



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 FY2013 Program Agenda

The federal facilities program strives to achieve EPA's Strategic Goal of **Improving Compliance** by ensuring federal agencies comply with environmental laws. The federal sector is one of the largest and most diverse in the nation. EPA is focused on ensuring long-term environmental compliance and uses both enforcement and compliance assistance to accomplish this. Timely and appropriate enforcement actions are encouraged with emphasis on Integrated Strategy areas. This agenda is issued by EPA's Federal Facilities Enforcement Office (FFEO) and the Federal Facilities National Program Managers and can be found at <http://www.fedcenter.gov/Announcements/index.cfm?id=21310>.

FAQs on UST Operator Training at Federal Facilities

Developed by EPA Office of Underground Storage Tanks (OUST), this document addresses questions on the applicability of UST operator training requirements at Federal Facilities. In the majority of states, the operator training deadline is set for 8 AUG 12. For more information, go to: [Op Tr At Fed Fac QA 5-25-12.docx](#).

Hurricane Season is here – Have a Plan

Hurricane season is from 1 JUN – 30 NOV and largely affects the southeastern US from the Gulf Coast along the entire eastern seaboard. The Navy held its annual hurricane exercise, Citadel Gale, in April to prepare for hurricane season. The purpose of the exercise is to organize response capability for severe weather threats and maintain the ability to deploy forces in the most adverse weather conditions. Ensuring the fleet is ready to respond to extreme weather is a major priority, however, it is imperative that Sailors and their families prepare before a hurricane makes landfall. For information and tips, go to: <http://navylive.dodlive.mil/2012/05/31/hurricane-season-is-here-have-a-plan/>.

EPA Advises Facility Operators to Plan Now to Minimize Releases during Hazardous Weather Events

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

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

The alert and requirements are available at http://www.epa.gov/region4/r4_hurricanereleases.html.

In the event of a hazardous weather incident, please visit <http://www.epa.gov/naturalevents/> for updated emergency information.

Revised National Wetland Plant List Released

The Army Corps of Engineers, as part of an interagency effort, has released the final 2012 National Wetland Plant List (NWPL). The NWPL is used to determine whether the hydrophytic vegetation parameter is met when

conducting wetland determinations under the Clean Water Act and the Wetland Conservation Provisions of the Food Security Act. The list became effective on 1 JUN 12 and will be used in any wetland delineation performed after this date. The wetland plant list used for Clean Water Act purposes was first published by the FWS in 1988 and contained 6,728 species. The latest list contains 8,200 species. The majority of the increase in the number of species is a result of new taxonomic interpretations. The new list also includes changes in plant indicator status for 807 species, or 12 percent of the previous list. The final NWPL is available at: http://wetland_plants.usace.army.mil.

Navy to Demonstrate Great Green Fleet this summer

By Jason Hanna - CNN

The U.S. Navy for the first time will demonstrate what it calls a Great Green Fleet – a carrier strike group operating in large part on non-fossil fuels - during a large, 22-nation exercise this summer.

The Navy's two-day demonstration, which will happen during the biennial Rim of the Pacific exercise around Hawaii from June 29 to August 3, is part of its plan to send such a strike group on a regular, months-long deployment in 2016, Navy Secretary Ray Mabus said. It's also a step in the Navy's plan to meet at least half of its energy needs – on shore and afloat – with non-fossil fuels by 2020. “(This summer's demonstration) will focus on the fact that we are well down the path of meeting these goals,” Mabus said.

The demonstration strike group will include aircraft operating on 50/50 blends of biofuel and conventional aviation fuel, and non-carrier ships operating on 50/50 blends of biofuel and diesel. Other parts of a strike group – the carrier and the submarines – already are nuclear-powered.

The blends already have been tested on ships and aircraft, but the demonstration is meant to show that an entire strike group can operate together on these fuels, Mabus said.

Navy officials haven't yet determined how many ships and aircraft will be involved in the demonstration, Navy Lt. Richlyn Neal said. But a carrier strike group can involve a number of vessels, including a guided missile cruiser, a destroyer, and a frigate.

The Navy wants to reduce its reliance on fossil fuels because the market is subject to price and supply uncertainties, with much of the fuel originating in volatile or potentially volatile parts of the world, Mabus said.

For 2012, the Defense Department is spending \$3 billion more for fuel than it had budgeted because prices rose faster than expected, Mabus said. More stability is needed to prevent unplanned cuts in essential areas such as operations, training, or capital expenses (i.e. shipbuilding). “We're subject to price shocks and supply shocks, and this is a military vulnerability that we want to eliminate to make us a better military force,” Mabus said. “... I think that both the Navy and the Marine Corps have really embraced the notion of getting off fossil fuels to the maximum extent possible, because ... it makes us better war fighters.”

The demonstration is just one piece of the 36-day Rim of the Pacific event, which the Navy says is the world's largest international maritime exercise. More than 25,000 personnel from 22 nations are expected to participate in the exercise. It will include exercises in disaster relief, combat, counter-piracy, and other operations, the Navy says.

Nations sending units and/or personnel to this year's event are: Australia, Canada, Chile, Colombia, France, India, Indonesia, Japan, Malaysia, Mexico, Netherlands, New Zealand, Norway, Peru, Philippines, Russia, Singapore, South Korea, Thailand, Tonga, the United Kingdom and the United States.

EPA and GSA Help Feds Go Greener with the “Federal Green Challenge”

The President directed Federal executive branch agencies to establish an integrated strategy for sustainability throughout the Federal government. ([See Executive Order 13514](#)) To help support this charge, the U.S.

Environmental Protection Agency (EPA), in collaboration with the U.S. General Services Administration (GSA), has initiated the "Federal Green Challenge" (FGC).

The FGC is a national initiative which challenges federal agencies to "lead by example" in making their facilities more environmentally sustainable. The U.S. government is the nation's largest single purchaser of goods and services, and controls a real estate portfolio of approximately 500,000 buildings. With such scope and volume, the government's adoption of "sustainable" practices can have a dramatic effect in driving the marketplace further toward products and services that embrace sustainability.

The GSA is a key FGC partner because of the enormity of its influence and responsibility in federal building operations and purchasing throughout the country. The FGC is intentionally focused at the "facility level" to capture what EPA and GSA have learned through experience -- that facilities have the greatest ability to implement on-the-ground, real-time actions to efficiently and effectively reduce their environmental footprints.

To get involved, federal facilities voluntarily select at least two out of six focus areas -- waste, electronics, purchasing, energy, water, or transportation. One of the selected focus areas must be waste, electronics, or purchasing. The facility then sets an improvement goal of at least 5% for a given year for the selected areas. Progress is measured against a plan developed by the participating facility with help provided along the way by EPA through technical support, webinars and networking opportunities. Recognition is given to participating facilities for commendable results.

To encourage the broadest participation in the FGC, the scope of a "facility" is defined by its on-site management. For example, a "facility" may be one or more tenants in a federally owned or leased building, a whole building, a satellite office, a group of buildings, an entire complex, base, or any combination thereof.

Please take action today to become more environmentally sustainable by joining the FGC! To join or to get more information, go to: www.epa.gov/fgc or contact your regional representative listed at <http://epa.gov/fgc/regional.html>.

Electric Grid Overhaul on Military Bases Expected to Lure Private Investment

Sandra Erwin – National Defense Magazine

Renewable energy suppliers, real estate developers, and other members of the eco-industrial complex are awaiting details on a potential \$7 billion, 30-year opportunity to supply electricity to Army bases. Of all the Defense Department's green-energy initiatives, the [Army's plan to turn over land to developers in exchange for cleaner and more reliable electricity](#) is seen as one with promise of real profits for the private sector, experts said.

Fueling industry's optimism is a recent Presidential directive that instructs the U.S. military to deploy 3 gigawatts — enough to power two to three million homes — of renewable energy, including solar, wind, biomass, and geothermal, by 2025.

As the military's largest landowner, the Army is the biggest consumer of electricity in the Defense Department and, therefore, is in a position to attract private sector investors. Of the Pentagon's annual \$15 billion energy bill, about 25 percent is spent on electricity for facilities at more than 500 military installations in the United States and overseas. The Army alone has 155 installations and 200 utilities. The service last year launched an "energy initiatives task force" that was specifically created to ease the transition of outdated Army-owned power utilities into modern grids that integrate renewable sources of energy. The task force also is expected to help contractors navigate the complex regulatory maze and environmental red tape associated with building energy plants on military bases.

Industry analysts have estimated the military services will need at least 2,000 megawatts of renewable power just to meet the administration's 2025 goal. Army officials already have decided that privatizing the electricity supply is the way to go. The cost of building the infrastructure is too high for the Army to bear, and the military lacks the technological know-how of the private sector. But in order to capitalize on industry expertise and save money, nontraditional contracting vehicles and incentives for investors will be needed. "To get megawatts of

renewable energy, you have to commit to long-term purchases,” said Robert E. Tritt, co-chair of the Military Base and Communities Practice of law firm McKenna Long & Aldridge.

Energy companies are awaiting a request for proposals that the Army, teamed with the Army Corps of Engineers, is expected to release later this year. It could set in motion a decades-long effort to bring renewable energy into many Army bases. “This has the attention of defense contractors, renewable contractors and public utilities,” Tritt said. “Everyone wants to do business with the world’s biggest customer.”

Tritt predicted that if the Army structures the incentives right, [contractors will have no trouble securing private financing](#). “In a different time, the Army would simply build their own projects with their own money,” he said. But the Defense Department doesn’t want to be in the energy business any more. Furthermore, private firms can do it more economically because the federal government offers energy tax credits of 30 percent to developers. These credits would not be available to the Defense Department. “It’s cheaper for the Defense Department to buy energy from the private sector,” Tritt said. Once the Army commits to 30-year power-purchasing agreements, investors will step up, he said.

The Army already has decided that it will structure the contracting process in two phases. First, it will pre-qualify vendors, and later it will issue specific “task orders” for which the qualified vendors would bid. Under these so-called multiple award task order contracts, only the pre-selected pool of contractors is allowed to compete for individual projects.

For more information, go to: <http://www.nationaldefensemagazine.org/blog/Lists/Posts/Post.aspx?ID=786>.

Biofuels Industry at Crossroads as Military Waits for Lower Prices

Eric Beidel – National Defense Magazine

Military leaders like to say that their aircraft, ships and personnel can’t tell the difference between petroleum and biofuel. But their budgets can. Planes, ships and helicopters all have completed successful tests using alternative fuels. But the Defense Department has been paying per-gallon rates for biofuels that make volatile standard oil prices look like steals.

It’s the classic chicken and the egg conundrum. Industry needs the military to buy big providing a demand signal that could help reduce prices, but a lot of things have to be sorted out in the young market before the Pentagon can afford to do that.

To be sure, the costs have been coming down. The Navy is paying \$12 million for 450,000 gallons of biofuel to power a carrier strike group off the coast of Hawaii this year. That \$26.6-per-gallon purchase is nowhere near the \$2.50 the service pays for each gallon of petroleum. (It has been stated that it would be about \$16 per gallon if it were mixed with standard jet fuel.) But it can be considered a good deal when compared to what the Navy paid biofuels supplier Solazyme Inc. under a previous contract.

The service in 2009 spent \$8.5 million for 20,000 gallons of algae-based fuel. That works out to \$425 per gallon. In the fall of that year, the Defense Logistics Agency paid Montana’s Sustainable Oils \$2.7 million for 40,000 gallons of fuel from the camelina plant. That’s about \$67.50 per gallon.

The makers of biofuel have not moved to full-scale production; therefore, the military is still paying research-and-development costs as part of the contracts.

During a recent discussion hosted by the Pew Charitable Trusts, former Republican senator from Virginia John Warner, a strong proponent of the Pentagon’s green energy efforts, put the question to two executives whose companies have been big players in the nascent biofuels industry. “How much per gallon does the military pay you?” he asked. It took the gentlemen — Vice President of Renewable Energy and Chemicals at Honeywell UOP Jim Rekoske and Solazyme President Harrison Dillon — about 15 minutes to sidestep the question.

It’s unfair to count the contracts currently being rewarded as per-gallon fuel purchases, Dillon said. “All of our contracts with DoD are [research and development],” he said. “They involve research, purchase of new

equipment, and actual production of fuel. The cost has come down in each of these contracts and we are confident that at full commercial scale we can be competitive with petroleum.”

The nation has been getting fuel from petroleum for more than a century. The transition away from that will take time, said Rekoske, whose company last summer powered the first transatlantic flight to use a 50-50 blend of camelina and petroleum-based jet fuel. “We are at the infancy of advanced biofuels,” he said. “We are still very early in that maturity curve and we need to make sure we understand that. We will get there. We will move down on the cost scale, but it’s going to take time and it takes further investment.”

The Defense Department plans to spend \$300 million on alternative fuels over the next five years. The military spent about \$17 billion on petroleum last year alone, Pew analysts said. It is clear to onlookers that the biofuels industry needs more help than the armed services can give it.

“Trying to spur the market to get a whole new energy source is a difficult thing to do on your own,” said Nancy Young, vice president of environmental affairs for Airlines for America, an industry trade organization.

The airline industry is another “early adopter” of biofuels and will be a gigantic consumer in the future. A mid-size airline uses as much jet fuel as the entire military, so it only makes sense that the industry would want to find a competitive alternative to petroleum, Young said. But the risk needs to be spread across the spectrum — from farmers and producers to the variety of end-users.

“You need to connect the whole supply chain,” she said.

There are a number of efforts to bring these groups together. The Department of Agriculture recently hosted a matchmaking event in Washington, D.C., to connect producers of energy feedstocks with biorefineries seeking to make fuels for commercial sale and consumption. Sarah Bittleman, senior advisor to the agriculture secretary, said that these key relationships will determine the country’s success in developing and deploying new aviation fuels. Those involved in feedstock and biofuels production must increase their understanding of supply chain issues, logistical challenges and potential pitfalls along the way, Bittleman said.

