



# REC Review



## of Legislative & Regulatory Actions

The Navy Regional Environmental Coordination Office

August 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

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### SPOTLIGHT STORY

#### DoD Announces Winners of the 2021 Commander in Chief's Annual Award for Installation Excellence

Secretary of Defense Lloyd J. Austin announced the 2021 recipients of the Commander in Chief's Annual Award for Installation Excellence.

The Commander in Chief's Annual Award for Installation Excellence recognizes the outstanding and innovative efforts of the people who operate and maintain U.S. military installations. The five recipients of this highly competitive presidential award were selected for their exemplary support of Department of Defense missions.

Recipients of the 2021 Commander in Chief's Annual Award for Installation Excellence are:

- U.S. Army Garrison Fort Campbell, Kentucky
- Naval Support Activity Bahrain, Bahrain
- Marine Corps Base Camp Lejeune, North Carolina
- Royal Air Force Lakenheath, United Kingdom
- Defense Supply Center Richmond, Virginia

Installations compete on how well they achieve the department's objectives in several areas of installation management, including mission support, energy conservation, quality of life and unit morale, environmental stewardship, real property management, safety, health and security, communications, and public relations.

Excellent installations enable better mission performance and enhance the working and living conditions for military men and women, DoD civilians and their families. Each of the winning installations succeeded at being the best in achieving excellence in performing installation management within their military service and the Defense Logistics Agency.

For more information:

<https://www.defense.gov/Newsroom/Releases/Release/Article/2694247/dod-announces-winners-of-the-2021-commander-in-chiefs-annual-award-for-install/>

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Aug 23, 2021

Department of Defense

OFFICE OF PREPUBLICATION AND SECURITY REVIEW

# GENERAL INTEREST/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

### **Evaluation of the Department of Defense's Actions to Control Contaminant Effects from Perfluoroalkyl and Polyfluoroalkyl Substances at Department of Defense Installations (DODIG-2021-105)**

The Department of Defense (DoD) conducted an evaluation to determine the extent that the DoD has taken steps to:

- identify, mitigate, and remediate contamination from perfluoroalkyl and polyfluoroalkyl substances (PFAS) at DoD installations; and
- identify populations exposed to PFAS at DoD installations; and inform them of the associated health and safety concerns.

DoD is recommending that the Under Secretary of Defense for Acquisition and Sustainment revise DoDI 4715.18 to include requirements for Emerging Chemical Program officials to:

- initiate proactive risk management actions based on measurable risks to the DoD areas of concern to mitigate contaminant effects of emerging chemicals at DoD installations;
- develop risk management options and initiate proactive risk management actions which may be warranted to identify and mitigate the contaminant effects of emerging chemicals as early as possible in the Emerging Chemical Process, regardless of whether an emerging chemical is on the Emerging Chemical Watch List or the Emerging Chemical Action List; and
- formally inform DoD users of emerging chemicals and of their status in the Emerging Chemical Process.

<https://www.dodig.mil/reports.html/article/2705951/evaluation-of-the-department-of-defenses-actions-to-control-contaminant-effects/>

**National Environmental Justice Advisory Council; Notification for a Virtual Public Meeting** EPA's National Environmental Justice Advisory Council (NEJAC) will meet, virtually, on August 18 and 19, 2021, from 3:00 PM to 7:00 PM Eastern Daylight Time (EDT) each day. The meeting will focus on discussion and deliberation of work group activity and recommendations to the EPA Administrator. The Charter of the NEJAC states that the advisory committee will provide independent advice and recommendations to the EPA Administrator about broad, crosscutting issues related to environmental justice. The NEJAC's efforts will include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement and economic issues related to environmental justice.

<https://www.federalregister.gov/documents/2021/06/29/2021-13818/national-environmental-justice-advisory-council-notification-for-a-virtual-public-meeting>

**Updated Version of OPNAV M-5090.1, Environmental Readiness Program Manual** A updated version of OPNAV M-5090.1, Environmental Readiness Program Manual was released June 25, 2021 and is available on the Navy Issuances website <https://www.secnave.navy.mil/doni/SECNAV%20Manuals1/5090.1.pdf>

**New FedCenter Program Areas Announced** FedCenter has added two new program areas to its lineup of environmental topics. The newly released Environmental Justice program area includes information on federal efforts to integrate environmental justice into all policies, programs, and activities. PFAS Resources consolidates information on PFAS for federal agencies. This page includes information from federal, state, local and tribal governments, and non-governmental and private organizations, regarding health effects on people, regulatory actions being taken, scientific research being conducted, and its effects on the environment.

