuary Habitat Restoration [Council's](#) intent to revise the "Estuary Habitat Restoration Strategy" and is requesting public comments to guide its revision [[75 FR 14976](#), June 21, 2010]. The Council is interested in aligning their strategy with the Ocean Policy task force goals and is soliciting ideas that may be incorporated into a revised estuary habitat restoration strategy. The Council has identified topics that need inclusion: climate adaptation restoration, socio-economic benefits of estuary habitat restoration, and geographic restoration prioritization. The Council is comprised of representatives from the Department of the Army, NOAA, USEPA, USFWS, and the DOA. The Council is not seeking comments on a revised estuary habitat restoration strategy at this time. The intent of the notice is to solicit ideas that may be incorporated into a revised estuary habitat restoration strategy. The Council intends to prepare a draft revised estuary habitat restoration strategy for fall 2010 and make it available for public review and comment. After reviewing public comments on the draft, the Council will draft and release a final revised estuary habitat restoration strategy in early 2011. Comments were due by July 21, 2010.

**NOAA DRAFT STRATEGIC PLAN** The National Oceanic and Atmospheric Administration (NOAA) has released a draft of NOAA's Next Generation [Strategic Plan](#) for comment. The Plan describes the long-term outcomes that NOAA will contribute to in areas of: climate adaptation and mitigation; healthy oceans; resilient coastal communities and economies; and weather-readiness. Some objectives of the draft plan include: integrated environmental modeling; sustained and integrated earth observing systems, and improved water resource management. The comment period closed on August 10, 2010.

**PDM PLAN FOR BALD EAGLE** The Fish and Wildlife Service (FWS), has issued a notice of availability on the final Post-Delisting Monitoring Plan (PDM Plan) for the bald eagle (*Haliaeetus leucocephalus*) [[75 FR 31811](#), June 4, 2010]. The PDM Plan will monitor the status of the Bald Eagle by collecting data on occupied nests, over a 20-year period with sampling

events held once every 5 years, this began in 2009. In 2007, the bald eagle was delisted, in the contiguous 48 States, from the Federal List of Threatened and Endangered Wildlife Species. The PDM Plan, is a national-level monitoring plan designed to detect declines that would merit reconsideration of the bald eagle as threatened or endangered under the ESA. Although, there are no specific requirements for the Army, as stated in the monitoring plan, "Bald eagle monitoring in most States has been carried out by a combination of Federal agencies, Tribes, private organizations, and individuals. While the Service, in cooperation with the States, is responsible for post-delisting monitoring of bald eagles, continued participation and cooperation is important for monitoring success and will provide the necessary resources to implement this Plan." In addition to the PDM Plan, to detect the rate of decline, FWS will use for permitting purposes under the Bald and Golden Eagle Protection Act, the Eagle Permits rule [74 FR 46836]. There are potential impacts to numerous Army installations. The bald eagle is known to be present on over 30 installations and contiguous to 12 others.

**FDA JOINS TOXCAST PROGRAM** On July 21, 2010, USEPA, the National Institute of Environmental Health Sciences National Toxicology Program (NTP) and the National Institute of Health Chemical Genomics Center (NCGC) welcomed the U.S. [Food and Drug Administration](#) (FDA) to the [Tox21 collaboration](#). The Tox21 collaboration merges federal agency resources (research, funding and testing tools) to develop ways to more effectively predict how chemicals will affect human health and the environment. The collaboration was established in 2008 to develop models that will be able to better predict how chemicals will affect humans. FDA will provide additional expertise and chemical safety information to improve current chemical testing methods. USEPA contributes to Tox21 through the [ToxCast program](#) by providing chemicals and additional automated tests to NCGC. In April USEPA expedited the process for finding chemical information online by releasing a database, called [ToxRefDB](#), which allows scientists and the interested public to search and download thousands of toxicity testing results on hundreds of chemicals.

# Regional

**DELAWARE RIVER BASIN COMMISSION WATER QUALITY AND COMPREHENSIVE PLAN** The Delaware River Basin Commission (DRBC) filed a [proposed rulemaking](#) that amends the Commission's Water Quality Regulations, Water Code and Comprehensive Plan. The amendments would: (1) revise the human health water quality criteria for PCBs in the Delaware Estuary; (2) apply the PCB human health water quality criterion to the Delaware Bay; and (3) provide for the use of compliance schedules to implement stream quality objectives established by the commission. DRBC is a federal interstate compact agency charged with managing the water resources of the Delaware River Basin without regard to political boundaries. Its commissioners are the governors of the four Basin states: New Jersey, New York, Pennsylvania, Delaware, and a federal representative, the North Atlantic Division Commander of the US Army Corps of Engineers. DRBC has issued a [notice](#) of public hearing for publication, in 4 states (NY, PA, NJ and DE) [75 FR 41106, July 15, 2010], and a comment notice on the proposed amendments. The public hearing on this proposed rulemaking will be held on September 23, 2010 at 2:30pm at DRBC. Written comments will be accepted until 5:00pm on Friday, October 1, 2010.

# 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](mailto:Robert.Muhly@us.army.mil).

**GRAY WOLF LISTED AS ENDANGERED IN FIVE NORTHEASTERN STATES** The Fish and Wildlife Service (FWS) has issued a 90-Day finding on a petition to list a Distinct Population Segment (DPS) of the gray wolf (*Canis lupus*) in five northeastern states as endangered [75 FR 32869, June 10, 2010]. The FWS found that the petition did not have substantial information that any "population" of the gray wolf may exist in the Northeast, and FWS has a lack of substantial information that indicates a discrete population in the Northeast. FWS is requesting any pertinent data to indicate that listing of the northeastern population of gray wolf may still be warranted. FWS is collecting data to determine if wolves in the lower 48 States' range, including the Northeast, should currently remain listed as endangered (50 CFR 17.11 (h)). Army impact in the

northeastern states of: Massachusetts, New York, Vermont, New Hampshire, and Maine, is undetermined and statistically improbable.

**USEPA DETERMINATION ON MARINE SANITATION FACILITIES, AND NEW MA NDA PROHIBITION** On July 27, 2010 the Regional Administrator of USEPA-New England Region, issued a Notice of Determination that relates to vessel sewage treatment facilities in Massachusetts [75 FR 43979]. Specifically USEPA has determined that, adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels is reasonably available for the coastal waters of: Gloucester, Rockport, Essex, Ipswich, Rowley, Newbury, Newburyport, Salisbury, Amesbury, West Newbury, Merrimac, Groveland, North Andover, Haverhill, Methuen, and Lawrence, collectively termed the Upper North Shore. On May 20, 2010, the Commonwealth of Massachusetts petitioned the Regional Administrator, requesting that USEPA determine that, adequate facilities for treatment of sewage from all vessels are available for the waters of the Upper North Shore. Now that USEPA has issued this determination, the [Commonwealth of Massachusetts](#) can declare these waters a No Discharge Area (NDA) and can completely prohibit the discharge from all vessels of any sewage, whether treated or not, into the Upper North Shore waters. Massachusetts is one of several [New England States that have NDA waters](#).



## Connecticut

**PROPOSED UST REGULATIONS** The Connecticut Department of Environmental Protection has issued a [proposed rule](#) that would amend: subsections 22a-449 (d)-102(a) (11), through (18) and Section 22a-449 (d)-108, on underground storage tanks (UST). The state must institute requirements for secondary containment for UST systems and operator training in order to comply with the federal energy policy act and to receive federal funding. The proposed amendments specify: (1) containment sumps at the tank top and under the dispensers; (2) when sumps need to be installed; (3) types of monitoring and testing for secondary containment systems; (4) procedures for approving operator training programs; (5) certification of three levels of UST Operators and their respective roles; (6) a system by which all UST operators may obtain certification by August 2012; (7) methods for identifying deficiencies in operator training programs; and (8) the applicability of the UST regulations. A public hearing occurred on July 28, 2010 and the comment period closed on July 28, 2010.

**PROPOSED CHANGES TO GROUND WATER CLASSIFICATION MAPS** The Connecticut Department of Environmental Protection has issued eight specific amendments to the ground water classification maps. Seven of the proposed amendments would lower the ground water classification from an existing classification of GA to a classification of GB. All seven areas are historically developed urban commercial/industrial areas, served by public water supply drawn from outside the area and immediately adjacent to or down gradient of existing Class GB areas. The eighth revision is to remove a Class GAA area around a public water supply well which is no longer in service and has been abandoned. The area around the well will revert to the classification of the surrounding area, which is Class GB. A [hearing](#) occurred on the proposed amendments on June 23, 2010. The comment period closed on Wednesday, June 23, 2010 at the time of hearing

**PROPOSED GROUND WATER RECLASSIFICATION FOR SITE-SPECIFIC AREAS** The Connecticut Department of Environmental Protection has issued a [proposed rule](#) that would amend: the Ground Water Classification Map. The proposed amendments are to certain site-specific ground water classifications and have been submitted pursuant to Standard GW8 (B) of the Water Quality Standards of the State. The proposed amendments would lower the ground water classification from an existing classification of GA to a classification of GB at the proposed sites. The site-specific areas proposed for reclassification are: (1) Beacon Falls: Approx. 50 acres in the vicinity of 158 Pines bridge Road, (2) Bethel: Approx. 31 acres in the vicinity of 185 Grassy Plain Street, abutting an existing Class GB area; (3) Greenwich: Approx. 0.83 acres consisting of the properties and 623 and 625 West Putnam Avenue; (4) Waterbury: Approx. 0.8 acres at 21 Homer Street. The hearing occurred on the proposed amendments on July 14, 2010. The comment period closed on July 14, 2010.



