



U.S. ARMY

OASA (IE&E)

Office of the Assistant Secretary of the Army
Installations, Energy and Environment



Regional Environmental and Energy Office Northern FY 2013 Annual Report



Sustaining Readiness in

Partnership with States



On the cover, clockwise from top: Soldiers of Task Force 46 and the 126 Press Camp Headquarters, Michigan Army National Guard, Camp Atterbury, IN (MIARNG photo by SSG Helen Miller); 27th Brigade Combat Team Soldier conducting Annual Training at Fort Drum, NY (Army photo by Spc. Ian Boudreau); Floor of the Maryland General Assembly during the 2013 Legislative Session (Army REEO-N photo by Amy Alton); Offshore wind turbines (Wikimedia photo by Andy Dingley)

Prepared by Marstel-Day LLC under Contract No. GS10F0154T, Task Order No. W15QKN-13-F-0004, Support to the Army Regional Environmental and Energy Offices, December 2013



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Executive Summary

This report summarizes the activities and accomplishments of the Office of the Assistant Secretary of the Army for Installations, Energy and Environment (ASA IE&E), Regional Environmental and Energy Office - Northern (REEO-N) in support of Army and Department of Defense missions in Fiscal Year 2013 (FY13). The accomplishments demonstrate REEO-N's successful collaboration across the military services, with internal customers at military installations and commands, as well as federal and state agencies, state legislatures and nongovernmental organizations (NGOs).

The REEO-N Annual Report illustrates regional legislative and regulatory trends and presents numerical data on REEO-N's legislative and regulatory screening, tracking and reporting activities. It shows our participation in several outreach efforts, and reveals our focus and strength in advocacy and partnering. Highlights of REEO-N activities in FY13 include:

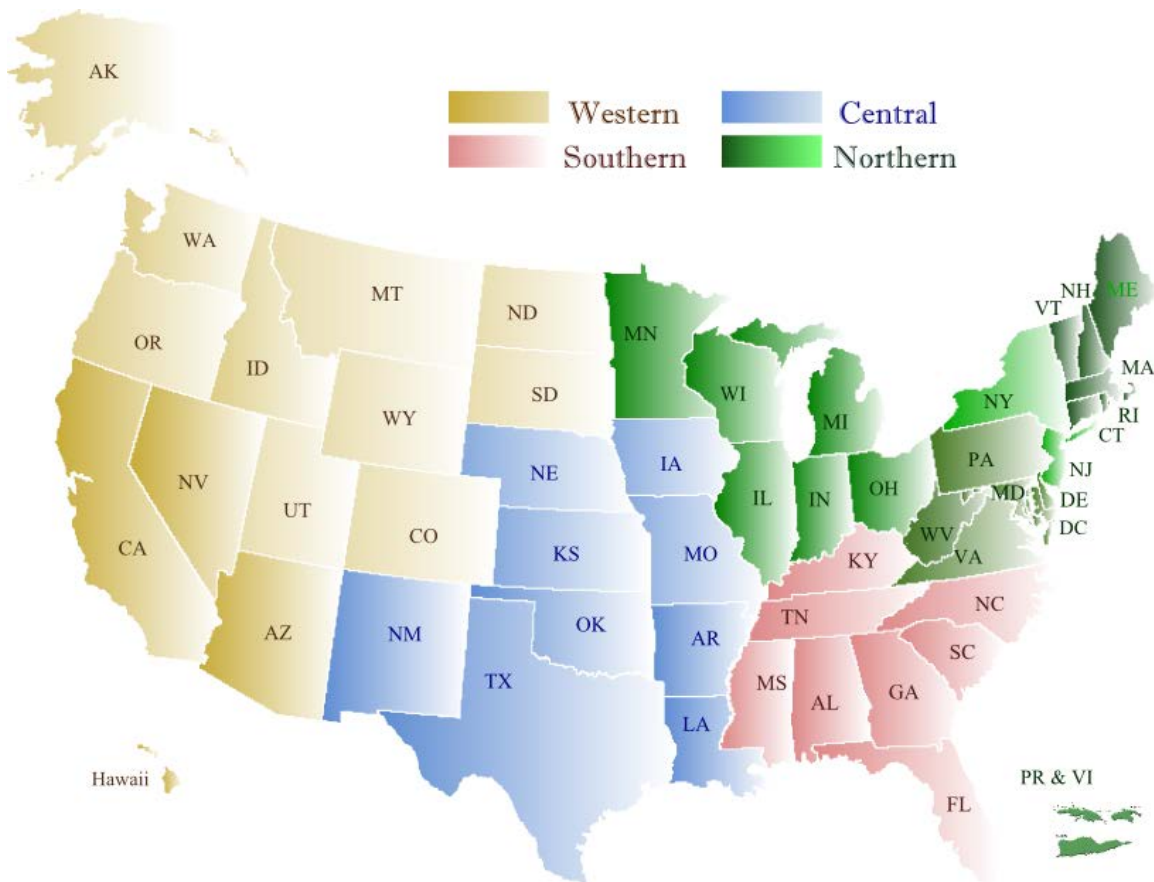
- Uninterrupted publication of the monthly *Northern Review* despite a major change in the REEO support service contract;
- Leading REEOs in publishing a Calendar Year 2012 (CY12) Executive Annual Report;
- Using long established relationships with New York State Department of Environmental Conservation (NYSDEC) to prevent escalation of Army Reserve soil and groundwater contamination concerns;
- Providing a Legislative Fellow (Army Regional Environmental Coordinator [REC] 3) in the office of Speaker of Maryland House of Delegates during the 2013 Maryland legislative session, and giving DOD and Army RECs legislative intervention training following the three-month fellowship;
- Settling into refurbished office space that was completely funded by Aberdeen Proving Ground Garrison;
- Historic signing of a Maryland-DOD Coastal Zone Management Act Memorandum of Understanding (CZMA MOU);
- Execution of the National Defense Center for Energy and Environments (NDCEE) Task 790, Technology Transfer of Chesapeake Bay Total Maximum Daily Load (TMDL) Watershed Best Management Practices (BMPs);
- Robust support to the Army Energy Initiatives Task Force (EITF) for renewable energy project development at Forts Detrick and Drum;
- Guiding efforts in consolidation and publication of the monthly legislative and regulatory REEO *Energy Report*;
- Development of energy profiles in key states instrumental to EITF projects.



REEO-N identified maintenance of DOD REC duties in Region 5 (Great Lakes States) as its primary mission challenge. REEO-N, unlike other REEOs, is geographically detached from the region where it serves as DOD REC.

Regional Environmental and Energy Offices

The REEOs were established in September 1995 to support Army and DOD readiness, training, and testing. Department of Defense Instruction (DODI) 4715.02, updated in August 2009, establishes the REC function within the REEOs. The RECs serve as the REEOs' direct link with state regulatory and legislative bodies. RECs work as part of a multi-disciplinary team that includes legal, policy, engineering, and science experts. The team understands state regulatory and legislative climates and interacts directly with Army installations and the other Service RECs. Each REEO Director serves as the DOD lead REC in an assigned region.



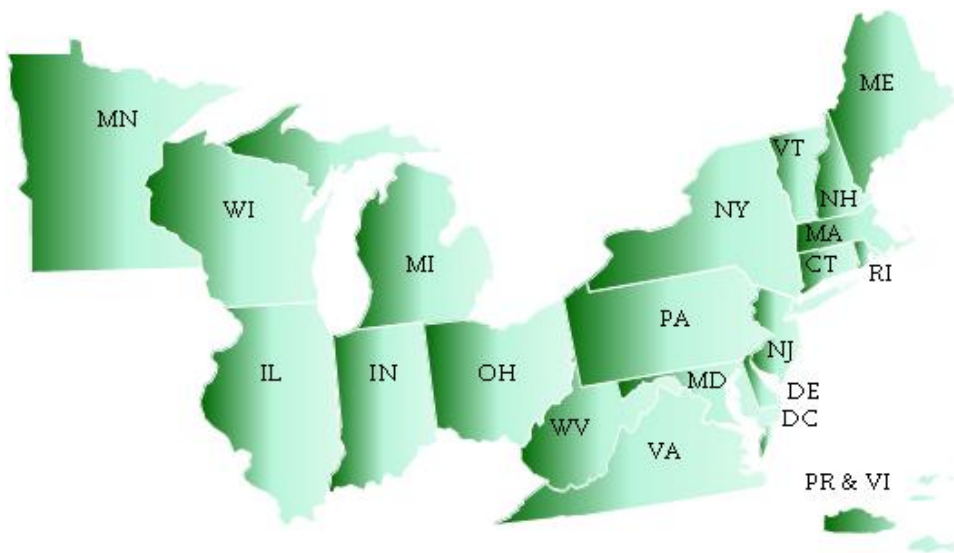
Each Regional Environmental and Energy Office supports a different area of the U.S.



