



# REC UPDATE

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



<b>GENERAL INTEREST</b>	<b>2</b>
<b>FEDERAL NEWS</b>	<b>8</b>
CHESAPEAKE BAY	8
HAZARDOUS WASTE	10
AIR	11
WATER	14
DOCUMENTS / NEPA	15
<b>STATE NEWS</b>	<b>16</b>
CONNECTICUT	16
DELAWARE	16
DISTRICT OF COLUMBIA	17
MARYLAND	19
MASSACHUSETTS	22
NEW JERSEY	23
NEW YORK	24
PENNSYLVANIA	25
RHODE ISLAND	26
VERMONT	26
VIRGINIA	27
WEST VIRGINIA	30
<b>PROFESSIONAL DEVELOPMENT</b>	<b>31</b>
CONFERENCES	31
TRAINING	32
<b>MEET THE REC</b>	<b>36</b>
STAFF	36
COMPONENT RECS	37
<b>LINK HELP</b>	<b>37</b>
<b>SUBSCRIBE!</b>	<b>37</b>

# GENERAL INTEREST

## **Federal Buildings Personnel Training Act of 2010**

The Federal Buildings Personnel Training Act (Public Law 111-308) has been enacted. It was signed by the President on 14 DEC 10. The law provides that within 18 months, the General Services Administration (GSA) shall:

- identify the core competencies necessary for Federal personnel performing building operations and maintenance, energy management, safety, and design functions (including competencies relating to building operations and maintenance, energy management, sustainability, water efficiency, safety (including electrical safety), and building performance measures);
- identify a course, certification, degree, license, or registration to demonstrate each core competency, and for ongoing training;
- develop or identify comprehensive continuing education courses to ensure the operation of Federal buildings in accordance with industry best practices and standards;
- develop a recommended curriculum relating to facility management and the operation of high-performance buildings.

Individuals shall demonstrate each core competency (through certification, registration, etc.) not later than one year after the competency is identified, or not later than one year after such date of hire, or at the start of employment for an employment period not to exceed one year. The "training" requirements under this section will also apply to contractor personnel performing building operations and maintenance, energy management, safety, and design functions. The full text of this Act can be found at <http://www.gpo.gov/fdsys/pkg/BILLS-111s3250enr/pdf/BILLS-111s3250enr.pdf>.

## **Task Force to Prepare National Strategy for Electronics Stewardship**

A Council on Environmental Quality (CEQ) memorandum dated 8 NOV requests that the Environmental Protection Agency (EPA) and the General Services Administration (GSA) join CEQ in co-chairing an interagency task force to prepare a national strategy for electronics stewardship. Within 180 days, the Task Force shall deliver to CEQ a national framework that includes:

- An action plan directing Federal agencies to exercise all appropriate authorities to achieve the electronic stewardship goals, consistent with domestic and international law;
- Recommendations for a system-based approach to the long-term design, management and disposal of Federal used electronics;
- Recommendations for information gathering and tracking, regulatory options, and best management practices for used electronics that can be used by the Federal agencies and leveraged to the private sector;
- A plan to build partnerships in the public and private sector for sustainable electronics management nationwide; and
- A plan to reduce exports of used electronics to developing countries that lack capacity to properly manage them, and assess how Federal agencies can improve their ability to deter these exports. The plan will include a strategy to build capacity within and share best practices with developing countries, so they can improve their ability to safely handle used electronics, while promoting economic development.

More information about the composition and goals of the task Force can be found at: [http://www.epa.gov/epawaste/conserve/materials/ecycling/docs/ewaste\\_task\\_force\\_memo.pdf](http://www.epa.gov/epawaste/conserve/materials/ecycling/docs/ewaste_task_force_memo.pdf).

### **“Common Violations at Federal Facilities” Webinar Broadcast is Available**

The audio/video recording of EPA Region 1's "Common Violations at Federal Facilities - Ask the EPA Inspector" webinar held 27 OCT is available for viewing at <http://www.fedcenter.gov/asktheepainspector>. This could be a great source of information for staff training/refreshing.

### **EPA's Basic Instructor Courses (BIT) (Online)**

The EPA's Office of Compliance and the National Enforcement Training Institute (NETI) are offering this web-based training course that is primarily intended for new EPA environmental compliance inspectors. The course content satisfies the training requirements for the certification of all EPA inspectors, as well as for state and tribal inspectors who desire EPA credentials. This course may be useful as a general refresher for inspectors who already have some experience in the field. It will take approximately 4 hours to complete all 7 modules and the final quiz. More information can be found at:

[http://www.fedcenter.gov/kd/go.cfm?destination=ShowItem&item\\_id=16920](http://www.fedcenter.gov/kd/go.cfm?destination=ShowItem&item_id=16920).

### **EPA Warns Against the Use of Mothballs that Look Like Candy**

The EPA is warning the public about a potential threat from an illegal pesticide product uncovered during an inspection of a shipment at a warehouse in Kearny, NJ. EPA discovered that a Brooklyn-based company had attempted to import mothballs from China that could be mistaken for candy and are not registered with EPA, as required by federal law. These mothballs are suspected of containing an active ingredient called para-dichlorobenzene, a toxic chemical. About 4800 brightly-decorated bags of the product, called Fuji Lavender Moth Tablets, were discovered. EPA is looking into whether the product has reached stores, and is asking the public to look out for the mothballs while the Agency continues its investigation. Members of the public should not purchase the Fuji Lavender Moth Tablets. If a consumer has bought them, he or she should contact EPA at 732-321-4461 for assistance in properly disposing of them. The registration process ensures that the government knows what pesticides are in the products and that they have labels with directions for proper use. The EPA is concerned that mothballs sold in colorful packaging that resemble candy pose a particular risk to children. Inhaling para-dichlorobenzene can lead to vomiting, diarrhea, respiratory distress and other illnesses. Swallowing it can damage the nervous system and, in extreme cases, can cause coma or death. In this case, the product's similarity to candy makes accidental poisonings a real threat.

On 2 NOV 10, EPA received a routine notice from an importer seeking permission to bring a disinfection product containing a pesticide into the U.S. EPA reviewed the paperwork and discovered that there was no EPA registration number listed for the product, Dettol Disinfectant Laundry Sanitizer. The Agency contacted the importer and requested that the shipment be made available for inspection. On 5 NOV 10, the importer brought the shipment to a warehouse in Kearny, NJ for EPA inspection. During this inspection, the Agency not only confirmed that the Dettol Disinfectant Laundry Sanitizer was not registered and did not have an EPA-approved label, but also discovered a large quantity of the Fuji Lavender Moth Tablets. The illegal products were confiscated and EPA directed U.S. Customs and Border Protection to seize and destroy them. EPA and U.S. Customs and Border Protection (CBP) offices around the country were alerted about the attempted importation of the Fuji Lavender Moth Tablets because of concerns about their candy-like appearance. On 9 NOV 10, EPA conducted a subsequent inspection of the importer's Brooklyn warehouse and identified several similar products that may be illegal and were confiscated.

All products sold in the U.S. that contain pesticides must be registered with EPA. Before a product is registered, EPA examines the ingredients, the way in which it will be used, the storage and disposal information, and the potential human health and environmental effects associated with use of the product. The producer of the pesticide must provide data from tests done according to strict government guidelines to ensure that the product does not make people sick. Illegal pesticide products are toxic and may contain unknown ingredients.

Consumers may unknowingly purchase illegal products that have not been thoroughly tested and do not have proper labels. "Do not ever buy a pesticide that does not have an EPA registration number on the container," warned EPA Regional Administrator Judith Enck. For more information about illegal pesticides, their health effects, and how to dispose of them, go to the EPA's illegal pesticide website <http://www.epa.gov/pesticides/health/illegalproducts/index.htm>. For images of the particular products subject to this announcement, visit <http://www.epa.gov/region2/pesticides/>.

### **EPA Recommends Radon Testing in January**

January is national Radon Action Month and the EPA encourages everyone to test their homes for radon. January is an especially good time to test homes and schools because windows and doors are closed tightly and people spend more time indoors. Unsafe levels of radon can lead to serious illness. The Surgeon General has warned that radon is the second leading cause of lung cancer in the United States. Only smoking causes more lung cancer deaths. By making simple fixes in a home or building, people can lower their health risks from radon. Radon testing is the only way to know if radon is present because radon is a colorless, odorless, tasteless gas. Test kits are available in home improvement centers and hardware stores and cost approximately \$20. The kits are simple to use and they include instructions for how to mail them to a lab for the results. For more information about radon and radon testing, see: <http://www.epa.gov/radon/>.

### **EPA Seeks Public Comment on Integrated Cleanup Initiative Implementation Plan**

The EPA is seeking comments on the draft Integrated Cleanup Initiative (ICI) Plan, a three-year strategy to focus on the agency's land cleanup programs. Sites covered under the cleanup programs include Superfund sites, federal facilities, brownfields, Resource Conservation and Recovery Act corrective action sites, and underground storage tanks. The goal of the initiative is to accelerate cleanups of contaminated sites where possible, address a greater number of contaminated sites, and put the sites back into productive use while protecting human health and the environment. The initiative also seeks to provide communities with greater accountability and transparency on EPA's land cleanup programs. While many actions identified in the ICI are underway, EPA will use the comments received to further evaluate and refine the draft plan. More information on the initiative can be found at: <http://www.epa.gov/oswer/integratedcleanup.htm>.

### **Workgroup to Hold Bed Bug Summit in February**

The Federal Bed Bug Workgroup is convening a second national summit, set for 1 – 2 FEB 11 in Washington, D.C., to help find solutions to the nation's bed bug problem. The summit is open to the public and will focus on ways the federal government and others can continue to work together on management and control of these pests. The first federal bed bug summit was held by the EPA in April 2009. Since then, EPA has helped organize the Federal Bed Bug Workgroup, which consists of EPA, the Department of Housing and Urban Development, Department of Agriculture, Department of Defense, Department of Commerce, and National Institutes of Health. The summit's agenda will feature discussions on progress since the last summit from various perspectives, including federal, state, and local governments; research; housing industry; and pest management industry. The agenda also includes identifying knowledge gaps and barriers to effective community-wide bed bug control, proposals for next steps in addressing knowledge gaps and eliminating barriers, and developing a framework for addressing the highest priority needs.

Before the summit, the federal workgroup will meet with researchers to evaluate and develop a research agenda related to bed bugs. The summit will be held at the Georgetown University Hotel and Conference Center at 3800 Reservoir Road, N.W., Washington, D.C. The agenda and information on attending the meeting via webinar are listed below.

More information on the summit: <http://www.epa.gov/oppfead1/cb/ppdc/bedbug-summit/2nd-bedbug-summit.html>.

More information on bed bugs: <http://www.epa.gov/bedbugs>.

