The REC Review publishes environmental and energy related developments for DoD/Navy leaders and Installation staff. Covering 20 states in Federal Regions 1, 2, 3, 4, and 5, the *REC Review* gives early notice of legislative and regulatory activities relevant to DoD interests.

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### SPOTLIGHT STORY

Starting in 2013, DoD services; Army, Air Force and Navy, have partnered with the Illinois Department of Natural Resources in establishing a self-sustaining breeding population of ospreys in Illinois where they are listed as endangered. While this effort supports population of osprey in Illinois it also reduces potential bird air-strike collisions within our installations where osprey populations are abundant.



Early July, Naval Weapons Station Yorktown collected 12 nestlings from six different nests for transport to Illinois. For the translocation to be successful, the osprey chicks had to be between 5 and 6 weeks of age so they would not imprint on humans and were robust enough for the long-distance translocation. Once they were received in Illinois, the osprey chicks go through the hacking process.

Hacking is a method of releasing young birds into suitable but unoccupied habitat. Suitable habitat for nesting ospreys has been described as lake or river systems with adequate nest trees or artificial structures and an abundant fish population.

Osprey chicks are placed in an enclosure, called a hack box, at release sites where they become familiar with their new surroundings. The birds are kept in the hack box isolated from human contact and fed daily until they are capable of flight (52-53 days old), at which time the box is opened and



the birds are allowed to develop their flight skills and fledge naturally. Fledged birds are monitored daily and feeding continues to ensure they are successful in catching food on their own through time of migration.

Through partnerships, Navy continues to support natural resource conservation while enabling the mission and protecting our military assets.

For more information, contact NWS Yorktown Natural Resources at (757) 887-7521.

# **GENERAL INTEREST**

#### EPA RESEARCH FINDS MODERATE OR SEVERE CORROSION IN MAJORITY OF DIESEL FUEL UST SYSTEMS

EPA has released a <u>report</u> on corrosion of internal metal components in underground tanks storing diesel fuel. EPA conducted research on 42 actively operating underground tanks storing diesel fuel at facilities across the United States and found that 83 percent (or 35 USTs) exhibited moderate or severe corrosion of metal components inside the tank system.

The corrosion may cause metal components inside both steel and fiberglass UST systems to corrode. This can possibly shorten the lifespan or affect the serviceability of components, including limiting the movement of floats on automatic tank gauging systems, operability of mechanical devices designed to prevent the chance of overfilling the tank, or ability of valves to shut off flow of product in the event of a release. Corrosion may cause dispenser filters to clog and be replaced more frequently. Corrosion could potentially limit the proper functionality of sheer valves or equipment designed to test for leaks in fuel product lines. EPA recommends UST owners check for corrosion in their tank systems storing diesel fuel, and if they find corrosion, repair or replace equipment as necessary to ensure proper functionality.

### DRAFT MID-ATLANTIC REGIONAL ACTION PLAN

The agencies making up the Mid-Atlantic Regional Planning Body, including DOD, are requesting public comment on the <u>draft Mid-Atlantic Regional Ocean Action Plan</u>. Comments are due by September 6, 2016.

The draft Plan has two main goals: (1) healthy ocean ecosystems; and (2) sustainable ocean uses. The draft Plan also describes best practices for Federal inter-agency coordination, as well as coordination among Federal agencies, states, and other stakeholders. The draft Plan is a foundation, not a finished structure, and it will continue to evolve. The draft Plan does not augment or subtract from any entity's existing statutory or other authorities.

# NORTH ATLANTIC RIGHT WHALE - FIVE YEAR REVIEW

The National Marine Fisheries Service (NMFS) is initiating a 5-year review of the North Atlantic right whale and <u>requests</u> <u>submission</u> of any information on the North Atlantic right whale that has become available since the last 5-year review in 2012.

# EXTERNAL PEER REVIEW OF DRAFT GUIDELINES FOR HUMAN EXPOSURE ASSESSMENT

EPA will convene an independent panel of experts August 15-16, 2016 in Arlington, VA to review the <u>draft document</u>, Guidelines for Human Exposure Assessment. The public comment period for this document ended on March 22, 2016.