Army REEO Mission: *To fulfill responsibilities as DOD RECs, engage with state legislators, federal and state regulators, and nongovernmental organizations, on behalf of the DOD and the Army to enable the conduct of activities on our installations required to build readiness to execute the Army’s global mission. Conduct strategic communications for the purpose of promoting greater understanding of the Army’s commitment to sustainable practices and energy security.*

REEO-N

The REEO-N area of responsibility (AOR) is the 22 states and territories of federal Regions 1, 2, 3, and 5. The REEO-N serves as the DOD REC for federal Region 5. The REEO-N also serves as Army component REC for Regions 1, 2, and 3.



The REEO-N area of responsibility

- Region 1—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont
- Region 2—New Jersey, New York, Puerto Rico, and the U.S. Virgin Islands
- Region 3—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia
- Region 5—Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin

REEO-N primarily supports Army and DOD readiness, training, and testing through:

- **Legislative and Regulatory Support**

Monitoring and engaging on state regulatory and legislative activities in the 22 states and territories of the REEO-N area of responsibility



- **Mission Sustainment Support**

Coordinating and communicating Army/unified DOD positions, facilitating programs or projects, and addressing issues that can affect military sustainment

- **Chesapeake Bay Program Support**

Helping the Army lead federal agencies in Chesapeake Bay restoration and compliance efforts and minimize mission impacts to Army

- **Energy Program Support**

Monitoring state legislative and regulatory efforts that affect Army's renewable energy, energy security and Net Zero programs

- **Outreach and Partnerships**

Developing cooperative partnerships and educating stakeholders on issues that support long-term sustainability of the military

- **Stewardship of Financial Resources**

Cost savings and cost avoidance to help the Army allocate funds wisely

Legislative and Regulatory Support

Monitoring and engaging on state regulatory and legislative activities

Legislative Summary

Through execution of the state Environmental Legislative and Regulatory Analysis and Monitoring Program, REEO-N works to minimize the impact to military training and other installation missions from environmental laws proposed and adopted by states and to ensure the military is treated equitably with others in the regulated community.

FY13 legislative priorities in the Northern Region states were focused on balancing state budgets, increasing jobs, and growing the economy. New environmental legislative initiatives often took a back seat to budget priorities except for continued efforts to reduce environmental regulatory burdens on business.

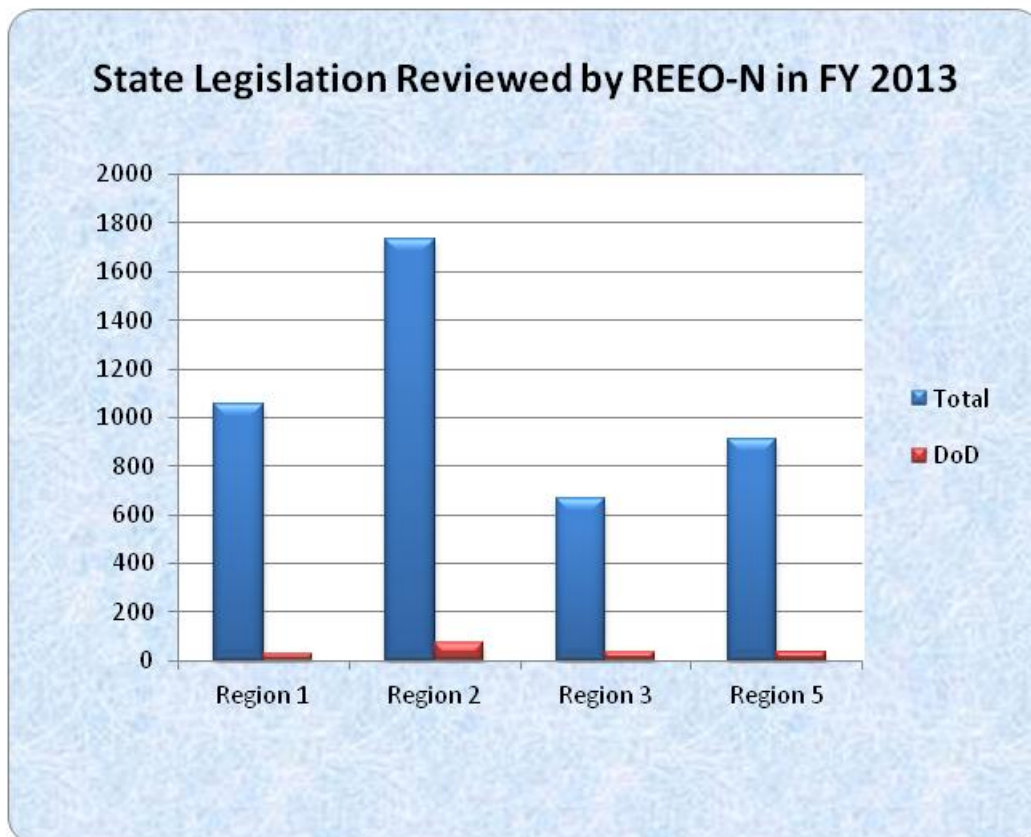
The overall relationship between state legislatures and the military remained positive in the Northern Region in FY13. Legislative and executive agency branches of state governments continue to be supportive and protective of federal and state military installations due, at least in part, to the military's positive impact on local and state economies. Some states in the REEO-N area—especially those that lost military units or installations in previous Base Realignment and Closure (BRAC) actions, such as Illinois, Indiana, Ohio, and Pennsylvania—are coming out publicly in support of their existing military installations. They are working with their elected federal congressional representatives and senators to minimize the impact of future BRACs on their states.



Throughout the year, REEO-N continued proactive review and analysis of proposed legislation and the informal engagement of bill proponents on bills with the potential to impact military missions. Of the 4,361 state bills screened and evaluated by the Northern Region staff, 167 were identified as being of interest to or potentially impacting (positively or negatively) Army/DOD installations, training, operations, readiness, budget, or sustainability. Military installations and commands were kept informed of the status of these measures through REEO-N’s monthly *Northern Review* and individual electronic alerts. The subject areas of water, energy, land use, waste management, and natural resources were the primary targets of newly proposed legislation.

Despite the relatively large number of bills with potential impact, no bills were passed in FY13 having a significant negative impact on the military. The continued close cooperation between the military and states, and exceptionally strong relationships between REEO-N and regional policymakers, helped to resolve issues before they turned into bills and regulations.

The overall legislative monitoring effort remained relatively constant throughout FY13. This consistent work load is a result of the uniqueness of the Northern Region having ten of its 22 assigned states and territories with legislatures that meet year round.





