



REC UPDATE

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



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GENERAL INTEREST

National Federal Facilities Compliance and Enforcement FY2011 Program Agenda

The Federal Facilities Program strives to achieve the Strategic Goal of Improving Compliance by ensuring federal agencies comply with environmental laws. The federal sector is one of the largest and most diverse overseen by EPA. EPA focuses on ensuring long-term environmental compliance, and will work with Federal agencies in both the enforcement and compliance assistance capacities to accomplish this goal. Timely and appropriate enforcement actions will be emphasized in Integrated Strategy areas particularly in those areas where compliance assistance and inspection activities were emphasized in prior years. The National Federal Facilities Program seeks to maximize achievement of environmental benefits by focusing this year's activities on:

INTEGRATED STRATEGIES: *Aligning our various **Compliance Assistance, Compliance Incentives, and Monitoring & Enforcement** tools to assure Federal Facilities compliance:*

- With NPDES stormwater requirements (FY06-FY11)
- At Federal Underground Storage Tanks (FY07-FY11)
- DOJ Federal Bureau of Prisons (FY 09-FY 11)
- FFEO and the Regions will continue to pursue OECA's Indian Country National priority with emphasis on BIA Schools by providing comprehensive enforcement follow-up on prior BIA inspections.
- In FY 2011, FFEO and the regions will continue to (1) research RCRA surface impoundments, RCRA corrective action sites and RCRA non-TSD facilities, Note: Status of RCRA Pilot currently under discussion and subject to change. (2) complete on-going research of compliance/enforcement activities at Formerly Used Defense Sites (FUDS), (3) consider strategies to reduce contamination and increase cleanup at federal abandoned mine sites, (4) focus our efforts to secure penalty authority against federal facilities through TSCA reauthorization and other pending legislation and (5) research federal facilities impacting vulnerable populations. Inspections in these areas are eligible for credit toward annual commitments.

ENFORCEMENT: *through committed Monitoring and Enforcement the National Federal Facilities Program will seek an increase in complying actions, pollutant reduction or treatment, and improved environmental management practices by:*

- Following up with timely and appropriate enforcement actions, for each Federal facility including those inspected pursuant to an Integrated Strategy area.
- To support the Administration's goal of taking action on climate change, EPA will seek to reduce greenhouse gas emissions from federal facilities in enforcement action settlements and SEPs.

MONITORING: *By monitoring compliance, EPA seeks to ensure that Federal Facilities operate in accordance with environmental laws, especially in Integrated Strategy areas.*

Under the NPMG ACS process (FEDFAC 05): Each Region must conduct ten (10) federal facility inspections to support the Integrated Strategy areas, which include stormwater, federal underground storage tanks (UST), federal prisons, RCRA (non-TSDs, surface impoundments, and corrective action) and federal facilities in environmental justice/vulnerable population areas. These inspections can be achieved by any combination of single media or multimedia inspections. While multimedia inspections are no longer required as an ACS commitment, FFEO still strongly supports them, and encourages Regions to conduct them, especially if multimedia inspections at the facility involve two or more Integrated Strategies for ACS credit. For any multimedia inspection conducted, it shall count as two (2) inspections toward the ACS commitment provided that two (2) of the media support the Integrated Strategy areas. A maximum of three (3) UST inspections and a maximum of four (4) facilities in

environmental justice/vulnerable populations may be counted towards this goal. These ten (10) inspections may also simultaneously satisfy inspection commitments required in the National Enforcement Initiative or other core program areas.

These activities, along with the activities identified in the OECA National Program Manager Guidance under specific Federal Facility Enforcement Program performance expectations, are anticipated to serve as a baseline of priority activity from a national program perspective, in addition to which Regions may pursue their own priorities.

COMPLIANCE ASSISTANCE: *Through Compliance Assistance, EPA will seek an increase in the percent of regulated federal entities that improved their understanding of environmental requirements; an increase in the number of regulated federal entities that improve environmental management practices; and an increase in the percent of regulated federal entities that reduce, treat, or eliminate pollution by:*

- Maximizing use of **FedCenter**, the Federal facility environmental stewardship and compliance assistance center, to deliver compliance assistance tools and training opportunities developed by Federal agencies as well as EPA regions and HQ.
- Supporting continual improvements in Federal Environmental Management System (EMS) implementation, in particular by including EMS improvements in enforcement action settlements and related SEPs, and providing EMS-related compliance assistance in conjunction with inspections.
- Regions are encouraged to consider climate change mitigation and adaptation work in their CA activities particularly in vulnerable communities.

CLEANUP/LAND RESTORATION: *The National Federal Facilities Program also strives to achieve EPA's Strategic Goal of **Restoring Land** by overseeing federal agencies' cleanup of contaminated property. We will measure the volume of contaminated media addressed by our actions and focus this year on:*

- Taking timely and appropriate enforcement actions to address non-compliance with cleanup responsibilities.
- Cleanup at hazardous sites: Regions and FFEO are expected to work to ensure timely completion of CERCLA Federal Facility Agreements (FFAs).
- Corrective Action at federal facilities is integrated into the proposed National Enforcement Strategy for Corrective Action (NESCA). Participate in NESCA and focus on federal facilities aspects of the initiative.
- Ensure development of proper written documents to support oversight and future enforcement actions where needed.
- Partnering with program offices to ensure that munitions and other priority contaminants are addressed in cleanups, initially focusing on sites where cleanup construction should be completed by FY 2013.
- Assuring proper and enforceable safeguards are in place by reviewing cleanup decision documents, with a particular emphasis on long-term stewardship.

DATA QUALITY AND REPORTING: Capturing the environmental results of our activities in the federal facilities sector is critical to demonstrate the impact of our work. We will measure our progress on EPA's Strategic Goals by ensuring that the environmental results articulated above are captured for each and every federal facility activity through completion of the relevant data sheets and entry of the data in the appropriate data system.

Department of Energy Announces Fleet Technical Assistance Website for Federal Agencies

The Department of Energy (DOE) announced its initiative to provide technical assistance to Federal Agencies to help reduce petroleum consumption. Leading by example, President Obama signed Executive Order 13514 on 5 OT 09, to set sustainability goals for federal agencies and focus on improving environmental, energy, and economic performance. Among a number of targets, the Executive Order requires federal agencies to reduce fleet petroleum consumption 30 % by 2020. As the nation's largest energy consumer, the federal government has a

tremendous opportunity and clear responsibility to achieve substantial energy savings and avoid costs through improved efficiency.

DOE will provide technical assistance to federal agencies to provide the analysis needed to efficiently meet their vehicle fleet mandates to reduce petroleum use and increase the use of alternative fuels. The federal government currently operates more than 600,000 vehicles, and the Federal Energy Management Program's (FEMP) technical assistance call will provide a vital service to ensure that federal agencies invest their appropriated funds efficiently by using DOE expertise to support fleet analysis.

A variety of areas will be considered for these technical projects including inventory analysis, optimum acquisition plans, alternative fuel use plans, right sizing, and driver behavior change. Funding will be provided to DOE National Laboratories to provide technical expertise. Agencies applying for technical assistance under this call must demonstrate a commitment to follow through with project implementation, illustrate that the success of their project is significant to their agency, and provide a list of project team members committed to making the project a success.

Requests for technical assistance will be reviewed and selected based on compatibility with available expertise, availability of resources to meet agency needs, and value of anticipated project outcomes. The following criteria will be used to evaluate applications:

- Financial and Technical Merit
- Agency Support and Project Implementation Plan
- Replication Potential
- Project Description

FEMP will monitor each agency's progress in implementing the projects that receive technical assistance and analyze actual reductions in petroleum and increase in alternative fuel use as a result of DOE's technical assistance. For additional information, visit <http://www1.eere.energy.gov/femp/index.html>.

