

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

Norfolk Naval Shipyard Employees and Volunteers Continue Clean the Bay Day Tradition

Nineteen Norfolk Naval Shipyard (NNSY) employees and volunteers removed 450 pounds of trash and debris during this year's Clean the Bay day event at St. Juliens Creek Annex on June 2, 2023.

This is the third year in a row that NNSY and Naval Facilities (NAVFAC) Public Works Department Portsmouth employees and volunteers participated in Clean the Bay Day.

"I believe this event brings NNSY environmental enthusiasts together in an incredible way," said NAVFAC Natural Resources Specialist Hayley Becker. "As a team, we have the opportunity to help protect our ecosystems and coastal waters."

Becker continued, "It's a beautiful experience to be in camaraderie with others while enjoying the outdoors and the gift of nature."

Environmental stewardship is critical to the U.S. Navy's mission. NNSY is dedicated to cleaning up the waterways in our area of responsibility (AOR) for the benefit of flora and fauna, our community, and naval forces.

According to the Chesapeake Bay Foundation website, Clean the Bay Day was established in 1989 and over 165,500 volunteers have collected 7.18 million pounds of debris from over 8,250 miles of shoreline. This local tradition brings people together from various backgrounds, such as military installations, businesses, clubs, churches, civic groups, and families. One team, one fight, working together for cleaner waterways and ecosystems for everyone to enjoy.

For more information:

https://www.dvidshub.net/news/446588/norfolk-naval-shipyard-employees-and-volunteers-continue-clean-bay-day-tradition

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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

Federal Energy and Water Management Awards Now Accepting Nominations Each year the Federal Energy Management Program (FEMP) honors federal employees who developed and implemented exemplary, cost-effective projects and programs that cut energy waste and advance America's progress toward energy independence, resilience, and security, while also advancing federal agency missions.

The Federal Energy and Water Management Awards honor outstanding achievements in:

- Energy and water efficiency and conservation
- Energy and water resilience and cybersecurity
- Distributed energy generation
- Fleet and transportation management.

Nominations must be submitted by Aug. 31, 2023.

https://www.fedcenter.gov/Announcements/index.cfm?id=41043&pge_id=1854

Register Now to Attend the 2023 Federal Environmental Symposium Registration to attend the 2023 Federal Environmental Symposium is now open! Federal employees and sponsored contractors are invited to attend the Symposium, a hybrid event to be attended Oct. 23-27, 2023 either virtually or in-person at the National Institute of Health campus in Bethesda, MD. 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 is FREE and registration will end Friday, Sept. 29, 2023, so mark your calendar and register now. For more information, please see FedCenter's Symposium website at: https://www.fedcenter.gov/fes2023

AIR

Revisions to the Air Emissions Reporting Requirements (Draft) This action proposes changes to the United States Environmental Protection Agency's (EPA's) Air Emissions Reporting Requirements (AERR). The proposed amendments may require changes to current regulations of State, local, and certain tribal air agencies; would require these agencies to report emissions data to the EPA using different approaches from current requirements; and would require owners/operators of some facilities to report additional emissions data. Engagement on behalf of DoD would be managed through the Office of Secretary of Defense.

https://www.federalregister.gov/documents/2023/08/09/2023-16158/revisions-to-the-air-emissions-reportingrequirements

NATURAL RESOURCES

General Provisions; Revised List of Migratory Birds (Final Rule) The U.S. Fish and Wildlife Service (Service), revise the List of Birds protected by the Migratory Bird Treaty Act (MBTA) by both adding and removing species and changing names to conform to accepted use by the scientific community. Reasons for the changes to the list include adding species based on new taxonomy and new evidence of natural occurrence in the United States or U.S. territories, removing species no longer known to occur within the United States or U.S. territories, and changing names to reflect currently accepted taxonomy and nomenclature. The net increase of 13 species (16 added and 3 removed) brings the total number of species protected by the MBTA to 1,106. They also revise the scientific name of a species subject to specific migratory-bird-permit regulations and revise corresponding entries for several migratory bird species that are also listed on the List of Endangered and Threatened Wildlife under the Endangered Species Act to reflect currently accepted taxonomy and nomenclature. This rule is effective Aug. 30, 2023.

https://www.federalregister.gov/documents/2020/04/16/2020-06779/general-provisions-revised-list-of-migratorybirds

