



# REC Review

## of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

May 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](mailto:angela.s.jones1@navy.mil).



NAVFAC MIDLANT DoD REC Map

### Table of Contents

SPOTLIGHT .....	1
GENERAL INTEREST .....	2
FEDERAL NEWS .....	3
REGION 1 .....	6
REGION 2 .....	9
REGION 3 .....	10
REGION 4 .....	13
REGION 5 .....	15
MEET THE REC STAFF.....	17
<b>CLEARED</b>	
<b>For Open Publication</b>	
SUBSCRIBE .....	17

May 14, 2021 5

### SPOTLIGHT STORY

#### NAVFAC Mid-Atlantic-Managed Environmental Programs Earn Three SECNAV Awards for 2021

The acting Secretary of the Navy (SECNAV), Honorable Thomas W. Harker, recently announced the selection of three Naval Facilities Engineering Systems Command (NAVFAC) Mid-Atlantic-managed environmental programs as winners of the 2021 Secretary of the Navy Environmental Awards.

The programs included: Naval Weapons Station (NWS) Yorktown in Yorktown, Virginia; Marine Corps Recruit Depot (MCRD) Parris Island in Port Royal, South Carolina; and Marine Corps Base (MCB) Camp Lejeune in Jacksonville, North Carolina.

**NWS Yorktown** earned the award for Natural Resources Conservation in the Large Installation category. One of their many highlights include collaborating with the Virginia Institute of Marine Science and other external partners to restore and stabilize more than 900 feet of shoreline and 3.45 acres of Navy land, totaling 1.1 million in Readiness and Environmental Protection Integration funding.

**MCRD Parris Island** earned the Sustainability in the Individual or Team category for the U.S. Marine Corps (USMC). One of their many highlights include maintaining a partnership with Marine Corps Air Station Beaufort and the Lowcountry Council of Governments, a partnership that obtained a \$467,000 grant via the Office of Economic Adjustment in Fiscal Year 2021 to address local resiliency efforts.

**MCB Camp Lejeune** earned the Environmental Restoration in the Installation category for the USMC. One of their many highlights include implementing best management practices during clean-up activities to reduce energy, water and natural resource use by implementing new sampling technologies that saved \$20,000, reduced wastewater generated by 1,500 gallons, used solar power to treat 21,000 gallons of groundwater that saved 200 kilowatts per hour, and recycled 8 tons of material.

**For more information:**

<https://www.dvidshub.net/news/394917/navfac-mid-atlantic-managed-environmental-programs-earn-three-secnav-awards-2021>

## GENERAL INTEREST

**Administrator Regan Directs EPA to Reset Critical Science-Focused Federal Advisory Committees** Administrator Michael Regan announced that the EPA will reestablish the membership of the Science Advisory Board (SAB) and the Clean Air Scientific Advisory Committee (CASAC), and reorient the SAB standing committees.

<https://www.epa.gov/newsreleases/administrator-regan-directs-epa-reset-critical-science-focused-federal-advisory>

**The Council of Environmental Quality Guidance Document Procedures Rescission** The Council on Environmental Quality (CEQ) has issued a final rule that rescinds CEQ's January 8, 2021 rule, "Guidance Document Procedures."

The rescinded final rule established 40 CFR part 1519 to establish guidance document procedures, procedures for the public to request withdrawal or modification of a guidance document, and procedures for significant guidance documents. After review and consideration in accordance with E.O. 13992, "Revocation of Certain Executive Orders Concerning Federal Regulation," CEQ has concluded that its January 8 rule on guidance documents deprived CEQ of necessary flexibility in determining when and how best to issue guidance.

Under the Administrative Procedure Act, an agency may waive notice and comment procedures if an action is an interpretative rule, a general statement of policy, or a rule of agency organization, procedure, or practice. See 5 U.S.C. 553(b)(A). CEQ has determined this rule is a rule of "agency organization, procedure, or practice" and, therefore, CEQ is not required to engage in a notice and comment rulemaking process.

