



# REC Review



## of Legislative & Regulatory Actions

The Navy Regional Environmental Coordination Office

November 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

#### NAS Patuxent River Volunteers Protect the Local Terrapins

Human construction and rising sea levels have taken a bite out of the Chesapeake Bay’s turtle populations and their habitats, but Naval Air Station (NAS) Patuxent River has taken them under its wing. A base volunteer program, the Northern Diamondback Terrapin Survey, finds and protects turtle nests while gathering actionable data about turtle health.

Northern diamondback terrapins swim ashore to lay eggs on the Patuxent beaches every May through July. Program volunteers walk the beaches twice a day—one volunteer in the morning and one in the afternoon—during “turtle nesting season” to find nests and place protective crates over them to keep predators away.

“Naturally, not that many babies would have made it. Now we have so many more terrapins that we’re releasing into the area,” said Rebecca Stump, NAS Patuxent River natural resources specialist and program director. “In the long run, we’re trying to reset the balance.”

NAS Patuxent River started its survey program in 2013. The base’s Environmental Division oversees it, and the Maryland Department of Natural Resources receives its findings. The volunteers are primarily service members and civilians from the base, and many return season after season.

For more information:

<https://www.dvidshub.net/news/450004/nas-patuxent-river-volunteers-protect-local-terrapins>

# 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

**The Federal Environmental Symposium:** The Federal Environmental Planning Committee is happy to announce that the new dates for the Federal Environmental Symposium are March 11-14, 2024. This Symposium will now be a fully virtual event, so all presenters and participants can enjoy from the comforts of their own home. If you had registered for the event that was supposed to be held in October 2023, there is no need to re-register. All registration will be carried over to the new event. For everyone who didn't register for the event that was supposed to be held in October 2023, we are now re-opening registration through Feb. 26, 2024.

<https://www.fedcenter.gov/calendar/conferences/symposium2023/>

**DoD's SERDP Seeking Environmental and Research Proposals for FY25:** The Department of Defense's Strategic Environmental Research and Development Program (SERDP) is seeking environmental research and development proposals for funding beginning in Fiscal Year (FY) 2025. Projects will be selected through a competitive process. The Core Solicitation provides funding opportunities for basic and applied research and advanced technology development. All Core pre-proposals are due 9 January 2024. The SERDP Exploratory Development (SEED) Solicitation provides funding opportunities for work that will investigate innovative environmental approaches that entail high technical risk or require supporting data to provide proof of concept. Funding is limited to not more than \$250,000 and projects are approximately one year in duration. SERDP is requesting SEED proposals for the Weapons Systems and Platforms program area. SEED proposals are due March 14, 2024.

[https://www.fedcenter.gov/Announcements/index.cfm?id=41534&pge\\_id=1854](https://www.fedcenter.gov/Announcements/index.cfm?id=41534&pge_id=1854)

**2023 National Coastal Resilience Fund (NCRF):** The Readiness and Environmental Protection Integration (REPI) Program is contributing \$15 million in REPI Challenge funding to 11 NCRF projects that use nature-based solutions to protect key coastal installations. The 11 projects neighboring DoD installations received over \$5.5 million in matching funds from non-federal partners and \$336K from the National Oceanic and Atmospheric Administration (NOAA).

2023 National Coastal Resilience Fund Project Locations include:

1. Portsmouth Naval Shipyard (Maine) | REPI Funds: \$520K
2. Naval Air Station Patuxent River (Maryland) | REPI Funds: \$2.4M
3. U.S. Naval Academy and Naval Support Activity Annapolis (Maryland) REPI Funds: \$843K
4. Blossom Point Research Facility (Maryland) | REPI Funds: \$1.5M
5. Marine Corps Auxiliary Landing Field Bogue (North Carolina) REPI Funds: \$297K
6. Eastern North Carolina Sentinel Landscape | REPI Funds: \$1.5M
7. South Atlantic Salt Marsh Initiative (Florida, Georgia, South Carolina, and North Carolina) | REPI Funds: \$1.4M
8. Naval Submarine Base Kings Bay (Georgia) | REPI Funds: \$378K
9. Naval Base Mayport (Florida) | REPI Funds: \$539K
10. Pōhakuoloa Training Area (Hawai'i) | REPI Funds: \$2M
11. Marine Corps Base Hawai'i (Hawai'i) | REPI Funds: \$3.6M