The current guidance document for human exposure assessment, Guidelines for Exposure Assessment, was published in 1992, reflecting the state-of-the-science in the 1970s and 1980s. Since its publication, the field of exposure science has undergone significant transformation in methods and approaches, which EPA has incorporated into its policies and

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practices. The 1992 guidelines are being updated to reflect the advancement in exposure science and assessment and Agency policies.

# USGS NATIONAL GEOSPATIAL PRGRAM, 3D ELEVATION PROGRAM

USGS is developing the 3D Elevation Program (3DEP) initiative to respond to needs for high-quality topographic data and for a wide range of other three-dimensional representations of the Nation's natural and constructed features. The primary goal of 3DEP is to systematically collect enhanced elevation data in the form of high- quality light detection and ranging (lidar) data

# **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.

### 2010 SULFUR DIOXIDE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD

EPA has established round 2 initial air quality designations for areas in the U.S. for the 2010 primary sulfur dioxide (SO2) National Ambient Air Quality Standard (NAAQS). EPA is designating the areas as either nonattainment, unclassifiable/attainment, or unclassifiable, based on whether the areas do not meet the NAAQS or contribute to a nearby area that does not meet the NAAQS; meet the NAAQS; or cannot be classified on the basis of available information as meeting or not meeting the NAAQS, respectively.

#### **EPA DRAFT GUIDANCE – REGIONAL HAZE STATE IMPLEMENTATION PLANS**

EPA has posted a draft guidance document titled, "Draft Guidance on Progress Tracking Metrics, Long-Term Strategies, Reasonable Progress Goals and Other Requirements for Regional Haze State Implementation Plans for the Second Implementation Period."

The purpose of this guidance is to provide background information and guidance to states on how to develop regional haze state implementation plans (SIPs) for the second implementation period (2018-2028). These state regional haze SIPs would be due to be finalized by July 31, 2021. 40 CFR 51.308(f) addresses required SIP content, and requires these SIPs to be revised every ten years. This is a long term program, with 40 CFR 51.308(f) indicating the States are required to make reasonable progress toward attaining natural conditions by the year 2064. Comments due 22 August 2016.

# **HAZARDOUS WASTE**

# USER FEES FOR THE ELECTRONIC HAZARDOUS WASTE MANIFEST SYSTEM AND AMENDMENTS TO MANIFEST **REGULATIONS**

81 FR 49071-49110 The Environmental Protection Agency (EPA) proposes its user fee methodology applicable to electronic and paper manifests submitted to the national electronic manifest system (or e-Manifest system) that is being established by EPA under the Hazardous Waste Electronic Manifest Establishment Act. After the implementation date for the e-Manifest system, certain users of the hazardous waste manifest would be required to pay a prescribed fee for each electronic and paper manifest they use and submit to the system in order for EPA to recover its costs of developing and operating the national e-Manifest system. The final rule that EPA develops in response to public comments on this action's proposed fee methodology will include the final fee methodology. In addition, EPA will include the initial fee schedule and the implementation date for the e-Manifest system in the preamble to the final rule. Comments due 26 September 2016.

# **WATER**

### RECOMMENDED AQUATIC LIFE AMBIENT WATER QUALITY CRITERION FOR SELENIUM IN FRESHWATER

EPA released a final updated Clean Water Act recommended <u>national chronic aquatic life criterion</u> for the pollutant selenium in fresh water. The final criterion supersedes EPA's 1999 CWA section 304(a) recommended national acute and chronic aquatic life criteria for selenium. The 2016 recommended criterion reflects the latest scientific information, which indicates that selenium toxicity to aquatic life is primarily based on organisms consuming selenium-contaminated food rather than direct exposure to selenium dissolved in water.

#### DRAFT AQUATIC LIFE AMBIENT ESTUARINE/MARINE WATER QUALITY CRITERIA FOR COPPER

EPA's recommended section 304(a)(1) criteria provide technical information to states in adopting water quality standards (WQS) that ultimately provide a basis for assessing water body health and controlling discharges of pollutants. Under the CWA and its implementing regulations, states are to adopt water quality criteria to protect designated uses (e.g., public water supply, aquatic life, recreational use, or industrial use). EPA's recommended water quality criteria do not substitute for the CWA or regulations, nor are they regulations themselves. EPA's recommended criteria do not impose legally binding requirements. States and authorized tribes have the discretion to adopt, where appropriate, other scientifically defensible water quality criteria that differ from these recommendations. Comments due 27 September 2016.