Legislative Highlights

- RECs successfully addressed Clean Air Act Services Steering Committee (CAA SSC) concerns relating to state greenhouse gas (GHG) bills. CAA SSC helps DOD Components facilitate compliance with CAA requirements. Army REC 1 coordinated with the CAA SSC in April to develop comments to Rhode Island House Bill (HB) 5801 that would regulate GHG emissions in the state. DOD REC submitted comments to the Rhode Island state legislature requesting amendments exempting DOD and National Guard installations in the state from the proposed reporting and emissions reductions requirements. The comments were addressed and appropriate language incorporated.
- In April, Army REC 3 completed a three-month fellowship with the office of the Maryland Speaker of the House to obtain a better understanding of the state legislative process and identify more effective ways to impact proposed state legislation of interest to the military community. Afterward, REEO-N conducted legislative training for the DOD and Army REC community to discuss fellowship lessons learned, identify the key legislative staff for most effective engagement, and the best timing for engagement. This training is estimated to have saved DOD approximately \$12,500 in private vendor training costs.
- Army REC 1 coordinated comments in April with DOD REC 1 on bills in the Massachusetts House and Senate on land-based wind energy siting reform. Comments requested the addition of national defense to the public purpose language of the bills, giving DOD an opportunity to review and formally comment on future proposed wind energy facilities, and requiring that applications for wind projects to include consideration of air navigation and military training routes.
- REEO-N developed a plan and draft correspondence to respond to Michigan HB 4499 proposing new emissions and low sulfur fuel requirements for diesel vehicles.

Northern Review
of Legislative & Regulatory Actions
The U.S. Army Regional Environmental & Energy Office September 2013

What's In This Review?

Region 1
In CT, proposed amendments to the ambient air quality standards and TMDLs for 43 estuary segments. In MA, an increase in certain compliance and permit fees. In NH, proposed revisions to the public water system operation and maintenance requirements.

Region 2
In NY, a draft conservation management plan for the Sauger perch and an expansion of the current emerald ash borer quarantine area.

Region 3
In DC, new laws establishing a state Wetlands Advisory Committee and revised sediment and stormwater regulations; and adopted revisions to the sediment and stormwater regulations. In DC, a new Clean Rivers Impervious Surface Area Charge Incentive Program. In MD, finalized amendments to the air quality permits, approvals, and registration regulations. In VA, expansion of air quality regulations to reduce VOC emissions. In WV, amendments to the rules governing state certification of federal licenses and permits and new rules for the transportation of hazardous wastes on roads and highways.

Region 5
In IL, new laws amending the infectious medical waste rules, wind energy systems rules, air permit renewal process rules, and creating the Lake Michigan Wind Energy Act; plus, finalized amendments to the air quality standards. In IN, new solid waste management regulations addressing spent lead acid batteries. In MI, the redesignation of the Detroit-Ann Arbor nonattainment area. In MN, updates to the T & E List. In OH, amendments to the open burning in unrestricted areas regulations. In WI, revisions to the investigation and cleanup of contaminated properties regulations, and a draft nutrient reduction strategy.

DOD Activity
Call for nominations for the FY 2013 Secretary of the Army Environmental Awards, and Army's plans to expand Net Zero effort best practices.

Federal Activity
USEPA finalizes 2010 primary SO₂, NAAQS air quality designations, revisions to the definition of VOCs, and electronic reporting of TRI data. USFWS finalizes revisions to the impact analyses of critical habitat rules.

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Military installations and state contacts were kept informed of legislative and regulatory developments through REEO-N's monthly Northern Review



Coordinating with Component RECs and CAA SCC in April, REEO-N prepared a draft position letter if the bill moves forward.

- REEO-N legislative tracking efforts during April and May provided early identification of Minnesota Senate Bill 1506, proposing to ban law enforcement, private entity, and federal agency use of drones in the state. REEO-N coordinated with the Minnesota National Guard, who in turn contacted the bill’s sponsor on the potential military training implications. As a result, no further action on the bill was taken prior to the end of the 2013 Minnesota legislative session. REEO-N also shared lessons learned on this engagement with the DOD REC 9 who was responding to similar proposed legislation in California.
- After several years of REEO-N work with states in its AOR to pass legislation that protects the military mission from encroachment, Virginia strengthened compatible land use legislation during its 2013 legislative session by requiring local planning commissions to consult with installation commanders that may be affected by potential development.
- REEO-N worked with the DOD REC for Region 3 to review and comment on proposed Maryland county regulations implementing new state stormwater management requirements. Proposed regulations were reviewed for Baltimore and Harford counties. Regulations also were reviewed and comments submitted for Anne Arundel, Montgomery, and Prince Georges counties. Comments were focused on regulatory language establishing stormwater fees that appeared to be discriminatory to military installations and thus would not meet the standard for a waiver of sovereign immunity under the federal Clean Water Act.

Regulatory Summary

The REEO-N Team represented Army/DOD interests in the Northern Region’s state rule-making processes through proactive review and tracking of proposed regulations; timely coordination with Army, DOD, and military service stakeholders; and timely engagement with regulatory agencies. REEO-N coordination efforts included working with DOD and Army environmental subject matter experts to develop unified DOD or Army positions on regulatory challenges. REEO-N staff also provided gateway technical assistance to Army installations to help resolve complex regulatory issues.

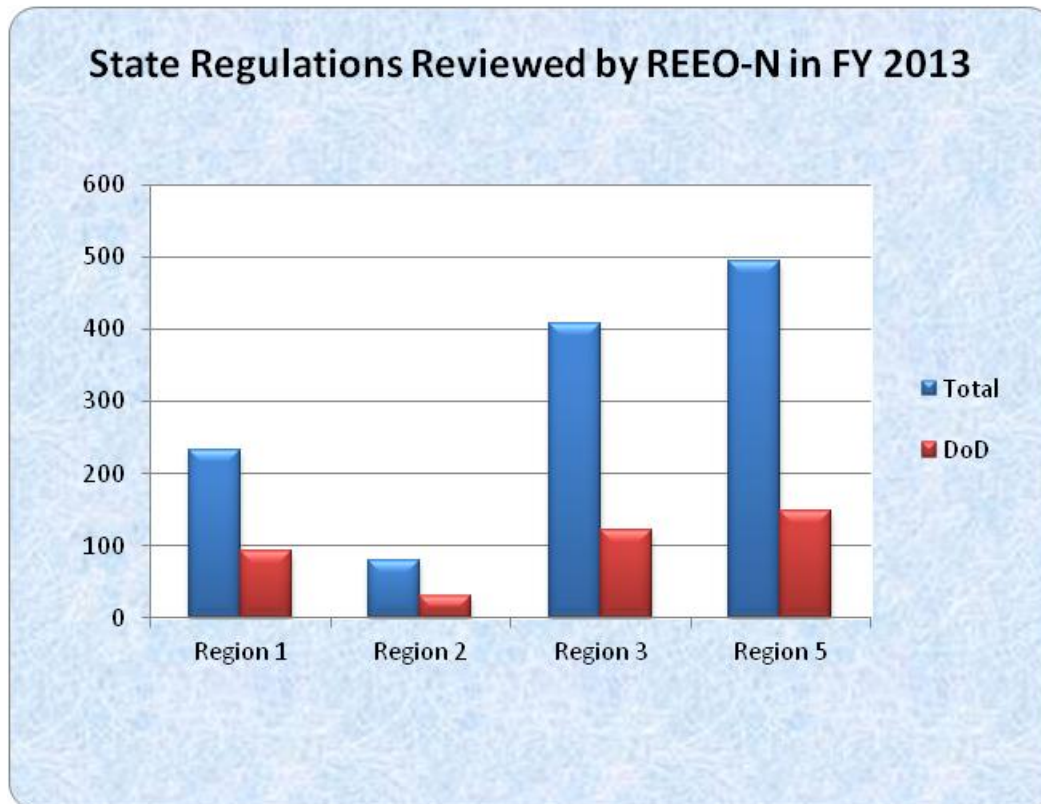
In FY13, Northern Region staff screened 1,213 new environmental regulatory measures from its 22 states and territories. A total of 393 of these regulations were judged relevant to the military and were reported to DOD customers through REEO-N’s monthly *Northern Review* and electronic alerts. Proposed rules associated with water, air, natural resources, waste, and land use represented the majority of rules reviewed.

“Thanks for providing the Northern Review. It is informative and keeps me up to speed on current trends regarding energy, sustainability and the environment.”

- Chief of Master Planning Team, HQ USACE



New stormwater and total maximum daily load requirements, as well as budget and staff reductions at state regulatory agencies impacting permit submittal response times, remained important regulatory challenges for Army installations in the Northern Region in 2013.



