



## NORTHERN REGION



# REVIEW

GOVERNMENT AFFAIRS, ENERGY AND ENVIRONMENT

AUGUST 2011

### NEW ARMY ENERGY INITIATIVES OFFICE AND TASK FORCE

On August 11, 2011, the Honorable John McHugh, Secretary of the Army, posted on the White House Council on Environmental Quality blog, recent Army successes in, "[Conserving our Resources, Securing our Forces.](#)" Secretary McHugh emphasized one area in which the Army can look to save is energy and he also emphasized the Obama Administration's sustainability goals for Federal agencies and [Executive Order 13514](#). In addition, he also [announced](#) on the CEQ blog, and concurrently at the GovEnergy forum in Cincinnati, OH, the establishment of the Army's Energy Initiatives Office Task Force (EIOTF). The [EIOTF](#) will be the central managing office for the private sector, to invest, develop and build economically viable, large-scale renewable energy infrastructure on Army Installations. Secretary McHugh presented new policies for the private sector to work with Army in support of the Army's Renewable Energy Program. The new policies, aim to reduce private sector risk and streamline the approval process. The EIOTF will be part of the Office of the Assistant Secretary of the Army for Installations, Energy and Environment, and is scheduled to be fully operational by September 15, 2011. The EIOTF will work within the Army to streamline existing acquisition processes and leverage industry for the execution of large-scale renewable and alternative energy projects on Army installations. Army installations currently are pursuing renewable energy infrastructure, but often lack needed expertise. The EIOTF will fill this expertise gap and provide resources focused on working with the private sector to execute these energy projects. This is expected to result in increased interest by project developers and improved financial options for the Army. "Addressing our energy security needs is operationally necessary, fiscally prudent and vital to mission accomplishment," Secretary McHugh said. The Honorable Katherine Hammack, Assistant Secretary of the Army for Installations, Energy and Environment added, "The Army must leverage opportunities in renewable energy, which will enhance energy security." Through the EIOTF, the Army is planning to conduct an outreach effort to attract and engage private industry to foster strategic and financial collaboration in support of the Army's installation energy needs.

### NATIONAL CONFERENCE OF STATE LEGISLATURES MEETING

The Army's Regional Environmental and Energy Offices participated in a strategic outreach opportunity at the [National Conference of State Legislatures](#) (NCSL) held August 8-12, 2011 in San Antonio, TX. The NCSL Legislative Summit brings thousands of legislators and staff together to participate in, the largest and most substantive meeting of its kind in the nation. This year's Legislative Summit focused on some of the most pressing issues facing state legislatures such as renewable energy. The REEO's have been participating in NCSL meetings for the past 9 years and this unique forum enables the REEO's to build relationships, present and communicate to the most influential state legislators in the country, and help broaden their understanding of the key issues of concern that have the most potential to effect installations and DoD operations. Follow links to read a guide on working with state legislatures [here](#), to read NCSL energy policy summit and presentations [here](#), to read about the Environment Standing Committee [here](#).



NCSL 2011 Meeting

From left to right: Bob Boonstoppel, Northern REEO Regional Counsel, Pat Timm, Region 5 Program Coordinator, and Sally Jameson, Maryland State Delegate (D) and Immediate Past Chair NCSL Agriculture and Energy Standing Committee.

**REEO-Northern Staff:**

**Dr. James Hartman**  
 Director & DoD REC Region 5  
 410-436-7096

[James.r.hartman32.civ@mail.mil](mailto:James.r.hartman32.civ@mail.mil)

**Vance Hobbs**  
 Deputy Director  
[vance.g.hobbs.civ@mail.mil](mailto:vance.g.hobbs.civ@mail.mil)

**Robert Boonstoppel**  
 Regional Counsel  
[robert.j.boonstoppel.civ@mail.mil](mailto:robert.j.boonstoppel.civ@mail.mil)

**Bob Muhly**  
 Army REC - Regions 1 & 2  
[robert.l.muhly.civ@mail.mil](mailto:robert.l.muhly.civ@mail.mil)

**Amy Alton**  
 Army REC - Region 3  
[amy.j.alton.civ@mail.mil](mailto:amy.j.alton.civ@mail.mil)

**Patrick Timm**  
 Army REC - Region 5  
[patrick.a.timm.ctr@mail.mil](mailto:patrick.a.timm.ctr@mail.mil)

(Horne Engineering)

**Tom Frendak**  
 Project Manager  
[thomas.m.frendak.ctr@mail.mil](mailto:thomas.m.frendak.ctr@mail.mil)

(Horne Engineering)

**Charlene Bearsto**  
 Regulatory Affairs Specialist  
[charlene.c.bearsto.ctr@mail.mil](mailto:charlene.c.bearsto.ctr@mail.mil)

(Horne Engineering)

**Tanya Christley**  
 Administrative Assistant  
[tanya.m.christley.ctr@mail.mil](mailto:tanya.m.christley.ctr@mail.mil)

(Horne Engineering)

Phone 410 436-7097

**FEDERAL AGENCIES SIGN ENVIRONMENTAL JUSTICE MEMORANDUM OF UNDERSTANDING**

On August 4, 2011, the Obama Administration announced Federal agencies have agreed to develop environmental justice strategies to protect the health of people living in communities overburdened by pollution and provide the public with annual progress reports on their efforts. USEPA Administrator Lisa P. Jackson, White House Council on Environmental Quality (CEQ) Chair Nancy Sutley and U.S. Attorney General Eric Holder were joined by agency heads across the Administration in signing the "[Memorandum of Understanding on Environmental Justice and Executive Order 12898](#)" (EJ MOU)." Other agencies signing the EJ MOU: DoD, Department of Health and Human Services, Department of Justice, Department of Agriculture, Department of Commerce, Department of Education, Department of Energy, Department of Homeland Security, Department of Housing and Urban Development, Department of Interior, Department of Labor, Department of Transportation, Department of Veterans Affairs, General Services Administration, and Small Business Administration. The EJ MOU broadens the reach of the Federal [Interagency Working Group Environmental Justice](#) (EJ IWG) to include participant agencies not originally named in Executive Order 12898 and adopts an EJ IWG charter, which provides the workgroup with more structure and direction. It also formalizes the environmental justice commitments that agencies have made over the past year, providing a roadmap for agencies to better coordinate their efforts. Specific areas of focus include considering the environmental justice impacts of climate adaptation and commercial transportation, and strengthening environmental justice efforts under the National Environmental Policy Act (NEPA) and Title VI of the Civil Rights Act of 1964. The MOU also outlines processes and procedures to help overburdened communities more efficiently and effectively engage agencies as they make decisions. Follow corresponding link, to read [USEPA EJ and RCRA](#) here, to read [EJ IWG compendium](#) here, to read [DoD strategy on EJ](#) here, and to read [upcoming EJ schedule of events](#) here.

**Inside this Issue**

Hot Topic .....2  
 Regional.....3  
 Bay Watch .....4  
 Region 1 .....4  
 Region 2 .....6  
 Region 3 .....6  
 Region 5 .....7  
 Federal News .....12  
 Energy News.....15  
 Professional Development.....17  
 Internet Resources .....18

*REGIONAL ENVIRONMENTAL & ENERGY OFFICE - NORTHERN WORKING FOR YOU.*

The NORTHERN REGION REVIEW provides current information on government affairs, energy and environment relevant to Department of Defense 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 DoD and Army leaders, planners, and program managers in carrying out their responsibilities. The Northern Region Review monitors and targets proposed and final regulations and legislation that may affect Army or DoD operations. For further information on the Army's Regional Environmental and Energy Offices, visit: <http://www.asaie.army.mil/Public/ESOH/REEO/>



# REGIONAL

For more information on regional issues, contact your Regional REC as identified in the REEO - N Personnel Directory.

## WIND ENERGY DEVELOPMENT ON THE OCS OFFSHORE OF RI AND MA

The following information on Mid-Atlantic Wind Energy Development on the Outer Continental Shelf (OCS) of New England is provided for regional energy situational awareness. The potential impact to offshore training is being evaluated. On August 17, 2011, Secretary of the Interior Salazar and Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) Director Bromwich jointly [announced](#) initial steps to develop commercial wind energy on the OCS offshore Rhode Island and Massachusetts as part of Interior's "[Smart from the Start](#)" offshore wind energy initiative to spur rapid and responsible siting, leasing and construction of new wind projects. Concurrently a call for information and nominations (Call) was issued in the Federal Register [[76 FR 51353](#), [76 FR 51391](#), August 18, 2011], which invites developers to identify locations within an offshore area in which they seek commercial leases for developing wind projects. BOEMRE is also seeking public comment, through a Notice of Intent (NOI) to Prepare an Environmental Assessment (EA), on important environmental issues and reasonable alternatives related to the proposed leasing, site characterization and assessment activities in the offshore area under consideration. The Call area was identified through consultation with BOEMRE's Rhode Island and Massachusetts Renewable Energy Task Forces, which include federal, state, and tribal government partners, and information gathered by the State of Rhode Island in its [Special Area Management Plan](#) (SAMP) for the Area of Mutual Interest (AMI), as described by a Memorandum of Understanding (MOU) between the Governors of Rhode Island and Massachusetts. All comments on the EA and the Call should be submitted by October 3, 2011. For additional information follow corresponding link, map of the [area](#) under consideration, other planned [State OCS energy plans](#), the Obama Administration's offshore wind development plan, [A National Offshore Wind Strategy: Creating an Offshore Wind Industry in the United States](#), and also see [DoD impact report on OCS activities](#), [Deepwater](#) in RI and MA.