### **EPA Launches Website to Increase Transparency of Regulatory Activity**

The EPA has launched a new website called Reg Stat to help the public understand its regulatory process and the number, type, and range of regulatory documents developed each year by the agency. Reg Stat provides information on EPA documents published in the Federal Register between 2005 and 2009. It also provides in-depth information on rulemakings that substantively amend the Code of Federal Regulations. Users will be able to determine the number of rules signed by the administrator, how long it took to develop each rule, whether a rule underwent Executive Order 12866 regulatory review by the Office of Management and Budget (OMB), and the length of OMB review. Both summary graphics and searchable data tables are available. An analysis of the data featured on Reg Stat shows that EPA publishes 1,700 to 1,900 documents in the Federal Register each year. Notices provide general information of public interest such as meeting announcements and make up the majority of these documents. Approximately 7 percent, or about 100, of those documents are rules that amend the Code of Federal Regulations and require the administrator's signature; the average time to publish these rules is 974 days. Users will be able to download and sort the data based on categories of interest. Information on Reg Stat will be updated annually. For more information on Reg Stat, go to : <http://www.epa.gov/regstat>.

### **EPA's Acid Rain Program Produces Results**

The EPA released a report that shows 15 years of successful results from its nationwide effort to address acid rain. Since its inception in 1995 as part of the Clean Air Act Amendments of 1990, the Acid Rain Program has earned acclaim for dramatically reducing sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) emissions. Some of the major accomplishments of the program through 2009 include:

- Power plants have decreased SO<sub>2</sub> emissions 67 percent from 1980 levels and 64 percent from 1990 levels.
- The average amount of ambient SO<sub>2</sub> decreased 76 percent between 1980 and 2009. The largest single-year reduction in SO<sub>2</sub> since the start of the Acid Rain Program occurred between 2008 and 2009.
- Reductions in fine particle levels enable people with breathing problems to breathe easier.
- Many lakes and streams affected by acid rain in the past are exhibiting signs of recovery.

The Acid Rain Program was established under the 1990 Clean Air Act Amendments and requires significant emission reductions of SO<sub>2</sub> and nitrogen oxides (NO<sub>x</sub>) from the electric power industry. The program sets a permanent cap on the total amount of SO<sub>2</sub> that may be emitted by electric generating units in the United States, and includes provisions for trading and banking emission allowances. The final cap will be phased in this year, setting the final SO<sub>2</sub> cap at 8.95 million tons, about one-half of the emissions from the power sector in 1980.

More information on the Acid Rain Program report:  
<http://www.epa.gov/airmarkets/progress/ARP09.html>.

### **EPA Removes Saccharin from Hazardous Substances Listing**

The EPA has removed saccharin, a common artificial sweetener, and its salts from its list of hazardous substances. Saccharin is no longer considered a potential hazard to human health. Saccharin is a white crystalline powder that is found in diet soft drinks, chewing gum and juice. Saccharin was labeled a potentially cancer-causing substance in the 1980s. In the late 1990s, the National Toxicology Program and the International Agency for Research on Cancer re-evaluated the available scientific information on saccharin and its salts and concluded that it is not a potential human carcinogen. Because the scientific basis for remaining on EPA's lists no longer

applied, the EPA proposed removed saccharin and its salts on 22 APR 10 and did not receive any comments opposing the proposal. More information is available at:

<http://www.epa.gov/waste/hazard/wastetypes/wasteid/saccharin/index.htm>.

### **NAVFAC MidLant Selects 2011 Military and Civilian Engineers of the Year**

By Naval Facilities Engineering Command Mid-Atlantic Public Affairs

Naval Facilities Engineering Command (NAVFAC) Mid-Atlantic selected its top military and civilian engineers for 2011 – Lt. Bryan Beyer of Public Works Department (PWD) Naval Support Activity (NSA) Norfolk and David Cotnoir of NAVFAC Mid-Atlantic's Environmental Business Line. Beyer and Cotnoir were chosen out of more than 1,000 engineers who are part of the NAVFAC Mid-Atlantic organization. "These outstanding professionals provide sustained superior support to the Navy and demonstrated outstanding citizenship in their communities," said Capt. Mark Libonate, NAVFAC Mid-Atlantic commanding officer. "They are most worthy of the recognition accorded by these significant awards."

Beyer is a graduate of Louisiana State University where he earned his bachelor's degree in civil engineering. During his time with NAVFAC Mid-Atlantic, he served as the assistant public works officer at NSA Norfolk. Beyer was handpicked for urgent response to Haiti for recovery operations and was the project manager for the Hotel Montana site recovery to remove debris from the five-story collapsed structure. While in Haiti, he directed the daily integration of more than 126 personnel on site, representing 27 military and global organizations. Additionally, Beyer organized and implemented operations and communications links for the NAVFAC Contingency Engineering Response Team (CERT) which oversaw all Navy Engineering responsibilities for Haiti recovery efforts. Beyer is regarded as a results-driven, proactive planner whose foresight allowed him to devise site access solutions which mitigated costly delays on large construction projects. Furthermore, Beyer maintained a strong focus on energy initiatives in keeping with the Secretary of the Navy's (SECNAV) energy goals by drafting the installation's first energy plan for NSA Norfolk and laid the groundwork for the installation earning the 2010 SECNAV Gold energy award.

Cotnoir is the senior water program manager for NAVFAC Mid-Atlantic's Environmental Business Line and is currently serving in a detail as Water Compliance Division director. He earned his bachelor's degree in environmental studies from East Stroudsburg University in Pennsylvania and his master's degree in civil engineering from Old Dominion University in Norfolk, Va. As a senior leader, he takes the time to provide continual on-the-job training and mentoring opportunities to new environmental compliance program managers and project managers on project execution and various compliance issues dealing with stormwater, wastewater and drinking water. Cotnoir wrote and coauthored several articles published in various professional journals pertaining to sustainable infrastructure, strengthening stormwater management, successful implementation of low impact development facilities, and utilization of antibiotic resistance analysis. He is regarded as the Navy's expert for wastewater and stormwater regulatory issues and has provided support on development of Navy policy. Cotnoir has taken an active part in his community having served as a member on the Chesapeake Bay Total Maximum Daily Load (TMDL) Virginia Stakeholder Advisory Group, the Technical Advisory Committee for Virginia Water Quality Standards, and as the chair of Chief of Naval Operations TMDL Discussion Group.

Beyer and Cotnoir's selection places them in the running to be NAVFAC Headquarters' nominee for the Federal Engineer of the Year Award sponsored by the Professional Engineers in Government practice division. The Federal Engineer of the Year is selected by a panel of judges who consider engineering achievements, education, continuing education, awards and honors, and civic and humanitarian activities.



David Cotnoir is presented the NAVFAC Mid-Atlantic Civilian Engineer of the Year Award by Capt. Mark Libonate. Cotnoir is the senior water program manager for NAVFAC Mid-Atlantic's Environmental Business Line and is currently serving in a detail as Water Compliance Division director.

## 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

#### **EPA Establishes Landmark Chesapeake Bay “Pollution Diet”**

On 29 DEC 10, the EPA established a landmark “pollution diet” to restore clean water in Chesapeake Bay and the region’s streams, creeks and rivers. This pollution diet is driven primarily by jurisdictions’ plans to put all needed pollution controls in place by 2025 and EPA will hold the jurisdictions accountable for results along the way. The pollution diet, formally known as the Chesapeake Bay Total Maximum Daily Load (TMDL), identifies the necessary reductions of nitrogen, phosphorus and sediment from Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia. The TMDL is shaped by an extensive public and stakeholder involvement effort during the past two years, coupled with detailed plans by jurisdictions for how they will achieve pollution reductions.

To address deficiencies in draft plans submitted by jurisdictions in September, EPA worked closely with the jurisdictions during the past several months. As a result of this cooperative work and through strong state leadership, the final plans were significantly improved. Most federal backstop measures that were in the draft TMDL were removed, while still maintaining rigorous accountability through enhanced oversight and the availability of contingency actions. The result is a TMDL that is primarily shaped by the jurisdictions’ plans to reduce pollution.

Among the significant improvements in jurisdiction plans are:

- Committing to more stringent nitrogen and phosphorus limits at wastewater treatment plants, including on the James River in Virginia. (Virginia, New York, Delaware)
- Pursuing state legislation to fund wastewater treatment plant upgrades, urban stormwater management and agricultural programs. (Maryland, Virginia, West Virginia)
- Implementing a progressive stormwater permit to reduce pollution. (District of Columbia)
- Dramatically increasing enforcement and compliance of state requirements for agriculture. (Pennsylvania)
- Committing state funding to develop and implement state-of-the-art-technologies for converting animal manure to energy for farms. (Pennsylvania)
- Considering implementation of mandatory programs for agriculture by 2013 if pollution reductions fall behind schedule. (Delaware, Maryland, Virginia, New York)

The TMDL still includes targeted backstops for those jurisdictions that did not meet all of their target allocations or did not meet EPA’s expectations for providing reasonable assurance that they will achieve the necessary pollution reductions. These included backstop allocations and adjustments for the wastewater sector in New York, the urban stormwater sector in Pennsylvania, and the agriculture sector in West Virginia. In addition, EPA will provide enhanced oversight of Pennsylvania agriculture, Virginia and West Virginia urban stormwater, and Pennsylvania and West Virginia wastewater. If the jurisdictions don’t make sufficient progress, additional controls may be implemented on permitted sources of pollution, such as wastewater treatment plants, large animal feeding operations, and municipal stormwater systems.

EPA will regularly oversee each of the jurisdictions' programs to make sure they implement the pollution control plans, remain on schedule for meeting water quality goals, and achieve their two-year milestones. This oversight will include program review, objecting to permits and targeting compliance and enforcement actions as necessary to meet water quality goals.

The pollution diet calls for a 25 percent reduction in nitrogen, 24 percent reduction in phosphorus and 20 percent reduction in sediment. The TMDL - which sets Bay watershed limits of 185.9 million pounds of nitrogen, 12.5 million pounds of phosphorus and 6.45 billion pounds of sediment per year – is designed to ensure that all pollution control measures to fully restore the Bay and its tidal rivers are in place by 2025, with at least 60 percent of the actions completed by 2017.

EPA has also committed to reducing air deposition of nitrogen to the tidal waters of the Chesapeake Bay from 17.9 to 15.7 million pounds per year. The reductions will be achieved through implementation of federal air regulations during the coming years.

Federal agencies will contribute to restoration efforts. Eleven federal agencies have committed to a comprehensive suite of actions on the same 2025 timeline as the TMDL. As part of this work, federal agencies will be establishing two-year milestones that directly support the jurisdictions' activities to reduce water pollution.

Despite all of the extensive restoration efforts during the last 25 years, the TMDL was prompted by insufficient progress in restoring the Bay. The TMDL is required under federal law and responds to consent decrees in Virginia and D.C. dating back to the late 1990s. The TMDL, as well as evaluations of the state plans and EPA backstops and contingencies can be found at <http://www.epa.gov/chesapeakebaytmdl> or at <http://yosemite.epa.gov/opa/admpress.nsf/90829d899627a1d98525735900400c2b/c15f64f4d172edff852578080061fa30!OpenDocument>.