Radiation Monitors Confirm that No Radiation Levels of Concern Have Reached the United States

The United States Government has an extensive network of radiation monitors around the country and no radiation levels of concern have been detected. The EPA RadNet system is designed to protect the public by notifying scientists, in near real time, of elevated levels of radiation so they can determine whether protective action is required. The RadNet system has not detected any radiation levels of concern.

In addition to the RadNet system, the U.S. Department of Energy (DOE) has radiation monitoring equipment at research facilities around the country and that equipment has not detected any radiation levels of concern.

As part of the Comprehensive Nuclear Test Ban Treaty Organization's International Monitoring System (IMS), the DOE also maintains the capability to detect tiny quantities of radioisotopes that might indicate an underground nuclear test on the other side of the world. These detectors are extremely sensitive and can detect minute amounts of radioactive materials. On 18 MAR 11, one of the monitoring stations in Sacramento, California that feeds into the IMS detected minuscule quantities of iodine isotopes and other radioactive particles that pose no health concern at the detected levels. Collectively, these levels amount to a level of approximately 0.0002 disintegrations per second per cubic meter of air (0.2 mBq/m³). Specifically, the level of Iodine-131 was 0.165 mBq/m³, the level of Iodine-132 was measured at 0.03 mBq/m³, the level of Tellurium-132 was measured at 0.04 mBq/m³, and the level of Cesium-137 was measured at 0.002 mBq/m³. Similarly, between 16 MAR 11 and 17 MAR 11, a detector at DOE's Pacific Northwest National Laboratory in Washington State detected trace amounts of Xenon-133, which is a radioactive noble gas produced during nuclear fission that poses no concern at the

detected level. The levels detected were approximately 0.1 disintegrations per second per cubic meter of air (100 mBq/m³),

The doses received by people per day from natural sources of radiation - such as rocks, bricks, the sun and other background sources - are 100,000 times the dose rates from the particles and gas detected in California or Washington State. Following the explosion of the Chernobyl plant in Ukraine in 1986 – the worst nuclear accident in world history – air monitoring in the United States also picked up trace amounts of radioactive particles, less than one thousandth of the estimated annual dose from natural sources for a typical person.

As part of the federal government's continuing effort to make its activities and science transparent and available to the public, the EPA will continue to make all RadNet data available in the current online database.

Please see www.epa.gov/radiation for more information.

FEDERAL NEWS

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

HAZARDOUS WASTE

EPA Requests Extension on Clean Water Act Permit Requirement for Pesticide Discharges

On 3 MAR 11, EPA requested an extension to allow more time for pesticide operators to obtain permits for pesticide discharges into U.S. waters. EPA requested that the deadline be extended from 9 APR 11 to 31 OCT 11. During the period while the court is considering the extension request, permits for pesticide applications will not be required under the Clean Water Act. EPA is developing a pesticide general permit in response to the 6th Circuit Court's 2009 decision which found that discharges from pesticides into U.S. waters were pollutants and, therefore, will require a permit under the Clean Water Act as of 9 APR 11. The final permit will reduce discharges of pesticides to aquatic ecosystems, thus helping to protect the nation's waters and public health. The extension request will allow sufficient time for EPA to engage in Endangered Species Act consultation and complete the development of an electronic database to streamline requests for coverage under the Pesticides General Permit. It will also allow time for authorized states to finish developing their state permits and for permitting authorities to provide additional outreach to stakeholders on pesticide permit requirements. EPA's general permit will be available to cover pesticide discharges to waters of the U.S. in MA, NH, NM, ID, OK, AK, DC, most U.S. territories and Indian country lands, and many federal facilities.

Proposed EPA Pesticide General Permit for Discharges from the Application of Pesticides

On 2 JUN 10, EPA announced the public availability of a draft National Pollutant Discharge Elimination System (NPDES) permit for point source discharges from the application of pesticides to waters of the United States. This permit is also known as the Pesticides General Permit (PGP). The PGP was developed in response to a decision by the Sixth Circuit Court of Appeals (*National Cotton Council, et al. v. EPA*). The court vacated [EPA's 2006 rule](#) that said NPDES permits were not required for applications of pesticides to U.S. waters. As a result of the Court's decision, discharges to waters of the U.S. from the application of pesticides will require NPDES permits when the court's mandate takes effect on 9 APR 11. Any use patterns not covered by this proposed draft permit would need to obtain coverage under an individual permit or alternative general permit if they involve pesticide application that result in point source discharges to waters of the United States. This general permit will provide coverage for discharges where EPA is the NPDES permitting authority. For discharges in NPDES authorized states, state NPDES authorities will be issuing their permit. EPA estimates that the Sixth Circuit's ruling will affect approximately 365,000 pesticide applicators nationwide that perform 5.6 million pesticide applications annually.

The PGP regulates discharges to waters of the U.S. from the application of (1) biological pesticides, and (2) chemical pesticides that leave a residue. The following pesticide use patterns are covered under the PGP: mosquito and other flying insect pest control, aquatic weed and algae control, aquatic nuisance animal control, and forest canopy pest control. The PGP does not authorize coverage for (1) discharges of pesticides or their degradates to waters already impaired by these specific pesticides or degradates or (2) discharges to outstanding national resource waters (also known as Tier 3 waters). These discharges will require coverage under individual

NPDES permits. Also outside the scope of this permit are terrestrial applications to control pests on agricultural crops or forest floors.

The following documents include the Pesticide General Permit, the Pesticide General Permit Fact Sheet, Federal Register Notice and other information:

- [Proposed Pesticide General Permit \(PDF\)](#) (58 pp, 590K)
- [Proposed Pesticide General Permit Fact Sheet \(PDF\)](#) (116 pp, 1.2MB)
- [Federal Register Notice \(PDF\)](#) (52 pp, 225K)
- [Questions and Answers on the Proposed Pesticide General Permit \(PDF\)](#) (8 pp, 92K)
- [Regulations.gov Docket](#) (The Docket number for this proposed permit is **EPA-HQ-OW-2010-0257**.)
- [Public Meetings, Webcast, and Hearing on the Proposed PGP \(PDF\)](#) (2 pp, 43K)
 - Albuquerque, New Mexico: 14 JUN 10
 - Boise, Idaho: 16 JUN 10
 - Boston, Massachusetts: 21 JUN 10
 - Washington, DC: 23 JUN 10
 - [Archived Webcast on Draft PGP: Held June 24, 2010](#)
 - [National Tribal Consultation Teleconference on PGP, September 29, 2010 \(PDF\)](#) (37 pp, 1.7MB)

Schedule

EPA accepted public comments on its draft pesticides general permit for 45 days (through 19 JUL 10). EPA received approximately 750 sets of comments, copies of which can be viewed or downloaded at:

www.regulations.gov and by then entering the PGP Docket number: **EPA-HQ-OW-2010-0257**.

EPA originally intended to issue a final general permit by December 2010. Once finalized, the PGP will be implemented in six states and in the territories, Indian Country lands and federal facilities where EPA is the [NPDES permitting authority \(PDF\)](#) (4 pp, 45K). In the other 44 states, the state NPDES authorities will issue the permits. EPA has been working closely with these states to concurrently develop their permits. [Background information on EPA's aquatic pesticides rule and litigation on the rule.](#)

PHMSA Prohibits Texting While Driving

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is prohibiting texting on electronic devices by drivers while operating a motor vehicle containing a quantity of hazardous materials requiring placarding or any quantity of a select agent or toxin listed in the Department of Health and Human Services "Select Agents and Toxins" regulations. Additionally, in accordance with requirements adopted on 27 SEP 10 by the Federal Motor Carrier Safety Administration (FMCSA), motor carriers are prohibited from requiring or allowing drivers of covered motor vehicles to engage in texting while driving. This rulemaking improves the health and safety on the Nation's highways by reducing the prevalence of distracted driving-related crashes, fatalities, and injuries involving drivers of commercial motor vehicles. This final rule is effective 30 MAR 11. For more information, go to <http://www.gpo.gov/fdsys/pkg/FR-2011-02-28/html/2011-4273.htm>.

