



# REC Review

## of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

November 2019

The *REC Review* publishes environmental and energy related developments for DoD/Navy leaders and installation staff. Covering 21 states, the *REC Review* gives early notice of legislative and regulatory activities relevant to DoD interests in Federal Regions 1 & 3 and Navy interests in Federal Regions 2, 4, & 5.

To find out more about the Regional Environmental Coordination (REC) Office and browse back issues of the *REC Review* visit <http://denix.osd.mil/rec/home/>. To receive a copy of this electronic publication, send a subscription request to NAVFACML\_EV-dodrecregion3@navy.mil.



NAVFAC MIDLANT DoD REC Map

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### SPOTLIGHT STORY

## DoD Chesapeake Bay Program Fall 2019 Journal

The DoD Chesapeake Bay Program (CBP) Fall 2019 Journal just released! Highlights include:

- Identifying a Partnership's Critical Elements
- Combining Partnerships with Recycled Material for Creative (and Sometimes Edible) Results
- State Partnership Meetings Provide New Opportunities for Collaboration
- Oyster Gardening at Defense Facilities Boosts Restoration Work
- U.S. Navy's Stewards of the Sea Partnerships
- "Catch the King" Tide Event Gets Local Citizens Involved
- Ethiopia's Tree Planting is One of Many Efforts Combating Deforestation Worldwide
- Chesapeake Bay Action Team Updates

<https://www.denix.osd.mil/chesapeake/dod-cbp-quarterly-journals/>



Front cover of the DoD CBP Fall 2019 Journal

# GENERAL INTEREST

## **Secretary of the Navy Environmental Awards – Call for packages are expected **Fall/Winter****

The annual Secretary of the Navy (SECNAV) Environmental Awards Program recognizes Navy and Marine Corps ships, installations, and people for outstanding performance in promoting environmental stewardship. Awards are presented for accomplishments in Natural Resources Conservation, Cultural Resources Management, Environmental Quality, Sustainability, Environmental Restoration, Environmental Excellence in Weapon System Acquisition, and Environmental Planning. By presenting awards, SECNAV recognizes organizations and people who have made significant contributions in environmental areas. Eligible winners at the SECNAV level of competition are submitted to compete in the Secretary of Defense (SECDEF) Environmental Awards competition.

<https://navysustainability.dodlive.mil/environment/awards/secnavevironmentalawards/>

## **2020 Sustaining Military Readiness (SMR) Conference**

The 2020 Sustaining Military Readiness (SMR) Conference will be held in San Antonio, Texas from August 10-13, 2020. The DoD-hosted event will bring together the operational, planning, and cultural and natural resource communities to promote military readiness through conservation awareness, compatible land use planning, partnerships, and encroachment mitigation. Join your colleagues for insightful discussion, stimulating workshops, and powerful connections with top military, government, and industry leaders.

The SMR Conference is FREE to all attendees and will be held at the Grand Hyatt San Antonio.

<https://www.smrconference.org/>

**National Compliance Initiatives (Recent Updates)** The EPA focuses its enforcement and compliance resources on the most serious environmental violations by developing and implementing national program priorities, previously called National Enforcement Initiatives (NEIs). As part of the EPA's ongoing efforts to increase the environmental law compliance rate and reduce the average time from violation identification to correction, the EPA's Office of Enforcement and Compliance Assurance (OECA) has adjusted and renamed the NEI program. The improved program is named the National Compliance Initiatives (NCI) program, a name that better conveys the overarching goal of increased compliance and the use of not only enforcement actions, but the full range of compliance assurance tools. The NCIs are in addition to the EPA's core enforcement work, including protecting clean and safe water, reducing air pollution, and protecting safe and healthy land.

<https://www.epa.gov/enforcement/national-compliance-initiatives>

**EPA's Audit Policy Offers Incentives for Federal Facilities in Noncompliance** Federal facilities that self-disclose violations of environmental laws may be eligible for penalty mitigation and other incentives under the EPA policy "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" (commonly referred to as the Audit Policy).

