



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

October 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.

SPOTLIGHT STORY

NAVFAC MIDLANT Environmental, DoD Chesapeake Bay Program Participate in NAS Oceana Air Show S.T.E.M. Event

The Department of Defense (DoD) Chesapeake Bay Program (CBP) and the Naval Air Station (NAS) Oceana, Virginia, Environmental (EV) staff within the Naval Facilities Engineering Systems Command Mid-Atlantic (NAVFAC MIDLANT) Public Works Department (PWD) teamed up to provide static environmental literature and exhibits during the interactive Science, Technology, Engineering, and Mathematics (S.T.E.M.) event at the NAS Oceana Air Show, Sept. 15. More than 6,000 5th-grade students from the cities of Chesapeake and Virginia Beach, Virginia, were in attendance.

“It is always so inspiring to see these kids become engaged in learning about stormwater pollution prevention and what we can do to keep our waterways clean,” said PWD Oceana EV Division Water Program Manager Tara Fisher. “Many times, the students were eager to tell us what they do (or don’t do) at home in preventing pollutants from making their way downstream.”

With this marking the second year back since the COVID-19 pandemic, the NAS Oceana Air Show S.T.E.M. event was again a highlight for the students in attendance. These activities help fulfill stewardship and literacy goals embodied in the EPA Executive Order 13508 for Chesapeake Bay Protection and Restoration outreach commitments.

For more information:

<https://www.dvidshub.net/news/454907/navfac-midlant-environmental-dod-chesapeake-bay-program-participate-nas-oceana-air-show-stem-event>



NAVFAC MIDLANT DoD REC Map

Table of Contents

SPOTLIGHT	1
GENERAL INTEREST/FEDERAL NEWS	2
REGION 1	4
REGION 2	6
REGION 3	7
REGION 4	10
REGION 5	10
MEET THE REC STAFF.....	13

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 2023 Federal Environmental Symposium –POSTPONED: The 2023 Federal Environmental Symposium has been postponed until early spring 2024, at which time the call for abstracts will be re-opened and the event will be held virtual-only. All current registrations will be honored for the next scheduled event.

<https://www.fedcenter.gov/fes2023>

Department of Defense's (DoD) Energy and Environment Innovation Symposium: The DoD Energy and Environment Innovation Symposium is the nation's largest conference focusing on the DoD's priority environmental and energy issues. The Symposium will offer a variety of technical sessions and short courses, over 500 technical poster presentations, and networking opportunities. The Symposium will be held Nov. 28, 2023 through Dec. 1, 2023.

https://www.fedcenter.gov/Events/index.cfm?id=41480&pge_id=1854

AIR

New Source Performance Standards (NSPS) Review for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels): United States Environmental Protection Agency (EPA) is proposing amendments to the NSPS of Volatile Organic Liquid Storage Vessels such as reducing vapor pressure applicability thresholds, revising volatile organic compound (VOC) standards, adding monitoring and operating requirements, and degassing emission controls. The updated standards are estimated to reduce VOC emissions by 1,085 tons annually, some of which may be hazardous air pollutants (HAPs). The standards should reduce atmospheric ozone concentrations and its associated effects. The proposed requirements also will potentially improve monitoring, compliance and implementation. Engagement on behalf of DoD would be managed through the Office of Secretary of Defense.

<https://www.federalregister.gov/documents/2023/10/04/2023-21976/new-source-performance-standards-review-for-volatile-organic-liquid-storage-vessels-including>

CULTURAL RESOURCES

Evaluating Substitute Materials in Historic Buildings: A guidance document on the use of substitute materials for historic buildings. The new guidance provides additional direction as well as technical preservation information on when a different material than the historic one may be appropriately used to replace a deteriorated or missing historic feature, consistent with the Secretary of the Interior's Standards for Rehabilitation.

https://www.nps.gov/subjects/taxincentives/evaluating-substitute-materials.htm?utm_medium=email&utm_source=govdelivery