CEQ will continue to make guidance available to the public on its websites, including [www.nepa.gov](http://www.nepa.gov) and [www.sustainability.gov](http://www.sustainability.gov). Additionally, in accordance with M-09-13, "Guidance for Regulatory Review," OMB will continue to review all CEQ actions and documents subject to the Office of Information and Regulatory Affairs review under E.O. 12866. These reviews include policy and guidance documents that OMB determines are significant.

<https://www.federalregister.gov/documents/2021/04/13/2021-07398/guidance-document-procedures-rescission>

**EPA to Establish an "EPA Council on PFAS"** EPA Administrator Michael S. Regan issued an internal memorandum calling for the creation of a new "EPA Council on PFAS." The memo tasks Radhika Fox, Principal Deputy Assistant Administrator, Office of Water, and Deb Szaro, Acting Regional Administrator, Region 1, to convene and lead a council of senior EPA career officials. The EPA Council on PFAS (ECP) is tasked to develop a multi-year strategy "PFAS 2021-2025 - Safeguarding America's Waters, Air and Land," ... review all ongoing EPA actions, (on PFAS) and propose any necessary modifications, making initial recommendations within 100 days.

<https://www.epa.gov/newsreleases/epa-administrator-regan-establishes-new-council-pfas>

# 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/>

**DOD Announces Winners of the 2021 Secretary of Defense Environmental Awards** DoD has announced the Secretary of Defense Environmental Awards winners for 2021, selecting eight winners from a total of 27 nominees. Winners include:

Natural Resources Conservation, Large Installation: Eglin Air Force Base, Florida: Through a 2020 Memorandum of Agreement Eglin became the primary recipient site for gopher tortoise populations that alternative energy production had displaced across Florida. During FY 2019-2020, conservationists moved more than 2,300 gopher tortoises to the installation.

Sustainability, Individual/Team: Naval Supply Systems Command, Weapon Systems Support, Pennsylvania: Created a new fast-track ordering process using the Weapon Systems Support Hazardous Material Management Tool to automatically approve the purchase of sustainable products from the Navy-wide Green Authorized Use List.

Environmental Quality, Overseas Installation: Yokota Air Base, Japan—Employed an environmental inspection process that reduced the need for one-time shop ramp ups for inspections. The team performed more frequent inspections spread throughout the year, balancing workload and increasing compliance.

<https://www.defense.gov/Newsroom/Releases/Release/Article/2581069/dod-announces-winners-of-the-2021-secretary-of-defense-environmental-awards/>

### **PFAS Analytical Challenges and Opportunities (Web-based training) June 3, 2021 from 12:00 PM - 1:30 PM (EDT)**

This webinar focuses on DoD-funded research to address challenges regarding PFAS substances and PFAS analysis. Specifically, investigators will provide an overview of PFAS analytical methodologies, progress towards improving PFAS analytical methods, and factors that impact PFAS stratification in water columns that may result in artifacts in measured PFAS concentrations.

<https://www.fedcenter.gov/Events/index.cfm?id=36820>

**Spill Prevention, Control, and Countermeasure (SPCC) Webinar for Federal Facilities, June 16, 2021 from 1:00 PM – 4:00 PM (EDT)** The Environmental Protection Agency (EPA) is conducting a free training webinar on the Spill Prevention, Control, and Countermeasure (SPCC) Rule for federal facilities. This training is designed to allow federal facility personnel and other environmental professionals the opportunity to learn about the SPCC requirements, the inspection process, and common violations. The training will assist federal facilities to maintain and/or improve compliance with SPCC requirements. The objective of this training is to assist federal facilities with the implementation of their SPCC programs designed to prevent oil discharges from impacting navigable waters. The training is targeted for facilities with oil: storage, processing, refining, transferring, and activities or equipment using/consuming oil and oil products. Submit questions prior to the training so that the presenters can research answers in advance. EPA will provide certificates of attendance for those persons who register and participate in the webinar.

<https://www.epa.gov/aboutepa/epa-region-1-new-england>

## **AIR**

**EPA's December 2020 final action on PM NAAQS review retained the standards without change** EPA's December 2020 final action on Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS) review retained the standards without change contrary to the recommendations from the Integrated Science Assessment, which had recommended lowering the NAAQS for fine particulate matter.

