



# REC UPDATE

Monthly environmental news for DoD facilities in EPA Regions 1, 2 & 3



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## GENERAL INTEREST

### **NASA Langley Measures the Effects of Jet Engine Biofuel**

**By Brock Vergakis – Associated Press**

NASA researchers said that test flights conducted in California have shown a commercial jet could fly safely with a blend of jet fuel that includes a plant oil.

Scientists at NASA's Langley Research Center in Hampton said there was no noticeable difference in the engine performance of a DC-8 aircraft flying as high as 39,000 feet on the biofuel mix made from the camelina plant oil. The researchers also said that under certain conditions the biofuel mix produced 30 percent fewer emissions than traditional aviation fuel. "In terms of these fuels being acceptable for use in commercial aircraft, they're quite acceptable, but we're still digging into the data," said Bruce Anderson, a senior research scientist at Langley who worked on the project.

NASA is one of several government agencies examining the use of renewable biofuels to reduce dependency on foreign oil while reducing carbon emissions. Military officials are also pursuing the use of biofuels, with the Navy hoping to deploy a 'Great Green Fleet' of ships and aircraft run entirely on alternative fuels in 2016.

Camelina, an oilseed crop that is native to northeastern Europe, can be cultivated in the U.S. and is considered well-suited to arid Northern Plains states because it needs little water and can handle low temperatures.

The research was conducted as a collaboration between Langley, Dryden and NASA's Glenn Research Center in Cleveland. The biofuel mix tested by the experts allows a plane to be fueled just like any other aircraft, researchers said. But Anderson noted one catch: camelina oil is currently more expensive at about \$18 a gallon, compared to about \$4 a gallon for traditional jet fuel.

To examine the fuel's effects on the environment, researchers used the specially outfitted airplane to analyze the DC-8's contrails, coming as close as 300 feet to the aircraft while in flight. The flights were made with a plane belonging to NASA's Dryden Flight Research Center. Each of the test flights occurred when weather conditions were optimal for contrails to occur and took place near Edwards Air Force Base in California between February and April. Anderson said the emission reductions would be greater if the jet ran entirely on biofuel instead of a 50-50 blend, but doing so would require the jet to be altered.

Detailed results of the research are likely to be made public in coming weeks and anxiously awaited by the aviation industry, which has expressed a desire to see more of the crop grown and refined as it looks to battle against uncertainty in oil prices. Even more exhaustive tests are planned on biofuels for 2014.

NASA would like to conduct additional flight tests on other biofuels in the future, especially algae because it doesn't require fresh water to grow. But officials say they're limited in what they can do because the technologies and commercial applications are still developing. "The diesel market drives this and the jet biofuel market is just not there yet. In some ways we'd like to explore more fuels, but we're limited to the extent of what's commercially available," said Richard Moore, a post-doctoral fellow at Langley.

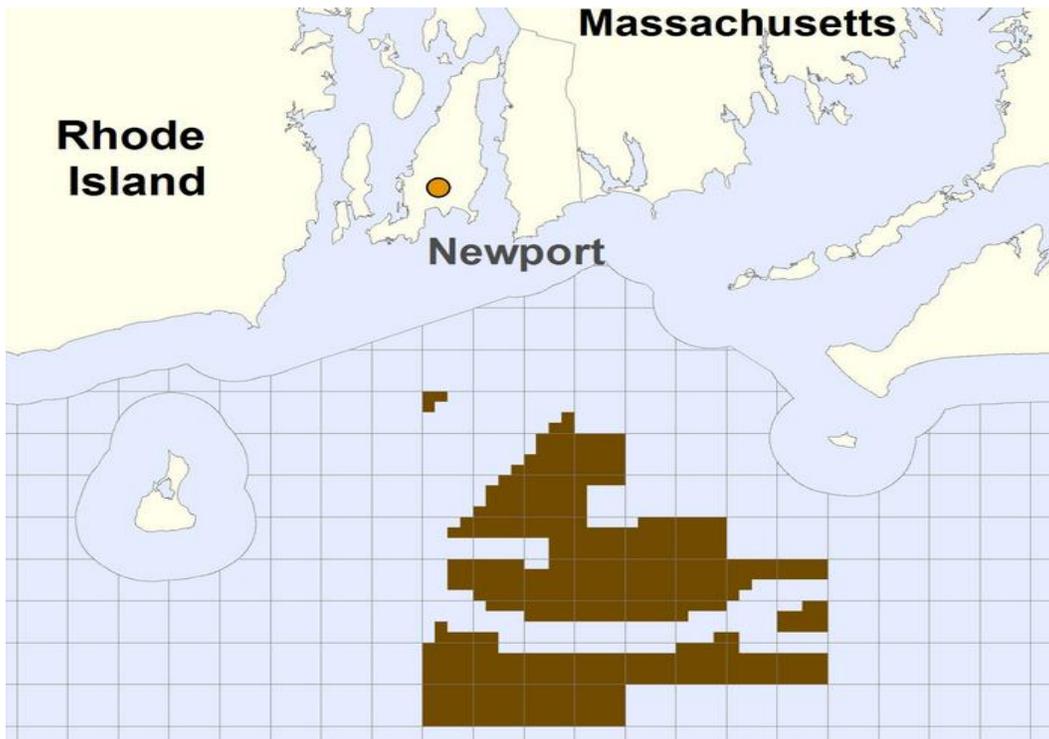
Anderson said while there were small differences in emissions using the biofuel mix in flight, other research has shown that the fuels could have a greater environmental impact while jets are on the ground. Idling airplanes at busy airports contribute greatly to poor air quality, he said.

### **DOI Announces First Offshore Renewable Energy Lease Sale**

Secretary of the Interior Sally Jewell and Bureau of Ocean Energy Management (BOEM) Director Tommy P. Beaudreau announced that BOEM will hold the first-ever competitive lease sale for renewable energy on the U.S. Outer Continental Shelf (OCS). The auction, scheduled to take place on 31 JUL 13, will offer 164,750 acres offshore Rhode Island and Massachusetts for commercial wind energy leasing.

In February 2011, former Secretary of the Interior Ken Salazar and former Secretary of Energy Steven Chu unveiled a coordinated strategic plan to accelerate the development of offshore wind resources. As part of the 'Smart from the Start' program for expediting commercial-scale wind energy on the federal OCS that was announced in November 2010, DOI has identified Wind Energy Areas to spur responsible development of this abundant renewable resource. These efforts are part of a series of Administration actions to speed renewable energy development offshore by improving coordination with state, local and federal partners.

The Wind Energy Area offshore Rhode Island and Massachusetts covers about 164,750 acres and is located 9.2 nautical miles south of the Rhode Island coastline. BOEM will auction the area as two leases, referred to as the North Lease Area (Lease OCS-A0486) and the South Lease Area (Lease OCS-A0487). The North Lease Area consists of about 97,500 acres and the South Lease Area covers about 67,250 acres.



According to a [report](#) recently released by the Department of Energy National Renewable Energy Laboratory, the North Lease Area has the potential for installed capacity of 1,955 megawatts (MW), and the South Lease Area, 1,440 MW. Together, these areas could support enough electricity to power more than 1 million homes, a significant increase over what BOEM had originally estimated last year.

The lease areas will be auctioned simultaneously. Under the procedures, BOEM will consider nonmonetary (i.e., whether a bidder holds a Joint Development Agreement or a Power Purchase Agreement) and monetary (cash bid) factors. The nonmonetary phase of the auction will begin on July 29, 2013, and the monetary phase on July 31, 2013.

For more information, go to: [http://www.offshorewind.biz/2013/06/05/usa-doi-announces-first-offshore-renewable-energy-lease-sale/?utm\\_source=Offshore+Wind.biz&utm\\_medium=email&utm\\_campaign=6c1970f1b4-RSS\\_EMAIL\\_CAMPAIGN&utm\\_term=0\\_2c93166d19-6c1970f1b4-215237301](http://www.offshorewind.biz/2013/06/05/usa-doi-announces-first-offshore-renewable-energy-lease-sale/?utm_source=Offshore+Wind.biz&utm_medium=email&utm_campaign=6c1970f1b4-RSS_EMAIL_CAMPAIGN&utm_term=0_2c93166d19-6c1970f1b4-215237301).

### **Navy Eliminates Vehicle Decals**

**By Tony Lombardo – Navy Times**

Chi

Get ready to rip that sticker off your windshield. Effective 1 JUL 13, all bases that fall under Navy Installations Command are no longer requiring vehicle decals. They've already been eliminated at Air Force and Army bases. The Marine Corps is still hashing out its plan to do so.

The decals, only in use stateside, have become a security threat and a liability, officials say. In the U.S. post-9/11, decals present problems for base security. They are easily counterfeited, for one. Also, some sailors sell their cars to civilians and don't remove the stickers, said Ray Salamy, deputy program director for anti-terrorism at Navy Installations Command. "Decals posed a Trojan horse for us," he said. As a bonus, cutting decals will save \$750,000 annually.

The real purpose of decals, installation officials said, was to ensure compliance with state requirements such as registration and insurance. So with decals gone, how will they do this? Salamy said bases will rely on random checks, similar to drunken-driving checkpoints. Command-authorized inspections such as these are not new, but you may see more of them with decals eliminated.

The Navy recommends sailors remove decals on July 1 to reduce the chances their vehicles will be targeted by a criminal or terrorist attack. The identifying decals aren't *supposed* to be used to determine gate entry, so removing them should not result in longer waits at the gate, Salamy said. The military has required 100 percent ID-card checks since the 11 SEP 01 terrorist attacks and the decal is not a substitute for ID. If in practice, your sentries are waving lots of cars through the gate based on decals, that's a violation of policy and may be worth reporting, Salamy said, as it's a compromise of security.

Sailor gate sentries will continue to salute commissioned officers under the new policy. Once an ID card is checked, a sentry will "render the proper salute, assuming traffic conditions and force protection conditions permit," according to installation officials.

By July, the Navy expects to go operational with several automatic gates installed at Northwest Navy installations, Salamy said. The new gates are not intended to eliminate sentries, but will be a "low-man concept." They should free those sentries still on-site to focus on other things than ID cards, Salamy said. Examples include scrutinizing passengers or vehicle contents.

### **DoD Energy Security Milestone: Fort Bliss' New Microgrid**

Microgrid research is being conducted at a bunch of DOD installations: Naval District Washington (NDW), the Marines' 29 Palms base in California, Joint Base Pearl-Harbor-Hickam in Hawaii, and Fort Carson in Colorado Springs, to name a few. But Fort Bliss decided it was ready for one of its own, and with a little Federal funding help, decided to get on with it and build one of its own. It's a win on several fronts including energy security. So, in the event of local or regional black out or in a time of distress when you most need them, the military (or at least this part of it) will be up, running, and ready to respond.

Here's how Stars and Stripes puts it:

Part of the El Paso, TX base now runs on what's called a microgrid - an emerging technology that makes the system more energy and cost efficient by harnessing solar power and storing energy for future use. The

microgrid, which is the first at a DoD installation, is as much about security as it is the environment and cost savings.

The system decentralizes how power is sent across the base, ensuring that a major power outage doesn't affect critical operations. At Fort Bliss, the microgrid is powering the Brigade Combat Team complex. It can now run in an emergency without the base's main power supply by utilizing the back-up energy provided by the microgrid's 300-kilowatt storage system.

[Link to Full Article Here](#)

## **Drug Take Back Day**

### **By ExtremeTech**

I always think of that scene in Apollo 13: “We need to make this... fit into this... using this.” It’s a frustration that’s central to the whole film: how could we be able to send human beings all the way to the Moon and still be foiled by something as simple as the shape of a valve? More to the point, how could we send a rover all the way to Mars and still worry about something as banal as a broken wheel or a bent rod? NASA has long struggled with this dissonance between the seemingly- and actually-difficult, and has recently looked to 3D printing to help close the gap; NASA wants to start printing replacement parts out of glue and Moon dust. Now that approach is being taken up by perhaps the only other organization that could hope to rival a space agency in terms of scale and grandeur: the US military.

Specifically, the Navy. The US Navy boasts some of (let’s be honest, virtually all of) the world’s most imposing moving structures; if we’re looking to create a mobile manufacturing base, there’s no better candidate to host it than the organization that’s already building multiple of the most expensive military unit in human history. Modern aircraft carriers are so huge they’re basically floating cities already, complete with conventional manufacturing facilities to provide a good portion of what the crew might need while at sea. It makes perfect sense to incorporate a high-quality 3D printer into the mix — the only question is whether 3D printing technology is up to the rigors of military use.