Regulatory Highlights

- REEO-N successfully defused potential political escalation of legal actions by the NYSDEC Commissioner, Albany Mayor, and New York Governor relating to perchloroethylene groundwater contamination caused by the Armed Forces Reserve Center in Albany. Alerted in March 2013 by the NYSDEC Remediation Bureau Chief about the fast-moving issue caused by the 99th Regional Support Command (RSC), Army REC 2 contacted the Director for Restoration/Cleanup at the Office of the Deputy Assistant Secretary of the Army (Environmental Safety and Occupational Health) (DASA [ESOH]). This action prompted immediate involvement by the Army Environmental Command (USAEC), Huntsville District Corps of Engineers, and public scoping meetings held by NYSDEC. Without the close working relationship the REC 2 had established with NYSDEC over years of interaction, the issue may not have been resolved before it became a serious public affairs issue for the 99th RSC.



- During FY13, REEO-N responded to requests for REC assistance on proposals by New Hampshire and Virginia to incorporate requirements of the Energy Independence and Security Act (EISA) Section 438 and/or Executive Order (EO) 13508, Chesapeake Bay Protection and Restoration, into state Municipal Separate Storm System (MS4) permits issued under the Clean Water Act (CWA). For several years, the DOD position is that EO 13508 and EISA Section 438 requirements are separate from requirements under CWA, and that USEPA and the states do not have authority to include them in CWA permits. DOD has been successful in preventing these requirements from being included into New Hampshire and Virginia MS4 permits.
- REC 1 coordinated in May with other Service RECs from Region 1 to seek military tactical vehicle exemption from New Hampshire Department of Environmental Services (NHDES) anti-idling regulations. Based on REC comments, NHDES exempted military tactical vehicles, enabling realistic combat mission training to continue.

- Similarly, REC 1 conveyed Army concerns and comments to the DOD REC regarding Vermont Proposed Rule 5-704 to limit motor vehicle idling. The DOD REC submitted comments in May to Vermont Department of Environmental Conservation. Vermont added language to the state rule exempting military tactical and emergency vehicles.



Bob Boonstoppel, REEO-N Counsel (third from left) and Amy Alton, REEO-N REC 3 (holding agreement on the right), celebrated with DOD and Maryland officials at the signing of an agreement to protect Maryland's coastal resources, May 2013 at the U.S. Naval Academy in Annapolis. (U.S. Navy photo)

- Army REC 2 coordinated efforts with Explosive Ordnance Disposal (EOD) and DOD Service Headquarters experts in September to establish appropriate explosive ordnance responses relative to emergency permit requirements in New Jersey.
- After submitting comments with DOD REC 2 to a New York anti-idling bill in April, the Army received New York gubernatorial sanction and an offer of assistance in exempting military training and emergency operation of DOD heavy-duty vehicles from New York's established idling rules.



- In November 2012, REEO-N coordinated and prepared final Army comments on the proposed reissuing of the Maryland National Pollutant Discharge Elimination System General Permit for discharges from stormwater associated with industrial activities. (Some of the Army/DOD comments would be incorporated into the final permit language issued by MDE in November 2013.)
- Army REC 3 supported Headquarters Department of Army (HQDA) on stormwater fee issues at Joint Base Lewis-McCord in October 2012, using experience gained from work on the District of Columbia stormwater memorandum of understanding.
- REEO-N successfully protected DOD missions from wind energy impacts by developing comments in April on the proposed Wisconsin Public Service Commission (WI PSC) rule addressing wind energy development. REC 5 proposed rule language requiring wind developers to notify DOD of a proposed project at least 90 days before submission of a construction application to the WI PSC. The rule is now in effect.
- Through the spring, REEO-N continued monitoring of U.S. Environmental Protection Agency (USEPA) and Wisconsin efforts to develop health risk levels for dinitrotoluene (DNT) isomers potentially impacting Badger Army Ammunition Plant and other Army facilities. The Regional Program Coordinator coordinated with Army Public Health Command staff for input on USEPA draft health advisory levels for DNT isomers.
- REEO-N continued monitoring of Region 5 states' development of water withdrawal policies and regulations during the year. States have increased the number of laws and rules introduced in recent years regarding water withdrawal, generally being more restrictive.
- Through the *Northern Review* or email alerts, REEO-N RECs kept installation points of contact informed of other draft rules or actions that might require regulatory intervention, such as a proposed stormwater discharge permit rule, or a draft proposal for a General Permit to authorize in situ chemical oxidation to remediate contamination. RECs continually contacted Army subject matter experts, and elevated the discussion with the DOD REC when necessary for further intervention.



*WI National Guard soldiers at Ft. McCoy.
(112th Mobile Public Affairs Detachment
photo by Staff Sgt. Megan Burnham)*

Mission Sustainment Support

Coordinating and communicating Army/unified DOD positions, facilitating programs or projects, and addressing issues that can affect military sustainment

Supporting the Army's installations and enabling them to conduct activities required to build readiness to execute the Army's global mission is a cornerstone of the REEO



operation. The Army dealt with budget constraints in 2013 in part by restricting travel for all field operating offices, including the REEOs.

The REEO-N worked within budget limitations to maintain relationships important to sustaining the mission.

Examples of Regional Support

- Based on internal and external Army networking, REC 1 was routinely notified of EPA multi-media inspections and their focus of attention, which was relayed to regional Army activity points of contact.
- REEO-N responded to requests from Army activities, including Army National Guard (ARNG), for REC assistance in preparing for Environmental Performance Assessment System inspections. RECs researched and provided USEPA and state regulatory information, including pending new regulations and compliance enforcement trends, to Army activities.
- The Northern Office also worked on various requests for REC intervention from ARNG activities and ARNG Headquarters Environmental Division on large fee increases being levied for permitted activities. These included Rhode Island multi-sector General Permit for stormwater discharge, Vermont General Permit for stormwater discharge, MS4 permitting issues in New Hampshire, hazardous waste management program/generator fees in New Hampshire, general operating permits for emergency generators in New Jersey, and Comprehensive Environmental Response, Compensation and Liability Act exemptions for permit equivalencies in New Jersey.
- REC 2 interceded on behalf of NYSDEC with New York ARNG vs. U.S. Army Corps of Engineers (USACE) regarding actions to be undertaken for the Camp O’Ryan Range and Maneuvering Area Remedial Investigation/Feasibility Study (RI/FS). REC 2 determined and relayed to NYSDEC that USACE would not conduct the RI/FS under the Formerly Used Defense Site Program, but rather ARNG would conduct the RI/FS under a low-priority Military Munitions Response Program action.
- New Jersey ARNG sought REC assistance in expediting signatory approval of their Integrated Natural Resource Management Plan delayed in the New Jersey Department of Environmental Protection (NJDEP) Fish and Wildlife Conservation Commission. The New Jersey ARNG now may move forward on current contract efforts at ARNG facilities.
- REC 2 assisted with a New Jersey ARNG request to NJDEP for Licensed Site Remediation Professional funding from New Jersey Department of Treasury, so that heating oil deliveries could be made to various armory heating oil tanks slotted for permit approval and cleanup.
- REC 2 assisted in expediting the air permitting process for equipment to be fielded by the 99th RSC in upstate New York.