### ALTERNATIVE TEST PROCEDURES FOR THE ANALYSIS OF DRINKING WATER CONTAMINANTS

EPA is approving 16 additional methods for analyzing drinking water samples. The new methods are listed along with other methods similarly approved through previous expedited actions in 40 CFR part 141, appendix A to subpart C and on EPA's drinking water methods website.

# **REGION I**



The Connecticut Legislature convened on 13 JUN 2016 and adjourned on 20 JUN 2016.

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



The Maine Legislature convened on 3 DEC 2014 and adjourned on 29 APR 2016.

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



The Massachusetts Legislature convened on 7 JAN 2015 and adjourns on 4 JAN 2017.

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



The New Hampshire Legislature convened on 16 JUN 2016 and adjourned on 16 JUN 2016.

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



The Rhode Island Legislature convened on 5 JAN 2016 and adjourned on 18 JUN 2016.

# FINAL LEGISLATION

<u>HB 7128</u> **LEAD HAZARD MITIGATION** This act expands the definition of housing presumed to be in compliance with state lead laws. It would include dwelling units constructed after 1950 on federally-owned or leased lands in the definition. Effective 2 July 2016.

<u>HB 7511</u> **UNPILOTED AERIAL VEHICLE REGULATION** This act would grant exclusive authority, subject to federal law, to the State of Rhode Island and the Rhode Island airport corporation to regulate unpiloted aerial vehicles, remotely piloted aircraft, drones, and unmanned aircraft systems. Effective 1 July 2016.

<u>HB 7651</u> **SUBDIVISION OF LAND** This act requires that wetland buffers would be included in the calculation of buildable lot areas, minimum lot sizes and in the calculation of buildable lots or units. Effective 1 January 2017.

<u>HB 8127</u> **LEAD AND COPPER DRINKING WATER PROTECTION ACT** This act directs authority to the Department of Health to use funds from federal capitalization grants to conduct baseline copper and lead testing of the water supply systems of each local government, as well as in public schools and licensed daycare facilities. Effective 12 July 2016.

**HB 8280 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT-POWERS AND DUTIES** This act requires the director of the department of environmental management the authority to terminate and revoke licenses issued by the department if conditions leading to a suspension are not corrected within two years. Sixty days notice will not be provided to the license holder. Effective 15 July 2016.

HB 8332 RHODE ISLAND RESOURCE AND RECOVERY CORPORATION This act declares that the state's policy goal with respect to solid waste is that not less than fifty percent of the solid waste generated be diverted through diversion,

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source reduction, re-use, recycling or composting by 2025. Effective 12 July 2016.

SB 2638 Same as HB 7128. Effective 2 July 2016.

SB 2914 AGRICULTURE FUNCTIONS OF DEPARTMENT OF ENVIRONMENTAL MANAGEMENT This act extends by six (6) months, the deadline for the department of environmental management and the coastal resources management council to promulgate standards for freshwater wetland buffers and setbacks into state rules and regulations. Effective 2 July 2016.

SB 3024 Same as HB 8332. Effective 12 July 2016.

**SB 3099** Same as **HB 7511**. Effective 1 July 2016.



The Vermont Legislature convened on 7 JAN 2015 and adjourned on 7 MAY 2016.

## PROPOSED RULES

VERMONT GROUNDWATER PROTECTION RULE AND STRATEGY 16P031 The proposed rule establishes a primary groundwater quality enforcement standard for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). Comments due 9 September 2016.

VERMONT HAZARDOUS WASTE MANAGEMENT RULE 16P029 The proposed rule lists Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS) as Vermont listed hazardous wastes; creates several exemptions from managing wastes containing PFOA and PFOS as hazardous waste; and restructures the process of listing Vermont specific hazardous wastes. Comments due 9 September 2016.

# **REGION II**



The New Jersey Legislature convened on 12 JAN 2016 and adjourns on 9 JAN 2018.

# FINAL LEGISLATION

AB 2949 WILDLIFE MANAGEMENT AND CONSERVATION This bill provides the protection afforded by The Endangered and Nongame Species Conservation Act to the diamondback terrapin. The bill designates the diamondback terrapin as a nongame indigenous species subject to the same laws, rules, and regulations governing other nongame indigenous reptiles in the State. Effective 15 July 2016.