Though the dream of 3D printing an aircraft from scratch might be the ultimate end-point of this type of research, for the foreseeable future these initiatives will probably produce quick and dirty replacement parts. Again, NASA leads the way, having already printed theoretically mission ready parts. With this technology, the crew of Apollo 13 could have sent down the exact specifications for their round-to-square adapter problem and quickly received the CAD file for a part made specifically for their needs. (See: [What is 3D printing?](#)) NASA has already printed some small parts that are theoretically strong enough for an actual launch.

Realistic military applications are limited almost entirely by size; an F-35 is quite a way out, whether printed as a whole or as tens of thousands of parts, but a small, unmanned drone with only a few moving pieces? Not only is this plausible, it’s already happening. It’s not difficult to imagine a carrier, or perhaps even a large land vehicle, outfitted with a high-quality 3D printer, several tons of raw materials, and a few pre-fabricated cameras and circuit boards. Such a mobile manufacturing base could churn out precisely the type of drones needed for a given situation. Are you dealing with four insurgents hiding in a reinforced bunker with locked windows less than two feet wide? Your military could create a drone with the size and grasper needed to deal with that specific situation.

It could also make transport of basic supplies more efficient, holding powder and casing materials separately and combining them into bullets as needed, rather than storing them as imperfect cylinders with all sorts of wasted space within and between the units. Researchers at Virginia Tech even told the Armed Forces Journal that they believe 3D printing could produce high-quality propellants themselves — a truly chilling thought.

Assuming this idea takes off, which seems inevitable to at least some extent, it brings home two increasingly common themes in military technology: the increasing gap between the military-haves and the military-have-nots, and the increasing importance of cyber warfare. No insurgent force will be able to withstand a mobile drone factory, one that can simply roll into the middle of a desert and create for itself hundreds of little scouts to go

scour local mountains and return. By the same token, we should remember that all it would take is a tiny modification to a 3D model to get a printer to churn out flawed or useless wastes of time and material.

In terms of military efficiency, I think the next great step in automating war will be recycling. Will future soldiers be collecting their spent casings, not to protect the locals or the environment, but to be broken down and reused later? Could we turn a drone into a combat helmet or into a light-weight plate of Humvee armor, as needed?

We could even design weapons and equipment to break down after a certain amount of time so that they won't remain useful should they fall into enemy hands. And if they remain with us, well, it's the future now; we can always just make ourselves another.

### **Navy's First Solar-Powered Car Charger Comes Online at NSA Mid-South**

**By Bill Couch – Navy News Service**

Naval Support Activity (NSA) Mid-South officially welcomed into service the Navy's first solar-powered electric car charging station with a ribbon cutting ceremony on 29 MAY 13.

NSA Mid-South Executive Officer Cmdr. Brad Meeks thanked the combined Naval Facilities Engineering Command (NAVFAC) and Commander, Navy Installations Command (CNIC) team that brought the station online, and he said the new photovoltaic carports were a sign of how the base was evolving to face new challenges. "Naval Support Activity Mid-South is leading the way," said Meeks. "This is the first solar power charging station in the Navy, and I want to thank our NAVFAC public works team for seeing this project through. Their efforts have ensured NSA Mid-South's role in building a clean, sustainable future for our Navy and our nation."

The carport will enable NSA Mid-South to recharge its current fleet of 17 electric vehicles with renewable electricity in approximately four hours, while reducing demand on the commercial power grid. In addition to charging vehicles connected through either 110V or 220V plugs, the carport will also provide excess electricity to the local power grid, further reducing the base's electricity costs. The 150-foot-long panel structure tilts automatically to track the sun and includes several safety features to protect against high wind or lightning strikes.

Public Works Department Mid-South will monitor the carport's production via a web-based system and will rely on the base operations support contractor to maintain the individual solar arrays and components over its expected 25-year lifespan.

NSA Mid-South's carport is part of an ongoing \$10-million CNIC project to install seven sites with E85 alternative-fuel stations, nine sites with solar carports and five sites with stand-alone electric vehicle charging stations at Navy installations in the US. Construction began in March 2013 and was completed in late April. Since then, the carport has successfully generated enough electricity to power more than 60 typical homes for a day.

Local energy efficiency efforts like this help the Navy achieve energy efficiency goals required by presidential executive orders, the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007.

### **Pentagon Awards Biofuel Contracts in Renewable Energy Push**

**By Nick Taborek - Bloomberg**

The U.S. Defense Department issued three contracts totaling \$16 million for biofuel plants intended to help power fighter jets and destroyers by 2016. The awards to three closely held firms are part of a drive to boost investment in renewable energy.

The contracts will be matched by more than \$17 million in investments by the contractors, Sharon Burke, assistant secretary of defense for operational energy, said in a telephone interview. The companies will develop plans for refineries capable of supplying at least 150 million gallons of biofuel for less than \$4 a gallon, she said.

“We see a national security benefit in global diversification of liquid fuels,” Burke said. The DoD hopes the effort will “catalyze greater production of these fuels across our economy,” she said. The contractors are Emerald Biofuels LLC, based in Golf, Illinois; Natures BioReserve LLC in South Sioux City, Nebraska; and Fulcrum Brighton Biofuels LLC in Pleasanton, California.

The companies have proposed making fuel from materials such as animal fats, food-processing waste, and oil-seed crops, according to the Pentagon.

### **NREL and Navy to Make Jet Fuel from Switchgrass**

#### **By Environmental Protection**

The Energy Department’s National Renewable Energy Laboratory (NREL) is partnering with the U.S. Navy, Cobalt Technologies, and Show Me Energy Cooperative in order to showcase how renewable biomass sources, like switchgrass, can be used to make large volumes of biofuel in a more economical way than present practices.

“This can be an important step in the efforts to continue to displace petroleum by using biomass resources,” NREL Manager for Bioprocess Integration R&D Dan Schell said. “We’re converting biomass into sugars for subsequent conversion to butanol and then to JP5 jet fuel.”

In order to make the **fuel from switchgrass**, the NREL will be using its enzymatic hydrolysis, fermentation, and pretreatment with Cobalt’s microorganisms to create the butanol. Then the Navy and Cobalt will use their technology to turn butanol into jet fuel at NREL’s biorefinery pilot plant where the Navy will also use their unique catalyst systems.

Upon completion, the project could lead to huge gains in jet-fuel manufacturing, employment opportunities, and a higher level of energy security.

### **Laser Weapons on Ships Require Reliable Shipboard Power**

#### **By Homeland Security News Wire**

For the first time, a laser weapon system (LaWS) will be placed onboard a deployed ship, USS Ponce, for testing in the Persian Gulf in 2014. The U.S. Navy’s plan to put laser weapons on ships, makes the need for reliable, high-voltage shipboard power a matter of national security.

In the wake of the recent announcement that laser weapons will be put on U.S. Navy ships, the need for reliable, high-voltage shipboard power has become a matter of national security, officials said.

The Office of Naval Research (ONR)-sponsored event featured some of the world’s top scientists and engineers in power systems, who agree that a new era in electric power is within sight. “The work being done in this area is vital,” said Dr. Thomas Killion, who heads ONR’s Office of Transition. “As the upcoming deployment of a shipboard laser weapon reminds us, we need power generation and power management systems with greater-than-ever capabilities, but from devices that are smaller than ever.”

As the technology advances, and faced with rising and unpredictable fossil fuel costs, the Navy’s next-generation surface combatant ship will leverage electric ship technologies in its design. While electric ships already exist, design characteristics of a combatant ship are more complex with regard to weight, speed, maneuverability — and now, directed energy weapons.

ONR-supported scientists are focused on cutting-edge technologies that include silicon carbide (SiC)-based transistors, transformers and power converters. “SiC is important because it improves power quality and reduces size and weight of components by as much as 90 percent,” said Sharon Beermann-Curtin, ONR’s power and energy science and technology lead. “This is a critical technology enabler for future Navy combatant ships that require massive amounts of highly controlled electricity to power advanced sensors, propulsion and weapons such as lasers and the **electromagnetic railgun**.”

Killion said that a lighter, smaller footprint on ships will contribute to the substantial increase in energy efficiency that is predicted from breakthroughs in electric power research. “The enhanced capabilities and potential cost savings of increased power at reduced size cannot be overemphasized,” he said. “This is the future.”

### **NOAA Predicts Active 2013 Hurricane Season**

NOAA’s 2013 Atlantic Hurricane Season outlook is forecasting an active or extremely active season this year. For the six-month hurricane season, which began 1 JUN 13, NOAA’s Outlook says there is a 70 percent likelihood of 13 to 20 named storms (winds of 39 mph or higher), of which 7 to 11 could become hurricanes (winds of 74 mph or higher), including 3 to 6 major hurricanes (Category 3, 4 or 5; winds of 111 mph or higher). These ranges are well above the seasonal average of 12 named storms, 6 hurricanes and 3 major hurricanes.

“With the devastation of Sandy fresh in our minds, and another active season predicted, everyone at NOAA is committed to providing life-saving forecasts in the face of these storms and ensuring that Americans are prepared and ready ahead of time” said Kathryn Sullivan, Ph. D, NOAA Acting Administrator. “As we saw first-hand with Sandy, it’s important to remember that tropical storm and hurricane impacts are not limited to the coastline. Strong winds, torrential rain, flooding, and tornadoes often threaten inland areas far from where the storm first makes landfall.”

Three climate factors that strongly control Atlantic hurricane activity are expected to come together to produce an active or extremely active 2013 hurricane season. These are:

- A continuation of the atmospheric climate pattern, which includes a strong west African monsoon, that is responsible for the ongoing era of high activity for Atlantic hurricanes that began in 1995;
- Warmer-than-average water temperatures in the tropical Atlantic Ocean and Caribbean Sea; and
- El Niño is not expected to develop and suppress hurricane formation.

### **NEPA Advises Facility Operators to Minimize Releases during Hazardous Weather Events**

As hurricane season approaches, the EPA is issuing a Hazardous Weather Release Prevention and Reporting alert to remind facility operators of certain regulations that require minimization of chemical releases during process shutdown operations. This alert is designed to increase awareness among facility operators about their obligation to operate facilities safely and report chemical releases in a timely manner.

The alert specifies operational release minimization requirements and clarifies reporting requirements, including exemptions. Unlike some natural disasters, the onset of a hurricane is predictable and allows for early preparations to lessen its effect on a facility. Before hurricane force winds and associated storm surge flooding damage industrial processes, the alert recommends that operators take preventive action by safely shutting down processes, or otherwise operate safely under emergency procedures.

The alert and requirements are available at: [http://www.epa.gov/region4/r4\\_hurricanereleases.html](http://www.epa.gov/region4/r4_hurricanereleases.html).

In the event of a hazardous weather incident, updated emergency information can be found at: <http://www.epa.gov/naturalevents/>.

### **FEMP Improves the Federal Requirements and Acquisition Guidance for Low Standby Product List**

The Federal Energy Management Program (FEMP) has improved the layout and content of the Low Standby Product List, ensuring that it remains the authoritative standby power resource for federal procurement professionals. The data center clearly labels whether a product model complies with federal standby power levels, which describe power drawn while the product is not in use. By reducing standby power draws, federal agencies can drastically reduce plug load demand. FEMP’s Low Standby Product List allows procurement agents the ability to submit, revise and search for new and existing products to comply with the guidelines. For more information, go to: [http://www1.eere.energy.gov/femp/technologies/standby\\_power.aspx](http://www1.eere.energy.gov/femp/technologies/standby_power.aspx).

## **After Nearly 30 Years, Camp Lejeune Coming Clean**

**By Allen Breed – Associated Press**

Purple wildflowers sprout in abundance around the bright-yellow pipe, one of several jutting from the sandy soil in this unassuming patch of grass and mud. A dirty hose runs from the pipe to an idling truck and into a large tank labeled, “NON-POTABLE WATER.”

This is the former Hadnot Point fuel farm, Marine Corps Base Camp Lejeune’s main fuel depot until it was ordered closed in the 1980s. At one point, a layer of gasoline 15 feet thick floated atop the groundwater here, and this “fluid vapor recovery” truck is part of the continuing effort to remove it.

“He’s skimming that contaminate out of that well, into this tank,” civilian Bob Lowder, head of environmental quality for the base, said during a recent tour. “We’ll take that off for recondition or disposal, as appropriate.”

The coastal base is the site of what’s considered the worst case of drinking-water contamination in the nation’s history. But the Marines stress that that’s just what it is — history.

Wells tainted with gasoline, pesticides and toxic degreasers have been isolated, and technicians test the water from the base’s treatment plants monthly. Marine families stationed at Lejeune enjoy what Lowder proudly describes as “the safest and most tested drinking water that they can find.”