### **Chesapeake Bay TMDL Phase I Watershed Implementation Plans (WIPs)**

States that drain to the Chesapeake Bay and the District of Columbia (Bay jurisdictions) were required to submit their Phase I WIPs to EPA at the end of November 2010. The plans discuss how the Bay jurisdictions will further partition their nutrient and sediment allocations (November 2009 EPA provided for each of them and the 8 major Bay drainage basins) to the 92 Chesapeake Bay impaired segments to which they drain. Target loads (lbs/yr) were assigned to the major categories of point (wastewater treatment plants, municipal and industrial stormwater, construction stormwater, etc.) and nonpoint sources (onsite septic, non-regulated stormwater, forest, etc.). Loadings were individual or by aggregate. As required by EPA, the Bay jurisdictions also provided assurance that pollutant reductions would be accomplished in a reasonable time frame. EPA required achieving 60% of the total target nutrient and sediment load reductions by 2017 and achieving 100% of the reductions by 2025. Bay jurisdictions are also required to develop a Phase II WIP in 2011 with the initial draft currently due to EPA in June. The Phase II WIP will further refine the Phase 1 nutrient and sediment allocations down to the county geographic level. DOD facilities will need to participate in workgroups that Bay jurisdictions & counties will form to assist in development of the Phase II WIPs. There is potential for Phase I sector, aggregate source, and individual source loadings to be revised during the Phase II WIP process. A Phase III WIP will be developed in 2017 to evaluate progress at that time and address remaining reductions. Several Bay jurisdiction WIPs are individually discussed later in this newsletter.

## HAZARDOUS WASTE

### **New Group Formed to Increase Tribes' Role in Chemical Management and Pollution Prevention Activities**

The EPA is forming a new tribal committee to provide tribes with an opportunity for greater input on issues related to toxic chemicals and pollution prevention. EPA is establishing a National Tribal Toxics Committee (NTTC) that will give tribes a forum for providing advice on the development of chemical management and pollution prevention programs that affect tribes. Given the uniqueness of tribal cultures, communities and environmental problems, the forum will help EPA better tailor and more efficiently address a variety of issues, including preventing poisoning from lead paint, expanding pollution prevention and safer chemical initiatives in Indian country, and better evaluating unique chemical exposures on tribal lands. A charter for the new NTTC is being developed and the membership of the council will be formed over the next several months. The first meeting of the NTTC will be held in the spring of 2011.

For more information, go to: <http://www.epa.gov/oppt/tribal/>.

More information on EPA's partnership with tribes: <http://www.epa.gov/indian/>.

### **EPA Improves Guidance for Compact Fluorescent Light Bulbs Cleanup**

The EPA has updated its guidance on how to properly clean up a broken compact fluorescent lamp (CFL). Included with the guidance is a new consumer brochure with CFL recycling and cleanup tips. EPA encourages Americans to use CFLs for residential lighting to save energy and prevent greenhouse gas emissions that lead to global climate change. All CFLs contain a small amount of mercury sealed within the glass tubing. When a CFL breaks, some of the mercury is released as vapor and may pose potential health risks. The guidance and brochure provide simple, user friendly directions to help prevent and reduce exposure to people from mercury pollution. Cleanup guidance can be found at: <http://www.epa.gov/cflcleanup>.

More information on CFLs: [www.epa.gov/cfl](http://www.epa.gov/cfl).

### **EPA Issues National Guidance to Address Proper Maintenance, Removal, and Disposal of PCB-Containing Fluorescent Lamps**

The EPA has released guidance recommending that schools take steps to reduce potential exposures to PCBs from older fluorescent lighting fixtures. The guidance is based on evidence that the older ballasts contain PCBs that can leak when the ballasts fail, leading to elevated levels of PCBs in the air that should not represent an immediate threat but could pose health concerns if they persist over time. The guidance document is available online at <http://www.epa.gov/pcb>.

Polychlorinated biphenyls, or PCBs, are man-made chemicals that persist in the environment and were widely used in construction materials and electrical products prior to 1978. PCBs can affect the immune system, reproductive system, nervous system and endocrine system and are potentially cancer causing if they build up in the body over long periods of time. Until the late 1970s, PCBs were commonly used as insulators in electrical equipment because they have a high tolerance for heat, do not easily burn, and are non-explosive. The processing and distribution in commerce of PCBs was banned in 1979 pursuant to the Toxic Substances Control Act due to their toxic effects. However, uses of older PCB-containing ballasts were allowed to continue, provided that the ballasts had not failed and the PCBs were not leaking.

EPA believes many buildings/schools built in the U.S. before 1979 have light ballasts containing PCBs. A recent pilot study of three schools in New York City found that many light ballasts in the schools contained PCBs and had also failed, causing the PCBs to leak and contributing to increased levels in the air that school children breathe.

Given their widespread use before they were banned, if a building/school was built before 1979 or has not had a complete lighting retrofit since 1979, the fluorescent light ballasts probably contain PCBs. Although intact, functioning ballasts do not pose a health threat, these lighting ballasts will all fail in time. For that reason, EPA recommends older PCB-containing lighting ballasts should be removed, whether as part of a previously scheduled lighting retrofit program or a stand-alone project.

Buildings/schools that have older ballasts should examine them to see if they have failed or if PCB leaks are present. If a light ballast in a school is leaking PCBs, federal law requires the immediate removal and disposal of the PCB-containing ballasts and disposal of any PCB-contaminated materials at an EPA approved facility. To prevent exposure if leaking ballasts are discovered, school personnel should wear protective clothing, including chemically resistant gloves, boots, and disposable overalls while surveying the ballasts. Replacement of leaking ballasts should be performed in a well-ventilated area, or supplemental ventilation or respiratory protection should be provided to reduce the potential for breathing in fumes.

Replacing older ballasts with newer lighting fixtures will result in energy savings that will increase energy efficiency and likely pay for itself in less than seven years, depending upon hours of operation and local energy costs.

EPA has also developed information on how to properly handle and dispose of PCB-containing fluorescent light ballasts and properly retrofit lighting fixtures to remove potential PCB hazards.

In September 2009, EPA issued guidance to communities about potential PCB contamination in the caulk of pre-1978 buildings. EPA also announced additional research into the potential for PCBs in caulk to get into the air. Research on that and other issues related to PCB exposures is ongoing.

School districts, building owners, and others who want technical guidance can contact EPA at 1-888-835-5372.

More information on PCBs: <http://www.epa.gov/pcb>.

## AIR

### **The Department of Defense (DoD) Desk Reference for Implementing the EPA's Final Rule for Mandatory Reporting of Greenhouse Gases (GHG MRR) and EPA's Electronic Greenhouse Gas Reporting Tool (e-GGRT)**

On October 13, 2009 the EPA issued their final rule requiring reporting Greenhouse Gases (GHGs). It applies to certain facilities that directly emit GHGs, suppliers of fossil fuels and industrial GHGs and manufacturers of heavy-duty and off-road vehicles and engines. The rule does not require control of GHGs, only that sources about certain threshold levels monitor and report emissions.

The DoD GHG Desk Reference was developed by the Clean Air Act Services Steering Committee (CAA SCC) to provide assistance to DoD military installations in complying with the GHG MRR. It outlines information on

applicability analysis so installations can determine whether or not they meet or exceed thresholds and have to report. For reporting installations, additional information is provided on reporting details, recordkeeping requirements and deadlines.

For reporting installations, the EPA's electronic Greenhouse Gas Reporting Tool (e-GGRT) must be used for reporting. As described in the DoD/CAA SSC Desk Reference on the GHG MRR, the first step in the reporting process is submittal of a complete certificate of representation (COR) for a designated representative of the facility. Such COR shall be submitted at least 60 days before the deadline for submission of the facility's initial emission report, or no later than 30 JAN 11.

The submittal of the COR involves a multi-step process that includes registering as a user of e-GGRT. New users of the e-GGRT system must input basic identifying information, then print, sign and submit via **HARDCOPY MAIL** to EPA an electronic signature agreement. Only after the electronic agreement is received, reviewed and approved by EPA, will a user be granted access to the rest of the system.

Once a user is approved, he/she can enter identifying facility information and name the designated representative (and any alternate or agent) for the facility. EPA will notify these individuals, who must be registered users of e-GGRT, to complete the COR or notice of delegation requirements. These initial steps must be completed by 30 JAN 11.

Only the designated representative, alternate designated representative or agent (with a notice of delegation) can enter data or submit GHG reports using the e-GGRT system.

Complete details on the registration process may be found on the e-GGRT training web site at <http://epa.gov/climatechange/emissions/training.html>. You can also view the slides from the 15 DEC 10 e-GGRT Training Webinar. For a copy of the Department of Defense (DoD) Desk Reference for Implementing the EPA's Final Rule for Mandatory Reporting of Greenhouse Gases (GHG MRR), please e-mail [dodrecreg3@navy.mil](mailto:dodrecreg3@navy.mil).

### **EPA Proposed Rulemaking – Section 608 Leak Repair Requirements**

On 15 DEC, EPA issued a proposed rulemaking in the Federal Register (75 FR 78558) that will amend the leak repair requirements promulgated under section 608 of the Clean Air Act.

**Rule Summary:** Section 608 of the CAA, *the National Recycling and Emissions Reduction Program*, requires EPA to establish regulations governing the use of ODS used as refrigerants during the maintenance, service, or disposal of appliances including air conditioning and refrigeration equipment. Section 608 also prohibits any person from knowingly venting, or from otherwise knowingly releasing or disposing of ODS used as refrigerants during the maintenance, service, repair, or disposal of air-conditioning and refrigeration equipment. Many of the provisions of this proposal are meant to clarify existing requirements found at 40 CFR 82.156 and do not impose new requirements. A number of definitions would be amended. Following are some of the sections of EPA's implementing regulation that would be amended.

Required Practices: (only very brief notes provided in this summary. See the full preamble and proposal for all details on how EPA is proposing to amend the regulation.)

1. Repair of Leaks and Leak Repair Trigger Rates – EPA is proposing a reduction of the leak repair trigger rate for units with >50 pounds of refrigerant. The trigger for comfort cooling appliances would decrease from 15 to 10 percent and for commercial refrigeration appliance and industrial process refrigeration (IPR) appliances from

35 to 20 percent. Leak rate must be calculated on a rolling average, rule would no longer allow for the annualized basis.

2. Verification of Repairs – Verification would be required for all repair attempts for comfort cooling and commercial appliances, not just IPR equipment. All leaks must be repaired within 30 days of discovery (as made evident by the need to add refrigerant that is not the result of a seasonal variance) and perform both initial and follow-up verification, where the follow-up verification occurs no sooner than 24 hours after repairs have been made.

3. Requirement to Develop and Complete Retrofit/Retirement Plans - The Agency seeks comment on the effectiveness and feasibility of requiring owners or operators of comfort cooling, commercial refrigeration, and IPR appliances to replace leaking components in their entirety upon failure of an initial or follow-up verification. EPA is also considering a second option that would allow owners or operators to decide on a case-by-case basis if a component or its subassembly requires replacement in order to completely repair the appliance.

4. Extension to Repair and Retrofit/Retirement Timelines – Extension would be allowed for all appliances due to unavailability of components, not just IPR equipment as is currently the case.

5. Worst Leaker Provision – Several options for this provision that would require retrofit to lower ozone depleting potential refrigerant or replacement of entire units after 3 failures in less than 6 months.

#### Reporting and Recordkeeping Requirements:

1. Service Records - EPA is proposing that all persons (including in house maintenance) servicing appliances with charge sizes of 50 pounds or greater provide the owner or operator of such appliances with an invoice or other documentation, that indicates the date and type of service, the physical location of all leaks that were repaired, the amount and type of refrigerant recovered from the appliance, the type and results of initial and follow-up verification tests, as well as the quantity and type of refrigerant added to the appliance.

