



NORTHERN REGION



REVIEW

GOVERNMENT AFFAIRS, ENERGY AND ENVIRONMENT

MARCH 2011

NEW DoD NATURAL RESOURCES POLICY

The Under Secretary of Defense for Acquisition, Technology and Logistics (AT&L) signed [DoDI 4715.03](#), titled *Natural Resources Conservation Program* on February 14, 2011. The new Department of Defense Instruction (DoDI) formalizes policies and procedures for the integrated management of natural resources on military lands, air, waters, coastal, and near shore areas managed or controlled by the Department of Defense. The DoDI also updates programming and budgeting priorities, and establishes new performance metrics to better evaluate how natural resources management can enable the military mission and ensure long-term health of installation ecosystems. The DoDI provides procedures for DoD components and installations for developing, implementing, and evaluating natural resources management programs.

THE ARMY NET ZERO INSTALLATION INITIATIVE



On February 17, 2011, the Assistant Secretary of the Army (Installations, Energy and Environment) distributed a Memorandum for Army Installations titled, [Participation as a Pilot Army Net Zero Installation](#) (Requires CAC access). The purpose of the memorandum is to collect information from Command nominations for the Army's Net Zero Installation Strategy. The implementation of the Army Net Zero Installation Strategy will be to manage natural resources with Net Zero Energy, Net Zero Water, and Net Zero Waste. The following provides Army Net Zero information <http://army-energy.hqda.pentagon.mil/netzero/>.

REGIONAL ENVIRONMENTAL & ENERGY OFFICE - NORTHERN WORKING FOR YOU.

The NORTHERN REGION REVIEW provides current information on government affairs, energy and environment relevant to Department of Defense interests in the 22 states and territories in Federal Regions 1, 2, 3 and 5. The Review is intended to be a tool useful to DoD and Army leaders, planners, and program managers in carrying out their responsibilities. The Northern Region Review monitors and targets proposed and final regulations and legislation that may affect Army or DoD operations. For further information on the Army's Regional Environmental and Energy Offices, visit: <http://www.asaie.army.mil/Public/ESOH/OREGA/>.

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DoD News

DoD AND DOE COOPERATION ON CLEAN ENERGY AND ENERGY SECURITY

On 2 March 2011, the Secretary of the Navy announced an [agreement](#) between the DoD and the Department of Energy's Advanced Research Projects Agency-Energy (ARPA-e) to improve national security by introducing a new way the military uses energy. The plan is to develop an energy storage device that will provide with long duration storage suitable for a variety of applications, including military bases and vehicles and eventually commercial grids.

ARMY GHG REPORTING

GHG reporting is required under EO 13514 Federal Leadership in Environmental, Energy, and Economic Performance. DASA (ESOH) recently completed its first GHG reporting to the Office of the Secretary of Defense (OSD). The Army's GHG report followed OSD reporting guidance to use existing centralized data (e.g., Annual Energy Report, business travel data) to calculate GHG emissions. The Army's FY2010 total 'target' GHG emissions (which exclude tactical fuel use) were 12.9 metric tons of CO₂e. Approximately 90% of those emissions were fuel/energy-based.

MISSION GREEN, CAMPBELL CROSSING, AND WEATHERIZATION ASSISTANCE PROGRAM

The following program may be of interest to other Installations in developing their Net zero Programs and best green building practices. A DOE program called Mission Green, focuses on training veterans for jobs in the green building industry. [The program](#) hopes to develop the "Green Collar Workforce" by teaching participants the skills and knowledge that they need to be proficient as entry level technical installers in the green building industry. The program certifies veterans in the Department of Energy's (DOE) weatherization requirements for the [Weatherization Assistance Program](#) (WAP), which includes testing the diagnostics of homes through cost effective weatherization measures. Campbell Crossing at Fort Campbell is now an official training site for the WAP program. For more information on the Weatherization Assistance Program Technical Assistance Center (WAPTAC), www.waptac.org.

GAO REPORT ON DoD INFRASTRUCTURE

The Government Accountability Office (GAO) [recently released a Report](#) to the Subcommittee on Military Construction and Veterans Affairs, Committee on Appropriations, House of Representatives on *Defense Infrastructure*. In the report GAO concluded that High-Level Federal Interagency Coordination Is Warranted to Address Transportation Needs beyond the Scope of the Defense Access Roads Program. The GAO report also concluded that DoD may need to update its standards on aiding communities whose transportation is affected by the movement of military personnel.



VIRGINIA BAN ON LAWN FERTILIZER CONTAINING PHOSPHORUS

Virginia is poised to pass a law [banning the sale of fertilizer](#) containing phosphorus, a major pollutant in the Chesapeake Bay and its rivers [[Senate Bill 1055 \(Stuart\)](#) and [House Bill 1831 \(Scott, ET\)](#)]. Once it goes into effect in 2013, the law will reduce an estimated 230,000 pounds of phosphorus pollution from reaching the Bay and Virginia rivers each year. This is 22 percent of Virginia's 2017 phosphorus reduction goal. The law will also requires lawn service companies to apply fertilizer according to nutrient management standards, require that lawn fertilizer packages are clearly labeled with information on how to properly fertilize and reduce polluted runoff, and bar the use of de-icers containing nitrogen. After the governor signs the bill into law, Virginia will join eight other states that have restrictions on the use or sale of phosphorus in fertilizers.

NEW EPA SENIOR ADVISOR ON CHESAPEAKE BAY

USEPA Administrator Lisa Jackson [has appointed](#) Jeff Corbin as her senior advisor on Chesapeake Bay restoration. In his new position, Mr. Corbin will help coordinate all aspects of the USEPA's strategic Chesapeake Bay initiatives. He will also serve as the lead liaison among the EPA, other federal and state government agencies, and various stakeholders throughout the Chesapeake Bay watershed. Mr. Corbin is currently a senior advisor to USEPA Region 3 Administrator Shawn Garvin, with whom he works closely on Chesapeake Bay issues.

NEW MEMBERS APPOINTED, AND REAPPOINTED TO CHESAPEAKE BAY COMMISSION

State Senators Brubaker (R-Lancaster) and Waugh (R-York) were re-appointed to the Chesapeake Bay Commission, along with State Representative Miller (R-York) and G. Warren Elliott from Franklin County, both new appointments. Representative Sturla (D-Lancaster) is [also serving on the Commission](#) from Pennsylvania. [The Chesapeake Bay Commission](#) is a tri-state legislative assembly representing Pennsylvania, Virginia and Maryland designed to coordinate any related policy issues across state lines.

NEW USDA CONSERVATION STUDY

On March 16, 2011, the United States Department of Agriculture (USDA) / Natural Resources Conservation Service (NRCS) released a study showing that effective use of conservation practices on farmland throughout the Chesapeake Bay watershed is reducing nutrient and sediment pollution to the Bay and its rivers. The study, "[Assessment of Conservation Practices on Cultivated Cropland in the Chesapeake Bay Region](#)," quantifies the environmental gains of using conservation practices and identifies methods to reduce even more pollution.

NEW CHESAPEAKEVIEW PROJECT

The [ChesapeakeView project](#) is a GIS Tool that facilitates access to remotely sensed data as well as habitat, land use, biodiversity, and other types of data related to the Chesapeake Bay region. This effort seeks to highlight the data resources of the AmericaView partners in the Chesapeake Bay region including Maryland, New York, Pennsylvania, Virginia, and West Virginia as well as other organizations that create data related to the bay. Integration with other data sets including biodiversity, and watershed assessments is an important component of the ChesapeakeView effort. [Learn more about partnering with ChesapeakeView.](#)

CHESAPEAKESTAT

The Chesapeake Executive Council has launched the first version of [ChesapeakeStat](#) to increase government accountability and improve coordination of restoration actions by providing statistical information on partner activities, funding, and progress towards goals.