## ENVIRONMENTAL REGULATIONS AND ELECTRIC ENERGY OUTLOOK NESCAUM REPORT

The following Northeast States for Coordinated Air Use Management (NESCAUM) report is provided for energy, and air regulatory situational awareness. The report provides an overview on issues that may affect Mid-Atlantic electric energy reliability and projected generation. In addition, the report provides an assessment of current and pending air regulations and also indicates areas in state law that will need to be promulgated. NESCAUM, is the regional association of air pollution control agencies representing the following states: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. In July 2011, NESCAUM issued a report titled, [A Primer on Pending Environmental Regulations and their Potential Impacts on Electric System Reliability](#). The purpose of the primer is to provide a basic background on recent and pending USEPA rules affecting the electric power generation sector. Several studies are briefly summarized that have assessed the environmental regulations' possible collective impact on power plant retirements and electric system reliability. In addition, the report provides analyses of the costs and benefits of USEPA proposed and final rules. The report also presents energy planning options for several of the scenario studies that can help mitigate potential reliability issues.

## 5-YEAR STATUS REVIEW FOR BOG TURTLE

The following U.S. Fish and Wildlife Service (FWS) notice is provided for installation conservation personnel for regulatory awareness. The FWS issued an initiation notice for 5-year status reviews and request for information for nine species: Purple Bean, Clubshell, Roanoke Logperch, Swamp Pink, Northern Riffleshell, Flat-spined Three-toothed Land Snail, Puritan Tiger Beetle, Dwarf Wedgemussel, and Bog Turtle [[76 FR 33334](#), June 8, 2011]. The bog turtle is found in the eastern United States scattered in disjunctive colonies from New York and Massachusetts south to southern Tennessee and Georgia. The bog turtle in New York state is currently listed as Status Endangered. FWS will review any and all comments on any species.



## CHESAPEAKE EXECUTIVE COUNCIL DISCUSSES BAY RESTORATION PROGRESS

On July 11, 2011, at the 2011 Chesapeake Executive Council meeting, council members re-elected Lisa Jackson, the USEPA Administrator as Chair of Annual Meeting, announced progress towards meeting requirements of the Bay "pollution diet," and encouraged individual Bay stewardship. In addition, Chesapeake Bay Program partners discussed working toward short-term pollution reduction goals called milestones. All seven Bay jurisdictions are [currently on-track or ahead of schedule](#) in meeting these milestones. The deadline for the current set of two-year milestones is December 31, 2011. Follow link to read more on the [2011 Executive Council Meeting](#).

## NEW STORMWATER TREATMENT TECHNOLOGY APPROVED IN MARYLAND

The Montgomery County Maryland Department of Permitting Services [approved](#) a new stormwater filter to treat polluted stormwater runoff heading for the [Chesapeake Bay](#). The filter referred to as, [Imbrium's Jellyfish Filter](#), has also been approved and installed in other states, including, New Jersey, Virginia, and New York. The Jellyfish filter removes 85% TSS (Total Suspended Solids), 60% Total Phosphorus (TP) and 50% Total Nitrogen (TN).



# REGION 1

For more information on any state issues in Region 1, contact Robert Muhly, , Army Regional Environmental Coordinator, Region 1, (410) 436-6224, e-mail: [robert.l.muhly.civ@mail.mil](mailto:robert.l.muhly.civ@mail.mil)



## CONNECTICUT

## CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION LAUNCHED

The following is provided for energy situational awareness. The Connecticut Assembly issued a final rule [[Public Act 11-80](#)], which establishes the Department of Energy and Environmental Protection (DEEP) as the successor agency to the Department of Environmental Protection. This agency consolidation became effective on July 1, 2011. The newly-created [Department of Energy and Environmental Protection](#) will launch a new website in the upcoming months. The [DEEP](#) is charged with the dual responsibilities of creating a new energy future for the state and protecting Connecticut's environment and natural resources. PA 11-80 clarifies state agency and municipality authority to enter into performance contracts, requires the Energy Conservation Management Board to develop performance contracting standards, and transfers the Siting Council to DEEP for administrative purposes only. In addition, the rule incorporates the Connecticut Clean Energy Fund into the newly created Clean Energy Finance and Investment Authority (CEFIA) which is the [nation's first "Green Bank."](#) CEFIA will provide low-cost financing for clean energy and energy efficiency projects, will leverage public and private funds to drive investment and scale up clean energy deployment across the state. Connecticut is positioning to become a national leader in integrating energy and environmental policy.

## APPROVAL OF INFRASTRUCTURE SIP FOR THE 1997 8-HOUR OZONE NAAQS

The following is provided for Army National Guard situational awareness. USEPA issued a proposed rule (final rule if no adverse comment) that would conditionally approve one element of Connecticut's Infrastructure State Implementation Plan (SIP), for the 1997 8-Hour Ozone National Ambient Air Quality Standards (NAAQS) [[76 FR 39797](#), July 7, 2011]. The Clean Air Act requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by USEPA. This SIP is commonly referred to as an [infrastructure SIP](#). Air permitting requirements are contained in the infrastructure portion of the SIP. The one element of the submittal that USEPA is proposing to conditionally approve addresses requirements under [Clean Air Act section 110\(a\)\(2\)\(D\)\(ii\)](#). The comment period closed on August 8, 2011.

## NOI TO REVISE SIP

DEEP issued a [Notice of Intent](#) (NOI) to revise the State Implementation Plan (SIP) for air quality to allow the owners or operators of manufacturing facilities to generate and/or use nitrogen oxides emissions reduction credits, and to allow manufacturing operations to implement Reasonably Available Control Technology (RACT) through a compliance plan or an alternative compliance plan for volatile organic compound emissions. This notice is provided for situational awareness for CT ARNG, since CT ARNG are the primary Guard units for helicopter operations nationwide and this notice does include Sikorsky Helicopter as one of the industries affected. The comment period for the proposed Sikorsky Aircraft Corporation [SIP revision](#), closes on August 24, 2011.



## MMR FINAL REMEDY SELECTION PLAN

The Massachusetts Department of Environmental Protection (MassDEP) in conjunction with USEPA issued a comment request on the [final Remedy Selection Plan](#) for the Massachusetts Military Reservation ([MMR](#)). MMR is located over a sole source aquifer, parts of which, have been contaminated by fuel spills and other past activities. The Remedy Selection plan proposed by the Army's Impact Area Groundwater Study Program ([IAGWSP](#)) outlines the alternatives presented in the *Central Impact Area (CIA) Feasibility Study Report* for addressing contamination at the site. One plan deals with removing some of the remaining sources of the contamination, and the other proposes to pump and clean a groundwater plume polluted with perchlorate and Royal Demolition Explosive, also known as RDX. The plans mark a major milestone in the cleanup at MMR because the proposals represent final ways to remediate the last, major area of contamination. The [comment period](#) closed on August 25, 2011. Public comments on the proposed cleanup alternative will be considered by USEPA and responded to for its final CIA Decision Document, which will be finalized later this summer. Selection of the final cleanup alternative will be made in consultation with the MassDEP.



## NOAA GRANTS FINAL APPROVAL TO RI SAMP

The following is provided for Army National Guard situational awareness. On July 22, 2011, NOAA [granted final approval](#) to [Rhode Island's Ocean Special Area Management Plan](#) (Ocean SAMP) for offshore energy development, and ocean stewardship. The plan is the first of its kind in the United States. This approval means that enforceable policies in the Ocean SAMP for protecting existing activities such as fishing, important habitats and archaeological resources, and identifying areas suitable for energy projects, may be applied to federal actions in federal waters. According to NOAA, the RI SAMP is a model for the nation. Over the past several years, [Rhode Island's Coastal Resources Management Council](#) (CRMC) brought together the wind power industry, fisheries, marine experts, all the coastal stakeholders and used scientific information to establish a process that enabled state regulators to find and approve the best uses for coastal areas.

## REVISIONS TO MAPS OF WATER USE CATEGORIES

The Rhode Island Coastal Resources Management Council ([CRMC](#)) recently posted revisions to the, "[Maps of Water Use Categories](#)," the updated maps now provide the user clearer boundary areas to better determine what CRMC water type abuts a shoreline parcel of interest. ARNG and Reserve units may need to review the updated maps for assessing coastal resources and water types abutting military facilities. For Rhode Island's Geographic Information System ([RIGIS](#)) environmental maps [click here](#).

## FINAL AIR RULE NO.29 ON OPERATING PERMITS

The Rhode Island Department of Environmental Management (DEM)/Office of Air Resources issued a [final rule](#) that revises Air Pollution Control [Regulation No. 29 - Operating Permits](#). The rule specifies emissions of pollutants for which the stationary source is a major source and all emissions of regulated air pollutants promulgated in 40 CFR 52, provides definitions, general provisions and exemptions. The final rule was adopted and went into effect on July 15, 2011. ARNG and Reserves may be affected by revisions implemented under the new Operating Permit requirements.