For more information, go to: <http://www.navytimes.com/article/20130519/NEWS/305190011/After-nearly-30-years-Camp-Lejeune-coming-clean>.

## FEDERAL NEWS

**Notice: With regard to any regulation or legislation, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions, or comments.**

### AIR

#### **EPA Proposed Implementation Rule for the 2008 Ozone NAAQS**

In February 2012, EPA proposed a first part of the implementation rule where they laid out the design values for each of the classifications under subpart 2 and proposed to revoke the 1997 ozone standard for transportation conformity. DoD commented in March 2012 on the proposal with a request that EPA also revoke the 1997 ozone standard for General Conformity. The Part 1 Implementation Rule was promulgated in May 2012 along with the nonattainment designations. The 1997 standard was not revoked for General Conformity at that time.

In this proposal, the EPA is proposing to revoke the 1997 ozone NAAQS on the date this final SIP Requirements Rule for the 2008 ozone NAAQS is published in the Federal Register for all purposes other than transportation conformity, where it has already been revoked. On page 34198, EPA discusses the General Conformity rule and states that with the revocation of the 1997 ozone NAAQS at the time this final SIP Requirements Rule is published in the Federal Register, general conformity requirements under the 1997 ozone NAAQS would end. General Conformity requirements under the 2008 ozone NAAQS begin 1 year after nonattainment designations take effect (the 1 year mark is coming up on 20 JUL 13).

The proposal includes all the other regular issues for an implementation rule - what States have to include in their SIPs such as RACT, NSR, contingency measures, etc. There is some interesting discussion of vehicle I/M starting on page 34194 on how to revise I/M in the future but EPA is clear that under the latest nonattainment designations, no new I/M programs are expected.

On June 11 (<http://www.gpo.gov/fdsys/pkg/FR-2013-06-11/pdf/2013-13964.pdf>), EPA announced a public hearing on this proposed rule to be held in Washington DC on 25 JUN 13, starting at 0900. There will be no teleconference capability.

To meet the EPA comment deadline, comments should be submitted in the standard format not later than 12 JUL 13 to [dodcreg3@navy.mil](mailto:dodcreg3@navy.mil) to allow enough time to combine comments and submit to the Clean Air Act Services Steering Committee. The entire proposal can be found at <http://www.gpo.gov/fdsys/pkg/FR-2013-06-06/pdf/2013-13233.pdf>.

#### **Free Tools Available to Protect Health as Summer Smog Season Starts**

With the onset of warmer weather, EPA urges New Englanders to be aware of the increased risk of ground-level ozone and fine particle pollution (when combined, often referred to as smog), and take health precautions when smog levels are high.

Air quality forecasts are issued daily by the New England state air agencies. In cooperation with the New England states, EPA has set up an "Air Quality Alerts" system where people can sign up to receive e-mails or text messages when high concentrations of ground-level ozone or fine particles are predicted in their area. Daily air quality forecasts are available each day at EPA's air quality web site for New England -

<http://www.epa.gov/ne/aqi>.

People can also stay informed about air quality in New England states by following EPA New England on Twitter at <http://www.twitter.com/EPAnewengland>.

## CHESAPEAKE BAY

### Chesapeake Bay SAV Plunges to Lowest Levels Since 1986

**By Karl Blankenship - Bay Journal**

The amount of underwater grasses in the Chesapeake plunged 44 percent over the last three years, leaving the Bay with its lowest coverage of the crucial plants since 1986 — about the time cleanup efforts began.

Aerial survey data from 2012 show that submerged aquatic vegetation, or SAV, acreage dropped 21 percent from the previous year, to 48,191 acres. It was first time Baywide underwater grass coverage declined for three consecutive years since the annual survey began in 1984.

More worrisome is that no single factor is driving the downward trend. Instead, scientists blamed multiple causes, including lingering effects from Tropical Storm Lee, which buried the Upper Bay with sediment in 2011; warm temperatures; and worsening overall water clarity.

"It's a pretty abysmal story," summed up Bob Orth, a scientist with the Virginia Institute of Marine Science who oversees the annual survey. "There were very few bright spots."

Just four years ago the Bay had 85,914 acres of grasses, the second highest amount reported in recent decades. Underwater grasses need clear water to get the sunlight they, like all plants, need to survive. Because of that tight link to water clarity, the annual SAV survey is one of the most closely watched indicators of how the Bay is doing.

Grass beds are also one of the most critical components of the Bay ecosystem. They pump oxygen into the water, trap sediments, provide food for waterfowl and shelter for fish and blue crabs.

For more information, go to:

[http://www.bayjournal.com/article/sav\\_chesapeake\\_sav\\_plunges\\_to\\_lowest\\_levels\\_since\\_1986](http://www.bayjournal.com/article/sav_chesapeake_sav_plunges_to_lowest_levels_since_1986).

### Invisible Microplastics a Threat to Bottom of Marine Food Web

**By Karl Blankenship - Bay Journal**

The plastic bags and bottles that litter streets, rivers and beaches create an eyesore and a threat to wildlife that may ingest or become entangled in them. But increasingly, scientists around the region, and the globe, wonder whether tiny bits of plastic that go unseen may pose an equal or even greater threat.

Much of the concern about plastic marine debris has stemmed from emotionally charged photos of birds wrapped in plastic fishing line or tangled in six-pack plastic rings, or reports of plastic bags found in the guts of turtles.

But plastic doesn't easily go away. Over time, it typically breaks down into smaller and smaller particles known as microplastics, eventually becoming invisible to the human eye.

Now, scientists are worried that the growing concentrations of those unseen particles in the nation's waterways may be consumed by filter-feeding fish and oysters, or by tiny zooplankton, which form the base of the aquatic food chain. "The smaller they are, the greater the population of critters" that can consume them, noted Robert Hale, a professor in the Department of Environmental and Aquatic Animal Health at the Virginia Institute of Marine Science.

There is reason to suspect that portions of waterways and the oceans are becoming a soup of microplastic particles. Despite the increased global production of plastics, the amount of floating plastics observed in the

North Atlantic over the last two decades has not notably changed, "indicating that loss through fragmentation, sedimentation, ingestion and deposition may be significant and should be quantified," said a report from a 2010 workshop on microplastics sponsored by National Oceanic and Atmospheric Administration's Marine Debris Program.

But the issue is so new — and has received so little study — that scientists are at a loss to estimate the level of risk posed by tiny bits of plastic. "There was high uncertainty surrounding many of the potential sources, stressors, effects and impacts," the 2010 report summed up.

Water-sampling equipment often uses nets with a mesh that is too large to capture microplastics. When they are caught, they are often discarded as debris. But in the few places where scientists have looked at microplastics over the years, they see an increasing trend.

Studies in Puget Sound by the University of Washington-Tacoma have found that as much as 10 percent of the total mass of suspended solids in water samples consists of microplastics, with the average being about 1.8 percent — and those samples don't include the smallest particles. The study indicated that limited work in the Chesapeake had similar results.

Interest about the impact of plastics on aquatic environments has grown in recent years since the discovery of large plastic-filled "garbage patches" in the Pacific and Atlantic oceans — areas where currents sweep together huge accumulations of plastics that wash off the continents and into the sea. The patches are a vivid reminder of how long plastics stay in the environment.

The same qualities that make plastics useful —durability, light weight and long life — make them dangerous when they end up in the water, where they can last for decades, perhaps centuries.

To address those problems, manufacturers often design things like bags to degrade. But that doesn't mean the plastic goes away — it just breaks into smaller and smaller pieces. "From a chemical toxicology standpoint, maybe you traded one problem for another," Hale said.

Depending on their size and composition, as they break into particles, plastics may release previously bound-up chemicals into the water. At the same time, limited research suggests the changing composition of the smaller plastic bits may make it easier for them to absorb other chemicals in the water. Tests have shown that some small plastic particles readily take up PCBs and DDT. When something comes along and eats the plastic bit, Hale said, "they have basically ingested a pill of chemicals."

No one knows how long small plastic particles may stay afloat in a place like the Chesapeake. The particles might be flushed out of the Bay quickly, or they may attract a biological film that weighs them down and causes them to bind with other particles and sink. They might be buried by sediments, possibly releasing "microbursts" of chemicals, or continually be re-suspended in the water over time by waves and wind, Hale said.

There are two main sources for microplastics in aquatic systems. The first is from plastic trash which finds its way into waterways, where it gradually breaks down into smaller particles.

The second source is tiny plastic beads which are increasingly found in many personal care products such as scrubs, shampoos, soap, toothpaste, lip gloss, deodorants and sunblocks. People who never think of themselves as litterbugs may be washing plastic microbeads down the drain every time they wash their hair or take a shower. (Unilever, which manufactures such brands as Ponds and Axe, recently announced it would phase out the use of plastic microbeads in its products.) Microbeads are particularly difficult to measure because they are typically less than 0.3 millimeters (less than 1/80th of an inch).

"They were designed to go down the drain. All of our plankton tow nets are too big," said Kirk Havens, assistant director of the Center for Coastal Resources Management at VIMS. "Once they're in the system, you can't get them out."

For more information, go to:

[http://www.bayjournal.com/article/plastics\\_invisible\\_microplastics\\_a\\_threat\\_to\\_bottom\\_of\\_marine\\_food\\_web](http://www.bayjournal.com/article/plastics_invisible_microplastics_a_threat_to_bottom_of_marine_food_web).

## HAZARDOUS MATERIALS

### Replacing Mercury-Containing Non-Fever Thermometers

The U.S. Environmental Protection Agency (EPA) released **A Guide for Federal Agencies on Replacing Mercury-Containing Non-Fever Thermometers** in June 2013. This guide provides federal agencies with information to help them identify and replace mercury-containing non-fever thermometers in their facilities with mercury-free thermometers. The guide is also intended to help federal agencies safely dispose of the removed thermometers. Executive Order 13514, Federal Leadership in Environmental, Energy and Economic Performance, encourages federal agencies to advance environmental goals including sustainable acquisition by acquiring products that are non-toxic or less toxic alternatives.

EPA is encouraging federal agencies, industry and others to phase out the use of mercury-containing non-fever thermometers. An important barrier to phase-out has been the existence of industry and government standards and test methods that specifically require laboratory and industrial mercury in glass thermometers. EPA has been working closely with other standards-setting organizations to help revise government test methods or standards that require the use of mercury-containing thermometers where effective and comparable mercury-free alternatives exist.

Government agencies are encouraged to begin the process of phasing out mercury-containing non-fever thermometers by surveying their facilities to assess where and how many of the devices still exist. While most thermometers are found in laboratories, agencies may also find mercury-containing thermometers in other facilities. HVAC/R systems can have mercury-containing non-fever thermometers in multiple locations, including along steam and chill lines. Health clinics, including dental facilities, may have such thermometers in sterilizers or refrigeration units. Food-related facilities may have mercury-containing non-fever thermometers in refrigerators, freezers, ovens, pressure cookers, and other equipment. Mercury-containing non-fever thermometers are often used in tank farms to check the accuracy of temperature devices inside liquid storage tanks.

The guide is available at <http://www.epa.gov/hg/pdfs/Non-Fever-Mercury-Thermometers-Guide-for-Federal-Agencies-FINAL.pdf>.

Additional information is available at <http://www.epa.gov/hg/thermometer.htm>.

Executive Order 13514 can be found at: <http://www.gpo.gov/fdsys/pkg/FR-2009-10-08/pdf/E9-24518.pdf>.

## REGION 1



### CONNECTICUT

**Note: The Connecticut General Assembly convenes on 9 JAN 13 and adjourned on 5 JUN 13.**

#### Legislation

On 20 FEB 13, the Environment Committee introduced [CT HB 6437](#) which would establish a mattress stewardship program. Its purpose is to establish a mattress stewardship program that will reduce the cost to municipalities of handling discarded mattresses. The Governor signed the bill on 28 MAY 13.

#### Proposed Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



### MAINE

**Note: The Maine General Assembly convened on 5 DEC 12 and adjourned on 18 JUN 13.**

#### Legislation

On 21 FEB 13, Senator Saviello introduced [ME LD 642](#) which would exempt from review by the Department of Environmental Protection for a storm water permit a project that involves the development, construction and maintenance of all-terrain vehicle (ATV) trails as long as certain criteria are met. The Governor signed the bill on 10 APR 13.

On 23 APR 13, Senator Saviello introduced [ME LD 1430](#) which would allow the Department of Environmental Protection to issue permits for certain discharges of pesticides to Class AA, A, SA and GPA waters, tributaries of Class GPA waters and waters having a drainage area of less than 10 square miles where, with limited exceptions, discharges are currently prohibited, allowing compliance with the federal court decision. The Governor signed the bill on 3 JUN 13.

