

EPA REGION III
REC NEWSLETTER
AUGUST 2003

COMMANDER NAVY REGION
MID ATLANTIC REGION



*Working
for
Tomorrow's
Environment
Today*

We have made every effort to ensure that the information provided is accurate and that all significant Legislative, Regulatory, Federal, EPA, news and information have been included in the REC update. If you have an important issue or information that you would like to be included in our monthly update or believe that information we have provided is incorrect, please contact us at 757-445-9982 or via email DODRECREGION3@comar.navy.mil.

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LINK HELP

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

DENIX - Many of our links are to DENIX. To subscribe to DENIX, go to <https://www.denix.osd.mil/denix/register.html> and register. It's a good thing.

If you find a dead link and you really want the information, please contact us at DODRECREGION3@cmr.navy.mil and we will find the link for you. [Table of Contents](#)

If you or your organization would like to submit an article, story, or picture for future newsletters, please send them to [Gene Beale](#). Thanks.

SPOTLIGHT ON

Letterkenny Army Depot Awarded Honorable Mention For Environmental Restoration-Installation

Secretary of Defense Environmental Awards were presented for FY 2002. Letterkenny Army Depot received an honorable mention in the installation category for environmental restoration.

Letterkenny Army Depot (LEAD) is located in south-central Pennsylvania in Franklin County. The Depot covers 19,243 acres, most of which is devoted to ammunition storage (11,880 acres). LEAD is the premier provider of Air Defense and Tactical Missile System support to the Department of Defense (DoD) and Foreign Allies and is the Center of Industrial and Technical Excellence for Air Defense and Tactical Missile Systems. Its tactical missile repair capabilities apply to a variety of DoD missile systems, including the PATRIOT Missile and its ground support and radar equipment. LEAD has a civilian population of approximately 1,085, including three military personnel. Tenants and contractor support at LEAD employ approximately 600 people. LEAD is the second-largest employer in Franklin County.



PATRIOT Missile Launchers in Action

As part of the Base Realignment and Closure (BRAC) decision of 1995, approximately 1,450 acres are going to the Letterkenny Industrial Development Authority (LIDA) for future commercial/industrial reuse. Volatile Organic Compound (VOC)-contaminated groundwater underlies the majority of the land in the southeast area of LEAD. Because of the ongoing remedial investigation (RI) and remedial action (RA) efforts at LEAD, land is being transferred to LIDA in phases to facilitate timely property transfer.

LEAD's environmental restoration challenges result from a limited staff that must comply with all regulatory requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) associated with cleanup of two U.S. Environmental Protection Agency (EPA) National Priorities List (NPL) sites. At the same time, the staff must meet fast-track cleanup and transfer objectives under BRAC. The U.S. Army is the owner of the property and the lead agency under CERCLA. The EPA and the Pennsylvania Department of Environmental Protection (PADEP) have roles as support agencies and entered into a Federal Facilities Agreement with the Army in 1989. In 1995, a BRAC Cleanup Team (BCT) consisting of LEAD, EPA, and PADEP was formed in addition to a Restoration Advisory Board (RAB) that includes community participation on both restoration and BRAC activities at LEAD.

The Installation Restoration Program (IRP) and BRAC efforts at LEAD began in 1978, when an Installation Assessment was performed. Past operations and practices at LEAD have resulted in the generation of various types of contaminants and their disposal or release across the installation. Solvents, heavy metals, petroleum hydrocarbons (PHCs), and polychlorinated biphenyls (PCBs) are the primary contaminants of concern within the BRAC parcel at LEAD. LEAD has signed agreements with the federal and state regulators and has established a procedural framework to implement and monitor appropriate response actions at the facility in accordance with CERCLA, the National Contingency Plan, Superfund guidance and policy, Resource Conservation and Recovery Act (RCRA) guidance and policy, and state statutes. LEAD has entered into a partnership with all stakeholders in the restoration and cleanup of environmental responsibilities from past operations.

LEAD leads the Army in the development of groundbreaking technologies, continuing to develop and pilot new means for cleanup at the installation. LEAD's commitment to reducing the risks to human health and the environment is evident in its innovative removal actions. The installation's IRP and BRAC programs have had considerable success the last two years while LEAD personnel have partnered extensively with regulators and the community to establish trend-setting policies, such as the fast-track limited depth transfer of land for reuse. The Letterkenny Army Depot continues to seek cost effective, innovative methods for cleanup and strong relationships with all stakeholders. [Table of Contents](#)

GENERAL INTEREST

Region III Environmental Colloquium Approaching Quickly

The 2003 EPA/State/DoD Region III Environmental Colloquium is next month 9-11 SEP 03 at the Williamsburg Marriott in Williamsburg, VA. The Commander, Navy Region Mid Atlantic (CNRMA), is hosting the DoD component of this year's colloquium. The theme of the colloquium is "Integrating Resources for Environmental Excellence". There is a wide variety of session topics from air quality to watershed management. Make sure to arrange your schedule so you can attend. For further information, contact the DoN Regional Environmental Coordinator's Office, (757) 445-9982, DSN 565, e-mail: dodregion3@cmar.navy.mil. For links to additional colloquium material, go to:

<http://www.epa.gov/reg3esd1/fedfac/index.htm> or <http://www.epa.gov/reg3esd1/fedfac/seminars.htm>
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Bush Names Horinko Acting Agency Head; Johnson Fills Deputy Administrator Post

