



NORTHERN REGION REVIEW



Environmental Legislative and Regulatory News

JULY 2009 VOLUME XIV, No. 4

Compatible Land Use Lessons Learned by State Officials at Fort A.P. Hill Tour

Fort A.P. Hill, one of the Army's largest training sites along the East Coast, originally had few neighbors. Situated between Washington DC and Richmond VA, the installation, at nearly 76,000 acres, is located in Caroline County, the third fastest growing county in Virginia. With this growth and residential development, noise and vibration from firing ranges and aircraft are becoming more of an issue with the increasing number of neighbors.

Bases around the country face similar problems and the prospect of curbing or shelving some types of training. In the face of limits on training, military commanders and civilian leaders need to work collaboratively to assure the training mission can be sustained.

To help educate state legislators on this issue as well as other environmental and sustainability issues of concern to the Army and DoD, Army's Office of Regional Environmental and Government Affairs - Northern Region (OREGA-N) recently partnered with Office of the Secretary of Defense and the National Conference of State Legislatures (NCSL) to conduct an installation tour at Fort A.P. Hill and follow-on policy discussion.

Similar to those previously conducted at Camp Bullis (TX), Fort Carson (CO) and other Army installations, the event allowed state legislators, many without military experience, to view first-hand military base operations and learn more



Fort AP Hill ACUB ceremony and installation tour - Tad Davis, DASA ESOH (I&E), speaks with Senator Leticia Van de Putte, Texas Senate Veteran's Affairs and Military Installations Committee Chair

about the state's role in: compatible land use near military bases; encroachment and quality of life; clean energy and environmental practices; and development of installation/community partnerships for planning and cost-sharing.

Among the attendees were several Virginia legislators, the Chair of the Texas Senate Veteran's Affairs and Military Installations Committee, the Maryland House of Delegates majority whip and deputy majority whip, and state representatives from Oklahoma and Arizona. Many attendees also serve as members of NCSL's Military and Veteran Affairs Task Force.

During the tour, Fort A.P. Hill celebrated the completion of the latest conservation easements. With these easements, the installation reached nearly 3,000 acres of buffer land through Army's Compatible Buffer (ACUB) program. In addition to creating a buffer of open space around an installation such as Fort A.P. Hill, and thereby safeguarding the installation's training mission, the ACUB program preserves valuable wildlife habitat and sensitive natural, historic, and cultural resources.

The state officials met the following day to discuss the significance of what they had learned and began focusing on relevant policies to be proposed as resolutions at the NCSL annual meeting this summer.

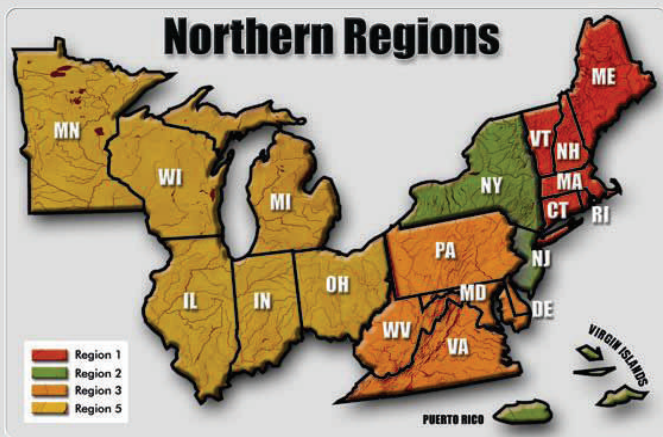
"The Department of Defense is working with the states, doing things differently to make things better," attendee Virginia Delegate Beverly Sherwood said of the relationship between the military and state governments.



Fort AP Hill installation tour - State Officials observe training operations

Inside this Issue

Executive Office of the President	2
DOD News	2
US Environmental Protection Agency News	3
Other Federal Agency News	5
Region 1 News	5
Region 2 News	9
Region 3 News	11
Region 5 News	16
Professional Development	20
Internet Resources	24



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

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

HOW THE REGIONAL OFFICE WORKS FOR YOU

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

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

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

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



EXECUTIVE OFFICE OF THE PRESIDENT

PRESIDENTIAL MEMO - INTERAGENCY OCEAN POLICY TASK FORCE

On June 12, 2009, President Barak Obama issued a [memorandum](#) discussing national policy for the oceans, our coasts, and the Great Lakes [74 FR 28591, June 17, 2009]. The memo creates a temporary Interagency Ocean Policy Task Force with specific duties. The Task Force will be led by the Chair of the Council on Environmental Quality and will be composed of senior policy-level officials from the executive departments and agencies. The Task Force is charged with developing recommendations regarding national policy that ensures protection and enduring quality of the oceans, coastal, Great Lakes ecosystems and resources. They will also review the existing federal government policy coordination framework and create an implementation strategy. The Task Force will terminate once it has completed its duties and recommended a framework for effective coastal and marine spatial planning.



DoD NEWS

DOD INSTRUCTION FOR ENVIRONMENTAL MANAGEMENT SYSTEMS

On April 15, 2009, the DOD issued [Instruction 4715.17](#), which establishes policy, assigns responsibilities, and prescribes procedures for achieving conformance with Environmental Management Systems (EMS). The instruction applies to all DoD appropriate facilities and/or organizations worldwide, including: installations; Government-owned, contractor-operated facilities; and DoD Components that are a host of or tenant on any DoD appropriate facility. Instruction requirements include: (1) an EMS is considered fully implemented after findings of an outside audit have been addressed and the appropriate senior manager declares conformance; (2) internal EMS audits shall be conducted annually; (3) conformance shall be formally re-declared at least every three years based on an external second or third party conformance audit; (4) management systems are to address a life cycle approach; (5) senior management will review the goals and targets of all systems managing environment, safety, and occupational health; and (6) energy efficiency and greenhouse gas (GHG) reduction goals of Executive Order (EO) 13423 shall be recognized within the framework of the EMS.



US ENVIRONMENTAL PROTECTION AGENCY NEWS

General

NATIONAL PERFORMANCE TRACK PROGRAM TERMINATED USEPA has issued a notice terminating the National Environmental Performance Track Program [74 FR 22741, May 14, 2009]. The program was established in 2000, and was initially designed to have two levels, the "Achievement Track," and the "Stewardship Track." The tracks were subsequently renamed the National Environmental Performance Track Program and the Performance Track Corporate Leader designation. On March 16, 2009, USEPA Administrator Lisa P. Jackson issued a memorandum halting the Performance Track Program. The notice also states that the low priority for routine inspections incentive for Performance Track facilities is hereby terminated. The termination was effective on May 14, 2009.

SPRING 2009 SEMI-ANNUAL UNIFIED REGULATORY AGENDA USEPA has released the Spring 2009 [Semiannual Unified Regulatory Agenda](#) [74 FR 21992, May 11, 2009]. The agenda lists all regulations and major policies currently under development, under review, completed, or cancelled since the last agenda was released in Fall 2008. For further information contact, OREGA Headquarters Federal Liaison at (410) 436-8954.

Air Quality

PSD AND NON-ATTAINMENT NSR USEPA has issued a final rule amending and delaying the effective date for the Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR) that was published in the Federal Register [74 FR 2376] on January 15, 2009 [74 FR 22693, May 14, 2009]. USEPA has delayed the effective date of the NSR Aggregation Amendments for an additional 12 months, until May 18, 2010. The delay will allow for sufficient time to conduct a reconsideration proceeding. The Aggregation Amendments describe when a source must combine nominally separate physical changes and changes in the method of operation for the purpose of determining whether they are a single change resulting in a significant emissions increase. For further information, contact USAEC at (410) 436-1231.

RECONSIDERATION AND STAY OF PM_{2.5} PROVISIONS USEPA has granted a reconsideration and administrative stay of a previously issued regulation [74 FR 26098, June 1, 2009]. The rulemaking is in response to a petition for reconsideration dated February 10, 2009, submitted by various environmental organizations. The petition addresses the USEPA final rule, "[Implementation of the New Source Review \(NSR\) Program for Particulate Matter Less Than 2.5 Micrometers \(PM_{2.5}\)](#)," published on May 16, 2008. USEPA has administratively stayed the "grandfathering" provision for PM_{2.5} contained in the federal prevention of significant deterioration (PSD) program. USEPA will publish a notification in the Federal Register establishing a comment period and opportunity for a public hearing for the reconsideration proceeding. The rulemaking became effective on June 1, 2009. The stay is set to expire on September 1, 2009. For further information, contact USAEC at (410) 436-1231.

NATIONAL VOC EMISSIONS STANDARDS FOR AEROSOL COATINGS USEPA has issued a final rule amending the National Volatile Organic Compound (VOC) Emissions Standards for Aerosol Coatings [74 FR 29595, June 23, 2009]. The final rule includes: (1) addition of compounds and their reactivity factors; (2) clarification of which VOCs are to be quantified in compliance determinations; (3) minor revisions and corrections to the aerosol coatings reactivity rule; and (4) extension of the initial notification submittal deadline for manufacturers, distributors, or importers of aerosol coatings (Section 59.511(b)) by 30 days to July 31, 2009. The final rule became effective on June 23, 2009. For further information, contact USAEC at (410) 436-1231.

RESTRUCTURING OF THE STATIONARY SOURCE AUDIT PROGRAM USEPA has proposed amendments to the general provisions for large stationary sources [74 FR 28451, June 16, 2009]. The amendments would allow accredited providers to supply stationary source audit samples. The amendments would also require sources to obtain and use these samples from the accredited providers instead of from USEPA, as is the current practice. The amendments apply to facilities that operate a stationary source that is required to conduct compliance testing under 40 CFR parts 60, 61, and 63. For further information, contact USAEC at (410) 436-1231.

