



REC Review

of Legislative & Regulatory Actions



Regional Environmental Coordination / Sustaining Readiness in Partnership with States

April 2017

The *REC Review* publishes environmental and energy related developments for DoD 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.



Table of Contents

SPOTLIGHT	1
GENERAL INTEREST	2
FEDERAL NEWS	3
REGION 1	3
REGION 2	6
REGION 3	7
REGION 4 (NORTH CAROLINA ONLY)	9
REGION 5	11
MEET THE REC STAFF.....	15

SPOTLIGHT STORY

Congratulations to our Mid-Atlantic Navy installations who earned the Fiscal Year 2016 Chief of Naval Operation Environmental Award for their outstanding achievements in environmental stewardship. This award is an annual recognition program that highlights the accomplishments of the nominated ships, installations, and individual.

[Naval Weapons Station Earle](#) received the Natural Resources Conservation, Large Installations. NWS Earle developed a Holistic Shoreline Management and Resiliency Program after suffering \$50M in damage during Superstorm Sandy. This Program provides for a healthy coastal ecosystem while also providing storm resiliency necessary to protect the Navy's mission.

[Naval Support Activity Mechanicsburg](#) received the Sustainability, Non-industrial. NSA Mechanicsburg reduced energy use by 7.8% and saved over \$3M. In an effort to reduce fuel, NAS Mechanicsburg introduced novel energy recirculation equipment that will save over 2 million gallons of fuel, avoid the production of 43 million pounds of carbon dioxide and save over \$7 million in fuel annually.

[St. Juliens Creek Annex](#) received the Environmental Restoration, Installation. Optimization of existing remedies was a key success for three sites at St. Juliens Creek Annex for reducing potential risk from site contaminants. Through use of innovative technology, which consisted of conducting real-time hydraulic profiling and electrical conductivity to evaluate complex site lithology, allowed the team to refine the treatment area. Results led to a reduction in the size of injection are by 50%.

[Ms. Kerry A. Vautrot](#) of Portsmouth Naval Shipyard received the Cultural Resources Management, Individual. Ms. Vautrot has repeatedly proven that historic facilities can be adaptively reused to meet modern mission requirements without compromising their integrity. Given the volume of historic buildings within the PWD-ME AOR, Ms. Vautrot has always advocated for historic properties and has ensured that adaptive reuse of historic buildings is the first consideration.

[Ice Exercise \(ICEX\) 2016 Environmental Planning Team](#) from Fleet Forces Command earned the Environmental Planning. ICEX 2016 presented a number of unique environmental planning challenges due to the nature of the event and the complexities of the Arctic environment. Recognizing the challenges posed by ICEX 2016, in late 2014 USFF assembled an environmental planning team with a distinctive blend of expertise as well as an ability to work in close coordination with one another and with regulators. Laura Busch, USFF Natural Resources Program Manager, skillfully led this team of Navy and contractor staff with expertise in environmental planning, environmental law, compliance, acoustic modeling, exercise planning, and Navy operations.

GENERAL INTEREST

NASA STUDY CONFIRMS BIOFUELS REDUCE JET ENGINE POLLUTION NASA [released study](#) results confirming that biofuels to help power jet engines reduce particle emissions in their exhaust by as much as 50 to 70 percent. The findings are the result of a cooperative international research program led by NASA and involving agencies from Germany and Canada, and are detailed in a study published in the journal Nature.

During flight tests in 2013 and 2014 near NASA's Armstrong Flight Research Center in Edwards, California, data was collected on the effects of alternative fuels on engine performance, emissions and aircraft-generated contrails at altitudes flown by commercial airliners. The test series were part of the Alternative Fuel Effects on Contrails and Cruise Emissions Study, or ACCESS. Contrails are produced by hot aircraft engine exhaust mixing with the cold air that is typical at cruise altitudes several miles above Earth's surface, and are composed primarily of water in the form of ice crystals.

The tests involved flying NASA's workhorse DC-8 as high as 40,000 feet while its four engines burned a 50-50 blend of aviation fuel and a renewable alternative fuel of hydro processed esters and fatty acids produced from camelina plant oil. A trio of research aircraft took turns flying behind the DC-8 at distances ranging from 300 feet to more than 20 miles to take measurements on emissions and study contrail formation as the different fuels were burned.