On 10 July, President Bush designated Marianne Lamont Horinko, the Environmental Protection Agency's Assistant Administrator for Solid Waste and Emergency Response, as the acting administrator, effective 14 JUL 03. At the same

time, the president named Stephen L. Johnson, Assistant Administrator for Prevention, Pesticides, and Toxic Substances, as acting deputy administrator. The two officials took over leadership of the agency after Linda Fisher left her post 11 JUL 03. The appointments resolve the issue, at least temporarily, of the leadership of the agency following the resignation 27 JUN 03 of former Administrator Christine Todd Whitman. For more information, go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/11Jul03/31.doc.html> [Table of Contents](#)

Expectations High For Hydrogen Fuel Use, But Scientists Urge Other Energy Options

Widespread use of hydrogen vehicles could reduce greenhouse-effect gases, air pollutants, and oil consumption, but there are other options such as increased fuel efficiency that could achieve this faster and more cost-effectively. If hydrogen fuel were the only long-run solution to eliminating carbon dioxide from vehicles, then it might make sense to pursue research now, even though widespread use of hydrogen is decades away. The complete article is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/22Jul03/31.doc.html> [Table of Contents](#)

TRUE CRIME STORIES

Developer Must Pay \$4 Million For Failure To Restore Wetlands

A developer must pay \$4,018,500 for failing to comply with a consent decree requiring him to restore wetlands in Dyer, Indiana. The U.S. Seventh Circuit Court of Appeals upheld the imposition of fines for violating the terms of a decree that settled claims Harold G. Rueth and the Rueth Development Co. violated the Clean Water Act in discharging dredge and fill material into four acres of wetlands without a permit. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/15Jul03/23.doc.html> [Table of Contents](#)

Company Fined \$750,000 In Waste Dumping Case

A federal district court sentenced Taiwan-based Ta Tong Marine Co. Ltd. to pay a \$750,000 fine for making false statements about the intentional dumping of oily waste from a ship, according to the U.S. attorney for the Western District of Washington. The court also ordered the cargo ship company to develop and implement a comprehensive environmental compliance plan for its vessels and to serve four years of probation. The complete story is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/23Jul03/31.doc.html> [Table of Contents](#)

Defendants To Pay \$4.8 Million For Costs Of Cleanup State Completed At Landfill

Under terms of a consent decree filed in Michigan Circuit Court, 82 defendants will pay the state \$4.8 million for cleanup already completed at the Sunrise Landfill in Allegany. The defendants will pay the state Department of Environmental Quality by 15 SEP 03 to resolve all claims for past response activity costs in 1999 and 2000. The state will not sue the defendants for the recovery of past costs but reserved future rights. The complete article is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/28Jul03/21.doc.html> [Table of Contents](#)

Wastewater Plant Operator Found Guilty Of Negligence, Lying About Maintenance

A Virginia man was found guilty in federal district court of neglecting and lying about the operation and maintenance of a wastewater treatment plant, resulting in discharges of waste sludge and chlorine into a tributary of the Rappahannock. The plant's operator, Richard Lapteff, faces a maximum sentence of three years in prison and \$125,000 in fines for seven criminal violations of the Clean Water Act, according to the Environmental Protection Agency. The complete article is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/29>

[Jul03/26.doc.html](#) [Table of Contents](#)

FEDERAL NEWS

CAA

EPA Compliance Assistance - Clean Air Act Applicability Determinationsⁱ

EPA maintains a database of applicability determinations, alternative monitoring decisions, and regulatory interpretations made under the New Source Performance Standards (NSPS); the National Emission Standards for Hazardous Air Pollutants (NESHAP); and the Stratospheric Ozone Protection Program. The database has been updated and moved to a new website along with other compliance assistance information. Applicability determinations are available at:

<http://www.epa.gov/compliance/assistance/applicability>.

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EPA Amends Recycling Standards For Ozone-Depleting Refrigerants

Several changes to Environmental Protection Agency regulations governing recycling of ozone-depleting refrigerants such as chlorofluorocarbons (CFCs) were made in a final rule published in the 03 JUL 24 Federal Register. The rule changes several regulations promulgated by EPA under Section 608 of the Clean Air Act. It amends record keeping requirements for certifying technicians, refines restrictions on sales of refrigerants, and updates the definition for "reclaiming" a refrigerant. The complete article is available at:

https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/24_Jul03/41.doc.html

The final rule can be found at:

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e_docket.access.gpo.gov/2003/pdf/03-18150.pdf

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Risk Management Program Requirements Under Clean Air Actⁱⁱ

EPA is proposing changes to the risk management planning regulations mandated under the accidental release prevention provisions of the Clean Air Act. EPA intends to issue a final rule in time for the majority of facilities to complete their 5-year anniversary re-submissions by 21 JUN 04. Comments are due 15 SEP 03. More information can be found at:

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e_docket.access.gpo.gov/2003/pdf/03-19281.pdf

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PM2.5 Designation/Implementation Timelineⁱⁱⁱ

- **March 2003** – EPA issues designation guidance^{iv}
- **September 2003** – EPA proposes implementation rule

- **February 2004** – States/Tribes submit recommendations to EPA on designations
- **Summer 2004** – EPA issues preliminary list of areas, allowing 120 days for comments on modifications – States/Tribes can update recommendations using 2001-2003 data
- **September 2004** – EPA issues final implementation rule
- **December 2004** – EPA designates nonattainment areas
- **December 2007** – States submit implementation plans (Tribes can elect to submit plans)
- **2009-14** – Range of attainment dates