- REC 2 successfully helped to prevent NJDEP from assessing fees and penalties to Picatinny Arsenal, and ultimately other installations, for emergency EOD permits. Each permit fee would have cost \$5,500.
- At USAEC's request, REC 2 assisted USAEC in structuring a permit process satisfying concerns of installation Clean Air Act managers relative to unknown and unpermitted emergency generators.
- REEO-N took the lead for negotiations with the Indiana Department of Environment (IDEM) on the possibility of state military organizations using credit cards or electronic funds transfers to pay for permit fees. Military organizations were incurring additional costs and delays in paying permit fees as they had to seek exceptions to military financial policies to make payments via check, as was required by IDEM. IDEM agreed to explore electronic payment options and in the fall of 2012 IDEM instituted a new process to allow electronic and credit card payments.
- REEO-N provided assistance as requested to Jacksonville District USACE regarding current programs and projects in Puerto Rico along with the appropriate regulatory contacts relating to Army/DOD activities and efforts with Puerto Rico regulators.
- REEO-N effectively supported final negotiations, coordination, approval and signature of the Maryland Coastal Zone Management Act (CZMA) Memorandum of Understanding (MOU). DOD and the Army REC 3 community launched the effort in 2010 to develop consensus among state and federal agencies, clarify federal consistency requirements of the CZMA, and streamline implementation of Maryland's coastal policies. REEO-N also worked with DOD REC 3 to provide Army installations with training to answer specific questions about the MOU. The first of its kind in the nation, the MOU significantly reduces the Army's time to determine compliance with the CZMA and the cost for meeting CZMA requirements. Initial estimates of savings to the Army are approximately \$25,000 per year. The MOU may also serve as a model for other coastal states seeking to improve coordination with DOD.
- Throughout the year, REEO-N staff supported the DOD Executive Agent to develop stormwater MOUs with the District of Columbia and the commonwealth of Virginia. The DC MOU was drafted to address federal agency stormwater management efforts in response to the renewal of the DC MS4 permit with EPA Region 3. A draft MOU also was prepared as an alternative to proposed Virginia TMDL requirements for military installations. Final action on these draft MOUs is pending.
- REC 3 provided Scranton Army Ammunition Plant, PA, with existing laws and policy for meeting Clean Air Act requirements for ensuring personal vehicles operating on federal property meet state emissions standards.

REEO-N successfully helped prevent NJDEP from assessing fees for EOD permits. Each fee would have cost \$5,500.



- REEO-N supported efforts to resolve air permit issues associated with fielding, stationing, and operating new Army Reserve asphalt plants at Fort Indiantown Gap, PA, and Fort Drum, NY.
- REEO-N provided updates to Indiana National Guard on proposed federal emission standards potentially impacting a coal-fired power plant at Muscatatuck Urban Training Center.
- REC 5 monitored Michigan and USEPA emerging contaminant concerns for perfluorinated compounds at former Wurtsmith Air Force Base.
- REC 5 supported Michigan National Guard efforts to develop a Net Zero energy program at Camp Grayling and Minnesota National Guard renewable energy efforts at Camp Ripley.
- REC 5 supported Michigan National Guard Environmental staff in researching background of a Michigan Department of Environmental Quality verbal policy changing requirements of hazardous waste manifests.

Chesapeake Bay Program Support

Helping the Army lead federal agencies in Chesapeake Bay restoration and compliance efforts and minimize mission impacts to Army

The Chesapeake Bay has seen a continual decline in water quality over the last 30 years. It is no longer the most productive estuary in the U.S., with populations of blue crabs, oysters, and rockfish on the decline. The Bay watershed has experienced significant economic losses in the billions of dollars in both revenue and jobs as a result.

But federal requirements are driving what has been called a new era of Chesapeake Bay water compliance. Beginning with Executive Order 13508, “Chesapeake Bay Protection and Restoration,” which set the stage for a renewed federal effort to protect and restore the Bay, the Army developed a strategy to assist in conservation and restoration. The strategy supports the DOD Chesapeake Bay Strategic Action Plan, and the Army strategy designates the REEO-N to provide Secretariat-level oversight.



The Chesapeake Bay as seen from satellite. (University of Maryland Center for Environmental Science photo)



Each of the six Bay states and District of Columbia have been allocated specific numeric pollution-reduction targets. Army facilities must establish baseline loadings for nutrients and sediments and work with local, state, and federal regulators to determine their individual allocations. They will be used to set maximum pollutant loads associated with permits for sources of pollution.

In 2013, REEO-N continued to oversee National Defense Center for Energy and Environment (NDCEE) projects to develop pollutant (nitrogen, phosphorus, and sediments) load baseline assessments and identify stormwater best management practices to reduce pollutant loadings at installations in the Bay watershed.

As the Army's lead for direct oversight of the implementation of the strategy, the REEO-N continues to foster protection of the Bay while sustaining Army readiness at facilities throughout the Bay watershed. In close cooperation with DASA (ESOH), staff from the Assistant Chief of Staff for Installation Management (ACSIM), ARNG, USACE, and Army installations on the Bay, REEO-N continues its effective partnership with states, EPA and nongovernmental stakeholders. Key partnership and collaborative efforts include active participation in the:

- Bay Program's Federal Office Directors Workgroup;
- USEPA's Chesapeake Bay Federal Facilities Team;
- DOD Quality Management Board, DOD's primary working group on the Bay; and
- Multi-service Chesapeake Bay Action Team.

Chesapeake Bay Support Highlights

- REEO-N led Army's efforts for final coordination and approval of the CZMA MOU between the state of Maryland and DOD. The MOU covers the federal consistency requirements of the CZMA and the application and implementation of Maryland's enforceable coastal policies. The signing of this MOU in May 2013 will help eliminate current uncertainties on when Army activities impact coastal zones and if so, how consistency can be demonstrated. It is also expected to significantly reduce DOD installation planning efforts, processing times and costs for meeting CZMA requirements. The National Oceanic and Atmospheric Administration, which oversees implementation of the CZMA in the U.S., plans to use this collaborative effort as a national model for addressing CZMA federal consistency issues.
- In FY13, REEO-N provided oversight on the completion of the NDCEE Technology Transfer of Chesapeake Bay TMDL Watershed BMP project (Task Number 790) at 12 installations throughout the Bay watershed. Four Army installations (Scranton Army Ammunition Plant, Letterkenny Army Depot, Fort Indiantown Gap, and Fort A.P. Hill) had BMP concepts developed to a pre-design phase, along with their implementation costs and load reduction potential, to assist them in planning for TMDL compliance. Eight Air Force, Navy, Marine, and other DOD installations made major strides toward their TMDL compliance efforts. The project thus applied the Army-developed TMDL methodology to the other branches of the military where



installation operations, land use, and geographic settings are varied. The cost for executing this specific project was \$877,000. The process and lessons learned from the Army/DOD TMDL work can support other installations across the country as USEPA anticipates establishing TMDLs for other large watersheds.

- REEO-N met with representatives from the Planning Division of the Baltimore District USACE in August to better understand their TMDL water quality modeling, geographic information system and BMP plans for Army installations, and to discuss how it could enhance work being done as part of the NDCEE TMDL pilot project.
- In April, REEO-N briefed USEPA headquarters and Region 3 staff on the Army and DOD Chesapeake Bay TMDL efforts and the NDCEE TMDL pilot project. The USEPA audience included leadership from USEPA HQ Office of Water and Chesapeake Bay Program as well as Region 3 Office of Water.
- REEO-N coordinated, supported, and participated in CZMA MOU training for Army installations in the Chesapeake Bay Watershed in September.
- REEO-N staff attended the Alliance for the Chesapeake Bay's annual dinner and award celebration in September. The event provided an opportunity to discuss Army's efforts in Chesapeake Bay restoration efforts with key government and non-government leaders. Attendance also led to an invitation for a future meeting with Ann Swanson, Executive Director of the Chesapeake Bay Commission, to update her on efforts to implement the Army's Chesapeake Bay Strategy.

As Army's lead for implementation of the Chesapeake Bay strategy, REEO-N continues to foster protection of the Bay while sustaining Army readiness at facilities throughout the watershed.

Energy Program Support

Monitoring state legislative and regulatory efforts that affect Army's renewable energy, energy security and Net Zero programs

Army Energy Initiatives Task Force

The Northern Region provided ongoing legal support to the Army EITF. As a point of contact for the EITF, the REEO-N Regional Counsel worked throughout the year with EITF Planning and Execution Divisions to implement cost-effective, large-scale renewable energy projects, leveraging private sector financing. EITF focuses on projects—solar, wind, geothermal and biomass—that are 10 megawatts or greater and located on U.S. Army installations.



