



REC Review



of Legislative & Regulatory Actions

The Navy Regional Environmental Coordination Office

January 2023

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.



NAVFAC MIDLANT DoD REC Map

Table of Contents

SPOTLIGHT.....	1
GENERAL INTEREST/FEDERAL NEWS.....	2
REGION 1	4
REGION 2	6
REGION 3	8
REGION 4	12
REGION 5	12
MEET THE REC STAFF.....	16

SPOTLIGHT STORY

2022 National Public Lands Day Department of Defense Awards Grantees

In commemoration of 2022 National Public Lands Day (NPLD), the Department of Defense (DoD), through the Office of the Deputy Assistant Secretary of Defense for Environment and Energy Resilience, and the Legacy Resource Management Program, offered \$160,000 in funding for NPLD projects on military lands that are open for recreation.

The 2022 NPLD DoD Awards provided up to \$20,000 to selected installations to implement pollinator protection projects; climate adaptation/resilience habitat restoration projects; or natural and cultural resources management, restoration, or enhancement projects on or around National Public Lands Day on Sept. 24, 2022.

Grants were awarded to the following recipients:

- Camp Ripley, Minnesota Army National Guard,
- Hurlburt Field AFB, FL ,
- Bellows Air Force Station, Hawaii
- Wright-Patterson Air Force Base, OH
- Camp Grayling Joint Maneuver Training Center, MI
- Joint Base Lewis-McChord Environmental Division, Fish & Wildlife, OR,
- Naval Air Station Kingsville, TX
- White Sands Missile Range - Garrison Environmental, NM
- Naval Station Great Lakes, IL,
- Mississippi National Guard
- Naval Submarine Base New London, CT
- Beale Air Force Base, CA
- Army Natural Resources Program, Hawaii
- Joint Base San Antonio Natural Resources Office, TX

For more information:

<https://www.neefusa.org/2022-national-public-lands-day-department-defense-awards-grantees>

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

2022 Secretary of the Navy Environmental Awards Nominations The 2023 Secretary of the Navy (SECNAV) Environmental Awards competition is now open. The 2023 SECNAV Environmental Awards recognizes exceptional environmental stewardship and sustainability initiatives. Navy and Marine Corps may submit nominations for the award categories listed below for achievements during the period of Oct. 1, 2020 through Sept. 30, 2022.

- Natural Resources Conservation - Large Installation
- Environmental Quality - Industrial Installation
- Environmental Quality - Overseas Installation
- Sustainability - Non-Industrial Installation
- Sustainability - Individual/Team
- Environmental Restoration – Installation
- Cultural Resources Management - Small Installation
- Cultural Resources Management - Individual/Team
- Environmental Excellence in Weapons System Acquisition - Small Program
- Environmental Planning
- Afloat Environmental (Navy only)

Navy and Marine Corps may submit up to three nominations for each category with the exception of the Afloat Environmental Award. For the Afloat Environmental Award, the Navy may submit one nomination for each competitive category as outlined in the enclosed guidance. The deadline for submission is Jan. 20, 2023; however, contact your appropriate chain of command for internal deadlines and submission information.

SECNAV winners will be announced in March 2023 and the winning packages submitted to the Secretary of Defense (SECDEF) competition with the exception of the Environmental Planning and Afloat Environmental Award winners, which have no equivalent at the SECDEF level.

Biden-Harris Administration Announces Steps to Electrify and Cut Emissions from Federal Buildings The Biden-Harris Administration, through the U.S. Department of Energy (DOE), announced a new proposed rule to electrify and cut emissions from new or newly renovated federal buildings. Beginning in 2025, these facilities will be required to reduce their on-site emissions associated with the energy consumption of the building by 90% relative to 2003 levels. In 2030, the standard will fully decarbonize the on-site emissions in new federal buildings and major renovations. These measures will help advance the adoption of cleaner technologies for buildings.

