



# REC UPDATE

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



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## GENERAL INTEREST

### **Monitoring Continues to Confirm That No Radiation Levels of Concern Have Reached the United States**

As a result of the incident with the Fukushima nuclear plant in Japan, several Environmental Protection Agency (EPA) air monitors have detected very low levels of radioactive material in the United States consistent with estimates from the damaged nuclear reactors. These detections were expected and the levels detected are far below levels of public-health concern.

Elevated levels of radioactive material in rainwater have been expected as a result of the nuclear incident after the events in Japan since radiation is known to travel in the atmosphere - precipitation samples collected by EPA in the states of California, Idaho and Minnesota have seen very slightly elevated levels of radiation.

In addition to iodine-131, EPA monitors have also identified trace amounts of other isotopes, which is consistent with releases from the damaged Japanese nuclear reactors.

To see results from these precipitation samples, please visit [www.epa.gov/japan2011/docs/rert/radnet-precipitation-final.pdf](http://www.epa.gov/japan2011/docs/rert/radnet-precipitation-final.pdf).

### **EPA Streamlines Regulations for Car and Truck Fuel Conversion Systems**

The EPA has updated rules making it easier for manufacturers to sell fuel conversion systems. The conversion systems allow vehicles to run on alternative fuels, which may appeal to consumers concerned about energy security, fuel costs, or emissions. These changes reflect the EPA's interest in encouraging innovation and spurring conversions that optimize clean air and clean energy technologies. It is also in keeping with the president's 18 JAN 11 Executive Order, which directs agencies to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

The revised procedures will vary based on the age of the vehicle or engine being converted. The EPA has found that the procedures for older vehicles and engines can be streamlined, while maintaining environmental safeguards. The new process is now based on whether a vehicle or engine is new, intermediate age, or outside its expected useful life.

Conversion systems alter an existing vehicle or engine to enable it to run on a different type of fuel. An example of this type of conversion includes switching a car designed for gasoline to run on compressed natural gas. While properly engineered conversion systems can reduce or at least not increase emissions, poorly designed systems can produce much more pollution.

More information can be found at: <http://www.epa.gov/otaq/consumer/fuels/altfuels/altfuels.htm>.

### **Groundbreaking Ceremony Held for Renewable Energy Project at Camp Johnson**

(Written by Lance Cpl. Victor A. Barrera Marine Corps Base Camp Lejeune)

Marine Corps Base Camp Lejeune is embracing renewable energy to reduce electric bills and its carbon footprint. A groundbreaking ceremony was held at Camp Johnson on 23 MAR 11 to commemorate yet another energy initiative: photo-voltaic solar panels.

These panels will be installed on the roofs of several buildings currently under construction at Camp Lejeune and Camp Johnson. This is part of a \$37.9 million program that will be constructed in three phases and is expected to save the base more than a half million dollars a year. Phase One is currently underway at the Courthouse Bay and Hadnot Point bachelor enlisted quarters. Phase Two is expected to begin in AUG 2011 and will include the Camp Johnson front gate and the Wounded Warriors barracks. Phase Three will add solar panels to Camp Lejeune's main gate and the French Creek Bachelor Enlisted Quarters landfill site.

In addition to providing energy to the newly constructed barracks, the solar panels in some locations will be utilized as canopies and provide shade to service member's vehicles.

"All the PV panels will provide 100 percent of the energy to the newly constructed BEQs," said Ensign David Dreyer, the project manager with the Officer In Charge of Construction, Marine Corps Installations East. "The PV panels that will be near the main gate, however, will become an energy farm."

It is estimated that a total of 5.37 megawatts of energy, roughly equivalent to 5,370 kilowatts will be generated per hour. Overall, Camp Lejeune will have saved more than \$582,000 annually.

"The secretary of the Navy is ensuring that the Navy is going green and the commandant is also having the Marine Corps go green," said Col. Daniel Lecce, commanding officer for Camp Lejeune. "This is a great step in that direction and is a visible example that Camp Lejeune is going green."

For more information, go to: [http://www.camplejeuneglobe.com/news/inside\\_lejeune/article\\_6f2632c4-5af5-11e0-8b23-001cc4c03286.html](http://www.camplejeuneglobe.com/news/inside_lejeune/article_6f2632c4-5af5-11e0-8b23-001cc4c03286.html).

### **Chesapeake Bay Jurisdiction Watershed Implementation Plan (WIP) II Guide and WIP II Schedule**

On 31 MAR 11, EPA released a "Guide for Chesapeake Bay Jurisdictions for the Development of Phase II Watershed Implementation Plans". On behalf of DoD, REC Bay staff consolidated and submitted DOD comments on the State guide and is supporting the development of the Federal Guide. The State Guide explains the states and D.C. are in the driver's seat for Phase II and should engage key federal, state and local partners to develop strategies to protect and restore the Bay. The Guide also explains EPA's role is to provide support, help coordinate with federal agencies, review whether WIP strategies provide assurance that TMDL allocations will be achieved and maintained, make any necessary refinements to TMDL allocations, and take appropriate federal actions as necessary. EPA revised the WIP II schedule to provide jurisdictions an additional five months - from 1 NOV 2011 to 30 MAR 2012 - to engage local partners in the final Phase II WIPs. EPA also allowed more time to develop draft 2012-2013 jurisdiction milestone commitments. The state guide and schedule can be found at: [www.epa.gov/chesapeakebaytmdl](http://www.epa.gov/chesapeakebaytmdl).