TRANSPORTATION CONFORMITY RULE PM2.5 AND PM10 AMENDMENTS USEPA has proposed amendments to the transportation conformity rule that primarily affect conformity's implementation in particulate matter (PM2.5) and PM10 non-attainment and maintenance areas [74 FR 23024, May 15, 2009]. The amendments are in response to the USEPA October 2006 final rule that strengthened the 24-hour PM2.5 air quality standard and revoked the annual PM10 standard. In addition, USEPA has proposed to clarify the regulations concerning hot-spot analyses to address a remand from the District of Columbia Circuit Court of Appeals. This portion of the proposal applies to PM2.5 and PM10 non-attainment and maintenance areas as well as carbon monoxide non-attainment and maintenance areas. For further information, contact USAEC at (410) 436-1231.

SECONDARY NAAQS FOR OXIDES OF NITROGEN AND OXIDES OF SULFUR USEPA has released the draft document, "[Risk and Exposure Assessment to Support the Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur: Second Draft](#)" [74 FR 28698, June 17, 2009]. The draft report assesses environmental exposures to ambient oxides of nitrogen (NOx) and sulfur (SOx) and characterizes associated public welfare risks. USEPA has decided to jointly assess the science, risks, and policies relevant to protecting the public welfare associated with NOx and SOx, because they, and their associated transformation products are linked from an atmospheric chemistry perspective as well as from an environmental effects perspective. The report rather strongly suggests that secondary National Ambient Air Quality Standards (NAAQS) for NOx are likely to be further tightened. Comments are due by July 17, 2009. For further information, contact USAEC at (410) 436-1231.

Solid Waste

NEW NAME AND REORGANIZATION FOR THE USEPA OFFICE OF SOLID WASTE USEPA has issued a final rule amending the Code of Federal Regulations to reflect the January 2009, reorganization and name change the Office of Solid Waste (OSW) to the Office of Resource Conservation and Recovery (ORCR) [74 FR 30228, June 25, 2009]. Since USEPA has increased focus on resource conservation and materials management, the name change reflects the breadth of the responsibilities/authorities that Congress provided to USEPA under the Resource Conservation and Recovery Act (RCRA). The new ORCR has three divisions, which consolidate the operations of the six divisions under the OSW structure. The divisions are: (1) Materials Recovery and Waste Management Division; (2) Resource Conservation and Sustainability Division; and (3) Program Implementation and Information Division. The final rule became effective on June 25, 2009. For further information, contact USAEC at (410) 436-1666.

Spill Prevention, Control, and Countermeasure

EXTENSION OF SPCC PLANS COMPLIANCE DATE USEPA has issued a final rule further extending the Spill Prevention, Control, and Countermeasure (SPCC) plan compliance date by which facilities must prepare or amend and implement their SPCC Plans [74 FR 29136, June 19, 2009]. The deadline has been pushed back to November 10, 2010. The extension will allow the regulated community approximately 16 additional months to make changes to their facilities and to their SPCC Plans necessary to comply with the revised SPCC requirements. The final rule became effective on June 19, 2009. For further information, contact USAEC at (410) 436-7068.

Toxic Substances

TESTING OF NONYLPHENOL AND NONYLPHENOL ETHOXYLATE COMPOUNDS USEPA has issued an advance notice of proposed rulemaking for aquatic and sediment toxicity testing for nonylphenol (NP) and nonylphenol ethoxylates (NPEs) under Toxic Substances Control Act (TSCA) section 4 [74 FR 28654, June 17, 2009]. Common uses of NPEs include consumer products such as laundry detergents, shampoos, household cleaners, and latex paints. Industrial uses include surfactants, detergents, wetting agents, and defoamers. Comments are due by September 15, 2009. For further information, contact USAEC at (410) 436-7070.

Water Quality

NEW ONLINE NPDES DISCHARGE MONITORING REPORT USEPA has launched the Network Discharge Monitoring Report ([NetDMR](#)), an internet-based reporting tool to assist National Pollutant Discharge Elimination System (NPDES) regulated facilities [74 FR 30075, June 24, 2009]. NetDMR allows regulated facilities to sign and submit their discharge monitoring reports (DMRs) online. The national DMR submittal tool is a secure internet application through the Environmental Information Exchange Network. An essential component of NetDMR is the exchange of data with USEPA's Integrated Compliance Information System, which allows permittees to complete a DMR that is specific to their permit limits and outfalls.

OTHER FEDERAL AGENCY NEWS

GREEN PROCUREMENT PRODUCT CATEGORY SPREADSHEET AVAILABLE To facilitate the procurement of green products and services, the Office of the Federal Environmental Executive has provided a [spreadsheet](#) organizing the product categories covered by affirmative procurement requirements. The spreadsheet provides information on product types and recommended recycled content or biobased content levels. The products identified are ones that USEPA, the Department of Energy, or the Department of Agriculture have issued designations or provided guidance for green environmental or energy attributes.

INTERAGENCY COOPERATION UNDER THE ENDANGERED SPECIES ACT The Departments of Interior and Commerce have issued a final rule amending regulations governing interagency cooperation under the Endangered Species Act (ESA) [[74 FR 20421](#), May 4, 2009]. The final rule reinstates the regulations that were in effect immediately prior to the December 16, 2008 regulation, titled "[Interagency Cooperation Under the Endangered Species Act](#)." The final rule became effective on May 4, 2009. For further information, contact USAEC at (410) 436-6458.

PFOS ADDED TO LIST OF PERSISTENT ORGANIC POLLUTANTS The [Stockholm Convention on Persistent Organic Pollutants](#) has been [amended](#) to include nine new chemicals in either Annex A or Annex B: (1) insecticides: Alpha hexachlorocyclohexane, Beta hexachlorocyclohexane, Chlordecone, Lindane; (2) flame retardants: Pentachlorobenzene, Hexabromodiphenyl ether, heptabromodiphenyl ether, Tetrabromodiphenyl ether, pentabromodiphenyl ether; and (3) industrial chemicals: Perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (added to Annex B of the convention). The convention was ratified in May 2004. Amendments should enter into force automatically for the United States, without further specific ratification. The amendments are potentially relevant to management of older stocks of Aqueous Film Forming Foam (AFFF) that contain PFOS.

PREVENTING OCCUPATIONAL EXPOSURES TO LEAD AND NOISE AT INDOOR FIRING RANGES The National Institute of Occupational Safety and Health (NIOSH) has released an [alert](#) addressing prevention of exposures to lead and noise at indoor firing ranges. The alert examines firing range operations, exposure assessment and control methods, existing regulations, and exposure standards and guidelines.

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.



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

State	Convenes	Adjourns
Connecticut	January 7	June 3 (ADJOURNED)
Maine	December 3, 2008	June 17 (ADJOURNED)
Massachusetts	January 7	<i>Meets throughout year</i>
New Hampshire	January 7	July 1 (ADJOURNED)
Rhode Island	January 6	<i>In recess</i>
Vermont	January 7	May 9 (ADJOURNED)



Connecticut

CONNECTICUT PORTION OF NY-NJ-CT EIGHT-HOUR OZONE NON-ATTAINMENT AREA USEPA has reopened the public comment period for a proposal ([74 FR 21568](#)) published on May 8, 2009 [[74 FR 29452](#), June 22, 2009]. In the May rulemaking, USEPA proposed to disapprove the ozone attainment demonstration submitted by the State of

Connecticut for the Connecticut portion of the New York-N. New Jersey-Long Island, NY-NJ-CT moderate ozone non-attainment area. The comment period on the proposed action closed on June 8, 2009. At the request of the State of Connecticut, USEPA has reopened the public comment period through August 7, 2009.

GENERAL PERMIT FOR STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY The Connecticut Department of Environmental Protection (CTDEP) has proposed to renew, with [modifications](#), the [General Permit \(GP\) for the Discharge of Storm Water Associated with Industrial Activity](#). The current general permit has been renewed three times without modification. The most recent reissue was in April 2009 and it will expire on September 30, 2010. The April 2009 renewal requires permittees to re-register their facilities with a prorated \$300 registration fee.



Massachusetts

ACT TO REQUIRE RECYCLING IN PUBLIC BUILDINGS On May 14, 2009, the Joint Committee on Environment, Natural Resources, and Agriculture held a hearing for public testimony on [HB 824](#). The bill would require every state agency and court to recycle certain material by, by January 1, 2010. The specified material includes: lead batteries, metal containers, glass containers, single polymer plastics, recyclable paper, yard waste, tires, white goods, fluorescent lamps, cathode ray tubes or the product that contains the cathode ray tube, and construction and demolition material. The State Sustainability Program would provide recycling guidance to establish and implement a waste generation and recyclable material generation reporting system. The joint committee will schedule an executive session to consider testimony and issue a recommendation of the measure to the House and Senate.

ADOPTION OF LAND DISPOSAL RESTRICTION PROGRAM The Massachusetts Department of Environmental Protection (MassDEP) has [proposed amendments](#) to the hazardous waste regulations. The key component of the proposed amendments is the adoption of the federal Land Disposal Restriction (LDR) program, found at 40 CFR Part 268. The amendments will make the Massachusetts hazardous waste requirements more consistent with the federal hazardous waste requirements under RCRA. MassDEP has proposed to incorporate most of the federal provisions by reference, but some language does differ from the federal provisions. MassDEP has proposed more stringent provisions to prohibit the use of underground injection control as a means of hazardous waste land disposal. MassDEP has also proposed not adopting the federal waiver and variance provisions for surface water impoundments and variances from treatment standards that are allowed under RCRA.

STATEWIDE GHG EMISSIONS LEVEL: 1990 BASELINE AND 2020 BUSINESS AS USUAL PROJECTION MassDEP has released the final [Statewide Greenhouse Gas Emissions Level: 1990 Baseline and 2020 Business As Usual Projection](#). MassDEP was required to develop the document by the state 2008 Global Warming Solutions Act. The act requires an 80 percent reduction of GHG emissions economy-wide by 2050, with a 2020 target to be set between 10 and 25 percent below 1990 levels. The estimates identified in the document will be used in determining the 2020 and 2050 target reductions.



Maine

REMOVAL OF THE BALD EAGLE FROM STATE THREATENED SPECIES LIST On April 30, 2009, Governor John Baldacci signed into law [LD 66](#), which removes the bald eagle from the list of threatened species in the State. In terms of certain intentional acts, the new law provides a previously state listed species, that was delisted after 2007, the same protections afforded it prior to delisting. The new law becomes effective on September 15, 2009.