<https://www.energy.gov/articles/biden-harris-administration-announces-steps-electrify-and-cut-emissions-federal-buildings>

AIR

Environmental Justice in Air Permitting - Principles for Addressing Environmental Justice Concerns in Air Permitting

On Dec. 22, 2022, EPA's Office of Air and Radiation issued 8 principles to guide consideration of environmental justice (EJ) in Clean Air Act (CAA) permitting decisions. The principles provide an interim operating framework for identifying, analyzing, and addressing environmental justice concerns in air permitting as EPA continues to build more tools and explore additional opportunities to advance environmental justice and equity with its co-regulatory partners, communities, and other stakeholders. The principles promote consistent use of best practices EPA and many of its co-regulatory partners have developed over time, including early identification of potential environmental justice concerns in specific locations, and early, ongoing engagement with affected communities throughout the permitting process. The principles also recognize the various types of CAA permits and the need to determine the appropriate scope of an EJ analysis and appropriate permit terms and conditions on a case-by-case basis considering all available authorities.

<https://www.epa.gov/caa-permitting/ej-air-permitting-principles-addressing-environmental-justice-concerns-air>

National Emission Standards for Hazardous Air Pollutants: Site Remediation This action finalizes amendments to the National Emission Standards for Hazardous air pollutants (NESHAP) for the site remediation source category. This action finalizes amendments to remove exemptions from the rule for site remediation activities performed under authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as a remedial action or a non-time-critical removal action, and for site remediation activities performed under Resource Conservation and Recovery Act (RCRA) corrective actions conducted at treatment, storage, and disposal facilities. This final rule was effective on December 22, 2022.

<https://www.federalregister.gov/documents/2022/12/22/2022-27523/national-emission-standards-for-hazardous-air-pollutants-site-remediation>

NATURAL RESOURCES

Revised List of Migratory Birds (Draft) U.S. Fish and Wildlife Service (USFWS) proposes to revise the List of Birds protected by the Migratory Bird Treaty Act (MBTA) by both adding and removing species. Reasons for the changes to the list include adding species based on new taxonomy and new evidence of natural occurrence in the United States or U.S. territories, removing species no longer known to occur within the United States or U.S. territories, and changing names to conform to accepted use. The net increase of 13 species (16 added and three removed) would bring the total number of species protected by the MBTA to 1,106. They also propose to revise the scientific name of a species subject to specific migratory-bird-permit regulations and to revise corresponding entries for several migratory bird species that are also listed on the List of Endangered and Threatened Wildlife under the Endangered Species Act to reflect currently accepted taxonomy and nomenclature.

<https://www.federalregister.gov/documents/2022/12/12/2022-26733/general-provisions-revised-list-of-migratory-birds>

WASTE

RCRA Management of Excess Alcohol-based Hand Sanitizer Memo This memo is intended to clarify and provide additional details about how RCRA hazardous waste regulations and exemptions apply to five different scenarios for recycling excess alcohol-based hand sanitizer. The memo also provides a discussion of the safety considerations and RCRA regulations that apply to 1) hand sanitizer that is not a solid or hazardous waste, and 2) generators managing hand sanitizer that is a solid and hazardous waste. <https://rcrapublic.epa.gov/rcraonline/details.xhtml?rcra=14953>

WATER

National Pollutant Discharge Elimination System Small MS4 Urbanized Area Clarification (Final) EPA is taking direct final action to clarify its National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II regulations due to recent changes made by the Census Bureau. The changes to EPA's regulations are limited to clarifying that the designation criteria for small municipal separate storm sewer systems (MS4s), which have been used since the promulgation of the regulations in 1999, will remain the same. These clarifications are necessary due to the Census Bureau's recent decision to discontinue its practice of publishing the location of urbanized areas along with the 2020 Census and future censuses. The clarification in this direct final rule replaces the term "urbanized area" in the Phase II regulations with the phrase "urban areas with a population of at least 50,000," which is the Census Bureau's longstanding definition of the term urbanized areas. This change will allow NPDES permitting authorities to use 2020 Census and future Census data in a manner that is consistent with existing longstanding regulatory practice. This rule is effective on Mar. 2, 2023 without further notice.

<https://www.federalregister.gov/documents/2022/12/02/2022-26228/npdes-small-ms4-urbanized-area-clarification>

Stormwater Smart Outreach Tools EPA has developed a collection of communication tools you can use to promote the value of sound stormwater management for creating a community where your residents want to live and work. Public works managers can use these as part of the public education and outreach efforts of their stormwater permit programs. The materials below are organized by the main goals of the Stormwater Smart effort. They cover a wide range of topics and can be used on several platforms. There are two versions of the brochures, infographics, and tip sheets: a Microsoft PowerPoint file that can be customized with your organization's contact information and an Adobe Acrobat PDF. <https://www.epa.gov/npdes/stormwater-smart-outreach-tools>

REGION I

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.*



Note: The Connecticut Legislature convened on Jan. 4, 2023 and will adjourn on May 3, 2023.