Revised Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS; EPA is taking this action to address interstate transport of ozone pollution under the “good neighbor provision” of the Clean Air Act (CAA). This final action is taken in response to the United States Court of Appeals for the District of Columbia Circuit's (D.C. Circuit) remand of the Cross-State Air Pollution Rule (CSAPR) Update in Wisconsin v. EPA on September 13, 2019.

This action finds that for 9 of the 21 states for which the CSAPR Update was found to be only a partial remedy (Alabama, Arkansas, Iowa, Kansas, Mississippi, Missouri, Oklahoma, Texas, and Wisconsin), their projected ozone precursor emissions in the 2021 ozone season and thereafter do not significantly contribute to a continuing downwind nonattainment and/or maintenance problem, and therefore the states' CSAPR Update Federal Implementation Plans (FIPs) (or the State Implementation Plans (SIPs) subsequently approved to replace certain states' CSAPR Update FIPs) fully address their interstate ozone transport obligations with respect to the 2008 ozone NAAQS.

This action also finds that for the 12 remaining states (Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia), their projected 2021 ozone season nitrogen oxides (NOX) emissions significantly contribute to downwind states' nonattainment and/or maintenance problems for the 2008 ozone NAAQS. In this final action, EPA is issuing new or amended FIPs for these 12 states to replace their existing CSAPR NOX Ozone Season Group 2 emissions budgets for electricity generating units (EGUs) with revised budgets via a new CSAPR NOX Ozone Season Group 3 Trading Program. EPA is requiring implementation of the revised emission budgets beginning with the 2021 ozone season. Based on EPA's assessment of remaining air quality issues and additional emission control strategies for EGUs and other emissions sources in other industry sectors (non-EGUs), EPA is further determining that these NOX emission reductions fully eliminate these states' significant contributions to downwind air quality problems for the 2008 ozone NAAQS. This final rule is effective on June 29, 2021.

<https://www.federalregister.gov/documents/2021/04/30/2021-05705/revised-cross-state-air-pollution-rule-update-for-the-2008-ozone-naaqs>

**EPA Issues Fuel Waiver for Twelve States and the District of Columbia Impacted by Colonial Pipeline Shutdown** In response to the shutdown of the Colonial Pipeline, U.S. Environmental Protection Agency (EPA) Administrator Michael Regan issued a second emergency fuel waiver to help alleviate fuel shortages in states whose supply of gasoline has been impacted by the pipeline shutdown. This second emergency fuel waiver expands on a waiver that EPA issued this morning for the District of Columbia and areas of Maryland, Pennsylvania and Virginia. The second waiver waives the requirements for low volatility conventional gasoline and Reformulated Gasoline (RFG) for the District of Columbia and areas of Maryland, Pennsylvania and Virginia, and also includes Alabama, Delaware, Georgia, Specific Counties of Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. This waiver begins May 11, 2021 and ends May 31, 2021.

<https://www.epa.gov/newsreleases/epa-issues-fuel-waiver-twelve-states-and-district-columbia-impacted-colonial-pipeline>

## NATURAL AND CULTURAL RESOURCES

**Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Candy Darter** The U.S. Fish and Wildlife Service (Service), designated critical habitat for the candy darter (*Etheostoma osburni*) under the Endangered Species Act (Act). In total, approximately 593 stream kilometers (368 stream miles) in Virginia and West Virginia fall within the boundaries of the critical habitat designation. The effect of this final rule is to designate critical habitat under the Act for the candy darter, an endangered species of fish.

<https://www.federalregister.gov/documents/2021/04/07/2021-06748/endangered-and-threatened-wildlife-and-plants-designation-of-critical-habitat-for-candy-darter>

**Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Yellow Lance** The U.S. Fish and Wildlife Service (Service), designate critical habitat for the yellow lance (*Elliptio lanceolata*) under the Endangered Species Act of 1973 (Act), as amended. In total, approximately 319 river miles (mi) (514 kilometers (km)) fall within 11 units of critical habitat in Franklin, Granville, Halifax, Johnston, Nash, Vance, Wake, and Warren Counties, North Carolina; Brunswick, Craig, Culpeper, Dinwiddie, Fauquier, Louisa, Lunenburg, Madison, Nottoway, Orange, and Rappahannock Counties, Virginia; and Howard and Montgomery Counties, Maryland. This rule extends the Act's protections to the yellow lance's designated critical habitat.

