



# Navy Region 3 REC Update



June 2004

|  |          |                               |           |
|--|----------|-------------------------------|-----------|
| <b>LINK HELP</b>   | <b>1</b> | <b>WATER</b>                  | <b>7</b>  |
| <b>SUBSCRIBE!</b>  | <b>1</b> | <b>STATE NEWS</b>             | <b>7</b>  |
| <b>SPOTLIGHT ON</b>  | <b>2</b> | DELAWARE                      | 7         |
| Kristi Unzicker, SECNAV Winner                             | 2        | DISTRICT OF COLUMBIA          | 8         |
| Naval Station Norfolk Wins 2003 Pollution Prevention Award | 2        | MARYLAND                      | 8         |
| <b>TRUE CRIME STORIES</b>                                  | <b>3</b> | PENNSYLVANIA                  | 9         |
| <b>GENERAL INTEREST</b>                                    | <b>3</b> | WEST VIRGINIA                 | 10        |
| <b>FEDERAL NEWS</b>  | <b>4</b> | <b>CHESAPEAKE BAY PROGRAM</b> | <b>10</b> |
| CAA  | 4        | ECO TIP OF THE MONTH          | 10        |
| CERCLA   | 5        | PERSONAL DEVELOPMENT          | 10        |
| EMS  | 5        | CONFERENCES                   | 10        |
| HAZMAT   | 5        | TRAINING                      | 11        |
| NATURAL RESOURCES  | 5        | <b>MEET THE REC</b>           | <b>12</b> |
| SPCC   | 6        | STAFF                         | 12        |

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

## SPOTLIGHT ON

### Kristi Unzicker, SECNAV Winner



Kristi Unzicker receives the CNO award from Admiral Michael G. Mullen, Vice Chief of Naval Operations

Kristi Unzicker, Water Program Manager for Naval Station Norfolk, won the Secretary of the Navy (SECNAV) Individual Award in the Environmental Quality category and the Individual Chief of Naval Operations (CNO) Environmental Award. She was Honorable Mention for the Secretary of Defense Individual Environmental Quality Award. Ms. Unzicker has led the effort to develop and implement a regional strategy for compliance with the newly issued Storm Water Phase II regulations. Her efforts have greatly reduced the cost and effort required for the Navy to comply with this new environmental program in Hampton Roads. Due to her hard work, she has saved the Navy over \$360,000. Click [here](#) for a list of her accomplishments. **Congratulations Kristi!!**

### Naval Station Norfolk Wins 2003 Pollution Prevention Award

CAPT Jerry Becker, commanding officer of Naval Station Norfolk, received the 2003 Pollution Prevention (P2) Award from Matt Cox, Hampton Roads Sanitation District (HRSD) Industrial Waste Manager. This award is presented to businesses by the HRSD for outstanding multi-media (air, land and water) efforts that focus on reduction of waste at the source, rather than traditional treatment, control and disposal. The award was the result of the P2

initiatives of the complex, resulting in more than \$2 million in savings. Others on hand for the award presentation were: Cheryl Barnett, Commander, Naval Region Mid-Atlantic Environmental Director; Rob Schonk, Sewell's Point Environmental Manager and Kristi Unzicker, Sewell's Point Wastewater Program Manager.

[Table of Contents](#)

## TRUE CRIME STORIES

### Firm To Pay \$4,000 For Hazardous Waste Violations<sup>i</sup>

Rho-Chem Corp. has agreed to pay a \$4,000 fine for allegedly violating hazardous waste transportation standards. The California Department of Toxic Substances Control (DTSC) cited the company in September for not identifying a shipment of printed circuit boards with lead solder points as a U.S. Resource Conservation and Recovery Act (RCRA) hazardous waste. Rho-Chem is the parent company of SESSA, a hazardous waste consultant and transfer facility in Tijuana, Baja California, Mexico. The company imports waste from Mexico for treatment and disposal at Inglewood, Calif., transfer station in Los Angeles County. DTSC said the company corrected the violation and is currently in compliance with the laws.

### Gas Station Owners Pay \$193,000 To Settle UST Case

A Philadelphia-area company and its owners agreed to pay a \$193,000 civil penalty to resolve claims they failed to remediate groundwater and soil contamination from petroleum products that leaked from an underground storage tank (UST) on their property. Under terms of the administrative consent order and agreement, the Hrivnak Motor Car Co. and owners John and Pearl Hrivnak paid the penalty from the proceeds of the sale of an 8.9-acre property in East Pikeland Township where they operated a car dealership and gas station from 1952 until 2000. The Department of Environmental Protection said the gas station closed in 2000, but there is still some commercial activity at the site. The buyer of the site will assume responsibility for the cleanup. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/17May04/23.doc.html> [Table of Contents](#)

### Wal-Mart Agrees To Storm Water Violations Settlement

The Department of Justice and EPA, along with the U.S. Attorney's office for the District of Delaware and the States of Tennessee and Utah reached a Clean Water Act settlement for storm water violations at Wal-Mart store construction sites across the country. Under this Clean Water Act settlement, Wal-Mart has agreed to pay a \$3.1 million civil penalty and reduce storm water runoff at its sites by instituting better control measures. Storm water runoff is one of the most significant sources of water pollution in the nation, comparable to contamination from industrial and sewage sources.

