



REC Review



of Legislative & Regulatory Actions

The Navy Regional Environmental Coordination Office

July 2020

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-dodregion3@navy.mil.



NAVFAC MIDLANT DoD REC Map

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SPOTLIGHT STORY

Toxic Chemical Release Reporting of Certain Per- and Polyfluoroalkyl Substances – FINAL RULE

<https://www.govinfo.gov/content/pkg/FR-2020-06-22/pdf/2020-10990.pdf>

**CLEARED
For Open Publication**

Jun 30, 2020



Department of Defense
OFFICE OF PREPUBLICATION AND SECURITY REVIEW

The Environmental Protection Agency (EPA) is adding 172 per- and polyfluoroalkyl substances (PFAS) to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). EPA is also setting a manufacture, processing, and otherwise use reporting threshold of 100 pounds for each PFAS being added to the list. These actions are being taken to comply with section 7321 of the National Defense Authorization Act for Fiscal Year 2020 enacted on December 20, 2019. As this action is being taken to conform the regulations to a Congressional legislative mandate, notice and comment rulemaking is unnecessary, and this rule is effective immediately.

This rule is effective 22 June 2020.

GENERAL INTEREST

EPA Announces Coronavirus (COVID-19) Resources for State, Local, and Tribal Governments

EPA is updating its coronavirus website to include new resources for state, local, and tribal agencies and intergovernmental associations. The website contains important information on grants, enforcement and compliance programs, water infrastructure, and a host of other issues important to effective environmental program delivery. These resources will help EPA and its partners continue to provide the environmental protection the nation depends on without interruption during the coronavirus public health emergency.

<https://www.fedcenter.gov/Announcements/index.cfm?id=35365>

New COVID-19 Environmental Guidance and Recommendations Page Released

FedCenter has developed a page that consolidates federal, agency-specific, and non-federal environmentally-related guidance and recommendations with respect to COVID-19. The page provides up-to-date, currently available COVID-19 information as it pertains to the environment to help organizations who may be planning on developing additional guidance.

<https://www.fedcenter.gov/covid19>

Navy Community Service of the Year Award Program (NCSP) – Due 30 July

Navy Community Service of the Year Award Program recognizes commands that provide opportunities for Navy military and civilian employees to volunteer for meaningful command-sponsored community service projects. Through this program, Navy volunteers make a difference by strengthening education, preserving the environment, providing humanitarian assistance, and promoting anti-drug and healthy lifestyles.

NCSP Awards are based on the following six award categories:

- USS BAINBRIDGE (CGN 25) Award for Overall Excellence - For all commands regardless of size
- Personal Excellence Partnership Flagship - For small shore, medium shore, large shore, small sea, medium sea, large sea, small overseas, medium overseas, and large overseas
- Health, Safety, and Fitness Flagship - For small shore, medium shore, large shore, small sea, medium sea, large sea, small overseas, medium overseas, and large overseas.
- Campaign Drug Free Flagship - For small shore, medium shore, large shore, small sea, medium sea, large sea, small overseas, medium overseas, and large overseas
- Project Good Neighbor Flagship - For small shore, medium shore, large shore, small sea, medium sea, large sea, small overseas, medium overseas, and large overseas.
- Environmental Stewardship Flagship - For small shore, medium shore, large shore, small sea, medium sea, large sea, small overseas, medium overseas, and large overseas.

https://www.cnicy.navy.mil/om/base_support/command_and_staff/public-affairs/navy-community-service-program.html

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.*

INSPECTIONS

Federal Facilities Environmental Compliance Training

On 5 and 6 August 2020, the U.S. Environmental Protection Agency Region III and the Maryland Department of the Environment are hosting an environmental compliance training for Federal facilities. This 2-day training will review the most significant problems observed during our inspections in the following areas: Clean Air Act, Underground Storage Tanks, Hazardous Waste, Spill Prevention, Control and Countermeasure (SPCC), TSCA-led based paint, CWA-NPDES and Stormwater requirements. Register by 21 July 2020.