A main concern is the lack of facilities. The Energy Independence and Security Act of 2007 mandated that the country’s fuel supply include 36 billion gallons of biofuel by 2020. In 2010, the Agriculture Department reported that the United States still needed 527 new biorefineries at a cost of \$168 billion to meet that mandate.

“We’re essentially renting factories,” Dillon said. “We have no large-scale purchasing on the feedstock, so we’re buying truckload by truckload of feedstock [and introducing it] into the process.”

Issues related to time and money are working against the establishment of biorefineries that can serve the military. The DLA currently only has authority to award contracts for up to five years to purchase fuel. But building a large-scale production facility to make biofuels is an expensive proposition that requires financing. And companies are finding it difficult to obtain large sources of up-front money for the construction and operation of new plants on the basis of short-term contracts.

Extending DLA’s contracting authority to 15 years would send a huge message to capital markets that these investments are less risky, Dillon said.

Strides are being made. Valero Energy Corp. is building a commercial facility on the Gulf Coast to produce 10,000 barrels a day of renewable diesel fuel using Honeywell’s technology. The facility will be up and running later this year, Rekoske said.

Jet fuel is a subset of what is in diesel fuel, so Valero’s new facility sets a benchmark for what also could be done for military and commercial aircraft, he said.

“They’re kissing cousins with respect to the chemical properties,” Rekoske said. “If you can make diesel fuel, you can make jet fuel at those prices as well.”

Where the biofuels come from is another source of debate. There is concern that as the biofuels industry gains momentum, it may eat into feedstocks used by other industries.

“We are interested in making something which is indistinguishable chemically and physically from gasoline, diesel fuel and jet fuel,” Rekoske said. “We also focus on making sure we try to use sustainable feedstocks. Sustainability of feedstock is probably the industry’s major challenge — finding feedstocks which are not only sustainable but are available at a reasonable cost.”

Warner expressed concern about a tug-of-war between the biofuels and food industries. He wondered where farmers would find additional land to grow crops for alternative fuels.

“I represented an agriculture state and went to the farms,” he said. “It’s corn, it’s soy beans, it’s wheat, it’s alfalfa and so forth, and they rotate the crops. I don’t know where there’s any vacant land suddenly to expand.”

Young’s organization facilitated a pre-purchase agreement with AltAir Fuels LLC for 75 million gallons of jet fuel per year over the course of a decade. This project will involve the growing of camelina in the Pacific Northwest on land that is already being used for agricultural purposes. Camelina is a cover crop and can be used in rotation with wheat and other grains, and the same equipment can be used to farm the different crops, Young noted.

The Agriculture Department is performing outreach trying to persuade farmers to use camelina and has announced a pilot program to begin providing crop insurance for the plant. The department also has studied the feasibility of giving crop insurance to producers of other biofuel feedstocks such as corn stover, straw and woody biomass. There needs to be more initiatives to show farmers that these crops will be competitive with others that they grow, Young said. Those types of programs will help the industry climb over the commercial hump, she said.

But there also can be a clash of interests over feedstocks.

The key feedstock for the soap industry is animal fat, which just happens to be the key ingredient the new Valero facility will be using to produce its renewable diesel fuel.

“We’re seeing the case where our feedstock is going to biofuels,” said Mary Vihstadt, government affairs consultant for the Dial Corp., a soap manufacturer. She said that she understands that biofuels will take precedence until new feedstocks and technologies come on line.

“But what do we do in the meantime?” Vihstadt said. Animal fat “is dependent upon how much beef we consume in this country. It’s inelastic, so we will be competing with biofuels for a feedstock that we use to make soap.”

It doesn’t have to be a competition, Dillon said.

Solazyme makes oil from sugar and even partners with Unilever to make soap without using a drop of animal fat, he said.

Solazyme turns plant biomass into oil. Plant material, which is essentially made of sugar, is put into fermentation tanks. Then the company infuses its algae into the tank, and in about two days, that algae has converted all of the sugar into oil.

“This is the first time in the history of oil we can actually design what the oil looks like,” Dillon said. “We are talking about a new technology that can turn one thing into another ... You can take wood chips or the grass clippings from the golf course that get landfilled or the stover left over after you’ve harvested the corn, you can take old newspapers. All of that you can take and you can feed it to microbes and our process turns that sugar directly into oils ideal for making a bar of soap or box of detergents.”

Collaboration will be key moving forward. The departments of Agriculture, Energy and the Navy last year announced that they would invest up to \$510 million over three years — with financial help from the private sector — to produce biofuels for both military and commercial transportation. The Agriculture Department will focus on feedstocks, the Energy

Department will take the lead on technology and the Navy will provide the market by buying the fuels. Officials hope the effort leads to the establishment of commercial-scale biorefineries in different regions of the country that produce jet and naval drop-in biofuels from a variety of feedstocks and processes.

“It is without a doubt proven that these drop-in fuels work,” Warner said. “But having sat up there in the puzzle palace for 30 years, I know that they’re going to tolerate only so long these prices for the biofuels.”

Bloomberg New Energy Finance analysts say that some aviation biofuels, including that made from camelina, could be competitive with regular jet fuel come 2018. Until then, the government will have to use subsidies and follow through on mandates requiring their use to speed up the pace of adoption, analysts said.

Companies are inching closer to being able to offer the military the quantities of green fuel it needs to make a dent in petroleum consumption. And the price of alternative fuels will continue to drop as some of the technology involved in creating them matures, Dillon said. “What did the military pay for the first set of night-vision goggles? And what do they pay today?” he said. “I’m sure it’s a lot less. That’s how technology development works.”

For more information, go to:

<http://www.nationaldefensemagazine.org/archive/2012/June/Pages/BiofuelsIndustryatCrossroadsasMilitaryWaitsforLowerPrices.aspx>.

Water Repellent Discovery Could Aid Military

Eric Beidel – National Defense Magazine

A powerful new water repellent may be able to keep water off military uniforms and help ships reduce drag in the water. The material recreates the superhydrophobic surface found in nature on the lotus plant, said John Simpson, senior research scientist at the Department of Energy’s Oak Ridge National Laboratory in Tennessee. At a recent industry conference, he showed videos of lab tests that depict water bouncing right off surfaces coated with the patented material.

The repellent essentially consists of nanostructured sand particles chemically changed to appear like Teflon. Water never really touches the superhydrophobic surface. Instead, it hits a layer of air above it, Simpson explained.

The Oak Ridge lab has developed five different types of coatings, including three transparent sprays. The potential market is wide open. For more information, go to:

<http://www.nationaldefensemagazine.org/archive/2012/June/Pages/WaterRepellentDiscoveryCouldAidMilitary.aspx>.

Congress Might Order the Navy to Quit Buying Biofuels

Noah Shachtman - Wired

The Navy has announced the ships for its demonstration of the “Great Green Fleet” — an entire aircraft carrier strike group, powered by biofuels and other eco-friendly energy sources but, if a powerful Congressional panel has its way, it could be the last time the Navy ever uses biofuels to run its ships and jets.

In its report on next year’s Pentagon budget, the House Armed Services Committee banned the Defense Department from making or buying an alternative fuel that costs more than a “traditional fossil fuel.” It’s a standard that may be almost impossible to meet, energy experts believe; there’s almost no way the tiny, experimental biofuel industry can hope to compete on price with the massive, century-old fossil fuels business.

Some Committee members insist this isn’t an attempt to kill off military biofuels before they have a chance to start. “Now, look, I love green energy,” he said in February. “It’s a matter of priorities.”

But if the measure becomes law, it would make it all-but-impossible for the Pentagon to buy the renewable fuels and it might very well suffocate the gasping biofuel industry, which was looking to the Pentagon to help it

When Mabus took over as Navy Secretary, he declared that the service would get half of its energy from sources other than oil by 2020. The two-day Great Green Fleet demo, scheduled for the end of June in Hawaii, is supposed to be the biggest step yet towards that beyond-ambitious goal. F/A-18 jets will scream off of the USS Nimitz's flight deck and destroyers like USS Chafee and USS Chung Hoon will plow through the Pacific, all powered by a 50/50 blend of alternative and traditional fuel. It is intended to show the world that the Pentagon is serious about biofuels — a full-scale Green Fleet deployment is scheduled for 2016. It will also show skittish investors that biofuel companies have a willing customer in the U.S. Navy.

But the Green Fleet's 450,000 gallons of fuel made from chicken fat and other waste greases — arguably the biggest biofuel purchase in military history — didn't come cheap. At \$12 million, they cost about four times what the equivalent petroleum product does.

There were political costs, too. Some members of the House Armed Services Committee — unhappy about shrinking defense budgets and skeptical about the White House's green initiatives — used the biofuel buy as a way to go after the administration. “I understand that alternative fuels may help our guys in the field, but wouldn't you agree that the thing they'd be more concerned about is having more ships, more planes, more prepositioned stocks,” Rep. Randy Forbes said during a February hearing with Mabus. “Shouldn't we refocus our priorities and make those things our priorities instead of advancing a biofuels market?” Then he told Mabus: “You're not the secretary of the energy. You're the secretary of the Navy.”

According to Mabus, “It's a false choice to say that we should concentrate on more ships versus a different kind of fuel. If we don't get a different kind of fuel, if we don't have a secure domestic supply of energy at an affordable price... the ships and the planes may not be able to be used because we can't get the fuel.”

What's more, Mabus added, there's a value in a more stable, domestic supply of fuel; every time the price of oil goes up by a dollar per barrel, it costs the Navy \$31 million. “We simply buy too much fossil fuel from places that are either actually or potentially volatile, from places that may or may not have our best interests at heart,” he said. “We would never let these places build our ships, our aircraft, our ground vehicles, but we do give them a say on whether those ships steam, aircraft fly, or ground vehicles operate because we buy so much energy from them.”

Congress Seeks Cuts but Navy touts Energy Plan

Joshua Stewart – Navy Times

While Congress is looking to tighten the Navy's energy initiatives, the service is on the offensive and touting the long-term cost savings that green efforts will reap.

“Taking the long view is really important,” said Monica Medina, a special assistant to Defense Secretary Leon Panetta responsible for energy and environmental matters. Cutting costs and increasing efficiencies through environmental and energy programs is a priority in the secretary's office and for the Navy, she said.

Her comments came after the House and a Senate committee voted in May against the Navy's biofuel plans. Congressional Republicans have argued that the fuels are too expensive — four to five times the cost of traditional fuels — particularly when there are defense spending cuts looming.

For more information, go to: <http://www.navytimes.com/news/2012/06/navy-congress-cuts-energy-savings-060512w/>.

The Military Plays an Important Role in Biofuels Procurement

Clifton Yin – The Energy Collective

The military's FY2013 budget is playing out to be a hot-bed of debate over the role of government in supporting clean energy innovation. Both the U.S. House of Representatives and the Senate Armed Services Committee passed Department of Defense (DoD) budgets that ban the department from developing or purchasing advanced alternative energy fuels that cost more than traditional fossil fuels. While most of the resulting media focus has

been on weighing the possible advantages associated with biofuel use relative to its cost, too little attention has been paid to the important role the DoD can play as a technology-first adopter.

The ban came about in large part due to controversy over the U.S. Navy's investments in advanced biofuel RD&D. The Navy's efforts are primarily centered on making the service less vulnerable to oil price fluctuations and potential disruptions in oil supplies, which also falls under the DoD's broader goal of developing more energy efficient, non-fossil-fuel fuels and technologies in order to increase war capabilities. As Navy Secretary Ray Mabus claimed last year, the Navy is pursuing alternative energy sources "primarily for one reason: it makes us better warfighters." Nevertheless, as biofuels have been procured by the Navy at prices significantly higher than regular fuel, cost has been the primary concern of policy critics. "In a tough budget climate for the Defense Department, we need every dollar to protect our troops on the battlefield with energy technologies that reduce fuel demand and save lives," Senator John McCain commented on the Senate Armed Service Committee vote. "Spending \$26 per gallon of biofuel is not consistent with that goal."

In fact, as detailed in a previous blog post, while the algae and cooking oil purchased by the Navy last year did cost roughly \$26 a gallon, the resulting biofuel blend for actual military use only cost about \$15 a gallon. Even the \$26 figure, however, represents a substantial drop in price over the course of one year, as the Navy had bought 20,055 gallons of algae biofuel in October 2010 for \$424 per gallon. That drop, again, has been attributed to "continued research and a growing commercial market for biofuel", which highlights the DoD's unique ability to foster emerging energy technologies through procurement. As *Bloomberg Businessweek* pointed out, "the department is the nation's largest consumer of energy, spending about \$15 billion last year on fuel for tanks, ships, aircraft and other operations. In Afghanistan, the military uses more than 50 million gallons of fuel each month." This fact not only informs the military's need to develop alternative energy sources out of strategic considerations, but also underlines its purchasing power. As ITIF's *Lean, Mean, and Clean* report on DoD energy innovation observed, "large-scale purchasing of new technologies creates early markets for new technologies, allowing private firms time to grow and gain productive experience, while also driving cost reductions and technology performance improvements."

While biofuels are undeniably costly relative to conventional fuels, by providing an early market, the military can help ensure that this will not always be the case. Fred Kaplan points out at *Slate* that the microchip "was first demonstrated at the radio industry's tech show in 1959, to little fanfare because, at \$35 per chip, it was too expensive for any commercial application. Nevertheless, the government's decision to build the Minuteman II missile in the 1960s created a market for the product, whereupon "the extra production spawned economies of scale, which brought the costs down to the point where commercial products were feasible, which triggered further demand, which spawned greater economies of scale and competition from other firms, which lowered prices further...and on it went, until 1971, when the price for a chip had plunged to \$1.25. (By 2000, it was down to 5 cents.)"

Today, the biofuels industry is at a "tipping point" for commercialization, as was the consensus of an expert panel at a recent International Finance Corporation workshop. One biofuel entrepreneur, Tom Todaro, credits DoD policy for the industry's progress in recent years: "We'd be years behind if it wasn't for the military."