COMPREHENSIVE LAND USE PLAN On June 12, 2009, Governor John Baldacci signed into law [LD 1047](#). The new law requires the Land Use Regulation Commission to adopt an official comprehensive land use plan for the unorganized and deorganized townships of the state. The commission must use the plan as a guide in developing specific land use standards, delineating district boundaries, and for guiding development. The law was passed with an emergency clause, allowing it to become effective upon signature. The Commission shall delineate the proper use of resources, and recommendations for its implementation.

DEMONSTRATION OF RENEWABLE OCEAN ENERGY TECHNOLOGIES On June 4, 2009, Governor John Baldacci signed into law [LR 1465](#). The law contains several provisions to facilitate research and development and

demonstration of renewable ocean energy technologies. Provisions include: (1) streamlines state permitting of offshore wind and wave energy demonstration projects by creating a general permit administered by the Maine Department of Environmental Protection (MEDEP) for projects located in specific offshore areas; (2) streamlines the process for issuance of a state submerged lands lease for an offshore wind energy project; (3) provides for a public process; and (4) streamlines permitting of tidal energy projects. The law becomes effective on September 12, 2009.

ASBESTOS ABATEMENT WORK On June 12, 2009, Governor John Baldacci signed into law [LD 1434](#). The new law clarifies that persons engaged in an activity affecting more than three square feet or three linear feet of any asbestos-containing material are subject to licensing, certification, notification, and work practice requirements administered by the MEDEP. The law: (1) increases the maximum fee that must be paid when notifying MEDEP; (2) changes the annual license fee for asbestos abatement contractors and asbestos abatement consultants; and (3) provides for appropriations and allocations. The law becomes effective on September 12, 2009.

CARBON DIOXIDE BUDGET TRADING PROGRAM AND AUCTION PROCESS On May 26, 2009, Governor John Baldacci signed into law [LD 276](#). The new law amends the definition of public records to exclude certain information submitted to MEDEP or its agent by parties in order to participate in auctions held under the Regional Greenhouse Gas Initiative. The law also establishes allocations for the Energy and Carbon Savings Trust Fund for the disbursement of auction revenues. The law was passed with an emergency clause, allowing it to become effective upon signature.

GROUNDWATER OIL CLEAN-UP FUND On June 9, 2009, Governor John Baldacci signed into law [LD 1332](#), which continues coverage of oil clean-up costs and improves administration of the Groundwater Oil Clean-up Fund. The new law eliminates the sunset date on the provisions of law that insure owners and operators of oil storage tanks against the costs of cleaning up tank leaks. The law authorizes MEDEP to pay those costs up to a maximum amount, from the Groundwater Oil Clean-up Fund. The law becomes effective on September 12, 2009.

PERMIT-BY-RULE STANDARDS - NEW SUBMISSION REQUIREMENTS MEDEP has adopted [amendments](#) to the Permit-by-Rule Standards. The amendments include new submission requirements for describing and detailing the scope of proposed activities. New standards were added that require adherence to the descriptions and details submitted with the notification form. Other amendments include: (1) limiting access ways to natural resources to paths, steps, and stairs; (2) eliminating riprap on the coastal shoreline as eligible for the permit by rule process; and (3) allowing new activities in existing developed areas in significant vernal pool habitat. The amendments were adopted on June 18, 2009. The Attorney General needs to approve the amendment before they are filed as final and effective. The amendments are expected to become effective in July 2009.

AMENDMENTS TO ENDANGERED SPECIES REGULATIONS The Maine Department of Inland Fisheries and Wildlife (MDIFW) has [proposed](#) four additional areas for designation as "Essential Habitat" for Piping Plover and Least Tern nesting, feeding, and brood rearing. In addition, MDIFW has proposed to modify the "Designation Criteria" for Piping Plover and Least Tern Essential Habitat (8.05.C.3) and the "Interpretation of Essential Habitat Area Boundaries" (8.05.C.4). One or more new Piping Plover nesting, feeding, and brood-rearing areas are being designated in the towns of Biddeford, Cape Elizabeth, and Old Orchard Beach. A public hearing is scheduled for July 23, 2009, and comments are due by August 3, 2009.



Rhode Island

AMENDMENTS TO AIR POLLUTION CONTROL REGULATIONS The Rhode Island Department of Environmental Management (RIDEM) has adopted and proposed multiple amendments to the Air Pollution Control Regulations. The regulatory activity includes: (1) proposed amendments to Regulation No. 25, "Control of Volatile Organic Compound Emissions from Cutback and Emulsified Asphalt;" (2) adopted amendments to Regulation Nos. 31, "[Control of Volatile Organic Compounds \(VOC\) from Consumer Products](#)," and 33, "[Control of VOC from Architectural Coatings and Industrial Maintenance Coatings](#);" and (3) adopted new Regulation No. 44, "[Control of VOC from Adhesives and Sealants](#)." The adopted revisions limit the VOC content of 102 categories of consumer products, 53 categories of architectural and industrial maintenance coatings and 40 categories of adhesive and sealant products. The proposed amendments to Regulation No. 25, would prohibit the use of cutback asphalt and limit the VOC content of emulsified asphalt used for road paving, maintenance or repair during the ozone season (April through September). The amendments and new regulation are based on control measures developed by the Ozone Transport Commission (OTC). The adopted amendments and new regulation became effective on June 4, 2009.

AMENDMENTS TO THE OPERATING PERMITS REGULATION RIDEM has adopted amendments to Air Pollution Control Regulation No. 29, "[Operating Permits](#)." The amendments update the conditions governing emission cap permits so they no longer expire and so sources will not be required to renew their emission cap. The amendments became effective on June 11, 2009.

ADMINISTRATION AND ENFORCEMENT OF THE FRESH WATER WETLANDS ACT RIDEM has adopted [amendments](#) to the wetlands rules regarding landowner authorizations required before alterations. The amendments included authorizations related to dam construction. The amendments could impact applicants for certain dam-related projects by changing the permitting process. Applicants will no longer need the written, notarized authorization from other landowners, but they will need to place a public notice of the proposed project in the newspaper. The amendments became effective on June 24, 2009.

AMENDMENTS TO THE WATER QUALITY REGULATIONS RIDEM has adopted [amendments](#) to the water quality regulations. The amendments include typographical corrections, updated criteria, and site specific criteria developed following a technical methodology recently approved by USEPA. The amendments also provide RIDEM with the necessary authority to issue a conditional approval for sewer system connections that will eliminate discharges from properties with existing wastewater treatment facilities. The amendments became effective on June 2, 2009.



Vermont

AIR POLLUTION CONTROL REGULATIONS FOR OUTDOOR WOOD-FIRED BOILERS The Vermont Department of Environmental Conservation (VTDEC) has [proposed amendments](#) to the air pollution control standards addressing outdoor wood-fire boilers. The proposed amendments revise and reformat the existing rules for outdoor wood-fired boilers (OWBs) currently in sections 5-204 and 5-205 of the Air Pollution Control Regulations. The proposed amendments also establish a Phase II particulate matter emission limit for OWBs of 0.32 pounds per million BTUs of heat output to go into effect on March 31, 2010. The proposed amendments set forth requirements for OWB owners and operators (siting and stack height requirements), OWB sellers (notice to buyers requirements), and OWB manufacturers (certification requirements).



New Hampshire

ALTERS OIL SPILL PENALTIES On June 15, 2009, Governor John Lynch signed into law [HB 537](#), which clarifies the penalties for oil spill violations. The new law amends the Oil Spills Penalties laws at RSA 146-A:14. The bill will impact any person who recklessly spills oil on the surface water or into the groundwater of the state. The new law becomes effective on January 1, 2010.

SURFACE WATER WITHDRAWALS FOR DIVERSIONS On May 8, 2009, Governor John Lynch signed into law [SB 47](#). The new law clarifies a requirement that surface water withdrawals or diversions comply with water quality standards. The law was a request of the New Hampshire Department of Environmental Services. The law became effective on July 7, 2009.

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.



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

State	Convenes	Adjourns
New Jersey	January 13	<i>Meets throughout year</i>
New York	January 7	<i>Meets throughout year</i>
Puerto Rico	January 12	<i>In recess</i>
Virgin Islands	January 12	<i>Meets throughout year</i>



New Jersey

NEW JERSEY PORTION OZONE ATTAINMENT DEMONSTRATION USEPA has reopened the comment period for a proposal ([74 FR 21578](#)) published on May 8, 2009 [[74 FR 29451](#), June 22, 2009]. On May 8, 2009, EPA proposed to disapprove the ozone attainment demonstration portion of a comprehensive State Implementation Plan (SIP) revision submitted by the State of New Jersey to meet the Clean Air Act (CAA) requirements for attaining the eight-hour ozone NAAQS in New Jersey. The comment period on the proposed action closed on June 8, 2009. Pursuant to requests from the State of New Jersey, USEPA has reopened the comment period through August 7, 2009.

APPROVAL OF EIGHT-HOUR OZONE NAAQS SIP REVISIONS USEPA has issued a final rule approving portions of two SIP revisions submitted by New Jersey to help meet several CAA requirements for attaining the 0.08 part per million (ppm) eight-hour ozone NAAQS [[74 FR 22837](#), May 15, 2009]. USEPA has approved the: (1) 2008 reasonable further progress plans and associated 2008 ozone projection year emission inventories; (2) contingency measures for the 2008 reasonable further progress plans; (3) 2008 conformity budgets used for planning purposes; and (4) the reasonably available control measure (RACM) analysis. In addition, USEPA has conditionally approved New Jersey's efforts to meet the reasonably available control technology (RACT) requirement. The final rule became effective on June 15, 2009.

