



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

April 2021

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 angela.s.jones1@navy.mil.



CLEARED
For Open Publication
Apr 26, 2021

Department of Defense
NAVFAC MIDLANT DOD REC MFR OFFICE OF PREPUBLICATION AND SECURITY REVIEW

Table of Contents

SPOTLIGHT	1
GENERAL INTEREST	2
FEDERAL NEWS	2
REGION 1	5
REGION 2	8
REGION 3	10
REGION 4	13
REGION 5	15
MEET THE REC STAFF	17
SUBSCRIBE	17

SPOTLIGHT STORY

Joint Base Langley Eustis – Langley Wins the 2021 Best Urban BMP in the Bay Award for Best Habitat Creation Project.

The Best Urban BMP in the Bay Award, also known as the BUBBA, is given each year to recognize innovators using new ways to face the challenges of managing stormwater runoff. The Joint Base Langley Eustis (JBLE) - Langley Marina Shoreline Restoration project created 22,215 square feet of vegetated tidal wetland, with a linear footprint of 1,566 feet and a total project footprint of 50,476 square feet. The project also reconnected a once isolated patch of wetlands to create a contiguous habitat.

The Marina shoreline was previously covered with concrete and other inert materials, which impeded the growth of the native marsh vegetation. The project was able to repurpose the materials and prevent approximately 250 thousand pounds of debris from being sent to a landfill. Through halting vegetation management prior to construction, the native marsh vegetation was able to create a seed bank to allow for a healthier and more resilient wetland plant.

The JBLE – Langley Marina Shoreline Restoration Project met its goals by treating urban runoff and expanding existing wildlife habitat. The project is meeting water quality improvement objectives and serves as an intertidal habitat. The Marina project was able to achieve total maximum daily load reductions for sediment, nitrogen, and phosphorus of 65,772 pounds per year, 19.07 pounds per year, and 13.48 pounds per year, respectively. Since the completion of the project, there has been noticeable increases of wildlife, such as the salt marsh skipper, a salt marsh obligate butterfly. This butterfly is an important part of marsh plant pollination and food source for many birds.

For more information:

<https://chesapeakestormwater.net/the-bubbas/2021-bubbas/2021-best-habitat-creation-project/>

GENERAL INTEREST

Michael S. Regan Sworn in as 16th EPA Administrator

Michael S. Regan was sworn in as the 16th Administrator of the U.S. Environmental Protection Agency. Prior to his nomination as EPA Administrator, Michael Regan served as the Secretary of the North Carolina Department of Environmental Quality (DEQ). As Secretary, he spearheaded the development and implementation of North Carolina's seminal plan to address climate change and transition the state to a clean energy economy. Under his leadership, he secured the largest coal ash clean-up in United States history. He led complex negotiations regarding the clean-up of the Cape Fear River, which had been contaminated for years by the toxic chemicals per- and polyfluoroalkyl substance (PFAS). In addition, he established North Carolina's first-of-its-kind Environmental Justice and Equity Advisory board to better align social inequities, environmental protection, and community empowerment.

<https://www.epa.gov/newsreleases/michael-s-regan-sworn-16th-epa-administrator>

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.

GENERAL

2021 Federal Environmental Symposium Webinars

This year, the 2021 Federal Environmental Symposium will be hosted as a series of four virtual webinar training sessions, which started in January 2021 and will conclude in July. These webinars are intended to help the Federal environmental community continue sharing best practices on environmental issues important to the Federal government during these challenging times. The webinars are open to Federal employees and their support contractors. Advance registration is required for attendee approval and presentations for those webinars that have already occurred are available on the website.

Topics include:

- Environmental Compliance (held in January & February)
- Energy & Water Efficiency (held in February & March)
- Sustainability (May 12 & 13, 2021)
- Environmental Management Systems (July 28, 2021)

<https://www.fedcenter.gov/calendar/conferences/symposium2022/webinars/>

AIR

2010 Primary Sulfur Dioxide National Ambient Air Quality Standard; Round 4 (Final)

This final rule establishes the initial air quality designations areas in the United States (U.S.) for the 2010 primary sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). The EPA is designating the areas as either nonattainment, attainment/unclassifiable, or unclassifiable. The designations are based on application of the EPA's nationwide analytical approach and technical analysis, including evaluation of monitoring data and air quality modeling,

to determine the appropriate designation and area boundary based on the weight of evidence for each area. The Clean Air Act (CAA) directs areas designated as nonattainment to undertake certain planning and pollution control activities to attain the SO2 NAAQS as expeditiously as practicable. This is the fourth and final set of actions to designate areas of the U.S. for the 2010 SO2 NAAQS; there are no remaining undesignated areas in the U.S. for the 2010 SO2 NAAQS. The final rule is effective on 30 April 2021.