TOXICS

Toxic Substances Control Act Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances (Final): The EPA is finalizing reporting and recordkeeping requirements for per- and polyfluoroalkyl substances (PFAS) under the Toxic Substances Control Act (TSCA). In accordance with obligations under TSCA, as amended by the National Defense Authorization Act for Fiscal Year 2020, EPA is requiring persons that manufacture (including import) or have manufactured these chemical substances in any year since Jan. 1, 2011, to submit information to EPA regarding PFAS uses, production volumes, byproducts, disposal, exposures, and existing information on environmental or health effects. In addition to fulfilling statutory obligations under TSCA, this rule will enable EPA to better characterize the sources and quantities of manufactured PFAS in the United States. This final rule is effective on Nov. 13, 2023.

<https://www.federalregister.gov/documents/2023/10/11/2023-22094/toxic-substances-control-act-reporting-and-recordkeeping-requirements-for-perfluoroalkyl-and>

EPA Finalizes Rule to Require Reporting of PFAS Data to Better Protect Communities from Forever Chemicals

EPA finalized a rule that will provide EPA, its partners, and the public with the largest-ever dataset of PFAS manufactured and used in the United States. PFAS are a category of manufactured chemicals that have been used in industry and consumer products since the 1940s. PFAS have characteristics that make them useful in a variety of products, including nonstick cookware, waterproof clothing, and firefighting foam, as well as in certain manufacturing processes. The reporting rule under the Toxic Substances Control Act (TSCA) is a statutory requirement under the FY2020 National Defense Authorization Act (NDAA) that requires all manufacturers (including importers) of PFAS and PFAS-containing articles in any year since 2011 to report information related to chemical identity, uses, volumes made and processed, byproducts, environmental and health effects, worker exposure, and disposal to EPA.

<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-section-8a7-reporting-and-recordkeeping>

WATER

Draft Guidance and Proposed Method for Antimicrobial Product Efficacy Claims against Planktonic Legionella

Pneumophila in Cooling Tower Water: EPA has drafted a guidance document and proposed a method for adding efficacy claims to antimicrobial products for use in cooling tower water to reduce the level of planktonic L. pneumophila. Legionella pneumophila is a bacterium that causes Legionnaires' disease when inhaled. EPA has identified human-made building water systems like cooling towers are a potential breeding ground for L. pneumophila if not properly disinfected and maintained. Engagement on behalf of DoD would be managed through the Office of Secretary of Defense.

<https://www.federalregister.gov/documents/2023/10/02/2023-21643/pesticides-draft-guidance-and-proposed-method-for-antimicrobial-product-efficacy-claims-against>

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.

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 REGULATION

Maine Rules for Establishing Fees for Reporting Under the Superfund Amendments and Reauthorization Act of 1986 and Title 37-B Sec. 801, M.R.S. Chapter 13 The Emergency Management Agency has proposed rulemaking to increase the registration fee paid by facility owners and operators of hazardous materials in the State of Maine as reported to the State Emergency Response Commission (SERC) pursuant to the Superfund Amendments and Reauthorization Act of 1986 and 37-B Sec. 801 M.R.S., Chapter 13. This rule would authorize the Director of Maine Emergency Management Agency, with the advice of the State Emergency Response Commission, to change the current fee amount and fee schedule.

https://www.maine.gov/mema/sites/maine.gov/mema/files/inline-files/Current%20Version%20of%20Rule_LD%2095%20%28002%29.pdf

Maine Tracking and Reporting Gross and Net Annual Greenhouse Gas Emissions The Department of Environmental Protection has proposed rulemaking to revise the methods for the calculation of gross and net annual greenhouse gas emissions in the State for the purpose of assessing attainment of the reduction requirements set out at 38 MRS §§576-A(1), (2) and (3). <https://www.maine.gov/dep/rules/index.html>



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

PROPOSED LEGISLATION

Massachusetts HD 3308 (HB 3580) This act is relative to certain manufactured chemicals known as PFAS.