CHESAPEAKE BAY FEATURED IN NATIONAL PARK SERVICE TEACHING TOOL

The National Park Service has developed a new [teaching tool about Chesapeake Bay](#) history, geology, ecology and restoration as part of its online educational resource.

FEDERAL ENVIRONMENTAL NEWS

CLIMATE CHANGE ADAPTATION POLICY STATEMENT & PLANNING

The Council on Environmental Quality (CEQ) has [released instructions](#) to Federal agencies for [integrating climate change adaptation](#) into agency policies and practices, as required under [Executive Order 13514](#). The implementing instructions specifies that each agency shall identify to CEQ its senior agency official responsible for carrying out the climate change adaptation planning actions issue and make publicly available an agency-wide climate change adaptation policy statement, signed by the head of the agency, that commits the agency to adaptation planning to address challenges posed by climate change to the agency's mission, programs, and operations.

STORMWATER FEES FOR FEDERAL FACILITIES

On January 4, 2011, President Obama signed into law [S.3481](#) titled Clarifying the Federal Responsibility to Pay Stormwater Pollution Fees. The law is intended to clarify the Federal Government's responsibility to pay reasonable service charges or fees to a State or local government to address stormwater management for stormwater from Federal properties. Installations that are charged new fees should review with their legal staff.

RELEASE OF FINAL WATER QUALITY REPORT

The following USEPA report is intended to assist water quality officials, and watershed managers, in fully evaluating ecological and socioeconomic objectives and the gains and losses that often are involved in use attainment decisions. USEPA has released the [final report](#), *A Framework Incorporating Community Preferences in Use Attainment and Related Water Quality Decision-Making*. This report enables local, state, and tribal managers to better understand the benefits, as well as the costs, of attaining high water quality, and to incorporate community preferences in decision-making.

WEB-DISTRIBUTED PESTICIDE LABELING

USEPA has issued a proposed rule that would make portions of pesticide labeling for certain product available online [[75 FR 82011](#)]. Web-distributed labeling would allow users to download streamlined labeling specific to the use and state in which the application will occur. This streamlined labeling will omit unrelated directions and thus should significantly reduce the overall length of labeling. Comments are due March 29, 2011.

PESTICIDE CONTAINER COMPLIANCE DUE IN FIVE MONTHS

In its August 2006 rule covering pesticide container and containment regulations, USEPA provided 5 years to achieve compliance with the requirements. [August 2011](#) is the deadline for compliance with the [standards for stationary pesticide containers](#). The refillable container regulations do not apply to transport vehicles that hold pesticides in tanks that are integral parts of the vehicle or to refillable containers for gaseous pesticides. The container must be designed, constructed, and marked to meet DOT's requirements for the packing group III level. [For more information](#).

BOILERS AND COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATORS

In response to federal court orders requiring the issuance of final standards, [USEPA has issued](#) final Clean Air Act standards for boilers and certain incinerators that achieve significant public health protections through reductions in toxic air emissions, including mercury and soot, but cut the cost of implementation by about 50 percent from an earlier proposals issued last year. To see June 2010 proposed requirements: [[75 FR 32005](#)], [[75 FR 31895](#)], [[75 FR 31937](#)]. For more information: <http://www.epa.gov/airquality/combustion>.

PCB-CONTAINING FLUORESCENT LIGHTS

USEPA recently released [guidance](#) recommending that workers [take steps](#) to reduce potential exposures to PCBs from older fluorescent lighting fixtures. The guidance is based on evidence that older ballasts contain PCBs that can leak when the ballasts fail, leading to elevated levels of PCBs in the air, which should not represent an immediate threat, but could pose health concerns if they persist over time. USEPA has also developed information on [how to properly handle and dispose of PCB-containing fluorescent light ballasts](#) and properly retrofit lighting fixtures to remove potential PCB hazards.

UNREGULATED CONTAMINANT MONITORING REGULATION (UCMR 3) FOR PUBLIC WATER SYSTEMS

As required by the Safe Drinking Water Act (SDWA) 1996 Amendments USEPA is proposing to add two viruses and 28 chemical contaminants that could be present in drinking water and do not currently have health-based standards and are currently unregulated, for monitoring in water systems, and is submitting this proposal for public comment [[76 FR 11713](#), March 3, 2011]. This current proposal is the third [Unregulated Contaminant Monitoring Regulation \(UCMR 3\)](#) and would amend regulations concerning inorganic chemical sampling and analytical requirements. The public comment period on the proposed UCMR3 list closes on May 2, 2011.

LEAKING UNDERGROUND STORAGE TANK CORRECTIVE ACTION COMPENDIUM

The [UST Corrective Action Compendium](#) is a clearinghouse that presents concepts and addresses issues associated with corrective action at leaking underground storage tank (LUST) sites. The Compendium is divided into six sections. It begins with an overview of the LUST corrective action process. Then it discusses each of the steps in the process: release discovery, confirmation, and initial response; characterization of the source and site; physical site assessment; corrective action; and site closure. Potential impact or relevance to installations as guidance and a resource for UST remediation.

ENERGY NEWS

S. 398. IMPLEMENTATION OF NATIONAL CONSENSUS APPLIANCE AGREEMENTS ACT

The following notice on a recently proposed Senate bill is regarding recent energy and is for regulatory situational awareness. On February 17, 2011, Senator Bingman and Senator Murkowski introduced Senate bill S.398, which was referred to the Committee on Energy and Natural Resources. S.398 if enacted would, amend the Energy Policy and Conservation Act to improve the energy-efficiency of certain appliances and equipment, and for other purposes [[S398 CR](#), February 17, 2011].

S. 395. BETTER USE OF LIGHT BULBS ACT

The following notice on a recently proposed Senate bill concerns energy efficiency and is for regulatory situational awareness. On February 17, 2011, twenty-eight Senators introduced Senate bill S.395 which was read twice and referred to the Committee on Energy and Natural Resources. S.395 would repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting and energy efficiency [[5870 CR February 17, 2011](#)].

FEDERAL ENERGY MANAGEMENT PROGRAM'S (FEMP) TECHNICAL ASSISTANCE

DOE has announced its initiative to provide [technical assistance](#) to Federal Agencies to help reduce fossil fuel consumption. The analysis needed to efficiently meet their vehicle fleet mandates to reduce gasoline use and increase the use of alternative fuels. The federal government currently operates more than 600,000 vehicles, and the Federal Energy Management Program's (FEMP) technical assistance call will provide a vital service to ensure that federal agencies invest their appropriated funds efficiently by using DOE expertise to support fleet analysis. [For more information.](#)

BIOENERGY COLLABORATION TOOL

The U.S. Army is exploring new ways to harness bioenergy. The following Department of Energy tool is offered for those military stakeholders whose area of responsibility involves bioenergy research and use. The "[Bioenergy Knowledge Discovery Framework](#)" allows researchers, policymakers and investors to share large data sets, and the latest bioenergy research. The Framework facilitates collaborative production, integration and analysis of information. The Framework is part of the Obama Administration's commitment to developing homegrown, sustainable, and plentiful sources of clean energy, like biofuels.



REGION 1

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



CONNECTICUT

STORMWATER GENERAL PERMITTING PROCESS

On February 16, 2011, the Commerce Committee introduced [HB 6400](#), an act *Streamlining the Department Of Environmental Protection's Stormwater General Permitting Process*. HB 6400 amends subsection (a) of section 22a-430b of the general statutes by repealing it and substitutes new general permit requirements. The bill allows general permit applicants to hire a professional engineer to "certify" that their stormwater permit application complies with state and local regulations. A [hearing](#) occurred on February 24, 2011. If passed, military activities may take advantage of certifying permit application compliance on behalf of expediting the permitting process.

