



# Navy Region 3 REC Update



April 2004

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## LINK HELP

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## SPOTLIGHT ON

### Defense Supply Center Richmond Awarded 'Environmental Enterprise' Designation<sup>i</sup>

The Defense Supply Center Richmond (DSCR) has received the Virginia Environmental Excellence Program's "Environmental Enterprise" designation. This recognition is awarded to Virginia facilities that have begun implementing an environmental management system.

"This designation illustrates the importance of making environmental performance a management priority," said Robert G. Burnley, Director of the Department of Environmental Quality (DEQ). "DSCR joins a only few

dozen other companies and facilities in Virginia that have made this commitment to environmental protection."

DSCR representatives received a framed poster and certificate from DEQ officials at a ceremony at DSCR.

"Environmental enterprise" is the second-highest level of achievement in the Virginia Environmental Excellence Program, DEQ's effort to promote the use of environmental management systems and pollution prevention for businesses, industry and government. Facilities receiving

this designation will be eligible for the highest level of recognition, “Exemplary Environmental Enterprise,” upon

completion of a comprehensive environmental management system. [Table of Contents](#)

## Region III Recycling

The Navy has met or exceeded the Department of Defense (DOD) Solid Waste Measures of Merit (MOM) goal for six consecutive years. The current diversion rate goal is 40%. The Navy achieved 43% in FY03. For a copy of the report go to:

<http://www.cnrma.navy.mil/rec/AR-2021-ENV%20FY03%20SW%20P2ADS.pdf>.

Kudos to the following Navy Region III Installations for exceeding the diversion rate goals:

Naval Air Station (NAS) Patuxent River, Naval Surface Warfare Center (NSWC) Indian Head, Naval Medical Center Portsmouth, NAS Oceana, Naval Weapons Station Yorktown, Naval Support Activity (NSA) Mechanicsburg, Naval Amphibious Base (NAB) Little Creek, Naval District Washington, NSWC Ship Systems Engineering Station Philadelphia, U.S. Naval Academy, and NSWC Dahlgren.

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## Arbor Day

By John Ballinger, CNRMA Environmental Outreach Coordinator

The idea for Arbor Day dates back to the 1800’s, when pioneers were migrating into the Nebraska territory. Nebraska, which was once a treeless plain, was home to many pioneers who relied heavily on the use of trees for windbreaks, soil erosion protection, fuel, and building materials.

Among these early pioneers was a nature lover named J. Sterling Morton. As a journalist and editor for Nebraska’s first newspaper, Morton easily spread information to his enthusiastic audience. In 1872, at a State Board of Agriculture meeting, he proposed a tree-planting holiday, to be named “Arbor Day.” The date was set for April 10, 1872. It is estimated that 1 million trees were planted in Nebraska on the first Arbor Day. A decade later, the tradition of Arbor Day had spread nationwide and is still celebrated today. The last Friday of April has been proclaimed National Arbor Day, but many states coincide

their Arbor Day celebrations with the best tree-planting time in that state.

To celebrate Arbor Day, Commander, Navy Region, Mid-Atlantic has held tree plantings at NAS Oceana, NSA Northwest Annex, and NAB Little Creek. Celebrations for NS Norfolk and NAS Oceana Dam Neck Annex are planned for later in the month. Those in attendance include the Installation Commander, the state forester from the Virginia Department of Forestry, and the installation’s Child Development Center children and staff.

To learn more about Arbor Day, check out the National Arbor Day Foundation’s website at [www.arborday.org](http://www.arborday.org).

**“Each Generation takes the Earth as trustees. We ought to bequeath to posterity as many forests and orchards as we have exhausted and consumed.”---**

**J. Sterling Morton** [Table of Contents](#)



CAPT Garret E. Cooper, CO, NAB Little Creek, helps children from Little Creek’s Child Development Center plant a Bald Cypress tree grown at one of Little Creeks nurseries.



CAPT Eola L. Scott, CO, NSA Northwest Annex plants a tree with help from children from the Northwest Annex Child Development Center.

## Prescribed Burns

By Brian Hostetter, CNRMA Natural Resources Team Leader

Burning government property sounds a little felonious - no? Well it's not if conducted on government forests and grasslands by properly trained Natural Resources personnel and volunteers. By definition, prescribed or controlled burns are "the skillful application of fire to forest and grassland fuels, in a definite place, for a specific purpose, and under exacting conditions to achieve management objectives. "Prescribed burns are conducted annually on several hundred acres of land at NAS Oceana, Naval Auxiliary Landing Field Fentress, Dam Neck Annex and NSA Norfolk, Northwest Annex. Burning is a very cost effective method used to assist the Navy in meeting mission requirements on these installations through the reduction of wildfire hazard, low cost maintenance of cleared areas, control of some invasive plant species, and low cost site preparation for restoration projects. These fires also directly benefit the landscape, wildlife and ecosystems dependent on frequent fires.

Many plant and animal species in the Mid-Atlantic region are here because, over the years, they have adapted to frequent wildfires, whether natural or purposely set by Native Americans. With land development and the exclusion of fires many of these species have suffered declines. Longleaf pine, and the wildlife species associated with it, was once common in this area, now has become very rare in Virginia because of the exclusion of fire. Bobwhite quail and other grassland birds are also on the decline – one of the reasons being an exclusion of fire which reduces the shrubs, grasses, and forbs upon which these species depend. The plants only thrive when fire is allowed in these sites.