### **DoD Natural Resources Conservation Program Revision**

Department of Defense Instruction 4715.03, signed 14 FEB 11, is a major update of DoD guidance established in 1996. It formalizes policies and procedures for the integrated management of natural resources on military lands, air, waters, coastal, and nearshore areas managed or controlled by the Department of Defense. The DoD Instruction updates programming and budgeting priorities, and establishes new performance metrics to better evaluate how natural resources management can enable the military mission and ensure long-term health of installation ecosystems. More information can be found at: <http://www.dtic.mil/whs/directives/corres/pdf/471503p.pdf>.

### Implementing Climate Change Adaption Planning in Accordance with Executive Order 13514

The Chair of Council on Environmental Quality (CEQ) is issuing instructions to federal agencies for integrating climate change adaptation into agency policies and practices, as required under Executive Order 13514. Section 5(b) of E.O. 13514 directs the Chair of CEQ to issue instructions to implement the Executive Order. The Instructions for Implementing Climate Change Adaptation Planning, released 4 MAR 11, are now available at: <http://www.whitehouse.gov/administration/eop/ceq/>.

### DEA National Drug Take Back Initiative 30 APR

The U.S. Drug Enforcement Administration and local sponsors are holding their second National Drug Take Back Collection Event on 30 APR 11. The purpose of this National Take Back Day was to provide a venue for persons who wanted to dispose of unwanted and unused prescription drugs. This effort was a huge success in removing potentially dangerous prescription drugs, particularly controlled substances, from our nation's medicine cabinets. To find a local collection event, visit the National Take Back Initiative webpage at: [http://www.deadiversion.usdoj.gov/drug\\_disposal/takeback/index.html](http://www.deadiversion.usdoj.gov/drug_disposal/takeback/index.html).

# 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.**

## HAZARDOUS WASTE

### **EPA Moves to Electronic Reporting of New Chemical Notices**

To promote transparency and eliminate paperwork burden, EPA will switch to electronic submissions for new chemical notices under the Toxic Substances Control Act (TSCA). As of 6 APR 11, companies can no longer submit their new chemical notices and support documents on paper for EPA's review. This is the first part of a two-year phaseout of paper and optical disc reporting for new chemical notices to the agency. The rule contained a one-year phaseout of paper reporting and a two-year phaseout of optical disc reporting.

Under TSCA, companies are required to submit new chemical notices and pre-manufacture notices at least 90 days prior to the manufacture or import of the chemical. This allows time for EPA to review the notice and set conditions to be placed on the use of a new chemical before it is distributed to consumers. About 1,000 new chemical notices are received each year and they typically include hundreds of pages of supporting material. This is a large amount of documentation and it requires a large material storage capacity. Companies are now required to submit these notices either on optical disk (for one more year) or via the Central Data Exchange (CDX).

More information on EPA's electronic reporting software and CDX:

<http://www.epa.gov/opptintr/newchemicals/epmn/epmn-index.htm>.

More information on EPA's efforts to increase access to chemical information:

<http://www.epa.gov/oppt/existingchemicals/pubs/transparency.html>.

## AIR

### **Emissions from Hospital/Medical/Infectious Waste Incinerators**

This action promulgates amendments to the new source performance standards and emissions guidelines, correcting errors emissions limits for large hospital/medical/infectious waste incinerators, correcting erroneous cross-references in the reporting and recordkeeping requirements in the new source performance standards, clarifying that compliance with the emission guidelines must be expeditious if a compliance extension is granted, correcting the inadvertent omission of delegation of authority provisions, correcting errors in the units' description for several emissions limits in the emission guidelines and new source performance standards, and removing extraneous text from the hydrogen chloride emissions limit for large hospital/medical/infectious waste incinerators in the emission guidelines. This rule is effective 4 MAY 11. For more information, go to: [Federal Register: April 4, 2011 \[Rules and Regulations\], Page 18407-18415](#).

### **National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines (RICE)**

There are amendments to the final rule that provided national emission standards for hazardous air pollutants for existing stationary spark ignition RICE. The amendments modify certain regulatory text to clarify compliance

requirements related to continuous parameter monitoring systems. The effective date is 9 MAY 11. More information can be found at: [Federal Register: March 9, 2011 \[Rules and Regulations\], Page 12863-12873.](#)

## WATER

### **Updated Water Quality Data and Mapping Tool**

This data and mapping tool is designed to help the public compare water quality trends over the last two years. The tool is a part of the Enforcement and Compliance History Online (ECHO) system. The web-based interactive map includes "state dashboards" that provide detailed information for each state, including information on facilities that are violating the Clean Water Act and the actions states are taking to enforce the law and protect people's health. More information can be found at: <http://www.fedcenter.gov/Announcements/index.cfm?id=17586>.

## ENERGY

### **Project Planning Webinar: Determining the Best Renewable Energy Project for your Site**

This webinar provides federal energy managers with an introduction to renewable energy project planning and determining the best renewable energy project for their site. For more information visit: [http://www.fedcenter.gov/kd/go.cfm?destination=ShowItem&item\\_id=17224](http://www.fedcenter.gov/kd/go.cfm?destination=ShowItem&item_id=17224).

# REGION 1



## CONNECTICUT

**Note: The Connecticut General Assembly convened 5 JAN 11 and adjourns 8 JUN 11.**

### **Proposed Legislation**

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

### **Proposed Rule**

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

### **Notice of Intent to Renew the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (with Modifications)**

The Connecticut Department of Environmental Protection (DEP) is giving notice of a tentative determination and public hearing to renew *with modifications* the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit). A general permit contains discharge requirements, best management practices, monitoring and treatment requirements specific to the discharge category that are designed to protect the waters of the state from pollution.