<https://www.federalregister.gov/documents/2021/03/26/2021-05397/air-quality-designations-for-the-2010-primary-sulfur-dioxide-so2>

NATURAL AND CULTURAL RESOURCES

H.R. 930. Saving America's Endangered Species Act (Draft)

A bill to amend the Endangered Species Act of 1973 to provide that nonnative species in the United States shall not be treated as endangered species or threatened species for purposes of that Act.

<https://www.govinfo.gov/content/pkg/BILLS-117hr930ih/pdf/BILLS-117hr930ih.pdf>

TOXICS

Regulation of Five Persistent, Bioaccumulative, and Toxic Chemicals Under the Toxic Substances Control Act (TSCA)

EPA is requesting additional comments on five final rules recently issued under TSCA. The rules address the chemicals:

- 2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP) (CASRN 732-26-3);
- decabromodiphenyl ether (decaBDE) (CASRN 1163-19-5);
- phenol, isopropylated phosphate (3:1) (PIP (3:1)) (CASRN 68937-41-7);
- pentachlorothiophenol (PCTP) (CASRN 133-49-3); and
- hexachlorobutadiene (HCBD) (CASRN 87-68-3).

DecaBDE is used as an additive flame retardant in plastic enclosures for televisions, computers, audio and video equipment, textiles and upholstered articles, wire and cables for communication and electronic equipment, and other applications. DecaBDE is also used as a flame retardant for multiple applications for aerospace and automotive vehicles, including replacement parts for aircraft and cars. The final rule for decaBDE prohibits the manufacture (including import) and processing of decaBDE, and products and articles containing decaBDE, as of March 8, 2021. Distribution in commerce of products and articles to which decaBDE has been added is prohibited as of January 6, 2022.

An exclusion is provided allowing manufacture, processing, and distribution in commerce for use in replacement parts for aerospace vehicles until the end of the vehicles' service lives. Phenol, Isopropylated Phosphate (3:1) (PIP 3:1) is used as a plasticizer, a flame retardant, an anti-wear additive, or an anti-compressibility additive in hydraulic fluid, lubricating oils, lubricants and greases, various industrial coatings, adhesives, sealants, and plastic articles.

The PIP (3:1) final rule (Ref. 6) prohibits processing and distribution in commerce of PIP (3:1), and products or articles containing the chemical substance, for all uses. Exceptions include:

- Use in aviation hydraulic fluid in hydraulic systems and use in specialty hydraulic fluids for military applications;
- Use in lubricants and greases;
- Use in new and replacement parts for the aerospace and automotive industries;
- Use in sealants and adhesives (would be prohibited) after January 6, 2025.

Engagement on behalf of DoD will be managed through the Office of Secretary of Defense.

<https://www.federalregister.gov/documents/2021/03/16/2021-05138/regulation-of-persistent-bioaccumulative-and-toxic-chemicals-under-tsca-section-6h-request-for>

H.R. 861. Alerting Localities of Environmental Risks and Threats Act of 2021 (Draft)

This bill was proposed to amend the Emergency Planning and Community Right-To-Know Act of 1986 to require an emergency notification meeting in the event of the release of an extremely hazardous substance from a facility. This bill would require a public meeting be held within 72 hours of an applicable release.

<https://www.govinfo.gov/content/pkg/BILLS-117hr861ih/pdf/BILLS-117hr861ih.pdf>

WATER

Unregulated Contaminant Monitoring - PFAS and Lithium

EPA is proposing additions to unregulated drinking water contaminant monitoring rules that would require public water systems to collect national occurrence data for 29 per- and polyfluoroalkyl substances (PFAS) and lithium. This proposed rule would require all community and non-transient non community water systems serving 3,300 or more people, and a representative sample of smaller water systems, to conduct monitoring. EPA also considered, but is not proposing to require monitoring for Legionella pneumophila, four haloacetonitriles, 1,2,3-trichloropropane, and a total organic fluorine measurement. EPA will host two identical virtual meetings (via webinar) on April 6 and 7, 2021, to discuss the proposed UCMR 5.