To get approved to conduct prescribed burns, burn and smoke management plans are developed only after determining mission requirements, forest fuel loading, primary and secondary firebreaks, operational constraints, wildlife species needs and safety and weather considerations needed for a successful burn. These plans are then routed through various base commands for comment prior to going to the Installation Commander for signature and subsequent implementation. After plan approval, the Burn Team waits for favorable weather

conditions, generally during the months of February and March.

A well-trained team consists of a Burn Boss, Safety Boss, ignition specialists and fireline control personnel with installation Fire Departments providing a seldom needed, but very valuable, on-call service in the event that fire crosses established fire lines. When favorable conditions arrive, the burn crew assembles, phone calls are placed to responsible parties and equipment is checked and loaded. Wind direction and velocity determines which areas are ignited on a particular day. Burns are accomplished by reinforcing established fire lines with backing fires (which burn into the prevailing winds) on the day of the burn. Head fires, which burn with the wind, are then used to accomplish the majority of the burn. After completion of all burns, members of the team conduct a post-burn evaluation to evaluate whether the fire met burn objectives for the area.

Fire has become an important natural resources tool that has been used since human settlement in America. With the suppression of fire in recent times we have seen some negative effects on the native flora and fauna and even ecosystems. Used correctly, fire as a management tool is neither innately destructive nor constructive. It simply causes change, which is biologically necessary to maintain healthy ecosystems.



Brian Hostetter starts a controlled burn at NAS Oceana.

## TRUE CRIME STORIES

### **\$3.5 Million Fine In Ocean Dumping Case**

A Norwegian shipping company faces a \$3.5 million fine following the firm's guilty plea on seven felony counts associated with dumping of waste oil into the ocean and concealing the crime. Hoegh Fleet Services pleaded guilty in U.S. District Court for the Western District of

Washington and in federal district courts in California to felonies including obstruction and making false statements to federal inspectors to conceal "evidence of intentional dumping of waste oil into the ocean." Under the plea agreement, Hoegh Fleet Services agreed to the fine and to develop and carry out a comprehensive environmental

compliance plan for 38 ships that visit U.S. ports. The plea agreement calls for four years probation for the company. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/18Mar04/14.doc.html> [Table of Contents](#)

### **Seafood Processor Will Pay Fine And Improve Operations**

Nautilus Foods, a Valdez-based seafood processor with a long history of citations from federal and state agencies, has agreed to pay \$15,000 to settle Clean Water Act violations. Nautilus Foods was cited for dumping fish waste directly into the sea, in violation of its wastewater-discharge permit. Those wastes have covered more than 1.5 underwater acres, at least 50 percent more than was allowed under the company's state permit. The company also discharged other garbage, such as Styrofoam containers, into its outfall line and failed to do proper monitoring and fix a leaking outfall line that resulted in the spread of wastes under the Valdez harbor's dock. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/29Mar04/19.doc.html>. [Table of Contents](#)

### **Oregon Man Gets Jail Term For Illegal Waste Storage<sup>ii</sup>**

An Oregon court sentenced the head of a computer recycling company to 30 days in jail for unlawful storage of hazardous waste in connection with a warehouse fire. The court handed down the sentence against Henry Kell, president of Hightech Now Inc., of Portland. A fire destroyed hundreds of computers at the firm's rented warehouse 6 Jun 02. The Oregon Department of Environmental Quality (DEQ) said refuse from the fire posed a threat to human health and the environment and that the firm did not promptly clean it up. DEQ charged that Kell abandoned the warehouse after the fire, forcing the property owners to eventually pay for the disposal of 112 tons of toxic hazardous waste. In addition to the jail term, Kell was fined \$5,000 fine and placed on probation for two years. DEQ has also assessed a civil penalty against Kell and his company for \$71,962. [Table of Contents](#)

## GENERAL INTEREST

### **DOD Plan For Mercury Storage Draws Praise From Activists**

The Department of Defense's (DOD) plan to consolidate storage of its stockpile of elemental mercury to reduce environmental impacts associated with the toxins is drawing praise from environmentalists, who for years have lobbied the department not to sell its existing supplies to international markets. DOD's Defense National Stockpile Center (DNSC) chose consolidation as the preferred alternative under a just-finalized environmental impact statement (EIS), mirroring the preference outlined in the draft EIS last year. The Final Mercury Management EIS examines options for managing a 4,890-ton stockpile of elemental mercury over the long-term -- up to 40 years -- with an objective of protecting human health and the environment, ensuring the safety of workers and the public, complying with applicable laws and regulations, and minimizing costs. Defense Logistics Agency will release a Record of Decision after 24 Apr 04 announcing which alternative that will be implemented. An executive summary and the Final EIS are available at: <http://www.mercuryeis.com>. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e.docket.access.gpo.gov/2004/pdf/04-6435.pdf> and <https://www.denix.osd.mil/denix/DOD/News/Pubs/PAL/31Mar04/18.doc.html>. [Table of Contents](#)

### **DOD Renews Bid To Exempt Training Activities From Environmental Laws**

DOD is again asking Congress to exempt certain military training activities from requirements of the Clean Air Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation and Liability Act. Pentagon officials have been seeking changes to the three laws, as well as others, for the past two years. The 2004 Readiness and Range Preservation Initiative was submitted to Congress 7 Apr as part of the fiscal year 2005 DOD authorization. DOD says compliance with existing language of the three laws is compromising the military's ability to conduct training exercises and to prepare for war. The 2004 proposal would apply to about 525 operational ranges in the United States and its territories. The 2004 Readiness and Range Preservation Initiative is available at:

<https://www.denix.osd.mil/denix/Public/Library/Sustain/RRPI/rrpi.html>. More information is available at: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/08Apr04/16.doc.html>. [Table of Contents](#)

### **Earth Day On The Web<sup>iii</sup>**

The EPA Region III Earth Day site is up and running at: <http://www.epa.gov/Region3/earthday/>. General information on Earth Day and its history, links and information on Earth Day events throughout the regional states will be provided and updated regularly.