<https://malegislature.gov/Bills/193/H3580/House/Bill/Text>



NEW HAMPSHIRE

Note: The New Hampshire Legislature convened on Jan. 4, 2023 and adjourned on Sep. 30, 2023.

FINAL REGULATION

New Hampshire Alteration of Terrain The Department of Environmental Services has adopted rulemaking regarding the Terrain Alteration sections of the Water Pollution and Waste Disposal Act, and requirements for obtaining an Alteration of Terrain (AOT) permit. The Department is also proposing to readopt with amendment and repeal other various rules regarding terrain alterations and permitting. Effective Sep. 28, 2023.

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/env-wq-1500.pdf>



RHODE ISLAND

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

FINAL REGULATION

Rhode Island Administration and Enforcement of the Fresh Water Wetlands Act The Department of Environmental Management has adopted rulemaking for the repeal of the outdated regulation. This regulation has been replaced with Wetlands Regulation 3, which has been effective since July of 2022. Effective Aug. 9, 2023.

<https://rules.sos.ri.gov/regulations/part/250-150-15-3>

PROPOSED REGULATION

Rhode Island Groundwater Quality Rules The Department of Environmental Management has initiated rulemaking to protect and restore the quality of the state's groundwater resources for use as drinking water and other beneficial uses, and to assure protection of the public health and welfare and the environment.

<https://rules.sos.ri.gov/Promulgations/Part/250-150-05-3>

Rhode Island Water Quality Regulations The Department of Environmental Management has initiated rulemaking to establish water quality standards for the State's surface waters.

<https://rules.sos.ri.gov/Promulgations/Part/250-150-05-1>



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.

FINAL REGULATION

New Jersey Administrative Change and Announcement of Availability of a New General Permit (GP-020A) for Research and Development Operations The Department of Environmental Protection has adopted rulemaking regarding an administrative change and the availability of a new General Permit (GP) GP-020A for Research and Development Operations at minor air facilities. This GP is replacing the discontinued general permit GP-020, Research and Development (R&D). This general permit was available beginning on Oct. 16, 2023, and is being included in the list of sources at N.J.A.C. 7:27-8.8(c) for which general permits are available. Effective Sep. 18, 2023.

<https://dep.nj.gov/wp-content/uploads/rules/adminchg/adminchg-20231016a.pdf>

OTHER ACTIONS AND OPPORTUNITIES

New Jersey Air Contaminant Emission Fees and Fiscal Year 2024 Threshold Dollar Amount for Reconstruction The Department of Environmental Protection has issued a notice regarding the annual percentage increase in the Consumer Price Index (CPI) relative to the 1989 CPI and the resultant per-ton emission fee for fiscal year (FY) 2024. In addition, pursuant to N.J.A.C. 7:27-8.23(a)2, the Department is publishing notice of the threshold dollar amount for FY 2024 for reconstruction of a significant source operation relative to the 1995 CPI.

<https://dep.nj.gov/boss/archived-email-notifications/10-16-23-major-facility-annual-emission-fees-and-reconstruction-threshold-amount-for-fy-2024/>

New Jersey Petition for the Department to Adopt Rules Requiring the Disclosure, Monitoring, Treatment, and Fee Schedule to Fully Fund Controls on Currently Unregulated Drinking Water Contaminants The Department of Environmental Protection has issued a notice to share that it received a petition for rulemaking requesting that it promulgate rules that require disclosure, monitoring, and treatment for currently unregulated drinking water contaminants, and the establishment of a fee schedule to fund such controls.