8-hour Ozone Designation/Implementation Timeline^v

- **Summer 2000** – States submitted initial designation and boundary recommendations to EPA
- **November 2002** – EPA issues schedule for 8-hr designations and effect on Early Action Compact areas
- **February 2003** – EPA issued designation guidance to extend deadline from APR 03 to JUL 03 for States/Tribes to submit revised or new recommendations to EPA on designations
- **April 2003** – EPA Proposes implementation rule
- **July 15, 2003** – States/Tribes submit revised or new recommendations to EPA on designations
- **October-December 2003** – EPA notifies States/Tribes of modifications to recommendations on designations
- **December 2003** – EPA issues final implementation rule
- **April 15, 2004** – EPA promulgates designations
- **April 2007** – States submit plans (Tribes can elect to submit plans)
- **2007-2021** – Range of attainment dates

Tentative Rulemaking Schedule for Regional Haze^{vi}

- **Spring and Summer 2003**: Investigating source-specific modeling options
- **Sept-Dec 2003**: Drafting/internal review of proposal package
- **Jan-Mar 2004**: OMB review
- **April 2004**: Proposal package in FR
- **April 2005**: Final rule in FR

NSR & PSD Rules Open For Comment

On 30 JUL 2003 ([68 FR 44620](#)) EPA issued a Notice of Reconsideration for the NSR and PSD rules that took effect in MAR 03. A number of petitions were filed against EPA and EPA agreed to open six issues for comment. The comment period ends 29 AUG 03. Please contact Mr. Mestey, chair of the Navy Clean Air Act Steering Committee, at felix.mestey@navy.mil, to submit

comments. Comments are due to Mr. Mestey by 21 AUG 03, to provide time to consolidate them. EPA is not amending the NSR rules at this time or suspending the amendments that took effect in MAR 03.

8 Hour Ozone NAAQS

A notice of availability of the proposed regulatory text for the 8-hour ozone NAAQS implementation was published in the 6 AUG 03 Federal Register ([68 FR 46536](#)) and the regulatory text is available at:

<http://www.epa.gov/ttn/naaqs/ozone/o3imp8hr/proprule.html>. Also posted were two documents that cross-reference the proposed regulatory text to the 2 JUN 03 preamble. The EPA comment period ends 5 SEP 03. Please contact Mr. Mestey at felix.mestey@navy.mil (with copy to Anne David at Gadavid@aol.com and Ann Raridon at

araridon@aol.com) by 15 AUG 03 if, upon initial review, you see sections of the proposed text that deserve comment.

New Jersey SIP Revision Approval^{vii}

EPA announced final approval of a revision to the New Jersey state implementation plan SIP in the 23 Jul 03 Federal Register. This revision was requested to allow McGuire AFB to trade VOCs for NOX within the base's approved emissions budget. The revision will result in the transfer of 200+ tons of VOCs for 200 tons of NOX, and will provide flexibility for potential mission growth at McGuire AFB without having to acquire additional NOX credits. The base was able to reduce its VOC budget because P2 projects at McGuire have significantly reduced VOC emissions, creating a surplus in the base's emissions budget. This is the first time that this process has been used on a DoD installation. [Table of Contents](#)

CERCLA

Federal Agency Hazardous Waste Compliance Docket^{viii}

EPA has issued a revised Federal Facilities Hazardous Waste Compliance Docket. Each listed facility must be evaluated for possible contamination within a reasonable time. The list includes additions, deletions, and corrections. The list includes approximately 110 Navy facilities, 30 Army facilities, and 75 Air Force facilities. Many of the identified facilities appear to be duplicates of facilities that have already been addressed by previous site investigations. A complete docket is available at:

<http://www.epa.gov/compliance/cleanup/federal/index.html>
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Atlantic Wood Industries/Norfolk Naval Shipyard Superfund Sites

The final load of acetylene sludge was transported off-site on 8 JUL 03 at the Atlantic Wood Industries/Norfolk Naval Shipyard Superfund sites, Portsmouth, Va. Approximately 42,000 tons of lead-contaminated material was excavated from an area along the South Fork Elizabeth River and more than 4.1 million gallons of contaminated water was treated on-site. Final grades are being established for 1.5

acres of engineered wetlands to be planted by the end of JUL 03, and an additional 1.6 acres of shrubs and bushes will be planted to establish a riparian buffer. A ribbon-cutting ceremony is tentatively scheduled for late OCT 03.

http://www.epa.gov/region03/ebytes/ebytes07_11_03.html

DoD Agrees To Share Perchlorate Data Following House Directive

The Pentagon's top environment official has directed the military to share all information it has collected on contamination from perchlorate, a widely used chemical in rocket and jet fuels, with California officials concerned about potential public health risks. The pledge came just days after the House Appropriations Committee called on the Department of Defense and EPA to jointly assess the extent of perchlorate contamination in drinking and irrigation water supplies in California and several Southwestern states, and to develop preliminary recommendations for a national groundwater cleanup standard. The complete article is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/PAL/23-Jul03/26.doc.html> [Table of Contents](#)