2. Records Documenting the Fate of Recovered Refrigerant - requiring any person who sends used refrigerant off-site to a new owner to maintain records of the types and amounts of used refrigerant sent off-site for any reason.

3. Extensions to Repair and Retrofit/Retirement Timelines – add recordkeeping requirements that should be required to obtain such extensions.

4. Documenting the Determination of the Appliance Full Charge – would be required regardless of the method used to determine full charge.

5. Applicability to Residential and Light Commercial Appliances - persons servicing, maintaining, or repairing small units (less than 50 pounds of charge) are not allowed to intentionally release refrigerant into the atmosphere.

**Potential Impact or Relevance:** No unique military applications appear to be affected by these proposed amendments as equipment designed and used solely by the military is not subject to Clean Air Act Section 608 regulations. However, all owners and operators of appliances containing ozone depleting substance (ODS) refrigerants at DoD facilities will be affected by changes to the regulations.

The Notice of Proposed Rulemaking can be found at <http://origin.www.gpo.gov/fdsys/pkg/FR-2010-12-15/pdf/2010-31337.pdf>).

#### **EPA Seeks New Timetable for Reducing Pollution from Boilers and Incinerators**

In a motion filed on 7 DEC 10 in the federal District Court for the District of Columbia, the EPA is seeking an extension in the current court-ordered schedule for issuing rules that would reduce harmful air emissions from large and small boilers and solid waste incinerators. The additional time is needed for the agency to re-propose the rules based on a full assessment of information received since the rules were proposed. The rules would cut emissions of harmful pollutants, including mercury and soot, which cause a range of health effects – from developmental disabilities in children to cancer, heart disease and premature death.

In order to meet a court order requiring the EPA to issue final rules in JAN 2011, the agency proposed standards in APR 2010. While EPA requested and received some information from industry before the proposal, the comments EPA received following the proposal shed new light on a number of key areas, including the scope and coverage of the rules and the way to categorize the various boiler-types. Industry groups and others offered this information during the public comment period after EPA proposed the rule. After reviewing the data and the more than 4,800 public comments, the agency believes it is appropriate to issue a revised proposal that reflects the new data and allows for additional public comment. This approach is essential to meeting the agency's legal obligations under the Clean Air Act and, as a result, provides the surest path to protecting human health and the environment. EPA has estimated that there are more than 200,000 boilers operating in industrial facilities, commercial buildings, hotels and universities located in highly populated areas and communities across the country. EPA is under a current court order to issue final rules on 16 JAN 11 and is seeking in its motion to the court to extend the schedule to finalize the rules by APR 2012. For more information, go to: <http://www.epa.gov/airquality/combustion>.

## WATER

### **EPA Issues Guidance for Enhanced Monitoring of Hexavalent Chromium in Drinking Water**

In late December 2010, the EPA committed to address hexavalent chromium (also known as chromium-6) in drinking water by issuing guidance to all water systems on how to assess the prevalence of the contaminant. Now, EPA has issued guidance recommending how public water systems might enhance monitoring and sampling programs specifically for hexavalent chromium. The recommendations are in response to emerging scientific evidence that chromium-6 could pose health concerns if consumed over long periods of time. The enhanced monitoring guidance provides recommendations on where the systems should collect samples and how often they should be collected, along with analytical methods for laboratory testing. Systems that perform the enhanced monitoring will be able to better inform their consumers about any presence of chromium-6 in their drinking water, evaluate the degree to which other forms of chromium are transformed into chromium-6, and assess the degree to which existing treatment affects the levels of chromium-6 in drinking water.

EPA's drinking water standard requires water systems to test for total chromium. Testing does not distinguish what percentage of the total chromium is chromium-6 versus other forms such as chromium-3, so the regulation assumes that the sample is 100 percent chromium-6. EPA's latest data show that no public water systems are in violation of the standard. However, the science behind chromium-6 is evolving. The agency has begun a rigorous and comprehensive review of its health effects. In the interim, EPA is providing guidance to all public water systems and encouraging them to consider how they may enhance their monitoring for chromium-6.

More information on the new guidance to drinking water systems:  
<http://water.epa.gov/drink/info/chromium/guidance.cfm>.

More information on chromium:  
<http://water.epa.gov/drink/info/chromium/index.cfm>.

More information on the status of the ongoing risk assessment:  
[http://cfpub.epa.gov/ncea/iris\\_drafts/recordisplay.cfm?deid=221433](http://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=221433).

## DOCUMENTS / NEPA

### CEQ Final Guidance on Establishing, Applying, and Revising Categorical Exclusions under NEPA

The CEQ issued final guidance on categorical exclusions. This guidance provides methods for substantiating categorical exclusions, clarifies the process for establishing categorical exclusions, outlines how agencies should engage the public when establishing and using categorical exclusions, describes how agencies can document the use of categorical exclusions, and recommends periodic agency review of existing categorical exclusions. The guidance became effective on 6 DEC. More information can be found at [Federal Register: December 6, 2010 \[Rules and Regulations\], Page 75628-75638](#).

## STATE NEWS



### CONNECTICUT

**Note: The Connecticut General Assembly convened 5 JAN 11.**

#### **Connecticut Creates Remediation Roundtable**

The Connecticut Department of Environmental Protection recognizes the value of opinions and information provided by experts and affected constituencies outside the Department. The Department is establishing a Remediation Roundtable to provide an open forum for the exchange of ideas and information on the various site cleanup programs in Connecticut and to solicit opinions, advice and information from those outside sources on a routine and established basis. More information can be found at [www.ct.gov/dep/remediation](http://www.ct.gov/dep/remediation).



### DELAWARE

**Note: The Delaware General Assembly convenes on 11 JAN 11.**

#### **Delaware Department of Natural Resources and Environmental Control (DNREC) Regulations Governing Hazardous Waste (RGHW)**

The State of Delaware has finalized amendments to the RGHW in order to maintain authorization from the U.S. Environmental Protection Agency to administer its own hazardous waste program. The Final Rule becomes effective 21 JAN 11. DNREC has promulgated miscellaneous changes to the RGHW that correct existing errors in the hazardous waste regulations, and add clarification or enhance the current hazardous waste regulations. Some of the changes DNREC proposed are already in effect at the federal level. Additionally, DNREC proposed to adopt required federal regulations and miscellaneous changes to correct errors and to add consistency or clarification. The amendments to the following sections of its existing RGHW include:

- Adopting the federal requirements for the export of batteries to OECD countries;
- Adopting the federal corrections to the Uniform Manifest rules;
- Adding clarifying language regarding subsequent notifications for EPA ID Numbers (§262.12);
- Striking the confusing date regarding existing Recordkeeping requirements for Biennial and Exception Reports (§262.40);
- Allowing the use of an amended SPCC plan that incorporates hazardous waste management provisions that are sufficient to comply with the requirements as a Contingency Plan (§264.52);
- Clarifying TSD submittal of manifest copies to the generator State (§§264 and 265.71);

- Strengthening the HW Tank secondary containment provision by adding a requirement for coating and water stops for tanks (§§264 and 265.193); and
- Adding a requirement regarding written record of shipments of used oil (§279.24).

The final rule can be reviewed at the link below.

[http://regulations.delaware.gov/register/january2011/final/14%20DE%20Reg%20668%2001-01-11.htm#P9\\_228](http://regulations.delaware.gov/register/january2011/final/14%20DE%20Reg%20668%2001-01-11.htm#P9_228).



## DISTRICT OF COLUMBIA

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

### District's benchmarking of Public Buildings Uncovers Need for Improved Energy Efficiency

The District of Columbia has released one of the first municipal surveys of public buildings energy performance in the country. The survey, which benchmarked the performance of 194 District government buildings, revealed that many of the buildings performed below or significantly below comparable buildings nationwide. The benchmarking of energy use in libraries, schools, police stations, administrative offices and other public buildings for FY'09 identified many opportunities to improve energy performance and save money. The District currently spends approximately \$79 million per year on energy use in public buildings.

The ENERGY STAR benchmarking tracked energy use in District public buildings. The District's schools, on average, scored a 29 on a 0 to 100 scale (with 50 representing the national average). This means that District schools were significantly less energy efficient than schools nationwide. The District's office buildings and libraries performed close to the national average. Fire stations used approximately 60 percent more energy than the national average. Police stations and Parks and Recreation facilities used 2.5 times more energy than the norm. The District is gearing up to address energy efficiency issues in many of its buildings. Using U.S. Department of Energy stimulus funds, the Department of Real Estate Services will conduct 260 energy audits in 2011 and 2012 to identify the building systems and components that are causing poor performance. The Office of Public Education Modernization (OPEFM) is designing and building new schools and major school renovations to the US Green Building Council LEED for Schools Silver standard or better, and is incorporating energy saving measures into smaller renovations and upgrades.

“These proactive measures will save the District a lot of money in the long term,” says Director Tulou. “And, simultaneously help to build our economy by providing green job opportunities for local firms and contractors.” The District will expand ENERGY STAR benchmarking to private buildings, beginning in 2011. The District was the first city in the nation to match a public requirement with one for private buildings. “This will be a great way to move the market, making energy performance a publicly shared piece of information among potential tenants and buyers of commercial buildings,” says Tulou. Owners of private buildings over 200,000 square feet will be required to submit energy benchmark results for their buildings starting in 2011, for energy performance in 2010. Size requirements will become progressively smaller each year, until all private buildings over 50,000 square feet are required by the District to be benchmarked.

Visit [Energy Benchmarking](#) for more information on the energy benchmark initiative and to view the results of the District's analysis.

### District Mandates Recycling of Cardboard and Plastic

The District of Columbia has amended Chapter 20, Title 21 of the District of Columbia Municipal Regulations to add cardboard and plastic to the materials to be recycled, altered the requirements governing commercial recycling, and increased the fines applicable to violations of the District of Columbia's recycling laws and regulations. The rule is final and became effective on 17 DEC 10. The Final Rule can be viewed at : <http://www.dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=628286>.

### District of Columbia Chesapeake Bay TMDL Phase I Watershed Implementation Plan (WIP)

The District of Columbia submitted its final Phase I WIP to EPA on November 29, 2010. The plan discusses how the District further allocated its nutrient and sediment allocations to the Potomac and Anacostia segments of the Chesapeake Bay to which it drains. Federal land comprises approximately 30% of the District. Point sources contribute the majority of the nutrient and sediment loads, i.e. 98% total nitrogen (TN), 99% total phosphorus (TP), and 98% total sediment (TSED). Point sources include the Blue Plains wastewater treatment plant (WWTP), combined sewer overflow (CSO), urban areas (primarily the District MS4) and industrial discharges. Blue Plains and the CSO are the largest contributors. The urban area source sector is the next largest contributor accounting for approximately 5% TN, 24% TP, and 36% TSED of the total point source load. Nonpoint sources of nutrient and sediments include direct stormwater runoff (not through a stormwater conveyance) from developed and undeveloped lands, stream bank and tidal shoreline erosion, fertilizer, pet waste, and atmospheric deposition.

