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GENERAL INTEREST

US Navy: Biofuel Costs Comparable to Conventional Fuels

By Ship & Bunker

The US Navy expects to get bids for biofuels for ships and aircraft that don't add up to more than what it pays for conventional fuels. "We've got a very, very good set of analysis that shows us that it's going to be coming in under \$3.50 a gallon," said Dennis McGinn, Assistant Secretary for Energy, Installations, and Environment. "We are absolutely confident, and we are moving forward based on that assumption that it is going to be competitive with petroleum."

The Navy is looking for at least 37 million gallons of drop-in biofuels that can be blended with F-76 marine diesel and JP-5 jet fuel. McGinn said the service typically pays more than \$3.60 per gallon for the F-76 and JP-5 fuels. At times, the Navy has paid up to \$30 per gallon for biofuels, but that was for use in tests of ships and planes. "That was money well spent that proved at the operational level that we could in fact operate our helicopters, our jets, our ships on bio-blends of up to 50%," McGinn said.

He added that, despite the current boom in U.S. oil and gas production, the abundance of those fuels will not last forever. "In the national security business, we get paid for looking years down the road," he said. "And we see an environment globally where there's going to be increasing competition, increased cost for pulling petroleum out of the ground."

The costs of the biofuels, which will be delivered starting in April of 2015, may be partially defrayed with funding from the U.S. Department of Agriculture (USDA) if they contain certain domestic feedstocks.

Biofuel Growth Predicted in US Marine Market

By Ship and Bunker

Biofuels will make up 6.1 percent of the U.S. marine fuels and aviation market by 2024, a report by Navigant Research predicts. "The United States is expected to emerge as the clear leader in the construction of integrated biorefineries capable of producing bio-based jet fuel and marine distillates over the next 10 years," said Mackinnon Lawrence, research director for Navigant Research.

"New biorefinery construction in the U.S. is expected to generate \$7.8 billion in cumulative revenue over the next 10 years, representing 66 percent of the revenue generated globally." The European Union (EU) will also help lead the way in the sector, with the level of growth there dependent on how the region's emissions trading system progresses.

The U.S. Navy has been working to develop the nation's biofuels industry by purchasing blends using the fuels for use on its ships and aircraft.

Be Prepared for the 2014 Hurricane Season

The 2014 Atlantic Hurricane Season began in 1 JUN 14 and will end on 30 NOV 14 and we have already seen the first hurricane strike the east coast of North Carolina. Preparation is essential to surviving and minimizing impacts to lives and property. Please click on the links below to learn what you can do to be better prepared if a tropical system impacts your area.

Click on the below link to view the National Hurricane Center's Tropical Cyclone Preparedness Guide.

<https://portal.navfac.navy.mil/portal/page/portal/navfacmidlant/operations/disaster/tab/noaa%20hurricane%20preparedness%20guide%20april%202013.pdf>

Additional information on Disaster Preparedness can be found at:

<https://portal.navfac.navy.mil/portal/page/portal/navfacmidlant/operations/tab1,disaster,tab2>

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.

CHESAPEAKE BAY

Chesapeake Bay had smallest “Dead Zone” on record for early July

Hurricane Arthur may have produced a rainy 4th of July for beachgoers, but its winds brought some good news for Chesapeake Bay water quality. The Maryland Department of Natural Resources reported that the oxygen-starved dead zone observed in early July was the smallest for that period seen in 30 years of water quality monitoring.

That’s a sharp contrast to the slightly worse-than-normal oxygen conditions that scientists has predicted in the wake of higher-than-average water flows and nitrogen levels that entered the Bay from the Susquehanna River during the early spring. The reason for the change, according to DNR scientists, is that when Arthur passed along the coast, winds associated with the hurricane mixed the low-oxygen waters on the bottom of the Bay with the oxygen-rich water on the surface. Without that mixing, the bottom areas of the Bay typically become oxygen-starved, or hypoxic, as algae die, sink to the bottom and are decomposed by bacteria that remove oxygen from the water.

Prior to Arthur, the Bay was indeed on track for worse-than-average oxygen conditions. And scientists cautioned that oxygen levels were expected to worsen by late July, barring any further unusual weather events.

REGION 1



CONNECTICUT

Note: The Connecticut General Assembly convenes on 8 JAN 14 and adjourned on 7 MAY 14.

Legislation

On 19 FEB 14, the General Law Committee introduced [CT HB 5262](#) which would amend the Pharmacy Practice Act and Department of Consumer Protection statutes regarding programs under the jurisdiction of the Department of Social Services, sterile compounding pharmacies, nonresident pharmacies, compounding pharmacies and counterfeit substances. This bill passed and became effective on 1 JUL 14.

On 27 FEB 14, the Environment Committee introduced [CT HB 5424](#) concerning the responsibilities of the water planning council. Its purpose is to facilitate the development of a state water plan and implement legislative recommendations of the Water Summit Working Group. This bill was signed by the Governor on 11 JUN 14.

Proposed Rules

[Dispensing of Gasoline/Stage I and Stage II Vapor Recovery](#) - The Department of Energy & Environmental Protection has proposed rulemaking to amend, adopt and repeal certain regulations concerning control of air pollution during the transfer and dispensing of gasoline. Upon promulgation, the amended, adopted and repealed regulations will be submitted to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan for air quality.

The proposal repeals RCSA section 22a-174-30 to remove Stage II vapor recovery requirements from the Regulations of Connecticut State Agencies (RCSA) so that the regulatory requirements reflect the current status of the state's vapor recovery program as set out in statute. Connecticut's Stage II vapor recovery program was authorized by section 22a-174e of the Connecticut General Statutes (CGS), as that section was in effect prior to June 18, 2013. In the 2013 legislative session, CGS section 22a-174e was revised by Public Act No. 13-120. Public Act No. 13-120 mandates the decommissioning of existing Stage II vapor recovery equipment and prohibits the installation of new Stage II vapor recovery equipment at gasoline dispensing facilities (i.e., gas stations). The proposal consolidates Stage I vapor recovery requirements currently in RCSA sections 22a-174-20(b) and 22a-174-30 as new RCSA section 22a-174-30a. New RCSA section 22a-174-30a is drafted to be consistent with the federal requirements for controlling air emissions at gasoline dispensing facilities (40 CFR 63 Subpart CCCCC). The proposal does not add significant new requirements beyond the federal requirements and the requirements of Public Act No. 13-120.

General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems -

The Department of Energy & Environmental Protection has given notice of a tentative determination to renew with modifications the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (general permit) under Section 22a-430b of the Connecticut General Statutes for discharges into waters of the state. The current general permit expires on January 8, 2015. By publishing this Notice at least 180 days prior to the expiration date of the current general permit, Section 22a-6aa of the Connecticut General Statutes

authorizes the current general permit to continue in effect until 8 JAN 16 or until the Commissioner makes a final decision on the renewal of the general permit, whichever is earlier. If no final decision is made by 8 JAN 16, the general permit shall expire.

In accordance with applicable federal and state law, the Commissioner has made a tentative determination that renewal of this general permit would not cause pollution of the waters of the state. The proposed general permit, if issued, will require registration (including re-registration for existing permittees) and the preparation and implementation of a Stormwater Management Plan containing stormwater minimum control measures to ensure that the discharge will not cause pollution.

Notice Of Tentative Decision To Renew The General Permit For The Discharge Of Swimming Pool

Wastewater - The Department of Energy & Environmental Protection has given notice of a tentative decision to renew the General Permit for the Discharge of Swimming Pool Wastewater. A general permit contains best management practices, monitoring, and discharge requirements that are specific to a discharge category that are designed to protect the waters of the state from pollution. The Commissioner of DEEP is authorized to approve or deny such permits pursuant to Section 22a-430b of the Connecticut General Statutes.

The current general permit expires on 8 JUL 14. The renewed general permit would become effective 9 JUL 14 and expire 8 JUL 19. Existing permittees currently authorized by this general permit should continue to operate under the terms and conditions of the existing General Permit and will be required to re-register by 1 SEPT 14.