<https://www.epa.gov/compliance/epas-audit-policy>

# FEDERAL NEWS

*Notice: With regard to any regulation or legislation, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions, or comments.*

## NATURAL RESOURCES

**Twelve Species Not Warranted for Listing as Endangered or Threatened Species** US Fish and Wildlife Service (USFWS) announced findings that 12 species are not warranted for listing as endangered or threatened species under the ESA. USFWS finds that it is not warranted at this time to list the Berry Cave salamander, cobblestone tiger beetle, Florida clamshell orchid, longhead darter, Ocala vetch, Panamint alligator lizard, Peaks of Otter salamander, redlips darter, Scott riffle beetle, southern hognose snake, yellow anise tree, and yellow-cedar. However, USFWS ask the public to submit any new information relevant to the status of any of the species mentioned above or their habitats. The findings in this document were made on 7 October 2019.

<https://www.fedcenter.gov/Articles/index.cfm?id=34603>

<https://www.govinfo.gov/content/pkg/FR-2019-10-07/html/2019-21605.htm>

## WATER

**Senate Bill 2591 Chesapeake Watershed Investments for Landscape Defense Act of 2019 (Draft)** A bill to authorize the Secretary of the Interior to establish a program to restore and protect the Chesapeake Bay watershed, and for other purposes.

<https://www.govinfo.gov/content/pkg/BILLS-116s2591is/pdf/BILLS-116s2591is.pdf>

**Draft NTP Technical Reports on Toxicology and Carcinogenesis: PFOA** The National Institutes of Health, National Toxicology Program (NTP) has released two draft technical reports on toxicology and carcinogenesis studies of:  
- perfluorooctanoic acid (PFOA), and  
- 2-hydroxy-4-methoxybenzophenone (HMB).

A peer-review meeting will be held by webcast only, on December 12, 2019 at 10:00 Eastern, and will be accessible to the public for remote viewing. NTP invites written and oral public comments on the draft reports that address scientific or technical issues.

The report on PFOA concludes that under the conditions of the 2-year feed studies, there was clear evidence of carcinogenic activity (liver and pancreas) of PFOA in male Sprague Dawley® rats. (Clear evidence is the top category for these studies; in order: clear evidence, some evidence, equivocal evidence, no evidence, and inadequate study.)

The deadline for written comments is November 20, 2019.

<https://ntp.niehs.nih.gov/go/36051>

<https://ntp.niehs.nih.gov/events/panels/index.cfm#20191212>

**EPA Proposes Updates to Lead and Copper** In advance of publication in the Federal Register, EPA has released the text of a proposed rule strengthening lead and copper rule requirements. Potential new requirements such as for a complete inventory of lead service lines and sampling of all schools and day care centers. Comments will be accepted for 60 days following publication in the Federal Register.

EPA's fact sheet indicates the proposal includes requirements that:

- all water systems prepare and update a lead service line (LSL) inventory.
- Retains the current action level of 15 ppb, but also establishes a new trigger level of 10 ppb. At the 10 ppb trigger level, systems that currently treat for corrosion would be required to re-optimize their existing treatment. Systems that do not currently treat for corrosion would be required to conduct a corrosion control study,
- Systems above 10 parts per billion would be required to work with their state to set an annual goal for replacing lead service lines. Water systems above 15 parts per billion would be required to fully replace a minimum of three percent of the number of known or potential lead service lines annually,
- Partial lead service line replacements will no longer be allowed except in certain situations (e.g., emergency repair) because partial lead service line replacement may increase short-term lead exposure,
- EPA is also changing the criteria for selecting homes where samples are taken to require sampling in homes with lead service lines. Additionally, systems with higher levels of lead will be required to sample more frequently.
- EPA is proposing that community water systems (CWS) sample drinking water outlets at each school and each child care facility served.

<https://www.epa.gov/ground-water-and-drinking-water/proposed-revisions-lead-and-copper-rule>

<https://www.epa.gov/ground-water-and-drinking-water/epas-proposed-lead-and-copper-rule-revisions-prepub-frn>

**Clean Water Act Methods Update for the Analysis of Effluent** EPA is proposing changes to its test procedures for analyzing wastewater and other environmental samples under the National Pollutant Discharge Elimination System (NPDES) permit program.