- The training will take place at the EPA Environmental Science Center located at Fort Meade, Maryland. On the first day from 9:00 a.m. to 4:00 p.m. and on the second day from 8:30 a.m. to 12:30 p.m.
- The workshop will be delivered through lectures from experienced compliance inspectors. Discussing the most common issues affecting the Federal sector.
- This workshop is intended for Federal personnel who are involved in environmental compliance activities at Federal facilities.
- There is no cost to attend this training; however, each participant is responsible for her/his travel and per diem expenses.
- Due to the activities designed for this training and to provide the best experience, class size is limited to 50 participants.

<https://www.epa.gov/md/federal-facilities-environmental-compliance-training-ask-inspector-workshop-fort-meade-md>

WATER

House of Representatives Bill 6745 Clean Water for All Act (Draft)

A bill to prohibit implementation of a rule defining “waters of the United States” under the Federal Water Pollution Control Act.

<https://www.govinfo.gov/content/pkg/BILLS-116hr6745ih/pdf/BILLS-116hr6745ih.pdf>

EPA Determines it Will Not Regulate Perchlorate in Drinking Water

EPA is announcing its withdrawal of the 2011 determination to regulate perchlorate in accordance with the Safe Drinking Water Act, and making a final determination to not issue a national drinking water regulation for perchlorate at this time. EPA indicated the chemical doesn't appear in enough public water systems, or at high enough levels, to cause concern.

https://www.epa.gov/sites/production/files/2020-06/documents/10011-21-ow_perchlorate_frn_final.admin_prepublication.pdf

AIR

House of Representatives 6932 Department of Defense Phase-in of Zero-Emission Non-Tactical Motor Vehicles (Draft)

A bill to direct the Secretary of Defense to phase-in zero-emission non-tactical vehicles and reduce the petroleum consumption of the Department of Defense Federal fleet.

<https://www.govinfo.gov/content/pkg/BILLS-116hr6932ih/pdf/BILLS-116hr6932ih.pdf>

Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process

EPA is proposing processes that it would be required to undertake in promulgating regulations under the Clean Air Act (CAA) to ensure that information regarding the benefits and costs of regulatory decisions is provided and considered in a consistent and transparent manner. This proposed rulemaking addresses, issues raised in the 13 June 2018 advance notice of proposed rulemaking, "Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process," and proposes how the concepts described in that advance document would be implemented in rulemakings conducted by the EPA using its authorities under the CAA. The EPA is proposing to establish procedural requirements governing the development and presentation of benefit-cost analyses (BCA), including risk assessments used in the BCA, for significant rulemakings conducted under the CAA. Together, these requirements would help ensure that the EPA implements its statutory obligations under the CAA, and describes its work in implementing those obligations, in a way that is consistent and transparent. Comments due no later than 27 July 2020.

<https://www.federalregister.gov/documents/2020/06/11/2020-12535/increasing-consistency-and-transparency-in-considering-benefits-and-costs-in-the-clean-air-act>

Granting Petitions To Add 1-bromopropane (1-BP) to the List of Hazardous Air Pollutants

EPA is granting petitions to add n-propyl bromide (nPB) (Chemical Abstract Service (CAS) No. 106-94-5) to the list of hazardous air pollutants (HAP).

Following this notice, the EPA will take a separate regulatory action to add n-propyl bromide (also known as 1-bromopropane (1-BP)) to the list of HAP under CAA section 112(b)(1). Until that step is completed, sources emitting 1-BP will have no regulatory obligations related to approval of the petitions.

Most source categories emitting 1-BP will not become subject to emission standards until the EPA amends or promulgates new maximum achievable control technology standards for specific source categories.

The single largest user of 1-BP is the Halogenated Solvent Cleaning source category. However, the use of 1-BP as a solvent degreaser will not be subject to regulation until such time as the EPA revises 40 CFR part 63, subpart T, issues new standards, or takes other actions to reduce 1-BP emissions from the Halogenated Solvent Cleaning source category.

EPA may need to take additional regulatory action to address 1-BP emissions from certain dry cleaning operations. Beyond the Halogenated Solvent Cleaning source category and 1-BP dry cleaning operations, EPA does not believe that other source categories need to be added to the source category list or otherwise modified to reduce emissions of 1-BP.