Effective 9 JUL 14, discharges of swimming pool wastewater to a POTW (Publicly Owned Treatment Works) will be regulated under the General Permit for Miscellaneous Discharges of Sewer Compatible Wastewater issued on 31 OCT 13. The General Permit for Miscellaneous Discharges of Sewer Compatible Wastewater does not require a permit registration for swimming pool discharges to a POTW.

Regulations

Siting of Wind Projects - The Connecticut Siting Council has adopted regulations relating to the siting of wind projects, Sections 16-50j-2a 16-50j-18 and 6-50j-92 to 16-50j-97, inclusive, of the Regulations of Connecticut State Agencies. The purpose of the rulemaking is to adopt regulations, in accordance with the provisions of Chapter 54 of the Connecticut General Statutes, concerning the siting of wind turbines. Such regulations include, but are not limited to, consideration of setback distances, shadow flicker, decommissioning of facilities, requirements for projects of different sizes, ice throw, blade throw, noise and impact on natural resources. The regulations also include a requirement for a public hearing for all wind turbine projects. This regulation passed and became effective on 9 MAY 14.

DEEP Commissioner Visits SUBASE, Praises Energy Initiatives and Environmental Progress

By Bill Larned – Dolphin (CT)

Connecticut Department of Energy and Environmental Protection (DEEP) Commissioner Robert Klee visited Naval Submarine Base New London (SUBASE) on 17 JUL 14 to ceremonially place “on-line” the new boiler the state purchased for the base, and to receive updates on base energy and environmental initiatives and projects. “This was Commissioner Klee’s third visit to SUBASE, and we’re happy to once again show him our ongoing efforts to be energy efficient and secure, as well as good stewards of the environment,” said Capt. Carl Lahti, SUBASE Commanding Officer.

The new boiler, which is dual-fuel capable (can burn either natural gas or ultra-low sulfur diesel fuel), was a \$3 million state-funded project and compliments an identical Navy boiler that was already placed on-line. SUBASE utility plant manager Stacey Sangillo highlighted that the new state-funded boiler and the Navy-funded boiler have replaced three outdated 1960’s era ones in the base’s power plant. The new boilers, operating with closed-loop systems which limit steam and energy loss, are not only 40 percent more efficient but also more environmentally friendly. “The new boiler and the upgrade to the power plant are consistent with the state’s

overall standards for emission reductions, efficiency and reduced impact to the environment,” Klee noted after inspecting the boiler’s flame through a viewing port.

Additionally, Klee had an opportunity to review the electronic imagery and data displays available through the boiler’s modern control panel. Those controls differed greatly from what Klee observed during a tour of the power plant’s main control room. With its mix of analog and digital controls, updating control room equipment to smart technology and improving other electrical infrastructure on the base will be necessary, Lahti explained, as the Navy pursues establishing a future micro-grid on SUBASE to support energy security and efficiency goals.

Beyond SUBASE energy initiatives, Klee visited several sites on the base associated with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also known as the Superfund. The SUBASE Environmental Team works closely with DEEP and the Environmental Protection Agency (EPA) Region on CERCLA issues. To date, SUBASE has completed clean-up and remediation of 24 of 25 base CERCLA sites, and Klee visited the final site undergoing remediation, designated Operable Unit (OU) 4 and located on the base’s waterfront. “The base has really come a long way with its environmental efforts,” Klee said as he observed excavation work in one of two areas of OU-4 where soil was contaminated with lead and other hazards traceable to the long-ago servicing and maintenance of submarine diesel engines and batteries.

As another area of OU-4, between Piers 2 and 6, will be dredged to remediate contaminated sediment, SUBASE anticipates having its last CERCLA site cleaned up by the end of 2015 according to Lahti. “The fact that the base is about to be removed from the Environmental Protection Agency’s Superfund list is a very big deal,” said Klee.

Overall, Klee was impressed with SUBASE’s efforts and progress. “Getting the chance to see improvements around SUBASE has been very productive,” Klee said. “It’s very clear SUBASE has made significant environmental progress. The SUBASE micro-grid smart energy initiative can be a model for other municipalities and industrial operations throughout the state.”



MAINE

Note: The Maine General Assembly convenes on 7 JAN 14 and adjourned on 2 MAY 14.

Legislation

On 30 DEC 13, Representative McClellan introduced [ME LD 1626](#) which would leverage expert, state-based resources for emergent intervention and long-term comprehensive resource protection of lakes. This bill passed and became effective on 29 APR 14.

On 23 DEC 13, Senator Cleveland introduced [ME LD 1647](#) which would make changes to the so-called Dig Safe Law. This bill passed and becomes effective on 1 AUG 14.

On 23 DEC 13, Senator Vitelli introduced [ME LD 1652](#) which would support solar energy development in Maine. This bill passed and becomes effective on 1 AUG 14.

Proposed Rules

[Coastal Sand Dune Rules](#) - The Department of Environmental Protection has proposed amendments to repeal and replace existing provisions allowing reconstruction of an existing structure in a frontal dune if the dune is

protected by a seawall and other conditions are met, to conform to the direction of PL 2013 ch. 277. The standard conditions in the rules will also be amended to correct an inconsistency with Resolves 2011 ch. 46.

Draft General Permit - Antifouling Paint Contaminated Vessel Wash Water - The Department of Environmental Protection has announced that it intends to renew a General Permit (Waste Discharge License) for the discharge of Antifouling Paint Contaminated Wash Water. The General Permit will cover the entire State of Maine. Coverage under the General Permit is contingent upon Department acceptance of a Notice of Intent (NOI) form from each applicant. The General Permit covers discharges of wash water resulting from washing vessels coated with antifouling paint to Class SB or SC waters in accordance with the stipulations of the General Permit. The General Permit will be issued for a five-year term.

Draft Maine NPS Management Program Plan 2015-2019 - The Department of Environmental Protection (DEP) has invited comment on the Draft Maine NPS Management Program Plan 2015 - 2019. DEP coordinates the State of Maine's Nonpoint Source (NPS) pollution control programs to protect lakes, rivers, streams and coastal waters threatened by NPS pollution and restore impaired waters. The plan describes NPS control programs and actions state agencies will take over the next 5 years to make progress controlling NPS pollution. At the conclusion of the comment period the DEP will submit the plan to EPA for its approval.

Endangered and Threatened Species - The Department of Inland Fisheries and Wildlife has proposed revisions to Chapter 8 to recommend additions and modifications to the list of endangered and threatened species to the Maine State Legislature for their consideration and approval. The law requires that prior to recommending additions, deletions or other changes to the list, the Commissioner shall provide for public notice and public hearings on the proposed recommendation to the Legislature.

Regulations

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



MASSACHUSETTS

Note: The Massachusetts General Court meets throughout the year.

Proposed Legislation

On 22 JAN 13, Senator Knapik introduced [MA SB 374](#) which would provide for an investigation and study by the Executive Office of Energy and Environmental Affairs relative to a statewide single-stream recycling program.

On 17 JUL 14, the Joint Committee on Telecommunications introduced [MA HB 4317](#) which pertains to solid waste management and recycling rates.

Proposed Rules

Water Resources Management Program Regulations - The Environmental Protection (MassDEP) has proposed amendments to the Water Resources Management Program Regulations (310 CMR 36.00) promulgated under the Massachusetts Water Management Act (M.G.L. c. 21G). The proposed revisions to the WMA regulations incorporate a new methodology for calculating “safe yield” and the concept of “streamflow criteria” as developed through the multiyear Executive Office of Energy and Environmental Affairs (EEA) stakeholder process known as the Sustainable Water Management Initiative (SWMI). SWMI was started in 2010 by EEA for the purpose of incorporating the best available science into the management of the Commonwealth’s water resources and involved a wide range of stakeholders and support from EEA, the Department of Environmental Protection, the Department of Fish and Game, and the Department of Conservation and Recreation.

