



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

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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.

To find out more about the Regional Environmental Coordination Office and browse back issues of the *REC Review* visit <http://denix.osd.mil/rec/>. To receive a copy of this electronic publication, send a subscription request to NAVFACML_EV-dodrecregion3@navy.mil.



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SPOTLIGHT STORY

Naval Air Station Oceana hosted its annual Air Show in September with more than 280,000 visitors. The three-day event is considered the Navy’s largest open house in North America. This year’s air show highlighted career fields in science, technology, engineering and mathematics (STEM) to America’s youth by featuring exhibits that educate and inspire students to consider those fields of study with hands-on experience. NAS Oceana Air Show formed a partnership with Virginia Beach Public School System to create a one-of-a-kind “Outdoor STEM Laboratory” on an extraordinary scale. The entire 5th grade class, totaling more than 6,000 students, attended the Friday air show to experience more than 100 STEM exhibits while enjoying the aerial performances.

NAVFAC Midlant and U.S. Fleet Forces Command supported this one-of-a-kind Outdoor STEM laboratory representing the Navy’s Environmental Stewardship and Compliance Afloat and Ashore. Interactive exhibits included pollution prevention at home and aboard naval ships, marine mammal research, oyster gardening, and microplastic in the Chesapeake Bay. This event was an exceptional opportunity to enhance public awareness of Navy’s environmental stewardship and improve the understanding of how protecting the environment fits within Navy’s mission requirements.



GENERAL INTEREST

MILITARY BASES SERVE AS SAFE HAVEN FOR ENDANGERED SPECIES Military bases turn out to be a haven for endangered species. A decision long ago by the military that working with conservationists was a better strategy than fighting them is one of the reasons why. [NPR Special Series](#).

INFECTIONS LINKED TO BACTERIA IN WATER SUPPLY SYSTEMS An [analysis by Tufts University](#) of Medicare records has revealed rising healthcare costs for infections associated with opportunistic premise plumbing pathogens—disease-causing bacteria, such as Legionella—which can live inside drinking water distribution systems.

CLIMATE CHANGE “SIGNIFICANT AND DIRECT” THREAT TO U.S. SECURITY The "Center for Climate and Security," a non-partisan policy institute whose advisory board includes national security experts and many retired senior military, has issued a consensus statement and two reports related to climate change. Bullet points from the "[consensus statement](#)" include:

- The current trajectory of climatic change presents a strategically-significant risk to U.S. national security, and inaction is not a viable option;
- Risk managers across institutions of national and international security, as well as intelligence agencies, industries and banks, have consistently identified climate change as a “high impact, high likelihood” risk;
- Climate change increases stress on water, food and energy security both in the U.S. and globally, resulting in unique and hard-to-predict security risks, based on a combination of rapidly changing physical, environmental, economic, social and political conditions;
- Stresses resulting from climate change can increase the likelihood of intra or international conflict, state failure, mass migration, and the creation of additional ungoverned spaces, across a range of strategically-significant regions;
- Impacts of climate change will increase the likelihood of more frequent and elaborate Humanitarian Assistance and Disaster Relief (HADR) mission requirements;
- Impacts of climate change present significant and direct risks to the U.S. homeland, including to critical energy and military infrastructure, the populations of coastal and water stressed regions, economic hubs on the coasts and inland, and essential agricultural lands.

CHESAPEAKE BAY WATER QUALITY IMPROVING Data show drop in nutrient and sediment pollution, the leading causes of the Bay’s poor health. The Chesapeake Bay Program (CBP) tracks [pollution loads and trends](#) as it marks progress toward improving the health of the Bay. According to data from the CBP and the U.S. Geological Survey (USGS), nitrogen, phosphorus and sediment loads to the Bay were below the long-term average in 2015.

EPA ANNOUNCES INITIATIVES TO ADVANCE TRIBAL SOVEREIGNTY, EXPAND ENVIRONMENTAL OBSERVER NETWORK The U.S. Environmental Protection Agency (EPA) [announced](#) an interagency agreement on tribal treaty rights and other initiatives designed to advance tribal sovereignty and self-determination. EPA Administrator Gina McCarthy announced this and other initiatives to improve human health and the environment on Indian reservations in remarks at the White House Tribal Nations Conference in Washington.

DOE REPORT SHOWS COST REDUCTIONS AND RAPID DEPLOYMENT OF CLEAN ENERGY TECHNOLOGIES DOE released a new [report](#) that highlights the accelerated deployment of five clean energy technologies: wind turbines, solar technologies for both utility-scale and distributed photovoltaic (PV), electric vehicles (EVs) and light-emitting diodes (LEDs).

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

FINAL RULE: NESHAPS FOR AREA SOURCES – INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS EPA issued [final decision](#) final amendments to the "National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers" (Area Source Boilers Rule). Effective on 14 September 2016.