Of course, it's clear that policymakers have an alternative agenda: the proposed ban on advanced biofuels includes an exception that allows the DoD to pursue more expensive fuels derived from coal and natural gas. And that's unfortunate because in a short time, DoD's robust innovation ecosystem has accelerated progress of a clean, next-generation technology that could have not only significant military benefits, but commercial ones as well. These are exactly the type of lower-cost (the \$12 million Navy biofuels procurement represents less than 0.00002% of the \$643 billion allocated by the House for DOD spending in FY2013), high-impact innovation investments government has made with great effect in the past and should continue to make.

EPA Announces NAS Review of IRIS Development Process

The EPA announced that the National Academy of Sciences (NAS) will conduct a comprehensive review of the Integrated Risk Information System (IRIS) program's assessment development process. In April 2011, NAS recommended several ways to improve the development of IRIS assessments. EPA approved these recommendations and is implementing them using a phased approach.

NAS will conduct a review of the IRIS assessment development process and the changes that are currently being made or planned by EPA in response to NAS' April 2011 recommendations. NAS will also review current methods for weight of evidence analyses and recommend approaches for weighing scientific evidence for chemical hazard identification.

The IRIS program provides health profiles of chemicals to which the public may be exposed from releases to air, water, and land and through the use and disposal of chemicals.

For more information about IRIS, go to: <http://www.epa.gov/iris>.

Military Families Eligible for Free National Parks Pass

Brock Vergakis – Associated Press

Active-duty military personnel and their dependents are now able to enter every national park for free as part of an effort to thank service members and their families for the sacrifices they make, the Interior Department announced.

An annual pass is available to members of the military free of charge. The America the Beautiful National Parks and Federal Recreation Lands Annual Pass ordinarily costs \$80. It provides access to more than 2,000 national parks, wildlife refuges, and other public lands.

The National Park Service estimates that giving away the passes to service members and their families will result in a revenue loss between \$2 million and \$6 million. The passes allow the owner and passengers in a single private vehicle access to sites that charge per vehicle. At sites where entrance fees are charged per-person, it covers the pass owner and three adults age 16 and older. "We collect about \$150 million in fees nationwide, so we don't think that this amount of decrease will be significant to the overall operations of the service," said Jon Jarvis, director of the National Park Service.

Military personnel can get the passes at any national park or wildlife refuge that charges an entrance fee by showing their military ID. Each family member will also be able to obtain their own pass even if the service member is deployed or if they are traveling separately.

The pass will be accepted at National Park Service, U.S. Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, U.S. Forest Service, and U.S. Army Corps sites that charge entrance or standard amenity fees.

The free pass will be made available for activated members of the National Guard and Reserves but not for military veterans or retirees. For more information, go to: <http://store.usgs.gov/pass/military.html>.

Planners Want to Make Bases More “Walkable”

At military installations, suburban-style sprawl is out and walkable communities are in, under new Defense Department planning guidelines. The guidelines call for “compact development” that incorporates mass transit and a mix of residential housing close to shops and other businesses. Energy conservation is a key goal; trees and other greenery should be considered as well.

“It’s about doing things more efficiently so we can preserve land for future missions,” said Dorothy Robyn, deputy undersecretary of Defense for installations and environment. “We think it will improve quality of life, but for us it’s also about doing our jobs better.”

For more information, go to: <http://www.navytimes.com/news/2012/05/military-planners-make-bases-more-walkable-051912w/>.

Navy Assistant Energy Secretary Jackalyne Pfannenstiel Resigning

By Gino Troiani – Executive Gov

Jackalyne Pfannenstiel, the Navy's Assistant Secretary for Energy, Installations, and Environment, is resigning from her post because of health reasons, the Marine Corps Times reported. Roger Natsuhara, Navy Principal Deputy, will take over the post on an active basis until her replacement is named, which and until her replacement is named, according to Christopher Cavas' story. Pfannenstiel's departure is effective on July, Cavas reported.

Since her appointment on March 2010, Pfannenstiel helped the Navy and the Marine Corps pursue projects regarding renewable energy in military readiness. Pfannenstiel worked to implement an initiative aimed at letting the Navy source one gigawatt of their energy needs from renewable sources, and supported Navy Secretary Ray Mabus' campaign to use biofuels on aircraft, ships, and vehicles.

SECNAV, CNO FY2011 Environmental Awards Given

The Secretary of the Navy (SECNAV) and the Chief of Naval Operations (CNO) Environmental Awards were presented on 5 JUN 12 in two different ceremonies at the U.S. Navy Memorial and Naval Heritage Center in Washington, DC.

The SECNAV and CNO Environmental Awards program recognizes Navy and Marine Corps personnel, installations and ships for their exceptional environmental stewardship. The CNO Environmental Award winners were presented first, and SECNAV winners were announced in a following ceremony. Vice Chief of Naval Operations Adm. Mark Ferguson presented the CNO the Environmental Awards on behalf of the Chief of Naval Operations Adm. Jonathan W. Greenert.

The SECNAV Environment Award winners for FY2011 are as follows:

Cultural Resources Management, Installation

- Cultural Resources Management Team, Joint Base Pearl Harbor-Hickman
- Natural Resources and Environmental Affairs, Marine Air Ground Task Force Training Command/Marine Corps Air Ground Combat Center 29 Palms, Calif.

Environmental Quality, Non-Industrial Installation

- Fleet Activities Yokosuka
- Marine Corps Air Station Yuma

Natural Resources Conservation, Individual or Team

- Naval Support Activity Panama City Environmental Office
- Miramar Natural Resource Team

Natural Resources Conservation, Small Installation

- Pacific Missile Range Facility
- Marine Corps Base Hawaii

Sustainability, Industrial Installation

- Naval Weapons Station Seal Beach including Detachments Fallbrook and Norco
- Marine Corps Air Station Cherry Point Environment Affairs Department

Environmental Excellence in Weapons System Acquisition

- F/A-18E/F and EA-18G Program Office, PMA 265 Green Hornet Team

Environmental Quality, Individual or Team

- NAVSUP Fleet Logistics Center, Pearl Harbor Environmental Quality Team

Environment Quality, Large Ship

- USS Ronald Reagan (CVN 76)

Environmental Restoration, Individual or Team

- Mare Island Investigation Area H1 Restoration Team

- NAVFAC Base Realignment and Closure Program Management Office

- Marine Corps Air Station Cherry Point, Partnering Team

Environmental Restoration, Installation

- Portsmouth Naval Shipyard

- Marine Corps Base Camp Lejeune.

Awards were presented in a variety of categories including natural resources conservation, cultural resources management, environmental quality, pollution prevention and environmental restoration.

US Navy to Hold Meetings to Discuss Environmental Effects of its Training Activities

The Associated Press

The U.S. Navy encourages the public to learn about and provide comments on the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for Navy training and testing activities conducted in the Atlantic Fleet Training and Testing (AFTT) Study Area. The AFTT region covers approximately 2.6 million square nautical miles and encompasses the at-sea portions of Navy range complexes and research, development, testing, and evaluation ranges along the Atlantic and Gulf coasts of the United States. Public meetings are being held to inform the public about the Navy's Proposed Action and to obtain comments on the Draft EIS/OEIS and the adequacy and accuracy of the analysis. The Navy is accepting comments throughout the 60-day comment period, from 11 MAY 12 to 10 JUL 12. All comments must be postmarked or received by 10 JUL 12 to be considered in the Final EIS/OEIS. Written comments may be submitted via the project website at www.AFTTEIS.com or by mail to:

Naval Facilities Engineering Command Atlantic
Attn: Code EV22 (AFTT EIS Project Managers)
6506 Hampton Blvd.
Norfolk, VA 23508-1278

Marines May Soon Carry Solar Backpacks

AOL Energy

According to researchers at the U.S. Naval Research Laboratory (NRL), one of the Marine Corps' most significant challenges is finding a way to provide reliable electricity to soldiers in forward operating bases. Like the rest of us, the U.S. military is desperate for ways to reduce its fuel and battery consumption. It's widely recognized that solar panels are one of the only technologies that can provide a portable, affordable source of power to those on the front lines.

NRL, in collaboration with MicroLink Devices, Design Intelligence Incorporated, and the USMC Expeditionary Energy Office (E2O), have developed and prototyped a new photovoltaic system to meet the unique needs of USMC Expeditionary Power using robust, high-efficiency solar panels suitable for adaptation to rechargeable batteries in the field.

The mobile solar power (MSP) prototype consists of single-junction cells arranged in a 150 square-inch flexible solar panel, according to a recent release. The array comes complete with a power conditioning circuit that can be used to charge a standard military-issue, high capacity rechargeable lithium-ion battery. The solar panel will be covered in traditional Marine drab, and can be rolled up into a tube and attached to the soldier's pack, similar to how one could carry a sleeping roll.

Flexible solar cells with light-to- electricity conversion efficiencies as high as 30 percent have been demonstrated in multi-cell panels. Although field tests are still in progress, initial modeling, simulation, and experimentation of the flexible array has shown considerable promise, producing more than 11 Watts per 1-sun air mass (AM) 1.5 illumination.

If successful, the MSP and other renewable energy alternatives could reduce fuel consumed per Marine per day by 50 percent and reduce total weight of batteries carried by nearly 200,000 pounds.

USNS Henry J. Kaiser Loads Biofuel for RIMPAC 2012's Great Green Fleet Demo

By Sarah Buford – Sealift Logistics Command Pacific Public Affairs

The Military Sealift Command (MSC) fleet replenishment oiler USNS Henry J. Kaiser (T-AO 187) commenced the load of 900,000 gallons of a 50/50 blend of advanced biofuels and traditional petroleum-based fuel at Defense Fuel Support Point, Manchester, WA on 13 Jun 12.

The Kaiser will take on 700,000 gallons of hydro-treated renewable diesel fuel, or HRD76, and 200,000 gallons of hydro-treated renewable aviation fuel, or HRJ5. Both fuels are a 50/50 blend of traditional petroleum-based fuel and biofuel comprised of a mix of waste cooking oil and algae oil.

While underway, the Kaiser will deliver the biofuel to the platforms participating in the Great Green Fleet demonstration, which will take place in July during the 2012 Rim of the Pacific exercise. The HRJ5 fuel will be transferred to the USS Nimitz (CVN 68) and the HRD76 fuel will be transferred to the guided-missile cruiser USS Princeton (CG 59) and the destroyers USS Chung-Hoon (DDG 93) and USS Chaffee (DDG 90).

This demonstration allows the Navy to test, evaluate, and demonstrate the cross-platform utility and functionality of advanced biofuels in an operational setting, and will achieve one of the five energy goals established by Secretary of the Navy Ray Mabus: to demonstrate a Great Green Fleet in local operations by 2012.

"The Navy has been at the forefront of energy innovation throughout its history," said Mabus. "From sail to coal-fired steam to oil and nuclear powered submarines and carriers, we have sought and achieved technological advancement in how we power the fleet because it has made us better warfighters. The Great Green Fleet demonstration is a significant milestone in the Navy's progress to greater energy security."

For more information, go to: http://www.navy.mil/submit/display.asp?story_id=67786.

FEDERAL NEWS

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

AIR

Stage II Vapor Recovery Ruled Redundant

The EPA has determined that the Stage II requirement is largely redundant as Onboard Refueling Vapor Recovery (ORVR) is in widespread use. This action allows, but does not obligate, states to discontinue Stage II vapor recovery programs. If a state decides to discontinue a Stage II program, it must seek EPA approval for a SIP modification. It is also possible that a state would determine it beneficial to continue implementation of a Stage II program.

There is one other caveat to the Stage II program that applies in the Ozone Transport Region (includes eastern states and DC). CAA section 184(b)(2) requires that all areas in the OTR, both attainment and nonattainment areas, must implement control measures capable of achieving emissions reductions comparable to those achievable through Stage II controls. Many states simply adopted Stage II programs. The waiver does not affect the Stage II programs implemented under section 184(b)(2). EPA is issuing updated guidance on determining "comparable measures". States in the OTR should refer to that guidance if preparing a SIP revision to remove Stage II programs in areas of the OTR.

The CAA SSC reviewed the proposal in July 2011 when EPA proposed the waiver. No comments were submitted.

RICE Rules Reconsideration – Review of Proposed Amendments

This action proposes amendments to the RICE NESHAP in 40 CFR part 63, subpart ZZZZ and the NSPS rules for stationary engines in 40 CFR part 60, subparts IIII and JJJJ. The EPA is proposing to address a number of issues that have been raised by different stakeholders through lawsuits, several petitions for reconsideration of the 2010 RICE NESHAP amendments, and other communications and to revise the NSPS rules for consistency with the RICE NESHAP. The EPA is also making minor corrections and clarifications. Significant proposed changes include:

1. EPA is proposing amendments to allow owners and operators of certain stationary 4SRB engines (i.e., the ones currently subject to a formaldehyde percent reduction requirement) to show compliance with an optional THC compliance demonstration option.
2. EPA is proposing more specific language indicating when RICE can participate in EMERGENCY demand response programs. The following are excerpts from the proposed amendments.
 - a. Emergency stationary ICE may be operated for emergency demand response for periods in which the regional transmission authority or equivalent balancing authority and transmission operator has declared an Energy Emergency Alert Level 2 (EEA Level 2) as defined in the North American Electric Reliability Corporation Reliability Standard EOP-002-3, Capacity and Energy Emergencies.
 - b. Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

3. EPA is proposing amendments to the rule to provide a temporary (5 year) provision that will allow existing RICE located at area sources of HAP to participate in PEAK SHAVING and NON-EMERGENCY demand response programs. This provision, which expires on 17 APR 17, will give utilities that rely on area source emergency engines time to make other arrangements. RICE located on major HAP sources are still NOT allowed to participate in peak shaving and non-emergency demand response programs.
4. EPA is proposing less stringent requirements for existing SI 4SLB and 4SRB non-emergency stationary RICE located on area sources.
 - a. For existing units located in sparsely populated areas, EPA is proposing management practices (no aftertreatment, testing, or monitoring required).
 - b. For existing units located in populated areas, EPA is proposing an equipment standard that requires the installation and operation of a catalyst that will have to be tested initially and annually to ensure that the catalyst is working properly and reducing emissions as required. In addition, these units will be required to have devices to shut down the engine if the catalyst is exposed to dangerous temperatures or have continuous monitoring equipment installed to record catalyst inlet temperatures.
5. EPA is proposing less stringent requirements for existing stationary Tier 1 and Tier 2 certified CI engines located at area sources that are greater than 300 HP that are subject to a state or local rule that requires the engine to be replaced. This is being done primarily to address agricultural engines located in San Joaquin Valley in California. EPA is proposing to allow these engines to meet management practices for a period of 2 years starting with the applicable 3 MAY 13 compliance date and ending on 3 MAY 15, after which time, the CO emission standards discussed above (which are in Table 2d of the rule) apply. Owners and operators that intend to meet management practices rather than the emission limits prior to 3 MAY 15 must submit a notification by 3 MAR 13 stating that they intend to use this provision and identifying the state or local regulation that the engine is subject to.
6. EPA is proposing to expand the current definition of remote areas of Alaska to extend beyond areas that are not accessible by the Federal Aid Highway System (FAHS).