Regulations

Asbestos Regulation Reform Amendments - The Department of Environmental Protection has adopted rule amendments to revise 310 CMR 7.15 to streamline asbestos abatement work practices, operation and maintenance procedures, and homeowner requirements. These revisions will also align asbestos removal work practice requirements with the Massachusetts Department of Labor Standard's asbestos regulations and make the regulations clearer and more consistent with EPA's asbestos standards contained in its NESHAP by incorporating existing federal requirements. These revisions will benefit property owners, developers, the asbestos abatement industry and the general public by providing regulatory consistency and clarity among the various state and federal agency requirements, and will provide MassDEP with greater flexibility to work with stakeholders to employ cost effective and innovative solutions in asbestos abatement situations where one size fits all approaches are not appropriate. Finally, MassDEP is exempting homeowners from the requirement to notify the agency ten days in advance of projects that they conduct in their own homes and that involve non-friable asbestos (although the requirements to follow safe work practices and to manage asbestos-containing waste material appropriately would continue to apply). This rulemaking would provide some regulatory relief to homeowners that has been available in EPA's rule as well as in many other states, and would allow MassDEP to focus compliance resources on larger asbestos projects that present a higher risk to public health if asbestos containing material is mis-managed. This regulation passed and became effective on 20 JUN 14.

Ban on Disposal of Commercial Organic Material - The Department of Environmental Protection (MassDEP) has adopted amendments to the waste ban regulations at 310 CMR 19.017 and related provisions in 310 CMR 19.000. The proposed add "commercial organic material" to the list of materials banned from disposal in 310 CMR 19.017, effective July 1, 2014. As defined, this would include food material and vegetative material from entities (excluding residences) that dispose of one ton or more of that material per week. This regulation passed and became effective on 31 JAN 14.

Timely Action Schedule and Fee Provisions - The Department of Environmental Protection has adopted amendments to 310 CMR 4.00, Timely Action Schedule and Fee Provisions. The amendments add or delete permit fee categories; adjust permit review schedules and fee rates; clarify the applicability of fee categories; update or correct citations to provide statutory and regulatory consistency; and delete expired fee categories or text for environmental programs for Air Quality, Hazardous Waste, Solid Waste, Water Supply, Watershed Management, Water Pollution Control, Wetlands and Waterways, and Waste Site Cleanup. This regulation passed and became effective on 20 JUN 14.



NEW HAMPSHIRE

Note: The NH General Court convenes on 2 JAN 14 and adjourned on 4 JUN 14.

Legislation

On 20 DEC 13, Senator Forrester introduced [NH SB 245](#) relative to the siting of energy facilities. This bill: 1) modifies the membership and duties of the site evaluation committee, and 2) modifies requirements for energy facility certificates. This bill was signed by the Governor on 18 JUL 14.

On 13 DEC 13, Representative Chandley introduced [NH HB 1258](#) which pertains to fill and dredge permitting applications. This bill modifies the process of submitting dredge-and-fill applications and providing notification. This bill passed and became effective on 16 JUN 14.

On 16 DEC 13, Representative Cushing introduced [NH HB 1312](#) that would establish a committee to study offshore wind energy and other ocean power technology development. This bill passed and became effective on 11 JUL 14.

Proposed Rules

[Annual Reporting Requirements for Certain Sources of Air Pollution](#) - The Department of Environmental Services has proposed rulemaking to readopt with amendments Env-A 907.01. Currently, Env-A 907.01 requires all permitted sources to annually submit a report of their actual operating data and resulting actual emissions of all regulated air pollutants and all regulated toxic air pollutants. The proposed amendments change the annual report applicability threshold so that certain smaller sources (e.g., sources operating under general state permits and permit-by-notifications) are not required to submit the annual report. In addition, for sources that are still required to submit the report, the proposed rules would establish a tiered system by which all sources report a limited subset of emissions, with additional pollutants required to be included only for sources that meet certain thresholds. The rule is proposed to be amended in conjunction with the adoption of a new rule, Env-A 702.05, and the amendment of existing rule Env-A 705.01.

[Registration Fee for Emergency Generators and Emission-Based Fee](#) - The Department of Environmental Services has proposed revisions to Env-A 702.05, Env-A 705.01, and Env-A 705.06 relating to the Registration Fee for Emergency Generators and Emission-Based Fee. Current rules require owners operating emergency generators/emergency engines under the applicable General State Permit (GSP-EGs) to submit an annual emissions report and pay an annual emission-based fee. The proposed rules, Env-A 702.05 and Env-A 705.01, would eliminate the requirement to file an annual emissions report and would replace the annual emission-based fee with a once-every-5-years registration fee. The annual emissions report is not needed for inventory purposes because the variation in actual annual emissions from GSP-EGs is quite small, and total emissions generally do not exceed one ton per year. Regarding the fee, sources emitting less than one ton per year are subject to Env-A 705.02(b), which requires the emission-based fee to be calculated using an emission-based multiplier of one ton per year. Under the proposed GSP-EG registration fee in Env-A 702.05, the emission-based multiplier would be replaced by an annual multiplier based on the number of years remaining under the current general state permit. Env-A 705.01 is proposed to be amended in conjunction with the amendment of existing rule Env-A 907.01. In addition, Env-A 705.06, relative to the NOx Emissions Reduction Fund fee, is being repealed because the statutory authority, RSA 125-J:13, was repealed effective 1 JAN 14.

Regulations

Protecting the Purity of Surface Water Sources of Drinking Water - The Department of Environmental Services has adopted rulemaking relating to Protecting the Purity of Surface Water Sources of Drinking Water. Existing Env-Ws 386 establishes restrictions on certain activities within the watershed of a surface water that is a source of public drinking water. All but two sections of the rules are scheduled to expire on November 30, 2013, so the Department is readopting the entire part. The existing rules that are scheduled to expire on November 30, 2013 will continue in effect as provided in RSA 541-A:14-a, I, subject to the conditions stated therein. Amendments are proposed to add a section for definitions, clarify existing procedures, eliminate sections that are "Reserved" as they will not be needed, and renumber the rules as Env-Dw 902 as part of the redesignation of Department rules that is in process. Changes to substantive requirements that are not source-specific are made to Env-Dw 902.04 (currently Env-Ws 386.03) re: the Department establishing restrictions beyond the setback established in the rules) and Env-Dw 902.05 (currently Env-Ws 386.04) re: waiver requests. Changes to source-specific sections that have been requested by the affected municipality/water supplier also are included. This regulation passed and became effective on 20 MAY 14.

Solid Waste Program: Permits; Permits By Notification - The Department of Environmental Services has adopted the re adoption with amendment of Env-Sw 300 and Env-Sw 1200. The existing rules in Env-Sw 300 establish the procedures and requirements for application, issuance and modification of solid waste facility permits. The rules are re adopted with amendment to allow electronic submission of applications, exempt management of on-site animal mortalities from permitting requirements, and simplify existing requirements for permits-by-notification by eliminating the requirement to submit a facility site plan, which would be replaced by a verification process. The existing rules in Env-Sw 1200 establish the core requirements applicable to all facilities subject to a permit-by-notification. The rules are re adopted with amendment in order to clarify that facility siting must conform with groundwater management permit requirements. The adopted rule would also allow permits-by-notification for certain limited use asbestos waste storage and transfer facilities. The current rules are scheduled to expire on October 28, 2013. This regulation passed and became effective on 1 JUL 14.



RHODE ISLAND

Note: The RI General Assembly convenes on 7 JAN 14 and adjourned on 21 JUN 14.

Legislation

On 8 MAY 14, Representative Gallison introduced [RI HB 8172](#) which would create the military facility protection program and the defense economy community reinvestment program and would establish a national security infrastructure support fund advisory commission. This bill was signed by the Governor on 8 JUL 14.

On 9 JAN 14, Representative Walsh introduced [RI HB 7033](#) and on 12 FEB 14, Senator Cool-Rumsey introduced [RI SB 2315](#) which would create a food residuals recycling program to establish a safe and environmentally sound method to dispose of food residuals. These bills passed and became effective on 1 JUL 14.

