



REC Review



of Legislative & Regulatory Actions

The Navy Regional Environmental Coordination Office

March 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

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SPOTLIGHT STORY

2023 REPI Challenge Winners

For the 2023 Readiness and Environmental Protection Integration (REPI) Challenge, the REPI Program contributed \$24 million in funds, coupled with \$50 million in partner contributions, to advance innovative projects that limit development pressures, enhance military installation resilience, and relieve current or anticipated environmental restrictions on military testing, training, or operations. By distributing funds across 13 projects, the REPI Challenge contributed to initiatives benefiting 26 installations and their communities across the country. The full list 2023 REPI Challenge locations and their associated funding include:

- Joint Base McGuire-Dix-Lakehurst, Warren Grove Range, Naval Weapons Station Earle, Sea Girt National Guard Training Facility, AEGIS Combat System Engineering Site, NJ. \$995K
- Marine Corps Base Quantico, VA. \$286K
- Naval Observatory Flagstaff & Camp Navajo, AZ; \$1.0M
- U.S. Army Garrison Hawai'i, Pacific Missile Range Facility Barking Sands, Marine Corps Base Hawai'i; \$2.9M
- U.S. Army Garrison-Hawai'i, Pōhakuloa Training Area, ; \$1.3M
- U.S. Army Garrison-Hawai'i: Makua Military Reservation, Schofield Barracks, Kahuku Training Area, Poamoho Training Area, \$2.7M
- Fort Huachuca, AZ; \$1.3M
- Joint Base Lewis-McChord, ; \$2.4M
- Joint Region Marianas: Marine Corps Base Camp Blaz, Andersen Air Force Base, \$1.2M
- Joint Region Marianas: Naval Base Guam, Marine Corps Base Camp Blaz, Andersen Air Force Base, \$1.9M
- Pacific Missile Range Facility Barking Sands, Marine Corps Base Hawaii, Pōhakuloa Training Area, ; \$3.1M
- Marine Corps Base Camp Pendleton, Naval Base Coronado, Naval Base Ventura County Point Mugu, Naval Weapons Station Seal Beach, ; \$75K
- Joint Base San Antonio Camp Bullis, TX. \$5.1M

To date, the REPI Challenge has resulted in more than \$144 million in REPI Program funds being leveraged with over \$417 million in partner contributions to protect working lands, habitat, and open spaces at 51 locations nationwide.

For more information:

<https://www.repi.mil/Buffer-Projects/REPI-Challenge/>

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

Announcing the 2023 Federal Environmental Symposium The Federal sustainability community is cordially invited to attend the 2023 Federal Environmental Symposium, a hybrid event to be attended Oct. 23-27, 2023 either virtually or in-person. This year's theme for the Symposium "Environment: A Mission Asset" focuses on the sharing of best practices, success stories, partnerships, and challenges and achievements of the federal practitioner community as they apply to your Agency's mission. The event schedule, registration instructions, call for presentation abstracts and continuous updates to the event can be found on the Symposium website at <https://www.fedcenter.gov/fes2023>.

EPA Announces \$21M in Research Grant Funding to Investigate Cumulative Health Impacts of Climate Change on Underserved Communities The Environmental Protection Agency (EPA) announced \$21,410,211 in grant funding to 16 institutions for community-based research to examine how climate change may compound adverse environmental conditions and stressors for vulnerable populations in underserved communities. The environmental and health effects of climate change are far reaching. Some communities are more vulnerable because they already face greater exposure to pollutants and lack the resources to respond to and cope with environmental stressors. These communities may be more likely to suffer sustained or even permanent damage from the impacts of climate change, further worsening health disparities. Additionally, children, older adults, and people with disabilities or pre-existing health conditions may be more susceptible. These grants will support research projects that will use community-based participatory research approaches that aim to empower the partnering underserved communities with science-based resilience-building solutions to protect their most vulnerable residents.