<https://dep.nj.gov/wp-content/uploads/rules/petition/pet20230901nor.pdf>



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 8139 This act would expand the types of batteries included in the rechargeable battery recycling program to include certain car batteries and requires consumers to pay a five dollar incentive payment when purchasing a new rechargeable battery if the consumer does not return an old rechargeable battery for recycling.

https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=A8139

New York AB 8169 This act would establish the "Electric Vehicle Infrastructure and Liability Act" which requires additional fees to be collected from electric vehicle owners and operators for fire prevention and infrastructure. https://assembly.state.ny.us/leg/?default_fld=&Text=Y&term=2023&bn=A8169

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.



DISTRICT OF COLUMBIA

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.



DELAWARE

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

FINAL LEGISLATION

Delaware SB 51 This Act prohibits 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. These restrictions take effect on July 1, 2025. Signed Aug. 22, 2023.

<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocumentSessionLaw?sessionLawId=130016&docTypeId=13&sessionLawName=chp177>



MARYLAND

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

FINAL REGULATION

Maryland Nonattainment Provisions for Major New Sources and Major Modifications The Department of the Environment has adopted a rule to repeal Regulation .01B(14-1) and .04F from COMAR 26.11.17, Nonattainment Provisions for Major New Sources and Major Modifications. Effective Oct. 16, 2023.

<https://dsd.maryland.gov/MDRIssues/5020/Assembled.aspx>



PENNSYLVANIA

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

FINAL LEGISLATION

Pennsylvania HB 1171 This act pertains to the Combustible and Flammable Liquids Act. Effective Dec. 11, 2023. <https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/2023/0/0012..HTM?83>

PROPOSED LEGISLATION

Pennsylvania HB 1740 This act pertains to providing for transition to renewable energy; imposing duties on the Department of Environmental Protection and other Commonwealth agencies relating to energy consumption and renewable energy generation; establishing the Renewable Energy Transition Task Force, the Just Transition Community Advisory Committee, the Renewable Energy Center of Excellence, the Council for Renewable Energy Workforce Development and the Renewable Energy Workforce Development Fund; providing for interim limits on energy produced from nonrenewable sources and for wage requirement for energy producing systems. <https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody=H&billTyp=B&billNbr=1740&pn=2098>



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 State Water Control Board has adopted rulemaking regarding amendments that allow in the certification and recertification of credits that the Department of Environmental Quality may substitute a delivery factor (i.e., the estimated percentage of a total nitrogen or total phosphorus load delivered to tidal waters as determined by the specific geographic location of the nutrient source) that is deemed by the Director of the Department of Environmental Quality to be based on the best available scientific and technical information appropriate for the tributaries located outside of the Chesapeake Bay Watershed as an alternative to any delivery factor derived from the application of the Chesapeake Bay Program watershed model. Effective Nov. 8, 2023. <https://register.dls.virginia.gov/details.aspx?id=10827>

Virginia Erosion and Sediment Control Regulations (Final) The State Water Control Board has adopted rulemaking regarding Erosion and Sediment Control Regulations, Virginia Stormwater Management Program (VSMP) Regulation, and General VPDES Permit for Discharges of Stormwater from Construction Activities. Effective Nov. 8, 2023. <https://register.dls.virginia.gov/details.aspx?id=10828>

Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation The State Water Control Board has adopted rulemaking regarding amendments that (i) define PFAS and (ii) require pretreatment standards for any industrial user of a publicly owned treatment works (POTW) that receives and cleans, repairs, refurbishes, or processes any equipment, parts, or media used to treat any water or wastewater from any off-site manufacturing process that the industrial user knows or reasonably should know uses PFAS chemicals to test its waste stream for PFAS chemicals prior to and after cleaning, repairing, refurbishing, or processing such items. Effective Nov. 8, 2023. <https://register.dls.virginia.gov/details.aspx?id=10826>

Virginia Water Protection Permit Program Regulation The State Water Control Board has adopted rulemaking which expands, under certain circumstances, the location of the source of credits for tidal wetland impacts to a tidal wetland mitigation bank located in an adjacent river watershed; and Chapters 258 and 259, which provide that a permit from the Virginia Marine Resources Commission is not required for activity in nontidal waters if the person performing the activity obtains and complies with a Virginia Water Protection Permit. Effective Nov. 8, 2023. <https://register.dls.virginia.gov/details.aspx?id=10825>

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.