On 27 FEB 14, Representative Serpa introduced [RI HB 7703](#) which would align the review of administrative rules with the refiling of rules and regulations process. This bill passed and became effective on 16 JUN 14.

On 27 FEB 14 Senator Goodwin introduced [RI SB 2562](#) which would amend the lead poisoning prevention act to provide for a longer licensing period, making the licensing process less labor intensive by eliminating the requirement for annual refresher courses. The act would clarify language used to distinguish licensure and certification. The act would also establish a penalty or fining authority in line with e.P.A. Requirements for the program to acquire delegation of authority. This act would provide for administrative penalties of up to five thousand dollars (\$5,000) per day for violations. This bill passed and became effective on 3 JUL 14.

On 11 JUN 14, Senator Dipalma introduced [RI SB 3088](#) which would create the military facility protection program and the defense economy community reinvestment program and would establish a national security infrastructure support fund advisory commission. This bill passed and became effective on 8 JUL 14.

On 16 JUN 14, Senator Dipalma introduced [RI SJR 3106](#) which is a joint resolution respectfully requesting Rhode Island's congressional delegation to continue its support for the defense industry in Rhode Island and to assist the Rhode Island defense economy planning commission's efforts to secure additional federal resources. The Resolution was signed by the Governor on 3 JUL 14.

Proposed Rules

[Updates to the RI Statewide TMDL for Bacteria Impaired Waters](#) - The Department of Environmental Management has invited comment on the Rhode Island Statewide Bacteria TMDL which consists of a Core TMDL Document and Waterbody Summaries. The Core Document contains the generic information required by US EPA to complete a TMDL, while each Waterbody Summary contains specific information about the pertinent waterbody. EPA approved the Core TMDL Document and 57 Waterbody Summaries on 22 SEPT 11.

RI Air National Guard Agrees to Minimize Air Emissions

The Rhode Island Air National Guard will tighten its emissions limits and comply with federal and state air pollution laws at its North Kingstown aircraft repair facility, thereby ensuring that air quality in nearby communities is better protected.

The R.I. Air National Guard, 143rd Airlift Wing, has agreed to pay a penalty to settle EPA claims that it violated air pollution laws at this facility where it spray paints aircraft parts. As part of the settlement, R.I. Air National Guard also agreed to meet more stringent emissions limits for volatile organic compounds (VOCs), to use coating practices that minimize emissions, to cap its annual VOC emissions, and to apply for state air permit.

The R.I. Air National Guard conducts general aircraft maintenance, among other things, at this facility. As part of these operations, it has a paint spray booth and four spray guns used to apply coatings that contain VOCs to metal aircraft parts, such as wheels, steering mechanisms, and nose gear.

Carrier's Departure Delayed by Peregrine Falcons

By Jennifer McDermott – Virginian Pilot (VA)

The Navy is ready to say goodbye to the ex-Saratoga, but a family of peregrine falcons is not. The falcons are nesting on board the decommissioned aircraft carrier in Newport, Rhode Island. The Navy has delayed the Saratoga's final trip to Texas, where it will be dismantled, until the fledglings are ready to leave. "We wanted to do the right thing by these birds," said Lisa Rama, spokeswoman for Naval Station Newport.

Naval Station Newport contacted the U.S. Fish and Wildlife Service after the nest was discovered in the spring. Their experts said the falcons should be done rearing their offspring by mid-August, and recommended waiting until then to move the ship.

The peregrine falcon is a protected species under the federal Migratory Bird Treaty Act. Moving the ship while the falcons are nesting could violate the act. While there was no set date to move the Saratoga this summer, it likely could have left by now, Rama said. The contract to scrap it was awarded in May to a Texas company, ESCO Marine. The Saratoga is now scheduled to depart in mid-to-late August.

For years, peregrine falcons and other birds have made their homes in Newport on both the ex-Saratoga and another decommissioned aircraft carrier, the ex-Forrestal. The ex-Forrestal left Rhode Island in 2010 to be scrapped. There are many ledges and out-of-the-way places on the behemoth ships that are ideal for birds to build their nests. Also, high perches are good places from which to scout prey. Few people go aboard.

The family of falcons is under an elevator that used to take planes to the flight deck. Peregrine falcons were once an endangered species, but the population rebounded after the pesticide DDT, which thinned the birds' eggshells, was banned in 1973, according to the fish and wildlife service.



VERMONT

Note: The Vermont General Assembly convenes on 7 JAN 14 and adjourns on 10 MAY 14.

Legislation

On 7 JAN 14, Senator Hartwell introduced [VT SB 202](#) which pertains to an energy efficiency charge. This bill passed and became effective on 1 JUL 14.

On 7 JAN 14, Senator Lyons introduced [VT SB 239](#) which pertains to the regulation of toxic substances. This bill passed and became effective on 10 JUN 14.

Regulations

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 16 JAN 14, Assemblyman Burzichelli introduced [NJ AB 1894](#) and on 14 JAN 14, Senator Oroho introduced [NJ SB 360](#) which would direct every State agency to identify those permits that may be expedited by issuance of a general permit. P.L.2011, c.34 directed every State agency (Defined as "Any New Jersey principal department or any division, office, agency, or bureau thereof that issues a permit to a business") to periodically review those permits the State agency issues to identify permits that can be administered through an expedited process, such as developing procedures for the electronic submission of permit applications.

On 8 MAY 14, Assemblyman Burzichelli introduced [NJ AB 3123](#) and on 24 MAR 14, Senator Whelan introduced [NJ SB 1813](#) which would require each State agency to review permits issued by agency and make necessary changes to expedite and facilitate permitting. This bill would expand and strengthen the provisions of P.L.2011, c.34 (C.52:14B-26 et seq.), which currently requires each State agency to undertake a periodic review of permits issued by these agencies, in order to identify permits that are obsolete or that could be administered through an expedited procedure.

On 10 FEB 14, Assemblywoman McKeon introduced [NJ AB 2507](#) and on 27 FEB 14, Senator Smith introduced [NJ SB 1492](#) which would require the Department of Environmental Protection (DEP) to conduct an assessment and prepare a report that evaluates all data it has in its possession on the water quality of the Barnegat Bay ecosystem to determine whether these data are sufficient for the department to recommend to the U.S. Environmental Protection Agency that the bay or any section of the bay can be declared impaired as described pursuant to section 303(D) of the federal Clean Water Act, 33 U.S.C. s.1313.

On 16 JAN 14, Assemblywoman Gusciora introduced [NJ AB 2117](#) and on 14 JAN 14, Assemblyman Barnes introduced [NJ SB 64](#) which would establish a New Jersey Coastal Commission ("Commission"), set forth the commission's powers, and transfer to the commission certain functions now vested in the Department of Environmental Protection (DEP) under various acts, including R.S.12:5-1 et seq. (The "Waterfront development law"), "The Wetlands Act of 1970," the "Freshwater Wetlands Protection Act," the "Coastal Area Facility Review Act" (CAFRA), and the "Flood Hazard Area Control Act."

On 10 FEB 14, Assemblyman McGuckin introduced [NJ AB 2570](#) which would phase out the use of vaccines that contain mercury over a three-year period. Beginning January 1, 2007, health care providers would be prohibited from administering an influenza vaccine that contains more than 0.5 micrograms of mercury per 0.25 milliliter dose for children under three years of age, and 1.0 microgram of mercury per 0.5 milliliter dose for persons over three years of age, and any other vaccine that contains more than a trace amount of mercury. "Trace amount" means a concentration of less than .0002%. Beginning January 1, 2008, health care providers would be prohibited from administering vaccines that contain more than a trace amount of

mercury, and beginning January 1, 2009, health care providers would be prohibited from administering vaccines containing any mercury. The bill provides an exception under which the Commissioner of Health and Senior Services may authorize the use of vaccines containing a higher level of mercury if he determines it is necessary to prevent or respond to an outbreak of disease and there are insufficient amounts of such vaccines to adequately protect the public health.

