



REC Update



ENVIRONMENTAL NEWS FOR DOD FACILITIES IN FEDERAL REGIONS 1-5

February 2016



GENERAL INTEREST 1

FEDERAL NEWS 3

REGION 1 8

REGION 2 10

REGION 3 14

REGION 4 (NORTH CAROLINA ONLY) 18

REGION 5 19

MEET THE REC STAFF 21

SUBSCRIBE! 21

GENERAL INTEREST

Nominations Open for EPA's Annual Environmental Merit Awards in New England

EPA is now accepting nominations for the 2016 Environmental Merit Awards, which will recognize environmental achievements during the past year. Award categories are available for individuals, businesses, governmental entities, and other organizations. Awards are also given under a lifetime achievement category. These regional awards have been given out annually since EPA was created in 1970. The deadline for

nominations is 12 FEB 16. Awards winners will be invited to a ceremony in May in Boston. Nominations are only accepted online. See the [website](#) for more information on Award categories, evaluation criteria and how to submit nominations.

Petroleum Vapor Intrusion: Fundamentals of Screening, Investigation, and Management –Training Event

The Interstate Technology and Regulatory Council (ITRC) Technical and Regulatory Guidance Web-Based Document, Petroleum Vapor Intrusion: Fundamentals of Screening, Investigation, and Management (PVI-1, 2014) and this associated Internet-based training provides regulators and practitioners with consensus information based on empirical data and recent research to support petroleum vapor intrusion (PVI) decision making under different regulatory frameworks. The PVI assessment strategy described in this guidance document enables confident decision making that protects human health for various types of petroleum sites and multiple PHC compounds. This guidance provides a comprehensive methodology for screening, investigating, and managing potential PVI sites and is intended to promote the efficient use of resources and increase confidence in decision making when evaluating the potential for vapor intrusion at petroleum-contaminated sites. By using the ITRC guidance document, the vapor intrusion pathway can be eliminated from further investigation at many sites where soil or groundwater is contaminated with petroleum hydrocarbons or where LNAPL is present. The training will be held 23 FEB 16. Register [here](#).

Remedy Selection for Contaminated Sediments – Training Event

Cleaning up contaminated sediments is expensive and technically-challenging. Sediment sites are unique, complex, and require a multidisciplinary approach and often project managers lack sediments experience. The Interstate Technology and Regulatory Council (ITRC) developed the technical and regulatory guidance, Remedy Selection for Contaminated Sediments (CS-2, 2014), to assist decision-makers in identifying which contaminated sediment management technology is most favorable based on an evaluation of site specific physical, sediment, contaminant, and land and waterway use characteristics. The document provides a remedial selection framework to help identify favorable technologies, and identifies additional factors (feasibility, cost, stakeholder concerns, and others) that need to be considered as part of the remedy selection process. This ITRC training course supports participants with applying the technical and regulatory guidance as a tool to overcome the remedial challenges posed by contaminated sediment sites. The training will be held 25 FEB 16. Register [here](#).

Natural Selections Newsletter – Spotlight on Climate Change

Natural Selections is a Department of Defense Natural Resources Program Newsletter. The [Fall 2015](#) edition contains articles relating to Climate Change and Sea Level Rise and the potential impacts they have on our natural resources.

DOD Efforts Regarding Net Zero Goals

GAO has released a [report](#) addressing DoD Efforts Regarding Net Zero Goals. The report summary states that DOD has not established an integrated net zero strategy or policy for achieving net zero (in contexts of net zero energy, water use, and waste generation). In addition, DOD has not fully identified the potential costs of implementing net zero initiatives. Service officials told GAO they believe that fully achieving net zero is unrealistic and ultimately cost prohibitive. However, service officials also stated that net zero can help generate interest in conservation and sustainability, and successful sustainability and conservation projects help support net zero goals. House Report 114-102 accompanying a bill for the National Defense Authorization Act for Fiscal Year 2016 included a provision for GAO to review DoD's progress and savings from net zero installation initiatives. GAO is not making any recommendations.

2014 Toxics Release Inventory (TRI) National Analysis Report Published

This report is EPA's summary and interpretation of the most recent data on toxic chemical releases and pollution prevention activities at more than 20,000 U.S. industrial facilities. In the National Analysis, you'll find local-level and national-level data on toxic chemical releases to air, water and land, and information about what companies are doing to prevent these releases. With the report's integrated mapping features, you can take a closer look at this information for specific geographic locations. For the first time, the TRI National Analysis is available through its own dedicated website, allowing you will to more easily identify and navigate to information of 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.

AIR

Ambient Air Monitoring Reference and Equivalent Methods: Designation of a New Equivalent Method – Final Rule

In accordance with 40 CFR 53, EPA has designated one [new reference method](#) for measuring concentrations of PM10 in the ambient air. The new equivalent method for PM10 is an automated monitoring method utilizing a measurement principle based on sample collection by filtration and analysis by beta-ray attenuation.

Greenhouse Gas Reporting Rule – Draft Rule

EPA is proposing to [amend specific provisions](#) in the Greenhouse Gas Reporting Rule to streamline and improve implementation of the rule, to improve the quality and consistency of the data collected under the rule, and to clarify or provide minor updates to certain provisions that have been the subject of questions from reporting entities. This action also proposes confidentiality determinations for the reporting of certain data elements to the program. This action also proposes action in response to a petition to reconsider specific aspects of the Greenhouse Gas Reporting Rule. Comments must be received on or before 29 FEB 16.

