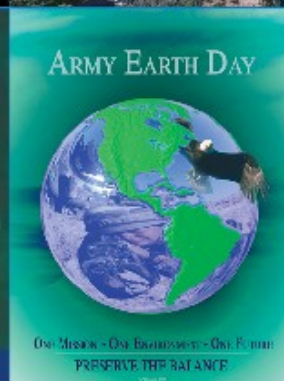
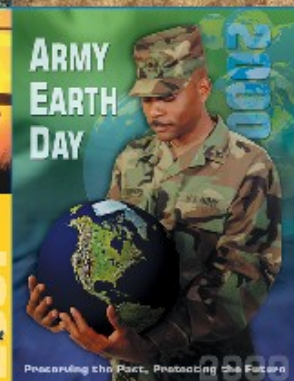
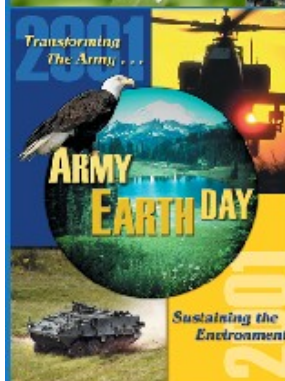
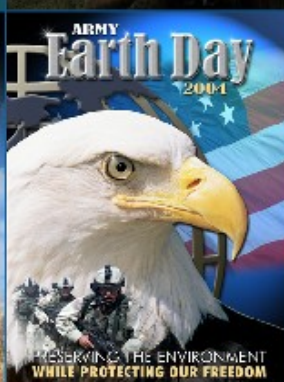
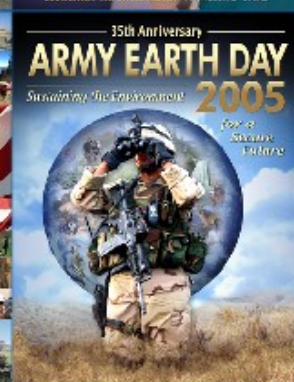
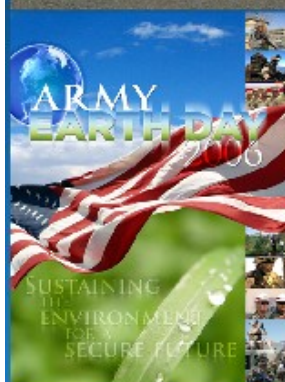
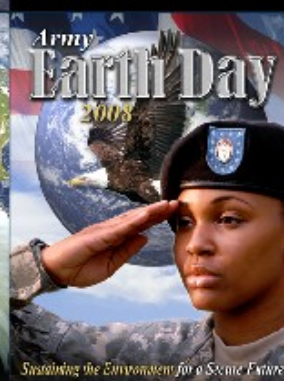
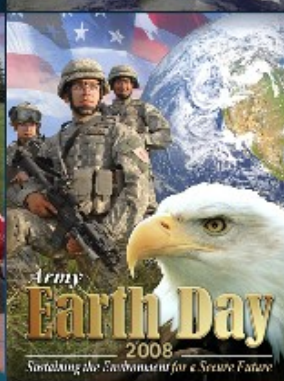
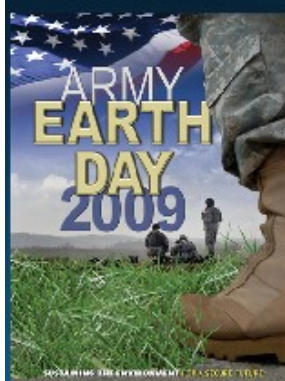
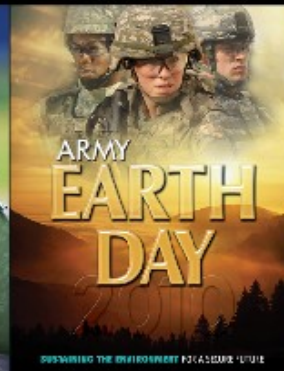


Army EARTH DAY





NORTHERN REGION



REVIEW

GOVERNMENT AFFAIRS, ENERGY AND ENVIRONMENT

APRIL 2011

ARMY NET ZERO INSTALLATIONS IDENTIFIED BY ASA (IE&E)

The Army [announced](#) on April 19, 2011 the locations it has identified to be Pilot Net Zero Installations. As part of the Army's overall effort to conserve precious resources, Net Zero installations will consume only as much energy or water they produce and eliminate solid waste to landfills.

The announcement initiates the programmatic environmental analysis and planning process for the Army's Net Zero Installation Strategy. Specifics for projects and initiatives will be determined through a programmatic environmental analysis which will include public engagement and stakeholder outreach.

The Army has identified four Net Zero pilot installations in the Northern Region for the energy, water, and waste categories. A Net Zero Energy Installation produces as much energy on site as it uses, over the course of a year. Fort Detrick, MD and West Point, NY are the Army's Pilot Net Zero Energy Installations in the Northern Region.

A Net Zero Water Installation limits the consumption of freshwater resources and returns water back to the same watershed so as not to deplete the groundwater and surface water resources of that region in quantity and quality over the course of a year. The Pilot Net Zero Water Installations in the Northern Region are Aberdeen Proving Ground, MD and Tobyhanna Army Depot, PA.

A Net Zero Waste Installation reduces, reuses, and recovers waste streams, converting them to resource values with zero landfill over the course of a year. The Army's Pilot Net Zero Waste Installation in the Northern Region is Fort Detrick, MD.

As part of the pilot, the installations will also participate in a kick-off meeting and training session in June to receive training and showcase their proposed strategies to achieve Net Zero. Each installation will participate in monthly conference calls and share experiences and lessons learned in newsletters and military and industry conferences. These installations will also participate in a programmatic environmental analysis and integrated planning process that will inform future decisions regarding impacts to resources throughout the Army's initiative. Public participation will be an integrated part of the process and part of the environmental planning process.

REGIONAL ENVIRONMENTAL & ENERGY OFFICE - NORTHERN WORKING FOR YOU.

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

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ARMY NET ZERO BLOGGERS ROUNDTABLE AND FINANCING OPTIONS

On April 5 2011, the Assistant Secretary of the Army for Installations, Energy and Environment, Ms. Katherine Hammack and the Deputy Assistant Secretary of the Army for Energy and Sustainability, Mr. [Richard G. Kidd IV](#), held a [bloggers roundtable](#). The purpose of the event was to discuss the announcement of the installations selected in the [Net Zero](#) Energy, Water and Waste competition. The initial plan is to have five installations in each of the three categories. The goal is to accomplish this by 2020. The Army is leveraging available authorities to fund this initiative for private sector investment, to include using [power purchase agreements \(PPA\)](#), [enhanced-use leases \(EUL\)](#), [energy savings performance contracts \(ESPC\)](#), and [utilities energy service contracts \(UESCs\)](#).

NREL HELPING US ARMY REACH NET ZERO BUILDINGS

The U.S. Department of Energy's (DOE) National Renewable Energy Laboratory (NREL) [announced](#) that the Agency is helping the U.S. Army with a [new program](#) that will have Army installations across the country implement their Net Zero programs. Funding from DOE's [Federal Energy Management Program \(FEMP\)](#) is enabling NREL to partner with the Army to jump start the "Army Vision for Net Zero" program. DoD is looking for ways to meet mandates to reduce energy as a required by Executive Order 13514, "[Federal Leadership in Environmental, Energy, and Economic Performance](#)". Installations provided NREL with information about command level support, their vision for net zero, a history of energy efficiency strategies, and any mission critical needs for moving forward. NREL will work with pilot Net Zero finalists on their [net zero](#) energy efforts.

DoD ENTERPRISE E-MAIL MIGRATION

As the Army proceeds forward with the [Enterprise E-mail migrations](#) to the Defense Information Systems Agency (DISA) messaging services, Aberdeen Proving Ground (APG) is email migration. The REEO-N staff email accounts have been converted. Please note our new e-mail addresses are shown in the adjacent contact directory listing. Please provide us a reply message after your e-mail address has been converted in order to continue receiving the Northern Region Review.

CELEBRATING 15 YEARS OF ARMY EARTH DAY

The front cover of this month's REVIEW features a unique collage of Army Earth Day posters that celebrates 15 Years of Army Earth Day and the Army's commitment to *Sustaining the Environment for a Secure Future*.