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



Note: The Maine Legislature convened on Dec. 7, 2022 and will adjourn on May 7, 2024.

PROPOSED LEGISLATION

Maine LD 8 This act would increase support for the modernization of the Board of Pesticides Control by increasing the annual pesticide registration fee.

www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0012&item=1&snum=131

Maine LD 57 This act would amend Maine's Endangered and Threatened Species List.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0032&item=1&snum=131>

Maine LD 75 This act would establish maximum contaminant levels (MCLs) under the state's drinking water rules to prohibit certain perfluoroalkyl and polyfluoroalkyl substances (PFAS).

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0047&item=1&snum=131>



Note: The Massachusetts Legislature convened on Jan. 3, 2023 and will adjourn on Jan. 2, 2025.

FINAL REGULATION

Massachusetts Distribution of Motor Vehicle Fuel The Department of Environmental Protection has adopted amendments that update the lists of California Air Resources Board (CARB) certified Stage I Enhanced Vapor Recovery (EVR) systems to include new systems certified by CARB since June 16, 2017, or previously approved systems, whose Executive Orders have been updated since June 16, 2017, the date the current MassDEP Stage I regulation was last revised. Effective Dec. 23, 2022.

<https://www.mass.gov/regulations/310-CMR-700-air-pollution-control>



Note: The New Hampshire Legislature convened on Jan. 4, 2023 and will adjourn on June 30, 2023.

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



RHODE ISLAND

Note: The Rhode Island Legislature convened on Jan. 3, 2023 and will adjourn on June 30, 2023.

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



VERMONT

Note: The Vermont Legislature convened on Jan. 4, 2023 and will adjourn on May 10, 2024.

PROPOSED REGULATION

Vermont Anti-degradation Implementation Rule The Agency of Natural Resources has proposed a rule that lays out the process for implementing Vermont's anti-degradation policy. Vermont's anti-degradation policy requires that existing uses of waters and the level of water quality necessary to protect those uses shall be maintained and protected. <https://dec.vermont.gov/watershed/map/antidegradation>

REGION II

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.



NEW JERSEY

Note: The New Jersey Legislature convened on Jan. 11, 2022 and will adjourn on Jan. 9, 2024.

PROPOSED LEGISLATION

New Jersey AB 4927 This act would require electric utilities to prepare tariffs for commercial customers, and prohibits certain charges by electric utility to operators of certain electric vehicle charging facilities prior to BPU approval of tariff. <https://www.njleg.state.nj.us/bill-search/2022/A4927>

New Jersey SB 3114 (AB 4741) This act would eliminate prohibition on paper bags, and allows packaging options, for certain grocery orders for three years; requires program for disposition of reusable bags; extends timeframe for use of certain bags by food banks and pantries. <https://www.njleg.state.nj.us/bill-search/2022/S3114>

FINAL REGULATION

New Jersey Control and Prohibition of Carbon Dioxide Emissions The Department of Environmental Protection has adopted new rules and amendments as part of a comprehensive strategy to implement relevant provisions of the Global Warming Response Act (GWRA), N.J.S.A. 26:2C-37 et seq. Effective Jan. 1, 2023.

<https://www.nj.gov/dep/rules/adoptions/adopt-20230103b.pdf>

PROPOSED REGULATION

New Jersey Stormwater Management Rules The Department of Environmental Protection has proposed amendments, repeal, and new rule to the Stormwater Management (SWM) rules at N.J.A.C. 7:8 and the Flood Hazard Area Control Act (FHACA) rules at N.J.A.C. 7:13. The proposed amendments are intended to ensure the use of current precipitation data and reliable climate science to aid New Jersey communities in better preparing themselves to confront one of the most critical threats to public safety presented by climate change-increased intensity of precipitation events and the resulting effects of additional stormwater runoff on stormwater management systems and flood elevations in fluvial areas. <https://www.nj.gov/dep/rules/notices/20221205b.html>

OTHER ACTIONS AND OPPORTUNITIES

New Jersey Annual Fee Report and Assessment of Fees The Department of Environmental Protection has issued a notice that it will hold a virtual public hearing on the Fiscal Year (FY) 2023 Annual Fee Report and Assessment of Fees for the New Jersey Pollutant Discharge Elimination System (NJPDES) program. The NJPDES program regulates wastewater discharges from publicly and privately owned wastewater management systems, including certain stormwater discharges, as well as the disposal of residuals from treatment systems.