## Maine

**PROPOSED CHANGES TO COMPREHENSIVE LAND USE PLAN** The Maine Land Use Regulation Commission has issued a [proposed rule](#) which updates and revises the Comprehensive Land Use Plan. Specifically miscellaneous changes are being proposed to Chapters 5, and 10. The rules need to be revised to update references and correct typographical errors. The proposed amendments for chapter 10, land use districts and standards, set new limitations on size of structures near water bodies and clarifications on various permitted and non-permitted land uses. Chapter 5 amendments specify the rules for conduct at public hearings. The comment period closed on July 23, 2010.



## Massachusetts

### REVISIONS TO MA RCRA PROGRAM

On June 23, 2010, USEPA issued a final rule granting authorization to the Commonwealth of Massachusetts to proceed with proposed changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA) [75 FR 35660]. USEPA has determined that the changes satisfy all requirements needed to qualify for final authorization and is authorizing the State's changes through this immediate final action. Specifically, Massachusetts is requesting authorization for the Land Disposal Restrictions element of the RCRA program. This final authorization will become effective on August 23, 2010 unless USEPA receives adverse written comment by July 23, 2010.

### PROPOSED GROUNDWATER CLEANUP AT CAMP EDWARDS NOTICE OF USEPA COMMENT PERIOD

USEPA has issued notice of a 30-day comment period for a [Remedy Selection Plan](#) (RSP) that outlines the proposed alternative for addressing groundwater contamination at the J-1 Range on the [Massachusetts Military Reservation](#) (MMR) also known as Otis Air Force Base. The plan outlines the alternatives presented in the J-1 Range Feasibility Study for addressing groundwater contamination at the site, along with the alternative recommended by the USEPA and the reasons for its selection. The comment period began July 19, 2010 and closes on August 17, 2010.



## New Hampshire

### PERMIT EXPIRATION RULE FOR GROUNDWATER WITHDRAWALS

On June 16, 2010, New Hampshire Governor, John Lynch, signed into law [Chapter 158](#) (also known as S.B. 369). The new law specifies large groundwater withdrawal permit rules and requires the Department of Environmental Services (DES) to provide a written finding describing the status on applications submitted. Chapter 158 specifies that, if and when any required local building permit for a large groundwater withdrawal activity expires or becomes either: null and void, or both, the large groundwater withdrawal permit issued by DES will expire immediately. Chapter 158 went into effect on July 17, 2010.

### TITLE V PERMIT REQUIREMENTS AND EMISSION SOURCE FEES

On June 21, 2010, New Hampshire Governor John Lynch, signed into law [Chapter 183](#), (also known as H.B. 1534) which modifies Title V air permit requirements and which directs the Commissioner to issue a general permit with respect to a Title V source category. Chapter 183 provides that the Commissioner adopt rules providing for a permit-by-notification for a source category, provided that there is more than one device or non-Title V source in the source category. The sources and devices are not stationary, and that the devices or non-Title V sources in that category are all subject to the same regulatory requirements. The law also provides that a temporary permit, which may contain conditions, shall be required prior to commencement of construction or installation of any new or modified affected source, except for those affected sources which are authorized to be constructed pursuant to a general permit. With respect to fees, the law states that an applicant shall pay any cost or expense associated with public notices or notifications in the permit process and that, as a condition of any permit or authorization required, the Commissioner may require payment of an annual emissions fee sufficient to cover the costs of enforcing the permit program.

### NH COMPLIANCE WITH SDWA

The New Hampshire Department of Environmental Services has issued a [recently adopted rule](#) that implements public notice requirements for the State's public drinking water program to ensure that the state program is equivalent to the federal program under 40 CFR 141, promulgated by USEPA under the Federal Safe Drinking Water Act (SDWA). Specifically in this rulemaking: (1) the existing rules (Env-Ws351,352 and 354-359) are being re-numbered to [ENV-Dw800](#); (2) the rules are being conformed to the requirements of SDWA; (3) the public notification requirements for violations are clarified; (4) there are additional requirements for recently adopted groundwater monitoring and treatment rules (Env-Dw 717); (5) the rules are reorganized into subtitle (Env-DW) Drinking water Programs. The [rules](#) will directly affect owners of public water systems. The rule making notice number 2010-30, was adopted effective on June 30, 2010.

### REVISIONS TO STATEWIDE AIR PERMIT SYSTEM

The New Hampshire Department of Environmental Services (DES) has issued a [proposed rule](#), ([Env-A 600](#)) which revises the Statewide Air Permit System. Specifically in this rulemaking: (1) a permit-by-notification (PBN) system has been established for non-metallic mineral processing plants; (2) clarifications for required documents and reports that must be filed with DES have been made ; (3) the applicability requirements for

combustion devices is clarified; (4) new application requirements for: a temporary permit, a state permit to operate (SPO), a Title V permit, all must comply with (Env-A 810.01) by including an operation and monitoring plan with their application; (5) new 90-day application filing with DES prior to expiration, for minor modifications of Title V operating permits is now required ; and (6) sections that describes how actual emissions should be calculated (616.01) have been merged into Env-A 705.02, and the text of 616.01 has been cross-referenced to 705.02. A hearing occurred on Tuesday, August 3, 2010. The [comment](#) period closed on August 13, 2010.



## Rhode Island

**UNDERGROUND SINGLE WALLED TANK AND PIPING PHASE OUT** On June 25, 2010, Senator Christopher B. Maselli's (D), sponsored bill, [S.B. 2654](#), (same as: [H.B. 7652](#)), and it was enacted without the Governor's signature and was renumbered to [Chapter 157](#). The new Law requires that: (1) the Department of Environmental Management (DEM), by January 1, 2011 develop recommendations for phasing out the stage II vapor recovery program with the required removal of single-walled tanks and or piping installed prior to May 8, 1985; (2) the tank program be permanently closed by December 22, 2020; (3) single-walled tanks and or piping installed between May 8, 1985 and July 20, 1992 be permanently closed within thirty-five years of the date of installation.

**HAZARDOUS WASTE PROGRAM REVISIONS AND WASTEWATER TREATMENT UNIT EXEMPTIONS** USEPA has granted final authorization for the Hazardous Waste Management Program Revisions requested by the state of Rhode Island [[75 FR 43409](#), July 26, 2010]. The most significant differences between the State rules being authorized and the Federal rules as of July 1, 2008, pertain to waste water discharges. Rhode Island has amended the language regarding the Federal exemption for Wastewater Treatment Units (WWTUs) in 40 CFR 270.1(c)(2)(v) and 264.1(g)(6), rather than incorporating the Federal provisions by reference (see Rules 7.0 B.8. and 8.1 A.6). One of the amendments is in Rule 7.0 B.8.(d) and 8.1 A.6.(d), where the State is specifying that its WWTU exemption applies only when a unit has a "current ongoing discharge to surface waters or the sewers" subject to regulation under section 402 or 307 of the Clean Water Act, and the State's water act. Rhode Island is limiting the exemption to units which currently are discharging to the water, as opposed to zero discharge units which discharge to the air. The State regulations further specify that, "zero discharge units," such as evaporators are not covered by this exemption, but rather must comply with the RCRA requirements for generators or treatment Storage and Disposal Facilities, as applicable, in addition to any requirements specified in any permit issued by the Department's Office of Water Resources or a Publicly Owned Treatment Works. This final authorization will become effective on September 24, 2010 contingent on USEPA not receiving any adverse written comment by August 25, 2010.