The current general permit originally expired on 30 SEP 07. It has since been reissued *without* modification three times to extend permit coverage. By publishing this notice of tentative determination to renew the general permit not later than 4 APR 11, Section 22a-6aa of the Connecticut General Statutes authorizes the current general permit to continue in effect for another year 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 30 SEP 12, the general permit will expire.

The DEP will hold a public hearing on 23 JUN 11 at 10:00 a.m. in the Russell Hearing Room on the third floor at DEP Headquarters, 79 Elm Street, Hartford, Connecticut 06106-5127. Written comments must be submitted on or before 1 JUL 11. Interested parties are encouraged to submit comments prior to the hearing.

This public notice, a draft of the proposed modified general permit, a fact sheet outlining the proposed modifications to the general permit, and the current permit are available on the DEP website at [www.ct.gov/dep/publicnotices](http://www.ct.gov/dep/publicnotices).

The General Permit Fact Sheet can be found at:

[http://www.ct.gov/dep/lib/dep/public\\_notice\\_attachments/general\\_permits/construction\\_general\\_permit\\_fact\\_sheet.pdf](http://www.ct.gov/dep/lib/dep/public_notice_attachments/general_permits/construction_general_permit_fact_sheet.pdf).

The Draft Permit can be found at:

[http://www.ct.gov/dep/lib/dep/public\\_notice\\_attachments/draft\\_permits/2011march30stormwateranddewateringgwastewatersconstructiongeneralpermit.pdf](http://www.ct.gov/dep/lib/dep/public_notice_attachments/draft_permits/2011march30stormwateranddewateringgwastewatersconstructiongeneralpermit.pdf).



## MASSACHUSETTS

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

### **Proposed Legislation**

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

### **Proposed Rule**

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

### **Guidance on Implementing Activity and Use Limitations**

The Massachusetts Department of Environmental Protection (MassDEP) is seeking public comment on a draft Activity and Use Limitations (AUL) Guidance Policy. The AUL Guidance was developed to assist parties conducting cleanups, Licensed Site Professionals (LSPs), attorneys, MassDEP staff, and others in implementing Activity and Use Limitations. Comments are due by 1 MAY 11. More information can be found at:

<http://www.mass.gov/dep/cleanup/laws/policies.htm#drpol>.



## MAINE

**Note: The Maine General Assembly convened 1 DEC 10 and adjourns on 15 JUN 11.**

### **Proposed Legislation**

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

### **Proposed Rule**

**ME 9580 2010 – Gasoline Dispensing Facilities Vapor Control** – This regulation became effective on 3 APR 11. It repeals the Stage II Vapor Recovery requirement as of 1 JAN 12 and requires the removal and/or discontinuance of Stage II vapor controls no later than 1 JAN 13. To prevent unintended volatile organic

compound (VOC) emissions from existing systems, the Maine DEQ has developed a closure protocol to ensure that discontinued Stage II piping is drained of liquid fuel and that all piping is properly capped and tested for vapor tightness. Since the CAA prohibits "backsliding" in nonattainment and maintenance areas such as southern Maine, the repeal of the Stage II requirement requires the implementation new emission controls that provide equivalent (or greater) VOC emission reductions. In addition, these new emission controls are necessary to address the CAA requirement for Stage II or comparable measures in Maine. The Department has calculated that repealing the Stage II requirement will result in additional VOC emissions of 0.245 tons per day (tpd) in York, Cumberland and Sagadahoc counties. In order to address this deficit in the Maine SIP, the Department must adopt a control measure or combination of measures to make up for the loss of VOC reductions created by the repeal of the Stage II requirement (the control measure or measures must be discretionary, i.e., not specifically required by the CAA). The Department is proposing the installation of pressure/vacuum vent caps on gasoline dispensing facilities with a throughput of 10,000 to 100,000 gallons per month by 1 JAN 12 as one of the measures used to address the antibacksliding and Stage II comparability requirements. The Department will be proposing additional control measures to address the remaining shortfall at a later date. More information can be found at: <http://www.maine.gov/dep/air/regulations/proposed.htm>. The Agency contact is Carolyn Wheeler and she can be contacted at Maine Dept. of Environmental Protection, Bureau of Air Quality Control, 17 State House Station, Augusta, ME 04333; 207-287-2437, Fax 207-287-7641; [Carolyn.Wheeler@Maine.gov](mailto:Carolyn.Wheeler@Maine.gov).

**ME 9601 2010 – Asbestos Management Regulations** – This regulation became effective on 3 APR 11. It simplifies and clarifies rules to promote the use of risk-based standards to regulate asbestos more effectively in areas of greatest risk for exposure. It also integrates changes to standard industry practice that have evolved over the last 6 years. For more information, go to: <http://www.maine.gov/dep/rwm/asbestos/index.htm#ru>. The Agency contact is Jamie Tansley and he/she can be contacted at Maine Dept. of Environmental Protection, Bureau of Remediation and Waste Management, 17 State House Station, Augusta, ME 04333, 207-287-7722 Fax: 207-287-6220, [Jamie.Tansey@Maine.gov](mailto:Jamie.Tansey@Maine.gov).



## NEW HAMPSHIRE

**Note: The NH General Court convened on 5 JAN 11 and adjourns on 1 JUL 11.**

### Proposed Legislation

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

### Proposed Rule

No new environmental regulations of significant importance to the Do D were identified during this reporting period.