<https://www.epa.gov/research-grants/cumulative-health-impacts-intersection-climate-change-environmental-justice-and-3>

EPA Announces Upcoming Virtual Regional Listening Sessions on the PFAS Strategic Roadmap EPA is announcing a series of upcoming virtual listening sessions on EPA's Per- and Polyfluorinated Substances (PFAS) Strategic Roadmap. Beginning on Feb. 28, 2023 and continuing through late April, EPA will be holding a virtual session on the PFAS Strategic Roadmap focused on each EPA Region, as well as a session specifically dedicated to the perspectives of EPA's Tribal partners. Each session will provide opportunities for communities to share feedback directly with EPA Regional and program leaders to inform the implementation of the actions described in the Roadmap. EPA has announced dates, times, and registration details for four upcoming sessions. Additional details on future virtual sessions in other EPA Regions will be announced. Further details for these sessions, including opportunities for members of the public to attend and to share feedback are available.

<https://www.fedcenter.gov/plugins/programs/remotelink/rlnk.cfm?dest=https://pfascommunityengagement.org/register/>

NATURAL RESOURCES

Endangered and Threatened Wildlife and Plants; Enhancement of Survival and Incidental Take Permits The U.S. Fish Wildlife Service (FWS), propose to revise the regulations concerning the issuance of enhancement of survival and incidental take permits under the Endangered Species Act of 1973, as amended. The purposes of these revisions are to clarify the appropriate use of enhancement of survival permits and incidental take permits; clarify our authority to issue these permits for non-listed species without also including a listed species; simplify the requirements for enhancement of survival permits by combining safe harbor agreements and candidate conservation agreements with assurances into one agreement type; and include portions of our five-point policies for safe harbor agreements, candidate conservation agreements with assurances, and habitat conservation plans in the regulations to reduce uncertainty. FWS also proposes to make technical and administrative revisions to the regulations. The proposed regulatory changes are intended to reduce costs and time associated with negotiating and developing the required documents to support the applications. It is anticipated that these improvements will encourage more individuals and companies to engage in these voluntary programs, thereby generating greater conservation results overall.

<https://www.federalregister.gov/documents/2023/02/09/2023-02690/endangered-and-threatened-wildlife-and-plants-enhancement-of-survival-and-incidental-take-permits>

NEPA

National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change The Council on Environmental Quality (CEQ) issued guidance to assist agencies in analyzing greenhouse gas and climate change effects of their proposed actions under the National Environmental Policy Act and requested public comment on the guidance. This notice extends the deadline date for receiving public comments for an additional 30 days, until April 10, 2023. Engagement on behalf of DoD would be managed through the Office of Secretary of Defense.

<https://www.federalregister.gov/documents/2023/02/16/2023-03257/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate>

WATER

EPA Takes Action to Improve Cybersecurity Resilience for Public Water Systems EPA is releasing a memorandum stressing the need for states to assess cybersecurity risk at drinking water systems to protect our public drinking water. While some public water systems (PWSs) have taken important steps to improve their cybersecurity, a recent survey and reports of cyber-attacks show that many have not adopted basic cybersecurity best practices and are at risk of cyber-attacks — whether from an individual, criminal collective, or a sophisticated state or state-sponsored actor. This memorandum requires states to survey cyber security best practices at PWSs.

<https://www.epa.gov/newsreleases/epa-takes-action-improve-cybersecurity-resilience-public-water-systems>

EPA's Lead Service Line Inventory Guidance and Corrosion Test Methods for Lead and Copper Water Lines (Web-based) Two presentations will be provided on March 28, 2023. The first presentation will provide an overview of EPA's Guidance for Developing and Maintaining a Service Line Inventory. The guidance was developed to assist water systems in developing and maintaining service line and to provide best practices for inventory development and communicating information to the public. The second presentation will provide information on bench top and pilot lead corrosion studies. These studies are gaining more interest, considering revisions and upcoming improvements to the Lead and Copper Rule. This presentation will review studies ranging from simpler month(s) long bench top dump and fill stagnant water tests to more complicated year(s) long intermittent flow pilot studies.