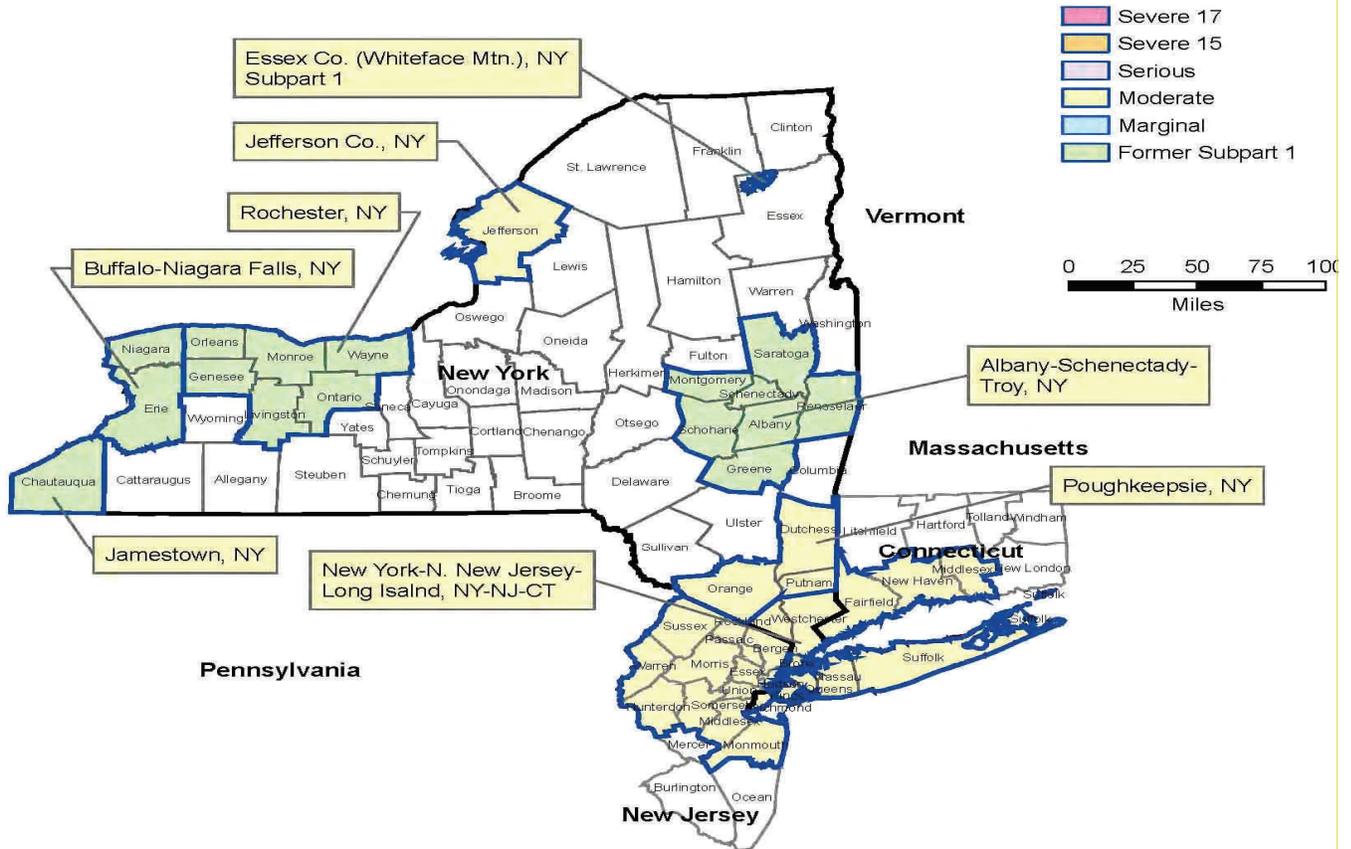
# Region 2

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](mailto:Robert.Muhly@us.army.mil).

**APPROVAL OF NEW YORK PORTION OF THE NY-NORTHERN NEW JERSEY-LONG ISLAND,& NY-NJ-CT EIGHT-HOUR OZONE RACT RACM SIP** USEPA has issued a final rule to conditionally approve a portion of a New York State Implementation Plan (SIP) revision [[75 FR 43066](#), July 23, 2010],[[75 FR 23640](#), May 4, 2010]. The final rule conditionally approves 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. In addition, USEPA is conditionally approving 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](#). This rule is effective on August 23, 2010

## New York

8-hour Ozone Nonattainment Areas in Blue Border



## New York

### NEW COMBUSTION TURBINE EMISSION LIMITS RULE

The New York Department of Environmental Conservation (NYDEC) has issued a [final rule](#) which amends the stationary combustion installation and reduction requirements for emission limits for all boilers and combustion turbines. The amended final rule replaces: the recent June rule, filed on June 8, 2010; redefines mid-size boiler and specifies a replacement option. The new Part 200 amendments will add the definitions for the terms: boiler, combined cycle combustion turbine, combustion turbine, continuous emissions monitoring system (CEMS) certification protocol, continuous emissions monitoring system plan, emergency power generating stationary internal combustion engine, simple cycle combustion turbine, and very large boiler. These definitions are being included under, Part 200 for consistency due to their use in multiple regulations. The final rule became effective on July 25, 2010.

### PROPOSED NEW GUIDELINES FOR MEASURING ENERGY

The New York Public Service Commission (PSC) has issued a [proposed rule](#) (p.24) which establishes new guidelines for "Specific Technical Specifications for Measuring Energy" (I.D. No.PSC-21-10-00019-P). The PSC is considering whether to adopt, modify, or reject, in whole or in part, proposed modifications to the technical manuals associated with the Energy Efficiency Portfolio Standard (EEPS) program. The technical manuals are designed to provide a standardized approach for measuring energy savings in energy efficiency programs. The five technical manuals subject to the proposed rulemaking - "New York Standard Approach for Estimating Energy Savings from Energy Efficiency Programs," in: (1) Single Family Residential Measures, (Dec. 2009); (2) Commercial and Industrial Programs (Sep. 2009); (3) Multifamily Programs, (Jul. 2009).; (4) Gas (Mar. 2009); (5) Electric (Dec. 2008). No public hearings have been scheduled for this rulemaking. The comment period closed on July 10, 2010.

### HIGHWAY RIGHT OF WAYS FOR ELECTRIC AND SOLAR GENERATING SYSTEMS

On June 28, 2010, Senate bill [S.B. 7734](#), (Same as: A10243) passed the Senate and was [referred](#) to the Transportation Committee. The proposed bill

amends New York highway law, by authorizing the lease of land adjacent to state, county and town highways for the purpose of the construction and operation of solar, wind electric-generating systems; in addition, the proposed rule amends the public authority's law, by granting authorization to the Metropolitan Transportation Authority (MTA) to enter into such leases. Both Oregon and California have already pioneered the use of highway right of ways for siting alternatives in solar energy generating systems. There are no votes for this bill in the current legislative session.

**WIND SITING DESIGNATION BOARD** On May 24, 2010, Senator James Alesi (R) introduced bill, [S.B. 07923](#), (same as S3644). The proposed bill would establish a wind siting designation board, consisting of the Department of Environmental Conservation's (DEC) nine regional planning bodies. Each planning body would consider wind siting applications and would determine areas within a region for designations and prohibitions essentially establishing wind farm zones. The proposed legislation outlines the nine regions for board jurisdiction. Currently there are no votes scheduled for this bill.

**PROPOSED WATER WITHDRAWAL PERMIT AND COMPLIANCE WITH COMPACT** On June 14, 2010, Rep. Robert Sweeney (D), introduced legislative bill, [A.B. 11436](#), (Same as: [S8280](#)) which authorizes the Department of Environmental Conservation (DEC) to implement a water withdrawal permitting program to regulate the use of the State's water resources. The bill would also repeal, effective December 31, 2013, Title 16 of ECL Article 15 (Title 16), which is related to Great Lakes water conservation and management, the provisions of Title 16 will be incorporated, into the permitting requirements of Title 15 as amended by this proposed bill. The intent of this proposed legislation is for New York to regulate all water withdrawals occurring in the New York portion of the Great Lakes Basin. The recent enactment of [the Great Lakes- St. Lawrence River Basin Water Resources Compact](#), (Compact) has impacted New York States water; and once the provisions of the compact are fully implemented, New York will have to comply with the Compact. In addition, this bill, by authorizing DEC to implement a statewide permitting program for all water withdrawals of equal or greater than 100,000 gpd, would allow New York to meet one of its significant responsibilities under the Compact: implementation of a regulatory program for water withdrawals in the Great Lakes Basin. This bill would require a significant portion of the State's water resources to be regulated for industrial, commercial and agricultural water withdrawals. The surrounding States of: Connecticut, New Jersey, Rhode Island, and Massachusetts have also instituted [water withdrawal regulations](#). On July 1, 2010, the bill was referred to the Committee on Environmental Conservation which amended, ordered reprinted as amended and recommitted to committee. Currently the bill is not [scheduled](#) for further action at this time.

**PROPOSED BROWNFIELD AMENDMENTS** On June 4, 2010, Senator Antoine Thompson (D), introduced bill, [S.B. 8071](#). The proposed bill would: (1) amend the provisions that establish eligibility for acceptance into the Brownfield cleanup program; (2) amend the assignment of Brownfield redevelopment tax credits; (3) amend the definition of "Brownfield site" to include property where a contaminant is known to be present at levels that have exceeded applicable health-based or environmental standards; (4) designate Brownfield areas, based on historic, commercial, or industrial use of the site as established by a Phase I report. The bill was referred to the Committee on Environmental Conservation on June 4, 2010. Currently there are no votes scheduled for this bill.