Pesticide General Permit Fact Sheet



DRAFT

**Department of Defense (DoD)
Clean Water Act Services Steering Committee (CWA SSC)
Pesticide General Permit (PGP) FACT SHEET**

As of **9 April 2011**, a permit is required for discharging pesticides to waters of the U.S. EPA extension until 31 October 2011 is pending. Prepare for April deadline.

EPA Permitting Authority

Indian Country lands, District of Columbia, Puerto Rico, all U.S. territories (except Virgin Islands), federal facilities in VT, DE, WA, & CO, and the following states:

If installation doesn't fall under EPA state permitting authority, will need to determine state requirements.

- Massachusetts
- Idaho
- New Hampshire
- Alaska
- New Mexico
- Oklahoma

What the PGP covers

Available to *operators* with *point source* discharges of biological or chemical pesticides that leave a residue to waters of the U.S. for 4 use patterns:

- * Mosquito and Other Flying Insect Pest Control
- * Weed and Algae Pest Control
- * Animal Pest Control
- * Forest Canopy Pest Control

An **individual permit** will be needed if discharge to water & use are not covered by PGP. This may take time.

CWA SSC Pesticides Subcommittee Recommendations

- Determine if need to do any of the four types of pest control & if so, determine total areas of treatment needed
- Establish relationship with installation CWA or pest management counterparts
- Contact your state to learn about state permit requirements
- Contact local legal counsel if concerned about state permit status or applicability
- Determine if Notice of Intent (NOI) for permit coverage is needed and **who** will submit
- Make sure contracts are modified-ensure contractor compliance
- Submit funding requests for pesticide discharge management plans or other permit requirements

Operators

If exceed, threshold treatment area, operators submit NOIs to obtain coverage under the PGP for which the discharge is eligible. **Operators:** 1) apply or control pesticides application; or 2) control decisions related to pesticide application.

For more information & POC Information:

- EPA Office of Water:
http://www.epa.gov/nodes/pubs/pr000ed_pgp.pdf
- DENIX CWA SSC Homepage
https://denix.osd.mil/denix_secure/cwbssc/



If Installation Meets NOI Requirements:

- Coordinate with storm water POC and Integrated Pest Management Coordinator
- Submit NOI and write Pesticide Discharge Management Plan (PDMP)
- Survey for pests
- Keep pesticide usage records with required information and submit annually.

AIR

EPA Approves New Coolant for Car Air Conditioning Systems; Better Climate Protection without Harming the Ozone Layer

The EPA has issued final approval for a new refrigerant for use in motor vehicle air-conditioning systems that does not deplete the ozone layer, protecting the environment and people's health. The new chemical, HFO-1234yf, may now be used in air conditioning for new cars and light trucks. When used appropriately, this chemical can reduce the environmental impact of motor vehicle air conditioners. HFO-1234yf has a global warming potential that is 99.7 percent lower than the current chemical used in most car air conditioners (HFC-134a).

Prior to HFC-134a, car air conditioners generally used CFC-12, a potent greenhouse gas and ozone-depleting substance. Depletion of the stratospheric ozone layer leads to higher levels of ultraviolet (UV) radiation reaching the Earth's surface. UV radiation has several harmful effects, including skin cancer, cataracts, immune system suppression, and premature aging and wrinkling of the skin. More information can be found at: <http://www.epa.gov/ozone/snap/> and <http://www.epa.gov/sunwise/uvindex.html>.

EPA Proposes First National Standard for Mercury Pollution from Power Plants

The EPA proposed the first-ever national standards for mercury, arsenic and other toxic air pollution from power plants on 16 MAR 11 in response to a court deadline. The new power plant mercury and air toxics standards would require many power plants to install widely available, proven pollution control technologies to cut harmful emissions of mercury, arsenic, chromium, nickel and acid gases.

Toxic air pollutants like mercury from coal- and oil-fired power plants have been shown to cause neurological damage, including lower IQ, in children exposed in the womb and during early development. The standards also address emissions of other toxic metals linked with cancer such as arsenic, chromium and nickel. Mercury and many of the other toxic pollutants can damage the environment and pollute lakes, streams, and fish. Also, cutting these toxic pollutants helps to reduce fine particle pollution.

Power plants are the largest source of several toxic air pollutants – responsible for half of mercury and more than half of acid gas emissions in the US. Coal-fired power plants are responsible for 99 percent of mercury emissions. Currently, more than half of all coal-fired power plants already deploy pollution control technologies that allow them to meet these standards. Once these standards are finalized, the remaining coal-fired plants, roughly 44 percent, will have to take similar steps to reduce these pollutants. The proposed rules provides up to 4 years for facilities to meet the standards and, once fully implemented, will prevent 91 percent of mercury in coal from being released into the air.

In October 2009, EPA entered into a consent decree that required a proposal to be signed by 16 MAR 11 and a final rule to be completed by November 2011.

A public comment period, which will last 60 days after appearing in the Federal Register, will allow stakeholders including the public, industry and public health communities, to provide important input and feedback, ensuring that any final standard maximizes public health benefits while minimizing costs. As part of the public comment process, EPA will also hold public hearings on this proposed rule. Additional details on these events will be announced at a future date. For more information, go to: <http://www.epa.gov/airquality/powerplanttoxics/>.

Extension of Reporting Deadline for 2010 GHG Emissions

On 1 MAR 11, EPA announced that its Greenhouse Gas (GHG) Reporting Program has recently completed extensive work to develop GHG data reporting requirements for a wide range of different industries in response to Congressional mandates. This program will provide Congress, stakeholder groups and the public with information about these emissions while helping businesses identify cost effective ways to reduce emissions in the future. To ensure that the requirements are practical and understandable to the thousands of companies already registered to report under the program, the agency is in the process of finalizing a user friendly online electronic reporting platform.

Following conversations with industry and other parties, and in the interest of providing high quality data to the public this year, EPA is extending this year's reporting deadline - originally 31 MAR 11 - for facilities required to report GHG per the GHG Mandatory Reporting Rule (MRR). EPA plans to have the final uploading tool available this summer, with the data scheduled to be published later this year. This extension will allow EPA to further test the system that facilities will use to submit data and give industry the opportunity to test the tool, provide feedback, and have sufficient time to become familiar with the tool prior to reporting. The agency will provide more detail on these intended changes in the coming weeks and will ensure that this reporting extension is in effect before the original reporting deadline of 31 MAR 11. More information on the GHG Reporting Program can be found at: <http://www.epa.gov/climatechange/emissions/ghgrulemaking.html>.

WATER

Water Contaminant Information Tool (WCIT)

The Water Contaminant Information Tool (WCIT) is a secure, on-line database profiling chemical, biological, and radiological contaminants of concern for drinking water and wastewater utilities. WCIT enables water utilities, public health officials and federal, state and local agencies to better plan for and respond to an "all-hazards" contamination incident. More information can be found at: http://www.fedcenter.gov/kd/go.cfm?destination=ShowItem&item_id=17180.

ENERGY

GSA Bulletin on Energy Efficient Commercial Buildings Tax Deduction

GSA has issued a bulletin addressing tax deduction procedures for federal agencies incurring expenses for energy efficient building investments made in government-owned buildings. In government-owned buildings, the government may allocate this tax deduction to the person or persons primarily responsible for designing the qualified improvements and this can provide significant incentive for contractors to meet or exceed energy reduction requirements. In the event that a contractor requests allocation of the tax deduction from an agency, the agency can use the GSA Policy on Energy Efficient Commercial Buildings Tax Deduction as an information resource for allocating the deduction.