<https://www.federalregister.gov/documents/2021/03/11/2021-03920/revisions-to-the-unregulated-contaminant-monitoring-rule-ucmr-5-for-public-water-systems-and>

Regulatory Determinations for PFOS, PFOA Contaminants on the Fourth Drinking Water Contaminant Candidate List

EPA has now formally published their notice announcing final regulatory determinations for eight of the 109 contaminants listed on the Fourth Contaminant Candidate List. EPA has made a determination to develop regulations for perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) and to not regulate 1,1-dichloroethane, acetochlor, methyl bromide (bromomethane), metolachlor, nitrobenzene, and royal demolition explosive (RDX). EPA will continue to prioritize regulatory determinations of additional PFAS in drinking water. EPA is currently developing scientifically rigorous toxicity assessments for seven PFAS chemicals. The chemicals currently undergoing assessment include perfluorobutanesulfonic acid (PFBS), perfluorobutanoic acid (PFBA), perfluorohexanesulfonic acid (PFHxS), perfluorohexanoic acid (PFHxA), perfluoronoanoic acid (PFNA), perfluorodecanoic acid (PFDA), and hexafluoropropylene oxide-dimer acid, HFPO-DA (GenX chemicals), all of which are currently scheduled to be completed by 2023. EPA is also leading efforts to gather additional monitoring data for 29 PFAS contaminants in finished drinking water. EPA recently announced its proposal for nationwide drinking water monitoring for PFAS under the next Unregulated Contaminant Monitoring Rule (UCMR) monitoring cycle, UCMR 5, utilizing Methods 537.1 and 533 to detect more PFAS chemicals and at lower reporting limits than previously possible. As EPA promulgates the regulatory standard for PFOA and PFOS, EPA will continue to work to establish monitoring requirements in the rule that minimize burden while ensuring public health protection.

<https://www.federalregister.gov/documents/2021/03/03/2021-04184/announcement-of-final-regulatory-determinations-for-contaminants-on-the-fourth-drinking-water>

Lead and Copper Rule Revisions; Delay of Effective Date

EPA is issuing a short delay of the 16 March 2021, effective date of the National Primary Drinking Water Regulations: Lead and Copper Rule Revisions (LCRR), published in the Federal Register on 15 January 2021. The LCRR will now become effective on 17 June 2021. This final rule does not change the compliance date of 16 January 2024. This delay in the effective date is consistent with Presidential directives issued on 20 January 2021, to heads of Federal agencies to review certain regulations, including the LCRR. The sole purpose of this delay is to enable EPA to take public comment on a longer extension of the effective date for EPA to undertake its review of the rule in a deliberate and thorough manner consistent with the public health purposes of the Safe Drinking Water Act and the terms and objectives of recent Presidential directives and in consultation with affected stakeholders. As of 12 March 2021, the effective date of the final rule published 15 January 2021, 86 FR 4198, delayed until 17 June 2021

<https://www.federalregister.gov/documents/2021/03/12/2021-05271/national-primary-drinking-water-regulations-lead-and-copper-rule-revisions-delay-of-effective-date>

EPA's Advanced ECHO Training for Drinking Water (Web-based) (04/13/2021 from 01:30 PM - 02:30 PM)

This advanced webinar will explore how to use ECHO tools to access and understand drinking water program enforcement and compliance data, such as: Drinking Water System Search; Drinking Water Dashboard; Drinking Water Data Downloads; and Drinking Water REST Services. EPA will demonstrate examples of how an individual or environmental inspector may use the drinking water ECHO tools to identify compliance data related to the Safe Drinking Water Act (SDWA), including how to search for information about Sanitary Surveys and Action Level Exceedances associated with the Lead and Copper Rule.

<https://echo.epa.gov/help/training#upcoming>

REGION I



CONNECTICUT

Note: The Connecticut Legislature convened January 6, 2021 and will adjourn on June 3, 2021.