On 16 JAN 14, Assemblyman Kean introduced [NJ AB 247](#) and on 14 JAN 14, Senator Singer introduced [NJ SB 95](#) which would direct the Department of Environmental Protection (DEP), in conjunction with the County of Monmouth, to form a study commission to examine nonpoint source pollution and stormwater management issues in the southern area of Monmouth County, including from Howell Township to Wall Township. The study commission is to focus on nonpoint source pollution and stormwater management issues affecting the Wreck Pond Watershed, and consider actions to improve water quality, reduce flooding, and reduce or eliminate beach closures caused by Wreck Pond through restoration initiatives that improve the water quality of the pond. The bill requires the DEP to submit a report to the Legislature on the work of the study commission.

On 14 FEB 14, Senator Smith introduced [NJ SB 568](#) which addresses mitigation for the presence of radon gas or radon progeny in a child care center or in a public school. Specifically, the bill requires the owner of the building in which a child care center is located to contract for the mitigation of radon contamination that, in the lowest level of a building where children are supervised, is equal to or greater than four picocuries per liter or the United States Environmental Protection Agency standard at the time of testing.

On 16 JAN 14, Senator Sarlo introduced [NJ SB 943](#) and on 5 JUN 14, Assemblywoman Grace-Spencer introduced [NJ AB 3297](#) which would allow a business entity or nonprofit organization to adopt certain responsibilities related to a stormwater management basin by entering into an agreement with the State or local government agency having ownership or control over the stormwater management basin.

On 16 JAN 14, Assemblyman Bucco introduced [NJ AB 394](#) and on 17 MAR 14 Senator Oroho introduced [NJ SB 1683](#) which would authorize Sunday bow hunting on federal military installations. This bill would authorize Sunday bow hunting on federal military installations, subject to approval by that federal military installation. Upon the enactment of P.L.2009, c.48, bow hunting in New Jersey became permitted on Sundays 'On a State wildlife management area or on private property.'

On 5 JUN 14, Assemblyman Wilson introduced [NJ AB 3355](#) which would require training for pesticide applicators and operators concerning pollinating bees.

Proposed Rules

[Consolidation of Coastal Permit Program and Coastal Zone Management Rules](#) - The Department of Environmental Protection has proposed to consolidate the Coastal Permit Program rules, N.J.A.C. 7:7, and Coastal Zone Management rules, N.J.A.C. 7:7E, into one chapter and to make other changes intended to further encourage appropriate redevelopment of more resilient coastal communities. A statement of the substance of the proposal follows: the consolidation of the coastal rules into a single chapter is part of the Department's effort to transform the operations of the land use permitting programs administered by the Division of Land Use Regulation. With this proposal and through anticipated rulemaking to amend the Flood Hazard Area Control Act and Freshwater Wetlands Protection Act rules, the Department intends to align the rules governing the permitting processes of all three programs to the extent the respective enabling statutes allow. The rules governing the process for obtaining a permit will be standardized across all three chapters and will be organized in a uniform order and format. Under this proposal, the effort to align the permitting process rules involves the following topics: emergency authorizations, pre-application conferences, application requirements, requirements for an applicant to provide public notice, application review, permit conditions and changes to issued permits, and

requests for adjudicatory hearings. The transformation of the operations of the land use permitting programs also involves streamlining functions, re-engineering business processes, and leveraging technology to eliminate unnecessary paperwork, share applications and forms across the Department, and increase the use of electronic submittals. To further the effort to prioritize and refocus its permitting efforts on the activities posing the most risk to the coastal environment, the Department is proposing two new permits-by-rule, a new general permit codifying two general-permits-by-certification (electronic permits) and is additionally proposing to modify several existing general permits. In addition, various amendments to the standards of the rules regarding the use and development of the State's coastal resources, specifically relating to dredging and dredged material management and marina development and expansion are also proposed.

[Lower Raritan/Middlesex, Mercer County, Monmouth County, Northeast, Upper Delaware, and Upper Raritan Water Quality Management Plans to Establish 52 TMDLs in the Raritan River Basin](#) - The Department of Environmental Protection has invited comment on a proposed amendment to the Lower Raritan/Middlesex Water Quality Management Plan (WQMP), Mercer County WQMP, Monmouth County WQMP, Northeast WQMP, Upper Delaware WQMP, and Upper Raritan WQMP. The amendment will establish 52 Total Maximum Daily Loads (TMDLs) to address total phosphorus (TP), dissolved oxygen (DO), pH, and total suspended solids (TSS) impairments in the non-tidal Raritan River Basin. The proposed amendment includes portions of Hunterdon, Mercer, Middlesex, Monmouth, Morris, Somerset, and Union Counties, in Watershed Management Areas (WMAs) 8, 9, and 10 in the Raritan Water Region.

Regulations

[Fiscal Year 2014 Annual Fee Report and Assessment of Fees](#) - The Department of Environmental Protection has adopted the Fiscal Year (FY) FY 2014 Annual Fee Report and Assessment of Fees for the New Jersey Pollutant Discharge Elimination System (NJPDES) program. The NJPDES program regulates the operational wastewater discharges from public and privately owned wastewater management systems, including certain stormwater discharges. This regulation passed and became effective on 21 JUL 14.



NEW YORK

The New York State Legislature meets throughout the year.

Proposed Legislation

On 15 JAN 14, Assemblyman Englebright introduced **[NY AB 2397](#)** which would require the adoption of integrated pest management techniques, environmental health and safety measures, and methods for limiting exposure to toxic substances at child day care centers and head start day care centers; subjects such plans to public review.

On 2 JUN 14, Assemblyman Saladino introduced **[NY AB 9492](#)** which would direct the department of environmental conservation to create a report outlining a plan to hydraulically contain and remediate the Navy

Grumman plume emanating of contaminants and chemicals in the underground aquifer and drinking water of the southeastern portion of Nassau county.

On 22 MAY 14, Assemblyman Sweeney introduced [NY AB 9788](#) and on 10 JUN 14, Senator LaValle introduced [NY SB 7804](#) which would establish the Long Island Water Quality Control Act and the Long Island Commission on Aquifer Protection.

Proposed Rules

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

REGION 3



DISTRICT OF COLUMBIA

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

Proposed Legislation

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

Proposed Rules

[District of Columbia Pesticide Operation Regulations](#) - The Department of the Environment has proposed rulemaking to repeal Chapters 22 through 25 of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR), Pesticide Operation Regulations, in their entirety, and to adopt the following new provisions in Chapters 22 through 25.

The Department's Pesticide Operation Regulations, Chapters 22 through 25 of Title 20 of the DCMR, aim to protect the health of District residents, workers, and the environment from risks resulting from pesticide production, registration, distribution, use and disposal, while allowing the benefits that pesticides offer.

[Revisions to the Sulfur Content Requirements for Fuel Oil](#) - The Department of the Environment has proposed amendments to Chapter 5 (Source Monitoring and Testing) and Chapter 8 (Asbestos, Sulfur, Nitrogen Oxides and Lead) of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR). The District is proposing this rulemaking to amend 20 DCMR § 801 and related definitions in § 899 to reduce the sulfur content of commercially available "home heating" fuel oils used in oil-burning combustion units in the District. Number two (No. 2) and lighter fuel oils (distillates) are generally used in residential, commercial, and municipal heating units, such as boilers and furnaces. Number two (No. 2) as well as numbers four (No. 4), five (No. 5), and heavier residual oils are used in industrial, commercial, and institutional (ICI) boilers. This rulemaking also proposes to ban the use of number five (No. 5) and heavier fuel oils, as there are no known users of these higher-polluting fuels in the District at this time. Finally, the District proposes to amend 20 DCMR § 502.6, related to fuel oil testing requirements, and is particularly interested in feedback or suggestions from stakeholders about the proposed testing methods.