GSA's Policy on Energy Efficient Commercial Buildings Tax Deduction, GSA Bulletin OFHPGB 2011-OGP-1 is available at <http://www.gsa.gov/portal/content/221677>.

Additional information on IRS guidance, Deduction for Energy Efficient Commercial Buildings, is available at http://www.irs.gov/irb/2008-14_IRB/ar12.html.

REGION 1



CONNECTICUT

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

Legislative – Proposed

CT H 6400

INTRODUCER: Joint Committee on Commerce

TITLE: Department of Environmental Protections Stormwater

INTRODUCED: 02/16/2011

LAST AMEND: 03/24/2011

DISPOSITION: Pending

LOCATION: HOUSE

SUMMARY: Streamlines the Department of Environmental Protection's stormwater general permitting process; streamlines the state's stormwater general permitting process.

STATUS: 03/24/2011 Committee Substitute reported out of Legislative Commissioner's Office.

03/24/2011 Reissued by Legislative Commissioner's Office with File No. 196

03/24/2011 HOUSE Calendar No. 132.

NEW==: The bill was Tabled by the House on 3/24/2011. It will be taken back up for action on the second legislative day. ==NEW

Outlook:

Bill Text: <http://www.cga.ct.gov/2011/TOB/H/2011HB-06400-R00-HB.htm>

Regulation – Adopted

CT 4659 2010

AGENCY: Department of Environmental Protection

TITLE: State Implementation Plan for Air Quality

PROPOSED: 09/14/2010

ADOPTED: 03/01/2011

SUMMARY: Concerns greenhouse gas emissions in its new source review prevention

of significant deterioration.

AGENCY CONTACT: Merrily A Gere, Department of Environmental Protection, Bureau of Air Management, Engineering and Enforcement, 79 Elm St, Hartford, CT 06106-5127, fax 860-424-4064, merrily.gere@ct.gov

CITATION: RCSA 22a-174-1, -3a, -33

STATUS: 03/01/2011 Rule Adoption
Effective Date: 01/28/2011
Vol. LXXII, No. 35, Connecticut Law Journal 03/01/2011 pp. 1C-16C

PRIVATE FILE: Master

NEW==: Effective January 2, 2011, Connecticut permit applicants and DEP will be required to address greenhouse gas (GHG) emissions in permits issued under either the new source review (NSR) prevention of significant deterioration (PSD) or Title V program. The Connecticut regulations are expected to take effect in early 2011. The Connecticut SIP revision incorporating these regulatory revisions is due to EPA on 03/01/2011, the deadline requested in the CT DEP 09/29/2010 letter to the EPA. Once the EPA approves the Connecticut SIP, the DEP will be able to issue permits for greenhouse gas emissions. ==NEW

LINKS:

Rule Development: GHG Information Page:
http://www.ct.gov/dep/cwp/view.asp?a=2684&q=466198&depNav_GID=1997 Notice of Proposed Rulemaking:
<http://www.ct.gov/dep/cwp/view.asp?A=2586&Q=465750> Proposed Rule:
http://www.ct.gov/dep/lib/dep/air/permits/regulatory_revisions_for_notice_august_31.pdf

RULE HISTORY:

Proposed Rule: 9/14/2010; Public Hearing: 10/18/2010; Comment Deadline: 10/18/2010; Revised Proposed Rule: 12/09/2010; Effective: 01/02/2011

Rule Summary: The proposed revisions grant DEP the authority to regulate greenhouse gas (GHG) emissions in its new source review (NSR) prevention of significant deterioration (PSD) and Title V permitting programs as required by the U.S. Environmental Protection Agency (EPA) in Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule (75 FR 31514; June 3, 2010). The specific sections of the Regulations of Connecticut State Agencies revised are as follows: * 22a-174-1, adding definitions for "carbon dioxide equivalent emissions" and "greenhouse gases;" * 22a-174-33(a)(7), adding "greenhouse gases" to the definition of "regulated air pollutant" under the Title V permitting program; * 22a-174-33(a)(10), adding GHG emissions thresholds to the definition of "Title V source;" * 22a-174-33(d)(1) and (2), allowing sources to avoid Title V

permitting by limiting GHG emissions; * 22a-174-3a(a)(1), requiring sources of GHG emissions to obtain a permit to construct and operate; * 22a-174-3a(d)(3), requiring sources to install Best Available Control Technology (BACT) for GHG emissions; * 22a-174-3a(j)(1), adding GHG emissions thresholds to BACT applicability; * 22a-174-3a(k)(1) and (2), adding GHG emissions thresholds to PSD applicability.

Subject: SIP_FIP, Title_V

US ACOE to Issue Programmatic General Permit in Connecticut

The New England District of the U.S. Army Corps of Engineers (ACOE) has published a public notice for its intent to issue a Programmatic General Permit (PGP) for activities in waters of the United States that have minimal individual and cumulative impacts on the aquatic environment within the State of Connecticut and lands located within the exterior boundaries of an Indian reservation.

This PGP is separated into two sections, one for activities occurring within Inland Waters and Wetlands and one for activities occurring within Tidal, Coastal and Navigable Waters. In order for activities to qualify for this PGP, they must meet the PGP’s terms and eligibility criteria, stipulations listed in the Definition of Categories (Appendices 1 and 2) as well as the PGP’s general conditions. The Public Notice for the project was issued on 25 JAN 11. To view details on the informational session and the ACOE Public Notice, please visit http://www.ct.gov/dep/cwp/view.asp?a=2705&Q=473976&depNav_GID=1635.



Note: The Massachusetts General Court meets throughout the year.

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

Regulatory – Adopted

MA 9781 2010

AGENCY: Executive Office of Energy and Environmental Affairs/Department of Environmental Protection
 TITLE: Low Emission Vehicle Program
 PROPOSED: 01/07/2011
 ADOPTED: 03/18/2011
 SUMMARY: Amends rules regarding the greenhouse gas (GHG) emission standards for model year (MY) 2009-2011 and MY 2012-2016 new passenger vehicles.
 AGENCY CONTACT: Donald M. Gomes, MassDEP, One Winter St, Boston, MA 02108, 617-556-

1057
CITATION: 310 CMR 7.00
 Rule Adoption
STATUS: 03/18/2011 Effective Date: 03/18/2011
 Issue 1178, Massachusetts Register 03/18/2011
 NEW==: The rule was adopted on 3/18/2011. ==NEW

LINKS:
 Rulemaking Page: <http://www.mass.gov/dep/public/publiche.htm#lev10>

Rule Development:
 Public Hearing Notice:
<http://www.mass.gov/dep/public/hearings/lev10phn.htm>

Technical Support Document:
<http://www.mass.gov/dep/service/regulations/proposed/lev10tsd.pdf>

RULE HISTORY:
 Public Notice: 12/17/2011; Public Hearing: 01/19/2011; Comment
 Deadline: 01/31/2011; Rule Adopted: 03/18/2011;
 MassDEP is proposing to adopt recent revisions made by the California Air
 Resources Board (ARB) to the greenhouse gas (GHG) emission standards
 for motor vehicles. The regulations would apply to model year 2009-2011
 and 2012-2016 passenger cars, light-duty trucks, and medium-duty
 passenger vehicles. The revisions would be incorporated in the
 Massachusetts Low Emission Vehicle (LEV) Program regulations.

Rule Summary:

New Commissioner at MASS DEP

The Massachusetts Department of Environmental Protection (MassDEP) has a new commissioner. Ken Kimmell is an environmental attorney and former general counsel at the Massachusetts Executive Office of Energy and Environmental Affairs. For more information about Commissioner Kimmell, visit the MassDEP web site at www.mass.gov/dep/about/bio.htm.



