

Developments of Interest: November 2009 into January 2010

THIS ARTICLE HIGHLIGHTS significant environmental regulatory changes and indicators suggesting future changes to the regulatory landscape.

Actions by the Obama administration appear to be establishing a new direction—toward reducing human alteration of natural runoff and drainages—in the federal approach to water system projects, stormwater and flood control.

In December 2009, the White House released a proposed draft of “National Objectives, Principles and Standards for Water and Related Resources Implementation Studies.” (Visit http://www.eenews.net/public/25/13401/features/documents/2009/12/03/document_gw_04.pdf to view the entire document.)

This document, and forthcoming guidance, will require federal agencies to weigh the benefits and adverse effects of contemplated water projects, and to justify decisions that call for building structures (dams, levees, channels, pumping plants) versus employing non-structural measures such as management, regulatory policy and pricing policy. The initiative applies to all agencies, but in particular targets the major civil works agencies such as the Army Corps of Engineers and the Bureau of Reclamation.

Separately, the administration has re-established a flood-plain management task force to recommend new policies for flood insurance and possibly a new executive order for flood-plain management. (Visit <http://www.nytimes.com/gwire/2009/12/03/03greenwire-draft-project-standards-for-army-corp-put-reso-95501.html> for more information.)

The U.S. Environmental Protection Agency (EPA) has announced plans to initiate a rulemaking to reduce stormwater discharges from new development and redevelopment. EPA is considering adopting the approach (currently mandated for federal agencies by the Energy Independence and Security Act (EISA) of 2007 Section 438)

of requiring the post development stormwater hydrology of any new construction or redevelopment project to mimic the pre-development hydrology. Typically this is accomplished by means that increase infiltration, storage or retard runoff of water such as permeable pavements, bio-retention areas, cisterns/recycling, and green roofs. (Visit <http://edocket.access.gpo.gov/2009/pdf/E9-30627.pdf> for more information.)

Taken together, these actions suggest a philosophical shift in the direction of preservation of natural hydrologic systems where possible. The motivations behind this shift are potentially diverse, ranging from acceptance that levees and projects can increase vulnerability to catastrophic storms and prove unsustainable in the long term, to recognition that the goals of the Clean Water Act still remain elusive and that improvement of urban runoff water quality will depend on reduction of impervious cover.

Additional regulatory and environmental news items of interest (November 2009 into January 2010) include:

Greenhouse Gases

Mandatory Reporting of Greenhouse Gases

[30-October-09] Final Rule

<http://edocket.access.gpo.gov/2009/E9-23315.htm>

Health & Safety

Single and Multi-Walled Carbon Nanotubes; Proposed Significant New Use Rules [06-November-09]

<http://edocket.access.gpo.gov/2009/E9-26818.htm>

Integrated Science Assessment for Particulate Matter [15-December-09] Notice

Recent studies cited indicate negative (damaging) effects to human health, ecological health and to buildings and materials. This suggests potential for even further tightening of particulate matter standards.

<http://edocket.access.gpo.gov/2009/E9-29591.htm>

Easy Access

FOR EASY AND direct access to many of the web addresses included in this regulatory summary, select the “Digital Currents” button from the *Currents* page on the Naval Air Systems Command’s environmental web site at www.enviro-navair.navy.mil/currents.



Pressed Wood Manufacturing Industry Survey [20-November-09]

EPA is considering what type of regulatory or other action might be appropriate to control the levels of formaldehyde emitted from pressed wood products.

<http://edocket.access.gpo.gov/2009/E9-27941.htm>

Interim Preliminary Remediation Goals for Dioxin in Soil at CERCLA and RCRA Sites [07-January-10] Notice and Request for Comments

<http://edocket.access.gpo.gov/2010/2010-16.htm>

Decabromodiphenyl ether (flame retardant) Voluntary Phase-out Initiative [17-December-09]

<http://www.epa.gov/oppt/existingchemicals/pubs/actionplans/deccadbe.html>

Air

National Ambient Air Quality Standards for Ozone—Revision [06-January-10] Proposed Rulemaking

<http://www.epa.gov/groundlevelozone/actions.html>

Revisions to Lead Ambient Air Monitoring Requirements [30-December-09] Proposed Rulemaking

<http://edocket.access.gpo.gov/2009/E9-31049.htm>

Primary National Ambient Air Quality Standard for Sulfur Dioxide (SO₂) [08-December-09] Proposed Rulemaking

EPA has proposed to establish a new, more restrictive SO₂ standard within the range of 50-100 parts per billion measured over one-hour.

<http://edocket.access.gpo.gov/2009/E9-28058.htm>

Chesapeake Bay

Chesapeake Bay Total Maximum Daily Load (TMDL) Development [10-December-09]

EPA is in the process of establishing a TMDL for nutrients and sediment that will apply to the Chesapeake Bay watershed, covering 64,000-square-miles in Maryland, Virginia, Pennsylvania, Delaware, New York, West Virginia and the District of Columbia.

<http://www.epa.gov/chesapeakebaytmdl>

Chesapeake Bay Protection and Restoration Section 202 Federal Agency Reports; EO 13508 [04-December-09]

<http://edocket.access.gpo.gov/2009/E9-28974.htm>

Chesapeake Bay Protection and Restoration—EPA Draft Strategy [09-November-09]

<http://edocket.access.gpo.gov/2009/E9-26923.htm>

Water

Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category [01-December-09] Final Rule

<http://edocket.access.gpo.gov/2009/E9-28446.htm>

Stormwater Runoff Requirements for Federal Projects under EISA Section 438—EPA Technical Guidance [08-December-09]

<http://www.epa.gov/owow/nps/lid/section438>

Other

Designation of Additional Biobased Items for Federal Procurement [27-October-09] Final Rule

<http://edocket.access.gpo.gov/2009/E9-25756.htm>

Study: Airport Noise Increases Risk of Strokes [15-December-09]

A study of residents near Germany's Bonn airport has associated exposure to jet aircraft noise with higher risk of strokes and cardiovascular disease.

http://www.time.com/time/specials/packages/article/0,28804,1929071_1929070_1947782,00.html

EPA to List and Address Chemicals of Concern [30-December-09]

<http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/2852c60dc0f65c688525769c0068b219?OpenDocument>

National Institute for Occupational Safety and Health Nanotechnology Research Strategic Plan and Progress Report [13-November-09]

<http://www.cdc.gov/niosh/docs/2010-104/pdfs/2010-104.pdf>

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