DELAWARE

Note: The Delaware General Assembly convenes on 12 JAN 14 and adjourned on 30 JUN 14.

Proposed Legislation

On 29 APR 14, Representative Heffernan introduced [DE HB 309](#) which would add e-cigarettes to the clean indoor air act and would prohibit the operation of e-cigarettes in all public places where smoking is prohibited under current law.

Regulations

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



MARYLAND

Note: The Maryland General Assembly convenes on 8 JAN 14 and adjourned on 7 APR 14.

Proposed Legislation

On 7 FEB 14, the Southern Maryland Delegation introduced [MD HB 1168](#) prohibiting the Public Service Commission from granting final approval for, and a person from undertaking, construction of a certain wind-powered generating station above certain heights within a certain area areas before a certain date; requiring the Commission to consider certain information when evaluating a proposal for a certificate of public convenience and necessity for certain facilities; altering the scope of a certain exception to the requirement to obtain a certificate of public convenience and necessity under certain circumstances; providing for the termination of this Act; defining a certain term; providing for the application of this Act; and generally relating to wind turbines and certificates of public convenience and necessity. This bill was vetoed by the Governor on 16 MAY 14.

Legislation

On 17 JAN 14, Senator Middleton introduced [MD SB 259](#) which would require, on written request of a landowner in an application to purchase an easement, an easement approved for a certain purchase after a certain date to authorize the landowner to request approval to use the land subject to the easement for renewable energy generation under certain circumstances; require, on written request of a landowner, authorizing a written request of a landowner to be approved by the Maryland Agricultural Land Preservation Foundation to amend an easement to authorize the landowner to use the land subject to the easement for renewable energy generation under certain circumstances; alter the composition of the Maryland Agricultural Land Preservation Fund; prohibit the Foundation from approving the use of land subject to an easement for renewable energy generation after a certain date; prohibit the installation of certain wind turbines exceeding certain heights in certain areas of the State; require a facility owner to remit a certain percentage of a certain lease payment to the Maryland Agricultural Land Preservation Fund; require a certain lease executed by a landowner and a certain facility owner to include provisions related to the removal of a certain facility under certain circumstances; authorize the Foundation to charge certain costs to cover certain expenses; require the Foundation to adopt certain regulations; provide for the application of this Act; declare the intent of the General Assembly; require the Foundation to make a certain report to certain committees of the General Assembly by a certain date; define a certain term certain terms; and generally relate to use of land under an easement held by the Maryland Agricultural Land Preservation Foundation. This bill passed and becomes effective on 1 JUL 14.

On 31 JAN 14, Senator Carter Conway introduced [MD SB 678](#) which would alter the basis for calculating a certain license fee credited to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund; alter the date by which the Department of the Environment is required to report annually to certain subcommittees of the General Assembly; extend the deadline by which the owner of a certain eligible heating oil tank may apply for reimbursement of certain costs from the Oil Contaminated Site Environmental Cleanup Fund; require the Secretary of the Environment to convene a certain workgroup for a certain purpose; require, by a certain date, the Department to report to certain committees of the General Assembly; make stylistic changes; and generally relate to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and the Oil Contaminated Site Environmental Cleanup Fund. This bill passed and becomes effective on 1 JUL 14.

Proposed Rules

[Implementation of the Offshore Wind Energy Act of 2013](#) - The purpose of this action is to implement the Offshore Wind Energy Act of 2013. The regulations establish a process for the Commission to receive and evaluate offshore wind project applications. The regulations also establish an escrow account to facilitate the transfer of funds among electricity suppliers, retail electric customers, and a project owner.

[Motor Fuel Inspection](#) - The Comptroller of the Treasury has proposed rulemaking to amend Regulation .04 under COMAR 03.03.05 Motor Fuel Inspection. The purpose of this action is to lower the maximum sulfur content of No. 1 and No. 2 fuel oils to better reflect current, environmentally driven industry initiatives. This action will have minimal cost impacts on fuel oil users and may provide co-benefits such as potential cost savings from reduced maintenance of existing heating systems, the introduction of new, more efficient heating systems, and improved air quality, both locally and regionally. This action will also help Maryland meet its obligations under the Federal Clean Air Act and Regional Haze rules, which require States that contribute to visibility impairment to implement mitigation strategies.

[Water Pollution Permits](#) - The Department of the Environment has proposed amendments to Regulations .09 and .09-1 under COMAR 26.08.04 Permits. The purpose of this action is to update regulations to include additional related discharge categories of dewatering (such as aquifer testing, construction dewatering, and foundation drainage) and groundwater remediation in order to protect the waters of the State, improve customer service, and increase efficiency.

Regulations

[Certification of State Water Quality Laboratories](#) - The Department of the Environment has adopted rulemaking to repeal existing Regulations .01 — .16 and adopt new Regulations .01 — .18 under COMAR 26.08.05 Certification of State Water Quality Laboratories. The purpose of this action is to correct technical references and agency designation, to modify the timeline for the submission of annual renewal applications for certification, to assess a penalty for late renewal applications, and to clarify the education and experience requirements for laboratory personnel who are employed at laboratories that analyze drinking water pursuant to the Safe Drinking Water Act. The proposed regulations include language to clarify requirements, and provide a more technically correct standard. This regulation passed and became effective on 21 JUL 14.

[Metal Parts and Products](#) - The Department of the Environment has adopted amendments to Regulation .08 under COMAR 26.11.19 Volatile Organic Compounds from Specific Processes to adopt the requirements of the EPA's Control Techniques Guidelines (CTG) for metal parts and products. EPA develops CTGs as guidance on control requirements for source categories. States can follow the CTGs or adopt more restrictive standards. MDE adopts new standards that will be set for eight coating categories. Application method and work practice requirements will also be adopted. These amendments affect coaters of metal parts and products. This regulation passed and became effective on 26 MAY 14.

Mikulski Pushes to Delay Somerset Wind Turbines

By Nicole Clark – Southern Maryland Newspapers (MD)

The debate over whether wind turbines proposed for bucolic Somerset County across the Chesapeake is not dead in St. Mary's, or in Washington. Texas-based wind company Pioneer Green has plans to build 25 turbines, each potentially nearly 700 feet tall, near the bay shoreline. Meanwhile, Navy and industry leaders in St. Mary's fear those windmills could interfere with sensitive radar tests done, in part, to determine the stealth of jet aircraft.

Sen. Barbara Mikulski (D-Md.), chair of the Senate Appropriations Committee, was among several lawmakers who last week suggested changes to the Senate version of the defense spending bill. Mikulski's changes, if implemented, would prevent the Navy from entering into an agreement with Pioneer Green until further studies could be completed. Pioneer Green has offered to turn off the wind turbines when the Navy is testing radar.

"For her to take the time to ensure this is in the legislation really is a reflection of her understanding of our mission," said Glen Ives, president of the Southern Maryland Navy Alliance. Earlier this year, 143 Maryland legislators supported the idea of forcing Pioneer Green to hold off on its project at least until the Massachusetts Institute of Technology could complete a study determining how spinning turbines might affect Navy radar. However, Gov. Martin O'Malley (D) vetoed that measure, saying rising sea levels were a greater threat to Pax River, and that renewable energy would, over the long term, would help protect Maryland, and the world, from those rising water levels. "I'm just sorry the governor vetoed the bill," said St. Mary's County Commissioner Todd Morgan (R), adding that it seemed to be a decision made for O'Malley's possible interests in a bid for the presidency, and likely on a platform that promoted renewable energy. "Or we wouldn't have to be where we are today," he said. The case to delay the Navy from entering into a curtailment agreement, where radar testing would stop when wind turbines were spinning, seemed to be well documented, Morgan said.

After the governor's veto, Del. John Bohanan (D-St. Mary's), Mikulski, Rep. Steny Hoyer (D-Md., 5th) and Sen. Ben Cardin (D-Md.), said they'd continue pushing to protect what they called Pax River's mission and national security interests. Mikulski's amendment, adopted by the Senate Appropriations Committee, says, "the committee directs the Navy to refrain from executing any agreement with respect to the operation of the proposed wind energy project until the [MIT] study is provided to the congressional defense committees." Mikulski's office did not provide a comment when asked.