In most cases, 40 CFR part 136 contains multiple approved methods for a single pollutant, and regulated entities often have a choice in selecting a method. The proposed rule contains revisions to Voluntary Consensus Standards Body (VCSB) methods that are currently incorporated by reference. Two VCSBs have made such revisions, Standard Methods and ASTM. The newer versions provide clarifications or make editorial corrections.

(In these updates) EPA generally will include only the most recent version of a method published by the Standard Methods Committee, and will list only one version of the method with the year of publication designated by the last four digits in the method number (e.g., Standard Methods Method 3111 B-2011). The date indicates the date of the specific revision to the method. This allows use of a specific method in any edition of the hard copy publication of Standard Methods for the Examination of Water & Wastewater that includes a method with the same method number and year of publication.

EPA proposes to make changes to Tables IA and IH at 40 CFR part 136, including:

- analyses for total coliforms in non-potable waters,
- non-potable waters for E. coli,
- non-potable waters for streptococci,
- total solids (specifically Method 2540B-2015),
- cyanide (specifically Method 4500-CN- (B-G)-2016)
- nitrate or nitrite (three methods)
- dissolved oxygen (Winkler iodometric titration, Method 4500-O (B-F, and G)-2016)
- biochemical oxygen demand (BOD5) (Method 5210 B-2016),

- total organic carbon (TOC), (Method 5310 (B, C)-2014),
- other changes or additions (see the Federal Register announcement for full details).

Comments due 23 December 2019.

<https://www.govinfo.gov/content/pkg/FR-2019-10-22/pdf/2019-22437.pdf>

## AIR

**Reclassification of Major Sources as Area Sources Under CAA Section 112** EPA has reopened the comment period on the proposed rule titled “Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act.” that closed on September 24, 2019.

EPA proposed (84 FR 36304) amendments to the General Provisions to the National Emission Standards for Hazardous Air Pollutants (NESHAP). The proposed amendments implement the plain language reading of the “major source” and “area source” definitions of section 112 of the Clean Air Act (CAA) and provide that a major source can reclassify to area source status at any time by limiting its potential to emit (PTE) hazardous air pollutants (HAP) to below the major source thresholds of 10 tons per year (tpy) of any single HAP or 25 tpy of any combination of HAP.

The EPA proposed that PTE HAP limits must meet the proposed effectiveness criteria of being legally and practicably enforceable. The proposal also clarifies the requirements that apply to sources choosing to reclassify to area source status after the first substantive compliance date of an applicable NESHAP standard. The EPA is proposing electronic notification when a source reclassifies. In addition, EPA proposed to revise provisions in specific NESHAP standards that specify the applicability of General Provisions requirements to account for the regulatory provisions we are proposing to add through this rule. Comment period ended 1 November 2019.

<https://www.govinfo.gov/content/pkg/FR-2019-10-02/pdf/2019-21219.pdf>

## REGION I



**Note: The Connecticut Legislature convened on 9 JAN 2019 and adjourned on 5 JUN 2019.**

### ***PROPOSED RULES***

**General Permit to Limit Potential to Emit from Major Stationary Sources** The Department of Energy and Environmental Protection has proposed rules regarding the general permit to limit potential to emit from major stationary sources of air pollution, concerning limitations on premises-wide actual emissions below Title V source thresholds. This proposal will also be submitted to the EPA as an amendment to the State Implementation Plan (SIP). [https://services.statescape.com/ssu/Regs/ss\\_8586303524724766865.pdf](https://services.statescape.com/ssu/Regs/ss_8586303524724766865.pdf)  
[https://services.statescape.com/ssu/Regs/ss\\_8586303524624895921.pdf](https://services.statescape.com/ssu/Regs/ss_8586303524624895921.pdf)



## MAINE

**Note: The Maine Legislature convened on 5 DEC 2018 and will adjourn on 15 MAY 2020.**

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.



## MASSACHUSETTS

**Note: The Massachusetts Legislature convened on 2 JAN 2019 and will adjourn on 7 JAN 2021.**

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.