## RHODE ISLAND

**Note: The RI General Assembly convened 4 JAN 11 and adjourns in late JUN 11.**

### Proposed Legislation

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

### Proposed Rule

**RI 4384 2011 – Underground Storage: Petroleum and Hazardous Materials** – This regulation was adopted on 7 APR 11 and became effective on 26 APR 11. It amends rules regarding underground storage facilities used for petroleum products and hazardous materials and adds a section which outlines and mandates that an operator training program be implemented by each state for all federally regulated underground storage tank owners and operators. For more information, go to: <http://www.dem.ri.gov/programs/benviron/waste/pdf/pnustreg.pdf>. The Agency contact is Tracee Lewis and she can be contacted at Dept of Environmental Management, Division of Waste Management, 235 Promenade St, Providence, RI 02908.



## VERMONT

**Note: The Vermont General Assembly convened 5 JAN 11 and adjourns in mid-MAY 11.**

### Proposed Legislation

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

### Proposed Rule

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

### **Proposed Revisions to Liquid Storage Tank Regulations**

The Vermont Underground Storage Tank Program is once again revising the UST Rules.

Proposed Underground Liquid Storage Tank Regulations - [Click Here](#)

Proposed Aboveground Liquid Storage Tank Regulations - [Click Here](#)

There are relatively few new provisions in the proposed new rules. The most substantial changes are as follows:

- Tanks located at marinas will have to meet the standards established in the Petroleum Equipment institute's publication RP 1000: Recommended Practices for the Installation of Marina Fueling Systems. Under the proposed rules, newly constructed fueling systems would have to meet the new standards immediately; already existing systems would have to meet the standards by the marina's opening date in the spring of 2013. See section 8-408.)
- Monitoring wells and observation wells will have to be maintained with liquid-tight caps such that the well does not serve as a direct conduit for a surface spill to contaminate the groundwater. During inspections, Vermont Department of Conservation (DEC) frequently finds monitoring wells with broken caps, providing a direct path for a surface spill to go straight into the groundwater. See section 8-103(f).
- Other minor clarifications in the wording of the rules, including new language that makes it clear that when a tank goes out of service, the tank owner is still required to provide financial responsibility (e.g. pay the annual assessment fee for the Petroleum Cleanup Fund). See section 8-305(a).

The DEC is seeking comments and feedback on both sets of rules. Four public hearings have been scheduled:

- 25 APR 11: Rutland Public Library, 10 Court Street, Rutland
- 27 APR 11: Dorothy Alling Memorial Library, 21 Library Lane, Williston
- 2 MAY 11: St. Johnsbury Town Board Room (Back of Fire Station), 1187 Main Street, St. Johnsbury
- 4 MAY 11: Barre City Fire Department Training Room, 15 4th Street, Barre

All hearings for UST Rules will run from 5:30 – 6:00 p.m. Hearings for AST Rules will run from 6:00 – 7:00 p.m. Comments can be submitted via email or traditional USPS mail.

E-mail comments can be sent to: [ted.unkles@state.vt.us](mailto:ted.unkles@state.vt.us).

Written comments can be sent to:

Ted Unkles, UST Program  
Vermont Dept of Environmental Conservation  
Waste Management Division  
103 South Main Street  
Waterbury, VT 05671-0404

The public comment period is open until 13 MAY 11. For more information, go to:  
[http://www.anr.state.vt.us/dec/wastediv/ust/draft\\_regs.htm](http://www.anr.state.vt.us/dec/wastediv/ust/draft_regs.htm).

## REGION 2



### NEW JERSEY

The New Jersey Legislature meets throughout the year.

#### Proposed Legislation

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

#### Proposed Rule

**NJ 19631 2011 – Air Pollution Controls** – This regulation amends rules concerning air pollution and the sulfur content standard for fuel oil stored, offered for sale, sold, delivered, exchanged in trade for use, or used in New Jersey. It allows refineries to obtain an extension of the deadline for compliance to meet new fuel standards. A public hearing will be held on 16 MAY 11 and the deadline for submitting comments is 3 JUN 11. The Agency contact is Alice A Previte, Esq, Attn: DEP Docket No. 06-11-03, Department of Environmental Protection, Office of Legal Affairs, Mail Code 401-04L, 401 East State St, 4th Floor, PO Box 402, Trenton, NJ 08625-0402.

#### **DEP Proposes Common Sense Rule to Enhance Public Access to Beaches and Waterways**

The Department of Environmental Protection (DEP) formally proposed new common sense rules to improve and enhance public access to New Jersey's beaches, bays and waterways through plans to be developed and implemented by municipalities and ultimately approved by the DEP. The revisions to the State's Coastal Zone Management rule were developed after extensive input and review by local governments, recreational interests, public access advocates, business leaders, and members of the public.

The official Public Access Rule, appearing in the new issue of the New Jersey Register, proposes a number of measures to ensure proper access is offered, including assisting and providing local governments in developing Municipal Public Access Plans, dedicating State Green Acres Program funds and other State resources to implement local plans, and effectively communicating the wealth of public access opportunities already available in New Jersey.

The Public Access Rule was developed after the courts struck down a rule adopted by the previous administration that, among other things, required 24/7 access to waterways, even in industrial and port areas along rivers, and allowed the DEP to deny funding for beach replenishment projects if municipalities did not meet the strict letter of the rules. The court also struck down parking and public restroom requirements. The top-down regulations left cities and towns out of the planning process, and proved to be too costly and unwieldy with little public benefit.

"This rule will direct public access opportunities to places where it's safe and appropriate, without placing undue economic burdens on existing port or industrial facilities such as refineries," said Ray Cantor, Chief Advisor to

Commissioner Martin. "In short, this is a balanced strategy that will promote urban waterfront development and that looks to work with people and local governments, not against them."

