

EPA REGION III
REC NEWSLETTER
MAY 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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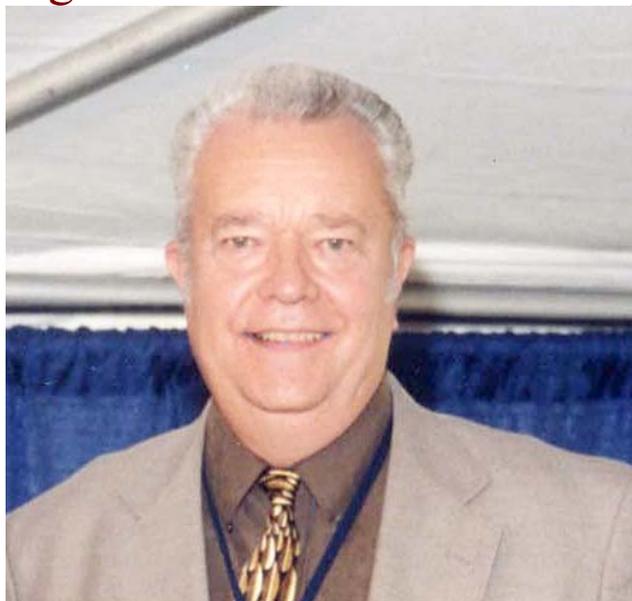
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SPOTLIGHT ON

Mr. James J. (J.J.) Hoyt
Environmental Protection Specialist
Navy Public Works Center Norfolk
Regional Environmental Group



2002 CNO/Secretary of the Navy Environmental Award Pollution Prevention - Individual

Congratulations to Mr. James “J.J.” Hoyt, winner of the 2002 CNO/Secretary of the Navy Pollution Prevention Individual Award. Mr. Hoyt is a regional pollution prevention manager for Commander, Navy Region Mid-Atlantic. His priorities are to support the war fighters and their missions while decreasing high volume waste streams, minimizing sources of pollution, and eliminating Emergency Planning and Community Right to Know Act (EPCRA) reportable releases. Mr. Hoyt has achieved these goals by working with sailors and aviators to meet mission, taxpayer and P2 needs through the installation of pollution prevention equipment.

Mr. Hoyt serves on the CNO Pollution Prevention Equipment Program (PPEP) full committee as a key player setting Navy policies and procedures. For example, he led

discussions to prioritize the Navy 2003 buy list for equipment due to anticipated cuts. Mr. Hoyt also worked out a way to support the Intermediate Maintenance Control test bed for MA-60 helicopters out of his regional program, saving the taxpayers hundreds of thousands of dollars and delivering equipment to the aviators several years in advance of the original plan. These are prime examples of Mr. Hoyt’s “Navy-wide” job performance and support of the Navy mission.

To see Mr. Hoyt’s award winning package, go to:
<https://www.denix.osd.mil/denix/Public/News/OSD/SecDef02/secdef02.html> [Table of Contents](#)

GENERAL INTEREST

EPA Region 3 Employees Donohue And Orenshaw Awarded¹

Participants in Region 3's Shuttle Columbia response received the prestigious Federal Executive Board Excellence in Government Gold Medal award for excellence in public service. EPA Region 3's cross-divisional Shuttle Columbia Recovery Team was awarded a gold medal for a host of activities integral to this national response, ranging from field recovery efforts, to ensuring hazardous materials were safely handled, to searches in Rayburn Lake and the Toledo Bend Reservoir. Part of the Shuttle Columbia Recovery Team includes **Steve Donohue**, member of the Maryland Pollution Prevention Partnership (affectionately know as **MP3**), and **Dennis Orenshaw**, member of the Naval Surface Warfare Center, Indian Head Installation Restoration Team (**IHIRT**, but don't we all?). Kudos to our friends, Steve and Dennis.

Earth Day Founder Says National Dialogue on Sustainability Is Essential

Government action to establish a "sustainable society is the over-arching challenge for this century and beyond," says former Sen. Gaylord Nelson, the founder of Earth Day. He says a sustainable society is "one whose activities do not exceed the carrying capacity of its resource base, or one that manages its environmental and resource systems so that their ability to support future generations is not diminished." For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/23Apr03/16.doc.html>

EPA Announces A New National Land Re-Use Initiative²

EPA has launched the land revitalization agenda to integrate its land reuse programs into its cleanup programs nationwide. The national agenda outlines 60 items that EPA can use to towards revitalizing once-used sites and to ensure that environmental remediation is followed by redevelopment. Learn more about the land revitalization agenda at: <http://www.epa.gov/oswer/landrevitalization>.