The only industrial facilities listed are nine NPDES permitted facilities defined as Non-Significant Industrial Wastewater (pg 14 – 16, Table 17 on pg 57). The list includes Washington Navy Yard (WNY) and Walter Reed Army Medical Center, and apparently both include stormwater and wastewater type discharges. The aggregate annual load for all nine facilities is 23,340 lbs TN; 1,167 lbs TP; and 157,386 lbs TSED. The existing and future loads are the same so additional nutrient/sediment reductions are not anticipated. The WNY permit is currently the only one with individual annual loadings for TN, TP and TSED. The text (pg 14) notes there are additional smaller NPDES permitted discharges that were not listed, but for now, are aggregated either with the Urban Stormwater MS4 sector or into an "Other Areas" category. However, the waste load allocation given to the Non-significant Industrial Wastewater discharge sector in Table 4 exceeds the future loadings in Table 17 so some of these additional industrial discharges must have been included in this sector also.

The load allocation for the "Other Areas" category includes unregulated stormwater runoff, whether or not discharged through a stormwater conveyance, and what has been previously defined as non-point source. The category is discussed as consisting primarily of federal lands. Joint Base Anacostia/Bolling, WNY, and National Park Service properties are specifically mentioned. As discussed previously, WNY also has an allocation in the Non-significant Industrial Wastewater sector. Joint Base Anacostia/Bolling is further distinguished as the largest urbanized area outside of both the District MS4 and combined sewer systems. The load allocation for the "Other Areas" category in Table 4 matches the Urban Stormwater Non-MS4 sector load allocation in Table B-2. The load allocation given to this category/sector will require the following reductions from current loads: 18% TN, 44% TP and 47% TSED. Exactly what and who is included in these sectors/categories, what portion of their total nutrient/sediment load is affected, and what is their portion of the allocation will need further clarification in the Phase II WIP.

The waste load allocation for the Urban Stormwater MS4 sector will require the following reductions from current loads: 11% TN, 27% TP and 26% TSED. The strategies for achieving these reductions and those in the "Other Areas" category are similar and include post construction stormwater controls stated in the draft DC MS4 permit (retain runoff from 1.2 inch/24 hr storm for non-federal & EISA Section 438 for federal, runoff volume treatment for 3.2 inch/24 hr storm in Anacostia Waterfront Area), urban tree planting, stormwater retrofits, green roof installation/retrofits, catch basin cleaning/replacement/retrofit, street sweeping, and implementation of the Anacostia Trash TMDL.

Section 7.5 of the WIP discusses federal facilities. Table 22 provides current aggregated nutrient and sediment loads for each of the 4 District Bay segment sheds. Source sector allocations (municipal wastewater, non-significant industrial wastewater, CSO, urban stormwater MS4, and urban stormwater non-MS4) both aggregated and individual within each segment shed are provided in Table B-2, Appendix A. The WIP provides a listing of agency POCs, maps showing the locations of federal lands, and discussion of recent and planned water quality improvement projects. The District plans to hold a meeting with EPA and federal facilities in 2011 to discuss expectations and develop an action plan for water quality improvements on federal lands. This action plan and federal agency payment of stormwater fees were considered critical to the success of the District Chesapeake Bay WIP. The District of Columbia Phase I WIP can be found at:

<http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/EnsuringResults.html?tab2=1>.



**Note: The Maryland General Assembly convenes 12 JAN 11.**

### **MDE Secretary Wilson Resigns**

The Maryland Department of the Environment (MDE) Secretary Shari Wilson resigned on 6 DEC10. After four years as MDE Secretary, Wilson decided to step down. The Deputy Secretary, Robert Summers, will serve as acting secretary until a new secretary is named.

### **EPA and DoD Agree to Clean Up Fort Detrick**

U.S. EPA has signed an inter-agency agreement with the DoD to remediate the Fort Detrick Area B Groundwater Superfund Site in Frederick, Md. In 2009, EPA listed Ft. Detrick Area B Groundwater on the Superfund National Priorities List (NPL), which required EPA and DoD to sign a federal facility agreement governing the cleanup. Under the Superfund law, the agreement grants EPA final authority over cleanup decisions. More information can be found at <http://www.fedcenter.gov/Announcements/index.cfm?id=16872>.

### **Maryland Chesapeake Bay TMDL Phase I Watershed Implementation Plan (WIP)**

Maryland submitted its final Phase I WIP to EPA on 3 DEC 10. The plan discusses how Maryland has further allocated its nutrient and sediment allocations to the 58 Chesapeake Bay impaired segments to which it drains. Maryland has committed to achieving 70% of its target nutrient and sediment load reductions by 2017 and achieving 100% of the reductions by 2020. This is more aggressive than EPA required (60% by 2017 and 100% by 2025). Maryland's Phase I WIP strategies for achieving nutrient and sediment reductions are summarized in Tables found on pages ES-13 through ES-28 of the Executive Summary with full discussion provided in Chapter 5. Target loads for Maryland's Chesapeake Bay segments, nonpoint sources, aggregated point sources, and individual point sources are found in Appendices B and B1. Maryland NPDES permit holders are listed in Appendix C, including industrial stormwater permits under review during the Phase II WIP process. Appendix H provides federal facility acreages. DOD facilities should review the report for accuracy and to prepare for Phase II WIP workgroups. Strategies of interest to DOD installations include those addressing domestic and industrial wastewater treatment plants (WWTP), septic systems, sanitary sewer overflows, stormwater from construction sites, municipal separate storm sewer systems (MS4), urban nutrient management, regenerative stormwater conveyance, natural filters (trees, streamside buffers, wetlands), and agriculture (potentially affecting DOD

agricultural outlease and Navy Dairy Farm). Clean Air Act reductions of atmospheric deposition were “taken off the top” and not included in the nutrient and sediment allocations EPA gave the States. Maryland anticipates current State law/regulation will provide the necessary additional reductions for this sector. Phase I WIP highlights include:

- Major Municipal WWTP: These have design flows  $\geq 0.5$  MGD and comprise more than 95% of the total sewage flow generated in Maryland. These plants are required to meet enhanced nutrient removal (ENR) for total nitrogen (4.0 mg/l) and total phosphorus (0.3 mg/l). ENR is required for WWTP at Ft. Dietrick, NSF Indian Head, NSF Annapolis, Aberdeen Proving Ground, and Fort Meade.
- Minor Municipal WWTP: Annual nutrient loadings are based on the lesser of design capacity or projected 2020 flow and effluent concentrations of 18 mg/l TN and 3 mg/l TP. Expanding facilities cannot exceed 6,100 lbs/yr TN and 457 lbs/yr TP. MDE will also evaluate upgrading 5 of the largest minor municipal WWTP.
- Major Industrial WWTP: These are defined as having a minimum TN discharge of 75 lbs/day or a minimum TP discharge of 10 lbs/day. NSF Indian Head industrial permit is included in this group and nutrient limitations will be incorporated in the permit reissuance.
- Minor Industrial WWTP: There are over 477 individual sources. An initial MDE evaluation suggests a nutrient reduction potential reduction of approximately 23.5% from this group. MDE will finalize the evaluation in 2013.
- Septic Systems: There are approximately 418,500 septic systems located in Maryland’s Chesapeake Bay watershed. All new and replacement systems located within the critical area (1000 feet from water) require nitrogen removal (Best Available Technology). Maryland law requires MDE to fund upgrades for failing systems in the critical area.
- Sanitary Sewer Overflows: Targets elimination of overflows in both combined sewer and separate sanitary sewer systems and proposes use of consent orders and penalties when failures occur.
- Construction Site Stormwater: There is a good discussion on Maryland regulations. Post construction stormwater management is required for any development disturbing more than 5000 square feet of earth. The goal is to return post development hydrologic characteristics to “woods in good condition”.
- Municipal Separate Storm Sewer Systems: In previous permit cycles, Phase I permits required retrofitting 10% of a jurisdictions unmanaged impervious area to improve stormwater management. The current cycle of permit renewals will require an additional 20%. Phase II MS4 permits did not previously require stormwater retrofitting. The new Phase II MS4 general permit is scheduled for reissuance in June 2011 and will require nutrient and sediment reductions equivalent to retrofit of 20% of pre-1985 impervious surface area. Although not stated in the WIP, MDE will require Phase II MS4 permit coverage for all federal facilities of 5 or more acres. Maryland will request federal facilities to provide a schedule for implementing stormwater retrofits. To receive full credit for a retrofit it should be designed to treat 1 inch of rainfall (1 year, 24 hour) which is the water quality volume in Maryland regulations. A proportional credit will be given when less than the WQv is controlled. Previously installed BMPs will also need to be evaluated; however, MDE is proposing to simplify the accounting by assigning efficiencies to different regulatory eras. The WIP notes that stormwater retrofits costs for an acre of land can range from \$4000/acre for conversion of a dry pond to a wet pond to over \$200,000/acre for highway retrofits and green street projects. Several local jurisdictions were estimating their average per acre cost around \$50,000.
- Urban Nutrient Management: Applies to commercially managed lawn areas like golf courses and athletic fields. Soil sample and fertilizer applications will be in accordance with University of Maryland recommendations. Maryland also plans to enact new legislation regulating lawn and managed turf fertilizers. The goal is to reduce phosphorus content and require slow release nitrogen. Use of fertilizers as deicers would be prohibited.
- Regenerative Stormwater Conveyance (RSC): A method of restoring severely eroded streams and stormwater outfalls typically using a series of small shallow constructed pools and weirs to moderate

stream flow, promote infiltration, and reconnect with the flood plain. The design incorporates organic materials that promote subsurface biological nutrient removal. A workgroup is evaluating designs that yield nutrient reduction and habitat improvement, and determining the most appropriate locations for implementation. Maryland expects RSC will become part of MS4 nutrient reduction strategies.

- Natural Filters: The WIP has goals for tree planting, streamside buffers, and wetland restoration. Maryland will coordinate with state and federal agencies to evaluate opportunities.
- Agriculture: Agriculture is responsible for approximately 39% of Maryland's overall nutrient loading to the Bay. Strategies to reduce the loading are discussed on pages 5-52 through 5-76.
- Alternative Strategies: Pages 7-2 through 7-8 discuss additional measures Maryland may use if the strategies above fail to achieve the target nutrient and sediment load reductions. Increasing the percentage of urban retrofits, regulating additional urban areas, and evaluating ENR retrofits at minor municipal and federal WWTPs are included as potential measures.

Maryland's Phase I WIP can be found at:

[http://www.mde.state.md.us/programs/Water/TMDL/TMDLHome/Pages/Final\\_Bay\\_WIP\\_2010.aspx](http://www.mde.state.md.us/programs/Water/TMDL/TMDLHome/Pages/Final_Bay_WIP_2010.aspx).

The University of Maryland's College of Agriculture and Natural Resources is offering several Phase II workshops. To register for the appropriate workshop, locate your county information below. Log on to <https://www.agnr.umd.edu/seminars/>. Scroll to the Natural Resources and Water Quality category. Once there, locate the appropriate Phase II WIP Workshop on the drop down menu. If you have trouble registering, please contact Jean Hopkins at (410) 827-8056, ext. 114.