REVISIONS TO WATER QUALITY STANDARDS AND CLASSIFICATION MAPS

The Department of Environmental Protection (DEP) has [issued](#) several adopted amendments that relate to a number of [revisions to the surface water quality standards](#), surface water quality criteria, and surface and ground water quality classifications. Changes and amendments proposed for revision include numeric criteria for toxic pollutants, standards for temperature, dissolved oxygen in marine waters, and biological condition, the rule revision sets allowable discharges to Class A water bodies, the antidegradation implementation policy, and surface water quality classification maps. The changes have been approved and incorporated into the classification maps. Army activities potentially exceeding the newly adopted water quality standards will need to readdress their allowable discharges.



MAINE

GRID SCALE WIND ENERGY DEVELOPMENT

On January 10, 2011, Representative Dunphy (R) introduced [HB 395](#) an act concerning *Grid Scale Wind Energy Development*. The bill establishes a six - month moratorium on the submission of applications or granting of permits for expedited grid scale wind energy developments in the State to allow time for further consideration and review of implementation policies, and permits wind energy developments, including grid scale wind energy developments. Wind energy projects can have effects on military operations.

DISPOSITION OF MERCURY-ADDED LAMPS

On February 11, 2011, Senator Saviello (R) introduced [SB 145](#) *an act Regarding the Disposition of Mercury-added Lamps*. The Act amends Section c. 272, §1, authorizes the use of crushing devices in a mercury added lamp recycling program. The bill specifies, the owner of the crushing device must register with the Department of Environmental Protection (DEP), develop an operating manual for safely crushing mercury added lamps, document maintenance activities, meet federal Occupational Safety and Health Administration requirements, dispose of all material crushed in the device and maintain an annual report for review by DEP. This proposed act was sent to military activities in Maine for assessment.



NEW HAMPSHIRE

REQUIREMENTS FOR OPEN SOURCE AIR POLLUTION

The Department of Environmental Services (DES) issued a [final rule and readoption](#) on the requirements for open burning, fugitive dust, and firefighter instruction and training activities. The final rule [ENV A-1003] specifically sets forth general open burning requirements, and identifies restricted materials. The rule establishes procedures for minimizing emissions of particulate matter and toxic air pollutants, precautions to prevent, abate, and control fugitive dust, and the prevention of particulates from firefighter instruction and training activities. An electronic read-ahead ALERT was provided to Army National Guard (ARNG) and U.S. Army Cold Regions Research and Engineering Laboratory (CRREL) for purposes of attending public meeting and commenting. Restrictions on open burning and firefighter training may impact ARNG. This rule went into effect on March 4, 2011.

CERTIFICATION OF WATER WORKS OPERATORS

DES issued a [proposed rule](#) that would establish a new requirement for water works operators of drinking water treatment plants and distribution systems of public water systems. Specifically the rule would implement an operator certification program that is required by RSA 332-E, by adding a "continuing education unit" (CEU) and by including the definition "technical contact hour" (TCH). The rule updates and clarifies the existing continuing education requirements established in ENV-DW 502.08 and establishes formal procedures and specific criteria for approving training providers and courses to ensure that the courses meet professional standards. The comment period closed on February 24, 2011. ARNG and CRREL were provided electronic read-ahead ALERT notifications for possible meeting attendance and comment.

PROPOSED WATER TRANSFER RULE

DES issued a [proposed rule](#) regarding the specifications necessary for Water Transfers [Env-Wq 1708.12]. The rule would make clarifications to the surface water quality standards for proposed new or modified activities that could result in significantly lowering the water quality. The proposed changes in Section 1708.12 would establish numerical and narrative water quality standards for surface waters in the state. The proposed rule may potentially impact surface water discharge, affecting ARNG and CRREL mission activities. A public hearing is scheduled for April 14, 2011. The comment deadline is April 25, 2011.

SURFACE WATER QUALITY STANDARDS COMMENT REQUEST

DES issued a notice seeking "[Advanced Public Comment](#)" (pg.25) on New Hampshire's Surface Water Quality Standards." DES is trying to determine the need for any changes to the current surface water quality standards [Env-Wq 1708.10]. This proposal may potentially impact surface water discharge, affecting ARNG and CRREL mission activities. The comment deadline is April 14, 2011.



RHODE ISLAND

PLANNING AND MANAGEMENT OF COASTAL ZONE RESOURCES

The Coastal Resources Management Council (CRMC) issued a [proposed rule](#) relating to the Planning and Management of Coastal Zone Resources. In Section [210.7], the update provides for minor structural maintenance to existing structures, the revisions to section 300.6 provides for the implementation measures of the recently adopted state stormwater manual, and the revisions to Sections, [160, 170, 180 and 190] update the decision trees within the current CRMC procedures. The comment deadline closes on March 30, 2011, and a hearing is scheduled for April 12, 2011.



VERMONT

PROPOSED LAKE CHAMPLAIN TMDL

On February 3, 2011, the Fish, Wildlife and Water Resources Committee through a Joint Resolution introduced [HJR 10](#), a bill to establish a *Lake Champlain Total Maximum Daily Load Plan* (TMDL). The rulemaking intent is to request USEPA to reimburse the Vermont Agency of Natural Resources for all costs incurred in assisting in the development of a new Lake Champlain TMDL plan. Information conveyed at the Council of State Governments (CSG)-East meeting in the Summer 2010 and ensuing discussions related to Lake Champlain the VT Agriculture Committee Chairperson relayed to the Army REC that laying out new and more stringent TMDLs for Lake Champlain would be high on their list of priorities for the State. HJR 10 possibly may impact future NPDES permitting.

PROPOSED MOTOR VEHICLE WEIGHT LIMITS AND IDLING REQUIREMENTS

On February 24, 2011, Senator Ayer introduced [S 81](#), a bill relating to *Motor Vehicle Weight Limits and idling rule*. The proposed bill would prohibit motor vehicles with a gross vehicle weight rating of more than 10,000 pounds from idling more than five - minutes in any 60 - minute period unless authorized under rules adopted by the commissioner of motor vehicles. Military, law enforcement, emergency, and armored vehicles are exempted. The potential impact of the rule already includes a military vehicle exemption and is therefore, provided for situational awareness and tracking assurance that the exemption.



REGION 2

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



NEW YORK

PROPOSED HEAVY DUTY IDLING PROVISIONS

On February 03, 2011, Senator Raia (R) introduced [A 4497](#), a bill on Idling of Heavy Duty Vehicles. The bill prohibits idling of heavy duty vehicles and sets forth exceptions, provides for assigning of points to violation as the commissioner deems appropriate. Recently added text addresses police and other emergency vehicles, also agricultural equipment, that are exempted from the idling restrictions, but does not include language for the specific exemption of military tactical vehicles or others.

PROPOSED UNATTENDED IDLING PROVISIONS

On February 25, 2011, Senator Galef (D) introduced [A 5683](#), a bill that would amend Section 1210 of the Vehicle and Traffic Law so that no idling motor vehicle shall be left unattended with the following exemptions, emergency or law enforcement purposes, maintenance, diagnostics, inspections, powering auxiliary equipment, recharging electric and hybrid vehicles, snow removal, farm vehicles, a vehicle within mines or quarries, and in weather conditions of less than 20 degrees Fahrenheit for more than 24 consecutive hours. The bill also specifies fees for unattended vehicles. There is no exemption for military tactical vehicles currently in this bill.