On 7 MAR 13, Representative Cray introduced [ME LD 903](#) which would increase the annual registration fee for pesticides from \$150 to \$165 effective January 1, 2014. The bill requires that the additional funds raised from the increase in the registration fees for pesticides are to be deposited in an account of the University of Maine Cooperative Extension and may be used only for integrated pest management programs established and

administered by the University of Maine Cooperative Extension with advice from the Integrated Pest Management Council. It also requires that 10% of the fee increase be used for competitive grants for integrated pest management projects by the faculty and staff at the University of Maine. The Governor signed the bill on 18 JUN 13.

On 2 MAY 13, Representative Welsh introduced [ME LD 1497](#) which would make minor changes to the laws administered by the Department of Environmental Protection to remove inconsistencies and inefficiencies. The bill removes redundant reporting requirements; reflects current processes being used and established by rule; expands the scope of projects that qualify for general permits and reduces the permit fees; accounts for name changes in boards and the dissolution of the State Planning Office; aligns revenue of funds with expenses; revises provisions to be consistent with laws concerning rulemaking; establishes reporting dates for industry that are consistent with those of other New England states; and provides more effective means of notification of various proceedings. The Governor signed the bill on 18 JUN 13.

### **Proposed Rules**

**Discharge of Hazardous Matter: Removal and Written Reporting Requirements** - The Department of Environmental Protection has proposed to amend Ch. 801 rule, Discharge of Hazardous Matter: Removal and Written Reporting Requirements, to align the discharge reporting requirements with Maine and federal law, and require reporting a discharge of hazardous matter to the Commissioner within fifteen days. This revision will conform to regulations promulgated under the Resource Conservation and Recovery Act, published at 40 CFR 264.56, and will also remain consistent with Maine law, 38 MRSA §1318-B. (The current thirty day reporting requirement, though consistent with the term “immediately” as referenced in 38 MRSA §1318-B, is inconsistent with the emergency reporting procedures defined at 40 CFR 264.56(i).) In addition to updating discharge reporting requirements, the Department is proposing to clarify the information required these reports.

**Identification of Hazardous Matter** - The Department of Environmental Protection has proposed to amend Ch. 800 rule, Identification of Hazardous Matter, by utilizing the definition of hazardous matter as defined in regulations promulgated under §102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, thereby providing consistency with Maine law and current federal requirements. The proposed revision provides a more comprehensive list of substances designated as hazardous matter, and thereby provides a more useful regulation for the Department and for generators or responsible parties. In addition, the Department is also proposing to eliminate a requirement that spill prevention and clean-up plans be approved by the Department (statute currently requires only the submittal of a plan).

Notice of Intent to Reissue Three General Permits for Small Municipal Storm Sewer Systems (MS4s) - The Maine Department of Environmental Protection (DEP) intends to reissue three Maine Pollutant Discharge Elimination System General Permits: #MER041000, General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4); #MER042000 General Permit for the Discharge of Stormwater from State or Federally Owned Municipal Separate Storm Sewer Systems; #MER043000 General Permit for the Discharge of Stormwater from Maine Department of Transportation and Maine Turnpike Authority Municipal Separate Storm Sewer Systems. The General Permits authorize discharges of stormwater from a MS4 to waters of the State other than ground water.

**Solvent Cleaning** – The Department of Environmental Protection has proposed rulemaking that adds an Industrial Solvent Cleaning Section to the rule which includes exemptions, compliance standards, and recordkeeping requirements. While certain activities may be exempt, recordkeeping requirements apply to all such activities. Compliance standards include work practices to minimize VOC emissions from the use, handling, storage and disposal of cleaning solvents and shop towels. Using cleaning solvents that meet a certain VOC limit, vapor pressure limit, or are controlled by air pollution control equipment will also minimize VOC emissions. The

compliance date for the proposed amendments is 1 JAN 16. These amendments will be submitted to EPA as a revision to Maine's State Implementation Plan.

**Standards for Generators of Hazardous Waste** - The Department of Environmental Protection has proposed to amend Ch. 851 by replacing the existing daily hazardous waste container inspection requirement with a weekly inspection requirement; this weekly inspection requirement also applies to satellite accumulation areas. The Department's proposal will align inspection requirements for wastes stored in central accumulation areas with those contained in federal regulations at 40 CFR 262.34(a) and reduce the required inspection frequency for satellite accumulation areas to once per week.



## MASSACHUSETTS

**Note: The Massachusetts General Court meets throughout the year.**

### **Proposed Legislation**

No new environmental legislation of significant importance to DoD was identified during this reporting period.

### **Proposed Rules**

**Final Solid Waste Master Plan** - The Department of Environmental Protection has announced that the Patrick-Murray Administration issued the final Solid Waste Master Plan for the 10-year period ending in 2020, putting Massachusetts on the path to a "zero waste" future. The master plan announces a goal of reducing waste by 30 percent by 2020 and 80 percent by 2050. The plan features a diverse strategy that will increase commercial and residential recycling and materials re-use, tighten waste ban enforcement across the Commonwealth, increase the diversion of organics and food waste, encourage the growth of anaerobic digestion and composting capacity, extend producer responsibility for a variety of products, and provide funding to municipalities to support recycling and re-use efforts.

### **Regulations**

**Massachusetts Environmental Policy Act** - The Executive Office of Energy and Environmental Affairs has adopted amendments to the Massachusetts Environmental Policy Act (MEPA) regulations at 301 CMR 11.00. The changes in 301 CMR 11.00 are revisions of an existing regulation to 1) incorporate aspects of the Global Warming Solutions Act of 2008, 2) codify practice under the existing MEPA Greenhouse Gas Policy and Protocol (GHG Policy), and 3) create new MEPA review thresholds for GHG emission that are equivalent to permitting requirements recently established by the United States Environmental Protection Agency under the federal Clean Air Act. The revisions also include a change to the notice requirements for parties seeking to appeal MEPA decisions. This revision will require State Agencies to provide notice to potential litigants when permits have been issued if potential litigants have requested such notice. Finally, minor revisions are proposed to update the regulations and/or correct existing errors. This regulation passed and became effective on 10 MAY 13.

**New Solid Waste Master Plan Puts MA on the Road to "Zero Waste" by 2020**

In early May, MassDEP unveiled the final Solid Waste Master Plan for Massachusetts, concluding an extensive public outreach and public comment period over the preceding months, after years of research and analysis. The plan sets an ambitious and reachable goal of reducing the state's waste stream by 30 percent by 2020 and by 80 percent by 2050, by employing a diverse strategy of increased commercial and residential recycling, materials reuse, tightening of the existing waste-ban enforcement across the Commonwealth, and by increasing the diversion of organics and food waste. It fosters and encourages the growth of anaerobic digestion and composting capacity, and extending producer responsibility for a variety of products.

The Plan includes a bold strategy to divert an additional 350,000 tons of food waste and organic materials on an annual basis by 2020 and build 50 megawatts of renewable energy from anaerobic digestion. The Plan also requires operators of landfills, incinerators and transfer stations to hire independent third-party inspectors to check and ensure that recyclable materials are taken out of the waste stream, and MassDEP is in the process of hiring three inspectors to increase review and enforcement of the waste bans. Finally, the Plan supports the current effort by "RecyclingWorks in Massachusetts" to start or expand the recycling programs at businesses across the Commonwealth.

With "zero-waste" as the ultimate goal, the Plan addresses the prospect of a looming 700,000-ton-per-year shortfall of disposal capacity in Massachusetts, even when all recycling and waste ban initiatives are fully implemented. For more information, go to:

<http://www.mass.gov/eea/agencies/massdep/news/enews/massachusetts-on-the-road-to-zero-waste-by-2020.html>.



## NEW HAMPSHIRE

**Note: The NH General Court convenes on 2 JAN 13 and will adjourn on 30 JUN 13.**

### **Proposed Legislation**

No new environmental legislation of significant importance to DoD was identified during this reporting period.

### **Proposed Rules**

**Aboveground Petroleum Storage Facilities** - The Environmental Services Department has proposed the reoption with amendment of rules governing aboveground petroleum storage facilities. The existing rules, Env-Wm 1402, implement portions of RSA 146-A "Oil Discharge or Spillage in Surface Water or Groundwater" by establishing requirements for the registration, design, installation, operation, maintenance, and monitoring of aboveground petroleum storage facilities. The existing rules are scheduled to expire on May 28, 2013, and are proposed to be readopted so as to continue the program. Pursuant to RSA 541-A:14-a, the existing rules will continue in effect until this rulemaking is completed, subject to the conditions specified therein. Amendments are being proposed that are intended to (1) substantially reorganize the rules to increase clarity and reduce redundancy, (2) redesignate the rules into the Env-Or (Oil and Remediation Programs) subtitle, and (3) make the following additional changes:

1. Exempt any small (≤330 gallons) aboveground storage tank (AST) system used only for on-premise heating located at an AST facility that is otherwise regulated from all requirements except those

applicable to on-premise-use heating oil tanks specified in NFPA 31. (Currently, all AST systems at an AST facility that is regulated under Env-Wm 1402 must comply with all requirements.)

2. Delete the definitions for "new AST system" and "existing AST system". The distinguishing date in the definitions is April 25, 1997, and calling a system that has been in place for 16 years "new" is confusing to the public and the regulated community. (For example, someone who buys an active AST facility that was installed in 2001 would not intuitively know that requirements for "new AST systems" apply to the systems at the recently-purchased facility.) Further, the modifier "new" is not used consistently in the rules, since sometimes it applies to facilities that are being proposed (and so are "new" in the commonly-understood sense). To the extent a date-based distinction is still significant, it is now being made in the specific rules where it applies.
3. Revise the requirements regarding Spill Prevention Control, and Countermeasure (SPCC) Plans to conform with the statute that exempts "qualified facilities" (as defined in RSA 146-A) from having to have the SPCC Plan prepared or approved by a professional engineer.
4. Replace the exemption for oil transfer areas that were used prior to the 2005 rules to not have an impermeable surface with positive limiting barriers with a two-year compliance deadline. An exemption is proposed for political subdivisions that do not vote to fund compliance if the State does not provide funding.
5. Specify the information required to be recorded to document exterior and interior inspections and annual testing in greater detail.
6. Specify the information required to be submitted in an application for approval to construct or substantially modify an AST system in greater detail.
7. Expressly state the requirement for the Department to review an Application for Approval to Construct or Substantially Modify an AST system for completeness.

**Water Conservation** - The Department of Environmental Services has proposed the readoption of amendments of water conservation rules. The existing rules, Env-Wq 2101, implement RSA 485:61, Rules for Water Conservation, by requiring water users that are subject to the rules to implement practices that reduce the use, loss, and waste of water. The rules apply to entities obtaining water from a new source of water that requires Department approval. The rules establish a range of initiatives that must be implemented based on the type of water user, and establish timeframes for implementation by existing facilities. The rules are scheduled to expire on May 14, 2013 and so are proposed to be readopted with amendments. The existing rules will continue in effect as provided in RSA 541-A:14-a, I, subject to the conditions stated therein.

The amendments that are being proposed are intended to:

1. Reorganize the rules to improve clarity and reduce redundancy,
2. Fully implement the statute by including all sources that are covered by the statute in the rules, and
3. Better align the requirements with advancements in the water conservation field that have been made since the rules were originally adopted.

**Wetlands Program Rules** - The Department of Environmental Services has proposed the readoption of existing rules Env-Wt 300 through Env-Wt 700 which establish the parameters of the program implemented by the Department under RSA 482-A, Fill and Dredge in Wetlands. Specifically, the rules establish criteria and conditions for permits; requirements for delineation and classification of wetlands; criteria for classification and evaluation of projects; design and construction criteria for shoreline structures, intake and outflow structures, and shoreline stabilization; permit application procedures for the various types of permits issued (including "standard" permits, expedited minimum impact permits, and permits by notification); general conditions applicable to all permits; emergency procedures; procedures and criteria for suspension, revocation, or modification of permits; design and construction criteria for projects in tidal wetlands; and procedures for designating prime wetlands. Most of the rules in Env-Wt 300-700 are due to expire on 25 APR 13. Because the Department has not made

sufficient progress or obtained sufficient stakeholder input on the new rules being drafted, the Department is proposing to readopt the rules in Env-Wt 300-700 that would otherwise expire with no changes, so that the Department's resources can be focused on working with stakeholders to develop new (improved) rules on a clearly-delineated time line leading to the readoption of new rules in late 2014.

**Wetlands Program Rules of Practice and Procedure** - The Department of Environmental Services has proposed the readoption with amendment of rules which establish procedures for hearings on permit applications, reconsideration of permitting decisions and administrative orders, and waiver requests. The rules are scheduled to expire on 25 APR 13. The rules are proposed to be readopted with amendments to reflect statutory changes enacted after the effective date of the rules and to otherwise clarify the rules.