## NEW HAMPSHIRE

**Note: The New Hampshire Legislature convened on 2 JAN 2019 and adjourned on 30 JUN 2019.**

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.



## RHODE ISLAND

**Note: The Rhode Island Legislature convened on 12 JAN 2019 and adjourned on 30 JUN 2019.**

### **FINAL RULES**

**Policies of the Ocean Special Area Management Plan** The Coastal Resources Management Council (CRMC) has adopted amendments to the policies and standards of Ocean Special Area Management Plan (Ocean SAMP) Chapter 11 to improve the predictability of state permitting and federal consistency review processes for offshore renewable energy projects. The proposed amendments apply to any renewable energy and offshore development activity located within state waters or federal waters within CRMC geographic location description (GLD) boundaries that are subject to federal consistency review.

[https://services.statescape.com/ssu/Regs/ss\\_8586310586010845815.pdf](https://services.statescape.com/ssu/Regs/ss_8586310586010845815.pdf)





# VERMONT

**Note: The Vermont Legislature convened on 9 JAN 2019 and will adjourn on 15 MAY 2020.**

## **PROPOSED RULES**

**Water Supply Rule** The Agency of Natural Resources has proposed a cumulative maximum contaminant level (MCL) of 20 parts per trillion (ppt) for five per- and polyfluorinated alkyl substances (PFAS) for drinking water, including bottled water, from public water systems. The five PFAS are: perfluorooctanoic acid (PFOA), perfluoro-octane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorononanoic acid (PFNA). The rule amendment establishes requirements for how public water systems must sample for the five substances, how the samples are analyzed, and how compliance with the MCL is determined. The rule amendment establishes requirements for granular carbon filtration, one method of removing these substances from drinking water. It also clarifies the requirements for bottled water sold in Vermont and clarifies the requirements for monitoring contaminants with secondary drinking water standards.

[https://services.statescape.com/ssu/Regs/ss\\_8586326874015257944.pdf](https://services.statescape.com/ssu/Regs/ss_8586326874015257944.pdf)

<https://dec.vermont.gov/sites/dec/files/dwgwp/wqmonitoring/pdf/Water-Supply-Rule-Clean.pdf>

## REGION II



# NEW JERSEY

**Note: The New Jersey Legislature convened on 9 JAN 2018 and will adjourn on 7 JAN 2020.**

## **PROPOSED RULES**

**Revised General Permit for Emergency Generators Burning Gaseous Fuels** The Department of Environmental Protection has issued a revised general permit for emergency generators burning gaseous fuels at minor facilities. The revised general permit updates the definition of "emergency generator" and the facility specific requirements section (compliance plan) to include the operation of the emergency during construction, repair, and maintenance activities (CRM). [https://services.statescape.com/ssu/Regs/ss\\_8586327850477721154.pdf](https://services.statescape.com/ssu/Regs/ss_8586327850477721154.pdf)

<https://www.state.nj.us/dep/aqpp/archived/revised005b.html>

## **PROPOSED LEGISLATION**

**Senate Bill 4097** Requires each solid waste management district to develop strategy in solid waste management plan to reduce food waste. [https://www.njleg.state.nj.us/2018/Bills/S4500/4097\\_I1.HTM](https://www.njleg.state.nj.us/2018/Bills/S4500/4097_I1.HTM)



## NEW YORK

**Note:** The New York State Legislature convened on 9 JAN 2019 and will adjourn on 6 JAN 2021.

### **PROPOSED LEGISLATION**

**Senate Bill 6750** enacts the "NY plastic free act" which prohibits the sale or distribution of single-use plastic products in the state; defines terms; provides exceptions for persons with medical conditions and single-use plastic bags for garbage collection.

[https://nyassembly.gov/leg/?default\\_fld=&Summary=Y&Actions=Y&term=2019&bn=S6750](https://nyassembly.gov/leg/?default_fld=&Summary=Y&Actions=Y&term=2019&bn=S6750)

### **FINAL RULES**

**Air Emissions Regulation of Cleaning Solutions Containing Volatile Organic Compounds** The Department of Environmental Conservation has adopted rulemaking to amend Part 226 to reflect changes to the Ozone Transport Commission's (OTC's) model rule for solvent degreasing and incorporate federal Control Techniques Guidelines (CTGs). Effective 1 November 2019.