**Phase II WIP Workshop - Western Maryland**

**Allegany, Frederick, Garrett and Washington counties**

Wednesday, January 19, 2011

Williamsport Banquet Hall, 2 Brandy Drive, Williamsport, MD 21795

**Phase II WIP Workshop – Central Maryland**

**Baltimore City, Baltimore, Carroll, Harford, Howard and Montgomery counties**

Friday, January 21, 2011

Padonia Park Club, 12006 Jenifer Road, Cockeysville, MD 21030

**Phase II WIP Workshop – Lower Western Shore**

**Anne Arundel, Calvert, Charles, Prince George's and St. Mary's counties**

Thursday, February 3, 2011

Patuxent River 4-H Center, 18405 Queen Anne Road, Upper Marlboro, MD 20774

**Phase II WIP Workshop – Lower Eastern Shore**

**Dorchester, Somerset, Wicomico and Worcester counties**

Monday, February 7, 2011

Salisbury University, Guerrieri University Center, 1101 Camden Avenue, Salisbury, MD 21801-6860

**Phase II WIP Workshop – Upper Eastern Shore**

**Caroline, Cecil, Kent, Queen Anne's and Talbot counties**

Wednesday, February 9, 2011

Krystal Q Banquet Hall, 9630 Technology Drive, Easton, MD 21601-7027



## MASSACHUSETTS

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

### **Two Firms Face Fines for Ocean Dumping Violations in Dredging Operations in Massachusetts**

Two New England firms are the subject of enforcement actions by both the EPA and the Commonwealth of Massachusetts for improper disposal of dredged sediments in ocean waters during recent dredging projects in Massachusetts Bay harbor communities. With end of summer boating season and the resumption of annual dredging operations throughout New England waters, companies who are contracted to perform dredging of harbors and other waterways are reminded to carefully follow all state and federal permit requirements for both the removal and disposal of dredged sediments. EPA has pursued two recent enforcement actions under the Marine Protection, Research and Sanctuaries Act (MPRSA), commonly known as the Ocean Dumping Act. In both cases, EPA has coordinated closely with the U.S. Army Corps of Engineers (which is the actual permitting authority for dredging projects) and with offices of the Commonwealth of Massachusetts, including Mass. Dept. of Environmental Protection (MA DEP) and Coastal Zone Management (CZM). The goal of the Ocean Dumping Act is to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which could adversely affect human health or welfare or the marine environment.

Cashman Dredging & Marine Contracting Co., LLC, based in Quincy, Mass., recently reached a settlement with EPA for alleged violations occurring during its dredging of the Porter and Crane Rivers in Danvers, Mass. Cashman was found by the state and federal agencies, including EPA, the Army Corps, MA DEP and CZM, of performing a "short dump" of sediment in Beverly Harbor, which was well outside of the prescribed ocean dumping zone authorized by the permit issued by the Army Corps of Engineers. Unauthorized dumping of dredged sediment within Beverly Harbor harmed the aquatic environment, which was documented by an EPA dive investigation of the dump area. EPA also alleged that the company overdredged in some areas and took unauthorized sediments for disposal in the Massachusetts Bay Disposal Site. The state also brought a suit for illegal dredging and disposal violations under state law. Working cooperatively with the state and federal agencies, the company reached a settlement of both the federal and state actions. Under the terms of the settlement of the Federal case, Cashman will pay a penalty of \$50,000, which includes performance of a "supplemental environmental project" favored by the federal and state natural resource agencies and the Town of Beverly Harbormaster. Specifically, the company will install in Beverly Harbor "low impact" moorings that will prevent turbidity and allow for eelgrass habitat recovery. This project will produce environmental and/or public health benefits beyond those required by law.

In a separate action, EPA has filed an administrative complaint against Burnham Associates, Inc., based in Salem, Mass. for alleged MPRSA violations associated with a dredging project in the Town of Hingham, Mass. EPA reviewed documentation that showed that on at least 28 occasions, Burnham dumped dredged sediments in areas of the Massachusetts Bay Disposal Site that were in some cases up to one nautical mile from their prescribed ocean dumping area. These errors deprive regulators from: the ability to monitor the sediments once they have been disposed of and determine migration and erosion rates; the ability to monitor impacts on the marine environment; and, particularly in this case, to construct a boundary of a "containment cell" that could potentially limit the lateral spread of future dredged material. Burnham faces fines of up to the maximum allowed under the federal statute which is \$70,000 for each disposal event.

The Massachusetts Bay Disposal Site is a circular area 2 nautical miles (nm) in diameter, located approximately 10 nm south-southeast of Eastern Point in Gloucester, 12 nm southeast from Gales Point in Manchester, Mass. and 18 nm from the entrance to Boston Harbor.

More information on dredging topics in New England: <http://www.epa.gov/region1/topics/water/dredging.html>.

### **Massachusetts Releases Clean Energy and Climate Plan for 2020**

In compliance with the Global Warming Solutions Act (GWSA) signed by Governor Patrick, Massachusetts has set the statewide greenhouse gas (GHG) emissions limit for 2020 and released the Massachusetts Clean Energy and Climate Plan for 2020 which details how the state will comply with the limit. Energy and Environmental Affairs (EEA) Secretary Ian Bowles set the 2020 limit 25 percent below 1990 levels, the maximum authorized by the GWSA. Building on existing measures that will get Massachusetts much of the way toward the 25 percent limit, the EEA plan comprises a targeted portfolio of additional policies that promise overall cost savings and clean energy jobs, while allowing the Bay State to reach the most ambitious target for GHG reduction of any state in the country. For more information, go to:

[http://www.mass.gov/?pageID=eoeaterminal&L=3&L0=Home&L1=Air%2c+Water+%26+Climate+Change&L2=Climate+Change&sid=Eoea&b=terminalcontent&f=eea\\_energy\\_2020-clean-energy-plan&csid=Eoea](http://www.mass.gov/?pageID=eoeaterminal&L=3&L0=Home&L1=Air%2c+Water+%26+Climate+Change&L2=Climate+Change&sid=Eoea&b=terminalcontent&f=eea_energy_2020-clean-energy-plan&csid=Eoea).



## **NEW JERSEY**

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

### **DEP Clean Water Effort Garner's Nation Award**

A program that keeps New Jersey's coastal waters clean by providing pumpout stations for sewage from recreational boats has garnered national recognition from a boaters' group. The States Organization for Boating Access recently awarded the DEP Clean Vessel Act Program its Program Excellence Award in recognition of the work it is doing to protect and enhance water quality along the coast.

The DEP's Clean Vessel Act Program has 170 pumpout stations at marinas all along the Jersey coast. Barnegat Bay even has a small flotilla of pumpout boats on patrol. This effort has removed and treated upwards of five million gallons of sewage since the late 1990s.

The CVA Program stations are mostly financed by federal grants, through the federal Sport Fish Restoration and Boating Trust Fund, which is derived from excise taxes on fishing equipment, motorboat and small engine fuels, and import duties. Matching funds are provided by New Jersey's "Shore to Please" license plate fund. The CVA Program, approved by Congress in 1992, provides grants for the construction, renovation, operation, and maintenance of pumpout stations and waste reception facilities for recreational boaters, and for educational programs that inform boaters of the importance of proper disposal of sewage, while encouraging boaters to use pumpouts.

For more information on the Clean Vessel Act Program, visit:

<http://wsfrprograms.fws.gov/subpages/grantprograms/CVA/CVA.htm>.

### **DEP Reminds Residents That Computers and TVs Must Be Recycled**

The DEP is reminding New Jersey residents that old TVs, computers and computer monitors - items known collectively as electronic waste, or e-waste - must be recycled as 1 JAN 11, as required by the Electronic Waste Management Act. The Act bans the disposal of televisions and all personal or portable computers - including desktop, notebook and laptop computers, as well as computer monitors - in the regular waste stream after 1 JAN. Manufacturers of these devices will now be funding the collection of e-waste so that it is free for consumers.

The new law means residents can no longer put TVs, computers and monitors out on the curb for pickup under regular solid waste collection programs. Many residents will have to take these items to a drop-off point, such as a county or municipal solid waste collection center or a participating electronics retail store. All 21 counties and many municipalities already have e-waste recycling programs in place. Residents should contact their county solid waste agency or municipal recycling coordinator for e-waste recycling options currently available in their communities. The DEP also is compiling a resource list to assist residents in finding collection points. A working draft of the list is available at [www.recyclenj.org](http://www.recyclenj.org)

The Electronic Waste Management Act does not cover cell phones, DVD players, VCRs, game consoles, or other electronic devices, although some retailers and service organizations provide opportunities for recycling these items.



## **NEW YORK**

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

### **NY Solid Waste Management Plan – Beyond Waste: A Sustainable Material Management Strategy**

The New York State Department of Environmental Conservation (NYS DEC) has adopted the final New York State Solid Waste Management Plan. The final plan was published and adopted on 27 DEC 10. The Plan seeks to fundamentally change the way discarded materials are managed in New York State by progressively reducing the amount of materials that go to disposal over the 10-year planning period and the 20-year planning horizon. Some of the goals of this Plan are to reduce the amount of waste disposed by preventing waste generation and increasing reuse, recycling, composting, and other organic material recycling methods along with creating green jobs. Currently, New Yorkers send 4.1 pounds of municipal solid waste (MSW) per person per day, or 0.75 tons per person per year to disposal facilities. The Plan sets out goal to reduce the average amount of MSW that New Yorkers dispose from 4.1 to 0.6 pounds per person per day by 2030. NYS DEC projects that implementing this plan could reduce nearly 21 million metric tons of CO2 equivalent greenhouse gas emissions annually, save more than 280 trillion BTUs of energy each year—as much energy as is consumed by more than 2.6 million homes—and create 67,000 jobs by 2030. It also would create economic opportunity in the process. The final plan includes supporting appendices and the final Generic Environmental Impact Statement (GEIS). The Final Solid Waste Management Plan can be found at: <http://www.dec.ny.gov/chemical/41831.html>.



## PENNSYLVANIA

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

### **EQB Approves Fee Increases for Permits**

On 22 NOV, the Environmental Quality Board approved a \$7.8 million increase in Air Quality permit fees and approved for public comment \$8.1 million in Drinking Water permit fee increases. The Pennsylvania Department of Environmental Protection (DEP) finalized \$27.7 million in fee increases over the last year to make up for dramatic cuts to the agency's staff and General Fund budget over the last 8 years. Over \$11 million in fee increases have been proposed but not finalized.

The finalized fees include:

- Marcellus Shale Drilling Permits increase from \$935,000 to \$8.4 million annually;
- NPDES Water Quality Permits increase from \$750,000 to \$5 million annually;
- Chapter 102 Regulations increase from \$635,000 to 7.3 million annually;
- Laboratory Certification fees increase from \$500,000 to \$1.6 million annually;
- Beneficial Use of Coal Ash increases to \$75,000 annually;
- Uniform Environmental Covenants increases to \$82,250 annually; and
- Air Quality Permits increases from \$19,570,000 to \$27,408,000 annually – pending final publication.

Among the proposed fees are:

- Drinking Water Permits increase from \$250,000 to \$8,385,000 annually;
- Non-Coal Mining Permits increase from \$25,000 to \$2,500,000 annually; and
- Coal Surface Mining Permits increase from \$50,000 to \$400,000 annually.

Additional information can be found at

<http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=17358&SubjectID>.