REGION I



Note: The Connecticut Legislature convened on 5 February 2020 and adjourned on 6 May 2020.

PROPOSED RULES

Revisions to the New Source Review (NSR) Permitting Program The Department of Energy and Environmental Protection has proposed rules updating the new sources review (NSR) permitting program and making other minor revisions. This proposal will also be submitted to the U.S. EPA as a revision to the State Implementation Plan (SIP).

<https://eregulations.ct.gov/eRegsPortal/Search/RMRView/PR2018-030>



Note: The Maine Legislature convened on 5 December 2018 and adjourned on 17 March 2020.

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



Note: The Massachusetts Legislature convened on 2 January 2019 and will adjourn on 2 January 2021.

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

OTHER OPPORTUNITIES

Massachusetts Clean Community Awards – Due 31 July

The Massachusetts Clean Community Awards recognize volunteers, nonprofit leaders, government leaders, businesses, and educators for exceptional environmental protection and community improvement efforts.

<https://keepmassbeautiful.org/news-events/massachusetts-clean-community-awards.html>



Note: The New Hampshire Legislature convened on 8 January 2020 and will adjourn on 30 June 2020.

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



Note: The Rhode Island Legislature convened on 7 January 2020 and will adjourn on 30 June 2020.

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



Note: The Vermont Legislature convened on 9 January 2019 and adjourned on 19 May 2020.

PROPOSED RULES

Regulations for Lead Control The Department of Health has proposed rulemaking to protect public health by reducing lead exposure for children, workers and the public. The rule provides the requirements for work practices, licensing, and training for lead-based paint activities and renovation, repair, painting and maintenance activities to prevent the creation of lead hazards that cause lead poisoning.

https://www.healthvermont.gov/sites/default/files/documents/pdf/Lead_Control_Rule_2020.pdf

REGION II



Note: The New Jersey Legislature convened on 14 January 2020 and will adjourn on 11 January 2022.

FINAL RULES

Ground Water Quality Standards and Maximum Contaminant Levels (MCLs) for Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) The Department has amended the New Jersey Safe Drinking Water Act

(SDWA) rules at N.J.A.C. 7:10 to establish, as recommended by the New Jersey Drinking Water Quality Institute (Institute), a maximum contaminant level (MCL) for perfluorooctanoic acid (PFOA) of 0.014 micrograms per liter ([mu]g/l) and an MCL for perfluorooctanesulfonic acid (PFOS) of 0.013 [mu]g/l. PFOA and PFOS are part of a larger class of substances referred to as per- and polyfluoroalkyl substances (PFAS, previously referred to by the Institute as perfluorinated compounds, or PFCs), which have been detected in drinking water supplies in New Jersey and which, as explained further below, pose serious health threats to consumers. The Department previously established an MCL for another PFAS, perfluorononanoic acid (PFNA), on September 4, 2018 (see 50 N.J.R. 1939(a)). Currently, there are no Federal drinking water standards for these contaminants. Effective 1 June 2020. https://services.statecape.com/ssu/Regs/ss_8586104733975246835.htm

OTHER OPPORTUNITIES

New Jersey Department of Environmental Protection Recycling Awards – Due 31 July

The Department promotes recycling through the annual recycling awards program that is coordinated in conjunction with the Association of New Jersey Recyclers (ANJR). The awards recognize the outstanding recycling achievements of municipalities, counties, businesses and industry and individuals, as well as schools and other institutions and are presented at ANJR’s annual recycling symposium. This program has generated positive publicity for New Jersey’s recycling efforts.

<https://www.nj.gov/dep/dshw/recycling/awards.htm>



Note: The New York State Legislature convened on 9 January 2019 and will adjourn on 1 January 2021.

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

REGION III



Note: The Council of the District of Columbia convened 2 January 2019 and will adjourn on 31 December 2020.