Under the common sense rule proposed today, municipalities that develop public access plans will be able to determine and direct public access uniquely suited to each community.

Specifically, the rule:

- Requires new commercial, residential and industrial development to provide public access or pay into a fund created by a municipality with an approved access plan;
- Encourages municipalities to work with the Department to develop town-specific municipal public access plans;
- Expands the definition public access to include certain recreational facilities under the definition amusement pier, thereby opening up opportunities for rehabilitation of piers;
- Maintains all existing public access along the Shore and waterfronts;
- Enables the DEP to rank municipalities without approved access plans lower for shore protection funding projects.

To assist the public, the DEP has launched a web site <http://www.state.nj.us/dep/cmp/access/> that has a wealth of information about public access points, including public restroom and parking facilities, amenities such as restaurants, boat and kayak launches, marinas, water quality, handicapped facilities, and places to fish. This guide will enable people to choose the ideal location for them to enjoy New Jersey's coastal and other tidal waters.

Public hearings are scheduled on 12 MAY 11 at 11 a.m. at Liberty State Park, Jersey City; and 17 MAY 11, 11 a.m., at Richard Stockton College, Pomona. Written comments may be submitted through 3 JUN 11 to: N.J. Department of Environmental Protection, Gary Brower, Esq., ATTN: DEP Docket No. 05-11-03, Office of Legal Affairs, 401 East State Street, 4th Floor, PO Box 402, Trenton, New Jersey 08625. To read the rule proposal or for information on submitting comments and the public hearings, visit: <http://www.nj.gov/dep/rules/notices/040411a.html>.



## NEW YORK

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

### **Proposed Legislation**

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

### **Proposed Rule**

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

### **NY DEC's New Commissioner Receives Unanimous Senate Confirmation**

Governor Andrew M. Cuomo recently announced the unanimous confirmation of his selection for Commissioner of the New York Department of Environmental Conservation (NY DEC). Joseph Martens most recently served as president of the Open Space Institute (OSI), a position he had held since 1998. At OSI, he directed and oversaw land acquisition, sustainable development, historic preservation, and farmland protection. Prior to his job at OSI, Martens served as Deputy Secretary for Energy and the Environment from 1992-94. He has also served as chair of both the Olympic Regional Development Authority and the Adirondack Lakes Survey Corporation. Martens studied Resource Economics at the University of Massachusetts at Amherst and received an M.S. in Resource Management from the State University of New York, College of Environmental Science and Forestry in Syracuse. More information can be found at: <http://www.dec.ny.gov/environmentdec/73238.html>.

## **REGION 3**



### **DISTRICT OF COLUMBIA**

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

#### **Proposed Legislation**

**2009 DC B64 – Lead Hazard Prevention and Elimination** – This bill amends the Lead Hazard Prevention and Elimination Act of 2008; expands protection for pregnant women and children under a specified age; modifies the disclosure requirements; expands the permissible use of the Lead Poisoning Prevention Fund; requires the Mayor to report on its implementation; requires permission of a tenant for inspections unless a warrant is obtained; and amends the Housing Regulations to make conforming changes. This bill was enacted on 31 MAR 11.

#### **Proposed Rule**

**DC 1545 2011 Water and Sanitation** – This regulation amends rules concerning rates for water and sewer service and amends fees and definitions relating to water supply. The deadline for making comments is 9 MAY 11 and a public hearing is scheduled for 11 MAY 11. The Agency contact is Water and Sewer Authority, 5000 Overlook Ave, SW, Washington, DC 20032, 202-787-2000, fax 202-787-2333, [info@dcwater.com](mailto:info@dcwater.com).



## DELAWARE

**Note: The Delaware General Assembly convened 5 JAN 11 and adjourns on 30 JUN 11.**

### Proposed Legislation

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

### Proposed Rule

**DE 2600 2010 Volatile Organic Compounds Emissions** – This regulation became effective on 11 MAR 11 and reviews rules regarding Volatile Organic Compounds, updates the existing work practice standards, adds a new generally applicable cleaning solvent VOC content limit, sets more stringent emissions limits, and updates definitions of the regulated category. The Clean Air Act (CAA) Section 182(b)(2) requires that all ozone non-attainment areas, including Delaware, must develop or update relevant regulations to implement Reasonably Available Control Technology (RACT) controls on emission sources covered in EPA's Control Techniques Guidelines (CTG) or Alternate Control Techniques (ACT), and submit the regulations to EPA as State Implementation Plan (SIP) revisions. Recently, the EPA has updated several CTGs and the afore-mentioned revisions to 7 DE Admin. Code 1124 reflects DE's efforts accordingly. Specifically:

- Section 8.0, Handling, Storage, and Disposal of Volatile Organic Compounds (VOC). This revision updates the existing work practice standards, and adds a new generally applicable cleaning solvent VOC content limit.
- Section 13.0 Automobile and Light-Duty Truck Coating Operations. This revision sets more stringent emissions limits.
- Section 16.0 Paper Coating. The revision adds "film and foil coating" to the regulated category.
- Section 23.0 Coating of Flat Wood Paneling. The revision sets up more stringent emission limits.
- Section 37.0 Graphic Art Systems. The revision adds "flexible packaging printing" to the regulated category.
- Section 45.0 Industrial Cleaning Solvents. The revision clarifies that the requirements of 45.0 are triggered based on "VOC emissions" rather than "solvent used."
- Section 47.0 Offset Lithographic Printing. The revision adds "letterpress printing" to the regulated category.