2015 Revisions and Confidentiality Determinations for Data Elements under the Greenhouse Gas Reporting Rule – Draft Rule

EPA is proposing to amend specific [provisions in the Greenhouse Gas Reporting Rule](#) to streamline and improve implementation of the rule, to improve the quality and consistency of the data collected under the rule, and to clarify or provide minor updates to certain provisions that have been the subject of questions from reporting entities. This action also proposes confidentiality determinations for the reporting of certain data elements to the program. This action also proposes action in response to a petition to reconsider specific aspects of the Greenhouse Gas Reporting Rule. Comments are due 29 FEB 16.

WASTE

Consent-Based Siting Process for Nuclear Waste Storage and Disposal Facilities – Notice and Request for Comments

DOE plans to implement a consent-based siting process to establish an integrated waste management system to transport, store, and dispose of commercial spent nuclear fuel and high level defense radioactive waste. DOE will work with communities, tribal governments and states across the country that express interest in hosting any of the facilities identified as part of an integrated waste management system. DOE is [requesting comments](#) on how to design a consent-based siting process. Comments are due by 15 JUN 16.

No Limit on Aggregate Emissions of Carbon Dioxide – Proposed Rule

[H.R. 4259](#) is a bill to prohibit the Administrator of the Environmental Protection Agency from establishing, implementing, or enforcing any limit on the aggregate emissions of carbon dioxide from a State or any category or subcategory of sources within a State. It was introduced to the House on 15 DEC 15 and referred to the Committee on Energy and Commerce.

Clean Air Implementation Act of 2015 – Proposed Rule

[H.R. 4265](#) is a bill to amend the Clean Air Act with respect to national ambient air quality standards, including the 2015 ozone standards, and for other purposes. It was introduced in the House on 16 DEC 15 and referred to the Committee on Energy and Commerce.

Improving Coal Combustion Residuals Regulation Act of 2016 – Draft Rule

[S. 2446](#) is a bill to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment. It was introduced to the Senate on 19 JAN 16 and referred to the Committee on Environment and Public Works.

WATER

Final Regulatory Determinations for Contaminants on the Third Drinking Water Contaminant Candidate List – Final Rule

EPA is announcing [final regulatory determinations](#) not to issue national primary drinking water regulations for four of the 116 contaminants listed on the Third Contaminant Candidate List. After careful review and consideration of the public comments, the agency is making a final determination not to regulate dimethoate, 1,3-dinitrobenzene, terbufos and terbufos sulfone. The agency, however, is delaying the final regulatory determination on strontium in order to consider additional data and decide whether there is a meaningful opportunity for health risk reduction by regulating strontium in drinking water. In accordance with 40 CFR 23.7 for purposes of judicial review, the regulatory determinations in this document are issued as of 4 JAN 16.

NPDES Municipal Separate Storm Sewer System General Permit Remand – Proposed Rule

EPA is [proposing changes](#) to the regulations governing small municipal separate storm sewer system (MS4) permits to respond to a remand from the United States Court of Appeals for the Ninth Circuit in Environmental Defense Center, et al. v. EPA, 344 F.3d 832 (9th Cir. 2003). In that decision, the court determined that the regulations for providing coverage under small MS4 general permits did not provide for adequate public notice and opportunity to request a hearing. The court also found EPA failed to require permitting authority review of

the best management practices (BMPs) to be used at a particular MS4 to ensure that pollutants in the discharge from their systems is reduced to the "maximum extent practicable". EPA's proposal revises the small MS4 regulations to ensure that the permitting authority determines the adequacy of BMPs and other requirements and provides public notice and the opportunity to request a public hearing on the requirements for each MS4. The proposal would not establish any new substantive requirements for small MS4s. Comments must be received on or before 21 MAR 16.

NATURAL RESOURCES

Northern Long-Eared Bat – Final Rule

The Fish and Wildlife Service has issued a [final rule](#) that "provides measures that are necessary and advisable to provide for the conservation of the northern long-eared bat." The rule prohibits purposeful take of northern long-eared bats throughout the species' range, except in certain instances. The northern long-eared bat is a wide-ranging species that is found in a variety of forested habitats in summer and hibernates in caves, mines, and other locations in winter. A fungal disease, white-nose syndrome (WNS), is the main threat to this species and has caused a precipitous decline in bat numbers where the disease has occurred.

Listing Salamanders Due to Risk of Salamander Chytrid Fungus – Interim Rule

The Fish and Wildlife Service is [amending its regulations under the Lacey Act](#) to add all species of salamanders from 20 genera, of which there are 201 species, to the list of injurious amphibians. This listing addition prohibits both importation into the United States and interstate transportation between States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States of any live or dead specimen, including parts, of these 20 genera of salamanders, except by permit for zoological, educational, medical, or scientific purposes (in accordance with permit conditions) or by Federal agencies without a permit solely for their own use. This action is necessary to prevent the introduction, establishment, and spread of the chytrid fungus *Batrachochytrium salamandrivorans* into ecosystems of the United States. The fungus affects salamanders, with lethal effects on many species, and is not yet known to be found in the United States. This interim rule became effective 8 JAN 16. Comments are due by 14 MAR 16.

Petitions for Listing - 17 Species

The Fish and Wildlife Service will initiate status reviews of eleven species in response to petitions to list, reclassify, or delist fish, wildlife, or plants. The species under review include: Culebra skink, Great Basin silverspot butterfly, Greater Saint Croix skink, Greater Virgin Islands skink, Lesser Saint Croix skink, Mona skink, Narrow-foot diving beetle, Northern Rockies population of fisher, Puerto Rican skink, Scott riffle beetle, and Virgin Islands bronze skink. Comments and information are due by 14 MAR 16.