## PROPOSED REGULATION NO. 49 ON TRANSPORTATION CONFORMITY

The Rhode Island DEM, Office of Air Resources, issued a [proposed rule](#) that would adopt Air Pollution Control (APC) Regulation No. 49, on "Transportation Conformity". This regulation, if adopted, will be submitted to USEPA to be incorporated into the State Implementation Plan (SIP). Specifically this rule would make the SIP conform to 40 CFR 93.105, 40 CFR 93.122(a)(4)(ii), and 40 CFR 93.125(c). Conformity, to the purpose of the SIP, means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards (NAAQS). The federal transportation conformity rule (40 CFR part 93) sets forth policy, criteria, and procedures for demonstrating and assuring conformity of transportation activities. Once this state regulation is approved by USEPA into the Rhode Island SIP, it has full legal effect. Conformity determinations will be governed by these criteria and procedures as well as any applicable portions of the federal conformity rules that are not addressed by the state rule. Motor pools and transportation sections of in-state military activities need to be apprised of potential impacts incurred by prescribed control measures. The comment period closed on August 22, 2011. A public hearing has not been scheduled.



# REGION 2

For more information on any state issues in Region 2, contact Robert Muhly, Army Regional Environmental Coordinator, Region 2, (410) 436-6224, e-mail: [robert.l.muhly.civ@mail.mil](mailto:robert.l.muhly.civ@mail.mil).



## NEW YORK

### COASTAL ZONE ENHANCEMENT PROGRAM ASSESSMENT AND STRATEGY REPORT

On July 1, 2011, the NY Department of State (DOS), through the Division of Coastal Resources released a [New York Coastal Zone Enhancement Program Assessment and Strategy \(2011-2016\)](#) report. The Coastal Zone Management Act encourages states and territories to conduct self-evaluations and develop five-year strategies, in consultation with NOAA's Office of Ocean and Coastal Resource Management. The report reviews and revises coastal management programs, tracks significant changes in the state's coastal resources and management practices, identifies critical needs, and prioritizes areas for enhancement under the [Coastal Zone Enhancement Program](#). The report provides an overview on New York conservation priorities and is provided for informational purposes. Follow link for further information on [Coastal Zone Management in NY](#).



# REGION 3

For more information on any state issues in Region 3, contact Amy Alton, Army Regional Environmental Coordinator, Region 3, (410) 436-7098, e-mail: [amy.j.alton.civ@mail.mil](mailto:amy.j.alton.civ@mail.mil)



## PENNSYLVANIA

### PM2.5 ATTAINMENT DETERMINATION

USEPA issued a final rule that approves and promulgates Pennsylvania's Air Quality Implementation Plans determining that the Harrisburg-Lebanon-Carlisle (Harrisburg), Johnstown, Lancaster, York, and Reading fine particle (PM2.5) nonattainment areas (the Areas) in the Commonwealth of Pennsylvania have attained the 1997 annual PM2.5 National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010 [[76 FR 45424](#) July 29, 2011]. These determinations are based upon complete, quality assured, and certified ambient air monitoring data that show the Areas monitored attainment of the 1997 annual PM2.5 NAAQS for the 2007-2009 monitoring period. USEPA is finding these Areas to be in attainment in accordance with the requirements of the Clean Air Act (CAA). The final rule is effective on September 27, 2011.



## PROPOSED TMDL IMPLEMENTATION PLANS

The Virginia State Water Control Board issued two separate proposed rules, both referred to as, "Approval of Water Quality Management Planning Actions." These rules would grant approval of 11 total maximum daily load (TMDL) implementation plans (IPs), six TMDL modifications, and grant authorization to include the TMDL reports and modifications in the appropriate water quality management plans. Key affected waterbodies and localities include: the James River and Tributaries TMDL IP, Rappahannock TMDL IP, and Fairfax County plans. The comment period closed on August 3, 2011.



## REGIONAL HAZE SIP APPROVAL/DISAPPROVAL

USEPA issued a proposed rule that grants limited approval and concurrently grants limited disapproval to the West Virginia's June 18, 2008, Regional Haze State Implementation Plan (SIP) [[76 FR 41158](#), July 13, 2011]. USEPA is granting limited approval because the revision as a whole strengthens and fulfills the applicable Clean Air Act (CAA) regional haze program requirements. EPA is proposing a limited disapproval of this same SIP revision because of the deficiencies in the State's June 2008 regional haze SIP submittal arising from the remand by the U.S. Court of Appeals for the District of Columbia (D.C. Circuit) to EPA of the Clean Air Interstate Rule (CAIR). EPA is also proposing to approve this revision as meeting the requirements of 110(a)(2)(D)(i)(II) and 110(a)(2)(J), relating to visibility protection for the 1997 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) and the 1997 and 2006 fine particulate matter (PM<sub>2.5</sub>) NAAQS. The comment period closed August 12, 2011.

## NPDES PROGRAM RULE

The West Virginia Department of Environmental Protection (DEP), Division of Water Resources, issued a [final rule](#) [Legislative Rule Title 47, Series 10] that establishes requirements governing the National Pollutant Discharge Elimination System (NPDES) Program. Specifically, this rule amends 47CSR10 "National Pollutant Discharge Elimination System (NPDES) Program" that was filed on April 8, 2010 and became effective on July 1, 2010.



# REGION 5

For more information on any state issues in Region 5, contact Dr. Hartman, DoD Regional Environmental Coordinator, Region 5, (410) 436-7096, e-mail: [James.r.hartman32.civ@mail.mil](mailto:James.r.hartman32.civ@mail.mil)

## APPROVAL OF INFRASTRUCTURE SIP FOR THE 1997 8-HOUR OZONE AND PM<sub>2.5</sub> NAAQS

USEPA issued a final rule that approves elements of submissions by Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin regarding the infrastructure requirements of sections 110(a)(1) and (2) of the Clean Air Act (CAA) for the 1997 eight-hour ground level ozone national ambient air quality standards (1997 8-hour ozone NAAQS) and 1997 fine particle national ambient air quality standards (1997 PM<sub>2.5</sub> NAAQS) [[76 FR 41075](#), July 13, 2011]. The Clean Air Act requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by USEPA. This SIP is commonly referred to as an [infrastructure SIP](#). Air permitting requirements are contained in the infrastructure portion of the SIP. This final rule went into effect on August 12, 2011.

## FEDERAL IMPLEMENTATION PLANS TO REDUCE INTERSTATE TRANSPORT OF OZONE

USEPA issued a supplemental notice of proposed rulemaking (SNPR), which concludes that Michigan and Wisconsin (among other states) emission contributions significantly contribute to downwind nonattainment or interfere with maintenance of the [1997 ozone](#) National Ambient Air Quality Standards (NAAQS) in other states [[76 FR 40662](#), July 11, 2011] also see [[76 FR 48208](#), August 8, 2011]. USEPA is also proposing [Federal Implementation Plans \(FIPs\)](#) to address the emissions identified as significantly contributing to nonattainment and interference with maintenance and the transport requirements with respect to the relevant NAAQS. USEPA is proposing to implement the ozone season NO<sub>x</sub> program in the Transport Rule (FIPs to Reduce Interstate

Transport of Fine Particulate Matter and Ozone in 27 States Correction of SIP Approvals for 22 States) as the FIPs for Michigan and Wisconsin to address the emissions identified as significantly contributing to nonattainment or interfering with maintenance with respect to the [1997 ozone NAAQS](#). In addition, this notice identifies the [budgets](#), associated variability limits, and allowance allocations that would be used for each state if USEPA finalizes the FIPs as just proposed. Regarding Michigan and Wisconsin USEPA is specifically requesting, in this SNPR, that stakeholders comment on whether there are errors in the Agency's application of the Transport Rule methodologies with respect to Michigan's and/or Wisconsin's significant contribution to nonattainment and interference of the 1997 ozone NAAQS. The comment period closed on August 22, 2011.



## ILLINOIS

### **MUNICIPAL WASTE INCINERATION EMISSION STANDARDS**

On June 29, 2011, [Senate bill 2288](#), referred to as the Municipal Waste Emission Standards was sent to Governor Quinn, he has 60 - days to either sign or veto the bill. If he does neither, the bill becomes law without signature. Some of the key provisions of SB 2288 as amended include updates to the Environmental Protection Act by changing Sections 9.4 and 22.16b. In provisions concerning municipal waste incineration emission standards, it provides that municipal waste and fuel derived from municipal waste do not include non-hazardous secondary material that is excluded from solid waste when used legitimately as a fuel or ingredient in a combustion unit in accordance with certain federal standards and criteria. It also specifies, that either the USEPA or the Illinois Pollution Control Board will make determinations regarding whether a material is solid waste. In addition, the bill specifies requirements that apply when the Board makes such a determination. In provisions concerning municipal waste incinerators, specifies that "municipal waste incinerator" is synonymous with "municipal waste incineration facility." This bill will be of potential interest to installations operating or disposing of wastes at municipal waste incinerators and waste to energy incinerators.