<https://www.nj.gov/dep/dwq/njpdessfees.html>

New Jersey Annual TCPA Fee Schedule Report for Fiscal Year (FY) 2023 The Department of Environmental Protection has issued a notice that it is adjusting 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. The annual fee consists of three elements: a base (or facility) fee, a covered process-derived fee, and an inventory-derived fee. All three fee components are recalculated annually.

<https://www.nj.gov/dep/enforcement/tcpa/downloads/tcpa-fee-notice-fy23-courtesy-copy.pdf>



Note: The New York State Legislature convened on Jan. 4, 2023 and will adjourn on Jan. 2, 2025.

PROPOSED LEGISLATION

New York SB 7582 (AB9216) This act would require the examination of current and the recommendation of future standardized building code requirements for flood mitigation.

https://assembly.state.ny.us/leg/?default_fld=&Summary=Y&Actions=Y&term=2021&bn=S7582

FINAL REGULATION

New York Medium- and Heavy-Duty Diesel Vehicle Emission Standards The Department of Environmental Conservation has adopted emergency rulemaking regarding medium and heavy-duty diesel vehicle emission standards. Effective Dec. 13, 2022.

<https://dos.ny.gov/system/files/documents/2022/12/122822.pdf#page=48>

REGION III

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.



Note: The Council of the District of Columbia convened Jan. 2, 2023 and will adjourn on Dec. 31, 2024.

FINAL LEGISLATION

District of Columbia B 966 This act pertains to the Battery and Electronic Stewardship Temporary Amendment Act of 2022. Effective Dec. 21, 2022.

<https://lims.dccouncil.gov/Legislation/B24-0966?FromSearchResults=true>

FINAL REGULATION

District of Columbia Battery Stewardship The Department of Energy and Environment has adopted new rules addressing battery stewardship programs. Effective Dec. 30, 2022.

<https://www.dcregs.dc.gov/Common/NoticeDetail.aspx?NoticeId=N128648>

PROPOSED REGULATION

District of Columbia California Vehicle Emission Standards The Department of Energy and Environment has proposed to replace repealed sections 905 through 914 to adopt California Advanced Clean Cars 2 (ACC 2) standards and compliance requirements for vehicles of model year (MY) 2026 and beyond that are bought, sold, and registered in the District of Columbia, pursuant to the requirements of the Clean Cars Act of 2008 (the Act).

<https://doee.dc.gov/release/notice-comment-period-proposed-rulemaking-adoption-california-vehicle-emission-standards>

District of Columbia Removal of Development Zone from Environmental Impact Screening Form Exemptions The Department of Energy and Environment has proposed amendments to ensure an equitable application of environmental laws and regulations in the District of Columbia. Currently, projects proposed within an Economic Development Zone as defined under D.C. Official Code § 6-1501, are exempt from the requirements to complete an Environmental Impact Screening Form ("EISF").

<https://doee.dc.gov/release/notice-proposed-rulemaking-removal-development-zone-environmental-impact-screening-form>



Note: The Delaware General Assembly convened on Jan. 10, 2023 and will adjourn on June 30, 2024.

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



Note: The Maryland General Assembly convened on Jan. 11, 2023 and will adjourn on April 10, 2023.

FINAL REGULATION

Maryland Food Residuals - Organics Recycling and Waste Diversion The Department of the Environment has adopted rules to implement Chs. 439 and 440, Acts of 2021, entitled Organics Recycling and Waste Division — Food Residuals. The law requires, beginning in 2023, certain persons who generate certain quantities of food residuals to separate their food residuals from other solid waste and divert those food residuals through reduction and recycling activities from final disposal in a refuse disposal system. Effective Dec. 26, 2022.