<https://www.federalregister.gov/documents/2021/04/08/2021-06736/endangered-and-threatened-wildlife-and-plants-designation-of-critical-habitat-for-yellow-lance>

## TOXICS

**EPA Releases Updated PFBS Toxicity Assessment After Rigorous Scientific Review and Releases the Final Human Toxicity Values** EPA released an updated toxicity assessment for perfluorobutane sulfonic acid (PFBS), a member of a larger group PFAS substances. PFBS assessment is part of EPA's commitment to restore scientific integrity to all of the agency's actions and increase the amount of research and information available to the public on PFAS chemicals. EPA, federal agencies, states, tribes, and local communities can use the PFBS toxicity assessment, along with specific exposure and other relevant information, to determine if and when it is necessary to take action to address potential health risks associated with human exposures to PFBS under appropriate regulations and statutes. EPA also released the final report for human health toxicity values for PFBS and potassium perfluorobutane sulfonate.

<https://www.epa.gov/newsreleases/epa-releases-updated-pfbs-toxicity-assessment-after-rigorous-scientific-review-0>  
<https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=350888>

**TSCA Interagency Testing Committee Recommendations** The Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC) has submitted its 74<sup>th</sup> report providing recommendations to EPA on prioritizing and selecting chemicals for testing. The ITC is revising the TSCA section 4(e) Priority Testing List by adding 15 High-Priority Substances and 24 organohalogen flame retardants to the Priority Testing List. The ITC requests that EPA add these chemical substances and the other five High-Priority Substances and six organohalogen flame retardants currently on the Priority Testing List to 40 CFR 716.120(a), which is the list of substances subject to 40 CFR part 716, Health and Safety Data Reporting. TSCA section 6 requires EPA to address existing chemical substances with a three-stage process. The three stages of EPA's process for ensuring there are no unreasonable risks associated with the conditions of use of existing chemical substances are (1) prioritization, (2) risk evaluation, and (3) risk management. Separately EPA has indicated it plans to propose adding to the Toxics Release Inventory (TRI) the chemicals included in the TSCA workplan and other substances designated as high-priority substances under TSCA, and likely other chemicals "included in a 2014 petition received from the Toxics Use Reduction Institute." EPA indicated it will continue to add new PFAS to TRI, in addition to the three PFAS added in Reporting Year 2021.

<https://www.epa.gov/newsreleases/epa-announces-plan-update-toxics-release-inventory-advance-environmental-justice>

## WATER

**Safe and Sustainable Water Resources Subcommittee** The Environmental Protection Agency (EPA), Office of Research and Development (ORD), gives notice of a series of virtual meetings of the Board of Scientific Counselors (BOSC) Safe and Sustainable Water Resources (SSWR) Subcommittee to discuss water treatment and infrastructure.

- The initial meeting will be held over two days via videoconference. Attendees must register by May 25, 2021.
  - Wednesday, May,26, 2021, from 12:00 PM to 5:00 PM (EDT)
  - Thursday, May 27, 2021 from 12:00 PM to 5:00 PM (EDT)
- A BOSC deliberation will be held on June 22, 2021, from 11:00 AM to 2:00 PM (EDT). Attendees must register by June 21, 2021.

<https://www.federalregister.gov/documents/2021/04/13/2021-07480/board-of-scientific-counselors-bosc->

## REGION I



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

### ***PROPOSED LEGISLATION***

**Connecticut HB 6551** This act is concerning environmental air quality. Its purpose is to establish a working group that will identify disadvantaged communities for purposes of greenhouse gas reduction implications and to amend the environmental justice statute to enable disapproval of facility and permit applications when certain determinations concerning adverse environmental or public health effects are made.