INDUSTRIAL SITE CLEANUP ACT On May 7, 2009, Governor Jon Corzine signed into law [AB 2962](#), which establishes a program for the licensing of site remediation professionals and changes laws concerning site remediation. The new law: (1) establishes a Site Remediation Professional Licensing Board to oversee the licensing, continuing education, and professional conduct of site remediation professionals; (2) requires an owner or operator of an industrial establishment subject to the provisions of the "Industrial Site Recovery Act," the discharger of a hazardous substance or a person in any way responsible for a hazardous substance, or the owner or operator of an underground storage tank (UST), that has discharged a hazardous substance, to remediate the discharge of a hazardous substance; (3) requires any person who initiates a remediation of a contaminated site at least 180 days after the date of enactment of the bill into law must hire a licensed site remediation professional to perform the remediation; (4) requires the New Jersey Department of Environmental Protection (NJDEP) to establish mandatory remediation time frames, and expedited site specific time frames when necessary; and (5) requires NJDEP to inspect all documents submitted by a licensed site remediation professional concerning a remediation. The effective dates vary by individual Act sections.

AIR POLLUTION FROM DIESEL-POWERED MOTOR VEHICLES NJDEP has [adopted amendments](#) to the regulations for the Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles. The amendments reduce the opacity cutpoints, strengthen the visible smoke standard for diesel-powered trucks and buses, and clarify the rules' exemption for emergency vehicles. The amendments are part of a statewide effort to reduce diesel exhaust emissions from diesel-powered vehicles. The adoption represents a SIP revision. The amendments became effective on May 4, 2009. The operative date is June 2, 2009.

READOPTION OF SOLID WASTE RULES NJDEP has [proposed](#) to readopt the Solid Waste rules at N.J.A.C. 7:26 without amendment. As required by state Executive Order No. 66, NJDEP has examined the Solid Waste rules and has determined that they remain necessary and reasonable for the protection of the environment and the public health, safety, and welfare. The solid waste rules were scheduled to expire May 17, 2009, but the expiration date was extended to November 7, 2009. Comments are due by July 31, 2009.

GREENHOUSE GAS MONITORING AND REPORTING PROGRAM NJDEP has proposed a [regulation](#) concerning the Greenhouse Gas Monitoring and Reporting Program. The regulation implements the mandates of the Global Warming Protection Act through amendments adding GHG reporting requirements to the air pollution control rules. The regulation relates to reporting air contaminants at a source operation level in addition to the facility level for PM2.5, ammonia (NH₃), and toxic air pollutants.

INDUSTRIAL SITE RECOVERY ACT NJDEP has [proposed](#) to readopt, with amendments, the Industrial Site Recovery Act rules. The act relates to the efficient and timely remediation of contaminated industrial establishments. The rules were set to sunset on February 24, 2009, but the expiration date was extended to August 24, 2009.

MOTOR VEHICLE INSPECTION AND MAINTENANCE RULE AMENDMENTS NJDEP has proposed [new rules and amendments](#) to update the motor vehicle emission tests and standards for both gasoline and diesel vehicles. The proposed amendments are part of a new motor vehicle inspection and maintenance (I/M) program developed by NJDEP, the Motor Vehicle Commission, and the Department of Treasury. In addition to the new rules and amendments, NJDEP has proposed to streamline test procedures and specifications.



New York

RESTRICTION TO IDLING OF HEAVY DUTY VEHICLES On June 9, 2009, [AB 8238](#), was amended in the Assembly Committee on Transportation. The bill would amend the vehicle and traffic law, to prohibit idling by heavy-duty vehicles. The bill remains in the Transportation Committee. There is a companion bill in the Senate, [SB 5287](#).

MATERIALS RECOVERY AND RECYCLING On April 28, 2009 Assemblyman Brian Kavanagh introduced [AB 7942](#). The bill would require every written contract for the collection and transportation of commercial waste to specify the recyclable, reusable, or other components of the waste that are required to be separated in accordance with local law or ordinance. The bill provides for up to a \$ 1000 civil fine for violations. The bill was referred to the Assembly Committee on Local Government upon introduction.

PERMIT APPLICANTS ON RECORD OF COMPLIANCE On April 27, 2009, Sen. Antoine Thompson introduced [SB 4950](#), which would amend the environmental conservation law. The bill would require NYDEC permit applicants to disclose information concerning other permits held and/or revoked, enforcement actions, criminal convictions, fees or fines owed, and other information relating to compliance by the applicant or any corporation of which he or she is affiliated with. The bill is currently in the Senate Environmental Conservation Committee.

PARTICIPATION IN RGGI REGIONAL AUCTION The New York State Energy Research and Development Authority (NYSERDA) participated in the fourth quarterly regional auction for the sale of carbon dioxide allowances under the Regional Greenhouse Gas Initiative (RGGI) in accordance with the carbon dioxide (CO₂) Allowance Auction Program. NYSERDA made 11,861,849 allowances available for sale from the 2009 Allocation Year, and 776,385 allowances from the 2012 Allocation Year. The auction raised more than \$104 million for 10 Northeastern states to invest in energy efficiency and renewable energy programs. The allowances sold for \$3.23 each. The next auction is scheduled for September 9, 2009.



Puerto Rico

PUBLIC WATER SYSTEM SUPERVISION PROGRAM REVISION USEPA has issued a notice that the Commonwealth of Puerto Rico is revising its approved Public Water System Supervision Program and adopting USEPA's Ground Water Rule [\[74 FR 19957, April 30, 2009\]](#). USEPA has determined that the revisions are no less stringent than the corresponding federal regulations. Therefore, USEPA intends to approve the program revisions. The determination will become final and effective, June 1, 2009, unless a public hearing is requested.

Region 3

For more information on any state issues in Region 3, contact the Army Regional Environmental Coordinator, Region 3, (Vacant) (410) 436-1275, e-mail: APGR-USAECNREORegionalCounsel@conus.army.mil.



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

State	Convenes	Adjourns
Delaware	January 13	June 30 (ADJOURNED)
District of Columbia	January 2	<i>Meets throughout year</i>
Maryland	January 14	April 13 (ADJOURNED)
Pennsylvania	January 6	<i>Meets throughout year</i>
Virginia	January 14	February 28 (ADJOURNED)
West Virginia	February 11	May 31 (ADJOURNED)

DELAWARE, MARYLAND, AND PENNSYLVANIA OZONE ATTAINMENT SIP REVISIONS USEPA has reopened the comment periods for documents published on May 8, 2009 [[74 FR 29450](#), June 22, 2009]. In these May 8, 2009 documents (MD - [74 FR 21588](#); DE - [74 FR 21599](#); PA - [74 FR 21604](#)), USEPA proposed to disapprove the ozone attainment demonstration portion of comprehensive SIP revisions submitted by the States of Delaware, Maryland, and Pennsylvania. The revisions are required to meet the CAA requirements for attaining the eight-hour ozone NAAQS for the Philadelphia-Wilmington-Atlantic City moderate non-attainment area. USEPA determined that the photochemical modeling and weight of evidence analysis used for each SIP revision does not demonstrate attainment. The comment periods on these proposed actions closed on June 8, 2009. Pursuant to requests from the State of Maryland, the Commonwealth of Pennsylvania, and the Delaware Valley Regional Planning Commission, USEPA has reopened the comment period through August 7, 2009.



Delaware

CROSS-MEDIA ELECTRONIC REPORTING RULE PROGRAM REVISION USEPA has approved the State of Delaware's request to revise their Cross-Media Electronic Reporting regulations [[74 FR 20700](#), May 5, 2009]. The revisions allow electronic reporting under 40 CFR: (1) Part 51 - Requirements for Preparation, Adoption, and Submittal of Implementation Plans; (2) Part 60 - Standards of Performance for New Stationary Sources; (3) Part 123 - National Pollutant Discharge Elimination System (NPDES) State Program Requirements; and (4) Part 271 - Requirements for Authorization of State Hazardous Waste Programs. The revisions became effective on May 5, 2009.

AMENDMENTS TO HAZARDOUS WASTE REGULATIONS The Delaware Department of Natural Resources and Environmental Control (DDNREC) has [finalized amendments](#) to the Hazardous Waste Regulations. The state must periodically seek authorization from USEPA to administer the hazardous waste program. The final amendments address issues identified by USEPA during the last state hazardous waste program reauthorization and include revisions regarding Cathode Ray Tubes (CRTs). The amendments became effective on May 21, 2009.

EMISSION STANDARDS FOR SOURCE PLATING AND POLISHING OPERATIONS DDNREC has drafted a [new air toxics standard](#) for Hazardous Air Pollutant (HAP) Regulation (#1138). The standard may impact any owner or operator of plating or polishing operations that uses or emits compounds of cadmium, chromium, lead, manganese, or nickel. The facilities include metal coating operations and dry polishing of previously plated products to provide either a decorative finish, a corrosion-resistance finish, or a wear-resistance finish. The planned adoption of the new air toxics standard will bring Delaware's air toxics regulatory program into closer alignment with USEPA's National Emission Standards for Hazardous Air Pollutants (NESHAPs) for area or small sources.



APPROVAL FOR RACT UNDER THE EIGHT-HOUR NAAQS

USEPA has issued a final rule approving a SIP revision submitted by the District of Columbia (DC) [[74 FR 28447](#), June 16, 2009]. The SIP revision consists of a demonstration that DC meets the RACT for NO_x and VOCs set forth by the CAA. The revision demonstrates that all requirements for RACT are met either through: (1) certification that previously adopted RACT controls in the DC SIP approved by USEPA under the one-hour ozone NAAQS continue to represent RACT for eight-hour implementation purposes; or (2) a negative declaration demonstrating that no facilities exist in the DC for the applicable control technology guideline (CTG) categories. The final rule becomes effective on July 16, 2009.

IMPERVIOUS SURFACE BASED STORM WATER FEE

The DC Department of the Environment (DDOE) has [finalized amendments](#) to the water quality and pollution regulations (DCMR Title 21, Chapter 5). The amendments convert the current storm water fee (flat fee or a volumetric fee) to a fee that attributes the cost of conveying storm water runoff to the quantity of storm water runoff generated from a property by use of impervious area as a surrogate metric. The metric, referred to as the Equivalent Residential Unit (ERU), is defined for billing purposes as 1,000 square feet and is based on a median area of a single family residential property. The conversion will result in the fee being based on the amount of impervious area on a given property. Property owners that use little potable water but have large impervious areas may see storm water fees increase. The fee conversion became effective on May 1, 2009. A notice of the proposed amendments was published in the May *Northern Region Review*. The DoD REC, in coordination with the Service RECs, was actively engaged in the regulatory process. Comments were submitted on behalf of DoD.