The Agency contact is Frank F. Gao, Department of Natural Resources and Environmental Control, Division of Air and Waste Management, 302-323-4542, [Frank.Gao@state.de.us](mailto:Frank.Gao@state.de.us).



## MARYLAND

**Note: The Maryland General Assembly convened 12 JAN 11 and adjourns in early APR 11.**

**Proposed Legislation**

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

**Proposed Rule**

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

**NORTH CAROLINA**

Note: The NC General Assembly convened 26 JAN 11 and adjourns in early JUN 11.

**Proposed Legislation**

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

**Proposed Rule**

**NC 5909 2010 State Guidelines for Areas of Environmental Concern** – This regulation became effective on 1 MAR 11 and details the application requirements for wind energy facility permits. It also includes the development standards for such facilities. 15A NCAC 07H addresses general and specific use standards, hydraulic dredging, drainage ditches, nonagricultural drainage, marina, piers and docking facilities, bulkheads, beach nourishment, groins, freestanding moorings, filling of canals, basins and ditches, submerged lands mining and development standards of wind energy permits. 15A NCAC 07M addresses coastal energy policies and policy statements. More information can be found at: <http://www.oah.state.nc.us/rules/register/Volume25Issue19April12011.pdf>. The Agency contact is James Gregson, Director, Division of Coastal Management, 400 Commerce Ave, Morehead City, NC 28557, 252-808-2808.

**PENNSYLVANIA**

Note: The Pennsylvania General Assembly meets throughout the year.

### **Proposed Legislation**

**PA S 859 Safe Drinking Water Act** – This bill proposes to amend the Pennsylvania Safe Drinking Water Act. Specifically, it provides definitions for: critical zone, groundwater, surface water, wellhead, wellhead protection area, Zone I and Zone II. It also provides a section on applications and requests for approval for facilities and activities in the critical zone, which covers permitting in critical zones. In addition, this bill provides requirements for municipalities concerning wellhead protection and surface water intake protection. This bill also provides for powers and duties of the Department of Environmental Protection and for civil and criminal penalties. This bill has been referred to the Senate Committee on Environmental Resources and Energy.

### **Proposed Rule**

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



## **VIRGINIA**

**The Virginia Legislature convened 12 JAN 11 and adjourned 26 FEB 11.**

### **Proposed Legislation**

**VA H 1737 Stormwater Management Systems Regulation** – This bill was signed by the Governor and becomes effective on 1 JUL 11. It relates to the regulation of stormwater management programs. Specifically, it states that a locality may establish a utility or enact a system of service charges to support a local stormwater management program. The bill also specifies what costs may be paid or recovered using the funds from a utility or enacted system of service charges. These costs include: enlargement, improvement and maintenance of levees, floodwalls and pump stations; ambient water quality monitoring; public education; watershed planning; inspection and enforcement activities; and pollution prevention planning and implementation. The service charges will be assessed to property owners. However, full waivers are provided for federal agencies that hold a permit to discharge stormwater from a municipal separate storm sewer system. Partial waivers are provided for any person who has a stormwater management facility that reduces stormwater flow or pollutant loadings. Other full and partial waivers are provided for certain state and local entities. The text of the bill can be found at:

<http://lis.virginia.gov/cgi-bin/legp604.exe?111+sum+HB1737>.

**VA H 1943 No Discharge Zones** – This bill was signed by the Governor and becomes effective on 1 JUL 11. It describes the criteria for establishing no discharge zones shall be based on the improvement of impaired tidal creeks and the actions that must be taken to ensure that there is no discharge of sewage from vessels while in a no discharge zone. The text of the bill can be found at: <http://lis.virginia.gov/cgi-bin/legp604.exe?111+sum+HB1943>.

**VA H 2486 Impaired Waters Plan** – This bill was signed by the Governor and becomes effective on 1 JUL 11. It requires that the plan developed and implemented to restore impaired waters be controlling unless it is amended or withdrawn by the State Water Control Board. The text of the bill can be found at: <http://leg1.state.va.us/cgi-bin/legp504.exe?111+ful+CHAP0281+pdf>.

**VA S 1007 Solid Waste Facilities Permit Fees** – This bill was enacted on 24 MAR 11. It establishes the same fee structure for sanitary landfills, non-captive industrial landfills, and construction and demolition debris landfills; provides that incinerators and energy recovery facilities will be assessed an annual fee per ton; increases the annual fee for composting, regulated medical waste and transfer stations; requires the Department of Environmental Quality to improve its solid waste program and submit a report to the General Assembly. The text of this bill can be found at: <http://leg1.state.va.us/cgi-bin/legp504.exe?111+ful+CHAP0420+pdf>.

### **Proposed Rule**

**VA 112577 2011 Hazardous Waste Management** – This regulation became effective 2 MAR 11. It updates incorporated federal regulatory text, revises a Federal Register reference, updates the DEQ's mailing address, and provides for the adoption of more stringent conditions applicable to comparable rules that were promulgated concurrently with the Emission Comparable Fuel exclusion on 19 DEC 2008. For more information, go to: <http://townhall.virginia.gov/L/viewaction.cfm?actionid=3411&display=general>.

**VA 112737 Federal Identical Construction Industry Standards** – This regulation became effective 15 APR 11. It requires employers to (i) perform crane inspections, (ii) utilize qualified or certified crane operators, (iii) address ground conditions, (iv) maintain safe distances from power lines using the encroachment prevention precautions, (v) keep specified records associated with inspections and operator certification or qualification, and (vi) fulfill other obligations under the standards. It also clarifies the scope of the regulation by providing both a functional description and a list of examples for covered equipment. The text of this regulation can be found at: <http://legis.state.va.us/codecomm/register/vol27/iss15/v27i15.pdf>, pp1964-1965.