## New Jersey

**LAND DEVELOPMENT PERMIT APPROVAL EXTENSION** On January 10, 2010, New Jersey Governor Chris Christie signed bill [A.4347](#) into law, now referred to as chapter 336. The approval period would have expired this July, had the extension period not been adopted in the January law. Chapter 336 extended the expiration date for certain permits and approvals affecting the physical development of property located within the State of New Jersey. The law amended the "Permit Extension Act of 2008, which relates to tolling provisions; environmentally sensitive areas, land development, wetlands, waterfront development and soil erosion. The permit Extension Act of 2008 is required for many development, construction and business expansion projects. The extension period for certain permits issued by State, county and local government units went from January 1, 2007 to December 31, 2012, rather than to July 1, 2010. The adopted law does not extend certain types of approvals or permits issued pursuant to the "Pinelands Protection Act," "Highlands Water Protection and Planning Act," "Flood Hazard Control Act," "Coastal Area Facility Review Act," and the "Municipal Land Use Law."

**ALTERNATE DESIGN WASTEWATER TREATMENT SYSTEMS** The New Jersey Pinelands Commission has issued a proposed rule, N.J.A.C. 7:50-2.11, 6.84, 10.21-10.23, which establishes new requirements for the Pilot Program for Alternate Design Wastewater Treatment Systems. The proposed amendments made by the Commission will revise the [Comprehensive Management Plan](#). Specifically in this rulemaking, the Pilot program requirements are being revised: (1) several older water quality technologies are being released from the plan and several new technologies are being added; (2) the Amphidrome and Bioclere treatment technologies are now required in the plan; (3) several expansions to the treatment

plan that incorporate residential nutrient reducing onsite wastewater treatment have been added; (4) alternate design pilot program treatment systems are now authorized for municipalities if to the commission approves the technology, and it complies with the standards found in "Performance Expectations for Selected On-site Wastewater Treatment Systems;" (5) new quarterly effluent sampling requirements that quantify: total nitrogen, nitrate-nitrogen, nitrite-nitrogen, ammonia-nitrogen, and total kjeldahl nitrogen [and chlorides]. A public hearing concerning this rulemaking was held on July 15, 2010. The comment period closed on August 6, 2010.

**NEW NPDES SURFACE WATER PERMIT FEES** On May 6, 2010, Rep. John Wisniewski (D) and Rep. John McKeon (D) introduced Act ([A. 2629](#)), which specifies new fees for discharge to surface water permits, and was referred to the Assembly Environment and Solid Waste Committee. The proposed Act would: (1) amend current law to provide equitable calculation of fees for New Jersey Pollutant Discharge Elimination System (NJPDES) discharge to surface water permits; (2) encourage pollution prevention by larger emitters currently, permittees that emit the least pollutants (negative net discharge) are subsidizing the fees paid by permittees that emit higher levels of pollutants; (3) limit the permit fees for some by using actual average annual permitted pollutant load data from the prior year; (4) consolidate the permit for both storm water and discharge to surface water by accessing the annual fee for discharge to surface water only, to more accurately reflect the cost of administrative services rendered. The proposed Act changes the allocation of fees, but not the total amount of fees collected. This bill is not currently scheduled for further action.

**AGRICULTURAL WATER DIVERSION** On May 13, 2010, Rep. Nelson T. Albano (D), introduced bill, [A. 2693](#) (same as [S1162](#)), which would establish the Office of Agricultural Water Usage Assistance (AWUA), in the Department of Agriculture, and would require the Department of Environmental Protection (DEP) to consult with AWUA and the county agricultural agents in the administration of the water usage certification program for agricultural or horticultural purposes. The bill specifies that: (1) the Delaware River Basin Commission ([DRBC](#)) may not impose any administrative, application, processing, or registration fee, or any other type of fee or charge, on an applicant for a water usage certification in the State; (2) a water usage certification is required for diversions of 100,000 or more gallons of water per day for agricultural or horticultural purposes; (3) there is a prohibition against type of fee or tax administrative, application, processing, registration, water usage certification fee, or other charge on the diversion ground or surface water of the State for agricultural or horticultural purposes, including aquaculture, from being imposed by any State agency, independent authority, interstate or regional entity of which the State is a part. The proposed bill was referred to the Assembly Agriculture and Natural Resources Committee. This bill is not currently scheduled for further action.

**WIND ECONOMIC DEVELOPMENT ACT** On June 29, 2010, Representative Upendra J. Chivukula (D), sponsored bill [A2873](#), (same as [S.2036](#)), known as the "Offshore Wind Economic Development Act." The proposed Act amends and supplements the Electric Discount and Energy Competition Act (EDECA), which directs the Board of Public Utilities to develop an offshore wind renewable energy certificate program. The program would require (1) that a percentage of electricity sold in New Jersey be from off-shore wind energy; (2) the percentage of electricity sold would be developed to support at least 1,100 megawatts of generation from qualified offshore wind projects; (3) the project would serve as an offset to the renewable energy portfolio standard; (4) a reduction to the corresponding Class I renewable energy requirement. The bill authorizes EDA to provide tax-credits for qualified wind energy facilities in wind energy zones. On June 28, 2010, [S.2036](#) [passed](#) both houses.

**CONSTRUCTION OF WIND DEPENDENT ENERGY FACILITIES** On June 17, 2010, John F. McKeon (D), and Reed Gusciora (D), introduced bill, [A.2942](#), (same as [S212](#)). The proposed bill would allow construction of wind dependent energy facilities within 500 feet, of the mean high water line of tidal waters, pursuant to the "Coastal Area Facility Review Act," provided all other requirements of law, rule or regulation are met. Current DEP regulations permit only water dependent energy facilities to be constructed within 500 feet of the mean high water line. This bill also directs DEP to adopt rules and regulations concerning such permits within 30 days after the date of enactment of the bill into law. Currently, [A.2942](#) has been, referred to the Assembly Environment and Solid Waste Committee.

**SPILL COMPENSATION LIABILITY INCREASE** On July 1, 2010, Assembly Woman Annette Quijano (D) sponsored bill, [A.3124](#), which increases a compensation cap on liability. The proposed bill would increase the [Spill Compensation and Control Act](#) cap on liability. Specifically the bill requires liability for the accidental discharge of a hazardous substance to increase the limitation on liability for the owner or operator of a major facility from \$50 million to \$1 billion. The bill was referred to the Assembly Environment and Solid Waste Committee. Concurrently, Senators Bob Smith (D), and Christopher "Kip" Bateman (R), introduced an identical proposed bill [[S.2108](#), June 24, 2010] concerning liability for the discharge of a hazardous substance. Both bills amend (P.L.1976, c.141.). On July 19, 2010, [S2108](#) was reported from the Senate Committee with amendments. The [amendment](#) would increase the limitation on liability for the owner or operator of a vessel from \$1,200 per gross ton to \$3,000 per gross ton. Neither proposed bill is currently scheduled for a hearing.

**DEVELOPMENT OF SOLAR AND PHOTOVOLTAIC ENERGY FACILITIES** On July 1, 2010, Assembly Woman Annette Quijano (D), introduced bill, [A.3139](#), concurrently, Senators Jim Whelan (D), and Philip E. Haines (R), introduced

[S.2126, June 24, 2010], both proposed bills are identical and specify the development of solar and photovoltaic energy facilities and structures over landfills and quarries or an existing or closed resource extraction operation, including those located within the Pinelands area. Specifically, both proposed bills require the Pinelands Commission to make development determinations on the facilities potential impact and any engineering devices or other environmental controls existing on the site that would impact ecologically sensitive areas. The bill requires the expansion of renewable solar energy resources in areas which are not actively being used, and which would be minimally intrusive to conservation efforts. The proposed bill was referred to the Assembly Telecommunications and Utilities Committee. This bill is not currently scheduled for a hearing.

# Region 3

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



## Delaware

**NEW UST REQUIREMENTS** The Delaware Department of Natural Resources and Environmental Control (DDNREC) issued a [final rule](#) amending the current DE code: 7 DE Administrative Code 1351, Delaware Regulations Governing Underground Storage Tanks (UST). The final rulemaking incorporates federal requirements and adds clarifying language to ensure the greatest protection to human health, safety, and the environment in Delaware. The final rule became effective on June 11, 2010.