https://www.fedcenter.gov/Events/index.cfm?id=40598&pge_prg_id=44064

Per- and Polyfluoroalkyl Substances (PFAS) Proposed PFAS National Primary Drinking Water Regulation On March 14, 2023, EPA announced the proposed National Primary Drinking Water Regulation (NPDWR) for six PFAS including perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals), perfluorohexane sulfonic acid (PFHxS), and perfluorobutane sulfonic acid (PFBS). The proposed PFAS NPDWR does not require any actions until it is finalized. EPA anticipates finalizing the regulation by the end of 2023. EPA expects that if fully implemented, the rule will prevent thousands of deaths and reduce tens of thousands of serious PFAS-attributable illnesses. EPA is requesting public comment on the proposed regulation. The public comment period will open following the proposed rule publishing in the Federal Register. EPA held an informational general overview webinar of the proposed PFAS NPDWR on March 16, 2023, and will be holding another informational webinar about the proposed PFAS NPDWR specifically for water utilities and the drinking water professional community on March 29, 2023. Registration is required to attend. The webinar recordings and presentation materials will be made available following the webinars. EPA will also be holding a public hearing on May 4, 2023, where members of the public can register to attend and provide verbal comments to EPA on the rule proposal. Registration is required to attend and the last day to register to speak at the hearing is April 28, 2023. Engagement on behalf of DoD would be managed through the Office of Secretary of Defense. <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

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.

PROPOSED LEGISLATION

Connecticut HB 6057 This act is concerning climate change mitigation. Its purpose is to require electricity generated in the state to be one hundred per cent zero emission by 2040.

<https://www.cga.ct.gov/2023/TOB/H/PDF/2023HB-06057-R00-HB.PDF>

Connecticut HB 6608 This act is concerning the distribution of single-use plastic straws by certain restaurants. Its purpose is to curtail the distribution of single-use plastic straws at certain restaurants.

<https://www.cga.ct.gov/2023/TOB/H/PDF/2023HB-06608-R00-HB.PDF>

Connecticut HB 6664 This act would manage waste and create a waste authority.

<https://www.cga.ct.gov/2023/TOB/H/PDF/2023HB-06664-R00-HB.PDF>

Connecticut HB 6732 This act would require inspections for lead paint and lead in the water at nursery schools and preschools. <https://www.cga.ct.gov/2023/TOB/H/PDF/2023HB-06732-R00-HB.PDF>

Connecticut HB 6745 This act is concerning the construction of noise barriers, a plan implementing a state-wide decibel level testing program and idling motor vehicles. Its purpose is to (1) require the department of transportation to develop and implement a program for the construction of noise barriers along an existing highway, (2) require the commissioner of motor vehicles to submit a plan to implement a state-wide decibel level testing program by Oct. 1, 2023, and (3) permit a municipality to enforce a state regulation prohibiting the idling of a motor vehicle for more than three consecutive minutes. <https://www.cga.ct.gov/2023/TOB/H/PDF/2023HB-06745-R00-HB.PDF>

Connecticut SB 1147 This act is concerning the Environmental Justice Program of the Department of Energy and Environmental Protection. Its purpose is to enhance the environmental and public health considerations made under the state's environmental justice statute and provide the department of energy and environmental protection and the Connecticut siting council with the ability to deny certain permits for a new affecting facility and apply conditions to the expansion of an existing facility. <https://www.cga.ct.gov/2023/TOB/S/PDF/2023SB-01147-R00-SB.PDF>



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

PROPOSED LEGISLATION

Maine LD 425 This act would lower the environmental impact of consumers, increase food safety and strengthen consumer choice by ending the ban on single-use plastic shopping bags.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0258&item=1&snum=131>

Maine LD 563 This act would assert state sovereignty over ocean waters up to 12 nautical miles off the state's coast.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0234&item=1&snum=131>



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

PROPOSED LEGISLATION

Massachusetts HD 1535 This act would promote the adoption of renewable energy for heating, cooling and hot water. <https://malegislature.gov/Bills/193/HD1535/House/Bill/Text>

Massachusetts HD 3420 This act would expand the bottle bill.

<https://malegislature.gov/Bills/193/HD3420/House/Bill/Text>

Massachusetts SB 525 This act would reduce single-use plastics from the environment.

<https://malegislature.gov/Bills/193/S525/Senate/Bill/Text>

Massachusetts SB 531 This act would limit toxics release inventory facilities in environmental justice communities.

