



REC Review

of Legislative & Regulatory Actions



The Navy Regional Environmental Coordination Office

April 2019

The *REC Review* publishes environmental and energy related developments for DoD/Navy leaders and installation staff. Covering 21 states, the *REC Review* gives early notice of legislative and regulatory activities relevant to DoD interests in Federal Regions 1 & 3 and Navy interests in Federal Regions 2, 4, & 5.

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



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SPOTLIGHT STORY

Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine

On 22 February 2019, the Environmental Protection Agency (EPA) published the final rule for the Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine. The rule, signed on 11 December 2018, is the culmination of numerous iterations by EPA to formalize a regulatory program for hazardous waste pharmaceuticals. EPA has created new regulations, including clarification to numerous terms, in 40 CFR Part 266 Subpart P for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors.

EPA has stated the goals of the final rule are to:

- Create regulations that are a better fit for the healthcare sector for the management of hazardous waste pharmaceuticals including “Resource Conservation and Recovery Act (RCRA) empty” container standards
- Eliminate the intentional sewerage of hazardous waste pharmaceuticals
- Reduce overlapping regulations with federal departments such as the Food and Drug Administration (FDA) and the Drug Enforcement Agency (DEA)
- Provide regulatory clarity and national consistency on how RCRA applies to reverse distribution and reverse logistics activities
- Provide regulatory relief to healthcare facilities that are regulated as large quantity generators when generating small amounts of nicotine replacement therapy waste.

Continued...

The effective date of the rule will be 21 August 2019 and will be effective in non-authorized states, Indian country and US territories excluding Guam on that date. The sewerage prohibition will be effective in all states on 21 August 2019, regardless of whether the state is authorized or has adopted Subpart P. States have until 1 July 2021 to adopt the rule.

The final rule also provides for an amendment to the P075 listing for Nicotine. FDA approved over-the-counter nicotine replacement patches, gums, and lozenges will no longer be included in the P075 listing for hazardous waste. Other unused formulations of nicotine will still carry the P075 hazardous waste code when discarded.

Additional information is available at: <https://www.epa.gov/hwgenerators/final-rule-management-standards-hazardous-waste-pharmaceuticals-and-amendment-p075>.

GENERAL INTEREST

Announcing the 2019 Federal Environmental Symposium Call for Presentation Abstracts The Federal sustainability community is cordially invited to attend the 2019 Federal Environmental Symposium, 30-31 October 2019, hosted by the National Institutes of Health (NIH) at the Natcher Center campus in Bethesda, MD. This year's theme is *Federal Agencies Leading Environmental Change*, for the purpose of sharing best practices, success stories, partnerships, and challenges and achievements of the federal practitioner community. The event schedule, registration dates, call for presentation abstracts (now open), and continuous updates to the event can be found on the conference website.

<https://www.fedcenter.gov/Announcements/index.cfm?id=33759>

<https://www.fedcenter.gov/calendar/conferences/symposium2019/cfp/>

<https://www.fedcenter.gov/calendar/conferences/symposium2019/>

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.*

CERCLA

Senate Bill 638 PFAS Action Act of 2019 (Draft) (Updated 03/20/2019) A bill to require the Administrator of the EPA to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, Liability Act (CERCLA) of 1980.

<https://www.fedcenter.gov/Articles/index.cfm?id=33767>

WATER

Senate Bill 675 Prompt and Fast Action to Stop Damages Act of 2019 (Draft) (Added 03/20/2019) A bill to authorize the Department of Defense to temporarily provide water uncontaminated with perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) for agricultural purposes to areas affected by contamination from military installations, and to authorize the Secretary of the Air Force to acquire real property to extend the contiguous geographic footprint of any Air Force base that has shown signs of contamination from PFOA and PFOS due to activities on the base.

<https://www.fedcenter.gov/Articles/index.cfm?id=33768>

AIR

Emissions Monitoring Provisions in State Implementation Plans EPA has revised some of the regulations that were originally promulgated in 1998 to implement the nitrogen oxide (NOX) state implementation plan (SIP) Call. The revisions give covered states greater flexibility concerning the form of the NOX emission monitoring requirements that the States must include in their SIPs for certain emissions sources.

The group of units affected under the SIPs adopted to meet the NOX SIP Call comprises both existing and new electricity generating units (EGUs) as well as certain other existing and new industrial units (non-EGUs).

Within this overall group, the set of existing units potentially affected by the amendment includes approximately 285 non-EGU boilers and combustion turbines and approximately 30 EGUs—specifically, combustion turbines that are considered large EGUs for NOX SIP Call purposes and that are not required to monitor according to part 75 under other programs such as the Acid Rain Program or a Cross-State Air Pollution Rule (CSAPR) trading program. The States, not EPA, will decide whether to revise the monitoring requirements in their SIPs as allowed.