EPCRA

Toxic Release Inventory Memorandum Released

A memorandum is available from the Office of the Undersecretary of Defense regarding Toxic Release Inventory reporting. The report covers motor vehicle and aircraft refueling and provides answers for questions on reporting emissions from range activities and other miscellaneous issues. The report is available at:

https://www.denix.osd.mil/denix/DOD/ES-Programs/Pollution/TRI/TRI_qna_part2.pdf

More answers are available in another memorandum available at: https://www.denix.osd.mil/denix/DOD/ES-Programs/Pollution/TRI/TABD_qna_cover.PDF and https://www.denix.osd.mil/denix/DOD/ES-Programs/Pollution/TRI/Range_qna_103101.doc
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Public Affairs Guidance On DoD's Cy2001 Toxic Release Inventory Released

In JUN 03, EPA issued the CY 2001 TRI report with data showing a 28% increase in DoD releases and off-site transfers from CY 2000 levels. This increase is largely due to three changes in TRI reporting: (1) EPA now classifies lead and lead compounds as persistent bioaccumulative toxic chemicals, which significantly lowered the reporting threshold for lead; (2) DoD tightened reporting requirements for coincidentally manufactured chemicals; (3) DoD installations began reporting TRI releases from training range activities as the EPA reduced the threshold for reporting the annual use of lead and lead compounds from 25,000 lbs. to 100 lbs. DoD started reporting releases and off-site transfers of toxic chemicals from government installations in 1994. More information is available at: https://www.denix.osd.mil/denix/DOD/ESPrograms/Pollution/TRI/tri_jun03.doc [Table of Contents](#)

EPA Limits TRI Waste Reporting

EPA is limiting its reporting of off-site waste releases by no longer referring to waste sent to off-site disposal facilities as "releases" under the Toxic Release Inventory (TRI) program, after receiving pressure from the Office of Management & Budget (OMB) and industry groups. Industry sources applauded the change, saying the move

eliminates improper double counting of such releases. In a 01 JUL 03 Federal Register notice, EPA announced that it would change the information included in its measurement of off-site waste releases under TRI. EPA will now refer to these wastes as being an "off-site contained disposal." More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/PAL/23Jul03/01.doc.html> [Table of Contents](#)

Federal Acquisition Regulation; Leadership in Environmental Management^{ix}

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council agreed on a final rule amending the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13148 of 21 APR 00, "Greening the Government through Leadership in Environmental Management." The rule change implements new requirements for contractors related to toxic release inventory reporting and environmental management systems. This rule has potential interest to technical staff and contracting officers managing contracts expected to have a value that exceeds \$100,000. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2003/pdf/03-18537.pdf>

NATURAL RESOURCES

Agencies Issue Guidance on Preference For Mitigation Banking for Highway Projects

New guidance that authorities say will ensure effective replacement of wetlands affected during highway projects receiving federal aid was released 11 JUL 03 by federal transportation and environmental agencies. Issued jointly by the Federal Highway Administration, the Environmental Protection Agency, and the U.S. Army Corps of Engineers, the guidance addresses the preference for mitigation banking to compensate for wetland impacts from highway projects. That preference was established under the Transportation Equity Act for the 21st Century. Wetlands mitigation banking is a system for balancing wetland losses against wetland gains. The complete article is available at: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/14Jul03/33.doc.html> [Table of Contents](#)

Court Blocks Forest Service Roadless Rule, Citing Violations Of NEPA, Wilderness Act

A federal court in Wyoming blocked a road-building ban on 58.5 million acres of public lands, saying the Clinton administration violated the National Environmental Policy Act and the Wilderness Act in promulgating the final rule in

JAN 01. The 14 JUL 03 (U.S. District Court for the District of Wyoming) decision is the second time an injunction was issued against the rule. Environmental groups, which intervened on the government's side, will file an appeal with the Tenth Circuit Court of Appeals. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/16Jul03/20.doc.html> [Table of Contents](#)

Marine Protected Areas and an Inventory of Existing Marine Managed Areas^x

NOAA and the Department of the Interior are developing an inventory of U.S. Marine Managed Areas (MMA), and requesting comments on proposed criteria, definitions, and data fields. The MMA inventory will fulfill requirements of Executive Order 13158

(http://mpa.gov/frontmatter/sup1_eo.html), which addresses Marine Protected Areas (MPAs). This inventory will become the initial pool of sites from which the List of MPAs called for by E.O. 13158 will be developed. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2003/pdf/03-18733.pdf>

RCRA

Final Rule Clarifies Standards For Used Oil^{xi}

EPA has issued a final rule that eliminates drafting errors and ambiguities in the used oil management standards. Specifically, this rule clarifies when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the RCRA used oil management standards and when it is not; that mixtures of conditionally exempt small quantity generator (CESQG) waste and used oil are subject to the RCRA used oil management standards irrespective of how that mixture is to be recycled; and that the initial marketer of used oil that meets the used oil fuel specification need only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil. This final rule will become effective on 29 SEP 03. A copy of this rule is available at <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/July/Day-30/f19275.htm>.