## Maryland

**NEW DEFINITIONS FOR FURNACE AND FUEL BURNING EQUIPMENT** The Maryland Department of the Environment (MDE) has issued a [proposed rule](#) <sup>(p.961)</sup> that would amend language in regulation: 26.11.01 General Administrative Provisions; and in regulation COMAR 26.11.09 Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations. Specifically, in COMAR 26.11.01.01B (17); the rulemaking will remove the word "furnace" from the definition of fuel burning equipment. The amended definition will be more consistent with the federal definition as it is used in more recent federal requirements. In COMAR 26.11.09.01, the rulemaking will remove the definition of "fuel burning equipment," this term was defined several years ago in order to differentiate between a boiler that involves the indirect heating of air or water and fuel burning installations that involve direct heat exchange. A fuel-burning installation, such as a kiln, is subject to the general requirements for SO<sub>2</sub> and particulate matter whereas fuel burning equipment is subject to different standards in the form of pounds per million Btu per hour heat input or the sulfur content of the fuel. This amendment will be submitted to USEPA to be included in the approved State Implementation Plan (SIP). A public hearing occurred on August 4, 2010. The comment period closed on August 4, 2010.

**NOX EXEMPTIONS FOR EMERGENCY GENERATOR AND LOAD SHAVING UNITS** MDE has issued a [proposed rule](#): that amends regulation .08-1 under COMAR 26.11.09, Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations – 10 hour exclusion. This regulation applies statewide to types of buildings and industries that operate an emergency generator or load shaving unit including health care facilities, schools, state and federally owned facilities, hotels and other large buildings. Specifically, the amendments clarify NO<sub>x</sub> exemption from the NO<sub>x</sub> emissions standard of 1.4 grams per brake horsepower hour when: (1) a gas or propane fired engine is exempt, except for the prohibition to test on a poor air quality day; (2) emergency engines at a nuclear power plant or a national security facility, are exempt as long as they are not load shaving; (3) The 10-hour exclusion applies to both existing and new engines and, if ozone season NO<sub>x</sub> allowances are secured, the emissions during the first 10-hours of operation are

not considered; (4) simplified calculations are used in order to secure ozone season NOx allowances when necessary. All other emergency generators, including those at health care facilities, are exempt from these requirements, except for the testing and maintenance provisions during periods when air quality is poor. Load shaving units are required to install non-resettable hourly time meters. Load shaving units, regardless of size, are required to maintain operating logs. A public hearing occurred on August 4, 2010. The comment period closed on August 4, 2010.

### **USEPA GRANTS ONE YEAR EXTENSION TO BALTIMORE MODERATE OZONE NONATTAINMENT AREA**

USEPA is taking direct final action for the Baltimore moderate nonattainment area which consists of: Anne Arundel, Baltimore, Carroll, Harford, Howard Counties, and Baltimore City. In this rule making USEPA is approving the state of Maryland's attainment date extension request from June 15, 2010 to June 15, 2011 for the Baltimore moderate ozone nonattainment area for the 1997 8-hour ozone national ambient air quality standard (NAAQS) [[75 FR 43069](#), July 23, 2010]. This extension is based in part on air quality data for the 4th highest daily 8-hour monitored value during the 2009 ozone season. USEPA is also revising the Maryland table in their regulations to reflect the change in the 8-hour ozone attainment. This rule is effective on September 21, 2010 without further notice, unless USEPA receives adverse written comment by August 23, 2010.



## **Pennsylvania**

**PRESCRIBED BURN STANDARDS** The Pennsylvania Department of Conservation and Natural Resources (PDCNR) has reissued the [Prescribed Burn Standards](#) that were developed under the requirements of P. L. 76, Act 17, 2009, "The Prescribed Burning Practices Act," (The standards were effective November 25, 2009.) These standards specify what is minimally acceptable for prescribed fire planning and implementation. The standards: (1) establish common terminology and definitions; (2) identify planning and implementation procedures for the use of prescribed fire in Pennsylvania; (3) specify what is minimally acceptable for prescribed fire planning and implementation. Organizations may choose to establish additional standards and policy direction, but they must adhere to, and cannot modify, these minimums. There were no changes made to the, 2009 Guide, "Prescribed Burn Standards" therefore publication in the PA Bulletin was not required for the reissue. A notice regarding this was published in the November 2009 Northern Region Review.



## **Virginia**

**GENERAL VPDES PERMIT FOR DOMESTIC SEWAGE DISCHARGES** The Virginia Department of Environmental Quality (VADEQ), Water Control Board has issued a [proposed rule](#) to amend: [9 VAC25-110](#), relating to General Permit for Domestic Sewage Discharges. The amendments will: (1) reissue the existing VPDES general permit for domestic sewage discharges of less than or equal to 1,000 gallons per day on a monthly average, and will expire on August 1, 2011; (2) establish standard language for control of point source discharges from small domestic sewage treatment works to surface waters through effluent limitations, monitoring requirements and special conditions; (3) specify coverage denial under the general permit; (4) specify in (section 60) authorization to discharge; (5) specify in (section 70) adding a provision that automatically re-establishes coverage from a prior permit; (6) add a compliance recordkeeping special condition; and (7) clarify the operation and maintenance plan. A public hearing will be held on August 26, 2010. The Comment deadline is September 17, 2010.

**PERMIT FOR PESTICIDE DISCHARGES** The State Water Control Board is [proposing](#) to develop and issue a Virginia Pollutant Discharge Elimination System (VPDES) general permit (9VAC25-800), for discharges from pesticides applied directly to surface waters to control pests, and/or applied to control pests that are present in or over, including near, surface waters. This general permit regulation is needed in order to comply with court ordered requirements for USEPA and states to issue NPDES permits for both chemical pesticide applications that leave a residue or excess in water, and all biological pesticide applications that are made in or over, including near, waters of the United States. (See the related water story concerning the draft USEPA pesticide proposal). The Department of Environmental Quality (DEQ) has formed a Technical Advisory Committee (TAC) for the General VPDES Permit for Pesticide Discharges and the first meeting was held Wednesday, July 14, 2010.

# Region 5

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



## Illinois

**SOLID WASTE ACT** [Public Act 96-1068](#) amends the Environmental Protection Act. It exempts from regulation as a pollution control facility the portion of a site or facility that (i) accepts exclusively general construction or demolition debris, (ii) is located in a county with a population over 3,000,000 as of January 1, 2000 or a county that is contiguous to such a county (instead of a county with a population over 500,000), and (iii) is operated and located in accordance with another provision of the Act. The bill provides that this amendatory Act does not remove any liability for any operation, site, or facility operating without any required legal permit or authorization for activities taking place prior to the effective date. Public Act 96-1068 is effective as of July 16, 2010.

**RADIATION PROTECTION ACT** [Public Act 96-1041](#) amends the Regulatory Sunset Act. It extends the repeal date of the Radiation Protection Act of 1990 from January 1, 2011 to January 1, 2021. It also amends the Radiation Protection Act of 1990 by changing the definition of "by-product material" to include certain sources of radium-266 and 2 other types of radioactive materials. It removes a provision that authorizes the Illinois Emergency Management Agency to establish certain fees and another provision that divides radiation installations into classes. The bill also provides that radiation installations shall be inspected according to frequencies established by the Agency based upon the associated radiation hazards, as determined by the Agency (rather than based upon the classification of those installations). Public Act 96-1041 is effective as of July 14, 2010.

**STAY OF AIR PERMITS** [Public Act 96-0934](#) authorizes the Illinois Pollution Control Board to stay the effectiveness of certain actions taken or permit conditions imposed by the Environmental Protection Agency in the course of administering the Clean Air Act Permit Program (CAAPP). It provides that if the Board stays any contested conditions, then any related conditions from any prior existing permit continue in full force and effect until the Board makes its final decision regarding the appeal of the granted CAAPP permit. The bill authorizes the Board to stay all the conditions in a CAAPP permit upon a demonstration that the issues raised on appeal can be reasonably expected to affect the CAAPP permit in its entirety. It also provides that if the entire CAAPP permit is stayed by the Board, then any prior existing permit continues in full force and effect until the Board makes its final decision regarding the appeal of the granted CAAPP permit. Public Act 96-0934 is effective as of June 21, 2010.

**AMENDMENT OF ENVIRONMENTAL PROTECTION ACT** [Public Act 96-0909](#) amends the Environmental Protection Act. It dictates, for the purpose of payment from the Underground Storage Tank Fund, that corrective action activities required to meet minimum requirements include compliance with certain provisions related to the Tiered Approach to Corrective Action Objective (TACO) rules. The law requires that the bidding process adopted, under Board rules, to determine the reasonableness of costs of corrective action provide for a publicly-noticed, competitive, and sealed bidding process that is, among other things, optional and allows bidding only if the owner or operator demonstrates that corrective action cannot be performed for less than a certain amount. It decreases the deductible that must be applied before an owner or operator may access moneys in the Fund. It authorizes the Environmental Protection Agency, each fiscal year, subject to appropriation, to commit up to \$10 million of the moneys in the Fund, which have been appropriated for the payment of corrective action costs, to the payment of corrective action costs for legacy sites that meet certain criteria. It grants the Agency certain rulemaking authority. It defines "legacy site". It provides that the Petroleum Underground Storage Tank Title of the Environmental Protection Act applies to all underground storage tank releases for which a No Further Remediation Letter is issued on or after the effective date of the Act, but that (i) costs incurred prior to the effective date of the Act shall be payable from the Underground Storage Tank Fund in the same manner as allowed under the law in effect at the time the costs were incurred and (ii) releases for which corrective action was completed prior to the effective date of the Act shall be eligible for a No Further Remediation Letter in the same manner as allowed under the law in effect at the time the corrective action was completed. It provides that, if a change in State or federal law requires additional remedial action in response to releases for which No Further Remediation Letters have been issued, then the Agency shall propose in the next convening of a regular session of the current General Assembly amendments to the Title to allow owners and operators to perform the

additional remedial action and seek payment from the Fund for the costs of the action. It authorizes payment from the Fund of certain costs incurred after the issuance of a No Further Remediation Letter. Public Act 96-0909 is effective as of June 8, 2010.