TRANSPORTATION CONFORMITY REGULATIONS

DDOE has [proposed amendments](#) to update Chapter 4, reserve Chapters 11-14, and adopt a new Chapter 15 to DCMR Title 20. The proposed amendments are necessary to update general conformity requirements and adopt new transportation conformity regulations that will help develop and implement the air quality SIP.

UPDATED FEES FOR SOLID WASTE DISPOSAL

The DC Department of Public Works has adopted, on an emergency basis, [amendments](#) to Chapter 7 of Title 21 DCMR, "Water and Sanitation." The amendments adjust fees for the disposal of solid waste at the DC waste-handling facilities. The emergency action is based on a decrease in the cost DC must pay for the disposal of solid waste delivered to its solid waste transfer facilities. By law, DC may only recoup the actual cost of providing solid waste handling services, therefore a decrease in service costs requires a decrease in fees. The new applicable fees for the disposal of construction and demolition debris is \$75.12 per ton, with a set minimum. The applicable fees for the disposal of solid waste is \$53.35 per ton, with a set minimum. The emergency amendments became effective on June 15, 2009. They will expire on October 13, 2009, or upon publication of the permanent amendments, whichever occurs first.



RACT REQUIREMENTS FOR VOCs

USEPA has issued a final rule correcting errors in the amendatory instructions regarding USEPA's action to convert Maryland VOC RACT regulations from conditional limited approval to full approval [[74 FR 24703](#), May 26, 2009]. The final rule became effective on May 26, 2009.

BALTIMORE EIGHT-HOUR OZONE MODERATE NON-ATTAINMENT AREA

USEPA has reopened the comment period for a document ([74 FR 21594](#)) published on May 8, 2009 [[74 FR 29450](#), June 22, 2009]. In the May 8, 2009 document, USEPA proposed to disapprove the ozone attainment demonstration portion of a comprehensive SIP revision submitted by the State of Maryland. The revision is required to meet CAA requirements for attaining the eight-hour ozone NAAQS for the Baltimore moderate non-attainment area. The comment period on the proposed action closed on June 8, 2009. At the request of the State of Maryland, USEPA has reopened the comment period through August 7, 2009.

GREENHOUSE GASES EMISSIONS REDUCTION ACT OF 2009

On May 7, 2009, Governor Martin O'Malley signed into law [HB 315](#). The new law requires the Maryland Department of the Environment (MDE) to publish and update an inventory of statewide Greenhouses Gases (GHG) emissions for calendar year 2006. The law also requires the state to reduce statewide GHG emissions by 25 percent from 2006 levels by 2020. The state is required to develop and adopt a specified plan and regulations, along with implementing programs to reduce GHG emissions. The new law becomes effective on October 1, 2009, and will remain effective until December 31, 2016.

NOX EMISSION REQUIREMENTS FOR STATIONARY INTERNAL COMBUSTION ENGINES MDE has [finalized rules](#) to establish NOx emission requirements for stationary internal combustion engines (ICEs) that are used as emergency generators or load shaving units as defined in COMAR 26.11.09.01. The rules will achieve a reduction of NOx emissions during the ozone season while allowing some degree of flexibility necessary to maintain electric system reliability. The rules: (1) prohibit emergency generators from testing between 12:01 a.m. to 2 p.m. on high ozone days; (2) require existing load shaving units to control NOx emissions, install new engines that meet New Source Performance Standards (NSPS), or limit operation to a total of 10 hours during any ozone season; (3) require new load shaving units to meet NSPS or to install controls to meet applicable NOx emission standards; (4) allow groups of small generators to request alternative compliance methods; and (5) provide an alternative compliance option for load shaving units that involves the purchase of NOx allowances to be retired. A notice of the proposed rules was published in the January 2009 *Northern Region Review*. The rules became effective on May 18, 2009.

MARYLAND CO2 BUDGET TRADING PROGRAM AMENDMENTS MDE has [finalized rules](#) to amend its CO₂ Budget Trading Program regulations. The final rules include provisions related to the: (1) Clean Generation Set-aside Account; (2) Voluntary Renewable Set-aside Account; and (3) Limited Industrial Exemption Set-aside Account. The rules became effective on May 18, 2009.

IMPLEMENTATION OF THE STORM WATER MANAGEMENT ACT OF 2007 MDE has [finalized regulations](#) to implement requirements of the "[Storm Water Management Act of 2007](#)." The act requires MDE establish criteria and procedures for storm water management that promote the use of environmental site design (ESD) to the maximum extent practicable. The regulations will help to maintain predevelopment runoff characteristics after land is developed. The regulations became effective on May 4, 2009.

TRIENNIAL REVIEW OF WATER QUALITY STANDARDS MDE has [proposed amendments](#) to the Water Quality Standards as required by the Triennial Review. The review revealed several necessary amendments and additions to the water quality standards, which include: (1) revising the assessment procedures for determining submerged aquatic vegetation (SAV) restoration goals; (2) adding SAV restoration goals for previously omitted segments; (3) updating numeric toxics criteria tables; (4) permitting the use of the Biotic Ligand Model for determining site-specific copper criteria; (5) amending designated uses which reflect existing uses; (6) revising the intermittent stream regulation and associated definitions; and (7) adding nutrient criteria for water supply reservoirs.



Pennsylvania

CONTROL OF FINE PARTICULATE MATTER USEPA has issued a notice of availability for an approval of a Commonwealth of Pennsylvania request [[74 FR 23856](#), May 21, 2009]. The request sought approval for the use of sulfur dioxide (SO₂) emission reduction credits to offset increased emissions of PM_{2.5} in the York County PM_{2.5} non-attainment area.

GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

The Pennsylvania Department of Environmental Protection (PADEP) has [extended](#) the coverage of the current NPDES General Permit for Storm Water Discharges Associated with Construction Activities (PAG-2) for an additional six months. The existing PAG-2 permit documents will continue to be available from PADEP's regional offices and local county conservation districts until they are replaced or updated. PADEP is extending the availability of the permit to adequately complete the preparation of the renewal of PAG-2. The GP was originally set to expire on December 7, 2008, but was previously extended to June 7, 2009. The permit is now effective until December 7, 2009.

TRIENNIAL REVIEW OF WATER QUALITY STANDARDS PADEP has [amended rules](#) regarding water quality standards. The amendments: (1) update the water quality criteria; (2) merge sections of Chapter 16 (Water Quality Toxics Management Strategy – Statement of Policy) into Chapter 93 (Water Quality Standards); (3) add a definition to clarify the term "conventional treatment" for potable water supply; (4) remove the statewide criterion for molybdenum (Mo); and (5) correct and change drainage lists and other typographic and grammatical errors. The amendments became effective of May 16, 2009.

PUBLIC NOTIFICATION REVISIONS TO SAFE DRINKING WATER REGULATIONS PADEP has [amended](#) the safe drinking water regulations. The amendments strengthen the public notice requirements for Teir 1 imminent threat violations and situations. The amendments also enhance the planning requirements of both the Operation and Maintenance Plan and the Emergency Response Plan. The amendments became effective on May 9, 2009.

2010 ANNUAL AIR MONITORING NETWORK PLAN PADEP has released a proposed [2010 Annual Air Monitoring Network Plan](#). The plan is required by the 2006 USEPA amendments to the National Ambient Air Monitoring requirements for criteria pollutants. The plan includes a proposal to install new source-oriented lead monitors and upgrade PM2.5 particulate monitors. PADEP is also implementing a strategy to replace manual PM2.5 samplers with continuous automated samplers that meet USEPA's requirement of a Federal Equivalent Method (FEM). Comments are currently under review.



Virginia

APPROVAL FOR RACT UNDER THE EIGHT-HOUR NAAQS

USEPA has issued a final rule approving a SIP revision submitted by the Commonwealth of Virginia [[74 FR 28444](#), June 16, 2009]. The SIP revision consists of a demonstration that the Virginia portion of the Washington, DC-MD-VA eight-hour ozone non-attainment area meets the requirements of RACT for NOx and VOCs set forth by CAA. The Virginia portion consists of the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; and the Counties of Arlington, Fairfax, Loudon, and Prince William. The requirements are based on: (1) certification that previously adopted RACT controls in Virginia's SIP that were approved by USEPA under the one-hour ozone NAAQS continue to represent RACT for the eight-hour implementation purposes; (2) a negative declaration demonstrating that no facilities exist in the Virginia portion of the Washington, DC-MD-VA area for certain control technology guideline (CTG) categories; and (3) a new RACT determination for a specific source. The final rule became effective on July 16, 2009.

VPDES PERMIT FOR DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY

The Virginia Department of Environmental Quality (VDEQ) has reissued, with [amendments](#), the existing General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity, which expired June 30, 2009. The GP regulation governs the discharge of storm water from facilities with regulated industrial activities to surface waters. The permit is generally modeled after USEPA's proposed 2006 Multi-Sector General Permit. The reissued general permit became effective on June 24, 2009.

PERMITS FOR STATIONARY SOURCES

VDEQ has adopted [amendments](#) to 9VAC5-80, "Permits for Stationary Sources." The existing regulations establish the NSR permit program. The amendments: (1) add provisions to allow the terms and conditions of the various elements of the NSR program to be combined into a single permit; (2) revise the provisions that specify the NSR programs to be used for the issuance of plant-wide applicability limitation (PAL) permits in order to limit the issuance of these permits via a state operating permit; and (3) update and restructure the provisions that provide certain exemptions related to the use of alternative fuels or raw materials to comply with recent amendments to § 10.1-1322.4 of the Code of Virginia and to ensure no conflict with federal law or regulation. The amendments become effective on July 23, 2009.