### **Regulations**

**State Surface Water Discharge Permits** - The Department of Environmental Services has readopted with amendments existing rules, Env-Ws 401, which establish the standards and procedures by which a facility can obtain a state surface water discharge permit under RSA 485-A:13, I(a) when no federal NPDES permit is needed. The rules are scheduled to expire on 28 MAY 13. The Department is readopting the rules with amendments which are intended to:

1. Renumber the rules into a new Chapter Env-Wq 300 in the Env-Wq subtitle,
2. Move statutory definitions into an appendix,
3. Clarify existing requirements, and
4. Add three requirements in the application section to address situations that have arisen in other Department permitting programs. The additional application requirements are intended to:
  - (a) Ensure that the facility owner has legal right, title, or interest in the property on which the facility is or will be located if the facility owner of the facility does not own the land on which the facility is or will be located;
  - (b) Ensure that if the facility owner is a business entity that is required by New Hampshire law to register with the New Hampshire Secretary of State, then the business is registered and in good standing to do business in New Hampshire; and
  - (c) Ensure that if the applicant is not the legal owner of the facility, then the applicant has been legally authorized to act on behalf of the owner for purposes of the application.

This regulation passed and became effective on 22 MAY 13.



**RHODE ISLAND**

**Note: The RI General Assembly convenes on 1 JAN 13 and will adjourn on 30 JUN 13.**

### **Proposed Legislation**

No new environmental legislation of significant importance to DoD was identified during this reporting period.

### **Regulations**

[Rhode Island Coastal Resources Management Program \(Red Book\) - Section 145](#) - The Coastal Resources Management Council has adopted revisions to the RI Coastal Resources Management Program - Red Book Section 145 Climate Change and Sea Level Rise to update Section 145 with the latest scientific information and data in regard to sea level rise and in keeping with the Council's policy to revisit new scientific evidence in accordance with Section 145.C.3. The Coastal Resources Management Council has also adopted revisions to the [Rhode Island Coastal Resources Management Program \(Red Book\) - Section 210.2](#) Barriers Islands and Spits to clarify that the intended prohibition applies to barriers and to add stormwater drainage projects as an allowable activity. These regulations passed and became effective on 13 JUN 13.



## VERMONT

**Note: The Vermont General Assembly convenes on 9 JAN 13 and adjourned on 10 MAY 13.**

### **Proposed Legislation**

The Vermont Legislature is out of session.

### **Proposed Rules**

No new environmental regulations of significant importance to DoD were identified during this reporting period.

## REGION 2



### NEW JERSEY

**The New Jersey Legislature meets throughout the year.**

#### **Proposed Legislation**

On 6 MAY 13, Assemblyman Peterson introduced [NJ AB 4091](#) which would prohibits the use of unmanned aerial vehicles, commonly referred to as drones, by law enforcement entities in this State. In February, the President of the United States signed the FAA Modernization and Reform Act of 2012. This act mandates that the Federal Aviation Administration administer a program that integrates the use of drones into the national airspace system. Under the provisions of the bill, a law enforcement agency or officer is prohibited from utilizing a drone unless the United States Secretary of the Department of Homeland Security determines that credible intelligence indicates that the use of a drone is necessary to counter a high risk of a terrorist attack by a specific individual or organization. In addition, the bill prohibits any State officer or any officer or agency of local government responsible from utilizing a drone to enforce the land-use and building regulations established under the “State Uniform Construction Code Act” or the “Municipal Land Use Law.” The bill waives the prohibition on using drones for the forest fire service established under the Department of Environmental Protection when the service or any members of the service utilize a drone to survey or monitor the extent of a forest fire. Finally, that a law enforcement entity or forest fire service that utilizes a drone is prohibited from operating the drone at an altitude of greater than 350 feet.

On 25 APR 13, Senator Ruiz introduced [NJ SB 2711](#) and on 6 JUN 13, Assemblywoman Spencer introduced [NJ AB 4136](#) which would directs the Commissioner of Health, in consultation with representatives of health care facilities and food service establishments, to develop a plan to phase out the use of latex gloves in licensed health care facilities and food service establishments. Latex allergies are increasingly becoming a problem for health care workers, patients, food service workers, and consumers of food products handled with latex gloves; and the dangers of exposure to latex gloves is recognized as a serious occupational health risk by the Food and Drug Administration, the Occupational Safety and Health Administration, the National Institute for Occupational Safety and Health, and the Centers for Disease Control and Prevention. The National Institute for Occupational Safety and Health, and the Occupational Safety and Health Administration recommend that workers be provided with non-latex gloves in order to reduce the risk of causing latex sensitization and allergies. The bills also direct the commissioner to submit the plan to the Governor and the Legislature within 180 days of the date of enactment of the bill, and propose the plan, as a Department of Health regulation, in the New Jersey Register after submitting the plan to the Governor and Legislature.

#### **Proposed Rules**

[Coastal Permit Program Rules and Coastal Zone Management Rules](#) - The Department of Environmental Protection has adopted on an emergency basis and is concurrently proposing amendments, repeals and new rules in the Coastal Permit Program rules, N.J.A.C. 7:7, and Coastal Zone Management rules, N.J.A.C. 7:7E, which are necessary in view of the significant adverse social, economic and environmental impacts associated with Superstorm Sandy which hit New Jersey’s coastline on Monday, 29 OCT 12, and in support of the rebuilding and

economic recovery of New Jersey's coastal areas in an expeditious and resilient manner. A statement of the substance of the concurrent proposal follows:

These amendments, repeals, and new rules are intended to facilitate the expeditious rebuilding of more resilient coastal communities and coastal-related industries, and help facilitate the recovery of the coastal ecosystem. The amendments, repeals, and new rules fall into five broad categories:

1. Facilitation of the expeditious rebuilding of residential and commercial developments;
2. Facilitation of renovation or reconstruction of existing marinas and construction of new marinas;
3. Restoration of New Jersey's shellfish aquaculture industry;
4. Maintenance of engineered beaches and dunes and establishment of living shorelines; and
5. Facilitation of removal of sand and other materials, as well as the availability of dredged material disposal/placement areas.

### **Regulations**

**Endangered Plant Species Program** - The Department of Environmental Protection has readopted amendments to the Endangered Plant Species Program rules at N.J.A.C. 7:5C to:

1. Update N.J.A.C. 7:5C-4.1, Public participation, to include the current mailing address and email address of the Office of Natural Lands Management, which administers these rules and is the recipient of information from the public on endangered plant species.
2. Amend N.J.A.C. 7:5C-5.1, Endangered Plant Species List, to add 37 native plant species to the List and remove 20 species from the List based on the criteria for designating plant species as endangered at N.J.A.C. 7:5C-2.2 and current information in the Department's Natural Heritage Database. The resultant List will contain 356 endangered plant species.
3. Update the scientific names of 62 currently listed endangered plant species to reflect current scientific nomenclature.

This regulation passed and became effective on 9 APR 13.



## **NEW YORK**

**The New York State Legislature meets throughout the year.**

### **Proposed Legislation**

On 15 JAN 13, Assemblyman Englebright introduced [NY AB 2431](#) which would authorize local governments to adopt or enact local laws, codes or ordinances imposing higher or more restrictive standards than the New York state fire prevention and building code, relating to the presence of lead in buildings; such local laws, codes and ordinances shall not be subject to the review of the state fire prevention and building code council.

On 11 FEB 13, Assemblyman Thiele introduced [NY AB 4837](#) and on 11 FEB 13, Senator LaValle introduced [NY SB 3707](#) which pertains to tidal wetlands permits. According to the bills, tidal wetlands permits can be granted

for no more than 5 years, and upon renewal, new permit must be submitted. The bills also set forth new criteria for renewing an existing permit.

On 10 APR 13, Senator Marchione introduced [NY SB 4553](#) which would include the federal government within the definition of "public body" for purposes of conservation easements.

On 9 JAN 13, Senator Dilan introduced [NY SB 401](#) and on 4 MAR 13, Assemblyman Englebright introduced [NY AB 5623](#) which would authorize the lease of lands adjacent to state, county, and town highways for operation of wind or solar electric generating systems. These bills would also authorize the Metropolitan Transportation Authority to enter into such leases.

### **Regulations**

[Air Emissions from Surface Coating Facilities](#) - The Department of Environmental Conservation has adopted rulemaking to reduce volatile organic air emissions from surface coating facilities. This regulation passed and became effective on 5 JUN 13.

## REGION 3



### DISTRICT OF COLUMBIA

**Note: The Council of the District of Columbia meets twice per month throughout the year.**

#### Proposed Legislation

On 15 APR 13, Councilmember Mendelson introduced [DC PR 197](#) which would encourage DC water customers to install eligible Best Management Practices (BMP) that reduce stormwater runoff generated on the customer's property. These BMP installations will help the District comply with its Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Final Permit from the US EPA.

#### Proposed Rules

[Clean Rivers Impervious Surface Area Charge Incentive Program](#) - Water and Sewer Authority has proposed rulemaking regarding the implementation of the District of Columbia Clean Rivers Impervious Surface Area Charge Incentive Program. The Board of Directors of the District of Columbia Water and Sewer Authority authorized DC Water to establish a three year pilot credit/discount program for the DC Clean Rivers Impervious Surface Area Charge (IAC) with a 4% maximum incentive credit/discount, not to exceed an annual established budget allowance. The costs for the credits/discounts will be applied to the rate of the associated customer category. The effective date for the DC Clean Rivers IAC Incentive Program will be the effective date of the District Department of the Environment (RiverSmart Rewards) Stormwater Credit/Discount Program, but not earlier than 1 OCT 13.



### DELAWARE

**Note: The Delaware General Assembly convenes on 8 JAN 13 and will adjourn on 30 JUN 13.**

#### Proposed Legislation

On 25 APR 13, Representative Heffernan introduced [DE HB 94](#) which would improve and clarify the department of natural resources and environmental control's process and criteria for issuing permits to handle or possess protected wildlife, finfish or shellfish for scientific, education or propagation purposes. Process improvements and clarifications include eliminating uncertainty regarding the requirement for a permit, allowing issuance of permits for education purposes, allowing issuance of permits for shellfish species, establishing the ability to require increased permit holder accountability and reporting, providing permit revocation authority, and providing clarification of the applicability of existing penalty provisions.

On 9 MAY 13, Senator McBride introduced [DE SB 78](#) which would establish a wetlands advisory committee to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware, including evaluating national best practices and standards, evaluating incentive-based programs, and reviewing state and federal wetland permitting processes to identify opportunities to improve efficiency and eliminate redundancy. The secretary will provide a final report of recommendations to the general assembly no later than 31 DEC 14. The bill also amends title 7 del c. Chapter 66, §6607 and §6617 and title 7 del c. Chapter 72, §7205 and §7214 to expedite resolution of violations by allowing the use of administrative procedures and penalties to resolve wetland and subaqueous lands violations and by minimizing the use of civil or criminal prosecution to resolve violations. The bill also allows the secretary to issue after-the-fact permits and assess administrative penalties as appropriate.

On 16 MAY 13, Senator Bushweller introduced [DE SB 93](#) which would create a process for Kent County to establish a stormwater maintenance district and for the collection and use of stormwater maintenance fees.

### **Regulations**

[Biogenic Deferral](#) - The Department of Natural Resources and Environmental Control has adopted revisions to Section 1.9, Definitions of 7 DE Admin. Code 1125, to include in the definition for "Greenhouse Gases (GHG)" that, prior to July 21, 2014, biogenic carbon dioxide (CO<sub>2</sub>) emissions be excluded from consideration. This change mirrors the federal rule at 76 FR 43490 (July 20, 2011) temporarily deferring for a period of three years the application of Prevention of Significant Deterioration (PSD) permitting requirements for CO<sub>2</sub> emissions from bioenergy and other biogenic stationary sources such as landfills. The Department will submit this change to the Environmental Protection Agency as a revision to the State Implementation Plan (SIP). This regulation passed and became effective on 11 JUN 13.

[Radiation Control Regulations](#) - The Department of Health and Social Services has adopted revisions to five sets of Delaware Radiation Control Regulations. The purpose of the amendments is to update the requirements so that they are in concert with current healthcare standards and to align them more closely with current state administrative code and federal requirements. This regulation passed and became effective on 11 JUN 13.