<https://malegislature.gov/Bills/193/S531/Senate/Bill/Text>

Massachusetts SB 564 This act would reduce greenhouse gas emissions threatening the natural environment.
<https://malegislature.gov/Bills/193/S564/Senate/Bill/Text>

Massachusetts SB 570 This act would reduce plastics.
<https://malegislature.gov/Bills/193/S570/Senate/Bill/Text>

Massachusetts SD 1716 (SB 2053) This act would establish a moratorium on the procurement of structures or activities generating PFAS emissions.
<https://malegislature.gov/Bills/193/S2053/Senate/Bill/Text>



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.



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

PROPOSED LEGISLATION

Rhode Island HB 5502 This act would establish a system for the recycling of beverage containers working with the Department of Environmental Management. <http://webserver.rilin.state.ri.us/BillText23/HouseText23/H5502.htm>

Rhode Island HB 5600 This act provides that no city or town would issue a permit for the construction of new buildings that are not an all-electric building, if the initial application for a permit was submitted after Dec. 31, 2024, unless certain circumstances apply. <http://webserver.rilin.state.ri.us/BillText23/HouseText23/H5600.htm>

Rhode Island HB 5861 This act provides that water supply systems that have PFAS contaminants that exceed the interim drinking water standard be required to enter into a consent agreement with the Department of Health to implement treatment to reduce the levels of PFAS contaminants.
<http://webserver.rilin.state.ri.us/BillText23/HouseText23/H5861.htm>

Rhode Island HB 5866 This act would prohibit the intentional release of hazardous polluting emissions and provides for a natural climate while increasing resiliency by prohibiting deliberate atmospheric pollution and manipulation of the environment. <http://webserver.rilin.state.ri.us/BillText23/HouseText23/H5866.htm>

Rhode Island SB 2 This act would establish a lead water supply replacement program for public and private service lines and requires disclosure to tenants and buyers of real property of the presence of lead service lines.
<http://webserver.rilin.state.ri.us/BillText23/SenateText23/S0002.htm>



VERMONT

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

PROPOSED LEGISLATION

Vermont HB 421 This act is related to drinking water standards for PFAS.

<https://legislature.vermont.gov/Documents/2024/Docs/BILLS/H-0421/H-0421%20As%20Introduced.pdf>

FINAL REGULATION

Vermont Wetland Rules The Department of Environmental Conservation has adopted amendments to clarify the Agency's authority to reclassify wetlands in general, and clarify the Agency's jurisdiction over certain significant wetland types. The proposed amendments rearticulate the Agency's statutory authority to reclassify categories of wetlands in general, and list wetland types that have been categorically determined to be Class II based on an evaluation of their functions and values. Effective Feb. 10, 2023.

<https://dec.vermont.gov/watershed/wetlands/jurisdictional/rules>

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 5261 This act would require the Department of Environmental Protection (DEP) to adopt rules and regulations to implement California's "Advanced Clean Cars II" rules, requiring certain vehicles sold in State to be zero emission vehicles by 2035. https://pub.njleg.gov/bills/2022/A5500/5261_I1.HTM

New Jersey AB 5301 (SB 3582) This act would require the DEP to study feasibility of using alternative water supply source when PFAS exceed maximum contaminant level. https://pub.njleg.gov/bills/2022/A5500/5301_I1.HTM



NEW YORK

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

PROPOSED LEGISLATION

New York AB 2538 This act would establish an indoor air quality inspection and evaluation program which shall: promulgate regulations for inspections, evaluations, acceptable levels of hazardous air pollutants, ventilation standards, notifications and best practices to improve indoor air quality in covered entities; enter into any necessary interagency agreements to coordinate the indoor air quality inspection and evaluation program; inspect a covered entity, upon their own initiative or upon complaint to the department regarding indoor air quality; provide results of an inspection with any appropriate local health authority, and any other person or department the department deems necessary; assist covered entities in developing reasonable plans to improve indoor air quality conditions including but not limited to those found during inspection; and develop and implement community outreach programs to educate the public on indoor air quality and risk reduction.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=A2538