REEO-N provided legal counsel to the EITF Execution Division for biomass and solar projects at Fort Drum, NY, and Fort Detrick, MD, respectively. Contracts for both projects are close to award. When awarded, they will be the first EITF projects to begin.

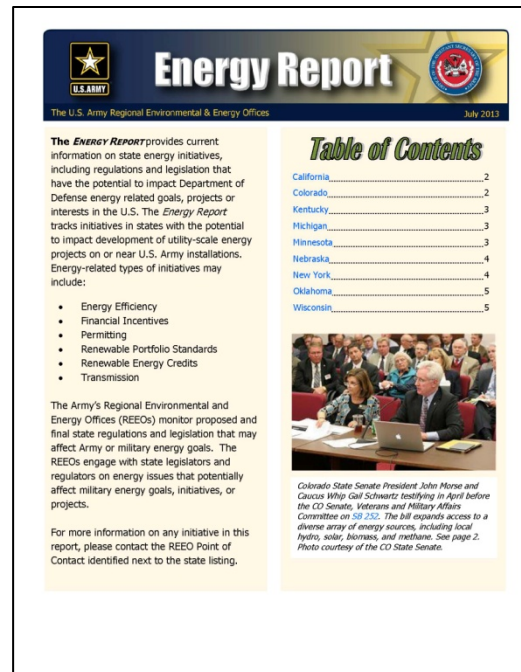
EITF is assessing other sites for energy projects that will help the Army achieve its renewable energy goal of deploying one gigawatt of renewable energy by 2025. Many states in REEO-N AOR grant electric utilities exclusive service areas, requiring creative solutions to meet EITF objectives. REEO-N Counsel coordinated requests from both the EITF Planning Division and individual installations to identify and help evaluate project opportunities. Counsel also provided legal support to the Planning Division at Fort Lee and Fort Belvoir, VA; and Aberdeen Proving Ground and Fort Meade, MD. More installations within the REEO-N AOR will be evaluated in 2014.

REEO Energy Report

The Regional Environmental Offices began developing regional Energy Reports in 2012, designed to provide a snapshot of state legislative and regulatory activity related to energy issues for EITF. The offices consolidated their reports early in calendar year 2013. In March, they issued a report covering all states. The REEO *Energy Report* tracks energy initiatives in states with the potential to impact development of utility-scale energy projects on or near U.S. Army installations.

REEO-N also prepared detailed state Energy Profiles for Illinois, Indiana, Michigan, Minnesota, New York, Ohio, and Wisconsin.

The profiles provide a comprehensive look at the state energy legislative and regulatory climate for Army energy managers and EITF.



In support of DOD and Army energy security in FY13, REEO-N:

- Summarized GHG legislative and regulatory requirements for Region 5 states.
- Engaged EPA Region 2 on behalf of Fort Buchanan’s request for recognition of \$50,000 of Energy Savings Performance Contract work completed as a result of corrective action plan efforts to resolve multi-media inspection issues.
- Witnessed final approval of WI PSC 128 including language recommended by REEO-N providing notice to DOD of proposed wind energy projects.
- Continued active support to DOD Energy Siting Clearinghouse, providing details on state laws and rules impacting proposed energy project coordination and notification.



- Developed a white paper on hydraulic fracturing that provided a preliminary examination of the primary factors that would affect the development of this rapidly evolving activity to extract natural gas, should it be applied by the military.

Outreach and Partnerships

Developing cooperative partnerships and educating stakeholders on issues that support long-term sustainability of the military

A core mission of REEO-N is to communicate the Army/DOD's message to stakeholders through forums, in-person meetings, and publications. In turn, REEO-N staff reports input from stakeholders to senior policy officials at HQDA and the Office of the Secretary of Defense (OSD). Northern Region efforts to inform, educate, and partner with government officials and other centers of influence in the region promotes greater understanding and builds trust that aids in sustaining the military mission while protecting the environment in a responsible and cost-effective manner.

Through active engagement and strategic outreach, the REEO-N has:

- Maintained *good working relationships* with, and ready access to, top and senior level regional and environmental/natural resource state regulators and legislators.
- Ensured Army *involvement in public policy process* on environmental and related matters that may affect the Army.
- *Educated* regulatory/legislative groups on military issues of concern and positions on emerging trends.
- Remained cognizant of key environmental and related issues of concern to regulators/legislators. *Communicated regularly in a non-enforcement atmosphere.*
- Demonstrated that the *REEO-N is effective* at communicating, coordinating, and facilitating regional and state environmental and related issues of concern to the Army/DOD.
- With REC 3's successful legislative fellowship with the Maryland House of Delegates during the 2013 legislative session, demonstrated the importance of building and continually fostering personal working relationships with state legislators and staffs.



Illinois State Capital Building (Flicker Photo Sharing photo)

Outreach to National Organizations

REEO-N maintained contact with these and other national policymaking organizations in FY13:



- **Environmental Council of the States (ECOS)**—The REEO-N Director participated in the ECOS National Meeting in September 2013 in Virginia. He met with Region 5 state regulatory agency commissioners and senior leadership to identify and discuss regulatory issues of importance to military organizations. He initiated discussion for follow-on partnership meetings in Region 5 states. Additionally, he met with environmental commissioners from Massachusetts, Connecticut, NY, and Virginia; the chair of the ECOS Federal Facility Forum; the executive director of the Association of State and Territorial Solid Waste Management Officials, the executive director of ECOS; and the director of the Interstate Technology and Regulatory Council.
- **National Conference of State Legislatures (NCSL)**—*Agriculture & Energy Committee; Environment Committee; Military and Veterans Affairs Task Force.* Regional Counsel arranged for a presentation to the NCSL Military and Veteran's Affairs Task Force on energy security and Army EITF projects at the NCSL Spring Forum in May. Participation in the 2013 NCSL National Summit in Atlanta, GA, in August and staffing of the Army REEO booth were cancelled due to budget cuts and travel restrictions.
- **Society of American Military Engineers (SAME)**—REEO-N continued to brief regional SAME meetings, including a presentation to the Chesapeake Post in January. At that meeting, REEO-N gave an overview of the REEO program and Army strategic renewable energy and Net Zero initiatives to county government officials, APG installation personnel, and Baltimore District USACE personnel.

In FY14, the REEOs are planning to communicate issues of concern using alternative outreach methods, including social media, an interactive webpage, and webinars.

Internal REEO-N Outreach

REEO-N continued in FY13 to improve internal communications with DOD, other Services, and other Army agencies:

- Promoted internal Army Agency and DOD Service Component sharing of subject matter expertise and cooperation through legislative/regulatory assistance to ACSIM, Installation Management Command (IMCOM), Public Health Command, National Guard Bureau (NGB), Air Force Civil Engineer Center (AFCEC), and Naval Facilities Engineering Command (NAVFAC) Mid-Atlantic.
- Promoted REC role by gaining entry for REC participation on the CAA SSC, the ACSIM Army Environmental Stakeholders workgroup, and continued close coordination with NGB.
- The final Army REEO Triannual Review of CY12 was held in November 2012 at the Pentagon. Chaired by the Principal Deputy Assistant Secretary of the Army (PDASA) for IE&E. The REEO-N Director briefed meeting attendees on REEO-N significant activities and program priorities for CY13. The initial CY13 Army Triannual Review was held in May 2013 by videoteleconference. It was chaired by the ASA for



IE&E. The REEO-N Director briefed on progress in meeting REEO-N CY13 program priorities, and the Army REC 3 provided an executive overview of her legislative fellowship with the state of Maryland. This Triannual Review further served as a transition point of the REEO program from DASA (Strategic Integration) to DASA (ESOH), effective 1 July 2013 per a memorandum signed by the PDASA (IE&E). It also served as a forum to alert the primary REEO stakeholder base of a planned movement of the REEOs to the USACE—a move pending approval by the Secretary of the Army and to be followed with a MOU between ASA (IE&E) and the USACE Commander.