<https://dsd.maryland.gov/MDRIssues/4926/Assembled.aspx>

PROPOSED REGULATION

Maryland Criteria for Local Critical Area Program Development The Critical Area Commission has proposed amendments related to shore erosion protection works regulations where those regulations are located throughout COMAR Title 27. The proposal also includes an amendment to the growth allocation regulations to clarify that towns in the Critical Area can use their full allotment of growth allocation acreage to convert a resource conservation area into a new limited development area or a new intensely developed area.

<https://dsd.maryland.gov/MDRIssues/4925/Assembled.aspx>

OTHER ACTIONS AND OPPORTUNITIES

Maryland Baltimore Moderate Nonattainment Area Hearing The Department of the Environment has issued a notice that it will hold a public hearing concerning the Baltimore Moderate Nonattainment Area 0.070 ppm 8-Hour Ozone State Implementation Plan Attainment Demonstration addressing the 2015 Ozone National Ambient Air Quality Standards (NAAQS).

<https://mde.maryland.gov/programs/air/AirQualityPlanning/Documents/DRAFT%20SIP%2070%20ppb%20BNA%2012-27-2022%20-%20FINAL.pdf>

Maryland General Permit for Stormwater Discharges Associated with Construction Activity The Department of the Environment has issued a notice announcing that it is reissuing the State/National Pollution Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activity. The new permit will be No. 20-CP (NPDES No. MDRC), effective April 1, 2023. This permit replaces the 14-GP, which expired on December 31, 2019. The permit applies to stormwater discharges from construction activities in the state of Maryland that will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.

https://mde.maryland.gov/programs/water/wwp/Pages/gp_construction.aspx



Note: The Pennsylvania General Assembly Special Session 1 convened on Jan. 9, 2023 and will adjourn on Jan. 27, 2023.

FINAL REGULATION

Pennsylvania Safe Drinking Water PFAS MCL Rule The Department of Environmental Protection has adopted rulemaking regarding drinking water standards for two chemicals - perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). Effective Nov. 11, 2022.

<http://www.irrc.state.pa.us/docs/3334/AGENCY/3334FF.pdf>

OTHER ACTIONS AND OPPORTUNITIES

Pennsylvania Availability of National Pollutant Discharge Elimination System General Permit for Discharges of Stormwater Associated with Industrial Activity (PAG-03) The Department of Environmental Protection has issued a notice announcing the availability of the final National Pollution Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Industrial Activity (PAG-03) for a new 5-year term.

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol52/52-52/1981.html>



Note: The Virginia General Assembly convened on Jan. 11, 2023 and will adjourn on Feb. 11, 2023.

PROPOSED LEGISLATION

Virginia HB 1485 This act would change the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan provisions to (i) allow consideration of a combination of point or nonpoint source pollution reduction efforts other than agricultural best management conservation practices when determining whether the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan have been satisfied and (ii) bar such provisions from becoming effective unless the Commonwealth funds the Virginia Natural Resources Commitment Fund each year of the current or existing biennial period. <http://leg1.state.va.us/cgi-bin/legp504.exe?231+ful+HB1485+hil>

Virginia HB 1634 This act would require localities to consider strategies to address resilience in their comprehensive plans. <http://leg1.state.va.us/cgi-bin/legp504.exe?231+ful+HB1634+hil>

Virginia HB 1804 This act would authorize certain entities to purchase or use credits from a tidal wetland mitigation bank located in an adjacent river watershed when such bank contains substantially the same plant community type and salinity regime as the impacted wetlands, which shall be the preferred form of compensation. The provisions of the bill apply only to tidal wetland mitigation banks in certain subbasins when a tidal wetland mitigation bank with substantially the same plant community type and salinity regime as the impacted wetlands is not available in the same river watershed as the impacted wetland. <http://leg1.state.va.us/cgi-bin/legp504.exe?231+ful+HB1804+hil>

Virginia SB 1001 This act would repeal the Clean Energy and Community Flood Preparedness Act and directs the Director of the Department of Environmental Quality to take all steps necessary to suspend the Commonwealth's participation in the Regional Greenhouse Gas Initiative market-based trading program. <http://leg1.state.va.us/cgi-bin/legp504.exe?231+ful+SB1001+hil>