GSA OFFERS ELECTRIC VEHICLE CHARGING STATIONS GSA Offers Electric Vehicle Charging Stations under a new government-wide [Blanket Purchase Agreement](#) (BPA) for lease or purchase. GSA Fleet can assist in acquiring electric vehicle charging stations. In February 2017, GSA awarded a Blanket Purchase Agreement (BPA) to two vendors who, between them, are offering seven brands of charging stations. This Blanket Purchase Agreement is available to all agencies who are authorized to lease or purchase vehicles from GSA Fleet.

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.*

HAZARDOUS MATERIALS

HAZARDOUS MATERIALS: HARMONIZATION WITH INTERNATIONAL STANDARDS (RRR) The Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a final rule amending 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. This rule is effective March 30, 2017.

Amendments to the HMR in this final rule include the following:

1. Incorporation by Reference: the newest versions of various international hazardous materials standards, including the 2017-2018 Edition of the ICAO Technical Instructions; Amendment 38-16 of the IMDG Code; the 19th Revised Edition of the UN Model Regulations; the 6th Revised Edition of the UN Manual of Tests and Criteria; and the 6th Revised Edition of the Globally Harmonized System of Classification and Labelling of Chemicals.
2. Amendments to the HMT to add, revise, or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, and passenger and cargo aircraft maximum quantity limits.
3. Modification of the Marine Pollutant List: PHMSA modifies the list of marine pollutants in appendix B to Sec. 172.101. The HMR maintain this list as the basis for regulating substances toxic to the aquatic environment and allow use of the criteria in the IMDG Code if a listed material does not meet the criteria for a marine pollutant. PHMSA periodically updates this list based on changes to the IMDG Code and evaluation of listed materials.
4. Hazard Communication Requirements for Lithium Batteries: PHMSA revises hazard communication requirements for shipments of lithium batteries consistent with changes adopted in the 19th Revised Edition of the UN Model Regulations.

REGION I



CONNECTICUT

Note: The Connecticut Legislature convened on 4 JAN 2017 and adjourns on 7 JUN 2017.

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



MAINE

Note: The Maine Legislature convened on 7 DEC 2016 and adjourns on 15 APR 2018.

PROPOSED LEGISLATION

LD 1235 This bill prohibits the sale of coal tar sealant products beginning October 1, 2019 and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2020. The Commissioner of Environmental Protection may grant an exemption from the prohibitions for research or development purposes.

FINAL REGULATION

DESIGNATION OF TWO FLAME RETARDANTS AS PRIORITY CHEMICALS The Department of Environmental Protection has [designated](#) two flame retardants on the chemicals of high concern list as priority chemicals. The

designation applies to manufacturers of specified product categories that contain intentionally added amounts of decabromodiphenol ether (deca BDE) or hexabromocyclododecane (HBCD), which are used in the non-polymeric, additive form as flame retardants. Effective 4 March 2017.

CH. 8, ENDANGERED SPECIES The Department of Inland Fisheries and Wildlife has [adopted rulemaking](#) to amend Ch. 8 rules to provide protection guidelines and exemptions for certain activities as they relate to bat species protected under the Maine Endangered Species Act (MESA). Effective 8 April 2017.



MASSACHUSETTS

Note: The Massachusetts Legislature convened on 4 JAN 2017 and adjourns on 2 JAN 2019.

PROPOSED LEGISLATION

HB 37 Requires certification of competency by the marshal for blasting operations. A fee set annually by the secretary of administration and finance, pursuant to section 3B of chapter 7, shall accompany said application. May subject EOD units to permitting requirements.

HB 2777 An Act to enable the Commonwealth's administration of the Massachusetts Pollutant Discharge Elimination System.

FINAL REGULATION

TIMELY ACTION SCHEDULE AND FEE PROVISIONS The Department of Environmental Protection has [adopted amendments](#) to align MassDEP's surface water discharge permitting categories with federal NPDES permitting requirements; amend the applicability of groundwater annual compliance fee categories for discharges using a nutrient loading approach; correct minor clerical errors and amend laboratory testing certification fee categories; reinstate waste site clean-up permitting fee categories that were previously eliminated in error; and update MassDEP Bureau names, amend headings, and reorganize permit categories. Effective 24 March 2017.