[https://www.repi.mil/Portals/44/Documents/Resilience/Complementary%20Programs/2023%20NCRF/REPI\\_NCRF\\_Fact\\_Sheet\\_112823\\_v2.pdf](https://www.repi.mil/Portals/44/Documents/Resilience/Complementary%20Programs/2023%20NCRF/REPI_NCRF_Fact_Sheet_112823_v2.pdf)

## NEPA

**National Environmental Policy Act Implementing Procedures (Draft):** The U.S. Department of Energy (DOE or the Department) proposes to amend its implementing procedures (regulations) governing compliance with the National Environmental Policy Act (NEPA). The proposed changes would add a categorical exclusion for certain energy storage systems and revise categorical exclusions for upgrading and rebuilding transmission lines and for solar photovoltaic systems, as well as make conforming changes to related sections of DOE's NEPA regulations. The proposed changes are based on the experience of DOE and other Federal agencies, current technologies, regulatory requirements, and accepted industry practice.

<https://www.federalregister.gov/documents/2023/11/16/2023-25174/national-environmental-policy-act-implementing-procedures>

## TOXICS

**DoD's Report on Critical Per- and Polyfluoroalkyl Substance (PFAS) Uses:** This DoD report provides details on what is currently known about direct and indirect mission critical PFAS uses that could impact mission readiness if the substances are no longer available. It also highlights the challenges and costs related to finding and qualifying equal or improved performing alternatives to existing PFAS materials in sectors of strategic importance to DoD.

<https://www.acq.osd.mil/eie/eer/ecc/pfas/docs/reports/Report-on-Critical-PFAS-Substance-Uses.pdf>

## WASTE

**EPA Announced Plans to Propose New Universal Waste Regulations:** On Oct. 23, 2023, EPA announced a new rulemaking effort to improve the recycling and management of end-of-life solar panels and lithium batteries. EPA is developing a proposed rule to add solar panels to the universal waste regulations and to add tailored universal waste standards for lithium batteries. EPA is working on this rulemaking in part in response to a petition submitted by a broad coalition of industry associations to regulate solar panels as universal waste. EPA is also working on adjustments within the universal waste regulations to improve safety standards and reduce fires from mismanaged end-of-life lithium batteries. Read about this effort on our website.

<https://www.epa.gov/hw/improving-recycling-and-management-renewable-energy-wastes-universal-waste-regulations-solar>

# 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 adjourned on June 7, 2023.

## **FINAL REGULATION**

**Connecticut Revise the State Implementation Plan** The Department of Energy and Environmental Protection has adopted amendments that revise the definition of “severe non-attainment area for ozone” in RCSA section 22a-174-1. Effective Nov. 13, 2023.

<https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={10E8C98B-0000-C513-A769-F54B9986438D}>



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

## **FINAL REGULATION**

**Maine Visible Emissions Regulation** The Department of Environmental Protection has adopted rulemaking regarding visible emission standards, also known as opacity limits, for facilities, both licensed and unlicensed, and is a part of the State Implementation Plan (SIP) to fulfill requirements of the Clean Air Act. Effective Jan. 1, 2024.

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

## **PROPOSED REGULATION**

**Maine Cooling Water Intake Structures** The Department of Environmental Protection has proposed rulemaking to establish requirements that apply to cooling water intake structures at new and existing facilities that are subject to section 316(b) of the Clean Water Act (CWA), 33 U.S.C. § 1326(b).

<https://www.maine.gov/dep/rules/index.html#11458246>



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

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 Jan. 4, 2023 and adjourned on Sep. 30, 2023.

### **FINAL REGULATION**

**New Hampshire Fines Relating to Hazardous Waste Management** The Department of Environmental Services has adopted rulemaking to set forth a schedule of fines for violations of administrative rules and statutory requirements related to hazardous waste management. Effective Oct. 21, 2023.