The New York State Legislature convened 7 JAN 15 and adjourns 4 JAN 17.

### FINAL RULES

ABANDONED: EMERGENCY RULE 6 NYCRR PART 597 Effective 23 July 2016.

ABANDONED: EMERGENCY RULE MAKING TO IMPLEMENT ECL 17-0826-A Effective 16 June 2016

# **REGION III**



Note: The Council of the District of Columbia convened 3 JAN 15 and adjourns 31 DEC 16.

# FINAL RULES

RIGHT-OF-WAY FEE, PAYMENT-IN-LIEU OF TAXES FEE, WATER AND SANITARY SEWER SERVICE RATES, AND IMPERVIOUS SURFACE AREA CHARGE FOR FISCAL YEAR 2017 AND FISCAL YEAR 2018 RULE 21-112 The Water and Sewer Authority has adopted the amendment of Section 112 (Fees) of Chapter 1 (Water Supply), and Sections 4100 (Rates for Water Service) and 4101 (Rates for Sewer Service) of Chapter 41 (Retail Water and Sewer Rates), of Title 21 (Water and Sanitation) of the DCMR. Effective 1 October 2016.

STORMWATER FEE DISCOUNT PROGRAM RULE 21-558 The Department of Energy and Environment (DOEE) has adopted amendments to Chapter 5 (Water Quality and Pollution) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking aligns DOEE's administrative enrollment process with DC Water's existing billing practices by commencing a discount when DC Water posts it to the customer's account; provides a greater discount for green infrastructure that receives runoff from compacted cover; and allows greater flexibility in calculating discounts for rainwater harvesting practices. Effective 22 July 2016.



Note: The Delaware General Assembly convened on 13 JAN 15 and adjourned on 30 JUN 16.

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



Note: The Maryland General Assembly convened on 13 JAN 16 and adjourned on 11 APR 16.

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



Note: The Pennsylvania General Assembly convened on 6 JAN 2015 and adjourns on 30 NOV 2016.

### PROPOSED RULES

HAZARDOUS MATERIAL TRANSPORTATION 67 PA. Code Ch. 403 Proposed to remove inconsistencies which currently exist between the Commonwealth's hazardous materials regulations and the Federal program requirements in 49 CFR 350.201. Comments due 22 August 2016.



The Virginia General Assembly convened on 13 JAN 2016 and adjourned on 11 MAR 2016.

# FINAL RULES

WATER QUALITY MANAGEMENT PLANNING REGULATION 9VAC25-720 The amendments add three new TMDL waste load allocations in the Potomac-Shenandoah River Basin (9VAC25-720-50 A), add four new TMDL waste load allocations in the James River Basin (9VAC25-720-60 A), add one new TMDL waste load allocation in the Tennessee-Big Sandy River Basin (9VAC25-720-90 A), add 14 new TMDL waste load allocations in the York River Basin (9VAC25-720-120 A), add nine new TMDL waste load allocations in the New River Basin (9VAC25-720-130 A), replace two existing TMDL waste load allocations with revised values in the James River Basin (9VAC25-720-60 A), incorporate four technical corrections in the Potomac-Shenandoah River Basin (9VAC25-720-50 A), incorporate two technical corrections in the Tennessee-Big Sandy River Basin (9VAC25-720-90 A), and incorporate two technical corrections in the Chesapeake Bay-Small Coastal-Eastern Shore River Basin (9VAC25-720-110 A).

### PROPOSED RULES

VIRGINIA LIST OF ENDANGERED AND THREATENED SPECIES 4VAC15-20 The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife. Comments due 6 August 2016. Hearing date 18 August 2016.



The West Virginia Legislature convened on 16 MAY 2016 and adjourned on 14 JUN 2016.

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

# **REGION IV**



Note: The North Carolina General Assembly convened on 14 JAN 2015 and adjourned on 1 JUL 2016.

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

# **REGION V**



# **ILLINOIS**

Note: The Illinois General Assembly convened on 14 JAN 2015 and adjourned on 8 JUN 2016.