Virginia SB 1013 This act would require a waterworks owner to notify customers when a water quality analysis reveals that PFAS chemicals are present in the water supply or when a contaminant in the water supply exceeds MCLs established in state or federal regulations. <http://leg1.state.va.us/cgi-bin/legp504.exe?231+ful+SB1013+hil>

Virginia SB 1129 This act would change the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan. <http://leg1.state.va.us/cgi-bin/legp504.exe?231+ful+SB1129+hil>

FINAL REGULATION

Virginia Hazardous Waste Management Regulations The Waste Management Board has adopted amendments to include the provisions of the U.S. Environmental Protection Agency's (EPA's) Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations and exclude EPA's Conforming Changes to Canada-Specific Hazardous Waste Import-Export Recovery and Disposal Operation Codes, which will be adopted during the next regulatory update cycle. Effective Jan. 18, 2023. <http://register.dls.virginia.gov/details.aspx?id=10510>

Virginia Water Quality Management Plan Regulation and General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation The Department of Environmental Quality has adopted rules regarding waste load allocations for dischargers of pollutants to various river basins throughout the Commonwealth of Virginia including total nitrogen (TN) and total phosphorus (TP) waste load allocations necessary for the restoration of water quality in the Chesapeake Bay and its tidal tributaries. Effective Dec. 21, 2022. <http://register.dls.virginia.gov/details.aspx?id=10491>



Note: The West Virginia Legislature convened on Jan. 11, 2023 and will adjourn on March 11, 2023.

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

REGION IV

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.



NORTH CAROLINA

Note: The North Carolina General Assembly convened on Jan. 11, 2023 and will adjourn on June 30, 2024.

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



KENTUCKY

Note: The Kentucky Legislature convened on Jan. 3, 2023 and will adjourn on March 30, 2023.

PROPOSED LEGISLATION

Kentucky HB 74 This act would make water fluoridation programs optional.

https://apps.legislature.ky.gov/recorddocuments/bill/23RS/hb74/orig_bill.pdf

REGION V

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.



ILLINOIS

Note: The Illinois General Assembly convened on Jan. 11, 2023 and will adjourn on Jan. 5, 2025.

FINAL LEGISLATION

Illinois SB 3908 This act pertains to updates to Advisory Board to the Department of Natural Resources. Effective June 1, 2023.

<https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3908&GAID=16&DocTypeID=SB&SessionID=110&GA=102>

FINAL REGULATION

Illinois Testing Fees For Analytical Services The Environmental Protection Agency has adopted rulemaking to change the participation period to submit a water sample to the Agency from the State's fiscal year to a calendar year to match the Agency's current compliance schedule. Effective Dec. 29, 2022.

https://www.ilsos.gov/departments/index/register/volume47/register_volume47_2.pdf

PROPOSED REGULATION

Illinois Alternative Control Strategies The Pollution Control Board has proposed rulemaking to remove provisions allowing for advance permission to continue operating during a malfunction or to violate emission limitations during startup. https://www.ilsos.gov/departments/index/register/volume46/register_volume46_issue_53.pdf

Illinois Permits and General Provisions The Pollution Control Board has proposed rulemaking to remove provisions allowing for advance permission to continue operating during a malfunction or to violate emission limitations during startup. https://www.ilsos.gov/departments/index/register/volume46/register_volume46_issue_53.pdf

Illinois Visible and Particulate Matter Emissions The Pollution Control Board has proposed rulemaking to remove provisions allowing for advance permission to continue operating during a malfunction or to violate emission limitations during startup.

https://www.ilsos.gov/departments/index/register/volume46/register_volume46_issue_53.pdf



Note: The Indiana General Assembly convened on Jan. 10, 2023 and will adjourn on March 7, 2023.

PROPOSED LEGISLATION

Indiana HB 1219 This act establishes the PFAS biomonitoring pilot program under the Department of Homeland Security to collect and analyze blood samples of individuals who were previously, or are currently, firefighters.