But, the push to wait for the MIT study is not complete. The full Senate has to review the measure. And, Congress would have to reconcile a House version of the defense spending bill, which does not contain Mikulski's changes, with the Senate bill that most likely would. There also is a chance that Congress will not pass a defense bill and instead operate under a continuing resolution.

Ives said he realizes this is not "a done deal," but it's a step in the right direction. "Let's just not rush into this" wind turbine project, he said. "Just do the analysis before we commit to anything long term."

Maryland Environmental Partnership Meeting

A meeting of the partnership was held on 3 June at the Maryland Department of Environment (MDE) office in Baltimore. Representatives from MDE, EPA, military service RECs and approximately 20 DOD facilities participated for updates and/or discussion on a number of topics. MDE had been working with two state agencies in a pilot project to develop an MOU and submittal requirements that would allow MDE to designate sediment control and stormwater management approval authority to the agencies IAW Maryland HB97 which was approved last year. HB97 also allowed designation of authority to federal agencies and MDE will forward information and examples from the pilot projects to DOD representatives for their consideration in the near future.

MDE anticipated completing an initial draft of the Phase II MS4 General Permit in July. The permit will apply to developed properties in urban areas that are ≥ 5 acres in size and there will be a restoration requirement to upgrade stormwater treatment on 20% of a facility's impervious area that does not meet current development/redevelopment standards. Stormwater retrofits completed after 2006 were eligible for credit. The

completion date is the end of the permit term (5 yrs). A plan for meeting the restoration requirement is required one year after the permit effective date. The improvements can be made on property outside the MS4 area and outside the installation boundary. The only constraint would be that offsite retrofits were in the same 8 digit HUC watershed. A recently reissued industrial stormwater GP also had a 20% impervious surface stormwater restoration requirement. For purposes of stormwater permit compliance, federal facilities that would have both the industrial and MS4 stormwater permits would only need to meet the larger restoration requirement but not both. However, a facility load reduction requirement for the Chesapeake Bay Program (CBP) based on all developed land within the facility may still require additional nutrient sediment reductions.

There were several other items of interest related to the CBP. A new Chesapeake Bay Agreement was signed on 16 JUN 14 at an Executive Council meeting. Webinars were scheduled (18 JUN and 8 JUL) to introduce BayFAST, a new Chesapeake Bay Program tool for applying various land uses to user defined land areas. The tool should be very useful to federal facilities in determining individual facility nutrient/sediment loads and planning for BMPs to reduce those loads. MDE had sent out guidance explaining the opportunity to identify BMPs that were previously unreported, or in some way deficient, in order to receive proper credit for the pollutant load reductions associated with those practices. This historical BMP Clean-up process involved two steps. The first step was a test submittal, to help work out practical technical issues and was due June 30, 2014. The second step was a final submittal to permanently update the State's historical BMP inventory and that was due 29 MAY 15. Historical BMPs include those installed back to 1985.

There was also mention that representatives from the Army, Navy and Air Force met recently with staff from Maryland Department of Natural Resources and the MDE for update and discussion on implementation of the 2013 Maryland Coastal Zone Management Act (CZMA) Memorandum of Agreement (MOU) between DOD and MD. There were preliminary discussions about the possibility of creating a DoD wetland bank to mitigate DOD wetland disturbances. DOD believes there may be advantages to both Maryland and DoD installations from the creation of a banking program. Few details were discussed and it was agreed to have further discussions on the wetlands bank idea at the next CZMA MOU meeting.

The next Maryland Environmental Partnership meeting is scheduled for 14 OCT 14.



PENNSYLVANIA

Note: The Pennsylvania General Assembly meets throughout the year.

Proposed Legislation

On 19 MAY 14, Representative Hackett introduced [PA HB 2266](#) which would amend the act of 28 JUL 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, providing for municipal fees.

Legislation

On 24 JUN 13, Senator Vogel introduced [PA SB 1037](#) which would amend the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for powers and duties of Department of Environmental Protection. This bill passed and became effective on 14 MAY 14.

On 19 FEB 14, Senator Yudichak introduced [PA SB 1254](#) which would amend the act of 6 JUL 1989 (P.L.207, No.33), known as the Plumbing System Lead Ban and Notification Act, further providing for definitions. This bill passed and becomes effective on 10 AUG 14.



VIRGINIA

The Virginia Legislature convenes on 8 JAN 14 and adjourns on 8 MAR 14.

Legislation

The Legislature is out of session.

Proposed Rules

[Incorporation of Policies, Guidance, Regulations and Clarifications Specific to the Virginia Water Protection Permit Program](#)

- The Department of Environmental Quality's State Water Control Board has proposed revisions to 9VAC25-210 to change the overall organization of the regulation such that it may be more reader-friendly; to incorporate policies and guidance developed in recent years; to incorporate certain federal regulatory provisions relative to the program; and to clarify and correct grammar, spelling, references, and errors. Other amendments to the regulation may be considered by the Board based on comments received in response to the NOIRA or discussions of the regulatory advisory panel (RAP).

[Regulations Governing Permits for the Archaeological Removal of Human Remains](#) - The Department of Historic Resources, Board of Historic Resources, has announced that it intends to consider amending 17VAC5-20, Regulations Governing Permits for the Archaeological Removal of Human Remains. The purpose of the proposed action is to (i) enhance public notification requirements, (ii) ensure that applicants have the resources to complete the proposed work, (iii) ensure respectful disposition of recovered remains, and (iv) modernize and simplify regulatory language.

Regulations

[Incorporation of 2014 Statutory Changes](#) - The Department of Environmental Quality has adopted revisions to 9VAC25-870, Virginia Stormwater Management Program (VSMP) Regulations. The purpose of this regulatory action is to incorporate statutory changes made by HB 1173 and SB 423 during the 2014 General Assembly session related to the Virginia Stormwater Management Program (VSMP) Regulations. These changes provide for the use of an "agreement in lieu of a stormwater management plan"; clarify the roles and responsibilities of the VSMP authority; locality and the department; clarifies the requirements for "single-family detached residences"; and provide for technical changes to accommodate these revisions. This regulation passed and became effective on 1 JUL 14.

[Incorporation of Statutory Changes Related to Chesapeake Bay Preservation Act General Performance Criteria](#)

- The Department of Environmental Quality has adopted revisions to 9VAC25-830, Chesapeake Bay Preservation Area Designation and Management Regulations. The purpose of this regulatory action is to incorporate statutory changes made to § 62.1-44.15:34 A by HB 1173/SB 423 and HB 1217 during the 2014 General Assembly session related to the general performance criteria for localities subject to the provisions of the

Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and the regulation of Chesapeake Bay Preservation Act land-disturbing activities in accordance with § 62.1-44.15:28. Regulation passed; becomes effective on 27 AUG 14.

Major New Source Review, PM 2.5 - The Department of Environmental Quality's State Air Pollution Control Board has adopted an amendment to 9VAC5-80, Regulations for the Control and Abatement of Air Pollution. On October 20, 2010 (75 FR 64864), the U.S. Environmental Protection Agency (EPA) published a final rule establishing Prevention of Significant Deterioration (PSD) new source review (NSR) provisions to implement significant impact levels (SILs) and a significant monitoring concentration (SMC) for particulate matter less than 2.5 micrometers (PM_{2.5}). SILs are screening tools that are applied in PSD permitting to demonstrate that the proposed source's allowable emissions will not cause or contribute to a violation of the national ambient air quality standards (NAAQS) or increment. The SMC was used to exempt sources from a requirement to collect preconstruction monitoring data for up to 1 year before submitting a permit application in order to help determine existing ambient air quality.