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Senators Raise Environmental Concerns To Block Woodley Nomination

Key senators are blocking the nomination of Mr. John Paul Woodley Jr. to the top appointed post at the Army Corps of Engineers until they receive answers to their concerns. Senator Barbara Boxer (D-CA) is seeking administration answers to her questions over perchlorate cleanups, and Sen. James Jeffords (I-VT) is seeking assurances that the

administration will tighten scrutiny of the environmental effects of the Corps' civil works projects, congressional and other sources say. Woodley is currently DOD assistant deputy under secretary for environment. Under his watch, the Pentagon has asserted it cannot go beyond assessing the extent of perchlorate contamination, in most cases, as there is no cleanup standard to implement -- a position that Boxer has criticized. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DEA/22Apr03/13.doc.html> [Table of Contents](#)

State Commissioners Oppose Pentagon's Environmental Legislation

State environmental commissioners are officially opposing the Defense Department's effort to amend several environmental laws, saying the department has yet to clearly identify where these statutes are hindering training and arguing the proposed changes may inappropriately infringe on states' ability to protect the health of their citizens and environment. But DOD sees some wriggle room in the commissioners' stance and is continuing to discuss possible modifications to the military's proposal. State sources say that while the resolution the Environmental Council of the States (ECOS) passed at its spring meeting earlier this month does include language commending DOD on its stated intent to balance military readiness with environmental protection objectives, the bottom line is states cannot support the legislative proposal, known as the Readiness and Range Preservation Initiative (RRPI). "We don't like RRPI," one state source says. A Pentagon source says, "The resolution was somewhat of a surprise" to DOD because military officials spent part of the ECOS meeting explaining their position and did not know the resolution was in the works. But the department is focusing on language in the resolution that is positive about DOD's efforts to balance environmental protection and training and encourages continued cooperation, rather than the portion that indicates states' opposition to the legislation, the source says. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DEA/22Apr03/01.doc.html> [Table of Contents](#)

Flag Officer Announcement

Secretary of Defense Donald H. Rumsfeld announced 25 APR that the President has nominated Navy Adm. William J. Fallon for reappointment to the rank of Admiral and assignment as Commander, U.S. Atlantic Fleet and Commander, Fleet Forces Command, Norfolk, VA Fallon is currently serving as Vice Chief of Naval Operations, Washington, D.C. [Table of Contents](#)

TRUE CRIME STORIES

Contractor Pays \$19,000 Penalty For Harassing State Inspector

The Pennsylvania Department of Environmental Protection (DEP) has received a \$19,000 penalty payment from Edward Keinath of Media, Delaware County, for harassing a department inspector in 2001, according to DEP Southeast Regional Director Joseph A. Feola. "Our inspector was attempting to investigate open burning at a construction site when he was threatened and harassed by Mr. Keinath," Feola said. "Such action is illegal and will not be tolerated."

On 30 AUG 01, a DEP air quality field inspector arrived on Rosewood Lane, where a residential development was being constructed in Edgemont Township. While walking toward a pile of burnt debris on the site, the inspector was approached by Keinath, who began to yell. Keinath then physically blocked access to the state vehicle, forcing the inspector to exit the area on foot. Pennsylvania State Police were contacted in order to retrieve the vehicle. For more information go to:

<http://www.dep.state.pa.us/newsreleases/default.asp?ID=2286> [Table of Contents](#)

Pennsylvania Landlord Pleads Guilty To Forging Signatures on Lead Paint Forms

PHILADELPHIA--A landlord in York, PA., pleaded guilty April 25 to federal charges of obstructing an Environmental Protection Agency investigation stemming from his alleged forgery of tenant signatures on lead paint hazard notification forms (United States v. Grove, M.D. Pa., No. 1:03-CR-60, guilty plea entered 4/25/03). Kurvin H. Grove in March 2002 provided EPA inspectors with lead-based paint hazard notification forms purportedly signed by tenants of his rental properties in York, according to an EPA news release. Grove has admitted to forging the tenants' signatures, EPA said. He entered the guilty plea in U.S. District Court for the Middle District of Pennsylvania in Harrisburg. EPA began a civil investigation of Grove's rental properties based on a referral from the York Bureau of Health, which had mandated abatement of lead-based paint hazards in one of Grove's properties after a child who lived there was found to have an elevated blood-lead level. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/01May03/29.doc.html> [Table of Contents](#)

FEDERAL NEWS

CAA

D.C. Circuit Sends Rule Back to EPA, Rejects Agency's Analysis of Cost

EPA must explain its decision to aggregate costs on a facility-wide instead of individual component basis for cost-benefit analyses for resin manufacturing plant emission controls, according to the U.S. Court of Appeals for the District of Columbia Circuit. The court remands the standards for polyethylene terephthalate resin manufacturing plants established as part of the national emissions standards for hazardous air pollutants. Two owners of resin manufacturing plants--Arteva Specialties S.A.R.L., doing business as KoSa, and Eastman Chemical Co.--successfully challenge the standards, alleging the decision to aggregate the cost effectiveness of the proposed controls on a facility wide basis misrepresented the costs of certain control measures. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/09Apr03/32.doc.html> [Table of Contents](#)