If you have any comments, please e-mail them to dodcreg3@navy.mil by 14 JUL 12.

WATER

EPA Report Encourages the Use of Safer Alternatives to Widely Used Toxic Surfactants

The Design for Environment (DfE) Alternatives Assessment Program released a report identifying safer alternatives to Nonylphenol ethoxylates (NPEs). NPEs are substances widely used in laundry detergents and other consumer products and proven toxic to aquatic organisms.

The report provides information on the availability of safer alternatives, DfE's hazard evaluation method for surfactants, and the progress being made in adopting safer surfactants. Using rigorous hazard-based criteria, EPA evaluated hundreds of chemicals for their biodegradability and their potential effects to aquatic organisms.

DfE's Alternatives Assessment Program helps industries choose safer chemicals and offers a basis for informed decision-making by providing a detailed comparison of the potential human health and environmental effects of chemical alternatives. To date, the DfE program has labeled more than 2,700 safer products, including detergents that contain only safer surfactants and other chemicals. All companies participating in the DfE Safer Detergents Stewardship Initiative have eliminated NPE from their product lines to meet DfE criteria.

The program is voluntary and awards partner companies that pledge to use these safer alternatives. For more information, go to: <http://www.epa.gov/dfe/pubs/projects/npe/index.htm>.

Department of Veterans Affairs and EPA to Connect Veterans with Jobs in Water Sectors

The U.S. Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment Program and the EPA announced a memorandum of understanding to connect veterans with disabilities to career opportunities in the water and wastewater sectors - such as at wastewater plants and drinking water facilities.

The agreement allows VA and EPA to connect qualified veteran employees with staffing needs at water and wastewater utilities. VA and EPA will work with water utilities, states, and local VA counselors to promote water sector careers and resources for finding water jobs to veterans as well as educational programs to help veterans transition into careers in water industries.

More than one-third of all current water operators are eligible to retire within seven years and, according to the U.S. Department of Labor, employment for water and wastewater operators is expected to grow by 20 percent between 2008 and 2018, faster than the national average for all other occupations. EPA sees the need to invest now in creating a pipeline of future water sector professionals to fill these essential water sector careers.

Veterans are an important target group for water and wastewater utility jobs because many veterans already possess training and technical skills that are directly transferable to careers in the water sector. There is a wide spectrum of water sector careers that veterans could be qualified for, including engineering, laboratory and water science, operations and maintenance, management and administration, communications, and public education. The Vocational Rehabilitation and Employment Program further supports veterans for the water workforce by providing necessary accommodations and additional training as needed.

For more information about the Water Sector Workforce Initiative, go to: http://water.epa.gov/infrastructure/sustain/ws_workforce.cfm.

CHESAPEAKE BAY

Release of Chesapeake Bay Trading Study

Charlene Fassett

A May 2012 study released by the Chesapeake Bay Commission showed that nutrient credit trading could save 20 percent to as much as 80 percent of costs to meet pollution reduction goals called for in the Chesapeake Bay TMDL. Nutrient credit trading is a system that enables one pollution source to meet its pollution reduction goals by purchasing those reductions from another source. The study recommends that governments define trading rules and protocols, provide information and technical assistance, and ensure compliance and enforcement to maximize cost benefits and guarantee trading programs actually deliver pollution reductions. To date, four Chesapeake Bay watershed states – Maryland, Pennsylvania, Virginia and West Virginia – have initiated water quality trading programs. [Visit the Chesapeake Bay Commission's website](#) to learn more about the study and download the full analysis.

EPA Releases WIP Evaluation Letters

On 31 May 12, the EPA released its [evaluations of the final Phase II Watershed Implementation Plans \(WIPs\)](#) from [Pennsylvania](#), [West Virginia](#), [Delaware](#), [Maryland](#), [Virginia](#) and the [District of Columbia](#). Each state and the District of Columbia developed its own cleanup plan, in collaboration with local governments and conservation districts. The plans outline steps each jurisdiction will take toward restoring the thousands of streams and rivers that make up the Chesapeake Bay watershed.

Clean the Bay Day brings Volunteers to Dam Neck Beach

Cathy Heimer – Navy News Service

Armed with oversized orange garbage bags and rubber gloves, nearly 150 volunteers cleaned up the Dam Neck Annex Beach on 2 Jun 12. The cleanup was part of the 24th annual Clean the Bay Day, taking place at waterways along the Chesapeake Bay.

Standing shoulder to shoulder, several rows deep, volunteers lined up to walk from the water's edge up to the dune grasses, to begin cleaning up the area from the Shifting Sands Club to the end of the base, more than a mile of beachfront. "We have plenty of people to cover every square inch of the beach, which is really our main objective," said Fire Controlman (FC) 1st Class (SW/AW) Zach Winemiller, Dam Neck Clean the Bay coordinator, who was happy with the better-than-expected turnout. "It's good to have the group we do today...We don't have the capacity to do something like this," said Winemiller, one of six Sailors from Dam Neck 1st Lieutenant Division. Winemiller explained that while they receive help from MWR in patrolling and keeping the beach clean, "we don't get everything."

Clean the Bay Day encourages volunteers to devote a day to cleaning Virginia's urban, suburban, and rural shorelines and waterways. Nearly one-half of Virginia is drained by Chesapeake Bay rivers and two-thirds of the state's population lives within the bay watershed, according to the Chesapeake Bay Foundation's website. Clean the Bay provided an opportunity for many commands at Dam Neck and Naval Air Station (NAS) Oceana to volunteer as a group.

Wearing their matching blue T-shirts, members of the First Class Petty Officers Association (FCPOA) from Strike Fighter Squadron (VFA) 15 showed up Saturday morning, ready to work. "We wanted to give back to the community and help keep the base clean. It brings morale and shows we care about how the base looks," explained Yeoman 1st Class (AW/SW) Melika Pittman from the "Valions" FCPOA.

Many Sailors brought their families and made a day out of community service, while enjoying the beach at the same time. Fire Controlman 1st Class (SW/AW) Donald Staley from the Center for Surface Combat Systems Unit (CSCSU) Dam Neck and his wife, Joy, brought their five children whose ages ranged from 6 - 13 years old.

Team captains, Aviation Electrician's Mate (AE) 2nd Class (AW) Charles Mitchell and Aviation Machinist's Mate (AD) 1st Class (AW/SW) Jose Diaz from VFA-106 organized nearly 30 active duty and family members from the "Gladiators" to help clean the beach. "We're just helping out the community," said Mitchell. He attributed the large number of command volunteers to the good advertising at the squadron for nearly two weeks, with posters around the hangar and emails.

FACSFAC VACAPES, with its ongoing community service program, encourages their Sailors to participate in a variety of community service events, such as Clean the Bay Day. Operations Specialist 2nd Class Ciria Stewart didn't let the fact her baby is due 24 JUL 12 slow her down. She and her mom, Diane Stewart, joined others from her command in cleaning the beach. "I try to come to all the volunteer events. We're always trying to find new volunteer activities for our command to do," she said, as she carried the trash bag and recorded the amount and types of debris.

Team captains documented every item on blue sheets, no matter what size, before it was deposited into the garbage bags. For many of the volunteers, the most common items collected were cigarette butts and shreds of plastic bags, some of which were partially buried in the sand. The 1st Lieutenant Sailors also drove two "gators" up and down the beach collecting the orange bags, as well as oversized items that didn't fit such as PVC pipes and large pieces of driftwood.

"As far as volunteer work goes, it doesn't get a whole lot better than walking on the beach," said Winemiller. Like many participants, Winemiller brought his 9-year old daughter who picked up trash near the fence line protecting the newly planted dune grass. He said the timing of Clean the Bay is good. "It's good to come out after the first big influx of the summer season...Just past Memorial Day is good with all the garbage that gets left out here during that first big weekend," said Winemiller.

Volunteers were finished earlier than the allotted three hours because of the large turnout and many took time to enjoy the clean beach. The final tally on the clean up at Dam Neck was 26 garbage bags, filled with 500 pounds of debris.

"From a personal standpoint, I really appreciate the help because my family and I also like to come out to the beach and this makes it so much better," said Winemiller.

REGION 1



CONNECTICUT

Note: The Connecticut General Assembly convened on 8 FEB 12 and adjourned on 9 MAY 12.

Legislation

On 5 MAR 12, the Environment Committee introduced [CT SB 350](#) which would require the establishment of manufacturer mercury thermostat collection and recycling programs to collect and recycle out-of-service mercury thermostats. This bill was signed by the Governor on 31 MAY 12.

On 7 MAR 12, the Environment Committee introduced [CT SB 376](#) which concerns the coastal management act and shoreline flood and erosion control structures. The purpose of the bill is to clarify the right of property owners to construct shoreline flood and erosion control structures. This bill was signed by the governor on 8 JUN 12.

Regulations

[Designated Recyclable Items](#) - The Department of Energy and Environmental Protection has adopted amendments to 22a-241b-1 to expand the list of designated recyclable items. In addition to the materials currently required to be recycled the regulations expand the list of designated recyclable items as follows:

- Containers of three gallons or less made of polyethylene terephthalate [PET #1] plastic and high-density polyethylene [HDPE #2] plastic; and
- Additional types of paper, including, but not limited to, boxboard, magazines, residential high-grade white paper and colored ledger.

This regulation became effective on 1 MAY 12.

Proposed Rules

[Wildlife Management Regulations](#) – House Bill 5259 amending Section 15-180 of the General Statutes was signed by the governor and is effective beginning 1 JUL 12. Section 15-180 prohibits transporting a vessel or its trailer without first inspecting both for the presence of vegetation and aquatic invasive species, and properly removing and disposing of the vegetation and aquatic invasive species. Last year Connecticut amended its Wildlife Management Regulations establishing a list of nuisance/invasive aquatic invertebrates. To comply with General Statute requirements DoD installations should follow CT DEP guidance for boaters for inspecting vessels to prevent the spread of invasive species. For more information, go to:

<http://www.ct.gov/dep/lib/dep/regulations/26/26-55-5.pdf> and
http://www.ct.gov/dep/cwp/view.asp?a=2696&q=322690&depNav_GID=1630.

Submarine Learning Center Receives Leadership Award

The Submarine Learning Center at the Naval Submarine Base received a Leadership in Energy and Environmental Design (LEED) Silver Award for excellence in energy efficiency and environmentally-friendly

design of the center's headquarters building on 2 MAY 12. For more information, go to:
<http://www.theday.com/article/20120512/NWS09/120519895/-1/NWS>.



MAINE

Note: The Maine General Assembly convened on 4 JAN 12 and adjourned on 18 APR 12.

Proposed Legislation

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

Proposed Rules

[Operator Training for Oil and Hazardous Substance Storage Facilities](#) - The Department of Environmental Protection has proposed a rule which establishes training requirements for operators of underground oil storage facilities regulated under 38 MRSA §§ 561 et seq. and underground hazardous substance storage facilities regulated under rules adopted pursuant to 38 MRSA §1364(2). The training requirements specified in the proposed rule are modeled after guidelines provided by USEPA (Grant Guidelines to States for Implementing the Operator Training Provision of the Energy Policy Act of 2005 (August 2007)). The proposed rule establishes two operator classes (A/B and C) and sets out the specific training requirements for each class of operators. The rule also requires the department to develop and administer operator training and testing requirements. The rule tracks recently enacted Maine law that requires certification to be renewed every 2 years unless there is a change in the leak detection system or a finding of non compliance. The rule provides that if facility operators choose to re-certify each year the operators will not be required to re-certify upon a finding of non compliance. The rule also provides that third party training programs may be approved for use and identifies the content of third party training programs and a process for obtaining approval. The rule proposes that underground tank operators become trained by the federally established deadline of 8 AUG 12.

[Surface Water Quality Criteria for Toxic Pollutants](#) - The Department of Environmental Protection has proposed rulemaking relating to surface water quality criteria for toxic pollutants. The surface waters of the State are managed to prevent contamination from toxic pollutants in toxic amounts in order to meet the goals of the Clean Water Act and Maine's water quality standards. Toxic compounds may not be discharged in amounts that may cause toxic impacts on aquatic organisms or affect human health. This rule revision changes the cancer risk level, statewide fish consumption rate, bioconcentration factor, and establishes a percent inorganic factor for inorganic arsenic for use in calculating ambient water quality (human health) criteria. It also establishes revised inorganic arsenic criteria accordingly. Further, this revision updates Maine's ambient water quality and human health criteria for pollutants for which USEPA has updated criteria since Maine's last revision in 2005, using Maine-specific parameters where applicable.

Regulations

[Permit by Rule Standards](#) - The Department of Environmental Protection has adopted rule amendments concerning permit by rule (PBR) under the Natural Resources Protection Act to allow activities occurring in high or moderate value waterfowl and wading bird habitat to be eligible for PBR. The proposed amendments to Ch. 305 Section 20 allow new development in moderate value inland waterfowl and wading bird habitat provided the

development is located at least 100 feet back from the wetland and occupies no more than 20% of the lot within the habitat. These are major substantive rules. This regulation was passed and became effective on 8 JUN 12.