MAINE

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

Legislative – Proposed

ME S 91

LD: 311
AUTHOR: Collins (R)

TITLE: Harbor Safety

INTRODUCED: 02/03/2011

DISPOSITION: Pending

LOCATION: Joint Committee on Environment and Natural Resources

SUMMARY: Clarifies that maintenance dredging may be performed with a permit by rule only if the applicant has been issued an individual permit for maintenance dredging in the same location within the last 10 years. This bill also provides that the amount of material to be dredged may not exceed the amount originally approved by the individual permit.

STATUS: 02/08/2011 HOUSE refers to JOINT Committee on ENVIRONMENT AND NATURAL RESOURCES in concurrence.

Lexis Summary: This bill clarifies that maintenance dredging may be performed with a permit by rule only if the applicant has been issued an individual permit for maintenance dredging in the same location within the last 10 years. This bill also provides that the amount of material to be dredged may not exceed the amount originally approved by the individual permit.
NEW==: The bill was voted by committee as Ought to Pass as Amended on 3/15/2011. The bill has not reported out. ==NEW

Outlook:

Bill Text:
http://www.mainelegislature.org/legis/bills/bills_125th/billtexts/SP009101.asp

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

Maine DEP Commissioner Appoints Senior Leadership Team

The Commissioner of the Maine Department of Environmental Protection has named the leadership team that will direct the three units within his office and the three bureaus that administer the day-to-day operations of the state's environmental programs.

Darryl Brown, who was confirmed as commissioner by the Maine State Senate in late January and began work in early February, has filled all seven of the appointed positions that comprise his senior management team.

Patricia Aho will serve as Deputy Commissioner, Teco Brown (no relation to Darryl Brown) as Director of the Bureau of Land and Water, and Samantha DePoy-Warren as Director of Education and Outreach.

Deputy Commissioner Aho, a native of Boothbay Harbor who graduated from Nasson College and earned a law degree from Western New England College, has been in the forefront of environmental advocacy for over 25 years and has been active on many of the critical issues facing Maine, including energy efficiency, greenhouse gas and petroleum regulation. Admitted to the Maine Bar, she most recently served as an attorney at Pierce Atwood and will be Maine DEP's primary liaison with both the Maine Legislature and the Governor's Office. She has a lengthy commitment to community service, having served on town boards and committees in both Boothbay Harbor and Newcastle and on the boards of the Lincoln County Community Theater and Orchestra and the Maine Tourism Association. She has also been honored with the prestigious Athena Award from the Kennebec County Chamber of Commerce for her advocacy on behalf of the business community.

Bureau of Land and Water Director Teco Brown has more than a decade of experience working for Maine DEP, including as Director of the Division of Licensing and Review within the Bureau of Land and Water that he now heads up. More recently, he has worked as an environmental consultant, assisting clients throughout New England navigate the permitting process. A graduate of the University of Maine with a B.S. in Natural Resource Management and a former Sergeant in the Army, Brown has in the past represented the town of Wayne on its planning board and on the board of the Cobbossee Watershed District and served as the chair of Wayne's Board of Appeals for 14 years, ending his term last month to rejoin Maine DEP.

Director of Education and Outreach DePoy-Warren, who has a B.A. from the University of Maine at Farmington and attended graduate school at the University of Maine, has more than a decade of experience as a communications strategist and award-winning writer and photographer. She has served as a staff writer at the Lewiston Sun Journal, editor of the Livermore Falls Advertiser and most recently was the Marketing and Communications Manager for the Institute for Civic Leadership. In her new role, DePoy-Warren will serve as the spokeswoman for Maine DEP and work to communicate to the public the meaningful work of the 410-person department that extends far beyond the permitting and enforcement most commonly associated with the agency and includes 24-7 emergency spill response services, business assistance, environmental education, monitoring and much more. She is also on the Board of Directors of Day One.

The remainder of the leadership team is comprised of those who have previously worked for the department. Julie Churchill, the department's former small business ombudsmen, has been named Director of the Office of Innovation and Assistance and will lead the unit as they help businesses navigate regulations and work proactively to prevent pollution. Barbara Parker, Maine DEP's longtime Director of Response Services has been asked to serve as Acting Director of the Bureau of Remediation and Waste Management. Jim Brooks, the longtime Director of the Bureau of Air Quality, will continue to serve in his former capacity as will Jim Dusch, who has been the Director of the Policy Development and Implementation Unit since 2004. The Maine Department of Environmental Protection is responsible for protecting and restoring Maine's natural resources and enforcing the state's environmental laws. Legislative mandate directs DEP to prevent, abate and control the pollution of the air, water and land. The charge is to preserve, improve and prevent diminution of the natural environment of the State. The department is also directed to protect and enhance the public's right to use and enjoy Maine's natural resources. The department administers programs, educates and makes regulatory decisions that contribute to the achievement of this mission. For more information about the Maine Department of Environmental Protection, visit www.maine.gov/dep.



NEW HAMPSHIRE

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

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

Regulatory – Adopted**NH 7623 2011****STATE ID:** INT 2011-2**AGENCY:** Department of Environmental Services**TITLE:** Control of Open Source Air Pollution**PROPOSED:** 01/28/2011**ADOPTED:** 03/04/2011

SUMMARY: Limits open source air pollution by regulating emissions of particulate matter and toxic air pollutants from the burning of materials where the products of combustion are discharged directly into the atmosphere rather than through a stack, chimney, or flue.

AGENCY CONTACT: Karla McManus, Planning and Rules Manager, Department of Environmental Services, 29 Hazen Drv, PO Box 95, Concord, NH 03302-0095, 603-271-6854, fax 603-271-1381, karla.mcmanus@des.nh.gov

CITATION: Env-A 1000

STATUS: 03/04/2011 Interim Rule Adoption
Effective Date: 03/04/2011

Vol. XXXI, No. 10, New Hampshire Register 03/11/2011 p. 16

The proposed rule would affect individuals and entities that intend to burn materials in the ambient air, undertake certain activities which generate particulate emissions or sponsor firefighter instruction and training activities.

The rule establishes requirements for open burning, fugitive dust, and firefighter instruction and training activities. It specifically sets forth general open burning requirements and identifies restricted materials. ENV A-1003 relates to Firefighter Instruction and Training Activities. It establishes procedures for minimizing emissions of particulate matter and toxic air pollutants from firefighter instruction and training activities. The rules will expire on March 12, 2011 unless readopted.

Lexis Summary:

The Department is proposing to readopt the chapter with amendments that are intended to (1) clarify existing requirements; (2) delete the requirement for open burning to not create a nuisance; (3) provide more detail for the precautions needed to prevent, abate, and control fugitive dust and (4) separate the requirement to provide notice for firefighter instruction/training from the contents of the notice itself.

NEW==: This rule was adopted and effective 3/4/2011. ==NEW

LINKS:**Rule Development:**

Rulemaking Notice:

<http://des.nh.gov/organization/commissioner/legal/rulemaking/documents/env-a1000-rmn.pdf>

RULE HISTORY:

Interim Rule Proposed: 1/28/2011; Approved: 2/4/2011; Rule Notice: 01/28/2011; Public Hearing: 02/15/2011; Comment Deadline: 02/25/2011; Adopted and Effective: 03/04/2011

Surface Water Quality Standards –Request for Public input

The NH Department of Environmental Services (DES) is seeking advance public comment to determine if any modifications to New Hampshire's surface water quality standards are needed. The New Hampshire surface water quality standards consist of RSA 485-A:1-4, 8-11 and Env-Wq 1700, Surface Water Quality Regulations. The DES is seeking suggestions from the public for possible revisions to the standards per 40 CFR 131.20. These suggestions will be considered by the DES Water Quality Standards Advisory Committee for future inclusion in New Hampshire's water quality standards. The text of RSA 485-A:1-4, 8-11 can be accessed at <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-L-485-A.htm>. The existing rules can be accessed directly at <http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wq1700.pdf>.