CONGRESSIONAL HEARING ON CHESAPEAKE BAY TMDL ISSUES

The following hearing is offered for regulatory situational awareness. On March 16, 2011, a *"Public Hearing to Review the Chesapeake Bay TMDL, Agricultural Conservation Practices, and their Implications on National Watersheds,"* took place before a subcommittee of the U.S. House of Representatives' Committee on Agriculture. Many [issues](#) regarding the Bay TMDL were [raised](#). USEPA representative, Deputy Administrator [Bob Perciasepe, testified](#) on the Bay restoration plan. [Read more witness testimony.](#)

HEARING ON H.R. 258

The following bill is pertinent to those installations with an area of responsibility surrounding the Chesapeake Bay Watershed and is intended for informational purposes. On April 7, 2011, a [hearing](#) occurred on [H.R. 258](#) *"Chesapeake Bay Accountability and Recovery Act of 2011."* This bill would require the Office of Management and Budget (OMB) to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, and would require the USEPA to develop and implement an adaptive management plan.

STAC MEETINGS ON CLIMATE CHANGE & CHESAPEAKE BAY

The following information is provided for climate change planning situational awareness. [STAC](#) is the Scientific and Technical Advisory Committee for the Chesapeake Bay Program. STAC's objective is to provide scientific and technical guidance to direct research, management actions, and communication between regional Bay stakeholders and management communities. On March 15-16 2011, STAC held a workshop on [Monitoring Progress in Addressing Climate Change across the Chesapeake Bay Watershed](#) and on March 22-23, 2011, held their annual [meeting](#) on the Chesapeake Bay Program.

NEW WATERSHED SCIENCE BULLETIN ON STORMWATER MANAGEMENT

The following journal will assist installations with their stormwater planning projects. This new journal is published semiannually, is peer-reviewed, and features practical, science-based solutions to watershed and stormwater management issues. The journal's mission is to synthesize both research and experience from these disciplines and transmit information to those who need it to protect and restore their watersheds. Click here for more information about the [Watershed Science Bulletin](#).

NEW VA STORM WATER PROJECT

The following stormwater project is a good case study for Chesapeake Bay Stormwater management. The Norfolk District is partnering with Richmond to design and construct major improvements to one of its vital stormwater management systems - the [Joseph Bryan Park Stormwater Management Project](#). The system leads directly to Chickahominy River, which is a branch of the James River, one of the largest tributaries of the Chesapeake Bay watershed.

NEW MD BAY PROTECTION PROJECTS

The following six Bay restoration projects provide an overview of Maryland Bay Enhanced Nutrient Removal (ENR) facilities. The Maryland Board of Public Works recently approved more than \$20 Million in grants for [six water projects](#) that will protect and restore the Chesapeake Bay. The projects will result in the reduction of nutrient and sediment pollution, improve sewer infrastructure, enhance water quality by upgrading wastewater treatment plants, and restore wetlands.

NEW CHESAPEAKE BAY LEGAL ALLIANCE

The Chesapeake Bay has a [new legal conservation resource](#) that will help with bay with preservation legal issues. The representation comes courtesy of the Chesapeake Legal Alliance, an organization created to help the Bay fight its legal battles against pollution, wetlands violations and habitat destruction. The Alliance is hosting a fund-raiser June 5 2011, at the Annapolis Maritime Museum. For more information on the group, visit www.chesapeakelegal.org.

UPCOMING NPDES TRAINING COURSES AND WORKSHOPS

The following information is provided for those that need to be informed on water quality issues surrounding the Chesapeake Bay Watershed. USEPA has issued several courses and [training workshops on the National Pollutant Discharge Elimination System](#) (NPDES) permitting program. The training courses, workshops, and webcasts explain the regulatory framework and technical considerations of the NPDES permit program.

DoD News

ASA IE&E ON FACEBOOK

The Office of the Assistant Secretary of the Army for Installations Energy and Environment ([ASA IE&E](#)) is now on [Facebook](#). Get the latest information on the Army's participation at Congressional hearings, recent visits to installations, related stories on Army sustainable energy progress and Net Zero installation pilot projects. OASA IE&E encourages everyone to go on line and "Like" the Facebook page.

2011 SECRETARY OF DEFENSE ENVIRONMENTAL AWARD TO APG

Congratulations to Aberdeen Proving Ground, MD for capturing the [2011 Secretary of Defense Environmental Award](#) for Sustainable Painting Operations for the Total Army, Environmental Excellence in Weapons Systems Acquisition - Small Program.

DRAFT GUIDANCE ON PESTICIDE GENERAL PERMIT

On March 15, 2011, the DoD Clean Water Act Services Steering Committee (CWA SSC) released a draft Pesticide General Permit (PGP) Fact Sheet (see Review pg. 10) in which the CWA SSC made several recommendations for installation pesticide responsible managers to prepare for the new PGP deadline. USEPA recently requested that the deadline be extended from April 9, 2011 to October 31, 2011. The PGP is for operators with point source discharges of biological or chemical pesticides that leave a residue to waters of the U.S. with 4 use patterns (mosquito and other flying insect pest control, weed and algae pest control, animal pest control, and forest canopy pest control). CWA SSC made the following recommendations determine if there is a need to do any of the four types of pest control and if so, determine total areas of treatment needed, establish relationship with installation CWA or pest management counterparts, contact the state to learn about state permit requirements, contact local legal counsel if concerned about state permit status or applicability, determine if Notice of Intent (NOI) for permit coverage is needed and who will submit it, make sure contracts are modified-ensure contractor compliance, and submit funding requests for pesticide discharge management plans or other permit requirements. In addition, if an Installation meets NOI Requirements they will need to coordinate with storm water POC and Integrated Pest Management Coordinator, submit NOI and write Pesticide Discharge Management Plan (PDMP), survey for pests, and keep pesticide usage records with required information and submit it annually.

FEDERAL ENVIRONMENTAL NEWS

NEW TOOL FOR CLEAN WATER VIOLATION TRENDS AND STATE ENFORCEMENT

The following notice is provided to give installation water quality managers insight into the most current USEPA audit trends in their state. On March 24, 2011, USEPA [released](#) an updated data and [mapping tool](#) designed to help those who monitor water quality compare water quality enforcement trends over the last two years. The web-based, interactive map includes "state dashboards" that provide detailed information for each state, including information on facilities that are violating the Clean Water Act and the actions states are taking to enforce the law. The state dashboards incorporate data for both large and small sources of water pollution, along with the latest information from the March 2011 release of USEPA's [2009 Annual Noncompliance Report \(ANCR\)](#). USEPA's Enforcement and Compliance Online ([ECHO](#)) database provides fast, integrated searches of USEPA and state data for more than 800,000 regulated facilities, including information on inspections, violations and enforcement actions.

USEPA'S AUDIT POLICY

The following notice is provided for compliance informational purposes. The [USEPA Audit Policy webpage](#) provides many informative links for preparing for upcoming audits. The USEPA Audit Policy, formally titled "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," safeguards human health and the environment by providing several major incentives for regulated entities to voluntarily come into compliance with federal environmental laws and regulations. Also see: [eDisclosure](#), [USEPA's policies and guidance](#).

NEW CHEMICAL REPORTING REQUIREMENTS

The following notice is relevant to those who research or develop chemical munitions. On April 6, 2011, USEPA [issued](#) a final rule that put in place procedures for reporting new [chemical notices](#) to the agency. The rule included a one-year phase out of paper reporting and a two-year phase out of optical disc reporting. Under the [Toxic Substances Control Act \(TSCA\)](#) chemical producers are required to submit new chemical notices, including pre-manufacture notices (PMNs), to USEPA at least 90-days (in the case of PMNs) prior to the manufacture or import of the chemical. Chemical producers are required to submit these notices using USEPA's electronic PMN software either on optical disk (for one more year) or via USEPA's Central Data Exchange ([CDX](#)).