PROPOSED WATER WITHDRAWAL REPORTING AND PERMITTING

On February 15, 2011, Senator Sweeney (D) and several other Senators introduced [A 5318](#), a bill that relates to the regulation of the use of the state's water resources, requires permits for inter-basin diversions of water and approval of modification to existing systems and increases fees for water supply permits. This bill would amend Environmental Conservation Law (ECL) [15 1501] to simplify the existing water supply permit program and to expand the program to require permits for the most significant water uses. The bill also specifies that the public or any entity must first have obtained a water withdrawal permit or permit modification from the department pursuant to this title. The potential impact does appear to affect DoD with additional permitting requirements and fees, depending on water withdrawal amounts (i.e., 100,000 Gal/day) and if DoD is considered exempt or not.

PROPOSED WATER WITHDRAWAL REPORTING REQUIREMENTS

On February 23, 2011, Senator Grisanti (R) introduced [S 3455](#), a bill that would amend the State Water Resources Use Regulations by amending Section 15 1501 of the Environmental Conservation law, and by repealing Titles 16 and 33 of Article 15, relating to Great Lakes water conservation and management and water withdrawal reporting. The bill also requires permits for inter-basin diversions of water and approval of modification to existing systems; and increases fees for water supply permits. This bill provides that the Department of Environmental Conservation (DEC) shall determine the Environmental Protection needs for the proper management of waters of the State. Likewise to A 5318, this bill encompasses the regulation of water withdrawal, monitoring, reporting, and recordkeeping requirements that may impact installations budgetary requirements and man-hours.



NEW JERSEY

NEW WATER SUPPLY CHARGES

The Delaware River Basin Commission (DRBC) issued a [final rule](#) that revises the Administrative Manual – Part III - Basin Regulations - Water Supply Charges [42 NJR 667]. The Commission is making the rate change in two stages. The rates, will be calculated using the formula established by Resolution No. 71-4 the consumptive use rate will be increased from \$60.00 to \$ 90.00 per million gallons effective on January 1, 2011 and from \$ 90.00 to \$ 120.00 per million gallons effective on January 1, 2012. The non-consumptive use rate will be increased from \$.60 to \$.90 per million gallons effective on January 1, 2011 and from \$.90 to \$ 1.20 per million gallons effective on January 1, 2012. The rule went into effect on February 24, 2011. The requirement for DoD activities located within New Jersey to pay DRBC Fee charges, based on their consumptive use rate is currently under legal review.

TECHNICAL REQUIREMENTS FOR SITE REMEDIATION RULES

The New Jersey Department of Environmental Protection (NJDEP)/Site Remediation Program issued a [final rule adoption](#) that amends, the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS)[N.J.A.C. 7:26C], and the Technical Requirements for Site Remediation rules (Technical Requirements), [N.J.A.C. 7:26E]. Specifically, the adopted amendments extend certain mandatory and regulatory remediation timeframes, amend the requirements for mitigation of vapor intrusion, amend the penalty table consistent with the other amendments, and revise certain form names. The rule was finalized and became effective on February 22, 2011. This rule adoption may affect current Army remediation efforts and previously administered agreements.



REGION 3

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



DELAWARE

SURFACE WATER QUALITY STANDARDS

The Department of Natural Resources and Environmental Control (DNREC) issued a correction to a [proposed rule](#) relating to Surface Water Quality Standards and issued a second comment period. Included for situational awareness, these amended rules are the result of a comprehensive review of the Standards (DNREC Start Action Notice #2008 24). The State of Delaware, in accordance with [7 Del.C. Section 6010](#), has amended the Delaware Surface Water Quality Standards to ensure compliance with the Clean Water Act and satisfy USEPA requirements. The comment period closes on April 1, 2011.



MARYLAND

NEW DRINKING WATER REQUIREMENTS

Maryland Department of the Environment (MDE) issued a [final rule](#) (pg. 319) that adopts the federal regulations under the Safe Drinking Water Act Amendments of 1996, intended to reduce the risk of viruses in ground water systems. May provide clarification and reduce misinterpretation of regulations where sampling and monitoring is required and consumer confidence reports are prepared. The rule also updates the unregulated contaminant list and enhances the implementation of existing rules to protect public water system customers from exposure to lead and copper in drinking water. The final rule went into effect on March 7, 2011.

VOC EMISSIONS CONTROL FOR INDUSTRIAL CLEANING

USEPA approved a revision to Maryland's State Implementation Plan (SIP) that establishes and requires reasonably available control technology (RACT) for industrial solvent cleaning operations for sources of volatile organic compounds (VOCs) covered by control techniques guidelines (CTG) [76 FR 9656, February 22, 2011]. This regulation applies to facilities including DoD activities, conducting industrial solvent cleaning operations where the total VOC emissions from the industrial solvent cleaning operation at a premises are 15 pounds or more per day (6.8 kg/day), before consideration of controls. This final rule reduces VOC emissions from industrial solvent cleaning operations which will help Maryland attain and maintain the National Ambient Air Quality Standards (NAAQS) for ozone. The final rule went into effect on March 24, 2011.

NEW VOC RULES

MDE issued two proposed rules [11-031-P] (pg. 114) and [11-026-P] (pg. 117) pertaining to the control of VOCs from specific processes. Potential impact to the military by setting VOC standards for various plastic coating operations of military equipment and machinery, and the coating of metal drums and pails. Both rules adopt the requirements of USEPA's CTG for miscellaneous metal and plastic parts coating. The proposed amendments in [11-031-P] set standards for coatings, application methods, and work practices. The proposed amendment in [11-026-P] set CTG for metal parts and include new standards for drum and pail coatings.



PENNSYLVANIA

VOC EMISSION REQUIREMENTS

The Pennsylvania Environmental Quality Board (EQB) issued a [corrective amendment](#) to [25 PA. Code § 129.51] to the [final rule](#) on general provisions and standards for *Adhesives, Sealants, Primers and Solvents* [25 PA. CODE Chapters. 121, 129 and 130]. As reported in the December 2010 Northern Review, this final rule will impact any owner or operator, including DoD, of a facility or stationary source that uses or applies, a regulated adhesive, sealant, adhesive primer or sealant primer product. There are requirements for the use of surface preparation solvents and cleanup solvents. Owners and operators using non-complying products have the option to use add-on controls as a compliance alternative rather than switching to compliant products. The rule is final and in effect.

SIP REVISION APPROVAL

USEPA approved a State Implementation Plan (SIP) revision submitted by Pennsylvania [76 FR 6559, February 7, 2011]. This notice is included for situational awareness for installations in Pennsylvania. The revision contains a 2002 base year emissions inventory, a reasonable further progress (RFP) plan, RFP contingency measures demonstration, and reasonably available control measure (RACM) demonstration for the Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City moderate 1997 8-hour ozone nonattainment area. This applies only to the Pennsylvania portion of this multi-state nonattainment area-an area that also lies in part in New Jersey, Maryland, and Delaware. USEPA is simultaneously approving transportation conformity motor vehicle emissions budgets (MVEBs) associated with this same SIP revision. This final rule went into effect on March 9, 2011.



VIRGINIA

SOLID WASTE MANAGEMENT REGULATIONS

Virginia Department of Environmental Quality (VADEQ) issued a [final rule](#) [9 VAC 20-80] that re-codifies the Virginia Solid Waste Management Regulations and incorporates the Vegetative Waste and Yard Waste Composting Regulations. The regulations (1) no longer necessitate a full permit application for changes made to the operations manual of a solid waste facility; (2) remove the composting facility capacity limit for a full permit and allow a facility to obtain a permit by rule; (3) reduce the number of permit modifications considered major; (4) add new standards for centralized sludge treatment facilities; and (5) remove the Phase I groundwater monitoring requirements. Potential to impact solid waste management on military facilities due to the revision of permit procedures and variance requirements, as well as the creation of new standards for treatment facilities. The final rule went into effect on March 16, 2011.