<https://www.fedcenter.gov/programs/justice>

<https://www.fedcenter.gov/programs/pfas/>

## AIR

**Improvements for Heavy-Duty Engine and Vehicle Test Procedures, and Other Technical Amendments** The EPA is amending the test procedures for heavy-duty engines and vehicles to improve accuracy and reduce testing burden. EPA is also making other regulatory amendments concerning light-duty vehicles, heavy-duty vehicles, highway motorcycles, locomotives, marine engines, other nonroad engines and vehicles, and stationary engines. These amendments affect the certification procedures for exhaust emission standards and related requirements. EPA is finalizing similar amendments for evaporative emission standards for nonroad equipment and portable fuel containers. The amendments increase compliance flexibility, harmonize with other requirements, add clarity, correct errors, and streamline the regulations. This final rule became effective on July 29, 2021.

<https://www.federalregister.gov/documents/2021/06/29/2021-05306/improvements-for-heavy-duty-engine-and-vehicle-test-procedures-and-other-technical-amendments>

**EPA, Forest Service Release Improved Tools to Equip the Public with Information and Resources on Wildfire Smoke**

The U.S. Environmental Protection Agency (EPA) and the U.S. Forest Service have released updates to the AirNow Fire and Smoke Map to help protect communities across the country from the devastating impacts of wildfire smoke. The updated map provides additional tools to help communities near the front lines better understand their risks from wildfire smoke and the actions they can take to protect their health during wildfire events. The Fire and Smoke Map can be found at <https://fire.airnow.gov/>.

<https://www.epa.gov/newsreleases/epa-forest-service-release-improved-tools-equip-public-information-and-resources>

## NATURAL AND CULTURAL RESOURCES

**Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Rufa Red Knot (*Calidris canutus rufa*)** The U.S. Fish and Wildlife Service (USFWS) is proposing to designate critical habitat for the federally threatened rufa red knot (*Calidris canutus rufa*) under the Endangered Species Act of 1973, as amended (Act). In total, approximately 649,066 acres (262,667 hectares) are proposed in 120 units (18 of which are further subdivided into 46 subunits) in Massachusetts, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The USFWS announced a public informational meeting and public hearing and the availability of a draft economic analysis of the proposed critical habitat designation. Engagement on behalf of DoD will be managed through the Office of Secretary of Defense.

<https://www.federalregister.gov/documents/2021/07/15/2021-14406/endangered-and-threatened-wildlife-and-plants-designation-of-critical-habitat-for-rufa-red-knot>

## NEPA

**Environmental Justice and the National Environmental Policy Act Webinar, August 26, 2021 from 2:30 PM - 4:00 PM (EDT)** This webinar will discuss effective methods for considering environmental justice (EJ) in National Environmental Policy Act (NEPA) reviews. The webinar will highlight content from the Promising Practices for EJ Methodologies in NEPA Reviews report of the Federal Interagency Working Group on Environmental Justice (now the EJ Interagency Council). This webinar builds upon the NEPA and Tribes as Cooperating Agencies webinar held on July 21, 2021.

<https://www.fedcenter.gov/Events/index.cfm?id=37259>

## TOXICS

**TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for PFAS** The EPA is proposing reporting and recordkeeping requirements for PFAS under the Toxic Substances Control Act (TSCA). In accordance with obligations under TSCA, as amended by the National Defense Authorization Act for Fiscal Year 2020, EPA proposes to require certain persons that manufacture (including import) or have manufactured these chemical substances in any year since January 1, 2011, to electronically report information regarding PFAS uses, production volumes, disposal, exposures, and hazards. EPA is requesting public comment on all aspects of this proposed rule and has also identified items of particular interest for public input. In addition to fulfilling statutory obligations under TSCA, this document will enable EPA to better characterize the sources and quantities of manufactured PFAS in the United States. Engagement on behalf of DoD will be managed through the Office of Secretary of Defense.