CLEARER INSPECTION AUTHORITY FOR PHMSA

The following notice is provided for those who are responsible for the transport of hazardous materials. The Department of Transportation's (DOT) issued a final rule, that gives inspectors with DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) enhanced authority to open undeclared packages in a regulated shipment as well as packages in noncompliance with PHMSA's hazardous materials regulations (HMR) [[76 FR 11570](#), March 1, 2011]. The rule, which implements provisions of the 2005 Hazardous Materials Transportation Safety and Security Reauthorization Act, takes effect May 2, 2011.

CARGO TANK RISK ASSESSMENT

The following proposed rule is pertinent only to those who are responsible for the handling of hazardous material. PHMSA issued a proposed rule to amend the HMR to require each person (i.e., carrier or facility) who engages in cargo tank loading or unloading operations to perform a risk assessment of the loading and unloading operation and develop and implement safe operating procedures based upon the results of the risk assessment [[76 FR 13313](#), March 11, 2011]. The comment deadline is May 10, 2011.

APPROVAL OF NEW COOLANT HFO-1234yf

The following USEPA final approval is provided for those responsible for fleet management. USEPA has issued final approval for a new refrigerant for use in motor vehicle air conditioning systems that, USEPA says, does not deplete the ozone layer. The new chemical, [HFO-1234yf](#), may now be used in air conditioning for new cars and light trucks.

AIR REGULATIONS AND COMPLIANCE

The following four USEPA final rules are intended for those Managers that are responsible for complying with Title V regulations and any operator that is responsible for using fuel or waste burning equipment (boilers, incinerators, process heaters, etc.). Managers should assess their specific equipments' emissions exposure and/or obligations under these regulations well in advance of any deadlines for compliance. This assessment should include (a) identifying each material combusted by the equipment and determining whether it is a "fuel" or a "waste," (b) documenting the equipment's maximum heat input in million Btu per hour, (c) identifying whether the equipment is "new" or "existing," and (d) identifying the appropriate subcategory within the respective regulation. The four rules are as follows:

NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES

USEPA has issued a final rule regarding Section (129(a)(1)(A)) of the Clean Air Act (CAA), USEPA finalized revised standards and emission guidelines for new and existing commercial and industrial solid waste incineration (CISWI) units under Clean Air Act (CAA) § 129 in the wake of a court decision vacating its original rules on the ground that USEPA defined commercial and industrial solid waste incineration unit too narrowly [[76 FR 15704](#), March 21, 2011]. As a result of this error, units that should have been regulated under the CAA § 129 standard for incinerators were instead subject to CAA § 112, the National Emission Standards for Hazardous Air Pollutants (NESHAP) program, which is generally regarded as less stringent. The new CISWI standard applies to the following types of units that burn solid waste: incinerators, energy recovery units that combust solid waste, waste-burning kilns, and small, remote incinerators. Consistent with the requirements of CAA § 129, the rule establishes emission standards for the following pollutants emitted from new and existing CISWI units: particulate matter, lead, cadmium, mercury, dioxins/furans, carbon monoxide, nitrogen oxides, hydrogen chloride, and sulfur dioxide. The precise limits depend on the type of unit and whether it is a new or existing source. [USEPA fact sheet](#), see [GAO report](#) on USEPA's new rule. The final rule is effective on May 20, 2011.

NEW STANDARDS INDUSTRIAL COMMERCIAL AND INSTITUTIONAL BOILERS

USEPA has issued a final rule that revised maximum achievable control technology ([MACT](#)) standards for major sources in the industrial, commercial and institutional boiler and process heater category under the CAA § 112 National Emission Standards for Hazardous Air Pollutants program [[76 FR 15554](#), March 21, 2011]. A federal court vacated the original [[40 CFR Part 63](#)

[Subpart DDDDD](#)] rule when it vacated the rule for commercial and industrial solid waste incinerators (discussed above). The revised rule limits emissions of mercury, dioxin, particulate matter, hydrogen chloride, and carbon monoxide from numerous subcategories of boilers/process heaters (the limits differ depending on the type of fuel coal, biomass, liquid, and certain process gases and on the type of unit- stoker, fluidized bed, fuel cells, etc.). Certain smaller and/or less polluting units are subject only to work practice requirements. In particular, operators of new and existing boilers or process heaters with a heat input capacity of less than 10 million British thermal units (mmBtu) per hour must conduct a tune up once every two years; biennial tune-ups also are required for new and existing “limited use” boilers or process heaters. The revised MACT standard can be found on USEPA’s website at: www.epa.gov/airquality/combustion. Follow link for supplemental information <http://www.epa.gov/airquality/combustion/actions.html#feb11>. The final rule is effective on May 20, 2011.

NEW EMISSION STANDARDS FOR RECIPROCATING INTERNAL COMBUSTION ENGINES

USEPA has issued a final rule for existing stationary spark ignition [reciprocating internal combustion engines \(RICE\)](#) located at major and area sources of hazardous air pollutants (HAP). This action amends certain regulatory text to clarify compliance requirements related to continuous parameter monitoring systems and corrects minor typographical errors in the original final rule published on August 20, 2010 [[76 FR 12863](#), March 9, 2011]. If significant adverse comments are received on any or all amendments, USEPA will publish a timely withdrawal in the Federal Register clarifying which provisions will become effective and which provisions are being withdrawn due to adverse comment. The final rule is effective on May 9, 2011.

REPORTING EXTENSION FOR MANDATORY REPORTING OF GHG RULE

USEPA has issued a final rule [extending the deadline](#) for reporting 2010 data under the Mandatory Greenhouse Gas (GHG) Reporting Rule [[76 FR 14821](#), March 18, 2011]. Affected sources were originally required to report 2010 GHG emissions data by March 31, 2011. Through this final rule, USEPA has provided affected sources until September 30, 2011 to submit their data. Sources must register with USEPA’s online reporting system, the [Electronic Greenhouse Gas Reporting Tool \(e-GGRT\)](#), by August 1, 2011, 60-days before the extended reporting deadline. The extension of the reporting deadline does not waive the requirement to continue to monitor and record GHG emissions data in the interim. The rule merely defers the date by which 2010 data must be submitted to USEPA. Deferring the reporting date will enable reporters to test e-GGRT, provide feedback to USEPA on the tool, and allow USEPA to make refinements prior to the September 30, 2011 reporting deadline.

NATIONAL STANDARD FOR MERCURY POLLUTION

The following proposed rule pertains to those whose area of responsibility involves Title V Air Quality compliance and is for situational awareness and informational purposes. This rule gives insight into the current USEPA regulatory toxic air pollutants direction. USEPA has issued a [proposed rule](#) to create [First National Standard for Mercury Pollution from Power Plants](#). USEPA intends to propose standards to limit mercury, acid gases and other toxic pollution from power plants, keeping 91 percent of the mercury in coal from being released to the air. Currently, there are no national limits on the amount of mercury and other toxic air pollution released from power plant smokestacks. For more information see [regulatory impact analysis](#).

USEPA PUBLISHES U.S. GREENHOUSE GAS INVENTORY REPORT

On April 18, 2011, USEPA released the 16th Annual U.S. Greenhouse Gas Inventory. The [final report](#) shows overall emissions during 2009 decreased by 6.1 percent from the previous year. The Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2009 tracks annual greenhouse gas emissions at the national level and presents historical emissions data. The inventory also calculates carbon dioxide emissions that are removed from the atmosphere by "sinks," e.g., through the uptake of carbon by forests, vegetation and soils.

OSHA ENFORCEMENT GUIDANCE FOR PERSONAL PROTECTIVE EQUIPMENT

The following guidance is intended for those installation managers who maintain personal protective equipment (PPE) and provide for occupational compliance. The Occupational Safety and Health Administration (OSHA) recently [issued](#) a [directive](#) containing its general enforcement and guidance policy for PPE standards titled, “[Enforcement Guidance for Personal Protective Equipment in General Industry](#).” The directive was effective Feb. 10, 2011. In the past several years, OSHA revised and updated the general standards on PPE and issued a rule clarifying requirements for PPE in addition, various court and review commission decisions have been issued concerning PPE. These changes are reflected in the new guidance which contains inspection guidelines for each element of OSHA’s PPE rule (general PPE mandates, hazard assessment and PPE selection, PPE training, and specific PPE requirements, e.g., eye and face, respiratory, head, foot, electrical equipment, hand, and hearing guidelines). See supplemental [DoD Guidance](#).