**PROPOSED FESOP AMENDMENTS** On April 20, 2010, the Illinois Environmental Protection Agency (IEPA) issued a [proposed rule](#) that extends the Federally Enforceable State Operating Permits (FESOP) term from 5 years to 10 years. The proposed rulemaking will amend the pollution control board's regulations that affect the permitting of synthetic minor sources and non major sources. The extension applies only if the source is required to obtain a Clean Air Act Permit pursuant to Section 39.5 of the Illinois Environmental Protection Act ("Act") and not exempt pursuant to subsection 1.1 of Section 39.5 of the Act. IEPA has determined that extending the term to 10-years will provide both a time and cost savings to IEPA and affected sources by reducing the frequency of permit application submittals and processing. The proposed regulations will affect all of the approximately 800 sources in Illinois that have either applied for or have obtained a FESOP. A public hearing occurred on July 21, 2010. The comment period closes on August 16, 2010.



## Indiana

**AIR POLLUTION STANDARDS UPDATE** The Indiana Department of Environmental Management (IDEM) issued a [proposed rule](#) on March 3, 2010, which relates to air pollution standards. Specifically, it addresses an update to references to the Code of Federal Regulations (CFR) to mean the 2009 edition. The rule also includes amendments to 326 IAC 1-2-48, 326 IAC 19-2-1, and 326 IAC 20-28 to update citations to Federal standards that are incorporated by reference. These include the Federal regulations for the asbestos and lead programs. The comment period closed on April 2, 2010. A hearing occurred on June 2, 2010. Finalization of the proposed rule is pending.

**REDESIGNATION OF LAWRENCEBURG TOWNSHIP AND DEARBORN COUNTY TO ATTAINMENT FOR 8-HOUR OZONE** On June 4, 2010, IDEM developed an [emergency rule](#) that incorporates the final Federal approval for redesignating Lake and Porter counties and Lawrenceburg Township, Dearborn County to attainment for the 8-hour ozone standard. The emergency rule was effective on June 4, 2010 and extends until September 1, 2020. In a concurrent [rulemaking](#) on June 2, 2010, IDEM proposed a rulemaking to incorporate the final Federal approval for these areas. A public hearing before the Air Pollution Control Board is scheduled for September 1, 2010.

**SEVEN YEAR RULE REVIEW FOR AIR PERMIT RULES** On June 23, 2010, IDEM issued a [notice of rule review](#) that outlines types of rules that do not expire after seven years. These types of rules are: (1) rules required to receive, maintain delegation, primacy, or approval for implementation or operation of a program established under Federal law; and (2) rules required either beginning or continuing receiving Federal funding for either 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. The comment period closed on July 23, 2010. A public hearing is scheduled for September 1, 2010.

**NOTICE OF READOPTION OF AIR RULES** On June 23, 2010, IDEM issued a [notice of readoption](#) for all Title 326 regulations addressing air pollution control permit program registrations and the Minor Source Operating Permit Program. All the rules to be readopted have an expiration date of January 1, 2011. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches. The comment period closed on July 23, 2010.

**CROSS CONNECTION CONTROL** On July 7, 2010, IDEM issued a [draft rule](#) that will incorporate by reference the (1) the "Manual of Cross Connection Control", Tenth Edition, published October 2009, from the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California (USC); (2) the May 11, 2010, "List of Approved Backflow Prevention Assemblies", by the Foundation for Cross Connection Control and Hydraulic Research of USC; and (3) make related technical corrections for clarification and accuracy. The comment period closed on August 6, 2010.

**PROPOSED NUMERIC NUTRIENT WATER QUALITY STANDARDS** IDEM issued a [proposed rule](#) that would amend title 327 by adopting numeric nutrient water quality standards for Indiana's lakes and reservoirs. In this rulemaking, IDEM is proposing to adopt eutrophication criteria for three categories of lakes. Specifically, the proposed numeric nutrient water quality standards would include: (1) test methods by both Limno Tech, Inc., and Tetra Tech using the stressor-response approach; (2) total phosphorus (TP) concentration; (3) chlorophyll concentration as a response measurement; and/or (4) Secchi disk transparency as a response measurement. Currently under section 303(c) of the Clean Water Act (CWA) numeric nutrient water quality criteria for lakes and reservoirs is required for the state's waters to be reviewed and approved by

USEPA. This rule making once final, will make Indiana one of the first states to implement a numeric standard for the allowable levels of phosphorous in its lakes. IDEM is creating an external workgroup to discuss the issues involved in this rulemaking. The comment period closed on July 30, 2010.

**AIR QUALITY STANDARDS MONITORING & COMPLIANCE** On June 30, 2010, IDEM issued a [draft rule](#) that amends 326 IAC 3 (air pollution compliance monitoring) and 326 IAC 7-2 (sulfur dioxide compliance requirements); this was the second notice for this rulemaking. Specifically, this rulemaking corrects deficiencies in the monitoring rules that were identified by USEPA [59 FR 5742, February 8, 1994]. IDEM is amending language in order to make sure that, when a Commissioner exercises discretion and modifies or removes Federally-enforceable requirements, the modification is accompanied by USEPA approval and is included in revisions to the State Implementation Plan (SIP). IDEM is proposing to allow peaking units to comply with the CEM provisions instead of those under the New Source Performance Standards in 40 CFR 60. In addition, the rule would add a new provision that would allow the use of a CEMS for measuring particulate matter rather than a continuous opacity monitoring system (COMS) if certain criteria are met. IDEM extended the comment period,



## Michigan

**USEPA RESPONSE TO ENBRIDGE SPILL IN MICHIGAN** On August 1, 2010, USEPA began soliciting ideas and technological solutions for cleanup of the Enbridge oil spill. USEPA has developed the [Enbridge Oil Spill web site](#) for the voluntary submission of ideas and technical guidance. USEPA will assist and expedite the review of suggestions being offered by providing guidance regarding the information submitted and will forward the pertinent suggestion to the appropriate reviewing official. The information received through this voluntary submittal process will be scrutinized for innovative ideas and technological solutions that are safe for the environment and public health and can be deployed along the Kalamazoo River to help with the cleanup. USEPA is particularly requesting ideas for the following areas: surface water containment and cleanup, air monitoring and detection, landfall cleanup, wildlife protection and cleanup, and other management activities such as data collection and management.

**MICHIGAN 8-HR OZONE SIP** On July 20, 2010, USEPA proposed to approve Michigan's request to redesignate the Allegan County, Michigan 8-hour ozone nonattainment area to attainment for the 1997 8-hour ozone standard. USEPA is also proposing to approve, as a revision to the Michigan State Implementation Plan (SIP), the State's plan for maintaining the 8-hour ozone NAAQS through 2021 in the area. EPA is proposing to approve the 2005 emissions inventory submitted with the redesignation request as meeting the comprehensive emissions inventory requirement of the CAA for the Allegan County area. Finally, EPA is proposing to find adequate and approve the State's 2021 Motor Vehicle Emission Budgets (MVEBs) for the Allegan County area. The comment deadline is August 19, 2010.

**PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY** On July 15, 2010, the Michigan Department of Natural Resources and Environment (MDNRE) issued a [proposed rule](#) to add the new Federally-promulgated significance threshold for PM 2.5 and to match the Federal requirements for Class I areas. A public hearing on the proposed rule was held on August 11, 2010. The comment deadline closed on August 11, 2010.



## Minnesota

**CARBON MONOXIDE SIP REVISION** On May 10, 2010, the Minnesota Pollution Control Agency (MPCA) issued a [proposed rule](#) to revise its carbon monoxide State Implementation Plan (SIP). The purpose of this SIP revision is to fulfill the requirement under Section 175A for a second maintenance plan and demonstrate that the Twin Cities has and will continue to maintain the NAAQS for carbon monoxide. The comment deadline closed on June 9, 2010.