Petition to List the Oceanic Whitetip Shark

In response to a petition, National Marine Fisheries Service is initiating a status review of the oceanic whitetip shark for potential listing as endangered or threatened. The petitioners, Defenders of Wildlife, also requested that critical habitat be designated for this species in U.S. waters concurrent with final ESA listing. The oceanic whitetip shark is a large, highly migratory oceanic species, and is one of the most widespread species of shark found throughout the world in epipelagic tropical and subtropical waters between 30 degrees N. and 35 degrees S. latitude. It has a clear preference for open ocean waters and its abundance increases away from continental and insular shelves. This species sometimes occurs in inshore waters as shallow as 37 m, particularly off oceanic islands or in continental areas where the shelf is very narrow, but is generally found in water with the bottom below at least 150 meters. Comments and information are due by 14 MAR 16.

CLIMATE CHANGE AND ENERGY

Commercial Package Air Conditioners, Heat Pumps and Warm Air Furnaces – Final Rule

In advance of formal publication in the Federal Register, DOE has posted the text of a [final rule](#) setting efficiency standards for "Small, Large, and Very Large Commercial Package Air Conditioners and Heat Pumps" and "Commercial Warm Air Furnaces." Compliance will be required of manufacturers by 1 JAN 18, for a first set of standards and 1 JAN 23, for a second set of standards. The final rule is available [here](#).

Tracking Inventory of High Global Warming Potential Hydrofluorocarbons – Notice and Request for Comments

GSA is submitting to OMB a request for a new information collection requirement concerning High Global Warming Potential Hydrofluorocarbons (high GWP HFCs). To implement Executive branch policy in the President's Climate Action Plan to procure, when feasible, alternatives to high GWP HFCs a [proposed rule](#) published 11 MAY 15 would modify FAR provision 52.223-11, Ozone- Depleting Substances, and 52.223-12, Refrigeration Equipment and Air Conditioners, to address high global warming potential (GWP) hydrofluorocarbons (HFCs). For equipment and appliances that normally contain 50 or more pounds of HFCs or HFC blends, the clauses will now include requirements to track by type, equipment/application, contract, agency, and location, the amount in pounds of HFCs or HFC blends contained in such equipment and appliances delivered to the Government; or added or taken out of such equipment and appliances that will be maintained, repaired, or disposed under the contract. The contractor is required to report the information annually to a centralized Government Web site.

OTHER

Safe Transportation of Bulk Explosives – Final Rule

DOT, PHMSA is amending the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for (commercial) blasting operations. Developing these requirements provides wider access to the regulatory flexibility currently only offered by special permits and competent authorities. The requirements of this [final rule](#) mirror the majority of provisions contained in nine widely-used longstanding special permits that have established safety records. These requirements eliminate the need for future renewal requests, thus reducing paperwork burdens.

Pipeline Safety: Potential for Damage to Pipeline Facilities Caused by Flooding, River Scour, and River Channel Migration –Advisory Bulletin

PHMSA is issuing this [advisory bulletin](#) to remind all owners and operators of gas and hazardous liquid pipelines of the potential for damage to pipeline facilities caused by severe flooding and actions that operators should consider taking to ensure the integrity of pipelines in the event of flooding, river scour, and river channel migration. Operators of pipelines subject to regulation by PHMSA should contact the appropriate PHMSA Region Office.

Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids – Proposed Rule Withdrawal

As mandated by statute, DOT, PHMSA is withdrawing a proposed rule that would have stopped the transportation of flammable liquid material in unprotected external product piping on DOT specification cargo tank motor vehicles. Although PHMSA is withdrawing its rulemaking proposal, the agency will continue to

consider methods to improve the safety of transporting flammable liquid by cargo tank motor vehicle. PHMSA proposed to stop the transportation of flammable liquids in unprotected external product piping on DOT specification cargo tank motor vehicles (CTMVs) unless the piping was protected from accident or bottom damages or the piping was designed or emptied in a way to remove the hazard of containing flammable liquid. PHMSA proposed this change because exposed piping containing flammable liquid can contribute to the severity of accidents involving a CTMV and an automobile, and because PHMSA currently does not require external piping containing flammable liquid to be protected like other hazardous material. PHMSA is withdrawing the rulemaking in accordance with a congressional mandate in the Fixing America's Surface Transportation Act, or "FAST Act," enacted 4 DEC 15.

National Oil and Hazardous Substances Pollution Contingency Plan Revisions to Align With the National Response Framework – Draft Rule

EPA is proposing revisions to the National Oil and Hazardous Substances Pollution Contingency Plan. These [proposed revisions](#) align the National Oil and Hazardous Substances Pollution Contingency Plan with the Department of Homeland Security's National Response Framework and National Incident Management System. The revisions also update the descriptions of federal agency organizational structures and capabilities and how they operate, and recognize the establishment of the Department of Homeland Security. Comments are due 25 MAR 16.