FINAL RULES

Air Quality Permit Fees and Synthetic Minor Permitting Program The Department of Energy and Environment has adopted rulemaking to revise fees for Part 70 operating permits (also known as a “major sources” or “Title V” permits) in 20 DCMR Chapter 3; creates a synthetic minor permitting program; establishes general construction and operating permit fees in 20 DCMR Chapter 2; and allows the incorporation of preconstruction review permit requirements into a Title V permit via the administrative amendment process. Effective 5 June 2020.

https://services.statescape.com/ssu/Regs/ss_8586102034523939052.htm
<https://www.dcregs.dc.gov/Common/NoticeDetail.aspx?NoticeId=N0093679>



Note: The Delaware General Assembly convened on 8 January 2019 and will adjourn on 30 June 2020.

PROPOSED LEGISLATION

House Bill 337 would amend Title 29 of the Delaware code relating to drinking water. This Act mandates that the Department of Health and Human Services, in conjunction with the Department of Natural Resources and Environmental Control to establish maximum contaminant levels for specific contaminants found in drinking water in this state. Such contaminants include PFOA and PFOS, which are man-made chemicals that have been used in industries in this state. These chemicals were found to be associated with increased risks of chronic diseases. The Environmental Protection Agency, thus far, has not established a maximum contaminant levels, but only health advisories. The establishment of maximum contaminant levels is essential in order to protect the health and safety of all Delawareans from dangerous contaminants in drinking water.

<https://legis.delaware.gov/BillDetail?LegislationId=48115>



Note: The Maryland General Assembly convened on 8 January 2020 and adjourned on 18 March 2020.

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



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

PROPOSED LEGISLATION

House Resolution 874 a resolution urging the Congress of the United States, the President of the United States and the Environmental Protection Agency to delay the requirements of the MS4 storm water management program for a period of two years in response to the COVID-19 crisis.

<http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=H&type=R&bn=874>



VIRGINIA

Note: The Virginia General Assembly convened on 8 January 2020 and adjourned on 12 March 2020.

PROPOSED RULES

New UST Requirements Guidance The Department of Environmental Quality has invited public comments on whether the "New UST Requirements Guidance Effective January 1, 2021" document is: (i) contrary to state law or regulation; or, (ii) should not be exempted from the provisions of the APA.

https://services.statescape.com/RegsText/StaticDownloads/177670_306782.pdf



WEST VIRGINIA

Note: The West Virginia Legislature convened on 8 January 2020 and adjourned on 7 March 2020.

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 9 January 2019 and will adjourn on 1 July 2020.

PROPOSED LEGISLATION

House Bill 1175 an act to protect North Carolina citizens from harmful toxins in drinking water by requiring the commission for public health to establish maximum contaminant levels for chemicals that are probable or known carcinogens or are otherwise toxic.

<https://www.ncleg.gov/Sessions/2019/Bills/House/HTML/H1175v1.HTML>

Senate Bill 837 an act to implement measures to prevent and address contamination from the discharge of PFAS in the state in order to protect public health.

<https://www.ncleg.gov/Sessions/2019/Bills/Senate/HTML/S837v1.HTML>



KENTUCKY

Note: The Kentucky Legislature convened on 7 January 2019 and adjourned on 15 April 2020.

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 January 2019 and will adjourn on 6 January 2021.

PROPOSED RULES

Standards Applicable to Generators of Hazardous Waste The Pollution Control Board has proposed changes in compliance with EPA standards. The amendments to Part 722 incorporate segments of EPA's Hazardous Waste Pharmaceuticals Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to EPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rule.

https://services.statescape.com/ssu/Regs/ss_8586101382360485328.pdf#page=272



INDIANA

Note: The Indiana General Assembly convened on 6 January 2020 and will adjourn on 14 March 2020.

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



MICHIGAN

Note: The Michigan Legislature convened on 9 January 2019 and will adjourn on 31 December 2020.

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



Note: The Ohio General Assembly convened on 7 January 2019 and will adjourn on 31 December 2020.

FINAL RULES

Nitrogen Oxides - Reasonably Available Control Technology The Ohio Environmental Protection Agency has adopted amendments to rules regarding Reasonably Available Control Technology (RACT) for nitrogen oxides. Effective 18 June 2020.

https://services.statescape.com/ssu/Regs/ss_8586099609972168677.pdf



Note: The Wisconsin Legislature convened on 28 January 20 and adjourned on 31 January 2020.

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

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