<https://www.cga.ct.gov/2021/FC/PDF/2021HB-06551-R000529-FC.PDF>

## ***OTHER ACTIONS AND OPPORTUNITIES***

**Connecticut General Permit for the Discharge of Stormwater Associated with Industrial Activity** The Department of Energy and Environmental Protection has given notice of a tentative decision to reissue without modifications the General Permit for the Discharge of Stormwater Associated with Industrial Activity (industrial general permit).  
<https://portal.ct.gov/DEEP/Public-Notices/Public-Notices-Proposed-Actions---Opportunity-for-Comment/Proposed-General-Permits/General-Permit-for-the-Discharge-of-Stormwater-Associated-with-Industrial-Activity>



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

### ***PROPOSED LEGISLATION***

**Maine LD 1388** This act would require testing of public drinking water supplies for toxic PFAS substances and to establish maximum contaminant levels.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1022&item=1&snum=130>

**Maine LD 1505** This act would restrict the use of PFAS Substances in firefighting foam. This act would prohibit the discharge of firefighting foam containing PFAS when used for testing or training except when the foam is entirely collected for proper disposal. The bill also prohibits, beginning January 1, 2022, the manufacture, sale and distribution of such foam unless federal law requires the inclusion of PFAS.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1115&item=1&snum=130>

**Maine LD 1532** This act would protect Maine's air quality by strengthening requirements for air emissions licensing.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1136&item=1&snum=130>



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

### ***PROPOSED LEGISLATION***

**Massachusetts HB 876** This act would increase access to recycling.

<https://malegislature.gov/Bills/192/H876/House/Bill/Text>

**Massachusetts HB 906** This act would ensure safe drinking water in schools.

<https://malegislature.gov/Bills/192/H906/House/Bill/Text>

**Massachusetts HB 970** This act would reform the Toxic Use Reduction Act.

<https://malegislature.gov/Bills/192/H970/House/Bill/Text>

**Massachusetts HB 2390** This act would require all child care programs, and public schools to undergo routine radon testing.

<https://malegislature.gov/Bills/192/H2390/House/Bill/Text>

**Massachusetts SB 516** This act would improve notice requirements of hazardous waste release.

<https://malegislature.gov/Bills/192/S516/Senate/Bill/Text>

**Massachusetts SB 593** This act would protect the Commonwealth from toxic chemicals to include PFAS substances.

<https://malegislature.gov/Bills/192/S593/Senate/Bill/Text>

**Massachusetts SD 442 (SB 572)** This act would reduce solid waste, increase recycling and generate municipal cost savings.

<https://malegislature.gov/Bills/192/S572/Senate/Bill/Text>



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

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



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

### ***FINAL LEGISLATION***

**Rhode Island HB 5445 (SB 78)** This act established a statewide greenhouse gas emission reduction mandate. Effective April 10, 2021.

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

### ***PROPOSED LEGISLATION***

**Rhode Island SB 703** This act would establish environmental justice focus areas and coastal zones and establish procedures for the investigation and remediation of contaminated sites within the coastal zones under the direction of the department of environmental management (DEM) with increased community participation.

<http://webserver.rilin.state.ri.us/BillText21/SenateText21/S0703.htm>



**Rhode Island SB 759** This act is related to state affairs and government - energy facility siting act. It provides that applicants/licenseses for fossil fuel electricity generating facilities invest in renewable energy facilities in conjunction with the fossil fuel facility construction.

<http://webserver.rilin.state.ri.us/BillText21/SenateText21/S0759.htm>

### **PROPOSED REGULATION**

**Rhode Island Prohibition of Hydrofluorocarbons in Specific End-Uses** The Department of Environmental Management has proposed rulemaking to reduce hydrofluorocarbon emissions by adopting specific prohibitions for certain substances in air conditioning and refrigeration equipment, aerosol propellants, and foam end uses.

<https://rules.sos.ri.gov/promulgations/part/250-120-05-53>



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

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

## **REGION II**



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

### **OTHER ACTIONS AND OPPORTUNITIES**

**New Jersey Notice of Availability of Annual TCPA Fee Schedule Report for Fiscal Year (FY) 2021** The Department of Environmental Protection has issued notice of the adjustment of fees to owners and operators of facilities covered under the Toxic Catastrophe Prevention Act (TCPA) pursuant to N.J.A.C. 7:31-1.11A, which requires the Department to assess an annual fee to each owner/operator of a TCPA regulated facility.