# FINAL LEGISLATION

HB 4492 NORTH SHORE SANITARY DISTRICT ACT Board may enact ordinances regarding rates or charges for the treatment and disposal of sewage and surface or ground water. Allows the board to impose civil fines, liens, and declare a nuisance regarding unlawful discharge of waste into the sewerage system or any sewer tributary. Provides authority to the sanitary district to sell, dispose of, or otherwise expend recovered resources and renewable energy resources and may construct, maintain, finance, and operate facilities necessary for this purpose. Further the sanitary district may capture recovered resources and produce renewable energy resources from materials previously discarded. Effective 29 July 2016.

<u>HB 4688</u> **Public Water Supply Regulation Act** Owners or official custodians of public water supplies shall comply with the recommendations on optimal fluoridation for community water levels as proposed and adopted by the U.S. Department of Health and Human Services. Effective 8 July 2016.

SB 2918 Illinois Pesticide Act Amends the Illinois Pesticide Act. Expands on definition of "Commercial Not for Hire

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Applicator" and removes the definition/designation of "Licensed Public Applicator" and makes conforming changes. Provides that if specified notice is submitted then an employer may request that the unused portion of a terminated licensee's pesticide applicator or operator license term be transferred to a newly certified or re-certified individual (rather than only a newly certified individual). Makes a corresponding change. Provides that the Director of Agriculture may issue the appropriate pesticide applicator or operator license (rather than a pesticide applicator license) to the newly certified or re-certified individual. Effective 1 January 2017.

# OTHER REGULATORY ACTIVITY

**VOLATILE ORGANIC COMPOUNDS NOTICE** The Illinois Environmental Protection Agency ("Agency") is developing rulemaking to adopt regulations to update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors.



Note: The Indiana General Assembly convened on 11 JAN 2016 and adjourned on 10 MAR 2016.

### PROPOSED RULES

**SHORT TERM PACKUP UNITS** Notice of comment period. The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at 326 IAC 2-1.1-3 concerning the operation of short term backup units. Comments due 19 August 2016.



Note: The Michigan Legislature convened on 14 JAN 2015 and adjourns on 31 DEC 2016.

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



Note: The Ohio General Assembly convened on 5 JAN 2015 and adjourns on 31 DEC 2016.

### FINAL LEGISLATION

HB 429 HAZARDOUS WASTE Amend sections 3734.01, 4501.01, 4503.04, 4503.21, 4503.22, 4503.535, 4503.544, 4507.03, 4511.01, and 4511.53 of the Revised Code and to amend Section 257.30 of Am. Sub. H.B. 64 of the 131st General Assembly to allow employers of automotive technicians and motor vehicle technicians to participate in the Incumbent Workforce Training Voucher Program, to revise what constitutes treatment of hazardous waste, to define and regulate autocycles for purposes of the Motor Vehicles Law, and to amend the versions of sections 4501.01, 4503.04, 4503.21, 4503.22, 4503.544, and 4511.53 of the Revised Code that are scheduled to take effect January 1, 2017. Effective 15 September 2016.

HB 512 LEAD: SUPPLIES AND PLANNING To amend sections 6109.01, 6109.10, 6109.22, 6111.036, and 6121.04, and

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to enact section 6109.121 of the Revised Code to establish requirements governing lead and copper testing for community and non-transient non-community water systems, to revise the law governing lead contamination from plumbing fixtures, and to revise the laws governing the Water Pollution Control Loan Fund, the Drinking Water Assistance Fund, and the Ohio Water Development Authority. Effective 9 September 2016.



Note: The Wisconsin Legislature convened on 5 JAN 2015 and adjourns on 4 JAN 2017.

### **FINAL RULES**

## ADOPTION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR SULFUR DIOXIDE AND NITROGEN DIOXIDE

The Wisconsin Natural Resources Board adopts an order (AM-08-11) to repeal NR 404.04 (2) (a) 1. and 2.; to renumber and amend NR 404.04 (2) (a) (intro.); to amend NR 404.04.(2) (a) (title), 404.06 (2), and 484.04; to repeal and recreate NR 404.04 (6); and to create NR 484.04 (7) and (7m); relating to adopting the National Ambient Air Quality Standards, (NAAQS) for sulfur dioxide, (SO2) and nitrogen dioxide, (NO2). Effective 1 August 2016.

# MEET THE REC STAFF

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