PROPOSED LEGISLATION

Connecticut SB 927 An act concerning revisions to the sewage spill right-to-know statute. Its purpose is to amend the sewage spill right-to-know statute to provide for timely notification to the public of sewage spills that may pose a threat to the public health or the environment.

https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2021&bill_num=SB927

PROPOSED REGULATION

Hazardous Material: Toxic Release Inventory The Department of Energy & Environmental Protection has proposed regulations that apply to the release of a reportable material. The purpose of the Release Reporting Regulations is to define when the discharge, spillage, uncontrolled loss, seepage or filtration (collectively referred to as "releases") of oil or petroleum, chemical liquids, solid liquid or gaseous products or hazardous waste (collectively referred to as reportable materials") must be reported to the Commissioner, when any such report must be submitted, and what information must be included in any such report.

<https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={D0B22178-0000-C711-800F-CC4B783E8B21}>



Note: The Maine Legislature convened on December 2, 2020 and will adjourn on June 17, 2022.

PROPOSED LEGISLATION

Maine LD 743 This act would amend the laws governing invasive aquatic species.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0548&item=1&snum=130>

Maine LD 883 This act would protect endangered species whose life cycles include Maine land or waters.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0298&item=1&snum=130>

Maine LD 960 This act would require manufacturers of products with intentionally added PFAS to report their presence in those products to the Department of Environmental Protection beginning in 2023. This act would also require any person who causes a discharge of aqueous film-forming foam into waters of the State to report that discharge to the Department within 24 hours.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0706&item=1&snum=130>



Note: The Massachusetts Legislature convened on January 6, 2021 and will adjourn on January 2, 2023.

PROPOSED LEGISLATION

Massachusetts HD 3397 (SD 2063) This act would require annual testing of each drinking water outlet for elevated lead levels at schools and child care centers.

<https://malegislature.gov/Bills/192/HD3397>

Massachusetts SD 2044 This act would require the state to promulgate regulations that would establish a market-based compliance mechanism to help the state achieve its greenhouse gases reduction goal. The mechanisms would apply, in part, to the industrial and institutional sectors.

<https://malegislature.gov/Bills/192/SD2044/Senate/Bill/Text>

Massachusetts SD 2205 This act would transition the commonwealth to 100 percent clean energy for electricity by 2035 and 100 percent clean energy for the building sector and transportation sector by 2045.

<https://malegislature.gov/Bills/192/SD2205/Senate/Bill/Text>



NEW HAMPSHIRE

Note: The New Hampshire Legislature convened on January 6, 2021 and will adjourn on June 30, 2021.

OTHER ACTIONS AND OPPORTUNITIES

New Hampshire Consultation Regarding Threatened and Endangered Species The Fish and Game Department has requested public comment on potential proposed rulemaking to adopt rules to describe how an applicant for a permit, approval, or other authorization from another state agency shall request consultation with Department staff when required by the permitting agency to consider impacts of a proposed action upon threatened or endangered species.

<https://wildlife.state.nh.us/legislative/documents/fis-1000-rn.pdf>



RHODE ISLAND

Note: The Rhode Island Legislature convened on January 5, 2021 and will adjourn on June 30, 2021.

PROPOSED LEGISLATION

Rhode Island HB 5108 This act would require the state, including all its agencies and departments, to purchase one hundred percent (100%) of their energy needs from renewable sources by January 1, 2032.).

<http://webserver.rilin.state.ri.us/BillText21/HouseText21/H5108.htm>

Rhode Island HB 5445 (SB 78) This act would establish a statewide greenhouse gas emission reduction mandate.

<http://webserver.rilin.state.ri.us/BillText21/HouseText21/H5445A.htm>

Rhode Island HB 5627 This act creates a low emission diesel standard used to power a diesel fueled compression-ignition internal combustion engine and would take effect December 1, 2021 and would limit the sale, offer to supply, transfer, place, store, or holding of diesel fuel used to power a compression-ignition internal combustion engine that does not comply with this act.

<http://webserver.rilin.state.ri.us/BillText21/HouseText21/H5627.htm>

Rhode Island SB 704 (HB 5133) This act would require businesses and educational facilities that produce fifty-two (52) tons of organic-waste yearly and are located within thirty (30) miles of an authorized composting facility to use authorized methods of recycling.