<https://www.federalregister.gov/documents/2021/06/28/2021-13180/tsca-section-8a7-reporting-and-recordkeeping-requirements-for-perfluoroalkyl-and-polyfluoroalkyl>

## WATER

**Drinking Water Contaminant Candidate List 5-Draft** The EPA is publishing a draft list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations for public review and comment. These contaminants are known or anticipated to occur in public water systems and may require regulation under the Safe Drinking Water Act (SDWA). This draft list is the Fifth Contaminant Candidate List (CCL 5) published by the agency since the SDWA amendments of 1996. The Draft CCL 5 includes 66 chemicals, 3 chemical groups (PFAS, cyanotoxins, and disinfection byproducts) and 12 microbial contaminants. EPA seeks comment on the Draft CCL 5 and on improvements implemented in the CCL 5 process for consideration in developing future CCLs.

<https://www.federalregister.gov/documents/2021/07/19/2021-15121/drinking-water-contaminant-candidate-list-5-draft>

**18th Annual EPA Drinking Water Workshop: Small System Challenges and Solutions** EPA's free annual drinking water workshop, held in partnership with the Association of State Drinking Water Administrators (ASDWA), will take place on August 30 - September 2, 2021. The workshop will be virtual and will provide in-depth information and training on solutions and strategies for handling small drinking water system challenges with a focus on monitoring, distribution, source, and treatment topics.

<https://www.epa.gov/water-research/18th-annual-epa-drinking-water-workshop-small-system-challenges-and-solutions>

# REGION I



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

## ***FINAL LEGISLATION***

**Connecticut SB 837** This act is concerning the use of PFAS in Class B firefighting foam. Its purpose is to prohibit the use of firefighting foam containing PFAS for training purposes and establish a take-back program for such products. Signed July 13, 2021.

[https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which\\_year=2021&bill\\_num=SB837](https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2021&bill_num=SB837)

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

**Connecticut General Permit to Discharge from Subsurface Sewage Disposal Systems Serving Existing Facilities** The Department of Energy & Environmental Protection has announced a tentative decision to modify the General Permit To Discharge From Subsurface Sewage Disposal Systems Serving Existing Facilities to include modifications that: 1) Authorize domestic sewage discharges through new subsurface sewage disposal systems to groundwater, 2) Revise discharge monitoring reporting requirements to include electronic data reporting, and 3) Establish fees for the new discharge categories and modify fees for existing discharges.

<https://portal.ct.gov/DEEP/About/Public-Notices>



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

## ***FINAL LEGISLATION***

**Maine LD 1505** This act restricts the use of PFAS in firefighting foam. Effective October 18, 2021.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1115&item=5&snum=130>

**Maine LD 1600** This act investigates PFAS contamination of land and groundwater. Effective October 18, 2021.

<http://legislature.maine.gov/LawMakerWeb/dockets.asp?ID=280080637>

## ***PROPOSED REGULATION***

**Maine Lead Management Regulations** The Department of Environmental Protection has proposed to repeal and replace Chapter 424 Solid Waste Management Rules: Lead Management Regulations. Chapter 424 contains the State's program requirements for lead remediation and related activities in residential dwelling units and child-occupied facilities.

<https://www.maine.gov/dep/rules/index.html#4798635>



## MASSACHUSETTS

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

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



## NEW HAMPSHIRE

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

### ***FINAL LEGISLATION***

**New Hampshire HB 236** This act creates a statute of limitation on civil actions relative to damage caused by PFAS. Effective September 21, 2021.

[http://gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2021&id=77&txtFormat=pdf&v=current](http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2021&id=77&txtFormat=pdf&v=current)

**New Hampshire HB 397** This act sets a limit on permitting fees for municipal, county, state, and federal projects under the Shoreland Protection Act. Effective July 1, 2021.

[http://gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2021&id=513&txtFormat=pdf&v=current](http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2021&id=513&txtFormat=pdf&v=current)



## RHODE ISLAND

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

### ***PROPOSED LEGISLATION***

**Rhode Island HB 6383 and SB 105** This act is related to state affairs and government -- environmental justice act. This act would require the Department of Environmental Management to create environmental justice areas.