Examples of industries with potentially affected sources include:

- Fossil fuel-fired electric power generation.
- Grain and oilseed milling.
- Pulp, paper, and paperboard mills.
- Petroleum and coal products manufacturing.
- Basic chemical manufacturing.
- Iron and steel mills and ferroalloy manufacturing.
- Colleges, universities, and professional schools.

<https://www.govinfo.gov/content/pkg/FR-2019-03-08/pdf/2019-03854.pdf>

This rule became effective as of 8 March 2019.

REGION I



Note: The Connecticut Legislature convened on 9 JAN 2019 and will adjourn on 8 JUN 2019.

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



Note: The Maine Legislature convened on 5 DEC 2018 and will adjourn on 15 MAY 2020.

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



Note: The Massachusetts Legislature convened on 2 JAN 2019 and will adjourn on 7 JAN 2021.

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



Note: The New Hampshire Legislature convened on 2 JAN 2019 and will adjourn on 30 JUN 2019.

FINAL RULES

Underground Injection Control Requirements The Department of Environmental Services has adopted rules incorporating the Underground Injection Control (UIC) program requirements promulgated by EPA under the Federal Safe Drinking Water Act (SDWA), codified at 40 CFR 144, 145, and 146, by reference.

<http://gencourt.state.nh.us/rules/register/2019/march-7-19.pdf#page=17>



RHODE ISLAND

Note: The Rhode Island Legislature convened on 12 JAN 2019 and will adjourn on 30 JUN 2019.

PROPOSED LEGISLATION

House Bill 5804 amends provisions relative to the energy facility siting act including designating the public utilities commission as the public advocate and creates certain pre-application requirements.

<http://webserver.rilin.state.ri.us/BillText19/HouseText19/H5804.htm>

State Bill 16 provides that applicants/licenseses for fossil fuel electricity generating facilities invest in renewable energy facilities in conjunction with the fossil fuel facility construction.

<http://webserver.rilin.state.ri.us/BillText19/SenateText19/S0016.pdf>



VERMONT

Note: The Vermont Legislature convened on 9 JAN 2019 and will adjourn on 15 MAY 2020.

PROPOSED LEGISLATION

House Bill 277 would increase the gasoline and diesel taxes to fund electric vehicle infrastructure and efficient vehicle purchase assistance to Vermonters with low income. <http://legislature.vermont.gov/bill/status/2020/H.277>

FINAL RULES

Stormwater Permitting Rule The Agency of Natural Resources has adopted rulemaking that updates and combines all the stormwater rules, except the Vermont Stormwater Management Manual, into one comprehensive rule.

https://services.statescape.com/ssu/Regs/ss_8586485076913723174.pdf

REGION II



NEW JERSEY

Note: The New Jersey Legislature convened on 9 JAN 2018 and will adjourn on 7 JAN 2020.

PROPOSED LEGISLATION

Assembly Bill 4775 establishes statewide hydrofluorocarbon emissions limit and requires Department of Environmental Protection (DEP) to establish hydrofluorocarbon emissions monitoring and reporting program.

https://www.njleg.state.nj.us/2018/Bills/A5000/4775_11.PDF

FINAL RULES

State Bill 1073 authorizes municipalities, counties, and certain authorities to establish stormwater utilities.

https://www.njleg.state.nj.us/2018/Bills/S1500/1073_R2.PDF



Note: The New York State Legislature convened on 9 JAN 2019 and will adjourn on 6 JAN 2021.

PROPOSED LEGISLATION

Assembly Bill 5014 prohibits idling of heavy duty vehicles and sets forth exceptions. Military vehicles are not listed as exempt in proposed legislation. <https://legislation.nysenate.gov/pdf/bills/2019/A5014>

REGION III



Note: The Council of the District of Columbia convened 2 JAN 2019 and will adjourn on 31 DEC 2020.

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



Note: The Delaware General Assembly convened on 8 JAN 2019 and will adjourn on 30 JUN 2020.

FINAL RULES

Regulations Governing Hazardous Substance Cleanup The Department of Natural Resources and Environmental Control has adopted rulemaking to amend regulations governing hazardous substance cleanup.

<http://regulations.delaware.gov/register/march2019/final/22%20DE%20Reg%20781%2003-01-19.pdf>



Note: The Maryland General Assembly convened on 9 JAN 2019 and will adjourn on 10 APR 2019.