Lower Emissions on California Farms Is Goal of New Nonroad Diesels Rule

EPA says it is changing how it defines a nonroad diesel engine to allow California farmers to sidestep a requirement to obtain Clean Air Act operating permits while at the same time reducing overall emissions of harmful pollutants. The direct final rule is intended to get California farmers to trade in an estimated 2,200 older engines, used primarily to power irrigation pumps, that are now considered stationary sources under Clean Air Act rules. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/11Apr03/15.doc.html> [Table of Contents](#)

Central California Rule Banning Fireplace Use Meets Resistance

The San Joaquin Valley air district is under attack for proposing a rule that would make fireplace use illegal during certain high pollution days in the fall and winter. The rule -- included in the district's 14 APR particulate matter (PM10) attainment plan -- is needed because

residents are not complying with a voluntary program, which hurts the district's pollution reduction efforts, district officials argue. A draft staff report on Rule 4901 proposes to ban fireplace use and other wood-burning devices during certain high-PM days. These days normally consist of little wind, which allows pollutants to build up in the valley. Previously, regulators had used the voluntary, "Please don't light tonight" program, which, for the most part, was not being followed. The proposal also requires density limits restricting the number of wood-burning devices installed per acre for new construction, and mandates that wood stoves meet EPA standards upon sale or transfer of property. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/CAR/24Apr03/31.doc.html> [Table of Contents](#)

EPA Finds Fuel Economy At 22-Year Low Due Mainly To Rising SUV Sales

The average fuel economy of passenger cars and light trucks has been in overall decline since 1988 and reached its lowest point in 22 years in 2002, according to an EPA analysis of fuel economy trends released early this month

that attributes the drop to increasing sales of less-efficient light trucks and sport utility vehicles (SUVs).

Environmental groups and the automotive industry have fought bitterly over the stringency of corporate average fuel economy (CAFE) standards during energy bill negotiations both in 2002 and this year, with environmentalists pushing Capitol Hill and the Bush administration to make the standards dramatically stricter, while industry argues that increasing the standards would be too costly to automakers and consumers. Activists are also seeking ways to close the so-called SUV gap, which is created because SUVs are considered light trucks and not subject to the same CAFE standards as passenger cars. The EPA report released May 2, Light Duty Automotive Technology and Fuel Economy Trends: 1975 Through 2003, finds that average fuel economy for cars and other light-duty vehicles including SUVs is 20.8 miles per gallon (mpg) this year, compared to 22.1 mpg in the late 1980s. For more information go to: <https://www.denix.osd.mil/denix/DOD/News/Pubs/CAR/08May03/24.doc.html> [Table of Contents](#)

CERCLA

Regulators Say Army Misusing Emergency Removals At BRAC Base

Both state and federal regulators are pushing the Army to drop what they believe is the misuse of time-critical response actions at a BRAC site in Washington state. The Army's frequent reliance on time-critical response actions largely bypasses public participation opportunities at the site, which contains unexploded ordnance (UXO) and is slated to become a regional park, according to an EPA source.

EPA Region X is asking DOD's inspector general (IG) to investigate the Army's long-time reliance on removal actions to conduct cleanup at Camp Bonneville, an EPA Region X source says. Removal actions require far less

public involvement than remedial actions, EPA notes. For six years, the Army has been improperly handling the cleanup at Camp Bonneville, the source says. In its most recent complaint, EPA Region X cites the Army's "significant noncompliance with the administrative record and public participation requirements" of the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA). Despite six years of investigating and response actions, the Army only in January developed an administrative record index -- "an egregious violation of the statutory and regulatory requirements," EPA says. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DEA/06May03/08.doc.html> [Table of Contents](#)

NATURAL RESOURCES

U.S. Court Says Pond Near Navigable Water Protected Under Clean Water Act

A pond is a protected area under the Clean Water Act if it is near a navigable water of the United States, according to a ruling by the U.S. District Court for the Northern District of California (San Francisco BayKeeper v. Cargill Salt Division, N.D. Cal., No. C96-2161, 4/29/03). The April 29 decision came in a case filed in 1996 seeking to force Cargill Inc., which operates salt-making facilities along the southeastern end of the San Francisco Bay, to clean up

industrial wastes dumped at a depressed area of its property that seasonally fills with water. In granting summary judgment to the plaintiffs and extending the reach of the federal water pollution law, U.S. District Court Judge Susan Illston followed a 1985 decision by the Supreme Court. Illston cited arguments in United States v. Riverside Bayview Homes Inc., 474 U.S. 121, 23 ERC 1561 (1985), in which the Supreme Court ruled unanimously that Congress intended for waters adjacent to navigable

waterways to be covered by the Clean Water Act protections. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/08May03/31.doc.html> [Table of Contents](#)