VOC EMISSIONS FROM CONSUMER AND COMMERCIAL PRODUCTS

VDEQ has [proposed amendments](#) to the air regulations at 9VAC5-15. The amendments would require owners to limit emissions of air pollution from portable fuel containers, certain consumer products, architectural and industrial maintenance coatings, and paving operations. The emissions limit would be to the level necessary for the protection of public health and welfare, and the attainment and maintenance of the air quality standards. The proposed amendments would adopt new and revised standards for the control of VOC emissions from the aforementioned sources within the Northern Virginia and Fredericksburg VOC Emissions Control Areas. The amendments would also allow Virginia to meet its obligation to implement control measures in areas designated as non-attainment under the eight-hour ozone standard and to implement contingency measures within former non-attainment areas that have been redesignated as ozone maintenance areas.

STORM WATER MANAGEMENT FEE SCHEDULE

The Virginia Department of Conservation and Recreation (VDCR) has [proposed amendments](#) to 4VAC50-60, "Virginia Storm Water Management Program (VSMP) Permit Regulations." The amendments establish a statewide fee schedule for storm water management and state agency projects. The amendments also establish the fee assessment and the collection and distribution systems for those fees. Permit fees are established for: (1) Municipal Separate Storm Sewer Systems (MS4s) - new coverage; (2) Municipal Separate Storm Sewer Systems - major modifications; (3) construction activity general permit coverage; (4) construction activity individual permits; (5) construction activity modifications or transfers; and (6) MS4 and construction activity annual permit maintenance fees. Comments are due by August 21, 2009.

STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

VDCR has [proposed amendments](#) to 4VAC50-60; " Virginia Storm Water Management Program (VSMP) Permit Regulations." The amendments would: (1) provide technical criteria applicable to storm water discharges from construction activities; (2) establish minimum criteria for locality-administered storm water management programs (qualifying local programs) and VDCR administered local storm water management programs; and (3) revise the definitions section applicable to all of the Virginia Storm Water Management Program (VSMP) regulations. Comments are due by August 21, 2009.



West Virginia

CLEAN AIR INTERSTATE RULE

USEPA has proposed approval for a West Virginia SIP revision [[74 FR 27731](#), June 11, 2009]. The revision addresses the requirements of USEPA's Clean Air Interstate Rule (CAIR), and recodifies and revises provisions pertaining to internal combustion engines and cement kilns that are subject to the NOx SIP Call. Although the D.C. Circuit Court found CAIR to be flawed, the rule was remanded without vacatur and thus remains in place. USEPA is continuing to take action on CAIR SIPs as appropriate. The SIP revision will meet CAIR requirements by participating in cap-and-trade programs.

CHESAPEAKE BAY RESTORATION INITIATIVE

On June 5, 2009, Governor Joe Manchin III signed into law [SB 715](#). The new law establishes, no later than June 1, 2012, a program of nutrient trading and off-sets. Pending establishment of the program, WVDEP is authorized to consider and implement interim trading and offset programs as necessary and appropriate for individual permittees in order to protect the Chesapeake Bay and its tributaries. The law also states that WVDEP will modify existing West Virginia NPDES permits containing limitations for the discharge of phosphorous and nitrogen into the Chesapeake Bay watershed. The modification will make the limitations final only upon the completion of the requirements set forth in the law, but no later than June 1, 2014. The governor had vetoed the bill in May 2009, but the legislature amended the bill to address the issues raised by the veto and repassed the bill. The new law becomes effective on August 27, 2009.

ALTERNATIVE AND RENEWABLE ENERGY PORTFOLIO STANDARD

On June 17, 2009, Governor Joe Manchin III, signed into law [HB 103](#), which establishes a minimum alternative and renewable energy portfolio. The new law provides that, by the year 2025, at least 25 percent of the electric energy sold to retail customers in the state shall be generated from alternative and renewable energy resources. Alternative and renewable energy resources include advanced coal technologies, wind, solar, and other nontraditional sources of energy. The law requires the Public Service Commission to establish a credit system to monitor and track the generation of electricity from alternative and renewable energy resources. Electric utilities may also receive credits for certain demand-side energy initiative projects or GHG emission reduction or offset projects. Electric utilities may buy, sell, bank, or trade credits to meet the minimum alternative and renewable energy portfolio standards. If an electric utility fails to meet the minimum standards set forth in this bill, it will be required to pay a compliance assessment to the Public Service Commission. The law became effective on July 1, 2009.

SELENIUM EFFLUENT LIMITS

On May 13, 2009, Governor Joe Manchin III signed into law [SB 461](#), which extends the compliance deadline for the selenium effluent limits. The new law directs the West Virginia Department of Environmental Protection (WVDEP) to undertake a comprehensive study relating to selenium and prepare and submit the report to the Joint Committee on Government and Finance by January 1, 2010.

LEGISLATIVE APPROVAL GRANTED TO BUNDLED 2008 ENVIRONMENTAL REGULATIONS

On April 30, 2009, Governor Joe Manchin III signed into law [SB 153](#), which approved 19 West Virginia Department of Environmental Protection (WVDEP) regulations finalized in 2008. Once WVDEP approves regulations they are then reviewed by the Legislative Rule Making Review Committee (LRMRC). If the committee approves the regulation it will be bundled and sent forward for consideration and approval by the state legislature before it can become final and effective. Below is a list of some of the rulemakings approved by SB 153:

- [45 CSR 8](#) - Amendments to the Ambient Air Quality Standards - Amendments establish standards for SO₂, PM, carbon monoxide, ozone, NO_x, and lead, equivalent to those in accordance with Sections 108 and 109 of the CAA. The amendments revise and update 45 CSR 8 to reflect USEPA revisions to the eight-hour primary and secondary ozone NAAQS. LRMRC approved in November 2008; effective on June 1, 2009.
- [45 CSR 13](#) - Procedures for Stationary Source Reporting - Amendments establish: (1) procedures for stationary source reporting; (2) criteria for obtaining a permit to construct and operate a new stationary source, that is not a major stationary source; (3) criteria for modifying a non-major stationary source; (4) requirements for obtaining an administrative update to an existing permit, temporary permit, or a general permit, and for filing notifications and

maintaining records of changes not otherwise subject to the permit requirements of the rule. LRMRC approved in December 2008; effective on June 1, 2009.

- [45 CSR 16](#) - Standards of Performance for New Stationary Sources - Amendments codify general procedures and criteria to implement the standards as set forth in 40 CFR Part 60. Any person who constructs, modifies, reconstructs, or operates an affected facility after the effective date of any NSPS under 40 CFR Part 60 must comply with the applicable NSPS and this rule. LRMRC approved in November 2008; effective on June 1, 2009.
- [45 CSR 34](#) - Incorporation of Federal NESHAPs - Amendments codify general procedures and criteria to implement emission standards for stationary sources that emit, or have the potential to emit, one or more hazardous air pollutants. The amendments incorporate, by reference, the NESHAP standards of 40 CFR parts 61, 63 and 40 CFR Part 65 (Consolidated Federal Air Rule), to the extent referenced in 40 CFR parts 61 and 63, promulgated as of July 1, 2008. LRMRC approved in November 2008; effective on June 1, 2009.
- [33 CSR 20](#) - Generation, Treatment, Storage, and Disposal of Hazardous Waste - Rule adopts and incorporates, by reference, the federal regulations set forth in 40 CFR parts 260-279 that were effective as of June 1, 2008. The rule adopts three changes to the federal regulations, allowing consistency between the state and federal programs. The changes to 40 CFR regulations are technical corrections to the standards for universal waste management, expanding the exclusion for oil-bearing hazardous secondary materials, and making clarifications and corrections to NESHAPs. The other amendment to the rule promotes the recycling of hazardous waste by allowing recyclers to stage hazardous waste for three days prior to recycling under certain conditions. LRMRC approved in November 2008; effective on June 1, 2009.
- [33 CSR 24](#) - Hazardous Waste Management Fee Rule - Amendments set procedures for assessing and collecting the hazardous waste management fees. The amendments increase the fees and stabilize the fee collection to adequately sustain the current Hazardous Waste Management Program. LRMRC approved in October 2008; effective on June 1, 2009.
- [47 CSR 56](#) - Assessment of Civil and Administrative Penalties for Groundwater Rule - Amendments clarify and improve the existing rule with technical cleanup, adding consideration of ability to pay, consideration of unique factors, clarifying penalty amounts, providing examples in ratings for potential for harm and adding facility types not reflected in the existing rule. LRMRC approved in November 2008; effective on July 1, 2009.

Region 5

For more information on any state issues in Region 5, contact Tony Nesky, Army Regional Environmental Coordinator, Region 5, (410) 436-7248, e-mail: Tony.Nesky@us.army.mil.



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

State	Convenes	Adjourns
Illinois	January 14	Meets throughout year
Indiana	January 7	April 29 (ADJOURNED)
Michigan	January 14	Meets throughout year
Minnesota	January 6	May 18 (ADJOURNED)
Ohio	January 5	Meets throughout year
Wisconsin	January 5	Meets throughout year



Illinois

GREEN INFRASTRUCTURE FOR CLEAN WATER ACT

On June 30, 2009, Governor Quinn signed into law [S.B. 1489](#), which creates the green infrastructure for CWA. The new law requires, by June 30, 2010, the Illinois Environmental Protection Agency (IEPA), in consultation with various other state agencies to submit a report covering urban storm water

issues. The report will review the latest available scientific research and institutional knowledge to evaluate and document the following: (1) the nature and extent of urban storm water impacts on water quality in watersheds in Illinois; (2) potential urban storm water management performance standards to address flooding, water pollution, stream erosion, habitat quality, and the effectiveness of green infrastructure practices to achieve such standards; (3) existing and potential new urban storm water management regulatory programs and methods and feasibility of integrating a state program with existing and potential regional and local programs in Illinois; and (4) findings and recommendations for adopting an urban storm water management regulatory program in Illinois which includes performance standards and encourages the use of green infrastructure to achieve those standards. The law became effective upon signature.