### **NEW STATE PERMITTING PROCEDURES PUBLIC ACT 97-0095**

On July 12, 2011, House bill 1297, referred to as the Clean Air Permit Program Fees bill was signed by Governor Quinn, and renamed to Public Act 97-0095. Some of the key provisions of [Public Act 97-0095](#) include improvements to State permitting procedures and new fee schedules for Air and Construction permits. The bill amends both the Illinois Administrative Procedure Act and the Illinois Environmental Protection Act. On the plus side the bill potentially benefits military installations by improving the regulatory permits process but on the down side it increases certain air permit fees. The fee changes include an increase in the fee for a site permitted to emit less than 25 tons per year of any combination of regulated air pollutants except greenhouse gases, from \$200 to \$235 per year beginning January 1, 2012 for lifetime operating permits, and \$235 per year for federally enforceable state operating permits. The fee for a site permitted to emit at least 25 tons per year but less than 100 tons per year of any combination of regulated air pollutants except greenhouse gases, currently is \$1,800 per year and increases, beginning January 1, 2012, to \$2,150 per year. The fee for a site permitted to emit at least 100 tons per year of any combination of regulated air pollutants, as defined in Section 39.5, except greenhouse gases, increases from \$18 per ton to \$21.50 per ton, beginning January 1, 2012. Additionally, the current maximum permit fee of \$3,500 increases to \$4,112 beginning January 1, 2012. This Act went into effect on July 1, 2011.

### **INDUSTRIAL HYGIENISTS LICENSURE ACT PUBLIC ACT 97 - 220**

On July 28, 2011, Senate bill 100, referred to as the Industrial Hygienists Licensure Act was signed by Governor Quinn, and renamed [Public Act 97-220](#). Some of the key provisions of Public Act 97 - 220 include the removal of provisions requiring the IL EPA to seek and obtain the concurrence of the Council before setting certain fees. The Act removes provisions concerning the Uniform State Hazardous Materials Transportation Registration and Permit Programs. It also provides that no person shall use, or cause or allow the use of, any site subject to an environmental covenant created under the Uniform Environmental Covenants Act in a manner that is inconsistent with the activity and use limitations imposed under the environmental covenant. The law creates definitions for terms "activity and use limitations" and "environmental covenant" as ascribed to them in the Uniform Environmental Covenants Act. In addition, the Act creates two new criminal offenses, one for criminal damage to a public water supply and the other for aggravated criminal damage to a public water supply. It also removes provisions requiring State agencies to report environmental problems and remediation efforts to the Agency and also repeals a provision requiring the Environmental Protection Agency to publish a toxic chemical report containing information on, among other things, toxic

chemical discharges. Public Act 97-220 went into effect on July 28, 2011. This multi-faceted Act may be of special interest to installations subject to environmental covenants. The section of Act 97 - 220 on criminal offenses for criminal damage to public waters may also be of interest.

## NEW OPERATION REQUIREMENTS FOR ENVIRONMENTAL LABORATORIES

The Illinois Department of Health issued a [new rule](#) that amends previously adopted versions of analytical methods for the testing of microbiological contaminants in drinking water regulated pursuant to the federal Safe Drinking Water Act (“SDWA”) (42 U.S.C. 300f) and the Illinois Environmental Protection Act (415 ILCS 5/1). The proposed amendments to the rules reflect the changes to analytical methods for drinking water previously adopted by USEPA. The analytical method rules were also reorganized to enhance readability. The rules were updated to require that the [USEPA manual](#) for the Certification of Laboratories Analyzing Drinking Water (5th Edition, January 2005) be used, requires the manual by the American Public Health Association’s Standard Methods for the Examination of Water and Wastewater (18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> edition) be used, and eliminates the analytical method called the heterotrophic plate count procedure. The rule was filed with the Joint Committee on Administrative Rules (JCAR) on July 15, 2011. In a separate yet related action, on August 1, 2011, the Illinois Environmental Laboratory Accreditation Program, [initiated a moratorium](#) on the primary accreditation of out-of-state laboratories. The accreditation of in-state laboratories will not be affected. The potential impacts of these rules would be to installations conducting drinking water sampling and/or contracting for analysis of drinking water samples.



## DISAPPROVAL FOR OHIO AND INDIANA INTERSTATE TRANSPORT FOR PM2.5

USEPA issued a final rule that disapproves the portions of submittals by the Indiana Department of Environmental Management (IDEM) and the Ohio Environmental Protection Agency (Ohio EPA) that pertain to requirements in the CAA to address interstate transport for the 2006 24-hour fine particle (PM2.5) National Ambient Air Quality Standards (NAAQS) [[76 FR 43175](#), July 20, 2011]. USEPA is not currently taking action on the remainder of the State Implementation Plan (SIP) submittals from IDEM and Ohio EPA concerning other basic or “Infrastructure” elements required under the CAA. The proposed rule associated with this final action was published on February 4, 2011. The effect of this action will be an obligation for USEPA to promulgate a Federal Implementation Plan (FIP) for Indiana and Ohio no later than two years from the date of disapproval. The Transport Rule, when final, is the FIP that USEPA intends to implement for Indiana and Ohio. This final rule went into effect on August 19, 2011.

## CORRECTION TO FINAL AIR QUALITY RULE

USEPA issued a final rule correction adding regulatory text, inadvertently omitted in a March 12, 2010 USEPA final rule determination, that the entire Chicago-Gary-Lake County, Illinois-Indiana (IL-IN) 1997 eight-hour ozone nonattainment area had attained the 1997 eight-hour ozone National Ambient Air Quality Standard (NAAQS) [[76 FR 40262](#), July 8, 2011]. This final rule went into effect on July 8, 2011.

## PERMITTING RULES RE-ADOPTION

The Indiana Department of Environmental Management (IDEM)/Water Pollution Control Board issued a [final rule](#) readopting requirements for wastewater treatment facilities, permits for construction, industrial wastewater pretreatment programs, National Pollutant Discharge Elimination System (NPDES), and wetland activity permits. No significant changes are being made by this 7-year review and the re-adoptions are not expected to significantly impact military installations. However, it is recommended that permitting personnel review their NPDES, industrial discharge, construction, and other CWA permits to confirm their specific permits were not impacted. The rules being re-adopted include: [327 IAC 3-2](#); [327 IAC 3-6](#); [327 IAC 5-3.5](#); [327 IAC 17-1](#); [327 IAC 17-2](#); [327 IAC 17-3](#); [327 IAC 17-4](#), [LSA Document #11-193 (2011 Readoption)]. The final rule went into effect on July 15, 2011.

## SULFUR DIOXIDE EMISSION LIMITATIONS AND MONITORING

IDEM/Air Pollution Control Board issued a [proposed rule](#) revising emission limitations and monitoring requirements in ([326 IAC 7](#)), for State Implementation Plan (SIP) for counties designated as nonattainment for the [new 1-hour standard](#). On June 22, 2010, [USEPA strengthened the NAAQS for SO<sub>2</sub>](#) by establishing a new 1-hour standard at a level of 75 ppb to reduce human exposure to high short-term (five minutes to 24 hours) concentrations of SO<sub>2</sub>. Simultaneously, USEPA revoked the previous

standards but kept the 3-hour average secondary standard at 500 ppb to protect human welfare. Emission limits in 326 IAC 7 are being revised or added for sources located in counties designated as nonattainment, or unclassifiable. In order to address a short-term standard, IDEM is also considering revising the SO<sub>2</sub> monitoring requirements in 326 IAC 7 to address the monitoring requirements that will be necessary for the new 1-hour SO<sub>2</sub> NAAQS. IDEM is concurrently making this rulemaking while the air analysis is being gathered and the USEPA requirements are further being refined. IDEM will also update 326 IAC 7 because many of the sources listed in 326 IAC 7 are now obsolete. This proposed rule primarily impacts installations subject to sulfur dioxide (SO<sub>2</sub>) emission limitations and monitoring requirements.

### TEMPORARY EMERGENCY AMENDMENT TO PM<sub>2.5</sub> AIR RULES

The IDEM/Air Pollution Control Board issued an [emergency rulemaking](#), that temporarily amends 326 IAC 2-2-1 and 326 IAC 2-3-1 concerning the definition of "significant" in reference to a net emissions increase for PM<sub>2.5</sub> or the potential of the source to emit any of the pollutants listed at Section 1 (a), a rate of emissions that would equal or exceed any of the rates listed at Section 1(b) or any [regulated NSR pollutant](#). This amendment became effective on June 28, 2011, and is scheduled to expire on September 26, 2011. Applicable to installations subject to PM 2.5 requirements.



### WEST VIRGINIA AND OHIO DETERMINATIONS OF ATTAINMENT

USEPA issued a proposed rule that determines that the Parkersburg-Marietta, West Virginia-Ohio (WV-OH) nonattainment area and the Wheeling, WV-OH fine particle (PM<sub>2.5</sub>) nonattainment areas (hereafter referred to as "Areas") have attained the 1997 annual PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010 [[76 FR 43634](#), July 21, 2011]. These determinations are based upon complete certified ambient air monitoring data for the 2007-2009 monitoring period. USEPA is finding these areas to be in attainment, in accordance with the requirements of the Clean Air Act (CAA). The comment period closed on August 22, 2011.

### CONTROL OF GASOLINE VOLATILITY CORRECTION

USEPA issued a final rule correcting an amendment that approves an Air Quality Implementation Plans for Ohio, Control of Gasoline Volatility [[76 FR 40246](#), July 8, 2011]. This rule corrects an error in the codification in a May 25, 2007, final rule under the Clean Air Act pertaining to a request for the use of low Reid Vapor Pressure (RVP) fuel in the Cincinnati and Dayton areas. Clinton County, Ohio is actually not part of the area affected by the rulemaking. This final rule went into effect on July 8, 2011.