RCRA

Appeals Court Ruling Threatens Activists' Use Of RCRA Citizen Suits

A new federal appeals court ruling may curtail environmentalists' use of the citizen suit provisions of the Resource Conservation & Recovery Act (RCRA) by limiting plaintiffs' abilities to recover attorneys' fees, according to an attorney involved in the case. The attorney may appeal the ruling to the U.S. Supreme Court, citing its "chilling effect" on future use of the suits to enforce hazardous waste laws. The April 14 ruling also marks the second time in as many months an appellate court has ruled on whether a contentious 2001 Supreme Court decision on attorneys' fees applies to federal environmental statutes, with differing results in the two cases, creating an apparent split between circuits.

The most recent case, *Kasza v. Whitman*, consolidated with *Frost v. Rumsfeld*, involves a long-running dispute over hazardous wastes allegedly generated by the Air Force at its secret testing facility at Groom Lake, NV, also known as "Area 51." The widows of two former employees of the facility are suing the federal government, alleging their husbands were exposed to hazardous materials at the site. But the federal government has refused to disclose what materials are in use at the site, claiming that revealing the information poses national security risks. Because of the ongoing litigation, President Bush has twice issued an executive order exempting the Air Force from complying with federal hazardous waste laws if those laws could force the disclosure of information revealing the ongoing activities at Groom Lake. President Clinton first initiated

the exemption in 1995, citing the widows' lawsuits, and did so each year of his administration as well. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DEA/22Apr03/10.doc.html> [Table of Contents](#)

Deconstruction

The document "A Guide to Deconstruction" has been posted on DENIX. To view this information, access this WWW address:

http://www.denix.osd.mil/denix/DOD/Working/NAVFAC/Guide/deconstruction_guide1.pdf.

EPA Proposes RCRA Wastewater Rule Change To Increase Accuracy

EPA has proposed a fundamental change to how the agency determines if wastewater should be regulated as hazardous under the Resource Conservation & Recovery Act (RCRA), which industry officials say will result in a more accurate assessment of how much hazardous waste is in a waterway. On 8 APR, EPA published proposed rule changes to the wastewater treatment exemptions for hazardous waste mixtures in the Federal Register. In the notice, the agency proposes changing the testing methods it uses to determine if solvents in wastewater are hazardous waste under RCRA's mixture rule. The rule regulates solid waste, including solvents, which are mixed with hazardous waste. The public comment period for the proposed rule ends 9 JUNE. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/PAL/30Apr03/01.doc.html> [Table of Contents](#)

SPCC

Facilities Get 18 More Months to Comply

Facilities that store large amounts of oil at onshore or offshore sites will have an additional 18 months to meet certain oil spill prevention and control requirements under a final rule published in [68 FR 18890](#). The rule responds to concerns from the industry that the agency did not allow enough time for these facilities to comply with changes to the Spill Prevention Control and Countermeasure (SPCC) requirements under the Clean Water Act. The revisions were published in July 02 and were designed to prevent spills from facilities that store oil near navigable waters or

at offshore sites (67 Fed. Reg. 47,041; 137 DEN A-2, 7/17/02). Under the April 17 final rule, facilities will have until 17 AUG 04, to amend their SPCC plans but must implement that plan no later than 18 FEB 05. The plans call for facilities to put in place containment and other countermeasures that would prevent oil spills that could reach navigable waters as well as undertake practices to help prevent spills. For more information go to: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/17Apr03/13.doc.html> [Table of Contents](#)

WATER

Ambient Aquatic Life Water Quality Criteria for Tributyltin

DON's comments to EPA's draft Ambient Aquatic Life Water Quality Criteria for Tributyltin (67 FR 79090, DEC 02) have been posted on DENIX at https://www.denix.osd.mil/denix/DOD/Working/CWASSC/Comments/swassc_tributyltin.pdf [Table of Contents](#)

EPA Announces \$15 Million for the Nation's Watershedsⁱⁱⁱ

To support community-driven initiatives that protect habitat, improve water quality, and enhance outdoor recreation, EPA Administrator Christie Whitman announced nearly \$15 million in grants to 20 watershed organizations selected as part of a new Watershed Initiative.

During last year's State of the Union Address, President George W. Bush asked the nation's governors and tribal leaders to nominate proposals to support community-based approaches to clean up the nation's watersheds. This year, Congress appropriated \$15 million of the President's original \$20 million dollar funding request.