### **Eagles Plan to Power Football Stadium with Onsite, Renewable Energy**

The Philadelphia Eagles announced a plan to power Lincoln Financial Field with a combination of onsite wind, solar, and dual-fuel generated electricity, making it the world's first major sports stadium to convert to self-generated renewable energy.

The Eagles have contracted with SolarBlue, a renewable energy and energy conversion company, to install approximately 80 20-foot spiral-shaped wind turbines on the top rim of the stadium, affix 2500 solar panels on the stadium's facade, build a 7.6 megawatt onsite dual-fuel cogeneration plant, and implement sophisticated monitoring and switching technology to operate the system. Over the next year, SolarBlue will invest in excess of \$30 million to build out the system, with a completion goal of September 2011. SolarBlue will maintain and operate the stadium's power system for the next 20 years at a fixed percent annual price increase in electricity, saving the Eagles an estimated \$60 million in energy costs. SolarBlue estimates that over the 20-year horizon, the onsite energy sources will provide 1.039 billion kilowatts of electricity – more than enough to supply the stadium's power needs - enabling an estimated four megawatts of excess energy to be sold back to the local electric grid.

The Eagle's renewable energy plan will create hundreds of jobs for the Philadelphia area. SolarBlue anticipates directly employing 200 local people during the design and installation phases of this project. 50 of those jobs

will be permanently maintained over the life of the 20-year contract. In addition, the project will generate approximately 600 indirect jobs for local contractors, vendors, and suppliers. For more information on this project, go to <http://www.philadelphiaeagles.com/gogreen/>.



## RHODE ISLAND

Note: The RI General Assembly convenes 11 JAN 11.

### NAVSTA Newport Federal Consistency Determination for Wind Turbine proposal

Navy officials met with a representative from the Rhode Island Coastal Resources Management Council (CRMC) on 8 DEC to discuss NAVSTA Newport's wind turbine proposal. The meeting followed site visit to each of the 11 perspective sites under consideration in the EA (Environmental Assessment) that is underway. The purpose of the meeting was to discuss relevant CRMC policies, prohibitions, and standards that will need to be addressed in the Federal Consistency Determination (FCD). The FCD was scheduled to be submitted to the CRMC in late December.



## VERMONT

Note: The Vermont General Assembly convened 5 JAN 11.

### Vermont Farmer Ordered to Restore Damaged Wetlands

A Vermont farmer has been ordered to restore about three acres of freshwater wetlands in Swanton, Vt. that he altered in order to expand a corn field. The farmer, Germain R. Bourdeau, the farmer, began in 2006 to clear, grade, fill and generally alter wetlands at his farm on County Road. Bourdeau's Pleasant Acres Farms business also includes fields in New York and Vermont. According to the EPA, Bourdeau failed to obtain a federal permit under the federal Clean Water Act authorizing the discharges of dredged and fill material into the wetlands. By law, Bourdeau was required to get this federal permit from the Army Corps of Engineers. As a result, the EPA ordered Bourdeau to restore the disturbed wetlands to their previous state. The order also requires Bourdeau to, among other things, hire an experienced wetlands scientist to prepare a restoration plan for approval by EPA and the Corps, backfill a drainage ditch, remove any existing drainage structures, recreate the affected area's topography, and plant and seed the area with shrubs and saplings. Bourdeau also must monitor the progress of the restoration plan for five years. The order prohibits Bourdeau from discharging any more dredged and/or fill material into nearby waters unless it is authorized by a valid permit issued by the Corps.

Wetlands provide large volumes of food that attract many animal species. Those animals use wetlands for part of, or all of, their life-cycle. Dead plant leaves and stems break down in the water to form organic material, which

feeds many small aquatic insects and small fish that are food for larger predatory fish, reptiles, amphibians, birds, and mammals. The wetlands are located adjacent to waterways that flow into Lake Champlain. In addition to providing valuable wildlife habitat, wetlands also help to protect the health and safety of people and their communities. Wetlands filter and clean water by trapping sediments and removing pollutants. Wetlands also provide buffers against floods as they store enormous amounts of flood water. Wetlands store and slowly release water over time, helping to maintain water flow in streams, especially during dry periods.

For more information on enforcing wetlands requirements in New England, go to:

[www.epa.gov/ne/enforcement/wetlands](http://www.epa.gov/ne/enforcement/wetlands).



## VIRGINIA

**The Virginia General Assembly convenes 12 JAN 11.**

### **Virginia Department of Environmental Quality Final Rule – Small Renewable Energy Permit**

In response to a legislative mandate adopted by the Virginia Assembly in 2009, the Department of Environmental Quality (DEQ) has developed, and the Governor has approved, a Permit-by-Rule applying to the construction and operation of wind energy projects under a rated capacity of 100 megawatts. The new Permit-by-Rule process became effective on 22 DEC 10. The action by the General Assembly also moved the permitting authority for these types of projects from the State Corporation Commission (SCC) to the DEQ. For additional information on the new Permit-by-Rule process you can go to:

<http://townhall.virginia.gov/L/viewstage.cfm?stageid=5208&display=general>.

### **Virginia Chesapeake Bay TMDL Phase I Watershed Implementation Plan (WIP)**

Virginia submitted its final Phase I WIP to EPA on 29 NOV 10. The plan discusses how Virginia has further allocated its nutrient and sediment allocations to the 39 Chesapeake Bay impaired segments to which it drains. Virginia has committed to achieving 60% of its target nutrient and sediment load reductions by 2017 and achieving 100% of the reductions by 2025 as required by EPA. Virginia's Phase I WIP provides final TMDL allocations for nutrients and sediments as well as interim targets for each source sector and each of the five major river basins in Section 2. The process for developing wasteload allocations and load allocations is discussed in Section 3. Sections 4 through 9 address strategies for achieving nutrient and sediment reductions from each of the major source sectors (i.e. wastewater, agriculture, urban/suburban storm water, onsite wastewater/septic, forest, and resource extraction. For each source sector, there is a discussion on Current Programs and Capacity, Accounting for Growth, Gap Analysis, Strategy to Fill Gaps, Contingencies, and Tracking and Reporting Protocols. Unfortunately, Target Load Reduction Tables for each segment and sources within the segment are not in the Phase I WIP. Instead, the Appendix 1 of the document refers the reader to Model runs with the final Virginia Input deck that was concurrently submitted to EPA. Strategies of interest to DOD installations include those addressing domestic and industrial wastewater treatment plants (WWTP), septic systems, sanitary sewer overflows, stormwater from construction sites, municipal separate storm sewer systems (MS4), urban nutrient management, and agriculture (potentially affecting DOD agricultural outleasings). Clean Air Act reductions of atmospheric deposition were "taken off the top" and not included in the nutrient and sediment allocations EPA

gave the States. Virginia anticipates current State law/regulation will provide the necessary additional reductions for this sector. Phase I WIP highlights for the four major source sectors include:

#### *Wastewater*

Allocation: TMDL waste load allocations (WLAs) for Significant Municipal and Industrial Facilities are set in two existing regulations: Water Quality Management Planning Regulation (9 VAC 25-720) and Chesapeake Bay Watershed General Permit Regulation (9 VAC 25-820). These are enforceable provisions that “cap” the dischargers’ total nitrogen (TN) and total phosphorus (TP), and allow for nutrient credit exchange to achieve compliance with regulatory requirements. These existing requirements are supplemented by an additional 1.6 million pound reduction of nitrogen and 200,000 lb reduction of phosphorus in the James River prior to 2017 and an additional reduction of 1.0 million pounds of nitrogen and 250,000 pound reduction in phosphorus in the James river post-2017. Allocations for sediment loads will be set at technology levels since wastewater is an insignificant portion of the sediment load. Nutrient WLAs for Non-significant Municipal and Industrial Facilities will be set at levels consistent with the procedure outlined in the Code of Virginia, which establishes the 2005 loads as the levels that cannot be exceeded in the future. Combined Sewer System allocations are set for communities with combined sewer systems (CSS) at Long Term Control Plan (LTCP) levels with adjustments for future urban stormwater management actions that may reduce the amount of loadings from CSS.

- 2010 – 2011 - Continue Existing Water Quality Management Planning Regulation (9 VAC 25-720) and Chesapeake Bay Watershed General Permit Regulation (9 VAC 25-820) with current loading allocations with additional pre-2017 reduction in the James River.
- Seek legislative changes necessary to require offsets for nutrient loads of less than 1000 gpd either as separate legislation or as a component of amendments to the Nutrient Credit Exchange.
- Seek legislative changes to establish requirement for offsetting loads for discharger that expand to less than 40,000 gpd.

#### *Agriculture*

Allocations: Allocations are set for unregulated agricultural operations at levels resulting from significantly expanded implementation of conservation and nutrient management plans addressing the application of nutrients, tillage methods, cover crops, retention or establishment of buffers and exclusion of livestock from streams. It is the expectation of this plan that these practices will be widely implemented on agricultural lands. WLA allocations for Concentrated Animal Feeding Operations (CAFOs) are set according to EPA guidance and adjusted to reflect Virginia data with the WLA based on full implementation of practices such as adequate waste storage and barnyard runoff controls.

- Implement resource management plans on most agricultural acres which may include: 35 foot grass or forest buffers between cropland and perennial surface waters; stream exclusion of livestock over time; implemented nutrient management plans.
- Improve tracking of voluntary agricultural and forestry BMPs.
- Account for all current mandated practices in Concentrated Animal Feeding Operations (CAFO) and permits required for certain poultry operations.
- Provide cost-share funding to achieve implementation of incentive based practices.

#### *Urban Stormwater*

Loads from stormwater will be expressed as both waste load allocations (for regulated activities) and load allocations (for unregulated stormwater). Allocations for newly developed land will be set at a level that results in no increase above allowable 2025 average nutrient loads per acre from previous land uses; unless offsets are obtained in the event on-site controls will not fully achieve allowable loads. Allocation for existing urban areas is based on high levels of implementation of management practices described below.

- Revise Virginia’s Stormwater Management Regulations to prevent loads increases from new development (currently under revision).
- Additional BMPs on existing pervious and impervious lands through future permits and wider adoption of stormwater utility fees or other funding mechanisms.

- Restrictions for application of non-agricultural fertilizers and voluntary reporting from “for-hire” applicators.
- Municipal/county owned nonagricultural lands receiving nutrients to develop, implement and maintain nutrient management plans.
- Golf courses implement nutrient management plans.
- Controls on certain do-it-yourself non-agricultural lawn and turf fertilizers.
- Incorporate requirements within Virginia’s Stormwater Management Regulations (under revision) that redevelopment meets reductions in nutrient and sediment loads.

### *Onsite/Septic*

Allocation: This plan attempts to reduce the rate of growth in this sector through regulatory actions and proposes to offset some loads through an expansion of the Nutrient Credit Exchange Program.