<https://www.gencourt.state.nh.us/rules/register/viewer.aspx?fileName=F:\Websites\GCNHWeb\Rules\register\2023\No%2045%20November%209%202023.PDF>

**New Hampshire Wetlands Permits and Other Authorizations; Conditions Applicable to All Work in Wetlands Jurisdictional Areas** The Department of Environmental Services has adopted rulemaking to change the hierarchy for compensatory mitigation, in addition to other changes. Effective Oct. 13, 2023.

<https://www.gencourt.state.nh.us/rules/register/viewer.aspx?fileName=F:\Websites\GCNHWeb\Rules\register\2023\No%2045%20November%209%202023.PDF>



## RHODE ISLAND

Note: The Rhode Island Legislature convened on Jan. 3, 2023 and adjourned on June 16, 2023.

### **FINAL REGULATION**

**Rhode Island Rules and Regulations for the Plastic Waste Reduction Act** The Department of Environmental Management has adopted rulemaking regarding requirements for the Plastic Waste Reduction Act. Effective Oct. 30, 2023. <https://rules.sos.ri.gov/Regulations/part/250-140-20-5>

### **PROPOSED REGULATION**

**Rhode Island Management Procedures** The Coastal Resources Management Council has proposed rulemaking to amend its Management Procedures at § 1.1.4.15 to reference the administrative penalty matrix guidance for violations of the Rhode Island Coastal Resources Management Program within the state of the Rhode Island.

[http://www.crmc.ri.gov/news/pdf/2023\\_1026\\_Notice\\_AdminPenaltyMatrix\\_RedBook.pdf](http://www.crmc.ri.gov/news/pdf/2023_1026_Notice_AdminPenaltyMatrix_RedBook.pdf)

**Rhode Island Operation of Air Pollution Control Systems** The Rhode Island Department of Environmental Management Office of Air Resources (RIDEMOAR) has proposed rulemaking to remove language allowing variances for excess emissions during malfunctions. Specifically RIDEMOAR is proposing to remove § 16.3 which currently allows sources to petition for a variance from air pollution control requirements in the event of a malfunction of its air pollution control that is expected to last more than 24 hours.

<https://rules.sos.ri.gov/Promulgations/Part/250-120-05-16>



## VERMONT

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

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

## 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.

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



## NEW YORK

**Note:** The New York State Legislature convened on Jan. 4, 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.

## 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.

### **PROPOSED LEGISLATION**

**District of Columbia B 564** This act applies to the Environmental Justice Amendment Act of 2023.

<https://lms.dccouncil.gov/downloads/LIMS/54228/Introduction/B25-0564-Introduction.pdf?Id=179703>

**District of Columbia B 576** This act applies to the Protecting Historic Homes Amendment Act of 2023.

<https://lms.dccouncil.gov/downloads/LIMS/54297/Introduction/B25-0576-Introduction.pdf?Id=180411>



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

### **PROPOSED REGULATION**

**Delaware Title V State Operating Permit Program** The Department of Natural Resources and Environmental Control has initiated rulemaking regarding the Title V State Operating Permit Program.

<https://documents.dnrec.delaware.gov/Admin/Regulations/Approved-SAN-2023-09.pdf>



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

### **PROPOSED REGULATION**

**Maryland Water Quality** The Department of the Environment has proposed rulemaking to replace three reference tables and a single equation with the correct versions as provided in EPA's Aquatic Life Ambient Water Quality Criteria for Ammonia — Freshwater 2013.

[https://2019-dsd.maryland.gov/MDRIssues/5023/Assembled.aspx#\\_Toc150859545](https://2019-dsd.maryland.gov/MDRIssues/5023/Assembled.aspx#_Toc150859545)



## PENNSYLVANIA

**Note: The Pennsylvania General Assembly Special Session 1 convened on Jan. 9, 2023 and adjourned on April 30, 2023.**

### ***PROPOSED REGULATION***

**Pennsylvania Draft 2024 Integrated Water Quality Monitoring and Assessment Report** The Department of Environmental Protection has issued a draft 2024 Integrated Water Quality Monitoring and Assessment Report (Integrated Report). The Integrated Report includes both a narrative description of the Commonwealth's water quality status and management programs (formerly the Federal Clean Water Act section 305(b) Report) and waterbody-specific lists depicting the status of Commonwealth surface waters as required by section 303(d) of the Federal Clean Water Act.