ENERGY NEWS

CLEAN FLEET PARTNERSHIP

The following information is provided for those responsible for federal fleet management. On April 1, 2011, President Obama [unveiled](#) his green fleet initiative which ensures that by 2015, all new vehicles purchased for America's federal agencies will be electric, gas-electric hybrid, or alternatively fueled. Since taking office, President Obama has doubled the number of hybrids in the government's fleet of 600,000 vehicles. Click here to see the [remarks by the President on the Clean Fleet Partnership in Landover, Maryland](#).

DOE RELEASES NEW RESOURCES TO HELP ADVANCE SOLAR ENERGY

The following DOE reports are intended to assist installation sustainability managers in evaluating solar options with developing their Net Zero energy use profiles. The U.S. Department of Energy's (DOE's) Solar Energy Technologies Program has recently released two resource guides intended to help communities accelerate adoption of solar energy. Both publications support [DOE's SunShot initiative](#) of reducing the cost of solar energy systems by 75% before 2020. The first resource is an update to the Solar Program's ["Solar Powering Your Community: A Guide for Local Governments."](#) The guide is designed to assist local communities in building sustainable local solar markets and reducing costs at the local level through streamlined permitting and licensing of solar installations. DOE also released ["A Guide to Community Solar: Utility, Private, and Non-profit Project Development."](#) The guide presents detailed information and resources for three solar sponsorship models.

NEW PROGRAM FOR CLEAN ENERGY INNOVATION AND ENERGY SECURITY

The following DOE notice is intended to promote energy innovation and awareness. In March 2011, President Obama announced the [i6 Green Challenge Program](#). The i6 Challenge is a multi agency sponsored energy innovation program that has \$12 million in funding support. The funding will support awards for six teams around the country with the most innovative ideas to drive technology commercialization and entrepreneurship in support of energy security, increased U.S. competitiveness and new jobs. In order to be eligible for DOE funding, applicants will be required to demonstrate innovation in the areas of renewable energy, energy efficiency, or green building technology. The Federal Funding Opportunity notice and application information on i6 Green is available at www.eda.gov/i6. The deadline to submit an application is May 26, 2011.

CHANGES TO THE INTERNATIONAL GREEN CONSTRUCTION CODE (IGCC)

The following notice is intended to notify installation sustainability managers about pending changes to IGCC standards. USDOE's Office of Energy Efficiency and Renewable Energy, is requesting input on potential proposed changes to the draft [International Green Construction Code](#) (IGCC) [76 FR 13101, March 10, 2011]. The first edition of the IGCC is currently being developed by the International Code Council (ICC) for anticipated publication in 2012.

ZERO ENERGY COMMERCIAL BUILDING REPORTS

The following two reports are for those responsible for implementing new Net Zero requirements. Two [new reports](#) from the Zero Energy [Commercial Buildings Consortium](#) (CBC) on achieving net-zero-energy use in commercial buildings were recently released, [Next Generation Technologies Barriers and Industry Recommendations for Commercial Buildings](#), and [Analysis of Cost & Non-Cost Barriers and Policy Solutions for Commercial Buildings](#).

CLEAN ENERGY COLLABORATIVE PROCUREMENT INITIATIVE

The following initiative is provided as an informational energy resource tool for the development of Net Zero programs. USEPA has launched a [clean energy collaborative procurement initiative](#) that is supported by USEPA's Green Power Partnership, this initiative provides a collaborative platform for deploying clean energy technologies across multiple government and educational organizations for maximum impact on installed solar system capacity, local economic activity, and the regional environment.

USACE COMMENT REQUEST ON HYDROKINETIC ENERGY PERMITTING

The following two Federal Register notices are provided for installations with Coastal Zone Management (CZM) and wind energy issues. In February 2011, both the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) and the U.S. Army Corps of Engineers (USACE) each issued a Notice of Proposed Rulemaking (NPR). BOEMRE's proposed rule [76 FR 8962, Feb. 16, 2011] would cut out redundancy in the leasing process by eliminating the need for issuance of a second notice following receipt of an unsolicited request for a noncompetitive lease. The USACE proposed rule [76 FR 9174, Feb., 16, 2011] would create a new nationwide permit (NWP) for hydrokinetic or offshore wind pilot projects. A NWP authorizes activities on a national level

and activities that satisfy the requirements and conditions of the nationwide permit do not require individual processing or permits. It is important to note that the general conditions for all nationwide permits would apply to the new NWP, including [condition 25](#). Because the new NWP has not previously received a state coastal zone management consistency concurrence, condition 25 would require that one be obtained or a presumption of concurrence must occur. The requirement for a consistency determination under [Section 307\(c\)\(1\) of the Coastal Zone Management Act](#) permits coastal states to propose additional conditions on the new NWP that would apply to development in that state. Although all of the western coastal states and Maine have signed memoranda of understanding with the Federal Energy Regulatory Commission (FERC) to advance [hydrokinetic energy projects](#), and many east coast states like [New Jersey](#) have taken steps to incentivize the development of offshore wind, the states will have an opportunity to change how the new NWP is implemented once adopted. Comments on the USACE NOPR were due April 18, 2011.

NEPA INNOVATION REQUEST

The following notice is for those environmental managers who are familiar with NEPA requirements and who want to provide input on NEPA innovation. On March 17, 2011, the White House Council on Environmental Quality (CEQ) issued a notice to Federal agencies requesting for the nomination of projects that use innovative approaches to increase the efficiency of environmental reviews under the National Environmental Policy Act (NEPA) [[76 FR 16391](#), March 23, 2011]. As part of CEQ's efforts to modernize and reinvigorate Federal agency implementation of NEPA and encourage innovation, CEQ will track and publicize the progress of the selected pilot projects to identify and promote more efficient ways to do effective environmental reviews.

MOU ON NON-FEDERAL HYDROPOWER PROJECTS

The U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission ("FERC") signed a [Memorandum of Understanding on non-federal hydropower projects](#) in March 2011. Both the USACE and FERC have various permitting and/or oversight responsibilities related to non-federal hydropower projects. The agencies have determined that it is in their mutual interest to coordinate their respective regulatory rules associated with the authorizations required to construct and operate non-federal hydropower. An objective of the MOU appears to be ensuring their review and responsibilities under the National Environmental Policy Act and related statutes are met in connection with the authorizations required to construct and operate hydropower facilities licensed by FERC.

GREEN GOVERNMENT REPORT

The following report reflects the status of green government progress and is provided for informational purposes. The Congressional Research Service (CRS) recently released a [report](#) that examines incentives for and barriers to federal agencies achieving the energy efficiency goals and greenhouse gas (GHG) reduction targets outlined in recent laws and executive orders.



REGIONAL

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

MID-ATLANTIC OFFSHORE WIND PROJECT DEVELOPMENT

The following information on Wind Energy issues are provided for regional energy issue awareness. Secretary of the Interior Ken Salazar and Secretary of Energy Steven Chu recently [announced](#) funding totaling more than \$50 million for offshore wind technology development. Secretaries Salazar and Chu also announced four high-priority sites for wind [project development off the coasts of Delaware, Maryland, New Jersey, and Virginia](#). Department of Interior (DOI) also expects to identify wind energy areas off of North Atlantic states, including Massachusetts, Rhode Island and [Maine](#) and plans to launch additional NEPA environmental reviews for those areas. The Obama Administration also recently released an offshore wind development plan, [A National Offshore Wind Strategy: Creating an Offshore Wind Industry in the United States](#), designed to address the many challenges facing the offshore wind industry.

NEW REQUIREMENTS FOR PESTICIDE GENERAL PERMITS

On March 15, 2011, the DoD Clean Water Act Services Steering Committee (CWA SSC) released a draft Pesticide General Permit Fact Sheet (see Review pg 4) making several recommendations for installation pesticide managers to prepare for the new deadline. USEPA recently requested that the deadline be extended from April 9, 2011 to October 31, 2011. If a Mid-Atlantic installation or federal facility falls within the following states: Delaware, District of Columbia Massachusetts, New Hampshire, Puerto Rico, and Vermont then USEPA is the permitting authority. On April 1, 2011, [USEPA posted](#) a pre-publication version of its draft final pesticide general permit for discharges of pesticide applications to U.S. waters. The following documents provide a preview of the final pesticide general permit: [Pre-publication Version of EPA's Draft Final Pesticide General Permit \(PDF\)](#), and [Questions and Answers on the Pre-publication Version of EPA's Draft Final Pesticide General Permit \(PDF\)](#).