Rules for Underground Oil Storage Facilities - The Department of Environmental Protection has adopted amendments concerning requirements for the abandonment of underground motor fuel, marketing and distribution oil storage tanks upon the expiration of their tank manufacturer warranty. These amendments allow tanks and their associated facilities to remain in operation for 10 years beyond their warranty expiration date. Additionally the rule includes safeguards to prevent an increase in the number of petroleum leaks to ground water from affected underground storage tank facilities. This regulation passed and became effective on 13 MAR 12.

[Siting of Oil Storage Facilities](#) - The Department of Environmental Protection has adopted an emergency rule amending Ch. 692 to allow the installation of aboveground diesel storage tanks in sand and gravel pits provided specified design and operation requirements are met. The requirements are intended to minimize the risk of accidental discharges to significant sand and gravel aquifers mapped by the Maine Geological Survey. Most sand and gravel pits are located in these significant aquifers.

The amendments were adopted pursuant to two Legislative resolves:

- Resolves 2011, chapter 26, directing the department to establish a permit-by-rule process for diesel fuel storage tanks in borrow pits; and
- Resolves 2011, chapter 149, directing the department to adopt the new permit process as an emergency rule.

The emergency rule was adopted on 24 APR 12 and will be effective for 90 days. In the meantime, the department is proposing to adopt the same amendments through non-emergency rulemaking. Interested parties will have the opportunity to comment on the proposed amendments through that proceeding.

Surface Waters Toxic Control Program - The Department of Environmental Protection has adopted rulemaking relating to the Surface Waters Toxic Control Program. The surface waters of the State are managed to prevent contamination from toxic pollutants in toxic amounts in order to meet the goals of the Clean Water Act and Maine's water quality standards. Toxic compounds may not be discharged in amounts that may cause toxic impacts on aquatic organisms or affect human health. This rule revision allows the Department when calculating limits for toxic substances, to utilize allocations previously set aside as water quality reserves for future growth if doing so would avoid causing statistically generated (potential) exceedences of ambient water quality criteria. This rule revision also specifies that all permit limits for metals shall be expressed as mass-based limits only, unless required by adopted effluent limitation guidelines, and revises the timeframe for routine screening level testing to better provide for use of test results in Department permitting decisions. This regulation was passed and became effective on 21 MAR 12.

Transportation of Hazardous Materials in Maine - The Department of Public Safety has adopted a rule chapter that will ensure that hazardous materials are transported safely in Maine. The regulation adopts and incorporates by reference Parts 107, 171, 172, 173, 174, 177, 178, 179, 180, 387, and 397 of Title 49 Code of Federal Regulations as in effect as of October 1, 2011. This regulation passed and became effective on 29 JUN 12.



MASSACHUSETTS

Note: The Massachusetts General Court meets throughout the year.

Proposed Legislation

On 23 MAY 12, the Joint Committee on Telecommunications introduced [MA HB 4112](#) which states that the Energy Facilities Siting Board shall, with the approval of the secretary of energy and environmental affairs, promulgate rules and regulations pursuant to chapter 30A containing standards for the land-based siting, operation and decommissioning of wind energy facilities.

Proposed Rules

[Massachusetts 2012 Air Monitoring Network Plan](#) - The Department of Environmental Protection has announced a public comment period on the Draft Massachusetts 2012 Air Monitoring Network Plan. This plan was prepared in accordance with Title 40 CFR Part 58.10. Each year, MassDEP is required to submit a Network Plan to the U.S. Environmental Protection Agency (EPA) for review and approval.

The Massachusetts monitoring network is part of a comprehensive program to provide information about air quality to the public and to determine compliance with National Ambient Air Quality Standards. This Network Plan reviews MassDEP's ambient air monitoring network to determine that the requirements of 40 CFR Part 58 Appendices A, C, D and E are met, describes which pollutants and other parameters MassDEP measures at its various ambient air monitoring stations, and discusses recent and planned changes to the network.

[Protection of Properties Included in the State Register of Historic Places](#) - The Massachusetts Historical Commission has proposed amendments to the following regulation: Protection of Properties Included in the State Register of Historic Places (950 CMR 71.00). The amendment seeks to provide a time for initiation of the consultation process upon a determination of adverse effect pursuant to M.G.L. c. 9, § 27C.

[Site Assignment Regulation](#) - Department of Environmental Protection has proposed a package of amendments for the Site Assignment regulation (310 CMR 16.00) that:

- Establish that facilities handling certain organic or recyclable materials that have been separated from waste, and which will recycle, compost or convert these feed stocks into new products or energy would not be considered "solid waste management facilities", and would therefore be exempt from Site Assignment;
- Establish levels of MassDEP review and oversight for these facilities that are commensurate with and appropriate for the environmental and public health issues that they present, and that will ensure that these facilities are properly constructed and managed to avoid public health and environmental impacts; and
- Establish clear permitting pathways for facilities that would require site-specific MassDEP approvals.

These amendments are designed to provide a clear process for regulating facilities that accept and process organic material generated at other locations, and more generally for facilities accepting recyclable material that has been separated from waste.

[Stage II Vapor Recovery Fleet Exemption Amendments](#) - The Department of Environmental Protection has proposed revisions to the Massachusetts State Implementation Plan (SIP) for ozone and amendments to 310 CMR 7.24 that would provide an exemption from Stage II vapor recovery requirements for fuel dispensing facilities that exclusively refuel corporate and commercial fleets, including rental car fleets. The amendments provide that a

facility that applies for, and receives, an exemption from Stage II must decommission its existing Stage II system and install a Stage I enhanced vapor recovery system. When the amendments are finalized, MassDEP will submit them to the U.S. Environmental Protection Agency to be included in the State Implementation Plan for ozone.



NEW HAMPSHIRE

Note: The NH General Court convened on 4 JAN 12 and will adjourn on 27 JUN 12.

Legislation

On 17 NOV 11, Representative Merrow introduced [NH HB 1233](#) which would establish a statute of limitations on wetlands filling and dredging. The bill would establish a statute of limitations for persons who acquire property more than 5 years after an activity creating a violation of wetlands fill and dredge requirements has ended. This bill was signed by the Governor on 14 MAY 12 and becomes effective on 1 JAN 13.

On 21 NOV 11, Representative Merrow introduced [NH HB 1380](#) which would permit the establishment of wetland mitigation banks. This bill was signed by the Governor on 25 MAY 12 and becomes effective on 22 JUL 12.

On 22 NOV 11, Representative Cartwright introduced [NH HB 1416](#) which would require a fluoride statement to be posted in the consumer confidence report of a water system if the water supply is fluoridated. This bill was signed by the Governor on 5 JUN 12 and becomes effective on 4 AUG 12.

On 28 NOV 11, Representative Ohm introduced [NH HB 1477](#) which would revise the spent material definition to match the federal definition in 40 CFR 261.1(c)(1). This bill was signed by the Governor on 23 MAY 12 and becomes effective on 22 JUL 12.

On 20 DEC 11, Representative Moran introduced [NH HB 1636](#) which relates to the extension of fill and dredge in wetlands permits. The bill provides that certain fill and dredge in wetlands permits shall expire 10 years from the date the permit was issued. This bill was signed by the Governor on 7 JUN 12 and becomes effective on 6 AUG 12.

On 1 JAN 12, Senator Stiles introduced [NH SB 252](#) which would increase the maximum term for energy performance contracts. This bill increases the maximum term for energy performance contracts from 10 to 20 years from the date of project implementation. This bill was signed by the Governor on 7 JUN 12 and becomes effective on 6 AUG 12.

On 1 JAN 12, Senator Merrill introduced [NH SB 265](#) which relates to the definition of stormwater. This bill amends the definition of "Stormwater" in the statute governing stormwater utilities and amends the definition of "Waste" for purposes of water pollution and waste disposal. This bill was signed by the Governor on 5 JUN 12 and becomes effective on 4 AUG 12.

On 1 JAN 12, Senator Sanborn introduced [NH SB 344](#) which would allow the department of resources and economic development to cut vegetation in shoreland areas where public safety is of concern. This bill was signed by the Governor on 5 JUN 12 and becomes effective on 4 AUG 12.

Proposed Rules

Readoption of Motor Carrier Safety Rules – The NH Department of Safety has proposed the readoption of the Motor Carrier Safety Rules, most of which will expire on 2 AUG 13. These rules include the incorporation by reference of federal standards for the transportation of radioactive and hazardous materials.

Statewide Air Permit System - The NH Department of Environmental Services has proposed the readoption of existing rules with amendments that will:

1. Allow sources to appoint more than one responsible official;
2. Establish modeling thresholds to require modeling only for larger emitters;
3. Exempt sources emitting Volatile Organic Compounds (VOCs) and subject to Reasonably Available Control Technology (RACT) that have actual emissions less than 10 tons per year from obtaining a permit;
4. Streamline the permitting process for sources registering under a General State Permit, so sources will no longer need to obtain a Temporary Permit (TP or construction permit) prior to obtaining a General State Permit;
5. Streamline the process to allow sources to incorporate the requirement of a TP into their existing state permit to operate (SPO) via the minor permit amendment process;
6. Allow DES to propose amendments to a permit for a minor source to make any necessary adjustments to the permit after notifying the source and giving them an opportunity to object; and
7. Incorporate the most recent federal regulations relative to new source review (NSR) and prevention of significant deterioration (PSD), including WEPCO-like provisions for all source types (actual vs. future actual).

In addition, a new part (Env-A 625) has been proposed to address sources with low actual VOC and Hazardous Air Pollutant (HAP) emissions.



RHODE ISLAND

Note: The RI General Assembly convened on 3 JAN 12 and adjourned on 13 JUN 12.

Legislation

On 15 FEB 12, Representative Silva introduced [RI HB 7534](#) which would exempt gas stations with new gasoline dispensing equipment from the department of health's "Stage II system" requirements. This bill was signed by the Governor on 14 JUN 12

On 16 FEB 12, Representative Reilly introduced [RI HB 7766](#) which would authorize the conveyance of certain parcels of land in the Town of Middletown and the City of Newport to the federal government for the benefit of the United States Navy. This bill was signed by the Governor on 30 MAY 12.

On 1 FEB 12, Senator Pichardo introduced [RI SB 2277](#) - environmental cleanup objectives for schools. This act would provide further regulation of the use of former hazardous material sites for new construction and would take effect upon passage. This bill was signed by the Governor on 6 JUN 12.

On 16 FEB 12, Senator Miller introduced [RI SB 2445](#) which would establish guidelines for the use of alternative paving materials for non-residential driveways and parking lots under the soil erosion and sediment control model ordinance. This act says that city and town ordinances and regulations may require compliance with the Rhode Island stormwater design and installation standards manual for any development, redevelopment, or land disturbance. The Act would take effect upon passage. This bill was signed by the Governor on 13 JUN 12.

On 8 MAR 12, Senator Walaska introduced [RI SB 2753](#) which would exempt gas stations with new gasoline dispensing equipment from the department of health's "Stage II system" requirements. The Act would take effect upon passage. This bill was signed by the Governor on 6 JUN 12.

Proposed Rules

[Revisions to the RI Coastal Resources Management Program/Ocean Special Area Management Plan \(Ocean SAMP\)](#) - The Coastal Resources Management Council has proposed changes to the management plans, policies, procedures and regulations of the agency regarding planning and management of the coastal resources of the State. Comments raised by the agency's federal partner National Oceanic and Atmospheric Administration are being proposed for incorporation into the Ocean Special Area Management Plan (Ocean SAMP) to address issues that will bring the plan into conformance with federal CZMA requirements.

Regulations

[Renewable Energy and Other Offshore Development](#) - The Coastal Resources Management Council has adopted amendments to rules concerning renewable energy and other offshore development projects. The amendments will allow for site assessment plans to be vetted and decided upon at the administrative level. This regulation was passed and became effective on 8 MAR 12.

[Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems](#) - The Department of Environmental Management has adopted amendments to temporarily change the requirements under which existing, permitted Onsite Wastewater Treatment Systems located within the Salt Pond and Narrow River Critical Resource Areas must be upgraded to include nitrogen reducing technology; to streamline the Alternative Technology review process; to clarify the Experimental Technology application process; and to incorporate revisions made to the R.I. Cesspool Act of 2007 (R.I. Gen. Laws § 23-19.15) by the R.I. General Assembly in 2011. This regulation was passed and becomes effective on 9 JUL 12.



VERMONT

Note: The Vermont General Assembly convened on 3 JAN 12 and adjourned on 5 MAY 12.

Legislation

On 15 MAR 12, the House Committee on Ways and Means introduced [VT HB 769](#) relating to department of environmental conservation fees. This bill proposes to adjust department of environmental conservation fees. This bill was signed by the Governor on 17 MAY 12.

On 3 JAN 12, Senator Hartwell introduced [VT SB 179](#) relating to amending perpetual conservation easements. This bill proposed to amend the conservation easement statutes to permit modification of perpetual conservation easements. The bill established the criteria to be used to determine when an easement amendment would be allowed, created a process for making that determination, and vested the holders of the easement with initial authority to make the determination. Certain amendments and terminations were subject to review and approval by an easement amendment panel created for this purpose within the Vermont natural resources board. This bill was signed by the Governor on 9 MAY 12.

On 3 JAN 12, Senator Lyons introduced [VT SB 183](#) relating to the testing of potable water supplies. This bill proposes to require a person who owns or controls a potable water supply to test, if testing of the groundwater source is not otherwise required by law, the groundwater source for arsenic; lead; uranium; gross alpha radiation; total coliform bacteria; total nitrate and nitrite; fluoride; and manganese. This bill was signed by the Governor on 9 MAY 12.