## **MARYLAND**

**Note: The Maryland General Assembly convenes on 9 JAN 13 and adjourned on 8 APR 13.**

### **Legislation**

On 31 JAN 13, Delegate Hubbard introduced [MD HB 561](#) which would alter the definition of "Waters of the State" as it relates to the specifying that certain requirements of the nutrient management program administered by the Department of Agriculture apply to certain surface waters, the Chesapeake Bay and its tributaries, and other certain bodies of water; and generally relating to nutrient management. This Governor approved the bill on 2 MAY 13.

On 4 FEB 13, the Environmental Matters Committee introduced [MD HB 706](#) which would the range of acres of land that a person is required to own or lease to be eligible for certification for a certain income tax subtraction or modification; and alters certain prohibitions against setting certain fires. The bill expands the Reforestation Fund to include financing tree planting on private land and financing the prevention of and response to forest health emergencies and extends the time frame within which the Department must accomplish certain reforestation requirements and for which certain funds are required to remain in the Fund, among other rule changes. The Governor approved the bill on 2 MAY 13.

On 25 JAN 13, Senator Edwards introduced [MD SB 370](#) which would require that certain industrial wind energy conversion systems comply with certain setback requirements; authorize certain variances under certain circumstances; require that before a permit is issued for certain industrial wind energy conversion systems, the Garrett County Department of Planning and Land Development retain at the applicant's expense a certain professional engineer to prepare a certain cost estimate and require the applicant to post a certain bond; requiring that the bond be held as surety for certain purposes; require, on completion of the construction of certain industrial wind energy conversion systems and on a certain periodic basis, the Department to retain at the applicant's expense a certain professional engineer for certain purposes; authorize the Department to alter the amount of a certain bond under certain circumstances; provide for the release of a bond under certain circumstances; authorize the Department to require a certain owner to decommission and restore a certain pad site under certain circumstances; authorize the use of a certain bond under certain circumstances; define certain terms; provide that a certain rule, regulation, law, or ordinance for zoning of industrial wind energy conversion systems supersedes this Act; provide for the application of this Act; make this Act an emergency measure; and generally relate to wind turbines in Garrett County. The Governor signed the bill and it became effective on 16 MAY 13.

On 1 FEB 13, Senator Manno introduced [MD SB 370](#) which would require the Department of Agriculture to adopt certain regulations regarding reporting on the use, release, sale, and purchase of certain pesticides; require certain persons that use, release, sell, or purchase certain pesticides to submit certain reports to the Department; require the reports to contain certain information; require certain restricted use pesticide reports to be submitted at least semiannually in a manner required by the Department; require certain pesticide reports to be submitted annually beginning on a certain date; require the Department to establish the format of the reports; and require the Department to adopt regulations for standard naming conventions for certain chemicals and products. The Governor approved the bill on 16 MAY 13.

### **Proposed Rules**

[2013 Triennial Review of Water Quality Standards](#) - The Department of the Environment (MDE) has issued an advance notice of proposed rulemaking (ANPRM) regarding the 2013 Triennial Review of Water Quality Standards. The Clean Water Act (CWA) requires that States review their water quality standards every three years (Triennial Review) and revise the standards as necessary. MDE has successfully used the ANPRM process during previous Triennial Reviews. The ANPRM is an informal, non-regulatory tool used to solicit input from stakeholders, prior to initiating the formal rule-making process. This gives stakeholders an opportunity to present recommendations, voice concerns, and provide input to the State's water quality standards for MDE to consider for amendment and addition. With this ANPRM, Maryland is soliciting public input on its current review of the Water Quality Standards. Issues that the MDE believes should be addressed are presented below for public review. MDE will consider additional issues if the necessary data are available to make the appropriate determination. A subsequent promulgation of new water quality standards may include issues not included in this proposal.

[CB-45-2013 - An Act Concerning Stormwater Management - Watershed Protection and Restoration Program](#) - The County Council of Prince George's County has introduced CB-45-2013 - an Act Concerning Stormwater Management - Watershed Protection and Restoration Program for the purpose of establishing a

Watershed Protection and Restoration Program, as required by State law; providing for the setting, collection and deposit of a Clean Water Act Fee into a Local Watershed Protection and Restoration Fund; providing for the purposes for which money in the Local Watershed Protection and Restoration Fund may be used; providing for biannual reporting on the operation of the Local Watershed Protection and Restoration Fund; requiring the Department of Environmental Resources to establish policies and procedures for the reduction of the Clean Water Act Fee; and generally relating to the Watershed Protection and Restoration Program.

**Radiation Protection** - The Department of the Environment has proposed rulemaking to update COMAR 26.12.01.01, Incorporation by Reference, to incorporate Supplement 23, which includes:

1. Two U.S. Nuclear Regulatory Commission rules relating to radioactive material licensee decommissioning planning, and construction relative to radioactive material licenses;
2. Requirement for a decommissioning funding plan for certain radioactive material licenses;
3. Deletion of any use of a C-arm fluoroscope by an untrained user;
4. Documentation requirements for radiation machine preventive maintenance reports;
5. Definition of a healing arts practitioner as related to radiation use; and
6. Minor corrections to regulations.

### **Regulations**

#### **Request for Public Comments on List of De Minimis and Environmentally Beneficial Activities of the U.S. Department of Defense Concerning the Federal Consistency Provision of the Maryland Coastal Management Program**

- On 8 MAY 13, Maryland and the Department of Defense formally signed a Memorandum of Understanding (MOU) concerning the Federal consistency requirements of the CZMA and the application of certain enforceable policies of Maryland's Coastal Zone Management Program. Secretary John Griffin, Maryland Department of Natural Resources, Deputy Secretary David Costello, Maryland Department of the Environment, Donald Schregardus, Deputy Assistant Secretary of the Navy for Environment, Hershall Wolfe, Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health, Gerald Pease, Deputy Assistant Secretary of the Air Force for Environment, Safety and Occupational Health and NOAA Acting Deputy Assistant Administrator, Russell Callender participated in the signing ceremony. The official signing of this MOU caps an over two year partnership between Maryland, NOAA, and DoD, facilitated by the DoD/Navy REC, to clarify and streamline how DoD and Maryland will work together to protect Maryland's coastal resources such as beaches, forest and fish habitat, while balancing multiple coastal uses such as navigation and combat readiness training. As a framework for enhancing State-Federal coordination, the MOU will help Maryland and DoD better manage and protect coastal resources while avoiding or minimizing use conflicts. The agreement will improve the quality and timeliness of project reviews while protecting and conserving the environment. This MOU, the first of its kind in the nation, is being heralded as a model for other coastal states. The REC is developing a training session for Maryland installation on the MOU and the approved list of de minimis and beneficial activities list. In addition, Maryland and the REC agreed to develop a "checklist" to facilitate project approval. A list of the de minimis and environmentally beneficial activities is available at [http://dnr.maryland.gov/ccp/coastal\\_policy.asp](http://dnr.maryland.gov/ccp/coastal_policy.asp).

### **Pax River Preps for Hurricane Season**

**By Nicole Clark – Gazette.net (MD)**

Hurricane season is on its way and a team of sailors, firefighters and environmentalists at Patuxent River Naval Air Station is preparing for the worst. During a drill recently, the scenario was that a hurricane caused rain to fill the basin surrounding a 600,000-gallon jet fuel tank. Someone opened a valve to let the rainwater out, but forgot to put the cap back on. Later, high winds caused a tree to fall onto the tank, allowing fuel to leak and be carried away, with the rainwater, into the nearby West Basin and, potentially, the Patuxent River and Chesapeake Bay. "One wrong step in protecting the bay could have an effect on the entire fishing industry," said Lance McDaniel, an environmental director for the Naval Facilities Engineering Command. And, he said, "There's an oath I took.

Instead of causing harm, federal agencies should try to leave sites better than they found them. Man's missteps already have allowed for sediment to build up near the bay, choking out native grasses, and compromising the environment for animals in the water." So, the Navy does what it can to reduce the negative impact to waterways. Nearly every building on station has a spill plan, McDaniel said.

In the drill, firefighters were the first responders and a crew of sailors deployed small boats to drag a boom around the spill. The 'spill' was actually lime green dye leaking from the fuel tank area and into the basin. Sailors first contained it and then used hoses, ropes, and skimmers to practice getting the 'fuel' off of the water surface and into a vacuum truck waiting nearby. In a true spill, the Environmental Protection Agency, U.S. Coast Guard and scores of contractors and Navy personnel would be available to assist.

The air station carries out a series of drills with aviation crews and families living there each hurricane season, said Commanding Officer Capt. Ben Shevchuk. "We run through the checklist to make sure the equipment is ready," he said.



## PENNSYLVANIA

**Note: The Pennsylvania General Assembly meets throughout the year.**

### **Proposed Legislation**

On 6 MAY 13, Representative Santarsiero introduced [PA HB 1322](#) which would provide for review fees.

On 5 JUN 13, Senator Vogel introduced [PA SB 994](#) which would provide for the creation of a major watershed improvement program, for establishment of a verified TMDL parameter credit program, for the powers and duties of the Department of Environmental Protection and the Pennsylvania Infrastructure Investment Authority, and for completion of a study by the Legislative Budget and Finance Committee.

### **Proposed Rules**

[Pennsylvania's 2014 Ambient Air Monitoring Network Plan](#) - The Department of Environmental Protection has invited public comment on Pennsylvania's 2014 Ambient Air Monitoring Network Plan. On October 17, 2006, the United States Environmental Protection Agency (EPA) promulgated final amendments to the national ambient air monitoring requirements for criteria pollutants in 40 CFR Parts 53 and 58 (relating to ambient air monitoring reference and equivalent methods; and ambient air quality surveillance). See 71 FR 61236 (October 17, 2006). The EPA's final rule requires state and local agencies to enhance air monitoring to "improve public health protection and better inform the public about air quality in their communities". Under 40 CFR 58.10 (relating to annual monitoring network plan and periodic network assessment), air quality state and local monitoring agencies must adopt an annual air-monitoring network plan and make the plan available for public inspection for at least 30 days prior to final submission to the EPA Regional Administrator. The plan, which is due 1 JUL 13, must include a statement of purpose for each monitor and evidence that siting and operation of each monitor meets Federal requirements. The EPA may also provide an opportunity for review and comment prior to approving or disapproving a state's Monitoring Network Plan.

**Proposed Annual Monitoring Network Plan for Philadelphia** - The Department of Environmental Protection has made the proposed Annual Monitoring Network Plan for Philadelphia available for public comment. Part 58 of 40 CFR (relating to ambient air quality surveillance) requires state and local air pollution control agencies to adopt and submit to the United States Environmental Protection Agency (EPA) Regional Administrator an Annual Monitoring Network Plan (AMNP) by 1 JUL 12. The AMNP provides for the establishment and maintenance of an air quality surveillance system that consists of a network of monitoring stations. A proposed AMNP must be made available for public inspection for at least 30 days prior to submission to the EPA. Air Management Services is the local air pollution control agency for the City of Philadelphia under the Department of Public Health. Philadelphia has an air monitoring network of 11 air monitoring stations that house instruments that measure ambient levels of air pollutants.

### **Pool Owners Reminded to Handle Wastewater Safely**

Private and public pool owners, as well as pool management companies, should remember that chlorinated wastewater must be handled responsibly, according to Acting Department of Environmental Protection Secretary Chris Abruzzo. “Pools will open in just a few weeks,” Abruzzo said. “Sometimes as swimming pools are cleaned and prepared for summer use, we see fish kills in local streams that could easily have been prevented. Pool owners and professional pool cleaners need to dispose of old water correctly, and to neutralize wastewater containing chemicals such as chlorine and muriatic acid. Most importantly, they need to make sure the wastewater is going into the sanitary sewer, where it’s allowed—not into storm sewers.”

When chlorinated water is drained from a swimming pool into a storm sewer, it can quickly make its way to a stream or other body of water, where aquatic life can be damaged or killed.

The discharge of swimming pool water to local waterways without a permit is a violation of the Clean Streams Law. Property owners and pool companies must obtain a permit from their local municipality before disposing of any pool wastewater. This includes pool backwash water, neutralized pool cleaning wastewater and standing water.

Pool wastewater should be discharged into the local sanitary sewer system, if possible. If sanitary sewers are not available, the wastewater should be hauled off-site for disposal at an approved treatment facility or otherwise discharged according to the department’s Swimming Pool Wastewater Discharge Guidelines. For more information, download DEP’s [Swimming Pool Wastewater Guidelines](#).

### **Gov. Corbett Asks For, Receives Resignation of DCNR Secretary Richard Allen**

Gov. Tom Corbett asked for and received the resignation of the Department of Conservation and Natural Resources Secretary Richard J. Allan. Allan, 59, of Cumberland County, has served as a member of the cabinet since March 2011. Ellen Ferretti, Deputy Secretary for Parks and Forestry, will serve as Acting Secretary effective immediately.