SIPS FOR 1997 OZONE STANDARD

USEPA issued a proposed rule to approve submittals of [Infrastructure State Implementation Plans](#) (SIPs) for the 1997 Ozone Standard, from the states of [Connecticut, Maine, New Hampshire](#) and Rhode Island [[76 FR 16358](#), March 23, 2011]. These submittals outline how each state's SIP meets the requirements of section 110(a) of the Clean Air Act (CAA) for the [1997 8-hour ozone](#) national ambient air quality standards (NAAQS). [Section 110\(a\)](#) of the CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of [each NAAQS](#) promulgated by USEPA. The comment period closes on April 22, 2011.

PROPOSED STORMWATER CONSTRUCTION GENERAL PERMIT

On April 15, 2011, USEPA [issued a notice](#) on a [draft permit for the discharge of stormwater from construction sites](#) and also issued a request for public comment. The comment period on the draft permit is 60 days. USEPA anticipates that it will issue the final construction general permit by January 31, 2012. The current permit is scheduled to expire on June 30, 2011. Many of the new permit requirements implement new effluent limitations guidelines and new source performance standards for the construction and development industry that became effective on February 1, 2010. The permit will be effective in areas where USEPA is the permitting authority, including Massachusetts, New Hampshire, Washington, D.C., most territories, and most Indian country lands.

NEW WATER QUALITY CRITERIA FOR TOXIC POLLUTANTS

The following regional item which involves the states of Pennsylvania, New Jersey, and New York as well as Delaware is provided for those installations that are within the Delaware Bay watershed. The Delaware River Basin Commission ([DRBC](#)) has issued a [final rule](#) that amends the [Water Quality Regulations, Water Code and Comprehensive Plan](#) to update water quality criteria for toxic pollutants in the Delaware estuary and extend these criteria to Delaware Bay. [[76 FR 6636](#), [76 FR 16285](#) March 23, 2011]. This final rule does not include the PCB components, they will be included in a separate rulemaking, under a total maximum daily load (TMDL) process. The final rule went into effect on March 23, 2011. The rule will be final in each respective state after DRBC has filed with each state member.



REGION 1

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



CONNECTICUT

FINAL 2011 REVISIONS TO CONNECTICUT WATER QUALITY STANDARDS

The Connecticut Department of Environmental Protection (CTDEP) issued a final rule that adopts several revisions to the state [Water Quality Standards 2011](#). Under the federal Clean Water Act, CTDEP is required to periodically review the state Water Quality Standards. The [2011 revisions to the state's Water Quality Standards](#) were submitted in January 2011 for approval by USEPA Region 1. USEPA reviewed and approved the revised standards for Numerical Water Quality, Criteria for Chemical Constituents, Nutrients, and temperature. These revisions were incorporated into the water classification maps. Army activities potentially exceeding the newly adopted water quality standards will need to readdress their allowable discharges. The final rule was adopted on March 8, 2011.



MAINE

NEW UST OPERATOR TRAINING RULES

The Department of Environmental Protection (DEP) issued a [proposed rule](#) referred to as Chapter 693, UST Operator Training. This rule establishes new training requirements for operators of underground oil storage facilities regulated under (38 MRSA Sect. 561 through 570 L) and underground hazardous substance storage facilities regulated under Rules for Underground Hazardous Substance Storage Facilities, (06 096 CMR 695). The training requirements specified in the proposed rule are modeled after guidelines provided by USEPA ([Grant Guidelines to States for Implementing the Operator Training Provision of the Energy Policy Act of 2005](#) (August 2007)). The proposed rule establishes three operator classes (A, B, and C) and sets out the specific training requirements for each class of operator. The rule also requires the department to develop and administer operator training and testing requirements. Based on those requirements for training, as stipulated in the rule proposal, this regulation has the potential to impact Army National Guard personnel responsible for storage tanks. The comment deadline was recently extended to May 11, 2011.



MASSACHUSETTS

PROPOSED FINANCING FOR DREDGING PROJECTS

On April 5, 2011, House bill [H 2746](#) was referred to the Joint Committee on Environment, Natural Resources and Agriculture. H 2746 has language within that directly pertains to the US Army Corps of Engineers and relates to the financing of Department of Environmental Protection for repairs and dredging projects improvements to the harbors and inland waterways.

PROPOSED DIESEL RETROFIT REQUIREMENTS

On March 22, 2011, House bill [H 2449](#) was referred to the Joint Committee On Environment, Natural Resources and Agriculture. H 2749 [companion bill is [S 357](#)] relates to diesel fuel and diesel exhaust stipulations including retrofit requirements. Exemptions for emergency and other vehicle were noted in the bill text. However, there were no noted exemptions for military tactical vehicles or otherwise. Comments requesting standard military exemptions will need to be submitted.



NEW HAMPSHIRE

ATTAINMENT REACHED FOR 1997 OZONE NAAQS

USEPA issued a final rule which approves the Boston-Manchester-Portsmouth (SE), New Hampshire moderate 1997 8-hour ozone nonattainment area of the National Ambient Air Quality Standard (NAAQS) for ozone [76 FR 14805, March 18, 2011]. This determination is based upon complete, quality-assured, certified ambient air monitoring data that show the area has monitored attainment for the 2007-2009 monitoring period. Preliminary data available for the 2010 ozone season is consistent with continued attainment. Under the provisions of USEPA's ozone implementation rule, the requirements for this area to submit an attainment demonstration, a reasonable further progress plan, contingency measures, and other planning State Implementation Plans related to attainment of the 1997 8-hour ozone NAAQS are suspended for so long as the area continues to attain the 1997 ozone NAAQS. The final rule became effective on April 18, 2011.

VOC RACT RULEMAKING

The Department of Environmental Services issued a [proposed rule](#) on the control of emissions from volatile organic compounds (VOCs) from certain processes by incorporating established Reasonably Available Control Technology (RACT). This rule would restructure the rules from Part ([Env A 1204](#)) to Chapter (Env A 1200) the rule is being amended to incorporate recommendations contained in nine USEPA Control Technique Guidelines (CTGs) in order to reduce ozone in non-attainment areas. In 2006, 2007 and 2008, USEPA adopted new CTGs with recommended control options for various categories of sources of VOCs based on RACT. Information was conveyed in an earlier Alert to in-state Army POCs, soliciting request for comment. The comment period closed on April 11, 2011.

STATEWIDE PERMIT SYSTEM

DES issued a [proposed rule](#) (pg. 10) [[Env-A 600](#)] that re-adopts rules that establish a state wide permit system for the construction, operation, and modification of new and existing stationary sources, area sources, and devices in order to achieve and maintain ambient air quality standards and the ambient air limits for regulated toxic air pollutants. These amendments are intended to address recent changes made by the USEPA that establish permitting requirements for greenhouse gas emissions under the Prevention of Significant Deterioration (PSD) and Title V permitting programs. These rules are set to expire on April 26, 2011. Therefore this interim rule has been proposed to preserve the current rules until the rulemaking process is complete. The Joint Legislative Committee on Administrative Rules (JLCAR) review was April 15, 2011. Rule re-adoption will not impact military activities and is only provided for situational awareness.

AIR PERMIT APPLICATION FORMS

DES issued a [proposed interim rule](#) [INT 2011-7] relating to Permit Application Forms. This rule would re-adopt the rules that identify the information that is required on applications submitted to the Department for air related permits. The current rules are set to expire on May 3, 2011. The proposed JLCAR review date was April 15, 2011. Potential impact to military installations would be on air permit procedures. This interim rule would readopt the relevant rules until the amended rules can be adopted.



RHODE ISLAND

OCEAN SAMP AND MARINE TRANSPORTATION

The following notice is provided for situational awareness and to inform operators of Army marine vessels that current Marine transportation routes are being analyzed and researched under the Ocean Special Area Management Plan (Ocean SAMP) to determine areas where wind farm citing would present a significant obstruction to navigation. Specifically, ([chapter-7](#)) pertains to commercial, military, government and support vessels, and infrastructure that comprise the SAMP area elements of the nation's marine transportation system within the Ocean SAMP. A public hearing is scheduled for April 26, 2011.