POTENTIALLY INFECTIOUS MEDICAL WASTE TRANSPORTER FEE SYSTEM IEPA has adopted [amendments](#) to the procedures for the operation of the potentially infectious medical waste transporter fee system. The amendments change Section 1450.300 of the Illinois Environmental Protection Act by removing the reference to a specific fee amount and replaced it with a generic reference to avoid updates whenever fee amounts change. Also, in response to an adjusted standard granted by the Illinois Pollution Control Board in AS08-02, at Section 1450.105, the amendments add language allowing the IEPA to provide the same change by permit. The amendments became effective on April 23, 2009.

UNDERGROUND STORAGE TANK PROGRAM AMENDMENTS The Illinois Office of the State Fire Marshal has adopted [amendments](#) to 41 Ill. Adm. Code 170.420 that implement federal Energy Policy Act of 2005 requirements concerning state underground storage tank (UST) system regulatory programs receiving federal funding. In the federal regulations European Suction UST piping systems are not exempt from the requirement for under dispenser containment for new and replaced tanks and piping. The amendments delete the state exemption for such systems. The amendments became effective on May 1, 2009.

LISTING OF DERIVED WATER QUALITY CRITERIA IEPA has published revisions to aquatic life and human health criteria for General Use and Lake Michigan Basin waters. The listing highlights newly derived criteria and criteria used in NPDES permitting. The revisions can be found on page 9191 of the June 26, 2009, [Illinois State Register](#).



Indiana

CREATION OF THE DRINKING WATER TASK FORCE On May 6, 2009, Governor Daniels signed into law [HB 1224](#), which establishes the Drinking Water Task Force. The task force will study and make recommendations concerning water availability as an economic and environmental necessity. The study will focus on: (1) the standardization of the regulation of residential irrigation system installations; and (2) the development of continuing education programs and uniform rules to preserve groundwater by individuals engaged in: water well drilling, pump installation, well abandonment operations, and operating wells, pumps, and abandoned wells. The new law became effective on July 1, 2009.



Michigan

SIP REVISION OF CONSUMER PRODUCTS RULE USEPA has issued a direct final rule approving a SIP revision submitted by the Michigan Department of Environmental Quality (MDEQ) on October 26, 2007 [[74 FR 23952](#), May 22, 2009]. The state had submitted revisions to two rules in Part 6, "Emission Limitations and Prohibitions-Existing Sources of Volatile Organic Compound (VOC) Emissions." First, MDEQ revised R 336.1660 by adopting, by reference, with some modifications, the Ozone Transport Commission's September 13, 2006, Model Rule. Second, MDEQ amended R 336.1661 by adopting, by reference, the federal definition of VOC. Barring adverse comment the direct final rule becomes effective on July 21, 2009.

AMENDMENTS TO THE ENDANGERED AND THREATENED SPECIES LISTS The Michigan Department of Natural Resources (MDNR) has issued a [rule](#) amending the state endangered and threatened species. The rule adds plants, amphibians, mammals, fish, mollusks, insects, birds, and reptiles to the state lists. The rule became effective on April 9, 2009.



Minnesota

REINVEST IN MINNESOTA RESERVE PROGRAM On May 22, 2009, Governor Tim Pawlenty signed into law [HF 1237](#). The new law states that land may be placed in the Reinvest in Minnesota Reserve Program if it is determined that the land, with a windbreak or water quality improvement practice, would be beneficial to resource protection. The law also states that a conservation easement must prohibit spraying with chemicals or mowing, except for conservation management approved purposes. The law became effective on July 1, 2009.

VARIOUS ENVIRONMENTAL REQUIREMENTS On May 7, 2009, Governor Tim Pawlenty signed into law [HF 2123](#). The new law appropriates money for environment and natural resources and covers multiple environmental issues. The new law: (1) applies fees to the market value of easements conveyed to state and federal governments; (2) prohibits a person from placing yard waste or source-separated compostable materials in a plastic bag unless the bag meets all specifications in ASTM Standard Specification for Compostable Plastics; and (3) requires the Minnesota Forest Resources Council to review the Minnesota Climate Change Advisory Group's recommendation to increase carbon sequestration in forests by planting 1,000,000 acres of trees and submit a report to the legislature and governor by January 15, 2010. The new law has multiple effective dates, which are identified within each section.

ELIGIBLE ENERGY TECHNOLOGY STANDARDS On May 19, 2009, Governor Tim Pawlenty signed into law [SF 550](#). The new law, among other things, sets eligible energy technology standards. The law states that an electric utility that owned a nuclear generating facility as of January 1, 2007, must generate 30 percent of its total retail electric sales by 2020. Out of that 30 percent, at least 25 percent must be generated by solar energy or wind energy conversion systems, with at least 24 percent or greater of that being wind generated. The new law becomes effective on August 1, 2009.

PERMANENT RULES RELATING TO RENOVATION AND DEMOLITION SOLID WASTE The Minnesota Pollution Control Agency has [adopted rules](#) requiring that the certain materials be removed from structures prior to the commencement of renovation or demolition. The materials identified by the rules include: (1) items that would normally be disposed of as mixed municipal solid waste, including furniture, carpeting unattached to the substrate, bedding, mattresses, clothing, small appliances, food, and food waste; (2) household hazardous waste including automotive fluids, lawn and garden chemicals, pest control products, household cleaners, paint, and home improvement products; (3) items that may contain elemental mercury or polychlorinated biphenyls (PCB); (4) items that may contain chlorofluorocarbons (CFCs) including fire extinguishers; both portable and installed halon suppression systems; rooftop, room, and central air conditioners; (5) oils including used oil, hydraulic oils in door closers and elevator-related tanks and piping, and oils located in heating oil tanks, piping, sumps, and traps; (6) lead-containing items, including lead-acid batteries, lead pipes, lead sheeting, lead flashing in roof vents; and (7) electronic products containing a cathode ray tube, including televisions and computers. The rules became effective on July 3, 2009.

REVISIONS TO HEALTH RISK LIMITS FOR GROUNDWATER The Minnesota Department of Health (MDOH) has [finalized amendments](#) to the rules concerning Health Risk Limits (HRLs) for groundwater. The amendments include: (1) derivation of reference doses for multiple durations; (2) multiple duration intake rates; (3) relative source contribution factor; (4) early life exposure to carcinogens; (5) group C carcinogens; (6) cancer and non-cancer HRLs for a single chemical; (7) multiple health endpoints; and (8) Food Quality Protection Act factor. The amendments were required by legislation passed by the Minnesota General Assembly in 2007. The amendments became effective on May 4, 2009.



Wisconsin

AMENDMENTS TO ANALYTICAL TEST METHODS AND PROCEDURES The Wisconsin Department Natural Resources (WDNR) adopted [amendments](#) to NR 219, "Analytical Test Methods and Procedures." The amendments incorporate revisions to federal regulations for the analysis of pollutants in water. The amendments incorporate documents published by USEPA, in March 2007: (1) "Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act, National Primary Drinking Water Regulations, and National Secondary Drinking Water Regulations;" and (2) "Guidelines Establishing Test Procedures for the Analysis of Pollutants, Analytical Methods for Biological Pollutants in Wastewater and Sewage Sludge." The amendments became effective on June 1, 2009.

AMENDMENTS TO ANALYTICAL METHODS USED FOR THE PDES COMPLIANCE MONITORING WIDNR has issued a [final rule](#) amending regulations related to analytical methods used for the PDES compliance monitoring. In March 2007, USEPA published updated analytical test methods. The final rule incorporates the updated methods for the Wisconsin PDES permit program. In addition, the final rule incorporates methods such as the luminescence technique for dissolved oxygen and methods from the 21st edition of "Standard Methods for the Examination of Water and Wastewater." Maximum holding time for some tests has been clarified. Preservation requirements for available and total cyanide have been expanded to describe procedures that are recommended for removal or suppression of known cyanide interferences. The final rule became effective on June 1, 2009, and affects all certified and registered laboratories and wastewater facilities that collect samples for compliance with their WPDES permit.

FEES FOR FACILITIES HOUSING HAZARDOUS MATERIALS The Wisconsin Department of Military Affairs has approved [amendments](#) to increase the fees for facilities that store hazardous chemicals, hazardous materials, and extremely hazardous substances. The fees are used to fund the Emergency Planning and Community Right to Know Act Program. All associated fees will increase by 35 percent. The increased fees will ensure adequate funding for grants to counties and funding for state activities to support counties with planning and response to chemical emergencies. The amendments became effective on May 1, 2009.

PROFESSIONAL DEVELOPMENT

WHAT	WHEN	WHERE	DETAILS
<u>Managing Wet Weather with Green Infrastructure Workshops</u>	7/21 - 7/22/09	Charleston, WV	The USEPA Workshop will focus on entities with wet weather management responsibilities, i.e., storm water, combined sewer overflows, sanitary sewer overflows and non-point source runoff. The workshop will look at how these programs can be effectively managed using green infrastructure technologies and approaches.
<u>3rd National Conference on Ecosystem Restoration</u>	7/20 - 7/24/09	Los Angeles, CA	The conference is sponsored by multiple organization, including USGS and USAEC. The venue will provide an interactive forum for physical, biological and social scientists, engineers, resource managers, planners and policy makers to share their experiences and research results concerning large-scale ecosystem restoration on both national and international levels.
<u>2009 Sustainable Energy Conference</u>	7/27 - 8/1/09	Eastin, PA	Hosted by Sustainable Energy Fund, the conference will explore current trends in photovoltaic, wind, biomass, and geothermal technologies. Other workshops offered include carbon reduction and sequestration, energy efficiency, transportation, distributed generation, and financing sustainable energy projects.
<u>Chesapeake Bay-focused Environmental Management System Training</u>	8/4 - 8/5/09	Greenbelt, MD	NASA's Goddard Space Flight Center (GSFC) and the USEPA Region 3 are hosting a two-day Chesapeake Bay-focused Environmental Management System (EMS) Training to improve our EMSs and to incorporate concerns affecting the Chesapeake Bay into our EMSs. The training is for federal employees and contractors serving in direct support roles to federal agencies. Registration must be completed by July 24, 2009.
<u>GovEnergy 2009</u>	8/9 - 8/12/09	Providence, RI	GovEnergy is sponsored by several government agencies including, DoD and USEPA. The workshop provides a forum to assist federal agencies reduce their energy use and costs while meeting federal agency mandates as outlined in Energy Policy Act of 2005, Executive Order 13423, EISA 2007, and additional federal guidance.
<u>3rd Annual Energy and Sustainability 2009 Conference</u>	8/9 - 8/12/09	Newark DE	The conference is student run and hosted by the Solar Hydrogen IGERT program and the University of Delaware Energy Institute. The conference will be devoted to the broad themes of energy and sustainability, containing both technical and non-technical talks, poster presentations, networking sessions.
<u>Sustaining Military Readiness Conference</u>	8/9 - 8/14/09	Phoenix, AZ	DoD personnel and stakeholders in readiness, sustainability, compatible land use, and conservation management are invited to join the DoD Legacy Resource Management Program, along with others, to: exchange lessons learned from the public and private sectors; share results of sustainability programs and projects; and participate in a broad spectrum of informative training workshops.