New York AB 3472 (SB2775) This act would establish a right of first refusal in the state for federal public land to be transferred to private parties and would prohibit the recording of any deeds for lands that have been transferred out of federal ownership to private ownership without giving the state the right of first refusal.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=A3472

New York AB 3914 This act would require applicants to the Department of Environmental Conservation for permits to disclose information concerning other permits held and/or revoked, enforcement actions, criminal convictions, fees or fines owed, and other information relating to compliance by the applicant or any corporation of which he or she is an officer, director, or large stockholder with state, federal, or foreign environmental laws or regulations and certain other laws. https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=A3914

New York AB 4393 (SB2007) This act relates to establishing a one hundred percent clean renewable energy system for electricity by two thousand thirty-four. Such energy system shall include solar, wind, geothermal and tidal sources. https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=A4393

New York SB 3328 This act would direct the Department of Environmental Conservation to promulgate air quality standards for emissions of certain toxic air contaminants.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=S3328

New York SB 5330 (AB3719) This act would prohibit idling by heavy duty vehicles.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=S5330

New York SB 5512 This would enact the lead pipe right to know act requiring public water systems to take service line inventories and make such information available to the public.

http://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=S5512

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.

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



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

PROPOSED LEGISLATION

Delaware SB 51 This act would prohibit food establishments from providing consumers with ready-to-eat food or beverages in polystyrene foam containers or with single-service plastic coffee stirrers, cocktail picks, or sandwich picks. It also prohibits food establishments from providing single-service plastic straws, unless requested by a consumer.

<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=130016&legislationTypeId=1&docTypeId=2&legislationName=SB51>



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

PROPOSED LEGISLATION

Maryland HB 198 This act would require an independent third party to oversee all water quality testing conducted at a wastewater treatment plant that falsifies or does not accurately report water quality test results to the Maryland Department of the Environment (MDE) or is experiencing a catastrophic or continuing mechanical failure of operational equipment. <https://mgaleg.maryland.gov/2023RS/bills/hb/hb0198F.pdf>

Maryland HB 607 (SB471) This act would prohibit the MDE from authorizing the discharge of stormwater associated with construction activity under a general discharge permit and requiring the Department to instead require an individual discharge permit under certain circumstances.

<https://mgaleg.maryland.gov/2023RS/bills/hb/hb0607F.pdf>

Maryland HB 840 (SB743) This act would require the Department of the Environment to conduct a certain evaluation regarding the impact of issuing an approval for certain environmental permits.
<https://mgaleg.maryland.gov/2023RS/bills/hb/hb0840F.pdf>

Maryland SB 224 (HB230) This act would require the Department of the Environment to adopt regulations on or before Dec. 1, 2023, establishing requirements for the sale of new zero-emission medium- and heavy-duty vehicles in the State. This act would also require the Department, in consultation with certain units of State government, to prepare and submit to the General Assembly a certain needs assessment and deployment plan on or before Dec. 1, 2024 and authorize the Department to delay implementation of certain regulations under certain circumstances.
<https://mgaleg.maryland.gov/2023RS/bills/sb/sb0224T.pdf>

Maryland SB 512 This act would require an owner or operator of a public water system to maintain a detectable residual disinfectant level of at least 0.5 milligrams per liter of chlorine, not to exceed the maximum residual disinfectant level set by the U.S. Environmental Protection Agency in the water distribution system and to conduct certain sampling and analysis at frequent and regular intervals.
<https://mgaleg.maryland.gov/2023RS/bills/sb/sb0512F.pdf>

Maryland SB 931 (HB1188) This act would define "generating station" as it relates to the requirement to obtain a certificate of public convenience and necessity or approval from the Public Service Commission for a person who constructs a generating station that has the capacity to produce more than 2 megawatts of electricity from a solar photovoltaic system. <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0931F.pdf>



Note: The Pennsylvania General Assembly Special Session 1 convened on Jan. 9, 2023 and will adjourn on March 31, 2023.