<https://iga.in.gov/legislative/2023/bills/house/1219>

Indiana SB 155 This act would permit the environmental rules board to amend permit fees, on a time frame and in an amount determined necessary, to pay costs related to the Title V operating permit program. This act will also mandate that a federal regulation that classifies or amends a designation of attainment, nonattainment, or unclassifiable for any area in Indiana under the federal Clean Air Act is effective and enforceable in Indiana on the effective date of the federal regulation. <https://iga.in.gov/legislative/2023/bills/senate/155>

FINAL REGULATION

Indiana Organic Solvent Degreasing Operations The Department of Environmental Management has adopted rules concerning an exemption from applicability of the rule based on an emission level of fewer than fifteen (15) pounds per day of volatile organic compounds (VOC) from organic solvent degreasing operations. Effective Jan. 4, 2023.

<http://iac.iga.in.gov/iac//20230104-IR-326220231FRA.xml.html>

Indiana Waste Tire Management The Department of Environmental Management has adopted amendments to rules at 329 IAC 15-1 through 329 IAC 15-5 concerning waste tire management and new rules at 329 IAC 15-6 for the legitimate use of waste tires. Effective Dec. 28, 2022.

<http://iac.iga.in.gov/iac//20221228-IR-327220110FRA.xml.pdf>

PROPOSED REGULATION

Indiana Lead and Copper Revisions The Department of Environmental Management has proposed amendments to rules at 327 IAC 8 concerning amendments to the lead and copper National Primary Drinking Water Regulations at 40 CFR 141 and replacement of existing federal language in the state rule with the incorporation by reference of the federal rules for all drinking water standards.

<http://iac.iga.in.gov/iac//20221228-IR-327220387FNA.xml.pdf>

Indiana Pesticide Storage Restrictions The Office of the Chemist has proposed amendments to rules related to requirements to bulk and minibulk storage of pesticides.

<http://iac.iga.in.gov/iac//20221228-IR-355220386NIA.xml.pdf>

OTHERS ACTIONS AND OPPORTUNITIES

Indiana RCRA Closure and Corrective Action Program Guide The Department of Environmental Management has issued a guidance on implementing RCRA closure and corrective action at sites managing hazardous waste.

https://www.in.gov/idem/files/nrpd_waste-0015-r1.pdf



Note: The Michigan Legislature convened on Jan. 11, 2023 and will adjourn on Dec. 31, 2024.

PROPOSED LEGISLATION

Michigan HB 6524 This act would mandate the use of 100% renewable energy sources by 2035.

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-6524.pdf>

Michigan HB 6557 This act would prohibit and provide penalties for the sale and distribution of polystyrene food packaging, packing materials, and certain other products.

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-6557.pdf>



Note: The Ohio General Assembly convened on Jan. 2, 2023 and will adjourn on Dec. 31, 2024.

PROPOSED REGULATION

Ohio Air Quality Standards - Attainment and Nonattainment Provisions The Environmental Protection Agency has initiated rulemaking regarding air quality standards regarding attainment and nonattainment provisions, definitions, applicability, requirements, and exemptions. <https://www.registerofohio.state.oh.us/rules/search>

Ohio General Provisions on Air Pollution Control The Environmental Protection Agency has initiated rulemaking regarding general provisions on air pollution control for the Ohio EPA. The general provisions include such things as: the authority of the director of Ohio EPA to request the collection and submission of emissions information, the measurement of emissions of air contaminants, the requirements for the determination of a “De Minimis” source of air pollution, and the requirements in the event of equipment shut down caused by malfunction or maintenance, and other administrative rules.

<https://epa.ohio.gov/divisions-and-offices/air-pollution-control/regulations/proposed-rules>



Note: The Wisconsin Legislature convened on Jan. 2, 2023 and will adjourn on Jan. 2, 2025.

PROPOSED REGULATION

Wisconsin Fee Payment Structure for Owners or Operators of Facilities with Hazardous Chemicals Present The Department of Military Affairs has initiated rulemaking to increase facility fees to account for inflation since 2010 and to set a mechanism to recalculate fees annually going forward so the state Emergency Planning and Community Right-to-Know Act (EPCRA) program and grants to counties will be funded at sustainable levels and continue to meet the requirements of ss. 323.60 and 323.61.

https://docs.legis.wisconsin.gov/code/register/2022/803a3/register/ss/ss_090_22/ss_090_22

MEET THE REC STAFF

RADM Scott Gray

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
(757) 322-2812, DSN 262-2812 or (916) 952-1003

Cultural Resources
(757) 341-0925

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

Air Quality, Asbestos, Radon
(757) 341-0383

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