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol53/53-43/1476.html>

**Pennsylvania Wildlife Classification; Birds** The Game Commission has proposed rulemaking to add the Black Rail (*Laterallus jamaicensis*) to the Commonwealth's list of threatened birds due to its Federally protected status and small, sporadic population in the Commonwealth.

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol53/53-44/1510.html>



## VIRGINIA

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

### ***FINAL REGULATION***

**Virginia Certification of Nonpoint Source Nutrient Credits** The Department of Environmental Quality has adopted amendments to accelerate the release of nutrient credits generated by a stream restoration project based on (i) a determination that the level of risk for restoration failure is low; (ii) the provision of additional financial assurance in an amount adequate to cover the cost of project repair or replacement in the event of failure; and (iii) the experience of the applicant who will implement the stream restoration project. Effective Dec. 6, 2023.

<https://register.dls.virginia.gov/details.aspx?id=10869>

**Virginia Solid Waste Management Regulations** The Department of Environmental Quality has adopted rulemaking regarding amendments (i) add a definition of Planning District 8 and (ii) require new coal combustion residuals (CCR) landfills within Planning District 8 provide a map identifying existing residential area and properties located within one mile of the facility boundary that are not served by municipal water supply. The amendments also update a citation to Regulated Medical Waste Management Regulations (9VAC20-121) and make technical amendments. Effective Nov. 8, 2023. <https://register.dls.virginia.gov/details.aspx?id=10820>



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

**Governor's Environmental Excellence Awards** The Governor's Environmental Excellence Awards recognize successful and innovative efforts that improve Virginia's environment. The awards program is run annually by the Virginia Department of Environmental Quality in partnership with the Department of Conservation and Recreation. There are five broad categories of awards: Environmental & Sustainability Program, Environmental & Sustainability Project, Land Conservation, Commonwealth Greening of Government, and implementation of the Virginia Outdoors Plan. Please note that each category has its own application. Applications for the 2024 awards are now available and must be submitted by 5:00pm on Dec. 7, 2023.

<https://www.deq.virginia.gov/our-programs/pollution-prevention/governor-s-environmental-excellence-awards#:~:text=There%20are%20five%20broad%20categories,category%20has%20its%20own%20application.>



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

## ***FINAL REGULATION***

**West Virginia Public Water Systems Operators** The Department of Health has adopted emergency rulemaking concerning certification and examination of operators of public water systems. Effective Nov. 6, 2023.

<https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=56930&Format=PDF>

**West Virginia Wastewater Systems and Operators** The Department of Health has adopted emergency rulemaking concerning certification and examination of operators of wastewater systems. Effective Nov. 6, 2023.

<https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=56931&Format=PDF>

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

**West Virginia 2022 Hazardous Waste Emergency Response Fee Assessment** The Department of Environmental Protection has issued a notice related to annual fees assessed on waste generators.

<https://apps.sos.wv.gov/adlaw/registers/readpdf.aspx?did=40097>

## 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.



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

### **FINAL REGULATION**

**North Carolina Reclassification of Surface Waters** The Department of Environmental Quality has adopted an amendment to reclassify various surface waters throughout the state. Effective Nov. 1, 2023.

[https://files.nc.gov/oah/documents/2023-10/Volume-38-Issue-07-October-2-2023.pdf?VersionId=vBo8iK1kqp\\_NSyD.UVivWQhdnI6TrkEi](https://files.nc.gov/oah/documents/2023-10/Volume-38-Issue-07-October-2-2023.pdf?VersionId=vBo8iK1kqp_NSyD.UVivWQhdnI6TrkEi)



**Note:** The Kentucky Legislature convened on Jan. 3, 2023 and adjourned on March 30, 2023.

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

## 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 4197** This act amends the Environmental Protection Act. It requires 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/103/HB/10300HB4197lv.htm>

## **FINAL REGULATION**

**Illinois Primary Drinking Water Standards** The Pollution Control Board has adopted amendments to regulations that are “identical in substance” (IIS) to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA) in the second half of 2020 and first half of 2021. Effective Nov. 2, 2023.