GENERAL PERMIT FOR PESTICIDES DISCHARGES

VADEQ's Water Control Board (WCB) developed and issued a [final rule](#) covering General Virginia Pollutant Discharge Elimination System (VPDES) general permit for Pesticide Discharges [9 VAC 25-800]. The rule specifies VPDES general permit for discharges from pesticides applied directly to surface waters to control pests, and/or applied to control pests that are present in or over, including near, surface waters. The general permit provides military facilities with a programmatic tool to comply with court ordered requirements for USEPA and states to issue national pollutant discharge elimination system (NPDES) permits for both chemical pesticide applications that leave a residue or excess in water, and all biological pesticide applications that are made in or over, including near, waters of the United States. The final rule will be effective on April 10, 2011.

VOC SIP REVISION

USEPA has issued a final rule to approve a Virginia State Implementation Plan (SIP) revision which amends the definition of volatile organic compound (VOC) [76 FR 8298, February 14, 2011]. Virginia amended the definition of VOC to add the organic compounds propylene carbonate and dimethyl carbonate to the list of excluded compounds. The exclusion of these compounds is consistent with the list of excluded compounds found in USEPA's definition of VOC at [40 CFR 51.100\(s\)\(1\)](#). This notice is included for situational awareness for installations in Virginia. The final rule will be effective on April 15, 2011.



WEST VIRGINIA

TITLE V PERMITTING & COMPLIANCE

The West Virginia Department of Environmental Protection's Division of Air Quality (DAQ) issued a [rule](#) (pg, 59) titled *Requirements for Operating Permits* [Title 45, Series 30] to establish a comprehensive air quality operating permits program consistent with the requirements of Title V of the federal Clean Air Act. The rule limits the applicability of sources subject to greenhouse gases permit requirements which became effective on January 2, 2011; raises the major source applicability threshold for greenhouse gases to 100,000 tons per year of carbon dioxide equivalent greenhouse gases; and provides that greenhouse gases are not subject to fees under the Title V program. This notice is included for situational awareness for installations in West Virginia. The rule went into effect on February 1, 2011.



REGION 5

For more information on any state issues in Region 5, contact Dr. David Guldenzopf, Acting DoD Regional Environmental Coordinator, Region 5, (410) 436-7100, e-mail: david.guldenzopf@us.army.mil



ILLINOIS

REGULATIONS ON NUCLEAR MATERIAL AND RADIUM 226

The Illinois Emergency Management Agency (EMA) issued two final rules, [34 IR 16619](#) (pg. 2908-2930) and [34 IR 17022](#) (pg. 2931) to ensure State compatibility with the U.S. Nuclear Regulatory Commission's (NRC) [10 CFR 20, 30, 32, and 35] regulations currently in place for use of radioactive materials. The rules provide general provisions for radiation protection, and set standards for regulation of nuclear material pertaining to discrete sources of radium 226, accelerator produced radioactive material, and discrete sources of naturally occurring radioactive material as required by the Energy Policy Act of 2005. The first rulemaking clarifies labeling and record retention, licensing requirements, storage requirements and definitions. Additionally, the first rule, specifies certain items and self-luminous products containing Radium-226 and Small radium sources containing no more than 37 kBq (1μCi) of radium-226. By definition "small radium sources" means discrete survey instrument check sources, contained in radiation measuring instruments made prior to November 2007. All other luminous products are required to not have more than 100 items used or stored at the same location at any one time. The second rule (34 IR 17022) allows for a general license to transfer, receive, acquire, possess and use radioactive material incorporated in the following devices or equipment manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by NRC for use pursuant to [10 CFR 31.3](#). Both final rules are amended and became effective on February 7, 2011. The potential impact of this rule to military installations is that instruments that contain sources of radium 226 need to be managed accordingly.

TWO PROPOSED CHEMICAL SAFETY BILLS

On February 8, 2011, Representative Flowers (D) introduced [HB 1266](#), amending the Illinois Environmental Protection Act by adding Section [25b-10]. Specifically, it requires the Illinois Environmental Protection Agency (ILEPA), by January 1, 2013, to file with the Governor and the General Assembly and publish on its website a list of chemical substances that are produced or distributed in the State in quantities that the Director deems to have a potentially significant impact on the health and safety and that have not been required to be tested by rule of USEPA under a specified provision of the [Toxic Substances Control Act \(TSCA\)](#). A similar bill [HB 1270](#), was introduced by Representative Nekritz (D), which would create the Toxic Chemical Safety Act. It would also require the Director of the ILEPA to designate and publish a list of chemicals of high concern, designate other chemicals as priority chemicals, report certain information about the designation process to the General Assembly, and set [exemptions for certain classes of chemicals](#), persons, and containers. These bills may increase installation reporting requirements especially for those already reporting IAW EPCRA/TRI.

PROPOSED NPDES PERMIT APPROVAL TIMEFRAME

On February 10, 2011, Senator Clayborne, (D) introduced [S 1903](#), amending the Illinois Environmental Protection Act Section 39, *Issuance of Permits and Procedures* by requiring all NPDES permit applications filed with ILEPA be either approved or denied by ILEPA within a 120 day time frame or the permit will automatically be deemed approved. This bill was referred to the Senate Energy Committee. A [hearing](#) occurred on March 10, 2011.

STANDARDS FOR NEW SOLID WASTE LANDFILLS

The Pollution Control Board (PCB) has issued a proposed rule [35 IR 3252](#) (pg. 3252) on *Standards for New Solid Waste Landfills*. The proposal amendments address specific segments of the Board's non-hazardous solid waste landfill regulations. The amended sections relate to the rules pertaining to Leachate Treatment and Disposal Systems (an administrative section was renumbered) and financial assurance rule requirements for performance bonds and other securities necessary for insuring closure and post-closure care and corrective action at non-hazardous waste disposal sites. The comment period closes on April 11, 2011. This rule is not expected to have significant impact on military installations as federal projects are generally not subject to performance bond requirements.

EPA GRANTS NOX EXEMPTION

USEPA issued a final rule approving a July 29, 2010, attainment request from the State of Illinois to exempt sources of Oxides of Nitrogen (NOX) in the Illinois portions of the Chicago-Gary-Lake County, Illinois-Indiana and St. Louis, Missouri-Illinois 8-hour ozone nonattainment areas from Clean Air Act (CAA) [[76 FR 9655](#), February 22, 2011]. This approval grants the state an exemption from the requirements for NOX Reasonably Available Control Technology (RACT) for purposes of attaining the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS or standard). This NOX RACT waiver is based on the most recent three years of complete, quality assured ozone monitoring data, which show attainment of the 1997 8-hour ozone standard in the subject nonattainment areas and demonstrates that additional reduction of NOX emissions in these areas would not contribute to attainment of the 1997 8-hour ozone NAAQS. This final rule is effective on March 24, 2011.

PROPOSED NEW ATTAINMENT DESIGNATION

USEPA issued a proposed rule determination that the St. Louis (MO-IL) metropolitan nonattainment area attained the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone [[76 FR 10815](#), February 28, 2011]. The St. Louis metropolitan ozone nonattainment area includes the counties of Franklin, Jefferson, St. Charles, and St. Louis as well as St. Louis City in Missouri; and the counties of Madison, Monroe, St. Clair, and Jersey in Illinois. This proposed determination is based on three years of complete, quality assured ambient air quality monitoring data for Missouri and Illinois for the 2008 through 2010 ozone seasons showing attainment of the NAAQS at all ozone monitoring sites in the nonattainment area. If USEPA finalizes this proposed determination, it will suspend the obligation to submit certain ozone attainment demonstration requirements, along with other requirements related to the attainment of the 1997 8-hour ozone standard. Comments on the proposed rule are due by March 30, 2011.