<https://openstates.org/ri/bills/2021/SB704/>

PROPOSED REGULATION

Removal of Lead Based Paint from Exterior Surfaces The Department of Environmental Management has proposed an amendment to specify appropriate procedures for the removal of lead based paint from exterior surfaces.

<https://rules.sos.ri.gov/regulations/part/250-120-05-24>

Rules and Regulations for Solid Waste Management Facilities and Organic Waste Management Facilities The Department of Environmental Management has proposed rulemaking to add a definition of “street sweepings” and to update the acceptable and unacceptable uses for street sweepings.

<https://rules.sos.ri.gov/promulgations/part/250-140-05-1>



Note: The Vermont Legislature convened on January 6, 2021 and will adjourn on May 28, 2022.

PROPOSED LEGISLATION

Vermont SB 109 This act would establish a thermal energy efficiency charge to support Vermont’s Low Income Home Weatherization Program. It proposed to set a goal of weatherizing 120,000 homes and reduce greenhouse gas emission within 10 year.

<https://legislature.vermont.gov/Documents/2022/Docs/BILLS/S-0109/S-0109%20As%20Introduced.pdf>

Vermont SB 112(HB 120) This act would make multiple changes to the State land use laws to incorporate strategies to address and mitigate climate change.

<https://legislature.vermont.gov/Documents/2022/Docs/BILLS/S-0112/S-0112%20As%20Introduced.pdf>

REGION II



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

PROPOSED LEGISLATION

New Jersey AB 5479 This bill would require each county to develop, as part of its district solid waste management plan, a strategy to reduce food waste in the district.

https://www.njleg.state.nj.us/2020/Bills/A9999/5479_1.HTM

New Jersey SB 968 This act would require public water systems to provide notice of elevated lead levels in drinking water to customers and local officials. It would also require landlords to notify tenants of elevated lead levels.

<https://www.njleg.state.nj.us/bills/BillView.asp?BillNumber=S968>

New Jersey SB 3516 This act would authorize certain large food waste generators to send food waste to sanitary landfill facilities for purpose of generating Class I renewable energy.

https://www.njleg.state.nj.us/2020/Bills/S4000/3516_1.HTM

PROPOSED REGULATION

Permit and Reporting Requirements for Fumigants and Other Hazardous Air Pollutants The Department of Environmental Protection proposes three major components. First, the Department proposes to regulate fumigants and fumigation operations based on potential to emit, rather than weight of raw materials, to provide clarity on the regulatory requirements for these operations that utilize highly toxic chemicals (fumigation). Second, the Department proposes to regulate three air contaminants that are not currently regulated by the State, to be referred to as State specific hazardous air pollutants (New Jersey Hazardous Air Pollutants, or NJHAPs). Third, the Department proposes to add 13 air contaminants to the list of “toxic air pollutants” that must be included in an emission statement submitted by a source otherwise subject to emission statement requirements (emission statements)

<https://www.state.nj.us/dep/rules/proposals/20210301a.pdf>



Note: The New York State Legislature convened on January 6, 2021 and will adjourn on January 1, 2023.

PROPOSED LEGISLATION

New York AB 6177 (SB841) This act would reduce emissions of air pollutants from petroleum bulk storage facilities by requiring that no person shall own or operate a facility containing an above-ground tank that does not have a shell color and roof color of either white or beige/cream. The act would also warrant such color requirements apply to every tank at a facility regardless of whether the tank is in active use for storage.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=A6177

New York AB 6530 (SB3211) This act would prohibit the New York Department of Environmental Conservation from accepting as complete a draft environmental impact statement unless the applicant has prepared an enhanced public participation plan as required by the commissioner's policy twenty-nine, environmental justice and permitting.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=A6530

New York AB 6761 (SB5939) This act would prohibit the development of any new major electric generating facilities that would be powered in whole or in part by any fossil fuel, unless the developer of such facility can demonstrate a need for such facility, and that there is no other reasonable method to satisfy such need.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=A6761

New York SB 1484 (AB3283) This act would establish that if lethal methods are used to capture or dispose of nuisance wildlife, the lethal method used and the reason why a non-lethal method was not used shall be submitted in an annual report; It will also require that a list of enforcement actions taken against any nuisance wildlife control operator for violations of the law and applicable regulations be annually updated.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=S1484