PROPOSED LEGISLATION

Pennsylvania SB 254 This act would provide for suspension of the Pennsylvania Heavy-Duty Diesel Emissions Control Program and for expiration of suspension.
<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody=S&billTyp=B&billNbr=0254&pn=0217>

Pennsylvania SB 278 This act would provide for registration of extraordinary water users; impose a water resource fee; establish the Water Use Fund; and provide for submission of a question to the electorate authorizing incurring of indebtedness for water-related environmental initiatives.
<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody=S&billTyp=B&billNbr=0278&pn=0242>

Pennsylvania SB 280 This act would amend the act of Jan. 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for powers and duties of the Department of Environmental Protection and for civil penalties.
<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody=S&billTyp=B&billNbr=0280&pn=0243>



VIRGINIA

Note: The Virginia General Assembly convened on Jan. 11, 2023 and adjourned on Feb. 25, 2023.

FINAL LEGISLATION

Virginia HB 1804 This act authorizes certain entities to purchase or use credits from a tidal wetland mitigation bank located in an adjacent river watershed when such bank contains 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 with a polyhaline salinity regime located in certain subbasins when a tidal wetland mitigation bank with the same plant community type and salinity regime as the impacted wetlands is not available in the same river watershed as the impacted wetland. Effective July 1, 2023.

<http://leg1.state.va.us/cgi-bin/legp504.exe?231+ful+HB1804ER+hil>

Virginia HB 2189 This act directs the State Water Control Board to adopt regulations that require any industrial user of publicly owned treatment works that receive and clean, repair, refurbish, or process items that the industrial user knows or reasonably should know uses PFAS chemicals, defined in the bill, to test wastestreams for PFAS prior to and after cleaning, repairing, refurbishing, or processing such items. The bill requires the results of such tests to be transmitted to the receiving publicly owned treatment works within three days of receipt of the test results by the industrial user of the publicly owned treatment works. Effective July 1, 2023.

<http://leg1.state.va.us/cgi-bin/legp504.exe?231+ful+HB2189ER+hil>

Virginia SB 1152 This act requires the Virginia Marine Resources Commission, in conjunction with local wetlands boards and other affected state and federal agencies, to develop administrative procedures to expedite the processing of applications for wetlands permits from agencies of the United States government, including any branch of the Armed Forces of the United States. Effective July 1, 2023.

<http://leg1.state.va.us/cgi-bin/legp504.exe?231+ful+SB1152ER+hil>



WEST VIRGINIA

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

PROPOSED LEGISLATION

West Virginia HB 2257 This act would allow increased civil administrative penalties to be promulgated by legislative rules of by the Department of Environmental Protection.

http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb2257%20intr.htm&yr=2023&sesstype=RS&i=2257

REGION IV

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

PROPOSED LEGISLATION

North Carolina HB 177 This legislation would increase NC solid waste regulation of the disposition of materials with recycling potential. <https://www.ncleg.gov/Sessions/2023/Bills/House/HTML/H177v1.HTML>

North Carolina HB 279 This act would establish extended producer responsibility for certain producers of products using packaging materials and to ban the manufacture and distribution of packaging materials containing certain toxic substances in order to protect public health.

<https://www.ncleg.gov/Sessions/2023/Bills/House/HTML/H279v1.HTML>

North Carolina HB 290 The bill would permit, in part, certain corporations to receive income tax credits for donated real property interests that would serve as buffers to limit land use activities that would restrict, impede, or interfere with military training, testing, or operations on a military installation or training area or otherwise be incompatible with the mission of the installation.

<https://www.ncleg.gov/Sessions/2023/Bills/House/HTML/H290v1.HTML>



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

PROPOSED LEGISLATION

Kentucky SB 127 This act would make water fluoridation programs optional and allow the governing bodies of water systems subject to regulation by the Cabinet for Health and Family Services to decide whether they participate in water fluoridation programs.

https://apps.legislature.ky.gov/recorddocuments/bill/23RS/sb127/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.