PUBLIC HEARING: Thursday, 14 APR 11, 2:00 PM*; Rms 112-113-114, DES offices, 29 Hazen Drive, Concord (*or immediately following the public hearing on proposed amendments to Env-Wq 1708.10 and Env-Wq 1708.12, whichever is later).

LAST DAY TO FILE WRITTEN COMMENTS: Monday, 25 APR 11 (4:00 PM)

CONTACT: Philip Trowbridge (philip.trowbridge@des.nh.gov), Civil Engineer V

Note: Residents of New Hampshire are encouraged to provide input as citizens. Please remember that only certain individuals are authorized to make comments on behalf of DoD. If you have any questions concerning this policy, please consult your command or REC.

**RHODE ISLAND**

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

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

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



VERMONT

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

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

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

REGION 2



NEW JERSEY

The New Jersey Legislature meets throughout the year.

Legislative – Proposed

[NJ A 862](#)

SPONSOR: Milam (D)
TITLE: Medical Waste Violations
INTRODUCED: 01/12/2010
DISPOSITION: Pending
LOCATION: Assembly Environment and Solid Waste Committee
SUMMARY: Increases civil penalties for medical waste violations and intentional ocean pollution.
STATUS: 01/12/2010 To ASSEMBLY Committee on ENVIRONMENT AND SOLID WASTE.

This bill increases civil penalties for medical waste violations and intentional ocean pollution.

Lexis Summary:

Bill Text:

Outlook: NEW==: This bill was referred to the Assembly Environment and Solid Waste Committee on 01/12/2010. ==NEW

Subject: HazWas_Misc

Regulatory – Adopted

NJ 19419 2010

STATE ID: 42 NJR 2297
 AGENCY: Department of Environmental Protection/Site Remediation Program
 TITLE: Site Remediation
 PROPOSED: 10/04/2010
 ADOPTED: 03/21/2011
 SUMMARY: Amends rules pertaining to administrative and technical requirements for the remediation of contaminated sites. Amends rules concerning timeframes, vapor intrusion, and form names.
 AGENCY CONTACT: Leslie W Ledogar, Esq, Office of Legal Affairs, Department of Environmental Protection, PO Box 402, Trenton, NJ 08625-0402 (reference DEP Docket No. 06-10-09)
 CITATION: NJAC 7:26C-3.2, 3.3, 3.5, 9.5; 7:26E-1.8, 1.12, 1.14, 1.15, 1.17, 1.18, 3.2, 3.3
 STATUS: 03/21/2011 Notice of Correction
 Vol. 43, No. 6, New Jersey Register 03/21/2011 p. 731

NEW==: The Notice of Correction was published in the 03/21/2011 Register. Under "Expiration Date" in the notice heading, the expiration date for N.J.A.C. 7:26E was incorrectly listed as May 17, 2012; the correct expiration date for N.J.A.C. 7:26E is May 7, 2012. ==NEW

DEP Website: <http://www.nj.gov/dep> Notice of Proposed Rulemaking: <http://www.nj.gov/dep/rules/notices/100410a.html> Proposed Rule: <http://www.nj.gov/dep/rules/proposals/100410a.pdf>
 Final Rule: This final rule can be found on Lexis.com under Get A Document at citation 43 NJR 389 (c).

Rule Development: Notice of Correction: This Notice of Correction can be found on Lexis.com under Get A Document at citation 43 N.J.R. 731(c).

RULE HISTORY:
 Proposed Rule: 10/04/2010;
 Public Hearings: 11/01/2010; 11/03/2010;
 Comment Deadline: 12/03/2010;
 Rule Adoption: 01/26/2011;
 Rule Filing: 01/28/2011;
 Effective Date: 02/22/2011;
 Notice of Correction: 03/21/2011

Rule Summary: The Department amended the mandatory remediation timeframes

established in the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) rules by extending them for one additional year and also amended the regulatory timeframes set forth in the Technical Requirements in order to afford the person responsible for conducting the remediation a full one year "safety cushion" to ensure that the mandatory timeframes are met. The Department amended the trigger for an immediate environmental concern in indoor air in the Technical Requirements from an exceedance of the screening level to the exceedance of the rapid action level contained in or developed consistent with the Department's Vapor Intrusion Guidance.

New Jersey Files Appeal in Federal Circuit Court over River Deepening Project

On 15 FEB, the New Jersey Governor's Office filed notices with the Third Circuit U.S. Court of Appeals in Philadelphia informing the court it will appeal rulings that will allow the deepening of the Delaware River's shipping channel to proceed despite the lack of updated environmental studies. The administration wants the U.S. Army Corps of Engineers to perform these studies to prove the project won't harm the river's ecology, especially ecologically sensitive wetlands and creeks adjacent to dredge disposal sites in South Jersey. The bulk of the Army Corps' environmental analyses were done in 1997, with limited updates made several years ago. More recent DEP testing suggest the river sediments contain elevated levels of PCBs, metals, polycyclic aromatic hydrocarbons and other contaminants that the Army Corps did not previously address. The project calls for the deepening of the river's 102-mile shipping channel from Philadelphia to the mouth of Delaware Bay. The local sponsor of the project is the Philadelphia Regional Port Authority. For more information, go to: http://www.nj.gov/dep/newsrel/2011/11_0018.htm.

DEP Proposes Common Sense Waiver Rule Would Allow Economic Growth, Enhanced Environmental Benefit

In furtherance of Governor Chris Christie's Executive Order No. 2 that seeks to establish "Common Sense Principles" to govern New Jersey, the Department of Environmental Protection (DEP) has proposed a rule to enable it to remove unreasonable impediments to economic growth while ensuring net environmental benefit for the state. Developed through extensive consultation and meetings with environmental advocates, local government officials, and the business community, the rule would permit the Department to waive strict compliance with regulations in certain limited circumstances that do not compromise protections for the environment or public health.

The DEP would consider a waiver application only if one or more of the following conditions exists:

- Conflicting rules - The requirement sought to be waived conflicts with another Department or other State or Federal agency rule.
- Unduly burdensome - Strict application of a rule creates an exceptional and undue hardship (similar to criteria for local zoning variances), or where another method of compliance would have the same or better results but at a significantly lower cost.
- Net environmental benefit - The environment would be enhanced by a project enabled by the waiver; mitigation would be allowed to be considered.
- Public emergency - DEP must waive a rule to respond to an emergency.

Under the rule, the DEP would consider whether a proposed waiver is consistent with the Department's core mission; whether the waiver is consistent with the intent of any underlying statute; whether the site is a redevelopment or brownfield; and/or whether a net environmental benefit would be achieved by granting the waiver. A waiver would not be granted in any case inconsistent with any State or Federal laws, regional air agreements, emissions trading programs, or health and safety standards. Permit fees also cannot be waived. The review process would be transparent: all applications to and approvals by DEP would be publicly noticed.

When promulgating its rules, the Department cannot anticipate every circumstance or personal hardship that may exist. The standards of each chapter are designed to capture nearly all situations that could come before the DEP. Strict compliance with a regulatory provision can, in some limited circumstances, lead to unreasonable, unfair and unintended results, which can adversely affect not only prospective applicants, but also the public and the environment.

The proposed rule is available online at <http://www.nj.gov/dep/rules/notices.html>.



NEW YORK

The New York State Legislature meets throughout the year.

Legislative – Proposed

NY A 815

SPONSOR: Dinowitz (D)
TITLE: Environmental Impact Statements
INTRODUCED: 01/05/2011
DISPOSITION: Pending
LOCATION: Assembly Environmental Conservation Committee
SUMMARY: Requires environmental impact statements to consider cumulative effects of an action.
STATUS: 01/05/2011 INTRODUCED.
 01/05/2011 To ASSEMBLY Committee on ENVIRONMENTAL CONSERVATION.

Lexis Summary: This bill requires environmental impact statements to consider cumulative effects of an action for projects in communities already experiencing the impact by polluting facilities; defines "cumulative effects".