### FINAL RULES ON RADIATION EXPERTS AND GENERATING EQUIPMENT

The Department of Health/Radiation Control issued a final rule that amends the rules for the certification of radiation experts (CREs) [[3701:1-66-03](#)] and industrial analytical radiation generating equipment [[3701:1-66-13](#)]. Some elements of this rule may impact CRE staff at military medical facilities/hospitals or installations with regulated instruments or measurement devices with radiation sources. The final rule went into effect on August 1, 2011.

### FINAL RULES ON LEVEL 3 DATA REQUIREMENTS AND REPORTING

Ohio EPA issued a [final rule](#) that amends several rules [[3745-4-01](#), [-02](#), [-03](#), [-04](#), [-05](#), [-06](#)] regarding criteria for three levels of credible data related to surface water monitoring and assessment. In addition, the final rule defines training and experience requirements for qualified data collectors (QDCs), describes sampling protocols and field methods, and the rule requires Ohio EPA to establish and maintain a computerized database of all credible water quality data submitted to the Agency. This final rule has the potential to impact facilities conducting surface water sampling and analysis. The final rule went into effect on July 29, 2011.

### LAKE ERIE WATER CONSUMPTION ISSUE

On July 15, 2011, [House bill 231](#), referred to as the Lake Erie Water Consumption bill was vetoed by Governor Kasich, the first veto of his administration. The bill would have substantially increased unregulated water withdrawal from Lake Erie. Governor Kasich said, "*While most of [House Bill 231] fulfills Ohio's obligations without concern and helps meet the needs of Ohio's industrial, energy, and agricultural water users, portions of it must be improved.*" He went on to say, "*Namely, Ohio's legislation lacks clear standards for conservation and withdrawals and does not allow for sufficient evaluation and monitoring of withdrawals or*

usage." This may not be the last of this issue; however, both chambers could conceivably vote to override the veto. Sixty representatives originally voted for the bill in the House, the exact number needed for an override, and 28 Senators supported it in the upper chamber, where just 20 are needed. Updates will be forthcoming if the rule is re-promulgated. This law primarily could have impacted installations withdrawing or considering making water withdrawals from the Lake Erie watershed.



## FINAL RULE ON PERMIT THRESHOLDS FOR GREENHOUSE GAS EMISSIONS

The Wisconsin Department of Natural Resources (DNR) issued a [final rule](#) which revises Chapters [NR 400, 405 and 407](#), relating to major source permit thresholds for sources of greenhouse gas emissions. Specifically, the rule requires, that greenhouse gas (GHG) emissions need to be considered in construction permit applications for major sources and major modifications at major sources. These applications, generally referred to as applications for a Prevention of Significant Deterioration or "PSD" construction permit, must now include information on potential emissions of the following group of six GHGs: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). Since some of these GHGs have a higher global warming potential than others, the emissions of these gases need to be expressed as a [carbon dioxide equivalent \(CO<sub>2</sub>e\)](#) in the permit application. Construction projects with potential GHG increases of 75,000 tons per year or more on a CO<sub>2</sub>e basis, now need to determine what the Best Available Control Technology (BACT) is for their GHG emissions. Potentially impacts installations subject to major source permit thresholds for sources of greenhouse gas emissions. The rule was adopted on July 26, 2011 with an effective date of September 1, 2011.

## DoD NEWS

### ARMY-AIR FORCE ENERGY FORUM "**POWER THE FORCE. FUEL THE FIGHT**"

The following Forum update is provided as an overview of events that occurred and is provided for Army-energy situational awareness. The First Army - Air Force Energy forum was held on July 19-20, 2011, a capacity-booked event, with the theme "*Power the Force. Fuel the Fight,*" where energy representatives, [senior military leadership](#), including four and three-star generals, came together to discuss "[the strategic importance and future direction of Army and Air Force energy](#)" in terms of innovation, technology, conservation and sustainability. "*Without energy, the Army stands still and silent,*" said Gen. Peter Chiarelli, Army Vice Chief of Staff, adding that, "*The Army accounts for 21 percent of DoD's fuel and power consumption.*" Ms. Katherine Hammack, Assistant Secretary of the Army for Installations, Energy and Environment, discussed the three categories of energy. "*In the Army, when we talk about energy, we sort of break it into three categories: soldier power, basing power, and vehicle power,*" Hammack said. During a key note panel discussion titled, "Energy in DoD," Mr. Richard Kidd, Deputy Assistant Secretary of the Army for Energy and Sustainability, discussed the Base Realignment and Closure (BRAC) process and how it will help the Army conserve energy. BRAC, set to be completed in September, is enabling the Army to reshape its infrastructure to support its forces by consolidating schools, bases and headquarters into more efficient and cost-controlled centers. Also emphasized by Mr. Kidd during the Energy in DoD discussion, "*the greatest component of energy consumption for the Army during wartime is electrical generators,*" said Mr. Kidd. He also emphasized how the Army plans to save \$229 billion by removing spot generators and replacing them with more efficient generators. Mr. Kidd said, "*That is what we are going to save, simply by removing inefficient and undersized generators.*" At a separate yet related event, the Army recently announced, a new DoD/DOE partnership on fuel cell backup power generators for eight military installations.

### DEPUTY SECRETARY OF DEFENSE PRAISES INSTALLATION ENERGY TEST BED INITIATIVE

In his speech, at the 2011 Army - Air Force Energy Forum, Deputy Secretary of Defense, William Lynn III, cited the Environmental Security Technology Certification Program (ESTCP) also referred to as ESTCP's [Installation Energy Test Bed initiative](#) as a significant component in the military's efforts to use emerging energy technologies as a way to improve operational

effectiveness and cut costs as the latest example in DoD's long history of serving as the nation's "ultimate test bed." Deputy Secretary Lynn explained, *"In the case of DoD installations, where the buildings and systems are the same as those used in commercial industry, any innovations achieved there can be transferred directly to the rest of the economy."* More of his speech at the military energy conference can be found [here](#).

## DoD ENERGY HANDBOOK

The Defense Technical Information Center (DTIC) released the DoD Energy Handbook titled, [Alternative and Renewable Energy Options for DoD Facilities and Bases](#). This 400-hundred page spiral handbook serves as a foundational guide on energy for facility energy managers and base commanders. It provides guidance on usage patterns, reduction of energy consumption, assessment of common renewable energy alternatives, emerging technologies, successes, and lessons learned. The energy handbook is intended to arm facility energy managers with knowledge and information needed to make the best decisions related to energy usage and renewable energy options. This handbook covers traditional and renewable energy options for DoD facilities and bases. It provides information to help delineate energy options and to identify key factors that may offer insight when making decisions. The handbook is for use as a supplemental resource when performing critical assessments of energy options for their facilities and bases.

## WATER SUSTAINABILITY ASSESSMENT REPORT

The US Army Corps of Engineers (USACE), Engineer Research Development Center issued a report titled, [Water Sustainability Assessment For Ten Army Installations](#). The report addresses military installations vulnerability to critical water resources, current water issues of concern, including adequate supply, increased cost of production per unit volume, quality, habitat degradation, and salinity issues. The report makes the conclusion that water supply issues already impact military installations and military operations in many locations within the nation and across the globe. The report provides strategies to improve any adverse effects on military sustainment. In addition the report recommends requiring water use/conservation/efficiency targets in all contracts, the establishment of an Army Energy and Water Reporting System (AEWRS), and the creation of water reduction targets for achieving sustainable water supplies. Army is applying the results of these studies to develop policies that will support sustainable long-term water supplies.

## ARMY FORESIGHT REPORT

The Army Environmental Policy institute (AEPI) recently released a [second report](#) in the "ARMY FORSIGHT" series, titled *Searching for Sustainability*, which urges the adoption and application of "ecosystem services" to protect the critical benefits the Army receives from ecosystems.

# FEDERAL ENVIRONMENTAL NEWS

## 2011 SEMIANNUAL REGULATORY AGENDA

The following notice is provided for informational purposes and also as a regulatory resource tool, and includes links to several Agency rulemaking lists that warrant consideration by personnel responsible for either environmental compliance, energy efficiency, radiation control, and DoD regulatory compliance. The [Semiannual Federal Regulatory Agenda](#) has been released for Spring 2011. The Agenda identifies all regulatory activities planned by all federal agencies, and is updated every spring and fall [76 FR 40118, July 7, 2011]. USEPA has released the [Action Initiation List \(AIL\)](#) for the month of June. The AIL provides monthly updates to all the rules and related actions USEPA has recently promulgated and usually runs a month behind. Follow corresponding links to see updated list for, [USEPA 2011 rules here](#), [DOE 2011 rules here](#), [DoD 2011 rules here](#), [OSHA 2011 rules here](#).