Proposed Rules

[VOSHA Rule: Globally Harmonized System \(GHS\) of Classification and Labeling of Chemicals](#) - The Department of Labor has proposed rule modifications that will significantly reduce costs and burdens while also improving the quality and consistency of information provided to employers and employees regarding chemical hazards and associated protective measures. These modifications include revised criteria for classification of chemical hazards; revised labeling provisions that include requirements for use of standardized signal words, pictograms, hazard statements, and precautionary statements; a specified format for safety data sheets; and related revisions to definitions of terms used in the standard, and requirements for employee training on labels and safety data sheets. OSHA is also modifying provisions of other standards, including standards for flammable and combustible liquids, process safety management, and most substance-specific health standards, to ensure consistency with the modified HCS requirements. The consequences of these modifications will be to improve safety and facilitate global harmonization of standards.

REGION 2



NEW JERSEY

The New Jersey Legislature meets throughout the year.

Proposed Legislation

On 21 FEB 12, Assemblyman Ramos introduced [NJ AB 2584](#) which would require the Department of Environmental Protection (DEP) to authorize the correction of minor technical and administrative violations of DEP permitting rules. The bill would also establish a new class of minor DEP permitting violations, based on satisfaction of the following conditions: (1) the violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation; (2) the violation is based on an administrative, technical, clerical, or other non-Substantive error or omission in a notice, report, manifest, or document; and (3) the activity or condition constituting the violation is capable of being corrected and compliance achieved within 45 days. The bill would also require the DEP to treat as a minor violation any violation that has not caused actual harm to the public health, safety, or environment.

On 9 FEB 12, Senator Smith introduced [NJ SB 1557](#) which would authorize a county, county utilities authority, municipality, or municipal utilities authority, that holds a combined sewer systems general permit or any other general permit required pursuant to the Water Pollution Control Act, P.L.1977, c.74 (C.58:10A-1 et seq.) to regulate combined sewer overflows, to establish, provide and maintain a stormwater utility for the purpose of creating a stormwater management system to manage stormwater runoff. The bill would authorize those entities to finance the creation, operation, and maintenance of the stormwater utility system through the imposition of user fees. The bill would also require the Department of Environmental Protection (DEP) to create a stormwater utility guidance manual to provide guidance to counties, municipalities and authorities seeking to establish stormwater management systems.

On 7 JUN 12, Assemblyman Ramos introduced [NJ AB 3103](#) which would provide priority consideration, by DCA, DEP, DOT, and local government units, of permit applications for green building projects. This bill directs the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, municipal agencies, and county planning boards to give priority consideration to permit applications for green building projects. The bill defines "Green building project" as a project designed and constructed in a manner to: (1) achieve certification by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System as adopted by the United States Green Building Council; (2) qualify as Energy Star by the United States Environmental Protection Agency and United States Department of Energy; or (3) achieve at least a two globe rating according to the Green Globes Program as adopted by the Green Building Initiative.

Proposed Rules

[Draft General Permit \(GP 004-A\) for Fuel Dispensing Facilities](#) - The NJ Department of Environmental Protection's Air Quality Program has given notice of a public comment period on a draft new general permit for Fuel Dispensing Facilities. This general permit will replace GP-004, Storage and Transfer of Service Station Fuels

at Gasoline Dispensing Facilities, and GP-014, Stage 1 for Storage and Transfer of Service Station Fuels at Small Gasoline Distributors.

Once GP-004A is issued final, GP-004 and GP-014 will no longer be available to new registrants. Gasoline dispensing facilities registered under GP-004 and/or GP-014 can continue to operate under those existing general permits until the registrant's current general permit expiration date. Prior to expiration, the registrant must register for GP-004A, as applicable, or apply for and receive approval for a source specific permit and certificate for continued operation of the equipment.

[Notice of Adopted Amendment to the Statewide Water Quality Management Plan Establishing the 2010 303\(D\) List of Water Quality Limited Waters](#) - The Department of Environmental Protection has given notice that an amendment to the Statewide Water Quality Management Plan was adopted by the New Jersey Department of Environmental Protection (Department) as part of the Department's continuing planning process pursuant to the Water Quality Planning Act at N.J.S.A. 58:11A-7 and the Water Quality Management Planning rules at N.J.A.C. 7:15-6.4(a). This adopted amendment establishes New Jersey's 2010 303(d) List of Water Quality Limited Waters (303(d) List) in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15-6.2. The 2010 303(d) List is now part of the Statewide Water Quality Management Plan and replaces the 2008 303(d) List. The adopted amendment also establishes the Department's two-year schedule for development of total maximum daily loads (TMDLs) for high priority waters on the 2010 303(d) List. The adoption of the 2010 303(d) List and two-year TMDL schedule satisfies New Jersey's requirements under Section 303(d) of the Federal Clean Water Act (33 U.S.C. § 1313(d)).

[Notice of Availability of Annual TCPA Fee Schedule Report for Fiscal Year \(FY\) 2012](#) - The Department of Environmental Protection has given notice that it is adjusting fees to owners and operators of facilities covered under the Toxic Catastrophe Prevention Act (TCPA) pursuant to N.J.A.C. 7:31-1.11A(c)6.

Regulations

Implementation of a Distribution System Improvement Charge (DSIC) for Water Utilities - The Board of Public Utilities has adopted new rules for the implementation of a Distribution System Improvement Charge (DSIC) For Water and Wastewater Utilities at N.J.A.C. 14:9-10. A DSIC is a regulatory initiative intended to create a financial incentive for water utilities to accelerate the level of investment needed to promote the timely rehabilitation and replacement of certain non-revenue producing, critical water distribution components that enhance safety, reliability, and/or conservation and to speed the rate of renewal of this aging infrastructure. This regulation was passed and became effective on 4 JUN 12.



NEW YORK

The New York State Legislature meets throughout the year.

Proposed Legislation

On 16 MAY 11, Assemblyman Magnarelli introduced [NY AB 7706](#) which would amend the environmental conservation law in relation to minimum risk pesticides. It seeks to exempting minimal risk pesticides from pesticide applicator certification requirements.

On 19 APR 12, Assemblyman Goldfeder introduced [NY AB 9871](#) which would utilize borrow pits in Jamaica Bay as an attractive alternative for the disposing of dredge material.

On 2 MAY 12, Assemblyman Thiele introduced [NY AB 10072](#) and Senator LaVelle introduced [NY SB 7289](#) which would establish the Enterprise Park at Calverton Reuse and Revitalization District to promote the redevelopment of the EPCAL site in the town of Riverhead, county of Suffolk.

On 27 APR 12, Senator Klein introduced [NY SB 7095](#) which relates to the disposal of drugs, drug disposal sites, and home pharmaceutical collection events.

On 1 MAY 12, Senator Avella introduced [NY SB 7181](#) which would prohibit the disposal of lamps containing mercury in a solid waste facility. It would also require manufacturers of bulbs containing mercury to establish collection and recycling programs.

Regulations

[Protected Native Plants List](#) - The Department of Environmental Conservation has adopted rule making to protect endangered, threatened, rare and exploitably vulnerable plants by updating the plant lists. This regulation was passed and became effective on 23 MAY 12.

US Navy's Water Filter System in Levittown Now Operational

The U.S. Navy's temporary water filter system in Levittown is operational as of 14 MAY 12. The temporary treatment facility is part of a \$5-million pump-and-filter plant to be completed by April 2013 to help filter pollution that is threatening local drinking water, officials have said. For more information, go to: <http://www.newsday.com/long-island/towns/long-island-now-1.1732330/u-s-navy-s-water-filter-system-in-levittown-now-operational-1.3728036>.

REGION 3



DISTRICT OF COLUMBIA

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

Proposed Legislation

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

Proposed Rules

[Impervious Surface Area Charge Billing Frequency for Impervious Only Properties](#) - The Water and Sewer Authority has proposed rulemaking to amend the impervious surface area charge billing frequency for impervious only properties.

[Stormwater Fee Discount Program](#) - The Department of the Environment has proposed rules establishing a stormwater fee discount program for retail water and sewer customers. This program would provide discounts to the District stormwater fee that appears on the customer's monthly bill from the District of Columbia Water and Sewer Authority (DC Water).



DELAWARE

Note: The Delaware General Assembly convened on 10 JAN 12 and will adjourn on 30 JUN 12.

Legislation

On 10 JAN 12, Representative Scott introduced [DE HB 238](#) which would simplify the process for a military spouse applying for reinstatement of a professional license or permit with the division of professional regulation within 2 years of the license or permit lapsing. It does not apply to a revoked or suspended license or permit unless the license or permit was reinstated prior to its lapse. In addition, the bill provides for a military spouse to apply for a six-month temporary license or permit while the application for endorsement or reciprocity is being processed to verify good standing and to perform the criminal background check. The bill was signed by the Governor on 28 MAY 12.

Regulations

[New Soil Sampling Guidance](#) - The Department of Natural Resources and Environmental Control, Tank Management Section (DNREC-TMS) is revising the guidance for soil sampling at underground storage tank (UST) removals, closures in place, changes in service, and changes in substance stored activities. The Delaware Regulations Governing Underground Storage Tank Systems (the UST Regulations) require a site assessment be performed to measure for the presence of a release when any of the above-referenced activities occur. The UST Regulations do not give a specific number or location of soil samples for a site assessment. The DNREC-TMS therefore created guidance documents to assist tank contractors and consultants in determining the location and number of soil samples that are necessary to perform a satisfactory site assessment. The new sampling guidance documents will become effective 1 OCT 12. The new sampling guidance documents are available on the DNREC-TMS website at www.dnrec.delaware.gov/tanks/.



MARYLAND

Note: The Maryland General Assembly convened on 11 JAN 12 and adjourned on 9 APR 12.

Legislation

On 10 FEB 12, Delegate Stein introduced [MD HB 929](#) which would alter the dates by which specified counties must include and implement recycling and waste diversion goals in the counties' recycling plans; increase specified recycling and waste diversion goals that must be included in the counties' recycling plans; establish statewide waste diversion and recycling goals; authorize the statewide recycling goals to be met through cooperative efforts of specified parties; and authorize a specified county to combine its recycling rate with the recycling rates of specified adjacent counties. This bill was signed by the Governor on 22 MAY 12.

On 10 FEB 12, Delegate Hucker introduced [MD HB 987](#) which would require a county or municipality subject to a specified municipal stormwater permit to adopt and implement laws or ordinances to establish a watershed protection and restoration program on or before 1 JUL 13; exempt a county or municipality if the county or municipality has enacted and implemented a specified system of charges in a specified manner by a specified date; and require the program to include a stormwater remediation fee and a local watershed protection and restoration fund. This bill was approved by the Governor on 2 MAY 12.

On 10 FEB 12, Delegate Hershey introduced [MD HB 1117](#) which says that, for the purposes of issuing a permit or a variance relating to zoning, construction, or stormwater for a project to install a solar panel, any calculation relating to the impervious surface of the project required by the State or local governing authority issuing the permit or variance may include only the foundation or base supporting the solar panel. This bill was approved by the Governor on 22 MAY 12.

On 10 FEB 12, Delegate Hucker introduced [MD HB 1262](#) and on 3 FEB 12, Senator Ramirez introduced [MD SB 649](#) which would require the Department of the Environment to verify specified information before accrediting an individual to engage in an asbestos occupation; alter the circumstances under which a penalty may be composed; increase the maximum penalty that may be imposed for specified violations to \$25,000; establish the Asbestos Worker Protection Fund as a special, nonlapsing fund; require payment of specified penalties and fines into the Fund; and specify the uses of the Fund. The bill was approved by the Governor on 2 MAY 12.

On 27 FEB 12, Delegate George introduced [MD HB 1411](#) which would alter specified application fees for minor wetlands and waterways projects and major and minor modifications; prohibit the Department of the Environment from requiring application fees for the installation of specified lifts or for specified maintenance, repair, or replacement under specified circumstances; prohibit modification of specified fees without legislative enactment; and require the Board of Public Works to establish a minimum compensation rate for specified structures. The bill was approved by the Governor on 22 MAY 12.

On 1 MAR 12, Delegate Jameson introduced [MD HB 1427](#) which would, among other things, require a person to obtain certain approval from the Commission before constructing a certain generating station does not apply to a person constructing a certain wind generating station that has wind turbines within a certain distance from the Patuxent River Naval Air Station, as determined by certain regulation; and generally relates to certificates of public convenience and necessity for the construction of overhead electric transmission lines and certain wind generating stations. The bill was approved by the Governor on 22 MAY 12.

On 18 JAN 12, the Education, Health, and Environmental Affairs Committee introduced [MD SB 114](#) which would repeal a requirement that the Department of the Environment certify specified drivers of controlled hazardous substance vehicles; repeal a requirement that specified drivers of controlled hazardous substance vehicles carry a specified certificate; repeal requirements that specified drivers submit specified evidence and pay a specified fee; alter the definition of "controlled hazardous substance vehicle driver"; and require the Department to conduct a review and report its findings on or before 15 DEC 12. The bill was approved by the Governor on 2 MAY 12.

On 18 JAN 12, the Education, Health, and Environmental Affairs Committee introduced [MD SB 144](#) concerning Department of Labor, Licensing, and Regulation Occupational and Professional Licensing Licensees on Military Deployment for the purpose of authorizing a unit in the Department of Labor, Licensing, and Regulation to allow certain holders of certain occupational and professional licenses to renew an expired license without penalty under certain circumstances and to complete certain continuing education or competency requirements within a reasonable time after license renewal; and generally relating to occupational and professional licenses and the Department of Labor, Licensing, and Regulation. The bill was approved by the Governor on 10 APR 12.

On 1 FEB 12, Senator Jones-Rodwell introduced [MD SB 419](#) altering certain penalties for improper litter disposal based on the amount of litter; requiring a court to notify a person who is convicted of a certain litter disposal offense that the person's driver's license may be suspended; requiring a court to notify the Motor Vehicle Administration of a certain violation involving litter disposal; requiring the Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Administration, to establish certain procedures; changing the name used to cite a violation of the litter control law from "Litter Control Law" to "Illegal Dumping and Litter Control Law"; altering the agency authorized, in Baltimore City, to enforce certain provisions relating to illegal dumping and litter control through the use of surveillance systems; authorizing for a first offense, and requiring for a second or subsequent offense, the Administration to suspend, for a certain period of time, the driver's license of a person who is convicted of a certain litter disposal offense; providing for a certain hearing on the request of a licensee under certain circumstances; altering certain definitions; making certain conforming changes; and generally relating to litter control. This bill was approved by the Governor on 2 MAY 12.