The settlement resolves violations of discharging pollutants without a permit and violations of storm water regulations by Wal-Mart and its contractors for alleged violations at over 24 construction sites in California, Colorado, Delaware, Michigan, New Jersey, South Dakota, Tennessee, Texas and Utah. The settlement includes a civil penalty of \$3.1 million, and an environmental project costing \$250,000 that will protect sensitive wetlands or waterways in one of the affected states. It also requires Wal-Mart to comply with storm water permitting requirements and ensures rigorous oversight of its 150 contractors. Wal-Mart will be required to use qualified personnel to oversee construction, conduct training and frequent inspections, report to EPA and take quick corrective action. For more information go to: <http://www.epa.gov/compliance/resources/cases/civil/cwa/walmart2.html> [Table of Contents](#)

## GENERAL INTEREST

### Hanford Utilizes New Technique For Cleanup Of Plutonium Processing Facility

Fluor Hanford, a contractor conducting cleanup activities on the Hanford Site in Washington State, successfully used an innovative approach to safely demolish a highly contaminated plutonium processing building. Fluor Hanford began demolition on the 233-R plutonium concentration facility by first spraying a glue-like substance on surfaces, trapping radioactive contamination in the fixative. Most of the contamination was caught in the fixative. The contractor then used a fogger machine, similar to a snow-making machine, to create fog during the demolition. "Any contamination that is airborne gets

trapped in the fog and settles to the ground," stated Tom Orgill, the contractor's project director. Fluor Hanford was able to carry out demolition in open air, rather than creating an enclosure for the project. The company believes the project represents the first time such a highly contaminated structure was brought down in open air. Usually a contaminated structure is fully decontaminated first and then demolished using standard industrial demolition techniques, or an enclosure is built around the structure for demolition. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/14May04/28.doc.html> [Table of Contents](#)

### 'Ghost Ship' Export Shelved; Negotiations Continue

The U.S. Maritime Administration (MARAD) is shelving its plan this year to send nine additional obsolete naval vessels from the James River in Virginia to the United Kingdom for dismantling and recycling. MARAD is negotiating with domestic ship recyclers, while still maintaining its contract with the British shipyard Able UK. Environmental groups have stepped up their efforts to

prevent the planned transfer of the so-called "ghost ships," which they say contain contaminants such as polychlorinated biphenyls, asbestos, mercury, lead, chromate-based paints, and fuel oil. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/04Jun04/24.doc.html>. [Table of Contents](#)

## FEDERAL NEWS

### CAA

#### Nonroad Diesel Rule And Fuel Sulphur Reductions<sup>ii</sup>

EPA has posted the final emission standards for nonroad diesel engines and sulfur reductions in nonroad diesel fuel. New engine standards will begin to take effect in the 2008 model year and will be phased in over a number of years. Because the new emission-control devices can be damaged by sulfur, the EPA is also adopting a limit to decrease the allowable level of sulfur in nonroad diesel fuel by more than 99 percent. When fully phased in, the regulation will reduce allowable sulfur content in fuels used for nonroad, locomotive, and marine (NRLM) engines to 15 ppm and require emission controls similar to those required for highway diesel engines.

This rule may affect you if you produce or import new diesel engines which are intended for use in nonroad vehicles or equipment, such as agricultural and construction equipment, or if you produce or import such nonroad vehicles or equipment. It may also affect you if you convert nonroad vehicles or equipment, or the engines used in them, to use alternative fuels. It may also affect you if you produce, import, distribute, or sell nonroad diesel fuel. **The final rule retains the existing national security exemption for certain military equipment.** NRLM diesel fuel is defined so that JP-5, JP-8, F76, and any other military fuel that is used or intended for use in NRLM diesel engines or equipment is initially subject to all of the requirements applicable to NRLM diesel fuel. However, **the rule exempts these military fuels from the diesel fuel sulfur content and other requirements in cases where the fuel is used in tactical military motor vehicles, or nonroad equipment.** Vehicles which must be available for immediate deployment overseas are also exempt. More information is available at:

<http://www.epa.gov/nonroad-diesel/2004fr.htm>

#### Ozone Report - Measuring Progress Through 2003<sup>iii</sup>

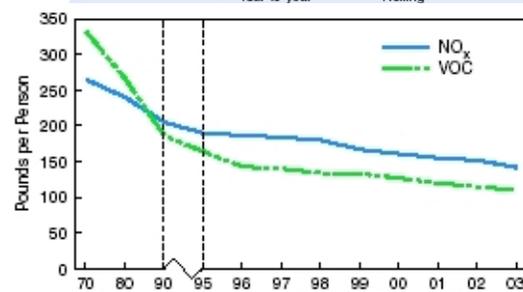
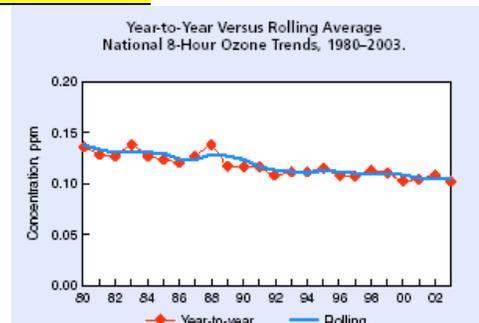
EPA posted a report providing a summary of changes in ground level ozone concentrations for various regions of

the country from 1980 through 2003. Key findings in the report include:

- Air quality improved in 2003 mainly due to weather conditions and continuing reductions in emissions.
- **Ozone is at its lowest level nationally since 1980, but the downward trend is slowing.**
- However, over the next 10 to 15 years, scheduled regional emission reductions are expected to result in significantly fewer areas with unhealthy ozone. **In several highly populated sections of the country, supplemental local emission control measures will be needed to attain the national air quality standards for ozone. Existing emission control measures are not expected to achieve attainment in those areas even as late as 2015.**

There are no specifics for Region III. The report is available at:

<http://www.epa.gov/air/airtrends/pdfs/2003ozonereport.pdf>



NO<sub>x</sub> and VOC Emissions Per Capita, 1970-2003

## CERCLA

### Multiyear Procurement Authority For Environmental Remediation Services

DOD adopted an interim rule (68 FR 43332) on 22 Jul 03 amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 827 of the National Defense Authorization Act for Fiscal Year 2003. 10 U.S.C. 2306c provides authority for DOD to enter into contracts for periods of not more than 5 years for certain services, and for items of supply related to those services, even though funds would otherwise be available for obligation only within the fiscal year for which appropriated. Section 827 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107-314) amended 10 U.S.C. 2306c to add environmental remediation services for military installations to the types of services for which multiyear contracting is authorized. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2004/pdf/04-10881.pdf>

### Revised DOD Directive Aims To Halt Off-Range Migration Of Pollutants

DOD has updated its operational range policy by adding new requirements that aim to prevent or halt the migration

of munitions constituents from operational ranges to other areas. The action follows recent DOD statements that it plans to establish internal, proactive policies to address migrating munitions contaminants, even as it asked for legislative relief from related regulatory requirements. DOD sources say the most significant change to DOD Directive 4715.11 was to add provisions requiring hydrology and hydrogeology assessments. These provisions call on military components to assess the hydrology and hydrogeology of operational ranges, review any previous such assessments, and determine how the ranges are being used. In cases where previous assessments of this kind "create a reasonable belief that munitions constituents may migrate off an operational range, military components are to conduct an additional, appropriate assessment, including testing and analysis, as necessary, to determine whether a release or substantial threat of a release of munitions constituents from an operational range to off-range areas has occurred or is about to occur." Click [here](#) to access DOD directive 4715.11. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DEA/01Jun04/01.doc.html> [Table of Contents](#)

## EMS

### Environmental Management Systems<sup>iv</sup>

EPA made an online course available on Environmental Management Systems (EMS). The course provides an overview of how EMS can support environmental programs at facilities. It also presents information regarding EPA involvement in supporting EMS efforts at facilities

regulated under a number of environmental statutes, including RCRA. The course takes about 1 hour to complete and is available at:

<http://www.epa.gov/epaoswer/hazwaste/ca/training/ems-101/ems101.htm>. [Table of Contents](#)

## HAZMAT

### HazMat Regulations-Loading, Unloading, And Storage<sup>v</sup>

On 30 Oct 03, Research and Special Programs Administration (RSPA) published a final rule (68 FR 61905) to clarify the applicability of the Hazardous Materials (HazMat) Regulations to loading, unloading, and storage operations. The regulation expands the regulated

portion of hazardous materials management to include certain pre- and post- transportation operations. RSPA is delaying the effective date of the final rule from 1 Oct 04 to 1 Jan 05. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2004/pdf/04-12130.pdf>.