<http://webserver.rilin.state.ri.us/BillText21/HouseText21/H6383.pdf>

<http://webserver.rilin.state.ri.us/BillText21/SenateText21/S0105A.pdf>

### ***FINAL REGULATION***

**Rhode Island Administration and Enforcement of the Freshwater Wetlands Act** The Department of Environmental Management has adopted rulemaking regarding new freshwater wetland rules in accordance with the amendments set forth in R.I. Gen. Laws §§ 2-1-18 through 2-1-27 to strengthen the protection of freshwater wetlands and to provide clarity and predictability and streamlining of the regulatory framework. Effective January 15, 2022.

<https://rules.sos.ri.gov/regulations/inactive/part/250-150-15-2>

**Rhode Island Prohibition of Hydrofluorocarbons in Specific End-Uses** The Department of Environmental Management has adopted rulemaking to reduce hydrofluorocarbon emissions by adopting specific prohibitions for certain substances in air conditioning and refrigeration equipment, aerosol propellants, and foam end uses. Effective August 1, 2021

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

**Rhode Island Use of the Wastewater Facilities** This act is to ensure the proper use of sewer and wastewater treatment facilities of the Narragansett Bay Commission (NBC). Effective June 1, 2021.

<https://rules.sos.ri.gov/regulations/part/835-20-00-1>



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

### ***PROPOSED REGULATION***

**Vermont Hazardous Waste Management Regulations** The Agency of Natural Resources has proposed rulemaking to incorporate required new federal rules, clarify existing requirements, and address non-federal deficiencies identified in the current version (e.g., limiting the scope of the VT06 listing for pesticides, clarifying generator closure requirements, correcting typos). Changes include: adoption of the federal Generator Improvement, Electronic Manifest, and Hazardous Waste Pharmaceutical rules; revisions to hazardous waste import/export requirements; addition of new universal wastes; and revision of the used oil management standards.

<https://secure.vermont.gov/SOS/rules/display.php?r=782>

## **REGION II**



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

### ***FINAL LEGISLATION***

**New Jersey AB 5343 (SB 3398)** This act requires public community water systems to inventory and replace lead service lines within 10 years and provides for recoupment of costs by investor-owned public water systems. Effective July 22, 2021.

<https://www.njleg.state.nj.us/bills/BillView.asp?BillNumber=A5343>



## NEW YORK

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

### **FINAL REGULATION**

**New York Registration and Classification of Pesticides** The Department of Environmental Conservation has adopted rulemaking to amend the State's existing 6 NYCRR Part 326 pesticide registration regulations. The proposed regulation will add chlorpyrifos to the section 326.2(c) list of pesticide active ingredients that are no longer allowed to be distributed, sold, purchased, possessed, or used for any purpose. Effective July 31, 2021.

<https://www.dec.ny.gov/chemical/121988.html>

## REGION III



## DISTRICT OF COLUMBIA

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

### **PROPOSED REGULATION**

**District of Columbia Draft Revised Total Maximum Daily Loads for Organics and Metals in the Anacostia River Watershed** The Department of Energy and Environment has invited public comment on the draft revised Total Maximum Daily Loads (TMDLs) for organics and metals in the Anacostia River watershed.

<https://doee.dc.gov/release/notice-public-meeting-and-solicitation-public-comment-draft-revised-total-maximum-daily>



## DELAWARE

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

### **FINAL REGULATION**

**Delaware Solvent Cleaning and Drying** The Division of Air Quality has adopted rulemaking to amend Section 33.0 to update control requirements based upon a 2012 Ozone Transport Commission model rule. These amendments will reduce emissions of volatile organic compounds from solvent cleaning operations. Effective August 11, 2021.

<https://regulations.delaware.gov/register/august2021/final/25%20DE%20Reg%20196%2008-01-21.htm>





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

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

**Maryland Draft Total Maximum Daily Loads of Heptachlor Epoxide and for Organics and Metals in the Anacostia River Watershed, Maryland and Washington, DC** The Department of the Environment has issued notice of an opportunity to comment regarding Draft Total Maximum Daily Loads of Heptachlor Epoxide and for Organics and Metals in the Anacostia River Watershed, Maryland and Washington, DC.