On 16 FEB 12, Senator Brinkley introduced [MD SB 994](#) requiring a person that installs a temporary dewatering device to notify a municipality under specified circumstances; and requiring a well driller, when applying for a permit to drill a well, to notify a municipality under specified circumstances. The bill specifies that if a MD permit is not required for installing a temporary dewatering device or well, then the well driller must notify a municipality if the well will be drilled inside the municipality's corporate boundary line or if the well will be drilled 1 mile or less outside the municipality's corporate boundary line. This bill was approved by the Governor on 2 MAY 12.

Regulations

[Maryland Register of Historic Properties](#) - The Department of Planning has adopted a regulatory action to remove the requirement that a historic preservation easement be conveyed on properties that are eligible for listing in the Maryland Register of Historic Properties only as contributing properties in historic districts. This regulation was passed and became effective on 14 MAY 12.

[Volatile Organic Compounds from Vehicle Refinishing Facilities](#) - The Department of the Environment has adopted regulatory action to establish operating standards for vehicle refinishing facilities in Maryland. The regulation establishes VOC content limits for coatings and solvents used during the preparation, application, and drying phases of vehicle refinishing, coating application standards, work practices standards, and monitoring and record-keeping standards. This regulation passed and became effective on 16 APR 12. This action will be submitted to the EPA for approval as part of Maryland's State Implementation Plan.

Study to Look At Effects of Wind Turbines on Radar

By Chris Knauss – The Star Democrat

The Talbot County Council agreed to participate in a joint land-use study requested by the Patuxent Naval Air Station at a recent public meeting. The study has been approved by the Department of Defense's Office of Economic Adjustment, which will pay for the study along with matching funds from the southern Maryland counties closest to the base.

The Office of Economic Adjustment typically assists communities adversely impacted by Defense Department changes, including base closures or realignments, base expansions, and contract or program cancellations. The office also administers the Joint Land Use Study (JLUS) program to encourage cooperative land-use planning between military installations and surrounding communities. The JLUS is a comprehensive planning effort between a military installation and the surrounding communities. Its purpose is to give local communities the opportunity to promote compatible community growth while supporting military training and operational missions.

For more information, go to: http://www.stardem.com/news/local_news/article_c276a003-2340-5a78-95ed-7940dab75fa9.html.



PENNSYLVANIA

Note: The Pennsylvania General Assembly meets throughout the year.

Legislation

On 21 Jun 11, Representative Gingrich introduced [PA HB 1702](#) which would allow a Borough council by ordinance to make regulations prohibiting discharge of stormwater into a sanitary or combined sewer system. This bill was signed by the Governor on 17 MAY 12 and becomes effective on 16 JUL 12.

Proposed Rules

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



VIRGINIA

The Virginia Legislature convened on 12 JAN 12 and adjourned on 10 MAR 12.

Legislation

On 18 JAN 12, Senator Wagner introduced [VA SB 578](#) relating to the Virginia Port Authority and the conduct of its business. The bill:

- Extends until 2017 the international trade facility tax credit, the barge and rail usage tax credit, and the Virginia port volume increase tax credit;
- Specifies that the members of the Authority have expertise in particular industries;
- Authorizes the Board to form a Maritime Advisory Council to provide advice and counsel to the Board; and
- Creates the Port Opportunity Fund for the development and implementation of marketing for the Port and to expand the use of the Virginia Port Authority facilities.

The bill also requires the Governor to make recommendations to General Assembly regarding the establishment of an economic development zone and incentives concerning the Port. This bill was approved by the Governor and becomes effective on 1 JUL 12.

Proposed Rules

[Licensing Fees for Regulants of the Board for Asbestos, Lead, Mold, and Home Inspectors](#) - The purpose of the proposed action is to adjust licensing fees for regulants of the Board for Asbestos, Lead, Mold, and Home Inspectors. The board must establish fees adequate to support the costs of the board's operations and a proportionate share of the department's operations. By the close of the next biennium, fees will not provide adequate revenue for those costs. The Board for Asbestos, Lead, Mold, and Home Inspectors has no other source of revenue from which to fund its operations. As a result, fees may increase for DoD operators holding licenses for Lead and Asbestos abatement activities.

[Notice of Intent to Provide § 401 Water Quality Certification of U.S. Army Corps of Engineers Nationwide Permits and Norfolk District Regional Conditions](#) - The State Water Control Board has given notice of its intent to provide unconditional § 401 Water Quality Certification for activities authorized by the U.S. Army Corps of Engineers (USACE) Nationwide Permit 37 (NWP-37) for Emergency Watershed Protection and Rehabilitation, after considering public comment for a 30-day period starting 15 MAR 12. This NWP was published in Part II of the Federal Register on 21 FEB 12, with an effective date of 19 MAR 12.

[Open Burning](#) - The Department of Environmental Quality has proposed the Regulation for Open Burning which is intended to meet three goals:

- To protect public health and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth;
- To reduce VOC emissions in Virginia's ozone nonattainment areas to facilitate the attainment and maintenance of the air quality standards; and
- To require that open burning be conducted in a manner as to prevent the release of air pollutants.

The purpose of the planned action is to revise the regulation as needed to efficiently and effectively meet its goals while avoiding unreasonable hardships on the regulated community, the department, and the general public. A public comment forum will open on 2 JUL 12 and remain open through 1 AUG 12.

[Rules for Enforcement of the Underground Utility Damage Prevention Act](#) - The State Corporation Commission has proposed the following amendments to chapter 309:

- 20VAC5-309-15. Definitions. This amendment moves the definition of "Clear Evidence" from 20VAC5-309-120 to 20VAC5-309-15 and adds a definition for "GPS" which is used in proposed rule 20VAC5-309-190.

- 20VAC5-309-90. Emergency excavation or demolition. This amendment prevents potential abuse of emergency notices for nonemergency excavations and demolitions.
- 20VAC5-309-110. General marking requirements. This amendment defines the marking requirements clearly in the rule independent of an external document (the Virginia Underground Utility Marking Standards Booklet) to allow updating the best practices in this booklet, when necessary, without the need to change the reference in the rules.
- 20VAC5-309-120. Notification of clear evidence. This amendment prevents potential abuse of three hour notices when an excavator has not observed clear evidence of an unmarked utility line and simply wishes to have the site remarked without waiting the period required by the Underground Utility Damage Prevention Act.
- 20VAC5-309-165. Operator's responsibilities for abandoned utility lines. This new section clearly defines an operator's responsibility to timely respond to an excavator's request regarding the status of an unmarked utility line (i.e., active or abandoned).
- 20VAC5-309-190. Delineation of the specific location of a proposed excavation or demolition. This new section further delineates means by which a person serving notice of proposed excavation or demolition to the notification center can describe their work area.
- 20VAC5-309-200. Reporting damage by calling 911. This new section better defines the requirements of § 56-265.24 E of the Code of Virginia, enhances public safety in the event of a pipeline incident, and brings Virginia's requirements more in line with the federal Pipeline Safety Act of 2011.

This regulation is currently open for comment. The comment period closes on 9 JUL 12.

Regulations

[Final Exempt Amendment – Recycling Rate Report](#) - The Department of Environmental Quality, Waste Management Board has adopted an exempt action final regulation in order to modify the frequency for submittal of the recycling data report for each solid waste planning unit or locality with a population of 100,000 or less. The recycling report submittal will be changed from annually to once every four years for these smaller localities or planning units. Each solid waste planning unit or locality with a population of greater than 100,000 persons according to the most recent United States census shall prepare and submit a recycling survey report to the Department of Environmental Quality annually. This regulation passed and becomes effective on 15 AUG 12.

[General Virginia Pollutant Discharge Elimination System \(VPDES\) Permit for Car Wash Facilities and Coin-Operated Laundry](#) - The Department of Environmental Quality has adopted rulemaking that replaces and updates VAG75 (the VPDES car wash general permit) which expires 16 OCT 12 and combines into this permit VAG72 (the VPDES coin-operated laundry general permit) which expires 8 FEB 16. A secondary action associated with this rulemaking is the repeal of the VPDES coin-operated laundry general permit since the requirements of that permit (VAG72) are being incorporated into VAG75. The general permit establishes limitations and monitoring requirements for point source discharge of treated wastewaters from vehicle wash facilities and laundry facilities to surface waters. The general permit regulation is being reissued in order to continue making it available as a permitting option for these types of facilities. This regulation was passed and becomes effective on 16 OCT 12.

[Small Renewable Energy Projects \(Solar\) Permit by Rule](#) - The Department of Environmental Quality has adopted a regulatory action to implement 2009 state legislation requiring the Department of Environmental Quality to develop one or more permits by rule for certain renewable energy projects with rated capacity not exceeding 100 megawatts. By means of this legislation, the General Assembly moved permitting authority for these projects from the State Corporation Commission to DEQ. The proposal establishes requirements for potential environmental impacts analyses, mitigation plans, facility site planning, public participation, permit fees,

inter-agency consultations, compliance and enforcement. This proposal constitutes DEQ's permit by rule for solar energy projects. This regulation passed and becomes effective on 18 JUL 12.

[Solid Waste Management Permit Action Fees and Annual Fees](#) - The Department of Environmental Quality, Waste Management Board has adopted an exempt action final regulation in order to remove regulatory text which placed a cap on the total fees collected. The cap required that the fees collected not exceed more than 60% of direct costs of:

- Processing an application to issue, reissue, amend or modify permits, and
- Performing inspections and enforcement actions necessary to assure compliance with permits issued for any sanitary landfill and other facility for the disposal, treatment or storage of nonhazardous solid waste.

This 60% cap was removed in the DEQ's appropriations under the enrolled 2012-14 Virginia Budget Bill; and, therefore, by this regulatory action, the 60% cap text will be removed from 9VAC20-90. This regulation was passed and becomes effective on 15 AUG 12.

[Transportation Conformity](#) - Department of Environmental Quality has adopted an exempt action final regulation relating to transportation conformity. This regulation requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. In particular, 9VAC5-151-70 outlines specifically how the various government agencies, federal, state and local, will interact and consult with each other and the public in developing transportation plans and projects. This regulation passed and becomes effective on 15 AUG 12.

Virginia Title V Fees (Final)

The Virginia Department of Environmental Quality has adopted an exempt action final regulation which amends the fee requirements for funding the Title V permit program.

Article 2 (9VAC5-80-310 et seq.) of 9VAC5-80 (Permits for Stationary Sources) requires that permit program fees be paid by sources subject to Title V of the federal Clean Air Act on the basis of air pollutant emissions. The name of the annual permit program fee in Article 2 is changed to clarify that these fees are emissions fees and not application fees or maintenance fees. The base amount for calculating annual permit program emission fees is increased from \$25 per ton of emissions to \$31.22 per ton, resulting in an initial emission fee rate increase of less than 30% over current rates. Various other changes are made to Article 2: (i) to remove outdated provisions; (ii) to correct the minimum threshold for payment, (iii) to correct references and format; (iv) to allow other modes of payment; and (v) to clarify certain actions under the regulation.

Article 10 (9VAC5-80-2250 et seq.) of 9VAC5-80 (Permits for Stationary Sources) requires that application fees be assessed for certain types of air permit applications. Permit application fees are expanded to include fees for all types of permits that make a stationary source subject to permit requirements under Title V and all types of permits that would remove a stationary source that is otherwise subject to Title V permit requirements from applicability under Title V. A method of making annual adjustments to the application fees for changes in the Consumer Price Index (CPI) is added and the annual permit program emission fee credit for the cost of the permit application fees is removed. The types of permits to which permit application fees apply and the process for paying the fees has been clarified.

Annual permit maintenance fees are established in a new Article 11 (9VAC5-80-2310 et seq.) of 9VAC5-80 (Permits for Stationary Sources) for (i) all stationary sources operating under either permit requirements or a permit application shield issued pursuant to Title V, or (ii) all sources operating under federally enforceable permits issued to keep a stationary source from applicability under permit requirements of Title V. The method of

determining and adjusting the permit maintenance fee amounts annually for changes in the CPI is specified. The process for assessing, billing, and paying the fees is also specified.

These rules are effective on 1 JUL 12. The complete final text can be found at:
<http://townhall.virginia.gov/L/ViewXML.cfm?textid=6463>.

Management and Reuse of Contaminated Media

The Virginia Department of Environmental Quality (VDEQ) Division of Land Protection & Revitalization (DLPR) is seeking comments on a proposed statewide variance to the Solid Waste Management Regulations concerning the management and reuse of contaminated media. Contaminated media includes "soil, sediment, and dredged material that has been contaminated by anthropogenic activities that may contain abnormally high concentrations of naturally-occurring materials." The variance would allow property owners and developers the ability to reuse contaminated media on the site of generation or at another site with comparable contaminants in a sound manner protective of human health and the environment. DLPR must be notified prior to use of the variance.

VDEQ would allow this variance as the third option in its five-tier hierarchy of waste management for contaminated media. Reuse of contaminated material within the actual excavation project and reuse of contaminated material at the site of the development as allowed under the Identification of Solid Waste regulations, 9VAC20-81-95.C.7.d are the first and second management options.

In using this variance, the owner or generator performs environmental due diligence to characterize the media. Once the contaminants and concentrations are known, the owner determines how the media may be used by comparing the contaminant concentration to the screening levels listed in one or more of the three tables included in the proposed variance guidance. The values in the tables draw from risk calculations and assessment work conducted by VDEQ and the EPA to calculate risk factors for each contaminant.

Table 1 defines media that has contaminant concentrations below which are acceptable for reuse in sensitive environments. Table 2 defines media that has concentrations below which may be used on residential sites or sites with other high frequency receptors. Table 3 defines media with contaminant concentrations below which the media may be used on sites that are restricted to commercial/industrial use. For media restricted to commercial/industrial use, the landowner or authorized representative must file a Deed Restriction limiting the future use of the property or the area impacted.