# FEDERAL NEWS

## CAA

### Official Start Of Ozone Season Is Here<sup>iv</sup>

1 Apr was designated as the official start of the 2004 ozone season for the mid-Atlantic region. A useful tool to keep people informed of air quality - the AIRNow website (<http://www.epa.gov/airnow>) - allows users to access air quality forecasts and the air quality index to learn how to protect themselves from over-exposure to ozone pollution.

### NESHAPs For Stationary Combustion Turbines<sup>v</sup>

EPA is proposing to amend the list of categories of sources by deleting four subcategories from the Stationary Combustion Turbines in response in part to petitions submitted by the Gas Turbine Association and in part upon the EPA Administrator's own motion. The four source category include:

- lean premix gas-fired stationary combustion turbines;
- diffusion flame gas-fired stationary combustion turbines;
- emergency stationary combustion turbines;
- stationary combustion turbines located on the North slope of Alaska.

EPA is also publishing a proposal to stay the effectiveness of the maximum achievable control technology (MACT) standards for new sources in the subcategories during the pendency of the rule to delete the subcategories: 69 FR 18338. The proposed rule is based on EPA's evaluation of the potential hazards from exposure to hazardous air pollutants (HAP) emitted from the four subcategories. Send comments to [Gary Koerber](mailto:Gary.Koerber@epa.gov) by 31 May 04. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2004/pdf/04-7775.pdf>.

### Environmental Groups Sue EPA Over Rule Limiting Monitoring Requirements In Permits

A coalition of environmental groups sued the EPA for withdrawing a proposal that would have clarified that the monitoring required in EPA regulations must show that a source complied with requirements of its operating permit under Title V of the Clean Air Act. The environmental group lawsuit challenges a final rule EPA issued that said agency regulations do not require monitoring under operating permits beyond that already required in state implementation plans, periodic monitoring regulations, and the agency's compliance assurance monitoring rule. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/19Mar04/20.doc.html> [Table of Contents](#)

### North Carolina Petition Asks EPA To Control Other States' Sources

North Carolina has filed a petition with the EPA asking it to control migrating air pollution from 13 other states. North Carolina Attorney General Roy Cooper filed the petition under a section of the Clean Air Act (CAA) that allows states to seek federal intervention on transboundary air pollution. The state is asking EPA to require cuts in particulate matter, sulfur dioxide, and nitrogen oxide emissions from power plants in Alabama, Georgia, Illinois, Indiana, Kentucky, **Maryland**, Michigan, Ohio, **Pennsylvania**, South Carolina, Tennessee, **Virginia**, and **West Virginia**. Section 126 (42 U.S.C. 7426) of the CAA allows states to claim that other states are significantly contributing to its nonattainment of federal air quality standards. Under the law, EPA has 60 days to agree with or reject such a claim. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/19Mar04/16.doc.html>. [Table of Contents](#)

### Revised Risk Management Plan Requirements

EPA is making several changes to the reporting requirements of its chemical accident prevention regulations under section 112(r) of the Clean Air Act. Beginning 21 Jun 04, military facilities subject to the accident prevention regulations are required to submit information on any significant chemical accidents and any changes to emergency contact information on a timelier basis. In addition, the final rule also requires that covered facilities include three new pieces of information in their RMPs: the e-mail address for the facility emergency contact, the name, address and telephone number of the contractor who prepared the RMP, and the purpose of any RMP submission that changes or otherwise affects an earlier RMP submission. The rule also clarifies that **the deadline for updating RMPs that were submitted before or on 21 Jun 99 is 21 Jun 04**, except for those facilities required to update their RMPs as a result of changes at the facility. The final rule is available at:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004\\_register&docid=fr09ap04-8.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr09ap04-8.pdf). [Table of Contents](#)

### New Equivalent Method Designated For PM<sub>10</sub><sup>vi</sup>

EPA has designated a new equivalent method for measuring concentrations of particulate matter, PM<sub>10</sub>, in ambient air. The new method is an automated method that utilizes a measurement principle based on sample collection by filtration and analysis by beta-ray attenuation. The method is identified as follows: EQPM-0404-151, "Environnement S.A. Model MP101M PM<sub>10</sub> Beta Gauge Monitor,"

configured with the louvered PM10 inlet specified in 40 CFR 50 Appendix L or its flat-topped predecessor version and one of the three optional temperature-regulated sampling tubes (RST), and operated with a full scale measurement range of 0-0.500 mg per cubic meter. The method is available commercially from the applicant, Environnement S.A., Cedex, France, at:

<http://www.environnement-sa.com>. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2004/pdf/04-7978.pdf>.

### **Developing Technology Could Help Cut Mercury By 70 Percent**

A developing technology called "activated carbon injection" and current particulate matter controls have the potential to achieve 70 percent control of mercury emissions from coal-fired electric power plants by 2010, according to a white paper, **Control of Mercury Emissions from Coal-fired Electric Utility Boilers**, issued by the EPA. With the addition of fabric filters, another particulate matter control technology, activated carbon injection has the potential to achieve 90 percent reduction by 2010. Based on a study of mercury-control technology trials at various power plants, the paper projects more aggressive emissions reductions than the Utility Mercury Reductions Rule proposed by EPA, which requires 70 percent cuts in mercury emissions by 2018. The EPA white paper is available at:

<http://www.epa.gov/ttn/atw/utility/hgwhitepaperfinal.pdf>.