## NATURAL RESOURCES

### Right Whale Ship Strike Reduction<sup>vi</sup>

The National Marine Fisheries Service (NMFS) is considering implementing a strategy to reduce mortalities to North Atlantic right whales as a result of vessel collisions. The strategy addresses the lack of recovery of the

endangered North Atlantic right whale by reducing the likelihood and threat of ship strike mortalities to the species. The Mid-Atlantic Region of the United States is a principal migratory corridor for right whales that travel between the calving/nursery areas in the Southeastern

United States and feeding grounds in the northeast U.S. and Canada.

The draft Strategy consists of:

- (1) the establishment of new operational measures for the shipping industry, including consideration of routing and speed restrictions. Traffic controllers would provide alerts to all vessels of 65 ft and greater.
- (2) the negotiation of a Right Whale Conservation Agreement with the Government of Canada;
- (3) the development and implementation of education and outreach programs;
- (4) **a review of the need for Endangered Species Act section 7 consultations with all Federal agencies who operate or authorize the use of vessels in waters inhabited by right whales, or whose actions directly or indirectly affect vessel traffic;** and
- (5) the continuation of ongoing research, conservation, and education/outreach activities.

Send comments to [Gary Koerber](mailto:Gary.Koerber) by 26 Jul 04. The draft strategy is available: <http://www.nero.noaa.gov/shipstrike/>. More information is available at: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2004/pdf/04-12356.pdf>.

### **Take Of Migratory Birds By DOD<sup>vii</sup>**

The Fish and Wildlife Service (FWS) is releasing a proposed rule to authorize the incidental taking of migratory birds, with limitations, that result from Department of Defense (DOD) military readiness activities. If the DOD determines that a proposed or an ongoing military readiness activity may result in a significant adverse effect on the sustainability of a population of a migratory bird species, they must confer and cooperate with the FWS to develop appropriate and reasonable conservation measures to minimize or mitigate identified significant adverse effects. The Secretary of the Interior, will retain the power to withdraw or suspend the authorization for particular activities in appropriate circumstances. Send comments to [Gary Koerber](mailto:Gary.Koerber) by 26 Jul 04. More information is available at: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2004/pdf/04-11411.pdf>.

### **States Float Model Wetlands Language To Close SWANCC Gaps**

State wetland officials are encouraging States to adopt sample regulatory and legislative language the officials are

preparing that is designed to close gaps in state wetlands protection programs created by the Supreme Court's landmark Solid Waste Agency of Northern Cook County (SWANCC) decision. Association of State Wetland Managers (ASWM) Associate Director Jon Kusler is preparing a five-part model for states that recommends: revising existing pollution control programs, revising sensitive land programs, passing comprehensive wetlands protection legislation, supporting local government adoption of wetlands regulations, and supporting a non-regulatory approach that includes tax breaks and other financial incentives. The model aims to give states options for providing comprehensive wetlands protections -- some of which states lost in 2001 when the high court ruled in SWANCC v. U.S. Army Corps of Engineers that EPA and the Corps could not regulate "isolated" wetlands based solely on the presence of migratory birds. The recommendations follow an Earth Day pledge from the Bush administration to achieve an annual "net gain" in wetlands, which is a more aggressive goal than the administration's previous, no-net-loss goal. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/PAL/26May04/23.doc.html>. [Table of Contents](#)

### **Endangered Species Act Incidental Take Permit Revocation Regulations<sup>viii</sup>**

Fish and Wildlife Service (FWS) proposes to add regulations to 50 CFR part 17 that describe circumstances in which the FWS may revoke incidental take permits issued under the authority of the Endangered Species Act. On 11 Dec 03, a District Court invalidated 50 CFR 17.22(b)(8) and 17.32(b)(8), the regulations addressing Service authority to revoke incidental take permits under certain circumstances. The court ruled that FWS had adopted these regulations without adequately complying with the public notice and comment procedures required by the Administrative Procedure Act (APA) and remanded the regulations to FWS for further proceedings consistent with the APA. FWS has co-published a final rule withdrawing the permit revocations regulations in 50 CFR 17 vacated by the court order. FWS requests comment on their proposal to reestablish the permit revocation regulations.

Send comments to [Gary Koerber](mailto:Gary.Koerber) by 18 Jul 04. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2004/pdf/04-11741.pdf>.

## **SPCC**

### **SPCC Rule Correction<sup>ix</sup>**

EPA has partially settled litigation over the Spill Prevention, Control, and Countermeasure (SPCC) rule (67

FR 47042). This notice provides clarifications related to the settlement including discussions of the following terms and issues:

- impracticability as it relates to provision of secondary containment
- facility
- integrity testing of tanks and piping
- security as it relates to fencing
- equivalent environmental protection

A copy of the EPA letter is available at: [http://epa.gov/oilspill/pdfs/PMAA\\_letter.pdf](http://epa.gov/oilspill/pdfs/PMAA_letter.pdf). The settlement includes development of clarifications to the rule and issuing a policy letter. More information is available at: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/e-docket.access.gpo.gov/2004/pdf/04-11775.pdf>.