**UPDATED UST OPERATOR REQUIREMENTS** On May 17, 2010, MPCA adopted permanent rules relating to Underground Storage Tanks (UST) under an [expedited rulemaking](#) process. MPCA incorporated the framework and operator requirements from USEPA's UST guidelines for distinct classes of operators to ensure that UST systems are managed properly. The new rule specifies: (1) Class A and B operators must pass an agency-administered examination verifying operator knowledge of UST with a score of 75 % or greater; (2) operators at facilities with telephone area code (651) or (952) must pass the examination no later than August 8, 2010; (3) operators at facilities where the facility telephone area code is (651), (952), (612), or (763) must pass the examination no later than August 8, 2011; (4) operators at facilities where the facility tele-

phone area code is (507), (218), or (320), or any other area code, must pass the examination no later than August 8, 2012. The final rule was effective on May 24, 2010.

### **PROPOSED CHANGES TO SUBSURFACE SEWAGE TREATMENT SYSTEMS**

On June 21, 2010, MPCA issued [proposed amendments](#) to the rules governing subsurface sewage treatment systems (SSTS). Since the SSTS rules were last revised in 2008, the regulated community and state and county program staff have identified a number of changes that need to be made. In this rulemaking, the rules are being amended to address two legislative changes; add, expand or clarify the existing rules, either to update with new information or to address newly identified concerns; correct errors; or simplify the existing language. The comment deadline closed on July 21, 2010.



### **SEWAGE TREATMENT SYSTEM AS A PUBLIC NUISANCE**

[Session Law No. 2010-51](#) defines exactly what categorizes a sewage treatment system as a public nuisance. It also sets forth soil absorption specifications and testing standards. It requires the Public Health Council to adopt new rules governing sewage treatment systems. It specifies that the rules must require boards of health to approve or disapprove the installation, operation, or alteration of sewage treatment systems, and establishes new requirements for alteration permits as well as installation and operation permits. It requires the adoption of rules governing soil absorption specifications and vertical separation distances. It requires the adoption of rules establishing specifications for the quality of treated sewage effluent from systems and rules governing the maintenance of systems, and specifies that the rules must require each board of health to develop a program for the enforcement of maintenance requirements. It specifies that the rules must require an inspection of a system not later than 12 months after installation rather than 18 months as in current law. It specifies that the rules must establish uniform statewide bonding requirements or other financial security requirements for installers, service providers, and septage haulers and that the rules must establish a cost methodology for determining the fee for the registration of installers, service providers, and septage haulers. It establishes other requirements governing sewage treatment systems. Session Law No. 2010-51 is immediately effective.

### **OHIO CO<sub>2</sub> & VOC SIP**

On June 21, 2010, USEPA issued a [final rule](#) approving into the State Implementation Plan (SIP) certain regulation revisions within Ohio Administrative Code (OAC) 3745-21 (Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards) that have been adopted by the State; recognizing various emission control exemptions that have been granted for miscellaneous metal coating operations under OAC 3745-21-09(U) (2)(f); and taking no action on certain regulation revisions. USEPA proposed to take these actions in a document published on January 22, 2010, and received no comments. This final rule is effective on July 21, 2010.

### **NPDES GENERAL PERMITS**

On May 27, 2010, Ohio Environmental Protection Agency (OEPA) issued a [final rule](#) that relates to National Pollutant Discharge Elimination System (NPDES) general permits. Specifically, this rule rescinds previously proposed rules regarding general permits and establishes new rules relating to requirements for general NPDES permits. The new rule provides that the Director of OEPA may issue a general NPDES permit without application. The final rule is effective on July 1, 2010.

**WISCONSIN 8-HR OZONE SIP**

On July 12, 2001, USEPA issued a [final rule](#) approving Wisconsin's requests to redesignate the Manitowoc County and Door County, Wisconsin nonattainment areas to attainment for the 1997 8-hour ozone standard. The Wisconsin Department of Natural Resources (WDNR) submitted these requests on September 11, 2009. USEPA is also approving, as revisions to the Wisconsin State Implementation Plan (SIP), the State's plans for maintaining the 8-hour ozone NAAQS through 2020 in the areas. EPA is approving the 2005 base year emissions inventories for the Manitowoc County and Door County areas as meeting the base year emissions inventory requirement of the CAA. WDNR submitted these base year emissions inventories on June 12, 2007. Finally, EPA finds adequate and approves the State's 2012 and 2020 Motor Vehicle Emission Budgets (MVEBs) for the Manitowoc County and Door County areas. This final rule is effective July 12, 2010.

**WIND ENERGY FACILITY SITING RULES**

On May 18, 2010, the Wisconsin Public Service Commission (PSC) issued a [proposed rule](#) that would establish statewide criteria for the construction of wind energy systems with a nominal operating capacity of less than 100 megawatts. 2009 Wisconsin Act 40 (Act 40) requires the PSC to promulgate a variety of rules that specify the conditions a city, village, town, or county (political subdivision) may impose on such a system. If a political subdivision chooses to regulate such systems, its ordinances may not be more restrictive than the PSC rules. A hearing on the proposed rule was held on June 30, 2010. The comment period closed on Wednesday July 7, 2010.

**30% - 75% INCREASE PROPOSED FOR AIR PERIMTS**

On May 19, 2010, the Wisconsin Department of Natural Resources (WDNR) issued a [proposed rule](#) that would increase the fees for reviewing applications to construct or modify sources of air pollution and to change the present policy of not collecting fees for review work performed when an application is withdrawn. The proposed rule applies a 30% increase to new source permit application review fees last revised in 1999 to account for inflation over the last 11 years. An additional increase was also applied to each fee category to reflect the level of effort associated with the fee related action. The table below provides a comparison of the current fees for new source permit application review to the proposed fees:

	Current	Proposed
Initial Application Fee	\$1,350	\$7,500
BACT/LAER Determination	\$2,700	\$4,500
Case by case MACT Determination	\$2,700	\$4,500
Detailed Modeling Analysis	\$3,200	\$4,500
Public Hearing	\$150	\$950
Application for Major Modification	\$8,000	\$12,000

The cost to obtain a minor construction permit is proposed to increase in the range of 30 to 75 percent depending on the air regulations applicable to the project. The current cost of a minor construction permit ranges from \$6,000 to \$8,000. Currently there is no charge for review and issuance for coverage under general or registration permits in lieu of needing to obtain a minor construction permit. New fees are being proposed for reviewing and issuing coverage under a general or registration construction permit, establishing the fee for a general construction permit at \$1,500 and a registration construction permit at \$1,000. Hearings on the proposed rule were held on June 7-9, 2010. The comment period closed on June 14, 2010.

## PROFESSIONAL DEVELOPMENT

WHAT	WHEN	WHERE	DETAILS
<a href="#"><u>Chesapeake Bay TMDL Webinar - Update 6</u></a>	August 19	<b>Webinar</b>	Chesapeake Bay TMDL Webinar - Update Sixth in a series of online updates this year on the Chesapeake Bay TMDL a strict "pollution diet" to restore local waters and the Chesapeake Bay. The webinar offers the latest information and a preview of upcoming developments.
<a href="#"><u>Innovations in Watershed Management Under Land Use and Climate Change</u></a>	August 23-27	<b>Madison, WI</b>	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.
<a href="#"><u>Water Security Congress</u></a>	September 12-15	<b>Nashville, TN</b>	The 2010 Water Security Congress presents the most current information on water security and discusses how to address new and emerging challenges faced by the industry.
<a href="#"><u>International Water Assoc. (IWA) World Water Congress and Exhibition</u></a>	September 19-24	<b>Montréal, Canada</b>	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 quality analysis.
<a href="#"><u>The Laboratories for the 21st Century</u></a>	September 28-30	<b>Albuquerque, New Mexico</b>	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. The event is the largest gathering of sustainable laboratory professionals in the nation.
<a href="#"><u>Midwest Wind Summit and Expo</u></a>	October 4-6	<b>Brookings, SD</b>	This Summit will address issues such as: how to build a green community; regulatory limitations and Opportunities; Transmission Policy and Projects; and Distributed Generation and Demand for Micro-grids.
<a href="#"><u>GreenGov Symposium</u></a>	October 5-7	<b>Washington, DC</b>	The White House Council on Environmental Quality will hold the first GreenGov Symposium on October 5-7, 2010, hosted by The George Washington University on its Foggy Bottom Campus in Washington, DC. The 2010 GreenGov Symposium represents the first time the Obama Administration will bring together leaders from Federal, state and local governments, nonprofit and academic communities and the private sector to identify opportunities around greening the Federal Government, and discuss cutting-edge approaches.
<a href="#"><u>32nd Annual Association for Integrative Studies (AIS)</u></a>	October 7-10	<b>San Diego, CA</b>	Interdisciplinary approaches to integrating ethics and sustainability: Studies (AIS).
<a href="#"><u>2010 Excellence in Building Conference and EXPO</u></a>	October 12-14	<b>Portland, OR</b>	The focus of the conference is to learn the science behind green and sustainable building practices, to understand new regulations and legislative measures, and to capitalize on increasing opportunities.