New York SB 4712 (AB3541) This act would require the Department of Health and Department of Environmental Conservation to establish a maximum contaminant level of 0.35 parts per billion for the presence of 1,4-Dioxane in public supplies of potable water, ground water and runoff water from a wastewater treatment plant or water supply treatment plant.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=S4712

New York SB 4794 (AB4087) This act would make provisions regarding environmental benefit projects in lieu of civil penalties including establishing conditions for their acceptance and criteria for such projects.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=S4794

New York SB 5700 This act pertains to the water board's power to fix, revise, charge and collect, and enforce the payment of fees, rates, rents, and other service charges for the use of, or services furnished, rendered, or made available.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=S5700

New York SB 5939 (AB6761) This act would prohibit the development of any new major electric generating facilities that would be powered in whole or in part by any fossil fuel, unless the developer of such facility can demonstrate a need for such facility, and that there is no other reasonable method to satisfy such need.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=S5939

FINAL REGULATION

New York Air Pollution Control Permitting Program The Department of Environmental Conservation has revised its Operating Permit Program as set forth in Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR) Parts 200, General Provisions; 201, Permits and Registrations; 212, Process Operations; and 621, Uniform Procedures (collectively, Part 201). Effective February 25, 2021.

https://www.dec.ny.gov/docs/air_pdf/adopted201.pdf

New York Siting of Major Renewable Energy Facilities The Department of State has adopted rulemaking to establish procedural requirements for permits for siting, construction and operation of major renewable energy facilities. Effective March 3, 2021.

<https://ores.ny.gov/system/files/documents/2021/03/chapter-xviii-title-19-of-nycrr-part-900-subparts-900-1-through-900-15.pdf>

REGION III



DISTRICT OF COLUMBIA

Note: The Council of the District of Columbia convened January 2, 2021 and will adjourn on December 31, 2022.

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



Note: The Delaware General Assembly convened on January 12, 2021 and will adjourn on June 30, 2022.

PROPOSED LEGISLATION

Delaware HB 8 This act would mandate that the Department of Natural Resources and Environmental Control and the Division of Public Health establish maximum contaminant levels (MCL) for specific contaminants found in drinking water in this state. Such contaminants include PFOA and PFOS, which are man-made chemicals. In certain studies, 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 has issued health advisories. The establishment of MCLs is essential in order to protect the health and safety of all Delawareans from contaminants in drinking water.

<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=48449&legislationTypeId=1&docTypeId=2&legislationName=HB8>

FINAL REGULATION

Delaware Control of Volatile Organic Compound Emissions The Department of Natural Resources and Environmental Control has adopted rulemaking regarding control of volatile organic compound emissions. Effective April 11, 2021.

<https://regulations.delaware.gov/register/april2021/final/24%20DE%20Reg%20944%2004-01-21.htm>



Note: The Maryland General Assembly convened on January 13, 2021 and will adjourn on April 12, 2021.

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



Note: The Pennsylvania General Assembly convened on January 5, 2021 and will adjourn on November 30, 2022.

PROPOSED LEGISLATION

Pennsylvania HB 637 (SB 119) This act would authorize the Department of Environmental Protection to conduct a public comment process on and submit to the General Assembly a measure or action intended to abate, control or limit carbon dioxide emissions by imposing a revenue-generating tax or fee on carbon dioxide emissions.

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2021&sessInd=0&billBody=H&billType=B&billNbr=0637&pn=0594>

Pennsylvania SB 302 This act would prohibit the use of certain class B firefighting foams under certain circumstances; and imposing powers and duties on the PA Emergency Management Agency and the State Fire Commissioner.

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2021&sessInd=0&billBody=S&billTyp=B&billNbr=0302&pn=0313>



Note: The Virginia General Assembly convened on January 13, 2021 and adjourned on February 8, 2021. A special session was held from February 10, 2021 to March 1, 2021.

FINAL LEGISLATION

Virginia HB 2042 (SB 1393) This act gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The bill also directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a stakeholder work group for the purpose of developing and providing recommendations to state and local governments related to policies that encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. The bill will not become effective unless reenacted by the 2022 Session of the General Assembly. Approved by the Governor on March 12, 2021.