The winning watersheds cover more than 90,000 square miles of the nation's lakes, rivers and streams. They represent our country's unique and varied landscape – from the forests of Maine to the tropics of Hawaii. These watersheds reside in urban and rural areas, encompass agricultural land, and are often threatened by suburban sprawl. Funds will go toward restoration and protection projects, such as stream stabilization and habitat enhancement, implementing agricultural best management practices, and working with local governments and homeowners to promote sustainable practices and strategies. The grants range from \$300,000 to \$1 million. For more information log on to <http://www.epa.gov/owow/watershed/initiative>. [Table of Contents](#)

EPA to Produce Guidance to Clarify Issues on Pesticides, Clean Water Act

EPA officials plan to produce guidance by the end of this year to clarify when or if pesticide applications require a permit under the Clean Water Act, according to the EPA Office of Pesticide Programs. Multiple legal cases have challenged the use of pesticides near or in waters to control mosquitoes without a National Pollutant Discharge Elimination System permit under the Clean Water Act. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/01May03/24.doc.html>.

Oil, Grease, Solids Reduced in Final Rule Covering Metal Products, Machinery Makers

Effluent limits on oily wastewater from 2,400 facilities that produce metal products and machinery will cut discharges of total suspended solids, oil, and grease by about 500,000 pounds a year, the Environmental Protection Agency said in a final rule. The final effluent limitation guidelines for the metal products and machinery industrial category is scheduled to be published in the 13 MAY, Federal Register. The rule significantly scales back the requirements proposed in JAN 01 that would have established eight subcategories of metal products and machinery operations potentially affecting 89,000 facilities (66 Fed. Reg. 424). The rule becomes effective 12 June, and the scaled-back requirements cover 2,400 facilities. All of the subcategories except the Oily Wastes group are eliminated in the final rule because national limits and standards were not warranted, EPA said in the final rule. For more information go to

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/13May03/16.doc.html>. [Table of Contents](#)

Alodine

The use of alodine is a big issue at air bases. Alodine is a conversion coating, which is one of 6 metal finishing operations as defined by 40 CFR 433. Effluent from any metal finishing operation and 40 other ancillary processes, which may take place anywhere in the facility is subject to categorical limits. This is a BIG DEAL because even if the alodine operation is dry (as is usually the case), effluent from the 40 ancillary operations is still subject to categorical limits. One of the ancillary processes is cleaning, which unfortunately extends to wash water generated by hangar floor washing.

Using an Alodine substitute gets us out of the metal finishing quagmire. Any efforts to forward adoption of the non-alodine product are well spent. A copy of the EPA's Regulatory Determination for the PreKote™ Surface Preparation Process may be found at <http://www.cnrma.navy.mil/REC/legreg.htm>. For further information, call Richard Padgett at Naval Facilities Engineering Command, Atlantic Division Headquarters, 757 322-8423, padgettrp@efdlant.navfac.navy.mil.

STATE NEWS

MARYLAND

EPA Proposes Rule to Allow Flexibility For Maryland Bioreactor Pilot Project

The Environmental Protection Agency is proposing a site-specific rule for a bioreactor pilot project that would allow a Severn, MD. landfill flexibility in complying with municipal solid waste landfill regulations under the Resource Conservation and Recovery Act. The proposed rule to be published 13 May in the Federal Register would implement a project under EPA's Project excellence and Leadership (Project XL) program, which encourages regulated entities under RCRA to achieve better environmental results at decreased costs, according to

EPA's notice. The XL project at Anne Rundle County Millersville Landfill and Resource Recovery Facility is intended to demonstrate that an alternative liner design at the landfill is as protective as the liner prescribed in current RCRA municipal solid waste landfill regulations that allow leachate recirculation. Expected project benefits include the accelerated biodegradation of landfill waste, a decrease in time for waste to be stabilized, and an improved management of leachate and stormwater. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/13May03/26.doc.html>. [Table of Contents](#)

PENNSYLVANIA

Pennsylvania Agrees to Implement Statewide Emissions Testing Program Under Settlement

Pennsylvania will phase in a statewide auto emissions testing program beginning in December, under a 7 MAY settlement that resolves lawsuits filed in federal court against the state by two environmental groups (Citizens for Pennsylvania's Future v. Mallory, E.D. Pa., No. 02-798, settlement 5/7/03; Clean Air Council v. Pennsylvania DOT, E.D. Pa., No. 01-179, settlement 5/7/03). Lawsuits filed in 2001 by the Clean Air Council and in 2002 by Citizens for Pennsylvania's Future (PennFuture) in U.S. District Court for the Eastern District of Pennsylvania charged the state environmental and transportation agencies with violating

the Clean Air Act by failing to implement auto emissions testing programs required by Pennsylvania's approved state implementation plan for ozone. In an OCT 02 ruling in the case brought by the Clean Air Council, the court said the state departments of Environmental Protection and Transportation were in violation of the Clean Air Act because they had failed to fully implement the final emission standards of the enhanced vehicle inspection and maintenance program in the five-county Philadelphia area by the 1 DEC 98, deadline. For more information go to: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/13May03/25.doc.html>. [Table of Contents](#)