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



Note: The Pennsylvania General Assembly convened on 1 JAN 2019 and will adjourn on 30 NOV 2020.

PROPOSED LEGISLATION

House Bill 674 amends the act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water Act (SDWA), providing for maximum contaminant levels for two per- and polyfluoroalkyl substances (PFAS) at 5 parts per trillion. https://services.statescape.com/ssBillText/PA20192020/PA_20192020_HB_000674_Current_8225.htm

House Bill 675 amends the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, in preliminary provisions, further providing for definitions. This bill amends the Pennsylvania hazardous substance definition by including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) at the EPA health advisory level.

https://services.statescape.com/ssBillText/PA20192020/PA_20192020_HB_000675_Current_1736.htm



Note: The Virginia General Assembly convened on 9 JAN 2019 and adjourned on 9 MAR 2019.

FINAL RULES

House Bill 2403 requires the State Water Control Board to evaluate Virginia Water Protection Permits mitigation options for impacts to wetlands on a case-by-case basis with consideration for which option is practicable and ecologically and environmentally preferable, including, in terms of replacement of acreage and functions, whichever option has the greatest likelihood of success and avoidance of temporal loss of acreage and function.

<http://leg1.state.va.us/cgi-bin/legp504.exe?191+ful+CHAP0545+pdf>



WEST VIRGINIA

Note: The West Virginia Legislature convened on 10 MAR 2019 and will adjourn on 30 JUN 2019.

PROPOSED LEGISLATION

State Bill 430 existing public water utility that draws and treats water from a surface water supply source or a surface water influenced groundwater supply source shall submit to the commissioner an updated or completed Source Water protection plan for each of its public water system plants with such intakes to protect its public water supplies from contamination. Every effort shall be made to inform and engage the public, local governments, local emergency planners, local health departments, and affected residents at all levels of the development of the protection plan.

http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=SB430%20INTR.htm&yr=2019&sesstype=RS&i=430

REGION IV



NORTH CAROLINA

Note: The North Carolina General Assembly convened on 16 JAN 2019 and will adjourn on 30 JUN 2020.

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



KENTUCKY

Note: The Kentucky Legislature convened on 7 JAN 2019 and adjourned on 28 MAR 2019.

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

REGION V



ILLINOIS

Note: The Illinois General Assembly convened on 9 JAN 2019 and will adjourn on 31 MAY 2020.

PROPOSED LEGISLATION

House Bill 2318 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.

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=2318&GAID=15&DocTypeID=HB&SessionID=108&GA=101>

State Bill 2318 creates the Reduction of Lead Service Lines Act. Requires community water supplies to identify and replace all lead service lines that connect to a water main. Provides that every community water supply in Illinois that has known lead service lines shall create a plan, to be submitted to the EPA for approval, to replace all lead service lines and galvanized service lines if the service line is or was connected to lead piping.

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=1532&GAID=15&DocTypeID=SB&SessionID=108&GA=101>

PROPOSED RULES

Standards for the Management of Used Oil updates the Illinois hazardous waste rules to incorporate amendments adopted by the EPA during the second half of 2018.

https://services.statescape.com/ssu/Regs/ss_8586501538083586888.pdf#page=345



INDIANA

Note: The Indiana General Assembly convened on 3 JAN 2019 and will adjourn on 21 APR 2019.

PROPOSED LEGISLATION

House Bill 1648 establishes a tax credit for taxpayers that establish clean energy training positions to provide training in technology involving solar, wind energy, or geothermal energy facilities and equipment. Requires the owner or operator of an above ground storage tank (AST) that is designed to contain more than 660 gallons of liquid to report certain information about the AST to the department of environmental management before 1 January 2020.

<http://iga.in.gov/legislative/2019/bills/house/1648>

PROPOSED RULES

Cold Cleaning Degreasing Alternative requests public comment on amendments to rules at 326 IAC 8-3-8 concerning cold cleaning degreasing and the addition of a control device option to comply with the requirement to use a low vapor pressure solvent. Indiana Department of Environmental Management (IDEM) seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

https://services.statescape.com/ssu/Regs/ss_8586563557967091160.pdf



Note: The Michigan Legislature convened on 9 JAN 2019 and will adjourn on 31 DEC 2020.

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



Note: The Ohio General Assembly convened on 7 JAN 2019 and will adjourn on 31 DEC 2020.

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



Note: The Wisconsin Legislature convened on 7 JAN 2019 and will adjourn on 4 JAN 2021.

PROPOSED LEGISLATION

State Bill 109 requires the Department of Health Services to establish state health-based groundwater quality standards for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).

<http://docs.legis.wisconsin.gov/2019/related/proposals/sb109.pdf>

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