**VA 102390 Permit for Pesticide Discharges** – This regulation was to become effective 20 APR 11 but that has been suspended (SEE NEXT ARTICLE). The purpose of the proposed action is to develop and issue a VPDES general permit for discharges from pesticides applied directly to surface waters to control pests, and/or applied to control pests that are present in or over, including near, surface waters. This general permit regulation is needed in order to comply with court ordered requirements for EPA and states to issue NPDES permits for both chemical pesticide applications that leave a residue or excess in water, and all biological pesticide applications that are made in or over, including near, waters of the United States. More information about this regulation can be found at: <http://www.townhall.state.va.us/L/ViewChapter.cfm?chapterid=2418>.

### **Pesticide Discharge General Permit Interested Parties**

The Director of the Virginia Department of Environmental Quality (DEQ) has suspended the effective date of 9VAC25-800, the Virginia Pollutant Discharge Elimination System (VPDES) General Permit For Discharges Resulting From the Application of Pesticides to Surface Waters. This regulation was adopted by the State Water Control Board on 4 FEB 11 and became effective on 10 APR 11. It was published in the Virginia Register on 28 FEB. This Virginia VPDES general permit regulation was developed to comply with the 6th Circuit Court's ruling. On 28 MAR, the 6th Circuit Court of Appeals granted a request from EPA to extend the effective date of the Court's ruling and deadline for when permits will be required for pesticide discharges from 9 APR to 31 OCT. The Director of the DEQ suspended the effective date of 9VAC25-800 to be consistent with the 6th Circuit Court's ruling. The DEQ presented an amended Pesticides General Permit Regulation with a revised effective date of 31 OCT and a revised expiration date of 31 DEC 2013 to the State Water Control Board for readoption at their 14 APR meeting.

The suspension is posted on the Virginia Regulatory Town Hall website: <http://www.townhall.state.va.us/L/ViewChapter.cfm?chapterid=2418>.

### **Virginia Permit Fees for Solid Waste Facilities**

On 24 MAR 11, the Governor of Virginia signed Senate Bill SB 1007 which establishes the same fee structure for sanitary landfills, noncaptive industrial landfills, and construction and demolition (C&D) debris landfills. This fee structure was proposed by the Waste Fees Stakeholder Group convened by VA DEQ for the purpose of reviewing and making recommendations concerning the appropriate solid waste fee structure for funding a portion of the department's direct solid waste program and efficiencies in containing permit costs. During the 2010 General Assembly session, Budget Bill Item 354 reduced the Virginia Solid Waste Program budget by \$1 million.

The new law requires sanitary landfills, noncaptive industrial landfills and C&D debris landfills pay an annual fee of \$0.115 per ton of waste deposited directly in their facility. Currently, noncaptive industrial landfills pay an annual fee of \$8,000 and construction and demolition debris landfills pay \$4,000 annually, while the fee schedule for sanitary landfills is based on the annual tonnage of waste deposited in the landfill. Incinerators and energy recovery facilities will be assessed an annual fee of \$0.055 per ton. The fees will be adjusted annually based on the Consumer Price Index. The annual fee has been increased for other types of facilities such as composting (\$1250), regulated medical waste (\$2500), material recovery facilities (\$4500) and transfer stations (\$5500). The bill also requires the Department of Environmental Quality to continue its efforts to improve its solid waste program and submit a report to the General Assembly regarding such efforts by 1 DEC 11. The law becomes effective 1 JUL 11. The full text is available at:

<http://lis.virginia.gov/cgi-bin/legp604.exe?111+sum+SB1007>.

### **Disposal of Mercury Thermostats in Virginia**

On 26 FEB 10, the Governor of Virginia signed into law a bill that required mercury thermostats be added to the Virginia Waste Management Board regulations that encourage the recycling mercury items. The bill, effective 1 JUL 10, also authorizes localities to prohibit the disposal of mercury thermostats in any privately operated landfill within its jurisdiction, so long as the locality has implemented a recycling program that is capable of handling all of the mercury thermostats within the jurisdiction.

Virginia has provided a list of companies that accept mercury thermostats for recycling.

<http://www.deq.virginia.gov/export/sites/default/waste/pdf/mdoffinva.pdf>.

Virginia also has a link to more information on thermostat recycling.

<http://www.deq.virginia.gov/p2/mercury/thermostatrecycling.html>.



## **WEST VIRGINIA**

**The West Virginia Legislature convened 12 JAN 11 and adjourns mid-MAR 11.**

### **Proposed Legislation**

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

**Proposed Rule**

**WV 5617 2010 Transportation of Hazardous Wastes** – This regulation amends rules relating to the transportation of hazardous wastes upon the roads and highways. The bill is effective from passage, which was on 11 MAR 11. The Agency contact is Marvin Murphy, Division of Highways, Bldg 5, Rm 164, 1900 Kanawha Blvd E, Charleston, WV 25305-0430.

# PROFESSIONAL DEVELOPMENT

## Conferences

### **2011 Ground Water Summit and Ground Water Protection Council Spring Meeting, 1 – 5 May 11, Baltimore, MD**

This conference will bring together a mix of federal and state regulators, practitioners, natural resource managers, policymakers, municipal planners, remediation site owners, attorneys, climatologists, and those who supply knowledge and technology needed to address and influence key water issues. More information can be found at: <http://www.ngwa.org/summit2011/index.aspx>.