UST FISCAL ENFORCEMENT AND STATUTE OF LIMITATIONS REQUIREMENTS

On January 11, 2011, Representative Gard (R) introduced two Senate bills [SB 0346](#), concerning a *Statute of Limitations Provisions for Environmental Legal Actions* and [SB 0347](#), concerning *Underground Storage Tanks* (UST). SB 0346 specifies the statute of limitations for an environmental legal action and establishes contributions to pay for corrective action related to a release from an UST. SB 0347, requires the Indiana Department of Environmental Management (IDEM) to establish a UST operator training program. It provides for the use of the [excess liability trust fund](#) for expenses incurred in establishing and implementing a UST operator training program and it brings the state standard in compliance with the requirements of the [Federal Energy Policy Act of 2005](#). In addition SB 0347 sets responsible party legal fee limitations, sets fiscal recovery requirements and sets enforcement standards. SB0347 primarily impacts installation previously or currently possessing USTs.

NEW BALLAST WATER PERMIT PROGRAM

On January 11, 2011, Senator Zakas (R) introduced [SB 412](#), *Ballast Water and Sediment in Oceangoing Vessels*. The bill provides that, on July 1, 2012, each oceangoing vessel engaging in port operations in Indiana must obtain a permit from IDEM. It also allows IDEM to only issue a permit if the applicant can demonstrate that the vessel will not discharge aquatic nuisance species, or if the vessel discharges ballast water or sediment, that the operator of the vessel will use environmentally sound technology and methods to prevent the discharge of aquatic nuisance species. It also requires IDEM to establish a ballast water and sediment inspection program to prevent aquatic nuisance species. In addition, it requires the Water Pollution Control Board (WPCB) to adopt rules to implement these provisions. This bill primarily impacts ocean-going Navy vessels docking at Indiana ports on Lake Michigan.

NEW STATE DEPARTMENT OF TOXICOLOGY

On January 12, 2011, Representative Wyss (R) introduced [SB 421](#) amending section 1 IC9-27-5-1, and creating a State Agency Department of Toxicology. Currently, the Department of Toxicology is part of Indiana University. The bill amendment makes conforming changes and creates the Toxicology Department Advisory Council to aid in the transition to the new department. The specific impacts to military installations cannot be determined until the bill is approved and the mission of the new Department better known and understood.

STATE COMPLIANCE WITH PSD AND TAILORING RULE

IDEM Air Pollution Control Board (APCB) issued a [final rule 10-505](#) on [Prevention of Significant Deterioration](#) (PSD). IDEM amended the definition of "regulated NSR pollutant" and added a definition of "subject to regulation" within the PSD rules at [326 IAC 2-2-1]. In addition the definition of "major source" has been changed and a definition of "subject to regulation" within the Title V rules at [326 IAC 2-7-1] was added, as required by the federal greenhouse gas tailoring rule [[75 FR 31514](#), June 3, 2010]. IDEM is also proposing to amend the PSD rules to clarify the definition of "significant" to include GHG and specify in [[326 IAC 2-2-4](#)] that the pollutant GHG is not subject to air quality analysis. This rulemaking addresses the minimum changes needed to implement the federal GHG tailoring rule in a timely manner. Minimal impact to installations is expected as the primary purpose is to make changes necessary to implement federal GHG tailoring rule in a timely manner. This rule may help to clarify definitions in current language. The final rule went into effect on March 16, 2011.

TITLE V CLARIFICATION

The IDEM/APCB has issued a proposed rule regarding [Title V Greenhouse Gas Requirements](#) rule [[11-85](#)]. This rulemaking makes a clarification in the Title V program that was not included in rulemaking LSA Document [10-505] which is currently going through the promulgation process and is scheduled to be effective in March 2011. There is potential impact to installations with current or proposed Title V air permits containing GHG limitation requirements. The comment deadline is March 25, 2011 and a public hearing is scheduled for May 4, 2011.

NEW RULE ON DISCHARGES OF AQUATIC PESTICIDES

The IDEM/Water Pollution Control Board (WPCB) has issued an emergency temporary final rule regarding the [National Pollutant Discharge Elimination System](#) (NPDES) rule [[11-79E](#)] on general permits for [discharges of aquatic pesticides](#) to waters of the state as required under [40 CFR 122]. This rule went into effect on February 16, 2011. The most likely impact will be to installation mosquito control practices and potentially new or revised NPDES permit requirements.

NEW 2011 HAZARDOUS WASTE UPDATE

The IDEM Solid Waste Management Board (SWMB) issued proposed rule [[11-90](#)] called the *2011 Hazardous Waste Update*. The rule amends [329 IAC 3.1] by updating and correcting hazardous waste management rules including the addition of Appendix IX to describe hazardous wastes excluded from regulation under current statutes. It will also help to clarify status of delisting actions and make selective changes to the hazardous waste determination process. Specifically, the rule calls for the removal of the emission-comparable fuel exclusion. The changes are not expected to have a significant impact to installation waste management practices or permits. The comment deadline is April 1, 2011.



UNIFORM ENERGY CODE AND ANSI/ASHRAE/IESNA STANDARD 90.1-2007

The Michigan Department of Energy, Labor, and Economic Growth (DELEG) issued two final rules [[SOAHR 2007-052, the Uniform Energy Code](#) (pg.13) (residential)] and [[SOAHR 2007-053, the Uniform Energy Code](#) (pg.22) (commercial)]. The first rule adopts by reference the 2009 International Energy Conservation Code (IECC) [standards](#) of efficiency for the design and construction of residential buildings. The second rule adopts by reference, the American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers Inc. (ASHRAE)/Illuminating Engineering Society of North America (IESNA) 90.1-2007 - *Energy Standard for Buildings Except Low-Rise Residential Buildings*. The 90.1-2007 standard, is referred to as [[ANSI/ASHRAE/IESNA Standard 90.1-2007](#)], and has been incorporated into the Michigan final rule. The most likely impact of these new rules will be on state-funded National Guard's construction projects. Both rules went into effect on March 9, 2011.



MINNESOTA

GHG GOAL REDUCTION BILLS

On February 9, 2011, Senator Gruenhagen (R), introduced [HF 413](#), (identical companion [SF 235](#)) an act repealing state goals for greenhouse gas emission (GHG) reductions by amending Minnesota Statutes 2010, Sections 3.8851. This act repeals Minnesota Statutes 2010, Sections [216C.055; 216H.02; and 216H.07]. HF 413 defines Green Economy and expands the use of biofuels. This bill is also similar to MN [HF 509](#) (identical companion [SF 293](#)). All of these bills aim to define GHG emissions and may reduce green house gas goals with corresponding impact on GHG rules and emission restrictions.

REQUIREMENTS FOR RECYCLED WATER

On January 19, 2011, Senator Jungbauer (R), introduced [SF 66](#), an act providing standards for use of recycled water, and proposing coding for a new law in Minnesota Statutes, chapter 103G. The bill specifies definitions for: disinfected secondary-23 recycled water, disinfected tertiary recycled water, drift, drift eliminator, and F-specific bacteriophage MS-2. The bill also defines water quality standards and chemical analysis process requirements for recycled water. These bills, if approved, may impact installations using recycled water.