NEPA

National Environmental Policy Act Implementing Regulations Revisions Phase 2 (Draft) The Council on Environmental Quality (CEQ) is proposing this "Bipartisan Permitting Reform Implementation Rule" to revise its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA), including to implement the Fiscal Responsibility Act's amendments to NEPA. CEQ proposes the revisions to provide for an effective environmental review process that promotes better decision making; ensure full and fair public involvement; provide for an efficient process and regulatory certainty; and provide for sound decision making grounded in science, including consideration of relevant environmental, climate change, and environmental justice effects. CEQ proposes these changes to better align the provisions with CEQ's extensive experience implementing NEPA; CEQ's perspective on how NEPA can best inform agency decision making; longstanding Federal agency experience and practice; NEPA's statutory text and purpose, including making decisions informed by science; and case law interpreting NEPA's requirements. Engagement on behalf of DoD would be managed through the Office of Secretary of Defense.

https://www.federalregister.gov/documents/2023/07/31/2023-15405/national-environmental-policy-actimplementing-regulations-revisions-phase-2

TOXICS

Dust-Lead Hazard Standards (DLHS)/ Dust-Lead Clearance Levels (DLCL): Rule (Web-based) Join this webinar to hear about EPA's proposal to strengthen DLHS, which identify hazardous lead in dust on floors and windowsills, and DLCL, the amount of lead that can remain in dust on floors, windowsills, and window troughs after lead removal activities. The proposal would reduce the DLHS from 10 micrograms per square foot (µg/ft2) for floors and 100 µg/ft2 for windowsills to any reportable level greater than zero in recognition of the fact that there is no level of lead in dust that has been found to be safe for children. EPA's proposal would also lower the DLCL from 10 µg/ft2 to 3 µg/ft2 for floors, from 100 μg/ft2 to 20 μg/ft2 for windowsills, and from 400 μg/ft2 to 25 μg/ft2 for window troughs, which are the lowest postabatement dust-lead levels that the Agency believes can be reliably and effectively achieved. These stronger standards for the removal of lead in pre-1978 buildings and childcare facilities will better protect children and communities from the harmful effects of lead exposure, which can cause irreversible and life-long health effects.

https://www.fedcenter.gov/Events/index.cfm?id=41235&pge_id=1854

WASTE

Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of **Solid Waste Rule; Technical Corrections (Final)** EPA is taking direct final action on a number of technical corrections that correct or clarify several parts of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. These technical corrections correct or clarify specific provisions in the existing hazardous waste regulations that were promulgated in the Hazardous Waste Generator Improvements rule, the Hazardous Waste Pharmaceuticals rule, and the Definition of Solid Waste rule. This rule also makes other minor corrections that fall within the same sections of the hazardous waste regulations but are independent of these three rules. Examples of the types of corrections being made in this rule include, but are not limited to, correcting typographical errors, correcting incorrect or outdated citations, making minor clarifications, and updating addresses. This rule is effective on Dec. 7, 2023, without further notice unless the EPA receives adverse comment by Oct. 10, 2023. Engagement on behalf of DoD would be managed through the Office of Secretary of Defense.

https://www.federalregister.gov/documents/2023/08/09/2023-14731/hazardous-waste-generator-improvements-rulethe-hazardous-waste-pharmaceuticals-rule-and-the

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 May 3, 2023.

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



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

FINAL LEGISLATION

Maine LD 1895 This act is regarding the procurement of energy from offshore wind resources. Effective Oct. 25, 2023. http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0766&item=5&snum=131

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OTHER ACTIONS AND OPPORTUNITIES

EPA Proposes to Remove Portsmouth Naval Shipyard Superfund Site in Kittery, Maine from Superfund List On Aug. 16, 2023 The U.S. Environmental Protection Agency (EPA) has proposed to remove the Portsmouth Naval Shipyard, located in Kittery, Maine, from the National Priorities List (NPL), commonly referred to as Superfund. EPA has determined that the site cleanup is complete, and no further remedial action is required. Operation, maintenance, and monitoring activities will continue at the site as needed, as well as five-year reviews to ensure the remedies continue to protect human health and the environment. The agency will accept public comments on the proposed deletion until Sept. 15, 2023. Contamination at Portsmouth Naval Shipyard resulted from shipbuilding and submarine repair work, landfill operations, spills and leaks from industrial operations and piping, storage of batteries and other materials, filling of land, and outfalls to the river. Seven areas on and around the Shipyard have been identified for investigation.

https://www.epa.gov/newsreleases/epa-proposes-remove-portsmouth-naval-shipyard-superfund-site-kittery-maine-superfund



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.