NEW HAMPSHIRE

Note: The New Hampshire Legislature convened on 4 JAN 2017 and adjourns on 30 JUN 2017.

PROPOSED LEGISLATION

SB 240 This bill requires routine testing of wells if certain contaminants are found. Also requires that if the source of the contaminants is identified, the responsible party shall either treat the water or provide an alternative source of drinkable water.



Note: The Rhode Island Legislature convened on 3 JAN 2017 and adjourns on 30 JUN 2017.

PROPOSED LEGISLATION

HB 5609 An act relating to state affairs and government - administrative penalties for environmental violations (increases the administrative penalties that the director of DEM may impose for violations of environmental regulations up to five thousand dollars (\$5,000).).

HB 5907 This act would implement procedures and regulations to test for elevated lead levels in water from any drinking water outlet at any school or early childhood program. The act would include measures to reduce and eliminate lead contamination of water.



Note: The Vermont Legislature convened on 4 JAN 2017 and adjourns on 7 MAY 2018.

PROPOSED LEGISLATION

SB 103 An act relating to the regulation of toxic substances and hazardous materials.

PROPOSED REGULATION

ABOVEGROUND STORAGE TANK RULES The Department of Environmental Conservation has [proposed revisions](#) to the Aboveground Storage Tank rule that are required by Act No. 76 of 2016, Section 1, which was codified in 10 V.S.A. § 1929a(c). In accordance with the statutory mandate, the revisions will enable the Agency to regulate the installation of new aboveground storage tank systems and substantial alterations of existing tank systems that store petroleum fuel oil (formerly in guidelines within an appendix of the existing rule). The rule will also require periodic tank system inspections, establish criteria for inspection, and create a formal requirement to report certain noncompliance and designate a tank system as noncompliant and unfillable (identification is generally accomplished by affixing a visible "red tag" to the system). Comments due 19 April 2017.

INVESTIGATION AND REMEDIATION OF CONTAMINATED PROPERTIES RULE The Agency of Natural Resources has [proposed rulemaking](#) to provide guidance for the investigation and remediation of releases of hazardous materials, and to provide a process which must be utilized for all properties where releases have occurred in a manner which is protective of public health and the environment. The Rule provides the process which must be followed from initial investigation of contaminated properties to final cleanup, remediation, and closure of contaminated properties. Comments due 19 April 2017.

FINAL REGULATION

VERMONT WETLAND RULES The Natural Resources Board has adopted updates to the Vermont Wetland Rules are necessary to reflect statutory updates effective since the Rules were last amended in 2010, provide procedural changes necessary to come into conformance with the permit process reform requirements of Act 150 of 2016, and

to add four wetlands to the list of Class I wetlands to increase their protections. Changes to the existing rule include:

- Replacement of references to the Water Resources Panel with references to the Secretary of the Agency of Natural Resources.
- Updates to outdated statutory references
- Clarification of notice and comment requirements.
- A permit amendment process.
- Descriptions of four new proposed Class I wetlands.

Effective 1 April 2017.

OTHER REGULATORY ACTIVITY

DRAFT PESTICIDE GENERAL PERMIT The Department of Environmental Conservation has released a [draft version](#) of the National Pollutant Discharge Elimination System (NPDES) pesticide general permit (2017 PGP) which authorizes the point source discharges of biological pesticides, and chemical pesticides that leave a residue, to waters of Vermont. Comments due 19 April 2017.

REGION II



NEW JERSEY

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

PROPOSED LEGISLATION

AB 4662 Bill would, beginning one year after enactment, prohibit sale of certain cleaning product containing triclosan used by consumers for sanitizing or hand and body cleansing. The bill would not apply to individual products for which specific USFDA approval for consumer use was secured. Subject violators to civil penalties up to \$1,000 per offense per day



NEW YORK

Note: The New York State Legislature convened 4 JAN 2017 and adjourns 2 JAN 2019.