## WATER

### EPA Launches Drinking Water Research Web Site<sup>x</sup>

The EPA has launched a centralized website to track ongoing drinking water research. By providing a single source for information on current research, the Drinking Water Research Information Network will help EPA effectively plan its research needs and regulations. The system connects the Environmental Information Management System database in EPA's Office of Research and Development to databases of academic institutions and international organizations. Among EPA's partners in the venture are the American Water Works Association Research Foundation, the Water Environment Research Foundation, and the United Kingdom Water Industry Research and Drinking Water Inspectorate. The drinking water research website is available at:

<http://www.epa.gov/drink>. [Table of Contents](#)

### Objectivity And Quantitative Methods Urged In Stream Assessment Protocols

Changes to protocols used for completing stream assessments under water regulations should encourage objectivity and use of quantitative methods. The draft Physical Stream Assessment: A Review of Selected Protocols for Use in the Clean Water Act (CWA) Section 404 Program (Stream Mitigation Compendium) is intended as a reference that may be consulted by regulatory agencies, resource managers, and restoration ecologists. The technical resource document was prepared in accordance with the National Wetlands Mitigation Action Plan signed in December 2002 and was commissioned by the Federal Interagency Mitigation Workgroup to assist states and localities with stream mitigation. Submit comments on the stream compendium to [Will Bullard](#) by 22 Jun. Click [here](#) for a copy of the document. More information is available at:

[https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/17\\_May04/19.doc.html](https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/17_May04/19.doc.html). [Table of Contents](#)

## STATE NEWS



### DELAWARE



#### Northeast Regional CO<sub>2</sub> Cap And Trade Program

The Department of Natural Resources is working with nine other northeast states in a regional strategy to reduce carbon dioxide emission from power plants. The initiative will develop a market-based emissions trading system to require power generators to reduce emissions. Governors of Connecticut, Vermont, New Hampshire, **Delaware**, Maine, New Jersey, **Pennsylvania**, Massachusetts, and Rhode Island have sent letters expressing their interest in working with New York to develop a cap and trade program for carbon dioxide emissions from power plants. The Greenhouse Gas Task Force was formed in June 2001 to assist the state in developing policy recommendations and strategies to reduce New York's greenhouse gas emissions. Click [here](#) for the Regional Gas Initiative website.

#### Aboveground Storage Tank Regulations

The Department of Natural Resources adopted amendments for aboveground storage tanks in order to implement the Jeffrey Davis Aboveground Storage Tank (AST) Act. The amendments govern the operation and maintenance, installation, remediation, and financial responsibility of ASTs. The amendments include: (1) aboveground storage tanks 12,500 gallons or larger containing one percent or more of hazardous substances listed under the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and (2) all other petroleum tanks greater than 12,499 gallons. The amendments went into effect 11 Jun. The Jeffrey Davis Aboveground Storage Tank Act is available at:

<http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/as t/pdf/Act%20sb273.pdf>. More information is available at: [http://www.state.de.us/research/register/June2004/final/7%20DE%20Reg%201765%206-1-04.htm#P10\\_225](http://www.state.de.us/research/register/June2004/final/7%20DE%20Reg%201765%206-1-04.htm#P10_225).

### Revisions To Hazardous Waste Regulations

The Department of Natural Resources proposed revisions to its hazardous waste regulations. The Department proposed adopting the federal regulations including treatment variance for radioactivity for contaminated batteries - EPA Federal Reference 67 FR 62618-62624. The federal rule grants a national treatability variance from the Land

Disposal Restrictions (LDR) treatment standards for radioactively contaminated cadmium-, mercury-, and silver-containing batteries by designating new treatment subcategories for these wastes. Macroencapsulation is designated as the required treatment prior to land disposal for the new waste subcategories. The Department is also revising miscellaneous changes that include non-substantive corrections for typographical or grammatical errors. Send comments to [Gary Koerber](#) by 22 June. More information is available at:

[http://www.state.de.us/research/register/June2004/proposed/7%20DE%20Reg%201643a%206-1-04.htm#P8\\_222](http://www.state.de.us/research/register/June2004/proposed/7%20DE%20Reg%201643a%206-1-04.htm#P8_222)



## DISTRICT OF COLUMBIA



### Private Lead Service Line Replacement Fee

The Water and Sewer Authority is proposing to add a new section to its water supply regulations by adding a section on private lead service line replacement fee. The fee for replacing a customer's portion of the lead water service line outside the home will be \$100 per linear foot. The fee for replacing the customer's portion of the lead water service

line from the point of entry outside the house to the first threaded connection inside the house will be \$500 per linear foot. Homeowners who elect to have the Authority complete the private line replacement shall pay the Authority in advance of the work being performed. If you have comment or concerns, send them to [Will Bullard](#) by 22 Jun 04. [Table of Contents](#)