Since mid-April the Department of Environmental Protection has also had an Acting Secretary Chris Abruzzo. The Governor has not yet nominated a permanent replacement.

With the General Assembly set to adjourn for the summer on 1 JUL 13 after they act on the state budget, no permanent replacements can be put in place for either agency until late fall.



**VIRGINIA**

**The Virginia Legislature convenes on 9 JAN 13 and adjourned on 23 FEB 13.**

### **Proposed Legislation**

The Virginia Legislature is out of session.

### **Proposed Rules**

**Asbestos Licensing Regulations** - The Department of Professional and Occupational Regulation, Board for Asbestos, Lead, and Home Inspectors has proposed rule amendments that will:

- Amend 18VAC15-20-70.H to allow a licensee or an accredited asbestos training provider to renew a license or accredited asbestos training program up to 12 months after the expiration of the license or accreditation without penalty of reapplying as a new applicant.
- Amend 18VAC15-20-470.I to allow for more than 24 hours for training providers to submit course participant lists following course completion.
- Delete 18VAC15-20-520.B which requires two instructors for all initial accredited asbestos training programs except for initial worker accredited asbestos training programs.

**National Standard for PM<sub>2.5</sub> - SIP Revision** - The Department of Environmental Quality (DEQ) has announced an opportunity for public comment on a proposed revision to the Commonwealth of Virginia State Implementation Plan (SIP). The proposed revision will consist of amendments to an existing regulation concerning ambient air quality standards. On 15 JAN 13 (78 FR 3086), EPA revised the National Ambient Air Quality Standard (NAAQS) for fine particulate (PM<sub>2.5</sub>). The annual arithmetic mean concentration has been set at 12 µg/m<sup>3</sup>, and the standard for the 24-hour concentration is being retained at 35 µg/m<sup>3</sup>. Chapter 30 contains the specific criteria pollutant standards set out in 40 CFR Part 50. Therefore, this chapter is the action effectively implementing the EPA requirements, and must be revised accordingly.

### **Regulations**

**Amendment of Permit Action Fee for Corrective Action** - The Department of Environmental Quality has proposed a fast track regulation that will amend the Financial Solid Waste Permit Action Fees and Annual Fees under 9VAC20-90. Currently the fee for corrective action at solid waste landfills is \$22,860. This fee has been evaluated and deemed to be burdensome with the streamlining that is being proposed for the corrective action program. The new fee for this permit action will be \$3,000 which is more in line with other fees for permit amendment actions. This regulation passed and becomes effective on 1 AUG 13.

**Amendment to Remove Transporter Annual Report Requirement** - The Department of Environmental Quality has proposed a fast-track regulatory action that will amend the Virginia Hazardous Waste Management Regulations under 9VAC20-60. The amendment will delete the annual report requirement for transporters of hazardous waste. This regulation passed and becomes effective 4 JUL 13.

**Immediate Final Rule 2012 - Annual Update** - The Department of Environmental Quality has adopted an exempt action regulation to amend Virginia's Regulations Governing the Transportation of Hazardous Materials under 9VAC20-110, incorporate by reference certain federal regulations from Title 49 of the Code of Federal Regulations (CFR). This amendment will bring these regulations up to date with the latest update to Title 49 of the CFR as published on 1 OCT 12. Each year the U.S. Department of Transportation (U.S. DOT) makes several changes to the federal rules regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9VAC20-110-110, which specifies the date of the federal regulations that are incorporated into Virginia regulations. For the ease of use by the regulated community, this date is always 1 OCT; however, the text is amended to change the year, thus incorporating federal changes from 1 OCT of the previously

incorporated year through 30 SEP of the newly specified year. This amendment covers one year, 1 OCT 11 through 30 SEP 12, and there are changes. Regulation passed and becomes effective on 17 JUL 13.

**Qualifications for Licensure for Conventional Onsite Sewage System Operators** - The Department of Professional and Occupational Regulation, Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals has adopted amendments to regulations governing the qualifications for licensure for conventional onsite sewage system operators. The existing Board Regulations require all individuals seeking licensure to demonstrate required experience and pass a board-approved examination. Acts of the 2013 General Assembly Chapter 731 amended and reenacted § 54.1-2301 of the Code of Virginia effective 1 JUL 13. The amended language at § 54.1-2301.F states, "The Board shall permit any wastewater works operator to sit for the conventional onsite sewage system operator examination." Pursuant to the Acts of the 2013 General Assembly Chapter 731, the Board amended its regulation to permit an individual who possesses a valid wastewater works operator license to sit for the conventional onsite sewage system operator exam. This regulation passed and becomes effective on 1 JUL 13.

### **Naval Installations Participate in Clean the Bay Day**

Sailors and civilians from naval installations around Hampton Roads participated in the 25th Annual Clean the Bay Day (CTBD) on 1 JUN 13. All over Hampton Roads, more than 5,900 volunteers, including 236 active duty military personnel, removed 85 tons of trash from 300 miles of shorelines and roadways during the event, according to a preliminary count by the Chesapeake Bay Foundation, which sponsored the clean-up.

"Everyone involved did an outstanding job," said Chief Boatswain's Mate Lee Gaines, event co-coordinator. "NAVSTA Norfolk sailors were charged with cleaning up the Mason Creek area on base and we collected more than 500 pounds of trash and discarded building materials."

The Chesapeake Bay Foundation holds these events annually as part of its mission to clean the bay of trash and debris. "Much of the trash in our waterways comes from our streets and parking lots as storm water runoff carries it through storm drains, directly into rivers, streams, and the bay," said Andrea Moran, Chesapeake Bay Foundation Hampton Roads Communications Director. "It is not only unsightly and unhealthy, but it also poses a threat to wildlife and can block sunlight that underwater grasses need to survive and grow. These underwater plants provide oxygen and shelter for many species of animals in the bay."

At NAVSTA Norfolk, the bay clean up began at Breezy Point Park. For about three hours, with the sailors scouted the Mason Creek area, collecting whatever trash and debris they could find. "We picked up a lot of debris that was scattered all over the place," said Culinary Specialist 3rd Class Sarah Thompson. "I felt like I did my part in making the base more beautiful."

"I like to help out the community in every way I can, so I was glad to participate," said Boatswain's Mate Seaman Jonathon Tubbard. "It was crazy to see just how much trash we had picked up after everything was loaded into the trash trucks. The bay was definitely cleaner as a result of our efforts."

CTBD event organizers said they greatly appreciated the hard work of all of the participants. "We at the Chesapeake Bay Foundation are always very pleased at the turnout, that so many sailors are concerned about the quality of the water in our waterways."

Since 1989, more than 122,000 Clean the Bay Day volunteers have removed approximately 5.8 million pounds of debris from nearly 5,500 miles of shoreline in Virginia alone.

### **Naval Weapons Station Yorktown-Cheatham Annex Receives HRSD Diamond Award**

**By Mark O. Piggot – Naval Weapons Station Yorktown-Cheatham Annex Public Affairs**

Naval Weapons Station (WPNSTA) Yorktown-Cheatham Annex (CAX) won the Diamond Excellence Award for ten years of perfect environmental compliance by the Hampton Roads Sanitation Department (HRSD), 2 May 13, during a ceremony at the Hilton Norfolk Airport Hotel. This is a first for installations in the Hampton Roads area.

Since 2003, WPNSTA Yorktown-CAX and its various tenant commands have worked together, as a team, to ensure complete environmental compliance with local, state and federal laws, regulations and policies, preventing pollution at its source whenever possible.

"There were many factors that helped CAX achieve this milestone," said Angela Gent, stormwater/wastewater media manager for WPNSTA Yorktown-CAX. "Our commitment and dedication to environmental excellence as well as the communication, coordination, and teamwork of all the staff involved. Dave Plessinger, Environmental Protection Specialist (EPS) at CAX, has done an excellent job of maintaining a good relationship with all tenants and providing environmental training and support to them."

Additionally, WPNSTA Yorktown was awarded the Gold Award for maintaining perfect permit compliance for 2010-2012 by HRSD. These awards continue to demonstrate the leadership and commitment by military and civilian personnel assigned to the installation to strive for the safe, healthful, and compliant execution of their mission as well as the preservation and protection of our land, air and water.

"This is a monumental achievement, for WPNSTA Yorktown, Cheatham Annex and Naval Facilities Engineering Command (NAVFAC) Mid-Atlantic by everyone on our combined staffs and our tenant commands," said Captain Lowell Crow, commanding officer of WPNSTA Yorktown-CAX. "We have a responsibility to our community and our Navy to ensure we maintain 100% environmental compliance with local, state, and federal regulations while performing our mission to support the warfighters without delay."

WPNSTA Yorktown-CAX will continue best management practices (structural and non-structural) to continue its award-winning practices at the installation. "Our future environmental success can be influenced by incorporating Leadership in Energy and Environmental Design (LEED) construction and Low Impact Development (LID) construction into future projects; continuation of environmental awareness training; support and inspections of pretreatment devices by EPS and Yorktown Environmental staff; and the continuation of preventive maintenance and pollution prevention that focuses on source reduction to reduce or eliminate the volume and toxicity of waste streams," Gent added.

WPNSTA Yorktown's mission is to provide installation management/host services for various tenant commands and visiting ships conducting ordnance operations and other missions. Cheatham Annex's mission is to provide warehousing, water transportation facilities, logistics, supply, reserve troop training and related services to the Atlantic Fleet along with recreational opportunities for military and civilian personnel.



## **WEST VIRGINIA**

**The West Virginia Legislature convenes on 9 JAN 13 and adjourns on 14 APR 13.**

### **Proposed Legislation**

The West Virginia Legislature is out of session.

## **Proposed Rules**

**2013 Ambient Air Monitoring Network Design** - The Department of Environmental Protection has made the Division of Air Quality's (DAQ) ambient air monitoring network design for 2013 available for public inspection. Any written comments received during the 30 day public inspection period, regarding this network design will be forwarded to USEPA Region 3 along with the network design document. The annual network design format will also be used to document changes to the state's PM2.5 monitoring that would affect the location of a violating PM2.5 monitor. Except for circumstances not anticipated during this review period, such as inadequate federal or state funding, leasing issues, site maintenance issues, personnel resource issues or equipment failure no other intentional changes are expected to be made, at this time, to the PM2.5 monitoring network or the criteria pollutant monitoring network/stations during the next 12 months except those that are discussed within this document. All of the monitoring sites are leased and those leases are subject to periodic renewals and a standard 30 day termination clause by either party which can affect the DAQ's ability to retain a monitoring site location. Any proposed changes mentioned in this document will only be made after this agency has provided notification to USEPA Region 3. The proposed changes are listed herein so that the public may have an opportunity to comment on any possible network modifications. In the notice, each individual monitoring site is listed by county along with a statement as to whether it meets the requirements of Part 58, the Air Quality Subsystem (AQS) site ID number, site location information, sampling and analytical method for each parameter, the Metropolitan Statistical Area (MSA) that is represented by the site, proposed site changes and any other general comments regarding the site. Other pertinent information such as latitude/longitude, site purpose, the monitor's objective/site type and representative scale is listed for each site. At the end of this document is a discussion regarding the NCore monitoring site and general SO2 monitoring.

## **Regulations**

**Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities** - The Department of Environmental Protection has adopted a rule that will enable the Department to continue to be the primary enforcement authority for the RCRA Hazardous Waste Management System in WV. Revisions to this rule are necessary to maintain consistency with current federal regulations, the Division of Water and Waste Management's Hazardous Waste Management System rule 33CSR20, and to fulfill the States responsibilities under the CAA. Revisions to the rule include annual incorporation by reference updates with 33CSR20. A few minor miscellaneous revisions are included which are stylistic in nature. This revised rule incorporates by reference the provisions of 40 CFR Parts 260, 261, 262, 264, 265, 266, 270 and 279 promulgated as of 1 JUN 12. This regulation passed and became effective on 1 JUN 13.

**Emission Standards for Hazardous Air Pollutants** - The Department of Environmental Protection has adopted a rule that is necessary for the State to fulfill its responsibilities under the CAA. Revisions to the rule include general annual incorporation by reference updates. A few minor miscellaneous revisions are included which are stylistic in nature. The revised rule incorporates by reference the following source categories of new or revised NESHAP standards promulgated as of 1 JUN 12 for major sources: National Emission Standards for Hazardous Air Pollutants From Coal and Oil-Fired Electric Utility Steam Generating units, Secondary Lead Smelting, Petroleum Refineries, Primary Lead Processing, Shipbuilding and Ship Repair (Surface Coating), Wood Furniture Manufacturing Operations and Polyvinyl Chloride and Copolymers Production. The revised rule also incorporates by reference the following source categories of NESHAP standards promulgated as of 1 JUN 12 for non-major area sources: National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities, and Stationary Reciprocating Internal Combustion Engines. The following source categories of revised or newly promulgated NESHAPS affecting non-major area sources of hazardous air pollutants are excluded from incorporation by reference: Plating and Polishing; Prepared Foods Manufacturing. This regulation passed and became effective on 1 JUN 13.