## PROFESSIONAL DEVELOPMENT

WHAT	WHEN	WHERE	DETAILS
<a href="#"><u>Under Western Skies</u></a>	October 13-16	<b>Alberta, Canada</b>	This interdisciplinary and cross-cultural gathering welcomes presentations on the environmental challenges now faced by diverse populations, both human and nonhuman, in the Western lands of Canada, the United States, and Mexico. Possible topics include: sustainable economic development; government action/inaction on the environment; and environmental law and policy.
<a href="#"><u>Annual Conference on Soils, Sediments, Water and Energy</u></a>	October 17-21	<b>Amherst, MA</b>	Annual International Conference on: soils, sediments, water and energy at the University of Massachusetts at Amherst . This Conference has become the preeminent national conference in this important environmental area. A wide variety of attendees represent from state and federal agencies, military, industry, railroad, petroleum, transportation, utilities, the environmental engineering , consulting community, and academia.
<a href="#"><u>Managing Waste</u></a>	October 19	<b>Portland, OR</b>	Managing Waste: A Workshop on Addressing Perception, Establishing Metrics and Developing Systems and Partnerships.
<a href="#"><u>World Green Energy Symposium</u></a>	October 21 –23	<b>Philadelphia, PA</b>	World Green Energy Symposium and Expo, topics will include: buying green for the Federal Government, procurement panel, sustainability, renewable resources, reducing the carbon footprint, climate, energy and health.
<a href="#"><u>2010 National Training Conference on the Toxics Release Inventory (TRI)</u></a>	November 1-4	<b>Washington, DC</b>	This year's conference expands on previous TRI National Training conferences to include sessions on sources of other environmental data and on conditions and trends in ecological and human health that collectively help to support environmentally-related decision making in communities.
<a href="#"><u>NALMS 30th International Symposium</u></a>	November 3-5	<b>Oklahoma City</b>	Topics addressed at this conference will include: TMDLs; management and protection of shoreline development; harmful algal blooms; carbon sequestration; watershed planning, and invasive species.
<a href="#"><u>ACCO Climate Change Series Conference</u></a>	November 8-9	<b>Washington, DC</b>	This year's conference expands on previous ACCO training conferences to include sessions on Climate Change leadership, that will promote and implement best practices and standards in the private and public sectors regarding climate change strategies.
<a href="#"><u>5th National Conference on Coastal and Estuarine Habitat Restoration</u></a>	November 13-17	<b>Galveston, TX</b>	The theme of the conference is "Preparing for Climate Change: Science, Practice, and Policy."
- <a href="#"><u>Green build</u></a>	November 17-19	<b>Chicago, IL</b>	Greenbuild offers full day LEED workshops, summits on affordable housing and green jobs, as well as numerous educational sessions and tours.
<a href="#"><u>27th Army Science Conference</u></a>	November 29-02	<b>Orlando, FL</b>	The goals of the 27th ASC are to enable Army and DoD leaders, Congress and the public to understand the scope of the Army's science and technology (S&T) activities in support of the Army and the Nation, and to strategically communicate the S&T community's efforts to rapidly develop technologies that will enhance the capabilities of the Current Force while enabling the Future Force.

## PROFESSIONAL DEVELOPMENT

WHAT	WHEN	WHERE	DETAILS
<a href="#">USEPA Online EMS Training Course</a>	Any Time	<b>Online</b>	The course provides an overview of how environmental management systems (EMS) can support facility programs. The course takes about one hour to complete.
<a href="#">Qualified Recycling Program Course</a>	Various Times	<b>Various Locations</b>	The course provides training on how to identify and market recyclable materials. The course is for any person or organization that generates recyclable materials, is associated with an installation recycling program or DoD precious-metals recovery program, or works for a Defense Reutilization and Marketing Office.
<a href="#">ERCC Web Academy – Recycling and Solid Waste Management Educational Webinar Series</a>	15 July 19 Aug 16 Sept 21 Oct	<b>Webcast</b>	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.
<a href="#">US Army Corps of Engineers Training Program</a>	Various Times	<b>Various Locations</b>	USACE Fiscal Year 2010 training program is now available and open for registration. For further information, contact USACE, (402) 697-2559, or <a href="#">register</a> online.
<a href="#">Naval Civil Engineer Corps Officers School (CECOS) Training Courses</a>	Various Times	<b>Various Locations</b>	During FY 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.
<a href="#">Army Podcast Service</a>	Various Times	<b>Online</b>	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.
<a href="#">DOI Learn</a>	Any Time	<b>Online</b>	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.
<a href="#">Defense Acquisition University (DAU)</a>	Any Time	<b>Online</b>	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.

## PROFESSIONAL DEVELOPMENT

WHAT	WHEN	WHERE	DETAILS
<a href="#">SERDP/ESTCP Partners in Environmental Technology Technical Symposium &amp; Workshop</a>	November 30-December 2	<b>Washington, DC</b>	Sponsored by SERDP and ESTCP, this event will provide attendees: (1) plenary session speakers offering key insights into environmental issues; (2) concurrent technical sessions and short courses covering the latest in environmental research results and technical innovations as well as unique training opportunities; (3) exhibit booths offering information about funding opportunities in related research programs; (4) networking opportunities with more than 1,100 environmental professionals from the government, academic, and private sectors.
<a href="#">The Conservation Leadership Network Training Courses</a>	Various Times	<b>Various Locations</b>	Hosted by the Conservation Fund, the courses are designed to foster collaboration and to replicate real world scenarios. Examples of courses include; Strategic Conservation Planning Using the Green Infrastructure Approach, and Balancing Nature and Commerce in Communities that Neighbor Public Lands.
<a href="#">Go Learn</a>	Anytime	<b>Online</b>	GoLearn.gov provides government employees and military personnel with web-based learning and development courses, as well as many other products and services. Recent course addition includes, working effectively with Tribal governments. Site registration is required, including a nominal fee for federal users.
<a href="#">USEPA Watershed Academy Web</a>	Anytime	<b>Online</b>	USEPA online training website offers a variety of self-paced training modules that represent a basic and broad introduction to the watershed management field. Modules vary in time to complete, from half hour to two hours.
<a href="#">USEPA and ITRC Training Website</a>	Multiple Dates	<b>Multiple Locations</b>	USEPA, in partnership with the Interstate Technology Regulatory Council (ITRC) provides a range of training relevant to hazardous waste remediation, site characterization, risk assessment, emergency response, site/incident management, counter-terrorism, and the community's role in site management and cleanup. The website includes training schedules for courses - both classroom and Internet-based.
<a href="#">NPDES Training and Workshops</a>	Various Times	<b>Various Locations</b>	The NPDES permitting program offers training courses, workshops, and webcasts to explain the regulatory framework and technical considerations of the NPDES permitting program. The courses are designed for permit writers, dischargers, USEPA officials, and other interested parties.
<a href="#">USEPA Watershed Assessment Tools Training</a>	Various Times	<b>Various Locations</b>	USEPA offers training on various watershed modeling or aquatic toxicity simulation tools such as BASINS, AQUATOX, and others.
<a href="#">Virginia Tech Center for TMDL and Watershed Studies</a>	Anytime	<b>Online</b>	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.

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# Internet Resources

## FEDERAL SOURCES

USAEC <http://aec.army.mil/>

USEPA <http://www.epa.gov/>

Region 1 <http://www.epa.gov/region01/>

Region 2 <http://www.epa.gov/region02/>

Region 3 <http://www.epa.gov/region03/>

Region 5 <http://www.epa.gov/region5/>

USDA <http://www.usda.gov/>

DOI <http://www.doi.gov>

Federal Register  
<http://www.gpoaccess.gov/fr/index.html>

Code of Federal Regulations  
<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>

## STATE / TERRITORY SOURCES

Connecticut <http://www.state.ct.us/>

Delaware <http://www.state.de.us/>

District of Columbia <http://www.dc.gov/>

Illinois <http://www.illinois.gov/>

Indiana <http://www.state.in.us/>

Maine <http://www.maine.gov/>

Maryland <http://www.maryland.gov/>

Mass. <http://www.mass.gov/>

Michigan <http://www.michigan.gov/>

Minnesota <http://www.state.mn.us/>

New Hampshire <http://www.nh.gov/>

New Jersey <http://www.state.nj.us/>

New York <http://www.state.ny.us/>

Ohio <http://www.ohio.gov/>

Pennsylvania <http://www.state.pa.us/>

Puerto Rico <http://www.gobierno.pr/>

Rhode Island <http://www.state.ri.us/>

Vermont <http://vermont.gov/>

Virgin Islands <http://www.usvi.org/>

Virginia <http://www.myvirginia.org/>

West Virginia <http://www.wv.gov/>

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