## NEW DEFINITION FOR SOLID WASTE RULE

The following USEPA proposed rule is provided for compliance purposes and is intended for installation personnel responsible for hazardous waste. The potential impacts of this rulemaking on Army, are the enhanced storage and recordkeeping requirements as compared to the 2008 rule, new tailored storage standards, and new requirements for recycled materials to be sent to a permitted hazardous waste recycling facility. USEPA issued a proposed rule that would revise the 2008 "[Definition of Solid Waste](#)" (DSW) final rule." In this [rulemaking](#) USEPA is distinguishing between a hazardous secondary material (e.g., spent

material, by-product, or sludge) and a hazardous recyclable material [[76 FR 44094](#), July 22, 2011]. A hazardous secondary material is one that, when discarded, would be identified as hazardous waste under [40 CFR part 261]. A hazardous recyclable material is a hazardous waste that is recycled. Unlike hazardous secondary materials, hazardous recyclable materials have clearly been discarded; therefore, are always solid wastes. USEPA has proposed to replace the exclusion at 40 CFR 261.4(a)(24) and (25) for hazardous secondary materials, transferred from the generator to other persons for the purpose of reclamation, with an alternative Subtitle C regulation for hazardous recyclable materials. This would also include manifesting and hazardous waste permits for storage, although generators may accumulate hazardous recyclable materials for up to a year without a RCRA permit if the generator makes advance arrangements for legitimate reclamation and documents those arrangements in a reclamation plan. In addition, USEPA is also requesting comment on setting an upper limit on the amount of hazardous recyclable material accumulated at a generator site at any one time. The comment period closes on September 20, 2011.

## **NEW NATIONAL STRATEGY ON FEDERAL USED ELECTRONICS**

The following information is provided for compliance purposes for personnel responsible for waste management. The most significant impact of this strategy on Army, is the new requirement of using recyclers who are certified. On July 20, 2011, the [Interagency Task Force on Electronics Stewardship](#) (Task Force) released a [National Strategy for Electronics Stewardship report](#), which specifies new federal actions for ensuring [electronics stewardship](#) (requires fed center access) in the US. Under the authority of [Executive Order 13514](#), the Council of Environmental Quality (CEQ) established the [Task Force](#), co-chaired by USEPA, and the General Services Administration (GSA). The new strategy provides several overarching goals to build incentives for design of greener electronics, enhance science, research and technology development in the U.S., ensure that the Federal Government leads by example, increase safe and effective management and handling of used electronics in the U.S., reduce harm from U.S. exports of e-waste, and improve safe handling of used electronics in developing countries. GSA has initiated an on-line [annex of benchmarks](#) that lists, each of the projects, the primary agency responsible for the project, supporting agencies, and completion target date. As the National Strategy is developed the annex will be updated.

## **GAO REPORT ON USEPA WATER COMPLIANCE MEASUREMENTS**

The following GAO report provides an overview on USEPA water enforcement and compliance strengths and weaknesses, and is intended for installation personnel responsible for drinking water, water quality reporting, and water treatment operations. GAO issued a [report](#) that makes recommendations to improve USEPA's ability to oversee the states' implementation of the Safe Drinking Water Act (SDWA) and provide Congress and the public with more complete and accurate data on compliance and enforcement.

## **NOTICE ON RADIUM-226 UNDER MILITARY CONTROL**

The following information is provided for regulatory compliance and situational awareness, and is intended for those radiation safety personnel responsible for radiation licenses and equipment. The Nuclear Regulatory Commission (NRC) is requesting comments before issuing a Regulatory Issue Summary (RIS) that clarifies when sources of radium-226 under military control are subject to NRC regulation as byproduct material [[76 FR 40282](#), July 8, 2011]. NRC has jurisdiction over discrete sources of radium-226 used by the military in medical or research activities, or in a manner similar to a commercial activity; however, NRC does not have jurisdiction over radium-226 used in military operations. NRC intends to work with the military services and develop specific guidance. Follow corresponding links to [read more](#) and to see Army's position on this issue (pg.7). The comment period closes on September 6, 2011.

## **FWS ISSUES MILITARY NATURAL RESOURCES BULLETIN AND DoD GUIDE**

The following U.S. Fish and Wildlife Service (FWS) bulletin and DoD Legacy Natural Resources Program (NRP) guide provide information on installation conservation management, and impact analysis for protecting mission and are provided for personnel such as land managers, Commanders of military installations, conservation and wildlife biologists and those who administer the Army Compatible Use Buffer (ACUB) program. As a result of DoD's stewardship efforts to protect endangered species and their habitats, the FWS recently released a [DoD-focused edition of the Endangered Species Bulletin](#). The Bulletin provides multiple examples of military land conservation, species and habitat protection, joint research collaborations between DoD's Legacy Resource Management Program and conservation institutions and universities. In addition, the bulletin illustrates cases of mutually beneficial relationships between species conservation efforts and DoD's readiness efforts. The DoD Natural Resources Program also released a [Commander's Guide on Invasive Species](#) to address the unique challenges of sustaining testing and training capabilities while simultaneously safeguarding the natural resources and habitats that DoD stewards.

## **NIOSH ALERT ON BERYLLIUM**

The following alert is for personnel responsible for safety and those who utilize beryllium. The National Institute for Occupational Safety and Health (NIOSH) recently issued a 28-page alert titled, "[Preventing Sensitization and Disease from Beryllium Exposure](#)" in an effort to reduce or eliminate exposure. Specifically, the document states that there have been reports of beryllium sensitization and chronic beryllium disease (CBD) in situations where workers have been exposed to amounts below the current he Occupational Safety and Health Administration (OSHA) permissible exposure level of 2.0 micrograms per cubic meter of air. Therefore, NIOSH is indicating that a safe exposure level has yet to be determined for beryllium. CBD primarily affects the lungs and may occur among people who are exposed to the dust or fumes from beryllium metal, metal oxides, alloys, ceramics or salts. CBD occurs when people inhale beryllium in these forms. According to the DLA HTIS bulletin [[Vol. 21, No.3](#) ](pg.5) beryllium is or has been used in the following applications by DoD: Airborne forward-looking infrared system, guidance systems on existing strategic missile, surveillance, communications, and other satellite, missile defense systems, aircraft brakes, nuclear reactor rods and warheads.

## **USEPA CLIMATE CHANGE POLICY**

The following information is provided for environmental situational awareness, and provides an overview of USEPA focus and the development of an upcoming *USEPA Climate-Change Adaptation Plan*, anticipated by June 2012. Executive Order 13514 requires Federal agencies to develop Strategic Sustainability Performance Plans (Sustainability Plans) and include an evaluation of agency climate change risks and vulnerabilities to manage the effects of climate change on agency operations and mission in both the short-and long-term, as explained in the [Federal Agency Climate Change Adaptation Planning Implementing Instructions](#). USEPA released a [Policy Statement on Climate Change](#). Follow corresponding links to read, [DoD's Strategic Sustainability Performance Plan](#), [more information about the Climate Change Adaptation Task Force](#).

## **HAZARDOUS CHEMICAL REPORTING REVISIONS**

The following proposed rule is for regulatory compliance and is intended for personnel responsible for EPCRA (Title III of SARA). USEPA issued a proposed rule that revises the Emergency and Hazardous Chemical Inventory Forms (Tier I and Tier II) under Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), which adds new data elements, and revise some existing data elements [[76 FR 48093](#), August 8, 2011]. Specifically USEPA is proposing to make the forms more useful for state and local agencies and to better inform the public on chemical hazards in their communities. USEPA requests public comment on each of the new and revised Tier I and Tier II forms. Information requirements for the Tier I and Tier II forms can be found in 40 CFR 370.41 and 370.42, respectively. Current Tier I and II forms are available on the Agency's [Web site](#). Additionally, the current [Tier I and Tier II inventory forms](#) and the proposed Tier I and II inventory forms with the additional elements and changes highlighted are in the [docket](#) of this rulemaking. The comment period closes on October 7, 2011.

## **NEW LEAD CLEARANCE TESTING REQUIREMENTS**

The following USEPA notice is for regulatory situational awareness and is intended for installation personnel responsible for renovation, repair, housing and childcare facilities. USEPA issued a [final rule](#) that revises the 2008 Lead Renovation, Repair, and Painting Program (RRP) rule that established accreditation, training, certification, recordkeeping requirements, and work practice standards for persons performing renovations for compensation in most pre-1978 housing and child-occupied facilities [[76 FR 47918](#), August 5, 2011]. Specifically, the revisions include allowing a certified renovator to collect a paint chip sample and send it to a recognized laboratory for analysis in lieu of using a lead test kit, minor changes to the training program accreditation application process, standards for e-learning in accredited training programs, and minor revisions to the training and certification requirements for renovators. In addition, clarifications to the requirements for vertical containment on exterior renovation projects, the prohibited or restricted work practice provisions, and the requirements for high- efficiency particulate air (HEPA) vacuums. USEPA will not promulgate dust wipe testing and clearance requirements as previously proposed. This final rule is effective October 4, 2011.

## **DELAY OF FINAL OZONE STANDARD**

The following USEPA notice is for regulatory situational awareness and is intended for personnel responsible for Title V compliance. On July 26, 2011, USEPA [announced](#) it was delaying the release of the final ozone rule due to the rule undergoing an interagency review led by the Office of Management and Budget (OMB). Following completion of this final step, USEPA will finalize its reconsideration.