More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/24Mar04/22.doc.html>. [Table of Contents](#)

### **Idle Trucks Are The Ozone's Tools**

A large New York City wholesale meat market has agreed to enter into a voluntary compliance program to reduce air pollution from thousands of idling diesel trucks, Attorney General Eliot Spitzer announced. The agreement with the Hunts Point Meat Market, known formally as the Hunts Point Cooperative Market Inc., is intended to improve air quality in the mixed industrial and residential South Bronx section where it is located. With few exceptions, rules under the state Environmental Conservation Law bar idling a diesel motor engine for more than five consecutive minutes, and a city air code regulation prohibits idling any motor vehicle engine for more than three consecutive minutes. Investigators had documented 45 instances of illegal idling at the market during three days in 2002.

The 60-acre Hunts Point facility houses 47 independent wholesalers and receives an average of 3,000 to 4,000 tractor-trailer trucks and 5,000 smaller straight trucks a month, Spitzer said. He added that scientists in his office

have estimated that illegal idling within the meat market is responsible for an annual total of 5.3 million tons of carbon monoxide, 5.6 million tons of nitrogen oxides, and 200 pounds of particulate matter. Spitzer said the market persistently acted illegally in allowing the trucks to idle in violation of the state rule. While denying the charges, the market cooperated with the attorney general's office to address the issue and agreed to undertake a compliance program to reduce idling. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/01Apr04/28.doc.html> [Table of Contents](#)

### **California Air Board Settles Enforcement Cases<sup>vii</sup>**

With the advent of Ozone Transport Model rules in areas that are in severe non-attainment, expect enforcement actions similar to these to occur in Region III. The California Air Resources Board announced it reached settlements with companies which sold products in California that violate clean air regulations. Penzoil-Quaker State Company (PQS) paid a \$76,500 settlement. PQS sold, supplied, offered for sale, and manufactured for sale in California 12,253 gallons of Rain X De-Icer Windshield Washer Fluid, and 10,592 gallons of Rain X All Season Windshield Washer Fluid. This was a violation of the Consumer Products Rule. For their settlement, Scepter Corporation (Scepter) submitted a check for \$10,000. Scepter, a portable fuel container manufacturer, was found to be producing gas cans for sale in California that did not meet state permeation requirements. This was a violation of the Portable Fuel Containers Rule. [Table of Contents](#)

### **250,011 Tons Of SO<sub>2</sub> Sold At Federal Auction Of Emission Allowances**

The 12<sup>th</sup> annual federal auction of sulfur dioxide (SO<sub>2</sub>) emission allowances resulted in the sales and purchase of 250,011 tons of SO<sub>2</sub> by the public, brokers, and power plants. The 2004 Sulfur Dioxide Allowance Auction took place 22 Mar on behalf of EPA by the Chicago Board of Trade. Allowances were auctioned that could first be used in either 2004 or 2011. This year's results follow a trend of the past two years in which power companies significantly discount allowances traded for use sometime in 2011. The EPA made 125,000 allowances available in the spot auction that can first be used in 2004. It made available an additional 125,000 allowances, under a seven-year advance auction, that can first be used in 2011. Each allowance, an authorization to emit SO<sub>2</sub>, equals one ton of acid rain-causing SO<sub>2</sub>. The 2004 average price of spot allowances was \$272.82, and those sales translate into about 125,000 tons in reduction of the acid rain precursor pollutant. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/24Mar04/23.doc.html> [Table of Contents](#)

## CERCLA

### Vapor Intrusion Concerns Force EPA To Refocus Cleanup Priorities

A nationwide survey of Superfund sites contaminated with the ubiquitous chemical trichloroethylene (TCE) is forcing EPA to refocus their cleanup priorities at many National Priority Lists (NPL) sites, since indoor health risks -- known as vapor intrusion -- are proving more significant than previously thought. The survey comes as EPA is poised to add what may be the first new site to the NPL due to vapor intrusion concerns after unveiling a contentious guidance for measuring such risks in late 2002. That addition is raising the possibility of adding numerous sites to the NPL from a pool of over 770 TCE sites where vapor intrusion is a concern at a time when the Superfund program is already facing significant funding constraints. For more information:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/PAL/31Mar04/04.doc.html>

### EPA To Delist Site Responsible For Superfund<sup>viii</sup>

EPA has proposed to delete the Love Canal site in Niagara Falls, N.Y. from the National Priorities List. Love Canal led to enactment of the superfund law when contamination was found in the 1970s. The site, at which chemical wastes from a landfill contaminated houses and forced the relocation of nearly 1,000 families, has been remediated and revitalized, according to EPA. The 15-acre neighborhood site, which became a national symbol of pollution and provided an impetus for environmental concern worldwide, has been on the superfund list since 1983. Roughly \$350 million has been spent at the site by state and federal agencies and the responsible party, according to a spokesman for EPA's Niagara Falls Public Information Center. For more information go to:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2004/pdf/04-5875.pdf>

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## EMS

### Advanced EMS Workshop

As part of the Executive Order 13148, **Greening the Government through Leadership in Environmental Management**, the Federal sector has been asked to implement an environmental management system to allow organizations to systematically manage their environmental and health safety matters.

As a follow up from the basic EMS workshop hosted in Richmond, VA from 7 Jun 04 to 8 Jun 04, EPA Region III

is hosting the **Advanced Environmental Management System Workshop**. This free training will cover the Implementation and Checking and Corrective Action phases of an EMS. For more information, contact José J. Jiménez at: (215) 814-02148 or via e-mail at: [jimenez.jose@epa.gov](mailto:jimenez.jose@epa.gov). To register, go to:

[http://www.epa.gov/reg3ceej/federal\\_facilities.htm](http://www.epa.gov/reg3ceej/federal_facilities.htm)

and complete the registration form by 28 May 04. Please start registration on 21 Apr 04.