## MARYLAND



### Chesapeake Bay Restoration Fund, AKA "Flush Tax", Signed Into Law

On 26 May 2004, Governor Robert Ehrlich signed into law the Chesapeake Bay Restoration Fund (CBRF), S.B. 320/H.B. 555, which establishes a new sewer surcharge to help implement enhanced nutrient removal (ENR) technology at the state's 66 major wastewater treatment plants to reduce nutrient pollution in the Chesapeake Bay. The ENR technology will be capable of: (a) 3mg/l total nitrogen; (b) 0.3 mg/l total phosphorus; and (c), calculated on an annually averaged basis.

While households will pay a flat fee (\$2.50 monthly), the CBRF sets a sliding scale for businesses and federal and state government facilities based on the volume of effluent discharged, with a cap of \$120,000 annually for any single site. The bulk of the fees will be used to back up the \$1 billion in state bonds needed to upgrade 66 wastewater treatment plants to enhance nutrient removal. Additionally, a portion of the revenues collected from users of septic systems and sewage holding tanks will be dedicated to help upgrade failing septic systems and holding tanks, with

another portion devoted to help fund agricultural cover crop activities that reduce nutrient runoff. The surcharge on sewer bills and for onsite users that receive a water bill begins on 1 Jan 05. The surcharge for onsite sewage disposal systems begins on 1 Oct 05.

The Regional Environmental Counsel, CDR Dominick Yacono, JAGC, U.S. Navy, for DOD Region III has opined that the CBRF sewer surcharge constitutes a direct tax on military installations in Maryland and is not payable as currently structured based on federal case law. It is well established that the United States is immune to direct taxation by state and local governments. Direct taxation occurs where the legal incidence of a tax falls directly on the United States as the buyer of goods, **Kern-Limerick, Inc. v. Scurlock**, 347 U.S. 110 (1954), as the consumer of services, 53 **Comp. Gen.** 410 (1973), or as the owner of property, **United States v. Allegheny County**, 322 U.S. 174 (1944). These direct taxes, known as "vendee" taxes are not payable by the federal government unless expressly authorized by Congress. See 64 **Comp. Gen.** 655, 656-57 (1985); 65 **Comp. Gen.** 879 (1986). In addition, the CBRF sewer surcharge also fails to pass the Massachusetts

test for analyzing government imposed fees for services as discussed by the U.S. Supreme Court in **Massachusetts v. United States**, 435 U.S. 444 (1978).

CDR Yacono has provided the Maryland Department of the Environment (MDE) with a copy of his legal opinion paper. In addition, CDR Yacono has requested a meeting with MDE to discuss the inability of DOD military installations to pay the sewer surcharge as currently structured. For additional information, contact CDR Yacono by e-mail at [Dominick.Yacono@navy.mil](mailto:Dominick.Yacono@navy.mil) or telephone at (757) 322-2812. [Table of Contents](#)



## PENNSYLVANIA



### Amendments To General Permit For Stormwater Discharges

The Department of Environmental Protection adopted the General Permit for stormwater discharges associated with industrial activities (PAG-3). The permit incorporates necessary changes to the permit requirements to implement the no-exposure rule published by EPA on 8 Dec 99. The permit went into effect 5 Jun 04. The final General Permit package, including the comment and response document, is available at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: "DEP NPDES Permits;" choose General Permits).

### Hazardous Waste Facilities Plan

The Department of Environmental Protection (DEP) issued a draft Hazardous Waste Facilities Plan for public review and comment. DEP is required to make an update of the plan at least every five years. The plan will determine whether additional treatment and disposal capacity is needed to properly manage hazardous waste generated in Pennsylvania. Send comments to [Gary Koerber](#) by 28 Jun



## VIRGINIA



### TMDLs

There are more than 17 regulatory actions involving Total Maximum Daily Loads currently in progress. They are in several different stages of development, from being

### Hazardous Waste Security Regulations.

The Department of the Environment has been directed by H.B. 493 to adopt hazardous waste security standards. This law creates a new subtitle regarding hazardous material security within the Environment Article and establishes a fee of \$2,500 for specified hazardous material and related facilities. It provides for the payment of specified fees to a separate account in the Community Right-to-Know Fund. **Government agencies are exempt from these fees.** The Department will begin work on the regulation in summer 2004 and may have a draft by fall 2004. The Department must develop these regulations by 1 Jan 05. H.B. 493 is available at:

<http://mlis.state.md.us/2004rs/bills/hb/hb0493e.rtf>

04. The draft hazardous waste facilities plan is available at: [http://www.dep.state.pa.us/dep/subject/eqb/2004/Hazardous\\_Waste\\_Plan\\_hw1.pdf](http://www.dep.state.pa.us/dep/subject/eqb/2004/Hazardous_Waste_Plan_hw1.pdf)