VIRGINIA

Recycling Grant Funds Help Expand Recycling Services^{iv}

The Region 3 Solid Waste Program provided a \$5,000 grant to the Southeastern Public Service Authority, a solid waste management agency in South Hampton Roads, VA to increase recycling at local businesses, restaurants, apartments, churches and schools in the area. The funds paid for advertisements (especially on TV), which resulted in a recycling participation increase of 25 percent. [Table of Contents](#)

Stormwater Management Incentives

Two bills signed by governor Warner in March 2003 are designed to encourage projects to reduce storm water flow and improve storm water quality.

House Bill 1953 requires the Director of the Department of Environmental Quality to appoint a Low Impact Development Assessment Task Force to: (1) develop a certification process for low impact development techniques in achieving quantifiable pollution prevention or abatement results, (2) develop such other guidance for local governments and the general public as necessary to promote a more complete understanding of the most effective use of low impact development techniques, (3) recommend

changes to existing statutes and regulations to facilitate the use of low impact development techniques, and (4) develop a model ordinance for use by local governments.

Senate Bill 1193 amends Section 15.2-2114 (Regulation of Stormwater) of the Code of Virginia and allows localities to adopt ordinances establishing service charges to recover costs for operation and maintenance of stormwater control facilities. The Code already specified full waiver of fees for federal facilities that owned and provided maintenance of storm drainage and stormwater control facilities. However, localities could interpret eligibility to apply only

if the federal storm drains emptied directly into state waters vice discharging through city storm drains. The amended language provides an additional opportunity for fee waiver by allowing (but not requiring) localities to provide full or partial waivers for redevelopment or retrofit of outfalls, discharges or property that result in permanent reduction in post development stormwater flow and pollutant loading. The change will hopefully encourage localities to promote and reward storm water management improvements, including low impact development designs, through fee waivers.

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CHESAPEAKE BAY PROGRAM

Bay Program Sets New Goals for Protection and Restoration of Submerged Aquatic Vegetation^v

The EPA Chesapeake Bay Program Office has adopted a strategy to accelerate the protection and restoration of submerged aquatic vegetation (SAV) in the Bay and its tidal tributaries. SAV plays an important role in the aquatic ecosystem by providing food and habitat for waterfowl, fish, shellfish and invertebrates; producing oxygen in the water column through photosynthesis; filtering and trapping sediment; protecting shorelines from erosion; and removing excess nutrients. The new goal calls for a total of 185,000 acres of SAV in the Bay by 2010. That's more than DOUBLE the 85,000 acres estimated to be present in 2001. To successfully accomplish this goal, the following four major initiatives must be implemented:

Improve Water Quality: Excessive nutrients and sediments from upland sources, shoreline erosion, tidal processes, etc., must be reduced to meet water clarity criteria necessary for sustained SAV growth and survival. To address the water clarity issue, the Bay program adopted new cleanup goals for both nutrient and sediment loading in the Bay and its tidal tributaries. In March 03, the Bay program adopted nutrient goals that would require 50% reductions of nitrogen and phosphorous (utilizing mid-1980's data as a baseline). This equates to a basin-wide goal of 175 million pounds/year of nitrogen and 12.8 million pounds/year of phosphorus. In April 03, the Bay program set its first ever sediment reduction goals, calling for a reduction of 5 million tons to 4 million tons per year. When combined, the nutrient and sediment reduction goals will hopefully accelerate the resurgence of SAV and result in measurable improvements throughout the entire Bay ecosystem.



Dr. Robert Orth (VIMS) discusses recent SAV restoration efforts at Langley Air Force Base with Glen Page (Baltimore National Aquarium), Jay Woodward (VMRC) and Patsy Kerr (Langley Air Force Base – not pictured)

Protect and Preserve Existing SAV Beds: Characterize threats to existing SAV beds (invasive species, shoreline erosion, sediment loading, sea level rise, etc.) and implement best management practices for long-term protection.

Accelerate Restoration Efforts: Identify suitable transplant sites and accelerate SAV restoration efforts by transplanting 1,000 new acres of SAV by 08 DEC .

Enhance SAV Research/Citizen Involvement and Education: Educate the public regarding the need for protection and restoration of SAV and support ongoing research restoration technologies and sound SAV science.