<http://leg1.state.va.us/cgi-bin/legp504.exe?212+ful+CHAP0089+hil>

Virginia HB 2129 This act requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works beginning February 1, 2023, to address the requirements of the ENRC Program. Effective July 1, 2021.

<http://leg1.state.va.us/cgi-bin/legp504.exe?212+ful+CHAP0363+hil>

OTHER ACTIONS AND OPPORTUNITIES

Virginia Revision to Fees for Drinking Water Laboratory Certification The Department of Environmental Quality has invited comment on the revision to fees charged for certifying drinking water laboratories under 1VAC30-41-270. 1VAC30-41-270 I 2 requires DCLS to increase or decrease annually the fees charged for certifying drinking water laboratories using the Consumer Price Index-Urban percentage change, average to average for the previous calendar year published by the U.S. Bureau of Labor Statistics in January.

<https://www.townhall.virginia.gov/L/ViewNotice.cfm?gnid=1222>

Virginia Storage Tank Program Technical Manual, Volume 3: Responsible Persons. January 2021 Edition; Storage Tank Program Technical Manual, Volume 6: Managing Petroleum Contaminated Media. December 2020 Edition
The State Water Control Board has issued two technical guidance documents related to the storage tank program. Effective date was April 1, 2021.

https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs_Proposed\440\GDoc_DEQ_4726_20210204.pdf

https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs_Proposed\440\GDoc_DEQ_4727_20210204.pdf



Note: The West Virginia Legislature convened on February 10, 2021 and will adjourn on April 10, 2021.

PROPOSED LEGISLATION

West Virginia HB 2757 This bill would require the Department of Health and Human Resources to propose maximum contaminant levels for seven PFAS as well as any additional PFAS that the agency determines to be harmful to human health. It would also create the West Virginia PFAS Action Response Team with certain duties and require all facilities, including chemical and manufacturing facilities, which manufacture, use, or have used certain PFAS chemicals in their production process since January 1, 2011, to report the use of these chemicals.

http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB2757%20INTR.htm&yr=2021&sesstype=RS&i=2757

West Virginia HB 3206 This bill would develop and implement a comprehensive program for the regulation and management of source-separated organic material waste.

http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB3206%20INTR.htm&yr=2021&sesstype=RS&i=3206

REGION IV



Note: The North Carolina General Assembly convened on January 13, 2021 and will adjourn on June 30, 2022.

PROPOSED LEGISLATION

North Carolina HB 181 This act would make various changes to the statues governing the wildlife resources commission.

<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H181v3.HTML>

North Carolina HB 218 This act would add two new provisions: 1) Neither the Commission nor a local government implementing a water supply watershed protection program shall apply impervious surface restrictions to the redevelopment of property when the redevelopment includes installation of a system for the collection, treatment, and discharge of stormwater runoff from both the existing and redeveloped areas of the property in a manner that complies with all applicable State and federal stormwater management requirements. 2) A developer expanding the footprint of buildings approved in the original development agreement by up to twenty percent (20%) shall not constitute a major modification if the agreement has been completed within the last 15 years and there has been no change in the permitted use of the property.

<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H218v1.HTML>

North Carolina HB 219 This act would encourage investment in regulated water and sewer systems by authorizing the use of a water and sewer investment plan rate-making mechanism for establishing rates of regulated water and sewer utilities and to otherwise amend rate adjustment mechanisms for water and sewer improvements.

<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H219v2.HTML>

North Carolina HB 272 This act would lower the definition of a lead hazard in young children's drinking water in the Childhood Lead Poisoning Prevention statute from 15 parts per billion to 10 parts per billion.

<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H272v1.HTML>

North Carolina HB 323 This act would incentivize buffering of military installations from incompatible development and protection of floodplains in hurricane-disaster counties through the use of time-limited tax credits.

<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H323v1.HTML>

North Carolina HB 444 This act would hold persons that have discharged or released PFAS resulting in contamination of surface water or groundwater used for a private or public drinking water supply responsible for costs necessary to address the contamination in order to ensure safe drinking water supplies for affected persons.

<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H444v1.HTML>



Note: The Kentucky Legislature convened on January 5, 2021 and adjourned on March 30, 2021.

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 January 13, 2021 and will adjourn on January 11, 2023.