[https://services.statescape.com/ssu/Regs/ss\\_8586484927249218313.pdf#page=2](https://services.statescape.com/ssu/Regs/ss_8586484927249218313.pdf#page=2)

<https://www.dec.ny.gov/regulations/116390.html>

## REGION III



## DISTRICT OF COLUMBIA

**Note:** The Council of the District of Columbia convened 2 JAN 2019 and will adjourn on 31 DEC 2020.

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.



## DELAWARE

**Note:** The Delaware General Assembly convened on 8 JAN 2019 and will adjourn on 30 JUN 2020.

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.





## MARYLAND

Note: The Maryland General Assembly convened on 9 JAN 2019 and adjourned on 10 APR 2019.

### **PROPOSED RULES**

**General Permit for Discharges from the Application of Pesticides** The Department of the Environment has requested public input regarding the proposed National Pollutant Discharge Elimination System (NPDES) general permit for discharges from the application of pesticides. Comments due 26 November 2019.

[https://services.statescape.com/ssu/Regs/ss\\_8586307840093181350.pdf#page=76](https://services.statescape.com/ssu/Regs/ss_8586307840093181350.pdf#page=76)

<https://mde.maryland.gov/programs/Permits/WaterManagementPermits/Pages/GPPesticides.aspx>

**Nonattainment Provisions for Major New Sources and Major Modifications** The Department of the Environment has proposed rules regarding major new sources and major modifications of stationary sources.

[https://services.statescape.com/ssu/Regs/ss\\_8586320024463820386.pdf#page=33](https://services.statescape.com/ssu/Regs/ss_8586320024463820386.pdf#page=33)



## PENNSYLVANIA

Note: The Pennsylvania General Assembly convened on 1 JAN 2019 and will adjourn on 30 NOV 2020.

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.



## VIRGINIA

Note: The Virginia General Assembly convened on 9 JAN 2019 and adjourned on 9 MAR 2019.

### **OTHER OPPORTUNITIES**

**UST New Regulation Training** The DEQ is offering live webinar and classroom training this fall. Each training session will be three hours long and will review the new underground storage tank requirements that became effective in 2018 and the requirements that will become effective in 2021. Training will include topics such as spill, overfill, and sump testing requirements, walk-through inspections, release detection for emergency generator tanks, release detection equipment testing, and requirements for equipment repairs.

<https://www.deq.virginia.gov/Programs/LandProtectionRevitalization/PetroleumProgram/USTTechnicalRegulationInfo/USTRegulationTraining.aspx>



## WEST VIRGINIA

**Note: The West Virginia Legislature convened on 10 MAR 2019 and adjourned on 30 JUN 2019.**

No new environmental legislation or regulation of significant importance to DoD was identified during this reporting period.

## REGION IV



## NORTH CAROLINA

**Note: The North Carolina General Assembly convened on 16 JAN 2019 and will adjourn on 30 JUN 2020.**

### **FINAL RULES**

**Authorization of State Hazardous Waste Program Revisions** EPA is granting North Carolina final authorization for changes to its hazardous waste program. This action will not impose additional requirements on the regulated community because the regulations for which EPA is authorizing North Carolina are already effective under North Carolina State law and are not changed by this action. The program changes which North Carolina will be authorized to enforce include:

- Checklist 207.1, Corrections;, Uniform Hazardous Waste Manifest Rule,
- Checklist 231, Hazardous Waste Electronic Manifest Rule,
- Checklist 215, Cathode Ray Tubes Rule 5,
- Checklist 233, Revisions to the Definition of Solid Waste,
- Checklist 237, Hazardous Waste Generator Improvements Rule.

<https://www.federalregister.gov/documents/2019/08/23/2019-18239/north-carolina-proposed-authorization-of-state-hazardous-waste-management-program-revisions>.