Pesticide General Permit for Point Source Discharges from the Application of Pesticides; Reissuance – Draft Rule

All 10 EPA Regions are requesting public comment on the [draft 2016 NPDES pesticide general permit](#) (PGP). The draft 2016 PGP covers point source discharges from the application of pesticides to waters of the United States. Once finalized, it will replace the existing permit that will expire at midnight on 31 OCT 16. The draft 2016 PGP has the same conditions and requirements as the 2011 PGP and would authorize certain point source discharges from the application of pesticides to waters of the United States in accordance with the terms and conditions described therein. EPA proposes to issue this permit for five (5) years in all areas of the country where EPA is the NPDES permitting authority. EPA solicits public comment on all aspects of the draft 2016 PGP. Comments must be received by 11 MAR 16.

REGION 1



CONNECTICUT

Note: The Connecticut General Assembly convened on 7 JAN 15 and adjourned on 3 MAY 15.

Legislation

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

Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



MAINE

Note: The Maine General Assembly convened on 3 DEC 14 and adjourns on 16 JUN 16.

Legislation

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

Final Rules

[Low Sulfur Fuel Regulation](#) – The Department of Environmental Protection has adopted amendments to Ch. 106, Low Sulfur Fuel Regulation, which are intended to accomplish three items. The first is to change the focus of Ch. 106 from the use of regulated fuels to the importation, sale or distribution of those fuels. Second the transition date of sulfur content limits in residual oil is moved from 1 JAN 18 to 1 JUL 18. And third, distillate fuels sulfur limits will transition directly to 0.0015% by weight content on 1 JUL 18. Regulation passed and became effective 12 JAN 16.



MASSACHUSETTS

Note: The Massachusetts General Court convened 7 JAN 15 and adjourns 4 JAN 17.

Legislation

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

Proposed Rules/Other Regulatory Activity

[Annual List of Prospective Regulations](#) – The Executive Office of Energy and Environmental Affairs has issued its Annual List of Prospective Regulations which includes regulations expected to be promulgated during the next twelve month period.

**NEW HAMPSHIRE**

Note: The NH General Court convened on 7 JAN 15 and adjourns on 13 SEP 15.

Final Legislation

On 7 JAN 15, [NH HB 109](#) (LSR 77) was introduced which modifies the requirements for testing drinking water distribution system protective backflow prevention devices. The bill passed and became effective 1 AUG 15.

Proposed Legislation

On 6 JAN 16, Representative David Danielson introduced [NH HB 1358](#) (NH LSR 2515), which would establish time limits for idling of specified motor vehicles to include commercial motor vehicles, busses carrying passengers for hire, and construction equipment.

On 6 JAN 16, McConnell introduced [NH HB 1147](#) (LSR 2302), which requires the commissioner of the department of resources and economic development to make an annual report on federal landholdings within the state and establishes a moratorium on federal land acquisitions.

On 6 JAN 16, Representative Carol McGuire introduced [NH HB 1243](#) (LSR 2164), which modifies the penalties for violations of municipal ordinances and bylaws concerning sewage or stormwater.

On 6 JAN 16, Representative David Danielson introduced [NH HB 1358](#) (LSR 2515), which establishes time limits for idling specified motor vehicles.

On 6 JAN 16, Representative Jonathan Manley introduced [NH HB 1440](#) (LSR 2320), which would exempt certain solid waste operators from the certification requirement. Those who would qualify for the exemption include volunteers and solid waste operators working fewer than 40 hours a week who are under the direct supervision of certified personnel.

On 6 JAN 16, Representative Paula Bradley introduced [NH SB 309](#) (LSR 2711), which pertains to sulfur limits in certain liquid fuels.

On 8 JAN 15, [NH HB 244](#) (LSR 197) was introduced which sets the permissible level of methyl tertiary butyl ether (MTBE) in drinking water at 0 parts per billion.

Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



RHODE ISLAND

Note: The RI General Assembly convened on 6 JAN 15 and adjourned on 25 JUN 15.

Legislation

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

Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



VERMONT

Note: The Vermont General Assembly convened on 7 JAN 15 and adjourns on 9 MAY 16.

Proposed Legislation

On 8 JAN 16, Representative Daniel Connor introduced [VT HB 531](#), which is an act that relates to the regular inspection of aboveground storage tanks.

On 5 JAN 16, Senator Martha Jane Kitchel introduced [VT SB 191](#), which is an act relating to siting of wind generation facilities.

Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.

REGION 2



NEW JERSEY

The New Jersey Legislature convened 14 JAN 15 and adjourns 12 JAN 16.

Proposed Legislation

On 12 JAN 16, Senator James W. Holzapfel introduced [NJ SB 226](#), which would provide a credit against the New Jersey gross income tax for tolls paid on State roads via E-ZPass, in an amount equal to \$1,000 per taxable year.

On 12 JAN 16, Senator Peter J. Barnes introduced [NJ SB 393](#), which is a bill that would amend the 'Coastal Area Facility Review Act' (CAFRA) to delete the exemption from CAFRA permitting requirements provided in the law for the reconstruction of any development that is damaged or destroyed, in whole or in part, by fire, storm, natural hazard or act of God.

On 12 JAN 16, Senator Steven V. Oroho introduced [NJ SB 482](#), which is a bill that would amend P.L.2011, c.34 (C.52:14B-26 et seq.) to direct every State agency to identify those permits that may be expedited by issuance of a general permit.

On 12 JAN 16, Senator Robert G. Smith introduced [NJ SB 762](#), which is a bill that would authorize a county, county utilities authority, municipality, or municipal utilities authority, that holds a combined sewer systems general permit or any other permit required pursuant to the Water Pollution Control Act, P.L.1977, c.74 (C.58:10A-1 et seq.) to regulate combined sewer overflows, to establish, provide and maintain a stormwater utility for the purpose of creating a stormwater management system to manage stormwater runoff.