On 22 JAN 13, the United States Court of Appeals for the District of Columbia Circuit granted a request from the EPA to vacate and remand to EPA portions of the PSD regulations establishing the SILs for PM_{2.5} so that the EPA could reconcile the inconsistency between the regulatory text and certain statements in the preamble to the 2010 final rule. The court further vacated the portions of the PSD regulations establishing a PM_{2.5} SMC, finding that the EPA lacked legal authority to adopt and use the PM_{2.5} SMC to exempt permit applicants from the statutory requirement to compile and submit ambient monitoring data. EPA modified its regulations accordingly on December 9, 2013 (78 FR 73698). In Virginia, where the state administers the NSR program under an approved state implementation plan (SIP), the state must adopt and submit revisions to the SIP to reflect the rule revisions. The revised SIP should be the same as or equivalent to the revised federal program. This regulation passed and became effective on 4 JUN 14.

Virginia Stormwater Management Program (VSMP) Permit Regulations - The Department of Environmental Quality has adopted a regulatory action which amends and reissues the General VPDES Permit for Discharges of Stormwater from Construction Activities (general permit), 9VAC25-880. This action to update and reissue the general permit is authorized under the federal Clean Water Act (33 USC §1251 et seq.) and the Stormwater Management Act (§62.1-44.15:24 et seq. of the Code of Virginia), which require that state permits be effective for a fixed term not to exceed five years. The existing five-year general permit became effective on July 1, 2009; thus necessitating the promulgation of a new general permit before the June 30, 2014 expiration date. This general permit establishes stormwater pollution prevention plan (SWPPP) requirements and special conditions for construction activities with stormwater discharges to surface waters, and the general permit conditions are set to protect the water quality of the receiving waters. In this regulatory action the general permit regulation has been amended and reorganized for clarity and consistency with other general VPDES permits issued by the State Water Control Board, the VSMP Regulations, 9VAC25-870, and EPA's final 2012 construction general permit (CGP). Several new definitions have been added to the regulation for clarity and consistency with the VSMP Regulations and EPA's final 2012 CGP. In addition, the general permit regulation has been amended to authorize discharges from emergency-related construction activities as well as authorize discharges from single-family residences separately built disturbing less than one (1) acre and part of a larger common plan of development or sale without the submission of a registration statement or general permit fee. The regulation has also been revised to incorporate administrative continuance provisions for existing construction activities currently covered under the 2009 CGP. The regulation has been modified to include updated provisions for discharges to impaired waters, surface waters with an applicable approved TMDL, and exceptional waters for consistency with EPA's final 2012 CGP. The stormwater pollution prevention plan (SWPPP) requirements of the regulation have been revised to incorporate the federal effluent limitation guidelines for the Construction and Development Point Source Category, 40 Code of Federal Regulations (CFR) Part 450, and for consistency with the VSMP Regulations and EPA's final 2012 CGP. These revisions include clarifying and updating the existing SWPPP requirements for

erosion and sediment control plans, stormwater management plans, and pollution prevention plans. The existing SWPPP requirements for amendments/modifications/updates, notification, availability, implementation, inspections, and corrective actions have been amended for added clarity and consistency with EPA's final 2012 CGP. This regulation passed and became effective on 1 JUL 14.

Amendments to Eliminate the Hazardous Waste Transport Permit Requirement

The Virginia Department of the Environment has adopted amendments to 9VAC20-60 that remove the requirement that transporters of hazardous waste obtain a hazardous waste transporter permit from the Commonwealth. The amendment eliminates the obligation to acquire a Virginia transporter identification number. The amendment further states that a hazardous waste transporter must obtain a federal Environmental Protection Agency Identification Number (EPA ID No.) from the EPA or an authorized state prior to transport within, out of or into the Commonwealth. Virginia will issue a provisional EPA ID Number to a transporter if an emergency or other unusual incident occurs that causes the necessity for the rapid transport of hazardous waste to an authorized Hazardous Waste Management facility. The amendment is effective 27 AUG 14.

For more information, go to: <http://register.dls.virginia.gov/details.aspx?id=4535>.



WEST VIRGINIA

The West Virginia Legislature convenes on 8 JAN 14 and adjourned on 14 MAR 14.

Legislation

The Legislature is out of session.

Proposed Rules

Fee Structure for the Pesticide Control Act of 1990 - The Department of Agriculture has proposed revisions to 61-12 to increase the annual fee for Commercial Applicators and Registered Technicians from \$10.00 to \$20.00. The Department has also proposed an increase in the Pesticide Product Registration from \$125.00 to \$150.00 per product.

Hazardous Waste Management System - The Department of Environmental Protection has proposed amendments to 33-20, Hazardous Waste Management System, to incorporate by reference current Federal Hazardous Waste Regulations to include provisions that authorize use of electronic manifests and the solvent contaminated wipe rule.

Regulations

Rules Governing Stormwater Utilities - The Public Service Commission has adopted Rules Governing Stormwater Utilities, 150 C.S.R. 36, effective for all public service districts operating a stormwater utility. The new rules (1) provide definitions, (2) require certain information to be provided to the Commission and to customers, (3) set forth customer billing provisions, customer rights and moratorium provisions, (4) provide guidance for the utility facilities, service pipes and expansion of services, (5) provide safety requirements, and (6)

provide rules for the creation or alteration of public service districts. This regulation passed and became effective on 5 JUL 14.

REGION 4



NORTH CAROLINA

Note: The NC General Assembly convenes on 13 MAY 14 and adjourns on 1 AUG 14.

Proposed Legislation

On 20 MAY 14, Representative McGrady introduced [NC HB 1137](#) which would amend the reporting and public notice requirements applicable to discharges of wastewater to waters of the state, as recommended by the environmental review commission.

On 27 MAY 14, Representative McGrady introduced [NC HB 1228](#) and on 14 MAY 14, Senator Apodaca introduced [NC SB 729](#) which pertains to discharges of wastewater.

On 4 MAR 13, Senator Jackson introduced [NC SB 136](#) which would designate reclaimed water as a source water under certain conditions.

On 26 JUN 14, Senator Brock introduced [NC SB 883](#) which would disapprove the mitigation program requirements for protection and maintenance of riparian buffers rule adopted by the environmental management commission, direct the environmental management commission to adopt a new mitigation program requirements for protection and maintenance of riparian buffers rule, and amend wastewater disposal system requirements.

On 15 MAY 14, Representative Millis introduced [NC HB 1081](#) and on 14 MAY 14, Senator Bingham introduced [NC SB 765](#) which would reform the process by which regulatory authorities review submittals of applications for permits, licenses, and approvals, as recommended by the environmental review commission.

Legislation

On 6 APR 13, Representative Fulghum introduced [NC HB 644](#) which would prevent Hazardous Drug Exposure. This bill relates to the handling of antineoplastic agents to prevent disease and injury caused by exposure. This bill passed and became effective on 22 JUL 14.

On 2 APR 13, Senator Brown introduced [NC SB 614](#) to protect military lands, to make amendments to the military affairs commission, and to protect sensitive military documents. This bill was signed by the Governor on 22 JUL 14.

Proposed Rules

[Draft NPDES Stormwater General Permit - NCG150000 - Air Transportation and Airports](#) - The Department of Environment and Natural Resources has invited comment on draft NPDES Stormwater General Permit - NCG150000 - Air Transportation and Airports. The requirements in this permit apply to stormwater discharges associated with industrial activity from Air Transportation facilities identified by the SIC Codes in Major Group 45, specifically to those airports that do not routinely perform deicing or anti-icing operations.

Triennial Review of Surface Water Quality Standards - The Department of Environment and Natural Resources has proposed amendments to the rules cited as 15A NCAC 02B .0206; .0211; .0212; .0214-.0216; .0218; .0220 which establish the surface water quality standards for North Carolina. These proposed amendments comprise the State's Triennial Review of Surface Water Quality Standards, which is mandated by the federal Water Pollution Control Act (Clean Water Act or CWA). If adopted, the proposals would implement several changes to the surface water quality standards for North Carolina. For details, see the proposed regulation.

MEET THE REC

STAFF

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