## HAZMAT

### Mulch From Arsenic-Treated Wood Not Exempt From Hazardous Waste Rules

In a memorandum meant to clarify how wood mulch, produced from wood treated with chemical chromated copper arsenate (CCA), should be handled under the Resource Conservation and Recovery Act, EPA has reiterated that arsenic-treated wood used to produce mulch is not exempt from federal hazardous waste disposal requirements. The act provides an exemption at 40 CFR 261.4(b)(9) for the CCA-treated wood if the waste is being generated as a byproduct of the material's "intended end

use." The CCA-treated lumber's intended use is typically as a building material, historically used in decks, playsets, and boardwalks--not in manufacturing mulch, the letter said. "In contrast, persons who shred or chip waste CCA-treated lumber into wood mulch for uses such as in landscaping applications, are not using the treated wood for its intended end use," the agency said in the memorandum. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/17Mar04/20.doc.html> [Table of Contents](#)

## NATURAL RESOURCES

### Runoff, Air Pollution Cause 150 Dead Zones In Coastal Areas<sup>ix</sup>

According to a report released by the United Nations Environment Program (UNEP), high levels of nutrients

from agricultural runoff and air deposition has produced about 150 so-called dead zones in the world's oceans and seas. The report discussed what is believed to be an increase in the number of coastal areas that experience

either annual or somewhat periodic decreases in oxygen levels. These areas are not able to support aquatic life and range in size from a few square kilometers to more than 70,000 square km. "Human-kind is engaged in a gigantic, global, experiment as a result of the inefficient and often over-use of fertilizers, the discharge of untreated sewage and the ever rising emissions from vehicles and factories," Klaus Toepfer, director of UNEP, said. "The nitrogen and phosphorous from these sources are being discharged into rivers and the coastal environment or being deposited from the atmosphere, triggering these alarming and sometimes irreversible effects. "One of the most renowned dead zones is the 6,000-square-mile area in the Gulf of Mexico<sup>x</sup> where the Mississippi River discharges. The area has little or no oxygen in the summer months and cannot support what had been a vital fishing and shellfishing industry. Others have been appearing off South America, China, Japan, southeastern Australia, and New Zealand. Copies of the report, Global Environment Outlook Year Book, are available at:

<http://www.unep.org/geo/yearbook>. [Table of Contents](#)

### **Draft National Coastal Condition Report II<sup>xi</sup>**

EPA released a draft National Coastal Condition Report II describing the condition of the nation's coastal waters. EPA expects that this report will support more informed decisions and increase public awareness of the extent and seriousness of pollution in these waters. Focusing primarily on estuary areas, this report rates the overall condition of U.S. coastal waters as fair to poor, varying from region to region. Comments are due 7 Jun 04. The Draft report is at:

<http://www.epa.gov/owow/oceans/nccr2/index.html>. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e.docket.access.gpo.gov/2004/pdf/04-5355.pdf>

### **U.S. Supreme Court Denies Review Of Three Wetlands Connection Cases**

The U.S. Supreme Court declined to review three cases challenging the government assertion of jurisdiction under the Clean Water Act over wetlands that are hydrologically connected to navigable waters. The series of decisions involved wetlands in **Maryland**, Michigan, and **Virginia**. In Maryland, the Supreme Court declined to review a ruling by the U.S. Court of Appeals for the Fourth Circuit, which found that a three-foot wide roadside drainage ditch eight miles from a "navigable-in-fact" stream was considered a navigable water. In the Michigan case, the Supreme Court issued a decision that leaves intact a ruling by the U.S. Court of Appeals for the Sixth Circuit to reinstate the conviction of John Rapanos finding the property he filled to be "indirectly adjacent wetlands" subject to regulation by the Clean Water Act under a prior Supreme Court decision. In Virginia, the Supreme Court's denial of *certiorari* (an act to call up the records of an inferior court acting in a quasi-judicial capacity) also leaves intact another ruling by the Fourth Circuit holding that the creation of ditches to drain the wetlands provided the necessary hydrological connection to a U.S. water to assert jurisdiction under the Clean Water Act. For more information on all three cases, go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/07Apr04/17.doc.html>. [Table of Contents](#)

## TANKS

### **EPA Clarifies SPCC Rule**

An agreement reached between the EPA and a group of petroleum industry representatives will allow the agency to move forward with a final rule requiring facilities that store large amounts of oil to rewrite and recertify their spill response plans. Under the agreement, which did not actually change any of the regulatory language, EPA clarified its position on several provisions, including those concerning the integrity testing requirement for bulk storage containers, specific spill prevention requirements for tank car and tank truck loading and unloading racks, and the use of contingency plans in cases where secondary containment is impracticable. In anticipation of the

approaching 17 Aug 04 compliance deadline, the EPA held a public meeting on 31 Mar 04 with the regulatory community and interested stakeholders to explain Agency efforts to clarify the regulations and facilitate compliance. The following documents from the 31 Mar 04 SPCC Stakeholder Meeting are currently available online at <http://www.epa.gov/oilspill/index.htm>:

**SPCC Stakeholder Meeting Cover Page**

**Meeting Agenda**

**Settlement Agreement**

**SPCC Settlement Issues Presentation**

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## WATER

### **Test Procedures For Water Analyses<sup>xii</sup>**

EPA is proposing various changes to sampling and analysis procedures in water and wastewater regulations. These changes are being made to increase flexibility in selection of analytical methods for the regulated community and laboratories. EPA is accepting comments on the guidance

document, "EPA Microbiological Alternate Test Procedure (ATP) Protocol for Drinking Water, Ambient Water, and Wastewater Monitoring Methods." Send comment to [Will Bullard](#) by 31 May 04. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/06apr20040800/edocket.access.gpo.gov/2004/pdf/04-6427.pdf>

### **Drinking Water Contaminant Candidate List 2<sup>xiii</sup>**

EPA has tentatively decided to use the remaining 51 contaminants on the 1998 Contaminant Candidate List (CCL) as the basis for the second CCL (CCL 2). This draft CCL 2 includes 42 chemicals and nine microbiological contaminants. These contaminants, at the time of publication, must not be subject to any proposed or promulgated national primary drinking water regulations, must be known to or anticipated to occur in public water systems, and may require regulations under the Safe Drinking Water Act. Send comment to [Will Bullard](#) by 24 May 04. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-7416.pdf>

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### **No Effluent Limitation Guidelines Will Be Set For Construction Activities**

Saying existing stormwater controls should provide adequate protection, EPA announced that effluent limitation guidelines for construction and development sites will not be issued. "Almost every state and many local governments already implement requirements that are equivalent to or even more stringent than those contained in a regulation proposed in 2002," EPA said. "For example, all 50 states require sediment and erosion control measures at sites during construction." The current stormwater program under the Clean Water Act requires construction sites of one acre or more to be covered under an NPDES permits, which spell out best management practices for reducing runoff. Municipalities are also upgrading their stormwater regulations under the program, which was implemented in two phases, the last one taking effect in March 2003. For more information, go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/02Apr04/38.doc.html> [Table of Contents](#)

## STATE NEWS



### DELAWARE



#### **Public Hearing On Amended Sediment And Stormwater Regulations**

The Department of Natural Resources and Environmental Control (DNREC), Division of Soil and Water Conservation will hold a final public hearing on proposed amendments to the Delaware Sediment and Stormwater Regulations at 6 p.m., 20 Apr in DNREC's auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. The proposed amended regulations include a greater degree of flexibility for stormwater management practices designed for new land development projects.

According to Frank Piorko, Sediment and Stormwater program manager, this change will result in more low-impact stormwater practices such as bio-retention, bio-swales and buffers used to meet water quality requirements. The proposed regulations also provide more incentives for using conservation design for storm runoff to encourage more site development with less paved surface and less runoff. For additional information, go to:

<http://www.dnrec.state.de.us/DNREC2000/Divisions/Soil/Stormwater/StormWater.htm> [Table of Contents](#)



### PENNSYLVANIA



#### **DEP Fines Stericycle Inc. For Infectious Waste Violations**

The Department of Environmental Protection (DEP) Secretary Kathleen A McGinty announced that DEP has reached an agreement with Stericycle Inc. of Montgomeryville, Montgomery County that will require the company to pay a \$224,765 fine and correct infectious waste transportation violations committed by the company in 2002 and 2003. "The nature and extent of Stericycle's violations are very troubling," Secretary McGinty said. "This enforcement not only levies a hefty fine but also

mandates that the company implement a number of corrective measures within strict time limits. We will remain vigilant in this regard. Companies that flagrantly violate state environmental regulations will face significant enforcement action." DEP inspections conducted in February 2003 at hospitals in Troy and Towanda revealed that Stericycle had accepted 13 manifests without the required generator's signature. Further investigation by DEP found that Stericycle drivers and office staff had committed the same type of violations at least 129 times at 46 different facilities. On three occasions, Stericycle

drivers picked up infectious waste at facilities in without using a manifest, which is strictly prohibited by state regulations. DEP also discovered that Stericycle had stored infectious waste for six days without obtaining a DEP permit to do so. For more information go to: <http://www.dep.state.pa.us/newsreleases/default.asp?ID=2821>. [Table of Contents](#)

### Proposed SIP Revisions

EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. These SIP revisions include a regulation change to the allowable sulfur dioxide (SO<sub>2</sub>) emission limits for fuel burning equipment and a modeled demonstration of attainment of the national ambient air quality standards (NAAQS) for SO<sub>2</sub> in the Hazelwood nonattainment area and the Monongahela River Valley unclassifiable area located in the Allegheny Air Basin in Allegheny County, Pennsylvania. In addition, EPA is proposing to redesignate these areas to attainment of the NAAQS for SO<sub>2</sub> and to approve a combined maintenance plan for both areas as a SIP revision. For more information go to:

<http://www.epa.gov/fedrgstr/EPA-AIR/2004/April/Day-02/a7471.htm> or contact [Gary Koerber](#). [Table of Contents](#)

### Falcon Cam Back Online<sup>xiv</sup>

The popular online video of Harrisburg's pair of peregrine falcons nesting atop the Rachel Carson State Office Building was reactivated on 22 Mar, allowing viewers worldwide live, 24-hour coverage of the birds.

"This is the fifth consecutive year that this same pair of falcons has returned to the nest on the 15th-floor ledge of the Rachel Carson Building here in Harrisburg," said Jack Farster, director of Environmental Education for the Department of Environmental Protection. "Through the online video, classroom teachers, their students and people around the world are afforded a glimpse of how successful reintroduction programs can be."

Since 2000, the pair has produced a "clutch" of eggs each spring, usually during the last week of March. In each of the last four years, the female has laid four eggs. The eggs typically hatch around Mother's Day in May, and the young

"fledglings" take their first flight around Father's Day in June.