Hazardous Materials Regulations - Harmonization with International Standards^{xii}

The Research and Special Programs Administration is amending the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. Unless otherwise specified, compliance with the amendments adopted in this final rule is mandatory 1 OCT 04. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2003/pdf/03-19016.pdf>.
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SPCC

Surprise! EPA's In The House

EPA Region IV conducted a surprise inspection at NSWC, Panama City on 22 JUL 03. By surprise I mean that prior notification consisted of EPA banging on the gate. The inspection apparently went well. At the recent Region IV

EPA/Federal Facility meeting in Atlanta, a representative for EPA said that conducting SPCC inspections and looking at the new SPCC requirements would be an EPA priority for FY03/04 time frame. **Are you ready?** [Table of Contents](#)

WATER

EPA Says Applicators Do Not Need Permits To Apply Pesticides In Or Over U.S. Waters

Applying pesticides either directly in U.S. waters or aerially above the waters to control pests such as mosquitoes does not require a pollutant discharge permit under the Clean Water Act, the Environmental Protection Agency said in interim guidance released 15 JUL 03. The guidance took effect immediately after being signed 11 JUL 03 by G. Tracy Mehan, assistant administrator for water, and Steven Johnson, now the acting EPA deputy administrator and former head of the pesticides and toxics program. The agency was intent on getting the guidance out to regional offices as soon as possible to remove any uncertainty regarding application of herbicides and pesticides to combat summertime vector-borne diseases, such as West Nile virus, transported by mosquitoes. The complete article is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/17-Jul03/30.doc.html>. The guidance is available at: http://www.epa.gov/npdes/pubs/pesticide_interim_guidance.pdf. [Table of Contents](#)

Discussion on Defense Site Contamination From Firefighting Foams Set For September

New data that could help regulators determine whether firefighting foams used at three Department of Defense sites have released chemicals that contaminate groundwater, will be discussed at an Environmental Protection Agency meeting scheduled for mid-September. The coalition, which includes manufacturers of aqueous film-forming foam and others interested in the environmental impacts of firefighting foams, has given EPA new research on the subject. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/14-Jul03/21.doc.html>. [Table of Contents](#)

'No Feasible Alternative' Showing Needed To Justify Blending Practice

Enforcement officials in the Environmental Protection Agency want a rigorous analysis of "feasible alternatives" before they would allow sewage treatment facilities to blend partially treated wastewater with fully treated effluent, municipal officials said at a conference 15 JUL 03. The feasible alternatives concern was one of several issues raised by the top EPA officials, including those in the

Office of Enforcement and Compliance Assurance, regarding guidance being drafted to establish policy on the practice known as "blending." The practice is used during wet weather and allows wastewater treatment plants to route excess flows around the biological, or secondary treatment, process after they have undergone primary treatment. These flows are blended with the treated flows before being discharged. The complete article is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/16Jul03/32.doc.html>. [Table of Contents](#)

Total Coliform Rule To Be Revised Under EPA's Six-Year Review Process

Following a review of 69 drinking water regulations, the Environmental Protection Agency intends to revise only a rule to control total coliforms in drinking water and will leave 68 other existing rules intact, according to a notice to be published in the Federal Register 18 JUL 03. The decision was made pursuant to the six-year review process required by the Safe Drinking Water Act Amendments of 1996. The law requires EPA to review existing regulations every six years to determine if they warrant revision. EPA is authorized to revise existing regulations outside of the six-year review process as well. The complete article is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/18Jul03/19.doc.html> [Table of Contents](#)

Water Quantity Seen As Pressing Issue

Water quantity is going to become as much of a Clean Water Act issue as water quality as more people move to regions where natural resources are already stressed, an environmental advocate and state and local officials said 17 JUL 03. Increased development activities, particularly in coastal areas, mean less impervious surface area for rain to seep into the ground and recharge groundwater that feeds many rivers. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/18Jul03/24.doc.html>. [Table of Contents](#)

DOD Policy On Drinking Water Vulnerability Assessments And Emergency Response Plans^{xiii}

On 3 JUL 03, DOD issued a policy on drinking water vulnerability assessments and emergency response plans as required by the Safe Drinking Water Act Amendments and in support of the DOD vulnerability assessment process. The policy requires all DOD facilities having a public water system serving more than 25 customers to address the minimum assessment areas listed in Section 401. The

policy applies to systems in the United States, and overseas. The complete document is available at:

https://www.denix.osd.mil/denix/Public/Library/Compliance/water_vulnerability_assessment_policy7303.pdf
[Table of Contents](#)

Integrated Guidance Made Available To Help States In TMDL Listing Process

Guidance to help states develop integrated lists of impaired waters and report on the general water quality of their rivers, lakes, and streams, was made available by the Environmental Protection Agency 21 JUL 03. The Guidance for 2004 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d) and 305(b) of the Clean Water Act is similar to the 2002 guidance and contains the same five categories for listing impaired waters based on the amount of data available. States have to develop total maximum daily loads for waters not meeting water-quality standards. The complete article is available at:

<http://www.epa.gov/owow/tmdl/tmdl0103/index.html>. The guidance is available at:
<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/24Jul03/31.doc.html> [Table of Contents](#)

Arsenic Treatment Technology Evaluation Handbook for Small Systems^{xiv}

EPA has issued a document entitled "Arsenic Treatment Technology Evaluation Handbook for Small Systems." The document is intended to help small drinking water systems make treatment decisions to comply with the revised arsenic rule. The document is available at:

http://www.epa.gov/safewater/smallsys/arsenic_treatment_handbook_lo.pdf [Table of Contents](#)

Mandatory Ballast Water Management Program for U.S. Waters^{xv}

The Coast Guard is proposing mandatory ballast water management practices for vessels equipped with ballast tanks that enter U.S. waters. The program would require all vessels equipped with ballast water tanks entering U.S. waters after operating beyond the Exclusive Economic Zone to employ at least one of four ballast water management practices. For specific comments or concerns, contact Will Bullard at (757) 445-5153 or email [Will Bullard](mailto:Will.Bullard@uscg.mil). Comments are due 21 OCT 03. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2003/pdf/03-19373.pdf>.