OCEAN SAMP CONFORMANCE WITH CZMA

Coastal Resources Management Council (CRMC) issued a [proposed rule](#) which makes several revisions to the State's [Ocean SAMP](#) in response to comments received from the NOAA Office of Ocean and Coastal Resource Management, to address issues that would bring the plan into conformance with federal Coastal Zone Management ACT ([CZMA](#)) requirements. A public hearing is scheduled for April 26, 2011.



VERMONT

NEW STANDARDS FOR ABOVE GROUND STORAGE TANKS

The Agency of Natural Resources (ANR) issued a [proposed rule](#) establishing new standards for the design, installation, operation and maintenance, monitoring and closure of above ground storage tanks (ASTS). In addition, the rule outlines emergency and cleanup measures from leaks and would affect petroleum distributors, building contractors, plumbing and heating contractors. The ASTS rule comment deadline is May 13, 2011. Informational hearings are scheduled for, April 25, 27, and May 2, 4, 2011.

NEW REQUIREMENTS FOR UNDERGROUND STORAGE TANKS

ANR issued a [proposed rule](#) amending rules regarding underground storage tanks (UST), including installation and operation of tank systems that store gasoline, diesel fuel, heating oil, kerosene, used oil and other hazardous materials. In addition, the rule would add new requirements that tanks at marinas be constructed in accordance with a newly established industry standard. The UST proposed rule comment deadline is May 13, 2011. Informational hearings are scheduled for, April 25, 27, and May 2, 4, 2011.

PROPOSED ENDANGERED STATUS FOR BROWN BAT

ANR issued a [proposed Endangered and Threatened Species Rule](#) on nine bat species in Vermont. The rule proposes to list the Little Brown Bat (*Myotis lucifugus*) and the Northern Long-Eared Bat (*Myotis septentrionalis*) as state endangered. The species' continued existence in Vermont is in jeopardy as a result of White Nose Bat Syndrome (WNS). Builders, developers and wind energy developers may be impacted. If this rule passes an education campaign will be undertaken by the agency. A hearing is scheduled for May 10, 2011. The comment period closes on May 17, 2011. This notice is intended for situational awareness. Potential impact may result in state activities requiring an adjustment of mission training.



REGION 2

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



NEW YORK

SIP APPROVAL FOR 2002 BASE YEAR EMISSION INVENTORY

USEPA issued a proposed rule approving portions of a proposed State Implementation Plan (SIP) revision submitted by New York that are intended to meet several Clean Air Act requirements for attaining the 0.08 part per million 8-hour ozone national ambient air quality standards [76 FR 17808, March 31, 2011]. USEPA is proposing to approve the 2002 base year emission inventory and the projection year emissions, the motor vehicle emissions budgets used for planning purposes, the reasonable further progress plan, and the contingency measures as they relate to the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Poughkeepsie [8-hour ozone moderate nonattainment areas](#). The comment period closes on May 2, 2011.

CHANGES TO ENVIRONMENTAL ASSESSMENT FORMS

NYDEC issued a [proposed rule](#) of the Environmental Assessment Forms (EAF), long and short versions, amending 6NYCRR Part 617, appendices A-C. The EAF's are model forms promulgated by NYDEC and appended to the State Environmental Quality Review Act (SEQR). The EAF's are used by agencies and boards involved in the SEQR process to assess the environmental significance of actions they may be undertaking, funding or approving. The new forms would include new emerging environmental issues such as climate change, energy conservation, environmental justice, coastal zone management, and pollution prevention. This EAF information is provided for situational awareness purposes.

AIR PERMITS AND NSR REQUIREMENTS FOR NEW FACILITIES

The Department of Environmental Conservation (DEC) issued an emergency rule adoption, (effective date: March 28, 2011 through May 27, 2011) amending [Part 200 General Provisions, Part 201 Permits and Registrations, and Part 231, New Source Review \(NSR\) for New and Modified Facilities](#) of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York. The Part 200 amendments revise the definitions of potential to emit and PM 2.5 and add definitions for greenhouse gases and CO2 equivalent. This rule incorporates the USEPA's NSR final rules for the regulation of PM-2.5 and incorporates conforming provisions to USEPA's GHG Tailoring Rule. These rules went into effect on March 28, 2011. Hearings are scheduled for June 1-3, 2011. Newly proposed emission standards and potential to emit definitions warrant evaluation for those facilities determined as "New and/or Modified Facilities," as governed by Parts 200, 201, and 231 of Title 6. Comments are solicited from DoD personnel. Public hearings can be the platform for air comments.



NEW JERSEY

WATER SUPPLY ALLOCATION PERMIT RULES

Department of Environmental Protection (DEP) issued a [proposed rule](#) and a notice of extension of expiration date, for Water Supply Allocation Permits rules. The allocation rules establish standards and procedures for water privileges and capabilities to divert (for non-agricultural purposes) more than 100,000 gallons of water per day, or more than 50,000 gallons per day in the Highlands Preservation Area, through permits or registrations. The chapter rules expire on February 23, 2012. The potential impact may have implications for Picatinny Arsenal. However, the Water Allocation Permitting issue is still being worked and in state DoD constituents are being advised to not pay Water Allocation Permits fees until the issue is settled within DoD.

CLEAN AIR COUNCIL HEARINGS

The New Jersey Clean Air Council (Council) issued [several hearing date notices](#) recently holding a hearing on April 13, 2011, the topic being "The Cumulative Health Impacts of Toxic Air Pollutants on Sensitive Subpopulations and the General Public." Currently, air pollution control in New Jersey is governed by the practice of regulating each pollutant individually, with no specific guidelines for considering the cumulative health impacts of multiple chemical and nonchemical stressors. For further information on remaining hearings visit the [Council's website](#). Forecasted dates of public meetings/hearings are posted and may be of interest for in-state DoD Air POCs to attend.

HIGHLANDS CONSERVATION TRUST

On March 7, 2011, Senator McKeon [D] introduced [A 3884](#), a bill that would create the Highlands Conservation Trust. The purposes of the trust would be to acquire and hold, or acquire and convey to other governmental entities or to qualified nonprofit organizations, environmentally important, valuable, or sensitive lands located in the New Jersey Highlands Region. These lands would be permanently preserved and managed in their natural state or in a largely natural or undeveloped state for the purposes of conservation. Any lands acquired by the trust would become exempt from taxation and the payment of any in lieu of tax obligation upon the date of acquisition. If bill is passed, Picatinny Arsenal and the Army's ACUB Program may take advantage of partnerships that may be arranged to preserve lands adjacent to the Arsenal.



REGION 3

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



DISTRICT OF COLUMBIA

WATER AND SEWER SERVICE RATES

The District of Columbia Water and Sewer Authority issued a [proposed rulemaking](#) that would amend regulations concerning the rates for water and sewer services. Specifically, the proposed rulemaking amends the Water and Sanitary Sewer Service rates, Impervious Surface Area charge, right of way occupancy fee, and payment in lieu of taxes fee and definitions. The comment deadline closes on May 9, 2011 and a public hearing is scheduled for May 11, 2011 [[Vol. 58, No. 13 DCR, April 1, 2011](#)] (pg. 002824). This rulemaking may increase the DC water bills currently paid by military facilities within the District.



DELAWARE

COASTAL ZONE MANAGEMENT ACT FEDERAL CONSISTENCY

As dictated by the National Oceanic and Atmospheric Administration (NOAA) under Federal Consistency Regulations (15 CFR 930 subpart D), the Delaware Department of Natural Resources and Environmental Control issued a [proposed rule](#) that updates the existing list of Federal licenses and permits for which Delaware Coastal Management Program (DCMP) conducts [Federal Consistency](#) reviews [7 DAC 5104]. In addition, the proposed rule establishes a new list of federal activities occurring outside of state boundaries for which DCMP will conduct Federal Consistency reviews. A public hearing was held on March 22, 2011 and the comment period closed on March 30, 2011. This rule will likely improve clarity of the Federal Consistency reviews being conducted for military installations within DE.