On 12 JAN 16, Senator Robert G. Smith introduced [NJ SB 771](#), which is a bill that would require certain generators of solid waste to separate and recycle food waste, and amend the definition of 'Class I renewable energy.'" It would also require solid waste generators generating more than 104 tons of food waste per year (lowering to 52 tons in 2020) to separate food waste and send it to an authorized recycling facility or compost on site.

On 12 JAN 16, Senator Loretta Weinberg introduced [NJ SB 806](#), which would require the owner or operator of a high hazard train traveling on any railroad track within this State to submit to the Department of Environmental Protection within six months of the effective date of the bill, a discharge response, cleanup, and contingency plan.

On 12 JAN 16, Senator Linda R. Greenstein introduced [NJ SB 885](#), which would direct the Drinking Water Quality Institute (DWQI) to study the issue of 1,2,3-Trichloropropane (1,2,3-TCP) levels in drinking water and recommend, within 90 days, to the Department of Environmental Protection (DEP) a maximum contaminant level (MCl) for 1,2,3-TCP.

Final Rules

[Regulations of the New Jersey Site Remediation Professional Licensing Board](#) – The Department of Environmental Protection has adopted new rule N.J.A.C. 7:26I. new rules N.J.A.C. 7:26I, Regulations of the New Jersey Site Remediation Professional Licensing Board, to implement the Site Remediation Reform Act (SRRA), N.J.S.A. 58:10C-1 et seq. On 7 MAY 09, the Governor signed P.L. 2009, c. 60 (the Act). The Act includes the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq., and related amendments to the Industrial Site Recovery Act (ISRA), N.J.S.A. 13:1K-6 et seq., the Spill Compensation Control Act (Spill Act), N.J.S.A. 58:10-23.11 et seq., the Underground Storage of Hazardous Substances Act (UST Act), N.J.S.A. 58:10A-21 et seq., and the Brownfield and Contaminated Site Remediation Act (Brownfield Act), N.J.S.A. 58:10B-1 et seq. Through the Act, the Legislature made sweeping changes to the way in which contaminated sites are remediated in New Jersey. Regulation passed and became effective 4 JAN 16.

Proposed Rules/Other Regulatory Activity

[New Jersey Pollutant Discharge Elimination System](#) – Fiscal Year 2016 Annual Fee Report and Assessment of Fees - The Department of Environmental Protection (Department) has announced a public hearing on the Fiscal Year (FY) FY 2016 Annual Fee Report and Assessment of Fees for the New Jersey Pollutant Discharge Elimination

System (NJPDES) program. The NJPDES program regulates wastewater discharges from public and privately owned wastewater management systems, including certain stormwater discharges as well as the disposal of residuals from treatment systems.

[Notice of Availability of Online Portal for the Submission of the Remedial Investigation Form and Report](#) – The Department of Environmental Protection (Department) has given notice that its online portal for the submission of the Remedial Investigation Form and Report is now available, which allows persons to file both the Remedial Investigation Form and Report electronically. Pursuant to N.J.A.C. 7:26C-1.6(c), within 90 days after the date that the Department informs the public, by a notice in the New Jersey Register, that an electronic portal is available, the person responsible for conducting the remediation shall submit to the Department via the electronic application such documents specified by the Department that are required by the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C, and the Technical Requirements for Site Remediation, N.J.A.C. 7:26E. Accordingly, beginning on 3 APR 16, the Remedial Investigation Form and Report shall be filed electronically through NJDEP Online, <http://www.nj.gov/dep/online/>.

[Schedule of Rates, Charges and Debt Service Assessments for the Sale of Water from the Manasquan Reservoir Water Supply System](#) – The Department of Environmental Protection has proposed amendments to N.J.A.C. 7:11-4.3, 4.4, 4.5, and 4.6. The Authority is proposing to amend its Schedule of Rates, Charges and Debt Service Assessments for the Sale of Water from the Manasquan Reservoir System (System), to cover expenses for Fiscal Year (FY) 2017. The amendments to specific aspects of the rate structure proposed in this rulemaking will result in an increase to the overall rate from \$ 1,057.40 per million gallons (MG) to \$ 1,137.76 per MG for initial customers and from \$ 1,190.86 per MG to \$ 1,240.96 per MG for delayed water purchase contracts. The Authority anticipates the rates will be adopted operative 1 JUL 16.



NEW YORK

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

Proposed Legislation

On 7 JAN 16, Assemblyman Fred W. Thiele introduced [NY AB 582](#), which would prohibit the application of lawn fertilizers that are labeled as containing more than zero percent phosphorous to any watersheds and drainage basins in certain counties where the county legislature has passed a local law relating thereto.

On 12 JAN 16, Assemblyman Kevin A. Cahill introduced [NY AB 1577](#), which would authorize the sanitary code to establish regulations for separation and segregation of recyclable or reusable materials and facilities for the disposal of solid waste.

On 13 JAN 15, Assemblyman Steven C. Englebright introduced [NY AB 1906](#), which would prohibit the disposal in a solid waste facility of lamps containing mercury and would require manufacturers thereof to establish collection and recycling programs. The bill passed the House Committee on 6 JAN 16.

On 22 JAN 15, Assemblyman Crystal D. Peoples-Stokes introduced [NY AB 3063](#), which would create a permanent environmental justice advisory group for environmental justice oversight and creation of policy. It would also establish an interagency coordinating council. The bill passed in the House on 6 JAN 16.