## UPDATES TO NATIONAL MARINE PROTECTED AREA MAPPING TOOL

The following dataset, is provided for informational purposes, and is intended for conservation personnel involved with coastal zone and ocean resource protection, planning and stewardship. The [National Marine Protected Areas Center](#), and the National Ocean Service Special Projects Office, have jointly released updates to the [U.S. Marine Protected Areas \(MPAs\) mapping tool](#). This mapping tool serves data on over 1,600 MPAs nationwide, offering on-line access to spatial boundaries, conservation based classification data, and site management information. The updates to the MPA mapping tool have incorporated user friendly mapping layers that improve visibility of MPA boundaries, reveal MPA classification information such as, level of protection, managing agency, fishing restrictions, and the MPA boundaries have been generalized to improve performance. The entire legal boundary of the protected area is shown; however, terrestrial areas (above mean high tide) are not defined as part of the MPA. In addition, updates to the viewer include the addition of Google background maps, the ability to search by place name (not just MPA), new metadata, and the identification of national system sites.

## ENERGY NEWS

### DOE CREATES WEB PAGE ON DoD ENERGY

The following notice is provided for energy situational awareness and is intended for personnel working on energy reduction on behalf of DoD, Army, Air Force, Navy and Marines. DOE and DoD have jointly created a [webpage](#) that features an Energy video called, "Leading the Charge," which shows how the U.S. military is reducing energy use as a strategic mission to save taxpayer dollars, increase domestic renewable energy supplies, and reduce dependence on foreign oil. Segments within the video demonstrate how each branch is using energy savings performance contracts (ESPCs), utility energy service contracts (UESCs), on-site renewable power purchase agreements (PPAs), and other project funding to help reach energy and greenhouse gas reduction goals.

### NEW ARMY ENERGY WEB PORTAL

Army has launched a [new energy web portal](#) on the DENIX (DoD Environment, Safety and Occupational Health Network and Information Exchange) website. The website features all the latest Army and DoD energy news, sustainability policies, planned projects, guidance, and success stories.

### NEW FUEL ECONOMY STANDARDS FOR COMMERCIAL VEHICLES

The following Administration announcement is provided for energy conservation situational awareness. The resulting effects from the fuel efficiency reforms are expected to benefit DoD and are tactically relevant. By increasing demand for hybrid truck technologies, the U.S. advanced battery industry will benefit and this is expected to generate market volume in advanced efficiency technologies, the same [technologies that DoD is developing](#) to protect U.S. warfighters. To see what the Tank Automotive Research, Development and Engineering Center ([TARDEC](#)) is doing in [fuel economy](#), to read about [Army TARDAC HTUF CALSTART partnership](#).

### NEW DOE, USDA, USN INITIATIVE TO SPUR BIOFUELS INDUSTRY FOR ENERGY SECURITY

On August 16, 2011, President Obama [announced](#) that the U.S. Departments of Agriculture (USDA), Energy (DOE), and Navy (USN), (USDA, DOE, USN the Agencies) will partner to invest up to \$510 million over the course of the next three years to support advanced drop-in aviation and marine biofuels to power military and commercial transportation. The federal promotion of clean energy deployment is outlined in President Obama's [Blueprint for a Secure Energy Future](#). The USDA, DOE and USN responded to the Blueprint by signing a [Memorandum of Understanding](#) (MOU). The MOU outlines a plan for the Agencies to partner with the private sector to construct or retrofit several drop-in biofuel plants and refineries.

### ENVIRONMENTAL LAW INSTITUTE PUBLISHES TWO WIND SITING STUDIES

The following two Environmental Law Institute (ELI) studies are provided for wind energy siting and regulatory situational awareness. The ELI has released [two new wind power siting studies](#) that examine and make recommendations on how state and local governments should site and permit large wind facilities. The first study, "[State Enabling Legislation for Commercial-Scale Wind Power Siting and the Local Government Role](#)," reveals that local governments play a major role in siting decisions in 48 of the 50 states. Researchers found that states can, but often have not, defined the scope and limits to local government siting

regulations and that state standards can assist in ensuring that relevant environmental and safety issues are addressed. The second study, "[Siting Wind Facilities on State-Owned Lands and Waters](#)," examines opportunities for siting commercial-scale wind facilities on government-owned lands and waters. Funding for the studies was provided by the Wallace Global Fund and the U.S. Department of Energy's [20% Wind by 2030 Project](#).

## **ADVANCED METERING AND MEASUREMENT REQUIREMENTS**

DOE has multiple laws and regulations which set advanced [metering and measurement requirements](#) for Federal agencies, including, the Energy Policy Act (EPAct) of 2005, which requires all Federal buildings to be metered by October 1, 2012. The requirements aim to ensure efficient energy use and reduce the cost of electricity used in Federal facilities. Advanced meters or metering devices must provide data at least daily and measure the consumption of electricity at least hourly. These devices must be used to the maximum extent practical. In addition, the Energy Independence and Security Act (EISA) of 2007 sets a framework for facility project management and benchmarking. Agencies must identify all "covered facilities" that constitute at least 75% of the agency's facility energy use. An energy manager must be designated for each of these covered facilities that each facility energy manager will be responsible for. To get further guidance and resources to help meet goals and requirements [follow link](#). For more information on metering and measurement [follow link](#).

## **NEW STUDY GUIDE ON WIND ENERGY/WILDLIFE INTERACTIONS**

The National Wind Coordinating Collaborative ([NWCC](#)) Wildlife Workgroup released the research document, "[Comprehensive Guide to Studying Wind Energy/Wildlife Interactions](#)." This resource document is intended for conservation personnel involved in designing, conducting, or requiring wind energy/wildlife interaction studies. The document follows a general framework for progressing through the decision process for a proposed wind project and a guide to methods and metrics for use in the necessary studies. The guide is relevant to the study of any wildlife species, although the focus is on birds and bats.

## **PENTAGON STREAMLINES APPROVAL FOR ENERGY PROJECTS**

The DoD Clearinghouse for Renewable Energy Projects [approved](#) 229 of 249 projects proposed in 35 states and Puerto Rico. *"These projects represent 10 gigawatts of renewable energy generation capacity in wind energy alone,"* Deputy Secretary of Defense, William Lynn III, said at the Army and Air Force Energy Forum. Mr. David Belote, DoD's Siting Clearinghouse Executive Director, said *"the year-old organization exists to provide speedy assessment of renewable energy projects' effects on military capabilities."*

# Professional Development

WHAT	WHEN	WHERE	DETAILS
<a href="#"><u>DATA CENTER ENERGY EFFICIENCY BEST PRACTICES WORKSHOP AT LABS21</u></a>	SEPTEMBER 9	PROVIDENCE, RI	Data centers are extremely energy intensive, accounting for approximately 1.5% of the nation's power consumption with demand growing at 12.5% per year. This workshop shows how to get started on increasing data center energy efficiency.
<a href="#"><u>WATER SECURITY CONFERENCE</u></a>	SEPTEMBER 11 - 14	OTTAWA, CANADA	Sponsored by AWWA, the program topics for this conference include: contamination warning systems, physical and cyber security, and security and emergency response.
<a href="#"><u>DISTRIBUTION SYSTEMS SYMPOSIUM &amp; EXPOSITION</u></a>	SEPTEMBER 11 - 14	NASHVILLE, TN	Sponsored by AWWA, the program topics for this conference include: Asset Management, Corrosion Control, Cross Connection & Backflow Prevention, Distribution System O & M, Energy Management, and Water Loss Control.
<a href="#"><u>RAINWATER HARVESTING AS A STORMWATER MANAGEMENT PRACTICE</u></a>	SEPTEMBER 14	WEBCAST	This webcast will address different storage and reuse configurations and some quantitative methods to account for stormwater benefits. Several case studies will be presented.
<a href="#"><u>LABS21 ANNUAL CONFERENCE 2011</u></a>	SEPTEMBER 20 - 22	PROVIDENCE, RI	The Laboratories for the 21st Century (Labs21) Annual Conference is sponsored by USEPA, DOE, and the International Institute for Sustainable Laboratories. This event is the largest gathering of sustainable laboratory professionals in the nation.
<a href="#"><u>PHILADELPHIA LOW IMPACT DEVELOPMENT SYMPOSIUM: GREENING THE URBAN ENVIRONMENT</u></a>	SEPTEMBER 25 - 28	PHILADELPHIA, PA	The 5th National Low Impact Development Conference (LID) is focused on joining the technical community to share ideas on how to build green infrastructure while protecting our environment. The 19th Annual Nonpoint Source (NPS) Monitoring Workshop, along with <i>Pennsylvania Stormwater Management Symposium - Sustainable Stormwater and LID</i> will present the latest LID practices, including bioretention/rain gardens (and other similar landscape-based solutions), pervious paving, green roofs, rainwater harvesting, and more.
<a href="#"><u>GREENGOV SYMPOSIUM</u></a>	OCT/NOV 31 - 2	WASHINGTON, DC	The White House Council on Environmental Quality (CEQ) will hold its second annual GreenGov Symposium, which aims to bring together leaders from government, the private sector, non-profits and academia to identify opportunities to create jobs, grow clean energy industries, and curb pollution by greening the Federal Government.