- The REEO-N Director participated in the annual DOD REC meeting in November 2012 at the Pentagon. As part of this meeting the REEO-N Director submitted a DOD REC 5 CY13 Annual Action Plan along with 2012 accomplishments in Region 5; and briefed DOD and Service principals on water surety, emphasizing the role DOD RECs play in defending military water rights, and how they could play in water resource planning at state and regional levels. Following the briefing, the REEO-N Director developed a white paper on water management that delineated how water planning is accomplished in the state of Texas. The white paper emphasized opportunities that military installations and the DOD RECs have in the development of a state water plan. The paper was originally released in April 2013 and updated in June 2013 incorporating comments from Dr. Marc Kodack, the ASA IE&E water program manager.

Partnerships

Engaging with state regulators through DOD-EPA and state partnerships has always been a critical aspect of the REEO mission. Partnerships help all organizations improve communication and coordination of cleanup and compliance issues at military installations.

Successful collaboration is fundamental to the partnering concept. By cultivating communication and trust among participants, teams have the opportunity to shape more effective compliance and restoration projects, thus saving time and taxpayer dollars.

Although it is technically possible to address concerns remotely, the depth and breadth of concerns are often best conveyed in person. Relationships based solely upon remote communication can become strained when difficult issues arise.

Strong relationships enable negotiations where everyone gets a “win.” Lessons learned at one installation that can be readily exported and applied at other installations is often a result of professional interaction at meetings and workshops. Strong partnerships help the Army to execute its mission.

Strong relationships enable negotiations where everyone gets a “win.” Strong partnerships with states help the Army to execute its mission.



The REEO-N continued active participation in partnering efforts in 2013, despite challenges. Among the partnerships the REEO-N worked to maintain in 2013, and selected highlights of participation, are:

Region 1:

- 1st Army Area Workgroup
- Northeast Waste Management Operators Association
- Federal Green Challenge Partnership
- Federal Climate Change Partnership

Region 2:

- Federal Green Challenge Partnership
- Federal Climate Change Partnership
- NJDEP/USEPA/DOD Environmental Workgroup
- NYSDEC/USEPA/DOD Environmental Workgroup
- New Jersey State Agriculture Development Committee (SADC)/DOD Forum
- Consulted with OSD Readiness and Environmental Protection Initiative (REPI) deputy director for presentation of initiatives and available funding sources for potential partnering with NJDEP, SADC, New Jersey counties, and local conservation agencies. Participants agreed the best path to achieve state preservation goals and DOD's installation mission sustainment goals is through joint partnerships and funding programs.
- Worked with NJDEP staff elements and SADC regarding economic growth and green energy programs focusing on sustainability, land preservation, and economic impacts of DOD activities, to inform the public of DOD's importance to the state community.

Region 3:

- Maryland/DOD/EPA Environmental Partnership
- Pennsylvania/DOD Environmental Partnership
- Chesapeake Bay Action Team
- EPA/State/DOD Region 3 Tier III Clean-up Partnership
- Chesapeake Bay Watershed Forum
- Virginia/DOD Partnership



Region 5:

- DOD and state regulatory agency partnering sessions in Illinois, Ohio, and Wisconsin were cancelled in FY13.
- REC 5 reviewed published minutes of ECOS meetings for impact on the military, and prepared a summary of issues discussed and an ECOS resolution impacting the DOD-State Memorandum of Agreement program.
- Met with ARNG headquarters environmental staff to foster communications and REEO support to Region 5 state National Guard organizations.

Stewardship of Financial Resources

Cost savings and cost avoidance to help the Army allocate funds wisely

- Successfully helped to prevent NJDEP from assessing fees and penalties to Picatinny Arsenal, and ultimately other installations, for emergency explosive ordnance disposal permits. Each permit fee would have been \$5,500.
- Assistance in facilitating reduction of \$115,000 fine to \$75,000 resulting from an EPA Region 1 multi-media inspection of the Cold Regions Research and Engineering Laboratory in New Hampshire.
- Relocation of REEO-N from Edgewood Area to Aberdeen Proving Ground, MD, with moving and build-out costs paid by APG Garrison. Cost savings estimated at \$283,000.
- Secured \$877,000 in NDCEE project funding to enhance Army/DOD Chesapeake Bay TMDL compliance.
- Conducted legislative training for the DOD and Army REC community to discuss lessons learned from the REC 3 fellowship with the Maryland Legislature, identify key legislative staff for most effective engagement, and the best timing for engagement. Cost savings is approximately \$12,500 in private vendor training costs.
- Secured savings to the Army of approximately \$25,000 per year through the coordination, approval and signature of the Maryland Coastal Zone Management Act MOU, which reduces the Army's time to determine compliance with the CZMA and the cost for meeting CZMA requirements.

Goals and Outlook for 2014

REEO-N had a successful, if challenging year in FY13 and strives to replicate its success in FY14. The following are general goals for FY14:

- Execute role as DOD REC for Region 5 in exemplary fashion. Identify two to three issues DOD needs to have addressed by state legislators or regulators in Region 5 and work aggressively on those issues.



- Perform effective tracking of proposed state legislation and regulations. Provide timely engagement on laws and rules with potential impact to Army/DOD missions.
- Support the Army EITF with regional expertise and contacts in planning and execution of Army energy projects.
- Work within budget constraints relative to restricted travel, while maintaining relationships important to sustaining the mission.
- Develop, re-establish, and build legislative relationships in Region 1, 2, 3, and 5 states to gain trust and advance Army/DOD mission sustainability.
- Continue to provide effective leadership for implementation of the Army's Chesapeake Bay Strategy.
- Continue coordination with Army Chesapeake Bay stakeholders to support cost effective approaches to meeting TMDL requirements.
- Continue to coordinate and communicate with USACE, DASA (ESOH), ACSIM, IMCOM, USAEC and installation points of contact.

Specific goals for the REEO-N in its role as DOD REC for Region 5 follow:

Regulatory & Legislative Engagement

- Stormwater Regulations: Monitor state stormwater regulatory initiatives and fee increases and engage in rule making.
- Regulatory Fees: Review new or increased regulatory and permit fees to ensure consistency with federal law.
- Greenhouse Gas Regulations: Monitor development of federal and state GHG emission requirements (stationary and mobile sources) for impact to military and engage in rule making.
- Total Maximum Daily Load: Monitor TMDL development and support efforts to ensure TMDL requirements assigned to installations are reasonable and fair. Monitor efforts for a possible Mississippi River basin TMDL.
- Water Rights: Monitor proposed changes to state/regional water withdrawal policies and regulations and engage, if necessary, to protect and enhance military installation water rights.
- Clean Diesel: Protect or enhance federal military tactical vehicle exemptions in new state low sulfur diesel requirements.
- Invasive Species: Monitor changes to state regulations and policies for minimizing the impact of invasive species.

Outreach and Advocacy



- **Regulatory Agency Leadership:** Maintain contact with senior leadership of USEPA Region 5, the U.S. Fish and Wildlife Service (USFWS) Great Lakes-Big Rivers Region, and state environmental regulatory agencies and public utility commissions. Provide update on REC mission, key military activities, and discuss regulatory challenges and possible cooperative ventures.
- **State Legislators:** Maintain or develop contacts with key state legislators, committee chairpersons, and their senior staff. Provide updated information on DOD activities within the state and feedback on impacts of proposed legislation. Update state economic brochures, as necessary. Monitor results of the Fall 2014 state legislative elections and develop outreach plan for new state legislature committee leadership.

Mission Sustainment

- **Training:** Support DOD REPI and Army compatible land use efforts. Actively engage state legislative and regulatory leaders to support land trust agreements and prevent new restrictions on military testing and training.
- **Cleanup:** Continue to monitor proposed changes to health standards for DNT isomers, perfluorinated compounds or other chemicals of concern impacting military cleanups. Support DOD reviews to ensure proposed changes are risk-based and scientifically defensible and articulate consolidated DOD positions to regulatory agencies.
- **Energy Security:** Support DOD Energy Siting Clearinghouse. Identify proposed state laws and rules impacting DOD renewable energy initiatives and proactively engage to minimize impacts. Support Army EITF.
- **Sustainability:** Support Army Net Zero initiatives by sharing lessons learned, providing updates to state agencies, and identifying cooperative effort opportunities.