WHAT	WHEN	WHERE	DETAILS
<u>UXO/Countermines/Range Forum 2009</u>	8/24 - 8/27/09	Orlando, FL	Hosted by DoD, the conference theme is, "21st Century Explosive Hazard Challenges: Technology Solutions and Partnerships for Full Spectrum Operations." The conference is an open forum to examine a broad spectrum of practical approaches and solutions to the challenges before those involved in policy, programs, technology development, and international initiatives associated with the defense industry.
<u>Wetland Regulatory Program Training Course</u>	9/14 - 9/18/09	St. Louis, MO	Hosted by the Department of Interior (DOI) the training course covers the issues that emerge when biologists review permit applications issued by the USAEC under CWA Section 404 of and Section 10 of the River and Harbors Act. Topics include: Corps regulation and guidance, the Service's mitigation policy, the USEA 404(b)(1) guidelines, and other topics related to permit review. The course includes a field trip and frequent discussions of some of the complex issues facing permit biologists.
<u>Endangered Species Recovery Planning and Implementation Training Course</u>	9/21 - 9/25/09 8/2 - 8/6/10	Shepherdstown, WV Shepherdstown, WV	Hosted by DOI the course covers the technical, policy, and practical aspects of recovery planning and implementation for threatened and endangered species. Topics covered include: statutory framework, purpose and steps of recovery plan development, policies and guidance relevant to recovery, the relationship of recovery to all parts of the ESA, five-year reviews, the application of conservation tools such as decision analysis and adaptive management to recovery efforts, and monitoring. Case studies and exercises are included to reinforce lecture sessions.
Regions 1, 2, and 3 DoD Colloquium	11/3 - 11/6/09	Washington, DC	The theme for the 2009 Colloquium is, "YES WE CAN -GREENING OUR FUTURE." The two and a half day sustainability forum is a partnering and training opportunity for environmental professionals at all levels within DoD, the states and EPA. There is a \$200.00 conference fee. The deadline to register is October 28, 2009. The website is under development.
<u>2009 AWRA Annual Water Resources Conference</u>	11/9 - 11/12/09	Seattle, WA	Hosted by the American Water Resources Association (AWRA) the conference will provide a forum for participants to explore the many multidisciplinary aspects of water resources research, policy and management. Topics that will be addressed include: recent advances in water resource monitoring, modeling and analysis; effects and responses to drought, floods, and other natural calamities; and collaborative efforts to address transboundary and international water issues.
<u>Greenbuild International Conference and Expo</u>	11/11 - 11/13/09	Phoenix, AZ	Hosted by the US Green Building Council, the conference is the world's largest conference and expo dedicated to green building. Thousands of building professionals from all over the world come together at Greenbuild for three days of educational sessions, speakers, green building tours, special seminars, and networking events.

WHAT	WHEN	WHERE	DETAILS
<u>Partners in Environmental Technology Technical Symposium & Workshop</u>	12/1 - 12/3/09	Washington, DC	Sponsored by the DoD's Strategic Environmental Research and Development Program (SERDP), and DoD's Environmental Security Technology Certification Program (ESTCP). Technical sessions will highlight research and innovative technologies that assist DoD in addressing increasingly complex environmental and mission sustainability challenges. The deadline for submitting abstracts for consideration is July 31, 2009.
<u>7th International Conference Remediation of Chlorinated and Recalcitrant Compounds</u>	5/24 - 5/27/10	Monterey, CA	The conference is organized and presented by Battelle. The conference focuses on innovative application of existing and new technologies and approaches for characterizing, treating, and monitoring chlorinated and other recalcitrant compounds in various environmental media. Abstracts are due by July 31, 2009.
<u>5th National Conference on Coastal and Estuarine Habitat Restoration</u>	11/13 - 11/17/10	Galveston Island, TX	Hosted by <i>Restore America's Estuaries</i> , the conference theme is, "Preparing for Climate Change." The conference bring together the coastal habitat restoration community and a group of diverse stakeholders from across the country, including top representatives from federal, state, and local governments; corporations and businesses; and education—all united in the search for solutions to the needs of our coastal ecosystems.
<u>The Conservation Leadership Network Training Courses</u>	Various Times	Various Locations	Hosted by the The Conservation Fund, the courses are designed to foster collaboration and to replicate real world scenarios. The courses are applicable for individuals from a variety of disciplines and sectors, with responsibilities that scale the national, regional, and local levels. Examples of courses include; Strategic Conservation Planning Using the Green Infrastructure Approach, and Balancing Nature and Commerce in Communities that Neighbor Public Lands.
<u>GoLearn</u>	Anytime	Online	GoLearn.gov provides government employees and military personnel with web-based learning and development courses, as well as many other products and services. Recent course addition includes, working effectively with Tribal governments. Site registration is required, including a nominal fee for federal users.
<u>Army Podcast Service</u>	Free subscription service	Online	The US Army offers podcasts on a wide variety of topics, including an environmental series and an Army Corps of Engineers series. The podcasts are available through a free subscription service. The podcasts are media files, typically audio or video, that can be downloaded to a computer.
<u>US Army Corps of Engineers Training Program</u>	Various Times	Various Locations	USACE Fiscal Year 2009 training program is now available and open for registration. For further information, contact USACE, (402) 697-2559, or <u>register</u> online.

WHAT	WHEN	WHERE	DETAILS
<u>Naval Civil Engineer Corps Officers School (CECOS) Training Courses</u>	Various Times	Various Locations	During FY 2009, CECOS will offer 57 different courses with 260 individual course offerings. The Mobile Training Teams will be conducting over 80 percent of the courses. Courses being offered include: facilities energy management; environmental compliance assessment; DoD conservation law enforcement program; introduction to cultural resource management laws and regulations; historic preservation law and Section 106 compliance; natural resource conservation; and basic and advanced environmental law.
<u>USEPA Watershed Academy Web</u>	Anytime	Online	USEPA online training website offers a variety of self-paced training modules that represent a basic and broad introduction to the watershed management field. Modules vary in time to complete, from 1/2 hour to 2 hours.
<u>USEPA and ITRC Training Website</u>	Multiple Dates	Multiple Locations	USEPA, in partnership with the Interstate Technology Regulatory Council (ITRC) provides a range of training relevant to hazardous waste remediation, site characterization, risk assessment, emergency response, site/incident management, counter-terrorism, and the community's role in site management and cleanup. The website includes training schedules for deliveries of many courses - both classroom and Internet-based.
<u>NPDES Training and Workshops</u>	Various Times	Various Locations	The NPDES permitting program offers training courses, workshops, and webcasts to explain the regulatory framework and technical considerations of the NPDES permitting program. The courses are designed for permit writers, dischargers, USEPA officials, and other interested parties.
<u>USEPA Mold Web Course</u>	Any Time	Online	The web course contains information on mold prevention and remediation, and is designed primarily for environmental and public health professionals. It is based on the USEPA voluntary guidance document, "Mold Remediation in Schools and Commercial Buildings."
<u>USEPA Watershed Assessment Tools Training</u>	Various Times	Various Locations	USEPA offers training on various watershed modeling or aquatic toxicity simulation tools such as BASINS, AQUATOX, and others.
<u>USEPA Online EMS Training Course</u>	Any Time	Online	The course provides an overview of how environmental management systems (EMS) can support facility programs. The course takes about one hour to complete.
<u>Qualified Recycling Program Course</u>	Various Times	Various Locations	The course provides training on how to identify and market recyclable materials. The course is for any person or organization that generates recyclable materials, is associated with an installation recycling program or DoD precious-metals recovery program, or works for a Defense Reutilization and Marketing Office.

CONFERENCE AND TRAINING INFORMATION ON DENIX Visit the DENIX web page dedicated to [conferences and training](#).

Personnel Directory

Jim Hartman

Director & DOD REC Region 5

410-436-7096

james.hartman1@us.army.mil

Vance Hobbs

Deputy Director

410-436-0482

vance.hobbs@us.army.mil

Counsel

410-436-1275

APGR-USAECNREORegionalCounsel@conus.army.mil

Bob Muhly

Army REC - Regions 1&2

410-436-6224

robert.muhly@us.army.mil

Vacant

Army REC - Region 3

410-436-1275

APGR-USAECNREORegionalCounsel@conus.army.mil

Tony Nesky

Army REC - Region 5

410-436-7248

tony.nesky@us.army.mil

(Horne International)

Project Manager

410-436-7098

APGR-USAECNREOProjectManager@conus.army.mil

(Horne International)



Internet Resources

FEDERAL SOURCES

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

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

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

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

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

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

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

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

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

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

STATE / TERRITORY SOURCES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vermont <http://vermont.gov/>

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

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

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

Wisconsin <http://www.wisconsin.gov/>

Regulatory Affairs Specialist

410-436-4044

APGR-USAECNREOEnvironmentalSpecialist@conus.army.mil

Specialist@conus.army.mil

(Horne International)

Administrative Assistant

410-436-7097

APGR-USAECNREOAdministrativeAssistant@conus.army.mil

Assistant@conus.army.mil

(Horne International)

General Office Number

410-436-7097

Fax Number

410-436-7110

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

Commercial: 410-436-4044

Fax: 410-436-7110

DSN: 584-4044

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