NEW==: This bill was referred to the Assembly Environmental Conservation Committee on 01/05/2011. It has not yet been scheduled for a hearing. ==NEW

Outlook: Bill Text: http://assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=A00679%09%09&Summary=Y&Actions=Y&Memo=Y&Text=Y

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

NY State Rechargeable Battery Recycling Law

The NYS Rechargeable Battery Recycling Act passed into law 10 DEC 10. The law requires manufacturers of certain rechargeable batteries to collect and recycle the batteries statewide in a manufacturer-funded program at no cost to consumers. Consumers across the state will now be able to safely return to retailers rechargeable batteries for recycling or proper management at the end of its useful life.

The law covers the following types of batteries: Nickel-cadmium, Sealed lead, Lithium ion, Nickel metal hydride and Dry cell Battery packs containing any of the batteries mentioned above. The law does not cover the following types of batteries: Batteries/packs mentioned above weighing 25 pounds or more, Batteries used as the principal power source for vehicles (including golf carts and wheelchairs), Batteries for storage of electricity generated by alternative power sources (e.g., wind-driven generators), Batteries for backup as an integral component of electronic devices and Non-rechargeable batteries (e.g., common alkaline batteries).

The new law provides requirements for manufacturers of rechargeable batteries covered under the law, retailers of rechargeable batteries covered under the law who are selling to NYS consumers, and NYS consumers of rechargeable batteries covered under the law. Manufacturers or groups of collaborating manufacturers of rechargeable batteries covered under the law are responsible for financing the collection and recycling of the batteries, advertising their program to consumers and reporting on the progress of their programs. Manufacturers are required to submit a collection and recycling plan to the Department of Environmental Conservation (DEC) by 10 MAR 11.

Beginning 8 JUN 11, retailers that sell rechargeable batteries covered under the law will be required to accept used rechargeable batteries from consumers during normal business hours and must post signs informing consumers about these requirements. A retailer must accept up to ten batteries per day from any person, regardless of whether that person purchases replacement batteries, and must accept as many such batteries as a consumer purchases from the retailer.

Beginning 5 DEC 11, no "person" (as defined in Subdivision 1-0303(18) of the Environmental Conservation Law) shall knowingly dispose of covered rechargeable batteries as solid waste at any time in the state. For more information, go to: <http://www.dec.ny.gov/environmentdec/72469.html>.

REGION 3



DISTRICT OF COLUMBIA

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

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

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



DELAWARE

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

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

Regulation – Proposed

DE 2557 2010

AGENCY:	River Basin Commission
TITLE:	Schedule of Water Charges
PROPOSED:	03/01/2010
SUMMARY:	Amends rules regarding schedule of water charges to increase the rate of payment.
AGENCY CONTACT:	Paula Schmitt, Commission Secretary, River Basin Commission, PO Box 7360, W Trenton, NJ 08628-0360, 609-883-9522, Paula.Schmitt@drbc.sate.nj.us
CITATION:	Uncodified
STATUS:	03/01/2010 Proposed Rule Comment Deadline: 04/16/2010 Vol. 13, Issue 9, Delaware Register of Regulations

03/01/2010 pp.1144-1146

NEW==: The rule is final and effective on February 24, 2011. ==NEW

Delaware River Basin Commission Website:

Rule Development: Proposed Rule Notice (begins on page 1144):

Rule History:

Proposed Rule: 3/1/2010; Comment Deadline: 4/16/2010; DRBC Meeting: 09/15/2010; Final Rule effective: 02/24/2011.

Rule Summary:

This proposed rule amendment relates to a proposed increase in the schedule of water charges in the Delaware River Basin. Specifically, the consumptive use rate is proposed to be increased from \$60 to \$90 per million gallons effective on January 1, 2011 and from \$90 to \$120 per million gallons effective on January 1, 2012. The non-consumptive use rate is proposed to be increased from \$.60 to \$.90 per million gallons effective on January 1, 2011 and from \$.90 to \$1.20 per million gallons effective on January 1, 2012.

DNREC to Hold Public Meetings on Universal Recycling Throughout the State

The Delaware Department of Natural Resources and Environmental Control (DNREC)'s Solid and Hazardous



MARYLAND

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

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

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

In Md., felt boots blamed for invasive 'rock snot'

Maryland is about to become the first state to enforce a ban on a type of footgear in an effort to protect trout streams from an aquatic invader. The state Department of Natural Resources is prohibiting wading with felt-soled fishing boots after 21 MAR 11 to curb the spread of invasive organisms that can get trapped in the damp fibers and carried from one body of water to another. Similar bans will take effect 1 APR 11 in Vermont and in

2012 in Alaska. These bans are aimed at didymo, a type of algae that coats riverbeds with thick mats of yellow-brown vegetation commonly called "rock snot." Maryland fishery regulators say didymo, short for *Didymosphenia geminata*, can smother aquatic insect larvae such as mayflies, stoneflies and caddis flies that are favored food for trout. Didymo, pronounced DID-ee-moh, isn't a stream-killer like acid mine drainage. Fish have adapted in the northern rivers where it first appeared, but biologists can't say for sure how it will affect the ecology of Maryland waterways. Maryland officials say 2011 will be an "education year," with violators getting warnings and information cards instead of tickets. Fines and penalties haven't yet been determined and won't be effective until 2012.



NORTH CAROLINA

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

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

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



PENNSYLVANIA

Note: The Pennsylvania General Assembly meets throughout the year.

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

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

Richard J. Allan Nominated To Lead Dept. of Conservation and Natural Resources

Gov. Tom Corbett this week nominated Richard J. Allan, of Camp Hill, Cumberland County, as secretary of the Department of Conservation and Natural Resources. Since 1991, Allan has served as executive director for the Pennsylvania, Maryland and Delaware members of the Institute of Scrap Recycling Industries, the national trade association that represents the recycling industry. Since 2005, he has also been a consultant to energy producers in the electric, wind, solar and coal sectors. Allan, 57, has served on the boards of the Pennsylvania Environmental Council and Pennsylvania Resources Council since 2000.

Allan was a founding member of Back Mountain Recreation, Inc., a recreation and environmental facility in Luzerne County. He was also a founding member of the North Branch Land Trust, which provides management to more than 10,000 acres of land in Northeastern Pennsylvania. He has also worked with the LACAWAC Sanctuary Foundation. He also served on the Department of Environmental Protection's Solid Waste, Recycling Fund and Climate Change advisory committees, and the Recycling Markets Development Center.

The Department of Conservation and Natural Resources is charged with maintaining and preserving the 117 state parks; managing the 2.1 million acres of state forest land; providing information on the state's ecological and geologic resources; and establishing community conservation partnerships with grants and technical assistance to benefit rivers, trails, greenways, local parks and recreation, regional heritage parks, open space and natural areas.



VIRGINIA

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

Legislative – Adopted

VA S 961

IDENTICAL: VA H 1649

AUTHOR: Northam (D)

TITLE: Virginia Water Protection Permit

INTRODUCED: 01/12/2011

ENACTED: 03/15/2011

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 149.

SUMMARY: Extends the exemption from fee requirements for a Virginia Water Protection Permit to dredging activities performed by the Department of the Navy; provides that dredging operations sponsored by the Army Corps of Engineers are already exempted from such fees.

STATUS: 03/15/2011 Signed by GOVERNOR.
03/15/2011 Acts of Assembly. Chapter No. 149
NEW==: This bill was signed by the Governor and became Chapter 149 on 3/15/2011. It is effective as of 7/1/2011. ==NEW

Outlook: Bill Text (as enrolled): <http://lis.virginia.gov/cgi-bin/legp604.exe?111+ful+SB961ER+pdf>

Bill Text (as introduced): <http://lis.virginia.gov/cgi-bin/legp604.exe?111+ful+SB961>

Legislative – Adopted**VA H 326**

AUTHOR: Plum (D)
TITLE: Mercury Thermostats
INTRODUCED: 01/13/2010
ENACTED: 02/26/2010
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 4.