STATE NEWS

DELAWARE

Governor Signs Legislation Strengthening Controls, Penalties For Industrial Polluters

Governor Ruth Ann Minner signed a bill (S.B. 60) on 16 July that allows the state to seek criminal penalties against corporate officials whose companies knowingly or recklessly violate environmental laws. The new law also contains Delaware's first felony penalties for environmental violations that result in serious physical harm to a person. S.B. 60 holds corporations and their employees criminally liable for knowing violations of environmental laws, regulations, and permit conditions; reckless submissions of false statements to state regulators; and reckless tampering with monitoring equipment. More information is available at: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/18Jul03/30.doc.html>.

MARYLAND

Amendments To Permits For Oversize And Overweight Vehicles.

The Department is revising its regulations regarding permits for overize and overweight vehicles, general conditions for movement of oversize and overweight

vehicles, and overweight vehicle permits for certain contained cargo. Comments are due 25 AUG 03. https://constmail.gov.state.md.us/comar/dsd_web/mdregister_web/3015/main_register.htm

PENNSYLVANIA

Long-Term 1 Enhanced Surface Water Treatment Rule

The Department of Environmental Protection has proposed regulations regarding Microbial and Disinfection Byproducts Corrective Amendments and Long-Term 1 Enhanced Surface Water Treatment Rule. The proposed regulation pertains to public drinking water systems serving less than 10,000 people that use either surface water sources or groundwater sources under the direct influence of surface water (GUDI). The Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) will improve the control of microbial pathogens in drinking water, including the protozoan Cryptosporidium. Key provisions include: Cryptosporidium removal requirements for systems that filter; strengthened combined filter effluent turbidity performance standards; requirements for individual filter

turbidity monitoring for plants using conventional or direct filtration; and a provision to ensure that microbial protection is not compromised as facility operators take the necessary steps to comply with new disinfection byproduct standards. The implementation of the LT1ESWTR will significantly reduce the level of Cryptosporidium in finished drinking water supplies through improvements in filtration. In addition, the proposed rulemaking is expected to increase the level of protection from other disease-causing organisms like Giardia lamblia and waterborne protozoa, bacteria or viruses. For specific comments or concerns, contact Will Bullard at (757) 445-5153 or email [Will Bullard](mailto:Will.Bullard). Comments are due 25 AUG 03. There is also a public hearing on 25 AUG 03 on the matter.

VIRGINIA

EPA Approves Virginia Implementation Of NOx SIP Call Emissions Trading Program

Virginia has won Environmental Protection Agency approval for its program to implement a multi-state nitrogen oxide emissions reduction program (68 Fed. Reg. 40,520). In a final rule published 8 JUL 03, EPA made the approval conditional on Virginia making a change to a provision on emissions banking, but the agency said the state already is in the process of changing the provision and has told the

agency that it plans to submit the change as a revision to its state implementation plan within one year. The EPA decision clears the way for Virginia to participate in the NOx SIP Call, a program under which 22 states and the District of Columbia are required to reduce nitrogen oxide emissions from electric power plants and industrial boilers starting in 2004. The complete article is available at: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/11Jul03/20.doc.html> [Table of Contents](#)

EPA Provides Virginia With Grant To Fight Polluted Runoff

EPA awarded a \$4.5 million grant to the Virginia Department of Conservation and Recreation to control nonpoint source pollution in the state's waterways. This award requires a 40 percent match, bringing the total award to \$7.6 million. Goals include nutrient reduction from runoff through development and application of comprehensive soil conservation practices, and promotion of nutrient management plans for agricultural operations, livestock operations, and poultry production, as well as resource extraction activities.

http://www.epa.gov/region03/ebytes/ebytes07_25_03.htm

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VA DEQ Proposes UST Amendment

DEQ is proposing minor changes to its UST regulations. A cursory review reveals no significant issues with proposed changes. Comment period is 11 AUG 03 through 10 OCT 03. A copy of the proposed changes is available at:

<http://www.townhall.state.va.us/stage/viewStage.cfm?vac=196&chapter=580&action=869&Stage=2220>. If you have

concerns or comments, contact Gary Koerber at (757) 444-5155 or email [Gary Koerber](mailto:Gary.Koerber@deq.virginia.gov).

Air Regulations For Small MWCs

The Department has approved new air regulations for Municipal Waste Combustors (MWCs) with a combustion capacity of less than 250 tons per day of municipal solid waste. The Department's regulations for large combustors became effective 04 AUG 99. The final regulations were published 08/11/03 and will be effective 09/10/03. More information is available at:

http://www.townhall.state.va.us/display.cfm?MEETING_ID=3167. The regulation is available at:

<http://legis.state.va.us/codecomm/register/vol19/iss24/v19i24.pdf> page 3535.

Please provide any comments you may have to [Gary Koerber](mailto:Gary.Koerber@deq.virginia.gov) before 1 OCT 03. [Table of Contents](#)

Emissions Controls For Commercial/Industrial Solid Waste Incinerators

The Department of Environmental Quality adopted a state regulation that controls emissions from commercial/industrial solid waste incinerators required by §§ 111(d) and 129 of the federal Clean Air Act. In addition to meeting USEPA's requirements, the regulation must also address separate State requirements for odor, toxics, fugitive emissions and permits. More information is available at:

http://www.townhall.state.va.us/display.cfm?MEETING_ID=3167. The regulation is available at:

<http://legis.state.va.us/codecomm/register/vol19/iss24/v19i24.pdf> page 3522. The regulation will take effect 10 SEP 03.