On 5 FEB 15, Assemblymember William Colton introduced [NY AB 4624](#), which would prohibits transporters from commingling recyclables with other materials. The bill passed the House Committee on 6 JAN 16.

On 12 FEB 15, Assemblyman Michael J. Cusick introduced [NY AB 5128](#), which relates to requiring notice to neighboring landowners within one thousand feet of intention to develop in wetland areas and requires a public hearing on a wetland application. The bill passed the House Committee on 6 JAN 16.

On 5 MAR 15, Assemblymember Brian P. Kavanagh introduced [NY AB 5844](#), which relates to the reduction of mercury in mercury-added lamps. The bill passed the House on 6 JAN 16.

On 11 MAR 15, Assemblyman Steven C. Englebright introduced [NY AB 6072](#), which relates to global warming pollution control; establishes greenhouse gas limits and a greenhouse gas reporting system. The bill passed the House on 6 JAN 16.

On 27 MAY 15, Assemblymember James F. Brennan introduced [NY AB 7787](#), which would require notification to the department of public service of any incident involving damage to any underground facility. The bill passed the House Committee on 6 JAN 16.

On 7 JAN 15, Senator David J. Valesky introduced [NY SB 642](#), which would authorize state agencies to publish and transmit certain rule making notices by electronic means, would provide for the provision of the state register by electronic means, and would authorize the legislative administrative regulations review commission to accept data transmitted by electronic means.

On 10 FEB 15, Senator Andrew J. Lanza introduced [NY SB 3498](#), which would require notice to neighboring landowners within one thousand feet of intention to develop in wetland areas and would require a public hearing on a wetland application. The bill passed the Senate Committee on 6 JAN 16.

Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.

REGION 3



DISTRICT OF COLUMBIA

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

Legislation

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

Final Rules

Fees for Stormwater Management, and Soil Erosion and Sediment Control – The Department of Energy and Environment has adopted amendments to Chapter 5 (Water Quality and Pollution) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR). These amendments update the fee for the District Stormwater Management Guidebook and existing fees that the Department adjusts annually for inflation using the Urban Consumer Price Index published by the United States Bureau of Labor Statistics, as required by 21 DCMR § 501.1. All fees are rounded to the nearest cent. Adjustments in future years will be applied to the adjusted value of the prior year rather than the rounded value. Regulation passed and became effective 8 JAN 16.



DELAWARE

Note: The Delaware General Assembly convened on 13 JAN 15 and adjourns on 30 JUN 16 (In Recess until 11 JAN 16).

Legislation

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

Final Rules

[Underground Storage Tank Systems](#) - The Department of Natural Resources and Environmental Control has adopted revisions to 7 DE Admin. Code 1351 to clarify several issues concerning cleanup liability associated with releases from underground storage tanks resulting from the amendment of 7 Delaware Code Chapter 74, Delaware's Underground Storage Tank Act in OCT 14. These changes clarify when the Department will require a responsible party to perform additional corrective actions following the Department issuing a No Further Action letter. Also, the changes establish an All Appropriate Inquiry Standard for residential properties that if completed would exempt a purchaser from liability associated with the cleanup of a release from an underground storage tank discovered after they purchased the property. Regulation passed and becomes effective 11 FEB 16.



MARYLAND

Note: The Maryland General Assembly convened on 14 JAN 15 and adjourned on 13 APR 15.

Proposed Legislation

On 15 JAN 16, Delegate Alfred C. Carr introduced [MD HB 82](#), which proposes to make the lessee or user of property that is owned by the federal government, the State, a county, a municipality, or an agency legally responsible for the payment of any stormwater service fees assessed on the property.

On 15 JAN 16, Anne Arundel Senators introduced MD SB 141, which would allow Anne Arundel County to provide or expand water or wastewater services.

Final Rules

[Disposal of Controlled Hazardous Substances](#) - The Department of the Environment has adopted rulemaking to modify the State's hazardous waste regulations to incorporate various provisions that have been promulgated at the federal level by the U.S. Environmental Protection Agency (EPA). Regulation passed and becomes effective 18 JAN 16.



PENNSYLVANIA

Note: The Pennsylvania General Assembly convened 6 JAN 15 and adjourns 30 NOV 16.

Legislation

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

Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



VIRGINIA

The Virginia General Assembly which will convene 13 JAN 16 and adjourn 5 MAR 16.

Proposed Legislation

On 4 JAN 16, Delegate Gordon C. Helsel introduced [VA HB 288](#), which would allow any locality by ordinance to prohibit the distribution, sale, or offer of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or meat; and garbage bags that are sold in multiples.

On 5 JAN 16, Delegate Robert Bloxum introduced [VA HB 327](#), which would direct the Virginia Marine Resources Commission to develop an expedited process for issuing a permit for emergency sand restoration activities on a publicly owned beach. To qualify for restoration, the beach shall have been eroded by a discrete, identifiable weather event that was the subject of a local or state declaration of emergency. The bill exempts the permit process from certain provisions of the Administrative Process Act.

On 7 JAN 16, Delegate David L. Bulova introduced [VA HB 438](#), which would authorize Municipal Separate Storm Sewer Systems (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay TMDL.

On 7 JAN 16, Delegate M. Kirkland Cox introduced [VA HB 448](#), which would allow a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits, on land located in the same tributary as the facility, on which best management practices have been implemented that would achieve reductions greater than those currently required by federal or state law or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill provides that any such acquisition is subject to approval by the State Water Control Board. The bill also enables an applicant under the Watershed General Permit to join the Virginia Nutrient Credit Exchange Association.