The guidance includes additional restrictions for all sites and uses. Of interest is the notification to, and approval of, the landowner where the soil is to be used as fill using the Notification to Property Owner of Contaminated Media Use form. A copy of this form must be kept in the facility files and submitted to the DLPR regional office. The comment period ends 18 JUN 12. The full text of the proposed variance can be found at:
<http://www.deq.virginia.gov/Portals/0/DEQ/Land/ContMediaFinalDraft.pdf>.



WEST VIRGINIA

The West Virginia Legislature convened on 11 JAN 12 and adjourned on 13 MAR 12.

Legislation

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

Regulations

[Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities](#) – The Department of Environmental Protection has adopted revisions to rules concerning control of air pollution from hazardous waste treatment, storage and disposal facilities in order to incorporate annual reference updates. This regulation was passed and became effective on 1 JUN 12.

[Emission Standards for Hazardous Air Pollutants](#) - The Department of Environmental Protection has adopted amendments to 45-34 regarding emission standards for hazardous air pollutants. The revised rule incorporates by reference the following source categories of new or revised NESHAP standards promulgated as of June 1, 2011 for non-major area sources: Gold Mine Ore Processing and Production, Chemical Manufacturing Area Sources, Industrial, Commercial, and Institutional Boilers and Restructuring of the Stationary Source Audit Program. This regulation passed and became effective on 1 JUN 12.

[Hazardous Waste Management System](#) - The Department of Environmental Protection has adopted a rule that regulates the generation, treatment, storage and disposal of hazardous waste. The rule also authorizes the regulation of hazardous waste transported via rail by the Public Service Commission (PSC) and via roads and highways by the Department of Highways (DOH). The rule adopts and incorporates by reference the federal regulations set forth in 40 CFR Parts 124, and 260 through 279 that are in effect as of June 16, 2010. The State should adopt changes as noted in EPA state authorization checklist 210 the "Standardized Permit" from 40 CFR part 124 and part 124, subpart G. The State should adopt changes from checklist 207 the regulation of hazardous waste transportation from 40 CFR parts 263.20 and 263.21. This regulation passed and became effective on 1 JUN 12.

[National Pollutant Discharge System \(NPDES\) Program](#) - The Department of Environmental Protection, Division of Water and Waste Management, has adopted a rule which establishes the requirements of the National Pollutant Discharge System (NPDES) Program. This rulemaking was called up by the 2012 Legislature. There was no proposed rule notice for this rulemaking action. This regulation passed and becomes effective on 2 JUL 12.

[Permits for Construction and Major Modification of Major Stationary Sources](#) - The Department of Environmental Protection has adopted amendments in order to incorporate by reference federal standards governing permits for construction and major modification of major stationary sources which cause or contribute to nonattainment areas. The regulation passed and became effective on 1 JUN 12.

[Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality](#) - The Department of Environmental Protection has adopted amendments in order to incorporate revisions to the federal counterpart, Prevention of Significant Deterioration for Particulate Matter Less Than 2.5 Micrometers – Increments, Significant Impact Levels and Significant Monitoring Concentration. The rule title has been slightly revised for clarity. The Division of Air Quality will submit final rule 45CSR14 as a revision to the State Implementation Plan. This regulation passed and became effective on 1 JUN 12.

REGION 4



NORTH CAROLINA

Note: The NC General Assembly convened on 4 JAN 12 and will adjourn on 13 JUL 12.

Proposed Legislation

On 29 MAY 12, Representative Adams introduced [NC HB 1194](#) which would ensure that a permittee or transferee of an existing solid waste management facility (1) cannot circumvent the closure requirements for the facility and (2) cannot circumvent any component of the permit process for a new permit or a substantial amendment to a permit when substantial energy-producing activities are added to the activities conducted at the facility and the facility is located in a minority or low-income community protected by title vi of the federal civil rights act.

On 22 MAY 12, Senator East introduced [NC SB 858](#) which would exempt from state air toxics emissions controls those sources of emissions that are subject to certain federal emissions requirements, to direct the department of environment and natural resources to require permit conditions that eliminate unacceptable risks to human health, to direct the division of air quality to review the state air toxics program, and to require reports on the implementation of this act, as recommended by the environmental review commission.

On 30 MAY 12, Senator Jenkins introduced [NC SB 933](#) which would authorize the Department of Transportation to permit encroachment of airspace above State Road 1224 - Chapanoke Road - in Perquimans County for the construction of a material conveyance system. The Harvey Point Defense Testing Activity is located in the general area.

On 16 MAY 12, Representative Gillespie introduced [NC HB 954](#) which would or repeal various environmental and natural resources reporting requirements, as recommended by the environmental review commission.

Proposed Rules

[NCG500000-Non-Contact Cooling Waters General Permit](#) - The North Carolina Environmental Management Commission proposes to reissue the following NPDES wastewater general permit: NPDES General Permit No. NCG500000 for discharge of non-contact cooling water, cooling tower and boiler blow down, condensate, exempt stormwater, cooling waters associated with hydroelectric operations, and similar wastewaters.

[Notice of Intent to Issue a General NPDES Wastewater Permit](#) - The Environmental Management Commission has proposed to reissue an expiring general NPDES wastewater discharge permit for point source discharges for the following type of discharges:

NPDES General Permit No. NCG550000 for wastewater discharges associated with discharges of domestic wastewater from single-family residences and other 100% domestic discharges with similar characteristics. The Division is noticing intent to reissue a revised version of the permit with changes in conditions.

[Revised Draft Permeable Pavement Chapter 18 of the Best Management Practices Manual](#) - The Department of Environment and Natural Resources has invited comment on the draft revised Chapter 18: Permeable Pavement of the North Carolina BMP Manual. These updates will allow permeable pavement to be used statewide with appropriate design modifications for lower permeability soils. In addition, the DWQ has updated the design and regulatory credit for this device statewide to reflect the advancements that have been made in the field of permeable pavement.

PROFESSIONAL DEVELOPMENT

Conferences

Utility Energy Service Contracts (UESC) Workshop (Classroom) (Multiple Offerings)

This FEMP workshop is provided for Federal procurement teams, providing an overview of the contracting options and services available from serving utility companies to engineer, finance, and install cost-effective energy and water savings projects. Participants will be walked through the typical project process spanning the audit phase to commissioning the equipment. For more information, go to:

http://www.fedcenter.gov/kd/go.cfm?destination=ShowItem&item_id=19437.

Climate Resilience Evaluation and Awareness Tool (CREAT) 101 (Web-based, On Demand)

This training provides an overview of climate change impacts and the methodology and functionality of CREAT. The CREAT software provides drinking water, wastewater, and storm water utilities with practical tools, training, and technical assistance to confront climate change through climate related risk assessment. For more information, go to: <http://water.epa.gov/infrastructure/watersecurity/climate/creat.cfm>. For the on-line training classes, go to: <http://water.epa.gov/infrastructure/watersecurity/climate/>.

Riparian Ecosystems IV, 27-29 JUN 12, Denver, CO

The first day will serve as a "bridge" day with the conference Contaminants of Emerging Concerns in Water Resources II for information exchange among disciplines equally concerned with CECs that threaten human and environmental health and with riparian ecosystems that protect the water resources that sustain human and environmental health. The last two days will focus on issues related to the management and sustainability of riparian ecosystems and how they respond to flooding, urbanization, bio-energy production, climate variability, and greenhouse gas emissions. For more information, go to: on

12th International Symposium for Environmental Geotechnology, Energy, and Global Sustainable Development, 27-29 JUN 12, Los Angeles, CA

The objective of the symposium is to apply technical and social science knowledge from a diversity of disciplines to address critical issues in sustainable development. For more information, go to: <http://www.isegnet.org/2012/>.

Wetland Plant Identification (Classroom), 9-13 JUL 12, Shepherdstown, WV

This course is presented by the US Fish and Wildlife Service and is designed to improve the ability of field staff to identify wetland plants using botanical manuals and floras. The class consists of several one-day sessions on the following groups: woody plants, including winter condition; herbaceous dicots; and grasses, sedges and rushes, and other monocots. Lectures discuss morphology, terminology and identification. Plants representative of that day's topic(s) are collected daily in the field and keyed-out in the classroom, in both directed and individual keying exercises. For more information, go to: <http://www.fedcenter.gov/Events/index.cfm?id=20489>.

Energy Savings Performance Contract Comprehensive Workshop, 17-19 JUL 12 (Web-based)

The Toxics Release Inventory, a national database of chemical use and storage, is mandated by the Emergency Planning and Community Right-To-Know Act (EPCRA). It is one of the most powerful tools for identifying and reducing the use of toxic and hazardous chemicals. For more information, go to:

<http://www.fedcenter.gov/Events/index.cfm?id=21062>.

An Overview of CERCLA – Cleaning Up America’s Hazardous Waste Sites, 31 JUL 12 (Web-based)

This is an introduction to EPA's major site-cleanup statute. For more information, go to:
<http://www.fedcenter.gov/Events/index.cfm?id=21095>.

GovEnergy Workshop and Tradeshow, 19 – 21 AUG 12, St. Louis, MO

This annual training workshop and trade show is designed to address the challenges of federal energy management; helping to foster ideas into action. By bringing together the nation's leading experts in policy, technology, and facility operations, GovEnergy provides responsible, professional-grade education through a variety of learning experiences. For more information, go to:
<http://www.govenergy.com/Index.aspx?CFID=333819&CFTOKEN=10729502#&panel1-3>.

StormCon 2012 Conference, 19 – 23 AUG 12, Denver, CO

The StormCon offers the opportunity to learn from case studies presented by municipal professionals, engineering consultants, contractors, researchers, and others on the front lines of implementing stormwater programs, BMPs, sediment and erosion control techniques, low-impact development approaches, research and testing of BMPs, and water-quality monitoring programs. For more information, go to: <http://www.stormcon.com/conference.html>.

GreenGov Symposium 2012, 24-26 SEP 12, Washington, DC

The Symposium aims to bring together leaders from government, the private sector, non-profits and academia to identify opportunities to create jobs, grow clean energy industries, and curb pollution by incorporating sustainable practices into the Federal Government's operations. For more information, go to: <http://www.greengov2012.org/>.

EcoSummit 2012, 30 SEP-5 OCT 12, Columbus, OH

The theme of the conference is "Restoring the Planet's Ecosystem Services." Topics include, but are not limited to: climate change, sustainability, coastal problems from upland pollution sources, and biological invasions. For more information, go to: <http://www.ecosummit2012.org/index.htm?CFID=117618&CFTOKEN=41868105>.

Dredging 2012, 22-25 OCT 12, San Diego, CA

The fourth specialty conference on dredging and dredged material disposal, Dredging 2012, will be taking place in San Diego, CA on 22-25 OCT 12. Due to the length of time it has been since the last conference in 2002, many new issues have emerged and will be discussed and debated. More than 200 presenters will speak on best practices and innovation from around the world. For more information, go to:
<http://dredging12.pianc.us/?CFID=785596&CFTOKEN=76532006>.

TRAINING

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

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

CECOS Classroom Courses

Beginning Date	End Date	Course	Location
10 JUL 12	12 JUL 12	Integrated EMS & Compliance Auditing	Washington, DC
16 JUL 12	20 JUL 12	Intro to Public Works Dept. & FEC Operations	MIDLANT Region
17 JUL 12	19 JUL 12	Adv. Historic Law and Section 106 Compliance	San Antonio, TX
17 JUL 12	20 JUL 12	Economic Analysis	MIDLANT Region
23 JUL 12	24 JUL 12	Real Estate Seminar	MIDLANT Region
23 JUL 12	27 JUL 12	Intro to FEAD/ROICC	MIDLANT Region
23 JUL 12	27 JUL 12	Intro to FMD & Production Div. Operations	MIDLANT Region
25 JUL 12	27 JUL 12	Facilities Projects Seminar	MIDLANT Region
30 JUL 12	1 AUG 12	MCON Programming and Budgeting	MIDLANT Region
30 JUL 12	2 AUG 12	Facilities Planner	MIDLANT Region
31 JUL 12	2 AUG 12	Health & Environmental Risk Communication Workshop	Norfolk, VA
27 AUG 12	31 AUG 12	United States Marine Corps Facilities Management	Washington, DC
27 AUG 12	31 AUG 12	Adv Pub Works Dept & Fac. Eng. Command Operations	Washington, DC
17 SEP 12	21 SEP 12	Environmental Quality Sampling	Norfolk, VA

CECOS Online Courses/Web Conferences

Beginning Date	End Date	Course	Location
18 SEP 12	19 SEP 12	Pollution Prevention Awareness Web Conference	Web Conference
20 SEP 12	20 SEP 12	Sustainability in the Navy: LEED	Web Conference
1 OCT 10	30 SEP 12	Adv Pub Works Dept & Fac. Eng. Command Operations	Web Conference
Various		Advancing an Effective EMS	On-Line
Various		EPCRA and Toxic Release Inventory (TRI) Reporting	On-Line
Various		HAZWOPER for Uncontrolled Hazardous Waste Site Workers - Refresher	On-Line
Various		Construction Technology for Non-Engineers	On-Line

NPDES Permit Writer's Training on the Web

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

CECOS

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

NAVOSH & Environmental Training Center

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

EPA Watershed Assessment Tools Training, Various Times & Locations

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

USDA Forest Service Continuing Education Program, Various Times & Locations

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

EPA Online EMS Training Course

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

MEET THE REC

STAFF

<p>RADM T. G. Alexander 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- 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) 341-0453</p> <p>Regional NEPA, Natural Resources (757) 341-0486</p> <p>Land Use, Encroachment (757) 341-0232</p> <p>Environmental Restoration (757) 341-0394</p> <p>REC Support (757) 341-0430</p> <p>DoD Chesapeake Bay Coordinator (757) 341-0455</p> <p>DoD Chesapeake Bay State Liaison - PA/VA/WV (757) 341-0383</p> <p>DoD Chesapeake Bay State Liaison - DC/MD/NY (757) 341-0450</p>
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