VIRGINIA

EXTENSION FOR PESTICIDE GENERAL PERMIT

Virginia Department of Environmental Quality (DEQ) issued a [final rule](#) suspending the effective date of [9VAC25-800], the Virginia Pollutant Discharge Elimination System (VPDES) Pesticide General Permit (PGP) for Discharges resulting from the application of pesticides to surface waters. On March 28, 2011, the 6th Circuit Court of Appeals granted a USEPA request for an extension date for the PGP from the April 9, 2011 original deadline, as previously reported in the March 2010 Northern Review, until October 31, 2011. DEQ has suspended the effective date of [9VAC25-800] to be consistent with the 6th Circuit Court's ruling. On April 14, 2011, the State Water Control Board readopted the PGP regulation with a revised effective date of October 31, 2011, and a revised expiration date of December 31, 2013. 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.

GENERAL CONFORMITY REGULATIONS

DEQ issued a [final rule](#) (pg 1058) revising the Virginia regulation for General Conformity [[9VAC5-160](#)] to meet new Federal requirements. The Clean Air Act requires that Federal agencies make determinations that general Federal actions, such as prescribed burning, military base closings, and real estate developments, conform to Virginia's State Implementation Plan (SIP) for air quality. In addition, several new definitions were incorporated into the final rule. The final rule went into effect on March 8, 2011. This rule is provided as general awareness for military air program managers.

HAZARDOUS WASTE MANAGEMENT

DEQ's Waste Management Board issued a [final rule](#) that [amends](#) [9VAC20-60,-18,-260,-261, and-60-270] by incorporating federal regulatory text at Title 40 of the Code of Federal Regulations [73 FR 64757 – 64788]. The rule provides for the adoption of more stringent conditions applicable to comparable rules that were promulgated concurrently with the Emission Comparable Fuel exclusion on December 19, 2008. The final rule went into effect on March 2, 2011. Limited to no impact to military installations since the rule's primary focus is to change VA's incorporation by reference date to agree with date published by EPA in the CFR

HAZARDOUS AIR POLLUTANTS

DEQ/Air Pollution Control Board issued a [final rule](#) (pg. 1978) that incorporates 5 new maximum achievable control technology (MACTs) for, Chemical Manufacturing Area Sources, Asphalt Processing and Asphalt Roofing Manufacturing Area Sources, Paints and Allied Products Manufacturing Sources, Chemical Preparations Industry Area Sources, and Prepared Feeds Manufacturing Area Sources. The final rule went into effect on March 2, 2011. The potential impact of this rule to military installations is that certain chemical manufacturing area sources, if present, may require new MACTs.



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.b.guldenzopf.civ@mail.mil



ILLINOIS

COUNTY-WIND FARM REGULATION

On April 14, 2011, the Illinois Committee on Counties and Townships considered [H 230](#) and recommended the bill be adopted. Bill H230 amends the Counties Code. [Specifically](#), it provides that a county may not limit the height of a renewable energy system that is used exclusively by an end user other than using the setback of 1.1 times the height of the system from the end user's property line. Further, it provides that permits for the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used for renewable energy by an end user shall be free. In addition, this bill provides that a county may not impose regulations on structures or devices, eliminate uses, buildings, or structures, or require permits with respect to structures or devices used for any renewable energy system that is used exclusively by an end user. Bill H230 may complicate energy project siting coordination and the analysis of impacts to military radar and flight paths.

LIABILITY AND COST RECOVERY RULES FOR THE SITE REMEDIATION PROGRAM

On March 17, 2011, the House Rules Committee read and considered [H 250](#), a bill to amend the Environmental Protection Act concerning the Site Remediation Program. Specifically, it provides that certain limitations on liability and cost recovery for site remediation do not apply to sites that are subject to any remediation or remedial activity regulated under a State program authorized, approved, or delegated pursuant to any federal environmental statute or that do not qualify to participate in the Site Remediation Program. H 250 also provides that sites, subject to post closure, corrective action, or remediation requirements under certain federal or State solid hazardous waste laws, do not qualify to participate in the Site Remediation Program. Bill H250 will likely not have significant impact to military installations as most military restoration projects are federally funded. However, this bill could impact facilities conducting cleanups solely under the State Site Remediation Program

MUNICIPAL CODE WIND FARM ZONING EXCLUSION ACT

On April 12, 2011, Senate bill [S 167](#) passed the Senate with a vote of 46-4 and was sent to the House Committee on Environment and Energy. This bill, as amended by the Senate Committee (Amendment #1), amends the Illinois Municipal Code. Specifically, it provides that a municipality may regulate wind farms and electric generating wind devices without creating a zoning commission or adopting a zoning ordinance for the entire municipality when considering certain siting issues. It also provides that the authorization applies to ordinances adopted before, on, or after the effective date of the amendatory Act by a municipality to regulate wind farms and electric generating wind devices within 1.5 miles of the corporate boundaries of the municipality. In addition, this bill provides that except for permitted wind farms, any ordinance shall preempt county zoning regula-

tions and no siting approval shall be required within 1.5 miles of the municipality. This bill could complicate DoD efforts for early coordination of energy project siting and efforts to avoid unacceptable impacts to military operations. A hearing is scheduled for April 27, 2011.

ENVIRONMENTAL JUSTICE ACT

On April 15, 2011 [Senate bill 2193](#) was placed on the Senate calendar for a first Reading and is currently in the House awaiting committee assignment. S 2193 would create a Commission on Environmental Justice and established its composition, duties and powers. It also provides for public participation in decisions affecting environmental justice communities. It could be expected to create increased environmental justice considerations especially for military facilities located in environmental justice communities. The bill passed the House and is pending in the Senate.

ENERGY COMPLIANCE PLANNING ASSISTANCE REPORT

The [Building Codes Assistance Project](#) (BCAP's) completed the Illinois Gap Analysis report as a part of the [Compliance Planning Assistance](#) (CPA) Program. This gap analysis report analyzes the strengths and weaknesses of energy code adoption and implementation in the State of Illinois. The report also recommends potential actions state agencies, local jurisdictions, and other stakeholders can take to achieve 100% compliance with model energy codes. [This report](#) was prepared by BCAP for the Department of Energy and has the potential to impact future energy code requirements within the State.



NPDES PESTICIDE GENERAL PERMIT

The Indiana Department of Environmental Management (IDEM) [issued](#) a draft NPDES [Pesticide General Permit](#) (PGP) to establish additional [requirements](#) for point source discharges from the application of pesticides to waters of the state. IDEM accepted public comments on the draft rule until April 4, 2011. USEPA has authorized IDEM to issue the NPDES PGP to regulate the application of biological, and chemical pesticides, used for mosquito and other flying insect pest control, aquatic weed and algae control. USEPA issued an extension date for the PGP to October 31, 2011. This rule has the potential to impact military facilities NPDES permits by requiring new permit conditions for application of pesticides to the water of the State including mosquito or flying insect pest management, aquatic weed and algae control and forest canopy pest control. The following USEPA documents provide a preview of pesticide general permit guidance. [Pre-publication Version of EPA's Draft Final Pesticide General Permit \(PDF\)](#), [Questions and Answers on the Pre-publication Version of EPA's Draft Final Pesticide General Permit \(PDF\)](#).

NEW DETERMINATION OF ATTAINMENT OF THE 1997 ANNUAL FINE PARTICLE STANDARD

The following Federal Register notice is a new air attainment status provided for situational awareness for military facilities within the Louisville, KY area. USEPA issued a final rule determining that the bi-state Louisville (Indiana and Kentucky) fine particle (PM_{2.5}) nonattainment area has attained the 1997 annual average PM 2.5 National Ambient Air Quality Standard (NAAQS) [[76 FR 12860](#), March 9, 2011]. This determination is based upon complete, quality-assured, and certified ambient air monitoring data for the 2007-2009 period showing that the area has monitored attainment of the annual PM 2.5 NAAQS. Preliminary data for 2010 available to date are consistent with continued attainment. Requirements for submittal of an attainment demonstration and associated reasonably available control measures (RACM), a reasonable further progress (RFP) plan, contingency measures, and other planning State Implementation Plan (SIP) revisions related to attainment of the standards are suspended so long as the area continues to attain the annual PM_{2.5} NAAQS. This final rule became effective on March 9, 2011.