- Implement amendments to Virginia Department of Health regulations for alternative systems. The proposed amendments require a minimum 50% reduction in delivered N for all new small alternative onsite systems in the Chesapeake Bay watershed resulting in an effective delivered load to the edge of the project boundary of 4.5 lbs TN/person/year. All large alternative onsite systems will demonstrate compliance with <3 mg/l TN at the project boundary.
- As a component of the revisions to the Nutrient Credit Exchange law proposed in 2012, allow for increased loads from onsite/septic to be aggregated at a jurisdictional level and available for offsets.
- Seek revisions to the Code of Virginia will be considered to require all new and replacement systems in the Chesapeake Bay watershed to utilize either (1) “shallowplaced” systems capable of reducing nitrogen loss or (2) denitrification technology to reduce nitrogen loss and consider requirements for additional nitrogen reducing technologies in certain defined sensitive areas.
- Seek revisions to the Code of Virginia that will promote the use of community onsite systems which provide a greater reduction of TN.
- Seek legislative changes necessary to establish 5 year pumpout requirements for septic tanks in jurisdictions within Virginia’s Chesapeake Bay watershed. (This mirrors the existing requirement for septic tanks within Chesapeake Bay Preservation Act areas.)
- Seek legislative changes necessary to establish tax credits for upgrade/replacement of existing conventional systems with nitrogen reducing systems.
- Encourage the use of currently authorized “Betterment Loans” for repairs to existing systems and explore other financial incentives or relief to encourage the upgrade of existing systems especially for low and moderate income households.

### *Impact to DoD:*

The two key source sectors for DoD are Wastewater and Urban/Suburban Stormwater. Since wasteload allocations for wastewater dischargers are being held at levels in the existing Watershed General Permit for Nutrients there will be minimal impact to DoD unless we expand wastewater treatment plants. The major impact will be in the Urban/Suburban Stormwater sector. In this sector, all installations will be expected to implement street sweeping and urban nutrient management plans. In addition, the use of nitrogen containing deicers will be prohibited on paved surfaces. The largest impact will be the requirement that municipal separate storm sewer system (MS4) permits issued to federal facilities will require the implementation of BMPs on developed lands to achieve nutrient reductions of 18% nitrogen, 32% phosphorous, and 40% sediment from impervious developed lands and reductions of 12% phosphorous, 14.5% phosphorous, and 17.5% sediment from pervious lands. These numbers can be achieved by implementing practices on 45% of impervious lands and 20 percent of pervious lands as shown in Table 6-4.2 of the WIP. Despite objections from the DoD Region 3 Regional Environmental Coordinator, these implementation rates are twice the implementation rates required for non-federal MS4s. According to the Virginia Department of Conservation and Recreation, the additional load reductions due to implementation of stormwater BMPs for federal facilities is expected due federal commitments made under Executive Order 13508, Protection and Restoration of the Chesapeake Bay.

Virginia 's Phase I WIP can be found at: [http://www.dcr.virginia.gov/soil\\_and\\_water/documents/vatmdlwip.pdf](http://www.dcr.virginia.gov/soil_and_water/documents/vatmdlwip.pdf).



## WEST VIRGINIA

**The West Virginia Legislature convenes 12 JAN 11.**

### **Ban on Landfill Disposal of Electronics**

Effective 1 JAN, computers, monitors and TVs cannot be disposed of in any West Virginia Landfill. In 2010, The West Virginia Legislature passed Senate Bill 398, prohibiting the disposal of Covered Electronic Devices (CEDs) in any West Virginia landfill. CEDs are defined as a television, computer or video display device with a screen that is greater than four inches measured diagonally. It does not include any video device that is part of a motor vehicle, or contained within a household appliance or commercial, industrial or medical equipment.

After 1 JAN, residents cannot discard TVs and computers with their household waste. Waste haulers will still be required to collect these items under the Bulky Goods Rule (WV Code Rules 150-9.6.6). Residents should contact their waste hauler to get information on the proper handling of these items. Residents who transport their waste to a transfer station or landfill should contact the solid waste facility to ensure that these items will continue to be accepted. For information on local collection events and programs, organizations accepting donated electronic items, recycling locations, and manufacturer take back programs, visit [www.state.wv.us/swmb/ewaste](http://www.state.wv.us/swmb/ewaste).

# PROFESSIONAL DEVELOPMENT

## Conferences

### **Delaware Estuary Science & Environmental Summit, 30 JAN – 2 FEB 11, Cape May, NJ**

Abstracts are due by 30 JUN 10 for the Environmental Summit entitled "Connections—Land to Sea, Shore to Shore & Science to Outreach." More information is available at:

[http://www.delawareestuary.org/news\\_pde\\_science\\_conference.asp](http://www.delawareestuary.org/news_pde_science_conference.asp).

### **National Bed Bug Summit, 1 – 2 FEB 11, Washington, D.C.**

The Federal Bed Bug Workgroup is convening a second national summit to help find solutions to the nation's bed bug problem. The summit is open to the public and will focus on ways to manage and control these pests. More information can be found at: <http://www.epa.gov/oppfead1/cb/ppdc/bedbug-summit/2nd-bedbug-summit.html>.

### **Virginia Hydrogen Seminar, 25 FEB 11, Harrisonburg, VA**

Government leaders and local and state agencies are invited to attend a discussion of the landscape in terms of hydrogen research, deployment, and policy. More information and registration information can be found at:

[http://www.hrccc.org/events/?regevent\\_action=register&event\\_id=15&name\\_of\\_event=Virginia+Hydrogen+Seminar+%40+JMU](http://www.hrccc.org/events/?regevent_action=register&event_id=15&name_of_event=Virginia+Hydrogen+Seminar+%40+JMU).

### **DoD Environmental Monitoring and Data Quality Workshop, 28 MAR - 1 APR 11, Arlington, VA**

The workshop includes technical training sessions, technical presentations, a plenary session, a Q&A forum, component meetings, a poster session, and an update on the DoD Environmental Laboratory Accreditation Program (ELAP). All abstracts for technical presentation and posters must be submitted via email by 14 JAN 2011. For more information and to submit an abstract, go to <http://www.regonline.com/2011emdqworkshop>.

### **National Brownfields Conference, 3 – 5 APR 11, Philadelphia, PA**

This conference focuses on cleaning up and redeveloping abandoned, underutilized, and potentially contaminated properties. More information is available at: <http://www.brownfields2011.org>.

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

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

### **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/>.

## 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

<b>Beginning Date</b>	<b>End Date</b>	<b>Course</b>	<b>Location</b>
1 FEB 11	3 FEB 11	Munitions Response Site Management	Norfolk, VA
8 FEB 11	11 FEB 11	DoD Pesticide Applicator Recertification	Virginia Beach, VA
14 FEB 11	18 FEB 11	HAZWOPER for Uncontrolled Hazardous Waste Site Workers(e)	Norfolk, VA
7 MAR 11	7 MAR 11	HAZWOPER for Uncontrolled Hazardous Waste Site Workers – Refresher (e)	Washington, DC
8 MAR 11	8 MAR 11	HAZWOPER for Uncontrolled Hazardous Waste Site Workers – Refresher (e)	Washington, DC
9 MAR 11	9 MAR 11	HAZWOPER for Uncontrolled Hazardous Waste Site Workers – Refresher (e)	Norfolk, VA
10 MAR 11	10 MAR 11	HAZWOPER for Uncontrolled Hazardous Waste Site Workers – Refresher	Norfolk, VA

14 MAR 11	18 MAR 11	ENV Sampling Design & Data Quality Assurance	Norfolk, VA
21 MAR 11	23 MAR 11	Introduction to Hazardous Waste Generation and Handling	Groton, CT
24 MAR 11	24 MAR 11	RCRA Hazardous Waste Review	Groton, CT
18 APR 11	22 APR 11	Hazardous Waste Facility Operator	Norfolk, VA
25 APR 11	27 APR 11	Introduction to Hazardous Waste Generation and Handling	Quantico, VA
26 APR 11	28 APR 11	Integrated EMS and Compliance Auditing	Norfolk, VA
28 APR 11	28 APR 11	RCRA Hazardous Waste Review	Quantico, VA
2 MAY 11	4 MAY 11	Introduction to Hazardous Waste Generation and Handling	Cherry Point, NC
3 MAY 11	5 MAY 11	National Environmental Policy Act (NEPA) Application	Baltimore, MD
5 MAY 11	5 MAY 11	RCRA Hazardous Waste Review	Cherry Point, NC
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	Introduction to Hazardous Waste Generation and 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
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### CECOS Online Courses/Web Conferences

Beginning Date	End Date	Course	Location
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
9 FEB 11	9 FEB 11	Section 311/312 Refresher	Web Conference
22 FEB 11	22 FEB 11	Advancing An Effective EMS	Web Conference
8 MAR 11	9 MAR 11	Section 313 Refresher	Web Conference
29 MAR 11	30 MAR 11	Section 313 Refresher	Web Conference
12 APR 11	14 APR 11	Advancing An Effective EMS	Web Conference
19 APR 11	20 APR 11	Pollution Prevention Program Operations and Management	Web Conference
21 APR 11	21 APR 11	Sustainability in the Navy	Web Conference
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

### CECOS

EMS General Awareness: Computer Based Training (CBT) Module Available 24/7 at [www.cecocosweb.com](http://www.cecocosweb.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/>. (Corrected link)

# MEET THE REC

## STAFF

<p><b>RADM M. S. Boensel</b> DoD Regional Environmental Coordinator (757) 322-2800, DSN 262-2800</p> <p>Director, Regional Environmental Coordination (REC) Office (757) 341- 0363</p> <p>REC Counsel (757) 322-2812 DSN 262-2812 or (757)-322-2938 DSN 262-2938</p> <p>Cultural Resources (757) 341-0372</p> <p>Potable Water, Stormwater, Groundwater, Wastewater (757) 341- 0428 or (757) 341- 0429</p> <p>Air Quality, Asbestos, Radon (757) 341- 0386</p> <p>P2, EPCRA, RCRA - HW/SW (757) 341-0408</p>	<p>Navy On Scene Coordinator Representative (757) 341-0449</p> <p>POL/Tanks (757) 341-0381</p> <p>Regional NEPA, Natural Resources (757) 341-0486</p> <p>Land Use, Encroachment (757) 322-3011, DSN 262-3011</p> <p>Environmental Restoration (757) 341-0394</p> <p>REC Support (757) 341-0430</p> <p>DoD Chesapeake Bay Coordinator (757) 341-0383</p> <p>Navy Chesapeake Bay Coordinator Temporarily Vacant</p>
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## COMPONENT RECs

<p><b><u>Department of Defense RECs</u></b></p> <p><b>Regions 1 and 3 (Navy Lead)</b> (757) 341- 0363</p> <p><b>Region 2 (Air Force Lead)</b> (404) 562-4200</p> <p><b><u>Army RECs</u></b></p> <p><b>Regions 1 and 2</b> (410) 436-6224</p> <p><b>Region 3</b> (410) 436-7098 DSN 584-7098</p> <p><b><u>Navy REC</u></b></p> <p><b>Regions 1, 2, and 3</b> (757) 341-0363</p>	<p><b><u>Air Force RECs</u></b></p> <p><b>Region 1</b> (404) 562-4201</p> <p>Toll Free (888) 610-7419</p> <p><b>Region 2 and 3</b> (404) 562-4203</p> <p><b><u>Marine Corps REC</u></b></p> <p><b>Region 3</b> (703) 432-0535 DSN 278-0535</p> <p><b><u>Defense Logistics Agency REC</u></b></p> <p><b>Region 3</b> (804) 279-6465 DSN 695-6465</p>
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## LINK HELP

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

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

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