## REGION 4



## NORTH CAROLINA

**Note: The NC General Assembly convenes on 9 JAN 13 and will adjourn on 1 JUL 13.**

### Proposed Legislation

On 2 APR 13, Senator Brown introduced [NC SB 613](#) which would create the North Carolina military affairs commission.

### Legislation

On 28 MAR 13, Representative Bell introduced [NC HB 484](#) which would establish a permitting program for the siting and operation of wind energy facilities. The Governor signed the bill on 17 MAY 13.

On 10 APR 13, Representative Hager introduced [NC HB 710](#) which would permit water utilities to adjust rates for changes in costs based on third-Party rates and to authorize the utilities commission to approve a rate adjustment mechanism for water and sewer utilities to recover costs for water and sewer system improvements. The Governor signed the bill on 12 JUN 13.

On 12 MAR 13, Representative Millis introduced [NC HB 279](#) which would authorize the Department of Environment and Natural Resources to transfer certain environmental permits associated with property development when the original property owner is unwilling or unable to agree to the permit transfer. The Governor signed the bill on 19 JUN 13.

### Proposed Rules

[North Carolina Nutrient Criteria Development Plan](#) - The Department of Environment and Natural Resources has invited comment on the draft NC Nutrient Criteria Development Plan. The plan directs a series of prioritized projects (or studies), each of which will be targeted at development of nutrient criteria and will include questions to be answered, methods to be used and timelines and milestones to be met. The plan has been requested by the US Environmental Protection Agency and will be submitted to the Agency for approval following Environmental Management Commission agreement on the draft plan.

### Regulations

[Groundwater Standards](#) - The Department of Environment and Natural Resources has adopted rule revisions to ensure that groundwater standards are established using the most recent U.S. EPA health effects information. This regulation passed and became effective on 1 APR 13.

### **One Wind Farm Area is in Sea Lane of Kitty Hawk**

#### **By Robert McCabe –The Virginian Pilot**

The federal government has identified three areas off the coast of North Carolina for the development of wind farms. Two are south of Wilmington and one is just east of Kitty Hawk, smack-dab in the middle of the sea lanes

that oceangoing vessels use to get to the ports of Hampton Roads and Baltimore. “That’s the one, obviously, that causes us quite a bit of concern,” Heather Wood, the Virginia Port Authority’s director of environmental affairs, told about 100 participants at an annual “navigational summit” last week in Norfolk.

While port stakeholders had plenty of input on potential sites of wind farms off Virginia – a two-turbine test project is set to move forward this summer – they were caught off-guard by the announcement of the areas being considered off North Carolina.

“Obviously, the maritime industry came in on that on the back end,” Wood said, adding that the identified Kitty Hawk area would affect commercial vessels.

The Coast Guard did warn the government of risks to navigation safety and is working “to make sure that turbines don’t end up in those sea lanes,” she said. Port officials have since weighed in, she said, and they are currently waiting for a response from the Interior Department’s Bureau of Ocean Energy Management.

### **EPA Authorization of North Carolina Hazardous Waste Management Program Revisions**

EPA is authorizing North Carolina to enforce additional portions of its hazardous waste program. The notice, published in the 6 JUN 13 Federal Register, authorizes the following program changes:

- Methods Innovation Rule and SW-846 Final Update IIIB and Correction,
- Universal Waste Rule: Specific Provisions for Mercury Containing Equipment,
- Revisions to the Headworks Exemption,
- Burden Reduction Initiative ,
- Hazardous Waste and Used Oil; Corrections to Errors in the Code of Federal Regulation,
- Exclusion of Oil Bearing Secondary Materials Processed in Gasification System to Produce Synthetic Gas,
- NESAHF; Final Standards for Hazardous Waste Combustors Amendments, and
- F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating Processes.

EPA believes this action is not controversial and does not expect comments that oppose it. Unless EPA receives written comments that oppose this authorization during the comment period, the decision to authorize North Carolina's changes to its hazardous waste program will take effect. Comments must be submitted to Gwendolyn Gleaton , EPA Region IV, Atlanta, Georgia by 15 JUL 13.

The full text of the Federal Register announcement and contact information for Ms. Gleaton is available at the following link:<http://www.gpo.gov/fdsys/pkg/FR-2013-06-14/html/2013-13850.htm>.

# PROFESSIONAL DEVELOPMENT

## Conferences

### **Emergency Environmental Spill Response Training (Web Based, On Demand)**

Produced by NOAA's Office of Response and Restoration, this is an online training module for individuals looking to strengthen their knowledge of spills and their effect on the environment. The scenario describes an oil spill and directs you to the references and data that you can use to determine what natural resources are at risk. For more information, go to: <http://ohshub.com/free-online-training-emergency-environmental-spill-response/>.

### **30-Meter Height High-Resolution Wind map for Small and Distributed Projects (Web Based, On Demand)**

This webinar, originally presented 18 July 2012, provided an introduction to the new 30-meter high-resolution wind maps developed for the small and distributed wind markets. Included in the discussion was the methodology behind the wind maps, how these maps leverage the learning that occurred in the development of the utility-scale wind maps, and the appropriate use of the maps. For more information, go to:

[http://www.windpoweringamerica.gov/filter\\_detail.asp?itemid=3550](http://www.windpoweringamerica.gov/filter_detail.asp?itemid=3550).

### **Community Involvement Training Conference, 30 JUL - 1 AUG 13, Boston, MA**

The EPA Office of Water, EPA Region 1, and the EPA Office of Solid Waste and Emergency Response are leading the planning efforts for this conference. This conference seeks to both inform and train EPA staff as well as Agency stakeholders and partners in best practices to enhance community involvement. For more information, go to: <http://www.epa.gov/ciconference/index.htm>.

### **StormCon Conference 2013, 18-22 AUG 13, Myrtle Beach, SC**

StormCon is the only North American event dedicated exclusively to stormwater and surface-water professionals across the continent: municipal stormwater and public works managers, industrial stormwater managers, engineering consultants, regulatory personnel, watershed management professionals, and others concerned with stormwater and surface-water quality. For more information, go to:

[http://www.stormcon.com/call\\_papers\\_2013.html?CFID=2208750&CFTOKEN=71207034](http://www.stormcon.com/call_papers_2013.html?CFID=2208750&CFTOKEN=71207034).

### **Climate Strategies Forum, 14-17 OCT 13, Washington, DC**

Sponsored by the Association of Climate Change Officers, the Forum will feature prominent leaders from across sectors in a plenary format, and a series of half-day bootcamps aligned with the core competencies. Plenary sessions will focus on climate and energy, and bootcamps will focus on topics including adaptation planning, implementing change management schemes, implementing a GHG management structure, and building a public-private partnership project. For more information, go to: <http://www.climatestrategiesforum.org/>.

### **Defense Energy Summit, 11-13 NOV 13, Austin, TX**

This will be a 3-day conference and expo covering operational and installation energy issues. More information to come as it becomes available.

### **29<sup>th</sup> Annual Conference on Soils, Sediments, Water, and Energy, 21-24 OCT 13, Amherst, MA**

Examples of conference topics include: bioremediation, ecological risk assessment, innovative technologies, jet fuel contamination, regulatory programs and policies, remediation, renewable energy projects on closed landfills and contaminated sites, carbon footprint and life-cycle analysis, and recycling of demolition debris. For more information, go to: <http://www.aehsfoundation.org/east-coast-conference.aspx>.

**2014 Climate Leadership Conference, 24-26 FEB 14, San Diego, CA**

At this conference, forward-thinking leaders from business, government, academia, and the non-profit community gather to explore energy and climate related solutions, introduce new opportunities, and provide support for those addressing climate change in their operations. For more information, go to:

<http://www.climateleadershipconference.org/>.

## TRAINING

Only the CECOS courses offered within Regions 1-3 and North Carolina are listed here (with the exception of Natural Resources and Cultural Resources courses). For further information on the courses below, course offerings in other regions, and/or to register, visit the CECOS training website at:

<https://www.netc.navy.mil/centers/csfe/cecos/Default.aspx>.

### CECOS Classroom Courses

Beginning Date	End Date	Course	Location
8 JUL 13	11 JUL 13	Env. Geographic Information Systems / Geostatistics	Norfolk, VA
15 JUL 13	17 JUL 13	Intro to Hazardous Waste Generation & Handling	Camp Lejeune, NC
16 JUL 13	19 JUL 13	Adv. Environmental Law (Strategic Env. Planning)	Norfolk, VA
18 JUL 13	18 JUL 13	RCRA Hazardous Waste Review	Camp Lejeune, NC
22 JUL 13	26 JUL 13	Advanced Environmental Management	Washington, DC
13 AUG 13	15 AUG 13	Basic Environmental Law	Norfolk, VA
13 AUG 13	15 AUG 13	Advanced Historic Preservation Law & Section 106 Compliance	Joint Base Myer/McNair/Henderson Hall, VA
19 AUG 13	23 AUG 13	US Marine Corps Facilities Management	Washington, DC
20 AUG 13	23 AUG 13	DoD Pesticide Applicator Recertification	Virginia Beach, VA
26 AUG 13	30 AUG 13	Adv Public Works Dept & Fac Eng Command Operations	Washington, DC
27 AUG 13	29 AUG 13	MCON Programming and Budgeting	Washington, DC
9 SEP 13	9 SEP 13	National Env Policy Act (NEPA) Navy Executive Overview	Norfolk, VA
10 SEP 13	12 SEP 13	National Env Policy Act (NEPA) Application	Norfolk, VA

### CECOS Online Courses/Web Conferences

Beginning Date	End Date	Course	Location
Various		HAZWOPER for Uncontrolled Hazardous Waste Site Workers - Refresher	On-Line
19 SEP 13	19 SEP 13	Sustainability in the Navy	Web Conference

**NPDES Permit Writer's Training on the Web**

EPA has created a web-based training series based on its popular National Pollutant Discharge Elimination System (NPDES) Permit Writer's Course. This will allow students, staff, stakeholders, and the public to access NPDES permit program training content online. The Course is a five-day training session covering the key elements of NPDES permit development and is taught by experienced instructors. These recorded presentations enable one to review the material on demand in a self-paced environment to become familiar and comfortable with the concepts of the NPDES permit program. The NPDES web-based training series can be found at <http://www.epa.gov/npdes/training> under "Self-Paced Web Training."

**CECOS**

EMS General Awareness: Computer Based Training (CBT) Module Available 24/7 at <http://www.cecosweb.com/> under Training by Subject>EMS. A certificate is issued to all registered users upon completion. This module is designed to provide an awareness level overview of EMS to satisfy the requirement that ALL personnel have basic EMS knowledge. It is also to be taken as a quick refresher for anyone that takes the Advancing an Effective EMS and/or Integrated EMS/Compliance trainings.

**NAVOSH & Environmental Training Center**

For further information on the courses and/or to register, visit NAVOSH & Environmental Training Center website at: <http://www.safetycenter.navy.mil/training/default.htm>.

**EPA Watershed Assessment Tools Training, Various Times & Locations**

More information is available at: <http://www.epa.gov/waterscience/basins/training.htm>.

**USDA Forest Service Continuing Education Program, Various Times & Locations**

More information is available at: <http://www.fs.fed.us/biology/education/>.

**EPA Online EMS Training Course**

The course is available at: <http://www.epa.gov/osw/inforesources/ems/ems-101/>.

# MEET THE REC

## STAFF

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## LINK HELP

SECURE SITES – Links beginning with https:// may give a security error. To get around this problem copy the link and paste it in your browser.

DENIX - Many of our links are to DENIX. To subscribe to DENIX, go to:  
<https://www.denix.osd.mil/denix/register.html> and register.

If you find a dead link, please contact us at [dodcreg3@navy.mil](mailto:dodcreg3@navy.mil) and we will find the link for you.

## SUBSCRIBE!

If you would like to receive notice when the REC Update is posted, please send an email to:  
[dodcreg3@navy.mil](mailto:dodcreg3@navy.mil) with your name, command, mailing address, phone number, fax number, and email address.

If your email address or phone number changes, please send an email with the updated information.  
If you or your organization would like to submit an article, story, or picture for future newsletters, send it to:  
[dodcreg3@navy.mil](mailto:dodcreg3@navy.mil). Thanks.