General VPDES Permit For Ready-Mixed Concrete Plants.

The Department of Environmental Quality adopted the reissuance of an existing general permit that will expire on 30 SEP 03. The general permit establishes limitations and monitoring requirements for point source discharges of storm water and process wastewater from ready-mixed concrete plants. The regulation becomes effective 01 OCT 03. The regulation is available at:

<http://legis.state.va.us/codecomm/register/vol19/iss23/v19i23.pdf> page 3331. [Table of Contents](#)

Amendments To Pesticide Regulations

The VA State Pesticide Control Board has drafted amendments to its pesticide regulations. The draft amendments concern changes to the fee provisions of the regulations, as well as amending certain licensing requirements. The proposed regulations consist of (1) the registration of and collection of the fee for each pesticide product offered for sale in the state; (2) the licensing and collection of the fee for each commercial pesticide applicator providing services to citizens of the state; (3) the licensing and collection of the fee for each registered technician applicator providing services to citizens of the state; and (4) the identification, licensing and collection of the fee for each pesticide business operating in the state. There is a public hearing 16 OCT 03. The comment period is from 11 AUG 03 to 26 NOV 03. The amendments are available at:

<http://legis.state.va.us/codecomm/register/vol19/iss24/v19i24.pdf> page 3462. For specific comments or concerns, contact Will Bullard at (757) 445-5153 or email [Will Bullard](mailto:Will.Bullard@deq.virginia.gov).

Amendments To Hampton Roads Emissions Control Area

The Department has drafted a proposal to consider enlarging the scope of the Hampton Roads Emissions Control Area in order to include four previously exempt jurisdictions subject to the VOC emission standards for existing sources.

<http://www.townhall.state.va.us/index.cfm?passthrough=http://www.townhall.state.va.us/stage/viewStage.cfm?vac=102&chapter=20&action=1160&Stage=2234>. There is a public meeting scheduled 26 AUG 03. The deadline for comments is 12 SEP 03. The proposal is available at:

<http://legis.state.va.us/codecomm/register/vol19/iss22/v19i22.pdf> page 3139. If you have concerns or comments, contact Gary Koerber at (757) 444-5155 or email [Gary Koerber](mailto:Gary.Koerber@deq.virginia.gov). [Table of Contents](#)

Existing Stationary Sources

The proposed regulatory action will add four new regulations to existing stationary sources. The proposed regulations will require owners to limit emissions of air pollution from portable fuel containers, solvent cleaning, mobile equipment repair and refinishing, and architectural

and industrial maintenance coatings to the level necessary for (1) the protection of public health and welfare and (2) the attainment and maintenance of the air quality standards. The purpose of the regulations is to provide emissions reductions sufficient to achieve the ozone standard in Northern Virginia. There is a public hearing 26 AUG 03.

Comments are due 12 SEP 03. The proposal is available at: <http://legis.state.va.us/codecomm/register/vol19/iss22/v19i22.pdf> page 3155. If you have concerns or comments, contact Gary Koerber at (757) 444-5155 or email [Gary Koerber](mailto:Gary.Koerber@navy.mil). [Table of Contents](#)

CHESAPEAKE BAY PROGRAM

Wastewater Treatment System Will Minimize Pollution Into The Bay

The state of Delaware, the town of Bridgeville, Del. and the U.S. Department of Agriculture (USDA) agreed on financing a new wastewater treatment system that will eliminate the town's effluent discharge into the Nanticoke River, a Chesapeake Bay tributary. The state will provide Bridgeville a \$2.7 million low interest loan from the water

pollution control revolving fund and a \$710,000 grant from the wastewater management account (to match an \$867,000 EPA grant), and USDA will provide a \$1.3 million loan and a \$1 million grant.

http://www.epa.gov/region03/ebytes/ebytes07_25_03.htm

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CONTINUING EDUCATION

CONFERENCES

ASTSWMO 2003 Federal Facilities Managers Symposium 20-22 AUG, Portland, OR

Hosted by the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) the symposium is titled, "Learning from the Past, Building for the Future." The symposium promotes better understanding and foster communication on critical federal facilities issues that are important to the states. For further information, contact Dania Rodriguez, (202) 624-5973, daniar@sso.org, or visit the ASTSWMO website at: <http://www.astswmo.org/>. [Table of Contents](#)

Region 3 EPA/State/DoD Environmental Colloquium 9-11 SEP 03, Williamsburg, VA

"Interdisciplinary Environmental Management-Integrating Resources for Environmental Excellence" Join us in historic Williamsburg Virginia in September for the 2003 EPA / State / DoD Environmental Colloquium. We will be bringing together Federal & State regulators, Civilian and Defense agencies, concerned environmentalists, legislators and others to learn about integrated environmental

management solutions that meet the environmental and security challenges we face today. The Colloquium is 09-11 SEP 03. It is at the Williamsburg Marriott Hotel, Williamsburg, Virginia. For further information, contact the DoN Regional Environmental Coordinator's Office, (757) 445-8899, DSN 565, e-mail: dodrecregion3@cmar.navy.mil. For links to additional Colloquium material, go to

<http://www.epa.gov/reg3esd1/fedfac/index.htm> or

<http://www.epa.gov/reg3esd1/fedfac/seminars.htm>.