# Internet Resources

## STATE / TERRITORY RESOURCES

REGULATORY SOURCES	LEGISLATIVE RESOURCES
CT Department of Environmental Protection..... <a href="http://www.ct.gov/dep">http://www.ct.gov/dep</a>	CT General Assembly ..... <a href="http://www.cga.ct.gov">http://www.cga.ct.gov</a>
DE Department of Natural Resources and Environmental Control... <a href="http://www.dnrec.delaware.gov">http://www.dnrec.delaware.gov</a>	DE General Assembly ..... <a href="http://legis.delaware.gov">http://legis.delaware.gov</a>
DC Department of Environment ..... <a href="http://ddoe.dc.gov/ddoe">http://ddoe.dc.gov/ddoe</a>	DC City Council ..... <a href="http://www.dccouncil.washington.dc.us">http://www.dccouncil.washington.dc.us</a>
IL Environmental Protection Agency ..... <a href="http://www.epa.state.il.us">http://www.epa.state.il.us</a>	IL General Assembly ..... <a href="http://www.ilga.gov">http://www.ilga.gov</a>
IN Department of Environmental Management ..... <a href="http://www.state.in.us/idem">http://www.state.in.us/idem</a>	IN General Assembly ..... <a href="http://www.in.gov/legislative">http://www.in.gov/legislative</a>
ME Department of Environmental Protection ..... <a href="http://www.state.me.us/dep">http://www.state.me.us/dep</a>	ME State Legislature ..... <a href="http://www.maine.gov/legis">http://www.maine.gov/legis</a>
MD Department of Environment ..... <a href="http://www.mde.state.md.us">http://www.mde.state.md.us</a>	MD General Assembly... <a href="http://mlis.state.md.us">http://mlis.state.md.us</a>
MA Department of Environmental Protection ..... <a href="http://www.mass.gov/dep">http://www.mass.gov/dep</a>	MA General Court ..... <a href="http://www.mass.gov/legis/legis.htm">http://www.mass.gov/legis/legis.htm</a>
MI Department of Environmental Quality ..... <a href="http://www.michigan.gov/deg">http://www.michigan.gov/deg</a>	MI Legislature ..... <a href="http://www.legislature.mi.gov">http://www.legislature.mi.gov</a>
MN Pollution Control Agency ..... <a href="http://www.pca.state.mn.us">http://www.pca.state.mn.us</a>	MN State Legislature..... <a href="http://www.leg.state.mn.us">http://www.leg.state.mn.us</a>
NH Department of Environmental Services ..... <a href="http://des.nh.gov">http://des.nh.gov</a>	NH General Court..... <a href="http://gencourt.state.nh.us">http://gencourt.state.nh.us</a>
NJ Department of Environmental Protection ..... <a href="http://www.state.nj.us/dep">http://www.state.nj.us/dep</a>	NJ Legislature ..... <a href="http://www.njleg.state.nj.us">http://www.njleg.state.nj.us</a>
NY Department of Environmental Conservation ..... <a href="http://www.dec.ny.gov">http://www.dec.ny.gov</a>	NY Assembly ..... <a href="http://assembly.state.ny.us">http://assembly.state.ny.us</a>
OH Environmental Protection Agency ..... <a href="http://www.epa.state.oh.us">http://www.epa.state.oh.us</a>	NY Senate..... <a href="http://assembly.state.ny.us">http://assembly.state.ny.us</a>
PA Department of Environmental Protection ..... <a href="http://www.depweb.state.pa.us/dep">http://www.depweb.state.pa.us/dep</a>	OH General Assembly .... <a href="http://www.legislature.state.oh.us">http://www.legislature.state.oh.us</a>
PR Department of Natural and Environmental Resources ..... <a href="http://www.gobierno.pr">http://www.gobierno.pr</a>	PA General Assembly .... <a href="http://www.legis.state.pa.us">http://www.legis.state.pa.us</a>
RI Department of Environmental Management ..... <a href="http://www.dem.ri.gov">http://www.dem.ri.gov</a>	PR Government..... <a href="http://welcome.topuertorico.org/government.shtml">http://welcome.topuertorico.org/government.shtml</a>
VT Agency of Natural Resources ..... <a href="http://www.anr.state.vt.us">http://www.anr.state.vt.us</a>	RI General Assembly ..... <a href="http://www.rilin.state.ri.us">http://www.rilin.state.ri.us</a>
VI Department of Planning and Natural Resources ..... <a href="http://www.dpnr.gov.vi">http://www.dpnr.gov.vi</a>	VT Legislature..... <a href="http://www.leg.state.vt.us">http://www.leg.state.vt.us</a>
VA Department of Environmental Quality ..... <a href="http://www.deq.state.va.us">http://www.deq.state.va.us</a>	VI Legislature ..... <a href="http://www.senate.gov.vi">http://www.senate.gov.vi</a>
WV Department of Environmental Protection..... <a href="http://www.wvdep.org">http://www.wvdep.org</a>	VA General Assembly ..... <a href="http://legis.state.va.us">http://legis.state.va.us</a>
WI Department of Natural Resources ..... <a href="http://www.dnr.state.wi.us">http://www.dnr.state.wi.us</a>	WV Legislature ..... <a href="http://www.legis.state.wv.us">http://www.legis.state.wv.us</a>
	WI State Legislature ..... <a href="http://www.legis.wisconsin.gov/senhome.htm">http://www.legis.wisconsin.gov/senhome.htm</a>

## OTHER RESOURCES

MILITARY RESOURCES	OTHER FEDERAL AGENCY RESOURCES
<b>DoD</b>	US Government ..... <a href="http://www.USA.gov">http://www.USA.gov</a>
DoD Defense Link ..... <a href="http://www.defenselink.mil">http://www.defenselink.mil</a>	US Environmental Protection Agency <a href="http://www.epa.gov">http://www.epa.gov</a>
Denix..... <a href="http://www.denix.osd.mil/">http://www.denix.osd.mil/</a>	Region 1 ..... <a href="http://www.epa.gov/region01">http://www.epa.gov/region01</a>
National Defense Center for Environmental Excellence ..... <a href="http://www.ndcee.ctc.com">http://www.ndcee.ctc.com</a>	Region 2 ..... <a href="http://www.epa.gov/region02">http://www.epa.gov/region02</a>
Joint Services P2 and Sustainability Technical Library ..... <a href="http://205.153.241.230/">http://205.153.241.230/</a>	Region 3 ..... <a href="http://www.epa.gov/region03">http://www.epa.gov/region03</a>
	Region 5 ..... <a href="http://www.epa.gov/region5">http://www.epa.gov/region5</a>
<b>ARMY</b>	US Department of Agriculture ..... <a href="http://www.usda.gov">http://www.usda.gov</a>
Army Knowledge Online ..... <a href="https://www.us.army.mil">https://www.us.army.mil</a>	National Resource Conservation Service <a href="http://www.nrcs.usda.gov">http://www.nrcs.usda.gov</a>
Assistant Secretary of the Army for Installations, Energy and Environment ..... <a href="http://www.asaie.army.mil/Public/ESOH/">http://www.asaie.army.mil/Public/ESOH/</a>	US Department of Interior ..... <a href="http://www.doi.gov">http://www.doi.gov</a>
Deputy Assistant Secretary of the Army for Installations, Energy and Environment <a href="http://www.asaie.army.mil/Public/Partnerships/bios/index.html">http://www.asaie.army.mil/Public/Partnerships/bios/index.html</a>	Bureau of Land Management Eastern States <a href="http://www.blm.gov/es/st/en.html">http://www.blm.gov/es/st/en.html</a>
US Army Environmental Command ..... <a href="http://aec.army.mil">http://aec.army.mil</a>	US Geological Survey ..... <a href="http://www.usgs.gov">http://www.usgs.gov</a>
US Army Sustainability ..... <a href="http://www.sustainability.army.mil">http://www.sustainability.army.mil</a>	US Fish and Wildlife Service ..... <a href="http://www.fws.gov">http://www.fws.gov</a>
Army Sustainable Range Program..... <a href="https://srp.army.mil">https://srp.army.mil</a>	Midwest Region (all Reg. 5 States) ..... <a href="http://www.fws.gov/midwest">http://www.fws.gov/midwest</a>
Army Environmental Policy Institute .... <a href="http://www.aepi.army.mil">http://www.aepi.army.mil</a>	Northeast Region (all Reg. 1, 2, 3 States) ... <a href="http://www.fws.gov/northeast">http://www.fws.gov/northeast</a>
Army Corps of Engineers ..... <a href="http://www.usace.army.mil">http://www.usace.army.mil</a>	National Park Service..... <a href="http://www.nps.gov">http://www.nps.gov</a>
North Atlantic Division ..... <a href="http://www.nad.usace.army.mil">http://www.nad.usace.army.mil</a>	Bureau of Indian Affairs..... <a href="http://www.bia.gov">http://www.bia.gov</a>
Great Lakes and Ohio River Division <a href="http://www.lrd.usace.army.mil">http://www.lrd.usace.army.mil</a>	US Department of Energy ..... <a href="http://www.energy.gov">http://www.energy.gov</a>
	Office of Environmental Management <a href="http://www.em.doe.gov">http://www.em.doe.gov</a>
	US Coast Guard..... <a href="http://www.uscg.mil/">http://www.uscg.mil/</a>
	National Response Center NRC <a href="http://www.nrc.uscg.mil/">http://www.nrc.uscg.mil/</a>
	Federal Register ..... <a href="http://www.gpoaccess.gov/fr/index.html">http://www.gpoaccess.gov/fr/index.html</a>

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