[https://www.ilsos.gov/departments/index/register/volume47/register\\_volume47\\_46.pdf](https://www.ilsos.gov/departments/index/register/volume47/register_volume47_46.pdf)



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

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



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

## **FINAL LEGISLATION**

**Michigan HB 5007** This act pertains to general amendments to fees in the Natural Resources and Environmental Protection Act. Effective Sep . 28, 2023.

<https://www.legislature.mi.gov/documents/2023-2024/publicact/htm/2023-PA-0140.htm>

## **PROPOSED LEGISLATION**

**Michigan HB 5242** This act would require cleanup to residential and safe drinking water standard unless technically infeasible. <https://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/htm/2023-HIB-5242.htm>

**Michigan HB 5243 (SB 609), HB 5244 (SB 611)** This act would revise the period for filing actions relating to groundwater contamination.

<https://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/htm/2023-HIB-5243.htm>

**Michigan HB 5332** This act would increase hazardous waste disposal fees and require a percentage to be distributed to host community.

<https://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/htm/2023-HIB-5332.htm>

**Michigan HB 5333** This act would increase solid waste disposal fees and distribute a percentage to host communities.

<https://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/htm/2023-HIB-5333.htm>

**Michigan SB 660** This act pertains to municipal storm water utilities and their fees.

<https://www.legislature.mi.gov/documents/2023-2024/billintroduced/Senate/htm/2023-SIB-0660.htm>



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

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



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

### ***PROPOSED LEGISLATION***

**Wisconsin SB 651 (AB 682)** This act is related to use of environmental trust bonds to finance the costs of retiring electric generating facilities; integrated resource and reliability planning by electric utilities and cooperatives; closure of large electric generating facilities; and granting rule-making authority.

<https://docs.legis.wisconsin.gov/2023/related/proposals/sb651.pdf>

### ***FINAL REGULATION***

**Wisconsin New Cement Formulations for the Construction of Water Wells** The Department of Natural Resources has adopted rulemaking to update the material requirements found in ch. NR 812, Wis. Adm. Code, to allow the use of Type IL Portland cement in the grouting and sealing of water wells and drillholes. This change will allow well drillers and pump installers to use the only readily available type of Portland cement when required by other portions of ch. NR 812. Effective Nov. 1, 2023.

[https://docs.legis.wisconsin.gov/code/register/2023/814b/register/final/cr\\_23\\_004\\_rule\\_text/cr\\_23\\_004\\_rule\\_text](https://docs.legis.wisconsin.gov/code/register/2023/814b/register/final/cr_23_004_rule_text/cr_23_004_rule_text)

### ***PROPOSED REGULATION***

**Wisconsin Definitions, Notifications, Fees, Agreements, Reports, and Procedures for Interim Action and Remedial Action Continuing Obligations for Environmental Contamination** The Department of Natural Resources has proposed rulemaking to clarify continuing obligation requirements during interim action and remedial action approvals, including clarification of procedures, timelines, required reports, department report review and response, database entry, fees, and continuing obligation compliance and modifications. The rule would also clarify requirements for notifying affected parties of continuing obligations imposed prior to closure.

[https://docs.legis.wisconsin.gov/code/scope\\_statements/all/075\\_23](https://docs.legis.wisconsin.gov/code/scope_statements/all/075_23)

**Wisconsin Lead and Copper in the Water Supply** The Department of Natural Resources has proposed amendments to update subch. II of ch. NR 809, Wis. Adm. Code, related to control of lead and copper in public drinking water, to be consistent with 2021 revisions to the Federal Lead and Copper Rule, 40 CFR 141.80 to 141.93, and with the anticipated 2024 federal rule revision – Lead and Copper Rule Improvements.

[https://docs.legis.wisconsin.gov/code/register/2023/814b/register/ss/ss\\_088\\_23/ss\\_088\\_23](https://docs.legis.wisconsin.gov/code/register/2023/814b/register/ss/ss_088_23/ss_088_23)

# MEET THE REC STAFF

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