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

FINAL LEGISLATION

New Hampshire SB 123 This act is relative to the adoption of ambient groundwater quality standards by the Department of Environmental Services. Effective June 7, 2023.

http://gencourt.state.nh.us/bill status/legacy/bs2016/billText.aspx?sy=2023&id=882&txtFormat=html

New Hampshire SB 229 This act is relative to administration of certain wetlands permits by the Department of Environmental Services. Effective July 1, 2023.

gencourt.state.nh.us/bill_status/legacy/bs2016/billText.aspx?sy=2023&id=1060&txtFormat=html

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

FINAL LEGISLATION

Rhode Island SJR 671 This act pertains to a joint resolution creating a special joint legislative commission to study and provide recommendations to protect our environment and natural resources from plastic bottle waste. This act creates an 18 member special joint legislative commission whose purpose it would be to study and provide recommendations to protect our environment from plastic bottle waste/report back to the general assembly no later than June 6, 2024 and expire on June 30, 2024. Signed June 26, 2023. http://webserver.rilin.state.ri.us/BillText23/SenateText23/S0671A.htm

PROPOSED REGULATION

Rhode Island Rhode Island's Low-Emission Vehicle Program The Department of Environmental Management has initiated rulemaking to adopt or amend key regulations that reduce greenhouse gas and criteria pollutant emissions from passenger cars, light-duty trucks, and medium- and heavy-duty vehicles that are delivered for sale or placed in service in Rhode Island. https://rules.sos.ri.gov/Promulgations/part/250-120-05-37



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

FINAL LEGISLATION

Vermont SB 80 This act proposes to make multiple technical amendments to environmental conservation laws including updating environmental revolving funds and Construction General Permit for discharges of stormwater runoff related to emergency construction activities. Effective July 1, 2023. legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT079/ACT079 As Enacted.pdf

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 Stormwater Management Rules The Department of Environmental Protection has adopted amendments, repeal, and new rule to the Stormwater Management (SWM) rules at N.J.A.C. 7:8 and the Flood Hazard Area Control Act (FHACA) rules at N.J.A.C. 7:13. The proposed amendments are intended to ensure the use of current precipitation data and reliable climate science to aid New Jersey communities in better preparing themselves to confront one of the most critical threats to public safety presented by climate change-increased intensity of precipitation events and the resulting effects of additional stormwater runoff on stormwater management systems and flood elevations in fluvial areas. Effective July 17, 2023.

https://dep.nj.gov/wp-content/uploads/rules/rules/njac7 13.pdf

New Jersey Surface Water Quality Standards Change The Department of Environment Protection has adopted rulemaking regarding amendments to the Surface Water Quality Standards (SWQS). Effective Aug. 7, 2023. https://dep.nj.gov/wp-content/uploads/rules/adoptions/adopt-20230807a.pdf

New Jersey Surface Water Quality Standards; New Jersey Pollutant Discharge Elimination System The Department of Environmental Protection has adopted rulemaking to revise the bacterial quality criteria for primary contact recreation at N.J.A.C. 7:9B-1.14(d)1 and the freshwater ammonia criteria at N.J.A.C. 7:9B-1.14€ based on the recommendations of the U.S. Environmental Protection Agency (USEPA). Effective Aug. 7, 2023. https://dep.nj.gov/wp-content/uploads/rules/adoptions/adopt-20230807a.pdf

OTHER ACTIONS AND OPPORTUNITIES

New Jersey Per- and Polyfluoroalkyl substances (PFAS) in Surface Water, Sediment and Fish in the Pennsylvania Coastal Zone The Delaware River Basin Commission has issued a report regarding PFAS in Surface Water, Sediment and Fish in the Pennsylvania Coastal Zone.

https://www.nj.gov/drbc/library/documents/DRBC PFAS PACoastalZone PACZMfinal-reportJuly2023.pdf



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.

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REGION III

Notice: With regard to any regulation or legislation, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions, or comments.



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

FINAL REGULATION

District of Columbia California Vehicle Emission Standards The Department of Energy and Environment (DOEE) has adopted amendments to the California Low-Emissions Vehicle III (CA-LEV III) standards and compliance requirements for vehicles of model year (MY) 2025 and beyond that are bought, sold, and registered in the District of Columbia, pursuant to the requirements of the Clean Cars Act of 2008. Effective Aug. 4, 2023. https://dcregs.dc.gov/Common/NoticeDetail.aspx?NoticeId=N128288

District of Columbia Revisions to Air Quality Opacity Requirements DOEE has adopted amendments to Chapter 6 (Air Quality – Particulates) of Title 20 to clarify how DOEE regulates emission units measured at facilities using a continuous opacity monitoring system (COMS); specify opacity limits for startup, cleaning, adjustment of combustion controls, or regeneration of emission control equipment; remove affirmative defense provisions; clarify the requirement that visible emissions limits apply to nonroad engines, requiring maintenance of logs; and improve the clarity of the regulations. Effective Aug. 11, 2023.

https://doee.dc.gov/release/notice-final-rulemaking-%E2%80%93-amending-20-dcmr-chapter-6-revisions-air-qualityopacity