The appendices are available at:

[http://www.dep.state.pa.us/dep/subject/eqb/2004/Hazardous\\_hw\\_Appendix2A.pdf](http://www.dep.state.pa.us/dep/subject/eqb/2004/Hazardous_hw_Appendix2A.pdf)

### Peregrine Falcon Banding Event

Pennsylvania's peregrine falcon nestlings were banded 27 May. The four nestlings were examined and banded with a falcon specific code number. This was an educational event as well. Teachers and their students attended the banding event and learned about endangered species reintroduction as well as the science and techniques used by wildlife management professionals. In a turn for the worst, though, over the Memorial Day weekend one of the falcon nestlings disappeared and cannot be found. According to reports, a third raptor killed and carried off the missing bird. For more information and pictures on the falcon nestlings, click [here](#). [Table of Contents](#)

proposed to being approved by the EPA and under review for inclusion in water quality management plans by the State Water Control Board. A complete list and more information is available at: [www.deq.state.va.us/tmdl/](http://www.deq.state.va.us/tmdl/).



## WEST VIRGINIA



### New Stationary Sources And Emissions For HAPS

The Department has adopted revisions to "Standards of Performance for New Stationary Sources," pursuant to 40 CFR Part 60 (45 CSR 15); "Emission Standards for Hazardous Air Pollutants," pursuant to 40 CFR Part 61 (45 CSR 16); and "Emission Standards for Hazardous Air Pollutants for Source Categories," pursuant to 40 CFR Part

63 (45 CSR 34). The Department will provide EPA the updated final rules as part of the state's program delegation of the standards, which became effective 8 Jan 02. More information is available at:

<http://www.dep.state.wv.us/item.cfm?ssid=8&ssid=376#Rules%20available%20for%20public%20comment>

## CHESAPEAKE BAY PROGRAM

### Fishing Restrictions Continued On Chesapeake Bay Blue Crabs<sup>xi</sup>

An annual report released by the Chesapeake Bay Stock Assessment Committee (comprised of scientists from universities, NOAA's National Marine Fisheries Service and the states of Maryland and Virginia), shows that blue crab species have made modest gains from near-record low levels. Scientists warn, however, that the overall health of the population warrants concern, and are advising fisheries in Maryland and Virginia to retain blue crab fishery restrictions to ensure the long-term sustainability of the blue crab. The report is available at:

<http://noaa.chesapeakebay.net/fish/BCAR2004.pdf>

### Nutrient Reduction Technology Increased<sup>xii</sup>

Implementation of nutrient reduction technology (NRT) at significant municipal wastewater treatment facilities in the Chesapeake Bay watershed increased to 97 facilities in April 2004. This has resulted in 56 percent of municipal wastewater flow into the bay being treated using NRT. Based on current projections, 165 facilities will be using NRT by 2010, resulting in 80 percent of the municipal wastewater flow being treated. The updated indicators can be viewed at the Chesapeake Bay Program web site:

<http://www.chesapeakebay.net/status.cfm?sid=139> and

<http://www.chesapeakebay.net/status.cfm?sid=140>

## ECO TIP OF THE MONTH

### The Battle Of Gas Prices

What a combination! With gas prices at the highest they've been in recent memory (average ~\$1.96 per gallon) and ground level ozone season having already begun, everyone could use a teaspoon of knowledge to battle the two foes. The Energy Information Exchange says regular gasoline prices are now expected to average \$1.91 per gallon this

summer, which is 35 cents per gallon above the 2003 average. The new EPA Region III website, <http://www.epa.gov/donttopoff/>, can help reduce the cost of filling up gas tanks and reduce toxic air emissions. The website has been well received and EPA is considering using it on a national scale. Click [here](#) to find the cheapest gas in your area. [Table of Contents](#)

## PERSONAL DEVELOPMENT

### CONFERENCES

#### [Table of Contents](#)

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

More information is available at:

<http://www.nrc-recycle.org/congress/index.htm>.

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

More information is available at:

<http://www.DECON04.com>.

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

More information is available at:  
[www.mwcog.org/environment/lidconference](http://www.mwcog.org/environment/lidconference).

**DOD Solid Waste/Recycling Workshop and Wastecon, 21-23 SEP, Phoenix, AZ.**

More information is available at:  
[http://www.magnetmail.net/actions/email\\_web\\_version.cfm?recipient\\_id=8486881&message\\_id=36626&user\\_id=swana](http://www.magnetmail.net/actions/email_web_version.cfm?recipient_id=8486881&message_id=36626&user_id=swana).