The mortality rate for young falcons can be as high as 80 percent in their first year. Of the 16 young falcons hatched from the site in Harrisburg, 10 survived. In 2003 and again in 2002, two young males and one female survived. In 2001, two females and one male survived, and in 2000, one female falcon survived. The Falcon Cam is located at: <http://www.dep.state.pa.us/dep/falcon/>. [Table of Contents](#)



4 eggs in the brood. Expect the first to hatch ~May 1

### Listen To Your Secretary<sup>xv</sup>

DEP Kathleen A McGinty urged all Pennsylvanians to register and join local cleanups as part of the Great Pennsylvania Cleanup on Saturday, 24 Apr. This ambitious statewide effort to remove litter and trash from the state's roadways, parks, forests, riverbanks, neighborhoods and open spaces is being supported and sponsored by a wide range of businesses, trade organizations, civic and environmental groups, and local and state government agencies, including DEP, the Department of Transportation, the Department of Conservation and Natural Resources and the Department of Corrections. The theme of the cleanup is "Let's Pick It Up, PA!" For information on the Great Pennsylvania Cleanup, or to find or register a cleanup, click [here](#) or call toll-free (888) 548-8372. [Table of Contents](#)



## VIRGINIA



### Tributary Strategies

Virginia released for public comment on 5 Apr Tributary Strategies for meeting their goals to reduce nitrogen, phosphorus and sediment loadings to State waters flowing to the Chesapeake Bay. In addition to the 30-day public comment period, a series of public meetings will be held throughout the State. If you have comments, contact [Will Bullard](#) by 29 Apr. More information is available at:

<http://www.naturalresources.virginia.gov/Initiatives/TributaryStrategies/index.cfm> [Table of Contents](#)

### Draft 2004 305(b)/303(d) Water Quality Assessment Integrated Report

The Virginia Department of Environmental Quality released the Draft 2004 305(b)/303(d) Water Quality Assessment Integrated Report (Integrated Report) for public comment. The Integrated Report combines both the 305(b)

Water Quality Assessment and the 303(d) Report on Impaired Waters. Click [here](#) to obtain a copy of the draft report. A hard copy of the draft report is available upon request by contacting Patricia Carpin at: (804) 698-4575.



## WEST VIRGINIA



### Proposed SIP Revisions

The Department of Environmental Protection (DEP) is holding a public hearing and accepting comments on the proposed redesignation of New Manchester (including Grant Magisterial District), City of Weirton (including Clay and Butler Magisterial Districts) in Hancock County as attainment for sulfur dioxide (SO<sub>2</sub>). A public hearing will be held and comments are due on 27 Apr 04. For further information contact [Gary Koerber](#). [Table of Contents](#)

### Environmental Excellence In WV

Governor Bob Wise signed into law HB 4027 which creates incentives to voluntarily exceed minimum environmental law requirements. The bill allows facilities which exceed minimum environmental standards to become eligible for benefits awarded to program participants, which may include more self monitoring, regulatory flexibility, and recognition for providing environmental leadership and participating in the program. The law becomes effective 9 Jun 04. The bill is available at:

[http://129.71.164.29/Bill\\_Text\\_HTML/2004\\_SESSIONS/R/S/House/H\\_BILLS/hb4027%20enr.htm](http://129.71.164.29/Bill_Text_HTML/2004_SESSIONS/R/S/House/H_BILLS/hb4027%20enr.htm). [Table of Contents](#)

### Mandatory Water Use Surveys

Governor Bob Wise signed into law SB 163 which provides that the state reserves a sovereign interest in the waters of

the state as a valuable public resource. The law requires a mandatory water use survey of state waters be undertaken by the Secretary of the DEP and to coordinate survey with state agencies and report to a legislative oversight commission. The law requires persons making withdrawals exceeding seven hundred fifty thousand gallons to participate. This law goes into effect immediately. It is available at:

[http://129.71.164.29/Bill\\_Text\\_HTML/2004\\_SESSIONS/R/S/Senate/S\\_BILLS/SB163%20SUB1%20eng.htm](http://129.71.164.29/Bill_Text_HTML/2004_SESSIONS/R/S/Senate/S_BILLS/SB163%20SUB1%20eng.htm)

### Draft 2004 Impaired Stream List

The DEP's Division of Water and Waste Management has compiled the latest impaired streams list for West Virginia. Every two years, DEP publishes the 303(d) list, as required by the Clean Water Act. In addition to meeting federal requirements for listing impaired waters, the 303(d) list acts as an inventory of waters for which total maximum daily loads must be developed. Citizens have the opportunity to review the list and provide comment to the agency. Send comments to [Will Bullard](#) by 25 Apr. The stream list is available at:

[http://www.wvdep.org/Docs/5260\\_2004%20303\(d\)%20Rationale%20Only.pdf](http://www.wvdep.org/Docs/5260_2004%20303(d)%20Rationale%20Only.pdf). [Table of Contents](#)

## CHESAPEAKE BAY PROGRAM

### Chesapeake Bay Partner Communities Recognized For Bay Restoration Efforts

The EPA Chesapeake Bay Partner Communities program works with local governments to implement bay-friendly measures. Local jurisdictions are selected based on their completion of a set of programs and activities that aim to protect and restore their part of the bay watershed such as improving water quality, promoting sound land use, protecting and restoring living resources and habitat, and engaging the community. The following have been

selected as awardees for their bay restoration efforts in 2004: Frederick County, MD, City of Salisbury, MD, Town of Rock Hall, MD, Town of Purcellville, VA, and Township of Loyalsock, PA. Three communities recertified their award status: Anne Arundel County, MD, County of Prince William, VA, and Warwick Township, PA. For more details, visit the Chesapeake Bay Program web site at:

<http://www.chesapeakebay.net/status.cfm?sid=149> and <http://www.chesapeakebay.net/status.cfm?sid=187>

## ECO TIP OF THE MONTH

### Arbor Day Fun Facts

With Arbor Day and Earth Day events occurring this month, here are some facts everyone should know:

- Cities without trees are “heat islands”. 100 million additional mature trees in U.S. cities would save \$2 billion per year in energy costs.
- A windbreak can lower home heating bills 10-20%.
- Shade trees planted east and west of your home can cut cooling costs by 15-35%.
- Trees remove air pollution by lowering air temperatures, through respiration, and by retaining particulates.
- Trees can increase the property value of your home 15% or more.
- Trees support many generations of birds and other wildlife and improve community pride.

**Do Your Part!! Save or Plant a Tree!!**

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## PERSONAL DEVELOPMENT

### CONFERENCES

**2004 RCRA National Corrective Action Conference, 11-12 May, Orlando, FL.**

<http://www.nationalcaconf.com/2004>. [Table of Contents](#)

**12th Annual Global Demilitarization Symposium & Exhibition, 17-20 MAY, Dallas, TX.**

<http://register.ndia.org/interview/register.ndia?PID=Brochure&SID=15POMU700&MID=4580>. [Table of Contents](#)

**National Source Water Protection Conference, 2-4 JUN, Washington, DC,**

<http://www.epa.gov/safewater/protect/swpconf.html>.

**National Recycling Coalition 23rd Annual Congress & Expo, 29 AUG-1 SEP, San Francisco, CA.**

More information is available: <http://www.nrc-recycle.org/congress/index.htm>. [Table of Contents](#)

**Deconstruction Conference, 1-3 SEP, Oakland, CA.**

More information is available at:

<http://www.DECON04.com>. [Table of Contents](#)

**Low Impact Development Conference, 21-23 SEP 04, College Park, MD.**

**Call for Papers.** For more information about the conference, contact: (202) 962-3365. The conference web site is [www.mwcog.org/environment/lidconference](http://www.mwcog.org/environment/lidconference).

### TRAINING

**Historic Preservation Law And Section 106 Compliance Course, 20-22 JUL 04, Jacksonville, FL, San Antonio, TX, Annapolis, MD.**

<https://www.cecos.navy.mil>. [Table of Contents](#)

**Introductory Health Risk Communication Workshop 15-17 JUN 04, Washington D.C, Edgewood, MD.**

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

**Natural Resources Compliance Course, 22-25 JUN 04, San Antonio, TX, Aberdeen, MD.**

<https://www.cecos.navy.mil>. [Table of Contents](#)

**Introduction To Cultural Resource Management Laws and Regulations, 17-19 AUG 04, New Orleans, LA, Bangor, ME.**

<https://www.cecos.navy.mil>. [Table of Contents](#)

**Qualified Recycling Program Course Multiple Dates/Multiple Locations**

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

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

[www.trainex.org](http://www.trainex.org). [Table of Contents](#)

**FY04 Capital Hill Workshop, Washington DC.**

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

# MEET THE REC

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If you would like to receive the REC Newsletter, please send an email to [DODRECREGION3@cmr.navy.mil](mailto:DODRECREGION3@cmr.navy.mil) with your name, command, address, phone number, and email address.

For old issues go to Denix or [www.cnrma.navy.mil/rec](http://www.cnrma.navy.mil/rec).

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<sup>i</sup> [http://www.deq.state.va.us/cgi-bin/deq/prweb/BrowseRecord.cgi?URL\\_NAME=NEWS&ID=109](http://www.deq.state.va.us/cgi-bin/deq/prweb/BrowseRecord.cgi?URL_NAME=NEWS&ID=109)

<sup>ii</sup> <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/30Mar04/28.doc.html>

<sup>iii</sup> [http://www.epa.gov/region03/ebytes/ebytes04\\_02\\_04.html](http://www.epa.gov/region03/ebytes/ebytes04_02_04.html)

<sup>iv</sup> [http://www.epa.gov/region03/ebytes/ebytes04\\_09\\_04.html](http://www.epa.gov/region03/ebytes/ebytes04_09_04.html)

<sup>v</sup> Weekly Federal Register Summary, Week of 4/4/2004, Prepared By Naval Facilities Engineering Service Center

<sup>vi</sup> Weekly Federal Register Summary, Week of 4/4/2004, Prepared By Naval Facilities Engineering Service Center

<sup>vii</sup> <http://www.arb.ca.gov/newsrel/nr032904.htm>

<sup>viii</sup> Weekly Federal Register Summary, Week of 3/14/2004, Prepared By Naval Facilities Engineering Service Center

<sup>ix</sup> <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/30Mar04/23.doc.html>

<sup>x</sup> <http://www.unep.org/geo/yearbook/089.htm#57b>

<sup>xi</sup> Weekly Federal Register Summary, Week of 3/7/2004, Prepared By Naval Facilities Engineering Service Center

<sup>xii</sup> Weekly Federal Register Summary, Week of 4/4/2004, Prepared By Naval Facilities Engineering Service Center

<sup>xiii</sup> Weekly Federal Register Summary, Week of 3/28/2004, Prepared By Naval Facilities Engineering Service Center

<sup>xiv</sup> <http://www.dep.state.pa.us/newsreleases/default.asp?ID=2808>

<sup>xv</sup> <http://www.dep.state.pa.us/newsreleases/default.asp?ID=2833>