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.



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

FINAL REGULATION

North Carolina Air Pollution Control Requirements The Department of Environmental Quality has adopted amendments to allow electronic submittal of documents and accompanying regulatory impact analysis for the proposed amendments. Effective Sep. 1, 2023.

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 4144 This act provides that a "disruption event" includes any planned or unplanned work on or damage to a fire hydrant.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300HB4144lv&SessionID=112&GA=103&DocTypeID=HB&DocNum=4144&print=true>

Illinois SB 2591 This act pertains to the issuance of a certificate of public convenience and necessity for the construction of any new nuclear power plants, including modular nuclear power plants.

<https://www.ilga.gov/legislation/fulltext.asp?DocName=10300SB2591lv&SessionID=112&GA=103&DocTypeID=SB&DocNum=2591&print=true>

FINAL REGULATION

Illinois Air Quality Standards The Pollution Control Board has adopted rulemaking to update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the EPA adopted during the second half of 2022. Effective Oct. 5, 2023.

<https://pcb.illinois.gov/documents/dsweb/Get/Document-109097>



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

FINAL REGULATION

Indiana Emission Standards for Hazardous Air Pollutants The Department of Environmental Management has adopted amendments to 326 IAC 1-1-3 and 326 IAC 20-1-1, relating to the state's emission standards for hazardous air pollutants. Effective Oct. 20, 2023. <http://iac.iga.in.gov/iac/title326.html>

Indiana Underground Storage Tank Revisions The Department of Environmental Management has adopted amendments to rules at 329 IAC 9 concerning underground storage tanks. Effective Oct. 12, 2023.

<http://iac.iga.in.gov/iac//20231011-IR-329200025FRA.xml.html>



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

PROPOSED LEGISLATION

Michigan HB 5073 This act would prohibit the sale or transfer of agricultural assets or land to foreign entities.

<http://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/htm/2023-HIB-5073.htm>

Michigan HB 5083 This act pertains to a low-carbon fuel standard.

<http://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/pdf/2023-HIB-5083.pdf>

Michigan HB 5094 (SB 557) This act pertains to requirements for state agencies when issuing a permit.

<http://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/htm/2023-HIB-5094.htm>

Michigan SB 605 This act pertains to cleanups and cleanup standards.

<http://www.legislature.mi.gov/documents/2023-2024/billintroduced/Senate/htm/2023-SIB-0605.htm>

Michigan SB 606 This act would require cleanup to residential and safe drinking water standard unless technically infeasible. <http://www.legislature.mi.gov/documents/2023-2024/billintroduced/Senate/htm/2023-SIB-0606.htm>



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

FINAL REGULATION

Ohio Special Endangered Wild Animal Regulations The Department of Natural Resources has adopted rulemaking make the appropriate changes to the current list of endangered wild animals found in Ohio. Additions and deletions are based on the biological data for each of the species' current and projected populations. Effective Jan. 1, 2024. <https://www.registerofohio.state.oh.us/rules/search/details/335277>

Ohio Species Designated as Threatened The Department of Natural Resources has adopted rulemaking to make the appropriate changes to the current list of threatened wild animals found in Ohio. Additions and deletions are based on the biological data for each of the species' current and projected populations. Effective Jan. 1, 2024. <https://www.registerofohio.state.oh.us/rules/search/details/335278>



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

PROPOSED LEGISLATION

Wisconsin AB 455 (SB 454) This act is related to creating fuel blend requirements for new gas stations, providing grants for fuel blend compatibility improvements, and making an appropriation. <https://docs.legis.wisconsin.gov/2023/related/proposals/ab455.pdf>

MEET THE REC STAFF

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