NEW RULES ON EIS

On January 21, 2011, Senator Newman (R) introduced [SF 85](#), (identical companion [HF 20](#)), an act modifying the State environmental impact statement (EIS) process, amending Minnesota Statutes 2010, section 116D.04, subdivisions [2a, 3a, 11, 13], by adding a subdivision, and repealing Minnesota Statutes 2010, section [116D.04], and subdivisions [5a, 9, 10]. The bill specifies an expedited process and allows for the contracting out for the preparation of an EIS. The bill would also change the EIS preparation and adequacy determination from a 220 - day period to a 120 - day period. The primary impacts of this bill would be on National Guard units subject to State EIS requirements who would potentially benefit from an accelerated state EIS review and approval process.

ENVIRONMENTAL PERMIT COORDINATION AND MANAGEMENT

On February 04, 2011, Senator Skoe (D) introduced [S 238](#), an act proposing to modify the responsibilities of the Pollution Control Agency (PCA), providing for state environmental permit coordination and management, and abolishing the Environmental Quality Board. Specifically the bill proposes to transfer the responsibilities from the abolished board to the PCA; amends Minnesota Statutes 2010, section 116.02, subdivision 6; proposes coding for a new law in Minnesota Statutes, [chapter 116C], and repeal several statutes. The bill specifies new State environmental permit management and coordination requirements and requires all environmental permits involving more than one state or federal agency to be coordinated by the state agency with the primary jurisdiction in permitting the project. The potential impacts of the transfer of responsibilities to the PCA is not yet known although military installations might benefit from having a designated lead state regulatory agency responsible for permit coordination.

MANDATORY ENVIRONMENTAL ASSESSMENT WORKSHEET FOR GHG

The Minnesota Pollution Control Agency (MPCA) issued [proposed rules](#) amending the rules governing [chapter 4410], the mandatory Environmental Assessment Worksheet (EAW) category of the Environmental Review program rules [[MCAR 4410.4300](#), subpart 15]. The amendment would provide an explicit threshold level to Greenhouse Gas emissions (GHG) that is different from the threshold level applying to all other air pollutants. The applicable GHG gases are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride. This subpart now requires preparation of an EAW "for construction of a stationary source facility that generates 250 tons or more per year, or modification of a stationary source facility that increases generation by 250 tons." The permits will be issued by the MPCA and will cover GHG emissions of at least 75,000 tons per year or 100,000 tons per year, depending on other factors, of [carbon dioxide equivalents](#). A public hearing was held on March 9, 2011. This rule potentially impacts installations with permitted stationary sources generating GHG emissions above prescribed amounts.

NPDES/SDS GENERAL PERMIT

MPCA issued a proposed rule reissuing the NPDES/State Disposal System (SDS) [NPDES/SDS Contaminated Groundwater General Permit](#) (CGGP). This rule covers facilities discharging or proposing to discharge treated contaminated groundwater to waters of the state or saturated zone to ground water Class 1 and 2Bd waters. The CGGP will be reissued for a term of approximately five - years. The proposed general permit contains effluent limitations based on more stringent of treatment technology. The public comment periods ends on March 30, 2011. This NPDES/SDS general permit regulation has potential to impact military facilities discharging or proposing to discharge treated petroleum or petroleum contaminated groundwater to waters of the state or to a saturated zone.

DRAFT TMDL REPORT AND COMMENT PERIOD

MPCA issued a draft Total Maximum Daily Load (TMDL) [report](#) for the Bald Eagle Lake watershed and is requesting comments on the report. Following the comment period, MPCA will revise the draft TMDL report and submit it to USEPA for approval. The draft TMDL report indicates that a phosphorus reduction of 58 percent will be required for Bald Eagle Lake to meet state water quality standards. Implementation strategies are outlined in the draft TMDL report. The new TMDL requirements has the potential to impact military facilities discharging to the Bald Eagle Lake watershed. The comment period closes on March 30, 2011.



NPDES PERMITS FOR SEWERAGE SYSTEMS

On February 01, 2011, Senator Schaffer (R) introduced [S22](#), a bill to enact [section 6111.60] of the Revised Code to require the Director of Environmental Protection to consider, to the extent allowable under the Federal Water Pollution Control Act, specified factors before issuing NPDES permits for sewerage systems. It would also require approval of long-term control plans for wet weather discharges from sewerage systems, and enforce provisions as applied to sewerage systems. The bill also specifies the factors in the combined sewer overflow control policy adopted under [33 U.S.C. 1342] that may ease the financial burdens of implementing a long-term control plan, including, but not limited to, small sewerage system considerations, the attainability of water quality standards, and the development of wet weather standards. This bill would likely have impact to facilities applying for or renewing NPDES permits.

VOC EMISSIONS FROM STATIONARY SOURCES

The Ohio Environmental Protection Agency (OHEPA)/Division of Air Pollution Control issued a [proposed rule](#) for review by the Joint Committee on Agency Rule Review amending Chapters [3745-21, 3745-72, and 3745-110] of the Ohio Administrative Code (OAC). These rules relate to the control of volatile organic compound (VOC) emissions from stationary sources, low Reid vapor pressure (RVP) fuel requirements, and nitrogen oxides (NOx) and reasonably available control technology (RACT). On March 3, 2011, [OAC 3745-21-01, -23, -28] was [resubmitted](#). The proposed changes to the VOC standards may be of special interest to installations with coating, painting or fiberglass operations.

REMOVAL OF NOX ALLOWANCE ALLOCATIONS

OHEPA issued a [proposed rule](#) relating to NOx Allowance Allocations. The proposed amendments would remove paragraph [(c) (7) of rule 3745-14-05] which originally provided for the retirement of 240 tons of NOx during the 2005 ozone season. The comment deadline closed on March 9, 2011. The primary impact would be to installations considering involvement in the OH air emission credit program.

DISCHARGE ALLOWANCES FROM CLASS V Wells

OHEPA/Division of Drinking and Ground Waters issued a [proposed rule](#) impacting Class V Wells by amending rules to allow, without a permit and in specific instances, minimal discharge of wastewater resulting from the treatment of drinking water. The comment period closed on March 8, 2011. The primary impact of this rule would be on installations with permitted Class V well operations. New language would allow certain discharges of wastewater from treatment of drinking water without a permit.



WISCONSIN

FINAL RULE SUSPENSION OF WIND SITING RULE PSC 128

The [2009 Wisconsin Act 40](#) (Act 40) also referred to as PSC 128, directed the Public Service Commission (PSC) to promulgate administrative rules that specify the restrictions a political subdivision may impose on the installation or use of a wind energy system, and to help ensure consistent procedures for local regulation of wind energy systems. Based upon input from DoD during the public comment period, the rule would require wind energy owners to notify the Deputy Under Secretary of Defense 90 days prior to filing an application for construction. Rule PSC 128 was supposed to go into effect on March 1, 2011; however, the Joint Committee for the Review of Administrative Rules (JCRR) voted to [suspend](#) the wind siting rules on March 1, 2011. It is unknown whether the wind siting rules will take effect, and if so, when. If approved, the rule would benefit military installations by providing time to review the impacts of proposed wind energy projects prior to construction.

NEW AIR PERMIT, EMISSION AND INSPECTION FEES

The Department of Natural Resources ([DNR](#)) issued a final rule amending chapter [\[NR 410\]](#) Air Permit, Emission and Inspection Fees for reviewing applications for the construction of air pollution sources. The new rule will increase review fees and change the current policy of not collecting fees for review work performed when an application is withdrawn. This rule ensures that the new source review program has adequate funding to perform its duties in accordance with statutory requirements and deadlines. The new rule will likely increase the fees military installation pay for review of applications or updates to air permits to construct. The final rule is in effect.