Included in this final ruling:

1. EPA retained the subcategory and separate requirements for limited- use boilers, consistent with the February 2013 final rule.
2. EPA amended three reconsidered provisions regarding: The alternative particulate matter (PM) standard for new oil-fired boilers; performance testing for PM for certain boilers based on their initial compliance test; and fuel sampling for mercury (Hg) for certain coal- fired boilers based on their initial compliance demonstration, consistent with the alternative provisions for which comment was solicited in the January 2015 proposal.
3. EPA made minor changes to the proposed definitions of startup and shutdown based on comments received.
4. This final action also addresses a limited number of technical corrections and clarifications on the rule, including removal of the affirmative defense for malfunction in light of a court decision on the issue. These corrections will clarify and improve the implementation of the February 2013 final Area Source Boilers Rule.
5. EPA is also denying the requests for reconsideration with respect to the issues raised in the petitions for reconsideration of the final Area Source Boilers Rule for which reconsideration was not granted.

HAZARDOUS WASTE

PROPOSED RULES: HARMONIZATION WITH INTERNATIONAL STANDARDS DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to [amend the Hazardous Materials Regulations](#) (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Comments due 7 November 2016

CLIMATE CHANGE

PRESIDENTIAL MEMO ADDRESSING NATIONAL SECURITY IMPLICATIONS OF CLIMATE CHANGE President Obama signed a [Presidential Memorandum](#) (PM) on Climate Change and National Security, establishing a policy that the impacts of climate change must be considered in the development of national security-related doctrine, policies, and plans.

To achieve this, 20 Federal agencies and offices with climate science, intelligence analysis, and national security policy development missions and responsibilities will collaborate to ensure the best information on climate impacts is available to strengthen our national security. The PM was released alongside a report from the National Intelligence Council identifying pathways through which climate change will likely pose significant national security challenges for the United States over the next two decades, including threatening the stability of other countries.

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.

PROPOSED LAW

"RIGHT TO KNOW" LAW The Department of Labor Standards has [proposed an amendment](#) that establishes minimum standards and reasonable requirements to protect the health and safety of employees through the communication of information regarding toxic or hazardous substances. The proposed revisions will update the name of the Department of Labor Standards and change the word "Commissioner" to "Director." Therefore, these revisions will have no impact on small businesses, nor will it create a new financial impact.



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.



RHODE ISLAND

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

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



VERMONT

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

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

REGION II



NEW JERSEY

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

PROPOSED LEGISLATION

AB 4093 Requires recycling of scrap tires and licensing of scrap tire haulers. This bill would require the Department of Environmental Protection (DEP) to establish a system for the manifesting, tracking, collection, recycling, and disposal of scrap tires. The bill would require that all scrap tires be recycled or reused and would prohibit their disposal as solid waste. In addition, the bill would require any person engaging in scrap tire collection to be licensed by the DEP. Finally, the bill would require that each district recycling plan require source separation of scrap tires from the solid waste stream.

AB 4139 This bill would require health care facilities to test for and remediate lead in drinking water, and disclose the test results. Specifically, under the bill, the owner or operator of a health care facility would be required to undertake periodic testing of each drinking water outlet in the facility for the presence of lead.

SB 2550 Requires Department of Defense and FAA approval of offshore wind projects. This bill amends the law commonly referred to as the 'Offshore Wind Economic Development Act,' P.L.2010, c.57 (C.48:3-87.1 et al.), which is concerned with the development of offshore wind projects. Specifically, this bill would amend the law to: (1) require an applicant for a qualified offshore wind project to submit to the Board of Public Utilities (Board) as part of its application documentation that the proposed project was reviewed and approved by the United States Department of Defense Siting Clearinghouse (DoD) and the Federal Aviation Administration's Obstruction Evaluation Group (FAA); and (2) prohibit the board from approving or conditionally approving any application for a qualified offshore wind

project unless the project has been reviewed and approved by the DoD and FAA.



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

FINAL LEGISLATION

[SB 5322](#) Act prohibits mercury-added rotational balancing products. Effective 9 September 2016.

PROPOSED LEGISLATION

[SB 7771](#) An act to amend the environmental conservation law to include water quality testing for land clearing debris and compost facilities in Nassau and Suffolk counties.

FINAL RULE

STATE ENERGY CONSERVATION CONSTRUCTION CODE The Department of State has [adopted rulemaking](#) to repeal the existing Energy code and adopt a new, updated Energy code. Effective 3 October 2016.

REGION III



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

PROPOSED LEGISLATION

[B 831](#) This bill requires the environmental programs office in the Department of General Services and child development facilities to identify water sources in District public and charter schools and child developmental facilities; install and maintain lead filters; test drinking sources; take remedial actions when necessary; and publish results of environmental testing and remediation efforts within 5 business days of receiving test results or taking remedial action. The bill establishes a fund, the Healthy Child Development Facilities Fund, to provide financial assistance to a child development facility if complying with the bill would create an undue financial hardship on the child development facility.

FINAL RULE

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 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.