Representatives from USACE Headquarters and Great Lakes Division meet with REEO-N in August. (REEO-N photo)

Partnerships

- **State Military Meetings:** Conduct follow-on partnership meetings/teleconferences with state regulatory agencies in Illinois, Wisconsin, Ohio, Michigan, and Indiana. Initiate start-up of partnership with Minnesota.



- Regional Partnerships: Participate in and support partnerships of importance to DOD.
- Private/Public Partnerships: Identify opportunities for military installations to leverage resources with state governments and local communities (e.g., infrastructure development, maintenance, and others).

Outlook for FY 14

In mid-2013, DASA (ESOH) began discussions with USACE to transition the REEOs to the USACE from the Army Secretariat. The transition is part of Army Headquarters Transformation efforts to reduce the workload of HQDA and its Field Operating Agencies to approximately two-thirds of its October 2010 level by the end of FY18.

The effective date of the transfer continues to be discussed, but is projected to commence with the start of FY15. The REEO-N will continue to assist installations with state legislative and regulatory issues, engage with state legislators, federal and state regulators, and NGOs, on behalf of DOD and the Army. The REEO's ultimate mission—to enable military installation training and readiness—remains unchanged and undiminished.



Appendices

REEO-N Significant Activities (SIGACTS)

- NJDEP/Picatinny Issue Regarding Requests for Emergency Permitting of Level II Explosive Ordnance Disposal. (27 SEP 13)
- NJDEP/EPA-2/DOD Quarterly Workgroup Meeting. (27 SEP 13)
- NJ SADC/DOD Annual Land Preservation and Sustainability Meeting. (27 SEP 13)
- Pennsylvania/DOD Environmental Partnership. (27 SEP 13)
- REEO-N Supports EITF Meeting at Aberdeen Proving Ground. (6 SEP 13)
- Transition Meeting with USACE. (30 AUG 13)
- Maryland Coastal Zone Management Act Memorandum of Understanding Training. (30 AUG 13)
- Meeting with Baltimore District on Chesapeake Bay TMDL Support. (30 AUG 13)
- Quarterly Maryland Partnership Meeting. (9 AUG 13)
- NYSDEC/EPA-2/DOD Quarterly Workgroup Meeting. (26 JUL 13)
- REEO-N Conducts Quarterly In-Progress-Review. (19 JUL 13)
- Consultation on Camp Grayling Net Zero Efforts. (12 JUL 13)
- REEO-N Prepares Energy Profiles for Region 5 States. (28 JUN 13)
- REEO-N Participates in NJDEP/EPA-2/DOD Workgroup Meeting. (21 JUN 13)
- USEPA Issues First-time Toxicity Value for all DNT Isomers. (31 MAY 13)
- NH Prevention, Abatement, and Control of Mobile Source Air Pollution. (31 MAY 13)
- DOD-Maryland Coastal Zone Management Memorandum of Understanding Signed. (10 MAY 13)
- DOD REC Briefings to DOD Siting Clearinghouse. (3 MAY 13)
- Legislative Fellowship with Maryland House Leadership Enhances REEO-N State Legislative Program. (26 APR 13)
- USEPA Water Program Leadership Briefed on Army Chesapeake Bay TMDL. (26 APR 13)
- Wisconsin Wind Energy Rule Incorporates REEO-N Proposed Language. (19 APR 13)
- Virginia Strengthens Compatible Land Use Legislation. (19 APR 13)
- REEO-N Conducts Quarterly In-Progress-Review (IPR). (12 APR 13)



- Rhode Island House Bill 5801, Climate Change Action Plan Relating to Greenhouse Gas (GHG) Emissions. (12 APR 13)
- Massachusetts House Bill 2741 and Senate Bill 1591 on Comprehensive Siting Reform for Land-Based Wind Projects. (5 APR 13)
- Coordination of Proposed Legislation Prohibiting Use of Drones by Federal Agencies in Minnesota. (5 APR 13)
- Military Tactical Vehicle Exemption of Proposed NY Diesel Idling Law. (5 APR 13)
- NJDEP/EPA/DOD Workgroup Partnership Meeting. (22 MAR 13)
- Coordination with Army National Guard Headquarters. (22 MAR 13)
- Virginia and DOD Sustainability Partnership Meeting. (22 MAR 13)
- Assistance to 99th Regional Support Command (RSC). (4 MAR 13)
- Courtesy Call to Maryland House of Delegates. (18 FEB 13)
- Region 5 Engagement Planning for 2013. (31 JAN 13)
- REEO-N Regional Counsel Supports EITF at Fort Drum Renewable Energy Pre-Proposal Meeting. (31 JAN 13)
- Maryland Partnership January Teleconference. (24 JAN 13)
- Principals Brief Army REEO Program and Key Army Strategic Initiatives to Chesapeake Post Society of Military Engineers. (17 JAN 13)
- Region 3 Specific Memorandums of Understanding Briefed to DASA-ESOH (4 OCT 12)
- Proposed Stormwater Management A Key Concern at DOD Maryland Environmental Partnership. (8 NOV 12)
- Consensus Reached on DOD/Maryland Coastal Zone Management Memorandum of Understanding. (29 NOV 12)

REEO-N Executive Summaries (EXSUM)

- Consultation on Camp Grayling Net Zero Efforts. (AUG 13)
- Region 5 States Energy Profiles. (JUL 13)
- Briefings to DOD Siting Clearinghouse. (JUN 13)
- USEPA Issues First-Time Toxicity Value for All DNT Isomers. (JUN 13)
- Wisconsin Wind Energy Rule Incorporates DOD Proposed Language. (MAY 13)
- Proposed Legislation Prohibiting the Use of Drones by Federal Agencies within Minnesota. (APR 13)



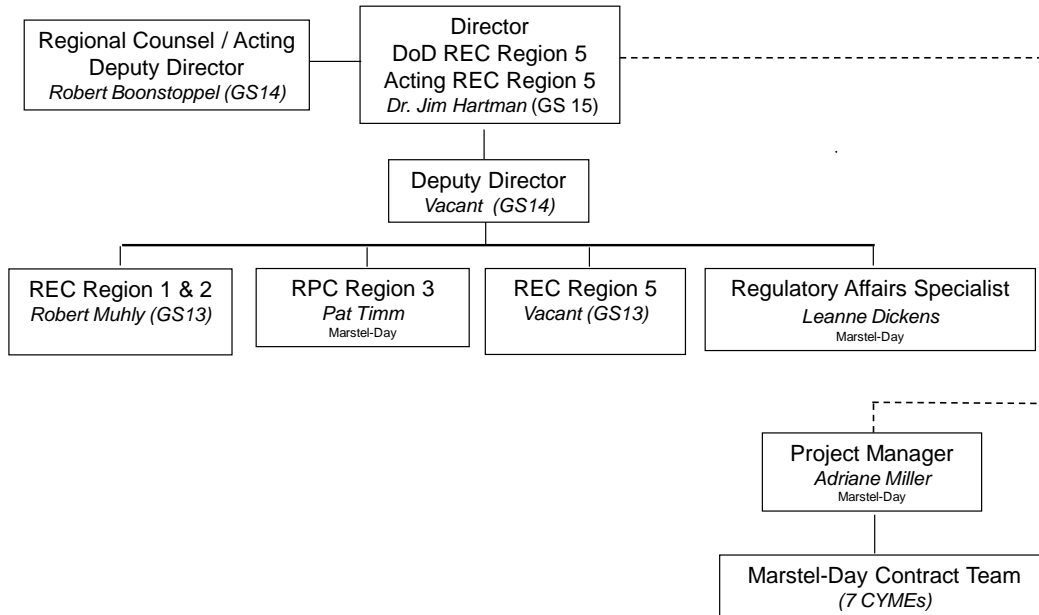
REEO-N Organization Chart



REEO-N Organization



As of 30 Sept 13



Assistant Secretary of the Army (Installations, Energy, & Environment)