<https://www.nj.gov/dep/enforcement/tcpa/downloads/tcpa-fee-notice-fy21-courtesy-copy.pdf>



## NEW YORK

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

### PROPOSED LEGISLATION

**New York AB 6967 (SB4262)** This act would enact the climate and community investment act; prioritizes the allocation of public investments in disadvantaged communities; addresses climate change challenges through the expansion and growth of clean and renewable energy sources; adopts best value requirements for the solicitation, evaluation and award of renewable energy projects; establishes a community just transition program; establishes a climate pollution fee and a household and small business energy rebate; and creates the climate and community investment authority.

[https://assembly.state.ny.us/leg/?default\\_fld=&Text=Y&term=2021&bn=A6967](https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2021&bn=A6967)

## REGION III



## DISTRICT OF COLUMBIA

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

### OTHER ACTIONS AND OPPORTUNITIES

**District of Columbia Solid Waste Control** The Department of Public Works has proposed rulemaking to establish a new fee for the disposal of loads of solid waste submitted for disposal as recyclable loads but which consist of more than eighteen percent (18%) nonrecyclable materials ("contaminated recyclables").

<https://dcregs.dc.gov/Common/DCR/Issues/IssueCategoryList.aspx?DownloadFile={26189B3D-AC27-48AE-AFEE-3E7BED1A711D}>



## DELAWARE

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

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



# MARYLAND

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

## **FINAL LEGISLATION**

**Maryland HB 264 (SB483)** This act requires a certain person that generates food residuals to separate the food residuals from other solid waste and ensure that the food residuals are diverted from final disposal in a refuse disposal system in a certain manner; applying the requirements of the Act to certain persons that generate certain amounts of food residuals; authorizing a person experiencing undue hardship because of the costs of diverting food residuals to apply for a certain waiver; requiring the Department of the Environment to issue a certain warning; etc. Effective October 1, 2021.

<http://mgaleg.maryland.gov/2021RS/bills/hb/hb0264E.pdf>

## **FINAL REGULATION**

**Maryland Disposal of Controlled Hazardous Substances** The Department of the Environment has adopted rulemaking to modify Maryland's hazardous waste regulations to incorporate federal provisions that modify the hazardous waste listing for nicotine and revise requirements for hazardous waste treatability studies. Effective May 3, 2021.

<http://www.dsd.state.md.us/MDR/4809.pdf#page=13>



# PENNSYLVANIA

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

## **PROPOSED LEGISLATION**

**Pennsylvania HB 1166 (SB 302)** This act would prohibit the use of certain class B firefighting foams under certain circumstances; and imposing powers and duties on the Pennsylvania Emergency Management Agency and the State Fire Commissioner.

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=H&billTyp=B&billNbr=1166&pn=1222>

**Pennsylvania HB 1188** This act would amend the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in departmental powers and duties as to supervision, providing for lead testing; and, in departmental powers and duties as to licensing, providing for lead testing.

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=H&billTyp=B&billNbr=1188&pn=1244>

**Pennsylvania SB 545** This act would amend the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, in other pollutions and potential pollution, providing for notice of discharge endangering public health or environment.

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=S&billTyp=B&billNbr=0545&pn=0563>



# VIRGINIA

**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 1982** This act authorizes a facility that has been issued a Virginia Pollution Discharge Elimination System (VPDES) permit regulating stormwater discharges to acquire, use, and transfer nutrient credits for compliance with any waste load allocation established as an effluent limitation in its VPDES permit. Current law allows only a facility registered under the Industrial Stormwater General Permit to use nutrient credits for such purpose.

Effective July 1, 2021.

<http://leg1.state.va.us/cgi-bin/legp504.exe?212+ful+CHAP0360+pdf>

**Virginia SB 1210** This act directs the Director of the Department of Environmental Quality to convene working groups for the purpose of developing annual fee schedules for nonhazardous solid waste management facilities and annual maintenance fees for certain water withdrawal permits to replace the current annual fee schedules.

Effective July 1, 2021.