PROPOSED OPEN BURNING REQUIREMENTS

DNR issued a [proposed rule](#) on Open Burning to improve consistency, and provide clarity for the definitions, exemptions and procedures within existing open burning requirements [\[NR 30, 429, 502, 506\]](#). DNR proposes to revise the current air open burning rules and provide [references](#) in the solid waste and forestry rules to the air rules where appropriate. These changes have the potential to reduce and/or eliminate rule inconsistencies and facilitate improved compliance.

PROPOSED VOC RULES

DNR issued a [proposed rule](#) on Volatile Organic Compounds (VOCs) [\[NR 400, 419, 421, 422, 423, 439, 484\]](#). This rulemaking corrects deficiencies identified by USEPA on the reasonably available control technology (RACT) rules for volatile organic compound (VOCs) emissions. The [proposed revisions](#) would also change provisions in the State Implementation Plan under § 285.11 (6). These changes are designed to bring the State program into compliance with Federal standards and ensure timely re-designation of the state's remaining ozone nonattainment areas. DNR is [proposing rule revisions](#) for a portion of the current synthetic organic chemical manufacturing (SOCMI), [industrial wastewater collection and treatment](#) (IWCT) and [industrial solvent cleaning VOC RACT rules](#). There will be a minimal impact to installations as the amendments are designed to implement already promulgated federal VOC RACT rules. A hearing occurred on March 14, 2011. The comment deadline closes on March 24, 2011.

NEW ATTAINMENT STATUS

USEPA issued a final rule determining that under the Clean Air Act (CAA) the Milwaukee-Racine and Sheboygan, Wisconsin areas have attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) [\[76 FR 11080, March 1, 2011\]](#). The Milwaukee-Racine area includes Milwaukee, Ozaukee, Racine, Washington, Waukesha, and Kenosha Counties. The Sheboygan area includes Sheboygan County. As a result of these determinations, the requirements for these areas to submit attainment demonstrations and associated reasonably available control measures, reasonable further progress plans, contingency measures, and other SIP revisions related to attainment of the standard are suspended for as long as the areas continue to attain the 1997 8-hour ozone standard. The impact to military air permit holders is not expected to be significant although a reduction in permit requirements and reporting may be possible. This final rule is effective on March 31, 2011.

SIP REVISION APPROVAL

USEPA issued a final rule approving Wisconsin's revision to its SIP. These updates were made to the ambient air quality standards for fine particulates to conform to current Federal ambient air quality standards for the same criteria air pollutants [\[76 FR 5270, January 31, 2011\]](#). The SIP revision will not significantly impact military installations as this action is primarily administrative in nature and incorporates federal rules already in effect. USEPA received comments on its April 8, 2010, proposed rule and withdrew the accompanying Direct Final Rule. After considering the comments, USEPA is approving the revisions to the Wisconsin SIP as requested by the State on September 11, 2009. This final rule was effective on March 2, 2011.

WEB BASED TRAINING

HIGH PERFORMANCE SUSTAINABLE BUILDING CHECKLIST WEBINARS

USEPA is offering several webinars on generating a federal high performance sustainable building checklist. Installations that are assessing their existing building stock against the Guiding Principles for Sustainable Buildings can use the Guiding Principles Checklist to conduct initial and final building walkthrough assessments and track and view progress on each Guiding Principle. The webinar date is March 30, 2011. Register here: <https://energystar.webex.com/mw0305l/mywebex/default.do?siteurl=energystar>.

FREE, WEB-BASED, ON-DEMAND TRAINING COURSES

In conjunction with the USEPA, FedCenter is now offering three new free, web-based, on-demand [training courses](#) for Federal employees. If you are a Federal employee and do not yet have a FedCenter membership account, you may [sign up here](#). Initially, the training will be for [Environmental Compliance for Federal Laboratories](#), [Environmental Management Systems](#), and [Underground Storage Tanks](#). Other topic areas deemed important to the Federal community will soon be added (FedCenter membership is required to view these courses.)

WEBINAR ON UTILITY ENERGY SERVICE CONTRACTS AND PUBLIC BENEFIT FUNDS

The U.S. Department of Energy (DOE) Federal Energy Management Program (FEMP) will present a [Utility Energy Service Contracts and Public Benefit Funds](#) on April 7, 2011. The Webcast is the fourth in FEMP's First Thursday Seminar series for 2011. The presentation discusses how installations can meet utility energy contracting requirements through best practices. Session information and registration is available through the following URL for the presentation. [Utility Energy Service Contracts and Public Benefit Funds](#) April 7, 2011.

Professional Development

WHAT	WHEN	WHERE	DETAILS
<u>THE EIGHTH ANNUAL DOD 2011 ENVIRONMENTAL MONITORING & DATA QUALITY WORKSHOP</u>	MARCH 28 APRIL 1	ARLINGTON, VA	This Workshop is open to all interested members of the environmental community involved with DoD sites or projects including representatives from the services, other federal agencies, state, local, and tribal governments, academia, and the private sector. It will include technical training sessions, technical presentations, a Q&A Forum, component meetings, a plenary session featuring distinguished speakers, an update on the DoD ELAP.
<u>NATIONAL BROWNFIELDS CONFERENCE</u>	APRIL 3 - 5	PHILADELPHIA, PA	This conference focuses on cleaning up and redeveloping abandoned, underutilized, and potentially contaminated properties.
<u>NATIONAL ASSOCIATION OF FLEET ADMINISTRATORS (NAFA) 2011 INSTITUTE AND EXPO.</u>	APRIL 9 - 12	CHARLOTTE, NC	This conference will include information on the latest in green products and services. Attendees will be able to test drive various alternatively fueled vehicles. The conference offers 60+ hours of training, education and workshops.

WHAT	WHEN	WHERE	DETAILS
<u>ENGINEERING SUSTAINABILITY 2011: INNOVATION AND THE TRIPLE BOTTOM LINE</u>	APRIL 10 - 12	PITTSBURGH, PA	The intent of this conference is to bring together engineers and scientists to share results of innovative research and practice directed at development of environmentally sustainable buildings and infrastructure.
<u>ENERGY EFFICIENCY GLOBAL FORUM</u>	APRIL 12 - 14	BRUSSELS, BELGIUM	The EE Global Forum convenes energy efficiency leaders from around the world for a three-day conference to power the emerging clean-energy economy. Speakers and attendees – ranging from Members of the European Parliament to appliance manufacturers – share the latest industry trends in an effort to make energy efficiency the world's "first fuel." EE Global has quickly transformed into the must-attend energy efficiency event of the year.
<u>E2S2 SYMPOSIUM AND EXHIBITION</u>	MAY 9 - 12	NEW ORLEANS, LA	NDIA's Environment, Energy & Sustainability Symposium & Exhibition is the place to hear latest policy and budget changes, and begin planning for FY12. Come interact with your military colleagues and professional counterparts in the Environment, Energy, and Sustainability communities in meeting the challenges to secure and sustainable energy.
<u>REMTEC SUMMIT 2011</u>	MAY 16 - 19	CHICAGO, IL	The summit delivers a unique platform focused on advancing the environmental science and remediation industry. It is the place to hear essential sources of information on technology, application and policy affecting contaminated site restoration field from leading experts within the academic, regulatory, industry and environmental-consulting communities.
<u>ACE11</u>	JUNE 12 - 16	WASHINGTON, DC	ACE11, the American Water Works Association's 130th Annual Conference & Exposition - the water community's forum. Topics range from infrastructure management to water resources protection to advanced treatment technologies.
<u>THE ENVIRONMENTAL COMPLIANCE LIBRARY</u>	ANY TIME	WEB-BASED	The Environmental Compliance Library is a Web-based training tool that can be utilized by any organization and its employees with a computer and Internet access. It is ready to use and takes only minutes for you to set-up and begin training.



Internet Resources

STATE / TERRITORY RESOURCES

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

OTHER RESOURCES

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

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