PROPOSED LEGISLATION

Illinois HB 2767 This amendment would require the Illinois Environmental Protection Agency to ensure that possible adverse economic, social, and environmental effects on environmental justice communities relating to any permit or permit renewal have been fully considered prior to publishing a draft permit or permit renewal for public comment, and that the final decision on the permit or permit renewal is made in the best overall public interest.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10200HB2767lv&SessionID=110&GA=102&DocTypeID=HB&DocNum=2767&print=true>



INDIANA

Note: The Indiana General Assembly convened on January 4, 2021 and will adjourn on April 23, 2021.

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 January 13, 2021 and will adjourn on December 31, 2022.

PROPOSED LEGISLATION

Michigan HB 4314 (SB 58) This amendment would require soil clean-up levels shall meet residential standards and groundwater cleanups shall meet safe drinking water standards unless technically infeasible.

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/htm/2021-HIB-4314.htm>

Michigan SB 109 (HB 4280) This bill would require an impact study and consideration of cumulative pollution levels to be submitted with a new air quality permit application or air quality permit renewal application. The report will be paid for by the applicant.

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/Senate/htm/2021-SIB-0109.htm>



Note: The Ohio General Assembly convened on January 4, 2021 and will adjourn on December 31, 2022.

PROPOSED LEGISLATION

Ohio HB 158 This bill enacts section 3737.52 of the Revised Code to prohibit the use of class B firefighting foam containing intentionally added PFAS chemicals for testing and training purposes.

https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_134/bills/hb158/IN/00?format=pdf

Ohio SB 143 This bill would enact section 6109.26 of the Revised Code to require the Director of Environmental Protection to adopt a maximum contaminant level for aluminum in drinking water.

https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_134/bills/sb143/IN/00?format=pdf



Note: The Wisconsin Legislature convened on January 4, 2021 and will adjourn on December 31, 2022.

PROPOSED REGULATION

Wisconsin New Drinking Water MCLs for 12 Additional PFAS and Combined Standards for 4 PFAS The Department of Natural Resources has proposed to amend chapter NR 809, Wis. Adm. Code, to establish drinking water standards, referred to as Maximum Contaminant Levels (MCLs), for 12 PFAS and combined standards for 4 PFAS. Establishment of these MCLs is based on recommendations for health-based standards from the Department of Health Services (DHS) based on its review of scientifically valid technical information.

https://docs.legis.wisconsin.gov/code/register/2021/783A3/register/ss/ss_030_21/ss_030_21

Wisconsin Numerical Standards to Minimize Concentration of Polluting Substances in Groundwater The Department of Natural Resources has proposed rulemaking to set numerical standards for consistent use in state regulatory programs to minimize the concentration of polluting substances in groundwater [ss. 160.001 and 160.07(5), Stats.]. Amendments are being proposed to chapter NR 140, Wis. Adm. Code, Groundwater Quality, to establish new state groundwater quality standards for substances detected in, or having a reasonable probability of entering, the groundwater resources of the state, provided sufficient scientifically valid technical information.

https://docs.legis.wisconsin.gov/code/scope_statements/all/030_21

MEET THE REC STAFF

RADM Charles W. Rock

DoD Regional Environmental Coordinator
(757) 322-2800, DSN 262-2800

Director, Regional Environmental Coordination
(REC) Office
(757) 341-0363

REC Counsel
(757) 322-2938, DSN 262-2938

Cultural Resources
(757) 341-0925

Potable Water, Stormwater, Groundwater,
Wastewater
(757) 341-0429

Air Quality, Asbestos, Radon
(757) 341-0387

P2, EPCRA, RCRA - HW/SW
(757) 341-0408

Navy On-Scene Coordinator Representative
(757) 341-0449

POL/Tanks
(757) 341-0453

Regional NEPA, Natural Resources
(757) 341-0494

Land Use, Encroachment
(757) 341-0264

Environmental Restoration
(757) 341-0394

REC Support
(757) 341-0430

REC Outreach
(757) 341-0383

DoD Chesapeake Bay Coordinator
(757) 341-0424
(757) 341-0395

SUBSCRIBE

If you would like to receive notice when the REC Update is posted, please send an email to: angela.s.jones1@navy.mil with your name, position, command, mailing address, phone number, and fax number.

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: angela.s.jones1@navy.mil