<http://leg1.state.va.us/cgi-bin/legp504.exe?212+ful+CHAP0275+hil>

**Virginia SB 1284** This act establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors. Effective July 1, 2021.

<http://leg1.state.va.us/cgi-bin/legp504.exe?212+ful+CHAP0327+hil>

**Virginia SB 1291** This act requires that any application for a permit to withdraw surface water or ground water include a water auditing plan and a leak detection and repair plan that comply with regulations adopted by the State Water Control Board pursuant to the provisions of the bill. The provisions of the bill shall not become effective until 30 days after the adoption by the Board of such regulations. Effective July 1, 2021.

<http://leg1.state.va.us/cgi-bin/legp504.exe?212+ful+CHAP0100+hil>

## ***OTHER ACTIONS AND OPPORTUNITIES***

**Virginia Water Quality Standards** The State Water Control Board has proposed amending 9VAC25-260, Water Quality Standards. The subject matter of the rulemaking is turbidity in the Commonwealth's surface waters. Turbidity is influenced by suspended particles such as clay, silt, sand, organic matter, plankton, and microorganisms, as well as color and dyes. Substances that produce turbidity are included in Virginia's general criteria in 9VAC25-260-20 among a list of substances to be controlled in order to, for example, avoid direct or indirect interference with designated uses of state waters. The purpose of the proposed action is to address a directive by the State Water Control Board to develop numeric turbidity criteria.

<http://register.dls.virginia.gov/details.aspx?id=9569>



## WEST VIRGINIA

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

### **FINAL LEGISLATION**

**West Virginia HB 2722** This act prohibits the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals. Effective July 1, 2021.

[http://www.wvlegislature.gov/Bill\\_Status/bills\\_text.cfm?billdoc=HB2722%20SUB%20ENR.htm&yr=2021&sesstype=RS&i=2722](http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB2722%20SUB%20ENR.htm&yr=2021&sesstype=RS&i=2722)

## REGION IV



## NORTH CAROLINA

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

### **PROPOSED LEGISLATION**

**North Carolina HB 501 (SB 638)** This act would ban the manufacture, use, and distribution of PFAS and PFAS-containing products within the state in order to protect public health.

<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H501v1.HTML>

**North Carolina HB 502** This act would 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/2021/Bills/House/HTML/H502v1.HTML>

**North Carolina HB 503** This act would direct various agencies to study matters associated with PFAS contamination.

<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H503v1.HTML>

**North Carolina HB 506 (SB 699)** This act would make persons causing or contributing to contamination responsible for costs of cleanup and provision of alternative water supplies to persons with water supplies affected by such contamination.

<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H506v1.HTML>

**North Carolina HB 521 and SB 443** This act would 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/2021/Bills/House/HTML/H521v1.HTML>

<https://www.ncleg.gov/Sessions/2021/Bills/Senate/HTML/S443v1.HTML>

**North Carolina HB 634** This act would improve air quality for North Carolina citizens by placing restrictions on heavy truck idling.

<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H634v1.HTML>

**North Carolina SB 460** This act would establish the “PFAS Task Force” to identify and analyze all PFAS substances in the lower Cape Fear River basin, to identify their source of discharge and their health impact on the human population therein, to establish allowable maximum health standards for exposure to PFAS, and to provide for the immediate replacement and/or upgrade of drinking water systems, including private wells, within the affected area.

<https://www.ncleg.gov/Sessions/2021/Bills/Senate/HTML/S460v1.HTML>

**North Carolina SB 611** This act would amend the laws governing stop-work orders issued under the Sedimentation Pollution Control Act.

<https://www.ncleg.gov/Sessions/2021/Bills/Senate/HTML/S611v1.HTML>

**North Carolina SB 674** This act would impose a carbon emissions tax.

<https://www.ncleg.gov/Sessions/2021/Bills/Senate/HTML/S674v1.HTML>

**North Carolina SB 702** This act would establish a state goal of one hundred percent clean energy by 2050 and promote the creation of green jobs.