Per Glenn Markwith, DOD Chesapeake Bay Program coordinator, the Department of Defense is well represented in these initiatives. “Langley Air Force Base has taken a leadership role in the restoration of SAV on the Back River and the Army Environmental Center is actively engaged in developing a SAV restoration handbook for use by all services. The Navy and Marine Corps have been active in restoration efforts in the lower Chesapeake watershed and are conducting near shore water quality monitoring to evaluate the continued long-term success of SAV projects. We are active participants and partners with academia, state and local government in these restoration efforts, but the continued success of the SAV work throughout the watershed ultimately depends on meeting and maintaining the water quality necessary for SAV growth. DOD installations can expect a continued push to reduce nutrient and sediment inputs, including restoring and preserving riparian forest buffers; implementing best management practices for innovative storm water management (Low Impact Development); stabilizing eroding shorelines; implementing Waste Water Treatment Plant upgrades; developing nutrient management plans; reducing air emissions; etc. There will also be an increased focus on participation on tributary strategy teams and local watershed planning partnerships as load allocations are developed. This is an excellent opportunity for federal agencies to lead by example – it's my sincere hope that all services will respond to the challenge.”

For more information on the SAV restoration strategy or the Chesapeake Bay program in general, please contact the DOD Chesapeake Bay program coordinator at (757) 444-5152, DSN 564. [Table of Contents](#)

PERSONAL DEVELOPMENT

CONFERENCES

CNO P2, Clean Air and Clean Water Conferences Canceled

CNO (N45) will not be holding its annual P2, Clean Air and Clean Water conferences in FY03 due to funding limitations. If you want to attend a P2 Conference for this year, consider attending the 8th Annual Joint Services Pollution Prevention Conference & Exhibition which will be held 11-14 AUG 03 in San Antonio, TX. Conference details, hotel information, and registration can be found at the conference web site: <http://www.p2-hwmconference.com/> [Table of Contents](#)

Real World Clean Air Symposium 19-22 MAY 03, Seattle, WA

The event is sponsored by US Army Forces Command, Hill Air Force Base, Fort Irwin, the West Coast Section of the Air and Waste Management Association, with support from the Army Training and Doctrine Command, the US Army Environmental Center, and USEPA. For further information, contact Michelle Kubal, (937) 254-7950, ext. 1168, e-mail: mkubal@anteon.com, or visit the Symposium website at: www.usasymposium.com. [Table of Contents](#)

11th Annual Global Demilitarization Symposium and Exhibition 19-22 MAY 03, Sparks, NV

The Joint Ordnance Commanders Group and NDIA will conduct the symposium. The event continues to support the DOD in efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. The agenda focuses on the global challenges and successes experienced in the disposition of energetic materials. For further information, contact Tim Becker or Dawn Harper, NDIA, (703) 247-2573, e-mail: tbecker@ndia.org, or dharper@ndia.org. [Table of Contents](#)

Invasive Species Advisory Committee, 24-25 JUN 03, Chicago, IL

The Invasive Species Advisory Committee will meet 24 - 25 JUNE 03, in Chicago, IL to discuss implementation of action items outlined in the National Invasive Species Management Plan. The National Invasive Species Management Plan, finalized on 18 JAN 01, is available at <http://www.invasivespecies.gov/council/nmp.shtml>. For further information contact: Kelsey Pass[eacute], National Invasive Species Council Program Analyst; Phone: (202) 513-7243; Fax: (202) 371-1751.

Resource Conservation and Recovery Act National Meeting, 12-15 AUG 03, Washington, DC

The meeting is being cosponsored by EPA, the Air & Waste Management Association, the Solid Waste Association of North America, the International City/County Management Association and the Association of State and Territorial Solid Waste Management Officials as well as state governments and tribes. This year's meeting focuses on the Resource Conservation Challenge; a major national effort to conserve natural resources through waste reduction and energy recovery programs. A registration fee applies (\$295 for federal employees). Registration and meeting details are available at <http://www.epa.gov/osw/meeting/>. The agenda and listing of all presentations is available at <http://www.epa.gov/epaoswer/osw/meeting/pdf02/agenda.pdf>. [Table of Contents](#)

Region 3 Environmental Colloquium 9-11 SEP 03, Williamsburg, VA

The Colloquium is scheduled to be held at the Williamsburg Marriott Hotel, Williamsburg, Virginia from 9-11 SEP 03. For further information, contact the DoN Regional Environmental Coordinator's Office, (757) 445-8899, DSN 565, e-mail: dodrecregion3@cmar.navy.mil [Table of Contents](#)

TRAINING

Qualified Recycling Program Course

Prerequisites: Nominees should have an actual or projected assignment associated with generating, processing, sales, or disposal of recyclable materials. [Table of Contents](#)

Warning: You will be using numerous hazardous chemicals to include nitric acid, hydrochloric acid, ammonium hydroxide, potassium ferricyanide, silver nitrate, acetic acid, and ammonium acetate. You will be exposed to dust generated from grinding metals. If you have any health concerns (i.e., pregnancy, allergies, etc.), please consult your physician prior to attending this course.