SUMMARY: Requires the State's Waste Management Board to adopt regulations to encourage the recycling of thermostats containing mercury; authorizes localities to prohibit the disposal of mercury thermostats in any privately operated landfill within its jurisdiction, so long as the locality has implemented a recycling program that is capable of handling all of the mercury thermostats within the jurisdiction.

STATUS: 02/26/2010 Signed by GOVERNOR.
 02/26/2010 Acts of Assembly. Chapter No. 4

This bill requires the Virginia Waste Management Board to adopt regulations to encourage the recycling of thermostats containing mercury. The bill also authorizes localities to prohibit the disposal of mercury thermostats in any privately operated landfill within its jurisdiction, so long as the locality has implemented a recycling program that is capable of handling all of the mercury thermostats within the jurisdiction.

Lexis Summary:

Amended House engrossed text:

Bill text as passed by House and Senate :

Chapter 4:

NEW==: On 2/26/2010, the Governor approved this bill in Acts of Assembly Chapter No. 4 and it goes into effect on 7/1/2010. The bill amends and reenact §10.1-1425.26 of the Code of Virginia, Bill text as passed by House and Senate: . ==NEW

Outlook:**VA General Assembly Passes Law on Fertilizer**

During the Phase I Chesapeake Bay TMDL Watershed Implementation Plan process, the Stakeholder Advisory Group agreed that regulation of fertilizer application was the most cost effective way to reduce nutrient loading. Subsequently, bipartisan legislation (Senate Bill 1055) that will bar the Virginia sale of fertilizer containing phosphorus for use on established lawns beginning on 31 DEC 13 has unanimously passed the House of Delegates and the Senate of Virginia and is awaiting the governor's signature. The legislation also prohibits the sale of pavement deicing agents containing urea or other forms of nitrogen or phosphorus beginning on 31 DEC 13.

The legislation also requires nutrient management plans for golf courses to be developed and implemented by 1 JUL 17. Additionally, the legislation will require clear labeling on home fertilizer sold in Virginia. The labels will advise consumers on how to use the product properly, achieve desired results, and avoid pollution of nearby waterways. Finally, the legislation requires a report concerning the use of slowly-available nitrogen in fertilizer (lawn and lawn maintenance) material to the legislative committees with subject matter jurisdiction over agriculture and the environment. This report could lead to additional legislation that could further reduce nutrient loads by requiring slow release nitrogen in fertilizer.

It has been estimated that the law could reduce phosphorus pollution running off into the Chesapeake Bay from Virginia by at least 230,000 pounds per year, or 22 percent of Virginia's phosphorus reduction goal by 2017. This will save municipal separate storm sewer systems including those owned by DoD millions of dollars by reducing their need to install expensive stormwater runoff treatment systems. However, the legislation will impose some new requirements on DoD installations. Since the law also prohibits sale and use of deicing materials containing urea and other forms of nitrogen or phosphorus, DoD facilities will need to discontinue use of these materials and replace them with alternative pavement deicing agents such as acetate based products by 31 DEC 13. DoD golf courses will also be required to develop nutrient management plans by 1 JUL 17. Once the legislation is adopted and becomes law, Virginia will join eight other states restricting the use or sale of phosphorus in fertilizers. The Maryland and Pennsylvania legislatures are considering similar legislation.



WEST VIRGINIA

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

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

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

PROFESSIONAL DEVELOPMENT

Conferences

National Environmental Justice Advisory Council (NEJAC) Teleconference, 31 MAR 11

The purpose of this one-day conference is to foster innovative thinking on the suite of federal and state policies needed to reduce

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

The National Environmental Justice Advisory Council (NEJAC) will host a public teleconference meeting on Thursday, March 31, 2011 from 1300 to 1600 Eastern Standard Time. The primary topic of discussion will be methods to ensure long-term engagement of communities in the Gulf Coast eco-system restoration efforts. There will be a public comment period from 1430 to 1600. To register by e-mail, send an e-mail to March2011NEJACMeeting@AlwaysPursuingExcellence.com with "Register for the NEJAC-March Teleconference in the subject line. To register by Fax, send a fax or leave a voice message at 877-773-1489. Please include your name, organization, city and state, e-mail address and telephone number.

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>.

Oil Spill Research Strategy Review Panel Meeting, 11 – 12 APR 11, Washington, DC

The Deep Water Horizon spill identified the need for additional research on alternative spill response technologies; environmental impacts of chemical dispersants under deep sea application conditions; the fate and toxicity of dispersants and dispersed oil; chronic health effects for spill response workers and the public; and shoreline and wetland impacts, restoration and recovery. Additional information is available at http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/Oil%20Spill%20Research%20Strategy?OpenDocument and the draft strategy is available at: [http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/177EF331F2AD57CB85257798006BD42A/\\$File/Draft+Oil+Spill+Research+Strategy.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/177EF331F2AD57CB85257798006BD42A/$File/Draft+Oil+Spill+Research+Strategy.pdf).

Wind Powering America Webinar: Wind/Radar Interactions, 20 APR 11

This free webinar is part of the U.S. Department of Energy's Wind Powering America 2011 webinar series. It will provide a discussion about the latest developments to overcome challenges in wind turbine/radar system interactions. The webinar is free; no registration is required. More information can be found at: http://www.windpoweringamerica.gov/filter_detail.asp?itemid=2952.

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

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

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

The National Solar Conference is the longest-running educational event for solar energy professionals in the U.S. The SOLAR 2011 program will be developed by solar energy experts in all topical areas - technology, buildings,

policy, professional education, workforce development, and consumer education. Many sessions offer continuing education credits for architects, installers, and engineers. For more information, go to: <http://www.nationalsolarconference.org/>.

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

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

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

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

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

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

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

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

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

DoD personnel and stakeholders interested in military training and testing, natural and cultural resources management, and sustainable and compatible land, air, sea, and frequency use topics are invited to explore the interdisciplinary nature of sustaining military readiness, share lessons learned and best practices among colleagues and stakeholders, and participate in a broad spectrum of informative training workshops. Detailed agenda, lodging and travel information can be found at www.smrconference.com.

TRAINING

Only the CECOS courses offered within Regions 1-3 and North Carolina are listed here (with the exception of Natural Resources and Cultural Resources courses). For further information on the courses below, other course offerings, and/or to register, visit the CECOS training website at <https://www.netc.navy.mil/centers/csfe/cecos/>

CECOS Classroom Courses

Beginning Date	End Date	Course	Location
24 MAR 11	24 MAR 11	RCRA Hazardous Waste Review	Groton, CT
18 APR 11	22 APR 11	Hazardous Waste Facility Operator	Norfolk, 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	Nat'l 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

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
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.cecosweb.com under Training by Subject>EMS. A certificate is issued to all registered users upon completion. This module is designed to provide an awareness level overview of EMS to satisfy the requirement that ALL personnel have basic EMS knowledge. It is also to be taken as a quick refresher for anyone that takes the Advancing an Effective EMS and/or Integrated EMS/Compliance trainings.

NAVOSH & Environmental Training Center

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

EPA Watershed Assessment Tools Training, Various Times & Locations

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

USDA Forest Service Continuing Education Program, Various Times & Locations

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

EPA Online EMS Training Course

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

MEET THE REC

STAFF

<p>RADM M. S. Boensel 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) 322-2938 DSN 262-2938 or Deputy (757)-322-2812</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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LINK HELP

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

If you find a dead link, please contact us at dodcreg3@navy.mil and we will find the link for you.

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If your email address or phone number changes, please send an email with the updated information.

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dodcreg3@navy.mil. Thanks.