PROPOSED LEGISLATION

AB 3007 Enacts into law major components of legislation necessary to implement the state health and mental health budget for the 2017-2018 state fiscal year.

AB 3008 Enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2017-2018 state fiscal year.

PROPOSED REGULATION

AMENDMENTS TO REGULATIONS GOVERNING USE OF BOATS AND WATERCRAFT AND CONTROL OF INVASIVE AQUATIC SPECIES The Office of Parks, Recreation, and Historic Preservation has [proposed amendments](#) To make general updates and technical amendments and to clarify permissible inflatable watercraft types. Comments due 13 May 2017.

REGION III



DISTRICT OF COLUMBIA

Note: The Council of the District of Columbia convened 2 JAN 2017 and adjourns 31 DEC 2018.

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



DELAWARE

Note: The Delaware General Assembly convened on 11 JAN 2017 and adjourns on 30 JUN 2018.

FINAL RULES

REGULATIONS GOVERNING ABOVEGROUND STORAGE TANKS The Department of Natural Resources and Environmental Control has [adopted rulemaking](#) to reflect changes to definitions needed to clarify technical requirements applicable to aboveground storage tank systems. The changes also clarify which version of industry-based reference standards, published by the American Petroleum Institute and other trade organizations, are applicable to aboveground storage tanks that are subject to regulation. Also proposed are minimum distances for locating new aboveground storage tanks near private and public wells that mirror those contained in the Department's Well Permitting Regulations. Lastly, the proposed changes address technical requirements associated with release reporting and corrective action needed when releases from aboveground storage tanks occur. Effective 11 April 2017.



MARYLAND

Note: The Maryland General Assembly convened on 11 JAN 2017 and adjourns on 11 MAY 2017.

PROPOSED LEGISLATION

HB 504 Products That Contain Mercury - Prohibition on Sale of Electric Switches, Electric Relays, and Gas Valve

Switches. Prohibiting a specified marketer from knowingly selling or providing electric switches, electric relays, and gas valve switches that contain mercury to a consumer on or after October 1, 2018; establishing specified penalties for specified violations; and authorizing the Department of the Environment to impose specified penalties in a specified manner for specified violations.



PENNSYLVANIA

Note: The Pennsylvania General Assembly convened on 3 JAN 2017 and adjourns on 30 NOV 2018.

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



VIRGINIA

Note: The Virginia General Assembly convened on 11 JAN 2017 and adjourned on 25 FEB 2017.

FINAL LEGISLATION

HB 2311 Requires the Director of the Department of Environmental Quality (DEQ) to use certain funds to purchase nutrient credits for point or nonpoint sources that achieve reductions beyond the requirements of state or federal law or the Chesapeake Bay Watershed Implementation Plan. The bill directs DEQ to establish procedures for distributing moneys from the Nutrient Offset Fund with certain requirements. The bill requires the Director of DEQ to consider the recommendations of the Secretary of Commerce and Trade and the requirements of the State Water Control Law (§ 62.1-44.2 et seq.) in the sale of nutrient credits to new or expanding private facilities. The bill also removes the priority given to nutrient offsets produced from facilities that generate electricity from animal waste. The bill renames nutrient offsets as nutrient credits. Effective 1 July 2017.

PROPOSED RULES

AMENDMENT OF WATER QUALITY MANAGEMENT PLANNING REGULATION The Department of Environmental Quality has [proposed to amend](#) the regulation on water quality management planning in accordance with the Public Participation Procedures for Water Quality Management Planning for the James River Basin (9VAC25-720-60.A), the Chowan River – Dismal Swamp River Basin (9VAC25-720-100.A), and the Chesapeake Bay-Small Coastal-Eastern Shore River Basin (9VAC25-720-110.A). Comments due 3 May 2017.

SOLID WASTE PLANNING AND RECYCLING REGULATIONS The Department of Environmental Quality has [proposed changes](#) to the Solid Waste Planning and Recycling Regulations (9VAC20-130) to clarify definitions and requirements. Comments due 28 April 2017.