### **National Solar Conference, 17 – 21 MAY 11, Raleigh, NC**

The National Solar Conference is the longest-running educational event for solar energy professionals in the U.S. The SOLAR 2011 program will be developed by solar energy experts in all topical areas - technology, buildings, policy, professional education, workforce development, and consumer education. Many sessions offer continuing education credits for architects, installers, and engineers. For more information, go to: <http://www.nationalsolarconference.org/>.

### **AWEA WindPower 2011: Conference & Exposition, 22 – 25 MAY 11, Anaheim, CA**

More information is at: <http://www.windpowerexpo.org/>.

### **Environment, Energy Security, and Sustainability Symposium & Exhibition, 9 - 12 MAY 11, New Orleans, LA**

The Environment, Energy, Security, and Sustainability (E2S2) Symposium and Exhibition provides an opportunity to share ideas on how to improve energy, environmental, and sustainability management throughout DoD, the Services, and other federal agencies. For more information, visit the website at <http://e2s2.ndia.org/Pages/Default.aspx>.

### **International Conference on Sustainable Remediation, 1-3 JUN 11, Amherst, MA**

The conference is sponsored by the Environmental Institute at the University of Massachusetts Amherst and the U.S. EPA Office of Superfund Remediation and Technology Innovation. It will address green chemistry, human health, and environmental response. Session presentations by scientists, practitioners, and regulators will feature new research, field applications, and lessons learned. Leading researchers and regulatory experts will provide an overview of the sustainable remediation landscape and address research needs, policy and regulatory challenges moving forward. The conference will feature 2 keynote presentations, 24 technical sessions, poster presentations and a student poster competition, exhibits, and ample opportunities for networking. For more information and to register, see <http://www.umass.edu/tei/conferences/SustainableRemediation/>.

### **Air & Waste Management Association Annual Conference, 21 – 24 JUN 11, Orlando, FL**

The theme is "Beyond All Borders" and focuses on regional topics related to the Gulf of Mexico Oil Spill; air quality modeling; carbon dioxide; environmental management of ports, marinas and shipyards; waste disposal on the Gulf Coast, environmental issues related to transportation, and electronic waste will be presented. More information can be found at: <http://www.awma.org/ace2011/>.

### **DoD Sustaining Military Readiness Conference, 25-29 JUL 11, Nashville, TN**

DoD personnel and stakeholders interested in military training and testing, natural and cultural resources management, and sustainable and compatible land, air, sea, and frequency use topics are invited to explore the

interdisciplinary nature of sustaining military readiness, share lessons learned and best practices among colleagues and stakeholders, and participate in a broad spectrum of informative training workshops. Detailed agenda, lodging and travel information can be found at [www.smrconference.com](http://www.smrconference.com).

## 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, other course offerings, and/or to register, visit the CECOS training website at <https://www.netc.navy.mil/centers/csfe/cecos/>

### CECOS Classroom Courses

Beginning Date	End Date	Course	Location
2 MAY 11	4 MAY 11	Introduction to Hazardous Waste Generation and Handling	Cherry Point, NC
3 MAY 11	5 MAY 11	Nat'l Environmental Policy Act (NEPA) Application	Baltimore, MD
5 MAY 11	5 MAY 11	RCRA Hazardous Waste Review	Cherry Point, NC
10 MAY 11	12 MAY 11	Health & Environmental Risk Communication Workshop	Washington, DC
16 MAY 11	20 MAY 11	DoD Initial Pest Mgmt PAR/QAE and IPM Coordinator	Virginia Beach, VA
13 JUN 11	15 JUN 11	Introduction to Hazardous Waste Generation and Handling	Norfolk, VA
14 JUN 11	17 JUN 11	Environmental Conservation	Annapolis, MD
16 JUN 11	16 JUN 11	RCRA Hazardous Waste Review	Norfolk, VA
20 JUN 11	22 JUN 11	Intro to Hazardous Waste Generation & Handling	Camp Lejeune, NC
23 JUN 11	23 JUN 11	RCRA Hazardous Waste Review	Camp Lejeune, NC
28 JUN 11	30 JUN 11	Basic Environmental Law	Newport, RI
18 JUL 11	22 JUL 11	Adv. Environmental Management	Newport, RI
23 AUG 11	25 AUG 11	Human Health Risk Assessment	Norfolk, VA
22 AUG 11	26 AUG 11	Environmental Quality Sampling	Dayton, OH
22 AUG 11	26 AUG 11	Adv. Pub Works Dept. & Fac. Eng. Comm Operations	Washington, DC

<b>Beginning Date</b>	<b>End Date</b>	<b>Course</b>	<b>Location</b>
29 AUG 11	2 SEP 11	US Marine Corps Facilities Management	Washington, DC

### **CECOS Online Courses/Web Conferences**

<b>Beginning Date</b>	<b>End Date</b>	<b>Course</b>	<b>Location</b>
Various		EMS General Awareness: Computer Based Training	On-Line
Various		Bird Aircraft Strike Hazard (BASH) Awareness	On-Line
Various		Environmental Sampling (Chapter 29)	On-Line
Various		HAZWOPER for Uncontrolled Hazardous Waste Site Workers-Refresher	On-Line
Various		Construction Technology for Non-Engineers	On-Line
18 MAY 11	18 MAY 11	Solid Waste & Recycling Awareness	Web Conference
24 MAY 11	26 MAY 11	Advancing An Effective EMS	Web Conference
19 JUL 11	20 JUL 11	Pollution Prevention Program Operations and Management	Web Conference
21 JUL 11	21 JUL 11	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 [www.cecosweb.com](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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