## TRAINING

**Table of Contents****“Learning Together Workshop On Environmental Innovation And Environmental Management Systems” 28-30 JUN, Charleston, WV.**

More information is available at: [www.mswg.org](http://www.mswg.org) .

**Department Of Defense Perchlorate Workshop, 30 JUN-1 JUL, San Diego, CA.**

This information exchange will provide updates on risk assessment, toxicology, and risk communication as it relates to health effect and remediation of perchlorate. For more information or to register, email: [maupinh@nehc.med.navy.mil](mailto:maupinh@nehc.med.navy.mil).

**Natural Resources Compliance Course, 22-25 JUN, Aberdeen, MD**

More information is available at:  
<https://www.cecos.navy.mil>.

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

More information is available at:  
<https://www.cecos.navy.mil>.

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

More information is available at:  
<https://www.cecos.navy.mil>.

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

More information is available at:  
<https://www.cecos.navy.mil>.

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

More information is available at:  
<http://www.almc.army.mil/EMD/Page5.html>.

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

More information is available at: [www.trainex.org](http://www.trainex.org).

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

More information is available at:  
<http://www.georgetown.edu/ssce/gai>.

# MEET THE REC

## STAFF

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| <p><b>Christine Porter</b><br/>Head,<br/>Regional Environmental Coordination (REC) Office<br/><a href="mailto:christine.porter@navy.mil">christine.porter@navy.mil</a><br/>(757) 444-3009 x369 DSN 564-3009 x369</p> <p><b>CDR Dominick Yacono</b><br/>REC Counsel<br/><a href="mailto:dominck.yacono@navy.mil">dominck.yacono@navy.mil</a><br/>(757) 322-2812 DSN 262-2812</p> <p><b>Gary Koerber, P.E.</b><br/>Air/HW/SW, MD/DC/DE Issues and Installations<br/><a href="mailto:gary.koerber@navy.mil">gary.koerber@navy.mil</a><br/>(757) 444-3009 x395 DSN 564-3009 x395</p> <p><b>Will Bullard</b><br/>Water/Wastewater,<br/>VA/PA/WV Issues and Installations<br/><a href="mailto:william.bullard1@navy.mil">william.bullard1@navy.mil</a><br/>(757) 444-3009 x370 DSN 564-3009 x370</p> | <p><b>Glenn Markwith</b><br/>DOD Chesapeake Bay Program<br/><a href="mailto:glenn.markwith@navy.mil">glenn.markwith@navy.mil</a><br/>(757) 444-3009 x375 DSN 564-3009 x375</p> <p><b>Marty Costello</b><br/>Environmental Management System<br/><a href="mailto:martin.costello@navy.mil">martin.costello@navy.mil</a><br/>(757) 444-3009 x371 DSN 564-3009 x371</p> <p><b>Gene Beale</b><br/>Legislative Assistant<br/><a href="mailto:gene.beale@navy.mil">gene.beale@navy.mil</a><br/>(757) 444-3009 x394 DSN 564-3009 x394</p> <p><b>John Ballinger</b><br/>Environmental Outreach Coordinator<br/><a href="mailto:john.ballinger@navy.mil">john.ballinger@navy.mil</a><br/>(757) 444-3009 x393 DSN 564-3009 x393</p> |
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<sup>i</sup> <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/12May04/25.doc.html>

<sup>ii</sup> Weekly Federal Register Summary, Week of 5/9/2004, Prepared By Naval Facilities Engineering Service Center

<sup>iii</sup> Weekly Federal Register Summary, Week of 5/16/2004, Prepared By Naval Facilities Engineering Service Center

<sup>iv</sup> Weekly Federal Register Summary, Week of 5/9/2004, Prepared By Naval Facilities Engineering Service Center

<sup>v</sup> Weekly Federal Register Summary, Week of 5/23/2004, Prepared By Naval Facilities Engineering Service Center

<sup>vi</sup> Weekly Federal Register Summary, Week of 5/30/2004, Prepared By Naval Facilities Engineering Service Center

<sup>vii</sup> Weekly Federal Register Summary, Week of 5/30/2004, Prepared By Naval Facilities Engineering Service Center

<sup>viii</sup> Weekly Federal Register Summary, Week of 5/23/2004, Prepared By Naval Facilities Engineering Service Center

<sup>ix</sup> Weekly Federal Register Summary, Week of 5/23/2004, Prepared By Naval Facilities Engineering Service Center

<sup>x</sup> <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/14May04/34.doc.html>

<sup>xi</sup> [http://www.epa.gov/region03/ebytes/ebytes06\\_04\\_04.html](http://www.epa.gov/region03/ebytes/ebytes06_04_04.html)

<sup>xii</sup> [http://www.epa.gov/region03/ebytes/ebytes05\\_28\\_04.html](http://www.epa.gov/region03/ebytes/ebytes05_28_04.html)