[https://mde.maryland.gov/programs/Water/TMDL/DraftTMDLforPublicComment/Pages/TMDL\\_PN\\_Anacostia\\_HE.a.spx](https://mde.maryland.gov/programs/Water/TMDL/DraftTMDLforPublicComment/Pages/TMDL_PN_Anacostia_HE.a.spx)



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

### ***FINAL REGULATION***

**Pennsylvania Water Quality Standards – Class A Stream Redesignation** The Environmental Quality Board amends Chapter 93 (relating to water quality standards). The amendments modified the drainage lists in §§ 93.9d, 93.9f, 93.9j—93.9m, 93.9p—93.9r and 93.9t to read as set forth in Annex A. The purpose of this final-form rulemaking is to update the designated uses so that the surface waters of this Commonwealth are afforded the appropriate level of protection. This final-form rulemaking fulfills the Commonwealth's obligations under State and Federal law to review and revise, as necessary, water quality standards that are protective of surface waters. Effective July 10, 2021.

<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-28/1079.html>



**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.**

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



## WEST VIRGINIA

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

### ***PROPOSED REGULATION***

**West Virginia Sewage Treatment and Collection System Design Standards** The Department of Health and Human Resources has proposed rulemaking to update regulations to comply with legislative action regulating grease traps and other technical cleanup.

<http://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=54334&Format=PDF>

## REGION IV



## NORTH CAROLINA

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

### ***FINAL LEGISLATION***

**North Carolina HB 272** This act would update the childhood Lead Poisoning Prevention Law to ensure that young children are not exposed to hazardous lead in drinking water. Effective December 1, 2021.

<https://www.ncleg.gov/Sessions/2021/Bills/House/HTML/H272v4.HTML>



## KENTUCKY

**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 SB 2906** This act would amend the Environmental Protection Act. This act would require the Environmental Protection Agency to annually review and update the underlying data for, and use of, indicators used to determine whether a community is designated as an environmental justice community and to establish a process by which communities not designated as environmental justice communities may petition for such a designation.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10200SB2906lv&SessionID=110&GA=102&DocTypeID=SB&DocNum=2906&print=true>

#### ***FINAL REGULATION***

**Illinois Sewer Discharge Criteria** The Pollution Control Board has adopted rulemaking to update the Illinois wastewater pretreatment requirements to correspond with amendments to the federal wastewater pretreatment standards that EPA adopted during the second half of 2020.

<https://pcb.illinois.gov/Resources/News>



### INDIANA

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

#### ***FINAL REGULATION***

**Indiana Unused portions of medications** This act amends 410 IAC 16.2-3.1-25 to remove language allowing for unused portions of medications to be destroyed within seven days and replace with language to render nonretrievable within three days, to define rendering nonretrievable, and to add authorized storage containers as a method of disposing of unused portions of medications. This act also amends 410 IAC 16.2-5-6 to align with 410 IAC 16.2-3.1-25. Effective June 11, 2021. <https://www.in.gov/rules/isdh/457.htm>



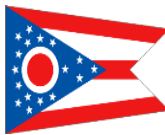
# MICHIGAN

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

### PROPOSED LEGISLATION

**Michigan SB 591** This act would prohibit the use of PFAS, bisphenols, and phthalates in food packaging.  
<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/Senate/htm/2021-SIB-0591.htm>

**Michigan SB 593** This act pertains to the establishment and management of stormwater facilities and their fees.  
<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/Senate/htm/2021-SIB-0593.htm>



# OHIO

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.



# WISCONSIN

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

### PROPOSED LEGISLATION

**Wisconsin AB 471 (SB 456)** This act relates to local regulation of pesticides to protect pollinators.  
<https://docs.legis.wisconsin.gov/2021/related/proposals/ab471.pdf>

**Wisconsin AB 472 (SB 455)** This act relates to a ban on the use of certain insecticides.  
<https://docs.legis.wisconsin.gov/2021/related/proposals/ab472.pdf>

## MEET THE REC STAFF

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