FINAL RULES

AMEND THE DEFINITION OF VOC TO INCLUDE A SUBSTANCE NO LONGER CONSIDERED TO BE A VOC (REV. I16) The general definitions of 9VAC5-10 impose no regulatory requirements in and of themselves but provide support to other provisions of the Regulations for the Control and Abatement of Air Pollution. The U.S. Environmental Protection

Agency (EPA) has [revised the definition](#) of volatile organic compound (VOC) to add 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2) to the list of substances excluded from the definition of VOC on the basis that this substance make a negligible contribution to tropospheric ozone formation. The state definition must now be revised accordingly. Effective 19 May 2017.

EVALUATION CRITERIA AND PROCEDURES FOR NOMINATIONS OF PROPERTY TO THE NATIONAL REGISTER OR FOR DESIGNATION AS A NATIONAL HISTORIC LANDMARK Emergency Rule expired on 14 March 2017.

DEFINITION OF VOC The Department of Environmental Quality has [adopted the amendment](#) of a regulation concerning general definitions (Revision I16). The general definitions of 9VAC5-10 impose no regulatory requirements in and of themselves but provide support to other provisions of the Regulations for the Control and Abatement of Air Pollution. On August 1, 2016 (81 FR 50330), the U.S. Environmental Protection Agency (EPA) revised the definition of volatile organic compound (VOC) to add 21,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2) to the list of substances excluded from the definition of VOC on the basis that this substance make a negligible contribution totropospheric ozone (ground-level smog) formation. The state definition has been revised accordingly. Effective 19 May 2017.

FINAL RULE FOR THE OCCUPATIONAL EXPOSURE TO BERYLLIUM, PARTS 1910, 1915, AND 1926, AND OTHER RELATED PROVISIONS OSHA has [amended](#) its existing standards for Occupational Exposure to Beryllium and beryllium compounds because employees exposed to beryllium at the previous permissible exposure limits face a significant risk of the material impairment to their health. This final rule reduces the permissible exposure limit (PEL) for beryllium from 2.0 micrograms ($\mu\text{g}/\text{m}^3$) to 0.2 micrograms ($\mu\text{g}/\text{m}^3$) as an 8-hour time-weighted average and establishes a new short term exposure limit. Effective 15 May 2017.

REGULATIONS GOVERNING THE TRANSPORTATION OF HAZARDOUS MATERIALS Virginia's Regulations Governing the Transportation of Hazardous Materials under 9VAC20-110, incorporate by reference certain federal regulations from Title 49 of the Code of Federal Regulations (CFR). This [amendment](#) will bring these regulations up to date with the latest update to Title 49 of the CFR as published on October 1, 2016. Effective 3 May 2017.



WEST VIRGINIA

Note: The West Virginia Legislature convened on 8 FEB 2017 and adjourned on 8 APR 2017.

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

REGION IV



NORTH CAROLINA

Note: The North Carolina General Assembly convened on 11 JAN 2017 and adjourns on 1 AUG 2018.

PROPOSED LEGISLATION

HB 244 Act requires a public information hearing for facilities requesting a permit for the construction, operation, expansion, or modification of a solid waste management facility that will produce compost. Also requires facilities to substantially reduce and minimize fugitive emissions and offensive odors from the composting facility that will adversely affect the general health, safety, and welfare of persons beyond the facility's boundary.

HB 267 Act amends the Renewable Energy and Energy Efficiency Portfolio Standard for 2017 to 8% and strikes the 2020 requirement of 12.5%. All references to 2021 were revised to 2018.

HB 271 Act repeals the ban on plastic bags in certain coastal areas.

HB 275 Act exempts airports from paying a stormwater utility fee levied on runways and taxiways.

HB 320 Act requires the Environmental Review Commission to study recycling requirements for discarded computer equipment and televisions.

HB 321 Act requires the Environmental Review Commission to study North Carolina's Solid Waste disposal tax.

HB 363 Act enacts the Pollinator Protection Act of 2017. Adds a new subdivision to include neonicotinoid pesticide requirements.

HB 402 Act generally exempts persons who arrange for recycling of recyclable materials from liability for hazardous substances released or threatened to be released at a facility owned or operated by another person.