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

PROPOSED LEGISLATION

Illinois HB 1634 This act would adopt rules to implement the motor vehicle emission standards of the State of California, including, but not limited to the (1) zero-emission vehicle program, (2) low-emission vehicle program, (3) advanced clean trucks program, and (4) heavy-duty low NOx omnibus program, and shall amend the rules within 6 months of any changes to maintain consistency with the California motor vehicle emission standards and federal clean air laws.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB1634lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=1634&print=true>

Illinois HB 2322 This act would create the Water Reuse Task Force Act.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB2322lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=2322&print=true>

Illinois HB 2376 This act would provide that, beginning Jan. 1, 2025, a retail establishment may not sell or distribute in the state a disposable food service container that is composed in whole or in part of polystyrene foam.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB2376lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=2376&print=true>

Illinois HB 2520 This act would apply fees for construction permits, non-environmental justice communities may petition for such a designation, and the agency would not approve permits for development or construction unless it is approved by the county. <https://www.ilga.gov/legislation/103/HB/10300HB2520lv.htm>

Illinois HB 2521 This act would create the Environmental Justice Act.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB2521lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=2521&print=true>

Illinois HB 2524 This act would require, by Oct. 1 2024, the Illinois Department of Agriculture and the Department of Public Health to develop and adopt a State Wasted Food Reduction and Food Waste Diversion Plan designed to meet the goal of reducing food waste by 50%.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB2524lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=2524&print=true>

Illinois HB 2560 This act would create the Illinois Container Fee and Deposit Act.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB2560lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=2560&print=true>

Illinois HB 3427 This act would provide that a person that operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 3 minutes within any 60 minute period.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB3427lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=3427&print=true>

Illinois HB 3549 This act would create the State Historic Preservation Board to list, delist, create specific designations, create property assessment criteria, or change the listing designation of State Historic Sites.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB3549lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=3549&print=true>

Illinois HB 3865 This act would prohibit a retail establishment from the sale or distribution of disposable food service containers that are composed in whole or in part of polystyrene foam.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB3865lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=3865&print=true>

Illinois SB 1323 This act would apply fees for construction permits, non-environmental justice communities may petition for such a designation, and the agency would not approve permits for development or construction unless it is approved by the county. <https://www.ilga.gov/legislation/103/SB/10300SB1323lv.htm>

Illinois SB 2385 This act would amend the Environmental Protection Act and provides that, within one year after the amendatory Act's effective date, the Environmental Protection Agency shall cite specified federal resources, informed by satellite and community data when available, when determining the placement of air monitoring devices at truck-attracting facilities. This act would require truck-attracting facilities to continuously monitor onsite emissions for diesel particulate matter and nitrogen oxides.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB2385lv&SessionID=112&GA=103&DocTypeID=SB&DocNum=2385&print=true>



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

FINAL REGULATION

Indiana Updates to the Identification of Ignitable Hazardous Waste The Department of Environmental Management has adopted rulemaking concerning the adoption of federal requirements for the identification of liquid waste as an ignitable hazardous waste. Effective March 22, 2023.

<http://iac.iga.in.gov/iac/20230322-IR-329220216FRA.xml.pdf>



MICHIGAN

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

PROPOSED LEGISLATION

Michigan HB 4188 This act would impose fee on notification of demolition or renovation.

<http://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/htm/2023-HIB-4188.htm>

Michigan SB 89 This act would require lead testing and installation of drinking fountains if levels are exceeded.

<http://www.legislature.mi.gov/documents/2023-2024/billintroduced/Senate/htm/2023-SIB-0089.htm>



OHIO

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

FINAL REGULATION

Ohio Air Quality Standards - Attainment and Nonattainment Provisions The Environmental Protection Agency has adopted rulemaking regarding Air Quality Standards - Attainment and Nonattainment Provisions, definitions, applicability, requirements, and exemptions. Effective March 11, 2023.

<https://codes.ohio.gov/ohio-administrative-code/rule-3745-31-25>

Ohio Solid Waste Fee Rules The Environmental Protection Agency has adopted rulemaking regarding procedures for collecting and remitting state disposal and environmental protection fees, solid waste management district disposal and generation fees, host community fees, and construction and demolition debris disposal fees at municipal solid waste landfills. Effective Jan. 8, 2023.

<https://codes.ohio.gov/ohio-administrative-code/chapter-3745-502>



WISCONSIN

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

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

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