The purpose of the amendments is to amend the Right-of-Way (ROW) Fee, Payment-in-Lieu of Taxes (PILOT) Fee, the Clean Rivers Impervious Surface Area Charge, and rates for Water and Sewer Services effective for Fiscal Year 2017

and 2018. Effective 1 October 2016.

PROPOSED RULES

NOTICE OF INTENT TO ISSUE A PERMIT The Department of Energy and Environment has issued a notice that it intends to issue a permit (#6477-R1) to the Naval Research Laboratory (NRL) to operate one existing (1) 250 kWe Generac emergency generator set with an Iveco/FPT diesel engine rated at 389 bhp (290 kWm) engine output. The generator is located at Building 271, 4555 Overlook Avenue SW, Washington DC. Comments due 17 October 2016. (<http://www.dcregs.dc.gov/Notice/Download.aspx?NoticeID=6196377>)



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.

PROPOSED RULES

SEWAGE DISPOSAL AND CERTAIN WATER SYSTEMS The Department of the Environment has proposed [amendments](#) to remove the universal requirement that Best Available Technology for Removal of Nitrogen systems be installed outside the Critical Area for all new construction. Comments due 17 October 2016.



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

FINAL RULE

SAFE DRINKING WATER; REVISED TOTAL COLIFORM RULE The Environmental Quality Board has [adopted rulemaking](#) to amend Chapter 109 (relating to safe drinking water). The proposed amendments will supplement the Total Coliform Rule by requiring public water systems (PWS) that are vulnerable to microbial contamination to perform assessments to identify sanitary defects and subsequently take action to correct them.

The proposed amendments will protect public health through a multi-barrier approach designed to guard against microbial contamination by evaluating the effectiveness of treatment and the integrity of drinking water distribution systems, and by finding and fixing sanitary defects. Effective 23 September 2016.

OTHER REGULATORY ACTIVITY

CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT; UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES—PHASE II BATCH This [notice](#) is published for public participation during consistency determinations. This project is subject to Department review for Federal consistency because it is a Federal agency

activity and will have reasonably foreseeable effects on the Commonwealth's coastal resources or uses. Comments due 2 October 2016.

AVAILABILITY OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR DISCHARGES OF STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY (PAG-03) The Department of Environmental Protection has issued a [notice](#) announcing the availability of a reissued National Pollution Discharge Elimination System (NPDES) PAG-03 General Permit for Discharges of Stormwater Associated with Industrial Activity.



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

FINAL RULES

AMEND REGULATIONS AS NEEDED TO IMPLEMENT THE 2008 OZONE STANDARD The State Air Pollution Control Board has [adopted a rulemaking](#) to address a range of nonattainment area state implementation plan (SIP) requirements for the 2008 ozone NAAQS, including how to address the revoked 1997 ozone NAAQS. Effective on 16 November 2016.

REPEAL REGULATIONS GOVERNING THE CLEAN AIR INTERSTATE RULE (CAIR) PROGRAM The Air Pollution Control Board has [adopted a rulemaking](#) to repeal regulations governing the Clean Air Interstate Rule (CAIR). EPA replaced CAIR with the Cross-State Air Pollution Rule (CSAPR). Chapter 291 of the 2011 Acts of Assembly requires that §§ 10.1-1327 and 10.1-1328, and any regulations implementing the Clean Air Interstate Rule (CAIR), be repealed when facilities in the Commonwealth become subject to the requirements of a FIP adopted by EPA in response to the remand of CAIR. Effective on 16 November 2016.

EROSION AND SEDIMENT CONTROL REGULATIONS AMENDMENTS The Virginia Department of Environmental Quality has [adopted amendments](#) to the Erosion and Sediment Control Regulations to implement statutory changes set forth in Chapter 66 of the 2016 Acts of Assembly (SB598). The amendments clarify that erosion and sediment control plans approved on and after July 1, 2014, and that are in accordance with the grandfathering or time limits on applicability of approved design criteria provisions of the Virginia Stormwater Management Program (VSMP) Regulations, shall meet the flow rate capacity and velocity requirements of the Virginia Erosion and Sediment Control Program. Effective 23 September 2016.

OTHER REGULATORY ACTIVITY

FORMS FOR GROUNDWATER WITHDRAWAL REGULATIONS The Department of Environmental Quality has issued a [notice](#) that forms used in administering the Groundwater Withdrawal Regulations have been filed by the State Water Control Board.

SOLID WASTE MANAGEMENT PERMIT ACTION FEES AND ANNUAL FEES The Waste Management Board has issued a [notice](#) that forms used in administering the Solid Waste Management Permit Action Fees and Annual Fees regulation have been filed by the Virginia Waste Management Board.



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.

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



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

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



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

PROPOSED LEGISLATION

[SB 1051](#) Amendment will remove underground storage tank fee.



Note: The Ohio General Assembly convened on 5 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 Wisconsin Legislature convened on 5 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.

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