HB 465 Act imposes a temporary moratorium on the consideration of permit applications and issuance of permits for the construction of new onshore and offshore wind energy facilities and direct a study of geospatial, temporal, and other data to understand the extent and scope of military operations in this North Carolina with respect to energy infrastructure.

HB 470 Act minimizes interference with military operations, environmental degradation, reduction of property rights, and harms to public health, safety, and welfare resulting from the siting and operation of industrial wind energy facilities.

SB 131 Act amends certain environmental, natural resources, and other laws' substantive and procedural requirements.

SB 236 Act requires the North Carolina Utilities Commission to establish tiered electricity rates for residential, commercial, public, and industrial customers to encourage energy conservation and energy efficiency; to create the energy efficiency bank to be used for loans to customers for the costs of certain energy efficiency or renewable energy projects; and to create an incentive for consumers to purchase energy star qualified household products.

FINAL RULES

SELECTION, REGISTRATION, AND DEDICATION OF QUALIFIED NATURAL AREAS AND NATURE PRESERVES The Department of Natural and Cultural Resources has [adopted rulemaking](#) to readopt with substantive changes the rules cited as 15A NCAC 12H .0103-.0105, .0201-.0208, .0301-.0308, and .0401-.0403.

The rules are necessary to carry out the functions of the Nature Preserves Act (Part 42 of Ch. 143B of the N.C.G.S.). Specifically, this set of rules seeks to establish a format process for the selection, registration, and dedication of

qualified natural areas and nature preserves. Effective 1 March 2017.

ARCHAEOLOGY AND HISTORIC PRESERVATION The Department of Natural and Cultural Resources has [adopted amendments](#) and new rules related to carrying out the functions of the Historic Preservation Office of State Archaeology. Effective 1 June 2017.

RADIATION PROTECTION COMMISSION The Department of Health and Human Services has [adopted amendments](#) to comply with federal requirements of the US Nuclear Regulatory Commission (NRC). NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. This agreement provided for the discontinuance of US Atomic Energy Commission regulatory authority in the state. This Commission had to determine the NC program for radiation protection was compatible with federal regulations and was adequate to protect public health and safety for the agreement to be approved. The agreement was signed by the Governor, therefore NC is an Agreement State. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. The NC Radiation Protection Section is inspected by NRC every four years to verify the radiation program remains compatible and adequate to protect public health and safety, including federal rule compatibility. Effective 1 March 2017.

RECLASSIFICATION OF RISK LEVELS The Department of Environmental Quality has [adopted rules](#) related to requirements for remedial action when contamination has migrated offsite. This modification does not change the legal requirements for remedial action or the Division's implementation and enforcement of the statute. Effective 1 March 2017.

REGION V



ILLINOIS

Note: The Illinois General Assembly convened on 11 JAN 2017 and adjourns on 9 JAN 2019.

PROPOSED LEGISLATION

[HB 3032](#) Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois. Makes a technical change in a Section concerning the Interagency Military Base Support and Economic Development Committee.

[HB 3033](#) Amends the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois. Provides that the Department of Natural Resources may assess specified consultation fees up to \$500 (rather than assess a \$500 fee). Deletes language providing that the Department shall not assess any fee for consultations requested by a State agency or federal agency.

[HB 3040](#)

- Amends the Illinois Administrative Procedure Act. Exempts the Illinois State Guard from the definition of "agency".
- Amends the State Employee Indemnification Act. Expands the definition of "State" and "employee" to include the Illinois State Guard and its members.
- Amends the Military Code of Illinois. Provides that, in the event of the death or disability of the Adjutant

General or any other occurrence that creates a vacancy in the office, the Commander-in-Chief shall designate either the Assistant Adjutant General for Army or the Assistant Adjutant General for Air as the acting Adjutant General until an Adjutant General is appointed.

- Amends the Illinois Code of Military Justice. Provides that no person may be brought to trial by court-martial if that person is presently suffering from a mental disease or defect rendering that person mentally incompetent. Provides that a determination on the accused person's capacity to stand trial shall be made in accordance with specified rules described in the Manual for Courts-Martial, United States (2012 Edition). Contains provisions concerning inquiries into a person's mental responsibility and mental health. Amends the State Guard Act. Changes the short title of the Act to the Illinois State Guard Act. Repeals the substantive provisions of the Act. Establishes the Illinois State Guard as the State's non-federally recognized military force composed of members of the Unorganized Militia who are 18 through 45 years of age and other persons as determined necessary by the Governor. Contains provision concerning: the activation and organization of the State Guard; personnel, pay, and allowances; equipping and uniforms; and other matters.