<https://www.ncleg.gov/Sessions/2021/Bills/Senate/HTML/S702v1.HTML>

## ***FINAL REGULATION***

**North Carolina Revisions to Title V Fees** The Department of Environmental Quality has adopted rulemaking regarding amendments to the Title V annual and application fees. The annual base and tonnage fees will be increased to \$10,000 and \$40 per ton, respectively. The revised Title V application fees for minor and significant modifications are proposed to be \$3,000 and \$7,000, respectively. The revisions will also incorporate a new annual added complexity fee of \$2,500 for moderately complex facilities and \$7,500 for highly complex facilities. The complexity of a facility will be based on the number of applicable federal programs, and complexity fees will be adjusted annually for inflation as currently allowed for Title V annual and application fees. The amended rule will also incorporate the inflation adjustments for all applicable fees to reflect the calendar year 2021 fees.

<https://files.nc.gov/ncoah/documents/files/Volume-35-Issue-19-April-1-2021.pdf#page=72>



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

## ***FINAL LEGISLATION***

**Kentucky HB 236** This act concerns state-licensed pest management activities. This act adds new definitions, increases fees, and amends certain misuse and license revocation provisions. Effective June 29, 2021.

<https://apps.legislature.ky.gov/recorddocuments/bill/21RS/hb236/bill.pdf>

**Kentucky HB 272** This act will allow a water district to charge a late payment charge of 10% of the amount billed; specify that the late payment charge meet certain requirements; and prohibit the Public Service Commission from modifying, rejecting, or suspending late payment charges established by tariff. Effective June 29, 2021.

<https://apps.legislature.ky.gov/recorddocuments/bill/21RS/hb272/bill.pdf>

## REGION V



**Note: The Illinois General Assembly convened on January 13, 2021 and will adjourn on January 11, 2023.**

### ***PROPOSED LEGISLATION***

**Illinois HB 3190** This act provides that the disposal by incineration of aqueous film-forming foam that contains any PFAS substance is prohibited in Illinois. Provides that the Agency may adopt any rules or regulations it deems necessary in order to carry out the amendatory provisions.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10200HB3190lv&SessionID=110&GA=102&DocTypeID=HB&DocNum=3190&print=true>



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

### ***PROPOSED LEGISLATION***

**Indiana SB 303** This act provides that an underground storage tank may not be installed for the purpose of storing regulated substances unless the underground storage tank system meets the requirements of 40 CFR 280.32. Establishes new maximum vapor pressure limits for gasoline and for gasohol (a blend of gasoline and ethanol). Provides that a fuel dispenser from which a retail customer dispenses gasohol containing more than 10% and not more than 15% ethanol must display the statement "Attention: E15. Check owner's manual for compatibility and warranty requirements." or a similar statement approved by the United States Environmental Protection Agency. Requires that this statement be displayed on a fuel dispenser next to the fuel grade selection button, as a part of or in addition to the label about the use of ethanol in certain vehicles and certain engines that is required under current federal regulations. Makes the failure of an owner or operator of a fuel dispenser to comply with the gasohol dispenser statement requirement a Class A infraction.

<http://iga.in.gov/legislative/2021/bills/senate/303>

## **OTHER ACTIONS AND OPPORTUNITIES**

**Indiana Secondary Containment for Aboveground Storage Tanks** The Department of Environmental Management has proposed rulemaking concerning secondary containment for aboveground storage tanks storing hazardous materials.

<http://iac.iga.in.gov/iac//20210407-IR-327210128FNA.xml.pdf>



**Note: The Michigan Legislature convened on January 13, 2021 and will adjourn on December 31, 2022.**

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 January 4, 2021 and will adjourn on December 31, 2022.**

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



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

## **PROPOSED LEGISLATION**

**Wisconsin AB 140 (SB 156)** This act is related to expanding the clean sweep program to include collection of certain fire fighting foams and making an appropriation.

<http://docs.legis.wisconsin.gov/document/proposaltext/2021/REG/AB140.pdf>

## **OTHER ACTIONS AND OPPORTUNITIES**

**Wisconsin DNR Adopts the Department of Health Services' Recommended Hazard Index (HI) Approach** The Department of Natural Resources has announced its adoption of the Department of Health Services' Recommended Hazard Index (HI) Approach for Evaluating Human Health Risk of Certain PFAS due to Ingestion of Drinking Water.

<https://dnr.wisconsin.gov/topic/PFAS/Impacts.html>



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