On 8 JAN 16, Delegate Chris T. Head introduced [VA HB 465](#), which would provide that permits for the construction of private wells, other than express well construction permits, shall be valid for the same time period and subject to the same limitations as permits for septic tanks.

On 12 JAN 16, Delegate Alfonso H. Lopez introduced [VA HB 976](#), which would increase the civil penalties assessed under special orders issued by the State Air Pollution Control Board, the Solid Waste Management Board, and the State Water Control Board or by a court. The bill permits the boards to assess up to \$50,000 per violation, not to exceed \$1 million per order. Under the bill, the amount a court may assess for each violation is increased from \$32,500 to \$50,000. The bill also increases from \$10,000 to \$50,000 the maximum civil penalty that the Director of the Department of Environmental Quality can assess under a special order.

On 12 JAN 16, Delegate Alfonso H. Lopez introduced [VA HB 977](#), which would require any person who unlawfully discharges any deleterious substance into state waters to notify the State Water Control Board (the Board), the Department of Environmental Quality (the Department), or the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice. The bill also requires that written notice follow to the Board, in addition to the Department, and specifies that the required report of potentially detrimental discharges by the Board or the Department to local newspapers, television stations, and radio stations be provided to such media outlets as soon as practicable after receiving it.

On 18 JAN 16, Delegate Gordon C. Helsel introduced [VA HB 1212](#), which would direct state agencies to remove the Chesapeake Bay coastal watershed from inclusion in the York or James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.

Final Rules

[Confined Space Standard for the Construction Industry](#) - The Department of Labor and Industry has adopted rulemaking regarding 16VAC25-140, 16VAC25-150, 16VAC25-170, and 16VAC25-175. In a final rule, federal Occupational Safety & Health Administration (OSHA) adopted a new construction standard on confined spaces in construction, Subpart AA (29 CFR 1926.1200 through 29 CFR 1926.1213), and revisions to related provisions (29 CFR 1926.21, 29 CFR 1926.953, and 29 CFR 1926.968). Subpart AA replaces OSHA's current one training

requirement for confined space work with a comprehensive standard that includes a permit program designed to protect employees from exposure to many hazards associated with work in confined spaces, including atmospheric and physical hazards. The final rule is similar in content and organization to the general industry confined space standard, but also incorporates several provisions from the proposed rule to address construction-specific hazards, accounts for advancements in technology, and improves enforceability of the requirements. Regulation passed and became effective 1 JAN 16.

[Repeal of the Beach Vitex Quarantine](#) - The Department of Agriculture and Consumer Services has adopted the repeal of 2 VAC 5-316 et seq., Rules and Regulations for the Enforcement of the Virginia Pest Law- Beach Vitex Quarantine, which is one of two regulations that establish a Beach Vitex quarantine throughout the entire Commonwealth. Beach Vitex is classified as a Tier 1 noxious weed in subsection A of section 20 of 2 VAC 5-317 et seq., Regulations for the Enforcement of the Noxious Weeds Law, because it is not native to the Commonwealth, not widely disseminated in the Commonwealth, and successful eradication or suppression is likely. 2 VAC 5-317 et seq. was established in January 2015 and seeks to promote the eradication, suppression, and prevention of noxious weeds in the Commonwealth through (i) an established list of plants deemed by the Board of Agriculture and Consumer Services to be noxious weeds, (ii) prohibiting the movement of noxious weeds or articles capable of transporting noxious weeds into or within the Commonwealth, and (iii) identifying eradication activities for certain noxious weeds. Retaining a separate regulation that seeks to promote the eradication, suppression, and prevention of this noxious weed is redundant and no longer necessary.

Proposed Rules/Other Regulatory Activity

[Virginia List of Endangered and Threatened Species](#) – The Department of Game and Inland Fisheries has proposed amendments to 4VAC15-20 which (i) update the date reference to the federal list of endangered and threatened wildlife species; (ii) update the Virginia List of Endangered and Threatened Species to add the little brown bat and the tri-colored bat as endangered species and remove the state-threatened upland sandpiper and Dismal Swamp southeastern shrew to reflect their status in Virginia more accurately; and (iii) describe certain activities in which incidental take of the little brown bat and the tri-colored bat may occur that may be conducted without a permit from the department, provided that the activities are performed in certain manners.

[VPDES Permit for Vehicle Wash Facilities and Laundry Facilities](#) - The Department of Environmental Quality has proposed rulemaking regarding 9VAC25-194 to amend and reissue the existing general permit which expires on October 15, 2017. The general permit will establish limitations and monitoring requirements for point source discharge of treated wastewaters from car wash facilities to surface waters in order to maintain water quality. This regulatory action is needed in order for existing and new vehicle wash and laundry permittees to be covered under this general permit regulation. Comment deadline is 24 FEB 16.



WEST VIRGINIA

The West Virginia Legislature convened on 14 JAN 15 and adjourned on 18 MAR 15.

Proposed Legislation

On 13 JAN 16, Delegate Ron Walters introduced [WV HB 2269](#), which is relating to requiring rules of the Department of Environmental Protection, Department of Health and Human Resources, Division of Natural

Resources and Department of Commerce be no more stringent than corresponding federal laws or regulations.

On 13 JAN 16, Delegate Barbara Evans Fleischauer introduced [WV HB 2979](#), which is relating to clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates.