## KENTUCKY

**Note: The Kentucky Legislature convened on 7 JAN 2019 and adjourned on 28 MAR 2019.**

No new environmental legislation or regulation of significant importance to the Navy was identified during this reporting period.

## REGION V



### ILLINOIS

**Note: The Illinois General Assembly convened on 9 JAN 2019 and will adjourn on 31 MAY 2020.**

#### **PROPOSED RULES**

**Clean Air Act Permit Program Procedures** Illinois Environmental Protection Agency (EPA) has adopted rulemaking to amend Part 270 to allow electronic payment of Clean Air Act Permitting Program (CAAPP) air permitting fees and to update fee amounts for CAAPP permits based upon amendments to the Environmental Protection Act. The Illinois EPA does not expect its proposed revisions to have any substantive impact upon regulated sources.

[https://services.statescape.com/ssu/Regs/ss\\_8586525728398293635.pdf#page=52](https://services.statescape.com/ssu/Regs/ss_8586525728398293635.pdf#page=52)

**Groundwater Quality** The Pollution Control Board has given notice of a regulatory agenda regarding amendments to groundwater quality standards. The Agency will propose that the Board adopt site-specific Class III special resource groundwater quality standards and amend Class I and Class II groundwater quality standards based on updated toxicological, chemical and physical information.

[https://services.statescape.com/ssu/Regs/ss\\_8586388224984333139.pdf#page=205](https://services.statescape.com/ssu/Regs/ss_8586388224984333139.pdf#page=205)

**Water Quality Standards** The Pollution Control Board has given notice of a regulatory agenda for amendments to the water quality standards. The amended proposal recommend acute and chronic chloride water quality standards in an equation form that is based ILLINOIS REGISTER 7516 19 POLLUTION CONTROL BOARD JULY 2019 REGULATORY AGENDA upon three site-specific variables: stream temperature, hardness, and sulfate. The proposed standard would apply anywhere and anytime throughout Illinois based on the site-specific conditions.

[https://services.statescape.com/ssu/Regs/ss\\_8586388230540769024.pdf#page=198](https://services.statescape.com/ssu/Regs/ss_8586388230540769024.pdf#page=198)



### INDIANA

**Note: The Indiana General Assembly convened on 3 JAN 2019 and adjourned on 21 APR 2019.**

#### **PROPOSED RULES**

**Short Term Backup Units** The Indiana Department of Environmental Management (IDEM) is proposing changes to 326 IAC 2-1.1-3 to allow for the use of acceptable short term backup emission units or control devices as part of normal operations to qualify as an exemption and to be used in the process while repairs or maintenance are completed to the original equipment in a reasonable amount of time, without the loss of efficiency or extra costs for IDEM or for the source. The source will still be required to comply with all existing permit terms and conditions, and IDEM will coordinate with U.S. EPA to ensure that these changes meet federal requirements.

[https://services.statescape.com/RegsText/StaticDownloads/108096\\_278377.pdf](https://services.statescape.com/RegsText/StaticDownloads/108096_278377.pdf)

<http://iac.iga.in.gov/iac/irdin.pdf?din=20190306-IR-326160309PRA>



**Note: The Michigan Legislature convened on 9 JAN 2019 and will adjourn on 31 DEC 2020.**

***PROPOSED LEGISLATION***

**House Bill 5047** would impose fee on notification of asbestos demolition or renovation.

<http://www.legislature.mi.gov/documents/2019-2020/billintroduced/House/pdf/2019-HIB-5047.pdf>



**Note: The Ohio General Assembly convened on 7 JAN 2019 and will adjourn on 31 DEC 2020.**

No new environmental legislation or regulation of significant importance to the Navy was identified during this reporting period.



**Note: The Wisconsin Legislature convened on 7 JAN 2019 and will adjourn on 4 JAN 2021.**

No new environmental legislation or regulation of significant importance to the Navy was identified during this reporting period.

## MEET THE REC STAFF

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If your email address or phone number changes, please send an email with the updated information.

If you or your organization would like to submit an article, story, or picture for future newsletters, send it to: [NAVAFACML\\_EV-dodrecregion3@navy.mil](mailto:NAVAFACML_EV-dodrecregion3@navy.mil)