HB 3154 Amends the Illinois Vehicle Code. Provides that local authorities, with respect to highways under their jurisdiction, may limit the operation of trucks or other commercial vehicles in areas with poor air quality. Defines "poor air quality".

HB 513 Amends the Gasoline Storage Act. Removes the county population limitation for the issuance of permits for the dispensing or delivery of flammable or combustible motor vehicle fuels directly into the fuel tanks of vehicles from tank trucks, tank wagons, or other portable tanks for sites used for the parking, operation, or maintenance of a commercial vehicle fleet.

HB 2770 Amends the Environmental Protection Act. Deletes provisions in a definition for "clean construction or demolition debris" concerning when clean construction or demolition debris are not considered "waste". Requires the Environmental Protection Agency to propose rules concerning the protection of groundwater at clean construction or demolition debris fill operations and the protection of groundwater at uncontaminated soil fill operations to the Pollution Control Board within one year of the effective date. Requires the Board to adopt rules meeting specified requirements concerning the protection of groundwater at clean construction or demolition debris fill operations and the protection of groundwater at uncontaminated soil fill operations within one year of the Agency's proposal. Changes specified fee amounts. Provides limits on specified fees. Makes other changes.

SB 471 Amends the Great Lakes Naval Station Tax Exemption Act. Makes a technical change in Section 1 concerning the State tax exemption for certain lands used by the United States Navy.

SB 673 Creates the Saving Illinois' Pollinators Act. Provides that application of any neonicotinoid insecticides on any public lands owned or maintained by the State; or any other outdoor residential settings, including landscaping, ornamental, or other outdoor applications in this State shall be unlawful. Provide requirements of the Department of Agriculture to adopt rules further defining implementing specified provisions of the Act and issue a draft report evaluating whether clear, peer-reviewed, published scientific evidence exists that outdoor applications of these insecticides are safe for honey bees, other pollinators, other beneficial insects, the broader environment, and human health.

SB 1501 (similar to HB 3040)

- Amends the Illinois Administrative Procedure Act. Exempts the Illinois State Guard from the definition of "agency".
- Amends the State Employee Indemnification Act. Expands the definition of "State" and "employee" to include the Illinois State Guard and its members.
- Amends the Military Code of Illinois. Provides that, in the event of the death or disability of the Adjutant General or any other occurrence that creates a vacancy in the office, the Commander-in-Chief shall designate

either the Assistant Adjutant General for Army or the Assistant Adjutant General for Air as the acting Adjutant General until an Adjutant General is appointed.

- Amends the Illinois Code of Military Justice. Provides that no person may be brought to trial by court-martial if that person is presently suffering from a mental disease or defect rendering that person mentally incompetent. Provides that a determination on the accused person's capacity to stand trial shall be made in accordance with specified rules described in the Manual for Courts-Martial, United States (2012 Edition). Contains provisions concerning inquiries into a person's mental responsibility and mental health. Amends the State Guard Act. Changes the short title of the Act to the Illinois State Guard Act. Repeals the substantive provisions of the Act. Establishes the Illinois State Guard as the State's non-federally recognized military force composed of members of the Unorganized Militia who are 18 through 45 years of age and other persons as determined necessary by the Governor. Contains provision concerning: the activation and organization of the State Guard; personnel, pay, and allowances; equipping and uniforms; and other matters.



Note: The Indiana General Assembly convened on 3 JAN 2017 and adjourns on 29 APR 2017.

PROPOSED LEGISLATION

SB 472 Amends the statute concerning the locating and marking of underground utility facilities (Indiana's 811 law) to allow a person responsible for: (1) a construction project; or (2) any other project or operation; that will involve an excavation or demolition operation to provide a voluntary design information notice to the association known as the Indiana Underground Plant Protection Service (association) before commencing preliminary engineering studies or construction planning activities in the project area that will be affected by the excavation or demolition.