On 18 JAN 16, Delegate Kelli Sobonya introduced [WV HB 4049](#), [WV HB 4053](#), [WV HB 4054](#), and [WV HB 4055](#), which are relating to authorizing the Department of Environmental Protection, Air Quality to promulgate legislative rules relating to standards of performance for new stationary sources, the control of annual nitrogen oxide emissions, the control of ozone season nitrogen oxides emissions, and the control of annual sulfur dioxide emissions. The bills passed the House Committee on 20 JAN 16.

On 18 JAN 16, Delegate Kelli Sobonya introduced [WV HB 4058](#) and [WV HB 4104](#), which are relating to authorizing the Department of Environmental Protection, Water and Waste Management to promulgate a legislative rule relating to aboveground storage tank fee assessments and aboveground storage tanks.

Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.

REGION 4



NORTH CAROLINA

Note: The North Carolina General Assembly convened on 14 JAN 15 and adjourns on 1 JUL 16.

Legislation

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

Proposed Rules/Other Regulatory Activity

[Risk-Based Remediation](#) – The Department of Environment and Natural Resources has proposed rulemaking to adopt the rules cited as 15A NCAC 02L .0501 - .0515. The Environmental Management Commission has received a petition for rulemaking and the Division of Waste Management has taken comments from stakeholders who maintain it is inconsistent to require risk-based remediation for only petroleum contamination from petroleum USTs. This change can be protective of human health and the environment and will reduce costs to some stakeholders.

REGION 5



ILLINOIS

Note: The Illinois General Assembly convened on 14 JAN 15 and adjourns on 30 MAY 16.

Legislation

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

Proposed Rules/Other Regulatory Activity

[Air Quality Standards](#) – The Pollution Control Board has proposed amendments to 35 Ill. Adm. Code 243 that update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the US EPA adopted during the period 1 JAN 15 through 30 JUN 15, including later amendments adopted on 26 AUG 15, 26 OCT 15, and 19 NOV 15. The Federal NAAQS are codified at 40 C.F.R. 50.



INDIANA

Note: The Indiana General Assembly convened on 6 JAN 15 and adjourned on 29 APR 15.

Proposed Legislation

On 5 JAN 16, Representative David A. Wolkins introduced [IN HB 1082](#), which prohibits the environmental rules board from adopting a rule or standard that is more stringent than the corresponding regulation or standard established under federal law. It makes corresponding changes in the law concerning the adoption of environmental rules.

On 12 JAN 16, Representative Phillip K. GiaQuinta introduced [IN HB 1292](#), which provides that rates and charges of a municipally owned water utility constitute a lien against property served by the utility. While a municipal water utility could not have a lien against federal property, it may apply to property leased by the federal government.

On 12 JAN 16, Representative Christopher Judy introduced [IN HB 1296](#), which would nullify all regulations imposed in Indiana by the US EPA. The Indiana Department of Environmental Management would provide environmental protection for the citizens of Indiana.

On 12 JAN 16, Representative David A. Wolkins introduced [IN HB 1299](#), which would revise the law concerning the voluntary remediation of hazardous substances and petroleum. It would authorize the Indiana Department of Environmental Management to reject an application for participation in the voluntary remediation program on the grounds that the release or threatened release of a hazardous substance or petroleum described in the

application was previously subject to a voluntary remediation agreement and the program participation of the applicant under that agreement was terminated.

Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



MICHIGAN

Note: The Michigan Legislature meets convened 14 JAN 15 and adjourns 31 DEC 16.

Legislation

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

Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.



OHIO

Note: The Ohio General Assembly meets convened 5 JAN 15 and adjourns 31 DEC 16.

Legislation

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

Final Rules

[Ohio Plumbing Code Amendments](#) – The Board of Building Standards has adopted several amendments to Ohio Plumbing Code rules. Regulations passed and become effective 1 JAN 16.



WISCONSIN

Note: The Wisconsin Legislature convened 5 JAN 15 and adjourns 4 JAN 17.

Legislation

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

Rules

No new environmental regulations of significant importance to DoD were identified during this reporting period.

MEET THE REC STAFF

RDML R. Williamson

DoD Regional Environmental Coordinator
(757)322-2800, DSN 262-2800

Director, Regional Environmental Coordination
(REC) Office
(757)341-0363

REC Counsel
(757)322-2938 DSN 262-2938
or Deputy (757)322-2812

Cultural Resources
(757)341-0493

Potable Water, Stormwater, Groundwater,
Wastewater
(757)341- 0429

Air Quality, Asbestos, Radon
(757)341- 0387

P2, EPCRA, RCRA - HW/SW
(757)341-0408

Navy On-Scene Coordinator Representative
(757)341-0449

POL/Tanks
(757)341-0453

Regional NEPA, Natural Resources
(757)341-0493

Land Use, Encroachment
(757)341-0231

Environmental Restoration
(757)341-0392

REC Support
(757)341-0430

REC Outreach
(757)341-0395

DoD Chesapeake Bay Coordinators
(757) 341-0383
(757) 341-0455

SUBSCRIBE!

If you would like to receive notice when the REC Update is posted, please send an email to: NAVFACML_EV-dodrecregion3@navy.mil with your name, position, command, mailing address, phone number, and fax number.

If your email address or phone number changes, please send an email with the updated information.

If you or your organization would like to submit an article, story, or picture for future newsletters, send it to: NAVFACML_EV-dodrecregion3@navy.mil. Thanks.