Scope: The curriculum concentrates on procedures for processing recyclable materials within the DOD with emphasis on laws, regulations, functional responsibilities, metals identification, sales, safety and security.

Class Number	Start Date	End Date	Nominations Due	Location
2003 - 011	12 May 2003	16 May 2003	28 Mar 2003	ALMC, FT LEE, VA
2003 - 012	09 Jun 2003	13 Jun 2003	25 Apr 2003	ALMC, FT LEE, VA
2003 - 013	16 Jun 2003	20 Jun 2003	02 May 2003	ALMC, FT LEE, VA

This schedule taken from ALMC web site. <http://www.almc.army.mil>

Contact Barbara E. Whitlock at BUPERS/NAVPERSCOM Quota Management in Washington, DC at (703) 693-2025 or DSN 223-0205 or Joann Chmielewski at (703) 695-6430 or DSN 225-6430

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Introductory Risk Communication Workshop, 3-5 JUN 03 Providence, Rhode Island

The Introductory Risk Communication Workshop sponsored by the U.S. Army Center for Health Promotion and Preventive Medicine is designed to provide the participant with a basic understanding of the concepts, principles, and process of effective risk communication planning. It provides the participant with an understanding of essential communication skills and tools for building strategic stakeholder relationships that provide the framework for discussion of complex risk issues. For further information and to register go to: <http://chppm-www.apgea.army.mil>, click "Training/Conferences," and scroll to "Introductory and Intermediate Health Risk Communication". [Table of Contents](#)

RCRA Hazardous Waste Review 13 JUN 03, Norfolk Naval Station, Norfolk, VA.

The Hazardous Waste Annual Refresher is an 8-hour course that provides hazardous waste workers with updated regulatory and technical information needed to perform their duties safely and in compliance with legal and Navy policy requirements. RCRA regulation 40 CFR 264.16(c) and 265.16(c) requires annual review of initial hazardous waste training. Per 40 CFR 262.34(a)(4), generators of HW who accumulate waste for less than 90 days must prepare and implement a training program which complies with the standards in 40 CFR 265.16 which mandates personnel training. HAZWOPER 29 CFR 1910.120(q)(8) requires annual refresher training in emergency spill response. Personnel who have completed a Hazardous Waste Facility Operators course or the Hazardous Waste Generators/Handlers course and require annual update are eligible to attend. Course location is Sewell's Point Bachelor Housing Conference Center, Norfolk Naval Station, 1756 Powhatan St. Bldg. A-51 (Perry Hall). For further information and to register visit the CECOS website: <https://www.cecos.navy.mil>.

USEPA EMS Workshop 5-7 AUG Kansas City, KS

USEPA Regions 5 and 7 are hosting, “Designing Your EMS: A Federal Facilities Workshop.” The workshop is appropriate for federal facility environmental managers and staff who have responsibilities for implementing Executive Order 13148. Topics covered include the basic elements of an EMS and the steps required to implement an EMS. For further information, contact Diana Jackson, USEPA Region 7 Federal Facilities Manager, (913) 551-7744, e-mail: jackson.diana@epa.gov. [Table of Contents](#)

DSMOA Training Multiple Dates/Multiple Locations

DOD is hosting a series of 12 DOD/State Memorandum of Agreement (DSMOA) training workshops to be held at various locations across the country. The training will focus on teaching a standardized approach to the six-step cooperative agreement process and promoting a productive dialogue between members of the DSMOA program. Both state and DOD DSMOA personnel are encouraged to attend. Please visit the website at: <https://www.denix.osd.mil/denix/State/state.html> to determine the date and location of the session in which your state is participating. It is important that DSMOA personnel attend the training workshop identified for their state. The website should also be used to register and obtain agenda and hotel information. [Table of Contents](#)

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> [Table of Contents](#)

USEPA 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 USEPA’s training exchange website at: www.trainex.org. [Table of Contents](#)

MEET THE REC

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 with your name, command, address, phone number, and email.

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

ⁱ http://www.epa.gov/region03/ebytes/ebytes05_09_03.html

ⁱⁱ http://www.epa.gov/region03/ebytes/ebytes04_11_03.html

ⁱⁱⁱ http://www.epa.gov/newsroom/headline_050203.htm

^{iv} http://www.epa.gov/region03/ebytes/ebytes05_02_03.htm

^v by Glenn Markwith