FINAL LEGISLATION

HB 1023 Adds a new national firefighting training standard to current standards eligible for emergency rulemaking. Exempts government facilities from being assessed emergency and hazardous chemical inventory form fees. Effective 1 July 2017.



Note: The Michigan Legislature convened on 11 JAN 2017 and adjourns on 31 DEC 2018.

PROPOSED LEGISLATION

HB 4309 An act that prohibits the sale and use of coal tar sealant or other high PAH sealant for pavement. A person that violates this part is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$5,000.

OTHER REGULATORY ACTIVITY

REMEDIATION AND REDEVELOPMENT DIVISION OPERATIONAL MEMORANDUM NO. 6: PART 213 INSTITUTIONAL CONTROLS AND NOTICE REQUIREMENTS, INTERIM FINAL – DECEMBER 2007 The Department of Environmental Quality (DEQ) has rescinded RRD Operational [Memorandum No. 6](#): Part 213 Institutional Controls and Notice Requirements, Interim Final – December 2007, dated December 13, 2007.



Note: The Ohio General Assembly convened on 2 JAN 2017 and adjourns on 31 DEC 2018.

PROPOSED LEGISLATION

SB 2 A bill to amend Sections 1506.21, 1506.23, 3714.01, 3714.02, 3714.051, 3714.06, 3714.062, 3714.082, 3734.061, 3734.19, 3734.20, 3734.21, 3734.22, 3734.23, 3734.30, 5301.80, 6109.02, 6109.08, 6109.24, 6111.03, 6111.04, 6111.07, and 6111.30 and to enact sections 3714.022, 6109.25, 6111.052, 6111.33, and 6111.34 of the Revised Code to revise specified laws relating to environmental protection.

PROPOSED RULES

MOTOR VEHICLE INSPECTION AND MAINTENANCE (I/M) PROGRAM Ohio EPA, Division of Air Pollution Control (DAPC) has [proposed rulemaking](#) to permanently exempt four (4) types of vehicles from the automotive inspection and maintenance (I/M) Program (vehicle emissions testing). These vehicles are referred to as unconventional vehicles and are utility vehicles, low-speed vehicles, under-speed vehicles and mini-trucks. These rules fulfill a requirement in the Clean Air Act and are a part of Ohio's State Implementation Plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standard for ozone in the Cleveland/Akron/Lorain Metropolitan area. Comments due 4 May 2017.



Note: The Wisconsin Legislature convened on 4 JAN 2017 and adjourns on 2 JAN 2019.

PROPOSED LEGISLATION

AB 179 Relating to remediation of contaminated land; air pollution control requirements for certain manufacturing facilities constructed on formerly contaminated land; reassigning tax deeds on tax delinquent brownfield properties; creating a new method for the creation of environmental remediation tax incremental financing districts; loans and repayment assistance by a political subdivision for certain brownfield revitalization projects and collection of the debt by special charge; state trust fund loans for brownfield projects; conversion of business improvement districts; and annexations to business improvement districts and neighborhood improvement districts.

SB 76 Relating to replacement, reconstruction, and transfer of an approved high capacity well, recommendation of special groundwater measures by the Department of Natural Resources, and metering requirements and grants for certain high capacity wells.

OTHER REGULATORY ACTIVITY

NOTICE OF STATE IMPLEMENTATION PLAN SUBMITTAL TO LEGISLATURE The Department of Natural Resources has submitted to the standing committees of the legislature with jurisdiction over environmental matters under s. 13.172 (3), Wis. Stats., a [report](#) describing WDNR's proposal to submit revisions to Wisconsin's State Implementation Plan (SIP) for air quality to the U.S. Environmental Protection Agency (EPA).

MEET THE REC STAFF

RADM John C. Scorby, Jr.

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) 341-0925

Potable Water, Stormwater, Groundwater,
Wastewater
(757) 341-0422

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) 341-0264

Environmental Restoration
(757) 341-0394

REC Support
(757) 341-0430

REC Outreach
(757) 341-0395

DoD Chesapeake Bay Coordinators
(757) 341-0383
(757) 341-0424

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.