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

FINAL LEGISLATION

Delaware SB 170 This act amends Title 29 of the Delaware code relating to offshore wind energy. This Act directs the Department of Natural Resources and Environmental Control to work with PJM Interconnection, LLC to study the transmission impacts of offshore wind development, to work with neighboring states on offshore wind transmission, and to study and report back to the Governor and the General Assembly on a process for procuring offshore wind power. Effective Aug. 3, 2023.

https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocumentSessionLaw?sessionLawId=140563&docTypeId=13 &sessionLawName=chp146

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

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



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

PROPOSED LEGISLATION

Pennsylvania HB 1607 This act would amend Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for electronic waste recycling; imposing duties on the Department of Environmental Protection; establishing the Advisory Committee on Electronic Waste Recycling; and imposing penalties.

http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody= H&billTyp=B&billNbr=1607&pn=1874

Pennsylvania SB 888 This act would amend Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for issuance of permits in environmental justice areas.

http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody= S&billTyp=B&billNbr=0888&pn=1045



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

PROPOSED REGULATION

Virginia Sewage Collection and Treatment Regulations The Department of Environmental Quality has initiated rulemaking to require reporting by wastewater utilities of all septic systems (or other on-site sewage disposal systems) taken off-line and connected to sewage collection systems. The goal of this new regulatory requirement is to ensure a more accurate count of nutrient reductions resulting from septic systems connected to sewer, which will assist with tracking the Commonwealth's progress towards water quality goals, including Chesapeake Bay watershed restoration goals. https://townhall.virginia.gov/L/ViewAction.cfm?actionid=6231

OTHER ACTIONS AND OPPORTUNITIES

Virginia Forms - Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters The State Water Control Board has issued a notice to provide updated forms for the Pesticide Discharge Management Plan (PDMP), used in administering the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation. https://register.dls.virginia.gov/details.aspx?id=10684



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.

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



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.

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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.

FINAL LEGISLATION

Illinois HB 2487 This act establishes the Justice 40 Oversight Committee to make findings, conclusions, and recommendations regarding environmental justice (EJ) and uses of federal funds provided to the State for EJ. Effective July 28, 2023. https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=103-0313

Illinois HB 3508 This act pertains to PFAS and wastewater treatment plants. Effective Jan. 1, 2024. https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=103-0351

FINAL REGULATION

Illinois Alternative Control Strategies, Permits and General Provisions, and Visible and Particulate Matter Emissions The Pollution Control Board has adopted rulemaking to remove provisions allowing for advance permission to continue operating during a malfunction or to violate emission limitations during startup. Effective July 25, 2023. https://www.ilsos.gov/departments/index/register/volume47/register_volume47_32.pdf

PROPOSED REGULATION

Illinois Air Quality Standards The Pollution Control Board has proposed rulemaking to update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the USEPA adopted during the second half of 2022. https://www.ilsos.gov/departments/index/register/volume47/register_volume47_30.pdf

Illinois Primary Drinking Water Standards The Pollution Control Board has proposed rulemaking that is identical in substance to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA) in the second half of 2022. USEPA did not amend the federal National Primary Drinking Water Regulations (NPDWRs) during this period, but it granted summary approval to seven additional alternative test procedures (ATPs) for analyzing contaminants in drinking water. The Board adds these additional ATPs to the Illinois drinking water monitoring rules. https://www.ilsos.gov/departments/index/register/volume47/register_volume47 31.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.

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



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 324 (AB 339) This act is related to restrictions on use of certain refrigerants. https://docs.legis.wisconsin.gov/2023/related/proposals/sb324.pdf

FINAL REGULATION

Wisconsin Numerical Standards The Department of Natural Resources has adopted rulemaking to replace the existing total coliform bacteria standards with new state groundwater quality standards for Escherichia coli (E. coli) bacteria. The proposed rule will also transition total coliform bacteria from a public health groundwater quality standard to an indicator parameter. Effective Aug. 1, 2023.

https://docs.legis.wisconsin.gov/code/admin_code/nr/100/140

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PROPOSED REGULATION Wisconsin Fees for Reviewing Air Pollution Control Construction Permit Applications and Exemption Determination Requests The Department of Natural Resources, Air Management Program, has proposed rulemaking to increase the fees for reviewing construction permit applications and exemption determination requests. These proposed changes are necessary to ensure that the construction permit program has adequate funding to perform its duties in accordance with requirements and deadlines mandated under the federal Clean Air Act and s. 285.61, Wis. Stats. https://docs.legis.wisconsin.gov/code/register/2023/812a1/register/ss/ss_048_23/ss_048_23.pdf

MEET THE REC STAFF

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