H 4043 ENVIRONMENTAL PERMITS

On March 23, 2011, House bill [4043](#) was reported out of the Committee on Regulatory Reform with a recommendation with substitute (H-2). H 4043 would require the department to meet with permittees prior to initiating an enforcement action. This bill, if passed, could provide military permit holders with an additional opportunity to resolve environmental compliance issues prior to the issuance of an enforcement action.

MI ENERGY COMPLIANCE PLANNING ASSISTANCE REPORT

The [Building Codes Assistance Project](#) (BCAP's) completed a Michigan Gap analysis report as part of the [Compliance Planning Assistance Program](#) (CPA). This gap analysis report analyzes the strengths and weaknesses of energy code adoption and implementation in the State of Michigan. The report also recommends potential actions state agencies, local jurisdictions, and other stakeholders can take to achieve 100% compliance with model energy codes. [This report](#) was prepared by BCAP and the Michigan Department of Energy, Labor & Economic Growth for the United States Department of Energy and its finding may impact future energy code requirements within the State.



NEW NPDES PERMIT REQUIREMENTS FOR PESTICIDE GENERAL PERMITS

The Minnesota Pollution Control Agency (MPCA) issued a [proposed rule](#) (p. 1371) on a Draft National Pollutant (NPDES)/State Disposal System (SDS) Pesticide General Permit (PGP) for control of Forest Canopy Insect Pests. This proposed rule will implement USEPA's NPDES PGP requirements that are expected to go into effect on 31 October 2011 (see pg. 5 of this Review for additional details). Based on received comments, MPCA changed the original proposed rule language, published the proposed changes and extended the public comment period until 6 April 2011. The primary change involved an increase in the Threshold for Submittal of a Notice of Intent (NOI) from 640 acres of pest management area to 6400 acres of treatment area (both land and water). Permit coverage is for all people or entities discharging a pesticide to a water of the state to control Forest Canopy Insect Pests and begins upon permit issuance for all entities performing the activities covered. Two key elements of this permit are that an NOI would not be required unless certain threshold limits of the general permit are exceeded and the treatment of forest canopy pests that do not involve a discharge to the waters of the state would not require a NPDES permit. Additionally, the application of pesticides to 'vegetation' is not covered by this permit but may require a 'Vegetative Pests & Algae Control Permit'.

NEW PERMIT REVIEW REQUIREMENTS

On March 3, 2011, Governor Dayton signed into law House bill, [\[H 1\]](#) now referred to as [Chapter No. 2011-4], designed to streamline the environmental review process. This bill is designed to simplify the permitting process at both the Department of Natural Resources and the Pollution Control Agency, allow direct appeal to the Court of Appeals of agency decisions on environmental permits and provides for environmental assessment documents to be prepared by contractors of project proposers, rather than contractors of the reviewing governmental body. It also puts a 150-day limit on the review of a permit applications, requires State agencies to submit semiannual efficiency reports and allows for electronic submission of environmental review and permit documents. In addition, new subsections were added to better explain the process for obtaining extensions of national pollution discharge elimination permits and state disposal system permits. [Chapter No. 2011-4] went into effect on March 4, 2011. This bill can benefit military installations by simplifying the permit application process and reducing the time needed to obtain regulatory review and approval of permit applications.



RETIREMENT OF NOX ALLOWANCE ALLOCATIONS

The Ohio EPA, Division of Air Pollution Control (DAPC) issued a proposed rule modifying the existing Administrative Code ([OAC](#) rule [\(3745-14-05\)](#), "NOx allowance allocations." The proposed rule deletes paragraph (C) (7) of rule 3745-14-05 of the Administrative Code (NOx allowance allocations). This deletion, which originally provided for the retirement of 240 tons of NOx (allowances) during the 2005 ozone season, became possible due to the fact that these allowances are no longer needed. This was further confirmed on January 12, 2011 when USEPA issued a letter to Ohio EPA confirming that the retirement provision in paragraph (C)(7) is no longer necessary. The final rule went into effect on April 16, 2011. This rule is not expected to have a significant impact on Ohio military installations with the exception of those considering involvement in the Ohio air emission credit program.

OHIO ENERGY COMPLIANCE PLANNING ASSISTANCE REPORT

The [Building Codes Assistance Project](#) (BCAP's) has completed the Ohio Gap analysis report as part of the [Compliance Planning Assistance Program](#) (CPA). This gap analysis report analyzes the strengths and weaknesses of energy code adoption and implementation in the state of Ohio. The report also recommends potential actions state agencies, local jurisdictions, and other stakeholders can take to achieve 100% compliance with model energy codes. [This report](#) was prepared by BCAP for the United States Department of Energy. It is potentially significant to installations as it may impact future energy code requirements within Ohio.



PROPOSED WITHDRAWAL OF WATER QUALITY CRITERIA

USEPA issued a proposed rule to withdraw Federal aquatic life water quality criteria for chronic and acute copper and nickel, chronic endrin, and selenium applicable to certain waters of the Great Lakes in Wisconsin [[76 FR 14351](#), March 16, 2011]. Wisconsin's revised and USEPA-approved criteria adequately protect all waters of the State designated for aquatic life use at a level consistent with the Federal requirements. Once finalized, the withdrawal will enable Wisconsin to implement its aquatic life criteria standards. This rule may impact installations with industrial NPDES permits or those who operate a publicly-owned treatment works discharging to waters within the Great Lakes System.

WEB BASED TRAINING

WHAT	WHEN	WHERE	DETAILS
<u>US EPA STORMWATER WEBCAST: STORMWATER AND TMDLS</u>	APRIL 27	<u>WEBINAR</u>	The webinar will provide introductory and basic orientation information on water quality standards, stormwater permits and TMDL's and focus on how water quality impairments can be addressed through local stormwater management programs.
<u>NPDES PERMIT WRITERS' TRAINING COURSE</u>	ANYTIME	WEB-BASED	The NPDES Permit Writer's Course is a five-day course covering the key elements of NPDES Permit development. The course is taught by experienced USEPA staff and contractors and has been one of EPA's most successful courses over the past decade. USEPA has recorded Web-based presentations covering the material presented in several key modules of the live course. These recorded presentations enable participants who attended the NPDES Permit Writers' Course to review the material on demand in a self-paced environment.
<u>TECHNOLOGY-BASED EFFLUENT LIMITATIONS FOR POTWS</u>	ANYTIME	WEB-BASED	"Technology-based Effluent Limitations for Publicly-Owned Treatment Works (POTWs)." This presentation is part of a self-paced Web-based training series sponsored by USEPA's Water Permits Division. It provides an overview of the national technology-based standards for POTWs and the process for implementing those standards through NPDES permits.
<u>THE ADMINISTRATIVE PROCESS FOR NPDES PERMITS</u>	ANYTIME	WEB-BASED	"The Administrative Process for NPDES Permits." This presentation is part of a self-paced Web-based training series sponsored by USEPA's Water Permits Division. It provides an overview of the administrative process leading to NPDES permit issuance and events that can occur after final permit issuance.

Professional Development

WHAT	WHEN	WHERE	DETAILS
<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>ANNUAL INTERNATIONAL BUILDING DECONSTRUCTION CONFERENCE</u>	MAY 15 - 19	NEW HAVEN, CT	The <u>Annual International Building Deconstruction Conference</u> USEPA will be there talking about green deconstruction issues.
<u>NPDES PERMIT WRITERS' TRAINING COURSE</u>	MAY 16 - 20	NORTH LITTLE ROCK, AR	The objective of this course is to provide the basic regulatory framework and technical considerations that support the development of wastewater discharge permits required under the National Pollutant Discharge Elimination System (NPDES) program. The course was designed for permit writers with about six months to two years of experience in the NPDES program, but experienced permit writers wanting a refresher course.
<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>2011 SUSTAINING MILITARY READINESS CONFERENCE</u>	JULY 25 - 29	NASHVILLE, TN	DoD personnel and stakeholders interested in military training and testing, natural and cultural resources management, and sustainable and compatible land, air, sea, and frequency use topics are invited to: Explore the interdisciplinary nature of sustaining military readiness. Share lessons learned and best practices among colleagues and stakeholders. Participate in a broad spectrum of informative training workshops.



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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