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Emergency Preparedness And Prevention Conference 16-19 NOV 03, Norfolk, VA

The U.S. EPA Region III Emergency Preparedness and Prevention Conference is 16-19 NOV 2003 in Norfolk, VA. For more information, go to:

www.2003conference.org or call the Conference hotline at 1-800-364-7974. [Table of Contents](#)

TRAINING

EMS Training Course, 28 AUG 03, Annapolis, MD

The National Association of Environmental Professionals & Chesapeake Association of Environmental Professionals Presents Ed Pinero, Deputy Federal Environmental Executive of the Office of the Federal Environmental Executive at the Quiet Waters Park, Blue Heron Room,

1900-2100. Mr. Pinero will discuss the implementation strategy, expected benefits, incentives and pitfalls in developing Environmental Management Systems across Federal Agencies. You surely will not want to miss this event. Seating is limited for this event so place your order now. You may reserve a space for the event by emailing

sdev41@aol.com and mailing check. To purchase tickets, call: 410-306-0967.

Introductory Health Risk Communication Workshop, 14-16 OCT 03, Washington D.C.

Hosted by USACHPPM, the workshop will provide the participant with a basic understanding of concepts, principles, and process of effective risk communication, including building strategic stakeholder relationships that provide the framework for discussion of complex risk issues. For further information, contact Kita Perry, (410) 436-3515, e-mail: suaquita.perry@apg.amedd.army.mil, or visit the website at:

<http://chppm-www.apgea.army.mil/risk/>[Table of Contents](#)

EPA Organizational Guide To Pollution Prevention^{xvi}

A new EPA publication, "An Organizational Guide to Pollution Prevention," (EPA/625/R-01/003) is featured in a 3-day workshop. Class information and free registration at:

<http://www.epa.gov/ttbnrmrl/p2workshop.htm>

The document and an accompanying CD are also available for free at:

<http://oaspub.epa.gov/pls/ceripubs/ceripubs.PUB?pubid=155> and

<http://oaspub.epa.gov/pls/ceripubs/ceripubs.PUB?pubid=156>

For more information, go to:

<http://www.epa.gov/ttbnrmrl/p2workshop.htm>

Qualified Recycling Program Course Multiple Dates/Multiple Locations

The course provides hands-on training on how to identify and market recyclable materials. The course is for any person or organization that generates recyclable materials, is associated with an installation recycling program or DOD precious-metals recovery program, or works for a Defense Reutilization and Marketing Office (DRMO). For further information, visit the Environmental Management Department's course information website at:

<http://www.almc.army.mil/EMD/Page5.html>

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EPA Regions 1, 2, 3, & 5 Training Courses Multiple Dates/Multiple Locations

USEPA Regions 1, 2, 3, & 5 continually offer training on a variety of subjects. For further information regarding the types of courses, dates, and locations, visit EPA's training exchange website at: www.trainex.org. [Table of Contents](#)

FY04 Capital Hill Workshop, Washington DC

A 4-day workshop is being held in Washington DC. The workshop is Navy specific. It focuses on the current status and insider analysis of legislative issues of most interest and importance to officials of the Department of the Navy. The workshop, made possible by the Government Affairs Institute, is on multiple dates with a tuition cost of \$800. Dates, deadlines and details are available at

<http://www.georgetown.edu/ssce/gai>. [Table of Contents](#)

MEET THE REC

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For old issues go to Denix or www.cnрма.navy.mil/rec.

ⁱ Weekly Federal Register Summary, Week of 7/6/2003, Prepared by Naval Facilities Engineering Service Center, Code 42.

ⁱⁱ Weekly Federal Register Summary, Week of 7/27/03, Prepared by Naval Facilities Engineering Service Center, Code 42.

ⁱⁱⁱ http://www.epa.gov/ttn/oarpg/t1/memoranda/naqsfp_gda.pdf

^{iv} <http://www.epa.gov/ttn/oarpg/t1/pgm.html>

^v http://www.epa.gov/ttn/oarpg/t1/memoranda/naqsfp_gda.pdf

^{vi} http://www.epa.gov/ttn/oarpg/t1/memoranda/naqsfp_gda.pdf

^{vii} Federal Register, July 23, 2003, volume 68 number 141 page 43462

^{viii} Weekly Federal Register Summary, Week of 7/6/2003, Prepared by Naval Facilities Engineering Service Center, Code 42.

^{ix} Weekly Federal Register Summary, Week of 7/20/03, Prepared by Naval Facilities Engineering Service Center, Code 42.

^x Weekly Federal Register Summary, Week of 7/20/03, Prepared by Naval Facilities Engineering Service Center, Code 42.

^{xi} Weekly Federal Register Summary, Week of 7/27/03, Prepared by Naval Facilities Engineering Service Center, Code 42.

^{xii} Weekly Federal Register Summary, Week of 7/27/03, Prepared by Naval Facilities Engineering Service Center, Code 42.

^{xiii} Weekly Federal Register Summary, Week of 7/1320/03, Prepared by Naval Facilities Engineering Service Center, Code 42.

^{xiv} Weekly Federal Register Summary, Week of 7/20/03, Prepared by Naval Facilities Engineering Service Center, Code 42.

^{xv} Weekly Federal Register Summary, Week of 7/27/03, Prepared by Naval Facilities Engineering Service Center, Code 42.

^{xvi} Weekly Federal Register Summary, Week of 6/15/2003, Prepared By Naval Facilities Engineering Service Center, Code 42